



ORDINARY MEETING



Wednesday 20 February 2013





PO BOX 156
MUDGEE NSW 2850

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

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13 February 2013

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday , 20 February 2013
Open Day at 5.30pm
Council Meeting commencing at conclusion of Open day

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

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

Yours faithfully

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

WARWICK L BENNETT
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 6 February 2013

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 6 February 2013, Minute Nos 1/13 to 47/13 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 6 February 2013, commencing at 6.16 pm and concluding at 7.20 pm

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier, Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb (Deputy Mayor), Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Acting Group Manager Mid-Western Operations (J Geddes), 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 (M Helden).

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Shelley declared a pecuniary conflict of interest in Item 6.2.24 in that he owns a post office agency and the Post Office are recommended as the preferred distributor.

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.24 in that he submitted a quotation for the production of the newsletter.

Councillor Martens declared a pecuniary conflict of interest in Item 6.2.2 in that the issue of the minimum lot size could affect her property and that her property could be affected by the exploration area for the Crudine Windfarm.

Councillor Thompson declared a pecuniary conflict of interest in Item 6.2.2 in that the issue of the minimum lot size could affect his property.

Councillors Martens later in the meeting declared a pecuniary interest in item 6.2.20 as a number of her friends were nominated to this committee.

Item 3: Confirmation of Minutes
1/13 **MOTION: Shelley/Weatherley**

That the Minutes of the Ordinary Meeting held on 19 December 2012 (Minute Nos. 598/12 to 629/12) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress
100 Saleyards Lane, Mudgee
2/13 **MOTION: Cavalier/Shelley**

That Minute No. 97/12 matter be noted as completed.

The motion was put and carried.

Housing Affordability
3/13 **MOTION: Cavalier/Shelley**

That Minute No. 307/12 matter be noted as completed.

The motion was put and carried.

Strategy to assist community when large industry closes in our region
4/13 **MOTION: Cavalier/Shelley**

That Minute No. 321/12 matter be noted as completed.

The motion was put and carried.

Affordable Housing
5/13 **MOTION: Cavalier/Shelley**

That Minute No. 503/12 matter be noted as completed.

The motion was put and carried.

Item 5: Mayoral Minute
5.1 AFFORDABLE HOUSING

A0100056, A0420252

6/13 **MOTION: Kennedy**

That:

1. Council provide immediate assistance of \$5,000 to support the work of Barnardos in providing crisis accommodation;
2. Council staff make the appropriate recommendation as part of the December Quarterly Budget Review the details of funding this assistance grant.

The motion was put and carried.

Item 6: General Business
3.2 6.1 NOTICES OF MOTION

There were no notices of motion.

3.3 6.2 REPORTS TO COUNCIL
6.2.1 DEVELOPMENT CONTROL PLAN 2013 – REPORT FOR ADOPTION

A0100056, A0420143

At the commencement of discussion of this matter, concern was raised by a number of Councillors that there would be a need for them to declare a conflict of interest in this matter. The General Manager suggested that the meeting be adjourned for a short period to allow staff to check on the relevant legalities.

7/13 **MOTION:** **Weatherley/Shelley**

That the meeting be adjourned to permit staff to determine whether Councillors need to declare an interest in this matter.

The motion was put and carried.

8/13 **MOTION:** **Weatherley/Shelley**

That the meeting be reconvened.

The motion was put and carried.

The General Manager then informed the Council that staff had checked the Local Government Act and discussed the matter with the Council's lawyer and confirmed that recent amendments to the Local Government Act provide that Councillors do not need to declare an interest in this matter but it was their decision.

9/13 **MOTION:** **Weatherley/Walker**

That:

1. **The report by the Manager Strategic Planning on the Development Control Plan 2013 – Report for Adoption be received;**
2. **That, in relation to the Mid-Western Council Regional Development Control Plan 2013, Council:**
 - (i) **approve the Plan pursuant to cl. 21(1)(b) of the Environmental Planning and Assessment Regulations 2000, subject to the corrections, clarifications and amendments identified in this Report;**
 - (ii) **give public notice pursuant to cl. 21(2) of the Environmental Planning and Assessment Regulations 2000, that the Plan will commence upon the date the notice is published; and**
 - (iii) **inform all those who made a submission in relation to the Draft Mid-Western Regional Council Development Control Plan of Council's appreciation for their input and advise them of the intention to conduct a review of the Plan after 12 months of operation.**

The motion was put and carried.

6.2.2 STRATEGIC PLANNING PROGRAM

A0100056

10/13 **MOTION:** **Shelley/Weatherley**

That:

1. **the report by the Group Manager Development and Community Services on the Strategic Planning Program be received;**
2. **that the program be adopted, including the deletion of the review of Minimum Rural Lot sizes and development above the 520 AHD.**

AMENDMENT: Thompson/Martens

That:

1. the Strategic Planning Program be advertised for public comment;
2. the review of the minimum rural lot size and the development above the 520 AHD not be deleted from the Strategic Planning Program.

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

6.2.3 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

A0100056

11/13 **MOTION:** Walker/Shelley**That the monthly development application report for the months ending 30 November and 31 December 2013 be received.***The motion was put and carried.*

6.2.4 HOME AND COMMUNITY CARE SERVICES – QUARTERLY REPORT

A0100056, A0060205, A0060202, A0060204, A0060048, A0060203, A0060069

12/13 **MOTION:** Weatherley/Shelley**That the report by the Manager, Community services on the Home and Community Care Services – Quarterly Report be received and noted.***The motion was put and carried.*

6.2.5 LOAN FUNDING 2012/13

A0100056, A0149936, A0140322

13/13 **MOTION:** Cavalier/Shelley**That:**

1. the report by the Group Manager, Finance & Administration on the Loan Funding 2012/13 be received;
2. the General Manager be given delegated authority to enter into a finance agreement with National Australia Bank for the sum of \$4,500,000 for a term of ten years, at the rate supplied, subject to no upward material change from 5.52%, and pay down the remaining \$1,400,000 portion of the current \$11,400,000 pools/sewer loan, incurring break costs estimated at \$95,000.
3. the Common Seal of Council be applied to the Deemed Charge over Council rates; and
4. the 2012/13 Operational Plan budget be amended to reflect the finance arrangements and Local Infrastructure Renewal Scheme subsidy payments as part of the December 2012 Quarterly Budget Review.

The motion was put and carried.

6.2.6 SPECIAL RATE VARIATION APPLICATION 2013/14

A0100056, A0000015

14/13 **MOTION:** Shelley/Cavalier**That:**

1. the report by the Group Manager, Finance & Administration on the Special Rate Variation Application 2013/14 be received;
2. Council notify IPART that it does not intend to apply for a special rate variation for tourism purposes for 2013/14;
3. Council incorporate alternative funding models and levels of service for tourism in its review of the Community Plan, allowing for the possibility of applying for a special rate variation for tourism purposes in later financial years.

The motion was put and carried.

6.2.7 PENSIONER CONCESSION & CREDIT POLICIES REVIEW

A0100056, A0340047

15/13 **MOTION:** Cavalier/Thompson**That:**

1. the report by the Manager Revenue & Property on the Pensioner Concession & Credit Policies Review be received;

2. Council adopt the revised Pensioner Concession Policy & the revised Credit Policy

The motion was put and carried.

6.2.8 NAMING OF UNNAMED ROAD IN VILLAGE OF OLINDA

A0100056, R0790141

16/13

MOTION: Shelley/Martens

That:

1. the report by the Revenue & Property Manager on the Naming of unnamed road in village of Olinda be received;
2. Council name the unnamed road reserve Tawinbang Road.

The motion was put and carried.

6.2.9 NAMING OF BRIDGES ON LUE ROAD

A0100056, R0001005, R001004, R0790041

17/13

MOTION: Walker/Cavalier

That:

1. the report by the Revenue & Property Manager on the Naming of bridges on Lue Road be received;
2. Council formally approve the naming of the following Bridges:
Bridge 1 - Railway Crossing Bridge
Bridge 2 - Havilah Bridge
Bridge 3 - Mount Knowles Bridge
Bridge 4 - Scottys Bridge
Bridge 5 - Gawthorne Bridge

The motion was put and carried.

6.2.10 NAMING OF NEW UNNAMED ROAD OFF CHURCH STREET

A0100056, R0790141

18/13

MOTION: Shelley/Weatherley

That:

1. the report by the Revenue & Property Manager on the Naming of new unnamed road off Church Street be received;
2. Council name the new road reserve Stan Boal Court.

The motion was put and carried.

6.2.11 NAMING OF NEW UNNAMED ROADS OFF ROBERTSON STREET

A0100056, R0790141

19/13

MOTION: Weatherley/Cavalier

That:

1. the report by the Revenue & Property Manager on the Naming of New Unnamed Roads off Robertson Street be received;
2. Council name the new road reserves in the Glen Myra Estate subdivision – Road number 1 Doug Gudgeon Drive and road number 2 Brian Heber Grove.

The motion was put and carried.

6.2.12 NAMING OF NEW ROADS IN BELLEVUE HILL ESTATE SUBDIVISION

A0100056, A0790141

20/13

MOTION: Thompson/Cavalier**That:**

1. the report by the Revenue & Property Manager on the Naming of new roads in Bellevue Hill Estate subdivision be received;
2. Council formally approve the naming of Eleanor Dark Court, Grant Bruce Court and Xavier Court for the new roads in Stages 15 16 & 17 of the Bellevue Hill Estate subdivision.

The motion was put and carried.

6.2.13 SUMMARY OF DEBTS WRITTEN OFF UNDER DELEGATION FOR THE PERIOD 1/7/2012 TO 18/1/2013

A0100056, A0140197, A0340005

21/13

MOTION: Shelley/White**That the report by the Manager Revenue & Property on the Summary of debts written off under delegation for the period 1/7/2012 to 18/1/2013 be received.***The motion was put and carried.*

6.2.14 FINANCIAL ASSISTANCE - APPLICATIONS

A0100056, A0140201

MOTION: Shelley/Walker**That:**

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

Rylstone & Districts Pony Club \$260.00
3. Council decline the financial assistance application from the Youth Link Australia (YLA) organisation.
4. Council decline the financial assistance application from Amy Penney.
5. Council decline the financial assistance application from Ashlee Hedrick.

22/13

AMENDMENT: Thompson/Webb**That:**

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

Rylstone & Districts Pony Club \$260.00
Ashlee Hendrick \$250
3. Council decline the financial assistance application from the Youth Link Australia (YLA) organisation.
4. Council decline the financial assistance application from Amy Penney.
5. The following contributions be made from the Councillor discretionary votes:

Ashlee Hendrick	Cr Thompson	\$250
	Cr Webb	\$250

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

6.2.15 ADDITION OF GENERAL CONTRACTORS

A0100056, A0412910

23/13 MOTION: Cavalier/Weatherley

That:

1. the report by the Group Manager, Mid-Western Operations on the Addition of General Contractors be received;
2. the Council accepts the following additional supplier/contractors in accordance with clause 178 of the Local Government (General) Regulation 2005;
 - Poonindie Pty Ltd trading as Ted Wilson & Sons
 - Midwest Traffic Management

The motion was put and carried.

6.2.16 PROGRESS REPORT MUDGEES TOWN HALL & LIBRARY CONSTRUCTION

A0100056, A0411110

24/13 MOTION: White/Cavalier

That:

1. the progress report by the Group Manager, Mid-Western Operations on the Progress Report Mudgee Town Hall & Library Construction be received.
2. Council amends the 2012/13 Operational Plan and Budget to defer the following projects in the Corporate and Community Buildings cost centre totalling \$250,000 and transfer the funds to complete the Mudgee Town Hall and Library Construction project
 - Gulgong Administration- counter upgrades \$10,000
 - Mudgee Depot upgrades \$23,000
 - Kandos Depot toilets \$4,000
 - Mudgee Cemetery toilets \$5,000
 - Victoria Park toilets, Mudgee \$10,000
 - Cooyal Street Units project completed- \$4,800 surplus
 - Rylstone Cemetery project completed- \$4,500 surplus
 - Gulgong Preschool project completed- \$10,000 surplus
 - Kandos Preschool project completed- \$12,700 surplus
 - Corporate buildings, capital budget only- \$106,000
 - Community buildings, capital budget only- \$60,000

and resolve that these projects be of first priority in the 2013/14 budget.

The motion was put and carried.

6.2.17 MUDGEES SHOWGROUND MANAGEMENT COMMITTEE

A0100056, A0100012

25/13 MOTION: Webb/Cavalier

That the report by the Group Manager Operations on the Mudgee Showground Management Committee be received and noted.

The motion was put and carried.

6.2.18 MUDGEES SALEYARDS MANAGEMENT COMMITTEE

A0100056, A0100047, F0720036

26/13 MOTION: Webb/Cavalier

That:

1. the report by the Group Manager, Mid-Western Operations on the Mudgee Saleyards Management Committee be received;
2. That the minutes for the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 December 2012 be noted.

The motion was put and carried.

6.2.19 JANUARY PROGRESS REPORT FOR AMENITIES UPGRADE AT SWIMMING POOLS

A0100056, A0411202

27/13 MOTION: Cavalier/Martens

That the report by the Group Manager, Mid-Western Operations on the January Progress Report for Amenities Upgrade at Swimming Pools be received.

The motion was put and carried.

6.2.20 KANDOS BICENTENNIAL MUSEUM COMMITTEE APPOINTMENTS

A0100056, A0060123

28/13 MOTION: Shelley/Kennedy

That consideration of this matter be deferred to Confidential Session.

The motion was put and carried.

6.2.21 WEEDS ADVISORY COMMITTEE NOMINATIONS OF COMMUNITY DELEGATES

A0100056, A0130079

MOTION: Weatherley/Walker

That:

1. the report by the Noxious Weeds Administrator on the Weeds Advisory Committee Nominations of Community Delegates be received; and
2. the nominations of The Honourable MD (Dusty) Ireland QC, James Mort and Jenene Kidston be accepted.

29/13 AMENDMENT: Webb/White

That:

1. the report by the Noxious Weeds Administrator on the Weeds Advisory Committee Nominations of Community Delegates be received;
2. the nominations of The Honourable MD (Dusty) Ireland QC, James Mort, Jenene Kidston and Mitchell Clapham be accepted; and
3. the Terms of Reference of the Committee be adjusted to provide for four community representatives.

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

6.2.22 WATER MODELLING OF CUDGEGONG RIVER

A0100056, F0780005, A0170053

30/13 MOTION: Cavalier/White

That:

1. the report by the General Manager on the Water modelling of Cudgegong River be received;
2. Council allocates \$20,000 plus GST from its corporate projects initiative fund to fund Gilbert and Sutherland to undertake a review of the NSW Office of Water's Water Modelling for the Cudgegong River.

The motion was put and carried.

6.2.23 VILLAGE FORUMS ATTENDANCES

A0100056, A0100046

31/13 MOTION: Shelley/Cavalier

That the report by the General Manager on the Village Forums attendances be received.

The motion was put and carried.

6.2.24 COMMUNITY NEWS

A0100056, A0320019

Councillor Cavalier declared a pecuniary conflict of interest in that he submitted a quotation for the production of the newsletter, left the meeting at 7.02 pm and did not participate in discussions or vote in relation to this matter.

Councillor Shelley declared a pecuniary conflict of interest in that he owns a post office agency and the Post Office is the recommended agency for the distribution of the Community News, left the meeting at 7.02 pm and did not participate in discussions or vote in relation to this matter.

32/13 MOTION: Weatherley/White

That:

1. the report by the General Manager on the Community News be received;
2. Council approves the new format for Community News being a glossy newsletter distributed by Australia Post to all households in the region.

The motion was put and carried.

Councillors Cavalier and Shelley returned to the meeting at 7.04 pm.

6.2.25 2012 LOCAL GOVERNMENT ELECTION INQUIRY

A0100056, A0121200

33/13 MOTION: Walker/Shelley

That:

1. the report by the General Manager on the 2012 Local Government Election Inquiry be received;
2. Council endorse the submission to the Parliamentary Committee on the 2012 Local Government Elections

The motion was put and carried.

6.2.26 REVIEW OF COUNCIL'S CODE OF CONDUCT

A0100056, A0110003

34/13 MOTION: Walker/Cavalier

That:

1. the report by the Manager Governance on the Review of Council's Code of Conduct be received;
2. Council adopt the revised Model Code of Conduct produced by the Division of Local Government as its new Code of Conduct;
3. Council adopt the Procedures for the Administration of the Model Code of Conduct produced by the Division of Local Government as its procedure for the Administration of its Code of Conduct; and
4. Council appoints a panel of Conduct Reviewers in association with Hunter ROC as its conduct reviewers.

The motion was put and carried.

6.2.27 STATE SIGNIFICANT DEVELOPMENT – BYLONG EAST RAIL DUPLICATION AND THE BOWDENS SILVER PROJECT, LUE

A0100056, A0420245, A0420109

35/13 MOTION: Shelley/Weatherley

That:

1. the report by the Group Manager Development and Community Services on the State Significant Development – Bylong East Rail Duplication and the Bowdens Silver Project, Lue be received;
2. the submissions to the Department of Planning and Infrastructure on the Bylong East Rail Duplication and the Bowdens Silver Project, Lue be endorsed.
3. The Group Manager Development and Community Services be authorised to make a further submission in relation to the Bowdens Silver Project.

The motion was put and carried.

6.2.28 NSW STATE GOVERNMENT ELECTORAL BOUNDARIES

A0100056, A01200001

36/13

MOTION: Shelley/Martens

That:

1. the report by the General Manager on the NSW State Government electoral boundaries be received; and
2. Council make a submission commenting that it considers that the electoral boundaries in this area should remain unchanged.

The motion was put and carried.

6.2.29 MONTHLY STATEMENT OF MID-WESTERN REGIONAL COUNCIL BANK BALANCES AND INVESTMENTS AS AT 31 DECEMBER 2012

A0100056, A0140304

37/13

MOTION: Shelley/White

That:

1. the investment report as at 31 December 2012 by the Manager Financial Planning be received;
2. the certification by the Responsible Accounting Officer be noted.

The motion was put and carried.

Item 7: Urgent Business Without Notice

3.4 7.1 Local Land Services Boundaries

A0100055, A0170042

38/13

MOTION: Thompson/Webb

That this matter be dealt with as urgent business without notice.

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

39/13

MOTION: Webb/Thompson

That Council authorise Councillor John Webb to represent this Council at the meeting conducted by the reference panel appointed by the NSW State Government at Wellington on Monday 11 February 2013 in regard to the Local Land Service proposals. The issues that Councillor Webb can speak for Council on are as follows:

- Ensure that all of the area of Mid-Western Regional Council remains in the one Local Land Services area;
- Council supports the adjustment of the Central Tablelands Local Land Services area as promoted by this Regions' NSW Farmers Association as shown in the map attached to the draft motion; and
- Ensure that staff employed by the Local Land Services, remain within the Mid-Western regional Council area.

The motion was put and carried.

Item 8: Confidential Session

40/13

MOTION: Webb/Thompson

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

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

Subject:

1. Categorisation for rating purposes of land used or held for any mining purpose
2. Legal costs to defend mining categorisation decision
3. Update on CCA Projects
4. MAC Group Update

5. Economic Development and Events Update Q4 2012
6. Memorial Walkway
7. Kandos Bicentennial Museum Committee Appointments

The reason for dealing with reports 1, 2, 3, and 4 confidentially is that they relate to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with section 10A(2)(g) of the Local Government Act, 1993.

The reason for dealing with report 5 confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting business, in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

The reason for dealing with reports 6 and 7 confidentially is that they relate to personal matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

Discussion of these matters in an open meeting would be, on balance, contrary to the public interest as it would disadvantage ongoing discussions with persons who Council is doing commercial business with.

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.

3.5 8.1.1 Categorisation For Rating Purposes Of Land Used Or Held For Any Mining Purpose - Progress Report January 2013

A0100056, A0340047, A0340007

41/13 **MOTION:** **Weatherley/Cavalier**

That the report by the Manager Revenue & Property on the Categorisation For Rating Purposes Of Land Used Or Held For Any Mining Purpose - Progress Report January 2013 be received and noted.

The motion was put and carried.

3.6 8.1.2 Legal costs to defend mining categorisation decision

A0100056, A0340047, A0340007

42/13 **MOTION:** **Shelley/Cavalier**

That:

1. the report by the General Manager on the Legal costs to defend mining categorisation decision be received;
2. Council approves the expenditure of up to an additional \$450,000 to defend appeals in the Land and Environment Court by Moolarben Coal, Ulan Coal and Wilpinjong Coal in relation to the recategorisation of land for rating purposes, and that the variation be included in the December Quarterly Budget Review;
3. pursuant to Section 55 (3)(i) of the Local Government Act 1993, Council resolves not to call for tenders for legal services required to defend the legal proceedings commenced against Council because months of background work has already occurred by the lawyers of Paul Crennan and Barrister Sandra Duggan, and that tendering out these legal services would increase Council's costs considerably as they undertake research into the background work done to date, and thus Council is of the opinion that these are extenuating circumstances as defined in the above stated section of the Local Government Act.

The motion was put and carried.

3.7 8.1.3 Update on CCA Projects

A0100056, A0000015

43/13 **MOTION:** **Shelley/Cavalier**

That the report by the Group Manager, Finance & Administration on the Update on CCA Projects be received.

The motion was put and carried.

3.8 8.1.4 Appeal by Mac Group Pty Ltd – Progress Report A0100056, A0420251, P1048568
44/13 MOTION: Shelley/Cavalier

That the report by the Manager statutory planning on the Appeal by Mac Group Pty Ltd – Progress Report be received.

The motion was put and carried.

3.9 8.1.5 Economic Development and Events Update to December 2012 A0100056, A0820020
45/13 MOTION: Weatherley/Martens

That the report by the Economic Development Officer on the Economic Development and Events Update to December 2012 be received.

The motion was put and carried.

3.10 8.1.6 Memorial Pathways A0100056, F0650130
46/13 MOTION: Webb/Walker

That:

1. the report by the General Manager on the Memorial Pathways be received;
2. Council does not proceed with the Memorial and Heritage pathways in the region to remember past community members as there are sufficient other processes available in ou

The motion was put and carried.

3.11 6.2.20 Kandos Bicentennial Museum Committee Appointments A0100056, A0060123

Councillor Martens declared a significant non-pecuniary conflict of interests in that, as well as being Chairperson of the Committee, she is friendly with the members of the current Committee, left the meeting at 7.14 pm and did not participate in discussions or vote in relation to this matter.

47/13 MOTION: Shelley/Thompson

That:

1. the report by the Manager Community Services on the Kandos Bicentennial Museum Committee Appointments be received;
2. that Peg Butler, Noel Costello, Ann Finnegan, Marie Ford, Christeen Hassall, Denise Jamieson, Colleen O'Sullivan, Leanne Wicks and Christine McMillan be appointed to the Kandos Bicentennial Museum Committee; and
3. that a certificate of recognition is issued to previous Committee members recognising their years service and valuable contribution to the Committee.
4. The terms of reference be adjusted to included 9 community members.

The motion was put and carried.

Councillor Martens returned to the meeting at 7.19 pm.

Item 9: Open Council

The Manager Governance announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.20 pm.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone/Kandos Sewerage Augmentation	S.85/10 Assets Mtg 1/12/10	That: 2. Council commence negotiations with the Department of Environment, Climate Change and Water to defer construction of a new Treatment Plant at Kandos until funds become available under the Country Town Water and Sewerage Scheme; 3. staff review options to stage the proposed works in this region to improve the affordability of the augmentation required to meet effluent discharge quality requirements.	The final draft plans are nearing completion and will be presented to Council next year. With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme and make the recommendation to Council in 2013
Riverside Memorial Walk	Res. 55/11 Ord. Mtg 16/3/2011	That: 3. Council includes in the development of the Lawson Park West Reserve in Short Street Mudgee a memorial and heritage pathway that has plaques installed in the walkway to remember past community people who have contributed positively to the growth and social infrastructure of this community. The concept of the memorial and heritage pathway be part of the public consultation process in the 2011/12 draft Management Plan; 4. Council consults with the Gulgong and Rylstone townships on suitable sites in those towns for similar memorial and heritage walkways to celebrate the contributions of people to those communities.	A report was presented to last meeting RECOMMEND COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Temporary Signage	Res. 50/11 Ord. Mtg 16/3/2011	That Council undertake a review the signage policy as part of the formulation of the comprehensive DCP.	A report was presented to last meeting RECOMMEND COMPLETION
Minimum rural lot size	Min No. 32/10 Ord Mtg 17/3/10	That Council gives an undertaking that the minimum rural lot size will be reviewed after completion of the comprehensive LEP and associate documents.	A report was presented to last meeting RECOMMEND COMPLETION
Land Use Strategy – Council land off Madeira Road	Min No.74/10 Ord Mtg 21/4/10	That Council does not include this land in the Land Use Strategy but include in the gateway process at a later date after further public consultation	A report was presented to last meeting RECOMMEND COMPLETION
Land Use Strategy – 520 AHD in Mudgee	Min No. 75/10 Ord Mtg 21/4/10	That the Draft Land Use Strategy be amended to permit an investigation of land above the 520 AHD with a report to be submitted to Council at a later time.	A report was presented to last meeting RECOMMEND COMPLETION
Mudgee Motor Cross Track	Res. COR52/10 Corp Serv Mtg 5/5/10	That ... 1. Council receive a report on all Crown or community land available with a reasonable radius of Mudgee township (7km) suitable for the permanent location of the Mudgee motor cross track; 2. in the event suitable land is identified, Council assist the Mudgee Motor Cross Club to obtain a long term lease or any other suitable commercial arrangement to allow the establishment of a motor cross track;	DA will be lodged on 18th February RECOMMEND COMPLETION

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Tourist Regional Signage	Res 545/11 Ord Mtg 21/12/2011	That: 3. Council request the RTA to erect more effective direction signage at major intersections to the region.	RMS has advised that they are reviewing the signage on both the Mid-Western Highway and the Golden Highway. I have written to them again seeking an update.
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	No determination as yet.
Return of Royalties	Res. 151/12 Ord. Mtg. 18/4/2012	That Council continue to fight for the return of royalties for the region.	Staff have now met with representatives of the NSW Industry and Investment. Awaiting agreement on priorities
Camping at Mudgee Showground	Res. 304/12	That: 2. Council applies for development consent to allow camping at the Mudgee Showgrounds for up to a maximum of twenty five sites.	Development Application has been lodged and now being processed. RECOMMEND COMPLETION
Refurbishment of canteen and storage areas at Kandos Waratah Park	Res. 322/12	That Council get costing on refurbishing the canteen and storage areas in the canteen building at Kandos Waratah Park and bring back a report to Council. Costing to include flooring, fixtures, new appliances, guttering, roofing etc.	Report will be prepared for Council in time for the 2013/14 budget

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
MRTI Contract Renewal	Res. 528/12	<p>That:</p> <p>3. the Mayor, General Manager and Economic Development Officer negotiate a draft contract with MRTI including key performance indicators within that draft contract, that includes marketing of all businesses in the region, not just those that are members of MRTI. These negotiations will occur with the new Board after it has been appointed, which is expected to be late November. The negotiated draft contract is to be placed before Council for approval;</p> <p>6. Council include in the negotiations that the two Council appointed representatives become voting members of MRTI.</p>	<p>A report is included in this business paper</p>

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Notices of Motion

Nil.

6.2 Reports

6.2.1 Development Application No. 0181/2013 – Proposed Temporary Workers Accommodation, 100 Durridgere Road, Turill

REPORT BY THE MANAGER STATUTORY PLANNING TO 20 FEBRUARY 2013 COUNCIL MEETING

DA0181_2013_Moolarben TWA_Durridgere Road
A0100056, P2111761

RECOMMENDATION

That:

1. the report by the Manager Statutory Planning on the Development Application No. 0181/2013 – Proposed Temporary Workers Accommodation, 100 Durridgere Road, Turill be received;
2. Development Application No. 0181/2013 for the Proposed Temporary Workers Accommodation, 100 Durridgere Road, Turill be approved for a period of two years (refer condition 50) in accordance with the following conditions of consent;

APPROVED PLANS

1. Development is to be carried out generally in accordance with the approved plans (Site and Locality Plan) drawn by Moolarben Coal dated 21/09/2012 and building plans by MBS modular building systems dated 15/06/2012 and statement of Environmental Effects prepared by Parsons Brinckerhoff dated October 2012 and Addendum by Moolarben Coal Operations dated January 2013 except as modified 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.

AMENDMENTS

2. Accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
3. All communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development

consent, the Building Code of Australia and any Australian Standards that are relevant.

4. The applicant is to demonstrate that the additional water supply required by the development can be satisfactorily provided through the licensed bore prior to the issue of the Construction Certificate. Full details including evidence of an appropriate license from the NSW Office of Water for a minimum of 8 mega litres is required.
5. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate.
6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines – Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system.
7. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.
8. Details of the engineered designed footings, wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan, a levy of 1% of the cost of carrying out the development shall be paid to Council in accordance with this condition for the purpose of:

The levy is: \$95,000.00 based on the estimated cost of development of \$9,500,000.00.
10. 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.
11. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.

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

12. 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.

13. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate. The site is to be provided with landscaped grounds for the use and enjoyment of the residents. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant.
14. The applicant is to carry out an Environmental assessment and remediation where necessary of the subject site prior to issue of the Construction certificate. The Environmental Assessment must stipulate that the land is suitable for the proposed accommodation village.

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

15. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
16. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) 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.
17. 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.
18. 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.
19. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;
 - a) Section F2.4 -Facilities for people with disabilities.

- b) Part D3 - Access for people with disabilities.
- c) Section E - in particular, E1 Fire fighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for fire fighting.
- d) E4 Emergency lighting and exit signs.
- e) Section J - Energy efficiency (offices)
- f) Section C - Fire resistance, in particular Type C Fire Resisting Construction of walls

20. 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.

BUILDING CONSTRUCTION

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

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

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

22. 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.
23. The strength of the concrete used for the development must be 25MPa (N25)
24. Construction work noise that is audible at other premises is to be restricted to the following times:
- | | | |
|------------------|---|------------------|
| Monday to Friday | - | 7.00am to 6.00pm |
| Saturday | - | 8.00am to 1.00pm |

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

25. All building work must comply with the requirements of the National Construction Code 2013, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. 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.

28. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
29. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
30. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian Standard 2809.6 – 2009 (Parking facilities – Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.
31. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate
32. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.
33. The rainwater tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.
34. Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.

ENGINEERING CONSTRUCTION

35. The developer is to upgrade Durrigere Road from the Ulan Road/ Durrigere Road intersection to the proposed access in accordance with Austroads and the following minimum specifications:
 - a) Carriageway width – 9m
 - b) sealed width 7m
 - c) seal type – 14/7 mm double-double
 - d) standard cross-section with 3% fall and max 7% superelevation
 - e) Pavement thickness – min 150mm (Pavement design to be submitted with construction certificate plans to confirm pavement thickness.A Construction certificate is to be lodged with Council for the proposed works and include consultation with the Roads and Maritime Services (RMS).
36. The intersection of Durrigere Road and Ulan Road should be upgraded to include a basic Left Turn (BAL) and a channelized Right Turn Treatment Short [CHR(s)] facilities in Ulan Road in accordance with Figures 8.2 & 7.6 Part 4A Austroads 2010 respectively.
A Construction certificate is to be lodged with Council for the proposed works and include consultation with the Roads and Maritime Services (RMS).

37. The access from Durridgere Road servicing the development should be constructed in accordance with Austroad Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' (copy attached) and any relevant RMS Supplements. The access should be sealed a minimum of 10 meters from the edge of the travel lane in Ulan Road, match existing road levels and not interfere with existing road drainage.
38. To provide suitable storage capacity for the largest class of vehicle accessing the proposed development, any gate, grid or similar structure installed in the access should be setback appropriately (20m for single articulated and 30m for B Double) from the edge of the road.
39. Upgraded intersection and accesses should be provided with laybys on the departure side for school bus stops in accordance with Figure 7.4 Part 4 Austroads 2010. Extensions to the departure side should be a minimum length of fifteen meters plus tapers to accommodate school buses;
40. Proposed access treatments should be in accordance with Austroads Guide to Road Design 2010 and RMS Supplements including safe intersection sight distance.

When the access is complete, Council must be contacted to inspect the access and assign a rural road number.

41. 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 storm water occur on adjoining land as a result of this development.
42. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".
43. A total of 325 car parking spaces are to be provided within the site of the development and comply with the following requirements:
 - 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 provided with a two coat bitumen seal 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.
44. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
45. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.

46. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

47. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
48. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
49. All building or site works or other written undertaking or obligation indicated in 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 premises.

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.

50. This approval is limited to two (2) years from the commencement of construction of the Stage 2 Moolarben Coal Project and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.
51. The development is to be operated in a manner such that the residents of the temporary workers accommodation facility (the construction workforce) must utilise the bus service to and from the mine site. This is to be a part of their contract to stay at the facility. Evidence is to be submitted prior to issue of the Occupation certificate that this is the case.
52. The development is to only occur in conjunction with the construction of Stage 2 of the Moolarben Coal Project and is only to be used to house these construction workers.
53. Within 6 months of the commissioning of the temporary workers' accommodation facility, Council will be provided with a lux diagram (light spillage) and noise assessment of the operating facility to demonstrate that the

facility complies with the relevant Australian standard (AS 4282) and Industrial Noise Policy.

54. The proposed development is not to rely on any other water supply other than water generated from onsite. This may include roof water capture, reuse of treated water and licensed bore water.

Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall or bore water.

55. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.

56. A Plan of Management, including the identification and amelioration of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development. The Plan of Management is to include the following matters;

- Security and management of residents onsite;
- Rules regarding alcohol consumption and the wet mess;
- Off limit areas of the site and surrounding locality;
- Provision of a physical barrier around the village;
- Isolation and maintenance of the identified cultural heritage items;
- Use of the bus service to and from the mine site/ camp;

57. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.

58. All loading and unloading in connection with the premises shall be carried out wholly within the site.

59. 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".

60. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.

61. Rural fencing is to be provided to the perimeter of the village site to act as a visual barrier for the occupants. Full details of proposed fencing and location are to be included on the landscaping plan.

62. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal, recycling and disposal of waste.

63. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.

64. **A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.**
65. **The proposed sewerage treatment plant and effluent disposal area are to be a minimum of 250 metres from a bore and 100 metres from a prescribed creek or water way.**
66. **If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified. (Note: A suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).**

Executive summary

Brief Description of Proposal:

The development application seeks approval for the construction and use of the land for the purpose of Temporary Workers Accommodation. The facility will be used to accommodate the construction workforce of the Moolarben Coal Operations (MCO) Stage 2 project.

The facility would incorporate 300 beds, recreational and communal facilities, car parking and landscaping. The majority of the structures are constructed off site and transported to the site.

The proposal seeks a five (5) year approval for the development after which the development would be decommissioned and returned to its former agricultural use.

Compliance with Planning Controls:

The site is zoned RU1 Primary Production pursuant to the Mid-Western Regional Local Environmental Plan 2012 (LEP 2012). The proposal is consistent with 6.11 of the LEP and also complies with the Temporary workers Accommodation Development Control Plan.

The proposal is considered to be consistent with the zone objectives as it does not affect the ability of the subject land to be used for agricultural activities and would have limited impact on the ability of adjoining land to be used for agricultural purposes. The proposed development would have a limited impact on the rural landscape and locality.

Consultation:

The application was advertised and notified in accordance with Council's Notification DCP and Temporary Workers Accommodation DCP.

A large number of submissions were received (in excess of 70) objecting to the development proposal.

The majority of submissions received citing issues against the development revolved around the following;

- Non compliance with LEP in terms of location
- Non compliance with DCP,
- Impact on rural location and character/ amenity issues for nearby residents
- Alternate locations should be considered
- Impact on medical/ health services,

- Traffic assessment not adequate
- Investment does not correlate with 5 year period
- Water supply and assessment not adequate
- Social impact assessment not adequate
- Land values will drop
- Bushfire threat and assessment inadequate
- Deterioration of road will result in people not going to Mudgee/ shop elsewhere/ impact on tourism
- Noise impact
- Visual impact
- Light spillage
- Councillors to be accountable for zoning and policies
- No timeline for road construction
- Will conditions be enforced/ how will the facility be monitored
- No decommission date
- Possible pollution of waterways and existing contours inadequate
- Inconsistent with zone objectives
- Power supply
- Inconsistent with Liverpool Ranges wind farm
- Conflict with UCML roster
- Noise impact of UCML operations
- Security of adjoining land/ unauthorised entry

The application was also referred to the NSW Rural Fire Service, the Roads and Maritime Services (RMS) and the NSW EPA.

Recommendation:

It is proposed that DA 0181/2013 for the construction of a 300 bed workers accommodation facility or temporary workers accommodation at 100 Durrigere Road Turill be approved for a period of two years in accordance with the Recommendation contained in this report.

Detailed report

1. PROPOSAL

Council has before it for determination an application for a temporary workers accommodation facility that would comprise three hundred beds (300) on a 832 hectare property that is 40 kilometres from the Township of Mudgee and 25 kilometres from the Township of Gulgong. The development provides for;

- 300 bedrooms and ensuites comprising 75 x 4 unit buildings;
- Recreation facility;
- Laundry
- Kitchen and dining facility
- Gymnasium;
- First aid building
- Administration and Retail;
- Wet Mess;
- 308 space car park and bus parking area;
- Gazebos;
- Ancillary earthworks and civil construction for access paths, car parking, storm water treatment, electricity and telecommunications, and water and sewer reticulation;

It is proposed that the development will cater for the Moolarben coal Operations Stage 2 Construction workforce for a period of five (5) years and that the development at the end of its useful life will be decommissioned and the site rehabilitated.

Access to the site is from Durrigere Road and the facility is setback approximately 500 metres from the road. The facility is designed so that the accommodation building arch around the central facilities with car parking provided to the west of the facility.

2. SITE DESCRIPTION

The location of the site is in a rural area approximately 40 km north east of Mudgee, 13 km from Ulan and approximately 1 km from the Ulan Road. The surrounding land uses include rural acreage/ lifestyle properties and working farms.

There are three coal mines currently operating in close proximity to Ulan; Ulan Coal Mine, Moolarben Coal Mine and Wilpinjong Coal Mine. Each of these mines is seeking to expand their operations with the need for accommodation necessary to house construction mine workers and operational mine workers.

3. REFERRALS

The application was referred to the NSW Rural Fire Service, the NSW Environmental Protection Agency (EPA) and the Roads and Maritime Services (RMS).

The application is integrated development due to the need to obtain a Bushfire Safety Authority under Section 100B of the Rural Fires Act 1995.

The response received from the Government Agencies is attached to the report as Attachment 4.

4. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the Environmental Planning & Assessment Act 1979 as are of relevance to the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

Section 79C(1)(a)(i) any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the SEPP deals with developments that have frontage to a main road. The application has provided a Traffic assessment that has been assessed by Council's Development Engineer and Roads and Maritime Services (RMS). It should also be noted that whilst the development site fronts a main road, access is not proposed off the main road. It is considered that the development would generate a higher traffic movements than described in the original traffic assessment subsequent addendums submitted to Council.

Notwithstanding the above, both the Council and the RMS are satisfied that the development would have an acceptable impact on the road network subject to the upgrading of the Ulan Road/ Durrigere Road intersection, the provision of additional car parking and bus parking areas onsite, the relocation of the access to the site, the incorporation of a requirement that all workers will use the provided buses to and from the mine site and the existing commitment to upgrade and seal Durrigere Road.

The proposed development is also categorised as a traffic generating development in accordance with Schedule 3 of the SEPP. The development has been referred to the Roads and Maritime Services (RMS) for concurrence under clause 104 of the SEPP.

The RMS has provided their concurrence subject to a number of conditions including upgrade of the Ulan Road/ Durrigere Road intersection, confirmation that the residents of the facility will be required to use the bus services to and from the mine, and relocation and upgrade of the access to the development site.

SEPP (Mining, Petroleum and Extractive Industries) 2007

The SEPP makes provision for the use of temporary buildings for a period not greater than 24 months (such as mine camps or temporary workers accommodation) as complying development providing it is on the site of an approved mine.

The proposed development is seeking a greater time period than 24 months and is not located on an approved mine site.

SEPP Rural Lands 2008

The proposed development relates to the use of agricultural zoned land as a temporary village. The impact on capability of the site and adjoining properties to be used for agricultural purposes is not considered to be significant due to the size of the property and the separation distances to boundaries. The proposed facility is approximately 300 metres from the northern boundary 1 km from the eastern boundary and 2 km from the eastern and southern boundaries.

SEPP 44 – Koala Habitat

The ecological assessment has indicated that the likelihood of occurrence is zero.

It is considered that the site does not contain suitable habitat for koalas and therefore no further consideration of this matter is required.

SEPP 55 – Remediation of Land

The development submission does not include an assessment of the potential for previous contaminating land uses. It is considered highly unlikely that the land would be contaminated, as the land has been used for grazing for a long period of time and the proposed use is not considered high risk as it is highly unlikely that the residents of the facility will interact with the soils. Despite this, the use of land for accommodation purpose is a more sensitive land use and it is considered appropriate that this be further investigated and advice obtained prior to the issue of the construction certificate.

This could be imposed as a condition of consent should the application be approved.

Mid-Western Regional LEP 2012

The land is zoned RU1 Primary Production in accordance with the Mid-Western Regional Local Environmental Plan 2012 (LEP). The proposed development is defined as temporary workers accommodation in accordance with Clause 6.11 of the LEP.

'Temporary workers' accommodation' is defined as;

Temporary workers' accommodation means any habitable buildings and associated amenities erected on a temporary basis for the purpose of providing a place of temporary accommodation for persons employed to carry out large-scale infrastructure, including development for the purposes

of an extractive industry, mining, renewable energy or an electricity transmission or distribution network.

Clause 2.3 - Zone Objectives and Land Use Table

The land is zoned RU1 Primary Production and the objectives of the zone are as follows;

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.*
- *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*

The proposed development is considered to be not inconsistent with the objectives of the zone as it is considered to have minimal impact on the ability of the subject and adjoining land to be used for agricultural purposes, would have minimal impact on the rural character and landscapes and would still enable the subject land to be used for agricultural purposes.

Clause 4.3 Height of Buildings

The height of buildings map does not apply to the land, however it should be noted that the proposed buildings are single storey.

Clause 4.6 Exceptions to development standards

No variations are sought to development standards

Clause 5.9 Preservation of trees or vegetation

It is not proposed to remove any trees as part of the development proposal. The flora and fauna assessment has made some recommendations relating to remnant trees within close proximity to the development site and it is proposed to require these.

Clause 5.10 Heritage Conservation

There are no listed heritage items or Heritage Conservation areas within proximity to the site. The development submission included an indigenous cultural heritage assessment which identified two sites within the survey area. They are not proposed to be disturbed and it is proposed to isolate these artefacts through fencing.

Clause 6.1 Salinity

The application did not include a specific salinity assessment although significant parts of the Mid-Western Local Government Area are affected by salinity. It is considered that this issue can be satisfactorily addressed through the inclusion of conditions of consent regarding concrete strength and by the nature of the development in that it is intended to be there for only five years.

Clause 6.2 Flood Planning

The land is not known to be constrained by any flooding risk.

Clause 6.3 Earthworks

The proposed earthworks are considered to be compatible with the nature of the development and would not pose any significant impacts on the property or adjoining properties.

Clause 6.4 Groundwater Vulnerability

Part of the property is affected by the groundwater vulnerability maps contained within the LEP. Council is obliged to consider the impact of the development on the groundwater system as the development proposes to dispose of effluent onsite and also utilise groundwater for water supply.

- Groundwater contamination – the DA submission identifies that the development has adequate area to dispose of effluent without impacting on the groundwater system;
- Consideration has been made of the Drip groundwater dependent ecosystem and this has identified that the bore onsite and the Drip groundwater system are spatially separated and occur at different depths. It is considered that the development would have limited impact on the Drip groundwater system;
- The cumulative impact from the use of the bore is considered to be minimal. The development is unlikely to impact on the groundwater system in other ways.

Clause 6.5 Terrestrial Biodiversity

The subject land is not identified as moderate or high biodiversity and therefore the clause is not applicable.

Clause 6.9 Essential Services

Adequate consideration has been made for essential services to the development including;

- Water supply – Stormwater capture will provide 38% of the supply with the remainder to be from a bore or an agreement with UCML;
- Electricity to be supplied by on site generators;
- Sewerage to be treated by onsite sewerage treatment plant;
- Stormwater to be captured;
- Road network and access to property to be upgraded and include upgrade of intersection with Ulan Road and sealing of Durridgere Road to property access.

Clause 6.11 Temporary workers' accommodation

The accommodation is required to facilitate the accommodation of the Stage 2 construction workforce for Moolarben Coal Operations. The accommodation facility is located within close proximity to Moolarben mining leases on Moolarben Coal operation land. It will occupy only a number of hectares while the property is in excess of 800 hectares and is considered to be sufficiently located away from property boundaries to have limited impact on surrounding properties. The facility will be approximately 300 metres from Durridgere Road, 1 km from Ulan Road and 2 kms from the southern and eastern boundaries.

The accommodation facility will require travel on a main road and for a short length on a local road but is considered to be located within close proximity of the mine and is therefore considered to have minimal impact. Electricity, water supply and effluent disposal will be largely generated onsite and therefore there will be minimal impact on the locality.

The development is proposed to be constructed to facilitate the construction of Stage 2 of the Moolarben Coal project. The development site is within 5 kms of the Stage 2 project and is therefore considered to comply with the location aspect of the clause.

The development submission has identified that there is a risk to the success of their Stage 2 project in terms of housing of the construction workforce. Moolarben Coal Operations have determined that the best way of reducing this risk is to build their own facility.

The proposal is sought for a period of five years and it is not considered that the development would prejudice further development of the land, however it is felt that the period of a approval should be limited to a two year period as that is the period which it is envisaged that the construction of stage 2 of the Moolarben Coal Project will take.

Adequate water and sewer reticulations subsystem have been proposed to service the development.

The development proposal includes a decommissioning and rehabilitation aspect which is considered to comply with the clause.

Section 79C(1)(a)(i) any draft environmental planning instrument that is or has been placed on public exhibition

Planning Proposal – Saleyards Lane

The Planning Proposal is not a relevant consideration for the proposed development.

Planning Proposal – 16 Sydney Road Mudgee

The Planning Proposal is not a relevant consideration for the proposed development.

Planning Proposal – Bellevue Road rezoning and minimum lot size reduction

The Planning Proposal is not a relevant consideration for the proposed development.

Planning Proposal – Caerleon, Mudgee

The Planning Proposal is not a relevant consideration for the proposed development.

Planning Proposal – Grimshaw Lane, Gulgong

The Planning Proposal is not a relevant consideration for the proposed development.

Planning Proposal – Black Springs Road, Mudgee

The Planning Proposal is not a relevant consideration for the proposed development.

Section 79C(1)(a)(iii) any development control plan

Temporary Workers Accommodation Development Control Plan

The Temporary Workers Accommodation DCP was adopted on 17 February 2012 and LEP Amendment No.1 to the Mid-Western Regional LEP 2012 was gazetted on the 10 August 2012. The LEP amendment inserted the definition of Temporary Workers Accommodation into the LEP as well as a provision relating to the location of the facilities to be within 5km of a mining lease. The LEP controls superseded some of the controls within the DCP and while the proposal may as a result be inconsistent with some of the controls; this has been addressed with the adoption of the Draft Mid-Western Regional DCP 2013 which reinstates consistency between the LEP and DCP.

It should also be noted that a DCP cannot contradict a LEP and where any inconsistency exists, the LEP will prevail.

The proposed development is considered to be consistent with the intent of the DCP as the location is considered satisfactory given its proximity to the mines.

The following is a Compliance Table to demonstrate the adequacy of the application against the standards provided in the DCP.

DCP Standard	Proposal	Compliance
Permissibility	Defined as temporary workers accommodation under LEP 2012 and is therefore permissible.	Yes
Location	The proposal is considered to be in close proximity to mine sites and therefore consistent with this clause. Proposal is not located in a scenic or visual attraction area. Not located on a tourist route and unable to be seen from	Yes

DCP Standard	Proposal	Compliance
	Ulan Road.	
	The proposal is not located on industrial zoned land.	
	Unlikely to impact on agriculture due to separation distances.	
Within or adjacent a town	N/A	N/A
Within or adjacent a village (500m)	N/A	N/A
At Major Project Site	N/A	N/A
Other locations	Provisions for water supply and sewage disposal. Use of water tankers not proposed. Within close proximity of mine site/s. Limited visual impact on locality. Plan of management provided. Access and parking adequately dealt with. Social and economic impact assessment provided.	N/A
Need	Yes, Moolarben Coal Operations has proposed a TWA to accommodate their stage 2 construction workforce.	Yes
Social Impact Statement	Relied on the Social impact assessment for stage 2 of the mine and provided additional detail surrounding onsite management.	Yes
National Construction Code	Not specifically, but can be conditioned if required.	Yes
Moveable Dwellings	Details to be provided with Construction certificate.	Yes
Accessibility	Addressed in application but to be conditioned if approved to comply with Access to Premises Code and AS1428.1 :2009.	Yes
Density (100/ha)	300 beds / 832 hectare property	Yes
Facilities	Ensuites to each room, laundry, covered areas, BBQ	Yes

DCP Standard	Proposal	Compliance
	areas, recreation facilities, covered footpaths, onsite sewerage management facility, landscaping and outdoor activity area.	
Traffic and Parking	Can be provided in accordance with DCP requirements	Yes
Services	Water, sewer, waste collection and first aid facilities.	Yes
Landscaping	Provided around site.	Yes
Plan of Management	Draft provided. Condition of consent.	Yes
Decommissioning Plan	Not provided. To be conditioned.	Yes
Developer Contributions	Section 94A Contributions Plan is applicable.	No

Notification Policy DCP

The development was notified to adjoining and adjacent owners during November 2012. A large number of submissions in excess of 70 were lodged in the form of objection. The content of these submissions are considered below.

Design for Accessibility DCP, Access to Premises Code and AS 1428.1: 2009

The proposed development does not adequately address accessibility and all buildings are proposed to be located on piers. There is limited provision for accessible rooms within the development.

The AS 1428.1 2009 and the Federal Access to Premises Code require a certain number of rooms to be provided with accessible features and all common facilities to be provided with accessible features. This has not been provided and would need to be addressed prior to any approval of the Construction Certificate for the development.

Car Parking DCP

Council's Car Parking DCP does not specifically address this type of development however, consistent with the motel provision in the DCP, the development should cater for 1 space per room and staff parking.

The development provides for approximately 300 spaces which is consistent with the suggested standard of 1 space per room. In addition to the requirement to cater for client parking, the DCP also requires that staff parking be accounted for. The DA submission notes that there will be approximately 25 staff at any one time and therefore an additional 25 spaces are required.

It is considered that the other facilities on site are ancillary to the main function of providing accommodation and therefore do not generate a car parking demand.

Should the application be approved, a condition would be imposed requiring the provision of 325 car spaces, however it should be noted that RMS have required 308 spaces.

Draft Mid-Western Regional DCP 2013

The application has been assessed under the DCP regime that existed prior to the adoption of the 2013 Mid-Western Regional DCP. By the time Council considers the application, the 2013 DCP will have been published in the paper and therefore effective.

Section 94A Development Contributions Plan

The Section 94A Contributions Plan is relevant to the proposed development and would be levied at 1% of the estimated cost of the development. This would equate to \$95,000.00 based on an estimated development cost of \$9,500,000.00.

Section 79C(1)(a)(iia) any planning agreement

None apply.

Section 79C(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purpose of this paragraph)

There are no matters applicable to this application.

Section 79C(1)(b) the likely impacts of the development

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 79C(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) *Guide to Section 79C*.

Context and Setting

The proposed development is situated in a rural area and the surrounding area is characterised by farm land and rural small acreage properties. The proposal would not be a significant element in the locality due to the topography as it is likely to be only seen from Durridgere Road.

The proposed development is considered to be compatible with the surrounding locality and would not pose any constraint on the ability to use the subject land and adjoining land for agricultural purposes.

Access, transport and traffic

The proposed development provides for an access off Durridgere Road to the development site. Car parking is provided in one location to the west of the facility to enable ease of access from the accommodation buildings to these spaces. It is understood that the intention of the facility is that the mine workers will leave their vehicles in these car parks and that the facility is to be predominately pedestrian focussed. It is also proposed to utilise a bus service to transport the mine workers to and from the facility to the mine.

Council's Development Engineer and the RMS have received the information submitted and the addendums to the original traffic assessment. Concern was raised about the location of the existing access to the property, the intersection treatment for the Ulan Road/ Durridgere Road, the traffic projections and the ability to regulate the bus service and require all construction workers to utilise this service.

Council and the RMS are now in the position to support the development subject to the following criteria:

- Durridgere Road to be upgraded and sealed from the intersection with Ulan Road to the access point to the property;
- Car park has been increased to over 300 spaces;
- A designated bus drop off/pick up has now been provided;
- Facilities provided at the TWA will only be open to residents of the TWA;
- The proposed access to the property has been moved 200 metres to the east;
- Ulan Road/ Durridgere Road intersection to be upgraded to a BAL and CHR(S);
- Confirmation from Moolarben Coal Operations that all residents will use the bus service to and from the mine.

Utilities

The development would be able to be serviced by electricity and telecommunications and is proposing to generate water supply from roof water and dispose of effluent onsite.

The addendum to the application notes that roof water harvesting can capture 38% of the supply requirements and that the additional requirement can be generated from the onsite bore. A condition of consent will be imposed requiring that the bore license be converted so that it can be used for water supply and that these details will need to be submitted to Council prior to occupation of the development.

Sewage disposal will be carried out onsite and treated by an aerated packaged sewage treatment plant capable of treating a peak daily flow of 39,000 litres/day, a 1.9 ML wet weather holding pond, 2 ha irrigation area sown with grass/pasture.

Heritage

The subject site is not listed as an item of environmental heritage under the Mid-Western Regional LEP 2012 or the State Heritage Register.

An indigenous cultural heritage assessment was carried out by the proponent and two artefacts were identified. The artefacts are located outside of the development area and will be isolated and fenced off.

The assessment concluded that the artefacts were of low significance and it is unlikely that any significant artefacts would be found.

Flora & fauna

The development site is located within a rural zone and has been utilised for grazing. The Ecological assessment indicates that the development has the potential to impact upon derived native grassland, white box/ yellow box and Blakely's Red Gum woodland stands.

The development proposal has been sited to avoid disturbance of the woodland stands but that there would be some impact on the grasslands, however due to the minor nature of the disturbance (less than 5 ha), it was considered that the impacts are unlikely to be significant and a Species Impact assessment was not required.

Noise & vibration

The main noise sources as detailed in the assessment report include plant and equipment, site traffic, car parking and people at communal recreation areas.

Due to the nature of the facility in that there is only one shift with all workers either at the construction site or predominately sleeping, the major impacts from a noise point of view is the operation of 24 hour plant and equipment such as the generators, refrigerators and air conditioners.

The noise assessment included assessment of background noise levels and predicted noise levels using computer modelling. It was determined that the development would not have any significant impact on adjoining residences because the levels met the required guidelines.

Traffic noise was also assessed and found to not exceed the criteria.

Natural Hazards

The proposed development is not known to be of significant risk from any natural hazards such as flooding or subsidence.

The land is bushfire prone in accordance with the Bushfire Prone Land Map and therefore the development was referred to the NSW Rural Fire Service (RFS). The NSW RFS have issued a Bushfire Safety Authority for the development.

Technological hazards

The proposed development is not known to be of significant risk from any technological hazards.

Social and Economic impact in the locality

The Economic impacts of the facility include the creation of 282 full time positions in each year of construction and the generation of employment in the manufacture of the facility. It is not considered that this would provide a significant benefit for the local government area as the housing of the construction workforce in close proximity to the mine site is likely to encourage the construction workforce to go home during off roster times. There will be some flow on effects as the construction workforce will at times travel to the nearby towns and villages for goods and services.

The social impacts of the development have been quantified as part of the Environmental Assessment of the Stage 2 project with impacts such as boom and bust cycles, strain on community services, housing pressures, increased pressure on roads, property values, visual amenity and loss of social cohesion. These are representative of the coal project and are not specific to the TWA.

Additional impacts that are more specific to the proposed development include fear of intruders, loss of rural community to coal mines, personal safety, increased traffic and a sense of over whelming. The proposed facility would house 300 persons who are predominately male for a period of five years with the proposal including a wet mess.

These concerns can only be addressed through the proper management of the facility and a zero tolerance of bad behaviour. Moolarben Coal Operations have contracted this job to ESS Support Services Worldwide and it will be ultimately up to ensuring that the approved management plan is drafted well and adhered to. It is in the best interests of Moolarben Coal Operations to ensure that this facility is operated with minimal disturbance to the surrounding community.

Safety, Security and Crime prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in Development Applications to ensure developments do not create or exacerbate crime risk. These principles are discussed below in relation to the proposed development and include: surveillance, access control, territorial reinforcement, and space management.

Included in the proposal is security lighting and the provision of staff on a 24 hour basis. The proposal includes a primary entrance and signage to encourage the entry to the site from this point.

Construction

Construction activities have the potential to generate adverse impacts through construction traffic noise, surface water, land degradation and dust.

A key impact of construction that was not adequately addressed is the transport of the buildings to the site. The type of vehicles, haulage route and number of vehicles would require further assessment.

It is proposed to require a Construction Management Plan that will address possible impacts of the construction.

Section 79C(1)(d) any submissions

The proposed development was publicly exhibited for a period of three weeks. The submission period resulted in approximately 87 submissions against the proposal. Staff comment on the submissions is found below:

Submission	Staff Comment	Resolution
Non compliance with LEP in terms of location	Proposal is consistent with Clause 6.11 of the LEP in respect to the development being located within 5km of the relevant mining lease and will be conditioned so that it must be in association with Stage 2 construction.	Yes
Non compliance with DCP,	The proposal is consistent with the LEP and generally consistent with the DCP. A decommissioning pan was not provided but it is considered that this can be conditioned.	Yes
Impact on rural location and character/ amenity issues for nearby residents	This has been discussed in the body of the report. It is not considered that the proposal will have any significant impact on adjoining properties and the Management Plan will be conditioned so that additional measures are put in place.	Yes
Alternate locations should be considered	Alternate locations were considered and this is the optimal location decided by Moolarben Coal operations. A Consent Authority can only assess the application that is before it.	Yes
Impact on medical/ health services,	This is representative of the pressures from mining and not the proposed TWA. The construction workforce for Stage 2, if approved, would need to be housed in the LGA regardless of whether it is at the TWA facility. These impacts are considered by the Department of Planning in their assessment of the mine project.	No
Traffic assessment not	This was agreed and has been subject	Yes

Submission	Staff Comment	Resolution
adequate	to some further advice where both Council and the RMS are now satisfied with the development subject to conditions.	
Investment does not correlate with 5 year period	The application is for a \$9.5 million development for a period of five years. Council can only consider the application before it and has actually conditioned that the approval period be limited to two years.	Yes
Water supply and assessment not adequate	This has been revised with the addendum submitted in January 2013. The assessment states that 38% of the water supply can be generated onsite with the balance to be from the bore.	Yes
Social impact assessment not adequate	The social impact assessment is considered adequate, however the concerns raised by the community will be addressed in the Site Management Plan.	Yes
Land values will drop	Not a matter for consideration under the Environmental Planning and Assessment Act 1979.	Yes
Bushfire threat and assessment inadequate	The NSW Rural Fire Service has issued a Bushfire Safety Authority for the development and this is considered adequate as they are the relevant authority.	Yes
Deterioration of road will result in people not going to Mudgee/ shop elsewhere/ impact on tourism	The development has sought to reduce the impact on the road system as much as possible by locating as close as possible to the mine site and by proposing to bus the workers to and from the mine site.	Yes
Noise impact	A noise assessment has been carried out and considered adequate. The NSW EPA have also considered the noise assessment and considered it to be adequate.	Yes
Visual impact	The development is situated in a unique spot where it will not be visible from the Ulan Road and most properties. It will be visible from Durrigere Road for a period of time but it is considered that the proposal has adequately tried to resolve this issue.	Yes
Light spillage	Light spillage will be contained to the extent possible and in accordance with the relevant standards	Yes
Councillors to be accountable for zoning and policies	The Councillors have prepared and endorsed standards relating to this type	Yes

Submission	Staff Comment	Resolution
	of development in order to have some control over where and how they occur in the LGA. This is considered to be a responsible action.	
No timeline for road construction	The road would need to be constructed prior to occupation of the facility.	Yes
Will conditions be enforced/ how will the facility be monitored	Council and the applicant have an obligation under the Environmental Planning and Assessment Act 1979 to comply with the conditions of consent and to enforce them.	Yes
Inconsistent with zone objectives	The proposal is not considered to be inconsistent with the zone objectives and is considered to have limited impact on the rural locality.	Yes
No decommission date	The decommission date will be conditioned to be five years after the occupation date.	Yes
Possible pollution of waterways and existing contours inadequate	The applicant has had regard to the overland flow paths of the site and the proposed treatment system will reduce the potential for pollution. It is also proposed to monitor the system.	Yes
Power supply	The existing mains power supply is inadequate and it is proposed to provide power from onsite generators.	Yes
Inconsistent with Liverpool Ranges wind farm power easement	This is at a conceptual stage and there is no legal agreement between the proponent of the project and Moolarben Coal Operations.	Yes
Conflict with UCML roster	There may be a clash but it also needs to be noted that traffic will be heading in different directions and the mode of transport will be buses.	Yes
Noise impact of UCML operations	These were considered in the noise assessment and it is felt that the proposed development would be unaffected by these operations.	Yes
Security of adjoining land/ unauthorised entry	The facility will be operated by a specialist contracting firm and additional security staff to ensure that the construction workers maintain compliance with the approved plan of management.	Yes

Council received submissions from the Roads and Maritime Services (RMS), the NSW Rural Fire Service (RFS) and the NSW Environmental Protection Agency (EPA). These submissions are attached to the report as Annexure 4.

