



2016

COUNCIL BUSINESS PAPERS

Ordinary Meeting WEDNESDAY 16 MARCH 2016



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9 March 2016

Dear Councillor

MEETING NOTICE
Ordinary Meeting
16 MARCH 2016
Open Day at 5.30pm

Council Meeting commencing at conclusion of Open day

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

Members of the public may address the Committee Meeting at Open Day. Speakers are given five 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

AGENDA

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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 17 February 2016

Council Decision:

That the Minutes of the Ordinary Meeting held on 17 February 2016 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are at the back of the separately attached attachment document.

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.	No determination as yet.
Saleyards Subdivision	Res 228/14 Ordinary Mtg 4/6/14	That Council: <ol style="list-style-type: none"> 2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision; 3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site; 4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders; 5. Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site. 	<p>Council has completed the demolition of the old SES building, and the survey of the subdivision is also complete.</p> <p>Further discussion with Council to decide the best timing to call for a tender of this subdivision.</p>
Rural Fire Service Precinct Development	565/14 Ordinary Mtg 17/12/14	3. That 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 headquarters and museum at Mudgee.	<p>The General Manager has had a preliminary meeting with the RFS. They have confirmed they are happy with the 7,100 sm of land, and the timing of construction is 2 years away.</p> <p>A report on the Rural Fire Service precinct development is included in the February meeting.</p>
	25/16 Ordinary Mtg 17/2/16	That Council: <ol style="list-style-type: none"> 2. reject the proposed NSW Rural Fire Service Precinct 	<p>The General Manager has been requested to undertake further</p>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		<p>Development proposal due to the high financial burden placed on Council;</p> <ol style="list-style-type: none"> 3. support the development of the NSW Rural Fire Service Heritage Museum; 4. authorise the General Manager to enter into negotiations with NSW Rural Fire Service to develop a proposal for a NSW Rural Fire Service solution that substantially reduces the financial burden on Council. 5. receive any new proposals for a NSW Rural Fire precinct, or Fire Control Centre, for in-principle support. 	discussions with the RFS.
Tender for cleaning services for Council buildings in the Mudgee/ Gulgong region	572/14 Ordinary Mtg 17/12/14	2. That Council not accept any tenders and delegate authority to the General Manager to negotiate with the tenderers as necessary.	Council staff are undertaking a comparison of in-house versus external service provision.
Council Contributions	44/15 Ordinary Mtg 18/2/15	That a discussion paper be prepared in relation to Council contributions and presented to Councillors at the April workshop, so that Councillors can consider how to best assist applicants who demonstrate an economic and social need.	Council will be presented with options next financial year, after the Fit for the Future submission has been completed.
Pedestrian Bridge over Cudgegong River, Rylstone	421/15	<p>That Council:</p> <ol style="list-style-type: none"> 1. support the pedestrian bridge in Rylstone subject to funding; 2. consider the project as part of the 2016/17 budget process; 3. continue to lobby for grant funding for this project; and 4. approach the RMS for appropriate signage regarding speed zoning and pedestrian signage. 	<p>Discussions with RMS is ongoing.</p> <p>Staff are investigating grant opportunities.</p>
Reseal of Angus Avenue, Kandos	422/15	That Council staff assess the reseal of Angus Avenue, Kandos as a priority and bring a report back to Council.	The report will be tabled at the April Meeting.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Nuclear Waste Dump at Sally's Flat	423/15	That Council oppose a nuclear waste dump at Sally's Flat.	<p>Response was sent out to the Federal Government as per the Council resolution.</p> <p>Recommend completion.</p>
Business Use of Footpath Policy	29/16 Ordinary Mtg 17/2/16	That the policy be deferred pending a community meeting as soon as possible to include the Police, MRTI, MWGGA, local business operators, Council and any other interested parties so a comprehensive and appropriate policy can be drafted to ensure all compliance issues are addressed, and that tourism and commercial opportunities are maximised.	<p>A community meeting is planned for late March.</p>

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Planning Proposal for Robert Hoddle Drive Bombira

NOTICE OF RESCISSION LISTED BY CR PERCY THOMPSON, CR ESME MARTENS AND CR JOHN WEBB

TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, GOV400023

We, the undersigned Councillors, give notice of our intention that the resolution of the Council Meeting on 17 February 2016 in relation to:

Item 8.3 Council's decision to support the Planning Proposal at 33 Robert Hoddle Drive Bombira

be and is hereby rescinded.

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

the Planning Proposal for Robert Hoddle Drive Bombira be refused until the identified criteria for the Development be met and can be justified in terms of supply and demand.



CR PERCY THOMPSON



CR ESME MARTENS



CR JOHN WEBB

6.2 Red Hill Committee

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, P0860011

MOTION

That Council allocate an additional \$20,000 to the Red Hill Development Project.

Background

The Red Hill Committee have requested an additional \$20k to complete the Red Hill project.

Officer's comments

Council staff do not support any further expenditure but if Council are of the view to support this request then it will be funded out of cash reserves.

Item 7: Office of the General Manager

7.1 MRTI Quarterly Report October to December 2015

REPORT BY THE GENERAL MANAGER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, F0770077

RECOMMENDATION

That Council receive the report by the General Manager on the MRTI Quarterly Report October to December 2015.

Executive summary

As per the funding and performance agreement entered into in March 2014 between Mudgee Regional Tourism Inc (MRTI) and Council, MRTI is required to report quarterly to Council on their performance.

Disclosure of Interest

Nil.

Detailed report

The October to December 2016 MRTI quarterly report has been delivered to Council in accordance with the funding and performance agreement entered into in March 2014 between Mudgee Regional Tourism Inc (MRTI) and Council, and is attached for Council's consideration.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	A prosperous and diversified economy
Strategy	Support the attraction and retention of a diverse range of businesses and industries

Financial implications

Nil.

BRAD CAM
GENERAL MANAGER

3 March 2016

Attachments: 1. MRTI Quarterly Report Oct to Dec 2015.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Q2: October to December 2015
Tourism Quarterly Report

prepared for

MID-WESTERN REGIONAL COUNCIL

Introduction

Mudgee Region Tourism Inc (MRTI) tables this report to the Mid Western Regional Council (MWRC) as a requirement of the contract between MWRC and MRTI, an agreement subject to the following key performance indicators:

#	Objective	Metric/KPI
1	Measure tourism numbers to the LGA and where they are from	Analyse trends in tourism visitation and demographics in the Mudgee Region by capturing and reporting: <ol style="list-style-type: none"> 1. VIC visitation (post codes, reason for visiting) 2. Overnight visitation via accommodation members (room nights, ALOS, average spend, demographics) Share all tourism data on a regular basis with members and stakeholders.
2	Provide all tourism related businesses in the LGA with the opportunity for promotion	<ol style="list-style-type: none"> 1. Maintain or increase total number of MRTI memberships 2. Provide a business listings page on website (for all tourism members and non-members) at no cost. Web page to be visually sponsored by MWRC (logo)
3	Attend and promote the region at events outside the region	Identify at least 4 key trade and/or consumer shows annually (within specified target markets) to promote the Region. For example (these may vary year to year): <ol style="list-style-type: none"> 1. Sydney Cellar Door, NSW Food & Wine Festival (Feb) 2. Pyrmont Food & Wine Festival (May) 3. Balmoral Mudgee Food & Wine Festival (Aug) 4. Vino Paradiso (Nov)
4	Provide monthly marketing communication to subscriber database, report on social media reach and website visitation statistics	<ol style="list-style-type: none"> 1. Annual subscriber database health check 2. Increase subscribers year on year 3. Distribute monthly subscriber emails (maintain brand integrity) 4. Distribute weekly member newsletters 5. Prepare monthly digital media statistics (social media, website & app), track trends, increase engagement
5	Promote all tourism-related council and major regional events	Promote MWRC and major events through Visitor Guide, subscriber database, digital channels, MRTI stalls (e.g. Flavours of Mudgee) and other promotional channels (e.g. radio, Mudgee Guardian articles, etc)
6	Develop annual marketing plan providing details of all marketing and promotional activities planned to be undertaken on a monthly basis to promote LGA as a tourism destination and provide quarterly updates	<ol style="list-style-type: none"> 1. Develop & maintain Mudgee Region DMP 2. Develop & maintain 2 year strategic destination marketing plan (outlining planned campaign activity) 3. Prepare report and meet MWRC quarterly to discuss KPI and financial outcomes (including financial statements and balance sheet)

Executive Summary

NSW Tourism Awards

Mudgee Region Tourism was officially recognised by the industry for excellence in tourism, having been named a finalist in the NSW Tourism Awards Destination Marketing category for its Reset your senses in Mudgee Region campaign.

Sydney Weekender

Episode featuring Mudgee Region (29 Nine 99 in Rylstone and Spencer Cocoa) aired 18th October 2015.

Vino Paradiso – The Rocks, Sydney

Over the weekend of 6th – 8th November Mudgee Region Tourism represented the Region at Vino Paradiso – The Rocks, Sydney. In total 10 members participated at the event to promote awareness of our Region and 'reset your senses in Mudgee Region' campaign.

Mudgee Region Tourism AGM

The AGM was held on 17th November 2015, total of 38 members attended. Mudgee Region Tourism Annual Report, Klick Communication Report and Tressure report carried. Motion carried unanimously to appoint new board member and retain two casual vacancies to be appointed by the Board as required. Brand new Website launched to members.

Mudgee Region Tourism New Website

The new mobile responsive website went live on 19th November 2015. An overwhelming positive response has been received from members and visitors.

Destination NSW

On the 27th November Mudgee Region Tourism showcased the Region to 25 top tier Destination NSW Team Members. Mudgee Region is the first to present a destination in this manner and received exceptional feedback.

Mudgee Smuggler Campaign

Six media from both print and digital outlets were smuggled to Mudgee Region for a 4 day visiting journalist programme, 3rd – 6th December 2015. Twenty members were incorporated in the 4 day itinerary providing greater exposure for our region. Coverage and new features to roll out over the next coming months.

Regional Visitor Economy Fund Application

Mudgee Region Tourism's Regional Visitor Economy Fund application was successful, a grant of \$120,000 has been approved. The funding will be match dollar for dollar by Mudgee Region Tourism therefore creating a destination marketing campaign worth \$240,000 for the Region. The campaign will roll out between March – November 2016.

Sydney Cellar Door 2016

Mudgee Region Tourism sponsorship activated with a confirmed commitment from 15 Wineries and 3 Food/Produce Stalls. Event to take place on 26th – 28th February 2016.

Memberships

12 new applications received. CEO attended 14 meetings/site visits.

Key Performance Indicators met December 2015 Quarter

During this quarter MRTI met the following obligations to Mid-Western Regional Council to provide Visitor Information Services as detailed in **Section 5** of the agreement dated 25 July 2013 (with amendment to KPIs confirmed in Q3 FY14-15) between Mid-Western Regional Council and Mudgee Region Tourism Inc. These are outlined below:

1	Measure tourism numbers to the LGA and where they are from	<p>Analyse trends in tourism visitation and demographics in the Mudgee Region by capturing and reporting:</p> <ol style="list-style-type: none"> 1. VIC visitation (post codes, reason for visiting) 2. Overnight visitation via accommodation members (room nights, ALOS, average spend, demographics) <p>Share all tourism data on a regular basis with members and stakeholders.</p>
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1.1. MRTI currently collects postcode data and survey information from visitors to the region through the Mudgee, Gulgong and Rylstone Visitor Information Centres.

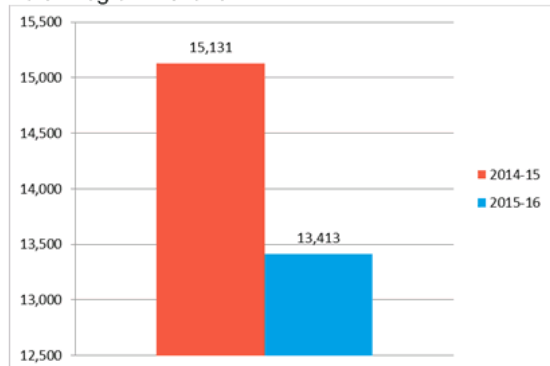
Date	Size	Location
Oct - Dec 2015	6,536	AVIC stats – postcode only (Mudgee, Gulgong & Rylstone VICs)

Total visitation across all three VICs in Q2 decreased by 18% on same quarter last year. The decrease is primarily due to revised operating hours of Rylstone VIC with new partnership in place from May 2015.

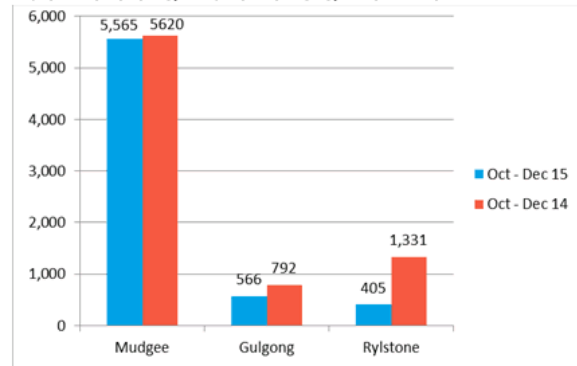
Note: figures are based on manual recording of visitor activity and MRTI team members have limited control over Rylstone figures which are manually recorded by Coffee Concrete (offering visitor services in partnership with MRTI).

FY2015	Mudgee	Gulgong	Rylstone	Total	FY2014	Mudgee	Gulgong	Rylstone	Total
Oct - Dec 15	5,565	566	405	6,536	Oct-Dec 14	5,620	792	1,331	7,743
		FYTD	2015-16	13,413			FYTD	2014-15	15,131

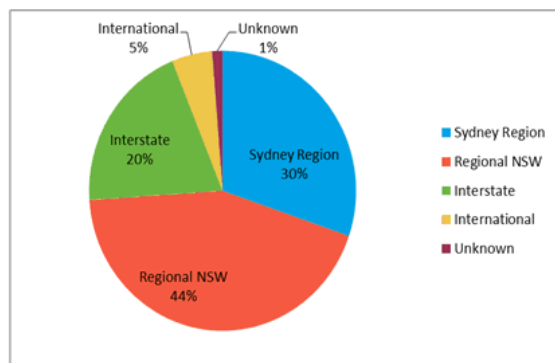
Total Region Visitation – FYTD



Total Visitors: Q2 2015-16 vs Q1 2014-15



Visitor demographics (total VICs) Q2 FY2015-16

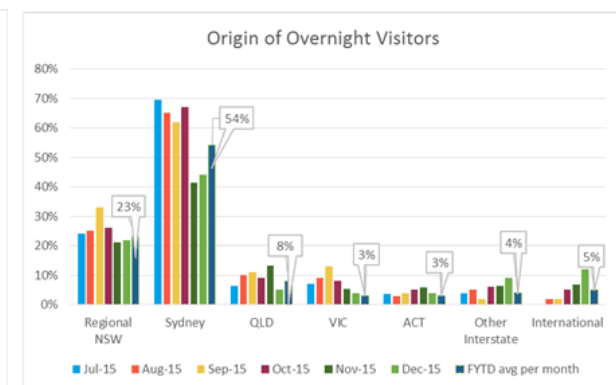
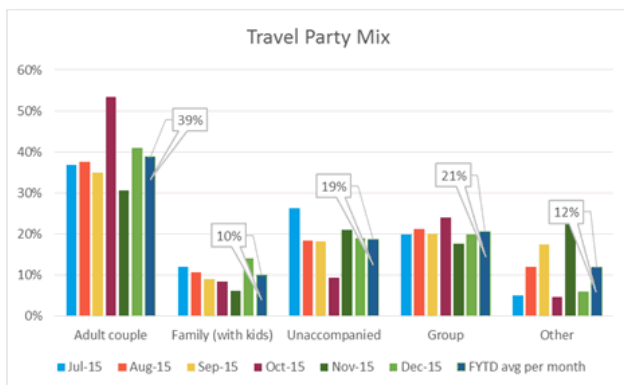
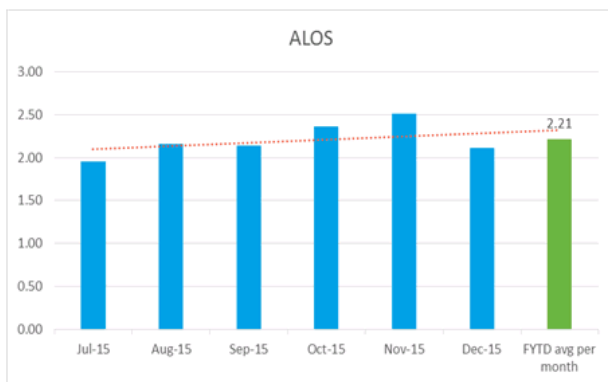
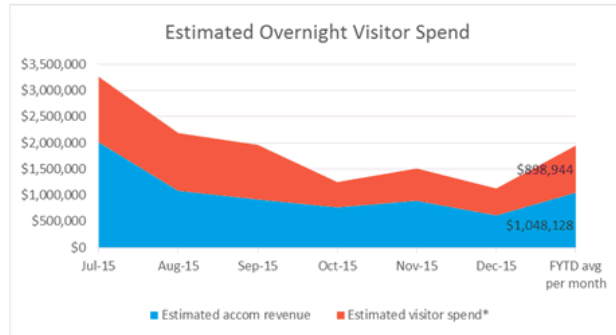
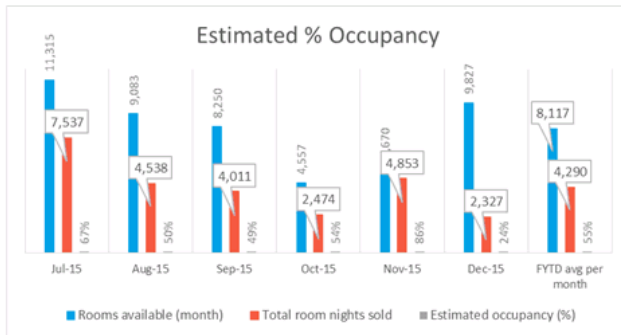


Telephone Enquiries	Oct - Dec 2015	Oct - Dec 2014
VICs	2,524	2, 028

1.2. Additionally, monthly surveys were distributed to accommodation members to obtain overnight visitation data and trends. Below is a summary of FYTD results:

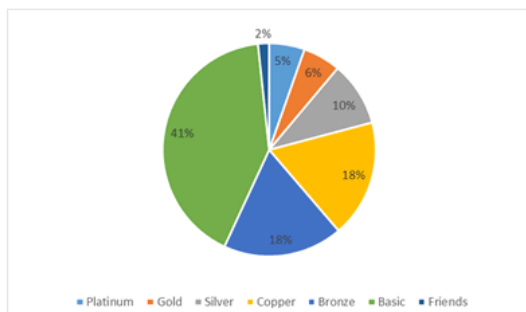
- Survey response rate = 24%
- Average occupancy based on survey responses = 55%
- Average length of stay = 2.2 nights
- Average nightly rate = \$249
- Estimated visitor spend of survey respondents = \$5M

FYTD Graphs –



2	Provide all tourism related businesses in the LGA with the opportunity for promotion	<ol style="list-style-type: none"> 1. Maintain or increase total number of MRTI memberships 2. Provide a business listings page on website (for all tourism members and non-members) at no cost. Web page to be visually sponsored by MWRC (logo)
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2.1. MRTI secured 13 new memberships for the 2015-16 Membership year in Q2. Total = 297 members



1.1.A full business directory can be found on the new MRTI website (<http://www.visitmudgeeregion.com.au/visitor-services/business-directory>) with MWRC logo at base of page.

3	Attend and promote the region at events outside the region	<p>Identify at least 4 key trade and/or consumer shows annually (within specified target markets) to promote the Region. For example (these may vary year to year):</p> <ol style="list-style-type: none"> 1. Sydney Cellar Door, NSW Food & Wine Festival (Feb) 2. Pyrmont Food & Wine Festival (May) 3. Balmoral Mudgee Food & Wine Festival (Aug) 4. Vino Paradiso (Nov)
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Date	Event	Description of Activities	Identified Target Market?	How this will lead to increase in tourism to LGA?
Nov 15	Vino Paradiso – The Rocks, Sydney	National event, showcasing Wine, Food, Beer, Cider + Spirits	Yes	Promote awareness of our Region and 'reset your senses in Mudgee Region' campaign.

4	Provide monthly marketing communication to subscriber database, report on social media reach and website visitation statistics	<ol style="list-style-type: none"> 1. Annual subscriber database health check 2. Increase subscribers year on year 3. Distribute monthly subscriber emails (maintain brand integrity) 4. Distribute weekly member newsletters 5. Prepare monthly digital media statistics (social media, website & app), track trends, increase engagement
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- 4.1. Subscriber database strategy continued in Q2 with with member opportunities presented to promote in Region Events
- 4.2. Health check completed in November resulting in an 11% decrease of subscribers at the end of Q2. Current total = 10, 031
- 4.3. Monthly subscriber emails distributed throughout the quarter, new on brand templete developed and released in November
- 4.4. Weekly member newsletter distributed each Friday.
- 4.5. Monthly digital media statistics recorded in CEO's report, see below:

Website	Q2 2015	Q2 2014
Unique Visitors	27,859	160,577
Page Views	119,882	192,958

Unfortunately Bosweb (previous website host) were reporting incorrect website statistics in the past, (figures were inflated). We now have accurate monthly Google Analytics data via Wisdom. This means we are unable to accurately compare monthly stats on same period last year February 2016.

Social Media Channels	Q2 2015	Q2 2014
Facebook followers	6,410	5,005
Instagram followers	3,756	1,696
Twitter followers	1,277	974

Social Media followers continue to significantly increase (49%) in FY15 Q2 compared to same period last year. This is contributed to a consistent strategic social media strategy of paid Facebook advertising, user content, engaging members, key tourism stakeholders and highly influential bloggers reaching our target audiences.

Social Media

Continued to see strong engagement across all social media channels.

Highlights included:

- [Australia.com Facebook page](#) – (6.4 Million Followers) Monday 5th October featured Moothi Estate image – repost received over 1,291 likes and 43 shares.
- Visit NSW (885K followers) 12th October featured Amber Hooper promoting Mudgee Region 919 likes and 157 Shares
- @australia – (1.8 million followers) Sunday 25th October reposted a Mudgee Region Tourism’s image of Horizon Mudgee, repost received 42.5k likes (and we picked up 100 followers overnight!)
- [Australia.com Facebook page](#) – (6.4 Million Followers) picked up and shared on 7th December Mudgee Region Tourism post of Lowe Wine via #restaurantaustralia
- We commenced paid advertising from 18th – 25th December to drive consumers to our website. Based on target market from Sydney, Newcastle, Central West with an interest in Food & Wine. This resulted in a reach of 92,598 and an increase of 120 followers and 1,854 visits to our website over campaign period.

Facebook

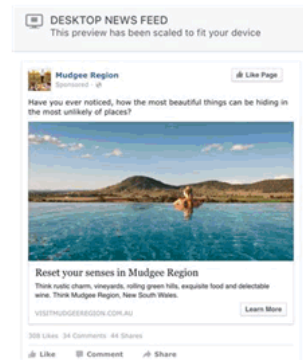
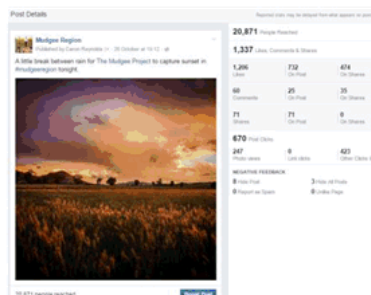
Followers increased 6% (415) to 6,410.
 Highest post reach (excluding paid post) of 20,871 for ‘A little break between rain for the Mudgee Project 5to capture sunset in #mudgeeregion tonight’

Instagram

Instagram continues to be the highest growth rate for our digital platforms. Followers increased 15% (573) to 3,183.

Twitter

Followers increased 3% (35) to 1,242.



Google Analytics – Mudgee Region Website

- 27,859 unique visitors
- 119,882 total page views

Top Referral Websites

- Visit NSW
- Facebook
- David Strassman
- Mudgee Wine
- Mid-Western Regional Council

5	Promote all tourism-related council and major regional events	Promote MWRC and major events through Visitor Guide, subscriber database, digital channels, MRTI stalls (e.g. Flavours of Mudgee) and other promotional channels (e.g. radio, Mudgee Guardian articles, etc)
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The following Council events and activities were promoted via our print and digital 'What's On' calendar, social media, individual posters + flyers distributed actively to visitors across VICs: Town Hall Cinema, RSI Wood Sculpture Symposium, Inflatable Pool (Gulgong, Mudgee, Rylstone), Christmas Carols (Mudgee, Kandos, Gulgong), Big Splash Water Park

6	Develop annual marketing plan providing details of all marketing and promotional activities planned to be undertaken on a monthly basis to promote LGA as a tourism destination and provide quarterly updates	<ol style="list-style-type: none"> 1. Develop & maintain Mudgee Region DMP 2. Develop & maintain 2 year strategic destination marketing plan (outlining planned campaign activity) 3. Prepare report and meet MWRC quarterly to discuss KPI and financial outcomes (including financial statements and balance sheet)
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- 6.1. DMP developed and approved by MRTI Board June 2015. Shared with and approved by DNSW in July 2015. Scheduled for annual review, May 2016.
- 6.2. Strategic marketing plan developed for 2015-16 FY, with RVEF application results pending to finalise following year's activity. See below Marketing + Promotions Results for Q2.
- 6.3. Here lies within MWRC Quarterly Report, including financial statements.

Marketing + Promotions Results Q2**NSW Tourism Awards**

Mudgee Region Tourism has been recognised by the industry for excellence in tourism, having been named a finalist in the NSW Tourism Awards for its Reset your senses in Mudgee Region campaign. Mudgee Region competed alongside other finalists in the Destination Marketing Category including Broken Hill, South Coast, NSW State Forests and NSW Coastline. Mudgee Region Tourism attended the Awards Presentation + Gala dinner in Sydney on the 26th November. Unfortunately we did not win, however will consider a submission again next year.

Sydney Weekender

Episode featuring Mudgee Region (29 Nine 99 in Rylstone and Spencer Cocoa) aired 18 October, in response to brief from Klick.

Website Project

Launched new mobile responsive website 19 November 2015. . An overwhelming positive response has been received from members and visitors. Highlights include -

- Reflects our region's new 'Reset your senses' brand
- Mobile responsive, in turn improving Google search results
- Trip Planner for visitors to start planning and sharing their ideal itinerary via social media or email
- Prominent Book Now buttons for accommodation members signed up through V3 Leisure and Events listed through our SeatAdvisor ticket sales system (contact us to find out how)
- Encourages visitors to sign up to our social media pages and subscriber database
- Weather widget for each town

Trivago Ranks Mudgee Region # 10

Mudgee Region were listed 10th in the State on the popular Trivago website for region rankings.

Vino Paradiso – The Rocks, Sydney

Over the weekend of 6th – 8th November Mudgee Region Tourism represented the Region at Vino Paradiso – The Rocks, Sydney. In total 10 members participated from our Mudgee Region. Vino Paradiso is a National Wine, Food, Beer, Cider and Spirits event. 32 wine regions, 8 wineries and more than 1,000 wines were on show. Mudgee Region Tourism were able to distribute 1,120 Visitor Guides to festival goers and secured 275 new subscriber emails. Mudgee Region hosted the VIP lounge area in partnership with Lilydale and Cruise Bar. Poor weather contributed to poor visitation across the weekend.

Destination NSW

On the 27th November Mudgee Region Tourism organised an opportunity to showcase the Region to 25 top tier staff (including PR, Marketing, RVEF judge, Destination Development Director, Food + Drink Specialist, etc). Received exceptional feedback and advised we had set the benchmark for all other regions. Mudgee Region first to present their destination in this manner.

Regional Visitor Economy Fund Application

Mudgee Region Tourism submitted to Destination NSW an application for the NSW Government’s 2015 -16 Regional Visitor Economy Fund, Contestable Fund, Round Two. The application was successful, a grant of \$120,000 was approved. The funding will be match dollar for dollar by Mudgee Region Tourism therefore creating a destination marketing campaign worth \$240,000 for the Region. The campaign will include a range of initiatives focused on the Regions’ *Food and Drink* offering. Overall the campaign will raise awareness of Mudgee Region and contribute towards supporting the goal of doubling overnight visitor spend NSW by 2020. Campaign activity to roll out over March – December 2016.

Mudgee Smuggler Campaign

Six media from both print and digital outlets were smuggled to Mudgee Region for a 4 day famil, 3rd – 6th December 15. Twenty members were incorporated in the 4 day itinerary. Media included Hannah James (Sunday Style 447,453 publication circulation), Rebekah Scanlan (Take 5, 155,723 publication circulation), Kayla Gex (House + Garden 112,062 publication circulation), Lucy Rennick (Urban Walkabout 440,000 month views), Adam Carlson (Sydney Social 101, 47,500 month views) and Chris Singh (The AU Review, 221,333). The media were hosted by MRTI and Klick, the group were extremely impressed and absolutely fell in love with Mudgee Region during their four day immersion. Coverage and new features to roll out over the next coming months

43 positive news articles about the Mudgee Region were published in the quarter.

PR Report (Klick Communications)

Tactic	Activity
Visiting Journalist Programme	
Sunday Style	Klick secured Hannah James, features editor at Sunday Style. Hannah attended 4 day Mudgee Smuggler famil in December
Urban Walkabout	Klick secured journalist Lucy Rennick the 4 day Mudgee Smuggler famil in December
Sydney Social 101	Klick secured Adam Carlson to attend the 4 day Mudgee Smuggler famil in December
The AU Review	Klick secured Chris Singh to attend the 4 day Mudgee Smuggler famil in December
Take 5 Magazine	Klick secured Rebekah Scanlan to attend the 4 day Mudgee Smuggler famil in December
House & Garden Magazine	Klick secured Kayla Gex to attend the 4 day Mudgee Smuggler famil in December
Media Releases + Publicity	
Vino Paradiso	Developed release on Mudgee Region Tourism and nine local stall holders
AWOL	Klick pitched Mudgee region to AWOL for inclusion in their top 95 destinations guide. Mudgee Region was featured in December.
NSW Tourism Awards	Developed media release
Spice News	Provided journalist with approved information and imagery to feature in opportunity

FINANCIAL REVIEW
 NEWS BUSINESS MARKETS STREET TALK REAL ESTATE OPINION TECHNOLOGY PERSON

FINANCIAL REVIEW
Workforce & Productivity Summit
 8-9 December 2015 | Sofitel, Melbourne

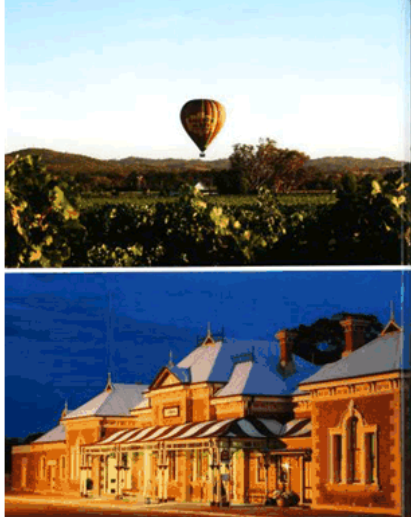
Home / Lifestyle / Food & Wine
 Sep 27 2015 at 5:32 PM | Updated Sep 27 2015 at 5:32 PM

The sweet taste of Mudgee

SAVE ART



Mudgee: "The key to success of any wine region is variety and diversity." Peter Braig



Mid-Western Region looking forward to a busy weekend

Oct. 2, 2016, 3:30 a.m.

Accommodation providers are fully booked ahead of the October Long Weekend.



The scene in Market Street last Saturday during Flavours of Mudgee. The local tourist industry is expecting another great weekend as the end of the Spring Wine and Food Festival coincides with the Labour Day weekend.

This weekend marks the end of another successful food and wine festival.

"It was terrific to experience another busy month for tourism across Mudgee Region, with many first time and repeat visitors taking part in this year's Wine + Food Festival," Mudgee Region Tourism CEO Cara George said.

"Our Visitor Information Centres have been buzzing with excitement from visitors keen to get a taste of what our region is all about, ready to explore our gorgeous surroundings.

"Many have commented on how wonderful and authentic the events, activities and people are that have been on show throughout the festival. And it hasn't ended yet, we have another busy (long) weekend ahead with lots of last minute travel seekers heading to the region.

"Many accommodation providers are full to the brim, so get ready for another great

MRTI DE

GET THE RECIPE
 To view, download the free views app and hold your phone or tablet over the page.

viewa

Winemaker Favourite

David Lowe and Kim Currie make a pretty formidable partnership. The Mudgee duo, with Lowe running his eponymous wine label and Currie in charge at The Zin House, have created one of the most delightful spots in the Central Ranges to enjoy a leisurely lunch. Currie's restaurant, situated in a farmhouse overlooking Lowe's zinfandel vineyard, specialises in simply cooked seasonal and local produce – much of it grown on-site – to be accompanied by a glass or two of the estate-grown wines. With spring ending, we asked Lowe and Currie for one of their favourite wine and food combinations. Currie is happy to share her recipe for **rhubarb and raspberry clafoutis and honey ice-cream** and Lowe played sommelier, recommending the **2014 Lowe Nullo Mountain Late Harvest Riesling (A\$30)**. "The great sweet wines have a refreshing finish," he explained. "In the Germanic style, which this wine is as it was grown in a cold climate, the orange peel from botrytis coupled with high natural acidity mitigates the sweetness. We could also call it bitter sweet." 329 Tinja Ln, Mudgee, (02) 6327 1660. www.zinhouse.com.au

SHORT BREAK

Perfect for Two

Close enough to Sydney that you can make the trip after work on a Friday, far enough away that you feel like you have escaped the city Mudgee is our favourite wine region for people "in the know". Beautiful rolling country yields a range of great cells and restaurants, and locally brewed craft beer and seasonal produce are all available. This is the perfect home base for a romantic getaway with your significant other as you sip, graze and gaze in a space that feels like your very own.

