



## ORDINARY MEETING

Wednesday 18 December 2013





PO BOX 156  
MUDGEE NSW 2850

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

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11 December 2013

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
Wednesday, 18 December 2013

**Open Day at 5.30pm**  
*Council Meeting commencing at conclusion of Open day*

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

Members of the public may address the Committee Meeting at Open Day. Speakers are given 5 minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the General Manager prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick L Bennett", is written over the typed name and title.

WARWICK L BENNETT  
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 4 December 2013**

#### *COUNCIL DECISION:*

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

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The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 4 December 2013

## Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 4 December 2013, commencing at 6.06pm and concluding at 6.52pm

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

### Item 1: Apologies

Apologies were received for the absence of Councillor Weatherley.

#### 485/13 MOTION: Walker / Cavalier

That the apologies for the absence of Councillor Weatherley be received  
and leave of absence granted.

### Item 2: Disclosure of Interest

*Councillor Kennedy declared a non-pecuniary conflict of interest in Item  
5.2.1 as he owns a hotel in Mudgee and so his business is in direct  
competition with the applicant who has lodged this development application.*

#### 486/13 MOTION: Walker / Cavalier

That: Council bring forward Item 5.2.13 to the start of the meeting.

*The motion was put and carried.*

#### 5.2.13 KANDOS MUSEUM OPERATIONAL OPTIONS

GOV400029, P1553611

#### 487/13 MOTION: Shelley / Cavalier

That:

1. the report by the General Manager on the Kandos Museum  
Operational Options be received;
2. Council undertake the building works to the value of \$95,542 to be  
funded as follows:  

Asset Management Reserve budget	\$73,382
Current Operations budget for Museum	\$10,000

Mid-Western Regional Council

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Kandos Museum Building Reserve Fund \$12,160  
and the 2013/14 Operational Plan be amended accordingly;

3. Council acknowledge that the Museum will be open again from the 1 June 2014;
4. Expressions of interest be called for individuals interested in forming an Incorporated Association to operate the Kandos Museum from its opening day before 1 June 2014. The Council to receive the expressions of interest and appoint the individuals to the Incorporated Association;
5. Council prepare a newsletter to the Kandos residents informing them of the upgrade works and the expressions of interest process for the new Incorporated Association;
6. the Kandos Museum at 22 Buchanan Street, and the adjoining property of 20 Buchanan Street, be gifted to the Incorporated Association;
7. should the executors of the estate of the late Phyllis Simpkins be agreeable, the Kandos Museum proportion of that bequest be allocated to the new Incorporated Association to assist with their management of the facility;
8. Council continues to fund the annual rates and insurance costs for the Kandos Museum site and the new Incorporated Association be encouraged to dispose of the vacant block at 20 Buchanan Street. The proceeds from the sale of the vacant block to remain with the Incorporated Association for them to expend how the Incorporated Association consider appropriate;
9. Council make application to the Regional Visitor Economy Fund for a grant to match dollar for dollar Council's financial input into the building upgrade.

AMENDMENT: Thompson / Martens

That:

1. Council meet with the Kandos community to discuss the options for the management of the Museum, and bring the findings back to the next Council meeting;
2. Council undertake the building works to the value of \$95,542 to be funded as follows:
 

Asset Management Reserve budget	\$73,382
Current Operations budget for Museum	\$10,000
Kandos Museum Building Reserve Fund	\$12,160

 and the 2013/14 Operational Plan be amended accordingly.

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

Page 2 of the Minutes of the Ordinary Meeting of Council held on Wednesday 4 December 2013.

Mayor

General Manager

Mid-Western Regional Council

Date: 4 December 2013

**Item 3: Confirmation of Minutes**

**488/13 MOTION: Cavalier / Webb**

That the Minutes of the Ordinary Meeting held on 20 November 2013 (Minute Nos. 457/13 to 484/13) be taken as read and confirmed with the change that in Item 6.2.5 Councillor Webb voted against the amendment.

*The motion was put and carried.*

**Item 4: Matters in Progress**

*Noted.*

**Item 5: General Business**

**5.1 NOTICES OF MOTION**

There were no Notices of Motion.

**5.2 REPORTS TO COUNCIL**

Councillor Kennedy declared a non-pecuniary conflict of interest in Item 5.2.1 as he owns a hotel in Mudgee and so his business is in direct competition with the applicant who has lodged this development application, vacated the Chair and left the meeting at 6.23pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

**5.2.1 DA0066/2014 – PROPOSED PERMANENT TOURIST AND VISITOR ACCOMMODATION, LOT 2 DP 730123, 36 PERRY STREET MUDGEES**

GOV400029, A0100056, DA0066/2014

**489/13 MOTION: Shelley / Martens**

**That:**

1. the report by the Graduate Town Planner on the DA0066/2014 - Proposed Permanent Tourist and Visitor Accommodation, Lot 2 DP 730123, 36 Perry Street Mudgee be received;
2. Development Application number DA0066/2014 for Permanent Tourist and Visitor Accommodation on Lot 2 DP 730123, 38 Perry Street Mudgee be granted development consent subject to the following conditions;

**APPROVED PLANS**

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Mid-Western Regional CouncilDate: 4 December 2013

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1. Development is to be carried out generally in accordance with stamped plans Drawing number 19958\_A01 drawn by Barnson dated 02.07.2013 and an unlabelled Floor plan received by Council on 22 August 2013 as part of Development Application DA0066/2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

#### TEMPORARY USE

*The assessment of the proposal indicates that the proposal is only acceptable in terms of the impacts due to the proposed limited timescale of buildings with intention of applying for permanent structures.*

2. The further use of the temporary structures is only permitted to enable the progression of development and Construction approvals for permanent tourist and visitor accommodation. To this extent, a Construction Certificate must have been issued within six months of this modified consent and construction must have commenced within twelve (12) months of the date of this modified consent.

#### GENERAL

*The following conditions have been applied to ensure that the use of the land and/ or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land*

3. The operator of the site is to take all reasonable measures to ensure there is no anti-social behaviour or disturbance to the nearby residential properties that could be attributed or associated with the approved development.
4. No nuisance being caused to the amenity of the adjoining properties by reason of emission of any "offensive noise", smell, smoke, vapour, vibration, water or otherwise as a result of the proposed development.
5. The operator of the development is to prepare a Dust Management Plan to mitigate any dust nuisance created by the compact gravel surface of the car park and access path. The plan should incorporate a complaint system, contact person and method by which dust will be mitigated.
6. The development is to provide indoor facilities that would enable the occupants of the temporary accommodation to dine and relax



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outside of the licensed premises. Details are to be submitted within one month of this development consent.

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

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

Councillor Kennedy returned to the meeting at 6.25pm and resumed the Chair.

5.2.2 DEVELOPMENT APPLICATION NUMBER 0495/2013  
PROPOSED MECHANICAL REPAIR WORKSHOP FOR  
TRUCKS AT 5 HORATIO LANE MUDGEES LOT 21 DP1121163  
GOV400029, A0100056, P1946861, DA0495/2013

490/13

**MOTION:** Walker / Shelley

**That:**

1. the report by the Senior Town Planner on Development Application Number 0495/2013 Proposed Mechanical Repair Workshop for Trucks at 5 Horatio Lane Mudgee Lot21 DP1121163 be received;
2. Development Application number 0459/2013 for the erection of a Workshop for the Mechanical Repair of Trucks at Lot 21 DP 1121163, 5 Horatio Lane Mudgee be approved subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out generally in accordance with stamped plans 19674\_A01C to 19674\_A06C inclusive and the Application received by Council on 14 June 2013 including the Noise Impact Assessment Report prepared by Noise and Sound services except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy

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Mayor

General Manager

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**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - CIVIL**

3. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 0.5% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration.

The levy is: \$500.00 based on the estimated cost of development of \$100,000

**PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING**

4. The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the National Construction Code and all relevant Australian Standards.
5. Complete landscaping plans are to be submitted for approval prior to issue of a Construction Certificate. All landscaping is to consist of appropriately advanced trees and shrubs which are to be established prior to occupation of the development. Tree and shrub species should be endemic to the area, require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.
6. 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.
7. A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
8. All building work is to comply with the requirements of the Access to Premises Standard
9. Detailed plans are to be submitted to council showing the method and materials for the sound insulation of the proposed building in accordance with the recommendations of the Noise Impact Assessment Report nss21977 - Final prepared by Noise and Sound Services

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

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Mayor

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General Manager

Mid-Western Regional Council

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10. 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.

11. 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**

12. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that unauthorized 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.
13. The development site is to be managed for the entirety of work in the following manner:
  - 1) 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;
  - 2) Appropriate dust control measures;
  - 3) Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - 4) 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. 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

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provision of easements over existing and proposed public infrastructure.

15. Car parking within the development is to comply with the following:
  - i. Each parking space is to have minimum dimensions of 5.5m x 2.6m;
  - ii. Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 2004;
  - iii. All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
  - iv. Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
16. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority guidelines and Australian Standard AS2980.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
17. The driveway is to have a minimum width sufficient to allow manoeuvring access in accordance with Roads & Traffic Authority standards and sealed with a hard standing, sealed material and must be maintained in a satisfactory condition at all times.
18. All vehicles to enter and leave the site in a forward direction at all times.
19. All car parking and associated driveway works to be completed prior to occupation of the development.
20. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided each lot at a suitable location to the development. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M526-Industrial Access, M594-Kerb & Gutter Layback.

Which states:

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

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**Loading/Unloading**

21. All loading and unloading in connection with the premises shall be carried out wholly within the site.
22. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
23. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.

**Stormwater**

24. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later resspreading and establishment of vegetative cover.
25. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.
26. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - a) saving available topsoil for reuse in the revegetation phase of the subdivision;
  - b) using erosion control measures to prevent on-site damage;
  - c) rehabilitating disturbed areas quickly;
  - d) maintenance of erosion and sediment control structures.
27. 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.

**BUILDING CONSTRUCTION**

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

28. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental



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**Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.**

29. All building work is to comply with the approved plans showing the method and materials for the sound insulation of the proposed building in accordance with the recommendations of the Noise Impact Assessment Report nss21977 - Final prepared by Noise and Sound Services
30. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
31. 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.
32. 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.
33. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
34. 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 interallotment drainage system.
35. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
36. 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. An application for an
37. All car parking and associated driveway works to be completed prior to occupation of the development.
38. Approval for discharge of liquid trade waste to the sewer is required prior to the issue of an Occupation Certificate. Trade Waste Application will be required to be submitted and approved for the proposed Vehicle Repair Station prior to occupation.

#### **BUILDING**

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Mayor

General Manager

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39. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of a Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
40. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
41. All work and associated equipment is to be contained wholly within the building.  
Storage of hazardous substances is to be located within an appropriate storage facility in accordance with requirements of the relevant Material Safety Data Sheet.
42. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
43. Any signage proposed on the site is subject to a separate Development Application.

#### GENERAL

44. The hours of operation for the business are restricted to the following:  
Monday to Friday 7.00am to 5.00pm  
Saturday 8.00am to 12.00 noon  
  
These times include all truck movements to and from the site.
45. The site is to be kept in a clean and tidy condition and all waste materials from the servicing of vehicles is to be stored in a screened enclosure and removed on a regular basis to a licensed waste disposal or recycling facility.

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

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

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5.2.3 COMPREHENSIVE DCP 2013 – DRAFT DCP AMENDMENT  
NO.1

GOV400029, A0100056, A0420143

491/13

MOTION: Shelley / Cavalier

That:

1. the report by the Manager Statutory Planning on the Adoption of the Comprehensive DCP 2013 be received;
2. the Development Control Plan – Amendment No.1 be adopted and that an Advertisement be placed in the local newspaper advising of its Commencement.

*The motion was put and carried.*5.2.4 DEVELOPMENT APPLICATION 0357/2013 PROPOSED  
MOTOCROSS TRACK AT LOT 2 DP 1022470, 312 BUCKAROO  
ROAD BUCKAROO

GOV400029, P1335361, DA0357/2013

492/13

MOTION: Shelley / Cavalier

That:

1. the report by the Senior Town Planner on Development Application 0357/2013 Proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road Buckaroo be received;
2. Council withdraw DA0357/2013 for the proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road, Buckaroo;
3. Council advise Mudgee and District Motor Cycle Club of its decision to withdraw Development Application 0357/2013 and will work with the club to find an alternate site;
4. the Council delegate to the General Manager to negotiate an agreement, with Mudgee Dolomite and Lime Pty Ltd in relation to their current use of Lot 2 DP1022470, 312 Buckaroo Road Buckaroo.

AMMENDMENT: Thompson / Martens

That:

1. the report by the Senior Town Planner on Development Application 0357/2013 Proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road Buckaroo be received;
2. Council withdraw DA0357/2013 for the proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road, Buckaroo;

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3. Council advise Mudgee and District Motor Cycle Club of its decision to withdraw Development Application 0357/2013 and will work with the club to find an alternate site;
4. the Council continue with the current verbal agreement with Mudgee Dolomite and Lime Pty Ltd through the Council reserve.

*The amendment was withdrawn. The motion was put and carried.*

5.2.5 PLANNING PROPOSALS – "BURRUNDULLA, SPRING FLAT  
ROAD AND 116-118 ABATTOIR ROAD MUDGEE  
GOV400029, LAN90040, LAN90043, LAN90042

493/13 MOTION: White / Cavalier

That:

1. the report by the Director, Development and Community Services on the Planning Proposals – "Burrundulla, Spring Flat Road and 116-118 Abattoir Road Mudgee be received;
2. the proponents be invited to withdraw their planning proposals with a full refund of their fees pending the completion of the Urban Release Strategy. Should the proponents choose not to withdraw their proposal then the Council defer consideration of the proposal until the Urban Release Strategy is completed.

*The motion was put and carried.*

5.2.6 APPEAL BY MAC GROUP PTY LTD – PROGRESS REPORT  
GOV400029, A0100056, A0420251

494/13 MOTION: Shelley / Cavalier

That the report by the Manager, Statutory Planning on the Appeal by Mac Group Pty Ltd – Progress Report be received.

*The motion was put and carried.*

5.2.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING &  
DETERMINED

495/13 MOTION: Cavalier / Webb GOV400029

That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined for the month of October 2013 be received.

*The motion was put and carried.*

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## 5.2.8 COBBORA COAL TRANSITION FUND

GOV400029, A0420213

496/13

**MOTION:** Cavalier / Shelley**That:**

1. the report by the General Manager on the Cobbora Coal Transition Fund be received;
2. Council allocates from the Cobbora Coal Transition Fund the sum of \$1 million towards a preschool facility and early childhood intervention service;
3. Council submit expressions of interest to the Cobbora Transition Fund the following projects that are eligible for the \$16 million of the Fund for infrastructure projects:

Cope Road	\$6.7 million
Fairydale Lane/Saleyards Lane	\$7.5 million
Development of Regional art gallery	\$9 million
Mudgee airport development	\$2 million
Innovation/technology park	\$5 million
Development of retail precinct – Mudgee	\$7 million

*The motion was put and carried.*

## 5.2.9 CULTURAL DEVELOPMENT COMMITTEE

GOV400029, A0100056, A0420172

497/13

**MOTION:** Walker / White**That:**

1. the report by the Manager, Community Services on the Cultural Development Committee be received;
2. Council note the minutes of the Cultural Development Committee meeting ordinary meeting held on 28 October 2013;
3. the Public Art Advisory Panel be requested to review the policy and guidelines for the Ceramic Art Policy and make the recommendations to Council accordingly.

*The motion was put and carried.*

## 5.2.10 DISCOUNT FOR EARLY PAYMENT OF RATES

GOV400029, A0340048

498/13

**MOTION:** Cavalier / Walker**That:**



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Date: 4 December 2013

1. the report by the Revenue & Property Manager on the Discount for Early Payment of Rates be received;
2. Council does not provide discount for early payment of rates and continues the current practice of allowing voluntary payment of the annual Council Rates and Charges amount in full.

*The motion was put and carried.*

#### 5.2.11 FINANCIAL ASSISTANCE APPLICATIONS

GOV400029, A0100056, A0140201

499/13

**MOTION:** Cavalier / Shelley

**That:**

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

Frontline Community Services	\$1000
Mudgee Readers Festival	\$2000

3. Councillor Shelley allocate \$300 from his discretionary fund to the Rylstone Uniting Church.

*The motion was put and carried.*

#### 5.2.12 MONTHLY BUDGET REVIEW FOR OCTOBER 2013

GOV400029, A0100056, FIN300062

500/13

**MOTION:** Cavalier / Walker

**That:**

1. the report by the Financial Accountant on the Monthly Budget Review for October 2013 be received;
2. the 2013/14 Operational Plan be amended in accordance with the variations as listed on page 2 of the October 2013 Monthly Budget Review – 2013/14 Operational Plan/Delivery Program, and reproduced in the report below.

*The motion was put and carried.*

Mid-Western Regional Council

Date: 4 December 2013

5.2.14 TENDER ASSESSMENT – SEWER MAINS REHABILITATION  
PROGRAMME 2013-2016

GOV400029, RFT 2013/18

501/13

MOTION: Cavalier / Shelley

That:

1. the report by the Business Services Manager on the Tender Assessment – Sewer Mains Rehabilitation Programme 2013-2016 be received;
2. Council accepts the tender of Interflow Pty Ltd for tender RFT 2013/18 for Sewer Mains Rehabilitation Programme 2013-2016 and that Council enter into a contract with Interflow Pty Ltd in accordance with clause 178 of the Local Government (General) Regulation 2005;
3. Council authorises the General Manager to finalise and execute the contract on behalf of Council with Interflow Pty Ltd for Sewer Mains Rehabilitation Programme 2013-2016;
4. The unsuccessful tenderers be notified that their tenders were unsuccessful.

*The motion was put and carried.*

## 5.2.15 TOWN HALL CINEMA ADVERTISING FEE

GOV400029, A0100056, REC800016

502/13

MOTION: Cavalier / Webb

That:

1. the report by the Manager, Community Services on the Town Hall Cinema Advertising Fee be received;
2. Council endorse a \$75.00 interim fee for advertising space at the Town Hall Cinema. The fee will be for a 30 second advertisement that runs for 3 consecutive months of movie screenings;
3. Council allow the Rotary Clubs of Mudgee to raise funds by sourcing advertisers and screening the advertisements, charging advertisers higher than the Council fee of \$75.00.

*The motion was put and carried.*5.2.16 LOCAL TRAFFIC COMMITTEE MEETING MINUTES 5  
NOVEMBER 2013

GOV400029, A0100056, A0100009

503/13

MOTION: Cavalier / Shelley

\_\_\_\_\_  
Mayor\_\_\_\_\_  
General Manager

Mid-Western Regional Council

Date: 4 December 2013

**That:**

1. the report by the Development Engineer on the Local Traffic Committee Meeting Minutes 5 November 2013 be received;
2. a "Disabled Parking space", including kerb ramp and signage, be installed on the western side of Church Street immediately in front of Country Physiotherapy at 160 Church Street;
3.
  - a) the disabled car space be moved from in front of the old pharmacy to the new pharmacy on Angus Avenue, Kandos; and
  - b) the disabled car parking be moved from McDonald Street to Angus Avenue in front of the IGA, Kandos, but limited to a single space;
4. Council note that the Committee noted Council's resolution to implement twenty (20) rear to kerb car parking spaces with no parking signage at driveways on the southern side of Short Street in the vicinity of learn to swim school;
5. Council note that the event – "A Day on the Green" at Robert Oatley Vineyards, 26 October 2013" – was classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeded with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Mid-Western Regional Council and the NSW Police are indemnified against any possible action as the result of the event;

Page 17 of the Minutes of the Ordinary Meeting of Council held on Wednesday 4 December 2013.

Mayor

General Manager

Mid-Western Regional Council

Date: 4 December 2013

- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
  - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
6. Council note that the event – 'Windeyer Endurance Ride' 19 & 20 October 2013 – was classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeded with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.3 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with any of Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
  - j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

Mid-Western Regional Council

Date: 4 December 2013

7. Council note that the event – “Gulgong Telemovie – The Killing Field”, 14, 15 and 16 November 2013 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded with the following conditions:
  - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
  - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
  - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
  - d. Reimbursing Council for the cost of damage repairs;
  - e. Complying with Council's Law Enforcement Officers' reasonable directives;
  - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
  - g. A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;
  - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
  - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council and NSW Police are indemnified against any possible action as the result of the event;
  - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
  - k. Maintain a four-metre wide emergency vehicle lane;
  - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
  - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

*The motion was put and carried.*

#### 5.2.17 RYLSTONE & KANDOS ACCESS COMMITTEE

GOV400029, A0060129

504/13

MOTION: Cavalier / Shelley

That:

1. the report by the Manager, Community Services on the Rylstone & Kandos Access Committee be received;



Mid-Western Regional Council

Date: 4 December 2013

2. Council note the minutes of the Rylstone & Kandos Access Committee meetings of 20 August and 15 October 2013.

*The motion was put and carried.*

## 5.2.18 MUDGEY SALEYARDS MANAGEMENT COMMITTEE

GOV400029, F0720036

505/13

MOTION: Cavalier / Shelley

That:

1. the report by the Director, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;
2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 June 2013 and 22 August 2013 be noted.

*The motion was put and carried.*

## Item 6: Urgent Business Without Notice

6.1 None

## Item 7: Confidential Session

506/13

MOTION: Cavalier / Shelley

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

Following the motion to close the meeting being moved and seconded, the General Manager announced that the following matter would be considered in confidential session and the reason why it was being dealt with in this way.

**Subject:** Confidential Mayoral Minute: General Manager's Contract Agreement

*The reason for dealing with this matter confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.*

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

*The motion was put and carried.*

\_\_\_\_\_  
Mayor\_\_\_\_\_  
General Manager

Mid-Western Regional Council

Date: 4 December 2013

**7.1 Confidential Mayoral Minute: General Manager's Contract of Employment**

The General Manager and the Directors left the meeting prior to this matter being discussed and did not return for the balance of the meeting.

GOV400029, A0381421

**507/13**

**MOTION: Kennedy**

That pursuant to section 338 of the Local Government Act 1993 the Mid Western Regional Council offer Warwick L Bennett a new five (5) year contract of employment as General Manager of the Council effective from 1 July 2014 on the same terms and conditions as the current contract of employment.

**AMMENDMENT: Thompson / Martens**

That Council extends the current contract of employment with Warwick L Bennett as General Manager of the Mid-Western Regional Council for a further (2) years from 21<sup>st</sup> August 2014 in accordance with the resolution of Council in October 2010.

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

**Item 8: Open Session**

The Manager Governance announced the decisions taken in Confidential Session.

**Closure**

There being no further business the meeting concluded at 6.52pm.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	<b>It is anticipated that the first report will be presented to Council in April 2014.</b>
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>
Purchase of Medical Centre, Gulgong	Res. 327/13 Ord Mtg. 21/08/13	2. the General Manager seek further information on the purchase price, ways of attracting and retaining doctors and financial implications of sourcing grants to fund the purchase of the Gulgong Medical Centre located at 87 Mayne Street, Gulgong.	<b>A letter has been sent to the respective parties seeking the information requested by Council. No response has been received to date. A follow up letter has been sent requesting when Council is likely to receive a response. Still no response</b>  <b>RECOMMEND COMPLETION</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Triamble Road Resident Proposal	Res. 405/13 Ord Mtg. 16/10/13	That: 3. Council seeks legal advice as to whether compensation is payable on land taken for road reserve through the Echo property in accordance with the points made in the public submissions; and 4. Council investigates whether the road through Echo property was ever gazetted as a military road.	<b>A report is included in this business paper</b>
Anzac Park	Res. 447/13	That: 2. a report be presented to Council as to the cost to Council of relocating the bomb and the structure required to protect the bomb.	<b>The report is included in this business paper</b>
Water Security Windamere Dam	Res. 462/13	That Council invites representatives of the NSW Office of Water to address Council on the water sharing agreement between Burrendong and Windamere Dams.	<b>Meeting to be arranged as soon as practicable.</b>

Item 5: Mayoral Minute

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Nil.

## Item 6: General Business

### 6.1 Notices of Motion

#### 6.1.1 Recording and webcasting of all Council meetings

LISTED BY COUNCILLOR WHITE TO 18 DECEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400022, A0100035

#### **MOTION**

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

#### **BACKGROUND**

In accordance with s.375(1) of the Local Government Act 1993 and associated Regulations, Councils are required to keep accurate minutes of meetings which record attendance, details of each motion and any amendments, names of movers and seconders of motion or amendment, whether motion is passed or not, and decisions (resolutions) of the meeting. A number of councils have adopted the practice of audio recording of Council meetings in order to provide a verification of the accuracy of Council Meeting Minutes until these records are procedurally and formally adopted as a true and accurate record. Meetings of Standing Committees of Council where the membership of the committee is entirely comprised of Councillors should also be recorded and be subject to this policy.

The objective of this motion is threefold:

1. To provide the opportunity for the community ratepayers to view meeting proceedings without the need to attend the meeting. Given the size of the MWRC region and the times of council meetings, it is not always possible for ratepayers to attend meetings. The quality of the webcast will depend on individual PCs memory and internet connection bandwidth and will be variable across the region. This should not be used a reason to reject the motion
2. To assisting in the preparation of minutes, to ensuring decisions are accurately recorded, and to verify the accuracy of minutes prior to their confirmation by Council as outlined above in Policy Background.
3. To assist with the behaviour and code of conduct at meetings as outlined in MWRC Code of Meeting Practice (refer Clause 44 Acts of Disorder)



### Comments by General Manager

The decision in regard to this matter is a political one, however Council, before finalising their intention, should seek the financial implications of this proposal. Insufficient time has been available to staff to seek the costings prior to this business paper being collated.

9 December 2013

## 6.1.2 2014 Gulgong Folk Festival

LISTED BY COUNCILLOR PERCY THOMPSON TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400022, A0100035

**MOTION**                      **That Council donate \$2,000.00 to the 2014 Gulgong Folk Festival.**

**BACKGROUND**              I have spoken with Mr Ross Kurtz, President of the Folk Festival and he told me that the Festival will be back on track after this Festival.

### Comments by General Manager

Please find attached a correspondence trail between the Gulgong Folk Festival organisers and Council. Council will recall that in September it gave management the clear directive that it did not wish to provide financial assistance to the Folk Festival organisers because they had outstanding debts from previous events. It is management's understanding that the same people are involved with the organisation of the event for the 28-29 December this year.

If the intention of this Notice of Motion is that we fund the 2014 event, then Council should consider that as part of the 2014/15 Budget which is considered in March/April next year. At that time we should have a better understanding of any outstanding debts owed to the community or organisations that have been associated with this event. Apparently the December 2013 event has free entry but we are unsure how they will be funding the performers.

9 December 2013

- Attachments:*
1. Financial support request re Gulgong Folk Festival 2013, dated 23 July 2013
  2. Letter declining assistance to Gulgong Folk Festival December 2013 Event, dated 21 August 2013
  3. Reply to Council's formal decline of assistance Gulgong Folk Festival, dated 2 September 2013
  4. Gulgong Folk Festival Books for distribution to Councillors, dated 2 September 2013
  5. Letter to Richard Lawson re Gulgong Folk Festival funding, dated 4 September 2013

## ATTACHMENT 1



Gulgong Folk Club Inc  
PO Box 340  
Gulgong NSW 2852  
+61447.036783  
ABN 88373635870  
Inc Y2091339  
info@gulgongfolkfestival.com.au  
www.gulgongfolkfestival.com.au

**Mid-Western Regional Council**

PO Box 156  
Mudgee NSW 2850  
Ph (02) 6378 2850  
Fax (02) 6378 2815  
[www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

23 July 2013

Hi Warwick

Firstly thanks very much for the sponsorship of the successful 2013 Gulgong Folk Festival. It was indispensable

The festival, which was greatly expanded, ran initially at a loss in 2012 but the last festival in early 2013, actually ran at a profit. We are still behind in liabilities from the 2012 festival and are again seeking councils generous financial sponsorship to keep the festival alive and kicking.

Unfortunately we have had some of the funding pulled in some key areas and are really looking to council to stay behind us!!

The good news is we are hoping to make the next festival TOTALLY free which will hopefully lead to a lot more visitors and patrons than normal.

This is a letter seeking sponsorship again for the 2013 Festival which is slated to be on Saturday 28 Dec to Tues 31 Dec 2013

The Gulgong Folk Festival is a key community event in a traditionally quiet time of year and the committee is committed to making the festival eventually a free event.

We need councils help and are hoping for \$3000 to keep the festival alive.

Thanks for your time and hopefully look forward to your assistance

Cheers

Richard Lawson

Club Secretary and Festival Director

January 3<sup>rd</sup> – 6<sup>th</sup> 2013

*Office of the General Manager*

AS:A0410001

21 August 2013

Richard Lawson  
Gulgong Folk Festival  
PO Box 404  
GULGONG NSW 2852

Dear Richard,

**EVENTS ASSISTANCE – Gulgong Folk Festival December 2013**

I refer to your recent application for event sponsorship for the Gulgong Folk Festival to be held in December 2013. We have received information that there are outstanding debts to local businesses and suppliers from the previous event and as a result, your request has been declined.

If you are able to provide evidence that all outstanding balances have been paid to local businesses and suppliers, Council will reconsider this request for financial assistance.

Should you have any queries in relation to this matter please do not hesitate to contact me on 6378 2850.

Yours sincerely

**WARWICK BENNETT**  
**GENERAL MANAGER**

## ATTACHMENT 3



Gulgong Folk Club Inc  
PO Box 340  
Gulgong NSW 2852  
+61447.036783  
ABN 88373635870  
Inc Y2091339  
info@gulgongfolkfestival.com.au  
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Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850  
Ph (02) 6378 2850  
Fax (02) 6378 2815  
[www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

2 September 2013

Hi Warwick

**RE:EVENTS ASSISTANCE LETTER OF DECLINE GULGONG  
FOLK FESTIVAL**

This is a letter in reply to to your formal decline of assistance in regards to the Gulgong Folk Festival December 2013

The club has payment plans in place with all our debtors and they are being attended to at present to their satisfaction.

I received this letter dated 21 August which was the day I came into council to speak at their meeting and believe I was not given due consideration in this matter.

Could you please clarify this situation in light of my appearance at said meeting on Wednesday 21 and tabling of official Gulgong Folk Club books.

Thanks for your time and hopefully look forward to your assistance  
Cheers  
Richard Lawson  
Club Secretary and Festival Director

January 3<sup>rd</sup> – 6<sup>th</sup> 2013

ATTACHMENT 4

**From:** [Richard Lawson](#)  
**To:** [Council](#)  
**Subject:** Gulgong Folk Festival Books for distribution to councillors via GM office  
**Date:** Monday, 2 September 2013 11:40:06 AM  
**Attachments:** [Gulgong Folk Club 2012 Financials.pdf](#)

---

Hi Warwick

Here is a detailed assessment of current books from Glenn Lawrence of Coates/Bennett/Lawrence showing where the Folk Club is up to in regards to our request for more detailed financials from Percy and Des when I spoke at council

I would greatly appreciate a copy being made and distributed to councillors for next meeting this Wednesday

If this is a problem I will gladly print off copies and drop them to front desk for this purpose

I hope to hear from you ASAP in this regard

Thanks you  
Cheers  
Richard Lawson  
Festival Director

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**GULGONG FOLK CLUB INC  
INC Y2091339**

**FINANCIAL REPORT  
FOR THE YEAR ENDED  
31 DECEMBER 2012**

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

**GULGONG FOLK CLUB INC**  
**INC Y2091339**

**PROFIT AND LOSS STATEMENT**  
**FOR THE YEAR ENDED 31 DECEMBER 2012**

	Note	2012 \$	2011 \$
(Loss) Profit before income tax		(11,959.84)	1,137.91
Income tax expense		-	-
(Loss) Profit after income tax		(11,959.84)	1,137.91
Retained earnings at the beginning of the financial year		3,884.32	2,746.41
Total available for appropriation		(8,075.52)	3,884.32
(Accumulated losses) Retained earnings at the end of the financial year		(8,075.52)	3,884.32

The accompanying notes form part of these financial statements.  
These statements should be read in conjunction with the attached compilation  
report of Lawrence Bennett Portelli Pty Limited.  
Page 1

**GULGONG FOLK CLUB INC**  
**INC Y2091339**

**BALANCE SHEET**  
**AS AT 31 DECEMBER 2012**

	Note	2012 \$	2011 \$
<b>ASSETS</b>			
<b>CURRENT ASSETS</b>			
Cash and cash equivalents	2	837.68	3,884.32
<b>TOTAL CURRENT ASSETS</b>		<u>837.68</u>	<u>3,884.32</u>
<b>TOTAL ASSETS</b>		<u>837.68</u>	<u>3,884.32</u>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Accounts Payable and Other Payables	3	8,913.20	-
<b>TOTAL CURRENT LIABILITIES</b>		<u>8,913.20</u>	<u>-</u>
<b>TOTAL LIABILITIES</b>		<u>8,913.20</u>	<u>-</u>
<b>NET ASSETS (LIABILITIES)</b>		<u>(8,075.52)</u>	<u>3,884.32</u>
<b>EQUITY</b>			
(Accumulated losses) Retained earnings	4	(8,075.52)	3,884.32
<b>TOTAL EQUITY</b>		<u>(8,075.52)</u>	<u>3,884.32</u>

The accompanying notes form part of these financial statements.  
These statements should be read in conjunction with the attached compilation  
report of Lawrence Bennett Portelli Pty Limited.

**GULGONG FOLK CLUB INC  
INC Y2091339**

**NOTES TO THE FINANCIAL STATEMENTS  
FOR THE YEAR ENDED 31 DECEMBER 2012**

	2012 \$	2011 \$
<b>2 Cash and Cash Equivalents</b>		
Petty Cash	-	145.00
CBA Society Cheque Account	<u>837.68</u>	<u>3,739.32</u>
	<u>837.68</u>	<u>3,884.32</u>
<b>3 Accounts Payable and Other Payables</b>		
Current		
Other Creditors	<u>8,913.20</u>	<u>-</u>
<b>4 (Accumulated Losses) Retained Earnings</b>		
Retained earnings at the beginning of the financial year	3,884.32	2,746.41
(Net loss) Net profit attributable to the association	<u>(11,959.84)</u>	<u>1,137.91</u>
(Accumulated losses) Retained earnings at the end of the financial year	<u>(8,075.52)</u>	<u>3,884.32</u>

These notes should be read in conjunction with the attached compilation report of Lawrence Bennett Portelli Pty Limited.

**GULGONG FOLK CLUB INC**  
**INC Y2091339**

**PROFIT AND LOSS STATEMENT**  
**FOR THE YEAR ENDED 31 DECEMBER 2012**

	2012 \$	2011 \$
<b>SALES</b>		
<b>Festival Proceeds</b>		
Ticket Sales	11,060.00	-
Camping Fees	480.00	400.00
	<u>11,540.00</u>	<u>400.00</u>
<b>LESS: COST OF GOODS SOLD</b>		
<b>Festival Expenses</b>		
Performer Gratuities	14,400.00	-
Venue Hire	6,964.00	225.00
Redhill Camping Fees	2,750.00	-
Sundry Expenses	2,599.40	-
	<u>26,713.40</u>	<u>225.00</u>
<b>GROSS (LOSS) PROFIT FROM TRADING</b>	<u>(15,173.40)</u>	<u>175.00</u>
<b>OTHER INCOME</b>		
Interest Received	0.17	0.41
<b>Other Revenue</b>		
MWRC Grants	5,000.00	2,000.00
Donations/Grants	9,958.00	5,400.00
Destination NSW Grant	18,610.22	-
	<u>33,568.22</u>	<u>7,400.00</u>
	<u>33,568.39</u>	<u>7,400.41</u>
	<u>18,394.99</u>	<u>7,575.41</u>

The accompanying notes form part of these financial statements.  
These statements should be read in conjunction with the attached compilation  
report of Lawrence Bennett Portelli Pty Limited.

**GULGONG FOLK CLUB INC**  
**INC Y2091339**  
**PROFIT AND LOSS STATEMENT**  
**FOR THE YEAR ENDED 31 DECEMBER 2012**

	2012 \$	2011 \$
<b>EXPENSES</b>		
Accommodation Expenses	875.00	-
Advertising	16,767.46	4,857.00
Bank Charges	5.00	-
Lodgement Fees	-	79.00
Membership Folk Alliance	425.00	390.00
Postage	216.70	-
Printing, Posters & Flyers	7,598.00	823.50
Stationery Items	180.00	-
Subscriptions & Memberships	175.00	250.00
Telephone & ISP	1,715.17	-
Web Development & Update	2,397.50	38.00
	<u>30,354.83</u>	<u>6,437.50</u>
<b>(Loss) Profit before income tax</b>	<u>(11,959.84)</u>	<u>1,137.91</u>

The accompanying notes form part of these financial statements.  
These statements should be read in conjunction with the attached compilation  
report of Lawrence Bennett Portelli Pty Limited.  
Page 8



## ATTACHMENT 5

*Office of the General Manager*

MS:A0140201

4 September 2013

Mr Richard Lawson  
Club Secretary and Festival Director  
Gulgong Folk Festival Inc  
PO Box 340  
GULGONG NSW 2852

Dear Richard

**GULGONG FOLK FESTIVAL**

Thank you for your letter dated 2 September 2013. I can assure you that I discussed the events assistance in detail with the Council albeit informally. The date on the letter should have read the 23<sup>rd</sup>.

Council is adamant that it will not be funding the Gulgong Folk Festival until such times as all the existing debt to organisations and businesses is repaid.

Yours sincerely

WARWICK L BENNETT  
**GENERAL MANAGER**

## 6.2 Reports

### 6.2.1 DA0168/2014 – Multi Dwelling Housing: 8 x Dwelling Units, 32 Horatio Street Mudgee, Lot 3 DP 618712

REPORT BY THE ENVIRONMENTAL TOWN PLANNER TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, DA0168/2014, P12320

#### RECOMMENDATION

That:

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

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 12 November 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application;

#### ROADS AND MARITIME SERVICES

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

#### PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

#### CONTRIBUTIONS

3. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:
  - Traffic Management, Road Works, Open Space, Community Facilities and Plan Administration.
  - The levy is: \$13,130 based on the estimated cost of development of \$1,313,000

4. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
  - a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$30,821
Sewerage Headworks	\$25,492
Total Payable	\$56,313
  - b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer;
5. A cultural survey of the site is required to be undertaken by a suitably qualified professional. In the event that any aboriginal artefacts or sites are found on the site, the applicant must apply to the NSW Department of Environment and Heritage for an Aboriginal Heritage Impact permit to disturb or destroy the artefacts or sites;
6. A contamination investigation of the site is required to be undertaken by a suitably qualified professional. In the event that contamination is identified on site, the site must be remediated in accordance with a remediation action plan prepared by the same professional and validated accordingly prior to the commencement of construction works on site;
7. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council;
8. Engineering plans of any mains extensions are to be submitted to and approved by Council prior to the issue of a Construction Certificate;
9. A detailed engineering design supported by plans, and an "Autocad compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate;
10. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments;
11. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, the agreement shall clearly state that an easement of a specified width is to be created in accordance these consent conditions;

12. Engineering design of stormwater system is to be submitted and approved by Council prior to the issue of a Construction Certificate. Such design is to demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5-year ARI. All stormwater detention details shall be included with the Engineering plans;
13. The developer is to upgrade Denison Lane for the full width of the road from Horatio Street to the northern boundary of the development site. The upgrade is to include stormwater drainage and details are to be submitted to council for approval with the Engineering Construction Certificate;

#### **BUILDING**

14. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with;
  - a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
  - c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations;
15. The site shall be provided with a waste enclose (minimum 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials;
16. Toilet facilities are to be provided, at or in the vicinity of the site on which work is being carried out, at the rate of one toilet for every 20 persons employed at the site. Each toilet provided;
  - a) must be a standard flushing toilet, and
  - b) must be connected:
    - i) to a public sewer, or
    - ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council;
17. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that unauthorized entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
18. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force;
19. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

**b) building involves the enclosure of a public place**

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

20. Construction work noise that is audible at other premises is to be restricted to the following times:  
Monday to Friday - 7.00am to 6.00pm  
Saturday - 8.00am to 1.00pm  
No construction work noise is permitted on Sundays or Public Holidays;
21. All building work must be carried out in accordance with the provisions of the Building Code of Australia, the Environmental Planning & Assessment Act 1979 and Regulations and the relevant Australian Standards;
22. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council;
23. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction;
24. On completion of the building, the applicant/builder is to provide a written statement confirming that the requirements of the approved BASIX Certificate have been completed in accordance with those requirements;
25. The building shall not be occupied or used until an Occupation Certificate has been issued;
26. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections;

**ENGINEERING CONSTRUCTION**

27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1;
28. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- Saving available topsoil for reuse in the revegetation phase of the subdivision;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
29. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will

any ponding of stormwater occur on adjoining land as a result of this development;

30. Onsite water reticulation must be in compliance with the Australian Standards for onsite fire hydrant design AS3500.1 (metering requirements only) and AS2419.1:2005 – Fire Hydrant Installations which provides advice regarding onsite hydrant installation (i.e. not street hydrants) and details the requirements for plumbing installations for hydrant services;

31. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia;

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

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

32. All units are to be separately water metered and all water meters are to be installed at the frontage of the development in Horatio Street;

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

34. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each dwelling at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings. Vehicular entrances shall have the following minimum characteristics:

- a minimum of 6m width for the entry/Exit;
- Including 2 passing lanes with a minimum formed width of 2.5m and length of 6m along the driveway;

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

35. An additional vehicular entrance comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings is to be provided in the upgraded Denison Lane to service the residential property at Lot 2 DP 618712.



