



# 2017

COUNCIL BUSINESS PAPERS

Ordinary Meeting WEDNESDAY 13 DECEMBER 2017





PO BOX 156  
MUDGEES NSW 2850

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

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

6 December 2017

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
13 DECEMBER 2017  
Open Day at 5:30pm

*Council Meeting commencing at conclusion of Open day*

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

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

Yours faithfully

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

BRAD CAM  
GENERAL MANAGER



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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 15 November 2017**

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 15 November 2017 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

| SUBJECT                        | RESOLUTION NO. & DATE                       | RESOLUTION   | ACTION  |
|--------------------------------|---|--|---|
| Quarry Road – Kandos           | Res. 64/12<br>Ordinary Meeting<br>15/2/2012 | That consideration of this matter be deferred until discussions with Cement Australia have been completed.   | <b>No determination as yet.</b>   |
| Saleyards Subdivision          | Res. 228/14<br>Ordinary Meeting<br>4/6/14   | <p>That Council:</p> <ol style="list-style-type: none"> <li>2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision;</li> <li>3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site;</li> <li>4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders;</li> <li>5. Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site.</li> </ol> | <p><b>Council has completed the demolition of the old SES building, and the survey of the subdivision is also complete.</b></p> <p><b>Further discussion with Council to decide the best timing to call for a tender of this subdivision.</b></p> |
| Solar Energy Options           | Res. 129/17<br>Ordinary Meeting<br>17/05/17 | <p>That:</p> <p>Council endorse the strategy of installing solar panels on appropriate Council buildings to reduce ongoing electricity costs and deliver this strategy for at least one further Council building during the 2017/18 financial year.</p>  | <b>To be reported to Council at a future meeting.</b>   |
| Rylstone Pedestrian Footbridge | Res. N/A                                    | 1. <i>Request made by Cr Shelley at the 19 July 2017 Council Meeting.</i>  | Council will seek grant funding for the Pedestrian Bridge over the Cudgegong River at Rylstone.   |
| Goolma Amenities               | Res 348/17<br>Ordinary Meeting<br>15/11/17  | <p>That Council:</p> <ol style="list-style-type: none"> <li>1. receive the report by the Director Community on the Village Subsidies 2017-2018;</li> </ol>   | To be reported to Council at a future meeting.  |

| SUBJECT | RESOLUTION NO. & DATE | RESOLUTION  | ACTION |
|---------|-----------------------|---|--------|
|         |                       | <ol style="list-style-type: none"><li data-bbox="627 277 1118 344">2. note the village subsidies for 2017 – 2018; and</li><li data-bbox="627 412 1118 640">3. request the General Manager take the concerns outlined by Councillors in the meeting regarding the amount the Goolma Amenities Committee are paid in comparison to other villages and report back to Council.</li></ol> |        |

Item 5: Mayoral Minute

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Nil

## Item 6: Notices of Motion or Rescission

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### 6.1 Weeds Advisory Committee

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, ENV200042

#### **MOTION**

That Council reconvene the Weeds Advisory Committee.

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#### Background

The Mudgee Branch of the Farmers Association want the Weeds Advisory Committee reconvened. I have also spoken with other farmers in the region and they too have requested that Council reconvene this Committee.

#### Officer's comments

On 16 August 2017, Council voted unanimously to dissolve the Weeds Advisory Committee in favour of the new Central Tablelands Local Land Services Regional Weeds Advisory Committee.

This resolution was brought about by the introduction of the Biosecurity Act which replaced the old Noxious Weeds Act, and the new structural changes to the administration of funding, and weeds management on a regional basis through the Central Tablelands Local Land Services Board (CTLLSB).

This has seen a large change in administration and control programs with the old Macquarie Valley Weeds Advisory Committee (MVWAC) consisting of 20 Councils, 2 County Councils and 5 LLS areas who all had membership on the committee to the new structure of control through the CTLLS which is made up of 6 Councils in one LLS area. Representation on this group is also very different with representation from the member councils, other stakeholders and community representatives. Currently there are 3 community representatives from the MWRC area on the CTLLS Regional Weed Committee as well as council's representative being the Chief Weeds Officer.

MWRC therefore, has considerable direct input into the management programs for weeds within our area. This smaller, more representative CTLLS committee has now in effect replaced the aims and objectives of the former Section 355 committee to ensure local weeds issues and priorities are represented. This new body directly determines both weeds of significance and priority target areas for our region as well as having input into the state funding levels and priorities.

It is therefore considered the Section 355 committee should remain rescinded by council as it is no longer required, with its role now being duplicate by the CTLLS.

*Attachments:* 1. Min no 219/17 Council Meeting 16 August 2017 - Item 10.4 Section 355 Weeds Advisory Committee.



## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: 16 AUGUST 201710.4 SECTION 355 WEEDS ADVISORY COMMITTEE  
GOV400064, ENV200042

219/17

**MOTION: Shelley / O'Neill****That Council:**

1. **receive the report by the Manager Environmental Services on the Section 355 Weeds Advisory Committee;**
2. **dissolve the Weeds Advisory Committee in favour of the new Central Tablelands Local Land Services Regional Weeds Advisory Committee.**

*The motion was carried with the Councillors voting unanimously.*

## 6.2 International Women's Day Luncheon 2018

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, GOV400064

### **MOTION**

That Councillor Martens and any female staff who want to go to the International Women's Day Luncheon should be able to attend.

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### Officer's comments

Staff have enquired with LGNSW regarding the cost of attendance at the inaugural luncheon and have been advised that it will be \$200.00 for members.

Council would have to offer this to all female staff. We currently have 153 female staff and even if half accepted the invitation the cost would be \$15,400, plus the cost of hiring two buses at several thousand dollars.

Council could be of a mind to limit the invitation to Councillor Martens and three other female staff.

Therefore, the cost would be \$800.00 plus overnight accommodation and meals at approximately \$1500.00. The staff could travel down in a council car.

However, this would be unfair to limit the luncheon to only a few female staff.

*Attachments:* 1. Cr Thompson NOM - International Women's Day Luncheon 2018.



## General Interest

### Item 3: International Women's Day Luncheon 2018

#### Join us to celebrate women in government at the inaugural LGNSW International Women's Day Luncheon (Sydney, 8 March).

Celebrate the leadership of women in local government – both staff and elected officials – who are making a positive difference in their communities.

Please [register your interest](#) to receive further information and make a diary note.

LGNSW thanks event sponsor StateCover Mutual Limited.

#### **Dates and location**

Thursday 8 March 2018,  
12.00noon – 3pm  
Doltone House – Hyde Park,  
3/181 Elizabeth Street, Sydney

#### **Online information**

[IWD Luncheon](#)

#### **Contact**

Events  
02 9242 4000  
[events@lgnsw.org.au](mailto:events@lgnsw.org.au)

**Ref:** R17/0020 JM

## 6.3 Australian Local Government Women's Association (NSW) Conference - Gundagai

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, GOV400064

### **MOTION**

That Cr Martens attend the conference along with any other appropriate staff members.

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### Background

Cootamundra-Gundagai Regional Council and the Australian Local Government Women's Association (NSW) invite you to be apart the annual ALGWA (NSW) Conference Thursday 15 March – Saturday 17 March 2018 in Gundagai.

The theme of the 2018 NSW Conference is Celebrating Rural Women. The conference will focus on supporting and understanding the constraints that women in Local Government face in rural and remote communities.

### Officer's comments

The Councillor Professional Development Program 2016-2020 notes that conferences can provide excellent opportunities for learning through networking and specialist presentations. In order to receive approval to attend conferences, Councillors can either make requests to the Mayor (as stated in the Professional Development Program) or receive support through a resolution of Council (as stated in the Provision of Expenses and Facilities to Councillors Policy).

A register of attendance and expenditure at Councillor professional development is kept by relevant staff to ensure Office of Local Government compliance and to assist in future professional development planning.

*Attachments:* 1. ALGWA Registration form - Gundagai 2018.



## ALGWA Conference 2018 Registration Form

### Delegate Details

First Name ..... Surname .....

Organisation .....

Position .....

Postal Address .....

Suburb/Town/City .....

State ..... Postcode .....

Phone ..... Mobile .....

Email .....

### Additional Information

Dietary Requirements .....

Access Requirements .....

Other Requirements .....

Please Indicate your attendance for the following social functions by ticking the appropriate box(s):

- Thursday 15<sup>th</sup> – Evening Welcome Function
- Friday 16<sup>th</sup> – Main Street Shopping
- Saturday 17<sup>th</sup> – 50's Country Ball Gala Dinner

Early Morning Wellness Sessions:

- Friday 15<sup>th</sup> – Guided morning walk to Dog on the Tuckerbox
- Saturday 17<sup>th</sup> – Qigong Shibashi I in the Park

### Workshops

Please indicate your preference for attendance to one of the following workshops held on Friday 16<sup>th</sup>:

- Workshop 1 – Simone Wilson – Health & Wellness Workshop
- Workshop 2 – Robyn Henderson – Presentation Skills Workshop

### Travel Details

Arrival and Departure Information

Arrival Date ..... Departure Date .....





**Travel Details – continued**

**Method of Travel**

- Car
- Bus/Train/Trainlink
- Air  
 Flight Number.....  
 Flight Arrival Time.....

**Airport Shuttle Service (if applicable):**

Please indicate if you would like to use our shuttle service on the following dates:

- Thursday 15<sup>th</sup> – Departs Wagga Wagga Airport at 4:45pm
- Sunday 18<sup>th</sup> – Departs Gundagai at 10:30am to Wagga Wagga Airport

\*Please note a \$30 each way fee applies. Please see Registration Fees Below..

**Accommodation Information**

Accommodation Name .....

Check In Date ..... Check Out Date .....

| <b>Registration Fees</b>   | <b>ALGWA Members</b> | <b>Non Members</b> | <b>QTY</b>               | <b>Total</b> |
|--|----------------------|--------------------|--------------------------|--------------|
| Early Bird Registration (until 15 January 2018)<br>Includes: Welcome Reception, all conference sessions, meals and Gala Dinner | \$870.00             | \$970.00           | <input type="checkbox"/> | \$.....      |
| Standard Registration Includes: Welcome Reception, all conference sessions, meals and Gala Dinner                              | \$970.00             | 1070.00            | <input type="checkbox"/> | \$.....      |
| Day Registration Friday 16 March 2018. Includes the day's conference session and meals.  | \$570.00             | \$570.00           | <input type="checkbox"/> | \$.....      |
| Gala Dinner (Please include guest/partner in QTY if applicable)  | \$150.00             | \$150.00           | <input type="checkbox"/> | \$.....      |
| Airport Shuttle Bus Service (If applicable)  | \$30.00              | \$30.00            | <input type="checkbox"/> | \$.....      |



Total Amount Payable: \$.....  
 VISITOR INFORMATION CENTRE  
 Ph: 02 6944 0250  
[www.visitgundagai.com.au](http://www.visitgundagai.com.au)



**IMPORTANT INFORMATION**

Attendance will be confirmed on receipt of full payment. Please note that the program and speakers list are subject to change without notice. Information collected on this form will be used for conference purposes only and will not be provided to third parties without your consent.

**CANCELLATION POLICY**

Should you not be able to attend the conference, you are welcome to send an alternate delegate in your place. Cancellations will be accepted until Friday 15 February 2018 and will incur a \$100 processing fee. Cancellations after this date will incur the full registration fee. All cancellations or change of delegate must be provided in writing to [info@visitgundagai.com.au](mailto:info@visitgundagai.com.au)

**Payment Options**

I would like to pay by:

- Mastercard
- Visa
- Cheque
- Invoice Required

Card Number:

Card Expiry Date (MM/YY):   /

Card Holder Name: .....

Card Holder Signature: .....

Date: .....

Total Amount: .....

Please return your completed registration forms by 15<sup>th</sup> February 2018 to:

Email: [info@visitgundagai.com.au](mailto:info@visitgundagai.com.au)

Post or in person: Gundagai Visitor Information Centre, 249 Sheridan Street, GUNDAGAI, NSW, 2722



## 6.4 Community Volunteers Christmas Party

### NOTICE OF MOTION LISTED BY CR RUSSELL HOLDEN

TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, GOV400064

#### MOTION

1. That Council re-instate the Community Volunteers Christmas party to be held annually in December.
2. That this event be factored into the 2017-18 and future budgets at \$2000 per annum plus annual CPI increases; and
3. Staff, through MWRC's media facilities, formulate an expression of interest with a defined RSVP date, to formulate a list of interested Community Volunteer organisations as invitees so as final catering and budgets required can be allocated.

---

#### Background

Prior to 2009, Council held a community volunteers Christmas party annually to thank the many volunteers in our community who ensure that a large number of important functions happen in our community, these include:

- VRA
- SES
- RFS
- Hospital Auxiliary
- Service Clubs (Lions, Rotary etc)
- Business groups
- Charitable organisations (Salvation army, St Vincent de Paul, Barnados etc)

This is not an extensive list, merely an indication of some of the groups that exist and do great work, for no financial reward within our community.

In 2009 the community volunteers Christmas party was replaced with a Councillor & Senior Staff Christmas party, which continued through till 2014 where the budget was just under \$1500 & that event was held at Oatley's winery. It is not clear as to the cost of the previous community volunteers Christmas party, however it has been estimated to be less than \$1000 in 2009.

Council annually holds a Christmas party for staff (as is tradition with many employers) this year's budget for that is \$10,000 and many staff who would normally be "rostered on" are paid to attend. With this year's total cost estimated to be somewhere around \$15,000.

In the August briefing session the concept of re-introducing a community volunteers Christmas was raised (instead of a Councillor & Senior staff Christmas party) and considered by all present to be a good idea for recognising the fantastic work volunteers achieve within our community and a form of thanking them for the efforts that often go un-recognised. Unfortunately, when the matter was again raised in mid November, the General Manager advised that no budget allocation was made and the Mayor has advised he considered 1 months notice too short to organise a gathering of this nature.

This motion seeks to have a Community Volunteers Christmas party as an annual calendar event and seeks a list of community organisations that should be invited in the future.

### Officer's comments

Records show that Council hasn't held a volunteer christmas party.

The last census shows that there are 4,163 volunteers in the Mid-Western Regional Council area.

## Item 7: Office of the General Manager

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### 7.1 Joint Organisations of Councils

REPORT BY THE DIRECTOR COMMUNITY  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, GOR500030

#### RECOMMENDATION

##### That Council:

1. receive the report by the Director Community on the Joint Organisations of Councils;
2. inform the Minister for Local Government of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with the resolution;
3. approve the inclusion of the Council's area in the Joint Organisation's area;
4. endorse that the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:
  - Bogan Shire Council
  - Gilgandra Shire Council
  - Dubbo Regional Council
  - Warren Shire Council
  - Warrumbungle Shire Council
  - Narromine Shire Council
  - Coonamble Shire Council
  - Mid-Western Regional Council;
5. endorse that before 28 February 2018, the General Manager provide the Minister with a copy of the resolution including the date on which Council made this resolution; and
6. endorse that on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.

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#### Executive summary

Communication has been received from the Office of Local Government concerning the formation of Regional Joint Organisations. If Council is of a mind to support this Council becoming part of a

joint organisation, the Minister requires Council to pass the necessary resolution as prescribed but the Office of Local Government.

## Disclosure of Interest

Nil

## Detailed report

The recent changes to the Local Government Act have included, through the Local Government Amendment Act (Regional Joint Organisations) 2017, an exploration of changes to legislation around the mandating of joining organisations of Councils.

Recent communication received from the Office of Local Government (OLG) on 1 December has provided some more information on this which is included with this report. A decision to join a Joint Organisation must be undertaken by resolution of Council and the OLG have provided a template for this.

As Council is aware, Mid-Western Regional Council is a member of the Orana Region of Councils (OROC). Discussions at the OROC meeting on 1 December have indicated unanimous support from OROC Councils to form a joint organisation with the same membership of OROC. The recommendation from the OROC Meeting reads:

*That OROC supports to form a Regional Joint Organisation with the current OROC membership and that each Council resolve their own position by way of a Council resolution prior to the next OROC meeting.*

As stated in the communication from the OLG, an independent evaluation of the pilot program for joint organisations found that they bring benefits to regional communities in delivering on-the-ground projects and attracting more investment to regional communities. Alongside this, joint organisations will provide a forum for councils, agencies and others to come together and focus on their regional priorities and provide opportunities for shared resources, including procurement processes and outcomes.

## Community Plan implications

| <b>Theme</b> | <b>Good Governance</b>                  |
|--------------|---|
| Goal         | An effective and efficient organisation |
| Strategy     | Pursue excellence in service delivery   |

## Strategic implications

### **Council Strategies**

Community Strategic Plan

### **Council Policies**

Not Applicable

### **Legislation**

Local Government Act 1993

Local Government Regulations 2005

Local Government Amendment Act (Regional Joint Organisations) 2017

## Local Government Amendment (Regional Joint Organisations) Bill 2017

### Financial implications

The current fee structure for joint organisations is unknown. At this stage, it is unknown what financial implications may arise from the decision to take part in the joint organisation. However, it would be hoped that participation would lead to opportunities that provide efficiencies and cost savings for Council, particularly in relation to the use of consultants and regional procurement/

### Associated Risks

There are no identified serious risks associated with the involvement of Council in joint organisations. It is possible that there will be additional funding opportunities afforded joint organisations and so Council may negate these opportunities if they decide to not be involved.

SIMON JONES  
DIRECTOR COMMUNITY

5 December 2017

*Attachments:* 1. A573399 - GM - Mid-Western Regional.  
2. JO Information Pack.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Office of  
Local Government**

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A573390  
Your Reference:  
Contact: Chris Presland  
Phone: 02 8289 6800

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

1 December 2017

[brad.cam@midwestern.nsw.gov.au](mailto:brad.cam@midwestern.nsw.gov.au)

Dear Mr Cam

I am pleased to be writing to you following the recent passage by the NSW Parliament of the *Local Government Amendment (Regional Joint Organisations) Bill 2017*. This legislation allows for councils to voluntarily join new Joint Organisations (JOs) to strengthen regional coordination and improve the delivery of important infrastructure and services for communities through strategic planning, collaboration and shared leadership and advocacy.

Council has recently been invited to nominate to form a JO and I encourage you to commence negotiations with the councils in your planning region on how a JO may be established to best support your community.

To assist Council in considering to form a JO, enclosed is an information pack that includes the following resources:

- Guidance information on how to submit a nomination to form a JO
- Frequently Asked Questions
- Office of Local Government contacts for support.

The Office of Local Government welcomes this opportunity to work with you in establishing a JO and is available to discuss what assistance can be offered to your council and region as you consider the benefits of joining a JO.

Please contact Mr Chris Presland, Director Reform Implementation on (02) 4428 4100 or [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) if you have any further enquiries.

Yours sincerely

**Tim Hurst**  
**Acting Chief Executive**  
**Office of Local Government**



# Joint Organisation nomination



Councils that are interested in becoming a member of a Joint Organisation have been invited to submit their nomination to the Minister for Local Government.

To nominate each council should:

- Write to the Minister for Local Government stating that they have resolved to be a member of a Joint Organisation
- Attach the council resolution in relation to joining a Joint Organisation
- Complete the *Forming a Joint Organisation – checklist* below

## Forming a Joint Organisation – Checklist

Please complete the checklist below.

An optional text box is provided if you wish to provide further information to support the Joint Organisation nomination:

1. Please list each council that is nominating to be a member of the Joint Organisation.

2. Please confirm that your proposal aligns with, or 'nests' within one of the NSW planning regions.

Yes  No

3. Do you have a preferred name for the Joint Organisation for the Government's consideration?

4. Please confirm that the Joint Organisation membership proposed demonstrates a community of interest between councils.

Yes  No

5. If your proposal results in a small number of councils in your planning region not being included in a Joint Organisation, have you discussed options with them and what are the views of those councils?

Yes  No

## Joint Organisation nomination



6. Please confirm that your nomination is based around a strong regional centre or centres.

Yes  No

7. Please confirm that the proposed Joint Organisation will be an appropriate size and have capacity to partner with the NSW Government, the Commonwealth Government and other organisations.

Yes  No

8. Please specify any non-financial support required to ensure your Joint Organisation proposal is implemented successfully.

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Nominations should be submitted to [jointorganisations@olg.nsw.gov.au](mailto:jointorganisations@olg.nsw.gov.au) and marked 'Nomination for Joint Organisation'. Councils are required to submit their nomination by **28 February 2018**.

**The Joint Organisation Network will be finalised in March 2018. Joint Organisations will be proclaimed to enable commencement in July 2018.**

## Proposed JO resolution for councils



**The council resolutions are a critical input in the process of getting Joint Organisation areas recommended to the Governor by the Minister. It is important these resolutions align for groups of councils that wish to form a Joint Organisation.**

Once the resolutions have been made by councils the Minister must wait at least 28 days before recommending the Joint Organisation to the Governor.

The resolutions must be worded in a way that will allow for any changes in proposed membership that could potentially occur within the 28 days (e.g. a council rescinds the decision to join the Joint Organisation) without compromising the ability of the remaining councils to still form the Joint Organisation.

Below is a suggested Joint Organisation Resolution for councils. It is advisable any resolution is made following commencement of the legislation (to be advised by the Office of Local Government).

*In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (Act), the [NAME OF COUNCIL] (Council) resolves:*

- 1.** *That the council inform the Minister for Local Government (**Minister**) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (**Joint Organisation**) in accordance with this resolution.*

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- 2.** *To approve the inclusion of the Council's area in the Joint Organisation's area.*

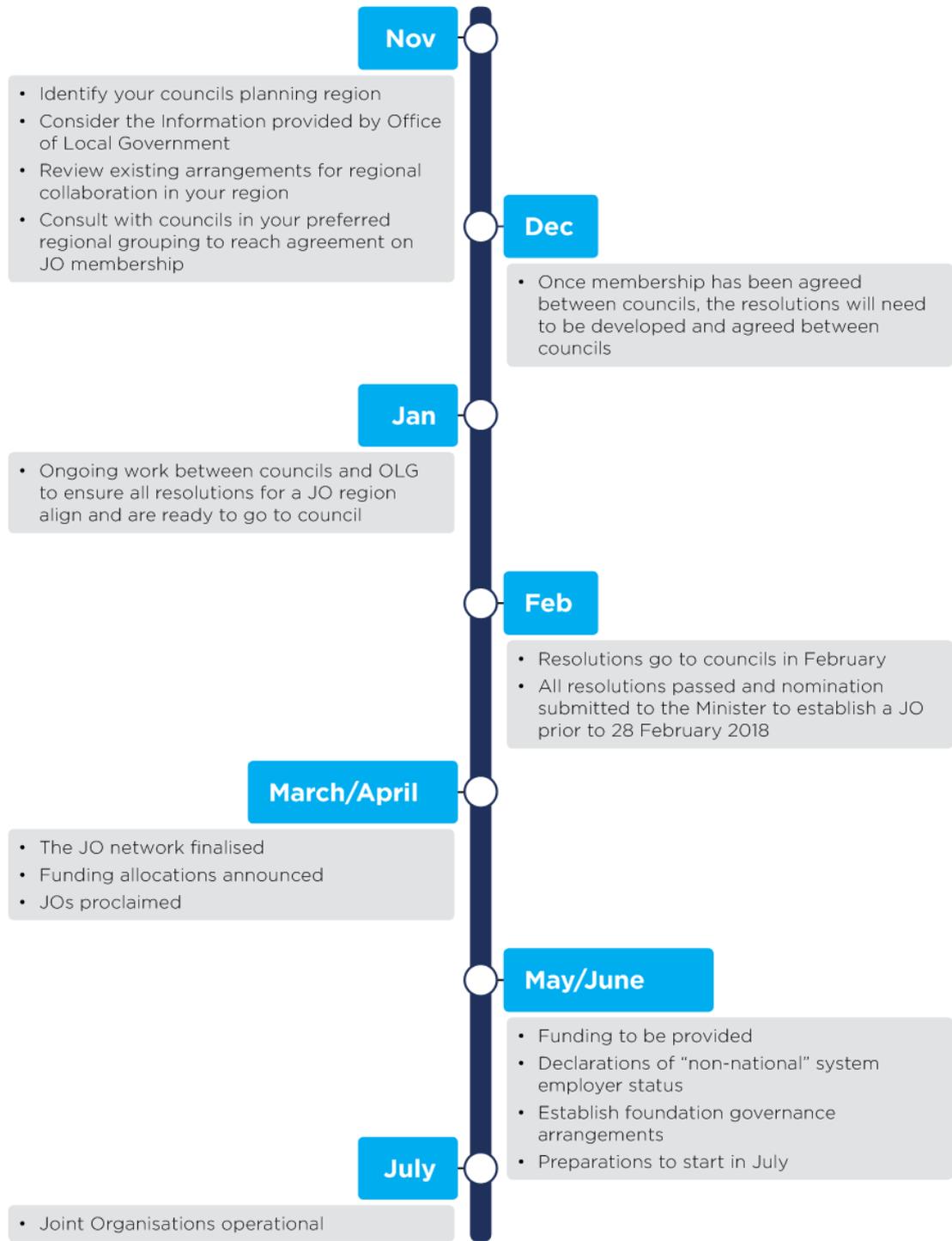
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- 3.** *That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
  - a)** *[INSERT A LIST OF ALL RELEVANT COUNCIL AREAS WITHIN THE RELEVANT STATE PLANNING REGIONS]*

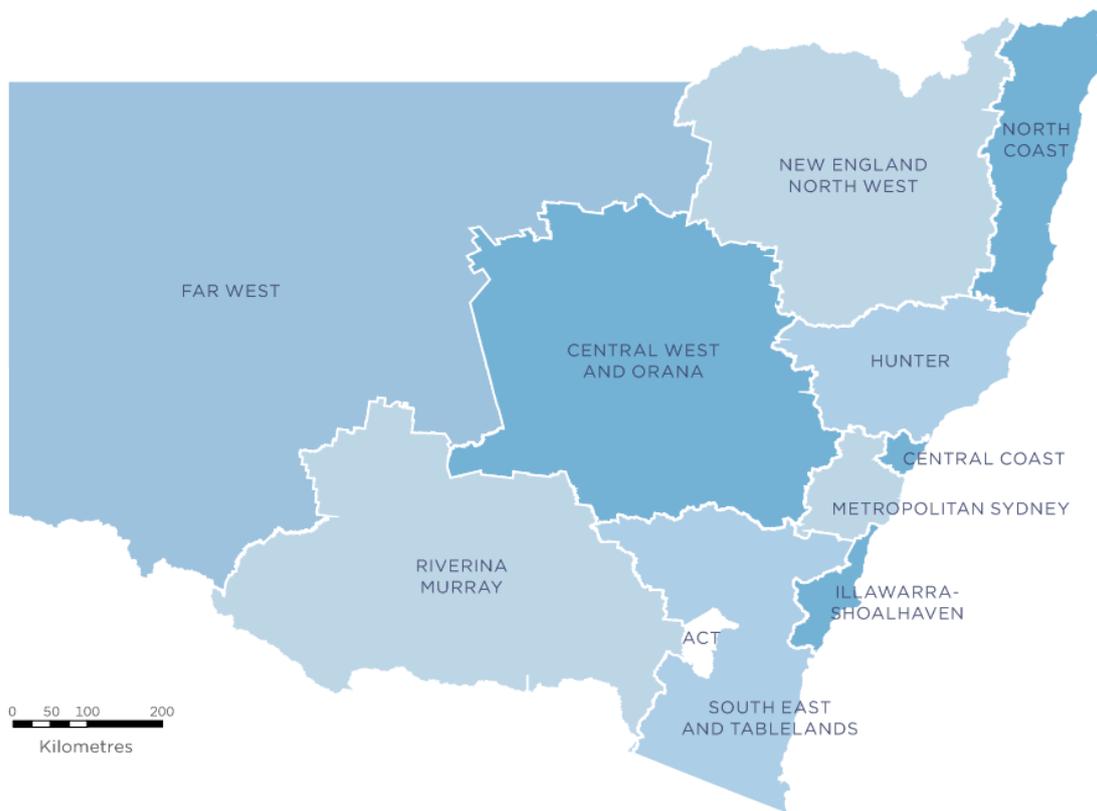
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- 4.** *That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.*
  
- 5.** *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.*

# Joint Organisation formation and implementation timeline for councils



## NSW planning regions



## Distribution of councils in NSW planning regions



### Central West and Orana

|                           |                        |                            |                              |
|---------------------------|------------------------|----------------------------|------------------------------|
| Bogan Shire Council       | Lachlan Shire Council  | Warren Shire Council       | Narromine Shire Council      |
| Parkes Shire Council      | Forbes Shire Council   | Weddin Shire Council       | Coonamble Shire Council      |
| Gilgandra Shire Council   | Dubbo Regional Council | Cabonne Shire Council      | Cowra Shire Council          |
| Orange Shire Council      | Blayney Shire Council  | Warrumbungle Shire Council | Mid-Western Regional Council |
| Bathurst Regional Council | Lithgow City Council   | Oberon Council             |                              |

### Hunter

|                            |                             |                         |                       |
|----------------------------|-----------------------------|-------------------------|-----------------------|
| Upper Hunter Shire Council | Muswellbrook Shire Council  | Singleton Shire Council | Mid-Coast Council     |
| Dungog Shire Council       | Maitland City Council       | Cessnock City Council   | Port Stephens Council |
| Newcastle City Council     | Lake Macquarie City Council |                         |                       |

### New England North West

|                            |                                 |                           |                                |
|----------------------------|---------------------------------|---------------------------|--------------------------------|
| Moree Plains Shire Council | Narrabri Shire Council          | Gunnedah Shire Council    | Liverpool Plains Shire Council |
| Gwydir Shire Council       | Tamworth Regional Council       | Inverell Shire Council    | Uralla Shire Council           |
| Tenterfield Shire Council  | Glen Innes Severn Shire Council | Armidale Regional Council | Walcha Council                 |

### North Coast

|                         |                         |                         |                                 |
|-------------------------|-------------------------|-------------------------|---------------------------------|
| Tweed Shire Council     | Kyogle Council          | Lismore City Council    | Byron Shire Council             |
| Ballina Shire Council   | Richmond Valley Council | Clarence Valley Council | Coffs Harbour City Council      |
| Bellingen Shire Council | Nambucca Shire Council  | Kempsey Shire Council   | Port Macquarie-Hastings Council |

### Riverina Murray

|                            |                          |                                       |                          |
|----------------------------|--------------------------|---------------------------------------|--------------------------|
| Hay Shire Council          | Edward River Council     | Murray River Council                  | Carrathool Shire Council |
| Griffith City Council      | Murrumbidgee Council     | Berrigan Shire Council                | Bland Shire Council      |
| Leeton Shire Council       | Narrandera Shire Council | Federation Council                    | Temora Shire Council     |
| Coolamon Shire Council     | Junee Shire Council      | Wagga Wagga City Council              | Lockhart Shire Council   |
| Greater Hume Shire Council | Albury City Council      | Cootamundra-Gundagai Regional Council | Snowy Valleys Council    |

### South East and Tablelands

|                                      |                               |                             |                           |
|--------------------------------------|-------------------------------|-----------------------------|---------------------------|
| Hilltops Council                     | Yass Valley Council           | Upper Lachlan Shire Council | Goulburn Mulwaree Council |
| Queanbeyan-Palerang Regional Council | Snowy Monaro Regional Council | Wingecarribee Shire Council | Eurobodalla Shire Council |
| Bega Valley Shire Council            |                               |                             |                           |

### Illawarra Shoalhaven

|                         |                         |                           |                         |
|-------------------------|-------------------------|---------------------------|-------------------------|
| Shoalhaven City Council | Kiama Municipal Council | Shellharbour City Council | Wollongong City Council |
|-------------------------|-------------------------|---------------------------|-------------------------|

## Joint Organisation Frequently Asked Questions



### **Q1: What is a Joint Organisation?**

**A:** A Joint Organisation is a new entity under the Local Government Act comprising member councils in regional NSW to provide a stronger voice for the communities they represent.

Each Joint Organisation will comprise at least three member councils and align with one of the State's strategic growth planning regions. One of the member council's mayors will be elected chairperson and an Executive Officer may be appointed.

### **Q2: How will Joint Organisations benefit councils and communities in regional NSW?**

**A:** Joint Organisations will transform the way that the NSW Government and local councils collaborate, plan, set priorities and deliver important projects on a regional scale. These new partnerships will benefit local communities across regional NSW by working across traditional council boundaries.

### **Q3: How do we know Joint Organisations will work?**

**A:** The Joint Organisation model has been developed in close consultation with councils and the NSW Government has listened to regional councils to get the model right. This included a pilot program for five groups of councils to test a range of options, which involved the participation of 43 councils and delivered a range of initiatives and projects to those regions.

An independent evaluation of the pilot program found Joint Organisations bring benefits to regional communities in delivering on-the-ground projects and attracting more investment to regional communities.

### **Q4: Why should councils choose to form a Joint Organisation?**

**A:** Joint Organisations will provide a forum for councils, agencies and others to come together and focus on their regional priorities – the things that matter for that region. Joint Organisations will help drive the delivery of important regional projects – the infrastructure and services that local communities need and deserve.

Joint Organisations will also provide councils with a more efficient way to deliver shared services for members and the region. Where member councils agree, they can choose to share a common approach to services such as information technology, water management services and community strategic planning. The NSW Government will provide \$3.3 million to support councils to establish Joint Organisations

### **Q5: Can councils determine their own regional boundaries?**

**A:** While the choice to join, and composition of a Joint Organisation is voluntary, the NSW Government will only support the creation of Joint Organisations within existing State planning regions and in regional NSW. Councils have told us that effective collaboration will only be realised when State and local government boundaries are aligned.

To aid this process the NSW Government has consulted the sector on boundary criteria which they can take into account when determining the membership of their Joint Organisation.

Joint Organisation boundaries should:

- align with, or 'nest' within one of the State's planning regions
- demonstrate a clear community of interest between member councils and regions
- not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO
- be based around a strong regional centre or centres
- be of an appropriate size to partner with State, Commonwealth and other partners.
- Consistent with previous Government decisions, Joint Organisations will not be considered for metropolitan Sydney and the Central Coast at this time.



**Q6: Are Far West Councils able to form a JO?**

**A:** The Government will be writing to Far West councils to advise them of their opportunity to form or join a JO. This will include specific guidance applicable to Far West councils only.

**Q7: What are the next steps for interested councils?**

**A:** Councils are invited to nominate to form a Joint Organisation in their region. Councils are encouraged to open discussions with their neighbours as soon as possible.

The Office of Local Government is available to facilitate these discussions and provide support to councils through the nomination process. Specific requirements to form a Joint Organisation will be provided to councils shortly.

Each Joint Organisation will be created by a proclamation and the NSW Government will then ask the Commonwealth to endorse each Joint Organisation as a non-national system employer to ensure that any staff of a Joint Organisation, with the exception of the Executive Officer, are employed under the State local government award.

**Q8: What support will be provided to councils and Joint Organisations once established?**

**A:** The Office of Local Government will work with Joint Organisations to support their establishment and ensure they have the necessary systems and governance in place for the Joint Organisations to deliver results for regional communities.

The Office of Local Government and the Department of Premier and Cabinet will foster collaboration between Joint Organisations and State agencies to identify and act on opportunities to benefit regional communities.

**Q9: Can councils choose not to participate?**

**A:** Councils can choose not to become a member of a Joint Organisation. The Government strongly encourages all councils in regional NSW to consider the benefits and opportunities offered by Joint Organisations.

Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through the Joint Organisation.

**Q10: What funding is available to Joint Organisations?**

**A:** The Government will provide up to \$3.3 million in seed funding to Joint Organisations to support their establishment. The Government will identify opportunities for additional investment through Joint Organisations in regional economies.

Funding for each Joint Organisation will be based on the number of councils that choose to form a Joint Organisations, with maximum funding provided to regions where all councils in a region choose to be members of the new regional body.

All Joint Organisations, whether they were pilot regions or not, will be provided with seed funding.

Further details on funding arrangements will be provided to councils.

**Q11: Will this funding be enough to help councils establish a JO?**

**A:** The NSW Government is providing significant funding and support to help those councils that choose to establish a Joint Organisation. The pilot program demonstrated that groups of councils can achieve substantial benefits for their communities and significant cost savings by working together through a Joint Organisation.

**Q12: How are Joint Organisations different to Regional Organisations of Councils?**

**A:** The Joint Organisation model provides for greater certainty and continuity as well as recognising the unique differences in the many regions of NSW. While some ROCs have been effective, they have varied functions, membership, and governance structures which often makes collaboration more difficult.

## Joint Organisation Resource List



### Website

[www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

### OLG key contacts

|   |              |
|---|--------------|
| Chris Presland, Director of Reform Implementation     | 0413 274 882 |
| Melissa Gibbs, Director Policy and Sector Development | 0491 225 904 |
| Office of Local Government, Development Team          | 02 4428 4100 |

### Secure Stronger Councils Portal

A secure portal is available for councils to access information and share resources on Joint Organisations. To access the portal go to <https://portal.strongercouncils.nsw.gov.au>

You will need to login and register with your council email address.

OLG will use the portal to provide up to date information and share best practice between councils and Joint Organisations during the formation and implementation phase.

### Department of Premier and Cabinet Regional contacts

|  |   |
|--|---|
| Hunter<br>0418406733   02 49212603                         | Aaron Spadaro, Senior Coordination Officer          |
| Northern NSW (Tamworth)<br>0477316 189   0267602671        | Alison McGaffin, Director, Northern NSW             |
| Northern NSW (Coffs Harbour)<br>0481 919 697   02 66598651 | Andrew Hegedus, Director North Coast                |
| Southern NSW (Wollongong)<br>0477 320 822   0242536301     | Anthony Body, Director Southern Region              |
| Southern NSW (Queanbeyan)<br>0427 454 375   02 92283296    | Heidi Stratford, Director South East and Tablelands |
| Western NSW (Dubbo)<br>0400 364 960   02 68267801          | Ashley Albury, Director, Western NSW                |
| Western NSW (Wagga)<br>0417947976                          | Trudi McDonald, Director Riverina Murray            |

## Item 8: Development

## 8.1 DA0287/2017 - Centre-based Child Care Facility with Out-of-School-Hours Care - 272 Church Street, Mudgee

REPORT BY THE ACTING MANAGER STATUTORY PLANNING  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, DA0287/2017

**RECOMMENDATION****That Council:**

- A. receive the report by the Acting Manager Statutory Planning on the DA0287/2017 - Centre-based Child Care Facility with Out-of-School-Hours Care - 272 Church Street, Mudgee;
- B. approve DA0287/2017 – Centre-based Child Care Facility with Out-of-School-Hours Care – 272 Church Street, Mudgee, subject to the following conditions:

**APPROVED PLANS**

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

| Title/Name                        | Drawing No/<br>Document Ref | Revision/Issue | Dated      | Prepared by |
|-----------------------------------|-----------------------------|----------------|------------|-------------|
| Proposed Site Plan                | Drawing No 26740-A02        | A              | 16/10/2017 | Barnson     |
| Proposed Floor Plan 1             | Drawing No 26740-A03        | A              | 16/10/2017 | Barnson     |
| Proposed Floor Plan 2             | Drawing No 26740-A04        | A              | 16/10/2017 | Barnson     |
| Elevations                        | Drawing No 26740-A05        | A              | 16/10/2017 | Barnson     |
| Sections                          | Drawing No 26740-A06        | A              | 16/10/2017 | Barnson     |
| AFS Plan and Elevations           | Drawing No 26740-A07        | A              | 16/10/2017 | Barnson     |
| Street Elevation and Site Section | Drawing No 26740-A08        | A              | 16/10/2017 | Barnson     |
| Cut/Fill Plan                     | Drawing No 26740-A09        | A              | 16/10/2017 | Barnson     |
| External Play Area Landscape Plan | Drawing No 26740-A10        | A              | 16/10/2017 | Barnson     |

|   |                      |   |            |         |
|---|----------------------|---|------------|---------|
| Erosion and Sediment Control Plan       | Drawing No 26740-A11 | A | 16/10/2017 | Barnson |
| Proposed Sewer Plan                     | Drawing No 26740-P02 | E | 16/10/2017 | Barnson |
| Proposed Sewer Details                  | Drawing No 26740-P03 | C | 16/11/2017 | Barnson |
| Proposed Stormwater Plan                | Drawing No 26740-P04 | G | 16/11/2017 | Barnson |
| Stormwater Details                      | Drawing No 26740-P05 | B | 18/08/2017 | Barnson |
| Fence Height Key/<br>Proposed Site Plan | Drawing No 26740-A02 | A | 16/10/2017 | Barnson |

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.

#### LIMITS ON CONSENT

3. 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.
4. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
5. This approval includes approval for:
  - a) The demolition of the existing shed on site.
  - b) Use of the development as a centre-based child care facility, which includes out-of-school-hours care.
  - c) Connection of stormwater and sewer through Mulley Park.

#### PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

##### Building

*The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction Certificate for the proposed building.*

6. Prior to release of any 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 Council.
7. Consent from Council must be obtained for all new works within the road reserve, pursuant to Section 138 of the *Roads Act 1993*.
8. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate for any above-ground building works.

9. All building work is to comply with the requirements of the Access to Premises Standard. Details demonstrating full compliance with the Access to Premises Standard, including continuous path of travel from the entrance to the property, are to be submitted and approved as part of any Construction Certificate.
10. The design, construction and fitout of any proposed kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of Australian Standard 4674-2004 "Design, Construction and Fitout of Food Premises". Full details are to be submitted for approval with the required Construction Certificate.
11. Prior to the issue of a Construction Certificate for above ground building works, the plans and specifications are to demonstrate compliance with the detailed requirements of *Child Care Planning Guideline*, prepared by NSW Planning & Environment and dated August 2017. These details are to include, but not be limited to, demonstrating compliance with the following components of the guidelines:
  - a) Surface treatment of pedestrian paths to differ from that of the car park surface;
  - b) Safety fencing;
  - c) External storage space;
  - d) Internal storage space. The storeroom for the Out-of-school-hours building will need to be increased in size to meet these requirements.
  - e) Laundry;
  - f) Toilets;
  - g) Administration space; and
  - h) Emergency Evacuation Plan.

#### Contributions and Levies

12. Prior to the issue of any Construction Certificate, the developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*. This will require:
  - (a) Payment of contributions for water and sewerage headworks in accordance with Council's adopted Fees and Charges.
  - (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.

**Note:** Section 64 Developer Contributions are subject to the Consumer Price Index increase at 1 July each year. Please contact Council's Development Directorate regarding any adjustments.

13. In accordance with 94A of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94A Development Contributions Plan (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.

