

ORDINARY MEETING

WEDNESDAY 17 AUGUST 2011

The logo for the Mid-Western Regional Council features three overlapping, curved lines in orange, yellow, and green, with a blue line at the bottom. The text "Mid-Western" is written in a large, bold, black font, and "REGIONAL COUNCIL" is written in a smaller, black font below it.

Mid-Western
REGIONAL COUNCIL



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10 August 2011

Dear Councillor

MEETING NOTICE

ORDINARY MEETING
WEDNESDAY 17 AUGUST 2011

OPEN DAY AT 5.30 PM
COUNCIL MEETING COMMENCING AT CONCLUSION OF OPEN DAY

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick Bennett", written in a cursive style.

WARWICK BENNETT
GENERAL MANAGER

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ITEM 1: APOLOGIES

ITEM 2: CONFIRMATION OF MINUTES

2.1 MINUTES OF ORDINARY MEETING HELD ON 20 JULY 2011

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 20 July 2011 Minute Nos 138/11 to 180/11 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached:

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 20 JULY 2011, COMMENCING AT 5.50 PM AND CONCLUDING AT 7.41 PM.

Present: Cr D Kennedy (Mayor), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett).

ITEM 1: APOLOGIES

There were no apologies.

ITEM 2: CONFIRMATION OF MINUTES

138/11 **MOTION:** Webb / Shelley

That the Minutes of the Ordinary Meeting held on 15 June 2011 (Minute Nos. 114/11 to 137/11) be taken as read and confirmed.

The motion was put and carried.

ITEM 3: DISCLOSURES OF INTEREST

There were no disclosures of interest.

ITEM 4: MAYORAL MINUTE

There was no Mayoral Minute.

ITEM 5: GENERAL BUSINESS5.1 NOTICES OF MOTION5.1.1 RESCISSION MOTION - ULAN WASTE TRANSFER STATION

A0100035, A0100052, P1003511

139/11 **MOTION:** Holden / Lang

That the resolution on the Council Meeting on 20 April 2011 under Minute No. 88/11 in relation to the Ulan Waste Transfer Station be and is hereby rescinded.

The motion was put and carried.

140/11 **MOTION:** Webb / Shelley

That:

1. Council proceed with the construction of a waste transfer station at Ulan; and
2. the General Manager negotiate with the EPA and the coal mines about the possibility of a waste facility being located on one of the mine properties.

The motion was put and carried.

5.1.2 KANDOS ROTARY LOOKOUT

A0100035, A0100052, P1681411

MOTION: Thompson / Martens

That Council look to transfer the Kandos Rotary Lookout into Council's ownership, which is currently maintained by Council, but not owned.

141/11 **AMENDMENT:** Webb / Holden

That a report be brought back to Council on an appropriate location for a future lookout at Kandos.

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

5.1.3 KANDOS CEMENT WORKS

A0100035, A0100052, P1977611

142/11 **MOTION:** Shelley / Holden

That Council seeks immediate support from Cement Australia, State and Federal Governments for a feasibility study in retaining and revitalizing the Cement works site in Kandos for options in tourism and other industry.

The motion was put and carried.

5.2 REPORTS TO COUNCIL

5.2.1 DA0352/2011 ATTACHED DUAL OCCUPANCY - LOT 9 DP
1143747, 17 INVERNESS AVENUE MUDGEE

A0100052, P2037361

MOTION: Webb / Holden

That Development Application 0352/2011 for an attached dual occupancy, Lot 9 DP 1143747, 17 Inverness Avenue, Mudgee be refused due to non-compliance with Council's Residential Development DCP and the applicant be advised to redesign the proposed attached dual occupancy to accommodate single, set-back garages.

AMENDMENT: Thompson / Lang

That consideration of this matter be deferred.

This amendment was put and lost with Councillors voting as follows:

| Councillors | Ayes | Nayes |
|----------------------|-------------|--------------|
| <i>Cr Holden</i> | | ✓ |
| <i>Cr Kennedy</i> | ✓ | |
| <i>Cr Lang</i> | ✓ | |
| <i>Cr Martens</i> | | ✓ |
| <i>Cr Shelley</i> | | ✓ |
| <i>Cr Thompson</i> | ✓ | |
| <i>Cr Walker</i> | ✓ | |
| <i>Cr Weatherley</i> | | ✓ |
| <i>Cr Webb</i> | | ✓ |

AMENDMENT: Shelley / Walker

A. That Council approve Development Application 0352/2011 for an attached dual occupancy at Lot 9 DP 1143747, 17 Inverness Avenue Mudgee, with the following conditions;

APPROVED PLANS

1. Development is to be carried out in accordance with stamped plans 3234_A01B to A07B dated May 2011 and prepared by Giselle Denley Drafting Services as lodged with the application received by Council on 03.06.2011, except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. Windows in the ensuite, WC and laundry of unit one, and in the bathroom and laundry of unit two are to consist of frosted, translucent glass; the purpose being to improve amenity and to prevent overlooking from the windows of opposing units.
3. Skylights are to be installed in the laundry and ensuite of unit one, and in the bathroom, laundry and kitchen of unit two, being a total of five (5) skylights in all; the purpose being to improve amenity and to

compensate for the limited exposure to natural light from the windows of these rooms.

4. A "Lap and Cap" wooden fence, 1800mm high, is to be installed for the full length of the division between the two units and private open spaces; the purpose being to improve amenity, prevent overlooking, and limit the potential for noise transmission from opposing units.
5. Privacy screens, totalling two (2) in number, and consisting of minimum 1800mm high lattice enclosures, or the like, are to be placed, one on the eastern elevation of the unit 1 alfresco dining area and one on the western elevation of the unit 2 alfresco dining area; the purpose being to improve amenity and to limit overlooking from the alfresco dining areas of opposing units.
6. A/C condensers are to be provided with noise attenuation screens; the purpose being to limit the potential for noise transmission to neighbouring properties.

HEALTH AND BUILDING

7. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).
8. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage.
9. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
10. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
11. All building work must comply with the requirements of the National Construction Code 2011, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
12. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
13. Construction work noise that is audible at other premises is to be restricted to the following times.
 - Monday to Friday -- 7.00am to 6.00pm
 - Saturday -- 8.00am to 1.00pm

- No construction work is permitted on Sundays and Public Holidays.
14. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. Council encourages the separation and recycling of suitable materials.
 15. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
 16. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
 17. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
 18. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
 19. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 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. No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.
 20. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters
 21. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
 22. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 23. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

24. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roofwater drainage system. Full details must be submitted with the Construction Certificate application.
25. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
26. The requirements of the submitted BASIX Certificate, number 379503S and 378809S issued on 15 June 2011 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 prior to the commencement of the alteration/s.
27. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

ENGINEERING

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

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

| | |
|--------------------|-----------|
| Water Headworks | \$3715.00 |
| Sewerage Headworks | \$1697.00 |
| Total | \$5412.00 |
 - (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.
29. The applicant is to provide separate water and sewer reticulation services to each dwelling.
30. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot 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.

31. The developer is to provide a water service and meter for each dwelling. This can be achieved by making a payment to Council of \$1,081.60 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

| | | | |
|---------------|-----|---------|----------|
| TOTAL PAYABLE | 1 x | \$1,100 | =\$1,100 |
|---------------|-----|---------|----------|

Note: Council does not permit other bodies to insert new junctions into 'live' water mains.

32. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
33. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

ENGINEERING CONSTRUCTION

34. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus Spec #1 and Council's standard drawings.
35. Vehicular entrances and concrete footway crossings are to be provided at a suitable location to the development. These should be constructed in accordance with Aus- Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback.
36. Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.00pm 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.
37. Council is to be supplied with:
- A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply
 - A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services.

This amendment was put and lost with Councillors voting as follows:

| Councillors | Ayes | Nayes |
|--------------------|-------------|--------------|
| Cr Holden | | ✓ |
| Cr Kennedy | ✓ | |
| Cr Lang | | ✓ |
| Cr Martens | | ✓ |
| Cr Shelley | ✓ | |
| Cr Thompson | | ✓ |
| Cr Walker | ✓ | |
| Cr Weatherley | | ✓ |
| Cr Webb | | ✓ |

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

| Councillors | Ayes | Nayes |
|--------------------|-------------|--------------|
| Cr Holden | ✓ | |
| Cr Kennedy | | ✓ |
| Cr Lang | | ✓ |
| Cr Martens | ✓ | |
| Cr Shelley | | ✓ |
| Cr Thompson | | ✓ |
| Cr Walker | | ✓ |
| Cr Weatherley | ✓ | |
| Cr Webb | ✓ | |

5.2.2 DA0356/2011 PROPOSED PARTIAL DEVELOPMENT (DWELLING ENTITLEMENT) LOT 100 DP 1038561, 49 GROWEE ROAD, RYLSTONE.

A0100052, P1476061

143/11

MOTION: Shelley / Weatherley

A. That Council approves Development Application 0356/2011 for partial development (dwelling entitlement) for Lot 100 DP 1038561, 49 Growee Road, Rylstone, subject to the attached conditions:

APPROVED DEVELOPMENT

1. Development is to be carried out in accordance with the application received by Council on 8th June 2011, except as varied by the conditions listed herein. Any minor modification to the approved development will require the lodgement and consideration by Council of an amended application. Major modifications will require the lodgement of a new development application.

Note: This consent relates to the legal entitlement to erect a dwelling on the land; the physical erection of the dwelling house is not approved by this consent and must form the subject of a separate Development Application. Nothing in this consent is to be construed as preventing Council from issuing further consent for the erection of a dwelling house in accordance with this consent.

GENERAL

2. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines:
 - a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
 - a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication '*Intersections at Grade*'.

Note: Council approval is required prior to the commencement of work within a public road reserve.

3. The developer is to construct adequate all-weather vehicular access within the road reserve to the development site from the nearest Council maintained road, in accordance with Council Policy Road Classifications and Standards, to local access standard:
 - Formed width – 4.5m;
 - Shape – 6% one way crossfall may be used;
 - Natural materials.

(Note: This road will not be maintained by Council. It will be the responsibility of the road users to perform any future road maintenance).

4. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$1000.00, whichever is the greater, shall be lodged with Council. The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limit on the operation of the guarantee.
5. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.
6. Any unexpanded bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works.

7. 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.
8. The road 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
 - Road pavement construction
 - Practical completion
9. No construction is to commence before a Construction Certificate is issued for the road works. The works are to be constructed in accordance with the plans and specifications referred to in the Construction Certificate.

Note: Council must issue the Construction Certificate as the Road Authority under the Roads Act. Council's fee for this service is set out in Council's fees and charges.

10. 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 any work commencing.
11. A copy of the Contractor's insurance cover for a minimum of \$10,000,000.00 is to be provided to Mid-Western Regional Council as the Roads Authority.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORK - DWELLING

12. Prior to the commencement of any construction works, the following provisions are to be complied with:
13. A separate Development Consent is to be obtained from Council relating to the erection of a dwelling house in association with this consent.
14. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - a) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - b) Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

B. That upon determining the application, Council seeks the NSW Department of Planning and Infrastructure Director-General's concurrence in accordance with clause 7 of SEPP 1, - Variations to Development Standards.

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

| Councillors | Ayes | Nayes |
|----------------------|-------------|--------------|
| <i>Cr Holden</i> | ✓ | |
| <i>Cr Kennedy</i> | ✓ | |
| <i>Cr Lang</i> | ✓ | |
| <i>Cr Martens</i> | ✓ | |
| <i>Cr Shelley</i> | ✓ | |
| <i>Cr Thompson</i> | ✓ | |
| <i>Cr Walker</i> | ✓ | |
| <i>Cr Weatherley</i> | ✓ | |
| <i>Cr Webb</i> | ✓ | |

5.2.3 DA0279/2011 – DEMOLITION AND CONSTRUCTION OF COMMERCIAL UNITS – LOT 4 DP 759017 – CNR. MAIN STREET AND SHORT STREET - ULAN

A0100052, P1393061

144/11

MOTION: Shelley / Webb

That:

- A. the report by Manager Statutory Planning on Development Applications 0279/2011 for the demolition and construction of commercial units at 34-36 Main Street, Ulan be received;
- B. Development Applications 0279/2011 for the demolition and construction of commercial units at 34-36 Main Street, Ulan be refused for the following reasons;
 - 1. The proposal is not compatible with objective of the village zone under the Merriwa LEP 1992 as it is considered an inappropriate development for a village zone and would be better accommodated in the Mudgee or Gulgong industrial zones, or the heavy industrial zone at Ulan;
 - 2. The proposal does not provide adequate consideration of water supply for the development and therefore the suitability of the site is questioned;
 - 3. The development has the potential to create unacceptable traffic and noise impacts for adjoining development and the village;
 - 4. It is not considered to be in the public interest to approve a commercial development of the scale proposed in a village that does not have the services and infrastructure available to readily service the development; and
 - 5. The proposed development is considered to be of a scale that is excessive for a village zone.

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

| Councillors | Ayes | Nayes |
|----------------------|-------------|--------------|
| <i>Cr Holden</i> | ✓ | |
| <i>Cr Kennedy</i> | ✓ | |
| <i>Cr Lang</i> | ✓ | |
| <i>Cr Martens</i> | ✓ | |
| <i>Cr Shelley</i> | ✓ | |
| <i>Cr Thompson</i> | ✓ | |
| <i>Cr Walker</i> | ✓ | |
| <i>Cr Weatherley</i> | ✓ | |
| <i>Cr Webb</i> | ✓ | |

5.2.4 GENERAL CONTRACTORS – ADDITION TO PREFERRED SUPPLIERS LIST

A0100052, A0411009

145/11

MOTION: Weatherley / Shelley

That:

1. the report by Administration and Building Coordinator on additional General Contractors be added to the Preferred Suppliers list be received; and
2. Council accepts the additional preferred contractors for tender 2010/09 for the provision of metal fabrication, electrical, stock work, guardrail installation, building work and landscaping as part of the general contracting services and that Council accept this preferred contractor list in accordance with clause 178 of the *Local Government (General) Regulation 2005*.

The motion was put and carried.

5.2.5 REDBANK CREEK DAM – NOTICE PURSUANT TO SECTION 18(1) DAMS SAFETY ACT

A0100052, F0710004, F0710006

146/11

MOTION: Holden / Shelley

That:

1. the report by the General Manager on Redbank Creek Dam be received;
2. Council re-affirms its determination that it does not consider itself the owner of Redbank Creek Dam; and
3. Council seeks urgent negotiations with the relevant State Government Minister to have the Council excluded as the owner of Redbank Creek Dam. Failing the correct action by the relevant Minister, Council delegates to the General Manager to take such legal action needed to achieve a determination that Council is not the owner.

The motion was put and carried.

5.2.6 RYLSTONE-KANDOS FLOOD STUDY AND FLOODPLAIN
MANAGEMENT PLAN

A0100052, F0710003, A0060009, A0411101

147/11 **MOTION:** Shelley / Lang

That the report by Manager Environment on the Rylstone Kandos Flood Study and Floodplain Management Plan be received and noted.

The motion was put and carried.

5.2.7 MUDGEE AND GULGONG ACCESS COMMITTEE – JUNE 2011

A0100052, A0060008

148/11 **MOTION:** Holden / Lang

That:

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committees be received; and
2. Council note the minutes of the Mudgee and Gulgong Access Committee Meeting held on 7 June 2011.

The motion was put and carried.

5.2.8 COMMUNITY SAFETY COMMITTEE

A0100052, A0310010

149/11 **MOTION:** Shelley / Webb

That:

1. the report by General Manager on the membership of the Community Safety Committee be received; and
2. Council approves Mrs Dianne Munday, Mr David Anderson and Mr Peter Doran as the community representatives on the Mid-Western Community Safety Committee.

The motion was put and carried.

5.2.9 MID-WESTERN REGIONAL FAMILY DAY CARE – FUNDING
AGREEMENT

A0100052, A0060077

150/11 **MOTION:** Weatherley / Martens

That:

1. the report by Manager Library and Community Services on the Mid-Western Regional Family Day Care Funding Agreement be received;
2. Accept the funding agreement from the Department of Education, Employment and Workplace Relations for the Mid-Western Regional Day Care Scheme for the period 1 July 2011 to 30 June 2012; and

3. the necessary documentation is executed under Common Seal.

The motion was put and carried.

5.2.10 FAMILY DAY CARE POLICY

A0100052, A0060070

151/11

MOTION: Walker / Lang

That:

1. the report by Manager Library and Community Services be received; and
2. Council adopt the Family Day Care Policy.

The motion was put and carried.

5.2.11 GULGONG MEMORIAL HALL COMMITTEE MEETING – APRIL,
MAY AND JUNE 2011

A0100052, P0453311

152/11

MOTION: Walker / Shelley

That the minutes of the Gulgong Memorial Hall Committee held on the 5 April 2010, 10 May 2011 and 14 June 2011 be received.

The motion was put and carried.

5.2.12 MUDGEETOWN HALL – ACCESSIBILITY FUNDING AGREEMENT

A0100052, P0159964

153/11

MOTION: Weatherley / Holden

That:

1. the report by the Manager, Library and Community Services be received;
2. Council accept the offer from the Department of Families, Housing, Community Services and Indigenous Affairs of \$100,000 (ex. GST) towards the renovation of the Mudgee Town Hall building to include an elevator;
3. the 2011/12 Management Plan be amended to include this additional income and expenditure of \$100,000 (ex. GST) for the Mudgee Town Hall renovation project; and
4. the necessary documentation be executed under the Common Seal.

The motion was put and carried.

5.2.13 TEMPORARY RELOCATION OF THE MUDGEES LIBRARY

A0100052, P0159964, F0620022

154/11

MOTION: Walker / Lang

That:

1. the report by the Manager, Library & Community Services on the temporary relocation of the Mudgee Library be received;
2. Council determine to relocate the Mudgee Library to the Stables Meeting Room and Gallery for the duration of the renovation works at the Mudgee Town Hall building; and
3. Council continue to support the arts community through this period of time by providing financial assistance for the showing of art exhibitions at other venues as required through the Art Exhibition Maintenance and Management budget, up to a total value of \$10,000.

The motion was put and carried.

5.2.14 VANDALISM AND LITTERING

A0100052, F0650131, R0790170, A0100021

155/11

MOTION: Holden / Walker

That:

1. the report by the General Manager on the subject of vandalism and littering be received;
2. Council adopt the attached policy on Vandalism;
3. an adjustment be made in the next Quarterly Review to provide funding for the rewards scheme for people who report incidents of vandalism; and
4. Council support staff on a more assertive action programme for the issuing of fines for littering.

The motion was put and carried.

5.2.15 NOXIOUS WEEDS CONTROL ADVISORY COMMITTEE – 4 JULY 2011

A0100052, A0130077

156/11

MOTION: Webb / Lang

That the minutes of the Noxious Weeds Control Advisory Committee held on 4 July 2011 are noted.

The motion was put and carried.

5.2.16 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL
BANK BALANCES AND INVESTMENTS AS AT 30 JUNE 2011

A0100052, A0140304

157/11 **MOTION:** Holden / Shelley

That the Investment Report as at 30 June 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

The motion was put and carried.

5.2.17 ACCESS THROUGH CROWN RESERVE 22676

A0100052, P0936311

158/11 **MOTION:** Walker / Webb**That:**

1. the report by the Manager Governance on the opening of a public road over the existing track within Quarry Reserve 22676 on Blue Springs Road, be received;
2. Council request the Land and Property Management Authority to consent to the acquisition of the existing track within Quarry Reserve 22676 on Blue Springs Road;
3. Council create a public road over the track within Quarry Reserve 22676;
4. the road created be an unmaintained public road; and
5. any necessary documentation be executed under Common Seal.

The motion was put and carried.

5.2.18 REVIEW OF MODEL CODE OF CONDUCT

A0100052, A0110003

159/11 **MOTION:** Shelley / Lang**That:**

1. the report by the Manager Governance on the review of the Model Code of Conduct be received; and
2. Council adopt the responses to the questions raised in the Discussion Paper prepared by the Division of Local Government set out in the report of the Manager of Governance dated 28th June 2011 and forward this to the Division.

AMENDMENT: Martens / Thompsen**That:**

1. the report by the Manager Governance on the review of the Model Code of Conduct be received; and

2. Council seek the community's views before making a submission to the Division of Local Government.

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

5.2.19 STATUTORY REQUIREMENTS LEADING UP TO THE 2012
COUNCIL ELECTION

A0100052, A0110038

160/11

MOTION: Lang / Webb

That:

1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and
2. there be nine (9) Councillors for the next Council term commencing in September 2012.

AMENDMENT: Shelley / Holden

That:

1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and
2. a report be presented on the division of the Mid-Western Regional local government area into Wards.

This amendment was put and lost.

AMENDMENT: Thompson / Martens

That:

1. the report by the Manager Governance on the statutory issues that need to be addressed prior to the next general council elections be received; and
2. there be nine (9) Councillors for the next Council term commencing in September 2012.
3. Council seek to have a popularly elected Mayor.

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

5.2.20 ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF

A0100052, A0385024

The General Manager table copies of the Contracts of Employment for all senior staff

161/11

MOTION: Shelley / Walker

That the report by the Manager Governance on the contractual conditions of senior staff be received.

AMENDMENT: Holden / Martens

Consideration of this matter be deferred.

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

5.2.21 2012 LOCAL GOVERNMENT ELECTIONS

A0100052, A0120001, A0121200

MOTION: Shelley / Lang

That:

1. the report by the Manager Governance on the conduct of the 2012 Mid-Western Regional Council general elections be received; and
2. Council request the Electoral Commission to conduct the 2012 General Election on behalf of Mid-Western Regional Council

162/11

AMENDMENT: Thompson / Webb

That:

1. **the report by the Manager Governance on the conduct of the 2012 Mid-Western Regional Council general elections be received; and**
2. **a report be presented to Council on the cost involved if Council conducted the election itself or used another service provider.**

The motion was put and carried.

5.2.22 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

A0100052, A0110001

163/11

MOTION: Walker / Webb

That:

1. **The report by the Manager Governance in relation to proposed amendments to the Council's policy on the Payment of Expenses and Provision of Facilities to Councillors be received;**
2. **Council is of the opinion that the proposed amendments to the policy are not substantial and therefore public notice is not required;**

3. Council formally adopt the proposed policy on the Payment of Expenses and Provision of Facilities to Councillors; and
4. the Department of Local Government be advised that Council has formally adopted this policy and be provided with:
 - A copy of the adopted policy; and
 - A copy of this report

The motion was put and carried.

5.2.23 TOWARDS 2030 INTERIM COMMUNITY ENGAGEMENT REPORT
A0100052, A0420220

164/11 **MOTION:** Walker / Holden

That the report by Team Leader Strategic Planning on the Interim Community Engagement under taken for the Community Plan be received.

The motion was put and carried.

5.2.24 MAXIMUM INTEREST RATE ON OVERDUE RATES & CHARGES
A0100052, A0149934

165/11 **MOTION:** Webb / Martens

That:

1. the report by the Group Manager Finance & Administration on the 2011/12 maximum interest rate on overdue rates and charges be received; and
2. Council adopt the maximum interest rate of 11% for overdue rates and annual charges in the 2011/12 financial year.

The motion was put and carried.

5.2.25 LAND SALES UPDATE – KANDOS AND RYLSTONE
A0100052, A0010006

166/11 **MOTION:** Walker / Shelley

That the report by the Manager Governance on the Kandos and Rylstone Land Sales be received.

The motion was put and carried.

5.2.26 LOCAL GOVERNMENT ASSOCIATION CONFERENCE MOTIONS
A0100052, A0310010, A0110033, A0040005

167/11 **MOTION:** Thompson / Webb

That:

1. The report by the General Manager on the Local Government Association Conference Motions be received; and

2. Council submit the following motions for consideration at the Conference:
- That the Local Government Association support the NSW Farmers in its push for a \$10 bounty on foxes and a \$50 bounty on wild dogs.
 - That the Local Government Association support the construction of a freeway over the Blue Mountains.
 - That the Local Government Association support the payment of mining royalties to councils.
 - That the Local Government Association support the review of the Mining Act to include loss of water as a compensatory payment.

The motion was put and carried.

5.2.27 MOOLARBEN VOLUNTARY PLANNING AGREEMENT (VPA)

A0100052, A0420176

168/11

MOTION: Walker / Webb

That:

1. the report by the General Manager on the Moolarben Voluntary Planning Agreement be received;
2. Council agrees to amend the Voluntary Planning Agreement with Moolarben Coal Pty Ltd that allows for a one lump sum payment of \$1,365,000 to be paid to Council within 30 days of the stage 2 approvals for their operations. The funds to be used at Councils discretion but will generally be used for community infrastructure capital projects; and
3. Council authorises the General Manager to have the draft Voluntary Planning Agreement for stage two scrutinised by Council legal advisers and then placed on public exhibition.

The motion was put and carried.

5.2.28 MURRAY DARLING ASSOCIATION MEMBERSHIP

A0100052, F0710037

169/11

MOTION: Shelley / Lang

That:

1. the report by the General Manger on membership to the Murray Darling Association be received; and
2. Council join the Murray Darling Association at a cost of \$5,500.00 to be funded from the Councils Grants and Subscriptions budget.

The motion was put and carried.

5.2.29 RELOCATION OF MUDGEES VISITORS CENTRE - MUDGEES
REGIONAL TOURISM INC

A0100052, F0770077

MOTION: Shelley / Holden

That:

1. the report by the General Manager on the relocation of the Mudgee Visitors Centre be received;
2. Council not proceed with any further action for the relocation of the Mudgee Visitor Centre.

170/11

AMENDMENT: Thompson / Lang

That:

1. the report by the General Manager on the relocation of the Mudgee Visitors Centre be received;
2. the relocation of the Mudgee Visitors Centre be further investigated at the appropriate time.

The motion was put and carried.

5.2.30 ROAD NAMING – MUDGEES

A0100052, R0790141

MOTION: Walker / Weatherley

That:

1. the report by the Manager Governance about the naming of the un-named cul-de-sac off Bellevue Road Mudgee be received; and
2. Council endorse the road name “Dud Mills Place” for the cul-de-sac that runs south off Bellevue Road, Mudgee.

171/11

AMENDMENT: Webb / Lang

That:

1. the report by the Manager Governance about the naming of the un-named cul-de-sac off Bellevue Road Mudgee be received; and
2. Council endorse the road name “Hennessy Place” for the cul-de-sac that runs south off Bellevue Road, Mudgee and further approach the Geographical Names Board with a view to getting them to agree to this request.

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

5.2.31 RURAL ROAD NAMING

A0100052, R0790041

172/11

MOTION: Thompson / Lang**That:**

1. the report by the Manager Governance on road naming in the locality of Two Mile Flat be received; and
2. consideration of the naming of the unnamed road accessed off Goolma Road at Two Mile Flat and running from the Goolma Road in a northerly direction to the Cudgegong River, be deferred to permit further discussions and negotiation with the Geographical Names Board.

*The motion was put and carried.*5.2.32 REINSTATEMENT OF FEES FOR RYLSTONE SHOWGROUND

A0100052, F0650139, A0140341

173/11

MOTION: Shelley / Walker**That:**

1. the report by Administration and Building Coordinator on Fees & Charges for Rylstone Showground be received; and
2. the fees for the Rylstone Showground be added the Council's fees and charges for 2011/2012 as follows:

| | 2010/11 | 2011/12 |
|---|----------------------|----------|
| Regular Hirers: | | |
| Sporting Groups use Rylstone Kandos Sports Groups Fees | | |
| Rylstone Show Society | 286.00 | 295.00 |
| Bond | 1,144.00 | 1,500.00 |
| Pony Club | per day 48.40 | 50.00 |
| | Special events 96.80 | 100.00 |
| Clearing Sales/Auction Sales | | |
| Commercial Markets | | |
| Swap Meet | 96.80 | 100.00 |
| Sheepdog Trials | Per event 343.20 | 355.00 |
| School – Ground Hire | | |
| Horse Events: | | |
| Ring Hire – Main Arena | Per day 113.30 | 115.00 |
| Bond | 100.10 | 105.00 |
| Grassed Areas | Per day 57.20 | 60.00 |
| Bond | 248.60 | 255.00 |
| Circus (per performing night) | + power 171.60 | 175.00 |
| Security deposit | Per day 572.00 | 600.00 |
| Bar Hire | 52.80 | 55.00 |
| Shelter Shed | 52.80 | 55.00 |
| Cattle Shed | Per day 57.20 | 60.00 |

| | | | |
|---|----------------|----------|----------|
| | of function | | |
| Sheep Shed | Per day | 91.30 | 95.00 |
| | of function | | |
| Other community /Non-Profit Groups 25% of Base Amount plus GST | | | |
| Major Event | Per day | 1,144.00 | 1,500.00 |
| Bond | | 1,144.00 | 1,500.00 |
| Plus power at cost plus cleaning and restoration at cost | | | |

The motion was put and carried.

5.2.33 WILPINJONG VOLUNTARY PLANNING AGREEMENT –
 AMMENDMENT

A0100052, A0420169, A0420028

174/11

MOTION: Holden/Martens

That:

1. the report by General Manager on the amendment to the Wilpinjong Voluntary Planning Agreement be received; and
2. Council agrees to an amendment to the Wilpinjong Voluntary Planning Agreement that will allow for the \$600,000 payment to Council to be expended on the Pitt Lane roundabout on Ulan Road and that the 2012/16 Management Plan be amended accordingly.

The motion was put and carried.

ITEM 6: URGENT BUSINESS WITHOUT NOTICE

6.1 ARTC PROPOSED PASSING LOOP, ULAN RAIL LINE, BYLONG
 LOOP EXTENSION

A0100052, A044003, A0420223

175/11

MOTION: Holden / Thompson

That this matter be dealt with as Urgent Business Without Notice.

The Mayor having ruled the matter to be of great urgency, the motion was put and carried.

176/11

MOTION: Holden / Weatherley

That:

1. the report by Senior Environment Officer on the ARTC proposed Ulan Rail Line, Bylong Loop Extension be received;
2. the consultants Ulan+ Alliance appointed by ARTC to prepare the Review of Environmental Factors be advised of Council concerns, which are traffic movements, soil erosion and potential spreading of weeds, possible impacts on threatened

species and cumulative impacts of noise and dust generated by the use of the rail-line.

3. Council delegates authority to the Group Manager Development and Community Services to forward a submission after feedback from Councillors.

The motion was put and carried.

6.2 FINANCIAL ASSISTANCE TO SALVATION ARMY

A0100052, A0140201

177/11 **MOTION:** Holden / Thompson

That this matter be dealt with as Urgent Business Without Notice.

The Mayor having ruled the matter to be of great urgency, the motion was put and carried.

178/11 **MOTION:** Lang / Webb

That financial assistance in the amount of \$1,300.00 be provided to the Salvation Army in support of the “Week of Scarves” organised by Council staff, from the following Councillors discretionary votes:

| | |
|---------------------|----------|
| Councillor Walker | \$200.00 |
| Councillor Kennedy | \$200.00 |
| Councillor Thompson | \$200.00 |
| Councillor Webb | \$200.00 |
| Councillor Lang | \$500.00 |

The motion was put and carried.

ITEM 7: CONFIDENTIAL SESSION

179/11 **MOTION:** Holden / Martens

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

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

Subject: Water Consumption – Property Number 12268

The reason for dealing with this report confidentially is that it relates to the personal hardship of any resident or ratepayer in accordance with Section 10A(2)(b) of the Local Government Act, 1993.

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

The motion was put and carried.

7.1 WATER CONSUMPTION – PROPERTY NUMBER 12268

A0100052, P1226811, A0141202

180/11

MOTION: Walker / Lang

That:

1. the report by Group Manager Finance & Administration on the request for financial assistance for water consumption at Property Number 12268 be received;
2. payment of the balance of the water consumption bill of \$7,208.02 for property 12268 be funded from the financial assistance vote – grants and subscriptions.

The motion was put and carried.

ITEM 8: OPEN COUNCIL

The General Manager announced the decision taken in Confidential Session.

CLOSURE

There being no further business the meeting concluded at 7.41 pm.

ITEM 3: 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 4: MAYORAL MINUTE (If Any)

(Insert Mayoral Minute (if any))

ITEM 5: REPORTS FROM COMMITTEES

5.1 PLANNING AND DEVELOPMENT COMMITTEE

RECOMMENDATION

That:

- 1. the matters resolved at the Planning and Development Committee meeting held on 3 August 2011 be received and confirmed.**
 - 2. the recommendations from the Planning and Development Committee meeting held on 3 August 2011 in respect of the following items be adopted.**
 - DA 0304/2011 - Proposed Two Lot Rural Residential Subdivision, Lot 11 DP 1007792, 6 Avisford Court, Mudgee
 - DA 0380/2011 – Proposed Extension To Commercial Building And Subdivision, 75-77 Mortimer Street Mudgee
-

The report of the Planning and Development Committee is attached:

REPORT ON THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 3 AUGUST 2011, COMMENCING AT 5.47 PM AND CONCLUDING AT 6.00 PM

Present: Cr D Kennedy (Mayor), Cr JR Webb (Chairperson), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr JP Thompson, Cr MB Walker, Cr JK Weatherley.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Business Manager Services (J Geddes), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (D Schneider), Radio 2MG (M rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

P.14/11 **MOTION: Holden / Lang**

That the apology received for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

Councillor Lang declared an interest in Item 5.1 as he is the owner of the property which is the subject of this application.

Councillor Holden declared an interest in Item 5.1 as he owns a property above the 520 AHD line and considers that his property could be affected by this decision.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

P.15/11

MOTION: Holden / Weatherley

That Min. No. P.68/10 be noted as completed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO PLANNING AND DEVELOPMENT COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO PLANNING AND DEVELOPMENT COMMITTEE

5.1 DA 0304/2011 - PROPOSED TWO LOT RURAL RESIDENTIAL SUBDIVISION, LOT 11 DP 1007792, 6 AVISFORD COURT, MUDGEE

A0100052, P1227164

Councillor Lang declared a pecuniary interest in that he is the owner of the property which is the subject of this application, left the meeting at 5.49 pm and did not participate in discussions or vote in relation to this matter.

Councillor Holden declared a pecuniary interest in that he owns property above the 520 AHD line and considers that that his property could be affected by this decision, left the meeting at 5.49 pm and did not participate in discussions or vote in relation to this matter.

P.16/11

MOTION: Thompson / Weatherley

- A. That the Report of the Manager Statutory Planning relating to the proposed subdivision of lot 11 DP 1007792, 6 Avisford Court Mudgee be noted;**
- B. That Council resolve to release the 88B Instrument that provides for a “Restriction on the use of the land” that prohibits the further subdivision of the subject allotment.**
- C. That Development Application No. 03034/2011 for a two lot rural residential subdivision at lot 11 DP 1007792, 6 Avisford Court Mudgee be approved in accordance with the following conditions:**

APPROVED PLAN

- 1. Development is to be carried out in accordance with stamped plan Drawing No. 9435 – L01, Revision F, dated 05/05/2011 and Statement of Environmental Effects, April 2011, both prepared by Barnson and forming part of the development application**

received by Council on 27.04.2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

2. Engineering plans of any mains extensions are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
3. A detailed engineering design supported by plans, and an “Autocad compatible” Plan, (in dwg format including pen-map), material samples, test reports and specifications is to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
4. A Construction Environmental Management Plan (CEMP) 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”. The CEMP is to at a minimum address the following points:
 - Drainage reserves are to be turfed.
 - Single strip of turf to be laid behind kerb and gutter.
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
 - A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage;
 - Details of fill including source material and compaction methods;
 - Details of construction methods relating to the prevention and mitigation of groundwater disturbance and salinity.
5. Details of the proposed private water supply system are to be provided to Council with the application for Construction Certificate. The proposed lots will not have access to an urban reticulated water supply.

PRIOR TO THE COMMENCEMENT OF WORKS

6. No construction is to commence before a *Construction Certificate* is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.

7. All relevant measures specified in the CEMP are to be in place prior to the commencement of works.

ENGINEERING CONSTRUCTION

8. 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.
9. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
10. 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.
11. 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.
12. The applicant is to provide separate sewer reticulation services to each lot.
13. The developer is to extend and meet the full cost of sewerage reticulations to service the new lots 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.
14. The construction of sewer mains such that there is a separate and distinct sewer connection located wholly within the boundary of each proposed allotment, in accordance with the Local Government (Water, Sewerage and Drainage) Regulation and the WSA 02-2002 Sewerage Code of Australia at full cost to the developer.
15. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

INSPECTIONS

16. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures

- Water and sewer line installation prior to backfilling
- Water and sewer line testing
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Practical Completion

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

17. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
18. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.
19. If the *Subdivision Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
20. Prior to the issue of a *Subdivision Certificate*:
 - (a) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - (b) an agreement be made between the developer and Council;
 - i) as to the security to be given to Council that the works will be completed or the contribution paid, and
 - ii) as to when the work will be completed or the contribution paid.
21. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
22. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000, whichever is the greater, shall be lodged with Council.

The bond may be provided by way of a monetary deposit with the Council or a bank guarantee to the satisfaction of the Council. If the applicant chooses to provide a bank guarantee, the guarantee must not specify any time limitations on the operation of the guarantee.
23. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction.

If these defects are not satisfactorily remedied, Council may use bond monies to carry out rectification.

Any unexpended bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.

24. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate from an Energy supplier indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- b) A certificate from Telecommunications provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

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

Catchment 2 – 1 Additional Lot

| Program | Total \$ |
|-----------------------------|-------------------|
| <i>Transport Management</i> | |
| Traffic Management | \$1,076.00 |
| <i>Open Space</i> | |
| Local Open Space | \$1,691.00 |
| District Open Space | \$2,296.00 |
| <i>Community Facilities</i> | |
| Library Buildings | \$221.00 |
| Library Resources | \$266.00 |
| <i>Administration</i> | |
| Plan Administration | \$515.00 |
| PAYABLE per lot | \$6,065.00 |
| TOTAL PAYABLE | \$6,065.00 |

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

- (a) Payment of a contribution for water and sewerage head works at the following rate:

| | |
|---------------------|-----------------------------------|
| Water Head works | \$11,147.00 per lot = \$11,147.00 |
| Sewerage Head works | \$ 3,563.00 per lot = \$ 3,563.00 |

27. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to

Council of \$1,081.60 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

Note: Council does not permit other bodies to insert new junctions into 'live' water mains.

- 28. A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that no further subdivision of the proposed lots is to occur. Council is to be a benefitting authority.
- 29. A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that dual occupancy is not permitted on the proposed lots. Council is to be a benefitting authority.
- 30. A Positive covenant is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states a reticulated water supply is not available to the proposed allotments unless approved by Council, and if the lots are connected to the reticulated water supply system, the level of service cannot be guaranteed. Council is to be a benefitting authority.

The motion was put and carried as a recommendation to Council with Councillors voting as follows:

| Councillors | Ayes | Nayes |
|---------------|------|-------|
| Cr Kennedy | ✓ | |
| Cr Martens | ✓ | |
| Cr Thompson | ✓ | |
| Cr Walker | ✓ | |
| Cr Weatherley | ✓ | |
| Cr Webb | | ✓ |

Councillors Lang and Holden returned to the meeting at 5.51 pm.

5.2 DA 0305/2011 - RESTORATION, RENOVATION AND EXTENSION OF MUDGEES LIBRARY (FORMER TOWN HALL BUILDING), 64 MARKET STREET MUDGEES

A0100052, P0159964

P.17/11

MOTION: Walker / Lang

A. That Council approve Development Application 0305/2011 for restoration, renovation and extension of Mudgees Library (former Town Hall building) at Lot 5 Section 55 DP 758721, 64 Market Street Mudgees with the following conditions;

APPROVED PLANS

- 2. Development is to be carried out in accordance with stamped plans 2011/26 to 31 dated 28 April 2011 and statement of environmental effects dated 03 May 2011, both prepared by BJ Hickson as lodged with the application received by Council on 29.04.2011, except as varied by the conditions listed herein. Any

minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

2. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
3. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
4. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
5. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
6. 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 any work commencing. Contractor’s insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.
7. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

8. Building materials shall not be placed on Council’s footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
9. A builder’s toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.

10. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.
11. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
12. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) stating that unauthorised entry to the premises is prohibited, and
 - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed
13. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
14. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

DEMOLITION WORKS

15. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW “Guidelines for Practises Involving asbestos Cement in Buildings”.
16. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
 - Type of demolition waste

- Location of disposal
- Estimated quantities

17. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

18. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
19. Construction work noise that is audible at other premises is to be restricted to the following times:
- | | |
|------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
- No construction work that is audible shall be undertaken on Sundays or public holidays.
20. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
21. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
22. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
23. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.
24. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from

the site. The Council encourages the separation and recycling of suitable materials.

25. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.
26. Runoff and erosion controls must be installed prior to clearing the site 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 stabilised beyond the completion of the development or particular stage of the development.
27. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

ENGINEERING CONSTRUCTION

28. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.

OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

29. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
30. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent

with the aims and objectives of the environmental planning instrument affecting the land.

31. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.
32. 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.
33. Council is to be supplied with:
 - A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply
 - A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services.
34. Approval from the NSW Heritage Office under Section 60 of the Heritage act 1977 is to be obtained prior to the commencement of any works onsite. Should the approval be conditional, the applicant should ensure that the development approval is consistent with the approval obtained from the NSW Heritage Office. Any amendment may require a Section 96 application.

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

| Councillors | Ayes | Nayes |
|----------------------|-------------|--------------|
| <i>Cr Holden</i> | ✓ | |
| <i>Cr Kennedy</i> | ✓ | |
| <i>Cr Lang</i> | ✓ | |
| <i>Cr Martens</i> | ✓ | |
| <i>Cr Thompson</i> | ✓ | |
| <i>Cr Walker</i> | ✓ | |
| <i>Cr Weatherley</i> | ✓ | |
| <i>Cr Webb</i> | ✓ | |

5.3 DA 0380/2011 – PROPOSED EXTENSION TO COMMERCIAL BUILDING AND SUBDIVISION, 75-77 MORTIMER STREET MUDGEE

A0100052, P0022761

MOTION: Walker / Thompson

That Development Application No. 0380/2011 for the proposed extension to a commercial building and proposed subdivision at 75-77 Mortimer Street Mudgee be approved with the following conditions;

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans (Project no. 11003, Drawing No. DA0000, DA1000, DA1200, DA1400, DA1500, DA8000, dated 17 June 2011) by Gardner

Wetherill & Associates and Statement of Environmental Effects by Mid-Western Regional Council except as varied by any conditions listed herein.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

1. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
2. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.
3. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

| | |
|----------------------|--------------------|
| CIVIC IMPROVEMENTS | |
| Civic Improvements | \$61,008.00 |
| ADMINISTRATION | |
| Plan Administration | \$3,280.00 |
| TOTAL PAYABLE | \$64,288.00 |

4. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in lieu of car parking of:

| | |
|----------------------|-----------------------|
| TOTAL PAYABLE | \$ 340, 377.00 |
|----------------------|-----------------------|

5. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
6. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
7. 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 any work commencing. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.

8. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

9. Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.
10. A builder's toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.
11. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.
12. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
13. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) stating that unauthorised entry to the premises is prohibited, and
 - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.
14. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - d. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - e. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - f. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.

15. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

DEMOLITION WORKS

16. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW “Guidelines for Practises Involving asbestos Cement in Buildings”.
17. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
- Type of demolition waste
 - Location of disposal
 - Estimated quantities
18. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

19. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
20. Construction work noise that is audible at other premises is to be restricted to the following times:
- | | |
|------------------|------------------|
| Monday to Friday | 7.00am to 6.00pm |
| Saturday | 8.00am to 1.00pm |
- No construction work that is audible shall be undertaken on Sundays or public holidays.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
22. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
23. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.

24. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.

25. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.

26. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.

27. Runoff and erosion controls must be installed prior to clearing the site and incorporate:

- d. diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
- e. 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.
- f. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.

28. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

ENGINEERING CONSTRUCTION

29.. A minimum 25mm water service is to be provided to the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. All works are to be at the full cost of the developer.

30. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.

31. All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

32. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

GENERAL CONDITIONS

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

34. All service vehicles are to enter and exit the public car park in a forward direction at all times.
35. The approved hours of operation for use of the premises are:

| | |
|------------------|--------------------|
| Monday to Sunday | 8.30 am to 6.00 pm |
|------------------|--------------------|
36. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. 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".
39. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

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

(Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of determination, is \$70).

41. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
42. 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.
43. Any services affected by the proposed subdivision shall be relocated or new services provided so as to ensure that each allotment has the necessary services required to service the proposed development.
44. 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.

AMENDMENT: Holden/Martens

That Development Application No. 0380/2011 for the proposed extension to a commercial building and proposed subdivision at 75-77 Mortimer Street Mudgee be approved with the following conditions;

APPROVED PLANS

2. Development is to be carried out generally in accordance with the approved plans (Project no. 11003, Drawing No. DA0000, DA1000, DA1200, DA1400, DA1500, DA8000, dated 17 June 2011) by Gardner Wetherill & Associates and Statement of Environmental Effects by Mid-Western Regional Council except as varied by any conditions listed herein.

1a. AMENDMENTS

The façade be amended to increase the depth of the engaged piers by 200-300 mm with a corresponding increase in the depth of the capping to match.

The façade be amended to increase the depth of the engaged piers by 200-300 mm with a corresponding increase in the depth of the capping to match.

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate by Council or Private Certifier.

1. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from Telstra and Country Energy stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.
2. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.

3. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

| | |
|---------------------|-------------|
| CIVIC IMPROVEMENTS | |
| Civic Improvements | \$61,008.00 |
| ADMINISTRATION | |
| Plan Administration | \$3,280.00 |
| TOTAL PAYABLE | \$64,288.00 |

4. In accordance with the provisions of section 94(1)(b) of the *Environmental Planning and Assessment Act 1979* and the Mid Western Regional Council Section 94 Contribution Plan, a contribution shall be paid to Council in lieu of car parking of:

| | |
|---------------|---------------|
| TOTAL PAYABLE | \$ 340,377.00 |
|---------------|---------------|

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

6. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.

7. 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 any work commencing. Contractor’s insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid Western Regional Council as an interested party.

8. The applicant shall provide details of compliance with Part J (Energy Efficiency) of the BCA with the application for Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

9. Building materials shall not be placed on Council’s footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

10. A builder’s toilet shall be provided on site prior to the commencement of any building work, a WC pan fitted and a suitable shed enclosure provided.

11. The site shall be provided with a waste enclosure that has a lid or secure covering for the duration of the construction works to ensure that all waste is contained on the site. The receptacle is to be emptied

to reduce the potential for rubbish to become a nuisance. Council encourages the separation and recycling of suitable materials wherever possible.

12. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties. The plan shall include but not be limited to disturbances to adjoining properties from vibration.
13. A sign shall be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out showing:
 - (a) the name, address and telephone number of the principal certifying authority for the work, and
 - (b) stating that unauthorised entry to the premises is prohibited, and
 - (c) showing the name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours. The sign shall be removed when the erection or demolition of the building has been completed.
14. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - g. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - h. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - i. Council is to be given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
15. A Registered Surveyors Certificate showing the boundaries of the site and the proposed development plotted thereon being submitted to the Principal Certifying Authority prior to commencement of construction.

DEMOLITION WORKS

16. Any demolition works involving asbestos cement are to be carried out in accordance with the Work Cover NSW "Guidelines for Practises Involving asbestos Cement in Buildings".
17. Prior to demolition works commencing, the applicant shall provide Council with a Waste Management Plan that details:
 - Type of demolition waste
 - Location of disposal
 - Estimated quantities
18. The demolition is to occur in such a manner so as to encourage the recycling and reuse of salvageable materials.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards.

19. All building work must comply with the requirements of the National Construction Code 2011, Volume One, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations. Full details must be provided with the Construction Certificate application.
20. Construction work noise that is audible at other premises is to be restricted to the following times:

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

No construction work that is audible shall be undertaken on Sundays or public holidays.
21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice – Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.

All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
22. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25).
23. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
24. Any liquid wastes from the premises, being discharged to the sewers under control of Mid-Western Regional Council is done so in accordance with Council's requirements.
25. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site. The Council encourages the separation and recycling of suitable materials.
26. Guttering and down piping shall be provided and roof water discharged in a manner that does not affect adjoining properties.
27. Runoff and erosion controls must be installed prior to clearing the site and incorporate:

- g. diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
- h. 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.
- i. maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of the development or particular stage of the development.

28. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.

ENGINEERING CONSTRUCTION

29. A minimum 25mm water service is to be provided to the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. All works are to be at the full cost of the developer.
30. Storm water runoff from all impervious areas on the site are to be collected and conveyed to an approved drainage location in a manner consistent with Aus-Spec #1, Australian Standard 3500 and the approved drainage report.
31. All earthworks, filling, building, driveways or other works, are to be designed and constructed so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building.

32. The building shall not be used or occupied until either an occupation certificate or an interim occupation certificate has been issued by the principal certifying authority.
33. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the

aims and objectives of the environmental planning instrument affecting the land.

34. All service vehicles are to enter and exit the public car park in a forward direction at all times.
35. The approved hours of operation for use of the premises are:

| | |
|------------------|--------------------|
| Monday to Sunday | 8.30 am to 6.00 pm |
|------------------|--------------------|
36. All vehicles waiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
37. All loading and unloading in connection with the premises shall be carried out wholly within the site.
38. 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".
39. All air conditioning plant and ducting shall be located on the complex in such a manner as to ensure it would not be visible from any public place.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

These conditions have been imposed to ensure that the proposed subdivision complies with the requirements of the Environmental Planning and Assessment Act, 1979, Council policy and the relevant standards.

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

(Note: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges and for this development, at the date of determination, is \$70).

41. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
42. 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.
43. Any services affected by the proposed subdivision shall be relocated or new services provided so as to ensure that each allotment has the necessary services required to service the proposed development.
44. 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.

The amendment was put with Councillors voting as follows:

| Councillors | Ayes | Nayes |
|----------------------|-------------|--------------|
| <i>Cr Holden</i> | ✓ | |
| <i>Cr Kennedy</i> | ✓ | |
| <i>Cr Lang</i> | ✓ | |
| <i>Cr Martens</i> | ✓ | |
| <i>Cr Thompson</i> | | ✓ |
| <i>Cr Walker</i> | | ✓ |
| <i>Cr Weatherley</i> | | ✓ |
| <i>Cr Webb</i> | | ✓ |

Owing to an equality of voting the matter is referred to Council for determination.

REPORT CONCLUDED

5.2 ASSETS COMMITTEE

RECOMMENDATION

That:

1. the matters resolved at the Assets Committee meeting held on 3 August 2011 be received and confirmed.
 2. the recommendations from the Assets Committee meeting held on 3 August 2011 in respect of the following items be adopted.
 - Rural Waste Transfer Stations – Bulk Storage
-

The report of the Assets Committee is attached:

REPORT ON THE ASSETS COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 3 AUGUST 2011, COMMENCING AT 6.01 PM AND CONCLUDING AT 6.13 PM

Present: Cr D Kennedy (Mayor), Cr EE Martens (AM) (Chairperson), Cr R Holden, Cr E Lang, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Business Manager Services (J Geddes), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (D Schneider), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

S.24/11 **MOTION:** **Holden / Webb**

That the apology received for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

ITEM 4: NOTICES OF MOTION TO ASSETS COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO ASSETS COMMITTEE5.1 MUDGEE SHOWGROUND BUSINESS PLAN

A0100052, P0210911

S.25/11

MOTION: Holden / Lang**That:**

1. the report by Group Manager - Operations on the Mudgee Showground Business Plan be received;
2. the Mudgee Showground Business Plan be adopted; and
3. Council notes the General Managers comments at the end of the report.

The motion was put and carried as a resolution.

S.26/11

MOTION: Holden / Lang

That the Terms of Reference for the Mudgee Showground Management Committee be amended to include the Objectives on page 4 of the Business Plan.

The motion was put and carried as a resolution.

5.2 MUDGEE SALEYARDS MANAGEMENT COMMITTEE – JUNE 2011

A0100052, A0100047, F0720036

S.27/11

MOTION: Thompson / Lang**That:**

1. the report by Group Manager Operations on the Mudgee Saleyards Management Committee Meeting be received; and
2. the minutes for the Mudgee Saleyards Management Committee ordinary monthly meeting held on 16 June 2011 be noted.

The motion was put and carried as a resolution.

5.3 RURAL WASTE TRANSFER STATIONS – BULK STORAGE

A0100052, A0160015

S.28/11

MOTION: Walker / Holden**That:**

1. the report by Business Manager Services on the Bulk Storage areas of rural waste transfer stations be received.

2. the 2011/2012 Management Plan fees and charges relating to commercial quantities of asbestos be amended to:

| Description | Per unit | Base amount | GST | Total |
|---|----------|-------------|---------|----------|
| Asbestos (Mudgee depot only) – Commercial customers for projects in MWRC area only. | Tonne | \$120.00 | \$12.00 | \$132.00 |

3. the bulk storage areas at all rural waste transfer stations be the subject of a further report for Council’s consideration.

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

5.4 LOCAL TRAFFIC COMMITTEE MINUTES FOR JULY 2011

A0100052, R0790060

S.29/11

MOTION: Holden / Lang

That:

1. the minutes for the Traffic Advisory Committee meeting held in July 2011 are noted;
2. the event – “Mudgee Marathon Weekend”, 20 & 21 August 2011” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
 - h. The Traffic Control Plan (TCP) to reflect appropriate traffic control in Market Street;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$10 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;

- i. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review;
 - n. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes, for information;
 - o. Runners are to keep to the footpath area along Market Street, from Putta Bucca Road to Cox Street; and
 - p. A trailing escort warning vehicle is preferred to warn following motorists that there are runners ahead.
 3. the event – “Rainbow Day”, Thursday 22 September 2011” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$10 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
 - m. A copy of the TMP including the TCP is to be forwarded to the Traffic Operations Manager at the Regional RTA Office in Parkes for approval; and
 - n. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

The motion was put and carried as a resolution.

REPORT CONCLUDED

5.3 CULTURAL AND COMMUNITY SERVICES COMMITTEE

RECOMMENDATION

That the matters resolved at the Cultural and Community Services Committee meeting held on 3 August 2011 be received and confirmed.

The report of the Cultural and Community Services Committee is attached:

REPORT ON THE CULTURAL AND COMMUNITY SERVICES COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEE ON WEDNESDAY 3 AUGUST 2011, COMMENCING AT 6.14 PM AND CONCLUDING AT 6.15 PM

Present: Cr D Kennedy (Mayor), Cr E Lang (Chairperson), Cr R Holden, Cr PJ Thompson, Cr EE Martens (AM), Cr MB Walker, Cr J K Weatherley, Cr JR Webb.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (D Schneider), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

COM.44/11 **MOTION:** **Holden / Martens**

That the apology received for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

There were no disclosures of interest.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

COM.45/11 **MOTION:** **Holden / Martens**

That Res.15/11 be noted as completed.

The motion was put and carried.

COM.46/11 **MOTION:** Kennedy / Webb

That Res.78/11 be noted as completed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO CULTURAL AND COMMUNITY SERVICES COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO CULTURAL AND COMMUNITY SERVICES COMMITTEE

5.1 CULTURAL DEVELOPMENT COMMITTEE – MAY 2011

A0100052, A0420172

COM.47/11 **MOTION:** Holden / Kennedy

That:

- 1. the report by the Manager, Library and Community Services be received; and**
- 2. Council note the minutes of the Cultural Development Committee meeting held on 16 May 2011.**

The motion was put and carried as a resolution.

5.2 MINUTES FROM GULGONG SPORTS COUNCIL – APRIL AND MAY 2011

A0100052, A0360003

COM.48/11 **MOTION:** Holden / Kennedy

That:

- 1. the report by Group Manager Operations on the Gulgong Sports Council minutes be received; and**
- 2. the minutes for the Gulgong Sports Council ordinary monthly meeting held on 13 April 2011 and 11 May 2011 be noted.**

The motion was put and carried as a resolution.

5.3 KANDOS BICENTENNIAL MUSEUM COMMITTEE – JUNE 2011

A0100052, A0060123

COM.49/11 **MOTION:** Holden / Kennedy

That:

- 1. the report by the Manager, Library & Community Services be received;**
- 2. Council note the minutes of the Kandos Bicentennial Industrial Museum meeting held on 9 June 2011.**

The motion was put and carried as a resolution.

5.4 MID-WESTERN REGIONAL YOUTH COUNCIL MEETING – JUNE 2011

A0100052, A0060048

COM.50/11 **MOTION:** Holden / Kennedy

That:

1. the report by the Manager, Library and Community Services be received; and
2. Council note the minutes of the Mid-Western Regional Youth Council held on 14 June 2011.

The motion was put and carried as a resolution.

5.5 MUDGEE SPORTS COUNCIL - APRIL AND MAY 2011

A0100052, A0360013

COM.51/11 **MOTION:** Holden / Kennedy

That:

1. the report by Group Manager Operations on the Mudgee Sports Council minutes be received; and
2. the minutes for the Mudgee Sports Council ordinary monthly meetings held on 2 May 2011 and 30 May 2011 be noted.

The motion was put and carried as a resolution.

5.6 MUDGEE SHOWGROUND MANAGEMENT COMMITTEE – APRIL 2011

A0100052, P0210911, A0100012

COM.52/11 **MOTION:** Holden / Kennedy

That:

1. the report by Group Manager Operations on the Mudgee Showground Management Committee Meeting be received;
2. the minutes for the Mudgee Showground Management Committee ordinary monthly meeting held on 5 April 2011 be noted; and
3. the only pedestrian access at the Mudgee Showground be from the Nicholson and Douro Street entrances.

The motion was put and carried as a resolution.

REPORT CONCLUDED

5.4 FINANCE AND CORPORATE COMMITTEE

RECOMMENDATION

That:

1. the matters resolved at the Finance and Corporate Committee meeting held on 3 August 2011 be received and confirmed.
 2. the recommendations from the Finance and Corporate Committee meeting held on 3 August 2011 in respect of the following items be adopted.
 - Financial Assistance – Tier 1 Applications
 - Financial Assistance – Tier 2 Applications
-

The report of the Corporate Services Committee is attached:

REPORT ON THE FINANCE AND CORPORATE COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, 86 MARKET STREET, MUDGEES ON WEDNESDAY 3 AUGUST 2011, COMMENCING AT 6.16 PM AND CONCLUDING AT 6.19 PM

Present: Cr D Kennedy (Mayor), Cr JP Thompson (Chairperson), Cr R Holden, Cr E Lang, Cr EE Martens (AM), Cr MB Walker, Cr JK Weatherley, Cr JR Webb.

In Attendance: General Manager (W L Bennett), Group Manager Mid-Western Operations (B Cam), Group Manager Development and Community Services (C Van Laeren), Group Manager Finance and Administration (C Phelan), Manager Governance (I Roberts).

Media Representatives: Mudgee Guardian / The Weekly (D Schneider), Radio 2MG (M Rock).

ITEM 1: APOLOGIES

An apology was received for the absence of Councillor Shelley.

COR.54/11 MOTION: Martens / Holden

That the apology received for the absence of Councillor Shelley be accepted and leave of absence be granted.

The motion was put and carried.

ITEM 2: DISCLOSURE OF INTEREST

Councillor Holden declared a non-pecuniary interest in Item 5.3 as he father was a Korean war veteran.

ITEM 3: MATTERS IN PROGRESS FROM FORMER MEETINGS

Noted.

COR.55/11 **MOTION:** Weatherley / Martens

That Min.No. 160/10 be noted as completed.

The motion was put and carried.

COR.56/11 **MOTION:** Martens / Lang

That COR.45/11 be noted as completed.

The motion was put and carried.

ITEM 4: NOTICES OF MOTION TO FINANCE AND CORPORATE COMMITTEE

There were no notices of motion.

ITEM 5: REPORTS TO FINANCE AND CORPORATE COMMITTEE

5.1 FINANCIAL ASSISTANCE – TIER 1 APPLICATIONS

A0100052, A0140201

COR.57/11 **MOTION:** Weatherley / Holden

That:

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

| | |
|--|---------------------|
| Opening Budget | \$ 95,000.00 |
| Less: Committed Donations | \$ 46,208.00 |
| | |
| Mudgee Historical Society Inc. | \$ 3,000.00 |
| Kandos Gardens Fair Committee 2011 | \$ 1,500.00 |
| Gulgong Show Society Inc. | \$ 3,000.00 |
| Seniors Week Planning Committee | \$ 3,000.00 |
| Gulgong Chamber of Commerce Inc. | \$ 12,000.00 |
| Henry Lawson Heritage Festival Committee | \$ 3,000.00 |
| Mudgee Fine Foods Inc | \$ 5,000.00 |
| | |
| Total Recommended | \$ 30,500.00 |
| | |
| Remaining Budget | \$ 18,292.00 |

- 3. financial assistance to Mudgee PCYC be the subject of discussions between the Manager Library & Community Services and the Manager of the PCYC.

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

5.2 FINANCIAL ASSISTANCE – TIER 2 APPLICATIONS

A0100052, A0140201

COR.58/11

MOTION: Holden / Webb

That:

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

| | |
|----------------------------------|--------------------|
| Mudgee Churches Association | \$1,000.00 |
| Celebration of Ability Committee | \$1,000.00 |
| Jacob Mackenzie | \$250.00 |
| | |
| Total Recommended | \$2,250.00 |
| | |
| Total Budget | \$22,000.00 |

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

5.3 REQUEST FOR PLAQUES TO BE ERECTED IN MEMORY OF THE KOREAN WAR – MUDGEE RSL SUB BRANCH

A0100052, A0310010, F0650101

Councillor Holden declared a non pecuniary conflict of interest as his father was a Korean war veteran, left the meeting at 6.17 pm and did not participate in discussions or vote in relation to this matter.

COR.59/11

MOTION: Martens / Webb

That:

- 1. the report by the General Manager on the request for plaques to be erected in memory of the Korean War be received;
- 2. Council support the Mudgee RSL sub branch’s request for the plaques to be erected on one of the boulders that surround the cenotaph.

The motion was put and carried as a resolution.

Councillor Holden returned to the meeting at 6.18 pm.

REPORT CONCLUDED

ITEM 6: GENERAL BUSINESS

6.1 NOTICES OF MOTION

6.1.1 MEETINGS WITH MINISTERS

Listed by Cr Percy Thompson

A0100035, A0100052, A0310010

MOTION: That Council arrange an urgent meeting for Local Action Environment and Farming Groups (Bylong and Running Stream) etc. with the State Ministers, the Hon. Hazzard and Harcher so they can discuss their concerns with the appropriate people.

BACKGROUND: These people have legitimate concerns that need to be addressed.

STAFF COMMENT: by General Manager

At the open day of Council prior to the August Committee meetings a presentation was made on behalf of a number of groups requesting that Council sponsor a combined meeting with Ministers and officials of the relevant State Government Departments to be held in this region. The purpose of the meeting would act as an information sharing session. Mayor Des Kennedy at the open day gave a public undertaking that he would organise such meetings and has since written to the Minister of Planning and Infrastructure (Hon Brad Hazzard), the Minister of Resources and Energy (Hon Chris Harcher) and the Director Generals of the two Government Departments to a meeting to ensure that the public undertaking occurred. Letters have also gone to the local members of Parliament, Hon George Souris, Paul Toole and Andrew Gee seeking their assistance in organising the attendance of the Ministers and of course seeking that they attend this meeting.

6.1.2 GLEN WILLOW

Listed by Cr Percy Thompson

A0100035, A0100052, F0650099, F0650108

MOTION: That Council immediately approach the relevant authorities to have a levy bank constructed at Glen Willow to protect our multi million dollar Sports complex from flooding.

BACKGROUND: We have already had a flood which has caused nearly one million dollars worth of damage; we need to protect this wonderful sporting complex from further damage if possible.

STAFF COMMENT: by General Manager

As part of the final approval and development of the Glen Willow Complex a 2.5 metre high levy bank will be erected around the main field at Glen Willow Regional Sports facility. As part of Council's approval to develop Glen Willow a very detailed flood study was required to investigate the cumulative impact of the proposed development which concluded that the flood impact on surrounding properties was minimal with only a levy bank around the main field and raising the building platforms. Other than the protection of the main field and the buildings at Glen Willow, we have to recognised that we are in a flood plain and that the property is designed for the water to flow through as effectively as possible and with minimal impact on neighbouring properties.

As reported previously to Council the vast majority of the damage that happened at Glen Willow from the last flood was because the area was under construction. This included the main field, netback courts and the road works. The extent of damage in future flooding will be minimal when construction is complete.

For a levy bank to be erected around the total property would require Council to undertake a further flood study. This creates a risk of redirection of flows and increasing heights of flood waters on adjoining private properties and buildings. Such a flood study would be in the vicinity of \$40,000 and it is management's opinion that the development of a levy bank surrounding the total area of Glen Willow would have minimal chance of success with State Government authorities because of the impact on adjoining private properties. The buildings at Glen Willow are above the flood level, the main field will be protected by a levy bank and it is management's opinion that the development should conclude there.

The cost of the levy bank around the main field will be \$80,000 and this is funded from within the current project. To extend that levy bank to include all of the fields at Glen Willow including the netball courts would be a significant cost to Council estimated be close to \$500,000. This is not funded in any forward financial plans of Council.

Recommendation: That no action be taken to extend the levy banks at Glen Willow other than the completion of the levy bank around the main field.

6.1.3 REDBANK CREEK DAM

Listed by Cr Percy Thompson

A0100035, A0100052, F0710004, F0710006

MOTION: **That Council immediately contact the Dam Safety Committee explaining the damage done by the hole in the Redbank wall and future worse damage, and that it is their responsibility to rectify the problems their directions have caused.**

BACKGROUND: Something needs to be done immediately.

STAFF COMMENT: by General Manager

The Dam Safety Committee is the enforcement authority and not the owner of the dam. Any remedial work would be the responsibility of the dam wall owner. Council is disputing the ownership of the dam wall and has taken steps to state clearly it is not the owner of this facility. Until such times as the rightful owner of the dam wall is determined by the State Government or the courts it would be in Councils best interest not to fuel this legal issue.

Recommendation – that Council takes no further action in regard to any aspects of the Redbank Dam Wall until the ownership issues that Council is disputing are determined by the State Government or the Courts.

6.2 REPORTS

6.2.1 SECTION 96 APPLICATION (MI0045/2011) – TEMPORARY ACCOMODATION AT THE PARAGON HOTEL, LOTS 1 AND 2 DO 730123, 38 PERRY STREET, MUDGEE

| |
|--|
| REPORT BY MANAGER STATUTORY PLANNING Paragon Hotel - temp accommodation extension_MI0045_2011 A0100052, P0217561 |
|--|

RECOMMENDATION

That:

- A. the report by Manager Statutory Planning on Development Application MI 0045/2011 for the proposed extension of time to a temporary accommodation approval at the Paragon Hotel Mudgee be received;
- B. Development Application MI 0045/2011 for the proposed extension of time to a temporary accommodation approval at the Paragon Hotel, 38 Perry Street, Mudgee be approved with the following conditions;

APPROVED PLANS

- 1 Development is to be carried out generally in accordance with plans drawn by SUNRAI Designs (Drawing No. 180ADA-01 issue B 10646-020 A) and with the application received by Council on 14 June 2011 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

TEMPORARY CONSTRUCTION AND USE

The assessment of the proposal indicates that the proposal is only acceptable in terms of its impacts due to the proposed limited timescale of use therefore the following has been attached to the consent.

- 2 The use of the temporary accommodation is permitted for another two (2) years (four (4) years in total) from the date that the occupation certificate is issued. The temporary buildings are then to be removed and the site rehabilitated as per a Council approved rehabilitation plan within three (3) months thereafter. Any further extension of this consent will be subject to a further publicly notified development application.

PRIOR TO ISSUE OF S68 APPROVAL

- 3 Submission of a remediation plan, with the minimum acceptable standards in terms of making the site good, being the retention of the car parking area in its entirety, details of how all services will be disconnected and details of how the remainder of the site will be rehabilitated, the minimum acceptable treatment for these areas will be the installation of turf lawn.

4 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 | \$14,700 |
| Sewerage Headworks | \$ 8,400 |
| Total | \$ 23,100 |

(b) The adjustment of existing services or installation of new services and meters, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.

5 The developer is to provide a sewer junction. This can be achieved by making a payment to Council of \$1,000 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE 1 x \$1,000 = \$1,000

6 All developer payments, bonds and contributions must be paid prior to the release of any Construction Certificate.

7 A drainage plan is to be submitted prior to the Approval of the S68 Application with the detail of the plan to show the method of disposal for the site.

8 Engineering plans of any mains extensions are to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of the S68 Approval.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are provided to ensure that the construction site is maintained in a suitable manner and in the accordance with the relevant requirements

9 An application must be made under the provisions of S68 of the Local Government Act 1993 for the installation of each of the relocatable modules.

10 Prior to commencement of any work provide details of the nominated wind speed classification for the location and the methods proposed to secure the dwelling from wind forces by means of tie-downs and bracing.

11 Building materials shall not be placed on Council's footpaths or grass verges and a suitable sign to this effect shall be erected adjacent to the street alignment.

12 No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the building – including the erection of any fences or hoardings.

BUILDING CONSTRUCTION

The following conditions are provided to ensure compliance with the Building Code of Australia and the relevant Australian Standards

- 13 The relocatable modules must be installed in accordance with the manufacturers specifications and any relevant requirements of the Building Code of Australia and associated Australian Standards.
- 14 All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
- 15 All modules must be provided with a smoke alarm in each sole occupancy unit contained in each individual.
- 16 All modules must be provided with an approved portable fire extinguisher at each end of the modules.

ENGINEERING REQUIREMENTS

- 17 Trees and plants along the western boundary fence adjoining Lot 1 DP730123 located in the access are to be removed or trimmed to provide better line of sight and clearances.
- 18 All earthworks, filling, building, driveways or other works, are to be designed and constructed (including storm water drainage if necessary) so that at no time will any ponding of storm water occur on adjoining land as a result of this development.
- 19 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.
- 20 Interallotment drainage is to be provided to remove storm water from any lots that cannot discharge to the street in accordance with AusSpec #1.
- 21 Provision of a minimum of twenty one (21) resident / customer off-street car parking spaces. Such car spaces to be sealed and line marked and kept clear for parking at all times. All car parking and associated driveway works to be completed prior to occupation or use of the development.
- 22 Car parking within the development is to comply with the following:
 - (a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - (b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - (c) 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;
 - (d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
- 23 All vehicles to enter and leave the site in a forward direction at all times.

PRIOR TO OCCUPATION

The following conditions are to be completed prior to occupation of the building.

- 24 The installation of the modules or site works or other written undertaking or obligation indicated on the submitted plans and supporting documentation or

otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the modules.

GENERAL

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

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

EXECUTIVE SUMMARY

Development consent was granted in 2009 for the establishment of temporary accommodation for miners. The consent was limited to two years as the development was not considered to be acceptable on a permanent basis. The applicant has sought to extend this consent for a further five (5) years.

It is considered that on balance that the development could be extended for a further two years with a notation that the development is not likely to be further extended and the provision of a communal indoor dining area to allow residents to dine and relax outside of the licensed premises.

The development includes seven (7) demountable accommodation buildings at the rear of the Paragon Hotel Perry Street Mudgee. The proposal involves two allotments that are currently developed for a single storey dwelling, with a large rear yard that fronts Gladstone St and the Paragon Hotel a two storey cement rendered building on the corner of Gladstone & Perry Streets.

The Hotel occupies a small portion of the land leaving a large battle-axe section at the rear of the building that is partially used for parking. Seven (7) of the temporary accommodation buildings will be sited to the rear of the Hotel with the seventh located within the rear yard of the dwelling.

The demountable buildings are single storey, contain three bedrooms each with en-suite and separate entry and are intended for the temporary accommodation of mine construction workers.

The proposed extension was notified to adjoining owners and two submissions were received. These were in the form of an objection. The NSW Police also do not support the application for the extension. The main concerns centred around the development not contributing to the heritage character of Mudgee and the likelihood of anti-social behaviour.

The application is recommend for approval subject to a further two year consent and the provision of a communal area outside of the Hotel. Should Council be of the opinion to refuse the application, draft reasons for Refusal are provided with Attachment 4.

DETAILED REPORT

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

The land is zoned part Medium Density Residential and part Commercial Core pursuant to Mid-Western Regional Interim Local Environmental Plan 2008; however the proposed development is wholly located within the Residential portion of the land. The site is located within the Mudgee Conservation area and is a heritage listed property.

The objectives of the Medium Density Residential zone are to:-

- Provide a variety of housing types
- Enable other land uses that provide facilities or services to meet the day to day needs of residents.
- Protect and improve the amenity of residential neighbourhoods, particularly in terms of limiting the effects of noise, odour, over-shadowing, overlooking and vehicular traffic.
- Permit development in residential neighbourhoods that is of a domestic scale and that preserves the character and visual amenity of those neighbourhoods.
- Allow a limited range of non-residential uses that are low scale and that are compatible with, and would not adversely affect the existing amenity of, urban residential neighbourhoods.
- Facilitate the provisions of a variety of housing types, forms and styles.

Temporary accommodation is not specifically defined, however, it is considered that the proposed buildings will similar in appearance to a Manufactured home and have a similar use to that of Hotel accommodation. These two uses are permissible with the consent of Council within the Medium Density Residential zone.

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

Notification Policy:- The development was notified to adjoining and adjacent owners for a period from 16 June to 30 June 2011. Two written submissions were received within the notification period.

The Residential DCP does not apply as the proposed buildings and use are for the temporary accommodation of mine construction workers and will discontinued once the construction phase of the mine has been completed.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The nominated area for the development is located on the internal portions of the land containing the Paragon Hotel and the adjoining dwelling (in the same ownership) and will therefore screened from public view by these existing buildings and other buildings on adjoining and neighbouring parcels of land. The uses in the near vicinity range from a variety of residential uses, including hotel accommodation, conjoined terraces and single dwellings, retail outlets and the Soldiers Club. The proposed use is considered to be a form of hotel accommodation as the temporary buildings

will be serviced as part of the management of the Paragon Hotel. The proposed development is considered to be consistent with the established character of the area in terms of the use, however the buildings are somewhat out of character but this is considered acceptable given the temporary nature of the proposal and that they do not front the street.

(b) Access, transport and traffic

The site to be occupied by the temporary buildings is currently used as a car park and has an existing driveway access to Gladstone Street. This driveway and the remainder of the car park subsequent to the buildings being erected are considered to be acceptable to service both the proposed development and the Hotel.

The driveway is a single lane compacted gravel surface. The access does not comply with the DCP standards but it is considered that there are sufficient site distances to ensure the safe operation of the site. It was also intended with the original application that car pooling was to occur which would further reduce traffic movements.

it is also expected that there would be limited conflict as the development is specifically for mine workers, there would be traffic movements exiting the site in the morning and returning to the site in the evening. This would reduce conflict with vehicles trying to enter and exit the site at the same time.

(d) Utilities

All utility services are connected to the buildings in terms of power, water and sewer facilities for those occupying the demountable structures.

(e) Heritage

The proposed development is located on that of the subject site that is to the rear of both the two storey Hotel and the single storey dwelling and will be screened from public view by these existing buildings. Further, as the development proposes temporary occupation of the site any visual impacts will also only be temporary and therefore the proposal is considered acceptable.

(m) Noise & vibration

There will be some impact on increased noise due to the occupation of this internal site over-and-above that already experienced by the site being used wholly as a car parking area. However, it is considered that this will still be at a low and acceptable level given that it will be based on a residential use with a degree of control also imposed.

The work shift commences at 6.00am on the site, meaning an early start and therefore late nights socializing are likely to be rare. Further, due to strict OH & S requirements there will be a Random Breath Test Unit (RBT) on site each morning, workers will be required to have a zero alcohol reading before being allowed to commence work on the mine site. Heavy penalties apply for breaching this plus the loss of the day's pay and three positive tests result in the termination of employment.

(p) Safety, security and crime prevention

The application was referred to the Mudgee Police for comment due to the nature of the development. From the information contained in the application the police are concerned that the accommodation is not self contained and therefore there is no provision for the occupants to be able to relax or dine outside of the licensed premises. The NSW Police are concerned that the occupants are encouraged to dine within the licensed premises and this would also encourage the consumption of alcohol.

(t) Construction

The proposed buildings are located 3 metres from the boundaries with adjoining properties and this complies with fire separation requirements, however, each demountable unit is located closer than 3 metres to each other.

3. SUITABILITY OF SITE FOR DEVELOPMENT(a) Does the proposal fit in the locality

The proposed development is not considered suitable on a permanent basis as the landowner should be encouraged to develop permanent buildings that are considered to be more compatible with the heritage conservation area, however given that the buildings are largely not visible from the street and are only a temporary use of the site, it is considered that they are acceptable.

(b) Are the site attributes conducive to development

Yes

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS(a) Public Submissions

Two written submissions were received within the notification period and they are discussed further here.

| Summary of Submission | Detail | Staff Response |
|--|--|---|
| impact on tourist park and more suited to tourist park | the concern relates to the provision of temporary accommodation which is more generally provided in tourist parks. The concern relates to reduction in business opportunities and that there are adequate facilities in tourist parks for this type of development. that | Not a relevant consideration under the EP&A Act. Council must only consider the merits of the current application |
| inappropriate type of development | Temporary prefabricated accommodation is not suited to a town centre or heritage precinct. | Addressed above. Not suitable for permanent accommodation but as temporary accommodation suitable because of limited streetscape impact. |
| narrow entrance | the driveway is single lane and may cause safety and emergency issues | Driveway is considered satisfactory due to adequate site distances and the nature of the development whereby occupants would leave and enter at similar times of the day. |
| loss of investment | Some of the adjacent properties are investment properties and there is a concern that the development will impact on property values | Not a relevant consideration under the EP&A Act. |

| | | |
|--|--|---|
| | and tenancies. | |
| may turn into low income accommodation | Concern that these will become permanent tenancies and will attract low income residents | Not a relevant consideration under the EP&A Act. Council must only consider the merits of the current application |

(b) Submissions from public authorities

NSW Police - Discussed above. NSW Police do not support application because there is no self contained facilities and this will encourage use of the licensed premises.

5. THE PUBLIC INTEREST

(a) Federal, State and local government interests and community interests

The development has both positive and negative public benefits. It provides additional accommodation where there is a known lack of accommodation for mine workers but due to the nature of the accommodation and connection to a licensed premise may lead to anti social behaviour. It is also not considered to be the most suitable form of development adjacent a heritage item but the fact that they are easily removed and the approval is only sought temporarily, ameliorates this concern.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

GARY BRUCE
MANAGER – STATUTORY PLANNING

CATHERINE VAN LAEREN
GROUP MANAGER – DEVELOPMENT & COMMUNITY SERVICES

5 August 2011

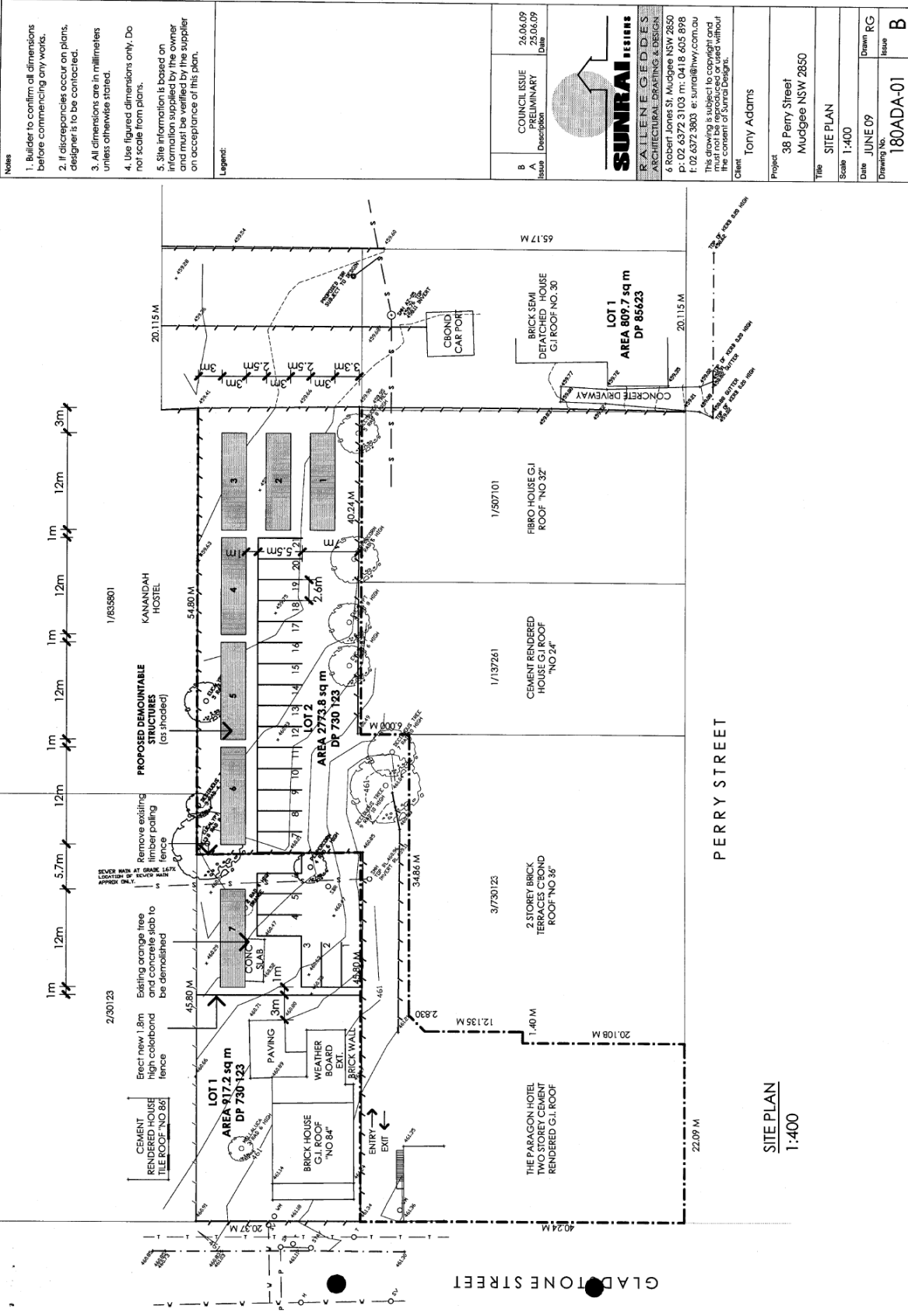
Attachments: 1. Site Plan
2. Development Plans
3. Submissions
4. Draft Reasons for Refusal

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Section 96 Application (MI 0045/2011)
Proposed extension to time period for Temporary Accommodation,
38 Perry Street, Paragon Hotel, Mudgee



- Notes
1. Builder to confirm all dimensions before commencing any works.
 2. If discrepancies occur on plans, designer is to be contacted.
 3. All dimensions are in millimeters unless otherwise stated.
 4. Use figured dimensions only. Do not scale from plans.
 5. Site information is based on information supplied by the owner and must be verified by the supplier on acceptance of this plan.