The layback shall be located as far as practical from the intersection of Horatio Street and Denison Lane (minimum 6 metres from the front property boundary) and allow for a vehicle parked in the garage on Lot 2 DP 618712 to exit the property in a forward direction;

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

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

#### **GENERAL**

40. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified;  
  
(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).
41. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”;
42. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer;
43. A 1.8 metre high screen fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development;

44. **Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.**
45. **Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings;**
46. **Private open space areas for all units are to be provided with a level surfaces to at least 50% of the open space area;**

#### **PRIOR TO OCCUPATION**

47. **Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building;**
48. **Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments;**
49. **Prior to issue of the Occupation Certificate, Council is to be supplied with:**
  - a) **A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the development.**
  - b) **A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the development.**

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## Executive summary

The application seeks approval for the construction of 8 multi dwelling units on the subject site.

The development complies with the relevant provisions of the MWRC LEP 2012 and DCP 2013. Primarily, the units will integrate well with the Mudgee Conservation Area, provide appropriate car parking, vehicle access, manoeuvring and private open space areas. It will also reconstruct stormwater infrastructure on the site and enhance the vicinity with significant landscaping.

The site is an infill site which has the potential to be contaminated. It contains a derelict shed and piles of imported fill. Conditions requiring contamination investigations and remediation if necessary are recommended on the consent.

The presence of a stormwater drainage line on site albeit a highly modified one indicates that aboriginal artefacts may be present on site and be required to be removed. A condition requiring an aboriginal survey of the site to be undertaken is recommended on the consent.

The application was referred to the NSW Office of Water (NOW) and Roads and Maritime Services (RMS). Neither NOW or RMS raised any objections to the development.

The development will have minimal environmental impacts and no public submissions have been received in relation to the development. Accordingly the application is recommended for approval.

It is being referred to a Council meeting as it has a capital value exceeding \$1 million.

## Detailed report

The application seeks approval for the construction of 8 multiple dwelling units on the subject site. Specifically the development involves:

- 6 x 3 bedroom units in the northern portion of the site with vehicle access from Denison Lane,
- 2 x 2 bedroom units in the southern portion of the site with vehicle access from Horatio Street,
- Reconstructing an open stormwater drain as an enclosed stormwater drain,
- Constructing a driveway and overland flow path over the reconstructed stormwater drain,
- Adjusting the sewer line on the western side of the enclosed stormwater drain.

### ASSESSMENT:

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

#### **SEPP 55 - Remediation of Land**

The site is currently vacant and utilised as a horse paddock. An inspection of the site identified a derelict shed (possibly stable/yards on site) and that some fill has been dumped on site.

Contamination from demolition and asbestos waste has been found in similar infill development. Accordingly a contamination investigation and remediation if required must be undertaken. A condition to this effect has been discussed with the applicant and is recommended on the consent.

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

The subject site is zoned R3 Medium Density Residential. Multiple Dwelling Housing is permissible in the zone with consent.

#### **Essential Services**

Under Clause 6.9 Essential Services consent must not be granted unless council is satisfied the development will have the following services that are essential for the development:

- a) The supply of water
- b) The supply of electricity
- c) The disposal of management of sewerage
- d) Stormwater drainage or on-site conservation
- e) Suitable road access.

The development does not have suitable road access. The development relies on Denison Lane which is an unformed laneway.

Part of the development (6 units) will rely on vehicle access from Denison Lane and will cause substantial traffic movements over it into Horatio Street (Castlereagh Highway) and the surrounding sealed road network.

Accordingly Denison Lane must be upgraded to be a sealed road with kerb and guttering to integrate with Horatio Street, properly facilitate the traffic movements of the 6 units and to provide the standard of public road frontage expected in urban areas. A condition to this effect is included on the consent.

The development has ready access to all other essential services and the sewer and stormwater infrastructure on site will be reconstructed to integrate with it. Conditions to this affect are also included on the consent.

Provisions of any Development Control Plan or Council Policy

The development complies with the Clause 4.1 Multi Dwelling Housing as follows:

<b>Part 4.1 Multiple Dwelling Housing</b>	<b>Requirement</b>	<b>Compliance/ Comments</b>
Permissibility	<ul style="list-style-type: none"> <li>only permissible on lots &gt;1200m<sup>2</sup>, and;</li> <li>In Mudgee or Gulgong Heritage Conservation Area, or</li> <li>lot with two street frontages, or</li> <li>any lot with 25m wide frontage, or</li> <li>not be located on lot adjoining approved or developed multiple dwelling lot outside Mudgee or Gulgong Heritage Conservation Area.</li> </ul>	<p>Complies. 3412m<sup>2</sup>.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p>
Built Form	<p><b>Design</b></p> <ul style="list-style-type: none"> <li>existing buildings retained upgraded to integrate with new development.</li> <li>Architectural features incorporated into design to provide visual relief and minimise bulk and scale.</li> <li>Design optimises solar access and orientation, consistent with scale, spacing, setbacks, landscaping of buildings, and positively enhances streetscape.</li> </ul> <p><b>Building scale, height and bulk</b></p> <ul style="list-style-type: none"> <li>development compatible with scale of buildings in locality and not visually intrusive.</li> </ul>	<p>Not Applicable. Vacant site.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies. Single storey pitched roof dwelling units.</p>

Part 4.1 Multiple Dwelling Housing	Requirement	Compliance/ Comments
	<ul style="list-style-type: none"> <li>Consistent with objectives of zone.</li> <li>appropriate building heights respect scale of future development for which provision is made in locality.</li> <li>Maximum height measured from natural ground level to roof apex.</li> <li>Buildings do not exceed two storeys or 8.5m in height.</li> <li>Each development assessed on merits in terms of visual impact on streetscape and internal and external amenity.</li> <li>Council may require shadow diagrams to be submitted.</li> </ul>	<p>Complies.</p> <p>Complies. Single storey.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies. Single Dwelling pitched roof design integrated well with streetscape.</p> <p>Complies.</p>
Development Density	<p><b>Units accommodated on a site as follows:</b></p> <p>Gulgong and Mudgee Conservation Areas:</p> <ul style="list-style-type: none"> <li>1bdm unit: 1 unit per 250m<sup>2</sup> of site</li> <li>2bdm unit: 1 unit per 280m<sup>2</sup> of site</li> <li>3bdm unit: 1 unit per 310m<sup>2</sup> of site</li> </ul> <p><b>Minimum floor area excluding balconies and garages:</b></p> <ul style="list-style-type: none"> <li>1bdm unit: 55m<sup>2</sup></li> <li>2bdm unit: 70m<sup>2</sup></li> <li>3bdm unit: 85m<sup>2</sup></li> </ul>	<p>Complies. 2420m<sup>2</sup> required. 3412m<sup>2</sup> available.</p> <p>Complies. Units &gt;119m<sup>2</sup> floor area.</p>
Landscaping	<ul style="list-style-type: none"> <li>site landscaping &gt;40%</li> <li>landscaping advanced trees, preferably native species.</li> <li>front setback landscaped to a depth of 5m</li> </ul>	<p>Complies.</p> <p>Complies.</p> <p>Complies.</p>

Part 4.1 Multiple Dwelling Housing	Requirement	Compliance/ Comments
	<ul style="list-style-type: none"> <li>landscaping provided prior to construction certificate.</li> </ul>	Prior to occupation certificate more appropriate. Conditioned accordingly.
Site coverage	Maximum site coverage excluding driveways <40%	Complies.
Private Open Space	<ul style="list-style-type: none"> <li>each dwelling has Principle Private Open Space of 40m<sup>2</sup> with minimum dimensions of 5m depth and width.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>Private open space directly accessible from living areas.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>Rainwater tanks not located in principle private open space.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>patios, decks, balconies only counted as Private Open Space if they have direct northerly access and &lt;25% private open space requirement.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>Dimensions &lt;5m not counted as principle private open space.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>principle private open space in front setback behind landscaped area 1.5m to front boundary.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>fencing for front private open space behind landscaping and timber or masonry materials, not colour bond.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>75% of private open space receives 3hrs sunlight between 9am-3pm on 21 June (winter solstice).</li> </ul>	Complies.
Vehicular Access & Parking	<b>Residential Parking as follows:</b>	
	<ul style="list-style-type: none"> <li>1bdm: 1 space</li> </ul>	Complies: 14 spaces provided
	<ul style="list-style-type: none"> <li>2bdm: 2 spaces</li> </ul>	2 spaces required for 2 x 2 bed units.
	<ul style="list-style-type: none"> <li>2bdm Mudgee &amp; Gulgong Conservation Area &amp; Kandos &amp; Rylstone: 1 space</li> </ul>	12 spaces required for 6 x 3 bedroom units.
	<ul style="list-style-type: none"> <li>3bdm: 2 spaces</li> </ul>	

Part 4.1 Multiple Dwelling Housing	Requirement	Compliance/ Comments
	<p><b>Overflow Parking:</b></p> <ul style="list-style-type: none"> <li>• 1 space per 5 units</li> <li>• Car parking designed so ingress and egress can be achieved in one movement.</li> <li>• Parking located so vehicles can enter and exit in a forward direction.</li> <li>• geometric layout in accordance with Car Parking Requirements of DCP.</li> </ul> <p><b>Vehicle Access Design</b></p> <ul style="list-style-type: none"> <li>• Driveways not continuous straight lines and offset by landscaping.</li> </ul> <p><b>Driveway designed as follows:</b></p> <ul style="list-style-type: none"> <li>- 3m wide for 3-4 units</li> <li>- 6m wide for &gt;5 units</li> <li>• driveways &gt;30m long have 6m wide passing bays at intervals.</li> <li>• 6m width for first 5m of driveway where connects to major road.</li> <li>• Driveway 2m from side boundary to provide landscaping strip for length of front setback.</li> </ul>	<p>Complies. 16 spaces provided &gt; 5 Units - 2 spaces required.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Variation required. 1m strip proposed. Acceptable as physically large landscaping problematic due to proximity and sewer and stormwater lines.</p>
Privacy & Amenity	<ul style="list-style-type: none"> <li>• windows or balconies within 6m of windows or balconies of adjoining dwellings offset by 1m from opposite window or balcony or oriented or screened to ensure visual privacy.</li> <li>• first floor windows oriented or designed to minimise potential for overlooking of adjacent properties.</li> <li>• windows which overlook adjoining properties must be</li> </ul>	<p>Complies. Windows that potentially overlook adjoining units and properties have high sills, or window panes frosted.</p> <p>1800mm fence on 600mm retaining wall between units 2 &amp; 3 will limit view between units – cross section provided to demonstrate this.</p> <p>Complies.</p> <p>Complies.</p>

Part 4.1 Multiple Dwelling Housing	Requirement	Compliance/ Comments
	opaque or have sill windows at appropriate heights from floor level.	
	<ul style="list-style-type: none"> <li>1.8m high boundary and internal fencing provided.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>All fencing provided at full cost to developer.</li> </ul>	Complies.
	<ul style="list-style-type: none"> <li>All fencing forward of building line constructed of timber and masonry materials.</li> </ul>	Complies.
Acoustic Privacy	<ul style="list-style-type: none"> <li>site layout separates recreational, parking, manoeuvring areas from bedroom areas.</li> <li>Developments adjacent to uncontrollable noise generating infrastructure or development incorporate acoustic treatments to minimise entry of noise.</li> </ul>	Complies.  Not Applicable.
Waste Disposal	<ul style="list-style-type: none"> <li>garage area or external access to rear of units adequate for movement and concealing of 240ltr mobile garbage bins.</li> <li>waste disposal areas do not effect amenity of residents or adjoining properties.</li> </ul>	Complies.  Complies.

## 2. *IMPACT OF DEVELOPMENT*

### (a) Context and Setting

The development will not affect the context and setting of the site or the Mudgee Conservation Area. It is composed of single storey pitched roof units which integrate well with surrounding developments. The units closest Horatio and Denison Lane are orientated to address these streets to enhance their integration with adjoining dwellings.

### (b) Access, transport and traffic

The development will have no impact on access, transport or traffic on the site or surrounding road network. The driveways have been designed to provide adequate manoeuvring and waiting bays and provide the required number of car parking spaces.

The application has been referred to the RMS primarily for concurrence regarding the driveways on to Horatio Street. RMS raised no objections to the driveways as the area of Horatio Street is a 50km slow speed environment.



Denison Lane will be required to be upgraded from the Horatio street intersection to ensure that the full frontage of the site has sealed road and kerb and guttered road access. RMS commented that a crossover for the garage of an adjoining dwelling to Denison lane should be provided to ensure a driveway does not run parallel with the upgraded lane to Horatio Street. A condition to this effect is recommended on the consent.

(d) Utilities

The site has access to all utilities required for the development.

(e) Heritage

The site is not a heritage listed building and the development will not have any detrimental impact on the Mudgee Conservation Area.

Although the site is highly modified it is traversed by a drainage line. The presence of drainage lines indicates artefacts may be present in the area. An aboriginal survey of the site is required to confirm that no artefacts and sites will be affected by the development. A condition to this effect is recommended on the permit.

(g) Water

The site is traversed by an open stormwater line which is identified as flooding in the Mudgee Creek Study. The stormwater line will be reconstructed as an enclosed drainage line with an overland flow swale to accommodate any surcharges. However it will retain the ability to flood. To address this issue the floor levels of the units have been set at appropriate levels above the 1 in 100 year flood event to ensure they are not inundated in a flooding event.

The application was referred to the NSW Office of Water (NOW) for concurrence. Due to the highly modified nature of the drainage line NOW advised that reconstruction of the drainage line was exempt for their purposes. The reconstruction of the stormwater line will only require Council's approval through a construction certificate application process. Conditions to this effect are recommended on the consent.

(h) Soils

As previously discussed, a contamination report and remediation of the site if necessary, is required to be undertaken for the development. A condition to this effect has been discussed with the applicant and recommended on the consent.

(p) Safety, security and crime prevention

The proposal includes internal 1800mm fencing setback from the reconstructed drainage line which will ensure residents and visitors are separated from it and drainage swale where water may surcharge.

### 3. SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

The proposal fits in the locality.

Are the site attributes conducive to development

The site attributes are conducive to the development.

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

##### Public Submissions

The application was advertised and notified to adjoining properties. No submissions were received in relation to the development.

##### Submissions from public authorities

No submissions were received from public authorities.

The application was referred to RMS for concurrence in relation to the crossovers to Horatio Street (Castlereagh highway). RMS raised no objections to the driveways or development. In addition they suggested that a crossover needed to be integrated into the upgraded laneway to improve traffic safety in the area. A condition to this effect is recommended on the consent.

The application was referred to the NSW Office of Water (NOW) for concurrence in relation to the reconstruction of the stormwater line. Due to the highly modified nature of the stormwater drain, NOW have advised that the reconstruction does not require their approval.

#### 5. THE PUBLIC INTEREST

##### Federal, State and local government interests and community interests

The development will not affect federal, state and local government interest and community interests.

#### 6. CONSULTATIONS

##### Health & Building.

Raised no objection to the development subject to standard conditions being included on the consent.

##### Development Engineer

Raised no objection to the development subject to standard conditions being included on the consent.

#### Financial implications

Not applicable.

## Strategic or policy implications

Not applicable.

ALEX NOAD  
ENVIRONMENTAL TOWN PLANNER

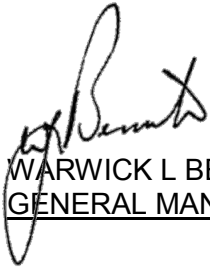


CATHERINE VAN LAEREN  
DIRECTOR DEVELOPMENT AND  
COMMUNITY SERVICES

6 December 2013

*Attachments:* 1. Locality Plan  
2. Site Plan  
3. Architectural Plans  
4. Public Authority Submissions