The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

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**Note – the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$1,200,000), an indicative total levy of \$12,000 is payable.**

- 14. Long service levy must be paid to the Long Service Payment Corporation, prior to the issue of any Construction Certificate. The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.**

**These payments may be made at Council's Administration Office. Cheques are to be made payable to Council.**

### **Landscaping**

- 15. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:**

- a) A planting schedule (including a range of plant sizes).**
- b) A maintenance schedule.**
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.**
- d) Provide a minimum 25m long section of screen landscaping along the southern boundary that achieves a minimum height of 4m at maturity. This section of landscaping is to be located within the landscape area adjacent to the southern boundary indicated on the approved site plan.**
- e) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.**
- f) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:**
  - (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to the Child Care Centre building. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.**
  - (ii) Assists the development to blend in with the established streetscape and neighbourhood.**
- g) Utilise endemic species, where practicable, which are appropriate for the site.**
- h) Details of an irrigation system connecting to the on-site rainwater tanks.**
- i) Compliance with the detailed natural environment, landscaping, shade and fencing requirements contained in the *Child Care Planning Guideline*, prepared by NSW Planning & Environment and dated August 2017.**
- j) Prevention of overlooking of the outdoor play areas from the adjoining property to the north. This will require relocation of the 3.0m high acoustic fencing from the property boundary to the edge of the outdoor play areas, so that there is a minimum of 1.5m between the property boundary and the acoustic barrier to accommodate landscaping. The plants to be used in this area are to achieve a minimum 4.0m in height at maturity and provide a dense visual screen.**
- k) Provision of a proportion of semi-mature trees in landscaping areas key to establishing the streetscape and preserving the privacy of neighbours. In this regard, a minimum of 4 semi-mature trees are to be provided in the front boundary landscape strip. A minimum of 4 semi-mature trees are to be provided between the acoustic barrier and the rear and side boundary fence of the property located at 270A Church Street.**

- l) No shrubs or trees are to be provided within the proposed sewer easement.
- m) Landscaping provided within the existing water easement is to be at the agreement of Council.

16. A landscaping bond of \$1,500 is to be paid to Council prior to the issue of a Construction Certificate for above ground building works. Such bond is to be refunded upon satisfactory completion of the landscaping in accordance with the approved landscaping plan.

#### Earthworks and retaining walls

17. All finished surface levels shall be shown on the plans submitted for a Construction Certificate.
18. Details of all retaining walls shall be shown on the plans submitted for a Construction Certificate.
19. Details of the sewer long-section, showing an adequate depth of cover over the sewer line, are to be submitted to and approved by Council, prior to the issue of a Construction Certificate. These details shall include finished surface levels and bedding details along the entire length of the sewer long-section. The following amended details are to be included in the sewer long-section:
- a) References to outdated standards are to be corrected with the current standard.
  - b) The details of the external Typical External Drop design is to be removed as no drop manholes are proposed.
  - c) The Inspection Hold Points table is not required.

#### Soil Contaminated Investigation

20. Prior to the issue of a Construction Certificate, a Preliminary Investigation Report based on soil sampling and testing, prepared by a qualified industry professional, is to be submitted to and approved by Council. The investigation must be undertaken in accordance with the *Managing Land Contamination Planning Guidelines – SEPP 55 – Remediation of Land*. Any remediation works identified in the report are to be adhered to.

#### Stormwater

21. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B1, B2 and D.

A Construction Certificate is required for but not limited to the following civil works;

- Water and sewer main extensions
- Stormwater drainage such as, onsite detention, infiltration trench

Note 1: No works can commence prior to the issue of the Construction Certificate.

22. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority 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 10% Annual Exceedance
-

**Probability.** All storm water detention details including analysis shall be included with the drainage report. The report shall include water quality analysis to determine that post development pollution reduction targets are met in accordance with Development Control Plan.

23. Stormwater discharge is to be piped directly to the stormwater pit located within Lowana Close.

#### **Access and Parking**

24. The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
25. Each access provided must comply with Council's Access to Properties Policy, AUSTROADS Part 4/4A and any associated RMS supplements.

#### **Waste Management**

26. Prior to the issue of a Construction Certificate that involves above ground works, a Waste Management Plan is to be submitted to and approved by Council. The Waste Management Plan is to include the following details:
  - a) A plan of the garbage bin storage area.
  - b) Details of the method and regime for washing down the bin storage area.
  - c) Details of the method and regime for washing bins.
  - d) A plan delineating the collection area within the street reserve for the bins. This plan is to demonstrate that there will be no conflict with pedestrian pathways or bus stops. The area is to be large enough to accommodate the number of bins required for collection.
  - e) Details of the amount and type of expected waste generation and storage and collection requirements of each waste stream.
  - f) Details of waste collection arrangements from the site, including volume and frequency.
  - g) Details of the location of the destination of the waste.
  - h) Details of odour control.
  - i) Details of vermin control.
  - j) Details of insect control.
  - k) A monitoring and review regime for the Waste Management Plan.

Following commencement of the use, any amended versions of the Waste Management Plan are to be approved by Council.

#### **Trade Waste**

27. A Liquid Trade Waste Application is to be submitted to and approved by Council, for the proposed Centre-based Child Care development, prior to the issue of a Section 68 approval for water supply, stormwater and sewerage works.

#### **Noise**

28. Prior to the issue of a Construction Certificate that involves above ground building works, a Noise Assessment Report, prepared by a suitably qualified person, is to be submitted to and approved by Council. The Noise Assessment Report is to provide
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acoustic attenuation measures for nominated mechanical plant for the proposed development. The details of the acoustic attenuation measures are to be included in any Construction Certificate issued for above ground building works.

29. Prior to the issue of a Construction Certificate for any above ground works, details of the acoustic barrier fencing are to be submitted to and approved by Council. The acoustic barrier fencing is to comply with the following:
- a) The recommendations contained in Section 5.0 of *Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A*, prepared by Day Design Pty Ltd and dated 17 October 2017 and the approved Fence Height Key/Proposed Site Plan referred to in Condition 1.
  - b) That part of the acoustic barrier erected above 1.8m above ground level is to be constructed of transparent material, in order to reduce its visual impact.
  - c) The nominated 3.0m high acoustic barrier as shown on the approved Fence Height Key drawing is to be relocated from the property boundary to the edge of the play areas. The minimum separation between the acoustic barrier and the property boundary is to be 1.5m, so that it can accommodate screen landscaping over the long term. A means of providing maintenance access to the landscaped area is to be provided in the amended design of the relocated acoustic barrier.
  - d) Acoustic barriers are not to be erected over any proposed sewer manholes.
  - e) The details of the acoustic barrier fencing are to be approved and included in any Construction Certificate issued for any above ground works.
30. Prior to the issue of a Construction Certificate for any above ground works, details of the windows on the southern and western elevations of the main child care centre building are to clearly indicate that they are fixed panels that cannot be opened.

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

31. 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.
32. The site shall be provided with a waste enclosure (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**
33. A sign must be erected in a prominent position on any work site involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited;
-

- 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; and
- d) the sign shall be removed when the erection or demolition of the building has been completed.

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

35. 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.

36. The development site is to be managed for the entirety of work in the following manner:

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

37. 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 development;
- b) Using erosion control measures to prevent on-site damage;
- c) Rehabilitating disturbed areas quickly; and
- d) Maintenance of erosion and sediment control structures.

38. Runoff and erosion controls shall be installed prior to clearing and incorporate:

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

39. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by

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the contractor.

## DURING CONSTRUCTION

### Demolition

40. 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 required Hazardous Substances Management Plan; and
    - 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 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 2601-2011.
  - 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 (types of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

### Building and general works

41. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
42. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
43. 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.
44. 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.
45. All building work is to comply with the requirements of the Access to Premises Standard.
46. The strength of the concrete used for the reinforced concrete floor slab must be
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25Mpa.

47. Building envelopes are not to extend greater than 90m from the nearest hydrant.
48. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
49. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the *Environmental Planning and Assessment Regulation 2000*.
50. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
51. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
52. 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.
53. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the works including the erection of any fences or hoardings with the prior approval of Council.
54. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
55. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) an adjoining land, the person having the benefit of the development consent must, at the person's own expense:
  - a) Protect and support the building, structure or work from possible damage from excavation; and
  - b) Where necessary, underpin the building, structure or work to prevent such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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## Earthworks

56. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
57. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a 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*.

## Access and Parking

58. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
59. A vehicular entrance comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Council's "Access to Properties Policy".

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 Development and Community 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.

60. A total of 40 car parking spaces are to be provided within the site of the development and comply with AS 2890.1:2004 and AS2890.6:2009 and the following requirements:
  - a) All vehicles must be provided adequate means to exit the lot in a forward direction.
  - b) Each parking space is to have minimum dimensions of 5.4m x 2.6m;
  - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6:2009;
  - d) 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;
  - e) The aisle widths, internal circulation, ramp widths and grades of the car park are to conform to the Roads and Traffic Authority *Guide to Traffic Generating Developments 1992* and Australian Standard AS2890.1 – 2004.

## Water, Stormwater and Sewer Services

61. Council does not permit other bodies to insert new junctions into "live" sewer and water mains. Please contact Council's Operations Water and Waste Department by calling 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of the new sewer extension and water service (Private Works Order).
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62. Prior to the commencement of construction works the applicant needs to comply with the requirements of the *Local Government Act 1993*, section 634 which requires that:
- a) a person must not do any water supply work, sewerage work or stormwater drainage work unless the person;
    - (i) is the holder of an endorsed licence or supervisor certificate in force under the *Home Building Act 1989* authorising the holder to do (and to supervise) work of the kind concerned, or
    - (ii) is the holder of a tradesperson certificate in force under the *Home Building Act 1989* authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or
    - (iii) does the work under the immediate supervision of a person referred to in paragraph (a).
  - b) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (a).

Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity

63. The works associated with water, sewer and stormwater infrastructure are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures.
  - b) Stormwater and sewer line installation prior to backfilling.
  - c) Acceptance testing of water supply and sewerage infrastructure in accordance with Water Services Association of Australia and Water and Sewerage Codes.
  - d) Practical completion.
64. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply 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 Supply Code of Australia.
65. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All 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 – Sewerage Code of Australia.
66. The redundant section of sewer main is to be removed at the completion of the diversion such that no redundant infrastructure remains in place. A dead-end is to be
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created on the existing sewer by way of manhole within the developed lot.

67. A new sewer junction is to be installed on the new sewer line to service the Lot.
68. Three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed inter-allotment drainage components located within the subject property, or extended through adjoining private properties as a result of this subdivision. The benefited parties should be those lots immediately up stream of the development.
69. Sediment and debris are to be removed from stormwater before it is allowed to enter the proposed infiltration trench unless it can be demonstrated that the proposed system enables easy removal of accumulated sediment. The selected sediment and debris filter device must be easy to maintain and importantly must be easily and safely accessible.
70. The developer is to place a covenant or restriction as to user over the sediment removing device and infiltration trench, shown on the approved detailed Stormwater Management Plan, so that it shall remain in place and in use.
71. Minimum distance of infiltration trenches from footings shall be in accordance with Table 1 of Appendix B2 of Council's Development Control Plan.
72. Stormwater leaving the site is to discharge directly to the existing stormwater pit at the end of Lowana Close by way of closed pipe system.
73. Following completion of the construction of the water and sewer, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocadcompatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

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

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

74. 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.
75. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000* for each measure listed in the schedule. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
76. Prior to the issue of an Occupation Certificate, for any buildings on site, the building

is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.

77. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
78. All car parking and associated driveway works are to be completed prior to occupation of the development and/or the commencement of the use.
79. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (eg rocks, retaining walls, solid garden bed edging) is to be installed prior to occupation of the development and/or commencement of the use.
80. Acoustic fencing is to be erected in accordance with recommendations contained in Section 5.0 of the Acoustic Assessment Report submitted with the development application, as superseded by the acoustic barrier details approved as part of the Construction Certificate - prior to occupation of the development and/or commencement of the use.
81. Prior to the issue of an Occupation Certificate, a Noise Management Plan is to be submitted to and approved by Council. The Noise Management Plan is to:
  - a) Comply with the recommendations contained in Section 5.0 of the *Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A*, prepared by Day Design Pty Ltd and dated 17 October 2017.
  - b) Detail how the childcare centre will manage noise from children, vehicles on site and out-of-hours drop off/collections, parents and children entering/leaving the site, waste collection, deliveries and noise from plant.
82. Prior to the issue of a final Occupation Certificate and the commencement of use of the Child Care Centre building, Section 88B instruments are to be registered on the title of the subject lot, with the effect of the following:
  - a) Extinguishing any unnecessary sewer easements over the land.
  - b) Providing a 3m wide easement over operational sewer lines, created in favour of Council.
  - c) Providing easements, as necessary, over stormwater infrastructure servicing the site.

Council must indicate agreement to the proposed easements, prior to registration.

The developer is to pay the full cost for the preparation and registration of the above easements.

Note – the term easements used in this condition may be replaced with any other form of covenant or restriction on title addressed by Section 88B of the Conveyancing Act, with the agreement of Council.

Note – no specific width is proposed for the stormwater easements, as they will vary in width according to the final dimensions of on-site detention and treatment basins.

83. The development is limited to the following number of children:
- 125 children within the Child Care Centre building; and
  - 30 children within the Out-of-school-hours building.
- Any licence from the relevant State/Federal department should not exceed the above numbers.
84. The hours of operation of the development are to be limited to the following:
- Child Care Centre: 7am to 7pm, Monday to Fridays.
  - Out-of-school-hours: 7am to 8.30am and 3.30pm to 6.30pm, Monday to Fridays.
85. 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. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
86. All loading and unloading in connection with the premises shall be carried out wholly within the site. This condition does not apply to garbage collection.
87. Children dropped off at the Out-of-school-hours Care Centre are to be transported to and from school in the centre-based mini-bus.
88. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping.
89. All waste and waste areas are to be managed in accordance with the approved Waste Management Plan. Should any amenity impacts arise as a result of the bin storage or bin collection, an amended Waste Management Plan, providing solutions to address the identified impacts, is to be submitted to and approved by Council.
90. Directional signage is to be erected in accordance with the following:
- Signage at the street entrance to each internal pedestrian path stating the direction of each building within the development.
  - Each driveway access is to be clearly identified as either *entry only* or *exit only*.
  - The exit driveway is to have a *Give way to pedestrian* sign facing vehicles leaving the site.
91. 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".
92. The site is to be maintained in a clean and tidy condition at all times.
93. Rainwater collected in the on-site rainwater tanks is to be used for maintaining on-site landscaping. The water in the rainwater tanks is to be exhausted prior to Council's water supply being used for landscaping.
- Note – This condition has been applied in order to ensure that the proposed rainwater tanks retain capacity to serve their on-site detention function for stormwater management.
94. Landscaping is to be maintained in accordance with the approved landscape plan.
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## Noise

95. In the event Council receives a justifiable noise complaint and if directed to by Council - the operator of the Centre-based Child Care facility is to provide certification from a suitably qualified and experienced acoustic consultant, certifying the following:
- a) The acoustic barriers have been constructed in accordance with Section 5.0 of *Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A*, prepared by Day Design Pty Ltd and dated 17 October 2017, as superseded by the acoustic barrier details approved prior to the issue of the Construction Certificate.
96. The development is to operate in accordance with the approved Noise Management Plan for the development, at all times. Any amendments to the Noise Management Plan are to be submitted to and approved by Mid-Western Regional Council.
97. That part of the acoustic barrier fencing erected above 1.8m above ground level is to be maintained as transparent material, in order to reduce its visual impact.

## Fencing

98. That part of the fencing on the property boundaries, behind the building line and below 1.8m in height is to be solid screen fencing. That part of the fencing along the property side boundaries and forward of the building line is to be maintained as 1.5m high solid screen fencing.

## Fire Safety Certificate

99. 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 the NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
100. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.

## Food Safety

101. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.

## ADVISORY NOTES

- 1 The removal of trees within any road reserve requires separate approval of Council in accordance with the policy “Tree Removal and Pruning Public Places”.
- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to
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whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

- 3 Section 82A of the *Environmental Planning and Assessment Act 1979* provides the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee. Please contact Council's Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision, section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to section 83 of the *Environmental Planning and Assessment Act 1979*.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the *Environmental Planning and Assessment Act 1979*.
- 7 The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*. For the purposes of the approved development, Project Specific Noise Criteria are contained in *Environmental Noise Assessment – Proposed Child Care Centre 272 Church Street, Mudgee, NSW – Report Number 6217-1.1R Rev A*, prepared by Day Design Pty Ltd and dated 17 October 2017.

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## Executive summary

|   |   |
|---|---|
| <b>OWNER/S</b>                          | Mudgee Little Learners Pty Ltd  |
| <b>APPLICANT:</b>                       | Little Learners   |
| <b>PROPERTY DESCRIPTION</b>             | 272 Church Street, Mudgee (Lot 12 DP1182129)                            |
| <b>PROPOSED DEVELOPMENT</b>             | Centre-based Child Care Facility & Before with Out-of-school-hours Care |
| <b>ESTIMATED COST OF DEVELOPMENT:</b>   | \$1,200,000   |
| <b>REASON FOR REPORTING TO COUNCIL:</b> | More than seven (7) objections received                                 |
| <b>PUBLIC SUBMISSIONS:</b>              | A total of 38 submissions, over 3 exhibition rounds                     |

Council is in receipt of a development application that seeks approval to erect a centre-based child care facility with out-of-school-hours care at 272 Church Street, Mudgee (Lot 12 DP1182129).

The proposed development will involve the construction of separate ingress and egress driveway accesses, a car parking area with 40 parking spaces and a minibus parking area, the main child care building to accommodate 125 children and a secondary out-of-school-hours building to accommodate 30 children. The development will be landscaped and acoustic fencing will be provided.

The application has been placed on public exhibition in accordance with Council policy, on three occasions. The first exhibition period ended on 3 July 2017 with a total of 18 submissions from neighbouring property owners. A meeting was held with the applicant to discuss the main issues of

objection and the applicant modified the design in response. A second round of public exhibition for the amended design ended on 25 August 2017, with 11 submissions received. Once again, a meeting was held with the applicant and the proposal was amended. The third round of public exhibition ended in 3 November 2017, with 9 submissions received.

As the application has attracted more than 7 submissions in response to public exhibition, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

## Disclosure of Interest

Nil

## Detailed report

### Background

Council has received a development application for a centre-based child care facility with out-of-school-hours care at 272 Church Street, Mudgee. At the time of lodgement, the site contained an existing residence, detached garage and a number of trees. The site is located outside of the Mudgee heritage conservation area and none of the trees on the site are listed as being significant.



**Figure 1:** Subject site

The site has since been cleared and the existing dwelling has been demolished. The removal of the trees from the site did not require an approval from Council, being permissible without consent. The demolition of the existing dwelling required either development consent from Council or a Complying Development Certificate. The demolition of the existing dwelling was authorised by a Complying Development Certificate, issued by a private certifier.

The proposed works and buildings included in this development application are:

- Demolition of an existing shed on the site;
- Construction of the main child care building – the building will be:
  - Single storey;
  - “L” shaped building;
  - Mix of brick veneer and timber wall cladding;
  - Custom orb roof sheeting (colour not specified);
  - Maximum height of 5.3m to the ridge; and
  - Gross Floor Area of 1,341m<sup>2</sup>.
- Construction of a second building for out-of-school-hours care – the building will be:
  - Single storey;
  - Brick veneer with custom orb roof sheeting (colour not specified);
  - Maximum height of 4.06m to the ridge; and
  - Gross floor area of 209m<sup>2</sup>.
- Construction of a sealed car park accommodating 40 parking spaces;
- Two separate driveway accesses to Church Street – one ingress and one egress;
- Landscaping and play area in the centre of the site;
- Erection of acoustic fencing surrounding the outdoor play area, being:
  - 3.0m high acoustic fence along the eastern side of the outdoor play area;
  - 2.7m high acoustic fence along the northern side of the outdoor play area;
  - 1.8m high acoustic fence along the western side of the outdoor play area, along the property boundary; and
  - 1.5m high fences along the northern and southern sides of the car parking area. (refer to plan showing location of fences).
- Existing sewer line that bisects the site will be relocated to run parallel to the rear boundary and connect into the existing sewer line in Mulley Park/Lowana Close, which is located to the north of the site.
- Connection of stormwater discharge to system located in Mulley Park.
- No signage is proposed as part of this DA.

The main operational factors are summarised as follows:

- Centre-based Child Care Facility:
  - A maximum of 125 children;
  - A maximum of 28 staff;
  - Hours of operation – 7am to 7pm, Monday to Friday; and
  - All meals for the children to be provided on site.
- Out-of-school-hours school hours care:
  - A maximum of 30 children;
  - A total of 3 staff;

- Hours of operation – 7am to 8.30am and 3.30pm to 6.30pm, Monday to Fridays; and
- The children will be aged from 6 to 12 years.

## Detailed Report

### SECTION 79(1) - MATTERS FOR CONSIDERATION - GENERAL

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

#### **(a) Provisions of any Environmental Planning Instrument and any draft EPI – 79C(1)(a)(i) and (ii)**

#### **State Environmental Planning Policy No 55 – Remediation of Land**

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.

#### **State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017**

When the application was submitted, this SEPP was in draft form and was on public exhibition. The initial design of the development addressed the SEPP and its associated Guidelines, with the view that the SEPP and Guidelines would be adopted prior to determination of the application. The SEPP was adopted on 1 September 2017. Schedule 5 - Savings and Transitional Provisions states that the SEPP does not apply to development applications submitted before its adoption. However, Schedule 5 does state that Council must take into consideration the National Quality Framework Assessment Checklist set out in Part 4 of the Child Care Planning Guideline – this application has been assessed in accordance with this checklist. In addition, a legal principle called the Coty Principle, requires that progressively more weight should be applied to a draft environmental planning instrument, the closer it is to adoption. As the SEPP has been adopted, the application has been assessed against the adopted version of the SEPP.

The following clauses of the SEPP have been assessed as being relevant and are matters for consideration in the assessment of the Development Application.

#### **5. Definitions**

The SEPP uses the following definition for the proposed use:

*Centre-based child care* means a building or place used for the education and care of children that provides for any or more of the following:

- (a) Long day care,
- (b) Occasional child care,
- (c) Out-of-school-hours care (including vacation care),
- (d) Preschool care,
- (e) An approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*) ... (remainder of definition not relevant).

#### **23. Centre-based child care – matters for consideration by consent authorities**

This clause requires Council to consider any applicable provisions of the Child Care Centre Planning Guideline in the assessment of the application. The proposal's compliance with this guideline is examined in a later section of this report.

#### **25. Centre-based child care – non-discretionary development standards**

This clause prevents Council from requiring more onerous standards for the following matters:

- (a) Location – the development may be located at any distance from an existing or proposed early childhood education and care facility.
- (b) Indoor and outdoor space – the proposed development complies with the unencumbered indoor space and useable outdoor play space requirements.
- (c) Site area and site dimensions – the development may be located on a site of any size, and have any length of street frontage or allotment depth.
- (d) Colour of building materials or shade structures – the proposed development may be any colour.

The SEPP and associated Guideline have the effect of limiting Council's ability to control development for Centre-based Child Care Facilities – other than on the basis of height, rear and side boundary setbacks.

#### 26. Centre-based child care facility – development control plans

Although this clause is not applicable as Council's DCP does not include the mentioned controls - it is considered pertinent that where Council has a DCP that specifies operational management plans or arrangements (e.g. hours of operation), a requirement to demonstrate need for a child care centre, restrictions on the proximity of a proposed centre to other child care centres – such controls may not be applied to the assessment of a Centre-based child care facility.

#### **Child Care Planning Guideline (Guideline)**

The Guideline accompanies the SEPP and provides a set of detailed requirements that Child Care Centres are to be considered against. The Guideline provides a consistent State wide planning and design framework for preparing and considering development applications for Centre-based Child Care Facilities.

The consent authority is required to consider the following matters in the assessment. The following indicates the proposal's conformity with the requirements applicable to the proposal.

#### *PART 1 – DESIGN QUALITY PRINCIPLES*

The proposed development satisfies the design quality principles as follows:

Principle 1 – Context - The design of the Child Care Centre is suitable for the existing context. Refer to "(e) The likely impacts of development – 79C(1)(b)" of this report for further detail.

Principle 2 – Built Form - The proposed built form is articulated and is a suitable built form for the site.

Principle 3 – Adaptive Learning Spaces - A variety of learning spaces has been provided in the proposed design.

Principle 4 – Sustainability - The proposed design takes advantage of natural light and ventilation. Deep soil zones are provided for landscaping.

Principle 5 – Landscape - Landscape areas have been shown on the Site Plan. Conditions are applied for the submission and approval of a detailed landscape plan.

Principle 6 – Amenity - The proposed design generally addresses the amenity requirements of the users and neighbours. The design of the development addressed the amenity impacts by being single storey, stepping the building down the slope of the land, providing generous setbacks to the front, side and rear boundaries, minimising overshadowing, generally locating play areas to the

centre of the site, and providing an acoustic fence to attenuate noise. Landscaping will be provided to assist the development to fit into the neighbourhood.

Principle 7 – Safety - The proposed design generally satisfies this principle and incorporates Crime Prevention Through Environmental Design (CPTED) principles.

### *PART 3 – MATTERS FOR CONSIDERATION*

The below matters must be considered by a consent authority when assessing a development application for a centre-based child care facility. A summary of compliance is provided below – a more detailed summary of compliance with these sections is included in the table within Attachment 6 of this report.

It should be noted that many of the detailed construction requirements have been conditioned to be provided prior to the issue of any Construction Certificate. This is in accordance with clause 54 of the *Environmental Planning and Assessment Regulation 2000*, which limits the type of information that a consent authority may request for a development application. That is, Council cannot request information, in relation to building work that is required to be attached to an application for a construction certificate. The aim of this provision is to ensure that the consent authority does not oblige the applicant to provide these construction details up-front where the applicant may prefer to test the waters first and delay applying for a construction certificate until, or if, development consent is granted.

#### 3.1 Site Selection and location

This section includes a number of requirements in relation to siting child care centres, including but not limited to, ensuring that centres are located within reasonable distance to schools, not located on contaminated sites, not located near incompatible uses such as restricted premises. It is considered the proposed development complies with these requirements of the Guideline.

#### 3.2 Local character, streetscape and public domain interface

This section includes a number of requirements related to ensuring that the proposed centre fits into the streetscape. The main ways that the design addresses these requirements is by: presenting a façade to the street that is similar to a large house, providing a 5m landscape strip along the frontage, providing articulation of walls and materials in the building elevations and locating the car park behind the front boundary landscaping.

#### 3.3 Building orientation, envelope and design

This section includes a number of requirements related to the form of the building on site. The main ways the proposal complies with these requirements is by: stepping the building down the slope of the site, locating the main play area towards the centre of the site, providing a front boundary building setback that is greater than the average of the setbacks on adjoining properties.

#### 3.4 Landscaping

The proposed development provides sufficient deep soil areas on site to accommodate landscaping. A condition is applied requiring the submission and approval of a detailed landscape plan, prior to the issue of a Construction Certificate, demonstrating compliance with the detailed aspects of these requirements.

#### 3.5 Visual and acoustic privacy

The proposed development complies with the visual privacy requirements mainly by locating indoor play areas and outdoor play areas to the centre of site, so that direct overlooking of these areas from outside is minimised. In addition, visual privacy of neighbours is maintained by the single storey development having ground level windows only and solid screen fencing along the boundary.

An acoustic assessment report has been submitted to address the acoustic privacy/noise impacts of the development, which recommends that acoustic fencing be erected around outdoor play areas. This acoustic report is discussed in further detail in another section of this report.

### 3.6 Noise and air pollution

These requirements focus on the impacts of external uses on the centre. The proposed development is not located in an area with uses that impact on noise and air quality within the centre. Such uses may include major motorways and industrial areas.

### 3.7 Hours of operation

The proposed development complies with the hours of operation stipulated in these requirements. A condition is applied to ensure compliance.

### 3.8 Traffic, parking and pedestrian circulation

The proposed development complies with the parking rate of 1:4 children stipulated in these requirements. This parking rate matches the parking rate contained in Council's Development Control Plan.

The proposed internal pedestrian paths comply with the requirements of this section.

## *PART 4 – APPLYING THE NATIONAL REGULATIONS TO DEVELOPMENT PROPOSALS*

This part details the requirements for internal and external physical environment matters, references related construction standards and gives guidance on how the regulations, National Quality Framework Assessment can be met.

### 4.1 Indoor space requirements

This section of the Guideline provides requirements for various components of indoor space as a ratio of the number of children. The main child care building, accommodating 125 children, provides the required amount of unencumbered indoor space, external storage space and internal storage space.

The out-of-school-hours building, accommodating 30 children, provides the required amount of unencumbered indoor space and external storage space. However, insufficient internal storage areas are provided for this building. The internal store room shown on the floor plan may be simply increased in size. This matter is addressed by a condition, requiring details demonstrating compliance to be submitted to and approved by Council, prior to issue of the Construction Certificate (see Condition 11).

### 4.2 Laundry and hygiene facilities

Laundry room proposed in south-east corner of main building.

### 4.3 Toilet and hygiene facilities

The proposed toilets appear to comply with the requirements and will be required to comply with the requirements for sanitary facilities at Construction Certificate stage. Conditions are imposed to address the detailed requirements in this section.

#### 4.4 Ventilation and natural light

Both proposed buildings comply with the requirements for the amount of window area to provide natural light. The applicant has provided a concept for natural ventilation, which will be approved as part of the application.

#### 4.5 Administration space

The development provides for administration space addressing the requirements of the Guideline.

#### 4.6 Nappy change facilities

Nappy change facilities comply with these requirements.

#### 4.7 Premises designed to facilitate supervision

The proposal generally complies with these requirements as windows to amenities will be located away from the view of the visitors/public. In addition, room layouts do not provide for hidden corners.

#### 4.8 Emergency and evacuation procedures

The layout of the child care centre and associated out-of-school-hours building lends itself to evacuation into a number of outdoor areas. A condition is applied requiring the submission and approval of an Emergency and Evacuation Plan, prior to the issue of a Construction Certificate.

#### 4.9 Outdoor space requirements

The proposed development provides the minimum area of unencumbered outdoor space for both the main building and the out-of-school-hours building.

#### 4.10 Natural environment

The external play area landscape plan shows: a variety of ground surface treatments being used outdoors; located centrally within the site for supervision; and includes outdoor furniture and play equipment. Further details of the plants to be used are required to demonstrate full compliance with this section. A condition is applied to require a detailed landscape plan demonstrating compliance with this section to be submitted to and approved by Council, prior to issue of a Construction Certificate.

#### 4.11 Shade

Conditions are applied to address the detailed aspects of the shade requirements.

#### 4.12 Fencing

This section provides detailed requirements for fencing, such as removing climbing elements. A condition is applied to ensure compliance.

#### 4.13 Soil Assessment

Given the previous residential use, it is not expected that there would be any significant contamination on the site. Consequently, no soil assessment has been undertaken. When applying for a service approval, one option the proponent has is to state that the site history does not indicate the site is likely to be contaminated. The application states that a preliminary contaminated soil investigation will be undertaken as part of a service approval application. A condition is applied to require this contaminated soil report prior to the issue of a Construction Certificate.

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

The following clauses of the MWRLRP 2012 have been assessed as being relevant and matters for consideration in the assessment of the Development Application.

### *PART 1*

#### 1.4 Definitions

The proposal is defined as a *Centre-based Child Care*. The definition is the same as that used in SEPP (Educational Establishments and Childcare Facilities) 2017.

### *PART 2*

#### Part 2.3 Zone objectives and Land Use Table

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposed *Centre-based Child Care* is permissible with the consent of Council in the zone.

The proposal is consistent with the objective of the zone related to providing facilities or services to meet the day to day needs of residents, which is reflected by a Child Care Centre being a permissible use in the zone.

### *PART 4*

#### 4.3 Height of buildings

The maximum building height allowed on the site is 8.5m. The proposed buildings have a maximum height of 5.3m.

#### 4.6 Exceptions to development standards

No development standards contained within the MWRLEP 2012 are proposed to be varied.

### *PART 6*

#### 6.1 Salinity

The proposed earthworks to level the ground for the building pads and car park is not expected to significantly affect the process of salinization.

Additionally, as the proposal involves a concrete slab, a condition of consent has been included requiring the concrete floor slabs to be designed appropriately to minimise the impacts of salts in the ground on the building.

#### 6.3 Earthworks

Earthworks are involved in the proposed development. Conditions have been applied to ensure compliance with the requirements of this clause. Matters to be addressed by conditions would include sediment erosion controls and the quality of fill imported to the site.

#### 6.4 Groundwater Vulnerability

The proposed development will increase the impervious area on the site. The proposed use is not a use that will generate significant contaminants. The only foreseeable contamination that may arise is oil dropped within the carparking area. A condition has been applied for pollution control measures for stormwater leaving the site.

Part of the development will involve food preparation. The plans for the development show the provision of a grease arrestor, which will minimise pollution entering the sewer system. A condition has been imposed to ensure the necessary Trade Waste approval is obtained for the grease arrestor.

#### 6.8 Airspace Operations

The proposal does not penetrate the Airport Obstacle Limitation Surface.

#### 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development.

The proposal includes redirecting the sewer line currently traversing the site and connecting the new line into the sewer manhole in Mulley Park, to the north of the site. Suitable conditions have been applied for the construction of the sewer and the creation of easements to protect the new sewer line. Similarly, the proposed stormwater will be piped to the system in Lowana Close, which is to be regulated by conditions.

The proposed driveway crossovers will comply with the relevant Australian Standards.

### ***(b) The provisions of any Development Control Plan or Council Policy – 79C(1)(a)(iii)***

#### **Mid Western Regional Development Control Plan 2013 (the DCP)**

The following sections of the DCP are considered of relevance. It should be noted that there are no specific controls for Child Care Centres in Council's DCP, with the exception of the required car parking rate. A merit assessment has been undertaken, noting any provisions relating to height and setbacks (see Section 1.4 of the Child Care Guideline).

#### 4.1 Multi Dwelling Housing

Despite being a Child Care Centre, the proposed development was considered against the requirements for Multi Dwelling Housing, as part of the consideration of its compatibility with the surrounding residential development. The proposed development was found to generally comply with these requirements in terms of setbacks, building height, amount of site coverage and landscaped area, solar access to adjoining properties and privacy.

#### 5.1 Car Parking

The car parking requirement for a Child Care Centre is 1 space per 4 children, which is the same requirement found in the Guidelines for Child Care Centres. The proposed development provides the number of parking spaces required. Specifically, the proposed development accommodates a total of 155 children,  $155/4$  is 38.75, which equates to a requirement for 39 parking spaces. A total of 40 parking spaces is proposed, and is therefore in compliance with both Council's DCP and the Child Care Planning Guideline.

#### 5.3 Stormwater Management

The Stormwater Concept Plan has been provided with the application. Rainwater tanks are proposed to collect roof water from the 2 buildings. Stormwater collected from the carpark will be directed to an infiltration trench. Overflow from the rainwater tanks and infiltration trench will be piped to the stormwater system in Lowana Close. The application demonstrates that stormwater may be appropriately managed, in accordance with the requirements of this section of the DCP. Conditions have been imposed requiring further details of the stormwater system to be submitted to and approved by Council officers.

#### 5.4 Environmental Controls

An Aboriginal Heritage Information Management System (AHIMS) search indicated that there are no known Aboriginal sites in the near vicinity of the proposed development.

The proposed development will utilise a grease arrestor to service the proposed kitchen.

The proposal includes the provision of a bin storage area and the use of wheelie bins for refuse collection. A condition has been applied requiring the submission and approval of a Waste Management Plan, prior to the issue of a Construction Certificate. This Waste Management Plan will be required to address the frequency of bin collection.

#### **(c) Provisions of any Planning Agreement or Draft Planning Agreement – 79C(1)(a)(iia)**

No planning agreement applicable.

#### **(d) Regulations – 79C(1)(a)(iv)**

Conditions prescribed by the Regulations are applied, where applicable. These conditions include requirements for compliance with the Building Code of Australia, signage for construction sites and excavation near property boundaries.

#### **(e) Any Coastal Zone Management Plan – 79C(1)(a)(v)**

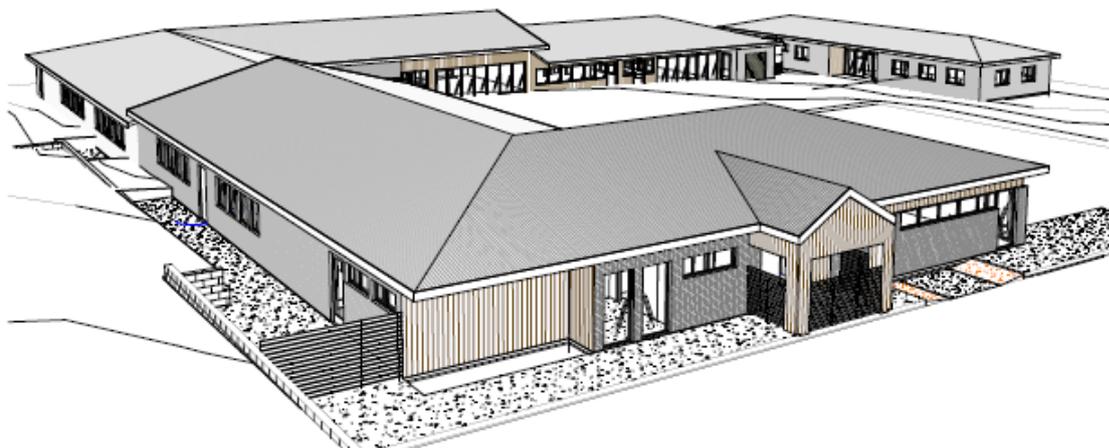
Not applicable. No part of the Mid-western Regional Council area adjoins the coast.

#### **(f) The likely impacts of development – 79C(1)(b)**

### **Context and Setting & Site Design and Internal Design**

It is considered that the proposed development is generally compatible with the residential setting within which it sits for the following reasons:

- The width and general form of the front façade of the development is similar to that of a large house.
- The elevations of the building are articulated with a mixture of timber panels and brick veneers, to visually break up the scale of the building.
- The main building is stepped down the slope of the site, which provides stepping in the ridge line.
- The main building is set well back from the street, with a setback of 25.45m. In comparison, the average front boundary setback of the dwellings on either side of the site is 15.5m.
- The main building is set back a minimum of 4.9m to the side and rear boundaries.
- The second building is set back a minimum of 3.4m from the side/rear boundaries.
- A 5m landscape strip will be provided along the frontage of the property.
- While the neighbourhood is residential in character, Council's water holding tank is located on a site on the opposite side of Church Street, almost directly opposite the site, which has the effect of adding a minor mix in the otherwise purely residential character of the area.



**Figure 2: 3D representation of proposed buildings**

The proposed development was assessed against the DCP requirements for multi-dwelling housing as a comparison of the bulk and scale of an alternative form of development that is permissible on the site. While the site coverage of the proposed development of 44.8% is slightly higher than the 40% requirement for multi dwelling housing, the proposal provides more generous setbacks. The proposed development is single storey, whereas multi-dwelling units could be 2 storeys on this site. In this regard, it is considered that the bulk and scale is similar to a multi-dwelling unit development that could be developed on the site.

Some of the proposed acoustic fences will be constructed of clear Perspex above the normal fence height of 1.8m, which will minimise their visual impact. See Figure 3 below for a representative picture of what the acoustic fence will look like, as provided by the applicant. The locations of this type of fencing is shown by the green and yellow line on the plan shown in Figure 4.



**Figure 3: Representative image of acoustic barrier**

The proposed development complies with the design requirements contained with the Child Care Planning Guideline, subject to conditions to ensure compliance with the detailed requirements.

### ***Access, transport and traffic***

#### Access

It is proposed to provide an ingress access and a separate egress access to Church Street. These accesses will be clearly signed (ie entry only/exit only). The dimensions and grades of the access comply with Australian Standard 1890.1:2004 – Part 1 – Off-Street Parking Facilities.

#### Car Parking

Provision has been made for 40 car parking spaces, in compliance with Council's requirements and the Child Care Planning Guideline.

It is noted that prior to the introduction the Mid-Western Development Control Plan 2013, Council approved child care centres with a parking rate of 1 space per 10 children (e.g. Lions Drive). Development applications approved since the adoption of the 2013 DCP have complied with the 1 space per 4 children parking rate applicable since the DCP's adoption (e.g. Saleyards Lane).

Issues regarding the adequacy of the proposed number of parking spaces have been raised in submissions. The 1:4 car parking requirement, contained in Council's DCP and the Child Care Planning Guideline, is inclusive of staff and parent parking. The RTA Guide to Traffic Generating Developments have determined a parking requirement of 0.23 spaces per child, based on survey data of existing child care centres. This survey data showed that the average drop off time was 6.8 minutes. The RTA rate is consistent with the 1:4 rate used for this assessment. The proposal provides parking at a rate of 1:4, as required. The implications of this are:

- There is no need to provide dedicated staff car parking spaces or additional spaces.
- The 1:4 parking rate is appropriate, regardless of whether the average drop-off time is 3 minutes or 7 minutes.
- There is no need for cars to park on the street, as sufficient off-street spaces are proposed.

- Should parking occur on the street, the road is adequately wide enough to accommodate kerb-side traffic without affecting the free flow of traffic along Church Street.
- Cars are legally allowed to park on the street, and there is no justification to introduce parking restrictions.

A dedicated parking space is provided for the proposed mini-bus, separated from the 40 car parking spaces.

The dimensions of parking spaces and internal vehicle manoeuvring areas complies with the dimension and grade requirements of Australian Standard 1890.1:2004 – Part 1 – Off-Street Parking Facilities.

#### Heavy Vehicle Manoeuvring

There is no need for cars to be parked on the street, as the required parking will be accommodated on site. Refuse collection will occur at the kerb.

During the weekend, or outside of operating hours during the week, a medium rigid vehicle can enter the site to service the grease arrestor. The grease arrestor will require servicing on a very infrequent basis.

#### Impact on local traffic network

The traffic capacity within Church Street is estimated to be 1,800 passenger cars per hour (pc/h), in accordance with Austroads' *Guide to Traffic Management Part 3: Traffic Studies and Analysis*. Church Street is currently estimated to operate 284 pc/h, during peak periods. The additional traffic to be generated by the proposed Centre-based Child Care facility is estimated to be 25%, increasing traffic in Church Street 355 pc/h, during peak periods. This traffic generation is well below the capacity of the local road network. Council's Engineer concurs that the traffic impact of the proposed development will not be significant.

As there is sufficient capacity in the local road network, there is no justification attributable to the proposed development to require upgrade of intersections within the vicinity of the site.

#### Pedestrian network

An internal pedestrian network is proposed to maximise the safety of pedestrians within the development. There is no justification to require the developer to provide a concrete footpath along the frontage of the property, as the closest existing concrete footpath to connect into is located approximately 100m to the north of the site.

#### **Utilities**

The proposed development will connect into existing water, sewer, stormwater drainage, electricity and telecommunications.

#### **Heritage**

The subject site is not effected by any items of European or Aboriginal heritage.

#### **Other land resources**

The approved development will not impact on other land resources.

#### **Water**

The proposed development will collect rainwater to be used for landscaping on the site. A Stormwater Concept Plan has been submitted with the application, demonstrating that stormwater will be appropriately controlled.

#### **Soils**

Earthworks are proposed for the development. Sediment erosion controls, quality of fill material and engineering requirements are addressed by conditions.

### ***Flora and Fauna***

Not applicable. All vegetation has previously been removed from the site. This vegetation removal did not require the consent of Council.

### ***Waste***

A Waste Management Plan has been submitted with the application, demonstrating that waste collection may need to be undertaken twice a week. A condition is applied requiring a more detailed waste management plan.