Section 79C(1)(e) the public interest

The proposed development is considered to be in the public interest because it complies with Councils relevant controls relating to this form of development.

It is considered, however, that the development should be limited to a period of two years which is consistent with the period that it is proposed to take to construct the stage 2 Moolarben Coal Project. The reasoning for this is that the development is proposed as a means of housing the construction workforce and extending the period of approval beyond the period it will take to construct only creates concern and speculation that the facility will be used for other purposes.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

Declaration of Conflict of Interest

Catherine Van Laeren, Group Manager Development and Community Services has declared a Conflict of Interest in this matter and has not been involved in the assessment of this application.



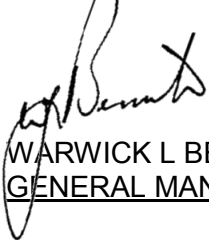
GARY BRUCE
MANAGER, STATUTORY PLANNING

8 February 2013

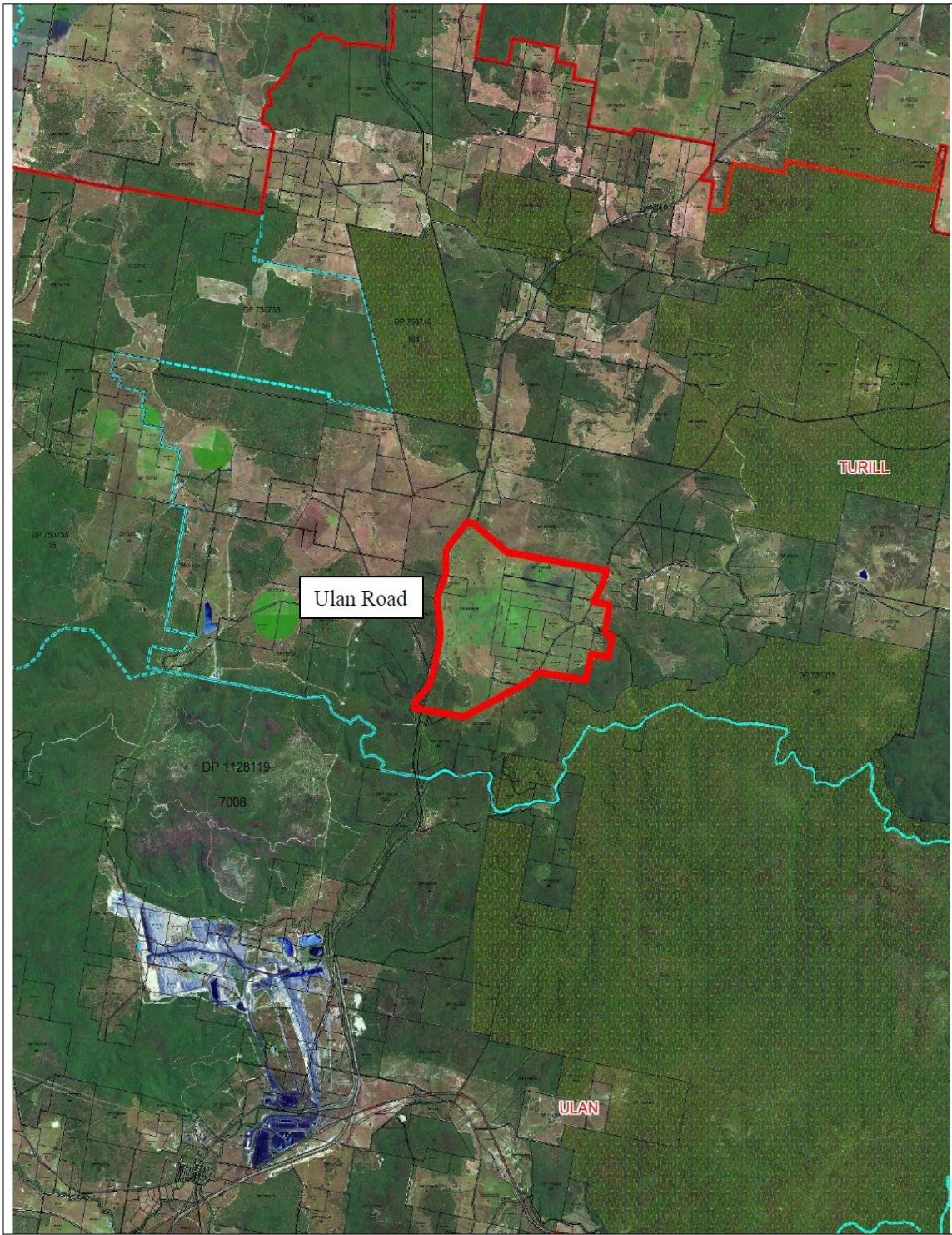
Attachments:

1. Locality Plan
2. Architectural Plans
3. Public Authority Submissions
4. Public Submissions (following at the end of the business paper)

APPROVED FOR SUBMISSION:












WARWICK L BENNETT
GENERAL MANAGER



Map Scale: 1:101,500

Disclaimer
 This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.
 This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.

Legend

- | | | | | | |
|---|------------|---|--------------|---|--------------|
|  | Parcel |  | Parish |  | Road |
|  | Crown Land |  | Localities |  | State Forest |
|  | Railway |  | LGA Boundary |  | Waterway |

NORTH

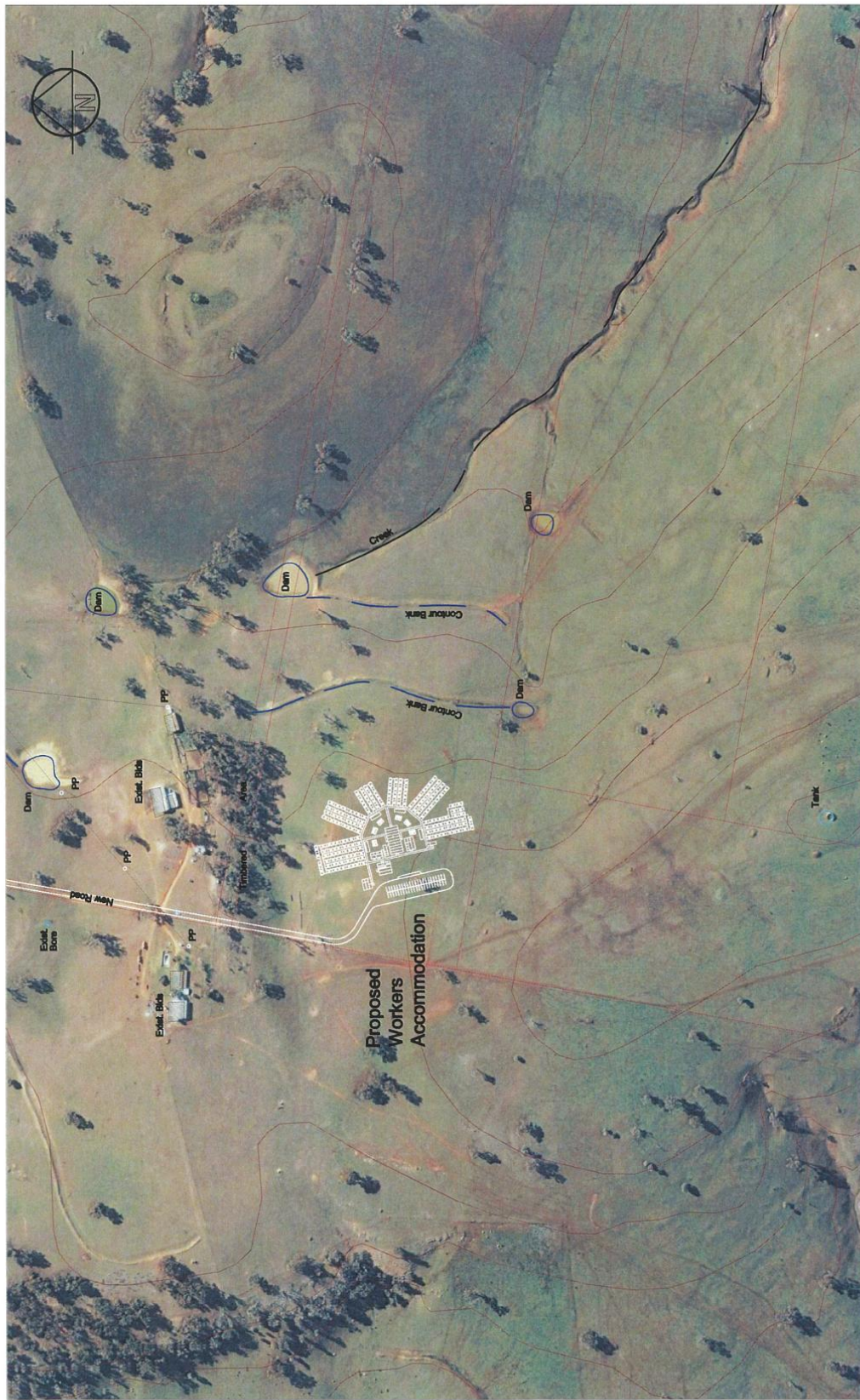


Printed on Monday, 11 February 2013



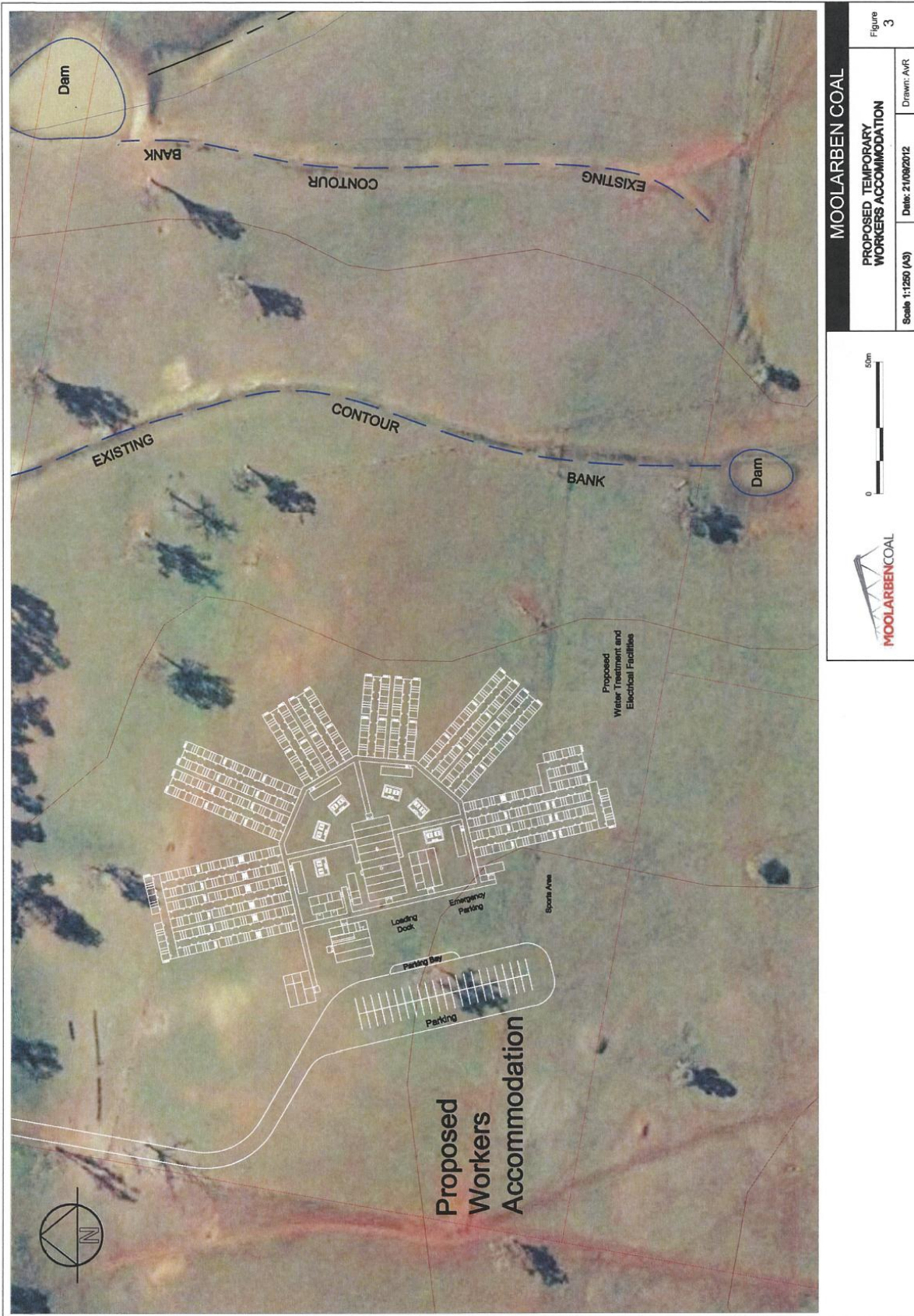
MOOLARBEN COAL	
PROPOSED TEMPORARY WORKERS ACCOMMODATION	
Scale 1:2000 (A3)	Date: 21/09/2012
Drawn: AvR	
Figure 1	

0 200m	



MOOLARBEN COAL	
PROPOSED TEMPORARY WORKERS ACCOMMODATION	
Scale 1:4000 (A3)	Date: 21/02/2012
Figure 2	
Drawn: AWT	

0 100m

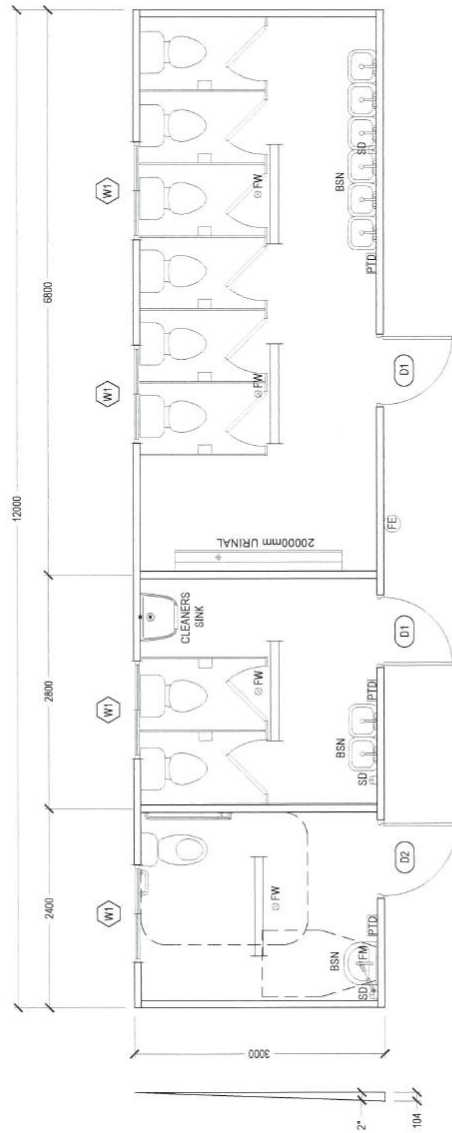


DOOR AND WINDOW SCHEDULE		
KEY	DESCRIPTION	HEIGHT QTY
D1	2040 x 820W METAL CLAD EXTERNAL DOOR CW ENTRY LOCK	FFL 2
D2	2040 x 920W METAL CLAD EXTERNAL DOOR CW ENTRY LOCK	FFL 1
W1	350 x 1180W PARTLY VENTED ALUMINIUM FRAME WINDOW CW OBSCURED GLASS	1000 AFL 4

FURNISHING SCHEDULE		
KEY	DESCRIPTION	HEIGHT QTY
FE	FE EXTINGUISHER	1200 AFL 1
PTD	PAPER TOWEL DISPENSER	1100 AFL 2
PTD	PAPER TOWEL DISPENSER FOR DISABLED	1000 AFL 1
BSN	VANITY BASIN COMES WITH MIRROR ABOVE	TBA 9
UR	URINAL THROUGH	TBA 1
FW	FLOOR WASTE	FFL 4

GENERAL SPECIFICATIONS:

- SUB FLOOR - 15mm GFC FLOORING, SCREWED & GLUED TO FLOOR JOISTS
- FLOOR COVERINGS - MET AREAS - 2.0mm SLIP RESISTANT VINYL SHEET WITH WELDED SEAM JOINT, & COVERED UP 100mm TO WALLS, IN GREY COLOUR
- OTHER AREAS - 2.0mm STANDARD VINYL SHEET WITH WELDED SEAM JOINT IN GREY COLOUR
- WALL LINING - 15mm GFC WITH PVC TRIMS IN GREY COLOUR
- CEILING LINING - PRE-FINISHED POLYMER WITH PVC TRIMS IN WHITE COLOUR
- INSULATION - EXTERNAL WALL CAVITIES - BCA COMPLIANT
- ROOFING - ROOF - BCA COMPLIANT
- WALLS - COLORBOND PANEL RIB EXTERNAL WALL CLADDING SHEET WITH TRIMS AND FLASHING ALL IN BUSHLAND COLOUR
- WINDOWS - "TRIMBLE" ROOF SHEETING SHALE GREY IN COLOUR WITH SHERRINE FASCIA BARGE CAPPING, GUTTES and DOWNPIPES ALL IN SHALE GREY IN COLOUR. ROOF WITH APPROXIMATELY 2 DEGREE SIDE PITCH
- ELECTRICAL - ALUMINIUM WINDOWS WITH SLIDING SASH AND FLYSCREEN BUSHLAND GREY IN COLOUR, TRIMMED WITH PVC ARCHITRAVES
- AIR CONDITIONING - ALL ELECTRICS ARE DESIGNED AND INSTALLED TO AUSTRALIAN STANDARD AS 3007
- EXTENSION PLATFORMS FOR EASE IN THE FUTURE RELOCATION OF THE BUILDINGS, AC ARE SUPPLIED WITH A MANUFACTURERS 12 MONTH WARRANTY



PRELIMINARY DRAWING

FLOOR PLAN

PROJECT: MODULAR BUILDING SYSTEMS M & F TOILETS		TITLE: FLOOR PLAN	
DATE: 15/06/2012	DRAWN BY: JS	DRAWING NUMBER: ---	BUILDING NUMBER: ---
CHECKED BY: ---	SCALE: 1:50	QUOTATION NUMBER: ---	REV. A
SIGNATURE: NAME: _____ DATE: _____		CLIENT APPROVAL	ISSUE A PRELIMINARY DRAWING AMENDMENT
MBS modular building systems NSW 2164 D: (02) 8718 2500 31 STURT STREET, SMITHFIELD TEL: 1800 217 131 FAX: (02) 878 2599 www.modularbuilding.com.au		SHEET A3 SHEET 4/3	DATE: 15.06.2012 BY: JS

GENERAL SPECIFICATIONS:

SUB FLOOR
- 15mm GFC FLOORING, SCREWED & GLUED TO FLOOR JOISTS

FLOOR COVERINGS
- KITCHENETTE ENTRY - 20mm SLIP RESISTANT VINYL SHEET WITH WELDED SEAM JOINT & COVERED UP 100mm T.O WALLS IN GREY COLOUR
- OTHER AREAS - COMMERCIAL GRADE CARPET

WALL LINING
- PRE-FINISHED POLYPLY WITH PVC TRIMS IN GREY COLOUR

CEILING LINING
- EXTERNAL WALL CAVITIES - BCA COMPLIANT

INSULATION
- ROOF - BCA COMPLIANT

WALL CLADDING
- COLORBOND PANEL RIB EXTERNAL WALL CLADDING SHEET WITH TRIMS AND FLASHING ALL IN BUSHLAND COLOUR

ROOFING
- TIMBEREK ROOF SHEETING SHALE GREY IN COLOUR WITH 'SHEERLINE' FASCIA BARGE CAPPING, GUTTERS and DOWNPIPES, SHALE GREY IN COLOUR, ROOF WITH APPROXIMATELY 2 DEGREE SIDE PITCH ROOF

WINDOWS
- ALUMINUM WINDOWS WITH SLIDING SASH AND FLY SCREEN
- BUSHLAND GREY IN COLOUR, TRIMMED WITH PVC ARCHITRAVES

ELECTRICAL
- ALL ELECTRICS ARE DESIGNED AND INSTALLED TO AUSTRALIAN STANDARD 'AS 3000'

AIR CONDITIONING
- SPLIT SYSTEMS ARE INSTALLED ON CHASSIS EXTENSION PLATFORMS FOR EASE IN THE FUTURE RELOCATION OF THE BUILDINGS. AC ARE SUPPLIED WITH A MANUFACTURERS' 12 MONTH WARRANTY

DOOR AND WINDOW SCHEDULE

KEY	DESCRIPTION	HEIGHT	QTY
D1	2040 x 8200MM DOUBLE LEAF METAL GLAZED EXTERNAL DOOR CW ENTRY LOCK and VIEWING PANEL	FFL	1
D2	2040 x 820W HOLLOW CORE TIMBER INTERNAL DOOR WITH and VIEWING PANEL	FFL	2
D3	2040 x 820W HOLLOW CORE TIMBER INTERNAL DOOR	FFL	1
W1	900 x 1180MM ALUMINUM FRAME SLIDING WINDOW CW TINTED GLASS AND FLY SCREEN	1000 AFL	11
W2	900 x 1180MM ALUMINUM FRAME FIXED GLASS WINDOW	1000 AFL	1

FURNISHING SCHEDULE

KEY	DESCRIPTION	HEIGHT	QTY
AC	'TECO' REVERSE CYCLE SPLIT TYPE AIR CONDITIONING UNIT	2000 AFL	6
BC	BENCH CUPBOARD	FFL	1
CDS	COMPUTER DESKTOP STATION	FFL	2
EU	ENTERTAINMENT UNIT CW 152cm WALL MOUNTED FLAT TELEVISION and DVD UNIT	FFL	1
F	410W FRIDGE	FFL	1
ITS	INTERNET TERMINAL STATION	FFL	7
MB	MINI BOILER	1100 AFL	1
PB	PIN BOARD	1000 AFL	1
PP	PAY PHONE STATION	1200 AFL	1
PS	PRINTER STATION	1000 AFL	1
SS	SOUND SYSTEM	N/A	1
WB	WATER BUBBLER	FFL	1
VM	VENDING MACHINE (BY OTHERS)	FFL	3

FLOOR PLAN

PROJECT: MODULAR BUILDING SYSTEMS RECREATION

CLIENT APPROVAL

SIGNATURE: _____
NAME: _____
DATE: _____

MBS modular building systems
NSW 2164
D: (02) 8718 2500
31 STURT STREET, SMITHFIELD
TEL: 1800 217 131
FAX: (02) 8718 2599
www.modularbuilding.com.au

DATE: 23/09/2011
DRAWN BY: ROBEL
CHECKED BY: _____
SCALE: 1/75
QUOTATION NUMBER: ---
REV. A

TITLE: FLOOR PLAN

DRAWING NUMBER: ---
BUILDING NUMBER: ---
SHEET A3

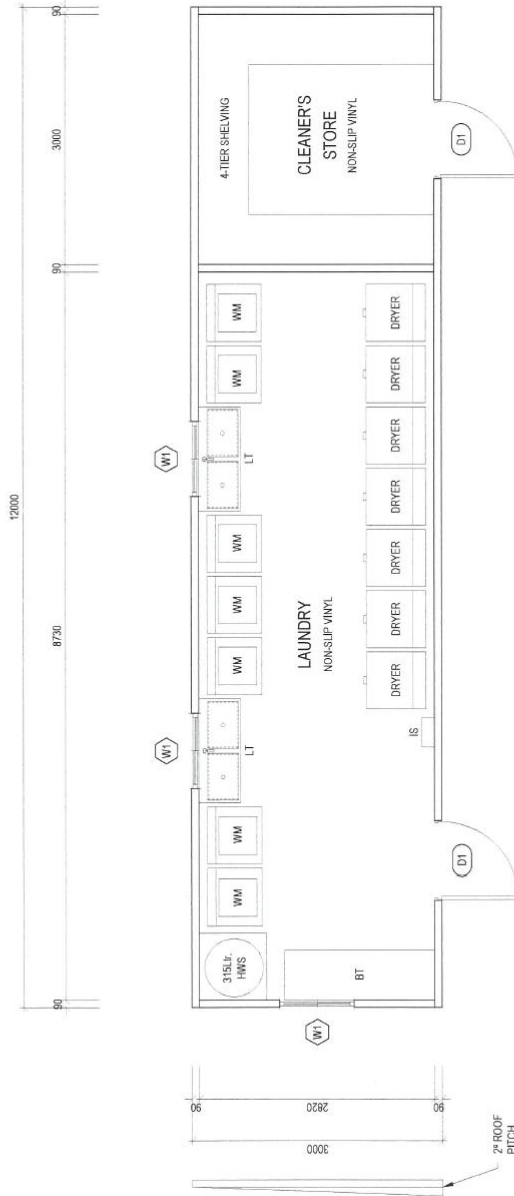
ISSUE: AMENDMENT
BY: JS
DATE: 15/02/2012

PRELIMINARY DRAWING

DOOR AND WINDOW SCHEDULE		
KEY	DESCRIPTION	HEIGHT QTY
D1	2040H x 920W EXTERNAL COLORBOND CLAD DOOR CW STANDARD ENTRANCE LOCK SET	FFL 3
W1	1200H x 900W ALUMINIUM FRAMED SLIDING WINDOW CW FLYSCREEN	900 AFFL 3
ITEM / EQUIPMENT LIST		
WM	WASHING MACHINE	FFL 7
DRYER	DRYER MACHINE	FFL 7
LT	DOUBLE 4SLR LAUNDRY TUB	FFL 2
IS	IRONING STATION	1000 AFFL 1
HWS	315Lr. HOT WATER SYSTEM	FFL 1
BT	1800W x 600D BENCHTOP WITH SHELF UNDERNEATH	FFL 1

GENERAL SPECIFICATIONS:

- SUB FLOOR
 - LAUNDRY - 24mm CFC FLOORING, SCRUBBED & GULED TO FLOOR JOISTS
 - STORE - 15mm CFC FLOORING, SCRUBBED & GULED TO FLOOR JOISTS
- FLOOR COVERINGS
 - 2.0mm NON-SLIP VINYL SHEET WITH WELDED SEAM JOINT & COVERED UP 100mm TO WALL IN GREY COLOUR
- WALL LINING
 - PRE-FINISHED POLYPLY WITH PVC TRIMS IN GREY COLOUR
- CEILING LINING
 - PRE-FINISHED POLYPLY WITH PVC TRIMS IN WHITE COLOUR
- INSULATION
 - R-2.7 FIBREGLASS BATTIS TO ALL EXTERNAL WALL CAVITIES
 - R-2.7 FIBREGLASS BATTIS TO ROOF
- WALL CLADDING
 - COLORBOND PANEL, RIB EXTERNAL WALL CLADDING 'PAPERBARK' IN COLOR ABOVE BOTTOM CLADDING SHEET AND 'IRONSTONE' IN COLOR BOTTOM CLADDING SHEET WITH COLORBOND TRIMS AND FLASHING IN PAPERBARK IN COLOR
 - 1.0mm ZINCALUME SHEETING IN COLOR
 - 1.0mm ZINCALUME SHEETING IN COLOR
 - 1.0mm ZINCALUME SHEETING IN COLOR
 - ROOF WITH APPROXIMATELY 2 DEGREE SLOPE TO EAVES - NO GUTTERS
- ROOFING
 - ALUMINIUM WINDOWS WITH SLUING GASH AND FLYSCREEN IRON STONE IN COLOR TRIMS WITH PVC TRIM FINISHES
- WINDOWS
 - ALL ELECTRICS ARE DESIGNED AND INSTALLED TO AUSTRALIAN STANDARD AS 3000
- ELECTRICS
 - SPLIT SYSTEMS AIR CONDITIONERS ARE INSTALLED ON CHASSIS EXTENSION PLATFORMS FOR EASE IN THE FUTURE RELOCATION OF THE BUILDINGS. AC ARE SUPPLIED WITH A MANUFACTURERS' 12 MONTH WARRANTY
- AIR CONDITIONING



PRELIMINARY DRAWING

NO.	DATE	BY	ISSUE
A	15.06.2012	JS	PRELIMINARY DRAWING
			AMENDMENT

DATE:	15.06.2012	TITLE:	FLOOR PLAN
DRAWN BY:	JS	DRAWING NUMBER:	---
CHECKED BY:	---	QUOTATION NUMBER:	---
SCALE:	1:50	REV. A	REV. A
		SHEET A3	SHEET A3

PROJECT:
**MODULAR BUILDING SYSTEMS
LAUNDRY**

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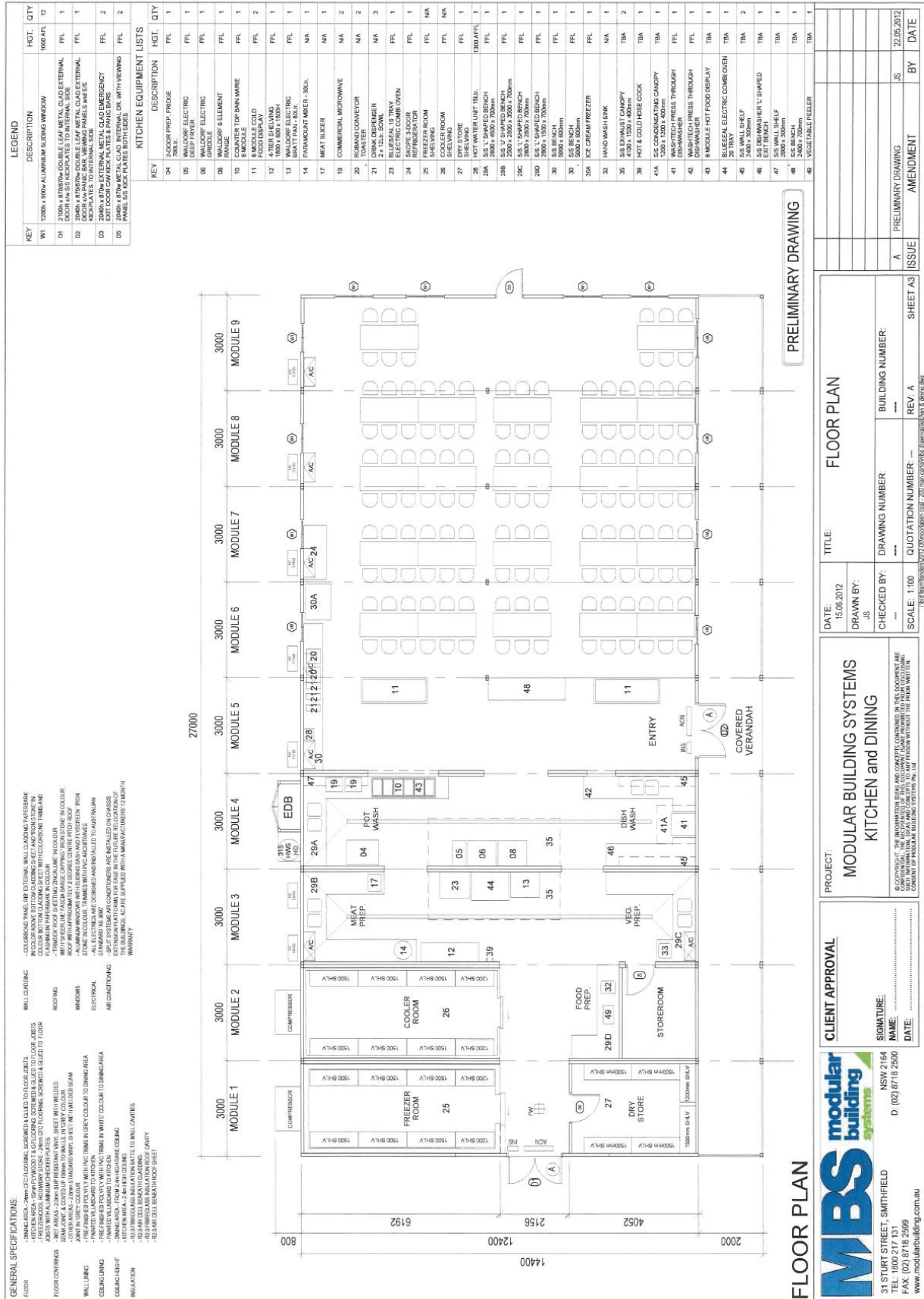
CLIENT APPROVAL

SIGNATURE: _____
NAME: _____
DATE: _____

MBS modular building systems

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31 STURT STREET, SMITHFIELD
TEL: 1800 217 131
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FLOOR PLAN



LEGEND

KEY	DESCRIPTION	HGT.	QTY
W1	1200x1800x ALUMINIUM SLIDING WINDOW	1800 PFL	12
D1	2000x1870mm DOUBLE GLASS METAL CLAD EXTERNAL DOOR WITH 650mm APPLICATES TO INTERNAL SIDE	PFL	1
D2	2000x1870mm DOUBLE GLASS METAL CLAD EXTERNAL DOOR WITH 650mm APPLICATES TO INTERNAL SIDE	PFL	1
D3	2000x1870mm DOUBLE GLASS METAL CLAD EXTERNAL DOOR WITH 650mm APPLICATES TO INTERNAL SIDE	PFL	2
D5	2000x1870mm DOUBLE GLASS METAL CLAD EXTERNAL DOOR WITH 650mm APPLICATES TO INTERNAL SIDE	PFL	2

KITCHEN EQUIPMENT LISTS

KEY	DESCRIPTION	HGT.	QTY
04	2000x1870mm PREP FRIDGE	PFL	1
05	WALLCOVE ELECTRIC	PFL	1
06	WALLCOVE ELECTRIC	PFL	1
08	WALLCOVE 6 ELEMENT	PFL	1
10	COUNTER TOP PAN WARE	PFL	1
11	6 MODULE FOOD DISPLAY	PFL	2
12	4 TIER SHELVING	PFL	1
13	4 TIER SHELVING	PFL	1
14	PARAMOUNT MKER - 300L	NA	1
17	MEAT SLICER	NA	1
19	COMMERCIAL MICROWAVE	NA	2
20	ROUND CONVEYOR	NA	2
21	TOASTER	NA	3
23	BLUESAL 10 TRAY ELECTRIC COMB OVEN REFRIGERATOR	PFL	1
24	REFRIGERATOR	PFL	1
25	PREP ROOM	PFL	NA
26	COOLER ROOM	PFL	NA
27	SPR STORE	PFL	1
28	POT WATER UNIT 150L	1800 PFL	1
29	555 L SHAPED BENCH	PFL	1
30	555 L SHAPED BENCH	PFL	1
31	555 L SHAPED BENCH	PFL	1
32	555 L SHAPED BENCH	PFL	1
33	555 L SHAPED BENCH	PFL	1
34	555 L SHAPED BENCH	PFL	1
35	555 L SHAPED BENCH	PFL	1
36	555 L SHAPED BENCH	PFL	1
37	555 L SHAPED BENCH	PFL	1
38	555 L SHAPED BENCH	PFL	1
39	555 L SHAPED BENCH	PFL	1
40	555 L SHAPED BENCH	PFL	1
41	555 L SHAPED BENCH	PFL	1
42	555 L SHAPED BENCH	PFL	1
43	555 L SHAPED BENCH	PFL	1
44	555 L SHAPED BENCH	PFL	1
45	555 L SHAPED BENCH	PFL	1
46	555 L SHAPED BENCH	PFL	1
47	555 L SHAPED BENCH	PFL	1
48	555 L SHAPED BENCH	PFL	1
49	555 L SHAPED BENCH	PFL	1
50	555 L SHAPED BENCH	PFL	1

PRELIMINARY DRAWING

DATE:	15/05/2012	TITLE:	FLOOR PLAN
DRAWN BY:	JS	DRAWING NUMBER:	---
CHECKED BY:	---	QUOTATION NUMBER:	---
SCALE:	1:100	REV. A	SHEET A3

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DATE: _____

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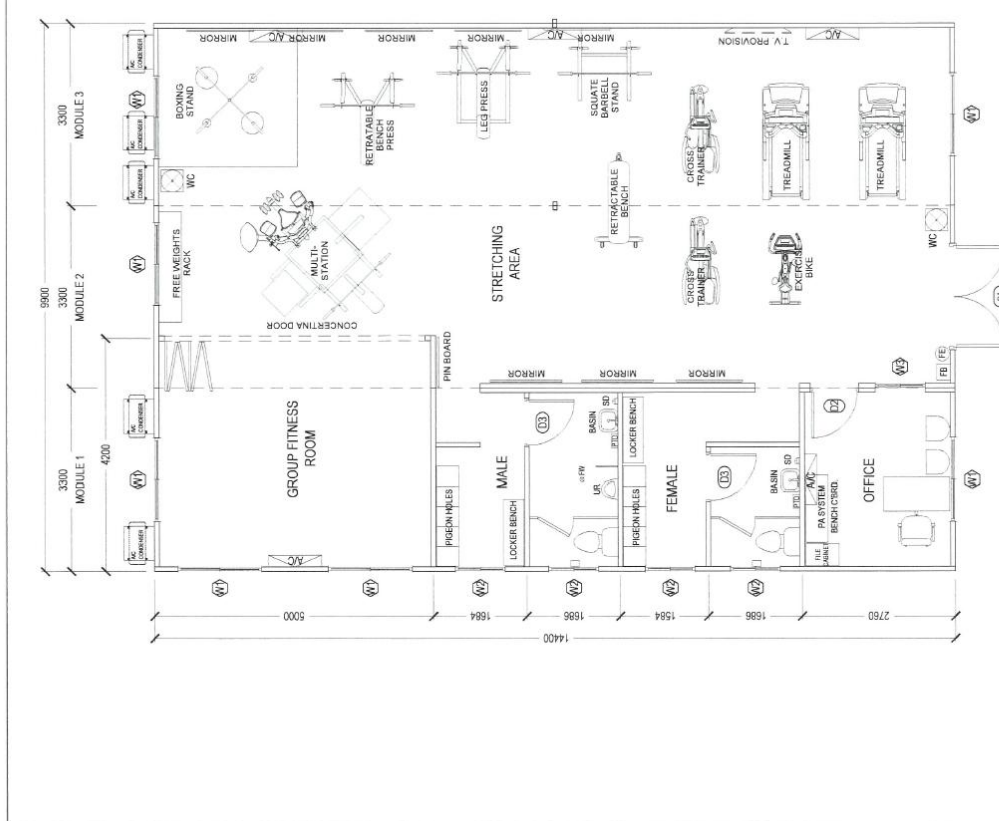
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DOOR AND WINDOW SCHEDULE			
KEY	DESCRIPTION	HEIGHT	QTY
D1	2040 x 820x200W DOUBLE LEAF METAL CLADD EXTERNAL DOOR CW ENTRY LOCK and DOOR CLOSER	FFL	1
D2	2040 x 820W HOLLOW CORE TIMBER INTERNAL DOOR CW STANDARD LOCK	FFL	1
D3	2040 x 820W HOLLOW CORE TIMBER INTERNAL DOOR CW PRIVACY LOCK	FFL	2
W1	1200 x 1500W ALUMINUM FRAME SLIDING WINDOW CW TINTED GLASS AND FLY SCREEN	900 AFL	6
W2	350 x 900W PARTLY VENTED ALUMINUM FRAME WINDOW CW OBTURCATED GLASS	1750 AFL	4
W3	1200 x 900W ALUMINUM FRAME FIXED GLASS WINDOW	900 AFL	1

FURNISHING SCHEDULE			
KEY	DESCRIPTION	HEIGHT	QTY
WC	WATER CHILLER	FFL	2
PTD	PAPER TOWEL DISPENSER	1100 AFL	2
SD	SOAP DISPENSER	1100 AFL	2
UR	WALL MOUNTED URINAL	800 AFL	1
BASIN	WASH BASIN CW MIRROR ABOVE	750 AFL	2
AC	*TECO* REVERSE CYCLE SPLIT TYPE AIR CONDITIONING UNIT	2000 AFL	5

GENERAL SPECIFICATIONS:

- 15mm GFC FLOORING, SCREWED & GULLED TO FLOOR JOISTS
- SUB FLOOR
- FLOOR COVERINGS
 - JET AREAS - 2.0mm SUP RESISTANT VINYL SHEET WITH WELDED SEAM JOINT & COVERED UP 100mm TO WALLS IN GREY COLOUR
 - OTHER AREAS - 2.0mm STANDARD VINYL SHEET WITH WELDED SEAM JOINT IN GREY COLOUR
- WALL LINING
 - PRE-FINISHED POLYPLY WITH PVC TRIMS IN GREY COLOUR
 - CEILING LINING
 - INSULATION
- WALL CLADDING
 - COLORBOND PANEL RIF EXTERNAL WALL CLADDING SHEET WITH TRIMS AND FLASHING ALL IN 'BUSHLAND' COLOUR
- ROOFING
 - 'TRIMDEK' ROOF SHEETING 'SHALE GREY' IN COLOUR WITH 'SHEERLINE' PASCAL BARGE CAPPING, GUTTERS AND DOWNPIPES ALL IN 'SHALE GREY' IN COLOUR ROOF WITH APPROXIMATELY 7 DEGREE SLOPE TO ROOF
- WINDOWS
 - ALL WINDOWS TO BE SUPPLIED BY MARRIOTT BUILDERS BUSHLAND GREY IN COLOUR, FRAMED WITH PVC ARCHITRAVES
- ELECTRICAL
 - ALL ELECTRICS ARE DESIGNED AND INSTALLED TO AUSTRALIAN STANDARD AS 3000*
- AIR CONDITIONING
 - SPLIT SYSTEMS AIR CONDITIONERS ARE INSTALLED ON CHASSIS EXTENSION PLATFORMS FOR EASE IN THE FUTURE RELOCATION OF THE BUILDINGS. AC ARE SUPPLIED WITH A MANUFACTURERS' 12 MONTH WARRANTY



PRELIMINARY DRAWING

FLOOR PLAN

DATE	TITLE	DRAWING NUMBER	BUILDING NUMBER
15/02/2012	FLOOR PLAN	---	---

DRAWN BY	CHECKED BY	SCALE	QUOTATION NUMBER	REV	ISSUE	BY	DATE
JS	---	1:75	---	A	PRELIMINARY DRAWING	---	15/02/2012

PROJECT: MODULAR BUILDING SYSTEMS GYMNASIUM

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DOOR AND WINDOW SCHEDULE

KEY	DESCRIPTION	HEIGHT	QTY
D1	2040 x 820/820W DOUBLE LEAF METAL CLAD EXTERNAL DOOR CW ENTRY LOCK	PFL	1
D2	2040 x 920W HOLLOW CORE TIMBER INTERNAL DOOR CW PRIVACY LOCK	PFL	1
W1	900 x 1180W ALUMINIUM FRAME SLIDING WINDOW CW TINTED GLASS AND FLY SCREEN	1000 AFL	3
W2	350 x 1180W PARTLY VENTED ALUMINIUM FRAME WINDOW CW OBSCURED GLASS	1900 AFL	1

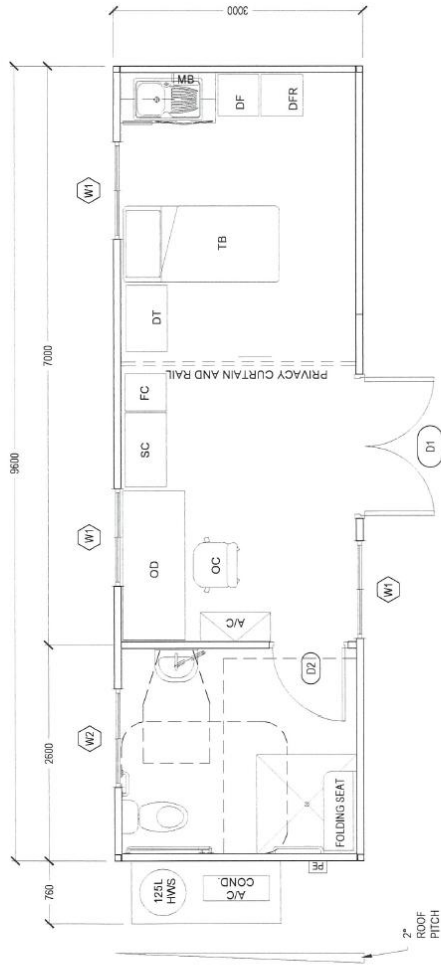
FURNISHING SCHEDULE

KEY	DESCRIPTION	HEIGHT	QTY
TB	TREATMENT BENCH	PFL	1
DT	DRESSING TROLLEY	PFL	1
DF	DRUG FRIDGE	PFL	1
DFR	DRUG FREEZER	PFL	1
FC	FILING CABINET	PFL	1
SC	STEEL CABINET	PFL	1
DD	OFFICE DESK	PFL	1
DC	OFFICE CHAIR	PFL	1
MB	MINI BOILER	1100 AFL	1
AC	'TECO' REVERSE CYCLE SPLIT TYPE AIR CONDITIONING UNIT	2000 AFL	1

GENERAL SPECIFICATIONS:

- SUB FLOOR - 15mm GFC FLOORING, SCREWED & GULLED TO FLOOR JOISTS
- FLOOR COVERINGS - WET AREAS - 2.0mm SLIP RESISTANT VINYL SHEET WITH WELDED SEAM JOINT, & COVERED UP 100mm TO WALLS IN GREY COLOUR
- OTHER AREAS - 2.0mm STANDARD VINYL SHEET WITH WELDED SEAM JOINT IN GREY COLOUR
- WALL LINING - PREFINISHED POLYPLY WITH PVC TRIMS IN GREY COLOUR
- CEILING LINING - PREFINISHED POLYPLY WITH PVC TRIMS IN WHITE COLOUR
- INSULATION - ROOF - R-0.4 COMPLIANT
- WALL CLADDING - COLORBOND PANEL BR1 EXTERNAL WALL CLADDING SHEET WITH TRIMS AND FLASHING ALL IN BUSHLAND COLOUR
- ROOFING - 'TRIMEK' ROOF SHEETING SHALE GREY IN COLOUR WITH 'SHEARLINE' FASCIA BARGE CAPPING, GUTTERS AND DOWNPIPES ALL IN 'SHALE GREY' IN COLOUR ROOF WITH APPROXIMATELY 2 DEGREE SIDE PITCH ROOF
- WINDOWS - ALUMINIUM WINDOWS WITH SLIDING SASH AND FLYSCREEN
- ELECTRICAL - BUSHLAND GREY IN COLOUR, TRIMMED WITH PVC ARCHITRAVES
- AIR CONDITIONING - ALL ELECTRICS ARE DESIGNED AND INSTALLED TO AUSTRALIAN STANDARD AS 3000
- WARRANTY - SPLIT SYSTEMS AIR CONDITIONERS ARE INSTALLED ON CHASSIS EXTENSION PLATFORMS FOR EASE IN THE FUTURE RELOCATION OF THE BUILDINGS. AC ARE SUPPLIED WITH A MANUFACTURERS' 12 MONTH WARRANTY

PRELIMINARY DRAWING



DATE	TITLE	DRAWN BY	CHECKED BY	SCALE	QUOTATION NUMBER	REV. A	SHEET A3
15.06.2012	FLOOR PLAN	JS	JS	1:76	---	---	---

ISSUE	AMENDMENT	BY	DATE
A	PRELIMINARY DRAWING	JS	15.06.2012

PROJECT: MODULAR BUILDING SYSTEMS FIRST AID BUILDING

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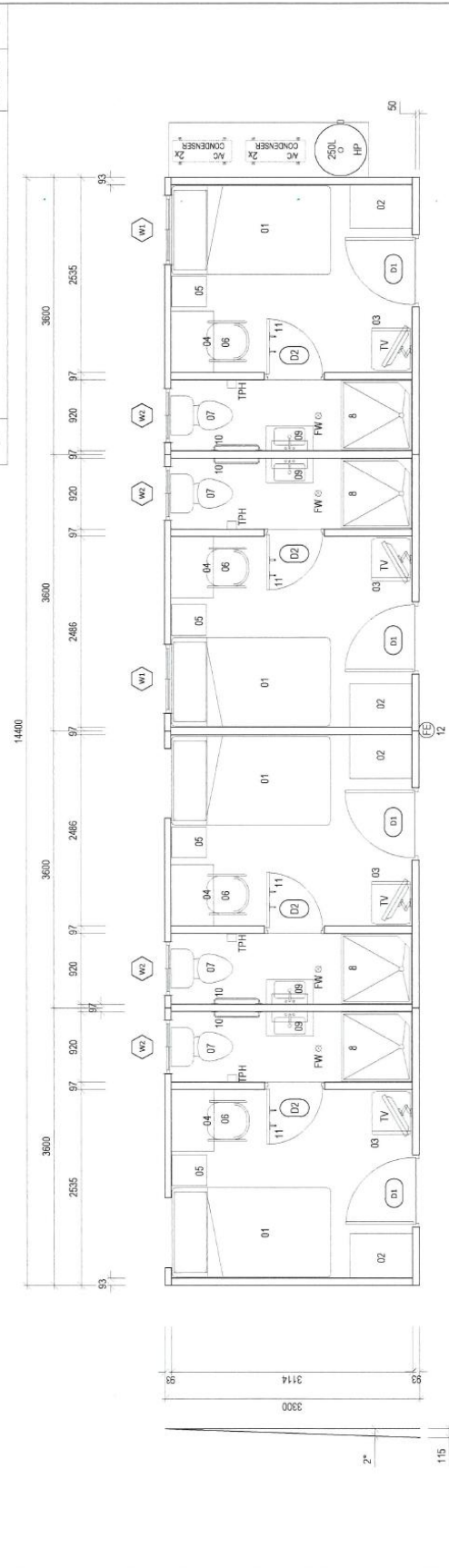
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D: (02) 87 03 2500

FLOOR PLAN

ITEM LISTS				ITEM LISTS			
KEY	DESCRIPTION	HEIGHT	QTY.	KEY	DESCRIPTION	HEIGHT	QTY.
D1	2040 x 870w METAL CLAD EXTERNAL DOOR - INWARD DOOR SWING	FFL	4	01	KING SINGLE BED CW STEEL FRAME	FFL	4
D2	2040 x 720w HOLLOW CORE INTERNAL TIMBER DOOR	FFL	4	02	1800 x 800 x 570d 2 - DOOR WARDROBE	FFL	4
W1	1200 x 900w ALUMINIUM FRAMED SLIDING WINDOW CW 5mm TINTED GLASS & FLYSCREEN	900 AFL	4	03	BAR FRIDGE	FFL	4
W2	360 x 700w ALUMINIUM FRAMED SLIDING WINDOW CW OBSCURE GLASS & FLYSCREEN	1750 AFL	4	04	750 x 800 x 450d DECK	FFL	4
HP	250L HEAT PUMP	FFL	1	05	450 x 400 x 450d 3 - DRAWERS BEDSIDE TABLE	FFL	4
AC	TECO LT1107V1 2.2kW SPLIT TYPE AIR CONDITIONING UNIT	2000 AFL	4	06	PVC STACK CHAIR	FFL	4
TV	22" FLAT SCREEN COLOURED TV CW DVD PLAYER - COXIAL TO EXTERNAL POINT ONLY	1500 AFL	4	07	TOILET SUITE CW DUAL FLUSH CISTERN AND TOILET PAPER HOLDER	FFL	4
				08	900 x 800w SHOWER CUBICLE CW SHOWER CURTAIN	FFL	4
				09	BATHROOM VANITY CW CUPBOARD UNDER, FLICKMIXER AND MIRROR SHAVING CABINET OVER	FFL	4
				10	800L TOWEL RAIL	1200 AFL	4
				11	COATHOOK FITTED ON DOOR	1800 AFL	4
				12	FIRE EXTINGUISHER	1200 AFL	4

GENERAL SPECIFICATIONS:

- SUB FLOOR - 15mm CFC FLOORING, SCREWED & GLUED TO FLOOR JOISTS @ 400 CENTRES
- FLOOR COVERINGS - WET AREAS - 2.0mm SLIP RESISTANT VINYL SHEET WITH WELDED SEAM JOINT, & COVER UP 100mm TO WALLS, IN GREY COLOUR
- OTHER AREAS - 2.0mm STANDARD VINYL SHEET WITH WELDED SEAM JOINT IN GREY COLOUR
- PRE-FINISHED POLYPLY WITH PVC TRIMS IN GREY COLOUR
- R2.7 FIBREGLASS BATTIS TO ELLING & WALL CAVITIES
- R2.7 STYROFOAM INSULATION TO ELLING & WALL CAVITIES
- WALL CLADDING - COLORBOND PANEL (BRIE EXTERNAL WALL CLADDING PAPERBARK) IN COLOR ABOVE BOTTOM CLADDING SHEET AND IRON STONE IN COLOR BOTTOM CLADDING SHEET WITH COLORBOND TRIMS AND FLASHING IN PAPERBARK IN COLOR
- ROOFING - "TRIMDEK" ROOF SHEETING ZINCALUME WITH "SHEERLINE" FASCIA BARGE CAPPING, IRON STONE IN COLOR, ROOF WITH APPROXIMATELY 2 DEGREE SIDE PITCH - NO GUTTERS
- WINDOWS - ALUMINIUM WINDOWS WITH SLIDING SASH AND FLYSCREEN - IRON STONE IN COLOR, TRIMMED WITH PVC ARCHITRAVES
- ELECTRICS - ALL ELECTRICS ARE DESIGNED AND INSTALLED TO AUSTRALIAN STANDARD AS 3000
- AIR CONDITIONING - SPLIT SYSTEMS AIR CONDITIONERS ARE INSTALLED ON CHASSIS EXTENSION PLATFORMS FOR EASE IN THE FUTURE RELOCATION OF THE BUILDINGS. AC ARE SUPPLIED WITH A MANUFACTURERS 12 MONTH WARRANTY



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NAME: _____
DATE: _____

PROJECT:
MODULAR BUILDING SYSTEMS
4-MAN ACCOMMODATION (RIGHT)

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DATE: 15.06.2012
DRAWN BY: JS

TITLE: FLOOR PLAN

CHECKED BY: _____
SCALE: 1:50

BUILDING NUMBER: _____
REV. A

ISSUE: _____

SHEET A3

DATE: 15.06.2012
BY: JS

AMENDMENT

ATTACHMENT 3

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



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

GB:
Your Ref: OUT12/1FE22EB0/P
Our Ref: D12/2685
DA12112885672 MA

ATTENTION: Gary Bruce

7 December 2012

Dear Mr Bruce

Integrated Development for 100 Durridgere Road Turill

I refer to your letter dated 26 November 2012 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property around the complex to a distance of 50 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
 - The water source shall be made available or located within the inner protection area (IPA) and away from the structure.
 - A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
 - In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.
 - Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.
 - All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and be shielded on the hazard side of the installation.
 - Gas cylinders kept close to the building shall have release valves directed away from the building. Connections to and from gas cylinders are to be metal. Polymer sheathed flexible gas supply lines to gas meters adjacent to building are not to be used.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access roads developments shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

4. Fire trails shall comply with section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

5. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

6. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

Landscaping

7. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Michelle Streater

Acting Team Leader Development Assessment

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

	 Transport Roads & Maritime Services
WST12/00155	

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

Dear Sir

**DA0181/2013: Lot 1 DP 131753, Lots 11, 31-34 & 44 DP750179;
'Old Bobadeen' 100 Durridgere Road Turill; Temporary Workers Accommodation Complex**

Thank you for your letter dated 21 November 2012 referring development application DA0181/2013 to Roads and Maritime Services (RMS).

The documentation has been reviewed and the site inspected. RMS notes the following:

- The application states that a car park will be provided to accommodate 100 cars. The temporary worker's accommodation complex will accommodate 300 mining employees. No detail is provided of employees at the site or whether facilities at the site will be open to the public/wider mining community. Under the RTA Guide to Traffic Generating Developments the following car park spaces should be provided:
 - Accommodation (1 per unit);
 - 1 space for every two employees;
 - In the event of facilities being open to others, additional car spaces for facilities (gym, bar, etc);
- RMS supports the proposal to provide bus transport between the complex and the mine site. Provision of and use of buses is likely to improve road user safety by minimising the volume of traffic while also partly addressing the issue of fatigued driving by mine staff between and at the conclusion of shifts. Notwithstanding, the proponent will need to clearly demonstrate that the use of buses will be taken up by residents of the complex. Previous experience indicates that mining staff generally prefer to commute between accommodation and mine sites using their own/company vehicles;
- There is no provision for on-site bus drop off/pick up areas;
- The Traffic Analysis does not address construction, operational input and decommissioning traffic generation;

Roads and Maritime Services

51-55 Cumajong Street PARKES NSW 2870
PO Box 334 PARKES NSW 2870 DX 20256
www.rta.nsw.gov.au | 13 17 82



- The existing access to the subject land off Durridgere Road does not achieve Safe Intersection Sight Distance (SISD) and should be relocated.

To assess the traffic impacts associated with the proposed development, RMS requires the proponent to prepare a traffic impact study prepared in accordance with the methodology set out in Section 2 of the RTA Guide to Traffic Generating Developments including, but not limited to:

- Origin-destination of vehicles including staff, occupants, contractors, service providers, construction/demolition and maintenance personnel during both the construction, operation and decommissioning phases of the development. The study should include vehicle types, volumes, times of peak travel and include existing, proposed and projected figures for the projected life of the facility. The traffic study should also address internal traffic movements, parking facilities and address the impacts on local and classified roads during construction, operation and decommissioning;
- Intersection treatments and mitigation measures to cater for predicted traffic impacts. Intersections shall cater for all vehicles that will be accessing the development. Concept plans for any proposed intersection upgrades should be included in the study;
- Proposed road facilities, access and intersection treatments are to be in accordance with Austroads Guide to Road Design and RMS supplements;
- Sight distances at affected intersections and accesses;
- Road noise generated and noise receptors on haulage routes;
- Consideration of local school bus routes and times.

Once the traffic impact study for the proposed development is completed, RMS requests that a copy be forwarded to enable further comment.

Should you require further information in relation to this matter, please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully



Tony Hendry
Road Safety & Traffic Manager
Western

11 DEC 2012

	 Transport Roads & Maritime Services
WST12/00155/02	

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



Dear Sir

**DA0181/2013: Lot 1 DP 131753, Lots 11, 31-34 & 44 DP750179;
'Old Bobadeen' 100 Durridgere Road Turill; Temporary Workers Accommodation Complex**

Thank you for your emails dated 18, 23 & 24 January 2013 referring additional information submitted in support of DA0181/2013 to Roads and Maritime Services (RMS). Reference is made to a submission made by RMS in relation to this matter dated 11 December 2012.

The additional information has been reviewed and RMS notes the following:

- The proposed car park has been increased from 100 spaces to 308 spaces;
- A designated bus drop off/pick up area has now been provided;
- Facilities provided at the temporary workers accommodation (TWA) facility will only be open to residents of the TWA;
- The proposed access to the TWA off Durridgere Road has been moved 200 metres to the east to provide adequate sight distances;
- The documentation indicates that the intersection of Durridgere Road and Ulan Road will be upgraded to include Basic Right Turn (BAR) and Basic Left Turn (BAL) facilities, however the drawings only show a BAL;
- No detail is provided demonstrating how the proponent intends to ensure the majority, if not all residents of the TWA will commute to their place of work by buses provided. The submitted documentation only states that it is the proponent's "intention" for the bus to be utilised by residents;
- With limited information as to how residents will be encouraged/required to utilise the bus service, the peak traffic projections provided in the documentation appear to be too light given the number of residents and the fixed shift changeover times which exist at nearby mines.

RMS will not object to the proposed development, however the following suggestions are provided for consideration by Council:

- The intersection of Durridgere Road and Ulan Road should be upgraded to include a Basic Left Turn (BAL) and Channelised Right Turn Treatment Short [CHR(S)] facilities in Ulan Road in accordance with Figures 8.2 & 7.6 Part 4A Austroads 2010 respectively (copies attached);

Roads and Maritime Services

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www.rta.nsw.gov.au | 13 17 82

- The proponent should provide information to Council to clearly demonstrate how residents of the TWA will be motivated to utilise the bus transportation provided between the TWA and the mine sites;
- Upgraded intersection and accesses should be provided with laybys on the departure side for school bus stops in accordance with Figure 7.4 Part 4 Austroads 2010. Extensions to the departure side should be a minimum length of fifteen (15) metres plus tapers to accommodate school buses;
- Proposed access treatments should be in accordance with Austroads Guide to Road Design 2010 and RMS Supplements including safe intersection sight distance.

Please forward a copy of Council's determination of the development application to RMS at the same time it is sent to the applicant.

Should you require further information in relation to this matter, please contact Andrew McIntyre on (02) 6861 1453.

