

ORDINARY MEETING

Wednesday 5 March 2014





PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815

Email: council@midwestern.nsw.gov.au

26 February 2014

Dear Councillor

MEETING NOTICE
Ordinary Meeting

Wednesday, 5 March 2014

Open Day at 5.30pm

Council Meeting commencing at conclusion of Open day

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

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

Yours faithfully

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

WARWICK L BENNETT
GENERAL MANAGER

AGENDA

Item 1:	Apologies.....	3
Item 2:	Disclosure of Interest.....	3
Item 3:	Confirmation of Minutes.....	3
	3.1 Minutes of Ordinary Meeting held on 19 February 2014	3
Item 4:	Matters in Progress	28
Item 5:	Mayoral Minute.....	30
Item 6:	General Business	31
	6.1 Notices of Motion	31
	6.2 Reports	32
	6.2.1 Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434 83 Adams Lead Road Gulgong	32
	6.2.2 DA 0226/2014 – Proposed Multi Dwelling Housing Development (4 units) Lot 3 DP 1171264, 1 Wilbetree Street Gulgong	64
	6.2.3 Planning Proposal Dwelling Entitlement Lots 28 & 29 DP 755414 Botobolar – Consideration of Submissions	86
	6.2.4 Update – Strategic Planning Program	96
	6.2.5 Monthly Budget Review for January 2014	110
	6.2.6 Financial Assistance Applications	111
	6.2.7 Write Off of Debts 1 July 2013 to 20 February 2014	116
	6.2.8 Policy Review – Categorisation As Residential For Rating Purposes Policy & Hardship Provision – Rates & Charges Policy	119
	6.2.9 Inquiry into Regional Aviation Services	128
	6.2.10 Street Banner Usage	135
	6.2.11 Mudgee Region Tourism Inc: Dec 2013	138
	6.2.12 T101314HUN Single Source Supply Of Category 1: Ductile Iron Cement Lined Pipe, Category 2: Water & Sewer Fitting And Category 3: Valves	146
	6.2.13 Review of Delegations to General Manager	150
	6.2.14 Local Traffic Committee Minutes – 11 February 2014	155
	6.2.15 Mudgee Showground Management Committee	161
	6.2.16 Mudgee Sports Council	166
Item 7:	Urgent Business Without Notice	169
Item 8:	Confidential Session	
	8.1.1 Code of Conduct Review	
	8.1.2 Glencore Coal Rates Matter	
Item 9:	Open Council	

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 19 February 2014

COUNCIL DECISION:

That the Minutes of the Ordinary Meeting held on 19 February 2014, Minute Nos 43/14 to 65/14 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 19 February 2014

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 19 February 2014, commencing at 6.13 and concluding at 7.29pm.

PRESENT	Cr D Kennedy (Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (WL Bennett), Director Mid-Western Operations (B Cam), Director Development and Community Services (C Van Laeren), Manager Governance (I Roberts), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (R Murray), Radio 2MG (C Bassett & M Heldon).
Item 1:	Apologies
	Apologies were received for the absence of Councillors Cavalier and Weatherley.
43/14	MOTION: Thompson / Walker
	That the apologies for the absence of Councillors Cavalier and Weatherley be received and leave of absence granted.
	<i>The motion was carried with Councillors voting unanimously.</i>
Item 2:	Disclosure of Interest
	There were no disclosures of interest.
Item 3:	Confirmation of Minutes
	MOTION: Thompson / Martens
	That the Minutes of the Ordinary Meeting held on 5 February 2014 (Minute Nos. 1/14 to 42/14) be taken as read and confirmed with the deletion of Item 5.1.2.
44/14	AMENDMENT: Shelley / Webb
	That the Minutes of the Ordinary Meeting held on 5 February 2014 (Minute Nos. 1/14 to 42/14) be taken as read and confirmed with the following amendments:
	1. Minute 7/14: The amendment that was lost should read:
	Fund the outstanding amount from conference expenses despite the lack of authority at the time of Councillors Thompson and Martens attending the conference.

2. **Minute 15/14: The voting by Councillor Webb for the motion that was carried should read a Naye.**
3. **Minute 27/14: It be recorded that Councillors Webb, Thompson and Martens voted against the motion.**

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

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

Item 4: Matters in Progress

Water Security Windamere Dam

45/14 MOTION: Shelley / Walker

That Minute no. 462/13 be noted as completed.

The motion was carried with Councillors voting unanimously.

Item 5: Mayoral Minute

There was no Mayoral Minute.

Item 6: General Business

6.2 NOTICES OF MOTION

6.1.1 RETAINER FOR BARBARA HICKSON - ARCHITECT

GOV400022, GOV400038

MOTION: Thompson / Martens

That Council provide a retainer for Barbara Hickson - local architect (expertise in historical building restoration and renovation eg Mudgee Library/Town Hall) to assist/supervise in saving the Old Gulgong Hospital especially in weatherproofing, security, reinstating 'historically correct' verandah as in 1901, so we have street appeal instead of the eyesore deliberately left by Health Infrastructure. Then we can mothball the building until extra funds become available.

The motion was withdrawn.

46/14 MOTION: White / Walker

That Council support in principle the retention of the Gulgong Hospital building and defer the matter pending the decision of State Government.

The motion was carried with Councillors voting unanimously.

6.2 REPORTS TO COUNCIL

6.2.1 DEVELOPMENT APPLICATION 188/2014 ANIMAL ESTABLISHMENT DOG_A_CISE INCLUDING TWO (2) BOARDING KENNELS AT LOT 6 DP 880241 859 CASTLEREAGH HIGHWAY MULLAMUDDY

GOV400038, DA0188/2014, P2902

47/14 MOTION: Walker / Shelley

That:

1. the report by the Senior Town Planner on Development Application 0188/2014 Animal Establishment Dog-a-cise including two (2) Boarding Kennels at Lot 6 DP 880241 859 Castlereagh Highway Mullamuddy be received;
2. Development Application 0188/2014 for the Establishment of an Animal Establishment, (Dog-a-cise) including two (2) boarding kennels be approved subject to the following conditions

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans and the Application received by Council on 25 November 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – BUILDING

2. A schedule of the proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
3. All building work is to comply with the requirements of the Access to Premises Standard. Details of compliance are to be

indicated on plans and submitted for assessment with the Construction Certificate.

4. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid Western Regional Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

5. 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.
6. 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.
7. The development site is to be managed for the entirety of work in the following manner:
 - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Building equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

BUILDING CONSTRUCTION

8. 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.

9. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage. The selected plumber/drainier must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
10. 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.
11. 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.

ENGINEERING CONSTRUCTION

12. The construction of an all-weather vehicular access to the business in accordance with the following minimum guidelines as per Roads and Traffic Authority Road Design Guide (see attached Drawing):
 - (i) a gate or stock grid (if applicable) set back a minimum of fifteen (15) metres from the boundary of the land with the public road;
 - (ii) a minimum of four (4.0) metres wide compacted gravel driveway, extending from the edge of the pavement on the public road to the entrance gate or stock grid;
 - (iii) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it
 - (iv) the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication Intersections at Grade"
 - (v) the access and driveway is to be maintained in a manner that does not generate dust nuisances to the adjoining dwellings. Failure to comply with this requirement may led to the requirement to seal the driveway
13. Basic right (BAR) and left (BAL) turn treatments as shown in Figure 7.5 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road of the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

14. 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

GENERAL

15. Waste Disposal is to occur in the following manner;
 - Droppings, bedding, food wastes and animal bodies must be disposed of promptly and hygienically.
 - Use of a trade waste service for collection and disposal of wastes is preferred. Wastes shall not be incinerated on site.
16. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
17. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building
18. The premises is to be constructed and maintained in accordance with the *NSW Animal Welfare Code of Practice No. 5 – Dogs and Cats in animal boarding establishments*
19. The maximum number of boarding kennels permitted to be located on the subject site is two (2). The maximum number of dogs attending Dog-a-cise at any given time is to be a maximum of 21 animals
20. All fencing of outdoor areas to be used by Dog-a-cise is to be constructed as dog proof fencing a minimum of 1.8 metres high and heavy grade dog proof material.
21. The area on the eastern side of the property is to be screened with opaque material to a height of 1.8 metres so that the areas used for Dog-a-cise activities are visually screened from the adjoining property to minimise disturbance to stock and the dogs attending Dog-a-cise.
22. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".

Mid-Western Regional Council

Date: 19 February 2014

23. The hours of operation for the Dog-a-cise activity are restricted to the following times:
Monday to Friday 8.00am – Friday 8.00am to 6.00pm
24. The building proposed to be used for the Dog-a-cise activities and the boarding kennels is to be insulated to reduce the impact of noise so that the noise level at the nearest receptor (dwelling) is no greater than 5 dBa above the background noise level
Note: Failure to comply may result in the closure of the business.
25. The sign is to advertise only the name of the business and be no larger than one metre long by 300mm high

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

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

6.2.2 DA0190/2014 PROPOSED 32 LOT RESIDENTIAL SUBDIVISION
AT LOT 1 DP1182624, 50-64 BELLEVUE ROAD MUDGEES
GOV400038, DA0190/2014: P22063

48/14

MOTION: Walker / Shelley

That:

- the report by the Senior Town Planner on DA 0190/2014 Proposed 32 Residential Lot Torrens Title Subdivision at Lot 1 DP1182624, 50-64 Bellevue Road Mudgee be received;
- Development Application 0190/2014 for 32 residential lot Torrens Title subdivision at Lot 1 DP1182624, 50-64 Bellevue Road Mudgee be approved subject to the following conditions:

APPROVED PLANS

- Development is to be carried out generally in accordance with stamped plans 20633-C01 to 20633-C05 inclusive and the Application received by Council on 26 November 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE – CIVIL

- 2. Prior to carrying out the development, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.**
- 3. 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.**
- 4. Contractor's public liability 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. All work is to be at no cost to Council.**
- 5. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.**
- 6. A detailed engineering design (including sediment and erosion control) supported by 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.**
- 7. 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.**
- 8. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1, Austroads and Council's standard drawings.**
- 9. Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed three (3) new roads within the subdivision, are to be submitted to Council for approval.**

10. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
11. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate
Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.
Note 2: Council does not permit other bodies to insert new junctions into 'live' sewer mains.
12. 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.
13. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - (a) Installation of sediment and erosion control measures
 - (b) Water and sewer line installation prior to backfilling
 - (c) Establishment of line and level for kerb and gutter placement
 - (d) Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - (e) Road pavement surfacing
 - (f) Practical completion
14. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am 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.
15. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year ARI. All storm water detention details including analysis shall be included with the drainage report.

STORMWATER DRAINAGE

16. 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.
17. 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.
18. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
19. The development is to be provided with completed drainage, pollution traps and open space areas as detailed in the approved landscape plans for each stage of the development. Any drainage or open space area within or adjacent to a stage is to be completed prior to the release of the Subdivision Certificate for that stage.

ROADS, KERBS AND VEHICULAR ACCESS

20. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
21. The developer is to upgrade Bellevue Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Nature Strip	4.5 m
Road Reserve Width	20 m
Pavement width	11 m
footpath	Nil
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

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

Road 1: Main Thoroughfare

Item	Requirement
Road Reserve Width	18 m

Item	Requirement
Pavement Width	9 m
Nature Strip	4.5 m
Footpath	1 x 1.2 m
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

Road 2/3: Secondary Roads

Item	Requirement
Road Reserve Width	16 m
Pavement Width	8 m
Nature Strip	4 m
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

EARTHWORKS

23. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

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

WATER AND SEWER

25. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
26. The applicant is to provide separate water and sewer reticulation services to each lot.
27. 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

28. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.
Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges
29. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
30. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following 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.
31. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
32. 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.
 - (c) all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent,
OR

- 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.

33. 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.
34. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
35. 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**

Transport Management	
Traffic Management	35,294
Open Space	
Local Open Space	55,371
District Open Space	75,129
Catchment 2A Drainage	158,968
Community Facilities	
Library Buildings	7,250
Library Resources	8,684
Administration	
Plan Administration	16,890
TOTAL	\$357,586

36. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:
- (a) Payment of a contribution for water and sewerage headworks at the following rate (for 32 lots):

Water Headworks	\$ 245,016
Sewerage Headworks	\$ 113,524
Total Payable	\$ 358,540

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

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

37. 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 \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

OR

Where the water service is to be provided by the developer, the developer is to provide a water 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 \$370.00 per lot to cover the cost of a 20mm meter and installation.

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

38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

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

39. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer.

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

40. 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 (24) month period, less the estimated cost of any outstanding works.

- 41. The applicant shall repair in accordance with Aus-Spec# 1 and Council Standard Drawings any part of Council's property damaged during the course of this development.**

GENERAL

- 42. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:**
- (a) Installation of sediment and erosion control measures**
 - (b) Water and sewer line installation prior to backfilling**
 - (c) Establishment of line and level for kerb and gutter placement**
 - (d) Road pavement construction**
 - (e) Road pavement surfacing**
 - (f) Practical completion**
- 43. Street trees are required at a rate of two (2) trees per lot and are to be planted prior to the issue of the Subdivision Certificate. The trees are to be semi- mature and barricaded for protection**
- 44. All open space areas are to be levelled, top soiled, turfed with the installation of a in ground irrigation system prior to the release of the Subdivision Certificate. The developer will maintain these areas for a period of two (2) years from the release of the Subdivision Certificate.**
- 45. A pedestrian pathway, 3.5 metres is to be provided at the end of the cul-de-sac to provide pedestrian access from the subdivision to the existing pedestrian and cycleway pathway along the rail line corridor**

NSW Office of Water

General Terms of Approval

Plans standards and guidelines

- 46. These General Terms of Approval (GTA) only apply to the controlled activities in the plans and associated documentation relating to DA2014/0190 and provided by Council:**
- i) Site plan, map and/or surveys**
- 47. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of**

water must be notified to determine if any variations to these GTA will be required.

48. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water management Act from NSW Office of Water. Waterfront land for the purpose of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified
49. The consent holder must prepare or commission the preparation of:
 - i) Works schedule
 - ii) Erosion and Sediment Control Plan
 - iii) Soil and Water Management Plan
50. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at www.water.nsw.gov.au/WaterLicensing/Approvals/default.aspx
 - i) Outlet Structures
51. The consent holder must
 - i) Carry out any controlled activity in accordance with approved plans and
 - ii) Construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and
 - iii) When required, provide a certificate of completion to the NSW Office of Water

Rehabilitation and maintenance

52. The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water
53. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office Water.

Drainage and stormwater

54. The consent holder is to ensure that all drainage works
 - i) Capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and
 - ii) Do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water

- 55. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water**

Erosion control

- 56. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.**

Excavation

- 57. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.**

The motion was carried with Councillors voting unanimously.

6.2.3 BYLONG COAL PROJECT

GOV400038, A0420222

49/14

MOTION: Shelley / Martens

That:

- 1. the report by the Statutory/Strategic Planner on the Bylong Coal Project be received;**
- 2. Council endorse the recommended issues for inclusion in the Director-General's Requirements outlined in Attachment 1 of this report and the additional attachments tabled at the meeting, and forward the request for inclusion to the Department of Planning and Infrastructure.**

The motion was carried with Councillors voting unanimously.

6.2.4 SECTION 94 PLAN – AMENDMENT TO CATCHMENT MAPS

GOV400038, A0420218

50/14

MOTION: Walker / Shelley

That:

- 1. the report by the Manager Strategic Planning on the Section 94 Plan – Amendment to Catchment Maps be received;**
- 2. the Draft Section 94 Contributions Plan be placed on public exhibition for a period of 28 days in accordance with the**

requirements of the Environmental Planning and Assessment Act, should no submissions be received the Section 94 Plan be amended as outlined in Attachment 1.

The motion was carried with Councillors voting unanimously.

6.2.5 AFFORDABLE HOUSING FUNDING

GOV400038, A0420252

51/14

MOTION: Walker / White

That:

1. the report by the Manager, Community Services on the Affordable Housing Funding be received;
2. Council call for submissions on the expenditure of \$20,000 in 2013/14 budgeted for Affordable Housing initiatives

The motion was carried with Councillors voting unanimously.

6.2.6 SUBMISSION TO THE MOBILE COVERAGE PROGRAMME

GOV400038, A0370005

52/14

MOTION: Walker / White

That:

1. the report by the Manager, Information Services on the Submission to the Mobile Coverage Program be received;
2. Council endorse the proposed submission to the Mobile Coverage Program.

The motion was carried with Councillors voting unanimously.

6.2.7 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED

GOV400038

53/14

MOTION: Shelley / Martens

That the report by the Director, Development and Community Services on the Monthly Development Applications Processing & Determined be received.

The motion was carried with Councillors voting unanimously.

6.2.8 DECEMBER QUARTERLY BUDGET REVIEW

GOV400038, FIN300061

54/14

MOTION: Webb / Thompson**That:**

1. the report by the General Manager on the December Quarterly Budget Review be received;
2. the 2013/14 Operational Plan be amended in accordance with the variations listed in the December 2013 Quarterly Budget Review;
3. Council approves the transfer of funds for the reseal of Church Street, Mudgee from Meares Road to Spring Road to be allocated for reseal and rehabilitation of that section of Church St between the railway bridge and Meares Road;
4. Council declines the Rural Fire Service request for additional funds in 2013/14 and further the Rural Fire Service be advised that the 2014/15 contribution from Council will not be increased beyond the rate cap (2.3%) imposed on Council by IPART;
5. Council make up the shortfall in income at the Showground from unrestricted cash in the General Fund and the Operation Plan and budget be amended accordingly.

AMENDMENT: Walker / Shelley**That:**

1. the report by the General Manager on the December Quarterly Budget Review be received;
2. the 2013/14 Operational Plan be amended in accordance with the variations listed in the December 2013 Quarterly Budget Review;
3. Council approves the transfer of funds for the reseal of Church Street, Mudgee from Meares Road to Spring Road to be allocated for reseal and rehabilitation of that section of Church St between the railway bridge and Meares Road;
4. Council declines the Rural Fire Service request for additional funds in 2013/14 and further the Rural Fire Service be advised that the 2014/15 contribution from Council will not be increased beyond the rate cap (2.3%) imposed on Council by IPART.

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

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

The motion was carried with Councillors voting unanimously.

6.2.9 MONTHLY STATEMENT OF BANK BALANCES AND INVESTMENTS AS AT 31 JANUARY 2014

GOV400038, A0100056, A0140304

55/14 MOTION: Thompson / Martens

That:

1. the report by the Financial Accountant on the Monthly statement of bank balances and investments as at 31 January 2014 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

6.2.10 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0100056, A0140201

56/14 MOTION: Walker / Shelley

That:

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

Rotary Club of Mudgee Sunrise \$250

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 19 February 2014

6.2.11 REPORT ON DELIVERY PLAN

GOV400038, COR400041

57/14 MOTION: Shelley / Martens

That the report by the General Manager on the review of the Delivery Plan be received and the details for the period ending 31 December 2013 be noted.

The motion was carried with Councillors voting unanimously.

6.2.12 CLASSIFICATION OF LAND – LOT 1 DP 1181314 – QUEENS
PINCH WASTE TRANSFER FACILITY

GOV400038, F0570019 P2185611 A0210007

58/14 MOTION: Walker / Shelley

That:

1. the report by the Revenue & Property Manager on the Classification of Land - Lot 1 DP 1181314 - Queens Pinch Waste Transfer Facility be received;
2. in relation to Lot 1 DP 1181314, the land be classified as Operational.

The motion was carried with Councillors voting unanimously.

6.2.13 SENIORS WEEK AWARDS 2014

GOV400038, A0060069

59/14 MOTION: Walker / Shelley

That:

1. the report by the General Manager on the Seniors Week Awards 2014 be received.

AMENDMENT: Martens / Thompson

That:

1. the status quo remain as is because the program for Seniors Week has already been advertised, and
2. the Mayor attend each Seniors Week lunch function and present the awards.

The amendment was withdrawn.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 19 February 2014

6.2.14 INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL
RESPONSE

GOV400038, A0170031

60/14 MOTION: Shelley / White

That:

1. the report by the General Manager on the Independent Local Government Review Panel Response be received;
2. Council defer endorsing a submission on the NSW Local Government Independent Review Panel as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.

The motion was carried with Councillors voting unanimously.

6.2.15 REVIEW OF THE LOCAL GOVERNMENT ACTS TASKFORCE

GOV400038, GOR500018

61/14 MOTION: Shelley / White

That:

1. the report by the Manager Governance on the Review of the Local Government Acts Taskforce be received;
2. Council defer endorsing a submission on the Review of the Local Government Acts Taskforce as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

62/14 MOTION: Thompson / Webb

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

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 19 February 2014

7.1 Urgent Notice of Motion – John Webb: Drought Assistance

GOV400022, GOV400038

63/14 MOTION: Webb / White

That Council write to the Minister for Primary Industries and John Newcombe, Executive Officer of the Regional Assistance Advisory Committee, and request that the MWRC LGA be provided with drought assistance.

The motion was carried with Councillors voting unanimously.

7.2 Urgent Notice of Motion – Lucy White: Protect The Drip Gorge

GOV400022, GOV400038

64/14 MOTION: Webb / White

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

The motion was carried with Councillors voting unanimously.

MOTION: White / Thompson**That:**

1. Mid-Western Regional Council supports the community proposal to protect The Drip Gorge by including The Drip block 45, land to the south of the Goulburn River outside Mining Licence 1605 and private land block 51 in an extension of the Goulburn River National Park.
2. Mid-Western Regional Council conveys this support to the Planning Assessment Commission on Moolarben Stage 2 and recommends that the proposed extension to Goulburn River National Park be included as a condition of approval for the Moolarben Stage 2 mine.
3. Mid-Western Regional Council writes to Andrew Gee MP, Member for Orange, acknowledging his support to protect The Drip Gorge and informing him of Council's endorsement of the community proposal to extend Goulburn River National Park.

65/14 AMENDMENT: Walker / Shelley

That Council defers this matter until the report is received from the Committee that is reviewing the future ownership and management of The Drip.

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

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

AMENDMENT: Webb /

That:

1. Mid-Western Regional Council supports the community proposal to protect The Drip Gorge by including The Drip block 45, land to the south of the Goulburn River outside Mining Licence 1605 and private land block 51 in an extension of the Goulburn River National Park.
2. Mid-Western Regional Council writes to Andrew Gee MP, Member for Orange, acknowledging his support to protect The Drip Gorge and informing him of Council's endorsement of the community proposal to extend Goulburn River National Park.

This amendment lapsed for want of a seconder.

Item 8: Confidential Session

There were no decisions taken in Confidential Session.

Closure

There being no further business the meeting concluded at 7.29pm.

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. It is anticipated that the first report will be presented to Council in April 2014
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.
Old Gulgong Hospital	Res. 46/14	That Council support in principle the retention of the Gulgong Hospital building and defer the matter pending the decision of State Government	Awaiting the State Government's preferred course of action and/or decision
Independent Local Government Review Panel Response	Res. 60/14	That Council defer endorsing a submission on the NSW Local Government Independent Review Panel as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.	This matter will be referred to the Council meeting on the 2nd April 2014
Review of the Local Government Acts Taskforce	Res. 61/14	That Council defer endorsing a submission on the Review of the Local Government Acts Taskforce as State Government has extended submissions by one month and Council has been invited to attend a forum on this matter in March.	This matter will be referred to the Council meeting on the 2nd April 2014

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Protect the Drip Gorge	Res. 65/14	That Council defers this matter until the report is received from the Committee that is reviewing the future ownership and management of The Drip.	Awaiting the findings of the committee investigating this matter

Item 5: Mayoral Minute

Nil.

Item 6: General Business

6.1 Notices of Motion

There are no Notices of Motion.

6.2 Reports

6.2.1 Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434 83 Adams Lead Road Gulgong

REPORT BY THE SENIOR TOWN PLANNER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council

GOV400038, DA0131/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on Development Application 0131/2014 Proposed Six (6) Lot Residential Torrens Title Subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong be received;
2. the variation of the minimum lot size by 10% for proposed Lot 1 be supported in the proposed plan of subdivision of Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road Gulgong;
3. Council approve Development Application 0131/2014 for the six (6) lot residential Torrens Title subdivision at Lots 214, 215 and 253 DP 755434, 83 Adams Lead Road subject to the following conditions:

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Job No 1468MU and the Application received by Council on 10 October 2013 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

2. Detailed engineering design plans (DWG and PDF), material samples, test reports and specifications is to be prepared in accordance with Council's DCP and the conditions of this development consent. The engineering design is to be submitted to and approved by Council prior to the issue of a Construction Certificate.
3. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.

CONSTRUCTION REQUIREMENTS

4. 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.
5. 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.
6. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

(Note: A suitably qualified person is required to be present during earthworks to identify whether any artefacts were uncovered).

7. Basic right (BAR) turn treatments as shown in Figure 7.5 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road of the subdivision. The widened shoulders are to be sealed and built for 100kmph speed environment to provide a reasonable level of safety for traffic turning vehicle on the left hand side;
8. Basic left (BAL) turn treatments as shown in Figure 8.2 of the Austroads Guide to Road Design: Part4A shall be provided in Adams Lead Road at the intersection with the proposed internal road in the subdivision. The BAL facilities will also need to be sealed and built for a 100kmph environment;
9. Intersection and accesses shall be provided with lay-bys on the departure side for school bus stops.
10. Give Way Signs are to be installed on the proposed internal road at its the intersection with Adams Lead Road.
11. 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone at the intersection of Adams Lead Road and the proposed internal road in the subdivision, having the table drain directed through it.
12. The developer is to upgrade Adams Lead Road from Gossage Rd to the full frontage of the development in accordance with Council's Comprehensive DCP to a Rural Sealed Road and the following minimum specifications:
 - a) formation width 9.0m.
 - b) sealed width 6.0m.
 - c) seal type – 14/7 mm double-double.
 - d) standard cross-section with 3% fall.
 - e) pavement thickness – 150-300 mm.
 - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - g) Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.

13. The developer is to construct the proposed internal road in accordance with Council's Policy Road Classifications and Austroads standards to a Rural Sealed Road and the following minimum specifications:
 - a) formation width 9.0m.
 - b) sealed width 6.0m.
 - c) seal type – 14/7 mm double-double.
 - d) standard cross-section with 3%.
 - e) pavement thickness – 150-300 mm.
 - f) pavement material – gridded, rock busted or crushed – depends on material type and availability. Material to be approved by assets prior to placement.
 - g) Minimum compaction:
 - sub base 96% MDD
 - base course 98% MDD
 - h) Erosion and drainage control measures such as cross fall, table drains, mitre drains, and culverts where necessary.

14. The construction of an all-weather vehicle access to each lot in the development is required. The accesses from the proposed internal road servicing the development shall be constructed in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'standard rural property access' and any relevant RMS Supplements. The access shall have the following minimum specifications:
 - a) a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
 - b) a minimum 4.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - c) a minimum 150mm thick, 4.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it.
 - d) The access should be sealed a minimum of 10 metres from the edge of the travel lane to minimise mud on through road, match existing road levels and not interfere with road drainage.
 - e) Safe Intersection sight distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant RMS supplements should be provided in both directions at the vehicular access point servicing the proposed lots.

15. 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:
 - a) Construction of BAR/BAL treatments
 - b) Road pavement construction
 - c) Installation of vehicle accesses
 - d) Practical Completion

16. 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.

17. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

NOTE: Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.

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

20. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of AS2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

21. If the Subdivision Certificate is not issued in the financial year that the Development Consent was issued, 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. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of underground electricity supply to the subdivision.
 - b) A certificate from a communication provider indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.

24. 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	\$626	3	\$1,878
Open Space			
Local Open Space	N/A	N/A	N/A
District Open Space	\$2,424	3	\$7,272
Community Facilities			
Library Buildings	\$234	3	\$702
Library Resources	\$280	3	\$840
Administration			
Plan Administration	\$545	3	\$1635
TOTAL PAYABLE			\$12,327

Executive Summary

Applicant:	Whelans Insites Pty Ltd
Estimated Cost of Development:	Nil, 6 lot subdivision
Reason for reporting to Council:	unresolved objections
Public Submissions:	No. 2

A development application has been received from Whelans Insites P/L for the six (6) lot subdivision of lots 214, 215 and 253 DP 755434 83 Adams Lead Road Gulgong. The land is zoned R5 Large Lot Residential with the minimum lot size for the erection of a dwelling being 2 hectares.