### ***Energy***

Not applicable.

### ***Noise and vibration.***

An Acoustic Assessment Report was submitted with the application to address the noise impacts of the proposed development. The acoustic assessment modelled the impacts of the development on a sample of adjoining and neighbouring residences.

The acoustic report indicates that the Project Specific Noise Criteria for the proposed development are:

- Leq Noise Intrusiveness Criteria: 39-40 dBA
- Sleep Disturbance Criteria: 49 dBA LA1, 1minute: 49 dBA
- Road Traffic Noise Assessment Criteria: LAeq(1 hour) 55dBA

The acoustic assessment modelled the noise generated from children playing in the outdoor play areas, the use of the car park and mechanical plant.

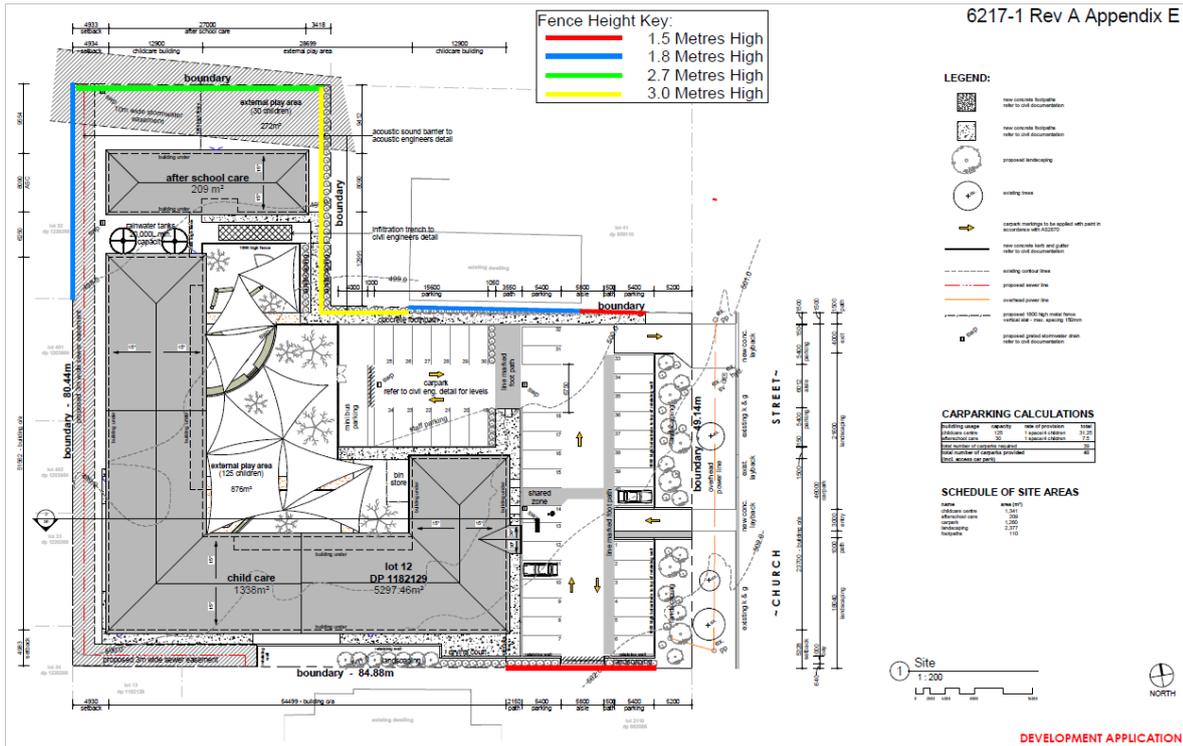
The modelling in the acoustic report indicates:

- Without attenuation measures, the Noise Intrusiveness Criteria will be breached for some of the residences, but not all residences;
- The Sleep Disturbance Criteria will not be exceeded, even without acoustic attenuation measures; and
- The Road Traffic Noise Assessment Criteria will not be exceeded, even without acoustic attenuation measures.

In order to ensure the Project Specific Noise Criteria are not exceeded, the recommendations of the acoustic report are summarised as follows:

- Noise Management Plan – including restricting the number of children playing outdoors at any time;
- Sound barrier fences around the outdoor play areas;
- Sound barrier fences along the northern and southern boundary of the carpark; and
- A further detailed acoustic assessment be undertaken for mechanical plant, prior to the issue of a Construction Certificate. This recommendation was made as there is no details of the mechanical plant provided to date.

The acoustic assessment report indicates that noise generated from the proposed development may be controlled to below the Project Specific Noise Criteria. Conditions have been imposed in accordance with the recommendations.



**Figure 4: Location of Acoustic Barrier Fencing**

**Natural Hazards**

Not applicable.

**Technological Hazards**

Not applicable.

**Safety, security and crime prevention**

The design of the proposed development provides for suitable access control and generally conforms to the principles of Crime Prevention Through Environmental Design (CPTED).

**Economic and Social impact in the locality**

The proposed development provides another child care centre venue within the Mudgee township. Submissions have raised the question as to whether another child care centre is required in Mudgee. No empirical evidence has been provided to demonstrate that there is an over-abundance of child care places in Mudgee and that this situation will not change in the future. The viability of an enterprise is not a planning matter. The SEPP for Child Care Centres allows a proposed Child Care Centre to be located any distance to an existing or proposed Child Care Centre (refer to section 25(2)(a)). The proposed development will provide employment opportunities during construction and on an ongoing basis.

**Construction**

The impacts of construction activities may be regulated by conditions.

**Cumulative impacts**

The proposed development is not expected to contribute to cumulative impacts.

**(g) The Suitability of the Site for the Development – 79C(1)(c)**

**Does the proposal fit in the locality?**

The proposed development fits into the residential context within which it sits. Utility services have the capacity to service the development. Subject to appropriate controls, the proposed development will not have an adverse impact on the amenity of the area through the generation of noise.

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

Yes. No natural hazards such as bushfire or flooding effect the site. No adjoining land uses will have an adverse impact on the proposed Centre-based Child Care development. The site has adequate area to accommodate the indoor and outdoor space requirements of the use and provide for sufficient off street parking.

**(h) Submissions made in accordance with Act or Regulations – 79C(1)(d)**

***Public submissions***

The application was advertised and notified in accordance with the provisions of MWRDCP 2013, Section 1.12 Community Consultation, on three occasions. The submission periods and number of submissions in each round are summarised in the following table:

| <b>Exhibition Round</b> | <b>Exhibition Period</b>          | <b>Number of Submissions</b> |
|-------------------------|-----------------------------------|------------------------------|
| Round 1                 | 2 June 2017 – 3 July 2017         | 18                           |
| Round 2                 | 1 August 2017 – 25 August 2017    | 11                           |
| Round 3                 | 18 October 2017 – 3 November 2017 | 9                            |

Between each round of submissions, a meeting was held with the applicant to discuss the main issues of the objections and the applicant modified the design in response. Some of the main changes in the proposal comparing the original application and the third version of the design are:

| <b>Development Component</b>           | <b>Original Proposal</b>   | <b>Current Proposal</b>  |
|--|----------------------------|--|
| GFA of main building                   | 1,398m <sup>2</sup>        | 1,341m <sup>2</sup>  |
| GFA of second building                 | 171m <sup>2</sup>          | 209m <sup>2</sup>  |
| Front boundary setback                 | 20m                        | 25.45m excluding entrance porch  |
| Depth of front boundary landscaping    | 3m                         | 5.2m   |
| Side boundary setbacks (main building) | 3m                         | 4.9m   |
| Number of parking spaces               | 32                         | 40   |
| Number of driveways                    | 1                          | 2  |
| Number of children (total)             | 194                        | 155  |
| Number of staff                        | 27                         | 31   |
| Length of building facing the street   | 43.3m                      | 23.7m  |
| Location of bin storage area           | Near the southern boundary | Towards the centre of the site, behind the front part of the building. |

As can be seen from the above table, the applicant has reduced the size of the front part of the building, increased landscaping along the front boundary, reduced the number of children in the centre, increased setbacks to the property boundaries and provided parking at a rate of 1 space per 4 children as required. The applicant has made significant changes to reduce the scale of the development and the associated impacts. The proposed development complies with the Child Care

Planning Guideline and is in a position to be approved. One submission has acknowledged the changes that have been made and expressed appreciation for the improvements.

Similar issues were raised in the objections received in response to each exhibition round. Collectively, the issues are summarised and addressed as follows:

#### Traffic, Access and Parking

**Comment:** Various concerns have been raised regarding road safety, traffic volumes, bus access, the shortfall in on-site parking and the impacts of consequent on-street parking. The assessment of traffic and parking impacts is provided previously in this report, under the heading of "Traffic, Access and Parking". In summary, the assessment indicates:

- There is sufficient on-site parking;
- It is unlikely that there will be significant adverse impacts associated with on-street parking;
- The proposed development will not have a significant impact on the capacity of the local road network; and
- There is sufficient provision for service vehicle access.

#### Pedestrian Safety

**Comment:** The concerns regarding pedestrian safety mainly focus on the lack of measures to protect pedestrians crossing Church Street and there is no footpath provided in front of the site. The proposed internal pedestrian network will provide for a safe pedestrian environment within the site. There is no justification to provide pedestrian crossing facilities within Church Street. Should the need for pedestrian crossing facilities become evident in future, such works may be included in Council's works program.

#### Size and Scale of the Development

**Comment:** The concern is that the proposed development is a large imposing building. The size and scale of the building has been discussed under the heading of "Context and Setting" above. In summary, the size and scale of the buildings are similar to what would be allowed for a multi dwelling unit development on the site. The building form is stepped down the slope and landscaping will be provided to soften the appearance of the development.

#### Noise

**Comment:** The concerns raised include noise generated from the children, the car parking area, air conditioners and traffic. The noise impacts of the proposed development are discussed previously in this report, under the heading of "Noise and Vibration". In summary, noise generated from the facility will not have a significant impact on the amenity of the neighbourhood, subject to provision of acoustic barrier fencing and managerial control of noise generation. Conditions are imposed to ensure compliance with the recommendations of the acoustic report.

Some neighbours have indicated that the acoustic assessment did not specifically address the impacts from their properties – these neighbours were located further than the closest neighbour used in the acoustic study. Questions were raised as to how many children could play outside at any one time – the Acoustic Report recommends a maximum of 95 children play outside at any one time. No noise barriers will be required around the south-west corner of the building, as the proposed building itself will provide the acoustic shielding.

#### Need for the Centre

**Comment:** A number of submissions indicated that a number of new child care centres have been established in Mudgee and question whether there is the population of children to support them. It

is speculated that either this child care centre will not be viable, or it will lead to the eventual closure of some of the existing child care centres.

Clause 23(2)(a) of the Child Care SEPP provides a non-discretionary development standard that a child care centre can be any distance from a proposed or existing child care centre. Council cannot impose a more stringent measure in this regard. The viability of developments is not a matter for consideration by Council in the assessment of development applications.

#### Tree Removal and New Landscaping

**Comment:** Concerns were raised with regards to the removal of the existing mature trees on the site. The site is not located in a heritage conservation area and the trees on the lot are not listed in Council's Significant Tree Register. Council approval was not required for the removal of the trees and these trees were removed from the site on 14 August 2017.

It is noted that trees will not be able to be provided along the western boundary and part of the southern boundary, due to the proposed sewer easement in this location. It is considered that a lack of screen landscaping within the easement will not have a significant impact, as dwellings on adjoining properties to the west generally have a small rear boundary setback of 3m.

Similarly, there is an easement for a water pipeline, of variable width along the northernmost boundary of the site – within which trees will not be able to be provided.

A condition is applied for the submission and approval of a landscape plan.

#### Construction Impacts

**Comment:** The issue raised in submissions were that construction would involve noise, dust and its own traffic impacts. In addition, there will be a disruption to sewer services during the swap from the old line to the new line. These construction impacts will have a limited duration and apply to all new developments. Conditions are imposed to regulate construction impacts.

#### Neighbour's Privacy

**Comment:** Concerns were raised in relation to the use and location of the out-of-school-hours building's impact on the privacy of neighbours. In addition, privacy issues were also raised in relation to the use of the carpark. It is considered that as the buildings are single storey and 1.8m high Colorbond fencing will be provided along the boundaries, privacy impacts will be effectively mitigated. Conditions regarding fencing are imposed.

#### Waste Management

**Comment:** Concerns were raised in relation to the waste generated from the child care centre and the location of the bin storage area. The waste to be generated will include soiled nappies and food waste, which if not properly managed, will lead to odour impacts and attract vermin and insects. The location of the bin storage area was close to the side boundary in the first version of the design. This bin storage area has been moved to a more central location on the site in the third version of the design.

The application indicates that private arrangements will be made for the collection of waste every two days. This high frequency of collection is intended to ensure that waste is not left for too long at the site and allows for regular cleaning of bins.

A condition has been applied requiring the submission and approval of a Waste Management Plan (WMP), prior to issue of a construction certificate. The WMP will be required to provide details of

how waste will be managed and the associated impacts mitigated. The Waste Management Plan may be monitored and reviewed, as required.

#### Property Values

**Comment:** There is no empirical evidence to demonstrate that the proposed child care centre will adversely affect property values in the neighbourhood.

#### Stormwater Runoff

**Comment:** The application includes a stormwater concept plan showing stormwater being directed to rainwater tanks and an infiltration trench and subsequently connecting into the stormwater system in Lowana Close. The stormwater concept plan shows that the system can function without adverse stormwater impacts on adjoining properties, subject to conditions.

#### Lack of information regarding retaining walls, fencing and site levels

**Comment:** Some details of retaining walls, fencing and site levels have been provided in the third version of the design. Conditions will be applied requiring complete details of earthworks, including site levels and retaining walls. Conditions are applied to regulate fencing.

#### Assumed approval

**Comment:** Concerns were raised that all the vegetation from the site has been cleared, the existing dwelling demolished, and advertising for child care placements has commenced – indicating that the developer has assumed that they will obtain approval. The removal of trees from the property does not require the consent of Council. A private certifier issued a Complying Development Certificate for the demolition of the dwelling. These works have been undertaken outside of this development application. The developer has acted independently. The developer's previous actions on the property to date do not influence the consideration of this development application.

#### High Proportion of Older People in the Neighbourhood.

**Comment:** The submissions indicate that there is large proportion of older people in the neighbourhood and the site may be better utilised for aged care accommodation. The application before Council is a Child Care Centre, which is to be assessed against the applicable requirements. Consideration of alternative uses for the site is not an applicable planning consideration in the assessment of an application.

#### Natural Spring on Site

**Comment:** The submission indicated that the pond that was formally on the site was fed by a natural spring. The pond's former location is beneath the building footprint of the proposed Child Care Centre. There is currently no evidence of a spring on the site, as there is no ponding occurring on site. DPI Water have been consulted in relation to this application and have confirmed that there is no watercourse in the vicinity of the site.

#### Fire Evacuation

**Comment:** The proponents will be responsible for developing their own fire evacuation procedures. The design of the development facilitates orderly evacuation.

#### No Soil Assessment Conducted

**Comment:** Given the historical residential use of the site, it is considered that the site is unlikely to be contaminated. However, the application does indicate that a soil assessment will be undertaken prior to applying for a service approval. A condition is applied requiring a soil contamination investigation be conducted, prior to the issue of a Construction Certificate, as per the applicant's commitments.

#### Unauthorised Use of Car Park at Night (eg Skateboarders)

**Comments:** Unauthorised access to the site outside of operating hours is a Police matter.

#### Truck access to site to service grease arrestor

**Comment:** The servicing of the grease arrestor is infrequent and will occur outside of operating hours. When the car park is empty, there is ample room on site to manoeuvre a medium rigid vehicle to a location near the grease arrestor.

#### Typographical, grammatical and minor errors in report

**Comment:** The report submitted with the application was assessed in accordance with the *Environmental Planning and Assessment Act 1979*. Any errors in the application material were not of such significance as to limit the proper assessment of the application.

#### Suggestion of adding the adjoining property to the north to the proposal.

**Comment:** The adjoining property to the north is not in the same ownership as the subject site and does not form part of this application.

#### Outdoor play areas can be overlooked from adjoining properties

**Comment:** The outdoor play areas may be overlooked from the raised dwelling located at 270A Church Street, adjoining the northern boundary of the site. All other residences have obscured views of the proposed outdoor play areas. Overlooking may be mitigated by the provision of landscaping along the fence line to the adjoining property. A condition is applied to this effect.

#### Acoustic fencing makes servicing within water easement impractical

**Comment:** Fences are typically constructed using panels that may be dismantled and re-assembled to allow access for maintenance activities. Fencing will not have a significant impact on maintenance within the water easement.

#### Request limit hours within play area over water easement to 5:00pm

**Comment:** This request was made on the basis of noise and privacy. The noise assessment submitted with the application indicates that noise from the facility will be below threshold levels. Fencing will minimise privacy impacts between properties. It is considered there is insufficient justification to restrict hours of outdoor play areas to less than the overall hours of the proposed Centre-based Child Care facility.

#### Request for semi-mature trees in landscaping

**Comment:** It is considered reasonable to provide a percentage of trees within the proposed landscaping as semi-mature, in order to reduce the time for landscaping to have its intended effect. Condition 15(k) is applied to this effect.

#### No details of mechanical plant

**Comment:** A condition is applied requiring details of mechanical plant and associated acoustic attenuation measures, prior to the issue of a Construction Certificate.

Suggest "No Parking" signs be placed on the western side of Church Street

**Comment:** There is no immediate need to provide such signage. Should the need for such signage become apparent in the future, the Local Traffic Committee may require the installation of such signage. Such signage cannot be imposed through the development application process.

Suggest paved footpath along property frontage and extending down southern side of Church Street

**Comment:** It is considered that there is no benefit in requiring the developer to provide a footpath directly in front of the property, as there are no footpaths in the immediate vicinity to connect into. It is unreasonable to require the developer to provide a footpath beyond the frontage of the site.

Suggest "Give way to pedestrians" sign at exit driveway of the facility

**Comment:** A condition is applied to this effect.

***Submissions from public authorities***

Early consultation was undertaken with DPI Water as a blue line, indicating a creek, appears on the topographic map near the site. The area on this blue line has been developed with a residential subdivision. DPI Water have confirmed that the former creek has been built out and no referral to them is required.

***(i) The Public Interest – 79C(1)(e)***

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

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

***Covenants and easements effecting the proposal***

There is an existing water easement over the northern part of the site, with a variable width of 5.46m to 8.89m. No buildings or substantial structures are proposed within this easement.

Conditions are imposed for new easements to be created over the proposed re-directed sewer line.

***CONSULTATIONS***

***Health and Building***

Council's Health and Building section have recommended conditions to address the detailed building matters. These conditions are incorporated in the recommendation.

***Development Engineer***

Council's Development Engineer has provided the following comments:

- The proposed sewer diversion will work in concept. Conditions are imposed to require the submission and approval of detailed plans of the sewerage works, prior to issue of a Construction Certificate.

- The proposed stormwater system will work in concept. Conditions are imposed to require the submission and approval of detailed stormwater plans, prior to the issue of a Construction Certificate.
- The acoustic barrier appears to be proposed over the sewer manhole A/3. Access to the manhole shall remain unimpeded. A condition is applied to this effect.
- No planting is to be provided within the sewer easement. Conditions are imposed to this effect.
- Off-street car parking complies with the applicable requirements.
- On-street parking is freely available to the general public, unless parking is restricted in sections. It is not appropriate to prevent staff members from parking in the street.
- The local traffic network has capacity to absorb the increase in traffic to be generated from the proposed development.

### ***Manager Recreation Services***

Parks and Gardens staff raised concerns that Mulley Park cannot accommodate any more stormwater. The proposed stormwater concept plan alleviates this concern by piping the stormwater directly to the stormwater pit located in Lowana Close.

### ***Heritage Advisor***

Not applicable.

### ***Water and Sewer Engineer***

Council's Senior Water and Sewer Engineer has stated that the proposed development requires an approval for discharging trade waste. A condition has been imposed requiring approval of a Trade Waste application.

## **CONCLUSION**

The proposed Centre-based Child Care facility, with out-school-hours-care, has been assessed against the requirements of Section 79C of the *Environmental Planning and Assessment Act 1979*, and has been found to be compliant with the applicable planning requirements.

The main issues raised during the assessment of the application include:

- (i) Size and scale – the proposed development utilises a building that is stepped down the slope, splits the facility into 2 buildings and presents a house like façade to the street. The bulk and scale of the building complies with the bulk and scale requirements applicable to multi dwelling housing. Landscaping will be provided along the property frontage, around the parking area and along property boundaries to soften the visual impact of the development.
- (ii) Traffic and parking – the proposed development provides on-site parking in compliance with the parking requirements of Council's Development Control Plan 2013 and the Child Care Planning Guidelines associated with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. A technical assessment of the proposed traffic generation concludes that there will be no adverse impact on the capacity and functioning of the local traffic network.
- (iii) Noise – the acoustic assessment report has provided mitigation measures to ensure that there will be no unreasonable noise impacts from the development. Conditions are imposed requiring compliance with the recommendations of the acoustic assessment report.

It should be noted that many of the detailed construction requirements have been conditioned to be provided prior to the issue of any Construction Certificate. This is in accordance with clause 54 of the *Environmental Planning and Assessment Regulation 2000*, which limits the type of information

that a consent authority may request. That is, Council cannot request information in relation to building work that is required to be attached to an application for a Construction Certificate. The aim of this provision is to ensure that the consent authority does not oblige the applicant to provide these construction details up-front where the applicant may prefer to test the waters first and delay applying for a Construction Certificate until, or if, development consent is granted. In this case, the application demonstrates that the child care centre generally complies with the requirements of the Child Care Planning Guideline, the stormwater concept will function satisfactorily and the sewer diversion is achievable. Consequently, a number of conditions are imposed requiring the submission and approval of construction level details of various components of the development.

## Community Plan implications

|              |   |
|--------------|---|
| <b>Theme</b> | <b>Protecting Our Natural Environment</b>   |
| Goal         | Protect and enhance our natural environment   |
| Strategy     | Ensure land use planning and management enhances and protects biodiversity and natural heritage |

## Strategic implications

### Council Strategies & Plans

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013  
Mid-Western Regional Development Contributions Plan 2005 – 2021  
Mid-Western Regional Development Servicing Plan

### Council Policies

Not applicable

### Legislation

Environmental Planning and Assessment Act 1979

## Financial implications

The applicant will be required to pay Section 64 and Section 94A developer contributions.

## Associated Risks

The recommendation of staff is to approve the development subject to conditions provided above. Should Council refuse the Development Application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

ILIJA SUSNJA  
ACTING MANAGER STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

28 November 2017

*Attachments:* 1. Plans of Proposed Centre-based Child Care Facility. (separately attached)

2. Plan of Acoustic Fence Locations. (separately attached)
3. Copy of Submissions - Round 1. (separately attached)
4. Copy of Submissions - Round 2. (separately attached)
5. Copy of Submissions - Round 3. (separately attached)
6. Detailed assessment against Child Care Planning Guideline. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.2 MA0016/2018 (DA0223/2016) - Modification to the layout of a Seniors Living Development - 15 Meramie Street, Caerleon (formerly 37 Hill End Road)

REPORT BY THE SENIOR TOWN PLANNER  
 TO 13 DECEMBER 2017 ORDINARY MEETING  
 GOV400064, MA0016/2018

### RECOMMENDATION

That Council:

- A. receive the report by the Senior Town Planner for MA0016/2018 (DA0223/2016) - Modification to the layout of a Seniors Living Development - 15 Meramie Street, Caerleon (formerly 37 Hill End Road);
- B. approve MA0016/2018 (DA0223/2016) - Modification to the layout of a Seniors Living Development - 15 Meramie Street, Caerleon (formerly 37 Hill End Road) subject to the following conditions:

### APPROVED PLANS

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

| Title / Name:                      | Drawing No / Document Ref       | Revision / Issue: | Date [dd.mm.yyyy]: | Prepared by:          |
|------------------------------------|---------------------------------|-------------------|--------------------|-----------------------|
| Site Plan                          | Project 15013<br>Dwg CD 1.01    | 10                | 05/04/2016         | Neil Hudson Architect |
| Type A Quadplex                    | Project DA2032<br>Dwg 01-01     | B                 | 11/02/2016         | Oak Tree Group        |
| Type B Duplex                      | Project DA2032<br>Dwg 01-03     | C                 | 20/04/2016         | Oak Tree Group        |
| Type B Triplex                     | Project DA2032<br>Dwg 01-02     | C                 | 20/04/2016         | Oak Tree Group        |
| Type C Duplex                      | Project DA2032<br>Dwg 01-05     | C                 | 20/04/2016         | Oak Tree Group        |
| Type C Triplex                     | Project DA2032<br>Dwg 01-04     | C                 | 20/04/2016         | Oak Tree Group        |
| Type D Duplex                      | Project DA2032<br>Dwg 01-07     | C                 | 20/04/2016         | Oak Tree Group        |
| Type D Triplex                     | Project DA2032<br>Dwg 01-06     | C                 | 20/04/2016         | Oak Tree Group        |
| Landscape Masterplan               | Job 201532<br>Page MP01<br>MP05 | A                 | 18/12/2015         | JW Concepts           |
| Pool Standard Plan                 | Dwg D001                        | B                 | 21/03/2016         | Oak Tree Group        |
| Pool Standard Sections             | Dwg D002                        | B                 | 21/03/2016         | Oak Tree Group        |
| Village Centre                     | Project DA2032<br>Dwg CD 2.07   | 1                 | 17/12/2015         | Neil Hudson Architect |
| Statement of Environmental Effects | Project 1480                    | N/A               | February 2016      | Coastplan Consulting  |
| Civil                              | Ref                             | N/A               | 15 February        | Lambert & Rehbein     |

|  |             |  |      |  |
|--|-------------|--|------|--|
| Engineering Services Report (including appendixes) | B14603CR001 |  | 2016 |  |
|--|-------------|--|------|--|

**(DELETED MA0016/2018)**

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

| Title / Name:   | Drawing No / Document Ref          | Revision / Issue: | Date [dd.mm.yyyy]: | Prepared by:         |
|---|------------------------------------|-------------------|--------------------|----------------------|
| Site Layout Plan  | Project 2032 Dwg 1.00              | A                 | 25/09/2017         | Oak Tree Group       |
| Floor Plan  | Project 2032 Dwg 2Aii-2Aii         | N/A               | N/A                | Oak Tree Group       |
| Elevations  | Project 2032 Dwg 2Aii-2Aii         | N/A               | N/A                | Oak Tree Group       |
| Floor Plan  | Project 2032 Dwg 3Aii-3Aii         | N/A               | N/A                | Oak Tree Group       |
| Elevations  | Project 2032 Dwg 3Aii-3Aii         | N/A               | N/A                | Oak Tree Group       |
| Floor Plan  | Project 2032 Dwg 3AiiPLUS-3AiiPLUS | N/A               | N/A                | Oak Tree Group       |
| Elevations  | Project 2032 Dwg 3AiiPLUS-3AiiPLUS | N/A               | N/A                | Oak Tree Group       |
| Village Centre Floor Plan   | Project 2032 Dwg 01-101            | 1                 | 15/09/2017         | Oak Tree Group       |
| Village Centre Elevations 1 & 2   | Project 2032 Dwg 02-201            | 1                 | 15/09/2017         | Oak Tree Group       |
| Village Centre Elevations 3 & 4   | Project 2032 Dwg 02-202            | 1                 | 15/09/2017         | Oak Tree Group       |
| Landscape Masterplan (as generally adapted to the new layout)                                     | Job 201532 Page MP01 – MP05        | A                 | 18/12/2015         | JW Concepts          |
| Pool Standard - Plan  | Dwg D001                           | B                 | 21/03/2016         | Oak Tree Group       |
| Pool Standard - Sections  | Dwg D002                           | B                 | 21/03/2016         | Oak Tree Group       |
| Statement of Environmental Effects  | Project 1480                       | N/A               | February 2016      | Coastplan Consulting |
| Civil Engineering Services Report (as generally adapted to the new layout) (including appendixes) | Ref B14603CR001                    | N/A               | 15/02/2016         | Lambert & Rehbein    |

**(AMENDED MA0016/2018)**

2. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with

**Council Policy.**

3. This consent does not include the provision of lighting to the bowling green.
4. Pathway lighting is to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide minimum 20 lux at ground level.
5. Peep holes are to be provided to all main entrance doors of all the dwellings.
6. Only the following kinds of people can be accommodated in the approved development:
  - (a) seniors or people who have a disability,
  - (b) people who live within the same household with seniors or people who have a disability,
  - (c) staff employed to assist in the administration of and provision of services to housing subject of this approval.

It should be noted that 'seniors', as defined in the seniors SEPP are any of the following:

- (a) people aged 55 or more years,
- (b) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- (c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

A restriction as to user must be registered against the title of the property on which development is to be carried out prior to occupation, in accordance with Section 88E of the Conveyancing Act 1919 limiting the use of any accommodation to the kinds of people referred to above.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - BUILDING**

7. The front boundary fencing is to be an open style to the satisfaction of Council. Details of the fence are to be approved by Council staff prior to the issue of a construction certificate.
  8. The self-contained dwellings in the approved development must comply with the accessibility and useability standards for self-contained dwellings referenced in Clause 41 and set out in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Details of compliance are to be included with the construction certificate documentation.
  9. ~~The design, construction and fitout of any proposed communal kitchen, coolroom/s and associated structures must be constructed in accordance with the relevant requirements of Australian Standard 4674 - 2004 "Design, Construction and Fitout of Food Premises". Full details are to be submitted for approval with the required Construction Certificate.~~  
(DELETED MA0016/2018)
  10. 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. Such approval is to be obtained for each separate building.
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11. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate for the Community Centre.
12. The development shall be designed and constructed so as to comply with the NSW Rural Fire Services requirements dated 21 April 2016. Details shall be submitted to the Principal Certifying Authority with the application for Construction Certificate demonstrating compliance with this requirement and are to include the provision of gutter guarding to the lower level gutters and valleys.

Please note: Compliance with the requirements of Planning for Bush Fire Protections 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.

13. ~~The Public Swimming pool is to be operated and designed in accordance with the requirements of the Public Health Act 2010 and Public Health Regulations 2012. Details of compliance are to be provided to and approved by the Principal Certifying Authority.~~  
(DELETED MA0016/2018)

14. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:

- a) Payment of a contribution for water and sewerage headworks at the following rate:

|                    |                      |           |
|--------------------|----------------------|-----------|
| Water Headworks    | <del>\$356,182</del> | \$286,614 |
| Sewerage Headworks | <del>\$243,749</del> | \$209,595 |
| Total              | <del>\$599,931</del> | \$496,209 |

- b) The adjustment of existing services or installation of new services and metres, 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.

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Planning and Development Department regarding any adjustments.

(AMENDED MA0016/2018)

#### PRIOR TO COMMENCEMENT OF WORKS - BUILDING

15. 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.

16. 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
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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**

17. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the Principal Certifying Authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.
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.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE – CIVIL**

20. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and C.

A Construction Certificate is required for but not limited to the following civil works;

- Water and sewer main extensions
- Stormwater drainage such as interallotment drainage, detention basins,
- Road construction
- Footpath and kerb & gutter
- Landscaping of public reserves and road reserves as indicated on the approved plans

**NOTE: No works can commence prior to the issue of the Construction Certificate.**

21. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
22. 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.

23. 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 development;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures.
24. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to issue of Construction Certificate.
25. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

#### **BUILDING CONSTRUCTION**

26. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
27. Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development.
28. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
29. 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.
30. 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.
31. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
  - b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National
-

- Registration Authority label; and**  
d) **the need to maintain and inspect the system on a regular basis.**

32. **In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.**
33. **The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
34. **The requirements of BASIX Certificate number(s) ~~702772M\_02~~ 702772M\_03 issued on ~~12 February 2016~~ 25 September 2017 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.**

**(AMENDED MA0016/2018)**

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. **Building envelopes are not to extend greater than 90 metres from the nearest hydrant.**
37. **The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.**
38. **The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.**
39. **The swimming pool shall not to be filled with water until a safety fence/barrier complying with the current Swimming Pools Act and Regulations has been installed and an inspection has been carried out and approval given by the Principal Certifying Authority.**
40. **Where depth of water in the pool exceeds 300mm during construction a temporary barrier or fence in accordance with the current Swimming Pools Act and Regulations is to be erected or other precaution taken so as to prevent entry of children into the pool.**

**PRIOR TO COMMENCEMENT OF WORKS – CIVIL**

41. **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. Construction 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.
42. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
43. Prior to the commencement of engineering works, the following actions are to be carried out;
1. A site supervisor is to be nominated by the applicant;
  2. Council is to be provided with two (2) days' notice of works commencing, and
  3. Council is to be notified in writing of any existing damage to Council's infrastructure.
44. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- a) diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

## **EARTHWORKS**

45. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- a) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water;
  - b) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
46. 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.

## **ROADS, KERBS, PARKING AND VEHICULAR ACCESS**

47. 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 or damage caused by stormwater occur on adjoining land as a result of this development.
-

48. Road pavements shall be designed by a suitable qualified engineer in accordance with AUSTRROADS procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification with sample locations selected as RMS Specification Q4.

49. The developer is to construct the road for the full frontage of the site prior to being issued an Occupation Certificate, such that it has the following characteristics in accordance with the Caerleon DCP:

| Item                 | Requirement  |
|----------------------|--|
| Road Reserve         | 15.5 m   |
| Carriageway          | 7.5m   |
| Nature Strip (verge) | 2 x 4.0m   |
| Concrete Footpaths   | 1.2m Wide  |
| Seal                 | Two-coat flush seal -14/7 mm (Double/ Double) as required                        |
| Kerb & Gutter        | Roll back concrete kerb & gutter   |
| Subsoil Drainage     | Behind kerb if required  |
| Underground Drainage | Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. |

50. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the basecourse.

51. Car parking spaces shall comply with the requirements for parking for persons with a disability as per AS2890 and shall provide 5% of the total number of car parking spaces to be designed to enable the width of the spaces to be increased to 3.8 metres in accordance with SEPP.

52. Where entry to the site is access controlled then it shall be designed in accordance with AS/NZS2890.6.

53. The crossover shall be constructed in accordance with MWRC Access to Properties Policy and standard drawing M525 C – Standard Vehicle Access – Industrial, with an increase to the minimum width of 5.5 metres, if the access is separated e.g via access control pedestal then both entry and exit widths shall be a minimum 3 metres in accordance with AS/NZS2890.1

#### STORMWATER DRAINAGE

54. Stormwater drainage is to be connected to the stormwater drainage system to remove stormwater from the allotment.

55. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed stormwater reticulation components located within the subject property that will become a Council asset, or extended through any private properties as a result of this subdivision.

#### WATER AND SEWER

56. 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.
57. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property that will become a Council asset, or extended through any private properties as a result of this subdivision.

**Note:** Council does not permit other bodies to insert new junctions/tappings into 'live' water and sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of water and sewer (Private Works Order).

## ENGINEERING CONSTRUCTION

58. The following works are to be inspected by the Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- Installation of sediment and erosion control measures
  - Water and sewer line installation prior to backfilling
  - Stormwater pipe installation prior to backfilling
  - Water and sewer lines pressure testing
  - Sewer manhole vacuum testing
  - Establishment of line and level for kerb and gutter placement
  - Road Pavement construction
  - Road Pavement compaction testing
  - Road Pavement surfacing
  - Practical Completion
59. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
60. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
61. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twelve month (12) period to ensure that any defects in such works are remedied by the developer.

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

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

- 62. 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.**
- 63. All engineering works are to be completed prior to occupation of the development including landscaping within the road reserve.**
- 64. Three metre wide easements, including associated Section 88B instruments, are to be created over any existing or newly constructed inter-allotment drainage components located within the subject property, or extended through adjoining private properties as a result of this subdivision. The benefited parties should be those lots immediately up stream of the development.**
- 65. A bus service is to be provided in perpetuity to the development to service the residents as detailed in the Statement of Environmental Effects lodged with the development application and to ensure compliance with Clause 26 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.**
- 66. The self-contained dwellings in the approved development must comply with the accessibility and useability standards for self-contained dwellings referenced in Clause 41 and set out in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Certification of compliance from an appropriately qualified professional is to be provided prior to the issue of an occupation certificate.**
- 67. Prior to occupation or the issue of the Occupation Certificate for the Community Centre (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.**

#### **GENERAL**

- 68. All waste is to be collected internally to the site and in a manner that does not prevent the flow of traffic entering and existing the site.**
  - 69. The operator of the site is to enter into an agreement with an appropriately licenced waste collection contractor for collection of waste and recycling from the entire site.**
  - 70. 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 an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.**
  - 71. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the**
-

- Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
72. The domestic air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
  73. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as “Colorbond” steel sheeting.
  74. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
  75. 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.
  76. The design, construction and fitout of the hairdresser premises must be in accordance with the requirement of schedule 2, Part 10 of the Local Government Regulation 2005.
  77. The premises are to be registered with Council as a Hairdresser/Beautician Premises (a form for this purpose is available for Council). The premises will be subject to inspections by Council for which an annual fee will be payable.
  - ~~78. Premises to be registered with Council as a Class A – Food Premises. (A form for this purpose is available from Council). The premises will be subject to inspections by Council for which a fee will be payable.  
(DELETED MA0016/2018)~~
  - ~~79. The community kitchen premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.  
(DELETED MA0016/2018)~~
  80. The swimming pool is to be fenced in accordance with the Swimming Pool Act 1992.
  81. All waste or backwash water is to be discharged to the sewer system in an approved manner.
  82. The pH value of the water is to be maintained between 7.2 and 7.6 and the residual chlorine value is to be not less than 0.1 p.p.m.
  83. A hydrostatic valve shall be provided in the pool base.
  84. Filtration and chlorination equipment shall be maintained in good condition at all times and operated in accordance with the manufacturer's instructions.
  85. Filtration equipment unit shall be enclosed or located so as not to cause a noise nuisance. Any enclosure provided shall comply with provisions of Australian Standard 1055 and the Noise Control Act.
  - ~~86. The public swimming pool is to be registered with Mid-Western Regional Council.  
(DELETED MA0016/2018)~~
-

~~87. The public swimming pool is to be operated and designed in accordance with the requirements of the Public Health Act 2010 and Public Health Regulations 2012.  
DELETED MA0016/2018~~

#### GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

88. At the commencement of building works and in perpetuity the following distances of:

- 50 metres to the west and south of the village and
- The distance between the village and the property boundary to the north and east shall be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'standards for asset protection zones'.

89. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection'.

90. Public roads shall comply with section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.

91. Internal roads shall comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'.

92. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bushfire Protection 2006'.

93. Landscaping shall comply with appendix 5 of 'Planning for Bushfire Protection 2006'.

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### Executive summary

|                                  |  |
|----------------------------------|--|
| OWNER/S                          | Oak Tree Retirement Village Mudgee Pty Ltd |
| APPLICANT:                       | Coastplan Consulting                       |
| PROPERTY DESCRIPTION             | 15 Meramie Street, Caerleon                |
| PROPOSED DEVELOPMENT             | Seniors Living                             |
| ESTIMATED COST OF DEVELOPMENT:   | \$9,500,000                                |
| REASON FOR REPORTING TO COUNCIL: | Original consent determined by Council     |
| PUBLIC SUBMISSIONS:              | Nil  |

Council has received a S96 modification application to amend a Seniors Living development consent (DA0223/2016) at 15 Meramie Street, Caerleon (formerly 37 Hill End Road, Caerleon).

Consent was originally granted by Council at the meeting of 18 May 2016 for a Seniors Living complex consisting of 65 self contained dwellings, community centre, swimming pool and bowling green. The consent was issued as a *'deferred commencement'* pending the registration of the individual lot on which the development was to be erected. The applicant registered the lot and, subsequently, staff issued an operational consent on 28 October 2016.

The proposed modification involves re-configuring the layout to adjust the entry point and location of the community centre, swimming pool and bowling green. As a result there is a reduction of one unit overall from 65 down to 64. The specific design of each unit is also proposed to be modified.

The proposal is also requesting that numerous conditions be deleted with reference to the health standards of the community centre kitchen and pool facilities as they are not intended to be used for 'public purposes'.

#### **Figure 1: Modified Plan**

The revised layout is recommended for approval together with the amendments to the pool and kitchen conditions of consent.

#### Disclosure of Interest

Nil.

#### Detailed report

Section 96 of the *Environmental Planning and Assessment Act 1979* details the requirements to be met for an application to be considered as modification. This application has been considered as a S96(1A) as it is of minimal environmental impact, is substantially the same development and has been re-notified consistent with the original application with no submissions received as a result.

Additionally, given the nature of the proposed changes and the location of the development remaining unchanged it was not considered necessary to undertake referrals to the NSW Rural Fire Service and John Holland Rail Pty Ltd as no further input was envisaged.

Those matters of relevance under 79C of the *Environmental Planning and Assessment Act 1979* are discussed below.

*REQUIREMENTS OF REGULATIONS AND POLICIES*

**Mid Western Regional Local Environmental Plan 2012**

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposed development is still permissible in the zone and meets the zone objectives. No other provisions of the LEP 2012 are impacted upon and need revisiting as a result of the proposed modification.

**State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

The revised proposal still generally complies with all of the relevant provisions of the SEPP, in particular with regards to servicing, access to facilities and compatibility with the surrounding residential context, as the changes are all considered internal to the site.

Compliance with the specific development standards for useability set out in Schedule 3 of the Seniors SEPP, i.e. the standards for internal design and fittings, are expected to still be complied with as a result of the new unit designs. The condition ensuring compliance with these standards is to remain within the consent.

The following standards contained within the SEPP are relevant with regards to the internal re-configuration:

**Table 1 Accessibility and useability standards [Clause 41 & Schedule 3]**

| Development Standard (Sch 3)   | Required   | Proposed   | Complies |
|--|--|--|----------|
| <b>Siting Standards: (cl 2) - Wheelchair access &amp; Common Areas</b> |  |  |          |
| 'Non-sloping' sites i.e. with gradients entirely <1:10                 | 100% of ground floor dwellings to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to an adjoining public road  | 100% of ground floor dwellings will be wheelchair accessible               | Yes      |
| 'Sloping' sites i.e. with gradients entirely or partially >1:10        | % of ground floor dwellings, equal to % of site with gradient <1:10 or minimum 50% (whichever is greater), to have wheelchair access by a continuous accessible path of travel as per AS 1428.1 to driveway or public road that is accessible to all residents | Not applicable, as the site does not have a gradient of more than 1 in 10. | NA       |

|                         |   |  |     |
|-------------------------|---|--|-----|
| Common areas            | All common areas and facilities to have wheelchair accessibility as per AS 1428.1   | Community centre, Swimming pool and Bowling Green proposed to have adequate accessibility. | Yes |
| <b>Security: (cl 3)</b> |   |  |     |
| Pathway lighting        | Pathway lighting to be designed and located to avoid glare for pedestrians and adjacent dwellings and to provide minimum 20 lux at ground level | The current condition requiring compliance is to remain.                                   | Yes |

|  |  |   |     |
|--|--|---|-----|
| <b>Letterboxes: (cl 4)</b>               |  |   |     |
| Letterboxes                              | To be lockable, located in central location adjacent to street entry or in one or more central locations on a hard standing area and have wheelchair access and circulation by a continuous path of travel (as per AS 1428.1)  | Suitable facilities proposed.   | Yes |
| <b>Private car accommodation: (cl 5)</b> |  |   |     |
| Disabled car parking                     | Car parking spaces must comply with the requirements for parking for persons with a disability set out in AS 2890 and at least 5% of the total number of car parking spaces (or at least 1 space if there are fewer than 20 spaces) must be designed to enable the width of the spaces to be increased to 3.8m | Adequate parking has been proposed with scope to provide for the accessible spaces as required. 18 spaces (28%) have been provided to increase the width to 3.8m. | Yes |

|   |  |  |   |
|---|--|--|---|
| Garages   | Must have power-operated door or there must be a power point and an area for motor or control rods to enable a power-operated door to be installed at a later date | Applicant has confirmed compliance will be achieved.             | Yes. Compliance required by existing condition 8. |
| Accessible entry (every entry, whether front entry or not):<br><br>(cl 6) | Must comply with clauses 4.3.1 and 4.3.2 of AS 4299.   | Provided to every dwelling.                                      | Yes   |
| Garbage: (cl 21)  | To be provided in accessible location.   | Applicant has confirmed an accessible location will be provided. | Yes. Compliance required by existing condition 8. |

***Standards for self-contained dwellings that cannot be used to refuse development consent [Clause 50]***

The following table outlines the standards that cannot be used by councils to refuse development consent for self-contained dwellings as set out in Clause 50 of the Seniors SEPP.