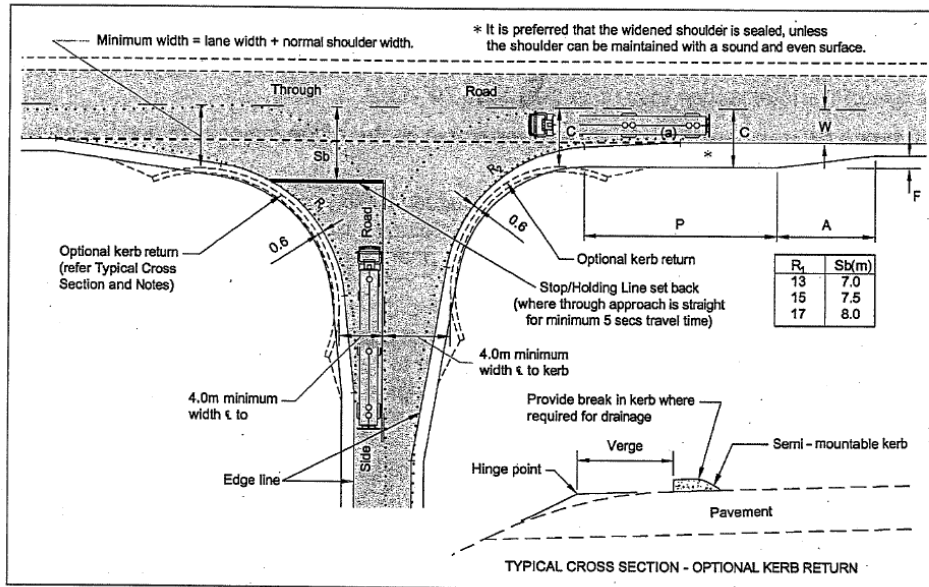
Yours faithfully



1 FEB 2013

Joshua Parkin
Acting Road Safety & Traffic Manager
Western

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



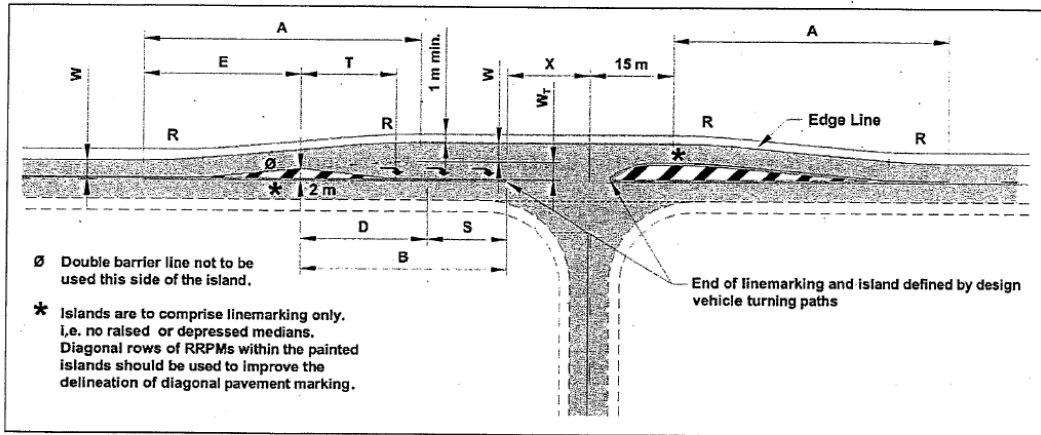
Notes:

1. R1 and R2 are determined by the swept path of the design vehicle.
2. The dimensions of the treatment are defined thus:
 - W = Nominal through lane width (m) (including widening for curves).
 - C = On straights – 6.0 m minimum.
 On curves – 6.0 m plus curve widening (based on widening for the design turning vehicle plus widening for the design through vehicle).
 - A = $\frac{0.5VF}{3.6}$
 - V = Design speed of major road approach (km/h).
 - F = Formation/carrageway widening (m).
 - P = Minimum length of parallel widened shoulder (Table 8.1).

Source: QDMR (2006).

Figure 8.2: Rural basic left-turn treatment (BAL)

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



Note: The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.1:

W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.

W_T = Nominal width of turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum.

B = Total length of auxiliary lane including taper, diverge/deceleration and storage (m).

E = Distance from start of taper to 2.0 m width (m) and is given by:

$$E = 2 \left(\frac{A}{W_T} \right)$$

T = Taper length (m) and is given by:

$$T = \frac{0.33xVxW_T}{3.6}$$

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

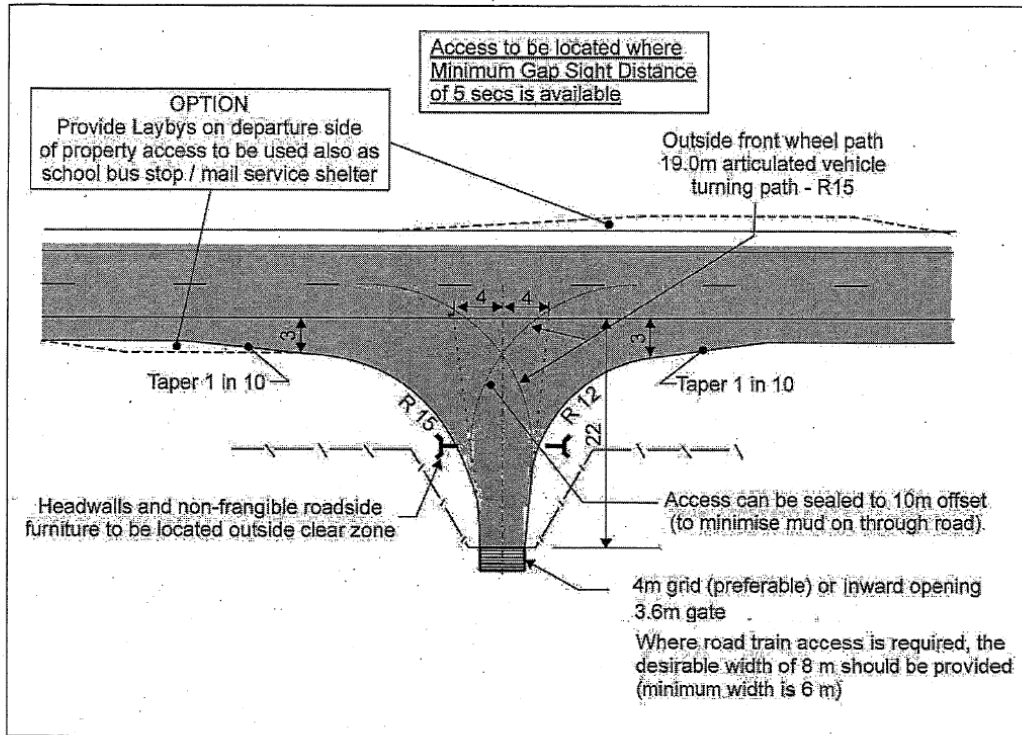
V = Design speed of major road approach (km/h).

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

Source: QDMR (2006).

Figure 7.6: Channelised right-turn treatment with a short turn slot [CHR(S)] two-lane rural road

GUIDE TO ROAD DESIGN PART 4: INTERSECTIONS AND CROSSINGS - GENERAL



Note: Minimum requirement for a single carriageway with design AADT <2000 or minimum requirement for dual carriageway left-in - left-out access for single unit truck. Where AADT >1000 and access is required for a semi-trailer then use the layout.
Source: Based on Austroads (2005).

Figure 7.4: Example of a rural property access specifically designed for articulated vehicles on a two-lane two-way road



Our reference : FIL07/5599-07 & DOC12/49910
Contact : Sheridan Ledger (02) 6332 7608

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

29 November 2012

Dear Mr Bennett

I refer to DA0181/2013 for the Proposed Temporary Workers Accommodation at Turill via Ulan (the Proposal).

The Environment Protection Authority (EPA) has reviewed the Statement of Environmental Effects (SoE) and accompanying assessments. While the Proposal is not a scheduled activity in accordance with the *Protection of the Environment Operations Act 1997*, the EPA would like to provide the following comments:

Erosion and Sediment Control

The SoE and the *Water and Wastewater Investigation* does not provide adequate information regarding erosion and sediment controls during construction activities. Should Mid-Western Regional Council (Council) approve the Proposal, the EPA recommends that the proponent be required to prepare and implement an erosion and sediment control plan.

Waste

The EPA notes that a site specific assessment of waste impacts of the Proposal has not been conducted. As the waste management plan (the Plan) for the Moolarben Coal Mine (the Mine) has been attached to the SoE, the EPA therefore assumes that the waste management principles currently in place at the Mine will be implemented at the Proposal. The SoE and the Plan fails to adequately assess how and where waste from the Proposal will be disposed of. Further, some assessment of the potential impact of the Proposal on Council's landfills should be made. The EPA recommends that the above information should be provided to Council prior to any approval being granted.

The EPA recommends to Council that the preparation and implementation site specific waste management plan is a condition of consent, should Council approve the Proposal.

Other Matters

The wastewater and the noise impact assessment are considered by the EPA to adequately satisfy the requirements of the *Environmental Guideline: Use of Effluent by Irrigation* and the *NSW Industrial Noise Policy*.

PO Box 1388 Bathurst NSW 2795
Level 2, 203 – 209 Russell Street Bathurst NSW 2795
Tel: (02) 63 327 600 Fax: (02) 63 327 630
ABN 30 841 387 271
www.environment.nsw.gov.au



Should you have any queries regarding this matter, please contact Sheridan Ledger at the Bathurst office of the EPA on (02) 6332 7608.

Yours sincerely



DARRYL CLIFT
Head Central West Unit
Environment Protection Authority

6.2.2 DA0149/2013 – Proposed Industrial Shed and light Industrial Use, Lot 16 DP 1165148, 53-57 Depot Road Mudgee

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 20 FEBRUARY 2013 COUNCIL MEETING

DA0149-2013 Industrial Shed and Use 53-57 Depot Road Mudgee
A0100056, P2106461

RECOMMENDATION

That:

1. the report by the Statutory/Strategic Planner on the DA0149/2013 – Proposed Industrial Shed and light Industrial Use, Lot 16 DP 1165148, 53-57 Depot Road Mudgee be received;
2. That Development Application number 0149/2013 for the erection of an industrial shed and associated storage shed and the use of the buildings for the purposes of a Light Industry – Welding Business on Lot 16 DP 1165148, 53-57 Depot Road Mudgee be granted development consent subject to the following conditions;

APPROVED DEVELOPMENT

1. This consent relates to the erection of an industrial shed and associated storage shed and the use of the buildings for the purposes of a Light Industry – Welding Business, as illustrated on the plans, specifications and supporting documentation received by Council stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.
2. The development is to be carried out generally in accordance with the stamped approved plans Titled Site Plan, Elevations 1 & 2, Ground Floor Plan, Storage Shed and Elevations Prepared by Production Line Drafting for P and A Drafting Plan including any Amendments made in red and the conditions of this consent.

Notes:

Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s96 of the Act, or a fresh development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.

Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.

AMENDMENTS

3. The approved plans are amended in the following manner;
 - The door on the western elevation of the main building is to be deleted and the wall made flush to the awning of the storage area, and
 - The wall height of the main building is to be no greater than 7.0m above natural ground level.

- Privacy screens are to be attached to the windows and balcony of the second storey along the western elevation so as to obscure any view lines from these areas to the nearby residential development, and
- Details of the measures depicted in the recommendations of the Noise Impact Statement Prepared for Commtech P/L and submitted by the Applicant, and
- Landscaping is to be provided the entire frontage of the earthen mound.

Plans incorporating the above amendments are to be submitted to Council prior to the release of the Construction Certificate.

CONSTRUCTION REQUIREMENTS

4. Application may be made to Council or to an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority monitoring compliance with the approval and issuing any relevant documentary evidence or certificate/s.
5. A Construction Certificate application for this development is to include a list of fire safety measures proposed to be installed in the building/s and/or on the land. The list must describe the extent, capability and basis of design of each of the measures.
6. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures.
7. The premises being provided with adequate toilet facilities and wash hand basins for each sex in accordance with the provisions of the Building Code of Australia. Full details are to be included in the documentation for a Construction Certificate application.
8. A Construction Certificate application for this development is to include details of compliance with Section J (Energy Efficiency) Building Code of Australia, Volume One.
9. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation system complying with Australian Standard 1668, Parts 1 and 2. Full details being provided with the Construction Certificate application.
10. In accordance with the provisions of section 94(1A) 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:

TOTAL PAYABLE	\$ 7000.00
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11. All building work must comply with the requirements of the Building Code of Australia and referred Australian Standards and the Environmental Planning and Assessment Act, 1979, as amended and Regulations.
12. Plumbing and drainage must be carried out by a licensed Plumber and Drainer and be installed in accordance with Australian Standard 3500 (The National Plumbing and Drainage Code) and the New South Wales Code of Practice for Plumbing and Drainage.
13. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority in order to issue an Occupation Certificate being carried out during the relevant stages of construction.

NOTE: All plumbing and drainage inspections must be carried out by the Council.

14. 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 buildings. All building or site works or other written undertaking or obligation indicated in 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 premises.
15. The site must be provided with a building waste enclosure having a minimum size of 1800mm square by 1200mm high prior to the commencement of any work and constructed to prevent litter being blown from the site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site.
16. All building 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 occupation of the premises.
17. A registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted thereon being submitted to the Principal Certifying Authority prior to the commencement of construction.
18. A registered Surveyors Certificate showing height of the building frame members upon erection. Wall heights are to be no more than 7.0m above natural ground level and the ridge height is to be no higher than 8.4m above natural ground level.
19. Construction work 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.
20. Toilet facilities must be provided at the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.

21. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

ENGINEERING WORKS

22. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority guidelines and Australian Standard AS2980.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
23. The driveway is to have a minimum width sufficient to allow manoeuvring access in accordance with Roads & Traffic Authority standards and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times.
24. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.
25. Vehicular entrances 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 M526-Industrial Access, Which states;-
- Inspections - Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Technical Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
26. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*. 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. The applicant is to provide the total lengths of roadwork, piped stormwater drainage, sewer and water reticulation, prior to issue of the *Construction Certificate*. All work is to be at no cost to Council.
27. Stormwater is to be conveyed via a series of drains, pits and pipes to an appropriate drainage system that includes provision for the on site detention of 80m³ and a discharge rate of no more than 63l/s. Details of the proposed disposal method are to be submitted to Council for approval prior to the commencement of that phase of the work.

GENERAL

28. The premise may not be used for any purpose other than in accordance with this consent without the approval of Council.

29. A copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
30. No signage is to be erected in association with this consent unless otherwise permitted by the conditions of this consent.
31. All parking and manoeuvring areas are to be designed and constructed in accordance with AS 2890.2 and Aus-Spec #1, such that the maximum dimension service vehicle likely to use the development may enter and exit the site in a forward direction.
32. The car park in the development must incorporate the provision of:-

Not less than 11 car parking spaces; and
Not less than 7 car parking spaces in an informal area at the rear of the site; and
At least 1 space must be reserved disabled parking.
33. Car parking within the development with the exception of the informal area 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 Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 1993;
 - 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.
34. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
35. Noise associated with the use of mechanical plant and equipment must not give rise to any one or more of the following:
- (a) Transmission of "*offensive noise*" as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver.
 - (b) A sound pressure level at the boundary of any affected receiver that exceeds the background ($L_{A90, 15\text{minutes}}$) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

Note: The method of measurement of vibration being carried out in accordance with "assessing Vibration; Technical Guidelines" – DEC (EPA) AS1055 for sound level measurements.

36. **Following occupation of the building/premises, should it be found that the measures recommended in the acoustic assessment are not sufficient, incorrectly implemented or a noise issue (relating to the development) not previously identified arises, the person/s entitled to act on the development consent shall employ the services of a qualified acoustic consultant to undertake an assessment of the development and will undertake all work required by the consultant, implement any recommendation made by the consultant and adhere to any further direction given by Council in relation to noise abatement.**
37. **All loading and unloading in connection with the premises shall be carried out wholly within the site.**
38. **Adequate facilities being provided for the storage of garbage, discarded or returnable packaging or other forms of wastes and arrangements being made for the regular removal and disposal of same.**
39. **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.**
40. **The applicant shall advise Council's Asset Department in writing of any existing damage to Council property before commencement of works.**
41. **The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.**
42. **The use of the buildings for the purposes of steel fabrication and ancillary functions is permitted under this consent. Prior to the use of the buildings for any other purposes, a separate development consent must be obtained approving such use. Any signage associated with any future use of the buildings located within the approved signage provisions as indicated on the stamped approved plans does not require further approval.**
43. **A certificate of approval for the disposal of Liquid trade wastes generated by the development is to be obtained from the relevant Authority prior to the commencement of the use of the premise.**
44. **Portable signs or goods, commonly described as „sandwich boards“ and the like for sale or display shall not be placed on the footway or other public areas.**
45. **Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.**
46. **No goods to be stored or displayed between the front building line and the public road frontage**
47. **All work and associated equipment are to be contained wholly within the building.**

48. The hours of operation are not to exceed Monday to Friday 7.00Am to 5.30 Pm and 8.00Am to 1.30Pm on Saturday, no operations are permitted on Sundays.
49. The use of the premises must incorporate facilities that will prevent the discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants including but not limited to:
- (a) All pollution control devices (including drainage systems, sumps and traps) must be regularly maintained;
 - (b) All liquid wastes must be collected and disposed of in a manner which does not pollute the stormwater system;
 - (c) Detergents used to clean vehicles, mechanical parts or workshop floors are to be quick-break type only;
 - (d) Oil spills should be dry cleaned prior to washdown;
 - (e) All storage areas where spillages may reasonably occur shall be bunded. The capacity of the bunded area shall be calculated as being equal to 110% of the largest vessel or container in the area or 10% of the total volume of vessels/containers accommodated in the area, whichever is greater. All bunded areas shall be graded to a blind sump to facilitate testing of collected wastewater and provide a low point for pump out. Bunded areas shall be suitably treated to prevent the ingress of water.
 - (f) The repair, servicing and maintenance of all vehicles must take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing, and maintenance can either be:
 - Retained for recycling or;
 - Disposed of in accordance with the requirements of the Water Authority
-

Executive summary

The proposed development is comprised of the erection of an Industrial Shed 51.18m x 15.06m with awning along southern elevation. Contained within the building is a workshop area, offices x 2, kitchen & amenities room at mezzanine level and toilets including 1 accessible toilet. The shed is to be clad in pre-coloured metal in the colour of Colourbond - Deep Ocean Blue. The height of the proposed building is 7.0m to the awning, 7.75m to the eaves, 8.4m to the ridge.

An ancillary 9m x 18m storage shed is proposed in the rear of the site. 11 car parking spaces including 1 accessible space are proposed. The proposal includes a concrete bunded wash down bay including oil separator,

All storm water will be collected via guttering that drains into rainwater tanks which will act as onsite detention, releasing water at a constant rate and attenuating the peak flow, whilst also providing irrigation to existing established landscaping;

The premises will be occupied by an engineering business specializing in metal welding and fabrication. Storage of materials is also proposed, with some welding and assembly to occur at

client's sites including the coal mines north of Mudgee. It is anticipated up to 14 staff including management working at any one time.

The following equipment to be installed within the shed,

- o 1 x 3 phase power Hack Saw;
- o 1 x 240V Pedestal Drill;
- o 1 x 240V Mig Welder + 3 x 3 phase Mig Welders;
- o 1 x 240V air compressor;
- o 2T forklift

Proposed operating hours are 7:00am – 3:30pm Monday to Friday, and Saturday mornings during peak business periods.

Following the notification of the proposal a significant number of submissions were received objecting to the proposal. In this regard a number of particular issues were prevalent amongst the submissions including, conflicting details regarding the proposed use, potential visual impact and potential impact on neighbourhood amenity. The applicant submitted a revised Statement of Environmental Effects which clarified the intended use as a welding business in addition to providing an assessment of the potential noise impacts of the use. The building was reduced in height.

The revised details were publically notified and again a significant number of submissions were received which is the reason for the proposal being referred to Council for determination. In response to the second round of objections the applicant modified the proposal further to increase the setback to the frontage and the northern setback while reducing the area of the awning. These latest amendments were not publically notified because they constitute a reduction in the impact of the development.

Detailed report

This application has been assessed using the matters for consideration set down by Section 79C – Evaluation of the Environmental Planning and Assessment 1979, Council policies and adopted Strategies. The assessment supports approval of the application and has identified the following key issues, which are elaborated upon below.

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (LEP 2012)

The land is zoned B5 – Business Development pursuant to LEP 2012. The proposed development has been assessed in the terms of the LEP, these consideration are summarised below.

Clause 2.3 - Zone objectives and Land Use Table

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The relevant objectives of the B5 zone are;

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To promote a visually attractive entry point into Mudgee from the south east.
- To enable development that does not undermine the primary retailing role of the Mudgee commercial core area.

Comment:

The proposed development will not undermine the function of the commercial core area and the building will provide the opportunity to carry out a variety of businesses. The site does not form part of the entrance point into Mudgee notwithstanding the visual impact of the proposal has been considered below.

The proposed use of new building will be for light industrial purposes. The objectives of the zone do not specifically mention light industry however; as a use permitted within the zone it is reasonable to conclude that the LEP envisages that Light Industries will be carried out amongst the various other warehouses, bulky goods and business premises and the proposal is considered to be consistent with the objectives of the zone.

Permissibility:

As mentioned light industry is a use permitted with consent within the B5 zone and is defined by the LEP 2012 as the following,

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Comment:

The proposed use is not considered to be a hazardous and/or offensive industry and therefore the test of permissibility lies in whether the use will interfere with the amenity of the neighbourhood by any of the means listed above. Of all of the potential environmental impacts the preliminary assessment identified noise as having the greatest potential to cause disturbance to the amenity neighbourhood. In this regard the control of emissions of dust or light or smoke and the like associated with the proposed use are considered to be controllable at the source either through management practices and/or minor attenuation and may be appropriately controlled via the conditions of consent.

In order to address the potential noise generation the applicant submitted a report from an acoustical consultant. The acoustical assessment involved the monitoring of the current business to establish the potential noise generation associated with the proposal. The site was inspected during this monitoring phase by Council staff to ensure that operations were not curbed during the monitoring.

The acoustical assessment indicates that the proposal is likely to meet with the provisions of the NSW Industrial Noise Policy when the attenuation provided by the existing earth berm is taken into consideration. The acoustical report has recommended the erection of a hardwood fence along the top of the earth berm in addition to additional landscaping to increase the attenuation effect of the berm. It is also recommended that some simple acoustical treatment be applied to the shed to reduce noise transmission from the building.

In this instance it is considered that compliance with the Industrial Noise Policy may not be sufficient to ensure the use complies with the definition of light industry within the LEP 2012. In this regard fringe areas between zones are afforded a higher impact of 10dB where the commonly held acceptable disturbance threshold is 5dB. In addition to sound power levels the tone and frequency of noise also has an effect on whether noise is considered to be a nuisance or not. The conditions

of consent therefore refer to an increase above background of 5dB rather than 10dB as suggested by the acoustical report.

The details submitted are considered sufficient enough to deduce that the proposal has a more than reasonable prospect of having an acceptable noise impact however, the conditions of consent will require that if this or any subsequent use evolves in its operation to the point that it is having a noise impact further attenuation works will be required. Subject to the conditions of consent the proposed use is considered to be a light industry.

4.3 Height of buildings

Maximum heights of buildings are specified by the heights of buildings LEP map. The subject site does not have a maximum height specified.

Clause 6.1 – Salinity

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

Comment:

The proposal is not likely to significantly impact on local or regional salinity processes and there are no known groundwater salinity issues on the site. Mudgee is regarded as being generally at risk of dryland salinity which can be exacerbated and/or triggered by inappropriate development, groundwater movement and by poor site management. Council's Development Control Plan – Residential Development contains provisions pertaining to the construction methods and site management to limit the potential impact of salinity on the built environment. In this instance compliance with the DCP is considered sufficient.

Clause 6.3 Earthworks

The subject site is relatively flat with some fall. There has been a large amount of fill placed on the site which the Statement of Environmental Effects identifies as being clean fill to be levelled for the purposes of siting the building. Some earth works are considered appropriate in the siting of buildings however, the conditions of consent will require that no more than 300mm of fill is placed on site and that building heights are measured from natural ground level and not from the level of any fill.

Clause 6.4 - Groundwater vulnerability

The subject site is mapped as being in an area of groundwater vulnerability. The proposal is not likely to have a detrimental impact on groundwater availability or quality.

Clause 6.8 Airspace operations—Mudgee Airport

The proposed development will not penetrate the OLS.

Clause 6.9 Essential services

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

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

Comment:

The site has access to reticulated services, inter-allotment drainage and sealed roads.

Development Control Plan – Industrial Development

Consideration of the relevant provisions of the DCP is summarised below. The proposal generally complies with the provisions of the DCP.

F – Landscaping

The Statement of Environmental Effects indicates that based on a site area of 5,349m², Part F – Landscaping of the DCP requires a minimum 25% of the site area to be landscaped, equating to an area of 1,337m². The proposal provides approximately 2,000m² landscaping around the perimeter of the site, being significantly surplus to this and therefore complies.

G – Building Setbacks

Council's Industrial DCP requires a side setback of a minimum 5 metres and a front setback of 15m. The main shed proposes a front setback of 15m and a minimum side setback of 5m. The smaller ancillary storage shed includes setbacks to the side and rear boundary of greater than 5m.

H Floor Space Ratio and Site Coverage

The Industrial DCP specifies a maximum floor space ratio (FSR) of 0.7:1 and a maximum site coverage of 50%. The Statement of Environmental Effects indicates that the total floor area of the proposal is measured at 1,137m², resulting in an FSR of 0.21:1. The site coverage including the rear shed is measured at 1,287m² which at 24% is less than half the maximum site coverage permitted for the site. Based on this, it is clear that the proposal will comfortably fit the site with compliant landscaping and car parking.

I & J Carparking and Vehicular Access & Circulation

The Statement of Environmental Effects considers car parking and based on the predominant proposed use ("factory floor area") whereby a parking rate of 1 space per 75m² is adopted for both the factory floor area (937m²) and office space (200m²). With a total floor area of 1,137m² for the proposed shed building, this equates to 15 parking spaces total. In addition visitor parking is to be provided at a rate of 1 space minimum per 400m² of floor area, therefore 3 visitor spaces are required. In total then, 18 parking spaces are required for staff and guests. A total of 11 parking spaces are provided as part of the proposal. There is an additional area within the rear of the site which may accommodate parking. It is considered that the parking provided within the frontage of the site will be sufficient to accommodate a number of various uses over the life of the shed including the current proposed use. In order to comply with the provisions of the Industrial DCP the conditions of consent require the provision of the 7 additional car parks as part of an informal all weather parking area to be accommodated within the rear of the site.

The Industrial DCP requires the provision of separate 6.0m ingress and egress driveways from allotments over 5000m² in area. In this instance the provision of such access is not considered practical due to the curved nature of the frontage which is otherwise relatively narrow. In this regard two driveways have been provided to accommodate smaller traffic whereas large vehicle and articulated vehicles will utilise the one entrance for ingress and egress. There has been sufficient manoeuvring provided on site to permit a large articulated vehicle to enter and exit the

site in a forward direction. In this regard the proposal is considered to meet the intent of the DCP and refusal of the application on this ground is not warranted.

L Open Storage Areas

Any storage of materials in an open area is to occur at the rear of the site and screened from public view by either the building or the existing earth berm.

M Building Design

The proposed buildings are considered suitable for the likely future use. The elevations have some elements to create visual interest to the street front which is considered to be appropriate in the context of the site.

The applicant has erected height poles on the site to quantify the likely visual impact of the proposal on the surrounding neighbourhood particularly when viewed from the side and rear of the site. In this regard the site is somewhat unique in that the most sensitive part of the visual catchment is not that of the street front but rather the rear of the site. It is considered that the site is particularly visible from some areas on the southern side of Lyons Drive with a number of vistas to the site visible from the public domain. It is considered that due to the topography it is not possible to expect that development on the site will not be visible from these areas of Lyons Drive however, the visual impact of the proposal could be improved by deleting the rear door from the shed so as to screen the internal operations of the shed from the public domain. Deleting the door is likely to have an added benefit in terms of reducing noise transmission in this direction.

For the houses on the northern side of Lyons Drive the visual impact is less obvious from the private open space of the dwellings as the angle of view is obscured to an extent by the existing mound. Where the shed is visible it is not likely to dominant the skyline of point of view from private open space or living area. This is not to say that the proposal will not be a significant punctuation to views when it is initially erected however, the immediate impact is made more jarring by the skyline currently being framed by eucalyptus trees growing in the general area which are to be removed. Additionally this part of Depot Road is relatively undeveloped and the current proposal will be one of the first buildings erected on the southern side of Depot Road, in this regard the proposal appears as a dramatic change in the context of the area.

When viewed from the west and North West the height poles indicate that the site will be visible from a number of residential properties and to an extent from Robertson Road. When viewed from Robertson Road the proposal is considered to be appreciated in the broader context of the existing industrial area and does not exacerbate or create a new visual impact. With regard to the most severely impacted residences on the west north-west elevation of the site it is considered that the wall height of the proposal at 7.75m is a significant contributor to the visual impact. There is also an large and unbroken elevation to this viewpoint.

The applicant erected height poles on the earth berm to give an indication of the potential screening effect of vegetation planted on the berm. There is one established immature eucalypt in the vicinity of the site that indicates the effect of 3m of vegetation which suggests the 3m vegetation pole is a reasonable analogue for assessing the value of landscaping on visual impact. Based on the effect of the existing vegetation and indicative vegetation pole it is considered that the visual impact of the proposed shed will dramatically soften over time with establishment of landscaping.

As a general principle the visual impact of a proposal must be reasonable at its inception and the screening effect of vegetation that doesn't exist cannot be relied on to make an unacceptable proposal acceptable. It is also a principle that where an impact can be mitigated through a more

appropriate design which does not prejudice the ability of the development to perform its job such amendment should be pursued.

Based on these principles of assessment a reduction of the wall height to 7m is considered appropriate to lessen the bulk of the visual portion of the building and reduce the visual impact of the proposal immediately after construction. It is noted that the reduction in wall height will not render the shed invisible from all viewpoint and it is reasonable to expect that some form of development will be visible in the B5 zone particularly on the interface between the adjoining residential zone. Merely being visible does not render a proposal unacceptable and the development is considered to be acceptable in terms of building design subject to the conditioned amendment to wall height.

N Fencing

The proposal includes the erection of fencing including a hardwood fence along the top of the earth berm.

O Signs

The proposed development includes provision for signage associated with any future use of the buildings, this signage is considered to be acceptable.

The proposal is considered to be consistent where relevant with the remaining provisions of the Industrial DCP and no further elaboration is required.

Contributions

Council S94A contributions plan is applicable and the following contribution is to be applied to the development.

S94A contributions of 700,000 x 1% = \$7000.00

The proposed development does not comprise significant water or waste generation therefore it is unlikely that the total development would exceed the 1 ET credit provided for existing lots under the S64 plan as a result there are no S64 contributions.

Development Control Plan – Notifications

The proposed development was notified to adjoining and adjacent owners in accordance with this DCP. Due to the unique nature of the site whereby the adjoining owner is technically the land set aside for the golf buggy trail and earth berm additional neighbour notification was undertaken. There was a significant amount of public interest in the proposal with a number of objections being received and a community meeting held by local residents also attended by Council staff and a number of Councillors. Following the submission of details clarifying the nature of the proposed use and amendments to the shed the proposal was re-notified and submissions were received from 13 separate parties or households objecting to the proposed development. The matters raised in the submissions have been included below.

Issue raised

Staff comment

Design

The height of the building is out of scale with the existing development in the area and will create an eyesore. The building will be very intrusive into resident's views and will be visible from a

The visual impact of the proposal has been discussed above in relation to building design. It is considered that the proposal will have a visual impact and due to the undeveloped context on this part of the industrial area the initial impact is likely to be somewhat jarring. It is considered that a reduction in the wall height of the building will improve the appearance of the

Issue raised	Staff comment
wide area. The visual impact created by the height of the proposal is not acceptable in the B5 zone particularly in areas adjoining residential.	structure upon erection and landscaping over time will soften the views to the shed. The matters raised in the objections are considered reasonable however; this must be balanced against what is a reasonable expectation for development to occur on the site and the likelihood that development in this locality to be visible from some private and public areas. Reducing the wall height, removal of the rear door and the provision of landscaping in accordance with the conditions of consent is considered to be a reasonable balance between the rights of the occupant of the site and the surrounding residents.
The subdivisions and established estates adjoining on the west and south were sold under the premise of 'prestige estates' and the proposed development is inconsistent with the area. The development will devalue our home.	The zone interface between the existing zones has been in place for a number of years and previously existed as a Light Industrial and Medium Density Residential zone interface. The earth berm was created as part of the subdivision works to create an acoustical buffer between the two zones. The likelihood that development was to occur in the vicinity of the subject site for industrial, business or warehouse purposes has always been very high and there has always been a very high likelihood that such development would be visible from the surrounding residential areas. The development as considered above is acceptable subject to the conditions of consent and the refusal of the application based on the potential impact on real estate values is not permitted by the Environmental Planning and Assessment Act.
The size and width of the lot doesn't permit industrial development.	The development complies with the floor space provisions of the Industrial DCP, and the allotment when created was zoned Light Industrial and was therefore considered in the terms of the Industrial DCP and found to be acceptable. The proposal meets the setback requirements of the DCP and the vehicle manoeuvring and access is considered satisfactory. The allotment is considered suitable for the proposed development.
Lighting on the site can potentially impact on the adjoining residential areas	The conditions of consent will require any external lighting to comply with the relevant Australian Standard for control obtrusive lighting.
The large building will impact on privacy.	The office/ two storey component is located within the frontage of the building and will have restricted vistas toward the residential zoned land. The conditions of consent will require the erection of privacy screens to the windows and balcony on the western elevation to obscure any sightlines to residential development from the second storey of the development.
Compliance	
The development will generate ongoing compliance issues in relation to hours of operation and noise generation. The existing business regularly operates beyond normal business hours.	Council is obliged to assess the application on face value. The application being considered stipulates hours of operation and the conditions of consent will reflect operation during normal business hours. If the conditions of consent are not complied with the specific matter will require investigation at that time. The existing business is located within an industrial zone where industrial uses are permitted and is not subject to the same restrictions on the generation of impacts that light industry is.
Use	
The proposal will generate significant noise that will impact severely on residential amenity. The submitted noise report is not	Agreed. The proposal does have the potential to significantly affect the amenity of the neighbourhood if obtrusive noise is emitted. The acoustical assessment has made assumptions in relation to the performance of the attenuation measures and

Issue raised	Staff comment
objective or thorough and makes assumptions so is inadequate. There should be stricter noise controls for areas next to residential zones.	background levels however, the acoustical report suggests that the proposal will be satisfactory and the conditions of consent are an appropriate mechanism to ensure the reality of the development meets the stated potential impact. With regard to the applicant submitting the acoustical assessment it is noted that the development assessment process created by the Environmental Planning and Assessment Act places the onus on the applicant to demonstrate how their proposal is acceptable so the public is not financially burdened by the consideration of proposed development.
The proposed development is heavy industrial and should be built elsewhere and not within the B5 zone. The development is not compatible with the B5 zone.	As discussed previously in this report the scope of the B5 zone is sufficiently broad so as to allow light industrial development. In order to be considered as light industrial development the proposal must not impact on the amenity of the neighbourhood which in this case is in part residential amenity. Amenity in this sense refers to the ordinary enjoyment of one's home, private spaces and public domain. Certain areas are considered to be more sensitive than others, for example an internal living area is more sensitive to disturbance than an external one and a private open space is often regarded as more sensitive to intrusion than the public domain. In this regard people are generally more accepting of the impact of an air conditioner or lawn mower if audible from private open space and less accepting of impacts that disrupt leisure and sleep within the confines of their dwelling. The question in this instance is whether the development will produce emissions to such an extent that someone is no longer able to enjoy the ordinary activities associated with residential living. The assessment of the proposal highlighted noise as the most significant source of potential impact and subject to the conditions of consent the noise generation is considered to be acceptable and the proposal fits within the definition of light industry and the provisions of the zone.
Hours of operation / existing business	Not a matter for consideration under the Environmental Planning and Assessment Act.
Safety issues with different people coming and going to and from the site.	The use of the dwelling for permanent residents is considered to address the prior concerns relating to the perception of reduced safety in the locality associated with the development.
General	
More effort should be put into the preservation of the existing mature trees. There has been no effort with this application to retain any of the mature trees and the same will occur on the other sites. Removing these trees will have a detrimental impact on the skyline.	The location of the existing trees on the subject site does not lend itself to preservation given the configuration of the allotment. Council has granted consent to the removal other trees within the locality. In the context of the area and the zoning it is difficult to maintain existing mature trees that are not located within areas of the site not required for building or the associated vehicle parking and manoeuvring. The removal of the existing trees will over time be offset by the establishment of new ones in association with development such as the current proposal.
The landscaping on the mound is inadequate and has failed and doesn't offer any buffer to development.	A review of Council's records will be undertaken to pursue the responsible parties for the installation and maintenance of the landscaping installed as part of the subdivision works. With regard to the subject site experience has shown that landscaping is difficult to maintain on undeveloped sites because there is no one present to manage the vegetation. Following the

Issue raised	Staff comment
It is poor planning to have residential next to industrial. The development may impact on the future development at the golf club property. There should be controls introduced to control development along that borders on residential development.	<p>construction of the development and the installation of irrigation connected to the rainwater tank system it is likely that the landscaping on the subject site will be more successful.</p> <p>As noted above the zone interface has existed prior to the subdivision and subsequent development of land in the area. There were measures put in place to reduce the impact between the zones and following on from these is the assessment of each individual application for development. The development of the subject site was a reasonable eventuality and any impact on future development of Golf Club land should be mindful of the existing zones and is not likely to be unduly influenced by this one particular development. It is considered that the proposal will have an visual impact however, the impact is considered to be reasonable and the conditions of consent regulate the environmental impact of the proposed use such that it too is considered reasonable.</p>
Non-compliance with the Industrial DCP in relation to the frontage, setbacks, parking vehicle and manoeuvring	The provisions of the DCP have been considered above and the development is considered acceptable.
Notification	
The neighbour notification did was not comprehensive enough and did not allow enough opportunity for comment.	Following on from the initial notification the proposal was notified to a wider extent to take in nearby residents. Upon the submittal of additional information from the applicant the proposal was notified again and a notice placed in the paper. Council accepted a number of submissions after the cut off of notification. It is considered that there has been a reasonable opportunity for the public to make comment.
Precedent	
The proposal will set a precedent for other development of the same type in the area.	Any future applications would be the subject of further assessment and the specific impacts of those buildings and their uses considered. Furthermore any future applications within the locality will have to take the current proposal into account in relation to the cumulative impact of development.

The likely impact of the proposed development on the natural and built environment and social and economic impacts in the locality.

Context and setting – regional and local context

Is the proposed development satisfactory in terms of:

- The scenic qualities and features of the landscape? **YES**
- The character and amenity of the locality and streetscape? **YES**
- The previous and existing landuses and activities in the locality? **YES**

Context and setting – adjacent properties

Is the proposed development satisfactory in terms of:

- Relationship and compatibility of adjacent landuses? **YES**
- Views and vistas? **YES**
- Edge conditions such as boundary treatments and fencing? **YES**

Access, transport and traffic

Is the proposed development satisfactory in terms of:

- Traffic generation and the capacity of the local and arterial road network? **YES**
- Public transport availability / use? **YES**
- Pedestrian amenity? **YES**

Public domain

Is the proposed development satisfactory in terms of its impact on the public domain in terms of:

- Public recreational opportunities in the locality? **YES**
- Amount, location, design, use and management of public spaces in and around the development? **YES**
- Pedestrian linkages and access between development and public areas? **YES**

Utilities

Is the proposed development satisfactory in terms of:

- Utility needs of the development – water, sewer, electricity and gas? **YES**
- Availability and capacity of utilities? **YES**
- Will the supply of utilities affect the environment? **NO**

Heritage – proposed site and adjacent properties

Is the proposed development satisfactory in terms of:

- The heritage significance of items, landscapes, places, relics and practices? **YES**
- The historic, scientific, social, aesthetic, cultural, anthropological, spiritual, archaeological (Aboriginal, non-Aboriginal and underwater) significance? **YES**
- Aboriginal, non-Aboriginal and natural heritage? **YES**
- Is any heritage study, conservation planning, conservation management plan or statement of heritage impact required? **NA**

Other land resources

Is the proposal satisfactory in terms of the effect on conserving and using valuable land resources such as:

- Productive agricultural land? **NA**
- Mineral and extractive resources? **NA**
- Water supply catchments? **YES**

Water

Is the proposed development satisfactory in terms of conservation of water resources and the water cycle in terms of:

- The water needs of the development? **YES**
- Water supply sources? **YES**
- Treatment, reuse and disposal of waste water and runoff? **YES**
- Drainage, flow regimes, flooding on-site, up and downstream and in the catchment floodplain? **YES**
- Water quality and pollution of water bodies including groundwater? **YES**
- Water management plans and monitoring? **NA**

Soils

Is the proposed development satisfactory in terms of the effect on soil conservation in terms of:

- Soil qualities – erodibility, permeability, expansion, contraction, fertility/ productivity, salinity, sodicity, acidity, contaminants? **YES**
- Instability – subsidence, slip, mass movement? **YES**
- Proposed movement, formation, use and management of soils? **YES**
- Soil erosion and degradation? **YES**
- Sedimentation and pollution of water bodies? **YES**
- Remediation if contaminated soils? **NA**

Comment: Standard conditions regarding the protection of soils and runoff during construction apply.

Air and the microclimate

Is the development satisfactory in terms of its affect on air quality and microclimate in terms of:

- Existing air quality and pollution problems? **YES**
- The microclimate, prevailing meteorological conditions and topography? **YES**
- Emissions of dust, particulates, odours, fumes, gases and pollutants? **YES**
- Measures to prevent and mitigate air pollution? **NA**

Flora and fauna

Is the proposed development satisfactory in terms of the effect on the maintenance of biodiversity and:

- Protection and management of critical habitats: threatened species, populations, ecological communities or their habitats: and other protected species – see any plans or threat abatement plan under Threatened Species Conservation Act **YES**
- Wildlife corridors and remnant vegetation? **YES**
- The amount and location of vegetation disturbance and clearance? **YES**
- New vegetation – species selection, placement and purpose? **YES**

Waste

Is the development satisfactory in terms of waste facilities and controls for:

- The generation, collection storage and disposal of waste? **YES**
- Recycling and composting waste? **YES**

Energy

Is development going to conserve energy and be energy efficient in terms of:

- Measures to save energy – passive design, solar lighting and heating, natural ventilation shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery? **YES**

Noise and vibration

Is the development satisfactory in terms of the generation of offensive noise pollution or vibration in terms of

- ambient noise levels in the locality and prevailing meteorological conditions - wind speed/direction and temperature inversions? **YES**
- noise and vibration mitigation measures and management? **YES**

Subject to the conditions of consent.

Natural hazards

Are there risks to people, property and biophysical environment from:

- geologic / soil instability – subsidence, slip, mass movement? **NO**
- flooding, tidal inundation? **NO**
- bushfire risk – (*Planning for Bushfire Protn*-Dept of Bushfire Services)? **NO**

Safety, security and crime prevention

Is the development satisfactory in terms of the provision of safety and security in terms of:

- risk assessment and potential for accident, injury and criminal activity, particularly in residential areas and commercial/shopping centres? **YES**
- Measures used for safety, security and crime prevention such as situational measures and environmental design? **YES**
- Natural surveillance and visibility in public areas, including active uses on adjacent ground floors and building frontages/edges and lighting? **YES**
- Maintaining the condition and use of public areas, reinforcing territoriality and reducing fear of crime? **YES**

Technological hazards

Is the development satisfactory in terms of risks to people, property and biophysical environment from:

- Industrial and technological hazards (see various hazardous industry papers produced by the Department of Urban Affairs and Planning)? **YES**
- Land contamination and remediation – (is there a need for risk assessment and management – see *Multi-Level Risk Assessment* (Department of Urban Affairs and Planning 1997)? **YES**

Social impact in the locality

Is the development satisfactory in terms of the social benefits and cost of the development in terms of:

- The health and safety of the community? **YES**
- Community structure, character, values and beliefs and social cohesion? **YES**
- A sense of place and community and community facilities and links? **YES**
- The interaction between new development and the community? **YES**
- Social equity, socio-economic groups and the disadvantaged? **YES**

Economic impact in the locality

Is the development satisfactory in terms of the economic benefit and cost of development in terms of:

- Employment generation and economic income? **YES**
- Existing and future businesses? **YES**
- Property values as indicator of environmental impact? **YES**

Site design and internal design

Is the development design sensitive to environmental conditions and site attributes including:

- Size, shape and design of allotments, easements and roads? **YES**
- The proportion of site covered and the positioning of buildings? **YES**

- The size (bulk, height, mass) form, appearance and design of buildings? **YES**
- The amount, location, design, use and management of private and communal open space including landscaping? **YES**

Comment: Proposal generally complies with the relevant DCP and the objectives of the zone.

Construction

Is the proposed development satisfactory in terms of the impact of construction activities in terms of:

- The environment planning issues listed and any protection measures? **YES**
- Site safety and site safety measures? **YES**
- Staging construction **NA**

Cumulative impacts

Is the proposed development satisfactory in terms of impacts having potential to act in unison in terms of:

- Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects)? **YES**
- Individual impact so close in space that the effect overlap (space crowded effect) **YES**
- Repetitive, often minor impacts eroding environmental conditions (nibbling effects)? **YES**
- Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects)? **YES**

The suitability of the site for the development

Does the proposal fit in the locality?

- Are the constraints posed by adjacent developments prohibitive? **NO**
- Would development lead to unmanageable transport demands and are there adequate transport facilities in the area? **NO**
- Will the locality contain adequate recreational opportunities and public spaces for new occupants? **YES**
- Are utilities/services available and adequate for the development? **YES**
- Is the air quality and microclimate appropriate for the development? **YES**
- Are there hazardous land uses or activities nearby? **NO**
- Are ambient noise levels suitable for the development? **YES**

Are the site attributes conducive to development?

- Is the site subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement and bushfires? **NO**
- Is the proposal compatible with conserving heritage of the site? **NA**
- Are the soil characteristics on the site appropriate for development? **YES**
- Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site? **NA**
- Is the site prime agricultural land and will development prejudice future agricultural production? **NA**
- Will development prejudice the future use of the site for mineral and extractive resources? **NA**

The public interest

Federal, State and Local Government interests and community interests

- Do any policy statements from Governments have relevance? **YES**

- Are there any relevant planning studies and strategies? **YES**
- Is there any management plan, planning guideline, or advisory document that is relevant? **YES**
- Do any covenants, easements have an effect on the proposal? **YES**
- Have there been relevant issues raised in public meetings and inquiries? **NA**

Financial implications

Not applicable

Strategic or policy implications

Not applicable



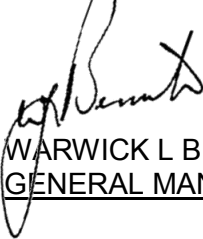
CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

NATHAN BURR
ENVIRONMENTAL TOWN PLANNER

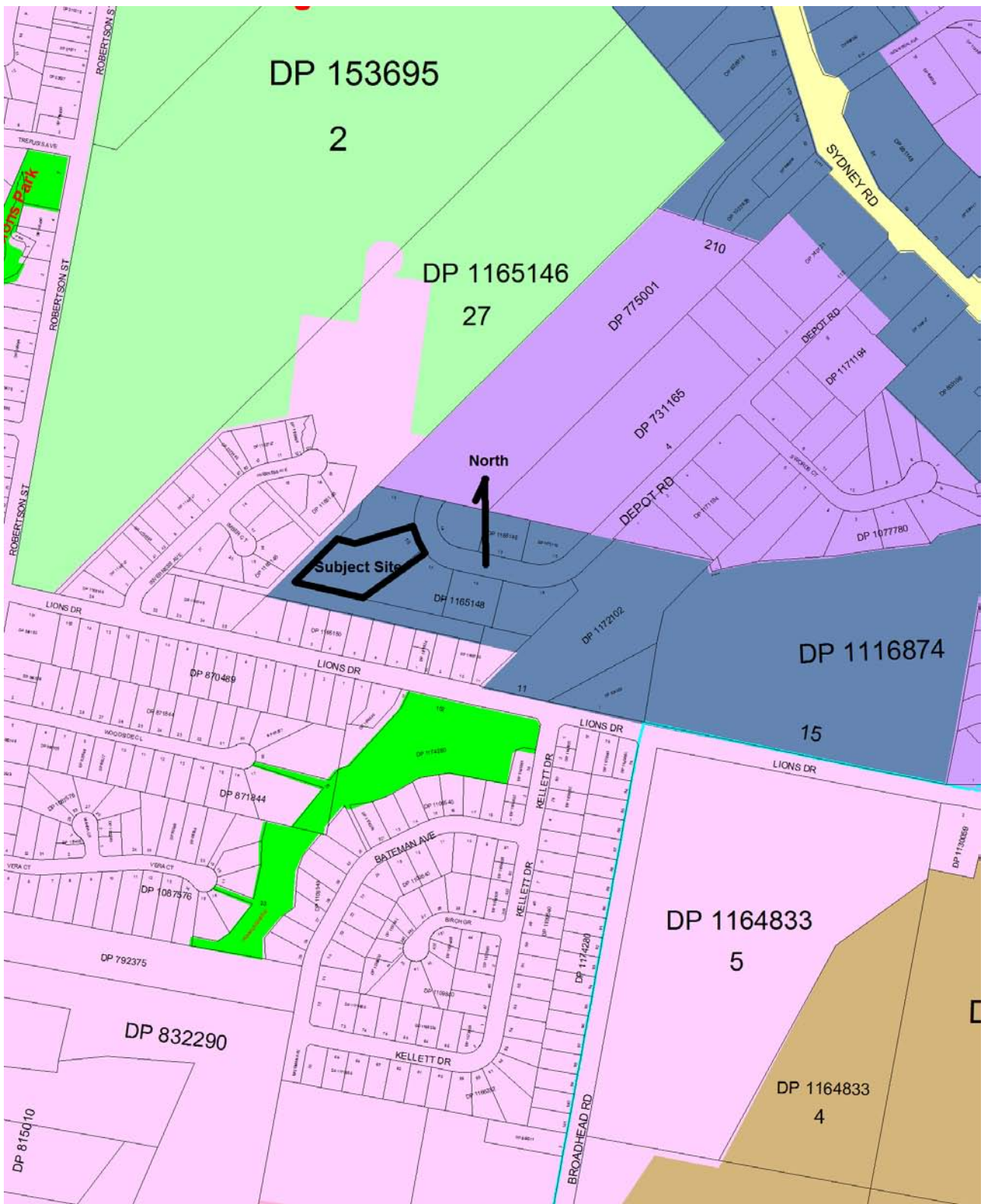
11 February 2013

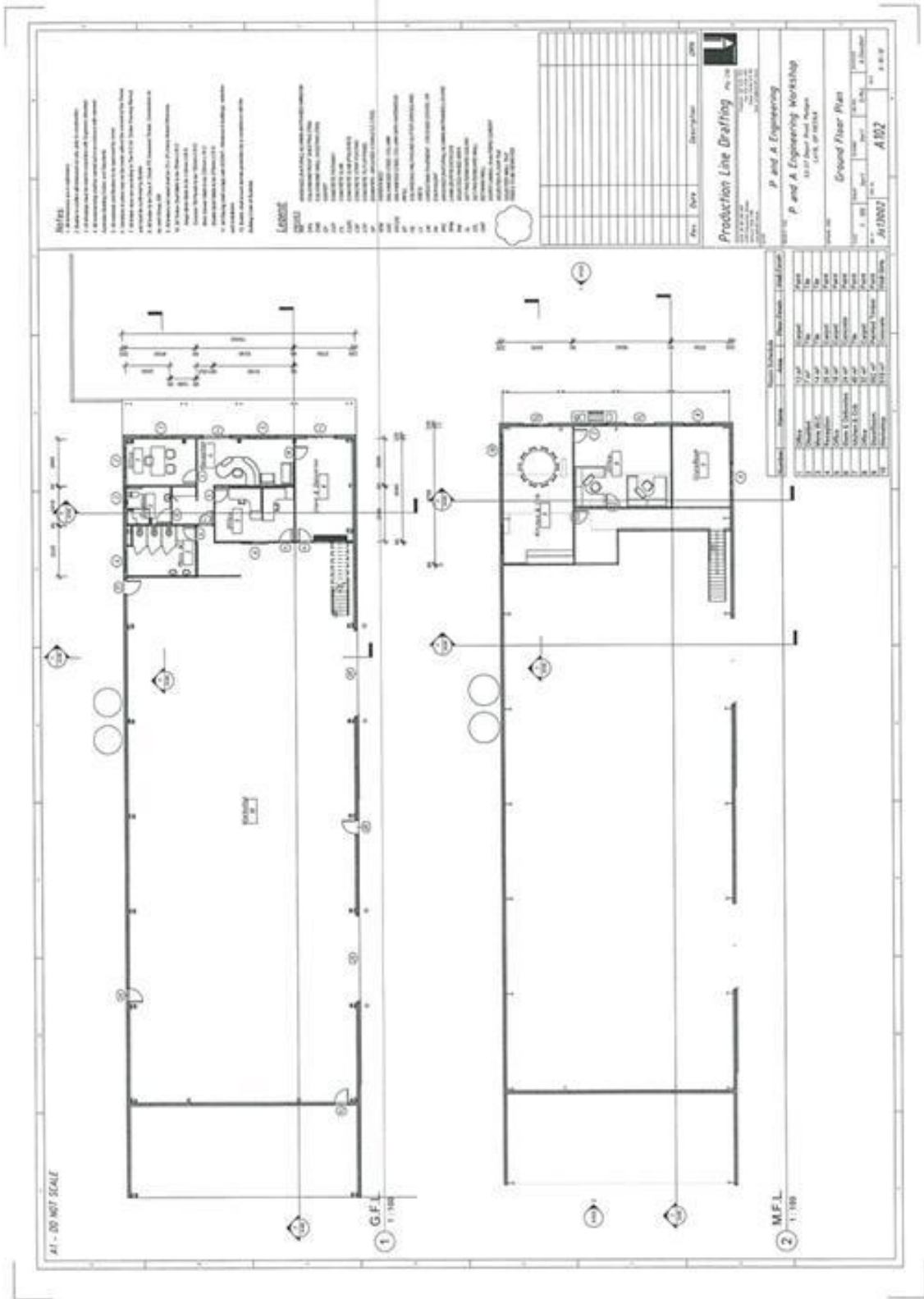
- Attachments:*
1. Locality Plan
 2. Site Plan, Floor Plan, Elevation & Sections
 3. Public Submissions

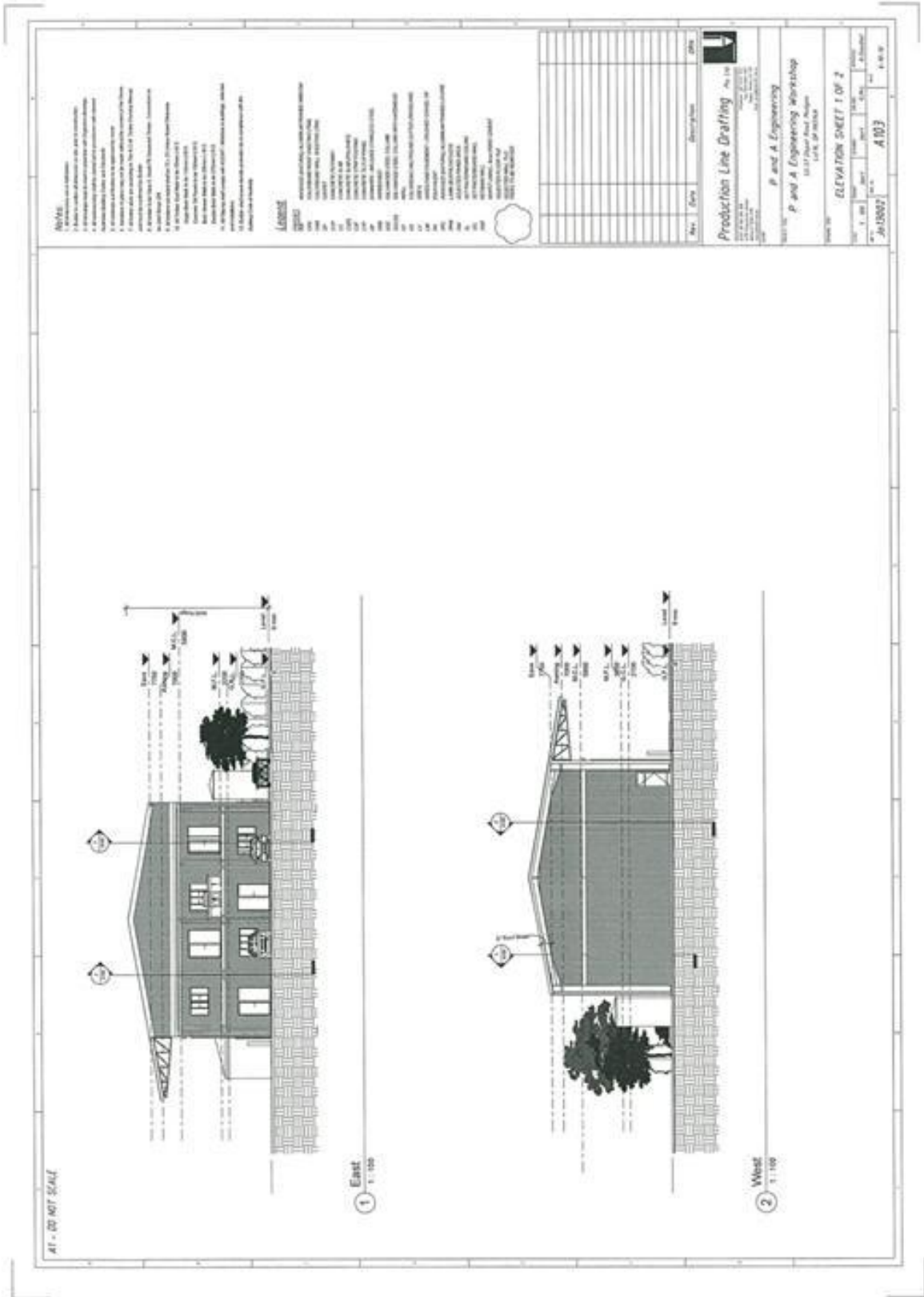
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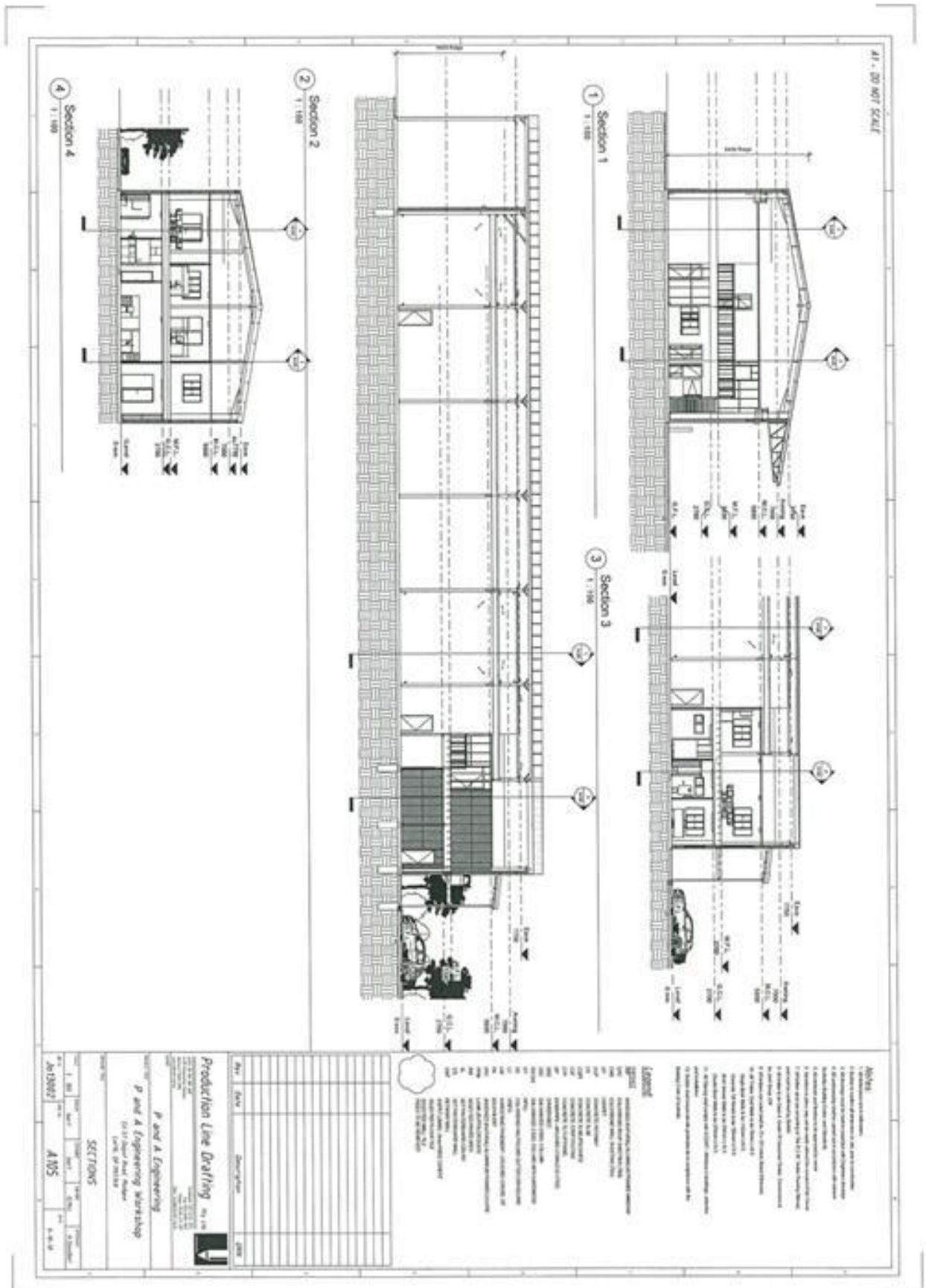


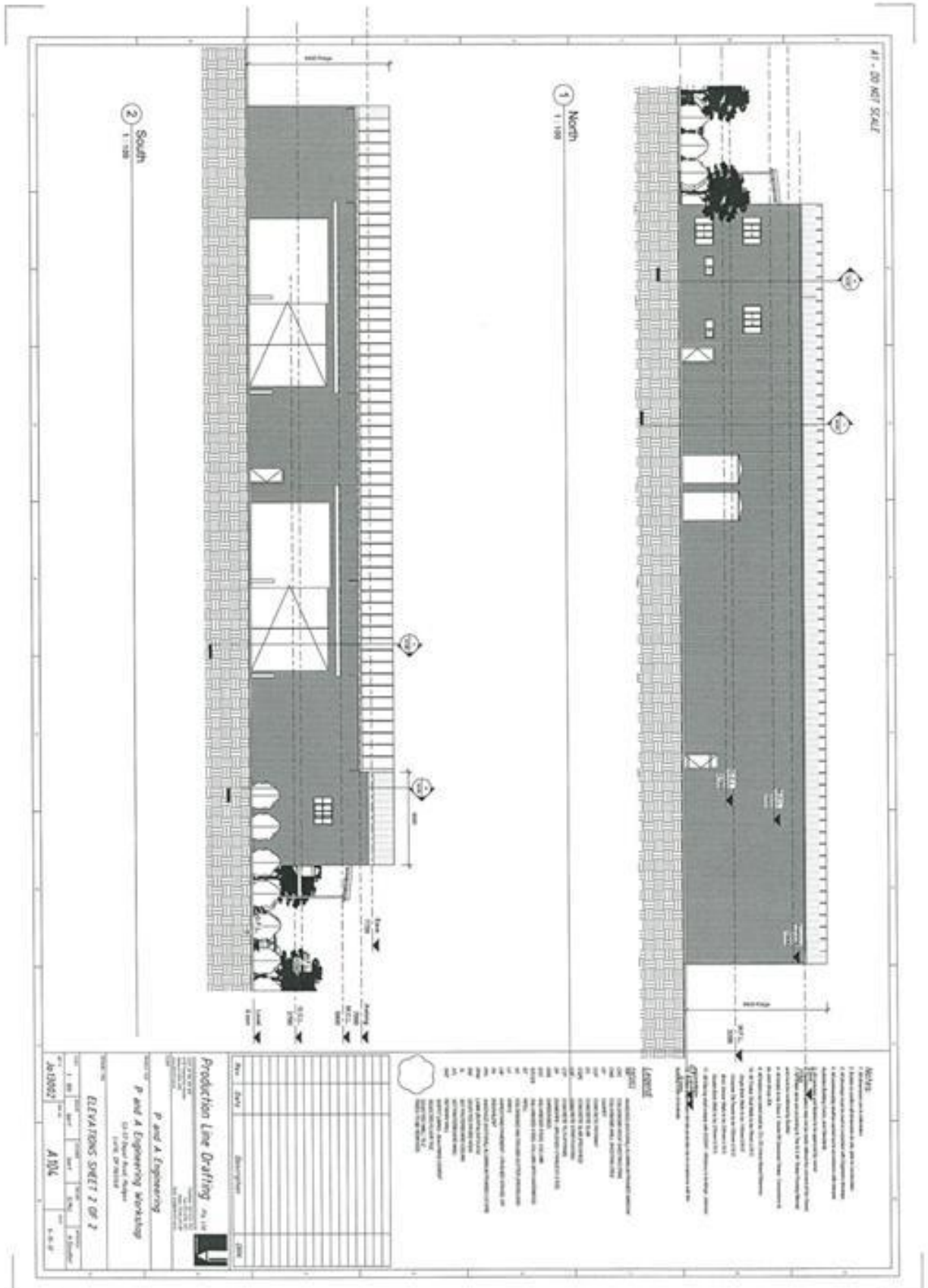
WARWICK L BENNETT
GENERAL MANAGER

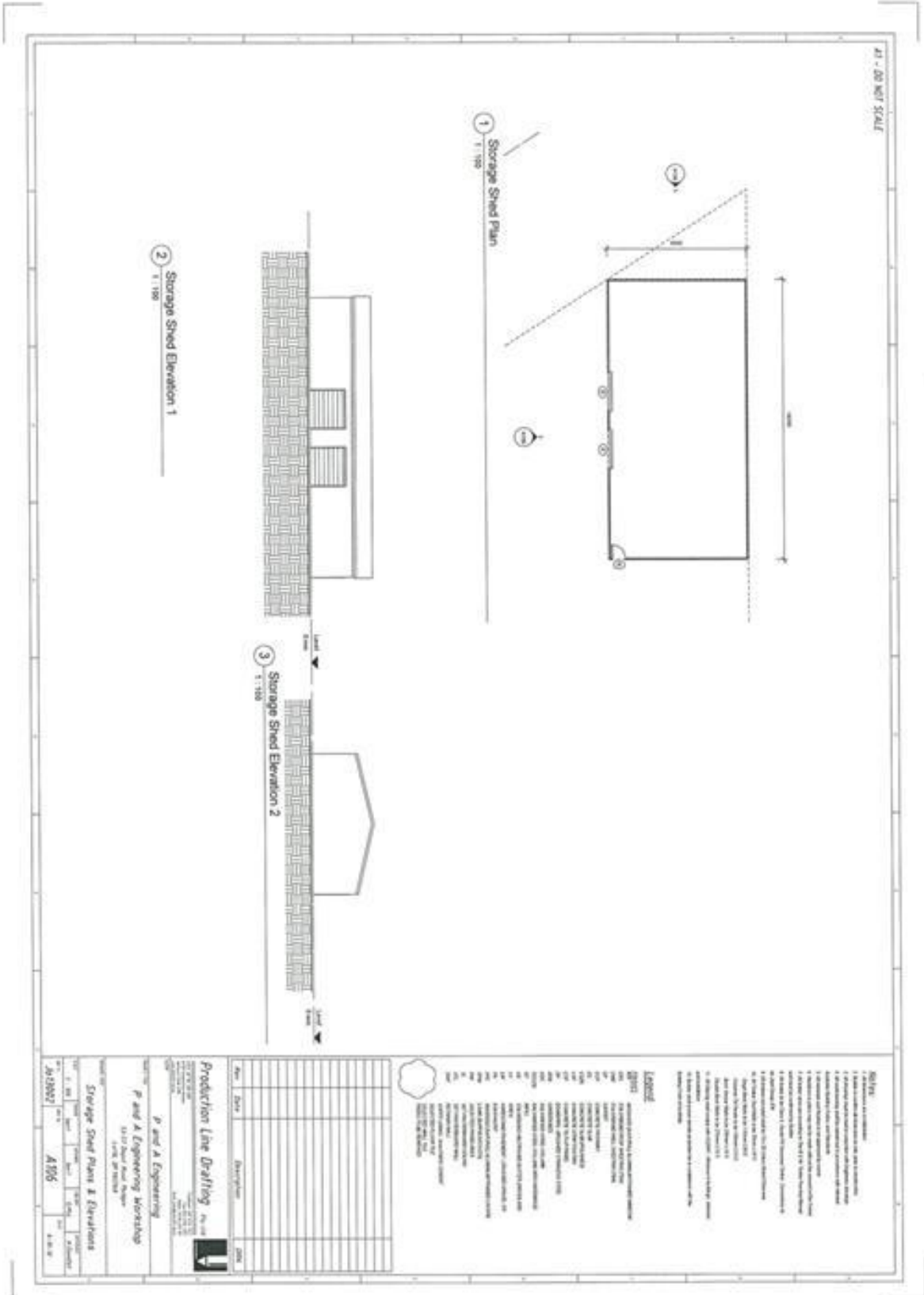












ATTACHMENT 3

19 Inverness Av
MUDGEE 2850

21 January 2013

Planning Department
Mid Western Regional Council
Market St
MUDGEE 2850

Dear Sir or Madam:

Re: Development Application DA0149/2013

The above development application for the erection of a large shed in Depot Road is causing much angst in our local community and having seen the impact that this development would create, we also strongly object.

