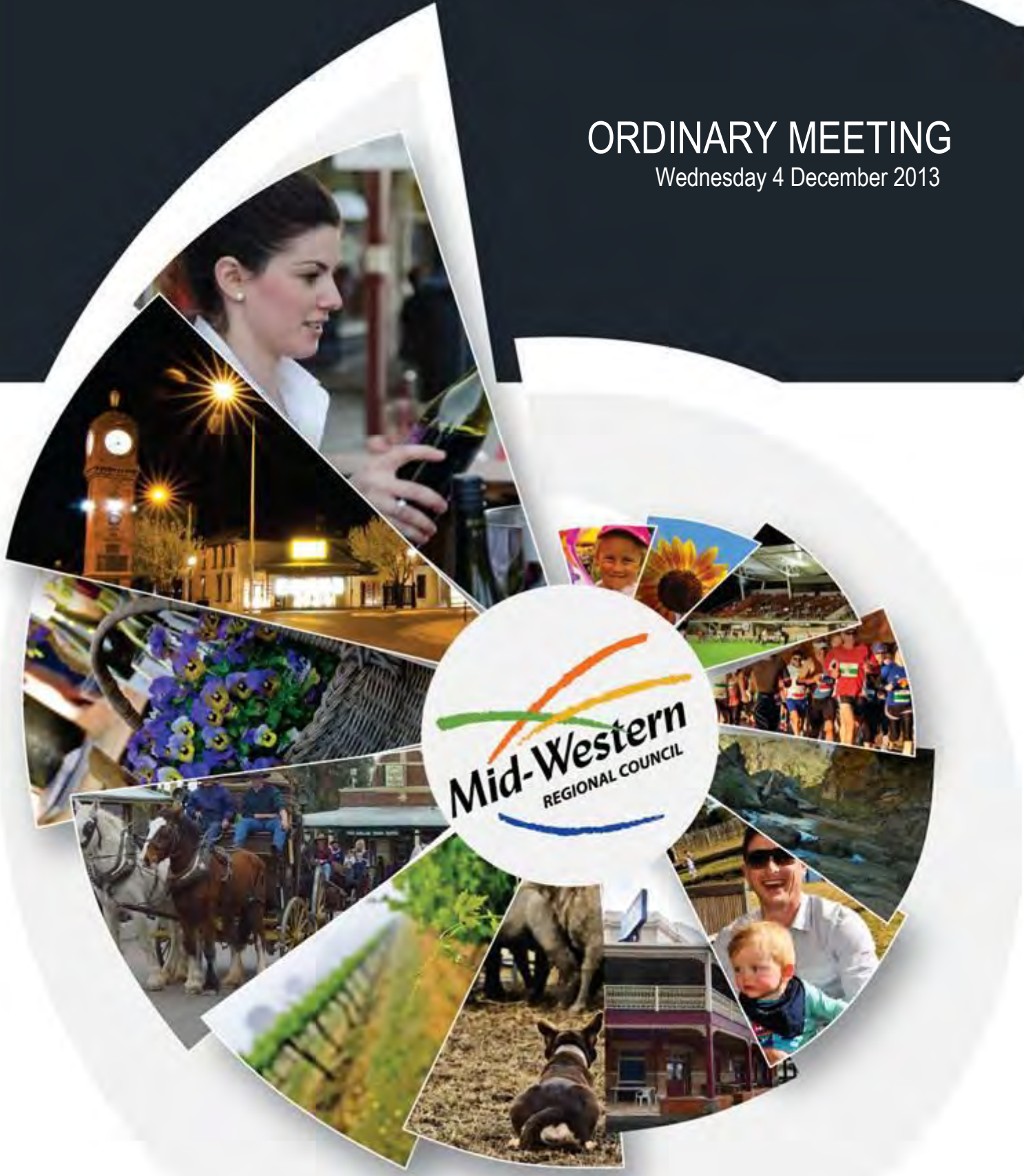




ORDINARY MEETING

Wednesday 4 December 2013





PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
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27 November 2013

Dear Councillor

MEETING NOTICE
Ordinary Meeting
Wednesday, 4 December 2013
Open Day at 5.30pm
Council Meeting commencing at conclusion of Open day

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Warwick L Bennett".

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 20 November 2013

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 20 November 2013, Minute Nos 457/13 to 484/13 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 20 November 2013, commencing at 5.56pm and concluding at 7.56pm.

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

The Mayor congratulated Catherine Van Laeren, Director Development and Community Services, who was recently honoured as a Fellow of the Planning Institute of Australia.

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.1.1 as he is the owner of the subject land.

Councillor White declared a pecuniary conflict of interest in Item 6.2.16 as she is employed in the tourism industry and MRTI is a financial member of the organisation she is employed by.

Item 3: Confirmation of Minutes

457/13 MOTION: Cavalier / Shelley

That the Minutes of the Ordinary Meeting held on 6 November 2013 (Minute Nos. 424/13 to 456/13) be taken as read and confirmed.

The motion was put and carried.

Item 4: Matters in Progress

458/13 MOTION: Shelley / Cavalier

That Minute nos. 192/13, 193/13 and 194/13 be noted as completed.

The motion was put and carried.

Mid-Western Regional Council

Date: 20 November 2013

459/13 **MOTION:** Cavalier / Shelley**That Minute no. 328/13 be noted as completed.***The motion was put and carried.***Item 5: Mayoral Minutes**

There was no Mayoral Minute.

Item 6: General Business**460/13** **MOTION:** White / Cavalier**That Council consider Notice of Motion 6.3.1 as the first item of General Business.***The motion was put and carried.***6.3 NOTICES OF MOTION****6.3.1 WATER SECURITY WINDAMERE DAM**

GOV400029, GOV400022

461/13 **MOTION:** Cavalier / Walker**That:**

1. Council adopt as a policy position its strong opposition to the release of water from the Windamere Dam and the Cudgegong Valley to the Burrendong Dam;
2. Council acknowledges that the current drought conditions show no sign of relief as the long-term weather forecast does not give any indication that any substantial quantity of rain will relieve these drought conditions, and thus raiding the Windamere Dam of a base load of water is highly inappropriate;
3. Council as a matter of urgency organise a meeting with the Member for Orange, the Member for Dubbo, the Water Security Committee and senior representatives from NSW Office of Water to discuss the release of water from the Windamere Dam which forms part of the Water Sharing Plan for the Macquarie & Cudgegong Regulated Rivers Water Source and the future of water licences held by Cobbora Holding Company;
4. Council seeks clarification on the use of the water supply from Dunn Swamp for the Windamere Dam.

The motion was put and carried.

462/13

MOTION: Thompson / Martens

That Council invite representatives of the NSW Office of Water to address Council on the water sharing agreement between Burrendong and Windamere Dams.

The motion was put and carried.

6.1 RESCISSION MOTIONS

6.1.1 PLANNING PROPOSAL – ULAN ROAD

Councillor Kennedy declared a pecuniary conflict of interest in Item 6.1.1 that he is owner of the property subject to the rescission motion, vacated the Chair and left the meeting at 6.07pm and did not participate in discussions or vote in relation to this matter. In his absence Councillor Cavalier assumed the Chair.

GOV400029, GOV400022

463/13

MOTION: Walker/Cavalier

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – 220 Ulan Road Mudgee be received;
2. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for residential development;
3. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
4. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

AMENDMENT: White/Martens

That consideration of this matter be deferred to permit preparation of a more detailed report including a study into the impact on adjoining land.

The amendment was put and lost. The motion was put and lost on the casting vote of the Chairperson.

be and is hereby rescinded.

Mid-Western Regional Council

Date: 20 November 2013

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

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

464/13

MOTION: Walker / Shelley**That:**

1. Council prepare an amending Local Environmental Plan for 220 Ulan Road to provide for low density residential development with a minimum lot size of 2000m²;
2. the Planning Proposal under section 55 of the Environmental Planning and Assessment Act for 220 Ulan Road Mudgee be forwarded to the Department of Planning and Infrastructure seeking a Gateway Determination;
3. a further report be presented to Council upon the completion of the exhibition addressing any submissions.

AMENDMENT: Thompson / Martens

That an independent study of this immediate area be undertaken by an independent consultant on the cost of water, sewerage, Ulan Road, AREC and the airport, to ratepayers of this development, and a report be brought back to Council.

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

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

Mayor_____
General Manager

Mid-Western Regional Council

Date: 20 November 2013

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

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

Councillor Kennedy returned to the meeting at 6.36pm and resumed the Chair.

6.2 REPORTS TO COUNCIL

6.2.1 PLANNING PROPOSAL – MOTEL 16 SYDNEY ROAD MUDGEE
 GOV400029, A0420246

465/13

MOTION: Walker / Weatherley

That:

1. the report by the Environmental Town Planner on the Planning Proposal Motel 16 Sydney Rd be received;
2. Council proceed to amend the MWRC LEP 2012 to include a Motel as a Schedule 1 Use on the site 16 Sydney Rd, Mudgee.

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

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

Mid-Western Regional Council

Date: 20 November 2013

**6.2.2 DA0043/2014 – SUBDIVISION (1 LOT INTO 2 LOTS), 6
AVISFORD COURT MUDGEE, LOT 2 DP 1175532**

GOV400029, A0100056, P21689

466/13

MOTION: Walker / Thompson**That:**

1. Development is to be carried out in accordance with stamped plan:
 - Plan of Subdivision of Allotment 2 DP 1175532, Surveyor Gregory David Monk, Surveyors Ref 19919_L01 and Statement of Environmental Effects both prepared by Barnson and forming part of the development application received by Council on 01 August 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.
2. The subdivision must be undertaken in accordance with the Bushfire Safety Authority issued by the NSW RFS on 16 September 2013, Ref D13/1931.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE – FUTURE DEVELOPMENTS

3. Consent granted under Section 68 of the Local Government Act 1993 is to be obtained from Council prior to the carrying out of any future plumbing and drainage works.
4. All future plumbing and drainage works must be carried out by a licensed Plumber and Drainer and are to comply with the Plumbing Code of Australia and associated Australian Standards.

Note: this includes achieving adequate separation between services.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE – PRIVATE WATER SUPPLY

5. Details of the proposed private water supply system are to be provided to Council with the application for Construction Certificate. The proposed allotments will not have access to an urban reticulated water supply.

Note: the system is to include a restriction of connection that limits the potable water reticulated supply to 2.5L/minute per allotment. The restrictor is to be provided on the Council side of the water meter and is to be installed by Council.

6. A Construction Environmental Management Plan (CEMP) for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". The CEMP is to at a minimum address the following points:
- Single strip of turf to be laid behind kerb and gutter.
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;
 - A schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage;
 - Details of fill including source material and compaction methods;

PRIOR TO THE COMMENCEMENT OF WORKS

7. No construction is to commence before a *Construction Certificate* is issued for the proposed private water supply systems. The works are to be constructed in accordance with the plans and specifications referred to in the *Construction Certificate*.
8. All relevant measures specified in the CEMP are to be in place prior to the commencement of works.

ENGINEERING CONSTRUCTION

9. 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.
10. Interallotment drainage is to be provided to remove stormwater from any allotments that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any interallotment drainage.
11. All finished surface levels shall be shown on the plans submitted for the *Construction Certificate*. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial allotments shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
12. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

WATER AND SEWER

13. 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.
14. The applicant is to provide separate water and sewer services to each allotment.
15. The developer is to extend and meet the full cost of water/ sewerage reticulations to service the new allotments 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.
16. Three metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

INSPECTIONS

17. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Water and sewer line testing
 - Practical Completion

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

18. The private water supply systems for each allotment are to be constructed at the applicants expense such that a future dwelling or development on the site can connect directly to them.
19. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
20. 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.

21. 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.
22. 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.
23. Following completion of the subdivision works, one full set of work-as-executed plans, in pdf and dwg format, which is "Autocad compatible" is to be submitted on disk to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
24. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - (a) A certificate from an Energy supplier indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - (b) A certificate from Telecommunications provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
25. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Catchment 2 – 1 Additional Allotment

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,137.30
<i>Open Space</i>	
Local Open Space	\$1,786.20
District Open Space	\$2,424.20
<i>Community Facilities</i>	
Library Buildings	\$233.70
Library Resources	\$280.20
<i>Administration</i>	
Plan Administration	\$545.30
PAYABLE per allotment	\$6,406.90
TOTAL PAYABLE	\$6,406.90

26. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:
- (a) Payment of a contribution for water and sewerage head works at the following rate:
- | | |
|---------------------|---|
| Water Head works | \$12,051.00 per allotment = \$12,051.00 |
| Sewerage Head works | \$3,852.00 per allotment = \$ 3,852.00 |
27. The developer is to provide a water service and meter for each allotment in the subdivision. This can be achieved by making a payment to Council of \$1,650.00 per allotment to cover the cost of installing both the service and a 20mm meter on the water main.
28. The developer is to provide a sewer junction for each allotment in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per allotment to cover the cost of installing the junction.
Note: Council does not permit other bodies to insert new junctions into 'live' sewer mains.
29. A Restriction as to user is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that all buildings are to be within the prescribed building envelope depicted on the approved subdivision plan.
30. Each allotment in the subdivision is to be provided with frontage to the public road network such that the access handle shall be split into two equal parts and equally owned by each allotment. A reciprocal right of carriageway shall be created over each of the allotments.

- 31. A Positive covenant is to be placed on the title of each new allotment in accordance with the Conveyancing Act which states that while the allotments are connected to the reticulated water supply system, the level of service cannot be guaranteed. The positive covenant shall also state that the restrictor placed on the water meter is not to be removed. Council is to be a benefitting authority.**

AMENDMENT: Martens / Webb

That:

1. the report by the Environmental Town Planner on the DA0043/2014 - Subdivision (1 Lot into 2 Lots) 6 Avisford Court Mudgee be received;
2. the Development Application DA0043/2014 the DA0043/2014 - Subdivision (1 Lot into 2 Lots) 6 Avisford Court Mudgee be refused for the following reasons:
 - a) The proposed lots do not meet the requirement for reticulated water services in order to activate the Area B Minimum Lot Size requirements specified in Clause 4.1(3A) of the MWRC LEP 2012.
 - b) Adequate justification under Clause 4.6 Exception to Development Standards of the MWRC LEP 2012 that the requirement for reticulated water services is unreasonable or unnecessary in the circumstances has not been provided.
 - c) The non-provision of reticulated water services will erode water pressures in the vicinity to unacceptable pressures in a suburban area of Mudgee where continuous water at reasonable pressures is expected by residents.
 - d) The holding tank and single user water pump stations arrangements proposed will not provide reliable water services to future dwellings and cause 3 adjoining lots to rely on such systems. Pressure will be placed on council to take up, upgrade, and maintain these systems by future residents.
 - e) The proposed lots will not have essential services under Clause 6.9 of the MWRC LEP 2012 in respect of supply of water in that it will not have reticulated water supply, or suitable road access in that Lot 202 will not have direct road frontage to Avisford Court.
 - f) The non-provision of 6m wide direct road frontage to Avisford Court for Lot 202 does not comply with the requirements of Clause 7.1 of the Development Control Plan 2013. It will create a 3 way contested driveway arrangement that will cause conflict between traffic from three lots and future owners in respect of maintenance.

Mid-Western Regional Council

Date: 20 November 2013

- g) The subdivision does not integrate with existing residential area as required by Clause 7.1 of the Development Control Plan 2013 in that the lots will not be provided with reticulated water supplies or have direct street frontage.
- h) The 5m wide battle-axe handle and services easement provided a minimal width for the provision of water, sewer and stormwater lines from future dwellings to council infrastructure in Avisford Court. This arrangement will cause conflict during construction and maintenance of the lines required between future owners.
- i) The subdivision contravenes the conditions of DA0304/2011 and the covenants on the existing lots title made by council. The Conditions and Covenants prohibit further subdivision of the lot and construction of dual-occupancies. The application will subdivide the lot and facilitate two dwellings on the lots having the same impacts on visual amenity and water pressures etc, as a dual occupancy on the existing lot.

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

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

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

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

6.2.3 DA0054/2014 – SUBDIVISION (1 LOT INTO 42 LOTS), LOT 11
DP 841146, 54 MELTON ROAD, MUDGEE

GOV400029, DA0054/2014

467/13

MOTION: Walker / Weatherley

That:

1. The report by Environmental Town Planner on the DA 0054/2014 – Subdivision (1 into 42), Lot 11 DP 841146, 54 Melton Road, Mudgee be received:
2. That Development Application No. 0054/2014 – Subdivision (1 into 42), Lot 11 DP 841146, 54 Melton Road, Mudgee be granted development consent subject to the following conditions or consent be granted in accordance with the following conditions with the deletion of Condition 2(a) subject to the satisfactory negotiated agreement between Council and the developer as to the provision of a open space area (including playground equipment) within the locality:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans:
 - Proposed Development Urban Subdivision, DWG No.19917_C02 Rev.G, Drawn 7 November 2013 by BARNSON and the application received by Council on 8 August 2013, except as varied by the conditions listed herein.

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

AMENDMENTS

2. The plans are to be amended in the following manner:
 - a) The General Manager be delegated authority to negotiate with the developer on a contribution towards playground equipment
 - b) A 'restriction as to user' is to be included over Lot 29, 34, 41 & 42 in favour of Transgrid in accordance with Condition No.

PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

3. Development Consent DA0116/2013 – Residential Subdivision (1 into 24 lots) be formally surrendered in accordance with Clause 97 of the Environmental Planning and Assessment Regulations 2000.
4. Development Consent DA0099/2014 – Demolition, and all remediation and validation is completed and a validation report submitted to Council stating that the land is suitable for residential purposes.
5. The applicant is to obtain and provide to Council an Aboriginal Heritage Impact Permit under the National Parks and Wildlife Act 1974 from the NSW Office of Environment and Heritage.
6. The requirements of the General Terms of Approval Ref.9057331 issued by the NSW Office of Water be satisfied, and a copy of the Controlled Activity Approval provided to Council.
7. The requirements of stormwater quality, as specified in the DCP 2013, shall be addressed in the stormwater design prior to the issue of a Construction Certificate. Output of MUSIC modelling, or equivalent, is to be supplied to Council demonstrating that the strategy or devices so designed are adequate.

GENERAL

8. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the Mudgee Local Aboriginal Land Council and National Parks and Wildlife Service are to be notified.

WATER AND SEWER INFRASTRUCTURE

9. The applicant is to provide separate water and sewer reticulation services to each lot.
10. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
11. 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.

12. 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.

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

13. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE 39 x \$1650 = \$64350

OR

14. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE 39 x 370.00 = \$14430

STORMWATER

15. 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.

16. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.

17. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.

18. 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:
- drainage reserves are to be turfed.
 - single strip of turf to be laid behind kerb and gutter.
 - saving available topsoil for reuse in the revegetation phase of the subdivision;
 - using erosion control measures to prevent on-site damage;
 - rehabilitating disturbed areas quickly;
 - maintenance of erosion and sediment control structures;
 - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
19. 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.
20. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.

ROAD WORKS

21. The developer is to reconstruct Melton Road and Bruce Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Footpath Width	4.5 m,
Concrete Footpaths	1.2 m wide
Half Road Pavement Width	5.5 m @ 3% cross fall
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

22. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve width	18m
Pavement Width	9 m
Footpath Width	4.5 m
Concrete Footpaths	1.2 m wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5 metres during minor events or adjacent to intersections.

23. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
24. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb and gutter prior to occupation of the development.
25. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 Council standards.
26. The engineering design plans for road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate. All road pavements shall be designed by a Professional Civil Engineer and based upon soil tests performed by a registered NATA soils Laboratory and the traffic loading in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council).
27. Street tree landscaping is to be provided within the proposed road reserves and Melton/ Bruce Roads. A plan for the proposed planting is to be submitted for approval by Council prior to the issue of a subdivision certificate. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.4 Street Design of the Mid Western Regional Council Residential Development Control Plan amended October 2009.

ENGINEERING DETAILS

28. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
29. A detailed engineering design with plans, and an "AutoCAD compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an *Accredited Certifier* prior to the issue of a *Construction Certificate*.
30. A site supervisor is to be nominated by the applicant prior to issue of the *Construction Certificate*.
31. 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.
32. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid Western Regional Council as an interested party.
33. Existing and proposed contours, including areas of fill are to be shown on detailed engineering plans.
34. All finished surface levels shall be shown on the plans submitted for the *Construction Certificate*. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
35. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "AutoCAD compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
36. Following completion of all engineering works, a bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2000.00, whichever is the greater, shall be lodged with Council.

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

37. The developer is to ensure that all defects in the works that become apparent within twenty four (24) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification.

Note: Any unspent bond money will be returned to the developer at the end of the twenty four (12) month period, less the estimated cost of any outstanding works.

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

Note: The *Construction Certificate* may be issued by Council or an *Accredited Certifier*. Council's fee for this service is set out in Council's fees and charges.

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

- installation of sediment and erosion control measures;
- water and sewer line installation prior to backfilling;
- establishment of line and level for kerb and gutter placement;
- road Pavement construction;
- road Pavement surfacing;
- practical Completion.

40. Upon inspection of each stage of construction, the Council (or an *Accredited Certifier* on behalf of Council) is also required to ensure that adequate provisions are made for the following:

- sediment and erosion control measures;
- traffic control measures;
- maintenance of public areas free from unauthorised materials, waste or other obstructions.

The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

41. Documentary evidence of compliance with Council's approval and relevant standards of construction is to be obtained for each stage and lodged with Council prior to the issue of the *Subdivision Certificate*.
42. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
43. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the *Subdivision 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.
44. 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.

PRIOR TO THE RELEASE OF THE SUBDIVISION CERTIFICATE

45. 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.
46. 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.

47. Three metre wide easements, including associated Section 88 instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
48. Restrictions as to user, including associated 88 instruments, are to be created in favour of Transgrid over the title of lots 29, 34, 42 & 41 to the effect that Transgrid have permission to enter the property and maintain the transmission line at any time and that all future structures and fences must be located and designed to reasonably facilitate this access.

S94 CONTRIBUTIONS

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

Transport Management	Rate	No of Lots	Total
Traffic Management	1137.33	39	44356.02
Open Space			
Local Open Space	1785.46	39	69632.79
District Open Space	2424.23	39	94544.86
Community Facilities			
Library Buildings	233.69	39	9113.94
Library Resources	280.45	39	10937.44
Administration			
Plan Administration	545.29	39	21266.26
TOTAL PAYABLE	6406.44	39	249,851.30

SECTION 64 CONTRIBUTIONS

50. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000. This will require:
- (a) Payment of a contribution for water and sewerage headworks for 39 Lots at the following rate:

Water Headworks	301,236.00
Sewerage Headworks	139,200.00
Total	440,436.00

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

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GOV400029, DA0054/2014

AMENDMENT: Thompson / Martens

That the development application be deferred pending the General Manager negotiating with the developer on contributions towards the playground.

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

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

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

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

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6.2.4 ABORIGINAL SENSITIVITY MAPPING AND ON-GROUND
WORKS PROJECT

GOV400029, A0100056, A0420248

468/13

MOTION: Shelley / Cavalier

That:

1. the report by the Environmental Town Planner on the Aboriginal Sensitivity Mapping & On Ground Works Project be received;
2. the report by the Environmental Town Planner on the Aboriginal Sensitivity Mapping & On Ground Works Project be noted.

The motion was put and carried.

6.2.5 PLANNING PROPOSAL – NEWSON DWELLING ENTITLEMENT

GOV400029, A0100056, LAN900041

469/13

MOTION: Webb / Walker

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – Newson Dwelling Entitlement be received;
2. the Planning Proposal be forwarded the Department of Planning and Infrastructure for determination by the Gateway highlighting the preferred mechanism for achieving the intent of the proposal is an inclusion in Schedule 1; and
3. the cost of this application fee being \$3186 being funded from the Council's financial grants.

AMENDMENT: Thompson / Shelley

That:

1. the report by the Manager Strategic Planning on the Planning Proposal – Newson Dwelling Entitlement be received;
2. the Planning Proposal be forwarded the Department of Planning and Infrastructure for determination by the Gateway highlighting the preferred mechanism for achieving the intent of the proposal is an inclusion in Schedule 1; and
3. the cost of this application fee being \$3186 being funded as follows: \$1593 by the applicant and \$1593 from the Council's financial grants.

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The amendment was put and lost with Councillors voting as follows.

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

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

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

Councillor Shelley requested that his name be recorded as having voted against the amendment.

6.2.6 STRATEGIC PLANNING PROGRAM

GOV400029, A0100056, A0420109

470/13

MOTION: Cavalier / Weatherley**That:**

1. That the report by the Director, Development and Community Services on the Strategic Planning Program be received;
2. That the amended Strategic Planning Program as attached to this report be adopted.

The motion was put and carried.

6.2.7 MONTHLY STATEMENT OF BANK BALANCES AND
INVESTMENTS AS AT 31 OCTOBER 2013

GOV400029, A0100056, A0140304

471/13 MOTION: Shelley / Cavalier

That:

1. the report by the Financial Accountant on the monthly statement of bank balances and investments as at 31 October 2013 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was put and carried.

6.2.8 NAMING OF A NEW UNNAMED ROAD OFF BLUE SPRINGS
ROAD

GOV400029, A0100056, R0790041

472/13 MOTION: Weatherley / Cavalier

That:

1. the report by the Revenue & Property Manager on the Naming of a New Unnamed Road off Blue Springs Road be received;
2. Council name the new road reserve off Blue Springs Road, Stubbo - Rissler Road.

The motion was put and carried.

6.2.9 WATER USAGE CHARGES – UNDETECTED LEAKS POLICY
REVIEW

GOV400029, A0100056, A0340048, F0780062

473/13 MOTION: White / Cavalier

That:

1. the report by the Revenue & Property Manager on the Water Usage Charges – Undetected Leaks Policy Review be received;
2. Council adopt the revised Water Usage Charges – Undetected Leaks Policy.

The motion was put and carried.

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6.2.10 ECONOMIC DEVELOPMENT AND EVENTS PLAN 2013/2014

GOV400029, A0100056, A0820020

474/13 MOTION: Cavalier / Walker

That:

1. the report by the Economic Development Officer on the Economic Development and Events Plan 2013/2014 be received;
2. Council endorses the Economic Development and Events Plan 2013/2014 as set out in this report and the General Manager provides quarterly updates on progress against this plan.

The motion was put and carried.

6.2.11 ECONOMIC DEVELOPMENT AND EVENTS UPDATE Q3 2013

GOV400029, A0100056, A0820020

475/13 MOTION: Weatherley / Walker

That the report by the Economic Development Officer on the Economic Development and Events Update Q3 2013 be received.

The motion was put and carried.

6.2.12 COUNCIL INVOLVEMENT IN EVENTS MANAGEMENT

GOV400029, A0100056, ECO800009

476/13 MOTION: Cavalier / Walker

That the report by the General Manager on the Council involvement in Events Management be received, the Gulgong Camel Races be shown as a separate event in the schedule and leave be given to the Kandos Centenary Committee to make a further funding application.

The motion was put and carried.

6.2.13 ASSOCIATION OF MINING RELATED COUNCILS

GOV400029, A0100056, A0100006

477/13 MOTION: Cavalier / Walker

That:

1. the report by the General Manager on the Association of Mining Related Councils be received;
2. Council applies for membership of the Association of Mining Related Councils for the 2014 year. The Council delegates be the Mayor (and in his unavailability the Deputy Mayor) and the General Manager (or his delegate).

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3. That Council make an adjustment to the December quarterly budget review to allow for the membership of the Association of Mining Related Councils.

AMENDMENT : Thompson / Martens

That:

1. the report by the General Manager on the Association of Mining Related Councils be received;
2. Council applies for membership of the Association of Mining Related Councils for the 2014 year. The Council delegates be the Mayor (and in his unavailability the Deputy Mayor) and Councillor Martens.
3. That Council make an adjustment to the December quarterly budget review to allow for the membership of the Association of Mining Related Councils.

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

6.2.14 QUARTERLY REPORT ON THE WORKERS COMPENSATION PREMIUM

GOV400029, A0100056, A0205004

478/13

MOTION: Cavalier / Walker

That the report by the Manager People & Culture being a quarterly report on the Workers Compensation Premium be received.

The motion was put and carried.

6.2.15 REVIEW OF INVESTMENTS

GOV400029, A0100056, A0140304

479/13

MOTION: Cavalier / Weatherley

That:

1. the report by the General Manager on the Review of Investments be received;
2. Council not make changes to current investment policy or investment operational plan.

The motion was put and carried.

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6.2.16 MUDGEE REGIONAL TOURISM INC QUARTERLY REPORT –
SEPTEMBER 2013

Councillor White declared a pecuniary conflict of interest in Item 6.2.16 as she is employed in the tourism industry, and MRTI is a financial member of the organisation she is employed by, and left the meeting at 7.22pm and did not participate in discussions or vote in relation to this matter.

GOV400029, A0100056, F0770077

480/13 MOTION: Shelley / Cavalier

That:

1. the report by the General Manager on the Mudgee Regional Tourism Inc Quarterly Report – September 2013 be received;
2. the Quarterly Report to 30 September 2013 from the Mudgee Regional Tourism Inc be noted.
3. Council notify the Mudgee Regional Tourism Inc in writing that it approves that the accounts of MRTI be reviewed by an honorary auditor.

The motion was put and carried.

Councillor White returned the meeting at 7.24pm.

6.2.17 2014 MEETING PROGRAMME

GOV400029, A0100004, A0100046

MOTION: Webb / Walker

That:

1. the report by the Manager Governance on the 2014 Meeting Programme be received.
2. Council Meetings for 2014 be scheduled as follows:

Wednesday, 5 February 2014
 Wednesday, 19 February 2014
 Wednesday, 5 March 2014
 Wednesday, 19 March 2014
 Wednesday, 2 April 2014
 Wednesday, 16 April 2014
 Wednesday, 7 May 2014
 Wednesday, 21 May 2014
 Wednesday, 4 June 2014
 Wednesday, 18 June 2014
 Wednesday, 16 July 2014
 Wednesday, 6 August 2014
 Wednesday, 20 August 2014
 Wednesday, 3 September 2014
 Wednesday, 17 September 2014

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 Mayor

 General Manager

Wednesday, 8 October 2014
Wednesday, 22 October 2014
Wednesday, 5 November 2014
Wednesday, 19 November 2014
Wednesday, 3 December 2014
Wednesday, 17 December 2014

3. Council continue with Town and Village Forums in their present form.

4. Village Forums for 2014 be scheduled as follows:

9 April 2014	Hargraves	11.00am
	Pyramul	1.00pm
	Windeyer	2.30pm
	Meroo	4.30pm
14 May 2014	Wollar	2.30pm
	Cooyal/Botobolar	4.30pm
	Cooks Gap	6.00pm
15 October 2014	Yarrabin/Beragoo	2.00pm
	Goolma	4.00pm
12 November 2014	Ilford	1.00pm
	Bylong	3.00pm
	Lue	5.00pm

5. Town Forums for 2014 be scheduled as follows:

15 October 2014 Gulgong in the Gulgong Memorial Hall at 6.00pm
12 November 2014 Rylstone/Kandos in the Kandos Town Hall at 6.00pm.

481/13

AMENDMENT: Shelley / Cavalier

That:

1. the report by the Manager Governance on the 2014 Meeting Programme be received.
2. Council Meetings for 2014 be scheduled as follows:

Wednesday, 5 February 2014
Wednesday, 19 February 2014
Wednesday, 5 March 2014
Wednesday, 19 March 2014
Wednesday, 2 April 2014
Wednesday, 16 April 2014
Wednesday, 7 May 2014
Wednesday, 21 May 2014
Wednesday, 4 June 2014
Wednesday, 18 June 2014
Wednesday, 16 July 2014

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Wednesday, 6 August 2014
 Wednesday, 20 August 2014
 Wednesday, 3 September 2014
 Wednesday, 17 September 2014
 Wednesday, 8 October 2014
 Wednesday, 22 October 2014
 Wednesday, 5 November 2014
 Wednesday, 19 November 2014
 Wednesday, 3 December 2014
 Wednesday, 17 December 2014

3. Community Forums for 2014 be scheduled as follows:

15 October 2014	Gulgong in the Gulgong Memorial Hall at 6.00pm
12 November 2014	Rylstone/Kandos in the Kandos Town Hall at 6.00pm.

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

Councillors Martens, Webb and Thompson requested that their names be recorded as having voted against the amendment.

Item 7: Urgent Business Without Notice

7.1 None

Item 8: Confidential Session

482/13 MOTION: Cavalier / Thompson

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

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

Subject: Mudgee Town Structure Plan

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

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it involves discussion on staffing matters.

Subject: General Manager's Performance Review 2013-14

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

Discussion of this matter in an open meeting would be, on balance, contrary to public interest as it involves discussion on staffing matters.

Following an enquiry from the Mayor, the General Manager 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.

8.1.1 MUDGEE TOWN STRUCTURE PLAN

GOV400029, A0100056, LAN900044

MOTION: Cavalier / Walker

That:

1. the report by the Manager Strategic Planning on the Mudgee Town Structure Plan be received;
2. the Amendment to the Mudgee Structure Plan be adopted as a Draft with the preferred future residential investigation area being Option 1 Menah; for the following reasons:
 - Proximity to the STP reducing the duplication of infrastructure and cost associated with sewer provision; \$2.4M as opposed to \$11M for sewer at Spring Flat
 - It is not as constrained by drainage as Option 2 Springflat which requires a significant upfront drainage solution
 - As infrastructure provider, having growth in one direction, rather than multiple directions has advantages in terms of ongoing operation and maintenance
 - The site is less constrained by fragmentation with a limited number of land owners. The primary site is under a single ownership and two titles providing a more viable opportunity for development
 - There is an opportunity for the Hill End Road land to be incorporated at a later stage, particularly providing industrial land opportunities;
3. the Hill End Road area be identified as an opportunity for future urban development (industrial/residential) beyond Menah;
4. the sites at Burrundulla/Spring Flat and the former Abattoir site be identified as investigation areas for low density residential development 2-10ha subject to provision of reticulated water and preparation and consideration of detailed planning proposals;

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5. the Putta Bucca area be identified on the Mudgee Town Structure Plan Map as an opportunity for expansion of the Low Density Residential zone with a minimum lot size of 2000m²-4000m² subject to the outcomes of the Urban Release Strategy; and
6. Council forward the Mudgee Town Structure Plan documentation to the Department of Planning and Infrastructure for endorsement and following that proceed to public exhibition for a period of 28 days.

AMENDMENT: Webb / Martens

That:

1. the report by the Manager Strategic Planning on the Mudgee Town Structure Plan be received;
2. the Amendment to the Mudgee Structure Plan be adopted as a Draft with the preferred future residential investigation area being Option 2 Spring Flat.
3. the Hill End Road area be identified as an opportunity for future urban development (industrial/residential) beyond Menah;
4. the sites at Burrundulla/Spring Flat and the former Abattoir site be identified as investigation areas for low density residential development 2-10ha subject to provision of reticulated water and preparation and consideration of detailed planning proposals;
5. the Putta Bucca area be identified on the Mudgee Town Structure Plan Map as an opportunity for expansion of the Low Density Residential zone with a minimum lot size of 2000m²-4000m² subject to the outcomes of the Urban Release Strategy; and
6. Council forward the Mudgee Town Structure Plan documentation to the Department of Planning and Infrastructure for endorsement and following that proceed to public exhibition for a period of 28 days.

