

COUNCIL BUSINESS PAPERS

# ORDINARY MEETING

Wednesday 17 December 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](mailto:council@midwestern.nsw.gov.au)

10 December 2014

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
Wednesday, 17 December 2014  
Open Day at 5.30pm

*Council Meeting commencing at conclusion of Open day*

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

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

Yours faithfully

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

BRAD CAM  
GENERAL MANAGER

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## Item 1: Apologies

## Item 2: Disclosure of Interest

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

## Item 3: Confirmation of Minutes

### **3.1 Minutes of Ordinary Meeting held on 3 December 2014**

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 3 December 2014, Minute Nos 519/14 to 538/14 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 3 December 2014

## Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee  
on Wednesday 3 December 2014, commencing at 5.36pm and concluding at 6.59pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director Operations (D Colwell), Acting Director Development (G Bruce), Director Corporate (C Phelan), Director Community (S Jones), Economic Development Officer (J Robertson), Corporate Communications Officer (P Goldsmith).
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (E Watson), Radio 2MG (C Bassett).

### Item 1: Apologies

There were no apologies.

### Item 2: Disclosure of Interest

Gary Bruce declared a pecuniary conflict of interest in Item 8.1.1 as he is on the Committee of a tenderer.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.5 as he is the brother of the applicant.

### Item 3: Confirmation of Minutes

519/14 MOTION: Shelley / Weatherley

That the Minutes of the Ordinary Meeting held on 19 November 2014  
(Minute Nos. 498/14 to 518/14) be taken as read and confirmed.

The motion was carried with Councillors voting unanimously.

### Item 4: Matters in Progress

520/14 MOTION: Cavalier / Shelley

That Minute no. 219/14 be noted as completed.

The motion was carried with Councillors voting unanimously.

### Item 5: Mayoral Minute

Nil

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

Mid-Western Regional Council

Date: 3 December 2014

**Item 6: General Business**

## 6.1 NOTICES OF MOTION

## 6.1.1 COUNCIL MEETINGS - ONCE PER MONTH

GOV400022, GOV400038

521/14

**MOTION: Kennedy / White****That:**

1. Council trial a new way of administering Council business, and that two sessions be planned monthly for a period of five months in 2015 as outlined below:

Ordinary Council meetings to be held once per month on the following dates:

Wednesday, 18 February 2015  
 Wednesday, 18 March 2015  
 Wednesday, 15 April 2015  
 Wednesday, 20 May 2015  
 Wednesday, 17 June 2015

And that Council acknowledges that from time to time, extraordinary Council meetings may need to be called for matters of urgency, and that these be held where possible on the first Wednesday of each month.

2. Council run monthly Strategic Policy Workshops on the same day as the Ordinary Council meeting:
3. Council invite members of the public to address Council prior to the beginning of all Council Meetings.
4. Council increase the delegation to the General Manager to \$2,000,000 in order to minimise any impact on DA processing times.

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

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

Page 2 of the Minutes of the Ordinary Meeting of Council held on Wednesday 3 December 2014.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 General Manager

**6.2 REPORTS TO COUNCIL****6.2.1 PLANNING PROPOSAL –“MENAH” CHANGE IN MINIMUM LOT SIZE AND ZONING FOR 2HA AND 12 HA LOTS**

GOV400038, LAN900049

**522/14****MOTION: Walker / Martens****That:**

1. the report by the Manager Strategic Planning on the Planning Proposal –“Menah” Change in Minimum Lot Size and Zoning for 2ha and 12 ha Lots be received;
2. the proponent be invited to withdraw the planning proposal with a full refund of their fees pending the outcome of the report into the review of the Comprehensive Land Use Strategy and Town Structure Plan.
3. should the proposal not be withdrawn, Council advise the proponent that the proposal is not supported as it is inconsistent with the Comprehensive Land Use Strategy and Mudgee and Gulgong Urban Release Strategy.

The motion was carried with Councillors voting unanimously.

**6.2.2 MONTHLY DEVELOPMENT APPLICATIONS PROCESSING & DETERMINED**

GOV400038

**523/14****MOTION: Cavalier / Martens**

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

The motion was carried with Councillors voting unanimously.

**6.2.3 MONTHLY BUDGET REVIEW OCTOBER 2014**

GOV400038, FIN300062

**524/14****MOTION: Walker / Cavalier**

**That the report by the Acting Director, Corporate on the Monthly Budget Review October 2014 be received.**

The motion was carried with Councillors voting unanimously.

## 6.2.4 FINANCIAL ASSISTANCE APPLICATIONS

GOV400038, A0140201

MOTION: Martens / Thompson

That:

1. the report by the Acting Director, Corporate on the Financial Assistance applications be received;
2. Council provide a donation to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Churches Association	\$1,000
Club Mudgee	\$2,500
Kandos Pensioners & Superannuants Association	\$500
Hilltop Arts Committee	\$500
Mid-Western Dance Festival Committee	\$500
Hargraves Triamble Pony Club	\$500
Kandos High School	\$100
WIRES Central West	\$500
Ilford Public School P & C	\$100
Cementa Inc	\$2,500
Rylston Pensioners Association	\$500

3. Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Landcare	\$930
Kanandah Auxiliary	\$250
Mudgee District University of the Third Age (U3A)	\$2,000
Lifeskills	\$407
Mudgee Wine Grape Growers Assn. Inc	\$541
The Rylstone District Trainers Group	\$802
Mudgee Indoor Swimming Club	\$750
Catholic Education Office Diocese of Bathurst	\$750
Mudgee Region Tourism Incorporated	\$438
Mudgee Triathlon Club	\$1,400
BreastScreen Greater Western	\$360
Mudgee Celebrity Golf Classic/ Peter Stirling Junior	
Rugby League Clinic	\$820

4. The Gulgong Chamber of Commerce provide more information before the \$10,000 is allocated.

525/14

AMENDMENT: Shelley / Cavalier

That:

1. the report by the Acting Director, Corporate on the Financial Assistance applications be received;



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2. Council provide a donation to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Churches Association	\$1,000
Club Mudgee	\$2,500
Kandos Pensioners & Superannuants Association	\$500
Hilltop Arts Committee	\$500
Mid-Western Dance Festival Committee	\$500
Hargraves Triamble Pony Club	\$500
Kandos High School	\$100
WIRES Central West	\$500
Iford Public School P & C	\$100
Gulgong Chamber of Commerce Inc	\$10,000
Cementa Inc	\$2,500
Rylstone Pensioners Association	\$500

3. Council provide an in-kind contribution to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Landcare	\$930
Kanandah Auxiliary	\$250
Mudgee District University of the Third Age (U3A)	\$2,000
Lifeskills	\$407
Mudgee Wine Grape Growers Assn. Inc	\$541
The Rylstone District Trainers Group	\$802
Mudgee Indoor Swimming Club	\$750
Catholic Education Office Diocese of Bathurst	\$750
Mudgee Region Tourism Incorporated	\$438
Mudgee Triathlon Club	\$1,400
BreastScreen Greater Western	\$360
Mudgee Celebrity Golf Classic/ Peter Stirling Junior	
Rugby League Clinic	\$820

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 Cavalier	✓	
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

Mid-Western Regional Council

Date: 3 December 2014

6.2.5 APPLICATION FOR CLOSURE AND PURCHASE OF PART  
PERRY STREET ROAD RESERVE

GOV400038, ROA100007

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.5 as he is the applicant, left the meeting at 6.26pm and did not participate in any discussion or vote in relation to this matter.

526/14

**MOTION:** Shelley / Cavalier

**That:**

1. the report by the Revenue & Property Manager on the Application for Closure and Purchase of Part Perry Street Road Reserve be received;
2. Council agree to the Application for Closure of that part of Perry Street road reserve adjacent to the eastern boundary of proposed allotment 26 of the Riverview Estate subdivision as shown on the plan in Attachment 4 to this report and make an application to NSW Trade & Investment – Crown Lands for the closure;
3. The applicant is to be responsible for all costs in relation to the proposed Road Closure;
4. If, upon closure of that section of part of Perry Street road reserve the land vests in Council, Council agree to sell the land to the applicant and authorise the General Manager to negotiate the terms of the sale of the land with the applicant. The applicant is to be responsible for all costs in relation to the land purchase, including Council's reasonable legal costs;
5. The General Manager be authorised to sign all documentation necessary in relation to the proposed Road Closure and if applicable, to all documentation necessary in relation to the sale of the land to the applicant;
6. Council authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the Road Closure; and if applicable, to all documentation necessary in relation to the sale of the land to the applicant;
7. Until the Road Closure is finalised and the land has transferred to the applicant, no development should take place on the Road Closure site.

*The motion was carried with Councillors voting unanimously.*

Councillor Walker returned to the meeting at 6.29 pm.

Mid-Western Regional Council

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6.2.6 WATER CONSUMPTION – 123 GOOLMA ROAD GULGONG -  
PROPERTY 20154

GOV400038, P2015411

527/14

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

1. the report by the Revenue & Property Manager on the Water Consumption – 123 Goolma Road Gulgong - Property 20154 be received;
2. Council deny the request made by the applicant to waive the balance of the water consumption charge amounting to \$3,459.25 incurred for the period 27/06/2014 to 03/10/2014.

The motion was carried with Councillors voting unanimously.

6.2.7 NAMING OF UNNAMED STREET IN THE SUBDIVISION OFF  
ADAMS LEAD ROAD

GOV400038, R0790041

528/14

**MOTION:** White / Cavalier**That:**

1. the report by the Revenue & Property Manager on the Naming of unnamed street in the subdivision off Adams Lead Road be received;
2. Council name this road Joinery Lane.

**AMENDMENT:** Thompson /**That:**

1. the report by the Revenue & Property Manager on the Naming of unnamed street in the subdivision off Adams Lead Road be received;
2. Council name this road Gibadere Lane.

The amendment lapsed for want of a seconder. The motion was put and carried with Councillors voting unanimously.

6.2.8 NAMING OF UNNAMED STREETS IN A SUBDIVISION OFF  
HENRY BAYLY DRIVE

GOV400038, R0790141

529/14

**MOTION:** Cavalier / White**That:**

Mid-Western Regional Council

Date: 3 December 2014

1. the report by the Revenue & Property Manager on the Naming of unnamed streets in a subdivision off Henry Bayly Drive be received;
2. Council name Street 1 Cover Street and Street 2 Croan Court.

The motion was carried with Councillors voting unanimously.

#### 6.2.9 RYLSTONE PEDESTRIAN BRIDGE TENDER PROCESS

GOV400038, COR400077

530/14

MOTION: Shelley / Walker

That:

1. the report by the Senior Works Engineer on the Evaluation of Expressions of Interest for Design and Construction of the Rylstone Pedestrian Bridge be received;
2. Council accepts the recommendation of the Senior Works Engineer to request the following companies to tender for the work:
  - Waeger Constructions Pty Ltd
  - Steelworks Engineering Pty Ltd
  - Fleetwood Urban Pty Ltd
  - J&R Industries Pty Ltd
  - Wagners CFT Manufacturing Pty Ltd
3. The unsuccessful applicants be notified that their applications were unsuccessful;
4. The 2014/15 Operational Plan be amended to include \$150,000, which is brought forward from the 2015/16 budget.

AMENDMENT: Webb / Martens

That:

1. the report by the Director, Community on the Rylstone Pedestrian Bridge Tender Process be received;
2. Council formally determine not to proceed to tender for the Rylstone Pedestrian Bridge project;
3. the Rylstone Pedestrian Bridge project be submitted as an initiative for consideration as part of the 2015/16 budget process.

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

Councillors	Ayes	Nays

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 Mayor

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 General Manager

Mid-Western Regional Council

Date: 3 December 2014

Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb	✓	
Cr White		✓

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

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

#### 6.2.10 SEALING CAUSEWAY APPROACHES ON UNSEALED ROADS

GOV400038, COR400059

531/14

**MOTION:** Weatherley / Shelley

**That:**

1. the report by the Business Manager Works on the Sealing Causeway Approaches on Unsealed Roads be received;
2. a budget of \$35,000 is allocated in the 2015/16 financial year to seal the approaches to 10 causeways on the unsealed local roads:
  - Lower Piambong Road Segments 90, 180 and 210. (4 causeways)
  - Cox's Creek Road Segment 70 (1 causeway)
  - Coricudgy Road Segment 20 (1 causeway)
  - Bocoble Road Segment 170 (1 causeway)
  - Aarons Pass Road Segments 200 and 160 (3 causeways)

The motion was carried with Councillors voting unanimously.

#### 6.2.11 PROVISION OF HARDWARE & BUILDING SUPPLIES

GOV400038, GOR500017

532/14

**MOTION:** Cavalier / Walker

**That:**

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

Mid-Western Regional Council

Date: 3 December 2014

1. the report by the Procurement Manager on the Tender for Provision of Hardware Supplies - spt271415MWRC be received;
2. Council accept Furney's Building & Plumbing Supplies as the primary supplier for bagged concrete (cement), general hardware & cleaning supplies;
3. Council accept Waltock Pty Ltd t/as Petries Home & Garden Centre as the primary supplier for timber and the secondary supplier for bagged Concrete (cement), tools, and general hardware;
4. Council accept J.Blackwood & Son Pty Limited as the primary supplier for tools and personal protective equipment (PPE) and the secondary supplier for general hardware, cleaning supplies and timber;
5. Council accept Fentarian Pty Ltd t/as Sullivans Mining as secondary suppliers for cleaning supplies, tools and PPE.

The motion was carried with Councillors voting unanimously.

## Item 7: Urgent Business Without Notice

### 7.1 Regional Aviation Services

533/14 MOTION: Cavalier / Martens GOV400029, GOV400038, A0820020

That this matter be dealt with as urgent business without notice in the Confidential Session of this meeting.

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

## Item 8: Confidential Session

534/14 MOTION: Cavalier / Shelley

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

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

**Subject:** *Expressions of Interest for Early Childhood Centre Operator*

**Subject:** *Regional Aviation Services*

*The reason for dealing with these matters confidentially is that it relates to commercial information of a confidential nature that would, if disclosed, (i) prejudice the commercial position of the person who supplied it, or (ii) confer*

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\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager



Mid-Western Regional Council

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***a commercial advantage on a competitor of the in accordance with Section 10A(2)(i) and (ii) of the Local Government Act, 1993.***

***Discussion of these matters in an open meeting would be, on balance, contrary to public interest as it could prejudice Council's negotiations.***

**Subject: Maloney's Road Realignment**

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

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

The motion was carried with Councillors voting unanimously.

#### 8.1.1 EOI for Early Childhood Centre Operator

GOV400038, A0820020

Acting Director Development (G Bruce) left the meeting at 6.50pm.

**535/14 MOTION: Weatherley / Walker**

**That:**

- 1. the report by the Economic Development Officer on the EOI for Early Childhood Centre Operator be received;**
- 2. Council endorses the staff recommendation that Gowrie NSW is the preferred operator of the Mudgee Region Early Childhood Centre; and**
- 3. Council authorises the General Manager to negotiate and enter into a long term agreement with Gowrie NSW for the operation of the Mudgee Region Early Childhood Centre.**

The motion was carried with Councillors voting unanimously.

Acting Director Development (G Bruce) returned to the meeting at 6.51pm.

#### 8.1.2 Maloneys Road Realignment

GOV400038, R0112001, P2186911, P0925211

**536/14 MOTION: Walker / Webb**

**That:**

- 1. the report by the Revenue & Property Manager on the Maloneys Road Realignment be received;**

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---

 Mayor

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 General Manager

Mid-Western Regional Council

Date: 3 December 2014

2. Council agree to the realignment of that section of Maloneys Road as outlined in Option 1 of this Report by; the formalisation and opening as public road of approximately 1,000 metres of land through allotments 130 DP755410, 151 DP 755416 and part 106 DP 755416 and; dedication and opening of approximately 500 metres of land through the remainder of part allotment 106 DP 755416 and through part of the eastern boundary of allotment 110 to the intersection with Bara Road as public road and the construction of the road surface thereon and; closing that part of the unformed Maloneys Road reserve through allotments 130 DP 755410 and 108 DP 755416;
3. Compensation to the landowners is to be in the form of a land exchange of that part of the unformed Maloneys Road reserve proposed to be closed for the land required for the proposed road formalisation and creation, as cited at Recommendation (2) above;
4. The General Manager negotiate all terms of agreement with the landowners in relation to the land exchange compensation and any other matters that may arise during the Road closure, opening and construction process;
5. Council is to incur all costs in relation to the Road closure, opening and construction, including any reasonable costs incurred by the landowners for legal costs;
6. Council give consideration to a Budget Initiative to fund the Road closure, opening and construction, in the 2015/2016 financial year;
7. The General Manager and Mayor be authorised to sign all necessary documentation in relation to the Road closure, opening and construction and all documents necessary to complete the land exchange;
8. Council authorises the affixing of the Common Seal to all documents necessary to complete Road closure, opening and construction and to all documents necessary to complete the land exchange.

The motion was carried with Councillors voting unanimously.

#### 8.1.3 Regional Aviation Services

GOV400029, GOV400038, A0820020

537/14

**MOTION:** White / Cavalier

**That:**

1. the report on Regional Aviation Services be received;

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

2. Council approve in principle financial assistance for the establishment of an RPT service between Mudgee and Sydney including:
  - \$195,000 as a financial grant to help cover initial establishment costs (in 3 monthly instalments of \$95,000, \$50,000 and \$50,000 commencing in February 2015)
  - 12 x monthly payments of \$15,000 in the first 12 months of operations to support the employment of relevant staff as required by CASA regulations
  - In-kind marketing and promotional activities to the value of \$12,000 related to the launch of the service over the first 3 months
  - Exemption from paying landing fees for the first 12 months (estimated income amount of \$60,000)
  - Provision of check-in and ground handling staff to facilitate ground operations at Mudgee airport (estimated expense of \$115,000 per annum) for the first 24 months
3. Council places the intention to provide financial assistance as outlined above on public exhibition from 12 December 2014 to 23 January 2015;
4. The General Manager or his delegate prepares a further report back to Council following the exhibition period to consider the financial assistance proposal.

The motion was carried with Councillors voting unanimously.

#### **Item 9: Open Council**

**538/14 MOTION: Cavalier / Shelley**

**That the Council move to Open Council.**

The motion was carried with Councillors voting unanimously.

The General Manager announced the decisions taken in Confidential Session.

#### **Closure**

There being no further business the meeting concluded at 6.59pm.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
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.	<b>No determination as yet.</b>
		Council allocate \$130,000 towards regional-wide new or upgraded footpath and cycleway infrastructure in the region and that staff prepare a report for the July meeting to recommend priorities for the expenditure of these funds.	<b>Council staff have engaged a consultant to prepare a Pedestrian Access Mobility Plan (PAMP). Following this report, a priority list will be prepared for Council's consideration.</b>
Completion of Banner Poles	Res. 411/14 Ordinary Mtg 17/9/14	<ol style="list-style-type: none"> <li>1. Council purchase six banner poles for Gulgong at a cost of approximately \$6000 to be funded from the strategic projects provisions.</li> <li>2. Council allocate \$3000 to produce generic banners for the town of Gulgong to be used at times where community organisations are not utilising the banner poles.</li> <li>3. Council put banner designs on public exhibition for a period of 14 days for the purpose of seeking community feedback, prior to the banners being produced.</li> </ol>	<b>Council to seek feedback on the design of a generic banner. The design will then go on public exhibition. This closes 9 January 2015. A report will be presented to the February Council meeting.</b>
Rylstone Skate Park	Res. 426/14 Ordinary Mtg 17/9/14	<ol style="list-style-type: none"> <li>1. Council support the construction of a skate park at Rylstone.</li> <li>2. Council seek grant funding for this project.</li> </ol>	<b>Awaiting outcome of grant funding applications.</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone Pedestrian Bridge Tender Process	Res. 530/14 Ordinary Mtg 3/12/14	<p>2. Council accepts the recommendation fo the Senior Works Engineer to request the following companies to tender for the work:</p> <ul style="list-style-type: none"> <li>• Waegar Constructions Pty Ltd</li> <li>• Steelworks Engineering Pty Ltd</li> <li>• Fleetwood Urban Pty Ltd</li> <li>• J&amp;R Industries</li> <li>• Wagners CFT Manufacturign Pty Ltd</li> </ul> <p>3. The unsuccessful applicants be notified that their applications were unsuccessful.</p> <p>4. The 2014/15 Operational Plan be amended to include \$150,000, which is brought forward from the 2015/16 budget</p>	<b>Council to call for tenders for Rylstone Pedestrian Bridge and report costs back to Council.</b>
Regional Aviation Services	Res. 537/14	4. The General Manager or his delegate prepares a further report back to Council following the exhibition period to consider the financial assistance proposal.	<b>Waiting until the exhibition period is completed.</b>

Item 5: Mayoral Minute

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Nil.



## Item 6: General Business

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### 6.1 Rescission Motion

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#### 6.1.1 Council meetings – change to one per month

**RESCISSION MOTION TO 17 DECEMBER 2014 COUNCIL MEETING**

Council meetings - change to one per month

GOV400023, GOV400038

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 3 December 2014 in relation to:

**That:**

1. **Council trial a new way of administering Council business, and that two sessions be planned monthly for a period of five months in 2015 as outlined below:**

**Ordinary Council meetings to be held once per month on the following dates:**

**Wednesday, 18 February 2015**

**Wednesday, 18 March 2015**

**Wednesday, 15 April 2015**

**Wednesday, 20 May 2015**

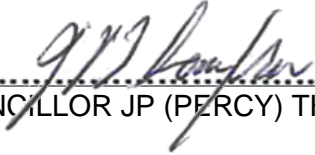
**Wednesday, 17 June 2015**

**And that Council acknowledges that from time to time, extraordinary Council meetings may need to be called for matters of urgency, and that these be held where possible on the first Wednesday of each month.**

2. **Council run monthly Strategic Policy Workshops on the same day as the Ordinary Council meeting:**
3. **Council invite members of the public to address Council prior to the beginning of all Council Meetings.**

4. **Council increase the delegation to the General Manager to \$2,000,000 in order to minimise any impact on DA processing times.**

be and is hereby rescinded.



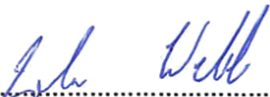
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COUNCILLOR JP (PERCY) THOMPSON



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COUNCILLOR ESME MARTENS



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COUNCILLOR JOHN WEBB

In the event that this Rescission Motion is carried, we propose to move the following motion:

**That the any alteration to the number of Council meetings, times and dates be advertised for public comment.**

### Background

Council resolved at its meeting on Wednesday 3 December 2014 to change Council meetings to once per month rather than twice per month (on a trial basis until June). Since this has been announced, everyone I have spoken to is unhappy about it.

9 December 2014

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## 6.2 Notice of Motion

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### 6.2.1 Air service due diligence

LISTED BY CR PERCY THOMPSON TO 17 DECEMBER 2014 COUNCIL MEETING

Air service due diligence

GOV400022, GOV400038

#### **MOTION**

**That Council conduct due diligence to ensure that the proposed air service company is sustainable and will be a genuine solution for air services in our region.**

#### **BACKGROUND**

I am concerned that Council is unaware of the names of the Board of Directors and what assets this company has to ensure that if it fails, Council can get their money back.

### Comments by General Manager

The airline service proposal is out on public exhibition until 23 January 2015 for people to make comment as to whether Council should be financially assisting Fly Pelican to establish a regular airline service from Mudgee to Sydney.

While this is out on public exhibition, Council will already be undertaking its due diligence and reporting to Council prior to any decision being made.

## 6.3 Reports

### 6.3.1 DA 0129/2015 - Demolition and Reconstruction of Existing BP Service Station Including New Shop Building, New Canopy & Signage, Replacement of Fuel Tanks and Upgrading of Forecourt Area at Lot 41 DP 998528, 77 Church Street Mudgee

REPORT BY THE STATUTORY/STRATEGIC PLANNER TO 17 DECEMBER 2014 COUNCIL MEETING  
DA 0129-2015 - BP Service Station  
GOV400038, DA012915

#### RECOMMENDATION

That:

1. the report by the Statutory/Strategic Planner on the DA 0129/2015 - Demolition and Reconstruction of Existing BP Service Station Including New Shop Building, New Canopy & Signage, Replacement of Fuel Tanks and Upgrading of Forecourt Area at Lot 41 DP 998528, 77 Church Street Mudgee be received;
2. DA 0129/2015 - Demolition and Reconstruction of Existing BP Service Station Including New Shop Building, New Canopy & Signage, Replacement of Fuel Tanks and Upgrading of Forecourt Area at Lot 41 DP 998528, 77 Church Street Mudgee be approved subject to the following conditions of consent:

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans identified in the table below and the Application received by Council on 17 October 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

PLAN DESCRIPTION	DRAWING NO.	REVISION	DRAWN BY	DATED
Existing Site Plan	SK-08933-A001	A	Meinhardt Australia Pty Ltd	23.09.14
Demolition Plan	SK-08933-A002D	A	Meinhardt Australia Pty Ltd	30.10.14
Proposed Site Plan	SK-08933-A003	A	Meinhardt Australia Pty Ltd	03.10.14
Proposed Elevations A & B	SK-08933-A004	A	Meinhardt Australia Pty Ltd	30.09.14
Proposed Elevations C & D	SK-08933-A005	A	Meinhardt Australia Pty Ltd	30.09.14
Signage Details	SK-08933-A006	A	Meinhardt Australia Pty Ltd	30.09.14
BP Shop Plan & Elevations	SK-08933-A007	A	Meinhardt Australia Pty Ltd	23.09.14
19m B-Double Tanker Path	SK-08933-A008	A	Meinhardt Australia Pty Ltd	30.09.14
Garbage Truck & Car Turning	SK-08933-A009	A	Meinhardt Australia Pty Ltd	30.09.14

Path			Pty Ltd	
Sedimentation & Erosion Control Plan	SK-08933-A010	A	Meinhardt Australia Pty Ltd	30.09.14
Drainage Plan	SK-08933-A011	A	Meinhardt Australia Pty Ltd	30.09.14

## GENERAL CONDITIONS

2. Plant species used in the landscaping in the north-east corner appropriately advanced trees and shrubs, be drought/frost tolerant and generally endemic to the Mid-Western region. The landscaping is to be established prior to occupation.
3. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
4. 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.
5. The air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulation 2008.
6. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
7. All loading and unloading in connection with the premises shall be carried out wholly within the site.
8. 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".
9. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
10. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
11. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
12. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
13. Illumination of the canopy fascia is not permitted under this consent.

14. The boundary fence proposed along the eastern boundary of the site (adjoining Lot 1 DP 199187) is to be solid (i.e. no gaps), 1.8 metres in height and constructed of either colorbond steel or be lapped and capped timber fencing.
15. The removal and installation of the underground petroleum storage tanks is to be carried out as per the requirements of the Protection of the Environment Operation (Underground Petroleum Storage Systems) Regulation 2008.
16. As the existing premises with a refuelling point will be refurbished, in accordance with the NSW Office of Waters' requirements, the discharge from this area must be disconnected from Council's sewerage system. Where the premises do not have other trade waste discharges (eg. from a restaurant, vehicle wash, mechanical workshop), trade waste fees and charges would no longer apply.
17. A Notice of Completion for the remediation work is to be provided to Council within 30 days after the completion of work and shall include the following details prescribed by State Environmental Planning Policy 55 – Remediation of Land:
  - a) be in writing prepared and signed by the person who carried out the work, and
  - b) provide the person's name, address and business telephone number, and
  - c) provide details of the person's qualifications to carry out the work, and
  - d) specify, by reference to its property description and street address (if any), the land on which the work was carried out, and
  - e) provide a map of the location of the land, and
  - f) state when the work was completed, and
  - g) specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and
  - h) specify the uses of the land immediately before the work started, and
  - i) briefly describe the method of remediation used in the work, and
  - j) specify the guidelines that were complied with in the work, and
  - k) specify the standard of remediation achieved (in the light of the use proposed for the land), and
  - l) show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent, and
  - m) state what action must be maintained in relation to the land after the completion of the remediation work if the standard of remediation achieved is to be maintained.
18. Closed-Circuit Television (CCTV) cameras are to be installed around the site in locations that are able to capture the registration plates of all vehicle entering and exiting the site. The cameras should provide adequate coverage of the premises and forecourt areas.
19. Independent security officers are to be employed by the operators of the service station between the hours of 12am till 5am Saturday and Sunday.



**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

20. Development Consent number DA 0504/2013 is to be surrendered to Council in accordance with clause 97 of the Environmental Planning & Assessment Regulation 2000 prior to the issue of a Construction Certificate.
21. A floor plan of the control building, including floor layout, internal partitioning, room sizes and intended uses for each part of the building, is to be submitted to Council for approval prior to the issue of a Construction Certificate.
22. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year event. All storm water detention details including analysis shall be included with the drainage report.
23. 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.
24. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (Twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
25. A registered Surveyors Certificate showing the boundaries of the site and the proposed building plotted thereon being submitted to the Principal Certifying Authority before construction is commenced.
26. 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**

27. 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.

28. The site shall be provided with a waste enclose (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

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

29. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.

#### **ENGINEERING CONSTRUCTION**

30. The developer must install sewer chambers where the current sewer line intersects the north and south of the property boundary. The current vitrified clay pipe must be replaced with class 8 uPVC of at least equal internal diameter. The replacement pipe must be concrete encased as per WSA 02-2002 drawing SEW-1205. Saw cuts must be provided 1.5m either side of the replacement pipe within the proposed concrete area.

**NOTE: Any work on live sewer mains must be done by Council.**

31. Raised kerbing is to be constructed around the site, as per the approved site plan, to separate pedestrian traffic from vehicles manoeuvring within the forecourt area.
32. Car parking spaces are to be provided within the site, as per the approved plans, and comply with AS 2890.1: 2004 and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009.
  - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times;
  - d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.
33. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
34. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.

#### **BUILDING CONSTRUCTION**

35. All building work is to comply with the requirements of the Access to Premises Standard
36. 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.
37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
38. 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.**

39. 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.
40. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- a) Demolition work is not be undertaken until:
    - Council has been provided with a copy of any required Hazardous Substances Management Plan;
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d) Seven working days notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
41. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - 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.
42. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa
43. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public place
44. A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

45. The placing of building materials or the carrying out of building operations upon or from Council's footway or roadway is prohibited unless prior consent in writing is obtained from Council.
46. 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.

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

47. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
48. All car parking and associated forecourt works are to be completed prior to occupation of the development.
49. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

#### Executive summary

<b>Applicant:</b>	<b>BP Australia</b>
<b>Estimated cost of development:</b>	<b>\$2,500,000</b>
<b>Reason for reporting to council:</b>	<b>Estimated cost of development over \$1m</b>
<b>Public submissions:</b>	<b>1</b>

Council has received a development application for the demolition and reconstruction of the existing BP Service Station and includes:

- Demolition of the existing control building, canopy, disused workshop and associated infrastructure;
- Demolition of existing forecourt area;
- Removal of 4 existing fuel storage tanks and 1 waste oil storage tank;
- Excavation and remediation of fuel tank farm area;
- Construction of a new control building with a floor area of 122.4m<sup>2</sup>.
- Installation of two new fibreglass 70kL tanks;
- Construction of a new 5m high canopy;

- Installation of fuels pumps and fuel associated infrastructure;
- Installation of new signage including
  - 6m high freestanding sign for display of fuel prices;
  - 1 oval sign above entrance to control building
  - Installation of 3 illuminated signs on sides of canopy;
  - Canopy fascia signage that will include BP corporate colours and LED strips on the sides of the canopy.
  - Installation of promotional poster boards on the side of the control building.

The proposed works will take approximately 16 weeks to be carried out, during which time the service station will be closed.

The proposal is likely to involve some remediation work. As the site is located within the heritage conservation area, the application was treated as Category 1 Remediation Works under State Environmental Plan Policy No 55 - Remediation of Land. This required the proposal to be advertised for a period of 30 days.

The site has been used as a service station for a number of years. The exact date the use commenced is unable to be ascertained from Council's records, however information contained in the title records obtained by the applicant show the use of the site as a service station dating back to the early 1960's. Service Stations are no longer a permissible use within the B3 Commercial Core zone and the site relies on the existing use rights provisions contained in the Environmental Planning & Assessment Act and associated Regulation.

The application has been referred to Council as the estimated cost of development places it outside of the delegation of Council staff to determine.

The proposal for the demolition and reconstruction of the service station is recommended for approval subject to the conditions of consent contained in this report.

## Detailed report

### *SECTION 79C (1)(A)(I) PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT*

#### **Mid-Western Regional Local Environmental Plan 2012**

The land is zoned B3 Commercial Core pursuant to the Mid-Western Regional LEP 2012. The Objectives of the zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To promote the central business district of Mudgee as the major focus for retail and commercial activity in Mid-Western Regional.*
- *To consolidate business development in the Mudgee town centre and avoid unnecessary or inappropriate expansion of business-related land uses into surrounding residential neighbourhoods.*
- *To ensure that new development is compatible with the historic architectural character and streetscapes of the Mudgee commercial core area.*
- *To ensure that the form and layout of new development is designed to encourage free pedestrian movement and connectivity within the commercial core.*

Comment:

The use of the site is defined as a *Service Station* which is a prohibited use under the LEP 2012 in the B3 Commercial Core zone. The site does, however, have existing use rights pursuant to Section 106 of the EP & A Act 1979. Expansion of the existing use is permissible under clause 41 of the *EP & A Regulation 2000*.

The proposal will improve pedestrian safety around the site while having minimal impact on the heritage significance of the area.

#### **Clause 5.10 Heritage Conservation**

The site is located within the heritage conservation area and there are two items of local significance directly to the east. Another item is located across Church Street to the west of the site (old fire station).

Comment:

The proposal is an improvement of the existing development which currently includes a disused workshop building and a forecourt area that does not meet current environmental standards.

It is considered that the proposed development does not detract from the heritage significance of the adjoining heritage items or Mudgee heritage conservation area.

#### **Clause 6.1 Salinity**

This clause requires the consent authority to consider whether the proposed development is likely to have any impact on salinisation processes.

Comment:

The proposal is unlikely to have any impact on salinity processes.

#### **Clause 6.4 Groundwater Vulnerability**

Before determining a development application, the consent authority is to consider the impact the development may have on groundwater resources.

Comment:

The service station as it currently operates already has the potential to contaminate groundwater. The remediation of the fuel tank area will have a positive impact on groundwater resources as it will reduce the risk of any potential contamination of the groundwater. Preliminary testing of the soils and groundwater indicate that contaminants are present and the proposal will go some way to rectifying the issue.

#### **Clause 6.7 Active Street Frontage**

Under this clause, development consent must not be granted for the erection of a building, or change of use, unless the consent authority is satisfied the building will have an active street frontage.

Comment:

The building faces the street and, although setback some distance from the street, meets the definition of an active street frontage as the ground floor is used for business or retail purposes.

#### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Development**

Clause 13 of the SEPP requires the consent authority to consider whether the proposed development constitutes a potentially hazardous industry.

The applicant carried out preliminary risk screening in accordance with the 'Hazardous and Offensive Development Application Guidelines' and which placed the proposal outside of the definition of potentially hazardous development.



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

Clause 7 of the SEPP requires the applicant to prepare a preliminary contamination assessment of the site to determine whether the proposed use is suitable for the site.

Pursuant to clause 9 of the SEPP, the development is considered Category 1 remediation as the site is located within a heritage conservation area. This required a mandatory 30 day advertising period for the proposed development, during which time<sup>1</sup> submission was received.

Groundwater monitoring and tank condition reporting has been undertaken at regular intervals since 2002 and various contaminants have been uncovered, namely Phase-Separated Hydrocarbons (PSH). Some remediation works have already taken place, with more proposed as part of this application. These will be required to be carried out in accordance with the Department of Urban Affairs and Planning (now NSW Planning & Environment) Managing Land Contamination Planning Guidelines and other relevant industry standards.

**State Environmental Planning Policy No. 64 – Advertising and Signage**

The applicant proposes to replace the existing signage with the following:

- 6m high freestanding sign for display of fuel prices;
- 1 oval sign above entrance to control building
- Installation of 3 illuminated signs on sides of canopy;
- Canopy fascia signage that will include BP corporate colours and LED strips on the sides of the canopy.
- Installation of promotional poster boards on the side of the control building.

The following is a checklist of the assessment criteria contained within Schedule 1 of the SEPP:

<b>Assessment Criteria</b>	<b>Comment</b>
<b>Character of the area</b>	
- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal will be an improvement on the existing structure.
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
<b>Special areas</b>	Overall the proposed development does not detract from the amenity of the heritage conservation area, with the exception of the illuminated fascia.
- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	
<b>Views and vistas</b>	The proposal has no impact on views and/or vistas.
- Does the proposal obscure or compromise important views?	
- Does the proposal dominate the skyline and reduce the quality of vistas?	
- Does the proposal respect the viewing rights of other advertisers?	
<b>Streetscape, setting or landscape</b>	The proposal is considered to be consistent with the streetscape.
- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	

<b>Assessment Criteria</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>- Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>- Does the proposal screen unsightliness?</li> <li>- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>- Does the proposal require ongoing vegetation management?</li> </ul>	
<p><b>Site and building</b></p> <ul style="list-style-type: none"> <li>- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</li> <li>- Does the proposal respect important features of the site or building, or both?</li> <li>- Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	Proposal is consistent with bulk and scale of adjacent building.
<p><b>Associated devices and logos with advertisements and advertising structures</b></p> <ul style="list-style-type: none"> <li>- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</li> </ul>	Signage generally appropriate with the exception of the illuminated fascia.
<p><b>Illumination</b></p> <ul style="list-style-type: none"> <li>- Would illumination result in unacceptable glare?</li> <li>- Would illumination affect safety for pedestrians, vehicles or aircraft?</li> <li>- Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>- Can the intensity of the illumination be adjusted, if necessary?</li> <li>- Is the illumination subject to a curfew?</li> </ul>	Internal illumination of pricing board pylon sign generally ok as these signs are LED displayed. Illumination of the fascia is not considered appropriate in the heritage conservation area.
<p><b>Safety</b></p> <ul style="list-style-type: none"> <li>- Would the proposal reduce the safety for any public road?</li> <li>- Would the proposal reduce the safety for pedestrians or bicyclists?</li> <li>- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	The proposed signage will have no impact on pedestrian, driver or cyclist safety.

### **Section 79C (1)(a)(ii) any draft environmental planning instrument**

No draft EPI's are applicable to the application.

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

The following table summarises the relevant matters for consideration under Part 4.5 Commercial Development in the DCP 2013 (Amendment 1):

<b>Part 4.5 Commercial Development</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
Building Setbacks	<ul style="list-style-type: none"> <li>• No min. front setback</li> </ul>	Complies. Setback proposed



	<ul style="list-style-type: none"> <li>applies;</li> <li>Side/rear setbacks to comply with BCA</li> </ul>	to be 650mm from eastern boundary. DCP allows zero setback.
Design	<ul style="list-style-type: none"> <li>Active street frontage;</li> <li>Ground floor facing street to comprise windows/doors to encourage interaction between pedestrian and retail space;</li> <li>Is built form acceptable and compatible with streetscape?</li> <li>Is external infrastructure shown on plans?</li> <li>Where development adjoins residential zone, setbacks in form of access ways and landscape buffers provided.</li> </ul>	<p>Complies.</p> <p>Complies.</p> <p>Yes.</p> <p>Yes.</p> <p>N/A</p>
Scale, form and height	<ul style="list-style-type: none"> <li>Max 8.5m building height</li> <li>Consistent with heritage character</li> </ul>	Complies. Height of the building 3.4m. Height of the canopy is 5m.
Church St	<ul style="list-style-type: none"> <li>Enhance/maintain streetscape by encouraging coherent 2 storey pattern</li> <li>Use building elements that highlight horizontal form of development in town centre</li> <li>Visual treatment to minimise bulk and maintain streetscape</li> </ul>	<p>Not 2 storey. The addition of a 2<sup>nd</sup> storey would not be practical and may have adverse impact on adjacent heritage items.</p> <p>Control building is setback reasonable distance from street and has minimal impact on the streetscape.</p>
Articulation and facade composition	<ul style="list-style-type: none"> <li>Use of secondary vertical elements such as fenestration or changes in materials/colour</li> </ul>	N/A as proposed control building will be setback a substantial distance from the street.
Verandahs/balconies	<ul style="list-style-type: none"> <li>Post setback 600mm from edge of kerb, compliment elements of building and not interfere with utilities/infrastructure</li> </ul>	N/A
Residential/Commercial interface	<ul style="list-style-type: none"> <li>Ground floor and first floor development should not overlook residential properties</li> <li>Maintain acoustic privacy through acoustic fencing</li> <li>Reduce visual bulk by locating building away from residential</li> </ul>	Complies.

	boundaries	
	<ul style="list-style-type: none"> <li>• Development should not reduce sunlight received at adjoining properties</li> </ul>	
Utilities and services	<ul style="list-style-type: none"> <li>• Utilities/services able to handle additional demand.</li> <li>• Buildings and structures located clear of infrastructure</li> </ul>	Building is proposed to be located over the existing sewer line, however this is consistent with the current situation as the disused workshop is constructed over the sewer. The existing pipe will be required to be replaced and encased with concrete to prevent any damage to the mains.
Traffic and access	<ul style="list-style-type: none"> <li>• All vehicles able to enter/exit in a forward direction</li> <li>• Driveways comply with AS2890</li> <li>• Loading facilities located within site</li> </ul>	Complies
Pedestrian access	Maintain existing pedestrian covered access within town centre	Separation between pedestrians and vehicular traffic is achieved through the provision of raised kerbing between the footpath and forecourt area.
Landscaping	Comprise low maintenance drought/frost tolerant species	A small amount of landscaping will be provided in the north-eastern corner of the site. Landscaping within the road reserve can be maintained.

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

Clause 92 of the Regulations requires the consent authority to consider the provisions of *Australian Standard AS2601: The Demolition of Structures* in the assessment of the development application.

The demolition of structures on site will be conditioned to be carried out in accordance with the requirements of the Australian Standard.

***Section 79C (1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts***

Context and Setting

The proposal is considered suitable for the site as it is a continuation of an existing use.

Access, traffic and transport

The layout of the forecourt allows for B-Double heavy vehicles to enter and exit the site in a forward direction. The larger forecourt area and additional pumps mean that there is reduced potential for vehicles to queue onto the street.

Raised kerbing is proposed between the footpath and forecourt area to separate pedestrian and vehicular traffic.

#### Utilities

All essential utilities are available to service the development.

The existing workshop building is located over the sewer main and the proposed control building maintains this. As it is not practical to relocate the sewer it will be required to be replaced with new piping and encased in concrete to protect it from the extra load placed on it from the new building.

#### Heritage

The proposal is not considered to detract from the heritage significance of the adjoining items or the overall significance of the heritage conservation area, with the exception of the illuminated fascia. This will be conditioned to be non-illuminated.

#### Water

The proposal will have a positive impact on groundwater resources as it will provide an opportunity for remediation of contaminated parts of the site to occur.

Runoff from the forecourt area will be captured by a stormwater treatment system (SPEL Stormceptor) and discharged to the Council stormwater system, as per NSW Office of Water requirements.

#### Soils

Soils disturbed during excavation can be conditioned to be retained on site through erosion and sediment controls measures.

#### Air and Microclimate

The main potential for impacts on air quality arise from odours emitted from the vents during refuelling.

#### Waste

Waste generated during development will be conditioned to be disposed of at an approved waste management facility.

Waste generated during the ongoing operation of the site will be stored in an on-site container and disposed of by private contractor.

#### Noise

Noise generated by the operation of the service station is not expected increase as a result of the redevelopment.

#### Social and Economic Impact

There is some potential for adverse social impact from the development to occur due to the 24 hour operation and potential for noise. This is unchanged from the existing arrangement. The new layout will assist in discouraging antisocial behaviour as it will provide a more visible forecourt and shop area with improved lighting which will enhance passive surveillance of the site.

Following a referral to NSW Police, further conditions are proposed due to antisocial incidents that have occurred in the vicinity of the site. These conditions include the installation of CCTV cameras and the employment of independent security staff to reduce the risk of further antisocial incidents occurring.

The proposal will have minimal economic impact on the region.

### Crime Prevention

The application was referred to NSW Police who did not raise any objection to the approval of the application nor require any specific conditions of consent.

### Site Design and Internal Layout

The design of the forecourt complies with the requirements of document 'Environmental Action for Service Stations' and other relevant guidelines. Manoeuvrability is sufficient to allow the largest vehicle that will access the site to ingress and egress the site in a forward direction.

The floor plan for the control building shows a large empty space. This was discussed with the applicant who advised that the final layout of the shop including display shelves, counter, office and toilet facilities had not been decided upon yet. As this does not impact on any planning related issues, these details will be conditioned to be supplied to Council and the PCA prior to the issue of a Construction Certificate and will need to comply with the National Construction Code and Access to Premises Standards.

### ***Section 79C (1)(c) the suitability of the site for the development***

The site is considered suitable for the development as it has operated without major incident for over 50 years and the proposed upgrade will ensure that it has much less environmental impact than it currently does. The modernisation of the buildings and signage will improve the appearance from the street.

### ***Section 79C (1)(d) any submissions made in accordance with this Act or the regulations***

The application was notified and advertised for a period of 30 days in accordance with clause 89 of the Environmental Planning & Assessment Regulation and clause 13 of State Environmental Planning Policy No 55 – Remediation of Land. One public submission was received (see attachment 3) and one submission was received from NSW Police (previously addressed in this report). The issues raised in the public submission were:

<b>Issue</b>	<b>Staff Comment</b>
<u>Fencing</u> : Object to mesh wire fencing due to noise, privacy, and amenity. Would like to have rendered brick fence constructed.	Agree that mesh wire fencing not appropriate. Rendered brick is not considered reasonable to condition as the impact can be mitigated by other forms of fencing. Fencing needs to be 1.8m high and solid (i.e. no gaps). Actual material can be agreed upon between neighbours. Could be colorbond or timber. There are no windows proposed on the eastern side of the control building

<u>Setbacks:</u> Object to 650mm setback. Would like 900mm.	DCP allows zero setback. An increase of 250mm would make no difference to the amenity of the adjoining residence. Wall can be fire rated to comply with National Construction Code.
Vent Stack: Concerned about gases from vent stack located in N-E corner of site.	The height of the vent stack will be 4m which is higher than the gutter height of the adjoining dwelling. Vapours are generally emitted during refuelling and it is proposed to install a vapour recovery system so no vapour is emitted during tanker unloading.
<u>Air Conditioner:</u> Neighbour objects to positioning of air conditioner due to possible noise impacts with it running 24/7. Would like to see it repositioned.	The air conditioner is proposed to be located in the south-eastern corner of the site which is approximately 9m from the dwelling. The operation of the air conditioner can be conditioned to not give rise to offensive noise as per the PoEO Act.
<u>Lighting:</u> Neighbour is concerned that lighting will shine into bedroom windows.	Most of the lighting will be under the new canopy and will be screened by the control building. All lighting will be conditioned to comply with Australian Standard AS4282 'Control of the Obtrusive Effects of Outdoor Lighting'.

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

With appropriate conditions of consent, the proposal to demolish and rebuild the BP service station is considered to be in the public interest as it will not result in any additional impact on neighbouring properties and will greatly reduce the environmental impact of the service station.