The land is located to the south west of Gulgong and is currently located on an unsealed road. Gossage Lane is to the north of the subject land and is sealed to within 100 metres of the development site. A condition has been imposed requiring the upgrade of Adams Lead Lane and connection to Gossage Lane.

The application was notified to the adjoining neighbours and two (2) submissions were received. The concerns raised in the submission range from localised flooding, sealing of Gossage Road, weeds, impact on agricultural land and limited services available.

The application is referred to Council due to the objections received. The application is supported and a Recommendation for approval has been included in this report.

Detailed report

ASSESSMENT:

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

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

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

The land is zoned R5 Large Lot Residential pursuant to Mid-Western Regional Local Environmental Plan 2012. The Lot size map shows the subject land as having a 2 hectare minimum lot size for subdivision for the erection of a dwelling

Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment:

The site on Adams Lead Road is part of an area identified and zoned for 2Ha sized lots for residential purposes. This area is located between Bergalin Road and Adams Lead Road to the east by agricultural land and the west by an unnamed, unconstructed road.

The lots are large enough to provide a buffer between the future dwellings and the agricultural land. The urban development of Gulgong will not be adversely impacted by this development.

Reticulated water and sewer is not available to the site, however the lot size is adequate for an on-site waste water treatment system. Electricity is available to the site and a section of Adams Lead Road will be required to be sealed to give sealed access to Gossage Road and hence to Gulgong.

The subject site is surrounded by agricultural land but the lot size will minimize conflict between land uses.

Clause 4.6 Exceptions to Development Standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment:

The six lot subdivision proposes that the lot containing the existing dwelling be 1.8ha in area, 0.2 ha below the minimum area for subdivision but within 10% of that minimum area. The applicant has submitted an objection to the development standard being the minimum subdivision area contained in clause 4.1 of MWRLEP 2012.

The objectives of the development standard for the minimum lot sizes are;

(a) to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,

(b) to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,

(c) to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,

(d) to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,

- (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*
- (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

The applicant has addressed the objectives of the minimum area clause:

- The proposed subdivision layout promotes use permissible in the R5 zone
- The subdivision does not appear to have adverse impacts on the adjoining land
- The lot sizes promote the orderly and economic use of the land
- The surrounding lands are not fragmented by this development
- The subdivision will not have an adverse impact on the natural environment

State Environmental Planning Policy (Rural Lands) 2008

While the subject land is zoned R5 Large Lot Residential, SEPP (Rural Lands) 2008 applies to the subdivision and the request to vary the minimum area of one lot. The Policy established a number of rural principles to be applied to rural subdivisions, including large lot residential subdivisions. The Rural Principles that apply are:

- (a) *the minimisation of rural land fragmentation,*
- (b) *the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,*
- (c) *the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,*
- (d) *the consideration of the natural and physical constraints and opportunities of land,*
- (e) *ensuring that planning for dwelling opportunities takes account of those constraints.*

In determining the zoning of 83 Adams Lead Road these principle were taken into account as part of the rezoning process. The Principles need to be considered as part of assessment of the variation to the minimum lot size.

Comment:

The variation of the minimum lot size by 10% for the lot containing the existing dwelling will not result in the further fragmentation of agricultural land as the subdivision is three (3) lots into six lots in an area planned as Large Lot Residential. The impact of a variation of 10% in area of one of the proposed lots will not change the nature of the adjoining land or affected the physical opportunities in the locality.

Having regard to the objectives of the R5 zone, the objectives of the minimum lot provisions of Clause 4.1 of MWRLEP 2012 and the objectives of State Environmental Planning Policy (Rural Lands) 2008 it is considered that compliance with the minimum area is in this case unreasonable and unnecessary as:

- The variation is for one lot in a six lot subdivision and the variation is 10%
- The area of the lot is adequate to provide for onsite waste water management
- Adequate setbacks to the property boundaries are provided from the existing dwelling
- There is minimal adverse impact on the adjoining land currently used for agriculture.
- Approval of the variation will not create a precedent in the area or increase the demand for smaller lot sizes.

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

The application was lodged prior to the commencement of the DCP Amendment No. 1 dated 6 December 2013. The DCP requires under the Savings provisions that the applicant nominate what DCP they seek to operate under. This application is not significantly affected by the Comprehensive DCP or its Amendment No.1.

Under the Comprehensive DCP, the application would have been assessed under the Urban Provisions. This is consistent with how the land adjacent to this development site was also assessed. Council staff have not required the full suite of services and infrastructure that an urban subdivision would require but have simply required that the roads part of the subdivision and the road network be sealed.

The adoption of Amendment No. 1 of the DCP on the 6 December 2013 sought to rationalise the controls for Large Lot Residential development. Under Part 7.2 – Rural Subdivision, there are specific provisions related to the connection of rural subdivisions to the sealed road network, i.e. if the subdivision was within 500 metres of the sealed road network, then the subdivision is required to connect to it.

In essence, what conditions have been recommended for this application are consistent regardless of what DCP you use as staff have adjusted the urban provisions to suit the application and relied upon the standards contained in the Amendment No.1.

MID WESTERN REGIONAL DEVELOPMENT CONTROL PLAN

Part 5, Clause 5.4 Environmental Controls

Protection of Aboriginal Archaeological Items	<p>(a) Aboriginal archaeological relics are protected by the provisions of the National Parks and Wildlife Act 1974, which makes the disturbance or destruction of these relics, without permission of the Director, an offence.</p> <p>(b) Proponents should determine whether their site has potential archaeological significance and if so, should submit an archaeological survey with their development application. Generally, where a site is located near a water course or on an elevated area, an archaeological study will be required.</p> <p>(c) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP&A Act 1979 and if an Aboriginal Heritage Impact Permit is required.</p>	<p>Application complies</p> <p>An AHIMs search has been undertaken and no sites were identified</p> <p>The development is not integrated</p>
Bushfire Management	<p>(a) Where the development site is affected by a bushfire hazard as identified on the Bushfire Prone Land Map produced by the NSW Rural Fire Service, the design and management of the development</p>	<p>The site is not shown as affected by Bushfire Prone Land mapping</p>

	shall comply with the guideline "Planning for Bushfire Protection" and where required; the Australian Standard AS 3959 - Construction of Buildings in Bush Fire Prone Areas.	
	(b) Buildings shall be located to ensure that requirements for fuel free or fuel reduced zones do not impact on existing native vegetation on the site.	N/A
	(c) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP & A Act 1979 and if a Bushfire Safety Authority is required.	Not classed as integrated development
Riparian and drainage line Environments	(a) Proponents must identify all drainage lines, streams, creeks and rivers on development plans and identify how the development has been designed to respect and be setback from such waterways and their vegetation.	There are no watercourses on site
	(b) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP & A Act 1979 and if a water use approval, water management work approval or activity approval is required.	The development is not integrated development
Pollution and Waste Management	(a) Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely on-site and disposed of such that there are no environmental impacts or effects on adjoining properties, stormwater or sewerage systems or waterways.	Sites will be serviced by on-site sewer management systems
	(b) Proponents should determine if the development application is classified as integrated development under Section 91 of the EP&A Act 1979 and if an environmental protection license is required.	The application is not integrated development
	(c) Proponents will refer to Groundwater Vulnerability Mapping associated with Mid-Western Regional Council Local Environmental Plan 2012.	

Threatened Species and Vegetation Management	(a) An assessment of any potential impact on native flora and fauna is to accompany a development application. If considered necessary by Council a Flora and Fauna Impact Assessment will be required from a suitably qualified professional. This Assessment will determine whether a Species Impact Statement will be required.	The site is not mapped as having moderate or high biodiversity
	(b) Development applications should indicate all existing vegetation.	Majority of the site is cleared pasture
	(c) Buildings and access areas should be sited to avoid removal of trees.	The proposed access will require some clearing works Impact on vegetation will be minimal.

Part 7.1 Urban Subdivision

	Requirement	Compliance/Comment
Applies to	<ul style="list-style-type: none"> - land zoned residential - village zones - rural residential lots <2hectares 	Land is zoned R5 Large lot Residential with proposed area of 2.0Ha per lot
Lot size	- Minimum lot size as determined by MWRC LEP 2012.	An objection under Clause 4.6 has been lodged for 1 lot
	- all lots have street frontage.	Complies
	lots increase in size relative to slope as follows:	Land has a slope of 10% or less
	<ul style="list-style-type: none"> - 0-10 degrees: 600m² - 10-15 degrees: 700m² - 15-20 degrees: 800m² - >20: subdivision prohibited 	
	- all lots have 16m width at building line in residential and village zones.	Complies
	- battle-axe handles in R1, R3 & RU5 Village have width of 4m.	No battle axe lots are proposed
	- battle-axe handles in R2 & R5 residential zones have width of 6m	

	Requirement	Compliance/Comment
Lot Design	<ul style="list-style-type: none"> - For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development. - For new release subdivision lot orientation maximises solar access by maximising north-south lots. - For new release subdivision east-west orientated lots have increased width and midpoint. - Lots generally rectangular in shape. - Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling. - corner lots have sufficient area to allow dual occupancy and independent utility connection points. 	<ul style="list-style-type: none"> N/A Complies Complies Frontage is not an issue due to area of allotments complies
Street Layout & Design	<ul style="list-style-type: none"> - Traffic Impact statement submitted for 5+ lots - Traffic Impact Statement submitted for all subdivisions where new road required. - Subdivision integrates with existing residential area. - New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality. - Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided. - multiple cul-de-sacs and "no through roads" discouraged. - maximum number of lots in cul-de-sac is 12 lots. - Subdivision >80lots should not require backtracking. 	<ul style="list-style-type: none"> Submitted Increase in lot numbers is from 3 to 6, expected traffic generation however is 54 vehicular trips per day as only one existing lot has a dwelling Subdivision remote from existing residential area Through road connection via Gossage Road Pedestrian access not required due to lot size and surrounding land use N/A 4 lots front cul-de-sac N/A

	Requirement	Compliance/Comment
Road Standards for New Development.	<p>Urban Road Standards required as follows:</p> <ul style="list-style-type: none"> - Minor Road/Cul-de-sac <10 lots: 15m road reserve, 8m carriageway, 2x4m nature strip, Nil footpath, roll-over kerbing. - Residential Road 31-120 lots: 18m road reserve, 9m carriageway, 2x4.5m, 1x1.2m footpath, roll-over kerbing. - Major (Collector) Residential Road >120 Dwellings: 20m road reserve, 11m carriageway, 2x4.5m nature strip, 1x1.2m footpath, roll-over kerbing. - Sub-Arterial Road with Bus Route and or cycle lane (one side only): 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier kerbing. - Commercial & Industrial Subdivision Roads: 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing. - Minimum radius of cul-de-sac return is 8.5m with 12.5m road reserve. - Cul-de-sacs only permitted in commercial/industrial subdivisions where no alternative. - cul-de-sacs in commercial/industrial subdivisions designed in reference to size of lots proposed. 	<p>Required to be provided</p>
Cycle ways and footpaths	<ul style="list-style-type: none"> - cycle ways and pedestrian networks included in new subdivisions. - if subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy. - New subdivisions provide direct, convenient and safe access to major facilities. 	<p>N/A</p> <p>Not identified in plan</p> <p>Subdivision will link to Gulgong via Gossage Road</p>

Requirement	Compliance/Comment
	<ul style="list-style-type: none"> - Cul-de-sacs may be required to include 10m wide shared overland flow/pathway. - developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.
Open Space	<ul style="list-style-type: none"> - Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space. - Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.
Landscaping	<ul style="list-style-type: none"> - Landscape plan provided detailing treatment of public domain. - Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years.
Street Trees	<ul style="list-style-type: none"> - 2 street trees provided per lot. - Developer provides levy to council to provide these trees after 80% of works carried out.
Utility Services	<ul style="list-style-type: none"> - servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development. - Evidence of consultation with relevant authorities submitted with application.
Drainage	<ul style="list-style-type: none"> As per Section 5.3 Stormwater & Drainage.

MID WESTERN REGIONAL DEVELOPMENT CONTROL PLAN – AMENDMENT NO. 1

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
Applies to	- Rural and R5 zones.	Land zoned R5 Large Lot Residential and all lots are proposed to be 2ha
Site Plan	- Site plan identifying existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads. - Application should: <ul style="list-style-type: none"> <input type="checkbox"/> Identify existing use of land; <input type="checkbox"/> Address access points/location public roads; <input type="checkbox"/> Identify unformed roads/crown land within adjoining site; <input type="checkbox"/> Show easements and services; <input type="checkbox"/> Identify watercourses 	Plan of Subdivision supplied and will be subject to further survey. No structures exist on the site. No defined watercourses affect the site.
Lot Size	- Lots must be of sufficient area for dwelling house, associated buildings, services, access, P.O.S without excessive terracing and allow maximum retention of existing vegetation. - Min. area for subdivision complied with?	All lots within the subdivision are of sufficient area to contain a dwelling and ancillary structures. All lots meet minimum lot size.
RU4 - Primary Production Small Lots	- Details of proposed/existing ag. activity; - Business plan prepared by suitably qualified agronomist; - Evidence of water licensing satisfactory; - Evidence of commencement or intention to commence activity.	Lots currently used for grazing. Not within RU4 Zone.
Services	- Lots within 500m of R1-R2 zones must: <ul style="list-style-type: none"> <input type="checkbox"/> Have frontage to and be connected to sealed road; <input type="checkbox"/> Connect to reticulated water/sewer. 	No lots will be within 500m R1- R2 zones. There is sufficient room within each lot to accommodate an effluent disposal area.

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
Roads	All roads to be sealed and part of sealed road network if 500 m to sealed road network.	Yes, conditioned.
Lot Design	<ul style="list-style-type: none"> - New lots to minimise environmental impacts including: <ul style="list-style-type: none"> <input type="checkbox"/> Soil disturbance/erosion <input type="checkbox"/> Creek/waterway crossings. <input type="checkbox"/> Tree removal <input type="checkbox"/> Adequate separation distances for new/existing development 	Lots are relatively flat and void of vegetation.
Bushfire Prone Areas	<ul style="list-style-type: none"> - Bushfire report submitted for subdivision on bushfire prone land. 	Land is not mapped as being bush-fire prone.
Heritage	<ul style="list-style-type: none"> - Cultural heritage assessment submitted where the subdivision creates dwelling entitlement and overland drainage lines, ridgelines/plateaus present. 	No known European or Indigenous heritage on the site.
Flora	<ul style="list-style-type: none"> - Evidence of consultation with CMA (and OEH for threatened species); - Flora report to be submitted if potential for impact on threatened species 	No native flora located on site, other than the occasional eucalypt, as site has been previously cleared for agricultural use.
Fauna	<ul style="list-style-type: none"> - If any potential impact of threatened species fauna study to be submitted with application - Consult with OEH if required. 	No native fauna is likely to be impacted by the development.
Watercourses	Activity approval required under the Water Management Act 2000 if development within 40 metres.	N/A
Crown Roads	<ul style="list-style-type: none"> - If development proposes to use Crown road, written consent of NSW Crown 	N/A
Rights of Carriageway	<ul style="list-style-type: none"> - Subdivision for where access is via right of 	N/A

Part 7.2 Rural Subdivision	Requirement	Compliance/Comment
	carriageway generally not supported. - Written consent of all owners required if ROCW proposed.	
Battle axe handle	- Generally not supported by Council; - Max. 2 battleaxe handles permitted.	N/A
Water cycle management report	- Required for each lot capable of on-site effluent disposal. Report must include: <ul style="list-style-type: none"> <input type="checkbox"/> Nominal effluent management area; <input type="checkbox"/> Slope/aspect; <input type="checkbox"/> Other site constraints; - Plan must indicate nearby watercourses with min. buffer of 100m between EMA and perennial/intermittent creeks or min. 40m from drainage depressions.	Each site has sufficient area to allow on-site effluent disposal.
Telecommunications	- Are telecommunications able to be extended to service the lot?	Telecommunication infrastructure is able to be extended to service the development.
Electricity	- Electricity to be provided to each lot with dwelling entitlement. ; - Alternative power supply only considered on RU1, RU4 and R5 lots where development is >1km from grid or cost to provide elec. exceeds \$30,000/lot. Covenant must be imposed on lot in this instance.	Electricity is able to be supplied to the development.
Land use history	- Evidence of land use history supplied (primary source preferred)	No evidence was submitted with the application to address this issue. This is further expanded upon under the heading State Environmental Planning Policy 55.
Community Title Subdivision	Lot density to be the same as Minimum Lot Size Map	N/A

(c) Section 94 & 64 Contributions

Contributions are payable on three (3) proposed lots with the remaining lots receiving a credit as there is a credit for the existing lots as they would support a dwelling outside of the subdivision plan.

Payment of Development Contributions as follows:

Transport Management	
Traffic Management	\$1878
Open Space	
Local Open Space	N/A
District Open Space	\$7272
Community Facilities	
Library Buildings	\$702
Library Resources	\$840
Administration	
Plan Administration	\$1635
TOTAL PAYABLE	\$12,327

Payment of a contribution for water and sewerage headworks is not required as the lots will not be connected to reticulated water and sewer.

*2. IMPACT OF DEVELOPMENT**(a) Context and Setting*

The proposed development of six (6) 2ha lot Torrens title subdivision is located in close proximity but distinct from the town of Gulgong. The land adjoins farming land and but is within close proximity of the urban area of Gulgong. Access into Gulgong is not via a sealed road but it has been conditioned that a sealed road network be provided to the development.

The site is made up of 3 existing land titles. The subdivision will be required to construct Adams lead Road and a cul-de-sac to provide access to the proposed lots.

(b) Access, transport and traffic

Access to the site is via Adams Lead road which is not formed past the access to the existing dwelling located on Lot 253. Adams lead Road will be required to be constructed and sealed back to Gossage Road. The proposed internal cul-de-sac will also be required to be sealed.

The traffic study included with the Statement of Environmental Effects indicates that the expected traffic generation from the total development will be 54 vehicular trips per day. There is no public transport currently available to the site so all trips will be made by private vehicle.

Adams Lead Road is not sealed and is proposed not to be sealed as there is an alternate access back to Gulgong on Gossage Road that is sealed closer to the site than Adams Lead Road. Adams Lead Road provides access back to the Highway.

(c) Public domain

No negative impacts on the public domain have been identified with this proposal. The road system will be upgraded by the construction of Adams Lead Road linking with Gossage Road and providing vehicular access into the Village of Gulgong.

(d) Utilities

Reticulated water and sewer are not available to this site. The nearest main is more than 500 metres from the subject site and therefore DCP 2013 does not require the services to be extended to the land. The area of the lots allows for the installation of onsite sewerage management systems and the disposal of the waste water.

Electricity and telecommunication services can be connected to the subject site.

(e) Heritage

There are no items of European heritage listed in MWRLEP 2012 in this locality. An AHIMs search has been undertaken for the site which did not identify any registered sites. Council's Cultural Heritage mapping does not identify the land has having a high potential for Aboriginal relics. A standard condition requiring appropriate action to be taken should relics be found is required on any determination

(f) Other land resources

There are no other land resources associated with the Development Application.

(g) Water

Stormwater will be harvested to provide water to the dwelling. All lots will be capable of draining to the road. Road construction will require provision of table drains. No reticulated water is available to the subdivision

(h) Soils

The previous uses of the site have been principally agricultural, including poultry raising and grazing. The joinery use has not included the treatment of timber. The site of an old concrete tank will be cleaned up prior to the subdivision works commencing.

(i) Air and Microclimate

The development will not adversely affect air quality with the service roads being required to be sealed reducing the potential for dust generation. The micro climate will not be adversely affected by the development of six large residential lots

(j) Flora & fauna

The subject land has been cleared and used for agricultural production. The vegetation is modified by the agricultural activity with the majority of the trees on the site locate near the existing dwelling. The subdivision of the land will not significantly adversely impact on flora and fauna on the site due to the former land uses.

(l) Energy

There are no energy concerns with this application. Proposed lots can be serviced with underground electricity

(m) Noise & vibration

The development of six (6) residential lots is unlikely to significantly increase the noise impacts in the locality.

(n) Natural Hazards

The site is not affected by any natural hazards such as flooding and being outside the mapped Bushfire area.

(p) Safety, security and crime prevention

All lots are designed to front the public roads and have an outlook to a public place providing security to both the houses and the public space

(q) Social impact in the locality

The provision of new large lot residential lots will provide housing choice in the Gulgong area and increase the population of the area leading to a strengthening of support for services due to increasing demand.

(r) Economic impact in the locality

The construction of the subdivision may provide some short term local employment. Longer term residents will be able to access Gulgong increasing demand for goods and services in the community.

(s) Site design and internal design

The subdivision is designed to comply with Council's DCP 2013 including the provision of services, and utilities. One lot is 10% below the minimum area for subdivision for a dwelling, however the applicant has demonstrated that in this situation the minimum area is unreasonably and unnecessary for the orderly development of the area.

(t) Construction

The subdivision will require a Civil Construction Certificate for the provision of utilities and roads. Detailed engineering plans will be required as conditions of any determination. No alternative construction methods are proposed

(u) Cumulative Impacts

The area has been zoned for Large Lot Residential allotments of 2 ha and the area will over time develop as a large lot residential area. Gulgong will benefit from having a range of housing types and lot sizes giving housing choice for the residents.

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

The site was identified in the Land Use Strategy for 2 ha lots within the R5 zone under MWRLEP 2012. The development as proposed complies with the Land Use Strategy and the zoning of the land.

The site has been assessed as suitable for the proposed development with no major amendments to the design required to comply with Council's policies. The application may be determined subject to standard conditions.

(b) Are the site attributes conducive to development

It is considered that the site attributes are conducive to the development and no issues have been raised to warrant refusal of the Development Application

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

The Development Application was notified to the adjoining neighbours and two (2) submissions were received. The points of the submissions are:

- Site has flooded during large rainfall events
- Gossage Road needs to be resealed as originally sealed in 2000
- Spread of weeds from the small lots
- Move stock along Adams Lead Road so require properties to be fenced
- Site is prime agricultural land
- Impact of subdivision on adjoining crown land
- Limited services available to the site
- Residences will impact on farming activities

Comment:

The site is not identified as flood prone or as having a flood risk. Extreme events will generate overland flows of storm water. Each lot will be designed to drain to the road and standard floor heights for dwellings manage storm water flows.

Gossage Road is on Council's assets register and will be maintained as determined by the road maintenance schedule.

The land is currently utilised as agricultural land but was rezoned for the purposes of Large Lot Residential under the current LEP and Comprehensive Land Use Strategy process. Impact on agricultural production and the proposed lot size were considered as part of the rezoning process. Nevertheless, the land is not prime agricultural land and the lot sizes are of a sufficient size to provide an adequate buffer from the boundary to any future dwelling location.

The adjoining crown land is not part of this application and the subdivision of the site will have minimal impact on the flora and faunas of the crown reserve.

The level of services available to the site are those that would be expected in a large lot residential subdivision.

(b) Submissions from public authorities

The application did not require referral to public authorities.

5. THE PUBLIC INTEREST

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

Having reviewed the proposal there are no federal, state, or local government and community interests with regard to this Development Application

6. CONSULTATIONS

Development Engineer

The Manager of Development Engineering has advised that reticulated water and sewer services are not available to the subject land. The Manager has recommended standard conditions for the construction of the subdivision, construction and sealing of Adams Lead Road to include the intersection with Gossage Road and the construction and sealing of the proposed new road.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.

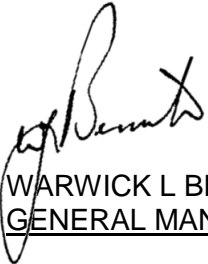
ELIZABETH STONEMAN
SENIOR TOWN PLANNER

CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY
SERVICES

19 February 2014

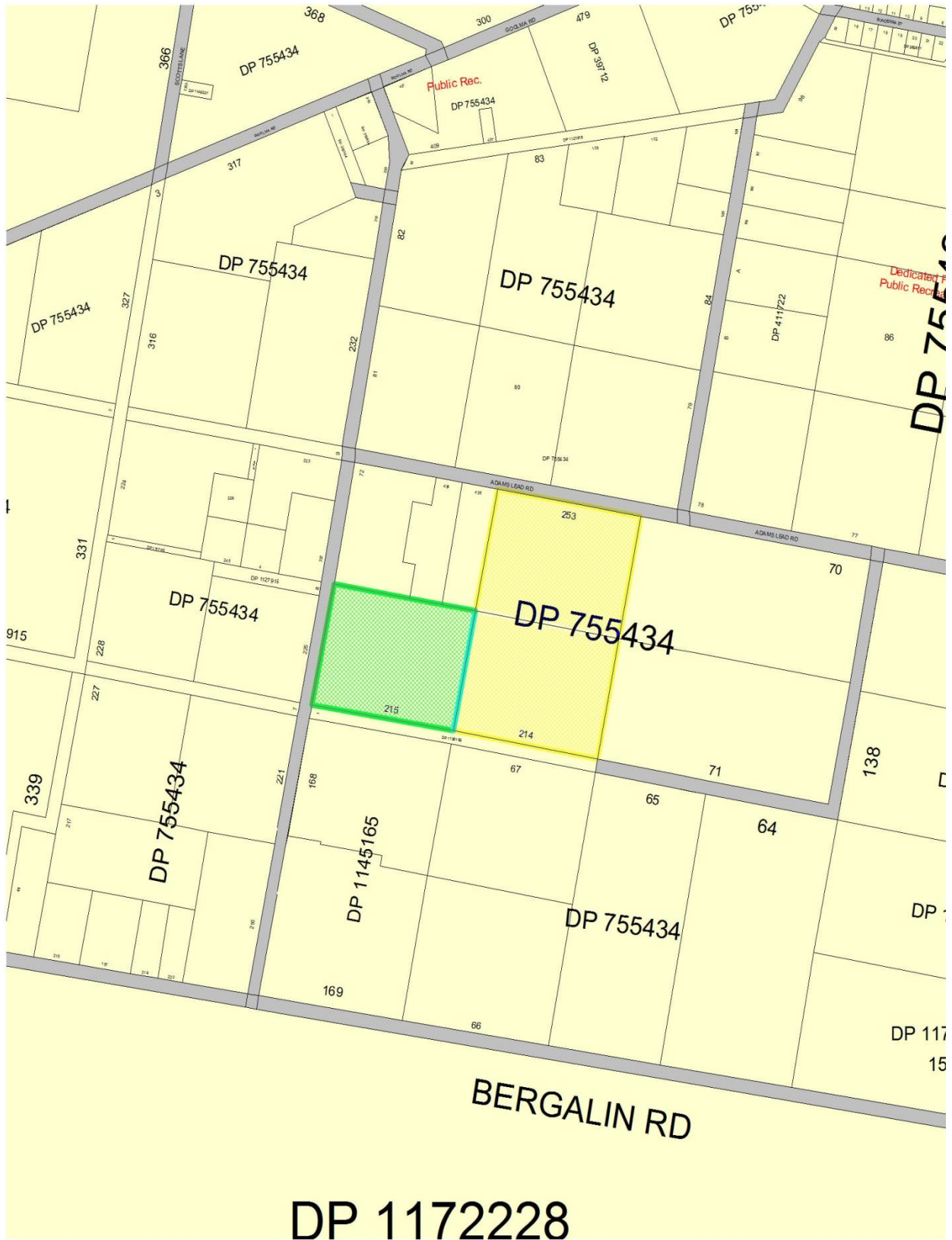
Attachments: 1. Location Plan
2. Aerial of site
3. Submissions

APPROVED FOR SUBMISSION:



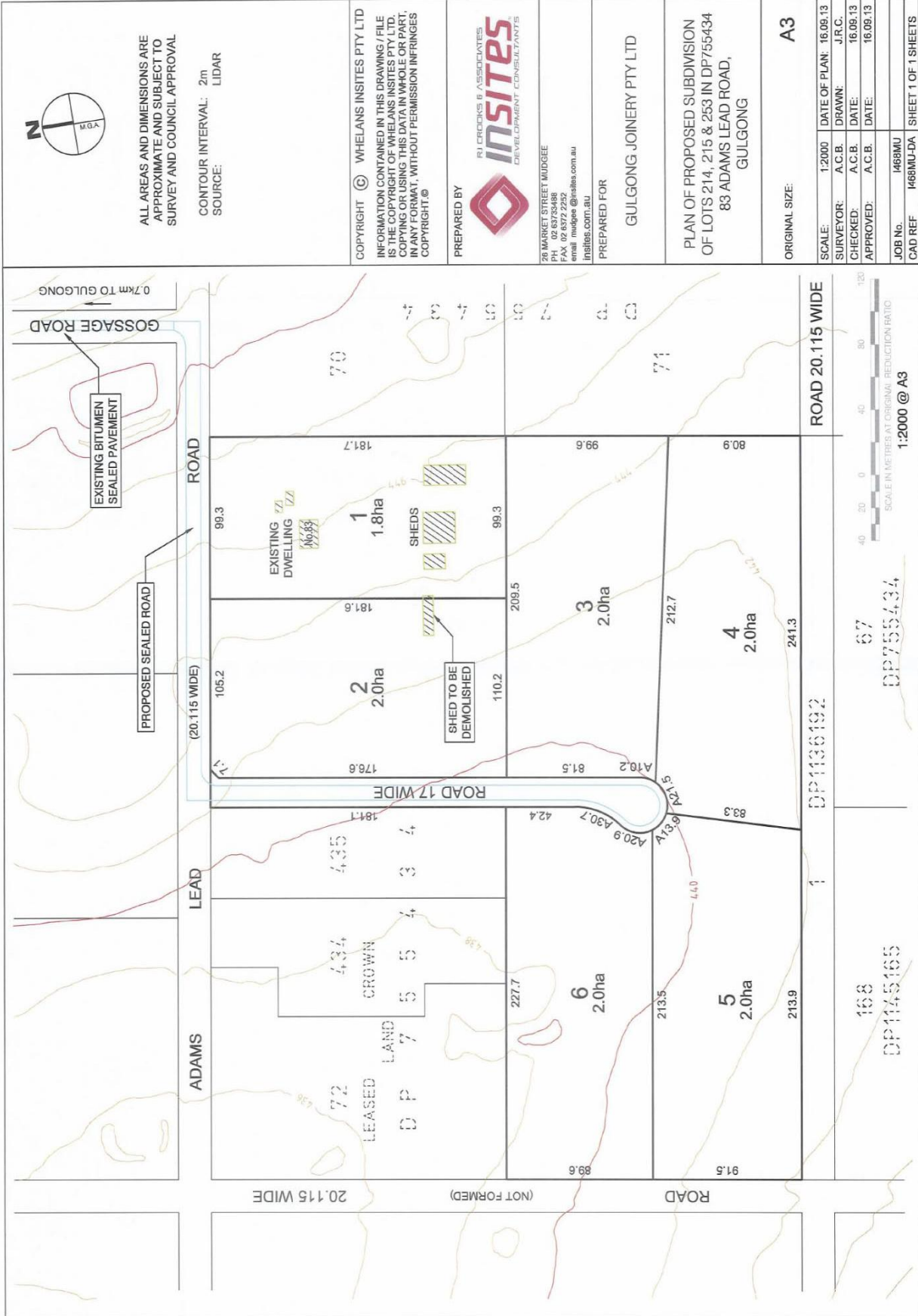
WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1 - Location Plan



ATTACHMENT 2 - Aerial Plan





ALL AREAS AND DIMENSIONS ARE APPROXIMATE AND SUBJECT TO SURVEY AND COUNCIL APPROVAL

CONTOUR INTERVAL: 2m
 SOURCE: LIDAR

COPYRIGHT © WHELANS INSITES PTY LTD
 INFORMATION CONTAINED IN THIS DRAWING / FILE IS THE COPYRIGHT OF WHELANS INSITES PTY LTD. COPYING OR USING THIS DATA IN WHOLE OR PART, IN ANY FORMAT, WITHOUT PERMISSION INFRINGES COPYRIGHT. ©



PREPARED BY
 26 MARKET STREET MUDGEE
 PH 02 63733888
 FAX 02 63733889
 email: mudgee@insites.com.au
 insites.com.au

PREPARED FOR
 GULGONG JOINERY PTY LTD

PLAN OF PROPOSED SUBDIVISION
 OF LOTS 214, 215 & 253 IN DP755434
 83 ADAMS LEAD ROAD,
 GULGONG

ORIGINAL SIZE:
A3

ATTACHMENT 3 - Submissions



P.O Box 477
Gulgong 2852
21/10/13

General Manager
Mid Western Regional Council
Market Street
MUDGEE 2850

Dear Sir,

Re: DA - DA0131/2014: Proposed
Sub-Division at 83 Adams Lead Road
Gulgong: Lots 215/214/253 DP 755 434

We wish to support Mr. & Mrs Gossage in their objection regarding the Proposed Sub-Division at 83 Adams Lead Road Gulgong submitted by Mr. Warner (Gulgong Joinery Pty.Ltd.)

Mr & Mrs Gossage are neighbours of ours and run quality cattle on their property which will be impacted by this DA. They have spent their life in building up their grazing properties and have contributed much to the Community of Gulgong. We will be indirectly affected by the sub division as we are adjacent to it.

These are some of our particular concerns/objections regarding this DA:

1. It is surrounded by Prime agricultural land
2. The area has been subjected to flooding in the past.
3. A big concern is grass fires as occurred several years ago on Dales sheep property adjacent to this sub division.
4. Environmental concerns, as there is Crown Land on the property leased Mr. David Warner, which is a wildlife corridor for the wildlife from Adams Lead Reserve -- also it has a remnant of the old Grassy Box Woodland which will be impacted by this sub division. This particular vegetation type is classified as an endangered ecological community. (See Federal Environment Act 2006)
5. Access roads to the sub division especially for Emergency Services and the Fire Brigade, they need to be of a high standard to support the best possible access for these services.
6. Have the necessary surveys/assessments been done to ascertain Fire Risk - Flood Risk - Environmental damage/degradation? Before considering this DA for approval - these assessments should be carried out by the appropriate authorities.
7. This sub division is out of the village of Gulgong, so a long, hot walk into the CBD, is not a prospect. A car is a necessity to get about as there is no public Transport provided in Gulgong. There are limited services to these lots, particularly water and sewerage.
8. This DA is not compatible with the surrounding sheep and cattle grazing activities, which as we know are not a 9-5 job -- early starts and into the night - drenching, trucking

ACK

- 2 -

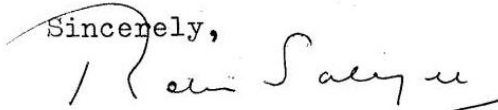
8. them in and out, noise, dust etc.

This will hardly minimise conflicts of interest between the farmers & lifestyle residents, which was one of the Aims of the LEP.

One of the R5 objects stated was "... to minimise conflicts between land uses within this zone and land uses within adjoining zones"

We object to this DA Proposal, as it does not satisfy the above issues raised in this letter, and is, in fact contrary to the Aims of Council's LEP.

Sincerely,



G.Chislett & R. Salenger

"Park View"
P.O. Box 56
Gulgong
28-10-13

The General Manager
Mr. W. Bennett
Mid Western Reg Council
Mudgee



Dear Sir,

Development Application DA0131/2014
83 Adams Lead Road Gulgong 2852.
Lot 215 Lot 214 & Lot 253.

I would like to object to this D.A application.
This Sub. Division is going to be (if allowed)
a total disaster, no water, no garbage collection
only septic tanks & no mail service.

The people leasing the property now are continually
casting water for their horses and domestic use.

The D.A reads no flooding, if Mr Warner recalls
in 2003 the disastrous flood, washed away many
of our fences (Photos enclosed) & Mr Warner's ground
leased from the Crown. Mr Warner employed Mr
Mark Southwell to repair his fences, the water
flooded straight down through the middle of this
ground, lots 3, 4, 5, 6. of which in heavy rains
the road into these lots will get flooded.

Having owned & lived on this property for many
years. All buildings were built by my husband
also Gossage Rd. all pipes were bought & paid for by
my husband. We have mowed & looked after
Gossage Rd. Noxious weeds etc. always picking up rubbish
on the road.

Gossage Rd would have to be up graded only very thin bitumen & breaking up. Was put down in 2000 & would need re sheeting.

I recall two Fires on the property when we owned it. The year after the flood we cut 6000 Baithusa Bunts on a 30 acre paddock the results of the flooding our ground is North & West of this D.A. the property concerned is covered in Karkii Weed.

We have 9 gates leading onto Gossage Rd & Adams Lead Rd. Which we move stock along these roads also machinery. All boundaries would have to be fully fenced.

Warners property is not adjacent to town, there are many acres of Prime Agriculture land between his property & town.

When I spoke to Councillor Cavallier about spring & Warners ground he said it should not have been passed in first place as it was leap frogging over prime agriculture land. We recall Mr. Bennett's saying at Town Forum. We do make mistakes.

For 60 years we have kept all roads adjacent to our property South West of Gulzeng free of noxious weeds, supplying the spray etc to do the job also picking up rubbish. I feel we need a break off this job. From here on Council can spray & keep the roads clean.

These lots are too small to be agriculture land can only be a life style Residence, cannot make a living off 2 H.A of ground.

Mr Warners long term residents of the town confirmed that prior to 1974 was only used for grazing & grain for a short time Poultry farming

I can inform Mr. Warner that there was a Stock
Feed manufacturing business, Poultry abattoirs
'Gibbards Chicken' of which the building has been converted
to a residence, egg production supplying Gulgerang
& mudgee also Piggery

Some people get these stories wrong
There is also asbestos lying about & in the
ground

So please give this a lot of consideration
(no more mistakes) for adjoining properties that have
been used for farming & grazing these properties for
over 60 years to have a subdivision joining
will be a right mess, not only for property
owners but purchasers of these small holdings

Thanking you

Gloria Gossage

Warners Buildings behind the trees



MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
29 OCT 2013
 SCANNED
 REGISTERED

Wanoo Ground





*George Paddock, Fences gone the Flood came down through
Waters in 2003*

6.2.2 DA 0226/2014 – Proposed Multi Dwelling Housing Development (4 units) Lot 3 DP 1171264, 1 Wilbetree Street Gulgong

REPORT BY THE SENIOR PLANNER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council

GOV400038, DA0226/2014

RECOMMENDATION

That:

1. the report by the Senior Town Planner on Development Application 0226/2014 Proposed four (4) Multi Dwelling Housing and Subdivision development, Lot 3 DP 1171264, Wilbetree Street Gulgong be received;
2. the variation of the minimum lot size for proposed Lots 31, 32, 33 and 34 be supported in the proposed plan of subdivision of Lot 3 DP 1171264, Wilbetree Street Gulgong;
3. Council approve Development Application 0226/2014 Proposed four (4) Multi Dwelling Housing and Subdivision development, Lot 3 DP 1171264, Wilbetree Street Gulgong subject to the following conditions:

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with stamped plans (Project No. 1.1, dated 30/09/2013, drawing No.s 01 – 08) prepared by Newall Homes 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.

AMENDMENT

2. A front fence is to be provided to the development. The fence is to be no higher than 1.2 metres and is to be generally of an open construction composed of timber and wire construction. Details are to be provided with the Construction Certificate.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

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

Water Headworks	\$12,049.00
Sewerage Headworks	\$ 7,154.00
Total Payable	\$19,203.00
 - (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.

BUILDING CONSTRUCTION

4. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice - Plumbing & Drainage.
5. The selected plumber/drainage must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections.
6. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
7. All building work must comply with the requirements of the National Construction Code 2013, together with the relevant Australian Standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
8. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stages of construction.
9. Construction work noise that is audible at other premises is to be restricted to the following times.
 - Monday to Friday -- 7.00am to 6.00pm
 - Saturday -- 8.00am to 1.00pm
 - No construction work is permitted on Sundays and Public Holidays.
10. The site must be provided with a waste enclosure (minimum 1800mm x 1800mm x 1200mm high) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on site. The enclosure is to be emptied periodically to reduce the potential for rubbish to be blown from the site.

The Council encourages the separation and recycling of suitable materials.
11. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
12. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - stating that unauthorised entry to the work site is prohibited, and
 - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
13. The strength of the concrete used for the reinforced concrete floor slab must be 25MPa (N25)
14. With the exception of work where there is in force an exemption under clause 187 or 188 of the Environmental Planning & Assessment Act 1979 all building work that involves residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

No work is to commence until a copy of a Home Owners Warranty or Owner/Builders Permit have been submitted to Council.

15. All stormwater is to discharge to the street water table by the use of non-flexible kerb adapters. Alternatively, stormwater can connect to the inter allotment drainage system if it is available.
16. Erosion and sediment control measures being implemented prior to the commencement of works and must be maintained during the period of construction to prevent sediment and other debris escaping from the site. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.
17. Prior to the commencement of any construction works, Council is to given at least 2 days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the EP&A Act.
18. Adequate yard drainage together with appropriately sized sumps must be provided for the collection and disposal of ground surface waters to prevent a nuisance from these waters being caused to the property and/or adjoining properties. The disposal of ground surface waters must discharge to the street gutter or interallotment drainage easement. The ground water drainage system must be separate to the roof water drainage system. Full details must be submitted with the Construction Certificate application.
19. A Registered Surveyors Certificate showing the boundaries of the site and the proposed buildings plotted there on being submitted to the Principal Certifying Authority prior to the commencement of construction.
20. The requirements of the submitted BASIX Certificates must be installed and/or completed in accordance with the commitments contained in that Certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council prior to the commencement of the alteration/s.

PRIOR TO OCCUPATION

21. Prior to the occupation of a new building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
22. Prior to the occupation of the building a written statement must be submitted to the Council confirming the installation/completion of those commitments.

ENGINEERING CONSTRUCTION

23. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
 - Saving available topsoil for reuse in the revegetation phase of the subdivision;
 - Using erosion control measures to prevent on-site damage;
 - Rehabilitating disturbed areas quickly;
 - Maintenance of erosion and sediment control structures;

24. 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.
25. 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
 - Practical Completion
26. The developer is to upgrade the Short Street for the full frontage of the proposed development, such that it has the following characteristics:

Item	Requirement
Half Road Pavement Width	4 m
Footpath Width	N/A
Concrete Footpaths	N/A
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

27. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
28. 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.
29. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.
- (Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges)
30. Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.

NOTE: Council's fee to issue a *Subdivision Certificate* is set out in Council's fees and charges.

31. 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.
32. The adjustment of existing services or installation of new services and metres, as required, in compliance with Australian Standard 3500: National Plumbing and Drainage Code. All costs associated with this work shall be borne by the developer.
33. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed inter-allotment drainage, water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
34. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and the appropriate Council standard drawings including M524-Urban Access, M525-Rural Access, M526-Industrial Access, M594-Kerb & Gutter Layback, as outlined in Councils "Access to Properties Policy".
- 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.
35. The applicant is to provide separate water and sewer reticulation services to each lot.
36. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lot plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
37. 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 \$1,650.00 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

38. The developer is to provide a sewer junction for each lot in the subdivision. This can be achieved by making a payment to Council of \$1,425.00 per new junction to cover the cost of Council installing a junction in an existing main.

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

39. 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 Development Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of:

Catchment 3 – No. Additional Lot/s - 3

Program	Total \$
<i>Transport Management</i>	
Traffic Management	\$1,881.00
<i>Open Space</i>	
Local Open Space	\$5,358.00
District Open Space	\$7,271.00
<i>Community Facilities</i>	
Library Buildings	\$ 702.00
Library Resources	\$ 841.00
<i>Administration</i>	
Plan Administration	\$1,635.00
TOTAL PAYABLE	\$17,688.00

GENERAL CONDITIONS RELATING TO THE DEVELOPMENT

40. A 1.8 metre high timber fence is to be provided to all side and rear boundaries prior to occupation of the development. All fencing is to be provided at full cost to the developer.
41. A 1.8 metre high timber fence or landscaping screen is to be provided between the private open space areas of the units, prior to occupation of the development.
42. Outdoor drying facilities and letterboxes are to be provided for each unit prior to occupation.
43. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the buildings.
44. Private open space areas for both unit 1 and unit 2 are to be provided with a level surface to at least 50% of the open space area.

Executive summary

Applicant:	Newall Homes Pty Ltd.
Estimated Cost of Development:	Multi Dwelling housing (4 units)
Reason for reporting to Council:	Variation to development standard
Public Submissions:	0

The proposed development relates to the construction of multi-dwelling housing containing four three bedroom units and subsequent subdivision.

The proposed development will present as two attached dual occupancies.

The proposed development has been assessed in accordance with 4.1 Multi Dwelling Housing of the Development Control Plan (DCP) and complies.

The application was advertised in local media and notified to adjoining land owners in accordance with part 1.10 of the DCP and no submissions were received.

Clause 4.1A(2)(b)(ii) of the Mid-Western Regional Local Environmental Plan (LEP) allows for subdivision of multi dwelling housing. The Clause stipulates a minimum area of 400m² per unit. The four lots will fail to meet this requirement, two of the lots propose a variation of greater than 10 percent, and accordingly the application exceeds staff delegation and is therefore being reported to Council for determination.

This variation is considered acceptable as the applicant could lodge two applications for attached dual occupancy and achieve the same built outcome without variation to the LEP.

Detailed report

1. REQUIREMENTS OF REGULATIONS AND POLICIES:

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (LEP)

The land is zoned R1 General Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012. Multi dwelling housing is permissible with the consent of Council on land that has an area of 1200m² or greater. The proposed development is consistent with the definition of multi dwelling housing, as defined below:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

The proposed development will provide for the housing needs of the community with a housing density not always provided. Therefore the proposed development is consistent with the following two Zone Objectives.

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*

The relevant Clauses of the LEP have been considered below:

Clause 4.1B Exceptions to minimum lot sizes for certain residential development

Clause 4.1A(2)(b)(ii) allows for subdivision of multi dwelling housing. The Clause stipulates a minimum area of 400m² per unit. The proposed resulting lots sizes are:

- Lot 1 – 377m²
- Lot 2 – 335m²
- Lot 3 – 334m²
- Lot 4 – 375m²

Clause 4.6 Exceptions to Development Standards

All four lots will fail to meet the minimum lot size requirement; therefore the applicant has provided justification for the variation in accordance with this clause. The key to the argument is the same building outcome and subdivision could occur without variation if the development were lodged as three applications; subdivision of the land and lodge two dual occupancy and subdivision applications. Accordingly, support of this variation is considered reasonable as the same built outcome can be achieved through two additional applications.

Clause 4.3 Height of Buildings

The maximum building height prescribed by the LEP is 8.5m. The proposed dwellings are all of single storey construction and are well below the prescribed development standard.

Clause 5.10 Heritage conservation

The subject site is located within the Gulgong Heritage Conservation Area and adjoins the site (not the item directly) of an Item of Environmental Heritage. The subject site is located on the periphery of the Heritage Conservation Area and is orientated away from the Item of Environmental Heritage.

The proposed buildings are single storey and of no distinct architectural theme. It is considered that they would not pose any significant impact on the Conservation area by virtue of the simple architecture.

The key impact of the proposed will be any future fencing; therefore an appropriate condition is included within the recommendation regarding the placement and type of fencing. In addition to the normal boundary fencing, it is proposed to require a front fence to add some traditional proportions and feel to the development. It is therefore considered the proposed development with conditions included within the recommendation is consistent with the Heritage Objectives.

Clause 6.1 Salinity

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

- a) whether the development is likely to have an adverse impact of salinity processes on the land;
- b) whether salinity is likely to have an impact on the development;
- c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The site is not mapped as being subject to salinity; however the Mid-Western Local Government Area is generally prone to dryland salinity. Compliance with Council's policies and conditions of consent regarding subdivision construction methods and site management should be sufficient to ensure this clause is satisfied.

Clause 6.9 Essential Services

Development consent must not be granted unless the consent authority is satisfied that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required. Due to the sites urban location and suitable conditions included within the recommendation this Clause can be satisfied.

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2012 (DCP)

Part 4.1 Multi Dwelling Housing has been considered and satisfied by the proposed development.

Clause	Requirement	Compliance/Comment
Built Form	<ul style="list-style-type: none"> - Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of development. - Building scale, height and bulk 	<p>The applicant has incorporated an acceptable degree of architectural features into the design.</p> <p>The single storey design is compatible with the established locality.</p>
Setbacks	<ul style="list-style-type: none"> (a) 4.5 metres to street frontage (b) 3 metres to side and rear boundaries (c) 3 metres to secondary frontages. 	The proposal complies with all setbacks
Development Density	<ul style="list-style-type: none"> - Density 3 bedroom - 1 dwelling per 310m² of site - Minimum floor area 85m² 	<p>Each dwelling has in excess of 310m² of site area.</p> <p>Each dwelling is in excess of the 85m².</p>
Landscaping	<ul style="list-style-type: none"> - Site landscaping must not be less than 40% 	The proposed development achieves this standard.
Site Coverage and Private Open Space	<ul style="list-style-type: none"> - Site coverage shall not exceed 40% - principal private open space 40m² (rainwater tanks are not to be located in this area) 	Each dwelling will have sufficient private open space, including a principal open space. Rainwater tanks are located within the private open space, but do not encroach on the principal open space.
Vehicular Access and Parking	<ul style="list-style-type: none"> - 2 spaces per 3 bedrooms. 	Single garages with area available for car parking directly in front of the garages have been provided.
Privacy and Amenity	<ul style="list-style-type: none"> - 6 metres separation or offset provided. - minimise overlooking - 1.8 metre high fence 	There is sufficient separation of 12 units between units. A specific, suitable condition is included within the recommendation.
Acoustic Privacy	<ul style="list-style-type: none"> - Separation of active recreational areas, parking areas, vehicle access ways and service equipment areas from bedrooms. 	Bedrooms are located away from active spaces.

Clause	Requirement	Compliance/Comment
Waste Disposal	<ul style="list-style-type: none">- Appropriate means of waste disposal.- Garbage bin access	<p>A suitable condition is included within the recommendation regarding provision of waste disposal.</p> <p>Garbage bin access has been provided through the garage to the private open space.</p>

Section 94 Development Contributions Plan

The development will benefit from one credit for the site and the generation of four debits. This equates to \$5,896.00 x 4 minus \$5,896.00 which is \$17,688.00.

Water and Sewage Development Servicing Plan

The development will benefit from a credit of one large lot and debit four new small lots. This equates to;

- Water - \$24,099 - \$12,050.00 = \$12,049.00
- Sewer - \$11,006 - \$3852.00 = \$7,154.00

2. IMPACT OF DEVELOPMENT

(a) Context and Setting

The proposed development consists of 4 units to be constructed on an allotment of land with frontages to two roads and a lane. The development site is located on the fringe of the Conservation Area and is surrounded by 1960's architecture.

The development site is less than 500 metres from the main business centre of Gulgong and is considered to be appropriately located.

(b) Access, transport and traffic

Access to the site is from Wilbetree Street, although the development has frontage to the public road system on all but one side of the development.

The proposed development would not significantly impact on the road network and the local road network is considered to be capable of accepting traffic from the development.

(c) Public domain

No negative impacts on the public domain have been identified with this proposal.

(d) Utilities

Reticulated water and sewer are available to the site.

Electricity and telecommunication services can be connected to the subject site.

(e) Heritage

There is one item of European heritage listed in MWRLEP 2012 in the locality and the development site is within the Conservation Area. European Heritage as been discussed above in this report. It has been recommended that the boundary fences be constructed of timber and that the development incorporate a front fence. This will facilitate a relationship between the development and the streetscape.

An AHIMs search has been undertaken for the site which did not identify any registered sites. Council's Cultural Heritage mapping does not identify the land has having a high potential for Aboriginal relics. A standard condition requiring appropriate action to be taken should relics be found is required on any determination

(f) Other land resources

There are no other land resources associated with the Development Application.

(g) Water

Stormwater will be harvested to provide water to the dwelling. All lots will be capable of draining to the road.

(h) Soils

The previous uses of the site were assessed with the subdivision application. It is considered that the land is suitable for the proposed use.

(i) Air and Microclimate

The development will not adversely affect air quality nor will the micro climate be adversely affected.

(j) Flora & fauna

The subject land has been cleared and is located in an urban area. There is no significant flora or fauna on the site.

(l) Energy

There are no energy concerns with this application. The proposed development can be serviced with underground electricity

(m) Noise & vibration

The development of four (4) residential units is unlikely to significantly increase the noise impacts in the locality.

(n) Natural Hazards

The site is not affected by any natural hazards such as flooding and being outside the mapped Bushfire area.

(p) Safety, security and crime prevention

All units are designed to front the public roads and have an outlook to a public place providing security to both the houses and the public space

(q) Economic and Social impact in the locality

The provision of new residential units will provide housing choice in the Gulgong area and potentially increase the population of the area.

(s) Site design and internal design

The development is designed to comply with Council's DCP 2013 including the provision of services and utilities.

3. SUITABILITY OF SITE FOR DEVELOPMENT

(a) Does the proposal fit in the locality?

The immediate locality is characterised by one Item of Environmental Heritage and more generally modern dwellings that do not have a particular architectural theme. The proposed development is therefore considered consistent with the locality.

(b) Are the site attributes conducive to development?

The subject site has three road frontages making the site conducive to the development.

4. SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

(a) Public Submissions

No submissions were received.

(b) Submissions from public authorities

No submissions from public authorities.

5. THE PUBLIC INTEREST

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

N/A

6. CONSULTATIONS

(a) Health & Building.

No objection subject to conditions included within the recommendation.

(b) Development Engineer.

No objection subject to conditions included within the recommendation.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community.