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



Map Scale: 1:2,046

**Disclaimer**

This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

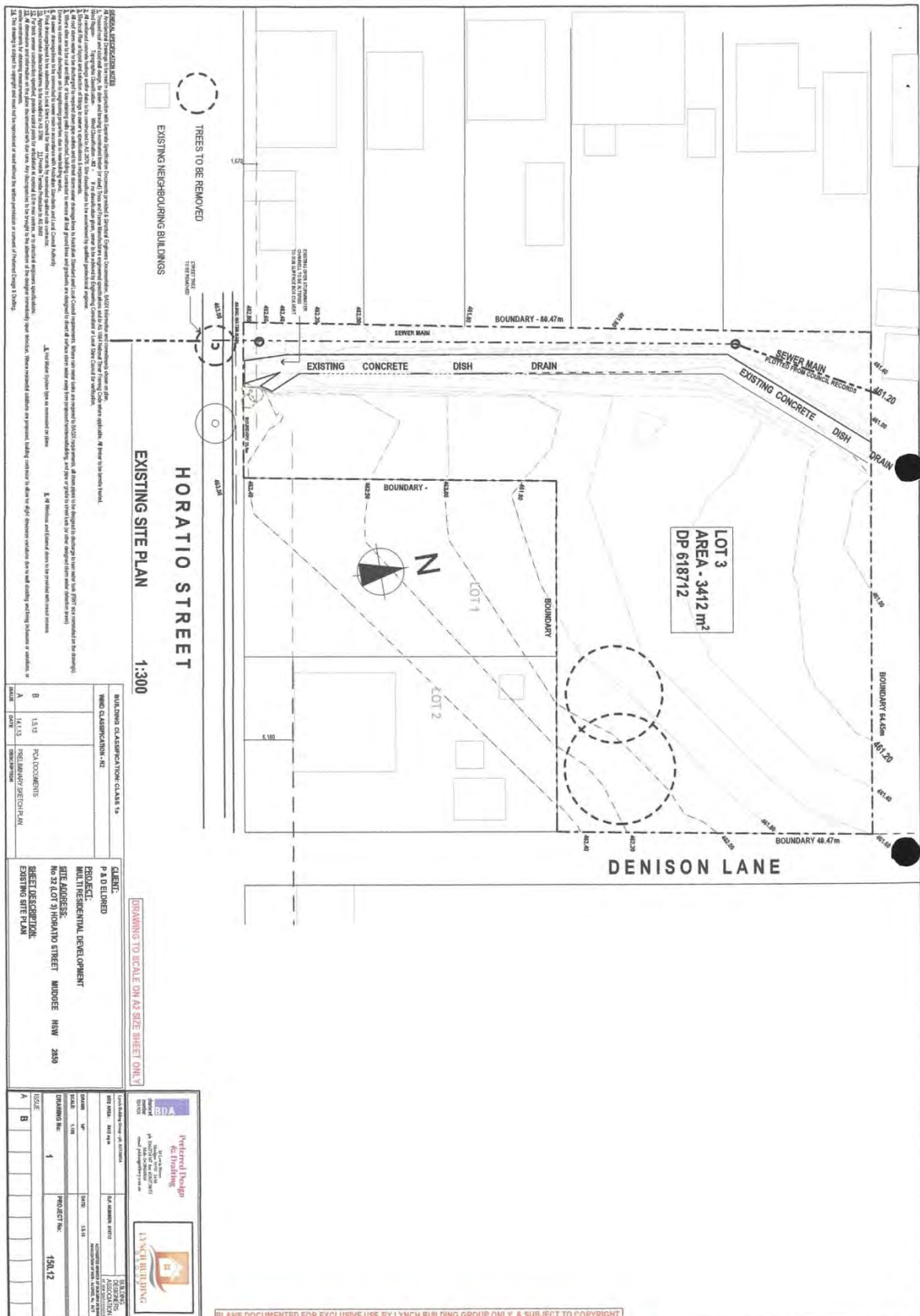
**LOCALITY PLAN**

**32 HORATIO STREET, MUDGEE**



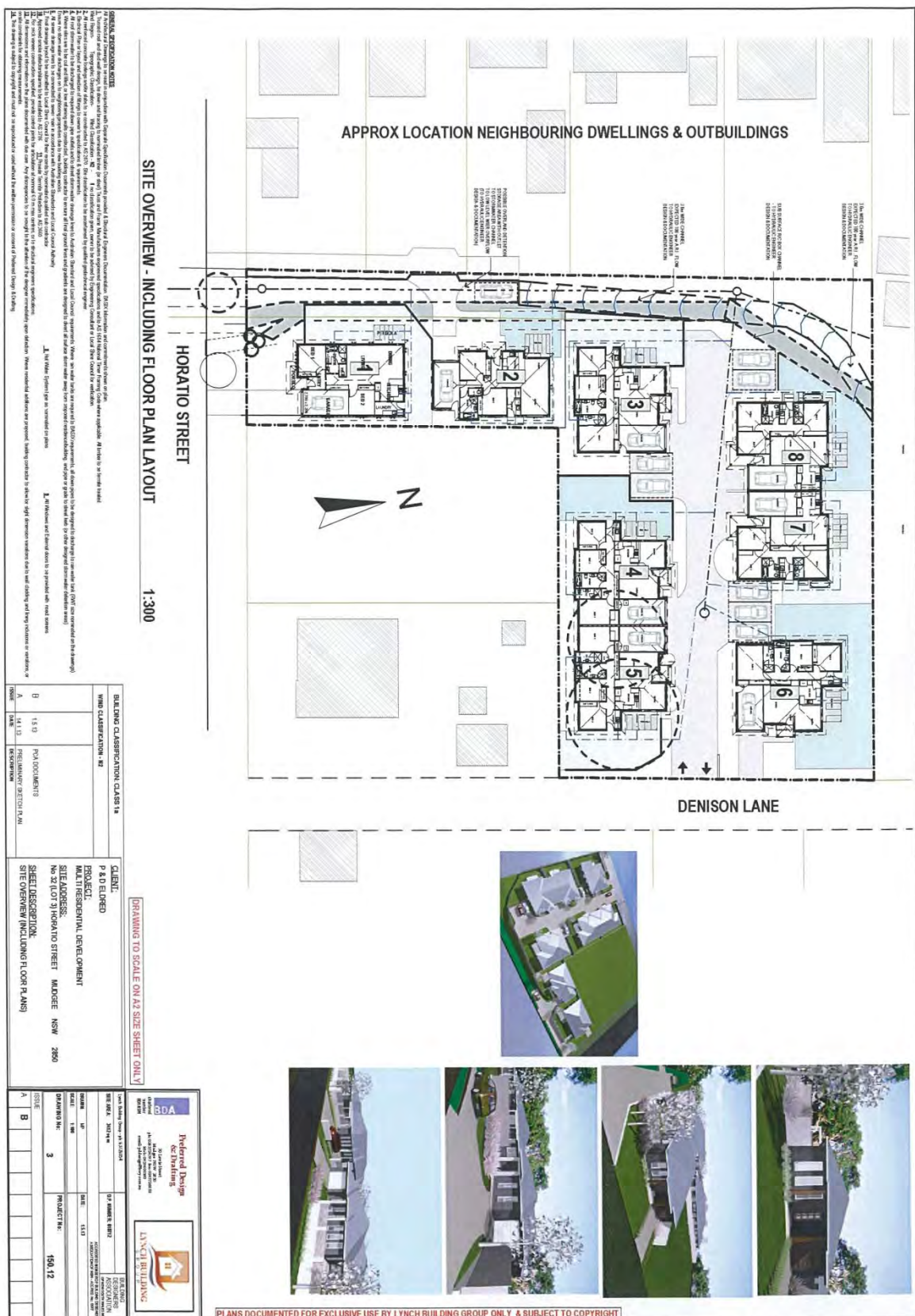
Printed on Monday, 9 December 2013





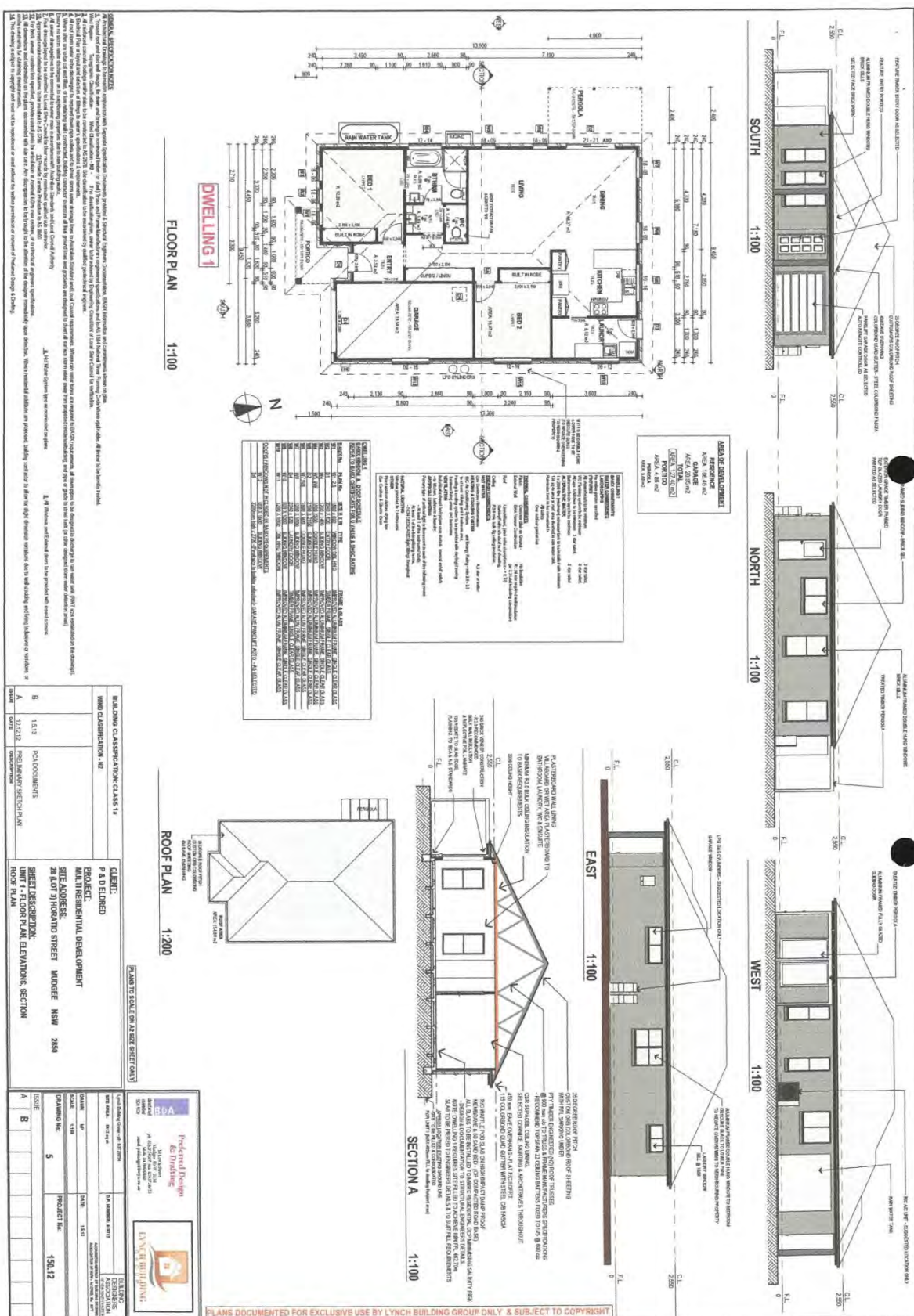


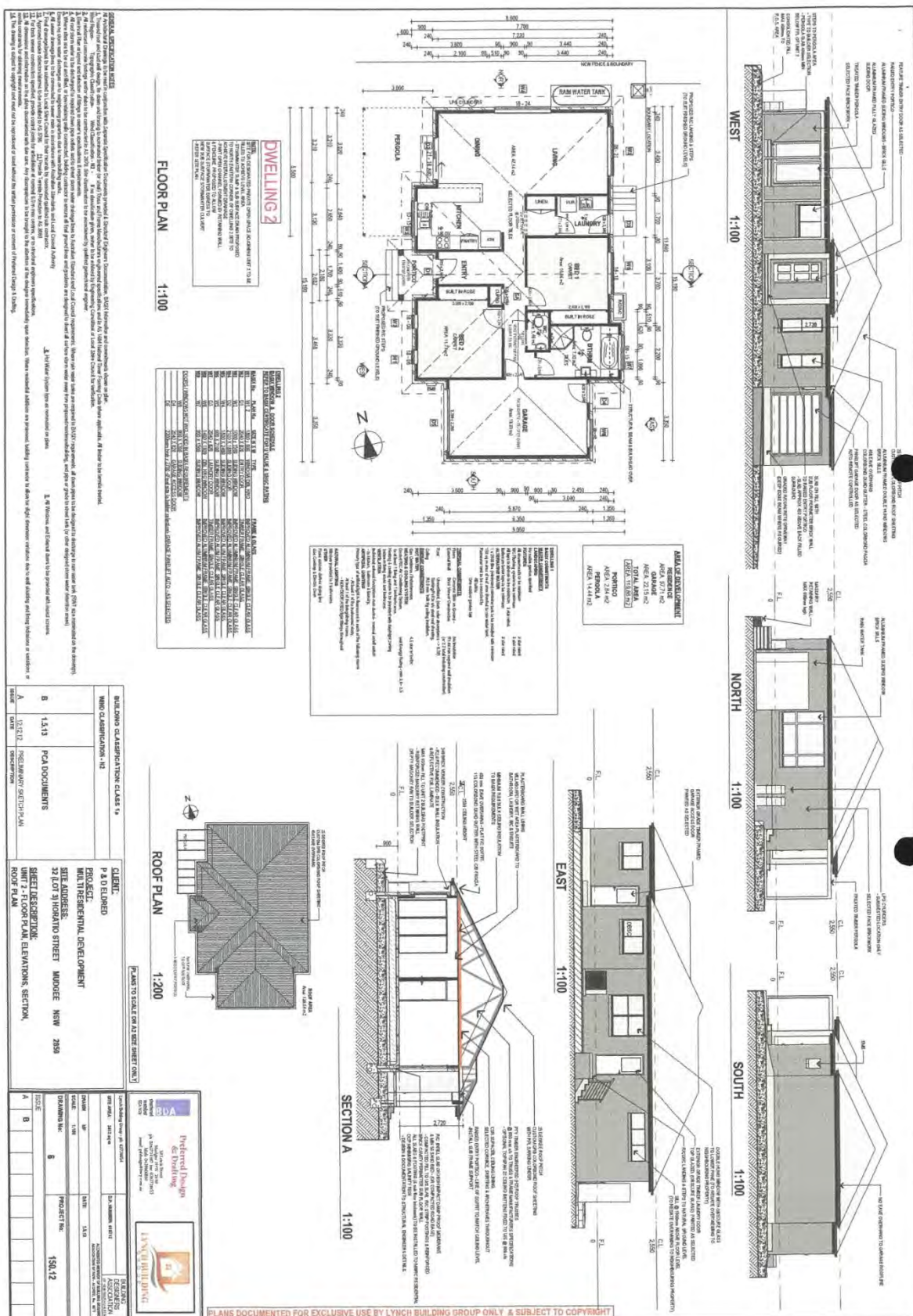




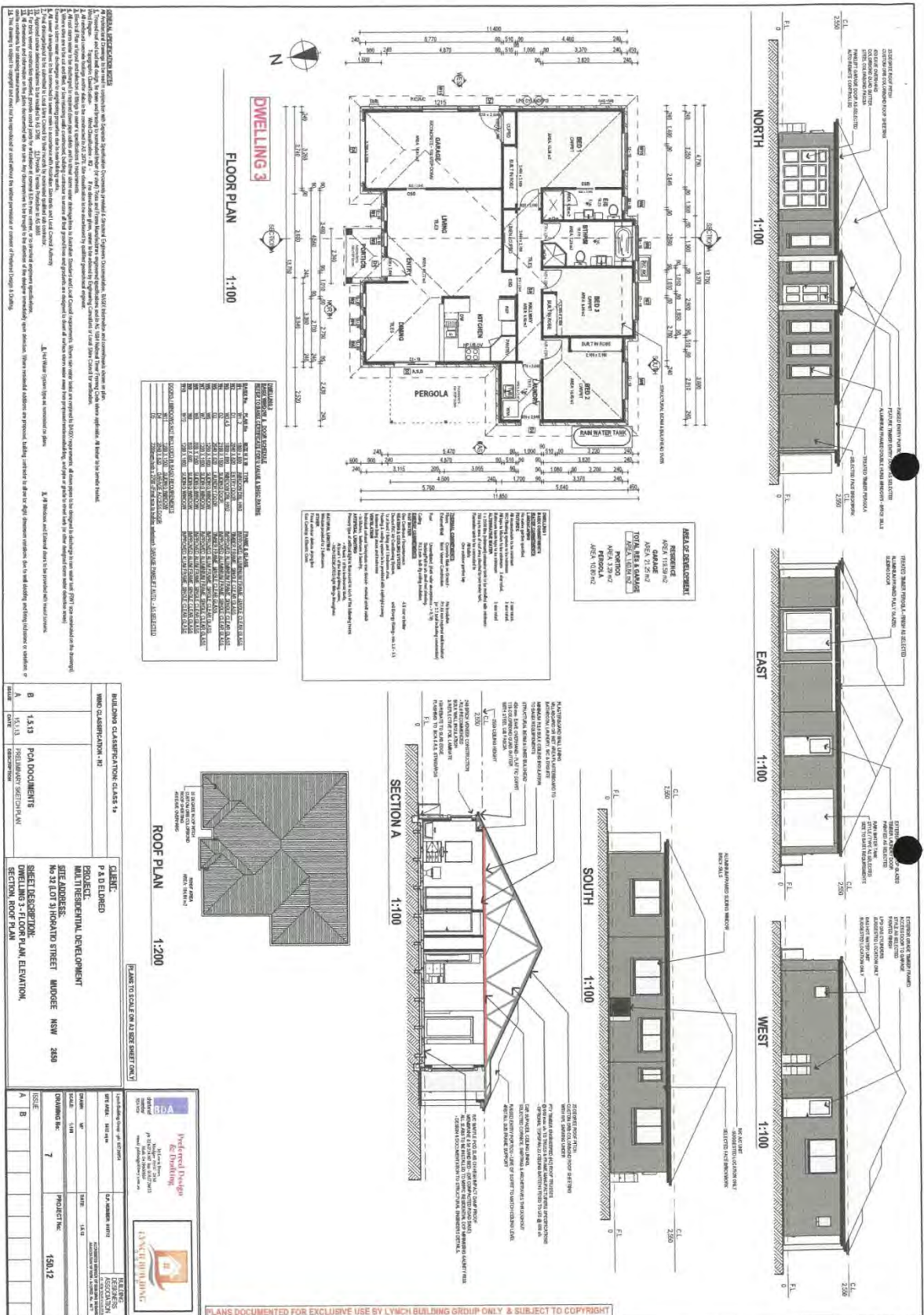


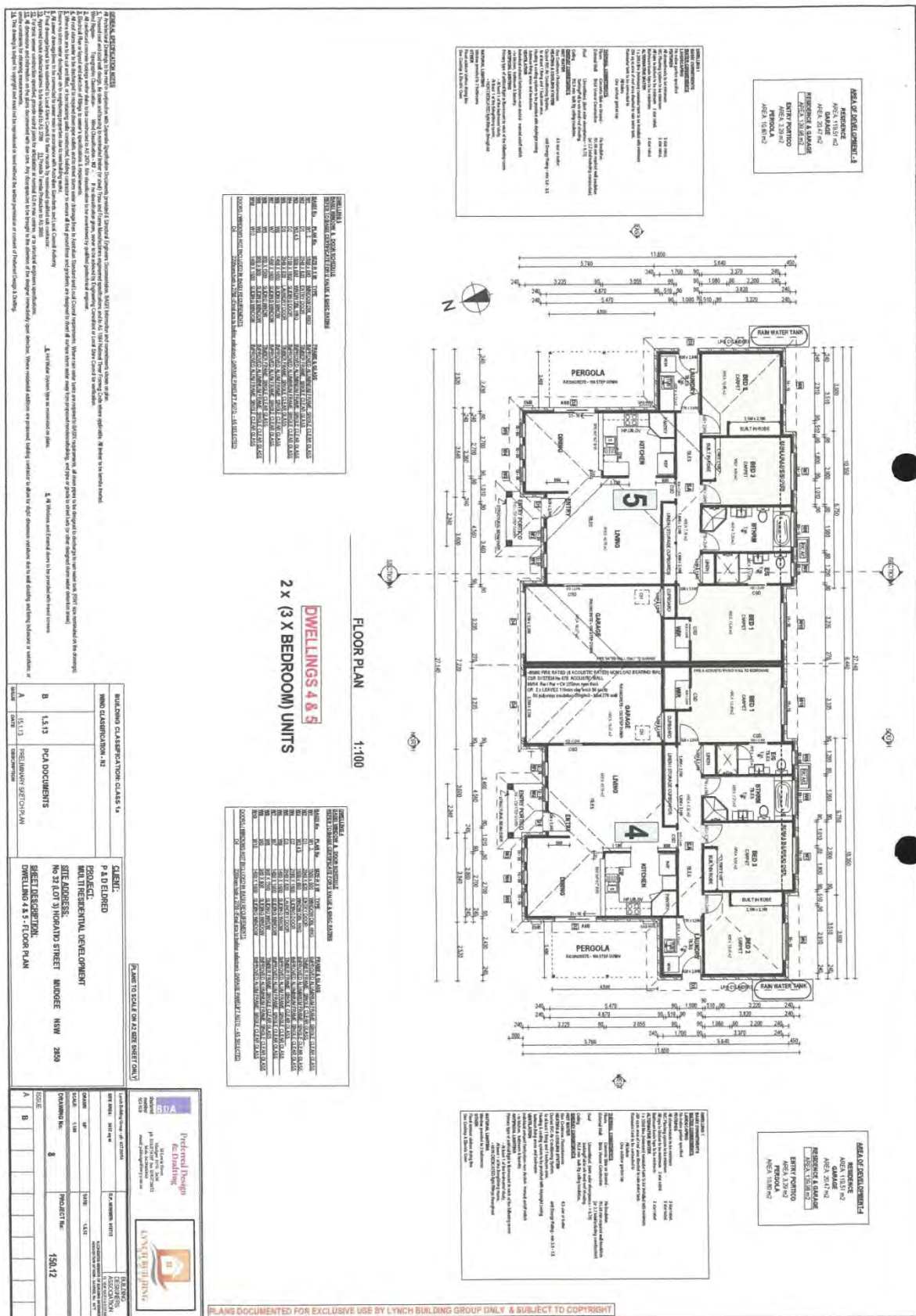




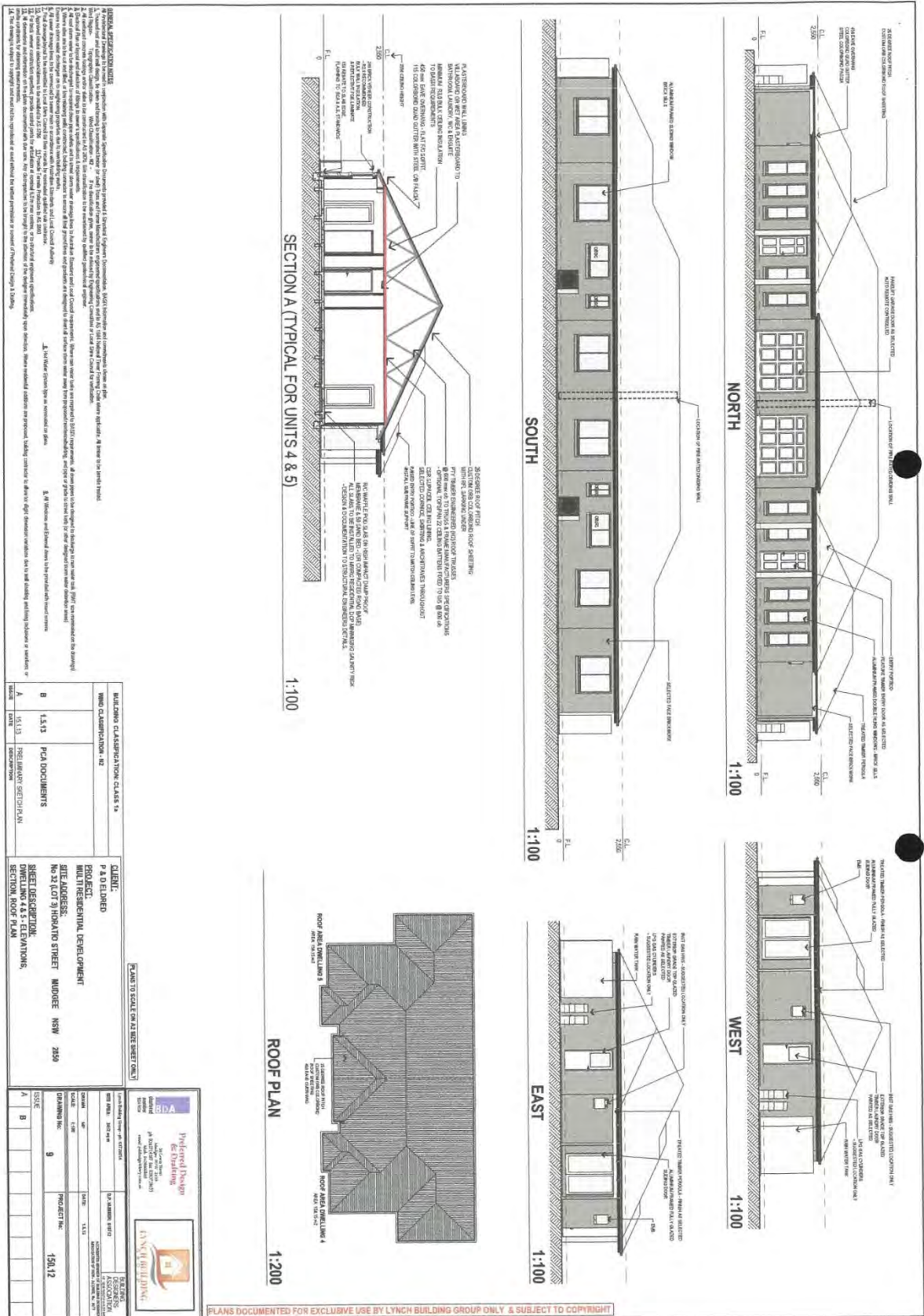


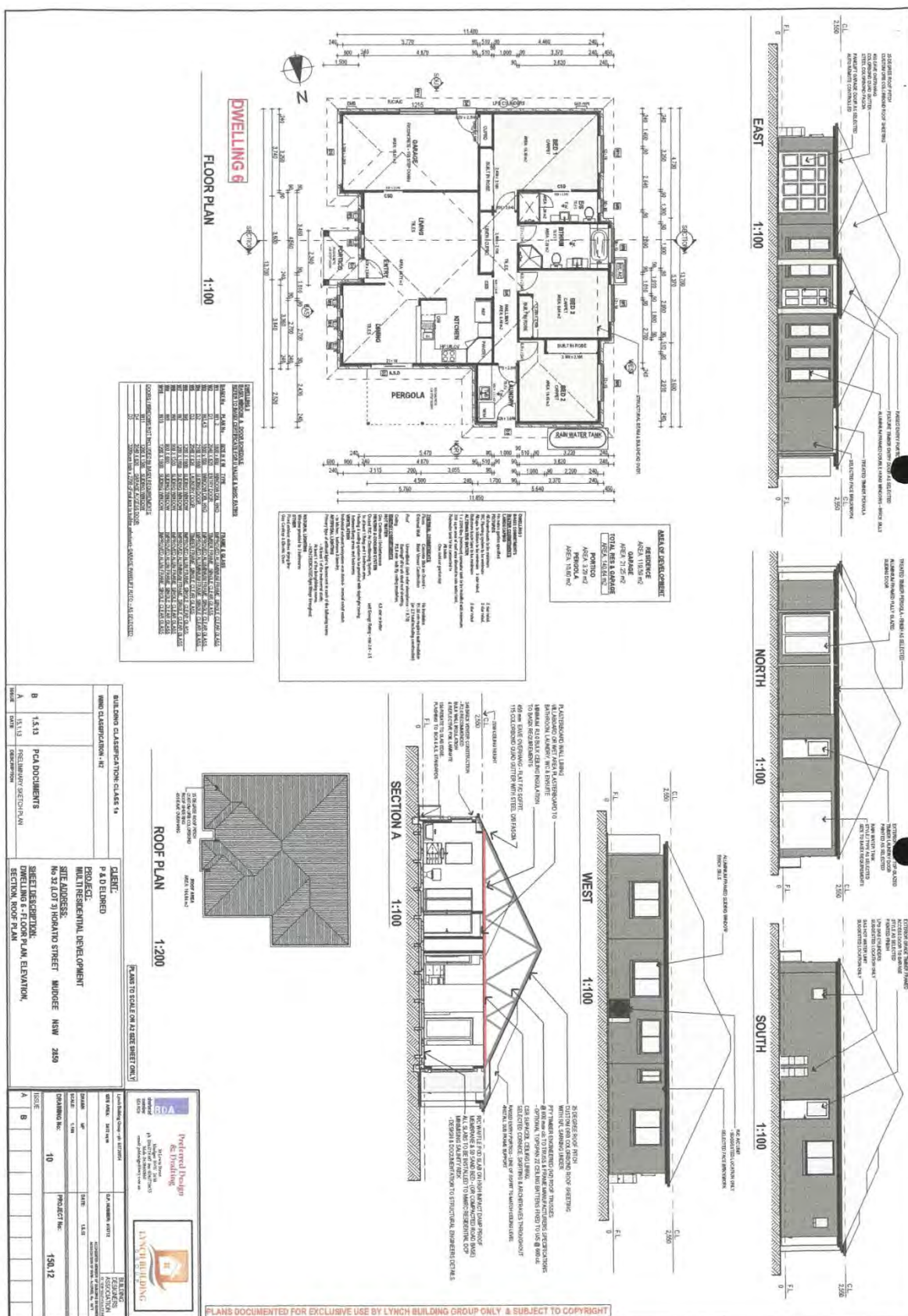




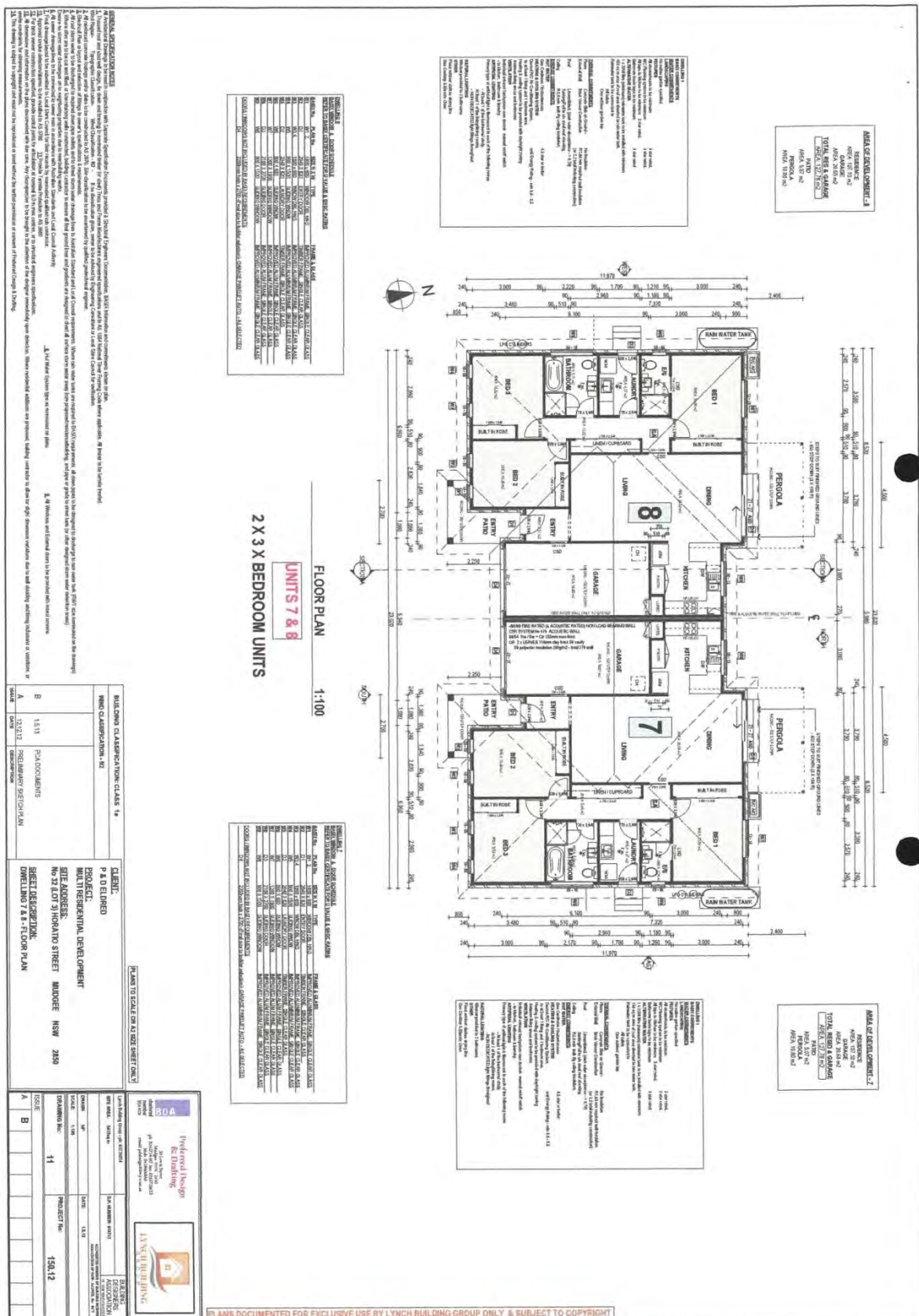


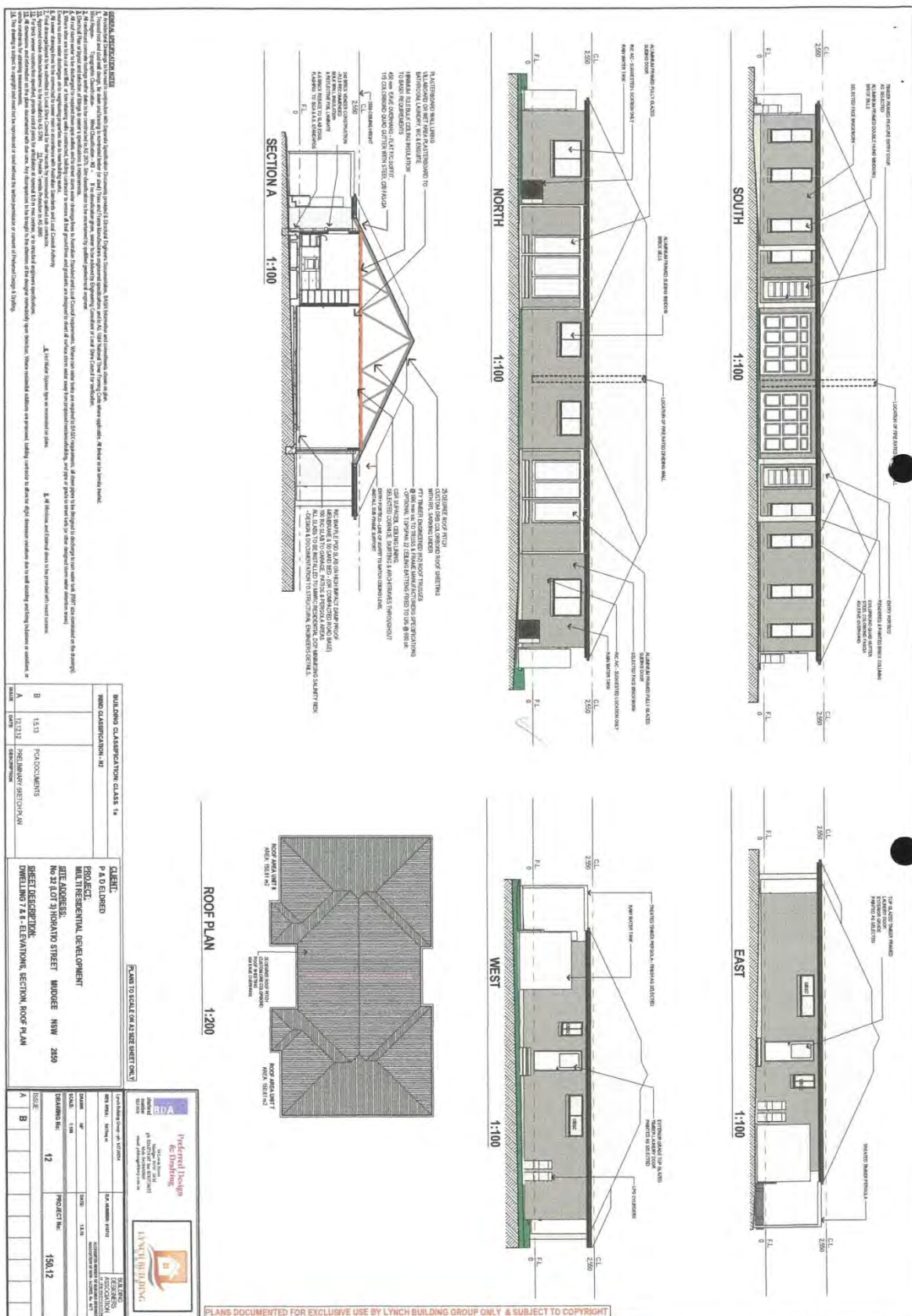




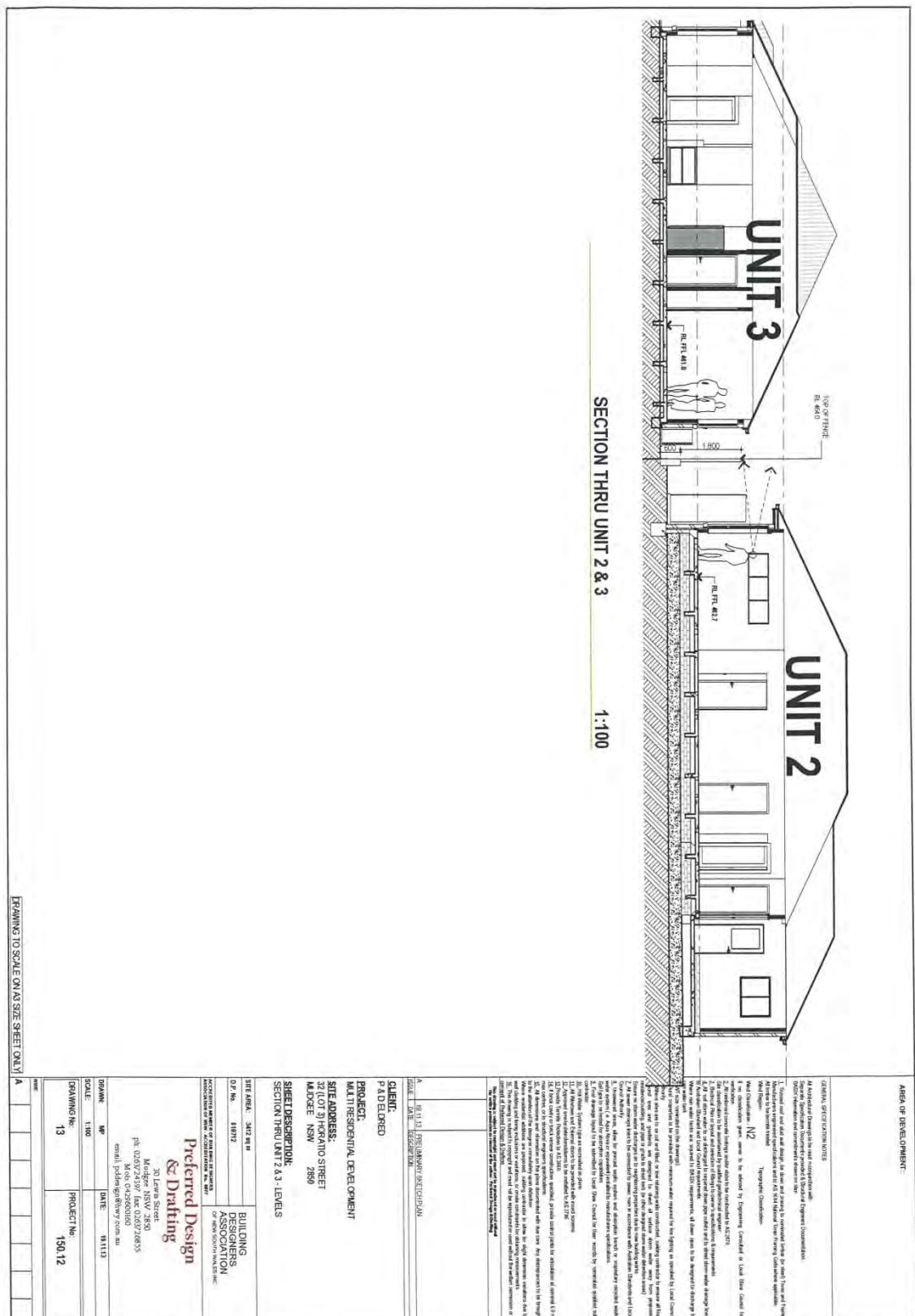


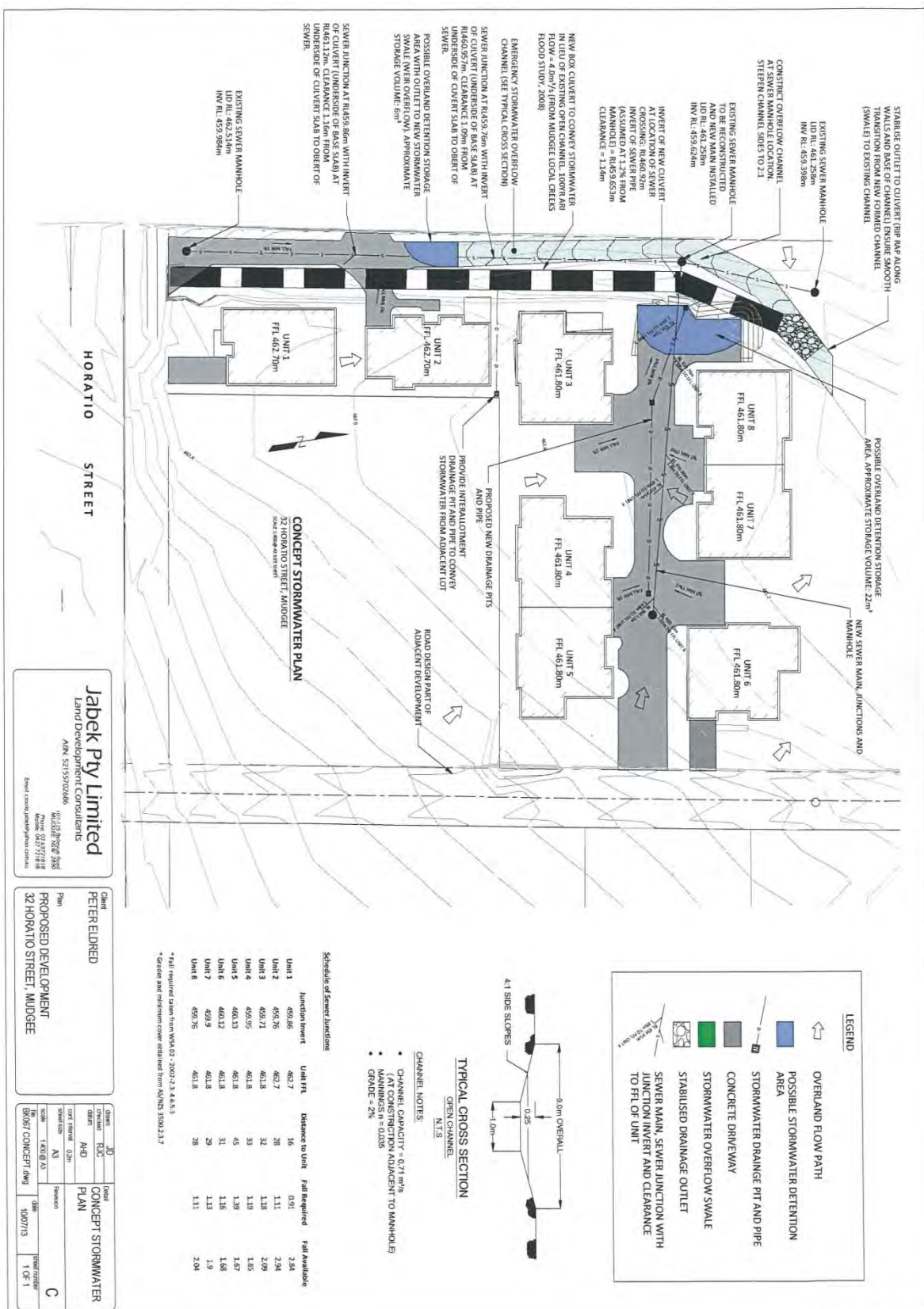













	 <b>Transport</b> Roads & Maritime Services
WST13/00147	

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

Dear Sir

**DA0168/2014: Lot 3 DP 618712; 32 Horatio Street, Mudgee;  
Multi Residential Development**

Thank you for your email on 2 December 2013 referring DA0168/2014 to Roads and Maritime Services for comment.

It is noted the proposed development includes construction of 8 residential units. 2 units will gain access from Horatio Street whilst the remaining 6 units will gain access from Denison Lane.

Roads and Maritime will not object to the development application and, under Section 138 of Roads Act 1993, grants concurrence to the proposal subject to the following conditions:

- Any redundant layback or part thereof shall be removed and restored to kerb and gutter which matches existing kerb and gutter;
- A Road Occupancy Licence shall be obtained from Roads and Maritime Services prior to any works commencing within three (3) metres of the travel lanes of Horatio Street. This can be obtained by contacting the Traffic Operations Manager on (02) 6861 1686. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence.

Denison Lane is an unsealed gravel road which appears to only be used by residents of adjoining residential properties. The proposed development will significantly increase traffic movements on Denison Lane and subsequently at the intersection of Horatio Street and Denison Lane. As a result, Council will require Denison Lane to be upgraded to a sealed standard with kerb and gutter. To further manage traffic generated by the proposed development and provide a high level of safety for motorists and pedestrians in the locale, the following recommendation is provided for Council's consideration:

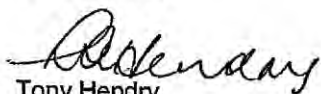
**Roads and Maritime Services**

51-55 Currajong St Parkes NSW 2870  
PO Box 334 Parkes NSW 2870  
[www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) | 13 22 13

- A layback in the kerb and gutter in Denison Lane (western side) shall be provided to service the residential property at Lot 2 DP 618712. The layback shall be located as far as practical from the intersection of Horatio Street and Denison Lane (minimum 6 metres from the front property boundary) and allow for a vehicle parked in the garage on Lot 2 DP 618712 to exit the property in a forward direction.

Please forward a copy of Council's determination of the development application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully



Tony Hendry  
Network & Safety Manager  
Western

4 DEC 2013

## 6.2.2 Development Application 0155/2014 - Proposed Demolition and Remediation Works and the Temporary Installation of a Concrete Crushing Plant at Lot 3 DP1187085 and lot 143 DP755789, Jamison Street, (Kandos Cement Works) Kandos

REPORT BY THE SENIOR TOWN PLANNER TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, DA0155/2014, P22268

### RECOMMENDATION

That:

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

### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Figure 2 Statement of Environmental Effects and the Application received by Council on 30 October 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

### DEMOLITION WORKS

2. The demolition is to be carried out in accordance with the Australian Standard 2601- 2001 Demolition of Structures, and WorkCover standards.
3. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
  - a) Demolition work is not to be undertaken until:
    - Council has been provided with a copy of the Asbestos Management Plan prepared by a suitable qualified occupational hygienist
    - Council has been provided with a copy of any required Hazardous Substance Management Plan;
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;

- b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
4. Any structure proposed to be demolished by explosives is to be decontaminated and a report certifying the removal of asbestos, lead paint and other contaminants is to be submitted to Council prior to the structures demolition.
5. Demolition/Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm

#### **WASTE DISPOSAL**

6. The demolition contractor shall contact Mid-Western Regional Council's Waste team a minimum of two weeks prior to the planned transportation of waste detailing the following:
- The nature and type of the asbestos contaminated materials proposed to be delivered
  - The anticipated number and time of arrival at the waste facility of trucks per day
  - The transportation requirements and truck decontamination requirements prior to leaving the site
7. If the total amount of asbestos contaminated material proposed to be disposed of at the Mudgee Waste Facility will exceed 350m<sup>3</sup> then the applicant or the demolition contractor is to contact the Business Manager Resources and Recreation to negotiate the further disposal of contaminated material prior to removing said material off site.
8. The applicant is to submit to Council a plan showing the location of the sub level areas filled and capped with the GPS details of each site where fill has been placed.
9. Any contaminated soil proposed to be disposed of at the Mudgee Waste Facility is to be decontaminated on site prior to removal to Council's Waste Facility. Council will not accept waste that is not classified as General Solid Waste
10. Council will not accept any recovered underground storage tanks at its waste facilities.
11. All contaminated material is to be disposed of to a licensed waste facility. Evidence of the disposal of material is to be submitted to Council.



12. Should the level of contaminated soil exceed the threshold under the Protection of the Environment Operations Act, an Environmental Protection License shall be obtained from the EPA.

#### GENERAL

12. The concrete crushing plant is to be removed from the site on the completion of the demolition works and the filling of the sub ground level voids.
13. The material to be used to fill the sub levels shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. All sub level areas proposed to be filled are to be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
14. The development site is to be managed for the entirety of work in the following manner:
- Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - Appropriate dust control measures;
  - Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

#### BUSHFIRE PREVENTION WORKS

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

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

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

## SECTION 94A CONTRIBUTION

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

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

## Executive summary

Development Application 0155/2014 was submitted by Cement Australia (Kandos) Pty Ltd for the demolition of parts of the Kandos Cement Works, removal of asbestos and the remediation of the site so that the site can be reused as an industrial estate.

The demolition will include the possible use of explosives to demolish some of the structures, recovery of ferrous material for resale, the crushing of the waste concrete to fill the sub level voids, the decontamination of one dam and removal of asbestos from the site. Remediation of the site as required is also proposed. A concrete crushing plant will be temporarily located on the subject site during the demolition work. The application proposes to dispose of asbestos and other non recyclable waste at Council's Mudgee Waste Facility.

The application was advertised, documents were available at Kandos library and no submissions were received.

The assessment of the application has identified noise, dust and traffic movement as areas for consideration. The principle issues can be addressed by hours of operation for the activities on site, dust suppression measures which were outlined in the Statement of Environmental Effects (SEE) and traffic movements are mainly via major roads and do not enter the village's residential areas.

The application is reported to council as the cost of the development exceeds Staff delegation.

## Detailed report

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

### 1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

The land is zoned IN 1 General Industrial pursuant to Mid-Western Regional Local Environmental Plan 2012.

### Objectives of zone

- **To provide a wide range of industrial and warehouse land uses.**
- **To encourage employment opportunities.**
- **To minimise any adverse effect of industry on other land uses.**
- **To support and protect industrial land for industrial uses.**



- ***To promote a safe and efficient network for the movement of heavy vehicles and to minimise the intrusion of heavy vehicles into nearby residential areas.***

As the construction of the cement works or similar structures would require consent, the demolition of the cement works requires consent under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

As the construction of an industrial complex is permitted only with consent in the zone, the demolition of an industrial complex is also permitted only with consent in the IN 1 General industrial zone.

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

Development Control Plan 2013 does not apply any controls to demolition work. The Industrial Development Standards also do not address the demolition of industrial buildings.

*c) Section 94 & 64 Contributions*

No Developer Contributions are payable on the demolition of structures as there is no increase in demand for services into the future generated by this development.

**2. IMPACT OF DEVELOPMENT**

*Context and setting*

The Kandos Cement Works closed in 2011 after operating on its current site since 1912. The site is located on the outskirts of Kandos and before its closure was a major employer in the village. The proposal for the temporary location of a concrete crushing plant on the site has potential to give rise to noise and dust complaints from its operation.

The development includes structures that are significant visual elements in the Kandos locality and the proposed demolition will be a major event. Although the structures have a significant historic and cultural importance for the town, the proposed demolition is supported as it allows for the future use of the site and transition of Kandos to meet the future.

The site has areas of contamination from asbestos however there is a register of the sites of asbestos. There is one contaminated dam on the site which is proposed to be emptied and rehabilitated.

The site has areas of vegetation which in some areas run up to the village including Campbell Street, Kandos.

*Access transport and traffic*

Access to the site is via a constructed sealed road used for access to the cement works when the plant was in operation. The main issue with the proposed traffic movements from the demolition site is the use of the Bylong Valley Way to access both the Mid-Western Council's Waste Facility at Hill End Road Mudgee, and Newcastle. The proposal is to transport by truck the recovered recyclable materials to Newcastle for resale. The recovered asbestos and material that cannot be used to fill the voids will be disposed of at the Mudgee Waste Facility. Council has not agreed to accept this waste at this time.

*Utilities*

Services to the site are proposed to be disconnected with the exception of some water and sewer lines required for fire fighting, dust suppression and facilities for workers on the site

### Heritage

The site is not listed as an Item of Environmental heritage under MWRLEP 2012 and the land is not in a conservation area. The site has value to the community through its history of employment. Some buildings will be retained on site for reuse however the landmark towers will be demolished.

### Water

The spray pond is to be emptied and decontaminated. Surface level will be restored so that the storm water drainage integrity is maintained following demolition and filling of voids. Contaminated water is to be retained on site and evaporated or disposed of to licensed facilities.

### Soils

A soil contamination report has been undertaken to identify areas of potential contamination. Further testing is proposed to confirm location, type and quantity of contamination and prepare a further report on management/disposal of waste.

Location of asbestos, other than fibro sheeting is to have its location mapped by GPS and then a remediation plan developed and implemented. Separate approval will be required to dispose of asbestos material at the Mudgee waste Facility

### Air and Microclimate

The SEE identifies the potential for dust generation from the demolition works, including blasting, filling of the sub-ground level voids and the stockpiling and removal of material. Water connections are being retained to provide for dust suppression and fire fighting.

### Waste

The development proposes that all recyclables be recovered and transported to a depot in Newcastle for sale. Asbestos and non re-useable materials are proposed to be sent to Council's Waste Facility at Hill End Road Mudgee.

Council's Business Manager Resources and Recreation has commented on the proposed development application for the demolition and advised that if the amounts of waste don't exceed the amounts stated in the SEE then there is capacity at the Mudgee Waste Facility to take the material.

The key issues with the waste is that the non asbestos waste complies with Council's pollution control licence for the waste facility, that is the waste coming from the demolition is certified as general solid waste. Any contaminated waste must be decontaminated prior to arrive at the Mudgee Waste Facility or disposed of at a suitably licensed facility.

In relation to the asbestos contaminated soil the preferred option is for the location of the pits to be identified, capped then mapped not disturbed or removed from the Cement works site. Also any soil contaminated by hydrocarbons from fuel storage tanks is either to be treated on site before disposal at Council's waste facility or removed to another licensed waste facility for disposal.

### Energy

The applicant proposes to recycle and reuse as much material as possible from the demolition. All metals including the reinforcing steel will be recovered from the waste with the concrete rubble to be crushed on site and reused to fill the below ground voids on site. The metal will be transported by road to Newcastle for resale and non recyclable waste and asbestos contaminated waste is proposed to be disposed of at the Mudgee Waste Facility Electrical supply is to be disconnected to the site prior to the commencement of demolition.

### Noise and Vibration

The site is to some extent isolated from the village of Kandos, however the operation of the concrete crushing plant will have noise impacts. Blasting to demolish certain structures will give

rise to noise and vibration and the local community must be advised prior to blasting occurring. Hours of operation on the demolition will be required to minimize the impacts of the demolition on the village. The concrete crushing plant is being temporarily located on the site and conditions will require the removal of the plant at the completion of the demolition and site remediation.

#### Natural Hazards

The site has some areas affected by Bushfire categories and has areas of vegetation scattered throughout the site. Advice from the Rural Fire Service recommends that the applicants be advised of the potential fire risk and methods to minimize the risk of fire starting from the demolition work.

#### Safety, security and crime prevention

The applicants are proposing a public safety management controls incorporating securing the site by ensuring fencing is intact and locking access gates when the site is not operating. Installation of signage relating to blasting activities, staff training, and ensuring that all vehicles are fitted with the required safety equipment.

Trucks transporting materials off site are to be well maintained, roadworthy and driven in a safe manner.

#### Economic impact in the locality

The demolition work may generate some short term employment in the locality. The remediated site is proposed to be redeveloped as an industrial estate providing opportunities for start up business and smaller scale industries to locate adjacent to the village of Kandos. The potential for employment will be of benefit to the local community.

#### Construction

The construction work proposed is the placing of the concrete crushing plant on site. The crushing plant is being located at the cement works site temporarily to provide the material to fill the sub-surface voids.

#### Cumulative impacts

There are no cumulative impacts from this proposal as the work is demolition and site remediation.

### 3. SUITABILITY OF SITE FOR DEVELOPMENT

#### Does the proposal fit in the locality

The cement works have been at Kandos in various forms since 1912. The development proposal is for the demolition of a range of buildings associated with the cement works and the remediation of the site.

The proposed future use of the site as an industrial estate will fit the locality being on the edge of Kandos and currently zoned IN 1 General Industrial.

#### Are the site attributes conducive to development

The site of the demolitions is located away from the residential area adjoining the site. Road access to the site is not through the village areas so that truck movements will have minimal impact on the local area. The demolition activities will have some impact on the adjoining land uses but the impacts can be mitigated by hours of operation, dust control, and advising the community of blasting activities.

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

#### Public Submissions

The application was notified to adjoining owners and advertised. Copies of the documents were available at Kandos library. No public submissions were received.

Submissions from public authorities

No submissions were received

5. *THE PUBLIC INTEREST*

Federal, State, and local government interests and community interests

There are no matters of federal state or local government interest in this application. The community interest is in the remediation and reuse of the site for employment creating uses.

6. *CONSULTATIONS*

The application was referred to the Business Manager Resources and Recreation for advice and recommended conditions for the disposal of the waste generated by the development, in particular the asbestos contaminated waste.

The application was also referred to the Manager Health and Building for comment. The Manager recommended conditions relating to the standards for the demolition of the buildings on the site

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.



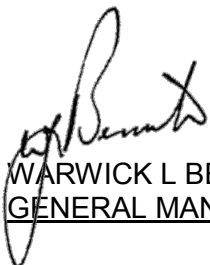
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

ELIZABETH STONEMAN  
SENIOR TOWN PLANNER

4 December 2013

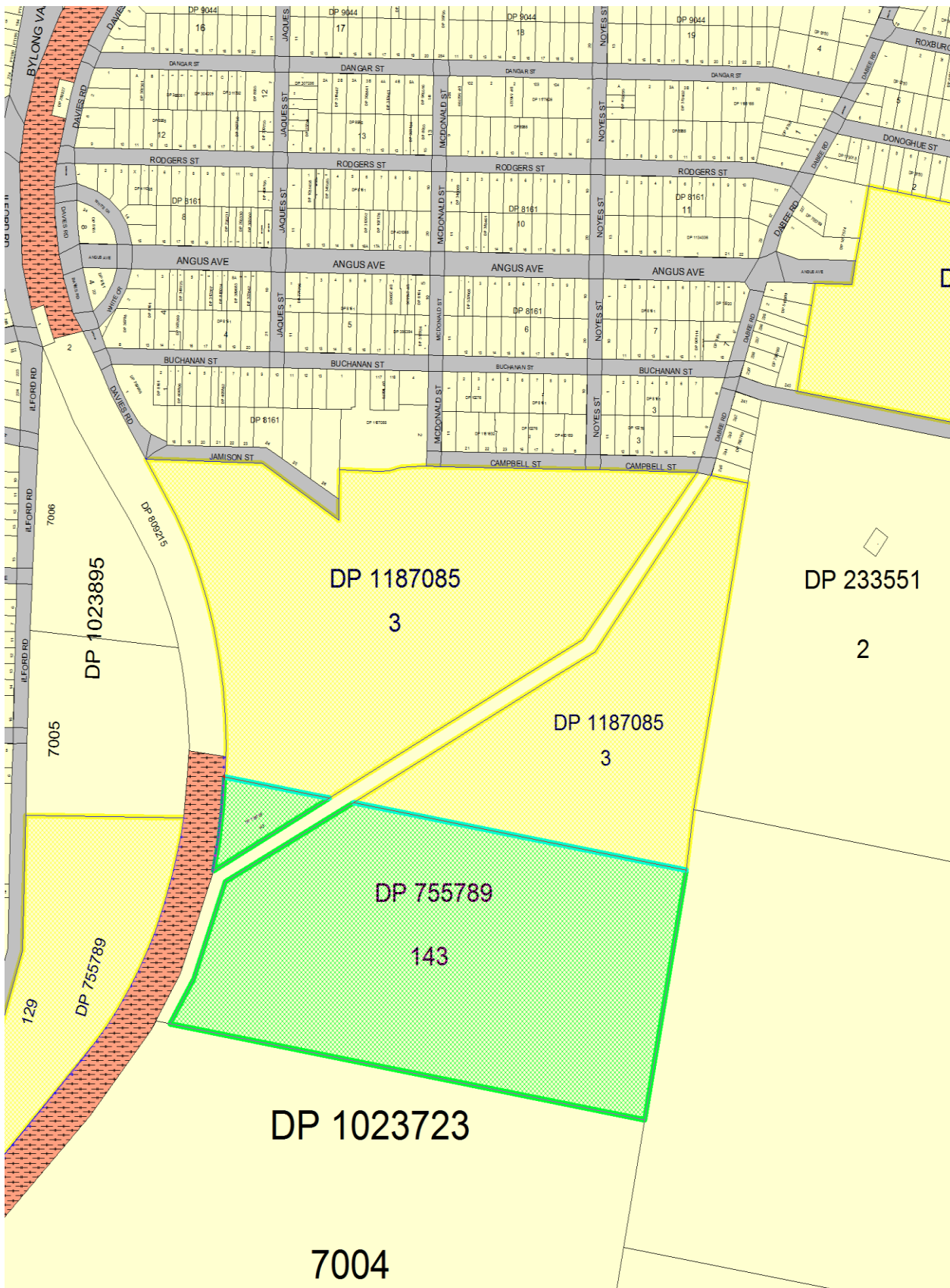
Attachments: 1. Location Plan  
2. Figure 2 Statement of Environmental Impacts  
3. Aerial of site

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1 LOCATION PLAN

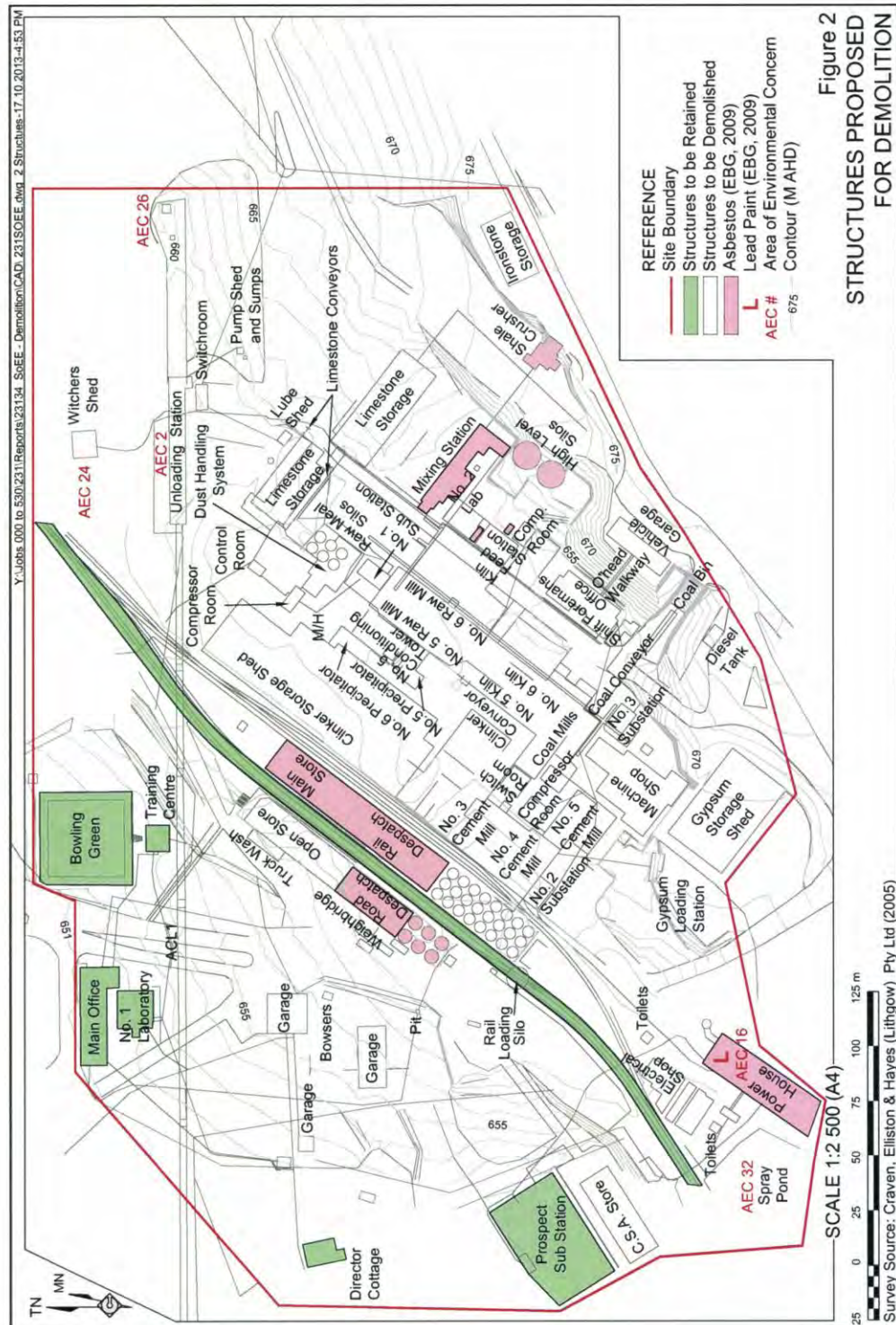




## ATTACHMENT 2 FIGURE 2 STATEMENT OF ENVIRONMENTAL EFFECTS

**CEMENT AUSTRALIA (KANDOS) PTY LTD**  
Kandos Cement Plant  
Report No. 231/34

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
Demolition of Buildings and Structures  
(Lot 3 DP1187085 & Lot 143 DP 755789)





## ATTACHMENT 3 AERIAL VIEW OF KANDOS CEMENT WORKS



Map Scale: 1:7,294



### 6.2.3 Council Submission to Western Region Joint Regional Planning Panel – Bylong Quarry – Lots 53, 55 And 66 DP 755420, Bylong Valley way, Bylong

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 18 DECEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0100056, P2049061

#### RECOMMENDATION

**That:**

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

#### Executive summary

Development Application 0330/2012 for a quarry (extractive industry) at Lots 53, 55 and 66 DP 755420, Bylong Valley Way, Bylong was lodged with Council on the 7 May 2012. Because the development is designated development and an extractive industry; the application will be determined by the Western Region Joint Regional Planning Panel (JRPP). The applicant is Mudgee Dolomite and Lime Pty Limited.