Legend:

| Issue | Description | Date |
|-------|---------------|----------|
| B | COUNCIL ISSUE | 26.06.09 |
| A | PRELIMINARY | 25.06.09 |



SUNRAI DESIGN
 RAILENE GEDES
 ARCHITECTURAL DRAFTING & DESIGN
 6 Robert Jones St, Mudgee NSW 2850
 p: 02 6372 3103 m: 0418 605 898
 f: 02 6372 3803 e: sunrai@hw.com.au
 This drawing is subject to copyright and must not be reproduced or used without the consent of Sunrai Design.
 Client Tony Adams

| | |
|-------------|------------------------------------|
| Project | 38 Perry Street Mudgee NSW 2850 |
| Title | SITE PLAN |
| Scale | 1:400 |
| Date | JUNE 09 |
| Drawing No. | 180ADA-01 |
| Issue | B |

SITE PLAN
 1:400

| ITEM | QTY | DESCRIPTION |
|------|-----|---|
| 20 | 1 | HOT WATER SERVICE ELECTRIC TAPPING 250 LITRE |
| 19 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 18 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 17 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 16 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 15 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 14 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 13 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 12 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 11 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 10 | 2 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 9 | 6 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 8 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 7 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 6 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 5 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 4 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 3 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 2 | 3 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |
| 1 | 4 | 100mm CONCRETE - 100mm x 100mm x 100mm (CONCRETE CUT-OFF) |

NOT TV OR BAR FRIDGE (AT MOMENT)

CONSTRUCTION DETAILS

PROJECT NUMBER: []

DATE: []

SCALE: []

PROJECT LOCATION: []

PROJECT DESCRIPTION: []

CONTRACT NUMBER: []

CONTRACT VALUE: []

CONTRACT DATE: []

CONTRACT TYPE: []

CONTRACT STATUS: []

CONTRACT OWNER: []

CONTRACT DESIGNER: []

CONTRACT CONTRACTOR: []

CONTRACT SUBCONTRACTOR: []

CONTRACT CONSULTANT: []

CONTRACT SPECIALIST: []

CONTRACT MANAGER: []

CONTRACT SUPERVISOR: []

CONTRACT OPERATOR: []

CONTRACT MAINTENANCE: []

CONTRACT DISPOSAL: []

CONTRACT REPAIRS: []

CONTRACT REPLACEMENTS: []

CONTRACT MODIFICATIONS: []

CONTRACT ADDITIONS: []

CONTRACT DELETIONS: []

CONTRACT VARIATIONS: []

CONTRACT CLAIMS: []

CONTRACT DISPUTES: []

CONTRACT LITIGATION: []

CONTRACT BANKRUPTCY: []

CONTRACT INSURANCE: []

CONTRACT FINANCING: []

CONTRACT TAXATION: []

CONTRACT LEGAL: []

CONTRACT ACCOUNTING: []

CONTRACT RECORDS: []

CONTRACT ARCHIVE: []

CONTRACT RETRIEVAL: []

CONTRACT SECURITY: []

CONTRACT ACCESS: []

CONTRACT CONTROL: []

CONTRACT PROTECTION: []

CONTRACT PRESERVATION: []

CONTRACT RESTORATION: []

CONTRACT REPAIR: []

CONTRACT REPLACE: []

CONTRACT REMOVE: []

CONTRACT DESTROY: []

CONTRACT DISPOSE: []

CONTRACT RECYCLE: []

CONTRACT REUSE: []

CONTRACT REPAIR: []

CONTRACT REPLACE: []

CONTRACT REMOVE: []

CONTRACT DESTROY: []

CONTRACT DISPOSE: []

CONTRACT RECYCLE: []

CONTRACT REUSE: []

ATTACHMENT 3

D/2011/13249

GB -



ISSUE:

Development application MI0045/2011 – Proposed temporary boarding accommodation – Lot 2 DP730123 Paragon Hotel 38 Perry street Mudgee NSW 2850

BACKGROUND:

A copy of the development application was received in this office in June 2011.

COMMENT:

From perusing the document and attached plans, police have a concern in relation to the proposal.

1. The accommodation doesn't appear to be fully self contained as there are no amenities available for cooking meals inside the rooms. Police feel that, due to the lack of amenities, occupants will be encouraged to go to the Paragon Hotel to consume meals. Police believe that this may lead to increased alcohol consumption and the possibility of increased alcohol related offences in and around the Hotel.

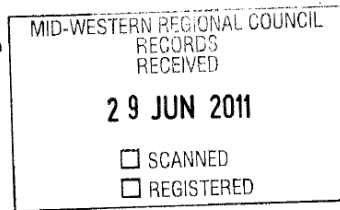
RECOMMENDATION:

That Police concerns be raised at the relevant Mid Western Regional Council meeting.

M.Allen
Mudgee Police Station
63728524

1. Crime Coordinator, Mudgee LAC *File relates to police comments on the subject DA before council. Mr DA Pearce Sgt 3/8/11*
2. Crime Manager, Mudgee LAC *Agree with s/c ALLEN as to implications re increased consumption of alcohol this D.A. will generate. Dawn Det. Insp. 3/8/11*
3. Commander, Mudgee LAC *I ACKNOWLEDGE THE ABOVE COMMENTS REGARDING THE POSSIBLE IMPLICATIONS FOR INCREASED ALCOHOL CONSUMPTION. MEETING REQUEST WITH MR BRUCE TO DISCUSS FURTHER.*
4. Gary BRUCE, Mid Western Regional Council

Fileman
Martin Fileman
Commander
Mudgee LAC
3-8-11



Rick & Kathy Buckley
2 Bell St Mudgee NSW 2850
Ph: 02 6372 1236
Fax: 02 6372 3337
info@mudgeevalleytp.com.au
www.mudgeevalleytp.com.au
ABN: 63 536 800 257

General Manager
Mid-Western Regional Council

29/06/11

Dear Sir,

I am writing to express my concern regarding DEVELOPMENT APPLICATION M10045/2011-PROPOSED TEMPORARY ACCOMMODATION.

I am concerned that this application will impact on my business. I am a partner in the MUDGEE VALLEY TOURIST PARK, and am concerned that , if approved, this development has the potential to impact on our trading figures.

We are reliant on rental incomes, not merely from overnight tourism, to continue growth and future development in our own area.

To have such a development as proposed approved will give serious competition to our Park, and sets a precedent for future approvals which will compound the problem.

The development as suggested is, I feel, totally inappropriate for the site proposed.

It allows for a large number of persons to reside in a small area of residential land.

Is this area zoned for such high density?

Is the access suitable?

Can emergency services and council waste vehicles gain proper unimpeded access?

What effect will such high density accommodation have on the surrounding inhabitants?

These types of accommodation buildings are more suited to siting in facilities such as ours, where more appropriate services, support and supervision are available.

Cabins ~ Motel Style Units ~ Van & Tent Sites

Well established on 5ha of beautiful grassed and shaded land. Spa Cabins, playground & pool. kiosk fully equipped camp kitchen, gas refill point, & other amenities

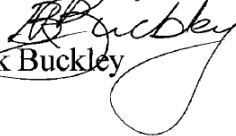


At present, we are considering expansion of our own accommodation, and upgrades to our facilities. Buildings such as those for which approval is being sought are also under consideration here, and pending inspection, we could investigate those buildings currently sited off Perry St.

If we had known prior to purchase of our business that our potential market would be so threatened in the future, perhaps such purchase would not have eventuated.

I do not feel that this proposal, which could set a precedent for future ad hoc in-fill applications, is in the long-term best interests of the Council with regard to future planning and development.

Yours sincerely,


Rick Buckley

Cabins Motel Style Units Van & Tent Sites

Well established on 5ha of beautiful grassed and shaded land. Spa Cabins, playground & pool, kiosk, fully equipped camp kitchen, gas refill point, & other amenities 2 of 2

29th June 2011

Mr G Bruce
Senior Town Planner
Mid-Western Regional Council
MUDGEES 2850



PO Box 1020
Mudgee 2850

Dear Gary,

**RE: Development Application MI0045/2011 – Proposed Temporary Accommodation Paragon
Hotel 38 Perry Street, Mudgee NSW 2850 Lot 2 DP 730123**

I addressed Council in September '09 re the above application.

I now understand the Temporary Accommodation for 2 years is now being considered for 5 years, a total of 7 years. I doubt that would qualify as temporary and will be difficult to remove.

The original approval was not referred to the councillors (under delegation)
And notices were sent to tenants, not owners where rate notices arrive without fail, were unable to object.

I have attached photographs and note at least 3 huts were removed at some time last year, which would have countered any noise or congestion complaints.

OTHER OWNERS OBJECTION:-

- Spoke to Paul Barnes, Unit 3, 36 Perry St 0437 632 253, yesterday, he gave me permission to include him in this letter –Dongers not appropriate standard of accommodation.
- Spoke to Hayley Ng, Unit 1 & 2 36 Perry St 0488 721 088, yesterday, she also gave me permission to include her complaints, she was advised by local real estate agency her property devalued by Donger camp behind, also tenant unable to get to work because a resident of the camp had parked in the unit access driveway.
- Unit 4 & 5 36 Perry St both owner by Dowdy Superannuation

Kanandah Retirement Village is at the rear of camp and our units are at the front.

Suitable & appropriate development for a caravan park.

Every hotel in town or vacant block could apply for similar temporary approval.

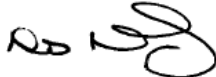
2/.

SUMMARY OF OBJECTIONS:-

- Inappropriate development of Donger town camp, behind good quality residential and is suited to Caravan Park siting.
- Narrow one lane entrance for 24 persons, in the event of fire, access impossible, car parking for 24 vehicles will not fit, this area is also to include parking for patrons of hotel.
- Hotel owner has a right to make a profit, unit owners have an equal right to profit on their investment.
- The Donger owners (Mine) last time advised that the buildings would be for sale at an economical price when not required. Permanent?
- Long term result to turn into a low income accommodation with associated problems and unlike a caravan park, no control.
- Living in Emerald Qld (for short term contract) is a major Coal Mining area and you can see the results of swamping a town with an inappropriate siting of small Donger enclaves, without planning.. **Mudgee Council has the opportunity to stop this and control development.**

This development of the Donger enclave is inappropriate for a residential area and I am aware that Council has a letter of objection from the Mudgee Valley Tourist Park, who would consider and are interested in the resiting of this development to their caravan park, which not only is where they should be, it offers 24 hr 365 day supervision and is designed for the purpose.

Yours Sincerely



DWJ Dowdy



Draft Reasons for Refusal – MI0045/2011

5. The proposed development is considered likely to adversely affect the amenity of the surrounding neighbourhood and therefore is inconsistent with an objective of the Medium Density Residential Zone under the Mid-Western Regional Interim LEP 2008;
6. The proposed development is not considered to preserve or maintain the existing character of the locality and therefore is inconsistent with an objective of the Medium Density Residential Zone under the Mid-Western Regional Interim LEP 2008;
7. The proposed development does not provide adequate consideration of Responsible Service of Alcohol considerations in that there is no facilities for the occupants to self cater and therefore are reliant on utilising the Hotel for meals. The lack of such self catering facilities may increase the consumption of alcohol;
8. The proposed development is not considered to be consistent with the Heritage objectives of Clause 32 of the Mid-Western Regional Interim LEP 2008 as it proposes the extension of a consent for temporary accommodation which is considered to be a lower quality of design and build quality;
9. It is not considered to be in the public interest, having regard to the submission by the NSW police and to extend an approval for temporary accommodation given that the development is part located on a heritage listed property and within a Heritage Conservation Area.

6.2.2 MODIFICATION TO ULAN CONTINUED OPERATIONS PROJECT – SUBMISSION TO ENVIRONMENTAL ASSESSMENT – PROJECT APPROVAL 08_0184

REPORT BY MANAGER – STATUTORY PLANNING
Submission to amended Ulan EA
A0100050, A0420176

RECOMMENDATION

That:

- 1. the report from the Manager Statutory Planning regarding the proposed amendment to Project Approval 08_0184 – Ulan Continued Operations be received;**
- 2. Council make a submission stating that Council has no issues to raise regarding the proposed amendment.**

EXECUTIVE SUMMARY

Council received on the 27 July 2011 copies of the Environmental Assessment (EA) for the proposed amendment to the Continued Operations Project for Ulan Coal Mines Ltd (UCML) as part of the public exhibition process for the Part 3A Major Projects Assessment.

The Department of Planning, the consent authority has put the EA on exhibition for 6 weeks commencing from 28 July 2011 with written submission needing to be lodged with the Department prior to 18 August 2011.

The amendments include;

- Full extraction of the five underground long wall panels in the North 1 underground mining area;
- Construction and operation of a small Concrete Batching Plant (CBP) within the UCML complex to increase the security of concrete supply to underground operations; and
- Modification of the Ulan No.3 and Ulan West Mine Plans. This includes shifting the entire Ulan West Mine Plan 40 metres to the east and extending the approved Ulan No.3 long wall panels W4 to W6 by approximately 490 metres to the west into the approved footprint of Ulan West 5.

The modification of the Ulan West and Ulan No. 3 Mine Plans will result in a reduction in the mining footprint of the operations.

The proposed CBP is seeking to secure the concrete supply for UCML. It will also mean a reduction in truck movements as there are currently approximately 8 laden trucks per 12 hour shift where as the construction of the CBP would only require 5 trucks per week for supply of materials.

The proposed underground extension to North 1 is required to provide certainty in their supply of coal. UCML is not intending to increase production or capacity but merely to allow an alternate location for mining when coal mining discontinuities are encountered.

The Environmental Assessment of the proposed modification has not identified any significant impacts and that the benefits of the proposed modifications outweigh any potential impacts. There are no new issues of concern that have not been raised in previous submissions.

DETAILED REPORT

Description of the Development

The application to amend the Project Approval 08_0184 seeks to carry out the following amendments;

North 1 Underground Mining Area

The proposal includes 5 new long walls described a LWC to LWG and as shown on Attachment 1. This area is located between the current underground operations and the proposed Ulan West operations. It has not been previously mined but is in close proximity to areas that were mined during the 1990's.

The proposed new underground mining area is not seeking to increase the capacity of the operations but merely to provide for additional areas to be mined during difficult mining operations. Currently the underground mining operations have had difficulties meeting expected production rates caused by difficult geological/ mining conditions. UCML would like to have a contingency source that can be readily accessed during long wall changeovers or future periods of reduced production.

Preliminary data would indicate that there is approximately 5 million tonnes of ROM coal available over the life of the mining area.

Bobadeen Concrete Batching Plant (CBP)

The CBP will operate on a needs basis and will be a single silo plant. It will be located on Bobadeen Road in close proximity to the existing fire water storage tanks and the solcenic storage area. The silo will be 11 metres high and have a 65 tonne capacity. The nearest private residence is 4 kilometres away.

The maximum capacity of the CBP will be 80m³ over a 12 hour shift and it will operate 7.00am to 5.00pm Monday to Friday, but may operate on a 24 hour basis during emergency situations.

Currently concrete is supplied to the UCML operations from external sources. This would mean that on average 8 trucks per 12 hour shift transport concrete out to the mining operations whereas the inclusion of an onsite CBP will mean that only 5 delivery trucks of aggregate, sand and cement will be transported to the site per week.

The site area will be 0.07 hectares or 700m² and involves the erection of the batching facility, construction of bunded areas for aggregate and sand storage, development of environmental controls including; water spray systems, runoff control system and wash down area.

Ulan No. 3 and Ulan West Mine Plan Amendments

The modifications of the existing Mine Plans include;

- Realignment of the approved Ulan West Mining Area 40 metres to the east,
- Reduction of Ulan West long wall panel West 5 (by approximately 1675 metres) to enable this area to be mined by extending adjacent Ulan No. 3 to the west;
- Extension of Ulan No. 3 long wall panels 4 to 6 by approximately 490 metres to the west to mine areas to be previously mined by Ulan West 5.

The Executive Summary describes that there will be a 1.4 hectare reduction in mining footprint whereas the Description of Proposed Modifications under section 3 of the EA describes a 14

hectare reduction in mining foot print. It is not clear what the correct footprint reduction is and Council staff have requested clarification from the Department of Planning.

Impacts of the Development

Voluntary Planning Agreement

The modification is unlikely to require amendments to the VPA.

Traffic & Transport

The proposed amendment to the Ulan West and Ulan No. 3 Mine Plans and the inclusion of the additional underground mining area known as North 1 would not result in any change in traffic movements. It is envisaged that these areas will be staffed by existing personnel and within existing shifts.

The proposed CBP is expected to reduce total heavy traffic movements as the facility will enable the site to generate concrete onsite and therefore only 5 traffic movements per week will be required to supply aggregate, sand and cement. The current operations require up to 8 trucks per 12 hour shift for supply of concrete.

Bobadeen Road is a Council controlled road and there is currently an informal agreement between Council and UCML for them to maintain the road.

Noise

The anticipated noise levels of the CBP which is the only above ground operation apart of the proposed amendments are considered to be low. Modelling has shown that the nearest residence is 4 kilometres away and that predicted noise levels will be well below the criteria specified in the original project approval.

Ecology

The proposed modifications will not have any impact over and above that envisaged by the original approval. The alteration of the approved Mine Plans and the new underground area (North 1) will not significantly impact on the surface and subsidence models have also concluded that there would be minimal impact.

The CBP is proposed to be constructed in a cleared area is unlikely to impact on threatened ecological communities or species.

Aboriginal Archaeology/ European and Natural Heritage

The modification of the Ulan West and Ulan No.3 Mine Plans and the proposed site of the CBP would not pose any additional impacts. The assessment of the proposed North 1 mining area has identified 50 aboriginal heritage sites which will be included within the UCML Heritage Management Plan.

There is no known European or natural heritage items identified in the proposed location of the CBP or the North 1 mining area. There is a Stone Chimney apart of the old Ulan Village which is located within the mine footprint but is not anticipated to be impacted upon by subsidence.

The Talbragar Fish fossil Reserve is located in the Ulan West Mine plan footprint but is anticipated to be relatively not impacted upon due to the existing fragmented nature of the reserve.

Subsidence, Water Resources and Air Quality

Assessment of the subsidence impacts are considered to be minimal when compared to the current anticipated impacts envisaged under the current approval.

The assessment has indicated that the proposed North 1 underground mine area will not have any significant impact on ground water resources when compared to the existing approval.

The North 1 mining area is likely to impact on two watercourses, however the stability of these water courses is not expected to change. There is unlikely to be any alteration to the anticipated impacts of the modification of the approved Mine Plans and the proposed CBP will deal with surface water impacts through mitigating potential waste water runoff.

The potential impacts of the proposed modifications are not expected to be significant when compared to the UCML operations. The proposed CBP will have limited impacts on air quality and these are proposed to be mitigated by;

- Stockpiled supplies will be banded and spray systems installed;
- Materials will be delivered to the site wet to reduce dust during loading/unloading;
- Existing air quality measures, monitoring and reporting will be maintained.

Socio-Economic

The proposed development is not likely to have any significant socio-economic impacts from that envisaged with the original approval other than the loss of concrete supply contracts. This will be mitigated by the purchase of raw materials.

FINANCIAL IMPLICATIONS

The proposed modifications are not anticipated to generate any financial implications for Council.

STRATEGIC OR POLICY IMPLICATIONS

The project has been taken into account with Council's Draft Comprehensive Land Use Strategy. The proposed modifications are not likely to alter any of Council's strategic documents or outlook.

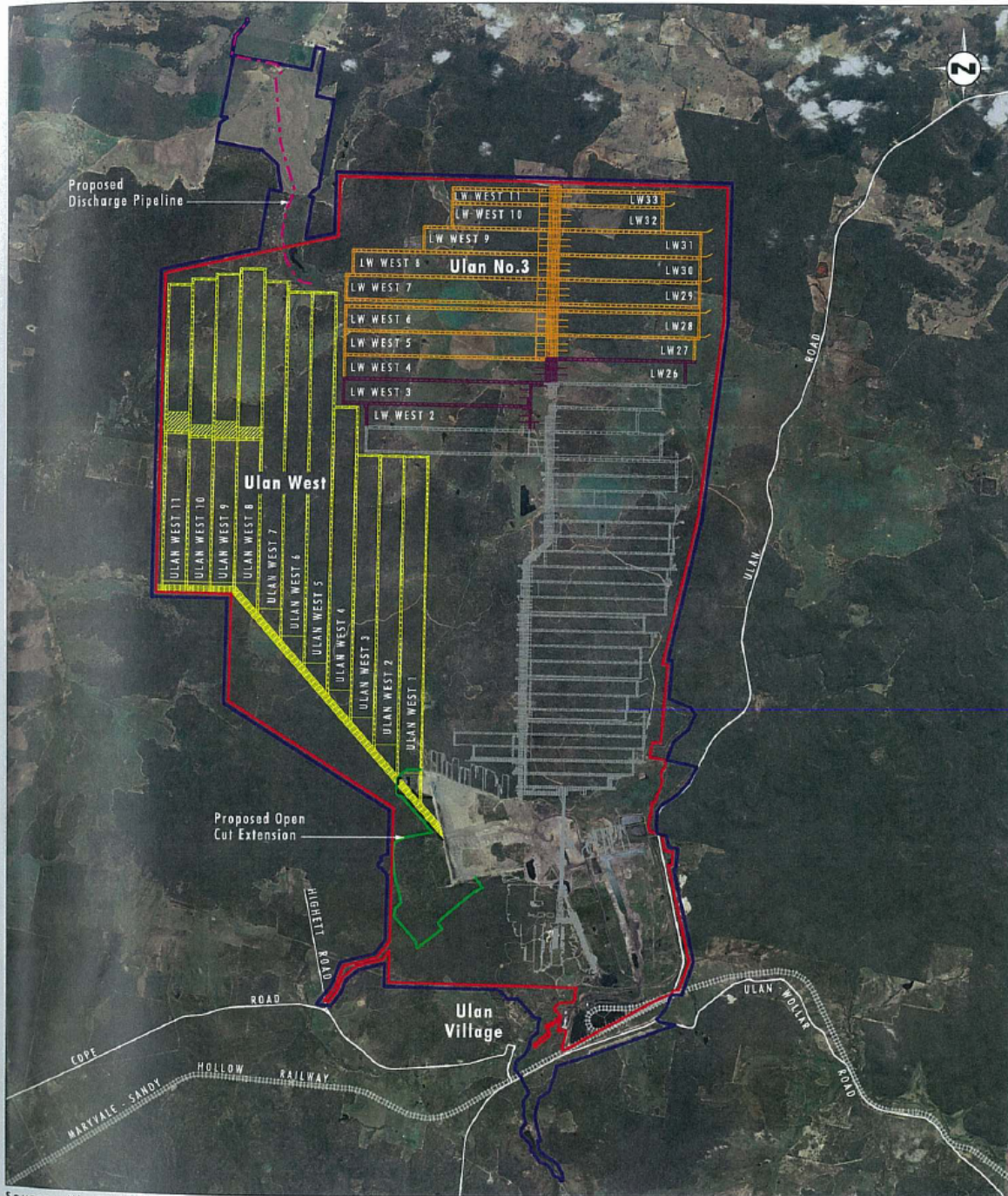
GARY BRUCE
MANAGER – STATUTORY PLANNING

5 August 2011

- Attachments:
1. Map of the Currently Approved Operations (Original EA)
 2. Map of the proposed Amendments (current EA)
 3. Map of the proposed location of the Concrete Batching Plant

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Source: Ulan Coal, Aerial Photo December 2007

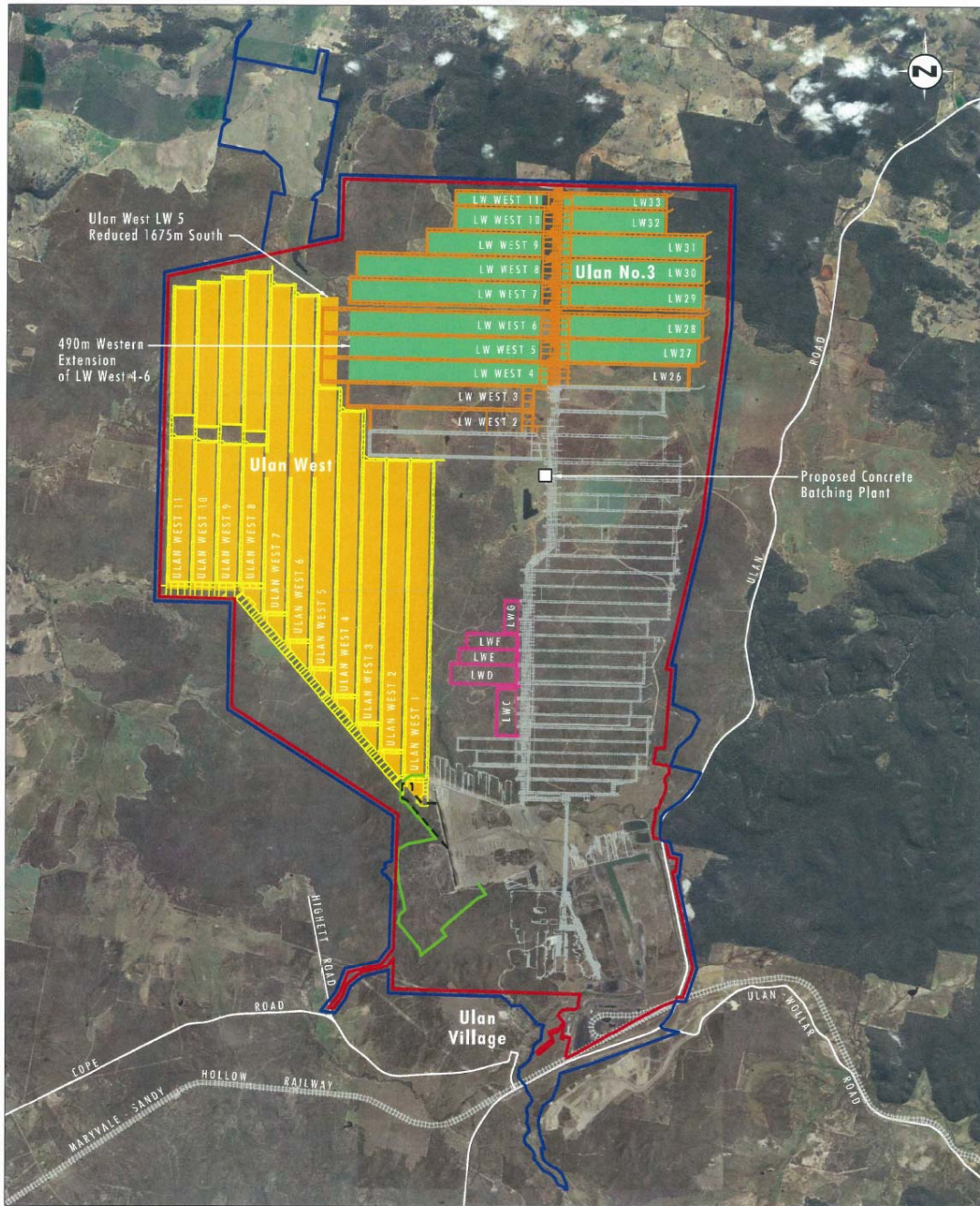
0 1,0 2,5 5,0km
1:100 000

Legend

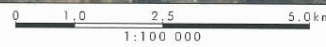
- Colliery Holding Boundary
- Project Application Area
- Proposed Open Cut Extension
- Proposed Ulan West Mine Plan
- Ulan No.3 Underground Mine Plan
- Previous Underground Mining Operations
- Current Mining and SMP Approved Area
- - - Box Cut Option
- Proposed Brokenback Conservation Area

File Name (A4): R05_V1/2423_142.dgn

FIGURE 1.2
Ulan Coal
Continued Operations



Source: Ulan Coal, Aerial Photo December 2010
 Note: Ulan West Mine Plan Relocated 40m East



- Legend**
- Colliery Holding Boundary
 - UCML Continued Operations Project Approval Area
 - Approved Open Cut Extension
 - Ulan West Mine Plan (amended)
 - Ulan No.3 Mine Plan (amended)
 - Previous Underground Mining Operations
 - Proposed North 1 Underground Mining Area
 - - - Box Cut Option
 - Approved Ulan West Mine Plan
 - Approved Ulan No.3 Underground Mine Plan

File Name (A4): R01/2879_049.dgn
 20110323 9.00

FIGURE 3.3
 Proposed Modifications to
 Ulan West and Ulan No.3 Mine Plans



Source: Barnson 2010, Aerial Photo December 2010

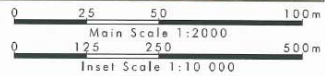


FIGURE 3.2
Proposed Concrete Batching Plant
Site Layout

6.2.3 DRAFT MID-WESTERN LOCAL ENVIRONMENTAL PLAN 2011 SECTION 65
CERTIFICATE AND CONFIRMATION OF THE LAND USE STRATEGY

REPORT BY GROUP MANAGER PLANNING AND DEVELOPMENT
Draft LEP Section 65 and Land Use Strategy
A0100052, A0420220

RECOMMENDATION

That:

1. **the report by Group Manager Development and Community Services on the conditional Section 65 Certificate for the Draft Mid-Western Local Environmental Plan 2011 and the confirmation of the Land Use Strategy be received;**
2. **Council accept the amendment to the Comprehensive Land Use Strategy as outlined in the letter from Department of Planning and Infrastructure dated 1 August 2011 and adopt the amended Strategy;**
2. **subject to no material changes and upon approval from the Department of Planning and Infrastructure, Council commence exhibition of the Draft Mid-Western Local Environmental Plan as circulated and dated August 2011 for 28 days in accordance with the requirements of the Environmental Planning and Assessment Act 1970 and the conditions outlined in the Section 65 Certificate;**
3. **upon completion of the exhibition the outcomes of the exhibition and Draft Mid-Western Local Environmental Plan be reported back to Council.**

EXECUTIVE SUMMARY

On 23 December 2010 Council forwarded a copy of the Draft Comprehensive Local Environmental Plan 2011 (DLEP) to the then Department of Planning requesting a section 65 Certificate to enable public exhibition.

On 1 August 2011 the Department of Planning and Infrastructure (DoPI) issued a conditional Section 65 Certificate, a copy of which is attached as attachment 1. In the covering letter, the Director General also conditionally endorsed the Comprehensive Land Use Strategy to accompany the exhibition of the draft LEP. The purpose of this report is to present the Draft LEP that has been amended to comply with the conditions of the Section 65 and recommend that Council proceed to exhibition.

DETAILED REPORT

Conditions for the Endorsement of the Land Use Strategy

There are two issues in relation to endorsement of the Land Use Strategy.

- Clarification of the designation of land for rural living north-west of Goolma. This land has been included in the Draft LEP as R5 Large Lot Residential as per the Council resolution. The DoPI have required that the land use strategy be amended to ensure consistency between the Strategy and the DLEP. This achieves Council's intention in relation Goolma providing a diversity of development opportunities in the village to cater for future growth.

- The DoPI also highlight the additional work recommended in the strategy including a rural and residential land release strategy, heritage studies, infrastructure analysis and detailed site specific assessments. The DoPI have requested that Council submit a timetable for the completion of these studies. Staff will formulate a timetable having regards to the other strategic requirements of Council including the formulation of the Comprehensive DCP.

Draft Mid-Western LEP 2011

A detailed briefing was held with Councillors on the 16 March 2011 outlining the outstanding issues that staff were aware of at that time. The conditions of the Section 65 certificate do not raise any fundamental new issues in relation to the required amendments to the Draft LEP. There are a range of drafting issues, minor corrections and redrafting that was required to comply with the Standard Instrument and these are detailed in a summary provided by the DoPI (attachment 2) and have been included in the amended instrument. Below is a summary of the main amendments required by the Section 65 Certificate. An amended Draft LEP is attached to this reports as attachment 3.

- There are a number of provisions that the DoPI have advised that have only been retained in the DLEP for the purposes of exhibition and will require further justification should Council wish to retain these provisions. It is considered that these provisions are quite significant and central to Council intentions in land use planning and should be pursued.
 - Land within 500 metres of an existing village gaining a dwelling entitlement. (Clause 4.2C(3)(f))
 - Mapping of the dwelling entitlement for land within the R5 Large Lot Residential for 2 ha and 5 ha lots as opposed to the current clause. (Clause 4.2C(3)(e))
 - Land above the 520 AHD near Mudgee (Clause 7.11)
 - Tourism Uses being permissible in the RU1 zone and RU4 Primary Production Small Lots.
 - Provisions relating to dwelling entitlements for a range of existing holdings. Again this would appear to be an issue of whether the entitlements should be mapped rather than the current clauses.
- The land use tables have been amended to comply with the matrix. A copy of the matrix has been included at the end of the Draft LEP. The Business and Industrial zone land use tables have been redrafted to comply with the requirement that these table are “open” (ie all prohibited uses specified and innominate uses are permissible with consent). This matrix largely remains unchanged from the one reviewed in March with a number of inconsequential changes (eg jetties are now permissible with consent in the village zone) and four major changes:
 - Detached Dual Occupancies are now permissible with consent in the low density residential area. This zone effects such area as Bombira and Putta Bucca Road. This matter was raised with the Senior Town Planner at the DoPI Regional office who has advised that the matter of detached dual occupancy in the low density residential zone is a matter for Council. The matrix has therefore been changed to make detached dual occupancies prohibited in the low density residential zone. This will need to be addressed as part of the referral of the Draft LEP to the DoPI.
 - Detached Dual Occupancies are prohibited in the primary production zone and the primary production small lots zone. These changes were made without reference to Council. The Regional Office has advised that this is a policy position of the DoPI. A *Rural worker’s dwelling* is permissible with consent but is restricted by the nature of the definition which is as follows:

Means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed,

whether on a long term or short term basis, for the purpose of agriculture or a rural industry on that land,

The physical outcome of a rural worker's dwelling and detached dual occupancy are the same. As this is a substantive issue, staff have continued to pursue this with the DoPI seeking a change in position prior to proceeding to exhibition.

- Highway Service Centre – These were permissible with consent in along Sydney Road, Mudgee in the Business Development Zone and have now been made prohibited. They are still permissible in the rural zones. Service Stations are permissible in the Business Development zone. This change was made without reference to Council.
 - B5 Business Development Zone – This zone was assigned along Sydney Road as the DoPI would not allow bulky goods to be permissible in the IN2 Light Industrial Zone. A review of the land use matrix has revealed that the matrix has been amended to be inconsistent with the comprehensive land use strategy. The matrix as it currently stands designates *business premises* and *retail premises* permissible with consent. This has the potential to undermine the Mudgee CBD and is inconsistent with Council's long term retail strategy. In addition, the land use matrix prohibits *light industries* and *industrial retail outlets*, both land uses are considered essential along the Sydney Road. This is a substantial issue for Council. The draft LEP presented to Council has adopted the appropriate use for the zone and Council should seek approval of land use table prior to proceeding to exhibition.
- Inclusion and amendment of a number of objectives that have previously been agreed by Council including the village zone, business development, Infrastructure, and Environmental Management.
 - Rename the Primary Production Small Lots zone (former Rural Small Holdings) to R5 Large Lot Residential.
 - Farm adjustment clause has been removed.
 - Requirement for establishment of Intensive Agricultural use at subdivision stage rather than just dwelling has been removed.
 - Essential services clause amended to model clause.
 - Removal of *Intensive Plant Agriculture* as exempt development which means that all forms of intensive plan agriculture, at any scale, would require development consent. This is not the intent and it is proposed to amend the land use matrix prior to exhibition to make Intensive Plant Agriculture permissible without consent. The Regional Office have concurred that as this remains consistent with the drafting directions of the Standard Instrument it should not create an issue.

Map Amendments

There are a number of map amendments detailed in the table. The most significant amendment is as follows:

- Burrendong and Windemere Dam – Privately owned land within the catchment currently zoned Infrastructure in the DLEP needs to be zoned E3 Environmental Management .

All other mapping amendments do not change the intention of the Draft LEP but are required to ensure compliance with the Standard Technical requirements for LEP maps.

The following does not comply with the Conditions of the Section 65 certificate but we have verbal agreement to the changes from the Western Region Office:

- Mapping of the RU5 Large Lot Residential 2 and 5 hectare dwelling entitlements. At this stage the DoPI Regional Office have verbally agreed to delay the question of mapping until after exhibition. After exhibition whether these entitlements need to be mapped will need addressed with the DoPI.

In addition, the DoPI will need to modify the matrix to correct an error in relation to *open* and *closed* land use tables, intensive plant agriculture and dual occupancies in the low density residential zone. The other changes in the matrix were to facilitate use of group definitions but do not change the intent of permissibility and changes to the Business Development zone as outlined in this report. It may be that these amendments will require the issue of new Section 65 certificate; this is not an unusual occurrence.

Exhibition of the Draft LEP

Exhibition of the Draft LEP will commence upon receiving approval from the DoPI. It is proposed that the Draft LEP be exhibited for 28 days as follows:

- Letter sent to every ratepayer.
- Web based tool that allows people to enquiry via property. This tool will also be useful for customer service.
- Information session with local consultants, developers and real estate agents to explain the structure of the DLEP and the web based tool.
- Information Fact Sheets
- Feature in Community News
- Exhibition of Documents and Computer terminal accessible to the public at the Gulgong, Mudgee and Rylstone Administration Centres.
- Open Session and appointments from 6 pm to 8pm at the Rylstone, Gulgong and Mudgee Administration Centres.
- Computer terminals and information at the libraries
- Consultation with the relevant government departments as required by the conditional Section 65 Certificate.

In support of the exhibition of the Draft LEP a number of documents are required to be placed on exhibition including the Comprehensive Land Use Strategy, plain English version of the Draft LEP the covering letter and Section 65 certificate, all State Environmental Planning Policies and Section 117 directions made pursuant to the EP and A Act regarding the making of Local Environmental Plans.

In addition, the DoPI have required further engagement with the following government agencies:

- NSW Department of Primary Industries
- Office of Environment and Heritage
- NSW Transport – Roads and Traffic Authority
- NSW Crown Land
- NSW Rural Fire Service
- Central Wester Catchment Authority
- Hunter/Central Rivers Catchment Authority; and Civil Aviation Safety Authority.

A further report will be presented to Council upon completion.

FINANCIAL IMPLICATIONS

Exhibition of the Draft Mid-Western Local Environmental Plan 2011 in accordance with the measures outlined above can be achieved within the Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

The Draft Mid-Western Local Environmental Plan is the primary local instrument that governs development within the region. The exhibition of the draft plan is the next important stage in the development of the plan. Subsequent to the completion of the exhibition there will be a number of changes that the Council and community may wish to pursue with the DoPI. Upon completion of the Draft LEP work will commence on the Comprehensive Development Control Plan.

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT
AND COMMUNITY SERVICES

5 August 2011

Attachments:

1. Conditional Section 65 Certificate and covering letter
2. Explanatory Table of Changes
3. Draft Mid-Western Local Environmental Plan 2011 (following at the end of the business paper)
4. Land Use Matrix (following at the end of the business paper)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER



Office of the Director General

Mr Warwick Bennett
General Manager
Mid Western Regional Council
PO Box 156

11/02233

Dear Mr Bennett

Mid Western Regional Interim Local Environmental Plan 2008 – Amendment 1, Draft Mid Western Local Environmental Plan 2011, and Mid Western Comprehensive Land Use Strategy 2010.

I refer to the numerous correspondence between the Mid Western Regional Council and the Department of Planning and Infrastructure concerning the future of Council's Principal Local Environmental Plan (LEP) and how the draft LEP has been delayed by the consideration of a site specific rezoning at Perry Street in Mudgee.

Perry Street Amendment – Mid Western Regional Interim LEP 2008 – Amendment 1

Following a review of the draft reports that have been prepared by the Department on this matter I have determined that the key issue of flooding on the Perry Street site is a matter that can be resolved during the development assessment phase of any development on the site. As a consequence of my review, I have determined that the inconsistency of the site specific LEP (Mid Western Regional Interim LEP 2008 – Amendment No.1) with the section 117 Direction 4.3 Flood Prone Land, is a minor inconsistency and that the draft LEP can be made.