The building would be considerably higher and larger than the already huge 'sheds' in Depot Rd which are clearly visible in the new housing estates in Lions Drive, Inverness Av and Imber Crescent. The existing 'buffer' hills are inadequate to mask the existing sheds which are highly visible now. Plantings by council have not been maintained and do nothing whatsoever to soften the existing industrial area, neither would they if they were thriving.

This new development is unsuitable to be in this location for its visibility issues and we understand that it is to be used for industrial purposes which will cause noise, lighting and environmental issues day and night.

Of particular concern is NOISE. The report from Barnsons appears to be glossing over the noise issue and the report indicates that the expected noise level is below acceptable standards. How do we know this and what happens in the future if we hear loud banging on many occasions. Isolated loud banging on irregular occasions still can cause stress to those nearby.

The proposed development is unsuitable to be adjacent to a residential area with little buffering and should be refused. The development can be built on many industrial allotments well away from residents and leave this allotment for relatively silent activities.

It is about time Council and Management show some strength and refuse these types of developments adjacent to people's houses.

Should the Council approve this noisy obtrusive development:

- Please ensure that in any approval, acceptable and visually attractive noise barriers are built and maintained over and above the normal very inadequate vegetative solution.
- Ensure that work is restricted to inside the main building.
- Ensure that no work occurs in the separate storage shed.
- Ensure that no access is possible to the site before 7am. The usual thing is for work to be restricted to 7am start but employees get to work at 6.30am or earlier and rev up their V8 Utes to prove their virility to their mates on arrival at work thus waking all the near neighbors.

Yours faithfully

JAMES & DIANA ANDERSON.

Submission re DA0149/2013 53 - 57 Depot Road Mudgee - Evan Hayes

From: Evan Hayes <evanhayesplumbing@hotmail.com>
To: <council@midwestern.nsw.gov.au>
Subject: Objection to DA0149/2013
Date: Sunday, 20 January 2013 06:54 PM

8.1.2013

To: The General Manager
Mid-Western Regional Council
86 Market St
Mudgee, NSW, 2850

To whom it may concern:

I am writing to express my concern and objection in relation to the development application DA0149/2013 currently proposed for a large engineering workshop (Heavy Industrial) on Depot Road, Mudgee. I am currently building a new home on Lot 14 Inverness Avenue, which backs directly onto the proposed site. I purchased this property, like many others in this area, under the impression that the sub-division in Depot Road was classed as 'B5 or Light Industrial'. Although I was aware that there may be a shed built on this property in the future, I definitely did not expect that a shed of such large proportions would be considered for the site. The imposing size and visual disturbance of this shed is not my only concern. I am also concerned about the level of noise and hours of operation that the proposed business will produce. I am very familiar with the operation of this business, my own business operates next door (8A Wilkins Crescent) to the current location of P & A Engineering and I know that the noise production is significant and extends outside of the operating hours noted in the DA for a 'Light Industrial or B5' zone site. I start work at 6:30 am and finish at 5:30pm, P & A engineering are already working when I get to work and generally still there when I leave.

As recorded in the DP, a Light Industrial development does "not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste, water, waste products, grit or oil, or otherwise". Having had my business next to P & A Engineering for the last 18 months I have no doubt that the proposed development will interfere in these ways and therefore is not a compliant development. It will have a negative effect on all of the residents in the area and will effect the re-sale value of my property. The fact is that this proposed development is a heavy industrial engineering business and the subdivision is zoned 'B5 or light industrial' therefore this particular DA 0149/2013 cannot be passed. I think it is also very poor planning by Mid-Western Regional Council that there is an industrial estate so close to a residential area. If this Heavy industrial Engineering business on this particular site gets passed it opens the door to every other land owner of that subdivision to build a shed / workshop of such size and type of business. I ask of you to think about the effect and the repercussions of having Heavy Industrial businesses so close to residential land.

Yours sincerely,

Evan Hayes
Owner Lot 14 (no. 10) Inverness Avenue.

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

RE: PROPOSED CONSTRUCTION OF INDUSTRIAL BUILDING 53-57 DEPOT ROAD MUDGEE
DA0149/2013

We the undersigned object on the following points:

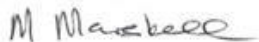
- *Not within Council's zoning laws. Height, size, parking and business activity
- *Far too high and close to residential housing with no provision for a barrier along acoustic mound
- *If this proposed DA is approved the loss of value to our property would be high as one block of land backing onto this proposed building has been placed back on the market already
- *The proposed building for metal fabrication is a worry because it is well known that this building will be used for heavy engineering for mining equipment hence the need for the height
- *Noise and length of working hours is another problem

It would be appreciated if you would give these objections careful consideration.

Warwick Marskell



Marjorie Marskell



25 Inverness Avenue Mudgee

21 January 2013



74 Robertson Street
MUDGEE NSW 2850

20th January 2013

The Mayor and Councillors
Mr Des Kennedy
Mid Western Regional Council
Market Street
MUDGEE NSW 2850

Dear Sir/Madam

It has come to our attention that Andrew Goodlet of P & A Engineering Pty Ltd have lodged a Development Application DA No. 0419/2013, D.P. No. 165148 for a proposed workshop and storage shed at Lot 16 Depot Road, Mudgee.

We would like to submit an objection to this Development application on the following grounds.

This proposal as per plans, in our opinion, does not comply with the zoning of the subdivision i.e. business Development.

This building is very high and includes a travelling crane, this would suggest that it is being designed for large construction/repair work and maybe designed by the applicant for this purpose in the future ie. Heavy industrial. If a Development Application is approved it will be very difficult to control the use of any building.

We may see very large vehicle movements and major damage to the road pavement (this is not a heavy industrial subdivision).

This kind of development so close to arguably the best residential sites in the area is certainly not compatible – aesthetics, noise, dust etc.

We elect our civic representatives to safeguard our interests and to make a decision favourable to the environment and residents.

Trusting in anticipation

Yours faithfully


Colin and Marcia Box



48 Spring Road,
MUDGEE NSW 2850
19TH January, 2013.

The General Manager,
Mid-Western Regional Council,
PO Box 156,
MUDGEE N.S.W. 2850



Dear Sir,

Would you please consider my attached submission re DA0149/2013, 53-57 Depot Road, Mudgee.

Yours sincerely,



VICKI CAMPBELL

0418 137 326.

Re: Development Application DA0149/2013 – Proposed Workshop & Storage Shed –

Additional Information @ 53 – 57 Depot Road, Mudgee NSW Lot 16 DP 1165148

I believe that this proposal does not comply with Council's B5 Business Development Zone and I wish to make the following points.

- Industrial development is not compatible with objectives of this zoning.
- Frontage of block too small for proposed development.
- Size of proposed building too large with regards to setbacks, turning circles for large vehicles, driveways and parking spaces.
- Acoustic report does not satisfy concerns re noise from proposed metal fabrication business.
- Concern re hours of business and noise generated i.e. early in the morning and possibly late at night which would not be compatible with adjoining residential homes.
- Bulk and scale of building cannot be compared to others on Depot Road as this proposed development is adjoining residential areas.
- Identified tools used by applicant may not be indicative of the scale of works proposed for this building. Size of proposed building may be required for very large scale works on industrial equipment rather than small scale engineering jobs.
- Applicant has stated that there are no significant trees or shrubs on the land which is incorrect. Boundary plantings around proposed building cannot effectively screen it from residential areas, as stated in DA.
- Proposed development is not in the public interest in this location. It will have an adverse effect on all residences in the Inverness Avenue and Lions Drive precinct and on the visual amenity of Mudgee Golf Course. It will have an adverse effect on the lives of all residents in respect of noise, dust generated, large vehicle movements, pollution and light etc.

Thank you for considering my submission.

24 Lions Drive
Mudgee NSW 2850
02 6372 6139
18 January 2013

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850

Dear Sir,

My Husband and I still harbour reservations regarding the noise levels that will accompany the development of 53-57 Depot Road in Mudgee, DA 0419/2013. As mentioned in the Acoustic report prepared by David Miles the noise levels were taken from the existing P& A Engineering facility. This by the authors' admission falls short of the detail required by the EPA Industrial Noise Policy.

We recognise that the levels they have predicted look good – no one could deny that. However, the question needs to be raised as to the impartiality of this report given that it was commissioned by the developer of the land. Also, over the time this development has been lodged it has given a few different descriptions of its intended purpose. Is a comparison of the current work performed going to mirror the work they will perform at their new address? What guarantees will be given to ensure there is no deviation from the work they perform?

This report also says that noise mitigation by flora has not been quantified. We would like to see for both acoustic and visual barriers the hardwood fence and the method suggested used to reduce further noise and the site of an imposing shed that may be given up to a 10% variation by council of the building requirements if they deem it appropriate. A planting of trees would then hide the fence and add wonderful structure to the area. It would seem that the flora we have employed in the past as a screen has been futile.

We are not opposed to progress. How many extra jobs will this create? Some will just be relocating. What about our beautiful golf course? Imagine what will happen to it if we do not get this right. Sometimes we only get one chance to do something right and we feel this is one of those moments. Please take into account our concerns in your decision as we do not want this end of Lions Drive to look as disjointed as down near toward Sydney Road.

Yours Sincerely,

Dianne Sleeman

Submission (Objection) re DA0149/2013 53 - 57 Depot Road Mudgee - Hana Hayes

From: Hana Campbell <hanalee_c@hotmail.com>
To: <council@midwestern.nsw.gov.au>
Subject: Objection DA0149/2013
Date: Monday, 21 January 2013 07:51 AM

13.01.13

To: The General Manager

Mid-Western Regional Council

86 Market St

Mudgee, NSW, 2850

To whom it may concern:

I am writing to express my objection to the proposed development application DA0149/2013 for the construction of large engineering workshop in Depot Road. Our new home is near completion and located at Lot 14 Inverness Avenue, Mudgee which backs directly onto the proposed site.

I am concerned that this shed will have a significant visual impact on the outlook and the level of privacy from within our house and surrounding yard. I am also concerned that it will generate intrusive noise and operate outside the hours described in the application. It is obvious that this development does not comply with zoning regulations on many levels and I feel that the type of business which is to be carried out on the site is heavy industrial, and therefore unsuitable for a 'Light industrial' zoned sub-division.

The health, happiness and safety of my family are paramount to me. We purchased this land under the impression that the cul-de-sac location and prestigious position would provide these qualities. My husband and I have recently welcomed our first child only two weeks ago and looked forward to raising a family in our new home and neighbourhood. I feel that the proposed development will have a huge impact on my daily life and the happiness and safety of my family and neighbours and if approved, will cause ongoing problems and a large volume of complaints well into the future.

Yours sincerely,

Hana Hayes.

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Submission (objection) re DA0149/2013 - 53-57 Depot Road MUDGEES - L16 DP1165148 - AK Goodlet (applicant/owner) & L Goodlet (Owner) - Industrial workshop and storage - Kate Smeallie

From: Ben Smeallie <bksmeallie@bigpond.com>
To: <council@midwestern.nsw.gov.au>
Subject: Concerns regarding proposed construction - 53 -57 Depot Road, Mudgee
Date: Thursday, 24 January 2013 10:29 PM

To the attention of General Manager - Mid Western Regional Council,

I am writing to you as I have great concerns regarding the proposed construction of an industrial building for use as a metal fabrication business at Lot 16, 53 -57 Depot Road, Mudgee.

My objection is late as it was supposed to be lodged by the 21st. We have been away, so I hope that it will be still accepted.

My concerns are as follows:

- # Allowing a development of this sort will greatly devalue surrounding residential properties
- # We purchased our block thinking that it would be a quiet and peaceful area and were also promised substantial hedging at the end of Inverness which has not happened to date.
- # The noise that this development will create should not be permitted in a Business Development Zone of this sort.
- # The size of their proposed shed is much greater than it should be for an area such as this and will impact greatly on the surrounding residential streets.
- # The proposed cutting down of mature trees should not be allowed as the area is already lacking in greenery.
- # The fact that this block is only 27 metres wide and therefore cannot be used for any industrial development really concerns me.

If this development goes ahead I would really have to question - Why and How could this happen? When lodging our own plans to council we were asked to pay an additional \$2000 for some small boundary issue which was of absolutely no worry or concern to any of our surrounding neighbours.

I hope these concerns are taken seriously.

Yours sincerely,

Kate Smeallie
21 Inverness Ave
Mudgee NSW 2850

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Submission (objection) re DA0149/2013 - 53-57 Depot Road MUDGEES - L16 DP1165148 - AK Goodlet (applicant/owner) & L Goodlet (Owner) - Industrial workshop and storage - Benjamin Smeallie

From: Ben Smeallie <bksmeallie@bigpond.com>
To: <council@midwestern.nsw.gov.au>
Subject: Concerns regarding proposed construction of Lot 16, 53-57 Depot Road, Mudgee
Date: Thursday, 24 January 2013 10:30 PM

To the attention of General Manager - Mid Western Regional Council,

I am writing to you as I have great concerns regarding the proposed construction of an industrial building for use as a metal fabrication business at Lot 16, 53 -57 Depot Road, Mudgee.

My objection is late as it was supposed to be lodged by the 21st. We have been away, so I hope that it will be still accepted.

My concerns are as follows:

- # Allowing a development of this sort will greatly devalue surrounding residential properties
- # We purchased our block thinking that it would be a quiet and peaceful area and were also promised substantial hedging at the end of Inverness which has not happened to date.
- # The noise that this development will create should not be permitted in a Business Development Zone of this sort.
- # The size of their proposed shed is much greater than it should be for an area such as this and will impact greatly on the surrounding residential streets.
- # The proposed cutting down of mature trees should not be allowed as the area is already lacking in greenery.
- # The fact that this block is only 27 metres wide and therefore cannot be used for any industrial development really concerns me.

If this development goes ahead I would really have to question - Why and How could this happen? When lodging our own plans to council we were asked to pay an additional \$2000 for some small boundary issue which was of absolutely no worry or concern to any of our surrounding neighbours.

I hope these concerns are taken seriously.

Yours sincerely,

Benjamin Smeallie
21 Inverness Ave
Mudgee NSW 2850

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Submission (Objection) re DA0149/2013 53 - 57 Depot Road Mudgee - Ian & Jenny Marchant

From: Ian Marchant <ianmarchant@bigpond.com>
To: <council@midwestern.nsw.gov.au>
Subject: DA 0149/2013
Date: Sunday, 20 January 2013 07:43 PM



Attention: General Manager,

After reviewing the amendments to the above DA in Depot Road, we feel this still does not fall into the "light development" zone. We recently viewed the site in which the applicant is currently utilising, and the size of equipment they were repairing was enormous (a mining dump truck bucket). Can I also mention that this was on a Saturday afternoon after 3pm.

As in our last letter, our main concern was the enormity of the proposed building together with the noise factor.

We feel there is ample industrial sites available in Mudgee that would be suitable for this type of business without being connected to a prestige residential estate.

We hope council gives serious thought before the approval of this DA.

Thank you for this opportunity to have our concerns heard.

Regards,

Ian & Jenny Marchant

PO Box 767

Mudgee NSW 2850

SUBMISSION (OBJECTION) re DA0149/2013 - 53-57 Depot Road MUDGEES - L16 DP1165148 - AK Goodlet (applicant/owner) & L Goodlet (Owner) - Industrial workshop and storage - Nicki Warren

From: Mudgee Pest Service - Nicki <nicki@mudgeepest.com.au>
To: <council@midwestern.nsw.gov.au>
Subject: Objection to DA 0149/2013 - 53-57 Depot Road Mudgee NSW 2850
Date: Monday, 21 January 2013 04:22 PM

To Whom it May Concern,

I Nicole Warren hereby object to this proposed Development being approved on the following grounds:

- The Acoustics Report was not independently commissioned and solely relies on information given by the applicants. It therefore cannot be considered to be an objective report.
- The lot is zoned BA Business Development Zone, not industrial.
- No consideration was originally given to neighbouring residents who did not receive advance notice to object to this development.
- The allowed size frontage, side setback and setback from the road measurements ALL do not comply with with the IDCP set down by Council.
- The Building design is nor harmonious with the natural and built up surroundings as stated in the IDCP set down by Council.
- Parking, vehicular access and shed size in relation to plan, fail to comply with required elements of DCP
- This development fails to comply with Council's DCP standards which have been set down for good reason. It would be a disgrace to let such an imposing development be approved!

Regards,

Nicki Warren

Mudgee Pest Service

Ph: (02) 6372 3110

Mobile: 0439456692

Email: nicki@mudgeepest.com.au

Web: www.pest-control-mudgee.websyte.com.au/



SUBMISSION (OBJECTION) re DA0149/2013 - 53-57 Depot Road MUDGEES - L16 DP1165148 - AK Goodlet (applicant/owner) & L Goodlet (Owner) - Industrial workshop and storage - Shane Warren Mudgee Pest Services

From: Mudgee Pest Service <info@mudgeepest.com.au>
To: <council@midwestern.nsw.gov.au>
Subject: Objection to DA0149/2013 Depot Road Mudgee NSW 2850
Date: Monday, 21 January 2013 04:31 PM

To Whom it May Concern,

I Shane Warren hereby object to this proposed Development being approved on the following grounds:

- The Acoustics Report recently submitted is based on assumptions made by the applicants at their current business premises, not this substantially larger proposed development.
- The lot is zoned BA Business Development Zone, not industrial.
- The allowed size frontage, side setback and setback from the road measurements ALL do not comply with the IDCP set down by Council.
- The Building design is not harmonious with the natural and built up surroundings as stated in the IDCP set down by Council.
- Parking, vehicular access and shed size in relation to plan, fail to comply with required elements of DCP
- This development fails to comply with Council's DCP standards on many levels and therefore should not be allowed in such close proximity to residential land.
- I believe this development will have a significant negative effect on the value of our land and that of our neighbours, case in point: the block next to us has been for sale for some time, as soon as prospective buyers find out about the proposed DA, they are no longer interested.

Regards,

Shane Warren

Mudgee Pest Service

Ph: (02) 6372 7378

Mobile: 0438845972

Email: info@mudgeepest.com.au

Web: www.pest-control-mudgee.websyte.com.au/



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SUBMISSION (OBJECTION) re DA0149/2013 - 53-57 Depot Road MUDGEE - L16 DP1165148 - AK Goodlet (applicant/owner) & L Goodlet (Owner) - Industrial workshop and storage - Kate Dinyes

From: <council@midwestern.nsw.gov.au>
To: <council@midwestern.nsw.gov.au>
Subject: Submission E-Form
Date: Monday, 21 January 2013 04:43 PM

today's date: 21/01/2013
development application number: DA0149/2013
proposed development: Proposed workshop and storage shed
your name and address: Kate Dinyes
23 Lions road
Mudgee

reasons for submission: As a local resident I am opposed to this development application. If the building of the proposed workshop and storage shed goes ahead it will dramatically alter my quality of living with excessive noise increase. The structures obtrusive building size will reduce the street-scape overall appearance.

My husband and I purchase our property thinking that surrounding building development approval would be in keeping with neighbouring properties, and that careful consideration of the views of the residents would be considered. We definitely would have not purchase the property if we had know that the council might approve a workshop and storage shed being built so close to residential property.

If this shed goes ahead it will be a landscape eyesore.

political donations requirements: Yes

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21st January 2013

Ms Catherine Van Laren
Mid Western Regional Council
86 Market Street
MUDGEE NSW 2850

Dear Ms Van Laren

**RE: DEVELOPMENT APPLICATION DA 0419/2013
53-57 DEPOT ROAD – LOT 16 DP 1165148**

The Board of the Mudgee Golf Club Ltd write to object to the revised Development Application DA 0419/2013.

- (1) The proposed size of the building and it's position backing onto the Golf Club housing Estate will have a substantial negative visual impact on the residents of this Estate.
- (2) The proposed development may impact on future development of Golf Club vacant property.
- (3) The Board feels that the proposed development does not meet many of the guidelines and requirements under the Council's B5 Business Development Zoning of it's Industrial Development Control Plan.

Yours Sincerely,

MICHAEL KEARINS
Vice President Mudgee Golf Club Inc.



21 - Jan - 2013

The General Manager
Mid Western Region Council
Market Street
Mudgee NSW 2850

Re: DA 0149/2013

I have previously raised concern with council in writing regarding the DA application noted above. Myself and other residents have concerns regarding the suitability of the proposed industrial development immediately adjacent the residential area that is not zoned industrial.

If council approves the development, residents will have no future opportunity to affect noise issues, this was made clear by councillors at the meeting held nearby the site in 2012.

I request that Council be diligent in it's assessment of the application and take note of the concerns expressed by the ratepayers.

Regards



Mrs D Garland
17 Inverness Ave
Mudgee NSW 2850



Submission (Concerns) re DA0149/2013 53-57 Depot Road Mudgee - Heather McCullah

From: Heather <inverness3@bigpond.com>
To: <council@midwestern.nsw.gov.au>
Subject: Lot 16 DP 1165148 53-57 Depot Road Mudgee
Date: Sunday, 20 January 2013 08:01 PM

The General Manager
Midwestern Regional Council

Dear Sir,

I refer to the above mentioned development application and state my concerns.

It would appear the only concession made by the applicant is the height of the roof. Has council raised other areas where further attention is required within this application?

My concerns are as follows

1. The nature of the development on this site eg Industrial in Zone B5 Business Development
2. The width of the block is 27m and under council requirements can not be used for industrial development
3. Height of walls
4. Hours of operation
5. Stricker noise and pollution control next to residential area (external measurement required)
6. Preservation of existing trees
7. Type of business allowed in this area
8. If this building is approved it will only give an "open door" to similar developments.
9. The size of this building will not allow for loading and manoeuvring areas to comply with Council

10. This size development should only be approved in the 4B Industrial Area in Industrial Road.
11. Attracting large vehicle customer traffic for the business to enter into Depot Road.

I would also like to take this opportunity to thank your staff for attending the street meeting regarding this development and listening to the resident's concerns.

Heather McCullah

PO Box 91

Mudgee 2850

January 20, 2013

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48 Spring Road,
MUDGEE NSW 2850
19th January, 2013.

The General Manager,
Mid-Western Regional Council,
PO Box 156,
MUDGEE N.S.W. 2850



Dear Sir,

Would you please consider my attached submission re DA0149/2013, 53-57 Depot Road, Mudgee.

Yours sincerely,

RON CAMPBELL

0427 007 732

OBJECTION TO DEVELOPMENT APPLICATION DA0149/2013 – PROPOSED METAL FABRICATION WORKSHOP & STORAGE SHED, 53 – 57 DEPOT ROAD, MUDGEE NSW 2850, LOT 16 DP 1165148

The new proposal still does not address the concerns raised by residents and Council, with the only concession being to reduce the pitch of the roof, therefore slightly reducing the ridge height, but the wall height is remaining at 7.75 metres (the proposed building still exceeds the height of the acoustic mount by over 5.5 metres).

Points that Council should be considering where I feel this development does not comply with the B5 Business Development Zone and the Industrial Development Control Plan are:

1. The acoustic report is not comprehensive and makes assumptions about the source of noise at P & A Engineering's current premises based on information provided by P & A Engineering – not objective observation and data collection.
2. This is an industrial development and therefore should not be permitted in the B5 Business Development Zone.
3. The minimum size frontage for an industrial block of land is 30 metres. This block has only a frontage of 27 metres.
4. The *minimum side setback is 5 metres, the plan shows only a 3 metre setback.*
5. The minimum setback from the road is 15 metres, actual measurement is 14.97 metres.
6. Sites with an area in excess of 5000 square metres are required to have a separate ingress and egress driveway, each with a minimum width of 6 metres and shall be constructed no closer than 1 metre to the side or rear boundary, for a total of 13 metres, the DA shows a width of 8-10 metres and also overlapping onto carpark spaces.
7. Loading and manoeuvring areas – the only way to comply with this is to decrease the size of the shed.
8. Building design – buildings should be sited and designed harmoniously with adjoining development and the streetscape. The number of resident's objections reveals the lack of harmony. *This is the second building in this subdivision and the first that borders the residential areas.*
9. Open storage areas must be screened from public view yet the DA states that goods will be stored under the awning.
10. Variation of development standards of Council will consider up to 10% of the standards detailed in the Industrial DCP providing the applicant lodges a formal objection to the standards listing reasons for seeking departure.
11. Car parking – 18 car parking spaces required by DCP, but only 11 proposed.
12. Landscaping – every effort should be made to preserve existing trees. Comment – they plan to remove all substantial trees.
13. *Statement of Aims and Objectives with specific objectives of the Industrial CDP:*
 - Parking. Comment – Fails to meet requirements under DCP.
 - Vehicular Access. Comment – Fails to meet requirements under DCP.
 - Minimise disturbance from noise, pollution, waste and the like. Comment – a grave concern particularly relating to dust and noise.

- Good design, landscaping, siting and appearance. Comment – poor design, block already landscaped (i.e. mound), poor siting (shed too big for block taking into account driveways, setbacks and vehicle access).
- Promote a high standard of building layout, in harmony with adjoining development. Comment – regarding the layout of the building, driveways and setbacks do not comply. No consideration has been given to the adjoining residential areas.
- Permit the location of bulky goods, sales rooms and showrooms in the B5 Business Development Area adjacent to the Sydney Road. Comment – this is not a bulky goods, sales room or showroom development.

Conclusion

As can be seen from the preceding points this development should not be allowed due to:

1. The nature of the development (i.e Industrial in Zone B5 Business Development).
2. The fact that the block is only 27 metres wide and therefore cannot be used for any industrial development.
3. The DA does not comply with hardly any of the objectives of the Mid Western Regional Council's Development Control Plan for Industrial Development.
4. It is of grave concern that we feel the developer (P & A Engineering) have shown little regard for the concerns of the surrounding residents. Also, we feel that with the power of MWRC, particularly the Planning Department, policy should be implemented to ensure that any development that borders on residential areas should have stricter controls on these developments –
 - i.e. maximum height of buildings
 - hours of operation
 - stricter noise and pollution controls
 - types of business allowable
 - colour of building
 - preservation of existing trees
5. I would also request Council to immediately stop the removal of any existing trees subject to planning department approval to try to preserve the existing green canopy wherever possible.

6.2.3 DA0251/2013 Residential Flat Building (20 Units – Affordable Rental Housing) and Community Title Subdivision

REPORT BY THE ENVIRONMENTAL TOWN PLANNER TO 20 FEBRUARY 2013 COUNCIL MEETING

REPORT DA0251-2013 20 Affordable Housing Units and Community Title Subdivision 37-41 George St Mudgee A0100056, P2168561

RECOMMENDATION

That:

1. The report by the Environmental Town Planner on Development Application No. 0251/2013, Proposed Multi Dwelling Housing Development (20 Units – Affordable Rental Housing) and Community Title Subdivision, 37- 41 George Street, Mudgee be received;
2. Development Application No. 0251/2013 , Proposed Multi Dwelling Housing Development (20 Units – Affordable Rental Housing Residential Flat Building (20 Units – Affordable Rental Housing) and Community Title Subdivision, 37- 41 George Street Mudgee be approved subject to the following conditions and notes:

APPROVED PLANS

1. Development is to be carried out generally in accordance with:

(a) stamped plans prepared by A & N Design Sydney:

- Post-Development Plan, 20-11-2012, A18693-DA, Sheet 2, Rev C
- Site Analysis, Site Plan & Ground Floor Plan, 20-11-12, A18693-DA, Sheet 3, Rev C
- Elevations & Sections, 20-11-12, A18693-DA, Sheet 4, Rev C
- Typical Plans Type 1, 20-11/2012, A18693-DA, Sheet 5, Rev C
- Typical Plans Type 2, 20-11/2012, A18693-DA, Sheet 6, Rev C
- Typical Plans Type 3, 20-11/2012, A18693-DA, Sheet 7, Rev C
- Typical Plans Type 4, 20-11/2012, A18693-DA, Sheet 8, Rev C
- Typical Plans Type 5, 20-11/2012, A18693-DA, Sheet 9, Rev C
- Subdivision Plan, 20-11/2012, A18693-DA, Sheet 1, Revision A

(b) Stamped plans prepared by Jocelyn Ramsay & Assoc. Pty Ltd:

- Landscape Plan, 27-11-12, DWG-No 12-043, Rev 1

(c) Stamped plans prepared by INSITES:

- Stormwater Concept Plan, 16-11/2012, I256MU, DWG No C1, Issue A

(d) the Application received by Council on 03 December 2012 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. For 10 years from the date of the issue of the occupation certificate all dwelling units will be used for the purposes of affordable rental housing and be managed as affordable rental housing by a registered community housing provider.
3. A restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the following, as specified above, will be carried out:

For 10 years from the date of the issue of the occupation certificate all dwelling units will be used for the purposes of affordable rental housing and be managed as affordable rental housing by a registered community housing provider.

4. Prior to the issue of the construction certificate the site will be remediated and certification from a qualified person provided to council to this effect in accordance with the recommendations made in the Preliminary Contamination Investigation prepared by Envirowest Consulting dated 4 February 2012
5. Prior to the issue of the occupation certificate the power pole in George street foot path preventing direct vehicle access to the garage of Unit 4 will be relocated and a straight concrete driveway with council standard crossover will be provided.
6. All landscaping is to be established prior to occupation of the development and consist of appropriately advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local government Area, require minimal watering and be salt resistant. Alternatively, smaller plan sizes will be considered if irrigation systems are implemented.

GENERAL

7. 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".
8. A 1.8 metre high screen fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer.
9. A 1.8 metre high screen fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development.
10. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
11. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
12. Private open space areas for all units are to be provided with a level surfaces to at least 50% of the open space area.

BUILDING

- 13. 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.**
- 14. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.**
- 15. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.**
- 16. All building work must comply with the requirements of the National Construction Code 2012, Volume Two, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.**
- 17. 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.**
- 18. Construction work noise that is audible at other premises is to be restricted to the following times.**
 - Monday to Saturday -- 7.00am to 5.00pm**
 - No construction work is permitted on Sundays and Public Holidays.**
- 19. 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.**
- 20. 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.**
- 21. 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.**
- 22. 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.**
- 23. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)**
- 24. 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.

25. All stormwater is to discharge to the street water table with the use of non-flexible kerb adaptors.
26. 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.
27. 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. Council is to give at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act.
28. The requirements of the submitted BASIX Certificates:
 - 458621M, Issued 28 November 2012
 - 454256S, Issued 29 November 2012
 - 454261M, Issued 29 November 2012
 - 454522M, Issued 29 November 2012
 - 454528M, Issued 29 November 2012
 - 454264M, Issued 29 November 2012
 - 454592M, Issued 29 November 2012
 - 454594S, Issued 29 November 2012
 - 454596M, Issued 29 November 2012
 - 454078M_2, Issued 28 November 2012

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.

29. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Transport Management	Rate	No of Lots	Total
Traffic Management	\$1,110	17	\$18,870

Transport Management	Rate	No of Lots	Total
Open Space			
Local Open Space	\$1,742	17	\$29,614
District Open Space	\$2,365	17	\$40,205
Community Facilities			
Library Buildings	\$228	17	\$3,876
Library Resources	\$274	17	\$4,658
Administration			
Plan Administration	\$532	17	\$9,044
TOTAL PAYABLE	\$6,251	17	\$106,267

31. 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.

32. Underground electricity, street lighting and telecommunications are to be supplied to the development. Prior to issue of the *Construction Certificate*, Council is to be supplied with:
 - (a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

33. 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	\$69,289
Sewerage Headworks	\$60,306
Total Payable	\$129,595
 - (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.

34. Council will assess the need of upgrading the sewer main crossing the mid of the property at the Construction Certificate stage. Engineering plans of any mains extensions and upgrade are to be submitted to and approved by Council prior to the issue of a Construction Certificate. All costs associated with this work shall be borne by the developer.

35. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the

existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.

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

ENGINEERING CONSTRUCTION

37. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:

- Saving available topsoil for reuse in the revegetation phase of the development;
- Using erosion control measures to prevent on-site damage;
- Rehabilitating disturbed areas quickly;
- Maintenance of erosion and sediment control structures;

38. 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.

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

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

40. 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.

Note: Engineering plans of any mains extensions are to be lodged with Council and approved prior to the commencement of any construction.

Note: Council will quote on connecting any sewer or water main extension to the existing “live” main on receipt and approval of engineering plans. Council does not permit other bodies to insert new junctions into ‘live’ sewer mains.

41. 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 development.

42. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
43. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each dwelling at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M594-Kerb & Gutter Layback, as outlined in Council's "Access to Properties Policy". The vehicular entrance shall have the following minimum characteristics:
 - a minimum of 6m width for the entry/Exit;
 - Including 2 passing lanes with a minimum formed width of 6m and length of 6m along the driveway.

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

44. All vehicles are required to enter and leave the site in a forward direction at all times.
45. Visitors parking spaces within the site of the development to comply with the following requirements:
 - Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan – Design for Accessibility.
 - All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
 - Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.
46. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.
47. The developer is to upgrade Lochiel Lane for the full width of the road from Denison Street to the southern boundary of the development site. The upgrade is to include stormwater drainage and details are to be submitted to council for approval with the Engineering Construction Certificate.

PRIOR TO OCCUPATION

48. 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.

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

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

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

(Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges)

52. **A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.**
53. **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.**
56. **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.**

Executive summary

The application seeks approval for the construction of 20 Affordable Housing Units and a community title subdivision on the site.

The development has been designed in accordance with the provisions of State Environmental Planning Policy SEPP (Affordable Rental Housing) 2009. The site does not comply with the location requirements of the SEPP. However, the units are provided by 'Housing Plus' a social housing provider and will be committed to social housing for a period of 10 years. It is acceptable thereby that the application takes advantage of the design incentives the SEPP to make a contribution to Affordable Housing in Mudgee. The need to address affordable housing in the region has been raised in Council's Draft Affordable Housing Discussion Paper and responded to in Council's comprehensive DCP 2013.

The application only relies on the SEPP in relation to solar access. The private open space areas of internal units on the southern boundary do not meet minimum requirements as specified by Council's DCP. However their living rooms have a northern orientation and will receive the necessary light for winter in that fashion. This is acceptable under the SEPP. To further offset this, a large village green will be provided to cater for any active recreation requirements of the residents.

The development requires variations to the Residential DCP in respect of side, rear and garage setbacks; private open spaces areas; and development density. These can be justified because the private open space areas of adjoining properties will still receive substantial solar access, the site has a secondary frontage to a rear lane, is located in close proximity to the Heritage Conservation area, and the design provides a village green for active recreation. Accordingly it is acceptable for some private open space areas to be designed for passive recreation and utility purposes only.

The application has been forwarded to the Council Meeting for determination due to the application of the SEPP, non-compliances with the Residential DCP, and because the development has an estimated cost of works of \$4.9 million which exceeds staff delegation.

Detailed report

PROPOSED DEVELOPMENT:

The development application seeks approval for the construction of 20 Affordable Housing Units and associated works on the site, 37-41 George Street, east Mudgee.

The site is composed of three lots 3, 4 & 5 DP 3268 and has a total area of 5774m². It is a vacant block in an older part of Mudgee. It is adjoined by single and multiple dwellings to the north and east; by single dwellings to the west on the opposite side of George Street; and by a vacant block to the east on the opposite side of Lochiel Lane approved for 11 multiple dwellings.

The site once contained brick dwellings. The dwellings have been demolished. However, some fill associated with the demolition and potentially from other sources has remained on the site. The site now slopes gently from south-east to north-west boundary and only contains a derelict windmill.

The 20 unit's proposed are attached and detached single storey brick veneer constructions with pitched roofs. They have contemporary designs and are composed of 10x 1 bedroom dwellings, 6x 2 bedroom dwellings, and 4x 2 larger bedroom dwellings. 6 of the units will have direct vehicle access to George Street, and 5 to Lochiel Lane. The remaining 7 units have access to an internal loop road which surrounds a village green. The village green is also the stormwater detention basin for the site.

Works associated with the units include the construction of the village green/detention basin, the internal loop road, three visitor car parking spaces, a gas storage tank, the connection of the development to reticulated infrastructure systems and the provision of landscaping throughout the site which includes standing vegetation. A community title subdivision of the development into 21 lots is also proposed.

The units are proposed as "Affordable Rental Housing" units by local social housing provider "Housing Plus". This means the units have been designed in reference to the State Environmental Planning Policy SEPP (Affordable Rental Housing) 2009 and will be rented for social housing for a period of ten years. This commitment will be registered as a condition on any planning permit and a covenant on the community title for the development.

ASSESSMENT:

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:**(a) Provisions of any Environmental Planning Instrument and any draft EPI*****State Environmental Planning Policy SEPP (Affordable Rental Housing) 2009***

The units are "Affordable Rental Housing" units provided by social housing provider "Housing Plus". They have been designed in reference to the requirements of State Environmental Planning Policy SEPP (Affordable Rental Housing) 2009.

A primary objective of the SEPP can be identified as seeking:

(b) To facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards.

To utilise the SEPP incentives, the site and applicant must satisfy criteria and accept a condition on a planning permit that a proportion of the units will be rented for social housing for 10 years. A covenant must also be registered on the title.

The applicant satisfies two of the criteria in that it is a 'social housing provider', will commit all 20 units to affordable rental housing, and welcomes the condition and covenant on the permit.

The site however does not meet the location criteria. It is not located in Sydney or a regional city and is not located within 400m of land zoned B2 Local Centre or B4 Mixed use. It is approximately 650m from the nearest B4 Mixed use zone along Horatio Street.

Notwithstanding, there is a strong need for social housing in Mudgee. This is increasing as mining in the region grows and has been identified as an issue with Council's Draft Affordable Housing Discussion Paper and Council's Comprehensive DCP 2012. Accordingly it is acceptable with required commitments in place that the development takes advantage of the SEPP so a substantial contribution to affordable housing in the area can be made.

To this end the applicant has designed the development to comply with all the design requirements of the SEPP. In particular it complies with the landscape, solar access, parking, private open space and dwelling size requirements. It has also been designed in reference to Seniors Living Policy: Urban Design Guidelines for Infill Development and to compliment the character of the local area by reflecting the single storey pitched roof building forms in the locality.

Comments in relation to the design requirements of the SEPP are made in the table below against the non-compliances with the Residential DCP. The development relies only on the SEPP in relation to solar access requirements. Not all matters in the DCP are addressed in the relevant provisions of the SEPP.

State Environmental Planning Policy SEPP 55 Remediation of Land

The site contained old brick dwellings which have been demolished. Some fill associated with the demolition and potentially from other sources has remained on the site.

The applicant has provided a preliminary contamination investigation prepared by EnviroWest Consulting. The investigation established the site has a residential and agricultural land use history and analysed 12 soils samples for contaminants of concern i.e. heavy metals and pesticides. An inspection of the site for asbestos was also undertaken.

The samples identified the contaminants of concern were below the thresholds unsafe for residential land-use. However some asbestos cement (AC) sheeting was observed on the site. In response to this the investigation recommended the top 50mm of the site be excavated and removed to a licensed waste facility. A condition to this effect is included in the recommendation.

Mid-Western Regional Council Local Environmental Plan 2012

The development is defined as "Multi Dwelling Housing" under the Mid-Western Regional Council Local Environmental Plan 2012 because it involves more than three units on more than one lot.

The site is zoned R3 Medium Density zone. Residential Flat Buildings are permissible in the zone with consent.

The LEP does not specify minimum lot sizes for community title lots in R3 Medium Density zones. Each unit will be on its own community title lot and lots will range in size from 158m² to 305m².

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

Draft Mid-Western Regional DCP 2013

The application was considered under the current Residential DCP at the time of writing of the report. When this application is considered by Council at its 20 February meeting, the new Mid-Western Regional DCP 2013 will have been adopted and published in the paper.

The development application has not been assessed under the new DCP.

Residential DCP

Council's Residential Development Control Plan applies to the development. The development requires a number of variations to the requirements of the SEPP which can be justified on the site and only relies on the SEPP in relation to solar access. Primarily the variations can be justified because the site has a secondary frontage to a rear lane, is located in close proximity to the Heritage Conservation area, and the design provides a village green for active recreation. This means it is acceptable for some private open space areas to be designed only for passive recreation and utility purposes.

The designs compliance with the Residential DCP is as follows:

DCP Control	DCP Requirement	Compliance	Planning Comment / SEPP compliance
3.0 Urban Living – Guidelines for Residential Development in Urban Areas			
3.1 Environmental Design	Complies with BCA.	Yes	Complies with DCP. Units have been designed and will be conditioned to comply with BCA and BASIX certificates provided. Units have private clothes drying space.
	Complies with BASIX.	Yes	
	Private outdoor space for clothes drying.	Yes	
3.2 Streetscape	Design	Yes	Complies with DCP. Design

DCP Control	DCP Requirement	Compliance	Planning Comment / SEPP compliance
	compliments/improves neighbourhood character		provides contemporary single storey units with pitched roofs that respect dwelling forms in vicinity.
	Design provides attractive landscaped face to street/reserve/open space	Yes	Design also includes landscaping that screens hardstand areas and has height to match scale of units in front setbacks and throughout site.
3.3 Setbacks	7.5m primary frontage setback, or 6m in older parts of Mudgee where consistent with setbacks of adjoining dwellings.	Yes. 6.3m front setback.	Does not comply with DCP.
	Average 4m and minimum 2m side setback.	Yes, >4m average; No 1.4m minimum.	Variation to side setback acceptable as relates to units which front George Street and Lochiel Lane and correspond with position of dwellings on adjoining properties where DCP would ordinarily allow 900mm setback.
	Average 5m and minimum 4m secondary frontage setback.	No, <5m average; No, 2m minimum.	Variations to secondary frontage setback acceptable as relates to garages that front (rear) Lochiel lane.
3.4 Building Scale Height and Bulk	Development does not detrimentally effect streetscape, is compatible with scale of buildings in locality and not obtrusive due to height.	Yes.	Complies with DCP. Design is single storey and units fronting George Street are articulated for visual interest.
	Maximum of two storeys height.	Yes.	Pitched roof constructions and >1.2m – 3.5m< southern side setbacks ensure that private open space of dwellings and units on adjoining properties maintain >3hours sunlight between 9am-5pm in winter.
	No unreasonable impacts on visual amenity, privacy and solar access of surrounding properties.	Yes.	
3.6 Garage Design	Garages are visually subservient and integrated into overall design.	No. Units fronting Lochiel lane have garages protruding.	Does not comply with DCP. Variation acceptable as Lochiel Lane is a traditional rear access lane and the development includes a decorative 1.5m masonry pillar and slatted fence which
	Garages setback behind	No. Units	

DCP Control	DCP Requirement	Compliance	Planning Comment / SEPP compliance
	building lines and do not constitute >45% of building frontage width.	fronting Lochiel Lane have garages protruding.	will integrate the units and garages visually and provide a good laneway streetscape outcome.
3.7 Access and Car Parking	1 car parking space per 2 bedroom dwelling.	Yes.	Can comply with DCP. Each unit has direct access to a single garage. However, a unit fronting George Street requires manoeuvring around a power pole to access a garage. The relocation of the power pole is required and recommended as a condition on the consent.
	1 covered car park per dwelling.	Yes.	
	Landscaping provided to soften visual impact of parking.	Yes.	
	Driveways designed to geometric standards.	No.	
	Alternative coloured hardstand treatments.	Yes.	
	Driveways 3m wide minimum.	Yes.	
3.8 Landscaping & External Works	Driveways setback 1m from side boundaries.	Yes.	Complies with DCP. The majority of the site will be retained as landscaped areas and includes the provision of a village green which doubles as an on-site stormwater detention basin. Stormwater from the basin will be directed to the underground stormwater system in the area.
	45% of site landscaped.	No.	
	Internal fencing 1.8m	Yes.	
	Clothes Drying Facilities.	Yes.	
	Waste disposal points do not compromise amenity of development.	Yes.	
	Mail boxes.	Yes.	
5.0 Urban Living – Additional Design Guidelines for Multi-Dwelling Housing	Multiple dwelling housing provided with on-site stormwater detention basin.	Yes.	
5.1 Vehicular Access and Car Parking	Residential car parking provided at 1 per 1 bedroom unit and 1.5 per 2 bedroom unit.	No. 20 provided rather than 25 required.	Does not comply with DCP. Variation to residents and visitor car parking rates acceptable as for social housing associated with

DCP Control	DCP Requirement	Compliance	Planning Comment / SEPP compliance
	Visitor car parking at 1 per 5 units.	No. 3 provided rather than 4 required.	limited vehicle mobility. Also number of spaces provided complies with 3.0 requirements above that would apply to dual occupancies. Further the site also has wide street frontage which any overflow could take advantage.
	Safe vehicle manoeuvring.	Yes.	
	Driveway setback 2m from side boundary.	Yes.	
5.2 Design	Verandahs, steps in roof line and architectural features included for visual relief.	Yes.	Does not comply with DCP. Variation to solar access to southern units acceptable as private open space areas receive little use in winter and units have direct access to village green for active recreation if required. Inside living areas of units are oriented to the north and receive direct solar access. SEPP also specifies that it is sufficient for living areas to receive minimum solar access requirements and for only 75% of units to receive minimum open space. Development achieves this percentage.
	Design optimises solar access, lot orientation, is consistent with streetscape.	No. Private open space of internal southern units do not receive minimum solar access during winter.	
5.3 Building Scale Height and Bulk	Compatible with scale of buildings in vicinity.	Yes.	Complies with DCP.
	2 Storey, 8.5m height maximum.	Yes.	
5.4 Landscaping	Landscaping >40%	Yes.	Complies with DCP.
	Includes advanced trees and shrubs.	Yes.	
5.5 Development Density	Outside Heritage Conservation Areas: - 1 bdrm unit per 300m ² - 2 bdrm unit per 380m ²	No. Site 5776m ² , only 17 units allowed on site to comply with density requirement. 20 units proposed.	Does not comply with DCP. Site outside Heritage Conservation zone by 120m from Denison Lane to east. Variation is acceptable due to short distance from conservation zone and site being located in older part of

DCP Control	DCP Requirement	Compliance	Planning Comment / SEPP compliance
	Inside Heritage Conservation Areas: -1 bdrm per 250m2 -2bdrm per 280m2	Yes. Site 5776m2 enables 20 units to comply with density requirement.	Mudgee with similar subdivision and density pattern to Heritage Conservation zone.
5.6 Site Coverage and Private Open Space	40% maximum site coverage.	Yes. 60% of site landscaped.	Does not comply with DCP. Variations to dimensions acceptable as provides weatherproof area for passive outdoor recreation, units have >5m dimensions if enclosed patio areas accounted for, and village green is provided for active recreation if required. The clothes lines of the private open space areas are also positioned on the southern fence such that they will receive sufficient solar access all year round.
	Each unit has 40m2 private open space.	Yes.	
	Roofed Patio's/verandas do not form part private open space.	No. Enclosed rear patio's form part of private open space.	
	5m dimensions.	No. Minimum depth of the private open space for internal units from boundary to patio is 3.27m.	
	75% of each units private open space receives 3hours sunlight between 9am & 3pm in winter.	No.	Variations to solar access further acceptable as affected units comply with solar access requirements of SEPP. SEPP requires that 75% of units receive greater than 3 hours solar access to either the private open space areas or living areas of unit. In this regard the affected units all have northern orientated living areas which will receive substantially greater solar access than the SEPP requires.
5.7 Privacy and Amenity	Windows or balconies within 6m of adjoining properties offset from adjoining dwellings windows or balconies.	Yes.	Complies with DCP.
	1.8m internal and boundary fencing provided.	Yes.	
5.8 Acoustic	Laundries provided for	Yes.	Complies with DCP.

DCP Control	DCP Requirement	Compliance	Planning Comment / SEPP compliance
Privacy	each unit.		
5.10 Waste Disposal	Mobile bin storage area for each unit.	Yes.	Complies with DCP.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The development will not affect the context and setting of the site. It is composed of single storey pitched roof buildings which have a contemporary design and are articulated to respect the character of dwellings on surrounding properties. The development also includes substantial landscaped area, will present a decorative fence to Lochiel Lane, and have a density fitting for an older part of Mudgee.

(b) Access, transport and traffic

Vehicles will be able to access all units safely from George Street and Lochiel Lane. A separate footpath will be provided internally to separate pedestrians from vehicle traffic and the internal loop road will incorporate traffic calming devices such as raised pedestrian crossing. This will ensure it is a low speed environment and residents will be able to access the village green safely.

(c) Public domain

The development includes a village green that will provide substantial space for active recreation and internal community interaction. This offsets the need for strict compliance with private open spaces requirements of DCP and means their design for passive recreation and utility purposes only is acceptable in this instance.

(d) Utilities

The development will connect to all reticulated infrastructure in the vicinity. It includes a village green that doubles as a stormwater detention basin. The basin will take all roof and hardstand water from internal and rear units and direct it to George street. The remaining units will also have their roof and hardstand water directed to George Street also. This plan will ensure that stormwater drainage on site will be much improved and protect adjoining properties from any overland flooding they may have experienced in the past.

(p) Safety, security and crime prevention

The development includes the construction of a 1500mm high decorative masonry pillar fence along the Lochiel Lane frontage. The lower height of this fence will ensure that passive surveillance of the laneway is maintained from the dining areas of the units for enhanced security of the development and laneway.

(q) Social impact in the locality

The development will have a positive social impact on the locality in that it will provide a substantial amount of affordable rental housing in Mudgee which is experiencing housing stress as a result of mining expansions in the area.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposal fits in the locality.

(b) Are the site attributes conducive to development

The site attributes are conducive to the development.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The application was advertised and notified to adjoining neighbours for a period of 2 weeks. One submission was received from an adjoining property owner seeking information as to how local stormwater issues would be addressed. The property owner was shown the drainage plan at Council and satisfied that the development would improve the issue in the vicinity.

(b) Submissions from public authorities

No submissions were received from public authorities.

5. THE PUBLIC INTEREST

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

The development is consistent with Federal, State and Local government interests and community interests in that it will provide additional affordable rental housing in Mudgee.

6. CONSULTATIONS

(a) Health & Building.

Raised no objection to the development subject to standard conditions being included as part of the consent.

(b) Development Engineer

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

Financial implications

Not applicable.

Strategic or policy implications

The development takes account of Council's Draft Affordable Housing Discussion Paper and Council's Comprehensive DCP 2012 which was adopted by council on 6 February 2013.

The strategy suggested local provisions be formulated to expand the application of SEPP (Affordable Rental Housing) 2009. While the SEPP facilitates affordable housing in high population

areas it has not been designed to account for rapidly expanding regional towns starting from a low population base such as Mudgee.

Responding to this Affordable Housing provisions have been included in Council's Comprehensive DCP 2013 to allow the application of the SEPP in a broader context. Specifically the DCP 2012 allows Affordable Rental Housing to be provided on R3 Medium Density zoned land just as the subject development application is.