The purpose of this report is to advise that Council staff have no significant concerns with the development and therefore a submission is not required.

The application has take an extensive period of time to finalise because during the exhibition of the application and referral to the State Government agencies; the NSW Office of Water became aware of unauthorised activity in terms of the development carrying out works within a prescribed watercourse. Council were advised by the Office of Water to 'stop the clock' and the applicant was issued a Direction under the Water Management Act to provide further information and to address the non compliance issues. This letter was received by Council in June 2012.

The applicant provided further information to rectify these matters and address requirements of the Water Management Act in March 2013. This information was forwarded on to the State Government Agencies and further referrals were received. Council is still to receive a response from the NSW Office of Water and the matter has remained outstanding since the original request for information.

Council staff have decided to proceed with the application and try and address the matters raised by the Office of Water. The application includes a requirement that they obtain a Controlled Activity Approval from the NSW Office of Water.



## Detailed report

### JRPP PROCEDURES

The assessment report for the Development Application will be submitted to the JRPP on the 6 December 2013. In accordance with the JRPP Operational Procedures after the assessment report has been submitted to the JRPP it may be provided to Council to assist Council in formulating its submission. A copy of the report is attached to this business paper. The report recommends that the development application be approved.

The Council has 7 days before the JRPP meeting to make a submission. The Operational Procedures state:

*A Regional Panel will give consideration to a council submission in its determination of the application. A council submission, however, is not a matter that must be specifically addressed in the assessment report or recommendations prepared by council staff.*

*If Council makes a submission it may also register to address the Regional Panel to express its view before the Panel makes a determination on the application. Individual Councillors can also register to speak to the Panel at its meeting.*

### PROPOSED DEVELOPMENT

The Western Region Joint Regional Planning Panel has before it for determination an application for an extractive industry and concrete batching plant on a 66 hectare property that is 6 kilometres from the Village of Bylong. The development provides for;

- The extraction of up to 199,000 tonnes per annum (tpa) of basalt and sandstone from the site,
- Expected yield is considered to be 30,000 to 50,000 tpa of basalt and 2,000 tpa of sandstone,
- A small concrete batching plant with capacity of up to 30,000 tpa of ready-mix concrete.

### ASSESSMENT

Council's Planning and Development staff have finalised their assessment of the application and the proposal has been considered by a number of State Government Agencies including;

- Roads and Maritime Services
- Environment Protection Authority,
- Department of Primary Industries – Catchments and Lands
- Trade and Investment
- Office of Environment and Heritage
- NSW Office of Water

The major impact on Council infrastructure will come from the road haulage of trucks removing the material. This has been considered in the assessment by the Roads and Maritime Services and Council. Council will collect contributions at a rate of 0.95 cents per tonne for the life of the quarry. Contributions are to be paid monthly as required by the Section 94 Contributions Plan

The expected yield is to be around 50,000 tpa up to 199,000 tpa over the life of the quarry. It has been recommended that the quarry be limited to a 20 year life.

## Financial implications

Not applicable.

## Strategic or policy implications

Not applicable.

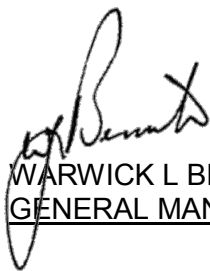


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

6 December 2013

*Attachments:* 1. JRPP Report (included at the end of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.4 Planning Proposal – Edgell Lane

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 4 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, A0100056, LAN900039

### RECOMMENDATION

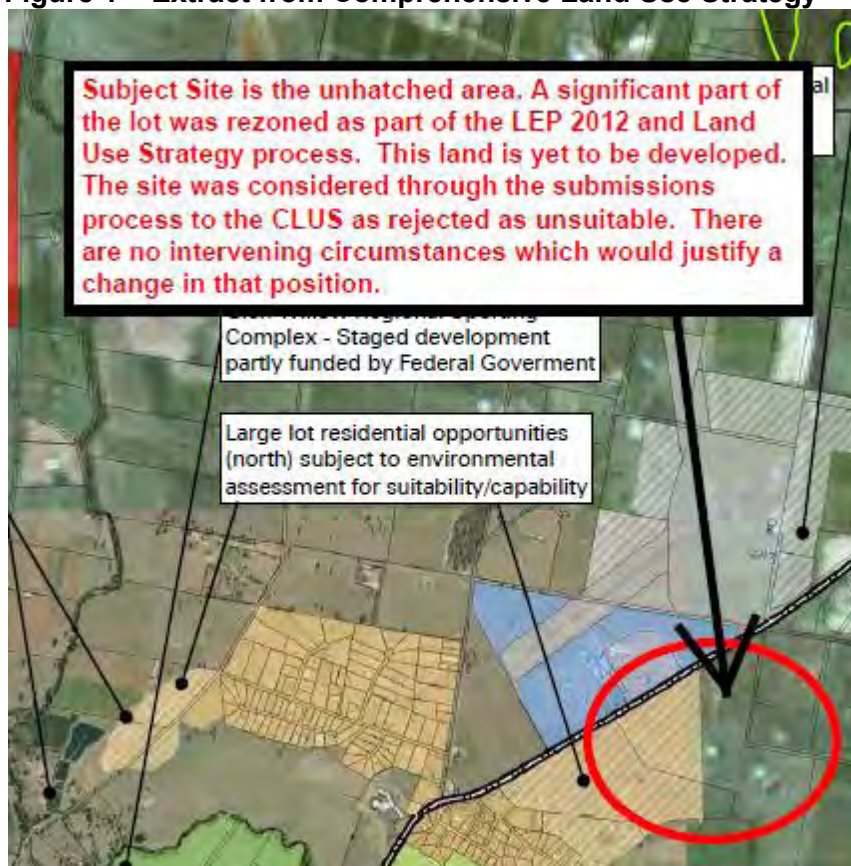
That:

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

### Executive summary

The purpose of this report is to allow Council to consider the preparation of an amending Local Environmental Plan (LEP) to rezone part of Lot 4 DP 1174282 from RU4 Primary Production Small Lots to R2 Low Density Residential and to amend the minimum lot size from 20 hectares to 4000 square metres.

Figure 1 – Extract from Comprehensive Land Use Strategy



The total area of land subject to rezoning is approximately 16.93ha. The estimated lot yield from this rezoning is not specified in the Planning Proposal.

The proposed zone for the subject area of land is inconsistent with the Comprehensive Land Use Strategy (CLUS). The mapped area is directly adjacent to undeveloped land that was re-zoned R2 Low Density Residential under LEP 2012 having been identified the Land Use Strategy as suitable for that purpose. The balance of the lot was purposely excluded from the land use strategy and it is that area which this proposal is seeking to have reconsidered. Despite the incompatibility of the area for urban development there is no evidence to justify the demand for additional R2 land in the short to medium term.

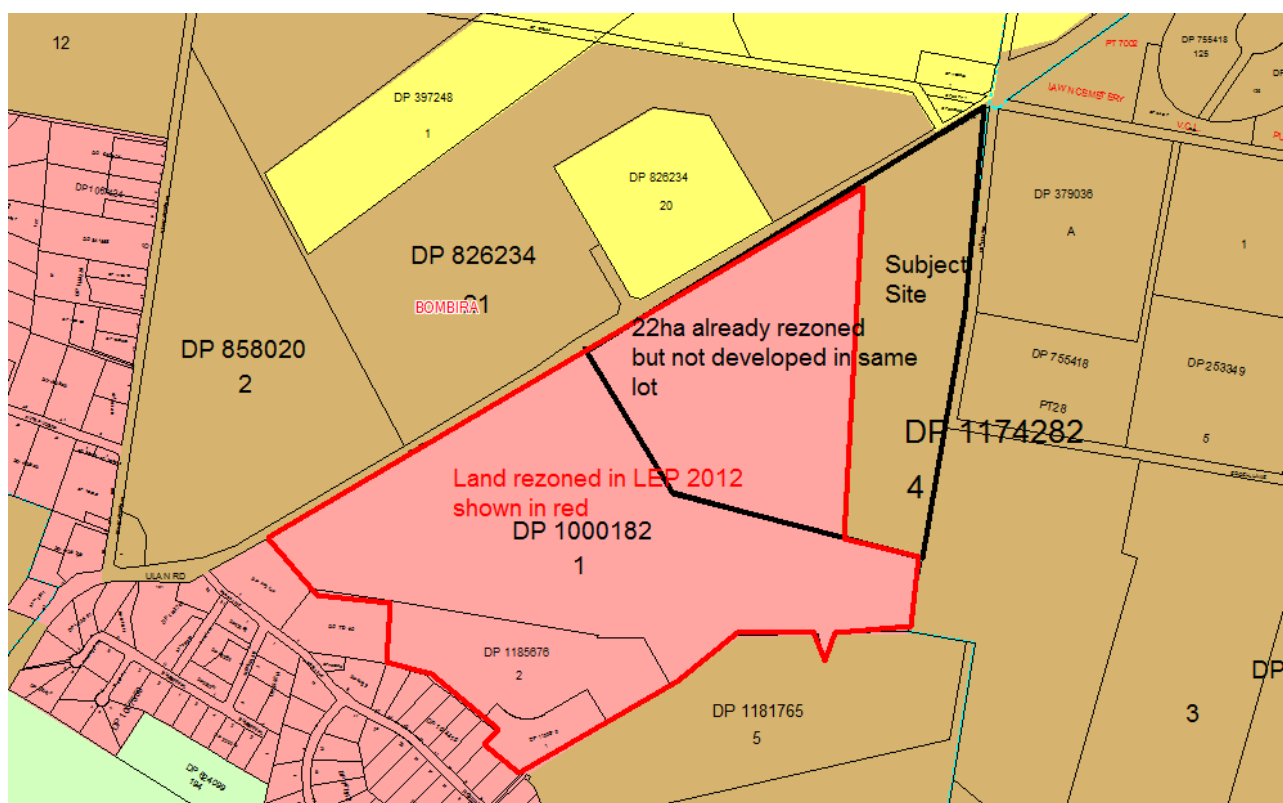
Despite the staff recommendation, should Council consider that the Planning Proposal has some merit it would be premature to support it ahead of both the Urban Release Strategy and review of the Mudgee Town Structure Plan currently being prepared. This is consistent with the approach taken previously with Planning Proposals at Spring Flat and the former Abattoir site.

## Detailed report

The subject area to be rezoned is a portion of lot 4 DP 1174282 and is located on the corner of Edgell Lane and Ulan Road approximately 1.7 kilometres north of Mudgee. The land is currently used for the purpose of viticulture.

Council adopted a Comprehensive Land Use Strategy (CLUS) which was endorsed by the Department of Planning and Infrastructure in August 2011. The CLUS identified land adjacent to the subject site as being suitable for future urban development, however the CLUS specifically excluded the subject area of land due to a number of factors which included protecting the potential expansion of activities in and around the airport.

**Figure 2 - SUBJECT SITE**



The land owner has made a number of representations to Council including submissions to both the CLUS and the Draft LEP 2012 seeking that the subject area be included the adjoining zone. There have been no intervening circumstances which would give rise to a change in the position of Council in relation to this site. Further, the proponent has failed to adequately justify the need for the

development having regard to supply and demand. There is sufficient land available in the immediate locality to adequately cater for any demand that may be generated for larger lots of this nature in the short to medium term. Indeed rezoned 75ha of land for this purpose including approximately 22ha being the balance of the land to which this proposal relates. Under these circumstances the proposal should not be supported without considering the review of the Mudgee Town Structure Plan and Urban Release Strategy.

### 1. OBJECTIVES OR INTENDED OUTCOMES

The applicant has provided the following statement which outlines the intended outcome of the PP:

*The planning proposal seeks to extend the R2 zone boundary from an arbitrary boundary within the land title (Lot 4 DP1174282) to align with Edgell Lane, Mudgee. This aims to facilitate development of future 'large lot residential' lots under the direction of a master planned development concept. The subject land forms part of a parcel, referred to as 'The Reserve' that has been subject to master planning and urban design processes with the aim of providing better community and development outcomes. The subject strip of land is required to achieve the development concept, not purely for greater lot yield, but to achieve the best transport linkages, and improves future pedestrian and cyclist linkages and provides a more integrated approach to community design and development by properly integrating otherwise limited and potentially sterilised agricultural land. The strip of land is not able to fulfil the objectives of the current RU4 Primary Production Small Lots as buffers required to residential land cannot practically be achieved within the vineyard (NSW Dept Primary Industries – Agriculture recommends a min 30m buffer for chemical spray drift).*

#### Comment:

Extending the R2 zoning is not the only way that an orderly future subdivision can be achieved. There is more than sufficient area available to achieve a suitable subdivision layout utilising the existing undeveloped R2 zoned area without further encroaching on the airport or compromising the opportunity for further development of airport related industries on land so zone surrounding the airport.

### 2. EXPLANATION OF PROVISIONS

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

### 3. JUSTIFICATION

#### a) Need for Planning Proposal

There does not appear to be any need for the rezoning of the subject area of land as there is already a significant area of undeveloped land zoned R2 Low Density Residential of land directly adjacent to the site which has not yet been the subject of any development application. This would indicate that the demand for such land is not significant enough to justify the rezoning of further land in this area.

Whilst it is acknowledged that the population of the shire is expected to grow to 26 100 by 2031 (DoPI Population Projections 2013), there is sufficient supply of residential land available in the short to medium term to cater for this expected future growth.

#### b) Relationship to strategic planning framework

The proposal is inconsistent with the CLUS which has been endorsed by the NSW Department of Planning & Infrastructure and adopted by Council. The applicant argues that the wording of the CLUS implies that the subject site is included in the strategy as the wording in Part 3.1.3 of the strategy refers to land at Edgell Lane. The town structure plan mapping, however, is designed as a visual interpretation of the strategies identified in the CLUS. As the site is excluded from the structure plan mapping it is clear that the site is not

intended to be part of future residential land supply options. The reference to Edgell Lane relates to the existing zoned R2 land adjacent to the subject site. Evidence in the submissions report to the Draft LEP dated 7 December 2011 and Council's subsequent rejection of the proposal at that stage further clarify this point. The site is not and has never been considered suitable for residential development.

The applicant has submitted a Noise Assessment Report to address the impact that aircraft noise may have on any future residential development. The report concluded that the major source of noise is from Ulan Road rather than aircraft noise and has recommended attenuation measures to address this issue. Noise from the current use of the airport appears to be within an acceptable level under the relevant criteria of the *NSW Industrial Noise Policy*. The report, however, does not address the impact that potential future development at the airport may have on the proposed residential zone. Approval of the Planning Proposal is therefore not recommended as it would have the potential to severely limit any future expansion of the airport and related activities. The airport represents a significant investment in infrastructure. Good planning would ensure that its longevity is protected by restricting land use in the immediate vicinity thereby reducing the potential for land use conflict.

The Obstacle Limitation Surface (OLS) has been addressed and is not considered to be an issue as the OLS at the nearest point of the subject site is approximately 13m above the natural ground level.

The site is not bush fire prone, flood prone or susceptible to soil instability or other natural hazards.

Water and sewer infrastructure is available to service the site.

c) *Environmental, social and economic impacts:*

The Planning Proposal identified an area of land located in the south-eastern corner of the site, crossing into the existing R2 zoned land, which contains the Endangered Ecological Community Yellow Box Grassy Woodland. This area has high biodiversity sensitivity and is mapped as such in the Mid-Western Regional Local Environmental Plan 2012. The area is more suited to an E3 Environmental Management zone than its current RU4 zoning. Therefore changing this area to a higher density of residential zone is not considered appropriate. The retention of this area is supported by the 'Assessment of Significance' submitted with the Planning Proposal which recommended the following principles be included in any future subdivision:

- *Building envelopes should be placed outside of the mapped area. These areas should include any infrastructure requirements;*
- *Any impacts upon the mapped area will require further threatened species impact assessment;*
- *Maximise the retention of mature canopy and habitat trees within the mapped area;*
- *Protect and enhance habitat for threatened flora and fauna;*

*Incorporate native species of local provenance within any vegetation plans.*



State and Commonwealth interests

State and Commonwealth interests have been taken into consideration by the applicant and are deemed to be adequately addressed. Further consultation with relevant agencies will be undertaken following Gateway Determination if the Planning Proposal is endorsed by Council.

**4. MAPPING**

The applicant has supplied the following mapping to support the Planning Proposal.

**Figure 3 - Proposed amendment to land zoning map**



**Figure 4 - Proposed amendment to lot size map**

**5. COMMUNITY CONSULTATION**

No community consultation has been and the Planning Proposal fails to address this issue, however, if the proposal were to be supported Council would require an amendment to the Planning Proposal to include a 28 day community consultation period along with consultation with relevant state and federal agencies.

## 6. PROJECT TIMELINE

No project timeline has been prepared as the planning proposal has not been recommended to proceed. This can be prepared and submitted at Gateway stage should Council support the proposal.

## Financial implications

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

## Strategic or policy implications

The proposal is inconsistent with the Comprehensive Land Use Strategy and approval of the Planning Proposal will undermine the validity of the CLUS. Further, Council is currently preparing an Urban Release Strategy and rezoning of additional land for residential purposes is premature.



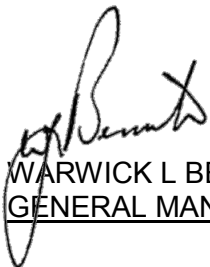
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

MARK LYNDON  
STATUTORY/STRATEGIC PLANNER

19 November 2013

*Attachments:* 1. Planning Proposal prepared by Minespex on behalf of Rick Turner (included at the end of the business paper)

## APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## 6.2.5 Draft Section 94 Plan – Open Space Amendment

REPORT BY THE MANAGER STRATEGIC PLANNING TO 18 DECEMBER 2013 COUNCIL MEETING  
Section 94 Plan  
GOV400029, A0420128

### RECOMMENDATION

**That:**

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

### Executive summary

Council currently operate a Section 94 Contributions Plan which enables a levy to be placed on development to assist in providing community facilities at the current standard. The current plan commenced on July 2006 and included in the Schedule of Works was an allocation of monies collected under the previous plans to specific projects.

The purpose of this report is to seek an amendment to the Schedule of Works as it relates to Open Space to both acknowledge projects that have been completed and set priorities for additional projects consistent with the framework of the plan.

### Detailed report

In preparing the Section 94 Plan Council carried over contributions from the previous plans for open space, however, in doing so failed to have regard for the outstanding monies committed through the development consents for subdivision already in the system.

The Open Space fund is divided into Local Open Space for Gulgong and Mudgee and District Open Space for all areas. The Schedule of Open Spaces is extracted as follows:

Open Space Facilities							
Local Parklands							
Lawson Park Mudgee	Mudgee Recreation and Cultural Strategy 20/10/2004	1	89,000	89,000			
Robertson Park Playground equipment Mudgee		4	100,000				
Neighbourhood Park Playground Equipment – Blackman Park		2	130,000				
Mudgee Neighbourhood Park Playground – Bellevue Hill		2	130,000				
Gulgong ANZAC Park Playground		3	83,853				
District Parks / Sportsgrounds							
Glen Willow Number One Stage 2 completed		1	500,000	477,282			
Stage 3			1,625,085				
Stage 4							
Total			2,122,939	566,282			

Council set the priorities for Local Open Space as above and have now completed all of the outstanding work utilising section 94 funds collected under both the old and new plans. Underestimating the outstanding funds has resulted in a need to allocate money collected which

totals over \$640,000 and is uncommitted and has to be spent on open space as well as provide a schedule of additional facilities that will be funded under the levies collected from 2013/14 until the end of the plan in 2021. It should be noted that the section 94 does not address the Caerleon development area and as such the contributions anticipated for new development will dwindle as that area comes on line. Therefore, while the schedule has been updated to include cycle ways consistent with the Recreation Strategy, this money may not be collected in full. This is an issue for the full Section 94 Plan review and a facility such as a cycleway which is flexible in terms of funding, that is you only build what you can afford based on the money collected, is a legitimate inclusion in the schedule.

The Section 94 Plan is developed around the principles of nexus, apportionment, reasonableness and accountability. These principles are outlined in the plan and reiterated as follows:

#### Nexus

Nexus is one of the key principles which underpin the developer contributions system along with reasonableness, apportionment and accountability. Nexus refers to the relationship between the proposed development and the demand for public facilities and services created by the development. A contribution levied must be for an increased demand for a public facility or service that is caused by the development. There are three aspects to nexus:

- Causal nexus – the proposed development creates a need or increases the demand for a particular public facility or service;
- Spatial or physical nexus – the proposed public facility or service will be located to serve the needs of those who created the demand for it;
- Temporal nexus – the proposed public facility or service will be provided within a reasonable time to benefit those who contributed towards it.

#### APPORTIONMENT

Apportionment is the “fairness” principle. It means that new development only pays the full cost of a service or facility if it can be shown that it exclusively causes the increased demand. Where the service or facility proposed will benefit both the existing and new population, the cost of provision of that service or facility is apportioned between the existing development being the Council’s contribution, and new development.

#### REASONABLENESS

The principle of reasonableness refers to whether the amount levied is a reasonable contribution from the point of view of the industry’s ability to pay and any economic development policies Council may have from time to time. All contributions in Council’s plan fully satisfy this principle.

#### ACCOUNTABILITY

The Council needs to be able to demonstrate that it is accountable for all contributions made under the provisions of section 94 and be transparent in the allocation of those funds in accordance with the Schedule of Works identified in the plan.

#### Proposed amendments to the Open Space Schedule

In order to determine the next priorities for local open space in both Mudgee and Gulgong staff concentrated on three factors being where development activity was occurring now, where development would be likely to occur in the next 5 years and the position of Council as expressed in both the Recreation Strategy and Development Control Plan that there should be a playground within 400m of a dwelling.

Having regard to these factors it is clear that there is a significant gap in the provision of open space in south Mudgee around Melton Road as well as in the last stages of Bellevue Estate. Further, it is acknowledged that while some money has been allocated to the upgrade of ANZAC

Park in Gulgong it was not all spent and reallocation to an Adventure Playground in the town would be consistent with the objectives of both the provision of local open space (in Gulgong) and district open space in the region.

These amendments will see the continuation of the provision of open space in the areas that are actually developing and in doing so satisfy both the nexus and accessibility principles.

One of the issues raised in the Recreation Strategy was the consideration of an Adventure Playground. This would meet the requirement as both local and district facility and fulfil a gap in Gulgong identified in the current allocation.

In terms of district open space currently, the Schedule of works is misleading in terms of the manner in which the "stages" of Glen Willow are represented. The plan refers to stages 3 and 4 when in fact these works are all part of Stage 1 with Stage 2 being the playing fields between the grandstand and netball courts and this has been amended. The cost of Stage 2 is estimated to be \$2M and include the playing fields, lighting, roadworks and amenities. The funds may be supplemented by a rationalisation of existing playing fields such as might be involved if rugby union were to relocate. Council will continue to levy a district open space contribution based on the demonstrated relationship between new development, population growth and provision of infrastructure. However, in addition to Glen Willow the development of an Adventure Playground while fulfilling a "local" open space requirement in Gulgong would also be considered a "district" facility and as such a proportion of the costs associated with the playground could be derived from the district open space fund. As the Section 94 Plan has under committed it is proposed to reallocate the \$83,583 from ANZAC Park in Gulgong as well as \$120,000 collected under old funds. The balance of \$880,000 will be identified in the Schedule of Works.

Having regard to the discussion outlined above, the schedule of works is proposed to be amended as follows:

Open Space Facilities		Priority			Existing uncommitted funds reallocated 2014	
Local Parklands						
Lawson Park Mudgee				89,000		completed
Robertson Park Playground equipment Mudgee				100,000		completed
Neighbourhood Park Playground Equipment – Blackman Park				130,000		completed
Mudgee Neighbourhood Park Playground – Bellevue Hill				130,000		completed
Gulgong ANZAC Park Playground				83,853		completed
Land acquisition South Mudgee		1		200,000	200,000	
Playground Development South Mudgee		2		200,000	200,000	
Playground Bellevue (Salinity reserve)		3		200,000	30,000	
Extension of Cycleway		4		300,000		
District Parks / Sportsgrounds						
Glen Willow Number One Stage 1 completed	Mudgee Recreation Strategy	1		500,000		Stage 1 completed
Stage 2				1,625,085		1
Adventure Playground				880,000	210,000*	1
Total				2,122,939	640,000	

Notes #640,000 available from combined new and old funds uncommitted

\* Funds reallocated from ANZAC Park 88,385(completed under capital works) and 120,000 collected under the old fund for Open Space

## Financial implications

Financial accountability is critical when it comes to the Section 94 Plan. Council is essentially holding this money in trust for the developers and new residents. In order to meet commitment in

terms of the timing of delivery of facilities Council needs to ensure that the Schedule of works is up to date and there is accountability to the development industry and community.

The amendments to the section 94 plan include budget allocations from the Section 94 Fund that can be considered as part of the 2014/15 budget process.

### Strategic or policy implications

Council continues to await a direction of the Department of Planning in terms of the future of Section 94 under the new legislation. In the mean time we have a responsibility to endure that the plan remains both valid and legitimate in its delivery of facilities to the community.

LIZ DENSLEY  
MANAGER STRATEGIC PLANNING

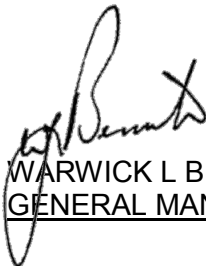


CATHERINE VAN LAEREN  
DIRECTOR DEVELOPMENT AND  
COMMUNITY SERVICES

6 December 2013

*Attachments:* 1. Draft Section 94 Plan (included at the end of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.6 Crudine Ridge Wind Farm – Preferred Project Report

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 18 DECEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0420255

### RECOMMENDATION

#### That:

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

### Executive summary

The Preferred Project Report for the Crudine Ridge Wind Farm was placed on exhibition from the 29 November 2013 to the 20 December 2013. The purposed of this report is to present a submission on the project for Council's consideration.

### Detailed report

#### BACKGROUND

The Crudine Ridge Windfarm consists of approximately e 106 towers and is generally located in the Pyramul area. The EIS was prepared and has been exhibited with the original preferred transport route being along Hill End and Pyramul Road.

The Project is being assessed as a Part 3A Major Project under the NSW Environmental Planning and Assessment Act 1979 and the consent authority is the Minister for Planning and Infrastructure. Part 3A was repealed on the 1 October 2011 and the Project is now subject to the transitional provisions identified in Schedule 6A of the Act.

The Project was publicly announced in March 2011, at the commencement of detailed feasibility studies. The Environmental Assessment was submitted to the NSW Department of Planning and Infrastructure (DoPI), and placed on public exhibition from the 12<sup>th</sup> December 2012 to the 19<sup>th</sup> March 2013.

Mid-Western Regional Council made a detailed submission dated March 2013, in response to the EA.

On Thursday 11 July 2013, staff met with representatives of the Crudine Ridge Wind Farm and were presented with a further transportation report which outlined two new routes which passed through the town of Mudgee for the transportation of wind farm components.

A report was prepared and included in the Council Business paper for the meeting of the 24 July 2013 in response to the proposed new routes and the proponents *Response to Submissions* report.

A further report was prepared on the PPR for the Council meeting on the 21 August 2013 but was withdrawn. Upon representations from the proponent the Department of Planning and Infrastructure granted an extension for the Council submission until the 18 October 2013 to allow further negotiations between the proponent and Council regarding the transportation route.

The Mayor and staff met with the proponent on the 24 September 2013. At that meeting the proponent tabled an additional traffic route through Mudgee to the two previously proposed in the meeting on 11 July 2013.

On the 8 October the General Manager sent a letter to each resident on the identified routes to highlight the proposed changes to the transport routes. Council received 212 objections to the proposed new routes. Copies of the objections have been tabled for Council's information with a copy to be attached to Council's submission.

A further report considering all the proposed routes was considered by Council on the 16 October 2013 where Council resolved:

**That:**

- 1. the report by the General Manager on the Crudine Ridge Wind Farm be received;**
- 2. Council strongly requests that the Department of Planning & Infrastructure place the application for the Crudine Ridge Wind Farm back on public exhibition for a further 60 days, because the proposed transportation routes are significantly different from the previously exhibited environmental assessment, and thus the effect on the community is much wider than previously envisaged;**
- 3. Council strongly opposes the transportation of oversized and overweight loads for the Crudine Ridge Wind Farm to travel through the residential areas of Gulgong and Mudgee;**
- 4. Council strongly opposes the transportation of oversized and overweight loads for the Crudine Ridge Wind Farm on Ulan Road as the current traffic volumes on Ulan Road are very high and such oversized and overweight vehicles will cause disruption and compromise safety beyond what is considered reasonable;**
- 5. Council requires the Crudine Ridge Wind Farm proponents to maintain the position that they must use the Hill End, Windeyer and Pyramul Roads and upgrade those roads as per the Council submission dated March 2013; Council would accept the proposed route for travel on the edge of the Gulgong township, with travel on appropriate roads;**
- 6. If Aarons Pass Road from the Castlereagh Highway intersection to the project site entrance (distance 19.2 kilometres) is to be used for the transportation of oversized and overweight loads then the road to be upgraded at the proponents costs to the following standards.**

<i><b>Traffic Lanes (sealed)</b></i>	<i><b>2 x 3.5 metres</b></i>
<i><b>Shoulder (sealed)</b></i>	<i><b>2 x 0.5 metres</b></i>
<i><b>Shoulder (unsealed)</b></i>	<i><b>2 x 1.0 metres</b></i>
<i><b>TOTAL CARRIAGEWAY</b></i>	<i><b>10.0 metres</b></i>

The formal submission was made to the Department of Planning and Infrastructure on the 18 October 2013.

Council received formal advise that the Preferred Project Report (PPR) would be exhibited on the 27 November 2013 with the exhibition closing on 20 December 2013.

## PREFERRED PROJECT REPORT

### SUBMISSIONS

The DoPI received a total of 126 submissions during the public exhibition period. The table below provides an analysis of the submissions received.

**Table 1.** Submissions received for the Project.

Type	Position	Number
Public	Support	7
	Comment	7
	Objection	33
	Objection (Form)	24
	Objection (Form+)	40
Agency		14
Total		125

## TRAFFIC IMPACTS

### Nature of Traffic

The PPR states that traffic involved in the construction of the Project will be using the road network over a period of approximately 18 months to 2 years. During this period, several tasks would generate traffic including construction material delivery, construction staff transport and wind turbine component deliveries.

The PPR states that construction traffic will generally consist of:

- *Articulated semi – trailers (over dimensional and regular trailer sizes), heavy duty low loaders, dolly/jinker arrangements and a variety of high power prime movers – for transporting initial establishment equipment, materials and turbine components;*
- *Additional SHV loads consisting of concrete, steel reinforcement, base tower ring sections, road stone and other construction materials being delivered to the site;*
- *Tipper trucks – to bring stone for the access tracks and to remove soil;*
- *Bulldozers – for roads works on site; Concrete agitators – to transport concrete from the concrete batching plant for use on-site;*
- *Cranes – one small crane (up to 10 tonnes) for assembly of wind turbines on the ground and a larger mobile crane (up to 600 – 1000 tonne, or alternatively a 300 – 400 tonne crawler crane) for the erection of the wind turbine; and*
- *Conventional 4WD vehicles and sedans – use by on-site personnel.*

#### 6.4.1 Wind turbine component delivery and over – dimensional vehicle types

A typical wind turbine will comprise the following the following components and involve escorted over-dimensional vehicle haulage to the Project site:

- *Three blades comprising over-length loads;*
- *Three or five tower sections comprising over-size / over-mass loads;*
- *One nacelle and generator comprising up to two over-size / over-mass loads;*
- *One rotor hub, typically comprising one over-size / over-mass load.*



*Additional over-dimensional loads will include the 600 – 1, 00 tonne crane (approximately 135 tonnes, transported in up to four sections) and transformers (approximately 90 tonnes).*

**Over-length vehicles:** *Vehicles transporting wind turbine blades. Due to the nature of the transport routes proposed, two categories of over length vehicles approximately up to 50 m in length and over-length vehicles approximately greater than 50 m in length (see table 13). Over-length vehicles may have similar dimensions to over-sized vehicles, but would carry blades up to 63 m in length. Over-length vehicles typically use dolly or jinker arrangements that allow for rear axle steering providing for negotiation of relatively small radius curves, and avoiding wheel drag, provided that the inside of the curve is clear of obstacles.*

**Over-sized vehicles-** *Over-sized vehicles are those over 19 m in length, 2.5 m in width and / or 4.3 m in height. Vehicles with a gross mass up to 42.5 tonnes are also defined as over-size. Over-size vehicles typically use dolly or jinker arrangements that allow for the rear axle steering providing for negotiation of relatively small radius curves, and avoiding wheel drag, provided that the inside of the curve is clear of obstacles.*

**Over-massed vehicles -** *Vehicles transporting wind turbines components, including tower sections, nacelle, generator and rotor hub components and ancillary components above standard road haulage weights and dimension. Vehicles with a gross mass greater than 42.5 tonnes are defined as over-mass. Over-mass loads will be carried on trailers, or combination of trailers, with sufficient axles groups to ensure compliance with point load and overall load limits for the road surface....*

**Over-dimensional vehicles** – *Collective term to describe all of the above classifications.*

*A number of routes have been evaluated for deliveries requiring the use of over-dimensional vehicles...These routes have been developed in response to feedback from relevant road authorities and the local community, technical assessments have been undertaken to ensure impacts are minimised. Final traffic volumes and routes will be determined prior to construction between the Proponent, haulage contractor and road authorities and any required road modifications or upgrades undertaken prior to the relevant stage of construction.*

#### **Proposed Traffic Routes**

Several proposed preferred over-dimensional transport routes have been identified in the PPR. The preferred transport route extends from Newcastle to the northern site success point, passing through Mudgee urban area and utilising Aarons Pass Road. An additional alternative route through Mudgee urban area is proposed for over length vehicles only.

Route through Gulgong is described as Castlereagh Highway onto Goolma Road, continue onto Guntawang Road and return back onto the Castlereagh highway at the Gooree intersection.

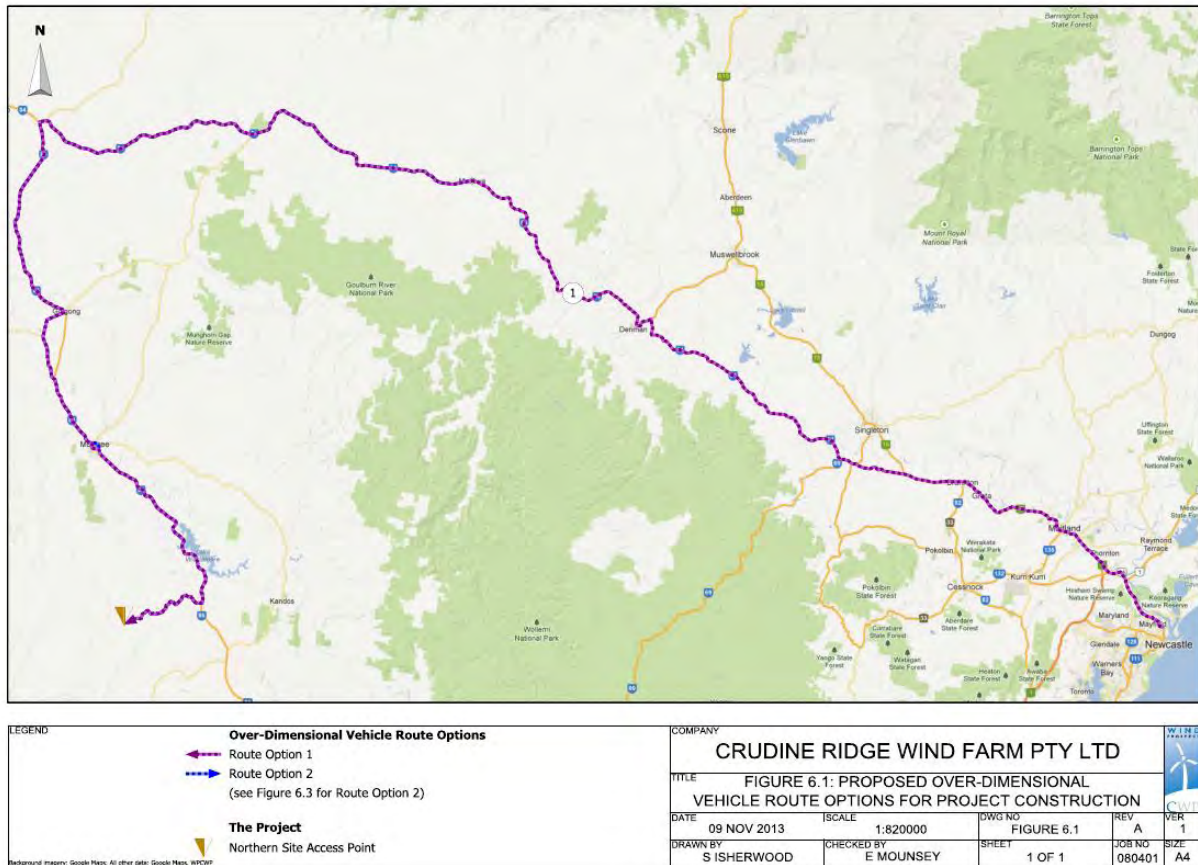


Figure – Proposed over-dimensional vehicle route options for Project construction.

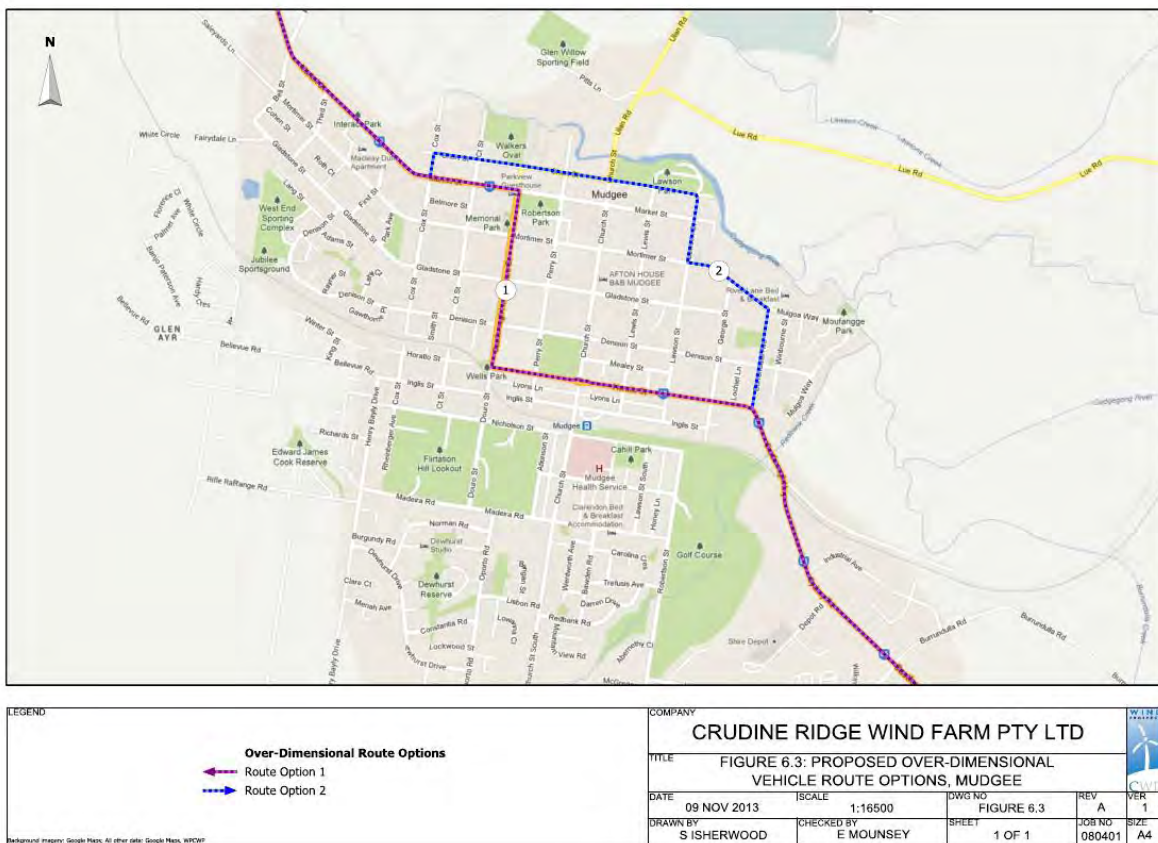


Figure – Proposed over-dimensional vehicle route options – Mudgee

The Proponent's two options that utilise urban routes through Mudgee are of great concern. The Proponent has purported that over-length vehicles travelling through Mudgee will take 1 minute to negotiate intersections and 15 minutes to traverse the urban area. The claim that it will take only 1 minute to negotiate an intersection with vehicles in excess of 65m length is one that is rejected as fanciful. Council staff have witnessed an over length vehicle navigate the Short St intersection with Douro St; a vehicle movement which took up to 20 minutes to perform. For this reason, it is Council's view that the claim that this movement will only take 1 minute is unrealistic. Council engineers have analysed queues using real traffic counts with results indicating that delays to the community quickly escalate to prohibitive levels if the manoeuvre exceeds 5 minutes.