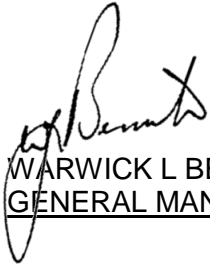
CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

SARAH ARMSTRONG
SENIOR TOWN PLANNER

21 February 2014

Attachments: 1. Locality plan
2. Architectural Plans

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



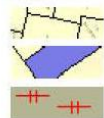
Map Scale: 1:1,400

Disclaimer

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

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

Legend



Parcel
 Crown Land
 Railway



Parish
 Localities
 LGA Boundary



NORTH
 Road
 State Forest
 Waterway



Printed on Friday, 21 February 2014




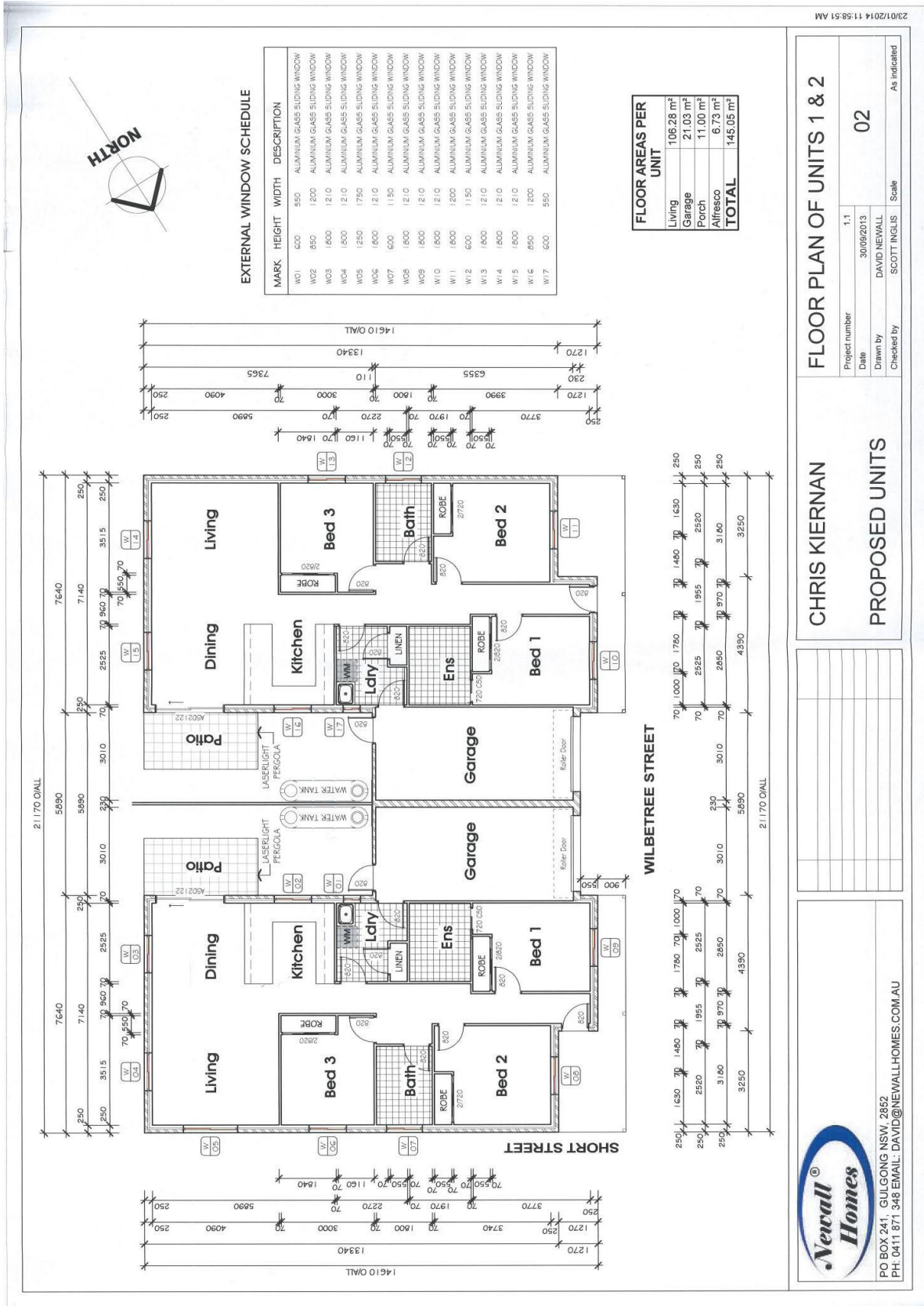
ARTIST IMPRESSIONS

PROPOSED UNITS

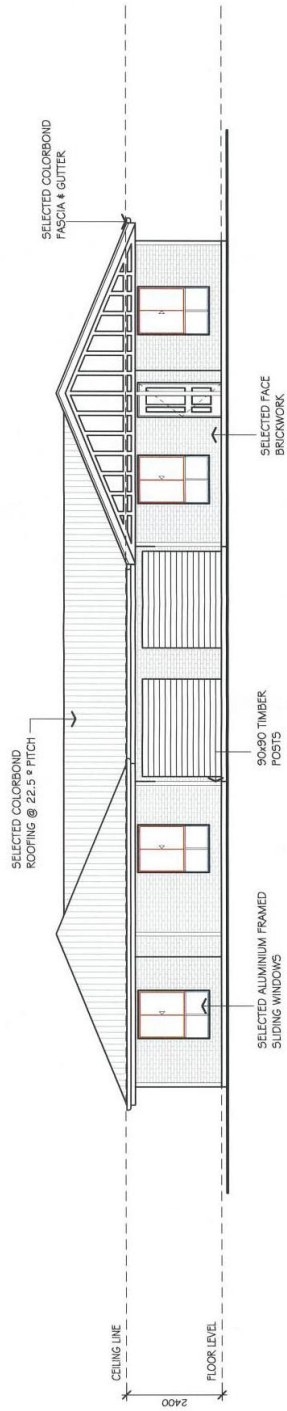
LOT 3 - DP. 1171264

CORNER OF BROAD STREET & WILBETREE STREET

 <p>PO BOX 241, GULGONG NSW, 2852 PH: 0411 871 348 EMAIL: DAVID@NEWALLHOMES.COM.AU</p>		<p>CHRIS KIERNAN</p> <p>PROPOSED UNITS</p>	<p>3D PERSPECTIVE</p> <table border="1"> <tr> <td>Project number</td> <td>1,1</td> </tr> <tr> <td>Date</td> <td>30/09/2013</td> </tr> <tr> <td>Drawn by</td> <td>DAVID NEWALL</td> </tr> <tr> <td>Checked by</td> <td>SCOTT INGLIS</td> </tr> <tr> <td>Scale</td> <td>1 : 1</td> </tr> </table>	Project number	1,1	Date	30/09/2013	Drawn by	DAVID NEWALL	Checked by	SCOTT INGLIS	Scale	1 : 1
Project number	1,1												
Date	30/09/2013												
Drawn by	DAVID NEWALL												
Checked by	SCOTT INGLIS												
Scale	1 : 1												



23/01/2014 11:58:51 AM



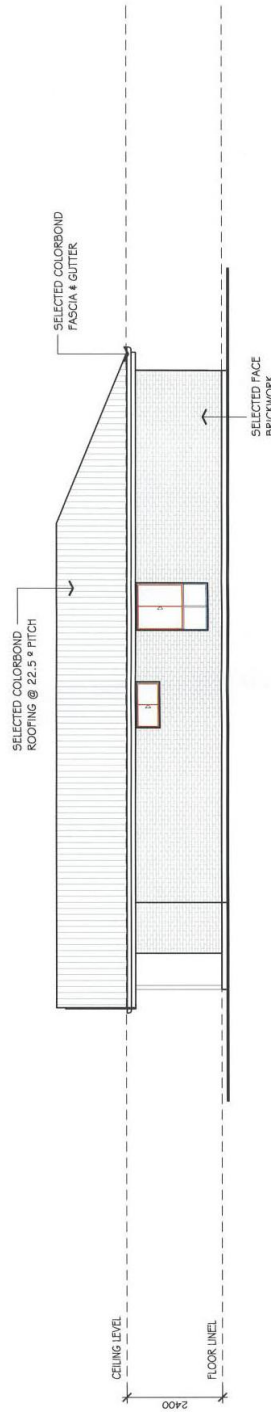
ELEVATION 1

SCALE: 1 : 100



GRAPHIC SCALE

WILBETREE STREET



ELEVATION 2

SCALE: 1 : 100

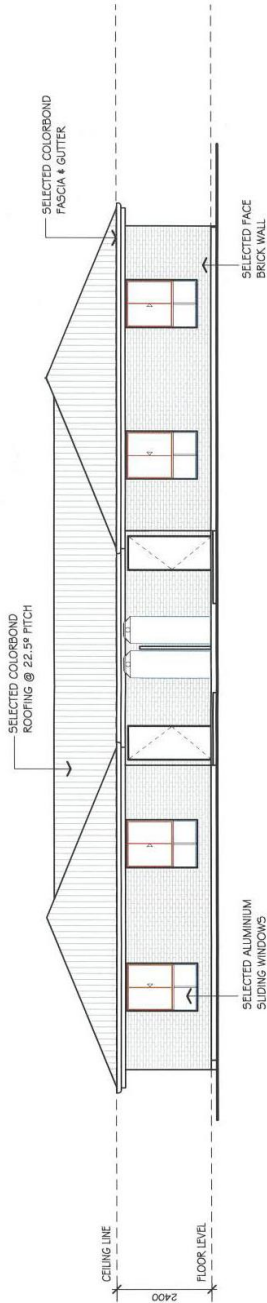
PO BOX 241, GULGONG NSW, 2852
PH: 0411 871 348 EMAIL: DAVID@NEWALLHOMES.COM.AU

CHRIS KIERNAN
PROPOSED UNITS

ELEVATIONS (UNITS 1 & 2)

Project number	1.1
Date	30/09/2013
Drawn by	DAVID NEWALL
Checked by	SCOTT INGLIS
Scale	1 : 100

23/07/2014 11:58:51 AM

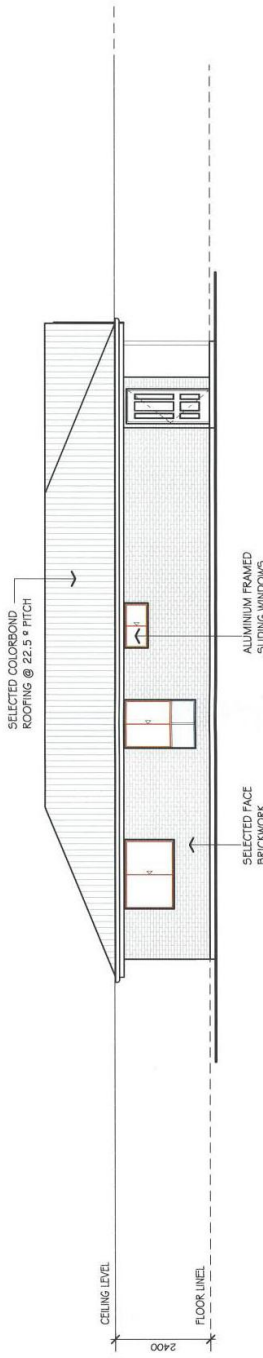


1 ELEVATION 3

SCALE: 1 : 100



GRAPHIC SCALE



2 ELEVATION 4

SCALE: 1 : 100



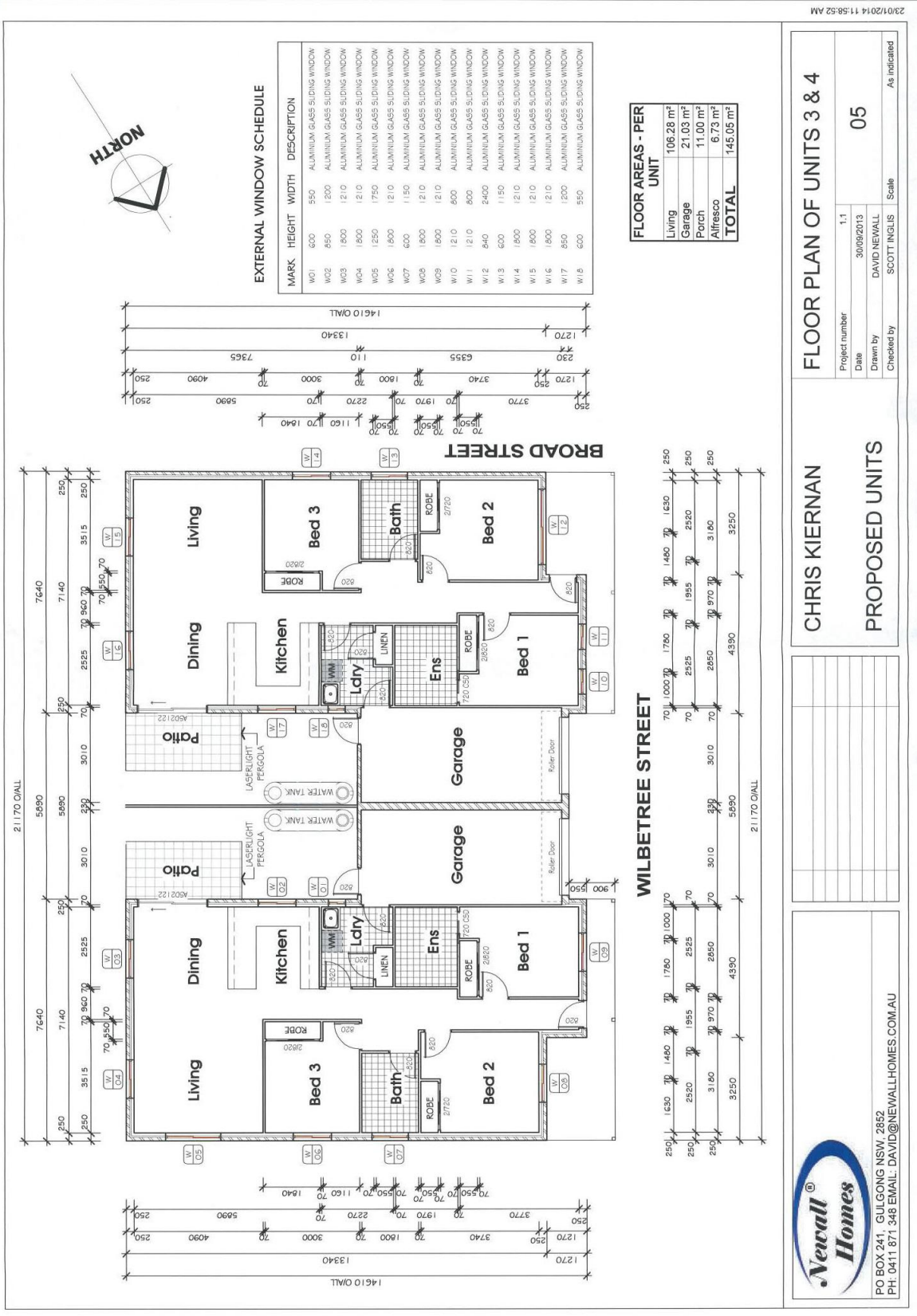
PO BOX 241, GULGONG NSW, 2852
 PH: 0411 871 348 EMAIL: DAVID@NEWALLHOMES.COM.AU

CHRIS KIERNAN

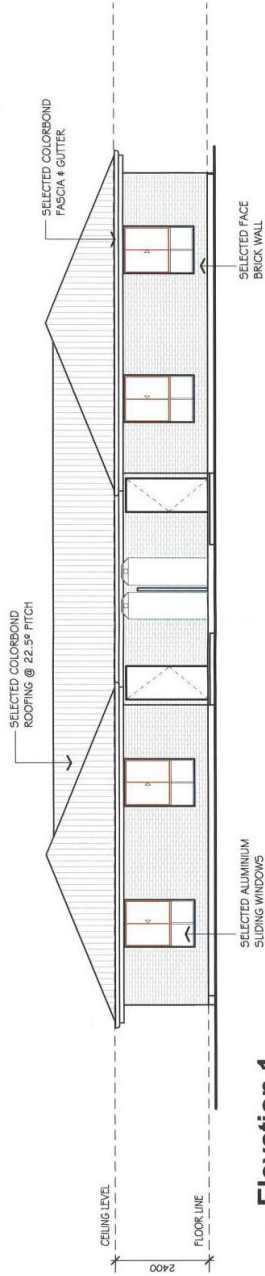
PROPOSED UNITS

ELEVATIONS (UNIT 1 & 2)

Project number	1:1
Date	30/09/2013
Drawn by	DAVID NEWALL
Checked by	SCOTT INGLIS
Scale	1 : 100

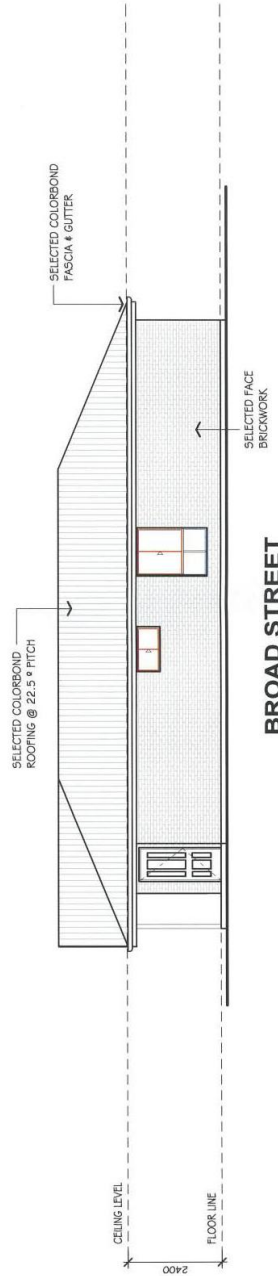


23/01/2014 11:58:52 AM



1 Elevation 1

SCALE: 1 : 100



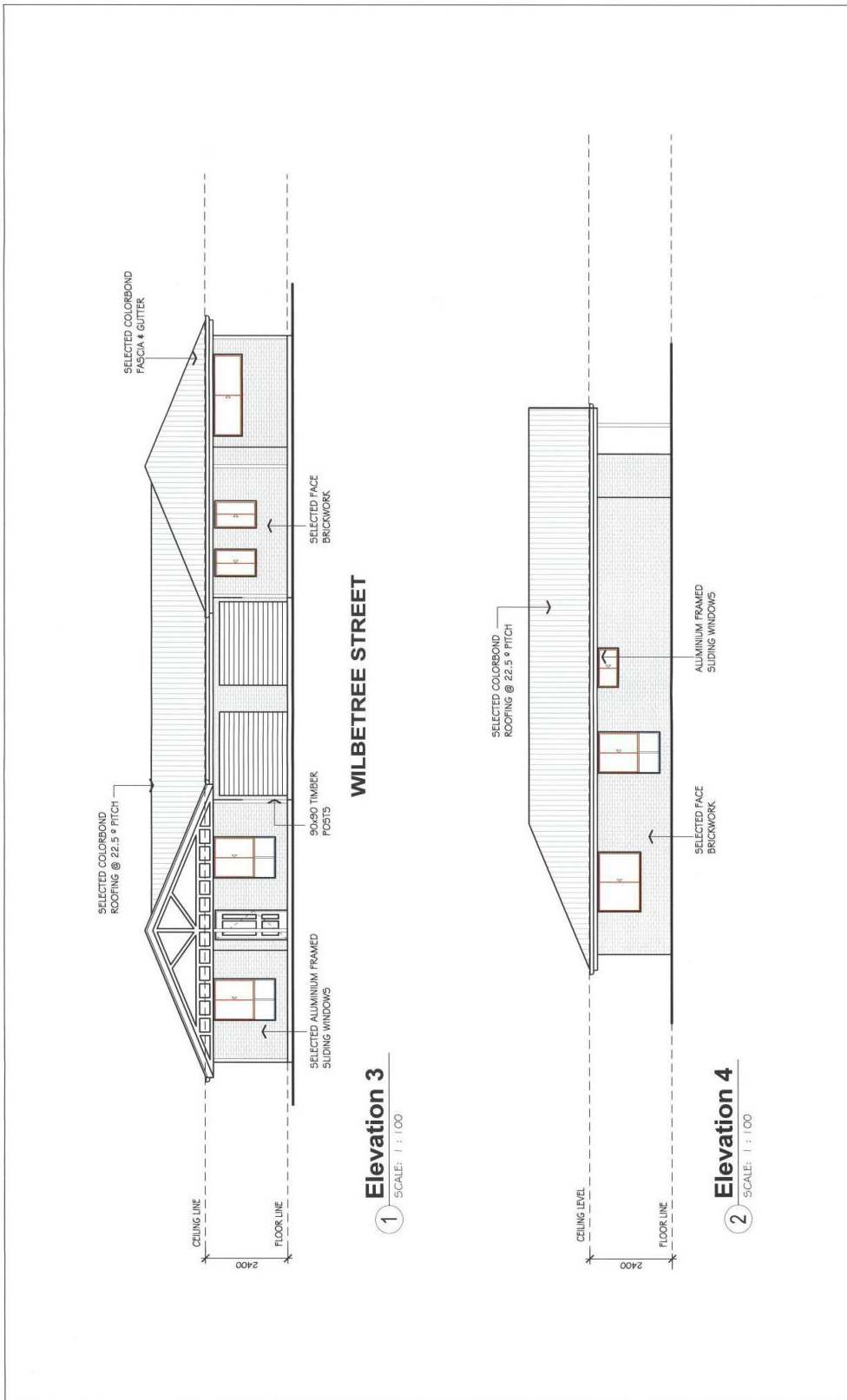
2 Elevation 2

SCALE: 1 : 100

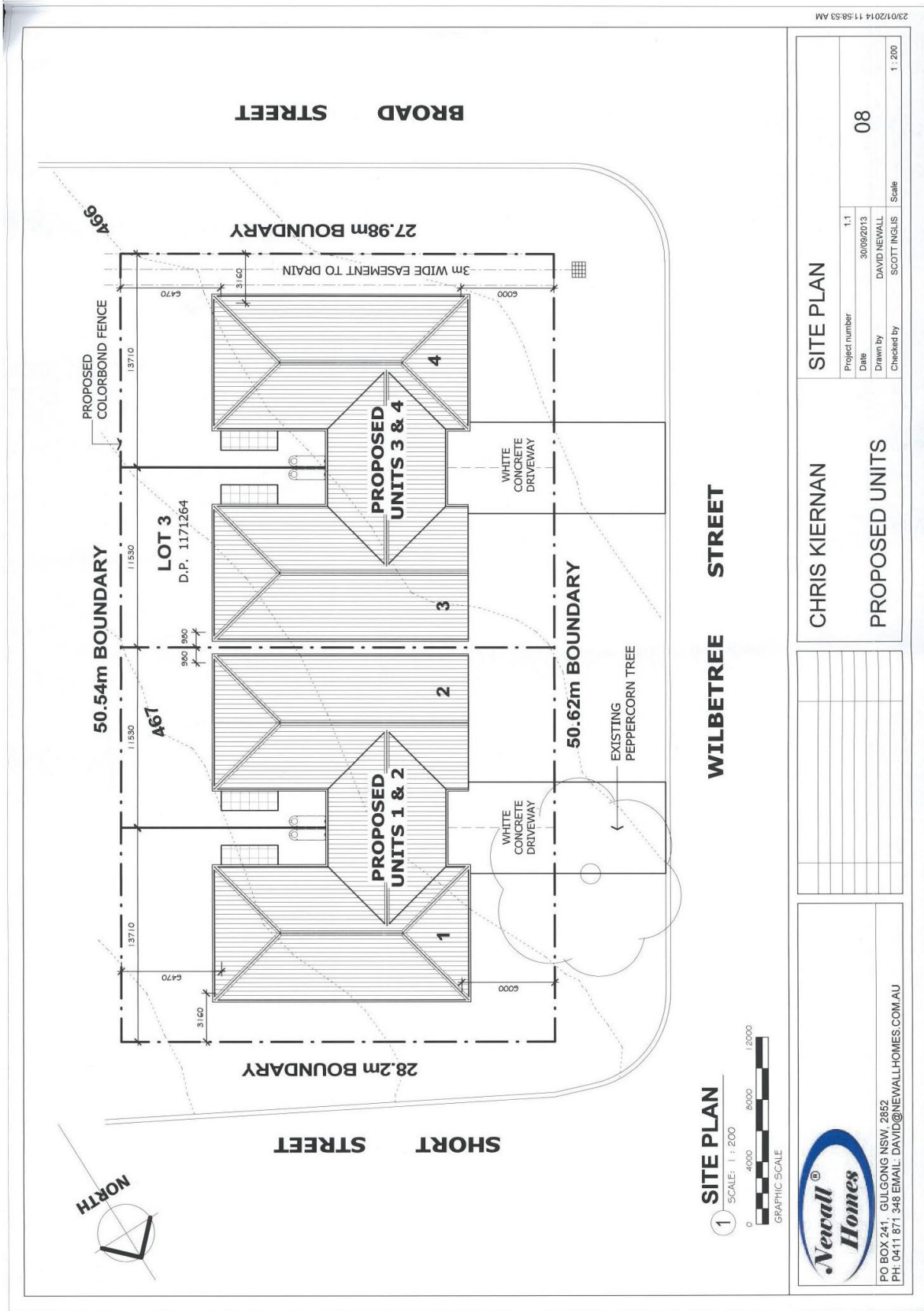
	CHRIS KIERNAN PROPOSED UNITS	ELEVATIONS (UNIT 3 & 4)
PO BOX 241, GULGONG NSW, 2852 PH: 0411 871 348 EMAIL: DAVID@NEWALLHOMES.COM.AU		
	Project number: 1:1 Date: 30/09/2013 Drawn by: DAVID NEWALL Checked by: SCOTT INGLIS	Scale: 1:100

23/01/2014 11:58:52 AM

23/01/2014 11:58:52 AM



<p>CHRIS KIERNAN</p> <p>PROPOSED UNITS</p>	<p>ELEVATIONS (UNITS 3 & 4)</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: none;">Project number</td> <td style="border: none;">1:1</td> </tr> <tr> <td style="border: none;">Date</td> <td style="border: none;">30/09/2013</td> </tr> <tr> <td style="border: none;">Drawn by</td> <td style="border: none;">DAVID NEWALL</td> </tr> <tr> <td style="border: none;">Checked by</td> <td style="border: none;">SCOTT INGLIS</td> </tr> <tr> <td style="border: none;">Scale</td> <td style="border: none;">1:100</td> </tr> </table>	Project number	1:1	Date	30/09/2013	Drawn by	DAVID NEWALL	Checked by	SCOTT INGLIS	Scale	1:100
Project number	1:1										
Date	30/09/2013										
Drawn by	DAVID NEWALL										
Checked by	SCOTT INGLIS										
Scale	1:100										
<p>PO BOX 241, GULGONG NSW, 2852 PH. 0411 871 348 EMAIL: DAVID@NEWALLHOMES.COM.AU</p>											



23/01/2014 11:58:53 AM

Project number	111
Date	30/05/2013
Drawn by	DAVID NEWALL
Checked by	SCOTT INGLIS
Scale	1 : 200

SITE PLAN

CHRIS KIERNAN

PROPOSED UNITS

Newall Homes

PO BOX 241, GULI GONG NSW 2852
PH: 0411 871 348 EMAIL: DAVID@NEWALLHOMES.COM.AU

6.2.3 Planning Proposal Dwelling Entitlement Lots 28 & 29 DP 755414 Botobolar – Consideration of Submissions

REPORT BY THE MANAGER STRATEGIC PLANNING TO 5 MARCH 2014 COUNCIL MEETING

PP Newson

GOV400038, A0420258

RECOMMENDATION

That:

1. **the report by the Manager Strategic Planning on the Planning Proposal Dwelling Entitlement Lots 28 & 29 DP 755414 Botobolar – Consideration of Submissions be received;**
2. **Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to consolidate lots 28 & 29 DP 755414 and permit a dwelling house in association with intensive plant agriculture and that the plan be made subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

On 20 November 2013 Council resolved to prepare a Planning Proposal for an amendment to Local Environmental Plan 2012 (LEP) to consolidate lots 28 & 29 DP 755414 and permit a dwelling house in association with intensive plant agriculture under Schedule 1 – Additional Permitted Uses.

The Department of Planning and Infrastructure (DOPI) issued a Gateway determination (attachment 1) which was received by Council on 2nd January 2014. The Gateway Determination authorised Council to prepare the amended plan under delegation from the Minister Planning and Infrastructure. The Gateway Determination required consultation with the Department of Primary Industries (DPI) and public exhibition for a period of 28 days. Council received a submission from DPI, however, no public submissions were received.

Detailed report

The Planning Proposal was not considered minor in nature and was therefore required to be notified for 28 days and as stated above no public submissions were forthcoming.

The submission from the DPI (Attachment 2) raised a number of issues relevant to a development application for the land use, rather than the variation in of the LEP to enable the land use as a potential outcome for the site subject to an application. It should be noted that the commencement of the LEP amendment will provide the land owner or another person with the opportunity to lodge a development application for a dwelling not an approval for the erection of a dwelling on the site.

PROCESS

The draft amendment does not require any changes to the mapping in the LEP, rather inclusion of the use is Schedule 1 and has been forwarded to Parliamentary Counsel requesting an Opinion. Once an Opinion has been received the draft plan will be made and the plan, along with an assessment report and completed delegation reporting template, will be sent to the DOPI who will then arrange notification.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Managing land supply through strategic planning falls under the theme Looking After Our Community in the Community Plan under the goals of Vibrant Towns and Villages. There are no specific strategies identified.

ELIZABETH DENSLEY
MANAGER STRATEGIC PLANNING

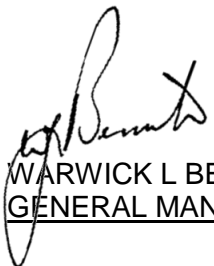


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

21 February 2014

Attachments: 1. Gateway Determination
2. DPI Submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



Planning & Infrastructure

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

Contact: Megan Jones
Phone: (02) 6841 2180
Fax: (02) 6884 8483
Email: Megan.Jones@planning.nsw.gov.au
Postal: PO Box 58, Dubbo NSW 2830

Our ref: PP_2013_MIDWR_008_00 (13/19749)
Your ref: (ED) A0420258



Dear Mr Bennett,

Planning proposal to amend Mid-Western Local Environmental Plan 2012

I am writing in response to your Council's letter dated 27 November 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to consolidate lots and permit a dwelling house in association with intensive plant agriculture as an additional permitted use on Lots 28 and 29 DP 755414 at Botobolar Road, Botobolar.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Megan Jones of the regional office of the department on 02 6841 2180.