### 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'.

MARK LYNDON  
STATUTORY/STRATEGIC PLANNER

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

10 November 2014

*Attachments:* 1. Locality Plan  
2. Plans Submitted for Development Approval  
3. Submissions

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



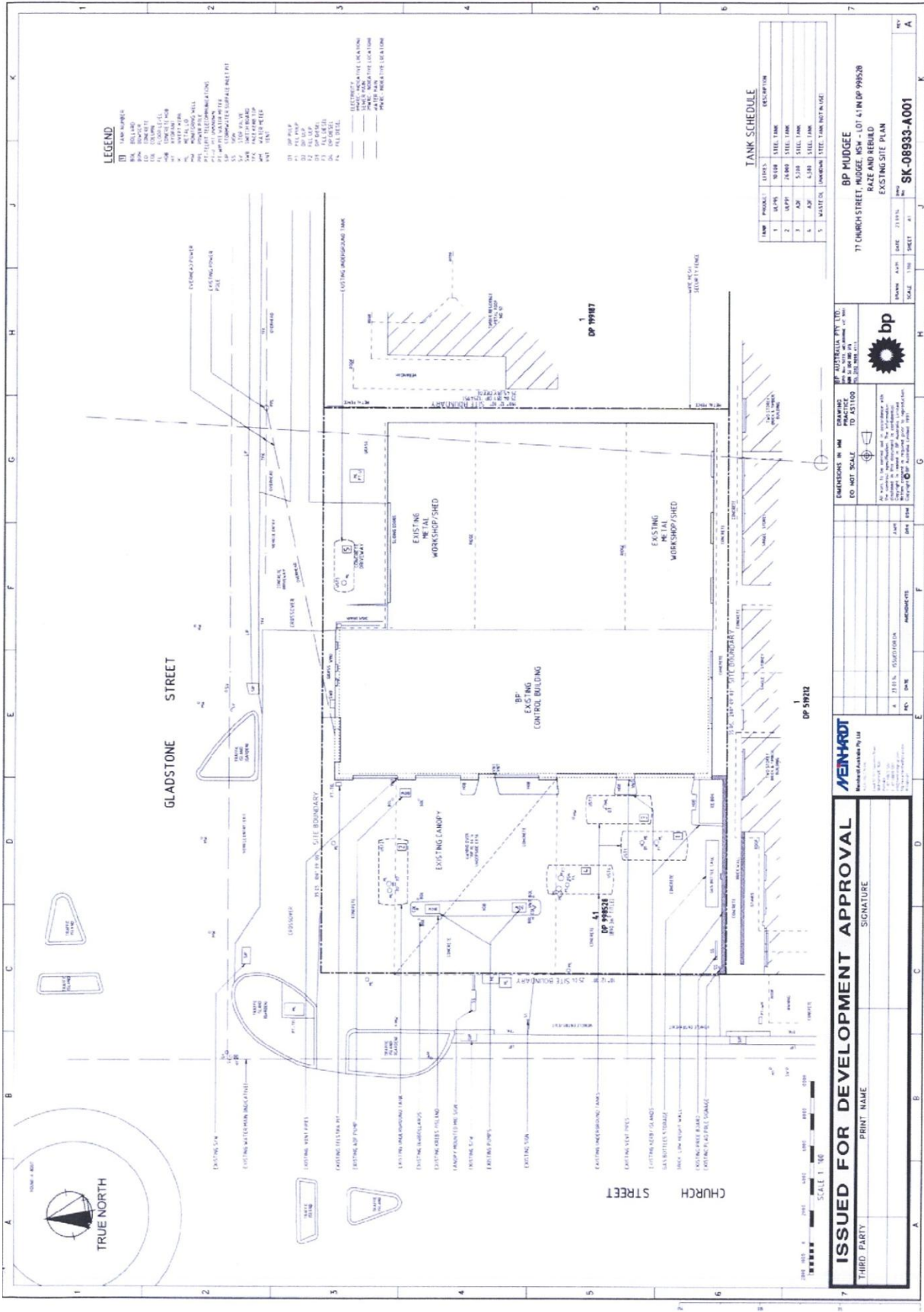


Map Scale: 1:2,207

<p><b>Disclaimer</b></p> <p>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.</p> <p>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.</p>	<p><b>Legend</b></p> <table style="width: 100%;"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>NORTH</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table>		Parcel		Parish		NORTH		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p style="text-align: center;">Mid-Western REGIONAL COUNCIL</p> <p style="text-align: center;">Printed on Thursday, 4 December 2014</p>	
	Parcel		Parish		NORTH																
	Crown Land		Localities		State Forest																
	Railway		LGA Boundary		Waterway																







**LEGEND**

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**TANK SCHEDULE**

TANK	PROVIDE	STATUS	STEEL TANK	DESCRIPTION
1	BP	EXISTING	STEEL TANK	
2	BP	EXISTING	STEEL TANK	
3	BP	EXISTING	STEEL TANK	
4	BP	EXISTING	STEEL TANK	
5	BP	EXISTING	STEEL TANK	

**BP MUDGEE**  
 77 CHURCH STREET, MUDGEE, NSW - LOT 4 IN DP 998528  
 EXISTING SITE PLAN

DATE: 11/11/14  
 SHEET: 41 OF 41  
 SCALE: 1:500

PROJECT NO: SK-08933-A001

**MEINHARDT**  
 CONSULTANTS IN ARCHITECTURE, ENGINEERING AND PLANNING  
 111/113 STURGEON STREET, MUDGEE, NSW 2850  
 PH: (06) 4482 1111  
 WWW.MEINHARDT.COM.AU

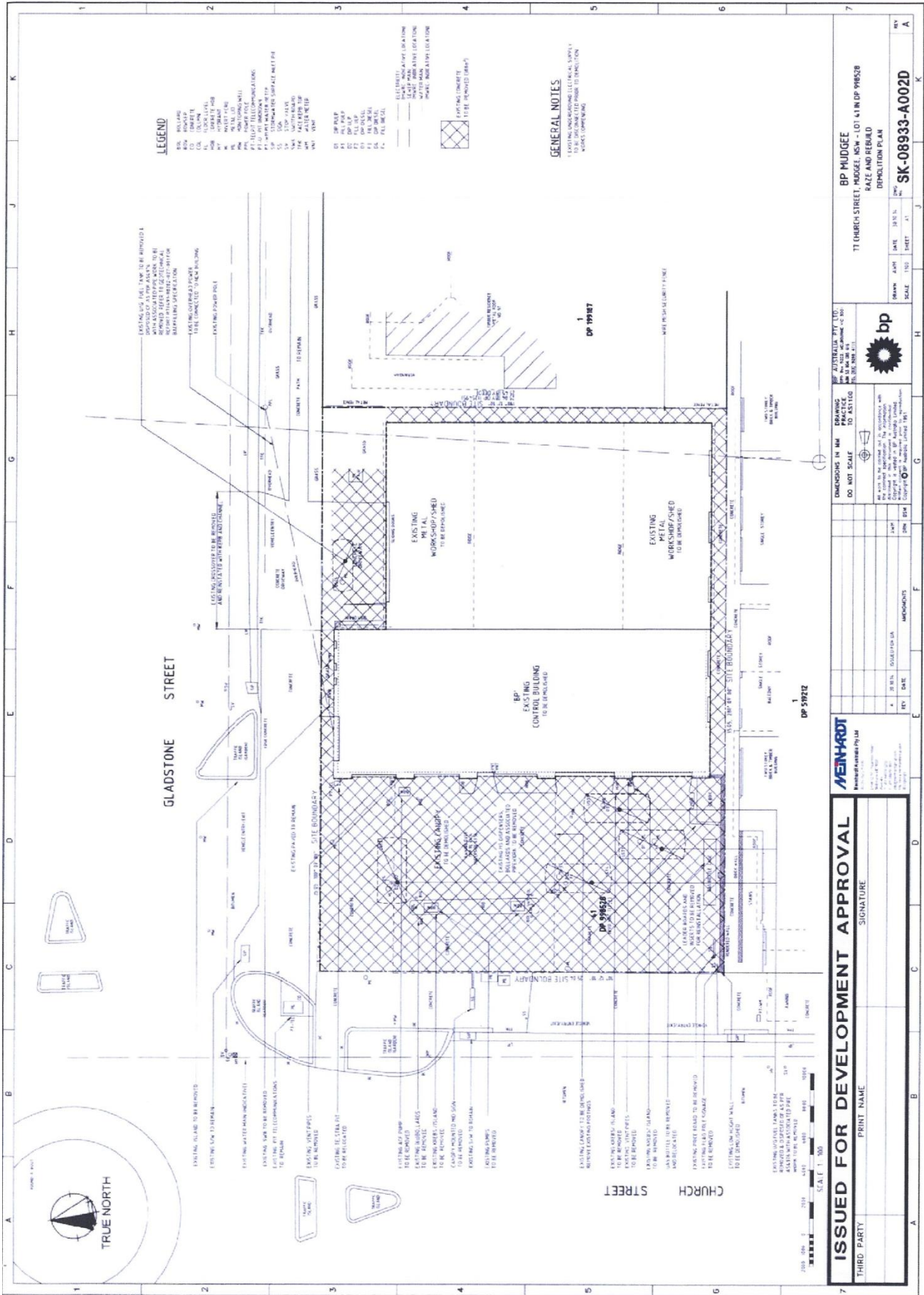
**bp**  
 AUSTRALIAN PETROLEUM PRODUCTS  
 100 WILSON ROAD, MUDGEE, NSW 2850  
 PH: (06) 4482 1111  
 WWW.BP.COM.AU

**ISSUED FOR DEVELOPMENT APPROVAL**

THIRD PARTY: \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_







**LEGEND**

- BR. BRICK
- CO. CONCRETE
- SL. SLAB
- ST. STEEL
- SI. SKY LIGHT
- SP. SPAN
- TR. TRUSS
- GL. GLASS
- AS. ASPHALT
- GR. GRAVEL
- PA. PAVER
- PL. PLASTER
- PC. POLYURETHANE CONCRETE
- PI. POLYURETHANE INSULATION
- PP. POLYURETHANE PIPING
- PT. PORTLAND CEMENT CONCRETE
- PS. POLYURETHANE SHEET
- SP. SPAN
- TR. TRUSS
- GL. GLASS
- AS. ASPHALT
- GR. GRAVEL
- PA. PAVER
- PL. PLASTER
- PC. POLYURETHANE CONCRETE
- PI. POLYURETHANE INSULATION
- PP. POLYURETHANE PIPING
- PT. PORTLAND CEMENT CONCRETE
- PS. POLYURETHANE SHEET

**GENERAL NOTES**

1. EXISTING UNDERGROUND SERVICES TO BE DISCONNECTED PRIOR TO DEMOLITION WORKS COMMENCING.

**ISSUED FOR DEVELOPMENT APPROVAL**

THIRD PARTY: \_\_\_\_\_ PRINT NAME

\_\_\_\_\_  
SIGNATURE

SCALE: 1:500

DATE: 15/12/14

DRAWN BY: JAKIE

CHECKED BY: JAKIE

DATE: 15/12/14

PROJECT: SK-08933-A0020

CLIENT: BP MUDDAGE

PROJECT: RAZE AND REBUILD

DESCRIPTION: DEMOLITION PLAN

ADDRESS: 11 CHURCH STREET, MUDDAGE, NSW - LOT 41 IN DP 98528

DATE: 15/12/14

SCALE: 1:500

SHEET: 01

TOTAL SHEETS: 01

REV: A

**MEINHARDT**  
Incorporated in NSW

15/12/14

11 CHURCH STREET, MUDDAGE, NSW - LOT 41 IN DP 98528

RAZE AND REBUILD

DEMOLITION PLAN

SCALE: 1:500

DATE: 15/12/14

DRAWN BY: JAKIE

CHECKED BY: JAKIE

DATE: 15/12/14

PROJECT: SK-08933-A0020

CLIENT: BP MUDDAGE

PROJECT: RAZE AND REBUILD

DESCRIPTION: DEMOLITION PLAN

ADDRESS: 11 CHURCH STREET, MUDDAGE, NSW - LOT 41 IN DP 98528

DATE: 15/12/14

SCALE: 1:500

SHEET: 01

TOTAL SHEETS: 01

REV: A

**BP AUSTRALIA PTY LTD**

15/12/14

11 CHURCH STREET, MUDDAGE, NSW - LOT 41 IN DP 98528

RAZE AND REBUILD

DEMOLITION PLAN

SCALE: 1:500

DATE: 15/12/14

DRAWN BY: JAKIE

CHECKED BY: JAKIE

DATE: 15/12/14

PROJECT: SK-08933-A0020

CLIENT: BP MUDDAGE

PROJECT: RAZE AND REBUILD

DESCRIPTION: DEMOLITION PLAN

ADDRESS: 11 CHURCH STREET, MUDDAGE, NSW - LOT 41 IN DP 98528

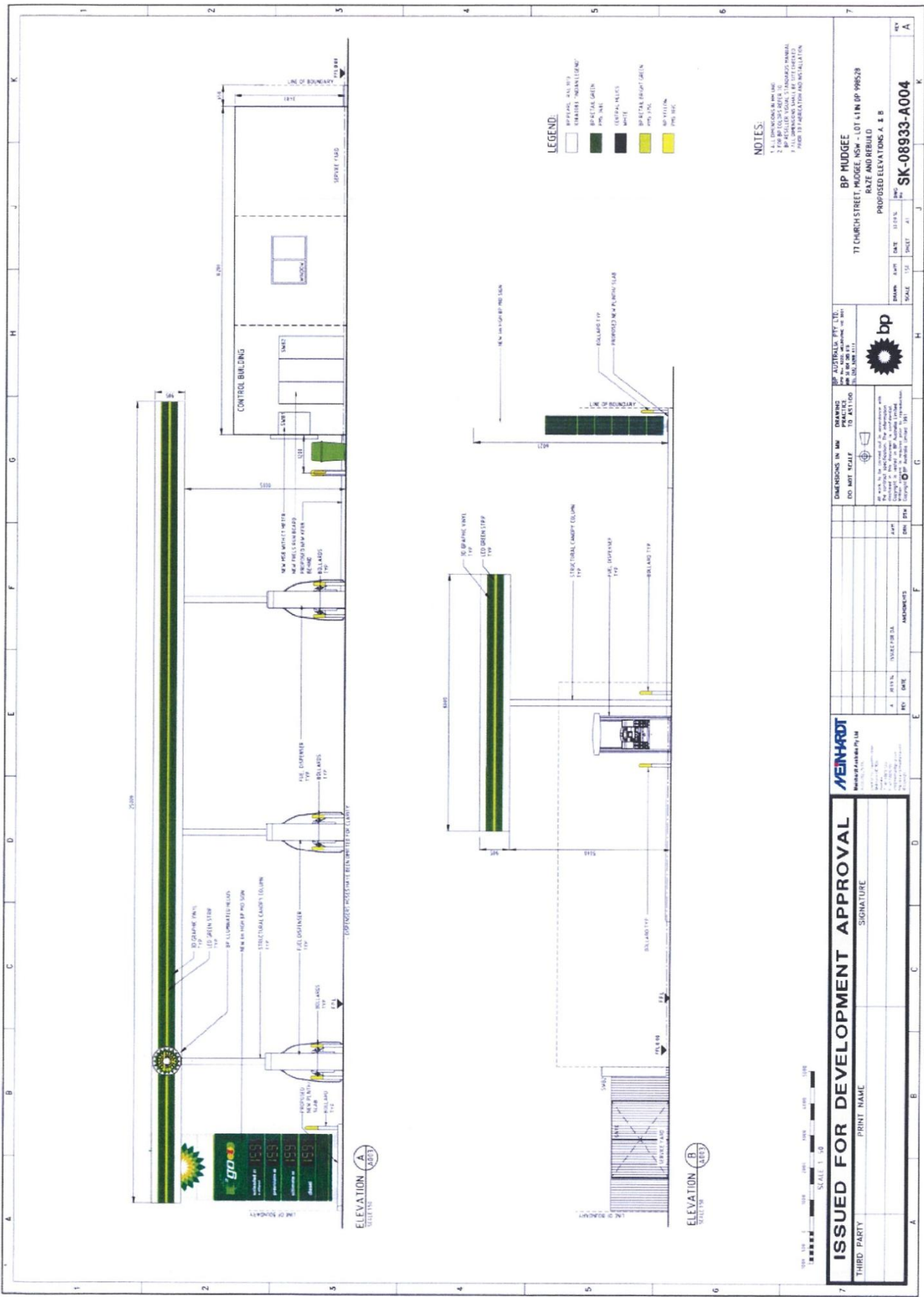
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TOTAL SHEETS: 01

REV: A



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**NOTES:**

- ALL DIMENSIONS IN MM UNLESS OTHERWISE SPECIFIED
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### ISSUED FOR DEVELOPMENT APPROVAL

THIRD PARTY: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

NO.	REVISED	DATE	BY	CHK	APP	APP

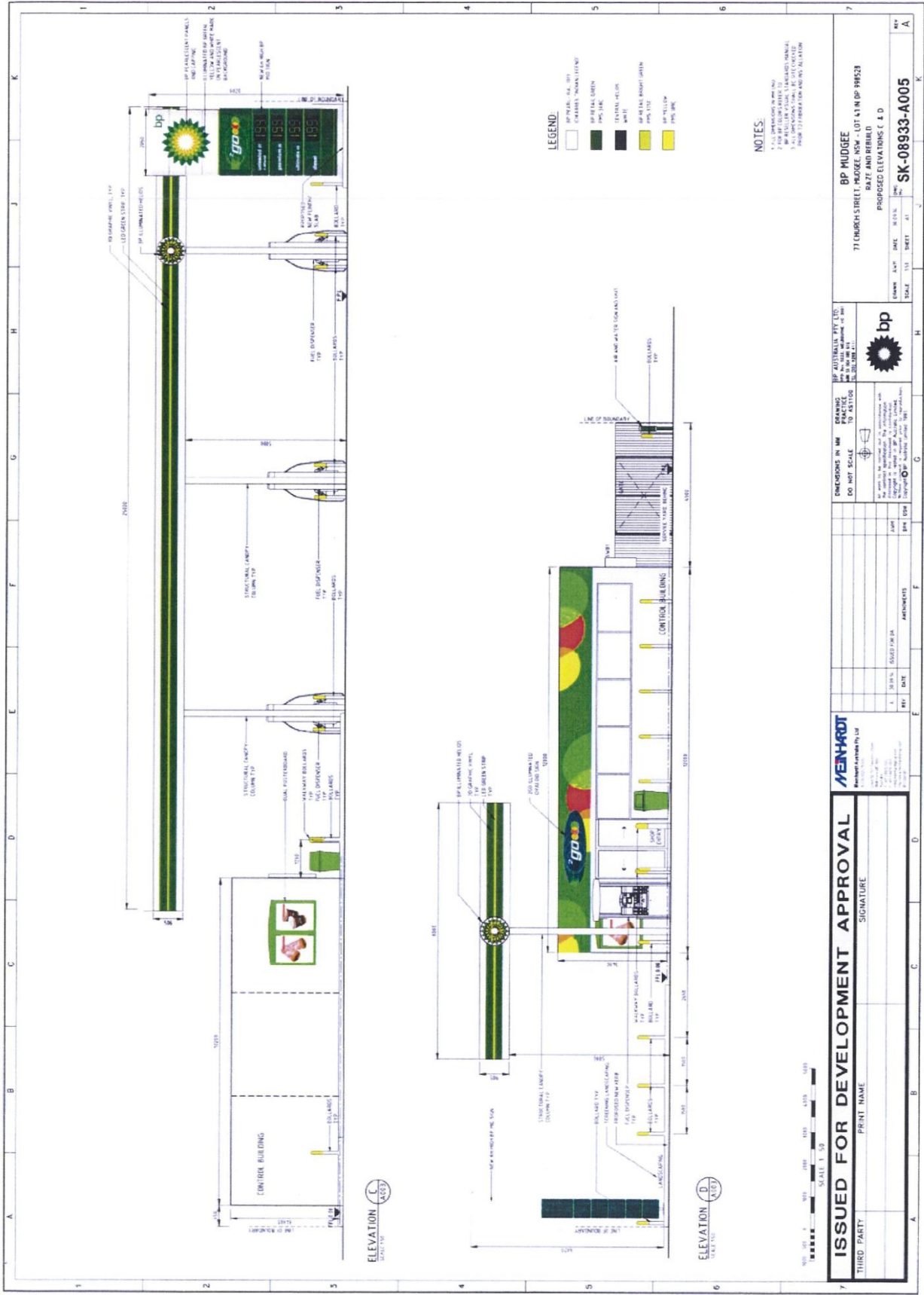
DIMENSIONS IN MM TO ACTUOS	BP CONSULTING PRACTICE	BP CONSULTING PRACTICE	DIMENSIONS IN MM TO ACTUOS
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**MEINHART**  
INCORPORATED PTY LTD  
100 HERRING ROAD  
WILSON PROMENADE


**bp**  
BUSINESS PARTNER

<b>PROJECT NAME:</b> BP HUDGEE 711 CHURCH STREET HUDGEE NSW - LOT 101 IN OP-99528 RAZE AND REBUILD	<b>PROPOSED ELEVATIONS: A &amp; B</b>
<b>SCALE:</b> 1:50	<b>DATE:</b> 11/12/14
<b>BY:</b> [Signature]	<b>CHK:</b> [Signature]
<b>APP:</b> [Signature]	<b>APP:</b> [Signature]
<b>PROJECT NUMBER:</b> SK-08933-A004	





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PROPOSED BP 6m MID SIGN

**NOTES:**

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**ISSUED FOR DEVELOPMENT APPROVAL**

THIRD PARTY PRINT NAME SIGNATURE

**MEINHART**

ENGINEERS IN ARCHITECTURE

77 CHURCH STREET, PIDGEE NSW - LOT 4 IN BP 999529

HAZE AND REBELO SURNAME DETAILS

SK-08933-A006

SCALE 1:20

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**NOTES:**  
 1. ALL DIMENSIONS IN METERS  
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**BP MUDGE**  
 77 CHURCH STREET, MUDGE, NSW - LOT 41 IN DP 998208  
 RAZE AND REBUILD  
 BP SHOP PLAN & ELEVATIONS  
 DRAWN: RMT DATE: 27/10/14  
 SCALE: 1:50 SHEET: 4/1  
 SK-08933-A007

**EMERSON** BP AUSTRALIA PTY LTD  
 DRAWING PROJECT TO ACTIVE  
 DO NOT SCALE  
 THE USER IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THIS DRAWING. EMERSON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

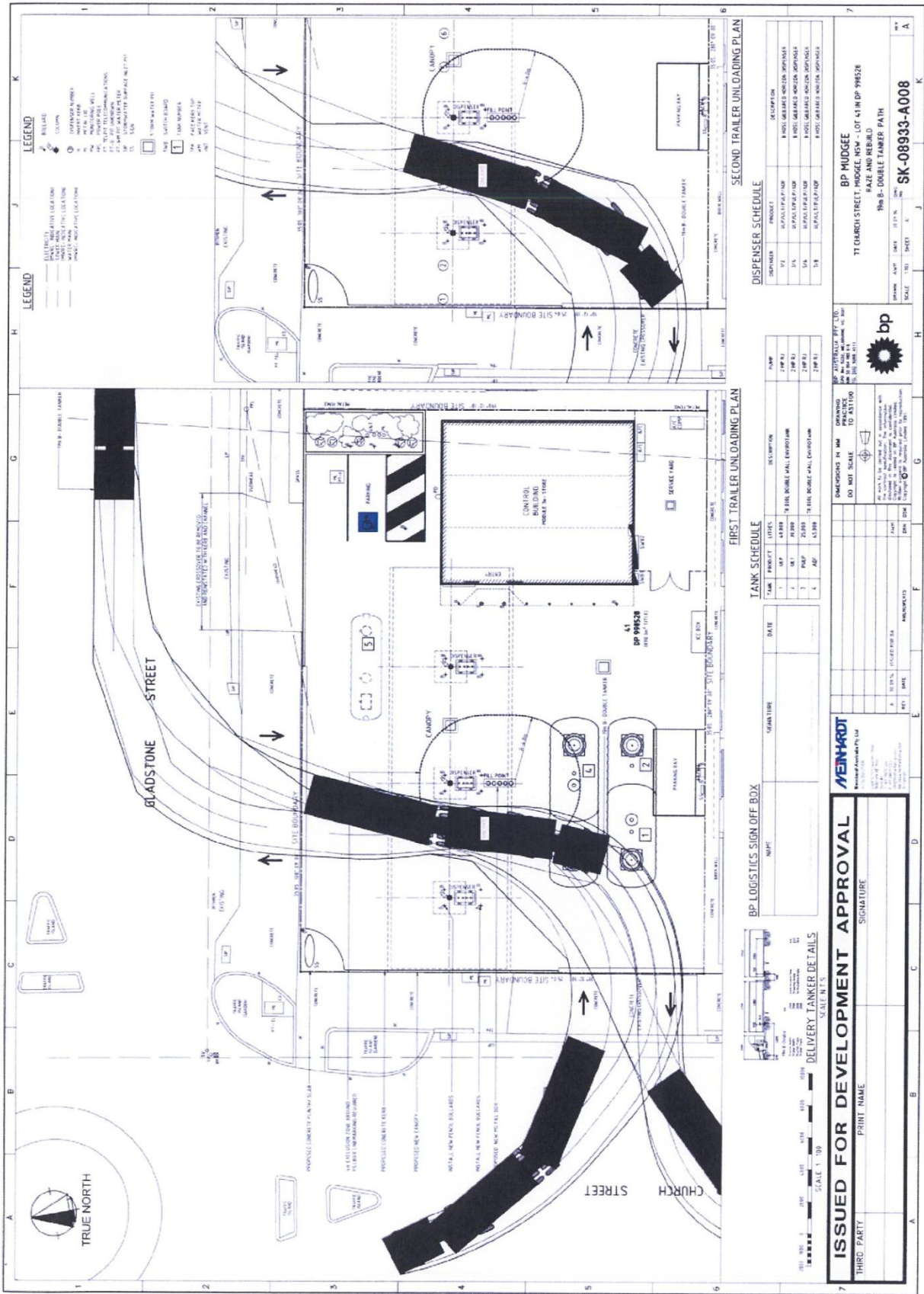
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**FEINHART**  
 PROJECT ARCHITECTS PTY LTD  
 10/110 WILSON STREET, SYDNEY NSW 1570  
 TEL: (02) 9550 9999  
 WWW.FEINHART.COM.AU

**ISSUED FOR DEVELOPMENT APPROVAL**  
 THIRD PARTY PRINT NAME: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_







**LEGEND**

**UTILITY**  
 1. ELECTRICITY  
 2. WATER MAIN  
 3. GAS MAIN  
 4. WASTE WATER MAIN  
 5. TELEPHONE CABLE  
 6. FIBRE OPTIC CABLE

**RELEASE**  
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 1. EXISTING  
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**ENCLOSURE WALL**  
 1. EXISTING  
 2. PROPOSED

**TEST TELECOMMUNICATIONS**  
 1. EXISTING  
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**WATER MAIN**  
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 2. PROPOSED

**WASTE WATER MAIN**  
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**WATER TOWER**  
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**DISPENSER SCHEDULE**

DISPENSER	PRODUCT	DESCRIPTION
1/1	BP PALLET FUEL	8 HOSE GRADES MOTOR DISPENSER
1/2	BP PALLET FUEL	8 HOSE GRADES MOTOR DISPENSER
1/3	BP PALLET FUEL	8 HOSE GRADES MOTOR DISPENSER
1/4	BP PALLET FUEL	8 HOSE GRADES MOTOR DISPENSER
1/5	BP PALLET FUEL	8 HOSE GRADES MOTOR DISPENSER
1/6	BP PALLET FUEL	8 HOSE GRADES MOTOR DISPENSER

**TANK SCHEDULE**

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**DELIVERY TANKER DETAILS**

SCALE 1:50

BP LOGISTICS SIGN OFF BOX

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**ISSUED FOR DEVELOPMENT APPROVAL**

THIRD PARTY: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

**DISPENSER SCHEDULE**

PROJECT: BP MUDGE

LOCATION: 71 GIMARSH STREET, MUDGE NSW - LOT 41 IN BP 99826

SCALE: 1:50

DATE: 10/12/14

SHEET: 6

SK-08933-A008

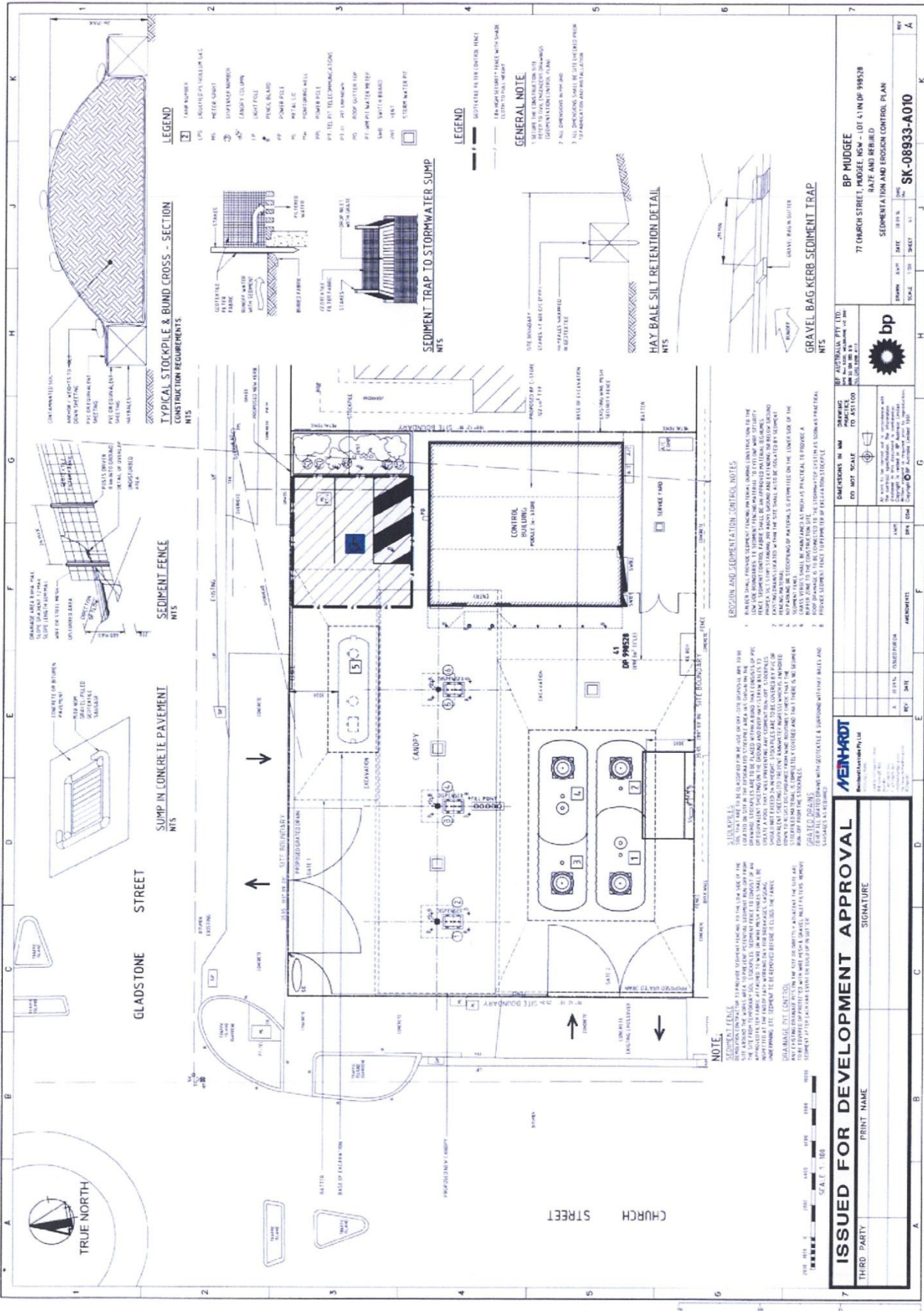
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MEINHARDT  
 Business Automation Pty Ltd

BP  
 Business Automation Pty Ltd







<b>ISSUED FOR DEVELOPMENT APPROVAL</b> THIRD PARTY: _____ PRINT NAME: _____ SIGNATURE: _____		APPROVED: _____ DATE: _____	APPROVED: _____ DATE: _____	APPROVED: _____ DATE: _____	APPROVED: _____ DATE: _____	APPROVED: _____ DATE: _____	APPROVED: _____ DATE: _____
<b>EMERGENCY IN MM</b> DRAWINGS TO ASTON: _____ DRAWING NO.: _____ DATE: _____		<b>BP MUDGE</b> 77 CHURCH STREET MUDGE RD - LOT 4/14/19 98538 SEGMENTATION AND EROSION CONTROL PLAN <b>SK-08933-A010</b>					





## ATTACHMENT 3

**From:** charles smith [charlesowendesign@hotmail.com]  
**Sent:** Wednesday, 19 November 2014 11:15 AM  
**To:** Council  
**Subject:** DA0129/2015

To the General Manager,

**Re: Development application DA0129/2015**

We live at 57 Gladstone street, Mudgee and are direct neighbours of the workshop adjoining the 24 hour BP service station at 77 Church street. It is our understanding that the BP own this workshop and have lodged a development application to demolish it and move the service station into its place, directly next to our house.

We have viewed the plans and have some concerns regarding the proposal as outlined below.

1) Fencing. This is our greatest concern.

It is proposed to use a wire mesh security fence between the service station and our property. This is unacceptable on account of privacy, noise, safety and lights. Our bedrooms are all on the western face of our house, along the boundary with the service station. It is therefore not enough to have a see-through mesh style fence between, where patrons and staff of the service station can potentially look straight into our bedroom windows 24 hours day and night.

The other issue is noise and safety. With the service station moving closer to our house, the noise from cars, trucks, air-conditioners, compressors and people will be louder than previously. Also as the service station is open 24 hours, there are often drunk people and noisy youths congregating on and around the premises late at night. Just this week we had a patron of the service station jump our fence and enter our property at 3:00 in the morning. Fortunately he was detained by police, but not before he had damaged our garden and woken us with the ensuing drama.

Noise from Fuel tankers refilling the petrol tanks and Rubbish trucks emptying the skip bin will also be transmitted directly through a mesh fence, usually late at night.

Headlights from cars and trucks and 24 hour lighting from the service station also make a wire mesh fence unacceptable.

We would like to have a rendered brick fence erected between the two properties to alleviate the above problems.

2) Setbacks The development proposal shows the proposed setback from the fence as 650mm. The current setback from the existing workshop is around 900mm. We would like to see this 900mm setback retained so that the development doesn't encroach unnecessarily on our residence.

3) Vent Stack There is a proposed "MS/ SPEL VENT STACK" in the North East corner of the development proposal. This is only meters away from our bedroom windows. What sort of gasses will be emitted from this vent? Would it be possible to move it to a less intrusive location?

4) A/C Compressor The air conditioning compressor is proposed to be very close to boundary. This will be running 24hrs a day. We would like to see it moved further from the boundary.

5) Lighting As the service station is open 24hrs, there will no doubt be security lighting on the building. Can it be stipulated that this lighting is set in such a way as to not shine into our adjacent bedroom windows?

Thank you for considering our concerns.

Sincerely,  
Charles and Nicolette Smith

**Charles Owen Design**

57 Gladstone St  
Mudgee NSW 2850  
Ph: 0412512490

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**TRIM NUMBER**

**ISSUE**

Development application – BP Service Station, Mudgee – Lot 41 DP 998528 – Demolition and re build of service station including new Control Building, Canopy, Underground Fuel Storage Tanks, Fuel Systems and Signage.

**BACKGROUND**

A copy of the development application was received in this office in December 2014.

**COMMENT**

From perusing the document and attached plans, Police have concerns in relation to the following issues;

1. No indication of the installation of CCTV in the new premises. Over the past few years a number of antisocial incidents and fraud (fail to pay for petrol) offences have been detected at the BP Service Station. The antisocial offences usually occur after the closure of nearby Licensed Premises. The availability of up to date CCTV will allow Police to monitor and seize this footage to assist in any future investigations that are required. The location of any CCTV cameras should be such that all registration plates of vehicles, entering and exiting, the Station can be recorded. It should also provide as much coverage of the premises and streets as is possible.
2. Due to incidents that have occurred at, or in the immediate vicinity, of the BP since it commenced trading 24 hours, Police feel that for the security of patrons, employees, of the Service Station, and the community, independent security officers need to be employed by the operators of deter the incidents of antisocial behaviour from patrons that frequent this area after 12am, *or at least on Fri + Sat nights.*

**RECOMMENDATION**

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



Mark Allen  
Crime Prevention Officer  
Ph: 63728524  
4 December 2014

1. ~~Crime Co-ordinator, Mudgee LAC~~

2. Commander, Mudgee LAC

*Noted. Forwarded to council for information*

3. Gary BRUCE, Mid Western Regional Council

*J. Boon  
4/Supt  
4.12.2014*

## 6.3.2 DA0152/2015 – Proposed Staged 135 Lot Low Density Subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee

REPORT BY THE TOWN PLANNER TO 17 DECEMBER 2014 COUNCIL MEETING

6.3.2 Report to Council - Ulan Road Subdivision DA0152-2015

GOV400038, DA0152/2015

### RECOMMENDATION

That:

1. the report by the Town Planner on Development Application 0152/2015 – Proposed Staged 135 Lot Low Density subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee be received;
2. Development Application 0152/2015 – Proposed Staged 135 Lot Low Density subdivision – Lot 1 DP 1000182 – 220 Ulan Road Mudgee be approved subject to the following conditions:

### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans
  - Drawing Number 22225-C00 Cover Sheet
  - Drawing Number 22225-C01 Existing Site Plan
  - Drawing Number 22225-C02 Proposed Lot Plan
  - Drawing Number 22225-C03 Proposed Staging Plan
  - Drawing Number 22225-C04 Proposed Services Plan - Sewer
  - Drawing Number 22225-C05 Proposed Services Plan - Water
  - Drawing Number 22225-C06 Proposed Services Plan - Stormwater
  -and the Application received by Council on 4 November 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

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

2. 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).
3. Demonstration through provision of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to issue of the Construction Certificate.
4. 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) 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.
5. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
6. A Construction Certificate is required for, but not limited to, the following civil works;
- Water and sewer main infrastructure
  - Stormwater drainage such as inter-allotment drainage, detention basins,
  - Road construction
  - Footpath and kerb & gutter
  - Landscaping of public reserves
- Note: No works can commence prior to the issue of the Construction Certificate.
7. A detailed engineering design 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 prior to the issue of a *Construction Certificate*.
8. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a *Construction Certificate*. The engineering design is to comply with Council’s Development Control Plan and the Standards referenced within Appendix B and D.
9. Where the development requires access to private land, the developer shall provide Council with documentary evidence that an agreement has been entered into with the landholder prior to issue of a Construction Certificate. If utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.
10. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:
- drainage reserves are to be turfed.
  - single strip of turf to be laid behind kerb and gutter.
  - saving available topsoil for reuse in the revegetation phase of the subdivision;
  - using erosion control measures to prevent on-site damage;
  - rehabilitating disturbed areas quickly;
  - maintenance of erosion and sediment control structures;
  - a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.
11. Confirmation from Mudgee Local Aboriginal Land Council is to be provided stating that the identified aboriginal camp site has been contained wholly within proposed lot 26 prior to the issue of Construction certificate for stage 1.



12. Any registered easements or restrictions applicable to the site are to be removed from the title prior to the issue of a construction certificate for that stage to which the easement or restriction may apply.

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

13. A Traffic Control Plan (TCP) completed by a "Certified Person" for the implementation during works is to be submitted to Mid Western Regional Council prior to any work commencing
14. 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. Public Liability Insurance is to include Mid-Western Regional Council as an interested party and a copy of the insurance policy including the Certificate of Currency is to be provided to Mid Western Regional Council prior to the commencement of work. All work is to be at no cost to Council.
15. 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.
16. Prior to commencement of works, the submission of possible street/road names in order of preference, for the proposed new roads within the subdivision, are to be submitted to Council for approval.
17. Prior to 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.
18. 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.
19. Prior to the commencement of subdivision works, the following actions are to be carried out;
  - A site supervisor is to be nominated by the applicant;
  - Council is to be provided with two (2) days notice of works commencing.

#### **INFRASTRUCTURE**

##### **Stormwater Drainage**

20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) 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.
21. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

### Post Development Stormwater Pollution Reduction Targets

- Total Suspended Solids (TSS) – 85% reduction of the typical annual load
- Total Phosphorus (TP) – 65% reduction of the typical annual load
- Total Nitrogen (TN) – 45% reduction of the typical annual load
- 90% of gross pollutant loads, oil and grease retained on-site

*Note: Results from MUSIC modelling or equivalent shall be supplied with Construction Certificate Issue plans demonstrating that the design meets the above criteria.*

22. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
23. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any Interallotment drainage.
24. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
25. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
26. 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.

### ROADS

27. The intersection of the new road within the subdivision and the Ulan Road is to be designed and constructed to comprise;
- A full length Rural Channelised T-junction – Full length (CHR) is to be provided in accordance with Figure 7.7 of *Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements*;
  - A Rural Auxiliary Left Turn Lane Treatment (AUL) on the major road is to be provided in accordance with Figure 8.4 of *Austroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalised and Signalised Intersections and RMS Supplements*;
  - All existing and proposed utility services shall be located clear of existing road pavements.
28. All internal roads within the subdivision must be designed and constructed to the following standards:

#### Road 1 and 2

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes and 2 x 3m sealed shoulders/parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide

<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/ Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>

**Road 5, 6 and 8**

<b>Item</b>	<b>Requirement</b>
<b>Full Road Pavement Width</b>	<b>11 m (2 x 3.5m travel lanes and 2 x 2m sealed shoulders)</b>
<b>Nature Strip</b>	<b>2 x 4.5m</b>
<b>Concrete Footpaths</b>	<b>1.2m Wide</b>
<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/ Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>

**Road 3, 4, 9, 10 and 14**

<b>Item</b>	<b>Requirement</b>
<b>Full Road Pavement Width</b>	<b>8m (2 x 4m travel lanes)</b>
<b>Nature Strip</b>	<b>2 x 4m</b>
<b>Concrete Footpaths</b>	<b>Nil</b>
<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/ Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>

**Road 7, 11, 12 and 13**

<b>Item</b>	<b>Requirement</b>
<b>Full Road Pavement Width</b>	<b>9 m (2 x 3.5m travel lanes with 2x1m sealed shoulders)</b>
<b>Nature Strip</b>	<b>2 x 4.5m</b>
<b>Concrete Footpaths</b>	<b>1.2m</b>
<b>Seal</b>	<b>Two-coat flush seal -14/7 mm (Double/ Double) as required</b>
<b>Kerb &amp; Gutter</b>	<b>Roll back concrete kerb &amp; gutter</b>
<b>Subsoil Drainage</b>	<b>Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb</b>

29. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
30. All electrical, telecommunication and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course and installation of kerb and gutter.
31. All stormwater, water and sewer main infrastructure road crossings must be installed prior to the addition of the base course and installation of kerb and gutter.

32. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
33. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
34. 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.
35. All internal roads must be designed with design speed of 60km/hr.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
37. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
38. 50km/hr speed restriction signs, duplicated both sides of the road, are to be installed on Road 1 at the entry to the subdivision. These signs must also indicate 80km/hr for traffic leaving the subdivision.
39. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (e.g. rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.

#### **WATER AND SEWER**

40. An application for a Compliance Certificate under the *Water Management Act, 2000* is to be submitted to Council as the Water Supply Authority and approved prior to the issue of a Subdivision Certificate for each stage of the development.

**Note:** This will include (but is not limited to) the requirement to alter and extend services, upgrade and install ancillary infrastructure such as sewer pump stations and the payment of section 64 developer contributions.

41. Three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 instruments, are to be created in favour of Council over any existing or newly constructed water, or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

**Note:** where an easement is proposed over private land for the purpose of servicing this subdivision, Council will require evidence that the easement has been created prior to release of the Construction Certificate.

42. The proposed sewer pump station to be located on proposed lot 103 is to be constructed above the probable maximum flood level. Details to be provided with the relevant Construction Certificate stage.

#### **EARTHWORKS**

43. 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.

#### Contributions and other charges

44. In accordance with the provisions of s.94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Developer Contributions Plan, the developer will contribute a contribution per lot of \$6,737.00 (excluding house lot). The contributions are to be paid at the lodgement of the Subdivision Certificate for each stage.

#### Catchment 2

##### *Section 94 Contributions*

Transport Management	
Traffic Management	\$1196.00
Open Space	
Local Open Space	\$1878.00
District Open Space	\$2549.00
Community Facilities	
Library Buildings	\$246.00
Library Resources	\$295.00
Administration	
Plan Administration	\$573.00
<b>Total per lot</b>	<b>\$6737.00</b>

NOTE: Developer Contributions and all other fees and charges are subject to Consumer Price Index increase at 1 July each year. Please contact Council's Development Department regarding any adjustments.

#### PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

45. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.  
NOTE: 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. Council's fee to issue a Subdivision Certificate is set out in Council's fees and charges.
46. Following completion of the subdivision works, one full set of Work-As-Executed plans, in pdf and dwg format, which is "AutoCAD compatible", is to be submitted on disk to Council. All Work-As-Executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
47. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- A certificate from an energy provider indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
  - A letter from Telstra indicating that they accept acquisition of the infrastructure provision of telecommunication services to the subdivision.

48. **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; be paid to Council in accordance with this condition for the purpose of:
    - 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.

49. **Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council for a twenty four month (24) period to ensure that any defects in such works are remedied by the developer.**

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

50. **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.**

51. **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**

52. **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

**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.**

53. **If the Subdivision Certificate is not issued within the financial year of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.**

54. **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*.

55. 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.
56. 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
57. All open space areas are to be levelled, top soiled, turfed with the installation of an 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*.
58. A shared Pedestrian/bicycle path is to be provided and constructed from the subdivision to the existing shared path on Ulan Road. Engineering details of the access are to be provided with the construction certificate documentation for stage 3. The access is to be completed prior to the issue of subdivision certificate for stage 3.
59. A Restriction as to User is to be registered on the title of proposed lots 37, 39, 40, 41, 42, 43, 44, 45, 60, 63, 69 and 70 requiring that an acoustic assessment be prepared by a qualified acoustic engineer and that any recommendations arising from the report be required to be implemented during construction of a dwelling upon that lot.
60. A Restriction as to User is to be registered on the title of proposed lots 37, 39, 40, 41, 42, 43, 44, 45, 60, 63, 69 and 70 stating that no direct access to Ulan Road is permitted.
61. An earth mound 1.5m high is to be provided and incorporated into the entire landscape buffer fronting Ulan Road prior to the issue of subdivision certificate for stage 1. Details of the mound are to form part of the construction certificate documentation for stage 1.
62. A detailed contamination site investigation is to be undertaken of the diesel tank and included with the construction certificate documentation for Stage 4. Any remediation measures included in the assessment must be completed prior to the issue of subdivision certificate for stage 4.
63. A Restriction as to User is to be placed on proposed lots 40 to 45 inclusive restricting further subdivision of the land to assist in preserving the rural amenity of the northern gateway entrance into Mudgee.
64. Proposed lot 103 (detention basin) is to incorporate a passive recreation area in accordance with the provisions of Mid-Western Regional Development Control Plan 2013. Details of this are to be provided with the construction certificate documentation for stage 1. The recreation area is to be completed to the satisfaction of Council prior to the issue of subdivision certificate for stage 5.



**65. The existing shed is to be lawfully demolished prior to the issue of subdivision certificate for stage 4.**

## Executive summary

<b>Applicant:</b>	<b>Barnson Pty Ltd</b>
<b>Estimated cost of development:</b>	<b>\$4,725,000</b>
<b>Reason for reporting to council:</b>	<b>Number of lots exceeds staff delegation Councillor application</b>
<b>Public submissions:</b>	<b>5</b>

The proposed development relates to a Staged (5 stages) application for a one hundred and thirty five (135) lot residential subdivision. The subdivision is located on the northern side of Mudgee on the periphery of the urban area (Locality Plan provided as Attachment 1). The site fronts Ulan Road and adjoins farmland, R2 zoned land and the AREC site to the north-west. One dwelling is currently on the site. This dwelling will be retained and has been incorporated into the subdivision layout.

The subdivision plan includes a landscaped buffer along the entire Ulan Road frontage together with three proposed parks scattered throughout.

Four connection roads through to future subdivisions to the north and south are provided. The lots range in size from 2000m<sup>2</sup> to 4000m<sup>2</sup>.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP), 7.1 Urban Subdivision. The proposed subdivision is considered generally consistent with the DCP.

The application was notified to adjoining land owners and an advertisement placed in the local press accordance with Part 1.10 of the DCP. The exhibition period concluded 21 November 2014 and five (5) submissions were received.

The application was referred to the NSW Roads and Maritime Services who have granted concurrence to the proposal.

The application is reported to Council due to the number of lots in the subdivision exceeding staff delegation and the applicant is a Councillor. The application is recommended for approval.

## Detailed report

### 1. REQUIREMENTS OF REGULATIONS AND POLICIES:

#### **SEPP 55 – Remediation of Land**

Clause 7 of the SEPP requires the consent authority to consider whether the land is contaminated.

A preliminary site assessment prepared by Minespex was provided with the application. The report identified residual traces of copper associated with the application of fungicide for vineyard activities, however the levels did not exceed the health based criteria.

The assessment also identified localised Total Petroleum Hydrocarbon (TPH) soil contamination in the vicinity of the aboveground diesel storage tank. The levels exceed the relevant assessment criteria for residential purposes and it was recommended that this identified part of the site be

subject to appropriate remediation. A condition is recommended to be placed upon the consent requiring that the site be remediated in accordance with a Phase 2 Detailed Site Investigation prior to the issue of a subdivision certificate for stage 4.

### **SEPP (Infrastructure) 2007**

The subject site is adjoining a classified road (Ulan Road), therefore Division 17 Roads and Traffic, Clause 101 Development with frontage to classified road of State Environmental Planning Policy (Infrastructure) 2007 has been considered.

Given the number of lots proposed and the lack of other existing road infrastructure immediately adjacent to the site it is considered appropriate that Ulan Road be utilised to service the development.

The applicant has provided a traffic assessment confirming expected traffic volumes based upon Mid-Western Regional Council data. The outcome of the assessment concluded that traffic volumes will still be within the identified *Austroads* capacity of 10,000 vehicles per day for Ulan Road.

The assessment also concludes that a suitable intersection can be constructed on Ulan Road to handle the expected traffic volumes given that the proposed intersection is located within an 80km/h zone. The intersection will involve the construction of a Channelised Right (CHR) and Rural Auxiliary Left-turn (AUL) in accordance with *Austroads Part 4A*.

The proposed subdivision includes twelve (12) lots that face directly to Ulan Road. Clause 101(c) as above requires Council to consider vehicle noise and emissions for the proposal. To mitigate the impacts of traffic noise upon these identified lots a condition is to be placed upon the consent ensuring that the 88b instrument requires the developer obtain an acoustic report prior to the issue of the Subdivision certificate recommending acoustic attenuation for the future dwellings. Any mitigating measures identified in the acoustic report are to be included in the individual building design.

