

\*\*PUBLIC COPY\*\*

# 2018

MID-WESTERN REGIONAL COUNCIL  
**COUNCIL BUSINESS PAPERS**

ORDINARY MEETING  
WEDNESDAY 21 FEBRUARY 2018



*A prosperous and progressive community,  
we proudly call home*





PO BOX 156  
MUDGEES NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

14 February 2018

Dear Councillor

MEETING NOTICE  
**Ordinary Meeting**  
21 FEBRUARY 2018  
Open Day at 5.30pm

*Council Meeting commencing at conclusion of Open day*

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

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



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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 13 December 2017**

Council Decision:

That the Minutes of the Ordinary Meeting held on 13 December 2017 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Quarry Road – Kandos	Res. 64/12 Ordinary Meeting 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	<b>No determination as yet.</b>  <b>RECOMMENDED FOR COMPLETION.</b>
Saleyards Subdivision	Res. 228/14 Ordinary Meeting 4/6/14	That Council:  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.	<b>Council has completed the demolition of the old SES building, and the survey of the subdivision is also complete.</b>  <b>Further discussion with Council to decide the best timing to call for a tender of this subdivision.</b>
Solar Energy Options	Res. 129/17 Ordinary Meeting 17/05/17	That:  Council endorse the strategy of installing solar panels on appropriate Council buildings to reduce ongoing electricity costs and deliver this strategy for at least one further Council building during the 2017/18 financial year.	<b>To be reported to Council at a future meeting.</b>
Goolma Amenities	Res 348/17 Ordinary Meeting 15/11/17	That Council:  1. receive the report by the Director Community on the Village Subsidies 2017-2018;  2. note the village subsidies for 2017 – 2018; and  3. request the General Manager take the concerns outlined by	<b>Report included in this Business Paper</b>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		Councillors in the meeting regarding the amount the Goolma Amenities Committee are paid in comparison to other villages and report back to Council.	
Weeds Advisory Committee	365/17 Ordinary Meeting 13/12/17	That Council, on a quarterly basis, conduct a weeds forum and invite the Farmer's Association and any other interested parties.	<b>The Weeds Advisory Committee will hold its first meeting on 1 March 2018.</b>
Update on LEC Matter MA0030/2017	389/17 Ordinary Meeting 13/12/17	That Council staff review the current road standards for subdivisions and that a report be brought back to Council for considerations.	<b>To be reported to Council at a future meeting.</b>

## Item 5: Mayoral Minute

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### 5.1 Mayoral Minute: Support for NSW Junior State Soccer Titles

#### MAYORAL MINUTE

TO 21 FEBRUARY 2018 ORDINARY MEETING

GOV400066, a

#### RECOMMENDATION

##### That Council:

1. **acknowledge the efforts of Mudgee Wolves FC Inc in staging the Football NSW State Titles in September 2017;**
2. **provide an additional \$5,000 in financial assistance to be funded from unrestricted cash with the necessary changes to the 2017/18 operational Plan being made; and**
3. **Consider changes to the fees and charges for the use of Glen Willow for the 2018/19 financial year for week long, mid-week bookings.**

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Mudgee Wolves arranged a very successful Football NSW State Titles in September 2017 at Glen Willow. The week would have provided significant benefit to the region with a great deal of mid-week accommodation being used. They have been left with a significant debt and now owe \$6,830.00, despite previous Events Assistance Funds of \$6,830. I believe that Council should consider further support and also consider our fees and charges in relation to week long mid-week bookings at Glen Willow.

Please see the attached letter from Mudgee Wolves, putting the case that over \$1 million in economic activity was provided to the region through the staging of this event.



CR DES KENNEDY  
MAYOR

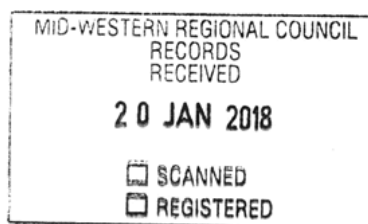
5 February 2018

*Attachments:* 1. Mudgee Wolves FC - letter.



19/01/2018

Mid-Western Regional Council  
Market Street  
MUDGEES NSW 2850



Dear Sir/Madam,

We request your consideration in waiving the charges for the use of Glen Willow Regional Sporting Grounds from 25<sup>th</sup> to 29<sup>th</sup> September 2017 for the hosting of the Football NSW State Titles, for the following age groups:-

12 Years Boys (10 Teams)

12 Years Girls (10 Teams)

14 Years Girls (9 Teams)

16 Years Girls (6 Teams)

This event hosted a total of 35 teams with each team consisting of 19 members and officials.

We have conducted these titles for a period of 15 years and Football NSW continue to ask the Mudgee Wolves FC Inc. to host these titles due to the facilities in which Mid-Western Regional Council provide and what the region has to offer these visitors.

Overall, based upon the team numbers we had 665 people plus parents and other family members in which we have allowed 3 additional people for each player, these figures give us a total of 1995 additional people attending the State Titles. We also had 20 visiting referees and 10 officials from Football NSW and Football Federation Australia. We estimated a total attendance of approximated 2750 people, who use our local accommodation and facilities for the week. Upon using the Local Government Area profiles figure of \$425 average person spend, this equates to \$1,125,000 in which the State Titles have contributed to the LGA's economy.

The Mudgee Wolves FC received very little monetary assistance for hosting the NSW State Titles, other than what is earned in our Canteen during the week and Mid-Western Regional Council's Events Assistance Program funding. 2017 State Titles netted the club, approximately \$2800.00 after costs and \$2500 in Event Assistance Funding.

The Cost of Glen Willow usage:-

Ground Fees:	\$9,330.00
Less:-	
Event Assistance Funds	(\$2,500.00)
<b>Balance Owning:</b>	<b>\$6,830.00</b>

These invoices and credit notes have been attached for your records.

Our Canteen proceeds are used on the purchase of additional training aids and equipment for our local players during the following season, which is 2018.

As a result of being unsuccessful with Stage 1 funding of the 2015 Asian Cup Grants and as a result of feedback received, we are currently in the processes of completing a Stage 2 request in which we will be seeking funding for upgrading of the lighting facilities on Field 5 and 6 to the standards of field 4 and 5 and also funding to re seed fields 3, 4, 5 and 6. We believe this funding, should we be successful, will benefit all users in relation to the Glen Willow Complex not just Football (Soccer).

Yours faithfully,



**Shane McDermott**  
Treasurer  
Mudgee Wolves FC Inc.  
0414 267771

## Item 6: Notices of Motion or Rescission

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### 6.1 RV Friendly Town

NOTICE OF MOTION LISTED BY CR JOHN O'NEILL  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, PAR300027

#### MOTION

##### That Council staff:

1. **identify potential sites in Mudgee, Gulgong and Rylstone to enable the status of an 'RV Friendly Town'; and**
2. **provide costings as to what is required to provide the services required for this to happen.**

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#### Background

Based on the information available, the following is required for accreditation;

- a 24 hour medical service or pharmacy
- a mechanic or service centre that can offer basic repairs
- access to a visitor information centre and a town map
- access to potable water and a dump point
- long term parking availability close to the town centre at a reasonable rate

Given that we will be supporting an RV convention at the Mudgee Showground, this would be a good opportunity to capture a slice of this growing tourism section.

#### Officer's comments

The RV Friendly Town Program is a club program run by the Campervan and Motorhome Association. An RVFT is one that has met a set of guidelines to ensure they provide short term/low cost parking for self-contained vehicles, a certain amount of amenities, and a certain level of services for travellers."

In 2015 Council applied to be a RV Friendly Town with the Campervan and Motorhome Club of Australia. However, the organisation determined that Council was ineligible due to the lack of available low cost 48 hour parking i.e the cost of parking at the Mudgee Showground was too expensive.

To be eligible to be an RV Friendly Town the accepted rates for parking are required to be as follows:

- Caravan Sites - Powered \$12.00 Per day

- Caravan Sites - Unpowered \$10.00 Per day

According to the Mid-Western Regional Council's Fees and Charges 2017/18, the current fees and charges for caravan sites across the region are as follows:

- Caravan Sites - Powered \$22.00 Per day
- Caravan Sites - Unpowered \$15.20 Per day

Although Council did not qualify to be registered as a RV Friendly Town, Council is part of the Caravan & Camping Industry Association NSW's "Community Welcomes RVs program".

Council is listed on the <http://communitywelcomesrv.com.au> website that highlights towns that are welcoming to RVs. The website is promoted by all state and national caravan and camping industry associations who collectively have a combined marketing spend in excess of \$7 million annually. Mudgee, Rylstone and Gulgong are listed on this site as they met the requirements of available camp grounds. Council have been sent 2 large (930 x 1200) signs per town that Council's roads department we be installed at the entry to these towns.

- Attachments:*
1. RV Friendly Town Criteria.
  2. RV Friendly Town Assessment form.





## RV Friendly Town™ Program

### What is it?

The RV Friendly Town™ (RVFT) program is a Campervan and Motorhome Club of Australia Limited (CMCA) initiative aimed at assisting recreational vehicle (RV) consumers as they journey throughout this wonderful country. This includes motorhomers, campervaners and caravanners.

An RVFT is one that has met a set of guidelines to ensure they provide a certain amount of amenities, and a certain level of services for these travellers. When RV tourists enter a town displaying the RVFT sign, they know they will be welcome, certain services will be provided for them that may not be available in other centres, and they will have access to a safe place to stay overnight, and possibly for a longer period.

CMCA will promote the RVFT by dedicating one page to the town on the Club website, publishing a one-off article on the town in the Club's monthly magazine, *The Wanderer*, and listing the town in each edition of the magazine.

CMCA will also offer the council 2 x 600mm x 690mm roadside 'RV Friendly' signs free of charge. These signs will display the abbreviated 'RV' symbol, followed by the words 'Friendly Town™'.

### How does a town qualify?

Before any town can be appointed to the program, there is a set of guidelines that must be met, which includes:

#### Essential Criteria

- Provision of appropriate parking within the town centre, with access to a general shopping area for groceries and fresh produce.
- Provision of short term, low cost overnight parking (24/48 hours) for self-contained recreational vehicles, as close as possible to the CBD.
- Access to potable water.
- Access to a free dump point at an appropriate location.

#### Desirable Criteria

- Provision of long term parking for self-contained recreational vehicles.
- Access to medical facilities or an appropriate emergency service.
- Access to a pharmacy or a procedure to obtain pharmaceutical products.
- Visitor Information Centre (VIC) with appropriate parking facilities.
- VIC to provide a town map showing essential facilities, such as short and long term parking areas, dump point and potable water.
- RVFT signs to be erected within the town precinct.

We also look at the general attitude of the council and the business people. After all, it is called the RVFT program. These programs offer town business owners the opportunity to be innovative in meeting the needs of RV tourists, while at the same time growing their businesses.



**What are the benefits?**

- There are many economic benefits to the local businesses due to increased dwell time; the RV community spends an average of \$100 per day whilst travelling (Queensland Drive Tourism Strategy 2013 - 2015).
- There is an increased patronage of the tourist attractions in and around the town.
- Travellers will be able to park adjacent to the shopping precinct while they top up with supplies. They can do their banking in comfort, post their mail, and check out the restaurants and clubs for food and entertainment.
- They will find a dump point in the town.
- They may be able to have mechanical work done on their vehicle as well as fill up with fuel and gas.
- The VIC should have a map showing them all local attractions, the location of emergency services and their contact numbers, attractions that are RV suitable and where internet services are available.
- They will be able to park in a comfortable layover area, while they sit back and decide which tourist attractions they would like to see during their visit.
- There may be toilet and shower facilities at or near the layover area, which will encourage dwell times.
- At the end of their visit, the RV traveller will be leaving only because they need to – not because they want to.

**RV Friendly Town™ Procedures**

- Complete an RVFT assessment form.
- Forward the assessment form to CMCA National Headquarters or to your local CMCA State Representative.
- When approved, CMCA will prepare a Letter of Understanding and forward it to council for signature.
- Once signed, the Letter of Understanding is returned to CMCA for execution. A copy is then returned to council for their records.
- CMCA then despatches the relevant signage to the council works depot or nominated location.
- CMCA lists the town on the Club's website and on the GeoWiki database.
- CMCA posts an article with the relevant details of the town and surrounding region on its website and in the Club's monthly magazine, *The Wanderer*.

**For more information contact:**

National Headquarters

P: 02 4978 8788

F: 02 4978 8799

E: [memberbenefits@cmca.net.au](mailto:memberbenefits@cmca.net.au)



## RV Friendly Town™ Assessment Form

### Outline of Proposed RV Friendly Town™

1. This document is confidential when completed. Information contained herein will be used for initial assessment by the Campervan & Motorhome Club of Australia Limited (CMCA). More in-depth details may be required to complete the process.
2. The designation as an RV Friendly Town™ (RVFT) refers to a town that is friendly toward all travellers in recreational vehicles, where large and small vehicles have equal access to town facilities such as parking, a dump point and potable water.
3. Vehicle combinations can range from 5 metres to 19.5 metres in length.
4. RV refers to all recreational vehicles. This includes motorhomes, caravans, campervans and camper trailers. This does not include tent camping.
5. Completion of this document does not commit CMCA to designating the above mentioned town as an RVFT.

### RV Friendly Town™

Name of Town: \_\_\_\_\_

Name of City/Council/Shire offices: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact's name: \_\_\_\_\_ Position: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Website: \_\_\_\_\_ Date: \_\_\_\_\_

Address of Council depot (for delivery of signs): \_\_\_\_\_

\_\_\_\_\_

Name of depot contact: \_\_\_\_\_ Phone: \_\_\_\_\_

**Give a brief description of the town** (e.g. wide tree lined streets; historic buildings; proximity to a river, lake etc.):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**Give a brief history of the town and its main industries** (e.g. established as a mining town, primary rural industries). Indicate any new or unusual initiatives undertaken by the local government or community:

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**Recreational Vehicle Friendly Facilities**

**This section is essential for assessment. Please answer all questions carefully.**

1. A self-contained recreational vehicle is one that has the ability to retain all waste within the confines of the vehicle, including black and grey water.
2. Parking bays for all sized recreational vehicles within a kilometre of the Post Office or Post Office Agency is highly desirable.
3. Low cost, short term overnight parking as close too the CBD as possible is considered an essential factor in the RVFT designation.
4. Longer term parking for a minimum of three days for self-contained vehicles is a desirable factor in the RVFT designation.
5. As the RVFT program may bring extra vehicles through the town, the local caravan park(s) will be encouraged to join the CMCA Friendly Caravan Park Listing. For an application form, please contact CMCA National Headquarters.
6. A dump point is essential for the safe disposal of black and grey water waste. If the town does not have a dump point, please refer to the CMCA Dump Point Subsidy program.
7. Potable water for refilling fresh water tanks is also essential - this must not be same tap as dump point rinse down.

**In Town Casual Parking**

Is there parking for all RV tourists within a kilometre of the Post Office or Post Office Agency?

*(This parking needs to only be short term, e.g. long enough to allow for grocery shopping, and needs to be clearly signposted as being for all recreational vehicles. It should read 'RV Parking Only' as opposed to 'Caravan Parking Only' or 'Motorhome Parking Only'. See size requirements below)*

Yes  No  Address/Location: \_\_\_\_\_

Describe access (e.g. how to get there, if it is easy to find, if it is well sign posted, road condition): \_\_\_\_\_

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What size recreational vehicles can the area accommodate?  <11 metres  >11 metres

No. of vehicle units provided for: \_\_\_\_\_

Are there parking limits? Yes  No  Hours: \_\_\_\_\_

Location of nearest public toilet? \_\_\_\_\_

Comments: \_\_\_\_\_

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**Short Term Parking - please supply location map**

Is there provision for low cost, short term overnight stays, close to the CBD (24 hours+)? Yes  No

Distance from town centre in kilometres: \_\_\_\_\_

Location/Name (as the locals know it): \_\_\_\_\_

Latitude (mandatory): \_\_\_\_\_ Longitude (mandatory): \_\_\_\_\_

Address (include nearest cross street): \_\_\_\_\_

What size recreational vehicles can the area accommodate? (Allow for full turning circle if necessary, up to 35 metres for big rigs.)

<11 metres     >11 metres

**Facilities**

- |                                |                                  |                                       |  |
|--------------------------------|----------------------------------|---------------------------------------|--|
| <b>Self-contained only</b>     | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           | <b>Cost:</b> <input type="text"/>  |
| <b>Length of stay</b>          | <input type="checkbox"/> 24hrs   | <input type="checkbox"/> 48hrs        | <input type="checkbox"/> 72hrs <input type="checkbox"/> 96hrs <input type="checkbox"/> Other |
| <b>Pets permitted</b>          | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           | <input type="checkbox"/> Conditional   |
| <b>Mobile phone service</b>    | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           |  |
| <b>Parking permit required</b> | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           |  |
| <b>Services</b>                | <input type="checkbox"/> Showers | <input type="checkbox"/> Rubbish bins | <input type="checkbox"/> Toilets <input type="checkbox"/> Covered seating                    |
|                                | <input type="checkbox"/> Power   | <input type="checkbox"/> BBQ          | <input type="checkbox"/> Water   |

**Long Term Parking (for self-contained vehicles) - please supply location map**

Is there provision for longer term overnight stays? (e.g. bush camp, minimum of three nights.) Yes  No

Distance from town centre in kilometres: \_\_\_\_\_

Location/Name (as the locals know it): \_\_\_\_\_

Latitude (mandatory): \_\_\_\_\_ Longitude (mandatory): \_\_\_\_\_

Address (include nearest cross street): \_\_\_\_\_

What size recreational vehicles can the area accommodate? (Allow for full turning circle if necessary, up to 35 metres for big rigs.)

<11 metres     >11 metres

**Facilities**

- |                                |                                  |                                       |  |
|--------------------------------|----------------------------------|---------------------------------------|--|
| <b>Self-contained only</b>     | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           | <b>Cost:</b> <input type="text"/>  |
| <b>Length of stay</b>          | <input type="checkbox"/> 24hrs   | <input type="checkbox"/> 48hrs        | <input type="checkbox"/> 72hrs <input type="checkbox"/> 96hrs <input type="checkbox"/> Other |
| <b>Pets permitted</b>          | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           | <input type="checkbox"/> Conditional   |
| <b>Mobile phone service</b>    | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           |  |
| <b>Parking permit required</b> | <input type="checkbox"/> Yes     | <input type="checkbox"/> No           |  |
| <b>Services</b>                | <input type="checkbox"/> Showers | <input type="checkbox"/> Rubbish bins | <input type="checkbox"/> Toilets <input type="checkbox"/> Covered seating                    |
|                                | <input type="checkbox"/> Power   | <input type="checkbox"/> BBQ          | <input type="checkbox"/> Water   |

**Local Caravan Park**

Address: \_\_\_\_\_

Contact name: \_\_\_\_\_ Phone: \_\_\_\_\_

Is the caravan park willing to join the CMCA Friendly Caravan Park Listing? Yes  No  (For application form please contact CMCA)

**Water - please supply location map**

Is potable water available? Yes  No  Location: \_\_\_\_\_  
Latitude (mandatory): \_\_\_\_\_ Longitude (mandatory): \_\_\_\_\_

**Dump Point - please include photos of dump point and access**

Is a free dump point available close to town? Yes  No   
Location: \_\_\_\_\_  
Latitude (mandatory): \_\_\_\_\_ Longitude (mandatory): \_\_\_\_\_  
Is this dump point suitable for access by big rigs? Yes  No   
Access Restrictions (e.g. turning restrictions, height/weight restrictions, wheelchair access): \_\_\_\_\_  
Size Restrictions (keep in mind that a 19.5m vehicle requires a 35m turning circle): \_\_\_\_\_  
 <11 metres     >11 metres

**Tourist Information**

- 1. Information about your town should be available at the Visitor Information Centre or equivalent.
- 2. Each RVFT is allocated a page on CMCA's website, featuring a link to the town's own website. This allows members to discover what is happening in the area.

**Visitor Information Centre (VIC)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Postal address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_  
Website: \_\_\_\_\_  
Contact person: \_\_\_\_\_ Position: \_\_\_\_\_

Is there a document containing a town map showing the location of medical facilities, shopping areas and tourist attractions etc.? Yes  No  (If yes, please attach).

**VIC Accessibility and Parking**

What size recreational vehicles can the VIC car park accommodate?  
 <11 metres     >11 metres

**Other Services**

Does the VIC provide other services such as bookings, conducted tours, internet for visitors, etc.? Yes  No   
If yes, please detail: \_\_\_\_\_

**Visitor Attractions**

Please list any regular/annual/occasional visitor attractions the town has to offer: \_\_\_\_\_  
\_\_\_\_\_  
Please list the date of any regular events: \_\_\_\_\_  
\_\_\_\_\_

**Town Traders**

Is there a supermarket? Yes  No  Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Medical Services**

Is there a doctor's surgery? Yes  No  Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Provide details of services available (surgery hours or special arrangements etc.): \_\_\_\_\_

Is there a hospital? Yes  No  Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Is there a 24hr clinic? Yes  No  Phone: \_\_\_\_\_

Address: \_\_\_\_\_

If there are no 24hr medical facilities, please describe the emergency service for injured or ill patients (e.g. local ambulance vehicle based in the town):

Is there a pharmacy? Yes  No  Phone: \_\_\_\_\_

Address: \_\_\_\_\_

If no pharmacy, what procedure is in place to obtain pharmaceutical products? \_\_\_\_\_

Is there a dentist? Yes  No  Phone: \_\_\_\_\_

Address: \_\_\_\_\_

**RV Friendly Town™ Agreements**

1. CMCA publishes a monthly Club magazine, *The Wanderer*, which is distributed to over 66,000 members.
2. CMCA will publish a complimentary article based on information provided by council or an authorised tourism promotion person, to promote your RVFT. You may use the article to promote the region, any upcoming significant events, etc.
3. If required, CMCA National Headquarters can provide contact details to obtain rates for regular advertising in *The Wanderer* and on the CMCA website.
4. Free listing on the CMCA website and an announcement on the CMCA Facebook page will be provided.
5. Each month a complimentary copy of *The Wanderer* will be sent to a designated location such as the VIC or council offices.
6. CMCA can provide various promotional signs for dump points and high impact RVFT signs.
7. Following this preliminary assessment, CMCA will contact the contact person listed on page one to finalise further details.

**Article in *The Wanderer***

Will the council/tourism office supply editorial and photographs for one free feature article? Yes  No

Would the council/tourism office want to place an advertisement in conjunction with the article? Yes  No

**Any additional comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RV Friendly Town™ Signage**

RVFT signs can be erected or placed on an existing town welcome sign.



CMCA will supply two (2) RVFT signs free of charge. Additional signage is available for purchase at \$145.00 each, or two (2) for \$260.00.

Would the council like to order any additional signs? Yes  No  Quantity: \_\_\_\_\_

Card number: \_\_\_\_\_/ \_\_\_\_\_/ \_\_\_\_\_/ \_\_\_\_\_ Expiry date: \_\_\_\_\_/ \_\_\_\_\_ CCV: \_\_\_\_\_

Card holder's name: \_\_\_\_\_ Signature: \_\_\_\_\_

**Please return completed form to CMCA:**

CMCA, PO Box 254 HRMC, NSW 2310  
F: 02 4978 8799  
E: memberbenefits@cmca.net.au

**CMCA Office Use Only**

Final recommendation: Yes  No

Comments: \_\_\_\_\_



## 6.2 2018 New Years Eve Fireworks

### NOTICE OF MOTION LISTED BY CR ALEX KARAVAS

TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, REC800007

#### MOTION

##### That Council:

- 1. support a New Years Eve celebration with fireworks display to be held at Glen Willow; and**
- 2. prepare a community plan proposal to be considered in the 18/19 budget process to fund the event.**

---

#### Background

Residents are disappointed that there was no celebration or fireworks display this New Years Eve. People of all ages, especially the youth would like to have a celebration with fireworks in coming years.

Glen Willow is a great location to hold the event for many reasons including: walking distance from the CBD which will be more convenient later this year when the pedestrian footbridge along side of Holyoake Bridge is complete, plenty of car parking for those who wish to drive, minimal residential disruption, a fence to keep spectators away from the firework display, established infrastructure such as electricity and plenty of room for stalls, jumping castles and more.

Council could consider sporting or service organisations to run the event as a fundraiser. Council would ensure that none of the infrastructure is damaged during the event.

#### Officer's comments

This is something that Council can consider as part of the budget process.

## 6.3 Environmental flows from Rylstone Dam and Dunns Swamp into the Cudgegong River system

NOTICE OF MOTION LISTED BY CR PETER SHELLEY  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, GOV400066, F0780128

### MOTION

#### That Council:

- 1. urgently seek approval, if required, from NSW Department Primary Industries, WaterNSW or any other relevant authority or private owner, and actions the increase of environmental flows from Dunns Swamp Dam and Rylstone Dam into the Cudgegong river system; and**
- 2. assess, proceed and monitor the release to minimise risk to water security and maximised environmental release.**

---

### Background

The purpose of this motion, and request, is to sustain the ecology in our river systems and assist Primary Producers between Dunns Swamp and Windermere dam.

With the dry summer we have experienced, the river system is very dry but we have the availability of water to assist in the management of this system whilst limiting risk to water security supply.

About 6 years ago Council approved similar measures and increased environmental flows, temporarily, from Rylstone Dam to assist in the health of the river system and primary producers, these releases over 4 weeks did not place town supply in jeopardy though there was minimal risk associated with the release.

I am aware from DPI policy that the presence of Dams is to reflect the natural flow and condition of river systems; i.e.: what goes in must come out, and if no water runs into the dam then no water runs out, but there have been exceptions made in the past for the above reasons.

Dunns Swamp ownership and ultimate responsibility, I am aware, is complex, but if approved, careful consideration must be given so as to not damage a fragile eco system and tourist resource whilst taking into consideration the benefits of such a release.

I urge all Councillors to support this motion.

### Officer's comments

The General Manager has spoken to Water NSW and they will come back to Council with the protocols for both Dunns Swamp and Rylstone Dam. Water NSW has indicated that there are licence agreements and there are conditions under those licences.

A further verbal report will be presented to Council at the Council meeting.

## Item 7: Office of the General Manager

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### 7.1 Joint Organisation of Councils

REPORT BY THE DIRECTOR COMMUNITY  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, GOR00030

#### RECOMMENDATION

##### That Council:

1. receive the report by the Director Community on the Joint Organisation of Councils;
  2. endorse that, for the purposes of the resolution passed by this Council on 13 December 2017 (Min 368/17) concerning the approval of councils that are being included in the joint organisation's area, that – in addition to those council areas prescribed in the previous resolution – Council endorse the areas of the Bourke Shire Council, Brewarrina Shire Council, Cobar Shire Council and Walgett Shire Council being included in the area of the joint organisation; and
  3. endorse that before 28 February 2018, the General Manager provide the Minister of Local Government with a copy of this resolution including the date on which Council made this resolution.
- 

#### Executive summary

Due to further communication and advice from the Office of Local Government, an extension is required to the resolution passed in December relating to the formation of a Joint Organisation. This resolution will assist in the aim of Mid-Western Regional Council to form a Joint Organisation that resembles the current Orana Group of Councils as closely as possible, both in terms of membership and fee structure as well as scope.

#### Disclosure of Interest

Nil.

#### Detailed report

At the December 2017 Council meeting, the following resolution was passed:

368/17                      MOTION:      *Holden / Martens*

*That Council:*

1.                      *receive the report by the Director Community on the Joint*

*Organisations of Councils;*

2. *inform the Minister for Local Government of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation in accordance with the resolution;*
3. *approve the inclusion of the Council's area in the Joint Organisation's area;*
4. *endorse that the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
  - *Bogan Shire Council*
  - *Gilgandra Shire Council*
  - *Dubbo Regional Council*
  - *Warren Shire Council*
  - *Warrumbungle Shire Council*
  - *Narromine Shire Council*
  - *Coonamble Shire Council*
  - *Mid-Western Regional Council;*
5. *endorse that before 28 February 2018, the General Manager provide the Minister with a copy of the resolution including the date on which Council made this resolution; and*
6. *endorse that on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.*

*The motion was carried with the Councillors voting unanimously.*

Subsequent to this resolution, advice has been provided to Mid-Western Regional Council that Far West Councils are also eligible to join a Joint Organisation. Advice has been provided by the Acting Chief Executive Officer of the Office of Local Government that the best approach is to pass a new resolution that provides additional Council names to the resolution regarding the membership of a proposed joint organisation.

The following Councils have been members of OROC (Orana Group of Councils) but were originally excluded from being members of the joint organisation:

- Bourke Shire Council
- Brewarrina Shire Council
- Cobar Shire Council
- Walgett Shire Council

This resolution seeks to add these Councils to the names of those Councils that Mid-Western Regional Council would seek to join with to form a joint organisation.

At this stage there are no other changes regarding the formation of joint organisations and so the information provided in the previous December report stands unchanged.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

## Strategic implications

### **Council Strategies**

Community Strategic Plan

### **Council Policies**

Not Applicable

### **Legislation**

Local Government Act 1993

Local Government Regulations 2005

Local Government Amendment Act (Regional Joint Organisations) 2017

Local Government Amendment (Regional Joint Organisations) Bill 2017

## Financial implications

The current fee structure for joint organisations is unknown. At this stage, it is unknown what financial implications may arise from the decision to take part in the joint organisation. However, it would be hoped that participation would lead to opportunities that provide efficiencies and cost savings for Council, particularly in relation to the use of consultants and regional procurement.

## Associated Risks

There are no identified serious risks associated with the involvement of Council in joint organisations. It is possible that there will be additional funding opportunities afforded joint organisations and so Council may negate these opportunities if they decide to not be involved.