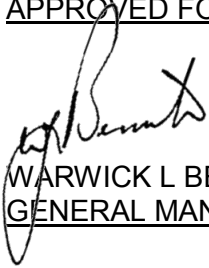
CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

ALEX NOAD
ENVIRONMENTAL TOWN PLANNER

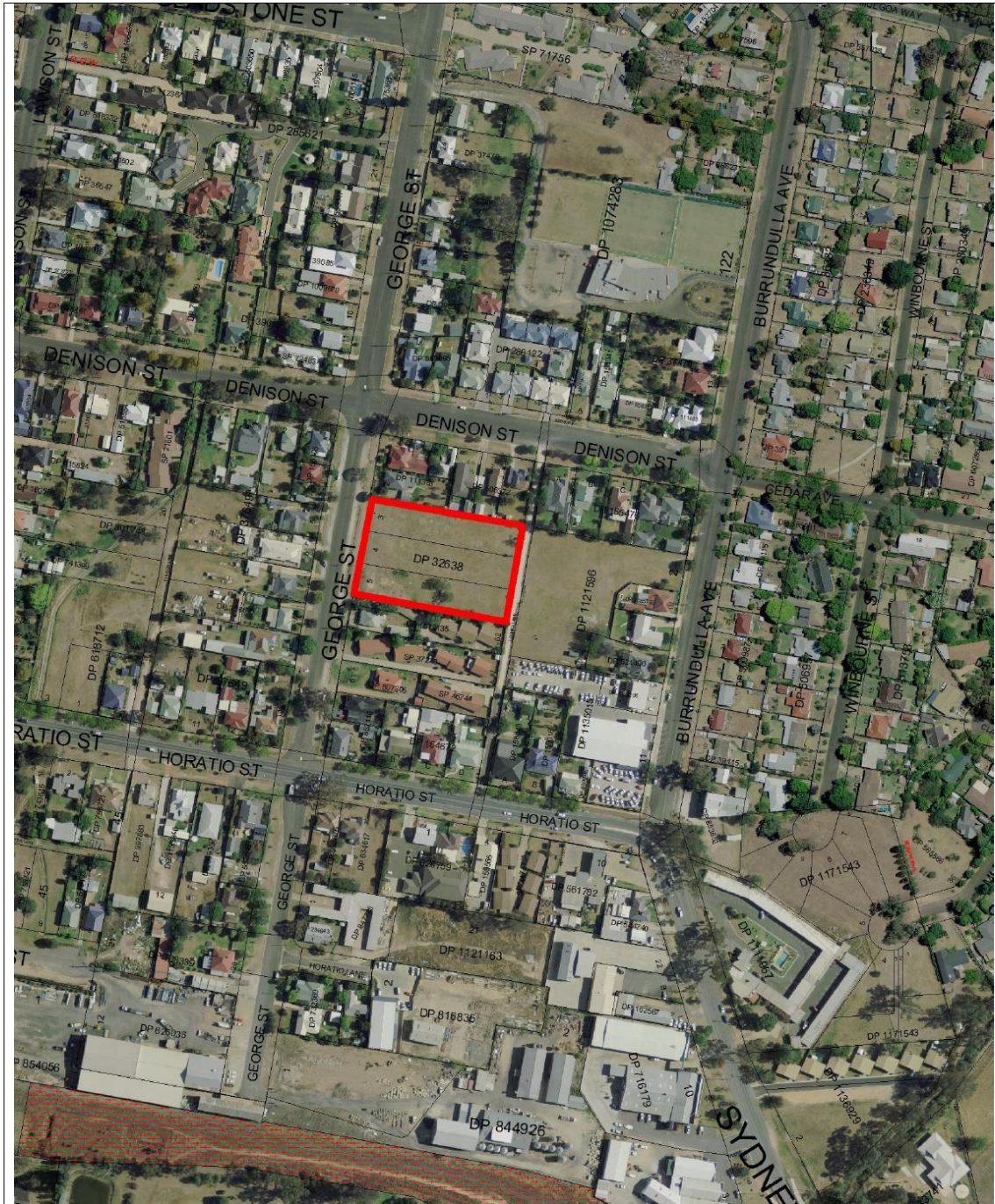
8 February 2013

- Attachments:*
1. Development Plans
 2. Drainage Plan
 3. Subdivision Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER












Map Scale: 1:3,280

Disclaimer

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

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

Legend

- | | | | | | |
|---|------------|---|--------------|---|--------------|
|  | Parcel |  | Parish |  | Road |
|  | Crown Land |  | Localities |  | State Forest |
|  | Railway |  | LGA Boundary |  | Waterway |

NORTH



Printed on Monday, 11 February 2013



GEORGE STREET STREETSCAPE

CONTENTS:

- SHEET 1 - SITE DATA & BASIX REQUIREMENTS
- SHEET 2 - PRE & POST DEVELOPMENT SITE PLANS
- SHEET 3 - SITE ANALYSIS & GROUND FLOOR PLAN
- SHEET 4 - STREETSCAPES
- SHEET 5 - TYPICAL PLANS TYPE 1
- SHEET 6 - TYPICAL PLANS TYPE 2
- SHEET 7 - TYPICAL PLANS TYPE 3
- SHEET 8 - TYPICAL PLANS TYPE 4
- SHEET 9 - TYPICAL PLANS TYPE 5
- SHEET 10 - WINTER SHADOWS (22ND JUNE)
- SHEET 11 - MID SEASON SHADOWS (EQUINOX)



VILLAGE GREEN STREETSCAPE

HOUSING PLUS
NSW HOUSING FINANCE CORPORATION
bdo

37 - 41 GEORGE STREET, MUDGEE

DA PLANS

C 11-13	PROPOSED RECREATIONAL DEVELOPMENT	PAGE	2
A 11-13	HOUSING PLUS	DATE	2011-11-22
B 11-13	HOUSING PLUS	TIME	14:00-18:00
D 11-13	HOUSING PLUS	ADDRESS	37-41 GEORGE STREET, MURREE
E 11-13	HOUSING PLUS	PROJECT	PROPOSED RECREATIONAL DEVELOPMENT
F 11-13	HOUSING PLUS	DEVELOPER	THE COMPANY IN A/B/E & POST DEVELOPMENT
G 11-13	HOUSING PLUS	DATE	2011-11-22
H 11-13	HOUSING PLUS	PROJECT	HOUSING PLUS

Unit 1, 1/150, The Company in A/B/E & Post Development Pty Ltd
 P.O. Box 84-18 Bundoora VIC 3083
 Phone 032 9421 2012 Fax 032 9421 9044
 Email: info@companyinabeandpost.com.au



LOCHIEL LANE FROM DENISON STREET



LOCHIEL LANE REAR OF PROPOSED SITE



FAR OF PROPOSED SITE FROM LOCHIEL LANE



PROPOSED DEVELOPMENT 20 BURBRINDULLA AVE
SITE PROPOSED SITE FROM LACHIEL LANE



Pre-Development Plan
Existing - Vacant Site



Post-Development Plan
Proposed - 20 Villa Units



ADJOINING DWELLING TO THE NORTH FROM GEORGE STREET



PROPOSED SITE FROM GEORGE STREET



ADJOINING DWELLING & ACCESS DRIVEWAY TO THE SOUTH FROM GEORGE STREET

DA PLANS

1. TITLE	PROPOSED REAR AND FRONT ELEVATIONS AND FLOOR PLAN		
2. DATE	15/11/12	BY	DAVID W. STREIBER
3. CLIENT	37 - 41 GEORGE STREET, MUDGE		
4. PROJECT NO.	37-41-02		
5. SHEET NO.	5	TOTAL SHEETS	5
6. DRAWN BY	DAVID W. STREIBER		
7. CHECKED BY	DAVID W. STREIBER		
8. APPROVED BY	DAVID W. STREIBER		

PROPOSED REAR AND FRONT ELEVATIONS AND FLOOR PLAN

PROJECT: 37 - 41 GEORGE STREET, MUDGE

CLIENT: HOUSING PLUS

DATE: 15/11/12

BY: DAVID W. STREIBER

CHECKED BY: DAVID W. STREIBER

APPROVED BY: DAVID W. STREIBER

SCALE: 1:100

TYPICAL PLANS TYPE 1

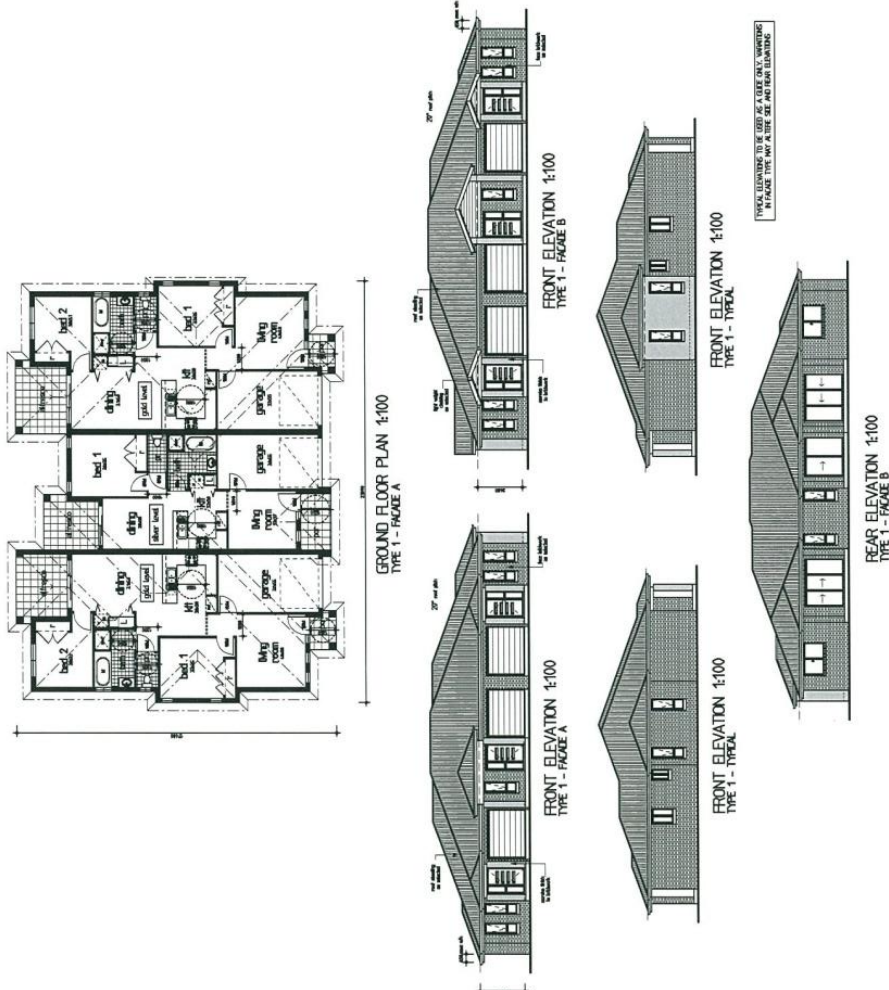
HOUSING PLUS

ARCHITECT: DAVID W. STREIBER ARCHITECTURE

10/11/12

SYDNEY

Level 2, 401-425 New South Street, Sydney NSW 1500
 Tel: (02) 9439 3333 Fax: (02) 9439 3334
 Email: david@dwstarchitecture.com.au



TYPICAL ELEVATIONS ARE SHOWN AS AN INDICATION OF THE BUILDING'S APPEARANCE AND NOT AS A FINAL DESIGN.

DA PLANS

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PROJECT NO.	2011-02	DATE	16/02/13
PROJECT NAME	HOUSING PLUS	CLIENT	MID-WESTERN REGIONAL COUNCIL
PROJECT ADDRESS	37 - 41 GEORGE STREET, MIDDLEBURY	DESIGNER	DAVID J. COOPER ARCHITECTS
PROJECT TYPE	TYPICAL PLANS TYPE 2	SCALE	1:100
PROJECT DESCRIPTION	HOUSING PLUS	DATE OF ISSUE	16/02/13
PROJECT STATUS	HOUSING PLUS	DATE OF REVISION	
PROJECT REFERENCE	HOUSING PLUS	DATE OF REVISION	

PROJECT ADDRESS: HOUSING PLUS

TYPICAL PLANS TYPE 2

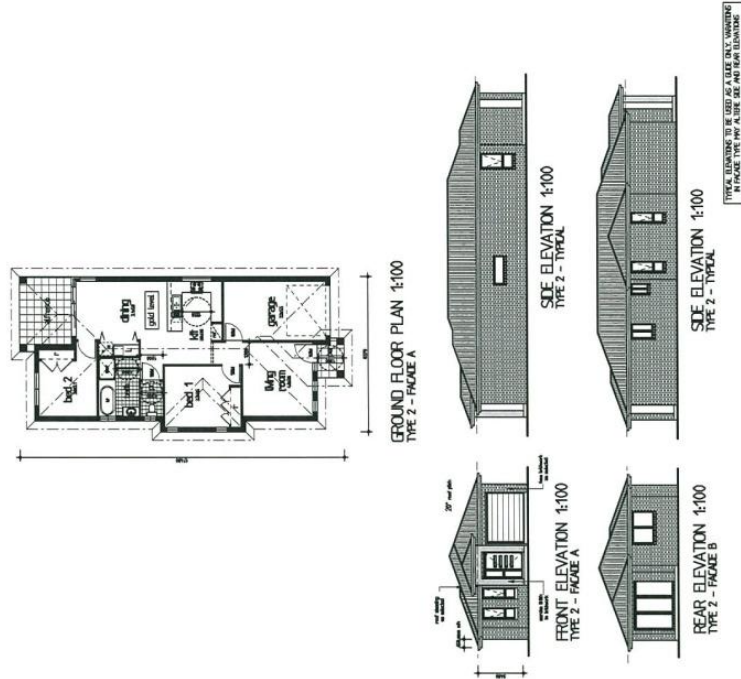
HOUSING PLUS

2011-02 16/02/13

DAVID J. COOPER ARCHITECTS

SYDNEY

DAVID J. COOPER ARCHITECTS
 15/15-17 PEARCE STREET, MIDDLEBURY NSW
 2868 NSW
 TEL: 02 4752 1234
 FAX: 02 4752 1235
 EMAIL: DAVID@DJCA.COM.AU
 WWW.DJCA.COM.AU



DA PLANS

DATE	DESCRIPTION
18/06/12	PRELIMINARY
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED
11/07/12	REVISED

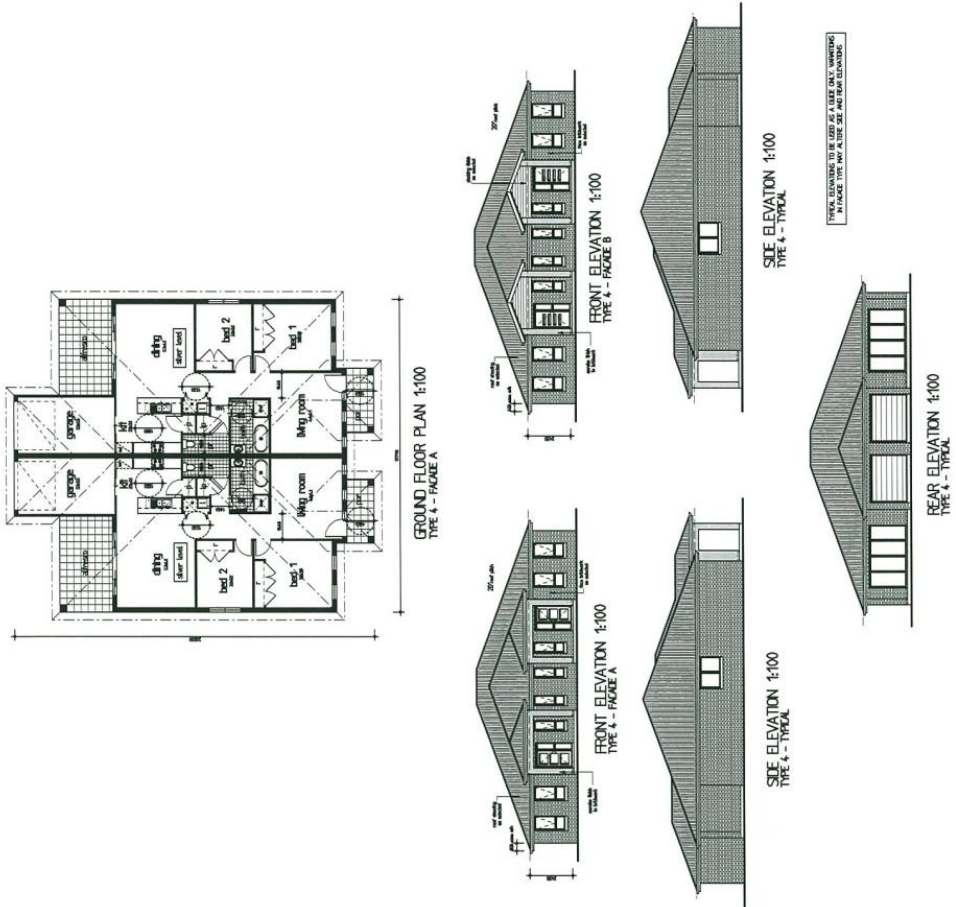
PROJECT: 37 - 41 GEORGE STREET, MADREE
 PROPERTY: MADDISON DEVELOPMENT
 TYPICAL PLANS TYPE 4
 HOUSING PLUS

DATE: 11/07/12
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number]

CONTRACTOR: [Name]
 ARCHITECT: [Name]

SYDNEY

THE CITY OF SYDNEY
 PLANNING AND BUILDING
 111 GEORGE STREET, SYDNEY NSW 2000
 TEL: (61) 2 955 5200
 FAX: (61) 2 955 5201
 WWW.CITYOFSYDNEY.NSW.GOV.AU

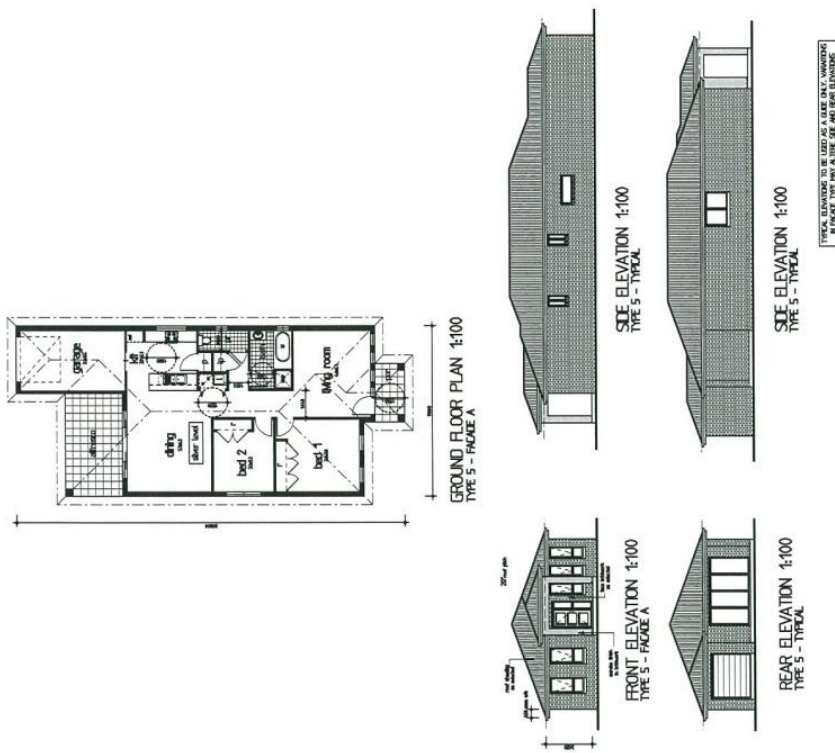


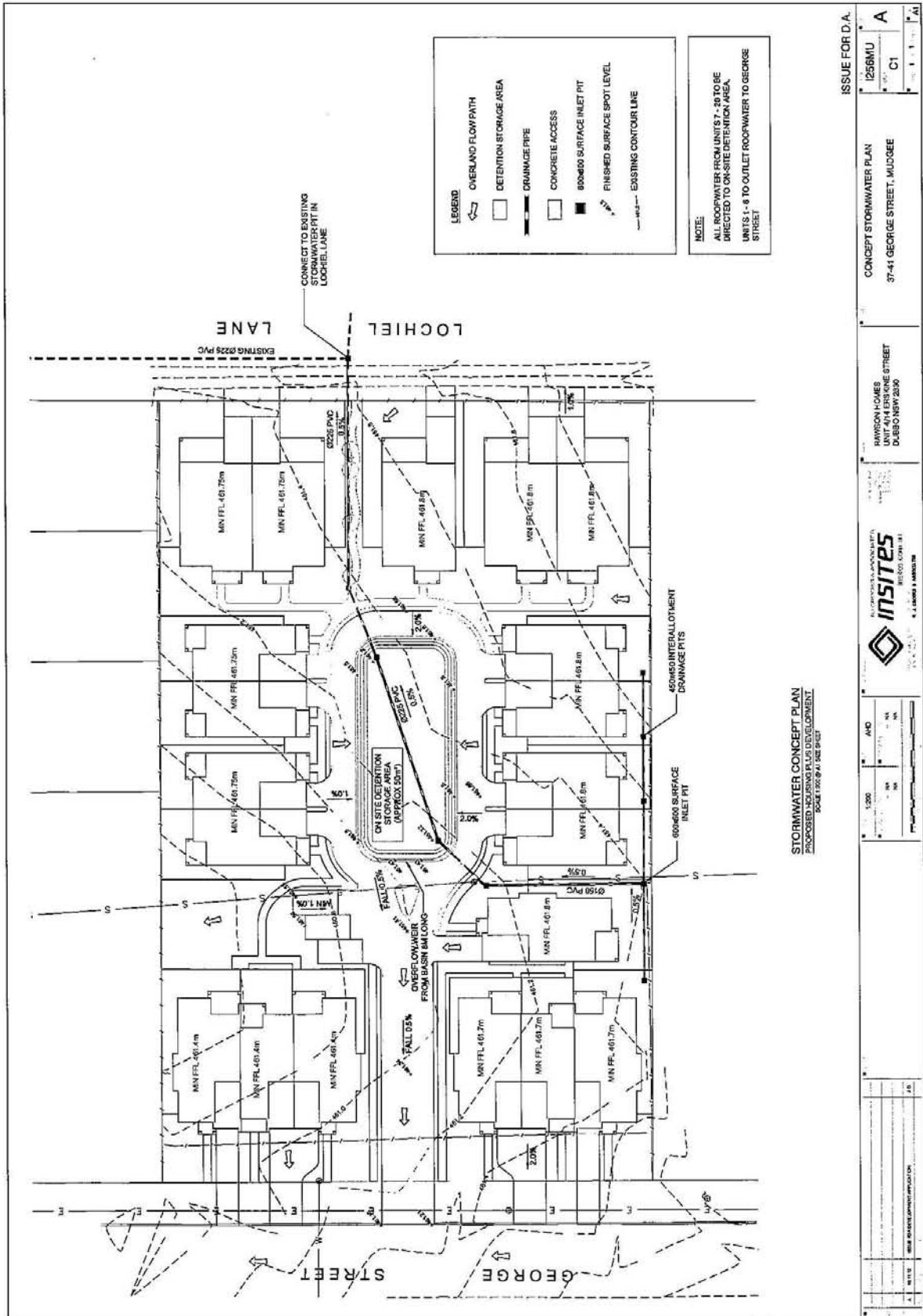
DA PLANS

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PROJECT NO.	37 - 41 GEORGE STREET, MIDDE
CLIENT	PROPOSED APPROVAL HOUSING DEVELOPMENT
DATE	2012
SCALE	AS SHOWN
DESIGNER	ARCHITECTS SYDNEY
CONTRACT NO.	HOUSING PLUS
CONTRACT DATE	2012
CONTRACT VALUE	AS SHOWN
CONTRACT TYPE	AS SHOWN
CONTRACT STATUS	AS SHOWN
CONTRACT REFERENCE	AS SHOWN
CONTRACT DOCUMENTS	AS SHOWN
CONTRACT VARIATIONS	AS SHOWN
CONTRACT ADDENDUMS	AS SHOWN
CONTRACT SCHEDULES	AS SHOWN
CONTRACT CONDITIONS	AS SHOWN
CONTRACT AGREEMENT	AS SHOWN
CONTRACT DEED	AS SHOWN
CONTRACT STATUTES	AS SHOWN
CONTRACT REGULATIONS	AS SHOWN
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CONTRACT BYLAWS	AS SHOWN
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CONTRACT SUPPLEMENTS	AS SHOWN
CONTRACT ADDENDUMS	AS SHOWN

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 PH: 02 97 96 00 00
 FAX: 02 97 96 00 01
 EMAIL: INFO@ARCHITECTS.SYDNEY.NSW.AU
 WEBSITE: WWW.ARCHITECTS.SYDNEY.NSW.AU





STORMWATER CONCEPT PLAN
 PROPOSED HOUSING PLUS DEVELOPMENT
 SCALE 1:500 @ A1 SIZE SHEET

ISSUE FOR D.A.

CONCEPT STORMWATER PLAN
 37-41 GEORGE STREET, MILDURRA

RAWSON HOMES
 UNIT 4/14 ERSKINE STREET
 DUBBO NSW 2590

msites
 CONSULTANTS & ARCHITECTS
 10/100 ERSKINE STREET
 DUBBO NSW 2590
 P.O. BOX 11000
 DUBBO NSW 2590
 TEL: (02) 9472 1000
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 WWW.MSITES.COM.AU

NO.	DATE	DESCRIPTION
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1:500

AND

1:1000

1:2000

1:5000

1:10000

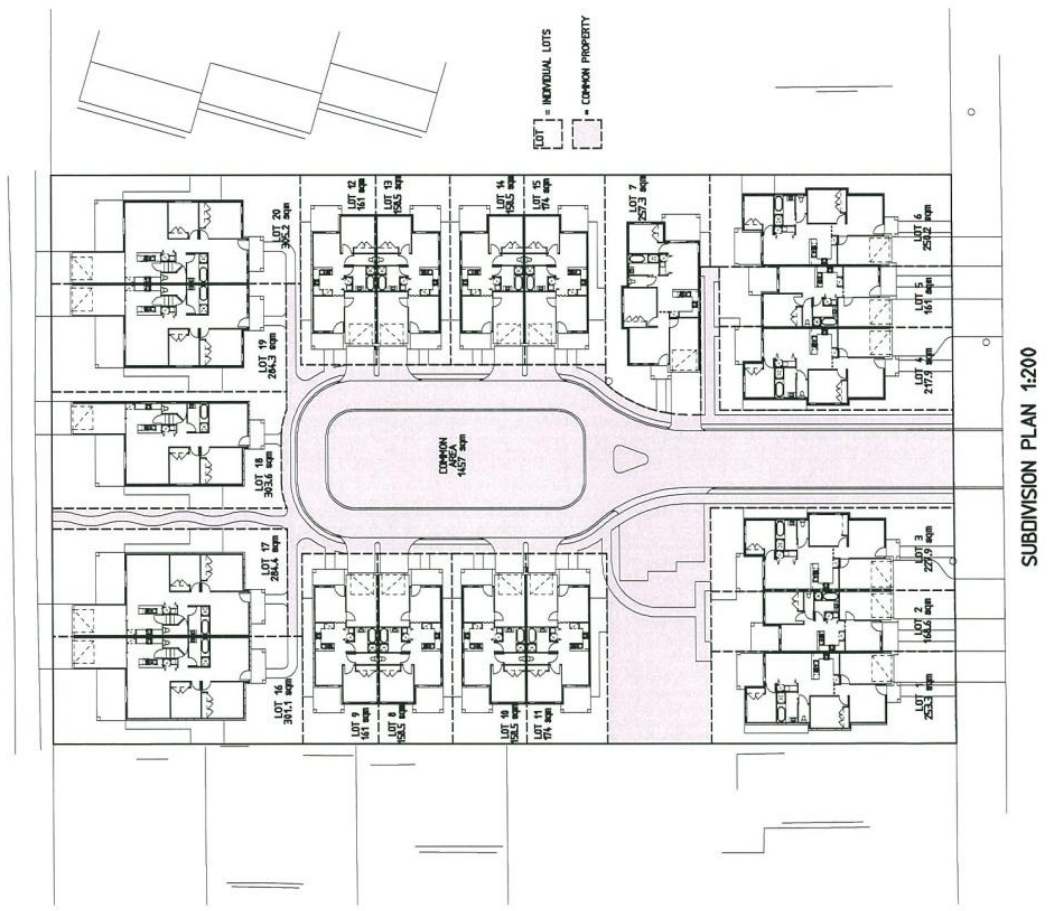
DA PLANS

Lot 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PROJECT	37 - 41 GEORGE STREET, MILDERE
CLIENT	MILDERE REGIONAL COUNCIL
DESIGNER	DAVID J. WILSON ARCHITECTS
DATE	2011-12
SCALE	1:200
PROJECT NO.	37-41
CLIENT NO.	37-41
DESIGNER NO.	37-41
DATE	2011-12
SCALE	1:200
PROJECT NO.	37-41
CLIENT NO.	37-41
DESIGNER NO.	37-41

HOUSING PLUS

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6.2.4 Planning Proposal – General Amendments

REPORT BY THE MANAGER STRATEGIC PLANNING TO 20 FEBRUARY 2013 COUNCIL MEETING

Planning Proposal General Amendments
A0100056, A0420254

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Planning Proposal – General Amendments be received;**
2. **Council prepare a Planning Proposal for a General Amendment to the Mid-Western Regional Local Environmental Plan 2012 for the following;**
 - (a) **Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880,**
 - (b) **Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre 10),**
 - (c) **Insert the Environmentally Sensitive Land – Water Map ,**
 - (d) **Clarify dwelling provisions as they relate to split parcels on the Rylstone Lot Size Map ,**
 - (e) **Insert a Farm Adjustment Clause ,**
 - (f) **Amend anomalies in the heritage schedule,**
 - (g) **Clarification of clause 4.2 A – dwellings on rural land,**
 - (h) **Subdivision of land below MLS for a non-agricultural purpose,**
 - (i) **Clarification of the 2 ha minimum lot size on Lot 1 DP 1166658,**
 - (j) **Reclassify drainage reserves from Community to Operational Land,**
 - (k) **Reclassify surplus land in Gulgong being Lot 2 DP 718061 and Lot 3 DP 626037 as Operational Land,**
 - (l) **Permissibility of camping in RE1 Public Recreation zone,**
 - (m) **Rezoning land from R1 General Residential to B4 Mixed Use in Inglis St Mudgee,**
 - (n) **Rezoning land from IN2 Light Industrial to B4 Mixed Use on Lots 1 & 2 Section 49 DP 758721 Inglis St Mudgee,**

for determination by the Gateway.

Executive summary

The purpose of this report is to seek a resolution to proceed with a planning proposal the purpose of which is to make corrections to the Mid-Western Regional Local Environmental Plan 2012 (LEP2012) and fix anomalies in the instrument. The amendment includes:

- Amendment to the R5 zone at Grattai
- Extension of the B3 Commercial Core zone over the brick yard at Mitre 10
- Insert the Environmentally Sensitive Land – Water Map
- Clarify dwelling provisions as they relate to split parcels on the Rylstone Lot Size Map
- Insert a Farm Adjustment Clause
- Amend anomalies in the heritage schedule
- Clarification of clause 4.2 a – dwellings on rural land
- Subdivision of land below MLS for a non-agricultural purpose

- Clarification of the 2 ha minimum lot size at the airport.
- Reclassify drainage reserves
- Permissibility of camping in RE1
- Rezoning land from R1 General Residential to B4 Mixed Use in Inglis St Mudgee
- Rezoning land from IN2 Light Industrial to B4 Mixed Use on the corner of Inglis and Church Streets

Some of these issues were raised during the exhibition period for the LEP, however, were considered by either Council or the Department of Planning to involve a change that may result in re-exhibition of the instrument, therefore, the changes were not incorporated into the published plan. Others are matters that have arisen following the implementation of the plan and the general amendment provides a platform to address these issues. The amendments are outlined in detail below.

Detailed report

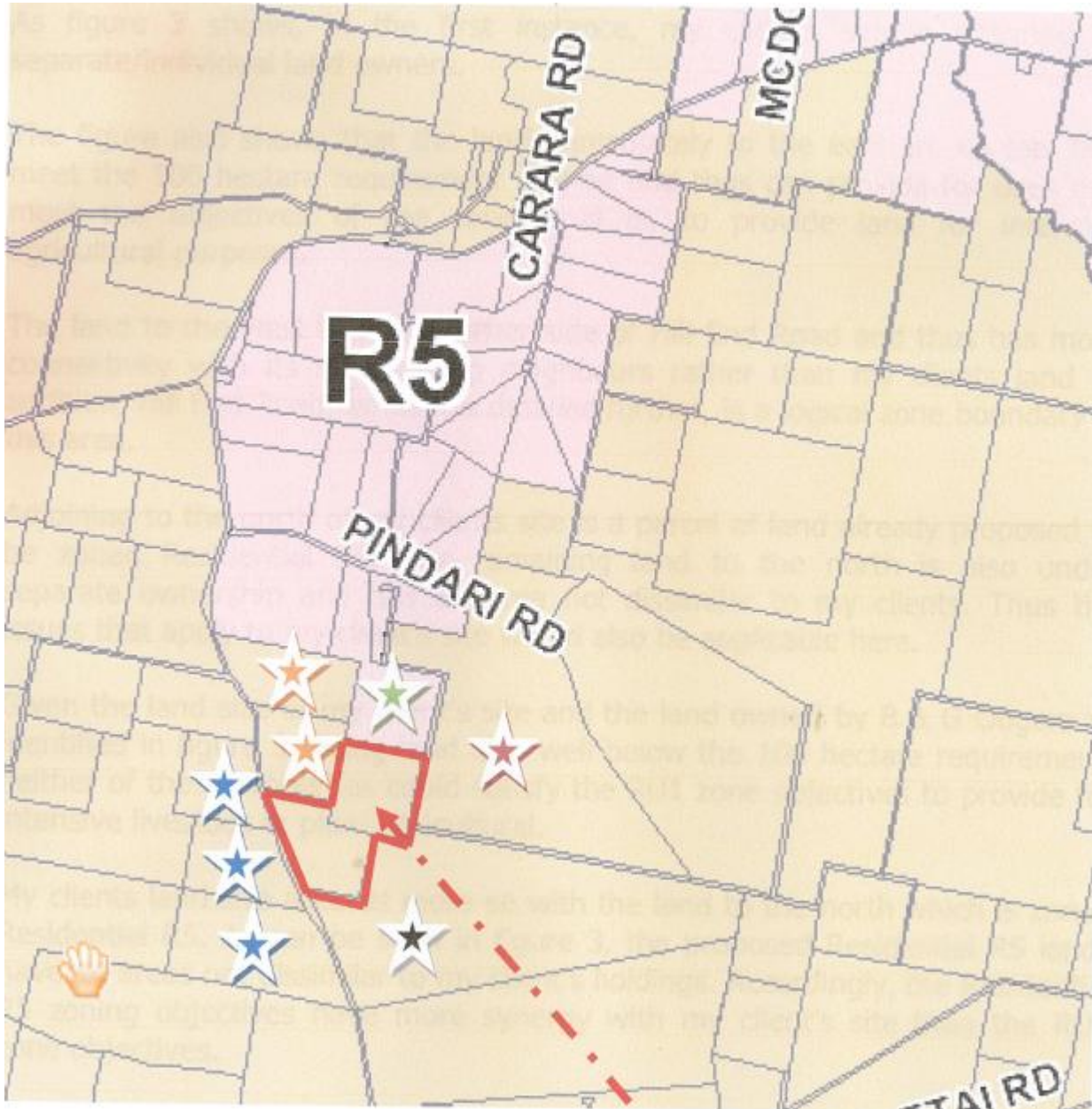
Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880

The proposal, prepared by GAT & Associates on behalf of the land owner, involves the rezoning of the subject land from RU1 General Rural to R5 Large Lot Residential consistent with surrounding development. The land owner made representations during the public exhibition of the Draft LEP, however, Council did not receive the electronically lodged submission and the matter was not considered in the post exhibition report. Given the manner in which Council dealt with the matter in Black Springs Road, which is an identical scenario, it is likely that the recommendation would have been a suggestion that the proponent lodge a Planning Proposal. In the case of Black Springs Road, Council supported the planning proposal, as did the Department of Planning and the amendment is awaiting gazettal.

In this instance, the proponent was advised that they could either lodge a planning proposal or wait and have the matter included in the general amendment which is what they have now done.

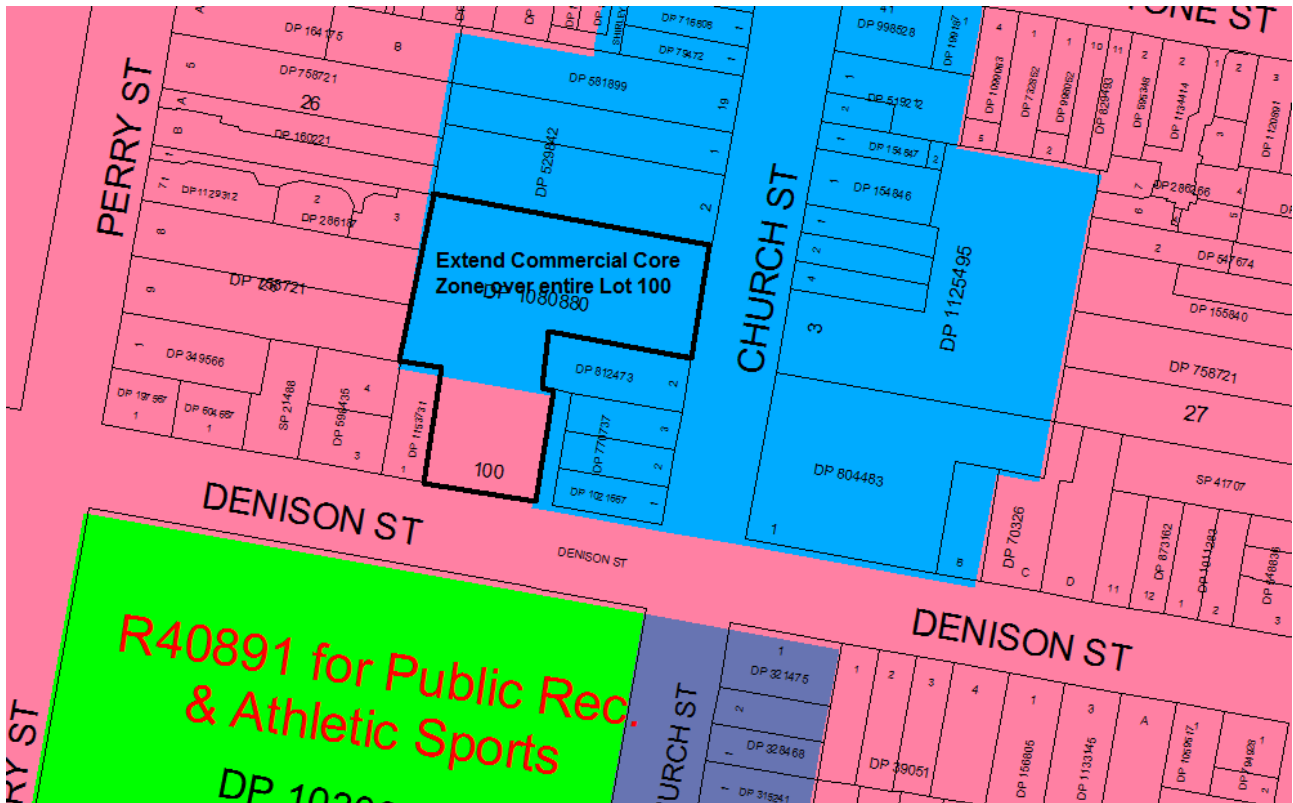
The land is located adjoining the R5 Large Lot Residential Zone on Hill End Road and is approximately 32 ha. There is no dwelling on the holding. The land is within the area identified as unconstrained for the purposes of lifestyle or small holding development in the Comprehensive Land Use Strategy. The map extract below shows that location of existing dwellings on neighbouring properties.

In the case of Black Springs Road, Council, on advice from the Department of Planning, amended the Lot Size Map. As this is a similar circumstance, it is recommended that the zone remain RU1 General Rural and the Lot Size Map be amended to 12ha consistent with the adjoining land.



EXTENSION OF THE B3 COMMERCIAL CORE ZONE OVER THE BRICK YARD AT MITRE 10

The Mitre 10 tenure is split zoned part Commercial Core and part Medium Density Residential. The amendment proposed to extend the commercial zoning to include all of Lot 100 DP 1080880 as shown in the figure below.



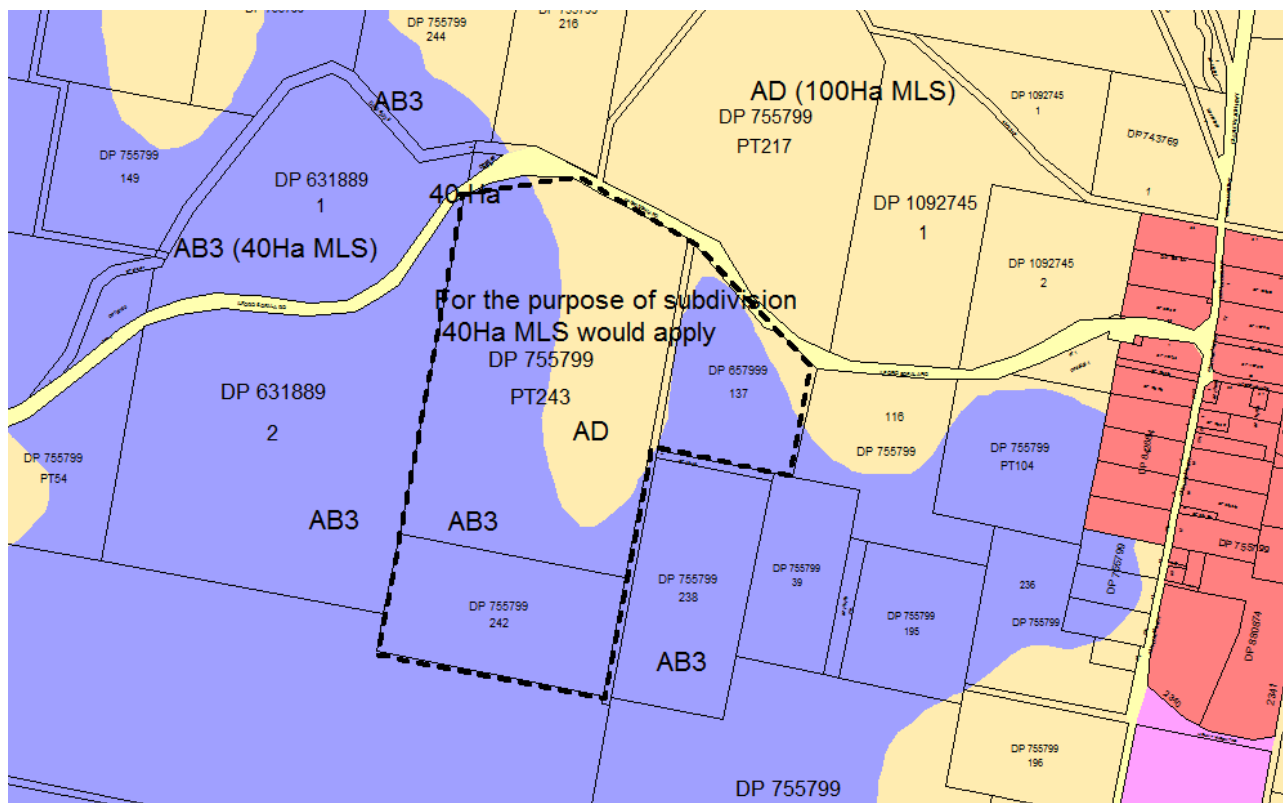
ENVIRONMENTALLY SENSITIVE LAND – WATER MAP

The NSW Office of Water made a submission to the LEP 2012 during the public exhibition period which included updated water sensitivity maps which identify the location of waterways. Council in the resolution on 7th December 2011 included the updated maps, however, the Department of Planning failed to support the amendment because it was a significant change to the exhibited maps. Including the mapping now will provide a platform for the community to review the maps through the exhibition process. A copy of the maps will be available at the Council meeting.

SPLIT PARCELS ON THE RYLSTONE LOT SIZE MAP

Following the exhibition of the LEP 2012, Council discussed the need for a clause that addressed the circumstance where a lot has two minimum lot sizes as is the case on land that was under the former Rylstone LEP. The Department considered an additional clause a significant change and it was not endorsed at that time. Flexibility is considered to be warranted here because of the scale and accuracy of the baseline mapping and current ability to refute this. It is considered that such flexibility is consistent with the intention of Council to “maintain the status quo” in relation to existing subdivision and minimum lot size provisions.

The intention of the clause would be that despite any other provisions of the LEP, where a lot or holding is mapped with two minimum lot sizes including AB3 40Ha minimum, then the 40Ha MLS will apply to the whole lot or holding (refer to following example).



FARM ADJUSTMENT CLAUSE

Again, this was an issue that was included in the report to Council on 7th December 2011. If following paragraphs have been lifted from that report and remain valid.

The inclusion of this clause has been an on-going issue for Council throughout the negotiations with the DOPI leading to the exhibition and remains unresolved in terms of both clarifying the mechanism for facilitating farm adjustments both with and without exiting dwellings and between rural zones.

The clause does not create the opportunity of additional dwellings.

The intent of the clause is to provide the opportunity for land that is underutilised or not required on one property to be transferred to a productive holding. This is supported by the first aim of the Rural Lands SEPP which says:

The aims of this Policy are as follows:

(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,

Further, like the clause proposed by Council, the Rural SEPP provides the opportunity for subdivision for agricultural purposes as follows:

9 RURAL SUBDIVISION FOR AGRICULTURAL PURPOSES

- (1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.*
- (2) Land in a rural zone may, with consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size otherwise permitted for that land.*

- (3) *However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.*
- (4) *A dwelling cannot be erected on such a lot.*
- (5) *State Environmental Planning Policy No 1—Development Standards does not apply to a development standard under this clause.*

By way of interpretation, a subdivision under this provision cannot occur if it will result in a dwelling being situated on a lot that is under the minimum lot size for a dwelling in that particular zone even though the dwelling already exists and the creation of the agricultural lot will facilitate a desirable outcome in term of the on-going management and productivity of the rural land. Further, there is no mechanism at all for a boundary adjustment between two already undersized lots both which have existing dwellings if the adjustment will result in a variation to either lot size by more than 10%. Again, this is not conducive to creating the opportunities for optimum use of agricultural land.

The clause as proposed does not increase the net number of dwellings or opportunity for dwellings. However, what it will do is assist in the consolidation of operating rural enterprises and provide an opportunity for an increase in holding sizes.

If Council are going to consider this clause, a resolution needs to be made in terms of the most appropriate minimum lot size for these lots. An existing dwelling still needs to be buffered from the operation of a neighbouring farm to reduce the potential for land use conflict and have regard to the protection of natural resources. At this stage the minimum lot size for a holding in the rural context is 12ha in the R5 Large Lot Residential zone and this could be adopted in the farm adjustment provisions for both the RU1 Primary Production and RU4 Primary Production Small Lots zones. In terms of the R5 zone, the minimum lot size for a dwelling on existing lots is 5ha (Clause 48 (2) in the Interim LEP 2008) and provided no net increase in dwellings this could be adopted as the minimum lot size in the R5 zone.

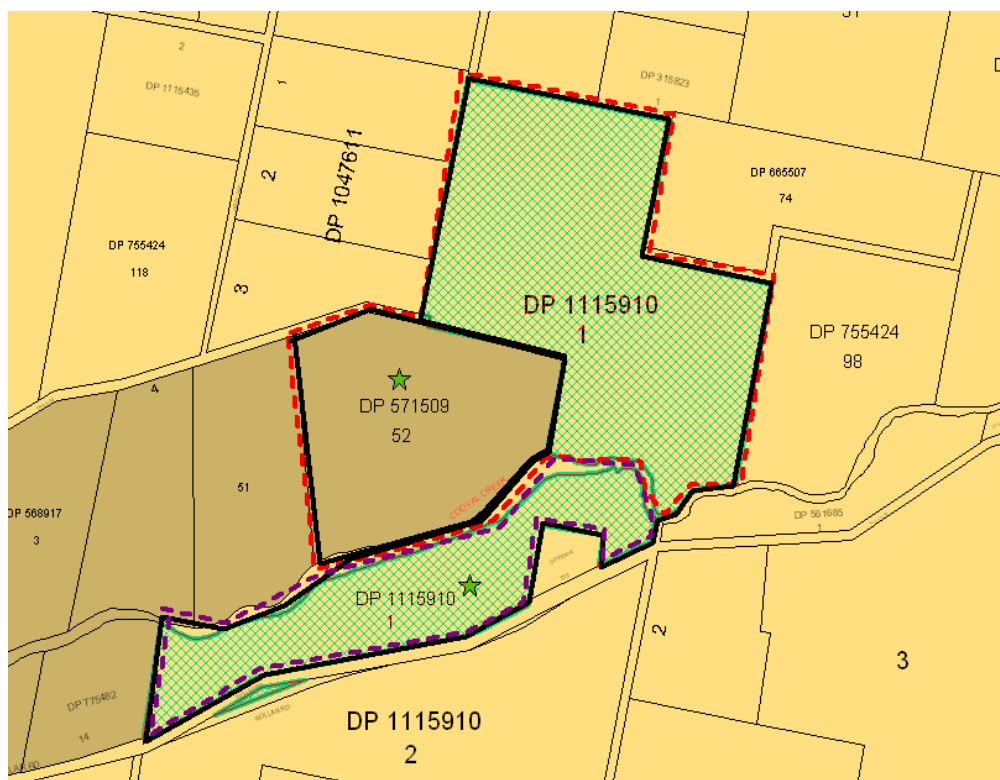
The Farm adjustment Clause proposed is consistent with the Council resolution of 7 December 2011 as follows:

4.2B Subdivision for a farm adjustment [local]

- (1) The objectives of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve sustainable agricultural development in the relevant zone.
- (2) This clause applies to the following zones:
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots
 - (c) Zone R5 Large Lot Residential
- (3) despite clause 4.1 and any other provision of this plan, consent may be granted to a subdivision for a boundary adjustment between two adjoining lots, but only if;
 - (a) the subdivision will not result in a net increase in the number of lots or the opportunities for additional dwellings, and
 - (b) the number of dwellings on, or the opportunity for dwellings for, each lot after the subdivision is the same as before the subdivision, and
 - (c) the net outcome of the subdivision is likely to assist in achievement of the objectives for development in the zone,

- (d) the subdivision design will not set up a situation where the relative position of existing or proposed improvements and rural activities on the new lots is likely to result in conflict, and
- (e) the minimum lot size for any lot created by a subdivision under this clause is 12ha in the case of the RU1 and RU4 zones and 5ha in the case of the R5 zone.

Example of how the clause would work.



Lot 1 DP 1115910 – Zoned Agriculture, has an existing dwelling. Lot size 50.06ha (undersized lot in the Agriculture Zone).

Lot 52 DP 571509 – Zoned Rural Small Holdings, has an existing dwelling. Lot size 20.23 ha. The owner of Lot 1 is seeking a boundary adjustment with the owner of Lot 52 for the area of Lot 1 that is north of Cooyal Creek. The proposal would not result in an increase in the net number of dwellings or create the opportunity for additional dwellings on either lot. The proposal will result in the better utilisation and efficient management of agricultural land. As both lots have existing dwellings and the adjustment (based on the area) is not “minor”, there is no mechanism within the current planning framework to facilitate that proposal.

ANOMALIES IN THE HERITAGE SCHEDULE

The Heritage Schedule includes items which have incorrect property data as follows:

Item	Description in LEP	Correction proposed
Guntawang Homestead Item I390	Lot 2 DP 534376	Lot 3 DP 718231
House Bowman St Gulgong Item I213	5 Bowman St	9 Bowman St
Gulgong Hospital	Portion 196	Lots 195 & 196 DP 755434

4.2A ERECTION OF DWELLING HOUSES AND DUAL OCCUPANCIES ON LAND IN CERTAIN ZONES

The provisions of clause 4.2A were specifically drafted to enact the outcomes of the Mid-Western Regional Comprehensive Land Use Study (CLUS) in relation to dwelling rights, expanded largely as a result of the threat to increase minimum rural lot sizes from 100Ha to 400Ha (this did not eventuate). In this regard CLUS recommends the preservation or where necessary, the reanimation of any dwelling right that land has or may have had. This led to the reinstatement of existing holding provisions within the LEP and notably Clause 4.2A(3)(g).

Clause 4.2A(3)(g)

Extract

a lot on which a dwelling house would have been permissible under an environmental planning instrument prior to the making of Mudgee Local Environmental Plan 1998 and Merriwa Local Environmental Plan 1992, and in the case of land within Zone RU1 Primary Production, has an area of not less than 40 hectares.

The function of clause 4.2A(3)(g) is to preserve dwelling rights where there have been changes in zoning and or minimum lot sizes over time that affect dwelling rights. Its secondary function is to reinstate dwelling rights for allotments, parcels or portions of land within the RU1 – Primary Production zone, which have an area of 40Ha or more.

The minimum rural lot size was initially 100Ha but was amended to 40Ha in 1975 which carried through until 1985 when Council adopted an LEP (LEP 15) that set the minimum lot size for rural subdivision and or the erection of dwellings at 100Ha.

LEP 15 had a clause that was in effect a savings provision whereby any existing allotment of 40Ha or more that was separately owned from any surrounding land retained a dwelling right in spite of the 100Ha minimum lot size. The purpose of drafting the clause in this fashion is to preserve dwelling rights while preventing the break-up of larger holding into 40Ha parcels or amalgamation of smaller parcels into a 40Ha lot which would defeat the purpose of having a 100Ha minimum lots size.

Mudgee Local Environmental Plan 1998 momentarily preserved the dwelling rights of the existing 40Ha lots however, a sunset clause in MLEP 1998 terminated the clause three years after the commencement of that LEP and the subsequent Interim LEP 2008 did not contain any 40Ha provisions.

Since the commencement of LEP 2012 Council has assessed a number of development applications for dwellings or staged dwellings which rely on the provisions of 4.2A(3)(g) and this has revealed that the clause works as designed in relation to the preservation of rights affected over time by zone changes and the like but is not sufficiently clear in relation to which instruments should be referred to or that there are limitations on 40Ha parcels ie the parcel had to be separately owned at 11 February 1985. This has led to a number of attempts at creating a defacto 40Ha subdivision.

It is recommended that the clause be amended to reflect that the instruments of reference are those in force immediately prior to MLEP 1998 and Merriwa LEP 1992 in addition to the following, in relation to land marked "Mudgee" on the Former LEP Boundaries Map on an allotment that has an area of not less than 40 hectares and that was in existence as a separate lot, portion or parcel of land as at 11 February 1985, and was separately owned from any adjoining or adjacent lands as at that date.

CLAUSE 4.2A(3)(F)

4.2A(3) (f) as gazetted was, in the original version of the Draft LEP submitted to the Department, two separate clauses that Parliamentary Counsel have combined resulting in confusion and unintended consequences. The published clause reads:

“(f) is, in the case of land:

(i) within 500 metres of land within Zone RU5 Village, or

(ii) within Zone R5 Large Lot Residential,

a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or”

The clause needs to be separated once again as follows:

(e) in the case of a land within the R5 Large Lot Residential Zone on a lot that has an area not less than 5ha, or

(f) on an existing lot located partly or wholly within 500m of a RU5 Village Zone that has an area of not less than 5ha, and provision is made for the lot to have a tar sealed road frontage and that the lot is connected to the sealed road network, or

The intention of sub-clause (e) is to save dwelling provisions for existing lots in the R5 zone that are below the 12ha MLS with an area of at least 5ha (as per the Interim LEP and LEP 1998 before that).

The intention of sub-clause (f) is to introduce a new provision which facilitates the growth of Villages by extending entitlements beyond the boundary BUT ONLY WHERE the proponent provides a sealed road connection.

SUBDIVISION OF LAND BELOW MLS FOR A NON-AGRICULTURAL PURPOSE

There were provisions in the Interim LEP 2008 which allowed subdivision below the minimum lot size for a purpose other than agriculture or a dwelling. Council has a current example of infrastructure associated with the rail loop at Bylong whereby a 2ha lot cannot be created for the purpose of a refuelling facility because the land is within the RU1 Primary Production zone.

These provisions are not contrary to the Rural SEPP rather provides flexibility within the zone to accommodate the development other than agriculture and dwellings in accordance with the land use table.

The clause in LEP 2008 was as follows and the new local clause would be along similar lines and with the same intent:

39 SUBDIVISION OF LAND WITHIN INTENSIVE AGRICULTURE ZONE FOR PURPOSES OTHER THAN AGRICULTURE, INTENSIVE PLANT AGRICULTURE, AQUACULTURE OR DWELLINGS

- (1) This clause applies to a subdivision of land within the Intensive Agriculture Zone where, in the opinion of the consent authority, it is intended that no allotments created by the subdivision will be used for the purpose of agriculture, intensive plant agriculture, aquaculture or any dwelling.
- (2) Clause 19 (Minimum subdivision lot size) does not apply to a subdivision to which this clause applies.
- (3) The consent authority, before granting consent to a subdivision to which this clause applies, must:
 - (a) be satisfied that:
 - (i) the size of the proposed allotment and its future use will be consistent with the objectives of the zone, and

- (ii) the level of demand for any goods and services that are to be supplied from the allotment, and for any activities that are to be carried out on the allotment, and the extent to which the allotment is proposed to be used to meet that demand, justify the creation of the allotment, and
 - (iii) the creation of the allotment is unlikely to adversely affect the existing and potential capability of the adjoining and adjacent land to be used for other permissible land uses in that zone, and
 - (iv) the allotment to be created and any subsequent development on the allotment is unlikely to have the effect of creating a demand for uneconomic provision of public infrastructure and utilities, and
 - (v) the allotment to be created is of an adequate area and has appropriate topography and geology to facilitate an on-site effluent disposal system, and
 - (vi) the future use of the allotment will not result in land use conflict or degradation of natural resources, including water resources, and
- (b) consider:
- (i) the effect of the subdivision on the existing and potential capability of the land and adjacent land to produce food or fibre or to be used for agricultural purposes, and
 - (ii) whether legal and practical access to any proposed lot can be provided to an existing dedicated road reserve, and
 - (iii) the effect of the proposed use on adjoining existing development, and
 - (iv) the effect of the proposed use on the natural environment, including water resources, and
 - (v) the effect of the proposed development on vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the availability, quality and stability of watercourses and ground water storage and riparian rights), and
 - (vi) the protection of areas of significance for nature conservation or of high scenic or recreational value, and
 - (vii) the potential for rural land use conflict with adjoining uses where the new allotments, and any resulting potential future development, are likely to inhibit or give rise to complaints about normal farming practice (such as pesticide spraying, noxious weeds and feral animal control, bush fire hazard reduction work, noise, separation from noxious odours and the like).

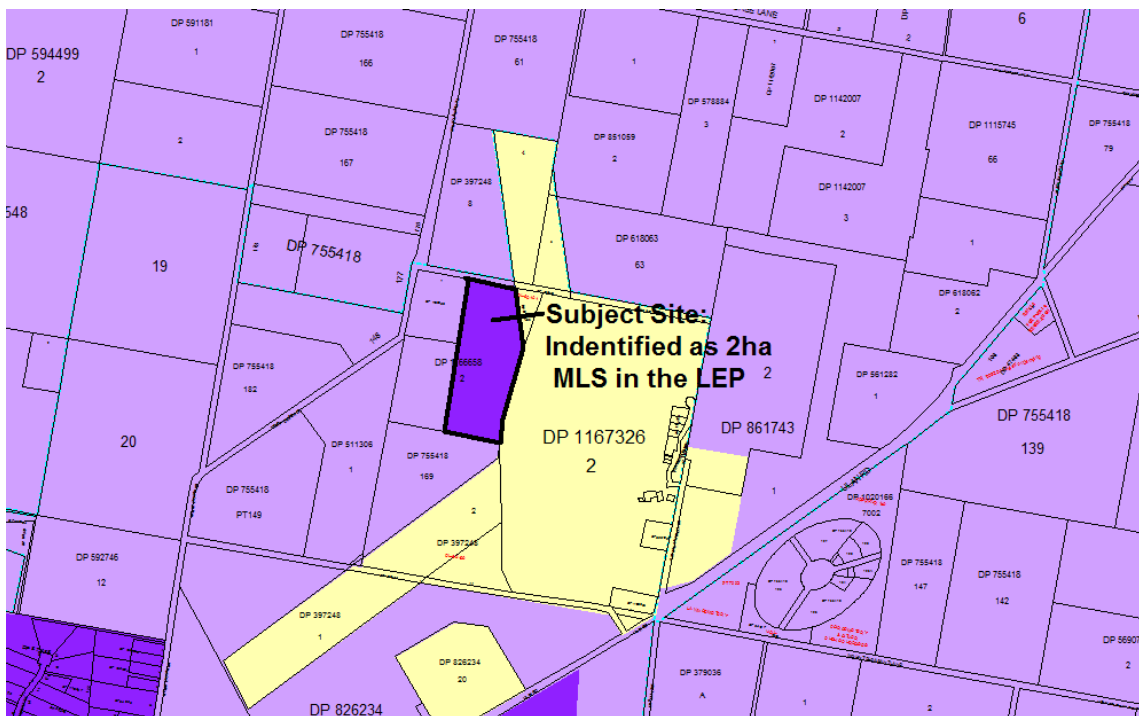
A local clause in the LEP 2012 would have a similar intent and will catch those uses that are permissible but which do not necessarily require 100ha of land.

CLARIFICATION OF THE 2 HA MINIMUM LOT SIZE AT THE AIRPORT

In the review of public submissions to the Draft LEP 2012 on December 7, 2011, Council resolved to include part of Lot 1 DP 1166658 in the SP1 Special Purposes Airport related facilities zone.

The Department of Planning vetoed the inclusion of the land in the SP1 zone, however, permitted an amendment to the Lot Size Map to show the site as having a 2ha minimum lot size. The RU4 Primary Production Small Lots zone was retained. This creates an anomaly in so far as while the lot size map permits the land to be subdivided to 2ha, clause 4.2B requires that the proponent must demonstrate an intensive agricultural use.

The intention of the site was to provide freehold hanger development and an associated dwelling. This can be achieved but for clause 4.2B. In order to overcome this, it is proposed to insert a local clause into the LEP which deals specifically with this site and or land adjoining the airport. Council will need to seek the advice of the Department of Planning as to the most suitable mechanism for achieving this outcome.



RECLASSIFY DRAINAGE RESERVES AND SURPLUS LAND

In the course of subdivision development, Council has acquired via dedication a number of drainage reserves. These are operational in nature and should be classified as such to allow Council to continue to manage and maintain them effectively and the avoid having to prepare Plans of Management of each individual reserve. The LEP 2012 will need to be amended to include the re-classification of this land from Community Land to Operational Land. The following properties are included:

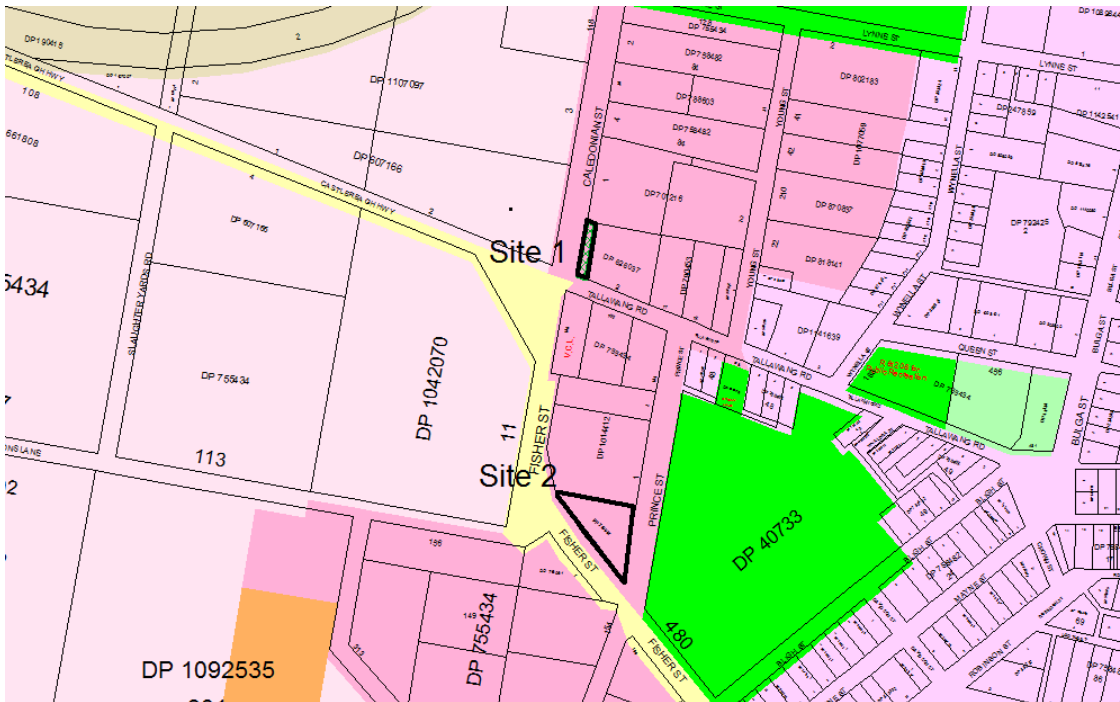
Asset No	Description	Prop no	Notes
140758 - Defined as Drainage Reserve	Drainage Reserve 44A Mortimer Street MUDGEE Lot A DP 408150	1827	Plan dated 1957 doesn't specifically dedicate reserve for drainage

Asset No	Description	Prop no	Notes
140799 - Defined as Drainage Reserve	Collyer Park Public Reserve 16A Lisbon Road MUDGEES Lot 2 DP 802143	9150	Lot 2 had been listed as a Drainage Reserve but was dedicated as Public Reserve on Plan dated 2/7/1990. Note that there is an Easement to Drain Water over Lot 2. There is a retention basin for drainage on Lot 2.
140833 - Defined as Drainage Reserve	Public Reserve 18A Macquarie Drive MUDGEES Lot 47 DP 862452	11219	Lot 47 had been listed as a Drainage Reserve but was dedicated as Public Reserve on Plan dated 17/9/1996. Note that there is an Easement to Drain Water over Lot 47.
140853 - Defined as Drainage Reserve	Drainage Reserve 76A Bellevue Road MUDGEES Lot 19 DP 1020110	12635	Lot 19 is dedicated as a Drainage Reserve on Plan dated 6/12/2000. Note that there is an Easement to Drain Water over Lot 19.
140858 - Defined as Drainage Reserve	Drainage Reserve 15 White Circle MUDGEES Lot 49 DP 1062044	13436	Lot 49 is dedicated as a Drainage Reserve on Plan dated 28/11/2003.
140895 - Defined as Drainage Reserve	Drainage Reserve 2A Banjo Paterson Avenue MUDGEES Lot 157 DP 1082615	18549	Lot 157 is dedicated as a Drainage Reserve on Plan dated 7/6/2005.
140897 - Defined as Drainage Reserve	Drainage Reserve 30 Vera Court MUDGEES Lot 33 DP 1087576	18613	Lot 33 is dedicated as a Drainage Reserve on Plan dated 26/9/2005.
140902 - Defined as Drainage Reserve	Drainage Reserve 152 Robertson Street MUDGEES Lot 18 DP 1110787	19250	Lot 18 was dedicated as a Drainage Reserve on Plan dated 30/4/2007.
140908 - Defined as Drainage Reserve	Drainage Reserve 72 White Circle MUDGEES Lot 227 DP 1119919	19621	Lot 227 was dedicated as a Drainage Reserve on Plan dated 10/12/2007.
140922- Defined as Drainage Reserve	Public Reserve 29 Woodside Close MUDGEES Lot 29 DP 871844	20174	Lot 29 had been listed as an Access to Drainage Reserve but was dedicated as a Public Reserve on Plan dated 3/11/1997. Lot 29 includes an area for drainage ie it is just not for access.