**Table 2 Standards that cannot be used for refusal for self-contained dwellings**

| <b>Development Standard</b>            | <b>Required</b>                 | <b>Proposed</b> | <b>Complies</b> |
|--|---------------------------------|-----------------|-----------------|
| Building Height:<br><br>(cl 50(a))     | 8m or less                      | Generally 4.4m  | Yes             |
| Density and Scale:<br><br>(cl 50(b))   | Floor Space Ratio 0.5:1 or less | 0.27:1          | Yes             |
| Landscaped Area:<br><br>(cl 50(c)(ii)) | Minimum 30%                     | 30%             | Yes             |
| Deep Soil Zone:<br><br>(cl 50(d))      | Minimum 15% of area of site     | 15% provided    | Yes             |

|                                   |   |  |   |
|-----------------------------------|---|--|---|
|                                   | Minimum two thirds to be preferably located at rear of site   | Less than two thirds is proposed at the rear of the site.  | No. However, the site is afforded generous landscaping throughout in a similar manner to the anticipated future residential character and is considered acceptable. |
|                                   | Minimum dimension 3m  | Complies   | Yes   |
| Solar Access:<br>(cl 50(e))       | 70% of living areas & main private open space to receive minimum 3 hrs sunshine between 9 am and 3 pm at mid-winter | 87% (56 units) Provided with northern, eastern or western solar access to living areas and POS. During the original assessment Council negotiated with the applicant to provide translucent roofing to the patio areas to improve solar access and penetration to living areas. The modified layout continues to provide this. | Yes   |
| Private Open Space:<br>(cl 50(f)) | Ground level:   |  |   |
|                                   | Minimum 15m <sup>2</sup> per dwelling   | At least 15m <sup>2</sup> per dwelling   | Yes   |
|                                   | One area minimum 3m x 3m, accessible from living area   | Complies   | Yes   |
|                                   | Upper level/s:  |  |   |
|                                   | 1 bedroom:  | N/A  | N/A   |
|                                   | Minimum 6m <sup>2</sup>   |  |   |
|                                   | Minimum dimensions 2m   |  |   |
|                                   | 2 or more bedrooms:   | N/A  | N/A   |
| Minimum 10 m <sup>2</sup>         |   |  |   |

|  |                       |  |  |
|--|-----------------------|--|--|
|  | Minimum dimensions 2m |  |  |
|--|-----------------------|--|--|

|                         |  |  |     |
|-------------------------|--|--|-----|
| Car parking: (c) 50(h)) | Minimum 0.5 car parking space for each bedroom | 128 bedrooms are proposed (64 spaces required).<br><br>81 spaces are provided. | Yes |
|-------------------------|--|--|-----|

**Caerleon Development Control Plan 2012**

The proposed modification will not have any bearing upon any building provisions within the DCP 2012 as the SEPP is the predominant document guiding development, as discussed in the report for the original development application.

The applicant was required to provide further details concerning the front boundary fencing along Meramie Street as stipulated in condition 7. The modification has now included the fencing details, which consists of open style fencing with some minor sections of solid rock (to reduce headlight glare to some units). This style of fencing is considered satisfactory and Council will issue a separate letter confirming this to satisfy condition 7.

*IMPACT OF DEVELOPMENT*

**Context and Setting**

No extra impacts are expected to be generated as a result of the proposed modification.

**Access, transport and traffic**

One less unit is proposed, subsequently the traffic impact is expected to be similar or slightly less. Council's Manager Development Engineering has confirmed that the revised access location is adequate.

**Public domain**

No extra impacts are expected to be generated as a result of the proposed modification.

**Utilities**

No extra impacts are expected to be generated as a result of the proposed modification.

**Heritage**

No extra impacts are expected to be generated as a result of the proposed modification.

**Other land resources**

No extra impacts are expected to be generated as a result of the proposed modification.

**Water**

No extra impacts are expected to be generated as a result of the proposed modification.

**Soils**

No extra impacts are expected to be generated as a result of the proposed modification.

**Air and Microclimate**

No extra impacts are expected to be generated as a result of the proposed modification.

**Flora & fauna**

N/A

**Waste**

Waste service still provided.

**Energy**

No extra impacts are expected to be generated as a result of the proposed modification.

**Noise & vibration**

No extra impacts are expected to be generated as a result of the proposed modification.

**Natural Hazards**

The land is no longer located within a bushfire prone area as a result of the newly created lot on which the proposed development will be erected. Accordingly, referral of the modification back to the NSW Rural Fire Service is not considered necessary. The original conditions required to be imposed by the RFS will remain on the consent.

**Technological hazards**

No extra impacts are expected to be generated as a result of the proposed modification.

**Safety, security and crime prevention**

No extra impacts are expected to be generated as a result of the proposed modification.

**Social impact in the locality**

No extra impacts are expected to be generated as a result of the proposed modification.

**Economic impact in the locality**

No extra impacts are expected to be generated as a result of the proposed modification.

**Site design and internal design**

No extra impacts are expected to be generated as a result of the proposed modification.

**Construction**

No extra impacts are expected to be generated as a result of the proposed modification.

**Cumulative Impacts**

No extra impacts are expected to be generated as a result of the proposed modification.

*SUITABILITY OF SITE FOR DEVELOPMENT*

**Does the proposal fit in the locality**

The proposal as modified is considered to still fit within the Caerleon Residential Estate locality.

**Are the site attributes conducive to development**

The site remains conducive to this style of development as detailed throughout this report.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

**Public Submissions**

The application was readvertised in accordance with Mid-Western Regional Development Control Plan 2013 (Caerleon DCP is an appendix to the MWRDCP 2013), the notification period ended 10 November 2017. No submissions were received.

**Submissions from public authorities**

As discussed previously, referral to the NSW RFS was not considered necessary in the context of the application. The application was originally lodged on a 'super lot', which was bushfire prone. The subsequent creation of the 'seniors living lot' as a result of the deferred commencement consent has rendered the site not bushfire prone.

Similarly, a new referral to John Holland Rail Pty Ltd was also not considered necessary as the proposed changes are internal to the site and the new lot that has been created to encompass the development is no longer directly adjacent to the rail line.

## THE PUBLIC INTEREST

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

No additional interests have been identified as a result of the proposed modification.

## CONSULTATIONS

### **Health & Building**

Council's Manager Health & Building has provided comments concerning the removal of the health related conditions for the community kitchen and pool facilities.

#### Pool Facilities

The swimming pool conditions have been reviewed and is not considered to sit within the definition of a public pool as defined under the Public Health Act 2010 , which is defined as follows:

**public swimming pool or spa pool** means a swimming pool or spa pool to which the public is admitted, whether free of charge, on payment of a fee or otherwise, including:

- (a) a pool to which the public is admitted as an entitlement of membership of a club, or
- (b) a pool provided at a workplace for the use of employees, or
- (c) a pool provided at a hotel, motel or guest house or at holiday units, or similar facility, for the use of guests, or
- (d) a pool provided at a school or hospital,

*but not including a pool situated at private residential premises.*

The pool will only be available to private residents of the village. Accordingly, removal of the conditions relating to the public pool standards is supported and the recommended conditions have been modified to reflect this.

#### Community Centre Kitchen Facilities

The commercial kitchen conditions have been reviewed and as food will not be sold from the premises the relevant commercial kitchen conditions are not applicable. Accordingly, the relevant conditions have been modified to reflect this.

### **Development Engineer**

Council's Manager Development Engineering has raised no objection with the proposal with the new access location adequate and servicing requirements remaining generally the same as the original consent.

The S64 Sewer/Water Headworks figure has been revised as a result of the changes to the self contained units. Many of the units have decreased in floor area, which has consequently resulted in the application of a lesser ET in line with Council's Water and Sewer Development Servicing Plans (DSP's). These have been reflected in the amended condition 14.

### **Heritage Advisor**

N/A

## Community Plan implications

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

## Strategic implications

### **Council Strategies & Plans**

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013  
Mid-Western Regional Development Contributions Plan 2005 – 2021  
Mid-Western Regional Development Servicing Plan

### **Council Policies**

Not applicable

### **Legislation**

Environmental Planning and Assessment Act 1979

## Financial implications

The applicant will be required to pay S64 developer contributions.

## Associated Risks

The recommendation of staff is to approve the development subject to conditions provided above. Should Council refuse the Development Application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

DREW ROBERTS  
SENIOR TOWN PLANNER

ILIJA SUSNJA  
ACTING MANAGER STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

3 November 2017

*Attachments:* 1. Cover letter. (separately attached)  
2. Plans. (separately attached)

### **APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER

## 8.3 Events Assistance Applications - PSSA Rugby League and Kandos Street Machine

REPORT BY THE EVENTS COORDINATOR  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, ECO800009; FIN300052

### RECOMMENDATION

#### That Council:

1. receive the report by the Events Coordinator on the Events Assistance Applications - PSSA Rugby League and Kandos Street Machine;
2. amend the 2017/18 operational plan to increase the Events Assistance budget by \$4,000 to be funded from unrestricted cash; and
3. provide Events Assistance to the below applicants (includes cash and in-kind amounts);

|                                      |                   |
|--------------------------------------|-------------------|
| <b>Catholic Primary School Sport</b> | <b>\$1,500.00</b> |
| <b>Kandos Street Machine</b>         | <b>\$2,500.00</b> |

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### Executive summary

This report considers two late applications for Events Assistance under Council's Events Assistance Policy. It relates to events to be held between 1 January and 30 June 2018, the 2018 PSSA Rugby League Championships and Kandos Street Machine & Hot Rod Show.

### Disclosure of Interest

Nil.

### Detailed report

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

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

Applications for events to be held from 1 January to 30 June 2018 were considered by Council in November however two (2) late applications have been received.

#### **Catholic Primary School Sport – 2018 PSSA Rugby League Championships**

This event is held over four (4) days mid-week at Glen Willow Regional Sporting Complex and attracts 750 visitors to the region.

The full hire fees for use of field 1, field 2 and corporate room 1 for the event totals \$5,920.00 (additional charges apply including a \$255.00 cleaning fee and \$1,000.00 bond).

The organisers have requested Council waive all hire fees for the event however the recommended funding amount based on the scoring scale is \$1,500.00 (in-kind).

Refer to attachment 1 for full application.

### **Kandos Street Machine & Hot Rod Show**

The annual event is held over two (2) days in January and attracts 7,250 people (2,040 locals and 5,210 visitors).

The recommended funding amount based on the scoring scale is \$2,500.00. This includes \$800.00 in-kind (venue hire fees, \$1,500.00 bond still payable) and \$1,700.00 cash.

Refer to attachment 2 for full application.

| Local community/volunteer participation in event |                    |  |
|--|--------------------|--|
| Score  | Definitive Answers | Value Judgement  |
| 0  | Unsatisfactory     | No or limited local community/volunteer participation or impact (<500 residents)                 |
| 1  | Poor               | Community/volunteer participation or local benefits impacting (500 to 1,000 residents)           |
| 2  | Satisfactory       | Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents) |
| 3  | Good               | Direct community/volunteer involvement or local benefits impacting (>2,000 residents)            |

| Capacity to ensure event continues and develops in the future |                    |  |
|---|--------------------|--|
| Score   | Definitive Answers | Value Judgement  |
| 0   | Unsatisfactory     | First time event being held, no plans outlined in application, unclear capacity to deliver event |
| 1   | Poor               | Limited event history (year one), limited plans outlined in application                          |
| 2   | Satisfactory       | Event is at least two years old, appropriate planning  |
| 3   | Good               | Well-established event with detailed planning for the future outlined                            |

| Economic activity generated from event |                    |  |
|--|--------------------|--|
| Score                                  | Definitive Answers | Value Judgement  |
| 0                                      | \$0-\$25K          | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 2                                      | \$25K-\$50K        | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 4                                      | \$50K-\$100K       | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 6                                      | \$100K-\$150K      | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 8                                      | \$150k-\$200K      | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 10                                     | \$200K-\$250K      | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 12                                     | \$250K-\$300K      | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |
| 14                                     | \$300K+            | Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day) |

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Applications for events assistance are required to have clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the region as a great place to live, work, invest and visit. By supporting events which provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

### **Council Policies**

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors the region.

**Legislation**

The Local Government Act 1993, Section 356, states: (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Financial implications

Funding of \$60,000 is provided in the 2017/18 Operational Plan for Events Assistance. The current budget has been exceeded by \$154, which is not material and therefore did not require a budget variation.

However, if Council wish to support the above staff recommended amounts, the budget would need to be increased by \$4,000.00 to be funded from unrestricted cash. Whilst this is a financial cost to Council, the community benefits and economic outcomes for the local economy through additional tourism expenditure and ground hire are positive.

| Budget Year  | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2017/18      | <b>X</b>                    | <b>✓</b>           | -                                 |
| Future Years | -                           | -                  | -                                 |

Associated Risks

If Council does not support these events, there is a risk that they may not go ahead in the future or that they are held at another location and therefore, there is the potential of lost economic benefits to the Mid-Western Region.

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

ALAYNA GLEESON  
EVENTS COORDINATOR

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

28 November 2017

- Attachments:*
1. Events Assistance Application - PSSA Rugby League Championships.
  2. Events Assistance Application - Kandos Street Machine.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Event Assistance Funding Application - 1 January 2018 to 30 June 2018

#24

**COMPLETE**

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, November 10, 2017 12:35:07 PM  
**Last Modified:** Friday, November 10, 2017 12:53:21 PM  
**Time Spent:** 00:18:13  
**IP Address:** 27.111.71.97

---

## Page 2: CONTACT DETAILS

**Q1** Please enter your contact details below:

**Name:** Pam Burke  
**Organisation:** Catholic Primary School Sport  
**ABN:** 47 161 121 035  
**Address:** 1 Austin Street  
**Suburb:** Trundle  
**State:** Nsw  
**Post Code:** 2875  
**Email Address:** pamela.burke@wf.catholic.edu.au  
**Phone Number:** 0429642432

---

**Q2** Website/Social Media

**Website:** www.csss.nsw.edu.au  
**Facebook Page:** Department of education

---

## Page 3: EVENT INFORMATION

**Q3** Name of event:

NSWPSSA RUGBY LEAGUE CHAMPIONSHIPS

**Q4** Event Date/s:

25th - 28th June, 2018

**Q5** Number of days event is held:

four days

**Q6** Event location:

Glen Willow Mudgee

Event Assistance Funding Application - 1 January 2018 to 30 June 2018

**Q7** Year the event was established:

30 plus years ago

**Q8** How often is the event held?

**One-off**

**Q9** Event description:

NSWPSSA Rugby league championships

**Q10** Event aims and objectives:

To select an NSW primary school rugby league team. To determine the NSW Rugby league champion region.

**Q11** Desired outcomes of event:

To select an NSW primary school rugby league team. To determine the NSW Rugby league champion region.

**Q12** Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

|                           |                                     |
|---------------------------|-------------------------------------|
| Local Participants        | <b>unknown until team selection</b> |
| Local Spectators          | <b>unknown until team selection</b> |
| Visitor Participants      | <b>250 students</b>                 |
| Visitor Spectators        | <b>approx 400</b>                   |
| Total Expected Attendance | <b>750 approximately</b>            |

**Q13** What methods do you use to collect data on attendance and visitor numbers?

Fourteen team attending plus parents managers officials, coordinators, carnival organisers

**Q14** Target audience:

Primary school children and their family and supporters

**Q15** Local community involvement (including local businesses and number of volunteers):

Provide canteen, marking and setting up of fields. Local services accommodation, meals, tourism

**Q16** Economic benefits of the event:

Local services accommodation, meals, tourism. An opportunity to showcase Mudgee and surrounds.

## Event Assistance Funding Application - 1 January 2018 to 30 June 2018

**Q17** Community and social benefits of the event:

Income and promotion tourism

---

**Q18** How will Council's support of the event be recognised?

Through programs, manager booklets, Prime and Win news, local media, PSSA and CPS websites, DET facebook page. Tourism packs handed to students.

---

**Q19** How do you plan to market and promote the event?

Through NSW school sporting system. Local and State media

---

## Page 4: PROJECT BUDGET AND FINANCIAL DETAILS

**Q20** Please provide details of your event income:

|  |   |
|--|---|
| Events Assistance Funding Requested:                   | <b>Waiver of fees for Glen Willow facilities, marking of field.</b> |
| Expected Sales Revenue (including entry/ticket sales): | <b>nil</b>  |
| Contribution from your Organisation/Club:              | <b>Nil</b>  |
| Sponsorship:   | <b>nil</b>  |
| Stallholder Fees:                                      | <b>Nil</b>  |
| Other Income:  | <b>Nil</b>  |

---

**Q21** Please provide details of your event expenditure:

Marketing: **Unknown until budget is finalised early 2018**

---

**Q22** If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

NA

---

**Q23** Total Surplus/Deficit:

\$ **NA**

---

**Q24** How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

One off event

---

**Q25** Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

Executive officer CPS sport, NSWPSA officials, carnival organisers, managers, referees, officials, teacher.

---

Event Assistance Funding Application - 1 January 2018 to 30 June 2018

|  |   |
|--|---|
| <b>Q26</b> Is your group/organisation Incorporated?  | <b>Yes</b>  |
| <b>Q27</b> Is your group/organisation not-for-profit?  | <b>Yes</b>  |
| <b>Q28</b> Have you registered for GST?  | <b>Yes</b>  |
| <b>Q29</b> Do you have an ABN?   | <b>Yes,</b><br>ABN::<br>47 161 121 035  |
| <b>Q30</b> Has your event previously received funding from Council?  | <b>No,</b><br>If yes, please list year(s) of funding and amount(s) received::<br>47 161 121 035 |
| <b>Q31</b> Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding. | <b>Yes</b>  |
| <b>Q32</b> Please upload a copy of your Certificate of Currency  |   |
| <b>CN 14607 - Public Liability PLG cofc.pdf(233.8KB)</b>   |   |

Page 5: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

**Q33** Please provide details of IN-KIND support requested AND dollar amounts:(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

|    |  |
|----|--|
| 1. | <b>Hire of Glen Willow Complex</b>             |
| 2. | <b>Waste management</b>                        |
| 3. | <b>Marking of Glen Willow for rugby league</b> |

**Q34** Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

|    |            |
|----|------------|
| 1. | <b>nil</b> |
|----|------------|

Page 6: AUTHORISATION OF APPLICANT

## Event Assistance Funding Application - 1 January 2018 to 30 June 2018

**Q35** Authorisation of Applicant:

|          |   |
|----------|---|
| Name:    | <b>Pam Burke</b>                          |
| Position | <b>Wilcannia Forbes sport coordinator</b> |
| Date:    | <b>10th November</b>                      |

---

**Q36** I confirm:

**that the information contained in the application form and within the attachments are true and correct.**

,

**that this application has been submitted with the full knowledge and support of the applicant.**

---



MID-WESTERN REGIONAL COUNCIL  
RECEIVED - RYLSTONE  
27 NOV 2017  
CUSTOMER SERVICE CENTRE

Event Assistance Funding Application - 1 January 2018 to 30 June 2018

CONTACT DETAILS

\* 1. Please enter your contact details below:

Name:

Organisation:

ABN:

Address:

Suburb:

State:

Post Code:

Email Address:

Phone Number:

\* 2. Website/Social Media

Website:

Facebook Page:

Other:



Event Assistance Funding Application - 1 January 2018 to 30 June 2018

EVENT INFORMATION

\* 3. Name of event:

Kardos streetmachine + Hot Rod SHOW

\* 4. Event Date/s:

27<sup>th</sup> & 28<sup>th</sup> January

\* 5. Number of days event is held:

2

\* 6. Event location:

Kardos, Simpkin park.

\* 7. Year the event was established:

8. How often is the event held?

One-off

Annual

Other (please specify)

\* 9. Event description:

Car show

\* 10. Event aims and objectives:

TO Bring visitors to the Karoo district for the weekends to enjoy a love of motorsport.

\* 11. Desired outcomes of event:

Thousands people to stay & spend money in local community

\* 12. Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

|                           |                    |
|---------------------------|--------------------|
| Local Participants        | 40                 |
| Local Spectators          | 2000               |
| Visitor Participants      | 210                |
| Visitor Spectators        | 5000               |
| Total Expected Attendance | 7000+ over 2 days. |

\* 13. What methods do you use to collect data on attendance and visitor numbers?

Ticket sales  
entrant forms

\* 14. Target audience:

Families

\* 15. Local community involvement (including local businesses and number of volunteers):

- 42 local businesses & Local VRA - Womens Aux - Fries - local schools & scouts Tennis club

\* 16. Economic benefits of the event:

Donations made back to volunteer associations  
people spending money at local business

\* 17. Community and social benefits of the event:

Visitors to town spending money.

\* 18. How will Council's support of the event be recognised?

on t-shirts, announcements, Banners.  
Facebook

\* 19. How do you plan to market and promote the event?

Newspaper - Radio, social media  
magazine - Flyers



Event Assistance Funding Application - 1 January 2018 to 30 June 2018

PROJECT BUDGET AND FINANCIAL DETAILS

\* 20. Please provide details of your event income:

|  |         |
|--|---------|
| Events Assistance Funding Requested:                   | \$2500  |
| Expected Sales Revenue (including entry/ticket sales): |         |
| Contribution from your Organisation/Club:              | 1500    |
| Sponsorship:   | 13,500  |
| Stallholder Fees:                                      | 1,000   |
| Other Income:  |         |
| Total Income:  | 138,000 |

\* 21. Please provide details of your event expenditure:

|                                      |           |
|--------------------------------------|-----------|
| Marketing:                           | \$773.86  |
| Venue Hire:                          | 750       |
| Event Infrastructure:                |           |
| Waste Management:                    | 12,320.83 |
| Traffic Control:                     |           |
| Staff Costs:                         | —         |
| Other 1: Security                    | 20,275.20 |
| Other 2: prizes ribbons              | 11,850.   |
| Other 3: Weekends Functions Expenses | 19,077.24 |

\* 22. If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

[Empty text box]

\* 23. Total Surplus/Deficit:

\$

[Empty text box]

\* 24. How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

increased visitors to area

\* 25. Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

Kandos Street machine club volunteers  
Hired security  
volunteer groups VRA, Womens AUX,  
Local firies.

\* 26. Is your group/organisation Incorporated?

- Yes
- No

\* 27. Is your group/organisation not-for-profit?

- Yes
- No

\* 28. Have you registered for GST?

- Yes
- No

\* 29. Do you have an ABN?

- Yes
- No

ABN:

47514668436

\* 30. Has your event previously received funding from Council?

Yes  
 No

If yes, please list year(s) of funding and amount(s) received:

2017 \$2500

\* 31. Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding.

Yes  
 No

\* 32. Please upload a copy of your Certificate of Currency

**Choose File** No file chosen



Event Assistance Funding Application - 1 January 2018 to 30 June 2018

FUNDING REQUESTED - MUST NOT EXCEED \$2,500

\* 33. Please provide details of **IN-KIND** support requested AND dollar amounts:  
(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges ([click here](#)) for amounts.

- 1. Council venue hire fee ~~\$750~~ \$800
- 2. ~~XXXXXX~~ Mon 22/1 - Fri 2/2
- 3. Band \$1,000
- 4. Major Event \$800
- 5. as per TK 25/11/17
- Total:

\* 34. Please provide details of **CASH** support requested AND dollar amounts:  
For any cash funding received, copies of invoices may be required as evidence along with an invoice.

- 1. ~~\$1450~~ Advertisement.
- 2. \$1700 (to make total \$2,500)
- 3. as requested on page 6
- 4.
- 5.
- Total:



Event Assistance Funding Application - 1 January 2018 to 30 June 2018

AUTHORISATION OF APPLICANT

\* 35. Authorisation of Applicant:

Name:

Kristie Healey

Position

Secretary

Date:

11-11-2017

\* 36. I confirm:

- that the information contained in the application form and within the attachments are true and correct.
- that this application has been submitted with the full knowledge and support of the applicant.

## 8.4 Monthly Development Applications Processing and Determined

REPORT BY THE  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, A100055, A100056

### RECOMMENDATION

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

### Executive summary

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

### Disclosure of Interest

Nil.

### Detailed report

Included in this report is an update for the month ending 30 November 2017 of Development Applications determined and Development Applications processing. The report will detail:

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

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

29 November 2017

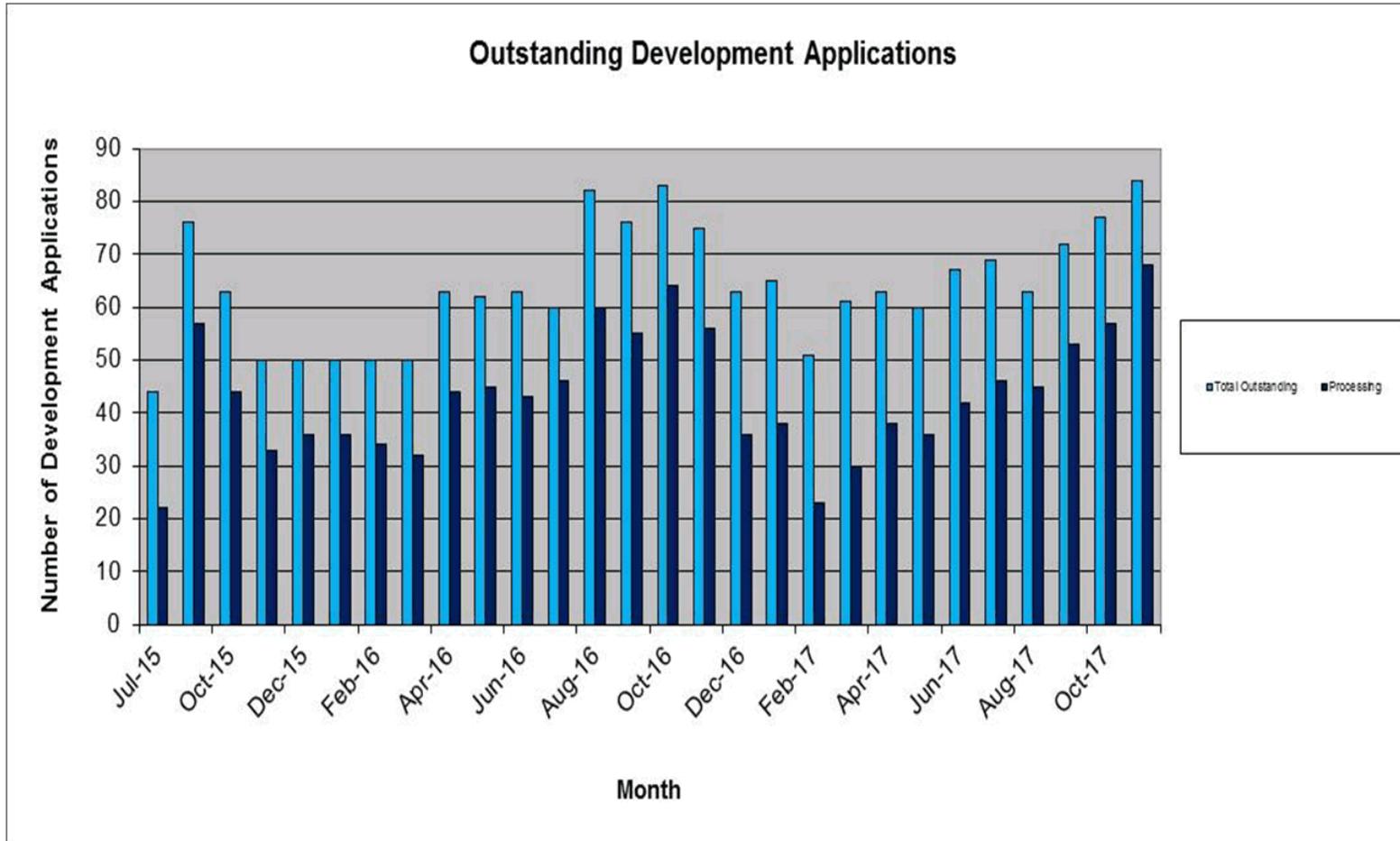
*Attachments:* 1. Monthly Development Applications currently processing and determined - November 2017.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

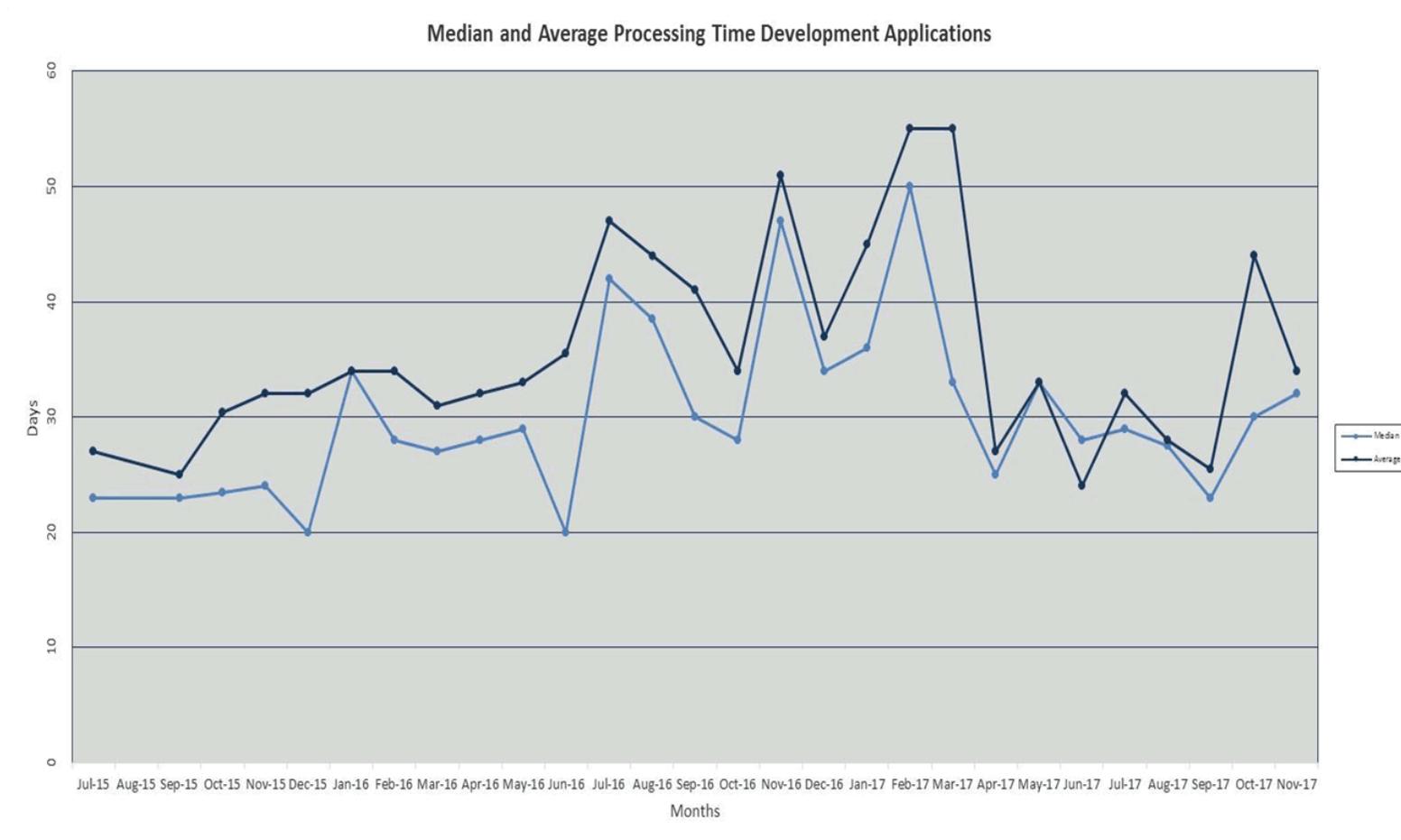
Monthly Development Application Processing Report – November 2017

This report covers the period for the month of November 2017. Graph 1 indicates the processing times up to 30, November 2017 with the month of November having an average of 34 days and a median time of 32 days.



### Monthly Development Application Processing Report – November 2017

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



## Monthly Development Application Processing Report – November 2017

The Planning and Development Department determined 23 Development Applications either by Council or under delegation during November 2017.

### Development Applications Determined – November, 2017

| Appl/Proc ID | Description                 | House No | Street Name         | Locality        |
|--------------|-----------------------------|----------|---------------------|-----------------|
| DA0252/2017  | Secondary Dwelling          | 111      | Horatio Street      | MUDGEE          |
| DA0031/2018  | Residential Shed            | 1        | Caerleon Court      | MUDGEE          |
| DA0047/2018  | Alterations & Additions     | 101      | Lawson Street       | MUDGEE          |
| DA0049/2018  | Garage                      | 47       | Herbert Street      | GULGONG         |
| DA0053/2018  | Subdivision - Torrens Title | 1848     | Castlereagh Highway | TALLAWANG       |
| DA0061/2018  | Dual Occupancy              | 42       | Bateman Avenue      | MUDGEE          |
| DA0064/2018  | Garage                      | 10       | Hardwick Avenue     | MUDGEE          |
| DA0066/2018  | Dwelling House              | 202      | Broadhead Road      | SPRING FLAT     |
| DA0068/2018  | Residential Shed            | 125      | Market Street       | MUDGEE          |
| DA0071/2018  | Subdivision - Torrens Title | 24       | Mortimer Street     | MUDGEE          |
| DA0074/2018  | Residential Shed            | 62       | Inglis Street       | MUDGEE          |
| DA0082/2018  | Residential Shed            | 72       | Winter Street       | MUDGEE          |
| DA0083/2018  | Residential Shed            | 221      | Black Lead Lane     | GULGONG         |
| DA0085/2018  | Boundary Adjustment         | 62       | Cox Street          | MUDGEE          |
| DA0086/2018  | Dwelling House              | 15       | Baskerville Drive   | MUDGEE          |
| DA0087/2018  | Alterations & Additions     | 50       | Lawson Street       | MUDGEE          |
| DA0089/2018  | Dwelling House              | 20       | Inglis Street       | MUDGEE          |
| DA0095/2018  | Residential Shed            | 35       | Beryl Road          | GULGONG         |
| DA0097/2018  | Residential Shed            | 13       | Burundulla Avenue   | MUDGEE          |
| DA0100/2018  | Alterations & Additions     | 143      | Lead Lane           | GULGONG         |
| DA0105/2018  | Dwelling House              | 99       | Winchester Crescent | COOKS GAP       |
| DA0109/2018  | Dwelling House              | 6        | Spring Road         | MUDGEE          |
| DA0122/2018  | Farm Building               | 1534     | Castlereagh Highway | APPLE TREE FLAT |

## Monthly Development Application Processing Report – November 2017

### Development Applications currently being processed – November, 2017.

| Appl/Proc ID | Description  | House No | Street Name           | Locality    |
|--------------|--|----------|-----------------------|-------------|
| DA0214/2011  | Dwelling House   | 663      | Castlereagh Highway   | BURRUNDULLA |
| DA0327/2011  | Shed >150m2  | 23       | Horatio Street        | MUDGEES     |
| DA0191/2015  | Subdivision - Torrens Title                              | 196      | Robertson Road        | MUDGEES     |
| DA0102/2016  | Dwelling House   | 705      | Windeyer Road         | GRATTAI     |
| DA0315/2016  | Tourist and Visitor Accommodation                        | 345      | Bylong Valley Way     | ILFORD      |
| DA0325/2016  | Change of use - Garage to Bedroom                        | 179      | Denison Street        | MUDGEES     |
| DA0343/2016  | Commercial Alterations/Additions                         | 137      | Ulan Road             | PUTTA BUCCA |
| DA0034/2017  | Subdivision - Torrens Title                              | 38       | Hill End Road         | CAERLEON    |
| DA0221/2017  | Function Centre  | 141      | Black Springs Road    | EURUNDEREE  |
| DA0228/2017  | Subdivision - Torrens Title                              | 158      | Robertson Street      | MUDGEES     |
| DA0266/2017  | Residential Shed   | 3        | Cudgegong Street      | RYLSTONE    |
| DA0280/2017  | Warehouse  | 23       | Industrial Avenue     | MUDGEES     |
| DA0287/2017  | Child Care Centre  | 272      | Church Street         | MUDGEES     |
| DA0303/2017  | Change of use - Vehicle Repair Station                   | 1        | Inglis Street         | MUDGEES     |
| DA0004/2018  | Multi Dwelling Housing                                   | 66       | Dangar Street         | KANDOS      |
| DA0008/2018  | Subdivision - Torrens Title                              | 215      | Putta Bucca Road      | PUTTA BUCCA |
| DA0009/2018  | Subdivision - Torrens Title                              | 15       | Wiradjuri Close       | PUTTA BUCCA |
| DA0063/2018  | Shed >150m2  | 434      | Melrose Road          | MOUNT FROME |
| DA0072/2018  | Earthworks   | 290      | Rocky Waterhole Road  | MOUNT FROME |
| DA0077/2018  | Dwelling House   | 285      | Springfield Lane      | GALAMBINE   |
| DA0079/2018  | Alterations & Additions                                  | 3926     | Bylong Valley Way     | RYLSTONE    |
| DA0080/2018  | Serviced Apartment                                       | 1671     | Lower Piambong Road   | PIAMBONG    |
| DA0091/2018  | Subdivision - Strata Title                               | 35       | Banjo Paterson Avenue | MUDGEES     |
| DA0092/2018  | Boundary Adjustment                                      | 4        | Queen Street          | GULGONG     |
| DA0093/2018  | Dwelling House   | 202      | Black Lead Lane       | GULGONG     |
| DA0096/2018  | Dwelling House   | 16       | Robert Hoddle Grove   | BOMBIRA     |
| DA0098/2018  | Boundary Adjustment                                      | 24       | Byrnes Lane           | BURRUNDULLA |
| DA0099/2018  | Agriculture  | 80       | Kemps Valley Road     | KAINS FLAT  |
| DA0102/2018  | Change of use - Studio, Storage Shed, Secondary Dwelling | 111      | Mount Pleasant Lane   | BUCKAROO    |
| DA0103/2018  | Alterations & Additions                                  | 1581     | Yarrabin Road         | YARRABIN    |
| DA0104/2018  | Commercial Alterations/Additions                         | 121      | Ulan Road             | PUTTA BUCCA |

## Monthly Development Application Processing Report – November 2017

|             |                                |      |                      |             |
|-------------|--------------------------------|------|----------------------|-------------|
| DA0107/2018 | Residential Shed               | 1603 | Bocoble Road         | CARCALGONG  |
| DA0108/2018 | Dwelling House                 | 23   | Dunphy Crescent      | MUDGEES     |
| DA0110/2018 | Dwelling House                 | 501  | Campbells Creek Road | WINDEYER    |
| DA0111/2018 | Residential Shed               | 20   | Bumberra Place       | BOMBIRA     |
| DA0112/2018 | Residential Shed               | 234  | Wonga Roo Road       | BUNGABA     |
| DA0113/2018 | Dwelling House                 | 639  | Castlereagh Highway  | BURRUNDULLA |
| DA0114/2018 | Commercial Premises            | 37   | Snelsons Lane        | GULGONG     |
| DA0117/2018 | Dwelling House                 | 5    | Wells Court          | MUDGEES     |
| DA0118/2018 | Dwelling House                 | 11   | Robert Jones Street  | MUDGEES     |
| DA0119/2018 | Dwelling House                 | 4    | Dunn Street          | KANDOS      |
| DA0120/2018 | Residential Shed               | 17   | Marshfield Lane      | MUDGEES     |
| DA0121/2018 | Depot                          | 2    | Bent Street          | ULAN        |
| DA0123/2018 | Carport                        | 28   | Rheinberger Avenue   | MUDGEES     |
| DA0124/2018 | Demolition                     | 7    | Nandoura Street      | GULGONG     |
| DA0125/2018 | Dwelling House                 | 748  | Castlereagh Highway  | BURRUNDULLA |
| DA0126/2018 | Residential Shed               | 124  | Mortimer Street      | MUDGEES     |
| DA0127/2018 | Change of use - Cellar Door    | 112  | Craigmoor Road       | EURUNDEREE  |
| DA0128/2018 | Residential Shed               | 11   | Macquarie Drive      | MUDGEES     |
| DA0129/2018 | Alterations & Additions        | 5    | Stuart Street        | GULGONG     |
| DA0130/2018 | Dwelling House                 | 573  | Grattai Creek Road   | GRATTAI     |
| DA0132/2018 | Dwelling House                 | 64   | White Circle         | MUDGEES     |
| DA0133/2018 | Change of use - Retail to Café | 19   | Church Street        | MUDGEES     |
| DA0134/2018 | Alterations & Additions        | 1326 | Vincent Road         | ILFORD      |
| DA0135/2018 | Residential Shed               | 24   | Redbank Road         | MUDGEES     |
| DA0136/2018 | Demolition                     | 11   | Nicholson Street     | MUDGEES     |
| DA0138/2018 | Boundary Adjustment            | 13   | Oporto Road          | MUDGEES     |
| DA0139/2018 | Seniors Housing                | 153  | Bruce Road           | MUDGEES     |
| DA0140/2018 | Dwelling House                 | 20   | Butler Circle        | BOMBIRA     |
| DA0141/2018 | Secondary Dwelling             | 38   | Hill End Road        | CAERLEON    |
| DA0142/2018 | Subdivision - Torrens Title    | 38   | Rifle Range Road     | MUDGEES     |
| DA0143/2018 | Dwelling House                 | 111  | Grimshaw Lane        | GULGONG     |
| DA0144/2018 | Residential Shed               | 17   | Woodside Close       | MUDGEES     |

## Monthly Development Application Processing Report – November 2017

### Heritage Development Applications currently being processed – November 2017.

| Appl/Proc ID | Description   | House No | Street Name     | Locality |
|--------------|---|----------|-----------------|----------|
| DA0271/2011  | Alterations & Additions                             | 87       | Short Street    | MUDGEE   |
| DA0091/2017  | Residential Shed                                    | 42       | Louee Street    | RYLSTONE |
| DA0122/2017  | Dual Occupancy                                      | 1        | Lewis Street    | MUDGEE   |
| DA0247/2017  | Change of use - Beauty Salon                        | 79       | Market Street   | MUDGEE   |
| DA0295/2017  | Alterations & Additions                             | 28       | Herbert Street  | GULGONG  |
| DA0306/2017  | Commercial Alterations/Additions                    | 17       | Church Street   | MUDGEE   |
| DA0052/2018  | Alterations & Additions                             | 90       | Belmore Street  | GULGONG  |
| DA0058/2018  | Fence   | 1        | Dunphy Crescent | MUDGEE   |
| DA0060/2018  | Change of use - Existing Shed to Serviced Apartment | 10       | Mealey Street   | MUDGEE   |
| DA0060/2018  | Serviced Apartment                                  | 10       | Mealey Street   | MUDGEE   |
| DA0070/2018  | Change of use - Confectionery to Takeaway           | 56       | Church Street   | MUDGEE   |
| DA0076/2018  | Commercial Alterations/Additions                    | 42       | Court Street    | MUDGEE   |
| DA0081/2018  | Commercial Alterations/Additions                    | 5        | Church Street   | MUDGEE   |
| DA0084/2018  | Subdivision - Torrens Title                         | 8        | Loy Avenue      | MUDGEE   |
| DA0090/2018  | Fence   | 13       | Lovejoy Street  | MUDGEE   |
| DA0094/2018  | Signage   | 77       | Market Street   | MUDGEE   |
| DA0101/2018  | Residential Shed                                    | 111      | Lewis Street    | MUDGEE   |
| DA0106/2018  | Subdivision - Torrens Title                         | 59       | Bellevue Road   | MUDGEE   |
| DA0115/2018  | Dwelling House                                      | 6        | Costigan Court  | MUDGEE   |
| DA0131/2018  | Commercial Alterations/Additions                    | 81       | Market Street   | MUDGEE   |
| DA0137/2018  | Flood Mitigation Work                               | 62       | Cox Street      | MUDGEE   |

## Item 9: Finance

---

### 9.1 Further Report on Application for Proposed Road Closures of Part Upper Bylong Road, Part Woolleys Road and Other Matters - Kepco Bylong Australia

REPORT BY THE REVENUE AND PROPERTY MANAGER  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, ROA100007

#### RECOMMENDATION

##### That Council:

1. receive the report by the Revenue and Property Manager on the Further Report on Application for Proposed Road Closures of Part Upper Bylong Road, Part Woolleys Road and Other Matters - Kepco Bylong Australia;
  2. enter into a Memorandum of Understanding with Kepco Bylong Australia Pty Ltd regarding the responsibilities, expectations, timing, processes and contingencies in relation to the matters numbered 2-6 in this Report, subject to terms acceptable to Council's Solicitor;
  3. authorise the General Manager to negotiate all terms of the Memorandum of Understanding with Kepco Bylong Australia Pty Ltd;
  4. consider Kepco Bylong Australia Pty Ltd's undertaking to dedicate and construct the *East Link* road, as shown on the plan appended as Attachment 2 to this Report, satisfies the outstanding objections dated 9 September 2016 to the proposed closures of segments of Upper Bylong Road and Woolleys Road;
  5. commence formal public consultation as directed by the Roads Act 1993 (s33-38) (the Act) and Department Primary Industries - Lands *Road Closing Process - September 2015* in relation to the Applications for proposed closure of those road segments of Upper Bylong Road, Woolleys Road, Unnamed Public Road Road Plan 10984-1603 and Part Upper Bylong Road Reserve and Adjoining Road across the Railway Road Plans 6156-1603, 35061-1603, as shown on the plan appended as Attachment 2 to this Report;
  6. invite Kepco Bylong Australia Pty Ltd to submit a commercial proposal for the purchase of the land which will vest in Council as the result of the proposed closure of those road segments of Upper Bylong Road, Woolleys Road, Unnamed Public Road Road Plan 10984-1603 and Part Upper Bylong Road Reserve and Adjoining Road across the Railway Road Plans 6156-1603, 35061-1603, as shown on the plan appended as Attachment 2 to this Report;
  7. authorise the General Manager and Mayor to negotiate all terms of the agreement with Kepco Bylong Australia Pty Ltd for the purchase of the land which will vest in Council as the result of the proposed closure of those road segments, subject
-

**to terms acceptable to Council's Solicitor;**

- 8. agree in principle to exercise the scope of s118 and s138 of the Act with a view to enter into a suitable agreement with Kepco for Early Access to the road segments proposed to be closed, subject to further clarification of the requirements of Kepco Bylong Australia Pty Ltd and the requirements of the Act;**
- 9. authorise the General Manager to negotiate all terms of the agreement with Kepco Bylong Australia Pty Ltd for Early Access to the road segments proposed to be closed, subject to terms acceptable to Council's Solicitor;**
- 10. require all costs, including Council's reasonable legal costs, associated with the procedures, negotiations and agreements listed in matters numbered 1-6 in this Report, to be borne by Kepco Bylong Australia Pty Ltd; and**
- 11. receive a further report on the progress and outcomes of Recommendations numbered 2- 9 of this Report.**

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## Executive summary

On 20 July 2016 Council was presented with a report regarding a proposal by Kepco Bylong Australia Pty Ltd (Kepco) to close and subsequently sell to Kepco, segments of the Upper Bylong Road and Woolleys Road. Council resolved to commence initial community consultation regarding the proposed road closures and to receive a further report at the end of the initial consultation period.