The proponent's figures that claim that it will only take 15 minutes to traverse Mudgee by over-length vehicles are inconceivable. It takes a small car 8 minutes to traverse the 6km route outlined as Option 2 whilst travelling at the speed limit. The Proponent outlined in its meeting with MWRC in September 2013 that the trucks will travel at around 30km/hr. This means that trucks will take an additional 5 mins over the car for straight line travel and adding 1 minute for each of the 5 intersection. Then, at best using the Proponent's claim, the minimum travel through Mudgee would be 18 mins. This simple summation does not take into account slower acceleration rates of trucks over those of a car nor unforeseen obstacles.

Moreover, s6.4.5 of the PPR discusses the use of convoys in two or more over-length vehicles. This then adds 5 minutes/vehicle as there are 5 intersections at 1 min/veh/intersection. Using the Proponent's claimed timelines it would take a minimum of 23 minutes for one passage through town with two trucks. Even using the proponents best guess Council from experience can categorically state that it will take considerably longer to transport such large loads through a residential area.

This quite obviously escalates with each additional truck in the convoy. The uncertainty of time for over-length vehicles to negotiate intersections prompted MWRC staff at the September meeting to ask what level of compensation the community can expect if the Proponent's claims are wrong. The Proponent did not offer any form of restitution.

During the September meeting it was also pointed out that an over-length truck approaching Mudgee at 30km/hr would have a bank of cars backed up behind the vehicle. Upon reaching the intersection with Cox St. and turning off, this queue would be released into Mudgee. It is noted that the PPR has not addressed this issue.

In regards to road upgrades within Mudgee, the PPR states in several sections that its contractor Downer EDI has assessed the pavement to be adequate. No basis for this assessment or how this conclusion was drawn is provided. The Downer report relies on axle loads of between 6.5-8.5 tonnes as being acceptable for the over-length loads. However, loading is only one factor in relation to pavement durability with fatigue being the other. When asked at the September meeting if Downer had considered this, the Downer representative acknowledged that their assessment had not. It was pointed out that the pavements along Short St and parts of Burrundulla Avenue were already showing signs of distress. Neither area is addressed in the PPR so it is assumed that the Proponent will rely on dilapidation reports for any upgrades.

Pavement damage is very relevant in terms of the smaller trucks. The discussion of axle loads has been largely centred on the over-mass vehicles distributing the weight through more wheels to the pavement. However, the sheer number of concrete trucks, water carts and deliveries of sand, steel and gravel required by this project will be detrimental for the pavement of local roads. This is because loads on trucks with smaller axle configurations (e.g. bogie drive concrete trucks) contribute exponentially to equivalent standard axles (ESAs), an important factor in the design of any road. Any project that requires an increase trucks configured as such is reducing the life of the

pavement through increased ESAs. The diffuse nature of where materials will be sourced makes it difficult to predict what local roads will be most affected.

No information has been provided on the criteria the Proponent will use for dilapidation assessment. It would be appropriate for an independent and technically based assessment that utilises characteristics such as beam deflection, roughness counts and surface cracking. Moreover, there is no detail provided as to how the Proponent proposes to separate dilapidation attributed to normal wear and tear and that relating to the project.

It is clear that the Proponent's preferred route through Mudgee is financially motivated. At the September meeting MWRC representatives provided an amended scope for the Hill End Rd/Windeyer/Pyramul route. This scope (see attached) was substantially downgraded from that originally discussed in an attempt to provide the Proponent with a more feasible option. However, the Proponent was not amenable to this proposal, preferring to push forward with the urban route whilst acknowledging there will be impacts on the community.

The reliance on dilapidation reports for upgrades is indicative of a reactive approach to improvements rather than a proactive approach. This is symptomatic of a developer with a view to contribute the bare minimum. At this stage, no satisfactory upgrades have been identified. **This is a determinative issue. Council is not willing to enter into another Ulan Road Strategy. The upgrades required need to be clearly identified and approved by Council prior to any approval being granted.**

MWRC reiterates that the Hill End Rd/Windeyer/Pyramul route is the only acceptable route to this community subject to the upgrade as per the scope of works attached to Council's submission. If NSW Department of Planning and Infrastructure is of a view to approve the urban routes through Mudgee, then MWRC requires a road safety audit in the affected urban areas and pavement investigation report prior to approval being given.

Further, Council is firmly of the view that Aarons Pass Road should be sealed to mitigate dust, limit the waste of water and improve motorist safety in the area to the following standards:

<b>Traffic Lanes (sealed)</b>	<b>2 x 3.5 metres</b>
<i>Shoulder (sealed)</i>	<i>2 x 0.5 metres</i>
<i>Shoulder (unsealed)</i>	<i>2 x 1.0 metres</i>
<b>TOTAL CARRIAGEWAY</b>	<b>10.0 metres</b>

The proponent should bear the full costs of these measures.

## Revised Statement of Commitments

### Commitment 009

*If Wind Turbine Generator (WTG) noise impacts are non-compliant with stated criteria used for the assessment due to temperature inversion, atmospheric stability or other reasons, then an 'adaptive management' approach can be implemented to mitigate or remove the impact. This process could include:*

- *Investigating the nature of the reported impact;*
- *Identifying exactly what conditions or times lead to undue impacts;*
- *Consideration of operating WTGs in a reduced 'noise optimised'*
- *mode during offending wind directions and at night-time (sector*
- *management);*
- *Providing acoustic upgrades (glazing, façade, masking noise etc) to*
- *affected dwellings; and*

- *Turing off WTGs that are identified as causing the undue impact.*

Council considers that should the turbines not comply with the required noise standard that they should be decommissioned and removed rather than simply by turned off. To leave in place non functioning turbines would result in the impacts of the tower continuing without any benefits.

**Commitment 010**

*Where practicable, construction is to occur within recommended working hours. Wind turbines erections and concrete pours to be permitted outside of these set hours where climatic conditions are favourable to ensure construction program is maintained. (Protocol to be provided within Construction Environmental Management Plan )*

This is not considered an acceptable condition as it provides carte blanche to the proponent for construction. Having regard to the low background noise levels the ability for the proponent to extend construction periods to met their own construction timetable will have an unacceptable impact on the surrounding residents. As with all other developers it is considered that the proponent should be required to strictly adhere to the construction hours.

**Commitment 011**

*Prior notification of affected public and restricted use of exhaust / engine brakes in built up areas for night-time deliveries. (Protocol to be provided within CEMP sub-plan).*

Council strongly opposes night time delivery through the built up areas of Mudgee and Gulgong due to the potential and significant noise impacts on the residents of this community. As the Aarons Pass route has the potential to pass a significant number of homes it is considered that night time deliveries will have an acceptable visual (flashing lights etc) and acoustic impact on a significant number of residents.

**Commitment 012**

*If selected substation locations are non-compliant with the NSW Industrial Noise Policy, mitigation measures would be applied as appropriate, including;*

- *The use of transformer(s) with a lower sound power level output;*
- *Landscaping, including raised embankments and vegetation, around the substation; and*
- *Providing acoustic upgrades (glazing, façade, masking noise etc) to affected dwellings.*

Council considers that should the substation fail to meet noise criteria and mitigating measures cannot be introduced than the substation should be relocated. Council believes that this is a reasonable requirement as mitigating measures should not be imposed on an affected residence if the owner does not like the nature of the attenuation measures. The onus should remain on the proponent to comply rather than placing an onus on a resident to accept noise impact or acoustic upgrades.

**Commitment 013**

*Spread of Weeds*

*Development of a CEMP sub-plan, which provides:*

- *Soil which may contain exotic species to be piled at least 50 m from any water source, or areas of native vegetation;*
- *All construction staff and sub-contractors educated on noxious weeds present at the Project site and ways to prevent spread;*
- *Where a specific weed risk has been identified, all machinery, equipment and vehicles are to be washed down before entry and egress of the Project site;*



- *Where practicable, topsoil that is limited in weeds to be harvested to salvage the native soil seed bank and reintroduced into disturbed areas. Otherwise, revegetate with locally native endemic species characteristic of the cleared vegetation type;*
- *Control of perennial weed grasses within the disturbance zone for 3 to 5 years after construction;*
- *Where practicable, and in consultation with host landowners, manage stock access during periods of revegetation; and*
- *Imported soil and rubble to be certified as free of weeds and weed seeds.*

Council considers that weed control should be required for the life of the project not restricted to 3 to 5 years.

#### **Commitment 022**

*Development of a CEMP sub-plan, to include, but not be limited to:*

- *Scheduling of deliveries, timing of transport, limiting the number of trips per day, and reducing traffic during school bus route hours, i.e 7.00 to 9.00 am and 3.00 to 4.30 pm;*
- *Undertaking community consultation before and during all haulage activities and providing a dedicated telephone contact list to enable any issues to be rapidly identified and addressed;*
- *Letterbox drop along affected routes;*
- *Minimise disruption to local vehicles by ensuring average and maximum wait times due to Project related traffic along local roads are kept to a minimum (typically an average maximum of 3 minutes wait time);*
- *Managing the haulage process, including temporary, short term road closures, the erection of warning signs and / or advisory speed signs posted in advance of isolated curves, crests, narrow bridges and changes of road conditions;*
- *Placing of speed limits on all roads that would be used primarily by construction traffic to reduce the likelihood of any accidents and reduce maintenance costs;*
- *Designing and implementing temporary modifications to intersections and roadside furniture as appropriate;*
- *Producing a Transport Code of Conduct which would be made available to all contractors and staff detailing traffic routes, behavioural requirements and speed limits;*
- *Establishing procedures to monitor traffic impacts on public and internal access tracks during construction, including noise, dust nuisance and travel times, and to implement modified work methods to reduce such impacts where practicable;*
- *Reinstating pre-existing conditions after temporary modifications to the roads and pavements along the route, where applicable, in consultation with relevant authorities; and*
- *Where reconstruction or provision of a temporary crossing is required over a creek or drainage structure, the design of this structure will be discussed with the relevant authority.*

The proposed transport routes impact significantly on Council roads which are a community asset. Council considers that any CEMP should require Council approval. Council considers that consultation is inadequate considering it will impact on a Council owned asset. Council analysis indicates that road closures will exceed 3 minute wait times if Aaron Pass Road route is used.

#### **Former Commitment 028**

*Mid-Western Regional Council have requested a level of involvement in undertaking any required upgrade works on Council maintained roads and bridges, or as a minimum works are to be carried out in conjunction with Council in a supervisory role to Council specifications.*

*During the Detail Design and Contract Development stage of Project establishment the Proponent will seek competitive tenders for both the supply of wind turbines and balance of plant (civil and electrical) works. The Proponent will consider MWRC's requests during Detail Design and Contract*

*Development. Notwithstanding this, MWRC may bid for any aspect of the balance of plant works for the Project.*

It is noted that this commitment has now been removed by the proponent. It is considered that a condition of any approval for the project should include that only MWRC will be undertaken work on MWRC roads. It is noted in the PPR that the proponent refers to RMS practice. The roads in question are a Council asset and Council will not allow work to be undertaken on these assets by external contractors. This commitment was considered inadequate and Council requests the DoPI to impose a condition of approval that recognises that Council has the right to control works being undertaken on its roads and all works will be undertaken by Council or sub-contractors directly under the control of Council.

#### **Commitment 088**

*A contribution of \$1,250 per installed mega watt (MW) annually into Community Fund as each stage of the Project commences commercial operation. This fund will be established in close cooperation with Mid- Western Regional and Bathurst Regional Councils with decisions on funds are to be allocated determined by a committee made up of representatives from the local community, Council and the Proponent. The CCC may provide this forum.*

#### **Voluntary Planning Agreement**

Council made it very clear in its submission dated 7 March 2013 that when requesting a Voluntary Planning Agreement for the Crudine Ridge Wind Farm the comparison be drawn to other wind farms in the state and their VPAs with the host council. As stated in our submission of 7 March, a neighbouring council set the benchmark for the quantum of dollars for a wind farm. The amount that was received was \$80,000 for 33 towers and thus Council has extrapolated that for this region to \$257,000 based on the 106 wind turbines proposed in this application. It is inappropriate therefore, to compare this VPA with a coal mine application. We must compare this application with other wind farm agreements. The offer of the proponent at \$7,395 per annum is at best, extremely inadequate. Council seeks that the Voluntary Planning Agreement be included as a condition of consent at \$257,000 per annum increased by CPI annually for the 25 year consent period.

The Council also stands by its request in the original submission that a road maintenance fee also be included in the VPA at \$12,000 per kilometre, per annum, being a roads contribution fee of \$636,000 for the 53 kilometres of local road being used. This is noting that Council requires the proponent to continue to use the Hill End Road, Windeyer and Pyramul Roads, and opposes the proponent's change in preferred route coming through the Mudgee and Gulgong townships and/or the use of Ulan Road.

In conclusion, there are very few benefits to Mid-Western Regional Council in hosting the Crudine Ridge Wind Farm. The project will only have short term employment increases during construction and will not lead to any significant increase permanent residents and therefore no significant increase in rates to offset the costs. There will undoubtedly be a significant impact on the regions roads and an adverse impact on the quality of life of residents located close to the towers and those living and using the urban road network. The proponent has selected routes based its own economic return with little regard to the ratepayers of the region. Whilst the proponent claims that it will cover the cost of necessary road upgrades these are yet to be identified and approved by Council. There are no upgrades that will sufficiently ameliorate the impact on the urban road network in terms of delays to traffic movements. The level of community opposition is demonstrated by the 212 objections received to the transports routes, a copy of which is attached to this submission. Council is not satisfied that sufficient investigation has been undertaken on the impact on the immediate operation of the road network, the adverse impact on the life of the roads which are a Council asset nor identified upgrades that are approved by Council. **Council**

**considers these to be determinative issues and objects to the project in the strongest terms.**

### Financial implications

Should the proponent not meet their obligation in relation to road infrastructure then Mid-Western Regional Council could face the cost of restoring and repairing roads.

### Strategic or policy implications

Not applicable.



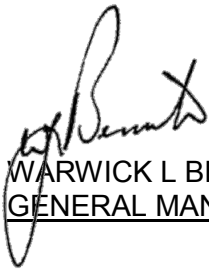
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

5 December 2013

*Attachments:*

1. Extract from the PPR Response to the Mid-Western Council submission (at the end of the business paper)
2. Draft Submission Objecting to the Project

### APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

ATTACHMENT 2



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MUDGEE NSW 2850

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109 Herbert Street GULGONG  
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CVL:A0420255

19 December 2013

Department of Planning and Infrastructure  
GPO Box 39  
Sydney 2001  
Attention: Anna Timbrell

Dear Sir/Madam

**Mid-Western Regional Council Submission PPR Crudine Ridge Wind Farm MP  
11\_0033**

Council considered a report on the Preferred Project Report for Crudine Wind Farm at its meeting on the 18 December 2013 and resolved to object to the proposal on the bases of the unacceptable adverse impact on the road network and residents of the Mid-Western Region.

The Proponent's two options that utilise urban routes through Mudgee are of great concern. The Proponent has purported that over-length vehicles travelling through Mudgee will take 1 minute to negotiate intersections and 15 minutes to traverse the urban area. The claim that it will take only 1 minute to negotiate an intersection with vehicles in excess of 65m length is one that is rejected as fanciful. Council staff have witnessed an over length vehicle navigate the Short St intersection with Douro St; a vehicle movement which took up to 20 minutes to perform. For this reason, it is Council's view that the claim that this movement will only take 1 minute is unrealistic. Council engineers have analysed queues using real traffic counts with results indicating that delays to the community quickly escalate to prohibitive levels if the manoeuvre exceeds 5 minutes.

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## MID-WESTERN REGIONAL COUNCIL

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Even using the proponents best guess Council from experience can categorically state that it will take considerably longer to transport such large loads through a residential area. The uncertainty of time for over-length vehicles to negotiate intersections prompted MWRC staff at the September meeting to ask what level of compensation the community can expect if the Proponent's claims are wrong. The Proponent did not offer any form of restitution.

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MID-WESTERN REGIONAL COUNCIL

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The proponent should bear the full costs of these measures.

**Revised Statement of Commitments**

**Commitment 009**

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## MID-WESTERN REGIONAL COUNCIL

4

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*Spread of Weeds*

*Development of a CEMP sub-plan, which provides:*

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MID-WESTERN REGIONAL COUNCIL

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- *Letterbox drop along affected routes;*
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## MID-WESTERN REGIONAL COUNCIL

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Council made it very clear in its submission dated 7 March 2013 that when requesting a Voluntary Planning Agreement for the Crudine Ridge Wind Farm the comparison be drawn to other wind farms in the state and their VPAs with the host council. As stated in our submission of 7 March, a neighbouring council set the benchmark for the quantum of dollars for a wind farm. The amount that was received was \$80,000 for 33 towers and thus Council has extrapolated that for this region to \$257,000 based on the 106 wind turbines proposed in this application. It is inappropriate therefore, to compare this VPA with a coal mine application. We must compare this application with other wind farm agreements. The offer of the proponent at \$7,395 per annum is at best, extremely inadequate. Council seeks that the Voluntary Planning Agreement be included as a condition of consent at \$257,000 per annum increased by CPI annually for the 25 year consent period.

The Council also stands by its request in the original submission that a road maintenance fee also be included in the VPA at \$12,000 per kilometre, per annum, being a roads contribution fee of \$636,000 for the 53 kilometres of local road being used.. This is noting that Council requires the proponent to continue to use the Hill End Road, Windeyer and Pyramul Roads, and opposes the proponent's change in preferred route coming through the Mudgee and Gulgong townships and/or the use of Ulan Road.

In conclusion, there are very few benefits to Mid-Western Regional Council in hosting the Crudine Ridge Wind Farm. The project will only have short term employment increases during construction and will not lead to any significant increase permanent residents and therefore no significant increase in rates to offset the costs. There will undoubtedly be a significant impact on the regions roads and an adverse impact on the quality of life of residents located close to the towers and those living and using the urban road network. The proponent has selected routes based its own economic return with little regard to the ratepayers of the region. Whilst the proponent claims that it will cover the cost of necessary road upgrades these are yet to be identified and approved by Council. There are no upgrades that will sufficiently ameliorate the impact on the urban road network in terms of delays to traffic movements. The level of community opposition is demonstrated by the 212 objections received to the transports routes, a copy of which is attached to this submission. Council is not satisfied that sufficient investigation has been undertaken on the impact on the immediate operation of the road network, the adverse impact on the life of the roads which are a Council asset nor identified upgrades that are approved by Council. **Council considers these to be determinative issues and objects to the project in the strongest terms.**

Should you have any queries in relation to this matter please contact Catherine Van Laeren on 63782832.

Yours faithfully

**WARWICK BENNETT**  
**GENERAL MANAGER**

MID-WESTERN REGIONAL COUNCIL

7

Attachments : Copy of 212 submissions  
Revised Scope of Work Hill End Rd/Windeyer/Pyramul route

## 6.2.7 Monthly statement of bank balances and investments as at 30 November 2013

REPORT BY THE FINANCIAL ACCOUNTANT TO 18 DECEMBER 2013 COUNCIL MEETING

Bankrep

GOV400029, A0100056, A0140304

### RECOMMENDATION

That:

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

### Executive summary

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

### Detailed report

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

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

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

### Financial implications

Not applicable.

### Strategic or policy implications

Council should be aware that the Investments by Institution portfolio limit for National Australia Bank has exceeded the investment operating plan limit by 1.8%. Increased cash levels due to rates received late in November resulted in excess cash on hand in Councils NAB accounts. Management were unable to invest this excess cash with another financial institution due to authorising staff being unavailable.



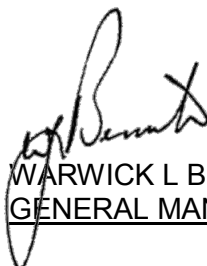
As per the Investment Policy requirements, management will rectify this at the first available opportunity.

NEIL BUNGATE  
FINANCIAL ACCOUNTANT

3 December 2013

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

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1

For the month ended: 30-Nov-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 185,037	\$ 14,250,871	\$ 13,724,142	\$ 711,767	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 30/11/2013

Investments	Type	Amount	Yield %	Maturity Date	Placement Date	Term	Rating	Govt Rating	NAV	% of Portfolio
National Australia Bank	At Call	\$ 1,600,000	2.80%	N/A		At Call	A-1+	1		4.4%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	2/04/2014	2/10/2013	182	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	9/10/2013	91	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 500,000	3.76%	12/02/2014	16/10/2013	119	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	3.76%	12/02/2014	30/10/2013	105	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,200,000	3.70%	12/03/2014	20/11/2013	112	A-1+	2		3.3%
National Australia Bank	Term Deposit	\$ 1,000,000	3.70%	12/03/2014	26/11/2013	106	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 500,000	3.91%	4/12/2013	15/08/2013	111	A-1+	2		1.4%
National Australia Bank	Term Deposit	\$ 1,000,000	4.15%	22/01/2014	17/07/2013	189	A-1+	2		2.7%
National Australia Bank	Term Deposit	\$ 1,000,000	3.80%	8/01/2014	4/09/2013	126	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,300,000	3.75%	18/12/2013	28/08/2013	112	A-1+	1		3.6%
St George Bank	Term Deposit	\$ 2,500,000	3.70%	18/12/2013	18/09/2013	91	A-1+	2		6.8%
St George Bank	Term Deposit	\$ 800,000	3.70%	8/01/2014	25/09/2013	105	A-1+	2		2.2%
St George Bank	Term Deposit	\$ 1,500,000	3.80%	5/02/2014	9/10/2013	119	A-1+	2		4.1%
St George Bank	Term Deposit	\$ 1,000,000	3.92%	4/12/2013	15/08/2013	111	A-1+	2		2.7%
St George Bank	Term Deposit	\$ 1,000,000	3.75%	15/01/2014	11/09/2013	126	A-1+	2		2.7%
Westpac Bank	Term Deposit	\$ 1,200,000	3.59%	29/01/2014	23/10/2013	98	A-1+	1		3.3%
ANZ	Term Deposit	\$ 1,000,000	3.66%	19/02/2014	31/10/2013	111	AA	1		2.7%
ANZ	Term Deposit	\$ 1,300,000	3.65%	5/03/2014	26/11/2013	99	AA	2		3.6%
AMP	Term Deposit	\$ 1,000,000	3.80%	5/03/2014	4/09/2013	182	A+	1		2.7%
AMP	Term Deposit	\$ 2,700,000	3.80%	11/12/2013	11/09/2013	91	A+	2		7.4%
AMP	Term Deposit	\$ 1,500,000	3.60%	26/02/2014	20/11/2013	98	A+	2		4.1%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.75%	18/12/2013	4/09/2013	105	A-1	1		2.7%
Macquarie Bank	Term Deposit	\$ 1,000,000	3.75%	18/12/2013	5/09/2013	104	A-1	2		2.7%
ING Australia Bank	Term Deposit	\$ 1,500,000	3.72%	28/04/2014	6/11/2013	173	A-1	1		4.1%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.95%	26/02/2014	28/08/2013	182	A-2	1		2.7%
Bank of Queensland	Term Deposit	\$ 1,000,000	3.58%	8/01/2014	9/10/2013	91	A-2	2		2.7%
Newcastle Permanent	Term Deposit	\$ 500,000	3.70%	8/01/2014	2/10/2013	98	A-2	1		1.4%
Newcastle Permanent	Term Deposit	\$ 1,000,000	3.70%	15/01/2014	10/10/2013	97	A-2	2		2.7%
Beyond Bank Australia	Term Deposit	\$ 1,000,000	3.85%	11/12/2013	21/08/2013	112	A-2	1		2.7%
Members Equity Bank	Term Deposit	\$ 1,000,000	3.70%	29/01/2014	2/10/2013	119	A-2	1		2.7%
Longreach Series 26	Property	\$ 1,000,000		7/06/2014		7 yrs	A+	-	\$ 984,500	2.7%
	Linked Note									
<b>Total Investments</b>		<b>\$ 36,600,000</b>								<b>100.0%</b>
Average Yield			3.61%							

## Financial Claims Scheme

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

ATTACHMENT 2

**MWRC Policy Requirements:**

			% of Portfolio	
Investments by Institution	Long/Short Term Ratings	Amount	Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 9,800,000	26.8%	25.0%
St George Bank	AA/A-1+	\$ 8,100,000	22.1%	25.0%
Westpac Bank	AA/A-1+	\$ 1,200,000	3.3%	25.0%
ANZ	AA/A-1	\$ 2,300,000	6.3%	25.0%
Longreach	A+/A-1	\$ 1,000,000	2.7%	20.0%
AMP	A+/A-1	\$ 5,200,000	14.2%	15.0%
Macquarie Bank	A/A-1	\$ 2,000,000	5.5%	15.0%
ING Australia Bank	A/A-1	\$ 1,500,000	4.1%	15.0%
Bank of Queensland	A-/A-2	\$ 2,000,000	5.5%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,500,000	4.1%	10.0%
Beyond Bank Australia	BBB+/A-2	\$ 1,000,000	2.7%	10.0%
Members Equity Bank	BBB+/A-2	\$ 1,000,000	2.7%	10.0%
Heritage Building Society	BBB-/A-3	\$ -	0.0%	10.0%
		<b>\$ 36,600,000</b>	<b>100.0%</b>	

			% of Portfolio	
Investments by Rating	Rating*	Amount	Actual	Limit
Direct Securities	AAA/A-1+	\$ 19,100,000	52.2%	100.0%
	AA/A-1	\$ 2,300,000	6.3%	100.0%
	A/A-1	\$ 9,700,000	26.5%	60.0%
	BBB/A-2	\$ 5,500,000	15.0%	20.0%
	BBB-/A-3	\$ -	0.0%	20.0%
	Unrated	\$ -	0.0%	20.0%
Managed Funds	AAA		0.0%	
	AA		0.0%	
	A		0.0%	
	BBB		0.0%	
	Unrated		0.0%	
		<b>\$ 36,600,000</b>	<b>100.0%</b>	

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

Less than 1 year	\$ 35,600,000	97.3%	30.0%	100.0%
Between 1 and 3 years	\$ -	0.0%	0.0%	70.0%
Between 3 and 5 years	\$ -	0.0%	0.0%	50.0%
More than 5 years	\$ 1,000,000	2.7%	0.0%	25.0%
	<b>\$ 36,600,000</b>	<b>100.0%</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.

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 350,000	\$ -	\$ 1,600,000	0.00%	At Call	2.80%
Commonwealth Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Commonwealth Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
ING Australia Bank	\$ -		\$ 1,500,000	New Deposit		3.72%
ANZ	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
National Australia Bank	\$ 2,000,000	\$ 800,000	\$ 1,200,000	-0.36%	0	3.70%
AMP	\$ -		\$ 1,500,000	New Deposit		3.60%
National Australia Bank	\$ -		\$ 1,000,000	New Deposit		3.70%
ANZ	\$ -		\$ 1,300,000	New Deposit		3.65%
Members Equity Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
National Australia Bank	\$ 500,000	\$ 500,000	\$ -	Redeemed		
	<u>\$ 6,850,000</u>		<u>\$ 8,100,000</u>			

**Net Portfolio Movement**      **\$1,250,000** Addition

## 6.2.8 Classification of Land – Lot 2 DP 1186687, 22 George Campbell Drive Eurunderee

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING  
Classification of Land – Lot 2 DP 1186687 22 George Campbell Drive Eurunderee  
GOV400029, A0100056, P2239611

### RECOMMENDATION

#### That:

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

### Executive summary

This report seeks to formalise the classification of Lot 2 DP 1186687, 22 George Campbell Drive, Eurunderee, being land purchased by Mid-Western Regional Council for the purposes of an industrial aviation subdivision.

### Detailed report

In accordance with the Local Government Act 1993, all public land must be classified as either “Community” or “Operational” land. The purpose of classification is to identify clearly that land which should be kept by Council for the general public (Community land) and land which need not (Operational land). Community land would ordinarily comprise of land such as a public park. Land that is classified as Operational would include land which facilitates the carrying out by a council of its functions and land which is held as an asset, such as in this case where the land has been acquired for the purposes of an industrial aviation subdivision.

As part of the process of classification of the land, Council resolved on 17 October 2012 to advertise its intent to classify the land as Operational upon the issue of the Certificate of Title in Council’s name.

The Certificate of Title was recently issued and Council’s intention to classify the land as Operational was subsequently advertised in the local newspaper on 1 November 2013. Written submissions were called for with the closing date for submissions being 28 November 2013. No submissions were received. This report now seeks to complete the process of classification of the land as Operational.

### Financial implications

Not applicable.

## Strategic or policy implications

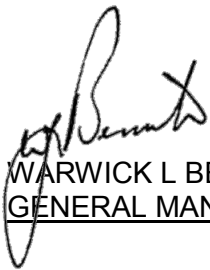
This land is required to be classified as Operational to facilitate the future development of the land as an industrial aviation subdivision.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

2 December 2013

*Attachments:* 1. Plan of Lot 2 DP 1186687

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER





## 6.2.9 Debt Recovery Policy Review

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING

Debt Recovery Policy Review Report Dec 2013

GOV400029, A0340048, A0340005

### RECOMMENDATION

**That:**

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

### Executive summary

The existing Debt Recovery Policy has been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

### Detailed report

The proposed changes to the Debt Recovery Policy are consistent with the intent of the existing policy, and the amendments reflect the scope of Council's current business operations and current business practices, especially in relation to the change to quarterly water usage billing cycles and the extension to the due date period from 14 days to 21 for the water usage charges accounts.

### Financial implications

Not applicable.

### Strategic or policy implications

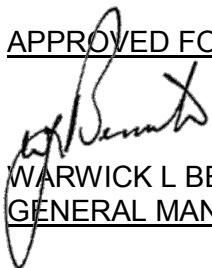
The Debt recovery Policy will be amended in accordance with Council's decision.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

2 December 2013

*Attachments:* 1. Debt Recovery Policy, with track changes.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

ATTACHMENT 1

	<b>POLICY</b>	ADOPTED C/M 12/2012 Minute No. 3242
	<b>Debt Recovery</b>	REV: 12/2014/18/12/2016 FILE No. A0340005

**OBJECTIVE:**

The objective of this policy is to provide a framework for the efficient and effective collection of outstanding debts; and fulfil statutory requirements in relation to the recovery of rates, charges, fees and other debts.

Council has a responsibility to ensure monies owed to it are recovered in a timely, effective and efficient manner to finance its operations and ensure effective cash flow management. Whilst carrying out this responsibility, Council will:

- Treat all people fairly and consistently under this policy;
- Treat all matters under this policy confidentially; and
- Treat people with respect and sensitivity in considering their circumstances.

**RELEVANT LEGISLATION**

- Local Government Act 1993 NSW
- Local Government (General) Regulation 2005 NSW

**RELATED POLICIES and PLANS**

- Hardship Provision – Rates and Charges
- Pensioner Concessions
- Credit Policy
- Privacy Management Plan

**RATES and CHARGES**

**Due Dates**

Chapter 15 Part 7 of the Local Government Act 1993 sets out the requirements for payment of rates and charges.

Annual rates and charges may be paid in a single instalment or by quarterly instalments. If a payment is made in a single instalment, the instalment is payable by 31 August. If payment is made by quarterly instalments, the instalments are payable by 31 August, 30 November, 28 February and 31 May.

Council is to issue a quarterly reminder notice for the payment of an instalment at least 30 days before the due date of the instalment.



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**DEBT RECOVERY POLICY**

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**Overdue Amounts**

Overdue accounts, where the ratepayer/s has not made a suitable arrangement with Council for the payment of the debt or has defaulted on an initial arrangement, are to be forwarded to Council's nominated Debt Collection Agency for the recovery process in the following circumstances:

- (i) Rate accounts that show arrears as at 1 July of any year be forwarded to the Debt Collection Agency in July;
- (ii) Rate accounts that show the first rate instalment as unpaid be forwarded to the Debt Collection Agency in September;
- (iii) Rate accounts that show the second rate instalment as unpaid be forwarded to the Debt Collection Agency in December;
- (iv) Rate accounts that show the third rate instalment as unpaid be forwarded to the Debt Collection Agency in March;
- (v) Rate accounts that show the fourth rate instalment as unpaid be forwarded to the Debt Collection Agency in June;

with the exception of those outstanding debts generated by the Farmland Category during exceptional circumstances such as drought or flood. The Ratepayer is to contact Council in the first instance, with a view to putting in place a suitable arrangement for payment. The General Manager is to determine the special circumstances.

**Suitable Arrangements**

Ratepayers may make a suitable arrangement with Council at any time for the payment of their rates, including those accounts already with the Debt Collection Agency.

All arrangements for payment should clear the total outstanding debt by the end of the current financial year or within a twelve month period at the latest. Such arrangement may be approved by Customer Services and or Revenue Staff.

The General Manager is to approve arrangements for payment where the proposed payment arrangement will not clear the debt within a twelve month period, including proposed arrangements for Farmland category during periods declared exceptional circumstances.

In accordance with Section 568 Local Government Act 1993, money paid in respect of rates or charges levied on land is to be applied towards payment of those rates or charges in the order in which they became due.

**Debt Collection**

The following procedure is to be employed by Council's Debt Collection Agency:

**Step 1 - First letter of demand sent to ratepayer by Debt Collecting Agency**

Recovery proceedings shall not be commenced until after the expiration of 14 days after the debt becomes due. A first letter of demand is to be forwarded to the debtor notifying that unless the account is paid, in full, within 14 days of the date of the letter or a suitable arrangement made, legal action will commence for the outstanding amount.

**Step 2 - Second letter of demand sent to the debtor by Debt Collection Agency**

Where the debt value is less than ~~\$400~~**\$500**, a second demand letter will be sent to the debtor where a response or payment has not been received as a result of the first letter of demand.  
OR

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DEBT RECOVERY POLICY

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Step 2 – Notice to the Occupier is Issued

Where a response to Step 1 is not received, a notice under Section 569 of the Local Government Act 1993 may be issued.

Step 3 - Statement of Liquidated Claim issued

Where a response to Step 1 is not received and the debt is over ~~\$400~~\$500, a Statement of Liquidated Claim is to be issued through the Local Court at Mudgee by the Debt Collection Agency.

Step 4 - Judgment

Where a response to the Statement of Liquidated Claim is not received, default judgment is to be entered by the Debt Collection Agency.

Step 5 - Warrant issued

On the entry of judgment and the failing of the debtor to enter into a payment arrangement, a warrant is to be issued by the Court against the debtor to recover personal property.

OR

Step 5 - Garnishee issued

Where subsequent details are known and an arrangement is not maintained, a garnishee is to be attached to the debtors wage in recovery of the debt. A summons process is initiated with the court.

OR

Step 5 - Oral Examination Summons Issued

Oral examination summons action is taken when there is insufficient knowledge to effectively use a garnishee or warrant. This summons requires the debtor to attend court and be questioned as to the debtor's current financial situation and ability to meet Council's claim.

Council's Revenue staff will determine whether a notice to the occupier, warrant, garnishee or oral examination summons will be issued or commenced, based on the individual circumstances of the debtor.

OR

Step 5 - Bankruptcy and Winding Up Proceedings

Bankruptcy and winding-up proceedings, authorised only by the General Manager, will commence if the debt is in excess of ~~\$2,500~~\$5,000 and previous action has secured judgement.

Step 6 – Sale of Land for Unpaid Rates and Charges

Where steps 1 to 5 have been unsuccessful, the General Manager is to commence a sale of land for unpaid rates and charges, in accordance with Chapter 17, Part 2 Division 5, Section 713 of the Local Government Act 1993.

To supplement the procedures employed at Steps 1 to 6 above, Council's Debt Collection Agent may be instructed by the Manager Revenue & Property at any one or at all of these Steps to use other multiple communication channels to contact and negotiate with ratepayers and customers. Options include, but are not limited to, telephone calls, email, SMS and on-line chat.

All debt recovery costs and fees associated with any course of action are to be borne by the owner of the debt and will subsequently remain a charge on the property until paid. The debt recovery costs and fees are to be charged in accordance with Council's ~~Annual~~annual Fees and Charges.



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## DEBT RECOVERY POLICY

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### WATER USAGE CHARGES

#### Due Dates

Water meters are read ~~three-four~~ times a year and accounts are sent to the property owners after each meter reading. The due date for payment is ~~44-21~~ days from the date of the Water Consumption Charge Notice.

#### Overdue Amounts

Water usage accounts are considered overdue immediately following the due date.

#### Suitable Arrangements

An arrangement may be made with Council at any time. A suitable arrangement is one by which the total debt is cleared by the end of the month in which the next meter reading is scheduled.

Money paid in respect of rates or charges levied on land is to be applied towards payment of those rates or charges in the order in which they became due.

#### Debt Collection

The following procedure is to be employed to secure the payment of any overdue water usage account where a suitable arrangement has not been agreed upon.

#### Step 1 – ~~Overdue water notice reminder issued~~Overdue water reminder notice issued

At the expiration of ~~44-7~~ days after the due date of the Water Consumption Charge Notice, if an account remains unpaid and no satisfactory payment arrangement has been made, an overdue water ~~notice~~ reminder notice is issued.

#### Step 2 – Water restriction notice issued

At the expiration of ~~44-7~~ days after the due date of the overdue water ~~notice-reminder~~reminder notice, if an account in excess of \$100 remains unpaid or no satisfactory payment arrangement has been made, a water restriction notice is issued. The due date for payment is 14 days from the date of the water restriction notice. A restriction/disconnection notice penalty, as per Council's Fees and Charges, applies to the issue of this notice.

#### Step 3 – ~~Water restricted~~Notice of intention to restrict

At the expiration of ~~44-7~~ days after the due date of the water restriction notice, if no payment or satisfactory payment arrangement has been made, a notice of intention to restrict water supply is issued. ~~The restriction device is to be fitted to the water meter connected to the property on, or soon after a nominated date.~~ A restriction action notice penalty, as per Council's Fees and Charges, applies to the issue of this notice.

#### Step 4 – Water restriction

On, or as soon as practicable after the nominated date appearing on the notice of intention to restrict, if no payment or a satisfactory arrangement has been made, the restriction device is to be fitted to the water meter connected to the property.

#### Step ~~4~~ 5 – Water disconnected

At the expiration of 14 days after the restriction device has been fitted to the water meter, if an account remains unpaid or no satisfactory payment arrangement has been made, a notice of intention to disconnect, authorised only by the General Manager, may be issued. The disconnection of the water meter connected to the property will occur on, or soon after a nominated date. A restriction/disconnection notice penalty, as per Council's Fees and Charges, applies to the issue of this notice. A service disconnection/reconnection fee, as per Council's Fees and Charges also applies.



## DEBT RECOVERY POLICY

### **Step 5.6 – Referral to Debt Collection Agency**

If after water restrictions or disconnection have been put in place and the debt remains outstanding, the recovery of the debt may be forwarded to Council's Debt Collection Agency. In such instances, the Debt Collection Procedures in Steps 1 to 5 as listed in the Rates and Charges section of this policy are to apply.

All debt recovery costs and fees associated with any course of action are to be borne by the owner of the debt and will subsequently remain a charge on the property until paid. The debt recovery costs and fees are to be charged in accordance with Council's Annual Fees and Charges.

### **GENERAL DEBTORS**

This encompasses all amounts owing to Council excluding rates and charges, water usage accounts and government grants.

#### **Due Dates**

Council issues debtor accounts for numerous services. These services include, but are not limited to, trade waste services, private works, staff uniforms, airport usage and property rentals.

Accounts are generally issued on a weekly, fortnightly or monthly basis. Trading terms are normally 30 days from date of invoice, available to credit-approved applicants only. Services such as private works, facilities hire and cemetery fees are payment in advance, in accordance with individual service policies; refer to Credit Policy.