I am, as a result of my review, pleased to advise that as delegate of the Minister for Planning and Infrastructure, I have made the draft LEP as requested by the Council. As outlined in section 34(5) of the Act, the Plan will take effect when published on the NSW legislation website www.legislation.nsw.gov.au

Principal LEP – Draft Mid Western LEP 2011 and Comprehensive Land Use Strategy

As a consequence of my making of the draft LEP for Perry Street, I am now in a position to consider and finalise a decision on a section 65 certificate for the Draft Principal LEP to allow its public exhibition.

I am pleased to advise that I have conditionally certified the draft LEP for exhibition. The section 65 certificate and a copy of the certified draft LEP Instrument are enclosed. As the

draft LEP was submitted to the Department prior to the recent amendments to the Standard Instrument (Local Environmental Plans) Amendment Order 2011 the conditional certification is required to ensure consistency with the Order and to address Department of Planning and Infrastructures policies and guidelines. An Explanatory Table of the changes made in the Certified Instrument is enclosed.

I have also conditionally endorsed the Comprehensive Land Use Strategy to accompany the exhibition of the draft LEP. As part of my endorsement of the Land Use Strategy I am requiring that the land north west of Goolma (as shown proposed village on *Figure 4-9 Village Zones – Birriwa and Goolma*) be amended to be rural living.

Council is reminded that the additional work recommended by the Strategy, including a rural and residential land release strategy and monitor, heritage studies, infrastructure analysis and detailed site specific assessments, should continue to be progressed. This additional work forms an important component of the Strategy and the Department would like to receive a timetable for and copies of the completed works.

Specific issues and requirements of the section 65 certificate

In issuing the section 65 certificate for the draft Principal LEP I have identified a number of conditions and requirements.

Please note that the proposed clauses 4.2C(3)(e) (land within the R5 Large Lot Residential Zone), 4.2C(3)(f) (land within 500m of a village zone), 4.2C(3)(g) (dwellings on certain rural land) and 7.11 (land above the 520 m AHD contour near Mudgee) have been retained for exhibition purposes to allow the intent to be conveyed and to seek public comment. Council is required to provide Explanatory Information to accompany each of these clauses for exhibition. It is to be clearly noted that these clauses have not been endorsed by the Department. Council is required to provide justification and consider alternative mechanisms to achieve desired outcomes such as mapping standards, zoning and Development Control Plan options prior to the section 68 submission.

In relation to tourism uses proposed in zones RU1 Primary Production and RU4 Primary Production Small Lots, it is considered the full range of uses (accommodation and facilities) have not been justified at this time having regard to the guidelines provided in PN09-006 "Providing for tourism in Standard Instrument local environmental plans" dated 2 December 2009. The widespread tourism uses within the rural zones is also inconsistent with Council's draft Strategy. While the Council proposed clause 7.10 has been omitted from the certified instrument the uses have been retained in the land use table so as to seek the views of the public during the exhibition period. Council is to clearly convey the intent and range of the tourism uses proposed in rural areas to the public with Explanatory Information during exhibition. Full consideration and justification of the issue is required to be provided to the Department with the section 68 submission.

The portion of this letter relating to the draft Mid Western LEP 2011 is to be placed on exhibition identifying that the issues relating to proposed clauses 4.2C(3)(e), 4.2C(3)(f), 4.2C(3)(g) and 7.11 and tourism uses in rural areas are yet to be resolved.

It is requested that you provide the Western Region office with a copy of the amended draft LEP prior to exhibition that satisfies the conditions of the section 65 Certificate.

As an Opinion has not been issued by Parliamentary Counsel that the draft LEP may be legally made, the Department has issued this certificate on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the draft LEP may be

changed to satisfy legal drafting requirements. Council must also provide a plain English version of the draft LEP for exhibition explaining what the draft LEP does.

All relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply will need to be placed on exhibition with the certified draft Plan.

Section 117 directions affecting the draft Principal LEP

It has been identified that the draft LEP is inconsistent with the section 117 Directions 1.2 – Rural Zones and 1.5 – Rural Lands. I am satisfied that the inconsistencies are justified by the draft Mid Western Regional Comprehensive Land Use Strategy and supporting justification or are of minor significance in this case. It has also been identified that the draft LEP is inconsistent with the section 117 Direction 4.3 Flood Prone Land in relation to the proposed residential zoning of land in Perry Street, Mudgee. I am satisfied that the inconsistency is a minor inconsistency. Placing this letter on exhibition will demonstrate that these inconsistencies have been addressed.

The draft LEP is considered to be inconsistent with Section 117 Direction 3.5 – Development near Licensed Airports. Consultation with the Civil Aviation Safety Authority is required during the section 66 exhibition period and consistency is to be reviewed prior to the section 68 submission.

Further consultation on the draft Principal LEP

It is important that community consultation on the draft Local Environmental Plan engages key stakeholders including the following government agencies:

NSW Department of Primary Industries
Office of Environment and Heritage
NSW Transport - Roads and Traffic Authority
NSW Crown Land
NSW Rural Fire Service
Central West Catchment Management Authority
Hunter/Central Rivers Catchment Management Authority
Civil Aviation Safety Authority

Please note that references to the particular sections of the Act in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council should ensure that any final draft Local Environmental Plan (Instrument and Maps) submitted to the Department following community consultation is consistent with the Act and Regulation. It is recommended that you work closely with the Department's Western Region office in reviewing and finalising the Local Environmental Plan.

If you have any questions in relation to this matter, please contact Wayne Garnsey, Senior Planner of the Department of Planning's Western Region office in Dubbo on (02) 68412180.

Yours sincerely


Sam Haddad
Director General

1/8/2011.



Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local
environmental plan under the *Environmental Planning and Assessment Act 1979*.
(DUB0108743/PC)

Minister for Planning and Infrastructure


Delegate of the Minister for
Planning & Infrastructure

Clause 1 Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)

under the
Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1).

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the land shown edged heavy black on the map marked "Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)—Sheets 1 and 2" deposited in the office of the Mid-Western Regional Council.

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)

Amendment of Mid-Western Regional Interim Local Environmental Plan Schedule 1
2008

Schedule 1 Amendment of Mid-Western Regional Interim Local Environmental Plan 2008

[1] Schedule 1 Additional permitted uses

Insert at the end of the Schedule:

- | | | | |
|--|----------------------|---|--|
| 11 The land shown edged heavy black on the map marked "Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)— Sheet 2" | Perry Street, MUDGEE | Development for the purpose of seniors housing (including subdivision for that purpose) | Before granting consent, the consent authority must be satisfied that: (a) the design of the proposed seniors housing has regard to the potential flood hazard of the land and the safety of its residents, and (b) an evacuation plan for the proposed seniors housing exists that: (i) has been prepared in consultation with the State Emergency Service of New South Wales, and |
|--|----------------------|---|--|

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)

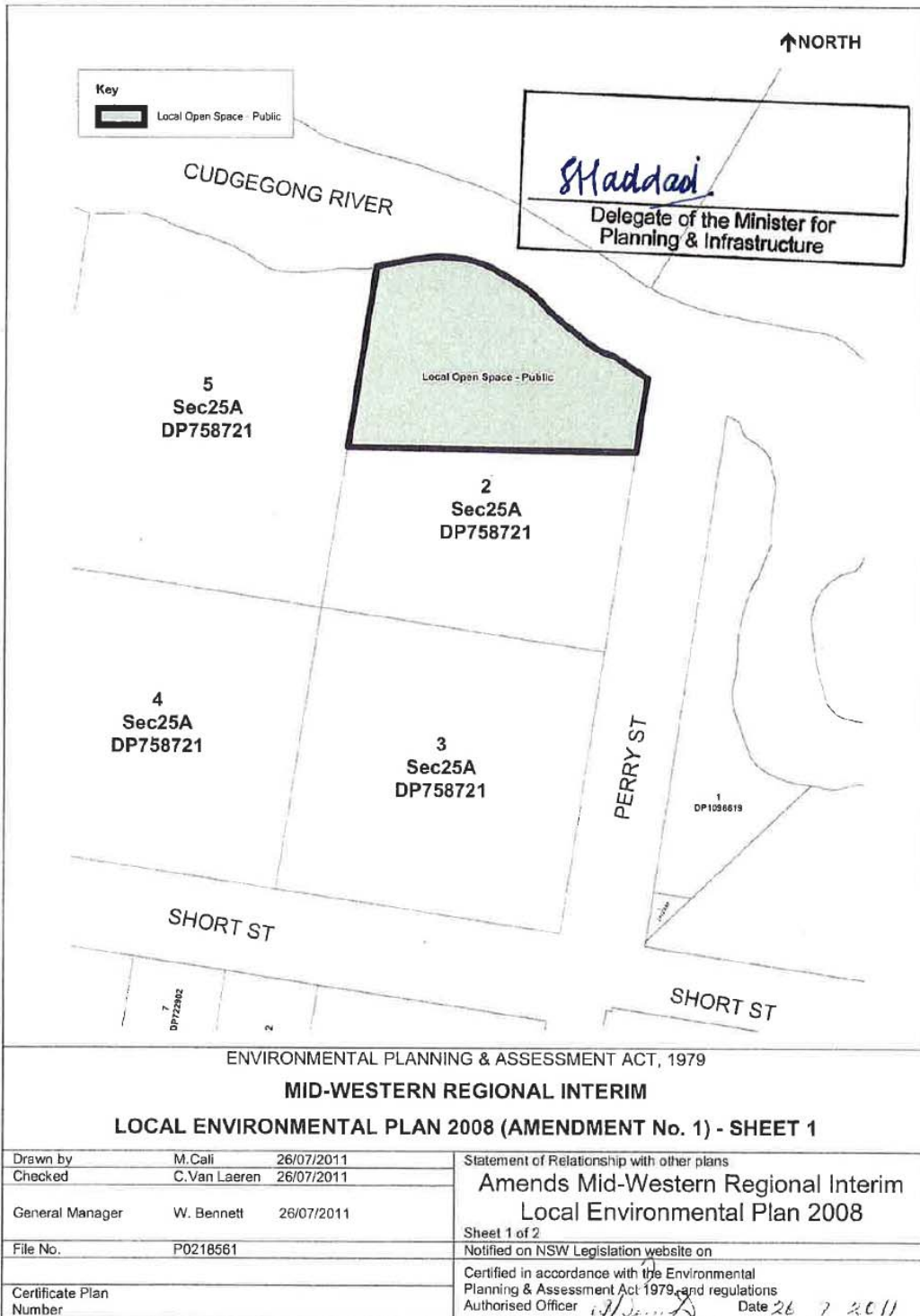
Schedule 1 Amendment of Mid-Western Regional Interim Local Environmental Plan 2008

- (ii) has taken into account the *Mudgee Floodplain Management Study and Plan* dated March 2002 prepared for Mudgee Shire Council by Bewsher Consulting Pty Ltd and the NSW Government's *Floodplain Development Manual: the management of flood liable land* (April 2005, ISBN 0 7347 5476 0).

[2] Dictionary

Insert in appropriate order in the definition of *the map*:

Mid-Western Regional Interim Local Environmental Plan 2008 (Amendment No 1)—Sheet 1

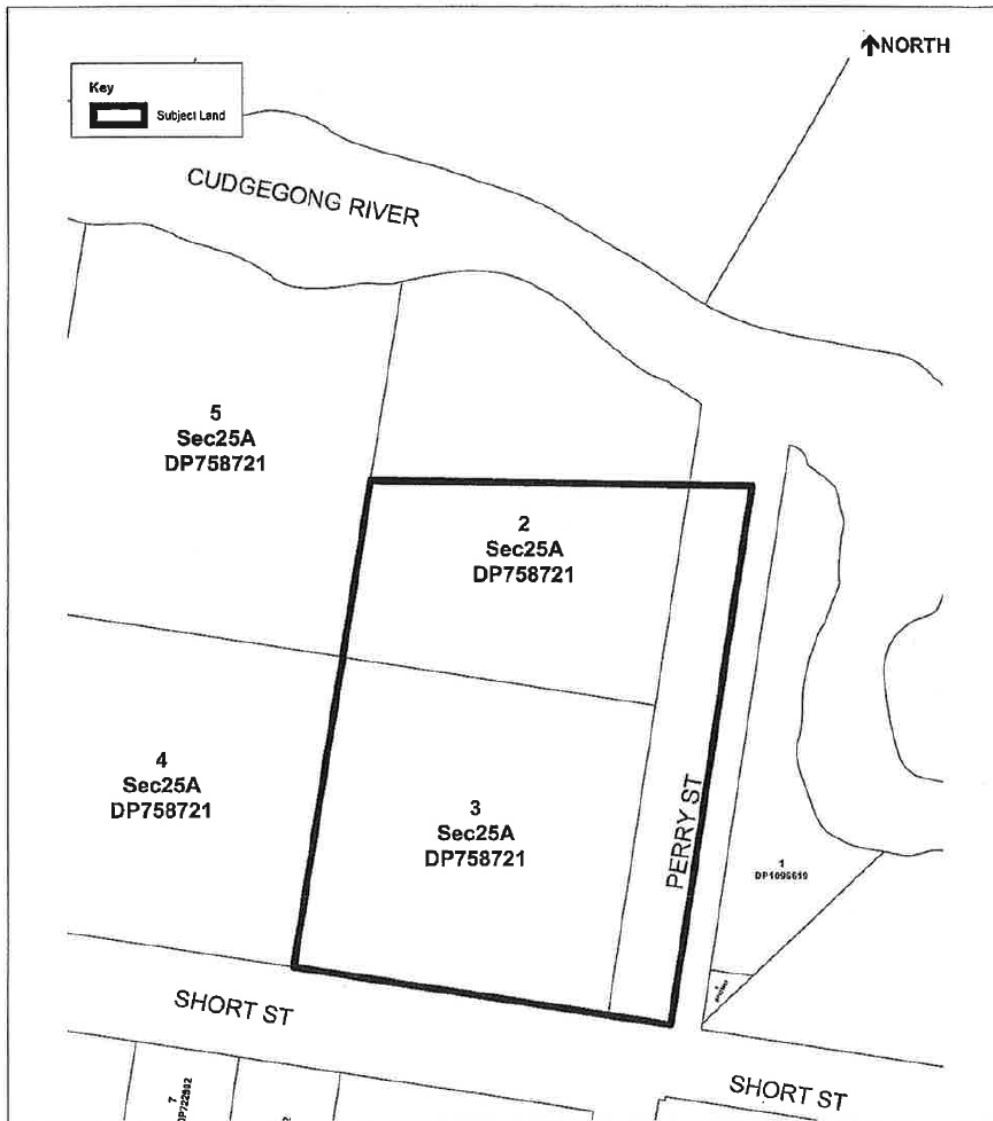


ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

MID-WESTERN REGIONAL INTERIM

LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT No. 1) - SHEET 1

| | | | |
|-------------------------|---------------|------------|---|
| Drawn by | M. Cali | 26/07/2011 | Statement of Relationship with other plans Amends Mid-Western Regional Interim Local Environmental Plan 2008 |
| Checked | C. Van Laeren | 26/07/2011 | |
| General Manager | W. Bennett | 26/07/2011 | |
| File No. | P0218561 | | Sheet 1 of 2 Notified on NSW Legislation website on |
| Certificate Plan Number | | | Certified in accordance with the Environmental Planning & Assessment Act 1979 and regulations Authorised Officer <i>[Signature]</i> Date 26 7 2011 |



| | | | |
|---|---------------|------------|---|
| ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 | | | |
| MID-WESTERN REGIONAL INTERIM | | | |
| LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT No. 1) - SHEET 2 | | | |
| Drawn by | M.Call | 26/07/2011 | Statement of Relationship with other plans Amends Mid-Western Regional Interim Local Environmental Plan 2008 |
| Checked | C. Van Laeren | 26/07/2011 | |
| General Manager | W Bennett | 26/07/2011 | Sheet 2 of 2 |
| File No. | PC218561 | | Notified on NSW Legislation website on |
| Certificate Plan Number | | | Certified in accordance with the Environmental Planning & Assessment Act 1979, and regulations Authorised Officer: <i>[Signature]</i> Date 26.7.2011 |



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65(2) CERTIFICATE

As Director General of the Department of Planning and Infrastructure, I, Sam Haddad, under section 65(2) of the *Environmental Planning and Assessment Act, 1979*, certify that the draft plan named in Schedule 1 may be publicly exhibited under section 66 of the Act, subject to the condition that the draft Local Environmental plan be amended as set out in Schedule 2.

Signed

A handwritten signature in blue ink that reads 'S Haddad'.

Sam Haddad
Director General

Dated: 1st August 2011

Schedule 1

Draft Mid Western LEP 2011 attached to this certificate and marked 'CERTIFIED FOR EXHIBITION'

Schedule 2

Prior to public exhibition Mid Western Regional Council is required to amend the draft plan identified in Schedule 1 to:

- a) Ensure that the Land Use Tables are consistent with the attached Amended Land Use Matrix, and
- b) Ensure that the Maps are consistent with the requirements of the attached Table.
- c) Ensure that the draft LEP is consistent with Standard Instrument (Local Environmental Plans) Amendment Order 2011.

EXPLANATORY TABLE

Draft Mid Western Regional Local Environmental Plan 2011

Issues and how they are addressed for s65 Certificate

INSTRUMENT

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|---|---------|--|--|---|
| 1 | General | <ul style="list-style-type: none"> • Ensure compliance with latest Standard Instrument • Local clauses include development assessment criteria that is inconsistent with Standard Instrument • Land Use Tables not compliant with standard dictionary terms and group terms • Track change notes to be removed | <ul style="list-style-type: none"> • Comply with Standard Instrument Order. • Amended Certified dLEP now complies • Remove track change notes • Remove development assessment criteria from local clauses. • Mandated provisions are to be coloured black text and non mandated provisions are to be coloured red text. • Amend Index accordingly • Land Use Tables to be revised by Council to be compliant with standard dictionary and group terms. • Council to revise all Land Use Tables as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> • Prior to exhibition • Prior to exhibition • Prior to exhibition |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|---|------------------------------|---|---|---|
| 2 | Land Use Tables – General | <ul style="list-style-type: none"> • Ensure LUT identify mandated uses in Black text and other uses as Red text • Ensure land uses in LUT are pluralised. • Revise Land uses as per amended Matrix | <ul style="list-style-type: none"> • Ensure that Land Use Tables comply with Standard Instrument and Planning Guidelines • Council to revise land uses to be pluralised • Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> • Prior to exhibition • Prior to exhibition • Prior to exhibition |
| 3 | 1.2 (2) | <ul style="list-style-type: none"> • Aims | <ul style="list-style-type: none"> • Objective (g) salinity objective inserted | <ul style="list-style-type: none"> • Prior to exhibition • Prior to exhibition |
| 4 | 1.7(4) | <ul style="list-style-type: none"> • Remove note | <ul style="list-style-type: none"> • Note removed – Certified dLEP complies with S1 (LEP) Amendment Order 2011 | |
| 5 | 2.1 | <ul style="list-style-type: none"> • Remove reference to SP1 and E2 • Rename RU4 | <ul style="list-style-type: none"> • Amended in Certified dLEP | |
| 6 | 2.6AA & 2.6BB | <ul style="list-style-type: none"> • Renumbering required | <ul style="list-style-type: none"> • Now numbered as 2.7 and 2.8 | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|---|----------|---|--|---|
| 7 | Zone RU1 | <ul style="list-style-type: none"> Objective 5 re visual amenity would apply to the overall LEP and should be placed in core objectives There are minor land use anomalies that are not consistent with the purpose or zone objectives. Land uses have been revised - refer to Amended Matrix (Attachment 2). | <p>Amended in Certified dLEP</p> <ul style="list-style-type: none"> Objective 5 amended and retained for exhibition. Objective 6 inserted relating to tourist development. Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Review before s68 Prior to exhibition Prior to exhibition |
| 8 | Zone RU4 | <ul style="list-style-type: none"> Zone renamed. There are minor land use anomalies that are not consistent with the purpose or zone objectives. Land uses have been revised - refer to Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Zone renamed to Primary Production Small Lots. Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Prior to exhibition Prior to exhibition |
| 6 | Zone RU5 | <ul style="list-style-type: none"> Objective 2 to be amended. | <ul style="list-style-type: none"> Item 1 - objective 2 - amended to read: To promote development that is sustainable in terms of the capacity of infrastructure within villages. | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---------------------|---|---|--|
| | | <ul style="list-style-type: none"> There are minor land use anomalies that are not consistent with the purpose or zone objectives. Land uses have been revised - refer to Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Prior to exhibition Prior to exhibition |
| 7 | Zones R1, R3 and R5 | <ul style="list-style-type: none"> There are minor land use anomalies that are not consistent with the purpose or zone objectives. Land uses have been revised - refer to Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Prior to exhibition Prior to exhibition |
| 8 | Zone B1 | <ul style="list-style-type: none"> Amend Land use table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Prior to exhibition |
| 9 | Zone B2 | <ul style="list-style-type: none"> Amend Land use table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Prior to exhibition |
| 10 | Zones B3 & B4 | <ul style="list-style-type: none"> LUTs are "closed" and as per PS09-011 should be "open" Amend Land use table as | <ul style="list-style-type: none"> Council to revise Land Use Table as "open" Council to revise Land Use Table as | <ul style="list-style-type: none"> Prior to exhibition Prior to exhibition |

| Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|--------|---|---|--|
| 11 | Zone B5 <ul style="list-style-type: none"> Amend Land use table as per Amended Matrix (Attachment 2). Item 1 – Amend font size Item 1 – Objective 3 - unclear | <ul style="list-style-type: none"> per Amended Matrix (Attachment 2). Council to revise Land Use Table as per Amended Matrix (Attachment 2). Amended in Certified dLEP <ul style="list-style-type: none"> font size in Item 1 typographical error corrected in objective 2 Objective 3 - reworded <i>To enable development which do not undermine the primacy retailing role of the Mudgee commercial core area.</i> | <ul style="list-style-type: none"> Prior to exhibition |
| 13 | Zones IN1, IN2 & IN3 <ul style="list-style-type: none"> LUTs are "closed" and as per PS09-011 should be "open". Amend Land use table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Council to revise Land Use Table as "open". Council to revise Land Use Table as per Amended Matrix (Attachment 2). | <ul style="list-style-type: none"> Prior to exhibition Prior to exhibition |
| 14 | Zone SP1 <ul style="list-style-type: none"> There are no relevant SP1 Special Activities. Use SP2 for infrastructure purposes. | <ul style="list-style-type: none"> Zone removed in certified dLEP. | |
| 15 | Zone SP2 <ul style="list-style-type: none"> Typographical error in objective 3. should be reworded | <ul style="list-style-type: none"> Amended in Certified dLEP Item 1 objective 3 - Correct typographical error in objective 3 and reword as follows- | |

| Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|-------------------------|---|--|---|
| | <ul style="list-style-type: none"> Where SP1 has been used for infrastructure it is to be removed and replaced with SP 2 and notated correctly in accordance with PN10-001 Item 2 – remove land uses Should there be private land identified within the Windemere and Burrendong catchments then such land should be zone E3 | <p>To protect the water storage of Windemere and Burrendong Dams</p> <ul style="list-style-type: none"> Land uses removed from Item 2 SP2 is to be retained only for public land used for water storage. Where private land is located within the Windemere and Burrendong catchments it should be identified as zone E3. Council to amend SP2 & E3 zone and maps accordingly. Council to revise Land Use Tables as per Amended Matrix (Attachment 2) | <ul style="list-style-type: none"> Prior to exhibition |
| 16 Zones RE1 and RE2 | <ul style="list-style-type: none"> Amend Land Use Table as per Attachment 2 | | <ul style="list-style-type: none"> Prior to exhibition |
| 17 Zone E2 | <ul style="list-style-type: none"> Zone E2 is not identified on maps – therefore remove LUT | <ul style="list-style-type: none"> zone E2 removed from Certified dLEP zone E2 removed from Clause 2.1 | |
| 18 Zone E3 | <ul style="list-style-type: none"> Item 1-incorrec font size | <ul style="list-style-type: none"> Amended in Certified dLEP | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|---|---|--|
| | | in objective 2 <ul style="list-style-type: none"> A specific objective is to be inserted where zone applies to private land that is within Windemere and Burrendong Dam catchment area. | <ul style="list-style-type: none"> Correct font size in Item 1 - objective 2 The following objective has been inserted <i>To manage development within water supply catchment lands of Windemere and Burrendong Dams to conserve and enhance the district's water resources.</i> | |
| 19 | Clause 4.1AA Minimum subdivision lot size for community title schemes - retained | | | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 s submission |
|----|---|--|--|---|
| 20 | Clause 4.1 (3A) – variation for lots for R2 land that can be serviced. | <ul style="list-style-type: none"> Intent and outcome supported – use model clause and map for certainty Specific land that can be serviced is to be mapped. | <ul style="list-style-type: none"> R2 land that can be serviced is to be identified by mapping Model clause inserted in Certified dLEP. <p>(3A) Despite subclause (3), the size of any lot resulting from the subdivision of land shown on the Lot Size Map to be within Area A or Area B, must not be less than the area shown in Column 2 of the table to this subclause opposite the relevant Area, if the lot will be connected to reticulated sewer and water.</p> <p>Column 1 Area A 2000m² Area B 4000m²</p> | <ul style="list-style-type: none"> Prior to exhibition |
| 21 | Cl. 4.1B Dual occ, multi dwellings lot sizes | <ul style="list-style-type: none"> Intent and outcome supported – use model clause and adjust for Rylstone and Kandos | <ul style="list-style-type: none"> Amended in certified dLEP Model Clause 4.1B inserted and format and adjust for local standards and identify standards for Rylstone and Kandos villages <p>(1) The objective of this clause is to achieve planned residential density in certain zones. (2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table: Column 1 dual occupancy (attached) / dual occupancy</p> | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|---|---|---|
| 22 | Clause 4.1B(4) Variation for Dual occ, multi dwellings lot sizes | <ul style="list-style-type: none"> Intent and outcome supported but proposed subclause does not achieve intended outcome. Remove subclause (4) replace with model clause 4.1C and adjust accordingly. | <p>(delete) residential flat building</p> <p>Column 2: [insert name of zone], / [insert name of zone] / [insert name of zone].</p> <p>Column 3: [insert number in m2], / [insert number in m2], / [insert number in m2].</p> <p>Drafting Direction The only zones that may be listed in column 2 are those for which the housing types mentioned in Column 1 are permissible. Different minimum lot sizes may be applied for the same type of development but in different zones by adding a new row to the Table.</p> <ul style="list-style-type: none"> Clause 4.1B(4) – replaced with Model Clause as Clause 4.1C. Particular numbers to be inserted by Council <p>4.1C Exceptions to minimum lot sizes for certain residential development (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity. (2) This clause applies to development on land in the following zones: (i) R1 – General Residential (ii) R3 – Medium Density Residential (iii) RU5 – Village (Ryestone and Karendos) (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the</p> | <ul style="list-style-type: none"> Prior to exhibition |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|---|---|--|
| 23 | Cl 4.2A – RU1 & RU4 farm adjustment | <ul style="list-style-type: none"> Clause is inconsistent with Standard Instrument and SEPP Rural Lands. Clause 2.75 of the Codes SEPP may assist in achieving outcome. | <p>following:</p> <ul style="list-style-type: none"> (a) the subdivision of land into [insert a number not less than 2] or more lots, (b) the erection of a dual occupancy, multi dwelling housing or residential flat buildings on each lot resulting from the subdivision, if the size of each lot is equal to or greater than: <ul style="list-style-type: none"> (i) for the erection of a dual occupancy - [insert number in m2], or (ii) for the erection of a multi dwelling housing - [insert number in m2], or (iii) for the erection of a residential flat building - [insert number in m2]. <ul style="list-style-type: none"> Clause removed | |
| 24 | Cl 4.2B – Subdivision and dwellings in Zone RU4 | <ul style="list-style-type: none"> Non compliant Model clause used where Council has included reference to "subdivision" Rural subdivision is already covered by clause 4.2 | <ul style="list-style-type: none"> Cl. 4.2A amended in Certified dLEP to comply with Model clause as follows: <p>4.2A Dwelling houses in Zone RU4 Primary Production Small Lots [local]</p> <ul style="list-style-type: none"> (1) The objective of this clause is to ensure dwelling houses are developed only where they support the permitted agricultural use of the land. (2) This clause applies to development for the purposes of dwelling houses on land in zone RU4 Primary | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|--|--|--|--|
| 25 | Cl 4.2C(3)(e) (i) & (ii) – dwellings on rural and environmental protection zones | <ul style="list-style-type: none"> Intent is to restrict dwelling entitlement on certain lots and existing holdings zoned R5 Large Lot Residential in Gulgong | <p>(3)</p> <p>Production Small Lots.</p> <p>Before granting consent to development to which this clause applies, the consent authority must be satisfied that:</p> <ul style="list-style-type: none"> a) the land is being or is intended to be used for intensive plant agriculture and [list other permitted agricultural uses if required]; b) the dwelling house will be required to support the carrying out of intensive plant agriculture and [list other permitted agricultural uses if required]; c) the dwelling house is not likely to cause any land use conflict with existing agricultural uses being undertaken on neighbouring properties in the zone; and d) services for the supply of water and electricity to support the agricultural activity are available or adequate arrangements have been made to make them available when required. <ul style="list-style-type: none"> Amended clause title to refer to 'residential' and inserted additional objective in relation to R5 land. Additional objective: <ul style="list-style-type: none"> to control rural residential density affected | |

| Clause | Issue | How addressed | Compliance Prior to exhibition or s68 s submission |
|---|--|--|--|
| | <p>in order to control rural residential density affected by historical subdivision patterns in this area.</p> <ul style="list-style-type: none"> Current drafting of subclause creates uncertainty as to what land is affected and should be mapped. Development assessment criteria included that should be placed in DCP or is addressed by Cl. 7.10 essential services. | <p>by historical subdivision patterns in Zone R5 Large Lot Residential</p> <ul style="list-style-type: none"> Cl 4.2C(3)(e) to be retained for exhibition purposes only. Exhibition to include explanatory information as to what is intended. Note has been included in Certified dLEP. Justify and resolve at s68 with the affected land mapped with appropriate minimum lot size. | <ul style="list-style-type: none"> Prior to exhibition S68 |
| 26 Cl 4.2C(3)(f) Dwellings on land within 500m of village | <ul style="list-style-type: none"> Intent is to permit dwellings on parcels of land that are within 500m of a village that meet certain tests. This issue has not been addressed in draft Strategy. Although intent not unreasonable, further work is required to clearly show the land to which this would occur. Proposed clause inconsistent with standard instrument and outcome | <ul style="list-style-type: none"> Cl 4.2C(3)(f) to be retained for exhibition purposes only. Exhibition to include explanatory information as to what is intended Note included in Certified dLEP and issue identified in covering letter Justify and resolve at s68 with the affected land being mapped with appropriate minimum lot size. | <ul style="list-style-type: none"> Prior to exhibition s68 |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|--|---|--|
| 27 | Cl 4.2C(3)(g) – dwelling on lots of 40 ha or more – the intent is to capture lots that have been created for dwellings but were not included in previous plans. There is an example of lots in former Merriwa | <p>should be mapped using relevant mls.</p> <ul style="list-style-type: none"> • Intent to maintaining dwellings on lots created for that purpose that may have "lost" entitlement under previous plans. • This clause is too open as proposed and does not provide certainty and impact unknown. • Sub clause 4.2C(3)(b) does not achieve this intent. • Better way is to map land for certainty otherwise all lots may have a dwelling entitlement | <ul style="list-style-type: none"> • Amended clause. Allow for exhibition purposes only • Exhibition to include explanatory information as to intent. • Note included in Certified dLEP and issue identified in covering letter • Justify and resolve at s68 with the affected land being mapped with appropriate minimum lot size. | <ul style="list-style-type: none"> • Prior to exhibition • s68 |
| 28 | Cl 4.2C(4)(b) | <ul style="list-style-type: none"> • sub-clause (b) should refer to subclause (3) | <ul style="list-style-type: none"> • Subclause amended to refer to subclause (3) | |
| 29 | Cl 4.2C(5)(b) - Dual occupancy | <ul style="list-style-type: none"> • Cl. 4.2C (5)(a) is not required as definition of dual occupancy requires 2 dwellings on one lot • Cl. 4.2C (5)(b) is a development assessment criteria that is to be placed in a DCP. | <ul style="list-style-type: none"> • Clause not required and has been omitted. | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|---|--|---|
| 30 | Clause 4.2C(5) | <ul style="list-style-type: none"> remove the word "to" | <ul style="list-style-type: none"> Subclauses amended in Certified dLEP | |
| 31 | Clause 5.3 – Development near zone boundaries | <ul style="list-style-type: none"> Flexibility should not be permitted between zone RU3 | <ul style="list-style-type: none"> Clause 5.3 (3)(a1) amended to include zone RU3 | |
| 32 | Cl. 6.1- Urban release areas | <ul style="list-style-type: none"> Subclause (1) is incorrect and not required | <ul style="list-style-type: none"> First subclause (1) omitted as it is inconsistent with Model clause | |
| 33 | Part 7 | <ul style="list-style-type: none"> Local clauses renumbered | <ul style="list-style-type: none"> Clause renumbered | |
| 34 | Cl 7.3 – Env. Sensitive land – 520m contour | <ul style="list-style-type: none"> The intent is to control development above the 520m contour near Mudgee. Proposed clause inconsistent with Standard Instrument and Guidelines Seek outcome intended by using appropriate standard instrument zoning, lot size, height of buildings provisions and DCP mechanisms through consultation with public Not required | <ul style="list-style-type: none"> Clause has been amended and renumbered as Clause 7.11 to maintain intent for exhibition purposes only. Note inserted in Certified dLEP and issue identified in covering letter. Justify and resolve at s68 | <ul style="list-style-type: none"> s68 |
| 35 | Cl. 7.4 Natural Resources - Land | <ul style="list-style-type: none"> Not required | <ul style="list-style-type: none"> Clause 7.4 removed | |
| 36 | Cl 7.8- Earthworks | | <ul style="list-style-type: none"> Clause 7.8 to be relocated and renumbered as clause 7.3. | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|---|---|--|
| 37 | Cl 7.10 – hotel and motel accommodation in zone RU1 and development assessment criteria | <ul style="list-style-type: none"> Uses permissible in zone Proposed clause using inappropriate local development assessment standards in dLEP. | <ul style="list-style-type: none"> Clause omitted | |
| 38 | Cl. 7.11 – Rural supplies | <ul style="list-style-type: none"> "Rural Supplies" not permissible in zone Proposed clause creates a subzone Inappropriate local development assessment standards in dLEP | <ul style="list-style-type: none"> Clause removed | |
| 39 | Cl.7.14 | <ul style="list-style-type: none"> Clause not consistent with model clause Clause needs to be coloured red | <ul style="list-style-type: none"> model clause inserted and renumbered as 7.10 <p>Essential services [local] Development consent must not be granted to development unless the consent authority is satisfied that those of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable road access.</p> | |
| 40 | Schedule 2 – Exempt | <ul style="list-style-type: none"> Proposed uses are not covered by relevant | <ul style="list-style-type: none"> Certified dLEP amended as follows:- "dams" renamed as "Water Storage" | |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|-------------------------------------|--|--|---|
| | development | <p>SEPPs and are carried over from current LEP</p> <ul style="list-style-type: none"> Dams should be termed water storage facilities - not covered elsewhere Intensive Plant Agriculture should be removed as there is no criteria proposed. Depots and viticulture with the limitations proposed should be subject to public comment. Codes SEPP will prevail from September 2011 | <p>Facility (Dams)**</p> <ul style="list-style-type: none"> Intensive plant agriculture removed Allow for exhibition. Council to review Schedule 2 after public and agency consultation | S68 |
| 41 | Schedule 5 – Environmental Heritage | <ul style="list-style-type: none"> Identify and describe Heritage Conservation Areas Include and amend State Heritage Register items | <ul style="list-style-type: none"> Council required to identify and describe Heritage Conservation Areas in Schedule 5 Council required to include the following State Heritage Register items in Schedule 5: <ul style="list-style-type: none"> 'Binnawee Homestead and Outbuildings' (SHR01780) and 'Bridge View Inn' (SHR00438) <p>List the following items as 'State' in Schedule 5:</p> <ul style="list-style-type: none"> Gold Mining Water Race (2070984) | <ul style="list-style-type: none"> Prior to exhibition |

| Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|--------|--|---|---|
| 42 | <ul style="list-style-type: none"> Definitions for maps in LEP are to be inserted in dictionary | <ul style="list-style-type: none"> Gulgong Railway Station and yard group (2070349) Hobsons Shops Golden West Trading Post (2070242) Lue Railway Station group (2070363) Quartz Roasting Pits Complex (2070979) Rylstone Railway Station and yard group (29 in Rylestone LEP) St. Mary's Roman Catholic Church, Presbytery, Convent & Hall (2070003, 2070004, 2070005, 2070006) | <ul style="list-style-type: none"> Prior to exhibition |

MAPS

| Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|--------|--|---|---|
| 1 | <ul style="list-style-type: none"> Maps do not fully comply with technical guidelines however they do generally indicate proposed zonings and | <ul style="list-style-type: none"> The dLEP maps to comply with the Department of Planning "Standard technical requirements for LEP Maps" dated March 2009 Version 1.2- matter addressed in conditions | <ul style="list-style-type: none"> S68 |

| Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|--------|--|---|---|
| 2 | Map cover sheet required | and covering letter <ul style="list-style-type: none"> Council to prepare and insert map cover sheet | <ul style="list-style-type: none"> Prior to exhibition |
| 3 | SP1 zone | <ul style="list-style-type: none"> Remove from relevant maps Rename as SP2 and label as intended purpose (Refer to PN 10-001) | <ul style="list-style-type: none"> Prior to exhibition |
| 4 | Burrendong and Windemere Dams catchments | <ul style="list-style-type: none"> Water storage land that is in public ownership within the mapped areas and zone appropriately having regard to PN 10-001 – Zoning for Infrastructure in LEPs Council required to identify Water Storage land as SP2 and label "Water Supply System" | <ul style="list-style-type: none"> Prior to exhibition |
| 5 | Burrendong and Windemere Dams catchments | <ul style="list-style-type: none"> Water catchment land that is in private ownership with in the mapped areas and zone appropriately having regard to PN 10-001 – Zoning for Infrastructure in LEPs Council required to identify water catchment land that is in private ownership and identify map as zone E3. | <ul style="list-style-type: none"> Prior to exhibition |
| 6 | Clause 4.1(3A)(b) variation for minimum lot size for zone R2 | <ul style="list-style-type: none"> Varying lot size to be mapped Council to identify and map land with appropriate minimum lot size in accordance with Clause 4.1(3A). | <ul style="list-style-type: none"> Prior to exhibition |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|---|--|--|---|
| 7 | Clause 4.2C(3)(e)(i) and (ii) – minimum lot size for zone R5 Large Lot Residential land | <ul style="list-style-type: none"> Retain clause for exhibition and notify public of intent and map identified land prior to s68. | <ul style="list-style-type: none"> Council required to identify land and insert correct minimum lots size for affected land. | S68 |
| 8 | Clause 4.2C(3)(f) – land with 500m of zone RU5 village | <ul style="list-style-type: none"> Not in strategy but intent supported. Retain clause for exhibition and notify public of intent and map identified land prior to s68. | <ul style="list-style-type: none"> Council required to identify and map affected land and justify prior to section 68 submission. | S68 |
| 9 | Clause 4.2C(3)(g) – land that may have dwelling entitlement created under former plans | <ul style="list-style-type: none"> Intent generally supported but proposed clause is incorrect and does not provide certainty Mechanism to achieve outcome is to seek public comment and map Submit with justification at s68 | <ul style="list-style-type: none"> Council required to identify and map affected land and justify prior to section 68 submission. | S68 |
| 10 | 5.1 Relevant acquisition authority | <ul style="list-style-type: none"> Land acquisition map required | <ul style="list-style-type: none"> Prepare a Land Reservation Acquisition Map based on the land application map. Insert a note in the legend to read as follows:- "At the time of gazettal of this plan no land has been identified for acquisition". | <ul style="list-style-type: none"> Prior to exhibition |
| 11 | 520m Contour | <ul style="list-style-type: none"> Proposed intent | <ul style="list-style-type: none"> Council to remove from all relevant | <ul style="list-style-type: none"> Prior to exhibition |

| | Clause | Issue | How addressed | Compliance Prior to exhibition or s68 submission |
|----|--|---|--|---|
| | | supported but mechanism to implement is not. Council to reconsider appropriate zone, lot size and DCP provisions. | land zoning maps <ul style="list-style-type: none"> Insert 520m AHD contour on a combined Local Map along with Flood Planning Area, Active Street Frontage & Urban Release Area. (refer to pg 23-24 of Technical Requirements) | |
| 12 | Clause 7.4 Natural Resources Land | <ul style="list-style-type: none"> Not required | <ul style="list-style-type: none"> Council to remove map | <ul style="list-style-type: none"> Prior to exhibition |
| 13 | Renumbered Clauses 7.2, 7.4, 7.5 and 7.6 - Natural resource maps | <ul style="list-style-type: none"> Correctly name and cross reference maps in accordance with related dLEP clauses. | <ul style="list-style-type: none"> Council to correctly name and cross reference natural resource maps in dictionary in accordance with related clauses | <ul style="list-style-type: none"> Prior to exhibition |
| 14 | Lot size maps | <ul style="list-style-type: none"> Lot Size indicated as A=0 – incorrect should be uncoloured Lot size shown on rail way land – incorrect | <ul style="list-style-type: none"> Where lots size = 0 it should be uncoloured Correct affected lot size maps | <ul style="list-style-type: none"> Prior to exhibition |
| 15 | Label Heritage Items | | <ul style="list-style-type: none"> Label heritage items | <ul style="list-style-type: none"> Prior to exhibition |
| 16 | Perry St land | <ul style="list-style-type: none"> Reflect the Mid Western Regional Interim LEP 2008 (Amendment 1) | <ul style="list-style-type: none"> Insert zone RE1 for northern part of land Lot size for zone RE 1 – should be uncoloured | <ul style="list-style-type: none"> Prior to exhibition |

CONDITIONS FOR S65 CERTIFICATE
Draft Mid Western Regional Local Environmental Plan 2011- Certified For Exhibition August 2011
AMENDMENTS REQUIRED TO THE MAPS PRIOR TO EXHIBITION

| | Issue/ Clause | Condition |
|---|---|--|
| 1 | Map cover sheet | <ul style="list-style-type: none"> • Insert map cover sheet |
| 2 | | <ul style="list-style-type: none"> • Remove reference to all SP1 on relevant maps. • Refer to PN 10-001 and rename sites to SP2 as specified infrastructure term (for example – LZN_005D – should be SP2 and renamed "Sewage Treatment Plant", LZN-006H - should be SP2 and renamed "Water Treatment Plant", Gulgong hospital, cemetery and water treatment plant. |
| 3 | Burrendong and Windemere Dams storage land Zone SP2 – Special Purposes - Infrastructure | <ul style="list-style-type: none"> • Sheets LZN_002 & 007 – in relation to Burrendong & Windemere Dams water storage in public ownership to be labelled as "Water Supply System". |
| 4 | Burrendong and Windemere Dams catchments | <ul style="list-style-type: none"> • Sheets LZN_002 & 007 - Water catchment land that is in private ownership to be zoned and mapped as zone E3- Environmental Management. |
| 5 | Clause 4.1(3A) variation for minimum lot size for zone R2 | <ul style="list-style-type: none"> • Identify and map land with appropriate minimum lot size in accordance with Clause 4.1 (3A) |
| 6 | Proposed R5 land | <ul style="list-style-type: none"> • The intent of subclause clauses 4.2C(3)(e)(i) & (ii) of the draft Plan submitted by Council is to be identified and mapped with an appropriate lot size. |
| 7 | 5.1 Relevant acquisition authority | <ul style="list-style-type: none"> • Prepare a Land Reservation Acquisition Map based on the land application map. Insert a note in the legend to read as follows:- <i>"At the time of gazettal of this plan no land has been identified for acquisition".</i> |

| | Issue/ Clause | Condition |
|----|--|--|
| 8 | 520m Contour | <ul style="list-style-type: none"> Remove 520 m contour from all relevant land zoning maps – place 520 m AHD contour on Combined Local Map along with Flood Planning Area, Active Street Frontage and Urban Release Area. Rename and apply according with reference to pages 23- 24 of the Department of Planning "Standard technical requirements for LEP Maps" dated March 2009 Version 1.2 |
| 9 | Clause 7.4 Natural Resources Land | <ul style="list-style-type: none"> Omit maps |
| 10 | Clauses 7.5, 7.6 and 7.7 - Natural resource maps | <ul style="list-style-type: none"> Correctly name and cross reference natural resource maps in dictionary in accordance with related clauses |
| 11 | Minimum lots size maps or height of buildings | <ul style="list-style-type: none"> Where there is no minimum lot size applies remove reference to "A = 0" and change to "white" or uncoloured on the relevant maps. Amend Lot Size Maps to remove lot size where depicted on railways or classified roads (for example - maps LSZ_009A and 010A) |
| 12 | Heritage items | <ul style="list-style-type: none"> Label Heritage Items on maps |
| 13 | Perry St Land | <ul style="list-style-type: none"> In accordance with the Mid Western Regional Interim LEP 2008 (Amendment No 1) amend Maps LZN_006G to reflect the zone RE1 on northern end of land and amend Map LSZ_008G to reflect "white" or uncoloured lot size for the RE1 land. |

6.2.4 FOOD REGULATION ACTIVITY

| |
|--|
| REPORT BY TECHNICAL ASSISTANT – HEALTH & BUILDING Food Regulation Report 2011 A0100052, A0130004, A0130009 |
|--|

RECOMMENDATION

That the report by Technical Assistant – Health & Building on Food Regulation Activity be received.