This Report details the responses Council received from the initial community consultation period and to impart Kepco's undertaking to dedicate a road (East Link) from Upper Bylong Road to Woolleys Road to facilitate continuous access for one of the remaining landowners who currently relies on the Woolleys Road thoroughfare.

This Report also presents additional requests from Kepco, dated 26 September 2016, 20 July 2017, 28 August 2017 and 18 September 2017 which include consideration to close two other road reserves; a request for Council to enter into an agreement to enable Kepco's occupancy of road reserves before the closure and sale processes are completed and; consideration to widen the Bylong Valley Way and Upper Bylong Road intersection as well as the entry to Bylong Station and the widening of Upper Bylong Road from Bylong Valley Way to the mine entrance.

A plan showing all proposed road closures, dedication and widening is appended as Attachment 2 to this Report.

## Disclosure of Interest

Nil

## Detailed report

### 1. Requirement for Memorandum of Understanding with Kepco

Kepco does not anticipate Development consent to be approved until September 2018 following determination of the Bylong Coal Project (the Project) by the Planning Assessment Commission (PAC).

Whilst Kepco is confident that the Project will be approved in or around September 2018, at this point in time there is no guarantee, from Council's perspective, of the Project being approved by the PAC or the time-frame for the approval, if the Project is in fact favoured by the PAC.

Kepco has requested Council to consider and progress the four road closures, dedication of a new road, an agreement for early occupation of the roads proposed to be closed and road widening proposals, as detailed in this Report at matters numbered 2-6, below.

If these matters are progressed now, there is a concern of the possibility that the road closure matters in particular, may be nearing completion or will be completed before the results of the PAC have been released.

Under the current circumstances, it is recommended that Council enter into a Memorandum of Understanding (MOU) with Kepco regarding the responsibilities, expectations, timing, processes and contingencies in relation to the matters numbered 2-6 in this Report.

It is recommended that the General Manager be authorised to negotiate the terms of the MOU. Such an agreement would be facilitated by Council's solicitor, Lindsay Taylor Lawyers, and all costs associated with this process would be borne by Kepco.

## 2. Outcome of Initial Community Consultation - Proposal to Close Segments of Upper Bylong and Woolleys Road and; Dedication and Construction of East Link Road - Applications Dated 28 June 2016

As part of the Project, the Environmental Impact Statement (EIS) indicated the requirement for the closure of segments of Upper Bylong Road and Woolleys Road. These segments are required to be closed because they will either be directly impacted by the mining disturbance or the associated infrastructure. Kepco submitted an applications dated 28 June 2016 for the closure of these segments.

The 20 July 2016 report, minutes and plans where Council dealt with Kepco's proposal to close segments of the Upper Bylong Road and Woolleys Road are appended to this Report as Attachment 1. Council resolved to commence initial community consultation regarding the proposed road closures and to receive a further report at the end of the initial consultation period.

Initial community consultation was recommended as an additional consultation step in the Department of Primary Industries – Lands (DPI), *Roads Closing Process September 2015* (the Process), as it was identified that access to a number of individually owned properties would be adversely affected by the proposed closures and also to receive any submissions from the general public regarding the matter.

### Results and Subsequent Actions to Resolve Concerns

Upper Bylong Road Segment - Objections were received from four landholders. Three of these objections have since been withdrawn on the basis that Kepco has either purchased the properties affected by the closure or has reached agreement with the objector over the closure of the road segment.

The outstanding objection has not been resolved between Kepco and the landholder.

Woolleys Road Segment - Objections were received from two landholders. One of these objections has since been withdrawn on the basis that Kepco has reached agreement with the objector over the closure of the road segment.

The outstanding objection has not been resolved between Kepco and the landholder.

The outstanding Upper Bylong Road and Woolleys Road objections were submitted by the same landholder and relates to a property accessed by both Upper Bylong and Woolleys Roads. Woolleys Road services just this one privately owned property as well as providing access to the Wollemi and Goulburn River National Parks for the Rural Fire Service, Office of Environment and Heritage and Local Land Services.

Kepco has documented 35 separate interactions with this landowner since March 2014 regarding land acquisition and alternative access options. All offers have been rejected by the landowner. Kepco has now advised that all reasonable attempts to resolve this objection with the landholder have been exhausted.

All initial objections and subsequent objection withdrawals are appended to this Report as Attachment 3.

In relation to this outstanding objection, Kepco has confirmed its initial intention of 28 June 2016 (refer to Attachments 1 & 2) to dedicate and construct the East Link road to provide uninterrupted access for this landowner to his property, the general public and Rural Fire Service, Office of Environment and Heritage and Local Land Services to the National Parks. Kepco has advised that the proposed Road closures have been discussed with the relevant Government authorities. Kepco has also given its assurance that East Link road would be dedicated as a public road and fully constructed prior to legal and physical closure of the nominated segments of Upper Bylong and Woolleys Roads. Refer to Attachments 5 & 7.

The road closing process is governed by the Roads Act 1993 (the Act) at s33 – 38. Part of the process requires Council to consider all submissions and objections and take any action to resolve any objections. Once all submissions and objections have been resolved or, if it is considered that a resolution to the objections cannot be reached, Council must prepare a report with a summary, assessment and recommendation of the submissions and objections to lodge with DPI along with the completed Road Closure applications.

It is suggested that the outstanding initial objections raised should not obstruct the progression of the road closure applications based upon Kepco's assurance for the dedication and construction of East Link road. This proposal is considered a feasible resolution to the outstanding objections to the closures. If ratified by Council, the proposal and recommendation will be documented accordingly in Council's formal applications to DPI for consideration and final deliberation of the objections and approval of the proposed road closures.

The East Link road undertaking will be documented in the MOU or separate agreement, and will accompany Council's applications to be forwarded to the DPI.

As initial community consultation has been sought and dealt with in this Report, it is recommended that the formal road closure consultation be commenced.

The Process will involve Council again directly contacting impacted landholders to confirm their position and also consultation with all relevant Government agencies and other stakeholders by way of a newspaper advertisement of the proposed closures in principle. A period of 28 days will be given to receive any objections and comments, after which, a further report will be presented to Council to consider and deal with all submissions received and formally resolve the details and conditions of KEPSCO's applications for road closure.

3. Further Proposal to Close Two Additional Road Reserves - Applications Dated 26 September 2016, 20 July 2017 and 5 September 2017

Kepeco has requested that Council consider the closure and subsequent sale to Kepeco, of two additional road reserve segments which fall within the mine footprint of the Project which were not included with the original 28 June 2016 applications. Refer to Attachments 2, 4, 5 & 7.

These road reserves are -

Unnamed Public Road Road Plan 10984-1603 - is a short section of public road vested in Council which extends west from Upper Bylong Road within the Upper Bylong Road segment. A dirt track on this reserve provides Kepeco access to one of its properties. The road reserve is adjoined on all sides by land owned by Kepeco.

Part of Upper Bylong Road Reserve and Adjoining Road across the Railway Road Plans 6156-1603, 35061-1603 - is a section of unformed public road vested in Council that will intersect the mine access road to the Underground Mine Infrastructure Area. The proposed realigned Upper Bylong Road abuts this reserve segment to the west, railway land managed by ARTC on behalf of Transport for NSW abuts to the north and Kepeco land abuts to the east and south.

Each application made to Council for a road closure must be considered in accordance with Council's *Land Acquisition and Disposal Policy* (Policy). The Policy stipulates Council must take into account the individual circumstances of the road before proceeding through the formal process of road closure as required by the Act. Individual circumstances of a road include:

The likelihood of a reserve being required as a through road; legal requirements of a reserve to provide access to properties; access to public infrastructure or public waterway; whether the land upon closure of a reserve will vest in Council (Section 38(2)(b) & (c) of the Act and; disposal considerations.

The above circumstances have been reviewed in relation to these new applications and it is considered that the proposed road closures would not have a negative impact on any circumstance listed.

As both these road reserves are vested in Council, it is proposed to commence the Process with the outcomes to be referred back to Council accordingly.

4. Determination of Conditions and Compensation for the Land Which Will Vest in Council Upon the Closure of the Road Reserve Segments

The Policy requires at least one relevant valuation of the road segments by a registered valuer to determine a starting point for negotiation in relation to disposal value of the lands which will vest in Council upon closure.

Kepeco will be invited to submit a commercial proposal which will also be considered in the determination of the disposal value.

The MOU or separate agreement will stipulate whether the sale of the land will be held over until such time as Project consent has been granted.

A further report will be presented to Council once the valuation and proposal are at hand.

5. Kepeco's Request for Early Access to the Road Segments Proposed to be Closed

Having regard to the protracted timeframe in which the closures may take place, Kepeco has sought Council's approval, or permission via an agreement, to physically close to traffic the four nominated road segments which are proposed to be closed early in the construction phase while the formal road closure Process is pending. There would be staged exclusion of the public from travelling on the road reserves and Kepeco occupying the reserves for their operational purposes.

Kepeco has provided a detailed disclosure of the anticipated impacts on the road reserves at the commencement of construction and two years after the commencement of construction. Refer to Attachments 5 & 6.

There is power for Council to close the relevant road segments to traffic (except that associated with Kepeco's operations) if each relevant stage of the closure proposal is consented to by Roads and Maritime Services under s118 of the Act or is the subject of an order of the Minister to the Council under s120.

Kepeco would then need to obtain consent from Council under s138 of the Act for all works it needs to carry out on the roads. A consent under s138 of the Act is required in order to erect a structure or carry out a work in, on or over a public road, or to dig up or disturb the surface of a public road.

There is doubt however, that s138 would allow any part of the roads to be the subject of the actual open cut winning of coal, as opposed to, for example, mere surface preparation for such excavation and mining.

Further clarification of the facts, including an anticipated time-frame, is required in this regard.

It is suggested that Council agree in principle to exercise the scope of s118 and s138 of the Act with a view to enter into a suitable, legitimate agreement with Kepeco for early access to the road segments proposed to be closed, subject to further clarification of the requirements of Kepeco and the requirements of the Act. It would also be expected that any such agreement would include a suite of conditions akin to an ordinary licence including a condition requiring payment of money in the nature of rent.

The Policy requires a current market rental value of road segments by a registered valuer to determine a starting point for compensation negotiation. Kepeco will be invited to submit a commercial proposal which will also be considered in the determination of the rental amount.

All clarifications, actions required to be performed under s118 and s138 of the Act and the drafting of such an agreement would be facilitated by Council's solicitor, Lindsay Taylor Lawyers and all costs associated with this process would be borne by Kepeco.

A further report will be presented to Council once all clarifications and determinations in relation to this matter have been addressed.

6. Proposed Road Widenings

Kepeco has proposed road widenings along the following road segments:

Upper Bylong Road - Widened areas extend along most of Upper Bylong Road through to the point of closure. The widenings ensure that existing parts of Upper Bylong Road that currently encroach on Kepeco owned land will in future be on a dedicated public road as well as ensuring new

roadworks are contained in the road reserve. There is no change to the road boundary where it abuts ARTC managed land.

Upper Bylong Road and Bylong Valley Way Intersection - this widening is proposed to allow for traffic passing turning vehicles that are turning right into Upper Bylong Road from Bylong Valley Way.

Bylong Valley Way Intersection at Bylong Station Entry - this widening is to facilitate access to the potential Workforce Accommodation Facility.

The proposed road widenings are subject to Council's requirements, final survey plan and Council's consent.

Refer to Attachments 2 & 7.

## Community Plan implications

| <b>Theme</b> | <b>Good Governance</b>   |
|--------------|--|
| Goal         | An effective and efficient organisation                        |
| Strategy     | Prudently manage risks association with all Council activities |

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Land Acquisition and Disposal Policy - consideration of individual circumstances of a road proposed to be closed and the requirement for a current market value of the land by a registered valuer to determine a starting point for compensation negotiation for both the sale of the land and for rent determination in the case of the Early Access proposal

### **Legislation**

Roads Act 1993 (s33 –38 & 43)

## Financial implications

All costs associated with the procedures, negotiations and agreements listed in matters numbered 1-6 in this Report, are to be borne by Kepco.

In accordance with s43(4) Roads Act, the revenue received by Council from the proceeds of the sale is to be used for acquiring land for public roads or for carrying out road work on public roads.

## Associated Risks

The risks outlined in this Report should be mitigated by the proposed Memorandum of Understanding with Kepco Bylong Australia Pty Ltd regarding the responsibilities, expectations,

timing, processes and contingencies in relation to the matters numbered 2-6 in this Report and the proposed separate agreements.

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

10 November 2017

- Attachments:*
1. Minute and Report to Council 20 July 2016. (separately attached)
  2. Plan of Proposed Road Closures, Opening and Widening. (separately attached)
  3. Initial Objections and Withdrawals of Objections. (separately attached)
  4. Kepco Letter Dated 26 September 2016. (separately attached)
  5. Kepco Letter Dated 20 July 2017. (separately attached)
  6. Kepco Letter Dated 28 August 2017. (separately attached)
  7. Kepco Report Dated 5 September 2017. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.2 Community Grants Program - December

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, FIN300138

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Financial Planning on the Community Grants Program - December ;
2. provide financial assistance to the following applicants in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met;
 

|                             |                |
|-----------------------------|----------------|
| <b>Mudgee Show Society</b>  | <b>\$3,000</b> |
| <b>Gulgong Show Society</b> | <b>\$3,000</b> |
| <b>Mudgee High School</b>   | <b>\$1,000</b> |
3. do not support the following requests for financial assistance, for the reasons provided in the report;
 

**Henry Lawson Society NSW Inc.**

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### Executive summary

This report considers requests for financial assistance under Council's Community Grants Program Policy.

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan.

All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation
- Level of consultation and collaboration with other local groups
- Organisational capacity to deliver the program or project

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request.

A summary of each application is shown below, together with panel recommendation.

| Applicant                               | Project/Activity                                       | Total Project Cost \$ | Funding Request \$ | Recommended Funding \$ | Total Score out of 12 |
|---|--|-----------------------|--------------------|------------------------|-----------------------|
| <b>Mudgee Show Society</b>              | Mudgee Annual Agriculture Show 2018                    | 33,000                | 3,000              | 3,000                  | 11                    |
| <b>Gulgong Show Society</b>             | Gulgong Annual Show 2018                               | 38,904                | 3,000              | 3,000                  | 12                    |
| <b>Mudgee High School</b>               | Support Unit Playground for students with disabilities | 4,086                 | 4,086              | 1,000                  | 6                     |
| <b>Henry Lawson Society of NSW Inc.</b> | Gulgong Henry Lawson Literary Awards                   | 8,400                 | 2,000              | 0                      | 0                     |

## Disclosure of Interest

Nil.

## Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

### *Mudgee Show Society*

The Mudgee Show Society has been running for over 150 years; showcasing Mudgee's finest Livestock, Cooking, Gardening, Art and many more community projects.

The Show Society is requesting financial assistance for their 2018 annual show to the value of \$3,000.

**3** ★★ ★

*Benefits and link to the community plan*

**3** ★★ ★

*Amount of resident participation*

**3** ★★ ★

*Consultation and collaboration with other local groups*

**2** ★★

*Capacity to deliver the program or project*

**RECOMMENDATION**

**\$3,000**

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

*Link to Community Plan: Strategy 1.4.2 Support arts and cultural development across the Region.*

*Link to Community Plan: Strategy 3.1.1 Support the attraction and retention of a diverse range of businesses and industries.*

### *Gulgong Show Society*

The Gulgong Show Society are hosting their annual agricultural show for 2018. This community event aims to attract 2,500 participants with a focus of competition and friendship.

The Gulgong Show Society are requesting \$3,000 in financial assistance for their 2018 annual show.

**3** ★★★★★

*Benefits and link to the community plan*

**3** ★★★★★

*Amount of resident participation*

**3** ★★★★★

*Consultation and collaboration with other local groups*

**3** ★★★★★

*Capacity to deliver the program or project*

**RECOMMODATION                      \$3,000**

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

*Link to Community Plan: Strategy 1.4.2 Support arts and cultural development across the Region.*

*Link to Community Plan: Strategy 3.1.1 Support the attraction and retention of a diverse range of businesses and industries.*

### *Mudgee High School*

The Support Unit playground located at Mudgee High School is intended for use with special needs students primarily with disabilities, but also serve as a quiet area for students who are socially challenged. This playground offers students a safe space for physical activity that they may not otherwise receive.

The support unit playground remains unfinished due to unexpected delays, regulations and associated costs. Mudgee High School are requesting \$4,083 to complete this project.

- 3** ★★ ★  
*Benefits and link to the community plan*
- 1** ★  
*Amount of resident participation*
- 0**  
*Consultation and collaboration with other local groups*
- 2** ★★  
*Capacity to deliver the program or project*

**RECOMMENDATION            \$1,000**

*Link to Community Plan: Strategy 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community*

*Link to Community Plan: Strategy 1.4.3 Provide equitable access to a range of places for all in the community*

*Henry Lawson Society of NSW Inc.*

The Gulgong Literary Awards are held each year with categories for Adult Events, Performance Poetry, Written Poetry and school sections for both primary and secondary students. The literary awards form part of the annual Henry Lawson festival held over the June long weekend. The Henry Lawson Society are requesting financial assistance to the value of \$2,000.

As financial support of \$2,500 has already been provided for the Henry Lawson festival under Council's Events Assistance Program, the applicant is ineligible for further financial assistance for this event.

**NOT RECOMMENDED**

Community Plan implications

|              |  |
|--------------|--|
| <b>Theme</b> | <b>Looking After Our Community</b>   |
| Goal         | A safe and healthy community   |
| Strategy     | Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles |

Strategic implications

**Council Strategies**

Not applicable

**Council Policies**

Recommendations are made under the Community Grants Program Policy.

**Legislation**

In accordance with the *Local Government Act 1993 Section 356* granting of financial assistance must be in accordance with a Council resolution.

**Financial implications**

Funding of \$120,000 is provided in the Operational Plan for Financial Assistance. \$58,522 has already been allocated for ongoing commitments, leaving a balance of \$61,478.

Should Council approve the recommendations in this report, a balance of \$54,478 will remain.

**Associated Risks**

Not applicable.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

27 November 2017

- Attachments:*
1. Community Grants Application - Mudgee Show Society. (separately attached)
  2. Community Grants Application - Gulgong Show Society. (separately attached)
  3. Community Grants Application - Henry Lawson Society NSW Inc. (separately attached)
  4. Community Grants Application - Mudgee High School. (separately attached)

**APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER

## 9.3 Financial Assistance Campervan & Motorhome Club of Australia Solo's Network Rally

### REPORT BY THE CHIEF FINANCIAL OFFICER

TO 13 DECEMBER 2017 ORDINARY MEETING

GOV400064, F0650007, A0180064

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the Financial Assistance Campervan & Motorhome Club of Australia Solo's Network Rally;**
2. **accept the proposal of \$10,000 inclusive of GST, from the Campervan & Motorhome Club of Australia (CMCA) Solo's Network Rally to be held at the Mudgee Showground from 20 September to 3 October 2018; and**
3. **provide in-kind financial assistance to the CMCA Solo's Network Rally to the value of \$14,548 inclusive of GST, by way of a partial waiver to Mudgee Showground hire fees.**

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### Executive summary

Campervan & Motorhome Club of Australia (CMCA) Solo's Network Rally organisers have provided a proposal to hire the Mudgee Showground for a 2-week period from 20 September to 3 October 2018. The proposal is a reduced rate to the advertised daily Major Event Fee for the Mudgee Showground, and therefore consideration for Financial Assistance is required to cover the gap.

### Disclosure of Interest

Nil

### Detailed report

The CMCA Solo's Networking Rally management team recently visited the Mudgee Showground to assess suitability for their networking rally. The group are keen to use these facilities as they have a desire to visit the Mudgee Region, and the facilities are large enough to accommodate their campervan and motorhome rally.

CMCA Solo's Network are a subsidiary social group of CMCA (legal non-entity). Membership to CMCA is required to be a member of the network group, however the group notes that no funding is provided directly to them for their social activities. The CMCA Solo's Network provides a "support network for solo travellers". They state that the aim of the rally is to "support small local businesses, community charities as well as promote the lifestyle that we all enjoy".

CMCA are not for profit through their constitution, which limits the way they can treat surplus funds, operationally, and in wind-up. They have received an ATO private ruling which confirms they are not for profit for tax purposes, although they are not a registered charity. Because CMCA Solo's Network

Are a subsidiary and also not for profit in their terms, there is no requirement to place this financial assistance on 28 days public exhibition before endorsing.

### **The Rally**

The proposal states that:

- They anticipate over 300 motorhomes from across Australia to attend;
- There will be one person per motorhome (solo);
- They do not require assistance for set up, parking, first aid, WH&S, garbage collection etc
- They will source all requirements from small business providers in Mudgee where possible;
- They welcome further advice from Council.

The full proposal is provided as an attachment to this report.

The General Manager has negotiated in-principal terms for this proposal, which include the exclusion of the Main Arena, and ensure that small social groups can continue to use the facility (the Bridge Club). Although, the event will require use of the Showground facilities for 2 weeks, the rally itself only goes for 7 days, and 7 days are required for bump in and bump out. Therefore, electricity usage associated with the event will not be as heavy as 14 days of event use. It is therefore seen as appropriate to accept a reduced fee for this event.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable.

### **Council Policies**

Council has a Community Grants Program Policy, however the terms of this proposal fall outside the scope of this policy.

### **Legislation**

The Local Government Act NSW, section 356 covers how a Council can financially assist others:

1. A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
2. A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

## Financial implications

Should Council agree to support the proposal, the in-kind financial assistance will be covered out of the existing budget allocation for Financial Assistance. Therefore, no additional impact is expected on the Financial Sustainability ratios.

Should Council have approved the Community Grants Program recommendations for December, the balance remaining in the Financial Assistance budget will be \$54,478. If Council endorses the \$14,548 recommended in this report, the remaining balance will be \$39,930.

Rental income on the showground will be assessed against budget during the December Quarterly Budget Review.

## Associated Risks

There is a risk of damage to the Showgrounds, and as such, it is not recommended to waive the bond for this size event. The bond will be \$1500, and is returnable after the successful bump out of the event organisers.

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

30 November 2017

*Attachments:* 1. CMCA Solo's Proposal.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## **PROPOSED CMCA SOLO'S NETWORK RALLY – MUDGEE**

The Campervan & Motorhome Club of Australia (CMCA) Solos Rally Management Team visited the Mudgee Showground on Friday 27<sup>th</sup> October 2017. With assistance of Brad Cam and Andrew Drummond we assessed the venue as suitable for our Rally from 20<sup>th</sup> September to 3<sup>rd</sup> October 2018.

### **Our Aim**

To support small local business, community charities as well as promote the lifestyle that we all enjoy.

### **Rally Overview**

- Over 300 Motorhomes from Australia wide are expected to attend this event.
- Being a Solo Rally there will be one person per vehicle most of whom are retirees.
- We do not require assistance from Showground Staff as we have a team of experts who will oversee:
  - Setting up, parking, catering, entertainment, cleaning, maintenance, program printing, advertising, first aid, OH&S, garbage collection, courtesy bus hire, tours buses etc.
  - We will source all our requirements from small business providers in Mudgee where possible.
  - We would however, welcome advice from Council and other local identities as needed.

### **Our Requirements**

- Exclusive use of the Showground for 14 days made up of 4 days bump in, 7 days of Rally and 3 days bump out.
- All the buildings contained within the complex including pavilions, kitchens, bars, toilet and shower facilities, outdoor areas excluding the main Showground ring.

### **What an event of this nature can bring to the Mudgee Community**

- As calculated from previous Rallies we estimate that we could realistically spend in excess of \$100,000 during our 7 day stay. How this is calculated.
- Shopper Dockets are collected by our members usually totalling around \$80,000, however this figure does not include non Shopper Docket venues eg Hotels, Clubs, Cafes, Clothing Stores, entry into Tourist attractions, Fuel, Alcohol, vehicle maintenance etc.
- Our Open day is designed to engage the community. We will provide a carnival atmosphere and the gate will be manned by a local charity of your choice with a gold coin donation to enter.

- Local speakers will be sourced for our Seminars eg Fire Brigade (SES), Historians and the like.  
**Question:** Confirm that Council have Public Liability Insurance for visitors attending the site during our stay. CMCA members are fully covered.

### **Things to consider when costing the hire of the Showground**

- We are a non-profit organisation.
- The fees that we collect from our members to attend the Rally pay for Showground hire, catering, bus tours, entertainment and a wide range of other expenses as listed above.
- Due to the limited number of shower and toilet facilities, we may have to hire additional portable units.
- The first 4 and final 3 days will only be attended by approximately 30 members of the organising group. Therefore, there will be little impact on the utilities during this period.

### **Facts about Power Usage at Rallies**

- It is the 7 days of the Rally that will use most of the power supply, water, sewerage etc which is the time that our members will be there in numbers.

#### **Figures from the recent Rally in Nanango Qld show that:**

- Of the 300 powered sites available only 40% of the 340 attendees wanted it.
- Due to CMCA parking rules which require that each van be allowed a 6Mx9M space and even more for bigger rigs, we have to assume that we may not fit everyone into a powered site.
- We do not allow the use of Air Conditioners, heaters etc. The majority of our members have Gas Fridges and Stoves, so the only power that would be needed is for lighting, charging phones etc.
- We have strict rules that apply for those that 'plug-in'. Our Team do spot checks during the Rally to ensure that everyone is compliant.
- We will use limited power in the buildings as we have very few events that take place in the evenings.
- Based on this information, those of our members who do not require power can be located on powered sites and, as such, we may have to lock the power boxes if we do not fill the 108 sites that are available.

### **Our Offer**

We are prepared to pay a lump sum of \$10,000 for the exclusive use of the Showground during our stay. As mentioned the bulk of Showground utility usage will be for 7 days only.

Thank you for your consideration.

Solos Rally Management Team

## 9.4 Monthly Budget Review October 2017

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, FIN300117

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Financial Planning on the Monthly Budget Review October 2017; and
2. amend the 2017/18 Operational Plan in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

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### Executive summary

This report provides Council with information on the progress of the 2017/18 capital works program as at 31 October 2017. The report also recommends budget variations as shown in the attachment to this report.

### Disclosure of Interest

Nil.

### Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the original budget. Variations recommended within a monthly budget review have no net impact on Council's cash position. The attachment to this report provides the detailed information of recommended variations.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

The recommendation if approved will amend the 2017/18 Operational Plan.

#### Council Policies

Not applicable.

#### Legislation

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

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

### Financial implications

Whilst the proposed budget variations do not impact on Council's net cash position the funding contributed for the Ulan Wollar Road Realignment project will negatively impact on the own source revenue ratio.

| Budget Year  | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2017/18      | -                           | X                  | -                                 |
| Future Years | -                           | -                  | -                                 |

### Associated Risks

Approval of the budget variations proposed in this report are required ahead of the December Quarterly Budget Review Statement in order to meet project deadlines. Should the variations not be approved there is a risk of losing funding and delays in project commencement.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

17 November 2017

*Attachments:* 1. Monthly Budget Review Attachment October 2017.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



MONTHLY BUDGET REVIEW  
OCTOBER 2017  
Mid-Western Regional Council



# MID-WESTERN REGIONAL COUNCIL

|                     |  |
|---------------------|--|
| Address             | 86 Market St, Mudgee, NSW 2850   |
| Email               | <a href="mailto:council@midwestern.nsw.gov.au">council@midwestern.nsw.gov.au</a> |
| Telephone           | 02 6378 2850   |
| Fax                 | 02 6378 2815   |
| Mayor               | Des Kennedy  |
| General Manager     | Brad Cam   |
| Date of Publication | 13 December 2017   |



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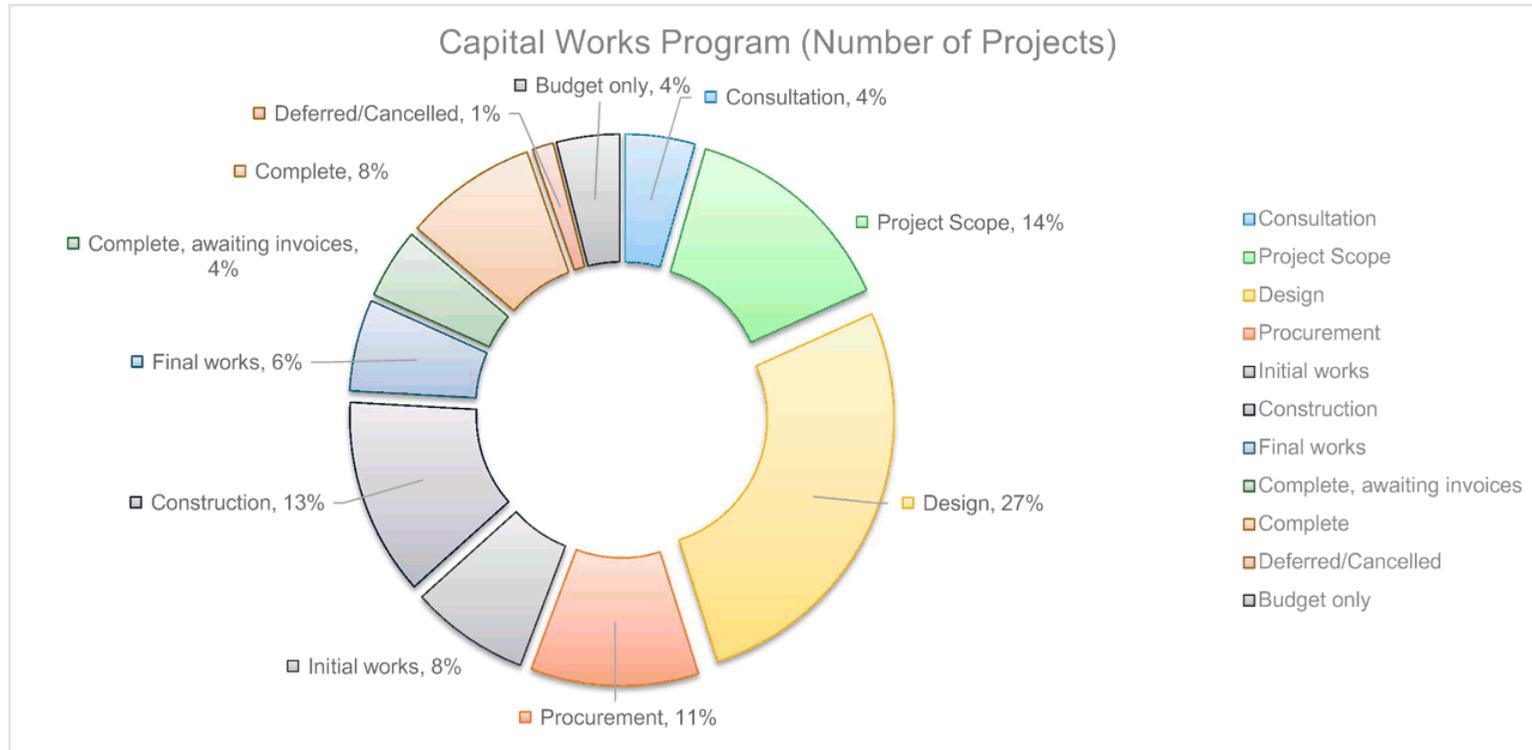
**Proposed Variations.....**

**Capital Works Program.....**



| COMMUNITY PLAN<br>THEME        | VARIATION   | FUNDING<br>SOURCE               | AMOUNT    |                            |
|--------------------------------|---|---------------------------------|-----------|----------------------------|
| <b>GENERAL FUND</b>            |   |                                 |           |                            |
| <b>Contra Variations</b>       |   |                                 |           |                            |
| Connecting our Region          | Ulan Wollar Road Realignment. Survey and design costs   | Contributions                   | (228,975) | C                          |
| Connecting our Region          | Ulan Wollar Road Realignment. Funding contributed from applicant  | Contributions                   | 228,975   | C                          |
| Looking after our Community    | Capital Upgrade - Kandos Hall. An additional \$10,000 is required to replace the retaining wall at Kandos Hall.                     | Asset<br>Replacement<br>Reserve | (10,000)  | C                          |
| Looking after our Community    | Capital Upgrade - Kandos Hall. Budget will be transferred from unallocated funds in the Community Buildings Capital upgrade budget. | Asset<br>Replacement<br>Reserve | 10,000    | C                          |
| <b>Total Contra Variations</b> |   |                                 | <b>0</b>  |                            |
| <b>TOTAL GENERAL FUND</b>      |   |                                 | <b>0</b>  |                            |
|                                |   |                                 |           | <i>Non-cash variations</i> |
|                                |   |                                 |           | <i>Cash variations</i>     |
|                                |   |                                 | <b>0</b>  |                            |

| COMMUNITY PLAN<br>THEME            | VARIATION   | FUNDING<br>SOURCE | AMOUNT   |                            |
|------------------------------------|---|-------------------|----------|----------------------------|
| <b>SEWER FUND</b>                  |   |                   |          |                            |
| <b>Contra Variations</b>           |   |                   |          |                            |
| Protecting our Natural Environment | Sewer Augmentation Mudgee. Budget required for finalisation of legal cost of boundary adjustment. | Sewer Reserves    | (4,000)  | C                          |
| Protecting our Natural Environment | Sewer Augmentation Mudgee. Budget transferred from Sewer Mains Budget Only                        | Sewer Reserves    | 4,000    | C                          |
| <b>Total Contra Variations</b>     |   |                   | <b>0</b> |                            |
| <b>TOTAL SEWER FUND</b>            |   |                   | <b>0</b> |                            |
|                                    |   |                   |          | <i>Non-cash variations</i> |
|                                    |   |                   |          | <i>Cash variations</i>     |
|                                    |   |                   | <b>0</b> |                            |



| Status                      | Description  |
|-----------------------------|--|
| Consultation                | Engaging with stakeholders for ideas and to determine viability and direction for the project. |
| Project Scope               | Initial concept, business case and project plan development.                                   |
| Design                      | Initial and detailed design.   |
| Procurement                 | Tendering, sourcing quotes or suppliers.   |
| Initial works               | Early stages of project delivery.  |
| Construction                | Major project activities are in progress.  |
| Final works                 | Project is in final stages of completion or awaiting minor items.                              |
| Complete, awaiting invoices | Project work is complete. Waiting on invoices from suppliers for financial completion.         |
| Complete                    | Project work is complete and all costs have been allocated.                                    |
| Deferred/Cancelled          | Project is no longer in current year's program   |
| Budget only                 | Project for budget purposes only. Fully allocated out to projects.                             |

|  | ORIGINAL ANNUAL BUDGET | APPROVED VARIATIONS | CURRENT ANNUAL BUDGET | PROPOSED VARIATIONS | PROPOSED ANNUAL BUDGET | ACTUAL YTD | ACTUAL YTD/ PROPOSED ANNUAL BUDGET | COMMITMENTS | COMMENT            |
|--|------------------------|---------------------|-----------------------|---------------------|------------------------|------------|------------------------------------|-------------|--------------------|
| Looking after our Community                          |                        |                     |                       |                     |                        |            |                                    |             |                    |
| IMPOUNDING FACILITY                                  | 0                      | 16                  | 16                    | 0                   | 16                     | 16         | 100%                               | 0           | Complete           |
| COMM. TRANSPORT- VEHICLE PURCHASE                    | 46                     | 0                   | 46                    | 0                   | 46                     | 0          | 0%                                 | 0           | Project Scope      |
| AGED CARE UNITS - CAP -COOYAL/ANDERSON ST GULGONG    | 20                     | (9)                 | 11                    | 0                   | 11                     | 9          | 81%                                | 0           | Construction       |
| AGED CARE UNITS - CAP -LOUEE ST UNITS                | 10                     | (3)                 | 8                     | 0                   | 8                      | 6          | 86%                                | 0           | Complete           |
| WOLLAR PROGRESS ASSOCIATION COMMUNITY INFRASTRUCTURE | 0                      | 15                  | 15                    | 0                   | 15                     | 13         | 84%                                | 0           | Final works        |
| CAPITAL -DENISON STREET UNITS                        | 12                     | 0                   | 12                    | 0                   | 12                     | 6          | 50%                                | 0           | Construction       |
| MUDGEES CEMETERY CAP IMPV                            | 0                      | 61                  | 61                    | 0                   | 61                     | 0          | 0%                                 | 28          | Initial works      |
| GPS CEMETERY SITES                                   | 40                     | 0                   | 40                    | 0                   | 40                     | 0          | 0%                                 | 33          | Construction       |
| CEMETERY CAPITAL PROGRAM                             | 15                     | 0                   | 15                    | 0                   | 15                     | 4          | 26%                                | 9           | Project Scope      |
| GULGONG LAWN CEMETERY EXTENSION                      | 25                     | 0                   | 25                    | 0                   | 25                     | 0          | 0%                                 | 11          | Initial works      |
| RYLSTONE CEMETERY NICHE WALL                         | 0                      | 22                  | 22                    | 0                   | 22                     | 0          | 0%                                 | 0           | Consultation       |
| PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY      | 59                     | 9                   | 68                    | 0                   | 68                     | 2          | 3%                                 | 0           | Budget only        |
| REDHILL PUBLIC TOILETS - CAP UPGRADE                 | 55                     | 0                   | 55                    | 0                   | 55                     | 0          | 0%                                 | 0           | Deferred/Cancelled |
| LIBRARY MUDGEES CAPITAL UPGRADES                     | 45                     | 0                   | 45                    | 0                   | 45                     | 3          | 6%                                 | 21          | Initial works      |
| LIBRARY BOOKS  | 68                     | 0                   | 68                    | 0                   | 68                     | 53         | 78%                                | 0           | Procurement        |
| RYLSTONE LIBRARY BRANCH                              | 30                     | 0                   | 30                    | 0                   | 30                     | 0          | 0%                                 | 0           | Project Scope      |
| CAPITAL UPGRADE - RYLSTONE HALL                      | 80                     | 0                   | 80                    | 0                   | 80                     | 3          | 4%                                 | 0           | Procurement        |
| CAPITAL UPGRADE - KANDOS HALL                        | 25                     | 0                   | 25                    | 10                  | 35                     | 2          | 6%                                 | 0           | Procurement        |
| CAPITAL UPGRADE - KANDOS PRESCHOOL                   | 0                      | 5                   | 5                     | 0                   | 5                      | 0          | 0%                                 | 0           | Design             |
| CAP UPGRD-COMMUNITY BLD-BUDGET ONLY                  | 23                     | 0                   | 23                    | (10)                | 13                     | 1          | 8%                                 | 0           | Budget only        |
| CAPITAL UPGRADE - RYLSTONE GUIDE HALL                | 50                     | (50)                | 0                     | 0                   | 0                      | 0          | 0%                                 | 0           | Deferred/Cancelled |
| CAPITAL UPGRADE - MUDGEES TOWN HALL STAGE LIGHTING   | 0                      | 8                   | 8                     | 0                   | 8                      | 8          | 95%                                | 0           | Complete           |
| POOL CLEANER REPLACEMENT                             | 16                     | (16)                | 0                     | 0                   | 0                      | 0          | 0%                                 | 0           | Deferred/Cancelled |
| POOL FILTER REPLACEMENT                              | 20                     | 16                  | 36                    | 0                   | 36                     | 0          | 0%                                 | 32          | Initial works      |
| MUDGEES SHOWGROUND GRANDSTAND DEMOLITION             | 60                     | 0                   | 60                    | 0                   | 60                     | 0          | 0%                                 | 4           | Consultation       |
| WALKERS FIELD AMENITIES REPAIRS                      | 10                     | 0                   | 10                    | 0                   | 10                     | 6          | 61%                                | 2           | Final works        |
| GLENWILLOW SPORTS GROUND UPGRADES                    | 3,000                  | 0                   | 3,000                 | 0                   | 3,000                  | 0          | 0%                                 | 0           | Project Scope      |
| GLEN WILLOW CRICKET WICKET                           | 139                    | 0                   | 139                   | 0                   | 139                    | 56         | 40%                                | 39          | Construction       |
| GLEN WILLOW NETBALL COURTS                           | 110                    | 0                   | 110                   | 0                   | 110                    | 0          | 0%                                 | 0           | Project Scope      |
| GULGONG NETBALL COURT UPGRADE                        | 35                     | 32                  | 67                    | 0                   | 67                     | 0          | 0%                                 | 0           | Procurement        |
| GLEN WILLOW NETBALL BBQ AREA                         | 10                     | 0                   | 10                    | 0                   | 10                     | 0          | 0%                                 | 0           | Design             |
| GLEN WILLOW DRIVEWAY                                 | 0                      | 95                  | 95                    | 0                   | 95                     | 0          | 0%                                 | 0           | Consultation       |
| MUDGEES SKATE PARK                                   | 250                    | 0                   | 250                   | 0                   | 250                    | 0          | 0%                                 | 2           | Design             |