WORDS Andrew Bruthwaite

To visit makes the region an integral part of the wine and food scene. The 2014 Nullo Mountain Late Harvest Riesling is a beautiful wine, and the region's produce is exceptional. The Zin House is a beautiful restaurant, and the Zin House is a beautiful restaurant. The Zin House is a beautiful restaurant, and the Zin House is a beautiful restaurant.

perfectly relaxing interpretation capturing the well-known rolling hills and wine country in a very accessible atmosphere of the valley. It's not just the wine that makes Mudgee a special place. The Zin House is a beautiful restaurant, and the Zin House is a beautiful restaurant. The Zin House is a beautiful restaurant, and the Zin House is a beautiful restaurant.

Must-see Mudgee

Kate Cox hits the sternware, tables and beds of an old gold town that's repositioned itself as a must-visit on the food and wine trail.

"We're not open again until Wednesday, so you can have any wine by the glass for \$5," says the perky manager at Lenter's as we linger over post-dinner Sunday drinks. Recently rebranded to honour its historic pharmacy namesake (it was Sajo's previously), Lenter's is Mudgee's sole cocktail bar. But, as with many spots in town, it multi-tasks – offering yummy tapas and a kids' menu, and even homemade baby food. The welcoming attitude is seen all over this laid-back historical town, once better known for sheep, cattle, and gold-mining but now punching well above its weight in the food and drink stakes.

Here are some of our favourites ...
TO EAT
 From Sydney, it takes about 3½ hours to get to Mudgee (about 5 hours from Canberra), and you should arrive hungry because the town's two standout restaurants shouldn't be missed. Do you choose the consistency and polish of chef Andy Crestani's Pipeclay Pumpshouse – a five-star feast you'll still be thinking about weeks later – in the stylish surrounds of highly rated Robert Stein Winery? Or opt for The Zin House for a meandering seasonal long lunch you will tell all your friends about, set in a cosy converted home where regional chef Kim Currie reigns supreme? If you pick both (you should), there are a range of dining opportunities: Pipeclay also does breakfast (with a killer bacon-and-egg goodness) and The Zin House has more casual offerings on weekend nights.

Shop's recently launched just-out-of-town sibling, High Cube Cafe, made (you guessed it) out of shipping containers. Also try Eltons, another revamped multi-tasker – it's great for breakfast.

Continued on page 5



From top, the verandah at Trebawney Farm is a cool retreat; fresh local market produce. Main photo: Craig Wall

Sydney Taste

Vino Paradiso at The Rocks: Get ready for some fun in the sun

November 3, 2015 12:00am
 Grant Jones Food Editor The Daily Telegraph



Magic of Mudgee

Though small, this town offers a richness of food, wine and beer, writes JIM KELLAR.

WHILE sitting windowside at Eltons Eating + Drinking in downtown Mudgee in the middle of winter, and it feels like there could be no finer place to be.

Sure, there's a nip in the air. But there's also a buzz. Make no mistake, Mudgee is a village that can.

Eltons is a prime example. Dani Edred and Freen Rowlands came back to their home town a few years ago and spent some time planning this marvelously renovated old chemist shop into a comfortable and hip eatery and drinking locale a year ago.

Share plates are the go here – crumbed manchego bites, three-cheese arancini balls, portobello mushrooms, chorizo, spiced squid and the like (you can get a steak, too). And the local wine list is outstanding. We enjoy comparing a Radio Boca tempranillo (Spain) and a Manners tempranillo (Mudgee) by the glass. There's a healthy mix of other Australian wines with Mudgee wines (Rozby Estate, Robert Stein, Logan, Ernest Schuetz to name a few).

I'm not willing to admit our warmth toward Eltons was affected by starting the night around the corner at Mudgee Brewing Company. In fact, the two businesses separately impressed us with their genuine hospitality and the quality on offer.

Gary Leonard, founder and brewmaster at Mudgee Brewing, has taken his time to develop his brand in a former church building downtown, on Church Street, of course. His tasting paddle was outrageously good fun, from his big 8.5 per cent Mudgee Mud, to his crazy Camels Beard Black Sour (only 4 per cent) to his signature Pale Ale (4.4 per cent) and Porter (4.3 per cent). The big restaurant, with brewing tanks on one side of the room, is busy. If it works for the locals, you know it's a pretty good bet for the rest of us.

That same genuine country hospitality met us at Bunnamago Estate winery, less than 10 minutes out of town. It's a smart, newish facility owned by the Paspaley family of pearl fame. But the

family leaves the winemaking to the experts, and winemaker Robert Black has helped it earn a top rating from wine guru James Halliday.

Sourcing wine both from their Rockley vineyard in the Central Ranges and outside at Erasmund's Vineyard, they have a wide range of product, from their \$30 Pinot Noir

Chardonnay sparkling to roses, reds, whites and dessert wines.

Black loves talking about his wines, and you might just see him about with his dog Marty on the grounds.

There are nearly 40 cellar doors in Mudgee, not as commercial as the Hunter but certainly rich in history and quality. The writer was a guest of Mudgee Tourism and Central NSW Tourism.

- Central NSW Tourism
visitcentralnsw.com.au
- Mudgee Region Tourism 6379 4337
visitmudgeeregion.com.au
- Eltons Eating + Drinking, 81 Market Street, Mudgee 6372 1079 eltons.com.au
- Mudgee Brewing Company, 4 Church Street, Mudgee, 6372 6726 mudgeebrewing.com.au
- Bunnamago Estate, Henry Lawson Drive, Mudgee 6373 3141
bunnamagowines.com.au



RESET YOUR SENSES IN MUDGEE REGION

Published: 30 October 2015

by: Mudgee Region Tourism

Dunns Swamp, Wollemi National Park



Dunns Swamp camping ground

Outside Mudgee in Central NSW is the beautiful Dunns Swamp in Wollemi National Park. Set on the banks of the Galangang River and nestled amongst stunning sandstone pagoda rock formations, Dunns Swamp presents an idyllic family getaway with plenty of walking tracks and canoeing and swimming spots.

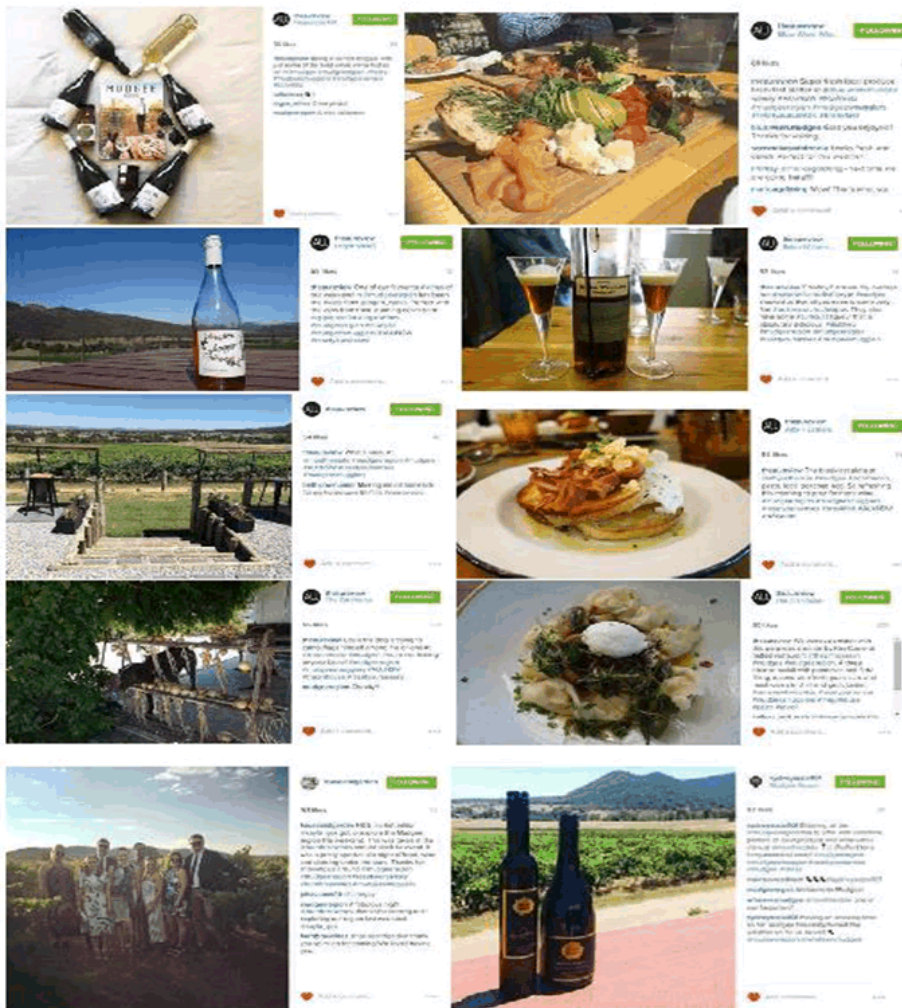
Remember that water is not available at this campground so you'll need to bring your own supply for drinking and cooking. Remember to also treat or boil all water taken from creeks in the park.



Discover a taste sensation in a place that's a feast for the eyes. Swift and sip your way across over 40 family-owned cellar doors, a distillery and brewery. Eat and treat yourself to our local produce. Potter around our boutique and chic shopping precinct and find hidden gems exploring our heritage.

If you've been here already, you'll know the culinary passion runs deep, with Mudgee now a household name among foodies across Australia.

And for those of you who are yet to visit, allow us to set the scene. Mudgee has a rich pastoral history that is



Finance

Mudgee Region Tourism Inc - Treasurer's Report – Q2 Dec 2015

1. **Nature of Report**

- a. This is the financial report for the second quarter of the MRTI 2015-16 financial year, given to Mid-Western Region Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.
- b. The report demonstrates the trading result for the financial quarter ended 31st December 2015.

2. **Accounting Conventions**

- a. The attached P&L and Balance Sheet have been prepared directly from the MYOB General Ledger with no external intervention other than formatting.
- b. Accrual accounting is used under GAAP.

Overall Result

- a. The overall result of actual profit for the quarter is \$54,766, however this is \$6,967 below budget.

3. **Trading Income**

Retail trading income has improved for the quarter (+2.4%) compared to last quarter (-13.5%), a proactive approach was taken to increase sales in the lead up to Christmas. Ticket Sales Commission is \$5,400 greater than budget (+86.4%), MRTI continues to engage more significant events through the new online ticket sales system. Membership Income is also up on budget \$7,327 (+2.5%).

4. **Total Income**

Overall income indicates a greater than budget result of \$12,177 (+2.4%).

5. **Total Expenses**

- a. Total expenses are \$19,144 (4.3%) over budget mainly due to Professional Fees, Wages and Salaries & Visitor Guide Expenses. Professional Fees increased due to the preparation of the annual audit and annual financial report, along with time spent on preparing the reforecast 2015-16 budget. The Wages and Salaries initial budget did not account for provision of holiday pay and additional wages to cover leave entitlements. The reforecast budget will allow for this and will be in place from January 2016. Visitor Guide expenses are over budget due to the Boards decision to change distribution supplier, previous supplier currently under investigation for a possible fraud case.
- b. The organisation continues to be under financial control.

6. **Cash Funds**

At the end of Q2 of the 2015-16 Financial Year the majority of the current assets is cash \$171,555.

7. **Balance Sheet**

- a. A balance sheet is included as part of this report.

Mudgee Region Tourism Inc

84 Market Street
 MUDGEE NSW 2850

Balance Sheet

As of December 2015

6/01/201
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1-0000	Assets		
1-1001	Current Assets		
1-1002	Cash on Hand	\$171,555	
1-1999	Debtors	\$2,902	
1-2200	Stock on Hand	\$4,760	
1-3500	Prepayments	\$2,312	
	Total Current Assets		\$181,529
1-4000	Non-Current Assets		
1-5000	Motor Vehicle (Nett)	\$42,363	
1-7000	Office Furn & Equip (Nett)	\$12,679	
1-9000	Intangible Assets	\$849	
	Total Non-Current Assets		\$55,890
	Total Assets		\$237,420
2-0000	Liabilities		
2-0001	Current Liabilities		
2-2000	Trade Creditors	\$30,207	
2-2210	Accruals	\$14,725	
2-2300	Hire Purchase	\$32,797	
2-3000	GST Liabilities	\$2,360	
2-5000	Payroll Liabilities	\$16,820	
	Total Current Liabilities		\$96,909
2-6000	Prepaid Income		
2-6800	Ticket Sales	\$13,759	
2-9000	Old Accounts		
	Total Liabilities		\$110,667
	Net Assets		\$126,753
3-0000	Equity		
3-8000	Retained Earnings	\$68,182	
3-9000	Current Earnings	\$54,766	
3-9999	Historical Balancing Account	\$3,804	
	Total Equity		\$126,753

Mudgee Region Tourism Inc84 Market Street
MUDGEE NSW 2850**Profit & Loss [Budget Analysis]****July 2015 through December 2015**

	Selected Period	Budgeted	\$ Difference	% Difference	
4-0000	Income				
4-1000	Retail Sales	\$39,846	\$38,900	\$946	2.4%
4-1499	Ticket Sales Income	\$11,650	\$6,250	\$5,400	86.4%
4-2000	Membership Income	\$302,327	\$295,000	\$7,327	2.5%
4-3040	Booking Agency Fees	\$97	\$100	-\$3	(2.9%)
4-4010	MWRC Contract	\$188,559	\$188,375	\$184	0.1%
4-8000	Interest Received	\$1,898	\$2,250	-\$352	(15.6%)
	Total Income	\$544,378	\$530,875	\$13,503	2.5%
5-0000	Cost Of Sales				
5-0050	COGS Retail	\$23,590	\$23,900	-\$310	(1.3%)
5-2000	COGS Ticketing	\$3,785	\$2,149	\$1,636	76.1%
	Total Cost Of Sales	\$27,374	\$26,049	\$1,325	5.1%
	Gross Profit	\$517,003	\$504,826	\$12,177	2.4%
6-0000	Expenses				
6-1000	Advertising	\$1,844	\$2,250	-\$406	(18.0%)
6-1500	Audit Fees	\$2,000	\$2,000	\$0	0.0%
6-2000	Bank Charges	\$13	\$50	-\$37	(74.2%)
6-2005	Bank Charges - Merchant	\$1,826	\$2,030	-\$204	(10.1%)
6-2500	Cleaning	\$1,214	\$1,750	-\$536	(30.6%)
6-3000	Computer Expenses	\$2,696	\$1,900	\$795	41.9%
6-3200	Depreciation	\$5,300	\$5,300	\$0	0.0%
6-3300	Electricity	\$1,764	\$1,100	\$664	60.4%
6-3602	Visitors Centre Costs	\$0	\$750	-\$750	(100.0%)
6-3603	Insurance	\$1,676	\$1,500	\$176	11.7%
6-3610	Insurance - Workers Comp	\$1,084	\$750	\$334	44.6%
6-3710	Motor Vehicle Running	\$5,875	\$4,762	\$1,113	23.4%
6-3750	MV Interest	\$1,205	\$1,154	\$51	4.4%
6-3800	Office Supplies	\$108	\$1,000	-\$892	(89.2%)
6-3900	General Postage	-\$126	\$150	-\$276	(183.8%)
6-3950	Member Expenses	\$874	\$1,250	-\$377	(30.1%)
6-4000	Printing & Stationery	\$1,613	\$1,000	\$613	61.3%
6-4100	Professional Fees	\$15,619	\$10,902	\$4,717	43.3%
6-4551	Rent Mudgee Visitors Centre	\$464	\$460	\$4	0.9%
6-4552	Gulgong Visitors Centre	\$0	\$500	-\$500	(100.0%)
6-4555	Rylstone/Kandos running costs	\$0	\$500	-\$500	(100.0%)
6-4600	Repairs & Maintenance	\$713	\$250	\$463	185.1%
6-4800	Staff Amenities & Ent	\$1,905	\$1,500	\$405	27.0%
6-4820	Seminars & Training	\$23	\$1,250	-\$1,227	(98.2%)
6-4850	Subscriptions & Memberships	\$18,986	\$18,023	\$963	5.3%
6-4980	Security	\$441	\$300	\$141	46.9%
6-5050	Telephone, Fax & Internet	\$3,500	\$4,140	-\$640	(15.5%)
6-5060	Travel Expenses	\$323	\$500	-\$177	(35.3%)
6-5080	Website Expenses	\$4,972	\$2,600	\$2,372	91.2%
6-6000	Visitor Guide Exp	\$114,890	\$111,800	\$3,090	2.8%
6-7000	Wages and Salaries	\$167,713	\$157,573	\$10,140	6.4%
6-8000	Regional Marketing Expenditure	\$103,725	\$104,100	-\$375	(0.4%)
	Total Expenses	\$462,237	\$443,094	\$19,144	4.3%
	Operating Profit	\$54,766	\$61,733	-\$6,967	(11.3%)
8-0000	Other Income				
9-0000	Other Expenses				
	Net Profit/(Loss)	\$54,766	\$61,733	-\$6,967	(11.3%)

Item 8: Development

8.1 DA0165/2015 - Paintball Facility (Recreation Facility, Outdoor) - 142 Winchester Crescent, Cooks Gap

REPORT BY THE TOWN PLANNER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, DA0165/2015

RECOMMENDATION

That:

- A. Council receive the report by the Town Planner on the DA0165/2015 - Paintball Facility (Recreation Facility Outdoor) - 142 Winchester Crescent, Cooks Gap;**
- B. Council approve DA0165/2015 - Paintball Facility (Recreation Facility Outdoor) - 142 Winchester Crescent, Cooks Gap subject to the following conditions:**

PRESCRIBED CONDITIONS

- 1. Building work must be carried out in accordance with the requirements of the Building Code of Australia.**
- 2. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:**
 - a. showing the name, address and telephone number of the principal certifying authority for the work, and**
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - c. stating that unauthorised entry to the work site is prohibited.**
 - d. any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.**

APPROVED PLANS

- 3. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.**
-

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date [dd.mm.yyyy]:	Prepared by:
STATEMENT OF ENVIRONMENTAL EFFECTS	-	-	01/02/2016 (Marked by Council)	JOEL POWELL
PLAN A	Sheet 1 of 4 (Marked by Council)	-	22/02/2016 (Marked by Council)	JOEL POWELL
PLAN B	Sheet 2 of 4 (Marked by Council)	-	22/02/2016 (Marked by Council)	JOEL POWELL
PLAN C	Sheet 3 of 4 (Marked by Council)	-	22/02/2016 (Marked by Council)	JOEL POWELL
PLAN D SCREEN PLANTING	Sheet 4 of 4 (Marked by Council)	-	22/02/2016 (Marked by Council)	JOEL POWELL

4. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy

LIMITS ON CONSENT

5. The hours of operation of the paintball facility are restricted to the hours between 9am and 5pm Saturdays and Sundays only.
6. The paintball facility is to have no more than 30 patrons on-site at any one time.

NOISE

7. The proponent shall ensure that noise generated from the paintball facility does not exceed the criteria set out in the table below:

Location	Day (9.00am – 5.00pm)
	L_{Aeq} (15 minute)
Private Residence (any)	35 dBA

8. Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Industrial Noise Policy.

ENGINEERING CONSTRUCTION

9. 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.

10. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

CAR PARKING

11. A total of 15 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
 - a. Each parking space is to have minimum dimensions of 5.5m x 2.6m;
 - b. All car parking areas must be maintained in a satisfactory condition at all times;
 - c. One accessible car parking space is to be provided with the shortest distance possible to the paintball field;
 - d. Signage and/or car park wardens are to be used to denote the car park area and ensure the safe and efficient parking of vehicles.
12. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1 – 1993. Details of compliance are to be shown on the relevant plans and specifications.

ACCESS

13. The construction of an all-weather vehicle access to the development, in accordance with the following minimum guidelines:
 - a. a gate or stock grid (if applicable) set back a minimum distance of fifteen (15) metres from edge of the traffic lane of the public road;
 - b. a minimum 6.0 metre wide compacted gravel driveway, extending from the edge of pavement on the public road to the entrance gate or stock grid;
 - c. the access shall be sealed a minimum of 10m from the edge of the travel lane
 - d. a minimum 150mm thick, 6.0 metre wide concrete dish drain or 375mm diameter reinforced concrete pipe culvert with headwalls, located outside the clear zone, having the table drain directed through it;
 - e. the access shall be located such that adequate sight distances are achieved, as specified in the Austroads publication 'Intersections at Grade'.
14. Any existing vehicular crossings not utilised by the development shall be removed and the area restored to match the adjoining section of kerb gutter prior to occupation of the development.

CULTURAL HERITAGE

15. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE BUILDING

16. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewer Management System is to be obtained from Mid-Western Regional Council.
-

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

17. 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.

BUILDING CONSTRUCTION

18. 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.
19. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
20. 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.
21. 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.
22. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
23. 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.
24. All building work is to comply with the requirements of the Access to Premises Standard.

HEALTH AND ENVIRONMENT

25. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
26. The owner and/or operator of the on-site sewage management system shall immediately notify Council upon failure of the system that may result in a pollution incident occurring or which may pose a potential risk to public and/or environmental health.
27. The owner of the on-site sewage management system shall install, service and maintain all equipment considered necessary by Council for the safe and efficient storage, treatment, disposal, removal and transfer of treated and/or untreated waste and wastewater processed or intended to be processed by the system of sewage management.
-

28. The owner shall, upon the request of Council and/or Council Officers, provide details of the way in which the on-site sewage management system is operated and evidence of compliance with the conditions of this approval.
29. The land upon which the building and the on-site sewage management system is installed shall be maintained in the one ownership and shall not be sub-divided or otherwise separately disposed of whilst the sewage management system is in use.

PRIOR TO ISSUE OF THE 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. Screen plantings consisting of a mixture of native trees and shrubs, with a minimum mature height of 2m, are to be planted at maximum 5m intervals as indicated in 'PLAN D – SCREEN PLANTINGS'. Tree and shrub species should require minimal watering and be salt resistant. The plantings are to be a minimum height of 1m at the time of planting.
32. All car parking and associated driveway works are to be completed prior to occupation of the development.

GENERAL

33. A 3.5m high perimeter net is to be constructed and maintained surrounding the paintball field. The barrier or protective screen must be constructed of a material that is impenetrable by a projectile fired from a paintball gun. Shade cloth materials are to be knitted netting.
 34. 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.
 35. All loading and unloading in connection with the premises shall be carried out wholly within the site.
 36. All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.
 37. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping. All waste must be secured in enclosed containers.
 38. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".
 39. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
-

Executive summary

OWNER/S	SCOTT POWELL
APPLICANT:	JOEL ANTHONY POWELL
PROPERTY DESCRIPTION	LOT 28 DP 251503, 142 WINCHESTER CRESCENT, COOKS GAP
PROPOSED DEVELOPMENT	PAINT BALL FACILITY (RECREATION FACILITY, OUTDOOR)
ESTIMATED COST OF DEVELOPMENT:	\$5,000 - 8,000
REASON FOR REPORTING TO COUNCIL:	NUMBER OF SUBMISSIONS EXCEED STAFF DELEGATIONS.
PUBLIC SUBMISSIONS:	NINE (9) PUBLIC SUBMISSIONS WERE RECEIVED DURING THE EXHIBITION PERIOD

The applicant is seeking approval to build and operate a Paintball Facility (Recreation Facility, Outdoor) at 142 Winchester Crescent, Cooks Gap (Lot 28 DP251503) (**see Attachment 1 – SEE & PLANS**).

The proposal includes a paintball field of approximately 150m x 100m, a shipping container office/storage facility for the paintball guns, bathroom amenities and 15 car parking spaces (see **Image 1 – site plan**). The paintball field will be surrounded by 3.5m high netting on all sides to prevent bullets from leaving the property, in addition to this there is an existing screen planting (see **Image 2 – screen planting**) of pine trees of approximately 10-15m in height along Winchester Crescent.

The surrounding properties are predominately rural residential consisting of dwellings and small scale farming activities. With the R5 Large Lot Residential zoning, a variety of uses are permissible including cellar doors, function centres and landscape supplies in addition to dwelling houses and semi-rural activities.

The operation of the proposed paintball facility will be for a maximum of 30 people per session. The proposed hours of operation are Saturday and Sunday 9am to 5pm. The paintball facility will be accessed off Winchester Crescent, being an unsealed Council maintained road. Entry to the subject property is approximately 1.4kms from the Ulan Road intersection, via a dirt road. Once vehicles enter the property an additional driveway will then diverge to the proposed 15 space unsealed carpark.

In accordance with DCP 2013, the proposed development was notified to neighbouring properties, submission period ending 29 December 2015. Further information was received by Council on February 22, 2016 including updated plans, showing a revised location of the paintball field within the lot boundaries. Given the level of community interest a second letter was sent to adjoining neighbours outlining the amended plans, submissions closed Friday 4 March 2016. During both submission periods Council received submissions from eleven (11) neighbouring properties, these have been addressed in detail in the body of the report.

The majority of issues raised in the submission have been addressed or were issues not related to planning matters. The issue of dust generated from traffic on the dirt road was one of the main sources of objection. In this regard, it is considered that the impact of dust on adjoining neighbours is not sufficient grounds to refuse the application, particularly given the land use is permissible in the zone and accessed off a public maintained road.

The application is recommended for approval.



IMAGE 1 – SITE PLAN



IMAGE 2 – SCREEN PLANTING

Disclosure of Interest

Nil.

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.

REQUIREMENTS OF REGULATIONS AND POLICIES

Mid-Western Regional Local Environmental Plan 2012

The land is zoned R5 - Large Lot Residential pursuant to Local Environmental Plan 2012. The objectives of the R5 - Large Lot Residential Zone are:

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

The proposed use of the site as Recreation Facility (Outdoor) is permissible with consent in the zone. The development does not change the nature of subdivision pattern in the locality and if managed appropriately is expected to have minimal conflicts with other land uses in the zone and adjoining zones.

Recreation Facility (Outdoor), for the purposes of the LEP, is defined as:

Recreation Facility (Outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Clause 6.1 Salinity

There is no evidence to suggest that the site is affected by salinisation processes.

Clause 6.4 Groundwater Vulnerability

There is an existing dwelling and septic system on the property. The proposal will require a new septic system be installed meeting appropriate requirements. A condition of consent has been included requiring lodgement of a Section 68 approval for onsite waste management facilities.

State Environmental Planning Policy (Rural Lands) 2008

SEPP Rural Lands contains provisions for the orderly development of rural land. The aims of the Rural Lands SEPP are:

- a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes;
- b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State;
- c) to implement measures designed to reduce land use conflicts;
- d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations;
- e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

The SEPP contains provisions for both strategic planning and development assessment, however the provisions are more specific to subdivisions and the erection of dwellings in rural areas. The SEPP is therefore, not considered relevant to the proposal.

Mid-Western Regional Development Control Plan 2013

The DCP 2013 does not provide any provisions relating to Outdoor Recreation Facilities.

Part 5.1 of the DCP contains car parking requirements. Recreation Facilities (Outdoor) would be placed in the category of *Recreation Facility Other* with the car parking requirement '*As determined by Council, but generally a minimum of 20 spaces plus spectator parking*'. The proposed facility originally included parking for 30 vehicles, following a site meeting with the applicant further information was received by Council reducing this to 15 spaces. The limit of 15 spaces was applied to help minimise traffic impacts including dust generation.

IMPACT OF DEVELOPMENT

Context and Setting

The subject site is located in a rural residential setting with the surrounding properties predominantly 10-12Ha in area and zoned R5 Large Lot Residential. The use of the site for a Paintball Facility is permitted with consent and is not considered to be out of context subject to strict compliance with appropriate conditions of consent.

Access, Transport and Traffic

The proposed development will result in increased traffic volumes and as such there are associated dust impacts which have the potential to be an issue. This impact is a main concern of surrounding residents. Winchester Crescent is a 4.25km road servicing 37 R5 Large Lot Residential properties. As is the case with other unsealed roads in Council's local road network, dust issues along Winchester Crescent have been an ongoing source of complaint for local residents. The road was originally constructed to remain unsealed and local residents brought their properties fully aware of this.

The development application was referred to Council's Development Engineer for comment, who conducted a traffic impact assessment using the information available. The findings concluded that an estimated maximum of 12,480 additional trips could arise from the development on top of the existing 31,755 yearly trips, as measured in the year 2000. These findings were based on the proposed business operating 4 sessions per day (Sat & Sun), each at full capacity of 15 vehicles per session. This is a potential 40% increase in traffic volume post development.

The issue of dust generation is always a source of complaint for residents fronting a dirt road. This is certainly evident with this application, with the majority of submissions raising issues with dust and traffic. The issue is made difficult because there are very few options available to ameliorate dust. The dirt roads can either be sealed or regularly watered down to suppress the dust. The former is generally cost prohibitive, and the latter generally causes more damage to the road and consequently requires more frequent maintenance.

In regards to sealing, it is pertinent to note that Council has no Policy or Plan through which it could legally require the sealing of an existing public road, used to access a permissible recreation facility. Council, through the DCP, can impose requirements on developers to seal roads, but only when a development application proposes a new road and/or it is related to a subdivision proposal, both of which are not relevant in this instance.

Further to the above, it is considered that a need to seal the road along the frontage of the property, despite the predicted increase in traffic of 40%, does not arise out of the Environmental Planning and Assessment Acts required Section 79C considerations. Given that patrons would still need to traverse the 1.2km section of unsealed road between Ulan Road and the subject property, sealing only the frontage of the property would do very little to ameliorate dust or traffic impacts.

It should also be noted that an estimated cost for a full seal of the properties frontage is approximately \$63,000 based on a seal length of 200m and a road width of 9m @\$35/sqm. An alternate, cheaper option, is for Council to subsidise the works and form the road and the developer to provide the seal, at approximately \$7/sqm, this would equate to a total cost of approximately \$12,600. These costs are high when considered in context of the total development cost, which is \$8,000 and therefore considered unreasonable to impose, particularly as there is no discernible benefit.

In light of the above, as the potential dust impact cannot be totally ameliorated Council has the option of approving the development, whereby the issue of dust would remain, or alternatively Council can refuse the application. In this regard, it is acknowledged that the use could give rise to a 40% increase in traffic (theoretical maximum), but this must be considered in the context of actual traffic movements, which equates to an additional traffic movements of 120 vehicles each Saturday and Sunday, spread between the hours of 9am-5pm. Given the movements occur on only 2 days and are spread throughout the day, the additional traffic movements are not considered excessive. Furthermore, the applicant in response to issues raised about dust has reduced the days of operation to Saturday and Sunday only, has reduced the number of parking spaces from 30 to 15 and has agreed to limit the facility to 30 patrons, maximum. In light of the above, given the use is permissible and is to be accessed off a public maintained road, it is considered that the impact of dust and traffic is not sufficient to refuse the application.

In relation to car parking, the proposed 15 dedicated car spaces are considered to be adequate to accommodate the proposed use, particularly considering the likelihood of patrons visiting the site via alternate means of transport such as group buses and/or taxis.

The upgrade of the existing access in line with Engineering's recommendations is necessary on the basis of improving safety and consistently implementing Council's Access to Properties Policy.

Noise & Vibration

Noise generated from the paintball facility is one of the main points of concern for residents among the local area. Operation is to be limited to the hours of 9am – 5pm Saturday and Sunday. The noise generated is anticipated to be similar in nature to power tools, lawn mowers etc. found on semi-rural properties.

The NSW Environmental Protection Authority (EPA) regulates noise relating to Scheduled Uses in the Protection of the Environment Operations Act, outside of this, the regulation of Offensive Noise generated from a specific land use such as that proposed is reliant on complaints received and initiated by notices served by Council.

Offensive Noise is defined in the POEOA as:

offensive noise means noise:

- a. *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances;*
 - i. *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - ii. *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- b. *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

The NSW Industrial Noise Policy (INP) is aimed at assessing noise from industrial noise sources, however it provides a framework for assessing noise impacts caused by other land uses including commercial premises.

The INP sets two noise criteria to meet environmental noise objectives: one to account for intrusive noise and the other to protect the amenity of particular land uses. In accordance with the INP, the intrusive noise level is generally considered acceptable if the equivalent continuous A-weighted level of noise from the source, measured over a 15 minute period, does not exceed the background noise level measured in the absence of the source by more than 5dB. The background noise level (rating background level (RBL)) was not established as part of this application. Therefore, given the concerns raised by the neighbours and adopting a precautionary approach it is considered more appropriate to use the default RBL of 30 dBA as defined in Part 3.1.2 of the INP. This will be consistent with similar Development Applications that Council has determined in rural areas. If the applicant wants to amend this level, they will need to supply qualitative evidence compiled over a period of a week in accordance with Table 3.1 of the INP and submit an s96 modification application to Council for assessment.

In light of the above Council adopts a precautionary position in relation to noise impacts on neighbours and has used the default 30dBA as a background noise level with an acceptable intrusion of +5dBA, giving a maximum noise intrusion level of 35dBA as measured at the surrounding dwellings. A condition of consent to this affect has been included as part of the consent.

Natural Hazards

The site is not identified as being subject to any natural hazards such as flooding or soil instability.

The site is identified as moderate bushfire prone land, however as no accommodation or residential uses form part of the proposal there is no requirement for a detailed assessment.

Safety, Security and Crime Prevention

There was some neighbour concerns about potential anti-social behaviour of the customers. There is no evidence to suggest a correlation between paintball facilities and anti-social behaviour. The proposal includes a no drug and alcohol policy for customers and restricted hours of operation. It is considered no more likely to result in antisocial behaviour than other types of recreation facilities (outdoor) or small scale commercial uses.

Social impact in the locality

Unregulated and attenuated, noise impacts have the potential to adversely impact on neighbouring properties. It is considered that appropriate conditions of consent that are adequately enforced will satisfy this issue.