EXECUTIVE SUMMARY

As a Category B Enforcement Agency appointed under the NSW Food Act 2003, Council has an obligation to regulate retail food premises within the Local Government Area. This primarily involves routine food premises inspections, investigating food related complaints, and cooperating with the NSW Food Authority in taking action where there is an imminent threat to public health and safety such as an urgent food recall.

Each July Council is required to submit a report to the NSW Food Authority providing details of food regulation activity carried out over the past 12 months (July to June). This information is used to monitor the progress of food regulation activity as well as the effectiveness it has on improving the health, safety and quality of food service throughout the state. It also helps the NSW Food Authority identify areas where further development of support and assistance programs may be beneficial both to enforcement agencies and to the food industry.

DETAILED REPORT

Over the 2010/2011 financial year, a total of 131 inspections of medium and high risk food premises were carried out in the Mid-Western Local Government Area. While this only equates to one additional inspection when compared to the previous year's 130 inspections, the total was achieved through utilisation of existing staff rather than with the cost of contracting additional staff as was the case the previous year, this was due to lack of availability of a contractor as a reasonable rate.

Out of the total 131 inspections, 119 were primary inspections (i.e. planned, programmed or routine inspections) with 100 of those inspections achieving satisfactory results. Of the remaining 19 premises that required re-inspections, 12 re-inspections have been carried out to date, all of which achieved satisfactory results.

Additionally there are 76 low risk businesses. These are businesses that are initially inspected upon registration, then upon incident only or in response to receipt of a complaint in line with the Food Authority's recommended guidelines. Of these 76 businesses, 12 have been inspected this 2010/2011 year, all of which achieved satisfactory results.

Overall there was generally a higher level of compliance and awareness this year with greater cooperation from proprietors to continue to improve standards.

NOTE:

High Risk: Food businesses that handle many types of foods and/or undertake diverse processes. Where food is cooked and/or prepared e.g. Restaurants, Takeaways

Medium Risk: Sells uncooked, unpackaged and/or pre-packaged foods or trades infrequently e.g. Supermarkets, School Canteens, Bed & Breakfast Accommodation

Low Risk: Sells small quantities of pre-packaged food, e.g. Service Stations, Wineries, Home businesses producing bottled jams for markets

The following table provides the data as submitted to the NSW Food Authority for the 2010/2011 year, as well as the data submitted previously for the 2009/2010 year for comparison purposes.

FOOD PREMISES REGULATION ACTIVITY REPORT – 2010/2011

| | 2010/2011 | 2009/2010 |
|--|-----------|-----------|
| <u>Food Business Profile</u> | | |
| No. of high risk food businesses | 106 | 99 |
| No. of medium food risk businesses | 37 | 34 |
| No. of food businesses requiring a Food Safety Supervisor (FSS) | 134 | N/A |
| Number of these businesses that have notified of their FSS | 9 | N/A |
| <u>Regulation Services Profile</u> | | |
| No. of authorized officers engaged in food regulatory work over the 12 month reporting period | 4 | 4 |
| No. of full-time-equivalent authorized officers engaged in food regulatory work over the 12 month reporting period | 0.5 | 0.5 |
| Private contractors used | No | Yes |
| Resource sharing with other Council(s) | No | No |
| <u>Regulation Inspection Profile of high and medium risk businesses (excluding low risk businesses)</u> | | |
| No. of primary inspections conducted | 119 | 116 |
| No. of primary inspections found to be satisfactory | 100 | 95 |
| No. of food businesses requiring re-inspection | 19 | 21 |
| No. of food businesses found to be satisfactory after re-inspection(s) | 12 | 14 |
| <u>Food Complaint Profile</u> | | |
| Total no. of complaints received | 10 | 2 |
| Total no. of complaints investigated | 10 | 1 |
| Total no. of complaints investigated in relation to:- | | |
| - Hygiene & handling | 5 | 1 |
| - Foreign matter | 0 | 0 |
| - Food quality including deterioration | 2 | 1 |
| - Labelling & Advertising | 0 | 0 |
| - Other | 3 | 0 |
| <u>Enforcement Action</u> | | |
| No. of Improvement Notices issued | 3 | 3 |
| No. of Warning Letters issued | 19 | 21 |
| No. of Prohibition Orders served | 0 | 0 |
| No. of Seizures | 0 | 0 |
| No. of Penalty Notices issued | 1 | 2 |

| | | |
|--|--|-----|
| No. of Penalty Notices court-elected | 0 | 0 |
| No. of Prosecutions determined | 0 | 0 |
| <u>Value-added Services</u> | | |
| Technical advice provided for food businesses | Yes | Yes |
| Information provided to food businesses, e.g. leaflets, hand-outs, fact sheets, websites | Yes | Yes |
| Food Handler Training organized or facilitated | No | Yes |
| Any other services provided, e.g. participation in surveys or pilot programs | Yes | No |
| - If yes, please give brief details | Purchase & provision of Food Safety Calendars to food businesses; Participation in Temporary Food Stalls Survey | |

FINANCIAL IMPLICATIONS

The above inspections were completed in accordance with the 2010/11 Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

LORNA HANNAY
TECHNICAL ASSISTANT
HEALTH & BUILDING

CATHERINE VAN LAEREN
GROUP MANAGER
PLANNING & DEVELOPMENT

5 August 2011

Attachments: Nil.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.5 BEECHWORTH ROAD

REPORT BY MANAGER GOVERNANCE
Beechworth Road
A0100052, R0790022, R4241001

RECOMMENDATION

That:

- 1. the report by the Manager Governance on Beechworth Road be received;**
- 2. Council confirm that it will not extend Beechworth Road**
- 3. Council will seek to dedicate as a Council road only that part of the road known as Beechworth Road and shown coloured red on the attached plan;**
- 4. Council continue discussions with the Land & Property Management Authority to formalise the location of Beechworth Road.**
- 5. Council advises the property owners in the area that it sees the issue of access to those properties not adjacent to Beechworth Road as a private matter and not Council responsibility.**

EXECUTIVE SUMMARY

The purpose of this report is to inform Council of issues experienced by a number of property owners in gaining access to Council's road network and of actions to formalise the status of Beechworth Road which is not currently located within the road reserve.

DETAILED REPORT

As Councillors would be aware, Beechworth Road is a minor local road providing access to properties to the south of Triamble Road. Council's Road Asset Management Plan provides that the first 2 km of this road is maintained while the remaining 1.6 km is unmaintained. The attached map shows the location of Beechworth Road, coloured red.

Council staff have been in communication with a number of local residents who have issues with regard to legal access to their properties and who have been seeking to have Council extend this road to their respective properties to provide them with legal access. Council staff have consistently rejected the idea of extending this road.

Staff of the Dubbo Office of the Land & Property Management Authority (LPMA) have been brokering access arrangements between the respective property owners to facilitate the processing of a couple of applications to close unused and unnecessary crown road reserves within those properties and as a means of securing access for these property owners. This has culminated in the development of a number of legally binding access agreements to secure tenure of access through private land to Council's road network (shown coloured with a yellow broken line).

The property owners affected by this access issue are Mrs Jennifer Bell owner of Lot 62 DP 704149; Mr Angus Rae owner of Lot 13 DP756907; Roy and Enid Rayner owners of Lot 44 DP756907; and Mr Andrew Loxton owner of Lot 35 DP756918

Copies of a petition, correspondence and these agreements are attached for Council's information.

Notwithstanding the requests contained in the correspondence attached, these access agreements obviate the need for any extension of Council's road network to provide legal access to these affected properties.

Council staff have also been in communication with the LPMA regarding the status of Beechworth Road having become aware that this road is not located within the dedicated road reserve. While it is not uncommon for roads to be located outside the dedicated road reserves, Beechworth Road is, for a greater part of its length, as will also be noted from the attached map some considerable distance to the east of the road reserve and for the majority of its length it is actually located within a registered Right-of-Way traversing Lots 1 & 3 DP874741. This Right-of-Way is shown on the map, coloured yellow.

As part of the process to register the access agreements the LPMA have requested Council's assistance to formalise Beechworth Road to allow continuity of the legal accessible access to the affected property owners. Council's discussions with the LPMA have been directed to finding the quickest, most cost effective way of achieving this aim.

Council staff is continuing with discussions with the LPMA to formalise the dedication of the "road" known as Beechworth Road as a public road. In this regard, because the attached access agreements provide the respective property owners with legal access to the northern boundary of Lot 13 DP756907 it is proposed, notwithstanding that Council's Road Asset Management Plan refers to Beechworth Road comprising some 3.6 km - 2km maintained (to the point marked "A" on the map) and 1.6km unmaintained - that only that the only portion shown coloured red on the plan shall be so dedicated.

FINANCIAL IMPLICATIONS

On the basis that Council does not extend the road, it is anticipated that there will be some costs involved in formalising the location of Beechworth Road. The quantum will depend on what arrangements council can make with the LPMA.

STRATEGIC OR POLICY IMPLICATIONS

It is not intended that Beechworth Road itself be extended or to increase the length of this road that is currently maintained.

APPROVED FOR SUBMISSION:

IAN ROBERTS
MANAGER GOVERNANCE

WARWICK BENNETT
GENERAL MANAGER

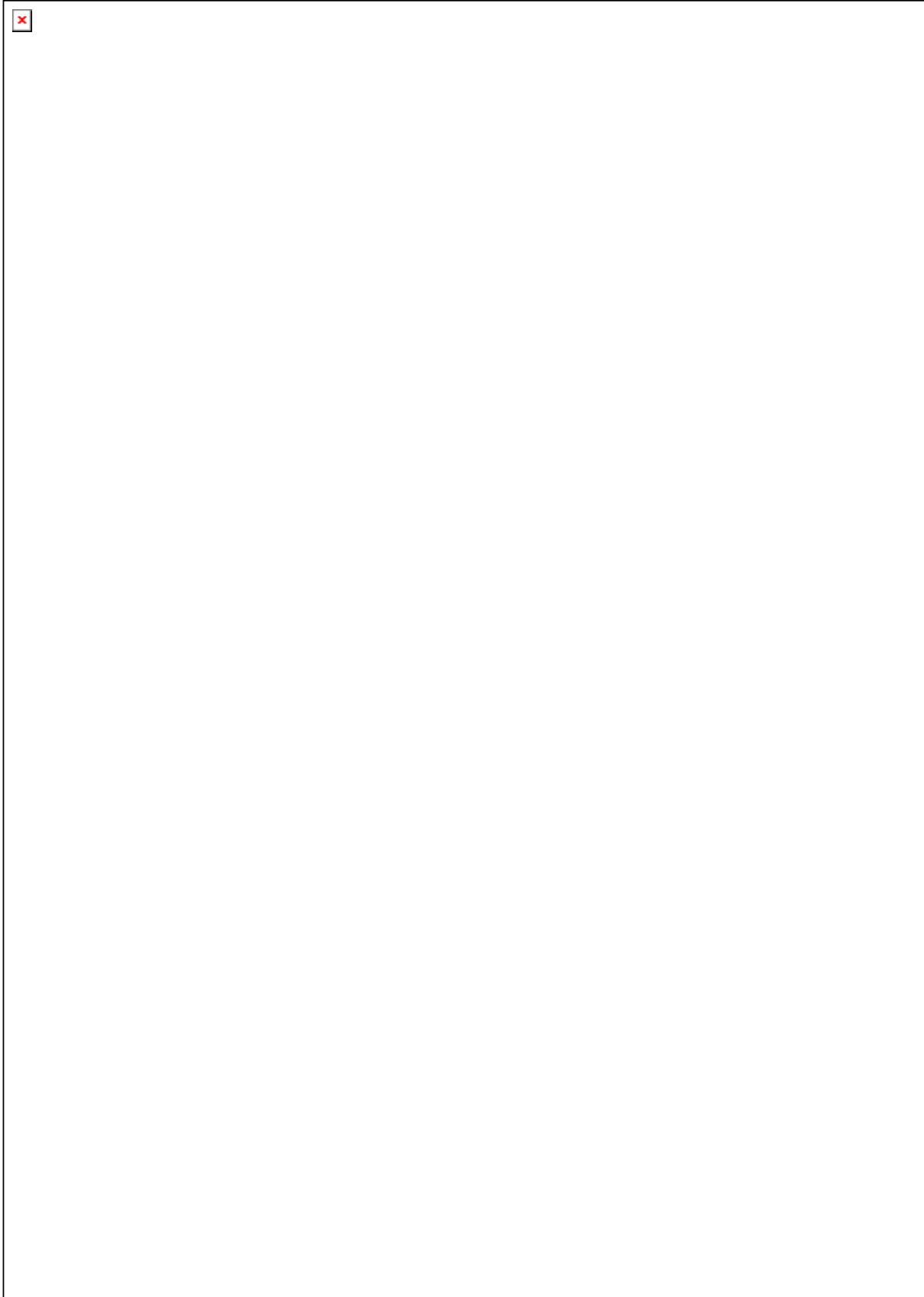
5 August 2011

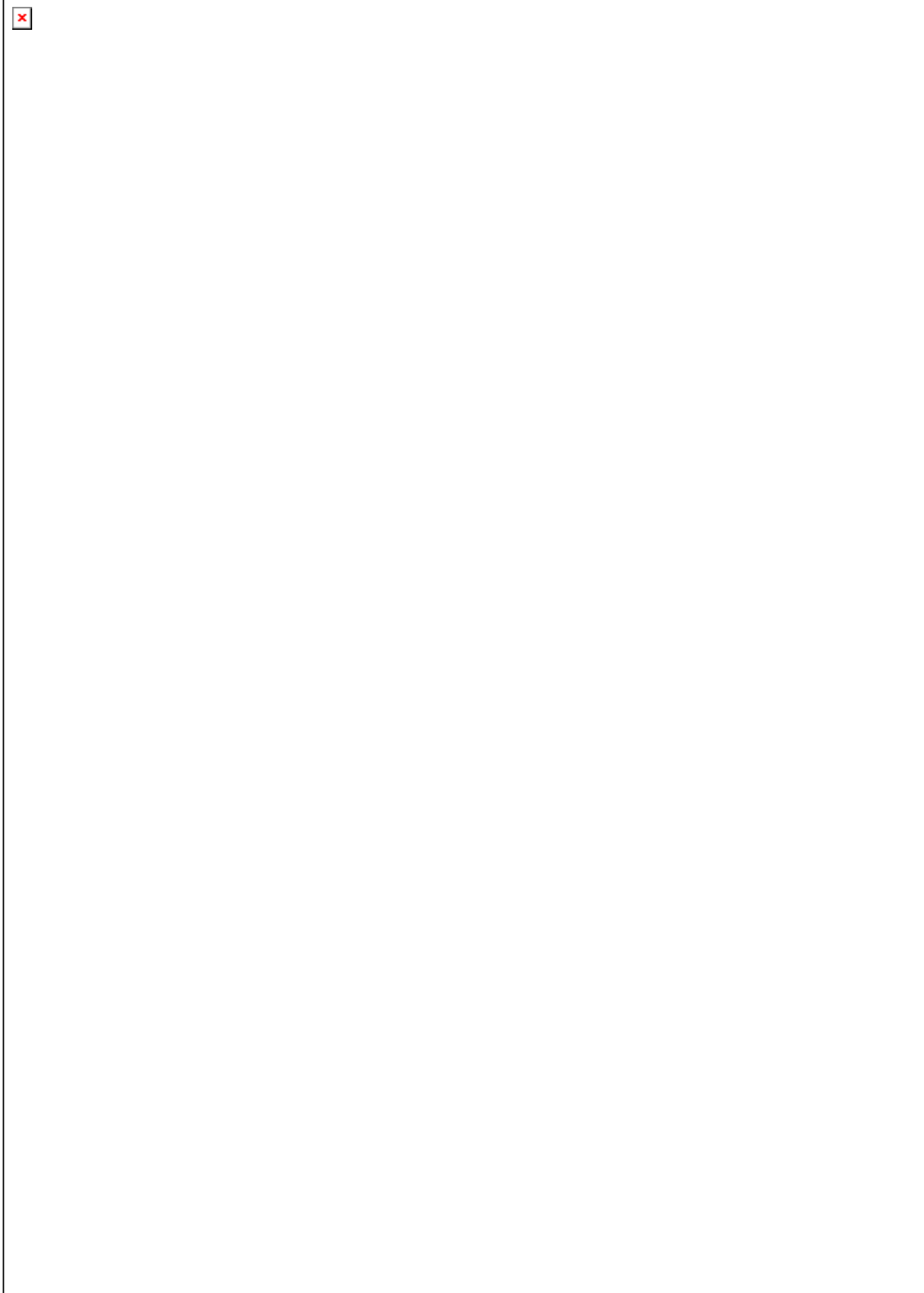
Attachments:

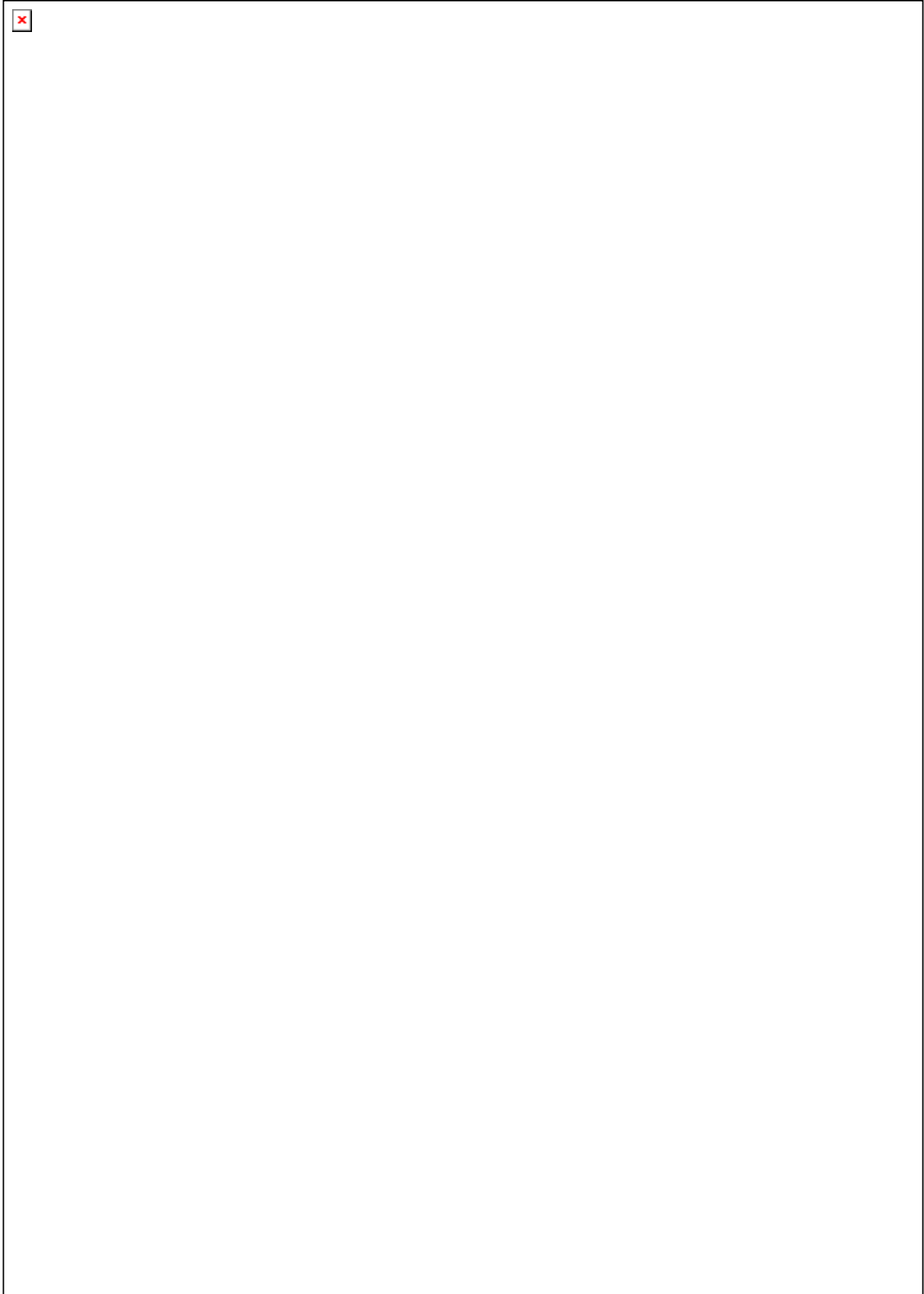
1. Map showing location of Beechworth Road
2. Petition and correspondence from local property owners and access agreements

MAP SHOWING LOCATION OF BEECHWORTH ROAD - to have A3 page inserted.

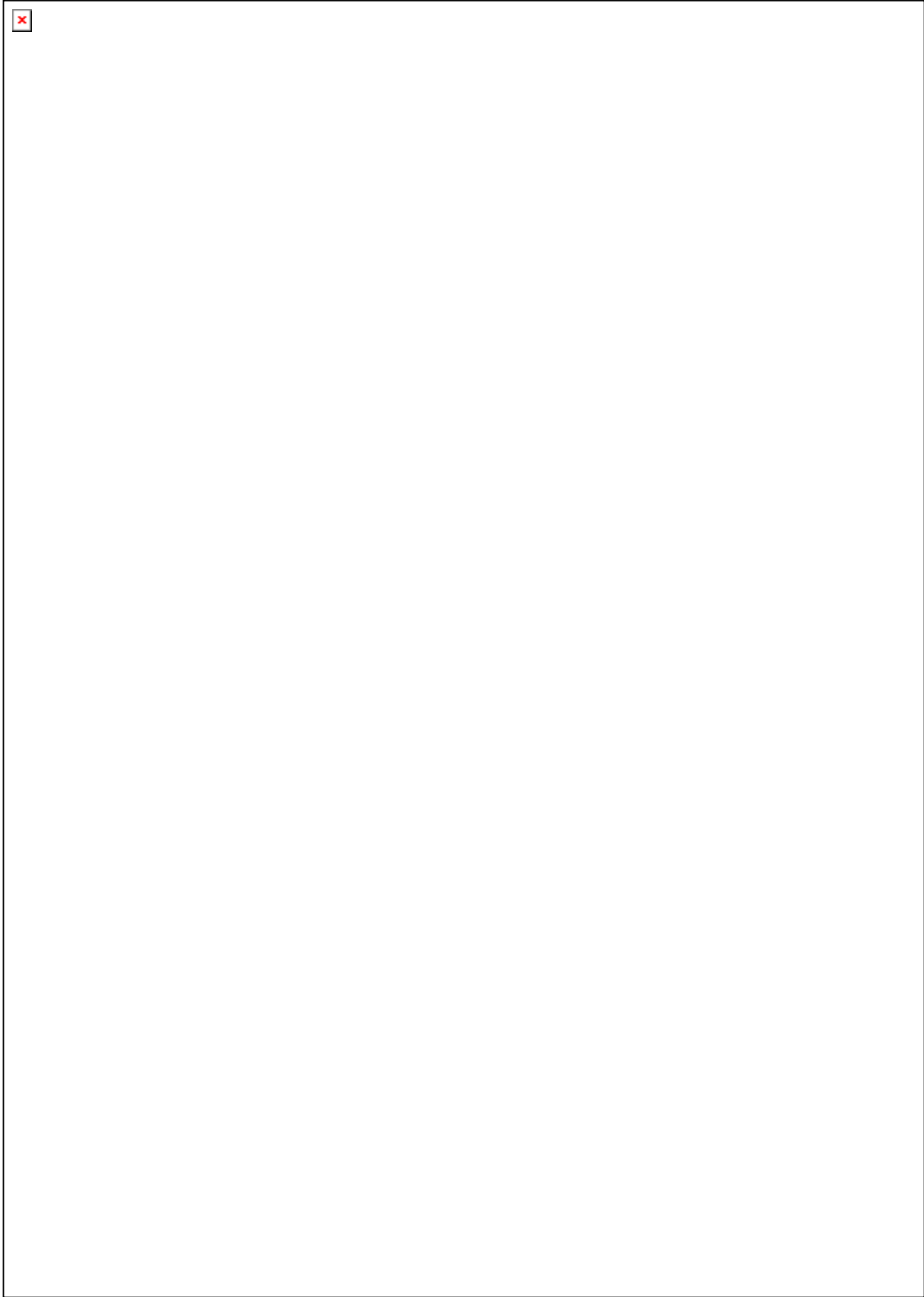
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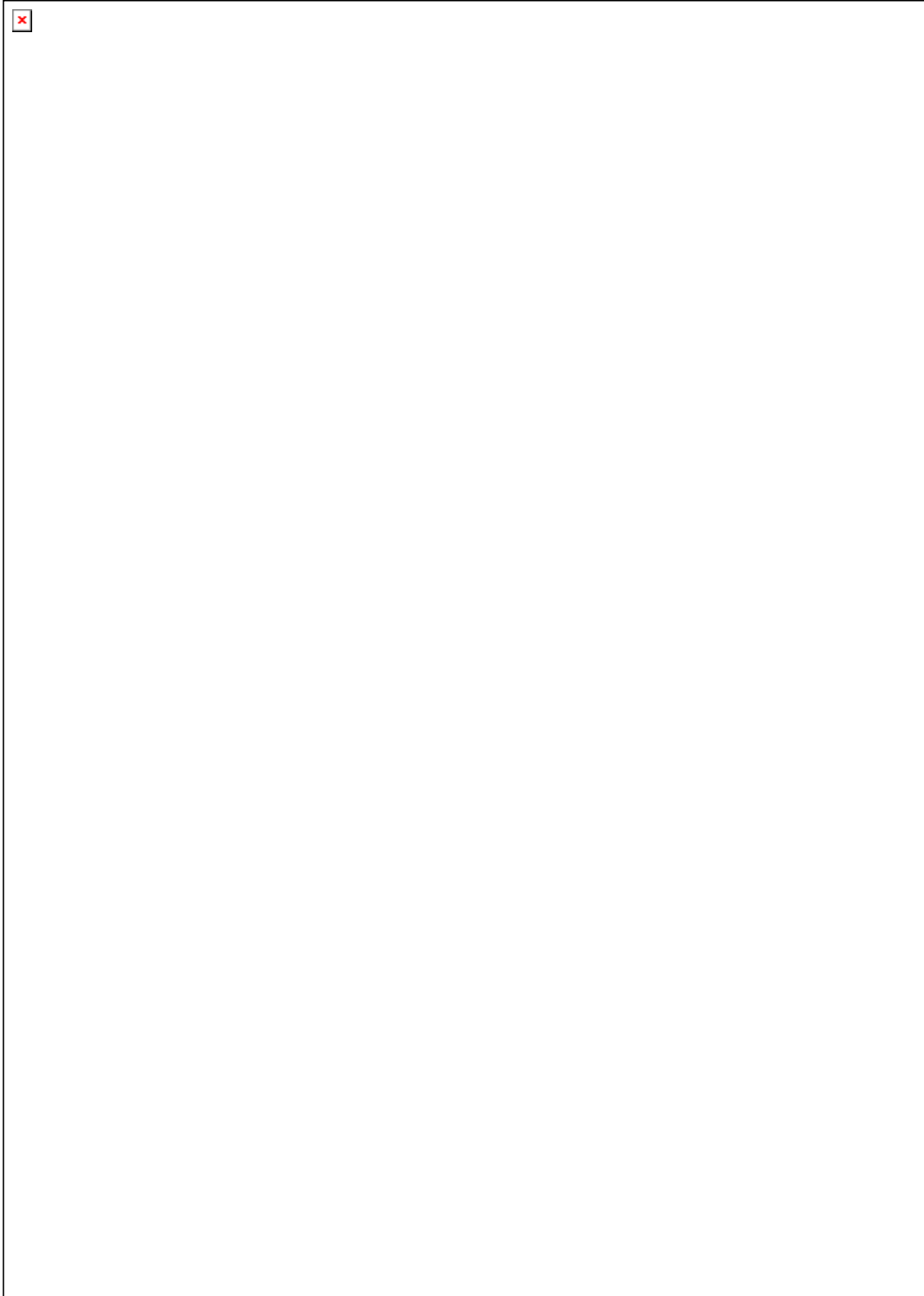