Yours sincerely,



Neil McGaffin 23.12.13
Acting Deputy Director General
Growth Planning & Delivery

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template



Planning & Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP_2013_MIDWR_008_00): to consolidate lots and permit a dwelling on a land at Botobolar.

I, the Acting Deputy Director General, Growth Planning and Delivery at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Mid-Western Local Environmental Plan (LEP) 2012 to consolidate lots and permit a dwelling house in association with intensive plant agriculture as an additional permitted use on Lots 28 and 29 DP 755414 at Botobolar Road, Botobolar should proceed subject to the following conditions:

1. Council is to place on public exhibition with the planning proposal, the additional information provided to the Department on 12 December 2013 outlining its preference to use Schedule 1 to permit a dwelling on land at Botobola and information on consistency with Section 117 Directions and State Environmental Planning Policies. Council is to ensure the planning proposal addresses all relevant matters which are to be included in the planning proposal as specified in *A Guide to Preparing Planning Proposals* including a project timeline.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
3. Council is to consult with the Department of Primary Industries (DPI) - Agriculture as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries. The planning proposal should be updated to take into consideration any comments made. DPI is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



**Planning &
Infrastructure**

5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 23 day of September 2013.

A handwritten signature in black ink, appearing to read "Neil McGaffin".

**Neil McGaffin
Acting Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure**

**Delegate of the Minister for Planning &
Infrastructure**



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Mid-Western Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_MIDWR_008_00	Planning proposal to to consolidate lots and permit a dwelling house in association with intensive plant agriculture as an additional permitted use on Lots 28 and 29 DP 755414 at Botobolar Road, Botobolar.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated 23 December 2013

Neil McGaffin
Acting Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_MIDWR_008_00
Date Sent to Department under s56	27/11/2013
Date considered at LEP Review Panel	19/12/2013
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:



V14/160#2
OUT14/3850

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

Attention: Ms Liz Densley, Manager Strategic Planning

Dear Liz

Planning Proposal – Dwelling Entitlement Lots 28 & 29 DP 755414

Thank you for the opportunity for the Department of Primary Industries to comment on this planning proposal regarding the reinstatement of a dwelling entitlement that relies on the establishment of an intensive agricultural enterprise on the lots.

The only outstanding issue is that a genuine commitment be made to the proposed olive grove. As stated in the development application, a water bore for irrigation supply will be developed. As noted from the Department's guideline for the preparation of a development application for intensive plant development, there is a necessity to ensure the following is undertaken:

ground and surface water resource quality, availability and relevant licence details. Include current water sharing plan and access conditions. This should document / tabulate the amount of water available from all sources (eg dams, bores, tanks, effluent re-use, town water and harvestable rights). This can be verified by a copy of all water licences setting out their volumes and conditions. For bores a copy of recent pump test showing water recovery should also be provided. For new horticultural developments evidence should also be provided of consultation with the NSW Office of Water.

(From <http://www.dpi.nsw.gov.au/agriculture/resources/lup/development-assessment/plant-apps>)

It is noted that a trial regarding olives has also been undertaken. The development of this trial and monitoring that should have included the rate of growth, climatic conditions (including rainfall and evaporation), irrigation frequency and amount and yields (and further market testing) should provide a guide to both suitable varieties, and tree establishment and management requirements for the olive grove to be confidently established.

Cnr Hampden and Cobra Sts, Dubbo NSW 2830
Tel: 02 68811270 Fax: 02 68811295
www.industry.nsw.gov.au
www.dpi.nsw.gov.au | ABN: 72 189 919 072

With such developments a genuine commitment to the development of the intensive plant agricultural development is usually required prior to dwelling establishment. Generally establishing a full irrigation system is required with about 50% of the planting originally planned for established. In this case procuring a reliable and adequate water source is essential to establish the irrigation systems and that a reasonable portion of planting should also be undertaken to formalise the need for a dwelling entitlement.

It should also be noted that the Department has produced two guidelines that allow development applications for intensive plant agriculture to be developed as indicated above, and another one for assessment purposes. This one is able to be accessed electronically at:
http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0012/423021/assessing-intensive-plant-agriculture-development-applications.pdf

Please contact me if you require further clarification on 6881 1250.

Yours faithfully,

Mary Kovac
Resource Management Officer
Central and Far West
DUBBO
31 January 2014

6.2.4 Update – Strategic Planning Program

REPORT BY THE DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES TO 5 MARCH 2014
COUNCIL MEETING
140305 Council
GOV400038, A0100056 A0420109

RECOMMENDATION

That:

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

Executive summary

The purpose of this report is to provide an update on the Strategic Planning Program for 2013/14. The program was last reported to Council on the 20 November 2013. The program is outlined in the table included in this report.

Detailed report

The table attached to this report as attachment 1 outlines a Strategic Planning Program (SPP) for 2013/14. The table includes an indicative timeframe for projects but it should be noted that these timeframes need to be flexible due to the reliance on the Department of Planning and Infrastructure for the completion of some of the projects and the need to adjust the timetable to cater for un-programmed projects such as urgent planning proposals or State Significant Development.

The projects have been derived from various sources including Council resolutions, Local Service Assessment Report by Manidis Roberts, Comprehensive Land Use Strategy and best practice. Since last reporting the program a number of the projects have been completed. The table includes the SPP as last reported to Council with further amendments and comment in the fourth column.

Financial and Operational Plan implications

Where possible grants will be sought to undertake strategic projects as outlined in the table in this report or funded from Section 94. All other work can be accommodated in the current delivery plan subject to changes in the indicative timetable as resources and constraints demand.

Community Plan implications

The work undertaken in the Strategic Planning Program is undertaken in accordance with Theme 1 – Looking After our Community.

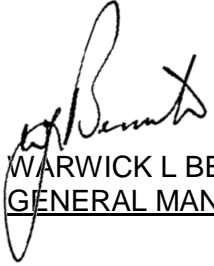


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

21 February 2014

Attachments: 1. Amended Strategic Planning Program

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

Project Name	Comment	Time Line as reported 20 November 2013 to Time Line	Comment / Amendments to Time Line
Strategic Plans and Strategies Comprehensive Development Control Plan	DCP has been implemented and the scheduled 6 month review has been undertaken with several amendments considered appropriate.	<ul style="list-style-type: none"> Six month review to be reported to Council in August. Exhibition in September. Report to Council in November. Reported to Council 3 October Exhibition 14 October to 11 November 2013. Industry workshop 31 October 2013. Report for adoption to delayed until 2 December to allow completion of exhibition prior to preparation of the report. 	COMPLETED
Recreation Strategy	The purpose of the Recreation Strategy is to review the current provision of open space and recreation facilities within the LGA examining the adequacy of provision and investigating opportunities for rationalisation of land holdings.	<ul style="list-style-type: none"> Draft Strategy to be presented to Council May 2013. Exhibition June/July 2013. Report to Council August 2013. Reported to Council 7 August 2013 for adoption. 	COMPLETED
Sensitivity mapping – Aboriginal Culture	This project is grant funded. The purpose of the project is to identify and map cultural sensitive landscapes to assist development assessment.	Report to Council in September 2013 with completed mapping and on ground works.	COMPLETED
Affordable Housing Strategy.	The purpose of this strategy is to investigate options for the provision of Affordable Housing and to develop a Council Policy.	<ul style="list-style-type: none"> Discussion Paper and exhibition completed. Report Strategy and Draft Policy to Council May 2013. Exhibition of Policy April 2013. Report to Council for adoption July 2013 	COMPLETED
Review of Town Structure Plans	An initial workshop was held with Council on 4 th October 2012. As a consequence of the Service Assessment Report commissioned by the Department of Planning it is	<ul style="list-style-type: none"> Report to Council in October to include a SWOT analysis and rough estimates of costs to service development area options. 	<ul style="list-style-type: none"> Structure Plans considered by Council at briefing on 20 November, 4 December, and 18 December 2013 with a report to Council.

Project Name	Comment	Time Line as reported 20 November 2013 to 20 November 2013	Comment / Amendments to Time Line
Section 94 Plan	<p>considered that the long term planning options for the development of Mudgee should be reviewed.</p> <p>Council Section 94 Plan is out of date. A large number of the projects in the schedule of works are completed or the works identified are no longer appropriate. The White Paper has indicated that there will be a new approach to developer contributions and it is recommended that any review be delayed until the new year. <i>In the interim a minor amendment is proposed to incorporate a contribution for Gross Pollutant Traps rather than requiring each development to undertake water quality control measures.</i></p>	<ul style="list-style-type: none"> Report to be presented to 20 November 2013. Amendment to Section 94 for GPTs report to Council August. Exhibition September. Report to Council in November. Report presented to Council 16 October 2013 to retain consultants to undertake concept design for GPT to allow costings. Ongoing timeline to be determined once response to brief obtained from consultants. 	<ul style="list-style-type: none"> Council resolved on the 18 December 2013 to defer consideration of the Structure Plans pending the investigation of the Development Servicing Plan and the investigation into drainage. Project on GPT delayed due to priorities of Catchment A and Caerleon. Amendment to Section 94 Plan adding additional items to works schedule including local park. – Completed Amendment to Section 94 Plan catchments reported to Council 19 February. On exhibition until 21 March.
Planning System Review	<p>Council has already endorsed a submission on the Green Paper.</p> <p>The release of the White paper is imminent and it is recommended that Council consider making a further submission regarding the amendment to the planning system. The timing of this project is driven by the DoPI but it is considered likely that submissions will be due by the end of May.</p>	<ul style="list-style-type: none"> Submission of grant application completed. Advised of successful grant application by press release 21 October 2013. Brief prepared and sent to the Regional Office of the DoPI for approval 29 October 2013. 	<ul style="list-style-type: none"> COMPLETED
Urban Release Strategy	<p>The development of an Urban Release Strategy was an outcome of the Comprehensive Land Use Strategy (CLUS) and a commitment given by Council to the DoPI in endorsing the CLUS.</p>	<ul style="list-style-type: none"> Received advice on 19 February that MOU had been signed by the DoPI. Expressions of Interest for consultants to undertake study close 28 February 2013. Time Line to be determined pending response to brief. 	

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
Implementation of the Land monitoring system	This is included in the discussion paper for Affordable Housing. There are benefits beyond the affordable housing implication for Council to implement a monitoring system including the ability to provide up to date information to developers and the promotion of sufficient land supply.	<ul style="list-style-type: none"> Commenced 30 July 2013 Monitoring to be further refined as part of the Urban Release Strategy. 	No further action during this reporting period.
Flood Study – Kandos Rylstone	The study is completed and will be reported to the Floodplain Management Committee	<ul style="list-style-type: none"> Report to Council in September for adoption of the study. Final comments referred to Consultant to complete study to enable report to Council. Report delayed by consultant. 	No further action during this reporting period.
Plan of Management – Flirtation Hill NEW PROJECT	Council has received a complaint regarding the current management of the site. It is evident that the site provides a number of opportunities regarding its future use and management and it is proposed that a Plan of Management be prepared to investigate all possible options including any option to rezone/ reclassify the land. The project has been timetabled to commence in January 2014 to coincide with the Investigation for the Regional Art Gallery/ Cultural Centre.	Timeline to be confirmed	Investigation of possible to occur as part of the pARTicipate process with Plan of Management to be prepared after completion of pARTicipate.

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
Investigation for Regional Art Gallery/ Cultural Centre NEW PROJECT	Project to commence in January 2014 and be completed by 30 June 2014.		<ul style="list-style-type: none"> • Report presented to Council 5 February 2013 outlining pARTicipate process. - completed • Electronic Survey launched 12 February 2013 to be closed 6 March 2013. • Street stalls held in Mudgee, Guigong and Rylstone – Completed • Public Workshop held on 17 February – Completed • Site visits to Bathurst, Orange and Dubbo conducted on 26 February. - completed • Report to Council 19 March 2014 outlining results of research • Report to Council 7 May outlining design options and Draft Business Plans. • Exhibition – May/ June. • Report to Council 18 June outlining result of exhibition • Outcomes notified to public.
Mudgee Traffic Study NEW PROJECT	Traffic to be undertaken to inform the new Section 94 Plan.		<ul style="list-style-type: none"> • Consultant has been employed to undertake study. • Draft report to be submitted to Council in May.
Planning Proposals			
73 A Amendment –	This is the mapping amendments required as a result of changes that the DoPI made to the Draft LEP post exhibition without first seeking editing by Council.		COMPLETED
	At the DoPI awaiting publication.		

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
Black Springs Road	An amendment to the Lot Size Map to facilitate the subdivision of an existing 30ha lot into two consistent with surrounding development.		COMPLETED
Blaxland- Caerleon	At the DoPI for publication- delay with mapping. Submitted to the DoPI 04/01/13 Rezoning of the Caerleon Residential precinct.		COMPLETED
Saleyard Lane- Caerleon	At the DoPI for publication –delay with mapping. Rezoning of the former saleyards and adjoining land west to the railway corridor to facilitate residential development.		COMPLETED
Grimshaw Lane	At the DoPI for publication- delay with mapping. Submitted to DoPI 07/01/13 Rezoning of land south of Gulgong to increase the development densities from 4000m ² and 10ha minimum to general residential (approx. 400 lots) <i>Council approved the final version of the maps on 11 July 2013 and have been advised that publication for the rezoning will occur in approximately 3 weeks from this date.</i>	Currently with the DoPI awaiting publication.	COMPLETED
Bellevue Road	Rezoning of land on the southern side of Bellevue Road to increase the development densities from 4000m ² to general residential (approx 30 lots) <i>This project in on schedule with a report to Council included in this business paper.</i>	<ul style="list-style-type: none"> • Awaiting response from RFS • Exhibition May 2013 • Report to Council July 2013. • Submission to DoPI August 2013. • Waiting for mapping by DoPI likely to be published in conjunction with General Amendment Minor. 	Draft with Parliamentary Counsel.

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
Motel – Sydney Road	<p>Enabling clause in the LEP to permit the use of the site for the purpose of a motel.</p> <ul style="list-style-type: none"> Submitted to the DoPI for gateway 15 January 2013. Revised Gateway received 24 June & email sent to applicant requesting additional traffic information 24/6/13. 	<ul style="list-style-type: none"> Awaiting additional information from applicant. Information received. Exhibition from 11 October 2013 to 25 October 2013. Report to Council 18 November 2013. 	<p>Draft with Parliamentary Counsel.</p>
General Amendment	<p>The purpose of this planning proposal is to make corrections to the LEP and fix any anomalies. This PP will include:</p> <ul style="list-style-type: none"> R5 Land at Grattai Mitre 10 – Business Environmental Sensitive Land – Water Map Ryestone Lot Size Farm Adjustment Clause Anomalies in the heritage schedule Clause 4.2 a – dwelling on rural land 2 ha minimum lot size at the airport. Reclassify drainage reserves Permissibility of camping in RE1 <p>There are some contentious issue in the amending LEP so additional time has been allowed in the time table for negotiations with the DoPI.</p>	<ul style="list-style-type: none"> Report to Council completed. Submission to DoPI for gateway August 2013 (may have to split Amendment based on complexity of changes) Response from DoPI August 2013. Exhibition October 2013. Report to Council November 2013. Submission to the DoPI for publication November 2013. This planning proposal has been split into two with the non contentious issues included in the minor amendment and the more contentious issues that may take longer to resolve included in major amendments. See below. 	<p>See below</p>
General Minor Amendments	<ul style="list-style-type: none"> Amendment to the R5 zone at Grattai – Lot 153 and 162 DP 756880, Extension of the B3 Commercial Core zone over Lot 100 DP 1080880 (Mitre-10), Amend anomalies in the heritage schedule Permissibility of camping in RE1 Public Recreation zone. 	<ul style="list-style-type: none"> Report to Council 6 November. Liaison with PC in regard to PC Opinion Nov 2013 Submission to the DoPI Dec 2013. 	<ul style="list-style-type: none"> With Parliamentary Counsel for an Opinion Anticipated publication date March 2014

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
<p>General Major Amendments</p>	<ul style="list-style-type: none"> Amend an omission to the Lot Size Map – Lot 300 DP 1092535 Reinstatement of Minimum Lot Size as per s73A Amendment No. 2 	<ul style="list-style-type: none"> Environmentally Sensitive Land – Water Map Farm Adjustment Clause Clause 4.2 a – dwelling on rural land 2 ha minimum lot size at the airport. Reclassify drainage reserves 	<ul style="list-style-type: none"> Proceeded through Gateway 22 October but formal notification of result yet to be received. Timeline to be confirmed when formal notification received. <ul style="list-style-type: none"> Public Exhibition to commence end Feb 2014 Public hearing late March date to be confirmed.
Maderia Road	Min No. 74/10 Ordinary Meeting 21 April 2010.	<ul style="list-style-type: none"> Report to Council August 2013 – submission to DoPI for gateway Gateway determination from the DoPI re exhibition requirements. – October 2013. Exhibition November 2013 Report to Council December 2013. Submission to DoPI December 2013. It is proposed to consider any rezoning of the site as part of an overall Plan of Management for Flirtation Hill. See above project 	<ul style="list-style-type: none"> No further action during this reporting period.
220 Ulan Road Mudgee	Planning Proposal to reduce the minimum lot size from 4 000m ² to 2 000m ²	<ul style="list-style-type: none"> Rescission motion to be presented to Council 20 November 2013. Timeline to be determined pending the outcome of the rescission motion. 	<ul style="list-style-type: none"> Gateway determination received 6 December 2013. Referral to RMS and CASA in accordance with Gateway for 21 Days. - Completed Exhibition of PP for 14 days in accordance with Gateway closing 31 January 2014. – Completed Report to Council 5 March 2014
Henry Bayly Drive	Pre-lodgement discussions have been undertaken with staff for the rezoning of land on the western side of Henry Bayly Drive to increase the development densities from 4000m ² to general residential	<ul style="list-style-type: none"> TBA At this stage the project is not proceeding to be deleted from SPP. 	<p>Deleted</p>

Project Name	Comment	Time Line as reported 20 November 2013 to Time Line	Comment / Amendments to Time Line
Rationalisation of Open Space	<p>Submission imminent.</p> <p>As a consequence of the Recreation Strategy it is envisaged that there will be an opportunity to rationalise some existing open space within LGA. This planning proposal will require a public hearing should there be any public submissions.</p> <p><i>Amendment of timeframes to allow detailed investigation of existing open space.</i></p>	<ul style="list-style-type: none"> Commence Planning Proposal with initial report to Council June 2014 subject to finalisation of Recreation Strategy No action in the last reporting period. 	<ul style="list-style-type: none"> Amendment made to Section 94 Plan to provide for an additional park in the Melton Road area. Investigations for suitable land currently being undertaken.
Rationalisation of Open Space – Jubilee Park	<p>As a consequence of the Recreation Strategy it is envisaged that there will be an opportunity to rationalise some existing open space within LGA. This planning proposal will require a public hearing should there be any public submissions.</p>	<ul style="list-style-type: none"> TBA pending the outcome of the Recreation Strategy. Project deferred pending further discussion with Rugby Club. 	<ul style="list-style-type: none"> Project deferred
Burrundulla Road Mudgee	<p>Planning Proposal to rezone to R5 with a 2 ha. minimum. Inconsistent with the CLUS. Pre submission review undertaken. Waiting for further information from the applicant.</p>	<ul style="list-style-type: none"> Planning Proposal submitted 6 November 2013. Report to Council December 2014. 	<ul style="list-style-type: none"> Reported to Council 4 December 2014. Council resolved the following: <i>the proponents be invited to withdraw their planning proposals with a full refund of their fees pending the completion of the Urban Release Strategy. Should the proponents choose not to withdraw their proposal then the Council defer consideration of the proposal until the Urban Release Strategy is completed.</i> <ul style="list-style-type: none"> Applicant advised of Council resolution. No further action until Urban Release Strategy is finalised.
Hill End Road Mudgee	<p>Planning Proposal to rezone to General Industrial. Consistent with the CLUS. Pre submission review undertaken. Waiting for submission of Planning Proposal.</p>	<ul style="list-style-type: none"> Meeting with applicant 25 October who confirmed they wish to proceed with the rezoning after some concerns with the minimum lot size. Exhibition commence 1 November 2013. Report to Council 18 December 2013 Submission to DoPI 20 December 	<ul style="list-style-type: none"> Reported to Council 5 February after exhibition. Council resolved to forward to the DoPI requesting that the plan be made. LEP being undertaken under delegation. DoPI have been requested to undertake mapping. Next stage is submission to

Project Name	Comment	Time Line as reported 20 November 2013 to Time Line	Comment / Amendments to Time Line
Botabolar Road	Planning Proposal to allow dwelling. Pre submission meeting held.	<ul style="list-style-type: none"> Report presented to Council 20 November 2013 for consideration. 	Parliamentary Counsel. <ul style="list-style-type: none"> Gateway determination 2/1/14 Exhibition Jan/Feb 14 Submitted to Parliamentary Counsel Feb 2014 Report back to Council 5 March 14 Publication date likely to be April 2014
116-118 Abattoir Road Mudgee	Planning Proposal to rezone to R5 with a 2 ha. Minimum. Inconsistent with the CLUS	<ul style="list-style-type: none"> Planning Proposal submitted 8 November 2014. 	<ul style="list-style-type: none"> Reported to Council 4 December 2014. Council resolved the following: <i>the proponents be invited to withdraw their planning proposals with a full refund of their fees pending the completion of the Urban Release Strategy. Should the proponents choose not to withdraw their proposal then the Council defer consideration of the proposal until the Urban Release Strategy is completed.</i> <ul style="list-style-type: none"> Applicant advised of Council resolution. No further action until Urban Release Strategy is finalised.
Development Applications			
Former saleyards Saleyard Lane	Preparation of a Development Application for residential development on the former saleyards site.	<ul style="list-style-type: none"> Preparation of the DA August 2013 DA lodged Jan 2014 Project delayed to requirement for additional investigation into Ecological Endangered Species. Redraft of the lot layout due to the Ecological Endangered Communities – Nov 2013 Lodgement of DA to Council December 2013. 	<ul style="list-style-type: none"> Development Application lodged 21/01/14. Exhibition from 24/01/14 to 7/02/14 19 February sent to Dubbo City Council for peer review of DA assessment report. Determination by Council likely to be April 2014 subject to peer review
Camping at Mudgee Showground	Resolution 304/12		COMPLETED
Motor – X	Resolution Corporate Services Committee 5 May 2010	<ul style="list-style-type: none"> DA currently on stop clock pending discussion with president of the club re 	<ul style="list-style-type: none"> Report to Council 4 December 2014 where Council resolved to withdraw

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
		<ul style="list-style-type: none"> • Delayed due to access issues. • Project delayed due to complication regarding access. Meeting held with club representative on the 24 October 2013 where it was confirmed that they wish to continue with the DA subject to the access being resolved. 	<ul style="list-style-type: none"> • application and work with the Club to find an alternate site. • Investigation currently being undertaken on land in the vicinity of Gulgong.
<p>Mountain Bike Facility- Mudgee Common</p>	<p><i>As the Crown has now agreed to the preparation of a Plan of Management a DA will not be necessary for the use.</i></p>	<ul style="list-style-type: none"> • Approval has been gained from Crown Lands for the preparation of a Plan of Management (PoM) for the use to occur on the site. • Meeting to be held with representative of the Bike Club on the 22 July to review the Draft PoM. • Meeting to be held with residents and other users to discuss PoM week commencing 5 August 2013. • Report to Council for exhibition 21 August 2013. • Exhibition 28 days. • Report to Council October 2013. • Plan of Management reported to Council 6 November 2013 for adoption. 	<p>COMPLETED</p>
<p>State Significant Development</p>			
<p>Cobbara Coal Project</p>	<p>Additional information of potential water impacts still outstanding from the proponent. A further submission will be made upon the review of this outstanding information by Council's consultant.</p>	<ul style="list-style-type: none"> • Presentation to PAC undertaken on 11 December 2012 - Completed • Meeting with the PAC on 16 January 2013- 	<p>Completed</p>
<p>Mount Penny Coal Project</p>	<p>Council made a adequacy review submission to the DoPI in September 2012.</p>	<p>TBA</p>	<p>No further Action</p>

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
Wilpinjong Coal – expansion	Preliminary discussions have occurred regarding potential expansion and modification applications.	<ul style="list-style-type: none"> Submission sent on 13 September 2013 regarding Modification No. 5. Further Submission made regarding the Mines response to submissions on 24 October 2013 	DoPI have recommended conditions of approval to the PAC.
Lue Silver Mine – Bowden Kingsgate	Draft DGRs will be circulated to the Councilors for consideration.	<ul style="list-style-type: none"> Draft DGRs to be submitted to DoPI by the 31 January 2013. - Completed Planning Focus Meeting to be held in February 2013 – date yet to be confirmed. – Completed Community visioning exercise April/May – Completed Adequacy Review of EA - TBA 	<ul style="list-style-type: none"> No further action since last report.
Crudine Ridge Wind Farm		<ul style="list-style-type: none"> Environmental Assessment on exhibition from 12 December 2012 to 19 March 2013. Draft submission to be reported to Council 6 March 2013.- Meeting held with proponent to discuss amendments to transport routes. A Preferred Project Plan will be submitted for Council's consideration. Meeting and submissions regarding the alternate heavy vehicle traffic routes. 	<ul style="list-style-type: none"> Preferred Project Report exhibited from 25 November 2013 to 20 December 2013. Report to Council 18 December 2013 regarding Council's submission. MWRC submission sent to DoPI on 19 December 2013.
Liverpool Ranges Wind Farm		<ul style="list-style-type: none"> Adequacy review due 31 January 2013. -Completed 	<ul style="list-style-type: none"> No further action since the reporting period
Uungala Wind Farm		<ul style="list-style-type: none"> Planning Focus Meeting March 2011 Response to Draft DGRs submitted to DoPI 31 March 2011. – Completed Adequacy Review of EA completed 20 June 2013. 	<ul style="list-style-type: none"> No further action since last report.

Project Name	Comment	Time Line as reported 20 November 2013	Comment / Amendments to Time Line
Bylong East Duplication – Rail	The Proposal comprises the construction of a new single line track and formation on the upside of the existing main line from the existing passing loop at Bylong, and will involve the reconfiguration of the Ulan line, providing approximately 5.3km of additional track to reduce section run times between Murrumbo Passing Loop and Bylong Passing Loop.	<ul style="list-style-type: none"> Submission on DGRs due 21 January 2013. - Completed 	<ul style="list-style-type: none"> No further action since last report.
Kepeco Bylong Valley Coal Project			<ul style="list-style-type: none"> Staff attended the planning focus meeting on 13 February 2014 Report to Council on DGRs on the 19 February 2014. MWRC Council submission on DGRs sent to DoPI on 20 February 2014.

6.2.5 Monthly Budget Review for January 2014

REPORT BY THE MANAGER, FINANCIAL PLANNING TO 5 MARCH 2014 COUNCIL MEETING

Monthly Budget Review

GOV400029, A0100056, FIN300062

RECOMMENDATION

That the report by the Manager Financial Planning on the Monthly Budget Review for January 2014 be received.

Executive summary

This report presents to Council the January 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.

Budget Variations

This monthly budget review has no recommended budget variations, as it follows a thorough quarterly budget review. It should be noted that monthly budget reviews only include contra variations when needed, and that any positive or negative budget variations will be recommended in the March Quarterly Business Review where the full impact of these variations can be measured against the existing financial position of Council.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

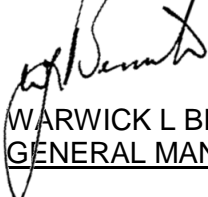


LEONIE JOHNSON
MANAGER FINANCIAL PLANNING

21 February 2014

Attachments: 1. Monthly Budget Review - Operational Plan/Delivery Program 2013/14 – January 2014 (included at the end of the business paper).