SIMON JONES

DIRECTOR COMMUNITY

6 February 2018

*Attachments:*


1. JO Information Pack.
2. A573399 - GM - Mid-Western Regional.
3. Letter to Far West Councils from OLG relating to Joint Organisations.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

# Joint Organisation nomination



Councils that are interested in becoming a member of a Joint Organisation have been invited to submit their nomination to the Minister for Local Government.  
To nominate each council should:

- Write to the Minister for Local Government stating that they have resolved to be a member of a Joint Organisation
- Attach the council resolution in relation to joining a Joint Organisation
- Complete the *Forming a Joint Organisation – checklist* below

### Forming a Joint Organisation – Checklist

Please complete the checklist below.  
An optional text box is provided if you wish to provide further information to support the Joint Organisation nomination:

**1.** Please list each council that is nominating to be a member of the Joint Organisation.

**2.** Please confirm that your proposal aligns with, or 'nests' within one of the NSW planning regions.

Yes  No

**3.** Do you have a preferred name for the Joint Organisation for the Government's consideration?

**4.** Please confirm that the Joint Organisation membership proposed demonstrates a community of interest between councils.

Yes  No

**5.** If your proposal results in a small number of councils in your planning region not being included in a Joint Organisation, have you discussed options with them and what are the views of those councils?

Yes  No

## Joint Organisation nomination



6. Please confirm that your nomination is based around a strong regional centre or centres.

Yes  No

7. Please confirm that the proposed Joint Organisation will be an appropriate size and have capacity to partner with the NSW Government, the Commonwealth Government and other organisations.

Yes  No

8. Please specify any non-financial support required to ensure your Joint Organisation proposal is implemented successfully.

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Nominations should be submitted to [jointorganisations@olg.nsw.gov.au](mailto:jointorganisations@olg.nsw.gov.au) and marked 'Nomination for Joint Organisation'. Councils are required to submit their nomination by **28 February 2018**.

**The Joint Organisation Network will be finalised in March 2018. Joint Organisations will be proclaimed to enable commencement in July 2018.**

## Proposed JO resolution for councils



**The council resolutions are a critical input in the process of getting Joint Organisation areas recommended to the Governor by the Minister. It is important these resolutions align for groups of councils that wish to form a Joint Organisation.**

Once the resolutions have been made by councils the Minister must wait at least 28 days before recommending the Joint Organisation to the Governor.

The resolutions must be worded in a way that will allow for any changes in proposed membership that could potentially occur within the 28 days (e.g. a council rescinds the decision to join the Joint Organisation) without compromising the ability of the remaining councils to still form the Joint Organisation.

Below is a suggested Joint Organisation Resolution for councils. It is advisable any resolution is made following commencement of the legislation (to be advised by the Office of Local Government).

*In accordance with Part 7 of Chapter 12 of the Local Government Act 1993 (**Act**), the [NAME OF COUNCIL] (**Council**) resolves:*

- 1.** *That the council inform the Minister for Local Government (**Minister**) of the Council's endorsement of the Minister recommending to the Governor the establishment of a Joint Organisation (**Joint Organisation**) in accordance with this resolution.*

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- 2.** *To approve the inclusion of the Council's area in the Joint Organisation's area.*

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- 3.** *That the Joint Organisation be established to cover the Council's area and any one or more of the following council areas:*
  - a)** *[INSERT A LIST OF ALL RELEVANT COUNCIL AREAS WITHIN THE RELEVANT STATE PLANNING REGIONS]*

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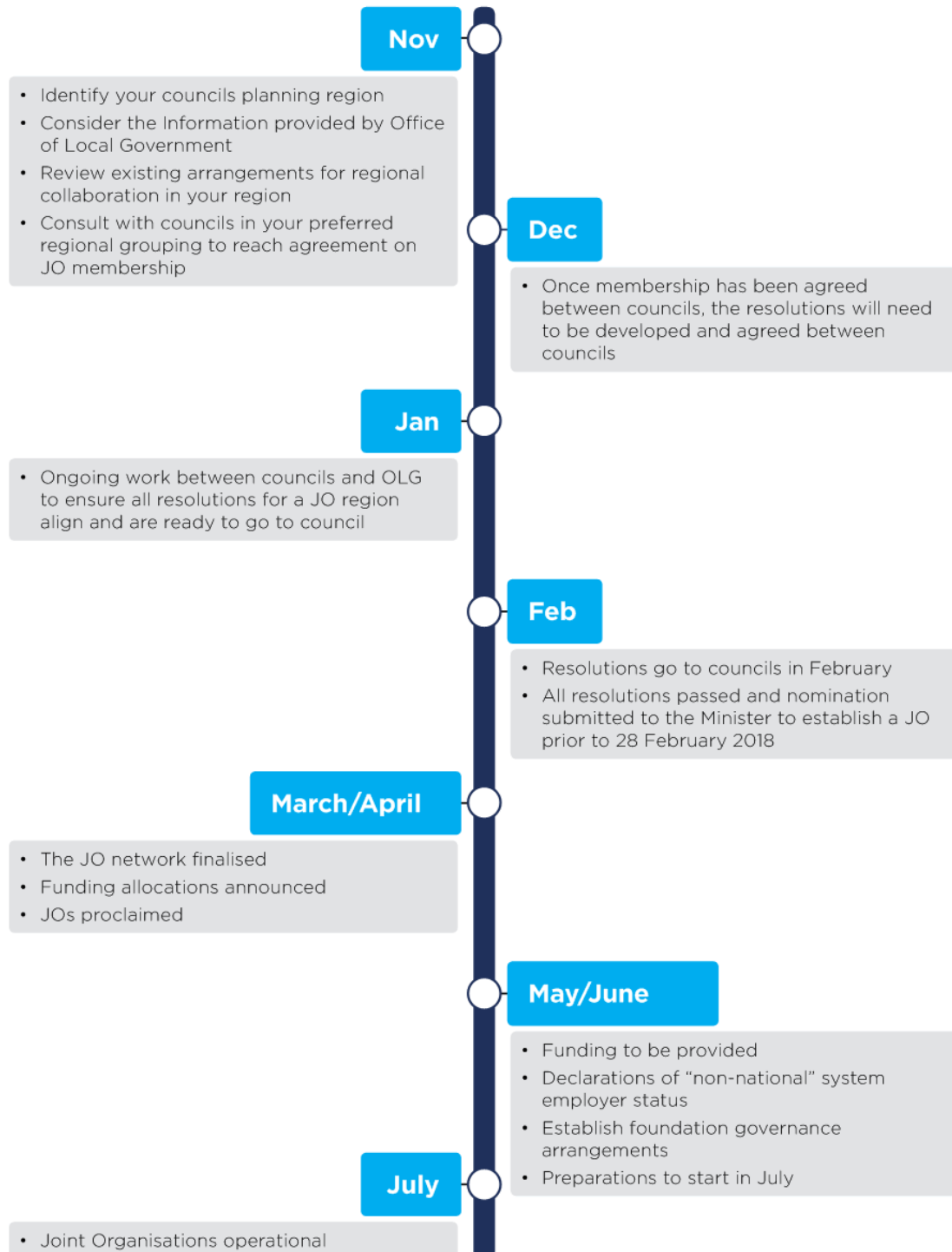
- 4.** *That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Council made this resolution.*

---

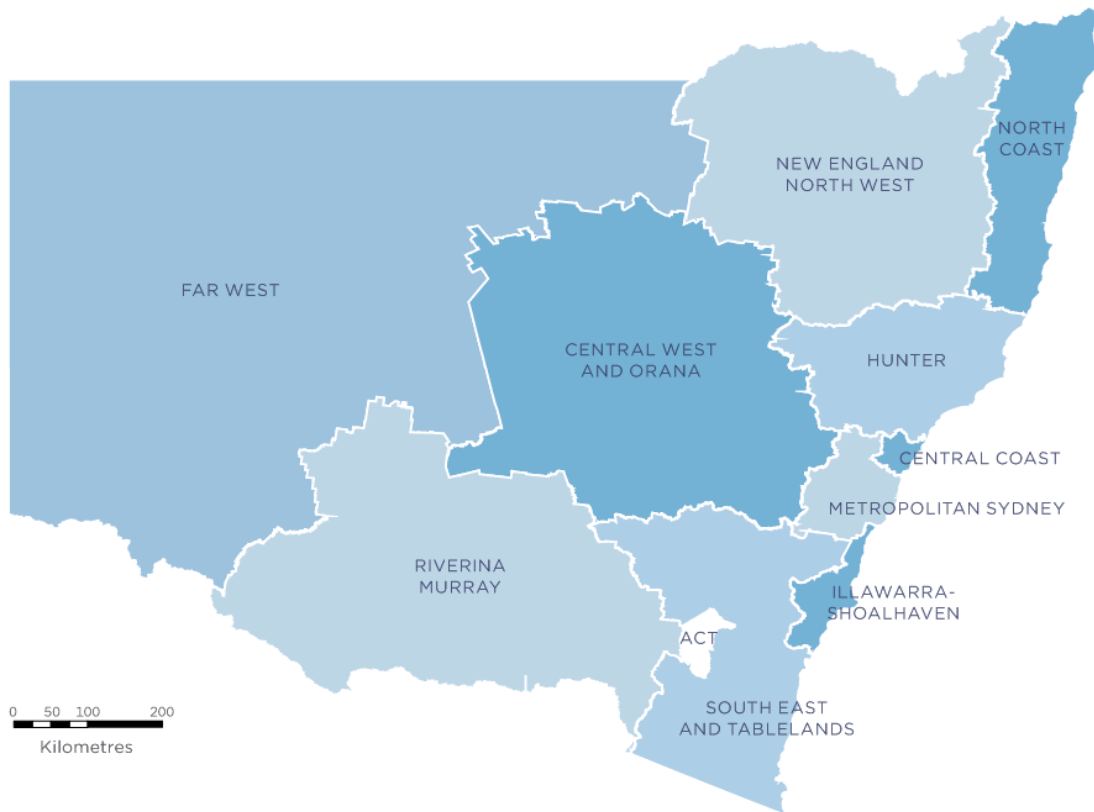
- 5.** *That, on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.*



## Joint Organisation formation and implementation timeline for councils



# NSW planning regions



## Distribution of councils in NSW planning regions



### Central West and Orana

Bogan Shire Council	Lachlan Shire Council	Warren Shire Council	Narromine Shire Council
Parkes Shire Council	Forbes Shire Council	Weddin Shire Council	Coonamble Shire Council
Gilgandra Shire Council	Dubbo Regional Council	Cabonne Shire Council	Cowra Shire Council
Orange Shire Council	Blayney Shire Council	Warrumbungle Shire Council	Mid-Western Regional Council
Bathurst Regional Council	Lithgow City Council	Oberon Council	

### Hunter

Upper Hunter Shire Council	Muswellbrook Shire Council	Singleton Shire Council	Mid-Coast Council
Dungog Shire Council	Maitland City Council	Cessnock City Council	Port Stephens Council
Newcastle City Council	Lake Macquarie City Council		

### New England North West

Moree Plains Shire Council	Narrabri Shire Council	Gunnedah Shire Council	Liverpool Plains Shire Council
Gwydir Shire Council	Tamworth Regional Council	Inverell Shire Council	Uralla Shire Council
Tenterfield Shire Council	Glen Innes Severn Shire Council	Armidale Regional Council	Walcha Council

### North Coast

Tweed Shire Council	Kyogle Council	Lismore City Council	Byron Shire Council
Ballina Shire Council	Richmond Valley Council	Clarence Valley Council	Coffs Harbour City Council
Bellingen Shire Council	Nambucca Shire Council	Kempsey Shire Council	Port Macquarie-Hastings Council

### Riverina Murray

Hay Shire Council	Edward River Council	Murray River Council	Carrathool Shire Council
Griffith City Council	Murrumbidgee Council	Berrigan Shire Council	Bland Shire Council
Leeton Shire Council	Narrandera Shire Council	Federation Council	Temora Shire Council
Coolamon Shire Council	Junee Shire Council	Wagga Wagga City Council	Lockhart Shire Council
Greater Hume Shire Council	Albury City Council	Cootamundra-Gundagai Regional Council	Snowy Valleys Council

### South East and Tablelands

Hilltops Council	Yass Valley Council	Upper Lachlan Shire Council	Goulburn Mulwaree Council
Queanbeyan-Palerang Regional Council	Snowy Monaro Regional Council	Wingecarribee Shire Council	Eurobodalla Shire Council
Bega Valley Shire Council			

### Illawarra Shoalhaven

Shoalhaven City Council	Kiama Municipal Council	Shellharbour City Council	Wollongong City Council
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# Joint Organisation Frequently Asked Questions



## Q1: What is a Joint Organisation?

**A:** A Joint Organisation is a new entity under the Local Government Act comprising member councils in regional NSW to provide a stronger voice for the communities they represent.

Each Joint Organisation will comprise at least three member councils and align with one of the State's strategic growth planning regions. One of the member council's mayors will be elected chairperson and an Executive Officer may be appointed.

## Q2: How will Joint Organisations benefit councils and communities in regional NSW?

**A:** Joint Organisations will transform the way that the NSW Government and local councils collaborate, plan, set priorities and deliver important projects on a regional scale. These new partnerships will benefit local communities across regional NSW by working across traditional council boundaries.

## Q3: How do we know Joint Organisations will work?

**A:** The Joint Organisation model has been developed in close consultation with councils and the NSW Government has listened to regional councils to get the model right. This included a pilot program for five groups of councils to test a range of options, which involved the participation of 43 councils and delivered a range of initiatives and projects to those regions.

An independent evaluation of the pilot program found Joint Organisations bring benefits to regional communities in delivering on-the-ground projects and attracting more investment to regional communities.

## Q4: Why should councils choose to form a Joint Organisation?

**A:** Joint Organisations will provide a forum for councils, agencies and others to come together and focus on their regional priorities – the things that matter for that region. Joint Organisations will help drive the delivery of important regional projects – the infrastructure and services that local communities need and deserve.

Joint Organisations will also provide councils with a more efficient way to deliver shared services for members and the region. Where member councils agree, they can choose to share a common approach to services such as information technology, water management services and community strategic planning. The NSW Government will provide \$3.3 million to support councils to establish Joint Organisations

## Q5: Can councils determine their own regional boundaries?

**A:** While the choice to join, and composition of a Joint Organisation is voluntary, the NSW Government will only support the creation of Joint Organisations within existing State planning regions and in regional NSW. Councils have told us that effective collaboration will only be realised when State and local government boundaries are aligned.

To aid this process the NSW Government has consulted the sector on boundary criteria which they can take into account when determining the membership of their Joint Organisation.

Joint Organisation boundaries should:

- align with, or 'nest' within one of the State's planning regions
- demonstrate a clear community of interest between member councils and regions
- not adversely impact on other councils or JOs, for example, leaving too few councils to form a JO
- be based around a strong regional centre or centres
- be of an appropriate size to partner with State, Commonwealth and other partners.
- Consistent with previous Government decisions, Joint Organisations will not be considered for metropolitan Sydney and the Central Coast at this time.



**Q6: Are Far West Councils able to form a JO?**

**A:** The Government will be writing to Far West councils to advise them of their opportunity to form or join a JO. This will include specific guidance applicable to Far West councils only.

**Q7: What are the next steps for interested councils?**

**A:** Councils are invited to nominate to form a Joint Organisation in their region. Councils are encouraged to open discussions with their neighbours as soon as possible.

The Office of Local Government is available to facilitate these discussions and provide support to councils through the nomination process. Specific requirements to form a Joint Organisation will be provided to councils shortly.

Each Joint Organisation will be created by a proclamation and the NSW Government will then ask the Commonwealth to endorse each Joint Organisation as a non-national system employer to ensure that any staff of a Joint Organisation, with the exception of the Executive Officer, are employed under the State local government award.

**Q8: What support will be provided to councils and Joint Organisations once established?**

**A:** The Office of Local Government will work with Joint Organisations to support their establishment and ensure they have the necessary systems and governance in place for the Joint Organisations to deliver results for regional communities.

The Office of Local Government and the Department of Premier and Cabinet will foster collaboration between Joint Organisations and State agencies to identify and act on opportunities to benefit regional communities.

**Q9: Can councils choose not to participate?**

**A:** Councils can choose not to become a member of a Joint Organisation. The Government strongly encourages all councils in regional NSW to consider the benefits and opportunities offered by Joint Organisations.

Councils that are members of Joint Organisations will be able to take advantage of investment opportunities that are delivered through the Joint Organisation.

**Q10: What funding is available to Joint Organisations?**

**A:** The Government will provide up to \$3.3 million in seed funding to Joint Organisations to support their establishment. The Government will identify opportunities for additional investment through Joint Organisations in regional economies.

Funding for each Joint Organisation will be based on the number of councils that choose to form a Joint Organisations, with maximum funding provided to regions where all councils in a region choose to be members of the new regional body.

All Joint Organisations, whether they were pilot regions or not, will be provided with seed funding.

Further details on funding arrangements will be provided to councils.

**Q11: Will this funding be enough to help councils establish a JO?**

**A:** The NSW Government is providing significant funding and support to help those councils that choose to establish a Joint Organisation. The pilot program demonstrated that groups of councils can achieve substantial benefits for their communities and significant cost savings by working together through a Joint Organisation.

**Q12: How are Joint Organisations different to Regional Organisations of Councils?**

**A:** The Joint Organisation model provides for greater certainty and continuity as well as recognising the unique differences in the many regions of NSW. While some ROCs have been effective, they have varied functions, membership, and governance structures which often makes collaboration more difficult.

# Joint Organisation Resource List



## Website

[www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

## OLG key contacts

Chris Presland, Director of Reform Implementation	0413 274 882
Melissa Gibbs, Director Policy and Sector Development	0491 225 904
Office of Local Government, Development Team	02 4428 4100

## Secure Stronger Councils Portal

A secure portal is available for councils to access information and share resources on Joint Organisations. To access the portal go to <https://portal.strongercouncils.nsw.gov.au>

You will need to login and register with your council email address.

OLG will use the portal to provide up to date information and share best practice between councils and Joint Organisations during the formation and implementation phase.

## Department of Premier and Cabinet Regional contacts

Hunter 0418406733   02 49212603	Aaron Spadaro, Senior Coordination Officer
Northern NSW (Tamworth) 0477316 189   0267602671	Alison McGaffin, Director, Northern NSW
Northern NSW (Coffs Harbour) 0481 919 697   02 66598651	Andrew Hegedus, Director North Coast
Southern NSW (Wollongong) 0477 320 822   0242536301	Anthony Body, Director Southern Region
Southern NSW (Queanbeyan) 0427 454 375   02 92283296	Heidi Stratford, Director South East and Tablelands
Western NSW (Dubbo) 0400 364 960   02 68267801	Ashley Albury, Director, Western NSW
Western NSW (Wagga) 0417947976	Trudi McDonald, Director Riverina Murray



Office of  
Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A573390  
Your Reference:  
Contact: Chris Presland  
Phone: 02 8289 6800

Mr Brad Cam  
General Manager  
Mid-Western Regional Council  
PO Box 156  
MUDGEE NSW 2850

1 December 2017

[brad.cam@midwestern.nsw.gov.au](mailto:brad.cam@midwestern.nsw.gov.au)

Dear Mr Cam

I am pleased to be writing to you following the recent passage by the NSW Parliament of the *Local Government Amendment (Regional Joint Organisations) Bill 2017*. This legislation allows for councils to voluntarily join new Joint Organisations (JOs) to strengthen regional coordination and improve the delivery of important infrastructure and services for communities through strategic planning, collaboration and shared leadership and advocacy.

Council has recently been invited to nominate to form a JO and I encourage you to commence negotiations with the councils in your planning region on how a JO may be established to best support your community.

To assist Council in considering to form a JO, enclosed is an information pack that includes the following resources:

- Guidance information on how to submit a nomination to form a JO
- Frequently Asked Questions
- Office of Local Government contacts for support.

The Office of Local Government welcomes this opportunity to work with you in establishing a JO and is available to discuss what assistance can be offered to your council and region as you consider the benefits of joining a JO.

Please contact Mr Chris Presland, Director Reform Implementation on (02) 4428 4100 or [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) if you have any further enquiries.

Yours sincerely

**Tim Hurst**  
**Acting Chief Executive**  
**Office of Local Government**





## Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A573390  
Your Reference:  
Contact: Chris Presland  
Phone: 02 4428 4100

Mr Peter Vlatko  
General Manager  
Cobar Shire Council  
PO Box 223  
COBAR NSW 2835

1 December 2017

[peter.vlatko@cobar.nsw.gov.au](mailto:peter.vlatko@cobar.nsw.gov.au)

Strengthening local government

Dear Mr Vlatko

I am pleased to be writing to you following the recent passage by the NSW Parliament of the *Local Government Amendment (Regional Joint Organisations) Bill 2017*. This legislation allows for councils to voluntarily join new Joint Organisations (JOs) to strengthen regional coordination and improve the delivery of important infrastructure and services for communities through strategic planning, collaboration and shared leadership and advocacy.

While the Far West was not initially included in the original JO consultation, your Council has been provided the opportunity to consider being part of a JO, and we would like to hear from your Council about what its preferences are.

To assist Council in considering to form a JO, enclosed is an information pack that includes the following resources:

- Guidance information on how to submit a nomination to form a JO
- Frequently Asked Questions
- Office of Local Government contacts for support.

In addition to the design criteria set for other councils, the Government has provided some further criteria below in regards to the Far West councils:

- Far West Councils will be given the option to be full voting members of JOs within their own or across different State Government planning boundaries
- Seed funding will be provided to any newly created JO in the Far West consistent with the funding being provided to establish other new JOs.





The Office of Local Government will be working with Far West councils in the coming months to address the findings of their asset management and financial sustainability reviews. This work will inform consideration of providing access to the NSW Treasury Corporation local government borrowing facility to Far West Councils.

Please contact Mr Chris Presland, Director Reform Implementation on (02) 4428 4100 or [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) if you have any further enquiries.

Yours sincerely



**Tim Hurst**  
**Acting Chief Executive**  
**Office of Local Government**

## 7.2 Mudgee Bicentenary Celebrations

REPORT BY THE DIRECTOR COMMUNITY  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, CMR200039

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Community on the Mudgee Bicentenary Celebrations;**
2. **determine that the gazettal of Mudgee as a town in January 1838 is the best date available for historic periodic celebrations; and**
3. **explore the option through the budget process of providing funding to the Camping Tree for the enhancement of this area in recognition of the early pioneering days.**

---

### Executive summary

Over the years, different Councils have determined that 1821 was an important and landmark year for the township of Mudgee and the region. This was the year of the first recorded white exploration of the region. Centenary celebrations were held in March 1921 and Sesqui-centenary celebrations were held in March 1971. In more recent years, there has been a greater emphasis on understanding the history of white settlement in the region and the impact that it had on the indigenous population of the area. It is suggested that Council may wish to consider a date that is more inclusive and also more definitive in terms of the establishment and founding of the town.

### Disclosure of Interest

Nil

### Detailed report

There has been some discussion in the community regarding planning for the Bicentenary of Mudgee in 2021. This report seeks some guidance from Council on this issue and proposes to celebrate the Bicentenary of Mudgee on 12 January, 1838, which was the date that the town was gazetted as the "Village of Mudgee".

The township of Mudgee and the Mid-Western Region as a whole is something that brings us together and allows for a sense of pride in the community that we have all helped to build. Recognition of this from time to time is an important part of the fabric of our culture and our community. Previous Councils have focused on dates of discovery of parts of the region for these celebrations. Records show that the Centenary was celebrated in 1921 and that 1971 brought the Mudgee Sesqui-Centenary Celebrations.

In exploring the nineteenth century of the region, there are a number of factors that provide an opportunity to re-think these dates and perhaps suggest a date that can be accurate and also more inclusive as a date for celebration for the whole community. There is a lack of clarity around actual

dates and locations. Interestingly, the 1921 and 1971 celebrations were held in March, although it seems unlikely that Mudgee, or even the Mudgee district had been explored to any great extent until later in 1821, around October and November. There will no doubt be some debate around these dates and facts. Ultimately, the focus of the early years of the region was also on the Menah district, a few miles from the future Mudgee township. As such, there is an argument that future celebrations of Mudgee as a township should be related to the date of Gazettal in 1838.

While there may be some views in the community that the proposed change is an example of “political correctness”, it is important to recognise our history and clearly articulate that, for the indigenous people already living in the region, there was little to celebrate in the discovery of the area by white settlers. The early years of the region had a significant impact on the local population, both in numbers and in spirit. It is recommended that celebrations could be presented within the context of a much more inclusive date such as 1838.

It is also worth noting that the recent Centenary celebrations in Kandos were related to the gazettal of the town in 1914 rather than initial exploration.

There are numerous other potential celebration dates to be considered across the Mid-Western Region. In 1970, Rylstone held a Sesqui-Centenary. This would mean that the Rylstone Bicentenary would be due to be held in 2020. Again, the Rylstone town was originally laid out in 1846, although not formally proclaimed a town until 1885. There are a number of publications that talk of the Rylstone being founded in 1846.

Research indicates that a range of potential dates could be used as a starting point for Mudgee: 1821, 1822, 1837, 1838 or even the formation of the Municipality of Mudgee in 1860. The date that the new township was gazetted under the name of the “Village of Mudgee” is the recommended date and also represents the change in focus of settlement from Menah to Mudgee.

There are a number of well-written histories of the region and a number of these have been researched in the consideration of this matter. These have included but are not limited to:

- Mudgee Centenary Souvenir publication of the Mudgee Guardian 1921;
- Mudgee Sesqui-Centenary Celebrations 1821 – 1971- Research officers of the Mudgee Historical Society;
- News from Mudgee - A chronological history of Mudgee 1821- 1921, Author Peter Johnson;
- Over Cherry Tree Hill, Editor Margaret Piddington.

Council has been approached by a number of people regarding proposed celebrations in 1821 and it is necessary to make a decision on this matter in the near future. If Council is of a mind to continue with the 2021 Bicentenary date then it would be appropriate to consider the formation of a Bicentenary Committee that would consider a range of topics such as events, budgetary proposals and commemorations. A resolution to this effect would be useful to ensure that relevant planning can take place and that Council will be in a position to make timely decisions on this matter.

Determining similar dates for Rylstone and Gulgong will also be required in the future.

The involvement of the relevant historical societies and passionate members of the community can only enhance the development of ideas for these future celebrations. There is also the opportunity for engagement for aboriginal groups and community members which can also be enhanced by celebrating dates that are more inclusive and less a reminder of the impact of early exploration and settlement.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

## Strategic implications

### **Council Strategies**

Community Strategic Plan

### **Council Policies**

Not applicable

### **Legislation**

Not applicable

## Financial implications

While there would be no immediate budgetary impact through the discussion of this item, it is likely that there will be an impact in future years in providing funds for relevant celebrations, events and commemorations.

## Associated Risks

There are reputational risks associated with this decision. Acknowledgement of our history is important and to see no value in exploring our history could ultimately lead to a denial of the character of the towns and the way that they have developed. There are important considerations as well in our relationship with the aboriginal community and in forging stronger bonds into the future.

SIMON JONES

DIRECTOR COMMUNITY

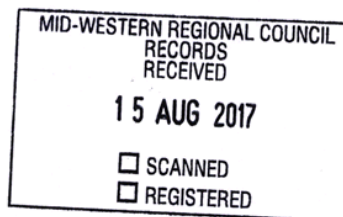
5 February 2018

*Attachments:* 1. Offer of service to help organise Bicentenary of Mudgee.  
2. Bicentenary - Hugh Bateman.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



28072017

**Mayor Des Kennedy**

c/- Mid-Western Regional Council  
PO Box 156  
Mudgee NSW 2850.

Dear Mayor Kennedy,

As a six year old my most significant memory was the extraordinary celebrations the community of Mudgee delivered over a several day festival, commemorating the sesquicentenary of this town. The CBD was closed to vehicles and all public areas and parks etc., were utilized day and night with and untold number of events including concerts, balls, parades, exhibitions, re-enactments and so much more. The entire community celebrated. Even now, as I recollect details, I am astonished that nearly fifty years ago a small isolated country town delivered a world class event.

In less then four years time the bicentenary has to eclipse the magical efforts achieved half a century ago. As my roots are so deeply entwined into the fabric of this town beginning with my mothers ancestry stretching back a staggering one hundred and eighty years plus with the family names of Potts, Blackman, Wright and Cox. My fathers family has a more recent association beginning in the mid 1800's with a pioneering Scottish minister of religion setting up a Church of England parish and congregation outside Bathurst and after generations producing my grandfather Angus Lang, a pastoralist with land holding reaching as far as the Hunter Valley in one direction down to Moss Vale and Bowral in the other. I believe he was also a local councillor. The inveterate family foundations with my hometown urge me to participate in celebrating the two hundred year celebration.

The purpose of this letter is to offer my services for the planning of this event by perhaps joining committees or associations no doubt already in motion. Enclosed is my CV outlining some of my involment with large scale events and projects. Should you in anyway desire my enthusiastic participation and input please contact me by any of these means. PO Box 720 Mudgee 2850. Telephone 0475 438 990. Email; [dpl1964@hotmail.com](mailto:dpl1964@hotmail.com).

Many thanks,

A handwritten signature in blue ink that reads "Lang".

**David Lang.**

**From:** Hugh  
**To:** [Brad Cam](#)  
**Subject:** re Bi Centenary  
**Date:** Monday, 23 November 2015 7:39:59 PM

---

Sir,

In just 6 years time Mudgee will hopefully celebrate 200 years of settlement.