Asset No	Description	Prop no	Notes
140798 - Defined as Drainage Reserve	Collyer Park Drainage Reserve 14 Lisbon Road MUDGEE Lot 18 DP 788035	8928	Lot 18 was dedicated as a Drainage Reserve on Plan dated 6/4/1989.
140814 - Defined as Drainage Reserve	Walkers Oval Public Reserve 3 Court Street MUDGEE Lot 23 DP 816236	9772	Lot 23 had been listed as a Drainage Reserve but was dedicated as Public Reserve on Plan dated 22/4/1992. Note that there is an Easement to Drain Water over Lot 23. Reserve is predominately for drainage.
- Defined as Drainage Reserve	Drainage Reserve 3A Banjo Paterson Avenue MUDGEE Lot 158 DP 1082615	18550	Lot 158 is dedicated as a Drainage Reserve on Plan dated 7/6/2005.
140899 - Defined as Drainage Reserve	Public Reserve 65A White Circle MUDGEE Lot 199 DP 1089672	18866	Lot 199 was dedicated as Public Reserve on Plan dated 12/12/2005. Reserve contains a retention basin.
136570/136571 - Defined as Drainage Reserve	Public Reserve 85-95 White Circle MUDGEE Lot 228 DP 1119919	19614	Lot 228 was dedicated as Public Reserve on Plan dated 10/12/2007. Reserve contains a retention basin
	Drainage Reserve - 69 Banjo Paterson Avenue MUDGEE Lot 271 DP 1175650	21766	Lot 271 was dedicated as a Drainage Reserve on plan dated 16 March 2012

In addition to the drainage reserves, the following properties are proposed to be re-classified from Community to Operational land to enable Council to consider disposal in the future:

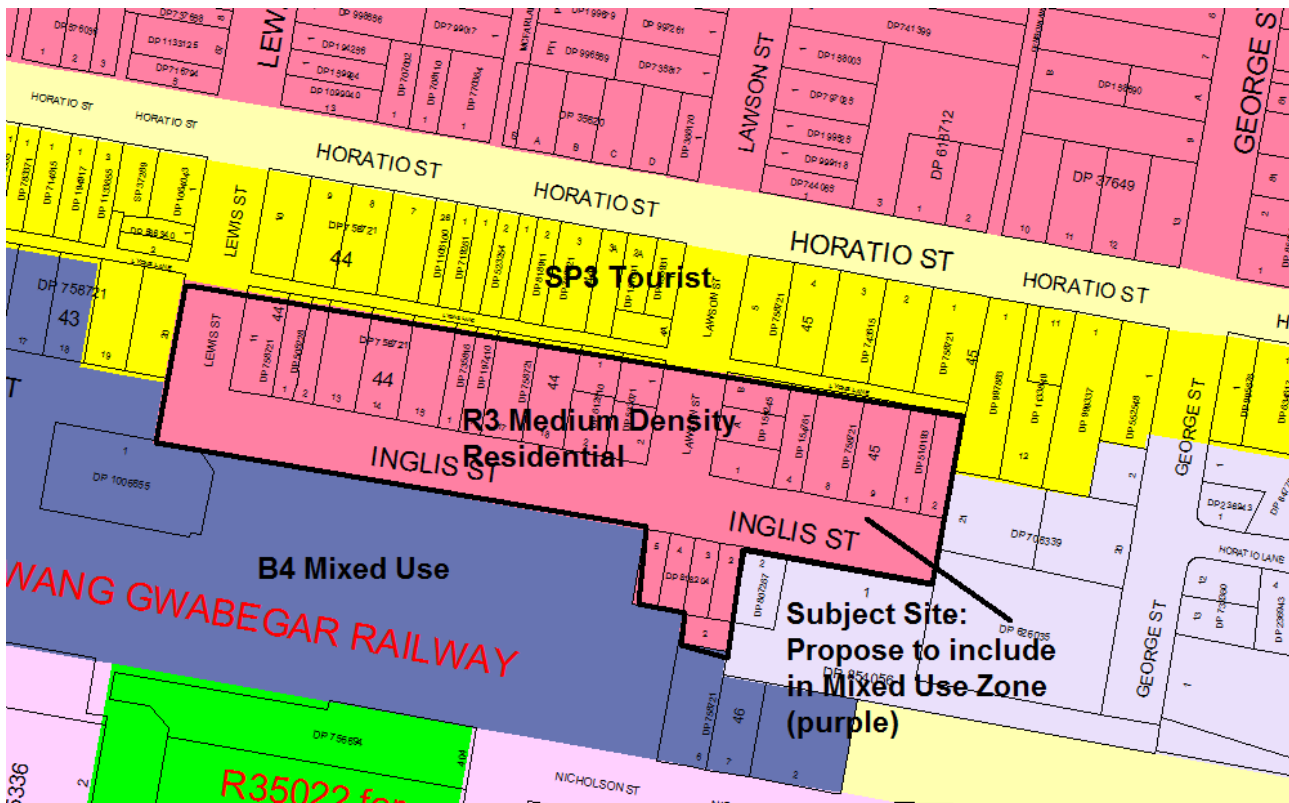
- Site 1 (see Map) Property No. 11104 - Lot 3 DP 626037 – 630.9 m2. Reserve in Caledonian Street Gulgong. It is fenced in and is being used as part of the garden area of Lot 2. Zoned Residential
- Site 2 (see Map) Property 11128, Lot 2 DP 718061 – vacant land owned by Council in Fisher Street Gulgong. Zoned Residential



PERMISSIBILITY OF CAMPING IN RE1

In the process of preparation of a Development Application for the Mudgee Showground, it was noted that camping grounds and caravan parks were not permitted with consent in Item 3 in the RE1 Public Recreation zone. An amendment to the land use table is required to insert the uses are permissible with consent.

REZONING LAND FROM R1 GENERAL RESIDENTIAL TO B4 MIXED USE IN INGLIS ST MUDGEE



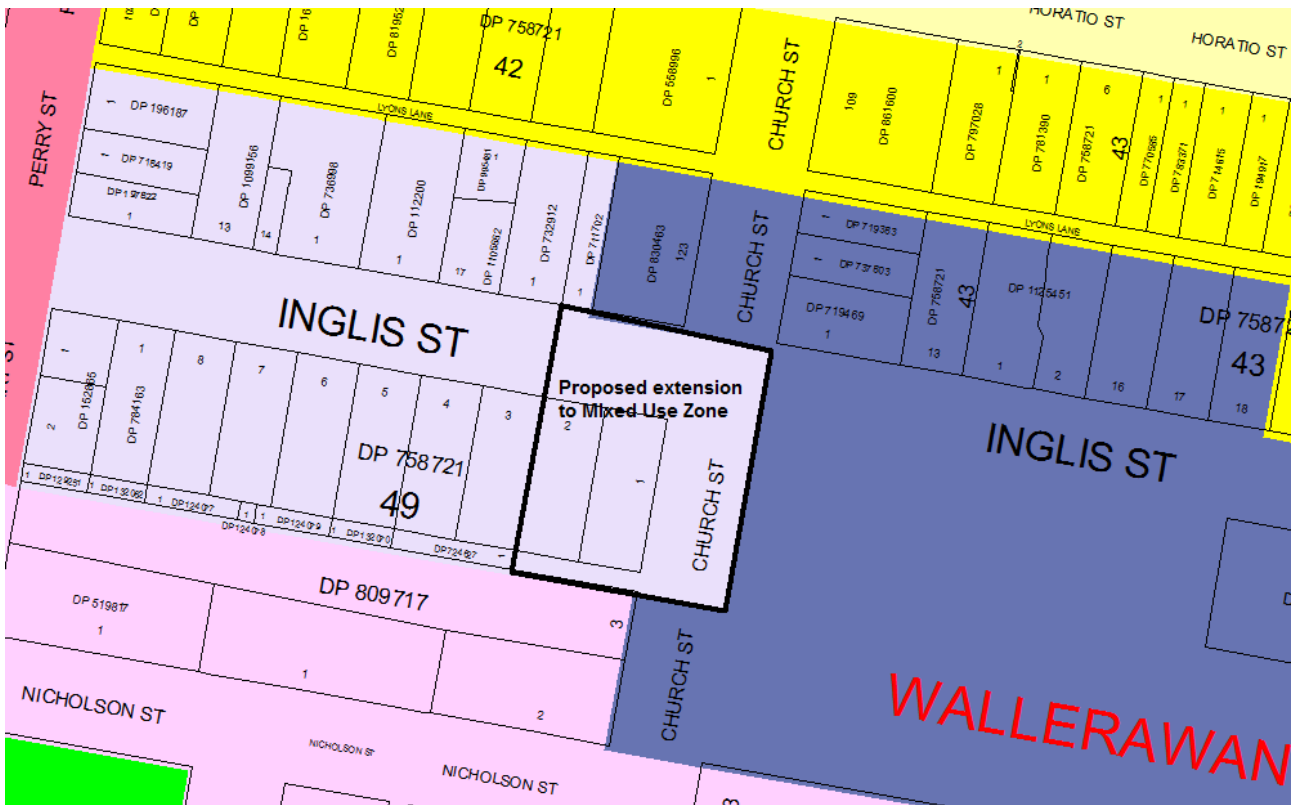
The LEP 2012 introduced a number of new zones including an SP3 Tourist zone and B4 Mixed Use zone. The application of these zones either side of Inglis St in Mudgee has resulted in a small area of R3 Medium Density residential in isolation from other residential land. Further, there are a number of large garages and storage sheds, some of a commercial nature fronting the rear lane between Inglis St and Horatio Street. Given that the land is zoned R3, the legal commercial use of this land is limited. There is an opportunity to consider expanding the Mixed Use zone like that which occurs in the western end of Inglis Street and in Church Street opposite the tennis courts.

In addition to the uses already permissible in the R3 zone the B4 zone would allow: Business, Office and Retail Premises, Vets, Wholesale supplies, water supply systems, car parks, passenger transport facilities, hotel or motel accommodation, camping grounds, caravan parks, emergency services facilities, public administration buildings, major recreation facilities, exhibition villages, helipad and mortuaries.

The proposal would require targeted consultation with land owners in Inglis Street and this can be undertaken in parallel with the planning proposal.

EXTENSION OF THE MIXED USE ZONE IN INGLIS STREET WEST OF CHURCH STREET

The west end of Inglis Street is currently zone part Mixed Use and Part IN2 Light Industrial. An amendment is proposed that would extend the Mixed Use zone over Lots 1 & 2 Section 49 DP 758721 to both coincide with the mixed use zone on the opposite side of Inglis Street where Country Physio and the Dry-cleaners currently operate. This would extend the range of commercial activities permissible on these lots and be more consistent with the surrounding development. Lot 1 has an upholstery business and dwelling and Lot 2 is a heritage listed dwelling. Again, consultation with affected landowners could occur parallel with the planning proposal.



Financial implications

The only financial implication relates to the re-classification of the drainage reserves. Should Council continue to hold these as Community Land under the Local Government Act, there is an obligation to prepare and update Plans of Management for them and this would need to be incorporated into the annual budget process.

Strategic or policy implications

This project was identified in the Strategic Planning Program adopted by Council 6 February 2013.

CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND COMMUNITY SERVICES

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING

11 February 2013

Attachments: Nil

APPROVED FOR SUBMISSION:

WARWICK L BENNETT
GENERAL MANAGER

6.2.5 Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 January 2013

REPORT BY THE MANAGER FINANCIAL PLANNING TO 20 FEBRUARY 2013 COUNCIL MEETING

Document2

A0100056, A0140304

RECOMMENDATION

That:

1. **the report by the Manager Financial Planning on the Monthly statement of Mid-Western Regional Council bank balances and investments as at 31 January 2013 be received;**
2. **the certification by the Responsible Accounting Officer be noted.**

Executive summary

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

Detailed report

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

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

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.



LEONIE JOHNSON
MANAGER FINANCIAL PLANNING

CLARE PHELAN
GROUP MANAGER FINANCE AND ADMINISTRATION

4 February 2013

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

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

For the month ended: 31-Jan-13

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	\$ 225,218	\$ 8,380,965	\$ 8,464,170	\$ 142,012	\$ 700,000

The bank balance has been reconciled to the General Ledger as at 31/01/2013

Investments	Type	Amount	Yield %	Maturity Date	Term	Rating	Govt Rating	NAV	% of Portfolio
National Australia Bank	At Call	\$ 1,420,000	3.55%	N/A	At Call	A-1+	1		4.4%
National Australia Bank	Term Deposit	\$ 1,000,000	5.04%	20/02/2013	182	A-1+	2		3.1%
National Australia Bank	Term Deposit	\$ 1,000,000	4.50%	19/06/2013	119	A-1+	2		3.1%
National Australia Bank	Term Deposit	\$ 1,000,000	4.48%	17/04/2013	119	A-1+	2		3.1%
National Australia Bank	Term Deposit	\$ 2,000,000	4.72%	3/04/2013	182	A-1+	2		6.2%
Westpac Bank	Term Deposit	\$ 1,200,000	4.17%	10/04/2013	91	A-1+	1		3.7%
Westpac Bank	Term Deposit	\$ 1,500,000	4.37%	10/04/2013	98	A-1+	2		4.7%
Westpac Bank	Term Deposit	\$ 2,000,000	4.37%	3/04/2013	91	A-1+	2		6.2%
St George Bank	Term Deposit	\$ 1,000,000	4.85%	27/02/2013	154	A-1+	1		3.1%
St George Bank	Term Deposit	\$ 1,500,000	4.35%	13/03/2013	98	A-1+	2		4.7%
St George Bank	Term Deposit	\$ 700,000	4.55%	10/04/2013	154	A-1+	2		2.2%
St George Bank	Term Deposit	\$ 2,000,000	4.40%	5/06/2013	182	A-1+	2		6.2%
Bankwest	Term Deposit	\$ 2,000,000	4.45%	6/02/2013	72	A-1+	1		6.2%
Bankwest	Term Deposit	\$ 1,000,000	4.30%	13/02/2013	91	A-1+	2		3.1%
AMP	Term Deposit	\$ 1,000,000	4.40%	27/02/2013	98	A-1	1		3.1%
ING Australia Bank	Term Deposit	\$ 1,500,000	4.74%	12/06/2013	182	A-1	1		4.7%
ING Australia Bank	Term Deposit	\$ 1,000,000	4.54%	13/03/2013	105	A-1	2		3.1%
Bank of Queensland	Term Deposit	\$ 1,000,000	4.71%	27/03/2013	126	A-2	1		3.1%
IMB Ltd	Term Deposit	\$ 1,000,000	4.50%	6/02/2013	91	A-2	1		3.1%
Newcastle Permanent	Term Deposit	\$ 1,000,000	4.20%	8/05/2013	98	A-2	1		3.1%
Members Equity Bank	Term Deposit	\$ 1,500,000	4.70%	1/05/2013	117	A-2	1		4.7%
Peoples Choice C/Union	Term Deposit	\$ 1,000,000	4.49%	20/03/2013	91	A-2	1		3.1%
Heritage Building Society	Term Deposit	\$ 1,400,000	4.35%	1/05/2013	91	A-3	1		4.3%
Community CPS Aust.	Term Deposit	\$ 1,000,000	4.50%	6/03/2013	105	NR	1		3.1%
ANZ ASPRIT III	Sustainable Equity Linked Note	\$ 500,000	50% of +ve NAV	19/07/2013	6 yrs	AA	-		1.6%
Longreach Series 26	Property Linked Note	\$ 1,000,000		7/06/2014	7 yrs	A+	-	\$ 961,300	3.1%
Total Investments		\$ 32,220,000							100.0%

Financial Claims Scheme

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

ATTACHMENT 2

MWRC Policy Requirements:

Investments by Institution	Long/Short Term Ratings	Amount	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	\$ 6,420,000	19.9%	25.0%
Bankwest	AA/A-1+	\$ 3,000,000	9.3%	25.0%
St George Bank	AA/A-1+	\$ 5,200,000	16.1%	25.0%
Westpac Bank	AA/A-1+	\$ 4,700,000	14.6%	25.0%
ANZ	AA/A-1	\$ 500,000	1.6%	25.0%
Longreach	A+/A-1	\$ 1,000,000	3.1%	20.0%
AMP	A/A-1	\$ 1,000,000	3.1%	15.0%
ING Australia Bank	A/A-1	\$ 2,500,000	7.8%	15.0%
Bank of Queensland	BBB+/A-2	\$ 1,000,000	3.1%	10.0%
Newcastle Permanent	BBB+/A-2	\$ 1,000,000	3.1%	10.0%
Members Equity Bank	BBB/A-2	\$ 1,500,000	4.7%	10.0%
IMB Ltd	BBB/A-2	\$ 1,000,000	3.1%	10.0%
Peoples Choice C/Union	BBB/A-2	\$ 1,000,000	3.1%	10.0%
Heritage Building Society	BBB-/A-3	\$ 1,400,000	4.3%	10.0%
Community CPS Aust.	NR	\$ 1,000,000	3.1%	10.0%
		<u>\$ 32,220,000</u>	<u>100.0%</u>	

Investments by Rating	Rating*	Amount	% of Portfolio	
			Actual	Limit
Direct Securities	AAA/A-1+	\$ 19,320,000	60.0%	100.0%
	A/A-1	\$ 4,500,000	14.0%	60.0%
	BBB/A-2	\$ 5,500,000	17.1%	20.0%
	BBB-/A-3	\$ 1,400,000	4.3%	20.0%
	Unrated	\$ 1,000,000	3.1%	20.0%
Managed Funds	AAA		0.0%	
	AA		0.0%	
	A		0.0%	
	BBB		0.0%	
	Unrated		0.0%	
		<u>\$ 32,220,000</u>	<u>100.0%</u>	

Term to Maturity	Amount	% of Portfolio		
		Actual	Minimum	Maximum
Less than 1 year	\$ 30,720,000	95.3%	30.0%	100.0%
Between 1 and 3 years	\$ -	0.0%	0.0%	70.0%
Between 3 and 5 years	\$ -	0.0%	0.0%	50.0%
More than 5 years	\$ 1,500,000	4.7%	0.0%	25.0%
	<u>\$ 32,220,000</u>	<u>100.0%</u>		

ATTACHMENT 3

Monthly Investment Portfolio Activity:

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 1,510,000	\$ 90,000	\$ 1,420,000	0.00%	At Call	0.00%
Westpac Bank	\$ 1,500,000	\$ -	\$ 1,500,000	-0.35%	-2	4.37%
Westpac Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Members Equity Bank	\$ -	\$ -	\$ 1,500,000	New Deposit		4.70%
Westpac Bank	\$ 2,000,000	\$ -	\$ 2,000,000	-0.73%	-91	4.37%
Westpac Bank	\$ 1,200,000	\$ -	\$ 1,200,000	-0.56%	-19	4.17%
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.44%	42	4.50%
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Macquarie Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Newcastle Permanent	\$ 1,000,000	\$ -	\$ 1,000,000	-0.14%	7	4.20%
Heritage Building Society	\$ 1,400,000	\$ -	\$ 1,400,000	-0.41%	-28	4.35%
	<u>\$12,610,000</u>		<u>\$ 11,020,000</u>			

Net Portfolio Movement \$1,590,000 Reduction

6.2.6 Quarterly Budget Review - December 2012

REPORT BY THE MANAGER FINANCIAL PLANNING TO 20 FEBRUARY 2013 COUNCIL MEETING

6.2.7 December QBR

A0100056, A0149935

RECOMMENDATION

That:

1. **the report by the Manager Financial Planning on the Quarterly Budget Review - December 2012 be received;**
2. **the 2012/13 Operational Plan be amended in accordance with the variations as listed on pages 12 to 21 of the December 2012 Quarterly Budget Review; and**
3. **the opinion by the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure, be noted.**

Executive summary

This report presents to Council the December Quarterly Budget Review of the 2012/13 Operational Plan.

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 Operational 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.

The Quarterly Review reporting package includes:

- An Executive Summary;
- A financial commentary, including updates on Cash, Reserves, Developer Contributions and Employee Costs;
- Consolidated financial statements including an Income Statement and Balance Sheet;
- Financial information and commentary on the progress of Capital Works including a summary of capital funding;
- A review of contracts, and legal and consultative expenditure;
- A schedule of key statistical information;
- An investment portfolio review;
- A monthly review of the Development Application process;

- Councillor Fees and Expenses.

This QBR indicates an overall deterioration in the projected unrestricted cash position of General Fund to 30 June 2013, with a net negative movement of \$9,765 for the quarter, taking projected year end movement to a \$1,035,000 deterioration. Please note that the majority of this deterioration was reflected in the revotes and the additional expenditure required on the upgrade of Church Street, Mudgee.

This Quarterly Budget Review has recognised a variation to defer a list of capital building works in order to fund the additional cost of completing works at the Town Hall Theatre. This variation is based on the resolution that resulted from the full report to Council on the 6th February 2013.

There is also a variation to cover changes in the lending costs and repayment term for the Pool Refurbishment loan. Again, a separate report to Council on the 6th of February provided more details on the Local Government Infrastructure Renewal Scheme and changes in the cost of borrowings on this project, in order to best utilise this funding opportunity for Council.

There are a substantial amount of variations that are being presented to Council as part of this review. They are reflective of the circumstances currently facing Council. We are fortunate enough to be able to achieve a number of large positive variations (interest income due to a higher than estimated cash balance and a revised workers compensation premium estimate due to lower cost of claims through improved claims management) to offset the bulk of the negative variations, particularly legal costs. However, Council is on track to deliver the program of works as set out in the Operational Plan and the only new projects for consideration are:

- Red Hill;
- Weeds management on Council roads; and
- The NRL game.

Only the NRL game is recommended at this time for being funded.

This QBR sees a negative variation in the Water Fund cash position of \$19,000, due to increased operating costs of Water Treatment Plants and reservoir maintenance has increased proportionate to the higher production and consumption of water due to ongoing dry conditions. This has been somewhat offset by an increase in estimated interest income and water consumption estimates.

The unrestricted cash position of the Sewer Fund is projected to improve by \$13,000 as a result of variations proposed in the QBR. The improvement this quarter is primarily attributable to higher than expected cash levels due to delayed timing of large works, positively impacting interest income received for Sewer Fund. The overall movement estimated for the year to 30 June 2013 is a \$227,000 deterioration.

This QBR sees a positive variation in the Waste Fund cash position of \$106,000, mostly attributable to increased tipping fees. The total estimated movement for the year to 30 June 2013 of a \$433,000 improvement to unrestricted cash balances.

Variations proposed for the quarter are set out in the table below:

December Proposed Variations		
Community Plan Theme	Variation	Amount
GENERAL FUND		
Positive Variations		
Good government	Increase Corporate income - electricity contract compensation (\$9,000) and miscellaneous (\$1,300)	10,300 F
Good government	Increase in Farmland rating levy for 2012/13 - includes supplementary valuation and mining re-categorisation	100,000 F
Good government	Revise Development Control income - increase to septic tanks, building certs, DA's & S149 certs with a minor reduction to drainage applications & miscellaneous income	108,000 F
Good government	Revise Building Regulation income - increase construction certs & misc development fees	94,000 F
Good government	Remove allocation for Corporate Signage program	25,000 F
Looking after our community	Reduction in Council contribution to State Emergency Services Levy	4,609 F
Looking after our community	Reduction in Council contribution to Fire and Rescue NSW Levy	1,980 F
Looking after our community	Review of electricity usage charges - savings at Mudgee Library (\$8,000), Gulgong Pool (\$5,000) & Kandos Pool (\$5,000). See also negative variations & contra variations.	18,000 F
Good government	Revised Workers Compensation Premiums for 2012/13. Reduced cost of claims estimated to 30 June.	150,000 F
Good government	Increase in interest received - outstanding rates and charges, primarily associated with mines	30,000 F
Looking after our community	Increase in Ironed Out operating revenue - Community Services grant (\$6,000) and (\$5,000) user fees	11,000 F
Looking after our community	Increase in Cemetery Fees	50,000 F
Good government	Increase estimated interest income in 2013 due to higher than anticipated cash balance.	278,000 F
Building a strong local economy	Sale of land - 45 Dunn St, Kandos (\$27,200) less preparation for sale costs (\$7,800)	19,400 F
Good government	Reduce contractor expenditure - Corporate Administration	6,000 F
Looking after our community	Transfer income and expenditure budgets from Childcare Commercial Property (Building a Strong Local Economy) to Childcare Operations (\$23,400) plus increase Rental income and reimbursements for utilities (\$4,600)	28,000 F
Good government	Reduce employee costs - Human Resources long term vacancy and overall reductions and operating leases	39,500 F
Building a strong local economy	Increase in Airport Landing Fees - higher usage than budgeted	5,300 F
Good government	Savings in operating expenditure to cover increase in electricity usage charges - Mudgee & Gulgong Admin contractors (\$10,700), Operations Office stationery (\$2,000), Communications Remote Facilities licenses (\$2,900)	15,600 F
Looking after our community	Increase operating income - Gulgong Memorial Hall hire fees (\$3,000), Rylstone Hall hire fees (\$1,000), Mudgee Pools admission (\$9,500)	13,500 F
Looking after our community	Reduce operating expenditure to cover increase in electricity usage charges - Glen Willow plant hire & materials (\$20,000), Mudgee Showground contractors (\$4,300). Passive Parks Buildings materials (\$1,800)	26,100 F
Total Positive Variations		1,034,289

Negative Variations			
Protecting our natural environment	Finalisation of drainage easement Short Street - aged outstanding matter	(3,500)	U
Good government	Increase corporate legal fees - Ulan Road Strategy	(20,000)	U
Good government	Buildings and Operational Land valuations - 2013 Fair Value process	(38,000)	U
Good government	Increase Planning legal and consultancy fees - MAC Group appeal	(114,000)	U
Good government	Additional fleet vehicle - Development Control	(16,000)	U
Building a strong local economy	Increase Events Management Assistance contributions to local events	(5,000)	U
Building a strong local economy	Allocate funding for NRL Eels vs Titans match - event co-ordination	(20,000)	U
Connecting our region	Street signage replacement program - allocation for 2013 works	(15,000)	U
Connecting our region	Increase electricity usage charges - street lights	(78,000)	U
Looking after our community	Increase Streetscape Maintenance to cover contractor costs for insecticidal treatment of bug affected roadside trees	(20,000)	U
Good government	Increase corporate legal costs to allow for Land & Environment Court hearings - mining recategorisation appeals	(450,000)	U
Good government	Increase Human Resources expenditure - Employee opinion Survey (\$11,000), Staff Recruitment (\$28,000), Vehicle running costs (\$4,700)	(43,700)	U
Good government	Estimated costs for new Pool Refurbishment loan - modified lending period to meet LIRS funding requirements. Interest & break costs (\$157,758) less decrease in principal repayments \$22,204 and receipt of LIRS funding \$90,000. Refer to Council report 6th February.	(45,554)	U
Good government	Increase in photocopier leasing costs - Corporate Administration (partially offset by positive variations in Corporate Administration)	(18,000)	U
Building a strong local economy	Transfer income and expenditure budgets from Childcare Commercial Property to Childcare Operations (Looking After our Community)	(23,400)	U
Looking after our community	Increase in Ironed Out operating costs - costume purchases (\$5,000) & property rental (\$2,000)	(7,000)	U
Looking after our community	Increase to Cemetery materials - purchase of plaques	(30,000)	U
Good government	Review of electricity usage charges across the organisation due to increase in statutory rates (18%). Some of these increases have been offset by savings in operating expenses, which are shown as positive variations (entries following)		
Good government	Review of electricity usage charges due to increase in statutory rates (18%) - increases required at Mudgee & Rylstone Admin buildings (\$29,600), Family Day Care (\$2,500), Tourism Office (\$1,000) and Council Works Depot (\$6,100), Operations Office (\$2,000), Communications Remote Facilities (\$2,900)	(44,100)	U
Building a strong local economy	Increase in Airport electricity usage charges due to increase in statutory rates (18%)	(5,300)	U
Looking after our community	Increase in electricity usage charges due to increase in statutory rates (18%) - Gulgong Memorial Hall (\$3,000), Rylstone Hall (\$1,000), Mudgee Pools (\$9,500), Glen Willow (\$20,000), Mudgee Showground (\$4,300). Passive Parks Buildings (\$1,800) and Mudgee Showground (\$7,900).	(47,500)	U
Total Negative Variations		(1,044,054)	

Contra Variations			
Building a strong local economy	Sale of land Glen Willow Walkway - land swap (non-cash)	65,000	C
Connecting our region	Purchase of land Glen Willow Walkway - land swap (non-cash)	(65,000)	C
Connecting our region	Transfer from Reserves - Glen Willow Walkway land swap legals	1,000	C
Connecting our region	Allocate legal expense - Glen Willow Walkway swap	(1,000)	C
Good government	Increase in expected S94 Developer Contributions.	267,000	C
Good government	Transfer to S94	(267,000)	C
Good government	Additional freight costs Stores due to increased stock turnover - expenditure	(10,000)	C
Good government	Additional freight costs Stores - increase in stores overheads recoupment of costs	10,000	C
Good government	Reduce Internal Audit Committee expenditure - transfer to Code of Conduct Committee	10,000	C
Good government	Increase Code of Conduct Committee expenditure - to allow for ongoing matters	(10,000)	C
Good government	Department of Planning & Infrastructure contribution to water assessment - Mt Penny & Cobbora Mines	20,000	C
Good government	Organisational support consultants expenditure - transfer to Strategic Planning for MT Penny & Cobbora Mines consultant expenditure	36,500	C
Good government	Increase consultant studies expenditure Strategic Planning for Mt Penny & Cobbora Mine assessments	(56,500)	C
Good government	Reduce S94 Plan Review expense 2013 - defer to 2014	80,000	C
Good government	Reduce transfer from S94 for S94 Plan Review - defer to 2014	(80,000)	C
Good government	Reduce Recreation Strategy expense - works for 2013 completed under budget	14,620	C
Good government	Reduce transfer from S94 - Recreation Strategy works for 2013 completed under budget	(14,620)	C
Good government	Reduce employee costs - consultant Town Planner used to process DA's during extended staff vacancy	7,480	C
Good government	Increase consultant costs - consultant Town Planner used to process DA's during extended staff vacancy	(7,480)	C
Good government	Grant funding received from Department of Planning - Electronic Housing Code	31,300	C
Good government	Electronic Housing Code project costs - employee and travel costs (\$13,190), software consultant (\$3,500), community engagement and IT infrastructure (\$14,610)	(31,300)	C
Protecting our natural environment	Reduce materials expenditure - Council Roads Weed Control	18,000	C
Protecting our natural environment	Increase chemicals expenditure - Council Roads Weed Control	(18,000)	C
Looking after our community	Reduce materials & contractors expenditure for 2013 - Healthy Communities Project extended to 2014	195,305	C
Looking after our community	Reduce grant funding for 2013 - Healthy Communities Project	(140,000)	C
Looking after our community	Reduce transfer from unspent grants - Healthy Communities Project	(55,305)	C
Protecting our natural environment	Environment grants received Putta Bucca Wetlands - Recreational Fishing Habitats and Bird Hide	40,850	C
Protecting our natural environment	Increase expenditure per Environment grants at Putta Bucca Wetlands	(40,850)	C

Looking after our community	Increase grant funding received - Family Day Care increased placement numbers	215,000	C
Looking after our community	Increase Family Day Care expenditure - Child Carer payments	(200,000)	C
Looking after our community	Increase Family Day Care expenditure - installation of shade sails at Mudgee Family Day Care playground	(10,480)	C
Looking after our community	Increase Family Day Care expenditure - materials	(4,520)	C
Building a strong local economy	Local business contributions received to Australian Year of the Farmer Scholarship	2,000	C
Building a strong local economy	Increase Event management Assistance donations - Australian Year of the Farmer Scholarship	(2,000)	C
Looking after our community	Rural Fire Service - grant funding received Cainbil Fire Station	50,000	C
Looking after our community	Capital Improvements to Cainbil Fire Station - contractors expense	(50,000)	C
Looking after our community	Allocate budget from Rural Public Halls - Budget Only account	2,600	C
Looking after our community	Increase materials budget at Windeyer Hall - purchase of upright cooker	(2,600)	C
Connecting our region	Transfer from Unspent Grants	20,000	C
Connecting our region	Construction of bus shelter on Bylong Valley Way bus route	(20,000)	C
Connecting our region	Reallocate regional roads budgets to reflect savings or overspends on regional road projects (following entries)		
Connecting our region	Reduce expenditure Hill End Rd Regional Reseal - savings	2,500	C
Connecting our region	Reduce expenditure Gollan Rd Regional Reseal - savings	4,000	C
Connecting our region	Increase expenditure Gollan Rd Repair works - to cover additional costs	(6,500)	C
Connecting our region	Reduce expenditure Short St Regional Reseal - savings	2,000	C
Connecting our region	Reduce expenditure Bylong Valley Way Heavy Patching (Regional)	4,500	C
Connecting our region	Increase expenditure Ulan Rd Regional Reseal - to cover additional costs	(6,500)	C
Connecting our region	Defer Cox St (BVW) Regional Reseal to 2014 - requires heavy patching and service trenches due to deformed pavement before reseal, allocate more substantial budget within the 2013/14 program of works	10,000	C
Connecting our region	Allocate budget to Regional Roads Linemarking - Bylong Valley Way	(10,000)	C
Connecting our region	Reduce expenditure Bylong Valley Way Heavy Patching (Regional)	11,000	C
Connecting our region	Increase expenditure Louee St Regional Rehab - to cover additional costs	(11,000)	C
Connecting our region	Reallocate local roads budgets to reflect savings or overspends on local road projects (following entries)		
Connecting our region	Reduce expenditure Spring Creek Rd Rural Reseal - savings	6,800	C
Connecting our region	Increase expenditure Pyramul Rd Rural Reseal - to cover additional costs	(6,800)	C
Connecting our region	Reduce expenditure Windeyer Rd Rural Rehab - savings	3,000	C
Connecting our region	Increase expenditure Lue Rd Olive Press Rural Rehab- to cover geotesting costs incurred before works were deferred	(3,000)	C
Connecting our region	Reduce expenditure Rocky Waterhole Rd Rural Reseal - savings	8,000	C
Connecting our region	Increase expenditure Henry Lawson Drv Rural Rehab - to cover additional costs	(8,000)	C
Connecting our region	Reduce expenditure Henbury Ave Urban Reseals - savings	4,000	C
Connecting our region	Increase expenditure Kerb & Gutter (Urban) - to cover additional costs	(4,000)	C
Connecting our region	Reduce expenditure Henbury Ave Urban Reseals - savings	2,500	C
Connecting our region	Reduced contribution from Roads & Maritime Services (RMS) - Robertson Rd Traffic Calming	(2,500)	C
Connecting our region	Contribution received from Cobbora Holdings - to Laheys Creek Intersection & road signage	134,015	C
Connecting our region	Expenditure on installation of road signs & guideposts Laheys Creeks Rd & Spring Ridge Rd	(67,590)	C
Connecting our region	Expenditure on concept and design for Laheys Creek Rd Intersection upgrade	(66,425)	C
Connecting our region	Defer Crudine Rd Rural Reseal to 2014 - requires heavy patching before reseal can take place	32,800	C
Connecting our region	Allocate budget to Crudine Rd Rural Heavy Patching for 2013	(32,800)	C
Connecting our region	Reduce expenditure Culvert Installations	6,000	C
Connecting our region	Increase expenditure Causeway Replacements - to cover additional costs	(6,000)	C
Protecting our natural environment	Grant funding received from Central West Catchment Management Authority (CMA) - host weeds management program	29,000	C
Protecting our natural environment	Weeds expenditure on hosted CMA funding - aerial spraying private properties	(29,000)	C
Protecting our natural environment	Grant funding received from Department of Trade & Investment - Alligator Weed Incursion program	30,854	C
Protecting our natural environment	Weeds inspection expenditure - Alligator Weed Incursion program	(30,854)	C
Good government	Defer capital works Gulgong Administration Building to 2014 - lowering of counter to meet accessibility requirements. Transferred to Budget Only Corporate Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	10,000	C
Good government	Defer capital works at Mudgee Depot to 2014 - amenities and kitchen upgrades. Transferred to Budget Only Corporate Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	23,000	C
Good government	Transfer to Corporate Buildings Upgrades - Budget Only (Reserve funded)	(33,000)	C

Looking after our community	Reallocate savings and deferred works to cover Mudgee Town Hall Building Improvements as per report to Council on 6th February.		
Looking after our community	Transfer from Community Buildings Budget Only - Mudgee Town Hall Building Improvements - as per report to February 2013 Council (\$81,200 Reserve funded)	106,200	C
Looking after our community	Transfer from Corporate Buildings Budget Only - Mudgee Town Hall Building Improvements - as per report to February 2013 Council (\$118,800 Reserve funded)	143,800	C
Looking after our community	Increase contract expenditure Mudgee Town Hall Building Improvements - as per report to February 2013 Council (\$200,000 Reserve funded)	(250,000)	C
Looking after our community	Cooyal St Units retaining wall complete under budget. Savings transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	4,800	C
Looking after our community	Rylstone Cemetery Ashes Wall complete under budget. Savings transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	4,500	C
Looking after our community	Rylstone Council Depot toilets complete. Savings transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	4,000	C
Looking after our community	Defer works at Victoria Park Public Toilets to 2014 - upgrade of eaves and guttering. Transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	10,000	C
Looking after our community	Defer works at Rylstone Cemetery Public Toilets to 2014. Transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	5,000	C
Looking after our community	Kandos Preschool replace floor coverings - complete under budget. Savings transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	12,700	C
Looking after our community	Gulgong Preschool replace floor coverings - complete under budget. Savings transferred to Budget Only Community Buildings - to be used for Town Hall additional cost of works. (Reserve funded)	10,000	C
Looking after our community	Transfer to Community Buildings Upgrades - Budget Only (Reserve funded)	(51,000)	C
Looking after our community	Darton Park Playground works - complete under budget. Savings transferred to Playground Shade Sails replacement and Memorial Park concrete works. (VPA funded - Community Facilities)	12,000	C
Looking after our community	Increase Memorial Park concrete works to cover additional costs required to complete scope of works. (VPA funded - Community Facilities)	(7,000)	C
Looking after our community	Allocate budget for Playground Shade Sails - replacement of shade sails at Bellevue and Robertson Park which were damaged/vandalised. (VPA funded - Community Facilities)	(5,000)	C
Looking after our community	Insurance claim for vandalised and destroyed shade sails at Robertson Park and Bellevue Playground.	7,209	C
Looking after our community	Allocate budget for Playground Shade Sails - replacement of shade sails at Bellevue and Robertson Park which were damaged/vandalised. Insurance claim funding.	(7,209)	C
Looking after our community	Reduce Community Buildings Upgrade Budget Only and corresponding transfer from Asset Replacement Reserve	9,500	C
Building a strong local economy	Riverside Caravan Park - increase contractors expense for replacement of two power poles (Council owned), funded by Asset Replacement Reserve.	(9,500)	C
Looking after our community	Reduce expenditure Active Parks - Relamp Sports Lighting	5,000	C
Looking after our community	Increase Kandos Sportsground expenditure to cover additional costs for carpark works	(5,000)	C
Looking after our community	Grant funding received - Museums & Galleries NSW for collection significance assessment of the Kandos Bicentennial Museum	6,000	C
Looking after our community	Increase contractor costs - Kandos Museum. Assessment of the Kandos museum collection significance.	(6,000)	C
Looking after our community	Rent received Ulan Community House	500	C
Looking after our community	Miscellaneous maintenance costs - Ulan Community House	(500)	C
Good government	Increase estimated interest income in 2013 - S94 Developer Contributions	22,000	C
Good government	Transfer to S94	(22,000)	C
Looking after our community	Grant received Strategic Planning - Aboriginal Sensitivity Mapping	80,000	C
Looking after our community	Strategic Planning consultancy costs - Aboriginal Sensitivity Mapping	(80,000)	C
Good government	Reduce transfer from Reserves - Election	44,000	C
Good government	Reduce 2013 Election costs	(44,000)	C
Looking after our community	Transfer from Reserves - Capital Program	12,000	C
Looking after our community	Increase concreting costs at Mudgee Lawn Cemetery	(12,000)	C
Looking after our community	Decrease contribution to rental accommodation Doctors Residence - Affordable Housing		
Looking after our community	Mayoral Minute Council meeting 6th Feb	5,000	C
Looking after our community	Increase contribution to rental accommodation Crisis Accommodation - Affordable Housing		
Looking after our community	Mayoral Minute Council meeting 6th Feb	(5,000)	C

Connecting our region	Grant received Mortimer St Taxi Shelter - accessibility modification	17,750	C
Connecting our region	Mortimer St Taxi Shelter contractors costs - accessibility modification	(17,750)	C
Connecting our region	Additional RMS Ordered Works - income received. Reseals (\$567,930), Accidents (\$20,062), Blackspot funding MR54 (\$436,454), Cudgegong Repairs (\$81,181).	1,105,627	C
Connecting our region	Additional RMS Ordered Works - contract expenditure Reseals (\$559,400), Accidents (\$20,100), Blackspot funding MR54 (\$436,500), Cudgegong Repairs (\$69,000) & Tabrabucca Missing Link (\$20,627)	(1,105,627)	C
Connecting our region	Reduce contract expenditure - Cooper Drive Shoulder Widening, works completed under budget	90,000	C
Connecting our region	Reduce Roads to Recovery grant- Cooper Drive Shoulder Widening	(90,000)	C
Connecting our region	Increase Roads to Recovery grant - Gladstone St Rehab (Douro to Court St)	90,000	C
Connecting our region	Increase contract expenditure - Gladstone St Rehab (Douro to Court St), scope of works increased as significant heavy patching is required	(90,000)	C
Connecting our region	Reduce contractor expenditure - Urban Roads Land Matters	7,000	C
Connecting our region	Increase contractor & legal expense - Unsealed Roads Land Matters	(7,000)	C
Connecting our region	Transfer from Reserves - Capital Program	11,000	C
Connecting our region	Increase Capital Program Footways	(11,000)	C
Total Contra Variations		0	
TOTAL GENERAL FUND		(9,765)	
WATER FUND			
Positive Variations			
Protecting our natural environment	Increase estimated interest income in 2013	75,500	F
Protecting our natural environment	Savings in water meter maintenance, largely attributable to the reallocation of resources towards treatment plant operations	30,000	F
Protecting our natural environment	Increased water consumption due to ongoing dry conditions through November and December	250,000	F
Total Positive Variations		355,500	
Negative Variations			
Protecting our natural environment	Allocate budget to cover upgrade of Broadhead Rd Water main to 150mm for future development requirements in that area, developer only required to pay for 100mm Water Main	(4,500)	U
Protecting our natural environment	Review of electricity usage charges due to increase in statutory rates (18%) and increase water production - increases required at Water Pump Stations (\$18,600), Water Filtration Plants (\$20,500), Water River intakes (\$21,100), Water Treatment Plants - Mudgee & Gulgong (\$52,700), Water Wellfields (\$20,400).	(133,300)	U
Protecting our natural environment	Water River Intakes - substantial electrical and mechanical repairs	(23,000)	U
Protecting our natural environment	Water Reservoir Maintenance - Ongoing telemetry failures at water reservoirs requiring repairs	(23,500)	U
Protecting our natural environment	Water Reservoir Maintenance - Clean out of water reservoir required to ensure water quality standards are met	(4,000)	U
Protecting our natural environment	Water Treatment Plants operations and maintenance - increased number of staff hours required to keep plants operating across peak usage season, and to ensure Council has a sufficient number appropriately trained Water Treatment Plant operators	(186,000)	U
Total Negative Variations		(374,300)	

Contra Variations			
Good government	Increase in expected S64 Developer Contributions for 2012/13	300,000	C
Good government	Transfer to S64 - Water	(300,000)	C
Protecting our natural environment	Transfer from Reserves - Water	170,000	C
Protecting our natural environment	Allocate budget - emergency works required Gladstone St Mains due to line breakages	(170,000)	C
Protecting our natural environment	Defer works to 2014 to cover emergency works required on Gladstone St Mains - Lovejoy St Mains	30,000	C
Protecting our natural environment	Defer works to 2014 to cover emergency works required on Gladstone St Mains - Denison St Mains	30,000	C
Protecting our natural environment	Defer works to 2014 to cover emergency works required on Gladstone St Mains - Lawson St Mains	40,000	C
Protecting our natural environment	Reduce Transfer from Reserves - Water	(100,000)	C
Protecting our natural environment	Reduce expenditure - Gulgong Raw Water Scheme completed under budget	239,525	C
Protecting our natural environment	Reduce grants receivable - Gulgong Raw Water Scheme completed under budget	(169,525)	C
Protecting our natural environment	Reduce Transfer from Reserves - Water	(70,000)	C
Total Contra Variations		0	
TOTAL WATER FUND		(18,800)	
SEWER FUND			
Positive Variations			
Protecting our natural environment	Increase estimated interest income in 2013	94,700	F
Total Positive Variations		94,700	
Negative Variations			
Protecting our natural environment	Review of electricity usage charges due to increase in statutory rates (18%) - Sewer Pump Stations (\$31,000), Sewer Treatment Works - All (\$50,500)	(81,500)	U
Total Negative Variations		(81,500)	
Contra Variations			
Good government	Increase in expected S64 Developer Contributions	100,000	C
Good government	Transfer to S64 - Sewer	(100,000)	C
Good government	Reduce transfer to S64 - Sewer	18,600	C
Good government	Increase estimated interest income in 2013 - S64 Sewer	(18,600)	C
Total Contra Variations		0	
TOTAL SEWER FUND		13,200	
WASTE FUND			
Positive Variations			
Protecting our natural environment	Increase in tipping fees received - General (\$100,000) & Waste Transfer Stations (\$26,300)	126,300	F
Total Positive Variations		126,300	
Negative Variations			
Protecting our natural environment	Increase to Waste Transfer Stations operating costs due to higher usage - internal plant hire (\$14,500) and contractors (\$5,000)	(19,500)	U
Protecting our natural environment	Increase in electricity usage charges due to increase in statutory rates (18%) - General Waste Operations (\$11,400) and Waste transfer stations (\$1,300)	(1,300)	U
Total Negative Variations		(20,800)	
Contra Variations			
Protecting our natural environment	Reduce plant hire expenditure to cover increase in electricity charges - General Waste Operations plant hire	11,400	C
Protecting our natural environment	Increase in electricity usage charges due to increase in statutory rates (18%) - General Waste Operations	(11,400)	C
Total Contra Variations		0	
TOTAL WASTE FUND		105,500	

SALEYARDS FUND			
Contra Variations			
Building a strong local economy	Reduce materials expenditure to cover increase in electricity charges Mudgee Saleyards	3,600	C
Building a strong local economy	Increase in electricity usage charges due to increase in statutory rates (18%)	(3,600)	C
Building a strong local economy			C
Total Contra Variations		0	
TOTAL SALEYARDS FUND		0	
Code			
F - Favourable			
U - Unfavourable			
C - Contra			

Financial implications

As discussed in the attached December Quarterly Budget Review.

Strategic or policy implications

Not applicable.



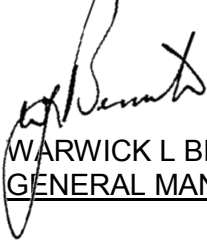
LEONIE JOHNSON
MANAGER FINANCIAL PLANNING

CLARE PHELAN
GROUP MANAGER FINANCE AND
ADMINISTRATION

8 February 2013

Attachments: 1. December Quarterly Budget Review – 2012/13 Operational Plan (at the end of the Business Paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 3

Monthly Investment Portfolio Activity:

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	\$ 1,510,000	\$ 90,000	\$ 1,420,000	0.00%	At Call	0.00%
Westpac Bank	\$ 1,500,000	\$ -	\$ 1,500,000	-0.35%	-2	4.37%
Westpac Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Members Equity Bank	\$ -	\$ -	\$ 1,500,000	New Deposit		4.70%
Westpac Bank	\$ 2,000,000	\$ -	\$ 2,000,000	-0.73%	-91	4.37%
Westpac Bank	\$ 1,200,000	\$ -	\$ 1,200,000	-0.56%	-19	4.17%
National Australia Bank	\$ 1,000,000	\$ -	\$ 1,000,000	-0.44%	42	4.50%
National Australia Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Macquarie Bank	\$ 1,000,000	\$ 1,000,000	\$ -	Redeemed		
Newcastle Permanent	\$ 1,000,000	\$ -	\$ 1,000,000	-0.14%	7	4.20%
Heritage Building Society	\$ 1,400,000	\$ -	\$ 1,400,000	-0.41%	-28	4.35%
	<u>\$12,610,000</u>		<u>\$ 11,020,000</u>			

Net Portfolio Movement **\$1,590,000** Reduction

6.2.7 Financial Assistance - Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 20 FEBRUARY 2013 COUNCIL MEETING

Financial Assistance report to Council 20 February 13

A0100055, A0140201

RECOMMENDATION

That:

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

Rylstone Kandos Preschool	\$1,000
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3. **Subject to development approval of the storage facilities at Mudgee Showground Council provide financial assistance to:**

Mid Western Working Horse Association	\$452.01
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4. **Council decline the financial assistance application from Ilford Public School;**
5. **Council gives consideration at the 2013/14 Budget and Operational Plan a grant to Lifeskills for the development of their new premises in Mudgee.**

Executive summary

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

Detailed report

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

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

ILFORD PUBLIC SCHOOL

Ilford Public School request financial assistance for their music program. Council has previously considered this matter as part of the 2012 to 2016 Management Plan process, and declined funding on the basis that delivery of key learning areas and school curriculum is the responsibility of State Government. The recommendation is to decline financial assistance.

RYLSTONE KANDOS PRESCHOOL

Rylstone Kandos Preschool is a non-profit organisation and is seeking financial assistance for the running expenses of the Preschool. The approved amount last financial year for a similar request was \$1,000.00.

LIFESKILLS PLUS INC

Lifeskills Plus works with people with disabilities and their families in the Mid-West Regional area. They are in need of a new purpose built centre in which they are commencing a fundraising initiative and are requesting Councils support with sponsorship. The recommendation in this report is that Council give consideration as part of the 2013/14 Budget and Operational Plan a grant of say \$10,000 towards this new facility.

MID WESTERN WORKING HORSE ASSOCIATION

Mid Western Working Horse Association is a non-profit sporting organisation. They are making an application to build their own storage facilities at Mudgee Showground and have raised the funds for the project. They are requesting financial assistance for any Development Approval Fees to be waived by Council which has been estimated at \$452.01 from the estimated cost of the development and the square metering of the storage facility provided by the organisation.

Financial implications

Funding of \$117,000 is provided in the Operational Plan for Financial Assistance. An additional \$24,000 has been allocated to the budget giving total funding of \$141,000. \$122,185 has been allocated to date, leaving a balance of \$18,815.

The Councillor's Discretionary vote for 2012/13 is \$2,000 per Councillor. The balances are detailed below:

Councillor	Remaining Funds
Cr Thompson	\$1,550.00
Cr Shelley	\$1,700.00
Cr Walker	\$0.00
Cr Webb	\$700.00
Cr Martens	\$1,000.00
Cr Kennedy	\$2,000.00
Cr Weatherley	\$2,000.00
Cr White	\$1,200.00
Cr Cavalier	\$1,700.00

Strategic or policy implications

Council's Financial Assistance Policy applies.

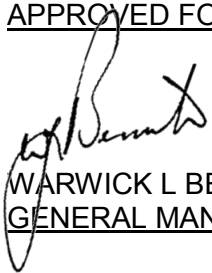
NEIL BUNGATE
FINANCIAL ACCOUNTANT

CLARE PHELAN
GROUP MANAGER FINANCE AND
ADMINISTRATION

20 February 2013

Attachments: 1. Requests for financial assistance

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Dear Mette,

Thanks for your patience.

The information provided to me by the school outlines the music program in 2010 - 2011/12. In 2010 the program engaged two visiting tutors/musicians, one from Mudgee and one from the Bathurst Conservatorium, offering lessons in the foundation of music and instrument instruction including guitar, drums, piano, singing and performance. The tutors attended the school on a weekly basis. All children participated in group lessons. Private lessons were also offered at a reasonable cost to students and adult community members, out of school hours. At that time the program cost the school \$15,000 per annum.

Since then, due to demands on the school budget, the program has been halved. Regrettably, the arrangement with the Bathurst Conservatorium was terminated at the close of 2010. However, the school has maintained the arrangement with the Mudgee tutor, so that have continued to enjoy weekly group and private lessons (paid for by parents). Unfortunately, under these arrangements, lessons could no longer be offered to Ilford community members and some students have had to travel to Bathurst on a weekly basis to continue their tuition with the Conservatorium.

We are seeking financial assistance because, due to increasing demands on the school budget, this scaled back program is now under threat. The total cost to continue engaging one musician for a school year is \$7,500. I understand the shortfall is around half of this amount but I would need to confirm this with our incoming Principal. Regarding the number of students involved, to my knowledge there are 21 students enrolled to commence the 2013 school year at the Ilford Public School, all of whom would directly benefit from the program.

The parents and staff at the school feel that the music program provides an opportunity for Ilford Public School students, regardless of economic background and despite our isolated location, to learn a lifelong skill as well as learning discipline, responsibility and teamwork. The music program also provides opportunities for children to engage with the wider community through performances at school and community functions/events, such as the Cudgegong Learning Community concerts, and through participation in competitions and eisteddfods, promoting self-esteem and confidence which then flows into other areas of learning.

Thanks for taking the time to consider our request for financial support. We would be grateful for any advice you can give that will assist the school to access funding and thus enable the program to continue in 2013 and beyond.

Regards,

Christine Moloney

On behalf of the Ilford Public School P&C

From: Mette Sutton

Sent: Thursday, December 13, 2012 9:03 AM

To: Christine Moloney

Subject: RE: Council Grants

Hi Christine,

Thanks for your email. So we will look forward to receiving further information in January.

Have a great Christmas and holiday.

Kind Regards

Mette

From: Christine Moloney [mailto:cmoloney@activ8.net.au]

Sent: Thursday, 13 December 2012 6:54 AM

To: Mette Sutton

Cc: Zola Jahn

Subject: Fw: Council Grants

Hi Mette,

Sorry it's taken me so long to get back to you. The end of the school year has been a bit frantic. I now have the info from the school but am heading off on holidays today and don't really have time to look it over. I'll be away a week which will virtually take us up to Christmas. Not ideal, I know, but the best I can do is promise to forward something to you early in the new year.

Thank you again for taking an interest in the Ilford Public School and happy Christmas!

Regards,

Christine

From: Christine Moloney

Sent: Friday, November 23, 2012 6:46 AM

To: Mette Sutton

Subject: Re: Council Grants

Hi Mette,

Thanks for your response. I'll get these details to you as soon as possible.

Regards,

Christine

From: Mette Sutton

Sent: Thursday, November 22, 2012 4:19 PM

To: cmoloney@activ8.net.au

Cc: Zola Jahn

Subject: Council Grants

Hi Christine

Thank you for your email dated 20 November.

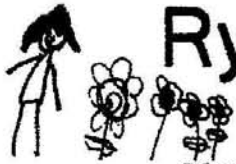
Could you please advise us how much this project for your music program is going to cost and the shortfall you have in funding. Please also include in the return email the number of students involved and a general outline of what the program will involve.

Regards

Mette

Mette Sutton | Executive Secretary | Mid-Western Regional Council
PO Box 156 | Mudgee NSW 2850
P: + 61 2 6378 2820 | F: + 61 2 6378 2815 |
e: <mailto:mette.sutton@midwestern.nsw.gov.au>





Rylstone Kandos Preschool



PO Box 7 Kandos NSW 2848 Phone/Fax 02 6379 4273

Email – prekids@hwy.com.au

24 January 2013

Mid Western Regional Council
PO Box 156
MUDGEE NSW 2850



Dear Sir/Madam

RE – FINANCIAL ASSISTANCE FOR RYLSTONE KANDOS PRESCHOOL INCORPORATED

I forward this letter in regard to financial support of our Preschool.

Name of Organisation: Rylstone Kandos Preschool Incorporated
Address: 27 Fleming Street, KANDOS NSW 2848 **Postal Address:** PO Box 7 KANDOS NSW 2848
Contact Person: Leanne Neilsen – Office Manager
Telephone No: 02 6379 4273 **Email:** prekids@hwy.com.au
Description of Organisation: Preschool
ABN Number: 65 453 527 325
Insurance Details: Guild Insurance – Policy No 29/20CIP0204693 (see attached)
Bank Account Details – Rylstone Kandos Preschool Inc BSB – 032 657 Acc 803031

Purpose of funding: The Preschool is registered as a non-profit organisation and without the support from Council with running expenses the Preschool will be faced with financial difficulties.

Amount of Funding required:	Electricity	\$2000.00
	Water	200.00
	Telephone/Internet	1300.00
	Pest Control	480.00
	TOTAL	3980.00

Benefits to the community: The preschool provides the only registered service to the Rylstone Kandos District for children aged 3 to 6 years. It plays a vital role in the educational curriculum preparing this age group for primary school. Our attendance figures each year confirm that there is a great need for a Preschool in our community with waiting lists this year for two of our days. **We are currently looking to increase enrolment numbers per day due to dramatic increase in numbers and waiting lists.**

Preschool is willing to acknowledge the Council's contribution in accordance with its Sponsorship policy.

NS

Page 2

On behalf of the Rylstone Kandos Preschool Incorporated, I declare that the information provided is complete and correct:

Signed <u>Julie Tito</u>	Signed <u>Philpott</u>
Print name <u>Julie Tito</u>	Print Name <u>Stacey Philpott</u>
Position Held <u>President</u>	Position Held <u>Secretary</u>
Telephone Number <u>0263794273</u>	Telephone Number <u>0263791294</u>
Date <u>25/1/13</u>	Date <u>25/1/13</u>

If you have questions please do not hesitate to contact me.

Yours faithfully



Leanne Neilsen
OFFICE MANAGER

enc

10 May 2012

Fax Number: 02 6379 4273

Rylstone-Kandos Pre-School Inc
PO BOX 7
KANDOS NSW 2848

Guild Insurance Limited
 ABN 55 004 538 863
 AFS Licence No: 233791
 Ground Floor 232-244 Pacific Highway
 Charlestown, NSW 2290
 PO Box 625, Charlestown, NSW 2290
 Telephone +61 2 4922 6200
 Facsimile +61 2 4922 6222
 Email: guildnewcastle@guildgroup.com.au
 www.guildgroup.com.au

CERTIFICATE OF CURRENCY

This Certificate confirms that the Policy specified below is current for the stated period, subject to the Policy terms, conditions and exclusions.

Type of Business: Childcare Insurance
Policy Number: 29/20CIP0204693
Period of Insurance: 05/02/2012 to 05/02/2013 at 4:00pm
Trading As: Rylstone-Kandos Pre-School
Situation of Risk: 27 Fleming Street
 KANDOS NSW 2848
Insured(s) Rylstone-Kandos Pre-School Inc

Interest Insured

Public Liability	\$20,000,000
Professional Indemnity	\$20,000,000
Products Liability	\$20,000,000
Legal Fees	\$100,000

Interested Party: Mid Western Regional Council

*This will be renewed this week. 29/1/13.
 Beanne McNeelan*



ABN: 48028377229

24 Perry Street
PO Box 710
Mudgee NSW 2850
Tel: (02) 6372 6440
Fax: (02) 6372 6516

Dear Local Business,

Lifeskills plus Inc, is your local disability service organisation who supports people with disabilities and their families in the Mid-Western Regional local government area (please see attached sheets for further information).