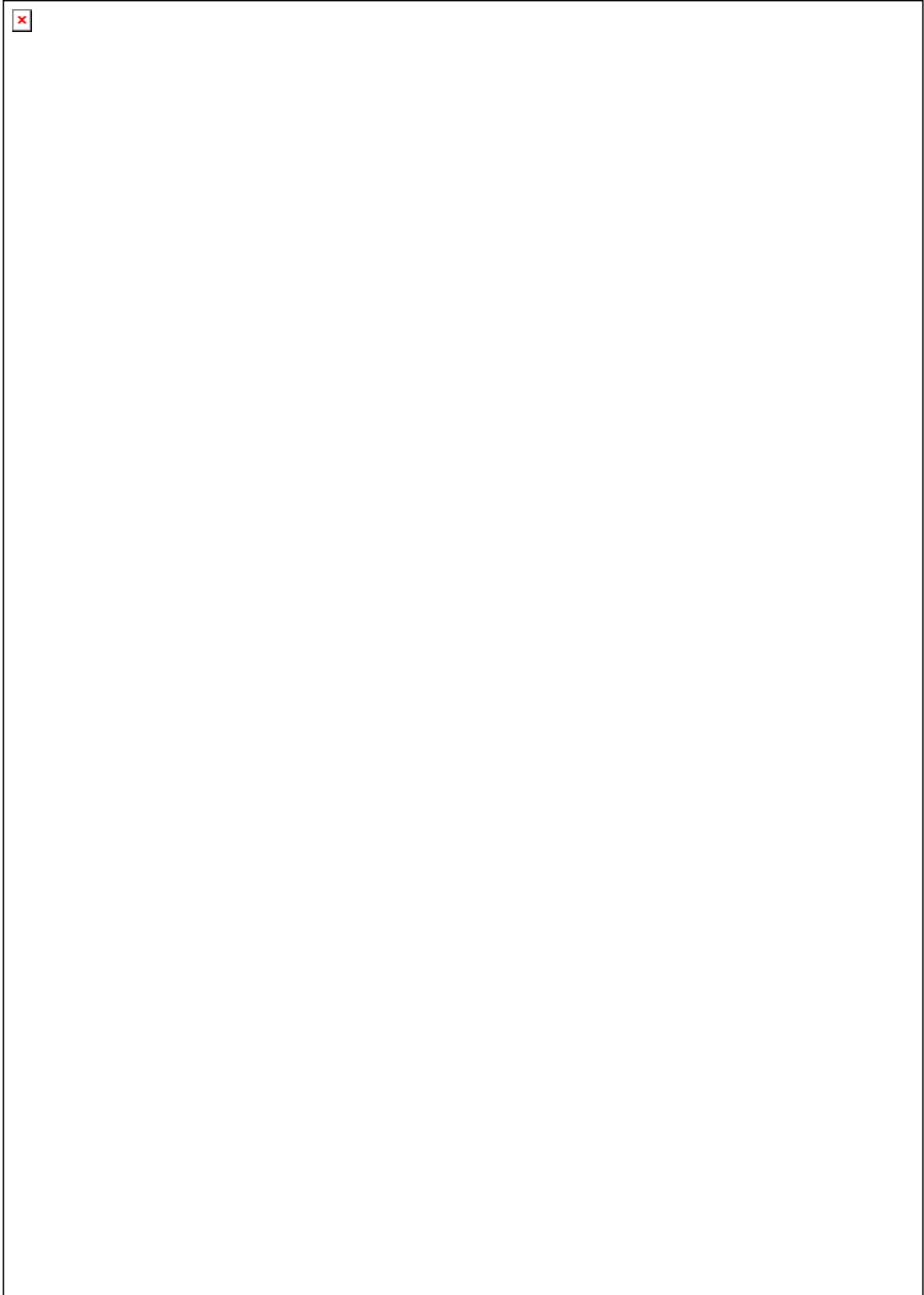




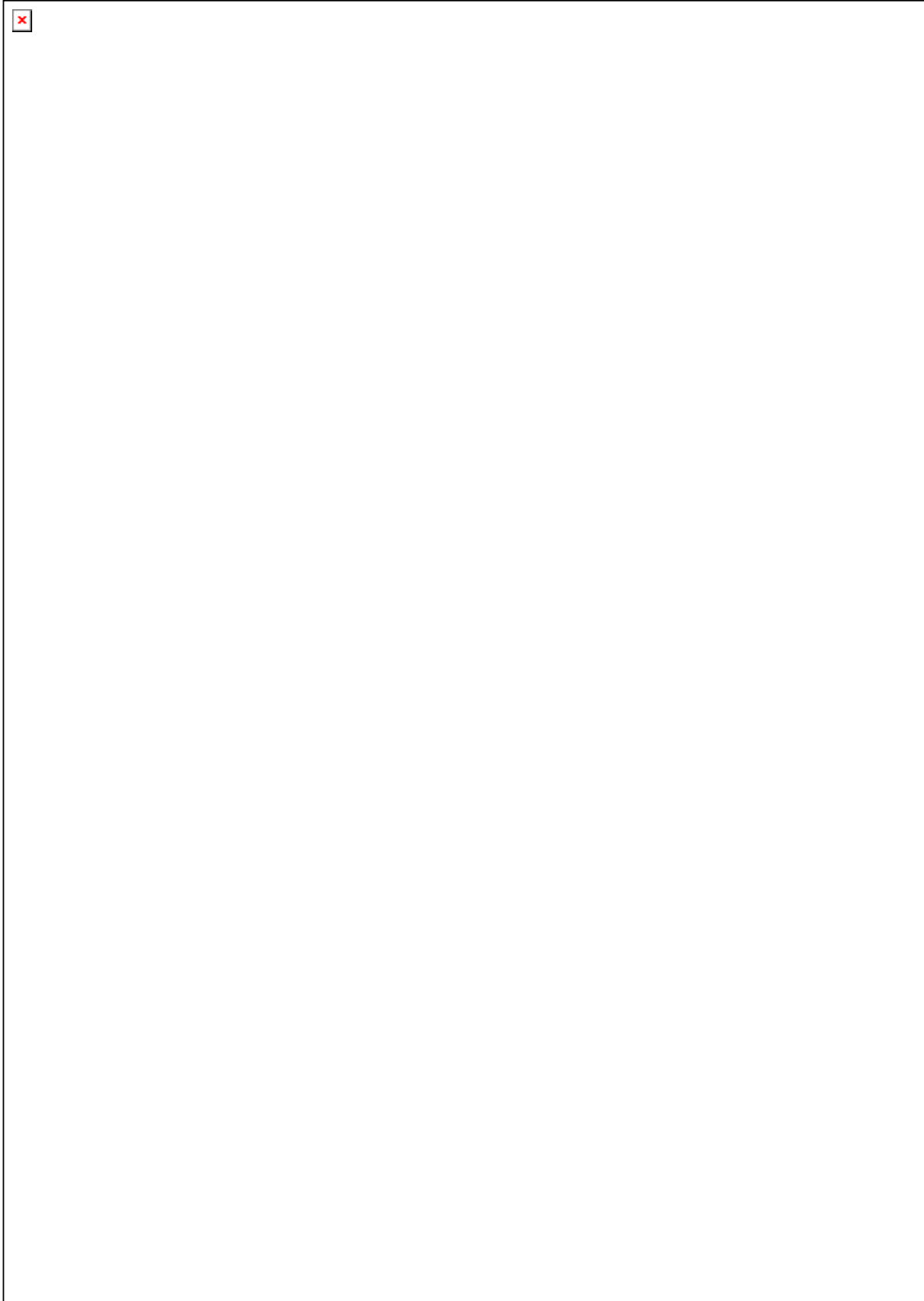




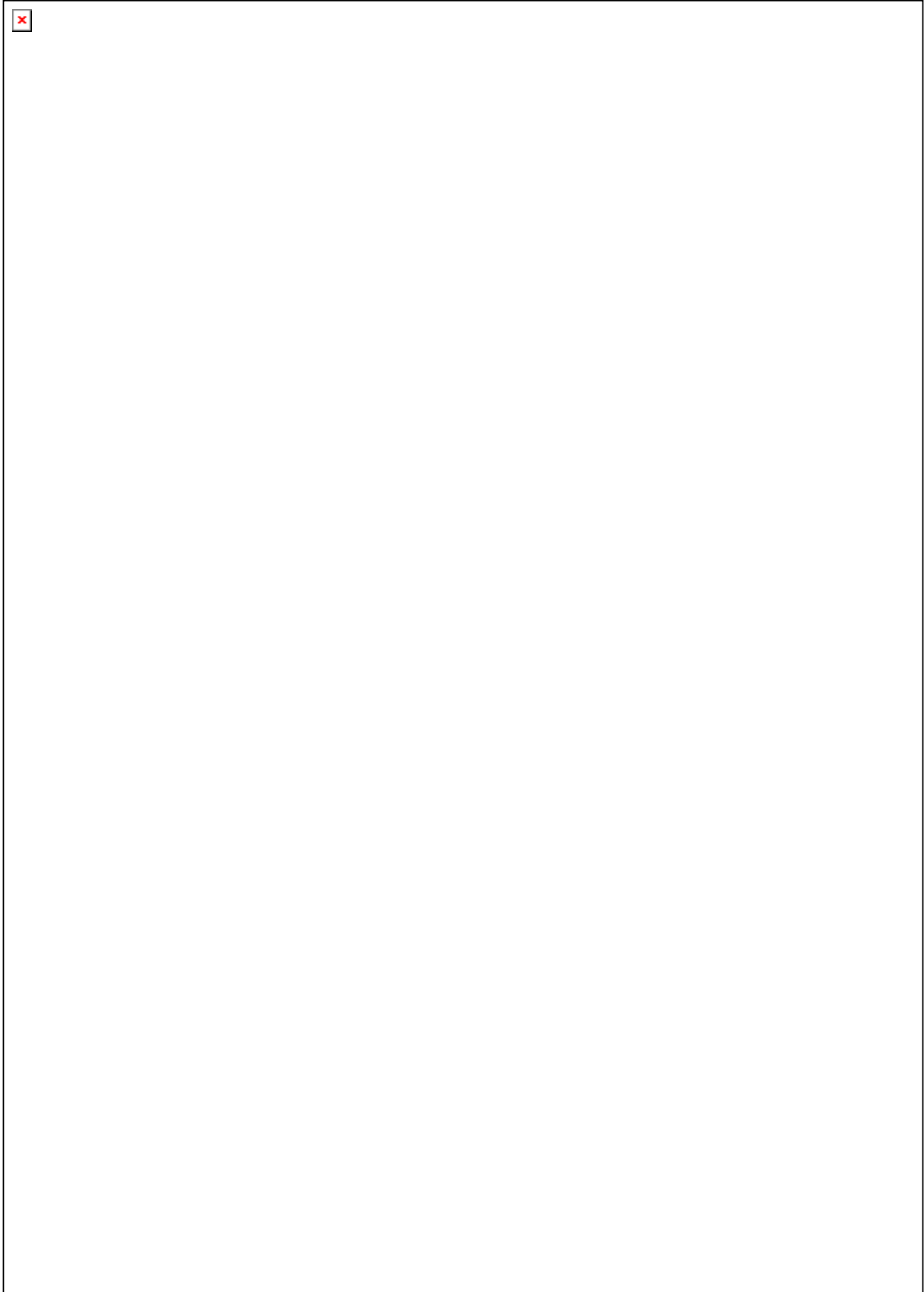




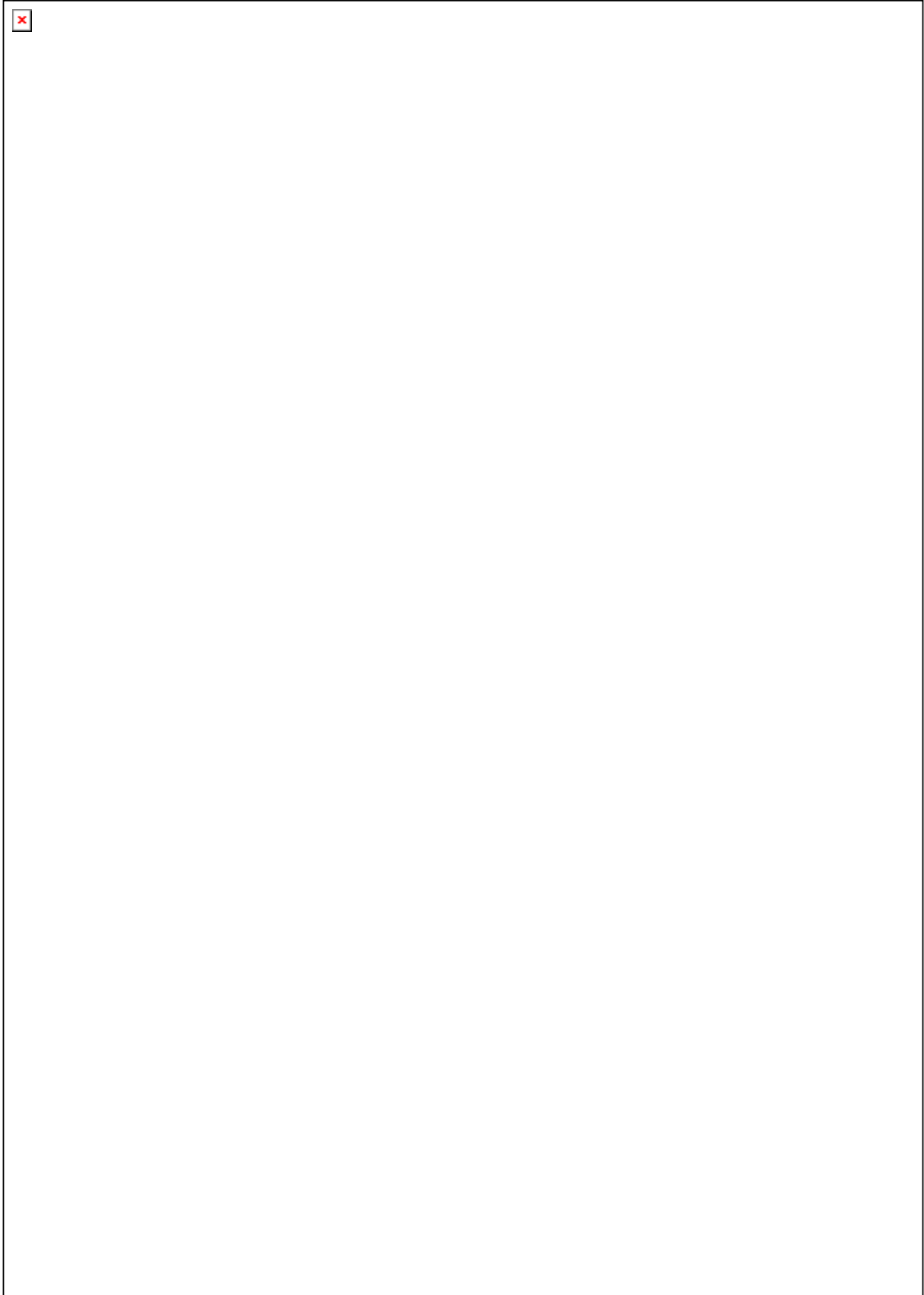




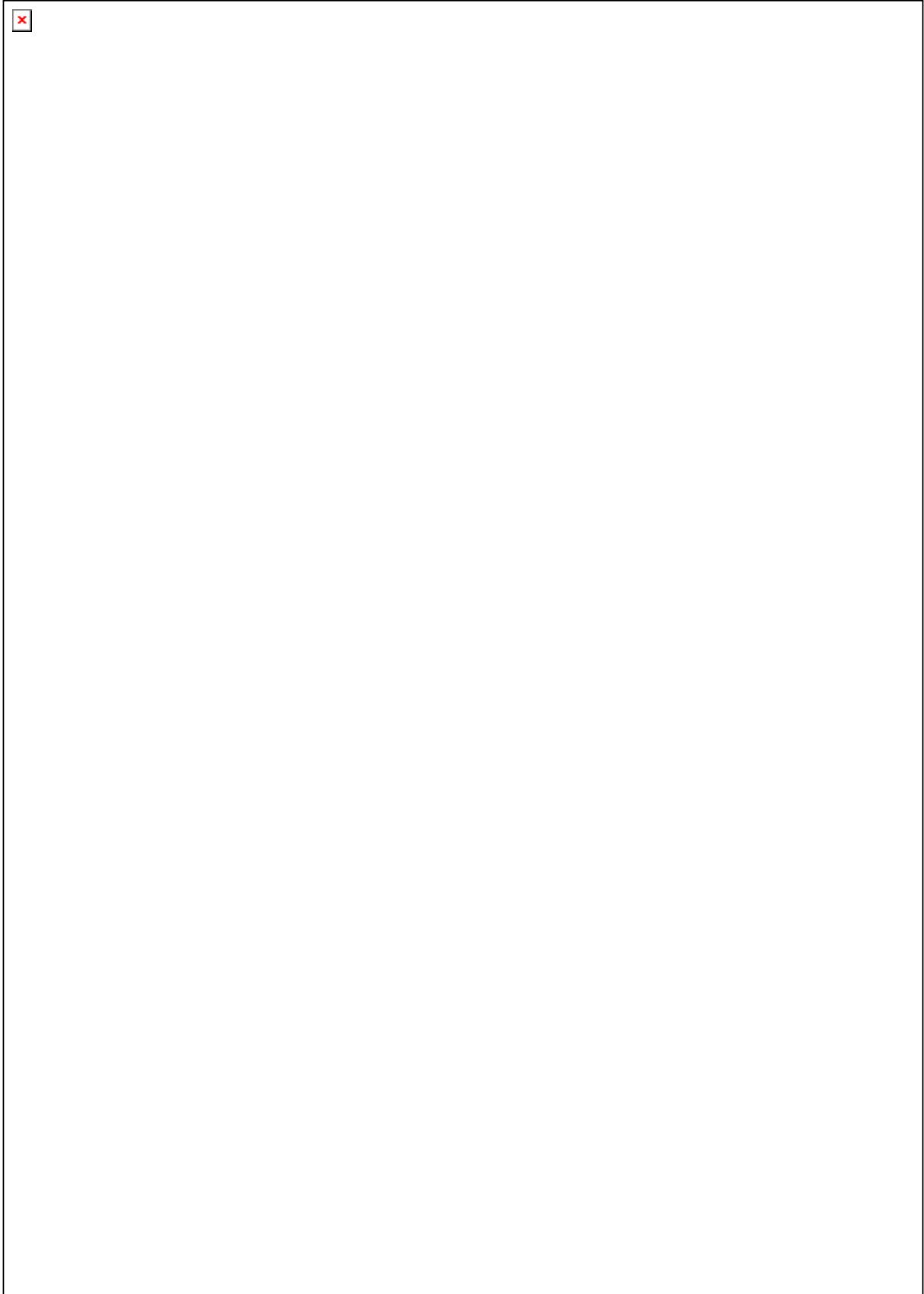




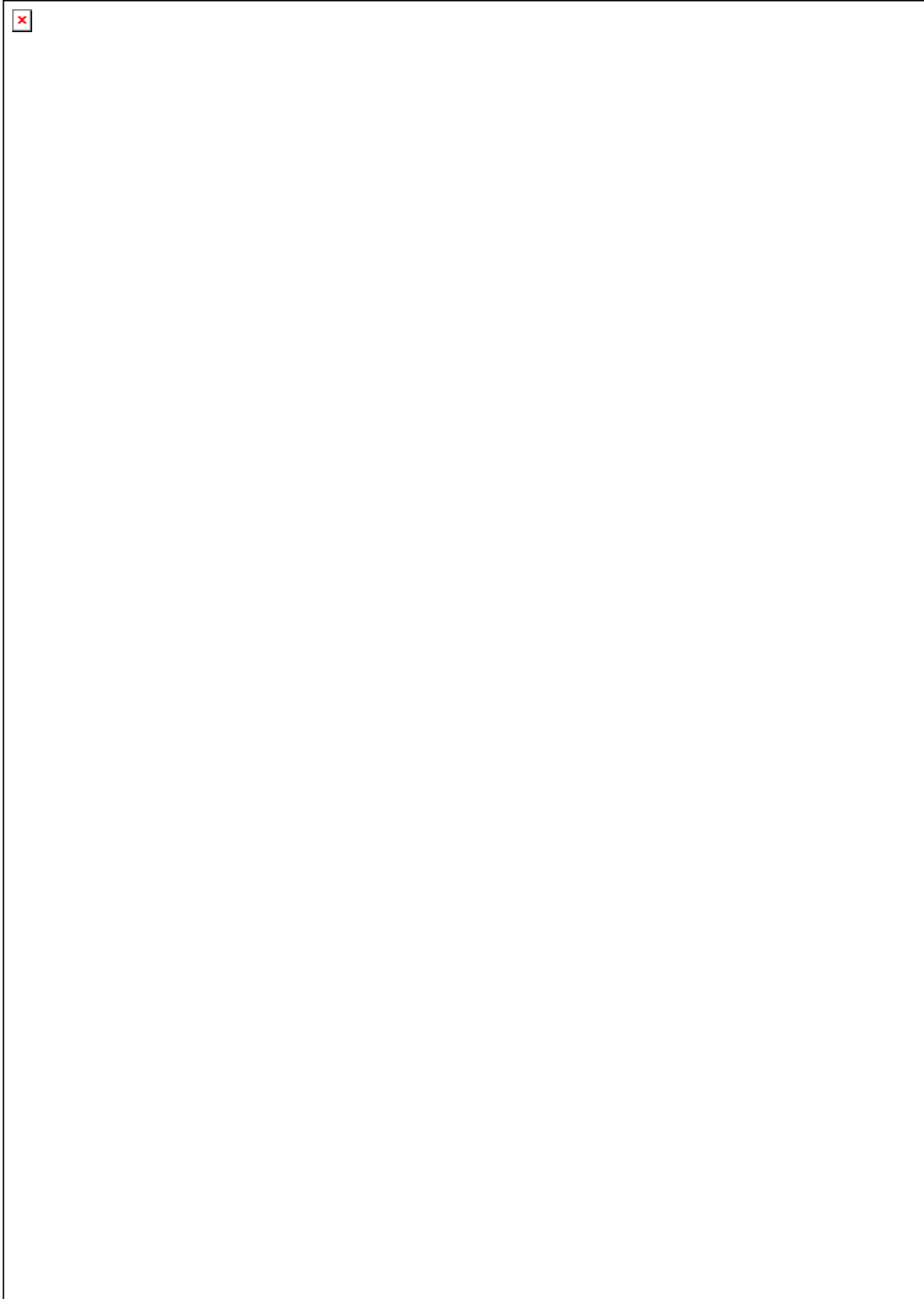








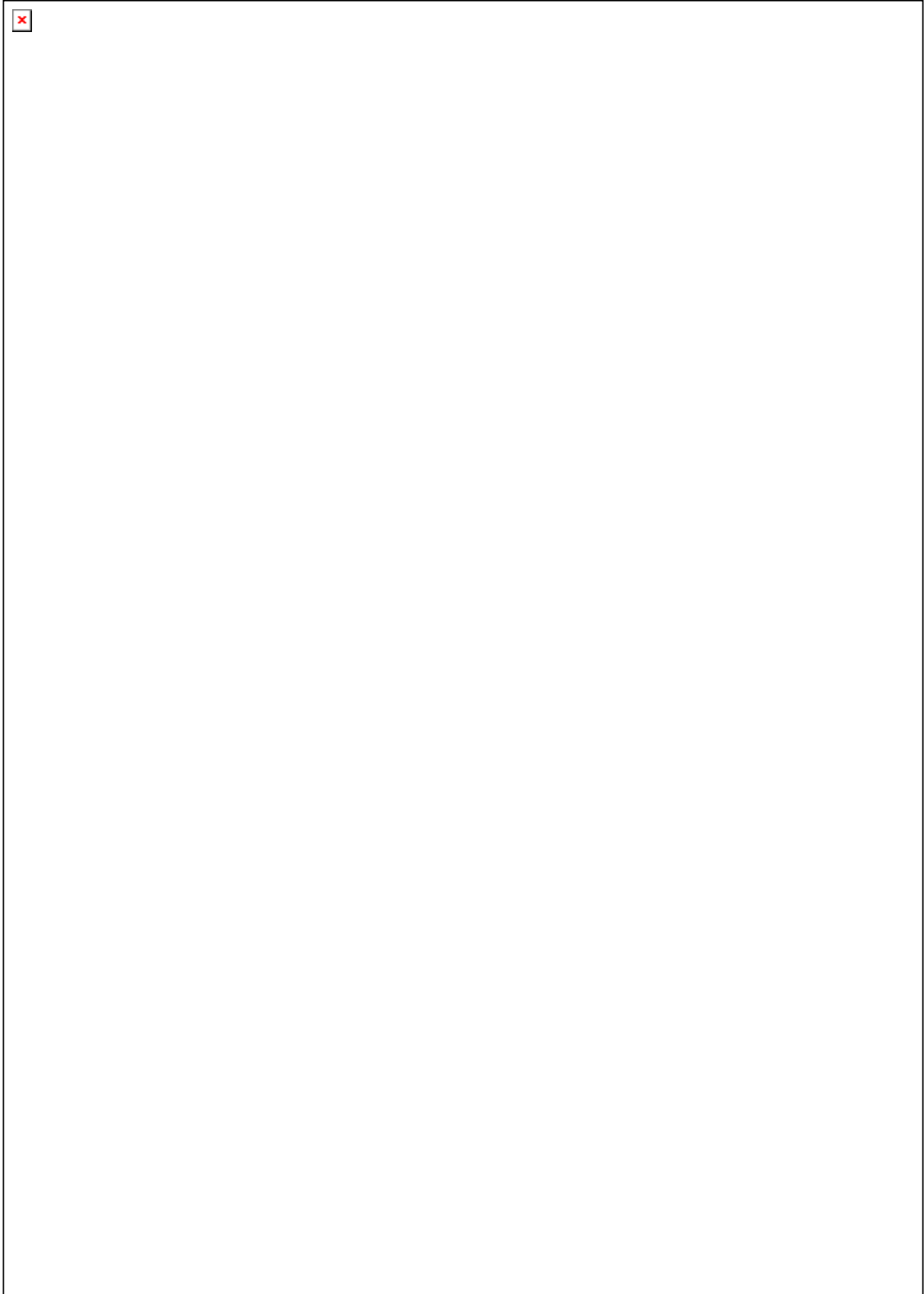














6.2.6 ROAD NAMING POLICY

REPORT BY MANAGER GOVERNANCE
Road Naming Policy
A0100052, A0100021, R0790141, R0790041

RECOMMENDATION

That:

- 1. the report by the Manager Governance on the implementation of a policy on road naming be received; and**
- 2. Council adopt the attached Road Naming Policy.**

EXECUTIVE SUMMARY

The purpose of this report is to discuss the implementation of a policy on road naming.

DETAILED REPORT

The naming of roads is governed by the provisions of the Roads Act 1993 and the Roads Regulation 2008. The Geographical Names Board (GNB) has produced Guidelines for the naming of roads.

Following a review of the Council processes for the naming of roads it has become clear that a more formalised policy needed to be developed to ensure that Council meets the relevant legislative requirements and that it was following the GNB Guidelines. A draft Road Naming policy has been prepared and this is attached.

Road naming is a very sensitive issue for local residents. In developing a suitable policy it was recognised that Councillors needed to be involved from the beginning as a means of ensuring that the views of the public are canvassed as fully as is practicable. Additionally, it is evident that most people do not realise that because of the relevant processes involved (including both legislative and State Government administrative requirements) that naming a road can be somewhat lengthy. Indeed, one of the misconceptions is that Council has the final say – indeed a negative response to a proposed name from either the GNB or any of the statutory authorities with whom we are legally obliged to consult (e.g. Australia Post, Ambulance, Fire Brigade, etc) effectively prohibits the use of that name. The only way around that impasse is to seek the special approval of the Minister for Roads.

While endeavouring to provide a streamlined process that ticks all the legislative boxes there are some important points to consider:

- Section 7 of the Roads Act provides that the **council** of a local government area is the **roads authority** for all public roads within that area, other than any freeway, Crown Road and other public road for which some other public authority has been declared as the roads authority
- Section 162 of the Roads Act provides that a **roads authority** (council) may name or re-name roads
- Section 162 of the Roads Act also provides that a "council" cannot name or re-name a road unless it gives the GNB at least one months notice of the proposed name

- Clause 7 of the Roads Regulation provides that when "council" proposes to name or re-name a road it must publish a notice of the proposal in a local newspaper and serve notice of the proposal on various statutory authorities inviting submissions
- Clause 9 of the Roads Regulation provides that "council" must consider any submissions it receives
- this means that the matter needs to be reported to Council twice - the first time to enable the Council to determine the proposed name and the second to enable Council to consider submissions before it makes a decision to proceed with the proposed name
- Clause 9 of the Roads Regulation then provides that once "council" decides to proceed with a proposed name it needs to publish a notice in the Government Gazette and a local newspaper as well as letting those statutory authorities referred to above know the name
- the road name does not become "official" until the name appears in the Government Gazette.
- Clause 10 of the Roads Regulation provides that in those cases where one of the various statutory authorities objects to a proposed name the "council" may not name or rename a road unless it obtains the approval of the Minister for Roads.

The legislation imposes only one timeframe (that of giving the GNB one month notice of the proposed name). I have included timeframes where appropriate in the other phases of the policy. At a minimum, I believe that we are looking at a process that will take at least 4 months from start to finish.

FINANCIAL IMPLICATIONS

No applicable.

STRATEGIC OR POLICY IMPLICATIONS

This report proposes the establishment of a formal policy on road naming.


IAN ROBERTS
MANAGER GOVERNANCE

3 August 2011

Attachments: 1. Draft Road Naming Policy
2. Guidelines for the naming of roads

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

| | | |
|---|--------------------|--|
|  | POLICY | ADOPTED C/M Date. Insert date |
| | ROAD NAMING | REVIEW: FILE No. A0100021, R0790141, R0790041 |

OBJECTIVE

This policy has been developed:

- To provide consistent guidelines for developers, the community and Council when allocating new road names or re-naming existing roads; and
- To ensure names are allocated that will stand the test of time and are of local or historical significance.

BACKGROUND

In relation to naming or re-naming of roads, the Roads Act 2003 and the Roads Regulation 2008 apply.

The Geographic Names Board is responsible for assigning names to places anywhere in NSW.

The Board has prepared Guidelines for the naming of roads, a copy of which is attached. A copy of this should be provided to all developers to assist them when proposing names to roads within their developments.

POLICY

1. In cases involving the naming of an un-named road or the re-naming of an existing named road where:
 - Council receives a request from a member of the community; or
 - Council receives a request from a developer as part of the DA process; or
 - A staff member is of a view that a road should be named or renamed; as appropriate:
 - (a) letters will be forwarded to local residents seeking their views in relation to the name(s) proposed. The letters to local residents shall indicate that they should respond within 21 days.
 - (b) memorandum to Councillors informing them of the proposal.
2. At the expiration of that period of time, a letter will be forwarded to the Geographical Names Board (GNB) indicating that Council is proposing to either name an un-named road or to re-name an existing named road (as the case may be). The letter should indicate the name(s) proposed, the views of any local residents and whether there are any other names that might be considered. Council must give the GNB at least 30 days to respond.
3. Following the response from the GNB:
 - If they object – review name proposed; or

- If they do not object – forward a memorandum to Councillors outlining what is proposed and inviting their input prior to reporting the matter to Council.
4. Prepare a report to Council containing the basis of the request, the name or names proposed, details of the justification including historical or local significance of the name or names proposed and confirmation that the GNB has no objection to the name or names proposed. A brief overview of the process involved in naming or re-naming roads should also be included. Any decision by the Council at this stage can only be that it is proposing a road name.
 5. Following a decision by Council to the proposed naming or re-naming of a road:
 - (a) Write to the party who lodged the request and any local residents who had responded and inform them of the Council's decision and what was happening now;
 - (b) Publish a notice of the proposal in a local newspaper inviting submissions, in writing to the Council, within 21 days
 - (c) Serve a notice of the proposal on the following:
 - (i) Australia Post;
 - (ii) the Registrar General;
 - (iii) the Surveyor General;
 - (iv) the Chief Executive of the Ambulance Service of NSW;
 - (v) New South Wales Fire Brigades;
 - (vi) the NSW Rural Fire Service;
 - (vii) the NSW Police Force;
 - (viii) the State Emergency Service;
 - (ix) the New South Wales Volunteer Rescue Association Inc; and
 - (x) in the case of a classified road – the RTA;inviting submissions, in writing to the Council, within 21 days.
 6. At the expiration of time for the lodgement of submissions, prepare a further report to Council addressing submissions received and recommending formal adoption of the proposed road name and Gazettal of the new name.
 7. If the Council resolves to adopt the proposed name:
 - (a) publish a notice in the Government Gazette and in a local newspaper giving (in the case of a road that is being named for the first time) a brief description of the location of the road; and
 - (b) inform the following of the new name, giving sufficient particulars to enable the road to be identified:
 - (i) Australia Post;
 - (ii) the Registrar General;
 - (iii) the Surveyor General;
 - (iv) the Chief Executive of the Ambulance Service of NSW;
 - (v) New South Wales Fire Brigades;
 - (vi) the NSW Rural Fire Service;
 - (vii) the NSW Police Force;
 - (viii) the State Emergency Service;
 - (ix) the New South Wales Volunteer Rescue Association Inc; and
 - (x) in the case of a classified road – the RTA.
 8. Once confirmation has been received that the notice has appeared in the Government Gazette:
 - (a) Update Council records – mapping, property and roads database
 - (b) Organise street signs
 - (c) Notify property owners.

Guidelines for the naming of roads



Land and Property
Management Authority

Road names

When naming and renaming of roads and streets the following guidelines should be observed.

Uniqueness

- 1.1 Name duplication within a local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided. Similarity in road names within these areas is also discouraged (eg. White Street and Whyte Street).
- 1.2 However, roads crossing council boundaries should have a single and unique name.

Sources

- 2.1 Preferred sources for road names include:
 - Aboriginal names
 - local history
 - early explorers, pioneers, settlers and other eminent persons
 - war/casualty lists
 - thematic names such as flora, fauna or ships.
- 2.2 Names should be appropriate to the physical, historical or cultural character of the area concerned.
- 2.3 The origin of each name should be clearly stated and subsequently recorded.
- 2.4 The Local Aboriginal Land Council should be consulted when choosing Aboriginal names unless the road naming authority already has an agreed list of appropriate names.

Propriety

- 3.1 Names of living persons should not be used.
- 3.2 Names which are characterised as follows are to be avoided.
 - Offensive or likely to give offence.
 - Incongruous – out of place.
 - Commercial or company.

Communication

- 4.1 Names should be reasonably easy to read, spell and pronounce in order to assist both service providers and the travelling public.
- 4.2 Unduly long names and names composed of three or more words, including the road type, should be avoided. Road names should be limited to less than 40 characters which include any spaces and the road type.
- 4.3 A given name should only be included with a family name where it is essential to identify an individual or where it is necessary to avoid ambiguity. The use of given names should generally be avoided.
- 4.4 Roads with double destination names should be progressively renamed.

Spelling

- 5.1 Where it is intended that a road have the same name as a place or feature with an approved geographical name, then particular care should be taken to ensure that the correct spelling is adopted.
- 5.2 Where names have been changed or corrupted by long established local usage, it is not usually advisable to attempt to restore the original form.

- 5.3 Spelling which is sanctioned by general usage should be adopted.
- 5.4 Generally road names proposed or approved should not contain abbreviations e.g. the Creek in Wallaby Creek Road must not be abbreviated. There is, however, one exception. ST should always be used in place of Saint.

Form

- 6.1 The apostrophe mark ' must be omitted in the possessive case e.g. Smith's Road should be Smiths Road.
- 6.2 It is further preferable to deter a possessive S unless the euphony becomes harsh e.g. Smith Road.
- 6.3 The use of hyphens, slashes and other diacritical marks should be avoided if possible.
- 6.4 The use of numbers and roman numerals in a road name should be discouraged, when numbers are applied to a name it should be in alpha rather than numeric form.
- 6.5 No spaces should be embedded in words within the road name, single spaces only are allowed between words and no spaces are allowed to surround hyphens.

www.lpma.nsw.gov.au

Road type

Proposals for road names should include an appropriate road type suffix.

Road type suffixes are grouped into three categories, Culs-de-sac, Open ended and Either. The use of appropriate types is strongly encouraged to assist the travelling public, delivery companies and emergency services. Existing exceptions to these rules are often the result of particular circumstances, and similar use is not encouraged.

Road types in the singular or plural form (e.g. GARDEN or VIEWS etc) to those included in these lists are strongly discouraged except in presently existing cases.

Road types should not be abbreviated when being proposed, advertised and gazetted. It is acceptable to use Road Type Codes on mail, road signs and maps.

Culs-de-sac

The types of cul-de-sac and a description are as follows.

| Road type | Code | Description |
|------------|------|---|
| BRAE | BRAE | A roadway running along a hill area. |
| CLOSE | CL | A short enclosed roadway. |
| COURT | CT | A short enclosed roadway. |
| COURTYARD | CTYD | An enclosed area |
| COVE | COVE | A short enclosed roadway |
| CUL-DE-SAC | CSAC | A street or road with only one entrance and exit. |

| | | |
|---------|------|--|
| END | END | A roadway that has a definite finishing point. |
| GREEN | GRN | A roadway often leading to a grassed public recreation area. |
| GROVE | GR | A roadway which features a group of trees standing together. |
| LOOKOUT | LKT | A roadway leading to or having a view of fine natural scenery. |
| MEWS | MEWS | A roadway having houses grouped around the end. |
| NOOK | NOOK | A short, secluded roadway with limited frontage indicating privacy. |
| PLACE | PL | A short sometimes narrow enclosed roadway. |
| PLAZA | PLZA | A roadway enclosing the four sides of an area forming a market place or open space. |
| POCKET | PKT | A short roadway leading to an intimate village environment. |
| POINT | PNT | A roadway leading to a focal point or river frontage. |
| PORT | PORT | A small roadway abutting a harbour, inlet, marina etc. in a coastal development. |
| REST | REST | A short roadway with limited residential frontage creating a quiet secluded environment. |
| RETREAT | RTT | A roadway forming a place of seclusion. |
| SHUNT | SHUN | A short, dead-end track used in State Forests only. |
| TARN | TARN | A roadway surrounding or leading to a lake or some other water feature. |
| TOP | TOP | A roadway constructed at the highest part of an area. |
| TOR | TOR | A roadway along a rocky height or hillside. |

Open ended streets

The type of open ended street and a description are as follows.

| Road type | Code | Description |
|-----------|------|--|
| APPROACH | APP | A roadway leading to an area of community interest i.e. public open space, commercial area, beach etc. |
| ARCADE | ARC | A passage having an arched roof, or any covered passageway, especially one with shops along the sides. |

| | | | | | |
|------------|------|--|-------------|------|--|
| ARTERIAL | ARTL | A major roadway within a city, generally of high capacity and providing connectivity between collector roads and limited access freeways. | FAIRWAY | FAWY | A short open roadway between other roadways. |
| ARTERY | ARTY | A major roadway within a city, generally of high capacity and providing connectivity between collector roads and limited access freeways. | FOLLOW | FOLW | A roadway meandering through wooded or undulating country. |
| AVENUE | AV | A broad roadway, usually planted on each side with trees. | FORMATION | FORM | A formed surface, once a timber railway which now provides vehicular access. |
| BANAN | BA | Aboriginal word meaning 'Street' or 'Path'. | FREEWAY | FWY | An express, multi-lane highway, with limited or controlled access. |
| BEND | BEND | A roadway containing a bend. | GATE | GTE | A roadway leading into an estate, main entrance to a focal point, public open space. |
| BOULEVARD | BVD | A wide roadway, well paved, usually ornamented with trees and grass plots. | GRANGE | GRA | A roadway leading to a country estate, or focal point, public open space, shopping area, etc. |
| BRACE | BR | A small roadway, which connects other roads or a major road to another feature. | HIGHROAD | HIRD | A main road; a highway. |
| BREAK | BRK | Vehicular access on a formed or unformed surface, which was originally prepared as a firebreak. | HIGHWAY | HWY | A main road or thoroughfare, a main route. |
| BYPASS | BYPA | An alternative roadway constructed to enable through traffic to avoid congested areas or other obstructions to movement. | INTERCHANGE | INTG | A highway or freeway junction designed so that traffic streams do not intersect. |
| CENTRE | CTR | A roadway, which runs into or around a group of buildings forming the central point of an area of activity i.e. commercial, community, public open space, etc. | JUNCTION | JNC | A roadway making a transition from a major to a minor road in an estate, etc. A through road leading from one minor road to another as a link. |
| CIRCLE | CIR | A roadway, which forms a circle or part of a circle. | LINE | LINE | A generally long and straight road. |
| CIRCUIT | CCT | A roadway enclosing an area. | LINK | LINK | A roadway which links similar land uses i.e. pockets of residential, other roadway, etc. |
| CIRCUS | CRCS | A circular open place where many roadways come together. | LOOP | LOOP | A roadway that diverges from and rejoins the main thoroughfare. |
| CONCOURSE | CON | A roadway which runs around a central area, e.g. public open space or a commercial area. | MALL | MALL | A sheltered walk, promenade or shopping precinct. |
| CRESCENT | CR | A crescent thoroughfare allowing traffic without many cross streets. | MEANDER | MNDR | A sinuous winding roadway, wandering at random through an area or subdivision. |
| DRIVE | DR | A wide thoroughfare allowing a steady flow of traffic without many cross streets. | MOTORWAY | MTWY | A highway, usually between cities, designed to carry large traffic volumes. Predominantly dual-carriageway, with three or more lanes in each direction and grade-separated access. |
| EDGE | EDGE | A roadway constructed along the edge of a cliff or ridge. | PARADE | PDE | A public promenade or roadway which has good pedestrian facilities along the side. |
| ENTRANCE | ENT | A roadway connecting other roads. | PARKWAY | PWY | A roadway through parklands or an open grassland area. |
| ESPLANADE | ESP | A level roadway, often along the seaside or a river. | PASS | PASS | A roadway connecting major thoroughfares or running through hills. |
| EXPRESSWAY | EXP | An express, multi-lane highway, with limited or controlled access. | | | |

| | | |
|---------------|------|--|
| PATH | PATH | A roadway usually used for pedestrian traffic. |
| PATHWAY | PWAY | A narrow roadway of any length meandering through an estate. |
| PROMENADE | PROM | A roadway like an avenue with plenty of facilities for the public to take a leisurely walk, a public place for walking. |
| QUADRANT | QDRT | A loop road forming a circular path or a curved deviation from another road. |
| QUAYS | QYS | A roadway leading to a landing place alongside or projecting into water. |
| RAMBLE | RMBL | A roadway that meanders from place to place. |
| RIDGE | RDGE | A roadway along the top of a hill. |
| ROAD | RD | A place where one may ride, an open way or public passage for vehicles, persons and animals, a roadway forming a means of communication between one place and another. |
| ROTARY | RTY | An intersection of two or more carriageways at a common level where all traffic travels around a central island. |
| ROUTE | RTE | A roadway allowing steady traffic flow with limited cross streets. |
| ROW | ROW | A roadway with a line of professional buildings on either side. |
| RUE | RUE | French for street or road |
| STREET | ST | A public roadway in a town, city or urban area, especially a paved thoroughfare with footpaths and buildings along one or both sides. |
| SUBWAY | SBWY | An underground passage or tunnel that pedestrians or vehicles can use for crossing under a road, railway, river, etc. |
| TERRACE | TCE | A roadway usually with houses on either side raised above the road level. |
| THOROUGH-FARE | THFR | A main road or public highway. |
| TOLLWAY | TLWY | A road on which a toll authority collects a fee for use. |
| TRACK | TRK | A roadway with a single carriageway. A roadway through a natural bushland region. The interpretation for both Track and Trail is limited to roadways, |

| | | |
|-----------|------|--|
| TRAIL | TRL | See TRACK |
| TURN | TURN | A roadway containing a sharp bend or turn. |
| UNDERPASS | UPAS | A passage having an arched roof, or any covered passageway, especially one with shops along the sides. |
| VIADUCT | VIAD | A roadway which crosses a bridge consisting of several small spans. |
| WALK | WALK | A thoroughfare with restricted vehicle access used mainly by pedestrians. |
| WALKWAY | WKWY | A roadway on which traffic travels at a slow pace. |
| WAY | WAY | An accessway between two streets. |
| WYND | WYND | A short narrow roadway or alley. |

Either culs-de-sac or open ended streets

When these types are used for a cul-de-sac it is essential that a 'No Through Road' sign also be erected.

The types and descriptions are as follows.

| Road type | Code | Description |
|-----------|------|---|
| ACCESS | ACCS | A minor road built specially to give access to a house, motorway, etc. |
| ALLEY | ALLY | A usually narrow roadway for people or vehicles in cities and towns. A minor roadway through the centre of city blocks or squares. |
| ALLEYWAY | ALWY | A narrow street or passageway between or behind city buildings. |
| AMBLE | AMBL | A public road with pavements and buildings at the side or sides, especially in a town. |
| BOARDWALK | BWLK | A promenade or path, especially of wooden planks, for pedestrians and sometimes vehicles, along or overlooking a beach or waterfront. |
| BROW | BROW | A roadway that runs along or over the top of a hill. |
| BYWAY | BYWY | A little travelled side road, usually in the country, not regularly used by people or traffic. |
| CAUSEWAY | CSWY | A road raised above water, marshland or sand. |
| CHASE | CH | A roadway leading down to a valley. |

| | | |
|----------|------|--|
| COPSE | CPS | A roadway running through or to a public open space or woodland area. |
| CORNER | CNR | A roadway containing a sharp bend or corner. |
| CREST | CRST | A roadway running along the top or summit of a hill. |
| CROSS | CRSS | A roadway forming a 'T' or cross. |
| CUTTING | CUTT | A road through a narrow excavation made through high ground. |
| DALE | DALE | A roadway situated between hills. |
| DIP | DIP | Short roadway through a steep valley or gully. |
| DRIVEWAY | DVWY | A private road that connects a house/s, or garage/s, or other buildings with the street. |
| ELBOW | ELB | A roadway containing a sharp bend or turn. |
| FOOTWAY | FTWY | A walkway or path for pedestrians. |
| FRONTAGE | FRTG | A roadway passage a point of interest or significance with lots fronting only one side e.g. public open space, coastline, etc. |
| GAP | GAP | A roadway that traverses a passage or a pass through a ridge or hill. |
| GARDENS | GDNS | A roadway with special plantings of trees, flowers etc. and often leading to a place for public enjoyment. |
| GLADE | GLDE | A roadway usually in a valley of trees. |
| GLEN | GLEN | A roadway usually in a valley of trees. |
| HEIGHTS | HTS | A roadway traversing high ground. |
| HILL | HILL | A roadway going up a natural rise. |
| KEY | KEY | A roadway serving |
| LANE | LANE | A narrow way between walls, buildings etc. a narrow country or city roadway. |
| LANEWAY | LNWY | A narrow street or alley running between or behind urban buildings, especially houses or stores. |
| OUTLOOK | OTLK | A roadway leading to an area which affords a view across surrounding areas. |
| PASSAGE | PSGE | A narrow street. |
| PIAZZA | PIAZ | A public square or paved open space, without grass or planting, often in front of shops or significant buildings. |

| | | |
|------------|------|--|
| RISE | RISE | A roadway going to a higher place or position. |
| SERVICEWAY | SVWY | A narrow lane or access way to provide services or access to adjacent properties. |
| SPUR | SPUR | A minor roadway running off at less than 45 degrees. |
| SQUARE | SQ | A roadway bounding the four sides of an area to be used as open space or a group of buildings. |
| VALE | VALE | A roadway along low ground between hills. |
| VIEW | VIEW | A roadway commanding a wide panoramic view across surrounding areas. |
| VISTA | VSTA | A road with a view or outlook. |
| WHARF | WHRF | A roadway running alongside a water feature creating a wharf-like impression. |

Prefixes

Road name prefixes should not be used. A notional prefix that relates directly to a locality name may be included as part of a road name (e.g. Lower Plenty Road, where Lower Plenty is a gazetted locality). However, where a directional or similar device is used to uniquely define road extremities, it should be used as a road suffix (e.g. Palmerston Road West).

Segments

While directionals (e.g. Smith Road East and Smith Road West) used to achieve uniqueness for segments of the same road name are acceptable, where such segments are unconnected, such as where an intervening segment of road is unconstructed or where they are separated by a barrier and are likely to remain unconnected for the foreseeable future, consideration should be given to renaming one or each of the unconnected segments.

References

Standards Australia/Standards New Zealand, 26 October 2006, Amendment No. 1 to AS/NZS 4819:2003 Geographic information – Rural and urban addressing.

Legislation

The Roads Act 1993 - Section 162 provides the authority for the naming of roads. The Roads (General) Regulation 2000 (Government Gazette No112) Part 2; Division 2 sets out the procedures to be observed when naming roads.