Given that it should be a planned 12 month celebration, I write to enquire what Council proposes to do in order to fund the period of celebration?

In the main, should Council be now allocating funding annually in its budget for a planned series of events?

Events such as street parades, monthly events, gala ball, inviting descendants for a function, co hosting functions in conjunction with the local Historical Society for the period, etc should be considered.

Yours faithfully

Hugh Bateman

Mudgee

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This e-mail has been scanned for viruses by MCI's Internet Managed Scanning Services - powered by MessageLabs. For further information visit <http://www.mci.com> or contact Information Technology Business Unit - Mid-Western Regional Council

## 7.3 Asbestos Management Policy

REPORT BY THE EXECUTIVE MANAGER, HUMAN RESOURCES  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, GOV400029, A0100056, A0250000

### RECOMMENDATION

#### That Council:

1. **receive the report by the Executive Manager, Human Resources on the Asbestos Management Policy; and**
2. **adopt the updated Asbestos Management Policy.**

---

### Executive summary

In 2012 Local Government NSW in partnership with the NSW Government developed a Model Asbestos Policy to assist NSW Councils to formulate an asbestos policy and to promote a consistent approach to asbestos management by Local Government across NSW. Council adopted this policy in December 2013. This updated Policy contains only minor changes to ensure its currency and to reflect changes to the names of Regulations and Codes of Practice.

### Disclosure of Interest

Nil

### Detailed report

This policy aims to outline:

- the role of council and other organisations in managing asbestos
- Council's relevant regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- general advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos and conditions of consent
- waste management and regulation policies for asbestos waste in the LGA
- Council's approach to managing asbestos containing materials in Council workplaces
- sources of further information.

### Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not Applicable

### **Council Policies**

Not Applicable

### **Legislation**

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Code of practice on how to manage and control asbestos in the workplace 2016 published by SafeWork NSW
- Code of practice on how to safely remove asbestos 2016 published by SafeWork NSW
- Code of practice for demolition work published by Safe Work Australia, 2012
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2017
- Workers' Compensation (Dust Diseases) Act 1942.

## Financial implications

Nil

## Associated Risks

The adoption and adherence to the Asbestos Management Policy will minimise the potential liability of Council for financial penalties and costs associated with the mismanagement of asbestos materials.

MICHELE GEORGE  
EXECUTIVE MANAGER, HUMAN RESOURCES

2 February 2018

*Attachments:* 1. Asbestos Management Policy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 7.4 Annual Code of Conduct Complaints Statistics

REPORT BY THE MANAGER GOVERNANCE  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0170031

### RECOMMENDATION

**That Council receive the report by the Manager Governance on the Annual Code of Conduct Complaints Statistics for period 1 September 2016 – 31 August 2017.**

---

### Executive summary

The Office of Local Government Model Code of Conduct requires Councils to report on a range of complaints statistics annually.

### Disclosure of Interest

Nil.

### Detailed report

The September 2016 to August 2017 has been submitted to the Office of Local Government in accordance with the Model Code of Conduct Procedure and is attached for Council's Consideration.

### Community Plan implications

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

### Strategic implications

#### Council Policies

Complaints Policy  
Interactions between Councillors and Staff Policy  
Public Interest Disclosure Internal Reporting Policy

#### Legislation

Local Government Act 1993.

### Financial implications

Not applicable.

### Associated Risks

Nil.

TIM JOHNSTON  
MANAGER GOVERNANCE

SIMON JONES  
DIRECTOR COMMUNITY

4 January 2018

*Attachments:* 1. Model Code of Conduct Complaints Statistics.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Model Code of Conduct Complaints Statistics Mid-Western Regional		
<b>Number of Complaints</b>		
1 a	The total number of complaints <b>received</b> in the period about councillors and the General Manager (GM) under the code of conduct	2
b	The total number of complaints <b>finalised</b> in the period about councillors and the GM under the code of conduct	1
<b>Overview of Complaints and Cost</b>		
2 a	The number of complaints <b>finalised at the outset</b> by alternative means by the GM or Mayor	0
b	The number of complaints <b>referred to the Office of Local Government</b> under a special complaints management arrangement	2
c	The number of code of conduct complaints <b>referred to a conduct reviewer</b>	1
d	The number of code of conduct complaints <b>finalised at preliminary assessment</b> by conduct reviewer	1
e	The number of code of conduct complaints <b>referred back to GM or Mayor</b> for resolution after preliminary assessment by conduct reviewer	0
f	The number of finalised code of conduct complaints <b>investigated by a conduct reviewer</b>	0
g	The number of finalised code of conduct complaints <b>investigated by a conduct review committee</b>	0
h	The number of finalised complaints investigated where there was found to be <b>no breach</b>	1
i	The number of finalised complaints investigated where there was found to be <b>a breach</b>	0
j	The number of complaints referred by the GM or Mayor <b>to another agency</b> or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
k	The number of complaints being investigated that are <b>not yet finalised</b>	1
l	The <b>total cost</b> of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	630

Preliminary Assessment Statistics	
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:
a	To take no action <input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies <input type="text" value="1"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies <input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police <input type="text" value="0"/>
e	To investigate the matter <input type="text" value="0"/>
f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter <input type="text" value="0"/>
Investigation Statistics	
4	The number of investigated complaints resulting in a determination that there was <b>no breach</b> , in which the following recommendations were made:
a	That the council revise its policies or procedures <input type="text" value="0"/>
b	That a person or persons undertake training or other education <input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there <b>was a breach</b> in which the following recommendations were made:
a	That the council revise any of its policies or procedures <input type="text" value="0"/>
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach <input type="text" value="0"/>
c	That the subject person be counselled for their conduct <input type="text" value="0"/>
d	That the subject person apologise to any person or organisation affected by the breach <input type="text" value="0"/>
e	That findings of inappropriate conduct be made public <input type="text" value="0"/>
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach <input type="text" value="0"/>
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 <input type="text" value="0"/>
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action <input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures <input type="text" value="0"/>

Categories of misconduct	
7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a General conduct (Part 3)	<input type="text" value="0"/>
b Conflict of interest (Part 4)	<input type="text" value="0"/>
c Personal benefit (Part 5)	<input type="text" value="0"/>
d Relationship between council officials (Part 6)	<input type="text" value="0"/>
e Access to information and resources (Part 7)	<input type="text" value="0"/>
Outcome of determinations	
8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	<input type="text" value="0"/>
9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	<input type="text" value="0"/>

## 7.5 MRTI Quarterly Report - October 2017 to December 2017

REPORT BY THE GENERAL MANAGER  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400064, F0770077

### RECOMMENDATION

**That Council receive the report by the General Manager on the MRTI Quarterly Report - October 2017 to December 2017.**

### Executive summary

As per the funding and performance agreement entered into in July 2017 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 MRTI report for the second quarter of the 17/18 financial year has been delivered to Council in accordance with the funding and performance agreement. The report is attached for Council's consideration.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

A key strategy in the Mid-Western Region Community Plan is to promote the Region as a great place to live, work, invest and visit. This strategy recognises the important role that tourism plays in building a strong local economy.

Council has a contract with MRTI for the supply of tourism services within the Mid-Western Local Government Area. The term of this contract is for 4 years ending on 30 June 2021. Under this contract, MRTI must provide quarterly reports to Council.

#### Council Policies

Not Applicable.

#### Legislation

Not Applicable.

## Financial implications

This report is for information purposes only, as per Council's contractual arrangement with MRTI. There are no additional financial implications.

## Associated Risks

This report is for information purposes only, as per Council's contractual arrangement with MRTI.

BRAD CAM  
GENERAL MANAGER

2 February 2018

*Attachments:* 1. MRTI Q2 Report - Oct to Dec 2017.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



Quarterly Report

Q2: October to December 2017

*prepared for*

MID-WESTERN REGIONAL COUNCIL



## Executive Summary

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 2017-21, an agreement subject to the following key performance indicators:

#	Objective	Metric/KPI	Q1 Result (vs. same period last year)																																	
1	Measure tourism numbers to the LGA and where they are from	<p>Analyse trends in tourism visitation in the Mudgee Region by capturing and reporting:</p> <ol style="list-style-type: none"> <li>VIC visitation (post codes)</li> <li>Overnight visitation via accommodation members representing at least 30% of region's total room inventory (visitor nights x LGA average per visitor spend NVS data \$157 as at Dec 15)</li> </ol>	<p>Total VIC visitors 8,659 (↑26%)</p> <p><b>VISITOR NIGHTS Q2 2016 v 2017</b>                      Overnight visitors* (↑7%) or \$341,475 in incremental visitor spend</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Oct</th> <th>Nov</th> <th>Dec</th> <th>Q2 Total</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>11,500</td> <td>9,696</td> <td>8,575</td> <td>29,771</td> </tr> <tr> <td>2017</td> <td>11,837</td> <td>10,355</td> <td>9,754</td> <td>31,946</td> </tr> <tr> <td>2016 v 2017</td> <td>337</td> <td>659</td> <td>1,179</td> <td>2,175</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>Overall 7% increase in visitor nights Q2 2016 v 2017 (Note: Let's Skip Town campaign in market Apr-Jun16 and again from Sep-Nov17)</li> <li>Strong increase in VIC visitors in Q2 due to local radio campaign in lead up to Christmas to increase retail sales</li> <li>*Q2 sample size: 41% of total inventory across the region (11 accommodation providers)</li> </ul>	Year	Oct	Nov	Dec	Q2 Total	2016	11,500	9,696	8,575	29,771	2017	11,837	10,355	9,754	31,946	2016 v 2017	337	659	1,179	2,175													
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2	Provide all tourism related businesses in the LGA with the opportunity for promotion	<ol style="list-style-type: none"> <li>Maintain or increase total number and/or total value of MRTI memberships</li> <li>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)</li> </ol>	<p>288 members (on par) – tier breakdown, see below \$345,693 + GST membership fees (↑12%)</p> <p><a href="#">Click here for Mudgee Region business listings page</a></p> <p><a href="#">Click here for MWRC sponsor logo</a> (footer of every page and on our new 'Our Sponsors' page)</p>																																	
<table border="1"> <thead> <tr> <th>YTD</th> <th>Platinum</th> <th>Gold</th> <th>Silver</th> <th>Copper</th> <th>Bronze</th> <th>Basic</th> <th>Friends</th> <th>Diamond Sponsors</th> <th>Ruby Sponsors</th> <th>Total Members</th> </tr> </thead> <tbody> <tr> <td>Dec-16</td> <td>17</td> <td>21</td> <td>33</td> <td>45</td> <td>72</td> <td>97</td> <td>3</td> <td>N/A</td> <td>N/A</td> <td>288</td> </tr> <tr> <td>Dec-17</td> <td>19</td> <td>30</td> <td>31</td> <td>38</td> <td>74</td> <td>88</td> <td>3</td> <td>3</td> <td>2</td> <td>288</td> </tr> </tbody> </table>			YTD	Platinum	Gold	Silver	Copper	Bronze	Basic	Friends	Diamond Sponsors	Ruby Sponsors	Total Members	Dec-16	17	21	33	45	72	97	3	N/A	N/A	288	Dec-17	19	30	31	38	74	88	3	3	2	288	
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Dec-16	17	21	33	45	72	97	3	N/A	N/A	288																										
Dec-17	19	30	31	38	74	88	3	3	2	288																										
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"> <li>Sydney Cellar Door (Feb)</li> <li>Pyrmont Food &amp; Wine Festival (May)</li> <li>Balmoral Mudgee Food &amp; Wine Festival (Aug)</li> <li>Sydney Food + Wine Show (Oct)</li> </ol>	<ul style="list-style-type: none"> <li>✓ Balmoral – August 2017</li> <li>✓ Sydney Food + Wine Show – October 2017</li> </ul>																																	

4	Provide monthly marketing communication to subscriber database, report on social media reach and website visitation statistics	<ol style="list-style-type: none"> <li>1. Annual subscriber database health check</li> <li>2. Increase subscriber's year on year</li> <li>3. Distribute monthly subscriber emails (maintain brand and membership activation integrity)</li> <li>4. Distribute weekly member newsletters</li> <li>5. Prepare monthly digital media statistics (social media + website), track trends, increase engagement and followers</li> </ol>	<p>16,660 subscribers (↑25%)</p> <p>✓ Subscriber EDM sent 12 Oct, 10 Nov &amp; 13 Dec ✓ Member News EDM sent weekly</p> <p>Unique website visitors 42,183 (on par) Unique page views 196,920 (↓7%) *Note: Let's Skip Town Campaign in market Q2 2016 and again Oct-Nov-17 (not in Dec-17), website primary call to action.</p> <p>Facebook 12,385 (↑19%) Instagram 8,130 (↑29%) Twitter 1,784 (↑11%)</p>
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)	<p>✓ NRL match digital promotion</p> <p>✓ Various promotion of in-region events across print and digital channels</p> <p>✓ PR activation plan in place</p> <p>✓ Weekly radio spot on RealFM with 'what's on' and 'what's new' coverage</p>
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"> <li>1. Review + update Mudgee Region DMP on a 3-yearly basis</li> <li>2. Develop an annual Marketing Campaign Strategy, with measurable KPIs</li> <li>3. Prepare report and meet MWRC quarterly to discuss KPI tracking and results</li> </ol>	<p>✓ DMP revision finalised, 3-year plan effective 01 Jul 2017</p> <p>✓ 2017 'Let's Skip Town' Campaign in market Oct-Nov</p> <p>✓ PR coverage of Mudgee Region:</p> <ul style="list-style-type: none"> <li>- EAV (est. advertising value): \$1,569,985</li> <li>- PRV (PR value): \$4,709,955</li> </ul> <p>✓ MWRC quarterly report completed + submitted</p>

## Key Activity

### NSW Tourism Awards

Mudgee Region Tourism announced winners in Destination Marketing and awarded Silver for Visitor Information Services. Now Finalists for Destination Marketing at the Qantas Australian Tourism Awards, winners to be announced in Perth 23 February 2018.



### Promotional Event Participation

Attended Sydney Wine Festival with double tourism stall to promote the region at Rosehill racecourse. Although the event did not attract as many festivalgoers as anticipated we had strong engagement from those who did attend - \$958 worth of local produce retail sales, 1,000 Visitor Guides distributed, and 367 festivalgoers entered our competition to win a trip to Mudgee Region increasing our subscriber database.

### Local Radio Campaign

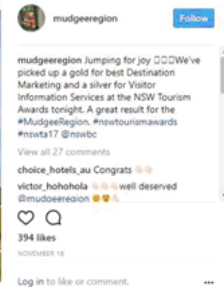
To encourage residents to purchase local goods from the Mudgee Visitor Information Centre, in the lead-up to Christmas, we prepared a local radio campaign with RealFM/2MG that went live in December. This included a paid pre-recorded advertisement targeting residents to shop local this Christmas and a weekly 'what's on' segment free of charge, aimed at encouraging residents to attend upcoming events and learn more about what is on offer across the region. An investment of \$890 resulted in \$12,697 retail sales in the month (up 49% on last year and 40% above budget).

### Social Media

We continue to see strong growth across our three social channels (up 22% overall, on our way to achieving our annual target of 25%) compared to same period last year. At the end of Q2 our total social followers are 22,299.

### 2017 Let's Skip Town Campaign

- Campaign in market throughout October and November, we will continue tracking overnight visitation to Feb-18
- Designed to drive mid-week visitation, targeting retirees, leading lifestyles and visiting friends and relatives
- Digital banner ads, native ads, social media paid + organic posts, a campaign micro-site incorporating our campaign experience themes and offers [www.mudgeedeals.com.au](http://www.mudgeedeals.com.au) directly linked to our primary site, media visits, digital and print coverage and a TV commercial appearing across the WIN Network. To view campaign TVC [click here](#)
- Strong impact on website referrals from paid social media activity, primarily triggered by competition
- Weekend Sunrise live weather cross x 6 took place 25 November (TVC featured throughout episode)
- TVC featured across WIN network (Newcastle, Wollongong, Central West + Canberra) every other week
- Hosted major 'Make it Mudgee' Media Famil with representatives from NW, The Versatile Gent, TimeOut, Mature Traveller, Yours, The Beast and Australian Traveller – famil incorporated all campaign experience themes of Food + Drink, Sports + Leisure, Arts + Culture and Our Villages
- Overnight visitation KPI (5,000) not yet met, however tracking well to achieve by Feb-18 with 3,819 incremental overnight visitors secured to date
- Social media KPI (24,000+) not yet met, with 22,299 followers secured to date
- KPI met: 15+ campaign partners, secured 28 partners with 45 offers (up 87% on KPI)
- KPI met: 15,000+ unique monthly visitors to website, achieved 16,435 (up 10% on KPI)
- KPI met: EAV \$1,260,940 (up 1,308% on KPI to date – primarily due to Weekend Sunrise coverage)
- KPI met: 15,300+ subscriber database, achieved 16,671 (up 9% on KPI)



### Gold & Silver at NSW Tourism Awards

Honor Elliott

SHARE TWEET



Mudgee Region Tourism has taken home two awards at the 2017 NSW Tourism Awards collecting Gold for Destination Marketing and Silver for Visitor Information Services.

Reflecting the outstanding success of the regions current marketing campaign, 'Let's Skip Town Together', the awards recognised Mudgee Region Tourism as being at the forefront of delivering quality products and experiences in the state.



Q2 Media Clippings – a snapshot



6 x weather crosses broadcasted live across 44 markets nationally

Reach: 2,398,000

EAV: \$762,750.64



click



MUDGEE

Wanna get away mid-week? Then the Mudgee wine region is the go. Get there in style with FlyPelican – a regional jetstream service so fancy even the Kardashians would approve! Lowe winery also has great midweek deals, where you can meet the winemaker and tour the vineyards. Check out [visitmudgeeregion.com.au](http://visitmudgeeregion.com.au).

HIGHLIGHTS

THE AUSTRALIAN

Mudgee's on a roll



There are many good reasons to visit Mudgee but I'd never have guessed uncorking the world's best sausage rolls would be among them.

On a glorious spring Saturday morning, we stroll into the Mudgee Farmers' Market in the churchyard of the stately sandstone St Mary's. The produce here is divine, and it's all local. There's a pistachio grower who sells not only nuts in various flavourings but also a delicious fig and pistachio jam. There are flower growers, chilli sauce sellers, local musicians strumming guitars and farmers in Akubras, their wives in pearls, chatting to friends.

I spot a queue forming at the Mudgee Made stand for the homemade sausage rolls. Joining them, I order the pork and fennel roll. It is unbelievably good and my wife snuffles half – she too is taken. "That is the best sausage roll I've ever eaten," I say to the woman behind the counter. "Oh, it's not a patch on the Moroccan lamb," says one. "Yeah, nah," says the other. "Moroccan is definitely better." I fish in my pocket for coins. They are right – the Moroccan lamb of Mudgee is undoubtedly the world's best sausage roll.

The night before, after a four-hour drive from Sydney, we'd sauntered into the welcoming embrace of Kim Currie's Zin House. The restaurant is 17km out of town in what is a fleshed-up old farmhouse. Little remains of the original fit-out except the vibe: it feels as though you've walked into an oversized country kitchen. Currie's stepson, Alex Lowe, is the head waiter – he's a solid young bloke who looks as though he may have spent the day digging post holes before showering and getting spruced-up for his night gig. He's friendly and knowledgeable and tells us he spent his childhood in this building. His dad is winemaker David Lowe and the restaurant sits on the family farm.

'They all love to highlight the wares of other local producers.'

The *Weekend Australian Magazine's* reviewer John Lethlean describes Zin House as "pretty much my idea of the ideal regional restaurant". And so Alex Lowe has plenty of reasons to crow and yet, like his restaurant, its food and his region, he's wonderfully unpretentious. "People don't come to Mudgee for one particular thing or one restaurant or one vineyard," he says. "They come for the whole experience." He then rattles off a list of other places we should visit and things we should do.

This, we discover, is the Mudgee way. It's a good half day's drive from Sydney and at least 90 minutes from the nearest decent-sized country town. This relative isolation has fostered a community in which people collaborate and celebrate each other's successes. They all love to highlight the wares of other local producers. It's as though the region had a tourism coach who drummed into them that to prosper they had to be a champion team, rather than a team of champions.

The Hunter Valley, another region in NSW that's celebrated for its wines, does its best to ignore the hard-scrabble coal towns that you drive through to get to the grapes. Here, the town is the jewel in the crown. If they had a country town section in that "Australia's Most Liveable Cities" palaver that Melbourne always seems to win, Mudgee would surely get the going. With 11,500 residents, it's small enough for people to know each other, but the wine industry – and the tourists and young workers it attracts – give it a sophistication and a vibrancy that many larger towns can only dream of.

Another thing: it doesn't have any big supermarket complexes on its outskirts, so shoppers are corralled into the town centre rather than into soulless malls. People sipp and chat, coffee and papers in hand. It has streets of grand old colonial buildings that give it gravitas. On this Saturday morning the town is packed and it is difficult to find a parking spot. Mudgee is pumping, and within a short drive are more than 40 cellar doors. What's not to love?

After the markets, we head off for lunch at Cellar By Gilbert, the cellar door of Gilbert Family Wines, which sits in a church-hall-like building on the edge of town. We are greeted by fifth-generation winemaker Simon Gilbert, who generously takes us through the intricacies of his superb cold climate wines. All over town we'd been hearing about his new head chef, Pip Surbak, and the incredible things she was doing with her Food Over Fire lunch. Pip is young and single and people were telling us of their attempts to find her a fella to keep her in town.

It is a worthwhile and honourable quest. We head outside to see the meal she is cooking over a fire in the garden. She's designed a contraption that so wings cast iron pots and hot plates over the coals. These are stacked with cabbages and cauliflower, pots of onions and spuds and capicunas and racks of meat – all of it locally sourced, bar the fish.

'I wake to the rumblings of a randy bull in a nearby paddock.'

You can keep your fancy restaurant degustation fluff – food, in my opinion, doesn't get any better than this. It is interesting, hearty, flavoursome and generous. The meat is crisp on the outside and succulent within. The side dishes, such as the fennel and beetroot salad and the spuds cooked in duck fat with mushrooms, are done to perfection. Eventually we roll out, full as the proverbial fat lady's shoe.

Laneway bars are all the rage, and of course they have one in Mudgee. Alby & Eithers is located in a charming 1870s terrace that opens onto a cobblestone laneway. It was originally built as a stock and station agency with a stable; these days it operates as a cafe by day and turns into a wine bar on Friday and Saturday nights. In the Mudgee way, it stocks the wines of smaller vineyards that don't have a cellar door. We taste some delicious wines and pick away at a small plate of olives, cheeses and dips.

Our digs for the night are at Peppertree Hill, a 10-minute drive out of Mudgee on a 100ha cattle farm. Our cottage is cosy and romantic, with a cast-iron wood fire that crackles through the night. In the morning I wake to what I think is the sound of a mobile phone vibrating on the bedside table – and realise it's actually the rumblings of a randy bull in a nearby paddock.

On Sunday morning we stop at Peppercorn restaurant at the Robert Sains Vineyard. This is another of Mudgee's flash eating joints and we are lucky to get a seat. The restaurant, in a building best described as shoring shed chic, looks out over a dam to the vineyards beyond. I have a mushroom and scrambled egg dish and my wife a goat's cheese tart and poached eggs – both simple and scrumptious.

From here we drive out of town to the award-winning Logan Wines. The cellar door is located in a modern glass building with arresting views of the hills across the valley. A friendly woman named Renee prays as wine and tells us how she moved from Newcastle to Mudgee a few years ago when her husband got a job in the local coal mines. She switched from hairdressing to cellar doors and raves about how much she loves living in Mudgee.

Heading back to Sydney, several kilos heavier and with a boot full of booze, we know just how the feels.

Peppertree Hill is on Henry Lawson Drive, Durandora. Cottages from \$170 (midweek) to \$200 (Friday, Saturday), a house that will sleep 11 is \$600 (weekend) to \$500 (Friday, Saturday). [peppertreehill.com.au](http://peppertreehill.com.au)

click



**TWENTY-FOUR MARVELLOUS HOURS IN MUDGEE**

Words and Pictures **The Bondi Travel Bug**

A large number of regional NSW towns are renowned for their iconic symbols and achievements. Coffs Harbour is famous for its oversized bananas, Ballina has a massive prawn, Broken Hill has a large ant, Taree is home to a gigantic guitar, Spite Milligan put Wagga Wagga "the world's only above-ground cemetery" on the map, and Wagga Wagga is renowned for the large number of high profile sportspeople it produces.

But what about Mudgee? I'll be honest this town had no idea where it was or what it was known for. That changed pretty quickly when I was invited on a 24-hour "Midweek Mudgee Getaway" to find out what the region had to offer. Mudgee is extremely popular for visitors to the Mudgee region, so in order to dispense visitors during the week, Mudgee Tourism cleverly devised Midweek Mudgee Getaways.

Mudgee is only an easy three-and-a-half-hour drive from Sydney, or, as the pelican flies, a breezy 50-minute flight from Kingsford Smith. During my whirlwind visit I discovered award-winning world class wineries, superb restaurants, and even a vintage motorcycle museum. I also got to take in a stunning aerial view of the region in a breathtaking helicopter joyride. After landing in Mudgee, we drive straight to the award-winning Robert Stein Winery & Vineyard, which is also home to the renowned Poppley Pumphouse Restaurant and the vineyard's antique motorcycle museum. We are given a short yet thorough introduction to the history of the award-winning winery, and not long after we are tucked into egg and bacon gnocchi with pipitochi pork and wild mushroom risotto, while other guests sample the delightful truffle oil scrambled eggs.

Early morning glasses of superb locally grown champagne are appreciated as we learn that most of the

produce on the menu is grown or bred on the Stein vineyard farm. We take a walk through Robert Stein's motorcycle museum after breakfast to see his collection of antique bikes, before our group of eight is split up to experience some of the activities on offer. Midweek Mudgee Getaways offer fishing, camping, golf, waterports, wine biking, and nature walks - just to mention a few of the activities that are available for visitors to experience.

Some of our group decide to play golf with the companionship of legendary television personality Ken Sutcliffe - a passionate Mudgee resident himself. The rest of the group is organised to go on trike rides, sculpture walks, nature walks, and private aerial tours, all to be finished off with vineyard visits and tastings.

Myself and a colleague decide on something a little more exciting. Straight after breakfast we hop onto a Mudgee Helicopter, and after a short flight we arrive at the restaurant, and embark on a 45-minute helicopter tour of Mudgee and its surrounding districts. Highlights of the flight on this beautiful clear spring morning include spectacular views of the vineyards, the neighbouring towns, and the sparkling cobalt blue waters of Windlassers Dam. The flight is captivating but it comes to an end all too soon as we land in the Rylstone region, one of Mudgee's closest neighbours. We visit a beautiful boutique winery, De Beaupaires Wines, renowned for producing French style wines, and are met by the owners and their daughter, who emanate a wonderful warmth and charm.

During an information session we learn that the vineyard has the same soil characteristics and weather as Burgundy, Champagne, and the Northern Rhone Valley in France, hence why these wine growing regions, in particular the De Beaupaires vineyard, are now

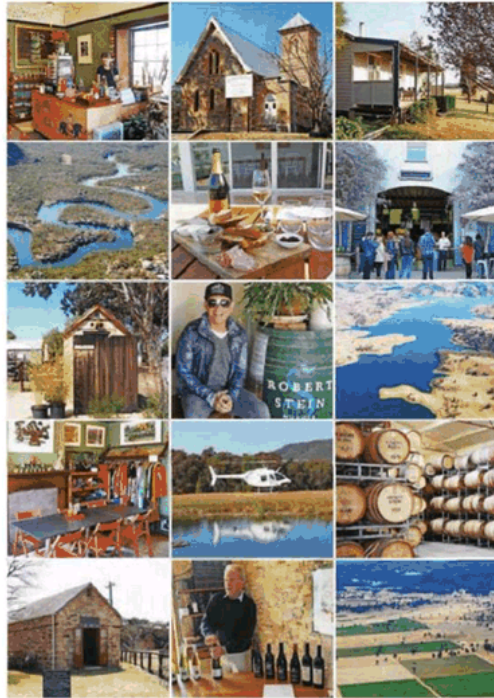
producing some of the world's finest French style wines. Between wine tastings and cheese platters, we're given a comprehensive history of De Beaupaires Wines. We learn how, due to the popularity of their product and the small quantities produced, their wines are only available at very high-end hotels.

We bid farewell to De Beaupaires Wines, along with our Mudgee helicopter, and continue our adventure by car to the little town of Rylstone, where we are hosted for lunch at a beautiful restaurant named 29 Nine 99. After lunch we attempt to shake off the 1,000 delightful donutings we've just demolished by taking a short stroll through town. Hopefully this will fire up a little wine-tasting space as our next cellar door is just around the corner, at Logan Wines.

We check into our overnight accommodation at the luxury Peppercorn Hill and freshen up before our last tasting for the day at the certified organic winery, Lowes Wines. Their tasting room is shrouded in blooming purple wineries, overlooking some of Australia's most beautiful countryside. Their award-winning Chardonnay, Pinot, and bubbles are offered up, and antique platters are served.

After the tastings we dash off to a hearty restaurant called the Zin House Restaurant, which is part of the Lowes vineyard. The dinner is delicious and, together with a selection of Lowes wines, leaves an indelible memory as we all get to reminiscence about our Midweek Mudgee Getaway.