Lifeskills Plus Inc. has a huge need for a new purpose built centre to enable us to continue to provide the much needed work in our community with people with disabilities and high support needs.

As you can appreciate, working with people with high support needs and in wheelchairs requires premises and equipment suited to the task. Our current rented premises are old, in very poor condition and totally unsuited to the needs of our clients and to the work health and safety requirements of both clients and staff.

The clients, staff and Board of Directors at Lifeskills Plus Inc. requests your support to help us move into premises that will enable clients to have an environment suitable to their needs, and one that maximizes safety for all.

We are commencing a fundraising initiative and are requesting your support with sponsorship. All donations \$2 and over are tax deductible.

Please find attached further information on how you are able to assist.

Yours faithfully

Carolyn Peek

CEO

12/11/2012

Opportunities – Achievement - Independence

**LIFESKILLS PLUS INC. is your
LOCAL DISABILITY SERVICE**

Local, community organisation assisting local people with disabilities.

Lifeskills Plus Inc. has been in operation for 22 years working with people with disabilities and their families in the Mid-West Regional area. Whilst it has been gradually growing over this time, the need for our services is now expanding rapidly. This is mainly due to more local children with disabilities finishing school and people with disabilities are moving to Mudgee.

We provide OPPORTUNITIES to people to help them ACHIEVE their goals and dreams in our post school programs (Transition to Work; Community Participation; Life Choices; Active Ageing; and Day Program Services) – some of the programs we provide include work experience, work ethics and WHS; social skills; healthy eating and living; literacy and numeracy; budgeting; computers; music, art, dance and drama; road safety; personal presentation; community access, road safety; personal care and hygiene, swimming, sport and therapy.

We also provide the OPPORTUNITIES for families to have respite from their daily responsibilities of care which in turn allows them to continue to provide support to their disabled son/daughter in their family environment. (Flexible Respite Services)

We currently have two centres that we operate from –

- Southside Skills Centre - provides the base for people with low to moderate support needs to develop skills that will assist them to access paid employment, volunteer work and their community.
- Perry Street Centre where people with high support needs are currently undertaking their programs. This centre is rented, old, unsuitable for people in wheelchairs, and makes it very difficult for staff as they provide the quality of care that we pride ourselves in delivering to our clients.

We have the opportunity to purchase an existing building in Mudgee, have it modified to suit the needs of the people that we support and to move from our Perry Street Centre. To do this is of paramount importance!!!!

Lifeskills Plus Inc. is in negotiations to obtain support from the NSW State Government. We will however need to provide much of the funds from our local community and we are asking for your support with this.

In an effort to work towards this goal, we are putting on a fundraising dinner at the Parklands Resort on 2/3/2013. We are pleased to have the support of the NRL in our venture and we will have representatives of the NRL, as our guests for the cocktail party and dinner following.

Contacts:

Carolyn Peek, CEO

Service enquiries

Ph 63726440 or 0458621154

Vickie George, Lifeskills Plus Inc.

Event enquiries

Ph 63726440 or 63738186



FUNDRAISER DINNER

Saturday 2 March 2013

Parklands Resort
121 Ulan Road
MudgeeNSW2850

- 5pm Private Cocktail Party for Gold Sponsors,
NRL representatives and special guests.
- 6.30pm 3 course dinner with guests of honour
Charity Auction
Lucky Door Prize
Live band and dancing



SPONSORSHIP PACKAGES

Gold \$1,000	2 tickets to private cocktail party with NRL guests 2 tickets to fundraiser dinner Prominent print promotion in all advertising
Silver \$500	2 tickets to fundraiser dinner Prominent print promotion in all advertising
General Donations over \$100	Certificate of Appreciation Printed advertising Tickets for the dinner can be purchased from ABC bookstore @ \$90 each

*Lifeskills Plus Inc. is a registered public benevolent institution and
all donations \$2 and over are tax deductible.*

Request for fees to be waived for DA being lodged for storage facility at Mudgee Showground - MWWHA

From: Lea Cuthbertson <lea_secret@bigpond.com>
To: <council@midwestern.nsw.gov.au>
cc: Kylie M McDonnell <Kylie.M.McDonnell@bigpond.com>
Subject: Attention: Mr Warwick Bennett - General Manager
Date: Sunday, 03 February 2013 03:01 PM

Dear Warwick

Mid Western Working Horse Association, a showground user, is making application to build our own storage facilities at Mudgee Showground. Plans etc. are before Mudgee Showground Management Committee. Our association has raised the funds for the project, some \$6,500.00, over quite a considerable length of time. We would like to make application that any Development Approval fees be waived by Council, as we are a non profit sporting organisation and would find it difficult to incur the additional costs involved.

For your consideration.

Kind regards

Lea Cuthbertson

President



0400 036 286

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6.2.8 Crushing and Screening Tender 2010/12 Additional Contractor

REPORT BY THE BUSINESS MANAGER WORKS TO 20 FEBRUARY 2013 COUNCIL MEETING

Council Report Crushing Tender 2010-12 additional contractor
A0100056, A0411012

RECOMMENDATION

That:

1. **the report by the Business Manager Works on the Crushing and Screening Tender 2010/12 Additional Contractor be received;**
2. **That Council accepts the additional contractor, Ian Colley Earthmoving Pty Ltd for tender 2010/12 for the provision of Crushing and Screening in accordance with clause 178 of the *Local Government (General) Regulation 2005*.**

Executive summary

At the Council meeting on the 16 June 2010 following a detailed tender process Council resolved to accept a list of contractors that met the requirements of the tender for crushing and screening services over a three year contract. Part of the resolution allowed additional contractors to be added to the preferred suppliers list by resolution of Council. Council has received a request by Ian Colley Earthmoving Pty Ltd to be included on the Preferred Suppliers List for Crushing and Screening Services.

Detailed report

Ian Colley Earthmoving Pty Ltd has completed the relevant documentation and been assessed in accordance with the tender evaluation process. The process was provided to Council at the time of accepting the original tender and can be provided to Councillors again on request. It involved the following steps;

- The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
- The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.

As a result of this process, Ian Colley Earthmoving Pty Ltd will be incorporated into the preferred suppliers list as detailed below.

Tenderer

1. Mudgee Dolomite and Lime P/L
2. Ian Colley Earthmoving Pty Ltd
3. Central West Crushing
4. Screenmasters Australia
5. Civworx
6. SJ Crushing

The order in which the tenderers are listed above represents the tenderers that best met the evaluation criteria for the provision of crushing and screening of road construction materials. Tenderer 1 will be used in the first instant. If tenderer 1 is not available, tenderer 2 will be used and so on. Tenderers 1 and 2 are local companies.

Financial implications

The costs of providing road construction materials are recognised in the Management Plan under the maintenance and construction of Councils road assets.

Strategic or policy implications

These recommended suppliers are required to meet the Community and Delivery Plans.

SALLY MULLINGER
BUSINESS MANAGER WORKS

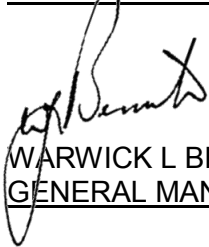


BRAD CAM
GROUP MANAGER OPERATIONS

7 February 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.9 Wet and Dry Plant Hire Tender 2010/05 Additional Contractors

REPORT BY THE BUSINESS MANAGER WORKS TO 20 FEBRUARY 2013 COUNCIL MEETING

Wet and Dry Plant Hire Tender 2010_05 Additional Contractors
A0100056, A0100055, A0411005

RECOMMENDATION

That:

1. the report by the Business Manager Works on the Wet and Dry Plant Hire Tender 2010/05 Additional Contractors be received;
2. That Council accepts the additional contractors of Pybar Mining Services and Biglift Cranes for tender 2010/05 for the provision of Wet and Dry plant hire in accordance with clause 178 of the *Local Government (General) Regulation 2005* for incorporation into Councils Preferred Suppliers List for Wet and Dry Hire:

Pybar Mining Services - Plant Description	Make/Model
Dozer	CatD6K
Dozer	CatD6R
Dozer	CatD6T
Dozer	CatD8R
Excavator	5T Kubota
Excavator	5T CAT
Excavator	12T CAT
Excavator	20 T Case
Excavator	20t Cat
Excavator	20T Komatsu
Excavator	21T Hyundai
Excavator	30 T Volvo
Excavator	40T Komatsu
Excavator	45 Cat
Excavator	70T Volvo
Rock hammer	12-20t
Rock hammer	5 - 8T
Grader	CAT16G
Grader	140H
Grader	Komatsu 655
Grader	12H
Skid steer	CAT 257B (TRACKED)
Skid steer	CASE SR200 (RUBBER TYRED)
Skid steer	CAT 256C (RUBBER TYRED)
Skid steer	CAT 216BIII (RUBBER TYRED)
Skid steer	CASE 440CT (TRACKED)
Skid steer	CASE T320 (TRACKED)
Loader	CAT924G
Loader	VOLVO L120F
Loader	CAT 966GII
Loader	KOMATSU WA470

Pybar Mining Services - Plant Description	Make/Model
Backhoe	Case 580K
Tractor with attachments	
Compactor	815B
Roller	Padsfoot
Roller	Smooth Drum
Scraper	Cat 623
Service truck	4500LTR
Service truck	13000LTR
Light vehicle	
Truck	Quad Axle Float
Truck	Tri Axle Float
Truck	45ft Drop Deck
Tipper	Truck & Dog (34t)
Tipper	Side Tipper
Tipper	Truck (13t)
Tipper	Isuzu (8T)
Tipper	Moxy 40T
Tipper	Moxy - Cat 25T
Tipper	Moxy Cat 30T
Tipper	Moxy Volvo 25T
Tipper	Moxy Volvo 30T
Water cart	18,000ltr
Water cart	15,000ltr

Biglift Cranes - Plant Description	Make/Model
Franna	20 tonne - at20
Franna	20 tonne - at20
Franna	20 tonne - at20
Franna	20 tonne - at20
Franna	25 tonne - mac25
Franna	25 tonne - mac25
Franna	25 tonne - mac25
Franna	25 tonne - mac25
Slew	70 tonne - ltm10704.1
Slew	100 tonne - ltm1100.5.2
Slew	100 tonne - ltm1100.5.2
Slew	130 tonne - ltm1130.51
Slew	130 tonne - ltm1130.51
Crawler	100 tonne - ltr1100
Slew	250 tonne - ltm1250.61
Truck	Kenworth - k104
Truck	Western star - 2010
Truck	Kenworth - k104
Truck	Volvo - fl7
Truck	Volvo - fl10

Executive summary

At the Council meeting of the 15 September 2010 following a detailed tender process Council resolved to accept a list of contractors that met the requirements of the tender for either wet or dry plant hire over a three year contract. Part of the resolution allowed additional contractors to be added to the preferred suppliers list by resolution of Council.

Detailed report

Council has received a request by contractor's to have additional plant included on Council's preferred suppliers list. The contractors have completed the relevant documentation and been assessed in accordance with the tender evaluation process. The process was provided to Council at the time of accepting the original tender and can be provided to Councillors again on request. It involved the following steps:

- The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
- The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.

As a result of this process, the additional supplier will be incorporated into the preferred suppliers list.

Financial implications

The costs of the projects carried out using wet and dry plant hire are recognised in the Management Plan under the maintenance and construction of Councils assets.

Strategic or policy implications

Contractors are required at times to meet the Councils maintenance and capital works program.

SALLY MULLINGER
BUSINESS MANAGER WORKS

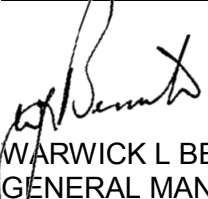


BRAD CAM
GROUP MANAGER OPERATIONS

16 January 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.10 Mudgee Sewerage Augmentation Progress Report

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

Mudgee Sewerage Augmentation Progress Report
A0100056, A0100055, F0740001

RECOMMENDATION

That the report by the Business Manager Services on the Mudgee Sewerage Augmentation Progress Report be received.

Executive summary

Attached for Council's information is a progress report on the construction of the Mudgee Sewage Treatment Plant, Putta Bucca Pump Station and Power Supplies contracts. Monthly progress reports will be provided to Council for the duration of the project.

Detailed report

The attached report contains relevant information on expenditure and project programme.

Financial implications

Contract variations for the Mudgee Sewage Treatment Plant construction to date amount to \$181,529.85 (ex GST)

Strategic or policy implications

Not applicable.

CLAIRE CAM
BUSINESS MANAGER SERVICES

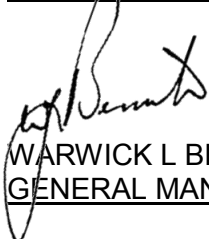


BRAD CAM
GROUP MANAGER, MID-WESTERN
OPERATIONS

7 February 2013

Attachments: 1. Contract No 0901709- Project Status Report – January 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

MUDGE SEWERAGE AUGMENTATION
Contract No.0901709 - Construction of a New Sewage Treatment Plant
Contract No.1101275 – Upgrade of Putta Bucca SPS and Associated Works
Contract No.1102539 – Power Supply Upgrades

Project Status Report
December 2012 – January 2013



Report No. 15

Issue Date: 7 February 2013

Prepared by: Claire Cam
Principal's Authorised Person

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EXECUTIVE SUMMARY – STP Construction Contract

Contract No.	0901709
Principal Contractor	Precision Civil Infrastructure ABN 16 097 107 956
Original Contract Sum (ex GST)	\$13,699,295.45
Approved Cost of Variations Total	\$181,529.85
Current Contract Sum	\$13,880,825.30
Contract Payments to Date	\$9,215,957.98
Total Project Cost Expended	66.4%
Date of Contract	8 August 2011
Original Contract Duration	511 calendar days Milestone 1: 28 calendar days Milestone 1+ 2: 420 calendar days (82.2%) Milestone 3: 63 calendar days (12.3%) Milestone 4: 28 calendar days (5.5%)
Approved Extensions of Time Claims	208 calendar days (40.7%)
Contract Completion Date	26 July 2013
Calendar Days Elapsed	550
Calendar Days Remaining	169
Total Project Time Expended	76%

Notes:

Milestone 1 – Preparation and submission of pre-construction documents.

Milestone 2 – Construction of the Works.

Milestone 3 – Site testing, plant demonstration and commissioning.

Milestone 4 – Preparation and submission of operation and maintenance manuals and work-as-executed drawings.

1. Project Status

1.1 Work Progress during December 2012 and January 2013

1.1.1. Aeration and Catch Balance Tanks

Installation of mechanical aeration equipment was completed in December. Cable trays and electrical cabling for the aeration equipment has been installed during January.

Council is currently working with the NSW Office of Water, the Contractor, the Contractor's Structural Engineer and Council's structural engineering Consultant to finalise the balance tank remedial works design. The sections of damaged wall and floor have been removed by the Contractor to limit the implication that remedial works will have on the Project Program.

1.1.2. UV Disinfection Structure

The Contractor has installed the handrails around the UV channel during January. The housing for the electrical switchboard and UV system control has also been installed during the last month.

1.1.3. Inlet Works and Septage Receiving Structure

The mechanical screens and grit removal structures have been installed in the inlet works during December and January. The Contractor has commenced applying the epoxy coating to protect the inlet works concrete from degrading when in contact with corrosive sewage and gases.

1.1.4. Pipework and Pump Stations

Concrete works have been completed for the Supernatant Pump Station during December. Underground pipework has been laid in January in preparation for the construction of the Return Activated Sludge Pump Station and the Waste Activated Sludge Pump Station.

1.1.5. Amenities Building

Internal painting in the Amenities Building has been completed during January. The main switchboards have now been installed in the switchroom.

1.1.6. Sludge Lagoons

The sludge lagoon pipework has been completed during January and preparations have commenced to pour concrete paths surrounding the sludge lagoons.

1.2 Photographs



Photograph 1. Main switchboard installed in switchroom.



Photograph 2. Aeration equipment installed in aeration tanks



Photograph 3. Sludge Lagoon liners complete and water tested.

1.3 Work Activities planned for February 2013

1.3.1 Aeration and Catch Balance Tanks

Plinths are being constructed to support pipework and mechanical decanters in the aeration tanks during February. The installation of internal pipework will commence in late February.

1.3.2 Pipework and Pump Stations

Construction of the Waste Activated Sludge Pump Station and Return Activated Sludge Pump Station will continue during February.

1.3.3 Sludge Lagoons

The Contractor plans to complete concrete walkways surrounding the sludge lagoons during February.

1.3.4 Amenities Building

The Contractor plans to complete the amenities building during February. This includes construction of a concrete footpath beneath the verandah that surrounds the Amenities Building.

1.3.5 Stormwater Drainage

The Contractor is continuing to install site stormwater drainage in preparation for final road works expected to commence in April.

2. Work Health and Safety

The Contractor has not reported any Work Health and Safety incidents during December or January.

Table 1. Approved Variations Contract No. 0901709

Variation No.	Agreed Scope of Works	Approved by	Cost (ex GST)
1	Works Insurance Policy minimum \$20M	Brett Corven	\$0.00
1a	Professional Indemnity Insurance Policy \$1.5M	Brett Corven	\$0.00
2	Install an additional two 5m wide access gates.	Brett Corven	\$0.00
3	Switchroom sub-floor walls to be reinforced concrete.	Brett Corven	\$0.00
4	Relocate electrical substation to northern side of Road No.1 Chainage 410-420, including design and construction of an earth retaining structure.	Brett Corven	\$0.00
5	Supply & install and additional strand of barbed wire on the security fencing.	Brett Corven	\$0.00
6	Redesign, supply and install underdrain system and perimeter drain to drain seepage to atmosphere.	Warwick Bennett	\$141,086.17
7	Hourly rate for drafting to produce Construction Issue plans.	Brad Cam	\$5,330.00
8	Odour control lids – change from Aluminium to FRP.	Brad Cam	\$0.00
9	Increase concrete cover from 50mm to 65mm on reinforcement for surfaces in contact with sewage.	Brad Cam	\$0.00
10	Replace Iwaki dosing pumps with Grundfos DME 60 pumps.	Brad Cam	\$0.00
11	Provide additional concrete to match height of balance tank north and south wall thinning to eastern wall.	Brad Cam	\$0.00
12	Supply and install FRP grated walkway along centre wall of aeration tanks to allow installation of aerator cabling beneath the grating, decreasing WH&S risk during maintenance.	Warwick Bennett	\$30,720.75
13	Change stopboard frames material from aluminium to stainless steel.	Warwick Bennett	\$2,200.00

14	Cast insitu reinforced concrete 1800mm diameter pump wells and maintenance chambers	Warwick Bennett	\$0.00
15	Relocation of generator connection panel	Warwick Bennett	\$23,256.22
16	Removal of 3 x rotometers from chemical dosing system and replace with flanged pipe.	Warwick Bennett	(\$7,731.90)
17	Precision Civil Infrastructure P/L subcontract PLC design, supply, install to Apex Electrical P/L. Schnieder undertake telemetry works.	Warwick Bennett	(\$10,000.00)
18	Installation of smoke detectors connected to security system in lieu of fire detection system specified in Contract.	Warwick Bennett	(\$6,854.00)
19	Installation of split system air conditioning units in switchroom lieu of cassette type systems as specified in Contract	Warwick Bennett	(\$4,738.00)
20	Supply and installation of 3 x 8m light poles to provide staircase lighting for the aeration tanks.	Warwick Bennett	\$9,823.66
21	Installation of split system air conditioning units in laboratory and kitchen in lieu of cassette type system as specified in Contract.	Warwick Bennett	(\$2,096.05)

3. Progress Payments

Progress Claim No. 13 for a sum of \$1,271,222.90 (ex GST) was received on the 7th December 2012. The progress claim was assessed and \$1,043,950.17 (ex GST) has been paid to the Contractor. A retention amount of \$250,000 including GST applied to this Progress Claim in accordance with the Contract, being that payment value has exceeded 50% of the Contract Value.

Progress Claim No. 14 for a sum of \$993,483.21 (ex GST) was received on the 14th January 2013. The progress claim was assessed and paid in full.

4. Program

The Principal Contractor has submitted a revised Project Program that accounts for the balance tank remedial works that have been proposed to date. Along with the supply delay of the decanters that have been delayed by approximately two months, the balance tank remedial works will contribute to a delay in the program of over four months.

The completion date for the project has been extended to 26 July 2013, with construction works scheduled to be completed prior to 30 June 2013. Project documentation including provision of Work As Executed drawings and Operation and Maintenance Manuals will be completed during July. is 8 April 2013.

5. Contractual Issues

The extension of time as discussed above will impact the Contract for Putta Bucca Pump Station Upgrade, such that final connection of the pump station to the new sewage treatment plant will be delayed until the 17th June 2013. The delay means that the Putta Bucca Pump Station upgrade Principal Contractor has left the site and is working on other projects before returning to the site in May to complete construction works ready to pump to the new Sewage Treatment Plant on the 17th June 2013.

6. Summary of Contract for Putta Bucca Pump Station Upgrade

Contract No.	1101275
Principal Contractor	Poonindie P/L t/a Ted Wilson & Sons
Original Contract Sum (ex GST)	\$2,436,710.00
Approved Cost of Variations Total	\$21,366.35
Current Contract Sum	\$2,458,076.35
Contract Payments to Date	\$1,454,612.18
Total Project Cost Expended	59.2%
Date of Contract	28 June 2012
Original Contract Duration	40 weeks (280 calendar days) Milestone 1: 6 weeks Milestone 1+ 2: 32 weeks Milestone 3: 6 weeks Milestone 4: 2 weeks
Approved Extensions of Time Claims	3 Days
Contract Completion Date	7 April 2013
Calendar Days Elapsed	163
Calendar Days Remaining	121
Total Project Time Expended	57.6%

6.1 Project Variations

The following table summarises the variations approved for Contract No. 1101275.

Table 2. Approved Variations Contract No. 1101275

Variation No.	Agreed Scope of Works	Approved by	Cost (ex GST)
1	Change fencing material from coated PVC to galvanised.	Warwick Bennett	(\$625.45)
2	Standardise Flanges and include pressure monitoring in valve chamber	Warwick Bennett	(\$16,567.27)
3	Replacement of autoclose gate with chain links (gate operation process not functional)	Warwick Bennett	(\$343.64)
4	Replace gatic lids on emergency overflow chamber with gas-tight aluminium lids with safety grating to allow single person operation.	Warwick Bennett	\$2,509.09
5	Remove valve chamber grating and replace with hand rail and provision for chamber access.	Warwick Bennett	(\$6,794.55)
6	Install site water reticulation for maintenance of valve pits and pump well	Warwick Bennett	\$3,372.73
7	Tree removal for power line works	Warwick Bennett	\$748.18
8	Replacement and realignment of stock fencing	Warwick Bennett	\$3,084.54
9	Supply and installation of retaining wall to prevent batter impacting on existing private property access.	Warwick Bennett	\$3,430.91
10	Replacement of Specified Schnieder Modicon Premium PLC with Modicon M340 PLC	Warwick Bennett	(\$6,066.36)
11	Construct concrete apron at driveway entrance to avoid damage of road seal.	Warwick Bennett	\$786.36
12	Supply and installation of safety grates on the existing pump station wet well as well as modification to the existing lids to improve safety and access.	Warwick Bennett	\$16,636.36
13	Installation of an odour control system for the existing pump station wet well.	Warwick Bennett	\$21,195.45

7. Summary of Contract for Power Supply Upgrade

Contract No.	1102539
Principal Contractor	Large Industries P/L t/a JLE
Original Contract Sum (ex GST)	\$352,145.00
Approved Cost of Variations Total	(\$139,130.00)
Current Contract Sum	\$213,015.00
Contract Payments to Date	\$205,000.00
Total Project Cost Expended	96.2%
Date of Contract	28 June 2012
Original Contract Duration	12 weeks
Approved Extensions of Time Claims	148 calendar days *
Contract Completion Date	14 February 2013

* Extension of time to this Contract was associated with availability of the required substations.

8.1 Project Variations

The value of the two substations has been removed from the Power Supply Contract due to the unavailability of the required substation via the Contractor within an acceptable time period that would not impact the Treatment Plant Construction and Pump Station Upgrade Contracts.

Council has sourced and supplied the required substations, with installation of the substations undertaken by the Contractor.

6.2.11 Sewer line extension, Rifle Range Road to Bellevue

REPORT BY THE GENERAL MANAGER TO 20 FEBRUARY 2013 COUNCIL MEETING

Sewer line extension, Rifle Range Road to Bellevue

A0100056, P1309361

RECOMMENDATION

That:

1. **the report by the General Manager on the Sewer line extension, Rifle Range Road to Bellevue be received;**
2. **Council contributes the sum of \$146,060 exclusive of GST towards the capital costs of installing a sewer main line between Rifle Range Road and the railway line, and the work be undertaken by the developers associated with the subdivisions in this vicinity.**

Detailed report

Council has been in negotiations with two subdividing developers in regard to the installation of a main trunk sewer line required to be installed from Rifle Range Road to the railway line. Please see the attached map (Attachment 1) in regard to the proposed sewer line. The total cost of the installation of this sewer main is \$364,100 and the Council share of that cost is \$146,060. All these figures are exclusive of GST.

It would be normal practice for a developer to connect to Council's sewer scheme at their own cost. However, management is of the opinion that there are some extenuating circumstances associated with this development, including the involvement of a number of developers, both current and proposed, as well as Council's need for a much larger pipe than perhaps what would be required if only the developers were involved. For example, the pipeline to the Deleki Resiland would normally only require a 150mm pipeline, whereas Council would prefer a 225mm pipeline to cater for future use. Also, there is a lot of potential development in this area, with at least a further 500 new building allotments that could be achieved in this vicinity, which would in time contribute towards this line.

The recommendation in this report is that Council contributes \$146,060 towards the construction of a line that will have a total cost of \$364,100. On top of this, the developers will be required to pay the Section 64 contributions which amount to \$3558 per allotment.

The following is required:

1. NEWELL SUBDIVISION TO RAILWAY LINE

This is a distance of 235m. The Newell Subdivision would normally only require a 150mm sewer main. Council's requirement for future capacity is 300mm. The Council has reached agreement with both the Newell developers and the Deleki Resiland developers that they should fund a portion of the cost. The cost of constructing the 300mm diameter main for this area is \$60,570. The costs are apportioned as follows:

Entity	Cost apportioned
Council	\$24,595.00
Newell subdivision	\$17,987.50
Deleki Resiland	\$17,987.50

2. NEWELL SUBDIVISION BOUNDARY TO DELEKI RESILAND BOUNDARY

The pipeline for this particular subdivision to connect down to the railway line would only need to be 115mm. However, for the majority of the distance (600m), Council would require a 300mm sewer main and for approximately 143m Councils requires a 225mm sewer main to cope with future developments. The total cost of this 743m sewer main is \$191,250. The costs are therefore apportioned as follows:

Entity	Cost apportioned
Council	\$81,730.00
Deleki Resiland	\$109,520.00

3. DELEKI RESILAND BOUNDARY TO RIFLE RANGE ROAD

This is a distance of 477m. The developer would only be required a 150mm sewer main, but for future development Council would prefer a 225mm sewer main. The cost of installing the 225mm sewer main is \$112,280. The costs are apportioned as follows:

Entity	Cost apportioned
Council	\$39,735.00
Deleki Resiland	\$72,545.00

In summary, the total cost of this sewer main installation is \$364,100. The costs have been apportioned as follows:

Entity	Cost apportioned
Council	\$146,060.00
Newell Subdivision	\$17,987.50
Deleki Resiland	\$200,052.50

In addition to this, the developers will be required to pay Section 64 contributions to Council. Those contributions are assessed as follows:

Entity	Section 64 contribution	Cost
Deleki Resiland	27 lots @ \$3558 per allotment	\$98,066
Newell Subdivision	22 lots @ \$3558 per allotment	\$78,276
Total Section 64 contributions		\$176,342

The above apportionments and contributions have been agreed with the two developers. It now requires a Council resolution to allow this installation to occur with a Council contribution.

Financial implications

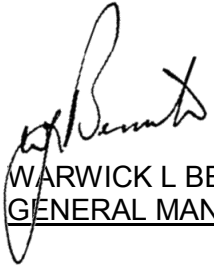
The net cost to Council of the installing of this sewer main is \$146,060, and Council will receive in return \$176,342 by way of Section 64 contributions. It cannot be assumed that Council is making a surplus on this transaction, as the majority of the Section 64 contributions go towards the development of the sewer treatment plant. The \$146,060 will be funded from the Section 64 account, and of course that will be offset by the contribution made by the developers.

Strategic or policy implications

It is not common practice for Council to make a contribution towards a sewer main that connects into the existing Council infrastructure. However, as stated in this report, there are extenuating circumstances that management believes requires Council to be financially involved.

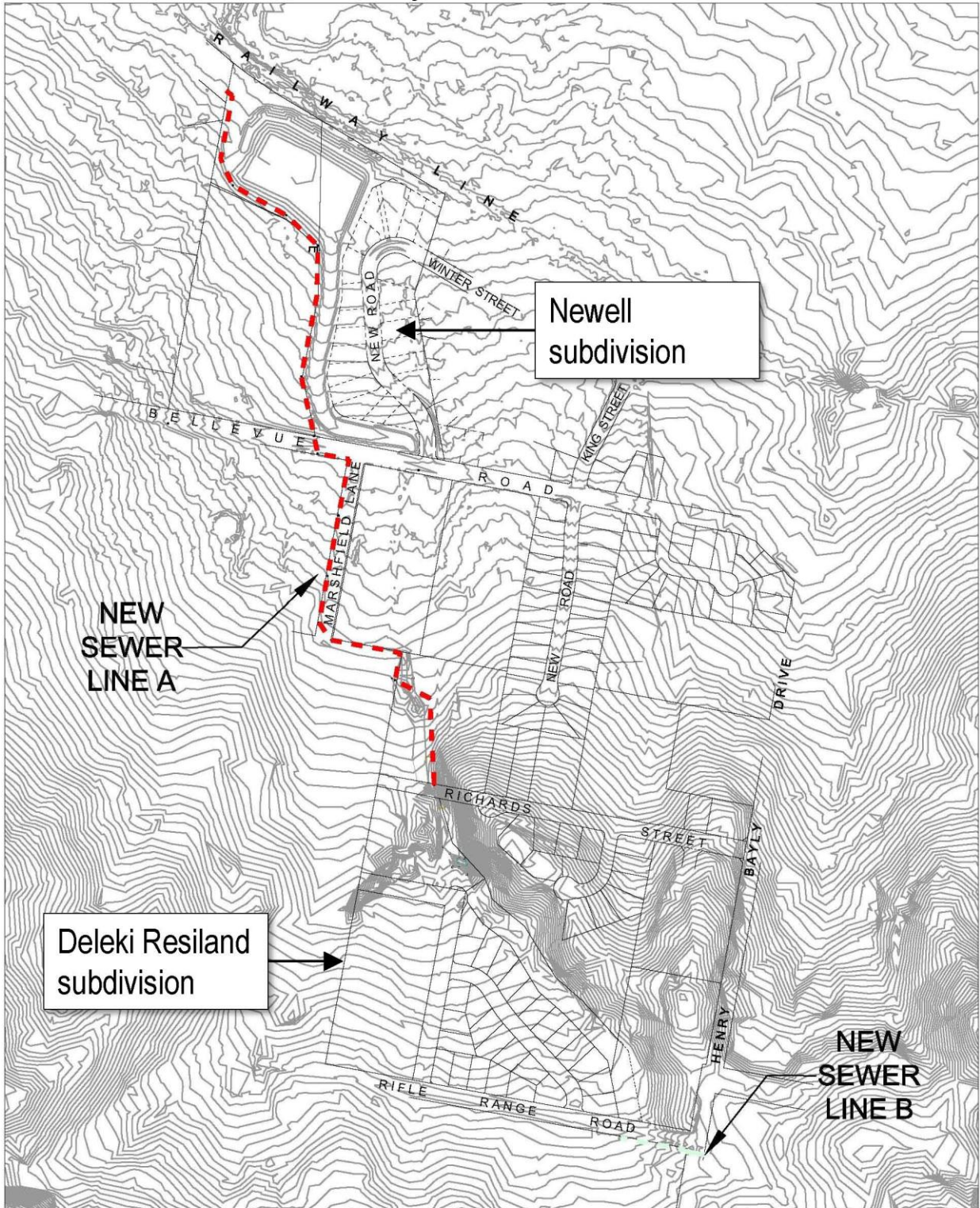
8 February 2013

Attachments: 1. Map of area for installation of sewer main



WARWICK L BENNETT
GENERAL MANAGER

Locality Plan – N.T.S.



6.2.12 Naming of a Second Bridge Over Carwell Creek

REPORT BY THE REVENUE & PROPERTY MANAGER TO 20 FEBRUARY 2013 COUNCIL MEETING

Place Naming – Bridge over Carwell Creek on Cudgegong Road
A0100056, R0790041, R9001001

RECOMMENDATION

That:

1. **the report by the Revenue & Property Manager on the naming of a second bridge over Carwell Creek be received;**
2. **Council name this bridge Cuth Foster Bridge.**

Executive summary

Council recently replaced the Carwell Creek Bridge on Bylong Valley Way. The replacement bridge retained the name of the previous bridge – Carwell Creek Bridge. An unnamed bridge over Carwell Creek located on Cudgegong Road is generically known as Carwell Creek Bridge. To prevent confusion it is proposed to name this bridge.

Detailed report

In November 2011 Council received a submission for naming the replacement bridge being built over Carwell Creek on Bylong Valley Way at Clandulla. The original bridge was named Carwell Creek Bridge and this name was retained by the replacement bridge and affirmed by Council at their 5/12/12 Meeting. The submitter, Mr Smith, advised that there was another bridge over Carwell Creek on Cudgegong Road that was also known as Carwell Creek Bridge. As this bridge had not been named, and to prevent any confusion with Carwell Creek Bridge over Bylong Valley Way, Council began the process of naming the bridge on Cudgegong Road.

Council wrote to neighbours of the bridge on 2/1/13 and advertised in the January Community News for naming suggestions. Submissions closed on 1/2/13 with four additional submissions received:

Carwell Bridge – too close in name to Carwell Creek Bridge.

Jack Smith – perhaps for better use in the Clandulla area. Already on Council's pre-approved names list.

Fosters or Cuths Crossing – suggest amalgamating and using Cuth Foster Bridge.

Minorca – suggest including in Council's pre-approved names list for future use in the Rylstone/Kandos area.

Riversdale – suggest including in Council's pre-approved names list for future use in the Rylstone/Kandos area.

Oakborough – suggest including in Council's pre-approved names list for future use in the Rylstone/Kandos area.

Bloodsworth – suggest including in Council's pre-approved names list for future use in the Rylstone/Kandos area.

Financial implications

Cost of Gazettal Cost of Gazettal notice plus 2 name signs at an approximate cost of \$300. These costs are included in the 2012/2013 Management Plan.

Strategic or policy implications

Council has the authority to name bridges and the naming of this bridge will assist in identifying locations along Cudgegong Road when reporting incidents to 000 and will prevent confusion with Carwell Creek Bridge on Bylong Valley Way.

Council currently has no policy in relation to the naming of Bridges. Unlike road naming and place naming, the Geographical Names Board does not have any authority over the naming of Bridges and this is entirely in Council's purview. Therefore, using Council's Road Naming Policy as a reference, notice of the proposed names will be:

1. advertised in The Community News inviting submissions in writing from the public for a period of 21 days
2. concurrently, notice of the proposed names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RTA, inviting submissions in writing for a period of 21 days.

At the expiration of time for the lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed name, and Gazettal of the new name.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

CLARE PHELAN
GROUP MANAGER FINANCE AND
ADMINISTRATION

8 February 2013

- Attachments:*
1. Submissions (in order of receipt)
 2. Map of the location of bridge to be named.

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

General Manager

Midwestern Regional Council

Dear Sir,

I am writing in regard to an official opening of the new bridge at carwell creek Clandulla and naming of the bridge.

I wish submit a possible name being the JACK SMITH bridge

Jack moved to this area at age 14 in 1928 and his family have lived on or owned the adjoining property to the bridge ever since

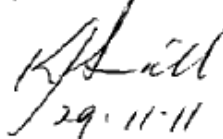
He always lived in and been involved in the Clandulla community from that time until his death in 2003 except for military service during the 2Cnd world war

He was a keen sportsman and was one of the leading players in the local cricket team and local tennis club

He was a foundation member of the local bushfire brigade and a deputy captain until his mid seventies, he was also a long serving member of the local school parents & citizen association until Clandulla school closed then the organisation was change to a progress association and he was a member of that organisation till his death in 2003, he made a life member of both these groups for his long and dedicated service

Jack was also the local polling booth returning officer until the polling booth was removed when the school closed

Local people knew they could rely on him for help whenever they needed it, he was the local go person of the community and I would ask you and council to support this submission



Handwritten signature of KJ Smith, dated 29.11.11.

KJ SMITH

1 COOPER DR

CLANDULLA 2848

Angus Avenue
KANDOS 2848

20/1/2013

THE NAMING OF BRIDGES.

Dear Sir/Madam,

I read with interest that you intend naming all bridges to allow for better identification of trouble spots in an emergency. What a good idea.

My particular interest is the bridge over Carwell Creek on the Cudgegong Road.

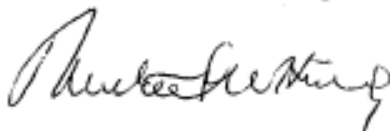
I am a descendant of James Vincent (Mt Vincent), and John Nevell, who established the farm of "Carwell" in 1829. As the property is still a successful property, and the area is called the Carwell Locality, and we still operate the Carwell Cemetery, 50 metres from the bridge in question... surely it is logical to call it THE CARWELL BRIDGE.???

The other bridge over Carwell Creek on the Bylong Valley Way, could quite logically be called THE JAMES VINCENT BRIDGE, or the CLANDULLA BRIDGE.

James Vincent and John Nevell also settled "Flatlands" and explored the Carwell Creek down to the Carwell property.

Those are my suggestions, which give appropriate acknowledgement to our intrepid forebears!

Muriel Nevell-King.



“Carwell”
Cudgegong Road
RYLSTONE NSW 2849
26 January 2013

Mr WL Bennett
General Manager
Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850



Dear Mr Bennett

NAMING OF UNNAMED BRIDGE OVER CARWELL CREEK ON CUDGEGONG ROAD

Thank you for Ms Carolyn Atkins' letter of 2 January 2013 inviting us to make a submission re the naming of the above bridge. We submit that the bridge be named either ***Foster's Bridge*** or ***Cuth's Crossing*** after our Grandfather, the late George Cuthbert Foster (known as *Cuth*) 1891-1966.

Cuth owned and lived on *Carwell*, which extends along both sides of Cudgegong Road where the bridge is located, for most of his life. He went to *Carwell* as a soldier settler in 1919 and over three decades later, at the invitation of the Rylstone Council, he officially opened the current bridge which had been built to replace the old wooden bridge which we are old enough to remember. We understand that the invitation to Cuth to officially open the bridge was in recognition of his involvement in the Rylstone community in general and his long standing involvement in the area immediately around the bridge in particular.

Cuth joined the Australian Imperial Force (AIF) on 27 July 1916. He served as a Driver in an Australian artillery battery on the Western Front in 1917 and 1918. As a Driver (*Driver* was an army rank equivalent to *Corporal*) Cuth managed teams of horses and mules to move 18 pounder guns and ammunition wagons. Having been wounded in action he was hospitalized for a period in the UK. While in hospital he met our Grandmother - a Scottish volunteer nurse, Marion Jane Pate, whom he married in Scotland and who came to *Carwell* as a war bride.

For many years Cuth was an active member of the Rylstone community. He was a founder of the Rylstone Show Society, was for many years the Society's Chief Sheep Steward and was among the first to be given life membership of the Society. He was also a long standing and active member of Rylstone Rotary.

When the old wooden bridge was dismantled and the current bridge under construction, traffic was diverted through *Carwell* over a ford in Carwell Creek on the northern side of the construction site. In wet periods cars bogged going up the creek bank and we remember as small boys watching Cuth tow out bogged cars with his David Brown tractor.

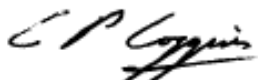
Both Cuth's children, our Mother, ^{the late} Marian Coggins and our Uncle, George Foster, were born on *Carwell* and Cuth owned *Carwell* until his death in 1966.

We also make mention of the fact that animals were important in Cuth's life. The job he volunteered to do in the army and his success as a wool grower (he developed a medium wool Merino flock which was well suited to *Carwell*), reflected his affinity for animals. Also, with his firm but kind approach, he trained excellent working dogs. We enclose a photo of Cuth working with two of his horses (tractors became the norm only in Cuth's later years at *Carwell*).

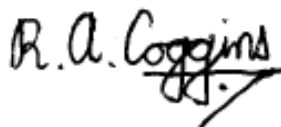
If you decide to name the bridge either *Foster's Bridge* or *Cuth's Crossing* you will be doing more than commemorating an individual, our Grandfather, Cuth Foster. You will also be recognizing the contribution to the district of soldier settlers who came here after both world wars, the past and ongoing importance of the wool industry and the general importance of animals in our lives, from both an economic and a social perspective.

Please do not hesitate to contact us if you have any questions concerning our submission. (Ms Atkins holds our personal contact details).

Yours sincerely



CP Coggins




RA Coggins








I strongly support this submission by my nephews, Peter and Robert Coggins, that the bridge be named after my late Father, Cuth Foster.





 **Email**

From: Carolyn Atkins <Carolyn.Atkins@midwestern.nsw.gov.au> Thursday, 31 January 2013 04:09 PM
To: Council <Council@midwestern.nsw.gov.au>
Subject: Addition to Submission re Naming of Unnamed Bridge over Carwell Creek on Cudgegong Road - PM Coggins

Insert Attach Document Workbook Template Spelling Print

-----Original Message-----

From: Peter Coggins [<mailto:pmcoggins>]
Sent: Thursday, 31 January 2013 4:00 PM
To: Carolyn Atkins
Cc: rob_coggins
Subject: Cuth Foster

Dear Carolyn

To support our submission to name the unnamed bridge over Carwell Creek on Cudgegong Road after our late Grandfather, Cuth Foster, I enclose a photo of Cuth as a young WW1 Australian soldier.

We did not mention it in the submission but Cuth, in addition to his other achievements, was a champion middle distance and long distance runner. We hold large silver trophies awarded to him at athletic events in Sydney in 1910. His name is inscribed on one as being the winner on 2 July 1910 of the ESAAC two and a half Mile Open Road Race. His name is inscribed on another as being the winner on 23 July 2010 of the Cumberland Harriers 5 Mile Road Race.

Regards

Peter Coggins



Church Rd,
Taigum Q 4018
25 January 2013

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

Dear Sir/Madam,

One of our family ancestors, James Vincent, a pioneer pastoralist, lived on Carwell, and is buried in the Carwell Cemetery. He arrived as a free settler on the ship "*Minorca*" in 1801.

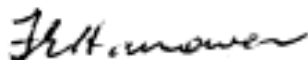
His daughter, Elizabeth, married John Nevell. Two of their properties resumed for the Windamere Dam were "*Riversdale*" and "*Oakborough*".

Our family, together with some relatives who have been contacted would be very pleased if these popular and hard working pioneers were remembered by the ship and/or property names mentioned above for one or more of your bridges. These are:

- *Minorca*
- *Riversdale*
- *Oakborough*.

Our family very much appreciates being consulted for our suggestions.

Yours faithfully,

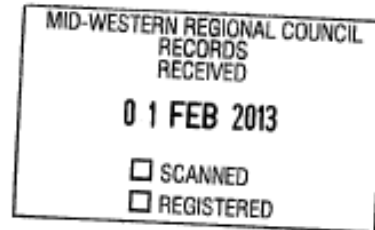


Fay Elizabeth Harrower (Mrs.)
Email: owen.harrower
Phone:



Keith Bloodsworth

From: "Keith Bloodsworth"
Date: Wednesday, 30 January 2013 1:55 PM
To: "Keith Bloodsworth"
Subject: NAMING OF CARWELL CREEK BRIDGE CARWELL
FROM; K.F & S BLOODSWORTH
LOUEE STREET
RYLSTONE NSW 2849



SUBJECT; THE NAMING OF THE CARWELL CREEK BRIDGE AT CARWELL.

TO WHOM IT MAY CONCERN.

WITH REFERENCE TO THE NAMING OF THE BRIDGE AS ABOVE WE WOULD LIKE TO PROPOSE THAT IT SHOULD BE

NAMED AFTER SOMEONE OR PERSONS WHO LIVE OR HAVE LIVED IN THE RYLSTONE AREA (DABEE). SUCH A PERSON WHO WE BELIEVE HAD A GREAT INFLUENCE IN THE BEGINNING, IE; FROM THE FIRST FLEET

TIMES AND THAT PERSON IS JAMES BLOODSWORTH.

AS YOU WILL SEE FROM RECORDS JAMES BLOODSWORTH WAS ON A SHIP CALLED CHARLOTTE ALONG WITH

A CONSIDERABLE NUMBER OF OTHER CONVICTS OF THE TIME.

IN ORDER TO AVOID WRITING A LONG NARRATIVE WE HAVE ATTACHED A COPY OF AN EXTRACT FROM

THE BOOK TITLED RYLSTONE AREA HISTORY OF SETTLEMENT SECOND EDITION 1983.

THIS EXTRACT WE BELIEVE WILL DEMONSTRATE WHY WE THINK JAMES BLOODSWORTH IS WORTHY OF A PLACE IN THE HISTORY OF RYLSTONE IN THIS MANNER.

FROM THIS EXTRACT YOU CAN SEE THAT HE WAS TO BECOME A WELL RESPECTED PERSON IN THE COLONY

SOME HIGHLIGHTS BEING ABLE TO TRAIN OTHERS IN THE ART OF BRICKMAKING, BORAL NAMED A BRICK

IN HIS NAME SOME TIME AGO, HE WAS THE FIRST MEMBER OF THE MASTER BUILDERS ASSOCIATION IN NSW.

HE WAS RESPONSIBLE FOR THE CONSTRUCTION OF MANY GOVERNMENT BUILDINGS INCLUDING GOVERNMENT HOUSE SYDNEY AND ALSO PARRAMATTA. HYDE PARK BARRACKS SYDNEY.

A PLATE MOUNTED ON A PEDESTAL IN THE CENTRE OF RYLSTONE ADJACENT TO THE RESERVE ALSO BEARS HIS NAME IN HIS HONOUR.

AT THE TIME OF HIS DEATH HE RECEIVED WHAT WAS ACCEPTED AS A MODEST STATE FUNERAL. THERE ARE A NUMBER OF DESCENDANTS SOME OF WHICH ARE FROM YEARS AGO AND OTHER LIKE OURSELVES

HAVE COME TO RYLSTONE SINCE 2000.

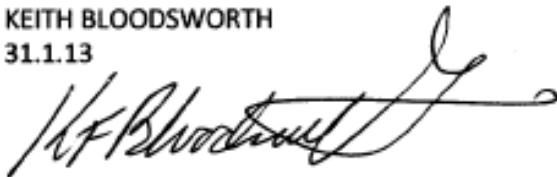
OUR FAMILY EMIGRATED TO AUSTRALIA IN 1973 FROM ENGLAND THAT IS KEITH, SUSAN, HENRY. REBECCA

AND OUR OLDEST SON STUART JAMES BLOODSWORTH WHO WAS UNFORTUNATELY KILLED IN A MOTORCYCLE

ACCIDENT IN 1990 AT MUDGEE.

AFTER LIVING IN WINMALEE NSW FOR 28 YEARS WE CAME OUT TO INVESTIGATE THE BLOODSWORTH CONNECTION

AND LIKED THE AREA SO MUCH WE MOVED OUT HERE.
OUR DAUGHTER LIVES IN RAZORBACK ROAD AND WE HAVE A PROPERTY AT BERWICK ROAD
RUNNING STREAM.
WE ALSO BROUGHT OUR ENGINEERING BUSINESS TO RYLSTONE WHICH IS OPERATED BY ALL THE
LIVING MEMBERS
OF THE FAMILY WHICH HAS BEEN OPERATING SINCE 1978.
WE HAVE CONTINUED IN THE TRADITION OF BUILDING BY PROVIDING SPECIALISED HYDRAULIC
LIFTING SYSTEMS
FOR THE CONSTRUCTION OF MULTY STORY BUILDING AROUND THE WORLD BUILT FROM
CONCRETE AND
NOT BRICKS. SOME OF THESE ARE THE 5 TALLEST BUILDINGS IN THE WORLD. WE HAVE ALL OF OUR
EQUIPMENT
MADE IN AUSTRALIA BEING ONE OF ONLY A FEW STILL PRODUCING GOODS IN THIS FIELD.
IT MAY APPEAR STRANGE TO SOME PEOPLE THAT WE ARE PROPOSING OUR NAMESAKE HER BUT
WHY NOT
YOURS FAITHFULLY
KEITH BLOODSWORTH
31.1.13

A handwritten signature in black ink, appearing to read 'K Bloodsworth', written over the typed name and date.

For "Wilson" please refer to sheet set out number of years ago.

Flora Wilson married James Cameron 21-12-1941 at St. John's Church of England, Cowra.

James William Keith Cameron lost his life during second World War and is buried in the Clichy Cemetery, Paris, France. He died 21-4-1944.

Flora and Jim's Family: Beverley Rose born 29-10-42.

Please refer to Cameron Paper for detailed list of family.

Beverley Cameron married William Bundy at St. Paul's Church of England, Chatswood 9-11-1963.

Their Family: Scott William born 11-3-1967; Dean James born 28-2-1967; Megan Louise born 25-11-1968; Rowena Beverly born 15-4-1971.

The Story Of James Bloodworth

JAMES BLOODWORTH was born in 1701 and was living at Kingston-on-Thames when he was committed for trial, charged with felony and sentenced to seven year transportation at the Quarter Sessions, 3rd October, 1785. When the First Fleet sailed, James Bloodworth was on board the "Charlotte".

After the Fleet dropped anchor in Farm Cove, disembarking began and all personnel free and convict, were faced with the problem of erecting shelters. Soon, Governor Phillip's pre-fabricated structure, tents and local material huts dotted the banks of the Tank Stream. However, heavy rain in February convinced the new settlers that more durable buildings were necessary.

There was plenty of sandstone in the vicinity and good clay was found two miles away at Brickfield Hill. So, with the unloading of the brick presses it was obvious that a skilled brick-layer was necessary; James Bloodworth came into prominence. He was able to build kilns & instruct others in the art of brick-making. They had to dig the clay, pound it with clubs, soak it, then pug up the wet mess with trampling

feet in the manner of winemakers. Bloodworth taught his crews how to sprinkle sand over the "stock" (bottom of the mould) before throwing the wet clay into the mould, thus ensuring that the brick would not adhere to the wood when turned out. Hence the name which is still applied to bricks hand-made in this manner — sandstocks. Human teams were employed to draw the bricks to the Cove where the first building — Government House was to be erected. Phillip selected a site on the east side of the Tank Stream; and he commissioned the convict, James Bloodworth to erect his three-roomed temporary dwelling. Bloodworth set to work, he had to draw the plans, peg out the building and supervise the convict masons working on the foundations. Lime was obtained by burning sea shell; the convict women had the task of gathering the sea shells.

Heavy winter rains caused havoc to the kilns and building; so one wall was demolished and the weakness diagnosed as bad mortar; all the walls were strengthened so the building was able to support a second story. Bloodworth learned from experience and work progressed slowly. (despite all difficulties a two-storeyed Government House was ready for Phillip in six months). It is recorded that at Christmas 1789 Governor Phillip entertained the notables in his fine two-storey, stone and brick residence; a residence which created a sense of pride and permanence in the starving and struggling settlement. The building stood until 1845. Arababee the Aborigine looking up at the upstairs windows asked "why some men walked on others' shoulders".

During excavations in 1899 the original foundation stones were disturbed at the corner of Bridge and Phillip Streets; and a foundation plate now housed in the Mitchell Library, shows the building began on 15th May, 1788.

Other buildings erected by Bloodworth soon followed: Warehouse at King's Wharf, Soldiers' Barracks, a clock tower, windmill and houses for

Rev. Richard Johnson, Surveyor-General, and Judge Advocate. A plaque at 19 O'Connell Street marked the location of Bloodworth's house and it was here that the Bloodworth family lived until 1875 when G. A. Lloyd acquired the property.

On arrival of the Royal Warrant on 15th December, 1790, Phillip was empowered to pardon a Convict, but the emancipist was not permitted to return to England before the original sentence had expired. The next day Bloodworth was one of three men to receive his freedom but the restrictions kept him in the Colony. However, when rehabilitation was offered in 1792, he declined due to family commitments. On his emancipation Bloodworth set himself up as a Master Builder – the first Master Builder in NSW (Australia).

On 1st September, 1791, Phillip appointed Bloodworth Superintendent over brick-makers and bricklayers with an income of 50 pounds per annum. Bloodworth was a busy man. Governor Phillip praised the pains he had taken to teach the art of bricklaying and his conduct was exemplary.

During Grose's administration he was given a grant of land (50 acres) at Petersham (1794). This was followed later by the purchase of 200 acres – Brush Farm at Mars Field, from settlers.

In January 1800 a syndicate including James Bloodworth, Wm. Broughton, Owen Cavanough, Francis Oakes, Simeon Lord and others, requested Gov. Hunter's permission to purchase certain goods for their own benefit direct from the "Minerva", the list contained the following articles:-

13 pipes Rum at 7/- gallon; 1 ton sugar at 1/- lb.; 19 Firkins of butter at 1/- lb.; 10 cases of beef and pork at 1/- lb.; 4 cases of glasses; 4 rolls of Irish linen at 1/3; 72 dozen pairs of shoes at 10/- pair; 1 cask of port wine at 7/6 gallon.

(It is interesting to note that Simeon Lord seems to have benefitted much better than the others for within

three years he had a fine four storeyed dwelling).

James Bloodworth was a much respected citizen. On two occasions he gave evidence in two important trials. On 21st February 1799, Isaac Nicholls, (who in 1810 became our first postman), was charged with receiving stolen goods. Matthew Flinders, Capts. Kent and Waterhouse and James Bloodworth testified, and Gov. Hunter provided a character reference. Then on 5th March 1803, William Bladders and Isaac Simmonds were on trial for murder but were acquitted:- John Harris, Thomas Jamieson and James Bloodworth provided evidence.

When Governor King planned to purchase Capt. Kent's residence for an orphanage Bloodworth and Anson were requested to assess the value.

With the influx of a number of political prisoners the Sydney Loyal Association was formed, and in 1802 James Bloodworth became a sergeant a great honour for an ex-convict. In the early years church services were held in Bloodworth's house.

Toward the end of 1803, Deputy Governor David Collins made two requests to Governor King. He requested the employment of James Bloodworth, "if he were still in the Colony, firstly at Port Phillip, then at the Derwent, for in his opinion Bloodworth alone had the knowledge and skill to plan and construct buildings." However, Bloodworth declined the offer because of his large family.

On 1st March 1804, Bloodworth resigned from the position of Superintendent of Building because of the failure of the Government to increase his salary. He was later reinstated but by that time he was seriously ill – a heavy cold developed into pneumonia and he passed away at his house in South Row (O'Connell Street) on 21st March, 1804.

So great was the esteem in which he was held by his fellow colonists that Governor King ordered what was then the equivalent of a State Funeral. His body was laid to rest in the Town

Cemetery with full military honours. The cemetery was situated where the Town Hall stands today.

He left a wife and five children. (A tomb unearthed in 1974 during excavations near the Town Hall was thought to be that of James Bloodworth.

James Bloodworth did his duty in his new and harsh environment and did not bear a grudge against the system which transported him to the Penal Colony. He found it a challenge, his reward was his achievements which brought him very little pecuniary gain, and the place he deserves in the pages of history.

The funeral of James Bloodworth as recorded in the Sydney Gazette 24th May, 1804.

DEATH

On Wednesday last died, generally lamented, Mr. James Bloodworth, for many years Superintendent of Builders in the employ of the Government. He came to the Colony among its first inhabitants in 1788, and obtained the Appointment from his exemplary conduct shortly after his arrival; the first house in this part of the Southern Hemisphere was by him erected, as most of the Public Buildings since have been under his direction. To lament his loss he has left a Widow and five children, the youngest an infant now only a week old, and the complaint which terminated in his dissolution was supposed to proceed from a severe cold contracted about two months hence.

The attention and concern which prevailed at the interment of the deceased were sufficient testimonies of the respect with which he filled, and the integrity with which he uninterruptedly discharged the duties of a Public Trust during so long a period. HIS EXCELLENCY was pleased to order that the funeral should be provided for at the Public Expence, and to show other marks of attention to so good a servant of the Crown.

Four in the afternoon of Friday being the wish of the Widow appointed

for the Funeral, the Relics of the deceased were at that hour removed from his house in South Street, and conveyed to the place of interment, attended by a great number of friends, among whom were most of the Sydney Local Association, in which he had been appointed a Serjeant.

Opposite his old residence a Procession was formed, which moved in the following order:-

12 Of the Loyal Association, arms reversed,
Serjeant of the Association,
Drum muffled and Fife.

THE BIER

Two sons, Chief Mourners followed by an Infant Daughter,
Fourteen Female Mourners,
Twenty-four Male ditto,
A number of respectable Inhabitants in Rank,
The Non-Commissioned Officers of the New South Wales Corps,
And a crowd of Spectators.

when near the Burial Ground the Association were obliged to file off, for the accommodation of the friends of the deceased, and the populace who were become very numerous; and when the remains were deposited, approached the grave and performed Military Honours.

And what do we know of his widow, Sarah?

SARAH BELLAMY lived at Dudley in Worcester and was in service when, at the age of 17 years she was convicted at the Summer Assizes at Worcester, on 9th July, 1785. Crime and sentence: For feloniously stealing in the dwelling house of Benjamin Haden; — 1 linen purse, value 2d, 1 guinea, value 15 pounds 15 shillings, 1 half guinea, 10/6 property of the said Benjamin Haden; one Promissory Note signed under the hand of William Jackson, value 10 pounds, one other Promissory Note signed under the hand of Thomas Hull junior, for Hill Waldon and Co. promise to pay the bearer on demand 5 guineas, value 5 pounds 5 shillings at the Parish of Dudley, 29th May, in the 25th year of

George III. Sentenced to Transportation for 7 years.

Sarah was one of the twenty-one women convicts on the "Lady Penrhyn" which sailed with the First Fleet in May 1787.

Sarah was reputed to be a spirited read-head with a mind of her own.

In the early days of the settlement of Port Jackson Sarah was assigned as housekeeper to Lieut. Eaddy. She lived in a small hut on the east side of the Tank Stream. We hear of Sarah in August 1789 when once more she had to appear before the Justices. As History records: Captains Keltie and Meredith had attended the Governor's dinner to mark the Prince of Wales birthday. On the way home they continued their celebrations and at a very late hour Captain Keltie decided he would like to call on Sarah and tell her about a parrot he had brought her from the Cape. They knocked on Sarah's door but naturally she did not answer, so Meredith went round the back and rapped on the window shutter which collapsed and fell in on Sarah's bed together with his hat. In attempting to retrieve his hat he pulled Sarah's hair, at which, she, greatly alarmed, began to yell — MURDER, while Captain Meredith was regaining his composure Mr Keltie tried to quieten her and Meredith roared, "you terrible faggot, I'll have my revenge on you".

This disturbance alerted the guard; night-watchman John Harris arrived on the scene and also Mathew Everingham who lived close by. "Open the door" commanded Harris, and when he entered asked for a tinder-box so that he could see what was going on. To this request Sarah replied, "No, the hour is too improper for a light".

So on 15th August, 1789 Sarah came before the justices and swore that she had been disturbed in her hut on Wednesday, 1st August. Matthew Everingham, John Harris, (who swore on the Old Testament), Capt. Meredith and Mr. Keltie gave evidence. In evidence, Harris deposed that, "On Capt. Meredith's coming in (to the hut), she told him that he was no gentleman

and she a poor prisoner, therefore she must go where he bade her but she did not know what she had done, — that he had come in and disturbed her peace, and that her hair had come off the next day when combing". No charges were laid.

One must admire the courage of a girl, a poor prisoner, who could state before the Justices "that she was determined not to put up with such unmerited treatment from Capt. Meredith or anyone else".

James and Sarah had eight children, three of whom died in infancy. Their 14 happy years together were all too short. Sarah was the Executrix of James' Estate. The Estate was declared insolvent. Capt. Kemp became responsible for James' farm, while John Grant and David Bevon remained staunch friends and advisers. Unfortunately, the valuable property, Brush Farm, and all the stock had to be sold and William Cox became the new owner. The Will was not finalised until 1826 when all interested parties were represented at the Supreme Court.

After the death of James the Rev. Johnston looked after and educated his children as a mark of respect and in appreciation of the fact that James Bloodworth had built his house.

JAMES BELLAMY BLOODWORTH

With the death of his father, James Bellamy Bloodworth, (13 years of age), found himself the bread-winner of the family and became a carpenter. Four years later he was lured by the tall masts and became carpenter on the "Perserverence" bound for Port Dalrymple.

On 4th December, 1811 the "Perserverence" was lying off Campbell Island when Capt. Hasselbourg ordered the jolly to take him ashore, apparently to inspect some casks. Elizabeth Farr from Norfolk Island and four youthful members of the crew, (including James Bloodworth) accompanied him. Unfortunately on the return trip a freak wave swamped the jolly and all were thrown into the briny water.