Economic impact in the locality

This issue hasn't been addressed in the application, however the use of the site for a paintball facility is considered to contribute to local employment and provide an additional attraction for the region. It also allows for diversification of income which is considered a positive outcome.

Site design and internal design

The layout of the carpark, field, screen and buffer planting assists with maximising neighbour privacy and reducing potential visual impacts from the facility.

The following issues were reviewed and deemed not applicable:

- Public domain
- Utilities
- Heritage
- Other land resources
- Water
- Soils
- Air and microclimate
- Flora and fauna
- Waste
- Energy
- Technological hazards
- Construction
- Cumulative Impacts

SUITABILITY OF SITE FOR DEVELOPMENT

The proposal provides a recreation facility (outdoor) within an accessible distance of Mudgee, Gulgong and the surrounding districts. The use is considered complimentary to the regions existing tourism industry.

The site is relatively flat and free of natural hazards/obstacles. There is adequate screening and reasonable separation from neighbouring properties to prevent visual impacts. Appropriate conditions of consent have been imposed to address issues of noise and through the limitation of patrons and parking - dust.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS***Public Submissions***

The application was notified to adjoining owners in accordance with Part 1.12 of Council's Development Control Plan 2013 from 7 December to 22 December 2015. The notification period was extended to 3 weeks as it was anticipated there would be community interest in the proposal. Further information was received by Council on 22 February 2016, including updated plans. Given the previous community interest another letter was sent to adjoining neighbours outlining the amended plans, submissions closed Friday 4 March 2016.

The following is a summary of the issues raised in the submissions:

Issue	Staff Comment
Noise	<p>Noise is the main issue that has been raised in all of the submissions. The potential noise generation sources include:</p> <ul style="list-style-type: none"> • The Paintball Facility, including guns, players and general associated noise; and • Increased traffic movements. <p>The noise generated from the proposed paintball facility is to be controlled by a condition of consent which will limit noise levels to 35dBA at any neighbouring dwellings. In addition to this the hours of operation are limited to between 9am – 5pm Saturday and 9am – 5pm Sunday. Council has adopted a precautionary approach in relation to potential noise impacts and the conditions of consent will allow Council to enforce compliance in relation to noise controls and hours of operation and therefore limit the potential impacts of the facility.</p>
Amenity	<p>The loss of general neighbourhood amenity was raised in several submissions, concerning potential increased noise levels, traffic generation, dust and visual impacts. Each of these categories has been addressed individually, a summary is as follows:</p> <ul style="list-style-type: none"> • Noise - A condition of consent requiring a maximum noise level of 35dBa as measured from nearby dwellings. • Traffic – Reduced days of operation, limited number of patrons and parking spaces (30 and 15 respectively) in order to minimise traffic impacts. • Dust – Reduced days of operation, limited number of patrons and parking spaces (30 and 15 respectively) in order to minimise dust impacts. However, it is acknowledged that, despite the limitations imposed, access is off an unsealed road, and accordingly there will be additional dust impacts. • Visual impacts – It is considered, given the existing/proposed screen plantings, the revised position of the facility and low scaled nature the use is not expected to give rise to any negative visual impacts. •
Proximity	<p>Several neighbours raised concerns over the close proximity of the 'paintball field' and potential for stray bullets to reach their properties. The closest dwelling to the proposed 'paintball field' is approximately 160m from the field located north west of the site at 144 Winchester Crescent. High powered paintball guns have a range of 80m-150m depending on wind speed and direction, the concerns over stray bullets reaching the properties based on this alone are justified. However, the 3.5m high netting proposed to enclose the paintball field and 'capture' stray bullets, complimented by screen plantings as a secondary layer are considered an appropriate solution. The maintenance of the 3.5m high netting and screen planting are conditioned in the consent.</p>
Traffic	<p>Increased traffic movements and associated dust impacts were raised by several neighbours. The potential dust impacts have been addressed above. This section responds to the potential increased traffic movements. The potential traffic impacts were investigated by the Development Engineer and are summarised below:</p>

Post development traffic impact:

The applicant has stated in consultation with Council's Planning staff that the Paintball Facility will be open Saturday and Sunday only. There will be 4 or more sessions per day with a maximum of 15 cars per session.

Additional traffic generated:

Traffic movements anticipated for 4 sessions on Saturday and Sunday would be:

Saturday = 4 sessions x 15 cars x 2 trips (up & back) per session = 120 trips per day

Sunday = 4 sessions x 15 cars x 2 trips (up & back) = 120 trips per day

Total = 240 trips per Weekend

1. Therefore additional annual traffic volume ~240 trips*52 weeks= 12,480 trips

2. The additional no. of trips represents a % traffic increase of ~ 12480/31755 = 40% on Winchester Crescent.

As there is no DCP requirement in relation to sealed road access for Recreation Facilities (Outdoor) and the land use is permissible in the R5 Large Lot Residential zone, it is considered that Recreation Facilities (Outdoor) and similar small scale commercial developments can reasonably be permitted to access the road network 'as is'. Capacity and surface issues being a separate matter to be dealt with in the broader context of all properties using the road for access.

Dust

Increased dust impacts from increased traffic movements on Winchester Crescent was raised in several submissions. Winchester Crescent is currently unsealed for its approx. 4.25km length. Dust issues along Winchester Crescent have been an ongoing source of complaint for local resident and have again been raised in relation to the proposed development.

The predicted maximum movements are approximately 120 trips per day (4 x 15 cars per session to and from the site), which represents an increase of 40% on existing traffic conditions.

Dust affecting dwellings on Winchester Crescent is an ongoing issue for local residents. As the development is permissible under the LEP and therefore can reasonably be expected to be developed in the location using an unsealed road for access the issue of dust impacts will remain unresolved – as the impacts are not considered sufficient to warrant refusal of the application (discussed elsewhere in the report).

Permissibility

Several concerns were raised over the permissibility of a paintball facility, wrongly classifying the proposal as an Entertainment Venue. The definition under the LEP most compatible with the proposal is Recreation Facility (Outdoor) this has been previously addressed in the report and is permissible with consent in the R5 zone.

Domestic Animal Impacts

The issue of horses using the public road and the potential for other domestic animals to become startled by noise generated by the paintball operations,

resulting in public safety concerns for riders and general animal welfare concerns for livestock.

Horses riding on public roads can be subject to any number of noises from passing motor vehicles, farm activities and general residential noise. The presence of a paintball facility is considered unlikely to disturb a horse riding along the public road.

Livestock on neighbouring properties may be impacted greater through longer exposure, however the limitation to two (2) days per week and restricted hours indicates the noise exposure would be a similar profile to general rural/residential activity including cars passing etc.

Native Impacts	Fauna	Some neighbours raised concerns in relation to native fauna (e.g. birds, particularly Black Cockatoos) being shot either accidentally or maliciously by players on the field. Accidental shooting of native animals is very unlikely given the 3.5m high netting proposed around the paintball field. Malicious shooting of native animals is an unreasonable assumption and there is no known correlation between paintball participation and anti-social behaviour.
Safety		<p>Concerns of neighbour and public safety in relation to stray bullets was raised. This is dealt with through the proposed 3.5m high fencing and existing vegetation screening. It is unlikely stray bullets will penetrate both the netting and screen planting.</p> <p>Additional concerns over patron safety were raised, particularly in relation to the provision of first aid and distance to medical assistance. First aid provision and emergency procedures will be regulated by insurance, licencing and public safety legislation.</p>
Fire Hazard		The proposed location and surrounding area is mapped as moderate hazard bushfire prone land. The use of Recreation Facility (Outdoor) is not listed under Section 100B of the Rural Fires Act 1997 as a special fire protection purpose. Therefore the development was not referred to the RFS NSW and has been assessed on merits. It is the owner/operators responsibility to ensure a safe environment for participants including adequate fire safety preparation is provided.
Visual Impacts		<p>Neighbours raised concerns over the loss of visual amenity from the construction and/or operations of the proposed paintball facility. There is an existing screen planting of approximately 15m+ (over 20m for the majority of trees) in height fronting Winchester Crescent.</p> <p>The applicant has proposed screen planting along the Northern Boundary. Concern was also raised over the height and/or screening ability of proposed new plantings. A condition of consent regulating the screen planting forms part of this consent.</p> <p>The proposed facility is of a small scale and has minimal buildings/infrastructure proposed to be constructed. The built form outcome is considered consistent with the surrounding land uses.</p>
Antisocial Behaviour		Several concerns were raised in relation to antisocial behaviour including potential for substance abuse and offensive language. There is no known

	<p>correlation between paintball facilities and/or paintball participants and antisocial behaviour.</p> <p>The applicant has proposed to enforce a drug and alcohol free policy for the paintball facility. If patrons are not acting appropriately it is the responsibility of the service provider to take appropriate action which may involve notifying the Police.</p>
Property Values	Property values are not a consideration under the EP&A Act 1979 and therefore cannot be taken into consideration in a planning assessment report.
Signage	Concerns were raised in relation to signage being visually obtrusive and/or not in keeping with the neighbourhood. No specific signage proposal accompanies this DA. Therefore a separate assessment will need to be undertaken in relation to signage when/if this is applied for. DCP controls Section 4.4 Signs – Rural Signage, contains the controls for Signage in rural areas and will be the standard applied to any future signage proposal.
Development Precedent	Concern was raised that the approval of the facility would result in a 'precedent' being set and further paintball facilities would be constructed in the area. The use is permissible with consent in the R5 zone, all applications are assessed on merit.
Amenities	Bathrooms proposed inadequate (in reference to the original proposal for Portable Toilets). This has been rectified through the further information provided and a fully compliant toilet block is now proposed and conditioned.
Waste Management	No additional waste management facilities proposed (assumed to mean solid/household waste). The disposal of waste will be up to the owner, excessive waste removal will be required to use Council's land fill facilities with all fees payable by the owner. A condition of consent requiring appropriate waste management facilities and disposal be provided for the paintball facility has been included as part of the consent.

Submissions from public authorities

Not applicable.

THE PUBLIC INTEREST

Federal, State and local government interests and community interests

The application has been assessed on its merits and it is considered that the Outdoor Recreation Facility can operate and be managed in a way that mitigates impacts on sensitive land uses in the area.

*CONSULTATIONS****Health & Building***

Health & Building provided final comments on 29 January 2016 outlining that the paintball facility will require a construction certificate and full compliance with Disability (Access to Premises – Buildings) Standards 2010. As the details of the buildings have not been supplied a detailed compliance assessment will need to be undertaken by the Certifier.

The new facilities will require waste facilities and therefore a Section 68 application under the Local Government Act for the septic System. The amenities are required to provide an accessible WC.

Recommended conditions of consent were included in the recommendation and now form part of the conditions of consent for the DA (see **Attachment 3**).

Development Engineer

The Development Engineer provided comments on 29 January 2016 recommending an all-weather vehicle access be constructed and that the car parking meets relevant standards and is maintained accordingly (see **Attachment 4**). Recommended conditions of consent were included as part of the referral and form part of this consent.

Heritage Advisor

Not applicable.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

Financial implications

Not applicable.

AMBROSE MARQUART
TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 January 2016

Attachments: 1. Statement of Environmental Effects & Plans. (separately attached)
2. Neighbour submissions. (separately attached)
3. Health & Building Comments. (separately attached)
4. Engineering Comments. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 DA0323/2015 (82A Review of Determination) - Signage - 21 Robertson Street, Mudgee (Golf Club)

REPORT BY THE TOWN PLANNER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, DA0323/2015

RECOMMENDATION

That:

- A. Council receive the report by the Town Planner on the DA0323/2015 (82A Review of Determination) - Signage - 21 Robertson Street, Mudgee (Golf Club);**
- B. Council refuse DA0323/2015 (82A Review of Determination) - Signage - 21 Robertson Street, Mudgee (Golf Club) for the following reasons:**
 - 1. The proposed size, height, illumination and flashing sign is inconsistent with Section 4.4 (a), (b), (c) and (e) of the DCP.**
 - 2. The proposed sign located adjoining the R1 General Residential is inappropriate and therefore inconsistent with Section 79C(1)(c).**

Executive summary

OWNER/S	Mudgee Golf Club
APPLICANT:	Mudgee Golf Club
PROPERTY DESCRIPTION	21 Robertson Street, Mudgee
PROPOSED DEVELOPMENT	Signage (Illuminated)
ESTIMATED COST OF DEVELOPMENT:	\$15,000
REASON FOR REPORTING TO COUNCIL:	Statutory requirement (s.82A(6)) – As the original determination was made by the Council, the review must also be made by the Council
PUBLIC SUBMISSIONS:	1

Council has received an application for review of determination pursuant to section 82A of the Environmental Planning & Assessment Act 1979 for DA0323/2015 – Erection of illuminated signage at the Mudgee Golf Club. Section 82A enables an applicant to request a Review of Council's determination on a Development Application.

The development application was originally referred to Council at the ordinary meeting of 15 July 2015 where the development was refused for the following reasons:

- A. The proposed size, height, illumination and flashing sign is significantly inconsistent with Section 4.4 (a), (b), (c) and (e) of the DCP.
- B. The proposed sign located adjoining the R1 General Residential is inappropriate and therefore inconsistent with Section 79C(1)(c).

The applicant has submitted additional information with their proposal, and now wishes Council to reconsider the application in light of this additional information. The additional information includes:

- i) The sign can now be adjusted to reduce brightness.
- ii) The sign will now only be switched on during daylight hours.

The application was re-notified in accordance with the provisions of MWRDCP 2013. One submission was received as a result, which generally outlines the same concerns as previously furnished.

A review of the amended proposal does not confirm compliance with MWRDCP 2013. Accordingly, the application is recommended for refusal, for the same reasons.

Disclosure of Interest

Nil.

Detailed report

Proposal

The proposed development relates to the erection of an advertising sign. The sign will be illuminated, flash, have two panels erected in a 'v' shape, with an overall height of 3.3 metres and combined signage area of 4.84m². The sign will be located near the carpark entrance at 21 Robertson Street. The location of the proposed sign is shown in Figure 1 below.

Further to the applicants request for a Review of determination, the sign can now be adjusted to reduce brightness and the sign will now only be switched on during daylight hours.

It should be noted that no details or specifics on the signs proposed brightness has been provided, ie lumens etc. The applicant merely notes the brightness can be reduced.

The sign was erected without Council approval.



Figure 1: Location Plan

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.

REQUIREMENTS OF REGULATIONS AND POLICIES

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The land is zoned RE2 – Public Recreation pursuant to the Mid-Western Regional Local Environmental Plan 2012. The proposed flashing illuminated sign (even with lower brightness and restricted hours) is inconsistent with the objectives of the zone that seeks to provide a range of recreation facilities and compatible land uses in a natural setting. Furthermore, the site directly adjoins the R1 – General Residential Zone, again characterised by single dwellings, therefore the sign is inconsistent with the established land uses.

Mid-Western Regional Development Control Plan 2013

Section 4.4 Signs in Residential Areas of the DCP has been considered below:

Businesses in residential areas must have special controls to maintain the residential amenity of the neighbourhood.

The following criteria must be met for businesses in residential areas:

(a) The sign shall only display the name and nature of the business, including address, hours of business, telephone number and the like;

The information displayed on the sign includes details beyond that detail.

(b) The sign shall not be larger than one metre long and 300mm high;

The proposed two (2) signs each measure 1.1 metres x 2.2 metres, this is well in excess of the development standard specified.

(c) The sign shall not be erected higher than one metre above ground level;

The sign will have a height of 3.3 metres above ground level, again well in excess of the development standard specified.

(e) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.

The proposed sign is flashing and therefore inconsistent with this development standard.

State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development has been assessed against the assessment criteria contained within Schedule 1 of the SEPP and is deemed to be inconsistent.

Table 1 – Compliance with SEPP 64 Advertising and signage

Assessment Criteria	Comment
Character of the area	
- 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 signage is not compatible with the adjacent residential area, characterised by single storey detached dwellings. No other signage present.
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
Special areas	
- 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?	Due to the signs illumination it is considered that the proposal will detract from the amenity and visual quality of the adjoining residential area.
Views and vistas	
- Does the proposal obscure or compromise important views?	No vistas impacted.
- Does the proposal dominate the skyline and reduce the quality of vistas?	

Assessment Criteria	Comment
<ul style="list-style-type: none"> - Does the proposal respect the viewing rights of other advertisers? 	
<p>Streetscape, setting or landscape</p> <ul style="list-style-type: none"> - 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? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness? - Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management? 	<p>The proposed signage sits well within the landscape, however the illumination will detract from the streetscape.</p>
<p>Site and building</p> <ul style="list-style-type: none"> - 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? - Does the proposal respect important features of the site or building, or both? - Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The sign itself sits comfortably within the site.</p>
<p>Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> - 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? 	<p>Not applicable.</p>
<p>Illumination</p> <ul style="list-style-type: none"> - Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew? 	<p>The illumination of the sign is considered to adversely affect the adjacent residential amenity and streetscape, substantiated by the objections received.</p>
<p>Safety</p> <ul style="list-style-type: none"> - Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signage will have no impact on pedestrian, driver or cyclist safety.</p>

IMPACT OF DEVELOPMENT

The erection of a sign on the subject site is considered appropriate, however the proposed location, illuminated nature and size is still inappropriate as it adjoins land established with residential dwellings.

*SUITABILITY OF SITE FOR DEVELOPMENT****Does the proposal fit in the locality***

The proposed illuminated, flashing, excess size of the sign is inconsistent with the locality, characterised by single dwellings. The proposed lower brightness and restricted hours of illumination is not considered to substantially reduce any of the impacts associated with the sign.

Are the site attributes conducive to development

The subject site has frontage to Sydney Road within the industrial area, therefore the site has a more appropriate location for the erection of such a sign.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS****Public Submissions***

The application was notified in accordance with MWRDCP 2013 with one submission received as a result. The issues raised have been summarised in the table below and a staff comment provided.

<i>Issue raised</i>	<i>Staff comment</i>
Inconsistent with RE2 zone objectives	Discussed above in MWRLEP 2012 section. Proposal is considered generally inconsistent with RE2 zone objectives.
Inconsistency with State Environmental Planning Policy No. 64	The proposed sign is inconsistent, therefore recommended for refusal.
Inconsistency with Section 4.4 Signs of Council's Development Control Plan	The proposed sign is inconsistent, therefore recommended for refusal.

Submissions from public authorities

No submissions received.

*THE PUBLIC INTEREST****Federal, State and local government interests and community interests***

The proposed sign is not in the community interest as it will have detrimental impacts upon the existing residential amenity of the locality.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Financial implications

Not applicable.

DREW ROBERTS
TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

8 February 2016

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 MA0016/2016 - Modification of Consent (DA0152/2015) - 135 lot Subdivision - 220 Ulan Road, Bombira

REPORT BY THE TOWN PLANNER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, MA0016/2016

RECOMMENDATION

That:

- A. Council receive the report by the Town Planner on the MA0016/2016 - Modification of Consent (DA0152/2015) - 135 lot Subdivision - 220 Ulan Road, Bombira;
- B. Council approve MA0016/2016 - Modification of Consent (DA0152/2015) - 135 lot Subdivision - 220 Ulan Road, Bombira 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 (Revision B)
 - 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.
(AMENDED MA0016/2016)

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

Road 5, 6 and 8

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

Road 3, 4, 9, 10 and 14

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

Road 7, 11, 12 and 13

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

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.**
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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 \$6,851.00 (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	\$1216.00
Open Space	
Local Open Space	\$1910.00
District Open Space	\$2592.00
Community Facilities	
Library Buildings	\$250.00
Library Resources	\$300.00
Administration	
Plan Administration	\$583.00
Total per lot	\$6851.00

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.
(AMENDED MA0016/2016)

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*:
- all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council; 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 from the new entrance to the Southern boundary 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. An acoustic assessment be provided by a qualified acoustic engineer and that any recommendations arising from the report be required to be implemented during construction.
 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. The landscaped buffer along Ulan Road is to be extensively landscaped to provide a visual separation between Ulan Road and the subdivision. The landscaping is to incorporate both low and high growing species. Landscaped plans are to be submitted with the Stage 1 Construction Certificate and works completed prior to the issue of subdivision certificate 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.
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Executive summary

OWNER/S	Carol & Des Kennedy
APPLICANT:	Barnson Pty Ltd
PROPERTY DESCRIPTION	220 Ulan Road, Bombira (Lot 1 DP1000182)
PROPOSED DEVELOPMENT	135 Lot subdivision
ESTIMATED COST OF DEVELOPMENT:	\$4,725,000
REASON FOR REPORTING TO COUNCIL:	Property owned by a Councillor
PUBLIC SUBMISSIONS:	Nil

Council has received an application to modify the approved 135 lot subdivision granted by DA0152/2015. The development application was originally referred to and approved by Council at the ordinary meeting of 17 December 2014.

In the original DA, lot 25 was nominated to be used for a recreation reserve/onsite detention basin and lot 72 was originally nominated as a residential lot. The proposed modification seeks to switch the uses, so that:

- Lot 25 will be nominated as a residential lot; and
- Lot 72 will be nominated as a recreation reserve/onsite detention lot.

The recreation reserve/onsite detention basin will now discharge through the adjacent property to the south (in the same ownership) before connecting with Council's stormwater network within Moggs Lane. The previous location of the park will now become a standard residential lot, resulting in no net increase in the number of lots to that originally approved.

The application is recommended for approval.

Disclosure of Interest

Not applicable.

Detailed report

Proposal

The proposed modification seeks to switch the land uses of two lots, so that:

- Lot 25 will be nominated as a residential lot; and
- Lot 72 will be nominated as a recreation reserve/onsite detention lot.

In the original DA, lot 25 was nominated to be used for a recreation reserve/onsite detention basin and lot 72 was originally nominated as a residential lot.

The land subject of the modified application can be seen below in Figure 1.

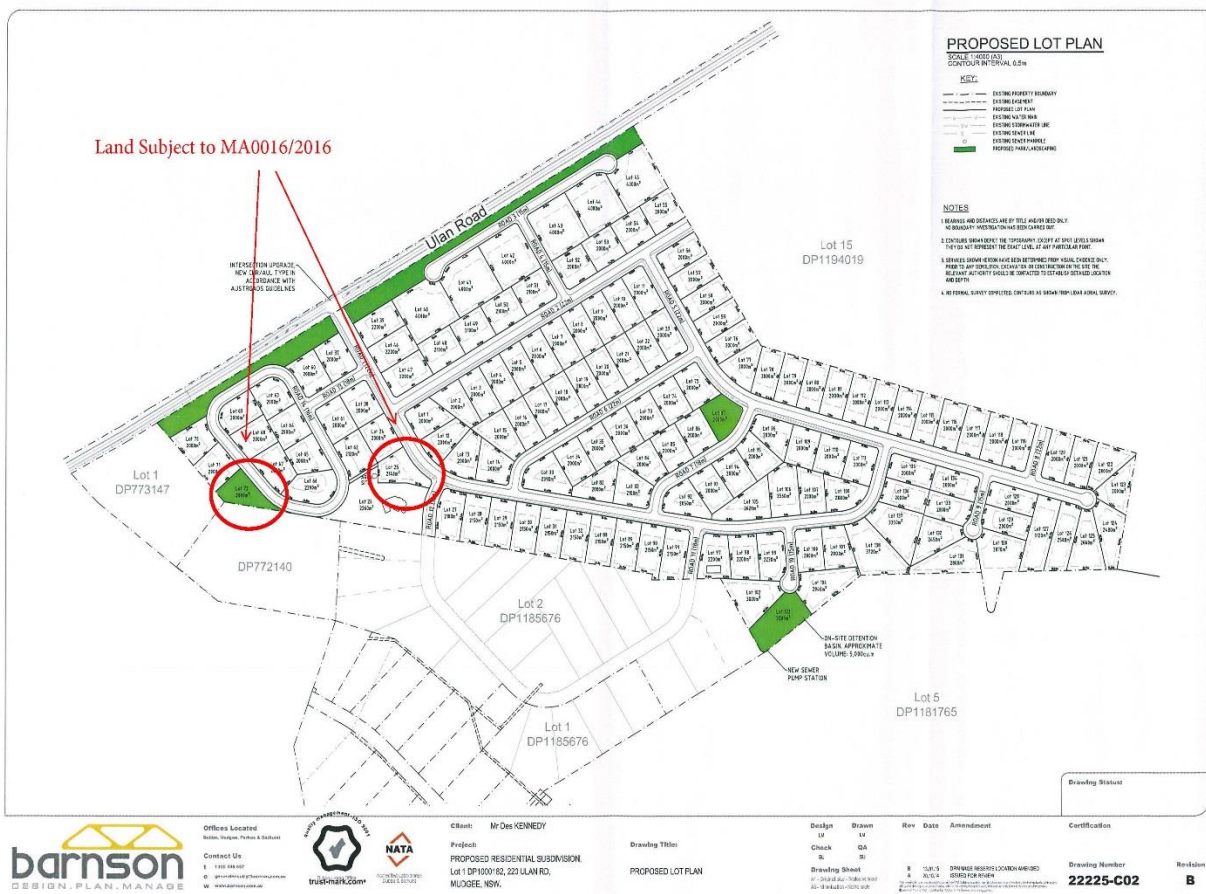


Figure 1 – Land Subject to MA0016/2016

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.

REQUIREMENTS OF REGULATIONS AND POLICIES

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012)

The land is zoned R2 Low Density Residential pursuant to MWRLEP 2012.

The proposed modification still achieves the objectives of the zone and the aims of the MWRLEP 2012, with only a minor change to the land uses of two lots.

All other relevant provisions of the MWRLEP 2012 were considered during assessment of the original development application and remain valid.

State Environmental Planning Policy (SEPP's)

All the relevant SEPP's were addressed during the assessment of the original development application with this modification having no relevance to those SEPP's.

Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013)

All the relevant provisions of MWRDCP 2013 were addressed during the assessment of the original development application.

Owing to the relocation of the park the proposed modification needs to be considered in the context of Part 7.1 of MWRDCP, which states that all lots are to be within 400m of a local park, playground or passive open space.

The applicant has addressed this provision by providing a plan indicating all the lots within the western portion of the site will still be within 400m of a local park, playground or passive open space, thereby complying with this Part.

IMPACT OF DEVELOPMENT

There is no further impact expected as a result of the proposed modification.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

The proposed development remains generally the same as to what was originally approved.

Are the site attributes conducive to development

The proposed development is still appropriate for the site.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was notified in accordance with the provisions of Mid-Western Regional Development Control Plan 2013. The notification period ended 10 February 2016, no submissions were received.

Submissions from public authorities

Given the nature of the modification, no referral to public authorities was considered warranted.

THE PUBLIC INTEREST

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 modification.

CONSULTATIONS

Health & Building

Not applicable.

Development Engineer

Council's Development Engineer has raised no concerns with the proposal with utilities still able to be provided in accordance with the original consent.

Heritage Advisor

Not applicable.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Financial implications

Not applicable.

DREW ROBERTS
TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

8 February 2016

Attachments: 1. Modified Site Plan.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



PROPOSED LOT PLAN

SCALE 1:4000 (A3)
 CONTOUR INTERVAL 0.5m

KEY:

- EXISTING PROPERTY BOUNDARY
- EXISTING EASEMENT
- EXISTING EGRESS ROAD
- EXISTING EGRESS DRIVE
- EXISTING STORMWATER LINE
- EXISTING SEWER LINE
- EXISTING SIDEWALK
- EXISTING FOOTPATH
- PROPOSED LANDSCAPING

NOTES:

1. BEARING AND DISTANCES ARE BY TITLE AND NOT DEED ONLY. NO BOUNDARY INVESTIGATION HAS BEEN CARRIED OUT.
2. CONTOURS SHOW EXISTING ELEVATION EXCEPT AT SPOT LEVELS SHOWN. THEY DO NOT REPRESENT THE EXACT LEVEL AT ANY PARTICULAR POINT.
3. SEWER AND STORMWATER LINES ARE SHOWN AS APPROXIMATE LOCATIONS ONLY. RELIANT PROPERTY SHOULD BE CONTACTED TO DETERMINE EXACT LOCATION AND DEPTH.
4. NEIGHBOURHOOD EXISTING CONTOURS AS SHOWN FROM LOCAL AERIAL, SURVEY.

Lot 15
 DP1194019

Lot 5
 DP181765

Lot 2
 DP1185676

Lot 1
 DP773147

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NATA
 Registered Professional
 10/2015 - 10/2017

Client: Mr Des KENNEDY
Project: PROPOSED RESIDENTIAL SUBMISSION, Lot 1 DP1185676, 220 ULAN RD, MUDGEE, NSW.

Drawing Title: PROPOSED LOT PLAN

Design	Drawn	Rev	Date	Amendment	Certification
LP	DA				
CK	DA				
DR	DA				
SE	DA				

Drawing Number: 22225-C02
Revision: B

Drawing Status:

8.4 Development Application DA0109/2016 - 45 Lot Residential Subdivision Lot 15 DP 1194019 Ulan Road and 66 Edgell Lane, Buckaroo

REPORT BY THE SENIOR TOWN PLANNER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, DA0109/2016

RECOMMENDATION

That:

- A. Council receive the report by the Senior Town Planner on the Development Application 0109/2016 45 lot residential subdivision Lot 15 DP 1194019 Ulan Road and 66 Edgell Lane, Buckaroo;
- B. Council approve Development Application 0109/2016 45 lot residential subdivision Lot 15 DP 1194019 Ulan Road and 66 Edgell Lane, Buckaroo subject to the following conditions:

APPROVED PLANS

1. 1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Subdivision Plan	BK228 Sheet 3	A	1 March 2016	Jabek Pty Ltd
Statement of Environmental Effects (Including Appendices)	N/A	1	September 2015	Minespex

ENGINEERING CONSTRUCTION

2. 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.
 3. 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.
 4. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
-

- Installation of sediment and erosion control measures
- Water and sewer line installation prior to backfilling
- Establishment of line and level for kerb and gutter placement
- Road Pavement construction
- Road Pavement surfacing
- Practical Completion

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

5. 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.

Construction Certificate is required for, but not limited to, the following civil works;

- Water and sewer main extensions
- 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.

6. Where the development requires access to private land, the developer shall provide documentary evidence that an agreement has been entered into with the landowner prior to the issue of a Construction Certificate. If stormwater drainage, or utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.
7. The Developer is to provide evidence of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to the issue of the Construction Certificate.
8. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year event. All storm water detention details including analysis shall be included with the drainage report.
9. 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
<ul style="list-style-type: none">• 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.

10. Where the trunk drainage system crosses through private land 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 stormwater drainage 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 the release of the Construction Certificate.

11. 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.
12. 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.
13. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
14. 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 installation of the kerb and gutter
15. 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.
16. All internal roads within the subdivision must be designed and constructed to the following standards:

Road 1

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes with 2x3m sealed shoulders parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Road 2

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

Road 3 & 4

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

17. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
 18. 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 the kerb and gutter.
 19. 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.
 20. All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
 21. All required earthworks for roads associated with the subdivision must have compacting testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
 22. 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.
-

23. All internal roads must be designed with design speed of 50km/hr.
 24. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
 25. A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
 26. 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.
 27. The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (eg. Rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.
 28. Street tree landscaping is to be provided within the proposed road reserve on Ulan Road and internal subdivision roads. A plan for the proposed planting is to be submitted for approval by Council. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.1 Urban Subdivision of the Mid-Western Regional Council Development Control Plan amended December 2014.
 29. 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.
 30. 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*.
 31. The proponent shall obtain a Section 91 Activity Approval under the Water Management Act 2000 should drainage or other works be carried out in within 40m of a prescribed watercourse or creek.

Note: Please contact the NSW Office of Water for more information in relation to this matter.
 32. 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)
-

33. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.

34. Three metre wide easements, including associated Section 88B 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 any 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 the release of the Construction Certificate.

35. The proposed sewer pump station is to be located and constructed on proposed lot 34. Details to be provided at Construction Certificate stage.

36. All water mains associated fittings/valves shall be clockwise close.

PRIOR TO COMMENCEMENT OF WORKS

37. 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.**
- **Council is to be notified in writing of any existing damage to Council's infrastructure**

Note: Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.

38. Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and 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.

39. 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.

40. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.