**Mudgee Tourism**  
www.visitmudgee.com.au  
**Mudgee Helicopter**  
www.mudgeehelicopter.com  
**Poppley Pump**  
www.poppleypump.com.au  
**Where to stay**  
www.peppercornhill.com.au

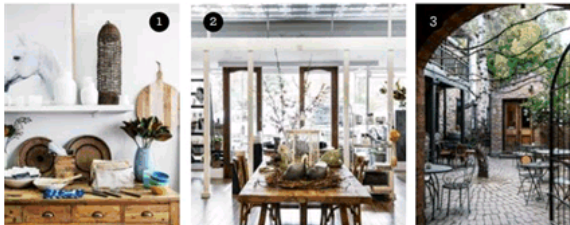


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**THE EDIT**

**PRECINCT: MUDGEE, NSW**

WE VISIT AUSTRALIA'S MUST-VISIT SHOPPING DESTINATIONS AND UNCOVER THEIR HIDDEN GEMS  
WORDS: CHRISYAL GLASSMAN PHOTOGRAPHY: BRIGID ANKNOT



**STOP 1 | Juliet Haralaty**  
For owner Julie, creating lovely spaces in her own home is the inspiration behind her eponymous store. With her love of all things natural, classic and timeless, Juliet chooses pieces that would complement any interior, a philosophy reflected in the pieces and brands she has chosen to stock. Annelida & Co, Walter G, Trille Home and Whisk Wine. Not only does Juliet showcase beautiful homewares, she also has gorgeous fashion pieces and shelves dedicated to lovely smelling hand soaps and creams. **Must-haves:** Mouthwash-House 'Dessedly Rich' everyday hand cream in Original Fig \$30/\$50ml, 'Zinnia' tabletop set in Natural, \$149/45cl of G. Annelida & Co. Usebama paper bags, from \$25. **Vault 86 Church Street, (02) 4272 2223. Open: Mon-Fri, 9.30am-5pm; Sat-Sun, 9.30am-1.30pm. Bookmark:** julietharalaty.com.

**STOP 2 | Cedar Cicada**  
When qualified visual merchandiser and interior stylist Lucy Thorne wanted to open a homewares store in Mudgee, finding a suitable space was at the forefront of her mind. "I was travelling in Europe when the shop space came up for lease," says Lucy. "When I arrived to look at it, there was no going back!" In November 2015, Cedar Cicada was born. "The shop is broken into sections - bedding, bathroom and body, kitchen and dining and gardening," explains Lucy, who will only display what she would display in her own home. "My guidelines when buying are that I'm always drawn to aesthetics first, but unless the quality is spot on, I won't buy it for the shop." **Must-haves:** Scotch Tissue Photography, from \$150. **Vault 26 Church Street, (02) 4271 2210. Open: Mon-Fri, 10am-5pm; Sat, 9.30am-1.30pm; Sun, closed. Bookmark:** leetook.com/CedarCicada or cedarcicada.com.au.



**STOP 3 | Ally & Esther**  
Stine being a stock station and agent in the late 19th century, this stone terrace has been through many incarnations. Now, it's a one-of-a-kind coffee house and wine bar. When owner Leigh Sargent took it over a year ago, she was keen to keep the name of the business, as it was tied to the previous owners' grandmothers. "My grandmothers were called Thelma and Jim, which didn't really have the same ring to it," says Leigh. Customers can enjoy an all-day menu - with daily specials - or a glass of wine from one of the local wineries, while sitting under a canopy of vines in the cobble courtyard. **Must-haves:** Our Famous Jaffa! - smoked ham, egg and cheese with house-made relish, \$10. **Logan Vintage '91' curvie 2013, \$12/45cl. Vault 1041/47, 61 Market Street, (02) 4271 1255. Open: Mon-Thurs, 8am-5pm; Fri-Sat, 8am-10pm. Bookmark:** allyandesther.com.au.

**STOP 4 | Whatever**  
Set in a picturesque blue-and-white cottage off the main shopping hub is this hidden gem, where you'll find something for everyone. "I couldn't count the number of times customers come in and say, 'We need a present and I know we would find it here'," says owner Brooke Ellery, who prides herself on supplying beautiful and unique but affordable items. "I truly believe if you provide products at a great price and customers get to touch and feel them, you will win their hearts." With items from a \$5 soap through to a \$2000 Elma table, you'll be hard-pressed to leave this treasure trove empty handed. **Must-haves:** Palm Beach candles and diffusers, \$40 each. Gory regular candles, \$59. **Vault: 48A Market Street, (02) 4272 6027. Open: Mon-Fri, 10am-5pm; Sat, 10am-3pm; Sun, 10am-3pm. Bookmark:** whatevermudgee.com.au.

**STOP 5 | Leif Furniture & Other Things**  
Jasmine Guldgen has tried her hand at many careers, but it wasn't until she decided on a return to Mudgee, where she grew up, that she found her true calling. With an enduring interest in homewares, she started working at Leif Furniture & Other Things, but when owner Kellie wanted to sell up, Jasmine knew she wanted to take over. "I went to my husband, Mark, and said 'We need to buy it,'" she says. Jasmine became the proud new owner in October 2015. The store is a fabulous collection of Leif Furniture and supplies such as Cultures, Pony Rider and Alloy Trade, all curated with the Australian lifestyle in mind. **Must-haves:** Meraboo my candles, \$25. Leif Furniture timber console table, \$520. **Vault: 12 Lewis Street, (02) 4271 4111. Open: Mon and Wed, 9.30am-4pm; Tues closed; Sat, 9.30am-2pm; Sunday, 10am-2pm. Bookmark:** leifmudgee.com/LeifMudgee.

**WHILE YOU'RE THERE**

Staying overnight? Base yourself at Exquisite Living Boutique Accommodation and book one of their beautiful open-plan cottages overlooking the perfect vineyard. A 10-minute drive from Mudgee town center takes you to Lower Murrumbidgee, where you can taste fantastic drops while taking in the stunning views of the vineyards. **Exquisite Living Boutique Accommodation:** www.exquisite.com.au. Head next door to The Zin House and enjoy a tasting menu based on seasonal produce. **Exquisite Living Boutique Accommodation:** www.exquisite.com.au. For something a little more rustic, The Cedar By Cedar Forest Family Wood offers a delicious breakfast platter and a lovely variety of wines. **Exquisite Living Boutique Accommodation:** www.exquisite.com.au. In town, grab a handcrafted coffee by Vanabon Road Roasters at Warburton, while sipping on some Warwick Reserve. **Exquisite Living Boutique Accommodation:** www.exquisite.com.au. On the way back to Sydney, swing by Rylstone for a look at the town's finest shops and enjoy tea and donutings at 29 Nine 99 - Yum On And The Honey Biscuits. **Exquisite Living Boutique Accommodation:** www.exquisite.com.au/29nine99yummy.



ABOUT | ROAD TRIPS | AUSTRALIAN EXPERIENCES | PLANNING A TRIP TO JAPAN

BY ANNE SUTHERLAND SMITH / AUSTRALIAN EXPERIENCES

### TRAVEL HIGHLIGHTS OF MUDGEE, AUSTRALIA

When was the last time you did something genuinely interesting with your weekend? Something you were nonchalantly smug about when asked at work the following Monday? Chances are it has been a while. Chances are, you've had a plethora of soirees to attend this year and the weekend escape has been as elusive as it was the year before. Ironically Sydney folk spend their lives looking for activities to fill their weekends, but rarely commit to a trip away, with distance and cost playing significant parts in their decision. So what if I debunked the distance and the cost concerns by informing you that you could get to Mudgee this weekend on a 50min flight for roughly \$99. Is that something you might be interested in? I certainly was, so I jumped on a midweek *Fly Pelicans* flight from Sydney for a rapid 24 hours in one of NSW's most underrated regions.



W e recently had the opportunity to briefly visit the well-known Mudgee wine and gourmet food region. Mudgee is too far to visit as a day trip from Sydney, but is an excellent weekend destination.



The road direct from Lithgow to Mudgee is a pleasant drive through undulating green countryside. We enjoyed passing through tiny communities such as Ellard where there were many interesting historic buildings. An unexpected discovery was the



ABOUT ANNE



One destination, three ways: Mudgee — Book in for bubbles at Burnbrae Wines.

## One destination, three ways: Mudgee

Edited By Jessica Prince-Montague

October 15, 2017 12:00am

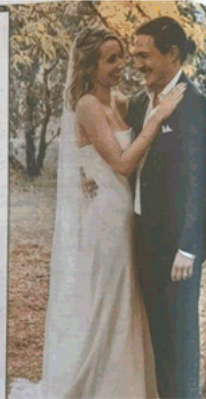


FOLLOW the Cobb & Co heritage trail to NSW's Central Tablelands, where country

charm meets culinary sophistication. Locals continue to revitalise this picturesque valley, which takes its name from the Indigenous phrase for "nest in the hills".

### Beers, tears and cheers

A former Premier's grand daughter has been named as the bride for the week's wedding. Anne Sutherland Smith reports from Mudgee, NSW, on the joyous occasion of a wedding in the heart of the wine and gourmet food region.



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### #GIRLSONFIRE: DO YOU HAVE WHAT IT TAKES TO RUN A VINEYARD?



d. delicious.team delicious.team

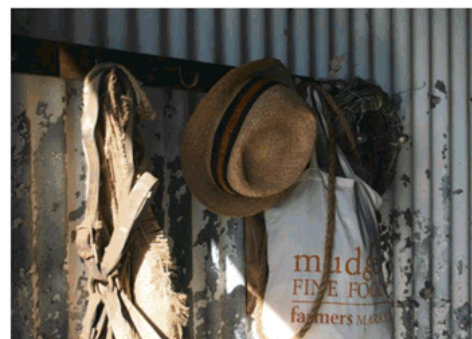
Oct 26, 2017

Trine Gay of Burnbrae talks life with vines.



HOME ABOUT FAMILY TRAVEL PLANNING SERVICE

Mudgee Region, NSW, Australia



The World And November 1, 2017 / No Comments

As we hit the dirt road and with a trail of dust behind us, I turned to the girls and said "Welcome to the country. This sure isn't the city anymore!" We pulled up to the farm gates

### A guide to Mudgee



**Eating and Drinking**

If you only ever see honey used in Mudgee, do it at the **Box House**, an elegant restaurant on the Lower Riverbank that serves a fine menu, and Or get honey meals from locally sourced, seasonal ingredients. But skip a bit, the west-facing porch of the terrace gets stunning sunsets – a perfect accompaniment to a wine-soaked evening on the job as it is a wonderful end to a week's, fruitful days of organic, outdoor.

The **Pipevine Pumphouse** on Inland Drive is vibrant and take care of your sparkling breakfast needs. Their breakfasts go with heritage hams in local flavours.

For something simple, **Ally and Esther** right in town does a \$12 all day offer that can undo the results of even the most vigorous wine tasting session. Or, for hand-made dumplings, go to the sandy town of **Hyattsville** and visit **Shikhar's Tuck Shop** – **The House** where owner the Last Foods each topped with chocolate sauce.

### Make It a mid-week break

Mudgee region has some pretty sweet specials and packages if you travel mid-week. You can check them out about [Essence Mudgee's website](#).



**Photograph: Supplied**

Mudgee comes from the Wiradjuri word 'Mooch' which means, essentially, 'Here, is the Hill'. Flying in you can see the hills in this region. Mudgee is a valley surrounded by gently curved peaks. It has a climate several degrees warmer than the surrounding high country, which, along with sandy loam soil, makes the area attractive to viticulturists.

Wine, and the accompanying fresh produce of a fertile wine country, are the most obvious drawcards of the region. But you'll also find national parks, heritage villages and artistic towns in these hills, alongside some truly excellent accommodation options.

Want more travel inspiration? Check out the best glamping spots near Sydney. Or visit one of the best hotels in Brisbane or take a weekend getaway near Sydney for under \$100.



**ENJOY THE GRAPE ESCAPE**

**BERNIEA GORTON**

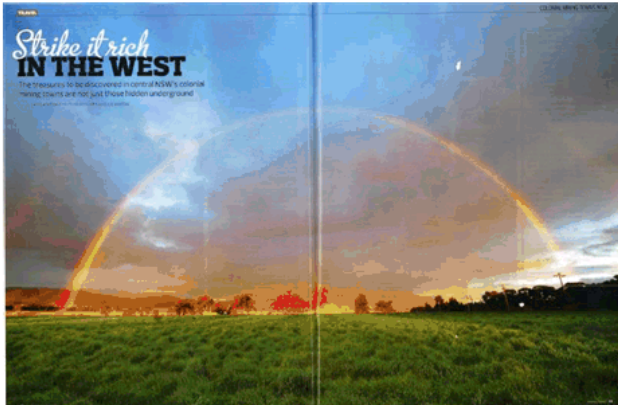
With the nationally loved Christmas party season getting into full swing, people are being urged to go organic if they want to make up with a festive feast.

Organic wines are usually less on higher shelves, one of the additional costs to produce the drink. From cultivation and harvest, through to bottling and distribution, organic wine is more expensive than conventional wine. But the quality is superior, and the health benefits are undeniable.

Mudgee's own Summit 35, said the wine is organic, and the health benefits are undeniable.

The house organics wine is made from 100 per cent organic grapes, and the health benefits are undeniable.

Summit 35, said the wine is organic, and the health benefits are undeniable.




**Those in the know believe a great deal of Mudgee's riches remain under the town.**

Most organic wineries and vineyards in Mudgee are family owned. The region is known for its high quality wine and its scenic views. The Mudgee region is a beautiful area with a rich history and a vibrant wine culture.

## The best wineries to visit in Mudgee

From organic vineyards to architectural cellar doors, here are the Mudgee wineries you need to visit



Mudgee's wineries are the region's biggest drawcard. Most are family owned, and many have been scoring big at wine awards. Whether you're motivated by cellar-door snacking, finding a preservative-free drop that doesn't compromise on taste, or you're just after a truly impressive view – the area has you covered.

Ben, who runs the Mudgee Tourist Bus and has been taking people around the region for over a decade, says six is the magic number when it comes to winery touring: "it's the most you should try to fit in." That's why we've picked six of the best – hit them all in one day, or take it easy with 48 hours of winery touring.

When you're done with the grapes, enjoy the rest of the area's charm with our guide to [Mudgee accommodation, restaurants and things to do](#).

Want more wine country? Here are the [best wineries in the Hunter Valley](#). Or get more travel inspiration with [short weekend getaways from Sydney](#).

## Take a tour of these Mudgee wineries



### 1 Low Wines

**The cellar door:** It has an old fashioned country feel, with giant wisteria tree climbing over the tasting patio.

**Order the:** Low alcohol, sparkling baby pink Jodie Wilbertree. It looks like it should be sickeningly sweet – but it's actually crisp and drinkable. Or, if you're a red fan, the organic, sulphate free PF500 Red, which is juicy and very good value.

**Snack on:** Local produce, like Leaning Oak goat's feta in a basil pesto.

[READ MORE](#)



### 2 Logan Wines

**The cellar door:** It's a post-modern marvel with absolute glass frontage overlooking the sloping hills.

**Order the:** Ridge of Tears shiraz – they make two versions, one in Orange and one in Mudgee. The Mudgee drop is a little smoother and lighter – but each is very characteristic of the area it was grown in.

**Snack on:** Freshly baked carrot cake from a local pastry chef.

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# NSW Tourism MP: 'Success breeds success' Baker Williams draw a Wildcard winner

Honor Elliott

News

Honor Elliott

News

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NSW Tourism Minister Adam Marshall (left) visited Mudgee's Sierra Escape on Tuesday to announce state government funding.

NSW Tourism Minister Adam Marshall has described the Mid-Western region as a 'hot spot' for visitors.

The state MP spent the day in Mudgee and Gulgong on Tuesday, with member for Dubbo Troy Grant, to announce a funding boost for a glamping operator and to tour the currently under construction Holtermann Museum.

"This region is really powering ahead in terms of tourism," Mr Marshall said. "The numbers are reflecting that there's a good feed and success breeds success."

After touring Gulgong's Holtermann Museum, Mr Marshall described the progress as 'fabulous'.

"I've been through Gulgong a few times over the last 10 years and it's like a living, breathing museum," he said. "The community is magnificent, you don't see this very often, where so many of those period buildings still remain and many are being cared for, but this particular project is something that I've not seen before, it's impressive."



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ON TO A WINNER: Helen and Nathan Williams with the malt and wine spirit called Wildcard. Photo: Honor Elliott

Nathan Williams is the first to admit a mistake, a mistake that he and wife Helen have turned into a winning hand.

The Baker Williams Distillery owners have just released an alcoholic mix of malt and wine spirit that has a healthy dose of serendipity.

"We'd actually made a bit of a blunder in mixing the two different types of spirit – it sat around in a holding vessel for about twelve months at which was going to turn this batch into a neutral liquor base but an a bit of a

The Front Desig Find Clut Provi enviv Guest Tire Call Roac Eng Mass Doo

**FEELS LIKE home**

Food, wine, wildlife and nature – all in high demand for visitors to the New South Wales towns of Mudgee and, luckily, in ample supply at Cangini farmstay.

Stony Middlefile Winery



**A PRODIGIOUS FEELING**

The site has been meticulously landscaped to provide a relaxing and refreshing environment for guests. The site is surrounded by native bush and offers a peaceful and relaxing atmosphere. The site is also surrounded by native bush and offers a peaceful and relaxing atmosphere.



### CHERRY PICKING

Our most recent fruit picking fun and one which is prime for the season was cherries at the Roth Family Orchard in Mudgee. Whilst this is slightly further out of Sydney and not really day trip status, Mudgee makes for a great weekend for families and couples. There are actually plenty more cherry farms with 'pick your own' options signed with paint on a big piece of wood on the side of the road so keep your eye out, but Roth's was the divine orchard we attended. Cherries were AMAZING.



**50 TOP WINE EXPERIENCES**

The best of wine experiences from across the region.



**43 Must Do Mudgee**

West, beyond the rugged escarpments and rolling hills of the Great Dividing Range lies the birthplace of bush poet, Henry Lawson, and a wine trail that features some of Australia's best alternative wines and winemaking. There's plenty of places to recommend, but *GTWIF* suggests beginning at *Loose Wines* to taste their award-winning pinot, then take in the view (and the wind) at *Legans*, before stopping for lunch (and more wine) at *The Cellar by Gilbert* where, head chef *Pip Sumbak* cooks local and seasonal produce over hot, smouldering coals as part of her 'Food over Fire' menu. **DANIEL HOBAN**

**TIP: Go in late September when the Food & Wine Festival takes place in the main street, to see, smell and taste even more of Mudgee, all in one spot.**

**LET'S SPEND A DAY IN MUDGEE**

Let's go spend a day in Mudgee!

You know, Mudgee. Inland a bit from Sydney. When I say a bit, I mean about 3 and a half hours – but you know, I'm learning that's nothing in Australia.

Anyway, you'll love it there. It's got loads of cool old buildings...

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BY PAUL CLARKE / DESTINATIONS: WINE + BEER / NOVEMBER 20, 2017 / PHOTO COURTESY OF MUDGEE REGION TOURISM  
**MUDGEE: AUSTRALIA'S BEST-KEPT WINE SECRET**



David Lowe Winery is one of the prominent vineyards in Mudgee.

"People ask if we're a kangaroo farm," says Jacob Stein, looking down into the vineyards his grandfather first planted in 1975, where mobs of kangaroo sometimes venture at dusk to nibble



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HIGHLIGHTS

Mudgee Guardian

**Best in NSW: Finalists in tourism awards**



Three Mudgee region tourism operators have been announced as finalists in the 2017 NSW Tourism Awards.  
 Mudgee Region Tourism will again contest the Destination Marketing category after taking out the 2016 gold award earlier this year. The current marketing campaign, 'Let's Dig Deep Together' has been recognised for being at the forefront of delivering quality products and experiences, competing against Discover Ballarat and 5 weekends and Wild About Wharfedale for the Destination Marketing award.  
 Three Mudgee region tourism operators have been announced as finalists in the 2017 NSW Tourism Awards.  
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The region's tourism group has also been named as a finalist in the Visitor Satisfaction Services category.  
 Mudgee Region Tourism CEO Cara George said it has already been a great year of wins for the region.  
 "It's really rewarding that we're doing a great job of sharing the beauty our region has to offer," she said.  
 Although Mudgee is a finalist in the Self-Catered Accommodation category and Sierra Escape for New Tourism Business. Category winners will be announced at the Presentation Night on Thursday, November 16 in Sydney.

klick

**Digging the dirt on Mudgee / Unearthing Mudgee**



Anything but a rural backwater, the agricultural region of Mudgee in NSW is coming alive through quality produce, gorgeous scenery, innovative tourism and some highly unusual characters. As Roderick Eime discovers

Kirsty Stokes gives me that double-dare stare as she holds the flagon, poised in anticipation, over the vintage vegemite glass, already primed with terrified ice cubes. The glass vessel contains a proprietary cocktail called 10/80 and patrons are limited to just two in any single visit.

"10/80 is fox poison isn't it?" I meekly enquire.

"Yes it is," replies Kirsty, her eyes widening for theatrical effect. "It's a secret recipe known only to the owner of Roth's Wine Bar. It's got some white wine, a fortified wine and ... maybe something else." The dim lighting and speakeasy-style décor adds considerably to the beverage's mystique.

Historic Roth's Wine Bar in centrally located Market Street has been a part of Mudgee's playful underbelly since 1923. The once nefarious establishment still holds what is possibly the last Governor's Liquor licence, an anachronistic certification at the pleasure of the Crown. Founding proprietor, Bob Roth, quickly found a niche market and expanded his offering to include rooms by the hour.



Lowe Platter

Nowadays heritage-listed Roth's is a quaint novelty, yet great fun and a perfect place to wind down with live music and a cocktail after dinner before you catch a cab back to your hotel or walk.

Mudgee fairly bustles on the weekend with an almost carnival atmosphere. There are two farmers' and artisans' markets smack in the middle of town where delicious pickles, pastos and pastes congregate on festooned trestles while minstrels strum tunes and wide-eyed children attack lollypops.

If time is your friend, make Mudgee a mid-week mission and enjoy the quieter times and some special deals from the airline, Fly Pelican, as well as numerous



Foppertree Hill

If you're lucky enough to catch David Lowe at his winery at 327 Tinija Lane, ask him about his hilarious wine tasting adventures with his Japanese clients. When you've finished rolling on the floor, take home one of his 500ml hangover-free, organic varietals or stay for gourmet dinner at Kim Currie's The Zin House on the same property.

The region's unique climatic conditions allow an enormous variety of grapes to be grown. Unusual names such as barbera, vognier and sangiovese sit beside the more familiar shiraz, cabernet sauvignon and merlot. Even so, the common reds exhibit their own 'island' character which award-winning Burramago winemaker, Robert Black, attributes to 'slippery tannins'. A term I'm still getting used to.



Desert War at Goose Park Wines

Surrounding the markets are a bevy of satellite businesses serving the resurgent community with lively and creative offerings like the hip and offbeat Butcher Shop Café, Aaron Cole's epicurean Market Street Café or Juliet Horsley's recycled timber lamps and leather goods.

But let's not ignore the real reason we're here. The Mudgee region has some of the of the best cellar doors in the country. That's a big call for sure, but after jostling for a berth at the tasting benches of Robert Oatley, Burramago, Optimise, David Lowe, Stinson and Robert Stein it's clear we're going to need another weekend to tick all the boxes on the Mudgee District wine circuit.

**Wollemi National Park**

Less than a day's drive from Sydney, the Wollemi National Park is a World Heritage site containing spectacular scenery, ancient Aboriginal rock art and plenty of interesting wildlife.



A panoramic view over the middle section of the waterway between the day visitors' area and Kandos Weir. © Nicholas Brown.

HIGHLIGHTS



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VIEWS ON THE VINE WITH PETER CHAPMAN PETERCHAPMANPW@GMAIL.COM

Jacob Stein judged Mudgee Winemaker of the Year for 2017

It WAS fitting that a descendant from one of Mudgee's original wineries took out the inaugural Winemaker of the Year award at the 66th annual Mudgee Wine Show Jacob Stein (pictured) lifted the trophy, copping a big night for Robert Stein Wines.

Judges Mike DeGaris, Sue Hooper and Stephen Doyle were unanimous in voting the show as one of the best ever held in regards to numbers and quality.

This year 340 entries were judged over the three days. Of these entries, there were 203 medals awarded, including 12 Top Gold, 28 Gold, 50 Silver and 13 bronze medals.

The judges also noted the strength of wines in the racing classes.

"The winemakers are paying detailed attention to their winemaking with very well grown fruit. It revealed a hallmark of the region that these wines can age so gracefully. Westcourt Wines, Robert Stein, Murrumbidgee and Lower are all championing the variety with fantastic results," Judge DeGaris said.

In the red wine class, Mudgee's Stein continued to shine with the 2016 Harrington Estate Special Reserve being one of the top scoring wines of the show.

2016 Special Reserve Shiraz  
 Wine Show Most Successful Exhibitor: Robert Stein Winery  
 The Olive Sabatucci Memorial Trophy For The Best Cabernet: Naked Lady Wines 2016 Cabernet Sauvignon  
 Best Red Wine of The Show: Lory Oak Vineyard 2017 Riesling  
 Most Outstanding Fortified Wine of Show: Harrington Estate 2014 Vintage Fortified Shiraz  
 Best Mudgee Classic Blend of Show: Harrington Estate 2016 Cabernet Sauvignon Shiraz



**The 2017 Mudgee Wine Show Trophy winners included:**

- The Champion Wine of Show: Westcourt Wines 2016 Riesling
- Most Outstanding White Wine of Show: Westcourt Wines 2016 Riesling
- Most Outstanding Red Wine of Show: Harrington Estate



UNTIL OCTOBER 2  
**Mudgee Food & Wine Festival**

Various locations, Mudgee, NSW

A range of great events will be staged during this festival, from tastings and dinners to live music and tours. Key celebrations include Go Grazing and Flavours of Mudgee, with each participating winery also hosting its own series of events.



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stellar

ONE DESTINATION, THREE WAYS...

**MUDGEE**

Meander around this historic wine region

Follow the Cobb & Co heritage trail to NSW's Central Tablelands, where country charm meets culinary sophistication. Locals continue to revitalise this picturesque valley, which takes its name from the Indigenous phrase for "nest in the hills".

**MINTED**

City slickers looking for a rural weekend getaway will love how the beauty of the Mudgee landscape is matched by both heritage character and stunning modern design.



**BLUE WREN** winery not only has the only regional chardonnai experience, but also the show-stopping Wisteria Hall and its million hanging blooms. [bluewrenwines.com.au](http://bluewrenwines.com.au)



Enjoy modern country elegance at **THE PARKVIEW HOTEL**, a new seven-room historic conversion in the town centre. From \$190 per night. [parkviewhotelmudgee.com.au](http://parkviewhotelmudgee.com.au)

**MID**

Eating under the open skies is one of Mudgee's great pleasures. Locals toast the day in their akubras with plenty of rosé, live music, children running around and regular culinary rituals - all part of the region's gentle weekly rhythm.



Learn about cool-climate wines. In a masterclass at **THE CELLAR BY GILBERT** (\$45), or try Food Over Fire every Saturday, where dinner is cooked outside over hot coals (\$70). [gilbertfamilywines.com.au](http://gilbertfamilywines.com.au)



Book in for bubbles at **BURNBAAE**. Sample the natural sweetness of a fizzy 2017 Roub Balla Moscato (\$20 per bottle) and delicious homemade pizza. [burnbaewines.com.au](http://burnbaewines.com.au)

**MODEST**

Let the stunning heritage streets, quaint boutique shops and slow pace of village life cast a sleepy spell as you explore Mudgee's squares and steeples. Be sure to stop in at the Oriental Hotel, which has traded since 1876.



Take a **COUNTRY DRIVE** and follow the trail that showcases a local culture of multi-generational winemakers and 40 family-owned cellar doors. Don't miss pretty rural villages like Rylstone and Gulugong.



**THE DRIP** is an Eden-like gorge, dotted with ferns and overlooked by a sandstone cliff that doubles as one of NSW's most beautiful bushwalks - 40 minutes and kid-friendly.

**TRAVEL NOTES**

Mudgee's wine scene is not the only pride and joy of the town - there are no traffic lights in the area. It's a point of difference locals are proud to point out and make for a more leisurely journey when visiting the region. [www.mudgeeregion.com.au](http://www.mudgeeregion.com.au)

Don't leave home without...

- BOISE** SoundLink Micro Bluetooth speaker, \$169.95, [bose.com.au](http://bose.com.au)
- SHORT SHEEP** 2015 Shiraz Rosé \$24, [shortsheep.com.au](http://shortsheep.com.au)
- RAYBAN** sunglasses, \$335, [rayban.com.au](http://rayban.com.au)
- ASOS** boot, \$120, [asos.com.au](http://asos.com.au)
- SEBID HERITAGE** dress, \$230, [sebidheritage.com](http://sebidheritage.com)

TRAIL: GREG BELL; BOISE: BOISE; RAYBAN: RAYBAN; ASOS: ASOS; SEBID: SEBID; DRIP: DRIP; BURNBAAE: BURNBAAE; BLUE WREN: BLUE WREN; PARKVIEW: PARKVIEW

click

## Treasurer's Report

### 1. Nature of Report

- a. This is the financial report for the second quarter of the MRTI 2017-18 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 December 31<sup>st</sup> 2017.

### 2. Accounting Conventions

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

### Overall Result

- a. Operating Profit \$38K, \$50K below budget (Let's Skip Town Campaign not included in original budget, reforecast budget in place from Jan-18).

### 3. Trading Income

Retail trading income at end of Q2 \$7.9K above budget (18%). Ticket Sales Commission behind budget \$9K (-59%) due to lack of contracted events in region. Membership income ahead of budget \$10.7K (3%) with new full time Partnership + Events Coordinator from 31 Oct.