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.6 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 5 MARCH 2014 COUNCIL MEETING

140305 Council

GOV400038, 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:**

Botobolar Community Committee	\$500
Painters@Mudgee	\$39

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.

BOTOBOLAR COMMUNITY COMMITTEE

The Botobolar Community Committee has recently installed a new community information sign at the Botobolar Fire Shed. The purpose of the sign is to inform locals about forthcoming events and local fire information. The sign has cost in the vicinity of \$2,200 to build and install and they are seeking a small contribution towards the cost. We recommend that Council approve the amount of \$500.

PAINTERS@MUDGE

From the 6th to the 13th of April a group of landscape artists will be visiting the region for the course of a week. At the end of the week of painting, on Friday 11th April, a group show has been organised to be held at The Stables which will be open to all, artists and locals alike. They are asking for support by way of waiving the Stables hire fee and we recommend that Council approve the amount of \$39 for the use of the Stables.

Gulgong Prince of Wales Eisteddfod Committee

The Gulgong Prince of Wales Eisteddfod Committee are in the process of organising the 34th Prince of Wales Eisteddfod. It is with the support of the local community and business that the

Eisteddfod has been able to run for 33 years and beyond. They would welcome any donation that Councillors may be able to make from their discretionary funds towards this year's event.

Financial and Operational Plan 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. \$181,223.48 has been allocated to date, leaving a balance of \$776.52. Should Council approve the donations in accordance with the recommendation, the financial assistance budget balance will be \$237.52.

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

Councillor	Remaining Funds
Cr Thompson	\$1,600.00
Cr Shelley	\$1,450.00
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

Community Plan implications

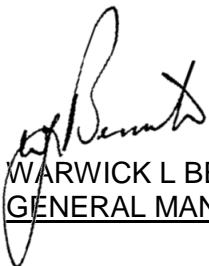
Council's Financial Assistance Policy applies.

NEIL BUNGATE
FINANCIAL ACCOUNTANT

21 February 2014

Attachments: 1. Applications for financial assistance

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



Cr John Webb
Mid-Western Regional Council
Mudgee

Dear Cr Webb,

The Botobolar Community Committee has recently installed a new community information sign at the Botobolar Fire Shed. The purpose of the sign is to inform locals about forthcoming events and local fire information.

The sign has cost in the vicinity of \$2,200 to build and install. The work has been coordinated by John MacDonald and he has been able to secure good local support. The sign was designed and manufactured by Complete Steel at or near cost. Printing for the sign was done by Image Signs at no cost.

The Cooyal Fire Brigade has agreed to make a contribution towards the cost and the Committee would like to seek your support for MWRC to also make a small contribution towards the cost. I have discussed this with Neil Bungate and he has indicated he would put something before the Council at a forthcoming meeting. The Committee has asked the Council consider making a contribution of \$500.00 towards the cost.

The sign was recently installed by a few locals -John MacDonald, Jim and Judy Lynch, Matt Lynch, Gavin Gardner and Judy Rogers and myself. The Committee firmly believes that the new sign will serve the Botobolar community well for many years to come.

Any support you can lend would be much appreciated.

Yours sincerely

David Sargeant
Secretary
Botobolar Community Committee

February 18, 2014

Mid-Western
Regional Council
Mudgee



Boonyumba Studio, 159 Cypress Dr.

Tarrawonga 2850

17-02-14.

Dear Councillors,

From the 6th to the 13th of April a contingent of renowned Australian landscape artists will be converging on the township of Mudgee and surrounding areas for a week of Plein Air painting. Plein Air meaning to go out into our beautiful region to paint the local landscapes.

We currently have thirty visiting artists confirmed to attend, each bringing their respective partners, as well as a troupe of local artists. All will be staying at various places in and around town, which will be a boost to the local tourist economy, something which I am sure you will agree is beneficial to all the region.

At the end of the week of painting, on Friday the 11th April 2014, a group show has been organised to be held at The Stables which will be open to all, artists and locals alike. I have already booked this venue for that event. As all of the organisation for the entire week –long event has been done on a voluntary basis, by myself, and with the influx of tourist dollars into the region, I feel it would be beneficial if the Mid-Western Council could show their support by at least waiving the hire fee of the Stables for the event. In return I would be pleased to advertise your generosity through use of your logo on our exhibition poster.

As this is an annual event, with more artists coming to the region each year, purely from word of mouth or from interest generated by the beautiful artworks which are created during the week. What better way to explore the beauty of our region than through the eyes of landscape artists. Any support you would be able to show us would be greatly appreciated by all.

With regards

Merilyn Burch Carney

Email: merilyncarney@bigpond.com

Phone: 6374 1790

25



GULGONG PRINCE OF WALES EISTEDDFOD

PO BOX 293
GULGONG
NSW 2852

13th February 2013

wlb
Councillor Des Kennedy
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850



Dear Des

RE: 34th PRINCE OF WALES EISTEDDFOD

It is hard to believe that our Eisteddfod has been going for over 30 years. Since its inception and through the hard work and dedication of many volunteers, the Eisteddfod has provided the children of the district (and beyond) with a unique opportunity to perform and grow as performers in a competition setting. Many of these children have gone on to establish careers in the fields of dance, music and drama.

In addition, the Eisteddfod has in recent years provided important funds for the on-going maintenance, conservation, enhancement and promotion of the Prince of Wales Opera House as a centre of excellence for the performing arts throughout the region. Its reputation is such that it has attracted widespread attention from many established performers such as: Jane Rutter, Co-Opera, The Sydney Mandolin Orchestra, Alturas, The Melbourne Scottish Fiddlers, Simon Tedeschi, Roger Woodward and James Morrison – to mention but a few and all of whom have performed here. In order to continue this good work, 2014 funds have been earmarked for the external painting of the building.

The success of the Eisteddfod in recent years has been due in no small part to the generous sponsorship of local businesses and individuals. To this end, the Eisteddfod Committee would welcome any donation you may be able to make from your discretionary fund towards this year's event. In so doing, you too will be helping to make sure that The Prince of Wales Eisteddfod continues to support local youth as well as the conservation and promotion of our wonderful theatre which is a recognised item of national heritage significance.

Thanking you most sincerely in anticipation of your support.

Yours truly,

Gerald Rowles
(For: Prince of Wales Eisteddfod Committee)

6.2.7 Write Off of Debts 1 July 2013 to 20 February 2014

REPORT BY THE REVENUE & PROPERTY MANAGER TO 5 MARCH 2014 COUNCIL MEETING

Write Off of Debts 1-7-2013 to 20-2-2014

GOV400038, A0140197 A0340005

RECOMMENDATION

That:

1. the report by the Revenue & Property Manager on the Write Off of Debts 1 July 2013 to 20 February 2014 be received;
2. Council note the write offs totalling \$1,467.06 (being \$885.54 of unable to collect funds and \$581.52 of hardship grants) made under delegated authority for the period 1 July 2013 to 20 February 2014 and;
3. Council authorise the write off of those debts greater than \$2,500 as follows:

Cardinal Project Services Pty Ltd	\$3,141.94
Gulfoyle Wreckers (NSW) Pty Ltd	\$3,806.57
CCA Projects Receiver & Managers Appointed	\$5,582.48
TOTAL:	\$12,531.00

Executive summary

This report provides a summary of debts less than \$2,500 owed to Council that have been written off since 1 July 2013 under delegated authority and seeks Council's resolution to write off the debts that are greater than \$2,500 that are owed to Council as stipulated in the attached summary.

Detailed report

Sections 213 and 131 of the Local Government (General) Regulation 2005 specify restrictions on writing off debts owed to a council. Council has previously resolved that the General Manager be delegated to write off amounts up to \$2,500. Debts owed to Council that are greater than \$2,500 must have a Council resolution directing that the stipulated amounts be written off.

Regulation 213(5) states that a debt can only be written off if it satisfies one of the following criteria:

- a) if the debt is not lawfully recoverable, or
- b) as a result of a decision of a court, or
- c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Regulation 131(6) states that the general manager must advise the council of rates and charges written off by written order of the general manager.

Financial and Operational Plan implications

The total amount written off for the period 1 July 2013 to 20 February 2014 under delegation was \$1,467.06. The total amount of debts greater than \$2,500 and requiring a Council resolution to write off is \$12,531.00.

The attached summaries support the delegated write offs and outline the debts greater than \$2,500 that require Council's resolution to write off.

Consultation has been undertaken with Council's debt collection agent throughout the entire debt recovery process. The alternative option was to continue to pursue the debts, however this was not considered economical.

It is important to note that a debt that has been written off does not prevent Council taking legal proceedings to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

Community Plan implications

The Credit Policy ensures that Council does not consume valuable resources collecting and writing off overdue and bad debts.

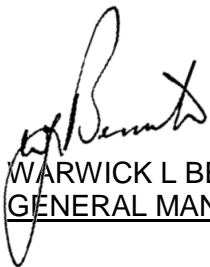
DIANE SAWYERS
REVENUE & PROPERTY MANAGER

21 February 2014

Attachments:

1. Write Off of Debts to 20-2-2014
2. Write Off of Debts Confidential to 20-2-2014 (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

Debts Written Off Under Delegation - Personal Debts - Period 1/7/2013 to 20/2/2014					
Account No	Debtor Name	Amount	Date of Debt	Background	Criteria
9702376	Pizza Hut Mudgee Receiver & Managers Appointed	207.00	4/04/2012	Recycling Collection Fees	Unable to collect - Business liquidated and no funds available to satisfy debt
9701615	Graham Kenneth Hedrick	243.50	29/01/2010	Community Transport fees	Unable to collect - Legal action unsuccessful
9702261	Focus Electrical Contractors P/L	435.04	2/11/2012	Recycling Collection Fees	Unable to collect - Business liquidated and no funds
		\$ 885.54			
Debts Greater than \$2,500 to be Considered For Write Off By Council - Personal Debts - Period 1/7/2013 to 20/2/2014					
9702248	Cardinal Project Services Pty Ltd	3141.95	28/06/2011	Tipping fees	Unable to collect - Business liquidated and no funds
9702259	Guilfoyle Wreckers (NSW) Pty Ltd	3806.57	2/08/2011	Tipping fees	Unable to collect - Business liquidated and no funds
9702359	CCA Projects Receiver & Managers Appointed	5582.48	30/05/2012	Tipping fees	Unable to collect - Business liquidated and no funds available to satisfy debt
		\$12,531.00			

6.2.8 Policy Review – Categorisation As Residential For Rating Purposes Policy & Hardship Provision – Rates & Charges Policy

REPORT BY THE REVENUE & PROPERTY MANAGER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council
GOV400038, A0340048

RECOMMENDATION

That:

- 1. the report by the Revenue & Property Manager on the Policy Review – Categorisation As Residential For Rating Purposes Policy & Hardship Provision – Rates & Charges Policy be received;**
- 2. Council adopt the revised Categorisation As Residential For Rating Purposes Policy and the Hardship Provision – Rates and Charges Policy.**

Executive summary

The existing Categorisation As Residential For Rating Purposes Policy and the Hardship Provision – Rates and Charges Policy have been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

Detailed report

The proposed minor amendments to both Policies are consistent with the intent of the existing Policies, and are primarily wording changes to update and reflect relevant authorities.

All proposed amendments are shown as "track changes" on the copies of the Policies attached to this report.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

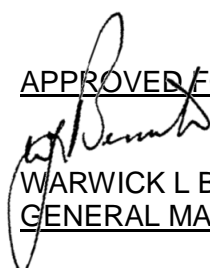
Not applicable.


DIANE SAWYERS
REVENUE & PROPERTY MANAGER

20 February 2014

- Attachments:*
1. Categorisation As Residential For Rating Purposes Policy Feb 2012 with track changes.
 2. Hardship Provision – Rates and Charges Policy Feb 2012 with track changes.

APPROVED FOR SUBMISSION:


WARWICK L BENNETT
GENERAL MANAGER

	POLICY	ADOPTED C/M 1/2/2012 Minute No. 32/12
	Categorisation As Residential For Rating Purposes	REV: 1/2/2014 February 2016 FILE No. A0340007

OBJECTIVE

- a) To provide clear guidelines and procedures in relation to the assessment of rateable land parcels for the categorisation as Residential for rating purposes and ensure that all residential assessments are determined using consistent measures.
- b) To ensure that the guidelines and procedures are implemented efficiently and effectively.
- c) To provide staff with authority to assess rateable land parcels for the categorisation of rate assessments as Residential for rating purposes.
- d) To afford efficient assessment of residential rating entitlement for land which is readily to be accepted as residential and to make transparent the criteria for assessment.
- e) Where a parcel of land is not initially accepted as qualifying for residential rating further assessment criteria and methods are identified.

RELEVANT LEGISLATION

- Local Government Act 1993 NSW
- Local Government (General) Regulation 2005 NSW
- Valuation of Land Act (1916) NSW

RELATED POLICIES

- Nil

POLICY**GUIDELINES FOR ASSESSMENT OF RATEABLE LAND PARCELS FOR CATEGORISATION AS RESIDENTIAL FOR RATING PURPOSES:-****THE LOCAL GOVERNMENT ACT 1993 NSW**

In relation to the determination of rateable land parcels for categorisation as residential for rating purposes, Section 516 Local Government Act, 1993, as amended applies -

(1) Land is to be categorised as "residential" if it is a parcel of rateable land valued as one assessment and:

- (a) its **dominant** use is for residential accommodation (otherwise than as a hotel, motel, guest-house, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations), or*
- (b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or*
- (c) it is rural residential land.*

Categorisation As Residential For Rating Purposes Policy

(1A) For the purposes of this section, a "boarding house" or a "lodging house" means a building wholly or partly let as lodging in which each letting provides the tariff-paying occupant with a principal place of residence and in which:

- (a) each tariff charged does not exceed the maximum tariff for boarding houses or lodging houses for the time being determined by the Minister by order published in the Gazette for the purposes of this subsection, and
- (b) there are at least 3 tariff-paying occupants who have resided there for the last 3 consecutive months, or any period totalling 3 months during the last year,

and includes a vacant building that was so let immediately before becoming vacant, but does not include a residential flat building, licensed premises, a private hotel, a building containing serviced apartments or a backpacker hostel or other tourist establishment.

(2) The regulations may prescribe circumstances in which land is or is not to be categorised as residential.

Vacant Land

Refer Sections 516(1)(b) and 519 Local Government Act 1993 NSW

Local Government General Regulations

In relation to the determination of rateable land parcels for categorisation as residential for rating purposes, the following Local Government (General) Regulations Relating To *Residential* categorisation apply:-

Prescribed by Regulations –

516(2) The regulations may prescribe circumstances in which land is or is not to be categorised as residential

This regulatory power has been used in the *Local Government (General) Regulation 2005*, in clauses 121 & 122:

- 121. If the dominant use of the land is for a caravan park or a manufactured home estate, the land is not to be categorised as residential for rating purposes.
Manufactured home and *manufactured home estate* are defined in the Dictionary to the Act.
- 122. If the dominant use of the land is for a retirement village, serviced apartments or a time-share scheme, the land is to be categorised as residential for rating purposes.

Mixed Development Rating

Section 518B of the Local Government Act allows for a property to receive a combination of Residential and Business rates due to the property having dual usage.

Local Government Act 1993 518B Mixed Development Land -

(1) *Definitions* In this section, "mixed development land" and "non-residential land" have the same meanings as in section 14BB of the Valuation of Land Act 1916.

(2) *Categorisation of parts of mixed development land if a valuation is furnished under the Valuation of Land Act 1916 for mixed development land:*

(a) the part of the land that is non-residential land is taken to have been categorised as business, and

Field
Field
Field
Field

Categorisation As Residential For Rating Purposes Policy

(b) *the part of the land that is not non-residential land is taken to have been categorised as residential,*

despite sections 515-518.

(3) *Sub-categories The council may determine a sub-category for a part of land to which subsection (2) applies according to the category determined by that subsection for the part.*

(4) *Apportionment of rates and charges. A rate, the base amount of a rate, or the minimum amount of a rate or of a charge, that is made and levied according to categories or sub-categories of land is to apply to a parcel of mixed development land according to the percentages represented by the apportionment factor for the parcel ascertained under section 14X of the Valuation of Land Act 1916.*

Field

Field

Considerations For Assessment Of Rateable Land Parcels For Categorisation As Residential For Rating Purposes In Relation To Determining Dominant Use

For those properties where a mixed development factor (MDAF) cannot be obtained, dominant use of that property must be established for rating purposes.

Relevant sections of the Local Government Act 1993 NSW, Local Government (General) Regulations NSW, the Valuation of Land Act (1916) NSW and relevant court precedents must apply with qualifications specific to Mid-Western Regional Council, as follows:

Consideration will be given to, but not limited to, any of the following criteria when determining dominant use for dual use residential/non-residential purposes for properties where a MDAF cannot be obtained:-

- If the use of a parcel of rateable land complies with the Dictionary definition of *Home Occupation*, as stated in *Mid-Western Regional ~~Interim~~ Local Environmental Plan 2008²⁰¹²*;
- A comparison of the area of land used for residential purposes and non-residential purposes and the intensity of those uses;
- A comparison of rental value of the residential property to the income derived from the non-residential component;
- The general appearance of the property and the area in which it is located;
- If there has been Council approval to use the land for a purpose other than for residential and if the other purpose is operational;
- If there has been any subsequent DA's in relation to a purpose other than for residential;
- If there is signage located on the land parcel advertising the activity.
- If the activity is advertised. Eg. in telephone directory – White and Yellow pages & or website & or newspapers etc;
- Consideration as to whether the activity would still exist if the residence was not there;
- Consideration as to whether the non-residential activity may be sold off/leased/rented and the balance of the property/premises remain for residential purposes under separate occupation.

Categorisation As Residential For Rating Purposes Policy

- Use refers to right or purpose – whether it be reasonable to assume that the owner would endeavour to maintain that right or purpose in terms of the existing use rights if the parcel of land was put on the market to be sold.

Notice of Declaration of Category, Application for Change of Category and Appeal Against Declaration of Category

Refer Sections 520, 525 and 526 Local Government Act 1993 NSW.

A review of a declaration may be made by a Council officer or an independent person with expertise in the relevant provisions of the Local Government Act, 1993 to be nominated by the General Manager.

Where an appeal to the Land and Environment Court is lodged by the rateable person (or the agent or lessee), the review must be made by an independent person with expertise in the relevant provisions of the Local Government Act 1993 to be nominated by the General Manager to ensure that any declaration and/or subsequent assessment was correct. If this is confirmed, Council will proceed to Court.


PRIVACY

Personal information collected as a consequence of this policy will only be used for the purpose of assessing eligibility under the policy and will not be used for any other purpose or disclosed to any other person unless we are required by law to do so or authorised to do so by the person to whom that personal information relates.

VARIATION

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

ATTACHMENT 2

	POLICY	ADOPTED C/M 6/6/2012 Minute No. 228/12
	Hardship Provision – Rates and Charges	REV: 6/6/2014 June 2016 FILE No. A0100055 A0340005 A0340046

PURPOSE

The purpose of this policy is to provide a framework for assessing and processing requests for financial assistance from ratepayers who are suffering substantial financial hardship with the payment of their rates and charges.

OBJECTIVES

The objectives of this policy are to:

Provide assistance where possible, in accordance with the Local Government Act 1993 NSW and the Local Government (General) Regulation 2005 NSW, to those ratepayers who are experiencing substantial financial difficulties in paying their rates and charges.

Provide an administrative process to determine hardship applications.

RELEVANT LEGISLATION

Local Government Act 1993 NSW
 Local Government (General) Regulation 2005 NSW
 Valuation of Land Act 1916 NSW

RELATED POLICIES and PLANS

Debt Recovery Policy
 Privacy Management Plan

BACKGROUND

This policy recognises that due to exceptional circumstances, ratepayers may at times encounter difficulty in paying rates and charges. The policy provides the framework to be followed in providing assistance to those ratepayers who are suffering substantial financial hardship. A ratepayer in substantial financial hardship is someone who is identified by themselves, the Council or an independent financial counsellor as having the intention, but not the financial capacity to make the required payments within the timeframe set out in the rates and charges notice. Where a ratepayer falls within this definition, the Council may apply its Hardship Provision – Rates and Charges policy.

1. POLICY

1.1 The Local Government Act 1993 NSW (LGA) specifies a range of assistance measures that Council can provide to ratepayers who are experiencing substantial financial hardship, including those addressed in this policy - Sections 567 and 601.

2. Eligibility

2.1 This Policy is available to the ratepayers of all land categorised as Residential or Farmland for rating purposes within the Mid-Western Regional Council local government area, subject to a number of limitations as disclosed in the "definitions" and "provisions" sections of this Policy.

HARDSHIP PROVISION – RATES & CHARGES

3. Definitions

3.1 Ratepayer – the person liable for payment of the rates of the property for which hardship is being claimed.

3.2 Residential or Farmland categorisation for rating purposes– all land categorised as Residential or Farmland for rating purposes in accordance with S515 and S516 LGA.

3.3 Principal place of residence – the property that the ratepayer occupies as their sole or dominant residence.

3.4 Property ownership qualifying period – the applicant having been the ratepayer on the property for which the application is being made for a period of not less than 1 year.

3.5 Mixed developments – those properties that are subject to a Mixed Development Apportionment Factor (MDAF) furnished to Council by the Valuer General and are rated in accordance with the MDAF as part Residential and part Business. The part of the property that is subject to an MDAF and rated as Residential only, is to be considered in the calculation of the increase.

3.6 Rates payable calculation test – the increase in the general rates levied as a result of a General Revaluation must be, at the minimum, 25% above the previous year's rate levy, including any permissible rate increase adopted by Council in accordance with S506 & S508A LGA.

4. LGA, Section 567(c): Writing off of accrued interest

4.1 Accrued interest on overdue rates and charges may be written off where payment of the accrued interest would cause the ratepayer financial hardship.

4.2 Provisions

4.3 The applicant/s must be the ratepayer/s of the property.

4.4 Hardship provision relief will not be considered if the ratepayer/s has been convicted of fraud within the past 10 years.

4.5 The property for which the ratepayer/s is requesting assistance is the only property in which the ratepayer/s has an interest.

4.6 The property must be the ratepayer/s principal place of residence.

4.7 The property must be land categorised as either Residential or Farmland for rating purposes.

4.8 The residential component of mixed developments will only be considered for the hardship provision assistance.

4.9 The ratepayer/s must enter into a payment agreement in accordance with S564(1) LGA, facilitated by Council's Debt Recovery Policy, for settlement of the overdue rates and charges.

4.10 Interest on overdue rates and charges will be written off, provided that the ratepayer/s honours the payment agreement entered into in accordance with S 564(1) LGA relating to the payment of the overdue amounts. If the payment agreement is not adhered to, the accrued interest on the overdue rates and charges will not be written off.

HARDSHIP PROVISION – RATES & CHARGES

5. LGA, Section 601: Hardship Resulting from certain Valuation Changes

5.1 A ratepayer who suffers substantial financial hardship as the consequence of the making and levying of a rate on the most recent valuation may apply to Council for deferral of payment of the calculated amount as stipulated in the Provisions, below. The rate will not be waived or reduced.

5.2 Provisions:

5.3 Assistance is only available in relation to general purpose rates. No assistance is provided for any other charges or special rates levied on the property.

5.4 Assistance is only available in the first year that the new valuations are used to levy the general purpose rate, i.e. only to 30 June of the financial year in which the general purpose rate was levied.

5.5 The application must be made within 3 months of the posting date of the Rates and Charges Notice in the first year of the use of the General Revaluation for rating purposes.

5.6 The applicant/s must be the ratepayer/s of the property and satisfy the property ownership qualifying period.

5.7 Hardship provision relief will not be considered if the ratepayer/s has been convicted of fraud within the past 10 years.

5.8 The property must be the ratepayer/s principal place of residence.

5.9 The property must be land categorised as either Residential or Farmland for rating purposes.

5.10 The residential component of mixed developments will only be considered for the hardship provision assistance.

5.11 Applications for assistance must meet the 'Rates payable calculation test'.

5.12 The ratepayer/s must enter into a payment agreement in accordance with S564(1) LGA, facilitated by Council's Debt Recovery Policy, for settlement of the deferred amount.

5.13 Interest on outstanding deferred amounts will not accrue, provided that the ratepayer/s honours the payment agreement entered into in accordance with S 564(1) LGA relating to the payment of the deferred amount. If the payment agreement is not adhered to, interest, in accordance with S566 LGA, will apply from the date of the default.

6. PROCEDURE

6.1 Applications for Hardship Provision – Rates and Charges must be made on the Hardship Assistance application form available from Council's website or from any of Council's offices.

6.2 All Hardship Provision – Rates and Charges applications will be determined in accordance with Council delegations and where considered necessary, will be discussed only in a meeting of ~~Closed~~ Council that is closed to the public.

6.3 Further information, supporting documentation or an interview with the ratepayer/s may be requested, if considered necessary, to fully understand the issues causing hardship.

HARDSHIP PROVISION – RATES & CHARGES

6.4 All Hardship Provision – Rates and Charges applicants will be advised in writing of Council's decision within 30 days of receipt of the application.

6.5 Any applicant dissatisfied with Council's decision may request that the application be reconsidered. Such requests must be made within 7 days of being advised that the initial application was unsuccessful.

6.6 All applicants have the obligation of informing Council within 21 days of any change in circumstances that may affect ultimate eligibility under the Hardship Provision – Rates & Charges.

6.7 All data collected through the Hardship Provision – Rates and Charges process will be dealt with by way of Council's Privacy Management Plan.

6.8 Sections 564(2), 567(a) and 567(b) LGA allow Council to write off or reduce interest accrued on rates and charges if a person complies with an agreement as to periodical payment or if the person was unable to pay the rates and charges by the due date for reasons beyond that person's control. These Sections do not refer to financial hardship and are therefore covered in Council's *Debt Recovery Policy*.

VARIATION

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

6.2.9 Inquiry into Regional Aviation Services

REPORT BY THE GENERAL MANAGER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council

GOV400038, TRA300007

RECOMMENDATION

That:

1. **the report by the General Manager on the Inquiry into Regional Aviation Services be received;**
2. **Council endorse the submission for the Inquiry into the Regional Aviation Services**

Detailed report

Please find attached the Terms of Reference for the NSW State Government's Inquiry into Regional Aviation Services. The terms of reference are very broad and wide ranging, however we have tried to put forward this region's issues to this Inquiry.

Financial and Operational Plan implications

Not applicable.

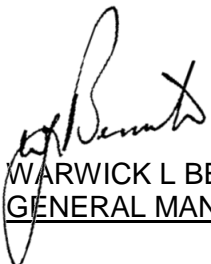
Community Plan implications

Not applicable.

11 February 2014

- Attachments:*
1. Letter from the Hon Rick Colless, NSW Legislative Council dated 19 December 2013
 2. Draft submission

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

19 December 2013

Mr Warwick Bennett
General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850
council@midwestern.nsw.gov.au

Dear Mr Bennett

Inquiry into regional aviation services

As you may be aware, the NSW Legislative Council's Standing Committee on State Development is currently conducting an Inquiry into regional aviation services. A copy of the terms of reference, also listing the names of Committee members, is included for your information.

On behalf of the Committee, I would like to invite you to make a submission to the Inquiry. The closing date for submissions is **Friday 14 March 2014**.

The Committee intends to hold public hearings following the closing date for submissions. Hearing details will be published on the website as they become available.

Submissions can be lodged via the Committee's website at www.parliament.nsw.gov.au/statedevelopment, emailed to statedevelopment@parliament.nsw.gov.au, faxed to (02) 9230 2981, or hard copies can be mailed to: The Director, Standing Committee on State Development, Legislative Council, Parliament House, Macquarie Street, Sydney NSW 2000. Background information about [Legislative Council committees](#) and information about [making a submission](#) is available on our website.

Please note that no one, including the author, may distribute the submission unless authorised by the Committee. Anyone who republishes a committee document apart from the Parliament or its committees is subject to the laws of defamation.