#### **Overdue Amounts**

General -debtor accounts are considered overdue immediately following the due date.

Council reserves the right to deny access to Council facilities or suspend services or suspend credit terms to customers with overdue amounts; refer to Credit Policy.

#### **Suitable Arrangements**

An arrangement may be made with Council at any time. A suitable arrangement is one by which the total debt is cleared within 90 days of the original due date of the invoice(s) in question.

Money paid in respect of other debtor amounts is to be applied towards payment of those amounts in the order in which they became due.

Council reserves the right to deny access to Council facilities or suspend services or suspend credit terms to customers who fail to honour payment arrangements; refer to Credit Policy.

#### **Debt Collection**

The procedure for the collection of debts due to Council will follow those procedures outlined in Steps 1 to 5 of the Rates section of this policy, as well as those outlined below.

### **OTHER DEBT COLLECTION CONSIDERATIONS**

Where a matter proceeds to a pre-trial consultation or a hearing, Council's Solicitor is to be instructed to act on Council's behalf.

Interest is applied to all outstanding rates and water usage charges and general debtor fees and charges where deemed, whether a suitable agreement is in place or not. The interest rate is determined by Council as part of adopting the [Management Plan Delivery Program and Operational Plan](#). Interest commences to accrue on unpaid rates and water usage charges and general debtor fees and charges where deemed, as soon as practical after the due date.

Interest is applied to general debtors where deemed, in accordance with the Fees & Charges adopted within the [Management Plan Delivery Program and Operational Plan](#).

---

**DEBT RECOVERY POLICY**

---

The General Manager has delegated authority to write-off rates, fees, charges and other debts, in accordance with Section 131 of the Local Government (General) Regulation 2005, up to and including an amount resolved by Council. This amount is currently set at \$2,500.

The Manager Revenue & Property and Assistant Manager Revenue & Property have delegated authority to write off interest that has accrued on rates, charges, fees and other debts up to \$10 where the ratepayer/s was unable to pay the rates and charges when they became due and payable for reasons beyond their control; (refer Sections 567(a) & (b) LGA).

The General Manager is to be advised by the Manager Revenue & Property or ~~Group Manager~~Director Finance & Administration of any staff member or Councillor whose overdue account has been referred to Council's Debt Collection Agency.

Council's ~~Finance-Revenue~~ Staff be required to act as authorised officers in relation to the recovery of rates and charges where that nominated person is required to represent Council at Court.

**VARIATION**

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

## 6.2.10 Naming of new roads in the subdivision off Bateman Avenue

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING  
Street Naming – Sawyers Place, Alexander Dawson Court & Wells Court  
GOV400029, R0790141

### RECOMMENDATION

**That:**

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

### Executive summary

Formal approval is requested to name the new roads in the subdivision off Bateman Avenue in Mudgee, Sawyers Place, Alexander Dawson Court and Wells Court.

### Detailed report

Following the approval of a subdivision off Bateman Avenue, Council wrote to neighbours of the subdivision requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 2/8/13 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Alexander Dawson Court and Wells Court at their 18/9/13 Council Meeting and the name of Sawyers Court at their 16/10/13 Council Meeting.

The Geographical Names Board has been advised of these street names and has no objection.

Sawyers Place, Alexander Dawson Court and Wells Court were advertised in the 8/11/13 issue of the Mudgee Guardian and on Council's website with no submissions received.

Notices of the new street names were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire Service, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA with no objections received.

### Financial implications

Cost of Gazettal notice at approx \$60. Purchase and installation of four street signs will be met by the Developer.

Street signs are to be installed on the Sawyers Place and Alexander Dawson Court intersections with the Bateman Avenue and at the intersection of Alexander Dawson Court and Wells Court.

### Strategic or policy implications

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of these streets will allow the completion of

street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of these new streets, notice of the approved names will be:

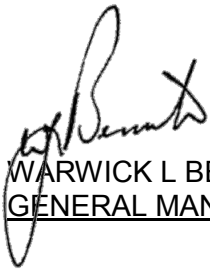
1. published in the Government Gazette and the Mudgee Guardian.
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RTA.

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

5 December 2013

*Attachments:* 1. Correspondence received from the Geographical Names Board  
2. Submissions  
3. Map of the new road reserves off Rifle Range Road.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

ATTACHMENT 1



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Vote (Bathurst) C.A. 4079914  
Vote Reference:  
Council Officer: Rhett Humphrys  
Telephone No: 02 6332 8263  
Email: [rhett.humphrys@midwestern.nsw.gov.au](mailto:rhett.humphrys@midwestern.nsw.gov.au)

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008  
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 26<sup>th</sup> July 2013, which proposed the following public road names:

**WELLS COURT, DAWSON or ALEXANDER DAWSON COURT**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I would raise the following objection:

**DAWSON COURT** – objection is raised under guideline “Uniqueness 1.1” as the name is duplicated with the existing **DAWSON STREET**, Rylstone.

**ALEXANDER DAWSON COURT** is there for deemed acceptable as it provides uniqueness.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objection.

Kind Regards,

Rhett Humphrys  
Geographical Names Board Secretariat

16<sup>th</sup> September 2013





PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: gnb@lpi.nsw.gov.au  
www.gnb.nsw.gov.au

Your Reference: CA: R0790141  
Our Reference:  
Contact Officer: Rhet Humphrys  
Telephone No: 02 6332 8363  
Email: rhet.humphrys@lpi.nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008  
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 29<sup>th</sup> August 2013, which proposed the following public road names:

**JANETS PLACE, ANDERSON AVENUE or GROVE, BYRNES CLOSE, SAWYERS PLACE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and I would raise the following objections:

**ANDERSON AVENUE or GROVE** – objection is raised under guideline “Uniqueness 1.1” as the name is duplicated with the existing **ANDERSON STREET**, Gulgong and **ANDERSON ROAD**, Grattai.

**BYRNES CLOSE** - objection is raised under guideline “Uniqueness 1.1” as the name is duplicated with the existing **BYRNES LANE**, Burrundulla.

Should you wish to proceed with adoption of the names to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Lands Department, LPI Bathurst, PO Box 143, NSW 2795** setting out reasons why the names are valid. The matter will then be put to the Board who may choose to overturn the objections.

Kind Regards,

  
Rhet Humphrys  
Geographical Names Board Secretariat

17<sup>th</sup> September 2013



ATTACHMENT 2

# Jabek Pty Limited

Land Development Consultants  
ABN: 52155702686

107-125 Bellevue Road  
MUDGEE NSW 2850

Phone: 02 63721818  
Mobile: 0427721818

Email: crooks.jabek@yahoo.com.au

18th February, 2013  
Our Ref: BK003

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

Dear Sir

**RE: PROPOSED PLAN OF SUBDIVISION OF LOT 2 DP832290 - NO. 143**  
**ROBERTSON ROAD, MUDGEE**

Further to my letter of the 4th February, 2013, my client, Hugh Bateman, would like to suggest "Wells Court" as a name for one of the cul-de-sacs within our development.

Attached is a brief history of the Wells Family.

Yours faithfully  
**JABEK PTY LIMITED**



**(R. J. Crooks)**  
**REGISTERED SURVEYOR**

### **The Wells Family**

Members of the Wells family have played a prominent role in the business, agricultural and civic life of Mudgee town and district since the early 1870s. Henry Edward Alexander Wells, the first member of the family associated with Mudgee, was a son of noted colonial surveyor William Henry Wells, after whom the Parish of Wells in the County of Roxburgh (near Rylstone) was named. H.E.A, as he was more simply referred to, initially worked as a legal clerk before going into business as a general dealer and auctioneer in the northern end of Lewis Street. This was a part of town which was long associated with the family's business premises and was also the site of the family home, Lauralla, on the south-eastern corner of Lewis and Mortimer Streets, designed for H.E.A. and his wife Laura, nee Richards, by their son-in-law, architect Harold Hardwick. He built up a considerable real estate portfolio of town and rural holdings, and was active in local government, serving on Meroo Shire and as a trustee or committee member for many local organizations, especially building societies. H.E.A. died in 1916.

His son Percy George continued the business until his death in 1929 when he was succeeded by his eldest son Norman. Gradually the nature of the family firm changed from dealing and auctioneering to selling furniture. In 1965 the Wells business premises in Lewis Street, opposite St Matthew's School, were destroyed by fire. New premises were subsequently erected on site where the business continued until it was wound down in 1990.

Branches of the family have farmed at Buckaroo for over 100 years. H.E.A.'s great grandsons, brothers Barry and Brian Wells, still farm there and are involved with the local fire brigade. Barry has been a past President of the Mudgee Historical Society and is currently Vice-President; he is also current President of the Gulgong-Mudgee-Rylstone branch of the National Trust.




The Wells family through several generations have made a positive contribution towards the development of Mudgee town and district in many different aspects and I strongly support the naming of a street in Mudgee township after this prominent family.

John Broadley  
President  
Mudgee Historical Society Inc

**From:** Bob Crooks  
**Sent:** Friday, 1 March 2013 2:36 PM  
**To:** Douglas Selems  
**Cc:** 'Hugh Bateman'  
**Subject:** FW: From Hugh Bateman

Hi Doug

Plan and suggested name as requested.

**From:** Sales Admin  
**Sent:** Wednesday, 27 February 2013 3:44 PM  
**To:**     
**Subject:** From Hugh Bateman

Bob Crooks

Bob,

Can we please submit, Dawson Court as an appropriate name for one of the cul de sacs in the Bateman Avenue subdivision.

Alexander Dawson was a colonial architect who designed the post and telegraph office in Mudgee, completed in 1861.

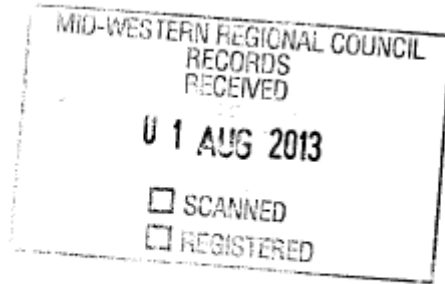
At much the same time he designed the Mudgee gaol, completed in 1862. The court house was also designed by Dawson. The court house and police station at Cassilis were also designed by Dawson.

Other works by Dawson included the lighthouses at Port Stephens and South Head.

Dawson resigned from his office of colonial architect in 1862.

Yours Faithfully,

Hugh Bateman



**Bruce and Ann Hibberd**

**Mudgee**

**RE-NAMING OF UNNAMED STREET OFF BATEMAN AVENUE**

Dear Carolyn,

The Hibberd Family would like to submit two names for the proposed new roads in the new subdivision.

Road one to be named Janet's place

Road two to be named Anderson Avenue

Our family have been neighbours to the Andersons family for twenty year and during this time our family and neighbours only ever refer to the property as "Janet's place".

The Andersons have all moved on now and we have been left with wonderful memories and we feel it only fitting that the new roads be named after the previous owners the Anderson family





Dear,  
General Manager,

Mudgee  
2850

PH. [redacted]

Having been the owner of this parcel of land for the last twenty odd years I would like the right to name the roads off Bateman Avenue and to honour my grandparents and great grandparents.

My grandfather, a Sawyers is also his brother both had dairy farms at Spring Flat and I remember him telling me he attended the Mudgee South school which later burnt down.

Grandmother & great grandparents owned and farmed at Mullamuddy.

Now a grandmother myself our family has at least six generations, that I know of, that have owned property, farmed, lived, worked and enjoyed this wonderful Mudgee region and as my three children and families all live and work here and with four grandchildren thus far, this will continue.



My submission of names for  
the Bateman Avenue subdivision  
are for the three roads.

No. 1. Byrnes Close.

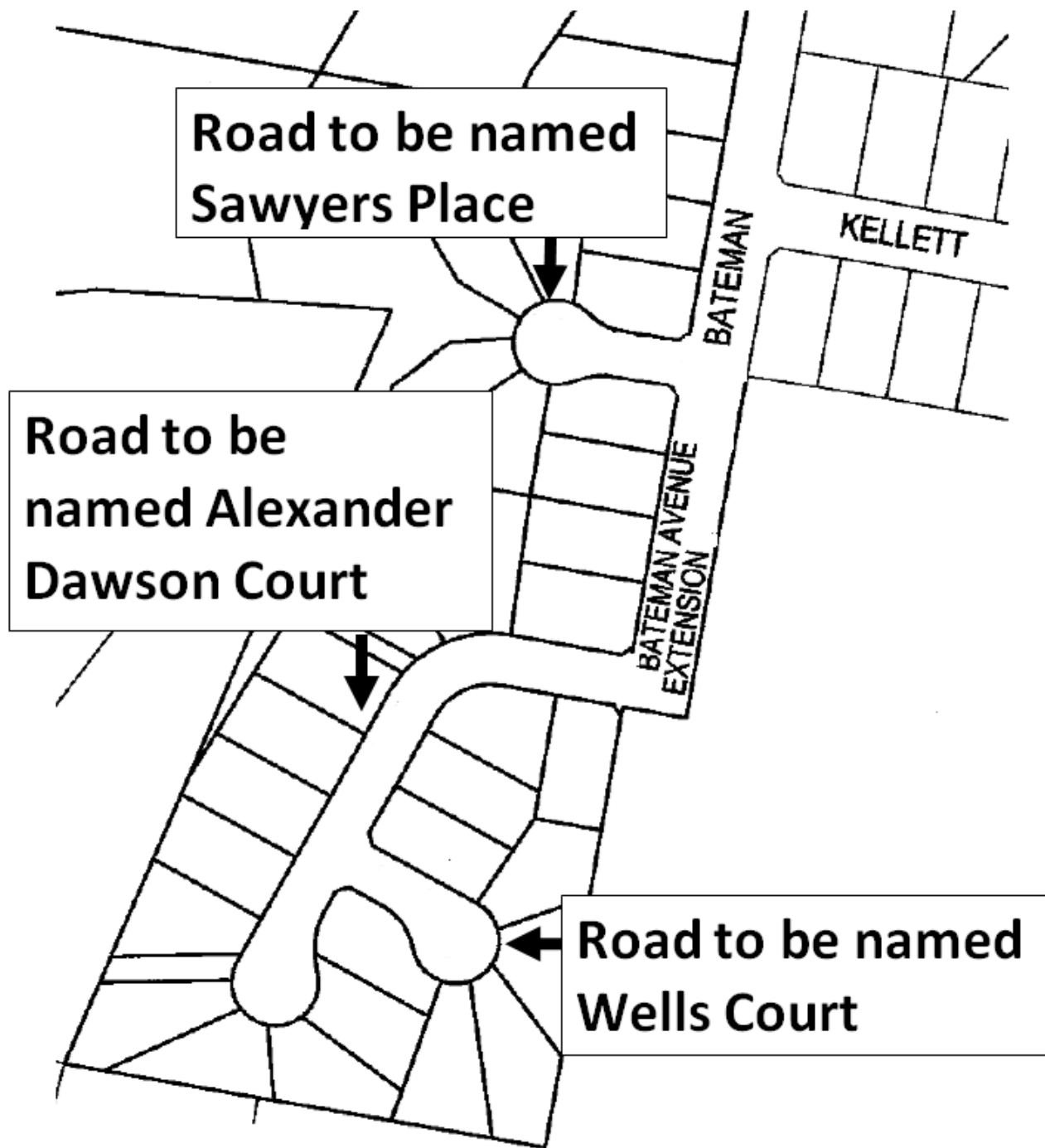
No. 2. Anderson Grove.

No. 3. Lawyers Place.

Thanking you for your  
consideration in this matter.

Yours Faithfully  
Janet Anderson.

ATTACHMENT 3



## 6.2.11 Base Date 1 July 2013 General Revaluation Summary

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING

Revaluation 1 July 2013 Summary Report

GOV400029, A0340048, A0340049, A0340003

### RECOMMENDATION

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

### Executive summary

The purpose of this Report is to provide Council with a summary of the Base Date 1 July 2013 general revaluation of properties within Mid-Western Regional Council's area.

### Detailed report

The Mid-Western Regional Council area is normally revalued every four years, the new land values being used in the determination of Council's rates during this four year period. However, as a result of 327 Farmland properties in the 1 July 2011 general revaluation being identified as incorrect, Council requested that the Valuer General bring forward the subsequent general valuation that was set down for 2015 to 2013 in order to correct any further unknown inaccuracies.

The Valuer General has now provided Council with the new 1 July 2013 Base Date valuations (the new valuations). The new valuations will replace the current 1 July 2011 Base Date valuations for rating purposes for the first time in the 2014/2015 rating year, ie. 1 July 2014 to 30 June 2015.

Council's total general purpose income from rates does not change as a result of property values rising due to the land revaluation. When the total land value for the region increases because of the revaluation, the general purpose rates for all ratepayers must be adjusted to take into account these changes in property values so that the total general purpose rate revenue raised by Council is not above the previous year's general purpose rate revenue as increased by any IPART permitted increase.

Increases and decreases in land values to individual properties will not necessarily mean an increase or decrease in an individual's general purpose rates. An individual's general purpose rate will increase or decrease depending upon whether their property's change in value is in line with the average of all other land valuations within the rating category or sub-category. If it is in line, then their general purpose rate will stay approximately the same (subject to rate pegging). If their property's value increases or decreases more than the average within the rating category or sub-category, then the general purpose rate may increase or decrease accordingly.

A comparison of the total land value for the Mid-Western Regional Council area base date 2011 to that of the new valuations, indicates a 6.09 % variation.

However, a comparison of valuation changes between rating categories and sub-categories indicates a number of variances. Variances in relation to rating categories and sub-categories are:

- Business; 1.5%
- Farmland; 1.0%
- Mining Coal; -1.3%



- Mining; -0.2%
- Residential Urban & Rural; 10.3%
  - Residential Urban only; 13.5%
  - Residential rural only; 5.6%

Generally, an individual whose property value changed consistently with the overall average movement within the relevant rating category or sub-category as indicated above, will not see a dramatic movement in their general purpose rate for 1 July 2014 (other than that of rate pegging).

The attached analysis has primarily been produced to highlight the impact of the change from 2011 to 2013 base date valuations. The total revenue for 2013/2014 has been maintained for each rating category and sub-category to draw attention to the effect of the general revaluation changes. The models also identify those properties where land values have either increased or decreased dramatically above or below the overall average movement within categories.

As part of the analysis, a comparison of the 2011 and 2013 valuations of those Farmland properties that were previously identified as having an initial 2011 valuation that was inaccurate, along with a small number of valuations in rating categories other than Farmland that were also subsequently amended, has been conducted.

The *List of Properties Subject to 2011 BD LV Change* shows the original 2011 valuation, the amended 2011 valuation and the 2013 valuation and highlights the following:

1. Approximately 70 Farmland properties have incurred increases in value from the amended 2011 valuation ranging from 0.8% to 331% despite having previously had 2011 valuations reduced and despite being surrounded by other Farmland properties where no 2013 valuation increases have occurred, or if changes did occur, they were consistent. Some of these properties have had such increases to the amended 2011 valuation that the 2013 valuation is now the same as the original 2011 valuation. Property number 3889 is one example of this instance.
2. Conversely, 12 Farmland properties have incurred decreases in value from the amended 2011 valuation ranging from -0.5% to -46.8%, again despite having previously had 2011 valuations either reduced or increased (4 properties) and despite being surrounded by other Farmland properties where no 2013 valuation increases have occurred, or if changes did occur, they were consistent.
3. The remaining properties did not increase or decrease in value from the amended 2011 valuation.

The 2011 valuations of the 82 Farmland properties referred to in 1. and 2., above, were ultimately cited as being incorrect by the Valuer General and now still appear to be inconsistent with the 2013 general valuation movements of the surrounding properties.

To date, explanations for these apparent inconsistencies and other queries have not been able to be secured. Given that the LV of the surrounding Farmland did not change or if changes did occur, they were consistent, possible explanations may be:-

1. Where the 2013 valuation is now the same as the original 2011 valuation - the original 2011 valuation may have been in fact correct and the amended 2011 valuation may have been in fact incorrect, or the 2013 valuation may be incorrect.
2. Where the 2013 valuation is now greater than the amended 2011 valuation but less than the original 2011 valuation – both the original and the amended 2011 valuations may have been in fact incorrect, or the 2013 valuation may be incorrect.

3. Where the 2013 valuation is now less than both the original and the amended 2011 valuations – both the original and the amended 2011 valuations may have been in fact incorrect, or the 2013 valuation may be incorrect.
4. Where the original 2011 valuation was increased, but now the 2013 valuation is lower than both the original and the amended 2011 valuations – both the original and the amended 2011 valuations may have been in fact incorrect, or the 2013 valuation may be incorrect.
5. A further plausible explanation that the Valuer General will need to elaborate upon.

As advocated by the Valuer General, Phil Western, Simon Gilkes (Deputy General Manager, LPI) and Kym Watson (Valuation Manager South Western Valuation Service, LPI) during various meetings with Council and management over the past 15 months, representatives of the Valuer General and LPI would meet with Council to present and discuss the outcomes of the new valuations as soon as practicable after their release, and at least before the Notices of Valuation were to be posted to property owners. The Notices of Valuation are due to be posted on 30 January 2014.

Kym Watson has since advised that she wishes to speak informally with the General Manager prior to herself or any other representative meeting with Council. Unfortunately the earliest that Kym Watson is available to meet with the General Manager is 20 December 2013; the consequence being that the meeting with Council is not likely to take place until after the Notices of Valuation have been posted.

Property owners will have until 11 April 2014 to lodge any valuation objections with the Valuer General. Information leaflets will accompany the Notice of Valuations to explain the revaluation process, including the process of objecting to the land value on the Notice of Valuation.

## Financial implications

The general revaluation will not change Council's total general purpose income from rates. Council's total general purpose rate income for 2014/2015 will increase by the IPART permitted rate pegging increase (2.3% and yet to be adopted by Council). Changes in general purpose rates for individual property owners will vary according to the relative change in individual valuations as explained above and referenced in the attachments.



## Strategic or policy implications

Specifically, Council's Hardship Provision – Rates & Charges Policy (citing Section 601 LGA) is in place to provide assistance, where possible, to those ratepayers who suffer substantial financial hardship as a consequence of the amount of general purpose rates levied as a result of the revaluation. Council's Debt Recovery Policy may also provide some assistance in relation to payment arrangement plans.

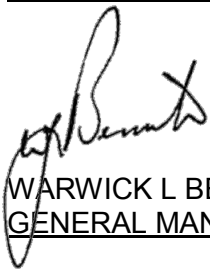
DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

6 December 2013

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

1. Analysis 2013BD 1
2. Analysis 2013BD 2
3. Analysis 2013BD 3
4. Analysis 2013BD 4

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.12 Anzac Park

REPORT BY THE BUSINESS MANAGER RESOURCES & RECREATIONAL TO 18 DECEMBER 2013  
COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0100056, F0650003

### RECOMMENDATION

**That:**

- 1. the report by the Business Manager Resources & Recreational on the Anzac Park be received;**
- 2. the request by the Gulgong RSL Sub-branch to display their bomb in Anzac Park, Gulgong be approved with all costs to be funded by the Gulgong RSL.**

### Executive summary

The Gulgong RSL Sub-branch wrote to Council, letter attached, requesting permission to display their inert 2000Lb bomb in Anzac Park, Gulgong. The bomb is currently housed at the Gulgong RSL Club and needs to be relocated. The Council at a recent meeting resolved to seek if the Gulgong RSL would fund the installation of this display. They have now agreed to that.

### Detailed report

The bomb has been housed at the Gulgong RSL Club but has not been on display to the public and the Sub-branch would like to relocate it to Anzac Park, Gulgong. Whilst Anzac Park has an existing Management Plan, there is no reference to displaying such items.

The park is a multipurpose park used by the public for a variety of reasons including but not limited to parties, family BBQ / get together, weddings, memorial and Anzac day events.

The park has two existing war memorial displays, a memorial gate, rotunda with plaques and several flag poles to commemorate war veterans. Photos are attached of the bomb and the other existing displays. This bomb is of substantial size at 3m tall..

Should Council choose to allow relocation of the bomb to Anzac Park consideration needs to be given protection of the relic. Other war memorial items in the park are enclosed by a white cage, as depicted in the attached pictures, to prevent access to the relics and prevent vandalism. The RSL sub-branch report that they have not experienced or reported vandalism of these items in the past even prior to the cages being installed. To reduce the visual bulk of the bomb it could be installed without the white cage in a vertical position. Should vandalism become an issue a cage will need to be installed around the structure in the future.

### Financial implications

The cost of relocating the bomb including and engineered slab will be \$1,500. The bomb has a steel plate welded to the base that provide for hold down bolts when fixed in the vertical position. The cost of a cage around the bomb will be an additional \$1,500 The RSL Sub-Branch will be funding the works required to install the proposed bomb plus a time capsule and plaque.

## Strategic or policy implications

Not applicable.

JULIAN GEDDES  
BUSINESS MANAGER RESOURCES AND  
RECREATIONAL

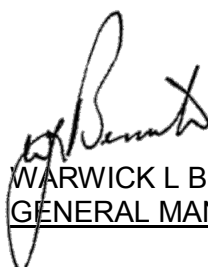


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

11 November 2013

*Attachments:* 1. Request Letter from Gulgong RSL sub branch  
2. Photos of Anzac Park

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

RETURNED AND



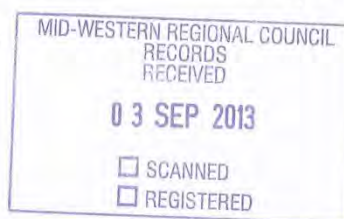
SERVICES LEAGUE

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

**PRESIDENT** David Henderson**HON. TREASURER** Lynette Gill**HON. SECRETARY** Doug Marsh**Gulgong Sub-branch**  
**PO Box 246**  
**GULGONG NSW 2852****2 September 2013**

Reference: Military memorabilia display

Mid-Western Regional Council  
PO Box 156  
MUDGEE, NSW, 2850



Dear Sirs,

Gulgong RSL Sub-Branch requests permission to display an inert 2000lb bomb. The bomb was made inert and donated to Gulgong RSL Sub-Branch by the RAAF Bomb Disposal Unit, Orchard Hills, N.S.W.

The bomb has been on display inside the Gulgong RSL Club building for several years and has not been available for general public viewing and appreciation

Our Sub-Branch would like to display the bomb in ANZAC Memorial Park, Gulgong. It is considered that the item should be on public display and not just for people attending the Gulgong RSL Club.

If approval is given for the display it is intended to place a "Gulgong" time Capsule beneath the bomb to be opened on ANZAC Day 2121. The contents of the time capsule will hold a history Gulgong and of the Gulgong RSL Sub-Branch along with some documents and significant items donated by Sub-Branch members. All community groups in Gulgong will be invited to place a copy of their organizations history and other items in the time capsule.

Siting of the display would be a mutual agreement between Council and the Gulgong RSL Sub-Branch. It is considered that a site parallel to Fitzroy St, between Medley St. and Herbert St would be ideal.

Yours Sincerely,

  
(D. Marsh)  
Hon Secretary**Attachment: Plans for siting of bomb in ANZAC Memorial Park Gulgong**

Correspondence to: Honorary Secretary  
E: [gulgongrsl.sec@bigpond.com](mailto:gulgongrsl.sec@bigpond.com)

President: [gulgongrsl.pres@bigpond.com](mailto:gulgongrsl.pres@bigpond.com)  
Treasurer: [gulgongrsl.tres@bigpond.com](mailto:gulgongrsl.tres@bigpond.com)  
Secretary: [gulgongrsl.sec@bigpond.com](mailto:gulgongrsl.sec@bigpond.com)

MEETING: 1<sup>ST</sup> Friday of the month at 7.30pm





PHINTH HORSING "GuhGONG" TIME CAPSULE







ATTACHMENT 2











## 6.2.13 Integrated Water Cycle Management Project

REPORT BY THE BUSINESS MANAGER SERVICES TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, WAT500049

### RECOMMENDATION

**That:**

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

### Executive summary

Integrated Water Cycle Management (IWCM) is a way for local water utilities to sustainably manage their water systems to maximise benefits to the community and environment. The preparation of an IWCM is not compulsory for local water utilities, however, it is required to meet best practice management requirements, to enable a utility to pay a dividend and to be eligible for financial assistance towards capital cost of backlog infrastructure.

There are significant benefits in the IWCM process such as increased efficiency and reliability of water services and versatility of service provision. For an IWCM process to be successful, buy-in from water users, government departments and the broader community is required. This is achieved through the establishment of a Project Reference Group (PRG).

Mid-Western Regional Council has commenced its IWCM project through the appointment of HydroScience Consulting as the project consultant. The next step of the project is to form the Project Reference Group. Two Councillors are required to be a part of the PRG to ensure the process achieves approval from the NSW Office of Water. It is recommended that Councillors Cavalier and Weatherley be the nominated representatives on the Integrated Water Cycle Management Project Reference Group.

### Detailed report

#### *WHAT IS INTEGRATED WATER CYCLE MANAGEMENT?*

Integrated Water Cycle Management (IWCM) is a way for local water utilities such as Mid-Western Regional Council to sustainably manage their water systems to maximise benefits to the community and environment. IWCM is assisting local councils to understand how best to integrate water services to provide for their communities and plan for future growth. It is a key component of the Office of Water's NSW Best Practice Management of Water Supply and Sewerage Framework.

A water utility's 30-year IWCM Strategy identifies the water, sewerage and stormwater scenario which provides best value for money on the basis of social, environmental and economic considerations. IWCM will deliver an integrated and sustainable water business with a strategic outlook ensuring equitable access to water for the environment and all current and future members of the community.

IWCM follows the principles listed below:

- Consideration of all water sources (including waste water and stormwater harvesting) in water planning;
- The sustainable and equitable use of all water sources;
- Consideration of all water users including the environment; and,
- Integration of all elements of the water cycle – catchment, water resources, water use, natural water processes, end user.

These principles are used to achieve the following IWCM objectives:

- Identification of key water cycle issues;
- Identification of the urban context for these issues;
- Enhancement of community engagement and ownership; and,
- Identification and implementation of strategies that will manage these issues appropriately.

#### *WHY UNDERTAKE INTEGRATED WATER CYCLE MANAGEMENT?*

Preparation of an IWCM is not compulsory for local water utilities. However, it is required:

- to meet best practice management requirements;
- to enable a utility to pay a dividend – i.e. the ability for the water and sewer budget area to pay a dividend from any surplus to the general Council budget; and,
- to be eligible for financial assistance towards capital cost of backlog infrastructure – i.e. for Council to obtain the remainder of the NSW Government Country Towns Water Supply and Sewerage Program funding for the Mudgee Sewerage Augmentation, or any future water and sewer funding, an IWCM is required

Based on the last two dot points above, the preparation of an IWCM is critical for Council to undertake.

#### *WHAT ARE THE BENEFITS?*

Managing urban water services collectively, using the IWCM process, achieves:

- more efficient and reliable water services;
- defined service levels through consultation;
- pricing that promotes environmental, business and supply sustainability;
- versatility of service provision;
- greater community ownership of urban water service issues and a voice in solving problems;
- more equitable provision of water services to all users; and,
- minimised adverse environmental impacts.

#### *HOW IS IT DONE?*

There are two main steps in the IWCM process – evaluation and strategy.

##### *Step 1 – the IWCM Evaluation*

Utilities start by reviewing existing information and data on their urban water supply and related catchment activities. The evaluation focuses on the utility's targets – requirements, obligations and objectives.



Issues are identified by comparing targets against actual performance at a catchment, water resources and urban water supply system level. If the review finds that the water utility's action in providing urban water supply across all components – potable water, sewage and stormwater – has met or exceeds previously set targets, the utility has completed its IWCM process until the next six year review.

### *Step 2 – the IWCM Strategy*

Where issues have not been addressed by existing actions or formally adopted plans, utilities move to the second step in the process. This involves identifying the best options to address all issues, based on suitable technology, resourcing and community acceptance. Possible scenarios are compared and ranked on the basis of their environmental, social and economic impacts. This step is the development of an IWCM Strategy.

### *WHO IS INVOLVED IN THE IWCM PROCESS?*

The water utility (i.e. Mid-Western Regional Council), State Government agencies (e.g. NSW Health, EPA), major water users, Catchment Management Authorities (CMA's), industry, commerce and the broad community will be invited to participate in the project as part of a Project Reference Group (PRG).

The role of the PRG is to agree on the IWCM issues, discuss required levels of service and assess the social, environmental and economic impacts that would result from any adopted IWCM strategy. The PRG provides essential stakeholder involvement and transparency in the IWCM process. After broad community consultation on the draft IWCM strategy, the utility would then finalise and adopt the IWCM strategy and implement the agreed actions.

The PRG membership is designed to encourage ownership by having members which include stakeholders related to both the identified problems and solutions. Councillor representation on the PRG is critical in providing community involvement in the process.

### *WHERE IS COUNCIL UP TO?*

The following actions have been undertaken in relation to Council's IWCM project:

- The requirement for an IWCM has been identified, with the need to complete the IWCM as soon as practicable.
- Quotations were invited from experienced consultants to undertake the IWCM project for Council.
- The quotations were reviewed, with the IWCM project awarded to HydroScience Consulting.
- A project commencement meeting has been held with the consultant to identify documentation, project timeframes and project expectations.

The next step of the project is to form the Project Reference Group. The first PRG meeting is proposed to be held in the week commencing 10<sup>th</sup> February 2014. Two Councillors are required to be a part of the PRG to ensure the process achieves approval from the NSW Office of Water. It is recommended that Councillors Cavalier and Weatherley be the nominated representatives on the Integrated Water Cycle Management Project Reference Group.

## *Financial implications*

The total cost of the Integrated Water Cycle Management project will be \$46,783 (excl. GST) for the Evaluation Study and \$39,147 for the Strategy Report. The project will be 50% funded from the Water Management Studies budget and 50% from the Sewer Management Studies budget. Sufficient funds are available in these budgets to undertake the project.

## Strategic or policy implications

This project will inform the review of Council's strategic business plans for water supply and sewerage.

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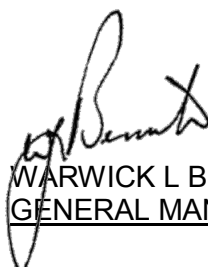
CLAIRE CAM  
BUSINESS MANAGER SERVICES

BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

4 December 2013

*Attachments:* Nil

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'W. Bennett', with a large loop at the start and a cross at the end.

WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.14 Mobile Biosolids Dewatering Unit

REPORT BY THE BUSINESS MANAGER SERVICES TO 20 NOVEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0100056, 2013/17

### RECOMMENDATION

**That:**

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

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### Executive summary

Council's Sewage Treatment Plants at Mudgee and Gulgong generate waste biosolids (sludge) as a part of the sewage treatment process. Historically, the waste sludge has been stored in ponds on site for a sufficient period to dry, with the dried sludge then removed by excavators.

The purpose of the supply of the Mobile Biosolids Dewatering Unit is to enable the efficient and cost effective dewatering of biosolids from Council's sewage treatment plants. It will allow a single dewatering unit to be used at all of Council's facilities and will eliminate the need for expensive removal of dried sludge by excavators.

Council's objective for this contract is to engage a suitably qualified contractor to supply a Mobile Biosolids Dewatering Unit, capable of efficiently and cost effectively dewatering biosolids at Council's sewage treatment plants.

The budget allocation for the Mobile Biosolids Dewatering Unit is \$350,000.

Tenders have been called for the supply of a mobile biosolids dewatering unit and are presented for Council's consideration and determination.

## Detailed report

### Tenders Received

Tenders were called for the project on 24 September 2013. Upon closing, thirteen (13) tenders were received from eight (8) separate tenderers. Details of the tenders received and their proposed dewatering technology are tabulated below:

<b>Tenderer's Name</b>	<b>Proposed Technology</b>	<b>Tender Price (incl. GST)</b>
Aquatec Maxcon Pty Ltd	Centrifuge	\$611,346.85
BCIP Pty Ltd	Centrifuge	\$542,000.80
GEA Westfalia Separator Australia Pty Ltd	Centrifuge	\$577,500.00
Green Process Pty Ltd	Screw press	\$435,930.00
Hydroflux Huber Pty Ltd	Screw press	\$531,630.00
Hydroflux Huber Pty Ltd (Alternate tender)	Screw press	\$451,880.00
Ishigaki Oceania Pty Ltd	Screw press	\$658,900.00
TEMA Engineers Pty Ltd	Belt press	\$392,150.00
TEMA Engineers Pty Ltd	Centrifuge	\$391,600.00
VoR Environmental Australia Pty Ltd	Centrifuge	\$549,945.00
VoR Environmental Australia Pty Ltd	Dehydrator (Constructed in China)	\$655,490.00
VoR Environmental Australia Pty Ltd	Dehydrator (Constructed in Japan)	\$853,490.00
VoR Environmental Australia Pty Ltd	Belt press	\$658,350.00

Tenders have been assessed on the following criteria and their relative evaluation weightings:

- Tender price (70%)
- Demonstrated capability and experience in comparable works (10%)
- Performance guarantees, equipment suitability, durability and flexibility (10%)
- Quality and safety management systems and proposed program (10%)

Further detail is provided in the confidential section of the Business Paper.

### Late Tenders

No late tenders were received.

### Conforming Tenders

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

### Non-complying or Alternate Tenders

No non-conforming tenders were received.

Tenderers were invited to submit tenders based on a range of available dewatering technologies. As such, tenderers could submit multiple tenders based on different technologies. These are not considered alternate tenders.

An alternate tender, though, was received from Hydroflux Huber Pty Ltd. The alternate tender (listed as Alternate Tender in the table above) was based on the supply of a different controls specification than the one detailed in the tender documentation.

### Post-Tender Contact

Post tender contact was made with TEMA Engineers Pty Ltd. The tenderer had provided tender pricing as a part of a covering letter, however, formal tender schedules were required to be completed to ensure an accurate assessment of all tenders could be made. As such, the post tender contact was for clarification of TEMA Engineers' tender and resulted in the submission of completed tender pricing schedules.

### Evaluation Methodology

The objective of the tender evaluation was to select the tenderer(s) offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings were identified in the Request For Tender documentation.

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

### Assessment Panel

Claire Cam	Business Manager Services
Richard Minter	Senior Water and Wastewater Engineer
Neil Bungate	Financial Accountant

### Evaluation Findings

All tender submissions were assessed in accordance with the Evaluation Plan and scored against the evaluation criteria and weightings listed in the tender document to determine the Total Weighted Score (refer to Attachment A).

A summary of the evaluation findings are as follows:

- The Mobile Biosolids Dewatering Unit will have a design life of approximately 15 years. As such, the tender document schedules were prepared for tenderers to identify in their submissions the on-going costs of their mobile unit. This was to allow a whole of life cost assessment to be undertaken to determine if a higher capital cost purchase would provide better value for money over the life of the unit. None of the tenderers submitted sufficient information to enable a whole of life cost assessment to be undertaken.
- The lowest tenderer, TEMA Engineers Pty Ltd, excluded two required items from their tender price. These items were the cost of transporting the unit from Gulgong to Mudgee Sewage Treatment Plants and craneage at both sites. Based on other tender submissions, this would add approx. \$15,000 to their tender price for both their technology options. This would take the TEMA Engineers tender prices to approx. \$375,000 (excl. GST) or approx. \$25,000 over the available budget.
- The complying tender from Hydroflux Huber Pty Ltd is significantly higher than the lowest tender of TEMA Engineers, however, Hydroflux Huber have included an alternate offer in their tender of a control system built to Hydroflux standards as opposed to the requirements of the specification. The alternate offer is a price deduction of \$72,500 (excl. GST). Further consideration needs to be made whether any of the other tenderers could offer a reduced tender price by adopting their standard specification rather than the project (Public Works based) specification. This consideration cannot be done within the tender assessment process due to the requirements of the Local Government (General) Regulation.



- Excluding the alternate offer from Hydroflux Huber Pty Ltd, the three highest ranking complying tenderers from the tender assessment included in Attachment A are TEMA Engineers Pty Ltd, Green Process Pty Ltd and VoR Environmental Australia Pty Ltd.

It is recommended that Council resolve to not accept any tenders and to negotiate with the three highest ranking tenderers. The basis of the negotiations would be as follows:

- Identification of on-going running costs so that an accurate whole of life cost assessment can be undertaken.
- Discussions with the tenderers to determine if their tender costs can be reduced with an alternate, but still acceptable, dewatering unit specification.

Whilst the tender of VoR Environmental Australia Pty Ltd is significantly higher than the tenders of both TEMA Engineers and Green Process, there is merit in negotiating with them as they have supplied a significant amount of the equipment at the new Mudgee Sewage Treatment Plant and there would be benefit in a single supplier of equipment at the treatment plant.

### Financial implications

The budget allocation for the Mobile Biosolids Dewatering Unit is \$350,000. All tenders received exceed the budget allocation.

### Strategic or policy implications

There are no strategic or policy implications.