### 4. Total Income

Overall income ahead of budget by \$9.6K, total cost of sales over by \$5.4K, resulting in Gross Profit \$4.1K ahead of budget.

### 5. Total Expenses

Total expenses \$54K over budget, due to unbudgeted campaign activity using term deposit savings.

- a. The organisation continues to be under financial control.

### 6. Cash Funds

At the end of Q2 of the 2017-18 Financial Year cash is the primary current asset \$103,682.

### 7. Balance Sheet

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

**Mudgee Region Tourism Incorporated**  
**Balance Sheet as of December 2017**

Balance Sheet — Mudgee Region Tourism Inc	
Dec 2017	Dec 2017
<b>Asset</b>	
Current Assets	118,969
Cash on Hand	103,682
Visa Debit Cards	839
Debtors	5,634
Stock on Hand	6,389
Prepayments	2,424
Non-Current Assets	77,119
Motor Vehicle (Nett)	52,683
Office Furn & Equip (Nett)	7,667
Intangible Assets	16,770
<b>Total Asset</b>	<b>196,088</b>
<b>Liability</b>	
Current Liabilities	128,776
Trade Creditors	36,300
Sundry Creditors	11
Accruals	12,098
Chattel Mortgage (current)	55,403
GST Liabilities	(4,712)
Payroll Liabilities	29,677
Ticket Sales	1,003
Seat Advisor EFT	1,034
Countrylink Tickets	(31)
<b>Total Liability</b>	<b>129,779</b>
<b>Net Assets</b>	<b>66,310</b>
<b>Equity</b>	
Retained Earnings	28,464
Current Earnings	37,846
<b>Total Equity</b>	<b>66,310</b>

## Mudgee Region Tourism Incorporated Profit + Loss (Budget Analysis) July through December 2017

Full Year Budget Analysis — Mudgee Region Tourism Inc					
Jul 2017 - Dec 2017					
	Actuals	Budget	Variance (\$)	Variance (%)	Full Financial Year Budget Jul 2017 - Jun 2018
<b>Income</b>					
Retail Sales	51,591	43,695	7,896	18%	76,000
Ticket Sales Income	6,420	15,591	(9,171)	(59%)	24,800
Membership Income	345,693	335,000	10,693	3%	345,000
Booking Agency Fees	410	100	310	310%	200
MWRC Contract	273,000	273,000	0	0%	471,000
Interest Received	495	627	(132)	(21%)	1,500
<b>Total Income</b>	<b>677,609</b>	<b>668,013</b>	<b>9,596</b>	<b>1%</b>	<b>918,500</b>
<b>Cost of Sales</b>					
COGS Retail	33,060	27,804	(5,256)	(19%)	45,000
COGS Ticketing	511	340	(171)	(50%)	2,250
<b>Total Cost of Sales</b>	<b>33,571</b>	<b>28,143</b>	<b>(5,427)</b>	<b>(19%)</b>	<b>47,250</b>
<b>Gross Profit</b>	<b>644,038</b>	<b>639,869</b>	<b>4,169</b>	<b>1%</b>	<b>871,250</b>
<b>Expense</b>					
Advertising	2,787	2,047	(740)	(36%)	2,500
Audit Fees	2,250	2,132	(118)	(6%)	4,500
Bank Charges	33	46	12	27%	50
Bank Charges - Merchant	1,222	750	(472)	(63%)	1,472
Cleaning	1,378	1,109	(269)	(24%)	2,200
Computer Expenses	3,129	2,573	(556)	(22%)	5,500
Depreciation	10,661	10,550	(111)	(1%)	21,100
Electricity	2,169	1,298	(871)	(67%)	2,600
Visitors Centre Costs	45	1,492	1,447	97%	2,000
Insurance	1,453	1,045	(408)	(39%)	2,800
Insurance - Workers Comp	532	1,501	969	65%	2,500
Motor Vehicle Running	3,493	4,338	845	19%	7,500
MV Interest	1,347	957	(390)	(41%)	1,775
Loss on Disposal of MV	10,530	0	(10,530)	N/A	0
Office Supplies	128	275	147	54%	550
General Postage	8	235	227	96%	470
Member Expenses	2,302	410	(1,892)	(461%)	820
Printing & Stationery	2,236	1,850	(386)	(21%)	3,700
Professional Fees	2,870	3,925	1,055	27%	5,050
Rent Mudgee Visitors Centre	955	465	(490)	(105%)	465
Gulgong Visitors Centre	60	500	440	88%	500
Rylstone/Kandos running costs	4	500	496	99%	500
Repairs & Maintenance	709	850	141	17%	1,700
Staff Amenities & Ent	2,270	1,250	(1,020)	(82%)	2,500
Board Meeting Expenses	268	100	(168)	(168%)	200
Subscriptions & Memberships	2,428	2,130	(298)	(14%)	2,130
Sundry Expenses	725	1,000	275	28%	2,000
Security	356	400	44	11%	800
Telephone, Fax & Internet	3,214	3,916	702	18%	7,500
Travel Expenses	110	250	140	56%	500
Website Expenses	4,721	3,006	(1,715)	(57%)	6,000
Visitor Guide Exp	107,791	103,809	(3,982)	(4%)	110,185
Wages and Salaries	215,660	217,048	1,389	1%	432,219
Fringe Benefits Tax	2,625	3,000	375	13%	6,000
Regional Marketing Expenditure	215,724	176,987	(38,736)	(22%)	230,964
<b>Total Expense</b>	<b>606,192</b>	<b>551,744</b>	<b>(54,449)</b>	<b>(10%)</b>	<b>871,250</b>
<b>Operating Profit</b>	<b>37,846</b>	<b>88,126</b>	<b>(50,280)</b>	<b>(57%)</b>	<b>0</b>
<b>Net Profit</b>	<b>37,846</b>	<b>88,126</b>	<b>(50,280)</b>	<b>(57%)</b>	<b>0</b>

## Item 8: Development

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### 8.1 MA0002/2017 - Modification to DA0330/2012 - Bylong Quarry Expansion and Concrete Batch Plant - 8346 Bylong Valley Way, Bylong

REPORT BY THE MANAGER, STATUTORY PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, MA0002/2017

#### RECOMMENDATION

##### That Council:

- A. **receive the report by the Manager, Statutory Planning on the MA0002/2017 - Modification to DA0330/2012 - Bylong Quarry Expansion and Concrete Batch Plant - 8346 Bylong Valley Way, Bylong;**
- B. **approve MA0002/2017 - Modification to DA0330/2012 - Bylong Quarry Expansion and Concrete Batch Plant - 8346 Bylong Valley Way, Bylong, subject to the conditions of consent provided in Attachment 1, noting the addition of Condition 1a and the amendment to Condition 96 as follows:**

Condition (1a): All previous consents relating to the quarry operation are to be surrendered in accordance with clause 97 of the *Environmental Planning & Assessment Regulation 2000* within 1 month from the date of issue of the modified consent MA0002/2017.

#### **[NEW CONDITION MA0002/2017]**

Condition (96): The applicant shall be required to contribute toward the routine maintenance provided by Council on the sections of public road under the control of Mid-Western Regional Council and used by haulage operations relating to the development.

In accordance with the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, contributions will be required to be paid on a monthly basis to Council for each tonne of material leaving the site by road transport - levied at \$0 per tonne for the first 15,000 tonnes and \$0.95 per tonne thereafter. This levy applies to both the Basalt and Sandstone materials.

Council may at any time request the production of records from the applicant to verify haulage quantities. The rate of contribution shall be subject to annual adjustment in accordance with the Consumer Price Index. These adjustments will be effective from 1 July each year.

#### **[AMENDED CONDITION MA0002/2017]**

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## Executive summary

OWNER/S	Brian & Robert Murdoch
APPLICANT:	Atlas Environmental & Planning
PROPERTY DESCRIPTION	8346 Bylong Valley Way, Bylong
PROPOSED DEVELOPMENT	Bylong Quarry Expansion & Concrete Batching Plant
ESTIMATED COST OF DEVELOPMENT:	N/A
REASON FOR REPORTING TO COUNCIL:	Variation to Council's S94 Contributions Plan
PUBLIC SUBMISSIONS:	Nil

A Section 96(1A) modified Development Application for the proposed modification of Development Consent DA0330/2012 was lodged with Council on 21 July 2016, seeking a reduction to the value of the Section 94 Urban Roads Contribution imposed through Condition 96 of the development consent.

The applicant seeks to modify the contribution amount in recognition of the existing and historic quarrying activities that have taken place on site. This request is made in accordance with the adopted Section 94 Plan – *Section 94 Development Contributions Plan 2005 – 2021*, which states that contributions should be levied according to the estimated increase in demand for services and facilities. An amount equivalent to the contribution attributable to any existing development on the site of a proposed new development will be allowed for in the calculation of contributions.

The applicant argues that DA0330/2012 did not take into account the existing extraction rates and historic quarrying operations when determining the contributions. The applicant has proposed that in recognition of its previous operations that an annual concession for the first 50,000 tonnes be applied, after which payments will be made.

The application is recommended for approval, with a proposed concession of 15,000 tonnes.

## Disclosure of Interest

Nil.

## Detailed report

The applicant has sought to reduce the Section 94 Urban Roads Contribution as stipulated in Condition 96 of Development Consent DA0330/2012.

Condition 96 states:

*"The applicant shall be required to contribute toward the routine maintenance provided by Council on the sections of public road under the control of Mid-Western Regional Council and used by haulage operations relating to the development.*

*In accordance with the Mid-Western Regional Council Section 94 Development Contributions Plan 2005-2021, a fee of \$0.95 per tonne will be levied. Contributions will be required to be paid on a monthly basis to Council for each tonne of material leaving the site by road transport. This levy applies to both the Basalt and Sandstone materials.*

*Council may at any time request the production of records from the applicant to verify haulage quantities. The rate of contribution shall be subject to annual adjustment in*

*accordance with the Consumer Price Index. These adjustments will be effective from 1 July each year.”*

DA0330/2012 was issued by the Western Joint Regional Planning Panel on 17 February 2014 for the expansion of an existing quarry and the establishment of a concrete batching plant. Quarry production rates are permitted up to 199,000 tonnes per annum.

The applicant contends that DA0330/2012 approved the “*Bylong Quarry Expansion and Concrete Batch Plant*” and therefore contributions levied should be based on the expansion or increased amount only. Recognition of the existing extraction rates and historic quarrying operations should have been factored into the contribution amount. The applicant has proposed that in recognition of its previous operations that an annual concession for the first 50,000 tonnes be applied, after which payments will be made in accordance with Council’s Section 94 Development Contributions Plan 2005 – 2021.

## Site History

In considering the application, a review of the existing consents/approvals benefiting the site was undertaken. The history is very long, and complex, subject to numerous consents issued by Council and the NSW Department of Planning. The history is further complicated owing to the fact many of the records/files have been lost. A complete summary of the sites history is provided in an Attachment 2 – Site History, provided on behalf of Mudgee Dolomite and Lime, by McPhee Kelshaw Solicitors and Conveyancers in a letter dated 23 March 2011.

Of relevance, in searching the property history it is apparent that Rylstone Shire Council (RSC) granted consent (DA319) in 1982 to the then owner of the quarry, Ulan Coal Mines Limited (UCML), to the extraction from the quarry of hard rock materials for the purpose of constructing the then new Ulan railway line. Unfortunately, neither Council nor the owner is able to locate a copy of the consent/file, and therefore the controls/conditions/extraction limits etc. are unknown.

Furthermore, a search of Council Minutes, also reveals that RSC extended the development consent for the quarry DA319, via a letter to Ready-mix Farley Group, dated 28 June 1984 (Attachment 3 – DA319 Extension Letter). In this letter Council advises of the approval, subject to conditions (a)-(f), including requirements that material from the quarry be used as covering on the Bylong Rubbish Dump and that other material be provided to RSC for use as sealing aggregate to RSC’s roads, to DMR specification. The Extension Letter does not shed any light on the controls/conditions/extraction limits of the original consent.

It is pertinent to note, that the Extension Letter does not appear to be a lawful consent. However, the difficulty arising from the Extension Letter, is that there is a principle at law known as the presumption of regularity. In *Minister for Natural Resources v New South Wales Aboriginal Land Council & Ors* (1987) 9 NSWLR 154, the Court explained the principle as follows:

*...Where a public official or authority purports to exercise a power or to do an act in the course of his or its duties, a presumption arises that all conditions necessary to the exercise of that power or the doing of that act have been fulfilled.*

Following on from the above, there must have been a consent in force which permitted the use of the quarry and that the Extension Letter was effective to extend that use – possibly because there was a condition of the use permitting extension if agreed by Council.

Furthermore, Council subsequently entered into agreements with the quarry operator to use material won from the quarry and issued letters acknowledging the lawfulness of the quarry.



These factors would support an argument that a consent was in place for a broader use of the quarry, based on the presumption of regularity. However, what remains unclear is what volume of material could be extracted as part of the lawful quarry use, and therefore what rate of concession should be granted for previous operations. This matter is discussed below in Section 94 Development Contributions Plan 2005 – 2021.

Following on from the above, it is proposed, with the applicant's agreement, when determining the modification that all previous consents benefiting the site be surrendered. This will avoid confusion when deciding under which consent the quarry is operating, and provide clarity on the controls/conditions/extraction limits.

#### *S79C(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES*

#### **Section 96 Legislative Requirements**

Section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EPA Act) pertains to modifications to a consented development application involving minimal environmental impact. It states:

- 1A *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
  - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
  - (c) it has notified the application in accordance with:*
    - (i) the regulations, if the regulations so require, or*
    - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
  - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- 3) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application."*

It is considered that the proposed modification will result in negligible environmental impacts and is substantially the same development as the consent which was originally granted. Neighbouring landowners were not notified of this application due to the nature of the modification.

The information detailed below provides an assessment of the areas of the development, which require assessment under Section 79C of the EPA Act, as is relevant.

Those areas of the development not discussed below are not considered relevant to the proposed modification.

#### ***State Environmental Planning Policy (State and Regional Development) 2011***

The application was originally granted consent by the Western Joint Regional Planning Panel as regional development in accordance with the provisions of Schedule 4A of the Act and Part 4 of the

SEPP. This application to modify the consent is made pursuant to Section 96(1A) of the Act. Subsequently, Council assumes the responsibility as consent authority from the Western JRPP pursuant to clause 21(2)(j) of the SEPP.

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

The land is zoned RU1 Primary Production pursuant to MWRLEP 2012. The proposed modification will have no significant bearing on any of the provisions of the LEP that have not already been addressed in the original assessment.

### ***Section 94 Development Contributions Plan 2005 – 2021***

The contributions imposed in Condition 96 are based on the Section 94 Development Contributions Plan 2005 – 2021, and are in respect of routine maintenance of the roads used for haulage operations for the quarry.

Under S94 of the EPA Act, contributions can only be levied if the relevant development will or is likely to require the provisions of, or increase the demand for public amenities and public services. Section 94B of the EPA Act requires Section 94 conditions to be of a kind allowed by and determined in accordance with a contributions plan.

In this regard, Council's Plan permits allowances for existing development, and contributions should be levied on increased demand for services. For example, Part B – Section 1.16 states:

*Contributions will be levied according to the estimated increase in demand for services and facilities. An amount equivalent to the contribution attributable to any existing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions...*

The Section 94 Development Contributions Plan does not specify how Council will calculate the allowance for existing development.

In considering the application, and as detailed in the previous section titled Site History, Council must proceed on the assumption that there was a lawful use of the quarry, when it granted DA0330/2012. Following on from this, in accordance with Council's Section 94 Plan, the EPA Act, as well as the NSW Department of Planning and Environment's practice notes on development contributions, as well as numerous decided cases to support this, Council must give some allowance for previous lawful extractions.

However, nothing about the presumption of regularity suggests that a particular extraction rate would be considered to have been the subject of past consents, given the fact that extraction rates are not noted in the Extension Letter, and it is a matter of determining on a reasonable basis what any past credit should be.

The applicant believes that in recognition of its previous operations that an annual concession for the first 50,000 tonnes be applied, after which payments will be made in accordance with Council's Section 94 Development Contributions Plan 2005 – 2021.

Council has acknowledged previously, that at times extraction rates have ranged between 70,000 to 250,000 tonnes, but those extraction rates appear to have been relevant to particular projects, such as the railway project, and not to the general operation of the quarry.

In *SJ Connelly CPP Pty Ltd v Byron Shire Council* [2014] NSWLEC 2, the Land and Environment Court said there is no '*general principle that requires the Council or the Court in determining a monetary contribution to give credit for the peak contribution or workforce that occupied a site at some date in the past*'.

Of relevance, when considering what concession to grant, Council had previously agreed, through correspondence with Mudgee Dolomite and Lime (MDL), not to challenge extraction and transportation from the quarry (by road) of up to 15,000 tonnes of hard rock. From the site history prepared in 2011, it is apparent that Council would not accept the removal of more than 15,000 tonnes without being satisfied that the extraction amount is covered by an existing development consent, or by existing use rights.

It is also noted, that from the site history prepared in 2011 that MDL made a second request to allow increased extraction amounts from 15,000 tonnes to 30,000m<sup>3</sup>, beyond which MDL gave an undertaking that no additional excavation and removal would occur - until such time it submitted a development application (DA0330/2012). For clarity, the conversion of m<sup>3</sup> to tonnes depends on the size of the aggregate, but as a point of reference it equates to approximately 45,000 tonnes of gravel, loose dry, or 52,000 tonnes ballast.

There is no correspondence on file that would indicate if Council agreed/or otherwise to the increased extraction amounts. However, it is highly unlikely that Council would have endorsed such an expansion, or agreed to such a request. To do so would be in direct contravention of the requirement to obtain an Environmental Protection License, as required by Schedule 3, *Protection of the Environment Operations Act 1997*, for Extraction activities, extracting or processing more than 30,000 tonnes per year. Furthermore, extracting 30,000m<sup>3</sup> would likely result in the development exceeding the thresholds for designated development, depending on the actual volume of material obtained, and the area disturbed. As such, Council can be reasonably comfortable that it did not agree to the request to increase expansion, above 15,000 tonnes. That is, Council would not endorse the expansion knowing it would breach other legislation.

Notwithstanding the lack of response, the applicant did increase production, with the average amounts extracted (based on extraction rates provided by the applicant) between July 2011 (agreement in place for 15,000 tonnes) and June 2016 being 81,000 tonnes per year – with no Environmental Protection Licence in place.

In short, it is acknowledged that Council must give some allowance for previous lawful extractions, and it is a matter of determining on a reasonable basis what any past credit should be. In this regard, it is considered that the rate which Council has previously agreed to accept as the lawful rate (being 15,000 tonnes) is the appropriate concession. Council had previously conceded that the extraction and transportation from the quarry (by road) of up to 15,000 tonnes of hard rock was lawful and this amount should therefore not be subject to the Consent.

### ***Mid-Western Regional Development Control Plan 2013***

The proposed modification will have no significant bearing on any of the provisions of the DCP that have not already been addressed in the original assessment.

#### *S79C(1)(b) LIKELY IMPACTS OF THE DEVELOPMENT*

It is considered that the proposed modification will not contribute to any adverse social or economic impacts to the natural or built environment.

#### *S79C(1)(c) SUITABILITY OF THE SITE*

The overall layout and appearance of the development is not proposed to be altered through this modification.

#### *S79C(1)(d) SUBMISSIONS*

Due to there being no physical or operational changes to the development to that approved, neighbouring land owners were not notified of this application.

*S79C(1)(e) PUBLIC INTEREST*

There are no matters other than those discussed in the assessment of the Modified Development Application above that would be considered to be contrary to the public interest.

*CONSULTATIONS*

No consultations were undertaken owing to the nature of the proposed application.

## Community Plan implications

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

## Strategic Implications

**Council Strategies & Plans**

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013  
Mid-Western Regional Development Contributions Plan 2005 – 2021  
Mid-Western Regional Development Servicing Plan

**Council Policies**

Not applicable.

**Legislation**

Environmental Planning and Assessment Act 1979

## Financial implications

Should Council proceed with the staff recommendation to provide a concession of 15,000 tonnes, the collection of Section 94 Urban Roads Contributions would be reduced by approximately \$14,500 per financial year (based on 2015/2016 financial year figures).

## Associated Risks

The recommendation of staff is to approve the modification with a concession for the first 15,000 tonnes, subject to conditions provided above. This recommendation to make allowances for previous lawful extractions is in accordance with Council's Section 94 Plan, the EPA Act, as well as the NSW Department of Planning and Environment's practice notes on development contributions, and numerous decided cases to support this.

Should Council refuse the modification application (i.e. provide no concession at all), the applicant may seek a further review of this decision or appeal through the Land and Environment Court and would be expected to have a high chance of success.

The applicant may also seek a further review or appeal through the Land and Environment Court in relation to the amount of the concession provided.

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

8 June 2017

*Attachments:*

1. Proposed Conditions. (separately attached)
2. Site History. (separately attached)
3. DA319 Extension Letter. (separately attached)
4. Statement of Environmental Effects. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.2 DA0034/2017 - 38 Hill End Road - Industrial Subdivision

REPORT BY THE SENIOR TOWN PLANNER AND MANAGER, STATUTORY PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, DA0034/2017

**RECOMMENDATION****That Council:**

- A. receive the report by the Senior Town Planner and Manager, Statutory Planning on the DA0034/2017 - 38 Hill End Road - Industrial Subdivision;**
- B. approve DA0034/2017 - 38 Hill End Road - Industrial Subdivision subject to the following conditions:**

**APPROVED PLANS**

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.

<b>Title / Name:</b>	<b>Drawing No / Document Ref</b>	<b>Revision / Issue:</b>	<b>Date:</b>	<b>Prepared by:</b>
Proposed Lot Plan	Dwg Number 19196-CD03	B	20/06/2017	Barnson Pty Ltd
Landscape Plan	Project 160617 Dwg L.01	A	N/A	APS Landscape Architecture
Statement of Environmental Effects	19196-P01	N/A	August 2016	Barnson Pty Ltd

2. The following amendments are to be made to the lot layout.
- The Right of Way (ROW) providing access to lot 6 is to be deleted, with the land to be included in the road reserve and constructed accordingly.
  - A portion of lot 16 is to be afforded to lot 15 to ensure lot 15 achieves a road frontage of 30m.
  - A portion of lot 28 is to be afforded to lot 29 to ensure lot 29 achieves a road frontage of 30m.
3. Lots 1 and 27 are to be provided with restrictive building envelopes to ensure adequate truck turning circles can be achieved, allowing trucks to enter and exit in a forward direction. The building envelopes are to be incorporated into the 88b instrument with Council nominated as the Authority to vary or release.

4. A Restriction as to User is to be registered on all lots with a boundary to Hill End Road stating that no direct access to Hill End Road is permitted.

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

5. The development as proposed is currently “out of sequence” with Council’s Water Supply Servicing Strategy. Should the developer/applicant proceed “out of sequence” prior to the installation of necessary distribution infrastructure to service the West Mudgee area the applicant/developer is to design and construct at no cost to Council the necessary infrastructure to service the development meeting Council’s Levels of Service and any other applicable standards relating to pressure and flow.

Depending on the timing of the delivery of essential distribution assets which will service this development, Council may agree to the installation of a temporary arrangement (such as a booster pump station) to meet the servicing requirements of the development at no cost to Council. Alternatively, Council may approve the construction of essential assets (such as the trunk main and reservoir) ahead of time to service the proposed development. In such a case, the assets will be sized by Council in accordance with the requirements of the Development Servicing Plan, and the full capital cost would initially be met by the developer.

Essential distribution assets funded by the developer will serve other future development, as such the developer may be reimbursed for the capital cost when Council collects developer charges from the future development it serves. Prior to proceeding with this option, the developer must enter into an agreement with Council stating how the developer will be reimbursed in the future.

6. The development proposes to connect and discharge raw sewage from the developed site to a pump station on the Landfill site for transfer to the Sewage Treatment Plant. The Landfill site is currently subject to design modification which may change the point of connection as proposed. Prior to lodging an application for a Construction Certificate the developer/applicant is to seek formal advice from Council on the point of and method of connection.

Council may seek reimbursement of costs incurred for the additional provisions of servicing the development. Prior to proceeding the developer may need to enter into an agreement with Council stating how Council may be reimbursed in the future.

7. 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 (DCP).
8. A Construction Certificate is required for but not limited to the following civil works;
  - Water and sewer main extensions;
  - Stormwater drainage such as interallotment drainage, detention basins;
  - Road construction;
  - Footpath and kerb & gutter; and
  - Landscaping of public reserves.

Note: No works can commence prior to the issue of the Construction Certificate.

9. The applicant is to submit a Drainage Report as part of the detailed design 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 the 1% Annual Exceedance Probability . All storm water detention and water quality details including analysis/modelling shall be included with the drainage report.

10. The applicant is to submit engineering design plans for all road works and shall include pavement and wearing surface investigation and design in accordance with Austroads Guide to Pavement Technology Part 2, Pavement Structural Design and applicable RMS Supplements.
11. All finished surface levels are to 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*.
12. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
  - Saving available topsoil for reuse in the revegetation phase of the development;
  - Using erosion control measures to prevent on-site damage;
  - Rehabilitating disturbed areas quickly;
  - Maintenance of erosion and sediment control structures;
13. Prior to approval of Construction Certificate the applicant/developer is to provide Council with a copy of the Controlled Activity Approval in accordance with the Department of Primary Industries GTA's.
14. Prior to approval of Construction Certificate the applicant/developer is to provide Council with a copy of the Works Authorisation Deed and Road Occupancy Licence with RMS in accordance with the conditions of concurrence.
15. A detailed landscape plan prepared by a suitably qualified landscape architect, prepared generally in accordance with the approved Landscaping Plan, is to be prepared and lodged with Council for approval prior to the issue of a Construction Certificate. The landscape plan is to further detail planting within the development site and confirm suitability of each species for the climate and their intended purpose.

The landscape plan is to include a 5 year maintenance schedule to ensure optimum growth and survival.

#### **PRIOR TO WORKS COMMENCING (NSW ROADS & MARITIME SERVICES REQUIREMENTS)**

16. Prior to the commencement of construction work, a Channelised Right (CHR) turn lane facility in accordance with Figure 7.7 Part 4A of Austroads Guide to Road Design and relevant Roads and Maritime supplements, is to be provided on Hill End Road at its intersection with the proposed public road. The intersection works are to be designed and constructed for a 100km/h speed zone and be able to accommodate the largest vehicle accessing the intersection.
  17. Prior to the commencement of construction work, a sealed Basic Left (BAL) turn treatment as shown in Figure 8.2 Part 4A of Austroads Guide to Road Design and relevant Roads and Maritime supplements, is to be provided at the intersection of the
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proposed public road and Hill End Road.

18. Safe Intersection Sight Distance (SISD) in accordance with Part 4A of Austroads Guide to Road Design and relevant Roads and Maritime supplements is to be provided at the intersection of the proposed public road and Hill End Road.

## ENGINEERING CONSTRUCTION

19. The subdivision works are to be inspected by 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.

20. Prior to the commencement of construction works the applicant needs to comply with the requirements of the *Local Government Act 1993, section 634* which requires that

(1) a person must not do any water supply work, sewerage work or stormwater drainage work unless the person;

(a) is the holder of an endorsed licence or supervisor certificate in force under the [Home Building Act 1989](#) authorising the holder to do (and to supervise) work of the kind concerned, or

(b) is the holder of a tradesperson certificate in force under the [Home Building Act 1989](#) authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or

(c) does the work under the immediate supervision of a person referred to in paragraph (a).

(2) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (1).

Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity.

21. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction of the subdivision works including the erection of any fences or hoardings.
22. 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.
23. 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.
24. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's
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expense.

25. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
26. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
27. The new roads in the subdivision are to be constructed in accordance with the following:

Item	Requirement
Road Reserve	24 m
Carriageway Width	13 m
Concrete Footpaths	1.2m wide
Pavement Design	Designed in accordance with Austroads Guide to Pavement Technology Part 2, Pavement Structural Design and applicable RMS Supplements
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

28. The connection to Council's water reticulation network is to occur near the entrance to the Caerleon Subdivision, with all works associated with the connection to be at the full cost of the developer. Council does not permit other bodies to insert new connections into 'live' water mains, subsequently the developer/applicant will need to enter into a Private Works Agreement for Council to undertake the works required.
29. The developer is to provide a water service and meter for each lot in the subdivision. In the case of any lots that will be serviced by a water main being constructed by the developer, a full water service is not required and the developer can elect to pay for a meter assembly only at a cost in accordance with Council's Fees and Charges for the supply and installation of a 20 mm water meter.

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

30. All water supply infrastructure is to be designed and constructed in accordance with the WSAA Water Supply Code of Australia V3.1
31. Fire hydrant spacing, sizing and pressures are to comply with AS2419.1-2005.
32. The design of the sewer pump station is to comply with the WSAA Sewage Pumping Station Code of Australia.
33. In the case of any lots that will be serviced by a sewer main constructed by the developer the sewer junctions required to service the proposed lots must be installed by

the developer wholly within the lot to be serviced with the boundary riser extended to above the proposed FSL of the site.

34. 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.
35. Any construction work must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

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

36. 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).

**Note: The final inspection report shall be submitted to Council with the Subdivision Certificate application.**

37. 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 adjoining private properties as a result of this subdivision.
38. Following completion of all engineering works, a defect liability bond of 5% of the value of such works shall be lodged with Council for a twelve (12) month period to ensure that any defects in such works are remedied by the developer

Note: The bond may be provided by way of monetary deposit with the Council or an unconditional bank guarantee.