Submissions are confidential until the Committee makes them public. Submissions are usually published by the Committee and placed on the Committee's website. If your submission contains information you do not wish to be made public, please mark it **confidential**. The Committee will consider all requests for confidentiality, but is not obliged to keep a submission confidential if it determines that it is not in the public interest to do so.

If you would like further information about the Inquiry or making a submission, please do not hesitate to contact Emma Rogerson on (02) 9230 2898. Please feel free to forward this information to any other interested parties.

The Committee would greatly appreciate your contribution to this Inquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Colless', with a long horizontal flourish extending to the right.

The Hon Rick Colless MLC
Committee Chair



LEGISLATIVE COUNCIL

STANDING COMMITTEE ON STATE DEVELOPMENT

INQUIRY INTO REGIONAL AVIATION SERVICES

That the Standing Committee on State Development inquire into and report on the provision of aerial regular passenger transport (RPT) services to regional centres in New South Wales, and in particular:

1. Cost of access to Sydney Airport, regional New South Wales airports and other landing fields including:
 - a) airport operator landing fees imposed at various airports and services and facilities included in those fees;
 - b) methodology for calculating landing fees for different classes of aircraft.
2. Financial management and viability matters impacting on RPT operators, including:
 - a) economics of operating various types of aircraft, including modern single engine turbine compared to older twin engine piston aircraft;
 - b) impacts of compliance costs, including per passenger costs;
 - c) suitability of "hub and spoke" systems for potential routes for smaller passenger numbers;
 - d) the viability of passenger loading for different classes of aircraft.
3. Economic impact on regional communities of gaining or losing RPT services, including:
 - a) the local business community;
 - b) the impact on general aviation and regional airport management of the gain or loss of RPT services to regional centres;
 - c) the potential for future economic development;
 - d) impacts for local, state and Federal governments, including licencing arrangements for services less than 50,000 passengers per annum.
4. Potential for development of future modern RPT aviation including:
 - a) opportunities for regional aviation manufacturing and servicing;
 - b) the development and supply of sufficient numbers of trained and skilled aviation personnel;
 - c) local, state and Federal government arrangements for staff travel;
 - d) opportunities for dual use RPT services to include both freight and passenger legs on the same routes.
5. Any other matter relating to the provision of aerial regular passenger transport services.

Committee membership

The Hon Rick Colless MLC	The Nationals	<i>Chair</i>
The Hon Mick Veitch MLC	Australian Labor Party	<i>Deputy Chair</i>
The Hon Catherine Cusack MLC	Liberal Party	
The Hon Paul Green MLC	Christian Democratic Party	
The Hon Charlie Lynn MLC	Liberal Party	
The Hon Steve Whan MLC	Australian Labor Party	

Office of the General Manager

JR:A0820020

18 February 2014

STANDING COMMITTEE ON STATE DEVELOPMENT

SUBMISSION

Dear Sir/Madam

INQUIRY INTO REGIONAL AVIATION SERVICES

We refer to the Standing Committee on State Development's Terms of Reference regarding the Inquiry into Regional Aviation Services.

Mid-Western Regional Council appreciates the opportunity to provide feedback to the standing committee. Please find below Mid-Western Regional Council's formal submission.

Cost of Access to Regional NSW Airports

As the airport operator at Mudgee Airport, Council charges landing fees to the providers of regular passenger transport (RPT) services. In the 2013/14 Fees and Charges, the landing fee per passenger was \$6.00 plus GST.

The current rate for landing fees is not considered prohibitive in terms of accessing Mudgee Airport for an established RPT operator. However, if an operator was seeking to introduce a new route, it is likely that some form of relief from the full amount of landing fees would be requested, either through a waiving of landing fees for a specified start-up period or with a discounted rate until a target number of passengers for the route were achieved.

This was experienced several years ago when Aeropelican introduced RPT services between Mudgee and Sydney.

Financial Management and Viability Matters Impacting on RPT Operators

Financial management and viability matters are and should remain an important responsibility of the RPT operators.

However, there are a number of external factors which can make it commercially challenging for RPT operators in regional NSW, particularly where there is a small catchment area for passengers. The Standing Committee should consider any areas in which it can alleviate the burden on RPT operators for compliance related matters etc. without compromising on maintenance and safety standards.

MID-WESTERN REGIONAL COUNCIL

Economic Impact on Regional Communities of Gaining/Losing RPT Services

The gain or loss of an RPT service has a significant economic impact for local communities. Maintaining an RPT plays a critical economic role in the following:

- Encouraging new business investment
- Maintaining investor confidence
- Attracting tourism
- Facilitating major events
- Accessing medical services

Council is well placed to comment on the experience of gaining/losing RPT services having had two operators come and go since 2009. The lack of a service impacts all of our major industries (mining, viticulture, agriculture, tourism) and has widespread community impacts for locals relying upon the service for health related issues, to travel to other areas both nationally and internationally, and to visit family and friends.

Past studies have shown that the GDP of an area with an RPT service will grow 6 x faster than an area without an RPT service. As a Region that is experiencing strong population growth as a result of significant local economic activity, having a RPT service operate regular return flights between Mudgee and Sydney is absolutely critical.

Development of Future Modern RPT Aviation

Council encourages the Standing Committee to work closely with the aviation industry to identify potential opportunities for the future development of modern RPT aviation services. Many regional areas of NSW are geographically isolated and it is critical that the availability of aviation services is established to support and continue growth in these areas.

Thankyou again for the opportunity to provide feedback to the Standing Committee. If you would like to discuss these matters further, please contact me on 02 6378 2850.

Yours sincerely

WARWICK BENNETT
GENERAL MANAGER

6.2.10 Street Banner Usage

REPORT BY THE GENERAL MANAGER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council
GOV400038, A0400016

RECOMMENDATION

That:

- 1. the report by the General Manager on the use of street banners be received;**
- 2. Council adopt the attached policy on street banner usage.**

Executive summary

This report introduces a new policy aimed addressing the use of street banners poles in Mudgee and Gulgong.

Detailed report

The Street Banner Usage policy sets out Council's requirements in relation to the hire and use of street banner poles in Mudgee and Gulgong for the purpose of displaying banners.

Street banner poles can be found at the following locations within the Mid-Western LGA:

- Mudgee: Horatio Street x 10
- Mudgee: Church Street x 16
- Mudgee: Market Street x 13
- Gulgong: Castlereagh Hwy (near the intersection of Caledonia Street) x 5
- Gulgong: Castlereagh Hwy (near the intersection of Guntawang Street) x 5

Council's street banner program is designed to promote significant events in the Mid-Western Region, visually enhance the Mudgee & Gulgong streetscape, promote major events identified on the MWRC major events calendar, stimulate local economic activity and promote the region as a great place to live, work, invest and visit.

The attached policy is intended to increase the usage of street banner poles and outline Council's requirements for the use of street banner poles.

Financial and Operational Plan implications

Not applicable.

Community Plan implications


Not applicable.

13 February 2014

Attachments: 1. Policy on Street Banner Usage


WARWICK L BENNETT
GENERAL MANAGER

ATTACHMENT 1

	POLICY	ADOPTED C/M Minute No. XXX / XX
	Street Banner Usage	REF: insert reference REV: insert revision number FILE No. insert file no.

INTRODUCTION

This policy sets out Council's requirements in relation to the use of the street banner poles in Mudgee and Gulgong for the purpose of displaying banners.

OBJECTIVE

Mid-Western Regional Council's street banner program is designed to:

- promote significant events in the Mid-Western Region
- visually enhance the Mudgee & Gulgong streetscape
- promote major events identified on the MWRC major events calendar
- stimulate local economic activity and promote the region as a great place to live, work, invest and visit

POLICY

1. Street banner poles can be found at the following locations within the Mid-Western LGA:

Mudgee: Horatio Street x 10

Mudgee: Church Street x 16

Mudgee: Market Street x 13

Gulgong: Castlereagh Hwy (near the intersection of Caledonia Street) x 5

Gulgong: Castlereagh Hwy (near the intersection of Guntawang Street) x 5

2. The banner poles fly street banners with dimensions:

Horatio Street: 1800mm x 1000mm

Church Street: 1500mm x 350mm

Market Street: 1500mm x 350mm

Gulgong (Caledonia Street): 1800mm x 1000mm

Gulgong (Guntawang Street): 1800mm x 1000mm

3. Use of the banners will be restricted to Council, Federal and State Government Departments, recognised "not for profit" or community organisations and organisers of community and major events (recognised on the MWRC major events calendar) within the Mid-Western LGA. Commercial promotions are not permitted.
4. Council bookings for use of street banner poles takes priority over all other bookings.
5. External organisations may make application to book street banner poles when not in use for Council events and activities.
6. Booking process:
 - Contact MWRC Customer Service on 6378 2850
 - Complete street banner booking form, available online or through Customer Service
 - The booking period is to be negotiated with Council and will be dependent on other bookings and use of banner poles for Council promotions. The maximum booking period is six weeks.
 - Council reserves the right to decline any booking request that is not consistent with the purposes of this policy.

STREET BANNER USAGE POLICY

7. All banner costs, design and production is the responsibility of the hirer and must be of professional standard.
8. All artwork requires approval by Council prior to printing.
9. Installation of banners is the sole responsibility of the hirer. Hirers are required to remove any existing Council banners at the time of installing banners and replace them at the conclusion of the hire period. Council accepts no responsibility for the installation of banners.
10. Banners must be removed no later than 24 hours following the event which is being promoted. Failure to do so will result in Council removing the banners with all costs passed on to the hirer.
11. Logo recognition on banners must be limited to a maximum of 10 per cent of the size of the banner. The preferred logo placement is along the bottom of the banner. No more than three sponsor logos are allowed per banner.
12. It is recommended that banner design remains generic in order for hirers to re-use banners in future years and reduce costs of banner production.
13. Should any damage occur to a banner from circumstances such as extreme weather conditions, vandalism or any other circumstance which makes a banner unsafe or unsightly the hirer is to remove banner at the earliest opportunity.
14. Council is not liable for any damage to, or loss of, any banners during the period that the banners are on display, or being erected or removed.

6.2.11 Mudgee Region Tourism Inc: Dec 2013

REPORT BY THE GENERAL MANAGER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council
GOV400038, F0770077

RECOMMENDATION

That the report by the General Manager on the Mudgee Region Tourism Inc: Dec 2013 be received.

Detailed report

Please find attached the Quarterly report for Mudgee Region Tourism Inc (MRTI) for the period ending 31 December 2013.

Council imposed 9 KPIs upon MRTI, a number of which are not addressed appropriately in this report. MRTI is currently in the process of changing from a Chief Executive to a Tourism Manager and that has been the reasoning why the reporting is not addressing the KPIs as required. Therefore, the recommendation in this report is just to receive the information at this time, and that Council staff work with the new Tourism Manager to ensure that the KPIs imposed by Council as part of the contract with MRTI, are addressed appropriately and that the intent of the contract KPIs are fulfilled.

Financial and Operational Plan implications

Council funds MRTI to the value of \$360,000 per annum, plus the use of a building at a minimal rent.

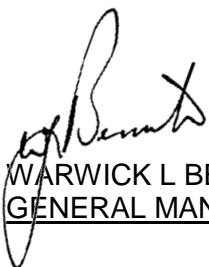
Community Plan implications

The contract with MRTI is part of Council's requirement to fill its tourism needs in the Community Plan.

18 February 2014

Attachments: 1. MRTI Report for December 2013
2. The KPIs set for MRTI

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER



CEO Report for MRTI Board Meeting February 2014

Precis:

This report accounts for the statistics only for December 2013 and January 2014 in absence of the Chief Executive Officer/Tourism Manager. The report has been set out in two parts plus Attachment 1: Klick Quarterly Report, Attachment 2: APP Stats Dec 2013 and Attachment 3: APP Stats Jan 2014

PART ONE: General activities in December 2013:

Public Relations and Social Media

Klick Communications present the following report and Klick Quarterly Report on Social Media

December 2013 PR Report

Famil Programme			
Tactic	Activity	Status	Result
Famil pitching	Klick pitched to various publications on target famil list to generate interest in future trips. Klick ramped up focus on famils in order to be able to fulfill '20 journalist visits' KPI as part of DNSW funding	Ongoing	Ongoing
Brian Johnston, Freelance News Ltd	Klick confirmed interest in famil to Mudgee Region - Brian meeting with travel editor Brian Crisp mid-Jan to discuss future of short breaks stories and will update following	In process	Ongoing
Aleney de Winter, Out & About with Kids	Klick coordinated famil to Old Bara Guesthouse, as well as Gulgong Folk Festival	Complete	Coverage planned
Effie Mann, Daily Life (Fairfax)	Klick confirmed famil and worked with MRTI to provide itinerary for January visit	Complete	Coverage planned
Hunter Valley News	Klick confirmed Editor keen for famil to Mudgee for travel feature	In process	Ongoing
John Rozentals, Newcastle Herald + Illawarra Mercury	Klick liaised regarding famil in 2014, conversation to be continued in January	In process	Ongoing

Ben Horne, AAP	Klick confirmed famil and worked with MRTI to provide itinerary for January visit	Complete	Coverage planned
Social Media			
Tactic	Activity	Status	Result
Facebook management	Klick created content for month of December including Meet Mudgee profiles, and managed engagement with fans	Complete	Complete
Advertising	Klick managed Mudgee Region December advertising using DNSW funding which included: - creating visual ad content and messaging - ad targeting (audience) - monitoring of performance, adjusting and changing ads according to success and lowest cost per click	Complete	Increase in fans by more than 880 regional individuals
Instagram management	Klick managed Mudgee Region Instagram throughout November, which included: - following key influencers - updating information on account page - engaging with locals and visitors, using hashtags to target people in the region - daily posting and conversations	Ongoing	Ongoing
Giveaways/competitions	Klick designed, launched and promoted Red Hot Summer Tour timeline competition, liaising with Parklands Resort for official imagery	Complete	Complete - winner announced and notified
Publicity			
Tactic	Activity	Status	Result
DNSW Make Your Next Trip Mudgee Campaign	Klick continued activity surrounding DNSW as part of funding for 2013. Activity included: - reaching out to regional media with news angle to try and secure coverage - social media campaign targeting residents of regional areas with advertising - invitation to editors of regional media for famil to Mudgee Region (Hunter Valley confirmed interest) - development and push of competition to win a trip to Mudgee Region through social media - increase in app downloads through push via social media and timeline giveaway	Ongoing	Ongoing

Influencer famil	Klick put together costings for bus hire for potential influencer famil in 2014, shared with MRTI	Complete	Ongoing
DNSW - Plonk	Klick advised MRTI on supporting Plonk - the YouTube wine region series, with suggestions on information required	Complete	Complete

STATISTICS UPDATE

VISITATION	MUDGEE	GULGONG	RYLSTONE	TOTAL REGION
Dec-12	1805	471	n/a	2276
Dec-13	1497	299	305	2101
INCOMING CALLS	MUDGEE			
Dec-12	934			
Dec-13	817			
MEMBERSHIP				
Dec-12	331			
Dec-13	315			
MEMBER WEB LISTINGS				
Dec-12	177			
Dec-13	225			
ONLINE SALES	ORDERS	REVENUE		
Dec-12	2	\$288.00		
Dec-13	18	\$4,703.85		
MERCHANDISE SALES	MUDGEE			
Dec-12	\$7872.77			
Dec-13	\$6486.64			
WEBSITE	2012	2013		
Unique Visitors	6,321	31,148		
Page Views	62,860	29,970		
Subscribers	n/a	7368		
Top 5 Referrals to Site from another Site	Unknown	Facebook Bing Mudgee Caravan Park Red Hot Summer Tour Visit NSW		
Top 5 Pages Visited after Home Page	Unknown	Events Calendar Wineries and Cellar Doors Competitions Major Yearly Events Pet Friendly Accommodation		

APP UPDATE

See Attachment 2 APP Stats Dec 2013

PART TWO: General activities in January 2014:**Public Relations and Social Media:**

Klick Communications present the following report and Klick Quarterly Report on Social Media

January 2014 PR Report

Tactic	Activity	Status	Result
Famil Programme			
Famil pitching	Klick pitched to various publications on target famil list to generate interest in future trips	Ongoing	Ongoing
AAP - Ben Horne	Klick worked with MRTI to coordinate famil - feedback included - <i>the accommodation was outstanding and the food was amazing. All the people we met along the way were great and very welcoming.</i>	Complete	Coverage pending
Daily Life - Effie Mann	Klick worked with MRTI to coordinate famil - feedback included - <i>we met some really lovely people. I think the highlight was meeting David Lowe and speaking to him about the winery - he and Kim are just lovely and the property is gorgeous.</i>	Complete	Coverage pending
Newcastle Herald + Illawarra Mercury - John Rozentals	Klick liaised with journalist on famil inclusions. To be picked up in February 2014	In process	Ongoing
Woman's Day - Emma Vidgen	Klick confirmed attendance at Polo in the Paddock, with Mudgee Region famil introducing the region during the weekend of the event	In process	Ongoing
Australian Women's Weekly - Bryce Corbett	Klick confirmed attendance at Polo in the Paddock, with Mudgee Region famil introducing the region during the weekend of the event	In process	Ongoing
OUTthere Magazine - Michelle Hespe	Klick confirmed attendance at Polo in the Paddock, with Mudgee Region famil introducing the region during the weekend of the event	In process	Ongoing

AFR's Sophisticated Traveller - Melanie Milne-Davis	Klick confirmed attendance at Polo in the Paddock, with Mudgee Region fami introducing the region during the weekend of the event	In process	Ongoing
Social Media			
FB Management	Klick managed Mudgee Region Facebook for first half of January, handing back to MRTI mid-month with report	Complete	Complete
Instagram management	Klick managed Mudgee Region Instagram throughout November, which included: - following key influencers - updating information on account page - engaging with locals and visitors, using hashtags to target people in the region - daily posting and conversations	Ongoing	Ongoing
Giveaways / competitions	Klick developed content, mechanic and T&Cs for Flix in the Stix competition and pushed on both FB and Instagram platforms	Complete	Complete
Strategy			
Social Media Report	Klick created a comprehensive SM report for MRTI, highlighting key metrics and achievements for Klick's ownership of platforms from October 2013, as well as an analysis of best-performing content, a competitor analysis and insights + recommendations	Complete	Complete
PR activity overview	Klick shared with Ray a comprehensive overview of activity undertaken for the Mudgee Region to date, along with all PR monthly PR reports, in order to help inform future focus during planning stages	Complete	Complete
Publicity			
Polo in the Paddock	Klick liaised with event organiser Olivia Morgan to put together press release on event and pitch to relevant media. Klick also secured media attendees: * Australian Women's Weekly - Bryce Corbett/News Editor * Woman's Day - Emma Vidgen/Lifestyle Director * OUTthere Magazine - Michelle Hespe/Editor * Australian Financial Review's <i>Sophisticated Traveller</i> - Melanie Milne-Davis/Art Director	Ongoing	Ongoing
DNSW Make Your Next Trip Mudgee Campaign	Klick worked with MRTI to begin final campaign report for DNSW	Ongoing	Ongoing
Wolgan Valley	Klick liaised with marketing executive for Emirates Wolgan Valley to plan coffee meeting to discuss resort developments/opportunities to work together	Ongoing	Ongoing

STATISTICS UPDATE

VISITATION		MUDGEES	GULGONG	RYLSTONE	TOTAL REGION
	Jan 2013	1955	498	n/a	2453
	Jan 2014	1815	60	479	2354
INCOMING CALLS		MUDGEES			
	Jan 2013	887			
	Jan 2014	775			
MEMBERSHIP					
	Jan 2013	331			
	Jan 2014	315			
MEMBER WEB LISTINGS					
	Jan 2013	175			
	Jan 2014	225			
ONLINE SALES		ORDERS	REVENUE		
	Jan 2013	1	\$195.00		
	Jan 2014	22	\$4,524.05		
MERCHANDISE SALES		MUDGEES			
	Jan 2013	\$7872.77			
	Jan 2014	\$4764.38			
WEBSITE		2013	2014		
	Unique Visitors	9038	17,562		
	Page Views	71,880	41,481		
	Subscribers	n/a	7123		
	Top 5 Referrals to Site from another Site	Unknown	Facebook Bing Mudgee Caravan Park Red Hot Summer Tour Visit NSW		
	Top 5 Pages Visited after Home Page	Unknown	Events Calendar Wineries and Cellar Doors Competitions Community Markets Boutique Hotels		

APP UPDATE

See Attachment 3 APP Stats Jan 2014.pdf

5. Provision of the Tourism and Visitor Information Services

- (b) During the continuance of this Agreement MRTI must:
- i) Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct an annual targeted campaign for participation in surveys about visitor experience in the LGA.
 - ii) Provide all tourism related businesses in the LGA, whether a member of MRTI or not, with the opportunity to have a free website listing.
 - iii) Attend and promote the LGA at a minimum of 4 events per year held outside the LGA to increase the number of domestic tourists to the LGA (at least 2 events to be held in new target markets).
 - iv) Ensure monthly marketing communication with subscriber database.
 - v) Promote tourism-related Council events in MRTI marketing material without normal membership limitations, where the event benefits the LGA. The events promoted will be decided by the CEO of MRTI and the Council Events Coordinator or Economic Development Officer.
 - vi) Ensure at least 15% of MRTI produced press releases for the LGA's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong.
 - vii) Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the LGA each quarter.
 - viii) Ensure all major events in the LGA presented to MRTI are featured in What's On and Events Calendar.
 - ix) Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the LGA as a tourism destination and provide opportunity for MWRC's input.

6.2.12 T101314HUN Single Source Supply Of Category 1: Ductile Iron Cement Lined Pipe, Category 2: Water & Sewer Fitting And Category 3: Valves

REPORT BY THE PROCUREMENT MANAGER TO 5 MARCH 2014 COUNCIL MEETING
140305 Council
GOV400038, GOR500017

RECOMMENDATION

That:

1. **the report by the Procurement Manager on the tender T101314HUN Single Source Supply Of Category 1: Ductile Iron Cement Lined Pipe, Category 2: Water & Sewer Fitting And Category 3: Valves be received;**
2. **Category 1 – Ductile Iron Cement Lined (DACL) Pipes
That Iplex Pipelines Australia Pty Ltd be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 6/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016;**
3. **Category 2 – Water and Sewer Fittings
Cadia Group be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 06/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016;**
4. **Category 3 – Valves
Cadia Group be awarded this Category as the Single Source supplier to participating Hunter member councils for the period 06/03/2014 to 31/12/2015, and that a provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this contract through to 31/12/2016.**

Executive summary

Regional Procurement®, in accordance with Clause 166(a) of the Local Government (General) Regulation 2005, has called an open Single Source by Category tender for the Supply and Delivery of Ductile Iron Cement Lined Pipe, Water and Sewer fittings and Valves to participating Hunter member councils,.

This contract will run from 6 March 2014 for approx 24 months with a one year option to extend which is based on satisfactory performance by the successful tenderer.

The recommended tenderers are; Category 1 – Ductile Iron Cement Lined (DACL) Pipes Iplex Pipelines Australia, Category 2 – Water and Sewer Fittings, Cadia Group, Category 3 – Valves, Cadia Group.

Detailed report

This tender was advertised in the following media:

- Newcastle Herald and TenderLink on 10 August 2013,
- Sydney Morning Herald on 13 August 2013
- Mudgee Guardian 27 September 2013

Four (4) tenders in total were received from:

- Cadia Group
- Challenger Valves and Actuators Pty Ltd
- Iplex Pipelines Australia Pty Ltd
- Pentair Water Solutions

Seven (7) tender documents were sold.

No late tenders were received. All tenderers had been noted as active on the ASIC website and no tenders were deemed non compliant.

The tender evaluation was conducted on Thursday 5 December 2013 at Hunter Councils' administration building by:

- Leanne Roberts – Account Executive Regional Procurement
- Peter Salafia - Manager Regional Procurement

Note: All participating member councils were invited to attend the tender evaluation however due to other commitments none were able to attend.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines, Regional Procurement® Tendering Code of Conduct and Tendering Evaluation Principles and Process. Confidentiality and probity were maintained throughout the process.

Conflict of Interest Declarations were signed by all participating evaluation panel members including the Regional Procurement® facilitator. The declarations are available to be viewed if required.

METHODOLOGY:

The % weightings and criteria were agreed upon prior to the tender closing.
The evaluation result is determined by:

- Adding the total value of all items together on a 'per Category' basis to determine the lowest overall price for that Category.
- The lowest overall amount is awarded the full Criteria % for each Category as per the Table below.
- Each subsequent total \$ value is then divided into the lowest total amount to obtain a score.
- The tenderer's ability to meet specific requirements of the remaining evaluation criteria as determined by the panel.

*EVALUATION RESULTS:**CATEGORY 1- DICL PIPES*

		Iplex Pipelines Aust	Pentair Water Solutions
CRITERIA	%		
Tender Price	60	60.00	40.98
Referees	5	4.37	4.23
Quality Assurance	10	10.00	10.00
Customer Service	15	15.00	15.00
Freight	10	4.09	10.00
Total	100	93.45	80.22

CATEGORY 2 - WATER & SEWER FITTINGS

		Iplex Pipelines Aust	Pentair Water Solutions	Cadia Group
CRITERIA	%			
Tender Price	60	0.00	59.00	60.00
Referees	5	4.37	4.23	4.57
Quality Assurance	10	10.00	10.00	8.00
Customer Service	15	15.00	15.00	15.00
Freight	10	0.00	0.00	10.00
Total	100	29.37	88.23	97.57

Note: Iplex submission Tender Price was scored zero for this Category due to their inability to supply all items required.

CATEGORY 3 - VALVES

		Iplex Pipelines Aust	Pentair Water Solutions	Cadia Group	Challenger Valves
Overall matrix					
CRITERIA	%				
Tender Price	60	0.00	60.00	55.25	0.00
Referees	5	4.37	4.23	4.57	4.30
Quality Assurance	10	10.00	10.00	8.00	10.00
Customer Service	15	15.00	15.00	15.00	10.00
Freight	10	0.00	0.00	10.00	0.00
Total	100	29.37	89.23	92.82	24.30

Note: Iplex and Challenger Valves submissions Tender Price were scored zero for this Category due to their inability to supply all items required.

Financial and Operational Plan implications

Due to legislative requirements Council has an obligation to ensure that the procurement process is undertaken within the guidelines and threshold nominated in Section 55 of the Local Government Act 1993.

As per the objections outlined in Council's Procurement Policy the procurement of goods & services must be legal ethical and to Council's best advantage.

Community Plan implications

- Good Government

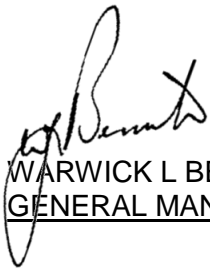
- Effective and efficient organisation.
- Strong Civic Leadership

KRISTIE WARD
PROCUREMENT MANAGER

14 February 2014

Attachments: 1. Regional Procurement Tender Evaluation Matrix (included in the confidential section of this business paper.)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

6.2.13 Review of Delegations to General Manager

REPORT BY THE MANAGER GOVERNANCE TO 5 MARCH 2014 COUNCIL MEETING

delegations

GOV400038, A0230005

RECOMMENDATION

That:

1. **the report by the Manager Governance on the Review of Delegations to General Manager be received;**
2. **the revised delegations as shown on the attached documents be adopted.**

Executive summary

To consider a minor alteration to the delegations for the General Manager.

Detailed report

The instrument of delegation from the Council to the General Manager (a copy of which is attached) contains at item 20 provision for the General Manager to enter into short term leases and agreement agreements. The intent of this authority is to facilitate the ready execution of what amount to minor agreements without the need for these to be placed before the Council for approval.

For the purposes of this item, the intention was to include agreements of no more than 5-year duration and/or worth no more than \$50,000 pa. While not spelt out it was also intended to include licenses.