CLAIRE CAM  
BUSINESS MANAGER SERVICES

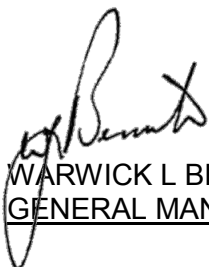


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

1 November 2013

*Attachments:* 1. Tender Assessment Final Scores (included in the confidential section of the business paper.)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.15 Tender Assessment – Noxious Weed Spraying (Panel)

REPORT BY THE FINANCIAL ACCOUNTANT TO 18 DECEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0100056, COR400049

### RECOMMENDATION

**That:**

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

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### Executive summary

This procurement is for the purpose of creating a panel of preferred service providers to undertake noxious weed spraying on Council, Crown and private land, on behalf of Mid-Western Regional Council.

Tenders were called on 11 October 2013 for Noxious Weed Spraying (Panel) and closed on 8 November 2013. Nine tenders were received.

Advertisements for the tender were placed in the Mudgee Guardian, Tenderlink and Council's website on 11 October 2013.

The proposed contract term is 3 years.

The contract is estimated to have a value of \$50,000 per annum.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers' offered the best value for money in the provision of to Noxious Weed Spraying Council.

## Detailed report

### *TENDERS RECEIVED*

The Tenders received were as follows:

- Fenceu Pty Ltd
- Hunter Land Management
- Kleinfelder (Littoria Pty Ltd)
- MJ & S Naismith
- Pilley Contracting Pty Ltd
- SJ Landscape Constructions Pty Ltd
- Small Farm Solutions
- Specialised Weed Services Pty Ltd
- Toolijooa

### *LATE TENDERS*

There were no late tenders.

### *NON-COMPLYING OR ALTERNATE TENDERS*

One Non-conforming tenders was received from:

- Fenceu Pty Ltd

This tenderer did not submit sufficient information in order to continue in the evaluation process.

### *CONFORMING TENDERS*

Conforming tenders were received from:

- Hunter Land Management
- Kleinfelder (Littoria Pty Ltd)
- MJ & S Naismith
- Pilley Contracting Pty Ltd
- SJ Landscape Constructions Pty Ltd
- Small Farm Solutions
- Specialised Weed Services Pty Ltd
- Toolijooa

### *EVALUATION METHODOLOGY*

The objective of the evaluation was to select the tenderer(s) offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process were:

<b>Evaluation Criteria</b>	<b>Weighting</b>
1. Price – (including all rates i.e.: travel)	55%
2. Demonstrated capacity to meet Statement of Requirements	15%
3. Demonstrated ability to identify noxious weeds.	20%
4. Quality and effectiveness of Quality, Safety and Environmental Management Systems	10%

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.

#### *TENDER EVALUATION PROCESS*

The evaluation was conducted as follows:

1. An initial cull of any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders which clearly were not of an acceptable standard to warrant further detailed evaluation. One tender were culled in this initial stage. Details regarding these tenders are set out above ('Non-conforming or alternate tenders').
2. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.

During this evaluation an error in the mandatory requirements was discovered. This required the removal of the following mandatory requirements:

- Copy of all Workplace Health and Safety Management Systems including all relevant Safe Work Method Statements (SWMS) must be supplied (refer to as per Work Health and Safety Act 2011).
- Copy of all Environmental Management Systems must be supplied
- All certificates of Currency for the following insurance must be supplied: Professional Indemnity noting weed spraying

All conforming tenderers were notified of the change on 22 November 2013 and were given until 2 December to resubmit their mandatory documents requirement documents only.

The tenders of MJ & S Naismith and Kleinfelder (Littoria Pty Ltd) were excluded following this stage as they did not meet all the mandatory conditions for participation. These tenders may be considered and added to the panel contract should they supply the mandatory documents and complete satisfactory further evaluation in future.

3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.

The Local Preference Policy was applied to those tenders who met these requirements.

4. This Tender Evaluation Report detailing the rating of each short-listed tenderer and the final recommendations of the preferred tenderer(s) for Noxious Weed Spraying is provided for the consideration of Council.

#### *ASSESSMENT PANEL*

<b>Employee name</b>	<b>Employee title</b>
Neil Bungate	Financial Accountant
Ian Clayton	Assistant Manager - Revenue & Property
Rob McAlpine	Weeds Inspector

#### *EVALUATION FINDINGS*

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan (Attachment A), to determine the Total Weighted Score.

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer(s) have/has submitted the most superior tender/s representing the best value to Council for Noxious Weed Spraying:

**Tenderer**

Small Farm Solutions  
Pilley Contracting Pty Ltd  
Specialised Weed Services Pty Ltd  
SJ Landscape Constructions Pty Ltd  
Toolijooa  
Hunter Land Management

Financial implications

Not applicable.

Strategic or policy implications

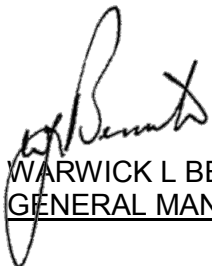
Not applicable.

NEIL BUNGATE  
FINANCIAL ACCOUNTANT

4 December 2013

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

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## 6.2.16 Yarrawonga Rd Bridge Widening Tender

REPORT BY THE MANAGER TECHNICAL SERVICES TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, COR400055

### RECOMMENDATION

#### That:

1. **the report by the Manager Technical Services on the Yarrawonga Rd Bridge Widening Tender be received;**
2. **Council accepts Central West Civil for tender 2013-19 for the Design and Construction of the Extension to the one lane bridge on Yarrawonga Rd and that Council enter into a contract with Central West Civil in accordance with clause 178 of the *Local Government (General) Regulation 2005*.**
3. **Council authorises the General Manager to finalise and execute the contract on behalf of Council with Central West Civil for 2013-19 for the Design and Construction of the Extension to the one lane bridge on Yarrawonga Rd for the sum of \$163,064 (excl. GST)**
4. **Council authorises the General Manager to approve variations to this contract of up to 5% from the tendered amount**
5. **The unsuccessful tenderer(s) be notified that their tenders were unsuccessful.**

### Executive summary

Council has received federal Blackspot funding through the Roads and Maritime Service (RMS) for a section of Yarrawonga Rd that includes the one lane bridge over Worobil Creek. Council and RMS have agreed that a good outcome to utilising the funding available is to widen the existing bridge to make it two lanes, accompanied by shoulder widening on bends within the Blackspot area.

The estimated cost of the bridge widening component of the project was greater than \$150,000 requiring tenders to be called. Tenders were called on 1<sup>st</sup> November 2013 for the Design and Construction of the Extension to the one lane bridge on Yarrawonga Rd and closed at 12pm Thursday 28<sup>th</sup> November 2013. Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, Mudgee Guardian, Council's website and Tenderlink. Three tenders were received.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the provision of the Design and Construction of the Extension to the one lane bridge on Yarrawonga Rd to Council.

## Detailed report

### *TENDERS RECEIVED*

The Tenders received were as follows:

- Central West Civil
- Civil Build
- Waeger Constructions

### *LATE TENDERS*

No late tenders were received

### *CONFORMING TENDERS*

All tenders met the mandatory requirements and proceeded to a detailed evaluation.

### *EVALUATION METHODOLOGY*

The objective of the evaluation was to select the tenderer(s) offering the best value for money in a rational and defensible way which is fair to all tenderers. The evaluation criteria and criteria weightings applied to this evaluation process are shown in Attachment A – Evaluation Plan.

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.

### *TENDER EVALUATION PROCESS*

The evaluation was conducted in six stages:

1. An initial cull of any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders which clearly were not of an acceptable standard to warrant further detailed evaluation. No tenders were culled in this initial stage. Details regarding these tenders are set out above ('Non-conforming or alternate tenders').
2. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.
4. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
6. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer(s) for the Design and Construction of the Extension to the one lane bridge on Yarrawonga Rd for the consideration of Council.

### *ASSESSMENT PANEL*

Andrew Kearins	Manager Technical Services
Sally Mullinger	Business Manager Works
Kristie Ward	Procurement Coordinator

### EVALUATION FINDINGS

All tenderers were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan, to determine the Total Weighted Score. The scores are listed below.

<b>Tenderer</b>	<b>Total Weighted Score</b>	<b>Price (excl. GST)</b>
Central West Civil	9.6	\$163,064
Civil Build	5.0	\$395,000
Waeger Constructions	6.9	\$279,000

Tenders over \$350,000.00 were deemed unaffordable and not cost effective, therefore under Clause 7.7.3 of the RFT were not considered further.

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer has submitted the most superior tender representing the best value to Council for the Design and Construction of the Extension to the one lane bridge on Yarrawonga Rd.

### CENTRAL WEST CIVIL

Central West Civil have subcontracted Geolyse to complete the design work and have submitted a simple but effective conceptual design proposal for the bridge extension at a very competitive price, significantly cheaper than the other tenderers. Central West Civil also demonstrated they have the capability and experience to carry out the work with all referees giving good feedback about the company.

### Financial implications

Funding for this project has been allocated to Council under the Federal Blackspot Program and incorporated through Councils Budget process.

### Strategic or policy implications

This project is strategically important to improve the safety of road users in an area where numerous accidents have occurred previously.



ANDREW KEARINS  
MANAGER TECHNICAL SERVICES



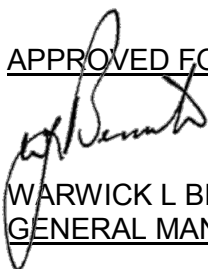
BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

4 December 2013

**Attachments:**

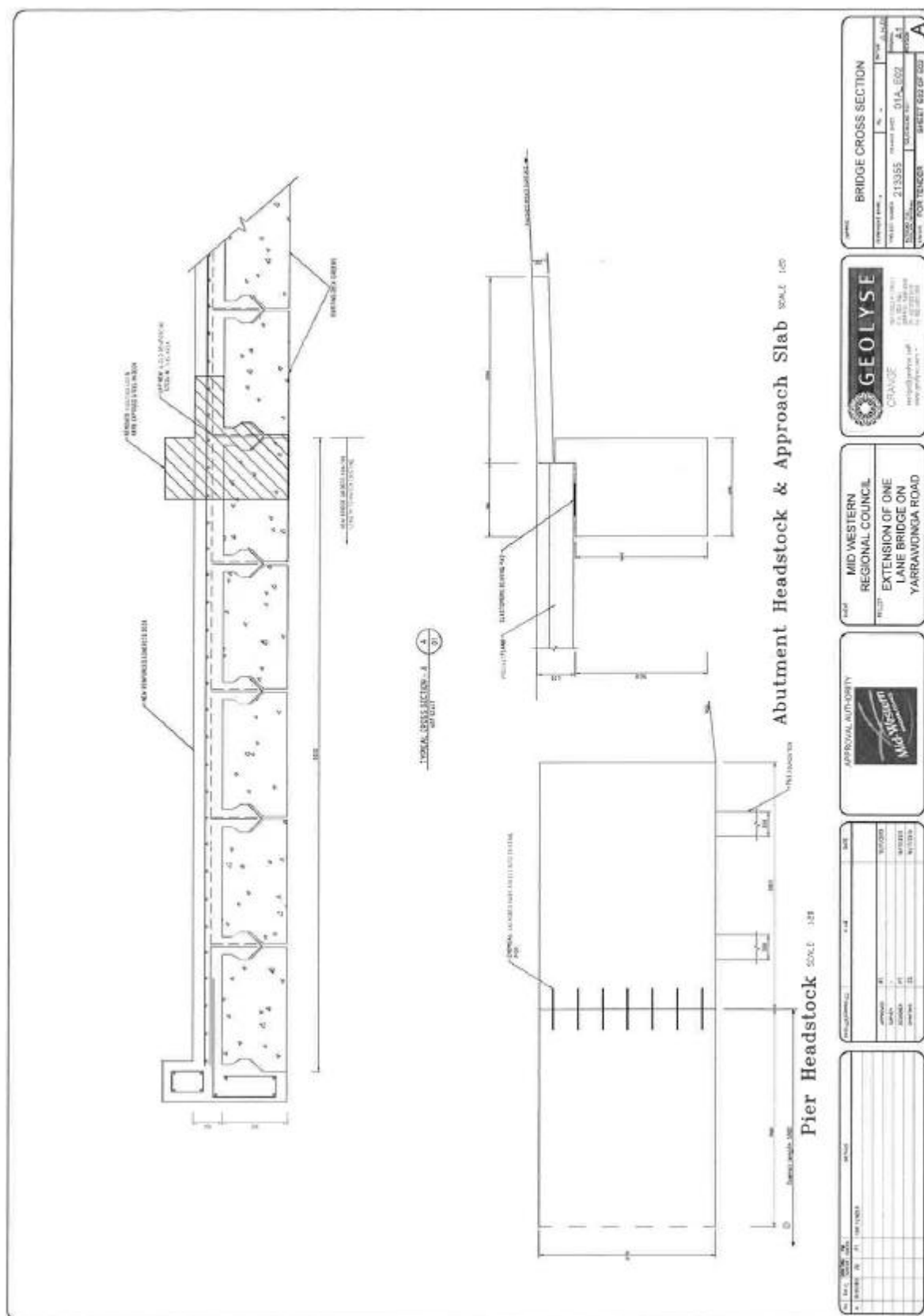
1. Central West Civil Bridge Extension Concept Design
2. Detailed tender evaluation (included in the confidential section of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER







## 6.2.17 Triamble Road

REPORT BY THE GENERAL MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, R4008001

### RECOMMENDATION

**That:**

1. the report by the General Manager on Triamble Road be received;
2. Council supply a copy of this legal advice to the Triamble Road affected parties;
3. Council resolves as a matter of principle that it will not participate in any legal or court proceedings over the matter of legal access at Triamble Road nor will Council fund any further research into the matter of the legality or not of the Triamble Road access matter.

### Detailed report

At the Council meeting in October of this year it was resolved by Council to:-

*Council seeks legal advice as to whether compensation is payable on land taken for road reserve through the Echo property in accordance with the points made in the public submissions; and*

*Council investigates whether the road through Echo property was ever gazetted as a military road.*

Please find attached a legal opinion from Local Government Legal in regard to this matter. The legal advice in summary states that the landowners have a number of options including approaching the Crown and/or seeking determinations through the courts.

The recommendation in this report is that the property owners undertake the research, discussion with the Crown and court actions as they deem appropriate. But it is no longer appropriate for Council to be any further involved at this time as Council has provided alternative access which was agreed by the property owners.

In regard to the second part of the motion, Council staff cannot find any reference in NSW to a road being defined or gazetted as a Military Road.

### Financial implications

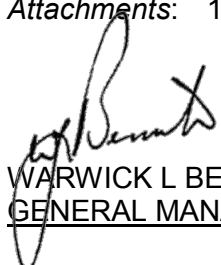
Nil at this stage.

### Strategic or policy implications

Nil at this stage.

7 December 2013

*Attachments:* 1. Email from Martin Ball dated 19 November 2013



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1

**From:** Martin Ball [martinb@llegal.com.au]  
**Sent:** Tuesday, 19 November 2013 2:44 PM  
**To:** Ian Roberts; Warwick Bennett  
**Subject:** Triamble Road

Dear Warwick and Ian,

I have reviewed Ian's letter to Tony Pickup dated 28 October 2013 and the material provided with that letter.

As discussed with Warwick, in my view:

1. The argument that MWRC would not have to compulsorily acquire the road over "Echo" subject to the Land Acquisition (Just Terms Compensation) Act 1991 (LAJTC Act), because of the terms of the original Crown grant(s) for that property, is not likely to be correct. It is almost certain not to be accepted as correct by the owner of "Echo". Accordingly it would have to be tested in litigation, which, in my opinion, would likely establish that the Council was only able to acquire the road using its powers under the Roads Act 1993 and subject to the LAJTC Act, including payment of compensation.

This is because the Council is not the Crown. The Crown may have some capacity to resume the road without paying compensation, but that does not enable the Council to do so. Whether the Crown continues to have such a capacity given the passage of legislation such as the LAJTC Act in the decades since the Crown grant of "Echo" is not something the Council needs to consider, but it may be doubted.

The owners of "Wing Vee", "Triamble" and "Sunset Plains" may wish to direct this argument to the relevant Minister of the NSW government.

Should Council resolve to exercise its power to compulsorily acquire the relevant road (which requires consent of the Minister and of the Governor) the terms of the Crown grant may be relevant to the amount of compensation payable under the LAJTC Act, although such a consideration is not directly at least within the purview of s.55 of the LAJTC Act which specifies the only matters which can be taken into account in determining the amount of compensation. This argument would also likely be contested by the owner of "Echo" and require resolution by the court.

2. The relevant portion of the road over "Echo" may have been created as a public road at common law prior to 1920. This would depend on what historical research showed. If the road was offered for dedication in some manner, and that offer was accepted by public user of the road, prior to 1920, then it could be a public road existed in 1920 on the commencement of the Local Government Act 1919 and as such title to the road then vested in the council (or its predecessor).

The owners of "Wing Vee", "Triamble" and "Sunset Plains" may wish direct some effort into this research.

Even if sufficient evidence was to be found to run this argument, it would require the owners of "Wing Vee", "Triamble" and "Sunset Plains" to apply to the Supreme Court for a declaration that the road was already a public road vested in MWRC. The owners of "Echo" would be the Defendants. The Council would also be joined as a defendant, in case it wished to be heard in relation to the matter. In any such proceedings the Council could choose to file a submitting appearance and take no active role in the proceedings, thereby minimising its exposure to legal costs.

If the Supreme Court declared that the road was already a public road vested in MWRC, then MWRC would be responsible for it.

Of course if such a declaration was made, there would be no reason to consider acquisition of the land comprised in the road.

If there is no evidence to support the making of such a declaration, the owners of "Wing Vee", "Triamble" and "Sunset Plains" may wish to investigate (and obtain their own legal advice as to) the possibility of whether an easement by prescription (long user) may have come into existence. This would only have occurred if the use of the road over "Echo" occurred when "Echo" was held under "Old System" title, and continued without secrecy, violence or permission for at least 20 years. If subsequently the title to "Echo" was brought under the Real Property Act, without any such easement being recorded, and is now held as unqualified title under that Act, it is likely any such easement has been lost, but this is very much a matter upon which the owners of the properties to obtain their own advice. The existence of any such easement would also probably require an application to the Supreme Court for a declaration.

I note in passing that if no such easement can be established it is open to the owners of "Wing Vee", "Triamble" and "Sunset Plains" to consider applying to the Court under s.88K of the Conveyancing Act for the grant of an easement. This is only available where (simplifying), the easement is reasonably necessary for the effective use of their land, and relevant to this is the existence or not of other practicable means of access. The owners must have tried to acquire the easement by negotiation and not succeeded. If the court grants an easement, they have to pay market value compensation to, and generally the legal costs of, the owner of the land over which the easement is granted.

3. The Council's power to compulsorily acquire land is limited only by the following:

- The proposed acquisition must be for one of the Council's functions. There is no doubt that the Council can acquire land for a public road.
- The Minister for Local Government and the Governor have to approve the proposed compulsory acquisition. If approval is not forthcoming the Council cannot compulsorily acquire the land.

I trust these brief comments are sufficient. The legal issues around common law roads and prescriptive easements are quite complex, but I think the above suffices to show that the running on those issues is really a matter for the owners wanting to have the right to traverse "Echo". Unfortunately pursuing any of these paths is not likely to be quick or cheap for them and will probably involve an application to the Supreme Court; or, if the easement is required in connection with a development application for their property which is refused by the Council, to the Land and Environment Court.

**Marlin Ball** | Senior Lawyer  
Local Government Legal |  
59 Bonville Avenue | PO BOX 3137 | Thornton NSW  
T: (02) 4978 4006 | F: (02) 4966 0588 | E: [marlinb@lalegal.com.au](mailto:marlinb@lalegal.com.au) W: [www.lalegal.com.au](http://www.lalegal.com.au)



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## 6.2.18 Future employment statistics

REPORT BY THE GENERAL MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0100056, ECO800020

### RECOMMENDATION

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

---

### Detailed report

Please find attached a summary of the Future Employment Projections from the major state significant capital projects that are programmed in this region over the next 5 years. This information has been collated directly from the Environmental Assessments lodged by the applicants or presentations made to Council. In essence, it is meeting the outcomes of the Local Service Assessments reports, however there are some minor time delays.

### Financial implications

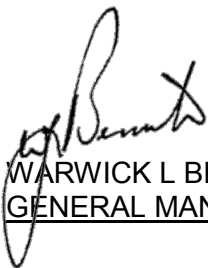
Not applicable at this time.

### Strategic or policy implications

Not applicable at this time.

25 November 2013

*Attachments:* 1. Detailed employment predictions and capital projects.



WARWICK L BENNETT  
GENERAL MANAGER



### Coal Mining Projects

Existing Mines	Construction	Operations	2014	2015	2016	2017	>2017
Moolarben	220	122	C 220	O 122			
Wilpinjong	110	80	C 110	O 80			
<b>Total</b>	<b>330</b>	<b>202</b>	<b>C 220</b>	<b>O 122</b>	<b>110</b>	<b>80</b>	<b>0</b>
<b>Proposed Mines</b>							
Cobbora	300	400	C 300	O 400			
Mt Penny	300	250	C 300	O 250			
Bylong	1000	350	C 1000	O 350			
Inglennook	300	250	C 300	O 250			
<b>Total</b>	<b>1900</b>	<b>1250</b>	<b>C 1900</b>	<b>O 1250</b>	<b>1000</b>	<b>350</b>	<b>900</b>
<b>ALL COAL MINING PROJECTS</b>							
All Coal Mining Projects	2230	1452	C 2230	O 1452	1110	430	900

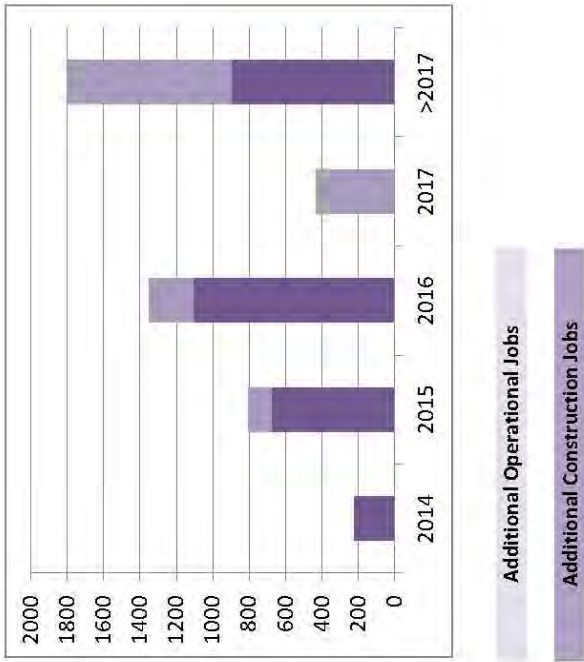


**Other Major Projects**

Other Mines	Construction	Operations	2014	2015	2016	2017	>2017
Bowdens Silver Mine	300	200	C	300			
			O		200		
Hill End Gold Mine	0	0	C				
			O				
<b>Total</b>	<b>300</b>	<b>200</b>	<b>C</b>	<b>300</b>	<b>0</b>	<b>0</b>	<b>0</b>
			<b>O</b>	<b>0</b>	<b>200</b>	<b>0</b>	<b>0</b>
<b>Wind Farms</b>							
Crudine Ridge	130	20	C	130			
			O		20		
Uungula	250	20	C	250			
			O		20		
<b>Total</b>	<b>380</b>	<b>40</b>	<b>C</b>	<b>380</b>	<b>0</b>	<b>0</b>	<b>0</b>
			<b>O</b>	<b>0</b>	<b>40</b>	<b>0</b>	<b>0</b>
<b>ALL OTHER PROJECTS</b>							
	<b>Construction</b>	<b>Operations</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>&gt;2017</b>
All Other Projects	680	240	C	680	0	0	0
			O	0	240	0	0

All Major Projects - Additional Employment

ALL MAJOR PROJECTS		2014	2015	2016	2017	>2017	Total
All Major Projects	Construction	220	680	1110	0	900	2910
	Operation	0	122	240	430	900	1692



## 6.2.19 Amendment to 2014 Meeting Programme

REPORT BY THE GENERAL MANAGER TO 18 DECEMBER 2013 COUNCIL MEETING

Meeting Schedule 2014

GOV400029, A0100004, A0100046

### RECOMMENDATION

That:

1. the report by the General Manager on the Amendment to 2014 Meeting Programme be received;
2. Council Meetings previously scheduled for:  
*Wednesday, 8 October 2014*  
*Wednesday, 22 October 2014*  
be changed to:  
*Wednesday, 1 October 2014*  
*Wednesday, 15 October 2014, respectively;*
3. the Gulgong Community Forum previously scheduled for:  
*Wednesday 15 October 2014*  
be changed to:  
*Wednesday 8 October 2014.*

### Detailed report

#### COUNCIL MEETINGS

Council meetings are currently being held on the first and third Wednesday of each month, commencing at 5.30 pm with an Open Day.

Therefore, the Council meetings for October 2014 should fall on Wednesday 1 October 2014 and Wednesday 14 October, not 8 and 22 October as previously listed.

#### COMMUNITY FORUMS

The Community Forum previously scheduled for Wednesday 15 October should be reset for Wednesday 8 October, in light of the changes to the October Council meetings.

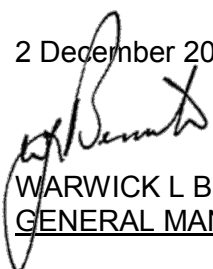
### Financial implications

Funding for meetings is provided in the annual budget.

### Strategic or policy implications

Council is required to hold at least 10 Council Meetings per year, each in a separate month.

2 December 2013



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.20 Mudjee Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 18 DECEMBER 2013  
COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, A0100013

### RECOMMENDATION

#### That:

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

---

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudjee Sports Council AGM Meetings held on 28 October 2013. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

### Detailed report

Not applicable.

### Financial implications

Not applicable.

## Strategic or policy implications

Not applicable.

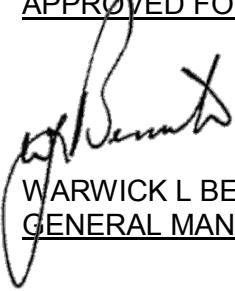


BRAD CAM  
DIRECTOR, MID-WESTERN OPERATIONS

2 December 2013

*Attachments:* 1. Minutes of the Mudgee Sports Council AGM Meeting 29 September 2013  
2. Minutes of the Mudgee Sports Council AGM Meeting 28 October 2013  
3. Minutes of the Mudgee Sports Council AGM Meeting 21 November 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



**Sports Council Meeting.**  
**Glen willow Netball Meeting Room**  
**29-09-2013 - 18:35**

**Present:** P. Mitchell, C. Kurtz, Ben Harris (Mudgee Guardian Representative), M. O'Keefe, K. Lang, T. Headly, G. Robinson D. Payne, G. Parker, D. Synder & J. Johnson.

**Apologies** G. Bartrim, T. Ford, R. Sharp, John Weatherley MWRC Rep Moved C. Kurtz seconded G. Parker that apologies be accepted.

Minutes from previous meeting read as true and correct, Moved D. Synder, seconded C. Kurtz

**Business arising from previous minutes:**

- Email sent re works requests from Tracey Kane.
- Western region Sports academy- Council funding, council funding this year but not next.
- Reports of payments- payment from Soccer not included on the August balance sheet.

A special report by Jordan Woolmer who represented Australia in the Deaf Olympics training took place in Melbourne every 6 weeks, which in its self a big step up from Basketball in Mudgee, we faced Russia first, then the USA, then the Slovak team some of those guys were over 6 ft 6 we had a win over Kenya, it was a amazing experience and I would like to Thank Sports Council for their support, Jordan then presented a certificate of appreciation.

Also an update on another recipient Aiden Toovey who has been competing in Italy he has been p-lacing between 15<sup>th</sup>-30<sup>th</sup>th, Mudgee Cycle club is very grateful for the funding assistance provided by Sports Council.

**Treasurer's Report:**

- \$2882 spent, more than collected only giving YTD figures. Moved C. Kurt, seconded D. Synder.

**Secretary Report:**

- Ground Requests.

**Works Requests Updates:**

- Gutters need cleaning amenities block West End.
- Broken fence post South/west corner Jubilee.
- Gate at Victoria Park a safety issue with people from Skate Park walking onto cycle track when race in progress, needs to be repaired urgently.
- Chain needs replacing on second emergency entrance Jubilee.
- If you need extra bins, need to be collected from the Tip Depot, if you want permanent bins your club will need to purchase and lock them away.

**Workers Requests:**

- Gutters still not cleaned at West end.
- Has the sprinkler system at West end been fixed?
  - The emergency exit at Jubilee still ongoing.
  - Lights still to be repaired at Jubilee.
  - Hole in Cricket nets at Victoria Park need repair urgently.

**General Business:**

- Jenny Johnson informed Sports Council of vandalism at West end complex, bins were set alight, they broke into the men's toilets and threw toilet paper over the fields, upturned Hockey goal posts, and tried to use a concrete roller as a battering ram, a big Thank You to council staff for the prompt repair of the toilets and replacement of the bins.
- Track cycling racing starting Monday and Wednesday nights from 5:30pm to &:7:30pm from the 19<sup>th</sup> October to the end of March, we have issues in the past with personnel trainers, the council is looking into the issue of personnel trainers and will hopefully provide an answer next Sports council meeting.
- Junior Cricket has booked grounds, and remind Senior Cricket to book Glen Willow.

- The AGM will be held at the next sports council meeting, request all sports council rep attend meeting on the 28<sup>th</sup> October.
- Winter sports are reminded to get their nominations for sports awards in, seeing as their seasons have finished.
- Users of Glen Willow, with Touch growing now over 70 teams playing and 3 nights a week is it possible for Ultimate Frisbee to play at Cahill Park or even Walkers oval on a Monday night to give Glen Willow a break from play, with the upcoming ground closures and reduced field numbers, Touch will need 12 fields a night, are Ultimate Frisbee paying for lighting as other clubs do, need to check with council.
  - **Motion: Sports Council suggest Ultimate Frisbee move to fields 5 and 6 from 3 and 4 and once daylight saving commences, move to either Cahill Park or Walkers Oval.** Moved G. Robinson, seconded K. Lang.

Meeting closed 19:15

Next meeting and AGM 28<sup>th</sup> October at 6:30pm at the Netball clubhouse.

**ANNUAL GENERAL MEETING**  
**Sports Council Meeting**  
**Glen willow Netball Meeting Room**  
**28-10-2013 - 18:30**

**Present:** P. Mitchell, C. Kurtz, Ben Harris (Mudgee Guardian Representative), G. Robinson, D. Synder, M. O'Keefe, C. Turner, J. Weatherley (MWRC Representative), J. Baskerville, K. Lang, T. Headley, G. Parker, R. Sharp & J. Johnson.

**Apologies:** T. Ford, J. Yeo, G. Bartrim Moved C. Kurtz seconded D. Synder that apologies be accepted.

Minutes read as true and correct: Moved K. Lang, seconded G. Robinson.

**Business arising from previous minutes:**

- Nil.

**Treasurer's Report:**

- \$57349.53,  
Report moved C. Kurtz, seconded J. Baskerville.

**Presidents Report:**

An exciting year with fixtures at Glen Willow like the Parramatta V's Titans match, the Rugby &'s, Police Rugby, and a major Touch carnival in 2014, as well as the CHS Girls Softball carnival at West End, the sad part of the year was losing the Clubhouse at Glen Willow due to fire, this is now in the process of being rebuilt, I would also like to take the opportunity to Thank the outgoing committee for all their hard work.

Councillor John Weatherley then took the chair to declare all positions vacant.

**President:** Nomination Peter Mitchell, nominated by T. Headley, seconded C. Kurtz, no other nominations, carried.

**Vice President:** Nomination Greg Bartrim, nominated by C. Kurtz, seconded P. Mitchell, no other nominations, carried.

**Secretary:** Nomination Geoff Robinson, Nominated by P. Mitchell, seconded T. Headley no other nominations, carried.

**Treasurer:** Nomination Kathy Lang nominated by P. Mitchell, seconded C. Kurtz, nominee declined.

**Motion** Move to amalgamate the Treasurer/secretary position. Moved K.Lang, seconded P. Mitchell, Geoff Robinson elected Treasurer.

**Publicity:** Nomination Darren Synder, nominated by C. Kurtz seconded T. Headley, no other nominations carried.

**Minutes Secretary:** Nomination Jenny Johnson, nominated P. Mitchell, seconded T. Headley, and no other nominations carried.

**General Business:**

1. Affiliations fees: to remain at \$22 inclusive of GST, moved G. Robinson seconded C. Kurtz.
2. Meetings will remain the last Monday of the month, Kathy Lang is happy to step into Geoff Robinson's roles when he is busy with Basketball commitments.

**Meeting closed 18:46**

**Sports Council Meeting**  
**Glen Willow Netball Meeting Room**  
**21-11-2013 - 18:35**

**Present:** P. Mitchell, C. Kurtz, Ben Harris (Mudgee Guardian Representative), G. Bartrim, G. Robinson, M. O'Keefe, J. Baskerville, K. Lang, S. Adlington, D. Sprigg, & J. Johnson.

**Apologies:** T. Ford, J. Weatherley (MWRC Representative), D. Synder. Moved S. Adlington C. Kurtz seconded that apologies be accepted.

Minutes read as true and correct: Moved J. Baskerville seconded J. Johnson.

**Business arising from previous minutes:**

- Events Coordinator, and role of, John Weatherley spoke with Warwick Bennett and he was going to speak with Alayna, and discuss her actual roles, and Sports council is still relevant and are in good faith and make reasonable requests.
- Insurance: Public liability, the council cannot cover other's risks, council is unsure who is liable in council car parks at sports grounds, and the staff member who does the insurance will come and talk to Sports Council if required.
- Glen willow: Raw water not chlorinated, not grey water.
- Fire extinguishers still not installed, total fire is still working to get them done.
- Fencing on Glen Willow- Julian Geddes thought the fencing around the ground may not go ahead.
- Repairs at Victoria Park quote \$3005 grant authorised and completed 3:30pm Wednesday by 9am Friday the bolts from the gate were removed, Saturday morning the panel on the fence kicked out by Wednesday evening 2 panel's removed "kicked in "again.

**Treasurer's Report:**

- \$57,199.73,  
Report moved G. Robinson, seconded K. Lang.

**Work's Requests Updates:**

- Repairs completed at Victoria Park, but unfortunately vandals have struck.
- Lights at Glen Willow and Jubilee awaiting crane and light winds.
- Glen Willow - fields still require watering and sprinkler covers need replacing, and top dressing of worn areas need completing.
- Guttering still to be checked at west End complex.
- Chain still needs to be placed on second emergency exit at Jubilee.
- Extinguishers still need to be installed, No 2 still missing from Netball clubhouse.

**Works Requests:**

- Sprinkler covers need replacing on field No 2 at Glen Willow.
- Holes all over fields at West End- request top soil for top dressing.
- **Electrical fault in canteen at West End, canteen manager electrocuted on Saturday the 23<sup>rd</sup> November requiring hospitalisation, request URGENT maintenance check and repair before Softball this week.**
- No cold water in canteen area at West end.
- Caps required for pole holes at Glen Willow.
- Fencing panel fallen over at Glen Willow.

**General Business:**

- Works requests to be sent to Tracey Kane, as she doesn't check the website.
- The top dressing of Cahill Park and west end was discussed both are in urgent need.
- Council requesting nominations for the Australia Day awards.
- Volunteer of the year awards sent to all clubs.
- Why are our meetings at 6:30 could we move it to 6pm, vote taken and we will trial the 6pm start at our next meeting the 28<sup>th</sup> January 2014.

- Chris Higget from CSN sporting apparel, is meeting with clubs at 5:45pm Thursday the 28<sup>th</sup> November at Sports Power to discuss uniform options, at moment kit for junior player including jumper, shorts and socks \$54.95 plus GST which is a saving of \$10 per set, and if a club orders 60 sets the company will throw in \$1700 worth of merchandise.
- Sorts awards, there is to be a sportsman dinner to be held at Roth's wine bar on the 7<sup>th</sup> February 2014 with guest speakers including Wayne Bennett, David Warner, and a couple of players from the Roosters, also some top referee's, prices to be announced.
- **All clubs are reminded to submit their sports awards for 2013, as soon as possible.**

Meeting closed 19:30

Next meeting to be held 28<sup>th</sup> January 2014 - 6:00pm.



## 6.2.21 Cultural Development Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 18 DECEMBER 2013 COUNCIL MEETING

Council 131218 PUBLIC

GOV400029, A0420172

### RECOMMENDATION

**That:**

1. **the report by the Manager, Community Services on the Cultural Development Committee be received;**
2. **Council note the minutes of the Cultural Development Committee meeting on 3<sup>rd</sup> December 2013;**
3. **Council endorse the amended Terms of Reference for the Cultural Development Committee;**
2. **Council endorse the nominations for appointment to the Public Art Advisory Panel of Chester Nealie, Anne Finnegan, Cameron Anderson and Ludwig Mlcek;**
4. **Council appoint Mayor Des Kennedy as an additional Councillor representative to the Public Art Advisory Panel.**

### Executive summary

Council's Public Art Policy defines the role and composition of the Public Art Advisory Panel (PAAP), and this report seeks the endorsement of the Cultural Development Committee's (CDC) nominations.

### Detailed report

Expressions of Interest were advertised for appointment to the PAAP. The Public Art Policy requires 3 experienced regional community representatives. The CDC considered the 4 nominations for appointment that it received, and agreed that each had unique experience and would provide valuable input into the PAAP and all should be appointed. Additionally they provide broad regional representation on the PAAP.

Those recommended for appointment are

- Chester Nealie – potter (Gulgong)
- Anne Finnegan – write, curator and educator (Kandos)
- Cameron Anderson – architect (Mudgee)
- Ludwig Mlcek – sculptor (Rylstone)

The PAAP requires

*'Two Councillors, one of whom is to be the Councillor appointed to the Cultural Development Committee, and shall be on the committee for the duration of the Council term'*

Councillor White is the CDC Councillor representative appointed, and Council will therefore need to nominate and appoint a further Councillor representative to the PAAP.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.

KATE POWER  
MANAGER, COMMUNITY SERVICES



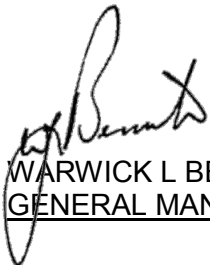
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

6 December 2013

*Attachments:*

1. Attachment – CDC Minutes 031213
2. Attachment – CDC Terms of Reference
3. Attachment – CDC Public Art Policy

### APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## ATTACHMENT 1

**MINUTES OF MEETING OF THE  
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE  
HELD ON TUESDAY 3<sup>rd</sup> DECEMBER, 2013  
MEETING AT THE COUNCIL COMMITTEE ROOM, MUDGEES AT 4.00pm.**

**PRESENT:** Judith James, Helen Harwood, Christopher Wright, Gai Rayner, Cr Lucy White, Virginia Handmer, Kate Power and Catherine Van Laeren

1. **WELCOME:** – Judith welcomed all to the meeting

2. **APOLOGIES:** Nil

3. **PREVIOUS MINUTES:**

*Motion: That minutes of 28 October 2013 meeting be adopted  
Moved – V Handmer Seconded – L White Motion carried*

4. **Public Art Advisory Panel (PAAP)**

Judith James advised that the selection committee for the PAAP (JJ, HH & LW) had met with 3 applicants for the PAAP, and recommended their appointment. She tabled a paper describing their experience and how each met the selection criteria.

Kate Power advised that Ludwig Mlcek had submitted an application form to Council.

The experience and credentials of all 4 applicants were considered, and the committee agreed that each had unique experience and would provide valuable input into the PAAP and all should be appointed.

*Motion : That a report be prepared for Council recommending the PAAP appointment of*

- Chester Nealie
- Anne Finnegan
- Cameron Anderson
- Ludwig Mlcek

*Moved – L White Seconded – H Harwood Motion carried*

Judith James also advised that she has been in contact with Alicia Leggett who has agreed to be the regional arts body representative to PAAP.

Discussion was held around the CDC member appointment to the PAAP.

*Motion: That Helen Harwood be appointed the CDC member of the PAAP*

*Moved – L White Seconded – Gai Rayner Motion carried*

5. **Indigenous Art Exhibition at the Library**

Helen Harwood provided an update that the artwork has been installed and the opening will be held on 11 December at 6.30pm. The pieces showcase some of the most highly regarded and respected indigenous artists from across Australia.

6. **Ceramic Art Collection**

Kate advised that Council had adopted the recommendation that the Ceramic Art Collection be superseded by the Public Art Policy. One of the first tasks for the PAAP will be to revise the Ceramic Art Collection Policy guidelines.

Helen Harwood advised that she would be willing to compile a register of the works.

#### **7. Framing the Future workshop**

Kate, Helen and Judith will attend the regional Framing the Future workshop on Wednesday 11<sup>th</sup> December in Dubbo, a forum to discuss the proposed Cultural Policy for NSW.

Lucy discussed the Destination Management Plan and said that it could feed nicely into a submission made. Lucy and Judith will meet post the workshop on 11<sup>th</sup> December to discuss.

*Action Item – Lucy to make a presentation to next CDC meeting in relation to the Destination Management Plan and it's cultural/tourism linkages.*

#### **8. Public Art Installation**

Catherine advised the committee that there are some engineering requirements for the 'Seed Memory' piece to be installed. Helen and Catherine will meet in the next week to discuss location.