39. A defects liability bond must be submitted to the Council, with the Subdivision Certificate application. For the purpose of defining the defects liability period, the works (or the part of works in the subject stage) are considered to be "completed" when the Subdivision Certificate is registered.
40. The developer is to ensure that all defects in the works that become apparent within the twelve (12) months of Defects Liability Period, that these defects are rectified to Council's satisfaction. If defects are not rectified, Council may use the bond money to rectify defective works.

Note: Any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works or works undertaken by Council in rectifying works.

41. 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";
    - MapInfo.
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This will also require the completion of an Asset Data Spreadsheet (which will be provided by Council upon request) for all Developer Contributed Assets. 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.

42. The developer shall obtain a Certificate of Compliance issued under Section 64 of the *Local Government Act 1993* exercising functions under Division 5 of Part 6 of the *Water Management Act 2000*. This will require:

- a) Payment of a contribution for water and sewerage headworks in accordance with the Development Servicing Plan.
- b) The adjustment of existing services or installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.

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

43. All landscaping identified in the landscaping plan including mulching is to be established to the satisfaction of Council prior to the issue of a Subdivision Certificate.

44. The development is to meet all requirements of the Bushfire Safety Authority issued by the NSW Rural Fire Service dated 26 September 2016.

45. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
- b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose.
- c) An agreement from a carrier that they are satisfied with the provision of fixed-line telecommunications infrastructure in the fibre ready facilities to all individual lots.
- d) Confirmation that all contributions have been paid to Council and all works required by the consent have been completed in accordance with the consent.

46. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision in accordance with the relevant authorities standards.

47. The developer must provide Council and land purchasers with a site classification for each vacant 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 AS 2870 - 1996. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

48. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title are to be complied with. Easements are to be provided for the essential energy power lines.

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## ADVISORY NOTE

Essential assets to service the development with water are currently not available. They do form part of the overall Servicing Strategy for the West Mudgee reticulation area and are included in Council's 10 year Capital Works Program for 2024/25.

The development is considered "out of sequence" and as such Council may approve the construction of essential assets ahead of time to service the proposed development. If Council were to approve this, the essential assets will be sized by the Council in accordance with the requirements of the Development Servicing Plan, and the full capital cost would initially need to be met by the developer.

As the essential assets funded by the developer will serve other future development, the developer may be reimbursed when Council collects developer charges from the future development it serves. Prior to proceeding the developer is advised to enter into an agreement with Council stating how the developer will be reimbursed.

Depending on the timing of the delivery of essential assets, Council may agree to the installation of a temporary arrangement (such as a booster pump station) to meet the servicing requirements of the development at no cost to Council.

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## Executive summary

OWNER/S	DJ Woods & Co Pty Ltd
APPLICANT:	Barnson Pty Ltd
PROPERTY DESCRIPTION	Lot 16 & 17 DP 756897
PROPOSED DEVELOPMENT	Subdivision
ESTIMATED COST OF DEVELOPMENT:	\$1,200,000
REASON FOR REPORTING TO COUNCIL:	Development exceeds 20 lots
PUBLIC SUBMISSIONS:	1

A Development Application seeking the subdivision of 38 Hill End Road into 30 separate industrial lots, was received by Council 8 August 2016.

The application, as originally submitted proposed a 35 lot subdivision. However, the proposal has been modified to the now 30 lots to resolve several issues that had arisen during assessment.

The development will gain access off Hill End Road, with lots ranging in size from 3,000sqm to 40,084sqm. Lot 30 is to be created as exempt development, and it will contain the onsite detention basin to be dedicated to Council for maintenance upon completion.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Development Control Plan 2013, for a period of 14 days, ending 9 September 2016. During the notification period one submission was received.

The subject site was rezoned from RU1 Primary Production to IN1 General Industrial in 2014. The Planning Proposal envisaged that servicing of the site for both water and sewer and the relevant charges would be determined as part of the development application for subdivision. The Planning Proposal was determined, with the knowledge that the subject land could be serviced, recognising that the cost to the developer would vary widely depending on the availability of distribution infrastructure, and the timing of the development.

The same rationale has been applied in the assessment of the subject application. Council can be confident the site can be serviced, and in fact there are a number of options available, as detailed

below. However, as the proposed subdivision is “out of sequence” the costs to the developer will vary significantly, depending on the timing of the development. It is for that reason, that no servicing details have been approved as part of the subject development application. Such details are to be confirmed/decided at the Construction Certificate stage following detailed investigations by the developer and approval by Council’s technical staff, as the ultimate cost and method of servicing will be dependent on when servicing occurs and the availability of distribution infrastructure.

The application is recommended for approval.

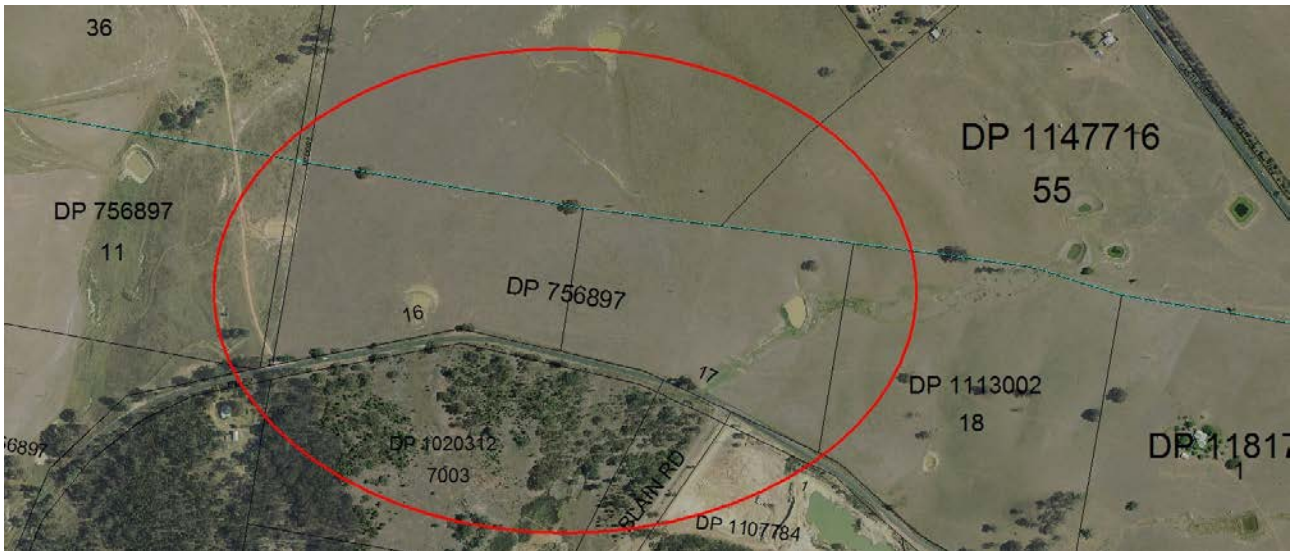


Figure 1: Location Plan

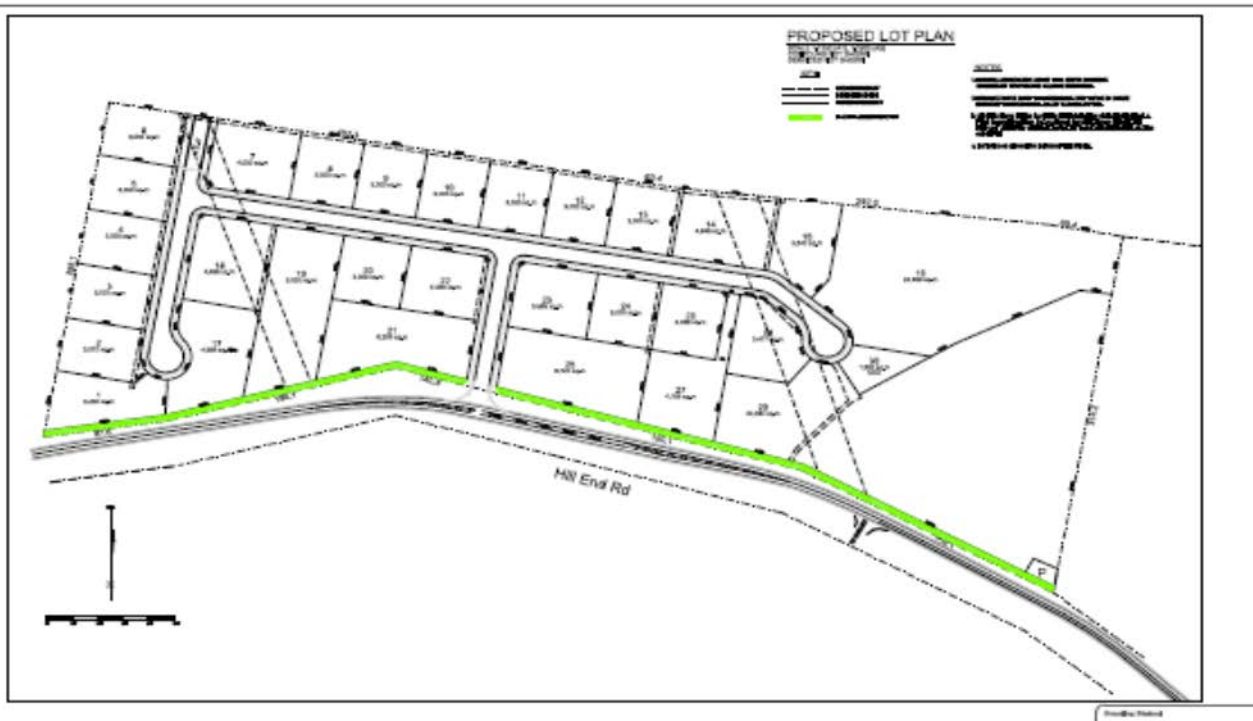


Figure 2: Proposed Lot Layout

## **Site History**

The land was gazetted for rezoning to IN1 General Industrial from RU1 Primary Production in April 2014.

Of relevance, the report to Council in relation to the Planning Proposal, noted that:

*The site can be serviced by reticulated water and sewer, however this will be reliant on the Caerleon subdivision proceeding. If Caerleon does not proceed, the cost of providing these services will increase substantially for the developer of any future industrial subdivision.*

## Assessment

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

### **REQUIREMENTS OF REGULATIONS AND POLICIES:**

#### **(a) Provisions of any Environmental Planning Instrument and any draft EPI - 79C(1)(a)(i) and (ii)**

##### **State Environmental Planning Policy No 44 – Koala Habitat Protection**

SEPP 44 applies to the proposal as Mudgee is listed as a local government area within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size.

However, the proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

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

A site inspection and a search of Council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

##### **State Environmental Planning Policy (Exempt & Complying Development Codes) 2008**

Lot 30 is below the minimum lot size prescribed under MWRLEP 2012. However, as the lot will contain the onsite detention basin, which is to be dedicated to Council, the creation of the lot can be done as exempt development pursuant to clause 38 of the SEPP. This allows for the creation of a lot for public purposes - including drainage.

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

### **PART 1**

#### **1.4 Definitions**

The proposal is defined in accordance with the *EP&A Act 1979* as:

***subdivision of land*** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

(a) by conveyance, transfer or partition, or

(b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

## **PART 2**

### Part 2.3 Zone objectives and Land Use Table

The land is zoned IN1 General Industrial pursuant to MWRLEP 2012. The proposal being a subdivision is permissible with consent. The objectives of the zone and how the proposal satisfies the objectives is addressed below:

#### IN1 General Industrial

- To provide a wide range of industrial and warehouse land uses.

**Comment:** The proposal will facilitate the opportunity for a variety of industrial and warehouse uses.

- To encourage employment opportunities.

**Comment:** The proposal is expected to generate additional employment opportunities.

- To minimise any adverse effect of industry on other land uses.

**Comment:** The proposal is not expected to generate any significant adverse impacts upon adjoining land uses subject to compliance with the conditions of consent.

- To support and protect industrial land for industrial uses.

**Comment:** The proposed subdivision will facilitate the future use of the land for industrial uses permissible with consent in the zone.

- To promote a safe and efficient network for the movement of heavy vehicles and to minimise the intrusion of heavy vehicles into nearby residential areas.

**Comment:** The proposal incorporates adequate manoeuvring area for the expected truck size and will assist in reducing the need for industrial type development within the residential area.

### Part 2.6 Subdivision – consent requirements

As the proposal involves subdivision, development consent is required.

## **PART 4**

### 4.1 Minimum subdivision lot size

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with all the relevant planning controls.

The proposed lots have an area of a minimum 3000m<sup>2</sup>. The minimum lot size pursuant to the mapping is 3000m<sup>2</sup> and accordingly, the proposal complies with the development standard.

### 4.3 Height of buildings

The subject site is not mapped for a maximum height limit – no structures are to be built as part of the subject application.



#### 4.6 Exceptions to development standards

No development standards contained within the MWRLEP 2012 are proposed to be varied.

### **Part 5**

#### 5.3 Development near zone boundaries

This clause allows the use of planning controls on the other side of a zone boundary, if within 50m and to do so would enable a more logical and appropriate development

Not applicable in this instance, as no use of adjoining zoning controls are proposed.

#### 5.4 Controls relating to miscellaneous permissible uses

The proposal does not include any of the listed uses contained under this clause.

#### 5.9 Preservation of trees or vegetation

The proposal does not involve the removal of any vegetation.

Any future development application for buildings that involve the removal of trees will be required to address the relevant legislation at that point.

#### 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, a **condition** will be placed upon the consent ensuring that work is ceased should an item be discovered during construction.

The applicant has provided a report from the Mudgee Local Aboriginal Lands Council indicating that no items were discovered on site.

### **Part 6**

#### 6.1 Salinity

The proposal only involves minimal earthworks and is not expected to significantly affect the process of salinisation.

#### 6.2 Flood planning

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

#### 6.3 Earthworks

The proposal involves earthworks to prepare the site for the development. The works are not expected to generate any significant impacts as listed in clause 6.3(3). **Conditions** of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

#### 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. The proposed development does not involve extensive earthworks and is not expected to result in any significant impact upon groundwater dependable ecosystems.

#### 6.5 Terrestrial biodiversity

The development footprint is located within an area of 'Moderate Biodiversity Sensitivity' and 'High Biodiversity Sensitivity' (generally within the road reserve area). However, no trees are proposed to be removed as a result of the proposed development and, therefore, the impacts to be addressed in accordance with this clause are not considered significant.

#### 6.7 Active street frontages

Not applicable for this development.

#### 6.8 Airspace operations – Mudgee Airport

The proposal does not penetrate the Airport OLS.

#### 6.9 Essential Services

Conditions of consent are recommended requiring the connection to all relevant essential services prior to the issue of Subdivision Certificate.

It is noted that essential services are not currently available and the development is 'out of sequence' for Council in providing the relevant infrastructure to support servicing. The options for connection to water and sewer are discussed later in this report.

#### 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

#### 6.12 Development in a designated buffer area

The land is partially located within the Sewage Treatment Plant Buffer.

Before granting consent to a development application within the buffer area Council must consider the following matters:

(a) *If the development is for the purposes of residential accommodation – the impact that any odour, noise and other emissions associated with the operation of the Mudgee sewage treatment plant would have on the development.*

**Comment:** The proposal is for an industrial subdivision. Further consideration to this clause can be given if a future development application is lodged for residential accommodation.

(b) *Any proposed measures incorporated into the development that limit the impact of such noise and other emissions associated with the existing plant.*

**Comment:** No expected conflict between sewage plant and industrial subdivision. Future development upon the resultant lots will be subject to a new DA and reconsideration of this clause.

(c) *Whether the development would adversely affect the operational environment of the plant.*

**Comment:** The industrial subdivision is not expected to significantly affect the operations of the sewage plant. Future development upon the resultant lots will be subject to a new DA and reconsideration of this clause.

**(b) Provisions of any Development Control Plan or Council Policy – 79C(1)(a)(iii)**

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

An assessment is made of the relevant chapters and sections of the DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

**Part 4.6 Industrial Development**

<b>Part 4.6 Industrial Development</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
Subdivision	<ul style="list-style-type: none"> <li>- Min 30m frontage</li>   <li>- Roads designed to AustRoads standards for B-Doubles</li>   <li>- Lots provided with water &amp; sewer</li>   <li>- Stormwater drainage &amp; water quality measures implemented (see Part 5.5 of DCP)</li>   <li>- Lots serviced with telecommunications/underground electricity</li>   <li>- New roads constructed of bitumen</li> </ul>	<p>The majority of the lots exceed the 30m frontage. However, some lots do not achieve the minimum as discussed below.</p> <p>Council's Development Engineer has reviewed the proposal and is satisfied with the proposed layout.</p> <p>Council's Development Engineer has provided conditions as discussed elsewhere in this report.</p> <p>Council's Development Engineer has provided conditions as discussed elsewhere in this report.</p> <p>Standard recommended condition of consent.</p> <p>Standard recommended condition of consent.</p>

**Minimum frontage variations discussion**

**Lot 1** proposes a frontage of 16m. However, is located at a cul-de-sac head where it is difficult to achieve the minimum frontage. The applicant has provided truck turning movements to demonstrate a truck can navigate the site, generally around the perimeter. A **condition** of consent has been recommended requiring the creation of a building envelope to ensure the truck turning area is preserved by any future occupants of the land. Thereby ensuring vehicles can enter and exit the site in a forward direction.

**Lot 6** originally proposed a frontage of 24m as it incorporated a private Right of Way (ROW) to the adjacent rural land to the north. However, incorporating the proposed ROW area as a road reserve will guarantee a frontage of 46m. Accordingly, a **condition** has been recommended requiring the area originally containing the ROW to be constructed, and dedicated as a road reserve.

**Lot 15** proposes a frontage of 27.6m. A **condition** of consent has been recommended requiring that part of the adjacent oversized lot 16 be afforded to lot 15 to achieve the minimum frontage requirement. Minor changes to the lot layouts are necessary, but can be accommodated easily, with lot 16 having a frontage of 50m plus.

**Lot 27** proposes a frontage of 15m – with the lot being arranged in a battle axe style arrangement. The applicant has provided truck turning diagrams to demonstrate that the narrow battle axe width can accommodate the appropriate sized vehicles. A **condition** of consent has been recommended requiring the creation of a building envelope to ensure the truck turning area is preserved by any future occupants of the land.

**Lot 29** proposes a frontage of 21.8m. A **condition** has been recommended requiring part of lot 28 be afforded to lot 29 to achieve the minimum frontage. Similar to Lot 15 above, minor changes to the lot layouts are necessary, but can be accommodated easily, with lot 28 having a frontage of 85m plus.

#### 4.7 Tree Preservation Order

No trees to be removed and no trees exist that would be included on the Tree Preservation Order.

#### 5.1 Car Parking

Not applicable, to be dealt with at development stage for each lot.

#### 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater.

#### 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent.

### **Mid-Western Regional Section 94 & 94A Development Contributions Plan 2005 – 2021**

The proposal does not meet any of the criteria specified within Mid-Western Regional Section 94 & 94A Development Contribution Plans 2005 – 2021. Accordingly, there will be no requirement for the payment of a contribution at subdivision stage.

Contributions will be levied at development stage, depending on the construction value, pursuant to the 94A Contributions Plan.

#### **(c) Provisions of any Planning Agreement or Draft Planning Agreement – 79C(1)(a)(iia)**

No planning agreement applicable.

**(d) Regulations – 79C(1)(a)(iv)**

**Environmental Planning & Assessment Regulation 2000**

Clause 92 – Additional matters that consent authority must consider

The proposal does not involve the demolition of a building. Accordingly, no further consideration is necessary.

Clause 93 – Fire safety and other considerations

The proposal does not involve a change of use that is not altering or extending a part of a building. Accordingly, no further consideration is necessary.

Clause 94 – Consent authority may require buildings to be upgraded

The proposal does not involve works as specified in 94(1) and therefore no further consideration is necessary.

Clause 94A – Fire safety and other considerations applying to erection of temporary structures

The proposal does not involve a temporary structure. Accordingly, no further consideration is necessary.

***LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY – 79C(1)(b)***

**(a) Context and Setting**

The proposal is appropriate with regards to the surrounding context and setting. The site recently went through the planning proposal process, where it was determined as suitable for the IN1 General Industrial zoning. The proposed subdivision is permissible pursuant to the new zoning.

**(b) Access, transport and traffic**

The applicant lodged a traffic study for the proposal, finding that Hill End Road was capable of handling the additional traffic subject to the standard intersection treatments being constructed.

The application was referred to the NSW Roads and Maritime Services for concurrence pursuant to the Roads Act 1993 - as Hill End Road is a classified road. The proposal was amended to facilitate an improved 'Safe Intersection Sight Distance' of 248m with the RMS granting concurrence subject to the intersection upgrades identified above.

**(c) Public domain**

No significant impact upon the public domain is expected. There are no public spaces within the immediate vicinity, there are no public recreational opportunities, and there are no pedestrian linkages proposed or existing to public areas.

**(d) Utilities**

The Planning Proposal envisaged that servicing of the site for both water and sewer and the relevant charges would be determined as part of the development application for subdivision. The Planning Proposal was determined, with the knowledge that the subject land could be serviced,

recognising that the cost to the developer would vary widely depending on the availability of distribution infrastructure, and the timing of the development.

The same rationale has been applied in the assessment of the subject application. Council can be confident the site can be serviced, and in fact there are a number of options available, as detailed below. However, as the proposed subdivision is “out of sequence” the costs will vary significantly, depending on the timing of the development. It is for that reason, that no servicing details have been approved as part of the subject development application. Such details are to be confirmed/decided at the Construction Certificate stage following detailed investigations by the developer, as the ultimate cost and method of servicing will be dependent on when servicing occurs and the availability of the essential distribution infrastructure.

Conditions are recommended requiring all lots be connected to the relevant utilities prior to issue of a Subdivision Certificate.

### **Water**

Council's Manager Development Engineering advises that the development site is not currently serviced by water. The site forms part of Council's overall Servicing Strategy for the West Mudgee reticulation area and is included in Council's 10 year Capital Works Program. The development as proposed is considered “out of sequence”.

As part of the Planning Proposal process, Council recognised that the mains extending through Caerleon are to be considered as part of the distribution system and therefore the site can be connected to the reticulated water supply. The distribution works involve the construction of a reservoir within Caerleon, currently budgeted to be funded by Council in 2024/2025.

In relation to the subject application, there are currently at least 3 options available to service the development with water.

Option 1 – Caerleon funds and constructs the reservoir and associated distribution mains. In the case of Caerleon proceeding faster than expected, requiring the construction of essential assets earlier than Council's plan for 2024/25, Caerleon would be required to fund the construction of the reservoir. The developer of the subject site would then be responsible for the extension of services beyond Caerleon. As this extension would only service the subject land it would be considered part of the reticulation works rather than distribution works.

Option 2 – Developer funds and constructs the reservoir and associated distribution mains. Council may approve the construction of the reservoir and associated distribution mains ahead of time to service the proposed development. As the asset (ie. a reservoir) to be funded by the developer will serve other future development, the developer may be reimbursed when Council collects developer charges from the future development it serves. Prior to proceeding the developer must enter into an agreement with Council stating how the developer will be reimbursed in the future.

Option 3 – Temporary booster system. Depending on the timing of the delivery of essential assets, Council may agree to the installation of a temporary arrangement to service the development, such as a temporary booster pump station to meet the servicing requirements of the development, to be provided at no cost to Council. The temporary booster would need to be decommissioned, at no cost to Council, following construction of the reservoir.

### **Sewer**

Council's Manager Development Engineering advises that the development site is not currently serviced by sewer.

Option 1 – Pump station located in Caerleon. As proposed in the Planning Proposal for rezoning, Council planned to service the site through the pump station located at Caerleon. This may require an increase in the capacity of the pumps at Caerleon to accommodate the additional loading, and will require assessment at Construction Certificate Stage with consideration of timing and progression of other development within the pump station catchment. The costs associated with extending the sewer mains including any associated pumping requirements would be the responsibility of the developer, additional to Section 64 contributions, as the infrastructure would only service the subject site.

Option 2 – Extension of sewer to landfill facility. The applicant could extend the sewer through Council's landfill facility, directing effluent from the proposed development to a pump station on the landfill site, where it will be transferred to the Sewerage Treatment Plant (STP). In this case, the developer would be responsible for the full cost of any upgrade requirements of the existing infrastructure required to transfer sewage from the development to the Sewage Treatment Plant.

At present, there is uncertainty as to the final location for the connection of sewer from the site to Council's STP within the landfill vicinity. Design modifications are currently underway concerning the landfill site, and involve moving landfill cells throughout the site as per the Long Term Operation Plans, and the relocation of transmission lines. Depending on the final designs, the location of any sewer lines and point of connection that the subject site would need to access may change. Until such time as the final location of services within the landfill facility are known, it is difficult to design a system/route for disposal utilising the pump station at Council's landfill facility.

In the case that the agreed connection point to Council's sewerage system at the time of Construction Certificate stage is within the landfill site, Council may seek an upfront payment for any costs incurred for the additional provisions of servicing the development. As such, prior to proceeding, the developer may need to enter into an agreement with Council stating how Council will recover these costs.

Option 3 – Direct connection to Sewage Treatment Plant. Another option for servicing the site with sewer is to connect directly to Council's STP. All works and costs associated with this option would be borne by the developer, as it would be serving no other development and may be complicated by other matters such as topography and Aboriginal land claims.

(e) Heritage

A standard condition has been recommended requiring works to cease and NPWS notified should any aboriginal artefacts be uncovered.

(f) Other land resources

The proposal is not expected to impact upon other land resources as discussed throughout this report. The land has already been considered for the IN1 zoning during the Planning Proposal process.

(g) Water

No significant impact expected. Stormwater will be required to be managed to ensure that post-development flows do not exceed pre-development flows as stipulated within MWRDCP 2013. Appropriate condition imposed.

The NSW Office of Water has also granted concurrence to the proposal subject to some standard conditions.

(h) Soils

No significant impact expected.

(i) Air and Microclimate

No significant impact expected.

(j) Flora & fauna

No significant impact expected.

(k) Waste

To be considered for each individual development at a later stage. It is anticipated, given the size of the lots, that each property can accommodate the services of a commercial waste operator.

(l) Energy

Not applicable.

(m) Noise & vibration

It is not expected that the subdivision or subdivision works will generate offensive noise pollution, or excessive vibrations.

Noise and vibration will be further considered when a development application is lodged for future land uses, on the resultant/created lots.

(n) Natural Hazards

The site is identified as bushfire prone and the development is for the purpose of a subdivision (capable of ancillary residential accommodation). A Bushfire Safety Authority has been received from the NSW Rural Fire Service pursuant to 100B of the *Rural Fires Act 1997* and appropriate conditions have been incorporated into the consent.

(o) Technological hazards

Two sets of powerlines traverse the subject site. A referral was sent to Essential Energy with concurrence granted to the proposal. A recommended **condition** has been included requiring any Essential Energy requirements be complied with prior to the release of the subdivision certificate - including easements.

(p) Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

(q) Social impact in the locality

This development will have minimal social impact.

(r) Economic impact in the locality

The development will allow for future economic activity and employment opportunities in the region.



(s) Site design and internal design

Adequate as discussed throughout this report.

(t) Construction

Construction activities associated with the proposed development will be managed through appropriate conditions of consent.

(u) Cumulative Impacts

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

**SUITABILITY OF SITE FOR DEVELOPMENT – 79C(1)(c)**

(a) Does the proposal fit in the locality

Yes. The proposal is permissible with consent, and is consistent with the rezoning of the land for industrial purposes in 2014. There are no constraints posed by adjacent development, there are no hazardous land uses or activities nearby, and the development will not lead to unmanageable transport demands in the area.

(b) Are the site attributes conducive to development

Yes. There are no major impediments to development of the site as discussed throughout this report. The site is not subject to any natural hazards, such as flooding, subsidence, or mass movement, and the site does not contain any critical habitat, or items of known heritage significance.

**SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 79C(1)(d)**

(a) Public Submissions

The proposal was required to be notified and advertised for a period of 14 days in accordance with MWRDCP 2013 and the regulations. The submission period ended on 9 September 2016 with one submission received (in the form of two separate letters). The concerns raised are discussed below.

The submission relates to an existing dwelling located to the south-west of the subject site.

The applicant lodged amended plans/details during the assessment process. However, the changes were not considered significant enough with regards to implications on adjoining neighbours and re-notification of the proposal was not considered necessary.

Various impacts on dwelling and surrounds including noise, visual and traffic

**Comment:** The site is zoned *IN1 General Industrial*. The proposal to subdivide to allow for future tenancies does not generally create any impacts in itself. Any development for the future buildings and their use will require separate development approval and will be considered on their merits at that time. A landscape strip has been required along Hill End Road as a recommended condition, which is expected to assist in screening any development from Hill End Road and partially from the existing dwelling.

### Impacts on fauna

**Comment:** The submission highlights a variety of species that have been noted to visit the site. No evidence was provided of these species. However, as the site is already zoned *IN1 General Industrial* and the land has generally been cleared of any significant vegetation and pasture improved, there appears no substantive reason to refuse the application based on impacts on species.

### Security and lighting

**Comment:** Any future development consent for the buildings can provide an assessment with regards to the impact of lighting.

The submission also raises concerns regarding possible increased crime in the area as a result of the proposed development. No evidence was submitted, and there are no known correlations between industrial land use and crime. The proposed subdivision of land, already zoned *IN1 General Industrial*, is not expected to create any additional security concerns. If crime does occur, it will be a matter for the police.

### Vacant industrial land

Concerns were raised that there is sufficient vacant industrial land within the Mudgee area that can be developed and not the subject site.