**For further advice or assistance on
the naming of roads in NSW**

contact the GNB.
Geographical Names Board
Panorama Avenue
Bathurst NSW 2795
T 1800 025 700
F 02 6332 8217
E gnb@pma.nsw.gov.au
www.gnb.nsw.gov.au

**Land and Property Management Authority
Head office**

1 Prince Albert Road
Queens Square
SYDNEY NSW 2000

T 1300 052 637
61 2 9228 6666
F 61 2 9233 4357

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6.2.7 MUDGEE AND GULGONG ACCESS COMMITTEE – JULY 2011

REPORT BY CUSTOMER SERVICE MANAGER
MUDGEE & GULGONG ACCESS COMMITTEE MEETING JULY 2011
A0100052, A0060008

RECOMMENDATION

That:

1. the report by Customer Service Manager on the Mudgee and Gulgong Access Committee be received;
2. Council note the minutes of the Mudgee and Gulgong Access Committee Meeting held on 6 July 2011.

EXECUTIVE SUMMARY

The Mudgee and Gulgong Access Committee meets monthly to highlight and promote accessibility issues in the region. The next meeting is to be held on 02 August 2011.

DETAILED REPORT

A number of matters arose at the meeting as well as discussions related to ongoing issues. These are included in the minutes.

Following on from accessibility issues experienced by some members of the community during the recent State election, the Committee have provided information on accessible voting venues in our region to the Electoral Commission.

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

KATE RIACH
CUSTOMER SERVICE MANAGER

CATHERINE VAN LAEREN
GROUP MANAGER, DEVELOPMENT &
COMMUNITY SERVICES

04 August 2011

Attachments: 1. Minutes of the Mudgee and Gulgong Access Committee Meeting held on 06 July 2011.

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

**MINUTES OF THE ORDINARY MEETING OF THE MUDGEES AND GULGONG ACCESS
COMMITTEE HELD ON TUESDAY, 6 JULY, 2011
COMMENCING 1.00PM IN THE STABLES MEETING ROOM, MUDGEES.**

PRESENT: Access Committee members: Mary Lovett, Les Leighton, Victoria Barrett and Jenny Skinner.

Council Staff: Kate Riach, Tim O'Reilly, Gary Bruce, Amanda Maclarn and Judy Blackman.

1. **APOLOGIES:** Nil received.

2. **CONFIRMATION OF PREVIOUS MINUTES**

Minutes of the meeting held 7.6.11 to be confirmed as distributed.

Moved: L. Leighton

Seconded: J. Skinner

3. **GUEST: GARY BRUCE**

In response to a question about roll top guttering, Gary advised that the Developer chooses what type of guttering is installed but it must comply with Standards. He will investigate where the requirements come from and what Standards are involved.

Mary said she has taken the issue to the Western Region Access Committee and the Chairperson is looking into the issue. Mary has also spoken to Blind Citizens Australia about the matter roll top guttering. She will endeavour to find out what other Council's are doing as regards roll top guttering.

Gary advised that the D.C.P. and A.C.P. are going to be reviewed and that the Access Committee will have input into the Access Disability Control Plan.

Les enquired about the 2020/2030 Plan and whether two disabled car parking spaces could be included as a requirement. Gary explained that the 2020/2030 Plan will be driven by feedback from the community consultations.

Gary tabled and spoke to the D.A. for the old Furniture One site which will be leased by Target Country. Les will provide some feedback.

4. **MATTERS ARISING FROM MINUTES:**

4.1 Recommendation to Traffic Committee regarding disabled car parking space outside the Library – Kate reported that this will be done when the D.A. is submitted.

4.2 Letter to be sent to Tim O'Reilly regarding concerns at Walter Wines, 179 Tinja Lane – done and Tim advised that an Interim Certificate was issued last September. Les and Victoria agreed to inspect in September and if necessary, speak to the owner.

4.3 Send letter to Gary Bruce – done

- 4.4 Distribute Terms of Reference for Aboriginal Ref. Group – done.
- 4.5 Write to Electoral Commission re accessible buildings – done and reply received.
- 4.6 Extend invitation to person appointed to Traffic Committee – to be done when Development Engineer is appointed.
- 4.7 Provide information on two DA's received – done by Les.
- 4.8 Take issue of adult change table to Dis/HACC Network – done by Judy.

Letter to be written to Aboriginal Reference Group advising that Club Mudgee had agreed to the request but require a local non profit organisation to apply to the Club for funds so that the work can be done.

Moved: V. Barrett

Seconded: J. Skinner

- 4.9 Send letter to Phillip Small at Mudgee Golf Club re Les' suggestions – Les still to inspect and provide information to go in the letter.
- 4.10 Follow up Change of Use at 16 Douro St. – Tim has enquired and found that there is no requirement for signage re an accessible car parking space.
- 4.11 Agenda Item, Mudgee Medical Centre – placed on the Agenda.

5 CORRESPONDENCE

- Inward

- 5.1 Electoral Commission of NSW

- Outward

- 5.2 T. O'Reilly re Tinja Lane
- 5.3 Gary Bruce re DA's, guttering etc.
- 5.4 Electoral Commissioner of NSW

6. DEVELOPMENT APPLICATIONS

Nil other than Council Furniture One site D.A. tabled by Gary Bruce.

7. GENERAL BUSINESS

7.1 Letter to be sent to Mudgee Medical Centre asking that consideration be given to issues raised by Les Leighton.

Moved: L. Leighton

Seconded: M. Lovett

7.2 Complete copy of Australian Standard 14.28 and Premises Standard obtained by Council given to Les Leighton.

Moved: M. Lovett

Seconded: L. Leighton

- 7.3 Les pointed out that changes will come into effect in October 2011 regarding wheelchair taxis.
- 7.4 Mary spoke about the need for organisations to make telephone contact available as well as website or email contact. She asked that this be made an Agenda item for next month.
- 7.5 Time of the meeting also to be placed on the Agenda for next month as requested by Jenny.

Agreed Actions:

| | | |
|----|---|------------------|
| 1. | Recommendation to Traffic Committee regarding disabled car parking space outside Library when D.A. submitted. | Kate |
| 2. | Inspect 179 Tinja Lane and speak to owner if necessary | Les and Victoria |
| 3. | Send letter to Aboriginal Reference Group re change table | Mary |
| 4. | Inspect Golf Club and send letter to Phillip Small | Les/Mary |
| 5. | Send letter to Mudgee Medical Centre | Les/Mary |
| 6. | Place issue of telephone contact on next Agenda | Judy |
| 7. | Time of Access Meetings to be placed on next Agenda | Judy |

Meeting closed at 2.55pm.

Next meeting to be held on 2 August, 2011 in the Gallery at The Stables.

6.2.8 REQUEST BY HENBURY SPORT AND RECREATION CLUB INC. FOR FINANCIAL ASSISTANCE

REPORT BY MANAGER GOVERNANCE

henbury
A0100052, A0140201, R9215001

RECOMMENDATION

That:

1. **the report by the Manager Governance on the request from the Henbury Sport & Recreation Club Inc for financial assistance be received;**
2. **Council provide funding in the amount of \$2,000 to the Henbury Sport & Recreation Club Limited to assist with beautification of the frontage of the golf course along Bylong Valley Way in accordance with the guidelines of the Financial Assistance Policy - Tier 1, with funding from the general financial assistance vote.**

EXECUTIVE SUMMARY

To consider a request from the Henbury Sport & Recreation Club Inc for financial assistance to assist with the upgrading of the fencing of the golf course along Bylong Valley Way.

DETAILED REPORT

Council has received the attached email from the Henbury Sport & Recreation Club Limited seeking financial assistance from Council to assist with the upgrading of the fencing of the golf course along the Club's boundary with Bylong Valley Way. Attached to the email were a number of pictures which are available for perusal by interested Councillors.

This issue has been ongoing for some little time since a portion of the existing fence was damaged when Council staff were undertaking road works in the vicinity. I understand that the Business Manager Works had met with representatives of the Club about the damage to the fence and had agreed that Council would replace that part of the fence that had been damaged. I gather that from Council's perspective the damage amounted to one or two concrete posts and about 6 star pickets.

There has some confusion over whether the Club merely wanted the damaged section of fence replaced or whether it was looking to the Council to provide assistance to replace the whole fence.

Notwithstanding, that the Council is obligated to replace those sections of the fence that it damaged, and, indeed was prepared to do so, it was considered that Council might like to consider the request now received from the Club as a request for financial assistance. With this in mind an email was forwarded to the Club on 2 August 2011. In this email it was pointed out that Council has limited funds available in its financial assistance budget for distribution and must balance this against the many competing applications it receives. It was also mentioned that, as such Council is often not able to provide the level of funding requested but does try to stretch the available funding across as many applicant organisations as is possible. It was explained that a report would be submitted to Council recommending a contribution to the Club in the amount of \$2,000 to deal with both the question of compensation for the damage to the fence and this request for financial assistance. The damage done by Council with the roadwork's would be less than \$200.

A reply was received from the Club dated 3 August 2011 and a copy is attached.

Notwithstanding the comments by the Club, it is considered that the reasoning behind the proposal to recommend \$2,000 remains unchanged and accordingly the recommendation has been so framed.

Apart from the above, as Councillors are aware, Council is not required to contribute towards fencing works. There is a concern that this should not be seen as creating a precedent. Moreover, the request seems more about beautification of the frontage of the golf course. Accordingly the recommendation has been worded to relate to beautification works.

FINANCIAL IMPLICATIONS

Funding is available in the financial assistance vote.

STRATEGIC OR POLICY IMPLICATIONS

Council's policy on financial assistance applies.

IAN ROBERTS
MANAGER GOVERNANCE

5 August 2011

Attachments:

1. Email from Henbury Sport & Recreation Club Inc formally seeking financial assistance
2. Letter from Club dated 3 August 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

"Henbury Sport & Rec Club"
<henburysport@bigpond.com>

To <ian.roberts@midwestern.nsw.gov.au>

cc

28/07/2011 03:45 PM

Subject Financial Assistance Policy

28 July 2011

The General Manager

Mid-Western Regional Council

PO Box 156

Mudgee NSW 2850

Dear Mr Bennett

FINANCIAL ASSISTANCE POLICY

I refer to Council's policy concerning the provision of financial assistance to organisations, groups and individuals which offer a significant contribution to the social, economic and/or environmental well being of the community (File A0140201).

Henbury Sport & Recreation Club is seeking to obtain funding from the moneys set aside by Council each year as part of its Financial Assistance programme. Part of the fencing alongside Henbury Golf Course was damaged in 2009 when Council was upgrading the Bylong Valley Way and the Club is hoping to rebuild this fence line which is the gateway to Kandos.

Given the closure of Cement Australia and the impact on the local community, I would ask for your favourable consideration of the attached application for financial assistance. You may recall that this proposal was raised with Council by the Cudgegong Business Group some time ago.

Yours sincerely

Bruce Mason

President

Application for Financial assistance – Mid-Western Regional Council**Henbury Sport & Recreation Club Limited**

PO Box 22, Kandos NSW 2848

A.B.N. 29 001 044 757

Contact person: Mrs Barbara Babbage

Tel/Fax: 02 6379 4101

Email: henburysport@bigpond.comWebsite: www.henburygolf.com.au

Henbury is a small not-for-profit organisation, which operates with the support of volunteers who assist with the operation of the club and carry out day-to-day maintenance of the golf course and tennis courts.

Purpose of funding:

To replace the existing concrete post and wire fencing along the western boundary of Henbury golf course on the Bylong Valley Way (1.15 kilometres). A number of concrete posts were pushed out of alignment and damaged when the Bylong valley Way was being upgraded – at least half of the 100 posts require replacement. Have attached some photos of the damage to fence.

Amount of funding required:

The following estimates for building materials are submitted for your consideration -

| | | |
|---|---|--------|
| 1 | 100 intermediate concrete fence posts - 1.8 metre @ \$19 each | \$1900 |
| 2 | 9 concrete strainers - 150x150x2.3 @ \$58 each | \$522 |
| | 18 stays @ \$32 each | \$576 |
| 3 | 300 galvanised steel posts | |
| | - galvanized star pickets @ \$7.90 each | |
| | - black steel pickets @ \$5.90 each | \$1770 |
| 4 | 4 rolls fencing wire - 1500 metre @ \$220 each | \$880 |

| | | |
|---|---|----------------|
| 5 | 1 roll – tie wire @ \$180 | \$180 |
| 6 | 3 rolls – barbed wire - 500 metres @ \$95 each | \$285 |
| 7 | 192 galvanised capping pipes/6 metres x 50 ml @\$48 each | \$9216 |
| | <u>Total:</u> | <u>\$15329</u> |

Benefits to the community:

As advised by the Cudgegong Business Group in its letter of 17 February 2010 the Henbury Golf Course is a beautiful park and enhances the entrance to Kandos. The replacement of the damaged fencing with modern concrete posts and wire would beautify this ornament to the township. The original cement companies created the ‘private village’ of Kandos almost 100 years ago and it would be a fitting memorial for this gateway to the town to be fenced in concrete, along with a rose garden to commemorate the heritage of Kandos.

Given the closure of the Cement Australia plant in Kandos, the community is very much concerned about the likely impact upon businesses, which generate local employment. Council support of works of this nature would be invaluable in terms of maintaining the confidence of the people of Kandos.

The replacement of the damaged fence line and wiring will also serve to alleviate the very real danger to motorists from kangaroos crossing the Bylong Valley Way. A number of accidents have been reported in the area over the last eighteen months.

Acknowledgement of Council’s contribution:

Henbury Sport & Recreation Club Limited would be more than willing to fully acknowledge Council’s contribution in accordance with its Sponsorship policy.

Attestation:

I am satisfied that every effort has been made to provide accurate estimates of the cost of the materials required to carry out the work proposed in this application. In the event that Council approves the funding for this work, the Club will also endeavour to obtain volunteer assistance to help with the construction of the fence.

Bruce Mason
President
Henbury Sport & Recreation Club limited

3 August 2011

Dear Mr Bennett

FINANCIAL ASSISTANCE POLICY

I refer to my letter of 28 July 2011 seeking a grant to rebuild the western fence line of Henbury golf course as originally proposed by the Cudgegong Business Group.

The course is a beautiful park and a valuable asset to the area. As well as contributing to a development program for junior golfers, I should mention that Henbury provides an excellent facility for children from the Kandos High & Public Schools. The schools have access to the golf course and the two tennis courts on the Club property.

As you know, Henbury is a small not-for-profit organisation, which operates with the support of volunteers who assist with the operation of the club and carry out day-to-day maintenance of the golf course and tennis courts. The beautification of this fence line would be an ornament to the town and enhance the entrance to Kandos.

Given the closure of Cement Australia in Kandos and the impact on the confidence of the Kandos/Rylstone community, I would ask for a grant in the order of \$6,000 for the basic materials to enable this work to commence.

| | | |
|---|---|---------------|
| 1 | 100 intermediate concrete fence posts - 1.8 metre @ \$19 each | \$1900 |
| 2 | 9 concrete strainers - 150x150x2.3 @ \$58 each | \$522 |
| | 18 stays @ \$32 each | \$576 |
| 3 | 300 galvanised steel posts | |
| | - galvanized star pickets @ \$7.90 each | |
| | - black steel pickets @ \$5.90 each | \$1770 |
| 4 | 4 rolls fencing wire - 1500 metre @ \$220 each | \$880 |
| 5 | 1 roll – tie wire @ \$180 | \$180 |
| 6 | 3 rolls – barbed wire - 500 metres @ \$95 each | \$285 |
| | <u>Total:</u> | <u>\$6113</u> |

Also we seek funding or assistance with maintenance on the surface of the tennis courts. We have had a quote for resurfacing the courts and it was about \$40,000, it is not possible at this moment without funding, so repairing the cracks & holes would be a great help.

Yours sincerely

Bruce Mason
President

6.2.9 ROADS BUDGET 2011/2012

REPORT BY BUSINESS MANAGER WORKS
Roads Budget 2011-2012
A0100052,

RECOMMENDATION

That:

1. the report by Business Manager Works on the Roads Budget 2011/2012 be received;
2. Council approve that \$82,880 be reallocated from Urban Local Sealed Reseals to Local Sealed Reseals.
3. Council approve that \$65,000 be reallocated from Regional Seal Extension to Regional Rehab - Cope Rd.
4. Council approve the proposed allocation of funds, as set out below:

| Mid Western Regional Council Operations | | | | |
|--|-------------|--|-----------------|--------------------------|
| Roads Programme - Capital Projects 2011/2012 | | | | |
| | Job No. | DESCRIPTION | PROPOSED BUDGET | PROJECT BUDGET ESTIMATES |
| STORM WATER DRAINAGE | | | 130,270 | |
| | 35612 | CULVERT INSTALLATIONS | 70,270 | 70,270 |
| | 35613 | CAUSEWAY IMPROVEMENTS | 60,000 | |
| | NEW | <i>Buckaroo Lane</i> | | 30,000 |
| | NEW | <i>Ulan Wollar Road (2nd Rail Crossing)</i> | | 30,000 |
| URBAN RDS -LOCAL | | | 628,500 | |
| | 60200/60299 | URBAN RESEALS / REHABS - BUDGET ONLY | 628,500 | |
| | | RESEALS | | |
| | 60253 | <i>Inglis Street Reseal (Church to Lawson)</i> | | 28,000 |
| | 60257 | <i>Denison Street Reseal (Gawthorne to Rayner)</i> | | 21,000 |
| | 60260 | <i>Gawthorne Place Reseal (Denison to end)</i> | | 12,300 |
| | 60262 | <i>Smith Street Reseal (Denison to Cox)</i> | | 15,000 |
| | 60254 | <i>Lewis Street Reseal (Mears to Railway)</i> | | 17,500 |
| | 60258 | <i>Court Street (Short to Market)</i> | | 10,500 |
| | 60259 | <i>Spring Road (Oporto to Robertson)</i> | | 38,700 |
| | 60271 | <i>Loftus Street Reseal (Full Length)</i> | | 11,600 |
| | NEW | <i>Herbert (Robinson to Queen)</i> | | 14,000 |
| | NEW | <i>Memorial Hall Car Park (Gulgong)</i> | | 3,500 |
| | NEW | <i>Prince of Wales Car Park (Gulgong)</i> | | 4,000 |
| | 60267 | <i>Dawson Street (Mudgee to End)</i> | | 9,900 |
| | 60269 | <i>Mellon Street (Louee to Carwell)</i> | | 8,500 |

| | | | | |
|------------------------------------|-------------|--|------------------|---------|
| | 60319 | <i>Lewis Horatio Intersection Rehab</i> | | 155,500 |
| | 60251 | <i>Market Street Rehab (Perry to Douro)</i> | | 250,000 |
| | 60316 | <i>Mayne Street Rehab (Medley to 100m west)</i> | | 28,500 |
| | 60315 | <i>Rehab - Depot Rd</i> | | |
| SEALED RURAL RDS - LOCAL | | | 1,704,300 | |
| | 61013 | RURAL RD MTCE - CHARBON AREA | 50,000 | |
| | | <i>Shoulder widening Cooper Drive (Rail Crossing to BVW)</i> | | 50,000 |
| | 61100/61200 | RURAL SEALED ROADS RESEALS / REHABS - BUDGET ONLY | 1,654,300 | |
| | | RESEALS | | |
| | 61219 | <i>Lue Road Havilah North Reseal</i> | | 30,000 |
| | 61220 | <i>Henry Lawson Drive Reseal</i> | | 60,000 |
| | 61152 | <i>Lue Road Rocky Waterhole Road Intersection Reseal</i> | | 9,200 |
| | 61154 | <i>Kains Flat Road Reseal</i> | | 60,000 |
| | 61155 | <i>Lue Road Reseal (Hayes Gap Rd 1.2km West)</i> | | 62,200 |
| | 61157 | <i>Mt Vincent Rd Reseal</i> | | 57,500 |
| | 61158 | <i>Yarrowonga Road Reseal (Mt View Road)</i> | | 41,000 |
| | 61159 | <i>Windeyer Road Reseal</i> | | 55,300 |
| | 61160 | <i>Yarrabin Road Reseal</i> | | 37,000 |
| | 61161 | <i>Spring Ridge Road Reseal</i> | | 18,200 |
| | 61166 | <i>Narrango Road Reseal (Segment 30)</i> | | 45,000 |
| | 61168 | <i>Narrango Road Reseal (Segment 40-50)</i> | | 25,000 |
| | 61167 | <i>Old Mill Road Reseal (Shepherds Lane To Caladonia Street)</i> | | 25,500 |
| | NEW | <i>Canary Rail Crossing Seal</i> | | 10,000 |
| | NEW | <i>Beryl Rd Reseal</i> | | 42,000 |
| | NEW | <i>Botobolar Rd Reseal</i> | | 40,880 |
| | | REHABILITATION | | |
| | NEW | <i>Lue Road Havilar Missing Link</i> | | 685,520 |
| | NEW | <i>Henry Lawson Drive 'S' Bends - North HL Bridge</i> | | 200,000 |
| | NEW | <i>Cudgegong Road Guardrail Replacement</i> | | 150,000 |
| SEALED RURAL RDS - REGIONAL | | | 2,412,546 | |
| | 61502 | RURAL SEALED REGIONAL ROAD RESEALS / REHABS - BUDGET ONLY | 650,826 | |
| | 61620 | <i>Gollan Road Reseal</i> | | 90,000 |
| | 61621 | <i>Ulan Road Reseal (Cope to Toole)</i> | | 55,000 |
| | 62800 | <i>Hill End Road Reseal</i> | | 55,000 |
| | NEW | <i>Bylong Valley Way Rehab (Dabee to Bridge)</i> | | 60,000 |
| | NEW | <i>Farrelly Street (BVW) reseal at Rylstone</i> | | 65,000 |
| | NEW | <i>Bylong Valley Way Heavy Patching Program</i> | | 150,000 |
| | 61810 | <i>Cope Road Rehab (West Sportsmans Hollow)</i> | 70,000 | 245,826 |
| | 61600 | RURAL SEALED REGIONAL ROAD REPAIR PROGRAM - BUDGET ONLY | 800,000 | |
| | | <i>Ulan Road - REPAIR</i> | | 400,000 |
| | | <i>Gollan Road - REPAIR</i> | | 400,000 |
| | 61800 | <i>Pitts Lane / Ulan Road Intersection</i> | 891,720 | 891,720 |

| UNSEALED RURAL RDS - REGIONAL | | 225,000 | |
|---|--|----------------|------------------|
| | RURAL UNSEALED REGIONAL ROAD SEAL EXTENSION | 225,000 | |
| 62800 | <i>Seal Extension - Hill End Road</i> | | 225,000 |
| BRIDGES SEALED RURAL RDS - LOCAL | | 850,000 | |
| 63601 | <i>Carwell Creek Bridge</i> | 850,000 | 850,000 |
| FOOTPATHS | | 205,000 | |
| 65100 | FOOTPATHS CAPITAL - BUDGET ONLY | 65,000 | 65,000 |
| 65106 | PEDESTRIAN - KANDOS TO CLANDULLA | 40,000 | 40,000 |
| 65107 | <i>Charbon Pedstrian Bridge</i> | 100,000 | 100,000 |
| PARKING AREAS | | 700,000 | |
| 66107 | CARPARKING CAPITAL - MORTIMER ST | 700,000 | 700,000 |
| TOTAL | | | 6,855,616 |

EXECUTIVE SUMMARY

The total road capital budget recommended above is \$6,855,616 comprising of

| | |
|-------------------------|--------------|
| Block Grant | \$ 1,600,826 |
| VPA | \$ 330,000 |
| RTA Repair Funds | \$ 400,000 |
| Roads to Recovery | \$ 1,092,694 |
| Developer Contributions | \$ 641,460 |
| Council Funds | \$ 2,790,636 |

It is proposed that the budgets be allocated to the projects as detailed in the Recommendations.

DETAILED REPORT

Council should note that included in the above program of works the following contra variations have occurred:

- \$129,400 has been reallocated from Urban Reseals to Urban Rehabs
- \$749,810 has been reallocated from Local Reseals to Local Rehabs
- \$175,826 has been reallocated from Regional Reseals to Cope Rd Rehab

Block Grant

\$1,600,826 of Block Grant is allocated for 2011/2012 capital projects. \$650,826 will fund regional road reseals and rehabilitations including a heavy patching program for Bylong Valley Way. \$400,000 will be allocated for the Repair projects for Gollan Road and Ulan Road to match the \$400,000 RTA Repair funding. \$225,000 will complete the seal extension works on Hill End Road. Underspent Block Grant from 2010/2011 of \$325,000 which was allocated to the Pitts Lane / Ulan Road intersection upgrade remains a contribution of the funding for that project.

VPA Contributions

\$58,000 of VPA contributions from Moorlarban was underspent in 2010/2011 and will be used to reseal the 1.2km of Ulan Road in that was repaired following the flood damage.

Unimin VPA contributions of \$50,000 for 2011/2012 (along with \$34,113 of unspent contributions from 2010/11 included in Revotes Report) are to be used to widen Cooper Drive between the rail crossing and Bylong Valley Way.

\$210,000 of VPA contributions from Charbon will be used in the construction of Carwell Creek Bridge.

Roads to Recovery

\$1,077,000 of Roads to Recovery funding is included for 2011/2012. The following projects have been submitted for Roads to Recovery for approval.

| | |
|---|------------------|
| • Buckaroo Lane Causeway Replacement | \$30,000 |
| • Ulan Wollar Road Causeway Replacement | \$30,000 |
| • Henry Lawson Drive 'S' Bends, Rehabilitation | \$200,000 |
| • Market Street (Perry St to Douro St) Rehabilitation | \$250,000 |
| • Partial funding of Lue Road Missing Link Havilah | <u>\$567,000</u> |
| | \$1,077,000 |

\$21,778 was underspent in 2010/2011 as three Roads to Recovery projects came in under budget. This underspent grant will be re allocated at a later date.

It is recommended that \$82,880 be reallocated from Urban Local Reseals to Local Sealed Reseals for two additional Local reseals: Beryl Rd and Botobolar Rd.

It is also recommended that \$65,000 be reallocated from Regional Unsealed Seal Extensions to Regional Reseals. The original seal extension budget of \$290,000 was allocated for a seal extension on Wollar Road, however it is recommended that the Hill End seal extension be completed prior to starting Wollar Road seal extension. It is estimated that \$225,000 is required to complete Hill End Road seal extension, therefore \$65,000 be used to reseal Farrelly Street (Bylong Valley Way) in Rylstone.

FINANCIAL IMPLICATIONS

Not applicable. The budgets are in accordance with the current Management Plan.

STRATEGIC OR POLICY IMPLICATIONS

Following the floods, projects have been re-prioritised and thus vary from those listed in the 2010 Strategic Plan. This will be reflected in this year's Roads Strategic Plan.

SALLY MULLINGER
BUSINESS MANAGER WORKS

BRAD CAM
GROUP MANAGER OPERATIONS

4 August 2011

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.10 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES
AND INVESTMENTS AS AT 31 JULY 2011

REPORT BY MANAGEMENT ACCOUNTANT

Bankrep
A0100052, A0140304

RECOMMENDATION

That the Investment Report as at 31 July 2011 by the Management Accountant be received and the certification by the Responsible Accounting Officer noted.

EXECUTIVE SUMMARY

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

DETAILED REPORT

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

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

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

FINANCIAL IMPLICATIONS

Not applicable.

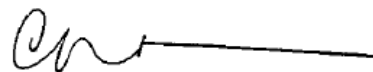
STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

LEONIE JOHNSON
MANAGEMENT ACCOUNTANT

4 August 2011

Attachments: Monthly statement of Bank
Balances and Investments



CLARE PHELAN
GROUP MANAGER FINANCE

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

For the month ended: 31-Jul-11

| Bank Accounts | Opening Balance | Receipts | Payments | Closing Balance | Overdraft Limit |
|-------------------|-----------------|---------------|---------------|-----------------|-----------------|
| Commonwealth Bank | \$ 258,170 | \$ 11,816,438 | \$ 10,905,465 | \$ 1,169,142 | \$ 700,000 |

The bank balance has been reconciled to the General Ledger as at 31/07/2011

| Investments | Type | Amount | Yield % | Maturity Date | Term | Rating | Govt Rating | NAV | % of Portfolio |
|---------------------------|--------------------------------|---------------------|-----------------|---------------|------------|--------|-------------|-----|----------------|
| Commonwealth Bank | At Call | \$ 830,000 | 4.75% | N/A | At Call | A-1+ | 1 | | 3.1% |
| National Australia Bank | Term Deposit | \$ 1,200,000 | 6.21% | 18/01/2012 | 183 | A-1+ | 2 | | 4.5% |
| National Australia Bank | Term Deposit | \$ 850,000 | 5.90% | 21/09/2011 | 91 | A-1+ | 3 | | 3.2% |
| National Australia Bank | Term Deposit | \$ 1,900,000 | 5.89% | 17/08/2011 | 91 | A-1+ | 3 | | 7.1% |
| National Australia Bank | Term Deposit | \$ 1,000,000 | 6.25% | 19/01/2012 | 188 | A-1+ | 3 | | 3.7% |
| Westpac Bank | Term Deposit | \$ 2,600,000 | 5.75% | 24/08/2011 | 91 | A-1+ | 2 | | 9.7% |
| St George Bank | Term Deposit | \$ 1,500,000 | 5.60% | 2/08/2011 | 90 | A-1+ | 2 | | 5.6% |
| St George Bank | Term Deposit | \$ 1,000,000 | 5.87% | 15/09/2011 | 92 | A-1+ | 3 | | 3.7% |
| St George Bank | Term Deposit | \$ 500,000 | 5.85% | 7/09/2011 | 91 | A-1+ | 3 | | 1.9% |
| St George Bank | Term Deposit | \$ 1,500,000 | 5.85% | 28/09/2011 | 91 | A-1+ | 3 | | 5.6% |
| St George Bank | Term Deposit | \$ 1,000,000 | 6.10% | 14/12/2011 | 154 | A-1+ | 3 | | 3.7% |
| Bankwest | Term Deposit | \$ 1,000,000 | 5.81% | 9/08/2011 | 90 | A-1+ | 1 | | 3.7% |
| Bankwest | Term Deposit | \$ 1,000,000 | 5.95% | 12/10/2011 | 91 | A-1+ | 3 | | 3.7% |
| Bankwest | Term Deposit | \$ 1,500,000 | 5.90% | 28/09/2011 | 91 | A-1+ | 3 | | 5.6% |
| Suncorp Metway Ltd | Term Deposit | \$ 1,000,000 | 6.03% | 31/08/2011 | 91 | A-1 | 1 | | 3.7% |
| IMB | Term Deposit | \$ 1,000,000 | 6.00% | 21/09/2011 | 91 | A-2 | 1 | | 3.7% |
| Newcastle Permanent | Term Deposit | \$ 1,000,000 | 6.00% | 7/09/2011 | 91 | A-2 | 1 | | 3.7% |
| Bank of Queensland | Term Deposit | \$ 1,000,000 | 6.00% | 10/08/2011 | 91 | A-2 | 1 | | 3.7% |
| Members Equity Bank | Term Deposit | \$ 1,000,000 | 6.00% | 19/10/2011 | 91 | A-2 | 1 | | 3.7% |
| Heritage Building Society | Term Deposit | \$ 1,000,000 | 6.21% | 3/08/2011 | 182 | A-2 | 1 | | 3.7% |
| Community CPS Aust. | Term Deposit | \$ 1,000,000 | 5.84% | 19/10/2011 | 91 | NR | 1 | | 3.7% |
| Deutsche Bank Series 5 | Floating Rate Note | \$ 1,000,000 | 5.91% | 23/11/2012 | 4yrs 9mths | A+ | 1 | | 3.7% |
| ANZ ASPRIT III | Sustainable Equity Linked Note | \$ 500,000 | 50% of +tve NAV | 19/07/2013 | 6 yrs | AA | - | * | 1.9% |
| Longreach Series 26 | Property Linked Note | \$ 1,000,000 | | 7/06/2014 | 7 yrs | A+ | - | * | 3.7% |
| Total Investments | | \$26,880,000 | | | | | | | 100.0% |

* At time of completion, NAV unavailable.

Government Guarantee Codes

- 1 Deposit is covered by Financial Claims Scheme
- 2 Deposit is covered up to \$1,000,000
- 3 Deposit is not covered by Financial Claims Scheme

Monthly Investment Portfolio Activity:

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

| Bank Accounts | Opening Balance | Redeemed Balance | Re-invested Balance | Change in interest rate | Change in Term (days) |
|----------------------|------------------------|-------------------------|----------------------------|--------------------------------|------------------------------|
| Commonwealth Bank | \$ 1,040,000 | \$ 210,000 | \$ 830,000 | 0.00% | At Call |
| ING Australia | \$ 1,000,000 | | \$ - | Redeemed | |
| Bankwest | \$ 1,000,000 | | \$ 1,000,000 | 0.35% | 6 |
| St George Bank | \$ 1,000,000 | | \$ 1,000,000 | 0.60% | 69 |
| National Bank | | | \$ 1,000,000 | New Deposit | |
| National Bank | \$ 1,700,000 | \$ 500,000 | \$ 1,200,000 | 0.47% | 92 |
| ME Bank | \$ 1,000,000 | | \$ 1,000,000 | 0.05% | 7 |
| Macquarie Bank | \$ 1,000,000 | | | Redeemed | |
| | <u>\$ 7,740,000</u> | | <u>\$ 6,030,000</u> | | |

Net Portfolio Movement \$1,710,000 Reduction

MWRC Policy Requirements:

| Investments by Institution | Long/Short Term Ratings | Amount | % of Portfolio | |
|----------------------------|----------------------------|----------------------|----------------|--------------|
| | | | Actual | Policy Limit |
| National Australia Bank | AA/A-1+ | \$ 4,950,000 | 18.4% | 25.0% |
| Bankwest | AA/A-1+ | \$ 3,500,000 | 13.0% | 25.0% |
| St George Bank | AA/A-1+ | \$ 5,500,000 | 20.5% | 25.0% |
| Commonwealth Bank | AA/A-1+ | \$ 830,000 | 3.1% | 25.0% |
| Westpac Bank | AA/A-1+ | \$ 2,600,000 | 9.7% | 25.0% |
| ANZ | AA/A-1 | \$ 500,000 | 1.9% | 25.0% |
| Citibank | A+/A-1 | \$ - | 0.0% | 15.0% |
| Longreach | A+/A-1 | \$ 1,000,000 | 3.7% | 20.0% |
| Deutsche Bank | A+/A-1 | \$ 1,000,000 | 3.7% | 15.0% |
| AMP | A/A-1 | \$ - | 0.0% | 15.0% |
| ING Australia Bank | A/A-1 | \$ - | 0.0% | 15.0% |
| Suncorp Metway Ltd | A/A-1 | \$ 1,000,000 | 3.7% | 15.0% |
| Macquarie Bank | A/A-1 | \$ - | 0.0% | 15.0% |
| Bank of Queensland | BBB+/A-2 | \$ 1,000,000 | 3.7% | 10.0% |
| Bendigo & Adelaide Bank | BBB+/A-2 | \$ - | 0.0% | 10.0% |
| Newcastle Permanent | BBB+/A-2 | \$ 1,000,000 | 3.7% | 10.0% |
| Members Equity Bank | BBB/A-2 | \$ 1,000,000 | 3.7% | 10.0% |
| Heritage Building Society | BBB/A-2 | \$ 1,000,000 | 3.7% | 10.0% |
| IMB | BBB/A-2 | \$ 1,000,000 | 3.7% | 10.0% |
| Community CPS Aust. | NR | \$ 1,000,000 | 3.7% | 10.0% |
| | | <u>\$ 26,880,000</u> | <u>26.0%</u> | |

| Investments by Rating | Rating* | Amount | % of Portfolio | |
|-----------------------|----------|----------------------|----------------|--------|
| | | | Actual | Limit |
| Direct Securities | AAA/A-1+ | \$ 17,380,000 | 64.7% | 100.0% |
| | AA/A-1 | \$ 500,000 | 1.9% | 100.0% |
| | A/A-1 | \$ 3,000,000 | 11.2% | 60.0% |
| | BBB/A-2 | \$ 5,000,000 | 18.6% | 20.0% |
| | Unrated | \$ 1,000,000 | 3.7% | 20.0% |
| | | <u>\$ 26,880,000</u> | <u>100.0%</u> | |

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

| Term to Maturity | Amount | % of Portfolio | | |
|-----------------------|----------------------|----------------|---------|---------|
| | | Actual | Minimum | Maximum |
| Less than 1 year | \$ 24,380,000 | 90.7% | 30.0% | 100.0% |
| Between 1 and 3 years | | 0.0% | 0.0% | 70.0% |
| Between 3 and 5 years | \$ 1,000,000 | 3.7% | 0.0% | 50.0% |
| More than 5 years | \$ 1,500,000 | 5.6% | 0.0% | 25.0% |
| | <u>\$ 26,880,000</u> | <u>100.0%</u> | | |

6.2.11 2010/11 DRAFT FINANCIAL STATEMENTS

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION
Draft financial statements
A0100052, A0149932

RECOMMENDATION

That:

1. the report by the Group Manager Finance and Administration on the 2010/11 draft financial statements be received;
2. the 2010/11 Draft General Purpose Financial Reports and Special Purpose Financial Reports be referred for audit;
3. the Mayor, the Deputy Mayor, the General Manager and the Responsible Accounting Officer be authorised to sign the “Statement by Councillors and Management” on its opinion of the General Purpose Financial Reports and Special Purpose Financial Reports;
4. the General Manager be authorised to issue the 2010/11 Financial Reports immediately upon receipt of the Auditors Report, subject to there being no material audit adjustments or audit issues; and
5. the General Manager be authorised to finalise the date at which the Auditors Report and Financial Reports for 2010/11 are to be presented to the public.

EXECUTIVE SUMMARY

Council is required to prepare financial reports for each year and refer them to audit as soon as practicable. The preparation and audit of financial reports must be completed within four months after the end of the financial year.

DETAILED REPORT

Section 413(2)(a) – (c) of the Local Government Act 1993 requires that Council’s financial reports must include the following:

- a) a general purpose financial report;
- b) any special purpose financial reports or schedules prescribed by the regulations; and
- c) a statement in the approved form by the Council as to its opinion on the general purpose financial report and any such special purpose financial reports.

Council’s financial reports must be prepared in accordance with the requirements of:

- a) the Australian Accounting Standards and professional pronouncements; and
- b) the Local Government Code of Accounting Practice and Financial Reporting; and
- c) the Local Government Act 1993 and the Regulations.

The attached financial reports have been prepared in accordance with the abovementioned requirements.

Section 215(1) of the Local Government (General) Regulation 2005 requires that the statement by Council as to its opinion on the financial reports must be made by resolution of the Council and be signed by the Mayor, at least one other member of Council, the General Manager and the Responsible Accounting Officer. The statement must indicate:

- a) whether or not Council's annual financial reports have been drawn up in accordance with the required Standards and Regulations; and
- b) whether or not those reports present fairly Council's financial position and operating result for the year; and
- c) whether or not those reports accord with the Council's accounting and other records; and
- d) whether or not the signatories know of anything that would make those reports false or misleading in any way, and

include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in the statement.

At the time of preparing the Draft Financial Statements, the revaluation of Council's other assets, other structures, community land and land improvements is still being finalised, and reviewed by Council's external auditors. It is important to note that as a result of this exercise, the carrying values of these classes of assets in the financial statements is likely to change.

It is to be noted that the draft financial statements attached are not available to the public until after Council's auditor has provided an independent audit report. It is recommended that Council authorise the General Manager to issue the financial reports immediately upon receipt of the auditors report, subject to there being no material audit changes or audit issues.

It is also recommended that Council authorise the General Manager to finalise the date at which the auditors report and financial statements are to be presented to the public. It is anticipated that this presentation will occur at the Council meeting of 19 October 2011.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

APPROVED FOR SUBMISSION:

CLARE PHELAN
GROUP MANAGER FINANCE
& ADMINISTRATION

WARWICK BENNETT
GENERAL MANAGER

1 August 2011

Attachments: 1. General Purpose Financial Reports – Statement by Councillors and Management
2. Special Purpose Financial Reports – Statement by Councillors and Management

Under Separate Cover – For Councillors Only
3. Draft General Purpose Financial Reports 2010/11
4. Draft Special Purpose Financial Reports 2010/11

Mid-Western Regional Council

General Purpose Financial Statements

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the Local Government Act 1993 (as amended)

The attached General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and the Regulations made thereunder,
- The Australian Accounting Standards and professional pronouncements, and
- The Local Government Code of Accounting Practice and Financial Reporting.

To the best of our knowledge and belief, these Financial Statements:

- present fairly the Council's operating result and financial position for the year, and
- accords with Council's accounting and other records.

We are not aware of any matter that would render the Reports false or misleading in any way.

Signed in accordance with a resolution of Council made on 17 August 2011.