The proposal includes a landscaped buffer and mound along Ulan Road separating the lots from the road. This is considered adequate in mitigating any vehicle emissions from Ulan Road to an acceptable level.

Furthermore, NSW Roads and Maritime Services have provided concurrence for the proposal raising no objections to the proposal.

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

The land is zoned R2 Low Density Residential pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposal can be achieved and is consistent with Clause 4.1 Minimum subdivision lot size of the LEP.

The Zone Objectives have been considered below -

#### **1 Objectives of zone**

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The subdivision will deliver lots that will allow for future development of dwellings in turn providing for the housing needs of the community. The lots are of a size to allow the future development of single dwellings and attached dual occupancy.

The relevant Clauses of the LEP have been considered below:

*Clause 4.1 Minimum subdivision lot size*

The lot sizes range from 2,000m<sup>2</sup> to 4,000m<sup>2</sup>. Council's DCP requires the following setbacks for single dwellings and dual occupancy; 15m to the building line, 5m to the side and rear boundaries and 7.5m to the side boundary for corner lots. It is considered these setbacks can be achieved on the proposed lots facilitating future residential development.

All lots are above the minimum size shown on the Lot Size Map.

*Clause 6.1 Salinity*

The site is not mapped as being subject to salinity; however the Mid-Western Local Government Area is generally prone to dry land salinity. The proposed subdivision would not alter the salinity risk associated with the development.

*Clause 6.2 Flood Planning*

Small sections of the southern part of the site are affected by the Probable Maximum Flood (PMF), however this is not likely to restrict the development of those lots. Council must only consider the 1 in 100 year flood event for residential subdivision and the Probable Maximum Flood event only relates to essential infrastructure.

A sewer pump station is also proposed within the PMF, however a condition can be placed on the consent to ensure the operation of the pump station is not impacted upon.

*Clause 6.3 Earthworks*

The development is not proposing any additional earthworks in terms of filling land other than that what is necessary for construction purposes such as road pavement. The development is considered acceptable and compatible with the provisions of this clause.

*Clause 6.4 Groundwater Vulnerability*

The development is affected by groundwater vulnerability but it is not anticipated that the development would increase the risk of groundwater contamination or affect groundwater systems as the development will be connected to reticulated water and sewer.

*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 location, adjoining the urban area and suitable conditions included within the recommendation this Clause can be satisfied.

**Mid-Western Regional Development Control Plan 2012 (DCP)**

Part 7 - Urban Subdivision

<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
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<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
Applies to	land zoned residential village zones rural residential lots up to 2 hectares	Yes, the land is zoned R2 – Low Density Residential
Lot size	Minimum lot size as determined by MWRC LEP 2012 (2000m <sup>2</sup> ).  All lots have street frontage.  lots increase in size relative to slope as follows:  0-10 degrees: 600m <sup>2</sup> 10-15 degrees: 700m <sup>2</sup> 15-20 degrees: 800m <sup>2</sup> >20: subdivision prohibited  all lots have 16m width at building line in residential and village zones.  battle-axe handles in R1, R3 & RU5 Village have width of 4m.  battle-axe handles in R2 & R5 residential zones have width of 6m	Yes.  All lots have frontage to a public road.  The slope of the land does not exceed 20 degrees.  Yes. Lots are of ample size and dimension.  N/A  N/A
Lot Design	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.	N/A  The lots have a mixture of orientation with the majority achieving good solar access. The lots are of a size conductive to erecting a dwelling with good orientation.  As discussed above.  The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
		substantial building envelope.
	Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling.	Generally achieved.
	Corner lots have sufficient area to allow dual occupancy and independent utility connection points.	Yes
Street Layout & Design	Traffic Impact statement submitted for 5+ lots	Assessment provided by applicant.
	Traffic Impact Statement submitted for all subdivisions where new road required.	Assessment provided by applicant.
	Subdivision integrates with existing residential area.	The proposed layout has incorporated four connection roads to adjacent land to the north and south in line with expected future subdivision of that land.
	New roads must provide "through road" connections to surrounding roads and road heads where they exist in the locality.	N/A.
	Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided.	Good pedestrian linkages provided.
	Multiple cul-de-sacs and "no through roads" discouraged.	Minimal cul-de-sacs provided.
	Maximum number of lots in cul-de-sac is 12 lots.	Max 8.
	Subdivision >80lots should not require backtracking.	Connection roads to future subdivision provided.
Road Standards for New Development.	Urban Road Standards required.	Yes.
	1x1.2m footpath, barrier kerbing.	Yes where appropriate.
	Commercial & Industrial	N/A

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	Subdivision Roads: 22m road reserve, 13m carriageway, 2x4.5m nature strip, 1x1.2m footpath, barrier /roll over kerbing.	
Cycle ways and footpaths	Cycle ways and pedestrian networks included in new subdivisions.	Concrete footpaths will be provided in layout where appropriate. Good connectivity is provided from the stage 3.
	If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.	N/A
	New subdivisions provide direct, convenient and safe access to major facilities.	Yes. A condition is to be placed on the consent ensuring that a safe internal cycle/pedestrian path is provided from the subdivision through to the existing shared path on Ulan Road.
	Cul-de-sacs may be required to include 10m wide shared overland flow/pathway.	N/A
	Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.	N/A. Developer to construct.
Open Space	Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space.	Yes, all lots will have access to an identified park. The proposal includes a passive open space within the on-site detention basin in lot 103.
	Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc and shading landscaping.	To be provided.
Landscaping	Landscape plan provided detailing treatment of public domain.	Landscape plan required as part of CC application.
	Land dedicated as public reserve top soiled, levelled, turfed prior to	To be conditioned.



<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
	release of subdivision certificate and maintained by developer for period of two years.	
Street Trees	2 street trees provided per lot.	Yes
	Developer provides levy to council to provide these trees after 80% of works carried out.	N/A
Utility Services	Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development.	Lots to be connected to reticulated water, sewer, electricity and telecommunications.
	Evidence of consultation with relevant authorities submitted with application.	
Drainage	As per Section 5.3 Stormwater & Drainage.	Water quality treatment required as a condition of consent. Discharge from the detention basin will be required to not exceed pre development flows.

### **Section 94 Developer Contributions Plan**

The subject land is within Catchment 2 of the Section 94 Contribution plans. As the proposal is for a residential subdivision, a contribution of \$6,737.00 for each additional allotment is required (excluding lot containing the dwelling).

The Section 94 Developer Contributions would total \$902,758.00 in the 2014/2015 financial year.

### **Water and Sewer Development Servicing Plan**

The development proposal also attracts developer contributions under the Development Servicing Plan for the provision of water and sewer to the development. Water contributions and sewer contributions are \$12,375.00 and \$3,955.00 respectively per lot.

The Developer Serving Plan contributions for water and sewer would total \$1,670,625.00 for water and \$533,925.00 for sewer in the 2014/2015 financial year.

The developer will also be responsible for the full cost of the extension and/or adjustment of the existing services to provide services to the newly created lots. This would include upgrade of the sewer pump station at Bombira, the provision of a new pump station within the subdivision and the provision of a reticulation network within the subdivision.

## *2. IMPACT OF DEVELOPMENT*

### **Context and Setting**

The proposed development consists of a five stage subdivision of a 40 hectare allotment into 135 allotments ranging in size from 2,000m<sup>2</sup> to 4,000m<sup>2</sup>. The development is located on Ulan Road which serves as the main entry into Mudgee from the north. A landscape buffer is provided along Ulan Road to assist in reducing conflicts and 6 of the lots facing Ulan Road have been proposed at

a greater area of 4,000m<sup>2</sup> with the intention to minimise building bulk along the northern gateway entrance into Mudgee.

The development will sit amongst other similar developments with land to the north and south also zoned R2.

The proposed development is considered acceptable and unlikely to create any significant issues. The submissions from AREC and several of their associations are discussed elsewhere in this report.

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

Access to the site is from Ulan Road with several connection roads provided for future subdivisions. Suitable conditions have been included within the recommendation regarding the construction of the intersection to a suitable standard.

The proposed development would not significantly impact on the road network (as discussed in the applicants traffic assessment) and the local road network is considered to be capable of accepting traffic from the development.

### **Utilities**

Water and sewer mains are required to be extended to service the development. These are to also be designed to handle the load from future subdivisions further to the north.

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

### **Heritage**

A Cultural Heritage assessment was carried out on the subject site and confirmed the existence of an old camp site with evidence of artefacts. The assessment recommended that this site be protected and incorporated into the subdivision layout so that no dwellings would be erected over the top. The layout incorporates the site into proposed lot 26 to ensure its protection.

Appropriate conditions are recommended on the consent to ensure the site is not impacted upon and that an Aboriginal Land Council representative is present during all subdivision works.

### **Other land resources**

The development proposal would not alter the impact or effect on other land resources.

### **Water**

All lots will be capable of draining to the road and water quality treatment will be required as part of the drainage infrastructure. The detention basin has been designed to handle the expected flows and will also ensure that post development flows do not exceed pre development flows as per DCP 2013.

### **Soils**

Contamination risk and salinity have been addressed above in the report. Appropriate conditions are recommended.

**Air and Microclimate**

The development will not adversely affect air quality nor will the micro climate be adversely affected. During construction, there is the likelihood of limited impact, however this can be mitigated by dust suppression.

**Flora & fauna**

No EEC's are identified on the site as to be expected from a site that has been heavily disturbed for agricultural uses including a vineyard. Trees have been incorporated into the layout where possible.

**Energy**

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

**Noise & vibration**

Noise has been previously discussed in this report.

**Natural Hazards**

Flooding has been addressed previously in this report.

**Safety, security and crime prevention**

All lots are designed to front the public roads. Each of the parks have been located to ensure openness and opportunities for passive surveillance

**Economic and Social impact in the locality**

The provision of new residential lots will provide additional housing choice in the Mudgee area.

**Site design and internal design**

The development is designed to generally 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 site is adjacent to similar development to the south and future similar development to the north. Impacts upon surrounding agricultural land and the AREC site are considered negligible and were discussed at the rezoning stage. Further consideration to the AREC submission is given later in this report.

**(b) Are the site attributes conducive to development?**

The subject site has road frontage and good proximity to the existing urban area making the site conducive to the development.

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

##### (a) Public Submissions

The application was notified to adjoining owners and advertised in the local newspaper with the public exhibition period ending on the 21 November 2014. Five (5) submissions were received (attachment). The main submission was received from AREC with four other submissions received from various members of AREC essentially reconfirming the main concerns from AREC overall. Accordingly, the main concerns received from AREC are as follows:

##### Noise/amenity

Concern has been raised regarding the noise and other amenity impacts of AREC activities on future dwellings and conflicts that arise as a result.

##### Comment:

Whilst the general conflicts between the sites are more appropriately considered at the rezoning stage certain measures can be considered in the specific subdivision layout to assist in minimising conflict of noise and amenity. The proposal includes 20-30m wide landscape buffer to Ulan Road. It is recommended in the conditions of consent that a mound be incorporated into the buffer to complement the proposed vegetation in reducing visual and acoustic impacts.

Furthermore, it is recommended that covenants be placed upon those lots facing directly to Ulan Road requiring acoustic attenuation. An acoustic assessment will be carried out prior to the Subdivision certificate recommending certain attenuation measures. It should be noted that this measure is primarily a response to traffic noise from Ulan Road, however it will also subsequently improve the amenity from those activities occurring at AREC.

##### Lot size

Concerns were raised regarding the further potential for those 4000m<sup>2</sup> proposed along Ulan Road to be further subdivided leading to a higher density of dwellings.

Comment: It is recommended as a condition of consent that a Restriction as to User (RATU) be placed upon the title of those particular lots restricting further subdivision. Once again this is primarily to ensure the rural gateway entrance to Mudgee is addressed and will subsequently also address the density standards concerns raised by AREC.

##### Traffic

Concerns were raised regarding the proposed location of the intersection and the interaction of traffic between this intersection and the AREC entrance during events.

Comments: The intersection has been designed in accordance with *Austroads* Guidelines and Council's Engineering Department has raised no concern with the proximity of the main Ulan Road AREC entrance. It should be noted that the intersections will be located approximately 500 metres apart.

Furthermore, concurrence has been received from the NSW RMS who have also raised no objection to the proposal.

##### Future use

General concerns were raised regarding the ongoing use of AREC for various purposes and conflicts with residential development.

Comment: Any current consents applicable to the AREC site will be able to continue on in accordance with those existing conditions relating to each individual consent.

The issue of land use conflict is more appropriately addressed at the rezoning stage which has already been addressed for this site. However, this development application has also included site specific measures as discussed earlier to help reduce any conflicting impacts between the uses of each site.

The ongoing use of the AREC site is not expected to be significantly restricted as a result of the proposed development.

#### Bicycle/pedestrian links

Concerns were raised regarding the lack of pedestrian access from the site back to the Mudgee CBD.

Comment: The recommended conditions of consent include the requirement for suitable pedestrian links from the site to the established pedestrian network. No pedestrian link from the site to the AREC site is considered warranted at this stage in line with Council Policy.

### **(b) Submissions from public authorities**

#### **NSW Roads and Maritime Service**

The application was referred to the NSW RMS for concurrence as per the EP&A Act 1979 and SEPP (infrastructure) 2007. The NSW RMS has granted concurrence to the proposal with no specific conditions (attachment). The response does however request Council to consider a pedestrian link to Mudgee, restrict further vehicular access to Ulan Road from individual properties and the provision of a bus stop to service the residents of the subdivision.

These three requests are considered warranted and will be included in the recommended conditions of consent.

### *5. THE PUBLIC INTEREST*

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

No significant issues in the interest of the public are expected as a result of the proposed development. The submissions to the proposal have been addressed previously in this report.

### *6. CONSULTATIONS*

#### **(a) Health & Building.**

Not applicable.

#### **(b) Development Engineer.**

No objection subject to conditions included within the recommendation.

### Financial and Operational Plan implications

Council will eventually inherit infrastructure including parks and landscape buffers, which can be incorporated into the relevant maintenance schedules.

## 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.

DREW ROBERTS  
TOWN PLANNER

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

4 December 2014

*Attachments:*

1. Locality Plan
2. Subdivision Plan
3. Stage Plan
4. Submissions
5. RMS Concurrence

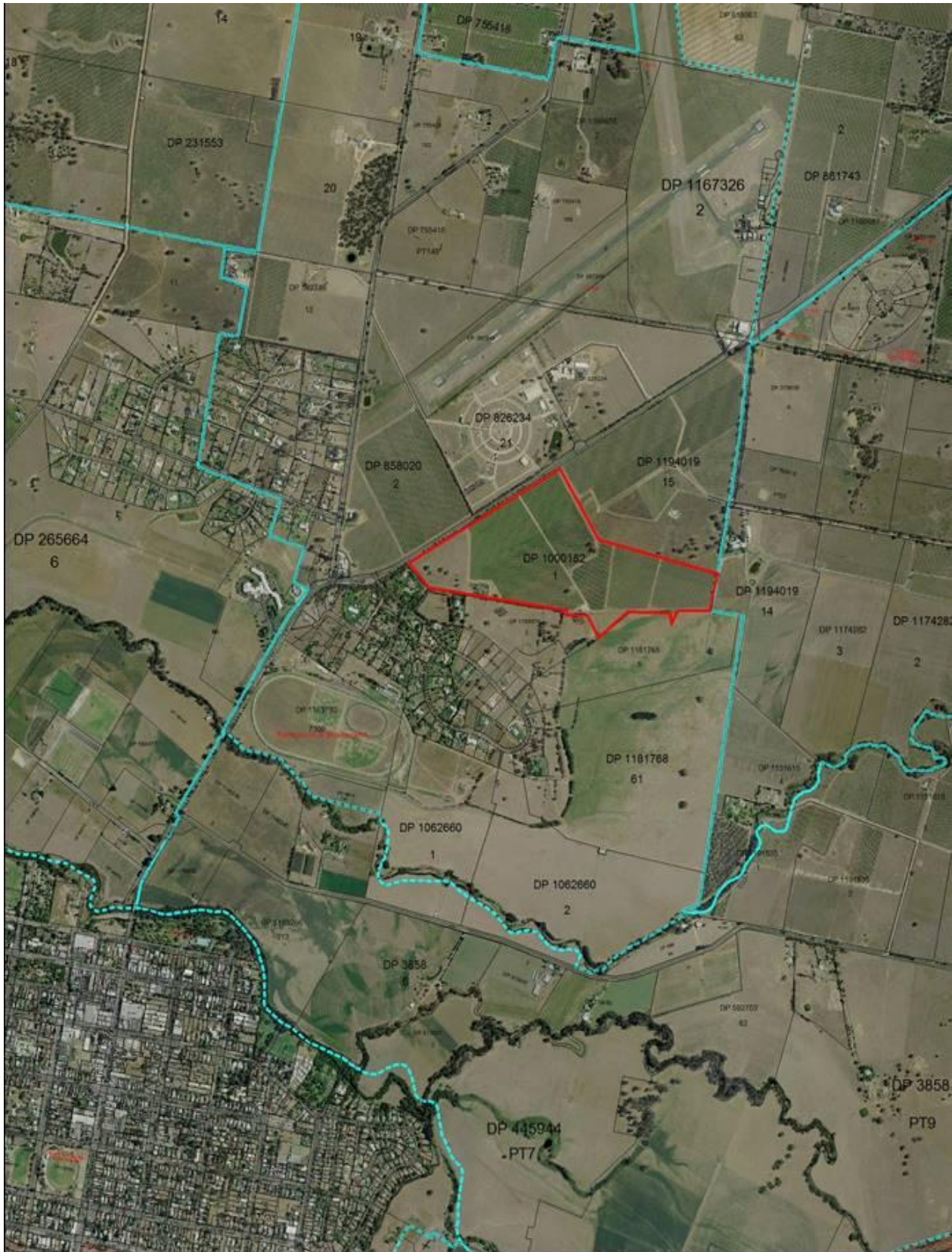
APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER



ATTACHMENT 1











Australian Rural Education Centre

18th Nov, 2014

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

Attn: Planning Department



Dear Sir,

**OBJECTION TO DA ON EXHIBITION - DA0152/2015 SUBDIVISION OF LOT 1  
DP1000182, 220 ULAN ROAD MUDGEE**

Thank you for the opportunity to be consulted as a neighbouring land owner regarding the proposed subdivision, however we object to the development in its current form. We do not believe the development application adequately addresses the established neighbouring development, and as such we disagree with the statement on pg 23 of the Statement of Environmental Effects that 'There are no prohibitive constraints posed by adjacent development'. On behalf of the Australian Rural Education Centre (AREC), this submission primarily seeks to ensure that any future subdivision development adequately acknowledges the use of the adjacent land and potential conflicts.

**Background on the AREC site**

AREC is a self-funded, not for profit organisation that is best known for organising the Mudgee Small Farm Field Days, an event that has run annually since 1977. The Field Days premiered at the Mudgee Show Ground in 1977 and ran there until 1996 when the AREC site was established. Issues associated with capacity, traffic and parking as well as neighbour concerns about noise and traffic congestion forced this relocation to Ulan Road. The purpose built site on Ulan Road aimed to not only facilitate the growth of AREC activities, but develop a site unrestricted by land use conflict. The zoned airport and primary production lands adjacent to AREC were complementary in that there were no residential developments to be disturbed by noise and traffic.

The types of land use that currently occur at the AREC site that may be incompatible with residential land use include:

- Rural Education activities - A number of outdoor education activities including Straw Bale Building courses, Landcare demonstrations and community gardening, Mudgee Men's Shed include both indoor and outdoor components.
- Use as a Camp/Group Accommodation - The AREC facility provides facilities for large group accommodation. Group accommodation is currently being offered for the 2015 Rugby Country & State Titles. AREC provided on site accommodation for the Australian Caravan Club National rally last year with

Australian Rural Education Centre 267 Ulan Road Mudgee; PO Box 12 Mudgee NSW 2850  
Phone (02) 6372 3899; Fax (02) 6372 3380; info@arec.com.au; www.arec.com.au



over 220 caravans on site for 10 days. Potential conflict with the proposed housing development is noted due to visual amenity, noise, and changed traffic flows.

- The Mudgee Small Farm Field Days - The Field Days is promoted as Central West NSW's premier agricultural and lifestyles field days event. The Mudgee Small Farm Field Days continues to be a must attend event for people living on the land. The Field Days generate over \$4 million dollars worth of benefit to the wider Mudgee community. Concern is raised as the event attracts a significant number of exhibitors, and visiting vehicles over several days. Conflict could occur due to noise from the event and traffic noise/movements.
- Other Annual Events at AREC - include:
  - o The Mudgee Bike Muster: For this event, there is on-site camping for large and small groups and nightly entertainment. The event can attract 400 plus visitors.
  - o The Festival of Yesteryear: Held on the October Long weekend the Festival includes a Machinery Rally. Demonstrations of machinery including tractors and motors occur with heavy machinery transported to and from on the site by semi trailers. Traffic and noise generation are issues likely to be at odds with residential development.
  - o Equestrian events including National Pony Club multi day eventing.
- Motocross - The AREC is the venue for Mudgee and Districts Motorcycle Club. Competitive motor cross races start at 7.00 am and run through until 4.00pm . Summer twilight races start at 12noon, go through until early evening and coincide with the time of year when people spend most time outdoors. Conflict is recognised due to dust,noise and traffic generation.

AREC is an important facility not only for educational purposes, but for the wider community and provides tourism benefit for the broader Mid Western region. AREC works closely with Mudgee Region Tourism Incorporated to bring events and visitors to the region, and as such is a significant contributor to the \$144 million dollar tourism industry. The protection of the ongoing use of the site without constraint (or fear of complaint from numerous new neighbours) is paramount. We need to be assured that AREC initiatives that encourage use of the AREC facilities and build on Mudgee tourism promotion will not be negatively affected by the proposed development. This would provide a serious impediment to the economic growth of the region.

The following concerns about the proposed residential subdivision development are raised:

#### **Site layout and Plans**

The plans do not provide a scale bar or dimensions on lots. This has made interpretation of the plans difficult. We are supportive of a buffer to the Ulan Road and the AREC land opposite, however the Statement of Environmental Effects suggests this buffer is 50m wide. The plans however indicate the buffer is only 20m wide and includes the road and road reserves. A wider buffer that incorporates a mounded and



landscaped planting parallel to the Ulan road would reduce visual impacts and assist with noise management.

Further it is unclear from the DA submission as to why the layout includes larger lots off proposed Road no 3. These larger lots should have a restriction on title and in the LEP to prevent further subdivision - we note they are all double the minimum lot size and would be attractive to future developers for subdivision. Are they earmarked for attached dual occupancy or another type of development? If the purpose is to reduce the number of dwellings along Ulan Road, this is supported.

#### **Noise Environment**

We are concerned that the current noise environment has not been adequately assessed and accounted for in the proposed subdivision design. Of concern, it appears that the Statement of Environmental Effects has not adequately assessed noise associated with the proposed development's in the vicinity of the airport, and major events and other regular activities at the AREC.

Of even more relevance, the road traffic noise from vehicles on Ulan Road has not been assessed. The likelihood of future residents being impacted by road traffic noise should be assessed with consideration to the OEH's NSW Road Noise Policy.

It is suggested that for the nearest dwelling sites a site specific setback or restriction be placed on the land to prevent any lots being affected by noise. Protection in the long term from complaint and noise conflict situations is sought. The AREC site and the airport provide important regional facilities that need to be protected from incompatible residential development being too close. Under-estimation of current noise generated by AREC, Ulan Road and airport operations will lead to future conflicts with new neighbours if development planning for noise mitigation has not been adequately addressed. It is emphasised that potential for noise conflict should be dealt with upfront in the design stage to prevent future issues. We feel that if this is not fully addressed this community owned facility will ultimately be shut down.

#### **Access and traffic**

The existing site plan does not show the current driveway access into the land. The location of Road Number 1 in relation to the AREC entrance and gates used during the Field Days is not clear. The plans also do not depict the driveway access to AREC; it is unclear where the new road is positioned in regard to the AREC accesses. We would be concerned if the access location will cause a traffic impediment whereby turning vehicles (into the subdivision and AREC) affect through traffic on Ulan Road and create a hazard.

The Traffic Impact Assessment does not mention traffic in times of events and how the additional traffic is accounted for in the 2011 vehicle numbers used. More detail and consideration of current traffic flows throughout the year and at peak periods needs to be addressed in order to reduce the potential for creating traffic hazards.

Pedestrian and cyclist safety is also not clearly assessed in the Statement of Environmental Effects. With the number of new dwellings a clear pedestrian /cycle pathway should be included. AREC supports the annual Mudgee Bike Muster, and encourages Council to demand the proponent provide cycle and pedestrian linkage with the existing cycle and pathways leading to the Mudgee town centre. Concern is

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raised that the new subdivision cyclists would use Ulan Road - we note with regret a number of recent cyclist fatalities on this busy route.

A cycleway / walkway sufficient to safely cater for pedestrians and cyclists to share is essential to reduce the potential for cyclists to use the Ulan Road. The proposal by the proponent to provide a footpath to the Ulan road is inadequate and unsafe for both pedestrians and cyclists. There is already significant traffic volume on this road and the assessment does not consider the extra traffic generated by the proposed development.

#### **Amenity Impacts**

The current surrounding environment is affected by rural industry, AREC and event activities as well as the airport. Impact on amenity is through dust, noise and visual aspects of the environment and current activities. Apprehension towards the proposed subdivision is raised due to the added risk of conflicts in amenity expectations with future landowners, leading to complaint.

Firstly, we would seek to ensure that the amenity issues are adequately addressed upfront and acknowledged through a modified design. Modifications that are seen as appropriate include:

- The setback for the subdivision front boundaries from Ulan Road should be reflective of road noise and existing AREC events and activities. It is suggested that this needs to be greater than the 20m buffer shown, and include a landscaped mound to reduce opportunity for views of the site, not purely for noise attenuation.
- Larger lots be required along Ulan Road. That these lots be prevented from future subdivision. This will also keep a more 'rural' outlook to the entrance to Mudgee from Ulan Road, as well as reduce immediate neighbours to AREC. This would be more consistent with the previous LEP.

Secondly, we would seek Council to pursue with the developer a mechanism that translates to potential purchasers that the site is potentially affected by neighbouring land use, and as such may impact on the amenity. Could a legal instrument, such as a covenant, be used to indicate at land purchase that the site is within 'X'm of the Mudgee Regional Airport and AREC and may be impacted by those facilities? We would seek this, to prevent a situation where future complaints regarding noise or dust for example, are made by residents, which lead to a hindrance on use of the AREC facilities.

Thank you again for the opportunity to provide a submission. Please keep us informed of the progress of this application.

Regards



Steve Garland  
General Manager



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

"Solbakken"  
267 Upper Piambong Rd.  
Piambong 2850  
19 November 2014

Dear Sir,

**OBJECTION TO DA ON EXHIBITION - DA0152/2015 SUBDIVISION OF LOT 1 DP1000182, 220 ULAN ROAD MUDGEES**

As a member of AREC and a citizen of this lovely region I wish to object to the development in its current form and strongly disagree with the statement on page 23 of the Statement of Environmental Effects that 'There are no prohibitive constraints posed by adjacent development'.

In my opinion it is essential that any future subdivision development adequately acknowledge the use of the adjacent land and potential conflicts.

Our site on Ulan Road aims to not only facilitate the growth of AREC activities, but also develop a site unrestricted by land use conflict.

The zoned airport and primary production lands adjacent to AREC were complementary in that there were no residential developments to be disturbed by noise and traffic.

AREC's many and varied activities could well be incompatible with residential land due to noise from the event and traffic noise/movements.

AREC is an important facility not only for educational purposes, but also for the wider community and provides tourism benefit for the broader Mid Western region.

AREC is a significant contributor to the \$144 million dollar tourism industry.

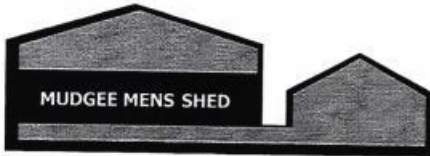
**The protection of the ongoing use of the AREC site without constraint (or fear of complaint from numerous new neighbours) is paramount.**

Sincerely

  
Robert Lamond  
0409 712 101 lamond2@bigpond.com



Please copy to Planning Department



Mudgee Men's Shed Inc  
PO Box 1222  
Mudgee NSW 2850  
Phone: 6372 2788

18 Nov, 2014

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

MID-WESTERN REGIONAL COUNCIL  
RECORDS  
RECEIVED  
19 NOV 2014  
 SCANNED  
 REGISTERED

Attention: Planning Department

Dear Sir,

**Re: – DA0152/2015 Subdivision of Lot 1 DP1000182, 220 Ulan Road Mudgee**

We wish to register our concern regarding the above proposed development in as much as the proximity of future dwellings may affect our existing approved and Council supported operations at the Mudgee Mens Shed. Those operations do from time to time generate industrial level noise and a primary reason for locating our shed where it is was to not disturb neighbours.

Should the proposed development proceed, we would insist that there be an adequate noise buffer and that our operations here be recognised by future land holders as a legitimate land use.

We have also read the submission to you on this issue made by AREC, and as tenants of AREC we wholeheartedly support the issues raised in that submission.

Yours sincerely

Neil Giggins  
Manager





Cudgegong Valley Antique Machinery Club Inc.  
PO Box 1076, Mudgee. NSW 2850  
President; B.Jones.  
Secretary; B.Stait.

20<sup>th</sup> November 2014.

The General Manger

Mid-Western Regional Council

86 Market Street

Mudgee. NSW. 2850

Attn: Planning Department

Dear Sir,

**OBJECTION TO DA ON EXHIBITION – DA0152/2015 SUBDIVISION OF LOT 1 DP 1000182, 220 ULAN ROAD MUDGEE.**

The members of Cudgegong Valley Antique Machinery Club have expressed concerns about the above development application and have instructed me, as club secretary, to write this letter objecting to the above development application.

The committee believes that if this development goes ahead, it will in time, lead to heavy restrictions, and the possible termination of current and possible further events at the AREC site.

Currently the club holds 2 major events at the AREC site;

1. Annual rally/display as part of the Mudgee Small Farm Field Days, and
2. Annual "Festive of Yesteryear" which is held over the October long weekend.

Thank you for the opportunity of having the clubs concerns put forward to council.

Regards

Barry Stait

Secretary CVAMC





PO Box 1084

Mudgee

NSW 2850

20<sup>th</sup> November 2014.

General Manager,  
Midwestern Regional Council,  
86 Market Street,  
Mudgee 2850.



**Re: An objection to DA0152/20/2015 subdivision of lot 1 DP1000182, 220 Ulan Road, Mudgee.**

I appreciate the opportunity to submit my objections to the above development. I will hand deliver this document as my previous electronic submission objecting to the development of this land was somehow "lost" (along with 8 other objections) and never was presented to the Council when they decided to allow the development.

AREC is a major asset to Mudgee and the surrounding region. It provides significant educational, recreational, and tourist related benefits to the area. The small farm field days, Landcare demonstrations and classes, camping facilities for sporting and recreational events, rallies for groups such as the annual bike muster and many others activities, bring a steady stream of tourists to the Mudgee Region each year.

AREC was moved to this site because of the expanding nature of its activities and the problems this caused in the previous downtown location with crowds, traffic, livestock and accompanying noise. The present site was chosen because it was in a rural area near the airport which by its presence restricted development in the surrounding area. In fact an earlier request for housing development on an adjoining parcel of land to AREC and across the road from this proposed development was fought hard by the Council and blocked for future housing as it was deemed unsuitable. In fact the Council's Planning Department recommended against this proposed development but Council went against that recommendation.

If the Council has decided to reverse its previous hard fought decision and rebuff the recommendations from its own planning division, then it is very important that safeguards are introduced to prevent the new development from negatively impacting AREC. One can see the scenario developing where in a few years time, residents in homes in the development will object to the noise, traffic, dust and general activity and try to have AREC moved from the area. This would be a disaster for AREC as it is an organisation largely staffed by volunteers who have spent countless hours and a large amount of funds developing the site to make it suitable for varied activities.

At a minimum consideration should be given for a larger buffer zone along Ulan Road with setting back of the houses in this area and larger lots fronting the road. Any houses in this region should face Ulan Road so that traffic is not looking at back yards and clotheslines or Colourbond fencing. It is interesting that in the original submission for development of this land it was stated that the reason for development was that Mudgee needed more large "lifestyle" blocks for housing (supporting letter – Property Shop – Hugh Bateman) Later the plan was changed – we didn't need lifestyle blocks but smaller ones!


Ulan Road has become a major thoroughfare since the development of the mines north of town, and a careful study of traffic patterns needs to be done before deciding on entrances/exits to the new development. Just reducing the speed to 80KPH along this section is not sufficient. Especially if smaller lots are allowed, the amount of traffic entering and exiting the area will be significant and needs careful study in the design of roads. Event traffic is considerable and over many days per year and must be taken into account when planning. This will mean that a number of events in 2015 should be carefully monitored by traffic planners before the final plans are drawn up for the development. It cannot be left to guesswork!

When the noise from the airport and AREC activities are taken into account, it is essential that purchasers of any lots in this development sign a legal document that they will not object to the presence of AREC (or the airport for that matter) when they purchase the lots. It is essential that AREC be able to continue at this site. Actually one can see the organisation further develop their many activities to the benefit of the people of this region and the many tourists that the facility brings to this area. We need to plan carefully now to prevent any impediment being put in the way of this unique organisation in the future.

Sincerely,

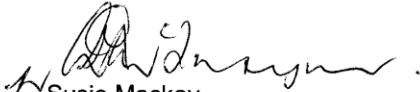


Maurice J. Webb.

	 <b>Transport Roads &amp; Maritime Services</b>
<p>WST13/00159/02</p>	
<p>General Manager Mid Western Regional Council PO Box 156 MUDGEES NSW 2850</p> <p>Dear Sir</p> <p><b>DA0152/2015: Lot 1 DP 1000182; 220 Ulan Road (MR208), Bombira; Subdivision (135 lots)</b></p> <p>Thank you for your letter dated 6 November 2014 referring DA0152/2015 to Roads and Maritime Services for comment.</p> <p>It is noted the proposal involves the subdivision of rural land into 135 large residential lots. The proposal includes the construction of a road intersecting with Ulan Road to provide vehicular access to the subdivision. Ulan Road is a regional classified road under the care and control of Mid Western Regional Council. DA0152/2015 has been referred to Roads and Maritime in accordance with Clause 138 of the <i>Roads Act 1993</i> and Clause 104 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>.</p> <p>Roads and Maritime does not object to the proposed development and in accordance with Clause 138(2) of the <i>Roads Act 1993</i>, grants its concurrence. In granting concurrence, Roads and Maritime notes the applicant's commitment to construct channelised right and auxiliary left turn treatments on Ulan Road at its proposed intersection with the new road. Roads and Maritime also notes all vehicular access to the 135 lots from Ulan Road will be via this intersection only.</p> <p>In accordance with Clause 104 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>, the following comments are made for Council's consideration:</p> <ul style="list-style-type: none"> <li>• In March 2013, a planning proposal was submitted to amend the <i>Mid Western Regional Local Environmental Plan 2012</i>. This amendment allowed the subject land to be subdivided as per DA0152/2015. The planning proposal included provision of a pedestrian path linking the land to the existing public shared path on Ulan Road. DA0152/2015 does not appear to include any commitment for this infrastructure to be provided. Roads and Maritime recommends that the applicant be required to provide a shared pedestrian/cycle path linking the proposed subdivision to the existing shared path in Ulan Road.</li> <li>• To enforce proposed vehicular access arrangements between the subdivision and Ulan Road, it is recommended a covenant be created over the proposed lots, benefiting Mid Western Regional Council, which prevents vehicular access to Ulan Road other than via the intersection of the proposed new road and Ulan Road.</li> <li>• A safe and convenient bus pick up/drop off area on Ulan Road for school and public transport buses servicing residents of the proposed subdivision should be provided.</li> </ul> <p>Roads and Maritime Services</p> <p>51 - 55 Curralong Street Parkes NSW 2870 PO Box 334 Parkes NSW 2870 www.rms.nsw.gov.au   13 17 82</p>	<div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p style="text-align: center; margin: 0;">MID-WESTERN REGIONAL COUNCIL RECORDS RECEIVED</p> <p style="text-align: center; margin: 0;"><b>0 4 DEC 2014</b></p> <p style="text-align: center; margin: 0;"><input type="checkbox"/> SCANNED <input type="checkbox"/></p> </div> <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: 20px auto;"> <p style="text-align: center; margin: 0;">MID-WESTERN REGIONAL COUNCIL RECORDS RECEIVED</p> <p style="text-align: center; margin: 0;"><b>0 4 DEC 2014</b></p> <p style="text-align: center; margin: 0;"><input type="checkbox"/> SCANNED <input type="checkbox"/> REGISTERED</p> </div>

Please forward a copy of Council's determination of DA0152/2015 to Roads and Maritime at the same time it is sent to the applicant. Should you require further information please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully



Susie Mackay  
Network & Safety Manager  
Western

1-12-14



### 6.3.3 DA0146/2015, Two Storey Dwelling, Detached Shed with Temporary Residential Occupation and associated Retaining Walls - 4A Avisford Court MUDGEES NSW 2850

REPORT BY THE SENIOR HEALTH AND BUILDING SURVEYOR TO 17 DECEMBER 2014 COUNCIL MEETING

6.3.3 Report to Council - DA0146-2015 - Hayes  
GOV400038, DA0146/2015

#### RECOMMENDATION

That:

1. the report by the Senior Health and Building Surveyor on the DA0146/2015, Two Storey Dwelling, Detached Shed with Temporary Occupation and associated Retaining Walls at Lot 201 DP1200562 4A Avisford Court MUDGEES NSW 2850 be received;
2. the restriction on the use of land referred to as 'R' on DP1200562 be varied for the purposes of this development application.
3. DA0146/2015, Two Storey Dwelling, Detached Shed with Temporary Occupation and associated Retaining Walls at Lot 201 DP1200562 4A Avisford Court MUDGEES be approved subject to the following conditions;

#### APPROVED PLANS

1. The development is to be carried out in accordance with the approved stamped plans, except as otherwise provided by the conditions of this determination (Note:- modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

Plan / Supporting Document	Reference	Prepared by	Date
Amended Architectural Plans	Project No. 102.14 Dwg No's 1-12 of 12	Preferred Design and Drafting	Issue 'D' dated 1 December 2014
BASIX Certificate	548548S	Preferred Design and Drafting	22 August 2014
Amended SOEE	4A Avisford Court Mudgee	Preferred Design and Drafting	December 2014

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

#### PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE - BUILDING

3. 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.

4. The building shall be designed and constructed so as to comply with the Bush Fire Attack (BAL) 19 requirements of Australian Standard 3959 and the specifications and requirements of Planning for Bush Fire Protection. Details shall be submitted to the Principal Certifying Authority with the application for the Dwelling Construction Certificate demonstrating compliance with this requirement and are to include the provision of gutter guarding to the lower level gutters and valleys. Please note: Compliance with the requirements of Planning for Bush Fire Protection 2006 to prevail in the extent of any inconsistency with the Building Code of Australia.
5. Amended plans are to be provided to the PCA confirming that surface waters from the driveway will be collected and discharged into Council's infrastructure without being directed onto the adjoining property.

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

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

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

8. 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.
9. With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Act 1979 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in

force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.

10. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public place  
A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
11. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
12. The development site is to be managed for the entirety of work in the following manner:
  1. Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  2. Appropriate dust control measures;
  3. Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;

#### **BUILDING CONSTRUCTION**

12. 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.
13. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
14. 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.
15. 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.
16. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
  - a) the method of protection; and

- b) the date of installation of the system; and
  - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
  - d) the need to maintain and inspect the system on a regular basis.
17. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa
18. The requirements of BASIX Certificate number 548548S issued on 22 August 2014 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s
19. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors.
20. 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.
21. Fill material shall not raise the existing surface level within the dedicated easement/s.
22. Temporary occupation of the detached shed is granted for a period of 6 months commencing from completion of the shed. After this time the shed is to be converted back to a non-habitable building by the removal of kitchen facilities.
24. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
25. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.

#### **PROPERTY ACCESS**

26. 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 Council's "Access to Properties Policy.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

27. 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.
28. The private water supply system is to be provided by way of a boosted domestic supply from a feeder tank that is fed from Council's main at the available pressure. There is to be no booster between the water meter connection and the feeder tank.  
Note: the owner is to be aware that the existing water pressure available to supply the dwelling at the proposed AHD levels cannot be guaranteed.
29. Where a sewer manhole exists within a property, access to the manhole shall be made available at all times. Before during and after construction, the sewer manhole must not be buried, damaged or act as a stormwater collection pit. No structures, including retaining walls, shall be erected within 1.0 metre of the sewer manhole or located so as to prevent access to the manhole.

#### PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

30. 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.
31. All batters, terraces or unprotected embankments must be regenerated with turf or landscape plantings prior to the issue of an Occupation Certificate. Surface waters are not to be redirected onto adjoining properties.

#### GENERAL

32. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.

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### Executive summary

<b>APPLICANT:</b>	<b>EVAN DOUGLASS HAYES HANA LEE VICTORIA HAYES</b>
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$550,000.00
<b>REASON FOR REPORTING TO COUNCIL:</b>	STAFF DO NOT HAVE DELEGATION TO VARY A RESTRICTION AS TO USER.
<b>PUBLIC SUBMISSIONS:</b>	0
<b>LOT/DP</b>	LOT 201 DP 1200562

An application has been received for the construction of a two storey dwelling, detached shed with temporary residential occupation and associated retaining walls at 4A Avisford Court (the site).

The site is located at the end of a battle-axe shaped lot and is surrounded by crown land to the south, residential land to the east and north and council owned land to the west. The site also

backs onto an unformed section of Palermo Road which is unlikely to be formed. The proposed development has been assessed and is detailed in the report below. The application is being reported to Council as the applicant is proposing to construct outside of the building envelope as detailed on Deposited Plan (DP) 1200562.

## Detailed report

### ASSESSMENT:

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

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

##### Mid-Western Regional Local Environmental Plan 2012

The zoning is R2 'Low Density Residential' and the proposal for a new two storey dwelling, detached shed with temporary residential occupation and associated retaining walls is permissible under Mid-Western Regional Council's Local Environmental Plan 2012. However the detached shed is proposed outside of the designated building envelope and staff do not have delegation to vary a restriction.

##### Clause 6.10 Visually sensitive land near Mudgee

The site is located within the visually sensitive land of Mudgee, therefore the clause has been considered in the assessment of the application. The objective of this clause is to protect the visually and environmentally significant upper slopes on the urban fringe south of the town of Mudgee. The proposed shed is to be located outside the building envelope. The location of the shed is located lower than the location of the nominated building envelope and located on a similar contour to other development within the locality.

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

DCP 2013 (amended Dec 2013) is the applicable control. As the proposal does not meet the fast track provisions under Part 2, the application is assessed under Part 3 'Discretionary Development Standards'

The following table represents the main objectives of DCP 2013:

#### Part 3.1

DTS criteria	Required	Proposed	Complies – Yes or No
Front setback	(Site area = 7441m <sup>2</sup> )		
• Dwelling	15m	50m (+ battle-axe handle)	Yes
• Garage	15m	40m (+ battle-axe handle)	Yes
Side setback		For both dwelling & shed	
• Dwelling	5m	East = 12m & 13m	Yes
• Garage	5m	West = >5m & 8m	Yes
Secondary Setback			
• Dwelling	7.5m	>50.0m	Yes
• Garage	7.5m	N/A	Yes
Building Height	No adverse impacts on adjoining properties	Given the proposed location and setbacks, the Dwelling is not expected to provide any adverse	Yes
	• Privacy, or		



DTS criteria	Required	Proposed	Complies – Yes or No
	<ul style="list-style-type: none"> <li>overshadowing</li> </ul>	overshadowing or privacy to the adjoining properties. The building pad for the shed however is raised which exceeds Councils fill requirements (cut 1000mm and fill 600mm).	No – for Council's consideration
Outbuildings	120m <sup>2</sup>	120m <sup>2</sup>	Yes

## 2. IMPACT OF DEVELOPMENT

The design for the Two-Storey Dwelling, Detached Shed with associated Retaining Walls is considered to be generally in line with the objectives stated under Part 3 of the DCP. Whilst it is acknowledged that the proposed developments exceeds both the cut and fill requirements, the site has a constant gradient of 1:5 towards Avisford Court.

In this regard the applicant has attempted to accommodate for the site restraints regarding slope and it is deemed to be acceptable. Conditions will be included to ensure that any earth batters will not redirect surface waters onto adjoining properties.

## 3. SUITABILITY OF SITE FOR DEVELOPMENT

The site is 7441m<sup>2</sup> in area and has a fall from the South western corner to the North Eastern boundary of approximately 31m. The site presents difficulties given the gradient and therefore requires extensive cut and fill to accommodate for the Dwelling and Shed. In this regard the applicant proposes 2.2m of cut at the worst point to the rear of the Dwelling which is then proposed to be terraced with a combination of masonry retaining walls. The extent of this cut and site benching will not cause any adverse effects to the adjoining properties and will be shielded by the Dwelling itself.

The two storey dwelling is under the maximum permissible building height of 8.5m and although there is an elevated balcony at the front of the dwelling, it is greater than 19m from the eastern side boundary. The adjoining property to the east is vacant however also has a designated building envelope which will prevent the proposed dwelling and balcony from causing any adverse impacts on the visual privacy to habitable rooms or private open space.

The proposed detached Shed is also benched into the site to allow level access to the shed and assist in reducing the extent of fill. Existing and proposed landscaping in the form of established trees are in place to shield the Shed structure and therefore reduce any such potential impact on streetscape and visual privacy. With this in mind there is a precedent set with a more substantial shed structure approved at 6A Avisford Court. In this regard the subject site is set back a further 2 lots from Avisford Court and has less of an impact on streetscape as viewed from Avisford Court.

## SECTION 79BA ASSESSMENT

Performance Criteria	Acceptable Solutions
<b>Asset Protection Zones:</b> <ul style="list-style-type: none"> <li>a defensible space is provided onsite.</li> <li>an asset protection zone is provided and maintained for the life of the development.</li> </ul>	APZ determined in accordance with Appendix 2.
<b>Comments:</b> Satisfactory minimum 10m APZ is available adjacent Grassland and 20m to the forest threat (The lot adjoining to the west is considered grassland as it is Council owned land and not managed) - condition of consent to comply with PBP.	
<b>Siting and Design:</b> <ul style="list-style-type: none"> <li>building sited and designed to minimise the risk of bush fire attack.</li> </ul>	Building designed and sited in accordance with the siting and design principles in this section (see also figure 4.7).

Performance Criteria	Acceptable Solutions
<i>Comments:</i>	
Building complies – condition of consent included	
<b>Construction Standards:</b>	Construction determined in accordance with the Addendum Appendix 3 and the <i>Requirements for attached garages and others structures</i> in this section.
<ul style="list-style-type: none"> <li>It is demonstrated that the proposed building can withstand bush fire attack in the form of wind, smoke, embers, radiant heat and flame contact.</li> </ul>	
<i>Comments:</i>	
BAL Assessment undertaken and determined to be BAL19. Applicants BAL assessment was 12.5 however the assessment was deemed to be incorrect as the distance to the vegetation to the west is grassland not managed land as stated in the applicant's assessment. The CC will be required to confirm BAL level (19) and compliance with AS39659-2009 which are the applicable standards – condition included to ensure compliance prior to CC	
<b>Access Requirements:</b>	Compliance with section 4.1.3 for property access roads.
<ul style="list-style-type: none"> <li>safe, operational access is provided (and maintained) for emergency services personnel in suppressing a bush fire while residents are seeking to relocate, in advance of a bush fire.</li> </ul>	
<i>Comments:</i>	
Access to maintained roads is within 200m	
<b>Water and Utility Services:</b>	Compliance with section 4.1.3 for services - water, electricity and gas.
<ul style="list-style-type: none"> <li>adequate water and electricity services are provided for fire fighting operations</li> <li>gas and electricity services are located so as not to contribute to the risk of fire to a building.</li> </ul>	
<i>Comments:</i>	
Unsatisfactory mains pressure available therefore 10000L (as required for this size lot) of SWS to be provided with Storz fitting. Plans show and a condition included ensuring compliance.	
<b>Landscaping:</b>	Compliance with Appendix 5.
<ul style="list-style-type: none"> <li>is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind driven embers to cause ignitions.</li> </ul>	
<i>Comments:</i>	
Landscaping is to be maintained and comply with PBP principles – condition of consent to cover this requirement.	

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

No submissions received.

#### 5. THE PUBLIC INTEREST

Not applicable.

### 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'.



JOSH BAKER  
SENIOR HEALTH AND BUILDING SURVEYOR

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

3 December 2014

- Attachments:*
1. Locality Plan
  2. Site Plan
  3. North and South Elevations
  4. East and West Elevations
  5. Shed – Floor plan, East and North Elevations
  6. Shed – South and West Elevations, Section roof plan
  7. Perspectives – Residence

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



Map Scale: 1:3,153

4A Avisford Court - Location Plan

Disclaimer

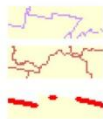
This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.