As it stands at the moment, it is considered that the wording is somewhat ambiguous and therefore needs to be clarified. Accordingly, the wording of the item has been amended as shown as "track changes" on the delegation attached.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

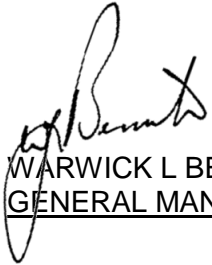


IAN ROBERTS
MANAGER GOVERNANCE


18 February 2014

Attachments: 1. Delegation of Authority for the General Manager

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

	DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">ADOPTED C/M 26/9/12 Min No 440/12</p> <p>LAST REVIEW: Sep 12 NEXT REVIEW: DEC 12 FILE No. A0230005</p> </div>
---	--	---

Pursuant to the powers conferred on it by Section 377 of the Local Government Act 1993, the Council hereby authorises WARWICK LESLIE BENNETT as General Manager to exercise the under mentioned powers, in addition to those powers conferred and imposed upon general managers by Section 335 of the Local Government Act 1993.

The General Manager has the delegated authority of Council for the following:

1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon, and in accordance with the resolutions of Council, and within the guidelines of relevant legislation.
2. To perform all the necessary activities, to serve any notices or orders, undertake inspections, issue or refuse license and permits, to exercise the power of entry, to appoint appropriate staff as an authorised officer, authorised person, authorised Council employee, or impounding officer as the case may be, to exercise the functions of those positions under the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and any other Act which may impact on the business of Council.
3. To authorise any work, which in the General Manager's opinion is urgent, at a cost not exceeding \$50,000, and shall ensure that the account for any work so authorised is submitted for payment by the Council in the same way as other accounts for goods and services against the Council.
4. To determine the matters which are to be included in the business papers in accordance with relevant legislation and regulations.
5. To reply to all routine correspondence not involving a monetary vote by Council, not affecting Council policy or not in the General Manager's opinion specifically requiring the consideration of Council.
6. To invest surplus funds.
7. To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.
8. To determine applications for donations in accordance with the budgetary limits set by Council and in accordance with Council's relevant policies.
9. To affix, witness and sign under the Common Seal of Council any necessary documents following a Council resolution that the seal may be applied as provided by the Local Government (General) Regulation 2005.
10. To approve minor variations to accepted tenders.
11. To approve the submission of tenders and quotations for private works.
12. To arrange to carry out private works requested by individuals, firms and organisations, as far as possible in conjunction with Council's Works Program.

13. To close roads or bridges temporarily or impose load limits when necessary.
14. To manage Council's facilities, including determining terms of use and means to provide access to facilities for organisations and members of the community. Exemption: the setting of fees for the use of facilities.
15. To sign any Contract for Sale of land and complete any other documents in relation thereto, where such land is sold in accordance with Council's resolution.
16. To forfeit on behalf of Council, any deposit paid for purchase of any parcel of land should such sale not proceed to completion.
17. To negotiate (including receipt of options), up to final acceptance, for the purchase of land including broadacres within the local government area and for this purpose to engage such Valuers, Agents etc as necessary.
18. To execute Contracts of Purchase where the purchase of the property has been approved by Council.
19. To negotiate the acquisition of strategic properties.
20. To negotiate and enter into ~~short-term~~ leases, licenses and agistment agreements of not more than 5-years duration and/or worth no more than \$450,000,000 pa on behalf of Council.
21. To enter into pipeline/access agreements with the State Rail Authority.
22. To sign necessary legal agreements on behalf of Council in cases where sewer mains pass under buildings.
23. To consider and determine requests and assess responses to emergency authorities, such as the NSW Police Force, State Emergency Services, NSW Bush Fire Brigade etc., for requested assistance required to reduce, eliminate or contain an emergency for its duration.
24. To accept on Council's behalf grants and financial assistance.
25. To dispose of surplus plant and equipment by sale, exchange or trade-in.
26. To authorise the removal of trees.
27. To declare the Public Water Supplies unfit for consumption if testing proves it necessary subject to:
 - The Mayor being informed.
 - Hospitals and doctors and schools in the area being informed direct.
 - Every effort being made to advise the public as quickly as possible.
28. To impose water supply restrictions as appropriate where:
 - (a) the available stored water or the available capacity of supply, is not sufficient for the time being to allow the unrestricted consumption of water for purposes other than domestic purposes, or
 - (b) available stored water or available capacity of supply is so restricted as to render extraordinary measures necessary in the interest of consumers of water and such

restrictions may be applied upon the use of water for any purposes, including domestic purposes. Water restrictions be made by order published in a newspaper advising the purpose, time, amount or method for which water may be used within areas to which the Council's reticulated water supply system extend and such restriction shall not be limited to a portion of the supply area except where the shortage of water or capacity of supply is peculiar to that portion or except where the restriction of supply in the different portions of an area in rotation.

29. To accept the delegation of the functions of the Director-General pursuant to the Environmental Planning & Assessment Act 1979 to the Council, and other Acts.
30. To determine applications under the Environmental Planning and Assessment Act 1979, and other relevant Acts, which do not include:
- Applications made where the Senior Officer of Council or Councillors are the owner or applicant of the land subject to the development application.
 - Residential subdivisions creating more than 20 allotments within the town boundaries of Mudgee, Gulgong, Rylstone and Kandos.
 - Rural residential subdivisions creating more than 20 allotments.
 - Development applications for the erection, alteration and/or additions to buildings exceeding a building value of \$1,000,000.
 - Variations to contributions required pursuant to the Section 94 Developers Contribution Plans.
 - Variations on the conditions and standards as determined in Council policies, Development Control Plans, standards and administration instructions.
Except:
 - Where the variation is less than 10% to the standard.
 - Where there is no public submission and the staff support the variation and it exceeds 10%, then the Council is to be notified of the application and given 3 working days to request the application to be reported to Council for consideration.
 - Objection(s) lodged by the public to a proposal. Except:
 - where the objections are unsubstantiated, are not a matter for consideration under the Environmental Planning and Assessment Act or can be adequately addressed through a condition of consent.
 - Where there are less than 5 objections and the staff support the application then the Council is to be notified of the application and given 3 working days to request the application to be reported to Council for consideration.
31. In relation to the relevant provisions of the Food Act 2003 to:
- To appoint, authorised officer/s for the purpose of enabling those officers to carry out the functions nominated in the Food Act 2003.
 - To issue Prohibition Orders and Certificates of Clearance where there are reasonable grounds for the issue of a Prohibition Order and subsequent Certificate of Clearance.
32. To negotiate and review gravel royalty up to a maximum value of \$100,000 in any financial year.
33. To determine under Section 525 of the Local Government Act 1993, reviews by ratepayers to change the categorisation of their properties for rating purposes.

Pursuant to Section 68 of the Noxious Weeds Act 1993 and pursuant to every other power hereunto enabling, the Council hereby delegates to WARWICK LESLIE BENNETT as General Manager all of the functions conferred or imposed on Council pursuant to the Noxious Weeds Act 1993 and the Noxious Weeds Regulation 2008.

6.2.14 Local Traffic Committee Minutes – 11 February 2014

REPORT BY THE GENERAL MANAGER TO 5 MARCH 2014 COUNCIL MEETING

140305 Council
GOV400038, A0100009

RECOMMENDATION

That:

1. the report by the General Manager on the Local Traffic Committee Minutes – 11 February 2014 be received;
2. Council write to ADA Cottages advising that Council will make an application to Essential Energy requesting installation of street lighting along Angus Avenue for the frontage of their premises but Council requires confirmation from ADA Cottages that they will contribute 50% of the cost of the street light and installation.
3. Council install “No Parking” signs either side of the Mudgee High School bus driveway on Denison Street.
4. Council install “No Parking” signs either side of the driveway to Pioneer House in Gladstone Street.
5.
 - a) the “Give Way” sign at the intersection of Putta Bucca Road and Henry Lawson Drive remain unchanged; and
 - b) Council implement line marking at this location in accordance with the RMS delineation manual.
6.
 - a) Council note the current signage on Ulan Road has been inspected by Council officers and was found to be well positioned and visible; and
 - b) Council check that speed regulation repeater signs are positioned every kilometre in accordance with NSW Speed Zone Guidelines.
7. Council note the concerns raised by the individuals in regard to the car sales lot on the corner of Horatio and Lewis Streets Mudgee but takes no further action at this time.
8. the event – “A Day on the Green” at Robert Oatley Vineyard, 8 March 2014” – be classified as a Class 2 Event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
 - b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
 - c. Controlling noise as required by the Protection of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;

- e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. A Traffic Control Plan (TCP), certified by a person with a "Worksite Traffic Control Certificate" be included in the TMP;
 - h. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Mid-Western Regional Council, NSW Police Force and RMS 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;
 - m. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review; and
 - n. The event organiser apply to the RMS for a direction to restrict the speed limit as proposed.
9. the event – '2014 Henry Lawson Pilgrimage Drive'– be classified as a Class 2 Event under the "Guide to Traffic and Transport Management for Special Events Version 3.4" and proceeds with the following conditions:
- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.3* 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 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 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. the qualification of the person creating the Traffic Control Plan must be at a minimum a holder of the Select and Modify Certificate or the Design and Audit Certificate;
 - 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, NSW Police Force and RMS are 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 tables 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 11 February 2014.

Detailed report

The minutes and discussion notes attached provide comment on the recommendations above.

Council will not that the LTC have recommended that no further action be taken on the car sales lot occurring on the corner of Horatio and Lewis Streets. A number of residents are concerned with safety issues with people walking aimlessly across a busy road. It has been suggested that parking time restrictions be put in place. The LTC believe that will only move the problem to another street corner.

Financial and Operational Plan implications

Cost of installing a street light on an existing pole is approximately \$6,000. The recommendation in regard to street lighting is that ADA Cottages contribute 50% of the cost of the street light.

All other costs are minimal.

Community Plan implications

Austrroads Guide to Traffic Management Parking Part 11:2008 (7.6.1-7.6.4)
AS 1742.11:1999 Manual for uniform traffic control devices - parking controls
AS1742.2:2009 Manual for uniform traffic control devices – traffic control device for general use
RTA Guide to Traffic and Transport Management for Special Events Version 3.4

DARYL COLWELL
MANAGER, DEVELOPMENT ENGINEERING

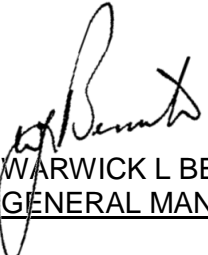


CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT & COMMUNITY SERVICES

13 February 2014

Attachments: 1. Minutes and discussion notes of meeting held 11 February 2014
(reports available upon request)

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 11 FEBRUARY 2014

Present: Daryl Colwell (Chairperson MWRC), Prue Britt (RMS), Mal Petrie (Members Representative), Inspector Julie Boon (NSW Police), Cr John Weatherley, Adrian Moore (MWRC – Development Engineer) and Mette Sutton (MWRC – Minute Secretary).

Apologies: Nil

The LTC meeting commenced at 9.35am.

14/01 MATTERS IN PROGRESS

ITEM	ACTION
Nil	Noted

14/02 SPECIAL EVENT DEBRIEF

SPECIAL EVENT	COMMENTS
Nil	Noted

14/03 PARKING ADJACENT TO ADA COTTAGES KANDOS

The recommendation in the report was moved by Cr John Weatherley, seconded by Inspector Julie Boon and carried as a recommendation to Council.

14/04 NO PARKING SIGNS – MUDGEES HIGH SCHOOL, DENISON STREET

The recommendation in the report was moved by Mal Petrie, seconded by Prue Britt and carried as a recommendation to Council.

14/05 NO PARKING SIGNS – PIONEER HOUSE, GLADSTONE STREET

The recommendation in the report was moved by John Weatherley, seconded by Inspector Julie Boon and carried as a recommendation to Council.

14/06 STOP SIGN – INTERSECTION OF PUTTA BUCCA RD & HENRY LAWSON DR

The recommendation in the report was amended as follows then moved by Prue Britt, seconded by Cr John Weatherley and carried as a recommendation to Council.

That:

1. **The “Give Way” sign at the intersection of Putta Bucca Road and Henry Lawson Drive remain unchanged; and**
2. **Council implement linemarking at this location in accordance with the RMS delineation manual.**

14/07 ULAN ROAD SPEED SIGNAGE NEAR MOGGS LANE, MUDGEES

The recommendation in the report was amended as follows then moved by Prue Britt, seconded by Mal Petrie and carried as a recommendation to Council.

That:

1. **Council note the current signage on Ulan Road has been inspected by Council officers and was found to be well positioned and visible; and**
2. **Council check that speed regulation repeater signs are positioned every kilometre in accordance with NSW Speed Zone Guidelines.**

14/08 UNAUTHORISED PARKING – CORNER LEWIS AND HORATIO STREETS

The recommendation in the report was amended as follows then moved by Inspector Julie Boon, seconded by Cr John Weatherley and carried as a recommendation to Council.

That Council note the concerns raised by the individuals but takes no further action at this time.

14/09 SE – A DAY ON THE GREEN AT ROBERT OATLEY VINEYARD –
8 MARCH 2014

The recommendation in the report was amended as follows then moved by Mal Petrie, seconded by Cr John Weatherley and carried as a recommendation to Council.

- 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, NSW Police Force and RMS are indemnified against any possible action as the result of the event.**

14/10 SE – HENRY LAWSON PILGRIMAGE DRIVE MAY-JUNE 2014

The recommendation in the report was amended as follows then moved by Prue Britt, seconded by Inspector Julie Boon and carried as a recommendation to Council.

- 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, NSW Police Force and RMS are indemnified against any possible action as the result of the event.**

DISCUSSION NOTES FROM THE 11 FEBRUARY 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.

14/06 STOP SIGN – INTERSECTION OF PUTTA BUCCA RD & HENRY LAWSON DR

RMS representative had inspected this intersection and was satisfied that the site distance being 200 metres was more than required and therefore the intersection does not warrant a 'stop sign'. Reimplementation of line-marking would however improve the intersection. The recommendation was amended to reflect this request. RMS representative to provide Daryl Colwell with a copy of the RMS delineation manual.

14/07 ULAN ROAD SPEED SIGNAGE NEAR MOGGS LANE, MUDGEE

RMS representative advised there needs to be a speed sign repeater every one kilometre within the 80kph speed zone to meet RMS speed zone guidelines. If more speed signs are required they can be billed to the RMS.

14/08 UNAUTHORISED PARKING – CORNER LEWIS AND HORATIO STREETS

Committee were not in favour of the recommendation as they considered that the installation of parking restrictions at this location will only shift the problem elsewhere and does not address the problem.

The RMS is only concerned with the travel lane of Horatio Street (Castlereagh Highway) noting that the road shoulder is the responsibility of Council. Lithgow Council have similar issue on Castlereagh Highway near the Lithgow Information Centre. They have installed parking restrictions.

GENERAL BUSINESS

RMS Speed Zone Assessments

Daryl tabled speed zone assessments received by Council from the RMS for assessments conducted on Laheys Creek Road, Spring Ridge Road and Beragoo Road. In all cases the RMS considered that the current speed zones were appropriate.

Distribution of LTC Agenda and Minutes

Prue Britt asked that in future the agenda for all LTC meetings be distributed one week prior to the scheduled meetings to allow a suitable amount of time for consideration of the reports, and that minutes be distributed in an appropriate timeframe following meetings.

The meeting closed at 10.23am.
Next meeting to be held on Tuesday, 11 March 2014.

6.2.15 Mudgee Showground Management Committee

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 5 MARCH 2014 COUNCIL MEETING
140305 Council
GOV400038, F0650007

RECOMMENDATION

That the report by the Director, Mid-Western Operations on the Mudgee Showground Management Committee be received;

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Showground Management Committee ordinary bi-monthly meeting held on 5 November 2013. The Showground Management Committee receives an updated Works Request and Matters in Progress report together with updated financial details bi-monthly. A copy of the Matters in Progress are attached for Council's information.

The Showgrounds Management Committee have requested that

Council adopts the recommendation of the Showground Management Committee and sets the camping fees at

- *\$24.00 including GST for a Powered Site; and*
- *\$17.00 including GST for a non-powered Site;*

Council has considered this matter in detail over the past twelve months and has resolved - after representations from the community and other camping ground operators - that it would be unreasonable to undercut other business's the provide camping ground services in the region that don't enjoy the financial backing of Council. Council stated that it needed to at least be on a par with the fees and charges of other camping facilities in the region.

Thus that recommendation from the committee has not been included as a recommendation to Council.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

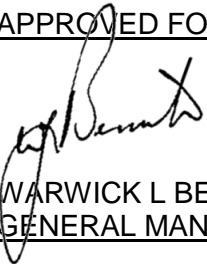


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

20 February 2014

Attachments: 1. Minutes of the Mudgee Showground Management Committee Meeting 5
November 2013

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**MUDGEES SHOWGROUND MANAGEMENT
COMMITTEE MEETING — 5 NOVEMBER 2013**

Meeting Opened: 6.00 pm

Present: Cr John Webb, Brad Cam, Bill Robinson, Lea Cuthbertson, Yasmin Crockett, Dean Rheinberger, Malcolm Swords and Kim Wilson

Observer: Lesley Burgess (minute secretary)

Apologies:

Minutes of September's Meeting – Accepted

Moved: Kim Wilson
2nd Lea Cuthbertson

Motion Carried

Matters in Progress

- As per attached list.

Correspondence

- Cr John Webb went through the correspondence.
- Letter received from Australian Army Cadets. Lieutenant Alen Lucic attended the meeting in order to address any concerns that the committee may have with the cadets utilising the showground. Alen advised that the Cadets require a storage shed (5m x 20m) which they are prepared to build in a location acceptable to the Showground Committee. The cadets are planning to undertake the work within the next 12-18 months once they have raised enough funds. The cadets would hold their training sessions on a Thursday during the school term. In addition the cadets would like to utilise the Kitchen and Hall Building for their weekly lessons. Alen also advised that no shooting would take place at the showground. This committee agreed to the Australian Army Cadets requests in principal, however, Alen to revert to us once he has confirmed the Army Cadets requirements in more detail.
- At its meeting held on 3 October, Council acknowledged Mudgee and District Working Equitation (MADWEQ) as regular users of the Showground and approved the following new fees and charges -
 - Security Bond \$150.00 per annum
 - Hire Fees - \$100.00 per eventLetter to be sent to MADWEQ advising them of same.

Financial Report

- Brad Cam went through the financial statement. Income for September & October have been excellent and expenses are tracking well against budget.

Income	2012	2013
September	\$ 1,922.00	\$ 6,527.00
October	\$11,657.00	\$ 9,117.00

Moved: Dean Rheinberger
2nd Kim Wilson

Motion Carried

General Business

- The Stable Users are to receive written advice that horses are not to be allowed to roam freely in the Equestrian Arena.

Any Other Business

- There is a drainage problem in the main arena that is causing the bottom area to become overly wet. The problem is to be investigated. Brad Cam would like drainage of the main arena to allocated capital in the budget initiative as it has been a problem for some time now.
- Brad Cam advised that Andrew Drummond will now be carrying out regular inspections of the main arena to ascertain what is causing the problems being experienced with the watering system
- Camping at the Showground is not being utilised to its full potential, it is felt that this is due to high camping fees. Mudgee Showground camping fees are in-line with the other caravan sites in town, however, the Showground does not have the same standard of facilities. Cr Webb suggested that once these minutes are ratified we make a recommendation to Council to reduce the camping fees, thus ensuring camping becomes an income earner for the Showground once again. It was recommended that the reduced fees should be -
 - \$24.00 including GST for a Powered Site; and
 - \$17.00 including GST for a non-powered Site.

Moved: Dean Rheinberger
2nd Bill Robinson

Motion Carried

- The following still needs to be addressed in the main pavilion kitchen
 - The kitchen door needs fixing
 - No hot plate or BBQ facilities
 - Commercial oven requires \$16,000.00 electrical supply upgrade
 - No general cleaning equipment (i.e. bucket, mop, cloths, broom)
 - It was also noted that the gas bottles in the Kitchen and Hall building are not operational.
- The old stallion boxes are presently being repaired by Ken Jeffery at his cost and in his time. Dean advised that the Show Society will need them in March.
- Kim advised that the Pony Club will be erecting the portable cross-country fences on the 23 November. Brad Cam to inspect same prior to the event.
- Kim Wilson to contact Council's Alan Talbot in order to create an emergency evacuation plan for the Pony Club at the Showground.
- Lesley to update the website to include the Mid Western Working Horse Group as a user of the Showground.
- The sand on the Equestrian Arena is becoming very thin in places and could result in damage to the clay foundations. Dean advised that the arena needs to be levelled as the sand tends to accumulate around the edges.
- Lea Cuthbertson commented that the grounds looked fantastic for their event held on the 26 and 27 October.
- Lea would like the trees near the Pony Club Shed trimming as oversized floats are finding them too low.
- The question whether to fence off the camping area was raised. It was felt if the fenced area had 16 foot access gates, then there would not be problem created for large equipment/vehicles entering and or exiting the showground. It was agreed in principal to install a 6 strand white covered wire fence. Brad Cam to make enquires as to the cost.

Business Plan

- The following is to be added to the business plan -
 - Weaknesses
 - Lack of competitiveness due to the camping being overpriced.
 - Incomplete commercial kitchen in the main pavilion
 - Main Arena - drainage issues
 - Threats
 - Mudgee Showground land does not belong to Council

Brad Cam to have the Mudgee Showground Business Plan updated so that it can be adopted at our next meeting.

Meeting closed at: 7:40 pm

Next meeting to be held 4 February 2014

MATTERS IN PROGRESS

#	SUBJECT	MEETING DATE	ACTION	WHOM	PROGRESS
1.	Asset Register to be created as to who owns what at the Showground's	3/4/12	To submit a complete Asset List to Council	Show Society	5/11/13 Needs the tractor removing from their list
2.	Asset Register to be created as to who owns what at the Showground's	3/4/12	To submit a complete Asset List to Council	Animal Nursery	
3.	The toilet paper dispenser needs replacing/fixing, it is difficult to get the paper out of the dispenser	2/7/13	Works Requested needed	Lesley Burgess	BL0046/2014
4.	A fence to be erected to enclose the camping area, mainly for safety reasons.	3/9/13		Brad Cam	Needs further discussion and consideration 5/11/13 Brad Cam to do costings.
5.	The new checklist needs to be implemented	3/9/13	Ken Jeffrey needs to be advised	Andrew Drummond	5/11/13 - Has now been approved by Council
6.	Business Plan to be revised	3/9/13		All	
7.	Ken to be advised of the bin enclosure that the Horse Groups are erecting.	3/9/13	Ken to be given a key to lock the bins away	Andrew Drummond	5/11/13 in progress
8.	Toilet supplies during an event supplied by event organiser but could be utilised by campers	3/9/13	Needs a solution	All	
9.	Equestrian Arena is becoming very thin in places needs sand to be levelled as the sand tends to accumulate around the edges.	5/11/13		Andrew Drummond	

6.2.16 Mudgee Sports Council

REPORT BY THE DIRECTOR, MID-WESTERN OPERATIONS TO 5 MARCH 2014 COUNCIL MEETING
140305 Council
GOV400038, A0100056, A0100013

RECOMMENDATION

That:

1. **the report by the Director, Mid-Western Operations on the Mudgee Sports Council be received;**
2. **the minutes for the Mudgee Sports Council ordinary monthly meeting held on 28 January 2014 be noted.**

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 28 January 2014. The Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meeting.

There are no further matters arising that require consideration by Council at this time, noting that specific requests/recommendations are forwarded to Council under separate cover providing detailed information on requirements. Operational matters raised will be dealt with in due course when staff receives additional information.

Detailed report

Not applicable.

Financial implications

Not applicable

Strategic or policy implications

Not applicable.

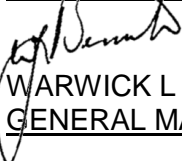


BRAD CAM
DIRECTOR, MID-WESTERN OPERATIONS

20 February 2014

Attachments: 1. Minutes of Mudgee Sports Council Ordinary Meeting 28 January 2014

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

**Sports Council Meeting
Glen Willow Netball Meeting Room
28-01-2014 - 18:35**

Present: P. Mitchell, C. Kurtz, G. Bartrim, M. O'Keefe, C. Turner, I. Innes, G. Parker, R. Sharp, K. Lang, D. Synder, T. Headley Council staff Julian Geddes, Adelle Johnstone, Alanya Gleeson & J. Johnson.

Apologies: G. Robinson, J. Weatherley (MWRC Representative), S. Adlington, D. Sprigg, Moved C. Kurtz, G. Bartrim seconded that apologies be accepted.

Guests from MWRC spoke about the user management manual; Brad Reynolds and Julian Geddes are to be contacted about bookings, e.g. lighting, and incidents involving the general public e.g. medical emergencies or OH&S issues.

- Hiring of grounds fee's need to be paid prior to the event taking place.
- B Conditions of Hiring: as per the manual p9, conditions of entry may vary as per event.
- Hiring of Stadium: every hirer must have liquor Licence, and a cleaning list will be handed over and checked at the conclusion of the event, if cleaning not done to council standards than professional cleaners will be hired and user group charged. The cleaning check list can be left at council for staff to then check.
- The layout for the new amenities block for Touch/Soccer hasn't at this stage been included on the site map; work should commence shortly and should be completed by August 2014.
- Please ensure all clubs are aware of the evacuations procedures and marshalling areas.
- Council staff are happy to do walk throughs with individual clubs as requested.
- The manual can be downloaded from the council website, to hand to your committees and event planner's.
- Adele Johnstone spoke about the healthy communities alliance, funding will end June 2014, a healthy communities committee will take over from then to promote health and fitness in the community, the 2 upcoming events Gulgong 22nd Feb from 5pm and Mudgee 8th March from 10am will promote activities for all fitness levels, 2MG will be doing a live broadcast from the Mudgee event, more clubs are welcome to join in, just fill in the form and ensure your insurance is up to date.

Minutes read as true and correct: Moved G. Parker seconded M. O'Keefe.

Business arising from previous minutes:

- We shall trial the new starting time of 6pm at the February meeting.
- No news on the Sportsman dinner, so our Sports awards will be held Monday the 31st March, at a venue to be confirmed.
- Fire extinguishers have finally been installed.

Treasurer's Report:

- \$55071.26, this was up to the end of October, Touch has since paid their fees.
- All summer sports are reminded that fees are due at the next meeting; Peter Mitchell will email all sports council reps with the new invoicing system which you fill in and email to council and then they will send you the account to pay.
Report moved C. Kurtz, seconded T. Headley.

Work's Requests Updates:

- Lights at Glen Willow and Jubilee awaiting crane and light winds.
- Glen Willow- fields still require watering and sprinkler covers need replacing, and top dressing of worn areas need completing.
- Guttering still to be checked at west End complex.
- Chain still needs to be placed on second emergency exit at Jubilee.

- Extinguishers have finally been installed.

-

Works Requests:

- Sprinkler holes and sunken areas on main Hockey field at West end request repairs before commencement of Hockey season.
- Holes all over fields at West End- request top soil for top dressing.
- Request more even watering of fields at West end, also removal of Kangaroo's now interfering will sports being played won't move on, and are becoming a major safety issue, they are also digging down into the fields looking for grass, and creating more damage.
- Request removal of tree stump near main entrance of West end, as well as repairs to broken concrete, and removal of the pinched pipe in middle of footpath, this was brought to Softballs attention by a very concerned grandparent.
- Following the recent upgrade of the irrigation system at Cahill Park the trenched areas need some special care to ensure they are level and grassed before the Football season commences.
- Sprinklers at Southern end of Cahill Park not covering the area especially the goal line.

General Business:

- Irrigation and levelling of West end, also top soil to fill in wear patches.
- AFL booked Jubilee for the 9th February for match and rego day, Mudgee Wombats also doing rego day down at Jubilee, Softball offered to put posters up to advertise the Winter sports rego days.
- Rugby looking to apply for grant to improve the dressing sheds at Jubilee, reminded that 2 quotes required.
- Training field required for Junior wombats who are in training for Blue Bulls, would be required after Touch completes their game night.
- Reminder that sports awards need to be in by next meeting, Geoff will send nomination forms out.

Next meeting 24th Feb at 6pm at the Netball Clubhouse.

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 7: Urgent Business Without Notice