#### **9. Terms of Reference**

Judith tabled a revised Terms of Reference. The committee discussed them and agreed to their adoption.

*Motion – that the amended Terms of Reference be adopted by Council*  
*Moved – V Handmer Seconded – G Rayner Motion carried*

*Action Item – that each committee member come to the next meeting with an idea of one person for appointment to the CDC, with the focus being on identifying people within areas artistic and cultural disciplines not currently covered by the current committee*

#### **10. Role of chairperson**

Judith tabled document titled Role Description: Chair, Cultural Development Committee. The committee discussed the document, and agreed to note it.

#### **11. Amplify Your Arts grant**

Information regarding the Amplify Your Arts grant was circulated prior to the meeting with the agenda, and was noted by the committee.

#### **12. Budget Initiatives**

Catherine detailed the budget process, and it was agreed that an initiative would be prepared for \$5000 dollar for dollar grant for Rylstone Sculptures Inc.

There being no further business the meeting closed at 5.20 pm.

Next proposed meeting date: Monday 3<sup>rd</sup> February at 5.00pm.

Mid-Western Regional Council

## **Cultural Development Committee**

### **Terms of Reference**

#### ***Preamble***

Mid-Western Regional Council appreciates the advice, voluntary time, commitment, interest and dedication demonstrated by members of its advisory committees. Council will give serious consideration to recommendations stated in minutes of Advisory Committee meetings. Such recommendations will be considered in the context of Council's Community Plan.

#### ***Purpose of Cultural Development Committee***

The Cultural Development Committee provides guidance to enable Council to achieve Goal 4 of Towards 2030 Community Plan, which seeks to meet the diverse needs of the community and create a sense of belonging and, in particular, to assist Council deliver strategy 4.2 outlined under this goal to support arts and cultural development across the region.

#### ***Council Contact***

The Community Services Manager is the Council contact officer for the Committee

#### ***Responsibilities***

Mid-Western Regional Council Cultural Development Committee will advise council on:

- opportunities and priorities with regard to arts and cultural development across the region in accordance with the Towards 2030 Community Plan
- strategic relationships with arts funding agencies within NSW and further afield
- the use and development of cultural spaces
- the needs and requirements of the cultural community;

and will provide advice to Council on, and manage Council's relationship with

- relevant regional arts bodies
- other cultural advisory panels, such as the Public Art Advisory Panel

#### ***Composition of Cultural Development Committee***

The Committee will comprise up to 10 community members together with one (1) delegate from Council. The quorum for the Committee will be four (4) members.

#### ***Frequency of Meetings***

Monthly, except December

#### ***Delegations***

Nil

***Financial arrangements***


Nil

***Secretarial Support***

The minutes of meetings will be recorded and distributed by secretarial resources provided from Council following the Chair's approval. Members will forward agenda items and papers for circulation to the Chair, whose responsibility will be to ensure these are circulated in a timely manner.



## ATTACHMENT 3

	POLICY	ADOPTED C/M Minute No. XXX / XX.
	Public Art Policy Draft	REF: insert reference REV: insert revision number  FILE No. insert file no.

**Purpose of policy**

This policy sets out Council's commitment to developing a public art program that reflects our natural and cultural heritage, engages with our community and adds value to our infrastructure, attractions and public amenity.

The purpose of this policy is consistent with the Community Plan, under the theme of *Looking After Our Community*. It specifically relates to the following goals and strategies as identified in the Community Plan.

Goal	Strategies
2. Vibrant Towns and Villages	2.4 Maintain and promote the aesthetic appeal of the towns and villages within the Region.
4. Meet the diverse needs of the community and create a sense of belonging.	4.3 Support arts and cultural development across the Region

**Definition**

Public art may be in any medium, and form, created by a single artist, group of artists or artists working with members of the community. It may be permanent, temporary or ephemeral and will be located in a place easily accessed by the public.

**Policy Objectives**

The quality and uniqueness of public environments demonstrate a community's creative ability and its aspirations. Council recognises that public art, integrated with good urban design and landscape architecture can assist the region to be recognised as prosperous and progressive, and foster community pride.

Through this policy Council aims to:

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**Public Art Policy - DRAFT**

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- Develop and maintain a public art collection and program that is responsive to the region's natural and cultural history and which gives the region a distinctive voice;
- Encourage the participation in and appreciation of art by our communities;
- Add value to our infrastructure, attractions and public amenities
- Ensure the design, installation and maintenance of public artwork is in accordance with state and national standards of practice.

**Public Art Funding**

Council, with the help of the Public Art Advisory Panel (see next point), will explore local, regional and national options to fund future public art projects from governments, funding agencies, individual and corporate donors.

**Ownership**

Wherever possible and appropriate public artworks will be owned by Council on behalf of the community.

**Public Art Advisory Panel (PAAP)**

PAAP is a group of experienced stakeholder representatives appointed by Council on the advice of the Cultural Development Committee, to guide it on the commissioning, selection, maintenance, protection and de-accessioning of public art works and programs. The final decision on commissioning, selection, maintenance, protection and de-accessioning of public art will be made by the elected Council.

PAAP has the following responsibilities:

- Evaluate proposals, acquisitions and public art programs within the parameters established by this policy and make detailed recommendations to Council;
- Advise on the resources Council will need for the purchase, installation, including any ground works, development approvals, ongoing maintenance, restoration and insurance for new and existing works;
- Oversee processes relating to the commissioning, procurement and de-accessioning of public art;

**Public Art Policy - DRAFT**

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- Evaluate public engagement with installations and programs;
- Identify and advise Council of funding, partnership and donor opportunities;
- Ensure public art is appropriately interpreted for diverse audiences; and
- Review and evaluate Council's public art policy on a regular basis.

PAAP reports via the Cultural Development Committee to Council.

PAAP will include the following representatives:

- Two Councillors, one of whom is to be the Councillor appointed to the Cultural Development Committee, and shall be on the committee for the duration of the Council term
- One Cultural Development Committee member
- One representative from a regional arts body such as Orana Arts or the regional organisation which the Council is a member at the time.
- Three experienced regional community representatives, one of whom should be a practicing artist with a minimum of 3 years experience in public art. at least one should be a practising artist with a minimum of three years experience in public art

The panel may seek the advice of internal and external advisors with specialist expertise, such as architects and engineers. Membership is limited to two years, with the exception of the Councillor representatives. In the first year four of the committee will be appointed for three years to provide continuity.

**Public Art Procurement**

Mid Western Regional Council recognises the following methods for procuring public artworks:

- Commissioning of new works
- Commissioning of existing designs
- Purchase of existing works
- Leasing or fees for temporary installations
- Donations and bequests, works on loan
- Works acquired through competitions or other awards

#### Public Art Policy - DRAFT

Any significant public art purchases should be referred to the PAAP for consultation prior to finalisation of the purchase. The creator retains copyright after a work is sold. At the time of purchase and commission Council will request permission to create and publish images of the artwork.

#### **Bequests and donations guidelines**

Donations or bequests are encouraged provided they adhere to this public art policy, and with the following provisos.

- The works are accepted only where the donor has legal title over the works and usually only if the gift is made on the basis of full transfer.
- The work's provenance can be clearly established and verifiable.
- Artworks are in good condition and Council is able to budget for foreseeable conservation, insurance and/or storage costs

All donors are publicly acknowledged

#### **Care of the collection**

Council acknowledges its responsibility to maintain, document and insure its public art collection. Prior to the approval of any public art installation, Council will consider, where appropriate, a budget for maintenance and conservation, and insurance of works. Where appropriate, professional conservators will be engaged as required to restore works that have been damaged. All works not on display will be securely stored.

#### **Public Art Register**

Council maintains a register of permanent public artworks. All artworks in this register are considered assets in Council's Corporate Asset Management System.

The key information retained includes:

- Artist's name
- Title of work
- Medium and materials
- Size
- Location
- Value, date of valuation and valuer's name and organisation
- Date of acquisition and image of the work

#### **De-accessioning or re-locating Artwork**

#### Public Art Policy - DRAFT

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From time to time decisions need to be made about the relocation or removal of public artworks from Council's ownership for a range of reasons including:

- community relevance;
- public safety;
- changes to the design and use of the public space occupied by the artwork;
- a more appropriate site has become available for an artwork;
- the work sustains irretrievable loss or irreparable damage; and
- deterioration of the work has progressed to such a degree that conservation of the work is valued at a cost greater than its current or potential value.

De-accessioning of an installation may occur as follows:

- Offered for sale or donation (as appropriate) to the donor or creator, in the first instance
- Offered to another collecting institution
- Exchanged, gifted or sold to appropriate individuals or institutions
- Resold on the public market
- Destruction or recycling, if no other option is deemed suitable

#### **Review of the Policy**

Any review of this policy is to be undertaken in conjunction with the Cultural Development Committee.

## 6.2.22 Review of Governance policies

REPORT BY THE MANAGER GOVERNANCE TO 18 DECEMBER 2013 COUNCIL MEETING

Governance policies

GOV400029, A0100021

### RECOMMENDATION

That:

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

### Executive summary

This report addresses a review of the Council's Problematic Complainants and Election of Mayor and Deputy Mayor policies.

### Detailed report

A review has been undertaken of the policies on

- Problematic Complainants; and
- Election of Mayor and Deputy Mayor.

No alterations are required.

Council should confirm these policies, copies of which are attached.

### Financial implications

Not applicable.

### Strategic or policy implications

Not applicable.

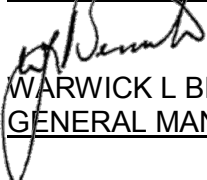


IAN ROBERTS  
MANAGER GOVERNANCE

6 December 2013

- Attachments:*
1. Problematic Complainants policy
  2. Election of Mayor and Deputy Mayor policy


APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



## ATTACHMENT 1

	<b>POLICY</b>	ADOPTED C/M 16/11/11 MINUTE NO. 381/11
	<b>PROBLEMATIC COMPLAINANTS</b>	REVIEW: NOV 13 FILE NO. A0100021

**OBJECTIVE:**

1. To provide guidance for staff and councillors in dealing with customer complaints.
2. To ensure that Council resources are used efficiently and effectively when dealing with customers.
3. To ensure that all customers are treated fairly and reasonably.

**POLICY:****Service Commitment**

1. Council staff and councillors shall strive to meet the needs of our customers in a professional and ethical manner with courteous and efficient service. Staff and councillors shall:
  - a) treat all customers with respect and courtesy;
  - b) listen to what customers have to say;
  - c) respond to customer enquiries promptly and efficiently;
  - d) act with integrity and honesty when liaising with customers; and
  - e) consult customers about service needs.

**Standards of Service**

1. Council staff shall strive to respond to correspondence received from customers (written, faxed or emailed) within fourteen (14) days unless there is a valid reason not to do so.
2. An acknowledgement letter may be sent where investigations are such that more than 14 days is required to enact a response including advice as to why the delays are to occur.
3. Telephone calls to Council's switchboard shall be answered quickly and efficiently.
4. Council staff shall answer incoming calls by clearly stating their name and position or section. Unanswered calls will divert to another member of staff.
5. Staff making outgoing calls shall identify themselves by name and council/section and shall clearly outline the purpose of the call.
6. Customer service staff shall greet customers as quickly as possible in a courteous and friendly manner.

7. Staff required to visit a customer shall endeavour to contact the customer first and make an appointment. At the beginning of the visit, staff shall clearly identify both themselves and the purpose of the visit.

### **Customers Who Cannot Be Satisfied**

8. Customers who cannot be satisfied include members of the public or groups who do not accept that Council is unable to assist them, provide any further assistance or a greater level of service than has been provided already and/or disagree with the action Council has taken in relation to their complaint or concern.
9. If in the opinion of the General Manager a customer cannot be satisfied and all appropriate avenues of internal review or appeal have been exhausted and the customer continues to write, telephone and/or visit Council the following actions may be taken:
  - a) the General Manager will write to the customer restating Council's position on the matter and advising that if the customer continues to contact Council regarding the matter Council may:
    - i) not accept any further phone calls from the customer.
    - ii) not grant any further interviews.
    - iii) require all further communication to be put in writing.
    - iv) continue to receive, read and file correspondence but only acknowledge or otherwise respond to it if:
      - the customer provides significant new information relating to their complaint or concern; or
      - the customer raises new issues which in the General Manager's opinion, warrant fresh action.
  - b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 9(a).
  - c) the customer shall be given an opportunity to make representations about Council's proposed course of action.
  - d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that any or all of points i) to iv) above will now apply.

### **Customers Who Make Unreasonable Demands**

10. Customers who make unreasonable demands include members of the public whose demands on Council start to significantly and unreasonably divert Council's resources away from other functions or create an inequitable allocation of resources to other customers. Such demands may result from the amount of information requested, the nature or scale of services sought or the number of approaches seeking information, assistance or service.
11. If in the opinion of the General Manager a customer is making unreasonable demands on Council and the customer continues to write, telephone and/or visit the following actions may be taken:

- a) the General Manager will write to the customer advising them of Council's concern and requesting that they limit and focus their requests and that if the customer continues to place unreasonable demands on the organisation, Council may:
  - i) not respond to any future correspondence and only take action where, in the opinion of the General Manager the correspondence raises specific, substantial and serious issues; or
  - ii) only respond to a certain number of requests in a given period.
- b) the General Manager shall advise councillors of any correspondence issued in accordance with clause 4(a).
- c) the customer shall be given an opportunity to make representations about Council's proposed course of action.
- d) if the customer continues to contact Council after being advised of Council's proposed course of action, the General Manager may, after considering any representations from the customer, advise the customer that either or both of points i) and ii) above will now apply.

#### **Customers Who Constantly Raise The Same Issue With Different Staff**

- 12. If in the opinion of the General Manager a customer is constantly raising the same issues with different staff the following actions may be taken:
  - a) the General Manager may notify the customer that:
    - i) only a nominated staff member will deal with them in future;
    - ii) they must make an appointment with that person if they wish to discuss their matter; or
    - iii) all future contact with Council must be in writing.
  - b) the General Manager shall advise councillors of any notification issued in accordance with clause 5(a).
  - c) the customer shall be given an opportunity to make representations about Council's proposed course of action.

#### **Customers Who Are Rude, Abusive or Aggressive**

- 13. Rude, abusive or aggressive behaviour may include rude or otherwise vulgar noises, expressions or gestures, verbal abuse of either a personal or general nature, threatening or offensive behaviour, physical violence against property or physical violence against a person.
- 14. If in the opinion of any staff member rude, abusive or aggressive comments or statements are made in telephone conversations or interviews, the staff member may:
  - a) warn the caller that if the behaviour continues the conversation or interview will be terminated.
  - b) terminate the conversation or interview if the rude, abusive or aggressive behaviour continues after a warning has been given.
- 15. Where a conversation or interview is terminated in accordance with clause 14, the staff member must notify the relevant Manager of the details as soon as possible and place a


record of interview on the Council's records management system on the day the event occurred.

16. If in the opinion of the General Manager any correspondence to Council contains personal abuse, inflammatory statements or material clearly intended to intimidate, it will be returned to the sender and not otherwise acted upon.

#### **General**

17. In all of the situations referred to in this policy, adequate documentary records must be made and maintained on the appropriate Council file.
18. Where the General Manager determines to limit a customer's access to Council in any of the ways specified in this policy, the General Manager must advise the Council as soon as possible of the relevant circumstances and the action taken and forward such advice, where appropriate, to the ICAC, Division of Local Government of the Premiers Department and the NSW Ombudsman for information.

## ATTACHMENT 2

	<b>POLICY</b>	<b>ADOPTED</b> C/M 16/11/11 MINUTE NO. 381/11
	<b>ELECTION OF MAYOR AND DEPUTY MAYOR</b>	REVIEW: NOV 13 FILE NO. A0110008

**OBJECTIVE**

To provide for an efficient process for the election of the Mayor and Deputy Mayor.

**POLICY**

**This policy does not attempt to surplant the legislative provisions governing the election of the Mayor but is aimed at providing a streamlined process.**

1. Nomination forms will be made available to all Councillors one week prior to the Extraordinary Meeting which contains on the Agenda the Election of the Mayor.
2. In accordance with Schedule 7 of the Local Government (General) Regulation 2005, any nomination must be in writing and signed by two (2) or more Councillors (one who may be the nominee). The nomination will not be valid unless the nominee has indicated consent to the nomination in writing.
3. The nomination should be provided to the General Manager no later than close of business on the working day prior to the Extraordinary Meeting at which the election shall take place.
4. Notwithstanding the above, nominations may be made without notice.
5. The above process shall apply to the Election of the Mayor and Deputy Mayor.

## 6.2.23 New Asbestos Management Policy

REPORT BY THE MANAGER PEOPLE & CULTURE TO 18 DECEMBER 2013 COUNCIL MEETING  
Council 131218 PUBLIC  
GOV400029, A0100056, A0250000

### RECOMMENDATION

**That:**

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

### Executive summary

Local Government NSW in partnership with the NSW Government has developed a Model Asbestos Policy to assist NSW Councils to formulate an asbestos policy and to promote a consistent approach to asbestos management by Local Government across NSW. The Asbestos Management Policy is based on the Local Government model policy. Any changes to the model policy are region specific and reflect Council's processes and procedures.

### Detailed report

The Asbestos Management Policy sets out the legislative requirements and guidelines for Council and the broader community with respect to the identification, handling, removal and alteration of asbestos material.

In particular the policy addresses the following:

- The roles and responsibilities of Council in maintaining a safe environment and minimising the risks of exposure to asbestos and in providing education and information to residents about asbestos risks and management.
- Council's commitment to working collaboratively with other government agencies and other stakeholders as needed to respond to asbestos issues.
- To identify and manage naturally occurring asbestos in the region. Asbestos is found as a naturally occurring mineral in areas North West of Rylstone although no specific sites are known to council.
- Responsibilities for contaminated land and the processes for managing contaminated land through the planning and development control process and the duty to report contaminated land.
- The role of Council in responding to emergencies and incidents and minimising the exposure to asbestos materials during the clean up after these types of incidents.
- Council's requirements to give due consideration when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses.
- Factors Council should take into account in assessing development applications such as the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.



- The responsibilities of Council and residents in relation to managing asbestos as a waste and how it is to be handled, transported and disposed of safely and correctly at the Mudgee waste facility.
- The responsibilities of Council and workers in relation to identifying asbestos materials within Council's buildings and worksites and managing the associated risks.
- The requirements of Council to its employees including identifying asbestos hazards in the workplace; minimising risks to exposure in the workplace; providing education and training; providing appropriate personal protective equipment and providing health monitoring for employees who may be exposed to asbestos materials in the performance of their duties.
- The Appendices provide additional information, guidance and contacts relating to the identification and management of asbestos.

### Financial implications

The adoption and adherence to the Asbestos Management Policy will minimise the potential liability of Council for financial penalties and costs associated with the mismanagement of asbestos materials.

### Strategic or policy implications

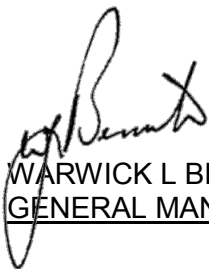
The policy implications are outlined in detail in the Asbestos Management Policy.

MICHELE GEORGE  
MANAGER, PEOPLE & CULTURE

25 November 2013

*Attachments:* 1. Asbestos Management Policy (included at the end of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

## 6.2.24 Records Management Policy

REPORT BY THE MANAGER, INFORMATION SERVICES TO 18 DECEMBER 2013 COUNCIL MEETING

Records Management Policy 2013

GOV400029, INM700010

### RECOMMENDATION

**That:**

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

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### Executive summary

As part of the regular and systematic review of Council policies, a revised Records Management Policy has been developed and is presented to Council for consideration.

### Detailed report

It is essential that Council staff and Councillors meet the requirements of the State Records Act and that Council develops and follows a Records Management Policy that reflects which documents and records need to be captured and retained. The most important consideration is to ensure that records are kept of Council decisions, how these decisions may be arrived at, and the business interactions that follow the enactment of those decisions.

This means that letters, phone calls, emails and other communication between Council staff or Councillors and suppliers, members of the public, other organisations and other levels of government are required under the State Records Act to be kept in a records management system. The system needs to also consider the nature, subject and context of these documents and when (or if) they can be disposed of in the future. These aspects are referenced in the updated policy.

While this revised policy does not significantly change any of the requirements of Council staff or Councillors to maintain records appropriately, it has attempted to present them in a more straightforward manner that makes responsibilities clearer. While based on the model policy developed by State Records, some repetition and unnecessary jargon has also been removed. New references are added to aspects of Council communication such as social media. Existing references to specific storage areas within Council have been removed to allow for greater flexibility in future records management storage and retrieval. Please note that both the existing policy and revised draft policy are attached to this report for Council's review as a track changes process would prove difficult to follow.

This system has provided the framework for a more constructive classification system for records, significantly enhanced search capability across the records system and has allowed for general disposal authorities to be applied to Council records so that electronic records as well as paper-based records can be either disposed of or provided to State Records as required.

### Financial implications

Not applicable.

## Strategic or policy implications

This report recommends adoption of the revised Records Management Policy.



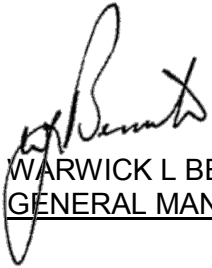
CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT & COMMUNITY  
SERVICES

SIMON JONES  
MANAGER INFORMATION SERVICES


5 December 2013

*Attachments:* 1. Existing Records Management Policy  
2. Draft Records Management Policy 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER

	<b>POLICY</b>	ADOPTED C/M 18/11/09 Minute No. 259/09
	<b>Records Management Policy</b>	REF: insert reference REV: insert revision number FILE No. A0350009

### Objective

The purpose of the Records Management Policy is to ensure that full and accurate records of all activities and decisions of the Mid-Western Regional Council and Councillors are created, managed and disposed of appropriately to meet the Mid-Western Regional Council organisational needs and accountability requirements.

### Records as a resource

The Mid-Western Regional Council recognises that records are a vital asset to:

- support its program delivery, management and administration
- deliver customer services in an efficient, fair and equitable manner
- provide evidence of actions and decisions and precedents for future decision making, and
- protect the rights and interests of Government, Mid-Western Regional Council and its clients and citizens.

### Records Management Program

#### State Records

Public offices are bound by the *State Records Act 1998* which establishes rules for best practice for recordkeeping in NSW Government, encouraging transparency and accountability. Councils are identified as public offices under the Act (section 3(1)).

#### Responsibilities

The General Manager must

- Ensure compliance with the requirements of the *State Records Act 1998* and the standards and requirements issued under the Act
- Ensure compliance with other legislation relating to records management and recordkeeping.

Council staff must ensure that they create official records of all decisions and transactions made in the course of their official business. This can include making file notes of telephone conversations and minutes of meetings, and includes business transacted electronically (email). Such records must be registered into Council's Document Management System, Bluepoint.

#### Storage

Current hardcopy records such as Development Applications must be stored in the strong room located near Records with the appropriate restrictions when completed or not in use. Once a final inspection is carried out on Development Applications, hard files must be stored at the archive shed at Depot Road.

Personnel files must be stored at Human Resources/Payroll office with the appropriate security.

Records that are rarely used must be transferred to the archives shed at Depot Road Mudgee.

## Records Management Policy

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Records which are no longer in use for official purposes and that are required as State archives under a current *Retention and Disposal Authority* must be forwarded to the Records Section.

### Disposal of original documents

All original documents for destruction must be destroyed in accordance with the Retention and Disposal Authority (GDA10) or General Retention and Disposal Authority – Imaged Records (GDA24). See Appendix C.

### Archives

The Retention and Disposal Authorities indicate which records of the organisation are required as State archives.

### Access

Records must be available to all authorised staff that requires access to them for business purposes. Access to information is detailed in Council's Code of Conduct.

10.7 of Council's Code of Conduct provides

'Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 10.2). The general manager or public officer must state the reasons for the decision if access is refused.'

Access to Council records may be obtained, for example, under:

- Section 12(1) of the *Local Government Act 1993* which allows all persons to have a right of access to certain Council records
- the *Privacy and Personal Information Protection Act 1998*
- the *Health Records and Information Privacy Act 2002*
- the *State Records Act 1998*, or
- the *Freedom of Information Act 1989*.

### Refusal of access

Should access be refused to records of Council, the reason(s) will be publicly available. A request for a review of a decision to deny access may be made in accordance with section 12A of the *Local Government Act 1993*. Requests for review should be directed to the General Manager.

### Contractors and outsourced functions

All records created by contractors performing work on behalf of the Mid-Western Regional Council belong to the Mid-Western Regional Council, and are State records under the *State Records Act 1998*. This includes the records of contract staff working on the premises as well as external service providers.

Contracts should clearly state that ownership of records resides with Mid-Western Regional Council, and instructions regarding creation, management, and access to the records created. The Records Officer should be consulted during the formulation of the contract.

### Security and confidentiality of records

#### Building controls

Council's paper records are kept securely in the Administration building and Archives shed with security controls to protect against unauthorised access.

## **Records Management Policy**

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### **System controls**

The Council's records management software which controls both paper and electronic records restricts access according to security levels.

### **Security labels**

Sensitive records in all formats have labels such as 'Commercial in Confidence' along with their associated management rules, as defined by the NSW Government Chief Information Office's *Guide to labelling sensitive information*.

### **Borrowing paper-based records**

Under section 11(1) of the *State Records Act*, Councils are required to ensure the safe custody and proper preservation of records they are responsible for. Paper-based Council records must be viewed on Council premises, in the presence of a Council staff member. Records must not leave council premises.

### **Borrowing records in electronic form**

All records must be viewed on Council premises in the presence of a records staff member. Electronic records required by Councillors can be made available in PDF format only. These are made available according to the conditions for paper-based files.

### **Unauthorised access to or disclosure of Council records**

The *Local Government Act 1993* section 664(1) prohibits the disclosure of information obtained in connection with the administration or execution of the Act, except in certain specific circumstances. Councillors and staff are also bound by the Council's *Code of conduct* not to:

- attempt to access records they are not authorised to see
- provide unauthorised access to other parties while Council records are in their care
- disclose confidential information about Council business, or
- disclose personal information of employees, clients etc without the subject's consent.

### **Handling and storage of records**

Damage or neglect of a State record is an offence under section 21 of the *State Records Act*. The following storage and handling rules below apply to ensure records are protected.

- registered documents are not to be rearranged or removed from Council files and information on files must never be altered
- no food, drink or smoking is permitted near records
- if records are damaged during handling, the Records staff should be informed. No attempts should be made to repair the record.

All care must be taken to preserve records in their original state. Detailed information on the safe handling of records can be found in the State Government's *Recordkeeping in Brief 14: Handle with care* publication. Advice may be sought from Council's records staff if required.

### **Councillor Responsibilities**

When discharging functions of Council, Councillors are subject to the *State Records Act* when they create or receive 'State records'.

A State record is 'any record made and kept or received and kept, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office' (section 3(1)).



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#### **State records**

Examples of State records include (but are not limited to):

- correspondence, including emails, regarding building and development matters
- a petition received from a community group
- declarations concerning a Councillor's pecuniary interests
- speech notes made for addresses given at official Council events, and
- complaints, suggestions or enquiries by rate payers about Council services.

#### **Records that are not State records**

Conversely, records which are created, sent or received by Councillors when they are not discharging functions of Council are not considered to be State records for the purposes of the *State Records Act 1998*.

Examples of records that are not State records include (but are not limited to):

- records relating to political or electoral issues e.g. lobbying for votes, supportive emails from members of the community regarding elections or political stances
- communications regarding matters of personal/general interest rather than Council interest e.g. information from environmental or other interest groups not specific to issues being considered by Councillors or Council
- records relating to attendance at sports functions, church fetes, community functions when the Councillor is not representing Council
- personal records of councillors such as personal emails, character references for friends, nomination for awards, letters to local newspapers etc that are not related to Council business.

#### **What records to create and capture**

Councillors should ensure that full and accurate records of any significant business undertaken in the course of their official duties for Council are created and captured. Significant business can include may include providing advice, instructions or recommendations.

In addition, Councillors should capture:

- drafts of documents for Council containing significant annotations or submitted for comment or approval by others
- correspondence received and sent relating to their work undertaken for Council.

Council is responsible for:

- creating and capturing records of Council or committee meetings where the Council is the secretary
- capturing any State records it sends to Councillors regarding Council business.

#### **How to create & capture records**

Decisions, commitments, permissions etc made during telephone or verbal conversations or via SMS must be recorded using the Council's standard file note template (e.g. time, date, parties involved, summary of decisions, commitments, permissions etc given and reasons for them). Notes in Councillors' diaries are generally not adequate where there are recordkeeping

### **Records Management Policy**

requirements: they should be converted into a formal file note. These records should be made as soon as possible after the event to ensure the information is accurate.

Records of Council business that are created or received by Councillors (with the exception of those sent from Council as they are already captured) should be saved into the official Council recordkeeping system as soon as is practicable so that Council can assist with their long term management.

All Incoming mail for Councillors received at Council that is addressed to either PO Box 156 or to any Council office will be opened and registered by records staff.

Councillors must forward documents (electronic or paper) created or received relating to Council business to the General Manager's Department within two days of receiving the document for capture into the electronic records management system.

#### **Creation of records of a confidential nature**

On some occasions Councillors are approached and asked to keep matters discussed relating to Council business confidential. All confidential conversations/correspondence must still be recorded and registered into Council recordkeeping system if they refer to Council business. There are policies and security controls in place to ensure these records have limited access, but these records may still need to be produced under relevant legislation, e.g. subpoena, the *Freedom of Information Act 1989* or *s.12 of the Local Government Act 1993*.

#### **Councillors' copies**

Any copies of documents registered in Council's electronic records management system retained by Councillors (including Council's Business Paper), must be returned to the General Manager's Department for destruction when no longer required.

#### **Approval**

Signed \_\_\_\_\_ Date: \_\_\_\_\_

**Acknowledgment:** The Mid-Western Regional Council acknowledges the use of Records Management Policy documents provided by The State Records Authority of NSW and the State Library of NSW.

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**Records Management Policy**

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**Appendix A****Legislation**

- [Copyright Act 1968 \(Commonwealth\)](#)
- [Evidence Act 1995](#)
- [Freedom of Information Act 1989](#)
- [Health Records and Information Privacy Act 2002](#)
- [Privacy and Protection of Personal Information Act 1998](#)
- [Public Finance and Audit Act, 1983](#)
- [Public Sector Employment and Management Act 2002](#)
- [State Records Act 1998](#) including standards and retention and disposal authorities issued under the Act.
- [State Records Regulation 2005](#)
- [Environmental Planning and Assessment Act 1979](#)
- [Local Government Act 1993](#)

**Publications referred to in this document**

Government Chief Information Office, *Guide to labelling sensitive information*, 2002, available at: <http://www.gcio.nsw.gov.au/pages.asp?CAT=764&ID=779>

State Records, *Destruction of records: A practical guide*, revised 2005, available at: [http://www.records.nsw.gov.au/recordkeeping/003\\_destruction\\_6883.asp](http://www.records.nsw.gov.au/recordkeeping/003_destruction_6883.asp)

State Records, *General Retention and Disposal Authority - Local Government records (GDA10)*, 2002, available at <http://www.records.nsw.gov.au/publicsector/disposal/gda10-locgov/gda10-toc.htm>

State Records, *Guidelines on Normal Administrative Practice (NAP)*, 2005, available at: [http://www.records.nsw.gov.au/recordkeeping/008\\_nap\\_7111.asp](http://www.records.nsw.gov.au/recordkeeping/008_nap_7111.asp)

State Records, *Recordkeeping in Brief 14: Handle with care*, 2000, available at: [http://www.records.nsw.gov.au/recordkeeping/rib\\_14\\_handle\\_3439.asp](http://www.records.nsw.gov.au/recordkeeping/rib_14_handle_3439.asp)

**Other requirements for recordkeeping**

- Government Chief Information Office (NSW), [Information Management and Technology Blueprint](#) and associated Memorandum and Guidelines.
- Premier's Department (NSW), [Model Code of Conduct for NSW Government Agencies](#).
- Ombudsman (NSW), [Good Conduct and Administrative Practice: Guidelines for state and local authorities](#).
- Treasury (NSW), [Treasurer's Directions \(NSW\)](#).
- Australian Standard, AS ISO 15489-2002, *Records management*
- Australian Standard AS5090-2003, *Work process analysis for recordkeeping*
- Mid-Western Regional Council Code of Conduct
- Mid-Western Regional Council Records Procedures Manual

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## **Records Management Policy**

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### **Appendix B - Glossary of terms**

This glossary has been compiled from the *State Records Authority Glossary of Recordkeeping Terms*. Sources of terms include Australian and international standards on records management.

#### **Access**

Right, opportunity, means of finding, using or retrieving information. *AS ISO 15489 Part 1 Clause 3.1*

#### **Archives**

Those records that are appraised as having continuing value. *AS 4390 Part 1 Clause 4.5*

#### **Classification**

Systematic identification and arrangement of business activities and/or records into categories according to logically structured conventions, methods and procedural rules represented in a classification system. *AS ISO 15489 Part 1 Clause 3.5*

#### **Disposal**

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records. *AS 4390 Part1 Clause 4.9*

#### **Recordkeeping systems**

Information systems which capture, maintain and provide access to records over time. *AS 4390-1996, Part 1. Clause 4.20*

#### **Records Management**

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. *AS ISO 15489 Part 1 Clause 3.15 & 3.16, AS 4390-1996, Part 1.4.19*

Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. *State Records Act 1998 (NSW)*

#### **Retention and Disposal Authority**

Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records. There are two main types:

- Functional retention and disposal authorities authorise the retention and disposal of records unique to a specific organisation.
- General retention and disposal authorities authorise the retention and disposal of records common to more than one organisation.

#### **State archive**

A State record that the State Records Authority of New South Wales has control of under the *State Records Act, 1998 (NSW)*.



## ATTACHMENT 2

	<b>POLICY</b>	ADOPTED C/M 18.12.13 Minute No. XXX / XX
	<b>Records Management</b>	REF: insert reference REV: insert revision number FILE No. INM700010

**Purpose and application of this Policy**

The purpose of the Records Management Policy is to ensure that full and accurate records of all activities and decisions of the Mid-Western Regional Council are created, managed and retained or disposed of appropriately, and in accordance with relevant legislation. This will enable Council to achieve information accessibility as well as business enhancement and improvement. It will also meet its obligations for accountability while ensuring that it protects the rights and interests of Council, its staff, clients and the community.

All Council staff and Councillors must comply with this policy, and any associated recordkeeping procedures, in their conduct of official business for Council. This policy applies to records in all formats, including electronic records.

**Records as a resource**

Council recognises that records are a vital asset to:

- facilitate information accessibility, and enhance business by supporting program delivery, management and administration
- deliver customer services in an efficient, fair and equitable manner
- provide evidence of actions and decisions and precedents for future decision making, and
- protect the rights and interests of Council and the community.

**Records Management Program****1. Objectives of the Records Management Program**

A records management program is a planned, co-ordinated set of policies, procedures, people, systems and activities that are required to manage records.

Council's Records Management Program seeks to ensure that:

- it has the records it needs to support and enhance ongoing business and customer service, meet accountability requirements and community expectations
- these records are managed efficiently and can be easily accessed and used for as long as they are required
- records are stored as cost-effectively as possible and when no longer required they are disposed of in a timely and efficient manner
- Council complies with all requirements concerning records and records management practices including the NSW Government's objectives for recordkeeping
- records of longer term value are identified and protected for historical and other research.

See **Appendix A** for a list of legislation and government directions that affect recordkeeping.

## **2. Elements of the Records Management Program**

### **Creation and capture**

Staff should ensure that they create official records of all decisions and actions made in the course of their official business. This includes, but is not limited to, letters, emails, file notes, meetings, phone conversations and social media interactions. For example, if business is transacted by telephone, file notes of the key points in the conversation should be documented. Official meetings should include the taking of minutes.

All records defined by the organisation as important to create should be captured into Council's recordkeeping systems so they can be managed appropriately.

Records should be placed on an official file. Files are registered in the records management system and given a unique number. File titles are developed within a Business Classification Scheme based on that provided by NSW State Records.

### **Storage and Maintenance**

Current hardcopy records should be stored in appropriate and secure premises. Any use of the hardcopy records should be noted in the records management system. Rarely used records or records no longer in use for official purposes that are still required to be retained in accordance with the current *Retention and Disposal Authority* should be forwarded to an appropriate off-site storage facility.

Electronic records (such as emails) of short term value which have not been archived in the records management system will be disposed of at suitable intervals. Electronic records of long term or archival value should be retained online wherever possible.

Maintenance of electronic records can also entail the migration of data. Migrations must be authorised and must produce authentic, complete, accessible and useable records.

### **Disposal**

Administrative records common to all or many public offices such as financial and personnel records are covered under general retention and disposal authorities compiled by State Records NSW. Council recommends that disposal actions are assigned to records in all formats at creation to ensure they are managed appropriately. No records of Council can be disposed of unless in accordance with these retention and disposal authorities.

Any sentencing of records must be supervised by the Team Leader, Records (or other authorised person). Approval and signed authorisation for retention, destruction or transfer of records must be sought from the Manager, Information Services (or other authorised person) before any disposal takes place.

### **Contractors and outsourced functions**

All records created by contractors performing work on behalf of Council belong to Council, and are State records under the *State Records Act 1998*. This includes the records of contract staff working on the premises as well as external service providers.



Contracts should clearly state that ownership of records resides with Council, and instructions regarding creation, management, and access to the records created.

### **Responsibilities**

#### **1. General Manager**

- Ensures that Council complies with the requirements of the State Records Act 1998 and the standards and requirements issued under the Act.

#### **2. Manager, Information Services**

- Ensures that the Records Management Program is adequately resourced
- Has ownership of the Records Management Policy
- Ensures the preservation of digital records is addressed in policy, planning and implementation of the Council's records management program
- Ensures that the essential characteristics of digital records are identified prior to any preservation process taking place
- Reports to the State Records Authority on the records management program
- Provides support and infrastructure to ensure that records kept in electronic form are managed so that they are accessible, readable, inviolate, complete, comprehensive, and authentic for as long as required
- Implements information security measures
- Performs routine and comprehensive system backups of data
- Ensures the migration of digital records or digital control records/metadata is conducted carefully and in line with the conditions stated in the General Retention and Disposal Authority.

#### **3. Team Leader, Records**

- Compiles recordkeeping procedures and standards in relation to all aspects of records management
- Monitors compliance with the Records Management Policy and recordkeeping procedures and makes recommendations for improvement or modification of practices
- Establishes and maintains a customised recordkeeping metadata schema and business rules regarding how metadata is to be managed
- Assists with automated metadata capture, for example, ensuring that details of format are automatically saved into the records management system
- Manages the records management software, ELO Digital
- Authorises the disposal of records, in liaison with the relevant staff
- Ensures that all staff are aware of their recordkeeping responsibilities
- Coordinates a records management training program
- Develops strategic and operational plans for the records management program
- Formulates and maintains thesaurus and retention and disposal authorities

- Responsible for the conduct of records management operations.

#### **4. Business Unit Managers**

- Ensure that records are created and managed within their business unit in a way which complies with the Records Management Policy and recordkeeping procedures
- Provide feedback on the success of migration processes to help ensure records remain authentic, complete, accessible and useable
- Ensure that staff are trained in how to create and manage records
- Authorise the destruction of records, along with the Team Leader, Records
- Consult with the Team Leader, Records when introducing new activities and systems to ensure that records are created, and that relevant terms appear in the thesaurus
- Determine legislative requirements for records relating to their specific activities
- Ensure that contract with service providers contain records management clauses in accordance with this Records Management Policy.

#### **5. All staff**

- Comply with Records Management Policy and recordkeeping procedures
- Create full and accurate records of their business activities, including records of all decisions and actions made in the course of their official business. This includes letters, emails, meetings, phone conversations and social media
- Ensure that all records are saved into the organisation's recordkeeping systems.

#### **6. Councillors**

- Comply with Records Management Policy and recordkeeping procedures
- Create full and accurate records of their business activities related to Council, including records of all decisions and actions made in the course of their official Council business. This includes letters, emails, meetings, phone conversations and social media
- Ensure that all records are saved into Council's recordkeeping systems.

#### **7. Contractors**

- Manage records that they create on behalf of Council according to the terms of their contract.

## **Appendix A**

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### **Legislative and government requirements for recordkeeping**

- State Records Act 1998 – including standards and retention and disposal authorities issued under the Act
- State Records Regulation 2010
- Government Information (Public Access) Act 2009
- Privacy and Protection of Personal Information Act 1998
- Evidence Act 1995
- Health Records and Information Privacy Act 2002
- Local Government Act 1993

Note: This list is not exhaustive. It is the responsibility of managers to examine legislation and government directions which govern their activities, and ensure that records arising from these activities conform with recordkeeping requirements.

**Acknowledgment:** Mid-Western Regional Council acknowledges the use of Records Management Policy documents provided by State Records NSW and the State Library of NSW.

### *URGENT BUSINESS WITHOUT NOTICE*

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

### *GIVING NOTICE OF BUSINESS*

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

### *BUSINESS WITHOUT NOTICE*

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

## Item 7: Urgent Business Without Notice