|   | ORIGINAL ANNUAL BUDGET | APPROVED VARIATIONS | CURRENT ANNUAL BUDGET | PROPOSED VARIATIONS | PROPOSED ANNUAL BUDGET | ACTUAL YTD/ PROPOSED ANNUAL BUDGET |           | COMMITMENTS | COMMENT                     |
|---|------------------------|---------------------|-----------------------|---------------------|------------------------|------------------------------------|-----------|-------------|-----------------------------|
|   |                        |                     |                       |                     |                        | ACTUAL YTD                         | BUDGET    |             |                             |
| \$'000  |                        |                     |                       |                     |                        |                                    |           |             |                             |
| CAPITAL UPGRADE - KANDOS SPORTSGROUND CANTEEN | 0                      | 30                  | 30                    | 0                   | 30                     | 2                                  | 8%        | 1           | Construction                |
| GULGONG TENNIS COURTS                         | 0                      | 14                  | 14                    | 0                   | 14                     | 14                                 | 101%      | 0           | Complete                    |
| BILLY DUNN SYNTHETIC WICKET                   | 7                      | 0                   | 7                     | 0                   | 7                      | 0                                  | 0%        | 0           | Complete                    |
| VICTORIA PARK GULGONG - FENCING               | 0                      | 16                  | 16                    | 0                   | 16                     | 3                                  | 23%       | 12          | Construction                |
| VICTORIA PARK GULGONG - DISABLED AMENITIES    | 52                     | 0                   | 52                    | 0                   | 52                     | 1                                  | 2%        | 0           | Procurement                 |
| MUDGEES TENNIS COURTS - CAPITAL UPGRADE       | 20                     | 0                   | 20                    | 0                   | 20                     | 0                                  | 0%        | 0           | Complete, awaiting invoices |
| SMART CUT MOWER                               | 0                      | 30                  | 30                    | 0                   | 30                     | 0                                  | 0%        | 28          | Procurement                 |
| PASSIVE PARKS - LANDSCAPING IMPROVEMENTS      | 5                      | 0                   | 5                     | 0                   | 5                      | 0                                  | 0%        | 0           | Procurement                 |
| PLAYGROUND UPGRADE - ANZAC PARK GULGONG       | 8                      | 0                   | 8                     | 0                   | 8                      | 12                                 | 150%      | 0           | Complete                    |
| SCULPTURES ACROSS THE REGION                  | 31                     | 0                   | 31                    | 0                   | 31                     | 10                                 | 32%       | 0           | Initial works               |
| AVISFORD RESERVE - CAPITAL                    | 0                      | 3                   | 3                     | 0                   | 3                      | 0                                  | 0%        | 0           | Design                      |
| PARK BIN REPLACEMENT                          | 11                     | 0                   | 11                    | 0                   | 11                     | 0                                  | 0%        | 0           | Procurement                 |
| YOUTH INFRASTRUCTURE                          | 500                    | 0                   | 500                   | 0                   | 500                    | 5                                  | 1%        | 0           | Project Scope               |
| IRRIGATION RENEWAL PROGRAM                    | 60                     | 0                   | 60                    | 0                   | 60                     | 37                                 | 62%       | 0           | Final works                 |
| VICTORIA PARK GULGONG CAPITAL UPGRADES        | 15                     | 0                   | 15                    | 0                   | 15                     | 7                                  | 45%       | 0           | Construction                |
| ROBERTSON PARK MUDGEES CAPITAL UPGRADES       | 15                     | 0                   | 15                    | 0                   | 15                     | 0                                  | 0%        | 0           | Construction                |
| WARATAH PARK PLAYGROUND UPGRADE               | 28                     | 0                   | 28                    | 0                   | 28                     | 1                                  | 2%        | 4           | Complete, awaiting invoices |
| ART GALLERY FACILITY                          | 0                      | 38                  | 38                    | 0                   | 38                     | 10                                 | 26%       | 0           | Project Scope               |
| STREETSCAPE - CBD INFRASTRUCTURE              | 13                     | 9                   | 22                    | 0                   | 22                     | 0                                  | 0%        | 0           | Procurement                 |
| STREETSCAPE - TREE PLANTING RYLSTONE/KANDOS   | 5                      | 3                   | 8                     | 0                   | 8                      | 8                                  | 99%       | 0           | Construction                |
| <b>Total</b>                                  | <b>5,023</b>           | <b>345</b>          | <b>5,368</b>          | <b>0</b>            | <b>5,368</b>           | <b>299</b>                         | <b>6%</b> | <b>225</b>  |                             |

### Protecting our Natural Environment

|                                 |       |   |       |   |       |   |    |   |               |
|---------------------------------|-------|---|-------|---|-------|---|----|---|---------------|
| RURAL WASTE DEPOT UPGRADES      | 150   | 0 | 150   | 0 | 150   | 0 | 0% | 0 | Design        |
| MUDGEES WASTE DEPOT UPGRADES    | 34    | 0 | 34    | 0 | 34    | 0 | 0% | 0 | Design        |
| NEW TIP CONSTRUCTION            | 2,000 | 0 | 2,000 | 0 | 2,000 | 6 | 0% | 0 | Procurement   |
| WASTE SITES REHABILITATION      | 135   | 0 | 135   | 0 | 135   | 0 | 0% | 0 | Design        |
| REMOTE SECURITY CAMERAS AT WTS  | 43    | 0 | 43    | 0 | 43    | 0 | 0% | 0 | Procurement   |
| WTS - HARGRAVES UPGRADE         | 50    | 0 | 50    | 0 | 50    | 0 | 0% | 0 | Procurement   |
| WTS - BYLONG UPGRADE            | 30    | 0 | 30    | 0 | 30    | 0 | 0% | 0 | Project Scope |
| LEACHATE POND ENLARGEMENT       | 250   | 0 | 250   | 0 | 250   | 0 | 0% | 0 | Design        |
| WEIGHBRIDGE SOFTWARE UPGRADE    | 35    | 0 | 35    | 0 | 35    | 1 | 4% | 0 | Design        |
| CARDBOARD COLLECTION CONTAINERS | 30    | 0 | 30    | 0 | 30    | 0 | 0% | 0 | Design        |

| \$'000   | ORIGINAL ANNUAL BUDGET | APPROVED VARIATIONS | CURRENT ANNUAL BUDGET | PROPOSED VARIATIONS | PROPOSED ANNUAL BUDGET | ACTUAL YTD | ACTUAL YTD/ PROPOSED ANNUAL BUDGET | COMMITMENTS | COMMENT       |
|--|------------------------|---------------------|-----------------------|---------------------|------------------------|------------|------------------------------------|-------------|---------------|
| WTS FRONT LIFT BINS                              | 50                     | 0                   | 50                    | 0                   | 50                     | 0          | 0%                                 | 50          | Procurement   |
| HOOKLIFT BINS                                    | 115                    | 0                   | 115                   | 0                   | 115                    | 16         | 14%                                | 10          | Design        |
| DRAINAGE CAPITAL IMPROVEMENTS                    | 48                     | (48)                | (0)                   | 0                   | (0)                    | 0          | 0%                                 | 0           | Budget only   |
| CAUSEWAY IMPROVEMENTS                            | 62                     | 0                   | 62                    | 0                   | 62                     | 13         | 21%                                | 0           | Budget only   |
| RIFLE RANGE ROAD CULVERT UPGRADE                 | 0                      | 32                  | 32                    | 0                   | 32                     | 32         | 101%                               | 0           | Complete      |
| MUDGEES RACECOURSE DRAINAGE UPGRADE              | 0                      | 26                  | 26                    | 0                   | 26                     | 3          | 12%                                | 18          | Construction  |
| BENT STREET DRAINAGE IMPROVEMENTS                | 80                     | 0                   | 80                    | 0                   | 80                     | 0          | 0%                                 | 0           | Project Scope |
| LAWSON PARK WEST PIPE EXTENSION                  | 52                     | 0                   | 52                    | 0                   | 52                     | 1          | 2%                                 | 14          | Initial works |
| MUDGEES FLOOD STUDY & FLOODPLAIN MANAGEMENT PLAN | 82                     | 0                   | 82                    | 0                   | 82                     | 0          | 0%                                 | 0           | Consultation  |
| BOMBIRA AVE DRAINAGE IMPROVEMENTS                | 35                     | 0                   | 35                    | 0                   | 35                     | 0          | 0%                                 | 0           | Project Scope |
| DUNN STREET KANDOS DRAINAGE IMPROVEMENTS         | 10                     | 0                   | 10                    | 0                   | 10                     | 0          | 0%                                 | 0           | Procurement   |
| COURT STREET DRAINAGE IMPROVEMENTS               | 10                     | 0                   | 10                    | 0                   | 10                     | 0          | 0%                                 | 0           | Project Scope |
| PUTTA BUCCA WETLANDS CAPITAL                     | 16                     | 22                  | 38                    | 0                   | 38                     | 1          | 2%                                 | 1           | Procurement   |
| PUTTA BUCCA WETLANDS EXTENSION                   | 0                      | 92                  | 92                    | 0                   | 92                     | 0          | 0%                                 | 0           | Procurement   |
| ROADSIDE HABITAT CREATION                        | 0                      | 38                  | 38                    | 0                   | 38                     | 0          | 0%                                 | 0           | Procurement   |
| WATER NEW CONNECTIONS                            | 76                     | 0                   | 76                    | 0                   | 76                     | 22         | 29%                                | 0           | Construction  |
| WATER AUGMENTATION - MUDGEES HEADWORKS           | 1,332                  | 0                   | 1,332                 | 0                   | 1,332                  | 0          | 0%                                 | 0           | Project Scope |
| WATER AUGMENTATION - ULAN RD EXTENSION           | 1,574                  | 10                  | 1,584                 | 0                   | 1,584                  | 0          | 0%                                 | 38          | Procurement   |
| WATER RYLSTONE DAM UPGRADE                       | 5,800                  | 52                  | 5,852                 | 0                   | 5,852                  | 0          | 0%                                 | 157         | Design        |
| WATER TELEMTRY                                   | 20                     | 0                   | 20                    | 0                   | 20                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - CAPITAL BUDGET ONLY                | 850                    | (847)               | 3                     | 0                   | 3                      | 0          | 0%                                 | 0           | Budget only   |
| WATER MAINS - LYNNE ST GULGONG                   | 0                      | 5                   | 5                     | 0                   | 5                      | 5          | 97%                                | 0           | Complete      |
| WATER MAINS - ANGUS AVE KANDOS                   | 0                      | 15                  | 15                    | 0                   | 15                     | 4          | 25%                                | 0           | Construction  |
| WATER MAINS - MEDLEY STREET                      | 0                      | 94                  | 94                    | 0                   | 94                     | 93         | 100%                               | 0           | Complete      |
| WATER MAINS - MORTIMER STREET                    | 0                      | 72                  | 72                    | 0                   | 72                     | 71         | 99%                                | 0           | Complete      |
| WATER MAINS - BELMORE STREET                     | 0                      | 54                  | 54                    | 0                   | 54                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - THIRD STREET                       | 0                      | 40                  | 40                    | 0                   | 40                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - STATION STREET                     | 0                      | 50                  | 50                    | 0                   | 50                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - COURT STREET                       | 0                      | 60                  | 60                    | 0                   | 60                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - LYNNE STREET                       | 0                      | 50                  | 50                    | 0                   | 50                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - DENISON STREET                     | 0                      | 57                  | 57                    | 0                   | 57                     | 0          | 0%                                 | 0           | Design        |
| WATER MAINS - CALDERWOOD ROAD                    | 0                      | 19                  | 19                    | 0                   | 19                     | 0          | 0%                                 | 0           | Project Scope |
| WATER MAINS - WHITE STREET                       | 0                      | 32                  | 32                    | 0                   | 32                     | 27         | 84%                                | 0           | Complete      |
| WATER MAINS - MAYNE STREET                       | 0                      | 145                 | 145                   | 0                   | 145                    | 126        | 87%                                | 1           | Complete      |
| WATER MAINS - OPORTO ROAD                        | 0                      | 34                  | 34                    | 0                   | 34                     | 2          | 6%                                 | 0           | Construction  |

| \$'000   | ORIGINAL ANNUAL BUDGET | APPROVED VARIATIONS | CURRENT ANNUAL BUDGET | PROPOSED VARIATIONS | PROPOSED ANNUAL BUDGET | ACTUAL YTD   | ACTUAL YTD/ PROPOSED ANNUAL BUDGET | COMMITMENTS | COMMENT                     |
|--|------------------------|---------------------|-----------------------|---------------------|------------------------|--------------|------------------------------------|-------------|-----------------------------|
| WATER MAINS - ROBINSON STREET                            | 0                      | 30                  | 30                    | 0                   | 30                     | 6            | 19%                                | 0           | Design                      |
| WATER MAINS - DANGAR STREET                              | 0                      | 100                 | 100                   | 0                   | 100                    | 0            | 0%                                 | 0           | Design                      |
| WATER PUMP STATION - CAPITAL RENEWALS                    | 207                    | 0                   | 207                   | 0                   | 207                    | 0            | 0%                                 | 0           | Design                      |
| RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA        | 80                     | 0                   | 80                    | 0                   | 80                     | 0            | 0%                                 | 57          | Initial works               |
| RAW WATER SYSTEMS RENEWALS                               | 16                     | 14                  | 30                    | 0                   | 30                     | 0            | 1%                                 | 0           | Final works                 |
| WATER TREATMENT PLANT - RENEWALS                         | 98                     | (84)                | 14                    | 0                   | 14                     | 0            | 0%                                 | 0           | Budget only                 |
| WATER TREATMENT PLANT - pH CORRECTION SYSTEM             | 0                      | 45                  | 45                    | 0                   | 45                     | 9            | 21%                                | 28          | Final works                 |
| ONLINE ANALYSER REPLACEMENT - M, G, R WTP (Inc Flouride) | 0                      | 25                  | 25                    | 0                   | 25                     | 15           | 60%                                | 0           | Final works                 |
| WATER METER REPLACEMENT                                  | 415                    | 0                   | 415                   | 0                   | 415                    | 0            | 0%                                 | 0           | Project Scope               |
| NEW WATER CONNECTIONS SPS                                | 0                      | 9                   | 9                     | 0                   | 9                      | 0            | 2%                                 | 0           | Initial works               |
| SEWER NEW CONNECTIONS                                    | 24                     | 0                   | 24                    | 0                   | 24                     | 5            | 23%                                | 0           | Construction                |
| SEWER AUGMENTATION - RYLSTONE & KANDOS                   | 1,295                  | 15                  | 1,310                 | 0                   | 1,310                  | 1            | 0%                                 | 0           | Consultation                |
| SEWER AUGMENTATION - MUDGEE                              | 0                      | 0                   | 0                     | 4                   | 4                      | 0            | 0%                                 | 4           | Complete, awaiting invoices |
| SEWER TELEMETRY  | 21                     | 0                   | 21                    | 0                   | 21                     | 0            | 0%                                 | 0           | Design                      |
| SEWER MAINS - CAPITAL BUDGET ONLY                        | 230                    | 0                   | 230                   | (4)                 | 226                    | 0            | 0%                                 | 0           | Budget only                 |
| SEWER MAINS RELINING                                     | 600                    | 527                 | 1,127                 | 0                   | 1,127                  | 662          | 59%                                | 429         | Complete, awaiting invoices |
| SEWER MAINS - BELLEVUE TO RIFLE RANGE ROAD               | 0                      | 47                  | 47                    | 0                   | 47                     | 0            | 0%                                 | 0           | Complete, awaiting invoices |
| SEWER PUMP STATION - CAPITAL RENEWALS                    | 69                     | (3)                 | 66                    | 0                   | 66                     | 0            | 1%                                 | 0           | Project Scope               |
| SEWER PUMP STATION - CAERLEON                            | 30                     | 0                   | 30                    | 0                   | 30                     | 0            | 0%                                 | 0           | Design                      |
| SEWER TREATMENT WORKS - RENEWALS                         | 46                     | (46)                | 0                     | 0                   | 0                      | 0            | 0%                                 | 0           | Budget only                 |
| STW - RSTP DISINFECTION SYSTEM                           | 0                      | 36                  | 36                    | 0                   | 36                     | 22           | 60%                                | 8           | Construction                |
| STW - KSTP DISINFECTION SYSTEM                           | 0                      | 21                  | 21                    | 0                   | 21                     | 9            | 43%                                | 6           | Construction                |
| MUDGEE STP SLUDGE MIXER                                  | 0                      | 23                  | 23                    | 0                   | 23                     | 0            | 0%                                 | 0           | Design                      |
| <b>Total</b>   | <b>16,100</b>          | <b>862</b>          | <b>16,962</b>         | <b>0</b>            | <b>16,962</b>          | <b>1,155</b> | <b>7%</b>                          | <b>822</b>  |                             |

### Building a Strong Local Economy

|  |              |           |              |          |              |            |           |            |               |
|--|--------------|-----------|--------------|----------|--------------|------------|-----------|------------|---------------|
| CUDGEGONG WATERS CARAVAN PARK PLAYGROUND UPGRADE | 124          | 0         | 124          | 0        | 124          | 4          | 3%        | 0          | Construction  |
| CUDGEGONG WATERS CARAVAN PARK                    | 210          | 62        | 272          | 0        | 272          | 140        | 52%       | 56         | Construction  |
| SALEYARDS - POST AND RAIL REPLACEMENT            | 10           | 0         | 10           | 0        | 10           | 0          | 0%        | 0          | Consultation  |
| PROPERTY - EX SALEYARDS STAGE I                  | 390          | 0         | 390          | 0        | 390          | 2          | 0%        | 0          | Design        |
| PROPERTY - MORTIMER ST PRECINCT                  | 0            | 18        | 18           | 0        | 18           | 18         | 100%      | 0          | Complete      |
| PROPERTY - DEVELOPMENT MORTIMER ST               | 4,820        | 0         | 4,820        | 0        | 4,820        | 0          | 0%        | 56         | Project Scope |
| RYLSTONE KANDOS PRESCHOOL EXTENSION              | 160          | 0         | 160          | 0        | 160          | 1          | 0%        | 0          | Consultation  |
| <b>Total</b>                                     | <b>5,714</b> | <b>80</b> | <b>5,793</b> | <b>0</b> | <b>5,793</b> | <b>164</b> | <b>3%</b> | <b>112</b> |               |

|   | ORIGINAL ANNUAL BUDGET | APPROVED VARIATIONS | CURRENT ANNUAL BUDGET | PROPOSED VARIATIONS | PROPOSED ANNUAL BUDGET | ACTUAL YTD | ACTUAL YTD/<br>PROPOSED ANNUAL BUDGET | COMMITMENTS | COMMENT                     |
|---|------------------------|---------------------|-----------------------|---------------------|------------------------|------------|---------------------------------------|-------------|-----------------------------|
| Connecting our Region                                 |                        |                     |                       |                     |                        |            |                                       |             |                             |
| URBAN RESEAL - COURT STREET SEG 30 TO 40              | 12                     | 0                   | 12                    | 0                   | 12                     | 0          | 0%                                    | 11          | Design                      |
| URBAN RESEAL - DEWHURST DRIVE SEG 30 TO 60            | 27                     | 0                   | 27                    | 0                   | 27                     | 0          | 0%                                    | 24          | Design                      |
| URBAN RESEAL - FLEMING STREET SEG 10 TO 50            | 45                     | 0                   | 45                    | 0                   | 45                     | 2          | 6%                                    | 41          | Design                      |
| URBAN RESEAL - LLOYD AVENUE SEG 10 TO 20              | 6                      | 0                   | 6                     | 0                   | 6                      | 1          | 10%                                   | 6           | Design                      |
| URBAN RESEAL - LOVEJOY STREET SEG 10                  | 22                     | 0                   | 22                    | 0                   | 22                     | 0          | 0%                                    | 20          | Design                      |
| URBAN RESEAL - LOWANA CLOSE SEG 10                    | 7                      | 0                   | 7                     | 0                   | 7                      | 0          | 0%                                    | 7           | Design                      |
| URBAN RESEAL - LYNNE STREET SEG 30 TO 80              | 24                     | 0                   | 24                    | 0                   | 24                     | 0          | 0%                                    | 22          | Design                      |
| URBAN RESEAL - LYNWOOD AVENUE SEG 10 TO 20            | 7                      | 0                   | 7                     | 0                   | 7                      | 0          | 0%                                    | 6           | Design                      |
| URBAN RESEAL - MADEIRA ROAD SEG 45 TO 50              | 10                     | 0                   | 10                    | 0                   | 10                     | 0          | 3%                                    | 10          | Design                      |
| URBAN RESEAL - MCDONALD STREET SEG 60                 | 3                      | 0                   | 3                     | 0                   | 3                      | 0          | 11%                                   | 3           | Design                      |
| URBAN RESEAL - MEDLEY STREET SEG 20 TO 70, 110 TO 140 | 26                     | 0                   | 26                    | 0                   | 26                     | 0          | 0%                                    | 23          | Design                      |
| URBAN RESEAL - MORTIMER STREET SEG 130 TO 140         | 26                     | 0                   | 26                    | 0                   | 26                     | 0          | 0%                                    | 24          | Design                      |
| URBAN RESEAL - PERRY STREET SEG 70                    | 6                      | 0                   | 6                     | 0                   | 6                      | 0          | 0%                                    | 5           | Design                      |
| URBAN RESEAL - RIFLE RANGE ROAD SEG 10 TO 20          | 15                     | 0                   | 15                    | 0                   | 15                     | 0          | 1%                                    | 14          | Design                      |
| URBAN RESEAL - STATION STREET SEG 10 TO 20            | 12                     | 0                   | 12                    | 0                   | 12                     | 0          | 0%                                    | 11          | Design                      |
| URBAN RESEAL - THIRD STREET SEG 10 TO 40              | 9                      | 0                   | 9                     | 0                   | 9                      | 0          | 0%                                    | 8           | Design                      |
| URBAN RESEAL - WHITE CRESCENT SEG 10 TO 20            | 8                      | 0                   | 8                     | 0                   | 8                      | 0          | 0%                                    | 7           | Design                      |
| URBAN RESEAL - MASON STREET SEG 10 TO 30              | 8                      | 0                   | 8                     | 0                   | 8                      | 0          | 0%                                    | 7           | Design                      |
| URBAN RESEAL - BELMORE STREET SEG 30 TO 40            | 13                     | 0                   | 13                    | 0                   | 13                     | 0          | 0%                                    | 12          | Design                      |
| URBAN RESEAL - DENISON STREET SEG 140 TO 190          | 20                     | 0                   | 20                    | 0                   | 20                     | 0          | 0%                                    | 18          | Design                      |
| URBAN RESEAL - MELTON ROAD SEG 10 TO 20               | 8                      | 0                   | 8                     | 0                   | 8                      | 0          | 0%                                    | 7           | Design                      |
| URBAN RESEAL - COX STREET SEG 30 TO 70                | 59                     | 0                   | 59                    | 0                   | 59                     | 0          | 0%                                    | 53          | Design                      |
| URBAN ROADS KERB & GUTTER CAPITAL                     | 24                     | 0                   | 24                    | 0                   | 24                     | 21         | 87%                                   | 0           | Construction                |
| URBAN REHAB - ANGUS AVENUE KANDOS                     | 453                    | 0                   | 453                   | 0                   | 453                    | 0          | 0%                                    | 0           | Procurement                 |
| URBAN REHAB - CAIRO STREET SEG 10                     | 60                     | 0                   | 60                    | 0                   | 60                     | 0          | 0%                                    | 0           | Project Scope               |
| URBAN HEAVY PATCHING                                  | 142                    | 0                   | 142                   | 0                   | 142                    | 0          | 0%                                    | 0           | Project Scope               |
| URBAN REHAB - LEWIS STREET SEG 50 TO 60               | 94                     | 0                   | 94                    | 0                   | 94                     | 0          | 0%                                    | 0           | Project Scope               |
| URBAN REHAB - INGLIS STREET SEG 20 TO 30              | 135                    | 0                   | 135                   | 0                   | 135                    | 2          | 1%                                    | 0           | Project Scope               |
| URBAN REHAB - WHITE STREET SEG 30 TO 40               | 49                     | 0                   | 49                    | 0                   | 49                     | 8          | 17%                                   | 0           | Complete, awaiting invoices |
| URBAN REHAB - LIONS DRIVE SEG 10 TO 20                | 251                    | 0                   | 251                   | 0                   | 251                    | 40         | 16%                                   | 6           | Complete, awaiting invoices |
| RESHEETING - URBAN ROADS                              | 15                     | 0                   | 15                    | 0                   | 15                     | 0          | 0%                                    | 0           | Project Scope               |
| FAIRYDALE LANE LAND MATTERS CAPITAL                   | 0                      | 0                   | 0                     | 0                   | 0                      | 10         | 0%                                    | 0           | Final works                 |
| URBAN ROADS LAND MATTERS CAPITAL                      | 22                     | 0                   | 22                    | 0                   | 22                     | 0          | 0%                                    | 0           | Initial works               |
| RURAL RESEAL - YARRABIN RD SEG 20, 30, 40             | 43                     | 0                   | 43                    | 0                   | 43                     | 25         | 60%                                   | 39          | Final works                 |

| \$'000  | ORIGINAL ANNUAL BUDGET | APPROVED VARIATIONS | CURRENT ANNUAL BUDGET | PROPOSED VARIATIONS | PROPOSED ANNUAL BUDGET | ACTUAL YTD | ACTUAL YTD/<br>PROPOSED ANNUAL BUDGET | COMMITMENTS | COMMENT                     |
|---|------------------------|---------------------|-----------------------|---------------------|------------------------|------------|---------------------------------------|-------------|-----------------------------|
| RURAL RESEAL - LAHEYS CREEK RD SEG 40, 50       | 70                     | 0                   | 70                    | 0                   | 70                     | 10         | 15%                                   | 63          | Construction                |
| RURAL RESEAL - LUE ROAD SEG 280, 345, 110       | 110                    | 0                   | 110                   | 0                   | 110                    | 0          | 0%                                    | 248         | Initial works               |
| RURAL RESEAL - WILBERTREE ROAD SEG 10 TO 80     | 165                    | 0                   | 165                   | 0                   | 165                    | 32         | 19%                                   | 0           | Initial works               |
| RURAL RESEAL - NARRANGO ROAD SEG 60             | 29                     | 0                   | 29                    | 0                   | 29                     | 0          | 0%                                    | 33          | Complete, awaiting invoices |
| RURAL RESEAL - HENRY LAWSON DRIVE SEG 170       | 18                     | 0                   | 18                    | 0                   | 18                     | 0          | 0%                                    | 0           | Design                      |
| RURAL RESEAL - TINJA LANE SEG 50 TO 60          | 25                     | 0                   | 25                    | 0                   | 25                     | 0          | 0%                                    | 0           | Complete, awaiting invoices |
| RURAL RESEAL - YARRABIN ROAD SEG 100 TO 160     | 252                    | 0                   | 252                   | 0                   | 252                    | 32         | 13%                                   | 228         | Final works                 |
| RURAL RESEAL - GOREE LANE SEG 1                 | 54                     | 0                   | 54                    | 0                   | 54                     | 7          | 13%                                   | 49          | Complete, awaiting invoices |
| RURAL RESEAL - ILFORD HALL ROAD SEG 10          | 35                     | 0                   | 35                    | 0                   | 35                     | 15         | 42%                                   | 32          | Design                      |
| RURAL RESEAL - SPRING RIDGE RD SEG 130 - 180    | 218                    | 0                   | 218                   | 0                   | 218                    | 11         | 5%                                    | 202         | Design                      |
| RURAL REHAB - CUDGEGONG RD SEG 60 TO 70         | 597                    | 0                   | 597                   | 0                   | 597                    | 140        | 23%                                   | 132         | Construction                |
| RURAL REHAB - LUE ROAD SEG 170                  | 280                    | 0                   | 280                   | 0                   | 280                    | 0          | 0%                                    | 2           | Project Scope               |
| REALIGNMENT - ULAN WOLLAR RD                    | 0                      | 0                   | 0                     | 229                 | 229                    | 0          | 0%                                    | 0           | Consultation                |
| HEAVY PATCHING                                  | 109                    | 0                   | 109                   | 0                   | 109                    | 0          | 0%                                    | 0           | Project Scope               |
| CUDGEGONG ROAD GUARDRAIL                        | 100                    | 0                   | 100                   | 0                   | 100                    | 0          | 0%                                    | 0           | Procurement                 |
| FUTURE YRS REFS - BUDGET ONLY                   | 6                      | 0                   | 6                     | 0                   | 6                      | 0          | 0%                                    | 0           | Budget only                 |
| RURAL SEALED ROAD LAND MATTERS                  | 27                     | 0                   | 27                    | 0                   | 27                     | 2          | 9%                                    | 0           | Initial works               |
| RURAL SEALED REGIONAL ROAD REPAIR PROGRAM       | 0                      | 17                  | 17                    | 0                   | 17                     | 18         | 102%                                  | 0           | Complete                    |
| BLACKSPOT HILL END ROAD                         | 0                      | 356                 | 356                   | 0                   | 356                    | 344        | 97%                                   | 12          | Complete                    |
| REHAB HILL END ROAD SEG 2080                    | 215                    | 0                   | 215                   | 0                   | 215                    | 1          | 0%                                    | 41          | Design                      |
| RESEAL HILL END ROAD SEG 2260 TO 2300           | 210                    | 72                  | 282                   | 0                   | 282                    | 0          | 0%                                    | 100         | Construction                |
| REHAB BYLONG VALLEY WAY SEG 1040 TO 1045        | 518                    | 0                   | 518                   | 0                   | 518                    | 1          | 0%                                    | 0           | Project Scope               |
| REG RESEALS - BYLONG VALLEY WAY RESEAL SEG 1095 | 0                      | 90                  | 90                    | 0                   | 90                     | 94         | 104%                                  | 0           | Complete                    |
| RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL | 5                      | 0                   | 5                     | 0                   | 5                      | 0          | 0%                                    | 0           | Initial works               |
| TRIANGLE ROAD ACCESS                            | 435                    | 15                  | 450                   | 0                   | 450                    | 357        | 79%                                   | 51          | Final works                 |
| BLACK LEAD LANE CONSTRUCTION                    | 0                      | 10                  | 10                    | 0                   | 10                     | 0          | 0%                                    | 0           | Project Scope               |
| SEAL EXTENSION - QUARRY LANE                    | 90                     | 0                   | 90                    | 0                   | 90                     | 8          | 9%                                    | 12          | Design                      |
| SEAL EXTENSION - OAKLANDS ROAD                  | 0                      | 24                  | 24                    | 0                   | 24                     | 0          | 0%                                    | 0           | Design                      |
| RESHEETING                                      | 1,039                  | 0                   | 1,039                 | 0                   | 1,039                  | 487        | 47%                                   | 0           | Construction                |
| REALIGNMENT MALONEYS ROAD                       | 60                     | 0                   | 60                    | 0                   | 60                     | 0          | 0%                                    | 0           | Project Scope               |
| UNSEALED ROADS LAND MATTERS CAPITAL             | 16                     | 0                   | 16                    | 0                   | 16                     | 0          | 0%                                    | 0           | Initial works               |
| SEAL EXTENSION - WOLLAR ROAD                    | 9,480                  | 508                 | 9,988                 | 0                   | 9,988                  | 1,774      | 18%                                   | 4,065       | Construction                |
| CURRANS CUTTING - WOLLAR RD SEAL EXTENSION      | 0                      | 565                 | 565                   | 0                   | 565                    | 591        | 105%                                  | 79          | Final works                 |
| HENRY LAWSON DRIVE BRIDGE                       | 970                    | 0                   | 970                   | 0                   | 970                    | 2          | 0%                                    | 6           | Procurement                 |
| GOODIMAN CREEK BRIDGE REPLACEMENT               | 0                      | 622                 | 622                   | 0                   | 622                    | 7          | 1%                                    | 0           | Project Scope               |





**MID-WESTERN REGIONAL COUNCIL**  
PO BOX 156  
MUDGEE NSW 2850  
  
86 Market Street MUDGEE  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE  
  
Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815  
email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)  
  
[www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

## 9.5 Monthly Statement of Investment and Bank Balances as at 30 November 2017

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, FIN300053

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 30 November 2017; and
2. note the certification of the Responsible Accounting Officer.

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### Executive summary

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

### Disclosure of Interest

Nil

### Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 30 November 2017.

### Community Plan implications

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

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

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

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### Strategic implications

#### Council Strategies

Not applicable.

#### Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

**Legislation**

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

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

**Financial implications**

Not applicable.

**Associated Risks**

There are inherent risks in investing funds across different platforms, which have the possibility of impacting Council investments. However, the parameters of the Investment Policy have been developed to reduce risk, as much as possible, and are designed to heavily protect capital investment. The higher risk items are that return on investment will not be as high as anticipated, or in very bad economic environments (e.g. Global Financial Crisis) there may be no return on investment – this risk is unlikely, and monthly reporting to Council helps to mitigate investment risk by providing a probity process.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

28 November 2017

*Attachments:* 1. Investment and Cash Balances 30 November 2017.

**APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER

**Investment Register as at 30 November 2017**

| Bank Account         | Opening Balance | Receipts   | Payments   | Closing Balance | Overdraft Limit |
|----------------------|-----------------|------------|------------|-----------------|-----------------|
| NAB (Cheque Account) | 28,572          | 19,725,034 | 19,573,817 | 179,789         | 700,000         |

The bank balances have been reconciled to the General Ledger as at 30/11/2017

| Investments             | Type         | Amount \$'000 | Yield % | Maturity Date | Term    | Long Term Rating |
|-------------------------|--------------|---------------|---------|---------------|---------|------------------|
| National Australia Bank | At Call      | 3,027         | 1.90%   | NA            | At Call | AA-              |
| National Australia Bank | Term Deposit | 1,600         | 2.55%   | 21/03/2018    | 259     | AA-              |
| National Australia Bank | Term Deposit | 3,000         | 2.66%   | 26/09/2018    | 370     | AA-              |
| National Australia Bank | Term Deposit | 1,800         | 2.57%   | 5/09/2018     | 322     | AA-              |
| National Australia Bank | Term Deposit | 1,500         | 2.54%   | 14/11/2018    | 350     | AA-              |
| St George Bank          | Term Deposit | 1,800         | 2.65%   | 13/12/2017    | 238     | AA-              |
| St George Bank          | Term Deposit | 2,500         | 2.60%   | 24/01/2018    | 238     | AA-              |
| St George Bank          | Term Deposit | 1,000         | 2.65%   | 30/05/2018    | 364     | AA-              |
| St George Bank          | Term Deposit | 2,500         | 2.60%   | 21/02/2018    | 259     | AA-              |
| St George Bank          | Term Deposit | 2,500         | 2.60%   | 28/03/2018    | 292     | AA-              |
| St George Bank          | Term Deposit | 1,500         | 2.60%   | 7/02/2018     | 238     | AA-              |
| St George Bank          | Term Deposit | 1,500         | 2.55%   | 7/03/2018     | 252     | AA-              |
| St George Bank          | Term Deposit | 1,000         | 2.61%   | 11/07/2018    | 364     | AA-              |
| St George Bank          | Term Deposit | 1,600         | 2.60%   | 18/04/2018    | 259     | AA-              |
| St George Bank          | Term Deposit | 1,000         | 2.61%   | 2/05/2018     | 259     | AA-              |
| St George Bank          | Term Deposit | 1,300         | 2.60%   | 3/10/2018     | 322     | AA-              |
| Bankwest                | Term Deposit | 1,500         | 2.55%   | 20/12/2017    | 217     | AA-              |
| Bankwest                | Term Deposit | 1,700         | 2.55%   | 10/01/2018    | 238     | AA-              |
| CBA                     | Term Deposit | 2,000         | 2.55%   | 24/04/2018    | 300     | AA-              |
| CBA                     | Term Deposit | 1,500         | 2.55%   | 4/04/2018     | 247     | AA-              |
| CBA                     | Term Deposit | 2,000         | 2.58%   | 25/07/2018    | 359     | AA-              |

| Investments                     | Type         | Amount<br>\$'000 | Yield % | Maturity Date | Term | Long Term Rating |
|---------------------------------|--------------|------------------|---------|---------------|------|------------------|
| CBA                             | Term Deposit | 1,500            | 2.57%   | 16/05/2018    | 266  | AA-              |
| CBA                             | Term Deposit | 1,500            | 2.65%   | 16/05/2018    | 259  | AA-              |
| CBA                             | Term Deposit | 1,700            | 2.65%   | 13/06/2018    | 287  | AA-              |
| CBA                             | Term Deposit | 2,500            | 2.60%   | 27/06/2018    | 293  | AA-              |
| CBA                             | Term Deposit | 1,000            | 2.61%   | 11/07/2018    | 307  | AA-              |
| CBA                             | Term Deposit | 1,000            | 2.61%   | 29/08/2018    | 356  | AA-              |
| CBA                             | Term Deposit | 1,000            | 2.63%   | 8/08/2018     | 314  | AA-              |
| AMP                             | Term Deposit | 1,000            | 2.75%   | 20/12/2017    | 280  | A                |
| AMP                             | Term Deposit | 1,000            | 2.60%   | 26/04/2018    | 269  | A                |
| AMP                             | Term Deposit | 1,000            | 2.60%   | 2/05/2018     | 266  | A                |
| ING Bank                        | Term Deposit | 1,000            | 2.65%   | 30/05/2018    | 357  | A                |
| ING Bank                        | Term Deposit | 1,000            | 2.92%   | 2/10/2019     | 720  | A                |
| Bank of Queensland              | Term Deposit | 1,300            | 2.60%   | 22/08/2018    | 315  | BBB+             |
| Bank of Queensland              | Term Deposit | 1,000            | 2.60%   | 8/08/2018     | 287  | BBB+             |
| Bendigo & Adelaide Bank         | Term Deposit | 1,300            | 2.65%   | 31/10/2018    | 364  | BBB+             |
| Bank Australia                  | Term Deposit | 1,000            | 2.80%   | 25/07/2018    | 322  | BBB              |
| Credit Union Australia          | Term Deposit | 1,000            | 2.60%   | 31/10/2018    | 343  | BBB              |
| Defence Bank                    | Term Deposit | 1,500            | 2.65%   | 19/09/2018    | 322  | BBB              |
| Members Equity Bank             | Term Deposit | 2,000            | 2.56%   | 17/10/2018    | 329  | BBB              |
| TCorp - Medium Term Growth Fund | Managed Fund | 4,032            |         |               |      | TCorp (Unrated)  |
| TCorp - Cash Fund               | Managed Fund | 1,672            |         |               |      | TCorp (Unrated)  |
| <b>Total Investments</b>        |              | <b>67,832</b>    |         |               |      |                  |

Limit Compliance as at 30 November 2017

| Investments by Institution      | Long Term Rating | Amount \$'000 | % of Portfolio |              |
|---------------------------------|------------------|---------------|----------------|--------------|
|                                 |                  |               | Actual         | Policy Limit |
| National Australia Bank         | AA-              | 10,927        | 16%            | 30%          |
| Bankwest                        | AA-              | 3,200         | 5%             | 30%          |
| St George Bank                  | AA-              | 18,200        | 27%            | 30%          |
| CBA                             | AA-              | 15,700        | 23%            | 30%          |
| AMP                             | A                | 3,000         | 4%             | 15%          |
| ING Bank                        | A                | 2,000         | 3%             | 15%          |
| Bank of Queensland              | BBB+             | 2,300         | 3%             | 5%           |
| Bendigo & Adelaide Bank         | BBB+             | 1,300         | 2%             | 5%           |
| Bank Australia                  | BBB              | 1,000         | 1%             | 5%           |
| Credit Union Australia          | BBB              | 1,000         | 1%             | 5%           |
| Defence Bank                    | BBB              | 1,500         | 2%             | 5%           |
| Members Equity Bank             | BBB              | 2,000         | 3%             | 5%           |
| TCorp - Medium Term Growth Fund | TCorp (Unrated)  | 4,032         | 6%             | 15%          |
| TCorp - Cash Fund               | TCorp (Unrated)  | 1,672         | 2%             | 15%          |
|                                 |                  | <b>67,832</b> | <b>100%</b>    |              |

| Investments by S&P Rating | Long Term Rating | Amount \$'000 | % of Portfolio |              |
|---------------------------|------------------|---------------|----------------|--------------|
|                           |                  |               | Actual         | Policy Limit |
|                           | AAA to AA-       | 48,027        | 71%            | 100%         |
|                           | A+ to A-         | 5,000         | 7%             | 40%          |
|                           | BBB+ to BBB-     | 9,100         | 13%            | 20%          |
|                           | TCorp (Unrated)  | 5,704         | 8%             | 15%          |
|                           | Unrated          | -             | 0%             | \$ 250,000   |
|                           |                  | <b>67,832</b> | <b>100%</b>    |              |