Clr Des Kennedy
MAYOR

Clr Max Walker
COUNCILLOR

Mr Warwick Bennett
GENERAL MANAGER

Mrs Clare Phelan
RESPONSIBLE ACCOUNTING OFFICER

Mid-Western Regional Council

Special Purpose Financial Statements

for the financial year ended 30 June 2011

Statement by Councillors and Management

made pursuant to the Local Government Code of Accounting Practice and Financial Reporting

The attached Special Purpose Financial Statements have been prepared in accordance with:

- The NSW Government Policy Statement “Application of National Competition Policy to Local Government”
- The Division of Local Government Guidelines “Pricing & Costing for Council Businesses - A Guide to Competitive Neutrality”
- The Local Government Code of Accounting Practice and Financial Reporting.
- The NSW Office of Water (Department of Environment, Climate Change and Water) Guidelines - “Best Practice Management of Water and Sewerage”.

To the best of our knowledge and belief, these Financial Statements:

- Present fairly the Operating Result and Financial Position for each of Council's declared Business Activities for the year, and
- Accord with Council's accounting and other records.

We are not aware of any matter that would render these Statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 17 August 2011.

Clr Des Kennedy
MAYOR

Clr Max Walker
COUNCILLOR

Mr Warwick Bennett
GENERAL MANAGER

Mrs Clare Phelan
RESPONSIBLE ACCOUNTING OFFICER

6.2.12 REVOTES FROM 2010/11 MANAGEMENT PLAN TO 2011/12 MANAGEMENT PLAN

REPORT BY MANAGEMENT ACCOUNTANT
Revotes 2011
A0100052, A0149934, A0149935

RECOMMENDATION

That:

1. the report by the Management Accountant on the revotes from the 2010/11 Management Plan to the 2011/12 Management plan be received; and
2. the 2011/12 Management Plan be amended to reflect the revote of budgets from 2010/11, as follows:
 - \$270,327 from General Fund Revenue
 - \$2,006,006 from General Fund Reserves
 - \$528,658 from Unspent Grants – General Fund
 - \$58,000 from VPA contributions
 - \$173,500 to be received from Grant funding in 2011/12
 - \$191,179 from Sewer Fund Reserves
 - \$205,694 from Water Fund Reserves
 - \$173,481 from Waste Fund Reserves
 - \$66,414 from Unspent Contributions – Waste Fund

EXECUTIVE SUMMARY

This report recommends the revoting of budgets into 2011/12 for projects substantially commenced, but not yet completed as at 30 June 2011. The project list and the quantum of the recommended dollars being revoted is higher than previous years but last year was an extraordinary year with floods, lack of performance by contractors and slowness of Government decision making.

DETAILED REPORT

Section 211(3) of the Local Government (General) Regulation 2005 states that budgets approved by Council automatically lapse at the end of a financial year, with the exception of the following items:

- (a) Work carried out or started, or contracted to be carried out, for the council; or
- (b) Any service provided, or contracted to be provided, for the council; or
- (c) Goods or materials provided, or contracted to be provided, for the council; or
- (d) Facilities provided or started, or contracted to be provided, for the council;

before the end of the year concerned, or to the payment of remuneration to members of the council's staff.

A budget approval that has lapsed may be reinstated by a resolution of Council.

Council's works programs often span over a financial period and where those capital projects are scheduled for completion in the early part of the new financial year, it is recommended that those funds be revoted in order to complete the projects.

The projects listed in the attachment to this report totalling \$3,673,259 were commenced to various stages, but as at 30 June 2011 these projects were not completed. Funding for these projects was approved in the 2010/11 Management Plan and these projects will be completed in the 2011/12 financial year. For comparative purposes, revote's from 2009/10 into 2010/11 totalled \$1,726,296. It is important to note that amounts revoted from one financial year to the next, in particular operational expenditure items, can impact the operating results of each year. It is essential that Council properly budgets for and manages available resources to fulfil the projects that are listed in the Management Plan. Potential revotes should, and have been, considered when drafting future budgets.

The revote's are higher than previous years due to the December floods that caused a reprioritisation of our work load, the lack of performance especially from one contractor and the State Government elections which slowed some decisions that we required to advance some projects.

FINANCIAL IMPLICATIONS

Council has sufficient funds in Reserves, Unspent Grants and VPAs in each of the individual Funds to be allocated to the continuing projects.

Council's unrestricted funds balance as at 30 June 2011 will be finalised as the part of the 2010/11 financial statement process, and confirmed by external audit. Council's draft financial statements indicate that sufficient unrestricted funds will be available to meet the General Fund revenue-funded revotes.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

LEONIE JOHNSON
MANAGEMENT ACCOUNTANT



CLARE PHELAN
GROUP MANAGER FINANCE &
ADMINISTRATION

1 August 2011

Attachments: Proposed revotes from 2010/11 to 2011/12

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.13 JUNE 2011 QUARTERLY BUDGET REVIEW – 2010/11 MANAGEMENT PLAN

REPORT BY GROUP MANAGER FINANCE & ADMINISTRATION
June 2011 QBR
A0100052, A0149934

RECOMMENDATION

That:

- 1. the report by the Group Manager Finance and Administration on the June 2011 Quarterly Budget Review – 2010/11 Management Plan be received; and**
- 2. the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon revised estimates of income and expenditure, be noted.**

EXECUTIVE SUMMARY

This report presents Council with the final Quarterly Review for the 2010/11 Management Plan.

It is important to note that the Council has prepared draft financial statements for 2010/11 for referral to audit. As a result of continuing end of year processes and the audit, the results as reported in the Quarterly Review may change, particularly with regard to non-cash entries such as the carrying value of Councils' property, plant and equipment.

DETAILED REPORT

Section 407(1) of the Local Government Act 1993 requires that the General Manager report to Council within two months after the end of each quarter as to the extent to which the performance targets set by Council's current Management Plan have been achieved during the quarter.

Further, Clause 203 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a council prepare and submit to Council within two months after the end of each quarter, a budget review statement. The budget review statement must show, by reference to the estimate of income and expenditure set out in the management plan adopted by Council, a revised estimate of the income and expenditure for the year. The budget review statement must also be accompanied by a report as to whether or not the Responsible Accounting Officer believes that the financial position of the council is satisfactory, having regard to the original estimates of income and expenditure.

FINANCIAL IMPLICATIONS

As the Responsible Accounting Officer, I report that the financial position of Mid-Western Regional Council as at 30 June 2011 is satisfactory, having regard to estimates of income and expenditure for the 2010/11 financial year.

Detailed commentary on any financial implications identified as part of the Quarterly Review is provided within the Quarterly Review Report.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

CLARE PHELAN
GROUP MANAGER FINANCE & ADMINISTRATION

4 August 2011

Attachments: June 2011 Quarterly Budget Review – 2010/11 Management Plan (following at the end of the business paper.)

APPROVED FOR SUBMISSION:

WARWICK BENNETT
GENERAL MANAGER

6.2.14 MUDGEES REGION TOURISM INC QUARTERLY REPORT – JUNE 2011

REPORT BY GENERAL MANAGER
MRTI QUARTERLY REPORT – JUNE 2011
A0100052, F0770077

RECOMMENDATION

That the report by the General Manager on the Mudgee Region Tourism Inc Quarterly Report for June 2011 be received.

DETAILED REPORT

As per the funding and performance agreement entered into in June 2010 between Mudgee Region Tourism Inc (MRTI) and Council, MRTI is required to report quarterly to Council on their performance.

The June 2011 quarterly report has been delivered to Council in accordance with this requirement and is attached for Council's consideration.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable

WARWICK L BENNETT
GENERAL MANAGER

2 August 2011

Attachments: MRTI Quarterly Report - June 2011 (following at end of Business Paper)

6.2.15 ROADS TO RECOVERY PROGRAM

REPORT BY GENERAL MANAGER

Roads to recovery

A0100052, R0790005, A0040005, A0180012

RECOMMENDATION**That:**

1. the report by the General Manager on the Roads to Recovery Program be received;
2. Council calls on the Federal Government to:
 - recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
 - continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
 - continue the Roads to Recovery Program with the current administrative arrangements; and
 - provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.

DETAILED REPORT

Please find attached a self explanatory letter from the Australian Local Government Association requesting Council to support the continuation of the Roads to Recovery programme. This Council has benefited considerable from the R2R programme. In the 2011/12 financial year Council will receive \$1,062,049 as part of the R2R programme. If we did not receive this money it severely impedes Council in delivering an effective roads capital and maintenance programme. The R2R programme has been a major thrust in roads upgrading programmes around Australia and any reduction little alone cancellation of the programme would be detrimental to rural Australia.

FINANCIAL IMPLICATIONS

As stated above Council receives \$1,062,049 in the R2R programme. If that money was not received it would have a significant effect on our road upgrade programme

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

2 August 2011

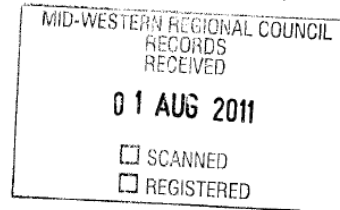
Attachments: 1. Letter from Australian Local Government Association
2. Proposed letters to Parliament and Local MP.



AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

28 July 2011

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



Dear Mayor Kennedy

Roads to Recovery Program

We achieved the Roads to Recovery Program because of strong and united local government campaigning in 2000. Further campaigns by local government have been very successful with two extensions to the Program and a funding increase to \$350m per annum in 2009. By the time the current Program ends in 2014 more than \$4.5 billion in additional funding will have been provided for local roads.

It is now time for local government to again mount a campaign for increased and ongoing Roads to Recovery Program funding. There is no question that local government needs the funding. The Australian Local Government Association (ALGA) commissioned research, released at the 2010 National Local Roads and Transport Congress in Bunbury, which shows that the national shortfall in the level of funding for local roads amounts to about \$1.2 billion annually.

ALGA will be launching local government's Roads to Recovery campaign at the 2011 National Local Roads and Transport Congress being held in Mount Gambier from 16-18 November.

Our campaign needs the support of every council and in advance of the launch I am asking your council to pass a resolution of support. A suggested text for your council's motion is attached.

The motion calls for the Roads to Recovery Program to be made permanent at a rate that recognises the backlog of needs on local roads and a continuation of the current popular and successful arrangements. These arrangements provide all councils with certainty of funding and give them the control over the works to be funded.

You will notice that the motion does not link the ongoing Roads to Recovery Program to any source of funding such as fuel excise. I have discussed the suggested wording for the motion with all state associations and we have agreed not to link the campaign to a funding source at this time because of uncertainty arising from the announcements to review fuel excise by the Productivity Commission, the review of the Financial Assistance Grants and the Henry Taxation Review recommendations on road user charging. You may be assured that ALGA will be making the strongest possible representations to these reviews to protect and improve local government's financial position.

As part of our campaign, it is important to ensure that national political leaders are left in no doubt about local government views. I am therefore asking that you write to the Prime Minister, the Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and your local Federal Member of Parliament to advise them of councils' support for a new Roads to Recovery Program. I have enclosed some possible text for such letters which you might find useful. To help coordinate the campaign, I would appreciate your advice when council has passed this motion.

Our advocacy on this vital issue will be strengthened by a show of unity and it is important that as many councils as possible attend the Congress in Mount Gambier for the launch of the Roads to Recovery campaign to show local government's strong support for its extension. I will be writing separately with a brochure on the arrangements for the Congress. In the meantime you can register for the Congress using the ALGA website and take advantage of cheap "early bird" registrations rates.

I have no doubt that by working together we can successfully take the argument to the Federal Government on Federal local road funding and achieve a new Roads to Recovery program.

Yours sincerely



Mayor Genia McCaffery
President

Office of the Mayor

(Insert initials):(Insert file no.)

(Date)

Draft letter to Prime Minister
(to also go to:
Minister for Infrastructure and Transport
Leader of the Opposition
Opposition Transport Spokesman)

Dear (Insert Name)

ROADS TO RECOVERY PROGRAM

I am writing to advise you of a resolution recently passed by Council concerning the Roads to Recovery Program with ceases in June 2014. This is an important and popular Federal program that provides funding directly to local government to address the road infrastructure backlog on local roads and has been very gratefully received by local government and local communities.

Local government's analysis shows that the backlog of needs on local roads remains high and is now about \$1.2 billion annually. The size of this backlog means that there is no possibility of local government being able to address the roads needs with their limited funding base.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters. Without the Roads to Recovery funding access to the basic services such as health, education and economic and social needs will begin to decline for communities.

Council considered and passed the following resolution on 17 August 2011:

That Council calls on the Federal Government to:

- ***recognise the successful delivery of the Roads to Recovery Program by local government since 2000;***
- ***continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;***
- ***continue the Roads to Recovery Program with the current administrative arrangements; and***
- ***provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.***

Council urges you to consider this resolution as the government develops its future transport infrastructure funding programs.

Yours faithfully

DES KENNEDY
MAYOR

Office of the Mayor

(Insert initials):(Insert file no.)

(Date)

Draft letter to MP

Dear (Insert Name)

ROADS TO RECOVERY PROGRAM

I am writing to advise you of a resolution recently passed by Council concerning the Roads to Recovery Program with ceases in June 2014. This is an important and popular Federal program that provides funding directly to local government to address the road infrastructure backlog on local roads and has been very gratefully received by local government and local communities.

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- ***continue the Roads to Recovery Program with the current administrative arrangements; and***
- ***provide an increased level of funding under a future Roads to Recovery Program that recognises the shortfall of funding on local roads of \$1.2 billion annually.***

Council urges you to bring this resolution to the attention of government ministers and shadow ministers whenever the opportunity arises.

Yours faithfully

DES KENNEDY
MAYOR

6.2.16 ECONOMIC AND SOCIAL DEVELOPMENT IN CENTRAL WESTERN NSW.

REPORT BY GENERAL MANAGER
Economic and social development
A0100052, A0820020

RECOMMENDATION

That:

- 1. the report by the General Manager on the Economic and Social Development in Central Western NSW be received;**
- 2. Council endorses the submission to the State Development Standing Committee.**

DETAILED REPORT

Please find attached a letter from Paul Toole setting out the terms of reference for an inquiry into economic and social development in central western NSW. Also attached is our draft submission that we are seeking that Council endorse and forward to the Committee prior to Friday 26 August 2011. This submission will have a covering letter under the hand of the Mayor which will seek that Council be heard in support of its submission.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC OR POLICY IMPLICATIONS

Not applicable.

WARWICK BENNETT
GENERAL MANAGER

8 August 2011

Attachments: 1. Letter from Paul Toole
2. DRAFT Parliamentary Inquiry Submission - Standing Committee on State Development

Paul Toole MP

MEMBER FOR BATHURST ELECTORATE

29 July 2011

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
PO BOX 156
Mudgee NSW 2850

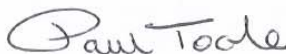
Dear Mr Bennett

I enclose a copy of a letter I have received from the Chair of the Standing Committee on State Development in relation to a new inquiry that the committee is currently conducting into economic and social development in central western New South Wales.

The terms of reference are also enclosed and I strongly urge the council to make a submission to the inquiry. The closing date for submissions is Friday 26th August 2011.

If you require any further information please do not hesitate to contact my office.

Yours faithfully



Paul Toole MP
Member for Bathurst Electorate



*Always there
for you*

bathurst@parliament.nsw.gov.au

140 William Street
(PO Box 2237)
Bathurst NSW 2795

ph 02 6331 1555
fax 02 6331 1566





LEGISLATIVE COUNCIL



STANDING COMMITTEE ON STATE DEVELOPMENT

15 July 2011

Mr Paul Toole MP
Member for Bathurst
Bathurst Electorate Office
Ground Floor, 140 William Street
Bathurst NSW 2795

Dear Member

Inquiry into economic and social development in central western New South Wales

As you may be aware, the NSW Legislative Council's Standing Committee on State Development is currently conducting an inquiry into economic and social development in central western New South Wales. A copy of the terms of reference is enclosed for your information.

On behalf of the Committee, I would like to invite you to make a submission to the inquiry. The Committee is particularly interested in any issues that may impact on your constituents. The closing date for submissions is **Friday 26 August 2011**.

The Committee intends to hold public hearings following the closing date for submissions. Hearing details will be published on the website as they become available.

Submissions can be lodged via the Committee's website at www.parliament.nsw.gov.au/statedevelopment, emailed to statedevelopment@parliament.nsw.gov.au, faxed to (02) 9230 2981, or hard copies can be mailed to: The Director, Standing Committee on State Development, Legislative Council, Parliament House, Macquarie Street, Sydney NSW 2000. A list of Committee members, background information about Legislative Council committees and information about making a submission is enclosed to assist you with your submission.

Please note that no one, including the author, may distribute the submission unless authorised by the Committee. Anyone who republishes a committee document apart from the Parliament or its committees is subject to the laws of defamation. Submissions are confidential until the Committee makes them public. Submissions are usually published by the Committee and placed on the Committee's website. If your submission contains information you do not wish to be made public, please mark it **confidential**. The Committee will consider all requests for confidentiality, but is not obliged to keep a submission confidential if it determines that it is not in the public interest to do so.

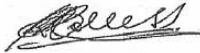
Parliament House
Macquarie Street
NSW 2000 Australia

Telephone (02) 9230 2641
Facsimile (02) 9230 2981
statedevelopment@parliament.nsw.gov.au

If you would like further information about the inquiry or making a submission, please do not hesitate to contact Ms Cathryn Cummins, Principal Council Officer, on (02) 9230 3528. Please feel free to forward this information to any other interested parties.

The Committee would greatly appreciate your contribution to this inquiry.

Yours sincerely



Hon Rick Colless MLC
Committee Chairman



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

Inquiry into economic and social development in central western New South Wales

TERMS OF REFERENCE

That the Standing Committee on State Development inquire into and report on the factors restricting economic and social development in central western New South Wales, and in particular:

- a) the provision of health, education and cultural facilities,
- b) the reasons for population decline or growth in different areas,
- c) the adequacy of transport and road infrastructure,
- d) ways to encourage development of local enterprises and the potential of the region overall,
- e) the comparative level of government business activity located within the region,
- f) methodologies for local government to collectively cooperate to achieve increased infrastructure funding and economic growth,
- g) any other factor restricting economic and social development in central western New South Wales.

Committee membership

| | | |
|-----------------------------|----------------------------|-----------------------|
| The Hon Rick Colless MLC | The Nationals | <i>(Chair)</i> |
| The Hon Mick Veitch MLC | Australian Labor Party | <i>(Deputy Chair)</i> |
| The Hon Amanda Fazio MLC | Australian Labor Party | |
| The Hon Paul Green MLC | Christian Democratic Party | |
| The Hon Charlie Lynn MLC | Liberal Party | |
| The Hon Dr Peter Phelps MLC | Liberal Party | |

STANDING COMMITTEE ON STATE DEVELOPMENT

Inquiry into economic and social development in central western New South Wales

Submission by Mid-Western Regional Council



| | |
|---|-----------|
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| BACKGROUND ON THE MID-WESTERN REGION | 4 |
| THE PROVISION OF HEALTH, EDUCATION AND CULTURAL FACILITIES | 5 |
| The reasons for population decline or growth in different areas | 7 |
| The adequacy of transport and road infrastructure | 8 |
| Ways to encourage development of local enterprises and the potential of the region overall | 9 |
| The Comparative Level Of Government Business Activity Within The Region. | 12 |
| Methodologies for local government to collectively cooperate to achieve increased infrastructure funding and economic growth | 13 |
| Any other factors restricting economic and social development in central western New South Wales | 14 |

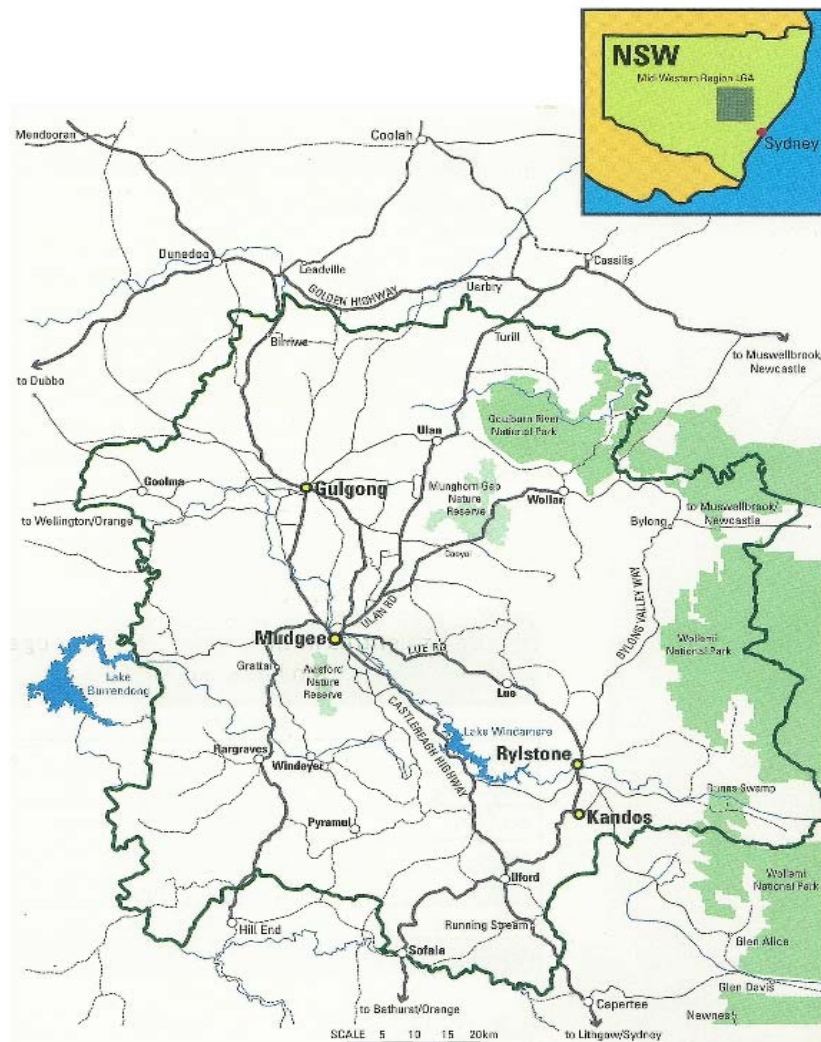
EXECUTIVE SUMMARY

The Mid Western Regional Council area is experiencing some of the most significant growth of any region in New South Wales. We have an opportunity at both a State and Local Government level to develop this region in line with that expected growth that has the potential to create communities that will benefit from that growth. But that will only happen if we work together as the Governments, the developers and the communities.

This inquiry by this standing committee is an important opportunity for everyone to understand the impacts of growth that looks at all services needed in this community. It is essential that State Government accepts its responsibility to deliver services in line with the State Government approvals of large scale developments that are creating substantial population increases and demands on services. We look forward to the State Government addressing the issues in this submission.

Council wishes to be heard in support of this submission.

Please find set out below a map of this region.



BACKGROUND ON THE MID-WESTERN REGION

At present, the major impact on the Mid-Western Region is the extensive expansion of the mining industry. It is recognized that the experience of Mid-Western may be different to other areas throughout central western New South Wales. However, it is believed that managing the growth that is happening here can have significant flow on benefits for the entire central west.

As background to this mining growth experience and some of the concerns coming from this development, the Mid-Western Region can be seen as an opportunity to learn from some of the mistakes of the past both for this region and regions that will experience future growth.

In 2006, there were just two coal mines in the Mid-Western Region producing around 5 million tonnes of coal per annum and employing less than 300 people. In the next 3-5 years, within a 60km radius of Mudgee (the largest town in the region), there will be at least nine coal mines producing up to 80 million tonnes of coal per annum and employing more than 3,000 people.

As the local labour force will not be able to accommodate all new employment opportunities, the majority of these positions will be filled by new residents which will ultimately lead to a significant population increase (up to 25% or 5,700 new residents based on permanent operational positions alone).

The investment by the major mining companies in capital infrastructure and employment in the region is huge and has the potential to create significant economic benefits in the future.

However, Council has become increasingly concerned that the rapid rate of expansion has not been thoughtfully planned nor have the cumulative impacts of these activities been factored into a long term cost-benefit analysis for the local or regional community. Council is fully aware that the activities that will take place in the next 3-5 years will play a significant role in shaping the long term future of this community and wants to maintain a proactive approach to addressing these challenges.

There is currently a significant focus on the growth of the coal industry in the Gunnedah and Liverpool Plains area. Whilst Council recognizes that these areas will experience considerable expansion in coal mining activities in the future, a review of information available suggests that actual increases in coal production (i.e. million tonnes of coal per annum) will be much greater in the Muswellbrook and Mid-Western regions. As the production of coal is also undertaken in a significantly more concentrated area, the impacts are magnified for the respective Councils (i.e. Mid-Western and Muswellbrook) and the local communities. For example, the labour force and population impacts are felt within one major town and business area (as opposed to being shared across a number of major towns and business districts).

Mine creep is also a major concern for Council. Three of the existing mines in the Mid-Western region are undergoing expansions to existing mining activities which will effectively double coal output. While this will have considerable community impacts, the expansion of activities tends to 'fly under the radar' because these mines already exist. It is critical that each expansion is considered with the same degree of rigour as a new mining project and that the overall cumulative impact is taken into account.

Overall, the Mid-Western Region, with a current population of approximately 23,000 covering an area of 9,000 square kilometres, has a reasonably strong and diverse economic base that provides great potential to maximize growth and sustainable development opportunities in the future. Apart from the mining industry, there are a

number of major economic sectors in the region including agriculture, viticulture, tourism, retail and event hosting.

Ensuring the sustainability of the local community; the quality of life for existing community members; maintaining economic diversity; and protecting the natural and environmental attributes that this region is well recognized for must not be overlooked in the face of the rapidly changing face mining sector. The big picture must be taken into consideration by all community stakeholders, the mines and all levels of government.

The provision of health, education and cultural facilities

There are significant issues with health, education and cultural infrastructure across the Mid-Western Region. The inability of population centres throughout New South Wales to be able to attract doctors and other health professionals is well documented. The flow-on effect of this is the resistance from some to relocate families and businesses if they feel that access to quality health and education is compromised.

In the Mid-Western Region, there are often occasions where access to medical services is inadequate. While not a unique experience across rural and regional areas, it is the case that it can take weeks to secure an appointment with a doctor. There are severe limitations on the level of services for early intervention, speech pathology and occupational therapy. The inability to provide these services has a direct and significant impact on affected children. The longer it takes for problems to be assessed, the less likely it is that therapy services can help or can help to the extent required.

A feasibility study into medical services across the region was completed in 2006 and highlighted critical shortages in a number of areas, particularly in relation to the number of medical practitioners in Mudgee, Gulgong and the Rylstone region. Little has changed over the intervening period of time and with the closure of Gulgong Hospital it is arguably more difficult to recruit doctors to the region without the additional incentive of Visiting Medical Officer rights to this facility. While the development of the Health One facility is a step in the right direction, the proposed Multi-Purpose Service for Gulgong is a minimum requirement to restoring appropriate medical facilities in the Gulgong area.

This Multi-Purpose Service would also provide some small respite for the waiting lists for places in nursing homes in the Region. With an average population age that is currently significantly above the State and national averages, there is significant need for additional places to be provided.

Education is also a concern. At present, Mudgee has a government high school with over 1100 students. The school has reached capacity in terms of the student and staff numbers that it can manage on this site. Alternative strategies are required to cope with the additional student numbers expected in future years. There is only one non-government school in Mudgee and, at present, this school is still only offering curriculum until Year 10. There are already limited vacancies at child care facilities and long waiting list of 6 months or more to access pre-schools.

With the projected growth in the mining and mining related industries in the immediate future, the impact of skill shortages means that it is imperative that higher education opportunities are provided for the region. It makes sense for the growth in mining related activities to be mirrored by growth in the education sector that is needed to educate and skill the local community to undertake the work required.

Finally, the provision of cultural facilities is important as an inclusion in the aspects of life that attract individuals to an area to live. In the Mid-Western Region there is a significant need for cinema, performing arts and gallery options for both the local and visitor populations. These are significant infrastructure and operational projects and the

competing demands on the finances of local government make these difficult areas to develop.

The reasons for population decline or growth in different areas

Up until the recent boom in mining, the population increase in the region has been approximately 1% per annum. It seems clear that some levels of government are basing future projected growth on a continuation of this 1% growth pattern. An analysis of the population impact of increases in production from existing, new and proposed mines tells a very different story.

The estimates indicate that over 2,000 construction jobs will be created during the set up of the different mines and over 3,000 ongoing operational positions will also be created. 3,000 new jobs created in the next 3-5 years represent a 30% increase in the size of the current labour force. There are a range of estimates on the multiplier effects of this that will create additional indirect employment. Even at the lower end of these estimates, the additional population will be in the thousands.

Overall, population growth could be as high as 25%. An additional 5,700 people would increase the population of the region to above 28,000 people in the next 3-5 years. Estimates indicate that this could represent:

- 250-500 additional children requiring access to early childcare and pre-school services
- 700-1200 additional school age children requiring access to schools, sporting facilities and family services
- 500-900 additional youth requiring access to tertiary education opportunities, employment and career opportunities
- 1500-3000 additional adults requiring housing and access to retail and business services

Ultimately all of these additional people will need access to medical and health services, library and cultural services and entertainment opportunities to support a reasonable quality of life within a community that they can belong to and where they want to be involved.

From a Council perspective, it is imperative that there is access to the resources to allow this influx of people to be sustainably supported in the community. A 25% increase in population in 3-5 years will have a significant and long-standing impact on every area of Council service delivery.

Again, the experience in Mid-Western may be different to other areas that may be experiencing population decline or stagnant growth. However, it would be hoped that a holistic approach to the growth in the Mid-Western region and the provision of adequate infrastructure across a full range of areas could also have a positive impact further west and services and resources would be brought closer to these centres as well.

The adequacy of transport and road infrastructure

One example of the current state of infrastructure that needs significant consideration is the transport sector. While there is some focus on the Bells Expressway, there are a range of other aspects to these issues and the Mid-Western Region can be seen as an area

where immediate funds are needed to support the local infrastructure straining under the introduction of the new mining developments.

The majority of the roads in the region are not of an adequate standard to meet the demands of local mining traffic. Under current planning legislation Council's have the ability to enter into Voluntary Planning Agreements (VPAs) which give Council inadequate opportunity and funding to be able to cope with the substantial increased demand on its services. For example we have one road in the Mid-Western region between Mudgee and the Ulan Coal mines that in 1985 had traffic movements of 800 vehicles per day. That road now has in excess of 8,000 vehicle movements per day for part of it, reducing to 3,500 vehicle movements per day closer to the mines. The cost to Council to upgrade this road to a standard that is able to cope with this volume of traffic is \$32 million.

Another road which runs off Ulan Road and traverses to Bylong, where two of the new mines are proposed, is approximately 65kms long including 17kms of gravel road. We are expecting with the two new mines being proposed that traffic on this road could increase by up to 1,000 vehicle movements per day. The nature of the road being very windy and in parts gravel simply will not be safe for such a volume of traffic. We would conservatively estimate the upgrading of this 65kms of road to be in the vicinity of \$45 million. The upgrades on these two roads mentioned are not to expressway standards but just to a nine metre wide seal with safe traffic treatment measures at intersections that will ensure safety for road users.

As new developments are proposed and come on line, it is important that roads are reclassified as necessary to State roads so that appropriate and immediate levels of funding can be provided. This should be part of the process of approvals and determinations so that it is not always a situation where infrastructure needs to be resourced with a "catch-up" methodology.

The Mid-Western experience with air travel is also worth considering. When the airline operator decided to give up the Mudgee to Sydney route, it was left to Council to research, encourage and provide incentives to a new airline. The route is now continuing to experience growth and is secure for the future. However, during the period of time that there was no air service, it became clear that the impact of this was severe. As an example, medical specialists who had previously flown in to Mudgee for the day were now not able to do so, resulting in local residents needing to travel to Dubbo, Orange or Sydney for specialists' consultations. This particular issue has still not fully recovered, increasing pressure on the community and on specific services such as Community Transport.

Freight rail transport is also of significant concern. Some rail lines are currently not operational and it is many years since passenger trains have been in service. However, there have been some indications that the transportation of coal trains through towns such as Mudgee is being considered. This has never happen before and would have a dramatic impact on the quality of life in the town. There are significant housing developments close to the (non-operational) railway line and inadequate crossing options through Mudgee to cope with coal trains of a size of any significance. The health considerations of coal dust and the direct problems related to the inability of the community and emergency services to traverse the town while coal trains are running through are real issues for the community.

There is little public transport available in the Mid-Western Region. While the Country Link bus service does deliver passengers to the train station in Lithgow, there is no public transport access to other regional centres such as Dubbo, Bathurst or Orange. As such, it is vital that significant local community infrastructure, including sporting, cultural and entertainment opportunities are developed and supported in this region. It is clear that Mid-Western is a region of its own and it is appropriate that funding from Federal and State governments is available to support the region and the influx of population from the increase in mining activity.

Ways to encourage development of local enterprises and the potential of the region overall

On top of the roads opportunities there are a number of infrastructural growth needs in our region. For example we are at this time needing to increase the size of our library network at a cost of \$4 million, upgrading our three swimming pools to meet extra demand costing \$4.8 million and we have also just developed new regional sporting facilities at a cost of \$11 million. The VPAs received from the mining developments approved to date fall well short of these costs.

Of course there are other community infrastructures that are under enormous pressure from the development of coal mining in our region. These include, but are not limited to, preschools, child care facilities, schools, hospitals, doctors, medical services and police services.

Council would like to commence discussion with the State Government that looks at increasing royalties for coal mining output by some 50 cents per tonne. 25 cents of that would go to local government for its infrastructure (both capital development and maintenance) and the balance of 25 cents to stay with the State Government but used for infrastructural upgrading of state government services in those local government regions affected by mining.

There are other developments in the region that we are currently experiencing which include a new power station and two large wind farms, one consisting of 120 towers and the other 400 towers. Some form of structure needs to be put in place to ensure local government and communities are adequately compensated for the effect those developments and the people they employ have on our region. We should review how Councils are funded through a fairer and more balanced methodology, VPAs simply don't work and the local communities who are affected by the mines are the losers.

Adequate funding though the methods proposed would provide a range of encouragements to develop local enterprises and allow the potential of the region to be met. This applies to both the Mid-Western Region and the central western area of New South Wales as a whole. By embracing these opportunities we have the capacity to develop a sustainable quality of life that will encourage people to be a part of our region and enjoy the benefits of living in a strong and vibrant community.

It is clear that opportunities for training and education are paramount, both for the success of business and investment, but also for the retention of young people from the community. There are significant areas where investment in tertiary education makes sense. It would provide avenues for young people to explore training and learning in areas that are needed to support the developing industries in the area. Exploration of appropriate university education involved in schools and faculties related to mining related activities

and associated industries makes good economic sense as a driver to both deliver the secure, trained labour force that is needed and provide a fuller range of opportunities for those people in our community who want the chance to stay.

One avenue to unlocking this potential would be to establish the Mid-Western Region as a Regional Development Committee in its own right. The growth of the region is comparatively significant and it is clear that the challenges facing Mid-Western contrast with those facing other areas, such as the Orana region, where the Mid-Western Regional Council area is currently placed. The unique set of circumstances that Mid-Western is facing indicate that it would benefit from having a Committee that is focused on this region and on maximizing the community and business opportunities that are being developed.

The social and community challenges that we are facing are considerable. There are real issues now about the affordability of housing. Stock of available rental properties is chronically short of demand. The prices on these have risen significantly over the past 12 months as mining companies and workers have secured the stock available and this is having an impact on those sections of the community that are unable to sustain this cost of living without the wages that are associated with mining employment.

There are concerns that without adequate housing supply, fly-in, fly-out arrangements will be encouraged. This does little for the local economy if up to 80% of wages are then spent outside the region. The potential for social issues focused on young workers and alcohol related behaviour places additional strains on the understaffed local police contingent and has an impact on the quality of life for the local community. There is potential for conflict between mining workers and non-mining workers if there are perceptions of a lack of care for the community or a sense of injustice over income inequity.

For the future of the community, our heritage and our sense of place and belonging, it is vital that we encourage involvement in the community as much as possible. This means that we need to develop not just the infrastructure needed for work and home but the infrastructure that is needed for all aspects of life. There needs to be adequate schooling and education so that mining workers are encouraged to bring their families and settle here. There needs to be proper medical and health services so that people do not need to wait unacceptable times for care. Ancillary health needs to be considered, planned for and delivered so that there are an adequate number of dentists, speech pathologists, physiotherapists, occupational therapists, teachers. There needs to be cultural options available with movie theatres, performing arts spaces, galleries, activities and events to keep people entertained. Essentially, it is about ensuring that growth considers all of these quality of life aspects that also create and drive investment, business opportunities and a sense of pride in the place where we live.

The comparative level of government business activity within the region

There are significant opportunities for government to increase its level of activity within the region. The Mid-Western region is experiencing growth that is arguably the most noteworthy level in the State. At this point in time there is no government business activity or an entity of any significance located within the Mid-Western boundary.

Some examples of areas that may consider it appropriate to either locate or increase presence in the Mid-Western Region are, firstly, the Department of Planning and Infrastructure. This Department lists its priorities as Sustainable growth in the right locations; Improved investor and community confidence; Effective management of natural, environmental and cultural resources and values; Diverse, equitable and pleasant neighbourhoods which reflect community needs and aspirations; and Integrated delivery of regional infrastructure and government activities. All of these are issues for the Mid-Western region; all of these factors are issues for our community. Yet, despite having an

unprecedented level of growth, our regional office is in Dubbo, an area that has vastly different issues and priorities.

Dubbo is also the regional office for the entire Western Region, everything west of Wagga, the Blue Mountains, Muswellbrook and Narrabri and covers communities such as Mudgee, Lithgow, Bathurst, Orange, Dubbo and Broken Hill that have differing priorities and issues. There is a real opportunity to reconsider how the Department of Planning interacts with both the Mid-Western Region and the central western region as a whole.

The Department of Trade & Investment would also be a logical government entity that could increase its involvement with the Mid-Western Region. Again, given the significant increase in mining related activity, there are numerous business opportunities across a number of areas that could have a direct benefit to the community and the local economy. The Head Office for Trade & Investment is in Orange.

The Office of Environment and Heritage, Communities NSW, Office of Water and Transport NSW are examples of other government agencies where there could be considerable benefits to the Mid-Western Region through their increased direct involvement.

Methodologies for local government to collectively cooperate to achieve increased infrastructure funding and economic growth

Across central western New South Wales, there will be opportunities for local governments to work together to increase business and investment and drive economic growth. Infrastructure funding is a vital component to this, given its central place in the ability to enable businesses to develop. Perhaps, even more importantly, are the barriers that are evident when infrastructure is not adequate. Telecommunications is one area where there are disadvantages in regional and rural New South Wales and where increasing investment in this infrastructure is vital for local investment to be able to compete in the marketplace.

There is, however, difference between regional and rural Councils and metropolitan Councils that need to be considered and these differences can make cooperation more difficult and less likely to provide a measurable return on any resourcing investment. Importantly, there is the question of the vast distances that need to be taken into account within regional and rural Councils. At 9,000 square kilometres, Mid-Western regional Council is a considerable size but by no means the largest Council area in the State. Yet, our region still encompasses variances in population demographics, in the environment and even in climate. This tyranny of distance can make it more difficult to work with other areas and regions and less likely that there will be a full range of common interests that can be catered for in determining how to work together.

The significant growth in mining related industries in the Mid-Western Region may indicate that this Council area is facing different challenges to other areas within central western New South Wales. For Mid-Western, the questions relate to ensuring the integrity of the community in the face of this growth and ensuring that the infrastructure is available to make the most of the economic opportunities that are becoming evident.

Fundamentally, if these issues are dealt with correctly, there are opportunities for many other areas to piggyback on the success of the growth in the Mid-Western Region. There will firstly be many lessons to learn about how growth and quickly changing demographics should be managed and how questions related to transport, health, education and local infrastructure are answered. The need for skilled labour within the central west and the potential for the improvement of tertiary education choices provide employment and learning opportunities closer to home. Many of the developing industries will also need to be serviced from outside the region and there will be options for this to happen from other areas throughout the central west.

Any other factors restricting economic and social development in central western New South Wales

There are also environmental factors that need to be considered and one issue of significant concern is water security. It is vital that the use of water by mining related industries is examined closely to determine the potential impacts on the local community. Ensuring diversity within the local economy will be a tangible driver in ensuring the long term viability of the region, beyond the time when the mining boom has finished.

The Region's water resources are highly valuable and well utilized in productive agricultural activities, but mining requires vast quantities to wash coal. The importance to the agriculture sector of the security of water cannot be overestimated. The impact of mining on rivers, catchments and water tables is considerable and places increased risks on the security of long term water supply for this community.

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. *(see Section 367 LGA & Clause 14(1) LGMR)*
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council *(see Clause 14(2)(a) LGMR)*; or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) *(see Clause 14(2)(b) LGMR)*; or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 *(see Clause 14(2)(c) LGMR)*; or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; *(see Clause 14(2)(d) LGMR)*; or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.
- Such a motion can be moved without notice. *(see Clause 14(3) LGMR)*
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. *(see Clause 14(4) LGMR)*

ITEM 7: URGENT BUSINESS WITHOUT NOTICE