41. The development site is to be managed for the entirety of work in the following manner:

- **Appropriate dust control measures;**
- **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;**
- **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.**

GENERAL TERMS OF APPROVAL (NSW ROADS AND MARITIME SERVICE)

- 42. The intersection of the proposed public road and Ulan Road is to be constructed to include an Auxiliary Left Turn Treatment Short [AUL(S)] and Channelised Right Turn Treatment [CHR] on a major road in accordance with Figures 8.3 & 7.7 Part 4A Austroads Guide to Road Design respectively (copies enclosed) and Roads and Maritime supplements. The intersection treatment is to incorporate and make allowances for the existing rural property access from Ulan Road opposite the proposed new intersection. The intersection is to be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter.**
- 43. All intersection works are to be designed and constructed to accommodate the largest vehicle accessing the intersection and for the current speed zone of 80km/h, match existing road levels and not interfere with existing road drainage.**
- 44. A suitable barrier is to be provided on the subject land to prevent vehicles from entering/exiting Ulan Road from/to the subject land other than via the proposed public road.**

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

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

#. The final inspection report shall be submitted to Council with the Subdivision Certificate application.
 - 46. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.**
 - 47. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.**
 - 48. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats;**
 - a. PDF**
 - b. Dwg format or "Autocad compatible"**
 - c. Map Information Files**

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.
-

49. Underground electricity and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
- A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.
51. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the *Subdivision Certificate*.
52. 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
53. To mitigate the impacts of traffic noise upon Lots 1 – 8 and 45, an acoustic assessment is required to be prepared by an appropriately qualified and experienced acoustic engineer. This assessment report must be submitted to and approved by Council prior to the release of the subdivision certificate. Any recommendations arising from the report are required to be implemented during construction of a dwelling upon that lot.
54. A Restriction as to User is to be registered on the title of proposed lots 1 – 8 and 45 stating that no direct access to Ulan Road is permitted.
55. A Restriction as to User is to be place on Lot 34 restricting the location of any future dwelling to area zoned R2 Low Density Residential.
56. A shared Pedestrian/bicycle path is to be provided and constructed along the Ulan Road frontage.
57. 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 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 the sewer pump station and the payment of section 64 developer contributions.
58. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management	
Traffic Management	\$53,504
Open Space	

Local Open Space	\$84,040
District Open Space	\$114,048
Community Facilities	
Library Buildings	\$11,000
Library Resources	\$13,200
Administration	
Plan Administration	\$25,652
TOTAL	\$301,444

PRESCRIBED CONDITION

59. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

(a) showing the name, address and telephone number of the principal certifying authority for the work, and

(b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours,
and

(c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Executive summary

OWNER/S	Tinobah Pty Limited
APPLICANT:	Rick Turner
PROPERTY DESCRIPTION	Lot 15 DP 1194019
PROPOSED DEVELOPMENT	45 lot residential subdivision
ESTIMATED COST OF DEVELOPMENT:	No cost provided (costs provided at engineering construction certificate stage)
REASON FOR REPORTING TO COUNCIL:	Beyond staff delegation (> 20 lots created - 45)
PUBLIC SUBMISSIONS:	No submissions received

The proposed development relates to the subdivision of Lot 15 DP 1194019 creating of 45 lots. The subject site is split zoned R2 Low Density Residential and RU4 Primary Production, with a minimum lot size of 4,000 square metres and 20 hectares respectively. The applicant is seeking consent for the creation all 45 lots. It is anticipated multiple subdivision certificates will be lodged with Council in the future to 'stage' the release of lots.

Of the lots created, 44 will measure between 4,000 to 4,260 square metres, Lot 34 will contain 1 hectare of land zoned R2 Low Density Residential and 16.91 hectares of RU4 Primary Production Small Lots zoned land.

The subject site is located to the north of the Mudgee township within the locality of Buckaroo and has frontage to Ulan Road and Edgell Lane.

The proposed development has been assessed in accordance with Council's Local Environmental Plan 2012 (LEP), specifically Part 4 and Part 6. The proposed subdivision is considered generally consistent with the LEP.

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 6 November 2015 and no submissions were received.

The application was referred to the NSW Roads and Maritime Services who have granted concurrence to the proposal subject to conditions, which have been included within the recommendation.

The application is reported to Council due to the number of lots in the subdivision exceeding staff delegations. The application is recommended for approval.

Disclosure of Interest

Not applicable.

Detailed report

Proposal

Consent is sought to subdivide Lot 15 DP 1194019, creating 45 lots. This consists of 44 lots measuring between 4,000 to 4,260 square metres, Lot 34 will contain 1 hectare of land zoned R2 Low Density Residential and 16.9 hectares of RU4 Primary Production Small Lots zoned land. The configuration of the proposed subdivision can be seen below, in Figure 1.

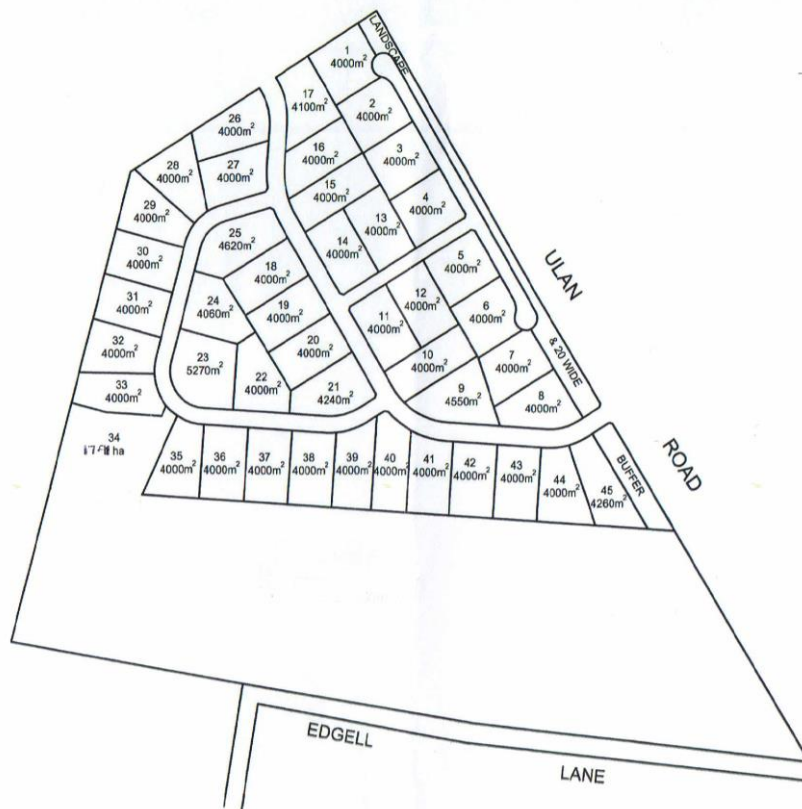


Figure 1: Subdivision Plan

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.

REQUIREMENTS OF REGULATIONS AND POLICIES

State Environmental Planning Policy 55 – Remediation of Land

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

A preliminary site investigation for the subject prepared by Minespex was provided with the application. Minespex were also engaged to prepare the preliminary site investigation for the adjoining property known as 'Bonnyview Vineyard' on which contaminants were identified. The current report states *'the neighbouring land use activities do not indicate that the development site would be affected by potential for contamination due to migration of contaminants in surface soils'*. Further the report outlined a land use history and states no site contamination is likely.

State Environmental Planning Policy (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.

The proposed subdivision includes nine (9) lots that face directly to Ulan Road. Clause 101(2)(c) 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 the

developer obtain an acoustic report and be submitted to and approved by Council 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 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 and conditions have been included within the recommendation.

Mid-Western Regional Local Environmental Plan 2012 (LEP)

The land is split zoned R2 Low Density Residential and RU4 Primary Production Small Lots. The proposal is consistent with Clause 4.1 Minimum subdivision lot size and Clause 4.1D Minimum lot sizes for certain split zones of the LEP.

The Zone Objectives have been considered below -

R2 Low Density Residential 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 occupancies.

RU4 Primary Production Small Lots Objectives of zone

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that land is available for intensive plant agriculture.*
- *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

The subject site is split zoned, containing 16.91 hectares of land zoned RU4 Primary Production Small Lots. There are limited intensive agricultural pursuits currently taking place onsite, the proposed subdivision of the R2 Low Density Residential land and the inclusion of this residual land with proposed Lot 34 is not considered to detrimentally impact upon the limited use or compromise any potential future use.

The relevant Clauses of the LEP have been considered below:

Clause 4.1 Minimum subdivision lot size

(3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system:

(b) land identified as "Area B" on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.

The site is identified as 'Area B' on the Lot Size Map and the proposed subdivision includes a servicing plan for the provision of reticulated water and sewerage. The subdivision proposes a total of 45 lots, 44 of the lots will measure between 4,000 to 4,260 square metres, and therefore satisfy the above clause. The creation of lot 34 is addressed below.

Clause 4.1D Minimum lot sizes for certain split zones

The creation of lot 34 can be considered in accordance with Clause 4.1D Minimum lot sizes for certain split zones.

Lot 34 will contain 1 hectare of land zoned R2 Low Density Residential and the residual 16.91 hectares of RU4 Primary Production Small Lots zoned land.

(3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:

(a) one of the resulting lots will contain:

(i) land in Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and

All lots created with the R2 Low Density Residential meet the minimum size shown on the Lot Size Map.

(ii) all of the land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone E3 Environmental Management that was in the original lot, and

All of the land in the Zone RU4 Primary Production Small Lots will be contained in one lot.

(b) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

All lots created with the R2 Low Density Residential meet the minimum size shown on the Lot Size Map.

(4) A dwelling cannot be located on the part of a resulting lot referred to in subclause (3) (a) (ii).

A suitable condition is included within the recommendation for an appropriate restriction on the title for the building envelope to be located on land zoned R2 Low Density Residential.

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 including road excavation is not considered to alter the salinity risk associated with the development or impact the water table.

Clause 6.3 Earthworks

The development is not proposing any additional earthworks in terms of cut and fill of 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 6.5 Terrestrial biodiversity

The subject site has been identified as containing 'high biodiversity sensitivity' on the Sensitivity Biodiversity Map. The Yellow Box Grassy Woodland will be accommodated entirely within proposed Lot 34 and sufficient area is available for the future construction of a dwelling, without impacting the Yellow Box Grassy Woodland.

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. Preliminary concept plans have been submitted by the applicant demonstrating that the proposed subdivision can be fully serviced. Notwithstanding this, appropriate conditions have also been imposed to ensure the subject development is serviced by all essential services, to ensure compliance with this clause.

Mid-Western Regional Development Control Plan 2012 (DCP)

Part 7 - Urban Subdivision

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
Lot size	Minimum lot size as determined by MWRC LEP 2012 (2000m ²).	Yes.
	All lots have street frontage.	All lots have frontage to a public road.
	lots increase in size relative to slope as follows: 0-10 degrees: 600m ² 10-15 degrees: 700m ² 15-20 degrees: 800m ² >20: subdivision prohibited	The slope of the land does not exceed 20 degrees.
	all lots have 16m width at building line in residential and village zones.	Yes. Lots are of sufficient size and dimension.
Lot Design	For new release subdivision lot orientation maximises solar access by maximising north-south lots.	The lots have a mixture of orientation with the majority achieving good solar access.

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
		The lots are of a sufficient size conducive to erecting a dwelling with good solar orientation.
	For new release subdivision east-west orientated lots have increased width and midpoint.	Outlined above.
	Lots generally rectangular in shape.	The development includes a majority of rectangular lots. The lots are all of sufficient size to accommodate a 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.	Yes
Street Layout & Design	Subdivision integrates with existing residential area.	The proposed layout has incorporated one connection road to adjacent land - which benefits from a current subdivision approval.
	Where cul-de-sac treatment unavoidable pedestrian linkages between streets provided.	Not formally provided, however informally achieved within landscape buffer.
	Maximum number of lots in cul-de-sac is 12 lots.	Each cul-de-sac will service four lots.
	Subdivision > 80 lots should not require backtracking.	Backtracking not required.
Road Standards for New Development.	Urban Road Standards required.	Yes.
	1x1.2m footpath, barrier kerbing.	Yes where appropriate.
Cycle ways and footpaths	Cycle ways and pedestrian networks included in new subdivisions.	Concrete footpaths will be provided in layout where appropriate and a suitable condition is included within the recommendation (as detailed in the road construction tabulated condition).

Part 7.1 Urban Subdivision	Requirement	Compliance/Comment
	If subdivision site identified in council cycleway plan or pedestrian strategy subdivision needs to respond to strategy.	Not identified.
	New subdivisions provide direct, convenient and safe access to major facilities.	Yes. A condition is included within the recommendation requiring the construction of a cycleway along Ulan Road for the full frontage of the development
	Developer to provide contribution to council for installation of cycle ways and footpaths prior to release of subdivision certificate.	The developer is to construct a shared pedestrian / cycle path for the full frontage of the development along Ulan Road.
Open Space	Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space.	The purpose of this provision of the DCP was for those lots with a minimum lot size of 600 square metres, not those lots (in this case significantly sized at 4000m ²) of sufficient size to accommodate their own open space.
	Where on-site detention basins double as open space must include raised level area which incorporates playground or fitness equipment etc. and shading landscaping.	Not provided and no comment regarding there requirement by Council's Development Engineer.
Landscaping	Landscape plan provided detailing treatment of public domain.	Landscape plan required as part of CC application.
Street Trees	2 street trees provided per lot.	Yes, suitable condition included within the recommendation
	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.	Servicing plan provided. Lots to be connected to reticulated water, sewer, electricity and telecommunications.
Drainage	As per Section 5.3 Stormwater & Drainage.	Water quality treatment required as a condition of consent.

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 \$6,851.00 for each additional allotment is required.

The Section 94 Developer Contributions would total (which includes one credit) \$301,444.00 in the 2015/2016 financial year. Appropriate condition imposed requiring payment of contributions prior to issue of Subdivision Certificate.

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.

The Developer Serving Plan contributions for water and sewer would total \$570,780.00 for water and \$182,432.00 for sewer in the 2015/2016 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 the construction of a permanent sewer pump station and reticulation network within the subdivision.

Appropriate condition imposed requiring the applicant obtain a Compliance Certificate under the Water Management Act, 2000 prior to issue of Subdivision Certificate.

IMPACT OF DEVELOPMENT

Context and Setting

The development is located on Ulan Road which serves as the main entry into Mudgee from the north. The development adjoins land zoned R2 Low Density Residential. A landscape buffer is proposed along Ulan Road to assist in reducing conflicts of the lots facing Ulan Road. A condition requiring the construction of an earth mound was included in the recommendation of the Council report for the subdivision on the adjoining property. The condition was removed during the Council meeting. Therefore it's too onerous to include the condition within the recommendation of this report.

Access, Transport and Traffic

Access to the site is from Ulan Road, the proposal includes four new roads, including one that connects to the approved subdivision on the adjoining land. 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 outlined in the applicants Traffic Impact Statement prepared by Triaxial Consulting) and the existing road network is considered capable of accommodating traffic from the subdivision.

Utilities

Water and sewer mains are required to be extended with a permanent sewer pump station provided to service the development.

Electricity and telecommunication services can be connected to the subject site, a suitable condition has been included within the recommendation.

Heritage

As part of the submitted Statement of Environmental Effects, assessment has been carried out in accordance with Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

published by the Department of Environment, Climate Change and Water. Accordingly the applicant's consultant carried out an AHIMS Web Services search, which found zero aboriginal sites or places have been recorded or declared within a 200 metres radius of the site. In addition an Aboriginal Cultural Heritage Assessment was previously carried out on the subject site that found zero Aboriginal sites were recorded on or near the site.

An appropriate condition is included within the recommendation to provide a procedure if any Aboriginal artefacts are uncovered or identified during the construction works.

Other Land Resources

The development proposal would not impact upon other land resources.

Soils

Contamination risk and salinity have been addressed above. Appropriate conditions have been included within the recommendation.

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 impacts, however this can be mitigated by dust suppression.

Flora and Fauna

Yellow Box Grassy Woodland is located on the site. The treed area is located on the RU4 Primary Production Small Lots part of proposed Lot 34. There is ample opportunity on the R2 Low Density Residential Zoned land measuring 1 ha to construct a future dwelling.

Energy

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

Noise and Vibration

Noise has been previously discussed in this report.

Natural Hazards

The subject site is not bushfire or flood prone.

Safety, Security and Crime Prevention

All lots are designed to front public roads.

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.

*SUITABILITY OF SITE FOR DEVELOPMENT***Does the proposal fit in the locality?**

The site is adjacent to similar development to the south. Impacts upon surrounding agricultural land and the AREC site are considered negligible and were discussed at the rezoning stage.

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.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS***Public Submissions**

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 6 November 2015 and no submissions were received.

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 specific conditions included within the recommendation.

*THE PUBLIC INTEREST***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.

*CONSULTATIONS***Health & Building**

Not applicable.

Development Engineer

Attached to this report, provided conditions included within the recommendation.

Heritage Advisor

Not applicable.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning

Financial implications

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

SARAH ARMSTRONG
SENIOR TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 February 2016

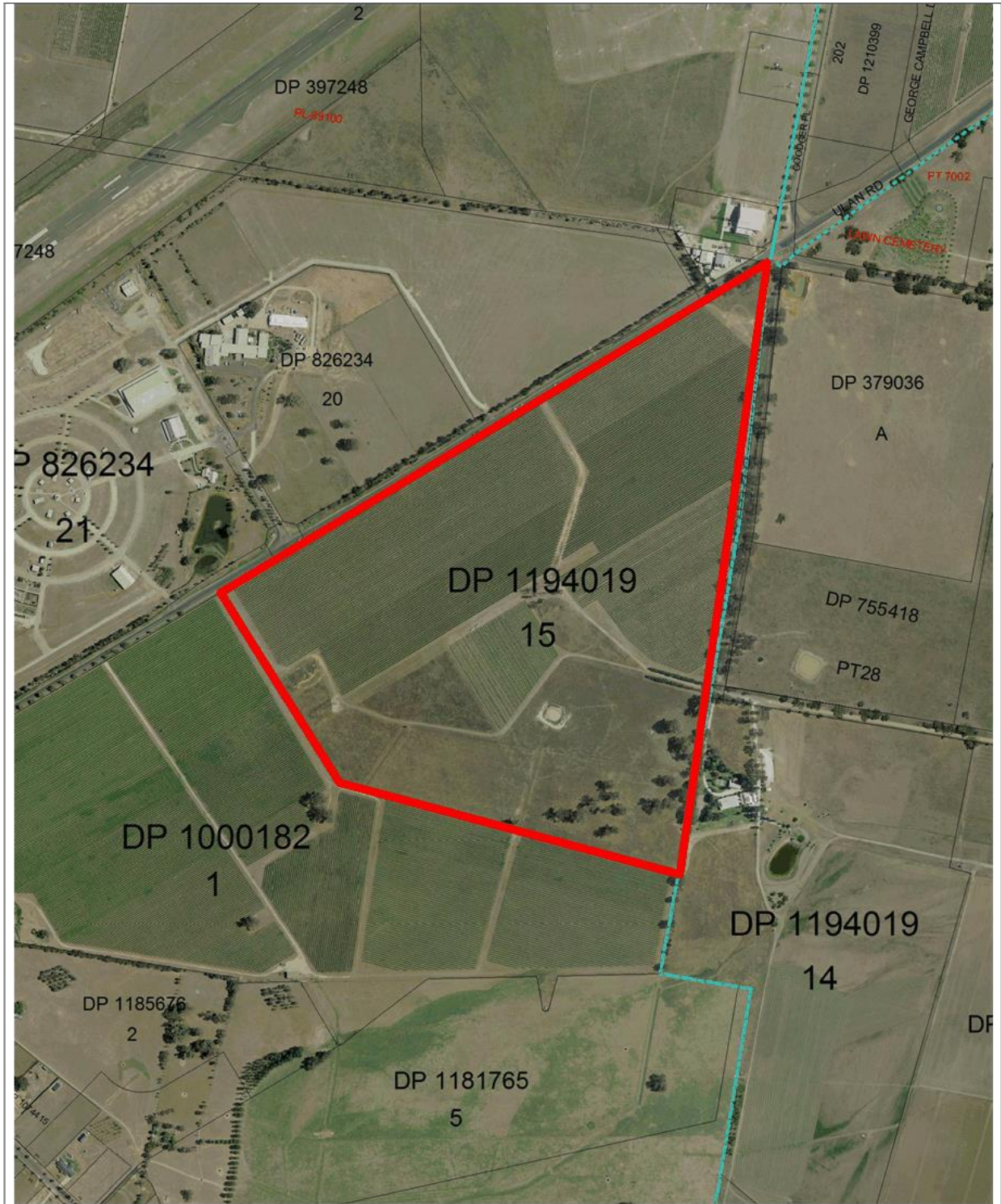
Attachments:

1. Locality Plan.
2. Zoning Map.
3. Subdivision Layout.
4. Roads and Maritime Services.
5. Eng Referral.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL

MANAGER



Map Scale: 1:7,929

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



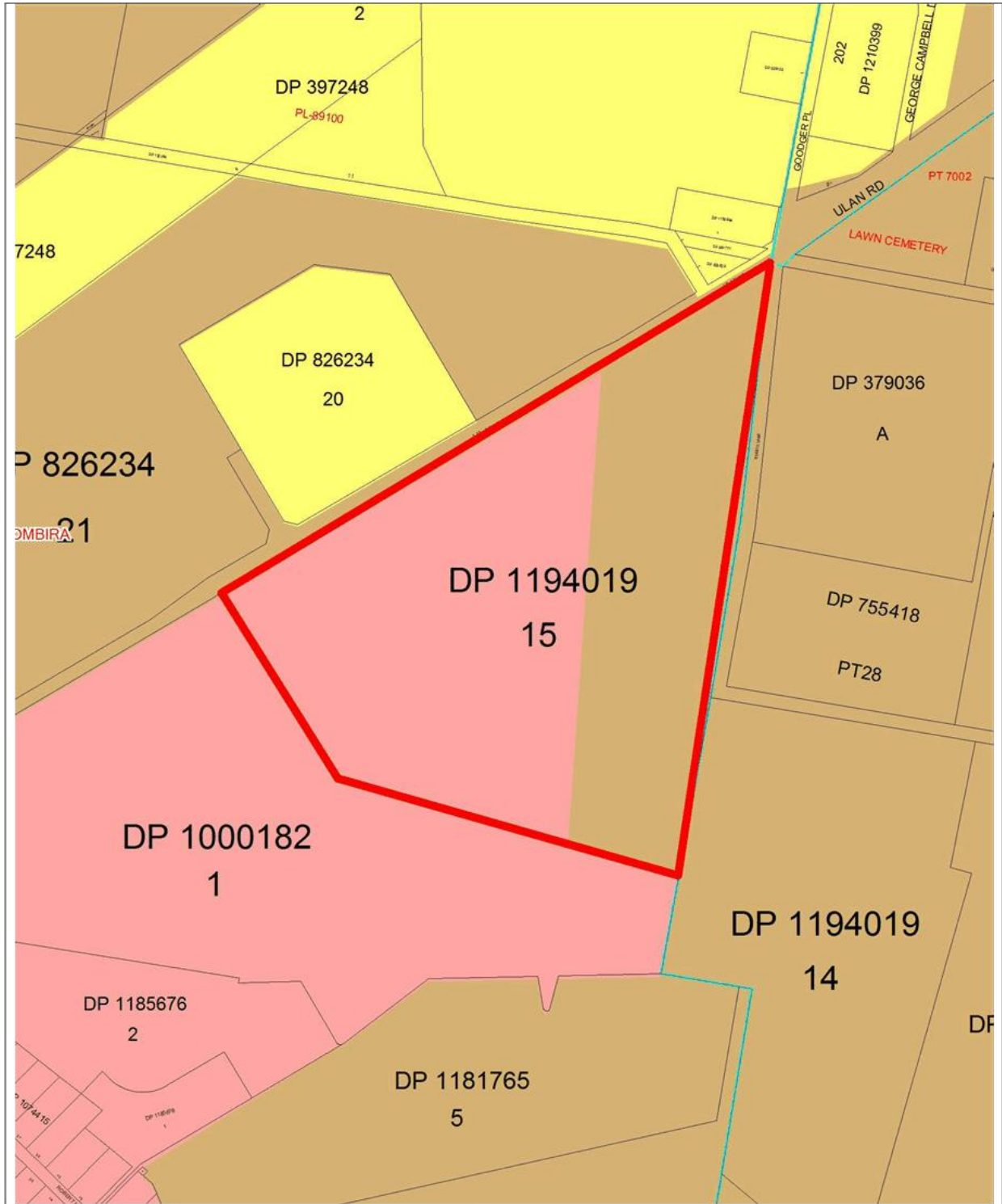
Road
State Forest
Waterway



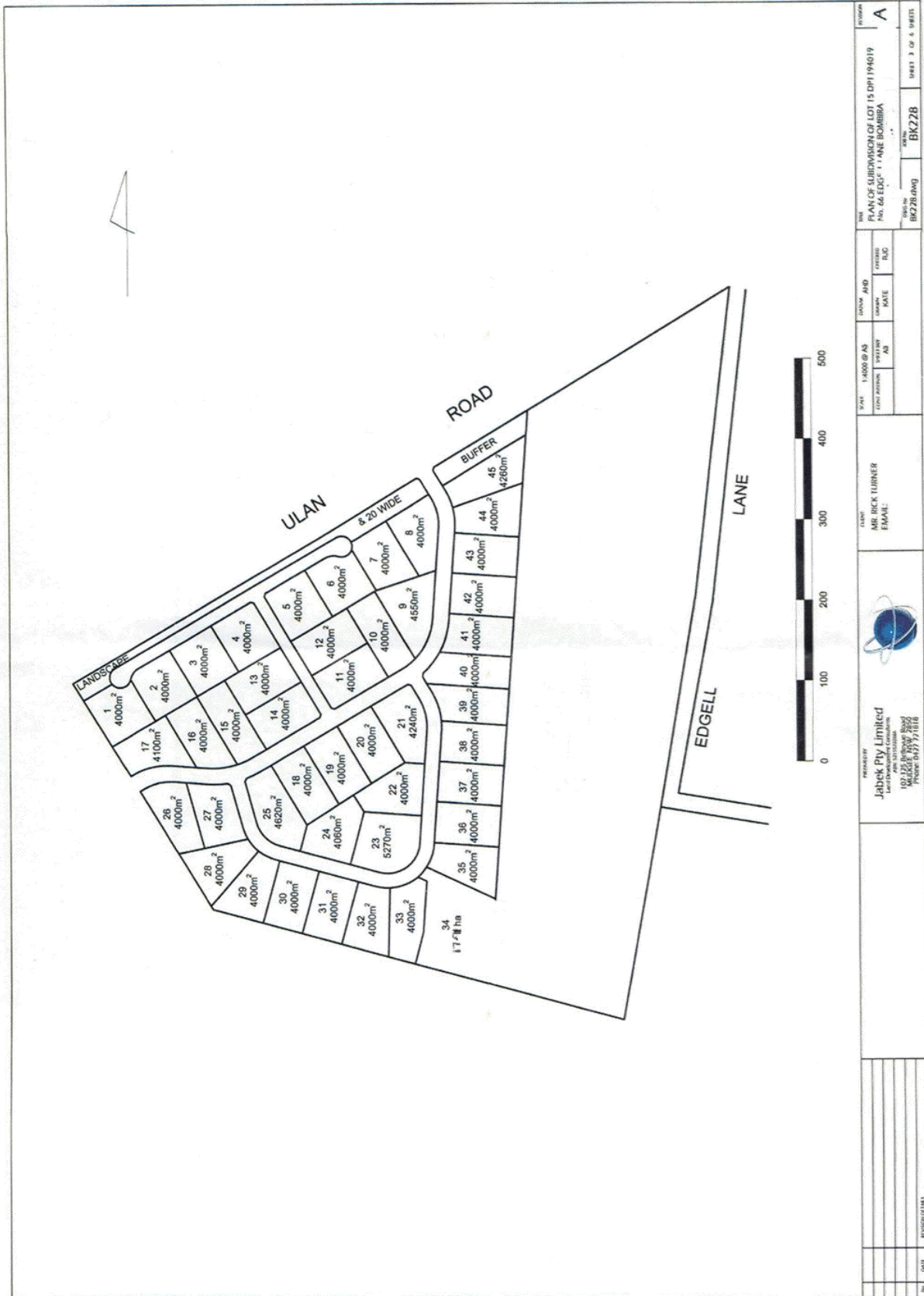
NORTH



Printed on Tuesday, 1 March 2016



<p>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.</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>Legend</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> <p style="text-align: right;"> NORTH</p>		Parcel		Parish		Road		Crown Land		Localities		State Forest		Railway		LGA Boundary		Waterway	<p>Printed on Tuesday, 1 March 2016</p>
	Parcel		Parish		Road															
	Crown Land		Localities		State Forest															
	Railway		LGA Boundary		Waterway															



DATE: 18/02/2016		DRAWN AND CHECKED: MRS RECK TURNER		DATE: 18/02/2016	
SCALE: 1:500 (AS SHOWN)		PROJECT: BKZ28		SHEET: 3 OF 4 SHEETS	
TITLE: PLAN OF SUBDIVISION OF LOT 15 DPI 194019 No. 66 EDGELL LANE BOMBRA					
PREPARED BY: Jabek Pty Limited Level 1, 100 Edgell Lane, Bombra, VIC 3613 Phone (03) 5773 8186					
PROJECT NO: 1001257					
DRAWING NO: BKZ28					
SHEET NO: 3 OF 4					
DATE: 18/02/2016					
DRAWN AND CHECKED: MRS RECK TURNER					
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Transport
Roads & Maritime
Services

SF2015/169554; WST15/00136

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

Dear Sir

**DA0109/2016: Lot 15 DP 1194019; 66 Edgell Lane, Buckaroo;
Subdivision (45 rural residential lots)**

Thank you for your letter dated 12 October 2015 referring development application DA0109/2016 to Roads and Maritime Services.

The documentation has been reviewed. The subject land has frontage to Edgell Lane and Ulan Road (MR208). Ulan Road is a classified road whilst Edgell Lane is a local road. Both roads are under the care and control of Mid Western Regional Council. The proposed subdivision includes a new public road intersecting with Ulan Road. In accordance with Section 138(2) of the *Roads Act 1993*, DA0109/2016 has been referred to Roads and Maritime for concurrence.

Pursuant to Section 138(2) of the *Roads Act 1993*, Roads and Maritime will grant concurrence, subject to the developer meeting conditions. In granting concurrence, Roads and Maritime notes that even though concurrence may be granted to the proposal, Council still needs to consider Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*. This clause requires that, prior to granting development consent to a new connection to Ulan Road, Council must satisfy itself that vehicular access to the land cannot be practicably obtained via Edgell Lane and/or an extension of proposed public roads at an adjoining subdivision. Council also needs to be satisfied that the safety, efficiency and ongoing operation of Ulan Road will not be adversely affected by operation of the development.

Roads and Maritime will grant concurrence subject to the following conditions:


- The intersection of the proposed public road and Ulan Road is to be constructed to include an Auxiliary Left Turn Treatment Short [AUL(S)] and Channelised Right Turn Treatment [CHR] on a major road in accordance with Figures 8.3 & 7.7 Part 4A *Austroroads Guide to Road Design* respectively (copies enclosed) and Roads and Maritime supplements. The intersection treatment is to incorporate and make allowances for the existing rural property access from Ulan Road opposite the proposed new intersection. The intersection is to be formed as to provide lay-bys on the departure sides for use as a school bus stop shelter.
- All intersection works are to be designed and constructed to accommodate the largest vehicle accessing the intersection and for the current speed zone of 80km/h, match existing road levels and not interfere with existing road drainage.
- A suitable barrier is to be provided on the subject land to prevent vehicles from entering/exiting Ulan Road from/to the subject land other than via the proposed public road.

Roads and Maritime Services

51 - 55 Currajong Street Parkes NSW 2870
PO Box 334 Parkes NSW 2870 DX 20256
www.rms.nsw.gov.au | 13 17 82

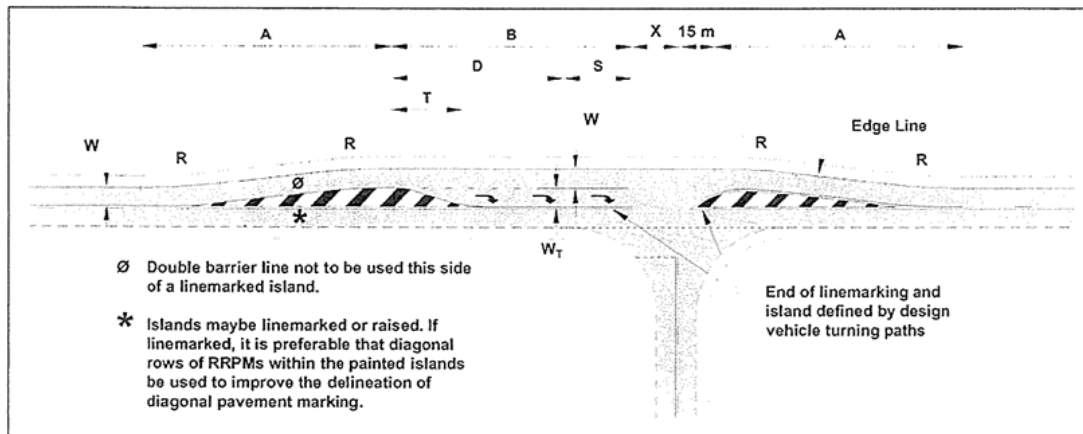
Please forward a copy of Council's determination of the development application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information please contact Andrew McIntyre on 02 6861 1453.

Yours faithfully


Susie Mackay
Network & Safety Manager
Western

30/10/15

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



Notes:

1. An alternative to the double white line on the offside edge of the right-turn slot is a 1.0 m painted median. The 1.0 m median is particularly useful when the major road is on a tight horizontal curve and oncoming vehicles track across the centreline. Provision of this median will require the dimension 'A' to be increased.
2. A raised concrete median on the minor road may be used with this treatment to minimise 'corner cutting', particularly for higher turning volumes.
3. The dimensions of the treatment are defined below and values of A, D, R and T are shown in Table 7.2:

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

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

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

D = Diverge/deceleration length including taper. Adjust for grade using the 'correction to grade' factor (Section 5)

T = Physical taper length (m) and is given by:

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

S = Storage length (m) should be the greater of:

1. the length of one design turning vehicle or
2. (calculated car spaces - 1) x 8 m (*Guide to Traffic Management – Part 3: Traffic Studies and Analysis* (Austroads 2009h), or use computer program e.g. aaSIDRA).

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

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

Source: Based on QDMR (2006).