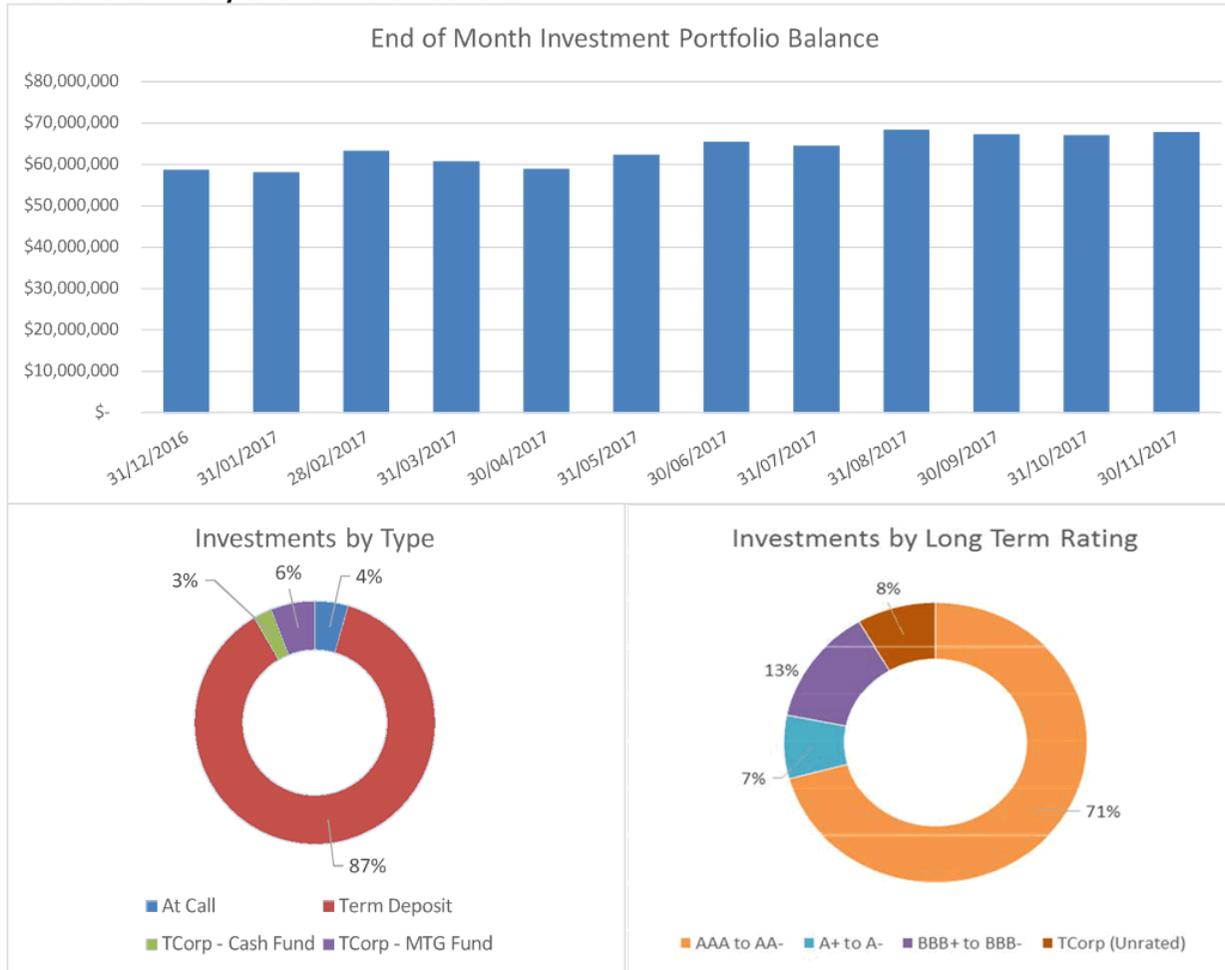
| Term to Maturity            | Amount<br>\$'000 | Actual      | % of Portfolio       |                       |
|-----------------------------|------------------|-------------|----------------------|-----------------------|
|                             |                  |             | Cumulative<br>Actual | Cumulative<br>Minimum |
| Less than 3 months          | 21,232           | 31%         | 31%                  | 20%                   |
| Between 3 months and 1 year | 45,600           | 67%         | 99%                  | 40%                   |
| Between 1 year and 2 years  | 1,000            | 1%          | 100%                 | 50%                   |
| Between 2 years and 4 years | -                | 0%          | 100%                 | 85%                   |
| More than 5 years           | -                | 0%          | 100%                 | 0%                    |
|                             | <b>67,832</b>    | <b>100%</b> |                      |                       |

#### Monthly Investment Portfolio Activity

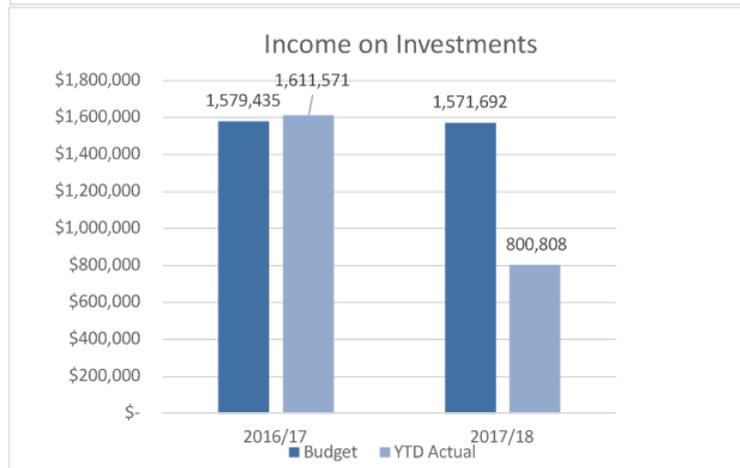
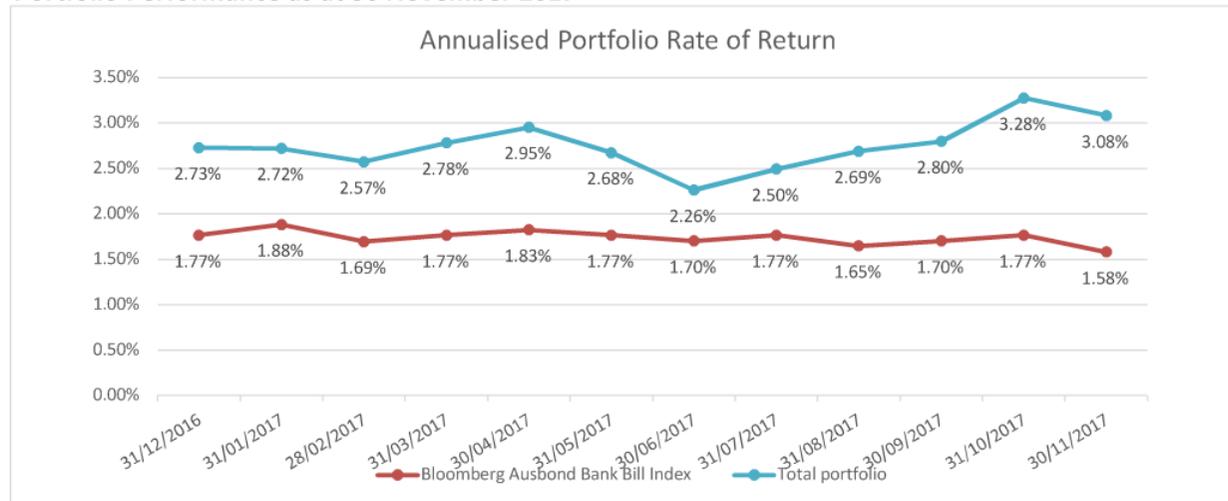
The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

| Bank Accounts                   | Opening Balance<br>\$'000 | Redeemed<br>Balance<br>\$'000 | Re-invested<br>Balance<br>\$'000 | Change in<br>interest rate | Change in<br>Term (days) | New Term Rate |
|---------------------------------|---------------------------|-------------------------------|----------------------------------|----------------------------|--------------------------|---------------|
| NAB (At call account)           | 3,258                     |                               | 3,027                            |                            |                          |               |
| TCorp - Cash Fund               | 1,670                     |                               | 1,672                            |                            |                          |               |
| TCorp - Medium Term Growth Fund | 3,995                     |                               | 4,032                            |                            |                          |               |
| ING Bank                        | 1,200                     | 1,200                         |                                  |                            |                          |               |
| Bendigo & Adelaide Bank         | 1,000                     |                               | 1,300                            | -0.15%                     | -                        | 2.65%         |
| Defence Bank                    |                           |                               | 1,500                            | New Deposit                |                          | 2.65%         |
| St George                       | 1,300                     |                               | 1,300                            | -0.05%                     | 105                      | 2.60%         |
| Members Equity Bank             | 2,000                     |                               | 2,000                            | -0.09%                     | 119                      | 2.56%         |
| Credit Union Australia          |                           |                               | 1,000                            | New Deposit                |                          | 2.60%         |
| AMP                             | 1,000                     | 1,000                         |                                  | Redeemed                   |                          |               |
| Beyond Bank                     | 1,200                     | 1,200                         |                                  | Redeemed                   |                          |               |
| National Australia Bank         |                           |                               | 1,500                            | New Deposit                |                          | 2.54%         |
|                                 | <b>16,622</b>             |                               | <b>17,332</b>                    |                            |                          |               |
| Investment Portfolio Movement   |                           |                               | <b>710</b>                       | Addition                   |                          |               |

**Portfolio Summary as at 30 November 2017**



**Portfolio Performance as at 30 November 2017**



## Item 10: Operations

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### 10.1 Purchase of Land for Road Dedication - Mudgee Sewerage Augmentation

REPORT BY THE MANAGER, WATER AND SEWER  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, F0740001

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager, Water and Sewer on the Purchase of Land for Road Dedication - Mudgee Sewerage Augmentation;**
2. **dedicate part of allotment Lots 1 & 2 DP 741740, having an area of 871 m<sup>2</sup> and as shown on Attachment 1 to this Report, as public road pursuant to Section 9 Roads Act 1993;**
3. **authorise the General Manager to sign all documents necessary in relation to the dedication of that part of allotment Lot 1 & 2 DP 741740 as shown on Attachment 1 to this Report, as public road;**
4. **authorises the affixing of the Common Seal to all documents necessary in relation to the dedication of that part of allotment Lot 1 & Lot 2 DP 741740 as shown on Attachment 1 to this Report, as public road; and**
5. **note the previous payment of \$4000.00 as compensation to property owner of 62 Putta Bucca Road Mudgee for the purchase of part of allotment part Lot 1 & 2 DP 741740, having an area of 871 m<sup>2</sup> and as shown on Attachment 1 to this Report.**
6. **approve the release of existing easement for rising main burdening Lots 1 & 2 DP 741740; and**
7. **approve the creation of an easement for overhead powerlines 15 wide over Lots 1 & 2 DP 741740**

---

#### Executive summary

The purpose of this report is administrative, seeking to finalise land acquisition and easement release in relation to Putta Bucca Sewage Pumping Station, constructed as part of the Mudgee Sewerage Augmentation project.

#### Disclosure of Interest

Nil

## Detailed report

The Mudgee Sewerage Augmentation project included purchase of land for construction of facilities and easement acquisitions associated with construction of an ongoing operation and maintenance of pipelines and power supply. The land matters were negotiated with relevant property owners in the early 2000's, prior to commencement of construction of the Mudgee Sewerage Augmentation. Construction works for Mudgee Sewerage Augmentation were undertaken between 2010 and 2014. All property owners impacted by the works have received compensation as previously negotiated and agreed, with the exception of the property owner of Lot 1 and 2 of DP 741740, who has received the agreed monetary compensation, however the agreed release of an easement burdening Lots 1 and 2 of DP 741740 for a rising main no longer in use has not yet been finalised.

The plans and Section 88B instrument for land acquisition and release of easements associated with the construction of Putta Bucca Sewage Pump Station and associated power supply works were prepared in 2012. Progression of the land matters has since been stalled awaiting authorisation from NSW Public Works regarding an easement initially created for the purpose of Public Works infrastructure to be extinguished.

NSW Public Works have recently confirmed (August 2017) that the easement in question has been previously vested in Council, allowing the land acquisition and easement release to progress including confirmation of Council's endorsement to proceed with land acquisition and easement release required for Putta Bucca Sewage Pump Station.

Council staff have been unable to locate previous relevant Council or Committee reports associated with land matters related to Putta Bucca Sewage Pump Station construction to enable progress with registration of the attached plan.

It is recommended that Council authorise the dedication of 871m<sup>2</sup> of land from lots 1 and 2, DP 741740 as public road pursuant to Section 9 Roads Act 1993 as shown on the proposed Plan of Subdivision which is appended as Attachment 1 to this Report. The proposed Plan of Subdivision also identifies a new easement for overhead powerlines. The existing easement for sewer rising main has been removed from the Plan of Subdivision.

## Community Plan implications

|              |   |
|--------------|---|
| <b>Theme</b> | <b>Protecting Our Natural Environment</b>   |
| Goal         | Provide total water cycle management  |
| Strategy     | Maintain and manage waste water quality to meet Environmental Protection Agency standards |

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Not Applicable

### Legislation

Not Applicable

## Financial implications

There is not a current budget impact. Compensation of \$4000.00 was paid to the property owner of lots 1 and 2, DP 741740, during 2015/16 as part of the Mudgee Sewerage Augmentation project.

## Associated Risks

The recommendations of this report address a known risk to Council, being operation and maintenance of Council infrastructure on private property. Acquiring the abovementioned portion of land removes such risk.

CLAIRE CAM  
MANAGER, WATER AND SEWER

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

1 November 2017

*Attachments:* 1. Plan of Putta Bucca Sewage Pump Station.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 10.2 Asbestos Disposal Fees Waiver - Mudgee Bowling Club Site

REPORT BY THE MANAGER ENVIRONMENTAL SERVICES  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, A0130036

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Environmental Services on the Asbestos Disposal Fees Wavier - Mudgee Bowling Club Site; and**
2. **decline the request from Barnson for the waiving of disposal fees for Asbestos disposal from the former Bowling Club Site.**

---

### Executive summary

Asbestos residue has been discovered on the former Bowling Club site, now owned by Council. Council purchased the site with a clearance certification provided by Barnson that the site had been remediated and was Asbestos free.

Council is requiring this situation to be rectified and as part of these works Barnson have requested waiving of disposal fees as part of the clean-up.

### Disclosure of Interest

Nil

### Detailed report

Prior to the Council purchasing the former Bowling Club site the vendors furnished a clearance certificate that the site had been remediated and was Asbestos free. This was required after demolition and removed of the former Bowling Club that had contained asbestos sheeting and was destroyed by fire.

Certification of the clean-up and removal of all asbestos is a normal requirement of such works so that any future purchaser or user can be assured no site contamination is still existing and use is unrestricted. It is also a legal requirement that such certification is provided.

Council relied on this clearance as part of the purchase process.

It has subsequently come to light that asbestos contamination remained on the property. Council has contacted Barnson who provided the clearance certificate regarding this issue.

Barnson have engaged an environmental scientist to determine the scope of works required to remove the subject contamination and provide another Clearance Certificate. This scope of works has determined an area approx. 15m x 15m and 300mm deep will requiring scraping and removal with disposal to an approved waste disposal facility. It has been estimated this will constitute up to 100 tonne of waste material containing asbestos.

Barnson’s representatives have subsequently contacted Council requesting the waste disposal fees for these works be waived.

The Council fees and charges for the disposal of this type of asbestos waste mixed with soil are \$320 per tonne. This equates to \$32,000 in disposal fees for the projected quantity of waste.

The additional clean up works and associated costs are not of Councils making. It relied as any prospective purchaser would have on a Professional Clearance Certificate provided certifying the site was free of asbestos contamination.

As would be the case for any purchaser, any inaccuracies in this certification and any additional works required due to these would and should be responsibility of the Vendor and or the Professionals employed by them to provide professional advice and certification.

Further the disposal of this Classification of waste utilises considerable airspace within Councils landfill, requires additional handling and preparation works and effectively “Sterilises” an area of the site from future re-use. These issues are reflected by the disposal fee.

For these reasons it is recommended the application to waive the Disposal Fees for asbestos contaminated soils be refused.

### Community Plan implications

|              |  |
|--------------|--|
| <b>Theme</b> | <b>Protecting Our Natural Environment</b>  |
| Goal         | Protect and enhance our natural environment  |
| Strategy     | Minimise the impact of mining and other development on the environment, both natural and built |

### Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

Asbestos Management Policy

Details both the removal and management of asbestos contamination

**Legislation**

- 1, Protection of the Environment Operations Act – Details asbestos removal requirements
- 2, Environmental Planning and Assessment Act – Details requirements for legal land usage

### Financial implications

If Council should choose to waive these fees this would meet the definition of financial assistance under s356 LG Act. As Barnson are a private company this would need to go out on public notice for at least 28 days before then passing a resolution at Council to approve.

### Associated Risks

If Council waive the fees it will not only represent a loss of income for landfill airspace utilized, but will also not provide income for both man hours consumed and plant time utilized in preparing a disposal area and the subsequent covering etc. Financially the waste services of council operate

on a direct cost recovery basis, as required by legislation, therefore waste disposal should not be at councils cost.

PETER COTTERILL  
MANAGER ENVIRONMENTAL SERVICES

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

27 November 2017

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 11: Community

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### 11.1 Companion Animals Policy and Annual Work Plan

REPORT BY THE MANAGER GOVERNANCE  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, LAW100018

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Governance on the Companion Animals Annual Work Plan 2017/18;**
  2. **adopt the revisions to the Companion Animals Policy and place on public exhibition; and**
  3. **note the development of the 2017/18 Companion Animals Annual Work Plan.**
- 

#### Executive summary

Councils are the responsible Authority for enforcement and compliance of the provisions of the Companion Animals Act. The adoption of a Companion Animals Policy and Annual Work Plan provides direction to the community and council staff on the application of the legislation within the region.

Attention should be given to the inclusion of the Management of Feral or Infant Animals legislative powers (s64 (2)) being applied within these changes to the Companion Animals Policy.

#### Disclosure of Interest

Nil

#### Detailed report

Councils Policy has been updated into the standard council policy template and amended by adding a section relating to the Management of Feral and Infant Animals in accordance with s64 (2) of the Act. The Policy changes have also been reflected in the Companion Animals Annual Work Plan priorities.

s64 (2) of the Companion Animals Act provides for Council Policy that is in accordance with the Office of Local Government (OLG) guidelines to direct staff to manage animals sized that maybe feral and/or infant in consultation with a veterinarian in a shorter period of time than Council is required to apply without such a policy. Please refer to page 7 of the attached marked up version of the Policy that details how Council manages feral and or infant animals that are seized.

Amendments to the policy have also been reflected in the Annual Work Plan resulting in the following priorities being established;

The 9 priorities of the Annual Work Plan are:

1. Public education and promoting responsible pet ownership
2. Public Safety – Dangerous, menacing and restricted breeds of dogs
3. Registration and identification
4. Nuisance animals and excessive barking dogs
5. Impounding animals
6. Animal Welfare
7. Management of Feral and Infant Animals.
8. Cat Management
9. Dog off leash areas

The marked up amendments to the Annual Work Plan to accommodate the policy changes are attached to the report.

## Community Plan implications

|              |  |
|--------------|--|
| <b>Theme</b> | <b>Looking After Our Community</b>   |
| Goal         | A safe and healthy community   |
| Strategy     | Work with key partners and the community to reduce crime, anti-social behaviour and improve community safety |

## Strategic implications

### **Council Strategies**

Effective animal control is an action under 1.14 of the Community Plan.

### **Council Policies**

The Companion Animals Annual Work Plan aligns with the Companion Animals Policy.

### **Legislation**

Companion Animals Act 1998

## Financial implications

Animal Control is managed within Councils 2017/18 annual budget.

## Associated Risks

The risks identified in the Animal Control Program are documented in the risk register and are regularly reviewed. (HRWHS005)

TIM JOHNSTON  
MANAGER GOVERNANCE

SIMON JONES  
DIRECTOR COMMUNITY

11 October 2017

*Attachments:* 1. Companion Animals Policy Mark Up Version.

2. Companion Animals Annual Work Plan 2017/18.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY Companion Animals

*A prosperous  
and progressive  
community*

|                              |             |           |
|------------------------------|-------------|-----------|
| ADOPTED                      | VERSION NO  | 1.0       |
| COUNCIL MEETING MIN NO 33/16 | REVIEW DATE | MAY 2017  |
| DATE: 17 FEBRUARY 2016       | FILE NUMBER | GOV400047 |

### Purpose

- ~~To ensure Midwestern Regional Council complies with the provisions of the Companion Animals Act 1998 providing for the effective and responsible care and management of companion animals~~
- ~~To recognize that companion animals form part of the Mid-Western community, contributing to the general quality of life of its residents.~~
- ~~To ensure the needs of companion animals, their owners and other citizens are managed harmoniously within the community.~~
- ~~To achieve high levels of responsible pet ownership through consultation and cohesive management within the community.~~

### Scope

~~The Companion Animals Act in NSW regulates the way animals are managed by local authorities, and includes controls over domestic dogs and cats.~~

~~Mid-Western Regional Council's Companion Animals Policy acknowledges the high levels of responsibility citizens carry in pet ownership. The Policy clearly states Council's intention to enforce the provisions of the Legislation to achieve compliance across the community.~~

~~The Policy requires the Council to develop a Companion Animals Annual Work Plan that describes the actions to be taken by Council to achieve the Policy objectives.~~

~~Council recognises the importance of having a Companion Animals Annual Work Plan for the effective management of animals in the community.~~

### Objectives

~~The Council's objectives relating to companion animals are;~~

~~The objectives of this policy are:~~

- ~~To comply with the provisions of the Companion Animals Act 1998~~
- ~~To achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community.~~
- ~~To increase the number of animals microchipped and registered, ~~TO~~to reduce the number of animals going to the pound.~~
- ~~To increase the number of impounded animals being returned to owners, sold or rehomed. ~~FROM THOSE ANIMALS BEING IMPOUNDED.~~~~
- ~~To reduce the negative impacts by companion animals in the community and the environment.~~

## POLICY: COMPANION ANIMALS | 1.0

- To ensure adequate resources and facilities for the control, impounding, management and care of companion animals are established and maintained.
- To ensure procedures for enforcement of the Act are conducted to educate animal owners and protect the broader community.
- To establish guidelines for dealing with feral and infant animals.

## Priorities

## Legislative Requirements

- Companion Animals Act 1998

## Policy Review

Mid-Western Regional Council will annually develop and make publicly available a Companion Animals Annual Work Plan that will identify the actions to be taken by Council to achieve the objectives of this policy and fulfil its responsibilities under the Companion Animals Act, 1998.

This Policy provides the strategic framework for key areas of responsibility and focus of the Companion Animals Annual Work Plan.

The priorities are;

1. Promoting responsible pet ownership
2. Public safety: dangerous and menacing dogs and restricted breeds
3. Registration and identification
4. Nuisance animals and excessive barking
5. Impounding animals
6. Animal welfare
7. Cat management
8. Dog off leash facilities

Mid-Western Regional Council's Companion Animals Policy is reviewed every 45 years or as required. The Companion Animals Annual Work Plan will be revised annually.

In reviewing the Policy and the Companion Animals Annual Work Plan, Council will invite the input of companion animal stakeholders within the community; including Veterinary Practitioners, RSPCA, NSW Police, the Guardian Newspaper and agencies that routinely access local properties e.g. Australia Post and meter readers.

### Priority 1: Promoting Responsible Pet Ownership

#### OBJECTIVES:

- Achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community

#### BACKGROUND:

Council encourages all pet owners to be responsible for their pets' actions. Owning a pet comes with responsibilities for its care and to demonstrate respect for the animal and the impact it has on the community.

Council aims to assist by education and promoting responsible pet ownership.

Council will also achieve compliance through law enforcement.

Being a responsible pet owner includes:

- Making sure the animal is properly identified and registered,
- Providing basic needs for health and welfare for the animal,
- Minimising nuisance behaviour and potential negative impacts on the environment and community,
- Keeping animals out of prohibited areas,
- For dogs, ensuring they are under the effective control of a leash, while in public.

#### COMMUNITY EDUCATION AND ENFORCEMENT:

The benefits of an extensive education program, supported by an appropriate level of law enforcement encouraging responsible community animal management, are well recognised.

The best outcome for the general community, companion animals and their owners will be achieved through a well-informed community, supporting Council's efforts to provide a sound animal management program.

Voluntary compliance is achievable through education, awareness programs, and incentives supported by law enforcement. The whole community, whether companion animal owners or not, should be involved in the process to achieve success with companion animal management. The combination of education and law enforcement will be applied to achieve the required outcomes for responsible companion animal management.

#### PROPOSED ACTIONS:

- Working with the media, schools and other Agencies promoting responsible companion animals management by increasing the Communities understanding of the negative impacts companion animals may have on the environment and in rural areas the impact on livestock from dog attacks, and;
- The adoption of a school education program to teach children how to behave around aggressive dogs.

### Priority 2: Dangerous and Menacing Dogs and Restricted Breeds

#### OBJECTIVES:

- Minimise the threat to public safety from dangerous dogs and restricted breeds.
- Reduce the number of dog attacks.
- Effectively monitor, manage and control the keeping of identified restricted breeds, declared dangerous dogs and menacing dogs.

#### BACKGROUND:

Council receives a significant number of complaints of dog attacks each year. Council aims to effectively reduce the number of dog attacks.

As well as dogs attacking humans, there is also a problem with dogs attacking other animals and particularly in rural areas, where dogs too often attack livestock. Council acknowledges the impact

## POLICY: COMPANION ANIMALS | 1.0

that such incidents have on farmers and is committed to ensuring that dog owners recognise their responsibilities to prevent such attacks.

Council recognises its obligation under the Companion Animals Act to investigate reports of aggression in dogs and to use preventative powers under the Act, to control and manage animal aggression.

Under the provisions of the Companion Animals Act, 1998 Council **will**:

- Declare a dog as dangerous or menacing under the provisions of the Companion Animals Act, if it attacks with or without provocation, or menaces a person or animal or repeatedly threatens to attack or repeatedly chases a person or animal.
- Conduct at least annual inspections of the premises where the restricted breeds and declared dangerous dogs are kept, to ensure compliance with the legislation.
- Where appropriate and suitable, take legal action to ensure the safe keeping of restricted breeds and declared dangerous dogs to ensure public safety.

## PROPOSED ACTIONS:

In order to reduce the number of animal attacks and minimise threat to public safety, Council will:

- Council will place a high priority on managing reports of animal attacks
- Rangers will promptly respond to reports of animal attack.
- Rangers will declare dogs as “dangerous” or menacing, where necessary under the Companion Animals Act.
- Ensure that owners of restricted breeds, declared “dangerous” dogs and menacing dogs comply with any specified conditions (such as keeping their dog in a childproof enclosure) as required by the Act.

## Priority 3: Registration and Identification:

## OBJECTIVES

- To encourage the permanent microchip identification of companion animals,
- To facilitate the prompt return of lost or stray companion animals to their owners,
- To provide an efficient service, for customers updating or registering details on the NSW Companion Animal Register.

## BACKGROUND

The management of companion animals is highly dependent on the animals being properly identified. Identification also leads to the ability to return animals to their owners and for the owners to be made accountable under the NSW Companion Animals Act.

Appropriate identification and registration is integral to the management of companion animals. Microchipping and registration allows lost or staying animals to be identified and returned to their owners as quickly as possible, generally avoiding the need for animals to be impounded.

Council encourages pet owners to:

- Make sure their animal is microchipped and registered and have a collar and a tag,
  - *Microchip their animal before 12 weeks of age and register by 6 months of age pursuant to the Companion Animal Act,*
- Notify Council of certain changes and events, such as changes to registration or identification information or if the animal goes missing or dies.

PROPOSED ACTIONS:

- Community education programmes to promote the benefits of microchipping and greater understanding of the 2 step identification process (1. *microchipping* 2. *Registration*),
- Conduct microchip dog days, where microchipping is offered at discounted rates.
- Encouraging companion animal owners to notify Council of changes of contact details,

Priority 4: Nuisance Animals and Barking Dogs

OBJECTIVES:

- Reduce the number of reasonable complaints received due to barking dogs, and take necessary action to reduce noise pollution.
- Develop strategies of management that reduce the incidence of nuisance animals and barking dogs.

BACKGROUND:

Council recognises that noise created by animals can be the cause of aggravation, discomfort and conflict with neighbours. Complaints about barking dogs account for a large proportion of the noise complaints received by Council.

Council aims to resolve animal noise complaints efficiently and effectively and always attempts to reach an amicable outcome for all parties involved.

Under Section 21 of the Companion Animals Act 1998, a dog is a nuisance if it:

- Is habitually at large,
- Makes a noise by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
- Repeatedly defecates on any other person's property,
- Repeatedly chases any other person, animal or vehicle,
- Endangers any other person or animal, or
- Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

PROPOSED ACTIONS:

- Rangers trained to understand animal noise behaviours/problems.
- Providing advice and work with animal owners to reduce animal noise.
- Developing education packages in relation to nuisance animals.

Priority 5: Impounding Animals

OBJECTIVES:

To reduce the number of animals impounded and increase the rate of return to owners.

- To facilitate prompt returns to owners of seized animals.
- To minimise or eliminate the number of unwanted pets having to be euthanased.
- To provide appropriate pound facilities and services for the surrender of animals.

BACKGROUND:

A large number of companion animals are impounded each year. Council aims to reduce the number of animals impounded, and increase the number returned to their owners or rehomed.

## POLICY: COMPANION ANIMALS | 1.0

Animals collected or impounded that are not properly microchipped or registered, shall be taken to Council's pound. All injured animals shall receive veterinary care to alleviate their suffering.

Council provides a service for the surrender of animals. Council aims to encourage the surrender of animals for reasons such as aggression, but does not encourage the surrender of animals where simple behaviour modification would suffice. Owners seeking the advice of companion animal's staff on behaviour modification for their pets, may be offered brief, experiential, verbal advice in good faith and with no liability attached. Animals which are surrendered for reasons of aggressive behaviour, will not be resold to the community. Such animals may be euthanased following the statutory period of impoundment.

Council has limited storage facilities for animals and overcrowding is not permitted, due to the risks which animals can pose to each other in crowded situations. Animals that are not collected or adopted are held for statutory periods, following which time elapses, animals are humanely euthanased. Council would welcome the circumstances which see every impounded animal finding a new, responsible and caring owner. Animals requiring euthanasia are listed for treatment in sequence based on the date of their initial impoundment.

## PROPOSED ACTIONS:

- Ensuring identified animals are returned as quickly as possible to their owners.
- Regularly liaising with the RSPCA about re-homing of selected animals
- Ensuring animals in the care of Council's pound are well cared for, and the euthanasia of animals where it is necessary is conducted in an ethical and humane manner in accordance with standards and codes of practice.

## Priority 6: Animal Welfare

## OBJECTIVES:

- Promote responsible pet ownership,
- Encourage companion animal owners to provide appropriate mental and physical challenges for their animal, to improve animal welfare and reduce adverse impacts on the general community.

## BACKGROUND:

Many pet problems arise from animals experiencing frustration or boredom, causing reactions such as barking, chasing and jumping up. By providing environmental enrichment such as the addition of cognitive, dietary, physical, sensory and social stimuli, physiological and psychological wellbeing can be improved.

Animal welfare is defined as providing appropriate nutrition, shelter, exercise and interaction to enhance the physical and mental wellbeing of the animal.

Council aims to work with local veterinary clinics and companion animal stakeholders to ensure animal welfare issues in the community are addressed.

## PROPOSED ACTIONS:

- Regularly encourage animal owners to provide basic needs for the health and welfare of their pets.
- Promote desexing of non-breeding companion animals, to reduce the number of unwanted pets.
- Ensure Council staff regard animal welfare as a high priority, in all dealings with the community and companion animals that come under their control.

### Priority 7: Management of Feral and Infant Animals

#### OBJECTIVES:

- To minimise or eliminate the amount of infant companion animals being euthanised.
- Manage the numbers of feral animals within the community.

#### BACKGROUND:

The Companion Animals Act 1998 requires Councils who seize animals under the provisions to either sell or destroy the animal after the statutory holding period has passed (Seven (7) days for unidentified animals and fourteen (14) days for identified animals). It permits Councils to develop policy guidelines for the management of feral or infant companion animals before the end of these standard statutory periods.

A feral animal under this policy is defined as an untamed or wild cat or dog whose owner is unidentified and has been living in undomesticated circumstances.

Feral animals can pose a health and safety risk to people and other animals and are not suitable for rehoming. To confine a feral animal for an extended period of time would cause stress and be considered cruel.

An infant animal under this policy is defined as a cat or dog less than eight (8) weeks of age.

#### PROPOSED ACTIONS:

##### FERAL ANIMALS

Animals accepted into Council's pound facility suspected of being feral must be assessed by a Veterinarian and the results of the assessment documented. Should the animal be deemed as feral and reasonable investigations into its identification have been made, then the Council will authorise the euthanasia prior to the standard statutory holding period.

##### INFANT ANIMALS

Animals identified as infant that are accepted into Councils pound facility are to be assessed by a Veterinarian at the earliest opportunity.

If the infant animal is considered to be of a size and age that survival is possible through intensive care external of the pound, or it is in the best interest of the animal to warrant early release, then Council must make appropriate enquiries with registered rescue organisations or the Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA) as to whether they have the capacity to care for them.

Should the infant animal be in a condition that survival in the long term would be remote, or should external agencies not have the capacity to take on the animals after reasonable enquiries, Council will in consultation with the Veterinarian authorise the euthanasia.

### Priority 8: CAT MANAGEMENT

#### OBJECTIVES:

- To increase the number of identified, registered and desexed cats
- To minimise the adverse impact of cats on wildlife and public amenity.

## POLICY: COMPANION ANIMALS | 1.0

## BACKGROUND:

There is a continuing concern about the number of stray cats and unwanted kittens in the community having to be euthanased.

Council aims to educate the community about the benefits of desexing their cats, and to address issues associated with straying cats.

Cats can be a nuisance to surrounding neighbours and when outdoors they also threaten native wildlife.

Under Section 31 of the Companion Animals Act, a cat is a nuisance if:

- It makes a persistent noise,
- It repeatedly damages anything outside the property on which it is ordinarily kept.

Council recognises that cats are more difficult to confine to a property, than dogs. It is envisaged that each complaint will need to be examined on a case by case basis. Distinctions also need to be made between stray or feral and domestic cats, for the purpose of applying this Policy Council Law Enforcement Officers will make that distinction as required.

Cats born after 1998 are required to be identified and registered under the Companion Animals Act.

Note: under the terms of the legislation, there is no definition for a 'stray or feral cat'.

## PROPOSED ACTIONS:

- Promoting the de-sexing of cats.
- Educating cat owners about the benefits of keeping cats confined at night, to protect both the cat and wildlife.
- Increasing public awareness of the need to identify and register cats, and responsible cat ownership.

## Priority 9: DOG OFF-LEASH AREAS

## OBJECTIVES:

- Provide dog off-leash facilities.
- Patrol and enforce prohibition of dogs in public places.

## BACKGROUND:

Mid-Western Regional Council currently has three dog off-leash areas:

- Glen Willow Sporting complex, Mudgee,
- Peoples Park, Gulgong,
- Rylstone Showground, along the banks of the river,

Council recognises the benefit of off-leash facilities. Dogs need to be socialised with other dogs and humans. Exercise can play a part in alleviating unwanted behaviour such as excessive barking and some forms of aggression.

It is anticipated that designated off-leash facilities can also help prevent animal owners from using public parks and recreation areas. By providing a suitable off-leash facility, Council envisages compliance with leash requirements in other areas.

PROPOSED ACTIONS:

- Monitor the operation of dog off leash areas.
- Encourage animal owners to make use of the off leash area facility rather than using public parks and recreation areas.

## MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN

**PRIORITY 1: PUBLIC EDUCATION PROGRAMME / PROMOTING RESPONSIBLE PET OWNERSHIP**

| Aim  | Action   | Performance Indicator  |
|--|--|--|
| <ul style="list-style-type: none"> <li>○ Achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community.</li> <li>○ To ensure that owners of dogs, particularly in rural areas, are well informed about their responsibilities.</li> </ul> | <ul style="list-style-type: none"> <li>○ Working with the media, schools and other Agencies promoting responsible companion animals management by increasing the Communities understanding of the negative impacts companion animals may have on the environment and in rural areas the impact on livestock from dog attacks; and</li> <li>○ The adoption of a school education program to teach children how to behave around aggressive dogs. Letters to be issued to schools for Law Enforcement Officers to attend and give talks for children 10 to 12 years old.</li> <li>○ Work with animal welfare organisations to investigate the implementation of a school education program to teach children responsible ownership of dogs including an awareness of a dog's natural hunting instincts.</li> <li>○ Encourage rural dog owners to ensure that their animals cannot venture onto adjoining properties and attack livestock.</li> <li>○ Target the Urban/Rural interface with one information campaign in 2017/18.</li> <li>○ Letterbox drop in neighbourhood where unidentified dog attacks have been reported.</li> </ul> | <ul style="list-style-type: none"> <li>○ At least four companion animal story/editorial/advertisement relating to responsible companion animals ownership published in the Guardian / Radio annually.</li> <li>○ The number of schools attended annually.</li> </ul> |

MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN

**PRIORITY 2: PUBLIC SAFETY / DANGEROUS DOGS AND RESTRICTED BREEDS**

| Aim  | Action  | Performance Indicator   |
|--|---|---|
| <ul style="list-style-type: none"> <li>○ Reduce the potential threat to public safety by management of aggressive animals.</li> <li>○ Reduced incidence of dog attacks.</li> <li>○ Effectively monitor, manage and control the keeping of identified restricted breeds and declared dangerous dogs.</li> </ul> | <ul style="list-style-type: none"> <li>○ Ensure an efficient and effective response to reported dog attacks.</li> <li>○ Investigate all reports of animal aggression.</li> <li>○ Update OLG Companion Animals data monthly.</li> <li>○ Investigate the implementation of a school education campaign to teach children how to behave around animals.</li> <li>○ Effectively monitor, manage and control the keeping of identified restricted breeds of dogs.</li> <li>○ Declare dogs as dangerous or nuisance where necessary under the provisions of the Companion Animals Act.</li> <li>○ Conduct annual inspections of the premises where restricted breeds of dogs are kept to ensure compliance with the legislation.</li> </ul> | <ul style="list-style-type: none"> <li>○ OLG dog attacks data demonstrates a reduction over time.</li> <li>○ Number of satisfactory compliance inspections of dangerous dog controls in place at that time.</li> <li>○ Commence investigation into all reported dog attacks within 2 hours of the report being communicated with Law Enforcement Officers.</li> <li>○ Vocational training courses attended by Law Enforcement Officers in the 2017/18 year.</li> <li>○ Office of Local Government dog attacks data reviewed and published in annual reports.</li> </ul> |

## MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN

**PRIORITY 3: REGISTRATION AND IDENTIFICATION**

| Aim  | Action  | Performance Indicator   |
|--|---|---|
| <ul style="list-style-type: none"> <li>○ Increase in the number of companion animals being lifetime registered and microchipped.</li> <li>○ Increased community awareness of the benefits of microchipping and registration of their animal.</li> <li>○ Lost or stray companion animals are returned to their owners promptly avoiding impounding.</li> <li>○ Increase the number of desexed companion animals.</li> <li>○ Encourage owners to be actively responsible for their animals' welfare.</li> <li>○ Reduced numbers of companion animals' euthanised or going to Council's pound.</li> </ul> | <ul style="list-style-type: none"> <li>○ Implement education programs to advise residents of the process (and benefit) of microchipping and lifetime registering their animal.</li> <li>○ Education programs to remind companion animal owners to notify of changes of ownership, address or other details.</li> <li>○ Liaise with local veterinary clinics in raising community awareness about registration and identification.</li> <li>○ Implement education programs that promote the benefits of desexing companion animals.</li> <li>○ Encourage and educate companion animal owners to appropriately house and care for their animals.</li> <li>○ Encourage companion animal owners to provide appropriate mental and physical challenges for their animal to improve animal welfare and reduce adverse impact on the general community.</li> <li>○ Ensure that Council staff regard animal welfare as a high priority in all dealings with the community and their companion animals.</li> </ul> | <ul style="list-style-type: none"> <li>○ Increase in number of microchipped and lifetime registered animals in the community.</li> <li>○ Decrease in the number of animals impounded.</li> <li>○ Prompt return of identified animals to their owners.</li> <li>○ OLG Companion Animals annual report lodged by due date – 31 August.</li> <li>○ Increased number of desexed companion animals in the community.</li> <li>○ Decrease the number of companion animals euthanised or taken to Councils Pound.</li> </ul> |

MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN

**PRIORITY 4: NUISANCE ANIMALS AND EXCESSIVE BARKING DOGS**

| Aim   | Action  | Performance Indicator   |
|---|---|---|
| <ul style="list-style-type: none"> <li>○ To minimise the adverse effects of animal noise in the community.</li> </ul> | <ul style="list-style-type: none"> <li>○ Review procedures for dealing with animal noise and nuisance complaints.</li> <li>○ Provide advice to owners about ways they can stop dogs from excessive barking.</li> <li>○ Encourage companion animal owners to provide appropriate mental and physical challenges for their animal to improve animal welfare and reduce adverse impact on the general community.</li> <li>○ Remind owners that it is their responsibility to adequately confine their animal to their property.</li> </ul> | <ul style="list-style-type: none"> <li>○ Reduced number of complaints received due to barking dogs and nuisance animals.</li> </ul> |

MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN**PRIORITY 5: IMPOUNDING ANIMALS**

| Aim  | Action   | Performance Indicator   |
|--|--|---|
| <ul style="list-style-type: none"> <li>○ Reduce the number of animals impounded.</li> <li>○ Ensure the prompt return of identified animals to their owners.</li> </ul> | <ul style="list-style-type: none"> <li>○ Encourage the community to lifetime register and microchip their animals.</li> <li>○ Encourage companion animal owners to notify of changes of address and details that help facilitate the prompt return of animals.</li> <li>○ Provide appropriate opportunities for the surrender of animals.</li> <li>○ Maintain a patrol and collection service for stray animals.</li> <li>○ Utilise Councils web page and social media promoting the rehoming and/or return to owner of impounded animals.</li> <li>○ Ensure the safe and responsible adoption of animals.</li> <li>○ To deal with the euthanasia of animals in a sensitive ethical manner in strict compliance of welfare standards and codes of practice.</li> </ul> | <ul style="list-style-type: none"> <li>○ Increased number of animals returned to their owners or re-homed.</li> <li>○ Increased number of microchipped and registered animals.</li> </ul> |

MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN

**PRIORITY 6: ANIMAL WELFARE**

| Aim  | Action   | Performance Indicator   |
|--|--|---|
| <ul style="list-style-type: none"> <li>○ Companion animal welfare standards are strictly applied. <i>(Australian Companion Animals Welfare Guideline)</i></li> </ul> | <ul style="list-style-type: none"> <li>○ Impounded animals are cared for without compromise in accordance with national and state standards</li> <li>○ Councils actively engages with the RSPCA</li> <li>○ Law Enforcement Officers undertake vocational training to ensure a high level of understanding of national and state companion animal welfare standards.</li> </ul> | <ul style="list-style-type: none"> <li>○ RSPCA activity reports will be used to monitor welfare breaches aiming for a reduction of breaches over time.</li> </ul> |

**PRIORITY 7: MANAGEMENT OF FERAL AND INFANT ANIMALS**

| Aim   | Action  | Performance Indicator   |
|---|---|---|
| <ul style="list-style-type: none"> <li>○ To minimise or eliminate the amount of infant companion animals being euthanised.</li> <li>○ Manage the number of feral animals within the community.</li> </ul> | <ul style="list-style-type: none"> <li>○ Frequent communication with registered rescue organisations and the RSPCA.</li> <li>○ Close consultation with local veterinarians.</li> <li>○ Education programs to promote the benefits of desexing companion animals.</li> </ul> | <ul style="list-style-type: none"> <li>○ Maintaining a low number of euthanised companion animals.</li> <li>○ Increase in the amount of animals rehomed.</li> </ul> |

## MIDWESTERN REGIONAL COUNCIL 2017/18 COMPANION ANIMALS ANNUAL WORK PLAN

**PRIORITY 8: CAT MANAGEMENT**

| Aim   | Action   | Performance Indicator   |
|---|--|---|
| <ul style="list-style-type: none"> <li>○ To increase the number of identified, registered and desexed cats within the Councils region.</li> <li>○ To educate the community about responsible cat ownership aiming to reduce the numbers of stray/feral/non-registered cats in the community.</li> </ul> | <ul style="list-style-type: none"> <li>○ Working with the media, schools and other agencies promoting responsible companion animals' management by increasing the Communities understanding of the negative impacts companion animals may have on the environment.</li> <li>○ Implement education programs to advise residents of the process (and benefit) of microchipping and lifetime registering their animal.</li> <li>○ Education programs to remind the companion animal owners to notify of changes of ownership, address or other details.</li> <li>○ Implement education programs that promote the benefits of desexing companion animals.</li> </ul> | <ul style="list-style-type: none"> <li>○ At least four companion animals' story/editorial/advertisement relating to responsible companion animals ownership published in the Guardian/Radio annually.</li> <li>○ Increase in number of microchipped and lifetime registered animals in the community.</li> <li>○ Increased number of desexed companion animals in the community.</li> </ul> |

**PRIORITY 9: OFF LEASH DOG AREAS**

| Aim   | Action  | Performance Indicator  |
|---|---|--|
| <ul style="list-style-type: none"> <li>○ Monitor the operation of off leash areas.</li> <li>○ Encourage dog owners use the off leash facility appropriately.</li> </ul> | <ul style="list-style-type: none"> <li>○ Investigate alternative sites for additional off leash areas.</li> <li>○ Educate the community about the benefits of using off leash areas.</li> <li>○ Educate the community about the correct use and their responsibilities whilst using off leash areas.</li> <li>○ Patrol of off leash areas.</li> </ul> | <ul style="list-style-type: none"> <li>○ Reduction in the number of dog owners observed/reported using public parks and recreation areas as off leash areas.</li> <li>○ Number of dog owners using the off leash areas compared with prior years is increasing.</li> </ul> |

## 11.2 Community Transport - Additional fees and charges

### REPORT BY THE MANAGER, COMMUNITY SERVICES

TO 13 DECEMBER 2017 ORDINARY MEETING

GOV400064, COS300013/COS300185

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community Services on the Community Transport - Additional fees and charges;**
2. **place on public exhibition of 28 days seeking community feedback the proposal for new fees and charges to be listed in Council's Fees and Charges in respect of NDIS Participant and Full Fare Passenger charges and Point to Point Passenger levies; and**
3. **adopt these new fees and charges if no submissions are received as a result of the public exhibition process.**

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### Executive summary

This report seeks Council's endorsement of new fees and charges categories for its Community Transport service.