**Comment:** The site has already gone through the rezoning process. Accordingly, industrial development and subdivision is permissible with consent in the zone with the general demand for a land use not being a matter for consideration under 79C of the *EP&A Act 1979*.

### (b) Submissions from public authorities

The application was referred to the following public authorities:

- NSW Roads & Maritime Services

The application was referred to the NSW Roads and Maritime Services (RMS) for concurrence pursuant to the *Roads Act 1993* as Hill End Road is a classified road. The proposal was amended to facilitate an improved 'Safe Intersection Sight Distance' of 248m with the RMS granting concurrence (attached) subject to the standard intersection upgrades.

- NSW Rural Fire Service

The site is identified as bushfire prone and the development is for the purpose of a subdivision (capable of ancillary residential accommodation). A Bushfire Safety Authority has been received from the NSW Rural Fire Service pursuant to 100B of the *Rural Fires Act 1997* (attached) and has been incorporated into the recommended conditions of consent.

The NSW RFS was provided with the application including the Bushfire Risk Assessment prepared by the applicant.

- NSW Office of Water

The application was referred to the NSW Office of Water as integrated development, requiring the issue of General Terms of Approval (GTA's) for a controlled activity approval (*Water Management Act 2000*). The controlled activity approval is necessary as the proposal involves works within close proximity to the creek that traverses the site.

The NSW Office of Water requested further details during the assessment of the proposal on the 25/08/2016. Subsequently, the NSW Office issued their GTA's (attached) on 24 November 2017 following receipt of addition information, submitted by the applicant. The GTA's have been incorporated into the recommended conditions of consent.

- Essential Energy

The application was referred to Essential Energy as two power lines traverse the site. Due to concerns raised by Essential Energy the proposed lot layout was amended to ensure each lot was able to accommodate a reasonable building envelope area outside of any power line easements.

Essential Energy has subsequently given support (attached) to the proposal, subject to the easements being retained and that future development be undertaken in accordance with their relevant guidelines. It will be the responsibility of each future land owner to ensure any proposed development complies with the guidelines.

### **THE PUBLIC INTEREST – 79C(1)(e)**

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

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

### **CONSULTATIONS**

#### (a) Health & Building

No consultation necessary.

#### (b) Technical Services

Council's Development Engineer has provided conditions relating to the proposal, which are recommended to be included with the consent. As discussed previously, it has been noted that the development site is '**out of sequence**' with Council's 10 Year Capital Works Program, and this has given rise to subsequent servicing issues. Refer to comments provided for *Utilities* for further information.

Consultation was also undertaken with Parks & Gardens staff in relation to the proposal, as the original proposal sought to dedicate the entire creek area (in addition to the OSD area) as a drainage reserve. Due to concerns raised regarding the necessity of the ongoing maintenance of the creek riparian area the application was modified to reduce the drainage reserve area to 1,500m<sup>2</sup> encompassing the basin. The remainder of the riparian area has been incorporated into lot 29.

#### (c) Heritage Advisor

No consultation necessary.

### **CONCLUSION**

The proposed subdivision complies with the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, relevant State Environmental Planning Policies, Mid-Western Regional Local Environmental Plan 2012, and Mid-Western Regional Development Control Plan 2013. As such, it is recommended that the proposed

subdivision at 38 Hill End Road at Lot 16 & 17 DP 756897 be approved subject to the conditions of consent included in this report.

## Community Plan implications

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

## Strategic implications

### **Council Strategies & Plans**

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013  
Mid-Western Regional Development Contributions Plan 2005 – 2021  
Mid-Western Regional Development Servicing Plan

### **Council Policies**

Not applicable.

### **Legislation**

Environmental Planning and Assessment Act 1979

## Financial implications

The applicant will be required to pay Section 64 and Section 94A developer contributions.

It is noted throughout the report that the development is 'out of sequence' with Council's 10 Year Capital Works Program. Relevant conditions have been included to ensure the developer is aware of the additional costs involved in bringing forward this development.

## Associated Risks

The recommendation of staff is to approve the application subject to conditions provided above.

Should Council refuse the application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

It is noted throughout the report that the development is 'out of sequence' with Council's 10 Year Capital Works Program. Whilst services are not currently available to the site, there are a number of options available to the developer to provide water and sewer services. Given these options are dependent on timing, it is considered unreasonable to expect the developer to commit to a servicing strategy prior to determination of this development application. These matters will need to be addressed at the Construction Certificate stage when more information is available.

DREW ROBERTS  
SENIOR TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

29 January 2018

- Attachments:*
1. Plans.
  2. Landscaping Plans.
  3. Objection 1.
  4. Objection 2.
  5. NSW Office of Water GTA's.
  6. NSW RFS Bushfire Safety Authority.
  7. NSW RMS concurrence.
  8. Essential Energy Support.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# Woods Family Trust

## Proposed Industrial Subdivision, Lots 16 & 17 DP756897, Hill End Road, Mudgee Development Application Plans

<u>DRAWING:</u>	<u>TITLE:</u>
19196-CD00	COVER SHEET
19196-CD01	EXISTING SITE PLAN
19196-CD02	PROPOSED SITE PLAN
19196-CD03	PROPOSED LOT PLAN
19196-CD04	PROPOSED ROAD PLAN
19196-CD05	PROPOSED SEWER PLAN
19196-CD06	PROPOSED SEWER RISING MAIN PLAN
19196-CD07	PROPOSED STORMWATER PLAN
19196-CD08	PROPOSED WATER RETICULATION PLAN

Drawing Status:



**Office Located:**  
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**Client:** WOODS FAMILY TRUST  
**Project:** PROPOSED INDUSTRIAL SUBDIVISION,  
 LOTS 16 & 17 DP756897, HILL END RD,  
 MUDGEE, NSW

**Drawing Title:**  
 COVER SHEET

**Design of:** Drawn by:  
 Check by:  
 Drawing Sheet:  
(1) Original not submitted

**Rev. Date:** Approved:  
 1 2018 08/20/2018  
 2 2018 08/20/2018

**Certification:**  
 Sheet of:  
 Drawing Number:  
**19196-CD00**  
 Revision:  
**B**

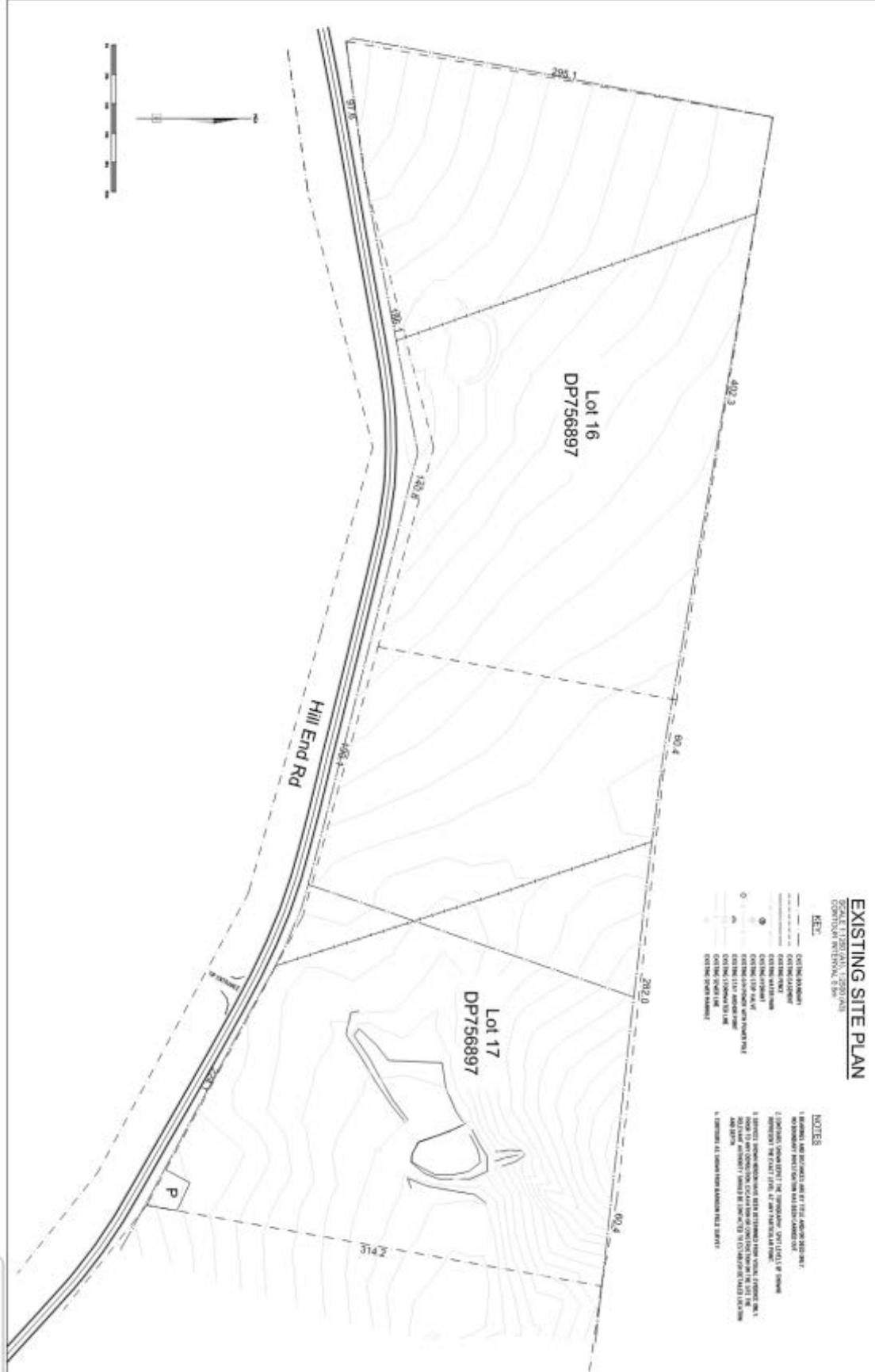


**Client:** WOODS FAMILY TRUST  
**Project:** PROPOSED INDUSTRIAL SUBDIVISION  
LOTS 16 & 17 DP756897, HILL END RD.  
MARTICE, ONTARIO

**Drawing Title:**  
EXISTING SITE PLAN

**Design at:** 1/8"  
**Scale:** 1/8" = 1'-0"  
**Drawn by:** J. G. ...  
**Checked by:** J. G. ...  
**Date:** ...

**Certificate of Approval:**  
19196-CD01  
**Revision:** B



**EXISTING SITE PLAN**

- KEY:**
- EXISTING BOUNDARY
  - EXISTING LOT LINE
  - EXISTING LOT AREA
  - EXISTING LOT PERIMETER
  - EXISTING LOT AREA PERIMETER
  - EXISTING LOT AREA PERIMETER
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  - EXISTING LOT AREA PERIMETER

- NOTES:**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
  2. EXISTING BOUNDARIES AND LOT LINES ARE SHOWN FOR INFORMATION ONLY.
  3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
  4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.
  5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.



Office: Licensed  
 Surveyors, Engineers & Planners  
 1000 12th St  
 1000 12th St  
 1000 12th St



Client: WOODS FAMILY TRUST  
 Project: PROPOSED INDUSTRIAL & RESIDENTIAL  
 LOTS 28 & 1719796897, HILL END RD,  
 MERTON, NSW

Drawing Title:  
 PROPOSED SITE PLAN

Design of: Drive  
 Checked by: QB  
 Drawing Sheet: M  
 Date: 10/11/18  
 Project No: 19196-CD02

Certificate  
 Sheet of:  
 Drawing Number:  
 19196-CD02  
 Revision:  
 C



**PROPOSED SITE PLAN**  
 CONSULTATION REPORT  
 CONSULTATION REPORT  
 REF:

- 1. SITE BOUNDARY
- 2. PROPOSED DRIVE
- 3. PROPOSED DRIVE
- 4. PROPOSED DRIVE
- 5. PROPOSED DRIVE
- 6. PROPOSED DRIVE
- 7. PROPOSED DRIVE
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- 29. PROPOSED DRIVE
- 30. PROPOSED DRIVE

- NOTES**
1. ALL LOTS ARE TO BE DEVELOPED AS INDUSTRIAL & RESIDENTIAL.
  2. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  3. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
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  13. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  14. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  15. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  16. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  17. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
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  26. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  27. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  28. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  29. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.
  30. THE PROPOSED DRIVE IS TO BE DEVELOPED AS A SINGLE TRACK DRIVE.





Client: WOODS FAMILY TRUST  
 Project: PROPOSED INDUSTRIAL SUBDIVISION  
 LOTS 38 & 37 ON 968971 HILL END RD,  
 MATRICE, NSW

Drawing Title:  
 PROPOSED LOT PLAN

Design of: Drawn by: Rev: Date: Approved:  
 CB/DA: BR/SJ: 1: 2016: 19196-CD03

Certificate of Planning Conditions: 19196-CD03  
 B





Office Located  
 1000, Victoria Street, Dunedin  
 Contact Us  
 03 478 1212  
 www.barnson.co.nz



Client: WOODS FAMILY TRUST  
 Project: PROPOSED INDUSTRIAL SUBDIVISION  
 LOTS 18 & 17 (19796897, HILL END RD)  
 MATRICE 0004

Drawing Title:  
 PROPOSED ROAD PLAN

Design of: Drive: Rev: Date: Approved:  
 Check: QB  
 Drawing Sheet: M  
 1: 2017 10:00:00  
 2: 2017 10:00:00  
 3: 2017 10:00:00

Certificate of Title:  
 Drawing Number:  
 19196-CD04

Scale:  
 C



**PROPOSED ROAD PLAN**

DATE: 10/02/2017  
 DRAWING NUMBER: 19196-CD04  
 SHEET: 1 OF 1  
 PROJECT: PROPOSED INDUSTRIAL SUBDIVISION

**KEY**

- ORIGINAL BOUNDARY
- PROPOSED BOUNDARY
- PROPOSED ROAD
- PROPOSED DRIVE

**NOTES**

1. ALL LOTS ARE TO BE SUBDIVIDED INTO 10 LOTS.
2. THE PROPOSED ROAD IS TO BE 10.0M WIDE.
3. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
4. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
5. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
6. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
7. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
8. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
9. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.
10. THE PROPOSED DRIVE IS TO BE 5.0M WIDE.



**Office Location**  
 18000 Highway 2 South  
 Cambridge, ON  
 N3R 1W7  
 www.barnsoneng.com



**Client** WOODS FAMILY TRUST  
**Project** PROPOSED INDUSTRIAL SUBDIVISION  
 LOTS 28 & 17 (PT) 968871, HILL END RD.  
 M/F/T/C/D: 0/0/0/0

**Drawing Title** PROPOSED SEWER PLAN

**Drawn by** LB  
**Checked by** QM

**Rev** **Date** **Amendment**  
 1 02/23/18 1 1817  
 2 02/23/18 2 1817

**Drawn by** LB  
**Checked by** QM  
**Drawn by** LB  
**Checked by** QM

**Drawn by** LB  
**Checked by** QM



**Drawn by** LB  
**Checked by** QM

19196-CD05 **B**



**PROPOSED SEWER RISING MAIN PLAN**

CONTRACT NO. 19196-CD06

**KEY**

- 1. EXISTING 150MM RISING MAIN
- 2. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM
- 3. PROPOSED 200MM RISING MAIN
- 4. PROPOSED 150MM RISING MAIN
- 5. PROPOSED 150MM STIALS

**NOTES**

1. ALL MAINS AND JOINTS ARE AT 1500mm DEPTH MIN.
2. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM.
3. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
4. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
5. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
6. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
7. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
8. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
9. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.
10. EXISTING 150MM RISING MAIN TO BE REPLACED BY 200MM TO SAME COST WITH INVERT.

Drinking Station



Office Located  
 1000, Victoria Street, Brisbane  
 Contact Us  
 1300 724 444  
 www.barnson.com.au



Client: **WOODS FAMILY TRUST**  
 Project: **PROPOSED INDUSTRIAL & RESIDENTIAL LOTS 38 & 37 (19196-CD06) - HILL END RD, AIRPORT ROAD**

Drawing Title:  
**PROPOSED SEWER RISING MAIN CD 06**

Design	Drawn	Rev	Date	Amendment
Checked	QA			
Approved	QA			
Drawn	QA			
Checked	QA			
Approved	QA			

Certificate  
 Sheet of  
 Drawing Number  
**19196-CD06**  
 Revision  
**B**



Office Located  
 10000 12th Street, Suite 100  
 Commerce City, CO 80014  
 303.426.1234  
 www.barnson.com



Client: WOODS FAMILY TRUST  
 Project: PROPOSED INDUSTRIAL & RESIDENTIAL LOTS 28 & 17 (19196887) - HILL END RD. ALBERTA, COLORADO

Drawing Title: PROPOSED STORMWATER PLAN

Design at: 100%  
 Check by: QB  
 Drawing Sheet: 1 of 1  
 Date: 1/26/18

Sheet of: 1  
 Drawing Number: 19196-CD07  
 Revision: B





Office Located  
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 03 478 1212  
 www.barnson.co.nz



Client: **WOODS FAMILY TRUST**  
 Project: **PROPOSED INDUSTRIAL & RESIDENTIAL LOTS 38 & 37 (19196887) HILL END RD, MATRUKE ROAD**

Drawing Title: **PROPOSED WATER RETICULATION**  
 Drawing No: **CD08**

Design of: **DR**  
 Check of: **GB**  
 Drawing Sheet: **1**  
 Drawing Scale: **1:500**

Drawn by: **DR**  
 Checked by: **GB**  
 Drawing Number: **19196-CD08**

Revision: **B**



**PROPOSED WATER RETICULATION PLAN**

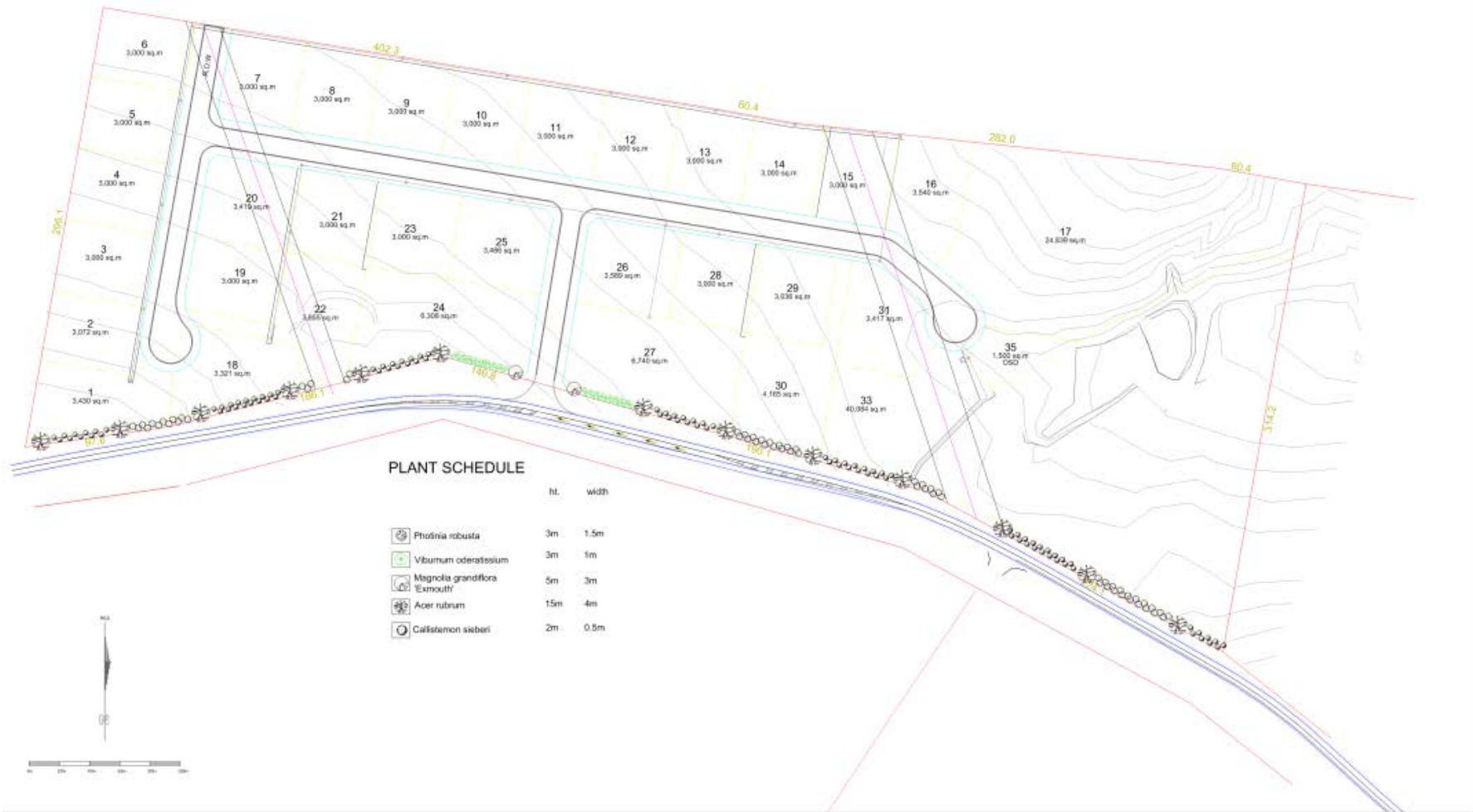
DATE: 19/02/2018  
 DRAWN BY: DR

- KEY**
- EXISTING PROPOSED MAINLINE
  - EXISTING MAINLINE
  - EXISTING 150MM DIA LINE
  - EXISTING 100MM DIA LINE
  - EXISTING 75MM DIA LINE
  - EXISTING 50MM DIA LINE
  - PROPOSED MAINLINE
  - PROPOSED 150MM DIA LINE
  - PROPOSED 100MM DIA LINE
  - PROPOSED 75MM DIA LINE
  - PROPOSED 50MM DIA LINE

- NOTES**
1. ALL MAINLINE AND BRANCHES ARE AT 1000mm DEPTH UNLESS OTHERWISE SPECIFIED.
  2. EXISTING MAINLINE AND BRANCHES ARE TO REMAIN UNLESS OTHERWISE SPECIFIED.
  3. EXISTING 150MM DIA LINE TO BE REPLACED BY 100MM DIA LINE.
  4. EXISTING 100MM DIA LINE TO BE REPLACED BY 75MM DIA LINE.
  5. EXISTING 75MM DIA LINE TO BE REPLACED BY 50MM DIA LINE.
  6. EXISTING 50MM DIA LINE TO BE REPLACED BY 30MM DIA LINE.
  7. ALL MAINLINE AND BRANCHES ARE TO BE INSTALLED IN CONCRETE TRENCHES UNLESS OTHERWISE SPECIFIED.
  8. ALL MAINLINE AND BRANCHES ARE TO BE INSTALLED IN CONCRETE TRENCHES UNLESS OTHERWISE SPECIFIED.
  9. ALL MAINLINE AND BRANCHES ARE TO BE INSTALLED IN CONCRETE TRENCHES UNLESS OTHERWISE SPECIFIED.
  10. ALL MAINLINE AND BRANCHES ARE TO BE INSTALLED IN CONCRETE TRENCHES UNLESS OTHERWISE SPECIFIED.

NEW 150MM WATER MAIN TO BE INSTALLED ALONG PROPOSED MAINLINE AND BRANCHES AT RETICULATION TO BE INSTALLED AT PROPOSED MAINLINE.

NEW WATER MAIN PROPOSED DESIGN FLOW (TOTAL) FOR STREET 1.128L/S AND PROPOSED MAINLINE AND BRANCHES TO BE INSTALLED AT PROPOSED MAINLINE AND BRANCHES AT PROPOSED MAINLINE.



Disclaimer: This plan is indicative only and is subject to change. It does not necessarily represent the final layout or dimensions of the development, or the ultimate mix of occupants. The contents are for information only and do not form part of any lease or contract. Prospective purchasers or tenants should rely on their own investigations and should seek an update from the selling agents prior to signing legal documentation. Neither Crawford Architects, Gateway Land Corporation nor their agents accept responsibility for any unintended errors or omissions or discrepancies.



DRAWING

**LOTS 16 & 17 DP756897  
 HILL END RD, MUDGEE**

PERMASHED MAP:	RL	DATE:	A.H.D.
PROJECT NUMBER:	160617	DRAWING SHEET:	L.01
AUTOCAD FILE:		T200/LOAD FILE:	



PLANT SCHEDULE

	ht	width
 Pheonix rostrata	3m	1.5m
 Viburnum odoratissimum	3m	1m
 Magnolia grandiflora	5m	3m
 Acer rubrum	15m	4m
 Callideron sieberi	2m	0.5m



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DRAWING

**LOTS 16 & 17 DP756897**  
**HILL END RD, MUDGEE**

PERMANENT MARK:	REL:	DATE:	A.H.D.
PROJECT NUMBER:	DRAWING SHEET:	ORIGINAL:	A1
AUTOCAD FILE:	1200/DOWNLOAD FILE:	REVISOR:	







Disclaimer: This plan is indicative only and is subject to change. It does not necessarily represent the final layout or dimensions of the development, or the ultimate mix of occupants. The contents are for information only and do not form part of any lease or contract. Prospective purchasers or tenants should rely on their own investigations and should seek an update from the selling agents prior to signing legal documentation. Neither Crawford Architects, Gateway Land Corporation nor their agents accept responsibility for any unintended errors or omissions or discrepancies.



LOT 16 & 17 DP756897  
 HILL END RD, MUDGEE

PERMANENT MARK:	RL	DATE:	A.H.D.
PROJECT NUMBER:	160617	DRAWING SHEET:	L.01
AUTOCAD FILE:		T200/0/LOAD FILE:	REVISION:





Disclaimer: This plan is indicative only and is subject to change. It does not necessarily represent the final layout or dimensions of the development, or the ultimate mix of occupants. The contents are for information only and do not form part of any lease or contract. Prospective purchasers or tenants should rely on their own investigations and should seek an update from the selling agents prior to signing legal documentation. Neither Crawford Architects, Gateway Land Corporation nor their agents accept responsibility for any unintended errors or omissions or discrepancies.



**LOTS 16 & 17 DP756897  
 HILL END RD, MUDGEE**

DRAWING		DATE	
PERMASEAL MARK:	REL	DRAWN	A.H.D.
PROJECT NUMBER:	DRAWING SHEET:	ORIGINAL	A1
160617	L.01	REVISOR	
AUTOCAD FILE:	T200/00LOAD FILE:		



Cover page for Objection to development.

**Date:** 9<sup>th</sup> September 2016

**Reference:** DA0034/2017

**Proposal:** Subdivision (intergrated) – Torrens Title 34 Lot Industrial Subdivision.

**Name & address:** Mr R. A & Mrs M. D. Prowse  
"Pinevale" 205 Hill End Road, Caerleon NSW 2850

**Reason for submission:**

Objection to the development in it's current form.

Due to the impact from the increase in pollution from Noise, Visual and possible mistakes by council staff when considering the rezoning of the land.

As we qualify for notification of a development application under section 79 of the Environmental Planning and Assessment Act 1979.

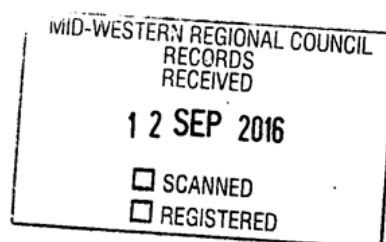
Section 79, 1, (b), (l).

" to such persons as appear to own or occupy the land adjoining the land to which the development application relates,"

In Branson's Statement of Environmental Effects, no consideration has been given to the fact that our rural residential dwelling will be affected by the proposed change to land usage.

Attachment 1 is a reply to the omissions in the report

Attachment 2 is our previous submission to council in 2010 regarding the LEP/CLUS and the then proposed zoning.



## Attachment 1

Submission to Mid-Western Regional Council regarding DA 0034/2017

Firstly the Statement of environmental effects, prepared by Barnsons, is flawed and incomplete in a number of areas. The following is to be read in conjunction with the Barnson report.

We refer to the points in Barnson's report with our photos & comments

“2.2 Land use and surrounding development”

What they did not show for the enviromental study, follows:



View from the south west corner of Lot 16 looking south.



View from the south west corner of Lot 16 looking south west.

Attachment 1



View from the south west corner of Lot 16 looking west.

The report does not disclose the long term existence of a residence in close proximity to the proposed DA.

Land use is located in a rural setting along with a rural residence.

“Pinevale” 205 Hill End Road, Caerleon 2850

Any change to the existing land useage from rural to industrial will have a detrimental effect on the lifestyle, views and noise levels, introducing undesirable stresses to the current rural residential & enviromental management areas immediately to the south and south west of the proposed development.

Pollutions

Noise

Day  
Night

Visual

Day

Visual

Night Light

Increased traffic

vehicle exhaust

## Attachment 1

## "2.3 Surrounding Development"

Adjoining the site to the south west is E3 containing a rural residence with the following views.



View from the rural residence looking north.



View from the rural residence lookin north east at Lot 16.

## Attachment 1

### **“2.4 Flora and Fauna” page 10.**

Having lived in our home since 1994 (past 22 years), on what was then rural residential and environmental protection in 1994 and now is currently environmental management, we have observed the local wildlife.

A number of ground foraging birds currently utilise the land area in Lot16.

Magpies, magpie-lark, masked lapwing (plover), laughing kookaburra, galah, strike thrush, sulphur-crested cockatoo, eastern rosella and about six or more other small wrens.

All these live in the adjacent woodlands to the south, south west and some like the plover, to the west and on Lot 16 in the past, (plovers no longer nest in Lot 16 due to the almost total replacement of native pasture by “pasture improved” and imported grasses).