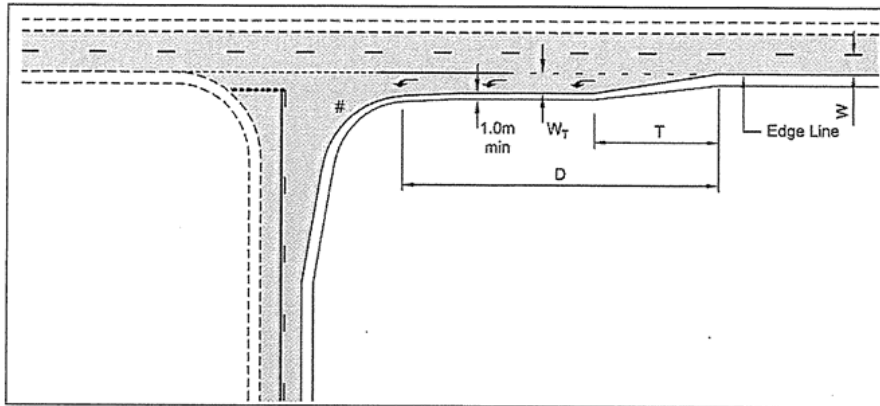
Figure 7.7: Channelised right turn (CHR) on a two-lane rural road

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

8.2.2 Rural Auxiliary Left-turn Treatment – Short Turn Lane [AUL(S)] on the Major Road

An AUL(S) turn treatment is shown in Figure 8.3. This treatment is suitable where there are low to moderate through and turning volumes (Section 4.8). For higher volume sites, a full-length AUL turn treatment is preferred. The required length of treatment is shown in Table 8.2.

The AUL(S) layout should not be used where there is reduced visibility to the turn treatment. Left-turning drivers on the major road need to perceive the location of the deceleration lane and the side road in time to make the necessary speed reduction in the through lane prior to diverging.



Notes:

1. # for setting out details of the left-turn geometry, use vehicle turning path templates and/or Table 8.2.
2. Approaches to left-turn slip lanes can create hazardous situations between cyclists and left-turning motor vehicles. Treatments to reduce the number of potential conflicts at left-turn slip lanes are given in this guide.
3. The dimensions of the treatment are defined as follows. Values of D and T are provided in Table 8.2.
 - W = Nominal through lane width (m) (including widening for curves). For a new intersection on an existing road, the width is to be in accordance with the current link strategy.
 - WT = Nominal width of the turn lane (m), including widening for curves based on the design turning vehicle = 3.0 m minimum.
 - T = Physical taper length (m) given by:

$$T = \frac{0.5VF}{3.6}$$

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

Source: QDMR (2006).

Figure 8.3: Rural AUL(S) treatment with a short left-turn lane

DA0109/2016- Lot 15 DP1194019 66 Edgell Lane Buckaroo NSW 2850

Comments:

General

The Development Drawings are incorrectly labelled, 66 Edgell Lane, Bombira should be 66 Edgell Lane Buckaroo.

This Development is required to stand alone from a servicing perspective from the subdivision at Lot 1 DP1000182- DA0152/2015- 220 Ulan Rd, Bombira.

Sewer and Permanent Sewerage Pump station

Conditions need to be created in the consent for a Permanent Pump station not a temporary pump station.

Location and size of Pump station will need to be reviewed by Councils Operations Department prior to issue of CC

Location and size of Rising main and sewer reticulation will need to be reviewed by Councils Operations Department prior to issue of CC.

Water

150mm DICL main on C04 is incorrect it is a 250mm DICL main which connects to a hydrant reducing in size to a 110mm Poly main.

Connection to existing Council main will require a pressure test to verify the optimal location to obtain the required serviceable pressure for the subdivision.

Location and size of water mains will need to be reviewed by Councils Operations Department prior to issue of CC.

Stormwater

Discharge area needs to be looked at onsite to prevent flooding of neighbouring subdivision and adjoining land owners. Consent from neighbouring land owners may be required and possible drainage works prior to issue of CC.

S64 Contributions

1. No sewer at present so no credit in contributions- refer to spreadsheet

Debit 45 large lots (net debit 45 lots)

2. No water at present so no credit in contributions- refer to spreadsheet

Debit 45 large lots (net debit 45 lots)

S94 Contributions

Debit 44 large lots- refer to spreadsheet

ENGINEERING CONSTRUCTION

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

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- 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.

A Construction Certificate is required for, but not limited to, the following civil works;

- Water and sewer main extensions
- 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.

- Where the development requires access to private land, the developer shall provide documentary evidence that an agreement has been entered into with the landowner prior to the issue of a Construction Certificate. If stormwater drainage, or utilities are to be located within the private land, an easement is to be created prior to release of the Construction Certificate.
- The Developer is to provide evidence of an Engagement Letter that the Subdivision has been registered with Telstra Smart Communities prior to the issue of the Construction Certificate.
- The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:

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

Water Headworks	\$570,780
Sewerage Headworks	\$182,432.25
Total Payable	\$753,212.25

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

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

STORMWATER DRAINAGE

- The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year event. All storm water detention details including analysis shall be included with the drainage report.
- 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
<ul style="list-style-type: none"> • 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.

- Where the trunk drainage system crosses through private land 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 stormwater drainage 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 the release of the Construction Certificate.

- 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.
- 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.
- Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
- 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 installation of the kerb and gutter
- 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.

ROADS, KERBS AND VEHICULAR ACCESS

- The intersection of 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 *Austrroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections* and *RMS Supplements*;
 - A Rural Auxiliary Left-turn Treatment- Short Turn Lane (AUL)(S) on the Major Road is to be provided in accordance with Figure 8.3 of *Austrroads Guide to Road Design 2010 – Part 4A: Guide to Unsignalled and Signalled Intersections* and *RMS Supplements*;
 - All existing and proposed utility services shall be located clear of existing road pavements.

All internal roads within the subdivision must be designed and constructed to the following standards:

Road 1

Item	Requirement
Full Road Pavement Width	13 m (2 x 3.5m travel lanes with 2x3m sealed parallel parking lanes)
Nature Strip	2 x 4.5m
Concrete Footpaths	2.5m Wide
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb

Road 2

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

Road 3 & 4

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

- The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
- 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 the kerb and gutter.
- 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.
- All water mains and associated fittings/valves should not be installed underneath a concrete structure such as the footpath.
- All required earthworks for roads associated with the subdivision must have compacting testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
- 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.

- All internal roads must be designed with design speed of 50km/hr.
- Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
- A Give Way sign is required to be installed on the internal subdivision road at the junction with Ulan Road.
 -
- 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 80kmhr for traffic leaving the subdivision.
 -
- The proposed internal road network should have sufficient width to accommodate the turning paths for service vehicles (eg. Rubbish collection and removalist vehicles). Particular attention should be given to cul de sac finishing points.
- Street tree landscaping is to be provided within the proposed road reserve on Ulan Road and internal subdivision roads. A plan for the proposed planting is to be submitted for approval by Council. All landscaping is to consist of appropriately advanced trees in accordance with Clause 7.1 Urban Subdivision of the Mid-Western Regional Council Development Control Plan amended December 2014.

EARTHWORKS

- 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.
- 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*.
- The proponent shall obtain a Section 91 Activity Approval under the Water Management Act 2000 should drainage or other works be carried out in within 40m of a prescribed watercourse or creek.

Note: Please contact the NSW Office of Water for more information in relation to this matter.

- 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)

WATER AND SEWER

- The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
- Three metre wide easements, including associated Section 88B 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 any 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 the release of the Construction Certificate.

- The proposed sewer pump station is to be located and constructed on proposed lot 34. Details to be provided at Construction Certificate stage.
- All water mains associated fittings/valves shall be clockwise close.

PRIOR TO COMMENCEMENT OF WORKS

- 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.
 - Council is to be notified in writing of any existing damage to Council's infrastructure

Note: Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.

- Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be sighted and 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.

- 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.
- Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
- The development site is to be managed for the entirety of work in the following manner:
 - Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 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.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

- Under the Environmental Planning & Assessment Act, 1979, a *Subdivision Certificate* is required before the linen plan of subdivision can be registered with the Land Titles Office.
Note: The fee to issue a *Subdivision Certificate* is set out in Council's Fees and Charges
- **#. The final inspection report shall be submitted to Council with the Subdivision Certificate application.**
- A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
- If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
- Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats;
 - PDF
 - Dwg format or "Autocad compatible"
 - Map Information Files➤ 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.
- Underground electricity 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 the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent.

- The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
- In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management

Traffic Management	\$53,504
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Open Space

Local Open Space	\$84,040
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District Open Space	\$114,048
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Community Facilities

Library Buildings	\$11,000
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Library Resources	\$13,200
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Administration

Plan Administration	\$25,652
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TOTAL	\$301,444
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- 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.
- 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.
- The applicant shall repair in accordance with Aus-Spec#1 and Council Standard Drawings and any part of Council’s property damaged during the course of this development.

8.5 Wilpinjong Coal Mine Expansion

REPORT BY THE STATUTORY / STRATEGIC PLANNER

TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, A0420169

RECOMMENDATION

That:

- 1. Council receive the report by the Statutory / Strategic Planner on the Wilpinjong Coal Mine Expansion;**
- 2. Council forward the submission onto the Department of Planning & Environment for consideration.**

Executive summary

Wilpinjong Coal Pty Ltd, a subsidiary of Peabody Energy, has submitted a Development Application to the Department of Planning & Environment for a proposed mine extension. Council voted to provide a submission into the Secretary General Environmental Requirements (SEARs) at the ordinary meeting of Council on 19 November 2014.

The development is considered State Significant Development (SSD) in accordance with Section 89C of the Environmental Planning & Assessment Act 1979 and the consent authority is the Minister for Planning.

The project includes:

- 800ha of open cut extensions including 500ha of extensions to existing pits and a 300ha new pit (to be known as Pit 8);
- Production of approximately 16 million tonnes per annum (mtpa) of run-of-mine (ROM) coal (as per Modification 6);
- Continued use of the Wilpinjong Coal Handling and Preparation Plant and general coal handling and rail loading facilities;
- Production and rail transport of approximately 13mtpa of thermal coal to domestic and international customers;
- Relocation of a section of Transgrid 330kV electricity transmission line to facilitate mining in Pit 8;
- Re-alignment of Ulan-Wollar Road and associated rail crossings, electricity transmission lines and services;
- Construction and operation of additional mine access roads to service new facilities in Pits 5 and 8;
- Extension of the approved mine life from 21 years to 28 years;

- A peak operational workforce of 625 people, up from 550;
- Ongoing mine exploration activities;
- Other associated minor infrastructure, plant and activities.

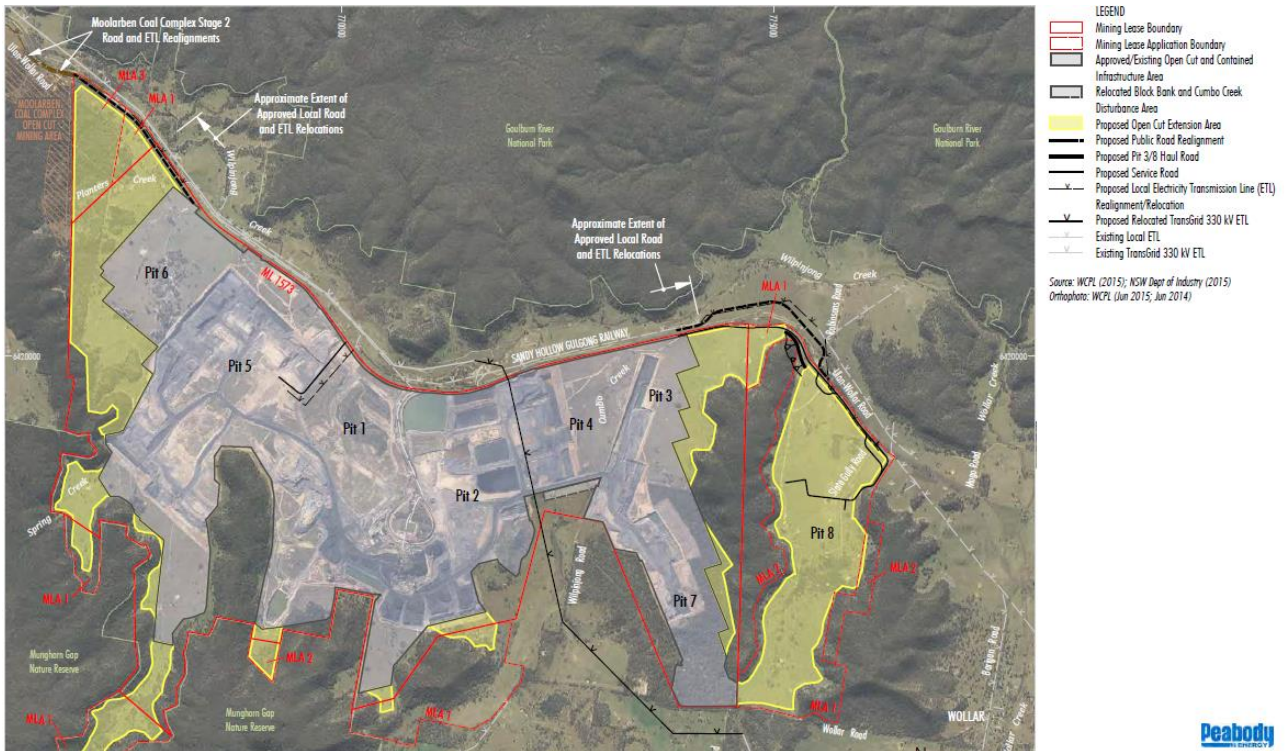


Figure 1: Map of proposed extension areas

BACKGROUND

Wilpinjong Coal Mine was originally approved on 1 February 2006 under the now defunct Part 3A of the Environmental Planning & Assessment Act 1979.

A modification was granted in November 2007 to alter the access arrangements to the mine and increase blasting frequency from 2 to 5 blasts per week.

Modification two was lodged in 2008 for the construction of a mine water transfer, however this was later withdrawn.

Modification three was granted in September 2010 to increase the maximum ROM production from 13mtpa to 15mtpa, increase the mining fleet and increase the number of train movements from 4 to 5 per day.

Modification four was approved in August 2012 and increased the total exported coal from 12mtpa to 12.5mtpa, increased the train movements from 5 to 6 per day and approved the construction of a reverse osmosis water treatment plant.

Modification five was approved in February 2014 and increased the open cut area by approximately 70ha, increased the amount of waste rock production from 28 million bank cubic metres (mbcm) to 33.3mbcm, upgraded the coal handling and preparation plant, upgraded the osmosis plant, amended the waste emplacement strategy and provided for the construction and operation of a light vehicle repair workshop.

Modification six was approved in November 2014 and increased the ROM coal production from 15mtpa to 16mtpa, increase waste rock production from 33.3mbcm to 34.1mbcm, increase final coal production from 12.5mtpa to 12.6mtpa and add an additional 3 D11 dozers operating 24 hours a day, plus supporting equipment.

Disclosure of Interest

Nil.

Detailed report

Council staff have reviewed the documentation associated with the project and make the following comments which will be included in the draft submission (attached), subject to endorsement from Council:

TRAFFIC AND TRANSPORT

The report makes little reference to the state of the current road infrastructure in the vicinity of the mining area. A road dilapidation report should be required as a condition of consent to be carried out prior to the commencement of works and again after the extension works are completed. Council also seeks assurances that damage to the road as a result of increased vehicle movements associated with the construction and operation of the mine will be fully funded by the developer and not Council.

Council generally agrees with the Road Transport Assessment (RTA) performed by GTA Consultants (GTA) but contends that there are several items that require addressing. The main access to Wilpinjong Coal Mine (WCM) from the Ulan-Wollar Road is a T-intersection only with no passing lanes provided. In the present context of design standards this would not be permitted in light of current traffic turning movements into the site and the need for passing opportunities. This is particularly relevant considering that the alternative access to the mine will be via the Pit 8 access road that lies further to the east of the main access along the same road. Council proposes that this intersection be upgraded to BAR/BAL as a minimum to facilitate through traffic.

It is further proposed that the remaining 2.87 km unsealed section between the present WCM access and Wollar Village be formed and sealed to a similar standard to that required of the Ulan Road Strategy (2x3.5m wide travel lanes with 1.0m wide sealed shoulders plus 1.0m wide unsealed shoulders). It should be noted that Section 2.6.1 of the project description states that Wilpinjong Coal Pty Limited (WCPL) will fund the sealing of the remaining unsealed section of Ulan-Wollar Road and the provision of a replacement sealed low-level causeway crossing of Cumbo Creek. This treatment is proposed to accommodate traffic either entering/exiting the mine at the Pit 8 access road from the Ulan direction or similarly traffic arriving/leaving in the south easterly direction. Table 6.1 of the RTA (GTA) indicates that traffic exiting the mine to the east generally increases, which supports the proposed treatment by Council. The upgrade should include any necessary formation widening and the inclusion of all road furniture. The intersection of the proposed Pit 8 access road should similarly be a BAR/BAL treatment as recommended in the study.

A further consideration is that the RTA (GTA) relies on a Traffic Impact Assessment performed by Parsons Brinckerhoff (2015) in relation to the proposed Bylong Coal Project. The cumulative traffic impact resulting from the Bylong Coal Project may be underestimated as the traffic assessment provided in the Bylong Coal traffic study did not include the scenario of no temporary workers accommodation (TWA) unit being built at Bylong. Council is strongly opposed to a TWA associated with the Bylong Coal Project and has argued that this scenario should have been factored into their traffic study. The reliance on outcomes of the former study may have implications for recommendations suggested in this study.

NOISE

The Noise and Blasting Assessment prepared by SLT Consulting Australia Pty Ltd refers to the potential for noise to exceed the intrusiveness criteria, prescribed by the NSW Industrial Noise Policy, during adverse weather events from the year 2024 in relation to the operation of Pit 8. The report puts forward the following mitigation options:

- Attenuating noise emissions from all CAT 789 trucks at the mine, plus shutting down one Pit 8 mining fleet and the satellite ROM pad front end loader (FEL); or
- Shutting down both mining fleets in Pit 8 and also the Pit 8 satellite ROM pad FEL; or
- Attenuating noise emissions from all major mobile plant at the mine site, supplemented with additional mobile plant shutdowns as required under adverse conditions.

The report mentions that these measures, while technically feasible, would require significant capital costs and therefore other measures should be considered to reduce noise impact that incur less capital costs. There have been some previous complaints from residents in the area about the noise from Wilpinjong Coal's current operations, the non-compliance with the NSW Industrial Noise Policy is considered to be inappropriate given the report identifies feasible options that can be undertaken to achieve compliance.

Council previously requested that independent modelling of noise impacts be undertaken to ensure that the mine has minimal impact on sensitive receptors including the village of Wollar. This appeared to have been put forward as an option by the Department of Planning & Environment (DP&E) at the community meeting in Wollar on 23 February 2016. Council encourages the Department to follow through on this and include the independent modelling requirement in the draft conditions of consent.

FLORA AND FAUNA

The Matters of National Environmental Significance assessment in Appendix E Attachment B is considered unsatisfactory in regards to the 'insignificant impact' assessment on:

- Box-Gum EEC;
- *Ozothamnus tessellatus*;
- Regent Honeyeater; and
- Koala populations.

However, it is noted that this is a separate approval process under Federal Legislation. The report indicates that the project was considered a controlled action by the Federal Department of Environment but did not state if approval has been granted and if so what, if any, constraints/measures the Minister has placed on the project.

HERITAGE

Although this is the domain of the NSW Office of Environment & Heritage to assess, there is concern within the local Aboriginal Community in relation to the destruction of rock formations, art and ochre quarry on the Slate Gully rocky hill. These sites have been assessed as being of

regional significance within the report. Further consultation with the local Aboriginal community is recommended to identify potential mitigation measures where appropriate.

GROUND AND SURFACE WATER

Council has no specific objections regarding ground and surface water, subject to strict compliance with the NSW Department of Primary Industries – Water (DPI Water) requirements.

AIR QUALITY

The report indicates that the project will lead to increased dust levels compared to the current operations, but it will remain within the acceptable criteria. However, there is potential during the operation of Pit 8 that air quality standards could be exceeded during adverse weather events. The report recommends the implementation of the mine's existing reactive dust management strategy which may involve the shutting down of equipment in Pit 8 during adverse weather conditions.

Council recommends that as per the comments regarding noise, independent modelling be carried out to ensure that compliance with the relevant standards are achieved at all times.

SPONTANEOUS COMBUSTION

Council originally raised concerns regarding this issue based on previous spontaneous combustion events and the impact this had on air quality. WCPL implemented a Spontaneous Combustion Management Plan in 2015 which focuses on the following measures for preventing outbreaks:

- Mine planning, including capping of carbonaceous material, placing high-risk materials as low as practicable in mine voids, sealing exposed seams in non-active highwall faces, stockpile management;
- Risk identification and assessment involving identifying and monitoring coal stockpiles for signs of heating and prioritising them for washing in the CHPP;
- Use of thermal imaging technology and visual inspections to identify and monitor hot spots within the mine.

Continued use of these measures is considered to satisfy the concerns that Council initially raised in response to the draft Secretary's Environmental Assessment Requirements.

CUMULATIVE IMPACTS

The numerous modifications over the last decade has had a significant impact on the village of Wollar and a substantial reduction in the number of residents. Cumulative impact assessments have been carried out for noise and air quality and appear to achieve the required standards. However, due to the issues raised from residents in the area it is requested once more that independent modelling be carried out to ensure the proposed extension does not adversely impact upon the amenity levels for existing sensitive receivers.

SOCIAL AND ECONOMIC IMPACT

The economic assessment conducted by Deloitte Access Economics recognises that whilst the project would have positive economic benefits in terms of increased business sales and employment opportunities, cessation of mining operations would result in a contraction in broader regional economic activity. The volatility of mining projects has significant economic and social impacts which is an ongoing concern for Council. It is important that WCPL continues to share relevant information with Council on a timely basis, so that these impacts can be managed.

The report states that WCPL will develop a Mine Closure Plan for the Project which would include details of the mine closure strategy in consultation with Council, DP&E and the community. Council supports the development of this plan and requests that this is completed at least 3 years before the workforce numbers are expected to significantly decline to assist in minimising the adverse socio-economic effects.

A key social impact for Council and the community is the potential of the project to accelerate the existing decline of the Wollar village and reduce the community's ability to sustain social resources and current services. With a declining population in the Wollar area it becomes increasingly difficult to attract volunteers to assist in maintaining community facilities (such as local parks and the Community Hall) and support services (such as the Rural Fire Service). It is important that WCPL works with community stakeholders to help address these impacts. Negotiations between Council and WCPL have resulted in WCPL verbally agreeing to maintain some community facilities such as toilet blocks and mowing of local parks and town entrances.

COMMUNITY FEEDBACK

Council has received community feedback in regards to the project. The key issues raised are: the condition of roads in the Wollar area; maintenance and running costs of community infrastructure in the Wollar village; and ongoing health and social impacts.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Manage growth pressure driven by the increase in mining operations in the Region

Financial implications

Additional financial pressure may be placed on Council if further dilapidation of the road network occurs as a result of increased mining operations in the area.

MARK LYNDON
STATUTORY / STRATEGIC PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

2 March 2016

Attachments: 1. Draft Wilpinjong Submission.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

PO Box 156, MUDGEE NSW 2850

86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone

T 1300 765 002 or 02 6378 2850 | F 02 6378 2815

E council@midwestern.nsw.gov.au

BC | A0420169

9 March 2016

Matthew Riley
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Riley

WILPINJONG EXTENSION PROJECT – SSD 6764

I refer to the above-mentioned proposal which is currently on public exhibition. Council previously provided input into the Secretary's Environmental Assessment Requirements (SEARs) on 20 November 2014. Having reviewed the exhibition material, Council does not object to the proposed expansion, however there are some issues that need further consideration and clarification.

Council provides the following comments

TRAFFIC AND TRANSPORT

The report makes little reference to the state of the current road infrastructure in the vicinity of the mining area. A road dilapidation report should be required as a condition of consent to be carried out prior to the commencement of works and again after the extension works are completed. Council also seeks assurances that damage to the road as a result of increased vehicle movements associated with the construction and operation of the mine will be fully funded by the developer and not Council.

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COMMUNITY FEEDBACK

Council has received community feedback in regards to the project. The key issues raised are: the condition of roads in the Wollar area; maintenance and running costs of community infrastructure in the Wollar village; and ongoing health and social impacts.

Should you have any queries in relation to this matter please contact Brad Cam on (02) 6378 2850.

Yours Faithfully

BRAD CAM
GENERAL MANAGER

8.6 Land & Housing Supply Monitor Second Quarter 2015/16

REPORT BY THE MANAGER, STRATEGIC PLANNING

TO 16 MARCH 2016 ORDINARY MEETING

GOV400054, GOV400043, LAN900042

RECOMMENDATION

That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor Second Quarter 2015/16.

Executive summary

The Land Supply Monitor was developed as part of the Urban Release Strategy Process. This report captures the December quarter.

Disclosure of Interest

Nil.

Detailed report

The Land Supply Monitor provides a tool to accurately gauge 6 months of development activity. The following table represents a summary of activity in 2015. There has been a drop in the number of Subdivision Certificates issued but conversely to the applications there was an increase overall from 2013/14.

Assumptions as to the jump in Occupation Certificates is problematic as they are not mandatory so not generally a true reflection of completion of housing.

In relation to the Complying Development Certificates, as highlighted in the previous report, the Department of Planning & Environment are working on a SEPP which proposes to establish a Regional Housing Codes SEPP in the hope to remove some of the complexities that have arisen in the application of a state wide code. At this stage there has been no date set for the release of this SEPP.

The table below also provides a comparison between 2013/2014 and 2014/2015.

Table 1: Land Supply 2015/2016 YTD

	2013/2014	2014/2015	2015/2016				YTD
			01 July – 30 Sept 2015	01 Oct – 31 Dec 2015	01 Jan – 31 Mar 2016	01 April – 30 June 2016	
Subdivision							
Residential Subdivision Applications (no. of lots approved – DAs)	710	246	5	18	-	-	23
Residential Subdivision Certificates (no. of lots released)	95	135	10	1	-	-	11
Notes: Subdivision certificates are issued following compliance with conditions including payment of s64 and 94 contributions.							
Dwellings							
DA Approvals for Dwellings and Dual Occupancies (no. dwellings approved)	148	123	18	27	-	-	45
CDCs for Dwellings and Dual Occupancies (no. dwellings)	50	23	9	9	-	-	18
Notes: The majority of dwellings are in the 600-1999m2 bracket which is considered the range of standard residential lot sizes in the R1 General Residential zone. There was some activity outside the residential zones on lots greater than 2ha. CDC's are trending at a higher rate than last year.							
Occupation Certificates (no. dwellings)	51	91	22	9	-	-	31
Notes: The statistics for Occupation Certificates remains low and may indicate that all dwellings are not receiving OC's on completion.							

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Financial implications

The previous year performance is used as a measure in preparing the income estimates for the following operational plan and having more rigorous monitoring of development activity will facilitate more accurate budgeting. At this stage there is no recommendation to make adjustments to the budget.

LIZ DENSLEY
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

2 March 2016

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Update on the Number of Matters Dealt with under the Protection of the Environment Operations Act 1997

REPORT BY THE MANAGER, HEALTH AND BUILDING

TO 16 MARCH 2016 ORDINARY MEETING

GOV400054, GOV400043, ENV200046

RECOMMENDATION

That Council receive the report by the Manager, Health and Building on the Update on the Number of Matters Dealt with under the Protection of the Environment Operations Act 1997.

Executive summary

The report presented is designed to keep Council informed of the current activity in relation to matters dealt with under the Protection of the Environment Operations Act 1997.

Disclosure of Interest

Nil.

Detailed report

Included in this report is an update on the number of matters dealt with by Council Staff under the Protection of the Environment Operations (POEO) Act 1997 for the 2015/2016 financial year up to 1 March 2016.

The POEO Act deals with matters relating to:

- Offensive noise
- Offensive odour
- Illegal dumping and other pollution incidents (in water, land and air)

Matters dealt with by Council Staff to date are as follows:

Environmental Complaint	Locality
Odour - Burning building material	Mudgee
Odour – Burning rubber	Mudgee
Odour – Offensive Odour	Mudgee
Odour – Offensive Odour	Mudgee
Odour – Burning rubber	Mudgee
Odour – Unknown	Mudgee
Odour – Offensive Odour	Mudgee
Odour – Animals – Neighbours Pigs	Kandos
Odour – Livestock – Neighbours Horse	Mudgee
Odour – Cattle	Gulgong
Odour – Sewerage from caravan	Mudgee
Air Pollution - Dust (resulting from subdivision)	Mudgee

Environmental Complaint	Locality
Air Pollution - Dust (resulting from subdivision)	Mudgee
Air Pollution – Dust from Rylstone Depot	Rylstone
Air Pollution – Burning general waste	Kandos
Air Pollution – Burnt house	Gulgong
Air Pollution - Asbestos	Kandos
Noise – Motor Vehicle	Rylstone
Noise – Block Splitter – Used for extended periods of time	Kandos
Noise - Block Splitter – Used for extended periods of time	Kandos
Noise – Air conditioner – Used for extended periods of time	Mudgee
Noise – Building work – Starting too early	Mudgee
Noise - Block Splitter – Used for extended periods of time	Kandos
Noise - Block Splitter – Used for extended periods of time	Kandos
Noise – Service station Air Compressor	Mudgee
Noise – Motorbikes on neighbouring property	Mudgee
Noise – Industrial Shed - commencing work too early	Mudgee
Noise – Industrial Shed - commencing work too early	Mudgee
Noise – Loud Music	Mudgee
Noise – Loud Music	Mudgee
Noise – Power Tools – Used for extended periods of time	Mudgee
Noise – Loud Music	Mudgee
Noise – Motor Vehicle – revving of car late at night	Mudgee
Noise - Gas Guns	Mudgee
Dumping – General waste in front yard	Gulgong
Dumping – Building Material	Mudgee
Dumping – General waste in front yard	Mudgee
Dumping – Grass Clippings	Mudgee
Dumping – Chemical Drums	Gulgong
Dumping – Dumping of sewerage	Kandos
Dumping – Commercial Waste	Rylstone
Dumping – Grass clippings into river	Mudgee
Pollution – Stormwater pollution from building site	Mudgee

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Protect and enhance our natural environment
Strategy	Raise community awareness of environmental and biodiversity issues

Financial implications

Not applicable.

JOSH BAKER
MANAGER, HEALTH AND BUILDING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

3 March 2016

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.8 Voluntary Planning Agreement Caerleon - Amendment 2

REPORT BY THE MANAGER, STRATEGIC PLANNING

TO 16 MARCH 2016 ORDINARY MEETING

GOV400054, GOV0420236, A0420236

RECOMMENDATION

That:

1. Council receive the report by the Manager, Strategic Planning on the Voluntary Planning Agreement Caerleon - Amendment 2;
2. Council endorse the amended VPA to the extent that it relates to the deferment of contributions for water and sewer until 31 August 2016 or the release of the 100th lot whichever comes first;
3. Council further amend the VPA to the extent that the cycleway adjacent to the railway corridor and extending to the Isbester property be completed within 3 months of the final form of the Spine Road being completed or as agreed to by the parties;
4. Council place the amended VPA on public exhibition for a period of 28 days in accordance with the requirements of the Environmental Planning and Assessment Act;
5. following the exhibition of the documentation, if there are no submissions received in relation to the amendment, the General Manager be given the express delegation to endorse the legal documents;
6. Council receives a further report for consideration if submissions are received in relation to the VPA;
7. Council amend condition 42 of the development consent 0428/2013 under section 96 of the Environmental Planning and Assessment Act and MI0015/2016 to the extent that it is consistent with the VPA.

Executive summary

The purpose of this report is to:

1. Endorse the earlier amendment to the VPA in relation to the deferral of the contributions for water and sewer. This matter has been exhibited for the prescribed period and no submissions were forthcoming.
2. Endorse for exhibition a further amendment to the VPA to tie the development of the cycleway along the rail corridor to the construction of the Spine Road.
3. Amend the development consent DA 0428/2013 condition 42 relating to the construction of the cycleway such that it is consistent with the VPA.

Disclosure of Interest

Nil.

Detailed report

Council entered into a Voluntary Planning Agreement (VPA) with Caerleon Mudgee Ltd on 19 September 2013 for between 900-1200 residential lots. The agreement is complex and includes a table identifying nineteen (19) specific items for which the developer will be responsible in lieu of monetary contributions under section 94 of the Environmental Planning and Assessment Act and payment arrangements including rates and timing of section 64 charges under the Local Government Act. A copy of the VPA is attached. Council have since varied the agreement to accommodate a delay in the timing of the development of the first stage of neighbourhood 1. This variation was exhibited for 28 days from 13 February until 11 March 2016 during which time there were no submissions received.

A development application for stage 1 has been approved which includes reference to the commitments under the VPA. In particular, condition 42 of the development consent DA0428/2013 requires that the foot and cycle ways be completed prior to the release of the Subdivision Certificate for Stage 1 of Neighbourhood 1. The applicant has requested that the construction of the cycleway be deferred until the completion of the Spine Road.

In order to achieve this both the VPA and development consent require an amendment. To this end the applicant has lodged an application under s96 to amend the consent and therefore the two administrative functions can be undertaken concurrently. The applicant has made an application under s96 of the Act being MI0015/2016 to vary the DA0428/2013 consistent with the amendment of the VPA.

The initial development approval required the establishment of the shared cycleway from the first stage of the residential development to connect to the Isbester property and Fairydale Lane. At this stage Council has not undertaken any works in terms of the extension of Fairydale Lane through the land acquired from Isbester adjacent to the railway corridor. Further, there is no road link between Fairydale Lane and the Stage 1 release. The applicant proposes that the shared path is therefore premature at this time and should be linked to the development or opening of the Spine Road through the site. This approach is generally supported.

The shared path will continue to be incorporated into the subsequent stages and at such time as there is a traffic link, Council can thereafter invoke the VPA in relation to the shared pathway linking the new residential area with the shared path as well as collector road.

The VPA will be amended as follows:

Amend Schedule 3, Item 15, Column 5 – Timing, as follows:

“Development within the riparian corridors to occur over stages and therefore works for each stage are to be completed prior the issue of a subdivision certificate for a plan of subdivision that when registered would create the first lot for the relevant stage of work in which the riparian corridor is situated, OR such other time as agreed by the Parties in writing.