Both the motion and the amendment were withdrawn.

483/13 MOTION: Thompson / Webb

That the matter of the Mudgee Town Structure Plan be deferred pending a Council workshop.

The motion was put and carried.

8.1.2 GENERAL MANAGER'S PERFORMANCE AGREEMENT

GOV400029, A0100056, A0381421

484/13

MOTION: Cavalier / Walker

That:

1. the report by the General Manager on the General Manager's Performance Agreement for the first four months of the 2013/14 be received.
2. Council amends strategic goal 1.2 to read:-

Manage investments as dictated in Council's Investment Policy, and provide monthly reports detailing Councils investments, the interest rates achieved and the banking institutions used.

Review available investment rates, at least quarterly, and make recommendations to Council on any planned change to the current portfolio.
3. Council amend KPI 2.5 to read:

Ensure full Councillor input to the works program included in the 2014/2017 Delivery Plan and 2014/2015 Operational Plan.

The motion was put and carried.

The General Manager announced the decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.56pm.

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.	With the focus on delivering the Mudgee Sewer Works insufficient staff resources are available to review this scheme
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.
Purchase of Medical Centre, Gulgong	Res. 327/13 Ord Mtg. 21/08/13	2. the General Manager seek further information on the purchase price, ways of attracting and retaining doctors and financial implications of sourcing grants to fund the purchase of the Gulgong Medical Centre located at 87 Mayne Street, Gulgong.	A letter has been sent to the respective parties seeking the information requested by Council. No response has been received to date. A follow up letter has been sent requesting when Council is likely to receive a response. Still no response

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Triamble Road Resident Proposal	Res. 405/13 Ord Mtg. 16/10/13	That: 3. Council seeks legal advice as to whether compensation is payable on land taken for road reserve through the Echo property in accordance with the points made in the public submissions; and 4. Council investigates whether the road through Echo property was ever gazetted as a military road.	A report will be presented on this matter to the 18th December meeting
Anzac Park	Res. 447/13	That: 2. a report be presented to Council as to the cost to Council of relocating the bomb and the structure required to protect the bomb.	The report will be included in the next business paper
Water Security Windamere Dam	Res. 462/13	That Council invites representatives of the NSW Office of Water to address Council on the water sharing agreement between Burrendong and Windamere Dams.	Meeting to be arranged as soon as practicable.

Item 5: General Business

5.1 Notices of Motion

There are no Notices of Motion.

5.2 Reports

5.2.1 DA0066/2014 – Proposed Permanent Tourist and Visitor Accommodation, Lot 2 DP 730123, 36 Perry Street Mudgee

REPORT BY THE GRADUATE TOWN PLANNER TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, A0100056, DA0066/2014

RECOMMENDATION

That:

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

APPROVED PLANS

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

TEMPORARY USE

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

2. The use of the temporary structures is permitted for a further two (2) years (six (6) years in total) from the date that the occupation certificate is issued. The temporary buildings are then to be removed and the site rehabilitated as per a Council approved rehabilitation plan within three (3) months thereafter. Any further extension of to the use of temporary structures will be subject to a further publicly notified Development Application.

GENERAL

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

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

Executive summary

Development consent was granted in 2009 for the establishment of temporary accommodation for miners. The consent was limited to two years as the development was not considered to be acceptable on a permanent basis. An extension of two (2) years was granted in 2011 under the provision that it was likely to be the last extension. The applicant has sought to establish serviced apartments as a permanent use, with the intention of applying for permanent structures pursuant to the outcome of this application, within four (4) years.

It is considered that the extended use of the temporary structures could be extended for a further two (2) years with a notation that an application for permanent structures is to be received within two (2) years of the date of consent.

In its current form the development consist of three demountable accommodation buildings at the rear of the Paragon Hotel, 38 Perry Street Mudgee. The Hotel occupies a small portion of the subject site leaving a large battle-axe section at the rear of the building that is partially used for parking. The three (3) temporary structures are located in the northern corner of the site, generating minimal impact on the site and the surrounding locality.

The demountable buildings are single storey, contain four (4) bedrooms each with en-suite and separate entry and are only intended as interim structures.

The proposal was notified to adjoining owners notified from 30 August 2013 until 16 September 2013, no objections were received.

The application is recommended for approval of the permanent use on the basis that an application for suitable permanent structures is received and existing temporary buildings are removed within two (2) years from the date of determination.

The application has been reported to Council for determination in accordance with a direction from Council.

Detailed report

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

1. *REQUIREMENTS OF REGULATIONS AND POLICIES:*

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

The land is zoned R3 Medium Density Residential pursuant to Mid-Western Regional Local Environmental Plan 2012.

Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area*

Comment: The development will provide the non residential use of Tourist and Visitor accommodation in the form of *Serviced Apartments* on the subject site. The development is not considered to impact on surrounding residential developments or restrict future developments from achieving associated zone objectives.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. *Serviced apartments are a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.*

Comment: The proposed development is consistent with the definition of *Serviced Apartments*.

5.10 Heritage conservation

Note. *Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.*

1. **Objectives**

The objectives of this clause are as follows:

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

Comment: The development will have no further impact on surrounding heritage items or the heritage conservation zone. The development will on an interim basis utilise the existing buildings which are considered inappropriate and non sympathetic to the conservation of heritage characteristics. The buildings are only considered appropriate as an interim measure as they will not remain as permanent structures on the site and cannot be seen from the street frontage.

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

Clause 1.10 Public Consultation

The development was notified in accordance with Clause 1.10 Community Consultation of the Mid-Western Regional Development Control Plan 2013 (DCP 2013) from 30 August until 16 September 2013. No submissions were received.

Clause 4.5 Commercial Development

STANDARD	DEVELOPMENT CONTROL / OBJECTIVE	PROPOSAL / OUTCOME
Building Setbacks	<ul style="list-style-type: none"> a) No minimum front setbacks apply. b) Side and rear must comply with Building Code of Australia (BCA) 	The existing buildings are located 3 metres from the site boundaries.
Signage Design	<p>Refer section 4.4 Signs</p> <ul style="list-style-type: none"> a) The LEP includes provisions relating to active street frontages. All premises on the ground level of a building facing the street are used for the purposes of business premises or retail premises. b) All premises on the ground level of a building facing the street shall be comprised of windows and doors to encourage the interaction between pedestrians and the retail space c) Building facades shall be articulated by use of colour, arrangement of elements or by varying materials d) Consider elements within established heritage buildings and how its application may be applied to new development e) Consider the pattern of built form, scale, use of verandahs, fenestration, colour and materials. f) Design of new development should seek to be sympathetic to heritage items not reproduce them. g) Plans must include details of all external infrastructure (air conditioning ducts, plant rooms) and how it will be screen from view form a public road. h) Development on a corner must include architectural features to address both frontages. i) Where the development will adjoin the residential, village and mixed use zones, sufficient setbacks in the form of landscape buffers and access ways should be incorporated. 	<p>No signage is proposed</p> <p>The development proposal is to establish the permanent use of an existing temporary structure. With the intention of replacing the temporary structure with a permanent building within four (4) years of operation. Subject to a separate Development Application.</p> <p>At this stage it is noted that the development does not front, nor can it be viewed from either Perry or Gladstone Streets. The existing buildings are only of a temporary nature and Design should be considered during the assessment of a Development Application for permanent structure to replace the existing buildings.</p>
Scale form and height	<ul style="list-style-type: none"> a) The LEP controls the height of buildings to a maximum of 8.5m b) Consistent with the existing heritage character of the town centres of Gulgong, Mudgee and Rylstone. c) Gulgong has a building height limit to a maximum of 5m 	Not Applicable, buildings for the proposed used are established on site.
Mortimer & Church Street Mudgee	<ul style="list-style-type: none"> a) Development fronting Mortimer and Church Streets in Mudgee should enhance and maintain the streetscape 	Not Applicable

STANDARD	DEVELOPMENT CONTROL / OBJECTIVE	PROPOSAL / OUTCOME
	<p>established in Church street between Market and Mortimer Streets by encouraging a coherent double storey pattern of development adopting zero front and side property setbacks.</p> <p>b) Where possible the use elements that emphasis the horizontal form of development established in the Town Centre, for example through the use of verandas.</p> <p>c) Any new development should provide for a visual treatment to minimise visual bulk and maintain established pattern of building frontage widths, by providing variance particularly on upper floor levels, every 20-25m. Variance may be provided through change in building materials, fenestration, or changes in parapet height etc.</p>	
Articulation and Facade Composition	<p>a) To break visual bulk and create interest, use secondary vertical elements such as fenestration or detail such as changes in materials and colour.</p> <p>b) Excessive length of blank walls are not supported in the front facade.</p> <p>c) Where blank walls are unavoidable (along side or rear boundaries), break the visual impact through the provisions of landscaping, or by creating visual interest through patterning of the facade, signage or public art.</p>	Not Applicable, building for the proposed used are established on site.
Post supported verandahs & balconies	<p>a) Setback a minimum 600mm from edge of kerb</p> <p>b) Compliment the elements of the building to which it is attached</p> <p>c) Public liability insurance and approval for works on public land will be required</p> <p>d) Not interfere with the operations of or access to public utilities or infrastructure</p> <p>e) The use of bollards at the base of posts to protect from rear parking vehicles will be required.</p>	Not Applicable, building for the proposed used are established on site.
Residential Commercial Interface	<p>a) Provision of landscaping buffers to provide visual screening along residential boundaries that adjoin development sites in the Mortimer Street precinct (in particular.Ground and first floor development should not overlook residential properties</p> <p>b) Maintain acoustic privacy through the use of acoustic fencing, where vehicular movement adjoins property boundaries to reduce visual bulk of the proposed development.</p>	Not Applicable, building for the proposed used are established on site.

STANDARD	DEVELOPMENT CONTROL / OBJECTIVE	PROPOSAL / OUTCOME
Utilities & Services	<ul style="list-style-type: none"> c) Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings must be located along property boundaries ensure that sufficient landscaping is provided d) A development should not reduce the sunlight received by the north-facing windows of living area, private open space areas, or clothes drying areas of adjoining properties to less than 3 hours between 9 am and 3pm at the winter solstice. 	The buildings for the proposed use currently exist on site and are connected to all relevant utilities and services.
Traffic & Access	<ul style="list-style-type: none"> a) Documentation to demonstrate that the development is able to be services with water, sewer and drainage and adequate provision has been made for handling and disposal of solid waste b) Trade Waste Application is required where liquid waste (other than water from wash basins, toilet or bathrooms) will be discharged into Council's sewerage system. c) Building and structures are to be located clear of infrastructure d) For new sewer mains structures are to be located 1m plus the equivalent inverted depth, whichever is greater) of the centreline of the main. 	<p>Access to existing car park is by means of a one way access along the western edge of the Paragon Hotel.</p> <p>While the access does not strictly comply, it is considered suitable for the development of 12 units. The lane is required to be upgraded by way of a stop sign prior to exit from the site to ensure vehicles entering from Gladstone street are not obstructed in accessing the site.</p>
Pedestrian Access	<ul style="list-style-type: none"> a) All vehicles must be able to enter and exit the site in a forward direction b) All vehicle movement paths are to be sealed c) Driveways must comply with Australian Standard AS 2890.1 Parking Facilities d) For new commercial development all loading facilities are to be located within the site with no loading to occur from the public road system. e) All loading facilities shall be designed to complying with Australian Standards. f) Where the truck delivery paths extend through car parking areas due consideration should be given to the separation of truck, pedestrian and car traffic. Where separation cannot be achieved then the application it to address traffic flow and safety issues. 	<ul style="list-style-type: none"> a) Maintain existing covered pedestrian access within the town centres b) Convenient and safe access through parking areas c) Convenient and safe disabled access through parking areas and where relevant focus on improving links with the existing

STANDARD	DEVELOPMENT CONTROL / OBJECTIVE	PROPOSAL / OUTCOME
	retail areas.	
Parking	Refer Specific Provisions relating to parking section 5.1.	See below
Landscaping	a) Landscaped areas within the car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries. b) Landscaping to comprise low maintenance, drought and frost tolerant species	The site is currently developed for interim use. Further landscaping will be considered during the assessment of permanent buildings.

Clause 5.1 Car Parking

Tourist and visitor accommodation – 1 space per unit, 1 plus 2 spaces per 3 employees.

Comment: The applicant has proposed 12 car parking spaces, which is considered sufficient providing the minimum of one car parking space for each resident without crowding the site. There is room to establish additional car parking, however it is not considered necessary for this stage of development.

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The site is located amongst various residential and commercial developments on an internal portion of land which is not visible from the street. Residential Housing is located directly adjacent to the North, East and South of the development with the commercial development of a Hotel to the South East and Retirement Village to the West. Additionally the development is in close vicinity of two established large scale Motel developments, assorted retail uses and The Mudgee Soldiers Club. It is therefore considered that the proposed use as Tourist and Visitor accommodation is consistent with the established character of the area; however the buildings are somewhat out of character. This is considered acceptable given the premise that the applicant will, subject to Council approval, erect permanent structures in their place within 4 years of further operation.

(b) Access, transport and traffic

There is a single ingress, egress point from the existing site. The driveway has an approximate length of 45 metres with a minimum width of 4 metres. This driveway is proposed to service both the existing hotel car park and parking for the proposed Serviced Apartments.

The access does not comply with the DCP standards but it is considered that there are sufficient site distances to ensure safe operation of the site. The applicant has proposed that a traffic sign should be implemented prior to egress of the site to ensure vehicles can enter from the street without obstruction. In this case it is recommended that the applicant provide a stop sign prior to the exit from the site to ensure priority is given to traffic entering the site.

(c) Public domain

The development will not have any additional affect on the public domain, it had been noted in previous temporary approvals that police had alluded to the possibility that the development could have a negative impact leading to violence. This advice was provided on the previous development which did not include facilities for guest to relax or consume food without entering the licensed hotel premises. During the previous modification to consent it was established that the area between the cabins was provided as a sheltered area which guests could utilise as an area for

dining with the proprietor supplying tables in this location. At this stage of development will retain the existing outdoor area for guests to relax and dine without having to enter the Hotel.

(d) Utilities

The interim buildings located on the subject site are currently connected to all required utility services.

(e) Heritage

The proposed development is located at the rear of the Paragon Hotel, registered Heritage Item number I171, and will utilise existing buildings on a temporary basis. The applicant has indicated that a proposal for permanent structures will be submitted to Council within 4 years, and the existing building will be removed from the site in the same time frame.

The proposed development is not considered to impact on the heritage significance of the site to any further extent than the existing use.

Despite the fact that the buildings cannot be seen from the public avenues, any Development Application to establish permanent buildings, will be required to consider the heritage impacts.

(f) Other land resources

There are no other land resources associated with the development site.

(g) Water

The development is connected to reticulated water to service the development with inter-allotment drainage being required for the previous consent, ensuring surface water generated by the development does not impact upon the neighbouring developments.

(h) Soils

The development will not impact upon the existing soil quality of the site.

(i) Air and Microclimate

The development is not likely to impact upon existing air quality or contribute to any negative microclimatic effects.

(j) Flora & fauna

As the development will utilise existing structures there will be no impact upon Flora or fauna associated with the site.

(k) Waste

The development is not considered to increase waste development associated with the current use of the site.

(l) Energy

Not applicable as this stage of development as existing buildings will be utilised.

(m) Noise & vibration

There will be no increased noise as a result of the development. While issues have been raised during previous Development Application by objectors, indicating that the site is not suitable for the style of development, the objections generally relate to the temporary style of buildings, rather than the proposed use being incompatible. It is considered that the noise generated by the development will not substantially impact on neighbouring developments affecting the existing amenity.

(n) Natural Hazards

There are no known natural hazards associated with the development site.

(o) Technological hazards

There are no known technological hazards associated with the development or development site.

(p) Safety, security and crime prevention

Mudgee Police have not provided comment on the current proposal. However, the development in its current form is largely similar to the previous application for temporary use, previous comment from Mudgee Police has been utilised for the purpose of assessment of the application.

The NSW police are concerned that without the facilities for occupant to relax or dine outside of the licensed premises they will be encouraged to utilise facilities provided within the Hotel. Aside from this the applicant has indicated that this proposal is the first step towards establishing permanent serviced apartments which will incorporate kitchenette facilities. This stage of development will contain the provision of a covered outdoor seating area. The applicant has indicated within this proposal and the previous modification that seating is contained under the existing sheltered area between the cabins.

(q) Social impact in the locality

Pursuant to the request for further information sent 30 August 2013 it has been established that the existing facility does currently service a wider range of occupants rather than being solely for use by mine workers and contractors. The site provides an affordable form of short term accommodation for tourist and visitors to the Mudgee region for either work or leisure.

The social impact assessment provided by Barnson relates to the use of the site by mine workers and indicates that the existing development provides a discreet accommodation with privacy for occupants, ensuring that their impact on the existing amenity is as minimal as possible. The location of the development in close vicinity to established cafes and restaurants will encourage occupants to experience Mudgee on a social level rather than only perceiving the town as a source of income.

This assessment is considered relevant for all guest of the site.

(r) Economic impact in the locality

Establishing *Tourist and Visitor accommodation* on a permanent basis with the intention of erecting suitable buildings, pursuant to a separate approval, will ensure long term income for the site. The construction of future permanent building will also provide local contractors the opportunity to carry out the associated works.

(s) Site design and internal design

The location of existing buildings and associated car parking facilities is an established arrangement which since the removal of three (3) cabins provides sufficient parking for the associated uses of the site. The development provides means to both enter and exit the site in a forward direction. With adequate turning room within the site being provided

(t) Construction

There is no additional construction associated with the stage of development.

(u) Cumulative Impacts

The cumulative impacts associated with further extending the development are considered negligible pursuant to the intention to establish the development on a permanent basis with permanent associated structures subject to Council approval.

3. *SUITABILITY OF SITE FOR DEVELOPMENT*

(a) Does the proposal fit in the locality

The proposal of *Tourist and Visitor Accommodation* associated with the established Paragon Hotel is considered to be an appropriate development for the location. However the temporary style of building which is being utilised is not considered appropriate for permanent use. Pursuant to this the applicant has nominated that a Development Application for permanent structures associated with the use be provided within four (4) years and for existing temporary buildings to be removed within the same time frame. Providing four (4) years for the applicant to submit a Development Application is not considered adequate to ensure sufficient progression towards permanent buildings is established.

It is recommended that permanent use as Serviced Apartments is suitable provided that an application for suitable permanent structures is received and existing temporary buildings are removed within two (2) years from the date of determination.

(b) Are the site attributes conducive to development

The site is centrally located for guest to access and experience Mudgee and the facilities provided. The site has adequate room and facilities available to sustain the proposed permanent Tourist and Visitor accommodation. With sufficient room being available for the applicant to establish building on a permanent basis in the future it is considered that the sites attributes are conducive to the development.

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

(a) Public Submissions

The development was notified in accordance with Clause 1.10 Community Consultation of the Mid-Western Regional Development Control Plan 2013 (DCP 2013) from 30 August until 16 September 2013. No submissions were received.

(b) Submissions from public authorities

No Submissions were received.

5. *THE PUBLIC INTEREST*

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

There are no matters of federal or state interest. The local and community interest is in the provision of permanent accommodation as serviced apartments and the recommended conditions address this issue.

6. *CONSULTATIONS*

(a) Health & Building.

Not applicable.

(b) Development Engineer

Not applicable.

(c) Heritage Advice

Gary Bruce, Manager Statutory Planning – Has made comment on the Impact to the Heritage significance of the site in previous Development Application processes. As the proposed development is intended to utilise the existing buildings at this stage of development, previous heritage assessment has been applied.

7. *CONCLUSION*

The proposal to establish the use of permanent Serviced Apartments on the site is considered to be a suitable development for the site. It does not substantially impact upon the sites heritage character or the heritage significance of surrounding items or the heritage conservation zone.

However providing four (4) years for the applicant to submit a Development Application is not considered adequate to ensure progression towards permanent structures is established. It is recommended that permanent use as Serviced Apartments is suitable provided that an application for suitable permanent structures is received and existing temporary buildings are removed within two (2) years from the date of determination.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.



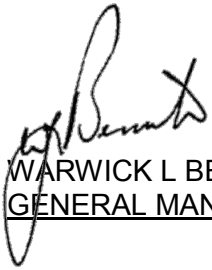
GLEN MATHEWS
GRADUATE PLANNER

CATHERINE VAN LAEREN
DIRECTOR DEVELOPMENT AND COMMUNITY SERVICES

23 October 2013

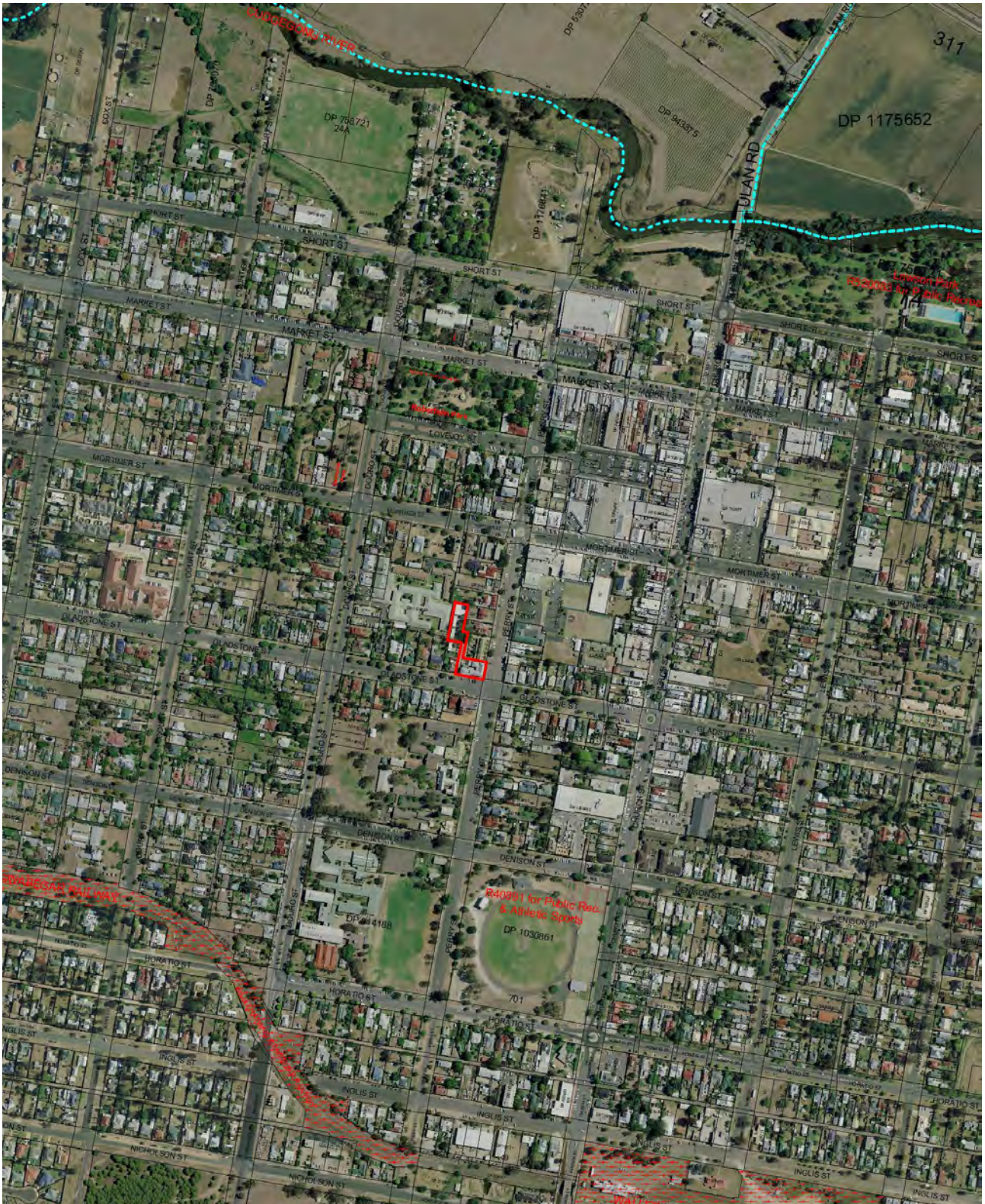
Attachments: 1. Locality Plan
2. Site Plan
3. Floor Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1: LOCALITY PLAN



ATTACHMENT 2 SITE PLAN



OFFICES LOCATED:
 1/100-102/104
 1/100-102/104
 1/100-102/104
 1/100-102/104



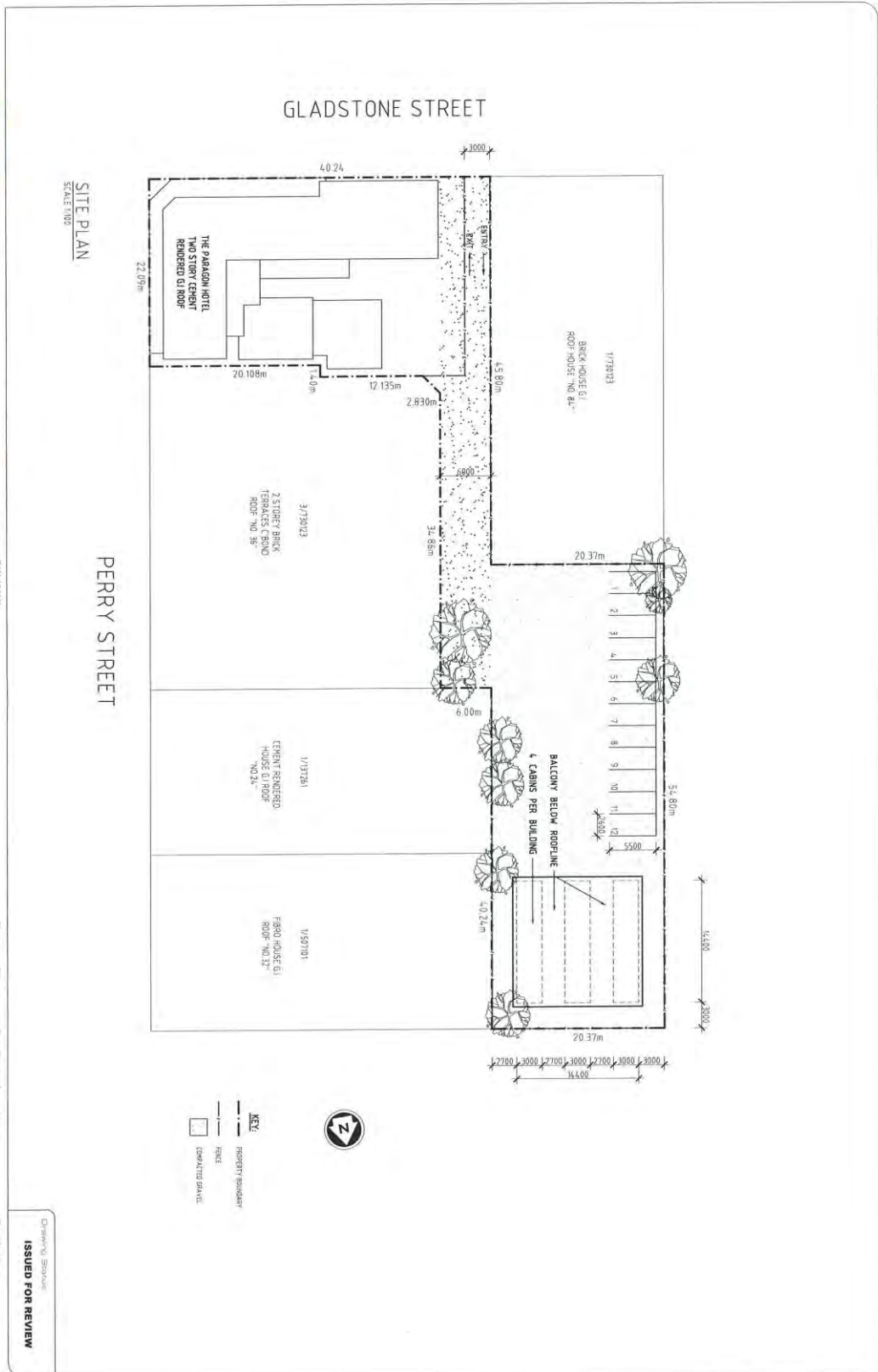
CLIENT: TOM ADAMS
PROJECT: PORTABLE ACCOMMODATION BUILDINGS AT 38 PERRY ST WIDJEBEE NSW

DRAWING TITLE: SITE PLAN

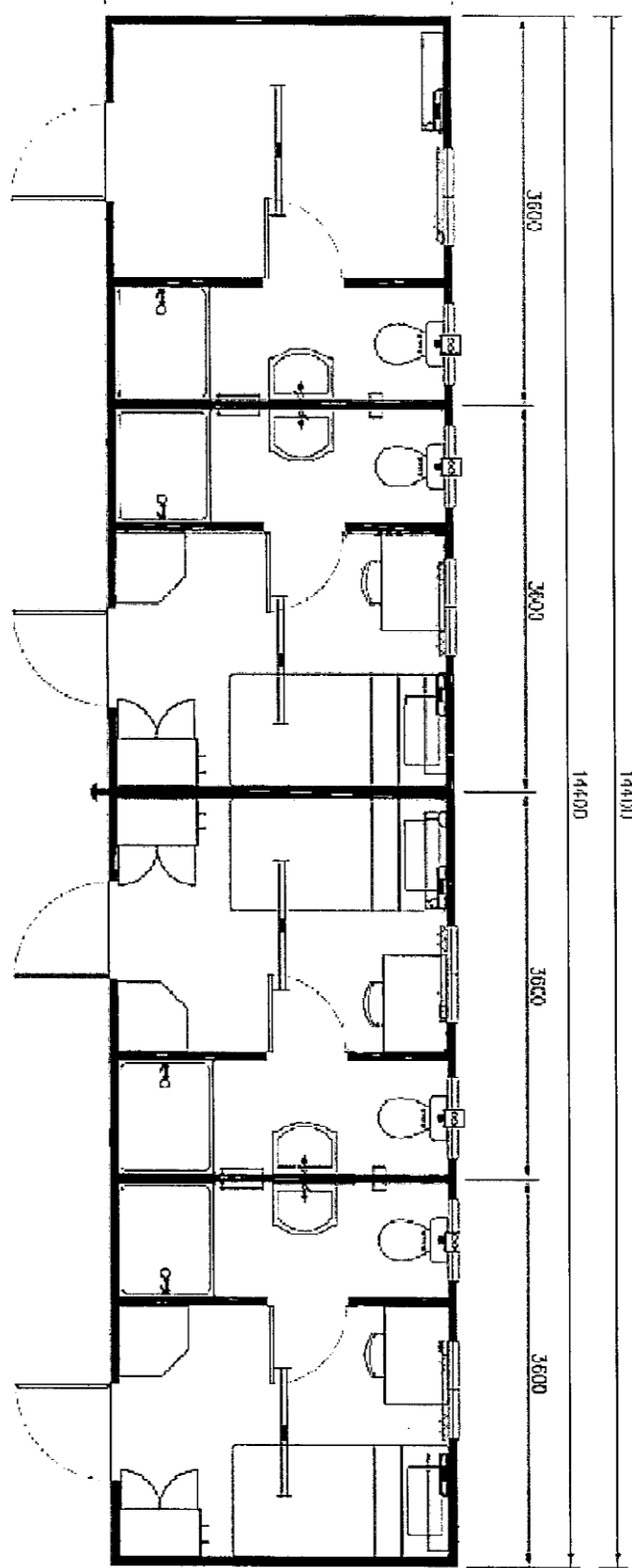
DRAWN: D. ADAMS
CHECK: D. ADAMS
DATE: 14/08/13

FILE DATE: 14/08/13
PROJECT NUMBER: 19958_A01

ISSUED FOR REVIEW



ATTACHMENT 3 FLOOR PLAN



5.2.2 Development Application Number 0495/2013 Proposed Mechanical Repair Workshop for Trucks at 5 Horatio Lane Mudgee Lot21 DP1121163

REPORT BY THE SENIOR TOWN PLANNER TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, A0100056, P1946861, DA0495/2013

RECOMMENDATION

That:

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

APPROVED PLANS

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

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - CIVIL

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

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

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

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

4. The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the National Construction Code and all relevant Australian Standards.

5. Complete landscaping plans are to be submitted for approval prior to issue of a Construction Certificate. All landscaping is to consist of appropriately advanced trees and shrubs which are to be established prior to occupation of the development. Tree and shrub species should be endemic to the area, require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.
6. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
7. A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
8. All building work is to comply with the requirements of the Access to Premises Standard
9. Detailed plans are to be submitted to council showing the method and materials for the sound insulation of the proposed building in accordance with the recommendations of the Noise Impact Assessment Report nss21977 - Final prepared by Noise and Sound Services

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

10. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.
11. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

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

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

13. The development site is to be managed for the entirety of work in the following manner:
 - 1) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - 2) Appropriate dust control measures;
 - 3) Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 4) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
14. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
15. Car parking within the development is to comply with the following:
 - i. Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - ii. Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1 – 2004;
 - iii. All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
 - iv. Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
16. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority guidelines and Australian Standard AS2980.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.
17. The driveway is to have a minimum width sufficient to allow manoeuvring access in accordance with Roads & Traffic Authority standards and sealed with a hard standing, sealed material and must be maintained in a satisfactory condition at all times.
18. All vehicles to enter and leave the site in a forward direction at all times.
19. All car parking and associated driveway works to be completed prior to occupation of the development.
20. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided each lot at a suitable location to the development. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M526-Industrial Access, M594-Kerb & Gutter Layback.

Which states:

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

Loading/Unloading

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

Stormwater

24. All disturbed areas are to be stabilised through the saving of topsoil during disturbance and its later respreading and establishment of vegetative cover.
25. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to Council for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.
26. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - (a) saving available topsoil for reuse in the revegetation phase of the subdivision;
 - (b) using erosion control measures to prevent on-site damage;
 - (c) rehabilitating disturbed areas quickly;
 - (d) maintenance of erosion and sediment control structures.
27. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.

BUILDING CONSTRUCTION

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

28. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
29. All building work is to comply with the approved plans showing the method and materials for the sound insulation of the proposed building in accordance with the recommendations of the Noise Impact Assessment Report nss21977 - Final prepared by Noise and Sound Services

30. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
31. Construction work noise that is audible at other premises is to be restricted to the following times:
Monday to Saturday - 7.00am to 5.00pm
No construction work noise is permitted on Sundays or Public Holidays.
32. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
33. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
34. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved interallotment drainage system.
35. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
36. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building. An application for an
37. All car parking and associated driveway works to be completed prior to occupation of the development.
38. Approval for discharge of liquid trade waste to the sewer is required prior to the issue of an Occupation Certificate. Trade Waste Application will be required to be submitted and approved for the proposed Vehicle Repair Station prior to occupation.