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



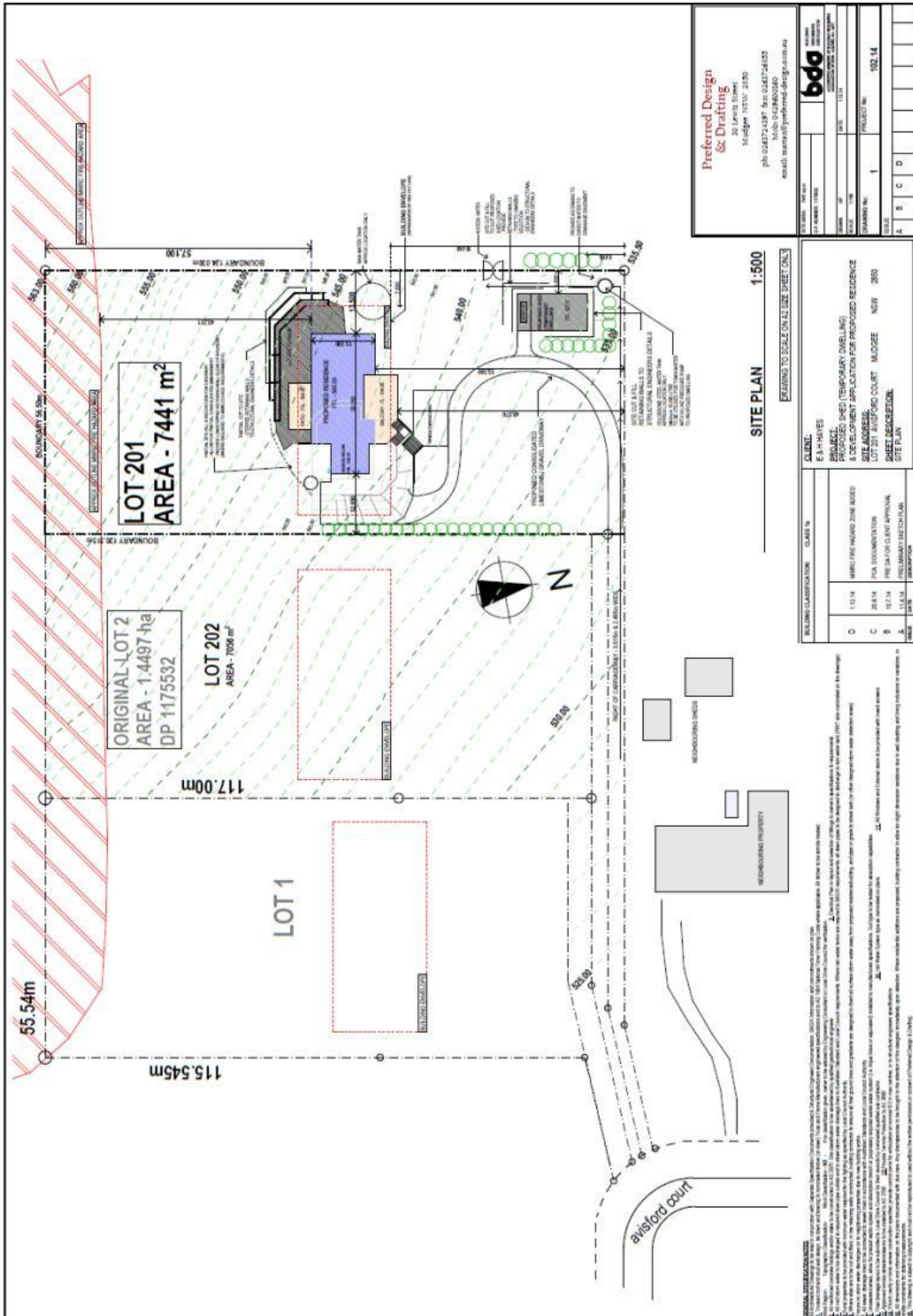
North  
Road  
State Forest  
Waterway



Printed on Monday, 8 December 2014



ATTACHMENT 2



**Preferred Design & Drafting**  
 30 Lavers Street  
 Mudgee, NSW 2850  
 ph 0883724897 fax 0883724835  
 email: mudgee@preferred-design.com.au

DATE: 11/08/14  
 DRAWING NO: 1  
 PROJECT NO: 102/14

**CLIENT:**  
 E & H HAYES

**PROJECT:**  
 A DEVELOPMENT APPLICATION FOR PROPOSED RESIDENCE

**SITE ADDRESS:**  
 LOT 201 AUISFORD COURT MUDGEE NSW 2850

**SHEET DESCRIPTION:**  
 SITE PLAN

BUILDING CLASSIFICATION	CLASS NO	MAXIMUM HEIGHT	MAXIMUM FLOOR AREA	MAXIMUM GROUND COVER
D	1.1.5 M	APPLICABLE ZONE INDEXED		
C	2.6.5 M	PLA DOCUMENTATION		
B	18.7 M	FIRE OR CLIENT APPROVAL		
A	13.1 M	FREELAND RESIDENTIAL		

**GENERAL NOTES:**  
 1. This drawing is a preliminary site plan and is not intended for construction.  
 2. The client is responsible for ensuring that all necessary approvals are obtained.  
 3. The client is responsible for ensuring that all necessary setbacks are maintained.  
 4. The client is responsible for ensuring that all necessary easements are maintained.  
 5. The client is responsible for ensuring that all necessary services are provided.  
 6. The client is responsible for ensuring that all necessary infrastructure is provided.  
 7. The client is responsible for ensuring that all necessary landscaping is provided.  
 8. The client is responsible for ensuring that all necessary drainage is provided.  
 9. The client is responsible for ensuring that all necessary parking is provided.  
 10. The client is responsible for ensuring that all necessary storage is provided.

SCALE	1:500
DATE	11/08/14
DRAWING NO	1
PROJECT NO	102/14
CLIENT	E & H HAYES
PROJECT	A DEVELOPMENT APPLICATION FOR PROPOSED RESIDENCE
SITE ADDRESS	LOT 201 AUISFORD COURT MUDGEE NSW 2850
SHEET DESCRIPTION	SITE PLAN



**1:100 NORTH**

**1:100 SOUTH**

**TOP OF ROOF LINE**

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/14/14	ISSUED FOR PERMIT
2	11/11/14	REVISIONS TO PERMIT
3	11/11/14	REVISIONS TO PERMIT
4	11/11/14	REVISIONS TO PERMIT

**CLIENT:** 2 & 4 HIVES

**PROJECT:** PROPOSED SHED (PROPOSED DWELLING) 1 BEDROOM APARTMENT PROPOSED RESIDENCE LOT 801 ALBERTA COURT MUDGE NSW 2855

**CLIENT REPRESENTATIVE:** MUDGE

**PROJECT NO:** 102.14

**DATE:** 11/11/14

**SCALE:** 1:100

**DESIGNER:** Preferred Design & Drafting  
30 Lavett Street  
Mudgee NSW 2855  
ph: 0268724387 fax: 0268724695  
email: mudgee@preferred-design.com.au

**bdg** BUILDING DESIGN GROUP

**102.14**

ATTACHMENT 4

**EAST**  
1:100

**WEST**  
1:100

**GENERAL NOTES:**  
 1. All dimensions are to face unless otherwise stated.   
 2. All elevations are to be constructed in accordance with the Australian Standard AS/NZS 1910:2005.   
 3. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 4. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 5. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 6. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 7. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 8. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 9. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.   
 10. All elevations are to be finished in accordance with the Australian Standard AS/NZS 1910:2005.

**Preferred Design  
& Drafting**  
 30 Leavis Street  
 Inglewood NSW 2120  
 ph: 028774397 fax: 028774855  
 Mob: 0424660260  
 email: marian@preferred-design.com.au

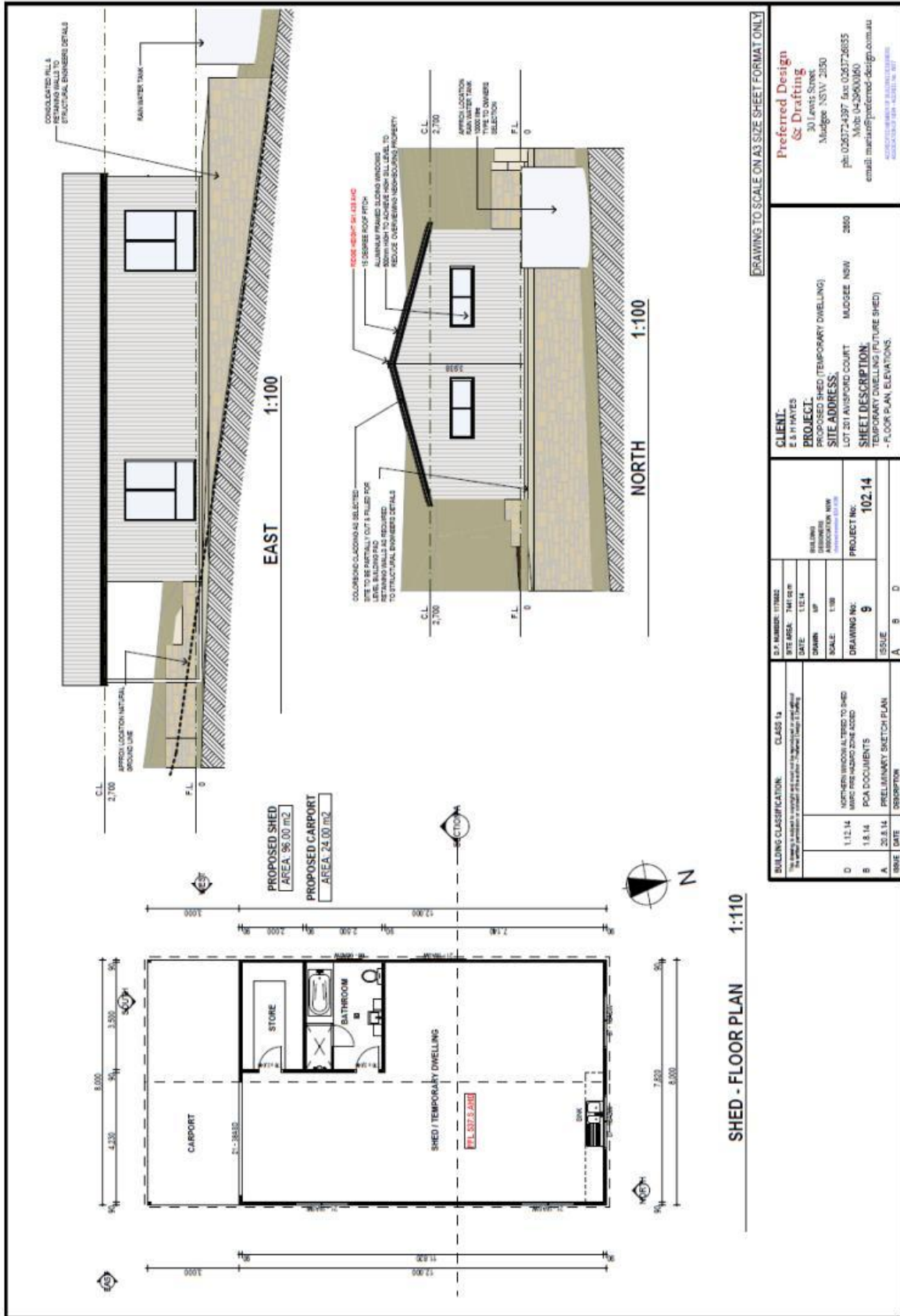
DATE: 10/11/14	
DATE: 10/11/14	SCALE: 1:100
PROJECT No: 102-14	
SHEET No: 5	
DRAWING TITLE	
A	B
C	D
ELEVATIONS	
bdo	

**GENERAL**  
 CLIENT:  
 PROJECT: (SEE TEMPORARY DWELLING)  
 & DEVELOPMENT APPLICATION FOR PROPOSED RESIDENCE  
 SITE ADDRESS:  
 LOT 217, WINDFORD COURT, WINDFORD NSW 2850  
 SHEET IDENTIFICATION:  
 ELEVATIONS

REVISIONS	DATE	BY
D	1/1/14	MARC/FRE/MARC
C	20/1/14	PCA DOCUMENTATION
B	12/1/14	PFA FOR CLIENT APPROVAL
A	11/1/14	PFA FOR CLIENT APPROVAL

**REVISIONS**

**SCALE TO SCALE ON SIZE SHEET ONLY**





**WEST** 1:100

**SOUTH** 1:100

**SECTION A** 1:100

**ROOF PLAN** 1:200  
ROOF AREA [AREA: 124.64 m<sup>2</sup>]

**CLIENT:** E & H PATES  
**PROJECT:** PROPOSED SHED (TEMPORARY DWELLING)  
**SITE ADDRESS:** LOT 201 ANSFORD COURT MUDGEE NSW 2860  
**SHEET DESCRIPTION:** TEMPORARY DWELLING (7.0 USE SHED) - ELEVATION, SECTION, ROOF PLAN

**DRAWING TO SCALE ON A3 SIZE SHEET FORMAT ONLY**

<b>BUILDING CLASSIFICATION:</b> CLASS 1a <small>The building is not a public building or a building used for the purpose of a business or industry.</small>	<b>D.P. NUMBER:</b> HT202
<b>DATE:</b> 1.12.14	<b>SITE AREA:</b> 144.84 sq m
<b>SCALE:</b> 1:100	<b>DATE:</b> 1.12.14
<b>DRAWING NO:</b> 10	<b>SCALE:</b> 1:100
<b>ISSUE:</b> A	<b>PROJECT NO:</b> 102.14
<b>DATE:</b> 20.8.14	<b>ISSUE:</b> B
<b>DESCRIPTION:</b> PRELIMINARY SKETCH PLAN	<b>ISSUE:</b> C
	<b>ISSUE:</b> D

**Preferred Design & Drafting**  
30 Lewis Street  
Mudgee NSW 2850  
ph: 02637-4197 fax: 02637-26555  
Mob: 04-29603060  
email: naranan@preferred-design.com.au  
REGISTERED ARCHITECT (NSW) 10212  
REGISTERED ARCHITECT (ACT) 10212

**BUILDING CLASSIFICATION:** CLASS 1a  
The name is a service to be used by the client to identify the building and is not a trade name.

D.P. NUMBER: 111002		SITE AREA: 7941 SQ M	
DATE: 2014		DATE: 2014	
DRAWN: LP	SCALE: 1:100	DRAWING NO: 11	PROJECT NO: 102.14
ISSUE: A	ISSUE: B	ISSUE: C	ISSUE: C

**CLIENT:**  
 E & H HAYES  
**PROJECT:**  
 PROPOSED SHED (TEMPORARY DWELLING)  
 & DA FOR PROPOSED RESIDENCE  
**SITE ADDRESS:**  
 LOT 301 ANSPORD COURT MUDGEE NSW 2680  
**SHEET DESCRIPTION:**  
 PERSPECTIVES - RESIDENCE

**Preferred Design & Drafting**  
 30 Lewis Street  
 Mudgee NSW 2850  
 ph: 0265724397 fax: 0265726655  
 info: 0439600600  
 email: pddesign@ny.com.au  
QUALITY ASSURED MEMBER - AUSTRALIA 10 100

**ISSUE** | **DATE** | **DESCRIPTION**

C	20.6.14	PCA DOCUMENTATION
B	10.7.14	PRE DA FOR CLIENT APPROVAL
A	11.4.14	PRELIMINARY SKETCH PLAN

DRAWING TO SCALE ON A3 SIZE SHEET FORMAT ONLY



### 6.3.4 DA 0183/2015 – Amenities building – Lot 1 DP 737226, 1858 Cudgegong Road, Cudgegong

REPORT BY THE TOWN PLANNER TO 17 DECEMBER 2014 COUNCIL MEETING  
 Report to Council - Cudgegong Waters Caravan Park Amenities Block DA0183-2015  
 GOV400038, DA0183/2015

#### RECOMMENDATION

##### That:

1. the report by the Town Planner on Development Application 0183/2015 – Amenities building – Lot 1 DP 737226, 1858 Cudgegong Road, Cudgegong be received;
2. Development Application 0183/2015 – Amenities building at Cudgegong Waters Caravan Park – Lot 1 DP 737226 at 1858 Cudgegong Road, Cudgegong be approved subject to the following conditions:

#### APPROVED PLAN CONDITIONS

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

Plan Title	Plan Reference	Prepared by	Date
Site Plan	Not stated	MWRC	Printed 28/11/14
Floor and Roof Plan	Project 4101 Sheet A101 Rev B	Sara Buhl	27/11/14
Elevations	Project 4101 Sheet A102 Rev B	Sara Buhl	27/11/14
Section	Project 4101 Sheet A104 Rev B	Sara Buhl	27/11/14

and the Application received by Council on 02/12/2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

#### GENERAL CONDITIONS

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

#### PRIOR TO COMMENCEMENT OF WORKS

3. 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.

4. The development site is to be managed for the entirety of work in the following manner:
  - 1) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - 2) Appropriate dust control measures;
  - 3) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - 4) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
5. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
6. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for drainage and connection to the On Site Sewer Management System is to be obtained from Mid Western Regional Council.

#### **CONSTRUCTION WORK**

7. 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.
8. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
9. 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.
10. 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.
11. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
12. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect adjoining buildings.
13. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
14. All building work is to comply with the requirements of the Access to Premises Standard.

15. **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 developer should contact a suitably qualified person to determine the necessary steps to protect aboriginal heritage.**

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

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

16. **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.**

---

#### Executive summary

<b>APPLICANT:</b>	<b>MID-WESTERN REGIONAL COUNCIL</b>
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$150 000
<b>REASON FOR REPORTING TO COUNCIL:</b>	COUNCIL IS THE APPLICANT
<b>PUBLIC SUBMISSIONS:</b>	0
<b>LOT/DP</b>	LOT 1 DP 737226

The proposal involves the placement of an amenities block (to replace existing) on Lot 1 DP 737226 to be utilised in conjunction with the existing Cudgegong Waters Caravan Park. The amenities building is approximately 105m<sup>2</sup> in area and is single storey in nature.

The site is zoned RE1 – Public Recreation pursuant to Mid-Western Local Environmental Plan 2012 (MWRLEP 2012). The amenities block is considered ancillary to the existing approved caravan park.

The application is being referred to Council as Council is the applicant.

#### Detailed report

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

1. *REQUIREMENTS OF REGULATIONS AND POLICIES:*

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

*Mid-Western Regional Local Environmental Plan 2012*

The land is zoned RE1 Public Recreation pursuant to Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012). The proposal is to be used in conjunction with the existing caravan park upon the site and is therefore permissible in the zone. The objectives of the zone are as follows:

- To enable land to be used for public open space or recreational purposes,
- To provide a range of recreational settings and activities and compatible land uses,
- To protect and enhance the natural environment for recreational purposes.

The proposed amenities block will not hinder the attainment of the zone objectives.

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

*Mid-Western Regional Development Control Plan 2013*

The proposal generally satisfies the provisions of the DCP. The replacement of the amenities block will enhance the useability and accessibility of the park for visitors. The structure is to be located within the park boundaries where there will be minimal visual impact from the surrounding area.

2. *IMPACT OF DEVELOPMENT*

**Context and Setting**

The development is considered to be of a suitable scale for the caravan park setting.

**Access, transport and traffic**

No additional traffic generation is expected.

**Public domain**

Not applicable.

**Utilities**

A Septic system is to be installed

**Heritage**

The site is located within an area of aboriginal sensitivity in accordance with Council's mapping. The development site is located within an already heavily disturbed area due to the nature of the use of the site for camping and other purposes.

A condition placed upon the consent requiring works to cease if aboriginal artefacts are uncovered is considered adequate in this instance.

**Noise & vibration**

No significant impact expected

**Natural Hazards**

The site is identified as bushfire prone in accordance with Council's bushfire prone land mapping. The proposed amenities block is not defined as *'tourist accommodation'* and does not therefore warrant the need for a Bushfire Safety Authority in accordance with 100B of the Rural Fires Act 1997.

There is no vegetation that would be classed a bushfire threat within approximately 1km of the proposed development. Accordingly, no further action is required regarding the constraint of bushfire.

**Safety, security and crime prevention**

No significant issues expected

**Social impact in the locality**

A positive social outcome is anticipated.

**Economic impact in the locality**

A positive contribution is anticipated.

**Site design and internal design**

Considered acceptable.

**Construction**

To comply with the Building Code of Australia (BCA).

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

The proposal generally fits within the locality.

**(b) Are the site attributes conducive to development**

Yes.

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

Advertising was not considered necessary in accordance with the Comprehensive DCP 2013.

**(b) Submissions from public authorities**

Nil submissions received.

*5. THE PUBLIC INTEREST***(a) Federal, State and local government interests and community interests**

No significant issues in the interests of the public are expected as a result of the proposed development.

**Financial and Operational Plan implications**

All works to be undertaken and financed by Mid-Western Regional Council.

**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.



DREW ROBERTS  
TOWN PLANNER

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

4 November 2014

*Attachments:* 1. Locality Plan  
2. Site Plan, Elevation Plan & Floor Plan

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, consisting of a stylized capital letter 'B' followed by a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

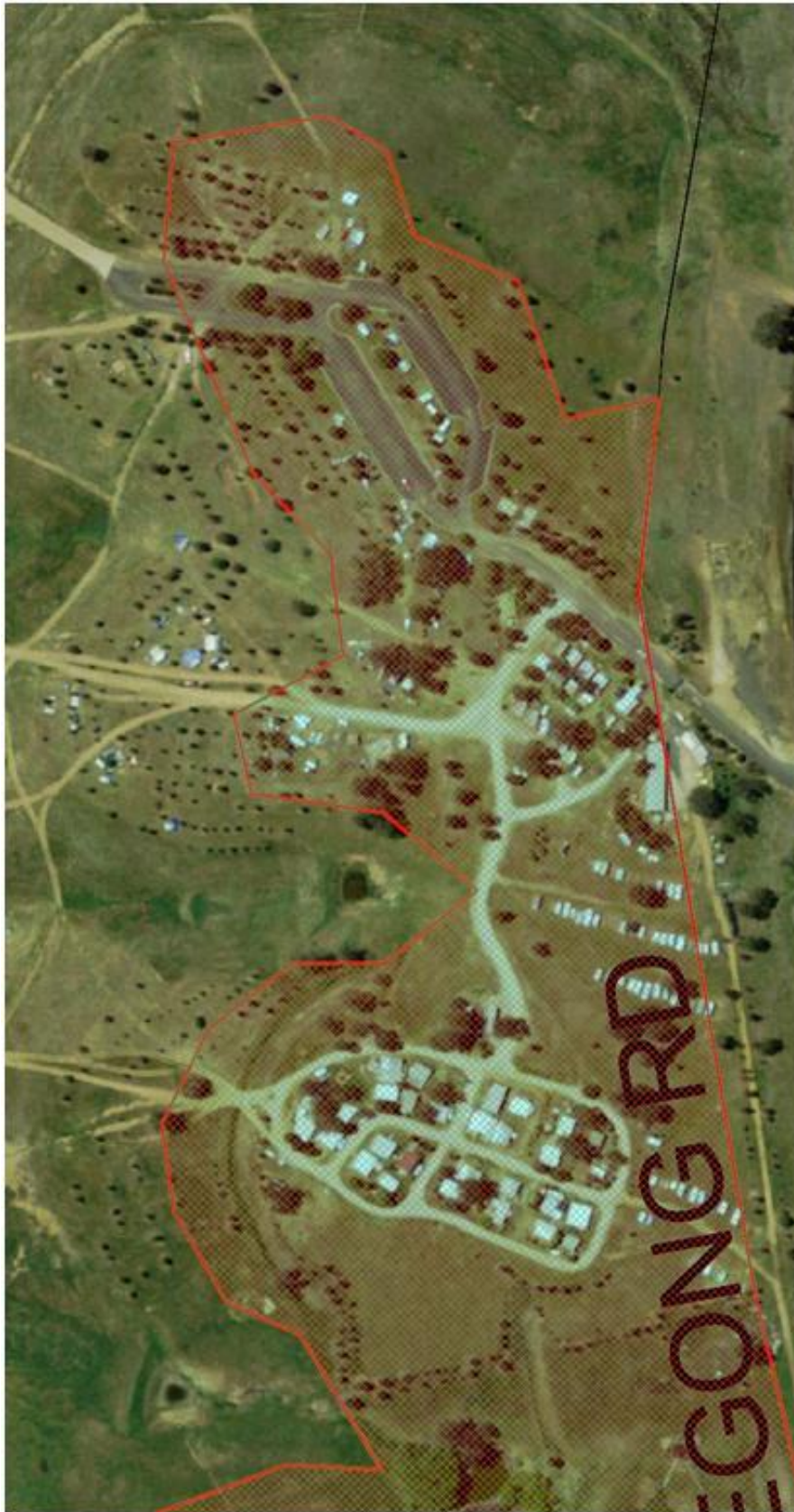






Figure 1 Orange box indicates location of building

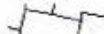
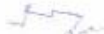







Map Scale: 1:4,014

**Disclaimer**

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

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

**Legend**

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

NORTH



Printed on Friday, 28 November 2014

**ABBREVIATIONS**

- AFR: Above finished floor level
- AN: Area
- BT: Beam top
- CB: Clean room
- CE: Ceiling
- CG: Existing ground level
- CL: Center line
- EA: Existing floor level
- EL: Existing ground level
- FL: Floor level
- FW: Floor water
- GA: Gutter
- MC: Mechanical
- MS: Mechanical shaft
- NS: Non-slip surface
- OS: Outside
- RS: Recessed floor
- SL: Slab
- SM: Stair machine
- W: Wall

**GENERAL NOTES**

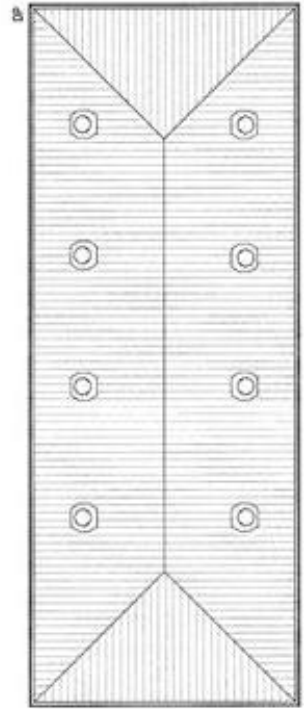
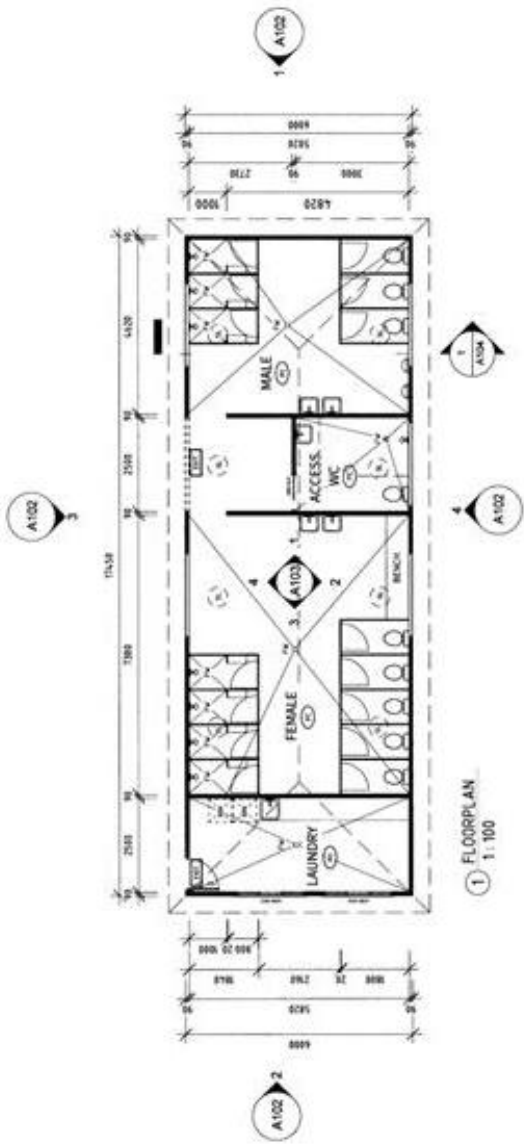
1. Use figured dimensions in preference to scaling from drawings.
2. All dimensions are to be satisfactory unless stated otherwise.
3. Refer to site plan and site conditions and.
4. Any discrepancies are to be brought to the attention of the designer.
5. This drawing remains the property of the designer.
6. Reproduction of this drawing in whole or part is prohibited.
7. Refer to list (option) for accuracy of electronic data.

CLIENT	MWRC	
PROJECT	Facilities Building Coobergerry River Park	
DATE	27/11/2014	
DRAWN	SS	
CHECKED	SS	
SCALE	As indicated	
FILE	E:\0401\BIA\04_0100\271114\BIA_0401_01.dwg	
REV	DESCRIPTION	DATE
A	Issued for client approval	28/11/2014
B	As issue	21/12/2014

**SARA BÜHL**  
 ARCHITECT  
 87 Levee Street, Mudgee NSW 2850  
 Tel: 06042 556 000 Fax: 06042 556 001  
 www.sarabuhl.com.au

END TITLE	Floor & Roof Plan
PROJECT No.	4101
REV	B
SHEET	A101

SCALE SPECIFIED ON DRAWING WHEN PRINTED ON A1 (1/20)

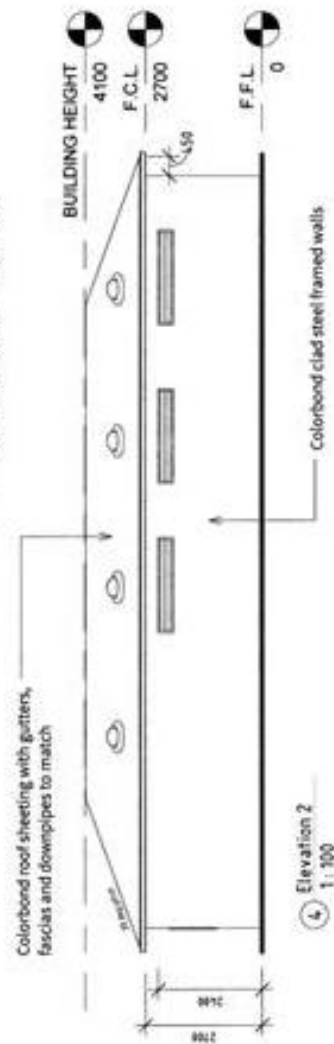
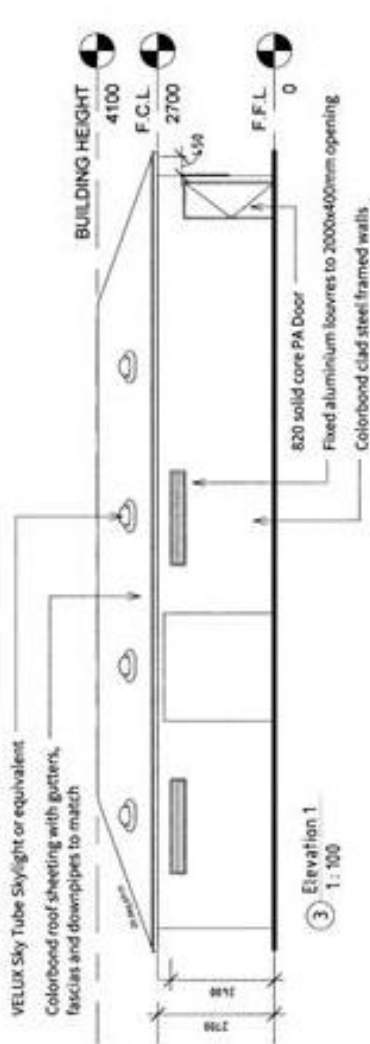






GENERAL NOTES

1. Use figured dimensions in preference to scaling from drawing.
2. All dimensions are in millimeters unless stated otherwise.
3. Refer to machine site and verify conditions and dimensions.
4. Any discrepancies are to be brought to the attention of the Engineer.
5. This drawing remains the property of the Designer.
6. Reproduction of this drawing in whole or part is prohibited.
7. Refer to tend options for accuracy of electronic data.



CLIENT	MWHSC		
PROJECT	Facilities Building Cudjoe River Park		
DATE	27/11/2014	SHEET	55
SCALE	As indicated		
FILE	E:\2014\BUP\02_2014\04\02\4102_01.rvt		
REV	DESCRIPTION	DATE	
A	Issued for client approval	23/11/2014	
B	On issue	27/11/2014	

<p><b>SAPA BUIH</b> CONSULTANTS</p> <p>87 Frank Street, Melbourne VIC 3048                  Tel: 03 9493 6200                  Fax: 03 9493 6202                  Email: info@sapa.com.au</p>	
External Elevations	
PROJECT No.	4101
REV	B
SHEET	A102

SCALE SHOWN IS ONLY ASSURED WHEN PRINTED ON AN A3 FORMAT



### 6.3.5 MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee

REPORT BY THE TOWN PLANNER TO 17 DECEMBER 2014 COUNCIL MEETING

Report to Council - Faulkner S96 - MA0021-2015

GOV400038, MA0021/2015

#### RECOMMENDATION

##### That:

1. the report by the Town Planner on MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be received;
2. MA0021/2015 (DA0341/2014) – Proposed Use of Four Accommodation Cabins for Tourist and Visitor Accommodation – Lot 2 DP871401, 939 Henry Lawson Drive, Eurunderee be approved as a Deferred Commencement Consent and the following conditions:

#### DEFERRED COMMENCEMENT CONDITION/S

- A. The applicant is to apply for and obtain individual Building Certificates issued under the Environmental Planning and Assessment Act, 1979 for each of the four accommodation units.

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

- B. An Approval to operate issued under Section 68 of the Local Government Act 1993 for the onsite sewage management facility is to be obtained from Council.

These are deferred commencement conditions in accordance with Section 80(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until it has been complied with to the satisfaction of Council.

These conditions are to be complied with within six (6) months of the date of determination.

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with the document titled "Submission for S.82A application – Tourist and Visitor Accommodation – Revised Proposal dated July 2014" and Revised plan Drawing Number 21040-GIO1 Revision B dated 2 July 2014 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

2. 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

#### PROPERTY ACCESS

3. Deleted vide MA0021/2015
4. Deleted vide MA0021/2015
5. The right of carriageway is to be upgraded to a sealed road from the point of the internal access road from the subject site intersecting with the right of carriageway to the 2 cabins at the rear of the site to reduce nuisances associated with increased traffic movements. Details of the design, location and proposed sealing treatment are to be provided to Council for approval prior to works commencing.

#### GENERAL

6. 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.
7. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
8. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, traffic generation or otherwise as a result of the proposed development.
9. The accommodation units are to be used for short stay visitor accommodation only (not Temporary Workers Accommodation or Multi Unit Dwelling for permanent accommodation). Occupants are limited to a maximum stay of 12 weeks.
10. A Certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the development is to be submitted to Council prior to the issue of the Occupation Certificate.
11. An Occupation Certificate is to be obtained for all of the buildings prior to the use of the buildings for tourist and visitor accommodation purposes.
12. Accommodation building no.1 as shown on the Approved Plan is to be removed prior to the issue of Occupation Certificate.

#### SIGNAGE

13. Any signage proposed on the site to identify the Tourist and Visitor accommodation is subject to a separate Development Application.

## Executive summary

<b>APPLICANT</b>	<b>Stuart Faulkner</b>
ESTIMATE COST OF DEVELOPMENT	N/A
REASON FOR REPORTING TO COUNCIL	Application seeks to vary previous decision of Council.
PUBLIC SUBMISSIONS	1

Council resolved to grant consent at the Ordinary meeting held 6 August 2014 for DA0341/2014 – Use of 4 x Accommodation Cabins for Tourist and Visitor Accommodation.

The subject site benefits from an access off Henry Lawson Drive and a further access via a right of carriageway on the adjoining land. The accommodation closest to the applicant's dwelling utilise the property access whilst two cabins at the rear of the site utilise the right of carriageway.

It is also apparent that there is a neighbour dispute and that there has been ongoing tension with regard to the right of carriageway. In response to this and conflicting advice as to whether consent was required for the applicant to use the right of carriageway, a condition was imposed upon the consent that the right of carriageway not be utilised for this development and that a separate access be constructed.

The proposed modification is seeking to delete the condition in order for the applicant to utilise the Right-of-Way for access to two of the tourist cabins. Legal advice has been obtained by the applicant that suggests that the right of carriageway can be used. It is also apparent that the traffic movements will increase and therefore if the applicant wishes to use the access, it should be upgraded to reduce amenity impacts on the neighbours.

This application has been referred to Council as the application seeks to vary a condition imposed by Council.

## Detailed report

Consent was granted on 06 August 2014 for the use of 4 x accommodation cabins for tourist and visitor accommodation at 939 Henry Lawson Drive, Eurunderee. As a result of noise and dust concerns from the adjacent Kurrara Cottages a condition (condition no. 4) was placed upon the consent prohibiting the use of the shared Right-of-Way for access to the two rear cottages. Furthermore, a condition (condition no. 3) was placed upon the consent requiring that a separate access be constructed to the cabins.

### *APPLICANT'S SUBMISSION*

The applicant has provided a statement (attachment) outlining the history of the site including a past approval for the use of one of the existing cabins as an ancillary office to the winery operation. A summary of the applicant's argument is as follows:

- The expected percentage of the applicant's share of traffic generation along the ROW when the neighbouring 'Kurrara Cottages' are included is 22%.
- The expected traffic generation of the two cottages is 9 vehicles per day per cottage (total 18 vehicles per day).
- There was a past consent for one of the existing cabins as an ancillary office to the winery operation. The office complex was approximately 300m<sup>2</sup> in size. The '*RTA Guide to Traffic Generating Developments*' suggests vehicle movements for an office to be calculated at 10 vehicles per 100m<sup>2</sup> of gross floor area. Therefore a total of 30 vehicles per day was

generated using the access road as compared to 18 vehicles per day for the proposed use for tourist accommodation.

#### *ASSESSMENT*

A search of Council's records has revealed that consent was granted for the erection of an office (DA0355/2002) on 19 April 2002. The stamped plans reveal that the office was an addition to the existing shed, however, the shed was to remain as a separate storage area for ongoing agricultural uses on the site. A subsequent inspection of the site also revealed that the shed is still used in this general capacity and was never to form part of the office space.

Accordingly, the actual office floor space (internal floor space only) to be included in the assessment of vehicle movements is 87m<sup>2</sup>. Based on this figure utilising the RTA Guide the expected number of vehicles per day is calculated at 9 movements per day.

Based on the above realities of the site it is envisaged that the traffic movements per day have been intensified from 9 movements per day to 18 movements per day as a result of the proposed development and the associated impacts of this have also increased.

#### *LEGAL ADVICE*

The applicant has provided legal advice that the right to utilise the right of carriageway is unfettered and therefore is not constrained by the landowner providing consent or an intensification of the use. In this instance, Council has limited power to restrict use of the right of carriageway.

#### *SUBMISSIONS*

The application was notified in accordance with the provisions of Mid-Western Development Control Plan 2013 with one (1) submission being received as a result (attachment).

The submission was received from the owners of 967 Henry Lawson Drive (Kelly's) whom own the land subject of the Right-of-Way to which the applicant benefits from. The submission in summary generally disagrees with the applicant's statement regarding vehicle movements.

It is the general opinion of the Kelly's that the proposed tourist cabins will generate more vehicle movements than there traditionally has been based on their observations and that the requirement to construct a separate access road as required under the original consent should still stand to minimise the impacts of noise and dust.

As the legal advice has identified that the applicant has the right to use the right of carriageway, it is considered that Council must allow the applicant the ability to utilise the right of carriageway.

This right to utilise the right of carriageway must be tempered by the existing landowners enjoyment of their property and as the expected traffic volumes have identified an increase in traffic movements, it is considered reasonable to require the applicant to upgrade the access track on the right of carriageway through sealing the existing gravel access.

### 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

DREW ROBERTS  
TOWN PLANNER

GARY BRUCE  
ACTING DIRECTOR - DEVELOPMENT

4 December 2014

*Attachments:*

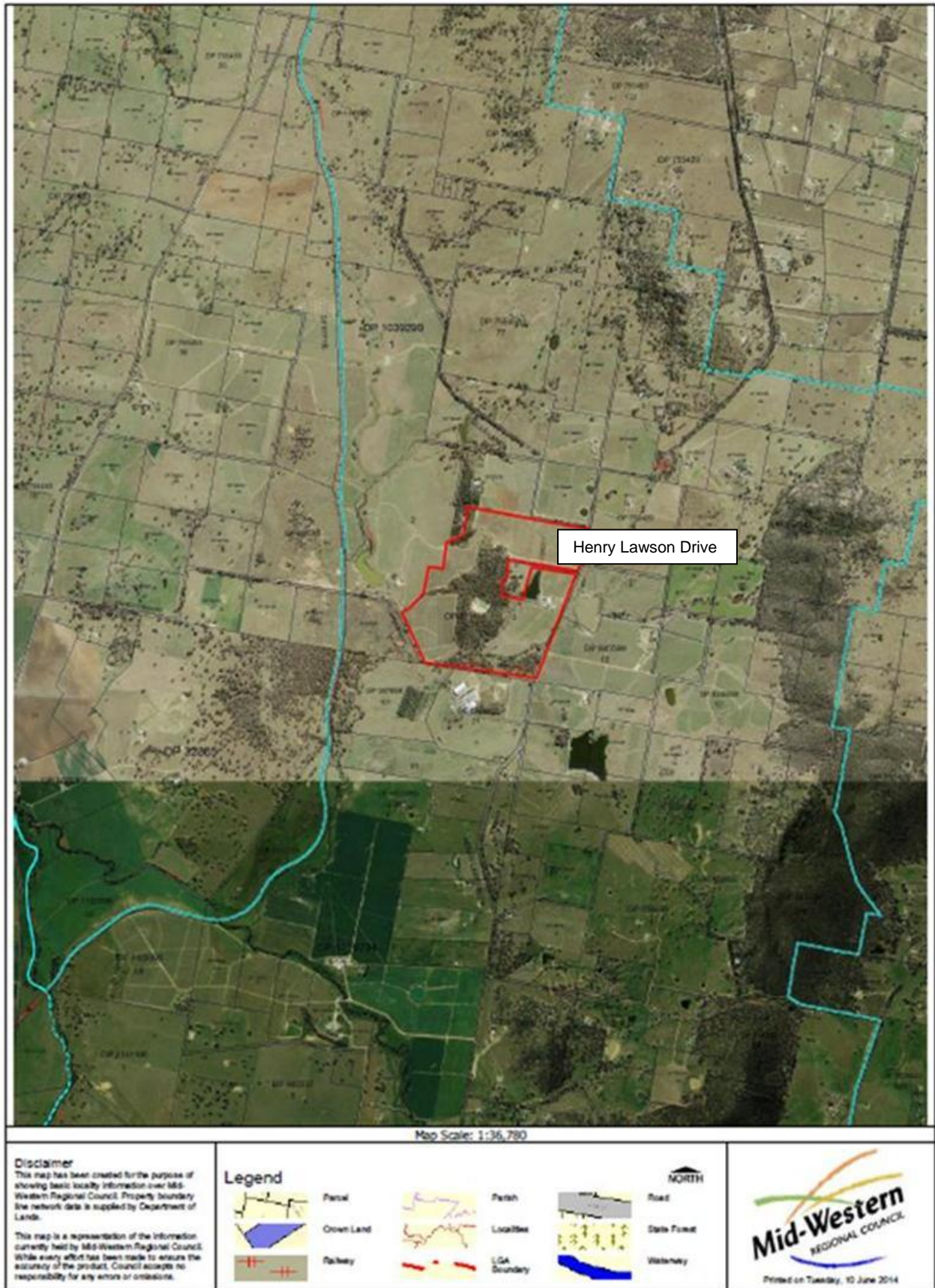
1. Locality Plan
2. Site Plan
3. Public Submission
4. Advice from Hannaford Cox Connellan and McFarland dated 24 November 2014

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER









Mr David Sean & Sandra Judith Kelly  
 Kurrara Cottages Retreat  
 967 Henry Lawson Drive  
 EURUNDEREE NSW 2850

31<sup>st</sup> October 2014

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



Dear Sir

**RE: DEVELOPMENT APPLICATION 0341/2014 PROPOSED CHANGE OF USE OF FOUR (4) CABINS FOR TOURIST & VISITOR ACCOMMODATION LOT 2 DP 871401 - 939 HENRY LAWSON DRIVE EURUNDEREE NSW 2850 – WAS REJECTED 18<sup>th</sup> June 2014; S82 REVIEW OF DA 0341/2014 WAS APPROVED WITH DEFERRED COMMENCEMENT CONSENT CONDITIONS APPLIED 6<sup>th</sup> August 2014; S96 MODIFICATION OF A CONSENT APPLICATION – REQUEST TO AMEND CLAUSE 4 OF DEFERRED COMMENCEMENT CONSENT RE DA 0341/2014**

Many thanks for your letter dated the 15<sup>th</sup> October 2014 & for the opportunity to submit our objections regarding the above **S96 Modification of Consent Application** - Request to Amend Clause 4 of Deferred Consent **DA 0341/2014** which Mr Stuart Faulkner has submitted.

Both of us would like to strongly object to the above **S96 Modification of Consent Application**. What is being sought by the Applicant is not a modification which the Council can consider under s96(1). It does not involve a 'minor error, misdescription or calculation'. Clearly it is also not a modification under s96(1A) "involving minimal environmental impact". If it is the Council could not be satisfied by the Application that any such impacts are minimal.

There were several 'Deferred Commencement Consent Conditions' applied whereby one of the conditions '**PROPERTY ACCESS' Clause 3**. - Was the construction of a **New All-Weather Vehicle Access for Units 4 and 5 to be wholly located on Lot 2 DP871401 off Henry Lawson Drive**. Along with '**PROPERTY ACCESS' Clause 4**. - Access to any of the Accommodation Units is not be via the right of carriageway located on **Lot 1 DP 871401** (typo in Council's paper work should read) **Lot 1 DP 854168**.

Mr Stuart Faulkner has submitted an **S96 Modification of a Consent Form** (Mr Stuart Faulkner has signed the form as the owner – could this be clarified as we were aware that the property is actually owned by his parents Mr David Munro & Mrs Diane Lesley Faulkner, therefore their signatures would be required to make this form valid). Mr Stuart Faulkner has requested he wishes Clause 4 of the DA Deferred Commencement Consent DA0341/2014 amended & then Clause 3 could be deleted. Whereby Mr Faulkner has referred to statistics saying our driveway (ROC) services only 2 accommodation units from Peppertree Hill & 6 accommodation units plus homestead from Kurrara.

We submit that it also services the Faulkner's residence & family business which uses the ROC for their cattle, their vehicles, their huge Mudgee Country Scrap & Steel work vehicles, cattle trucks, their

tractors, their quad bikes, their motor bikes, their bicycles – a busy right of carriageway which is not a dual drive way & many safety factors worry us. The speed at which these are driven up & down the drive, the continual noise, dust, considering the drive is a gravel/crushed granite surface, plus increased wear & tear on our drive way.

If the Faulkner's were to take a group booking for all of their cottages who is to say that these guests would not use our driveway for their convenience?

Mr Faulkner refers to the RTA Guide to Traffic Generating Developments but fails to mention his own use of our driveway (ROC) as per all his own personal vehicles & other as mentioned above. Council did not deny him personal access to the Right of Carriageway ! So therefore his calculations/percentages are incorrect.

Our previous neighbor's being Rosemount 'Hill of Gold Vineyard' along with their respective managers were excellent for the whole 10 years duration.

The building closest to our cottages (The Top House – which is now known as '**The Hill Top Cottage**' as stated on the **Mudgee Tourist & Visitor Centre's Web Site – Pepper Tree Hill Accommodation**) at the end of our driveway was used as their Regional office and was rarely used at all, for weeks on end if not months for the whole 10 years prior to the property being sold. The actual building was basically redundant to their needs except for say the testing periodically of their grapes at the time prior to picking and so on.

So to state in the S96 application that based on statistics that there were some 30 vehicles per day is absolutely incorrect – these are hypothetical figures. 1 vehicle per week is more accurate.

As well Rosemount also carried out repairs to our driveway as and when required unlike our current neighbour's who have for their entire time not spent one cent in up-keeping & maintaining our drive despite their legal obligation to do so but have benefited & enjoyed its use without any responsibility.

As owners of the Right of Carriageway we have never consented to the proposal & will not consent to access to any of the accommodation units via the right of carriageway.

Lastly, we would like to bring to your attention that under Section 3.6 of the 'Model Code of Conduct for Local Council in NSW – March 2013' you must not support others who harass and discriminate against colleagues OR members of the public.

In conclusion our original submission addresses the issues in regard to how this particular development will and in fact does, affect our amenity and business. We wish to restate it.

Our driveway which is NOT a dual driveway as stated previously is burdened by a 'Right of Carriageway' over it and too date has been solely maintained and up kept by ourselves at great expense as the Faulkner's have not done so at all despite their legal obligation to do so. Again Mr & Mrs Faulkner has access via other road entries into their property via Henry Lawson Drive, Snakes Creek Road & Sills Lane and does not need access via our driveway at all which is used by everyone.

The S96 submission has not demonstrated legal right to use the right of carriageway at all let alone seek by the modification to excessively increase its user with consequent impacts on our amenity already identified. If the modification is allowed we will investigate our rights of appeal to the Court.

Thank you kindly once again for allowing us once again to present and voice our concerns and objections.