Notwithstanding the above and subject to clauses 5.1(e) and 5.1(f), the shared footpath/cycle path from that part of the Land comprising Stage 1 to the Isbester Property is to be completed within 3 months of the completion of the full and final form of the Spine Road provided that the Developer has been able to obtain all approvals required from any Authority for the construction of that shared footpath/cycle path, OR such other time as agreed by the Parties in writing”.

The VPA as discussed above has already been through an amendment and exhibited as required under the *Environmental Planning and Assessment Act 1979*. This amendment related to Item 19 of the instrument and the timing of the payment of the first DSP charges. The amendment reads as follows:

The Voluntary Planning Agreement (VPA) between Mid-Western Regional Council and Caerleon Mudgee Pty Ltd atf Caerleon Trust as executed 19 September 2013 be amended as follows:

Amend Schedule 3, Item 15, Column 5 – Timing, as follows:

“The Water and Sewerage Infrastructure are to be staged as follows:

1. *First tranche:* The Parties will, acting in good faith, develop and agree on a project schedule for the delivery of the Water and Sewerage Infrastructure to service the first 400 lots so as to enable the Developer to sell those 400 lots in accordance with the Developer’s proposed timetable for the sale of those lots.
2. *Second tranche:* Water and Sewer Infrastructure to service the balance of the Proposed Development in accordance with the timetable agreed between the Developer and the Council, having regard to the Developer’s timing for the sale of the balance of the lots. Any dispute between the Developer and the Council as to the agreed timetable is to be resolved in accordance with clause 11.

The first DSP Charges are payable 31 August 2016 or on registration of a plan of subdivision creating the 100th lot, whichever occurs first.

If 12 months from the date of this Agreement occurs first, then the First DSP Charges payable will be an amount for the number of lots that have been created by a plan of subdivision within 12 months from the date of this Agreement.

If the registration of the plan of subdivision creating the 100th lot occurs first, then the First DSP Charges payable will be an amount for the first 100 lots created by a plan of subdivision.

The DSP charges per Equivalent Tenement for the balance of the lots is to be payable on the issue of a subdivision certificate for a plan of subdivision that when registered would create the lot, OR such other time agreed by the Parties in writing”.

The start date for the indexing of contributions will remain 19 September 2013, therefore, payment of contributions in August will include indexation.

The above variation will be effective following the endorsement by Council as outlined in the recommendation.

Community Plan implications

Theme	Looking After Our Community
Goal	Effective and efficient delivery of infrastructure
Strategy	Provide infrastructure and services to cater for the current and future needs of our community

Financial implications

The amendment of the VPA will not reduce the overall community infrastructure contribution, rather, alter the timing of delivery.

LIZ DENSLEY
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 March 2016

Attachments: 1. Voluntary Planning Agreement between Caerleon Pty Ltd and MWRC.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 9: Finance

9.1 Monthly Budget Review January 2016

REPORT BY THE MANAGER, FINANCIAL PLANNING

TO 16 MARCH 2016 ORDINARY MEETING

GOV400054, FIN300062

RECOMMENDATION

That Council receive the report by the Manager, Financial Planning on the Monthly Budget Review January 2016.

Executive summary

This report presents to Council the January Monthly Budget Review of the 2015/2016 Operational Plan.

Disclosure of Interest

Nil.

Detailed report

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

Community Plan implications

Theme	Good Governance
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Goal	An effective and efficient organisation
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Strategy	Prudently manage risks association with all Council activities
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Financial implications

This monthly budget review has no recommended budget variations, and therefore has no impact on the 2015/16 Operational Plan.

NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 March 2016

Attachments: 1. Capital Program Update. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Monthly Statement of Investment and Bank Balances as at 29 February 2016

REPORT BY THE MANAGER, FINANCIAL PLANNING
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, FIN300053

RECOMMENDATION

That:

1. **Council receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 29 February 2016;**
2. **Council note the certification of the Responsible Accounting Officer.**

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.

Disclosure of Interest

Nil.

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.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Prudently manage risks association with all Council activities

Financial implications

Not applicable.

NEIL BUNGATE
MANAGER, FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 March 2016

Attachments:

1. Monthly Statement of Bank Balances and Investments.
2. Schedule of MWRC Investment Policy Requirements.
3. Monthly Investment Portfolio Activity.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Attachment 1

For the month ended:

29-Feb-16

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
National Australia Bank (Corporate Cheque Account) \$	67,776	\$20,027,867	\$ 19,831,619	\$ 264,024	\$ 700,000

The bank balances have been reconciled to the General Ledger as at 29/02/2016

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term
National Australia Bank	At Call	2,979	2.30%	NA	At Call
National Australia Bank	Term Deposit	1,600	3.02%	6/07/2016	364
National Australia Bank	Term Deposit	2,000	2.95%	2/03/2016	195
National Australia Bank	Term Deposit	1,500	2.95%	30/03/2016	196
National Australia Bank	Term Deposit	1,000	2.95%	13/04/2016	189
National Australia Bank	Term Deposit	1,200	2.98%	20/04/2016	189
National Australia Bank	Term Deposit	1,000	2.97%	27/04/2016	182
National Australia Bank	Term Deposit	1,000	2.91%	11/05/2016	182
National Australia Bank	Term Deposit	1,000	3.05%	20/07/2016	196
National Australia Bank	Term Deposit	1,000	3.00%	15/02/2017	364
St George Bank	Term Deposit	1,500	2.80%	9/03/2016	189
St George Bank	Term Deposit	2,000	2.80%	16/03/2016	196
St George Bank	Term Deposit	2,500	2.79%	23/03/2016	196
St George Bank	Term Deposit	1,000	3.02%	13/07/2016	189
St George Bank	Term Deposit	1,000	2.90%	31/08/2016	196
St George Bank	Term Deposit	2,000	2.90%	7/09/2016	203
St George Bank	Term Deposit	2,500	2.83%	28/09/2016	212
Bankwest	Term Deposit	2,300	2.85%	6/04/2016	189
Bankwest	Term Deposit	1,000	2.80%	27/04/2016	184
Bankwest	Term Deposit	1,500	3.00%	1/06/2016	189
Bankwest	Term Deposit	1,000	2.95%	8/06/2016	191
Bankwest	Term Deposit	2,000	2.95%	15/06/2016	198
Bankwest	Term Deposit	700	3.00%	13/07/2016	210
Bankwest	Term Deposit	1,000	2.93%	17/08/2016	203
Bankwest	Term Deposit	1,500	2.90%	24/08/2016	196
Bankwest	Term Deposit	1,500	2.90%	21/09/2016	210
ANZ	Term Deposit	1,000	2.94%	29/06/2016	203
ANZ	Term Deposit	1,000	2.86%	14/09/2016	203
AMP	Term Deposit	1,500	3.00%	3/08/2016	182
AMP	Term Deposit	1,000	3.00%	17/08/2016	189
Bank of Queensland	Term Deposit	1,300	2.85%	9/03/2016	191
Bank of Queensland	Term Deposit	2,000	3.00%	22/06/2016	203
Bank of Queensland	Term Deposit	800	3.10%	3/08/2016	203
Bendigo & Adelaide Bank	Term Deposit	1,500	2.85%	2/11/2016	364
ING Bank	Term Deposit	2,000	2.89%	4/05/2016	182
Members Equity Bank	Term Deposit	1,800	3.05%	27/07/2016	231
Members Equity Bank	Term Deposit	1,500	3.09%	10/08/2016	196
Peoples Choice C/Union	Term Deposit	2,000	2.93%	25/05/2016	189
Peoples Choice C/Union	Term Deposit	1,500	2.93%	18/05/2016	182
MyState Bank	Term Deposit	1,000	3.08%	24/08/2016	203
Family First Credit Union	Term Deposit	500	2.85%	20/04/2016	182
Total Investments		59,679			

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+	14,279	24%	25%
Bankwest	AA-/A-1+	12,500	21%	25%
St George Bank	AA-/A-1+	12,500	21%	25%
ANZ	AA-/A-1+	2,000	3%	25%
AMP	A+/A-1	2,500	4%	15%
Bank of Queensland	A-/A-2	4,100	7%	10%
Bendigo & Adelaide Bank	A-/A-2	1,500	3%	10%
ING Bank	A-/A-2	2,000	3%	10%
Members Equity Bank	BBB+/A-2	3,300	6%	10%
Peoples Choice C/Union	BBB+/A-2	3,500	6%	10%
Family First Credit Union	Unrated	500	1%	10%
MyState Bank	BBB/A-2	1,000	2%	10%
		59,679	100%	

Investments by S&P Rating	Short Term Rating	Amount \$'000	% of Portfolio	
			Actual	Limit
Direct Securities	A-1+	41,279	69%	100%
	A-1	2,500	4%	60%
	A-2	15,400	26%	30%
	A-3	-	0%	20%
	Unrated	500	1%	10%
		\$ 59,679	100%	

*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	59,679	100%	40%	100%
Between 1 and 3 years	-	0%	0%	60%
Between 3 and 5 years	-	0%	0%	50%
More than 5 years	-	0%	0%	25%
	59,679	100%		

Attachment 3**Monthly Investment Portfolio Activity:**

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

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
National Australia Bank	2,137		2,979	-0.08%	0	2.95%
Bankwest	1,000	1,000		Redeemed		
ME Bank	1,000	1,000		Redeemed		
AMP			1,500	New Deposit		3.00%
MyState Bank			1,000	New Deposit		3.08%
Bankwest	1,000		1,500	0.00%	7	2.90%
AMP	1,000		1,000	0.10%	-7	3.00%
National Australia Bank	1,000		1,000	0.00%	168	3.00%
AMP	1,000	1,000		Redeemed		
AMP	1,500	1,500		Redeemed		
St George Bank			1,000	New Deposit		2.90%
St George Bank			2,000	New Deposit		2.90%
ANZ	1,000		1,000	0.04%	0	2.86%
ANZ	1,500	1,500		Redeemed		
Bankwest			1,500	New Deposit		2.90%
St George Bank			2,500	New Deposit		2.83%
	12,137		16,979			
Investment Portfolio Movement	4,842	Addition				

9.3 Transfer of Sections of Closed Road at Crudine to Adjoining Owners - Lots 7-12 DP 705353

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, P2099411

RECOMMENDATION

That:

- 1. Council receive the report by the Revenue and Property Manager on the Transfer of Sections of Closed Road at Crudine to Adjoining Owners - Lots 7-12 DP 705353;**
- 2. Council approve the transfer of Allotments 7-12 DP 705353 from the Crown to Council and approve the subsequent transfer of Allotments 7-12 DP 705353 from Council to the adjoining owners;**
- 3. Council requires all costs in relation to the transfer of Allotments 7-12 DP 705353 from the Crown to Council and the subsequent transfer of Allotments 7-12 DP 705353 from Council to the adjoining owners, be borne by the adjoining owners;**
- 4. Council authorises the General Manager to sign all documents necessary to transfer Allotments 7-12 DP 705353 from the Crown to Council and all documents necessary to transfer Allotments 7-12 DP 705353 from Council to the adjoining owners;**
- 5. Council authorises the affixing of the Common Seal to all documents necessary to transfer Allotments 7-12 DP 705353 from the Crown to Council and all documents necessary to transfer Allotments 7-12 DP 705353 from Council to the adjoining owners.**

Executive summary

The purpose of this report is to seek Council's approval to transfer Allotments 7-12 DP 705353 (the Closed Road allotments) from the State of New South Wales (the Crown) to Council and approve the subsequent transfer of the Closed Road allotments from Council to the current adjoining owners to enable the intent of the former Rylstone Shire Council's undertaking and resolution of 20 June 1985 to be exercised.

Disclosure of Interest

Nil.

Detailed report

On 20 June 1985 the former Rylstone Shire Council resolved to acquire land and close sections of the Crudine Road for road widening and realignment purposes.

The Council Minute and Application under the then Public Roads Act 1902, confirms that the Closed Road allotments were to be transferred to the owner of the surrounding land at the time, Mr Harvey Pearce, as part compensation for the land resumed for the road openings.

It appears that Crown documentation authorising First Title creation and setting out Rylstone Shire Council as the registered proprietor never occurred and that neither Mr Pearce or the Crown pursued the matter at the time.

Mr Pearce subsequently sold the surrounding land to Deon, Ian and Fay Moore. The Closed Road allotments were not included in the sale and remained in the ownership of the Crown.

Recently, the Moore family have had cause to investigate and confirm the ownership of all the land parcels within the property purchased from Mr Pearce in order to submit an application to Council to subdivide the property.

The ownership of the Closed Road allotments is now impeding the progress of the proposed subdivision and Mr Deon Moore has requested that the Crown and Council resolve the matter expeditiously and transfer the Closed Road allotments into their ownership.

The Crown has advised it will agree to issue the title to the Closed Road allotments to Council, and then Council will be able to transfer these to the Moore family.

The former Rylstone Shire Council's Resolution and Application under the Public Roads Act 1902 of 20 June 1985 are now considered to be deficient in relation to the specific Council directions and information which must be addressed in order to transfer the Closed Road allotments from the Crown to Council and, then from Council to the Moore family. The recommendations to this Report will rectify the previous inadequacies.

The Council minute, the application under the Public Roads Act 1902 and plan of the area are appended to this Report.

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

Financial implications

The Crown proposed 2 options in order to resolve this situation;

1. Include the Closed Road allotments in the process initiated by the Moore family occurring for the closure of Crown roads within the property; or
2. The Crown issues the title to the Closed Road allotments directly to Council, and then Council transfers these to the Moore family.

Members of the Moore family have indicated that they would prefer not to include the Closed Road allotments with the procedures being undertaken by the Crown for the closing of Crown roads within the property.

Given this preference, it is considered reasonable that all costs in relation to the transfer of the Closed Road allotments from the Crown to Council and, then from Council to the Moore family, are to be borne by the Moore family.

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 March 2016

Attachments: 1. Council Minute, Application under the Public Roads Act 1902 dated 20/6/1985, Government Gazette notification dated 20/6/1986 and Plan of the area.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

6 Crudine Road - Road Opening (R10.20b) 20 JUN 1985

The plan of survey of the land involved with the widening and reconstruction of the Crudine Road at Giles Hill has now been prepared, together with the required application under the Public Roads Act.

The land to be acquired under the road opening application is as follows:

<u>Name</u>	<u>Property description</u>	<u>Rate</u>	<u>Area</u>	<u>Compensation</u>
Mr H Pearce	Portions 19 & 40	\$350/ha	1.989	\$716.04

Recommended that application, under Seal of Council, be made to the Lands Department for the necessary acquisition of part of Portions 19 and 40 Parish of Crudine and dedication as a Public Road.

Crudine Road - Road Opening (R10.20b) 20 JUN 1985

470 Resolved that application, under Seal of Council, be made to the Lands Department for the necessary acquisition of part of ~~Portions 19 and 40~~ Parish of Crudine and dedication as a Public Road.

FILE 26/6/85

PUBLIC ROADS ACT, 1902
APPLICATION FOR THE OPENING OR DEVIATION OF A ROAD
OR FOR A ROAD EXCHANGE

A.506
79.447

PARISH OF CRUDINE COUNTY OF ROXBURGH

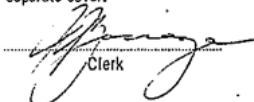
The Council of SHIRE OF RYLSTONE hereby
applies for the opening of a road. P.O. Box 42

Attached is a copy of the plan of survey showing : -

- Strike out whichever does not apply
- (a) by red colour the land required for road;
 - (b) by blue colour roads proposed to be closed (see paragraph 4) to which Council consents to the closing;
 - (c) by brown colour existing non-public roads proposed to be dedicated to preserve continuity (see paragraph 6) (shown on a separate diagram if necessary);
 - (d) by yellow colour reserved land proposed to be resumed (see paragraph 3);
 - (e) names of affected owners (see paragraph 1).

Linen plan of survey and two additional copies have been forwarded under separate cover.

Council's Reference No. 216-208


Clerk

The Under Secretary,
Department of Lands,
Box 39, G.P.O.,
SYDNEY 2001

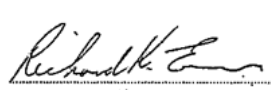
UNDERTAKING


The Council of the SHIRE of RYLSTONE hereby.

- (i) undertakes to deposit with the Department of Lands when called upon so to do the amount required by the Department to meet the cost to the Department (including the cost of office action and surveys) of opening the road referred to above and of paying costs incidental to the appropriation exchange or resumption and dedication of land for the provision of the road ;
- (ii) authorises the Department to apply for any such purpose the sum so deposited :
- (iii) undertakes to pay to the Department when called upon so to do any amount required by it for any such purpose in excess of the sum so deposited.
- (iv) undertakes to expend funds on the formation of any existing unformed road dedicated as public road as part of this proposal within 12 months of the date of dedication.

A resolution to make this application and to furnish the above undertakings and authority was passed by the Council at a meeting held on the 20th day of June 19 85

THE COMMON SEAL of the Council)
of the Shire of)
Rylstone was hereto)
affixed on the 21st)
day of June 19 85)
in pursuance of a resolution passed)
by the Council on the 20th)
day of June 19 85)


Mayor xx
President


Town Clerk
Shire
was hereto)

ADDITIONAL INFORMATION REQUIRED

2. LAND REQUIRED FOR ROAD

The Department is able to proceed with an application for road opening despite the lack of consents of affected landowners. Council's assurances that the road is required in the public interest are sufficient to enable preliminary gazettal of the proposal and the later consideration of any objections lodged.

Resumption of the land required for road may be effected by one gazettal, i.e. without preliminary gazettal, provided that :-

- (a) the consents of the affected landowner(s) have been received, or
- (b) the road to be opened has been established by the expenditure of public funds and is in use.

A preliminary gazettal must be effected in all other cases and whenever road closings are proposed.

The following questions are included with a view to expediting this application in that way.

(A)	consents of land-owners is not required.	Has the proposed road been formed by expenditure of public funds ?	..... YES
		Is the proposed road in use in the location shown on the diagram accompanying the application ?	..... YES
		Have the written consents of affected landowners been obtained ? If so, please attach.	..... YES No. of consents attached 1
		If some consents have not been obtained, have landowners concerned expressed definite objection to the proposal ? Give details by letter setting out Council's attitude to objections.	..... NA
		* Does the proposal constitute a widening or deviation of or a junction with a main road under the Main Roads Act ?	..... NO
		* Does the road to be opened or any road to be closed (see 4) traverse or adjoin Railway Land ?	..... NO
		* If so, the specific consent of the D.M.R. and P.T.C., to the proposal as surveyed must be obtained and forwarded with the application. Are copies of the consents attached ? IF CONSENTS ARE NOT ATTACHED PLAN AND APPLICATION WILL BE RETURNED	..... NA

3. SEVERED LAND

Where a road opening proposal severs part of a property so that Council and the landowner agree that the severed part is rendered of little or no use to the owner and should also be resumed, a written consent to resumption of such severed land must be obtained.

(A)	Lands	Is Council of the opinion that lands severed by the proposal should be resumed ? Please attach consents. (Unless consents are attached action may not be taken by the Department to resume severed land).	Shown on diagram by yellow colour No. of consents attached NA
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4. ROADS TO BE CLOSED

Roads rendered unnecessary by this proposal may be closed and could be used in connection with compensation provided they are not required to be retained for conservation and environmental reasons (See L.G. circular No.79/387, 17th April, 1979).

Do any of the following apply ?

(a)	will they continue to be required by persons other than the proposed grantees ?	..... NO
(b)	do they form part of a road system which should not be broken ?	..... NO
(c)	do they provide legal access to lands not yet alienated from the Crown (Council may not be able to give this information).	..... NO

(Continued Overleaf)

ADDITIONAL INFORMATION REQUIRED

5. COMPENSATION

The Department does not now undertake the payment of compensation in connection with road opening applications by Councils. Councils are now entirely responsible in this regard.

Compensation is payable in three (3) ways :- in money; in land and money; in land only. Land comprises the unnecessary roads closed in connection with the road opening and lands severed by the new road (See severed land)

When a Council has settled compensation which includes land it should instruct the Department as to the granting (or addition as the case may be) of such land, indicating to whom it should be granted. However, if Council at the time the application is lodged has already come to agreement regarding disposal of roads to be closed and of severed land, this information would materially assist the Department in completing the application; but instructions as to when grant is to be made will still be required.

Council desires that these sections of road to be closed be granted to Mr Harvey Pearce

6. DEDICATION OF EXISTING ROADS

In some cases dedication of existing Crown subdivision roads is required so that the whole of a road system constructed or being constructed is under Council's control.

Are there any such roads ? (Please show by brown colour on an appropriate diagram).	YES
Is the road formed and / or in use	YES
Has the Shire Engineer satisfied himself that the existing Crown subdivision road proposed to be dedicated as public road embraces the road as in use or as proposed to be formed ?	YES
If the existing Crown subdivision road proposed to be dedicated is in excess of 20.115 metres width, does Council desire dedication for a width in excess of 20.115 metres ?	Yes/No. NO
	Width desired. NA
If foregoing answer is "Yes", please state reasons.	
What is the extent of timber cover on the existing Crown subdivision road proposed to be dedicated ?	Very light

20 JUNE, 1986]

NEW SOUTH WALES GOVERNMENT GAZETTE No. 97

2879

(1309) Sydney, 20th June, 1986.
NOTIFICATION UNDER THE PUBLIC ROADS ACT 1902, OF RESUMPTIONS AND WITHDRAWALS OF LANDS FOR ROADS, RESUMPTIONS AND WITHDRAWALS OF SEVERED LANDS, OF DECLARATION OF ROADS TO BE PUBLIC ROADS AND OF CLOSING OF ROADS

IN pursuance of the provisions of the Public Roads Act 1902, the lands hereunder described, are resumed or withdrawn for road; such roads and the additional roads particularized hereunder are hereby declared to be public roads and dedicated to the public accordingly (except where otherwise stated); the lands hereunder described are resumed or withdrawn as severed lands; and the roads specified are hereby closed.

JOHN AQUILINA, Minister for Natural Resources.

Descriptions

Parish Buckra Bendinni, County Raleigh, Land District Bellingen, Shire Nambucca

Widening of North Arm Road within portions 105, 79, 76, 69, 63, 88, 82 and 87—D.P. 47857. (Council's reference: R. 31/107.) GF86 H 67.

Lands resumed for road: Lots 40 to 58.

Titles affected and areas resumed: C.T. 14481-156 (3 749 square metres), C.G. 2219-222 (1 547 square metres), C.T. 10082-3 (7 478 square metres), C.G. 2777-232 (611.9 square metres), C.G. 2777-233 (2 700 square metres) and C.T. 5740-160 (2 927 square metres).

Parish Crudine, County Roxburgh, Land District and Shire Rylstone

Widening and deviation of the road within portions 19, 40 and 161—D.P. 705353. (Council's reference: R10 20 B EEM md.) OE85 H 291.

Lands resumed for road: Lots 1 to 6.

Titles affected and areas resumed: C.T. 10505-236 (1.924 hectares (in six parts)).

Roads closed: Lots 7 to 12.

Additional roads dedicated: Lots 13 and 14.

Parish Tabrubucca, County Roxburgh, Land District and Shire Rylstone

Widening of Trunk Road No. 55 within portion 10—D.P. 705352. (Council's reference: S14 5 158 JJG mb.) OE85 H 292.

Land resumed for road: Lot 1.

Title affected and area resumed: Old System Title (1 835 square metres).

Road closed: Lot 2.

Parish, Land District and Shire Cowra, County Bathurst

Deviation and widening of the Cowra-Canowindra Road within portions 28 and 67—D.P. 720563. (Council's reference: R.3.4.) OE85 H 484.

Land resumed for road: Lot 2.

Title affected and area resumed: C.T. 10507—85 (8 860 square metres).

Land withdrawn for road: Lot 1.

Reserve affected and area resumed: R.36406 for Experimental Farm, notified 24th October, 1914.

Road closed: Lot 3.

Parish Yarratt, County Macquarie, Land District Taree, City of Greater Taree

Opening of road within portion 156, D.P. 41521 (Council's reference: R2/5.) TE84 H 468.

Land resumed for road: Lot 1.

Title affected and area resumed: C.T. 14366-119 (6 148 square metres).

(1307) Sydney, 20th June, 1986.

NOTIFICATION OF CLOSING OF ROADS

IN pursuance of the provisions of the Public Roads Act 1902, the roads hereunder specified are closed and the lands comprised therein are freed and discharged from any rights of the public or any person to the same as highways.

JOHN AQUILINA, Minister for Natural Resources.

Descriptions

Land District—Metropolitan; City—Liverpool

Leslie Nagy and Dolores Lorraine Nagy, Lot 1 in D.P. 721487 at Liverpool, Parish St Luke (Town Liverpool), County Cumberland, MN85 H 252.

Land District—Metropolitan; Municipality—Wollahra

Road (part Gap Road, Watsons Bay), being lot 1 in D.P. 48230, Parish Alexandria (Sheet 2), County Cumberland. MN85 H 568.

(1314) Sydney, 20th June, 1986.

RESERVES FROM SALE

IN pursuance of the provisions of section 28, Crown Lands Consolidation Act 1913, I declare that the Crown lands described hereunder shall be reserved from sale for the public purposes specified and such lands are reserved accordingly.

JOHN AQUILINA, Minister for Natural Resources.

FOR RUBBISH DEPOT

Land District—Nyngan; Shire—Bogan

No. 120008, Parish Nyngan, County Oxley, 12.3 hectares, being lot 116, D.P. 721258. DB80 R 205.

FOR FUTURE PUBLIC REQUIREMENTS

Land District—Queanbeyan; Shire—Gunning

No. 130000, Parish Gundaroo, County Murray, 1.664 hectares, being allotments 1 to 5, section 5, Village of Gundaroo. GB80 H 1994.

FOR CHARITABLE ORGANIZATIONS

Land District—Newcastle; City—Lake Macquarie

No. 170001, Parish Teralba, County Northumberland, 3.086 hectares at Edgeworth, being lot 143, D.P. 720670. MD85 H 145.

FOR LOCAL GOVERNMENT PURPOSES

Land District and Shire—Parkes

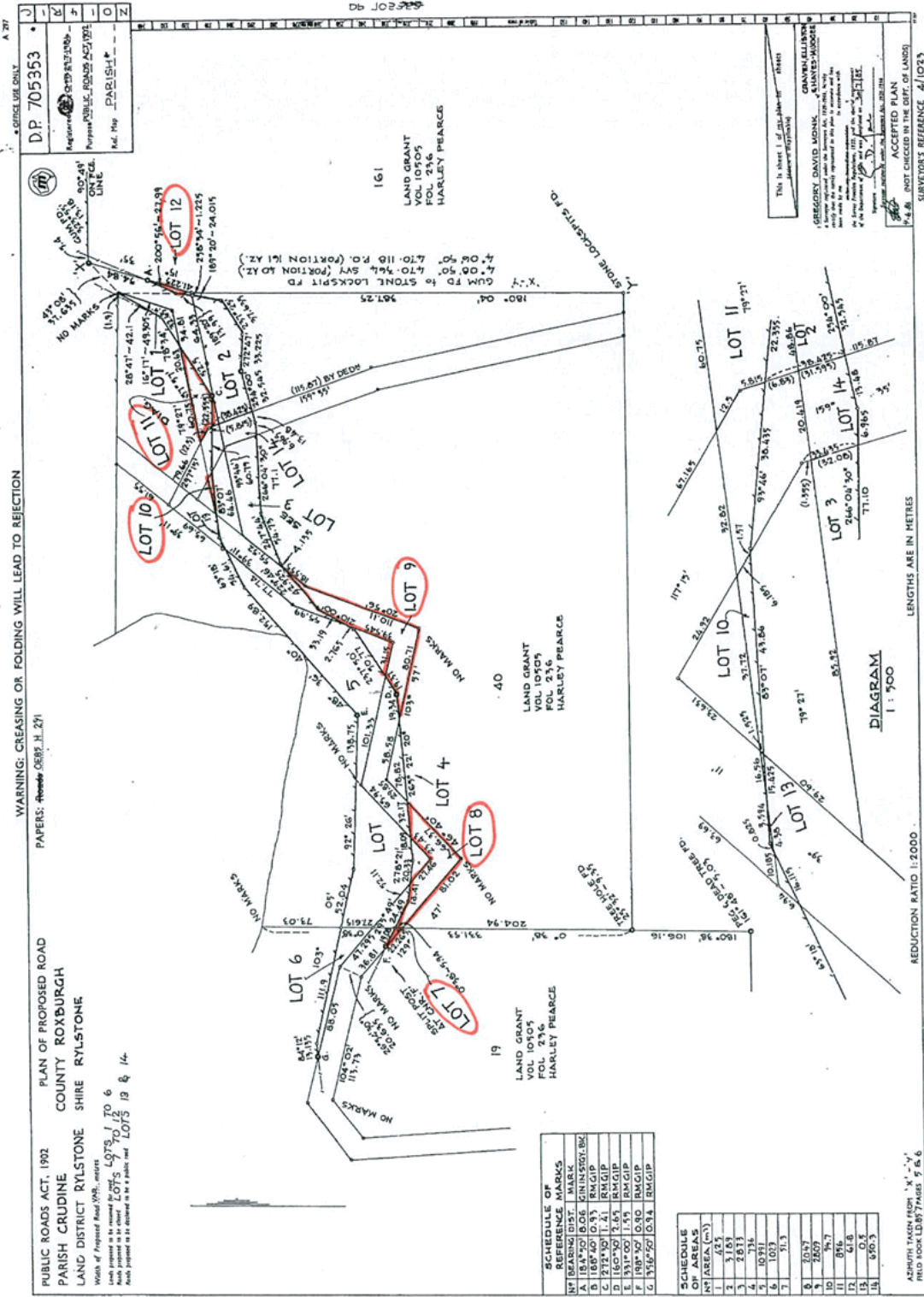
No. 190002, at Parkes, Parish Parkes, County Ashburnham, 2 hectares, being lot 714, D.P. 720616. OE83 H 747.

NOTE: Affected part R. 84847 for Public Recreation notified 17th April, 1964 (added 27th March, 1975), is revoked.

FOR PRESERVATION OF NATIVE FLORA AND FAUNA

Land District and Shire—Parkes

No. 190003, Parish Mickibri, County Kenedy, 10.91 hectares, being lots 1 and 2, D.P. 707543. OE83 H 1401.



*Closed Road proposed
 - No to be transferred to
 adjoining owners*

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

30th July, 1986

9.4 Naming of a Park on the corner of Banjo Paterson Avenue & Eleanor Dark Court, Mudgee

REPORT BY THE PROPERTY SUPPORT OFFICER

TO 16 MARCH 2016 ORDINARY MEETING

GOV400054, PAR300020 P2270111

RECOMMENDATION

That Council:

1. **Receive the report by the Property Support Officer on the Naming of a Park on the corner of Banjo Paterson Avenue & Eleanor Dark Court, Mudgee;**
 2. **support the name of Dunnachie Park;**
 3. **include the name of Matilda in Council's Pre-Approved Names List for future use.**
-

Executive summary

After recent works creating a play area in the Public Reserve at 3 Eleanor Dark Court, it is recommended that the park be formally named.

Disclosure of Interest

General Manager, Brad Cam, disclosed an interest in item 9.4 as his brother, Scott Cam, is noted in the submission made by M. Dunnachie.

Detailed report

Following an article about the new park equipment in the Public Reserve at 3 Eleanor Dark Court in the February 2016 Community News, a request was included for naming suggestions. Council also sent letters to the immediate neighbours of the Park and advertised for naming suggestions in the 5 February 2016 Mudgee Guardian. Submissions closed on 26 February 2016, with two submissions received:

- Matilda Park
- Dunnachie Park

An additional submission has been received prior to this request for submissions, that a park or road be named after Brad Quinn and has been added to Council's Pre-Approved Names List:

- Brad Quinn or Quinn Park

All three names are valid name choices and can apply to this Park. Matilda relates specifically to this Park and links well to the bordering Banjo Paterson Avenue (as Banjo Paterson wrote *Waltzing Matilda*).

The Geographical Names Board (GNB) is the naming authority for place names.

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

Should the name of Dunnachie not be approved on this occasion, it is recommended that it be added to Council's Pre-Approved Names List for future use.

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 value of our towns

Financial implications

Cost of Gazettal Notice plus 1 sign at a total approximate cost of \$400. These costs are included in the 2015/2016 Operational Plan.

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

1 March 2016

- Attachments:*
1. Submission for Matilda Park.
 2. Submission for Dunnachie Park.
 3. Submission for Quinn Park.
 4. Map of the location of Park to be named.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Wednesday 27th January 2016

Submission without expectation.

Good evening Mid Western Regional Council,

We are writing to you this evening to put forward a proposal to name the amazing new park in Eleanor Dark Court opposite our home at 20 Banjo Paterson Ave.

“MATILDA PARK”

During the construction of the park the contractors stored some equipment in our yard to save transportation and make the construction process a little easier and streamline particularly on weekends.

We had recently welcomed brother and sister Border Collie puppies into our home and named them Banjo (Brown and White) & Matilda (Black & White)

Matilda in particular become very attached to the workers and the park site spending every day with them and at times sleeping in the folding chairs and sharing their lunch. The workers treated her like their very own dog and took special care of her safety whenever they moved the machinery on site.

Unfortunately during the final days of the construction Matilda was fatally injured whilst a machine was being moved. The workers, being dog lovers themselves were all devastated along with our family.

We already call it Matilda Park and we would love to be able to call it Matilda Park into the future.

We have attached photos of Banjo & Matilda just so you can see how special she was to us.

Thank you for taking the time to read our submission.

Regards

The Box Family

Glenn, Becky, Will, Joe, Andy & Jesse.