BUILDING

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

43. **Any signage proposed on the site is subject to a separate Development Application.**

GENERAL

44. **The hours of operation for the business are restricted to the following:**
Monday to Friday 7.00am to 5.00pm
Saturday 8.00am to 12.00 midday

These times include all truck movements to and from the site.

45. **The site is to be kept in a clean and tidy condition and all waste materials from the servicing of vehicles is to be stored in a screened enclosure and removed on a regular basis to a licensed waste disposal or recycling facility.**

Executive summary

Development Application 0495/2013 proposed the construction of a workshop for the servicing and mechanical repairs of trucks at Lot 21 DP 1121163, 5 Horatio Lane Mudgee. The site is zoned *Light Industry* and immediately adjoins the *Tourist* zone fronting Horatio street. The design of the proposed development included heavy vehicles passing along the zone boundary giving rise to concerns about noise from the development.

Council received two submissions on the proposed development concerned with the potential noise generation and the increased traffic movements in Horatio Lane. An acoustical report was requested and amended plans were submitted to address the noise and amenity issues likely to be generated by the proposed development.

The amended plans and the recommendations for sound insulation addressed the concerns of the adjoining property. Hours of operation will address some of the concerns from the George street residences. This report recommends conditional approval of the modified application for the servicing of heavy vehicles and trucks with insulation and amenity conditions.

The application has been reported to Council for determination due the nature of the objections received.

Detailed report

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

The land is zoned IN 1, Light Industry pursuant to Mid-Western Regional Local Environmental Plan 2012.

Zone IN2 Light Industrial

1. Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.

- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

Comment:

The proposed development of a mechanical repair workshop for trucks may be considered as "Light industry" provided the activity 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.

Lot 5 Horatio Lane backs onto the zone boundary between Light Industry IN2 and SP3 Tourist zone. Immediately adjoining the site is a motel including two story units and a single storey strata unit development. These existing developments are particularly noise sensitive, being residential in use. The Statement of Environmental Effects did not adequately address the potential noise generation from the development, hours of operation and measures to reduce the impact of the proposed use on the adjoining development.

An acoustical report was requested as the potential impact of a mechanical workshop on the adjoining developments and information on methods of moderating any impacts is required if the proposed development is to be considered as Light Industry under the MWRLEP 2012

The acoustical report recommends the sound proofing of the building and management strategies to reduce the potential of adverse noise impacts on the adjoining residential uses.

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

Development Control Plan 2013 Chapter 4.6 Industrial Development applies to the proposal.

Setbacks

Site Area	Street	Side/Rear*	Secondary Frontage for Corner Lots *	Site Coverage
Less than 2000m ²	6m	nil	4m	60%
2,001 to 5,000 m ²	12m	nil	10m	55%
Over 5,001m ²	15m	nil	12m	50%

*Subject to compliance with fire rating requirements of BCA

Comment:

The site has an area of 3764m² but no frontage to a street. Access to Horatio Lane is via a Right of Carriageway over Lot 1 DP 847785, 49 George Street and Lot 2 DP 816835, 6 Horatio Lane. The site coverage for the built area is 17.5%. The side setbacks to the boundary are 4.8 metres. As the land was lawfully subdivided consideration to varying the Development Standards is required.

Landscaping

- In the front 5 metre where the site adjoins Sydney Road and in the front 3 metres on other sites.
- Landscaping should be provided in front of the building line to increase the visual presentation of the development to the street
- In the side and rear setbacks where it provides visual relief from a public street or area.
- Landscaping to consist of mature trees and lawn which are low maintenance, drought and frost tolerant in nature.

- (e) Landscaping shall be provided in outdoor car parking areas where >10 spaces are required to provide shading and soften the visual impact of large hard stand area.

Comment:

Landscaping has been provided around the car parking area. From the plans submitted the plantings are proposed to be native trees and shrubs. The type of grass has not been specified. The landscaping meets the minimum required to comply with DCP 2013.

Design

- (a) Low scale building elements such as display area, offices, staff amenities are to be located at the front of the premises and constructed in brick or finished concrete.
(b) Roof materials are to be non-reflective.

Comment:

The total built development is proposed to be clad in Colorbond including the office area which is located on the northern side of the building. In this proposal the office area is being used to attenuate the noise from the workshop area. As the land has no frontage to any street the requirement to construct the office area in brick or concrete may be varied in this circumstance.

Fencing

- (a) All security fencing is to be pre-coloured or power coated.
(b) Open work areas or storage areas visible from a public place or street must be fenced by masonry material or pre-coloured metal cladding of minimum 2m height. This fencing is to be only located behind the front setback.
(c) Where perimeter fencing is proposed, any access gates are to be setback from the boundary by the length of the largest vehicle accessing the site.

Comment:

The site is partially fenced with colorbond. All property boundaries are required to be fenced with the fence height on the boundary adjoining the Tourist development zone increased in height to reduce visible and noise impacts of the proposed development

(c) Section 94 & 64 Contributions

Section 94A plan applies to this development. The rate is 5% of the estimate cost of the development. The quoted cost of development is \$100,000 therefore the contribution is \$500.

Payment of Development Contributions as follows:

As required by Section 94A Developer Contribution Plan for

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

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

Water and sewer is connected to the subject site and therefore headworks contributions do not apply.

2. IMPACT OF DEVELOPMENT

(a) Context and setting

The site is located off Horatio Lane with access via a Right of Carriage from Horatio Lane. The site shares a common boundary with the SP3 Tourist zone which fronts Horatio Street. The adjoining land uses are predominately tourist development and residential multi unit dwellings along the northern boundary of the site and light industrial development on the other boundaries.

While mechanical repairs are a permissible in the zone the potential for adverse impacts on the adjoining residential and tourism development from the movement of heavy vehicles and the workshop activities required an acoustical report be prepared for the development. Conditions requiring the sound insulation of the building, hours of operation and the design of the development to ensure truck movements are away from the northern boundary are required

(b) Access, transport and traffic

Access to the site is a right of carriage way over the adjoining lot with No. 5 Horatio Lane having no direct street frontage. Ten (10) car parking spaces are proposed to be provided and there is adequate area on site for trucks to enter and leave the site in a forward direction

(c) Public domain

The development will have minimal impact on the public domain. Access to the site is from a public road serving a light industrial area

(d) Utilities

The site can be connected to all required utilities services

(e) Heritage

The site is outside the Mudgee Heritage Conservation Area and there are no Items of Environmental Heritage adjoining the subject land

(f) Other land resources

There are no other land resources associated with this site

(g) Water

The site can be connected to reticulated water to serve the development and storm water drainage was considered on the subdivision application. All storm water from the roofed and paved areas of the development will be required to drain into the easements provided by the subdivision.

(h) Soils

The development will not impact upon the existing soil quality of the site

(i) Air and microclimate

The development will be required to be managed such that there is no adverse effect on air quality in the locality. The design of the development minimise potential issues with air quality from truck movements. The development will not contribute to negative microclimate effects

(j) Flora and Fauna

As the site has been extensively cleared during subdivision there will be no impacts upon flora and fauna associated with the site

(k) Waste

The development will be required to have a trade waste licence for the disposal of liquid waste from the servicing of vehicles. Solid waste will be required to be disposed to a licensed facility. The operators of the site will be required to keep the site clean and tidy.

(l) Energy

Provision for the supply of energy to the site was required on the subdivision of the land. The development will require connection to the supply network.

(m) Noise and Vibration

The potential for adverse noise impacts from the proposed servicing of trucks was identified during the assessment of the application. A noise study has been undertaken which recommended insulation and noise suppression material be installed in the workshop area of the proposed building. Further the development was redesigned to remove truck and other vehicle movements from the common boundary with the residential and tourist development.

Hours of operation and amenity protection conditions are recommended to ensure that the development has a minimal impact on the adjoining development

(n) Natural hazards

There are no known natural hazards associated with this site

(o) Technological hazards

There are no known technological hazards associated with the development or development site

(p) Safety, security and crime prevention

Being a battleaxe lot the site is overlooked by a mix of development providing visual security for the development. The design of the proposed development contains all activities within the building and the site is fenced. There are no additional requirements for crime prevention

(q) Social impacts in the locality

The development will not impact socially on the area

(r) Economic impact in the locality

The proposal is for an existing business to relocate to a purpose built workshop with area on site for the turning of vehicles and all service activities able to be contained within the building. The workshop will comply with the current standards for mechanical repair activities.

The provision of truck mechanical repairs within the industrial area will provide a convenient service for the transport industry located within the Mudgee area.

(s) Site design and internal design

The original design of the development was amended to reduce the potential for adverse impacts on the adjoining residential and Tourist development. The amended design eliminated truck movements on the common boundary with the Tourist development and the office section of the building is located on the northern side of the development to assist with the minimisation of noise from the workshop area

(t) Construction

The workshop will be constructed to reduce the transmission of noise from the mechanical repair activities. All traffic movement areas and parking areas will be constructed of a dust free hardstand material to minimise potential dust and noise nuisances to adjoining properties

(u) Cumulative impacts

The cumulative impacts of light industrial development in this location have required consideration of traffic, noise and dust impacts on the adjoining development. The recommended conditions of consent include controls on the generation of noise and dust in this locality.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality

The proposal for a *Light Industry*, being mechanical repairs of trucks at 5 Horatio Lane, Mudgee is permitted in the zone. Being located on the zone boundary between *Light Industry* and *Tourist* zones requires development standards to be required to minimise any adverse impacts of the new development on the adjoining existing land uses.

(b) Are the site attributes conducive to development

The site is located off Horatio Lane as a battle axe lot with a Right of Carriageway providing legal access to the land. The site has 3764m² site area which provides adequate area for the turning of heavy vehicles on site so that vehicles enter and leave in a forward direction. The land is fully serviced and has access to storm water drainage

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was notified to the adjoining property owners and one submission was received from Snell Architects owners of the Horatio Motel (see Attachment 5). Following Council forwarding the acoustical report to Snell Architects a further submission was received (Attachment 5). The redesign of the site layout was forwarded to Snell Architects and no further submission was received.

After the close of the notification period a submission was received from the residents at 51 George Street Mudgee which is at Attachment 5.

The submissions from Snell Architects are concerned with the potential noise impacts on their motel and the adjoining residents. The Horatio Street motel is currently building additional accommodation and has a current approval for a new car parking area and visitor amenities. The late submission is concerned with the number of truck movements occurring in Horatio Lane and the hours of these movements resulting in noise, odour and dust nuisances.

Any consent for the proposed development will require hours of operation, noise reducing construction of the building and provision of dust free hard stand driveways and parking areas

Submissions form public authorities

No submissions were received

5. *THE PUBLIC INTEREST*

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

There are no matters of federal, state or local government interest in this application. The community interest is in the provision of services for all sectors of the community while maintaining a reasonable standard of environmental protection for existing and future landuses and residents.

6. *CONSULTATIONS*

(a) Health & Building

The Manager of Health and Building has recommended conditions relating to the construction of the building and the management of waste during construction and in the long term management of the site

(b) Development Engineer

The Manager of Development engineering has recommended conditions for the construction of driveways, parking and traffic areas, the provision of utilities and the requirement for a trade waste license for the activity.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

ELIZABETH STONEMAN
SENIOR TOWN PLANNER

21 November 2013

- Attachments:*
1. Location Plan
 2. Aerial Plan
 3. Site plan
 4. Elevations
 5. Submission

APPROVED FOR SUBMISSION:

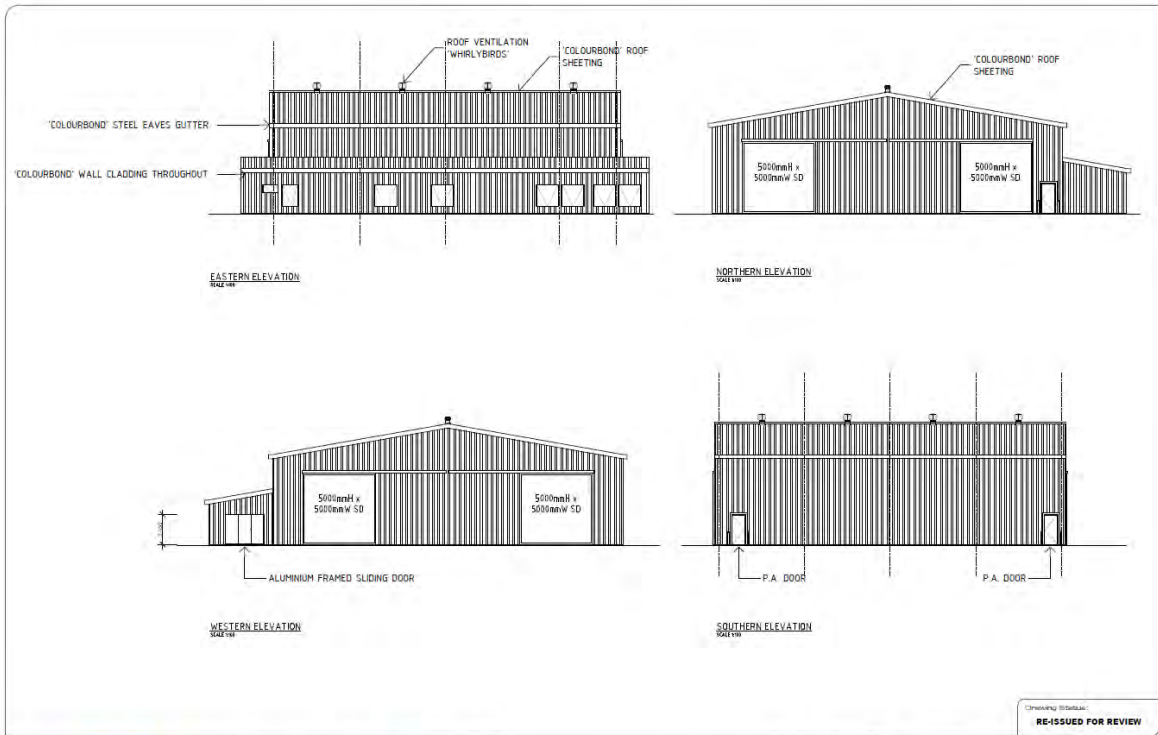

WARWICK L BENNETT
GENERAL MANAGER


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND
COMMUNITY SERVICES

ATTACHMENT 2 AERIAL PLAN



ATTACHMENT 4 ELEVATIONS OF SHED



Drawing Status:
RE-ISSUED FOR REVIEW



Office Location:
 111/113 Main Street, Horatio Lane
 Contact: Lisa
 02 9438 1000
 02 9438 1001
 02 9438 1002



Client: **KEN ROSS**
 Project: **PROPOSED SHED DEVELOPMENT
 AT 21 HORATIO LANE MUDGEE**

Drawing Title:
ELEVATIONS

Design	Drawn	Rev / Date	Amendments
DR	DR	1 / 01/12/12	
DR	DR	2 / 01/12/12	
DR	DR	3 / 01/12/12	
DR	DR	4 / 01/12/12	

Drawings:
 Drawing Number: **18674_A05**
 Revision: **C**

ATTACHMENT 5 SUBMISSIONS

INSTALLATION
INTERIOR
ARCHITECTURE
PLANNING_SNELL

11 July 2013

The Manager
Mid-Western Regional Council
86 Market Street
Mudgee NSW 2850.

Dear Sir

Re : Development Application DA0495/2013 – Proposed Light Industry @
5 Horatio Lane Mudgee NSW 2850 Lot 21 DP 1121163.

I write to Council as the Owner of The Horatio Motel.

The Horatio Motel is located north of and shares a boundary with the above proposal.

In considering the impact on existing amenity it is important to note that whereas the site is zoned Light Industrial, the site has remained vacant land while adjacent lots have developed activities that have been in place for many years. It would seem unfair and unreasonable if these activities were unnecessarily disadvantaged by this new proposal.

In considering the above application we seek Council's support to ensure the existing uses/activities of the neighbourhood are thoroughly considered and that existing amenity is not demeaned by the proposed new activity.

Points for consideration :

1. All vehicle movements to and from the site will be via Horatio Lane, within 6 metres of the existing residence on the corner of Horatio Lane and George Street. Trucks will drive past this residence from 7.00 am six days a week and assuming work actually commences at 7.00am, it would be reasonable to expect trucks would start arriving from 6.30 am. No acoustic separation is proposed.
2. Residents in the single dwelling No11 and the six villa units No 5-9 Horatio Street, will now have as their neighbour approximately 1000 sq metres of hard surface occupied by ongoing truck movements and maneuvering from potentially 6.30 am six days a week. No acoustic separation is proposed.
3. The Horatio Motel has provided quiet and comfortable amenity for business and tourist visitors to Mudgee for many years. It would be unreasonable for the above new activity not to consider this existing amenity and demonstrate how both existing and proposed uses can co-exist.

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Director
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FRAIA Nominated Architect NSW 3784
Associate Directors
Joe Snell B.Sc Arch B.Arch
Bill Grossmann B.Sc Arch B.Arch
Luis Gil Architectural Technician
Kevin Snell Pty Ltd ABN 51001634984

DAY DESIGN PTY LTD

AB.N. 73 107 291 494

CONSULTING ACOUSTICAL ENGINEERS



Suite 17, 808 Forest Road
Peakhurst Sydney NSW 2210
Phone: (02) 9584 2639 Fax: (02) 9584 2619
Email: acoustics@daydesign.com.au
www.daydesign.com.au

Mr Kevin Snell
C/- 169 Albion Street
Surry Hills NSW 2010

Refer: P \ 5183-2.11

Email: kevin.snell@snellarchitects.com.au (2 sheets)

19 September, 2013

Dear Sir,

LOT 21 DP1121163, HORATIO LANE, MUDGEE

PROPOSED MECHANICAL WORKSHOP

RESPONSE TO NOISE IMPACT ASSESSMENT, SEPTEMBER 2013

Day Design has been engaged by Mr Kevin Snell, co-owner of the Horatio Motel, to review the Noise Impact Assessment (The Report) prepared by Noise and Sound Services for the applicant, dated 6 September 2013 for a proposed Truck Servicing Shed at 5 Horatio Lane, Mudgee.

The Report assesses noise from inside the proposed workshop, however does not consider the noise created by trucks entering or leaving the site. In addition it has not considered any work carried out outside the building.

The noise created by trucks inside the building has also not been assessed. Such truck noise could include revving of engines and driving into and out of the workshop.

The assessment has been carried out following the guideline of the Industrial Noise Policy (INP), and while modifying factor adjustments (Section 3.3 of the Report) have been discussed, they have neither been assessed by including third octave data for the noise producing plant nor included in the calculations in the report. It is likely that some of the noise created in the workshop will possess tonal characteristics, which will attract a penalty in accordance with the INP.

Noise level predictions/calculations have not been provided in the report at each nearby sensitive receptor. A formula is given in Section 5.2 of the Report, however the formula has not been used to predict the likely noise level. The calculated noise level is used to determine any required noise controls.

Recommendations in Section 6 of the Report are not clear. The Report states that the roller door should be closed when any item of plant with a noise level greater than 90 dBA at 1 metre is used inside the building. This allows items of plant just lower than 90 dBA at 1 metre (eg portable angle grinder) to be used with the roller door open. Calculated noise levels at receptors would assist in the clarity of the report.



- AIRCRAFT, ROAD TRAFFIC AND TRAIN NOISE CONTROL
- ARCHITECTURAL ACOUSTICS • INDUSTRIAL NOISE AND VIBRATION CONTROL
- ENVIRONMENTAL NOISE IMPACT INVESTIGATION AND CONTROL
- OCCUPATIONAL NOISE INVESTIGATIONS • QUIET PRODUCT DEVELOPMENT





Mid Western Regional Council
Market Street
Mudgee

Dear Sir or Madam:

We would like to voice our concerns regarding the increasing traffic being generated through No 5 & No 6 Horatio lane. We live at 51 George Street and have been here 15 years and the increased traffic is impacting our lifestyle. We have noticed a considerable increase in heavy trucks entering this area and at times outside the normal trading hours of surrounding businesses. On one occasion there was 8 vehicle movements from 8.10am on a Saturday morning, including 3 semi trailers. Another occasion saw 8 vehicle movements in a 45min period from 12.00pm on a Saturday afternoon including 2 semi trailers. We also had semi trailers entering at 7.20am on 2 occasions one of which was a Saturday. There was various other semi trailers entering and exiting at 7.45am and 7.50am. On one particular day, we were woken by a stock truck and trailer, which was very noisy and smelly entering at 7.30am. We understand that a development application has been placed for a truck repair business to be built at No5 Horatio Lane, we strongly object to this application. We are concerned this issue will only get worse in the future and severely impact on our way of life. The extra heavy traffic creates noise, dust and is damaging the road surface on Horatio Lane. We would appreciate some consideration in this matter.

Concerned Residents
Mark & Caroline Sabin
51 George Street
Mudgee
PH 63720251

PN: 19468 DA.
PN: 9897

042 7239335



ACK

5.2.3 Comprehensive DCP 2013 – Draft DCP Amendment No.1

REPORT BY THE MANAGER STATUTORY PLANNING TO 4 DECEMBER 2013 COUNCIL MEETING
Adoption131204 Council PUBLIC
GOV400029, A0100056, A0420143

RECOMMENDATION

That:

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

Executive summary

Council adopted the Comprehensive DCP in February 2013. As part of the adoption of the DCP, Council also resolved to review the DCP within 12 months of operation.

The DCP had been in operation for just over 6 months and it became apparent that some of the new controls specifically to do with Water Sensitive Urban Design needed to be amended to make them more reasonable for developers and Council. Current controls are determined by the creation of a new road whereas Council's engineering staff believe that it would be more beneficial to determine the controls on a catchment basis.

The revised DCP also amends the cut and fill requirements of the DCP so that they are in line with the State Environmental Planning Policy (Exempt and Complying Development) Codes 2008 (Code SEPP).

Additional standards that were inadvertently left out with the consolidation of the DCP's include provision of industrial subdivision standards and the restriction of fill in high hazard flood areas.

As part of this process, administrative changes were also made to the format of the DCP to make it more user friendly. These include:

- clarifying what infrastructure is required for urban and rural subdivisions,
- amending the format of the discretionary standards such that the deems to satisfy provisions are adjacent the performance objectives;
- Clarification of development standards for development in the R5 Large Lot Residential zone,
- Clarifying the standards applicable for multi unit housing,
- Clarification of the relationship between the Caerleon Chapter and the rest of the DCP,
- Defining agricultural and recreation uses in the Flood Appendix,
- Clarification of the Outbuilding standards within Part 2 of the DCP so that it is clear that they only apply to urban zones
- Clarification of privacy standards, definition of single storey and site coverage requirements for dwellings

The Draft DCP was exhibited for a period of 28 days in accordance with the Environmental Planning and Assessment Regulations 2000. Two submissions were received and are attached to

this report. The submissions do not change the intent of the proposed changes and it is therefore recommended to Council that the Draft DCP be adopted in the form attached to this report.

Detailed report

The following changes are those based upon submissions made by Staff during the exhibition of the DCP.

Proposed change	Detail	Existing provision	Commentary
Large lot residential (R5) zone	Community title subdivision provisions with density consistent with minimum lot size map.	Nil	LEP does not provide any minimum lot size for community title subdivision in residential zones. R5 large lot residential is rural based and should have an overall density requirement.
Footpaths/ Cycle ways	2.5 metre standard consistent with Ausroads.	2.4 metre standard consistent with Aus-spec#1.	Ausroads is the current applicable standard as Aus-Spec#1 is no longer applicable to road standards.
Rural Road Standards	Provisions consistent with old Road Classification Policy.	Nil.	DCP has never provided these standards as there was a Council policy; this was rescinded and now it is necessary to provide standards in DCP.
Define slope	Use degrees	Currently uses percentage	Consistent with other guidelines
Fast track and heritage	Fast track not applicable on heritage site	Provisions do not exclude heritage items	Development near or adjacent heritage items requires specific assessment not able to be achieved with fast track.
Urban Road Classification	Minor road to have 16m road reserve.	Currently requires 15m road reserve.	The standard does not equate with individual components of road.
LEP/DCP objectives	DCP objectives to illustrate role of DCP in implementing LEP objectives.	No consistent approach.	The role of a DCP is to support the objectives of the LEP.
Setbacks – Table 2.1	Garages to be 1m behind building line	Clarification only.	The intent of the DCP was that garages were to be

Proposed change	Detail	Existing provision	Commentary
			subservient to the building and therefore setback 1m behind the main building line.
Fast track – Dwellings	One space to be covered.	Does not specify.	Consistent with how DCP has been interpreted but not specifically stated.
45% of elevation - garages	Garages to be less than 45% of the elevation for each dwelling.	Does not specify whether for individual units.	Intent of the DCP was that each dwelling had to have a garage less than 45% of the elevation.
Fast track Private open space.	To be provided on northern elevation and not in front yard.	Allows private open space in front yard.	Provision of private open space in front yard is a merit assessment and cannot be considered in a fast track application.
Front setbacks.	Specific standard or average of adjoining properties.	Specific standard	The amendment allows for the consideration of the immediate streetscape as to what is the acceptable setback.
Temporary signage	Allows for temporary signage on any land (with owners consent) for one week before the major event or charity organisation event.	No provision	The purpose of this control is to regulate and provide guidance for an activity that already occurs.
Education establishments	Provision for bus parking	Provision only for car parking and drop off.	Best practice for education establishments is that buses queue on site rather than on public roads.
Medical centres parking	Same standard to be provided in all zones.	Currently requires 3 spaces per consulting rooms outside of Commercial Core zone business and 1 space per 30m ² for development within Commercial Core zone.	Car parking for medical centres is high demand and any purpose built facility should provide adequate parking.

Submissions

Two submissions were received during the exhibition period and they are discussed below;

Submission	Staff Comment	Included in DCP
Technical guidelines Appendix B2 instead of B1 Section 3 not 30	Drafting error	Yes
Residential development in Stormwater management Table 1. Houses or all residential development.	Multi Dwelling housing only. Single dwelling houses and dual occupancies were not meant to require stormwater or water quality control.	Clarified.
Roads to be assessed separately to residential subdivision.	This is correct.	Status quo
Concern that water quality controls defined by lot numbers will mean that DA's lodged for smaller lot yields.	Water quality measures are proposed to be differentiated by the lot yield but also on catchment basis.	Maintain propose changes.
1.5 year event for small subdivisions may not promote better outcomes	The requirement for post development flows to be at or less than pre-development flows up to 1.5 ARI is consistent with major WSUD policy guidelines.	Wording clarified to refer specifically to pre and post development flows.
Hydraulic stormwater analysis of catchment required to determine required water quality measures.	Council is investigating this matter as part of the review of the Section 94 plan.	Section 94 plan review to inform.
Performance targets for water quality. Will deem to satisfy provisions be provided?	No, this is dealt with in conditions of consent that specify the use of MUSIC modelling or equivalent that demonstrates targets met.	No – see comment.
Community detention basins best outcome for managing stormwater.	Agree, but dependent on funding from Council and developers.	Not specific to DCP review.
Solar access to living areas in residential development.	Agree, included in DCP.	Yes.
Checklist for lodgement of DA's.	Agree, will be done.	Not specific to DCP review.
Fast track provisions – penalty Time taken for merit assessment is sufficient penalty. No need for exclusion.	Disagree, penalty ensures that the applicant or building professional is confident that proposal meets criteria and this also fosters pre-DA meetings to ensure compliance.	No.
Cut and fill – dwellings. Agree with revised allowances but disagree with setback of 1500mm.	Setback for cut and fill is 300mm off boundary.	Requirement meets developer expectations.

Submission	Staff Comment	Included in DCP
Dual Occupancy – site coverage 40% - fast track 50% - discretionary	DCP requirement 35% - fast track 40% discretionary	Disagree that fast track site coverage should be increased but agree that discretionary should be increased to 50%.
Dual occupancy - Cut and fill No provision (in draft).	Standard is the same as for dwelling. 600mm max. Fill 1,000mm max. Cut 300mm off boundary	Status quo

Financial implications

There are no financial implications as the review has been undertaken with existing staff resources.

Strategic or policy implications

The review of the DCP is part of the Strategic Planning programme and demonstrates a commitment to continual improvement in planning services for the Mid-Western Regional Local Government Area.



GARY BRUCE
MANAGER, STATUTORY PLANNING

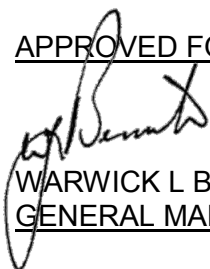


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

22 November 2013

Attachments: 1. Submissions received
2. Draft Comprehensive DCP – Amendment No.1 (included at the end of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1



Whelans InSites Pty Ltd
ABN 61 088 148 743

www.insites.com.au

Surveying
Urban Planning
Project Management
Tenancy & Building
Strata Certification
Engineering
Spatial

11 November 2013

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

Dear Sir,

RE: MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN AMENDMENT 1

We write in response to the recent exhibition of the draft Mid-Western Regional Development Control Plan (DCP) Amendment No 1. While the DCP represents a logical and welcome improvement in usability, the following comments are put forward for consideration:

1. The draft DCP states in Table 1 that Technical Guidelines are located in Appendix B1. It is clear from reviewing the document that this should be Appendix B2. In Table 1, this section also refers to "30", this should be referring to Section 3.
2. Is the term "residential development" only referring to construction of individual houses, duplexes etc, or does it also refer to residential subdivision?
3. The S2S document seems to apply to individual residences. Is this document intended to apply to subdivisions? And if so, how? Is it intended that the assumption of infiltration trenches or rain gardens will be implemented by future home builders and would this need to be modelled when planning / designing for subdivision level compliance with the water quality for operations?
4. Is Section 5.3 Stormwater Management – Table 1 the Development Categories "Roads in Urban Areas and Car Parks (>5 Cars) including new roads on subdivisions and road widening" intended to be read separately to the last development category "All other types of development including Council development that requires approval under the EP&A Act"? That is, are the Roads to be assessed separately from other land within a proposed residential / commercial / industrial development?
5. We understand from the comments at the recent Golf Club meeting that full water quality (WSUD) would be required for large developments (more than 100 lots) and progressively more water quality and OSD would be required for subdivisions of more than , say 30 lots. The likely outcome for this would be to encourage that all developments will be submitted for approval at 29 lots or less. Probably, there will be super lot subdivisions, which will be "facilitating subdivisions" of say 5 to 10 lots. These lots would then be further subdivided into say 28 lots, therefore not triggering the criteria for water quality improvement or OSD.
6. Another comment made at the recent Golf Club meeting was that OSD for some developments would be applied at the 1.5 year ARI Event. This storm recurrence interval is usually adopted to control discharge to a creek system to minimise erosion within the creek. If the discharge is to a

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pipled system downstream, then attenuation of flows for the 1.5 year event would not improve the downstream storm water infrastructure if this consists mainly of a pipe system. Even if the downstream system is a creek/channel the potential improvement would be dependent on the existing current development contributing. If most of the catchment is already urbanised, then improvement would be negligible.

7. To ensure that developments in the upper catchments do not exacerbate flooding downstream, a hydrologic and hydraulic storm water analysis of the catchment is necessary. A stormwater detention policy which requires that individual development sites provide for detention such that post developed flow rates from each site will not exceed the pre-developed or existing flow rates will not necessarily produce the desired outcome that downstream peak flows will not exceed the existing peaks. The main reason for this is that the peaks from individual hydrographs from a number of development sites may align and create minimal or no improvement. Further, the whole policy would be based on the assumption that all of the individual basins will be properly maintained in perpetuity. Properly designed community basins would be much better to control downstream flooding, would be more efficient in terms of maintenance. If funded by developer contributions, the cost of basins would be applied fairly across all developments within the catchment, or across the Local Government Area.
8. The performance targets for stormwater pollution runoff are defined in Table 4 of the draft DCP. Will the DCP (or another document) stipulate the minimum requirement to demonstrate how the criteria will be met? Similarly, for any Stormwater detention requirement. In the past many Development Consents have been issued which have specified OSD, but the approved plan either showed no area for OSD or the basin design could not be built or the design outcome was not desirable.
9. Community basins which provide for Multiple Use of Drainage reserves, detention basins etc should be encouraged.
10. The design standards that contribute/facilitate the development of high amenity private living environments are limited. Specifically there are no measurable standards placed on solar access to living rooms. Solar access to living space is a significant contributor to long term amenity and liveability of a dwelling and it is generally considered reasonable to require a minimum of 3 hours between 8am and 5pm on the 21st of June.
11. It is requested that a checklist or matrix be prepared for the most common forms of development applications which includes the minimum required documentation that is required before an application will be assessed. As a minimum a checklist for the following would be useful:
 - a. Residential Subdivision
 - b. Rural Subdivision (including Zone R5)
 - c. Dwelling
 - d. Dual Occupancy

InSites welcome any opportunity to work further with Council and the community to further develop land use controls that support ongoing sustainable growth of Mudgee. InSites support policy which provides and facilitates the development of high amenity housing and open spaces.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Myall Stevens", with a stylized flourish at the end.

Myall Stevens
INSITES



4th November 2013

General Manager
Mid-Western Regional Council (MWRC)
P.O. Box 156
Mudgee NSW 2850

Attention: Garry Bruce
Manager of Statutory Planning

Re: MWRC Draft DCP 2013 Rev. A

32 Moonee Street

PO Box 1072 Coffs Harbour NSW
2450

Phone 02 6650 3300

Fax 02 6651 4011

www.hibbards.com.au

Hibbards Pty Ltd

ABN 22 057 895 020 R I N 411220

Dear Sir / Madam,

I have read the proposed the Draft Rev. A of the MWRC DCP 2013 and wish to comment on the current DCP 2013 and the proposed changes as found in the Draft Rev. A of DCP 2013. In doing so I hope that my comments and opinion may have a positive influence to encourage MWRC to include, more flexibility in the Draft DCP, in consideration of housing affordability, good simple design, in balance a fast growing local economy. To assist MWRC understand, how what appears to be a safe and simple provision adopted, by MWRC into the DCP can impact negatively on development cost, regional growth and investor / developer perception, as to the MWRC, willingness to do business.

Hibbards Pty Ltd raised these housing affordability concerns in our submission to MWRC, for the Draft LEP in 2011. As, is similar for all the other regional NSW districts in which we conduct business. Housing affordability remains as our company's primary concern in Mudgee, including any decisions which may or may not be adopted by MWRC, which results in having a negative effect, for housing affordability. MWRC's initiative to introduce a Fast-Track DA system, is an excellent concept, let down by a number of key flaws.

I wish to draw your attention to several issues, in relation to 1) Fast-Track DA Option, 2) Slope & Cut and Fill and 3) Dual Occupancy.

1) **Fast-Track DA Option**

Given the current provisions of the MWRC DCP, it is Hibbards Pty Ltd understanding, that whilst the intended outcome of the Fast-Track DA option was to speed up the DA process and make the DA process clear and simple, the presence of a penalty, (for perhaps an error in interpretation of the check list items) and the stringent Cut and Fill provisions, has resulted in developers, avoiding the Fast-Track system, resulting in longer approval time frames for residential development. Added to this is an environment of confusion and

uncertainty in selecting the right mechanism and the same can be said, in some situations for MWRC staff, responsible for the Fast-track DA system.