### Disclosure of Interest

Nil.

### Detailed report

In recent months there have been significant variations to the funding of the Council-aided Community Transport service. Previously, the service was block funded to subsidise fees for all eligible passengers and, indeed, the service was limited to eligible passengers only. With the introduction of the National Disability Insurance Scheme (NDIS), however, the service is now required to charge NDIS Participants full cost recovery for use of the service (on a GST exclusive basis). Subsidies still apply to other categories of passengers, such as those eligible under the Commonwealth Home Support Program. Transport for NSW have also opened up the possibility of the service being accessed by passengers not entitled to any subsidy, provided those passengers are charged at a rate of full cost recovery. Further, under Commonwealth law, these charges attract GST.

In addition to the above variations, the New South Wales *Point to Point Transport (Taxi and Hire Vehicles) Act 2016* commenced on 1 November 2017. In summary, this legislation requires the Community Transport service be registered pursuant to the Act and also, from 1 February 2018, to charge a Passenger Service Levy of \$1.00 per trip per passenger (plus GST) for all transportation provided that sits outside of Council's Community Transport Service Contract Agreement with Transport for NSW. The types of trips that this new levy will apply to will include transportation provided under NDIS and full cost recovery arrangements, as well as transportation paid for by the Department of Veterans Affairs.

The proposed new fees and charges will need to be placed on public exhibition for 28 days seeking any community feedback.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not applicable.

### Council Policies

These fees and charges are to be adopted and an amendment made to the Fees and Charge listing in Councils 2017/18 Operational Plan.

### Legislation

*A New Tax System (Goods and Services Tax) Act 1999* (Cth) and the *National Disability Insurance Scheme Act 2013* (Cth) determine the application (or otherwise) of GST to these new fees and charges. The levy is a statutory requirement pursuant to the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* (NSW).

## Financial implications

Under this proposal, the following charges are to be listed in Council's Fees and Charges:

| Fee/charge                                | GST | 2017-18 | Conditions   | Price Policy |
|---|-----|---------|--|--------------|
| <i>Transport for NDIS Participants</i>    |     |         |  |              |
| Booking fee                               | NA  | 2.00    | Per booking  | FCR          |
| Kilometre rate                            | NA  | 0.72    | Per kilometre  | FCR          |
| <i>Transport for Full Fare Passengers</i> |     |         |  |              |
| Booking fee                               | Yes | 2.20    | Per booking  | FCR          |
| Kilometre rate                            | Yes | 0.80    | Per kilometre  | FCR          |
| <i>Point to Point Passengers</i>          |     |         |  |              |
| Levy                                      | Yes | 1.10    | Per passenger per trip - For passengers not funded directly by Transport for NSW | STAT         |

These prices will replace the currently advertised fees and charges FN 7.26 and 7.27 which are the booking and kilometre rates for NDIS Participants.

## Associated Risks

Not applicable.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

24 November 2017

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 12: Reports from Committees

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### 12.1 Rylstone and Kandos Access Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, A0060129

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager, Community Services on the Rylstone and Kandos Access Committee; and**
2. **note the minutes of the Rylstone and Kandos Access Committee meeting convened on 14 November 2017.**

---

#### Executive summary

The Rylstone and Kandos Access Committee meetings bi-monthly to raise and discuss issues concerning accessibility in the region.

#### Disclosure of Interest

Nil.

#### Detailed report

The Rylstone and Kandos Committee gave consideration to a number of matters during their November 2018 meeting, including perceived redundant 'No Standing' signage in Rylstone which, if it is to be removed, will increase parking options within the town. The Committee also discussed potential budget items for 2018/19, including seating along the riverside walkway in Rylstone and further investigation into a cut-through of the Angus Avenue median strip in Kandos.

The Committee continues to await the outcome of a mobility parking review for Rylstone and Kandos.

There have been no recent development applications as deemed appropriate for referral to the Committee.

The minutes from the November 2018 meeting are attached for Council's information.

#### Community Plan implications

**Theme      Looking After Our Community**

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|          |   |
|----------|---|
| Goal     | Meet the diverse needs of the community and create a sense of belonging           |
| Strategy | Provide equitable access to a range of places and spaces for all in the community |

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## Strategic implications

### **Council Strategies**

Through its Access Committees, Council seeks to actively promote the rights of people with disability to fully participating within the community on an equal basis with other citizens in accordance with its Disability Inclusion Action Plan.

### **Council Policies**

Not applicable.

### **Legislation**

Council seeks to meet its obligations under the *Disability Discrimination Act 1992* (Cth) and the *NSW Disability Inclusion Act 2014*, particularly in terms of disability inclusion.

## Financial implications

None at this stage; all dependent upon the success of Community Plan Proposals and budget deliberations for 2018/19.

## Associated Risks

Not applicable.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

24 November 2017

*Attachments:* 1. Rylstone & Kandos Access Committee Minutes - 14 November 2017.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## **RYLSTONE & KANDOS ACCESS COMMITTEE**

### **Minutes**

**Meeting: 10:30 am Tuesday, 14 November 2017 at Council Chambers – Rylstone**

- 1 WELCOME and PRESENT:** Clr E Martens, S Tunnicliff (Chairperson) , D Jamieson, C Andu,

**Staff:** F Turner (Manager Community Services & Minutes),

Shirley Tunnicliff welcomed everyone to the meeting and called for apologies.

- 2 APOLOGIES:** V Handmer (Staff)

#### **MOTION OF ACCEPTANCE OF APOLOGIES**

**Moved:** C Andu      **Seconded:** D Jamieson      **Carried**

- 3 MOTION OF ACCEPTANCE OF MINUTES OF THE LAST MEETING (12 September 2017)**

**Moved:** D Jamieson      **Seconded:** Clr E Martens      **Carried**

#### **4 CORRESPONDENCE**

##### **IN:**

- 4.1** Letter from Daniel Buckens, Manager Development Engineering, MWRC dated 5 October 2017 regarding 'No Standing' signage at the corner of Dabee and Louee Streets, Rylstone

**MOTION:** That a response letter be sent on behalf of the Committee requesting that the 'No Stopping' sign be removed from the previously identified location.

**Moved:** S Tunnicliff      **Seconded:** D Jamieson      **Carried**

**OUT:** Nil



## 5 MATTERS ARISING FROM PREVIOUS MEETING

### 5.1 Revocation of agreement between Council and St Malachy's.

Negotiations are underway between St Malachy's and Council to enter into an appropriate Memorandum of Understanding regarding the site.

### 5.2 Pathway from McLachlan Lane to footbridge.

S Tunnickliff will re-lodge the works request prior to next meeting.

## 6 DEVELOPMENT APPLICATIONS

Nil – Discussion around access with private versus public access. Only development applications touching upon publically accessible properties will be referred to the committee.

## 7 GENERAL BUSINESS

### 7.1 Seating alongside the river (D Jamieson).

D Jameson suggested that Council install seating along the riverside walking track. This, in particular, would benefit ADA Cottage residents who utilise the track. A Community Plan Proposal would be the appropriate action.

**MOTION:** That a letter be sent on behalf of the Committee requesting that Council consider seating alongside the riverside walking track as part of its 2018 Community Plan Proposal process.

**Moved:** S Tunnickliff      **Seconded:** D Jamieson      **Carried**

### 7.2 Uneven footpath surfaces in Rylstone (D Jamieson)

To be dealt with through the Council works request process.

### 7.3 Cut-through of median strip dividing Angus Avenue in the vicinity of Kandos IGA (Clr E Martens)

E Martens called for a review of the decision not to cut through the median strip dividing Angus Avenue in the vicinity of the Kandos IGA for increased pedestrian accessibility. This project was previously costed by Council (E Martens believed it was in the vicinity of \$60,000) and that a decision was made not to proceed with the project.

**MOTION:** That a letter be sent to Council on behalf of the Committee requesting it consider a review of the decision not to action the project and that the project be considered in budget deliberations commencing in January 2018.



**Moved:** E Martens      **Seconded:** C Andu      **Carried**

Meeting closed 11am

**Next meeting: 10:30 am, Tuesday, 13 February 2018 at Council Chambers - Rylstone**

## 12.2 Youth Council

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, COS300610

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community Services on the Youth Council;**
2. **note the minutes of the Youth Council meeting convened on 14 November 2017;**
3. **re-confirm the appointment of continuing Youth Councillors Brody Munday, Angus Blackwell, Louise Blackwell, Evangeline Endacott, Dylan Hayes-Weber, Nicola Hayes-Weber, Andrea Holden, Chloe Staub, Campbell Stubbs and Daniel Trevethan;**
4. **endorse Brody Munday as the Mid-Western Regional Youth Mayor;**
5. **endorse Angus Blackwell as the Mid-Western Regional Deputy Youth Mayor;**
6. **endorse the nominations of Aliya Della Libera, Angus Standfield and Emma Wisser as Youth Councillors; and**
7. **endorse the updated Youth Council Terms of Reference.**

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### Executive summary

This report seeks endorsement to reconfirm existing Youth Councillors, as well as the appointment of four additional members to the Mid-Western Regional Youth Council. It also seeks endorsement of an updated Terms of Reference.

### Disclosure of Interest

Nil.

### Detailed report

The Mid-Western Regional Youth Council provides a forum for Council to consult with local youth throughout the region. It is a mechanism for activating activities identified in Council's ten year Youth Strategy.

Given the sporadic involvement by Youth Councillors from time to time as school and other priorities arise, an active recruitment drive was recently undertaken to garner a more representation of youth across the region. In coming months, a further recruitment drive will be undertaken for youth from Gulgong and its surrounds.

By 'flying minute' dated 15 November 2017 moved by Deputy Youth Mayor Angus Blackwell and seconded by Youth Councillor Evangeline Endacott, Youth Council confirmed its support of

nominations received from Aliya Della Libera, Angus Standfield and Emma Wisser (plus one other nomination that was subsequently withdrawn). The nomination forms for those three new Youth Councillors are attached to this report. The Youth Council now seeks Council's endorsement of those nominations.

At its meeting on 14 November 2017, Youth Councillors also discussed the need to adjust the term of Youth Council Officer Bearers (Youth Mayor and Deputy Youth Mayor) in order to encourage increased participation, particularly by those Youth Councillors transitioning from high school to tertiary education. Accordingly, Youth Council believed it was fitting that the term of office be adjusted to six months and that elections for those roles are undertaken at the start of the first and third school terms annually. The term of office bearers elected at the 14 November 2017 meeting, however, is recommended to continue through until the start of the third school term in 2018. Draft tracked amended Terms of Reference are attached to this report.

## Community Plan implications

| <b>Theme</b> | <b>Looking After Our Community</b>  |
|--------------|---|
| Goal         | Meet the diverse needs of the community and create a sense of belonging                   |
| Strategy     | Support programs which strengthen the relationships between the range of community groups |

## Strategic implications

### **Council Strategies**

The Mid-Western Regional Council Youth Strategy (endorsed 18 October 2017) provides a ten year plan for youth-related events and activities across the region.

### **Council Policies**

Not applicable.

### **Legislation**

Not applicable.

## Financial implications

Not applicable.

## Associated Risks

Not applicable.

**FIONA TURNER**  
**MANAGER, COMMUNITY SERVICES**

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

23 November 2017

*Attachments:*

1. Youth Council Minutes - 14 November 2017.
2. Nomination - Aliya Della Libera.
3. Nomination - Angus Standfield.

4. Nomination - Emma Wisser.
5. Tracked amended Terms of Reference.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MINUTES OF YOUTH COUNCIL MEETING

**DATE:** 14 November 2017  
**VENUE:** Council Chambers, 86 Market Street, Mudgee  
**COMMENCEMENT TIME:** 4:20pm

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### 1. ATTENDANCE

#### 1.1. Youth Councillors

Louise Blackwell (Youth Mayor), Brody Munday (Deputy Youth Mayor), Andrea Holden (Chair), Angus Blackwell, Evie Endacott

Youth Councillors Elect: Aliya Della Libera, Gemma Richardson, Emma Wisser

#### 1.2. Councillors

Councillor Russell Holden, Councillor Alex Karavas, Councillor Sam Paine

#### 1.3. Staff

Simon Jones (Director, Community), Fiona Turner (Manager, Community Services and Minutes), Sam Sbisa (Casual Community Services Officer)

#### 1.4. Guest

Alayna Gleeson (Events Coordinator)

### 2. BUSINESS ARISING

#### 2.1. Live and Local Update

A Gleeson gave a presentation of what the Live and Local event entails and screened two videos about the concept. These can be accessed at:

- <https://www.youtube.com/watch?v=8ivaJR1nHFY>
- [https://www.dropbox.com/sh/fdu07djyargqv85/AAATPfvNQd56WxmNAEzQ2\\_5Ga?dl=0](https://www.dropbox.com/sh/fdu07djyargqv85/AAATPfvNQd56WxmNAEzQ2_5Ga?dl=0)

2.1.1. Youth Council provided the following comments:

- The age group for Youth Stage performers should be ideally be between 13 and 20 years, however this can be discretionary.
- Exposure and experience is the incentive for the Youth Stage; not payment. May also be possible to source a mentor for the performers.

- If high level of interest, may need to consider limiting set times. If low level of interest, may consider more flexible set times.
- MC will be necessary to introduce performers (but not necessary each individual song). This would be a good task for a Youth Councillor(s).
- Expressions of interest to be circulated once pool of performers collated.
- When considering curation of acts, need to be mindful of timing (eg, movement of larger instruments, such as drum sets and keyboards).
- Still to confirm site for stage – may be necessary to consider sponsorship for funds to pay for a rise/electrical supply (if fixed source unavailable).
- Schools may loan musical instruments.

**ACTION:** Youth Councillors to email S Sbisa/F Turner recommendations of performers (preferably with contact details).

*A Gleeson excused herself from the meeting.*

### 3. APOLOGIES

Dylan Hayes Weber, Nicola Hayes Weber, Chloe Staub, Campbell Stubbs

**MOTION:** Acceptance of apologies.

Moved: B Munday                      Seconded: L Blackwell                      Carried.

### 4. MINUTES – 5 SEPTEMBER 2017

**MOTION:** Acceptance of minutes.

Moved: D Trevethan                      Seconded: A Holden                      Carried.

### 5. CORRESPONDENCE

#### 5.1. IN

- 5.1.1. Letter from Council to Youth Council dated 19 September 2017 – Acknowledgement of Youth Strategy submission.

The Mid-Western Youth Strategy was endorsed by Council at its 18 October 2017 meeting. It provides direction for Council in respect of Youth Services and Youth Councillors are all encouraged to familiarise themselves with the document.

**ACTION:** F Turner to circulate copies of Youth Strategy to all Youth Councillors.

- 5.1.2. Email Ellen van Neervan to V Handmer dated 19 September 2017 - Confirming June 2018 availability.

Ellen van Neerven is an award-winning Indigenous Australian writer. She has been invited to speak to schools in the region and Youth Council have agreed to sponsor this project.

**ACTION:** S Sbisa to coordinate engagement with schools and guest speaker.

## 5.2. OUT

- 5.2.1. Flying minute email V Handmer to Youth Councillors dated 27 September 2017 – Encouraging Youth Councillors to attend Rylstone Family Fun Day.

Noted that no Youth Councillors attended Rylstone Family Fun Day.

## 6. BUSINESS ARISING (CONTINUED)

### 6.1. Youth Strategy

- 6.1.1. Refer to Item 5.1.1 above.

### 6.2. SkillsOne Employment Seminar

- 6.2.1. Convened on 31 October 2017. Good attendance figures were noted, including from schools outside of the region.

- 6.2.2. Very little promotion but possibly because the convenors arranged event directly with the schools and had both sessions fully booked.

- 6.2.3. Youth Council would like to see more of a local flavour to future employment seminars; perhaps utilising local industry figures, and expand beyond a film session and limited guest speakers.

### 6.3. Gulgong Mural Project

- 6.3.1. No submissions were received. Discussion of whether to continue to pursue the project. Possibly need a way to improve engagement of Gulgong youth.

- 6.3.2. Suggestion to change the project from a competition into a community participation event; possibly during Youth Week with possibility of dovetailing with a Youth Week evening event for Gulgong – should increase participation rates.

- 6.3.3. A base design with opportunity for youth to add to the mural was suggested. Options:

- Hand prints (similar to at Cudgegong Public School) – not a unique idea;
- Beach scene (participants to add their "shells" to the work) – no real link with Gulgong
- Riverbed (participants to add their own flowers, animals, etc).

- 6.3.4. Permission will still be required to be sought from Council to undertake the project. Base concept design will be provided to Councillors to consider at the 13 December 2017 pre-meeting briefing.

**ACTION:** Councillor Paine to mock up a base design and F Turner to circulate amongst Youth Councillors for comment. If accepted, will be presented to Councillors prior to December Council meeting.

**6.4. 2017/2018 Budget**

6.4.1. To date, Youth Council 17/18 Budget is as follows:

| <b>Expenditure description</b>                     | <b>Amount</b> | <b>Running balance</b> |
|--|---------------|------------------------|
| Opening balance                                    |               | <b>\$51,916.25</b>     |
| The Loft – Kandos                                  | \$10,000.00   | <b>\$41,916.25</b>     |
| Max Potential Project reimbursement                | \$506.16      | <b>\$41,410.09</b>     |
| AFTRS Workshops x 2 (January 2018)                 | \$9,000.00    | <b>\$32,410.09</b>     |
| Contribution for Live and Local event (March 2018) | \$2,000.00    | <b>\$30,410.09</b>     |
| Youth Week (April 2018) expenditure                | \$8,000.00    | <b>\$22,410.09</b>     |
| Stores and creditors overheads                     | 585.80        | <b>\$21,824.29</b>     |

6.4.2. With execution of the Funding Agreement with KEPCO imminent, the Youth Council budget is noted as being subject to variation by Council.

6.4.3. Recommendations from Youth Council are sought for projects on which to spend these funds (keeping in mind to benefit as much of the region as possible).

- AFTRS is not available in January 2018. Alternate options to be sourced.
- Bubble soccer set would be popular and can be used across the region.
- STEM / STEaM (Maker Space) Program – 3D printing, scanning and coding. Again, this would be transportable.
- Different scenarios and challenges activities/projects (D Trevethan to advise exact name).

**ACTION:** S Sbisa to source alternate option to AFTRS workshops.

**ACTION:** S Sbisa to investigate pricing for bubble soccer sets and STEM programs.

**ACTION:** D Trevethan to advise exact name of activity discussed above.

**ACTION:** Youth Councillors to consider other options for the budget (events and tangible items to purchase) to communicate these to F Turner/S Sbisa.

**6.5. Mudgee Skatepark upgrade**

6.5.1. Council has a budget of \$250,000 for Skateparks across the Mid-Western Region and the upgrade of Mudgee Skatepark is part of this allocation. It is also looking for opportunities to gain new funding for a concrete park at Gulgong.

6.5.2. Tracey Kane (Manager, Recreation Services) has the proposal from Mudgee Skatepark working party and will call a meeting once she knows how much money they have to commit to the project.

- 6.5.3. Possible budget proposal could be a Mudgee Skatepark opening event with a side project (deck artwork) and exhibition. Youth Councillors were supportive of this idea given the success of the Rylstone Skatepark opening.

#### **6.6. Requests for financial assistance from Youth Council**

- 6.6.1. Youth Councillors have previously noted the difficulty in assessing requests for financial assistance it receives from time to time. Council's Community Grants Program receives requests for financial assistance and those requests are assessed against pre-determined selection criteria reflecting Council's Community Plan. This makes the process more consistent and transparent.
- 6.6.2. F Turner suggested Youth Council may benefit from a similar system; a pre-determined selection criteria reflecting the Youth Strategy. Youth Councillors agreed with this suggestion.

**ACTION:** F Turner to draft up and circulate proposed selection criteria.

#### **6.7. Youth Services Officer role**

- 6.7.1. Council have reached an in-principle agreement with KEPCO to fund a dedicated Youth Services Officer role. Key performance indicators have been settled on to monitor and gauge the effectiveness of the role. Council and KEPCO are now just finalising the legal documentation for the transaction. As soon as this is signed off, the recruitment process will commence.

### **7. GENERAL BUSINESS**

#### **7.1. Term for Youth Councillors**

- 7.1.1. A Holden has suggested to encourage more Youth Councillors to participate (and also encourage Youth Councillors intending on moving off to university after schooling to stay on as long as possible) the terms for office bearers be reduced from two years to six months.

**MOTION:** The term for Youth Councillor Office Bearers be reduced to six months (commencing terms 1 and 3). In the interim (ie, for today's election), the term is to carry through until term 3, 2018.

Moved: A Holden                      Seconded: B Munday                      Carried.

#### **7.2. Election of Youth Council Office Bearers**

- 7.2.1. Nominations for Office of Youth Mayor
- L Blackwell nominated B Munday for Youth Mayor. B Munday accepted the nomination.
  - B Munday nominated L Blackwell for Youth Mayor. L Blackwell declined the nomination.
  - B Munday nominated D Trevethan for Youth Mayor. D Trevethan accepted the nomination.

7.2.2. Nominations for Office of Deputy Youth Mayor

- B Munday nominated A Blackwell for Deputy Youth Mayor. A Blackwell accepted the nomination.
- B Munday nominated D Trevethan for Deputy Youth Mayor. D Trevethan accepted the nomination.

7.2.3. Election of Office Bearers

- B Munday has been elected Youth Mayor.
- A Blackwell has been elected Deputy Youth Mayor.
- Congratulations to all.

**8. NEXT MEETING**

6 February 2018 from 4:10pm in Council Chambers, Mudgee.

A Youth Week/Live & Local Planning meeting will be convened on a date to be advised shortly (to be convened prior to 13 December 2017).

**ACTION:** S Sbisa to settle date for planning meeting and circulate invitations to Youth Councillors and A Gleeson.

**ACTION:** S Sbisa to draw up a calendar to circulate the meeting venues around the region next year, nothing S Sbisa, F Turner and L Blackwell may provide transport assistance to Youth Councillors as required.

**SUMMARY OF ACTION ITEMS**

| <b>Task/Action</b>   | <b>Responsibility</b>      | <b>Completion?</b> |
|--|----------------------------|--------------------|
| Email S Sbisa/F Turner recommendations of performers for Live and Local (preferably with contact details).             | Youth Councillors          |                    |
| Circulate copies of Youth Strategy to all Youth Councillors.   | F Turner                   | 16/11/2017         |
| Coordinate speaking engagement by Ellen van Neerven with schools.  | S Sbisa                    |                    |
| Mock up a design for Gulgong mural and email to F Turner.  | Councillor Paine           | 14/11/2017         |
| Circulate mock up mural design and Youth Councillors to provide feedback.  | F Turner/Youth Councillors |                    |
| Source alternate option to AFTRS workshops.  | S Sbisa                    |                    |
| Investigate pricing for bubble soccer sets and STEM / STEaM (Maker Space) programs.                                    | S Sbisa                    |                    |
| Communicate exact name of activity discussed as a budget proposal by D Trevethan to F Turner/S Sbisa.                  | D Trevethan                |                    |
| Consider other options for the budget (events and tangible items to purchase) to communicate these to F Turner/S Sbisa | Youth Councillors          |                    |
| Draft up and circulate proposed selection criteria for Youth Council Grants.   | F Turner                   |                    |
| Settle date for planning meeting and circulate invitations to Youth Councillors and A Gleeson                          | S Sbisa                    |                    |
| Finalise 2018 Youth Council meeting calendar and circulate.  | S Sbisa                    |                    |

Tell us why you would like to be a Youth Councillor:

Because being a youth councillor  
I think will be a great way to push  
me out of my comfort zone and do  
something I wouldn't normally do ~~also~~  
and also being a rather opinionated  
person I'd like it if my opinion had a  
say in how to improve our community.

If you are currently attending school please give this form to your SRC Coordinator.

If you do **not** attend high school you will need to provide proof of age and address.

Please include them with this form and drop them into one of the below Mid-Western Regional Council offices

|          |                |
|----------|----------------|
| Mudgee   | 86 Market St   |
| Gulgong  | 109 Herbert St |
| Rylstone | 77 Louee St    |

Or post to:  
Mid-Western Regional Youth Council  
PO Box 156, Mudgee NSW 2850

For further information, please contact Virginia Handmer on (02) 63 575 010.

Tell us why you would like to be a Youth Councillor:

Kandos Needs an update, Kandos kids need something fun.

If you are currently attending school please give this form to your SRC Coordinator.

If you do **not** attend high school you will need to provide proof of age and address.

Please include them with this form and drop them into one of the below Mid-Western Regional Council offices

|          |                |
|----------|----------------|
| Mudgee   | 86 Market St   |
| Gulgong  | 109 Herbert St |
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Or post to:  
Mid-Western Regional Youth Council  
PO Box 156, Mudgee NSW 2850

For further information, please contact Virginia Handmer on (02) 63 575 010.

Tell us why you would like to be a Youth Councillor:

I would like to be a youth councillor because i think it will be a good opportunity ~~for me~~ to help get things done for the kids in the area.

If you are currently attending school please give this form to your SRC Coordinator.

If you do **not** attend high school you will need to provide proof of age and address.

Please include them with this form and drop them into one of the below Mid-Western Regional Council offices

|          |                |
|----------|----------------|
| Mudgee   | 86 Market St   |
| Gulgong  | 109 Herbert St |
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Or post to:  
Mid-Western Regional Youth Council  
PO Box 156, Mudgee NSW 2850

For further information, please contact Virginia Handmer on (02) 63 575 010.



## YOUTH COUNCIL TERMS OF REFERENCE

*A prosperous  
and progressive  
community.*

### Preamble

Mid-Western Regional Council appreciates the advice, voluntary time, commitment, interest and dedication of those willing to be part of the mid-western regional youth council. Recommendations from the youth-Youth council-Council are welcomed and will be considered in the context of council's-Council's management and strategic planning process.

### Council Contact

The community-Community and youth-Youth development-Development officer-Officer is the council-Council contact officer for the youth council.

### Responsibilities

The midMid-western-Western regional-Regional youth-Youth council-Council will:

- Provide a forum for consultation between council-Council and local young people throughout the council area.
- Analyse, consider and implement the recommendations in the youth-Youth strategy-Strategy and social-Community plan-Plan for the wide ranging needs of resident youth throughout the council-Council area.
- provide support for youth related programs and initiatives including youth-Youth weekWeek.
- identify gaps in service provision for youth and provide ideas for future service delivery, events and resources.
- Connect youth with existing resources including cultural and arts resources in communities within the council-Council area.

### Composition of Youth Council

Ideally, the youth-Youth council-Council shall comprise of at least two (2) representatives of each of the high schools (including St Matthews central-Central schoolSchool) in Gulgong, Rylstone, Kandos and Mudgee together with up to four (4) delegates from the general community, including tafeTAFE. ~~as such, the youth council shall consist of a maximum of twelve (12) delegates.~~

Initial application to be representative on the youth-Youth council-Council will be limited to local youth aged 13 to 21 years.

~~The chair of the community services committee and one other c~~Councillors are also representatives on the youth-Youth councilCouncil.

## Frequency of Meetings

Two meetings each school term (eight meetings per year).

## Election of Office Bearers

In order to encourage participation, Youth Council Officer Bearers (Youth Mayor and Deputy Youth Mayor) will be elected for a term of six months at the commencement of school terms 1 and 3 from term 3 2018 onwards.

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## Quorum

A quorum at ~~youth-Youth council-Council~~ meetings should be half the current membership plus one however a minimum of 3 youth councillors in attendance is also considered a-quorum.

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## Delegations

Nil.

## 12.3 Local Traffic Committee Meeting - November 2017

REPORT BY THE MANAGER DEVELOPMENT ENGINEERING  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, A0100009

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting - November 2017; and**
2. **approve the change from 60°angle 2P Period Restricted Parking to a “Restricted Parking Area” on the frontage of the Regent Theatre subject to approval of Development Application DA0081/2018**

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### Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

### Disclosure of Interest

There are no disclosure of interest associated with this report.

### Detailed report

The Local Traffic Committee meeting was to be held on 17 November 2017. There was only 1 report submitted for the Local Traffic Committee to review, therefore, the meeting was cancelled and the agenda was distributed via email for comment.

The minutes and comments for the LTC meeting attached.

### Community Plan implications

| <b>Theme</b> | <b>Good Governance</b>  |
|--------------|---|
| Goal         | Good communications and engagement  |
| Strategy     | Improve communications between Council and the community and create awareness of Council's roles and responsibilities |

### Strategic implications

#### Council Strategies

Facilitating the Local Traffic Committee is covered in Council's Delivery Program, Strategy 4.1.1. Pedestrian Access Mobility Plan

**Council Policies**

Not Applicable

**Legislation**

Roads Act 1993

Roads Transport Act 2013

Road Rules 2014

Financial implications

Not Applicable

Associated Risks

Not Applicable

DANIEL BUCKENS  
MANAGER DEVELOPMENT ENGINEERING

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

24 November 2017

*Attachments:* 1. LTC Meeting Minutes - November 2017.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Mid-Western Regional Council

Date: 17 November 2017

## Minutes of the Local Traffic Committee

Held at the Committee Room, 86 Market Street, Mudgee  
on 17 November 2017.

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|           |   |
|-----------|---|
| Present   | Daniel Buckens MWRC – (Chairperson), Cr Alex Karavas (Councillor), Phillip Blackman (Members Representative), Chief Inspector Jeff Boon (NSW Police), Sergeant Mark Fehon(NSW Police), Prue Britt (RMS), Garry Hemsworth (MWRC) |
| Apologies |   |
| Secretary | Michelle Neilsen (MWRC)   |

The LTC meeting was distributed by email due to there being only 1 report presented to Council. Any comments provided were done so via email.

### RECOMMENDATION

**There are no minutes to recommend as the October meeting was distributed via email.**

2

MATTERS IN PROGRESS

| SUBJECT                            | RES NO. & DATE                             | RESOLUTION   | ACTION   |
|------------------------------------|--|--|--|
| Yellow Line Methodology            | 29 Jan LTC Meeting                         |  | Council convert no stopping zones to yellow line methodology.<br><br>Conversion will be continued by Council progressively. Council to conduct educational campaign as the changes occur.                                      |
| Mudgee Town Pedestrian Crossings   | 20 Jan LTC Meeting                         | Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements | To be completed.<br>Lewis street added by Phillip Blackman. Bad lighting. Daniel Buckens said all crossings are being looked at in CBD area. Dan has queried with Essential Energy about lighting, still waiting to hear back. |
| Caravans on Mayne Street Gulgong   | 20 Jan LTC Meeting                         | Council provide a proposal of what options may be available. Council to table an item at Gulgong Access Committee with the proposal                                      | Council has a study that was undertaken in 2007 that was never reviewed by the committee or endorsed by Council.   |
| Sawpit and Bruce Road Intersection | 20 Jan LTC Meeting<br><br>15 Sept 2017 LTC | Council inspect and provide report back to LTC for treatment options<br><br>Warning signage to be installed on the approach to the Bruce Rd and Sawpit Road intersection | RMS recommendation to straighten road and trim vegetation that obscure views.<br><br>Works request SI0035/2018 has been raised.  |
| Disabled parking Kandos IGA        | 28 April 2017                              | RMS and Council to meet onsite and discuss viable options. Provide report to June meeting.   | Still outstanding  |
| Gulgong Pre-school                 | 21 July 2017                               | Council to undertake counts to assess if this location warrants a pedestrian crossing  | Dan undertook counts July 2017<br><b>Report forms part of the October agenda</b>   |
| No Stopping Signs                  | 15 September 2017                          | Install "No Stopping" signs on the NW side of Horatio St and Lewis St and at the NE side of Market St and Cox Street Intersection  | Works request SI0034/2018 has been raised.   |

## PAST EVENT DEBRIEF

| EVENT                            |  |
|----------------------------------|--|
| Can Cruise                       | Council make contact leading up to event (March 2018) to address traffic control requirements. |
| Mudgee Small Farm Field Days     | Debrief with organisers would be desirable. Feedback raised at July meeting.                   |
| Mudgee Running Festival          | Debrief with organisers. Email received from organisers. See attached                          |
| Gulgong Gold and Mining Festival | Debrief with organisers.   |
| Rylstone Street Feast            | Debrief  |
| Day on the Green                 | Debrief with organisers  |

## CALENDAR OF EVENTS

| NOVEMBER | Date | Comments |
|----------|------|----------|
|          |      |          |
|          |      |          |
| DECEMBER | Date | Comments |
|          |      |          |
|          |      |          |
| JANUARY  | Date | Comments |

Red = Unapproved

Green = Approved

17/036 RESTRICTED PARKING AREA FRONT OF REGENT THEATRE - CHURCH STREET MUDGEE

**RECOMMENDATION**

**That Council approve the change from 60° angle 2P Period Restricted Parking to a “Restricted Parking Area” on the frontage of the Regent Theatre subject to approval of Development Application DA0081/2018**

**MOTION:**

**No recommendations were suggested via email so therefore motion is passed.**

17/037 CORRESPONDENCE

OFFICE OF TRANSPORT SAFETY INVESTIGATION

Attachment 1.

## 12.4 Mudgee Showground Management Committee

REPORT BY THE MANAGER, PLANT AND FACILITIES  
TO 13 DECEMBER 2017 ORDINARY MEETING  
GOV400064, F0650007

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Plant and Facilities on the Mudgee Showground Management Committee; and**
2. **note the contents of the minutes of the Mudgee Showground Management Committee Meeting held on the 7 November 2017;**

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### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary quarterly meeting held on 7 November 2017.

### Disclosure of Interest

Nil

### Detailed report

The Showground Management Committee receives an updated works requests and matters in progress report together with updated financial details quarterly. A copy of the matters in progress and minutes are attached for Council's information.

### Community Plan implications

|              |   |
|--------------|---|
| <b>Theme</b> | <b>Looking After Our Community</b>  |
| Goal         | Vibrant towns and villages  |
| Strategy     | Maintain and promote the aesthetic appeal of the towns and villages within the Region |

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### Strategic implications

#### **Council Strategies**

Mudgee Showground Four Year Business Plan

#### **Council Policies**

Not Applicable

#### **Legislation**

Section 355 Local Government Act (1993)

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

ANDREW DRUMMOND  
MANAGER, PLANT AND FACILITIES

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

27 November 2017

*Attachments:* 1. Mudgee Showground Management Committee Meeting Minutes.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**MUDGEES SHOWGROUND MANAGEMENT  
COMMITTEE MEETING — 7 NOVEMBER 2017**



**Meeting Opened: 5:30 pm**

**Present:** Andrew Drummond (Manager Plant & Facilities), Cr Alex Karavas (Councillor), Helen Chisholm (Mudgee Dressage Group), Bill Robinson (Poultry Group), Barry Nott and Andrew Beer (Mudgee Show Society)

Lesley Burgess (Minute Secretary)

**Apologies:** Dana Willmott (Mudgee Pony Club)

**Absent:** Cr Russell Holden (Councillor), Rick Field (Mid-Western Working Horse) and Malcolm Swords (Livestock & Other Animal Groups)

Minutes of August's Meeting – Accepted

Moved: Bill Robinson

2nd: Helen Chisholm

**Motion Carried**

**Matters in Progress**

1. As per attached list.
2. Roads inside the Showground - Quotes have been submitted for inclusion in next year's budget. Approximately \$15k will be needed to fix up the roads.

**Correspondence**

1. The quotes received for an irrigation system for the main arena are budget estimates for inclusion in next year's budget.
2. Noted - Letter received from the General Manager advising Cr Karavas and Cr Holden are our appointed Councillor Representatives for this committee until August 2020.
3. Noted – Letter received from the Mudgee Show Society requesting involvement in the relocation of the new grandstand and future developments.

**Financial Report**

1. The financial report was discussed.

**General Business**

1. Demolition of the grandstand - Additional engineering reports are being prepared to ascertain the grandstand's structural integrity.
2. Election of Chair (1 or 3 years) – One year was the preferred option. This item of general business to be deferred to the next meeting so all members are able to vote.
3. Referee Stand – is old and a hazard. To be disposed of.
4. Mudgee Showground Master Plan - Has not been updated since 2009, the 4 year Business Plan now supersedes the old Master Plan. It was agreed that the 2009 Master Plan would be archived.

Moved: Andrew Drummond

2nd: Helen Chisholm

**Motion Carried**

5. Forms for reviewing - necessary amendments and updates were agreed upon.

6. Mudgee Showground Management Committee meetings are now to be held quarterly, the next meeting will be the first Tuesday in February, 2018.

#### **Any Other Business**

1. Helen would like the hosing bay near the Dressage Arena to be repaired as the water run-off has created a large dip at the entrance to the bay. The repair work will require some sort of back fill. Dressage Group to organise a working bee in order to repair the ground around the hosing bay.
2. A new amenities block for the campers has been added to the 2018 – 2019 budget. The old amenities block will be retained.
3. Bill advised that they have applied for a grant for a new roof for the old bar as it currently leaks.
4. Bill would like to be able to open up the Poultry and Animal Nursery areas for pets during a major fire. Andrew advised that this is a tightly controlled process and that Bill would need to liaise with RFS evacuation centre and Animal DPI services.
5. Barry advised that a bio-security plan is required by organisers bringing farm animals to the showground.

**Meeting closed at: 6:25 pm**

**Next meeting to be held 6 February at 5:30pm**

**AT THE OPERATIONS OFFICES**

**MATTERS ARISING**

| #  | SUBJECT  | MEETING DATE | ACTION                   | WHOM | PROGRESS  |
|----|--|--------------|--------------------------|------|---|
| 1. | Members to hand a copy of their building door keys to Council's Operations Offices | 7/02/2017    |                          | All  | Received to date - <ul style="list-style-type: none"> <li>• Poultry Pavilion</li> <li>• Poultry Kiosk</li> <li>• Animal Nursery</li> <li>• Pony Club Shed</li> <li>• Woodworkers Shed</li> <li>• Mudgee Dressage Shed</li> </ul> Still Needed - <ul style="list-style-type: none"> <li>• Antique Machinery Shed</li> <li>• Grandstand / Old Bar</li> <li>• Wool Shed</li> </ul> |
| 2. | Election of Chair  | 7/11/17      | Deferred to next meeting | All  |   |

## Item 13: Urgent Business Without Notice

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### URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

### GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

### BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)



## Item 14: Confidential Session

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### LOCAL GOVERNMENT ACT, 1993

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#### 10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### 10D *GROUNDS FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
  - (a) the relevant provision of section 10A(2)
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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**DISCLOSURE AND MISUSE OF INFORMATION**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
- (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
  - (e) with other lawful excuse.
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
2. (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a council after it has been presented to the council, or
  - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
  - (b) the giving of an order.

**Maximum penalty: 50 penalty units**

## MOTION

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

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

## CHAIRMAN

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*The following matters have been listed for consideration in Confidential Session:*

### **14.1 Update on LEC Matter MA0030/2017**

***The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a matter subject to legal proceedings.***

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.