Margaret Dunnachie
P.O. Box 1118
Mudgee NSW 2850

To WHOM IT MAY CONCERN

SUBJECT:

Naming of Reserve/Park

LOCATION:

On the corner of Eleanor Dark Court and Banjo Paterson Avenue, Mudgee

Dear Sir/Madam,

I am submitting this to you in the hope that you will consider my application to name the above mentioned reserve/park

“JOHN DUNNACHIE RESERVE”

Profile:

- ❖ A third generation cooper (barrel maker) John chose Mudgee as the location for semi retirement to be close to the wineries and because of a love of rural life
- ❖ He was a regular exhibitor at the Mudgee Small Farm Field days where he would demonstrate the art of barrel making as well as making buckets, old style colonial water canteens for the 73rd Regiment and special orders for customers
- ❖ Restoration and repairing sloop buckets, water and storage barrels for the “Endeavour” ship at Darling Harbour’s National Maritime Museum, Sydney
- ❖ John worked his magic to produce handcrafted spittoons for Steins Winery, barrels for Di Lusso Winery, wine barrels for Farmers’ Daughter Wines, tables made out of old wine barrels for hotels in Rylstone and in Mudgee,
- ❖ Wine coolers (*for which he was awarded prizes for Mudgee Show*), barrels for Mudgee Winery and even a custom made a birthday present for a private customer turning an old wine barrel into an entertainment unit, as well as designing a letter box recycled from an old wine barrel for a neighbour on the outskirts of Mudgee
- ❖ *Everything he did, he made with expert craftsmanship and love because it was what he excelled in and because everything he created was from his heart and soul*

TESTIMONIALS!

Mr Scott McGregor - In his very kind words upon hearing of the death of John in the Mudgee Small Farm Field Days magazine, 2011

Mr. Scott Cam - His opinions upon visiting the site at the Mudgee Small Farm Field Days.

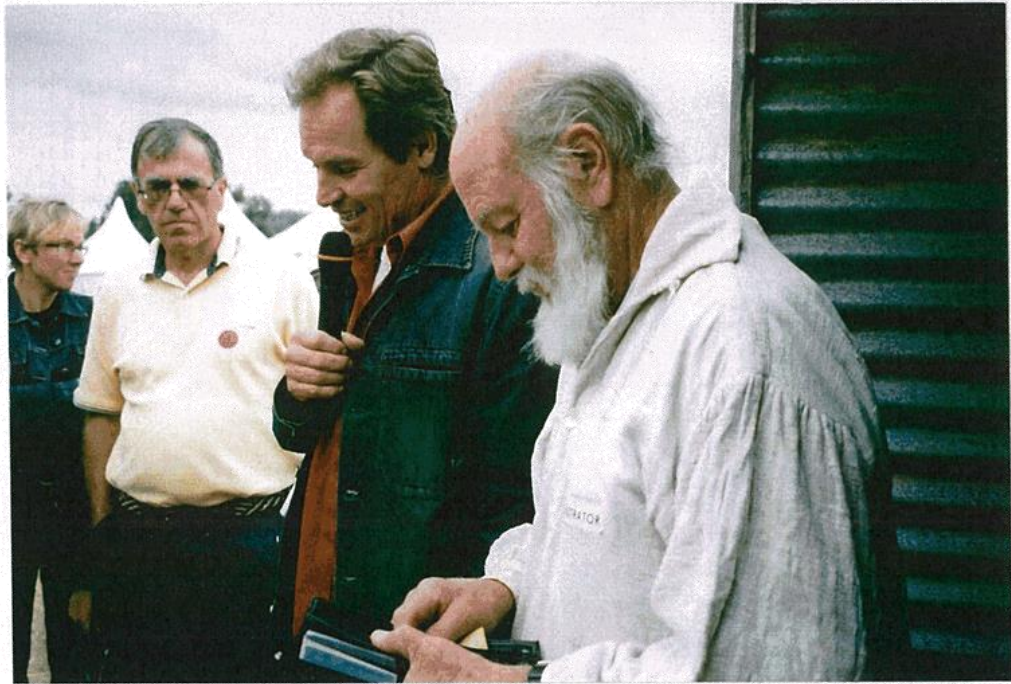
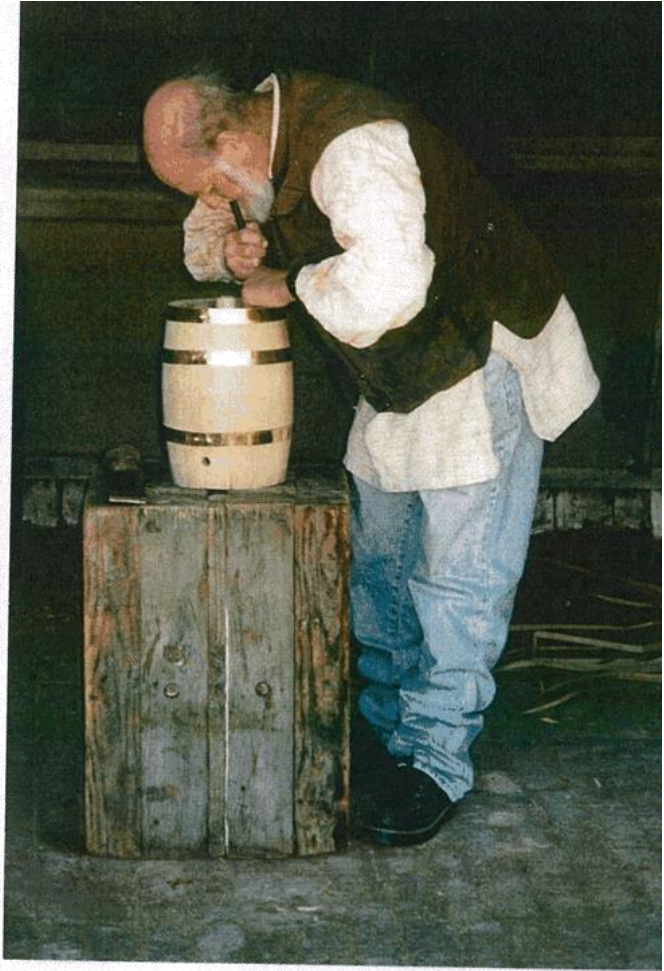
REASON FOR NOMINATION OF PARK/RESERVE: In loving memory of my soul mate and best friend and dear departed husband John Dunnachie. In remembrance of a kind, gentle soul and human being who was taken from this life far too soon.

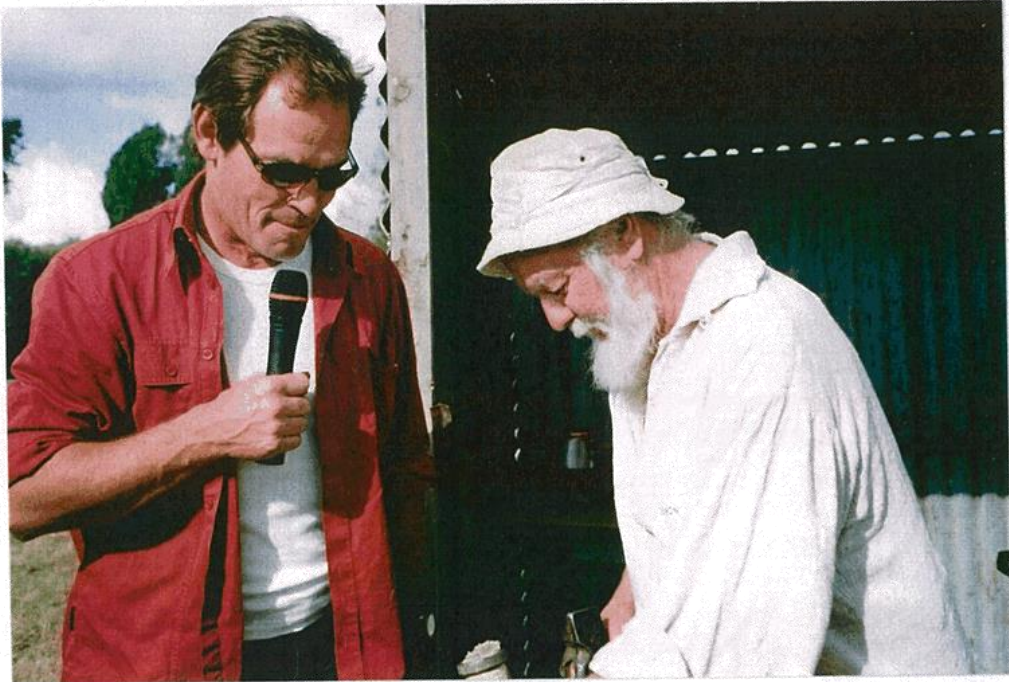
Yours sincerely

M. Dunnachie

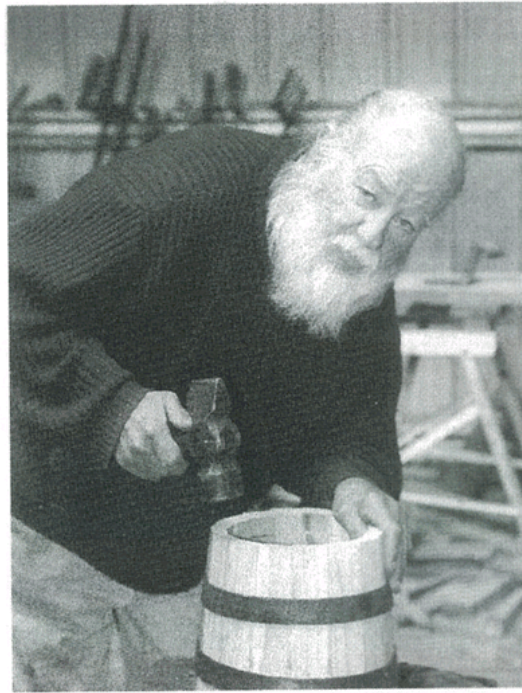
THANK YOU VERY MUCH







FISAN PROFILE



THE MASTER COOPER

By Viktoria Darabi

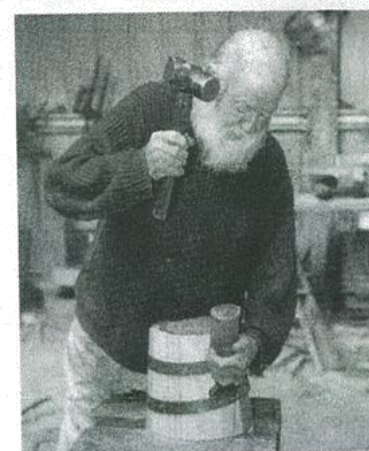
Coopering is in John Dunnachie's blood. A third-generation cooper, John is an Australian-born Scotsman to Scottish parents. His grandfather and uncle were coopers and as a young boy he was fascinated by what they did. He took on a five-year apprenticeship with his uncle in Gosford, NSW, and later at the Union Cooperage at Rozelle. "At that time a coopering apprenticeship was all 'hands on' work and you just seemed to keep on learning all the time," John says.

The barrel maker's trade, or coopering as it is known, has its roots in Roman times, however the Gauls claim to be the first coopers. The coopers' guilds in the early Middle Ages in France and England were large and powerful, receiving a royal charter in the 1500s. Barrels were ideal for Great Britain's global maritime trade in the 1700s. Huge weights in dry and wet goods could be moved about easily by rolling the barrels or casks on and off ships. By the 1750s, many hundreds of thousands of barrels were made in Britain and its colonies.

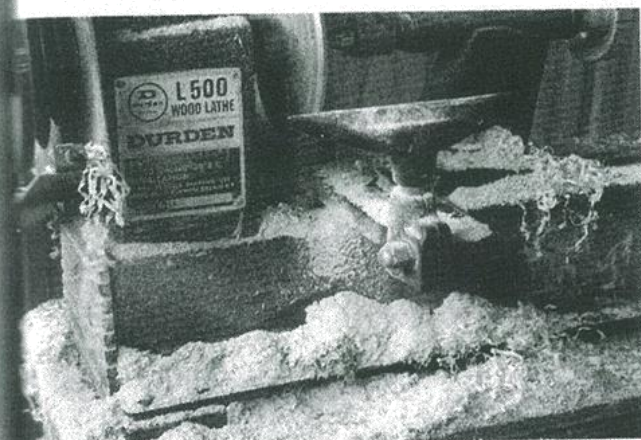
There were three main types of specialisation that developed with the craft. *Tight work* containers were for liquids; *dry tight work* casks were for fine, powdery material like flour; and *slack work* containers were for dry goods. The making of buckets and tubs was called *white work*. The oaks used for barrel making in medieval times were harvested at 80 to 100 years old. Nowadays, they are matured for eight to 15 years before harvesting.

Work on a barrel would begin by the cooper selecting flat planks, called blanks, to make staves. Tight work mainly required white oak. Slack work used red oak, chestnut and yellow pine. Rough staves were cut and air dried outside for at least two years. The rough staves were then shaped, bent, fitted together and banded with a metal hoop. Round end pieces called heads were installed in each end.

The measuring to make a barrel is done by eye, which indicates the importance of experience in making a good barrel. Preparation of staves and hoops for a typical batch of 10 new timber →



Above top: John works on fitting the hoops to a barrel in progress. **Above:** A butter churn. **Left:** A letterbox John made for a neighbour. **Below left:** The much-used lathe, which is an essential part of the process. **Below right:** A superbly crafted small wine barrel. **Opposite:** The barrel nearing completion.





ARTISAN PROFILE

Some of John's larger wares in his workshop awaiting sale.

buckets takes about four days; "standing" and "hooping" each bucket takes about 40 minutes. Add more time to this if using recycled timbers — they require extra preparation.

"The tools a cooper uses today are much the same as those used hundreds of years ago," explains John. "Those tools are quite numerous — 20 or more — and include saws, axes, a variety of draw knives for tapering, hollowing and backing the staves and several planes. The croze, a type of router; is used to cut the slots in the ends of the barrel staves to house the heads. Heat from a fire for some barrel applications is used to bend the staves and later to harden them."

According to John, "Coopering is a rare trade because a lot of wooden barrels have been replaced by stainless steel for lower maintenance. The maintenance on the oak wine barrels involves shaving out the cream of tartar buildup, which would interfere with the oaking process over time. This process would gain the wine maker one more season from the barrel." Today, a new oak barrel from France would cost about A\$2000 and is used for only four to six years before being retired.

With the support of his devoted wife, Margaret, John operates his one-man cooperage in Mudgee, NSW. He specialises in making wooden buckets and recycling old wine barrels into other smaller coopered objects and employing the retired barrels in different ways. "My work today comes about largely from word of mouth, plus Margaret and I travel about doing demonstrations at Field Days and Heritage Festivals. The demand is steady, but as you would imagine, there is greater demand for Father's Day, for men's birthdays and Christmas," he explains.

John's products have come about from requests by private individuals. The esky, wine cooler and ice buckets were developed after many requests and have proven very popular at shows. John uses recycled timber as much as possible, but he is happy to make anything in a special timber you request. His favourite timber to work with is Jarrah.

The commission work he gets today is primarily for re-enactment groups and the Historic Houses Trust — places such as Elizabeth Farm in Parramatta and Hyde Park Barracks, NSW. Their needs range from large laundry tubs to buckets, as well as port barrels, water casks and butter churns.

"All my work is interesting, but I especially enjoyed a recent commission which involved the challenge of recycling old barrels into an entertainment unit and bar, with two opening doors and shelves for glasses and bottles," relates John. "I also got great joy from trying to make an historic bucket from a partial drawing. The most unusual piece I have worked on was a Birka Bucket, where I had to use triangular steel hoops."

John can be contacted by phone on (02) 6373 5473 or 0429 442 181 or by mail at PO Box 1118, Mudgee NSW 2850.

Viktoria Darabi: Viktoria and Chris Woolcock are members of the Hawkesbury Artisan's Trail (www.hawkesburyartisantrail.com.au). For more information phone (02) 4577 8697.

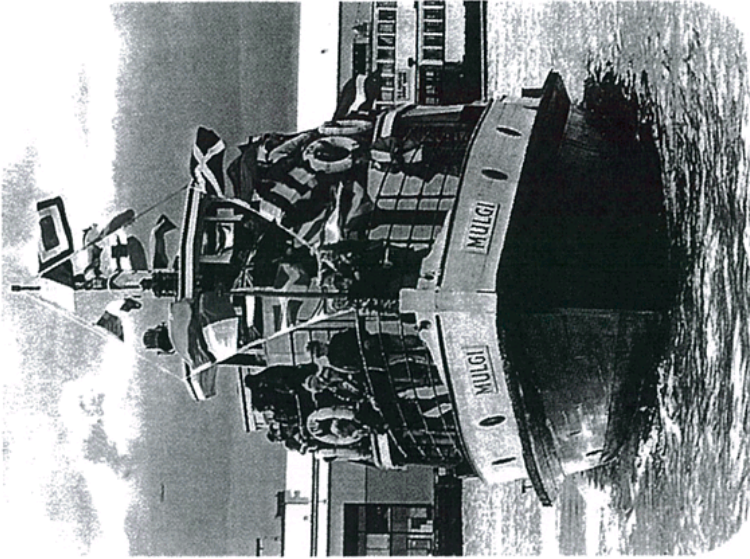
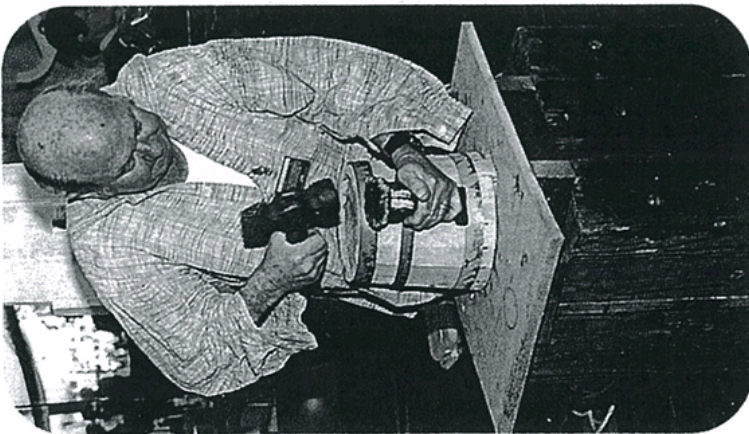
Classic & Wooden Boat Festival

National Maritime Museum, Darling Harbour,
8-10 October 1999

Celebrate sail and speed at this year's Classic & Wooden Boat Festival, Sydney's fun-for-everyone harbourside celebration. It's even bigger this year with more boats, displays, stalls and loads more entertainment. Some highlights:

- More than 130 superb craft afloat, from graceful yachts to streamlined speedboats.
- A large display of dinghies, dories and skiffs ashore, with a helpful Clinker Clinic.
- More than 20 entrants in the 1999 Classic Ferryboat Challenge.
- Outstanding guest speakers, including the leader of the US team seeking to identify the submerged hull of Captain Cook's Endeavour in Newport Harbour, Rhode Island.
- Maritime Marketplace, trade stands, specialty food and refreshment stalls.

The Classic & Wooden Boat Festival is staged by the Australian National Maritime Museum. Further information: Festival Co-ordinator – Diane Fenton (02) 9298 3614.



SMALL FARM
MUDGEE FIELD DAYS

Obituary

**John Dunnachie
1943-2011**

LONG time participant of the field days and master cooper, John Dunnachie, of Cooks Gap, has died, aged 67.

His knowledge and skill demonstrating the art of the cooper will be missed.

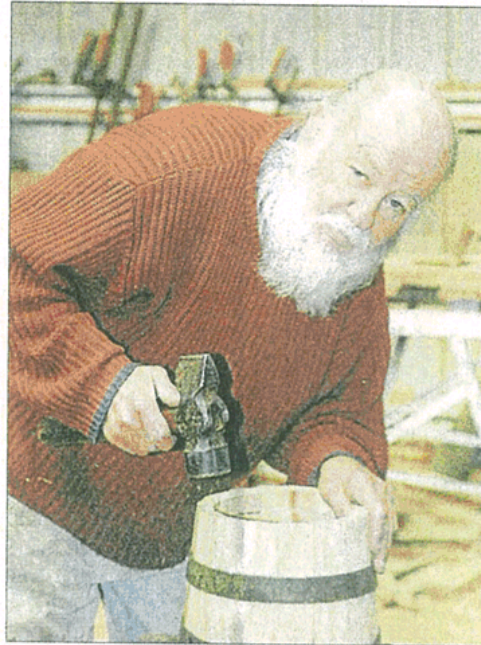
Friend, Scott McGregor, said of Mr Dunnachie:

"I first got to know of John's rare talents when I took time out with him in his shed.

"Decades of craftsmanship, coopering tools, templates, bits of barrels and all manner of wood craft was the backdrop to many a long chat over the finer points of tinkering with timber.

"He was most generous with his time and his knowledge built up over a lifetime involved in one of the special 'rare trades'.

"It was fascinating to watch him transform bits of kindling into



something most desirable.

"He was a part of the special breed of craftspeople who make the Mudgee region such an interesting place and his friendship, his character and creativity will be sorely missed.

"My sincerest sympathies to his wife, Margaret, friends and family."

Tall

By **KIM CHAPPELL**

A WEALTH of knowledge will be on-hand at the Mudgee Field Days.

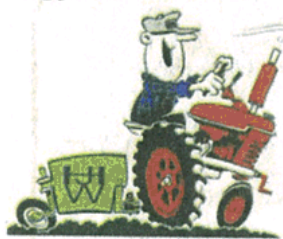
The Essential Environments and Lecture Pavilion with talks from a range of industry experts on a variety of topics from permaculture to aquaculture, beekeeping to aquaculture.

Organised by Milkwood Permaculture, of Mudgee, the talks are designed to give day attendees a "short look at the topics of

Milkwood Permaculture owner, Nick Ritar, says the program would run from 9.30am until 5pm on Friday and Saturday, covering farming-specific topics and broader topics.

Speakers will include Georgiadis of SBS.

Jul 15-16 2014



HORSLEY WHOLESALE has always brought you the best products for the best prices!

Well now we are giving you **The Red Carpet Treatment** & reducing our prices AGAIN!!

Gallagher Ch
Strainers



Everything Electric
Fencing



Fence Clips
& Pliers



List of Approved Street/Road Names

COUNCIL MEETING 15 MARCH 2006

Brad Quinn – Young local man, involved in the Rural Bush Fire Brigade and the Youth Café. Killed in motor vehicle accident in 2002. Brad Quinn would not be approved for a road name due to two names. Quinn approved by the GNB in their 18/6/15 letter



18 Castlesrough Hill
Buninulla,
NSW

Dear Su Madan

I would like the
next Mudgee Park to be
named BRAD QUINN PARK.

We lost Brad thirteen
years ago - He was
involved in the Rural
Bush Fire Brigade &
also helped many young
people at the youth cafe.

I wrote about
in years ago to name
a street - Park after
him.

Thanks Anne &
Lynn Quinn
63722523





Moonla
18 Castlewagh Hill
Dussindalla
19th October 2015

Dear Denis

Thanks for your info on Street Names
etc. could I put to the Council - QUINN ST (RD)
DONNELLY ST (RD) BENSLEY ST (RD)

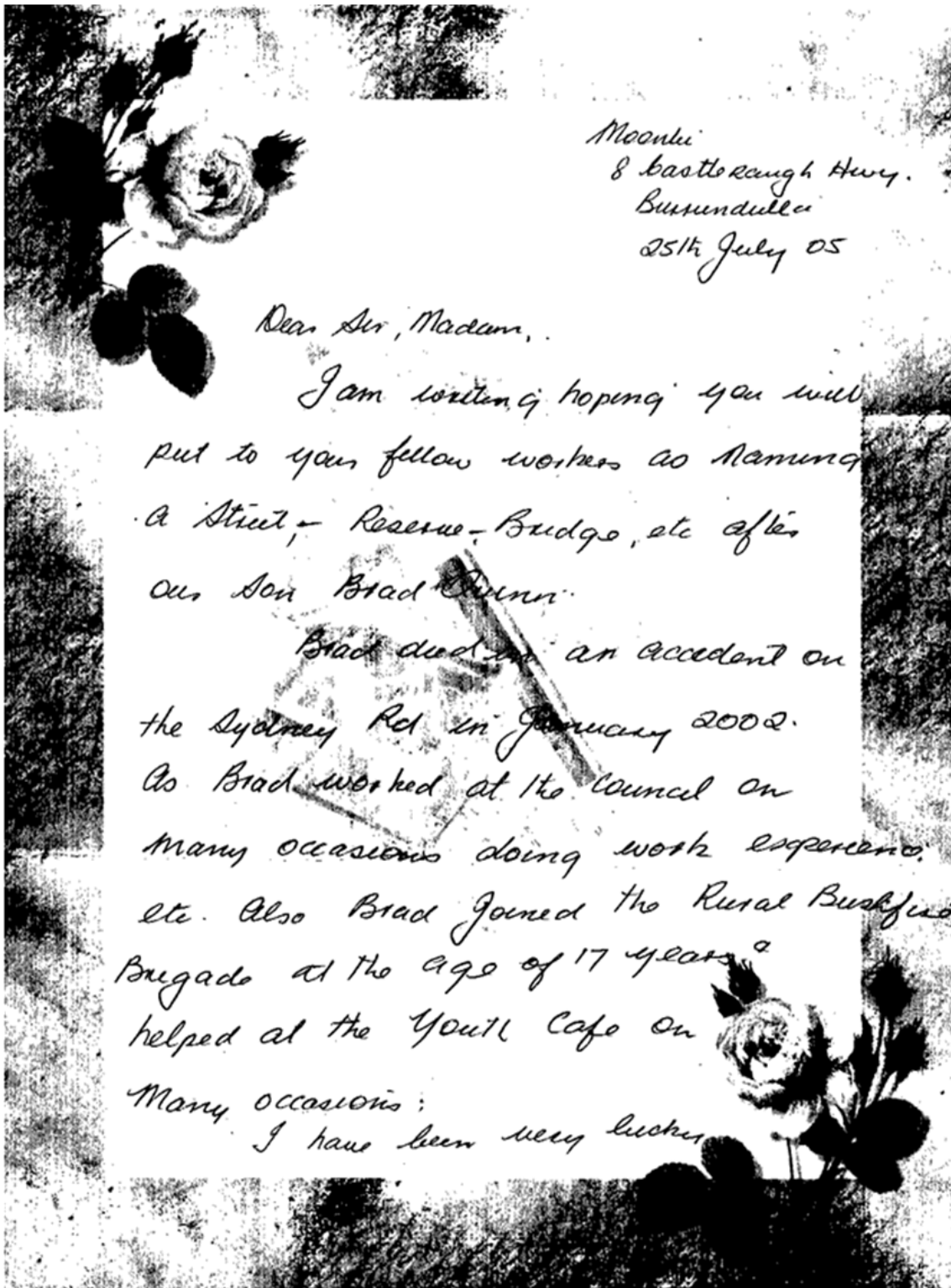
You must need money to get anywhere
to have your family named!! Maybe a
Park named QUINN PARK!! -

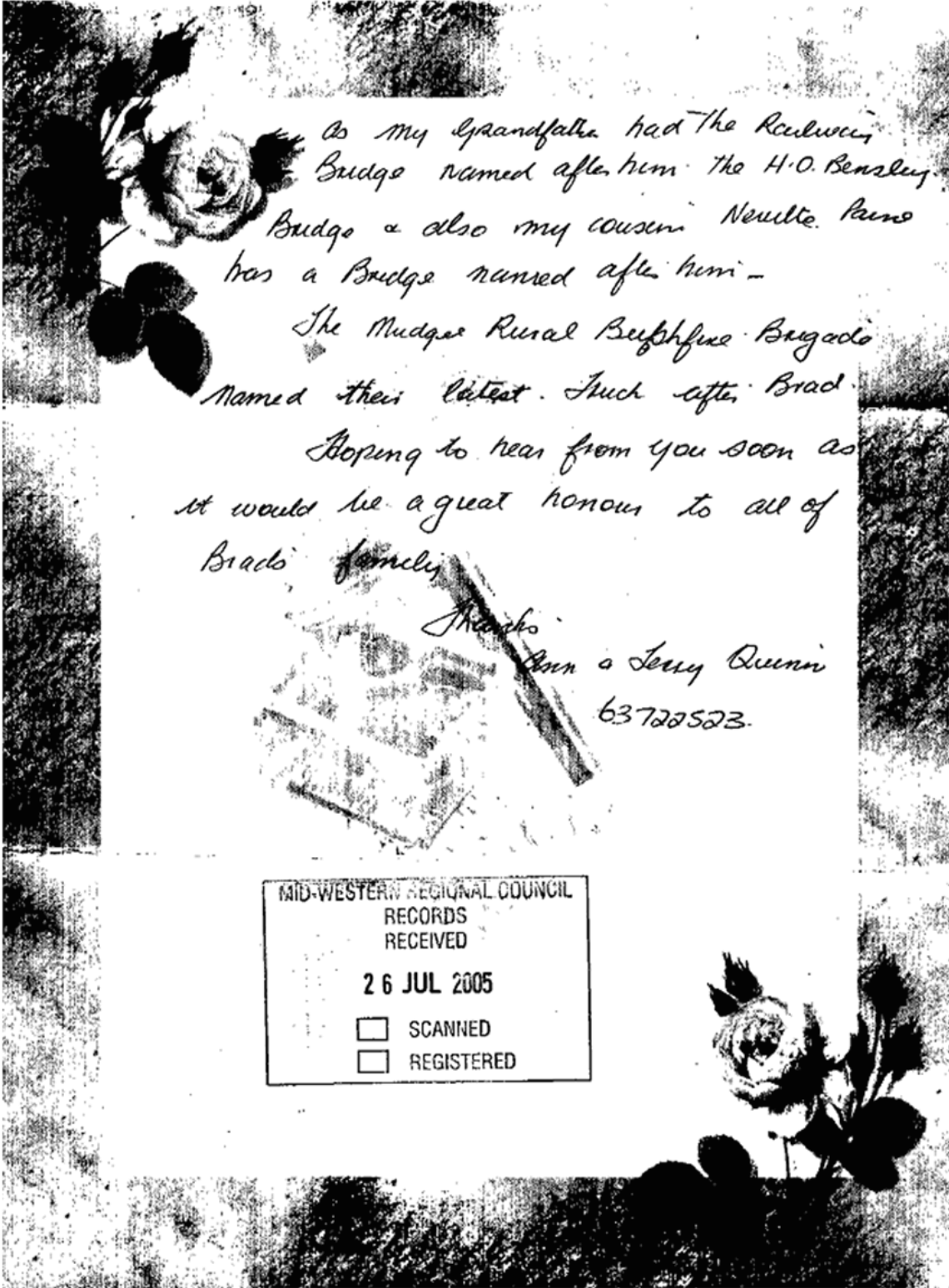
I wrote to council just after Brad died
re naming a street - or Rd etc 2003 -
No response - since then Sam Bateman
Park etc has been honoured: knowing Brad
was with The Rural Fire Service since
17 yrs old. obviously Brad was not
recognised; ^{in his work} ~~an~~ or our family!!

Thanks

Anne Quinn

P.S. also could the plaque on The
Railway Bridge be updated - painted
etc. H.O. Bamley (grandfather & councillor)





As my Grandfather had the Railways
Bridge named after him the H.O. Bensley
Bridge & also my cousin Neville Paine
has a Bridge named after him -

The Mudge Rural Benefice Brigade
Named their latest Truck after Brad.

Hoping to hear from you soon as
it would be a great honour to all of
Brad's family.

Thanks
Ann & Terry Quinn
63722523.

MID-WESTERN REGIONAL COUNCIL
RECORDS
RECEIVED
26 JUL 2005
 SCANNED
 REGISTERED



9.5 Extension of MRTI Contract

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, F0770077

RECOMMENDATION

That:

1. Council receive the report by the Chief Financial Officer on the Extension of MRTI Contract;
2. Council agree not to invite tenders for the procurement of tourism services in the Mid-Western Regional LGA, per Section 55 (3) (i), due to the unavailability of competitive or reliable tenderers that are suitable for the specialised services of tourism and familiar with this regions marketable qualities;
3. Council agree to enter into a contract with Mudgee Region Tourism Inc. for the period 1 July 2016 to 30 June 2017, for the delivery of tourism services;
4. Council approve the value of the contract for the existing sum (\$377,120 excluding GST), increased by Consumer Price Index All Groups (Sydney) for the proceeding 12 month period;
5. Council accepts the Mudgee Region Tourism Inc. commitment that they will change the constitution to give the General Manager or his/her representative full Board Status, should the Mayor be unable to attend any board meeting as Councils representative;
6. Council authorise the General Manager to negotiate an additional sum of up to \$50,000, should this request be approved as part of the 206/17 budget process;
7. Council require all other contract items be maintained, per the existing contract terms;
8. Council authorises the General Manager to enter into the contract and sign on behalf of Council.

Executive summary

Mudgee Regional Tourism Incorporated (MRTI) have requested the extension of their existing contract until the new Council has been elected.

Disclosure of Interest

Nil.

Detailed report

The current contract is due to end on 30 June 2016. MRTI have requested an extension of their contract, per the existing contract terms for a period of one year, to better align with Council election periods. MRTI feel it is in the best interests of Council to negotiate any new terms with the elected representatives that they will be reporting to for the term of the contract.

It is staff opinion that this arrangement would better align the outcomes of the 4 year Delivery Program, as developed by the incoming Council, with MRTI's contract achievables in acting as the tourism service provider for the Mid-Western Regional area.

It is also recommended that Council not invite tenders for the procurement of tourism services within this contract, as previous attempts to tender in 2009 only resulted in one tenderer (MRTI), and that any other interested parties would not have the scale and capacity to carry out the contract achievables, or would not be familiar with the local region and its particular marketable qualities.