During the 2012, consultation period by MWRC, for the adoption of revised development application process for residential development. The 'Fast-Track' option was promoted by MWRC staff, as a viable alternative, to the NSW state SEPP for complying Development. At the time this proposal sounded very appealing to Hibbards Pty Ltd and other developers in attendance. The adopted provisions, while encouraging, was greatly compromised by the adoption of stringent Slope & Cut and Fill provisions, (see point 2) and the threat to remove accredited applicants from the Fast-Track system for a period of 6 months. Although Hibbards Pty Ltd, have successfully completed a Fast-Track DA, in the same period, our company successfully achieved another 2 CDC's approved with the NSW state SEPP for complying Development mechanism.

Hibbards Pty Ltd, recommend that the existing exclusion penalty for Fast-Track be removed. The additional time penalty for lodging a discretionary DA as a Fast-Track DA, is deterrent enough. Applicants submitting a DA under the Fast-Track system, which are found by MWRC, not meet the Fast-Track check list, will suffer a time penalty, by way of the time it takes to discover this error, to prepare and post the notification, the time it takes for the applicant to prepare and re-lodge the DA as a discretionary DA, plus the 35 days for assessing the discretionary DA.

2) Slope & Cut and Fill

The most cost effective methods of construction for residential housing is RC Raft or Waffle pod slabs, set on a single plane pad / foundation, which is achieved by cut and fill to level site, which extends beyond the footprint of the dwelling. The perimeter treatment is with blended battering of the fill and / or retaining walls, previously up to 1m. Building Lots, which have a combined gradient, exceeding 600mm, under the current MWRC DCP provisions, require alternative foundation designs and additional site works, which are more expensive than a RC Raft slab / Waffle slab design.

The adoption of a maximum excavation / fill combination of 600mm, by MWRC for DCP 2013 and the current shortage of affordable and level building sites, has had a significant impacted for the development of affordable residential housing, in Mudgee. This has limited the number of residential development sites, which comply with the provisions of the Fast Track DA. This change from the previous DCP, is far more stringent than the provisions of, **NSW Housing code** (A guide to complying development), clause 3.30 Fill and clause 3.35 Retaining walls. The end result is an increase in building costs for entry level residential housing affordability in Mudgee.

Whilst the Draft Rev. A, of MWRC DCP 2013, seeking to redress the stringent Slope & Cut and Fill provisions of DCP 2013. Rev. A, proposed to increase the Cut to 1m and the fill to 600mm, which if adopted will come in to line the provisions of the, NSW state SEPP for complying Development. However Rev. A, also proposes to increase the minimum distance to a boundary, from 900mm to 1.5 m. This proposed minimum distance for retaining walls and filled land, to a boundary, does not appear to be consistent with any clause in the current regulations, for complying development, a) **State Environmental Planning Policy** (Exempt and Complying Development Codes) 2008 Ver. 1012013 to 20.6.2013 Part 3 General Housing Code, Division 1 development that is complying development under this code, Subdivision 6 Earthworks and drainage, clause 3.29 Excavation of sloping sites and clause 3.30 Fill of sloping sites. Or, b) **NSW Housing**

code (A guide to complying development), clause 3.30 Fill and clause 3.35 Retaining walls. An exception being, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Ver. 1012013 to 20.6.2013 Part 2 Exempt Development Codes, Sub Division 15 Earthworks and retaining walls, which is not applicable for Complying Development.

The proposed minimum distance of 1.5 from a boundary to a filled batter or retaining wall, is a disincentive for new residential development on green field sites. Whilst, MWRC may be concerned with and seeking to reduce, the risk of subsidence, for existing properties, or preserving sensitive heritage buildings and the like, adjacent to infill redevelopment, proposing to excavate to a zero boundary offset. This provision if implemented will have the effect of reduce the width of a sloping site by at least 3.0m and if a retaining wall or fill batter is separate from the walls of the dwelling, with access between the structures this could increase to as much as 5.0m, a substantial loss of site usage. Hibbards Pty Ltd strongly, recommend that MWRC, not adopt this provision, as it is a significant impediment to the Fast-Track DA objectives and could lead to poor quality streetscapes.

Provisions, equal to or more stringent to those in the, NSW state SEPP for complying Development, are not incentive enough alone. MWRC needs to implement measures to encourage investors and developers and Hibbards Pty Ltd to seek development approval through the mechanisms of the MWRC DCP. Greater flexibility should be adopted for, Slope & Cut and Fill by MWRC into the DCP to encourage development of residential housing on a broader scope of gradients, for the increasing number of sloping sites in Mudgee,

3) **Dual Occupancy.**

Site Coverage

Given the current high prices for residential lots in Mudgee, Dual Occupancy development is potentially becoming the only option to deliver affordable housing, for first home buyers, retirees and investors. I would encourage MWRC, see the potential of Dual Occupancy as an important part of the future development and growth of Mudgee. Would MWRC consider, broadening the appeal of detached dual occupancy developments, beyond the investor / rental market, to a wider demographic. By increasing the current, 35% site coverage for 'deemed to satisfy' to 40% and the current, 40% site coverage for 'Discretionary" DA, up to 50% for detached dual occupancy. This would facilitate, prestige middle market, dual Occupancy development and could serve as an affordable entry level home for first home buyers, a viable alternative as a mid size home for growing families and retiree's wishing to transitioning up to a larger family home or down to a smaller retirement home.

Slope & Cut and Fill

I note that the Draft Rev. A, of MWRC DCP 2013, omits any reference to Slope & Cut and Fill, for the 'Deemed to Satisfy' (Fast-Track), provisions. This absence of information makes me feel nervous and I hope that more stringent standards are not being considered.

Presuming that a particular residential building lot, is suitable for a dual occupancy development. Then it is a reasonable expectation, that for a dual occupancy development, is likely to result in a higher density (site coverage), than a single dwelling on the same size residential lot. Then it follows that for the Dual Occupancy 'Deemed to Satisfy' - Slope & Cut and Fill provisions, need to reflect this and allow for retaining walls and batters to be less than, those proposed for Single Dwelling Fast-Track provisions, without the imposition of minimum distance to a boundary from a retaining wall or batter. So, at worst adopt b) **NSW Housing code** (A guide to complying development), clause 3.30 Fill and clause 3.35 Retaining walls, not associated with excavation or fill from a dwelling house or ancillary development, must have a height above or below existing ground level, not exceeding.

- 0.6m: if located less than 0.5m from the side or rear boundary.
- 1m: if located at least 0.5m from the side or rear boundary.

Preference for SEPP Complying Development

Hibbards Pty Ltd has adopted a policy of utilising the NSW state SEPP for complying Development mechanism where possible and engaging independent PCA, for these applications and construction certificates, in Mudgee. During my time project managing operations in Mudgee, a good working relationship has been established, with MWRC and staff. Given the current key issues identified above, this working relationship is being tested, not by individuals, but by MWRC policy. If a return to practical, provisions in the MWRC DCP, can be achieved. Hibbards Pty Ltd is open to changing our current policy position and would, willingly (not reluctantly), return to doing business with MWRC,

Yours faithfully

Andrew Hibbard

Project Manager - Mudgee
HIBBARDS PTY LTD

Mobile: 0417 504 994

Email: andrewh@hibbards.com.au

5.2.4 Development Application 0357/2013 Proposed Motocross Track at Lot 2 DP 1022470, 312 Buckaroo Road Buckaroo

REPORT BY THE SENIOR TOWN PLANNER TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, P1335361, DA0357/2013

RECOMMENDATION

That:

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

Executive summary

Development Application 0357/2013 proposed the establishment of a motocross track at Lot 2 DP 1022470, 312 Buckaroo Road Buckaroo. Mid-Western Regional Council is both the owner of the land and the applicant for the application. Council consent was given for the lodging of the development application.

During the assessment of the application it became apparent that Mudgee Dolomite and Lime Pty Ltd (MDL) was using part of Council's land as a haulage route from an existing quarry to the processing plant at Lot 3 DP619374 314 Buckaroo Road, Buckaroo without the consent of Council. MDL has also dumped material on Lot 2 without Council consent or any development approval for a waste facility.

As the proposed site is unsuitable for the motocross track due to its lack of access, impact on the environment and potential impact on both Council's and MDL's quarrying activities DA0357/2013 should be withdrawn.

The use of Council owned land for access and storage of waste materials by MDL must be regularised as currently Council carries the liability for any accidents on the haulage route and any regulatory action concerning the unapproved waste disposal activities on Council land. Negotiations with MDL are recommended to regularise the current use of Council land.

Detailed report

Development Application 0357/2013 was lodged on 1 March 2013 by Mid-Western Regional Council on behalf of the Mudgee and District Motorcycle Club. The proposal was to relocate the

club activities from the AREC site to a site further from residential development. As Council is the owner of Lot 2 DP 1022470, owners consent to the lodging of the application was signed by the General Manager.

312 Buckaroo Road Buckaroo is the site of Chapman's Quarry, which Council uses to obtain gravel for road works when carrying out maintenance work in the vicinity. The site is also used by MDL as a haulage track from an existing quarry to the south of Lot 2 to the processing plant and weighbridge located on Lot 3 DP619374, 314 Buckaroo Road, access to their lime stockpile, and a waste storage area. The land, the subject of the development application, is mapped as degraded grassland and severely disturbed forest with areas of groundwater vulnerability and large areas of High Biodiversity sensitivity. The site is also identified on the Aboriginal Cultural Sensitivity mapping. The development of a motorcycle track would require detailed flora and fauna surveys as well as a detailed Cultural sensitivity survey of the proposed site of the track.

A new access would be required to be constructed to the proposed site of the track possibly requiring the acquisition of a Right of Carriageway over the adjoining rural property. This access would be required to isolate motorcycle traffic from quarry traffic through Lot 2 to ensure the safety of all users of Lot 2

As part of the assessment process the use of Lot 2 for a haulage route and waste disposal area was investigated. This led to an investigation of the adjoining quarrying and processing activities to determine the legal status of the access through Lot 2 and its associated activities.

The erection of the minerals processing plant on Lot 3 DP619374 was granted consent in December 1979, however this consent was invalid as Council had not sought the concurrence of the Department of Environment and Planning. A valid unconditional consent was issued by Council in February 1982, linking the processing plant to an existing quarry at Botobolar. In 1989 Industrial Minerals Australia, the previous operator to Mudgee Dolomite and Lime Pty Ltd acquired the quarry at Lots 102, 103, 110 and 120 DP755418, 544 Buckaroo Road Buckaroo

No records have been found where the MDL quarry has received either Development Consent or applied for continuing consent. Nor are there any records of council agreeing to the use of Lot 2 for the haulage route or disposal of wastes. Further MDL appears to have encroached on to the access handle for Lot 2 when building up the access way passed the processing plant.

As owner of Lot 2 council is responsible for the activities that are occurring on its land, whether approved by Council or not. Should complaints be received concerning the activities of MDL especially the storage of waste on Council land, it is Council that would be required to remediate the site and comply with any orders and pay any fines that may be issued in relation to pollution/environmental offenses.

Discussions should be held with Mudgee Dolomite and Lime Pty Ltd to advise the company to update its development consents and to negotiate satisfactory arrangements concerning their development occurring on Council owned land.

Financial implications

Currently Council is carrying the risk relating to the use of the land for the haulage route and the waste disposal occurring on site without approval. Council has the potential to earn a return on the use of Lot 2 by Mudgee Dolomite and Lime Pty Ltd by negotiating a commercial agreement for the use of Lot 2.

Strategic or policy implications

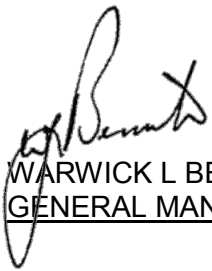
Council's policy "Leasing and Licensing of Council Property Policy" applies to the use of Lot 2

ELIZABETH STONEMAN
SENIOR TOWN PLANNER

25 November 2013

Attachments: 1. Locality map
2. Aerial Imaging

APPROVED FOR SUBMISSION:

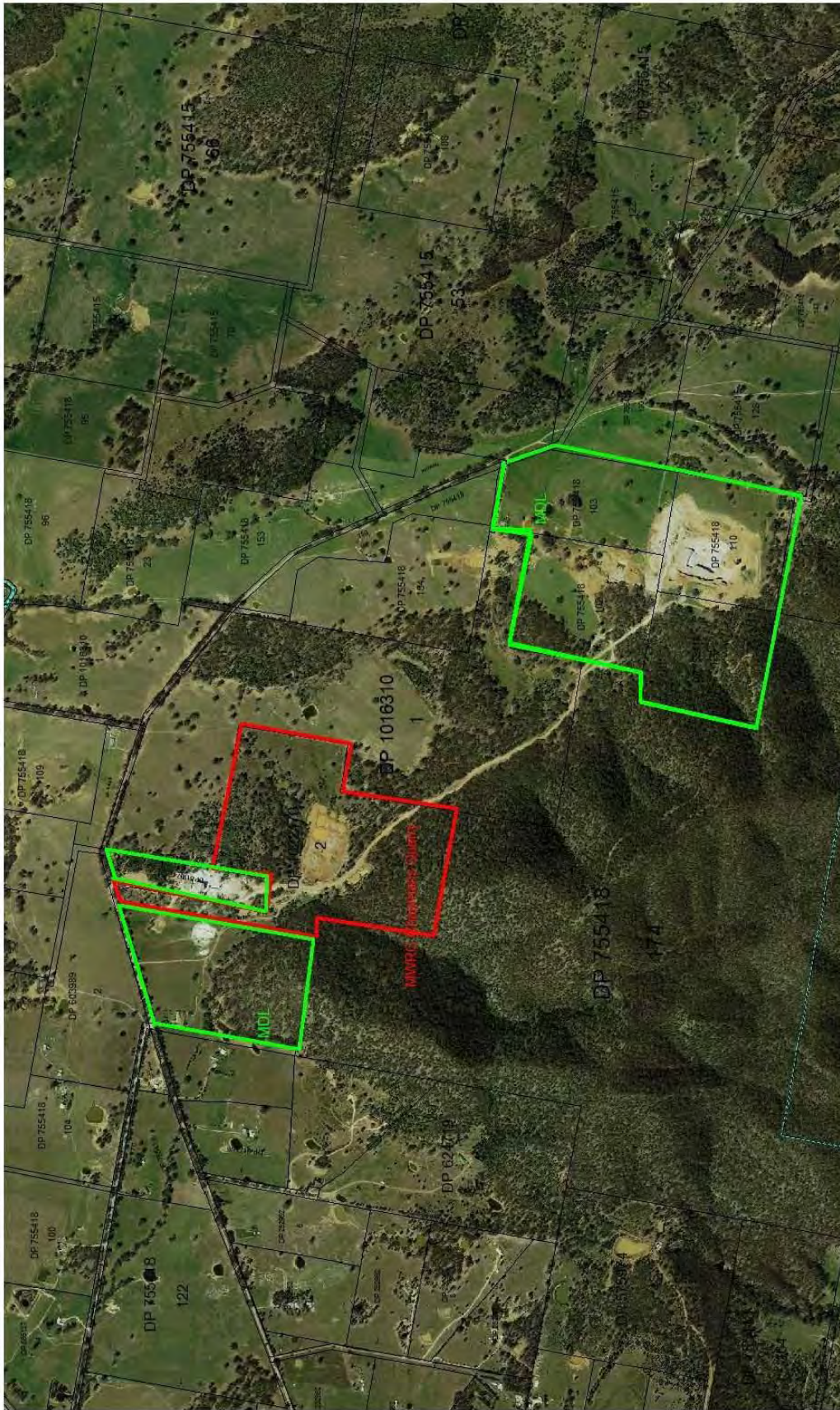


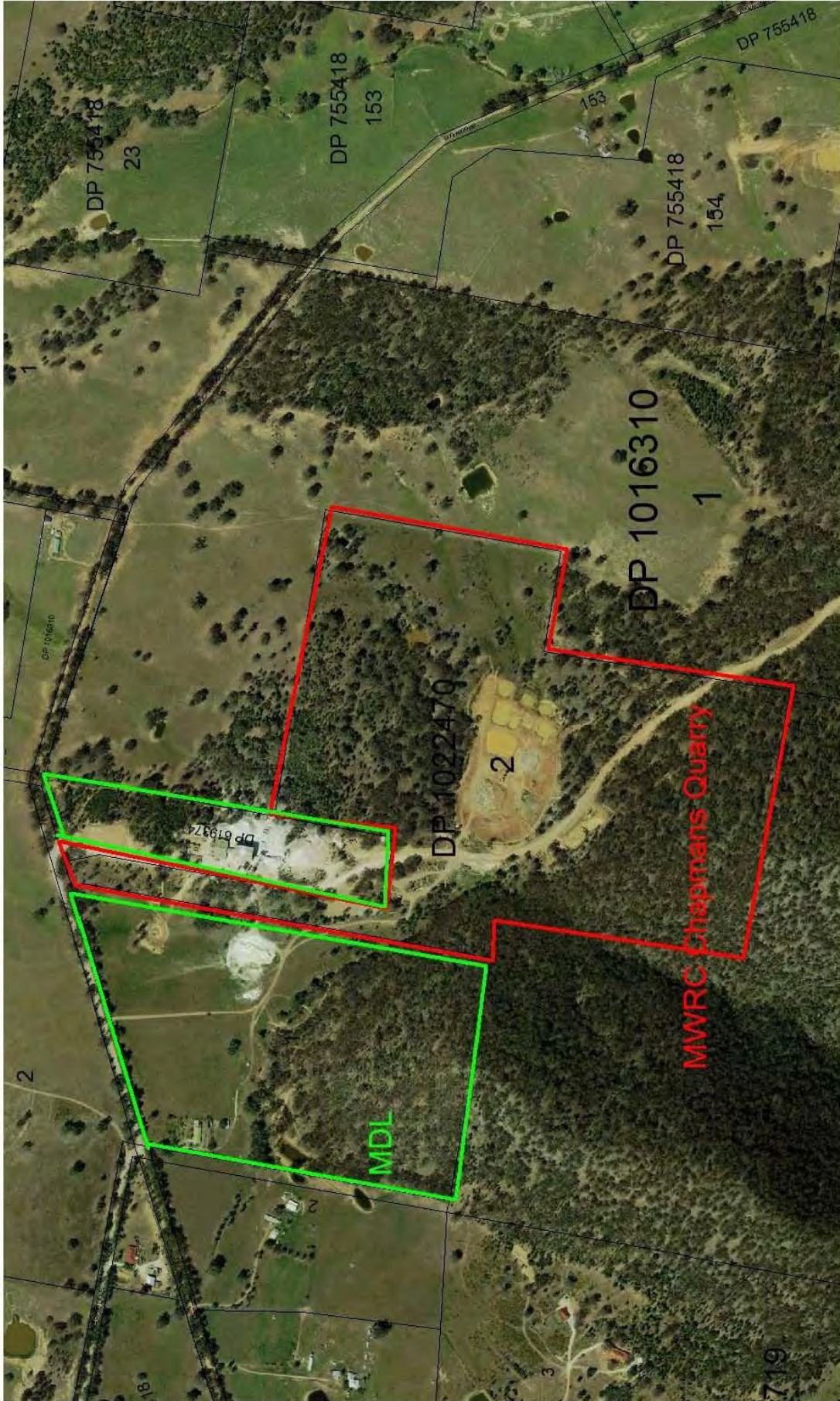
WARWICK L BENNETT
GENERAL MANAGER



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

Attachment 2 Aerial Plan





5.2.5 Planning Proposals – “Burrundulla, Spring Flat Road and 116-118 Abattoir Road Mudgee

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 4 DECEMBER 2013
COUNCIL MEETING

131204 Council PUBLIC

GOV400029, LAN90040, LAN90043, LAN90042

RECOMMENDATION

That:

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

Executive summary

Two planning proposals have been submitted to Council for consideration namely:

- Burrundulla, Spring Flat Road Mudgee; and
- 116-118 Abattoir Road, Mudgee.

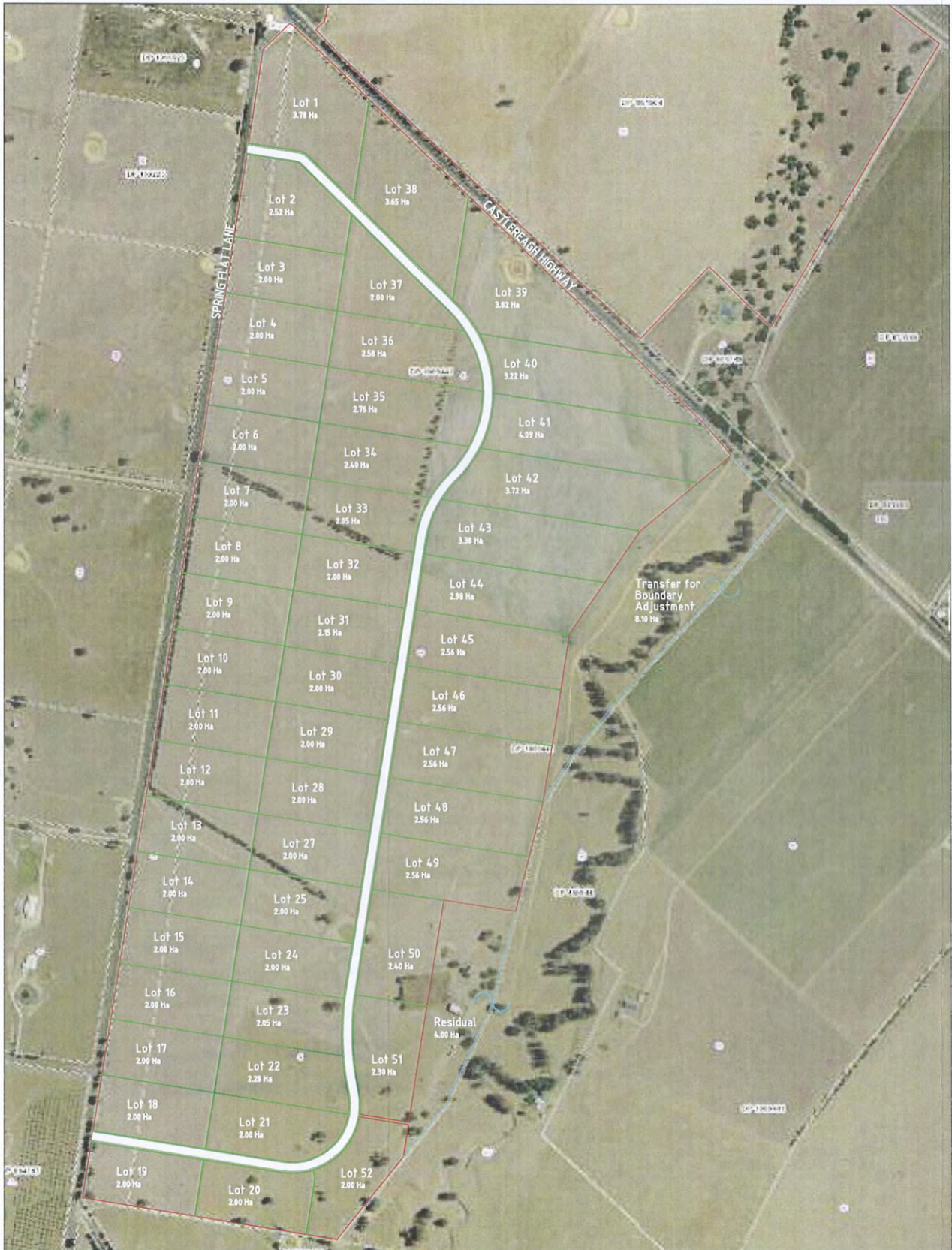
Both proposals involve the rezoning of land to R5 Large Lot Residential (or their appropriate zone) with a 2 hectare minimum lot size. Both proposals are inconsistent with the Comprehensive Land Use Strategy (CLUS). This report recommends that the Council give the proponents the option to withdraw the application or that Council defer consideration of the proposal until the Urban Release Strategy is completed.

In addition, the report addresses the relationship between the Urban Release Strategy (URS) and residential land supply generally. The report suggests that there is sufficient land zoned at present to accommodate immediate growth and further rezoning of land for residential purposes should be delayed until such time as the URS has been prepared.

Detailed report

BURRUNDULLA, SPRING FLAT MUDGEE

The site is located on the southern side of Sydney Road and the eastern side of Spring Flat Road, being Lot 3 and 4 DP 1069441 and consisting of 130 ha. The proposal would rezone the land from RU 4 Primary Production Small Lots to R5 – Large Lot Residential (or R2 Low Density Residential) with a minimum lot size of 2 ha. An indicative lot layout indicates a lot yield of 52 lots. The proposed rezoning is inconsistent with the Comprehensive Land Use Strategy as the CLUS indicates that the site would remain for rural purposes. .

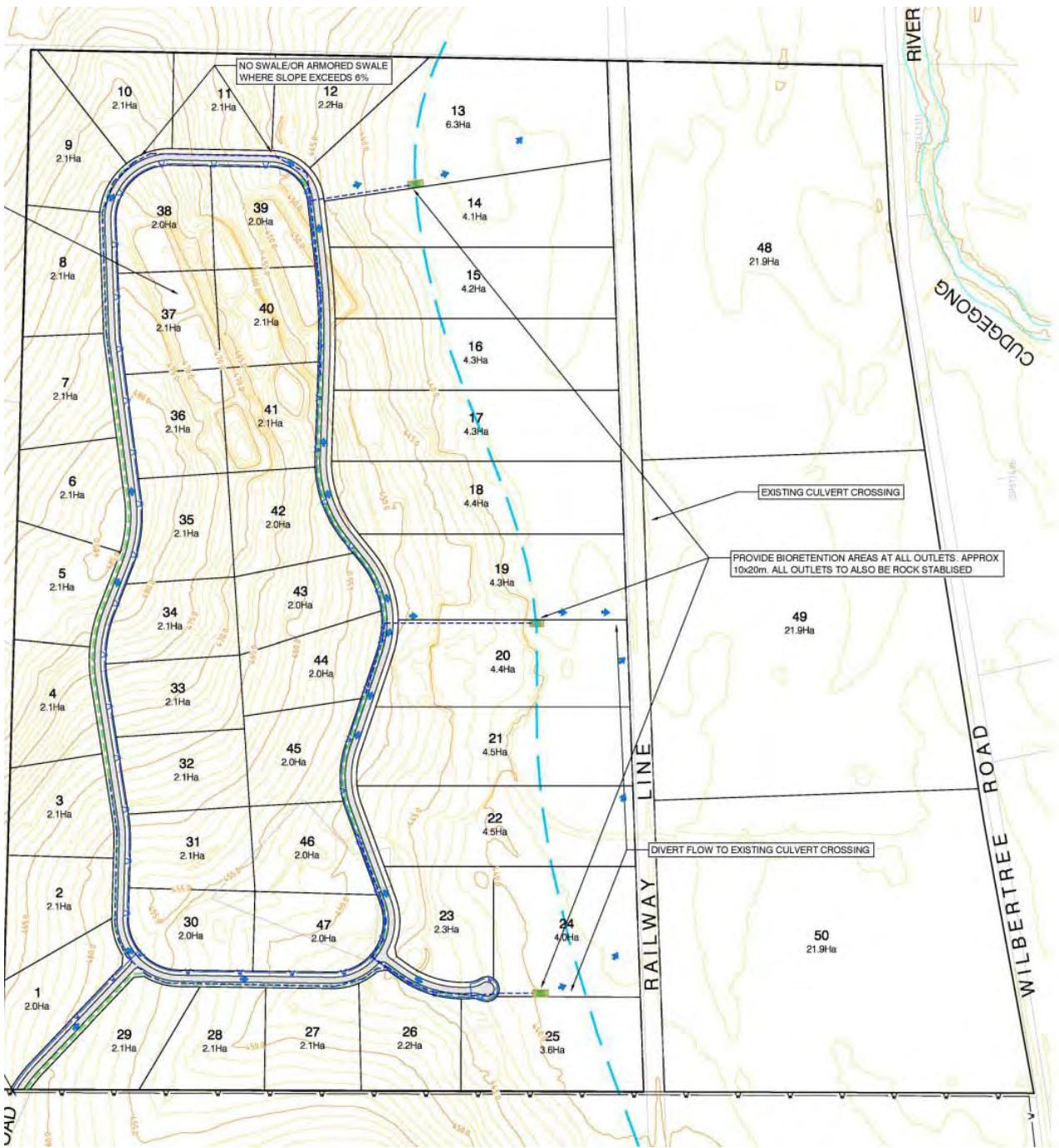


At this stage the proposal does not include the connection of the lots to reticulated water or sewer. Having regard to the proximity of the site to the town of Mudgee and the availability of the water supply it is considered that should the planning proposal proceed it should be required that the lots are connected to reticulated water. This will result in a more sustainable water supply. In addition, at this stage the proposal fails to address the potential impact on the aquifer that may arise through

on site disposal of waste water. As it is a determinative issue regarding the suitability of the site for residential purposes it is considered that this issue should be addressed prior to exhibition should the proposal proceed to the gateway.

116-118 ABATTOIR ROAD MUDGEE

The site is the former Abattoir site and consists of Lot 201 and 202 DP 809600 with an area of approximately 200 ha. The site is currently zoned RU1 Primary Production with a minimum lot size of 100 ha. The planning proposal seeks to rezone the site to R5 Large Lot Residential (or R2 Low Density Residential) with a minimum lot size of 2ha for that part of the site west of the railway line and a 20 hectare minimum for that part of the site east of the line. This will result in approximately 47, 2 hectare lots.



Having regard to the proximity to the town of Mudgee and the availability of the water supply it is considered that should the planning proposal proceed it should be required that the lots are

connected to reticulated water. This will result in a more sustainable water supply. In addition, at this stage the proposal fails to address the potential impact on the aquifer that may arise through on site disposal of waste water. As it is a determinative issue regarding the suitability of the site for residential purposes it is considered that this issue should be addressed prior to exhibition should the proposal proceed to the gateway.

URBAN RELEASE STRATEGY

Council has received funding from Department of Planning and Infrastructure (DoPI) from Planning Reform Fund Round 8 to engage a consultant to prepare an Urban Release Strategy. The scope of the Strategy is to

- provide Council with a framework for the systematic release of residential land.
- not to undermine the economic viability of greenfield development or cause adverse impacts on housing affordability.
- efficient and economic provision of infrastructure with particular regard to water and sewer.
- demand and supply analysis for urban land within Mudgee and Gulgong.
- Estimate trigger points for the rezoning and release of land.
- differentiate between the general residential, low density residential (4000m²) and large lot residential (2ha) markets in the release of land.
- interplay between residential land supply in Mudgee and Gulgong

At this stage Council is waiting to finalise the Memorandum of Understanding with the DoPI to initiate the study but intends at this stage to engage the consultant prior to Christmas with a draft to be completed prior to the end of the financial year.

Both of the current planning proposals will have a direct impact on supply of land within the Mudgee market. Whilst they are both relative close to the town neither site directly adjoins the residential area. In reviewing the Town Structure Plan all land that adjoins the current residential zones is being investigated and this includes the land between the subject sites and the existing urban area. It is considered that the intended future use of this land should be resolved prior to considering the current planning proposals. The review of the Mudgee Town Structure Plan and the preparation of the Urban Release Strategy will provide a framework in which Council can consider these current planning proposals. Without this framework it is difficult to support the current proposals as they are both are inconsistent with the CLUS and both have advantages and disadvantages.

In the current market it is considered that there sufficient supply of zoned land to meet the residential housing market. One of the purposes of the Urban Release Strategy is to provide guidance to Council regarding the interplay of demand between the various lots sizes bearing in mind that Mudgee currently has in excess of 200 ha of land zoned for residential purposes with a lot size in excess of 2000 m² and up to 2ha that is yet to realise its development potential. Whilst it is acknowledged that a range of lot sizes should be provided, it is considered that Council should have a clear understanding of demand and supply before rezoning any further land for residential purposes.

In undertaking work to review the Mudgee Town Structure Plan updated calculations indicate that there is sufficient land zoned residential to yield 2 600 standard residential lots which equates to 23 years supply using the CLUS population projections or 12 years supply based on trends over the past 2 years of 200 dwellings per annum. This data supports the recommendation for a moratorium on further rezonings until such time as the Urban Release Strategy is completed.

Council is required to consider all planning proposals that are submitted. In October 2012 limited appeal rights were introduced for planning proposals which involve reconsideration of a proposal

by the Joint Regional Planning Panel if Council has not made a decision on a planning proposal within 90 days or it has not been supported.

Financial implications

Not applicable.

Strategic or policy implications

Delay in the considering of the current two planning proposal and a moratorium on further proposals until the completion of the urban release strategy is sound planning practice. The delay will assist Council in determining the appropriate release of land to ensure a sufficient supply whilst not placing current developments in financial jeopardy due to oversupply.

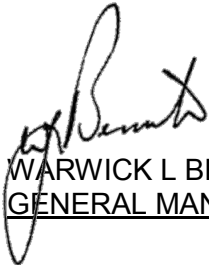


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

21 November 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.6 Appeal by Mac Group Pty Ltd – Progress Report

REPORT BY THE MANAGER, STATUTORY PLANNING TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, A0100056, A0420251

RECOMMENDATION

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

Executive summary

The Mac Group have appealed a decision by the Western Region Joint Regional Planning Panel (JRPP) to refuse a development application for a 400 bed temporary workers accommodation facility on the outskirts of Gulgong.

The purpose of this report is to provide monthly updates to the Councillors regarding the appeal process.

During October and November, the Appeal involved preparation of further joint expert statements in planning, water, sewer and stormwater. The Hearing continued on the 6, 7 and 8 November 2013.

The Hearing will continue in November with the following dates set side, 25, 26 and 27 November 2013.

Detailed report

BACKGROUND

In October 2012 the Western Region Joint Regional Planning Panel refused a development application for the establishment of a 400 bed temporary worker's accommodation facility proposed to be constructed 1.5 km from Gulgong on the Cope Road.

Council had prepared an assessment report recommending refusal of the application and forwarded it to the Panel Secretariat in May 2012. The application was originally heard by the JRPP in June 2012 where they recommended deferral of the application pending legal advice as to the permissibility of the application. The legal advice was obtained from Sandra Duggan SC and the application was reheard in October 2012 where the JRPP refused the application.

All of the legal advice confirmed that the proposed use could be characterised as tourist and visitor accommodation and therefore the application could not be approved as the use was prohibited in the Agriculture zone.

Council also recommended refusal of the application on the grounds of significant impact on our capacity to provide water and sewer services to the township of Gulgong, social impact on the character of Gulgong and inconsistencies of the development with Council's Strategic planning documents.

THE APPEAL TEAM

- Barrister – Sandra Duggan SC

- Solicitor – Tony Pickup (Local Government Legal)
- Engineer – Dr. Daniel Martens
- Social Planner – Dr. Alison Ziller
- Town Planner – Gary Bruce

ACTIONS

The following actions were completed during this period;

- Revised Joint Expert Statements on Planning, Stormwater, Water and Sewer.
- Hearing continued on the 6, 7 and 8 November 2013.

Financial implications

The original budget for the Court Case was \$100,000.00. It is envisaged that the final cost of the Court case will be in the vicinity of \$270,000.00.

Strategic or policy implications

None.