Kind regards

A handwritten signature in blue ink, written in a cursive style, that reads "S Kelly &amp; S Kelly". The signature is positioned to the right of the typed name "Sean &amp; Sandra Kelly".

Sean & Sandra Kelly



**HANNAFORD COX CONNELLAN & McFARLAND***Solicitors*

C J Connellan  
R J McFarland  
F J Smith  
P R Orr

62 Market Street, Mudgee  
ABN 21 661 535 392

DX 6501 Mudgee  
PO Box 234  
MUDGEE NSW 2850  
Tel: 02 6372 1666  
Fax: 02 6372 4223  
e-mail: [info@hccm.com.au](mailto:info@hccm.com.au)

Our Ref: PRO-218323  
Your Ref: MA0021/2015

24 November 2014

Mid-Western Regional Council  
86 Market Street  
MUDGEE NSW 2850 (not by post)

By facsimile: 02 6378 2815  
And by email: [Drew.Roberts@midwestern.nsw.gov.au](mailto:Drew.Roberts@midwestern.nsw.gov.au)

Dear Sir,

**RE: FAULKNER – CHANGE OF USE - S96 MODIFICATION OF CONSENT  
MA0021/2015**

We act for Mr and Mrs Stuart and Kersti Faulkner of 939 Henry Lawson Drive, Eurunderee in respect to the abovementioned matter. We refer to your letter dated 12 November 2014 addressed to our clients.

In respect to your request for a "legal confirmation that the registered *right of way* can be utilised for the purpose proposed without the consent of the owners of Lot 1 in DP 854168" (Kellys), we respond as follows:

- a) The terms of the registered *right of way* are plain and unambiguous and therefore should be read without attempting to draw an inference that our clients need to obtain consent from the Kellys at any time or for any purpose. Without terms stating so, or an order of the court, we submit there is no basis for Council to infer that our client is required to obtain consent from the Kellys to use their legal *right of way* for the use proposed by our clients.
- b) In the event the Kellys sought an order from the court to limit or restrict our clients' legal *right of way* then the following issues arise:
  - i) The Kellys are unlikely to be able to argue successfully that our clients are an 'excessive user' being that the *right of way* was not for this purpose, as it uses the *right of way* for the same purpose intended by our clients, being people accessing accommodation. We note that the likely reason for the subdivision of land in DP 831511 and 854168 was to allow a change to the use of the land for the enjoyment for a wider or economically more viable purpose other than agriculture.
  - ii) There are no terms of the *right of way* that Council could infer that the *right of way* was to be used solely for farming practices or what traffic flow is permissible. Generally, it is held that due to the emergence of more modern

Liability limited by a scheme approved under Professional Standards Legislation

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technology and land utilisation, terms of easements need to be expressly defined so that the extent of the user can be defined and protected, otherwise the grant may be held to be 'unlimited'. Our clients should not be unnecessarily restrained by silent or inferred terms. The *right of way* grant should be given its statutory and common law purpose that the easement is for all purposes and for use at all times.

As it is clear from the terms of the *right of way* that our clients are not required to obtain any type of consent from the Kellys, we ask that you consider our clients' application on this basis.

We await your reply.

Yours faithfully

**HANNAFORD COX CONNELLAN & MCFARLAND**

**PETER ORR**

## 6.3.6 Mid-Western Development Control Plan 2014 -Amendment No.2

REPORT BY THE ACTING DIRECTOR, DEVELOPMENT TO 17 DECEMBER 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, LAN900014

### RECOMMENDATION

#### That:

1. **the report by the Acting Director, Development on the Mid-Western Development Control Plan 2014 -Amendment No.2 be received;**
2. **that the Mid-Western Development Control Plan be adopted and that an advertisement be place in the local paper for commencement of the Development Control Plan in accordance with the requirements of the Environmental Planning and Assessment Act.**

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### Executive summary

Council has previously resolved to make two amendments to the Mid-Western Development Control Plan 2014 (DCP) relating to the dual servicing of dual occupancy blocks and sealing of road for lots with an area less than 2 hectares in the R5 large lot residential zone.

The amendments were placed on exhibition for 28 days. The purpose of this report is to detail the results of the exhibition and recommend that Council adopt the amended DCP.

### Detailed report

#### *BACKGROUND*

On the 1 October 2014 Council resolved the following:

1. the report by the Director, Development and Community Services on the Servicing Dual Occupancy and Minimum Residential Lot Sizes be received;
2. the Mid-Western Development Control Plan 2014 be amended to require an assessment to be made at the time of the subdivision application of land within the R1 General Residential and the R3 Medium Density Residential zone to determine those lots capable of supporting dual occupancy development. The identified sites shall then be conditioned to be provided with dual water, sewer, stormwater, electrical and telecommunication services.
3. the Draft DCP be placed on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act and regulation.

And

1. the Mid-Western Development Control Plan 2014 be amended to apply the standards for the R2 Low Density Residential zone for all lots 2 hectares or less in the R5 Large Lot Residential zone.

2. the Draft DCP be placed on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act and regulation

#### *PUBLIC EXHIBITION*

The relevant sections of the DCP are attached to this report as Attachment 1. The amendments are shown in track changes. The DCP was placed on exhibition for 28 days from the 31 October 2014 to 1 December 2014. No submissions were received.

#### Financial and Operational Plan implications

Not applicable.

#### Community Plan implications

The recommendation is consistent with the Community Plan. The strategic planning function sits under the theme Looking After Our Community in the Community Plan in relation to the delivery of housing through effective land use planning.

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

3 December 2014

*Attachments:* 1. Excerpt from Mid-Western DCP 2014 Amendment No. 2 showing amendments in track changes.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

bus stops, etc.

- (b) Ends of cul-de-sacs may be required to include pedestrian pathways (or share ways) preferably in conjunction with stormwater drainage to provide access to adjacent streets or parks. The minimum width of pathway and/or drainage overland flow outlets is 10 metres.
- (c) The developer will be required to pay council a contribution for the installation of cycle ways and footpaths prior to the release of a subdivision certificate.

- Open Space**
- (a) Subdivision of Greenfield sites where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space
  - (b) Where on-site detention basins are proposed to double as open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation.

- Landscaping**
- A Landscape plan detailing the proposed treatment of the public domain is required to be submitted with the development application. This plan is to include treatment of the nature strip, street furniture, paving materials etc.
- Land to be dedicated as a public reserve is to be top soiled, levelled and turfed prior to the release of the Subdivision Certificate. The developer will need to maintain this land for a period of two years and therefore the construction of the public reserves at the start of a green field subdivision is encouraged.

**Street Trees**

All new lots require the establishment of 2 street trees per lot. The developer is required to pay a levy Council to carry out these works in the future. This is the preferred method for street tree planting as Council can plant these trees after much of the construction work (80% of the lots have been built upon) has taken place. The fee associated with this type of arrangement will be provided in Council's Management Plan.

- Utility Services**
- A servicing plan shall be submitted with the development application and include the provisions of underground electricity, reticulated sewer and water services, drainage and telecommunications to the development.

Evidence of consultation with the relevant authorities is to be submitted with the development application.

[In the R1 General Residential Zone and the R3 Medium Density Residential Zone an initial assessment will be undertaken at the development application to nominate those lots considered suitable for dual occupancy development. This assessment will have regard to the requirements of this DCP \(see Section 2.2 and 3.1\) -and the suitability of the site. Where a site has been nominated Council will require dual](#)



utility services to be provided for those lots. Dual services are to include water, sewer, stormwater, electrical and telecommunication services. Identification of the site does not pre-empt that development consent will be given for dual occupancy development. Any subsequent Development Application for a dual occupancy will be subject to a full assessment pursuant to Section 79C of the Environmental Planning and Assessment Act 1979.

**Drainage** Refer to section 5.3 Stormwater & Drainage

## 7.2 RURAL SUBDIVISION

*This section of the Plan provides guidelines for the subdivision of land zoned rural and R5 Large Lot Residential.*

**Site Plan** Applicants are required to submit a site plan which identifies existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads.

The application should:

- ❖ Detail the existing use of the land.
- ❖ Address access points and location of proposed lot configuration to public roads.
- ❖ Identify unformed roads and other crown land within and adjoining the subject site.
- ❖ Show any easements for electricity or other services.
- ❖ Clearly mark designated streams or watercourses within the site.

**Lot Size**

(a) Lots must be of sufficient area to enable the construction of a dwelling house, associated outbuildings, services, vehicle parking and access, private open space without excessive terracing and allow for maximum retention of existing vegetation.

(b) The minimum area for subdivision will apply to that area that is considered productive for the agricultural pursuit for which the lot is being created.

**Primary Production Small Lots** Subdivision applications on land in the RU4 zone for the purpose of intensive agriculture and a dwelling will need to include:

- ❖ Details of the proposed/existing intensive agricultural activity
- ❖ Business plan prepared by a suitably qualified professional detailing production costs, harvesting potential and conservative market prices.
- ❖ Evidence of water licenses satisfactory for the use
- ❖ Evidence of commencement or intention to commence the activity

Land adjacent to the Mudgee Airport – Subdivision of land zoned RU4 Primary Production Small Lots and having a minimum lots size of 2ha on the Lot Size Map shall only be considered where the subdivision will facilitate the development of hangers in conjunction with a dwelling. Such an application will need to address:

- ❖ The relationship between the airport and the development site in respect to the interface with the airport; and
- ❖ Access to the airport for private aircraft.

Any dwelling component will be ancillary to the use of the lot for a hanger.

#### Services

Where the proposed lot(s) is within 500m of an R1 General Residential or R2 Low Density Residential zone, the new lots must:

- ❖ have sealed road frontage and be connected by sealed road to the sealed road network;
- ❖ connect to the reticulated water and sewer infrastructure.

#### Roads

All roads within a rural subdivision are to be sealed or connected to the sealed road network if the proposed lots are less than 500 metres to the sealed road network.

Notwithstanding the previous clause, where land is located within the R5 Large Lot Residential Zone and the subdivision results in lots less than 2 hectares in area then the new lots must have sealed road frontage and be connected by sealed road to the sealed road network.

#### Lot design

New lots to be created to minimise environmental impacts including:

- soil disturbance/erosion
- creek/waterway crossings
- tree removal, and
- adequate separation distances for new and existing development and environmental features

#### Bushfire prone areas

Safe siting of lots within Bushfire Prone Areas is essential. Such sites should avoid the need for extensive clearing of native vegetation and must provide for safe access for Bushfire and Emergency Service vehicles where the land is Bush Fire Prone Land. A bushfire risk assessment must be submitted in accordance with Planning for Bushfire Protection 2006, a NSW Rural Fire Service Publication. Council is able to identify if the subject land is Bushfire Prone prior to the lodging of a development application. Please note a referral fee (payable to the NSW Rural Fire Service) is required with all mandatory referrals to the NSW Rural Fire Service.

#### Heritage

A cultural heritage assessment will be required to be submitted along with an application for subdivision where the subdivision will result the creation of a dwelling entitlement and there are overland drainage lines and/or elevated parts of the property (ridgelines and plateaus).

### 6.3.7 Planning Proposal – Small lot aviation/residential subdivision associated with Airport – Lot 63 DP 18063, George Campbell Drive

REPORT BY THE MANAGER STRATEGIC PLANNING TO 17 DECEMBER 2014 COUNCIL MEETING  
Planning Proposal George Campbell Dr  
GOV400038, LAN900050

#### RECOMMENDATION

##### That:

1. **the report by the Manager Strategic Planning on the Planning Proposal – Small lot aviation/residential subdivision associated with Airport – Lot 63 DP 18063, George Campbell Drive be received;**
2. **Council support in principle the intent of the Planning Proposal with an additional requirement that the site be zoned SP2 Infrastructure which will ensure that residential development will only be permissible where it can be demonstrated that it occurs in association with a hanger or aviation-related development; and**
3. **the Planning Proposal be forwarded to the Department of Planning and Environment Gateway for determination.**

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#### Executive summary

Council has received a Planning Proposal from *GLN Planning* on behalf of Mr John Cole, Mrs Jan Ware and Mr Robert Ware to amend the Mid-Western Regional Local Environmental Plan 2012 (LEP) to permit the subdivision and development of land know as Lot 63 DP 18063 George Campbell Drive, Mudgee adjacent to the airport for small lot residential subdivision.

The purpose of this report is to provide an overview of the proposal. The proposal is not supported in its current form, however, can be supported with a variation to ensure that it is both consistent with the Comprehensive Land Use Strategy (CLUS) and will achieve the outcomes in terms of reduced lot size and aviation/residential development.

#### Detailed report

The subject site is located immediately north of the Mudgee Airport and currently zoned RU4 Primary Production Small Lots. The site being Lot 63 DP 18063 has approvals for a dwelling and dual occupancy and joins a smaller parcel of land also owned by the proponents on which Council has approved an 11 lot subdivision and hangers with associated residential accommodation (DA 0105/2012).

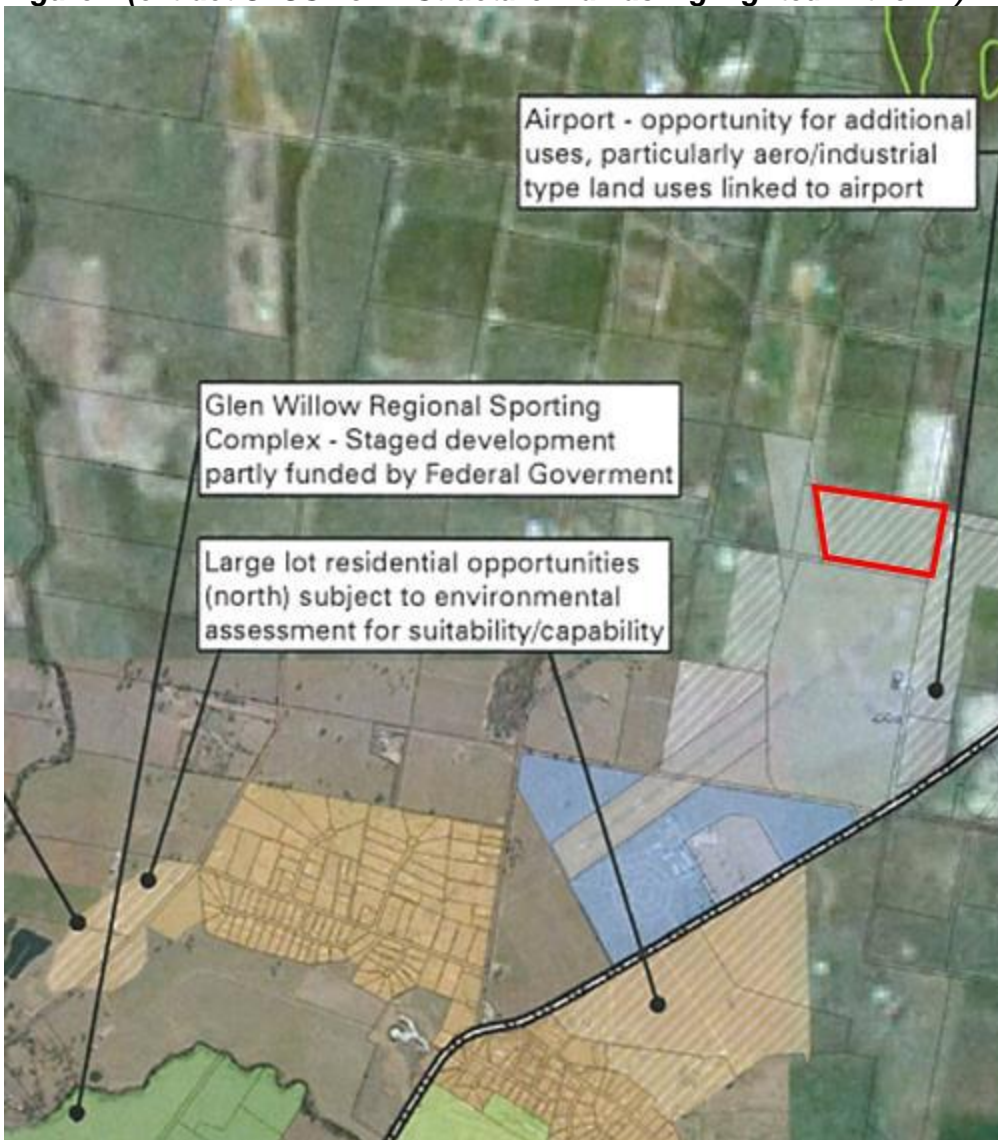
The amendment to the LEP as proposed would enable the subject site to be subdivided into eight lots each having an area of 2ha and with associated access to the runway. This is a form of development similar to that proposed for the Rylstone Aerodrome, however, as yet not seen in the Local Government Area. Further, it is considered to incorporate a point of difference from other (residential) development opportunities currently available in Mudgee in so far as it has a specific



link to the airport. This link is considered critical if Council are to support this form of development at this location.

The site has been identified in both the Comprehensive Land Use Strategy (CLUS) and Urban Release Strategy (URS). The CLUS identified a significant area adjoining the Mudgee Airport for future aero/industrial type land uses (figure 1). The opportunity for residential development and associated hanger facilities is generally consistent with the CLUS.

**Figure 1 (extract CLUS Town Structure Plan as highlighted in the PP)**



The URS identified the subject site as an opportunity for 2ha lots, however, Council was not in favour of the proposal as it then stood which was to amend the Lot Size Map and retain the zoning. The URS also identified significant opportunity to supply 2ha rural residential type lots in areas more suited to urban development. While not articulated in the URS, the development that the proposal is now purporting is unlikely to meet the 2ha rural residential land supply market because of its location adjacent to the Airport and requirement that a hanger or some aviation related development be incorporated into each dwelling opportunity. Having regard to the type of development proposal and the identification of the land in the CLUS as future aviation related activities, this proposal is not strictly residential development for the purposes of the URS.

The proposal is seeking an amendment to the Lot Size Map only. There are two issues with this as a mechanism for achieving the objective of the proposal itself.

Firstly, and significantly, an amendment to the Lot Size Map on its own will not enable the land to be subdivided because of the restrictions associated with dwellings on land in the RU4 Primary Production Small Lots zone in clause 4.2B. While the change to the MLS would permit subdivision, a dwelling would have to be linked to the use of the land for an intensive agricultural purpose which is clearly not the intention of the proposal.

Secondly, the CLUS includes the site and context of the Airport for future aviation-related development. The approach, including that taken in the existing consent issued for the adjoining land is that any development should have a nexus to the Airport. In this instance the residential component would only be supported if it were associated with a hanger. This intent (of the CLUS) needs to be carried through with any rezoning proposal for the land to which it applies.

In this case, the planning proposal could only be supported if together with an amendment to the Lot Size Map, the land was also rezoned SP2 Infrastructure. This will provide Council with an opportunity to assess any development application against the objectives of the SP2 zone.

#### *DRAFT AIRPORT MASTER PLAN*

Council is in the process of preparing a Master Plan for the Airport. The draft Concept Development Plan for the Mudgee Regional Airport identifies this site as an Airport Related Development Opportunity and includes an indicative taxiway access directly to the site. This is consistent with the CLUS and long terms planning for the future development of the Airport and associated infrastructure.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

The recommendation is consistent with the Community Plan. The strategic planning function sits under the theme Looking After Our Community in the Community Plan.



ELIZABETH DENSLEY  
MANAGER, STRATEGIC PLANNING

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

5 December 2014

*Attachments:* 1. Planning Proposal by GLN Planning (included at the end of the business paper)

#### APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



## 6.3.8 Planning Proposal – Change to Minimum Lot Size in Broadhead Road

REPORT BY THE MANAGER STRATEGIC PLANNING TO 3 DECEMBER 2014 COUNCIL MEETING

Planning Proposal Broadhead Rd

GOV400038, LAN900049

### RECOMMENDATION

#### That:

1. **the report by the Manager Strategic Planning on the Planning Proposal – Change to Minimum Lot Size in Broadhead Road be received;**
2. **Council refuse the Planning Proposal to amend the Minimum Lot Size from 4,000m<sup>2</sup> to 2,000m<sup>2</sup> for Lot 9 DP 1150667, Broadhead Road Mudgee.**

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### Executive summary

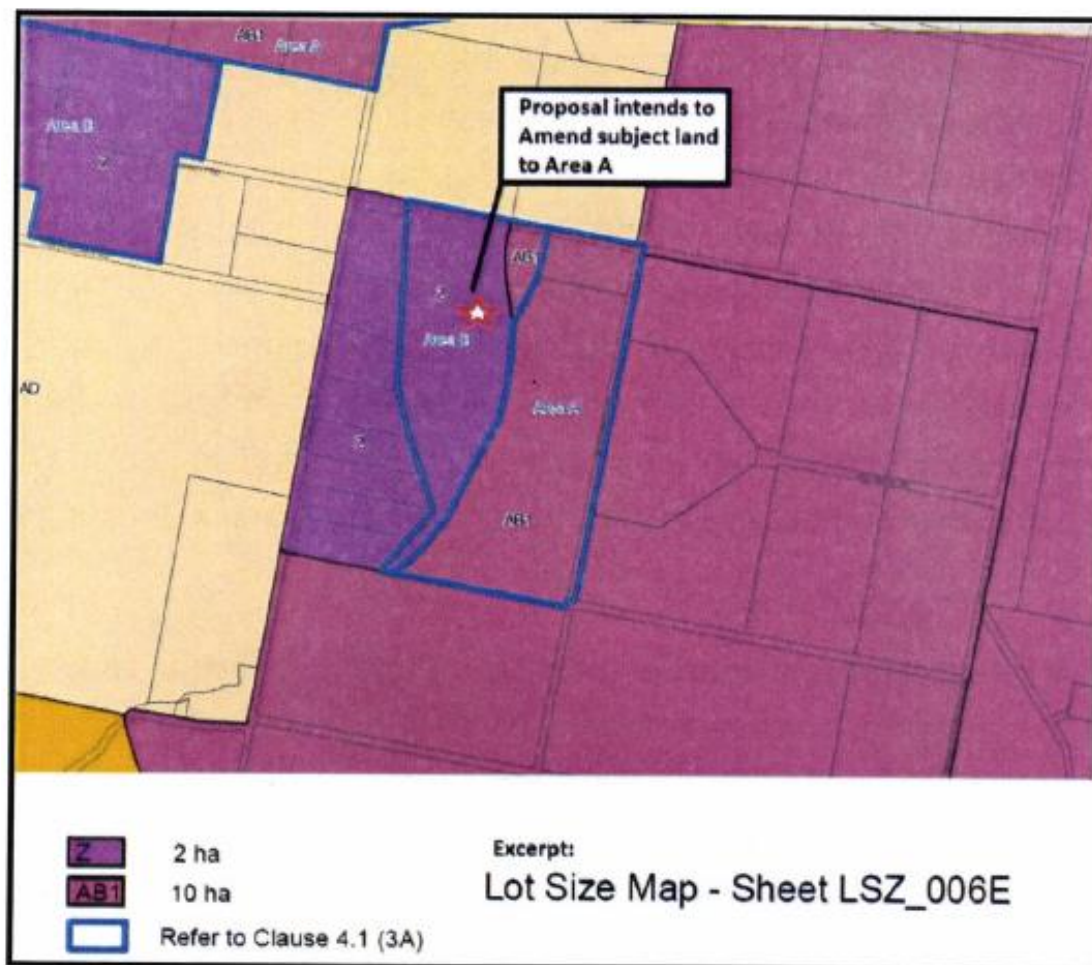
Council has received a Planning Proposal from Minespex on behalf of the landowner Mr Consadine seeking an amendment to Local Environmental Plan 2012 to reduce the minimum lot size (MLS) from 4,000m<sup>2</sup> to 2,000m<sup>2</sup> for land in Lot 9 DP 1150667 currently zoned R2 Low Density Residential.

The Planning Proposal is inconsistent with the recently endorsed Urban Release Strategy (URS) in terms of the timing of release of the land and is not supported at this stage.

### Detailed report

The Planning Proposal is seeking an amendment to Local Environmental Plan 2012 to reduce the minimum lot size (MLS) from 4,000m<sup>2</sup> to 2,000m<sup>2</sup> currently zoned R2 Low Density Residential on Part Lot 9 DP 1150667 Broadhead Road Mudgee. The subject site is shown in the figure below and the detailed proposal can be found as Attachment 1.

The justification for the proposal is the only marginal increase in lot yield, improved flexibility for the developer and more efficient use of infrastructure.



Council has recently endorsed a URS for Mudgee and Gulgong. The URS, which is yet to be approved by the Department of Planning and Environment, provides a framework for the release of residential land over the next 20 years.

The URS has determined that the demand for 2,000m<sup>2</sup> – 4,000m<sup>2</sup> lots is 75 per year and there is a current supply in excess of 490 which is well able to meet the estimated 375 lot forecast. The proposal is therefore inconsistent with the URS.

A concept plan of subdivision which accompanies the proposal indicates that the change in the MLS will only increase the yield across the site by three lots, however, given the site constraints, the variable lot size will enable a more flexible layout. The concept plan indicates a range of lot sizes from 2,010m<sup>2</sup> up to 7,294m<sup>2</sup>. An amendment to the LEP to reduce the MLS does not lock the proponent in to the layout proposed and even with the constraints of the high voltage transmission lines it is estimated that the site could yield a greater number of lots.

The URS indicates clearly that there is sufficient land zoned in Mudgee for the development of 2,000m<sup>2</sup> – 4,000m<sup>2</sup> lots and while it suggests that the subject site may be well suited to a 2,000m<sup>2</sup> MLS, the timing for release of this is 2020+ (URS, page 93) and reducing the MLS at this stage is inconsistent with the URS and will undermine existing opportunities for this market.

The URS included a land release monitor which will enable Council to better track development and the release of residential land at all stages from re-zoning to dwelling approval. While this site is marked for release post 2020, depending on demand and take up of similarly zoned land, it may be necessary to either push this out further (or bring it in as the case may be).

The objective of the Planning Proposal is to enable a more efficient use of infrastructure through better utilisation of the site particularly given site constraints including high voltage transmission lines and a watercourse. While Council supports this, the integrity of the URS is paramount and it is considered premature at this stage to promote any additional land at either 2,000m<sup>2</sup> or 4,000m<sup>2</sup> that is outside the timing recommended in the URS particularly when three lots may well be (planned or unplanned) a much greater number of lots.

The proponent has two options. Either the land can be developed now at a 4,000m<sup>2</sup> MLS achieving a yield of 21 lots, or they can hold the land intact until such time as supply is at a level that warrants the amendment to the lot size.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

The recommendation is consistent with the Community Plan. The strategic planning function sits under the theme Looking After Our Community in the Community Plan in relation to the delivery of housing through effective land use planning.



ELIZABETH DENSLEY  
MANAGER, STRATEGIC PLANNING

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

5 December 2014

*Attachments:* 1. Planning Proposal (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## 6.3.9 Monthly Development Applications Processing & Determined

REPORT BY THE DIRECTOR, DEVELOPMENT TO 3 DECEMBER 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, A100055, A100056

### RECOMMENDATION

**That the report by the Director, Development on the Monthly Development Applications Processing & Determined be received;**

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### Executive summary

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

### Detailed report

Included in this report is an update for month ending 30 November 2014 of Development Applications determined and development applications processing. The report will detail:

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

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

14 November 2014

*Attachments:* 1. Monthly development applications processing and determined November 2014.

APPROVED FOR SUBMISSION:



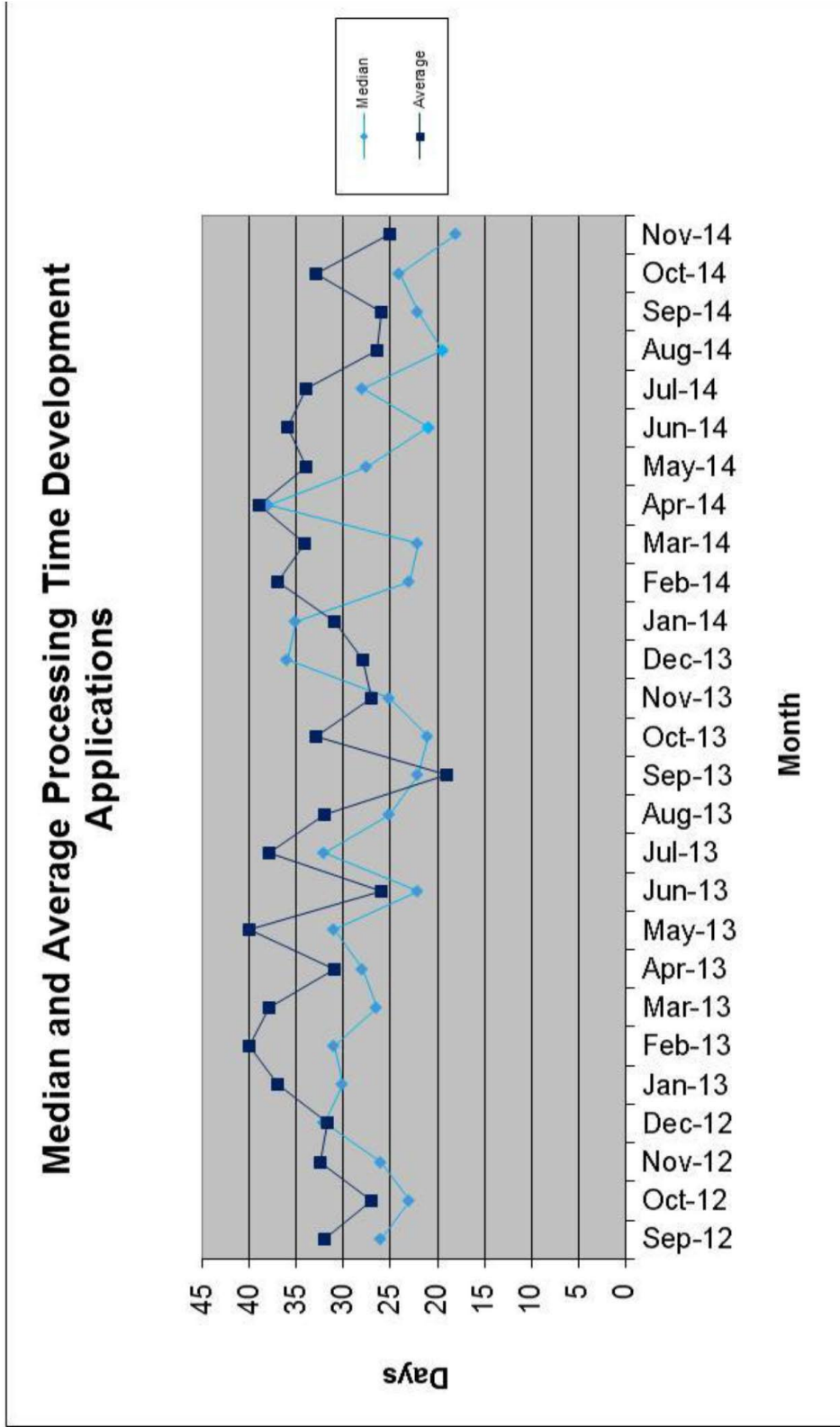
BRAD CAM  
GENERAL MANAGER



**Monthly Development Application Processing Report – November, 2014**

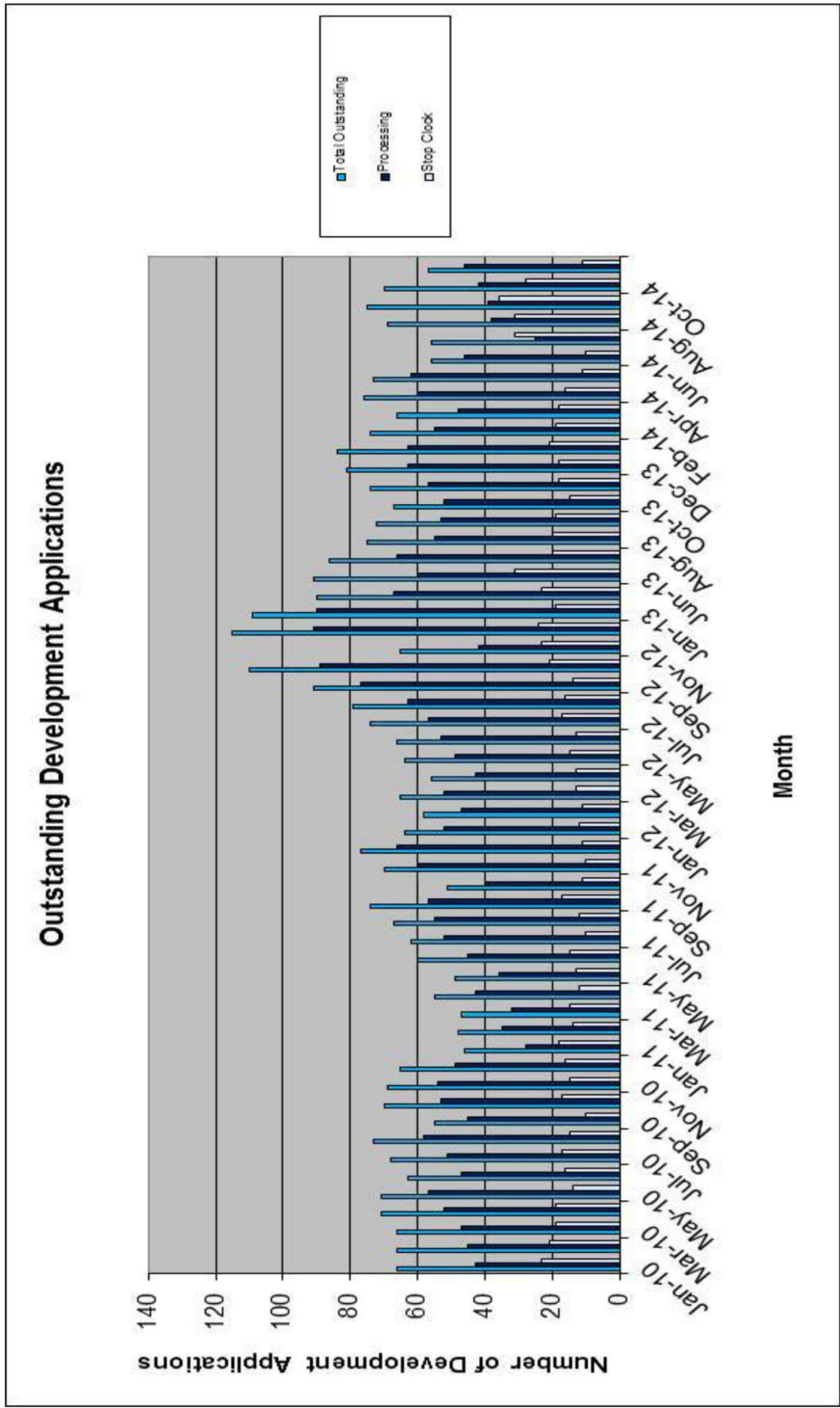
This report covers the period for the month of November 2014.

Graph 1 indicates the processing times up to 30 November 2014 with the month of November having an average of 25 days and a median time of 18 days.



Monthly Development Application Processing Report – November, 2014

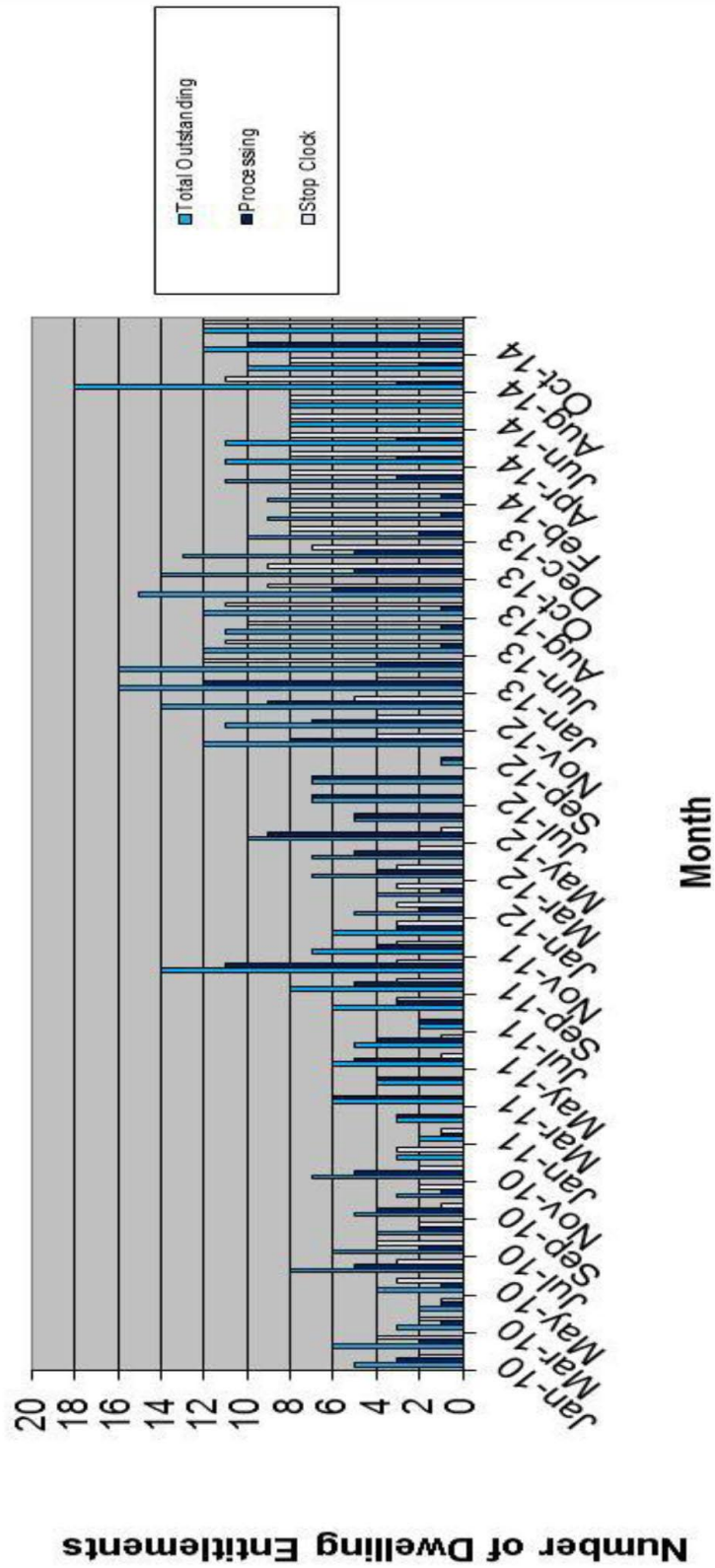
Graph 2 indicates the total number of outstanding applications (excluding dwelling entitlements), the number currently being processed and the number on “stop clock”.



Monthly Development Application Processing Report – November, 2014

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

### Outstanding Dwelling Entitlements



## Monthly Development Application Processing Report – November, 2014

The Planning and Development Department determined 44 Development Applications either by Council or under delegation during November 2014.

### Development Applications Determined – November 2014.

App/Proc ID	Description	House No	Street Name	Locality
DA0071/2014	Alterations & Additions	480	Ridge Road	COOKS GAP
DA0234/2014	Change of use - Carport to Extension of Fitness Centre	96	Mortimer Street	MUDGE
DA0277/2014	Educational Establishment	269	Ulan Road	BOMBIRA
DA0359/2014	Subdivision - Torrens Title	132	Old Grattai Road	ERUDGERE
DA0372/2014	Subdivision - Torrens Title	139	Robertson Street	MUDGE
DA0015/2015	multi dwelling housing	79	Bruce Road	MUDGE
DA0031/2015	Subdivision - Torrens Title	516	Pyramul Road	WINDEYER
DA0041/2015	Commercial Premises	6	Industrial Avenue	MUDGE
DA0044/2015	Industrial Building	8	Burrundulla Road	BURRUNDULLA
DA0056/2015	Subdivision - Torrens Title	60	Beechworth Road	HARGRAVES
DA0072/2015	Alterations & Additions	24	Denison Street	MUDGE
DA0075/2015	Change of use - Expansion of Existing Indoor Swim Facility	87	Short Street	MUDGE
DA0108/2015	Residential Shed	7	Nashs Flat Place	MUDGE
DA0110/2015	Dwelling House	101	Winchester Crescent	COOKS GAP
DA0113/2015	Dwelling House	8	Avisford Court	MUDGE
DA0114/2015	Alterations & Additions	4	Short Street	RYLSTONE
DA0118/2015	Dwelling House	19	Melton Road	MUDGE
DA0119/2015	Residential Shed	1	Mellon Street	RYLSTONE
DA0124/2015	Change of use - Existing structure to a dwelling	480	Ridge Road	COOKS GAP
DA0125/2015	Subdivision - Torrens Title	74-76	Mudgee Street	RYLSTONE
DA0126/2015	Dwelling House	9-47	Waterworks Road	MUDGE
DA0128/2015	Shed > 150m <sup>2</sup>	36	Grevillea Grove	RYLSTONE
DA0131/2015	Shed > 150m <sup>2</sup>	110	Saleyards Lane	MUDGE
DA0132/2015	Alterations & Additions	12	Belmore Street	MUDGE
DA0133/2015	Dwelling House	2791	Hill End Road	AVISFORD
DA0137/2015	Shed > 150m <sup>2</sup>	292	Black Springs Road	BUDGE BUDGE
DA0139/2015	Swimming Pool	84	Cox Street	MUDGE
DA0140/2015	Pergola	1	Kurtz Court	MUDGE
DA0141/2015	Residential Shed	111	Gladstone Street	MUDGE
DA0143/2015	Change of use - Restaurant and signage	92	Church Street	MUDGE
DA0144/2015	Residential Shed	48	Robertson Street	MUDGE
DA0147/2015	Educational Establishment	20-24	Buchanan Street	KANDOS
DA0150/2015	farm building	600	Cypress Drive	YARRAWONGA

### Monthly Development Application Processing Report – November, 2014

App/Proc ID	Description	House No	Street Name	Locality
DA0154/2015	Residential Shed	60	Iron Bark Road	KAINS FLAT
DA0155/2015	Shed >150m <sup>2</sup>	112	School Lane	BUDGEE BUDGE
DA0156/2015	Alterations & Additions	238	Gardiners Road	TWO MILE FLAT
DA0158/2015	Dwelling House	1563	Campbells Creek Road	CARCALGONG
DA0159/2015	Shed >150m <sup>2</sup>	50	Kemps Valley Road	KAINS FLAT
DA0160/2015	Commercial Alterations/Additions	95	Church Street	MUDGE
DA0162/2015	Garage	27	Gladstone Street	MUDGE
DA0165/2015	Dwelling House	12	Kilkenny Avenue	MUDGE
DA0166/2015	Residential Shed	81	Rodgers Street	KANDOS
DA0167/2015	Dwelling House	37	Winter Street	MUDGE
DA0171/2015	Pergola	21A	Mortimer Street	MUDGE



## Monthly Development Application Processing Report – November, 2014

### Development Applications currently being processed – November 2014.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0073/2015	Alterations & Additions	17	Trefusis Avenue	MUDGEES
DA0023/2015	Alterations & Additions	79	Angus Avenue	KANDOS
DA0149/2015	Alterations & Additions	228	Wilbetree Road	MENAH
DA0180/2015	Alterations & Additions	42	George Street	MUDGEES
DA0078/2015	Alterations & Additions	16	Buchanan Street	KANDOS
DA0163/2015	Alterations & Additions	65	Mulgoa Way	MUDGEES
DA0191/2014	Alterations & Additions	34	Crossings Road	MENAH
DA0120/2015	Boundary Adjustment	5	Horatio Lane	MUDGEES
DA0183/2015	Caravan Park - New amenities block	1858	Cudgegong Road	CUDGEGONG
DA0170/2015	Change of use - Chinese Takeaway Restaurant	19	Angus Avenue	KANDOS
DA0173/2015	Change of use - Home office to serviced apartment	67	Lue Road	MILROY
DA0278/2014	Change of use - Shed to Dwelling	2012	Aarons Pass Road	AARONS PASS
DA0094/2015	Change of use - Shed to secondary dwelling	241	Robertson Road	SPRING FLAT
DA0014/2014	Commercial Alterations/Additions	61-65	Ilford Road	KANDOS
DA0178/2015	Commercial Alterations/Additions	5A	Sydney Road	MUDGEES
DA0097/2015	Demo of existing shed and construction of new Machinery and Storage Shed	264	Goolma Road	GULGONG
DA0142/2015	Dual Occupancy	23	Rheinberger Avenue	MUDGEES
DA0095/2015	Dwelling House - Dwelling Entitlement	1817	Queens Pinch Road	MEROO
DA0122/2015	Dwelling House - Transportable Home	202	Gladstone Street	MUDGEES
DA0085/2015	Dwelling House	31	Belmore Street	GULGONG
DA0168/2015	Dwelling House	46	Mailia Road	COOKS GAP
DA0172/2015	Dwelling House	47	Kellett Drive	MUDGEES
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0146/2015	Dwelling House	4A	Avisford Court	MUDGEES
DA0148/2015	Extension to office and bus storage	17-23	Burrundulla Road	MUDGEES
DA0104/2015	function centre (temporary)	28A	Mortimer Street	MUDGEES
DA0096/2015	Garage	5	Burgundy Road	MUDGEES
DA0176/2015	moveable dwelling	24	Byrnes Lane	BURRUNDULLA
DA0157/2015	Multi Dwelling Housing	79	Bruce Road	MUDGEES
DA0102/2015	multi dwelling housing	79	Bruce Road	MUDGEES
DA0267/2014	Pylon Sign	33	Sydney Road	MUDGEES
DA0130/2015	recreation facility (outdoor)	724	Upper Piambong Road	PIAMBONG
DA0182/2015	Residential Shed	52	Banjo Paterson Avenue	MUDGEES
DA0174/2012	Shed	1	Rayner Street	MUDGEES
DA0327/2011	Shed	23	Horatio Street	MUDGEES

Monthly Development Application Processing Report – November, 2014

App/Proc ID	Description	House No	Street Name	Locality
DA0174/2015	Shed	59-63	Depot Road	MUDGEES
DA0152/2015	Subdivision	220	Ulan Road	BOMBIRA
DA0308/2012	Subdivision	433	Ulan Road	EURUNDEREE
DA0136/2015	Subdivision	16	Henry Bayly Drive	MUDGEES
DA0179/2015	Subdivision	668	Cooper Drive	CLANDULLA
DA0175/2015	Subdivision	703	Bonds Road	HARGRAVES
DA0178/2014	Subdivision	7291	Castlereagh Highway	ILFORD
DA0121/2015	Subdivision	58	Tierney Lane	EURUNDEREE
DA0169/2015	Subdivision	120	Bergalin Road	GULGONG
DA0153/2015	Swimming Pool	19	Nashs Flat Place	MUDGEES
DA0161/2015	Swimming Pool	486	Cope Road	STUBBO
DA0157/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0158/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0159/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0160/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0161/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0162/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0163/2013	Staged Development - Dwelling	809	Campbells Creek Road	WINDEYER
DA0134/2015	Staged Development - Dwelling	4156	Lue Road	CAMBOON
DA0135/2015	Staged Development - Dwelling	4156	Lue Road	CAMBOON
DA0010/2015	Staged Development - Dwelling	1123	Botobolar Road	BOTOBOLAR
DA0050/2015	Staged Development - Dwelling	3634	Bylong Valley Way	RYLSTONE
DA0011/2015	Staged Development - Dwelling	1123	Botobolar Road	BOTOBOLAR

Monthly Development Application Processing Report – November, 2014

Heritage Development Applications currently being processed – November 2014.

App/Proc ID	Description	House No	Street Name	Locality
DA0049/2014	Change of use to dwelling and alterations	140-142	Mayne Street	GULGONG
DA0088/2015	Demolition of Existing fuel Depot	47	Douro Street	MUDGE
DA0116/2015	Change of use @ Colonial Mecca Building	79	Market Street	MUDGE
DA0129/2015	Alterations & Additions	77	Church Street	MUDGE
DA0151/2015	Alterations & Additions - extensions to existing dwelling	116	Market Street	MUDGE
DA0164/2015	Commercial Alterations & 2 Storey Additions	6	Lewis Street	MUDGE
DA0181/2015	Commercial Alterations/Additions - Bowls locker room facility	93-99	Mortimer Street	MUDGE
DA0184/2015	Alterations & Additions	4	Nandoura Street	GULGONG
DA0199/2014	Swimming Pool	67	Lewis Street	MUDGE
DA0271/2011	Alterations & Additions	87	Short Street	MUDGE
DA0324/2014	Subdivision	90	Horatio Street	MUDGE

## 6.3.10 Monthly statement of investments and bank balances as at 30 November 2014

REPORT BY THE MANAGER FINANCE TO 17 SEPTEMBER 2014 COUNCIL MEETING

Investments and Bank Balances.docx

GOV400038, A0100056, A0140304

### RECOMMENDATION

**That:**

- 1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 30 November 2014 be received;**
  - 2. the certification of the Responsible Accounting Officer be noted.**
- 

### Executive summary

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

### Detailed report

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act, and
- b) all investments have been made in accordance with the Act, the regulations and Council's investment policies.

This report has been made up to the last day of the month preceding this meeting.