MRTI have also requested an additional sum of \$50,000 to be used to match grant funding opportunities as they arise. If they are not successful in getting grant funding they would like to use the additional funds to increase their marketing campaign for 2016/17.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	A prosperous and diversified economy
Strategy	Support the attraction and retention of a diverse range of businesses and industries

Financial implications

The amount of the contract sum is already built into the 2016/17 Operational Plan. If the amount were to be increased beyond the recommended value, a budget variation will need to be built into the 2016/17 budget to cover the difference.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

2 March 2016

Attachments: 1. MRTI Contract 2013-2016.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

THIS FUNDING AND PERFORMANCE AGREEMENT made the 25th day of July 2013

BETWEEN: MID-WESTERN REGIONAL COUNCIL of 86 Market Street, Mudgee (herein called "MWRC") of the first part.

AND: MUDGEE REGION TOURISM INC of 84 Market Street, Mudgee (herein called "MRTI") of the other part.

RECITALS

- A. MRTI has agreed to provide Tourism and Visitor Information Services for the Mid-Western Regional Local Government Area (herein called "the LGA") with the primary objective of promoting the LGA as a tourism destination.
- B. MRTI will provide the Tourism and Visitor Information Services from:
- (a) the Mudgee Visitors Information Centre at 84 Market Street, Mudgee.
 - (b) the Shanty 66 Herbert Street Gulgong.
 - (c) The Lollipop Shop, Rylstone and Down the Track café, Kandos.
 - (d) such other premises as MWRC and MRTI may agree.
- C. MWRC has agreed to provide funding and at its discretion continue to provide in kind assistance to the community for tourism related activities (examples of in kind assistance may include traffic management plans and street closures).
- D. MWRC has agreed to lease to MRTI the Mudgee Visitors Information Centre at 84 Market Street, Mudgee in accordance with Deed of Lease of even date between the parties (herein called "the Lease").
- E. MRTI will provide Tourism and Visitor Information Services as a principal and not as the agent or contractor of MWRC.

OPERATIVE PART

This Agreement witnesses as follows:

1. Definitions

"General Manager" means the General Manager of MWRC or any person acting in that capacity.

"Tourism and Visitor Information Services" means:

- (i) the active marketing of the LGA as a tourist destination both within and outside the LGA;
- (ii) the provision in whatever form of tourist information relating to the LGA to visitors and prospective visitors to the LGA and to tourism related service providers;
- (iii) the production and distribution of visitor information publications and other promotional presentations in whatever form both within and outside the LGA; and



- (iv) the carrying out of or involvement in such other tourist related activities as MWRC may approve from time to time,

with the intent of encouraging and stimulating tourism within the LGA and to otherwise comply with the conditions for entitlement to membership of the NSW Tourism Visitor Information Network.

“Unexpended funds” means any of the funding provided by MWRC under this Agreement that remain unexpended at the date of the dissolution of MRTI pursuant to the Associations Incorporation Act 2009 Section 65 (4).

“Year 1” means the period 1 July 2013 to 30 June 2014.

“Year 2” means the period 1 July 2014 to 30 June 2015.

“Year 3” means the period 1 July 2015 to 30 June 2016.

2. Term of Agreement

The term of this Agreement will be three (3) years commencing on the 1 July 2013 and ending on the 30 June 2016 unless terminated earlier in accordance with Clause 3.

3. Termination

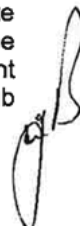
- (a) This Agreement will terminate in any of the following events:
 - (i) on close of business on 30 June 2016; or
 - (ii) on the expiry of one (1) month after service upon MRTI of written notice of termination by MWRC in the event that MRTI is in breach of any of its obligations under Clauses 8 and 9 without the prior approval of MWRC; or
 - (iii) on the expiry of one (1) month after service upon MRTI of written notice of termination by MWRC in the event that MRTI fails to pay to MWRC any monies properly payable by MRTI to MWRC under this Agreement or under the Lease without the prior approval of MWRC; or
 - (iv) immediately upon service on MRTI of written notice of termination by MWRC in the event that MRTI is in serious or persistent breach of this Agreement; or
 - (v) immediately upon service on MRTI of written notice of termination by MWRC in the event that in MWRC's determination MRTI is providing the Tourism and Visitor Information Services in a way that is detrimental to the position and standing of MWRC or to the LGA as a tourist destination; or
 - (vi) immediately upon service on MRTI of written notice of termination by MWRC in the event that in the determination of MWRC, MRTI is not delivering the Tourism and Visitor Information Services to a standard at least equivalent to the services offered previously by MRTI under the Funding and Performance Agreement between MWRC and MRTI for the period 1 July 2010 to 30 June 2013; or
 - (vii) immediately upon service on MRTI of written notice of termination by MWRC in the event that MRTI ceases to be a registered Association under the Associations Incorporation Act 2009 and/or a registered trading entity; or



- (viii) immediately upon service on MRTI of written notice of termination by MWRC in the event that the Objects or Rules of MRTI are amended or otherwise changed without the prior written consent of MWRC.
- (b) Upon termination of this Agreement for whatever reason MWRC's obligations to provide funding under Clause 4 will immediately cease in respect of future instalment payments but the parties' rights and obligations with regard to audit will continue to be enforceable.
- (c) In the event of the termination of this Agreement for whatever reason MWRC will not be prohibited or otherwise restricted from providing Tourism and Visitor Information Services for the LGA or providing funding to another entity to assist it to provide Tourism and Visitor Information Services for the LGA.

4. Funding Agreement

- (a) MWRC will subject to MRTI's compliance with its obligations under this Agreement provide funding to MRTI of \$360,000.00 plus GST for Year 1, and to be adjusted and increased in Year 2 and Year 3 of this Agreement by the increase in the Consumer Price Index All Groups (Sydney) in the previous 12 month period or by the State Government dictated rate cap percentage whichever is the less.
- (b) The funding in each year will be payable by twelve (12) instalments with each instalment to be payable monthly in advance and to be of equal amount subject to rounding off.
- (c) MWRC will be entitled to deduct from each monthly payment rent and other monies payable by MRTI to MWRC under the Lease.
- (d) MWRC will be entitled to appoint a registered Auditor with at least 10 years relevant experience to carry out an independent audit of the financial affairs of MRTI and of the financial contents of the reports provided to MWRC pursuant to Clauses 8 and 9 should it determine at its absolute discretion that such audit is warranted and for the purpose of the audit:
 - (i) MRTI will co-operate with the Auditor in the carrying out of the audit and will provide access to the Auditor to all of its financial records promptly upon request.
 - (ii) The Chairperson and the Treasurer of MRTI will provide such explanation as may be required by the Auditor to better understand the financial affairs of MRTI.
 - (iii) In the event that the audit report reveals what are regarded by the Auditor to be serious breaches by MRTI in its obligations under Clauses 8 and 9 then at MWRC's election the reasonable costs of the audit will be payable by MRTI.
 - (iv) Except as provided in (iii) above the costs of the audit will be payable by MWRC.
- (e) MWRC will give one month's written notice to MRTI if in its opinion MRTI is not complying with its obligations under this Agreement. If after that one month period MWRC is not satisfied with the response MWRC will be entitled at its absolute discretion to suspend payment of any funding otherwise payable under this clause whilst ever MRTI is not complying strictly with its obligations under this Agreement and or under the Lease and or whilst an audit is being carried out pursuant to sub



clause (d) and in respect of any suspended payments MWRC will at its absolute discretion determine whether such payments are to be paid to MRTI on MRTI rectifying its non compliance or whether such payments are to be forfeited.

5. Provision of the Tourism and Visitor Information Services

- (a) MRTI will provide the Tourism and Visitor Information Services in a proper and efficient manner from the Mudgee Visitors Information Centre at 84 Market Street, Mudgee on a seven (7) days a week basis between the hours of 9.00am to 5.00pm, in Gulgong from premises known as "The Shanty" on a five (5) days a week basis (Thursday to Monday) between the hours of 10.00am and 3.00pm, in Rylstone at The Lollipop Shop between the hours of 10am and 4pm on a seven (7) days a week basis, and in Kandos at Down the Track cafe between the hours of 9am and 5pm Wednesday to Monday or from such other premises in those respective towns as MWRC and MRTI may agree.
- (b) During the continuance of this Agreement MRTI must:
- i) Monitor key indicators that measure tourist numbers to the LGA including the number of visitors attending each visitor centre, where they are from and how they have heard about the LGA and conduct an annual targeted campaign for participation in surveys about visitor experience in the LGA.
 - ii) Provide all tourism related businesses in the LGA, whether a member of MRTI or not, with the opportunity to have a free website listing.
 - iii) Attend and promote the LGA at a minimum of 4 events per year held outside the LGA to increase the number of domestic tourists to the LGA (at least 2 events to be held in new target markets).
 - iv) Ensure monthly marketing communication with subscriber database.
 - v) Promote tourism-related Council events in MRTI marketing material without normal membership limitations, where the event benefits the LGA. The events promoted will be decided by the CEO of MRTI and the Council Events Coordinator or Economic Development Officer.
 - vi) Ensure at least 15% of MRTI produced press releases for the LGA's media coverage (achieved through PR activity) represents tourism businesses and attractions in Kandos, Rylstone and Gulgong.
 - vii) Ensure at least 2-3 different or new tourism businesses or attractions are pitched to media outside the LGA each quarter.
 - viii) Ensure all major events in the LGA presented to MRTI are featured in What's On and Events Calendar.
 - ix) Develop an annual marketing plan which provides the specific details of all marketing and promotional activities that will be undertaken on a monthly basis to actively promote the LGA as a tourism destination and provide opportunity for MWRC's input.
- (c) In performing the Tourism and Visitor Information Services MRTI will operate as a principal and will not hold itself out as being the agent or contractor of MWRC or purport to bind MWRC under any contract or agreement with third parties or otherwise incur any liability on behalf of MWRC.

6. Visitor Centres

- (a) MWRC will provide the Mudgee Visitors Information Centre at 84 Market Street, Mudgee to MRTI for the delivery of Tourism and Visitor Information Services under the terms of the Lease.



- (b) MRTI will be responsible for the payment for all services consumed in the operation of the Mudgee Rylstone, Kandos and Gulgong Visitors Information Centres including electricity and cleaning.
- (c) MWRC's staff will be allowed reasonable access to the Mudgee Visitors Information Centre to maintain computer networking connections for neighbouring buildings as may be required from time to time.

7. Computer Software

Software on computers in the Mudgee Visitors Information Centre which is licensed to MRTI will be retained by MRTI and MRTI will be responsible for all servicing and updating of software and computers used in the Centre.

8. MRTI reports to MWRC

- (a) It is an essential condition of MWRC continuing to provide funding in accordance with Clause 4 that MRTI must deliver all reporting requirements as provided for under this Clause and Clause 9 without exception and within the time table specified in sub Clause (c) unless otherwise agreed by MWRC.
- (b) MWRC may require changes and additions to the format and content of reports as determined by MWRC from time to time.
- (c) Reports must be presented to MWRC on a quarterly basis by no later than the last day of the month immediately following the end of the relevant quarter after presentation of the report to MRTI's Board and such reports must accurately reflect the true position of MRTI for the relevant quarter.
- (d) A member of the MRTI Board must be present at MWRC's meetings as may be required to respond to any questions from MWRC. MRTI will receive reasonable notice of the scheduling of the meetings.
- (e) MRTI will provide MWRC with such additional operational information as MWRC may reasonably require from time to time.
- (f) MRTI will appoint an independent and qualified company auditor to perform an annual audit for each financial year.
- (g) A copy of the annual audit and of the annual accounts of MRTI will be supplied to the General Manager within one month of the adoption of MRTI's annual accounts.
- (h) MRTI will prepare an annual Budget and Strategic Marketing Plan for the next financial year in consultation with MRTI's members and the community and will submit it to MWRC by 1st April of each year after approval by the MRTI Board. The Budget and Plan will include:
 - (i) an outline of the projects to be undertaken in the next financial year.
 - (ii) a month by month budget for the next financial year.
 - (iii) identified key performance indicators that will provide a measure for the achievement of all projected targets and details of how the outcome of these indicators will be reported to MWRC.



- (iv) details of services and projects that will specifically promote the LGA and details of the services that will be targeted to promote individual localities in the area including but not limited to Mudgee, Gulgong, Rylstone and Kandos.
- (i) MWRC may use components of the MRTI's Budget and Strategic Management Plan in the MWRC's Management Plan each year.

9. Quarterly report contents

- (a) MRTI must submit its quarterly reports to MWRC with a minimum content of the items listed in Appendix 1.
- (b) The quarterly reports must be approved by the MRTI Board and signed by the Chairperson or Treasurer of the Board.
- (c) MRTI will provide all necessary additional information as may be required to enable MWRC to understand the operations and performance of MRTI in each quarterly report so that MWRC may provide details to its constituents on the use of MWRC expenditure.

10. Liabilities and Indemnity

- (a) MWRC is not liable and will not assume liability or take responsibility for any debts or liabilities whether actual or contingent of MRTI at any time of its operation or on its dissolution.
- (b) MRTI will hold current public and private liability insurance policies at all times during the continuance of this Agreement and will advise MWRC of the policy details and provide an annual currency statement in respect of such policies to MWRC within 7 working days of policy renewals.
- (c) MRTI will indemnify and keep indemnified MWRC from and against all claims demands actions proceedings suits judgements costs and accounts whatsoever that may be made brought or recovered against MWRC whether directly or indirectly arising out of or in relation to the operation by MRTI of the Tourism and Visitor Information Services AND this obligation will continue notwithstanding the termination of this Agreement.

11. MRTI Dissolution

- (a) MRTI will advise MWRC in writing of its cessation of trading within 7 days of its decision to dissolve and MRTI will return to MWRC any property and any unexpended funding provided by MWRC to it as referred to in Section 65 (4) of the Associations Incorporation Act 2009.
- (b) In the event of the dissolution of MRTI, MWRC may assume responsibility for the provision of Tourism and Visitor Information Services or provide funding to another entity to assist it to provide Tourism and Visitor Information Services to meet the needs of tourists and visitors to the LGA.

12. Complaints and Dispute Resolution

- (a) The parties will use their best endeavours to avoid and resolve any disputes in relation to this Agreement.



- (b) MWRC and MRTI will appoint an independent mediator in the event that a dispute cannot be resolved and mediation costs will be equally shared between the parties and kept to a reasonable level.

13. Governing Law

This Agreement is governed by the laws of New South Wales.

14. Entire Agreement

This Agreement and the Lease form the entire agreement between the parties in respect of their subject matter for the period from the 1 July 2013 to the 30 June 2016 and no earlier agreement or understanding, verbal or written in relation to the same subject matter for that period will have any effect from the date of this Agreement unless expressly preserved by this Agreement.

15. Severability

In the event that any part or all of any clause of this Agreement is held to be illegal or unenforceable it will be severed from this Agreement and such severance will not affect the continued operation of the remaining provisions of this Agreement.

16. Goods and Services Tax

- (a) Amounts payable under this Agreement are exclusive of GST. If GST is imposed on any supply made under or in connection with this Agreement then the recipient of the supply will in addition to any monies payable for such supply pay the GST payable upon receipt of a proper tax invoice.
- (b) For clarity in the event that MRTI is found to be making a supply for GST purposes in the provision of the Tourism and Visitor Information Services in consideration for the funding payable by MWRC, MWRC will upon receipt of a proper tax invoice from MRTI pay the GST payable on the funding.
- (c) GST and tax invoice have the meaning given to those terms under the New Tax System (Goods and Services Tax) Act 1999.

17. Prohibition against assignment

MRTI will not be entitled to assign its interest under this Agreement without the prior written consent of MWRC which consent may be refused at its absolute discretion.


18. Prohibition against contracting out Tourism and Visitor Information Services

MRTI will not be entitled to contract out to third parties the right to provide Tourism and Visitor Information Services within the LGA without the prior written consent of MWRC which consent may be refused at its absolute discretion and for the purposes of this provision MWRC consents to Gulgong RSL providing Tourism and Visitor Information Services under a sub contract arrangement between MRTI and Gulgong RSL from The Shanty, 66 Herbert Street Gulgong provided that the terms of the sub contract are approved by the General Manager.

IN WITNESS WHEREOF the parties hereto have hereunto subscribed their hands and affixed their seals the day and year first hereinbefore written.



SIGNED for and on behalf of)
MID-WESTERN REGIONAL)
COUNCIL by its authorised officer)
whose signature appear below:)


.....
Signature of authorised person

Warwick L Bennett
Name of authorised person

General Manager
Office held

SIGNED for and on behalf of)
MUDGE REGION TOURISM)
INC by its authorised officers)
whose signatures appear below:)

.....
Signature of authorised person

.....
Signature of authorised person

.....
Name of authorised person

.....
Name of authorised person

.....
Office held

.....
Office held

APPENDIX 1: Contents of quarterly report from MRTI to MWRC

Financial	<ul style="list-style-type: none"> • Balance Sheet/Financial Statement approved by MRTI Board and signed by the Chairperson or Treasurer of MRTI. • Profit and Loss – reflecting comparison year to date, to budget and compared to the same period in the previous year approved by MRTI Board. • Commentary on the financial performance of MRTI and any items that are outside budget or showing significant variance to previous year or to budget and actions as approved by the MRTI Board to address variance. • Commentary on financial trends including a revised forecast that may affect MRTI's performance.
Membership	<ul style="list-style-type: none"> • Membership numbers by type of membership. • Percentage of membership numbers compared to targeted numbers and change on previous quarter and change on same quarter in the previous year where available. • Number of members by industry sector (e.g. motel, B & B, restaurant etc) compared to total numbers sought by sector and change on previous quarter and same period in the previous year.
Projects	<ul style="list-style-type: none"> • Outline promotional activities carried out during the quarter to promote the LGA including the locations outside of Mudgee at which the activities are undertaken the type of promotion undertaken for each location and the duration and cost of each promotion. • Outline specific projects including participation in tourist trade shows. • For each project, project current status and activity and time line assessment with reference to the Key Performance Indicators (KPIs) and milestones established in the MRTI Management Plan and other project plans for each item. • Achievement/slippage of itemised milestones in individual projects and commentary provided.
Statistics	<p>All statistics listed below shown compared to previous quarter and the same quarter in the previous year.</p> <ul style="list-style-type: none"> • Number of visitors attending each visitors centre where they were from and how they heard about the LGA. • Number of phone enquiries at each centre. • Number of web based enquiries. • Number of web entries/pages sold to new members. • Responses to advertising campaigns – visitation as a result of the campaigns, occupancy rates of accommodation operators when supplied to MRTI and impact of campaigns on occupancy etc. • Responses to web based surveys. • Responses to loyalty building programs. • Supporting information on distribution of Visitor Information guides and other promotional material outside the LGA.
Funding	<ul style="list-style-type: none"> • Sources for funding and applications made. • Details of applications, funding sought, funding received, projects to be funded. • Date when funding applications determined. • Follow up of funding applications undertaken in the quarter.
communication	<ul style="list-style-type: none"> • Copies of the monthly communications to the subscriber database

	<ul style="list-style-type: none">•
Public Relations	<ul style="list-style-type: none">• Copies of press releases demonstrating that 15% of total media coverage is focused on Gulgong, Kandos and Rylstone• Copies of press releases to demonstrate that 2-3 of the pitches to the media are on new and different businesses in the LGA that have not received media coverage previously.

Additional items and reports to be provided:

- Annually updated and Board approved MRTI Budget and Strategic Marketing Plan to be delivered to MWRC by the 1 April of each year as specified in clause 8(h).
- Copy of the annual audit report and annual accounts for MRTI as specified in Clause 8(g).
- Annual currency statements of insurance policies held and/or as renewed to be supplied to MWRC as specified in Clause 10(b).
- Copies of other policy documents relating to MRTI as may be required by MWRC.



Item 10: Operations

Nil

Item 11: Community

11.1 Proposed Public Art Installation Sites

REPORT BY THE MANAGER, COMMUNITY SERVICES
TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, REC800020

RECOMMENDATION

That:

- 1. Council receive the report by the Manager, Community Services on the Proposed Public Art Installation Sites;**
 - 2. Council endorse the proposed installation site recommendations.**
-

Executive summary

Eight potential installation sites across the region have been selected for the eight wood sculptures produced by artists at the 2015 Rylstone Wood Symposium.

Disclosure of Interest

Nil.

Detailed report

This report has been prepared with the support of the Public Art Advisory Panel and with the in principal support of the Cultural Development Committee regarding potential installation sites within the region for the eight sculptures to have come out of the 2015 Rylstone Wood Symposium.

WORK	ARTIST	SUGGESTED LOCATION
Sentinel	Ian Bell	Rocky Park, Rylstone
Bucket list	Rhonda Castle	Opposite the entrance to Rathdowney Estate, Rylstone
Hands together	Keith Chidzey	People's Park, Gulgong
Fossil	Simon Hearn	Rylstone Public School
Shaping embarrassment	Ana Paula Luna	Kandos Town Square

A shared heart	John Price	Rear of Council Administration Building, Mudgee
Leaf tree	Henryk Topolnicki	Lawson Park West, Mudgee
Water birds	Nardja Williams	Sammy's Flat, Rylstone

Please see attachment for further detail, including images of the finished works.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

Financial implications

It is anticipated that installation costs (including development applications, where relevant) will be approximately \$2,000 per sculpture (\$16,000 total).

FIONA TURNER
MANAGER, COMMUNITY SERVICES

SIMON JONES
DIRECTOR, COMMUNITY

22 February 2016

Attachments: 1. Proposed public art installation sites. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.2 Interactions Between Councillors and Staff Policy

REPORT BY THE GOVERNANCE COORDINATOR

TO 16 MARCH 2016 ORDINARY MEETING
GOV400054, GOV400054

RECOMMENDATION

That:

- 1. Council receive the report by the Governance Coordinator on the Interactions Between Councillors and Staff Policy;**
- 2. Council adopt the Interactions Between Councillors and Staff Policy in accordance with the Code of Conduct sections 6.2 (c), 7.3 and 7.4.**

Executive summary

Section 6.2 c, 7.3 and 7.4 of Councils Code of Conduct requires the Council to establish policy and procedures that ensure Councillors proper and appropriate access to information to enable them to perform their civic duties.

The attached policy is recommended for adoption.

Disclosure of Interest

Nil.

Detailed report

It has been identified that Council requires policy and procedures to support Councillors in accessing information, staff and facilities to ensure timely and appropriate access is available and both Councillors and staff have a clear understanding of the process.

The Council's Code of Conduct states that Councillors or Administrators must not contact a member of staff of the Council on Council related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager.

The code also states that members of staff of Council must provide full and timely information to Councillors and Administrators sufficient to enable them to carry out their civic office functions and in accordance with Council procedures. The code continues to state that members of staff of Council who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other councillor who requests it in accordance with Council procedures.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision making for the community

Financial implications

Not applicable.

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR, COMMUNITY

2 March 2016

Attachments: 1. Interactions Between Councillors and Staff Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Councillor Access to Information and Interaction with Staff



ADOPTED

COUNCIL MEETING MIN NO

DATE: 8 MARCH, 2016

REFERENCE

REVIEW DATE

FILE NUMBER

VERSION 1.0

1. Policy Objectives

1.1 The objectives of this Policy are to:

- Provide a documented approach by which Councillors can access Council records
- Ensure councillors have access to all documents reasonably necessary for them to exercise their role as a member of the governing body of Council
- Ensure that councillors receive accurate and timely advice from nominated staff to help them in the performance of their civic responsibilities
- Provide direction on Councillors' rights of access to Council buildings
- Provide a policy on the interaction of Councillors and staff as per sections 6.2(c), 7.3 and 7.4 of the Code of Conduct.

2. Background

- a. The Local Government Act 1993 provides for distinctly different roles for Councillors (*Section 232*) and staff (*Section 335*) to play in Council. Whilst there needs to be interaction between Councillors and staff members, particularly in relation to the provision of information to councillors to enable them to perform their civic duties, Parts 6 and 7 of the Code of Conduct detail specific requirements to ensure that such interactions occur in an appropriate and transparent manner.
- b. Provisions that specify how Councillors access information and interact with staff should actively support Councillors in their role. At the same time Councillors must actively avoid creating any perceptions of wrongdoing when exercising their rights as elected representatives, particularly the appearance of trying to influence staff improperly.

3. Applicability

- a. This Policy applies to all Council Officials.
- b. This Policy applies to interaction between Councillors and staff in-person, by telephone, internet, email, writing or any other form of communication.

4. Guidelines

4.1 Authorised Contact Officers

Staff members provide important services to Councillors to support them in the performance of their civic duties. Contact between councillors and staff will be managed to ensure that Councillors are able to access the most appropriate staff.

4.1.1 Councillors are only authorised to contact staff directly as identified on the *List of Authorised Contact Officers for Councillors* which is held and maintained by the General Manager.

4.1.2 Should a Councillor contact a staff member who is not the appropriate person the staff member is expected to refer the Councillor to the appropriate staff member or to the *List of Authorised Contact Officers for Councillors*.

4.1.3 If a Councillor is not sure who the appropriate Contact Officer is, they should contact any of the Directors or General Manager who will attend to the matter or advise the name of the appropriate Contact Officer.

4.1.4 Councillors may receive constituent representations on routine matters where a staff member not on the *List of Authorised Contact Officer for Councillors* is the Contact Officer for a particular matter eg. a letter written to a constituent may have the staff member's name as the contact. In these circumstances, Councillors should contact the appropriate Officer on the *List of Authorised Contact Officer for Councillors* to enable the Officer to attend to the enquiry.

4.2 Councillor Access to Council Records

4.2.1 Councillors must be provided with full and timely information sufficient to enable them to carry out their civic office functions, in accordance with the provisions of the Local Government Act 1993 and the Code of Conduct.

4.2.2 Councillors are entitled to access all Council files, records or other information identified as Open Access under the Government Information (Public Access) Act (GIPA) as identified in Council's Access to Information Guidelines or that information relating to a matter currently before the Council.

4.2.3 If Councillors have a private (as opposed to civic) interest in a document, they are afforded the same rights as members of the public and are required to make application under the Government Information (Public Access) Act 2009 (GIPA Act).

4.2.4 Councillors requesting access to files and records shall make a request to the General Manager or nominated staff on the *List of Authorised Contact Officer for Councillors*.

4.2.5 For technical or sensitive matters Councillors should put their requests for information or advice in writing. The request should be drafted carefully and should detail the information, or the nature of the information, being sought.

4.2.5.i The Mayor and General Manager will liaise to determine if it is believed that significant resources will be required to respond to a request for information and if so the General Manager should advise the Councillor and provide details of the estimates of time and/or costs that are likely to be incurred in providing the information. An indication should also be given of what other matters will not be able to be attended to as a result of compiling the requested information. In such circumstances, the General Manager may require a Councillor to submit a Notice of Motion or Question for Next Meeting, under Council's code of Meeting Practice.

4.2.6 The information provided to a particular Councillor in the performance of their civic duties shall also be made available to other Councillors, upon request or where considered appropriate by the Council Officer.

4.2.7 Requests for information by Councillors will be responded to expediently. Any recommendation to refuse access should be referred to the General Manager.

4.2.8 A Councillor who has been refused access to a Council document is entitled to lodge a request under the GIPA Act and has rights of review applicable under that Act.

4.2.9 This policy does not preclude a Councillor from making a request for access to information through a Notice of Motion or a Question for Next Meeting, at a Council Meeting.

4.2.10 The General Manager will provide a report on the status of all Notice of Motion to the Council Meeting Agenda each month.

4.2.11 Councillors who have a personal interest, as distinct from a civic interest, in a document of the Council have the same rights as a member of the public. No Councillor will be provided preferential treatment in the provision of any service when that Councillor is acting outside their elected role and in the capacity of a private citizen.

4.3 Councillor and Staff Interaction at Meetings

4.3.1 Questions to staff from Councillors at council meetings will be in accordance with the provisions of Council's Code of Meeting Practice.

4.3.2 Councillors may give a direction to the General Manager by way of a Council or Committee resolution.

4.4 Councillor and Staff Interaction Outside of Meetings

4.4.1 Enquiries to staff on matters generally not available to the public should be directed to the General Manager or to those on the List of Authorised Contact Officer for Councillors. Similar procedures shall apply where a Councillor has lodged an application, for example a development application, with the Council.

4.4.2 Councillors shall not approach staff, other than those nominated on the List of Authorised Contact Officer for Councillors, for advice.

4.4.3 Notwithstanding these specific provisions, it is recognised and expected that the Mayor has a day-to-day need to discuss a range of matters with Council staff. In these circumstances the Mayor will enquire as to the availability of staff concerned to enable appropriate discussion or enquiry.

4.5 Councillor Access to Council Offices

4.5.1 As elected members of Council, Councillors are entitled to have access to the Council Chamber, Mayors Office (when available) the Committee Room, and public areas of the Council's buildings. All other areas are deemed staff-only areas. Booking are required for the use of meeting rooms. Bookings can be made with the General Manager's Office.

4.5.2 A Councillor may access staff-only areas by:

- making a request in person or via telephone, email or fax to the appropriate Contact Officer or the General Manager; and
- being accompanied by a Contact Officer at all times.

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4.5.3 Councillors have after-hours access to the Council Chambers and Committee Room whenever a Council or Committee meeting is scheduled.

4.6 Inappropriate Councillor/Staff Interaction

4.6.1 All Councillors and staff are to interact in accordance with provision of the Code of Conduct.

4.6.2 Clause 6.7 of the Council's Code of Conduct prohibits a number of types of interactions between staff and Councillors.

It states that Councillors and staff must not engage in the following inappropriate interactions:

- a. Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- b. Council staff approaching Councillors and Administrators to discuss individual or operational staff matters other than broader workforce policy issues.
- c. Council staff refusing to give information that is available to other Councillors to a particular Councillor.
- d. Councillors and Administrators who have lodged a development application with council, discussing the matter with council staff in staff only areas of the Council.
- e. Councillors and Administrators being overbearing or threatening to Council staff.
- f. Councillors and Administrators making personal attacks on Council staff in public forum.
- g. Councillors and Administrators directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- h. Council staff providing ad hoc advice to Councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i. Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications and proposals.
- j. Councillors attending on-site meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

4.7 Breaches of this Policy

4.7.1 A breach of this Policy will be taken to be a breach of the Code of conduct and complaints alleging a breach of this Policy must be made in accordance with Part 4 of the Procedures for the administration of the Model Code of Conduct.

5. Responsibility/Accountability

5.1 Councillors are responsible for ensuring their interaction with staff and requests for Council records are in accordance with the Policy.

5.2 The General Manager and Public Officer are responsible for ensuring that Councillors can gain access to the documents available under the Government Information (Public Access) Act 2009.

5.3 The General Manager must provide Councillors with information sufficient to enable them to carry out their civic office functions.

5.4 Contact staff must provide full and timely information to Councillors sufficient to enable them to carry out their civic office functions and in accordance with this Policy.

6. Related Policies and Plans

6.1 Model Code of Conduct.

6.2 Code of Meeting Practice.

7. Related Procedures

7.1 Access to Information Guidelines.

7.2 Procedures for the Administration of the Model Code of Conduct.

8. Related Legislation

8.1 Local Government Act 1993.

8.2 Government Information (Public Access) Act (GIPA) 2009.

9. Attachments

9.1 Authorised Contact Officers

10. Resources

10.1 ICAC Publication: Under Careful consideration: Key Issues for Local Government (1997).

10.2 LGMA/ICAC Publication: Governance Health Check: Self Audit guide to Good Governance in Local Government (2004).

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11. Implementation Statement

11.1 To ensure this policy is implemented effectively, Council will employ a variety of strategies involving awareness, education and training. These strategies will be aimed at Councillors, staff and the community and will involve:

11.1.1 Presentations and information sessions for Councillors and staff.

11.1.2 Use of Council's website to promote Policy and Procedures.

11.1.3 Hard copies of the Policy contained with the policy folders located in the Customer Services Area.

12. Policy History

12.1 Date first endorsed.

12.2 Most recent endorsement.

12.3 Next review date.

12.4 Responsible Officer – Governance Coordinator

12.5 Responsible Directorate - Community

11.3 Parks Plans of Management

REPORT BY THE OPEN SPACE COORDINATOR

TO 16 MARCH 2016 ORDINARY MEETING

GOV400054, A0310010

RECOMMENDATION

That:

- 1. Council receive the report by the Open Space Coordinator on the Parks Plans of Management;**
- 2. Council place the draft Plans of Management for Anzac Park, Robertson Park and Lawson Park on public exhibition for 28 days;**
- 3. Council adopt the Plans of Management for Anzac Park, Lawson Park and Robertson Park, if no public submissions are received during the exhibition period.**

Executive summary

Under Section 36 of the *Local Government Act 1993* all public land in the care and control of Council classified as community land is subject to a Plan of Management.

Disclosure of Interest

Nil.

Detailed report

These parks are Mid-Western Regional Councils premier parks with a high rate of locals and visitors using its facilities on a regular basis. These parks encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities for residents and visitors to the Mid-Western Region.

Council adopted the Lawson Park Plan of Management on 23 November 2009 and Robertson and Anzac Park Plans of Management on 7 April 2010. These plans have since been reviewed and require updating.

Since these management plans were adopted Council has seen an increase in the usage of the region's open space. To ensure these parks receive the required maintenance and upgrades to reflect the current expected standards these plans have been reviewed.

The plans are to be placed on public display for 28 days and if no submissions are received adopt the draft plans as the final.

Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the Region

Financial implications

These Management Plans will outline the works that are both proposed and required to maintain these parks to a high standard. Community Proposal Plans will be submitted in alignment with these plans to be considered in the budget process.

TRACEY KANE
OPEN SPACE COORDINATOR

SIMON JONES
DIRECTOR, COMMUNITY

2 March 2016

Attachments:

1. Robertson Park Plan of Management. (separately attached)
2. Lawson Park Plan of Management. (separately attached)
3. Anzac Park Plan of Management. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

Nil

Item 13: Urgent Business Without Notice

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)