GARY BRUCE
MANAGER, STATUTORY PLANNING

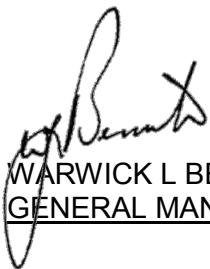


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

22 November 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.7 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 4 DECEMBER 2013
COUNCIL MEETING
131204 Council PUBLIC
GOV400029

RECOMMENDATION

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

Executive summary

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

Detailed report

Included in this report is an update for month ending 31 October 2013 of Development Applications determined and development applications processing. The report will detail:

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

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

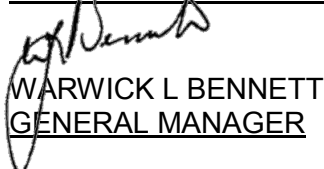


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

22 November 2013

Attachments: 1. Monthly development applications processing and determined October 2013.

APPROVED FOR SUBMISSION:

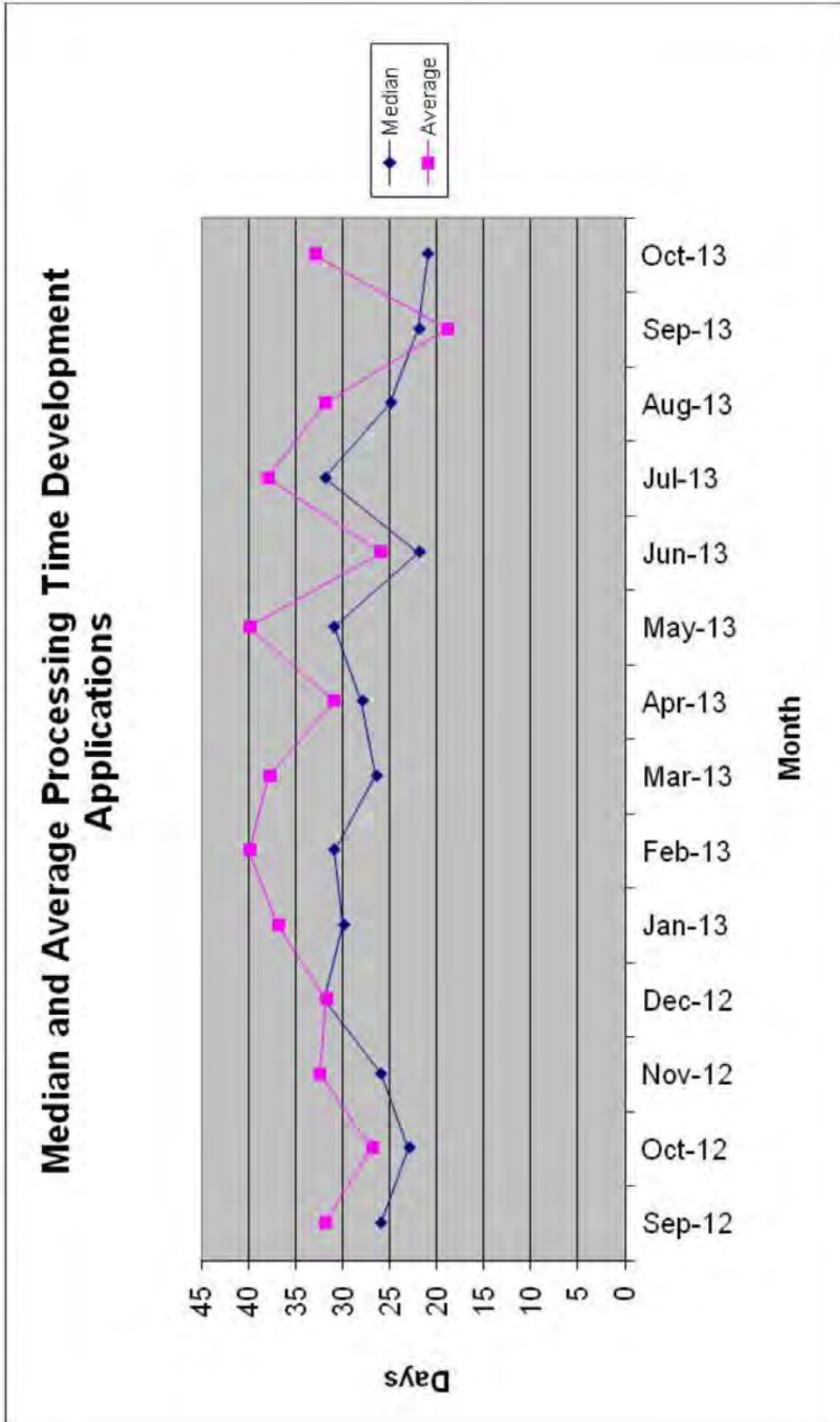


WARWICK L BENNETT
GENERAL MANAGER

Monthly Development Application Processing Report – October , 2013

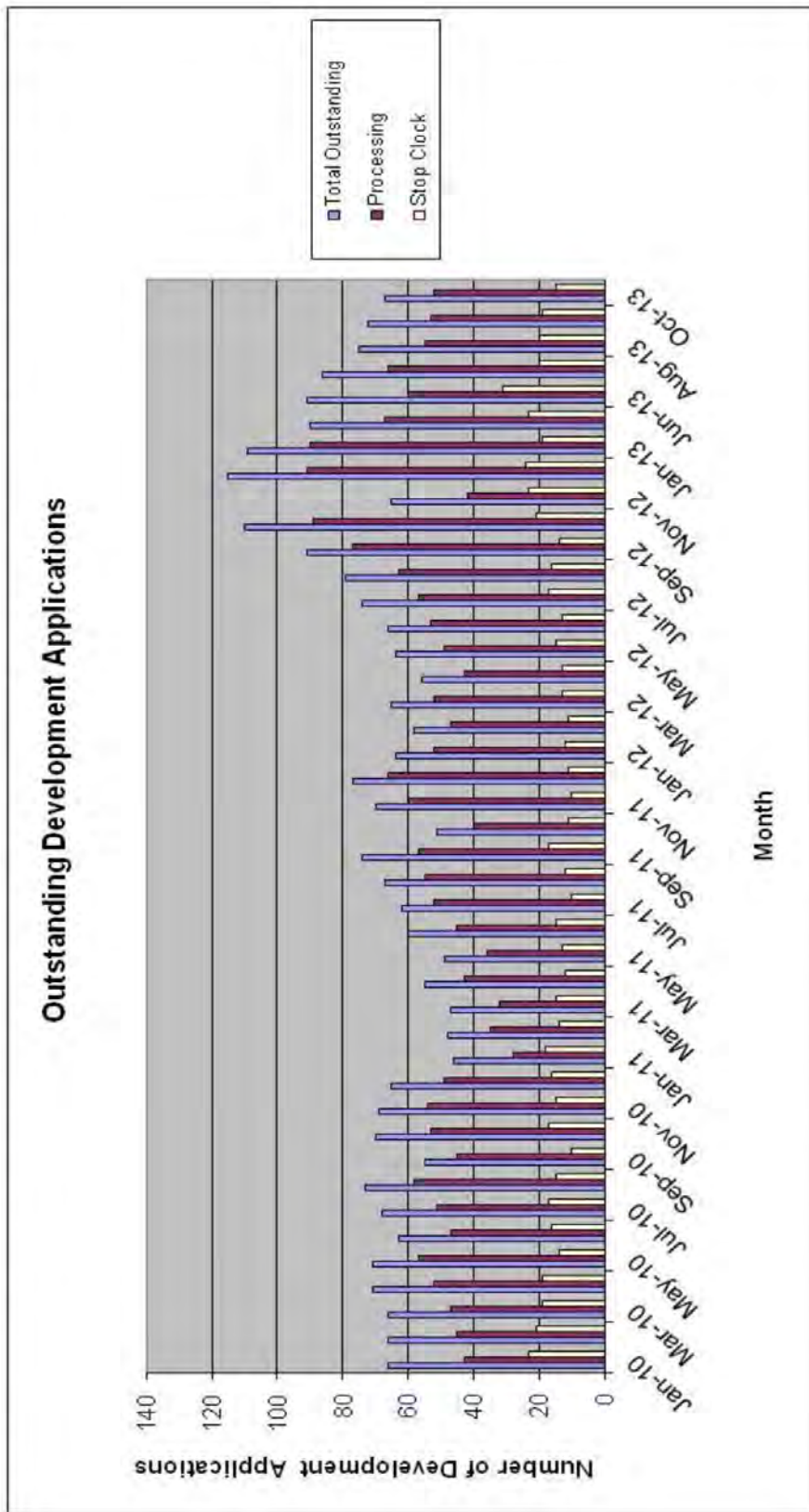
This report covers the period for the month of October , 2013.

Graph 1 indicates the processing times up to 31 October , 2013 with the month of October having an average of 33 days and a median time of 21 days.

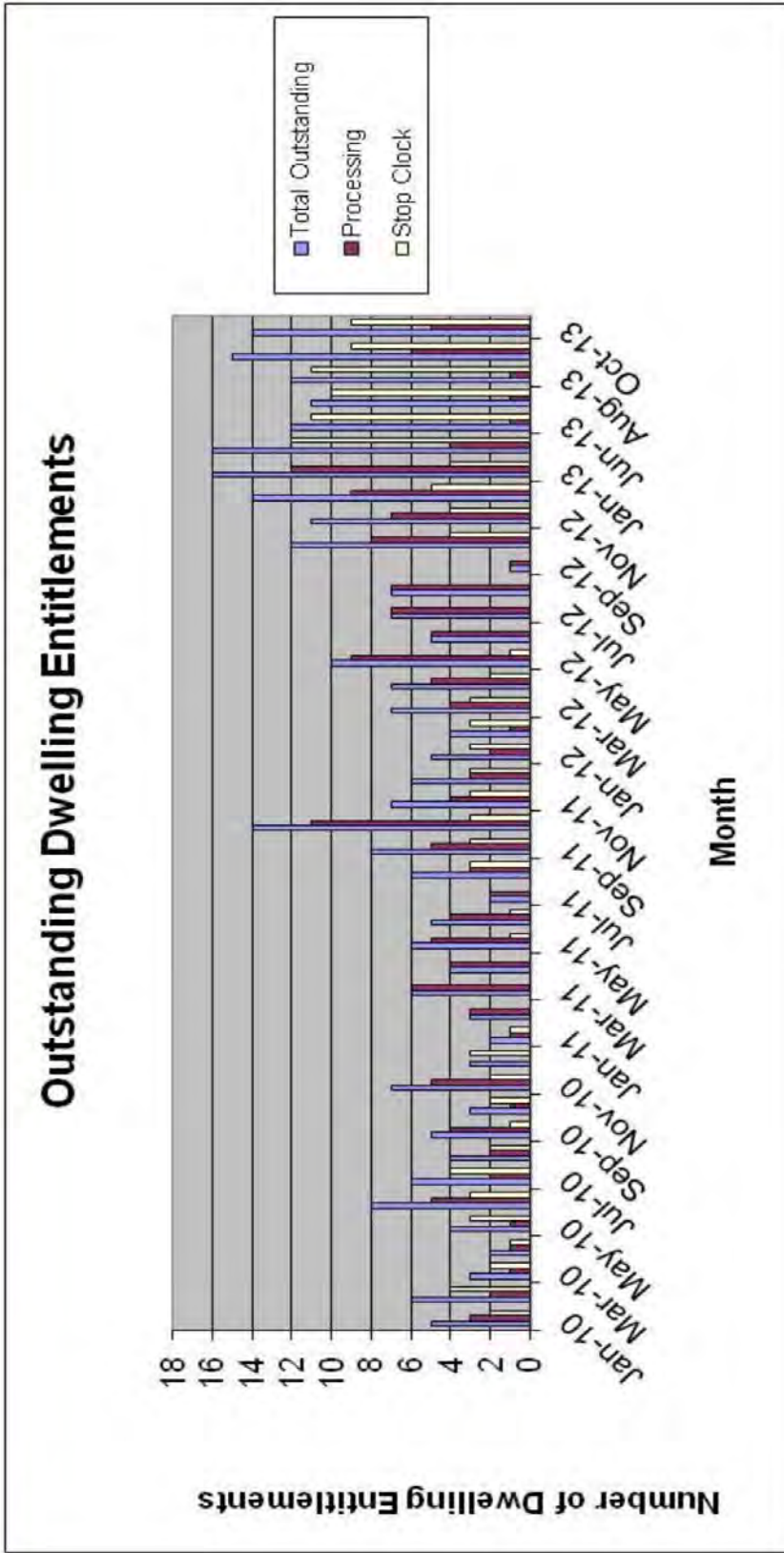


Monthly Development Application Processing Report – October , 2013

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



Graph 3 relates solely to dwelling entitlements and indicates the number of outstanding dwelling entitlement applications, the number on stop clock and the number being processed.



Monthly Development Application Processing Report – October , 2013

The Planning and Development Department determined 39 Development Applications either by Council or under delegation during October/October , 2013.

Development Applications Determined – October , 2013.

App/Proc ID	Description	House No	Street Name	Locality
DA0369/2008	Bed & Breakfast Accom	1	Bylong Valley Way	CLANDULLA
DA0007/2014	Tourist Accommodation	345	Bylong Valley Way	ILFORD
DA0011/2014	Alterations/Additions	18	Dangar Street	KANDOS
DA0068/2014	Alterations & Additions	26	Mountain View Rd	MUDGE
DA0073/2014	Dwelling House	108	Saddleback Trail	EURUNDEREE
DA0081/2014	Change of use	93	Herbert Street	GULGONG
DA0094/2014	Change of use	241	Putta Bucca Road	PUTTA BUCCA
DA0099/2014	Demolition	54	Melton Road	MUDGE
DA0102/2014	Shed less than 150m2	6	Bent Street	KANDOS
DA0108/2014	Staged Development - Dwelling	1590	Windeyer Road	WINDEYER
DA0112/2014	Alterations & Additions	1588	Bylong Valley Way	KANDOS
DA0114/2014	Dwelling House	43	Winter Street	MUDGE
DA0115/2014	Dwelling House	49	Winter Street	MUDGE
DA0116/2014	Dwelling House	51	Winter Street	MUDGE
DA0123/2014	Swimming Pool	83	Adelong Road	TALLAWANG
DA0127/2014	Alterations & Additions	15	Mortimer Street	MUDGE
DA0132/2014	Dwelling House	296	Lue Road	MILORY
DA0133/2014	Swimming Pool	2728	Ulan Road	COOKS GAP
DA0136/2014	Alterations & Additions	2852	Hill End Road	AVISFORD
DA0139/2014	Alterations & Additions	138	Iron Bark Road	KAINS FLAT
DA0144/2014	Shed > 150m2	213	Coxs Creek Road	RYLSTONE
DA0518/2013	Commercial Alts/Addds	93	Mortimer Street	MUDGE
DA0078/2014	Shed less than 150m2	141	Mortimer Street	MUDGE
DA0107/2014	Alterations & Additions	7433	Castlereagh Hwy	ILFORD
DA0118/2014	Shed > 150m2	564	Triamble Road	HARGRAVES
DA0219/2013	Staged Development - Dwelling	596	Clarkes Creek Rd	WINDEYER
DA0327/2013	Recreation Facility	87	Short Street	MUDGE
DA0384/2013	Subdivision - Torrens Title	201	Putta Bucca Road	PUTTA BUCCA
DA0504/2013	Service Station	77	Church Street	MUDGE
DA0022/2014	Change of use	95	Market Street	MUDGE
DA0025/2014	Subdivision - Torrens Title	224	Riverlea Road	RIVERLEA
DA0029/2014	Dwelling House	46	Maiala Road	COOKS GAP
DA0063/2014	Subdivision - Torrens Title	738	Kaludabah Roa	PIAMBONG

Monthly Development Application Processing Report – October , 2013

App/Proc ID	Description	House No	Street Name	Locality
DA0077/2014	Dual Occupancy	10	Cedar Avenue	MUDGE
DA0086/2014	Carpport	4	Palermo Road	MUDGE
DA0087/2014	Shed less than 150m2	8	Scenic Close	MUDGE
DA0101/2014	Dual Occupancy	25	Melton Road	MUDGE
DA0110/2014	Change of use	38	Leconfield Drive	BOMBIRA
DA0135/2014	Dwelling House	21	Spring Road	MUDGE

Monthly Development Application Processing Report – October , 2013

Development Applications currently being processed – October , 2013.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0071/2014	AltAdd	480	Ridge Road	COOKS GAP
DA0038/2014	AltAdd	16	Lang Street	MUDGE
DA0205/2012	AltAdd	1834	Blue Springs Road	BUNGABA
DA0157/2014	AltAdd	21	Lions Drive	MUDGE
DA0159/2014	AltAdd	12	Perseverence Lane	GULGONG
DA0179/2012	BoundAdj	1561	Wollar Road	COOYAL
DA0128/2014	BoundAdj	842	Wallawagh Road	HARGRAVES
DA0026/2014	ChangeUse	34-36	Main Street	ULAN
DA0093/2014	ChangeUse	12	Gurtavian Road	GALAMBINE
DA0109/2014	ChangeUse	67	Lue Road	MILROY
DA0220/2012	ChangeUse	43	Henry Lawson Drive	BOMBIRA
DA0161/2014	ChangeUse	19-41	Church Street	MUDGE
DA0014/2014	CommAltAdd	61-65	Iford Road	KANDOS
DA0155/2014	Demolition	1	Jamison Street	KANDOS
DA0076/2014	DualOcc	8-10	Doug Gudgeon Drive	MUDGE
DA0095/2014	DualOcc	56	Lions Drive	MUDGE
DA0122/2014	Dwelling	342	Camerons Road	RUNNING STREAM
DA0137/2014	Dwelling	1188	Jennings Road	BARA
DA0145/2014	Dwelling	480	Ridge Road	COOKS GAP
DA0152/2014	Dwelling	3327	Hill End Road	HARGRAVES
DA0153/2014	Dwelling	6B	Spring Road	MUDGE
DA0214/2011	Dwelling	663	Castlereagh Highway	BURRUNDULLA
DA0468/2013	Dwelling	12	Miller Crescent	MUDGE
DA0160/2014	Dwelling	84	Carwell Street	RYLTONE
DA0163/2014	Dwelling	4445	Hill End Road	HARGRAVES
DA0164/2014	Dwelling	13	Maher Place	MUDGE
DA0495/2013	LghtIndust	5	Horatio Lane	MUDGE
DA0330/2012	Mine	8346	Bylong Valley Way	BYLONG
DA0357/2013	RecFacilit	312	Buckaroo Road	BUCKAROO
DA0079/2014	Shed	12	Burrundulla Road	BURRUNDULLA
DA0146/2014	Shed	77	Tinja Lane	PUTTA BUCCA
DA0327/2011	Shed	23	Horatio Street	MUDGE
DA0174/2012	ShedSmall	1	Rayner Street	MUDGE
DA0165/2014	ShedSmall	109-111	Robertson Street	MUDGE
DA0047/2014	Sign	420	Cope Road	STUBBO

Monthly Development Application Processing Report – October, 2013

App/Proc ID	Description	House No	Street Name	Locality
DA0054/2014	SubTorrrens	54	Melton Road	MUDGE
DA0406/2013	SubTorrrens	154	Tongbong Road	RYLSTONE
DA0423/2013	SubTorrrens	1193	Yarrabin Road	YARRABIN
DA0448/2013	SubTorrrens	61-65	Bellevue Road	MUDGE
DA0021/2014	SubTorrrens	62	Zimmer Lane	GULGONG
DA0032/2014	SubTorrrens	16	Henry Bayly Drive	MUDGE
DA0043/2014	SubTorrrens	6	Avisford Court	MUDGE
DA0046/2014	SubTorrrens	4-6	Armstrong Street	RYLSTONE
DA0089/2014	SubTorrrens	113	Maderia Road	MUDGE
DA0117/2014	SubTorrrens	502	Black Springs Road	BUDGE BUDGE
DA0131/2014	SubTorrrens	83	Adams Lead Road	GULGONG
DA0148/2014	SubTorrrens	2584	Castlereagh Highway	TALLAWANG
DA0151/2014	SubTorrrens	5502	Ulan Road	TURILL
DA0308/2012	SubTorrrens	433	Ulan Road	EURUNDEREE
DA0152/2014	SubTorrrens	46-50	Rouse Street	GULGONG
DA0166/2014	SubTorrrens	69	Barneys Reef Road	GULGONG
DA0119/2014	TouristFac	121	Ulan Road	PUTTA BUCCA
DA0140/2014	Trst Accom	97-99	Herbert Street	GULGONG

Monthly Development Application Processing Report – October , 2013

Heritage Development Applications currently being processed – October , 2013.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	AltAdd	87	Short Street	MUDGE
DA0113/2014	AltAdd	6	Mealey Street	MUDGE
DA0125/2014	AltAdd	8	Mearns Street	MUDGE
DA0141/2014	AltAdd	105	Merinda Street	HARGRAVES
DA0156/2014	AltAdd	78	Court Street	MUDGE
DA0049/2014	ChangeUse	140-142	Mayne Street	GULGONG
DA0096/2014	ChangeUse	107	Mortimer Street	MUDGE
DA0124/2014	ChangeUse	18	Louee Street	RYLSTONE
DA0129/2014	CommAltAdd	34-36	Inglis Street	MUDGE
DA0150/2014	CommAltAdd	59	Market Street	MUDGE
DA0121/2014	ShedSmall	8	Mearns Street	MUDGE
DA0059/2014	SubTorrens	56	Douro Street	MUDGE
DA0158/2014	SubTorrens	177	Horatio Street	MUDGE
DA0066/2014	Trst Accom	38	Perry Street	MUDGE

5.2.8 Cobbora Coal Transition Fund

REPORT BY THE GENERAL MANAGER TO 4 DECEMBER 2013 COUNCIL MEETING

131204 Council PUBLIC

GOV400029, A0420213

RECOMMENDATION

That:

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

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

Detailed report

As Council is aware, the NSW Government has set up a Cobbora Transition Fund totalling \$20 million. As part of that \$20 million, \$4 million will be directly allocated to the four affected Councils allowing \$1 million to be spent on a project of the Council's choosing as long as that project is adding to the infrastructural growth and economic development of NSW. A further \$16 million has also been allocated for infrastructure projects to which Council needs to provide expressions of interest prior to 31 January 2014.

Please find attached a letter from Infrastructure NSW which sets out the criteria for the \$1 million allocation. Also attached are the expressions of interest guidelines for the remainder of the fund. It is important to note that any project that Council promotes through this expression of interest process must meet the assessment criteria.

\$1 MILLION FUND

As Council is aware it has been allocated \$1 million from the Cobbora Transition Fund for expenditure on an infrastructure project. Council has a number of options but without doubt the most important project that will deliver the best immediate economic outcome in this region would be the development of a preschool and early childhood intervention facility. At the time of writing this report, we have not determined the best location for such a centre. That will be finalised once this approval has been granted. Some of the options would be:

- Caerleon subdivision, Mudgee
- Saleyards Lane, Mudgee
- Depot Road, Mudgee
- Purchase a new property in either Mudgee or Gulgong

A report will be presented to Council in the New Year on the pros and cons of each site. It will be management's recommendation that no matter which site is chosen that Council contracts out the operations of the facility and restricts its role as only the owner of the grounds and buildings

As can be seen from the attached letter, the project that needs to be promoted has to pass 5 criteria, including meeting the terms of the objectives to the Cobbora Transition Fund, demonstrating a positive economic impact and aligns with the Government's regional strategic plans. This preschool facility meets all those criteria. The other options could include:

- Adventure playground in Gulgong
- Feasibility study into an art gallery
- Feasibility study into a technology/innovation park

Without doubt, the preschool facility has more benefit to this community than those listed immediately above.

Council staff will ensure that the guideline questions are answered in the application we make to Infrastructure NSW for the \$1 million fund.

\$16 MILLION FUND

The State Government is also calling for expressions of interest for the balance of this \$20 million fund. The criteria for each fund is attached for Council's information. The major project that Council should be promoting is the upgrading of Cope Road including the bypass of Gulgong. This project is estimated to be \$6.7 million and a copy of the schedule of works and costs is attached. Included in the recommendations are other projects that Council may consider to promote as part of the expressions of interest process to obtain grant monies from the remainder of this fund. These expressions of interest must be lodged with Infrastructure NSW prior to 31 January 2014. By passing this resolution at this meeting, it gives the staff an opportunity to ensure that the applications to Infrastructure NSW are robust and complete enough to encourage the State Government to maximise their investment into this region.

The projects to include in the expressions are recommended as follows:-

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

Financial implications

Not applicable at this time.

Strategic or policy implications

Not applicable at this time.

19 November 2013

- Attachments:*
1. Letter from Infrastructure NSW
 2. Cobbora Transition Fund – Expressions of Interest Guidelines for \$16 million
 3. Spreadsheet of works scheduled and costs for Cope Road


WARWICK L BENNETT
GENERAL MANAGER



REGIONS OFFICE
Regional Infrastructure Development
PO BOX 161000
MURUMBidgee NSW 2850
www.insw.com.au
02 8016 0109

Warwick L Bennett
General Manager
Mid-Western Regional Council
PO BOX 156
MUDGEE NSW 2850

Dear Warwick,

I refer to our recent discussions regarding the NSW Government's Cobbora Transition Fund.

As you know, the Expressions of Interest are now open for infrastructure projects for \$16 million of the Fund. The remaining \$4 million is directly allocated to the four Local Councils, including \$1 million to your Council, for the purposes of the fund, to invest in infrastructure projects to drive economic growth and productivity in the area affected by the Cobbora Coal Project.

Further to these discussions, I hereby request that the Council undertake a selection and authorisation process to recommend infrastructure projects for this \$1 million allocation. The recommendations are to be made to Infrastructure NSW.

Your recommendation must:

- demonstrate that the project/s fulfil the NSW Government's objectives for the Cobbora Transition Fund
- outline how the project/s align with NSW Government' and Council's regional strategies and plans
- provide an economic appraisal that demonstrates a positive net economic impact on the region
- explain how the community's views are reflected in the Council's decision making, and
- be made by a resolution of the Council.

The recommendations may be submitted to Infrastructure NSW at any time up to 31 March 2014.

Please contact me at any time (jenny.davis@insw.com, (02) 80160109) for further information.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Jenny Davis'.

Jenny Davis
Executive Director



Restart NSW Cobbora Transition Fund

Expression of Interest Guidelines
2013-14





Restart NSW Cobbora Transition Fund

Expression of Interest Guidelines 2013-14

INFRASTRUCTURE FOR COMMUNITIES

The Restart NSW Cobbora Transition Fund has been established by the NSW Government for the special purpose of investing in infrastructure projects to drive economic growth and productivity in the Region.

The NSW Government is inviting applications for funding from the Restart NSW Cobbora Transition fund for communities affected by the Cobbora Coal Project.

The Cobbora Transition Fund is sourced from Restart NSW, the NSW Government's fund for infrastructure projects to support economic growth and productivity in NSW. A total of \$20 million has been committed to the Cobbora Transition Fund.

\$20m
Committed for local infrastructure in the region

The NSW Government has allocated \$20 million to the Cobbora Transition Fund and expects to announce the successful projects in the 2014-15 budget. Of the \$20 million available, \$1 million has been allocated directly to each of the four councils in the Region. The remaining \$16 million will be allocated to the successful applications from within the region.

Local Government Areas (LGAs) covered by the Cobbora Transition Fund are:

- Dubbo
- Mid-Western
- Warrumbungle
- Wellington

Project nominations are invited from local councils, community groups, industry and business organisations and non-government organisations. Project nominations involving partnerships of these entities and/or partnerships with NSW Government entities will be welcomed.

Funding will be allocated through an application process following consultation with relevant stakeholders, which may include local councils, Members of

Parliament and Regional Development Australia.

Infrastructure NSW will manage the assessment process. Projects must demonstrate that they:

- Fulfil the NSW Government's objective for the Cobbora Transition Fund and align with other regional strategies and policies; and
- Have a positive net economic impact on the region (as a whole) and the NSW economy.

The Cobbora Transition Fund is open to projects which cater for economic and social infrastructure. However, social infrastructure applications will also need to demonstrate how they support the economic development of an area.

APPLICATIONS

Expressions of Interest are now invited for the \$16 million Cobbora Transition Fund.



The application procedure is a two-step process:

1. Expressions of Interest
2. Detailed Applications

Important milestones include:

- 1 November 2013 Expressions of Interest open
- 31 January 2013 Expressions of Interest Close
- Early February Announcement of successful short listed projects, which are invited to submit detailed applications

- 31 March 2014 Detailed Applications close
- 2nd Quarter 2014 Announcement of successful projects
- Further dates will be advised.

FREQUENTLY ASKED QUESTIONS

What kinds of project are eligible for funding from the Cobbora Transition Fund?

The program is open to economic and social infrastructure projects that achieve the aim of the fund to support jobs for residents or open up new economic opportunities for the Region as well as road and rail projects to improve freight productivity and local transport within the Region and to market.

Examples of economic infrastructure include roads, local facilities for agricultural produce and improvements in the movement of freight. Social infrastructure includes health infrastructure and workplaces for frontline staff such as police officers, teachers and nurses.

How will projects be assessed?

Projects will be recommended by Infrastructure NSW, following advice from the Cobbora Transition Advisory Group.

Applications will be assessed and ranked on the degree to which the project addresses the Assessment Criteria below:

- The net economic benefits on the Region (as a whole) and the NSW economy (i.e. benefit-cost ratio).
- Likelihood of infrastructure to improve the economic growth and productivity in the area affected by the Cobbora Coal Project. This area is encompassed by the local government areas of Dubbo, Mid-Western Regional, Warrumbungle and Wellington (the Region).
- Alignment with NSW Government priorities, including the NSW 2021 Regional Action Plan goals, the NSW Government State Infrastructure Strategy, the Long Term Transport Master Plan and the NSW Freight and Ports Strategy.
- The degree to which public infrastructure in the community is subject to particular stresses and is not keeping up with demand or is otherwise deteriorating.
- Affordability of the project.
- Project risk and risk management approach.

- Value for money and implementation approach, including potential for private-public partnerships.
- Alignment with Additional Evaluation Criteria and Strategic Objectives for the Cobbora Transition Fund:
 - The degree to which the area which receives the benefits from the project has been impacted by the Cobbora Coal Project.
 - The degree to which the infrastructure project will improve services or outcomes for the most residents and/or businesses in the whole of the Region.
- Strategic Projects that support jobs for residents or open up new economic opportunities for the Region, or strategic road projects to improve freight productivity and local transport within the Region, and to markets.

How can my organisation apply?

Applicants should use the form provided and address all the Assessment Criteria. Completed forms and all necessary material must be lodged with Infrastructure NSW by 31 January 2013.

By email: Cobbora@insw.com

By mail: Infrastructure NSW
PO Box R220
Royal Exchange NSW 1225

What is the assessment process?

Infrastructure NSW will follow an assessment methodology and probity plan. The Cobbora Transition Advisory Group assesses all eligible application material and provides its recommendation to Infrastructure NSW.

Community and stakeholder feedback, which may include NSW government agencies, local councils, Members of Parliament and Regional Development Australia Committees will be considered.

Infrastructure NSW will make final recommendations to the NSW Government.

The funding decisions are made by the NSW Government.

Cobbora Transition Advisory Group

The NSW Government has established the Cobbora Transition Advisory Group.

The members of the Cobbora Transition Fund Advisory Group are the Member for Dubbo, Mr Troy Grant (Chair), Member for Barwon, Minister for Mental Health, Minister for Healthy Lifestyles and Minister for Western New South Wales the Hon. Kevin Humphries and the Member for Orange Mr Andrew Gee.

Confidentiality and Disclosure

Applicants are advised that any information contained in submitted Expressions of Interest which you consider confidential must be advised to Infrastructure NSW. Summary information about the project application will be publicly released by Infrastructure NSW unless you advise Infrastructure NSW that you do not agree to its publication.

Infrastructure NSW will keep all the information (that you have advised to Infrastructure NSW) confidential and secure including by other parties. Any request made under the Government Information (Public Access) Act 2009 for access to an application, including information marked 'confidential', will be determined in accordance with the Act.



Restart NSW Cobbora Transition Fund

Expression of Interest

PLEASE COMPLETE THIS APPLICATION FORM AND ATTACH RELEVANT DOCUMENTS

Applicant Organisation		ABN
Registered Address		
Postal Address		
Contact Person		Position
Telephone No.		Mobile
Email		
Description of Project What is the proposed infrastructure project?		
Project Address Where is the project to be located?		
Project Timeline (please provide the proposed start and end dates for your project)		
Start	/ /	End / /
Estimated total cost of the infrastructure		
Funding requested (\$) from Cobbora Transition Fund and any other Funding Contributors: (include name, contribution amounts and whether contributors are confirmed or prospective)		

PROJECT DETAILS RELEVANT TO ASSESSMENT CRITERIA

1 BENEFITS AND STRATEGIC OBJECTIVES

- (a) What are the expected economic benefits of the project (i.e. benefit-cost ratio) for the region and the NSW economy?
- (b) What is the likelihood and how will this infrastructure project improve the economic growth and productivity in the Region?

2 COBBORA TRANSITION FUND CRITERIA AND STRATEGIC OBJECTIVES

- (a) **Cobbora Coal Project**
The degree to which the area which receives the benefit from the project has been impacted by the Cobbora Coal Project (directly or indirectly).
- (b) **Infrastructure stress**
The degree to which the infrastructure project will improve services or outcomes for the most residents and/or businesses in the whole of the Region.
- (c) Describe how this project will support jobs for residents or open up new economic opportunities for the Region or how road projects will improve freight productivity and local transport both within the Region and to markets.

3 ALIGNMENT WITH NSW GOVERNMENT PRIORITIES

- (a) Government Priorities: How does this project align with the NSW 2021 Plan (www.2021.nsw.gov.au) Region Action Plan Goals and other relevant NSW Government Plans (State Infrastructure Strategy, Long Term Transport Master Plan and the NSW Freight and Ports Strategy, NSW Economic Development Plan) how does this project align with the LGA's Community Strategic Plans.

4 AFFORDABILITY

Describe the funding arrangements for this proposal and the applicant's prioritisation and affordability considerations. How will the applicant fund lifecycle costs of operation, maintenance and enhancements of this infrastructure?

5 PROJECT ATTRIBUTES

(a) Risk Management

Describe the key project, service and financial risks for this proposal and the risk management approach.

(b) Value for money and implementation

Describe the implementation approach, including potential for public-private partnership, key milestones and estimated timetable.

DECLARATION

I certify that the information provided in and supporting this Expression of Interest is true and correct and that I am legally authorised to sign this Expression of Interest for and on behalf of the applicant organisation/company.

Signed	<input type="text"/>	Date	<input type="text"/>
Name	<input type="text"/>		
Position	<input type="text"/>		

All Expressions of Interest must also be endorsed and signed off by the Asset Owner and Asset Manager before the project will be considered. Both Expressions of Interest and invited detailed applications must be lodged with Infrastructure NSW.