James went to help the girl but she advised him to save the Captain, who, because of the weather was wearing his sea-cape and boots, but it was an impossible task; the captain sank beneath the waves. James then returned to help the girl who was in difficulties, and supporting her with one arm he swam to the shore, a distance of two miles, only to find on arrival that Elizabeth was dead. Next morning a search party from the "Perserverence" rescued the party.

By 1814 James Bloodworth, having obtained a liquor licence, opened a business at 15 George Street. The advertisement in the Sydney Gazette on 2nd February sounded very attractive: The Vendor begs to inform the public that he has now for sale – very fine Holland Gin, French Brandy, Jamaican and Bengal Rum, London Porter, in draught or bottle and very excellent Port wine by the bottle or dozen.

By 1821 James had opened a Butcher's Shop in O'Connell Street and 1828 Census credited him with owning land: 160 acres, all cleared at Petersham where he ran, 3 horses, 150 head of cattle and 600 sheep.

In letters to the Colonial Secretary, (1st December 1829), James Bloodworth of 4 O'Connell Street stipulates that, "I have 160 acres by Grant, and 110 acres by private purchase, 3 horses, 150 cattle and 800 sheep. Want an additional grant. Have 2,000 pounds cash. Have built one house with woolshed and sheepyards. desire to rent land 1,000 acres on road from Bathurst to Dabee, 45 miles from Dabee. Born in colony; have wife and 7 children".

In 1836 James had convicts assigned to him.

James married Maria Panteney Lee at St. Phillips on 2nd April 1812 and they had a family of 11 children born and brought up at O'Connell Street. Maria was born on Norfolk Island 27th August 1795 and lived to the ripe old age of 98 years and 9 months; she died at her grandson Charles Younger's residence. She was

buried in St. Thomas Cemetery, West Street, North Sydney; the headstone may still be seen there. James died 16th April 1857, aged 66 years; his headstone rests in the cemetery of St. Stephen's Newtown.

By the 1840s James and Maria had land at Bathurst and Dabee; (as the village of Dabee grew Governor Gipps named it Rylstone).

Their second daughter Ann married James Brown at the Scots Church on 23rd March, 1840. His house was in Elizabeth Street. Later they moved to Dabee where he took up farming.

James' brother George (born 29th February 1796) followed his elder brother and became a ship-wright making several trips to Tasmania. Then in 1825 he was granted a liquor licence and acquired the "Settlers Arms" in Market Street. On 14th January 1826 George married Maria Cox at St. Phillip's, Church Hill. By 1834 they were living at Hunters Hill and St. James, King Street became their church. George died on 18th February 1840. They had no children. Records show that he was buried in a vault in the Devonshire Street Cemetery. Two years later Maria married A. A. Hunt of Hunters Hill.

The Sydney Gazette listed James and George as contributors to the various charities such as the Benevolent Society. George gave a donation to the building of Christchurch. James who lived at 19 O'Connell Street remained a parishioner of St. Phillip's.

Sister Elizabeth married Robert Carver and she did not appear to have had a family. Sarah spent her declining years with Elizabeth. The 1828 Census listed them as living in Clarence Street.

The youngest daughter, Charlotte, (one week old at her father's death) died at the tender age of 12 years.

An extract from a letter written by Maria Bloodworth, to her daughter Sarah (Sally), who married Robert Howe, grandson of George Howe, first Government Printer.

My Dear Sally,

If you get a little Guanen oil and

flerven put it on the scald place it should have cured it in one hour — it is the finest thing in all the world — it is almost immediate cure, takes the fire out in a few minutes. I have been scalded myself and in half an hour it has been all right, and a young girl that is next door scalded her arm from the elbow to the wrist every bit of skin off and she was well in a few days. I got it from Mary when Tom was there. There are not many that know the good of it. Send the Boy out to get one (goanna). You must be careful not to melt the fat on

the fire but make a plate hot, the fire takes the virtue out of it. The Blacks melt it in the sun. I dare say some of the nabers might have it and not know the good of it.

Dear Sally I hope this finds you all well as it leaves me and Fanny.

No letter from Tom. God bless your all.
Your affectionate Mother,
Maria Bloodworth.

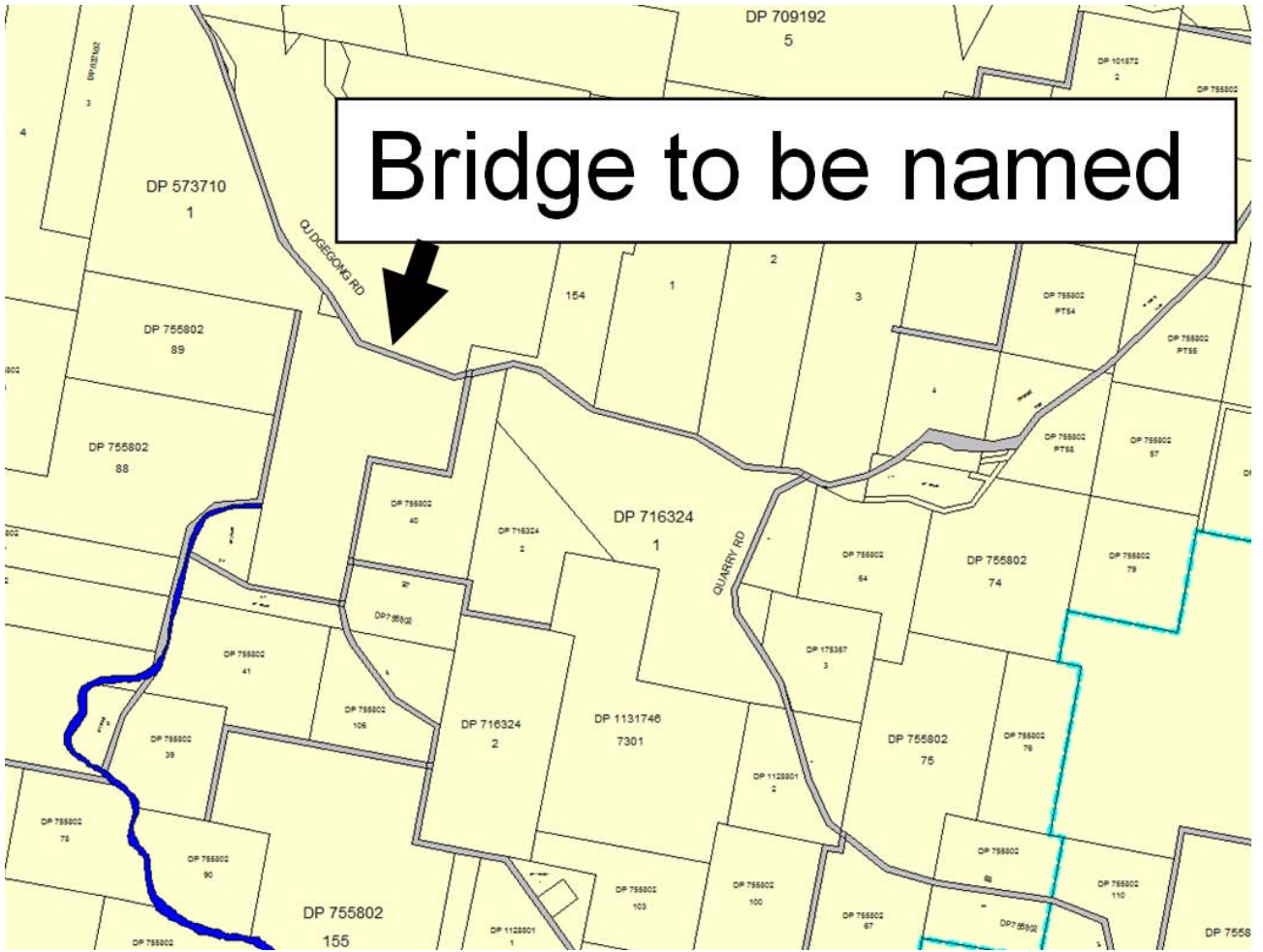
N.B. The original of this letter is in the Mitchell Library, the date is not shown but thought to be the late 1850's.

ACKNOWLEDGEMENTS

Australian Men of Mark, 1788-1888 – Volumes 1 and 2.
Rylstone-Capertee Valley – F. L. Scurrah and Freda Palmer.
Early Recollections of Rylstone and the District – William Wield Armstrong.
Fourteen Journeys over the Blue Mountains of N.S.W., 1813-1841 – George Mackaness.
Macquarie Country – D. G. Bowd.
Valley of the Champions – Douglas M. Barrie.
Aldine Centennial History of N.S.W., 1888.
Building & Ornamental Stones of Australia, 1915 – N.S.W. Government.
Mrs. R. K. Evans – Original Deeds, Grants and Historical Papers.
Mrs. L. F. Wilson – Family Papers.
Mrs. W. Stone – Family Papers.
Mrs. Frances Joyner – Cover Prints.
Miss Ruth Shipley – White and Harris Family Records.
History of Rylstone & Kandos – Mr. E. C. Rowland.
Rylstone Shire Council.
Rylstone Historical Society.
Historical Office – P.M.G.'s Department.
Research Department – Department of Education.
Research Department – Bank of N.S.W.

The Rylstone & District Historical Society gratefully acknowledges the generous sponsorship of the following local businesses.

G. R. & G. C. Nicholson, Val & Johns Store, The Bridge Restaurant, Jamieson's Rylstone, Poole's Garage, Rylstone Supa Scoop, Helen's World, Rylstone Old Wares, Rylstone Butchery, Marchant & Brodie, Rylstone Pharmacy, Yarrington's Newsagency, Leila & Dud Oakes, W. J. & S. Tunnicliff, Roma Tindale, J. W. Tindale, Kuno's T.V., Westpac Bank, The Globe Hotel, Old Brick Oven Bakery, C. A. & D. B. Martin, Knox's Solicitors, Murdan Rural Supplies, K. G. & A. B. Sampson, The Rylstone Club, P. J. & H. J. Miskle, Ken & Jean Doorey, B. J. & M. Trounson, Jackson's Store Kandos, Bates Newsagency, Rylstone Stores, J. Walsh & Sons, Beau Sharrock, Eric Smith, Chrisfield's Holden, Norm & Mel Morrison, W. R. & M. M. Forbes, J. P. & B. L. McQuiggin, Commonwealth Banking Corp., B. V. & V. A. Mulholland, R. & R. M. Betts, Rylstone Shire Council, John & Gail Elrington, Warry & McDonald, Ian Wilson, Mary & Alex Wilson, J. Kuchta, L. & I. Pagani, Wolfe Bros., Barrie Beck, J. & S. Parkinson, David & Chris Briggs, State Bank, Rylstone Cut Price Store, G. P. & B. A. Oakes, Karina Carroll.



6.2.13 Naming of Reserve off Lions Drive

REPORT BY THE REVENUE & PROPERTY MANAGER TO 20 FEBRUARY 2013 COUNCIL MEETING

Place Naming – Drainage Reserve off Lions Drive
A0100056, R0790041, P2174811

RECOMMENDATION

That:

- 1. the report by the Revenue & Property Manager on the Naming of Reserve off Lions Drive be received;**
- 2. Council support the name of Sam Bateman Reserve.**

Executive summary

Council has received a request to name the drainage reserve off Lions Drive and Kellett Drive.

Detailed report

On 28/11/12 Council received a submission for naming the drainage reserve off Lions Drive in the Yallambee Estate subdivision.

Council wrote to neighbours of the drainage reserve on 13/12/12 and advertised in the January Community News for naming suggestions. Submissions closed on 1/2/13 with one additional submission received:

Sam Bateman Drainage Reserve
Ida Bateman Drainage Reserve
Yallambee Drainage Reserve

Financial implications

Cost of Gazettal notice plus 1 sign at an approximate cost of \$360. These costs are included in the 2012/2013 Management Plan.

Strategic or policy implications

The Geographical Names Board is the naming authority for place names.

Council has called for submissions and entered into public consultation. Council's decision at this meeting will be submitted as our recommendation to the GNB for their next meeting along with our application to name the drainage reserve. The Geographical Names Board will then meet the cost of advertising in relation to this matter before making a final decision on the name for the drainage reserve.

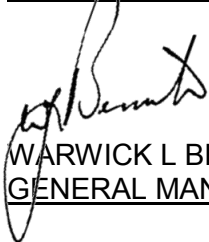
DIANE SAWYERS
REVENUE & PROPERTY MANAGER

CLARE PHELAN
GROUP MANAGER FINANCE AND
ADMINISTRATION

8 February 2013

Attachments: 1. Submissions (in order of receipt)
2. Map of the location of drainage reserve to be named.

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

23 Jan. 2013

General Manager

Mid – Western Regional Council

PO Box 156, Mudgee NSW 2850

Dear Sir,

Proposed drainage reserve name at 38-48 Lions Drive



I would propose that the reserve be called Yallambee Reserve.

The adjoining estate which includes Kellett Dr and Bateman Ave have houses adjacent to the current easement and has been promoted by the original developer as the Yallambee Estate – Stage 3. I am not certain where stages 1 and 2 were but most likely the development bounded by Lions Drive and Robertson Rd which also have houses adjacent to the current easement.

No doubt Council has already requested the Developer to remove his dilapidated and outdated signage that currently exists on the easement on the corner of Kellett and Lions and this would seem an appropriate location for a proper council sign.

Interestingly the translation of Yallambee is "to dwell at ease" a most relevant name for a Reserve, [refer http://www.housenameheritage.com/hnh_wsc_aboriginal.asp].

Of specific interest however is to ascertain the extent of this Reserve and council's responsibility and commitment to bring all of it up to an acceptable standard. The easement currently extends along the length of Bateman Ave as well as that which fronts Lions Drive. Does council intend to maintain both sections? At present the majority of maintenance has been carried out by several people who live adjacent to this easement along Bateman Ave and have committed time and resources to make significant improvement in the presentation of this area. The only involvement that council has provided in the last 12 months was totally inadequate and left the area with a "very bad haircut". More council resources need to be provided to ensure a facility which will encourage the local residents to continue their commitment to assist council with ongoing routine maintenance.

Please look beyond the naming of this reserve and make a real commitment to ensure that it becomes something both the residents and council can be proud of. I would be more than happy to arrange a meeting between the local residents and council representatives to review and discuss what can and needs to be done to bring the reserve up to an acceptable standard.

Thank you for your consideration and trust some positive action can take place

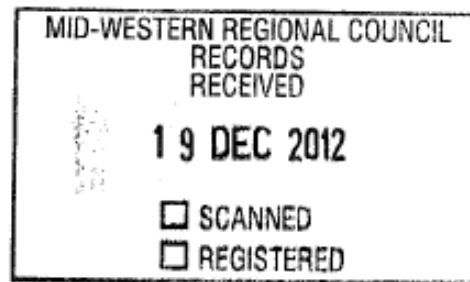
Regards 
Roger Catchpole

Bateman Ave, Mudgee NSW 2850

Ps – I can be contacted on mobile

or email ;

Ms Carolyn Aitkins
Property Support Officer
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850



Dear Carolyn,

RE: Reserve at 38-48 Lions Drive

Thank you for your letter regarding proposals for submissions for the naming of the reserve at the above address. Following discussions with our family here and overseas, it is requested that our preference for naming would be, Sam Bateman, then Ida Bateman.

The family thank you and council for the opportunity of consideration of the names.

Your Faithfully,

A handwritten signature in black ink, appearing to read "Hugh Bateman".

Hugh Bateman



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

"Cooinoo House"
4 Stockmans Dr
Mudgee NSW 2850

Dear Sir,

Re: Naming of Park area off Lions Drive Mudgee

We wish to request that council consider the naming of the unnamed park in Yallambee Estate Mudgee South.

Our family wishes to submit two names both of which are from our family, deceased, and who have jointly made considerable contributions to the region.

Ida Bateman arrived in Australia from the UK in 1946 and settled at Meroo. She became strongly involved in community events very early in the beginning with the CWA. She was a State Finalist as country woman of the year for that organisation in 1976. She was an avid artist and enthusiastic with the arts and in 1963 was a founder of the Mudgee Arts and Crafts Society.

At the age of 60 she obtained a Bachelor of Arts Degree of Charles Sturt University and as a consequence later dedicated a lot of her time to the Mudgee Arts Council. She was instrumental in obtaining a government Grant for the conversion of the Police Stables for use of the Arts. She was also instrumental in the organisation of local exhibitions in both Mudgee and Gulgong.

In 1994 she received the Australia Day Citizen Award for services to the Arts.

Ida Bateman died in Mudgee in 2011 at the age of 87.

Samuel Bateman was born in Mudgee in 1989 attending Mudgee Primary and Mudgee High School.

He was a keen aviator being one of the youngest High School students to obtain a pilots licence, commencing his training at the age of 14.

On leaving school he furthered his studies both in real estate completing his Real Estate Licence and also becoming a Senior Commercial Helicopter Pilot at the age of 21. His passion for flying and indeed his compassion for people in the district was displayed by times when he flew ill people for medical assistance to hospital.

He was a member of the NSW Fire & Rescue Service being an active member of both Mudgee and Gulgong Town Brigades.

He had completed several Fire Services Courses and upon his death in an accident in 2011 was awarded a Fire Service Certificate by the Commissioner of Fire and Rescue NSW.

Sam was a committee member of the Mid Western Regional Councils Airport Committee, a committee member of the Mudgee Aero Club and an organiser of Mudgee's Wing, Wheels and Wine. Sam was also a keen Rugby Union player being in the 2010 Mudgee Wombats winning premierships team.

Sam owned his own home in the Yallambee Estate adjoining the subject park, working in 2 jobs at times to build the home.

Sam died at the age of 21.

Our family would be grateful if Council would consider acknowledging their contribution to this region by thus naming the park in some style after their work of dedication to the Region.

Yours Faithfully,

A handwritten signature in black ink that reads "C. Bateman".

Hugh and Catherine Bateman



6.2.14 Food Safety Program Update

REPORT BY THE MANAGER HEALTH AND BUILDING TO 20 FEBRUARY 2013 COUNCIL MEETING

Food Safety Program Update
A0100056, A0130004

RECOMMENDATION

That the report by the Manager Health and Building on the Food Safety Program Update be received.

Executive summary

This report is a quick update of where Council is at in relation to its Food Safety Program for this financial year.

Detailed report

Council's current food safety program consists of 223 registered food businesses. Of this 106 are considered high risk (category A), 48 are considered medium risk (category B) with the remaining 69 considered low risk (category C).

As part of Council's obligations under the Food Act 2003, an inspection is to be carried out each financial year on all category A & B food premises, with Category C inspections being done as required.

In January of this year additional resources were allocated to the Food Safety Program and as a result Council Officers have undertaken 42% of the required category A & B inspections and for the first time in several years have commenced inspections on category C premises.

To date a total of 32% of all food premises have been inspected with a majority of these inspections occurring since the start of January this year.

The rate of inspections is consistent with the program and it is expected that all 223 registered food businesses will have been inspected by June 30.

Financial implications

The cost is covered by the current Council delivery plan.

Strategic or policy implications

Not applicable.

TIM O'REILLY
SENIOR HEALTH & BUILDING SURVEYOR

8 February 2013

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER


CATHERINE VAN LAEREN
GROUP MANAGER DEVELOPMENT AND
COMMUNITY SERVICES

6.2.15 Contract Renewal – Mudgee Region Tourism Inc

REPORT BY THE GENERAL MANAGER TO 20 FEBRUARY 2013 COUNCIL MEETING

Contract Renewal - MRTI
A0100056, A0820020

RECOMMENDATION

That:

1. the report by the General Manager on the Contract Renewal – Mudgee Region Tourism Inc be received;
2. Council confirm its intent to enter into a 3 year contract of service with the Mudgee Region Tourism Inc, for the delivery of tourism services;
3. the contract to include the following key performance indicators:
 - i) Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct a bi-annual targeted campaign for participation in surveys about visitor experience in the Region
 - ii) Provide all tourism related businesses in the Region, whether a member of MRTI or not, with the opportunity to have a free website listing
 - iii) Attend and promote the Region at a minimum of 4 events per year held outside the Region to increase the number of domestic tourists to the Region (at least 2 events to be held in new target markets)
 - iv) Ensure monthly marketing communication with subscriber database
 - v) Promote tourism-related Council events in MRTI marketing material without normal membership limitations, where the event benefits the Region. The events promoted will be decided by the CEO of MRTI and the Council Events Coordinator or Economic Development Officer
 - vi) Ensure at least 15% of MRTI produced press releases for the Region's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong
 - vii) Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the Region each quarter
 - viii) Ensure all major events in the Region presented to MRTI are featured in What's On and Events Calendar
 - ix) Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the Region as a tourism destination and provide opportunity for Council's input
4. Council authorises the General Manager to enter into the 3 year contract with Mudgee Region Tourism Inc at a payment amount of \$340,000. Included in the contract is an amount to be invoiced to Mudgee Region Tourism Inc for \$13,000 for the lease of the Council owned property in Market Street Mudgee. The annual contract payment to be adjusted annually by the rate cap imposed on Council.
5. Council accepts the Mudgee Regional Tourism Inc commitment that they will change the constitution to give one Council representative full Board Status and the General Manager or his/her representative observer status at all Board

meetings and that this constitutional change will occur prior to the 30th June 2013.

6. Council accepts the Mudgee Regional Tourism Inc commitment that they will review the selection criteria for the appointment of Board members prior to the 30th June 2013 and thus this matter does not need to be a Key Performance Indicator

Detailed report

In November last year, the following resolution was passed by Council:

2. ***Council acknowledges that the payment to MRTI for services is on behalf of all ratepayers and not just the membership of MRTI:***
3. ***the Mayor, General Manager and Economic Development Officer negotiate a draft contract with MRTI including key performance indicators within that draft contract, that includes marketing of all businesses in the region, not just those that are members of MRTI. These negotiations will occur with the new Board after it has been appointed, which is expected to be late November. The negotiated draft contract be placed before Council for approval;***
4. ***Council advise Mudgee Regional Tourism Inc that it wishes to enter into negotiations for the renewal of a 3 year contract for the provision of tourism and marketing the region services;***
5. ***Pursuant to Section 55(3)(i) of the Local Government Act 1993, the Council resolves not to publicly advertise the tender of tourism visitor services for this region as there is no other provider in the region that can realistically undertake this service and that when the contract was last tendered, no tenderer from within the region indicated any interest in providing this service, and thus a satisfactory result would not be achieved by inviting tenders;***
6. ***Council include in the negotiations that the two Council appointed representatives become voting members of MRTI.***

In this resolution, Council authorised the Mayor, General Manager and the Economic Development Officer to commence negotiations on a draft new contract with Mudgee Region Tourism Inc (MRTI), commencing 1 July 2013 for a period of 3 years. Those negotiations have now been undertaken and to our belief, agreed by the MRTI Board on the Key Performance Indicators. This was confirmed in an e mail between the Chairman of the MRTI Board and the General Manager on Monday 11th February 2013.

However there is disagreement on the amount of the contract payment and the contract term. The current contract payment is for \$327,706 plus GST. Of that, MRTI is required to pay back to Council \$12,584 for rent on their Market Street Mudgee premises. Previous contractual agreements with Council shall increase the annual fee, by the amount of the rate cap imposed on Council. The rate cap for the 2013/14 year is set at 3.4%. If the 3.4% is added, the additional amount is \$11,114 and this report recommends that the contractual amount be rounded up to \$340,000 plus GST. For the rent of the building, the 3.4% equates to \$427 and is being recommended that the rental be rounded and set at \$13,000.

The MRTI want the annual contract payment to be \$360,000 and the term of the contract to be 5 years. My response to those issues has been in an e mail direct to the Board Chairman:-

The Council resolution is for a three year contract. As council has now accepted that the contract to MRTI does not need to go to tender then I believe that a three year contract is ok. If we went to a five year contract I would be recommending to council that the KPIs be reviewed after three years. It is just too long for KPIs go five years without review. Thus a three year contract achieves the same.

I will be recommending to Council that the fee is set at \$340,000 for the following reasons:-

- 1. Council has been restricted to a 3.4% rate increase. Any increase in contract payment to MRTI above that is using up any discretionary money that council will need for many other projects that are on the community expectation list.*
- 2. I believe that the MRTI have some ability to save on its expenditure costs which need to be addressed. At council we do this annually.*
- 3. Council funds the electricity usage at the MRTI premise which is normally a tenant cost. Council will continue to cover this cost. However MRTI need to be aware that this is a cost that legitimately could be passed on.*

The contract agreement in terms of the continuation of increased annual contractual fees beyond 2013/14 be determined by the rate cap imposed by Council.

The attached KPIs include the measurements and reporting required by the MRTI. Please note that the MRTI have agreed to amend their constitution by 30 June 2013 to allow one Councillor representative full Board status and that the General Manager, who is also a Council representative on the Board, but will retain observer status only. The MRTI Board commitment is that this will occur prior to the 30th June 2013. I believe this is a good outcome.

The MRTI Board have also agreed to review in conjunction with Council the selection criteria for the appointment of skills based Directors. The MRTI Board commitment is that this will occur prior to the 30th June 2013.

The contract will include the ability of both parties to renegotiate the KPIs on an annual basis if required. This will be by mutual agreement.

Financial implications

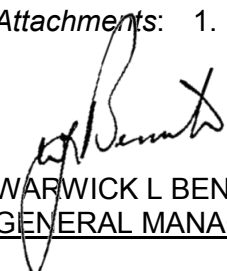
If the recommendation in this report is endorsed, Council will be required to fund in the 2013/14 financial year the sum of \$340,000, less the \$13,000 that will be charged to MRTI for the use of the premises in Market Street, Mudgee, a net cost to Council of \$327,000.

Strategic or policy implications

It is Council's current policy to contract out the tourism services to MRTI.

12 February 2013

Attachments: 1. MRTI KPI and measurement/reporting table



WARWICK L BENNETT
GENERAL MANAGER

MRTI KPI's for MWRC contract

No.	KPI	Measurement/Reporting for Quarterly Review
1	Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct a bi-annual targeted campaign for participation in surveys about visitor experience in the Region	Demonstrate visitor statistics and provide a copy of survey results and research undertaken
2	Provide all tourism related businesses in the Region, whether a member of MRTI or not, with the opportunity to have a free website listing	Provide all tourism related businesses in the Region, whether a member of MRTI or not, with the opportunity to have a free website listing
3	Attend and promote the Region at a minimum of four, events per year held outside the Region to increase the number of domestic tourists to the Region (at least 2 events to be held in new target markets)	Demonstrate MRTI's attendance and effective promotion of the Region at each event
4	Ensure monthly marketing communication with subscriber database	Demonstrate that a professional quality newsletter is distributed to subscriber database
5	Promote tourism related Council events in MRTI marketing material without normal membership limitations, where the event benefits the Region. The events promoted will be decided by the CEO and MWRC event coordinator or economic development officer.	List Council events as requested by Council in the weekly MRTI News email to members and Subscription Database communications
6	Ensure at least 15% of MRTI produced press releases for the Region's media coverage (achieved through PR activity)	Provide PR reports which identify all PR activity (by town, business and geographical coverage)
7	Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the Region each quarter	Provide evidence of media pitch for new (less than 2 years old) or different tourism businesses or attractions
8	Ensure all major events in the Region presented to MRTI are featured in What's On and Events Calendar	List all major events in the Region in What's On and Events Calendar (online and print)
9	Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the Region as a tourism destination and provide opportunity for Council input	Provide a copy of the annual marketing plan and monitor progress towards implementing monthly activities

**The MRTI board has agreed to put to its members the motion to amend the constitution by 30 June 2013, to allow at least one Council representative full board status and the General Manager or their nominee observer status at all MRTI board meetings.

***The MRTI Board has agreed to undertake with Council a review of the current process of selecting, assessing and appointing new board members, prior to the commencement of this contract

6.2.16 MRTI Quarterly Report December 2012

REPORT BY THE GENERAL MANAGER TO 20 FEBRUARY 2013 COUNCIL MEETING

MRTI Quarterly Report December 2012

A0100056, F0770077

RECOMMENDATION

That the report by the General Manager on the MRTI Quarterly Report December 2012 be received.

Detailed report

As per the funding and performance agreement entered into in June 2010 between Mudgee Regional Tourism Inc (MRTI) and Council, MRTI is required to report quarterly to Council on their performance.

The December 2012 quarterly report has been delivered to Council in accordance with this requirement and is attached for Council's consideration.

Financial implications

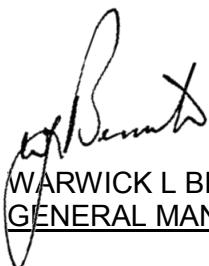
Not applicable.

Strategic or policy implications

Not applicable

8 February 2013

Attachments: 1. MRTI Quarterly Report – December 2012



WARWICK L BENNETT
GENERAL MANAGER



**Mudgee Region Tourism
Inc.**

**December 2012
Quarterly Report
for
Mid-Western Regional
Council**

MRTI December 2012 Quarterly Report Table of Contents

Contents

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Key Performance Indicators met December 2012 Quarter:	4
Finance Report	5
Membership Report	7
Statistics Report – Visitation.....	13

Executive Summary

Financial Summary

See Treasurer's report

Membership Summary

The current membership is 324 and as compared to 361 the same quarter in 2011.

Membership has decreased 10.24% on the same quarter in 2011. Variances in all sectors have reflected a decrease except for accommodation where memberships were both lost and gained so it has remained the same.

Rylstone Visitor Information Outlet – The Lollipop Shop in Rylstone is currently operating as a visitor information centre and the space is currently undergoing renovations to ensure the Mudgee Region Tourism brand is visible. Signage costs have been received and signage production is on hold while the budget is reviewed.

Kandos Visitor Information Outlet – Having reviewed three potential locations for the Kandos Visitor Information Outlet, Down the Track Cafe was approved as the new location. All materials were moved from Dollars 'n' Cents and relocated to Down the Track. Further signage is needed. Signage costs have been received and signage production is on hold while the budget is reviewed.

Staff Famils – With two new staff members joining the team, MRTI staff attended a famils in November visiting several member businesses over the course of one day, experiencing everything from budget-priced motels cafe dining and visiting an exclusive guesthouse. Another famil is planned to take place in March 2013.

Accommodation – Accommodation providers attended a three-hour workshop focusing on online marketing and using the V3 online booking system. It is hoped that all accommodation providers in the Mudgee Region will be using the V3 system by mid-2013. MRTI has investigated online booking systems for some time and has found V3 to be the most user-friendly and affordable.

Communication Tools – Having recently reviewed all communication tools, the website is being upgraded and will be functional by early February. The What's On has continued to fill a gap while MRTI prepared for the online events calendar to be upgraded. MRTI are currently preparing an Expressions of Interest document to send to designers and printers of Visitor Guides to tender for the 2013 Visitor Guide.

Marketing & Promotions Summary

MRTI are currently preparing an Expressions of Interest document to send to public relations consultants to tender for the 2013 MRTI public relations.

In the meantime Gabrielle Brewer PR have continued to manage the hosting of journalists to the area with media such as Lexus magazine and Donna Hay magazine visiting the Region.

Gabrielle Brewer PR has also distributed stories on Family Friendly finds in Mudgee Region, Gulgong Folk Festival and Cementa Festival.

Social Media the use of Facebook, Twitter, a blog, You Tube channel, Instagram Pinterest and Trip Advisor continue to increase and build interaction with our customers. The management of social marketing is now performed in-house with staff attending training sessions and now scheduling social marketing messages. This continues to develop.

Mobile Phone App – analytics July to September

During this quarter MRTI invited members who weren't advertising to take up a free six-month trial.

As at December 2012 there are a total of 72 commercial listings, of which 20 were included on a 'free-trial' basis. From end Dec 2011 to end Dec 2012 the App has been downloaded 5,790 times. In the past 12 months pages have been viewed 21,434 times. There is an average of 3.70 pages per visit with an average visit duration of 4.25 seconds. The android downloads continue to grow.

Statistics Summary Total Visitation for Mudgee Region Visitor Centres has decreased 8.75% on the same quarter in 2011 and the Gulgong visitation has decreased 37.6%. These percentages reflect similar reductions in the September 2012 quarter. The MRTI is reviewing sales targets and visual merchandising.

Finance Report

Mudgee Regional Tourism Inc - Treasurer's Report

Treasurer's Report – Q2/ December 2012

1. **Nature of Report**

- a. This is the financial report for second quarter of the MRTI 2013 financial year, given to Mid-Western Region Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.
- b. The report demonstrates the trading result for the first half of the financial year ending 31 Dec 2012.

2. **Accounting Conventions**

- a. The attached P&L and Balance Sheet have been prepared directly from the MYOB General Ledger with no external intervention other than formatting.
- b. Accrual accounting is used under GAAP.
- c. The Budget for the year has been included for comparative purposes.

3. **Overall Result**

- a. The attached P&L and Balance Sheet have been prepared directly from the MYOB General Ledger. The overall result of actual to budget is a loss of -\$26,236.92. As council would be aware, MRTI carried a substantial profit from last two years into this financial year. It should however be understood that MRTI policy is to try and have a break even budget, so this historical "profit" will need to be spent on operations and marketing the region, resulting in a loss for this individual year but a net break even over the three years. Major costs being undertaken are the rebuilding of our website, and an expense shift from regional marketing to wages as we have brought out sourcing social media and updating our phone apps in house. There has also been a substantial increase in membership fees for Central NSW Tourism. There is however a decrease in income trading in the visitor centres and a reduction in income from membership.

4. **Trading Income**

- a. While trading income totalled \$363,932 which is \$21,008 under budget or 5.5%, this is a modestly better result from the first quarter. The board is looking at options to further increase this rise to bring to closer to the original budget figure.

5. **Total Income**

- a. Overall income indicates a loss to budget of \$9830, being 2.9% below the budget forecast for the period under review. The largest contributor to this is web site advertising which has been somewhat replaced by members taking up the Apple and Android Apps.

6. **Total Expenses**

- a. Total expenses are \$360,445 or 5.2% over budget. Major contributor here is the \$10,000 increase in fees to Central NSW Tourism
- b. As there has been a cash surplus to budget over the last 2 years, this is being spent now as we put our marketing strategies in place to move forward.

7. **Cash Funds**

At the end of the first half of the financial year the majority of the current assets is cash \$287,483

8. **Balance Sheet**

- a. A balance sheet is included as part of this report.
- b. Total assets are very strong. The major component in liabilities is the accrual of prepaid income, which will be amortised during the 2012/13 financial year.

9. **Auditor**

James Sullivan, from Lawrence, Bennett & Portelli will again act as auditor.

Mudgee Region Tourism

84 Market Street
MUDGEE NSW 2850

Profit & Loss [Budget Analysis]

July 2012 through December 2012

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	Selected Period	Budgeted	\$ Difference	% Difference
Income				
Retail Sales				
Income Mudgee	\$50,289.11	\$57,351.82	-\$7,062.71	(12.3%)
Income Gulgong	\$4,210.96	\$11,642.96	-\$7,432.00	(63.8%)
Total Retail Sales	\$54,500.07	\$68,994.78	-\$14,494.71	(21.0%)
Membership Income				
Membership Fees	\$25,018.32	\$27,000.00	-\$1,981.68	(7.3%)
Web Pages	\$15,303.71	\$23,007.46	-\$7,703.75	(33.5%)
Total Membership Income	\$40,322.03	\$50,007.46	-\$9,685.43	(19.4%)
Banner Advertising	\$231.88	\$0.00	\$231.88	NA
App Advertising	\$6,420.42	\$6,000.00	\$420.42	7.0%
Grants	\$6,250.00	\$0.00	\$6,250.00	NA
Visitor Guide Advertising	\$87,604.50	\$90,000.00	-\$2,395.50	(2.7%)
Booking Agency Fees	\$244.76	\$500.02	-\$255.26	(51.0%)
MWRC Contract	\$163,853.12	\$164,338.62	-\$485.50	(0.3%)
Other Income				
Freight	\$16.28	\$50.02	-\$33.74	(67.5%)
Sundry Income	\$170.00	\$50.02	\$119.98	239.9%
Total Other Income	\$186.28	\$100.04	\$86.24	86.2%
Interest Received	\$4,319.09	\$5,000.02	-\$680.93	(13.6%)
Total Income	\$363,932.15	\$384,940.94	-\$21,008.79	(5.5%)
Cost Of Sales				
COGS Retail				
COGS Mudgee	\$27,040.30	\$33,258.49	-\$6,218.19	(18.7%)
COGS Gulgong	\$2,682.97	\$7,643.51	-\$4,960.54	(64.9%)
Total Cost Of Sales	\$29,723.27	\$40,902.00	-\$11,178.73	(27.3%)
Gross Profit	\$334,208.88	\$344,038.94	-\$9,830.06	(2.9%)
Expenses				
Advertising	\$2,368.22	\$2,000.02	\$368.20	18.4%
Audit Fees	\$3,999.96	\$3,999.98	-\$0.02	0.0%
Bank Charges	\$437.09	\$750.00	-\$312.91	(41.7%)
Bank Charges - Merchant	\$2,050.06	\$2,000.02	\$50.04	2.5%
Cleaning	\$1,890.00	\$2,499.98	-\$609.98	(24.4%)
Computer Expenses				
Computer Costs	\$1,448.71	\$999.98	\$448.73	44.9%
Computer Rental Expense	\$0.00	\$1,500.00	-\$1,500.00	(100.0%)
Total Computer Expenses	\$1,448.71	\$2,499.98	-\$1,051.27	(42.1%)
Depreciation				
Dep'n Plant & Equipment	\$6,300.24	\$5,000.02	\$1,300.22	26.0%
Total Depreciation	\$6,300.24	\$5,000.02	\$1,300.22	26.0%
Electricity	\$1,108.93	\$1,500.00	-\$391.07	(26.1%)
Freight & Cartage	\$113.50	\$500.02	-\$386.52	(77.3%)
Gulgong Office Costs	\$800.23	\$50.02	\$750.21	1,499.8%
Insurance	\$1,569.99	\$2,000.02	-\$430.03	(21.5%)
Insurance - Workers Comp	\$528.49	\$750.00	-\$221.51	(29.5%)
Motor Vehicle Expenses				
Motor Vehicle Running	\$3,526.83	\$2,499.98	\$1,026.85	41.1%
MV Interest	\$847.24	\$1,500.00	-\$652.76	(43.5%)
Total Motor Vehicle Expenses	\$4,374.07	\$3,999.98	\$374.09	9.4%
Office Supplies	\$1,721.13	\$2,499.98	-\$778.85	(31.2%)
General Postage	\$395.07	\$999.98	-\$604.91	(60.5%)
Member Expenses	\$2,888.01	\$1,749.98	\$1,138.03	65.0%
Printing & Stationery	\$2,512.49	\$1,500.00	\$1,012.49	67.5%
Professional Fees				
Account Services	\$7,862.50	\$9,000.00	-\$1,137.50	(12.6%)
Legal Fees	\$0.00	\$999.98	-\$999.98	(100.0%)

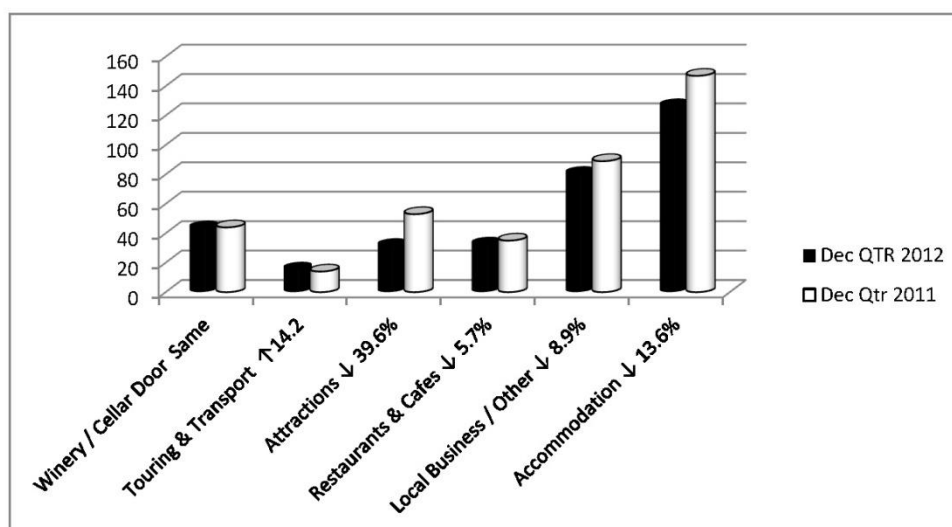
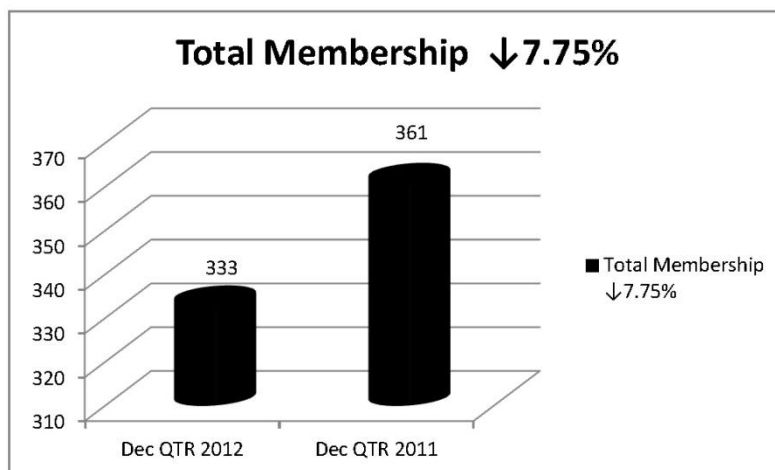
Mudgee Region Tourism84 Market Street
MUDGEE NSW 2850**Balance Sheet****As of December 2012**29/01/20
10:24:55 AM

Assets	
Current Assets	
Cash on Hand	\$189,604.86
Debtors	\$15,868.60
Stock on Hand	\$20,388.97
Prepayments	\$81,620.92
Total Current Assets	<u>\$287,483.35</u>
Non-Current Assets	
Motor Vehicle (Nett)	\$19,980.00
Office Furn & Equip (Nett)	\$10,069.72
Total Non-Current Assets	<u>\$30,029.72</u>
Total Assets	<u>\$317,513.07</u>
Liabilities	
Current Liabilities	
Trade Creditors	\$7,044.04
Accruals	\$11,717.28
Hire Purchase	\$15,616.36
GST Liabilities	\$2,667.42
Payroll Liabilities	\$9,371.64
Prepaid Income	\$136,800.63
Ticket Sales	\$6,819.87
Total Current Liabilities	<u>\$190,037.24</u>
Total Liabilities	<u>\$190,037.24</u>
Net Assets	<u>\$127,475.83</u>
Equity	
Retained Earnings	\$153,712.75
Current Earnings	<u>-\$26,236.92</u>
Total Equity	<u>\$127,475.83</u>

Membership Report

Membership

Membership at MRTI has decreased 8.75% on the same quarter in 2011. This decrease has been shown in tourism businesses across the board with accommodation remaining the same. The accommodation figures are the same which hides the fact that the MRTI lost some properties to permanent rental, however, we also attracted some new properties which has effectively sustained those numbers.



During the December 2012 quarter, MRTI completed the following for our members:

- Sent Visitor Guides to all the NSW Visitor Information Centres for distribution
- Distributed weekly e newsletters to members
- Provided ongoing online services with bookings, merchandise sales and public relations
- Organised and delivered staff training sessions on the visitmudgeeregion app and social marketing
- Advised and provided information to assist members in booking online visitor guide ads.
- Updated and maintained our web site, sold tickets for Gulgong Folk Festival.
- Assisted in the provision of information in regard to major events in the Region including Gulgong Folk Festival and Cementa Festival in Kandos.
- Attended weekly meetings with MWRC events coordinator Alayna Shackleton

- Attended monthly meetings with the MWGGA and MFFI
- Assisted in the funding and coordination of the Mudgee Region Excellence Program for wait staff training.
- Attended monthly meetings with Central NSW Tourism, Gulgong Chamber of Commerce and Rylstone/Kandos Business and Tourism group.
- Held a Visitor Economy Gulgong workshop with select Gulgong business owners to discuss future marketing of Gulgong.
- Collaborated with the Gulgong Chamber of Commerce to host a Business drinks event at the Gulgong Visitor Information Centre.

Mudgee Region Tourism Inc

Public Relations Report – October/November/December 2012

Prepared by Gabrielle Brewer Lifestyle & Tourism PR

Summary

- From Oct-Dec 2012 we hosted three media visits on 2-3 day itineraries for 'Gourmet Traveller Wine' magazine; 'Donna Hay' magazine; and 'Lexus' drive magazine – these three media groups visited over 30 MRTI partners throughout the Mudgee Region
- PR presentation at Annual General Meeting – Gabrielle prepared and presented a PR report at the MRTI AGM on 22 November 2012. The 30min presentation to 70+ members recapped on the aim of the PR program; results summary with advertising and PR value; background on the program; and highlights with visual examples of the publicity. After the AGM Gabrielle met with new members at Kandos including Buds and Bikes and Down the Track
- Around 30 articles were published promoting various sensory experiences and events in the Mudgee Region. Highlights were a 1-page feature in the Australian Financial Review Life & Leisure newspaper; a 6-page feature in Masterchef magazine; produce stories in the Sydney Morning Herald Good Taste and The Weekend Australian; Ken Sutcliffe celebrity endorsement of Mudgee in Escape in The Courier Mail (QLD); a 5-page destination feature in OUTThere in-flight magazine; an 8-page Mudgee wine drive story in Gourmet Traveller Wine; and radio features on 2GB Travel; ABC Central West and Real FM
- 4 x press releases written and issued to over 400+ media contacts with images. GBPR also followed by key media with phone-calls and pitched angles to different media to secure coverage:
 - “Young Mudgee Winemaker Announced Best in Australia” - followed up and pitched 'young winemakers' story to key media for feature idea
 - “Country Fun for the Family in the Mudgee Region - Australian Celebrities Share Top Tips” – followed up and pitched 'family angle' to around 15 media contacts
 - “New arts festival cements Kandos' future : 1-4 February 2013” - researched and wrote press release for new contemporary arts festival in Kandos
 - “Gulgong Folk Festival” – release provided by event manager and GBPR distributed and followed by key contacts for coverage

Media Visits

- 'Gourmet Traveller WINE magazine' Sabine Schmitz and Bernhard to photograph Sophie Otton's destination feature in December issue (4-7 October)
- 'Donna Hay Magazine', Melanie Hansche (editor) and Jason Hoy (wine writer), 19-21 October, for research and magazine content
- 'Lexus' Magazine, Rod Eime (writer) and Matt Lowden (photographer) for a 5-page feature to appear in the magazine's Autumn edition for 2013. The magazine is a quarterly publication, provided to all owners of a new Lexus vehicle for the first three years

5. Publicity Results Table

The PR generated over 30 articles to promote the Mudgee Region in October, November and December 2012

October		
	<ul style="list-style-type: none"> • Radio interviews on Real FM and ABC Central West with Dougald Saunders • 'Tourism Australia' have included it in their newsletter this week which goes to hundreds of registered media and overseas offices, with a hero image -. http://www.media.australia.com/en-au/newsletters/media-newsletters_9219.aspx • Visit Vineyards - http://www.visitvineyards.com/new-south-wales/wine/vineyards-wineries/wine-food-travel-articles/jacob-stein-wins-gourmet-traveller-young-winemaker-of-the-year-2012 • Drinks Trade - http://www.drinkstrade.com.au/default.aspx?id=296 • The Shout - http://www.theshout.com.au/2012/09/26/article/Winemaker-of-the-Year-revealed/TPDCCXQQOY.html 	
The Sydney Morning Traveller	'Bikes, Bumps and Brews' Andrew Bain has featured the Mudgee Region as a suggested cycling destination in NSW and plugs the ride booklet – this is part of a larger ride feature on Victoria	circ 170,000
The Wanderer	'Gulgong, more than a \$10 town' a large destination focus with images on Gulgong highlights the history, events and attractions	circ 30,532
The Weekend Australian	A lovely 'Home and Away' review by Michelle Rowe of Trelawney Farm	285,644
The Sunday Telegraph Body and Soul	a feature on the 'Best NSW Farm Tours' features the Mudgee Farm Walks	610,253
North West Magazine	'Flavours of Mudgee' event as part of the event featured in the magazine	45000
The Sunday Telegraph Escape	"Adventure in vintage form" Whether the world's greatest wine regions or emerging well-kept secrets, here are some worth toasting, writes Tony Love – Mudgee is featured as the first wine region in this nationwide feature. It features Robert Oatley, di Lusso, The Tannery, de Russie Suites, Logan and Lowe Wines Download print article	circ 610,253
November		
Masterchef Magazine	6-page feature "Mudgee - Heritage streetscapes, highly regarded wineries, great produce – no wonder this region is one of NSW's star attractions" features Eltons, Butcher Shop Café, Alley Cats, Sajos, Roths Wine Bar, Robert Stein, di Lusso Estate, Logans, Mudgee Brewing, Mudgee Farmers Markets, the September Wine Festival and Go Grazing, Ormiston Free Range Pork, Leaning Oak, Evanslea, Cobb & Co, Botobolar	circulation 78,721
The Sydney Morning	"Golden harvest hits the spot - Capertee Valley is home to	

Herald 'Good Food'	<i>an exotic crop among the world's most expensive, writes John Newton.</i> Capertee Valley Saffron John was a guest of our media visits program in September and is a renowned freelance food writer	
The Weekend Australian 'A-Plus'	Cutting Board column features the Mudgee Farmers Markets, Capertee Valley saffron and John Grant's sourdough bread	
The Weekend Australian 'A-Plus'	Cutting Board column features the Mudgee Farmers Markets and Nanima Farm Lamb	
The Courier Mail, Queensland	'My Holiday with Ken Sutcliffe – Grapevine Getaway' Ken shares his passion for Mudgee and why it's a favourite getaway – from the "one of the best country golf courses in NSW", to "fabulous facilities in regards to sport. They just got a \$14 million sporting complex with a grandstand." and "it's a sophisticated town of 10,000 people with its own identity", plus Ken talks about accommodation, towns like Gulgong, history, activities, nature, events, food, wine and the café society – worth a read! Includes Robert Oatley, The Oriental Hotel, Blue Wren Winery, Gulgong, Bunnamagoo <ul style="list-style-type: none"> • Plus online website article 	circulation 250,988
Life and Leisure, Australian Financial Review	' <i>Treasures in the Hills, Marguerite Winter samples some of Mudgee's fine food and wine</i> '. A glowing and beautiful profile of Mudgee as a region, its 150 year wine-making history, the new generation of winemakers, varieties and examples of cellar doors and events, plus cites examples of the region's appeal to live in and work. It includes Skimstone, Di Lusso Estate, Andrew Stein, Mongrel Wines, Lowe Wines . There is also a 'Need to Know' box with travel info and facts on the Region including location, Aeropelican flights, the nature, villages of Rylstone and Gulgong, Mudgee Fine Foods, accommodation at Trelawney Farm, de Russie Suites, Evanslea, Cobb & Co, Wildwood . <ul style="list-style-type: none"> • Plus online website article 	circulation 71,061 on Sat and 361,000 (3 days)
Out and About with Kids	A feature on family holidays in the Mudgee Region on their website's home-page with lovely images - http://www.outandaboutwithkids.com.au/country-fun-in-the-mudgee-region	
Dubbo Liberal	"Mudgee Region a choice for variety filled break" Download print article	circulation 4,456
EgloboTravelMedia -	http://www.eglobaltravelmedia.com.au/destinations/country-fun-for-the-family-in-the-mudgee-region-australian-celebrities-share-top-tips.html	
Radio 2GB Travel Show	Destination feature on Mudgee by Glen Wheeler at 9.07am on 25 November with Radio 2GB Travel Show	
December		
Forbes Advocate	'Country fun for the family' a story on Mudgee Region for a family getaway	circulation 1,902
The Sun-Herald Travel	'A Taste of the Suite Life' an excellent 1-page review of de Russie Suites new accommodation with suggestions in and around town <ul style="list-style-type: none"> • plus online website article 	circulation 346,960

OUTThere Magazine	5-page feature 'All consuming Mudgee, taking his cue from Mudgee's food and wine experts, Patrick Haddock eats and drinks like a locavore in this not so sleepy town' features The Tannery, Butcher Shop Café, Robert Stein, Logans, Lowe Wines, Roths, Sajos . It also mentions pubs The Oriental and Lawson , other accommodation at Cobb & Co , wineries Skinstone, Bunnamagoo Estate, Robert Oatley, Mongrel, Mudgee Fine Foods and the markets, Market Street Café; Ormiston Free Range	220,000 in December issue
Gourmet Traveller Wine Magazine	8-page feature 'Wine Traveller Great Wine Drives' is on the Mudgee Region – a story written by Sophie Otton when she came to Mudgee to interview Jacob Stein, and we subsequently hosted photographer Bernhard Schmitz on a 3-day trip to capture the stunning visuals. The inspiring 3-day drive captures the positive vibe of the region and suggests a variety of cellar doors, winemakers, accommodation, restaurants, cafes, history and attractions along the way. The MRTI visitor service also features strongly <ul style="list-style-type: none"> • Wineries - Logans, Robert Stein, Lowe, High Valley, di Lusso Estate, Huntington, Bunnamagoo, Robert Oatley Vineyards, • Accommodation - De Russie Suites, The Tannery, Mudgee Homestead Guesthouse, Cobb & Co, Wildwood, Trelawney Farm, • Eating out - Market Street Café, Alley Cats, Butcher Shop Café, Roths Wine Bar, 29 Nine 99, Mudgee Brewing Co, The Oriental • History - Henry Lawson Centre, Pioneer Museum 	circulation 21,200

Social Marketing Report

FACEBOOK:

Likes are now 740 which is a steady incline from 715 likes at end September.
 99 are talking about us which has risen from 88 talking about us at end October.
 People talking about us peaked on 12 December during the MRTI Barnados Christmas present challenge. This also saw a peak in new likes.

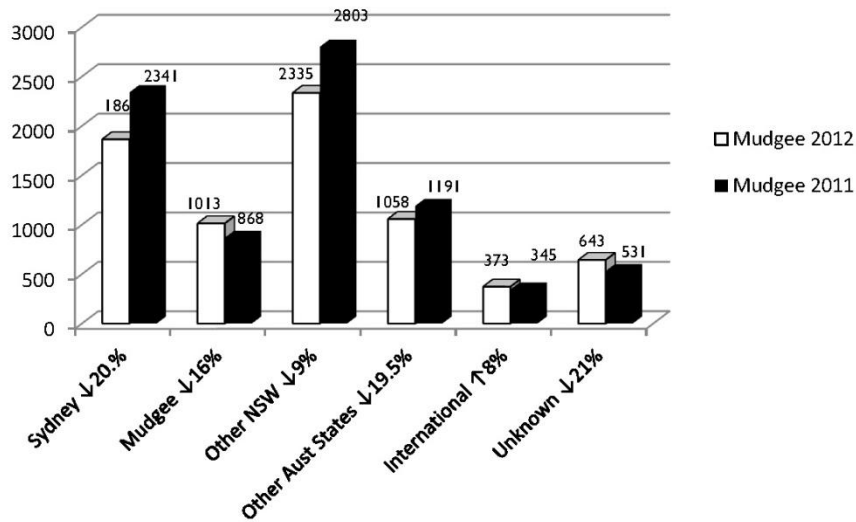
TWITTER: 834 tweets, 101 following, 352 followers. This is slowly increasing.

PINTEREST: 31 followers, 9 boards, 212 pins

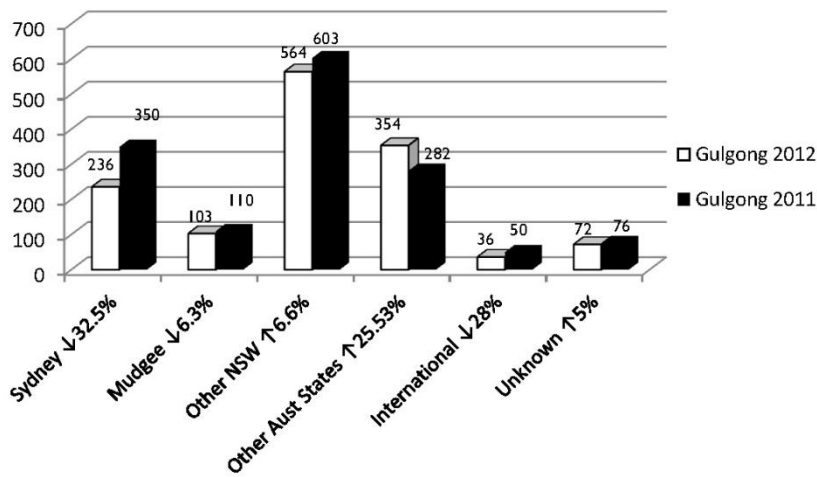
YOUTUBE: 5 channel subscribers, 2981 footage views, 8 MRTI movies uploaded
 89 movies added to playlists

Statistics Report – Visitation

Mudgee Visitor Centre December Qtr

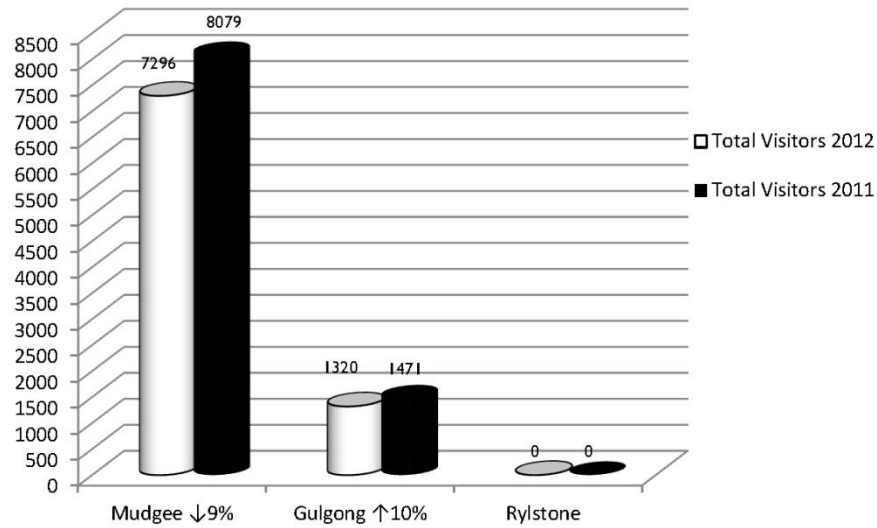


Gulgong Visitors Centre December Qtr



Total Visitation for Mudgee Region Visitor Centres has decreased 8.75% on the same quarter in 2011 and the Gulgong visitation has decreased 37.6%. No figures have been received from Rylstone, however, statistic sheets are now being provided to Rylstone so we will begin to receive some visitation numbers in the next quarter.

Total Visitors for December Qtr 2012 as compared to previous year



	Dec Qtr 2012	Dec Qtr 2011	Percentage Increase/Decrease
Membership			
Current Membership	333	361	↓9%
Membership Breakdown	2012	2011	Increase/Decrease
Winery/Cellar Door	44	44	Same
Touring & Transport	16	14	↑14.28
Attraction	48	53	↑9%
Restaurant	33	35	↓6%
Local Business/Other	81	89	↓8.98%
Accommodation	120	126	↓5%
Membership Totals			
Statistics	2012	2011	
Visitor No: Mudgee	7296	8079	↓9.69%
Visitor No: Gulgong	1320	1414	↓0.2%
Visitor No: Rylstone	n/a	n/a	↓%
Total Visitor No	8616	9493	↓9%
Telephone Enquiries	2770	3372	↓17%
Website Statistics			
Unique Visitors	20302	14148	↑43%
Pages	201107	151351	↑32%
Hits	1703253	1254918	↑35%
Member Web Pages	177	352	↓49%
Staff			
Total Hours Worked Mudgee	1841	2159	-14.7% (Includes all administration Hours and 23 hours CEO)
9am - 5pm - 7 days per week			
Total Hours Worked Gulgong	357.5	357.5	0%
5 Days per week 5.5 hours per day			
Total Hours Worked Rylstone	42	N/A	↑42
Total Hours Worked	2254.5	2516.5	-14%

Key Performance Indicators met December 2012 Quarter:

During this quarter MRTI met the following obligations to Mid-Western Regional Council to provide Visitor Information Services as detailed in **Section 5** of the agreement dated 21 June 2010 between Mid-Western Regional Council and Mudgee Region Tourism Inc. These are outlined below:

- (a) MRTI will provide the Visitor Information Services in a proper and efficient manner from the Mudgee Visitors Information Centre at 84 Market Street, Mudgee on a seven (7) day a week basis between the hours of 9.00am to 5.00pm, in Gulgong from premises known as 'The Shanty' on a five (5) day basis between the hours of 10.00am and 3.00pm (Thursday to Monday) or such other premises in those respective towns as MWRC and MRTI may agree and in doing so will provide a range of services at least comparable with those services provided by MRTI under the Funding and Performance Agreement between the parties for the period from 1 July 2010 - 30 June 2012. KPI fully completed.

During the continuance of this Agreement, MRTI must:

- (i) Participate in at least 2 significant tourist trade shows annually in major cities to increase the number of domestic tourists to the LGA
 - (ii) Develop key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct a bi-annual targeted campaign for participation in web based surveys about visitor experience in the LGA.
 - (iii) Ensure that the Visitor Centres and other suitable locations outside the LGA are stocked sufficiently to promote the LGA's attractions as a tourist destination
 - (iv) Develop and update from time to time a promotional booklet(s) that covers the LGA.
 - (v) Review and update from time to time its constitution to ensure that this document is and remains relevant and effective for the efficient provision of Visitor Information Services
- KPI fully completed.
- (b) In performing the Visitor Information Services, MRTI will operate as a principal and will not hold itself out as being the agent or contractor of MWRC or purport to bind MWRC under any contract or agreement with third parties or otherwise incur any liability on behalf of MWRC.
- KPI fully completed.

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