### Financial implications

Council requested a list of restricted cash balances (internally restricted and externally restricted) to clarify what makes up Council's cash at bank. This has been provided as attachment 3. It should be noted that there are timing issues which occur when money is received (income) as budgeted in the Operational Plan and when expenditure occurs, throughout the year. These timing issues can cause fluctuations in the cash balance. The budgeted unrestricted cash balance is not the difference between cash at bank and estimated restricted cash, because of these timing differences. For a full breakdown of unrestricted cash, restricted cash and fund balances Council should refer to the most recent Quarterly Budget Review.

### Policy implications

Not applicable.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An effective and efficient organisation
Strategy	Prudently manage risk associated with all Council activities




LEONIE JOHNSON  
MANAGER FINANCE

CLARE PHELAN  
DIRECTOR, CORPORATE

4 December 2014

- Attachments:*
1. Monthly statement of bank balances and investments
  2. Schedule of MWRC investment policy requirements
  3. Restricted cash summary
  4. Monthly investment portfolio activity

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1

For the month ended: 30-Nov-14

Bank Accounts	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank	-\$ 112,506	\$14,056,818	\$13,166,800	\$ 777,512	\$ 700,000

The bank balance has been reconciled to the General Ledger 30/11/2014

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Rating	Govt Rating	% of Portfolio
National Australia Bank	At Call	1,380	2.80%	N/A	At Call	A-1+	1	3.3%
National Australia Bank	Term Deposit	1,000	3.55%	1/04/2015	182	A-1+	2	2.4%
National Australia Bank	Term Deposit	1,000	3.58%	15/04/2015	175	A-1+	2	2.4%
National Australia Bank	Term Deposit	1,500	3.55%	3/12/2014	91	A-1+	2	3.6%
National Australia Bank	Term Deposit	1,500	3.65%	10/12/2014	168	A-1+	2	3.6%
National Australia Bank	Term Deposit	1,000	3.65%	4/02/2015	189	A-1+	2	2.4%
National Australia Bank	Term Deposit	2,000	3.65%	11/03/2015	189	A-1+	2	4.8%
St George Bank	Term Deposit	1,250	3.70%	28/01/2015	189	A-1+	1	3.0%
St George Bank	Term Deposit	500	3.50%	6/05/2015	182	A-1+	2	1.2%
St George Bank	Term Deposit	1,700	3.70%	21/01/2015	189	A-1+	2	4.1%
St George Bank	Term Deposit	1,500	3.65%	11/02/2015	189	A-1+	2	3.6%
St George Bank	Term Deposit	1,000	3.63%	3/12/2014	175	A-1+	2	2.4%
St George Bank	Term Deposit	1,500	3.50%	18/03/2015	173	A-1+	2	3.6%
St George Bank	Term Deposit	1,400	3.58%	29/04/2015	181	A-1+	2	3.4%
Commonwealth Bank	Term Deposit	1,400	3.50%	7/01/2015	189	A-1+	1	3.4%
Bankwest	Term Deposit	1,000	3.40%	17/12/2014	91	A-1+	1	2.4%
Bankwest	Term Deposit	2,000	3.45%	6/05/2015	180	A-1+	2	4.8%
Bankwest	Term Deposit	2,000	3.45%	13/05/2015	182	A-1+	2	4.8%
Bankwest	Term Deposit	2,000	3.45%	20/05/2015	182	A-1+	2	4.8%
ANZ	Term Deposit	1,000	3.56%	3/06/2015	189	A-1	1	2.4%
ANZ	Term Deposit	1,300	3.56%	3/06/2015	189	A-1	2	3.1%
ANZ	Term Deposit	1,700	3.53%	14/01/2015	196	A-1	2	4.1%
ANZ	Term Deposit	1,000	3.59%	8/04/2015	182	A-1	2	2.4%
ANZ	Term Deposit	1,000	3.68%	4/03/2015	189	A-1	2	2.4%
AMP	Term Deposit	1,500	3.50%	18/02/2015	195	A-1	1	3.6%
AMP	Term Deposit	1,500	3.50%	25/02/2015	202	A-1	2	3.6%
ING Australia Bank	Term Deposit	1,000	3.65%	17/12/2014	182	A-2	1	2.4%
ING Australia Bank	Term Deposit	1,000	3.54%	25/02/2015	189	A-2	2	2.4%
Bank of Queensland	Term Deposit	2,000	3.55%	27/05/2015	189	A-2	1	4.8%
Peoples Choice C/Union	Term Deposit	1,100	3.50%	25/03/2015	175	A-2	1	2.6%
Members Equity Bank	Term Deposit	1,000	3.48%	22/04/2015	175	A-2	1	2.4%
<b>Total Investments</b>		<b>41,730</b>						<b>100.0%</b>

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**Financial Claims Scheme**


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- 1 Guaranteed to \$250,000
- 2 Not Covered

## ATTACHMENT 2

**MWRC Policy Requirements:**

Investments by Institution	Long/Short Term Ratings	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA/A-1+	9,380	22%	25%
Bankwest	AA/A-1+	7,000	17%	25%
St George Bank	AA/A-1+	8,850	21%	25%
Commonwealth Bank	AA/A-1+	1,400	3%	25%
ANZ	AA/A-1	6,000	14%	25%
AMP	A+/A-1	3,000	7%	15%
ING Australia Bank	A-/A-2	2,000	5%	10%
Bank of Queensland	A-/A-2	2,000	5%	10%
Members Equity Bank	BBB+/A-2	1,000	2%	10%
Peoples Choice C/Union	BBB+/A-2	1,100	3%	10%
		<b>41,730</b>	<b>100%</b>	

Investments by Rating	Rating*	Amount \$'000	% of Portfolio	
			Actual	Limit
Direct Securities	AA/A-1+	26,630	64%	100%
	AA/A-1	6,000	14%	100%
	A/A-1	3,000	7%	60%
	BBB/A-2	6,100	15%	20%
	BBB-/A-3	-	0%	20%
	Unrated	-	0%	20%
Managed Funds	AAA	-	0%	
	AA	-	0%	
	A	-	0%	
	BBB	-	0%	
	Unrated	-	0%	
		<b>41,730</b>	<b>100%</b>	

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

Term to Maturity	Amount \$'000	Actual	% of Portfolio	
			Minimum	Maximum
Less than 1 year	41,730	100%	30%	100%
Between 1 and 3 years	-	0%	0%	70%
Between 3 and 5 years	-	0%	0%	50%
More than 5 years	-	0%	0%	25%
	<b>41,730</b>	<b>100%</b>		

## ATTACHMENT 3

<b>Restricted Cash Summary (as at 30 September 2014*)</b>	<b>As at 30 Sep 2014* \$ '000</b>	<b>Est. at 30 June 2015 \$'000</b>
<b>Internal Reserves</b>		
Employee Leave Entitlements	2394	2,450
Emergency	200	200
Land Development	561	1,462
Airport Development	-235	(235)
Elections	150	195
Plant Replacement	-42	766
Asset Replacement	1053	1,070
Capital Program	536	396
Livestock Exchange	60	43
State Roads Warranty	395	200
Rylstone Community Services	6	6
Community Plan	313	313
Future Fund	0	200
<b>External Reserves</b>		
Waste Fund	2512	2,808
Sewer Fund	3265	1,902
Water Fund	1745	912
Community Services	77	77
Community Tenancy Scheme	64	64
Family Day Care	118	118
Bequest – Simpkins Park	96	96
Bequest – Kandos Museum	32	32
Community Transport Vehicle Replacement	67	67
<b>Total Reserves</b>	<b>13,367</b>	<b>13,142</b>
<b>Section 94</b>		
Traffic Management	1018	421
Open Space	886	1,084
Community Facilities	402	502
Administration	186	171
Civic Improvements	-5	(5)
Car Parking	235	241
S94A Levies	366	390
Drainage	10	(248)
<b>Section 64</b>		
S64 Water	1397	303
S64 Sewer	3206	1,960
<b>VPA</b>	<b>930</b>	<b>2,740</b>
<b>Total Developer Contributions</b>	<b>8,631</b>	<b>7,559</b>
<b>Other Restrictions</b>		
Unspent Loans	-	-
Unspent Grants	940	398
Trust Deposits	997	837
Water Fund	5181	2,948
Sewer Fund	779	1,921
Waste Management	1382	1,463
<b>Total Other Restrictions</b>	<b>9,279</b>	<b>7,567</b>
<b>Total Restricted Cash</b>	<b>31,277</b>	<b>28,268</b>

\* As reported in the September QBR

## ATTACHMENT 4

**Monthly Investment Portfolio Activity:**

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

<b>Bank Accounts</b>	<b>Opening Balance \$'000</b>	<b>Redeemed Balance \$'000</b>	<b>Re-invested Balance \$'000</b>	<b>Change in interest rate</b>	<b>Change in Term (days)</b>	<b>New Term Rate</b>
National Australia Bank	920		1,380	0.00%	At Call	2.80%
St George Bank	500	-	500	-0.12%	7	3.50%
Bendigo & Adelaide Bank	1,000	1,000	-	Redeemed		
Bankwest	-		2,000	New Deposit		3.45%
Macquarie Bank	1,000	1,000	-	Redeemed		
Bendigo & Adelaide Bank	1,000	1,000	-	Redeemed		
Bankwest	-		2,000	New Deposit		3.45%
Bank of Queensland	2,000	-	2,000	-0.10%	21	3.55%
Bankwest	-		2,000	New Deposit		3.45%
ANZ	1,000	-	1,000	0.01%	91	3.56%
ANZ	1,300	-	1,300	0.02%	21	3.56%
	<b>8,720</b>		<b>12,180</b>			
<b>Net Portfolio Movement</b>	<b>3,460</b>	Addition				

## 6.3.11 Financial Assistance Applications

REPORT BY THE FINANCIAL ACCOUNTANT TO 17 DECEMBER 2014 COUNCIL MEETING

Financial Assistance

GOV400038, A0140201

### RECOMMENDATION

#### That:

1. **the report by the Financial Accountant on the Financial Assistance Applications be received;**
3. **Council provide a donation of \$500 to the Rylstone Uniting Church in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met.**

### 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, groups and individuals which offer a significant contribution to the social, economic and/or environmental well-being of the Community.

#### *RYLSTONE UNITING CHURCH*

On Christmas Day, there will be no opening of any pubs or clubs in the towns of Kandos and Rylstone. The Uniting Church has again decided to provide a lunch for those people in the area who are unable to join family and friends. The request is for a contribution towards the cost of this community based effort.

It is recommended that Council provide a \$500 donation to the Rylstone Uniting Church to assist with hosting this Christmas lunch.

Link to Community Plan: *Strategy 1.4.1. Support programs which strengthen the relationships between the range of community groups.*

### Financial and Operational Plan implications

Funding of \$157,000 is provided in the Operational Plan for Financial Assistance. \$133,615 has been allocated to date, leaving a balance of \$20,385.

Should Council approve the recommendations in this report, a balance of \$19,885 will remain.

### Community Plan implications

Council's Financial Assistance Policy applies.



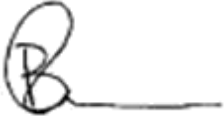
NEIL BUNGATE  
FINANCIAL ACCOUNTANT

CLARE PHELAN  
DIRECTOR, CORPORATE

5 December 2014

*Attachments:* 1. Applications for financial assistance

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

ATTACHMENT 1

To the General Manager

As there will be no opening on Christmas Day of any pubs or clubs in the towns of Kandos and Rylstone, the Uniting Church have again decided to provide a lunch for those people in the area who are unable to join family and friends. Last year the Shire kindly contributed towards the cost of this community based effort and we are hoping that you will do so again this year.

Thanking you in anticipation of your help

Christine Hunt  
Secretary  
R.U.C.  
P.O.box 112  
Rylstone 2849

0263790730

## 6.3.12 Classification of land – Lot 1 DP 1199604 & Lot 10 DP 1199604 Drainage Reserves at 42 Melton Road and 9A Hughson Avenue Mudgee

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Classification of Land Drainage Reserve Melton Rd & Hughson Avenue  
GOV400038, P2301711, P2302711

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Classification of land – Lot 1 DP 1199604 & Lot 10 DP 1199604 Drainage Reserves at 42 Melton Road and 9A Hughson Avenue Mudgee be received;**
2. **Council notify the public of its intention to classify Lot 1 DP 1199604 and Lot 10 DP 1199604 as Operational by exhibiting the proposal for 28 days and should there be no submissions from the public, the lands be so classified as Operational.**

---

### Executive summary

This report seeks to commence the process for classification of Lot 1 DP 1199604 and Lot 10 DP 1199604, being land vested in the ownership of Mid-Western Regional Council for the purposes of drainage reserves, as Operational.

### Detailed report

In accordance with the Local Government Act 1993 (LGA), all public land must be classified as either “Community” or “Operational” land. The purpose of classification is to identify clearly that land which should be kept for use by the general public (community land) and that land which need not (operational land). Community land would ordinarily incorporate land such as a public park. Land that is classified Operational would include land held as an asset, land which facilitates a council carrying out its functions or is land that may not be open to the public, such as in this case, where the land parcels are required for drainage purposes.

To commence the process for the classification of these land parcels, Council must resolve to classify the land parcels as Operational and its intention must be advertised for a period of 28 days during which time written submissions to the proposed classification will be accepted from the public. The classification can then be formalised after this period.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

This report meets Community Plan Theme 5 Good Government:

Goal 5.3 An effective and efficient organisation

Strategy 5.3.3 Prudently manage risk associated with all Council activities


DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

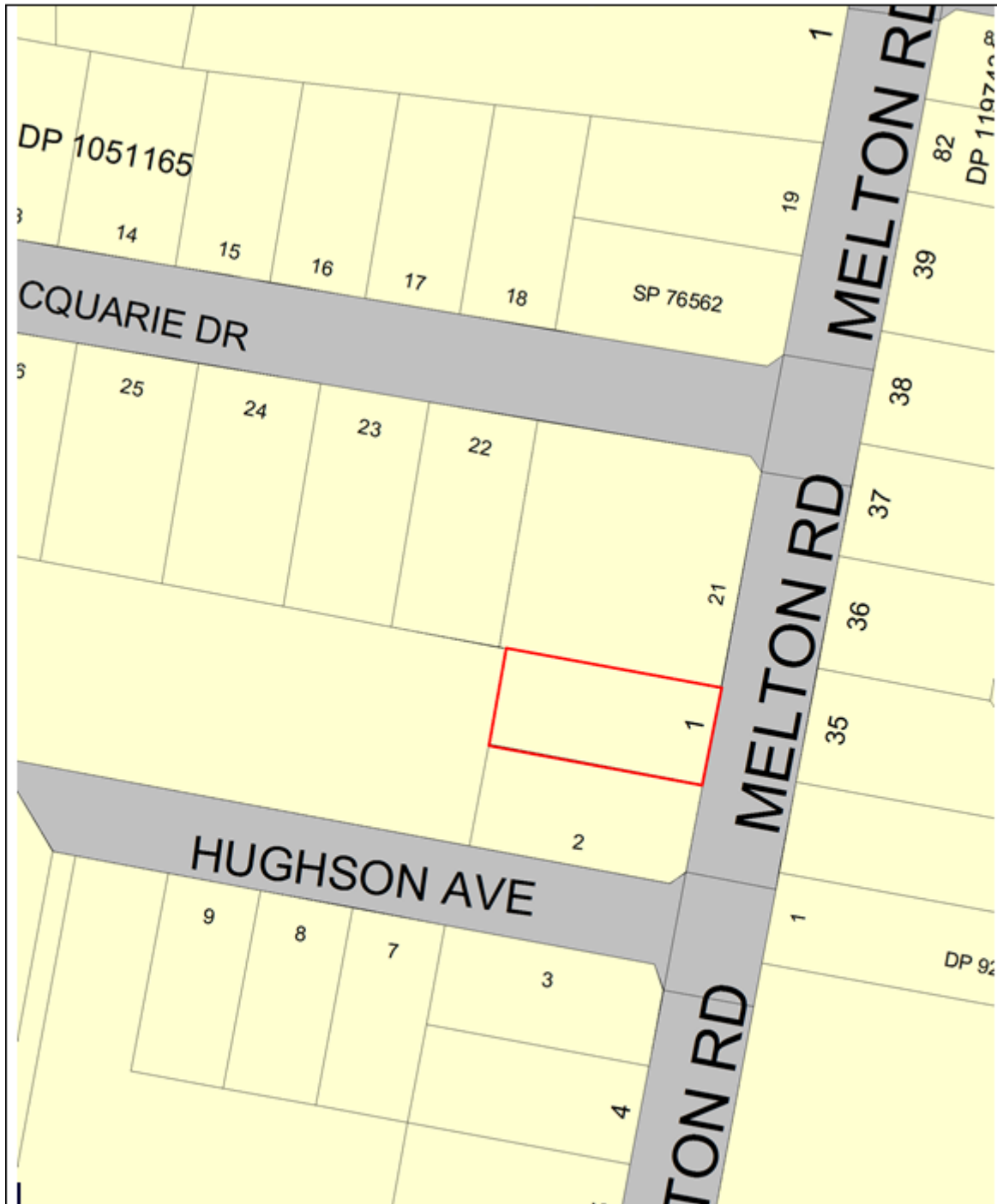
5 December 2014





























- Attachments:*
1. Plan of Lot 1 DP 1199604
  2. Plan of Lot 10 DP 1199604

APPROVED FOR SUBMISSION:

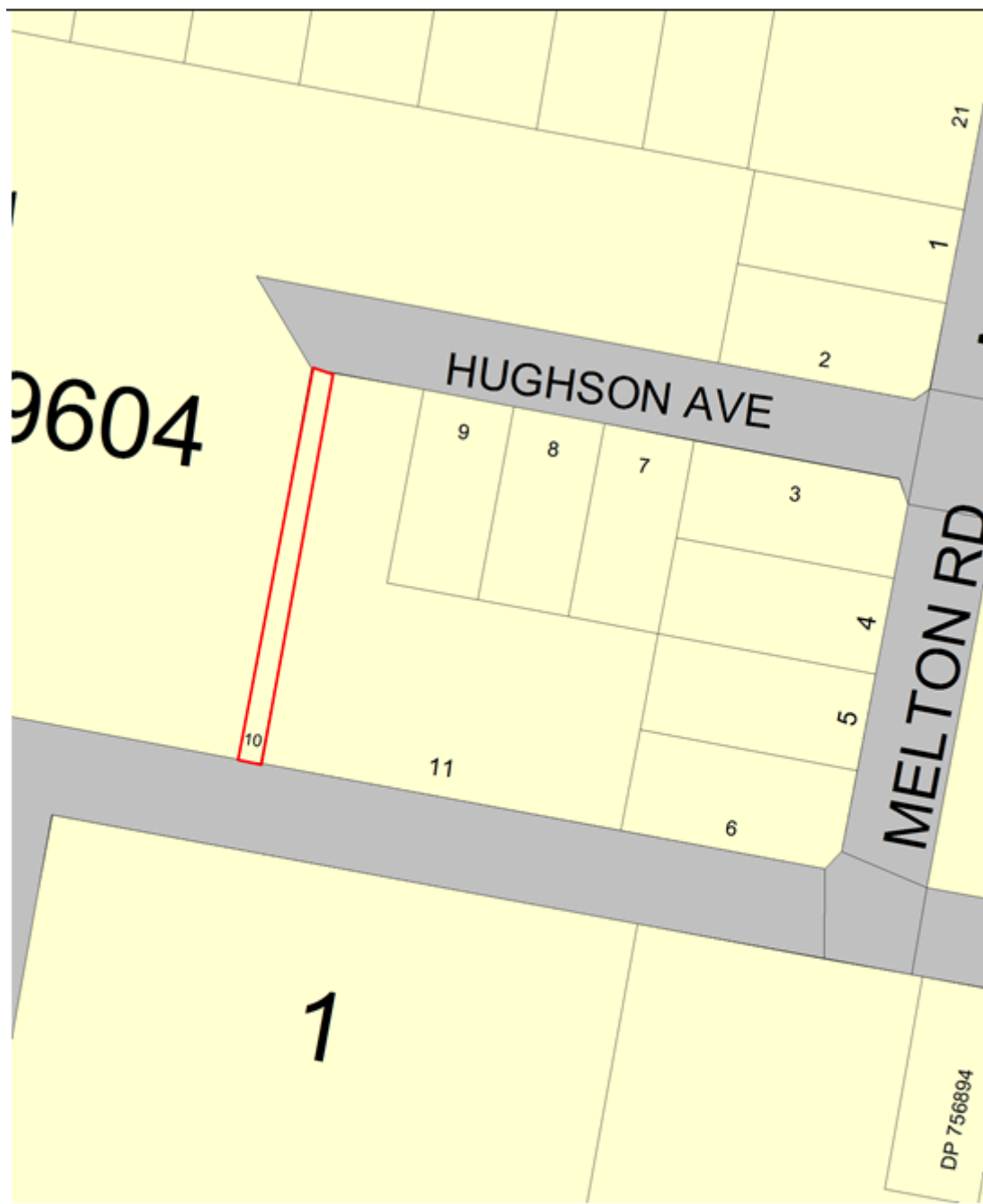
A handwritten signature in black ink, appearing to be 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER



<p><b>Disclaimer</b></p> <p>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.</p> <p>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.</p>	<p><b>Legend</b></p> <table border="0"> <tr> <td></td> <td>Parcel</td> <td></td> <td>Parish</td> <td></td> <td>Road</td> </tr> <tr> <td></td> <td>Crown Land</td> <td></td> <td>Localities</td> <td></td> <td>State Forest</td> </tr> <tr> <td></td> <td>Railway</td> <td></td> <td>LGA Boundary</td> <td></td> <td>Waterway</td> </tr> </table>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p style="text-align: center;">NORTH</p>  <p style="text-align: center;">Printed on Friday, 5 December 2014</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															





Map Scale: 1:1,186

**Disclaimer**  
 This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council's Program boundary. The network data is supplied by Department of Lands.

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

**Legend**

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



Printed on Friday, 2 December 2014

### 6.3.13 Naming of a Park off Doug Gudgeon Drive in Mudgee

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council (prelim) – Place Naming- Gudgeon Park-Norm King Park  
GOV400038, PAR300020, P2215711

#### RECOMMENDATION

**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a Park off Doug Gudgeon Drive in Mudgee be received;**
  - 2. Council supports the name of Norm King Park.**
- 

#### Executive summary

As part of the purchase process, Council received a request from the vendor to name the park at 8 Doug Gudgeon Drive, Gudgeon Park. The purpose of this Report is for Council to now consider naming the park Norm King Park.

#### Detailed report

Per a Report to the 19/3/14 Council Meeting in relation to the purchase of 8 Doug Gudgeon Drive for a Park and the request from the property owner, Mr Gus Gudgeon, to name the park Gudgeon Park, Council submitted a naming proposal to the Geographical Names Board on 4/9/14.

The Geographical Names Board is the naming authority for place names and has advised that the naming proposal had been presented to the September Board meeting and was approved for advertising. The GNB advertised this park name in the 10/10/14 Mudgee Guardian for a period of 1 month.

Several objections were received and all suggested the park be named after Norm King. The matter has now been returned to Council by the GNB for a decision between Gudgeon Park and Norm King or Norm King Memorial Park or Norman Charles King Memorial Park.

Council's decision at this meeting will be submitted as recommendation to the GNB for their next meeting along with Council's updated application to name the park. The Geographical Names Board will then meet the cost of additional advertising in relation to this matter before making a final decision on the name for the park.

#### Financial and Operational Plan implications

One sign at a total approximate cost of \$360. Cost of Gazettal notice will be met by the GNB. These costs are included in the 2014/2015 Operational Plan.

## Community Plan implications

Theme            Looking after our Community  
Goal             Vibrant towns and villages  
Strategy        Respect and enhance the historic character of our Region and heritage values of our towns

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

5 December 2014

*Attachments:* 1. Naming Proposal & GNB Responses  
2. Map of the location of Park to be named.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



CA: R0790141 P2216711

## ATTACHMENT 1

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

4 September 2014

The Secretary  
Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

### **NOTIFICATION OF NAME PROPOSAL**

Per the Geographical Names Act 1966, Mid-Western Regional Council would like to submit the following name for a park in the town of Mudgee, NSW.

Proposed Name:

- Gudgeon Park

Please refer to attached application and map for location.

Doug Gudgeon was a colourful local identity who lived all his life in Mudgee. He worked as a stock buyer and was instrumental in starting and running the boning room at the Mudgee Abattoirs. He was a member of the Mudgee Show Committee and was a Ring Announcer at Mudgee and Rylstone Shows for many years. He was also a founding member of the Mudgee Greyhound Club, owning and racing many famous dogs over the years.

During negotiations to purchase the land the Park will be located on, the owner Mr Glen "Gus" Gudgeon requested the Park be named after his father. At their 19/3/14 Meeting Council agreed with this request pending GNB confirmation.

Should you have any questions concerning this matter, please do not hesitate to contact Carolyn Atkins of Council's Revenue & Property Department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

Diane Sawyers  
Manager Revenue & Property



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Your Reference: CA: R0790141 P2216711  
Our Reference: GNB 5762  
Contact Officer: Susan Fietz  
Telephone No: 02 6332 8052  
Email: [Susan.Fietz@lpi.nsw.gov.au](mailto:Susan.Fietz@lpi.nsw.gov.au)

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

Attention: Carolyn Atkins

Dear Carolyn

**RE: Naming Proposal – Gudgeon Park**

The proposal to name Gudgeon Park appeared in the Mudgee Guardian on 10 October 2014 and was open for public comment until 10 November 2014.

A number of submissions were received for the proposal and none were in favour of the name. In summary, the submissions mentioned that as Mr Gudgeon is already honoured by way of Doug Gudgeon Drive, it would be thoughtful to recognise another citizen of Mudgee – Mr Norm King.

We now forward those submissions to you for your consideration and comment.

Please quote our reference GNB 5762 in any correspondence to the Geographical Names Board regarding this proposal.

Yours faithfully



Susan Fietz  
Spatial Information Officer  
Geographical Names Board

5 December 2014



**GEOGRAPHICAL NAMES BOARD**  
**Proposal Comments**

*Report Generated: 05 December 2014*

**GUDGEON PARK**

Proposal advertised on **10 October 2014**

Comments closed on **10 November 2014**

NAME	ADDRESS	IN FAVOUR
Jackie Perring	191 Gladstone St Mudgee 2850 NSW	NO
Alison Cameron	47 Macquarie Drive Mudgee 2850 NSW	NO
Elsie M Atkins	89 Lewis Street Mudgee 2850 NSW	NO
Elsie M Atkins	89 Lewis Street Mudgee 2850 NSW	NO
Graham Pickering	81 Old Grattai Road Erudgere 2850 NSW	NO

**COMMENT SUBMISSIONS**

<p><b>NAME</b> Jackie Perring</p> <p><b>FULL COMMENT</b></p>	<p><b>COMMENT SUMMARY</b></p> <p>As there is already a road named after Mr Gudgeon, it could become confusing, it would be nice to have a park named after a local legend. Mr Norm King was a returned serviceman and President of the local RSL sub branch for over 30 years. He has been a volunteer within the community in many capacities and I would like to see that recognised. Many thanks.</p>
<p><b>NAME</b> Alison Cameron</p> <p><b>FULL COMMENT</b></p>	<p><b>COMMENT SUMMARY</b></p> <p>As Mr Gudgeon has already been remembered with the use of his name Doug Gudgeon Drive. I would like to recommend that this park be named after Norm King an extremely deserving returned soldier and until his recent passing Mr King was well remembered for his community endeavours. I am also a resident of this area and would love Mr King's legacy to be passed on to our next generation with the naming of this park in his honour.</p>
<p><b>NAME</b> Elsie M Atkins</p> <p><b>FULL COMMENT</b></p>	<p><b>COMMENT SUMMARY</b></p> <p>Further to your advertisement in the 10/10/14 Mudgee Guardian with a proposal to name a park in Mudgee, Gudgeon Park.</p> <p>I would like to submit the name of Norm King for the park located at 8 Doug Gudgeon Drive in Mudgee. I understand the park was advertised at Gudgeon Park, however Mr Gudgeon is already honoured with a street named after him Doug Gudgeon Drive. Rather than naming two features in the same location, after the same man, I hope you will consider naming the park Norm King Park.</p>

Mr King was born in the back of his Uncles model T Ford near Rylstone before midnight on 4/10/1920. His birth date is listed at 5/10/1920 because it was then that the family arrived at the Rylstone Hospital. Norm moved to Mudgee in 1939. He worked at Fountains Garage until enlisting in the Army on 1/10/1941 then into the AIF on 26/11/1942 where he saw action in the South West Pacific. On the day of his discharge, 29/1/1946, Norm joined the RSL and worked tirelessly for the Mudgee Sub-Branch and the Mudgee Community for the next 64 years. Norm was president of the Mudgee Sub-Branch from 1971 until 2003 when he resigned due to ill health. However he continued to work for the RSL visiting sick ex-servicemen, selling ANZAC, Remembrance Day and Legacy badges and raffle tickets until only a few months before his passing on 28th October 2009.

At work with Fountains Garage, where he returned after the war, he was awarded the Ford Service Manager Award for 1958 & 1959. He was awarded Life Membership of the RSL in 1980, was named Mudgee Shire Citizen of the Year on Australia Day 1993 and was awarded the RSL Meritorious Service Medal in 1994.

While Norm was still in the workforce his wife Mavis suffered an illness which left her in a wheelchair. Norm took on the job of being the main carer for his wife as well as of their children who were still at home. During this time he also maintained his work and his RSL duties. Norm also volunteered with Meals on Wheels for many years.

Norm was a family friend as my father was in the army then the RSL, my husband and four of my five children were in the Navy and then RSL members. Norm was a great support to my mother after my fathers passing as he was to many Legacy widows in his support of Legacy.

I think a Park with green grass and trees, with children playing and families enjoying would be a fitting memorial to Norm. Please consider naming this park Norm King Park.

**NAME**                      **COMMENT SUMMARY**

Elsie M Atkins                      See below

**FULL COMMENT**

Dear Sir/Madam Further to your advertisement in the 10/10/14 Mudgee Guardian with a proposal to name a park in Mudgee, Gudgeon Park. I would like to submit the name of Norm King for the park located at 8 Doug Gudgeon Drive in Mudgee. I understand the park

**NAME**                      **COMMENT SUMMARY**

Graham Pickering

**FULL COMMENT**

As Doug Gudgeon already has a street named after him, I feel that the park should be named after a different prominent citizen of Mudgee.

I would like to see the park named the "NORMAN CHARLES KING MEMORIAL PARK".

Norm was a veteran of World War 2. On his return from the war he joined the Mudgee RSL Sub-Branch and was elected to the position of President in 1971 which he held for thirty two years before retiring for health reasons.

He helped many fellow veterans receive their entitlements. He was a regular visitor to members in hospital or sick at home.

Norm was very active in fund raising for the RSL, Legacy and other charities.

He was awarded Life Membership of the RSL for his outstanding work for the League and was also awarded the RSL Meritorious Service Medal.

In 1993 Norman was named Mudgee Citizen of the year for his service to the community

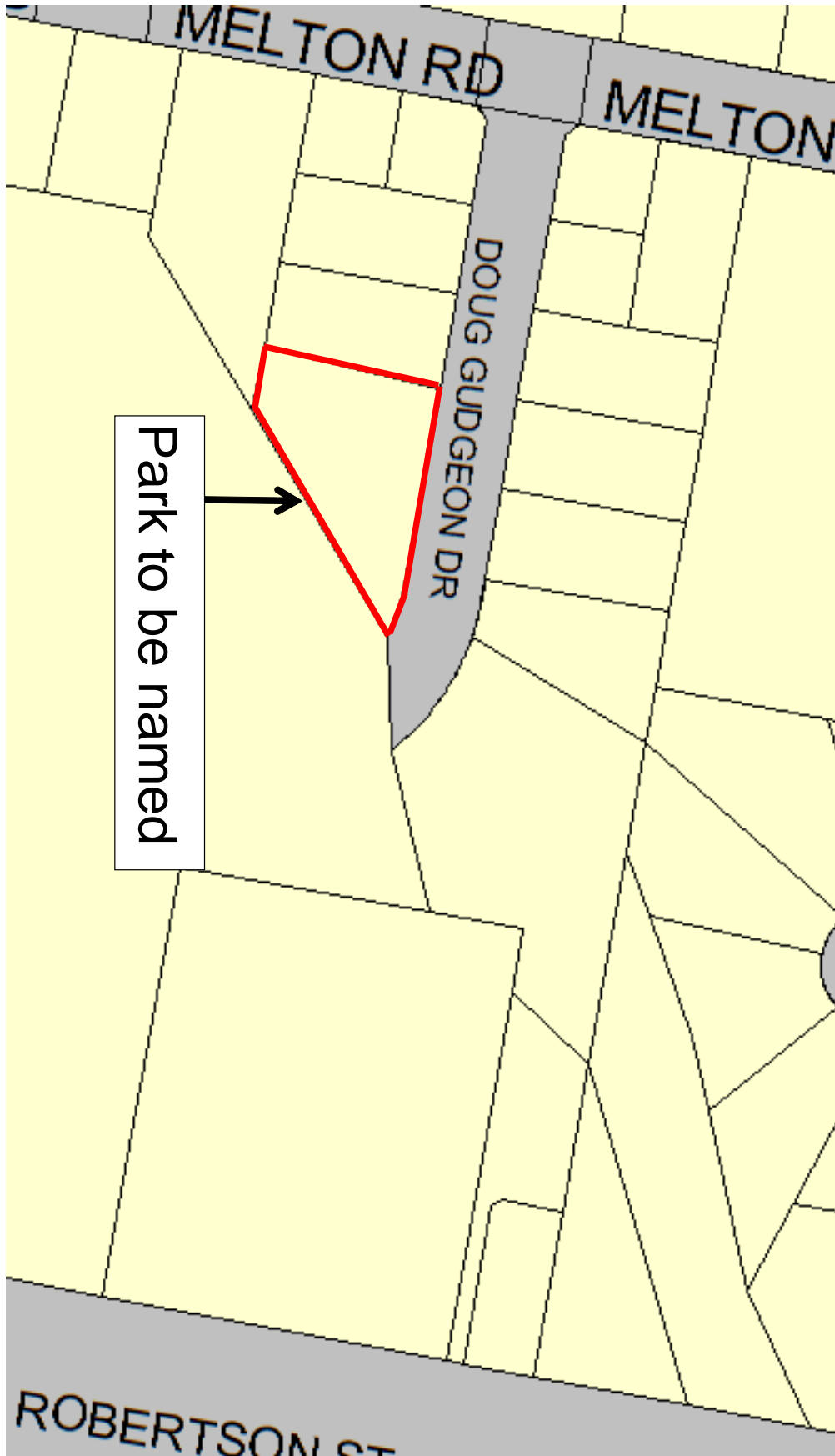
He was well liked and respected within the Mudgee Community.

I believe it would be fitting if the park was named "NORMAN CHARLES KING MEMORIAL PARK"

These thoughts are shared with all members of the Mudgee RSL Sub-Branch.

Signed;

Graham Pickering  
President  
Mudgee RSL Sub-Branch



### 6.3.14 Naming of the street in the Southern Heights Estate subdivision

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council (final) - Street Naming – Ray Gooley Drive  
GOV400038, R0790141, P0586811

#### RECOMMENDATION

**That:**

- 1. the report by the Revenue & Property Manager on the naming of the new street in the Southern Heights Estate subdivision be received;**
  - 2. Council formally approve the name of Ray Gooley Drive for the new street in the Southern Heights Estate subdivision.**
- 

#### Executive summary

Formal approval is requested to name the new street in the Southern Heights Estate subdivision off Bruce and Melton Roads in Mudgee, Ray Gooley Drive.

#### Detailed report

Following the approval of the Southern Heights Estate subdivision, Council wrote to neighbours of the subdivision requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 25/7/14 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the name of Ray Gooley Drive at their 5/11/14 Council Meeting.

The Geographical Names Board had been advised of this street name and objected. Council appealed to the 16/9/14 Board meeting and the objection to Ray Gooley Drive was overturned.

Ray Gooley Drive was advertised in the 7/11/14 issue of the Mudgee Guardian and on Council's website with no additional submissions received.

Notices of the new street name was served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire Service, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA with no objections received.

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the street with the rights to name it. The naming of this street will allow the completion of street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of this new street, notice of the approved name will be:

1. published in the Government Gazette and the Mudgee Guardian;



2. concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS.

## Financial and Operational Plan implications

Cost of Gazettal notice at approx \$60. Purchase and installation of street signs will be met by the Developer.

## Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

2 December 2014

- Attachments:*
1. Correspondence received from the Geographical Names Board
  2. Submissions received
  3. Map of the new street to be named.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

---

Your Reference: CAR0790141  
Our Reference:  
Contact Officer: Rhet Humphrys  
Telephone No: 02 6332 8363  
Email: [rhet.humphrys@lpi.nsw.gov.au](mailto:rhet.humphrys@lpi.nsw.gov.au)

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008  
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 5<sup>th</sup> August 2014, which proposed the following public road name:

**WYOMING HEIGHTS DRIVE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB NSW Road Naming Policy and I would raise the following objection:

**WYOMING HEIGHTS DRIVE** - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a WYOMING ROAD located in Stubbo.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Land and Property Information, PO Box 143, Bathurst NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objection.

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

14<sup>th</sup> August 2014



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Your Reference: CAR0790141  
Our Reference:  
Contact Officer: Rhet Humphrys  
Telephone No: 02 6332 8363  
Email: [rhet.humphrys@lpi.nsw.gov.au](mailto:rhet.humphrys@lpi.nsw.gov.au)

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008  
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 2<sup>nd</sup> September 2014, which proposed the following public road name:

**RAY GOOLEY DRIVE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB NSW Road Naming Policy and I would raise the following objection:

**RAY GOOLEY DRIVE** - objection is raised under *Principle - 5 Acceptable Road Names*. The use of given or first names in conjunction with a surname is not normally acceptable, but may be considered if required to provide uniqueness.

**RAY DRIVE** or **GOOLEY DRIVE** would be acceptable.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Land and Property Information, PO Box 143, Bathurst NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objection.

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

3<sup>rd</sup> September 2014



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

---

Your Reference:  
Our Reference:  
Contact Officer: Rhet Humphrys  
Telephone No: 02 6332 8363  
Email: [rhet.humphrys@lpi.nsw.gov.au](mailto:rhet.humphrys@lpi.nsw.gov.au)

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**RE: Road Naming Objection – RAY GOOLEY DRIVE**

With reference to your letter dated 4 September 2014 requesting the reconsideration of the objection raised by the Geographical Names Board (the Board) to the use of the road name **RAY GOOLEY DRIVE** in the Mid-Western Regional Local Government Area.

The Board at its meeting held on 16 September 2014 considered Council's correspondence and resolved to overturn the objection to the name **RAY GOOLEY DRIVE**.

**RAY GOOLEY DRIVE** is now acceptable for use.

If you require any further advice on this issue please feel free to contact this office on 02 6332 8214.

Kind Regards,



Rhet Humphrys  
Geographical Names Board Secretariat

15<sup>th</sup> October 2014

ATTACHMENT 2

ROBERTSON St.  
MUDGEE 2850  
22.7.14

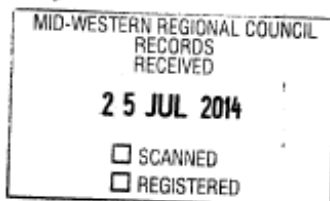
Dear Diane, In reference to your letter  
18 July regarding the naming of the  
street in the new subdivision adjacent  
to us. The logical name for this new  
street would have to be Ray Goolley  
COURSE (DRIVE, STREET, PLACE)

Ray lived next to us for about  
20 years and was a <sup>great</sup> neighbor and  
a real good bloke. He was owner  
of the ground the subdivision is  
now constructed on, but contracted  
cancer and died not long ago.

He worked as a vet. at Mudgee  
vet clinic for many years and was  
a prominent member of Mudgee Race  
Club. He was respected and well  
liked, giving his time on a honorary  
basis to many equestrian events and  
other activities.

It would be very appropriate  
to name this street in memory  
of Ray.

Yours faithfully  
Gus Gudgeon



From: Dan Baggett : [REDACTED] Sent: Mon 4/08/2014 :  
To: Council; Carolyn Atkins  
Cc:  
Subject: Submission to name new road at Southern Heights Estate

Good afternoon,

As the owner of Southern Heights Estate, located at 79 Bruce Road Mudgee, I would like to put a naming submission to council.

Ray Gooley originally owned the land, which very sadly he passed away fighting cancer.

Ray purchased the land some 16 years ago & named it "Wyoming"

I would like to name the new road "Wyoming Heights Drive" to remember Ray.

I discussed "Wyoming Heights Drive" to Ray's son Richard. He was very impressed & pleased with this name.

Thankyou for the opportunity & I sincerely hope the new road has this new name.

Kind Regards

Dan Baggett



**Veterinarians**

Steve Ledger B.V Sc  
Ian Binks B.V Sc  
Steve Slack-Smith B.V Sc  
Paige Loneragan B.V Sc  
Anthea Nicholls B.V Sc  
Tom Prichard B.V Sc  
Sarah Treloar B.V Sc



ABN 76 200 801 137

**Phone** 02 6372 2105  
**Fax** 02 6372 3676

**Postal Address**  
PO Box 175  
Mudgee NSW 2850

**Address**  
104 Market Street  
Mudgee NSW 2850

**Rylstone** 02 6379 1460  
**Gulgong** 02 6374 1160

7<sup>th</sup> August 2014

I am writing on behalf of all the staff at Mudgee Veterinary Hospital.

We would like to put forward a suggestion for the new Close in Mudgee South Ridge Estate.

My partner, Ray Gooley, lived there for many years and passed away two years ago. All of us here believe it would be very appropriate that Ray's family name be honoured with a Street name .

Ray gave selflessly to the local community through his work as a Veterinarian. He was made a life member of the Mudgee Race Club for his tireless contribution to the club.

His commitment to the local Endurance Riders Club was extraordinary. Countless weekends were given without charge as Ray travelled all over the state.

We may be a little biased but believe Ray has left a Legacy that should be preserved.

Yours faithfully



Ian Binks B.V.Sc

MID-WESTERN REGIONAL COUNCIL  
RECORDS  
RECEIVED

12 AUG 2014

Baskerville Drive

Mudgee 2850

NSW

14<sup>th</sup> August 2014

RE: Naming of new street in new subdivision off Bruce Rd.

Dear Mr Cam,

I am writing to you as the wife of the late Mr Ray Gooley.

I would like to put forward a suggestion for the name of the new street in Mudgee South Estate.

My husband, Ray Gooley, lived there for many years at "Wyoming" 79 Bruce Rd where the new subdivision is now nearing completion. He passed away two years ago and now it would be very appropriate that Ray's family name be honoured with a street name where he had lived the majority of his life while in Mudgee. My suggestion would be Ray Gooley Drive.

Ray gave selflessly to the local community through his work as a veterinarian and partner in the Mudgee Veterinary Practice, Market St Mudgee.

He was made a life member of the Mudgee Race Club for his tireless contribution to the club over the 32 years he lived in Mudgee as the president for a number of years and then an active committeeman until his death.

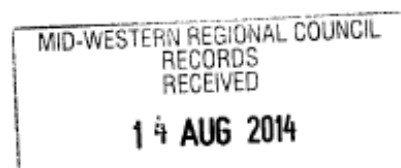
His commitment to the local Endurance Riders Club and clubs state-wide in the capacity of veterinarian was extraordinary. Countless weekends were given without charge as Ray travelled all over the state.

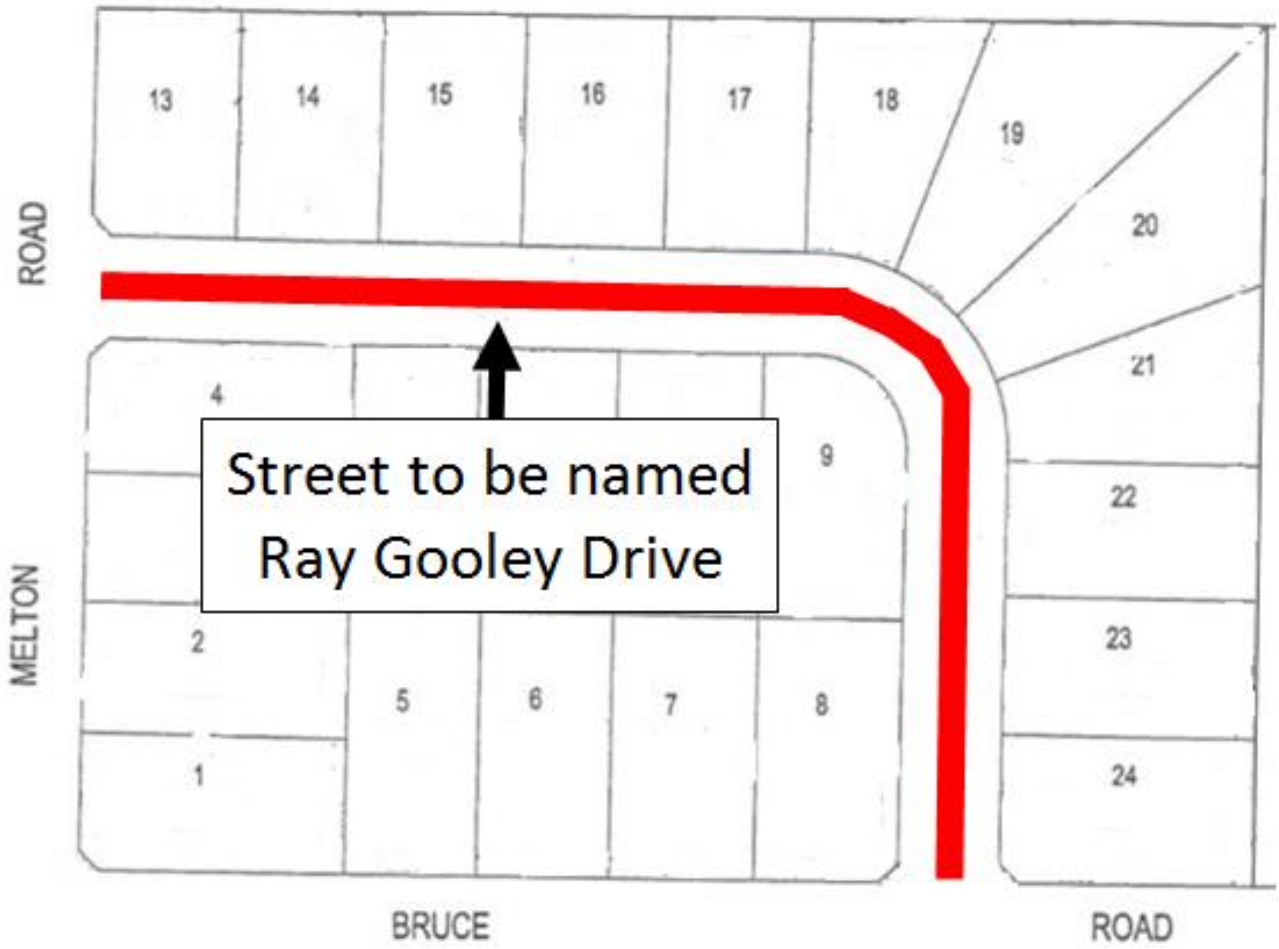
Ray has left a legacy in Mudgee and to honour that I would like to submit it would be fitting to name the street in the new subdivision after him.

Yours sincerely,



Kerry Gooley





### 6.3.15 Naming of the new streets in the Riverside Estate subdivision

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council (final) – Street Naming – Riverside Estate  
GOV400038, R0790141

#### RECOMMENDATION

**That:**

- 1. the report by the Revenue & Property Manager on the Naming of the new streets in the Riverside Estate subdivision be received;**
- 2. Council formally approve the name of Loy Avenue and Costigan Court for the new streets in the Riverside Estate subdivision.**

---

#### Executive summary

Formal approval is requested to name the new streets in the Riverside Estate subdivision off Short Street in Mudgee, Loy Avenue and Costigan Court.

#### Detailed report

Following the approval of the Riverside Estate subdivision, Council wrote to neighbours of the subdivision requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 5/9/14 issue of the Mudgee Guardian.

From submissions received, Council provisionally approved the names of Loy Avenue & Costigan Court at their 5/11/14 Council Meeting.

The Geographical Names Board has been advised of these street names and has no objection.

Loy Avenue and Costigan Court were advertised in the 7/11/14 issue of the Mudgee Guardian and on Council's website with 1 objection submission received.

This objection relates to the submission for Don Russell. This name was not approved by the GNB due to Russell Road in Kandos. Per the undertaking of the General Manager at the 5/11/14 Open Day, Council resubmitted the full name Don Russell to the GNB for reconsideration. This matter went to the 25/11/14 Board Meeting and the GNB's objection was upheld. As a result Council cannot use this name.

Notices of the new street names were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire Service, NSW Rural Fire Brigades, NSW Police Force, NSW SES and NSW VRA with no objections received.

Street naming is legislated under the Roads Act 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of these streets will allow the completion of street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months notice of the proposed name."

In accordance with Council's Road Naming Policy, should Council formally endorse the naming of these new streets, notice of the approved names will be:

1. published in the Government Gazette and the Mudgee Guardian,
2. concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, The New South Wales Volunteer Rescue Association Inc, and, in the case of a classified road - the RMS.

### Financial and Operational Plan implications

Cost of Gazettal notice at approx \$60. Purchase and installation of street signs will be met by the Developer.

### Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

2 December 2014

- Attachments:*
1. Correspondence received from the Geographical Names Board
  2. Submissions received
  3. Map of the new street to be named.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



## ATTACHMENT 1



PO Box 143  
 Bathurst NSW 2795  
 T: 02 6332 8214  
 F: 02 6332 8217  
 E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Your Reference: CA90790141  
 Our Reference:  
 Contact Officer: Rhod Humphrys  
 Telephone No: 02 6332 8363  
 Email: [rhod.humphrys@lpi.nsw.gov.au](mailto:rhod.humphrys@lpi.nsw.gov.au)

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008  
 SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 3<sup>rd</sup> October 2014, which proposed the following public road names:

**RIVERSIDE DRIVE, LOY AVENUE or COURT, BUENA VISTA ROAD,  
 WINMALEE DRIVE, WALKER or JACK WALKER DRIVE or COURT,  
 RUSSELL DRIVE or PLACE, DOLANSKI DRIVE or COURT, COSTIGAN DRIVE  
 or PLACE**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Road Naming Policy and I would raise the following objections:

**BUENA VISTA ROAD** - objection is raised under *Principle - 10 Road Types*. The use of **VISTA** (road type) with **ROAD** could cause confusion for emergency services.

**WALKER or JACK WALKER DRIVE or COURT** - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a **WALKERS LANE** located in Lue. Objection is also raised against **JACK WALKER DRIVE or COURT** under *Principle - 5 Acceptable Road Names*. The use of given or first names in conjunction with a surname is not normally acceptable, but may be considered if required to provide uniqueness.

**RUSSELL DRIVE or PLACE** - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a Russell Road located in Kandos.

Should you wish to proceed with adoption of the name to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Land and Property Information, PO Box 143, Bathurst NSW 2795** setting out reasons why the name is valid. The matter will then be put to the Board who may choose to overturn the objection.

Kind Regards,

Rhet Humphrys  
Geographical Names Board Secretariat

22<sup>nd</sup> October 2014

Tuesday 9<sup>th</sup> September 2014

General Manager  
Mid Western County Council  
86 Market Street  
Mudgee, NSW 2850

Dear Brad,

I would like to put two names forward for the new Riverside Estate off Short Street, Mudgee.

Road 1 - I propose the name "Riverside Drive"

As Max Walker owns the estate and his parents' property located at 44 Short Street was called Riverside, I believe it would be a nice gesture to commemorate Max's boyhood home.

Road 2 - I propose the name "Loy Avenue"

Max Walker's mother was Briggitte Loy, her family goes back 130 years in the Mudgee district.

Briggitte Loy's cousin Joe Loy was a police inspector in Mudgee and lived at 54 Short Street. I believe it would be fitting for the name of "Loy" to be remembered in that area.

Please don't hesitate to contact me on 0428 636 215 should you have any questions.

Kind Regards,

Sandy Walker

Mudgee NSW 2850



ATTACHMENT 2

MID-WESTERN REGIONAL COUNCIL RECORDS RECEIVED 12 SEP 2014 <input type="checkbox"/> SCANNED <input type="checkbox"/> REGISTERED
---

IRONBARK RD  
KAINS FLAT 2850  
11.9.14

GENERAL MANAGER  
MIDWESTERN REGIONAL COUNCIL  
P.O. BOX 156 MUDGEE 2850

DEAR SIR,

I WOULD LIKE TO SUBMIT  
2 NAMES FOR THE NEW ROADS IN THE  
RIVERSIDE ESTATE, ONE BEING BUENA  
VISTA RD & THE OTHER WINMALEE DR.

THIS IS TO REMEMBER THE DEVASTAT-  
ING FIRES IN THE LOWER BLUE MTNS IN  
OCTOBER LAST YEAR.

MANY NEW RESIDENTS TO MUDGEE  
HAVE COME FROM THE LOWER MTNS &  
MADE MUDGEE HOME. WE HAVE BEEN  
PERMANENT RESIDENTS HERE NOW  
FOR 5 YEARS AS IT REMINDS US OF  
WHAT BUENA VISTA RD WAS WHEN  
WE BUILT THERE 38 YEARS AGO.

THE HOUSE IS NOW GONE BUT

MEMORIES LIVE ON & I KNOW AFTER  
THE FIRES THE PEOPLE OF MUDGE  
WERE SO GENEROUS

THAT IS WHY I PROPOSE THESE  
TWO NAMES.

BUENA VISTA RD &

WINMALEE DR.

THANKING YOU



JENNIFER HALDEN

P.S. IT BRINGS A TEAR TO MY EYE  
WRITING THIS AS SO MUCH OF OUR  
LIFE & MANY OTHERS WERE SPENT  
THERE.



15/9/14

Mid-Western Regional Council  
Mudgee.



Dear Sirs,

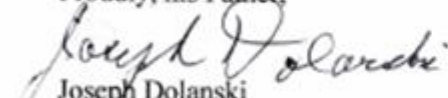
Re: Suggested name for new roads.

I respectfully submit my deceased son's name Joseph S Dolanski. Why?

1. Employed in many local constructions ,including, St Mathews School, and Mudgee Brewery.
2. Was awarded sole custody of and raise his four children to successful high school graduates and working adults. Involving his children in all their sporting activities
- 3 He worked numerous positions between his construction work, including chief at Eltons Restaurant, and toilet cleaner at park and playing fields to be able to house and feed his children.
- 4 Joe studied Tae Kwon Do, and became a 2<sup>nd</sup> Degree Black Dan, opened his own martial arts school in Tae Kwon Do ,but still took time to give free lessons to St. Mathews students in how to protect themselves from abductors and molesters.
- 5 Played in local cricket team
- 6 Developed his own band called "No Easy Dazes" playing many "gigs" in this region.
- 7 Worked as a night club "bouncer"" when necessary but told me he never once had to hurt a single person. They knew of him and respected his request for them to behave themselves.

Based upon these attributes I feel it is a fitting honour he richly deserves, and would please many of the towns people whom he knew , worked, trained and loved so much

Proudly, his Father,

  
Joseph Dolanski  
Lewis St.,Mudgee



**Bronwyn Russell**Lawson Street  
Mudgee NSW 2850

Mobile:

Email:

15 September 2014

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

Dear Sir

**Proposed street names at The Riverside Estate, off Short Street, Mudgee  
In memory of the late Don Russell**

I refer to Council's Weekly Advertisements in the Mudgee Guardian on Friday 5 September 2014 calling for submissions in relation to proposed street names at The Riverside Estate, off Short Street, Mudgee.

Accordingly, I hereby submit an application on behalf of my late father, Don Russell. This year marks the 20<sup>th</sup> anniversary of his passing and I believe a street name in his memory would be a fitting tribute to recognise and acknowledge his contributions to the district in past decades. Riverside Estate would be the ideal location given he spent his childhood by the water at Cronulla & in later years when the family relocated from Barrigan Station at Wollar into Mudgee township, the first family home was at 21 Short Street.

Please find **attached** a brief history of his life, business achievements & contributions to the local community, for your perusal.

Thank you for considering my submission and I look forward to hearing from you in the near future.

Yours faithfully

**Bronwyn Russell**

(Daughter of the late Don Russell)

Attachment (x1)

### **PROPOSED STREET NAMES @ THE RIVERSIDE ESTATE, SHORT ST, MUDGEE IN MEMORY OF DON RUSSELL**

---

- ❖ This year marks the 20<sup>th</sup> anniversary of his passing.
- ❖ Born 5 December 1931 at Haberfield. Died 2 December 1994 at Dubbo aged 62 years young.
- ❖ He grew up in Cronulla & left school after attaining his Intermediate Certificate, gaining the highest pass in the state in Maths in his year. He then relocated with his family to "Kookaburra" at Piambong.
- ❖ In the mid-50's the family acquired Barrigan Station at Wollar which is now a listed property with the National Trust.
- ❖ At one stage, 4 generations of the Russell family lived on the property, many of whom are now buried in Wollar Cemetery.
- ❖ Whilst at Barrigan, Don courted Arline Waddington whose family owned "Bimbil Park" (now "Cherrydale") & "Sunnyside" in the Bylong Valley. They married in 1957 at St Stephens Church in Macquarie St, Sydney.
- ❖ Shortly after marriage, Don built "Talga", also on Barrigan Station, to accommodate his young family. The timber was felled & sawn at the old sawmill nearby in Pete's Gully.
- ❖ The family moved to Mudgee in the mid 60's so Bronwyn & Andrew could attend school prior to finishing their secondary education at boarding school in Sydney.
- ❖ In 1966, Don opened an office at 106 Church St, Mudgee and established "Mudgee Irrigation & Machinery" on his own, a business based on irrigation, design work & equipment which incorporated agricultural machinery.
- ❖ In 1969, new premises were acquired at 10 Sydney Road to handle what had become a thriving enterprise employing some 25 staff in machinery, fertiliser sales, produce & transport. It operated under the name "Russell Produce Milling Co".
- ❖ The business further expanded in 1971 with the acquisition of franchises for Honda, Volvo and Datsun vehicles.
- ❖ During the 70's, the company became Mudgee's 3<sup>rd</sup> largest employer of locals in private enterprise, after Loneragans & Kelletts.
- ❖ Don participated in numerous Musical Society productions over the years, including:
 

<ul style="list-style-type: none"> <li>▪ 1974 Camelot</li> <li>▪ 1975 White Horse Inn</li> <li>▪ 1976 The Desert Song</li> <li>▪ 1977 The Pyjama Game</li> <li>▪ 1978 South Pacific</li> <li>▪ 1979 Fiddler on the Roof</li> </ul>	<ul style="list-style-type: none"> <li>Chorus</li> <li>Valentine Sutton (lead tenor)</li> <li>The Red Shadow (lead tenor)</li> <li>Sid Sorokin (lead tenor)</li> <li>Sgt Hassinger (lead tenor)</li> <li>The Rabbi</li> </ul>
--	---

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

Mrs Sally Nagel  
Old Bara  
Bara Road  
Mudgee  
NSW 2850  
E :  
Ph

15<sup>th</sup> September 2014

Dear Sir

**Re: Proposed Street Names. Riverside Estate.**

**Road 1 – “Walker Street”**

As an acknowledgement of all the community work both Max and Colleen do in Mudgee especially for the race course. Mudgee racing is really on the map and so highly respected in the racing world thanks to all their tireless work. They are both highly respected members of the Mudgee community. I think it is only right that their “old” property now, “Riverside Estate” has their name on one of the streets.

**Road 2 – “Michelle Morrissey Road”**

As an acknowledgement of a great young Mudgee girl who had her life cut way too short at the age of 19 by being murdered in her own home. She now rests in the Mudgee cemetery; her family are now going to stay in Mudgee all their lives to be close to Michelle, I would love to see her name remembered by more than those who were close to her at the time.

It was one of the most horrific tragedies Mudgee has ever witnessed. Michelle would have gone on to become a very successful real estate agent had she been allowed to live. What a perfect way to remember her by naming a street after her in a new estate.

Yours faithfully



Sally Nagel





General Manager  
Mid Western County Council  
86 Market Street  
Mudgee, NSW 2850

Dear Brad,

I would like to put two further names forward for the new Riverside Estate off Short Street, Mudgee.

Road 1 - I propose the name "Jack Walker Drive"

Jack Walker is Max Walker's father and resided at 44 Short Street. It would be fitting to name a road after Max's father.

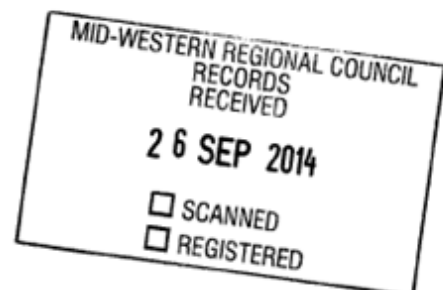
Road 2 - I propose the name "Costigan Drive"

Kevin Costigan owned the farm that existed on the land before Max Walker purchased it. He ran a dairy farm and worked on council all his life.

Please don't hesitate to contact me on 0428 636 215 should you have any questions.

Kind Regards,

Sandy Walker  
3awden Road,  
Mudgee NSW 2850





**Bronwyn Russell**

3/30 Lawson Street  
Mudgee NSW 2850

Mobile: 0424 366 444

Email: [russellbronwyn@hotmail.com](mailto:russellbronwyn@hotmail.com)

28 November 2014

**BY HAND**

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



Dear Sir

**Objection to Proposed Street Name**  
**Loy Avenue at The Riverside Estate, off Short Street, Mudgee**

I refer to my applications to Council on behalf of my late father, Don Russell, with respect to the naming of proposed streets names at the above address. I initially lodged a written submission on 15 September 2014 and, secondly I requested a re-submission in person at Council's Open Day on 5 November 2014. At that time, I was disappointed to highlight that Council's paperwork was incomplete at page 128 and therefore tendered additional copies of supporting documentation which had been inadvertently omitted.

This year marks the 20<sup>th</sup> anniversary of my father's passing and I believe a street name in his memory would be a fitting tribute to recognise and acknowledge his contributions to the district in past decades. I considered Riverside Estate to be the ideal location given he spent his childhood by the water at Cronulla & in later years when the family relocated from "Barrigan Station" at Wollar into Mudgee township, the first family home was at 21 Short Street.

I acknowledge that the land in Short Street has belonged to the Walkers for many years **BUT** there is already an oval in town bearing the Walker name, together with a street in Lue. In addition, the family property was called "Riverside" and if therefore follows that the name of the estate be called "Riverside Estate". It can also be gleaned from Council paperwork that the name "Loy" is also a Walker family name.

I understand that property developers and their relatives feel a sense of "entitlement" to their land but, in this instance, there appears to have been

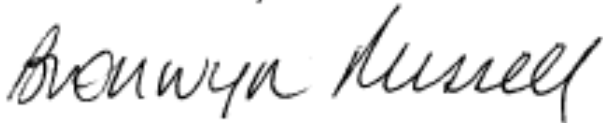
"more than one bite of the cherry", for the want of a better expression. The fact that a relative lodged applications with multiple suggested street names (and was successful on both occasions) was not lost on many people.

**As mentioned at Open Day, I would like to reiterate that my comments mean no disrespect to the Walker family in any way and I personally acknowledge that they have contributed a great deal to the Mudgee community over the years.**

I question Council whether the street naming process is fair and reasonable to all members of the community. There are many "outsiders" in this district who are well deserving of recognition by way of a street name in their memory, including my father.

I respectfully seek your re-consideration of the matter.

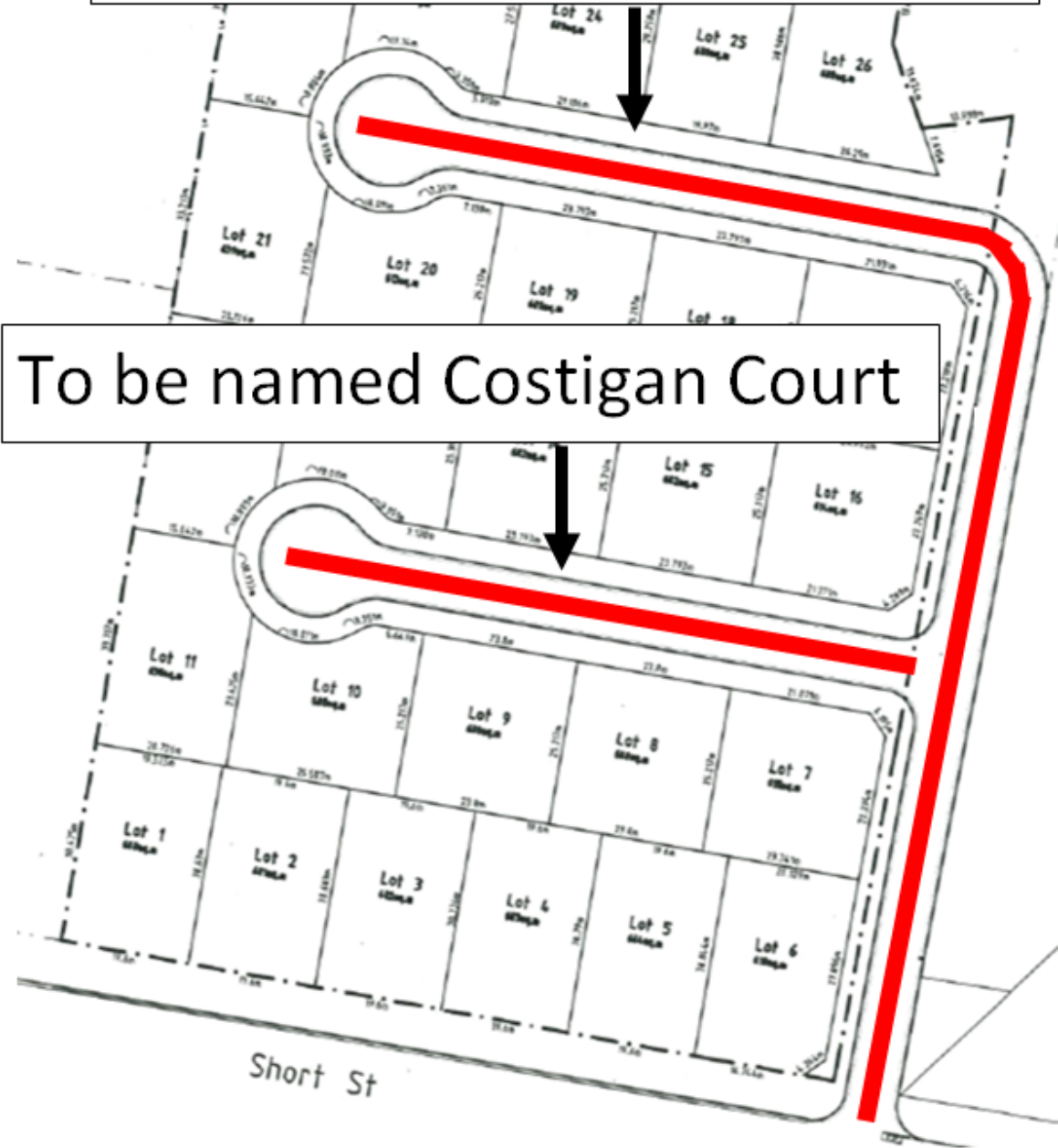
Yours faithfully

A handwritten signature in black ink that reads "Bronwyn Russell". The signature is written in a cursive, flowing style.

**Bronwyn Russell**

(Daughter of the late Don Russell)

To be named Loy Avenue



To be named Costigan Court

Short St

## 6.3.16 Naming of a planned Park in Caerleon Estate subdivision

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council (prelim) – Place Naming – Caerleon Park  
GOV400038, PAR300020, P2230211

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Caerleon Estate subdivision be received;**
  2. **Council support the name of Caerleon Park.**
- 

### Executive summary

Council approved the name of Caerleon Park at their 20/8/14 Meeting for a planned park in the Caerleon Estate subdivision. The purpose of this second report is for Council to now confirm naming the park Caerleon Park.

### Detailed report

On receipt of a naming proposal from the developers of Caerleon Estate, at their 20/8/14 Council Meeting Council confirmed their choice to name a planned park in the subdivision, Caerleon Park. Council then submitted a naming proposal to the Geographical Names Board on 21/9/14.

The Geographical Names Board is the naming authority for place names and advised that the naming proposal had gone to the September Board meeting and was approved for advertising. The GNB advertised this park name in the 10/10/14 Mudgee Guardian for a period of 1 month.

One objection was received suggesting the park be named after Norm King. The matter has now been returned to Council by the GNB for a decision between Caerleon Park and Norm King Park

Council's decision at this meeting will be submitted as our recommendation to the GNB for their next meeting along with our updated application to name the Park. The Geographical Names Board will then meet the cost of additional advertising in relation to this matter before making a final decision on the name for the Park.

### Financial and Operational Plan implications

One sign at a total approximate cost of \$360. Cost of Gazettal notice will be met by the GNB. These costs are included in the 2014/2015 Operational Plan.

## Community Plan implications

Theme	Looking after our Community
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage values of our towns

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

5 December 2014

*Attachments:* 1. Naming Proposal & GNB Responses  
2. Map of the location of Park to be named.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER





CA: R0790141 F0650101

The Secretary  
Geographical Names Board  
PO Box 143  
BATHURST NSW 2795

### **NOTIFICATION OF NAME PROPOSAL**

Per the Geographical Names Act 1966, Mid-Western Regional Council would like to submit the following name for a park in the locality of Caerleon, NSW.

Proposed Name:

- Caerleon Park

Please refer to attached application and map for location.

The developer made a submission to Council in relation to the Park name and discussions were held at Council's 20/8/14 meeting. As a result Council would like to submit Caerleon Park for GNB consideration per the enclosed Placename application form.

Should you have any questions concerning this matter, please do not hesitate to contact Carolyn Atkins of Council's Revenue and Property department on ☎ 02 63782850 or 1300 765 002.

Yours faithfully

Diane Sawyers  
Manager Revenue & Property

ATTACHMENT 1

PO BOX 156  
MUDGEES NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850

Fax: (02) 6378 2815

email: council@midwestern.nsw.gov.au

21 August 2014



PO Box 143  
Bathurst NSW 2795  
T: 02 6332 8214  
F: 02 6332 8217  
E: [gnb@lpi.nsw.gov.au](mailto:gnb@lpi.nsw.gov.au)  
[www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)

Your Reference: CA: R0790141 F0650101  
Our Reference: GNB 5755  
Contact Officer: Susan Fietz  
Telephone No: 02 6332 8052  
Email: [Susan.Fietz@lpi.nsw.gov.au](mailto:Susan.Fietz@lpi.nsw.gov.au)

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

Attention: Carolyn Atkins

Dear Carolyn

**RE: Naming Proposal – Caerleon Park**

The proposal to name Caerleon Park appeared in the Mudgee Guardian on 10 October 2014 and was open for public comment until 10 November 2014.

One submission was received for the proposal which was not in favour of the name. The submission believed the proposed name could be confusing and suggested honouring a local citizen, Mr Norm King.

The submission is attached for your consideration and comment.

Please quote our reference GNB 5755 in any correspondence to the Geographical Names Board regarding this proposal.

Yours faithfully



Susan Fietz  
Spatial Information Officer  
Geographical Names Board

5 December 2014

**GEOGRAPHICAL NAMES BOARD**  
**Proposal Comments**

*Report Generated: 05 December 2014*

**CAERLEON PARK**

Proposal advertised on **10 October 2014**

Comments closed on **10 November 2014**

NAME	ADDRESS	IN FAVOUR
Jackie Perring	191 Gladstone St Mudgee 2850 NSW	NO

**COMMENT SUBMISSIONS**

<u>NAME</u>	<u>COMMENT SUMMARY</u>
Jackie Perring	As there is already a Carleon Court, and everyone in the area knows that Carleon is the area where the new development is going so having a park named that also could become confusing. It would be nice to have a park named after a local legend. Mr Norm King was a returned serviceman and President of the local RSL sub branch for over 30 years. He has been a volunteer within the community in many capacities and I would like to see that recognised. Many thanks.
<b>FULL COMMENT</b>	





## 6.3.17 Naming of a Park in Hargraves

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council (prelim) – Place naming – Hargraves Park  
GOV400038, PAR300020, P2022011

### RECOMMENDATION

#### That:

1. **the report by the Revenue & Property Manager on the Naming of a Park in Hargraves be received;**
  2. **Council support the name of Pioneer Park.**
- 

### Executive summary

Council has received a request to name the Park near Empire Hall in Hargraves.

### Detailed report

On 13/10/14 Council received a request from the Hargraves Progress Association to name the park area next to the Empire Hall in Hargraves.

Council advertised for naming submissions in the 31/10/14 Mudgee Guardian. Submissions closed on 21/11/14 with seven submissions received:

- Edwards Park
- Goldfields Park
- Pioneer Park x 2
- Louisa Park
- Fred Vogt Park x 3

The Geographical Names Board is the naming authority for place names.

The current Mr Edwards and Mr Vogt are still living and, while the Geographical Names Board does not bar naming a park after a living person, they do so only at their discretion based on that person's contribution to the local community, which should have been of outstanding benefit to their community.

Council's decision at this meeting will be submitted as recommendation to the GNB for their next meeting along with Council's application to name the Park. The Geographical Names Board will then meet the cost of advertising in relation to this matter before making a final decision on the name for the Park.

Please note that, as this Park area is a Crown Reserve, Council confirmed with Crown Lands that they have no issues with Council naming the reserve.

### Financial and Operational Plan implications

Cost of Gazettal notice plus 1 sign at a total approximate cost of \$360. These costs are included in the 2014/2015 Operational Plan.



## Community Plan implications

Theme      Looking after our Community  
Goal        Vibrant towns and villages  
Strategy    Respect and enhance the historic character of our Region and heritage values of our towns

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

27 November 2014

*Attachments:* 1. Submissions received  
2. Map of the location of Park to be named.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

From: Keith Day <keithday6@gmail.com> Sent: Mon 13/10/2014  
To: Council; The Rayners  
Cc:  
Subject: HARGRAVES VILLAGE PARK.....NAMING OF THE PARK

Dear Sir,

At the General Meeting of Hargraves Progress Association on 8th October 2015, members asked about naming the Park.

Would you please advise MWRC protocols for the naming of Hargraves Village Park to the Hargraves Progress Association.

Yours sincerely,  
Keith Day  
Acting Secretary

From: Keith Day <keithday6@gmail.com> Sent: Sat 23/10/2014  
To: Carolyn Atkins; The Rayners; colley@activ8.net.au  
Cc:  
Subject: Re: HARGRAVES VILLAGE PARK.....NAMING OF THE PARK

Dear Carolyn,

We are referring to the park between the Empire Hall and Gundowda Road that has the eco toilet installed.

Based on emails to and from on this matter, please consider this as a formal request to name the park between the Hall and Gundowda Road and for you to start the ball rolling.

As I have now stepped down as Secretary, please direct your replies to either President, Gai Rayner or Secretary, Margaret Colley using the email addresses above.

Regards  
Keith Day

"Allambi"  
1186 Wallerwaugh Road  
Hargraves NSW 2850

12<sup>TH</sup> November 2014

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



Dear Sir,

Re: Naming of Hargraves Park

The Edwards' family came to the Hargraves district in the late 1930's and worked a large grazing property from then and is still in the family today.

The original generation reared a family of five children, of which most attended Hargraves school and the whole family became involved in all activities in and around Hargraves. The late Mr Edwards was involved in the rifle club, cricket, tennis and the volunteer fire brigade at Hargraves. The late Mrs Edwards formed teenage tennis in the mid 1960's so that all the younger generation had some interest on the weekends in the village. This sporting programme ran for many years.

Later generations of the Edwards' family have also become involved in all areas of the community including the Rural Fire Service and the Progress Association.

In the mid 1970's due to limited car parking and needing an area for outdoor community functions at the Empire Hall, it was moved by Errol Edwards at a Progress Meeting that the area of land adjacent to the hall, which was full of old diggers holes and covered in blackberry could be cleared and utilised. This motion was seconded and a working bee was formed. I brought in my tractor and blade and cleared the area. The ground has gone from that to what it is today.

Therefore, I suggest to have the park named "Edwards' Park".

Yours faithfully



Errol Edwards

Jennifer Eade

"Valley Farm"

3698 Hill End Rd.

Hargraves N.S.W.2850

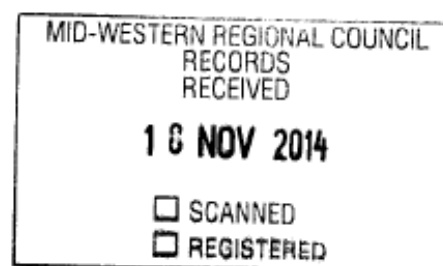
16/11/2014.

Mid Western Regional Council.

Church Street ,

Mudgee.NSW 2850.

Naming of Hargraves Park.



Dear General Manager,

I wish to submit a name for the Hargraves Park which was requested in the Mudgee Guardian on Friday 31/10/2014. As I have lifetime association with this village I feel it is appropriate to consider a name to remember history of the local region.

I strongly oppose the park being named after a person, as it can cause a considerable amount of auquish among the local residents.

A name I feel could be appropriate would be GOLDFIELDS PARK .

Hoping my submission can be given some consideration.

Yours sincerely

Jennifer Eade.

The Elders  
Hill End Road  
Hargraves  
NSW 2850

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

Ref: proposed park name – Hargraves

I would like to put forward the name of the FRED VOGT PARK for the park adjacent to the Empire Hall in Hargraves.

My reason for this is that Fred Vogt lived in the community for many years and was extremely community minded. He was instrumental in changing this piece of ground, which was very unloved, into a park.

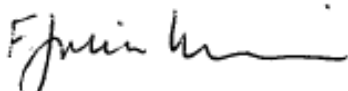
He organised the planting of trees both in the park and in Merinda Street, he built the BBQ in the park, oversaw the erection of the fence and was the driving force behind the retrieval of the stamper battery from Tuckers Hill and its display in the park.

For 7 years he volunteered to mow the grass, pick up the sticks, empty the garbage and keep the park tidy; a job now undertaken by the Progress Association.

Fred has had to move to Lismore to be with his daughter due to ill health and as far as I know he does not know of this nomination. I can supply his address and telephone number if you require.

I think it would be a truly fitting decision to name the park for him.

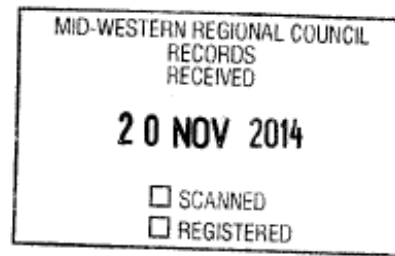
Yours truly,



Julie Wilson (Mrs)

17/11/14





Margaret Colley  
543 Triamble Rd  
Hargraves N.S.W.  
.2850  
17/11/2014

Mid Western Regional Council  
Submission for naming the park in Hargraves

Dear Sir/Madam

I would like to submit a name for the park at Hargraves, I feel very strongly that the name should reflect all those who helped establish the village over the decades, and that the naming should only be the first step in paying tribute to all the founding families, as in time I would like to organise fund raising to have brass plaques made up with all early family names and have them mounted on large boulders or in a display case in the park. So with that plan in mind I would like to submit the name "Pioneer" so it would become the "Hargraves Pioneer Park" to remember all the volunteers who made our village what it is, thank you for your consideration.

Yours Sincerely  
Margaret Colley

A handwritten signature in black ink, appearing to read "Margaret Colley", written over the typed name.

Golden Pastures  
Hill End Road  
Hargraves  
NSW 2850

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

Dear Sir,

I would like to make a suggestion about the name for the park in Hargraves next to the Hall.

Fred Vogt was the person who changed the land, which had been used to park cars on, into a park.


Fred organised a group of people to help with planting trees and putting up the stamper battery. He also built the barbeque.

Over a period of seven years he spent 750 hours mowing the park with his own mower. When he became unable to do it any more the Progress Association took on the responsibility.

Every day he would take a walk through the park and make sure that all the rubbish was cleaned up and the bins emptied.

I would like to see the park named the Fred Vogt Park.

Yours,

  
20-11-14

T J Campbell

3523 Hill End Rd.

Hargraves. 2850

19-11-2014.

The General Manager

Mid Western Regional Council

PO Box 156

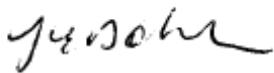
Mudgee NSW 2850.

Dear Sir,

I would like to make suggestions in naming of the park in Hargraves situated alongside the Louisa Creek.

I am firstly supporting the name Fred Vogt Park, for past work done by him and secondly, suggesting Louisa Park for its particular geographical reference to the area.

Sincerely,



Janene Doble.

"Moss Vale"  
247 Triamble Rd  
HARGRAVES 2850

To The General Manager  
Mid Western Regional Council  
Mudgee. 2850

Dear Brad,

Re Naming of Hargraves Park

I would like to make a submission about naming the park in Hargraves. My suggestion is a name that doesn't involve people's names – such as Hargraves Park or one of the other names put forward, namely Pioneer Park.

I think there could have been several names already submitted. I feel that at least one of these names will be of a person who had lived in the village. In a small community such as ours I do not think it to be in our interests to have one person named. This could lead to division in the community.

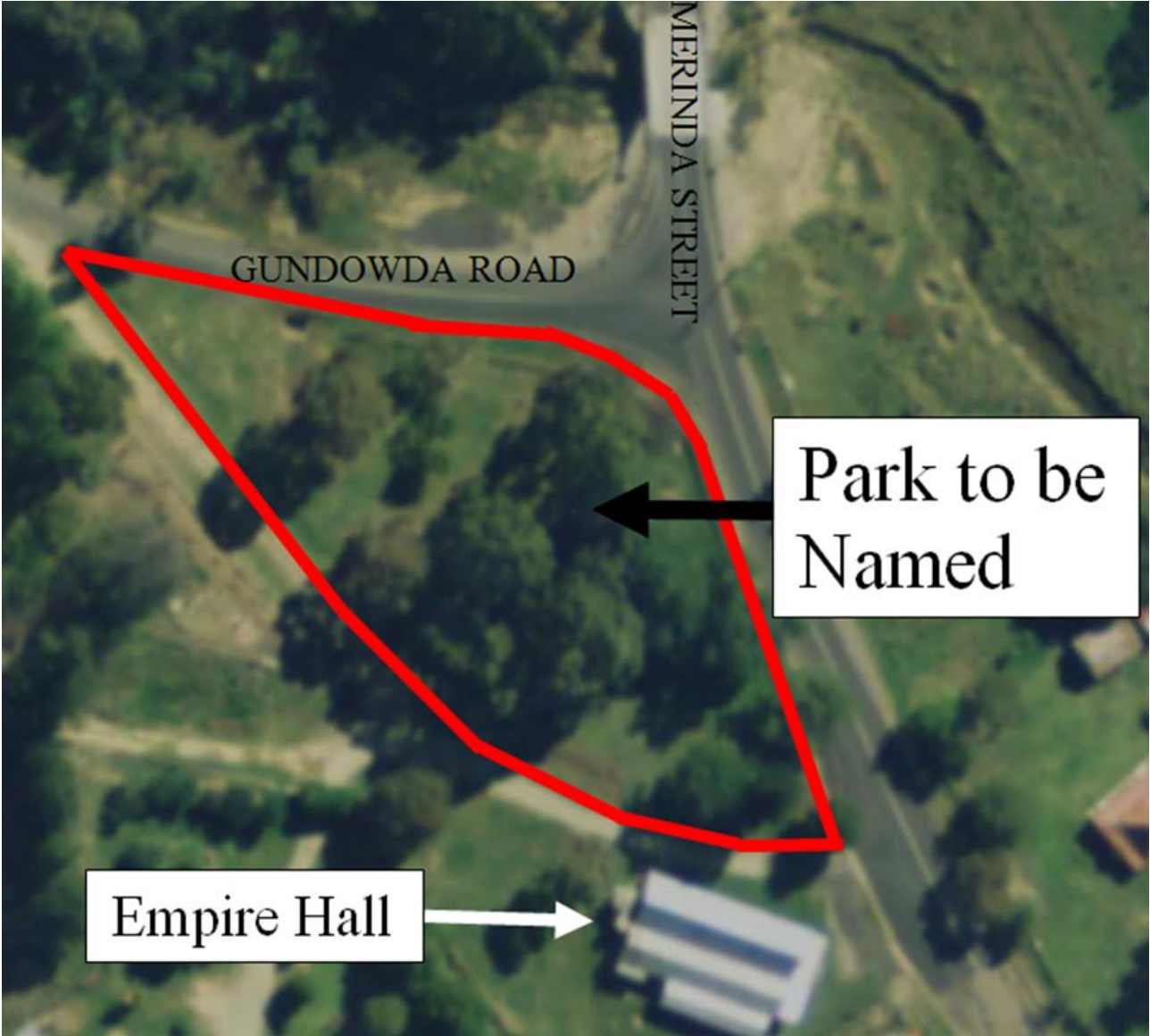
At the Progress Association meeting where the matter of naming the park was originally raised two people who had been involved in clearing & working for the park many years apart had their names put forward. As President of the Association feeling the tension that came in the meeting when the matter was raised & names put forward, I made the decision with discussion with the Executive after the advertisement by the Council calling for names that the Progress not put forward a name & that it be left to individuals to make suggestions.

Again I reiterate that the name be not of an individual, as this could lead to anxiety in the community.

Thanking you for your time



Gai Rayner.





## 6.3.18 Naming of a Park in Rylstone

REPORT BY THE REVENUE & PROPERTY MANAGER TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council (prelim) – Place naming – Rylstone Park  
GOV400038, PAR300020, P1466411

### RECOMMENDATION

**That:**

- 1. the report by the Revenue & Property Manager on the Naming of a Park in Rylstone be received;**
  - 2. Council support the name of Rylstone Rotary Park.**
- 

### Executive summary

Council has received a request to name the Park at the northern entrance of Rylstone.

### Detailed report

On 17/6/14 Council received a request from the Rotary Club of Rylstone-Kandos to name the park area at 2570 Bylong Valley Way located at the northern entrance of Rylstone, between the railway line, Bylong Valley Way and Cudgegong River.

Council advertised for naming submissions in the 31/10/14 Mudgee Guardian. Submissions closed on 21/11/14 with no additional submissions received:

- Rylstone Rotary Park

The Geographical Names Board is the naming authority for place names.

Council's decision at this meeting will be submitted as recommendation to the GNB for their next meeting along with Council's application to name the Park. The Geographical Names Board will then meet the cost of advertising in relation to this matter before making a final decision on the name for the Park.

Please note that, as this park area is a Crown Reserve, Council confirmed with Crown Lands that they have no issues with Council naming the reserve.

### Financial and Operational Plan implications

Cost of Gazettal notice plus 1 sign at a total approximate cost of \$360. These costs are included in the 2014/2015 Operational Plan.

## Community Plan implications

Theme Looking after our Community  
Goal Vibrant towns and villages  
Strategy Respect and enhance the historic character of our Region and heritage values of our towns

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

27 November 2014

*Attachments:* 1. Submissions received  
2. Map of the location of Park to be named.

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be 'BRAD CAM', with a long horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

ATTACHMENT 1



Rotary Club of Rylstone – Kandos Inc.  
Club No.17991 District 9670  
Founded 9<sup>th</sup> February 1949



President  
Klaus Keck

Secretary:  
Graham José



Please send all correspondence  
to:  
The Secretary  
PO Box 22  
Rylstone NSW 2849

The General Manager  
Mid Western Regional Council  
Market St.  
Mudgee 2850

Dear Sir,

Our Club has ,in the past, provided a shelter complex in the grassed area at the northern end of Rylstone ,adjacent to the railway line, and we are in the process of providing two more shelters for that area.

This is a joint venture between the our Club and Mid western Regional Council whereas our club provides the units and council carries out the erection.

The two additional units are expected to be delivered to Councils' Rylstone works compound anytime in the near future and will, no doubt, be erected by Council staff shortly after receipt.

The existing shelter is frequently used by people passing through the area and the provision of two additional units can only benefit tourists , local business and Council.

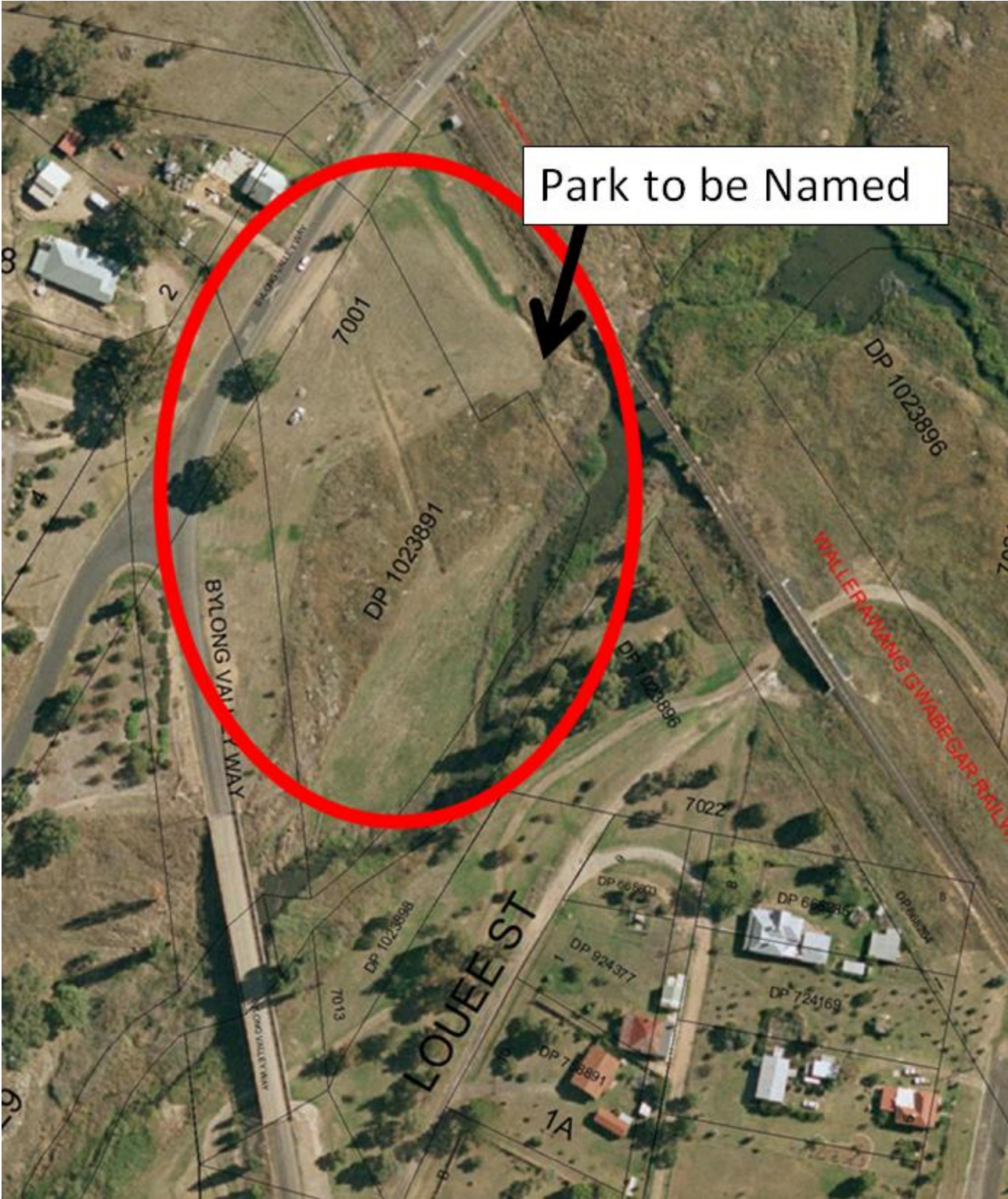
Our Club is very active in community events and I write to ask if Council would, following erection of the two new units, consider naming / renaming the area "Rylstone Rotary Park". In doing so, we feel it would help increase the clubs profile and awareness of our presence in the area; subsequently helping us to increase our membership. The proposed sign would also indicate a joint venture between Rotary and Council

We look forward to a favourable response.

Yours Faithfully,

Graham José  
Secretary  
17<sup>th</sup> June 2014





### 6.3.19 Additional Supplier –General Contractors and Additional Supplier –Noxious Weed Spraying

REPORT BY THE PROCUREMENT MANAGER TO 3 DECEMBER 2014 COUNCIL MEETING

2013-04 Addition of Jackson - 2013-14 Addition of Naismith

GOV400038, A0411304, COR400049

#### RECOMMENDATION

**That:**

1. **the report by the Procurement Manager on the Additional Supplier – General Contractor and Additional Supplier – Noxious Weed Spraying be received;**
2. **Council accepts the additional supplier for the provision of General Contractors;**  

<b>Contractor:</b>	<b>Jungle Mowing</b>
<b>Services Provided:</b>	<b>Lawn mowing, heavy duty brush cutting and associated services.</b>
3. **Council accepts the additional supplier for the provision of Noxious Weeds Spraying.**  

<b>Contractor:</b>	<b>MJ &amp; S NAISMITH</b>
<b>Services Provided:</b>	<b>Noxious Weed Spraying</b>

---

#### Executive summary

Council resolved at meetings in 2013 that tenders for the provision of general contractors and noxious weed spraying contractors were accepted. These initial requests for tenders were accepted for a term of three years. Part of the resolution allowed additional suppliers to be added to the preferred suppliers' lists by resolution of Council.

This report is recommending that Jungle Mowing and MJ & S Naismith be included on the relevant preferred supplier's lists after Council has received the required information from the contractor.

#### Detailed report

In 2013 Council completed a detailed, objective analysis for the evaluation of tenderers for the provision of general contractors and noxious weed spraying contractors which in turn created a preferred suppliers list for each supply requirement.

Since the establishment of these lists the above contractors have requested Council consider their applications to be included on Council's preferred supplier's lists.

As a result of Council's tendering processes and clauses therein, the additional suppliers will be added to Council's relevant preferred supplier's lists; however they will be placed on the overflow list. Therefore, each contractor would only be considered should all other suppliers on the relevant list be unavailable. This is to ensure consistency and security to those tenderers that made their application at the time the original tender was advertised.



## Financial and Operational Plan implications

Not applicable.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	An effective and efficient organisation
Strategy	Prudently manage risk associated with all Council activities


KRISTIE WARD  
PROCUREMENT MANAGER

CLARE PHELAN  
DIRECTOR, CORPORATE

19 November 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## 6.3.20 Kandos Bicentennial Industrial Museum – Property Transfer

REPORT BY THE DIRECTOR, COMMUNITY TO 17 DECEMBER 2014 COUNCIL MEETING  
Kandos Bicentennial Industrial Museum – Property Transfer  
GOV400038, P1553611, A0360015

### RECOMMENDATION

**That:**

1. **the report by the Director, Community on the Kandos Bicentennial Industrial Museum Property Transfer be received;**
2. **Council note the submissions received in relation to the property transfer to the Kandos Bicentennial Industrial Museum Incorporated Association;**
3. **Council transfer the possession of the real property of the Kandos Bicentennial Industrial Museum (being 20-24 Buchanan Street Kandos L9 L10 & L11 Sec 1 DP816), land, buildings, contents and collection to the Kandos Bicentennial Industrial Museum Incorporated Association;**
4. **the General Manager be authorised to exercise delegated authority to deal with matters arising out of the transfer process so as to ensure continuous and smooth running of the transfer process;**
5. **the General Manager be authorised to execute any contract documents on behalf of Council in relation to the property transfer;**
6. **the Common Seal of Council be affixed to all documentation necessary to facilitate the transfer;**
7. **Council provide \$15,000 per annum in financial support for a period of three years to the Kandos Bicentennial Industrial Museum Incorporated Association;**
8. **Council provide financial assistance to cover land rates for a period of three years, from 2015/16 to 2017/18, to the Kandos Bicentennial Industrial Museum Incorporated Association;**
9. **Council meet the cost of insurances for the Kandos Bicentennial Industrial Museum Incorporated Association to the maximum cost of \$6,600;**
10. **the Operational Plan 2014/15 be amended to increase the Kandos Bicentennial Industrial Museum operating budget by \$5,000 funded from unrestricted general fund cash.**

---

### Executive summary

This report seeks approval to proceed with the transfer of the Kandos Bicentennial Industrial Museum as outlined in the report presented to the Council meeting on 5 November 2014. This follows a period of public exhibition of the proposal with sixteen submissions being made which are included with this report.

## Detailed report

The future of the Kandos Bicentennial Industrial Museum has been the subject of much community and Council discussion over the past two years. The discussion has focused on two main areas – the ongoing running of the Museum and the ownership of the land, property and collection.

For some time, Council has indicated its preference for the operation and ownership of the Museum to be transferred to a community-based Incorporated Association. This Association, having formed according to the appropriate guidelines provided by the Department of Fair Trading, has now been operating for some months with indications being that this has been a successful venture.

Alongside the significant upgrade works that have been funded by Council and that have been undertaken this year, the Museum seems to be in its most viable state for many years with a mixture of enthusiastic new volunteers joining with some more experienced ones to progress the work at the Museum and deliver an improved community, tourist and cultural experience.

At the Council meeting of 4 December 2013, a motion relating to the future of the Kandos Bicentennial Industrial Museum was supported that included:

*The Kandos Museum at 22 Buchanan Street, and the adjoining property of 20 Buchanan Street, be gifted to the Incorporated Association.*

This consistent message regarding Council's intentions on the transfer of ownership of the property was re-confirmed at the Council meeting of 5 November when the following motion was carried:

*Council place on public exhibition for 28 days, its intentions as outlined below:*

- *To transfer the possession of the real property of the Kandos Bicentennial Industrial Museum, land, building, contents and collection, to the Kandos Bicentennial Industrial Museum Incorporated Association*
- *To provide \$15,000 per annum in financial support for a period of 3 years to the Kandos Industrial Museum Incorporated Association*
- *To provide land rate relief for a period of 3 years Kandos Industrial Museum Incorporated Association*
- *To meet the cost of insurances for the Kandos Bicentennial Industrial Museum Incorporated Association, to the maximum cost of \$6,600.*

As a result of the public exhibition period, sixteen submissions were received and these have been included with this report for consideration by Council.

Broadly speaking, there are ten submissions in support of the proposal and six against. There are some concerns expressed about the process of transfer of the Museum to an incorporated association. This is understandable given that some confusion was generated through discussions with the Office of Local Government (OLG). Most recently, the OLG have confirmed that the transfer of the property does not require Council to obtain Ministerial consent under Section 358 of the Local Government Act.