By mail: Infrastructure NSW
PO Box R220
Royal Exchange NSW 1225

Email: Cobbora@insw.com

Website: www.insw.com

Expressions of Interest must be submitted by 6pm, 31 January 2013

ATTACHMENT 3



MID WESTERN REGIONAL COUNCIL
COPE ROAD UPGRADE - COST ESTIMATE
6 November 2013

Asset Number	Location	Segment number	Segment start	Segment end	Intersection	Inter Upgrade	Ch Start	Ch End	Segment length	Seal width	Edge Line	Formation Width	Condition	Status	Comments	Confirm Length	Non Con Adequate	Non Con Length	Costs
ES11118	Mt 598 (Cape Road)	3.027	Following Rd.	Focus St	Collection / Focus	Rehab	6.431	7.126	0.695	6.00	No	6.5	Reasonable	Not Containing / Not Adequate	Intersection in poor condition			0.70	\$ 397,500
ES11119	Mt 598 (Focus St)	3.026	Collection St	Wyndale St	Wyndale / Focus	Rehab	7.116	7.471	0.355	6.00	No	6.5	Reasonable	Not Containing / Not Adequate	Intersection in poor condition			0.35	\$ 172,500
ES11120	Mt 598 (Focus St)	3.025	Wyndale St	Canfield St	Canfield / Focus	Rehab	7.471	7.746	0.275	6.00	No	11	Reasonable	Not Containing / Not Adequate	Rehab Seal, some 1m with K&G both sides			0.275	\$ 181,500
ES11121	Mt 598 (Focus St)	3.024	Canfield St	McLeary St	McLeary / Focus	Rehab	7.746	7.908	0.162	12.50	No	12.5	Poor	Not Containing / Not Adequate	K&G both sides			0.162	\$ 81,000
ES11122	Mt 598 (Focus St)	3.020	McLeary St	Scriven St	Scriven / Focus	Rehab	7.908	8.363	0.455	7.00	No	7	Poor	Not Containing / Not Adequate				0.395	\$ 177,500
ES11123	Mt 598 (Focus St)	3.005	Scriven St	Selwyn Lane	Scriven / Focus	Rehab	8.363	8.578	0.215	9.00	No	9	Poor	Not Containing / Not Adequate	K&G both sides			0.215	\$ 107,500
ES11124	Mt 598 (Focus St)	3.002	Selwyn Lane	Trillwaring St	Trillwaring / Focus	Rehab	8.578	8.640	0.062	6.00	No	7	Poor	Not Containing / Not Adequate				0.062	\$ 31,500
ES11125	Mt 598 (Focus St)	3.001	Trillwaring St	Selwyn Lane	Selwyn Lane / Focus	Rehab	8.640	9.842	1.202	7.00	Yes	9	Good	Not Containing / Not Adequate	Avenue of trees on both sides, also seal under road			1.202	\$ 48,500
ES11126	Mt 598 (Focus St)	3.000	Selwyn Lane	Nugget Lane	Nugget Lane / Focus	Rehab	9.842	10.547	0.705	6.00	Yes	10	Good	Not Containing / Not Adequate				0.72	\$ 36,500
ES11127	Mt 598 (Focus St)	3.000	Nugget Lane	Collegiers Tp	Collegiers Tp / Focus	Rehab	10.547	11.367	0.820	6.00	Yes	10	Good	Not Containing / Not Adequate				0.820	\$ 36,500
ES11128	Mt 598 (Focus St)	3.000	Collegiers Tp	Marine Crossing	Marine Crossing / Focus	Rehab	11.367	12.545	1.178	6.00	Yes	10	Good	Not Containing / Not Adequate				1.178	\$ 42,500
ES11129	Mt 598 (Focus St)	3.000	Marine Crossing	Wyndale St	Wyndale / Focus	Rehab	12.545	14.038	1.493	6.00	Yes	10	Good	Not Containing / Not Adequate				1.493	\$ 21,660
ES11130	Mt 598 (Focus St)	3.000	Wyndale St	Wyndale St	Wyndale / Focus	Rehab	14.038	15.175	1.137	6.00	Yes	10	Good	Not Containing / Not Adequate				1.137	\$ 52,176
ES11131	Mt 598 (Focus St)	3.100	Wyndale St	Blue Springs Road	Blue Springs Road / Focus	Rehab	15.175	15.840	0.665	6.00	Yes	10	Good	Not Containing / Not Adequate				0.665	\$ 55,680
ES11132	Mt 598 (Focus St)	3.110	Blue Springs Road	Blue Springs Road	Blue Springs Road / Focus	Rehab	15.840	16.922	1.082	6.00	Yes	10	Good	Not Containing / Not Adequate				1.082	\$ 36,500
ES11133	Mt 598 (Focus St)	3.115	Blue Springs Road	Selwyn Lane	Selwyn Lane / Focus	Rehab	16.922	18.242	1.320	6.00	Yes	10	Good	Not Containing / Not Adequate				1.320	\$ 45,500
ES11134	Mt 598 (Focus St)	3.120	Selwyn Lane	Selwyn Lane	Selwyn Lane / Focus	Rehab	18.242	21.013	2.771	6.00	Yes	7	Poor	Not Containing / Not Adequate				2.771	\$ 95,500
ES11135	Mt 598 (Focus St)	3.125	Selwyn Lane	Deer Creek	Deer Creek / Focus	Rehab	21.013	22.413	1.400	6.00	Yes	7	Poor	Not Containing / Not Adequate				1.400	\$ 46,500
ES11136	Mt 598 (Focus St)	3.130	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	22.413	23.542	1.129	7.00	Yes	8	Reasonable	Not Containing / Not Adequate				1.129	\$ 38,500
ES11137	Mt 598 (Focus St)	3.135	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	23.542	24.436	0.894	7.00	Yes	9	Reasonable	Not Containing / Not Adequate				0.894	\$ 45,500
ES11138	Mt 598 (Focus St)	3.140	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	24.436	25.484	1.048	7.00	Yes	7	Poor	Not Containing / Not Adequate				1.048	\$ 32,500
ES11139	Mt 598 (Focus St)	3.145	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	25.484	26.520	1.036	6.00	Yes	7	Poor	Not Containing / Not Adequate				1.036	\$ 34,500
ES11140	Mt 598 (Focus St)	3.150	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	26.520	27.600	1.080	6.00	Yes	10	Good	Not Containing / Not Adequate				1.080	\$ 40,500
ES11141	Mt 598 (Focus St)	3.155	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	27.600	28.796	1.196	6.00	Yes	7	Reasonable	Not Containing / Not Adequate				1.196	\$ 37,500
ES11142	Mt 598 (Focus St)	3.160	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	28.796	30.241	1.445	6.00	Yes	7	Reasonable	Not Containing / Not Adequate				1.445	\$ 49,500
ES11143	Mt 598 (Focus St)	3.165	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	30.241	30.922	0.681	6.00	No	7	Reasonable	Not Containing / Not Adequate				0.681	\$ 28,500
ES11144	Mt 598 (Focus St)	3.170	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	30.922	31.967	1.045	6.00	No	7	Reasonable	Not Containing / Not Adequate				1.045	\$ 20,500
ES11145	Mt 598 (Focus St)	3.175	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	31.967	32.988	1.021	6.00	No	7	Poor	Not Containing / Not Adequate				1.021	\$ 34,980
ES11146	Mt 598 (Focus St)	3.180	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	32.988	34.088	1.100	6.00	No	7	Poor	Not Containing / Not Adequate				1.100	\$ 30,500
ES11147	Mt 598 (Focus St)	3.185	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	34.088	35.257	1.169	6.00	No	7	Poor	Not Containing / Not Adequate				1.169	\$ 51,510
ES11148	Mt 598 (Focus St)	3.190	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	35.257	36.492	1.235	6.00	No	7	Poor	Not Containing / Not Adequate				1.235	\$ 51,510
ES11149	Mt 598 (Focus St)	3.195	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	36.492	37.792	1.300	6.00	No	7	Poor	Not Containing / Not Adequate				1.300	\$ 51,510
ES11150	Mt 598 (Focus St)	3.200	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	37.792	39.152	1.360	6.00	No	7	Poor	Not Containing / Not Adequate				1.360	\$ 51,510
ES11151	Mt 598 (Focus St)	3.205	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	39.152	40.572	1.420	6.00	No	7	Poor	Not Containing / Not Adequate				1.420	\$ 51,510
ES11152	Mt 598 (Focus St)	3.210	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	40.572	42.052	1.480	6.00	No	7	Poor	Not Containing / Not Adequate				1.480	\$ 51,510
ES11153	Mt 598 (Focus St)	3.215	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	42.052	43.592	1.540	6.00	No	7	Poor	Not Containing / Not Adequate				1.540	\$ 51,510
ES11154	Mt 598 (Focus St)	3.220	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	43.592	45.192	1.600	6.00	No	7	Poor	Not Containing / Not Adequate				1.600	\$ 51,510
ES11155	Mt 598 (Focus St)	3.225	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	45.192	46.852	1.660	6.00	No	7	Poor	Not Containing / Not Adequate				1.660	\$ 51,510
ES11156	Mt 598 (Focus St)	3.230	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	46.852	48.572	1.720	6.00	No	7	Poor	Not Containing / Not Adequate				1.720	\$ 51,510
ES11157	Mt 598 (Focus St)	3.235	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	48.572	50.352	1.780	6.00	No	7	Poor	Not Containing / Not Adequate				1.780	\$ 51,510
ES11158	Mt 598 (Focus St)	3.240	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	50.352	52.192	1.840	6.00	No	7	Poor	Not Containing / Not Adequate				1.840	\$ 51,510
ES11159	Mt 598 (Focus St)	3.245	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	52.192	54.092	1.900	6.00	No	7	Poor	Not Containing / Not Adequate				1.900	\$ 51,510
ES11160	Mt 598 (Focus St)	3.250	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	54.092	56.052	1.960	6.00	No	7	Poor	Not Containing / Not Adequate				1.960	\$ 51,510
ES11161	Mt 598 (Focus St)	3.255	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	56.052	58.072	2.020	6.00	No	7	Poor	Not Containing / Not Adequate				2.020	\$ 51,510
ES11162	Mt 598 (Focus St)	3.260	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	58.072	60.152	2.080	6.00	No	7	Poor	Not Containing / Not Adequate				2.080	\$ 51,510
ES11163	Mt 598 (Focus St)	3.265	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	60.152	62.292	2.140	6.00	No	7	Poor	Not Containing / Not Adequate				2.140	\$ 51,510
ES11164	Mt 598 (Focus St)	3.270	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	62.292	64.492	2.200	6.00	No	7	Poor	Not Containing / Not Adequate				2.200	\$ 51,510
ES11165	Mt 598 (Focus St)	3.275	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	64.492	66.752	2.260	6.00	No	7	Poor	Not Containing / Not Adequate				2.260	\$ 51,510
ES11166	Mt 598 (Focus St)	3.280	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	66.752	69.072	2.320	6.00	No	7	Poor	Not Containing / Not Adequate				2.320	\$ 51,510
ES11167	Mt 598 (Focus St)	3.285	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	69.072	71.452	2.380	6.00	No	7	Poor	Not Containing / Not Adequate				2.380	\$ 51,510
ES11168	Mt 598 (Focus St)	3.290	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	71.452	73.892	2.440	6.00	No	7	Poor	Not Containing / Not Adequate				2.440	\$ 51,510
ES11169	Mt 598 (Focus St)	3.295	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	73.892	76.392	2.500	6.00	No	7	Poor	Not Containing / Not Adequate				2.500	\$ 51,510
ES11170	Mt 598 (Focus St)	3.300	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	76.392	78.952	2.560	6.00	No	7	Poor	Not Containing / Not Adequate				2.560	\$ 51,510
ES11171	Mt 598 (Focus St)	3.305	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	78.952	81.572	2.620	6.00	No	7	Poor	Not Containing / Not Adequate				2.620	\$ 51,510
ES11172	Mt 598 (Focus St)	3.310	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	81.572	84.252	2.680	6.00	No	7	Poor	Not Containing / Not Adequate				2.680	\$ 51,510
ES11173	Mt 598 (Focus St)	3.315	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	84.252	86.992	2.740	6.00	No	7	Poor	Not Containing / Not Adequate				2.740	\$ 51,510
ES11174	Mt 598 (Focus St)	3.320	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	86.992	89.792	2.800	6.00	No	7	Poor	Not Containing / Not Adequate				2.800	\$ 51,510
ES11175	Mt 598 (Focus St)	3.325	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	89.792	92.652	2.860	6.00	No	7	Poor	Not Containing / Not Adequate				2.860	\$ 51,510
ES11176	Mt 598 (Focus St)	3.330	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	92.652	95.572	2.920	6.00	No	7	Poor	Not Containing / Not Adequate				2.920	\$ 51,510
ES11177	Mt 598 (Focus St)	3.335	Deer Creek	Deer Creek	Deer Creek / Focus	Rehab	95.572	98.552	2.980	6.00	No	7	Poor	Not Containing / Not Ade					

5.2.9 Cultural Development Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 4 DECEMBER 2013 COUNCIL MEETING

Cultural Development Committee

GOV400029, A0100056, A0420172

RECOMMENDATION

That:

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

Executive summary

The Ceramic Art Collection Policy has been reviewed, and its objectives are now superseded by the newly adopted Public Art Policy.

Detailed report

Council's Ceramic Art Collection was initiated by the Mudgee Arts Council with the first purchases made from the exhibition "Celebration in Clay", held at the Mudgee Shire Council Chambers in May 1993. The collection is on display in the reading room of the Mudgee Library.

At its October 2013 meeting the Cultural Development Committee considered the Ceramic Art Collection Policy which is due for review.

The Committee agreed that the objectives of the policy are detailed in the recently adopted Public Art Policy. There is however a document titled 'Additional Notes on Ceramic Art Collection Policy' which guides the accessing, deaccessioning and curating of the collection. It is recommended that the Public Art Advisory Committee review this document and from it develop a Ceramic Art Collection Guidelines document.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES

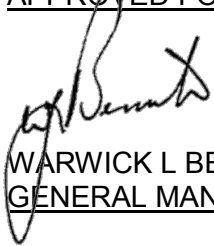


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

6 September 2013

Attachments: 1. CDC minutes 28 October 2013
2. Ceramic Art Policy
3. Additional Notes on Ceramic Art Collection Policy

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**MINUTES OF MEETING OF THE
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE
HELD ON MONDAY 28th OCTOBER, 2013
MEETING AT THE COUNCIL COMMITTEE ROOM, MUDGEES AT 5.00pm.**

PRESENT: Judith James, Helen Harwood, Christopher Wright, Gai Rayner, Cr Lucy White, Virginia Handmer, Kate Power and Catherine Van Laeren

1. **WELCOME:** – The meeting opened at 5.05pm and everyone welcomed by Kate Power who chaired the meeting. Kate advised the Committee that she had received a voicemail message from Colin Jones earlier in the day advising he would be an apology for the meeting, and that he would be sending a written resignation from the Committee to Council.

2. **APOLOGIES:** Katrina Odgers, Colin Jones

3. **PREVIOUS MINUTES:**

Motion: That minutes of 23 September 2013 meeting be adopted, with amendment of 'Gai Ramsey' to 'Gai Rayner'

Moved – Cr White Seconded – H Harwood Motion carried

4. **Public Art Policy**

Kate confirmed that Council had adopted the policy at its meeting on 16th October, and the Public Art Advisory Panel could be advertised.

5. **Public Art Advisory Panel (PAAP) and eoi**

The PAAP Roles and Responsibilities document was discussed, and it was agreed that it should be advertised, with the added amendment of

"Ensure that the Panel is properly and adequately informed of relevant initiatives in the sphere of public art regionally and nationally,"

The Committee agreed to advertise the circulated Expression of Interest form for appointment to the PAAP, and will develop a skills matrix for assessment of applications. The advertisement will be placed in the Guardian and on Council's facebook page.

The EOI's will close on 15th November, 2013.

Motion: That Helen Harwood, Judith James and Lucy White be appointed to the selection committee to assess applications for appointment to the PAAP

Moved – V Handmer Seconded – G Rayner Motion carried

6. **Sculptures by the Sea**

Kate advised the committee that the Expression of Interest Council submitted wasn't successful; Bathurst was the successful LGA, but that a submission would be made again in 2014.

7. **Council purchases at Rosby Sculptures in the Garden**

Catherine and Lucy spoke of the selection of pieces made at Rosby's Sculptures in the Garden. The Committee agreed that installation should happen quickly, and that Brad Cam,

Nigel White, Catherine Van Laeren and the artists meet to discuss location and installation requirements.

8. Ceramic Art Collection

Kate advised that a report will be prepared for Council recommending

- the Ceramic Art Collection, scheduled for review, be superseded by the Public Art Policy recently adopted by Council.
- The guidelines attached to the Ceramic Art Collection Policy sit beneath the Public Art Policy in order to satisfy the specific requirements of the ceramic art collection.

The guidelines require significant review, and this may be done by the PAAP once appointed.

9. Mudgee Library – Art Exhibition

Kate advised that wall space has been measured, and quotations sourced for the hanging system to exhibit collections on loan from Gora Mann. Art work will be selected shortly, and the CDC involved in marketing and promoting an opening night for the exhibition.

10. Election of chairperson

Kate declared the position of chairperson vacant, and called for nominations.

Judith James Nominated – by L White Seconded – H Harwood

Judith accepted the nomination, and there being no other nominations, and all in favour, Judith was elected chairperson

11. Call for new members

It was agreed by the Committee that a call for new members should be sent to Mudgee and Gulgong museums and Art Councils to attract new members to the committee.

Action Item – Kate to send letter with Terms of Reference to each organisation, inviting them to nominate for the Committee

12. Meeting pattern

It was agreed with a lot of activity and CDC business at present to meet monthly as opposed to bi-monthly. It was also agreed that the meeting be held on the last Monday of each month at 5.00pm.

There being no further business the meeting closed at 6.20 pm.

Next proposed meeting date: 25 November, 2013 at 5.00pm

ATTACHMENT 2

	POLICY	ADOPTED C/M 16/3/11 Minute No. 43/11
	Ceramic Art Collection	REVIEW: Mar 13 FILE No. A0360015 A0010019

OBJECTIVE:

To provide a set policy for the collection and maintenance of ceramic art.

Guidelines: The Collection will consider work for inclusion along the following guidelines:

- 1.1 The emphasis of the Collection is to be handmade (studio) ceramics.
- 1.2 Work will show aesthetic merit.
- 1.3 Work will show maturity of working style.
- 1.4 Work will show competence in the use of materials.
- 1.5 Work need not make use of local materials, but such use should be mentioned where appropriate.
- 1.6 Selection should consider the value of proposed work in relation to the existing collection.
- 1.7 The work and/or maker will emphasise some regional reference. This reference can be direct or indirect: examples can range from tangible references such as use of local clays, links with local knowledge or association with the district, to more indirect references such as servicing a local interest or need for education.
- 1.8 The Collection will include both contemporary and historic work and can encompass research and research materials including shards, tools, other.
- 1.9 Work collected can be regional, national and/or international.
- 1.10 Work collected must be documented. This serves to:-
 - 1.10.1 safeguard aspects of the collection
 - 1.10.2 encourage greater understanding of the collection and
 - 1.10.3 develop an educational role for the collection.
- 1.11 Work can only be accepted relative to available funds for acquisition, display, conservation, etc. The collection must refuse to accept work which bears unreasonable or inappropriate restrictions on either its display or storage.
- 1.12 Gifts and other work which fall outside of The Collection Policy may be held in a developing bank of work which may have more flexible public access, and/or may be transferred to other appropriate facilities within the Shire.
- 1.13 For further details on the collection procedures, ownership, responsibility, inventory and accessioning forms, refer to "Notes on Ceramic Art Collection Policy".

ADDITIONAL NOTES ON CERAMIC ART COLLECTION
AND POLICY

History of the Collection

1. Initiative

- 1.1 The strength of natural ceramic resources found in the Mid-Western Regional Council region is the fundamental reason for establishing a Ceramic Art Collection here. The Collection acknowledges the research and dedication of pioneer potter Ivan McMeekin, whose association with the district commenced in the 1960's, and who lived and worked here from 1987 to 1993.
- 1.2 The regional ceramic tradition will be supported and promoted by a notable public collection.
- 1.3 In addition, the collection will provide valuable stimulation, inspiration, and education for oncoming generations of Mid-Western Regional Council citizens and ceramic workers.

2. Origin

- 2.1 The Collection was initiated by the Mudgee Arts Council with the first purchases made from the exhibition "Celebration in Clay", held at the Mudgee Shire Council Chambers in May 1993.
- 2.2 The Ceramic Advisory and Selection Committee of the Mudgee Arts Council is the recognised advisory body for the collection.
- 2.3 The founding committee was comprised of the following members:

Janet Mansfield
Ida Bateman
Kaye Rice

CERAMIC ART COLLECTION**POLICY NO: HCS/200****Ownership and Responsibility for the Collection:****1. Ownership:**

- 1.1 The Mid-Western Regional Council Ceramic Art Collection belongs to the Mid-Western Regional Council.
- 1.2 Mid-Western Regional Council holds responsibility for its care and maintenance working within guidelines of the Collection policy and in consultation with the Ceramics Advisory and Selection Committee of the Mudgee Arts Council.
- 1.3 In the event of the dissolution of the Mudgee Arts Council, full care and responsibility for the Collection will rest with the Mid-Western Regional Council, under the trusteeship of the Ceramic Advisory and Selection Committee.
- 1.4 In the event of the dissolution or amalgamation of the Mid-Western Regional Council, the care and responsibility for the Collection will rest with its successor in consultation with the Ceramic Advisory and Selection Committee. However, there is a clear commitment for the collection to continue to reside in permanent place within the Mid-Western Regional Council community.

2. Curatorial Responsibility:

- 2.1 The Ceramics Advisory and Selection Committee of the Mudgee Arts Council is the recognised advisory body for the Collection. A Regional Gallery Director or similar professional will be consulted regarding the curatorial suitability of any new appointee to this committee.
- 2.2 In the absence of a curatorial policy, the Ceramics Advisory and Selection Committee hold sole responsibility for curatorial issues.

3. Content:

- 3.1 The Collection (as at June 1997) consisted of work/s by:-
Ivan McMeekin
Janet Mansfield
Chester Nealie
Peter Rushworth
Gwyn Hanssen Piggott
- 3.2 Subsequent developments will be noted in Collection documentation.

4. Location:

- 4.1 The Collection is currently housed in a glass display cabinet placed in the Mid-Western Regional Council Administration Building.

CERAMIC ART COLLECTION

POLICY NO: HCS/200

- 4.2 The display cabinet was donated by Commercial Minerals Pty Ltd for the sole purpose of housing the Ceramic Art Collection and with the provision that it be placed in a prominent public position.

5. Funding Sources:

- 5.1 Original works in the Collection were donated by the Mudgee Arts Council.
- 5.2 Subsequent additions to the collection (as at June 1997) were
- a. acquired by Mid-Western Regional Council and
 - b. acquired and donated by Mudgee Arts Council.
- 5.3 Other sources of funding either by bequest, gift, fundraising or other, will be considered subject to Policy Guidelines.

Collection Procedures:

These Procedures seek to safeguard both the quality and condition of work in the Collection.

1. **Acquisition Procedures:** Proposal and selection procedures by which work may be accepted into the Collection.
- 1.1 The Ceramics Advisory and Selection Committee of the Mudgee Arts Council is the recognised advisory body for the Collection.
 - 1.2 Recommendations for acquisition can be made to the Ceramics Advisory and Selection Committee of the Mudgee Arts Council.
 - 1.3 Recommendations must contain the following information:
 - artists name and profile;
 - title and date of the work;
 - medium and size of the work;
 - the vendor or donor and the;
 - price and insurance value of the work;
 - funding source for acquisition.
 - 1.4 Recommendations must include a statement setting out:
 - reasons for acquiring the work;
 - its place in the Collection; and
 - its merits as a work in its own right.
 - 1.5 Such recommendation should be presented to the Ceramics Advisory and Selection Committee at its regular or specially convened meeting. If the work cannot be present at this meeting, then a photograph may be presented as a preliminary.
 - 1.6 Submitted recommendation will be considered by the Ceramics Advisory and Selection Committee and by Mid-Western Regional Council according to the guidelines within the Collection Policy. The Ceramics Advisory Committee will be responsible for assessing the aesthetic merit of the work and will

CERAMIC ART COLLECTION**POLICY NO: HCS/200**

- consult with Mid-Western Regional Council with regard to display and conservation of and payment for the work.
- 1.7 Responsibility for payment will rest with the Mudgee Arts Council (subject to agreement and suitable arrangements outlined in the recommendation).
 - 1.8 The Collection must obtain clear and valid title to the work, not necessarily including its copyright, which may legally be retained by the artists.
 - 1.9 Responsibility for receipt and housing of the work will rest with the Mid-Western Regional Council under consultation with the Ceramics Advisory and Selection Committee.
 - 1.10 All acquisitions will be properly receipted and documented, according to accepted procedures set out in Policy support papers.
2. **Accessioning:** the process of accepting work into the collection. On receipt of the work, the following procedures must be followed:
- 2.1 The Accession Form must be completely filled out. No omissions can be made if information is unknown, comment must be made and dated and further research carried out to complete the required information.
 - 2.2 A proposed Accession Form is attached in Section 5. The form gives strategic information regarding the artists and the work, and allows for background information, conservation notes and other concerns.
 - 2.3 Following this procedure, the work should be examined for a report on its condition. A proposed Condition Check Form is attached in Section 5.
 - 2.4 If any action is required to safeguard the work, it should be specified in this report and the entry dated. (Refer to Conservation for further information.)
 - 2.5 The work can now be placed in a designated storage position awaiting display. Alternatively the work can now be placed on display, with appropriate display documentation. The Accession Form should provide the basis for such documentation.
3. **Education Material:** the Accession Form provides the basis for this information. The format of education material can be any of the following.
- 3.1 File information held on the Accession Form.
 - 3.2 Display Documentation on view in the showcase adjacent to the work. This documentation can be drawn from the Accession Form.
 - 3.3 Education brochures and/or packs developed from the Accession Form information and available for schools or other groups.
4. **De -Accessioning Procedures:** if work becomes identified as being inappropriate for the collection, the following procedures can be adopted:

CERAMIC ART COLLECTION

POLICY NO: HCS/200

- 4.1 Work held within the collection but considered to be inappropriate must be submitted to the Ceramics Advisory and Selection Committee in much the same manner as for an acquisition (refer Section 4: No. 1).
- 4.2 Action to remove the work from the Collection (to de-accession) can only be taken if the Committee accepts the need to do so.
- 4.3 Consideration must be given to finding an appropriate positions for the work. This could be to:
 - 4.3.1 transfer the work to the bank of work referred to in Section 2 Collection Policy - No 1.12.
 - 4.3.2 offer the work for return (or return sale) to the originator of the work to the Collection.
 - 4.3.3 make provision for sale of the work with sale value dedicated to furthering the Collection.
- 4.4 The originator of the work into collection must be identified and notified and of the plans for the work. Consideration for the originator's response to be accommodated, where reasonably possible.
- 4.5 The decided means by which the work will be de-accessioned can now be carried out.
5. **Conservation and Restoration:** Refers to the process of protecting works of art against damage and/or deterioration.
 - 5.1 Ensure best possible environmental conditions are maintained in storage area.
 - 5.2 Carry out regular Condition Checks to ascertain temperature, humidity and dust levels, and to locate any damage to items in the collection.
 - 5.3 If damage to work is identified, either through regular condition checks, misadventure or other means, an immediate report must be made.
 - 5.4 The basis of this report will be the Condition Check Form, but may also require an attached written statement.
 - 5.5 If repairs are indicated, an assessment must be made as to whether the artist or a conservator would be the best person to carry out the repairs.
 - 5.6 Restoration is highly skilled and should be done by specialists. Regional Galleries Association in NSW and Victoria employ Curators of Conservation to advise their respective galleries on the care of art works and to carry out treatment as required. Art Museums Association of Australia also provide a list of conservators.
 - 5.7 If the artist is the most appropriate person to make the repairs, she/he must be notified and the repairs discussed.

CERAMIC ART COLLECTION**POLICY NO: HCS/200**

- 5.8 If a conservator is the most appropriate person to make repairs, the artist should be notified before proceeding. The artist may have valuable conservation information to pass on to the conservator.
- 5.9 Such repairs should form part of the documentation regarding the work.
6. **Future Concerns:** Thought may need to be given to the value and needs of the developing Collection.
- 6.1 As the size of the collection grows, the work may be placed in danger by virtue of inadequate accommodation.
- 6.2 Plans for extended display, storage, conservation and other requirements will need to be developed. The Regional Galleries Association recommends that "Storage of Art Works:
- 6.2.1 Should incorporate enough storage space to accommodate the entire collection, plus a margin 25-50% to cope with future needs.
- 6.2.2 Storage areas must be secure and provided with controlled lighting and ventilation.
- 6.2.3 Works of art should be easily accessible for research and restoration.

Documentation: This section gives sample documentation formats for use in administering the Collection.

1. **Inventory Form**
Listing works in the Collection.
2. **Accession Forms**
Taking work into the Collection.
3. **Condition Check Form**
Reporting the of work in the Collection and Recommending any necessary action.
4. **De-Accession Form**
Removing work from the Collection.

Reference Papers

1. The Regional Galleries Association
2. Paper 2. A Checklist for Planning a Regional Gallery extract- P73
3. Orange Regional Gallery - Acquisitions Policy
4. Wollongong City Art Gallery - Collection Policy
5. Newcastle Regional Art Gallery - Acquisition Policy
6. Wagga Wagga City Art Gallery - Acquisition Policy
7. Art Gallery of South Australia - Policy
8. Shepparton Art Gallery - Guidelines for Acquisition

* The Regional Galleries Association Paper 2. A Checklist for Planning a Regional Gallery (Extract - P73)

CERAMIC ART COLLECTION

POLICY NO: HCS/200

9. Queensland Art Gallery - Collection Policy
10. Queensland Art Gallery - Collections Management Policy
11. Lake Macquarie City Art Gallery - New Acquisitions Theme and Program
12. Museum of Applied Arts and Sciences - Collection Development Policy
13. Dubbo Regional Gallery - Collection Policy

**MID-WESTERN REGIONAL COUNCIL CERAMIC
 ART COLLECTION**

ACCESSION FORM

Name
Initial Date

Collection No	Date accepted	Artist	Title of Work
		Brief Description & Materials	

Photograph of work? _____
 Negative of work? _____
 Held Where? _____
 Permission to Publish? _____

(Paste Photograph Here)

What was the origin of the work
 into the Collection?

Proposed by _____

Funded by _____

Source (artists, collection, exhibition, other)

Purchase Price \$ _____ Date _____

Insured value \$ _____ Date _____

Re-assessed value \$ _____ Date _____

Curriculum vitae of artists On receipt of work Dated _____ Attached? Yes/No

Revised Dated _____ Attached? Yes/No

Revised Dated _____ Attached? Yes/No

Detailed Description of work (also refer to condition check on arrival of work - see file):

Sketches:

**MID-WESTERN REGIONAL COUNCIL CERAMIC
 ART COLLECTION**

Name
Initial Date

CONDITION CHECK FORM

Collection No	Date accepted	Artist	Title of Work
Brief Description & Materials			

Occasion for Carrying out this Condition Check:

- On accepting work into the Collection _____
- Regular Condition Check _____
- Particular Concern _____

Specify: _____

Please refer to previous Condition Checks when making out this report. Conditions consistent with this initial check need not be repeated, unless indicating a condition of concern.

Aspect of work	Condition	Sketch
Other related objects (eg stand, box, etc)		

CONDITION CHECK FORM (continued)

Any Damage to be repaired?

What action will be taken?

Who will undertake repairs?

Address?

Phone / Fax

Work received from conservator by

Date

Repairs satisfactorily completed?

Work reinstated in the collection

(Date)

on display

in Storage

Final Report:

Name

Signature

Position

Date

**MID-WESTERN REGIONAL COUNCIL CERAMIC
ART COLLECTION**

DE-ACCESSION FORM

Name
Initial Date

Collection No.	Date accepted	Artist	Title of Work
		Brief Description & Materials	

1. Rationale for removing work from the Collection

Remove Proposed by _____

2. Position in relation to the Collection

Confirmed Destination _____ Date _____

3. Who/ What was originator of the work into the Collection?

Has the originator been consulted _____

How? _____

By Whom? _____ Position _____

Does the originator have any concerns regarding the removal of work from the Collection
 Yes/No

What are they? _____

What steps have been taken to accommodate these concerns? _____

Legal considerations and action to be taken: _____ Date Completed _____

_____	_____
_____	_____
_____	_____
_____	_____

MID-WESTERN REGIONAL COUNCIL CERAMIC ART COLLECTION - DE-ACCESSION FORM
(continued)

1.	Financial considerations and action to be taken:	Date Completed
	_____	_____
	_____	_____
	_____	_____
	_____	_____

	Other Considerations and action to be taken:	Date Completed
	_____	_____
	_____	_____
	_____	_____
	_____	_____

2. Approval for de-accessioning given by the Ceramics Advisory & Selection Committee of the Mudgee Arts Council.

Entered in minutes of meeting dated _____ Signed _____
 Name _____
 Position _____

3. Approval for de-accessioning given by the Mid-Western Regional Council

Entered in Minutes of meeting dated _____ Signed _____
 Name _____
 Position _____

Final Report

Name _____ Signature _____
 Position _____ Date _____

5.2.10 Discount for Early Payment of Rates

REPORT BY THE REVENUE & PROPERTY MANAGER TO 4 DECEMBER 2013 COUNCIL MEETING
Discount for Early Payment of Rates
GOV400029, A0340048

RECOMMENDATION

That:

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

Executive summary

This report responds to an issue raised on 6 November 2013 under the General Manager's Performance Review – Strategic Goal 9, namely:

“Information is sought on the cost to Council for giving say 5% discount for early payment of full years rates.”

This report investigates the option of providing a discount for the early payment of annual rates and charges.

Detailed report

Discount or Incentive for Prompt Payment of Annual Rates and Charges

There is no legislative requirement for a Council to offer discount incentives for the prompt payment of rates and charges and nor is there any legislative barrier to doing so. A decision to encourage ratepayers to pay in full by offering a discount is therefore entirely discretionary for the Council; however any decision should consider the full financial and social impact on the Council and the community.

Legislative Requirements

Section 563 of the Local Government Act 1993 allows Councils to offer a discount to those ratepayers who choose to pay their Council Rates and Charges in full and notes the following:

“Discount for prompt payment in full:

A council may discount the amount of a rate or charge to such extent as it determines if the whole of the discounted amount of the rate or charge is paid by a date nominated by the council.”

Section 562 of the Local Government Act 1993 defines the 31st August of the rating year as the due date for an annual payment and states:

“Payment of rates and annual charges:

(1) Annual rates and charges may be paid in a single instalment or by quarterly instalments....

(3) (a) if payment is made in a single instalment, the instalment is payable by 31 August"

31st August is therefore the earliest payment due date Council can promote for paying the annual Council Rates and Charges in full.

Financial Viability Assessment

It is important to note that in the current 2013/2014 rating year approximately 1,486 ratepayers paid their Rates accounts in full by 31 August with no enticement by the Council to do so. This constitutes approximately 11.6% of all ratepayers. The breakdown of these ratepayers into the various categories was as follows:

- Residential 1185
- Farmland 204
- Business 93
- Mining 4

Any amount the Council discounts or offers as an incentive scheme must first offset those rates accounts which already pay in full in the absence of a discount.

The first step in accessing the financial viability of a discount is calculating the total interest Council earns and what savings Council will make, if an average rating assessment is paid in full and the extra amount is invested by Council for the full year. Table 1 below shows these calculations based on an average rate of \$2,054 for the 2013/2014 rating period and an assumed investment return of 3% per annum.

Table 1

Rates	Amounts Payable	Due Dates	Days in Bank Account	Investment Return @3% p.a from 31/08	Estimated Operational Cost Saving*	Total Council Saving
Paid in Full by 31 August	\$2,054	31 Aug	303	\$51.15	-\$1.00	\$50.15
Sub-Total	\$2,054					\$50.15
Instalments						
1 st	\$513.50	31 Aug	303	\$12.79	-\$1.00	\$11.79
2 nd	\$513.50	30 Nov	212	\$ 8.95	-\$1.00	\$ 7.95
3 rd	\$513.50	28 Feb	122	\$ 5.15	-\$1.00	\$ 4.15
4 th	\$513.50	31 May	30	\$ 1.27	-\$1.00	\$ 0.27
Sub-Total	\$2,054					\$24.16
Total profit & saving of an average rate account paid in full by 31 August						\$25.99
ie. Total annual profit & saving minus total instalment saving						
Total % saving based on an average rate account paid in full by 31 August						1.27%

*Estimated savings include costs for printing, postage and transaction fees.

If an average rating assessment was paid in full by the 31 August instead of by instalments, the estimated combined savings and earnings for MWRC would be approximately \$25.99 or 1.27% of the total rates payable on that rating assessment. To be financially viable and at a conservative estimate, any discount offered would need to be less than \$25.99 or 1.27% on an average rating

assessment.

If Council was to offer a \$103 or 5% discount for accounts to be paid in full by 31 August, then Council would effectively be losing an estimated \$77 per average rating account. It would not be possible to recoup this loss even if all of Council's 12,772 ratepayers paid in full because Council is guaranteed to lose 3.73% of any payments made in full.

Alternatively, if Council was to offer a \$20 or 1% discount for accounts paid in full by 31 August then the Council would effectively be gaining an estimated \$5.99 per average rating account.

As stated above approximately 1,486 ratepayers or 11.6% of all ratepayers, already pay in full by 31 August with no prompting to do so. If the Council was to offer a \$20 or 1% discount per average rates assessment then Council would grant those rates accounts which already pay in full, a total of \$29,720 in discounts.

However, if Council did offer a rate discount system then it would need to increase everyone's rates by the full amount of discount so that after the discount has been taken Council is still left with the same levels of income to continue with the same levels of service. Less of course any additional amounts that would be gained from additional monies invested.

Before a discount scheme becomes financially viable the Council would need to reclaim \$29,720 being the total discount amount applied to accounts which are already paying in full. If the Council is saving \$5.99 per average rating assessment then it would need to prompt a further 4,961 ratepayers to pay in full by 31 August.

It is questionable whether \$20.00 (1%) is a large enough incentive to encourage a further 4,961 ratepayers (39% of all ratepayers) to pay in full by 31 August. If a lesser discount were offered then the number of payments required to recover the cost of the scheme similarly decreases. However as the amount of the discount decreases so will the number of ratepayers who pay in full as there is less of an incentive to do so.

Likewise if the interest rate on Council's investments increases, so too does the viability of the discount option. The Council will earn more on the invested monies meaning a decrease in the necessary number of ratepayers paying in full to offset the discount amount. However a potential risk for the Council may occur if the scheme needs to be withdrawn in the years when investment returns are low. Once introduced, ratepayers may come to expect the discount and may consider the Council opportunistic if the discount is only offered in years when investment returns are high.

Finally there will still be those ratepayers who can afford to pay in full, but refuse to, due to their personal investment strategies returning a higher amount than the offered discount by the Council. That is, they are able to earn a greater amount than the 1% discount by investing their excess funds made available by paying in quarterly instalments.

Social Impact Assessment

A primary concern in encouraging ratepayers to pay in full by 31 August is the perception that the Council is favouring those ratepayers who can afford to pay the full rates amount and excluding those who cannot.

No matter how large the discounted amount, ratepayers who simply cannot afford the full payment by 31 August cannot access the discount and a number of the goals in the Community Plan in relation to achieving equity and fairness throughout the MWRC region may not be realised. It could be viewed that Council is not representative of the whole community and is not effective in meeting the needs of all the people if those ratepayers who cannot afford to pay their rates in full by 31 August are those most in need of receiving a discount. Given that the payment of Council

Rates and Charges is mandatory, Council could be disregarding its own charter by excluding these ratepayers from access to the discount and creating a "barrier" due to some ratepayers' lack of capacity to pay in full.

Approximately 11.6% of all ratepayers choose to pay in full by 31 August without any influence from the Council. To offer a financial incentive to the exclusion of those who may not have the capacity to pay in full may be construed as exclusive, or even discriminative, and the social impact may outweigh any financial benefit gained.

Financial implications

A 5% discount is completely unviable and unsustainable for the reasons as outlined in this Report.

Strategic or policy implications

Not applicable.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

14 November 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.11 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, A0100056, 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:**

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

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.

FRONTLINE COMMUNITY SERVICES

Frontline Community Services are a registered charity. They are seeking financial assistance to help support the community and families that cannot supply all their needs for various circumstances. It is recommended that Council grant the amount of \$1000.

MUDGEES READERS FESTIVAL

Mudgee Readers' Festival is a not-for-profit, volunteer-run, incorporated association. The Mudgee Readers' Festival will be held on Sat 09 and Sunday 10th August 2014 and they are requesting funding of \$2000 in which will contribute towards accommodation expenses for the visiting authors. It is recommended in accordance with previous donations that Council approve the funding of \$2,000.

SCHOOL PRIZES

In accordance with the Operational Plan, it is to be noted that the following has been distributed for school prizes:

Ilford Public School	\$100
Kandos High School	\$100

RATES REFUNDS

At the 24 July 2013 meeting, Council made provision for \$5,570 for rate refunds for particular community organisations. In accordance with this provision, it is to be noted that the following has been distributed for rates refunds:

Gulgong Golf Club Inc	\$900
-----------------------	-------

In addition, a request was made for their water & sewer consumption charge to be reimbursed as the amenities block is open to the general public not just its club members. It is noted that the total rates & charges notice paid was \$768 and as the rate provision for the club was set at \$900, the remainder of \$132 will be reimbursed to contribute to their water & sewer usage.

Financial implications

Funding of \$152,000 is provided in the Operational Plan for Financial Assistance. An additional \$30,000 has been allocated to the budget giving total funding of \$182,000. \$170,997.48 has been allocated to date, leaving a balance of \$11,002.52. Should Council approve the donations in accordance with the recommendation, a balance of \$8,002.52 will remain.

The Councillor's Discretionary vote for 2013/14 is \$2,000 per Councillor. The balances are detailed below:

Cr Thompson	\$1,600.00
Cr Shelley	\$1,750.00
Cr Walker	\$1,217.44
Cr Webb	\$1,200.00
Cr Martens	\$1,300.00
Cr Kennedy	\$2,000.00
Cr Weatherley	\$2,000.00
Cr White	\$450.00
Cr Cavalier	\$1,700.00

Strategic or policy implications

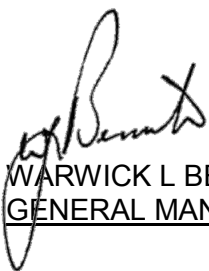
Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

22 November 2013

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



29nd August 2013

To Warwick Bennett,

Thank you for replying to our letter re; Foodcare and Financial Assistance. Submission To Operational Plan 2013/14.

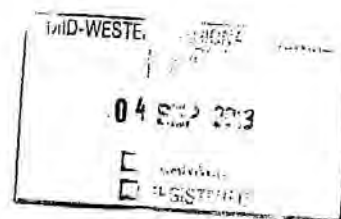
Frontline Community Services are a registered charity and adhere to all legal requirements when it comes to the operating and financing of our programs. We are accountable to a board consisting of 6 members, under which our constitution operates. Within our constitution all donations and financial funds from government departments are to be used in accordance to that which funds were received. We also wish to inform you that in regards to other financial supporters, Frontline Community Services has and will be receiving support from personal donors from within the Mudgee Region, several of whom own businesses in the region. We have received a small donation from Family First Credit Union and we are in the process of applying for funding from Newcastle Permanent Credit Union. Other non-financial supporters are Bakers Delight, whom we receive donations of bread every week to give to those of most need in our community and individuals in our community who supply non-perishable foods to be given to those in need.

Thank-you for considering us for a grant/financial assistance to support our community. As you can imagine this support will go a long way in assisting many families that cannot supply all their needs, due to various circumstances.

Kind Regards

A handwritten signature in cursive script that reads "Donna Redding".

Donna Redding
Frontline Community Services Co-Ordinator
PO Box 85
Mudgee NSW 2850
Ph: 6372-1104
Fax: 6372-0150





Application for Tier I Funding – Mid-Western Regional Council Financial Assistance Programme

1. **Name of organisation:** Mudgee Readers' Festival Inc.
2. **Address:** PO Box 1473, Mudgee NSW 2850
3. **Contact person:** Melanie Trethowan
P/F: 02 6372 4410
M: 0427 406 905
E: info@mudgeereadersfestival.com.au
W: www.mudgeereadersfestival.com.au
4. **Description of organisation:** a not-for-profit, volunteer-run, incorporated association. The Festival has been established to celebrate the joy of reading for all ages.
5. **ABN:** 35 862 941 318
6. **Insurance details:** Public Liability and Volunteer policies in place.
7. **Bank Account details:** Acct Name: Mudgee Readers' Festival Inc, Acct No: 250 177, BSB:032 653
8. **Purpose of funding:** Mudgee Readers' Festival will be held on Saturday 9 and Sunday 10 August 2014.
Event Description: Mudgee Readers' Festival (MRF) brings around 12 high profile authors to Mudgee to interact with passionate readers from the region and to celebrate the joy of reading. The approach of the event is 'in conversation' allowing maximum interaction between author and audience. The event will be held predominantly at ParklandsResort & Conference Centre (Mudgee) - the only venue in the region with multiple rooms allowing concurrent sessions.

 The format for the 2014 event will be:
 Thursday 07 & Friday 08 August - children's author visits and workshops at schools throughout the region.
 Saturday 9 August - 2 concurrent sessions all day, gala evening/dinner with author presentation. Second Hand Book Fair, new book sales and signings.
 Sunday 10 August - 2 concurrent sessions during the morning, Bookworms session in conjunction with Mudgee Library, long literary lunch.

 In 2013 we sold out a number of author sessions and we aim to increase ticket sales to 1 500 over the two days in 2014 – a growth of around 500 tickets.

 A brief survey/feedback sheet is handed to audience members each year and we strive to address criticisms and suggestions about ways to improve. As our demographic tends to be older we have changed room access to make it easier for older audience members and people with prams. The majority of our audience are female in the 45+ age group, however male attendance is increasing every year. The Bookworms session in 2013, held in conjunction with Mudgee Library and featuring Mem Fox, was a huge success and we had around 400 children, parents and carers attend on the Sunday morning.

	Incorporation Expenses	\$100.00
	Insurance	\$1,500.00
	MRTI Membership fee	\$200.00
	Printing/Photocopying	\$500.00
	Bank Fees	\$25.00
	Total ADMIN	\$4,825.00
LOGISTICS		
	Author Accommodation	\$6,000.00
	Author Travel	\$3,000.00
	Author Meals & Drinks	\$500.00
	Photographer	\$200.00
	Venue Hire	\$3,000.00
	Venue Decorations	\$150.00
	Catering - Launch	\$3,000.00
	Catering - Welcome	\$300.00
	Catering - Dinner	\$9,000.00
	Catering - Lunch	\$8,250.00
	AV/Microphones	\$700.00
	Total LOGISTICS	\$34,100.00
MARKETING		
	Print Advertising	\$5,000.00
	Posters/Bookmarks	\$1,000.00
	Website page	\$200.00
	Ticketing Printing	\$250.00
	Signage	\$300.00
	FOC Tickets	\$2,250.00
	Merchandise	\$0.00
	Total MARKETING	\$9,000.00
Total Expenses		\$47,925.00

Operating Profit -\$2,025.00

12. Acknowledgement of Council's contribution:As a sponsor of the Mudgee Reader's Festival you will receive the following package of benefits:

Sponsorship

- Exclusive sponsorship of the Mudgee Readers' Festival.
- Official Corporate partner status.

On-site

- Banner displayed (multiple banners allowed) at the venue.
- Promotional material to be distributed at the venue and selected events

Hospitality and Networking

- 1 x invitation to official June Launch event (date and venue to be confirmed).
- 1 x Invitation to the exclusive Friday evening Sponsors Function.
- 2 x Saturday Day Festival Passes

Brand Awareness Opportunities

- Logo display on Festival Program and poster.
- Logo displayed on Festival website and links to your website.

Other Benefits as Negotiated

- Please contact us to discuss your individual promotion needs or how you would like to partner with Mudgee Readers' Festival.

ILFORD PUBLIC SCHOOL PARENTS AND CITIZENS ASSOCIATION (P & C)
WOULD LIKE TO **THANKYOU** FOR YOUR GENEROUS SUPPORT
AS WE ONCE AGAIN INVITE YOU TO SPONSOR AND ATTEND OUR
“CHRISTMAS TREE” FUNCTION

TO BE HELD AT THE ILFORD HALL
SATURDAY 7TH DECEMBER 2013 AT 6PM.

BEING A SMALL AND SOMEWHAT ISOLATED COMMUNITY, ILFORD PUBLIC SCHOOL P & C RELIES HEAVILY ON THE GENEROSITY OF LOCAL BUSINESSES TO ASSIST US IN RAISING MONEY TO SUPPORT OUR CHILDREN THROUGH THEIR EDUCATION AT ILFORD PUBLIC SCHOOL. YOUR SPONSORSHIP WILL GO TOWARDS PURCHASING BOOKS FOR OUR END OF YEAR PRESENTATIONS WHICH WILL BE PART OF OUR “CHRISTMAS TREE” FUNCTION. SPONSORSHIP BEYOND THESE COSTS WILL PROVIDE ONGOING SUPPORT AND RESOURCING FOR OUR SCHOOL. PLEASE HELP US HELP OUR LOCAL CHILDREN AT ILFORD PUBLIC SCHOOL THROUGH YOUR SUPPORT AND GENEROUS DONATION.

PLEASE MAKE CHEQUES PAYABLE TO ILFORD PUBLIC SCHOOL P&C AND POST TO THE FOLLOWING ADDRESS:

ILFORD PUBLIC SCHOOL P&C TREASURER
6943 CASTLEREAGH HWY
ILFORD 2850

AGAIN WE OFFER YOU A HEARTFELT THANKYOU FOR YOUR DONATION AND WE WOULD BE DELIGHTED IF YOU WILL JOIN US AT OUR SCHOOL “CHRISTMAS TREE” CELEBRATIONS ON 7TH DECEMBER.

Please fill in the following form and return to the address above if you are able to attend the Ilford Public School “Christmas Tree” function this year.

BUSINESS NAME.....
CONTACT PERSON.....
PHONE NUMBER.....
NUMBER OF PEOPLE ATTENDING.....





KANDOS HIGH SCHOOL

ABN 15 260 183 583

Principal: Colin Winter B.A. Dip.Ed.
Deputy Principal: Chris Bowen
Fleming Street, Kandos, N.S.W. 2848

Phone: 02 6379 4103
Fax: 02 6379 4818
Email: kandos-h.school@det.nsw.edu.au

15 October 2013

Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850



Dear Sir/Madam

ANNUAL PRESENTATION DAY

Kandos High School's annual Presentation Day will be held on Monday 9 December at the Kandos High School Multipurpose Centre commencing at 1.00 pm.

We would be most grateful if you could support us in the form of a cash donation towards academic and sporting prizes. Your donation will be acknowledged on the program and prize certificate.

We would also like to invite you to attend our Presentation Day. It would be appreciated if you could fill in the RSVP below and return it to Kandos High School by Monday 2 December 2013.

Yours sincerely

Colin Winter
Principal

GULGONG GOLF CLUB INC.21 Tallawang Road Gulgong

ABN: 80 371 646 026
 PO Box 220 Gulgong NSW 2852
 Phone/Fax: 02 63741571
 Email: gulgonggolfclub@australiaonline

Hon Secretary
 Peter Johnson
 Phone 6374 1609
 Email: pjatgolf@live.com

28 October 2013

The Manager – Governance,
 Mid-Western Regional Council,
 PO Box 156,
 Mudgee, N.S.W., 2850

Dear Sir,

Your records will show full payment by our club of 2012/2013 council rates and water consumption to the 26/6/2013. Our application for reimbursement for such charges is attached.

Reimbursement would make a significant contribution to our on-going costs of maintaining and improving the golf course as a community asset

We look for Councils favourable consideration of our request for reimbursement of our water and sewerage usage charges.

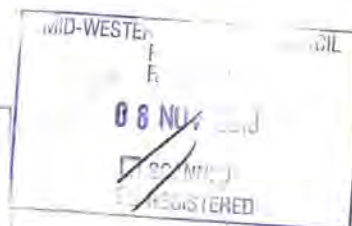
Council may note our Club does not have a Club House per se but rather an amenities block not connected to Town water or sewer.

Town water is used for the purpose of flushing and cleaning the Mens and Ladies Toilets on the course, open 24/7, not only for the convenience of Club members but also the wider Community. The Club maintains and refurbishes the facility at its own cost.

The Club would respectfully request the facility be treated as Council treats, for budgeting purposes, other Park public toilets within its boundaries.

Yours faithfully,


 Peter Johnson
 (Hon. Secretary)



**APPLICATION FOR REIMBURSEMENT OF RATES & WATER/SEWAGE
CHARGES**

Name of Organisation	Gulgong Golf Club Inc.
Address	PO Box 220 Gulgong NSW 2850
Contact Person	Peter Johnson Phone: 6374 1609 (home), 6374 1571 (club) Email: pjatgolf@live.com
Type of Organisation	Not for profit sporting body
ABN	80 371 646 026
Insurance Details	Elders Insurance Policy No 20.BPK.0983330
Bank Details	Westpac Mudgee BSB 032-650 A/C No. 430332
Purpose of Funding	Assistance to maintain the sporting Facility
Funding Required	\$1358.06
Community Benefits	Provision of a sporting facility at a minimal cost to council
Supporting Documents	Copy rate notice and water/sewerage account

Gulgong Golf Club is most willing to acknowledge Council's contribution to enable this Club, which is operated and maintained on a purely voluntary basis, to continue to provide this sporting facility which is available for use by all members of the community.

By providing this assistance, Council would be enabling the money to be spent on maintaining the course which in turn creates a very presentable approach to the town and the region when arriving from the northern approach of the Castlereagh Highway, on the western approach from Dunedoo.

I, Peter Johnson, Honorary Secretary of the Gulgong Golf Club Inc., declare the information contained in this application to be true. Dated this 29/10/2013



(P. Johnson)

RATES

RATES & CHARGES NOTICE

01/07/2012 TO 30/06/2013

ABN 96 149 391 332
TAX INVOICE

Notice is given that the below mentioned rates & charges have been made and levied on the land described hereunder by virtue of S546 of the Local Government Act 1993



Gulgong Golf Club Incorporated &
Trustees Gulgong Golf Club
PO Box 220
GULGONG NSW 2852



020
1007302



PO Box 156, Mudgee NSW 2850
Ph: (02) 6378 2850 • 1300 765 00
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au
Website: www.midwestern.nsw.gov.au

Property Number
10909

Valuation Base Date	Interest Rate
1/07/2011	10% p.a.

Issue Date	Due Date
16/07/2012	31/08/2012

Property Location and Description
Gulgong Golf Club, 21 Tallawang Road, GULGONG NSW 2852
Lot 480 DP 40733
Lot 481 Sec 48 DP 758482 and 2 more

Particulars of Rates and Charges	Rate in \$	Rateable Value	Amount
Sewer Access Non Res Charge	\$325.00 PER SERVICE	1	325.00
Water Access Charge - 20mm Service	\$120.00 PER SERVICE	1	120.00
General Waste Disposal Charge	\$165.00 PER SERVICE	1	165.00
Domestic Waste Management Charge	\$158.00 PER SERVICE	1	158.00

GST 0.00

First Instalment	Second Instalment	Third Instalment	Fourth Instalment	Please deduct any payments since	TOTAL AMOUNT DUE
\$192.00 31/08/2012	\$192.00 30/11/2012	\$192.00 28/02/2013	\$192.00 31/05/2013	9/07/2012	\$768.00


WARWICK BENNETT
 GENERAL MANAGER

Bank Teller stamp

 \$
 E & O.E

Commonwealth Bank
Commonwealth Bank of Australia
ABN 48 123 123 124
MUDGEE, NSW

NAME: Gulgong Golf Club Incorporated &
PROPERTY NO.: 10909
TOTAL AMOUNT DUE: \$768.00
INSTALMENT AMOUNT DUE: \$192.00

RATES
CREDIT

Date / /

TELLER STAMP
/ /
INITIALS
No. OF CHQS

ABN: 96 149 391 332

Please fill in the following particulars of cheques. Proceeds of cheques, whilst credited to the account, are generally not available until cleared. Please refer to your account terms and conditions for details.

DRAWER	BANK	BRANCH	TRAN-CODE
CUSTOMER REFERENCE No.	7280 3232 8	USER CODE	60183
FOR CREDIT OF MID-WESTERN REGIONAL COUNCIL			831

FREE OF TRANSFER FEE AT ANY C.B.A. BRANCH	CASH		
	AMOUNT OF CHEQUES		

Total \$

000000? 2803 23 2810000 1003

WAT

OPTION CHARGE

149 391 332
TAX INVOICE



Gulgong Golf Club Incorporated &
Trustees Gulgong Golf Club
PO Box 220
GULGONG NSW 2852

PO BOX 156, MUDGEES NSW 2850
PH: (02) 6378 2850 | 1300 765 002
FAX: (02) 6378 2815
EMAIL: council@midwestern.nsw.gov.au
WEBSITE: www.midwestern.nsw.gov.au

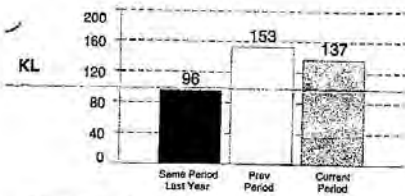
Property Number
10909

Property Location and Description
Gulgong Golf Club 21 Tallawang Road GULGONG NSW 2852
Lot 480 DP 40733 Lot 5 Sec 48 DP 758482 and 2 more

Issue Date 12/07/2013
Interest Rate 9% p.a.

Due Date 29/07/2013

Meter No	Meter Type	SDF	Present Reading	Previous Reading	Consumption (KL) Actual	Adjustments	Charged
09W088868	20MM	0.95	780 (26/06/2013)	643 (20/02/2013)	137	0	137
Meter No	Charge Description						Charges \$
09W088868	Water Usage Non-Residential : @ \$2.54/kL						\$347.98
09W088868	Sewer Usage Sewer Discharge Factor (SDF) : @ \$1.86/kL						\$242.08



GST: 0.00	
Please deduct any payments since 03/07/2013	TOTAL AMOUNT DUE: \$590.06

PAYMENT OPTIONS PROPERTY NO.: 10909 TOTAL AMOUNT DUE: \$590.06 **WATER**

IN PERSON
Mudgee Administrative Services Centre
86 Market Street, Mudgee: 8.00am – 4.30pm
Gulgong Service Centre
109 Herbert Street, Gulgong: 8.00am – 1.00pm & 1.30 – 4.30pm
Rylstone Service Centre
77 Louee Street, Rylstone: 8.00am – 4.30pm

PAY BY WEB
Visit www.midwestern.nsw.gov.au and follow the links to pay using Visa or MasterCard.

TELEPHONE & INTERNET BILLING - BPAY
Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account.
More info: www.bpay.com.au Registered to BPAY Pty Ltd, ABN 69 079 137 518

Billers Code: 485268
Customer Ref: 2182 8390 7078 0

MAIL
Send your payment to PO Box 156, Mudgee NSW 2850.
Payment can be made by cheque or money order.

DIRECT DEBIT
Contact Council for an application form.

PAY BY PHONE
Call 1300 133 369 anytime to make payments using Visa or MasterCard.

POSTBILLPAY
Present this notice intact to make your payment by cash or cheque at any Australia Post Office.

Customer Ref: 2182 8390 7078 0



5.2.12 Monthly Budget Review for October 2013

REPORT BY THE FINANCIAL ACCOUNTANT TO 4 DECEMBER 2013 COUNCIL MEETING

131204 Council PUBLIC

GOV400029, A0100056, FIN300062

RECOMMENDATION**That:**

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

Executive summary

This report presents to Council the October Monthly Budget Review of the 2013/14 Operational Plan.

Detailed report

Clause 202 of the Local Government (General) Regulation 2005 states that the responsible accounting officer is to maintain a system of budgetary control that enables actual income and expenditure to be monitored each month and compared with the estimate of Council's income and expenditure and that any material difference be reported to the next meeting of Council.

This October monthly report contains a variation to fund \$24,000 of repairs to Cahill Park Irrigation system. The budget will be transferred from Lawson Park Landscaping (\$20,000) and Parks & Gardens Operations (\$4,000). There is also an allocation of expenditure from Sewer Mains Budget Only to specific projects.

Budget Variations

Code**U - Unfavourable****F - Favourable****C - Contra**

Community Plan Theme	Variation	Amount	
GENERAL FUND			
Contra Variations			
Looking after our Community	Cahill Park Irrigation Repairs expenditure	24,000	C
Looking after our Community	Reduce expenditure on Lawson Park Landscape/Irrigation to fund Cahill Park Irrigation Repairs	(20,000)	C
Looking after our Community	Transfer expenditure from Parks and Gardens Operations to specific project	(4,000)	C
Total Contra Variations		0	

Community Plan Theme	Variation	Amount
TOTAL GENERAL FUND		
		0
SEWER FUND		
Contra Variations		
Protecting our Natural Environment	Sewer Mains Relining program expenditure	200,000 C
Protecting our Natural Environment	Transfer expenditure from Sewer Mains Budget Only	(200,000) C
Protecting our Natural Environment	Sewer Mains Realignment Industrial Ave Mudgee	15,000 C
Protecting our Natural Environment	Transfer expenditure from Sewer Mains Budget Only	(15,000) C
Total Contra Variations		0
TOTAL SEWER FUND		
		0

Financial implications

The proposed variations have nil impact on Council's projected unrestricted cash position to 30 June 2014.

Strategic or policy implications

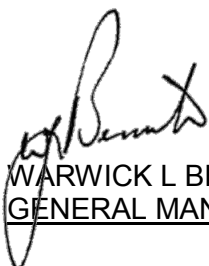
Not applicable.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

19 November 2013

Attachments: 1. Monthly Budget Review - Operational Plan/Delivery Program 2013/14 - October 2013 (included at the end of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.13 Kandos Museum Operational Options

REPORT BY THE GENERAL MANAGER TO 4 DECEMBER 2013 COUNCIL MEETING

131204 Council PUBLIC

GOV400029, P1553611

RECOMMENDATION

That:

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

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

and the 2013/14 Operational Plan be amended accordingly;
3. **Council acknowledge that the Museum will be open again from the 1 June 2014;**
4. **Expressions of interest be called for individuals interested in forming a registered Trust body of a maximum of five (5) people to operate the Kandos Museum from its opening day on 1 June 2014. The Council to receive the expressions of interest and appoint the individuals to the Trust;**
5. **Council prepare a newsletter to the Kandos residents informing them of the upgrade works and the expressions of interest process for the new Trust;**
6. **Council prepare a Trust deed including the expectations of the new Trust;**
7. **the Kandos Museum at 22 Buchanan Street, and the adjoining property of 20 Buchanan Street, be gifted to the registered trust body;**
8. **should the executors of the estate of the late Phyllis Simpkins be agreeable, the Kandos Museum proportion of that bequest be allocated to the new Trust to assist with their management of the facility;**
9. **Council continues to fund the annual rates and insurance costs for the Kandos Museum site and the new Trust be encouraged to dispose of the vacant block at 20 Buchanan Street. The proceeds from the sale of the vacant block to remain with the Trust for them to expend how the Trust consider appropriate.**

Executive summary

Council appreciates that there is a number of highly significant items in the Kandos Museum collection, as well as a high level of community interest to ensure the re-opening of the Kandos Museum.

This report details the governance issues involved with the recently disbanded 355 Committee responsible for the operation of the museum, details of the grant funded museum upgrade, and a

quotation for building work still required. This report recommends the creation of a Trust body for the museum, but provides other operational options considered for the future of the museum.

Detailed report

SIGNIFICANCE OF THE COLLECTION

The Kandos Museum collection began as part of bicentenary celebrations in 1988. A Significance Assessment was undertaken in 2013 by museum consultant Margot Jolly, as a grant funded assessment process. The assessment is attached to this report.

The assessment details the significant items at the museum, namely:

- Des Odgers Japanese Flag
- Bushranger Jessie Hickman's teapot
- Cement Works items – signage, scientific instruments, machinery, office records and photographs
- Military collection– albums, images and medals.

In addition, Margot Jolly's report also provides the following comment:

"In trying to research the collection it was difficult to find provenance information at the museum unless the donor or volunteers with personal knowledge were contactable. Access to the database was difficult and the information meagre and no object files exist except for the coal mine collection.

The museum needs to use their new Collection policy to establish the collection they wish to keep and actively deaccession the large amount of items that do not fit with the stronger stories they can tell. As many of these objects are on loan or have not been accessioned into the collection the process would be somewhat easier, although the Museum needs to take care that the public perception of the changes at the museum are positive."

KANDOS MUSEUM 355 COMMITTEE

The Kandos Museum until recently operated with a 355 Committee of Council. The Committee was responsible for the day to day operations of the museum, as well as the management of volunteers to staff the opening of the museum. Although the committee operated for a number of years with little Council involvement, in the last year or so the Committee was subject to two Code of Conduct investigations. The Committee was not able to comply with the governance requirements of a 355 Committee and there was not willingness of individual members to comply with Council requests or requirements to display appropriate behaviours towards each other and respect each other. The Committee was disbanded by Council resolution. For this reason, should Council not accept the recommendation in this report to form a trust but rather a 355 Committee for the museum, it would be strongly recommended to Council that no previous Committee member be appointed to a newly formed committee.

MUSEUM UPGRADE AND GRANT EXPENDITURE

Council received funding of \$59,340 from Arts NSW as part of the 2011 Arts Funding Program. This amount was to be matched dollar for dollar by cash and in-kind contributions including Council funds, volunteer labour contributions and donations of equipment. The funding was not designed to be an upgrade of the building. It was specifically to develop a new entrance and foyer area with exhibitions relating to the Museum collection. Works to be included in the grant included:

- Installation of new entrance doors, counter and internal walls

- Research, development and installation of Museum exhibitions
- Installation of storage rack shelving and associated movement of collection items
- Set up of counter area including merchandise and visitor information and cash register
- Creation and fit out of Museum meeting room/exhibition area/theatrette with audio visual equipment
- Associated electrical works.

It should be noted that while estimates are suggested of approximately \$60,000 for construction works undertaken as part of the project, a significant amount of the cost as detailed under the funding agreement has been involved in the research and development of the exhibitions to ensure historical accuracy and correct interpretation. This is alongside the other items listed above such as the storage racking and electrical equipment.

There were numerous other potential works and building repairs that had been discussed with the Museum Committee or Council staff as part of the development of the Museum Strategic Plan. These included the creation of an accessible bathroom facility; improved kitchenette facilities; improved office/research areas; improved accessibility to the main Church area of the building; improved fire safety requirements; repairs to the roof and ceiling and the creation of further storage; either as a building addition or separate shedding. None of these works were part of the upgrade works as detailed in the funding agreement.

The Arts NSW grant was expended along with matching contributions from Council funds, volunteer labour contributions and donations of equipment. Some Council funds remain to make the works carried out under the funding agreement operational. From the perspective of Council staff this includes a general clean up of the exhibition area and a commissioning of all equipment in this area and the completion of the portico.

On inspection of the Museum by Council staff it was discovered that a considerable amount of the upgrade work was incomplete.

Identified building works required

At the General Manager's request, Council's Workplace Health and Safety officer undertook a risk assessment of the building and identified improvements required to ensure a safe environment for staff, volunteers and visitors to the museum. The risk assessment is attached to this report, and the summary of it provides the following as priorities:

"Multiple levels causing slip, trip and fall issues, restricted access and exit points, sharp/dangerous/fall issues, exhibits both in and outside not secured/fenced, insufficient emergency lighting, narrow pathways inside (non compliant to AS 1428 and Aust Building Code), potential issues with asbestos for patrons and workers modifying building, electrical panel access restricted, doorway height between rooms"

After considering the risk assessment, and an inspection by Council's Health and Building Manager, staff prepared estimates for the completion of work, which are attached to this report, but in summary provide:

Description	Amount
Car space and path	4,500.00
Sewer	8,000.00
Waterproofing	5,000.00
Fence	3,000.00
Build new floor and wall	16,000.00
Painting	3,542.00

Description	Amount
New ramp	6,000.00
Electrical	2,500.00
Relocate kitchen	4,000.00
Bathroom renovations	10,000.00
Carpenter / Supervision	15,000.00
Removalist/Storage	15,000.00
Contingency	3,000.00
TOTAL	\$95,542.00

Removalist costs detailed above will see storage of the museum collection in storage containers on the site for the duration of building works. Significant items identified will be stored in the safe at the Rylstone Council office. As part of the temporary relocation of the museum collection, comprehensive photographs will be taken and items catalogued so that a full list of items removed from the museum is available. It will not be part of the Council staff role to part-take in any of the deaccession process.

FUNDS AVAILABLE

The Kandos Museum Building Reserve has \$12,160.75 available. Council has provided in the 13/14 financial year an operational budget of approximately \$10,000

The Simpkins Bequest has a 25% allocation to the Kandos Museum which is currently \$27,965.46 to become available in December 2085. Council is seeking the approval from executors of the will to allow release of the funds for immediate use at the museum.

The museum admissions income for the past 3 financial years is as below:

2012/13 - \$2276.98, 49% (\$1104.95) resulting from contemporary art festival Cementa 13.
2011/12 - \$1456.35
2010/11 - \$1042.27

Museum acquisition

Advice has been received from Flynn's Solicitors (20 November 2013 and attached) that indicates the museum lots were acquired on 24 March 1993, and that there are no impediments to Council disposing of them, by way of sale or gift.