There are other concerns raised around future support of the Museum should the Incorporated Association fail in the future. Council may wish to consider whether this is an appropriate issue to explore or whether this should be left to the Incorporated Association to address as part of their strategic and business development work in the coming years.

In considering the submissions made, Council may determine that there are other matters that need to be considered or that need to be discussed as part of the property transfer or any Memorandum of Understanding with the Incorporated Association.

Ultimately this report and the recommendation merely seeks to confirm previous decisions of Council and to proceed with the transfer of ownership of the Museum to the Incorporated Association.

### Financial and Operational Plan implications


This resolution of Council will involve the provision of Council funds in the 2014/15, 2015/16 and 2016/17 financial years to the Kandos Bicentennial Industrial Museum Incorporated Association in relation to financial support (\$15,000 per annum); land rate financial assistance (estimated at \$3,000); and insurances (to the maximum cost of \$6,600).

Further, the transfer of assets out of Council ownership to a third party for nil consideration will have a significant, albeit non-cash, impact on Council's 2014/15 Financial Statements. The estimated written down value of the assets to be transferred is \$854,000.

### Community Plan implications

This resolution would be determined as an appropriate way for Council to support the following Community Plan strategies:

- Strategy 1.2.1 Respect and enhance the historic character of our Region and heritage value of our towns
- Strategy 1.4.2 Support arts and cultural development across the Region



SIMON JONES  
DIRECTOR, COMMUNITY

5 December 2014

*Attachments:* 1. Submissions in relation to the proposal to transfer the Museum to the Kandos Bicentennial Industrial Museum Incorporated Association (included at the end of the business paper).

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## 6.3.21 Mudgee Town Hall Cinema 2014 Activity Report

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 17 DECEMBER 2014 COUNCIL MEETING  
Mudgee Town Hall Cinema Report  
GOV400038, REC800016

### RECOMMENDATION

#### That:

1. **the report by the Manager, Community Services on the Mudgee Town Hall Cinema 2014 Activity Report be received;**
2. **that the significant community patronage, fundraising activity and Rotary volunteer contribution be noted by Council;**
3. **that a letter be written to both Mudgee Rotary organisations on behalf of the community thanking them for their volunteer efforts with the Mudgee Town Hall Cinema partnership.**

---

### Executive summary

The Mudgee Town Hall Cinema began operation in July 2013, and continues to succeed as a partnership between Council and the two Mudgee based Rotary clubs. This report serves to outline the community patronage, fundraising activity and volunteer contribution of the cinema.

### Detailed report

The Mudgee Town Hall Cinema operates as a partnership between Mid-Western Regional Council, the Mudgee Rotary Club, and the Rotary Club of Mudgee Sunrise. The cinema operates eight movie sessions on the first weekend of every month.

Council provides the venue, management and distributor negotiation aspects of the project, while the Rotary clubs provide the voluntary staff for candy bar (including stock purchasing), ticket sales, ushering, projectioning and the like.

The success of the Mudgee Town Hall Cinema project is two-fold – it brings new release movies back to Mudgee on a regular basis, and has seen many happy adults and children enjoying cinema in their region. In the preceding 12 month period, a total of 7,412 tickets have been sold.

Added to its success is the candy bar fundraising opportunity provided to Rotary, which has seen many community organisations and projects benefit.

In the preceding 12 months, Rotary have raised a total of \$9,628.40 from the candy bar they operate. In addition to that, Council provide Rotary with a share of the ticket sales profit, and for the preceding 12 months this has added up to \$16,290. This means that the total amount of money contributed by Rotary back in to the community in the preceding 12 month period is \$25,918.40.

This is made possible by so many Rotary volunteers, who each month serve as popcorn makers, ticket sellers and ushers at the movies. Rotary has estimated that each month, they provide the following amount of volunteer hours



- 16 hours for candy bar purchasing, candy bar set up, rostering of volunteers and distribution of posters around the Mudgee township
- 10 hours of volunteer projectionist time to screen movies
- 112 hours of volunteer time spent on ticket sales, ushering, and candy bar sales over 8 weekend movie sessions
- A total of 138 volunteer hours each month

This volunteer staffing has been roughly estimated to equate to \$3630 of paid staff hours per month, or \$43,560 per annum.

The contribution that Rotary are making to the Mid-Western Region by partnering in this project is noteworthy, and it is hoped that Council will recognise this by way of a letter of thanks to each Rotary organisation.

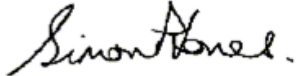
### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

KATE POWER  
MANAGER, COMMUNITY SERVICES

  
SIMON JONES  
DIRECTOR, COMMUNITY

5 December 2014

*Attachments:* Nil

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## 6.3.22 Home Modifications – Service Provider Panel

REPORT BY THE HACC SERVICES COORDINATOR TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council - Home Modification and Maintenance -December 2014  
GOV400038, A0100056

### RECOMMENDATION

#### That:

1. **the report by the Manager, Community Services on the Home Modification, Service Provider Panel be received;**
2. **Council accepts the Service Provider Panel for Home Modifications in accordance with clause 178 of the *Local Government (General) Regulation 2005* as listed below.**  
  

<b>Provider:</b>	<b>John W Campbell</b>
<b>Services provided:</b>	<b>Home modification and maintenance work</b>
<b>Provider:</b>	<b>Eclipse Electrical</b>
<b>Services provided:</b>	<b>Home modification and maintenance work</b>
3. **Council allow further service providers to be accepted to the panel in the future on approval.**

---

### Executive summary

Due to Council's inability to attract a permanent employee for the position of Home Modifications Officer, Council were required to advertise for Expressions of Interest in the Mudgee Guardian and Coonabarabran Times seeking service providers willing to adhere to the requirements for providing this community service.

Generally, Council utilise and maintain a General Contractors – Preferred Suppliers list. Due to the extra credentials required to work in conjunction with Community Services and the Home Modification & Maintenance Service, the expression of interest was necessary as the requirements were deemed outside the limited scope of requirements from the original tender request for General Contractors.

This report is recommending two service providers be included on the panel after having received the required information from them.

### Detailed report

Through a predominately Commonwealth funded program, Council provides home modification and maintenance services to the frail aged and disabled residing within the Mid-Western and Warrumbungle Local Government areas.

Given the boom in the local building market, as well as the need for reasonably short turnaround times on home modification works, Council decided a panel of pre-qualified service providers was the most time efficient, cost effective option. Further, due to the necessity for immediate and short

term works, it is imperative to establish a panel of pre-qualified service providers with the expressions received with the hope that further providers may be attracted the future.

As a result the expression of interest advertising only two suppliers were received. Both applicants meet the required criteria. On acceptance of this report, further assessment (eg, police checks and Working with Children checks) will be completed once referrals for work are received and specific staff identified.

The two service providers received are John W Campbell and Eclipse Electrical.

At the time of advertising, no rates were requested as all work must be quoted and accepted by clients of the service.

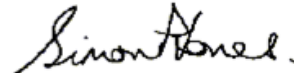
### Financial implications

Council's Home Modification and Maintenance Service is funded, predominantly, by the Commonwealth Government.

### Community Plan implications

The Home Modification and Maintenance Program meets the goals, strategies and actions of Council's Delivery Program and Operational Plan and aligns with Strategy 1.1.1 (Maintain the provision of high quality, accessible community services that meet the needs of our community) of Council's Community Plan in promoting a safe and healthy community.

FIONA TURNER  
HACC SERVICES COORDINATOR

  
SIMON JONES  
DIRECTOR, COMMUNITY

5 December 2014

Attachments: Nil

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

### 6.3.23 Nevells Rd Clandulla

REPORT BY THE SENIOR WORKS ENGINEER TO 17 DECEMBER 2014 COUNCIL MEETING

Nevells Rd Clandulla

GOV400038, R9041001

#### RECOMMENDATION

**That:**

1. **the report by the Senior Works Engineer on Nevells Rd Clandulla be received;**
2. **Council continue to maintain 4.5km of Nevells Rd Clandulla.**

---

#### Executive summary

A number of property owners from Nevells Rd Clandulla have written to Council requesting Council extend the length of Nevells Road that Council maintain by 1.2km from 4.5km to 5.7km in length.

This report recommends not extending the maintained length because:

- it does not meet Councils Unmaintained and Unformed Roads Policy for inclusion as a maintained road.
- It will cost \$25,000 to bring up to Council Standard, plus ongoing maintenance
- 500m of the length requested is through private property so could involve Council in property disputes in the future.

#### Detailed report

Councils Unmaintained and Unformed Roads Policy states "Roads, or sections thereof that service less than 5 residences will not be considered for addition to the maintained road list, noting that historically, there are roads within the shire that do not meet this requirement."

The letters received from rate payers in the area indicate there are 8 separate rate payers accessing from Nevells Rd or Flatlands Rd past its intersection with Nevells Rd. This may be correct; however Council property records and discussion with a property owner indicate there is one current residence and many of the properties are used as "weekenders". There is a B&B located along the road also. As Council's policy states 5 residences, this is considered to be inconsistent with the policy.

Currently Nevells Rd is on a 24 month grading schedule.

At a point 700m from the end of the maintained section, the road varies from the road reserve significantly. The road reserve continues along a heavily timbered creek line that is not feasible to construct a road, while the constructed road traverses over private property, up to 250m away from the road reserve. Therefore the last 500m requested to be maintained is not with a road reserve. This is common within the Local Government Area, however the extent in this case is more significant than most, and it may in the future result in problematic property disputes.

Discussions with a property owner indicated that even if the first 700m was added to the maintained list it would be greatly appreciated.

## Financial and Operational Plan implications

The costs to include an additional 1.2km of Nevells Road on the maintained list are as follows;

	Annual Cost	Initial Cost
<b>Construct 1.2km Nevells Rd to Council Standard (including grade and compact 100mm gravel and complete drainage improvements)</b>		\$25,000
<b>Ongoing maintenance cost of say 1.2km grading every 2 years (based on current \$1650/km grading)</b>	\$990.00	
<b>Ongoing re-sheeting cost of say re-sheeting 1.2km every 16 years for minor local roads (based on current \$18,000/km re-sheeting)</b>	\$1,350.00	
<b>TOTAL</b>	<b>\$2,340.00</b>	<b>\$25,000</b>

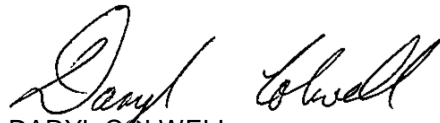
There is no capacity in the 2014/15 Operational Plan for an additional road to be added to the list of maintained roads.

## Community Plan implications

Unmaintained and Unformed Roads Policy.



ANDREW KEARINS  
SENIOR WORKS ENGINEER



DARYL COLWELL  
DIRECTOR, OPERATIONS

5 December 2014

*Attachments:* 1. Letters received from residents.

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



ATTACHMENT 1

Jolieske Lips  
Flatlands  
687 Flatlands Rd  
Clandulla 2848

26 August 2014

Mr Brad Cam  
General Manager  
Mid-Western Regional Council  
Mudgee NSW 2850

Dear Brad

Re: Grading of all Nevells Road

My property, "Flatlands", is at the end of Nevells Rd Clandulla, a council maintained road. I have been a resident here for 26 years and historically Nevells Rd has only ever been graded to a point approximately 1.2 kms from the entrance to my property.

In the past this last section of Nevells Rd did service only "Flatlands". However, 26 years on, the situation is very different. There are now 8 separate rate payers using this section of unmaintained road.

I am requesting that council re –consider its current policy and extend their maintenance to include the remainder of Nevells Rd (about 1.2 Kms) to the intersection with Flatlands Rd. I would like to point out that 4 of the aforementioned ratepayers' properties are accessed from Flatlands Rd, beyond Nevells Rd.

I look forward to a positive response

Yours sincerely

Jolieske Lips  
0448 794 328

**From:** Nell Schofield [mailto:nell@nellelevision.com]  
**Sent:** Tuesday, 26 August 2014 5:11 PM  
**To:** Council  
**Subject:** Grading Nevell's Road

Hi there.

I write in support of the letter written by my neighbour Jolieske Lips of Flatlands, Clandulla (26.8.14).

As a rate payer of 26 years, I would like to ask that our road, Nevell's Rd, Clandulla, be graded all the way to Flatlands Road.

It is in dire need of attention and it would be good to get some benefits from all those rates.

Many thanks.

Nell Schofield  
555 Flatlands Rd  
Clandulla  
2484  
0413 746909

Jane Tenn  
517 Nevells Rd  
Clandulla 2848

27<sup>th</sup> August 2014

Mr Brad Cam  
General Manager  
Mid-Western Regional Council  
Mudgee NSW 2850

Dear Brad

**Re: Grading of all Nevells Road**

Our property is located towards the end of Nevells Rd Clandulla, a council maintained road. We understand that historically Nevells Rd has only ever been graded to a point approximately 600 meters from the entrance of our property.

In the past this last section of Nevells Rd did service only "Flatlands". However, now the situation is very different. There are 8 separate rate payers using this section of unmaintained road. Since we purchased this property, we are utilising this section of the road ever more frequently.

We are requesting that council reconsider its current policy and extend their maintenance to include the remainder of Nevells Rd (about 1.2 Kms) to the intersection with Flatlands Rd. We would like to point out that 4 of the aforementioned ratepayers' properties are accessed from Flatlands Rd, beyond Nevells Rd.

We look forward to a positive response!

Yours sincerely

Jane Tenn

Juliette El Helou  
244 Flatlands Rd  
Clandulla 2848

27<sup>th</sup> August 2014

Mr Brad Cam  
General Manager  
Mid-Western Regional Council  
Mudgee NSW 2850

Dear Brad

**Re: Grading of all Nevells Road**

Our property is located at the end of Nevells Rd Clandulla, a council maintained road. We understand that historically Nevells Rd has only ever been graded to a point approximately 1.2km from the entrance of our property.

In the past this last section of Nevells Rd did service only "Flatlands". However, now the situation is very different. There are 8 separate rate payers using this section of unmaintained road. Since we purchased this property, we are utilising this section of the road ever more frequently.

We are requesting that council reconsider its current policy and extend their maintenance to include the remainder of Nevells Rd (about 1.2 Kms) to the intersection with Flatlands Rd. We would like to point out that 4 of the aforementioned ratepayers' properties are accessed from Flatlands Rd, beyond Nevells Rd.

We look forward to a positive response!

Yours sincerely

Juliette El Helou

## 6.3.24 Rural Fire Service Head Quarters and Museum

REPORT BY THE BUSINESS MANAGER PLANT & FACILITIES TO 17 DECEMBER 2014 COUNCIL MEETING

REPORT Council 2014

GOV400038, A0150046, REC800003

### RECOMMENDATION

That:

1. **the report by the Business Manager Plant & Facilities on the Rural Fire Service Head Quarters and Museum be received;**
2. **Council approve in principle to allocate 7,100 square metres of land at the Mudgee Airport to be utilised for the new Rural Fire Service Head Quarters and Museum.**
3. **The General Manager be authorised to continue negotiations with the Rural Fire Service in order to subdivide the necessary 7100sm of land and negotiate an agreement for the timing, design and funding of the Rural Fire Service head quarters and museum at Mudgee.**

---

### Executive summary

Council approved in principle, at the 24<sup>th</sup> July 2013 Council Meeting, to allocate 3,000 square metres of land near the Mudgee Airport for a Rural Fire Service (RFS) museum.

Since that report, Council has been approached again by the Rural Fire Service and the scope of this project has increased and the RFS now wish to construct a new Head Quarters in conjunction with the museum as they have outgrown the current building in Depot Road. This will require the land size previously allocated to be increased to 7,100sm.

Under the RFS Service Level Agreement and Section 37 of the Rural Fires Act 1997, Council is required to provide appropriate facilities and accommodation for the RFS operations to a standard approved by the Commissioner in consultation with the local authority.

### Detailed Report

The draft map of proposed airport related land is attached and has been prepared as part of the review of the Airport Master Plan. This plan includes provision for the RFS requirements with 7,100sm allocated for this purpose which has been deemed sufficient by the RFS, and still fits with Councils overall airport usage strategy.

From an operational perspective, the current RFS building is too small to function efficiently during Section 44 fires as the operations room also doubles as the Local Emergency Management Committees (LEMC) Emergency Operations Centre (EOC). It is now a requirement that during Section 44 fires that the EOC be manned by representatives of each combat agency and the current EOC is not effective due to its location and size. Council is required to provide facilities for an EOC.



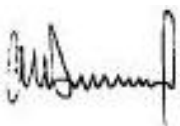
The proposed new Head Quarters will have a separate fire operations room and the EOC will be set up separately, which is now common practice in fire centres. The current RFS Head Quarters, which is owned by Council, will be retained by Council to sell or utilise.

There are still negotiations that will continue with the RFS regarding timing, design and funding of the proposed new Head Quarters. Funding for the museum has already been approved by the RFS.

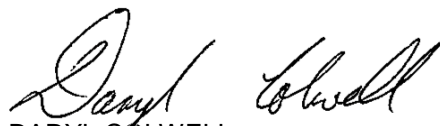
### Financial and Operational Plan implications

If Council proceeds with the recommendation in this report the estimated cost to Council is attached, with these costings having been provided by the RFS, and Council have not verified the notional sale value of the building. The new buildings have a budget allocated to them of \$4,000,000 from the RFS, and Council is required to contribute 11.7% of all RFS expenditure. The additional estimated cost to Council for the construction of the building over 2016/17 and 2017/18 is \$468,000. Council should consider competing services and infrastructure needs when deciding to support this recommendation.

Council should also be aware of the opportunity costs associated with utilising the airport land for the RFS, as this land was available for future airport use or possible sale. The cost to Council is foregone future revenue, which will have been partially offset by the transfer of the RFS building on Depot Road to Council, for use or sale.



ANDREW DRUMMOND  
BUSINESS MANAGER PLANT & FACILITIES



DARYL COLWELL  
DIRECTOR, OPERATIONS

2 December 2014

*Attachments:* 1. RFS 10 year budget  
2. Draft airport land plan

APPROVED FOR SUBMISSION:

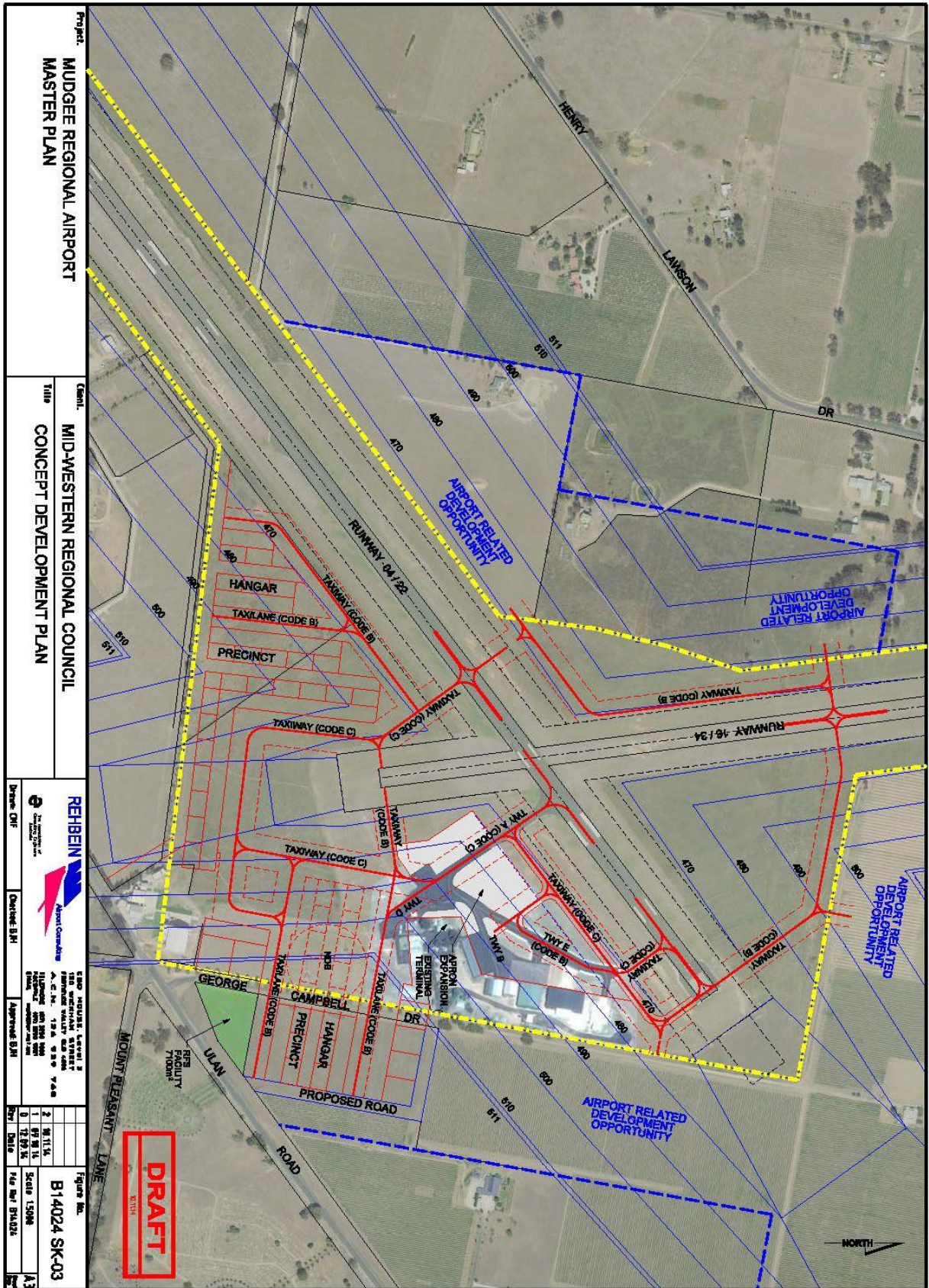


BRAD CAM  
GENERAL MANAGER

ATTACHMENT 1

Cudjoeong DRAFT 10 Year Strategic Finance Plan	Cudjoeong DRAFT 10 Year Strategic Finance Plan									
	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
<b>Recurrent Expenses</b>										
Maintenance & Repairs	\$338,390	\$338,242	\$348,389	\$358,841	\$369,606	\$380,694	\$392,115	\$403,878	\$415,995	\$428,474
Equipment	\$81,659	\$84,109	\$86,632	\$89,231	\$91,908	\$94,685	\$97,505	\$100,430	\$103,443	\$106,546
PPE	\$60,000	\$61,500	\$63,045	\$64,636	\$66,275	\$67,964	\$69,703	\$71,494	\$73,339	\$75,239
Community Education	\$5,000	\$5,150	\$5,305	\$5,464	\$5,628	\$5,796	\$5,970	\$6,149	\$6,334	\$6,524
GRN Fees	\$175,549	\$180,815	\$186,240	\$191,827	\$197,582	\$203,509	\$209,615	\$215,903	\$222,380	\$229,052
Red Fleet Insurance	\$63,008	\$64,898	\$66,845	\$68,851	\$70,916	\$73,044	\$75,235	\$77,492	\$79,817	\$82,211
District Costs	\$746,958	\$769,367	\$792,448	\$816,221	\$840,708	\$865,929	\$891,907	\$918,664	\$946,224	\$974,611
Hazard Reduction	\$113,230	\$116,627	\$120,126	\$123,729	\$127,441	\$131,265	\$135,203	\$139,259	\$143,436	\$147,739
VASS Reimbursement	\$156,526	\$156,526	\$156,526	\$156,526	\$156,526	\$156,526	\$156,526	\$156,526	\$156,526	\$156,526
<b>TOTAL RECURRENT</b>	\$1,700,320	\$1,747,234	\$1,795,555	\$1,845,326	\$1,896,590	\$1,949,392	\$2,003,778	\$2,059,795	\$2,117,493	\$2,176,922
<b>Capital Expenses</b>										
Tankers New	\$391,200	\$400,000	\$0	\$0	\$540,000	\$600,000	\$600,000	\$650,000	\$650,000	\$660,000
Tankers Secondhand	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Group Vehicles	\$55,000	\$56,650	\$58,350	\$60,100	\$61,903	\$63,760	\$65,673	\$67,643	\$69,672	\$71,763
Heritage Museum/Cudjoeong FCC Stations	\$115,170	\$0	\$2,000,000	\$2,000,000	\$0	\$0	\$0	\$150,000	\$100,000	\$150,000
Station Upgrades	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$150,000	\$50,000	\$0
<b>TOTAL CAPITAL</b>	\$661,370	\$456,650	\$2,058,350	\$2,060,100	\$601,903	\$813,760	\$815,673	\$867,643	\$869,672	\$871,763
<b>TOTAL</b>	<b>\$2,261,690</b>	<b>\$2,203,884</b>	<b>\$3,853,905</b>	<b>\$3,905,426</b>	<b>\$2,498,493</b>	<b>\$2,763,152</b>	<b>\$2,819,451</b>	<b>\$2,927,438</b>	<b>\$2,987,166</b>	<b>\$3,048,685</b>
Volunteer & Statewide Support	\$1,766,930	\$1,101,942	\$1,926,982	\$1,952,713	\$1,249,246	\$1,381,576	\$1,409,725	\$1,463,719	\$1,483,583	\$1,524,343
Total Budget	\$4,028,620	\$3,305,826	\$5,780,857	\$5,858,139	\$3,747,739	\$4,144,728	\$4,229,176	\$4,391,158	\$4,480,749	\$4,573,028
Gross 11.7%	\$471,349	\$386,782	\$676,360	\$685,402	\$438,486	\$484,933	\$494,814	\$513,765	\$524,248	\$535,044
Less VASS Reimbursement	\$136,526	\$136,526	\$136,526	\$136,526	\$136,526	\$136,526	\$136,526	\$136,526	\$136,526	\$136,526
Net 11.7%	\$334,823	\$250,256	\$539,834	\$548,876	\$301,960	\$348,407	\$358,288	\$377,239	\$387,722	\$398,518
Net to Councils	\$334,823	\$250,256	\$539,834	\$548,876	\$301,960	\$348,407	\$358,288	\$377,239	\$387,722	\$398,518
<b>Notional Value of Current FCC Permits</b>				<b>\$400,000</b>						
<b>Cost to Council</b>				<b>\$148,876</b>						





Project: **MUDGEE REGIONAL AIRPORT MASTER PLAN**

Client: **MID-WESTERN REGIONAL COUNCIL**  
 Title: **CONCEPT DEVELOPMENT PLAN**

**REHBEIN**  
 Airport Consultants  
 180 MURKIN STREET  
 MUDGEE NSW 2850  
 Phone: 08 839 3000  
 Fax: 08 839 3001  
 Email: info@rehbein.com.au

Drawn: CHJ	Checked: SHJ	Approved: SHJ
Rev	Date	Description
1	01/11/14	Issue for tender
2	01/11/14	Issue for tender
3	17/11/14	Issue for tender
4	17/11/14	Issue for tender

**DRAFT**

Figure No: **B14024 SK-03**  
 Scale: 1:5000  
 Date: 17/11/14

## 6.3.25 Noxious Weeds Advisory Committee

REPORT BY THE NOXIOUS WEEDS ADMINISTRATOR TO 17 DECEMBER 2014 COUNCIL MEETING  
Noxious Weeds Advisory Committee  
GOV400038, ENV200017

### RECOMMENDATION

**That:**

1. **the report by the Noxious Weeds Administrator on the Noxious Weeds Advisory Committee be received;**
2. **that a letter be sent to the Minister Katrina Hodgkinson with copies to Troy Grant MP, Andrew Gee MP and the Natural Resources Commission, requesting further consideration that it be made compulsory for a Section 64 Weed Certificate to be attached to the Contract for Sale for the purchase of all rural properties greater than 1 hectare similar to the Section 149 Planning Certificate.**

---

### Executive summary

The Weeds Advisory Committee, which meets every 3 months, provides advice and recommendations to Council on matters relating to the strategic direction of noxious weed control.

### Detailed report

Not applicable.

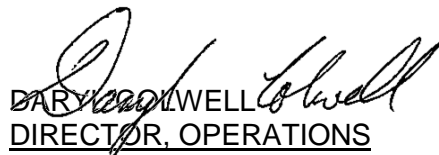
### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

SUSAN BURNS  
NOXIOUS WEEDS ADMINISTRATOR

  
DARYL COLWELL  
DIRECTOR, OPERATIONS

5 December 2014

*Attachments:* 1. Minutes of the Noxious Weeds Advisory Committee meeting held Monday 1 December 2014 (included at the end of the business paper).

### APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## 6.3.26 Cultural Development Committee Minutes

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 17 DECEMBER 2014 COUNCIL MEETING  
Cultural Development Committee  
GOV400038, A0420172

### RECOMMENDATION

#### That:

1. **the report by the Manager, Community Services on the Cultural Development Committee Minutes be received;**
2. **Council note the minutes of the Cultural Development Committee meeting held on 12 November 2014.**

---

### Executive summary

The Cultural Development Committee meets to highlight and promote cultural issues in the region.

### Detailed report

The Committee is continuing to work on the implementation of a register of cultural assets for the Mid-Western Region. Other matters discussed at the November meeting are detailed in the attachment minutes.

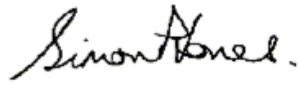
### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

KATE POWER  
MANAGER, COMMUNITY SERVICES

  
SIMON JONES  
DIRECTOR, COMMUNITY

5 December 2014

*Attachments:* 1. CDC Minutes 12112014

### APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER



**MINUTES OF MEETING OF THE  
MID-WESTERN REGIONAL COUNCIL CULTURAL DEVELOPMENT COMMITTEE  
HELD ON WEDNESDAY 12<sup>th</sup> NOVEMBER 2014  
MEETING AT THE COUNCIL COMMITTEE ROOM, MUDGEES AT 5.00pm.**

**PRESENT:** Scott Etherington (Chair), Gai Rayner, Judith James, Sam Paine, Virginia Handmer  
(Council staff Kate Power)

1. **WELCOME:** – Scott opened the meeting and thanked all for attendance
2. **APOLOGIES:** Simon Jones, Amber Hooper, Margot Palk, Lucy White, Helen Harwood  
Moved – J James      Seconded – S Paine      Carried
3. **PREVIOUS MINUTES:** 8<sup>th</sup> October 2014  
Moved – J James      Seconded – G Rayner      Carried
4. **CORRESPONDENCE IN: Letter from Rylstone Sculptures Inc** – indicating a willingness to be involved in sculpture project. Virginia will clarify the budget and the Public Art Advisory Panel with RSI at their next meeting.

#### **BUSINESS ARISING**

**Microfinancing** – Judith asked that this be removed from the CDC agenda for now, and she will report back to the committee when she has more fully spoken to Mudgees Arts.

#### **5. GENERAL BUSINESS**

##### **5.1 Cultural Asset Register**

Scott provided an update on the software product called Ragic, and it was agreed that Judith, Helen and Scott should meet/email and work together on the format of the database.

**Action Item** – Judith, Scott and Helen to communicate and progress the register project

##### **5.2 Leveraging Orana Arts relationship**

The next Orana Arts meeting is 12<sup>th</sup> December 2014.

Given that it has been confirmed that the venue of the next Regional Arts conference is Dubbo, it is timely that our region express an interest in being involved in showcasing our region's strengths, and involvement in planning trails to Dubbo.

**Action Item** – Kate to draft letter to Elizabeth Rogers for Lucy table at next Orana Arts meeting.

### 5.3 Mid-Western Art Prize

Virginia tabled a draft project plan that Ludwig Mlcek has developed for the Sculptor Symposium planned for October 2015. It was agreed by the committee that this information should be tabled at the next PAAP meeting on 3<sup>rd</sup> December 2014.

### 5.4 Rosby

It was agreed by the committee that the PAAP had made very good selections of public art for the Lawson Park, as well as the indoor Moolarben acquisition prize.

**Action Item** – KP to request selection and scoring sheet documents from Cameron Anderson

### 5.5 Cultural Development Officer

The committee discussed the Cultural Development Officer position description that was presented to Council earlier in 2014. The committee agreed that there was scope to improve the position description. Helen Harwood, Lucy White and Judith James to communicate and revise the position description.

**Action** – Helen Harwood, Lucy White and Judith James to communicate and revise a proposed position description

### 5.6 Items for Next Agenda

- Cultural Asset Register update- SE
- Orana Arts – letter to table for Elizabeth Rogers - LW
- Mid-Western Art Prize – update from PAAP/HH
- Cultural Development Officer position description – update from HH, JJ, LW

**There being no further business the meeting closed at 6.10pm.**

**Next proposed meeting date: Wednesday 10<sup>th</sup> December, 2014 @ 5.00pm, Council Committee Room**

## 6.3.27 Red Hill Reserve Working Party

REPORT BY THE MANAGER, HEALTH AND BUILDING TO 17 DECEMBER 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, A0100056, P0860011

### RECOMMENDATION

**That:**

1. **the report by the Manager, Health and Building on the Red Hill Reserve Working Party be received;**
2. **note the minutes of the meeting of the Red Hill Reserve Working Party meeting held on 3 November 2014.**

---

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Red Hill Reserve Working Party meeting held on 3 November 2014.

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

### Detailed report

Not applicable.

### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.



GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

3 December 2014

*Attachments:* 1. Minutes of the Red Hill Reserve Working Party meeting held on 3 November 2014

### APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1



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

## Minutes

**MINUTES OF MEETING FOR THE RED HILL WORKING PARTY HELD ON  
3 November 2014 COMMENCING AT 11.05am AND CONCLUDING AT 11.55pm**

Present Cr Paul Cavalier, Catherine Van Laeren (Council), Tim O'Reilly (Council), Alan Rickwood, Chris Pearson, Joy Harrison, Maurice Gaudry, David Warner

In Attendance: Nareeda Endacott (Minute Secretary)  
Cameron Anderson – Architect

**1. APOLOGIES**

Tony Harrison, Michele McFarlane

**2. MINUTES OF PREVIOUS MEETING**

Recommendation: That the minutes of the meeting held on 24 September 2014 be accepted  
*Moved: Alan Rickwood 2<sup>nd</sup> Chris Pearson*

Recommendation: That the minutes of the meeting held on 27 September 2014 be accepted  
*Moved: Maurice Gaudry 2<sup>nd</sup> David Warner*

**3. GENERAL BUSINESS**

Catherine Van Laeren addressed the committee to discuss the need to readdress priorities identified by the Committee and ensure this is in line with the targets submitted with the grant funding application.

Next steps forward;

- Surveyors report
- Concept Plans
- Return to the committee with concept plans
- Lodge Development Application
- Amend grant application

**Motion: That a surveyors report be obtained for the Red Hill Site and forward to Cameron Anderson to assist in the preparation of a concept plan**

*Moved: Alan Rickwood 2<sup>nd</sup> Joy Harrison*

Grant Application to be amended with the following as suggested milestones;

1. Production of concept plan and design
2. Construction of viewing room
3. Construction of entrance and all weather display
4. Installation of interpretation and educational fixtures

**Motion: A vote of thanks to both Catherine and Richard Van Laeren for meeting on Red Hill Site to discuss the proposal of breaking into the mine shaft and for organising a representative from Department of Trade and Investment**

*Moved: Chris Pearson 2<sup>nd</sup> Maurice Gaudry*

Council to contact Crown Lands to discuss obtaining owners consent for Development Application to proceed with works at Red Hill Site.

The committee resolved that proposed renovations to the Red Hill Cottage for use as a tea room would not be achievable with the grant funding and would be postponed as a possible project in the future.

**Motion: That the eviction notice for current tenants of the Red Hill Cottage be cancelled**

*Moved: Cr Cavalier 2<sup>nd</sup> Maurice Gaudry*

**4. BUSINESS WITHOUT NOTICE**

Nil

**Meeting closed 11.55am**



## 6.3.28 Gulgong Sports Council

REPORT BY THE DIRECTOR, OPERATIONS TO 17 DECEMBER 2014 COUNCIL MEETING  
Report to Council - Gulgong Sports Council - Oct 2014  
GOV400038, A0100056

### RECOMMENDATION

That:

1. **the report by the Director, Operations on the Gulgong Sports Council be received;**
2. **That the minutes for the Gulgong Sports Council ordinary monthly meeting held on 8 October 2014 be noted.**

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### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Sports Council Meetings held on 8 October 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 and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.



DARYL COLWELL  
DIRECTOR, OPERATIONS

25 November 2014

*Attachments:* 1. Minutes of Gulgong Sports Council Ordinary Meeting 8 October 2014

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

## ATTACHMENT 1

Gulgong Sports Council  
Monthly Meeting  
Monday 8<sup>th</sup> October, 2014

**Meeting Opened:** 7pm

**Apologies:** P.Thompson – MWRC

**Present:** C. Holden - President, B. Gudgeon - Senior Cricket, B. Rae - Dog Obedience, C. Rae - Volunteer, N. Barnes - Miniature Horses, , M. Gaudry – Tennis Club, S McGovern – Womens Soccer, J Mobbs – Gulgong Bowling Club, M Willis – Gulgong Bowling Club, P Johnson – Gulgong Golf Club

President read previous minutes.

**Motion 1** – “That the minutes be accepted as read”

Moved: C. Holden

Seconded: B. Gudgeon

All in favour – motion moved and carried.

**Council Business:**

1. The security lights at Billy Dunn grandstand need cleaning out – the insides are full of bugs. Waiting for response from Council.
2. Need 8 new wheelie bins for Billy Dunn oval to replace damaged and stolen bins, could you please advise as we have had no reply to this request.
3. The Gulgong Sports Council would like to Thank Mid-Western regional Council and associated departments for the updated lane into Victoria Park, please pass on our gratitude to those who were engaged in this project.

**Finance Report:**

Accounts that need to be paid are:-

Gulgong Timber & Hardware – Keys Cut \$28.50

Gulgong News Agency – Stationary \$143.83

Gulgong Sports Development Fund – Donation \$250.00

Gulgong Public School – donation \$150.00 (please send to Po Box 45 Gulgong)

Balance; \$4,186.12

**Motion 2** -- “That accounts be paid”

Moved: B. Gudgeon

Seconded: N. Barnes

All in favour – motion moved and carried.

**Correspondence:** Nil

**General Business:**

1. Fence to be painted at Billy Dunn Oval, to organize labor for this job.
2. Fence to be fixed at car park behind swimming pool. (working bee)
3. Date for sports council Christmas Party to be set.
4. Seats at Vitoria Park to be Painted.

Meeting closed: 8.30

Craig Holden – President .....

Next meeting –12<sup>th</sup> November– 7pm – Gulgong Bowling Club.

## 6.3.29 Mudgee & Gulgong Access Committee Minutes

REPORT BY THE MANAGER, COMMUNITY SERVICES TO 17 DECEMBER 2014 COUNCIL MEETING  
Mudgee & Gulgong Access Committee  
GOV400038, A0060008

### RECOMMENDATION

#### That:

1. **the report by the Manager, Community Services on the Mudgee and Gulgong Access Committee Minutes be received;**
2. **Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 2 December 2014.**

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### Executive summary

The Mudgee & Gulgong Access Committee meets monthly to highlight and promote accessibility issues in the region.

### Detailed report

The Committee noted the resignation of member Darryl Mercy. The committee were pleased to note the implementation of demerit points and an increased fine for illegally parking in disabled car spaces.


### Financial and Operational Plan implications

Not applicable.

### Community Plan implications

Not applicable.

KATE POWER  
MANAGER, COMMUNITY SERVICES

  
SIMON JONES  
DIRECTOR, COMMUNITY

5 December 2014

*Attachments:* 1. Access Committee Minutes 021214

### APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

ATTACHMENT 1

**MINUTES OF THE ORDINARY MEETING OF THE MUDGEES AND GULGONG ACCESS COMMITTEE HELD ON TUESDAY 2<sup>nd</sup> DECEMBER 2014 COMMENCING 3.00PM IN THE COUNCIL COMMITTEE ROOM, MUDGEES.**

**PRESENT:** Access Committee members: Les Leighton, Victoria Barrett, Daryl Mercy, Pamela Morris, Steven Waller

**Council Staff:** Kate Power, Tim O'Reilly

**1. APOLOGIES:** Mary Lovett

**2. CONFIRMATION OF PREVIOUS MINUTES – 08/10/2014**

The minutes were confirmed.

**Moved:** V Barrett

**Seconded:** S Waller

**3. MATTERS ARISING FROM MINUTES:**

1.	Kate to send letter to Medical Centre regarding trip hazard out front	Kate
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**4. CORRESPONDENCE**

- **Inward :**

- Resignation letter from Darryl Mercy (handed to P Morris prior to meeting)

- **Outward:** Letter to Medical Centre regarding trip hazard

**5. DEVELOPMENT APPLICATIONS - Oriental Hotel**

The Development Application was provided to Les Leighton a week prior to the meeting for consideration. The plans for the DA were viewed, and it was discussed at length, with Tim O'Reilly answering many questions from the committee regarding the application. After discussion, it was agreed that the 1428 standard will cover the accessibility concerns of the committee.

Les Leighton advised that in addition, Gary Bruce had provided him with a copy of the DA for the Furney's shed. Les advised that he didn't feel it was necessary for him to make any comment.

**6. GENERAL BUSINESS**

**6.1** Les advised that the traffic stops remain in place at the disabled car spaces at Glen Willow

Action Item – Kate to email Tracey Kane and ask that they be removed



- 6.2 Pamela advised that there are solid participation rates at the Gulgong Pool for aqua aerobics classes, and that many of those participants have mobility issues and find it difficult to enter and exit the pool

Action Item – Kate to email Tracey Kane to ask if there are any plans to install a ramp at the Gulgong Pool

- 6.3 Steven noted that he is very pleased with the announcement that parking illegally in a disabled car space now attracts an increased fine, and a demerit point. The committee agreed that this is a positive initiative.

**Next Meeting Date – Tuesday 3<sup>rd</sup> February 2015 at 3pm**

**Agreed Actions**

1.	Kate to email Tracey Kane and ask that they be removed – done 04/12/2014	Kate
2.	Kate to email Tracey Kane to ask if there are any plans to install a ramp at the Gulgong Pool – done 04/12/2014	Kate

### 6.3.30 Tender for Design and Construct Early Childhood Centre – Saleyards Lane, Mudgee

REPORT BY THE MANAGER, HEALTH AND BUILDING TO 17 DECEMBER 2014 COUNCIL MEETING

Childcare Report

GOV400038, COR400079

#### RECOMMENDATION

**That:**

- 1. the report by the Manager, Health and Building on the Tender for Design and Construct Early Childhood Centre – Saleyards Lane, Mudgee be received;**
- 2. In accordance with clause 178 of the *Local Government (General) Regulation 2005*, Council accept the tender from Lynch Building Group to design and construct an early childhood centre located at Saleyards Lane, Mudgee at a tendered price of \_\_\_\_\_;**
- 3. Council authorises the General Manager to finalise and execute the contract on behalf of Council for the design and construction of an Early Childhood Centre, RFT 2014/09**
- 4. The unsuccessful tenderers be notified that their tender submissions were unsuccessful.**

---

#### Executive summary

As part of the Cobbora Transition Fund, Council has received grant funding to construct an early childhood centre.

A previous resolution of Council determined that this facility is to be located in Saleyards Lane Mudgee. A further resolution of Council also determined that a request for tender be prepared seeking submissions for the design and construction of this facility.

Tenders were called for on 26<sup>th</sup> September 2014 and closed on 14<sup>th</sup> November 2014.

Advertisements for the tender were placed in the Local Government Tenders section of the Sydney Morning Herald, the Mudgee Guardian, the Tenderlink website and Council's website.

The tendering process was initiated and a Procurement Plan and Tender Evaluation Plan were developed. A Tender Assessment panel was formed, comprising representatives from the most relevant departments within Council. Members of the Tender Assessment Panel used the Evaluation Plan and methodology to determine which tenderers offered the best value for money and most usable design for an early childhood centre.

#### Detailed report

##### *TENDERS RECEIVED*

Four tenders were received as follows:

- Lynch Building Group
- Rayner Constructions
- Hines Construction
- Dubbo Terrazzo and Concrete Industries

Tenders were assessed against pre-determined price (70%) and non-price (30%) components of their submissions.

#### *LATE TENDERS*

No late tenders were received.

#### *CONFORMING TENDERS*

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

#### *NON-COMPLYING OR ALTERNATE TENDERS*

No non-conforming or alternate tenders were received.

#### *EVALUATION METHODOLOGY*

The objective of the evaluation was to select the tenderer(s) offering best value for money in a rational and defensible way which is considered fair to all tenderers.

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

#### *ASSESSMENT PANEL*

Tim O'Reilly	Manager Health & Building
Daryl Colwell	Director Operations
Leonie Johnson	Acting Director Corporate
Liz Densley	Manager Strategic Planning

#### *EVALUATION FINDINGS*

All tenders were assessed and scored against the evaluation criteria listed in the tender document and weightings in the Evaluation Plan to determine the total weighted score.

## Financial and Operational Plan implications

Council currently has a total budget of \$1,000,000 allocated for the design and construction of an early childhood centre.

## Community Plan implications

<b>Theme</b>	<b>Goal</b>	<b>Strategy</b>
Looking After Our Community	Effective and efficient delivery of infrastructure	3.1 – Provide infrastructure and services to cater for the current and future needs of our community.

**TIM O'REILLY**  
**MANAGER, HEALTH & BUILDING**

**GARY BRUCE**  
**ACTING DIRECTOR, DEVELOPMENT**

4 December 2014

*Attachments:* (included in the confidential section of the business paper):  
1. Tendered pricing

2. Evaluation Scorecard

(included at the end of the business paper):

3. Lynch Building Group Design
4. Rayner Constructions P/L Design
5. Dubbo Terrazo & Concrete Industries Design
6. Hines Constructions Design

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, consisting of a stylized capital letter 'B' followed by a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

### 6.3.31 Tender for Cleaning Services for Council Buildings in the Mudgee/Gulgong Region

REPORT BY THE MANAGER, HEALTH AND BUILDING TO 17 DECEMBER 2014 COUNCIL MEETING  
REPORT Council 2014  
GOV400038, COR400080

#### RECOMMENDATION

**That:**

- 1. The report by the Manager, Health and Building on the Tender for Cleaning Services for Council Buildings in the Mudgee/Gulgong Region be received;**
- 2. In accordance with clause 178 of the *Local Government (General) Regulation 2005*, Council accept the tender from TJS Services for the cleaning of Council Buildings located within the Mudgee/Gulgong Region, at a tendered price of \_\_\_\_\_;**
- 3. Council authorises the General Manager to finalise and execute an eighteen (18) month contract with TJS Services on behalf of Council for the cleaning of buildings located with the Mudgee and Gulgong areas.**
- 4. The unsuccessful tenderers be notified that their tender submissions were unsuccessful.**

---

#### Executive summary

Council's current contract for cleaning services expired on 30<sup>th</sup> June 2014. As a result, an open tender process in accordance with the Local Government Act 1993 was carried out to appoint a suitable contractor for the provision of the cleaning of Council buildings in the Mudgee/Gulgong region.

The length of the tender is 18 months allowing the expiry of this contract to coincide with the expiry of the Rylstone/Kandos cleaning tender.

Tenders were called for on 3<sup>rd</sup> October 2014 with advertisements being placed in the Sydney Morning Herald, Community News, Tenderlink and on Council's website. The tender closed on 24<sup>th</sup> October 2014 at 12.00pm.

Twelve tenders were received.

#### Detailed report

##### *TENDERS RECEIVED*

From the twelve tender submissions Council received, ten were found to meet the mandatory requirements identified in the tender request.

These tenderers are:

- TJS Services,
- Daphne Keech,
- Strike Force Services,



- Mudgee Contract Cleaners,
- Danelle Pike - Mudgee Cleaning Supplies,
- Mudgee Crystal Clear,
- Zippy Cleaning,
- SKG Property,
- Joss Group, and
- Swetha International

#### LATE TENDERS

One late tender was submitted however it was not accepted as it was submitted after the closing time.

#### NON-COMPLYING OR ALTERNATE TENDERS

One non-conforming tender was received and eliminated from the evaluation process due as the contractor did not attend the compulsory briefing session.

#### EVALUATION METHODOLOGY

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

Evaluation Criteria	Weighting
1. Price – whole of contract /project costs	60%
2. Demonstrated capacity to meet Scope of Works	20%
3. Previous History / Experience	14%
4. Quality and effectiveness of Quality, Safety Management Systems	3%
5. Local Preference Policy	3%

#### ASSESSMENT PANEL

Tim O'Reilly	Manager Health and Building
Tracey Kane	Open Space and Buildings Coordinator
Emma Hayne	Assets Accountant

### Financial and Operational Plan implications

The costs of the projects carried out by the general contractors are recognised in the Management Plan under the maintenance and construction of Council's assets.

### Community Plan implications

Theme	Goal	Strategy
Looking After Our Community	A safe and healthy community	1.1 – Maintain the provision of high quality, accessible community services that meet the needs of our community.

TIM O'REILLY  
MANAGER, HEALTH & BUILDING

GARY BRUCE  
ACTING DIRECTOR, DEVELOPMENT

1 December 2014

*Attachments:* 1. Tendered pricing (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be the name 'BRAD CAM', with a horizontal line extending to the right.

BRAD CAM  
GENERAL MANAGER

## 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