PREFERRED OPERATIONAL OPTION

Trust

The best option following investigation by Council staff is the formation of a Registered Trust with a maximum of 5 people. The Museum facility and the two parcels of land would be transferred to the Trust at the minimal fee allowed by law. The Trust would assume full ownership and control of the facility and have the responsibility of normal business ownership including:

- asset management
- strategic planning
- annual business planning and budgeting
- governance
- policy setting
- deaccession procedures and implementation
- day to day operations and management

The Trust would include people with a variety of skills such as:

- museum knowledge
- business skills including finance and management
- community knowledge
- arts and cultural knowledge

It is recommended that Council advertise and call for expressions of interest from a registered Trust body to operate the Kandos Museum. This ensures that the Museum remains open and owned by the Kandos community. The trust body will be accountable to its community for any decision making it undertakes.

Council would call for nominations - say by 28th February 2014, and appoint the new Trust in April 2014 with the detailed administrative work to form the new Trust to be completed in time for the 1 June handover date.

There remains in Kandos a group of very passionate, enthusiastic individuals who have a genuine commitment to the community and the museum.

Gulgong and Mudgee museums are examples of community run museum models that operate well and are reflective of the communities they are located in. The success of these two organisations is well known in the community. The Museum in these towns are considered to be owned by the community and work for the community. We need to be encourage by the success of these two Museums and repeat the same philosophy in Kandos.

OPERATIONAL OPTIONS NOT RECOMMENDED

Permanent Closure of Museum

Council may elect to close the museum on consideration of the cost of building compliance and the scale of decommissioning of the collection. In that event, stakeholders in the regional museum community may be sourced to ensure that the collection is ethically deaccessioned, including the donation of significant pieces to appropriate museums. It should be noted that permanent closure of the museum has never been a consideration of Council staff. Staff have been committed to ensuring that when the Museum does reopen, that it does so in a stronger position than it was prior to closure.

Reason not recommended

Since the temporary closure of the Museum there has been significant community drive to have the museum re-opened, and indeed a petition with 580 signatures has been received. There remain a significant number of people in the community willing to volunteer their time to the museum to ensure that the doors remain open.

Shopfront

Council may elect to exhibit a significantly smaller selection of the collection in a shopfront in Angus Avenue, Kandos. The current museum site would be used simply as storage for items that are currently not on exhibition, and the block next door to the museum sold. There remain significant building costs to ensure that the existing Museum building complies with building and safety standards to allow volunteers into the building.

Reason not recommended

Significant grant funded building work has already been undertaken at the Kandos Museum to provide interpretative exhibitions and an exhibition space, and it is considered that it provides a multipurpose facility for the Kandos community. A shopfront may make the museum more accessible to passing traffic in Angus Avenue, but the nature of many items at the museum is industrial and therefore large, and could not be accommodated in a shopfront setup. In addition, a large scale deaccessioning process will be required, and is technical in nature. A budget would need to be allocated, or grant funding sourced, for such a process. An ongoing rental budget would also need to be assigned to shopfront costs.

Manage with Committee

Council may elect to reappoint a 355 Committee for the operation of the museum. This will involve Council undertaking the building work estimated detailed above, to ensure a safe workplace and public safety.

Reason not recommended

Council has experienced over many years, ongoing difficulties with the 355 Committee established for the management of the museum. Council's involvement in the museum has existed for the sole reason that the museum is a Council asset. Council has provided a framework for operation and people management, but Council staff and involvement adds no further value to the museum. The management of the museum requires a balance of enthusiasm and commitment, but also skill, experience and expertise in museum and art curating, strategic planning and grant acquisition, and Council has been unable to appoint a functional Committee with this expertise. To ensure a strong future for the museum, a large scale deaccessioning process will be required, which is technical in nature. A budget would need to be allocated or grant funding sourced for such a large process. Because of the behaviours displayed by previous Committee members, it is strongly indicative that a 355 Committee will ultimately fail again if previous members are appointed to it. It is therefore recommended that no previous Kandos Museum Committee member be appointed to any new Committee formed if that is the preferred option of Council.

Manage with Council

Council may elect to allocate a staff budget for the operation of the museum. In addition to the staff budget, this will involve undertaking the deaccession process and building work detailed above to ensure a safe workplace and public safety.

Reason not recommended

At present, Council does not have the required technical staff or budget to curate and strategically plan for the Kandos Museum. The Kandos community is best placed to drive the success of its museum and respond to its community's needs and wants in a museum. Gulgong and Mudgee museums are examples of successful community-run museums. Council is not involved in the operation of either.

20 Buchanan Street

The new Trust should give serious consideration to disposing of the adjoining vacant block. There is a storage container on this site which could easily be relocated to the principle site. A cost burden to Council or the new Trust remains if this block is retained as it is surplus to the ongoing operations and strategic direction of the Museum.

Financial implications

There is currently \$12,000 held as building reserve for the Kandos Museum which will be directed to the building work required, with the remainder of the funds sourced from the Asset Management Reserve fund and current operation budget.

Council awaits advice from the executors of the Phyllis Simpkins Estate. Should the executors agree to the release of these funds prior to December 2085, these funds should be directed to the new Trust to expend how they consider appropriate.

On transfer of operation of the museum from Council to the Trust, Council will continue to provide rate relief for 20 and 22 Buchanan Street, Rylstone, and insurance for the museum site (as long as these properties remain in Trust ownership). Any further financial contribution would be by way of written request once the new Trust had developed a business plan and budget.

Strategic or policy implications

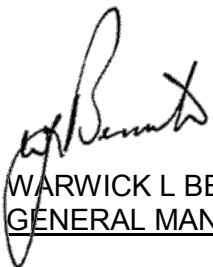
The recommendation will allow the Kandos community to unite and manage an important cultural facility. The handover of the museum to a trust body is compliant with the Community Plan "1.2.1 objective of 'Support and assist preservation of important historical sites in the region - Facilitate and administer Kandos Museum to ensure continuation of the centre'.

25 November 2013

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

1. Kandos Museum Significance Assessment
2. Kandos Museum Risk Assessment
3. Kandos Museum Building Upgrade quote
4. Kandos Museum Petition
5. Kandos Museum Solicitors Advice

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.14 Tender Assessment – Sewer Mains Rehabilitation Programme 2013-2016

REPORT BY THE BUSINESS MANAGER SERVICES TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, RFT 2013/18

RECOMMENDATION

That:

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

Executive summary

As part of its ongoing commitment to service, Mid-Western Regional Council (MWRC) continually monitors and evaluates the condition of the reticulated sewer network as part of its sewer rehabilitation program. The reticulated sewer network is defined as a combination of sewer assets from Sewer Chambers, Pipe work, and House Service Lines. The assets that are identified as being in need of rehabilitation are included in the tender as a result of containing breakages, root infestation, infiltration or condition has caused sewer overflow or blockages.

MWRC is seeking the services of a Trenchless Sewer Main Rehabilitation Service Provider to undertake these rehabilitation works under a Schedule of Rates contract that will remain valid until 30/6/2016. The quantity of the works will be based on the available budget each financial year.

Tenders were called on 22 October 2013 for Sewer Mains Rehabilitation Programme 2013-2016 and closed on 12 November 2013. Five tenders were received.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, Tenderlink website and Council's website on 22 October 2013.

The contract is estimated to have a value of \$250,000 per annum.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment Panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money in the provision of Sewer Mains Rehabilitation Programme 2013-2016 to Council.

Detailed report

TENDERS RECEIVED

The Tenders received were as follows:

- Interflow Pty Ltd
- Underground Asset Services Pty Ltd
- Kembla Watertech Pty Ltd
- Insituform Pacific Pty Ltd
- Relining Solutions Pty Ltd

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

- Tender price (70%)
- Demonstrated capability and experience in comparable works (10%)
- Relationship Management (10%)
- Quality and safety management systems and proposed program (10%)

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

LATE TENDERS

No late tenders were received.

CONFORMING TENDERS

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

NON-COMPLYING OR ALTERNATE TENDERS

No non-conforming or alternate tenders were received.

POST TENDER CONTACT

Post tender contact was made with Underground Asset Services Pty Ltd, Insituform Pacific Pty Ltd, Kembla Watertech Pty Ltd and Interflow Pty Ltd for clarification of their submitted tenders to ensure an accurate assessment of all tenders could be made. The tenderers were contacted to confirm if they have considered in their rates for cleaning and disposing of more than 30 percent of silt and debris in the main as well as for the inclusion of junction seals. The tenderers replied via email providing the required clarifications.

EVALUATION METHODOLOGY

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

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

TENDER EVALUATION PROCESS

The evaluation was conducted in five stages:

1. An initial cull of any seriously non-conforming tenders such as late tenders, tenders not following the instructions set out in the Request for Tender documents, or tenders which clearly were not of an acceptable standard to warrant further detailed evaluation. No tenders were culled in this initial stage. Details regarding these tenders are set out above ('Non-conforming or alternate tenders').
2. The Tender Assessment Panel undertook an objective analysis of tenderers' ability to meet both mandatory and desirable criteria.
3. The tendered information and specific questions were listed under the evaluation criteria and weighted in order of importance to the overall evaluation. Team members scored the tenders against the criteria in accordance with the Evaluation Plan.
4. Three referee checks were undertaken on each short-listed tenderer in order to determine their capacity to provide the services required. Each referee check was scored and forms part of the overall score.
5. This Tender Evaluation Report detailing the rating of each short-listed tenderer, and the final recommendations of the preferred tenderer for Sewer Main Rehabilitation Programme 2013-2016 for the consideration of Council.

ASSESSMENT PANEL

Employee name	Employee title
Richard Minter	Senior Water and Wastewater Engineer
Neil Bungate	Financial Accountant
Enrique Castillo	Water and Wastewater Engineer

EVALUATION FINDINGS

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

Tenderer	Total Weighted Score
Interflow Pty Ltd	93.81%
Underground Asset Services Pty Ltd	93.33%
Insituform Pacific Pty Ltd	88.73%
Kembla Watertech Pty Ltd	88.03%
Relining Solutions Pty Ltd	79.64%

Evaluation of tenderers against the specified evaluation criteria indicates the following tenderer has submitted the most superior tender representing the best value to Council for Sewer Mains Rehabilitation Programme 2013-2016:

Interflow Pty Ltd

Interflow Pty Ltd has satisfied the Tender Assessment Panel that they are capable of undertaking the works to Council's standards and in accordance with the technical specification. Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel

and expressed great satisfaction with the standard of work and methods of operation undertaken on their behalf.

Interflow Pty Ltd may not have been the lowest tenderer however their quality and safety management systems are well documented and implemented based on their referees. Referees also commended Interflow Pty Ltd's capabilities in providing on the job technical support when needed.

These factors have been considered making Interflow Pty Ltd the tenderer that offers the best value for money.

Financial implications

There are no financial implications.

Strategic or policy implications

There are no strategic or policy implications.

CLAIRE CAM
BUSINESS MANAGER SERVICES

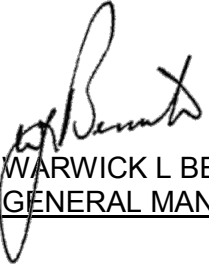


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

21 November 2013

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

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

5.2.15 Town Hall Cinema Advertising Fee

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, A0100056, REC800016

RECOMMENDATION

That:

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

Executive summary

The Town Hall Cinema has been operating successfully since July 2013 screening new release movies. There is now the opportunity to raise further revenue for Council and fund raising for the community through the sale of advertising space prior to the main feature movie.

Detailed report

The Town Hall Cinema operation has been made possible by a partnership between the Rotary Club of Mudgee Sunrise, the Rotary Club of Mudgee and Mid-Western Regional Council.

The venture has been a significant fund raising opportunity for the Rotary Clubs.

There has been an opportunity identified to further raise money by the sale of 30 second advertising spaces prior to the main feature screening.

It is recommended that Council set an interim fee of \$75.00. The fee will be for a 30 second advertisement that runs for 3 consecutive months of movie screenings.

The Rotary Clubs will be responsible for the sourcing, administration and screening of the advertising, and may set a fee higher than the interim fee set by Council. Payment for the advertising space will be made to Rotary, and any amount above the interim fee set by Council may be retained by the Rotary Clubs.

A maximum of 10 advertisements will be screened prior to any movie. Rotary will provide Council with a monthly report of advertisements screened, from which Council will invoice Rotary accordingly.

Financial implications

Not applicable.

Strategic or policy implications

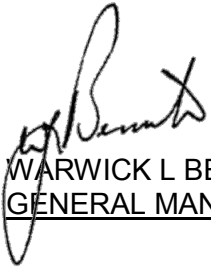
Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES

22 November 2013

Attachments: Nil

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

5.2.16 Local Traffic Committee Meeting Minutes 5 November 2013

REPORT BY THE DEVELOPMENT ENGINEER TO 4 DECEMBER 2013 COUNCIL MEETING

Local Traffic Committee Minutes 5 Nov 2013

GOV400029, A0100056, A0100009

RECOMMENDATION

That:

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

- j. The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
6. Council note that the event – ‘Windeyer Endurance Ride’ 19 & 20 October 2013 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.3 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with any of Council’s Law Enforcement Officers’ reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP) certified by a person with a ‘Worksite Traffic Control Certificate’ be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council is indemnified against any possible action as the result of the event;
 - j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
 - k. Maintain a four-metre wide emergency vehicle lane;
 - l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date; and
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.
7. Council note that the event – “Gulgong Telemovie – The Killing Field”, 14, 15 and 16 November 2013 – was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeded with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;

- c. **Controlling noise as required by the *Protection of The Environment Operations (Noise Control) Regulation 2000*;**
- d. **Reimbursing Council for the cost of damage repairs;**
- e. **Complying with Council's Law Enforcement Officers' reasonable directives;**
- f. **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- g. **A Traffic Control Plan (TCP) certified by a person with a 'Select & Modify' or a 'Design and Audit' Certificate be included in the TMP;**
- h. **Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
- i. **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council and NSW Police are indemnified against any possible action as the result of the event;**
- j. **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
- k. **Maintain a four-metre wide emergency vehicle lane;**
- l. **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date; and**
- m. **The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Local Traffic Committee (LTC) meeting held on 5 November 2013.

Detailed report

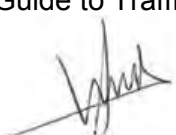
The minutes and discussion notes attached provide comment on the recommendations above.

Financial implications

Minimal within maintenance budgets.

Strategic or policy implications

The Australian Standards AS 2890.5
AS 2890.5-1993 Parking Facilities – On-street parking.
Australian Standard AS2890
Australian Standard AS42890
Guide to Traffic and Transport Management for Special Events Version 3.4


AHMED ALBANNA
DEVELOPMENT ENGINEER
22 November 2013


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

Attachments: 1. Minutes and discussion notes of the Local Traffic Committee Meeting held 5 November 2013 (reports available upon request)

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING
HELD ON TUESDAY, 5 NOVEMBER 2013**

Present: Ahmed Albanna (Chairperson MWRC), Prue Britt (RMS), Mal Petrie (Members Representative), Inspector Julie Boon (NSW Police), Cr John Weatherley and Mette Sutton (MWRC – Minute Secretary).

Apologies: Nil

The LTC meeting commenced at 9.30am and concluded at 10:10am.

13/72 MATTERS IN PROGRESS

ITEM	ACTION
NIL	Noted

13/73 SPECIAL EVENT DEBRIEF

SPECIAL EVENT	COMMENTS
Mudgee Cycle Club 2013 bike season, including Mark Dwyer handicap	Noted

13/74 ALLOCATION OF DISABLED PARKING SPACE, CHURCH STREET MUDGEES

The recommendation in the report was moved by Cr John Weatherley, seconded by Mal Petrie and carried as a recommendation to Council.

13/75 REVIEW OF DISABLED CAR PARKING SPACES - KANDOS

The recommendation in the report was moved by Prue Britt, seconded by Cr John Weatherley and carried as a recommendation to Council.

13/76 REAR TO KERB PARKING – 87 SHORT STREET, MUDGEES

All members of the Committee were in favour of the recommendation in the report which was carried as a recommendation to Council.

13/77 A DAY ON THE GREEN, 26 OCTOBER 2013

The Committee noted that the event “A Day on the Green at Robert Oatley Vineyards, 26 October 2013 was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4”.

13/78 WINDEYER ENDURANCE RIDE, 19 & 20 OCTOBER 2013

The Committee noted that the event “Windeyer Endurance Ride, 19 & 20 October 2013 was classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4”.

13/79 GULGONG TELEMOVIE ROAD CLOSURES

The Committee noted that the event "Gulgong Telemovie – The Killing Fields, 14,15 and 16 November 2013 was classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4".

DISCUSSION NOTES FROM THE 5 NOVEMBER 2013 LOCAL TRAFFIC COMMITTEE MEETING

Any items **not** listed in the discussion notes generally had minor discussions prior to the recommendation to the report being resolved by the Committee. In all those cases the items were relatively straight forward and the Committee agreed with the content of the reports.

SPECIAL EVENT ITEMS 13/77, 78 & 79

Due to the urgency of these events, reports had been distributed to Committee members for their consideration, prior to the November LTC meeting. Any concerns raised by the Committee were addressed by Council's Development Engineer prior to the event organiser being issued with special event conditions.

GENERAL BUSINESS

Beragoo Road

The RMS representative advised that a letter had been received from a Beragoo Road resident requesting that the speed limit on Beragoo Road be reduced to 50kph due to the safety of pedestrians walking along this road to the bus stop.

The RMS have responded in writing advising that the road is a local road and that a 50kph speed limit is not suitable for this road. Prue advised the Committee that 50kph is the default 'urban' street speed limit and is for areas where street lighting and kerb and guttering is present. The rural default speed limit is 100kph. It would not be advisable to reduce the speed limit on Beragoo Road to 50kph as it is a dirt road and driving conditions on dirt roads do change. It is also not considered necessary to undertake a speed assessment of this road.

The RMS would like Council to consider the installation of 'drive to conditions' signage on this road.

Mortimer Street

Prue was pleased to note that a pedestrian crossing had not been installed in Mortimer Street, but that the refuge island is a good compromise.

The meeting closed at 10.10am.

Next meeting to be held on Tuesday, 10 December 2013.

5.2.17 Rylstone & Kandos Access Committee

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 4 DECEMBER 2013 COUNCIL MEETING
131204 Council PUBLIC
GOV400029, A0060129

RECOMMENDATION

That:

1. **the report by the Manager, Community Services on the Rylstone & Kandos Access Committee be received;**
2. **Council note the minutes of the Rylstone & Kandos Access Committee meetings of 20 August and 15 October 2013.**

Executive summary

The Rylstone and Kandos Access Committee meets to highlight and promote accessible issues in the Rylstone and Kandos region.

Detailed report

The Committee have had much discussion and made recommendations to Council on disabled car parking in Rylstone.

The Committee have invited the General Manager to attend the next meeting on 17 December 2013 to discuss a number of long standing access issues in the Rylstone and Kandos region.

The Committee discussed a number of other issues and these are contained in the minutes attached.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

KATE POWER
MANAGER, COMMUNITY SERVICES

12 November 2013

Attachments: 1. Minutes RAC 20 August 2013
2. Minutes RAC 15 October 2013

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

**MINUTES OF THE MEETING OF THE RYLSTONE & KANDOS ACCESS COMMITTEE HELD ON
TUESDAY 20 AUGUST 2013
AT 10.30 AM AT THE RYLSTONE COUNCIL OFFICE**

1 PRESENT: Shirley Tunnicliff (Chairperson), Nola Fraser, Kerry Morrissey, Cr Esme Martens, Judy Monaghan

Council Staff Representative: Virginia Handmer (minutes),

Shirley Tunnicliff welcomed everyone to the meeting at 10.30 am and called for apologies.

2 APOLOGIES: G Jose, C Andu, J Mackin

3 MOTION OF ACCEPTANCE OF APOLOGIES

Put by Cr E Martens Seconded: Kerry Morrissey Motion Carried

4 MOTION OF ACCEPTANCE OF MINUTES OF THE MEETING ON 18 JUNE

Put N Fraser Seconded K Morrissey Motion Carried

5 CORRESPONDENCE

In; 20/08/13 J Mackin to chairperson;

- i. apologies for not being able to attend the meeting
- ii. regrading 18th june minutes; item 5.4 please note JM had nothing to do with note on fridge/stove
- iii. paul toole meeting; no prior info about the date for the paul toole meeting as JM not at 18th June meeting and no cancellation info before VH call.
- iv. DA parking spaces; list of existing spaces; support for one at KCRSC, Commonwealth ATM in Rylstone and Kandos Pharmacy.

Out; letter to Kate Egan regarding the provision of disabled parking at HealthOne, Rylstone.

Acceptance of Correspondence;

Put K Morrissey Seconded Nola Fraser Carried

6 MATTERS ARISING FROM MINUTES

6.1 RAC proposed meeting with Paul Toole on the 23rd July cancellation.

Motion; That RAC's disappointment over the cancellation of the meeting with Paul Toole by Mr Bennett be minuted. Member's of RAC were not informed about the cancellation by council staff until the last minute (V Handmer was not informed that the meeting had been cancelled while she was away until the day before the meeting and a week after her return. She rang the committee immediately). It was unfortunate that Mr Toole came to Rylstone and was expecting to meet with the RAC to be told that they were not in attendance as the meeting had been cancelled.

Put Kerry Morrissey Seconded Shirley Tunnicliff carried

6.2 Lighting outside Rylstone Hall on the Cudgegong Street side: VH met with Rodger Hayes (council builder) and he thinks the light can be attached to the short outlet post in the trees next to where cars park. He will arrange this asap.

6.2 Rylstone Hall Toilets; completed but still locked and no signage on the street erected yet. VH to email Brad Cam to find out where it is up to.

6.3 Slow down signs and raised surface on approach to HealthOne;
Request gone to Traffic Committee but no news of outcome.

6.4 Cycleway. Discussion regarding this and resolve to ask that an upgrade to the cycleway be put in the pathways strategy to bring the standard up to the cycleway around Mudgee.

6.5 Charbon Bridge no news

6.6 Charbon/Clandulla bike track.
Motion; That RAC have a discussion with Brad Cam about changing the Bicentennial Bicycle/Walking track extension to Charbon and Clandulla to the original Charbon Road railway crossing and along old Charbon Road as this road is no longer used by heavy vehicles. This may get the job done. Cr Martens will speak with Brad about this.

Put K Morrissey Seconded Monaghan Carried

7 GENERAL BUSINESS

7.1 S Tunnicliff read the tabled letter from Jim Mackin. He states the following

- Item 5.4 in the last minutes; he had nothing to do with the note re fridge in Ryl Hall (minutes amended to reflect this)
- He agrees that there is a need for disabled parking in Rylstone near the new ATM and outside the chemist in Kandos
- confusion over the Paul Toole meeting and cancellation

7.2 Re disabled parking place review in Kandos and Rylstone;

Motion; letter to Brad Cam; raising the following issues; There is no disabled parking space on Angus Ave, outside the new chemist in Kandos or in front of the Post office on Angus Ave.

There should be a disabled parking space in front of IGA rather than around the corner. And in Rylstone; There needs to be a Disabled parking space on Louee Street outside the 24 hour Commonwealth ATM and Pedestrian assistance hoop needed for the vicinity of the Westpac bank and the Newsagent to help people step up from a uneven slate gutter.

Put Judy Monaghan Seconded Nola Fraser Carried

7.3 reply to Muriel Nevell King wrote to Cr Martens saying she hadn't received a reply to her letter regarding disabled access. S Tunnicliff told the meeting she would reply asap.

ACTION LIST

Lighting at Rylstone Hall Cudgegong Street side;	Rodger has looked at the site and will put light on the short post.V Handmer
Letter to Rylstone HealthOne Board re carpark and the provision of disabled car parking spaces off road	VH
pedestrian warning signs and raised surface on Farrelly Street on approach to HealthOne Rylstone	Reply from Brad Cam saying he had referred his suggestions to the Traffic Committee.
Bike track request re upgrade in pathways strategy	VH
<u>Disabled car parking spaces needed</u> ; letter to Brad Cam regarding the need for a review of disabled parking spaces in Kandos and Rylstone and access to the post office in Rylstone;	VH
Charbon pedestrian bridge	Write to Brad Cam re putting the track on the old charbon road VH.
That the Traffic Committee look at the provision of disabled car parking at Health One Rylstone. Also letter to CEO Western Area Health; greater congestion	VH

Meeting closed 11.40 Next meeting 10.30 Tuesday 15 October 2013

**MINUTES OF THE MEETING OF THE RYLSTONE & KANDOS ACCESS COMMITTEE
HELD ON TUESDAY 15 October 2013
AT 10.30 AM AT THE RYLSTONE COUNCIL OFFICE**

1 PRESENT: Nola Fraser, Cr Esme Martens, Judy Monaghan, C Andu, J Mackin

Council Staff Representative: Virginia Handmer (minutes), Kate Power

Shirley Tunnicliff indicated before the meeting that she would be late so Cr Martens chaired the meeting and welcomed everyone to the meeting at 10.30 am and called for apologies.

2 APOLOGIES: G Jose, Kerry Morrissey

3 MOTION OF ACCEPTANCE OF APOLOGIES

Put by Cr E Martens Seconded: J Mackin Motion Carried

4 MOTION OF ACCEPTANCE OF MINUTES OF THE MEETING ON 20 August with amendments

Discussion re amendments;

- i. (to attendance) Judy Monaghan was in attendance at the 20th August meeting
- ii. (to correspondence in) Jim Mackin sent a letter to RAC to be tabled and discussed;
 - a. he had nothing to do with note on Rylstone Hall fridge/stove
 - b. he did not know the meeting with Paul Toole had been organised or cancelled until VH called him on the 22nd July
 - c. he agrees that a DA parking space should be put in front of the Kandos Pharmacy, the 24 Hour ATM in Rylstone and added one beside the KCRSC in Kandos.
- iii Amendment to the motion about the cancellation of the RAC meeting with Paul Toole. Kate Power spoke to this suggesting an alternative amendment that addresses the issues of concern but is less negative. It is as follows;

Amended Motion;

That RAC's disappointment over the cancellation of the meeting with Paul Toole by Mr Bennett be minuted. Members of the RAC were not informed about the cancellation by council staff until the last minute (V Handmer was not informed that the meeting had been cancelled while she was away until the day before the meeting and a week after her return. She rang the committee immediately). It was unfortunate that Mr Toole came to Rylstone and was expecting to meet with the RAC to be told they were not in attendance as the meeting had been cancelled.

Motion;

The 3 amendments to RAC minutes for 20 August 2013 (as listed above) be accepted;

Put N Fraser Seconded Claire Andu Carried

Shirley Tunnicliff (Chairperson) arrived at the meeting

There was also further discussion about the 4 points listed by the General Manager Mr Bennett in regard to the issues listed to be raised with Mr Toole. The group resolved to invite Mr Bennett to the next meeting (Tues 17th Dec) to discuss these and other issues. To be discussed further in General Business.

5 CORRESPONDENCE

In;

letter from Muriel King in reply to Shirley Tunnicliff.

Out; letter to Brad Cam regarding the provision of speed humps and approaching hospital signs;

Discussion about getting information/feedback from the Traffic Committee. Cr Martens spoke about the process of getting information to this group and then recommendations back.

Acceptance of Correspondence;

Put C Andu Seconded Nola Fraser Carried

6 MATTERS ARISING FROM MINUTES

- 6.2 Lighting outside Rylstone Hall on the Cudgegong Street side: George suggested that a spot light be attached to the NE corner of Rylstone Hall and directed towards the area under the trees along Cudgegong Street. This would require a works request and would not interfere with the power points needed for the Rylstone Markets.

Motion; that RAC ask for this and VH to lodge the appropriate works request.

Put S Tunnicliff seconded Claire Andu Carried

- 6.3 Slow down signs and raised surface on approach to HealthOne:
Request gone to Traffic Committee but no news of outcome. VH emailed B Cam and was referred to Daryl Colwell. No reply as yet
- 6.4 Cycleway. Discussion regarding this and resolve to ask that an upgrade to the cycleway be put in the pathways strategy to bring the standard up to the cycleway around Mudgee.
- 6.5 Charbon Bridge pedestrian walkway; no news. Council waiting for approval from John Holland Rail and Country Rail Infrastructure Authority to attach walkway on bridge and use railway land for cycleway/footpath.
- 6.6 Charbon cycleway extension waiting for authority
- 6.7 Re disabled parking place review in Kandos and Rylstone; no news

7 GENERAL BUSINESS

- 7.1 IGA Kandos and trolley bay;
- There is still confusion over what has happened regarding the trolley bay at IGA Kandos.
 - Cr Martens told the meeting she had put up a cutting through the central median strip as a budget initiative but it was not passed.

It was decided that the following items be discussed with the General Manager when he attends a RAC meeting;

- three issues regarding IGA Kandos
 - the confusion over where the DA IGA has apparently applied for is at.
 - disabled parking at IGA (suggestion of moving it to the front of the building)
 - ramp to the other side of the road
- Disabled parking spaces in Kandos;
 - in front of the new chemist
 - next to the access of Kandos Returned Soldiers Community Club
- disabled parking spaces in Rylstone
- cycleway to Charbon
- disabled access to public use buildings in Rylstone and Kandos (Bathurst Council has grant monies to assist businesses to make necessary changes)
- communication

8 AOB nil

Kate Power will put the date of the next meeting in the General Manager's diary.

ACTION LIST

Lighting at Rylstone Hall Cudgegong Street side;	George suggest a spot light on NE corner. V Handmer
pedestrian warning signs and raised surface on Farrelly Street on approach to HealthOne Rylstone	Reply from Brad Cam saying he had referred his suggestions to the Traffic Committee (Daryl Colwell)
Bike track request re upgrade in pathways strategy	VH
Disabled car parking spaces needed; letter to Brad Cam regarding the need for a review of disabled parking spaces in Kandos and Rylstone and access to the post office in Rylstone;	VH (done)
Charbon pedestrian bridge	Write to Brad Cam re putting the track on the old charbon road VH

Meeting closed 12 pm Next meeting 10.30 Tuesday 17 December 2013

5.2.18 Mudgee Saleyards Management Committee

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 4 DECEMBER 2013 COUNCIL MEETING

131204 Council PUBLIC
GOV400029, F0720036

RECOMMENDATION

That:

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

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting held on 20 June 2013 and 22 August 2013.

There are no matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Detailed report

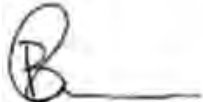
Not applicable.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

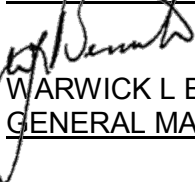


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

13 November 2013

- Attachments:*
1. Minutes of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting 20 June 2013
 2. Minutes of the Mudgee Saleyards Management Committee ordinary bi-monthly meeting 22 August 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



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MINUTES

MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON 20 JUNE 2013 COMMENCING AT 10.30AM AND CONCLUDING AT 11.15AM

Present: Cr John Webb (Chair), Terry McDonald, Brad Cam (Council),
Cr John Weatherly, Bob Kearins and Barry Clapham, Adam MacDougall, Jason
Pearce

Observer: Nareeda Endacott (Minute Secretary)

1. APOLOGIES

John Little and Bill Gaffney

Moved: Bob Kearins 2nd Cr John Weatherly

2. MINUTES OF PREVIOUS MEETING

Recommendation:

That the both minutes of the meetings held on 18 April 2013 and 29 April 2013 be
accepted.

Moved: Bob Kearins 2nd Terry McDonald

3. MATTERS ARISING FROM MINUTES OF THE MEETING

- Terry McDonald noted the new Stock movement procedure is working well, it has appeared to slow down the sale but overall everyone is happy and the process is working well. The signage works well and they have had a positive response.
- Brad noted that Work Cover has closed the PIN and they are satisfied with the procedures that have been put in place.
- Jason Pearce would like a system established to create an accurate paper trail to record toolbox talks. Brad noted that multiple copies have been sent out to the Saleyards Office and he would chase this up with Mary Best to ensure there are also spare copies and a process to have completed toolbox talks recorded in the Councils record system.
- Terry McDonald had potential incident with Tim Rowland-Jones trying to release a bull prior to the end of selling in a lane way once the gate had closed. This was a result of Mr Rowland-Jones having a different interpretation of the procedure and that he would not take instruction from Terry McDonald. It was decided that Terry would contact Landmark and ask them to contact their client Mr Rowland-Jones and advise him that his actions are not acceptable, if any further incidents are to occur we would then follow with a letter.

4. CORRESPONDENCE

5. GENERAL BUSINESS**Saleyard Statistics**

The report is self explanatory and the budget is on track.

6. BUSINESS WITHOUT NOTICE

Terry McDonald

Terry advised that the new crusher requires rubber to be installed in front of Crusher, to help alleviate any slipping and bruising of cattle.

Terry noted the great work that is being carried out at the Saleyards by Mary Best and Dean Doherty, and would like them to receive acknowledgement of their continued efforts.

The first pen where bulls come out requires longer chain that can be wrapped under the gate.

DATE OF NEXT MEETING – 22 August 2013

MEETING CLOSED 11.15am

ATTACHMENT 2



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MINUTES

**MINUTES OF THE MUDGEE REGIONAL SALEYARDS COMMITTEE MEETING HELD ON
22 AUGUST 2013 COMMENCING AT 10.35AM AND CONCLUDING AT 11.15AM**

Present: Cr John Webb (Chair), Terry McDonald, Brad Cam (Council), Cr John Weatherly,
Jason Pearce, John Little

Observer: Nareeda Endacott (Minute Secretary)

1. APOLOGIES

Adam McDougall

Moved: Terry McDonald 2nd Jason Pearce

2. MINUTES OF PREVIOUS MEETING

Recommendation:

That the minutes of the meeting held on 20th June 2013 be accepted.

Moved: Terry McDonald 2nd Cr John Weatherly

3. MATTERS ARISING FROM MINUTES OF THE MEETING

4. CORRESPONDENCE

5. GENERAL BUSINESS

Saleyard Statistics

The report is self explanatory and Saleyards remained within budget and maintained good sale statistics.

Toolbox Talk – 3rd July 2013

Brad expressed his disappointed to the committee and asked the sale agents if they had established who was responsible. Terry McDonald said that he had investigated along with the other agents to find who was responsible. The incident was a result of an oversight by an agent who left the toolbox talk in the office for another agent to sign. The office remains open for the entire sale and during this time a buyer came into the office and this is when the comments were added to the document. The issue has since been dealt with and all agents are of the understanding that documents such as Toolbox Talks are not to be left lying around.

6. BUSINESS WITHOUT NOTICE

Brad informed the committee that Council received notification from the National Saleyards Quality Assurance Inc that Mid Western Regional Council livestock selling exchange successfully completed the annual audit for 2013. The certificate was framed and mounted on wall.

Brad raised the suggestion of attaching mesh sheeting to the bull pen's to help prevent bulls becoming trapped and requiring to be cut out. Mesh sheeting wasn't a favourable option among the committee as it is easily bowed and the horns of the animals can become stuck within the mesh. It was suggested that we have rubber attached to the lower section of fencing but no decision will be made until agents have discussed with buyers at the next sale to ensure that the rubber will not obstruct their view. Agents are to bring a decision back to the committee.

John Little noted the good work that Peter Mitchell has done with the board and would like a letter written on behalf of the committee thanking him for his efforts

Moved: John Little 2nd Terry McDonald

DATE OF NEXT MEETING – 17 October 2013

MEETING CLOSED 10.55 am

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 6: Urgent Business Without Notice