Echindia's frequent the area, as does eastern grey kangaroos, along with a resident population of wallaby's, all of which at times - “cross the road” to feed.

You will often find magpies nesting in the eucalyptus trees as it is their natural native tree of choice.

### **“2.7 Noise” page 11**

The Barnson report has *not bothered to actually measure the current noise levels*, nor provide any estimate of likely future noise pollution.

A noise survey needs to be undertaken before any change to the current usage of grazing can be considered, as an increase and change to the types and sound levels it will be a direct and daily impingement on the rural residence on an ongoing basis.

Attachment 1

“4.3 Environmental Planning Instruments”  
“4.3.2 Mid-Western Regional Local Environmental Plan 2012” page 22

Zone IN1 (objectives.)

Part of the objectives are  
to minimise any adverse effect of industry on other land users.

Page 23 contains the Comment - “Given the location of the site within such close proximity to... etc....of the plant, and as no residential development immediately adjoins the site the proposed development is.....”

This is plainly wrong as we have lived at the rural residence since 1994. Refer to rate notice below:



**MUDGEES SHIRE COUNCIL**

ADMINISTRATION CENTRE, P.O. BOX 156, MUDGEES 2850  
Telephone: (063) 72 5888 Fax: (063) 72 5815

Local Government Act, 1993, Section 546 and Local Government (Rates and Charges) Regulation 1993, Part 2 Clause 7

As the owner, holder, tenant, or other person liable to pay rates and charges in respect of the undermentioned land (or the agent for any such person) **you are hereby notified** that such land has been rated by **Mudgees Shire Council as shown hereunder.**

RATE NOTICE  
1.7.94 – 30.6.95

For payment and other information see reverse

SERIAL No: ZZ-005091-B

ASSESSMENT No.  
3.04524.30000

MR R A & MRS M D PROWSE  
61 CHURCH STREET  
MUDGEES 2850

POSTING DATE	DUE DATE
1ST JULY	31ST AUG

PROPERTY LOCATION AND DESCRIPTION  
MUNNA PH PORS  
PSH MUNNA LOT 1 DP 583807 SUBJ TO TLE 15.95 HA

Offices for payment:  
Administration Centre  
86 Market Street, Mudgees  
8.00 am to 4.00 pm  
Branch Office  
109 Herbert Street, Guligong  
8.30 am to 12.30 pm  
1.30 pm to 4.00 pm

BASE DATE OF GENERAL VALUATION - 1.7.91

PARTICULARS OF RATES AND CHARGES	CENTS IN \$	RATEABLE VALUE	AMOUNT
RESIDENTIAL RURAL	0.9893	\$44,000	435.29
GEN WASTE DISPOSAL CHRG	32.35	1 service	32.35
GEN RECYCLING CHARGE	1.85	1 service	1.85
<b>DAILY INTEREST WILL BE CHARGED AT 10.50 % PA ON OVERDUE RATES AND CHARGES</b>			
<b>1st INSTALMENT</b>	<b>2nd INSTALMENT</b>	<b>3rd INSTALMENT</b>	<b>4th INSTALMENT</b>
117.59	117.30	117.30	117.30
31/08/94	30/11/94	28/02/95	31/05/95
<b>TOTAL AMOUNT DUE</b>			<b>\$ 469.49</b>

BANK TELLER STAMP

*[Signature]*



Attachment 1

**“clause 4.1 Minimum subdivision lot size” page 24**

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

(e) to ensure subdivision does not have inappropriate impact on the natural environment, and

In the comments on page 25 is the following:

*“its location within the Sewage Treatment Plant Buffer area and given it does not directly adjoin any residential landuses it will facilitate.....”*

As referred to previously, the rural residence home is well within 80m of lot 1 of the proposed development.



## Attachment 1

**Also the ecologist's comments further down page 25.**

" and will not have deleterious impacts on native fauna or fauna habitat."

Perhaps the ecologist should attend the site for an extended period to correctly observe what and how the local fauna currently use Lot16. The ecologist only turned up for one day in a good season for the local wildlife (26<sup>th</sup> July 2016).

After 20 plus years of observation:

*A number of ground foraging birds currently utilise the land area in Lot16.*

*Magpies, magpie-lark, masked lapwing (plover), laughing kookaburra, galah, strike thrush, sulphur-crested cockatoo, eastern rosella and about six or more other small wrens.*

*All these live in the adjacent woodlands to the south, south west and some like the plover, to the west and on Lot 16 in the past, (plovers no longer nest in Lot 16 due to the almost total replacement of native pasture by "pasture improved" and imported grasses).*

*Echindia's frequent the area, as does eastern grey kangaroos, along with a resident population of wallaby's, all of which at times - "cross the road" to feed.*

*You will often find magpies nesting in the eucalypts as it is their natural native tree of choice.*

**"4.5 Likely Impacts of the Development" page 46**

"as no sensitive land uses directly adjoin the site, all dwellings in the area are buffered/seperated from the development site by other lots, vegetation and roads and...."

A 20-25m wide rural road is not an adequate buffer for noise and visual pollution.

The western end of Lot 16 is not considered by us to be "appropriate in its setting" and is very likely to impact upon the amenity of the locality, in particular, the rural residence over the road.

**"4.5.7 Air Quality" page 49**

There will be dust emanating from the site (should it proceed) and this will impact on the rural residence.

**"4.5.8 Flora and Fauna", page 49**

As preciously mentioned, a day tripper ecologist will not observe what really is occuring on the land in question.

"will not impact on native vegetation, native fauna species or their habitats"

Our comment:

*Echindia's frequent the area, as does eastern grey kangaroos, along with a resident population of wallaby's, all of which at times - "cross the road" to feed. Mostly the fauna cross the road during stressful dry times, which could have not been observed by the ecologist.*

*You will often find magpies nesting in the eucalypts as it is their natural native tree of choice.*

The development will impact upon the resident native fauna.

Attachment 1

**“4.5.10 Noise” page 50**

“given that no residential dwelling directly adjoins the development site, (the closest dwelling, just southwest of the site, is buffered/seperated from the development site by vegetation and Hill End Road itself), “

Our comment on this is that 20 – 25m of roadway and about 4 trees in a line (east west) do not constutite a “buffer or seperation” from the development site.

The noise from the waste disposal facility is enough (it was in place before we purchased the rural residence and we accepted the inconvienece at the time 20 plus years ago). The only noise we hear from the facility is the occasional reversing beeper, most other nioses are buffered or deflected away by the 500m distance a a decent sized hill/land formations (varying from 30 -40m in height) seperating it from our residence.

80m and a direct line of sight is a lot colser than 500m & large 40m high earth embankment.

**“4.5.11 Natural Hazards” page 50**

All proposed lots subject to the bushfire hazard zone identified by the Bushfire Assesment, no construction within the hazard zone & low level building height with building sprinklers.

**“4.5.12 Safety, security and crime prevention” page 50**

It is noted that “ places and effective lighting of public places both of which the subdivision can achieve.”

This 'public lighting' will amount to night time visual pollution and the presence of the development will attract an “undesirable element” to the area. An element we have not had to so far contend with and subsequently we will require even more security of our belongings on our rural residential land.

**“4.5.13 Social and Economic Impact”**

As may be “advised” by Mr Woods (in his own self interest as a property developer) that 'industrial blocks “may” be in future demand'.

We have observed over the last five (5) years a downturn in industrials, many existing lots remain unlet and vacant, most of the 'so called demand' has been caused by businesses upgrading for location or size of land, with in the existing industrial area (where the action is) to the south of the town around Sydney Road frontages, Industrial Avenue, Depot Road.

Currently there are thirteen (13) 2000m blocks available on Lyons Drive and have been for some time.

3000M is a small block for the top 10% of the industrial lease market. From the proposed plan to hand, a minimum of clearances have been allowed for a B double to manouver in the currently allocated proposed roadways.

## Attachment 1

The comments (page 51) “As local real estate trends point.....” is just an opinion not a fact.

The development will impact on the immediate community which consists of a long term rural residence, the fauna inherent to the local topography and any future use of the surrounding lands.

It is admitted in the following that there are negative impacts.

### **“ 4.5.14 Cumulative Impacts” page 51**

“limited to soil erosion, air noise and water pollution”

We object to being encumbered with the effects of a proposed development which will (if allowed) significantly affect our home life.

The immediate pollution levels surrounding our rural residence, quality of life with regard to visual pollution both day (from the structures) and at night (from the inferred security lighting), noise levels (which have NEVER been tested to any relevant standard to date, as admitted by the developer).

### **The suitability of the site for the proposed development.**

The site suitability is at the best, marginal due to the impact on the local fauna, stress imposed on the occupiers of the rural residence immediately adjacent to the proposed development, visual impact when viewed from the Castlereagh Highway (at Menah hill), visual impact when viewed from the rural residence adjoining the site, both day and night, estimated noise pollution from an industrial area (we have listened to what goes on in the current industrial estate).

The high proposed lot count to the west would be better off further to the east due to the visual impact when seen from Menah hill, keep it small & low or it stands out.

### **“4.7 The Public Interest” page 52**

While the intended development proposal may be partially consistent (please note the errors by Parsons Brinckerhoff & Council staff with respect to the LEP history, copy is Attachment 2) with the controls and “intended” objectives of Councils LEP & DCP it has not been approached in a community manner.

We, as residents, were never advised of any indication to amend or change the land use zoning in the immediate adjoining lands to our rural residence.

As such, we did NOT GET the opportunity or chance to comment or object to any changes which would adversely impact on our lifestyle and way of life.

Further to this we will be inflicted with additional physical & mental stresses due to pollution from the development by noise and visual, both day and night – the security lights, please refer to earlier information.

Attachment 2

Mr R.A. & Mrs M.D. Prowse  
"Pinevale" 205 Hill End Road, Caerleon NSW 2850

The following pages were present to councilors at a meeting in 2010.

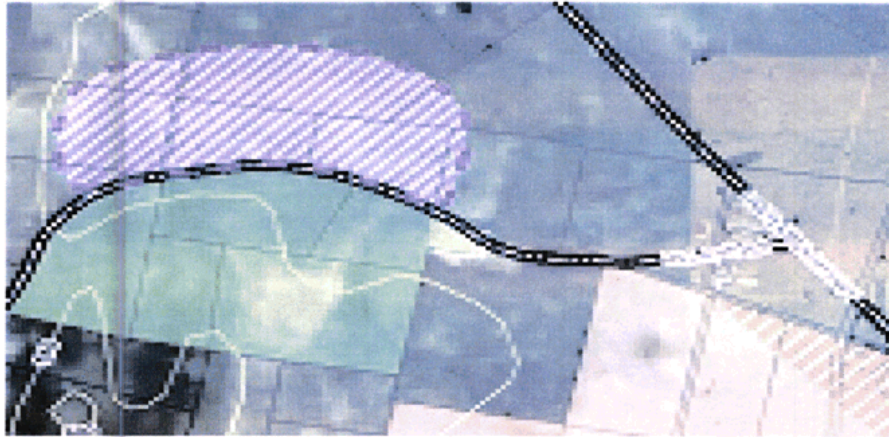
No further action was taken at the time because we actually believed that council staff would physically investigate any proposed zoning changes.

The investigation would have detected the presence of our rural residence and thus prompted further questions or possibly some notification to us as to the intent to rezone the land.

This did not happen.

## Attachment 2

Additional material regarding submission number 25 & “draft Comprehensive Land Use Strategy”



Shown above is the proposed “LIGHT INDUSTRIAL” (in stripped purple) as depicted in the draft Comprehensive Land Use Strategy April 2008. Mudgee Waste Transfer Station is shown as green.

The roughly triangular portion on the left is not owned by Council. It is in fact private property, our home.

The inclusion of Lot 1 DP583807 as Council Operational Land would not have occurred if the mapping records utilised for this Strategy were correct at the time.

Some history.

I had “difficulties” in 1994 when submitting a DA for home improvements – the Council was not even aware that a rural residence was located on this land.

I obtained a copy of the “draft LEP 2008” in early to mid 2009 & discovered the above problem. I then approached Council with this information & was “assured” by a staff member it would be rectified, as it was “only a draft”.

I then checked the Council web site 3<sup>rd</sup> November 2009, after it was advertised that there was a new Comprehensive Land Use Strategy out for comment. The only information I could find on the web site indicated that this “LIGHT INDUSTRIAL” was no longer shown on the maps available.

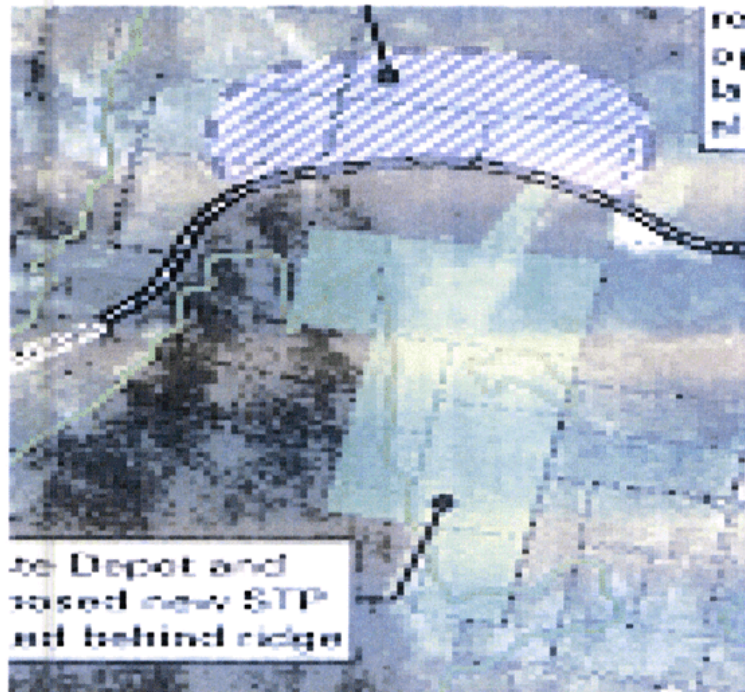
At this time I assumed that the matter had been resolved.

The current Comprehensive Land Use Strategy version 2 is dated 6<sup>th</sup> November 2009.

In February 2010, I happened to be doing some business at Council reception & noticed the map, indicating the “INDUSTRIAL” was back.

Attachment 2

Shown below is the “proposed possibly HEAVY INDUSTRIAL” (in stripped purple) as depicted in the Comprehensive Land Use Strategy “complete part C for exhibition V2”. Mudgee Waste Transfer Station is shown as green.



I strongly suspect that why the “INDUSTRIAL” (Draft LEP 2008 & the Comprehensive Land Use Strategy “complete part C for exhibition V2”.) extends so far to the West, is due to the mistake or oversight on the part of Parsons Brinckerhoff & lack of attention to an existing Rural Residential & Conservation zoned location.

This contravenes a lot of the Comprehensive Land Use Strategy documentation as we read it.

**The following is taken from the Mid-Western Comprehensive Land Use Strategy version 2 document.**

***Our comments, objections & observations are in italics.***

1.1 Purpose.

- *Determine the optimal location for development – the Strategy ensures that future development is appropriately located and sensitive to surrounding land uses.*

*The rezoning to heavy industrial will not be sensitive to “surrounding land uses”*

Attachment 2

1.3 The Mid-Western Region's Vision 2031

To provide for sustainable growth and development, having regard to the regions unique heritage, environment and rural character, and to support agricultural enterprises and the regions diverse economic base.

*The rural character of the immediate area will be drastically altered.*

1.4.2 Environmental quality

- ensure that development does not impact on water quality and strives to improve the water quality of the surrounding waterways
- promote development that does not impact on air quality of the residents and visitors
- provide for segregation of incompatible land uses

*Air quality will be affected in the immediate area.*

*Rural views are not compatible with Heavy Industry Constructions/sheds.*

- ensure that appropriate investigative work is undertaken and considered on a site specific basis as part of landuse change and development application process

*It appears no "site specific" or locality research was done in the preparation of this plan.*

1.4.3 Social equity

- preserve and protect the existing character of the urban and rural areas

*Heavy industrial usage of the land within 400m of our front door will definitely change the character of this rural residence & the surrounding area.*

1.4.4 Key approaches .....

- direct settlement and development intensification away from areas identified as environmentally sensitive
- protecting agricultural land

*Our "block" was listed on our rate notice in 1994 as "RESIDENTIAL RURAL" & came under "ENVIRONMENTAL PROTECTION / SCENIC", on Council plans. We hold the original rates notice.*

*At that time -*

*The Council's Mission statement was to – Promote a quality lifestyle for residents of Mudgee shire by the provision of services & management of the environment.*

*The Council's Vision statement was to – Be recognised by our community for being fair, far sighted & providing good value for money.*

*Do we now assume that the statements above no longer apply?*

2.1 Rural land

- Residential uses are to retain a buffer on that land in accordance with Water Directorate guidelines to agricultural areas, especially the intensive agricultural areas so as to minimise impact on agriculture. This buffer is to safeguard against noise, odour, dust, spray drift and other operations that may affect residential amenity

*If Industrial zoning is implemented on the proposed land adjacent to our home, we will experience, from then on, NOISE, ODOUR & DUST in excess of current conditions.*



## Attachment 2

- Support home industries in rural areas but discourage the development of light industries on land which is suitable for agricultural development

*The land in question is currently zoned agricultural, any change with the exception of Rural Residential or Rural Lifestyle would impact on our land value & lifestyle values.*

### 2.3 Protection of the environment & natural resources

- Protection of areas of high scenic and/or conservation value
- Ensure that the integrity of ground water and surface water is maintained
- Guide development away from areas identified as environmentally sensitive

*As noted above – our land is/was zoned/listed as ENVIRONMENTAL/SCENIC & Currently listed as CONSERVATION.*

- Promote the conservation and enhancement of ecological integrity of the urban and rural parts of the local government area

*The ecological integrity of the locality will be disrupted by any major change to local land useage. Heavy Industrial useage will disrupt & change the local ecology as it will be a major change to local land utilisation.*

- Promote development that does not impact on air quality of the residents and visitors

*Any industrial useage of land adjacent to our house will impact on both us & visitors.*

### 2.3.6 Flora & fauna

Flora and fauna resources in the Mid Western Regional Council are to be managed and protected from inappropriate development. It will be necessary for Council to prepare a comprehensive biodiversity study and strategy that addresses the interface with neighbouring local government areas. Strategic principles relating to flora and fauna conservation include:

- Development should be generally excluded from existing vegetated and riparian areas together with a minimum 40 metre development buffer surrounding heavily vegetated areas
- The promotion of sustainable development and the recognition and protection of significant natural features.
- Significant vegetation across the Mid-Western Regional local government area is to be protected so as to reinforce natural scenic qualities and provide habitat for native fauna and create a sense of place for the natural environment and community.

*We have observed a diverse range of native wildlife, both on and around our land.*

*List of local inhabitants – kangaroos (Eastern Grey), wallabies (Yellow tailed), echidnas, snakes, turtles & goannas, all of which cross the Hill End road for food & water at various times of the year & seasons.*

*Industrial development in the immediate area will cause disruption to their (currently) normal cycles & movements.*

### 2.3.9 Ridgelines & rural views

- Avoiding development on the ridgelines or in locations where structures would protrude or interrupt the skyline when viewed from a distance

*When viewed from a distance, (entry to Mudgee township from Gulgong & off to the right hand side), Heavy Industrial structures are not conducive to a good visual appreciation of Mudgee.*

Attachment 2

- Maintain ridgelines (and their buffer areas) and the view corridors to natural and cultural landscapes. In this regard, a no-build buffer for at least 40 metres either side of the ridge line should be implemented. Development controls for the site should address building envelopes and provision of additional native tree planting to achieve this objective.

*On the normal expected growth rate of trees, it would take about 20 – 30 years to achieve any substantial “view/scenic” buffer coverage of Heavy Industrial structures. The “long term planning” had better start now, if this goes ahead.*

3.2.4 General & heavy Industry

The overriding strategy is the management, retention and reuse of existing industrial lands and future expansion in appropriate locations. It is also considered appropriate to encourage developments that increase opportunities for use of the existing road and rail network.

*There is nothing I am aware of in the way of Heavy Industrial that would utilise a facility this far off the existing corridors of transportation. As the Strategy reads, “retention & reuse” of existing lands.*

Land near Mudgee Waste Transfer Station

A preliminary investigation identified the land to the north of the Mudgee Waste Transfer Station on Hill End Road as a suitable location for heavier industries. A land area of

IS BRINCKERHOFF 21-6697A Planning/Comprehensive Land Use Strategy/Consultation/2017/2018/Review/Consultation/2018 Page 49

*This “identified land” is just outside our front door!  
The earlier draft proposed “Light Industrial”, the current draft proposes “Heavy Industrial”  
A proper environmental study needs to be done.*

54 hectares has been identified, which would yield 100-200 lots based on the current minimum subdivision requirement. This land is not currently serviced by water or sewer and its development will be at considerable expense to Council. It is likely that a new reservoir would be required to feed the site plus a new sewerage pump station.

*Any implementation of this Strategy would cost the ratepayers of this area additional money to install the infrastructure expected to be provided by Council, as noted in the Comprehensive Land Use Strategy version 2*

4.6 Natural & environmentally sensitive areas

As addressed in Part A and the land use above, a significant proportion of the local government area is under the conservation status of either National Parks or Nature Reserves. In addition the Environmental Protection zones is used as a mechanism within

IS BRINCKERHOFF 21-6697A Planning/Comprehensive Land Use Strategy/Consultation/2017/2018/Review/Consultation/2018 Page 60

the current planning instruments to achieve additional protection of areas of private (and crown) land that warrant additional conservation status.

*Currently our land is zoned “Conservation”*

4.8 Rural lifestyle land use

It is to be noted that there is a clear distinction between rural lifestyle living and smaller lots used for primary production purposes. This section will discuss the lots used for rural lifestyle and living purposes.

IS BRINCKERHOFF 21-6697A Planning/Comprehensive Land Use Strategy/Consultation/2017/2018/Review/Consultation/2018 Page 61

## Attachment 2

*As our land is zoned “Conservation”, we do our own water & sewerage, at no cost to the other “ratepayers”.*

There are approximately 2,175 zoned rural small holding lots within the former Mudgee and Rylstone local government areas. It has been found that there are only 98 of these lots vacant. The land that is currently zoned as rural small holdings allow for a range of agricultural uses from hobby farms to emerging rural industries. Evidence suggests that the demand is strong for rural lifestyle lots within close proximity to Mudgee ideally within a commuting distance of 10-15 minutes from the town centre. The area surrounding Mudgee is picturesque and desirable for those seeking a ‘treechange’ and proximity to the higher order services of Mudgee. This is consistent with the direction of the Strategy, which focuses future rural lifestyle opportunities around the main settlements in the local government area.

*This would be a good time to focus on “the above mentioned” area, for the reasons stated in the Comprehensive Land Use Strategy version 2*

### 4.8.1 Location of lifestyle .....

The focus of future rural lifestyle development will be within close proximity to the main towns of Mudgee, Gulgong and Rylstone, where the demand exists, and where future occupants can expect a reasonable level of access to services and facilities. Council acknowledges that while these lots provide an opportunity for people to get into farming, they also serve a residential function as typically residential will have a supplementary off farm income (as recognised in the Central West Rural Land Report). This being the case we need to be both environmentally and socially responsible in the location of future small rural lots. This strategy is also in accordance with broader sustainability and Rural SEPP principles and will minimise the cost to Council of providing additional services and undertaking road maintenance activities.

*What about a focus on current rural lifestyle & disruption of that lifestyle with Heavy Industrial just outside our front door!*

### Sites Identified in the Strategy for Future Development

There are a number of sites identified within the Strategy which will require further investigation prior to the landuse being changed. Site specific suitability and capability studies will be required to confirm the appropriate landuse for these areas. These areas are generally the large lot residential land and future residential land identified in the strategy.

*The currently proposed siting of Heavy Industrial on Lots 11 & 26 DP 756879 Hill End Road Mudgee will need to take into account the following extract, as well as our comments & objections, as listed above.*

## Attachment 2

- The size, location and proposed future use of the site. How the site is addressed in the Strategy in terms of why the rezoning can be justified including an assessment of supply and demand.
- Traffic generation and access to the site. The impact of the proposed development and likely mitigation measures that would be required.
- Ecological investigations to identify the presence of any species listed under the Threatened Species Conservation Act.
- Bushfire risk assessment having regard to the NSW Rural Fire Service *Planning for Bushfire Protection* document.
- Infrastructure and services, the ability of the land to be serviced with sewer and water, electricity and roads. Note, all residential development proposed below 400Cm2 and within 2km of the existing urban limit of Mudgee, Gulgong, Rylstone and Kandos will require connection to reticulated water and sewer.
- Visual impact assessment, including view into and outward from the proposed area.
- Agricultural land capability assessment: should it fall within class 1-11 agricultural land.

Cover page for Objection to development.

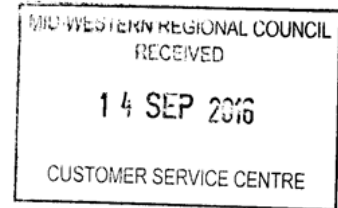
**To:** The General Manager  
Mid-Western Regional Council  
86 Market Street, Mudgee 2850

**Date:** 9<sup>th</sup> September 2016

**Reference:** DA0034/2017

**Proposal:** Subdivision (intergrated) – Torrens Title 34 Lo

**Name & address:** Mr R. A & Mrs M. D. Prowse  
"Pinevale" 205 Hill End Road, Caerleon NSW



*1st submission received 12/9/16  
was missing the 'To:'  
section.*

**Reason for submission:**

Objection to the development in it's current form.

Due to the impact from the increase in pollution from Noise, Visual and possible mistakes by council staff when considering the rezoning of the land.

As we qualify for notification of a development application under section 79 of the Environmental Planning and Assessment Act 1979.

Section 79, 1, (b), (l).

" to such persons as appear to own or occupy the land adjoining the land to which the development application relates,"

In Branson's Statement of Environmental Effects, no consideration has been given to the fact that our rural residential dwelling will be affected by the proposed change to land useage.

Attachment 1 is a reply to the omissions in the report

Attachment 2 is our previous submission to council in 2010 regarding the LEP/CLUS and the then proposed zoning.





Contact: Jeanette Nestor  
Phone: 02 6841 7447  
Fax: 02 6884 0096  
Email: [jeanette.nestor@dpi.nsw.gov.au](mailto:jeanette.nestor@dpi.nsw.gov.au)  
Our ref: 80 ERM2016/0661  
Our file:  
Your ref:

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

Attention: Drew Roberts

24 November 2017

Dear Drew

**Re:** Integrated Development Referral – General Terms of Approval

**Dev Ref:** DA0034/2017

**Description of proposed activity:** Works on waterfront land – Removal of dams, Installation of an offline detention basin, Installation of a stormwater outlet and associated pipe line

**Site location:** 38 Hill End Road, Mudgee

I refer to your letter dated 10<sup>th</sup> August 2016 regarding an integrated Development Application (DA) proposed for the subject property. DoI Water has reviewed the supporting information and is now in a position to issue General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act). Comments are also provided below for Council's information.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DoI Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- DoI Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, DoI Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- DoI Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- DoI Water requests notification of any legal challenge to the consent.

---

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

209 Cobra Street, Dubbo, NSW 2830 | PO Box 717 Dubbo, NSW 2830, Australia | e [water.enquiries@dpi.nsw.gov.au](mailto:water.enquiries@dpi.nsw.gov.au)

Template Ref: CAA04, Version 1.2 – July 2015

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, Dol Water recommends the following condition be included in the development consent:

**“The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council”.**

**The attached GTA are not the controlled activity approval. The applicant must apply (to Dol Water) for a controlled activity approval after consent has been issued by Council and before the commencement of any work or activity on waterfront land.**

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date Dol Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from Dol Water's website:

**<http://www.water.nsw.gov.au/water-licensing/approvals/controlled-activity>**

Dol Water requests that Council provide a copy of this letter to the applicant.

Dol Water also requests that Council provides Dol Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

**Yours Sincerely**



**Patrick Pahlow  
Senior Water Regulation Officer  
Water Regulatory Operations  
NSW Department of Primary Industries – Dol Water**

## General Terms of Approval

**for work requiring a controlled activity approval  
under s91 of the *Water Management Act 2000***

Number	Condition	File No:80ERM2016/0661
Site Address:	38 Hill End Road, Mudgee	
DA Number:	DA0034/2017	
LGA:	Mid-Western Regional Council	
<b>Plans, standards and guidelines</b>		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to and provided by Council:</p> <p>(i) Site plan</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DoI Water (formerly the DPI Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DoI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan</p> <p>(ii) Works Schedule</p> <p>(iii) Erosion and Sediment Control Plan</p> <p>(iv) Soil and Water Management Plan</p>	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DoI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DoI Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals">www.water.nsw.gov.au/Water-Licensing/Approvals</a>.</p> <p>(i) Vegetation Management Plans</p> <p>(ii) Laying pipes and cables in watercourses</p> <p>(iii) Riparian Corridors</p> <p>(iv) In-stream works</p> <p>(v) Outlet structures</p>	
5	<p>The consent holder must:</p> <p>(i) carry out any controlled activity in accordance with approved plans, and</p> <p>(ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional, and</p> <p>(iii) when required, provide a certificate of completion to DoI Water.</p>	
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DoI Water.</p>	



Number	Condition	File No:80ERM2016/0661
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the Dol Water.	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to Dol Water as required.	
9 - 13	N/A	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by Dol Water.	
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by Dol Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by Dol Water.	
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by Dol Water.	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by Dol Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by Dol Water.	
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by Dol Water.	
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work, and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by Dol Water.	
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by Dol Water.	
22	N/A	
23	The consent holder must establish a riparian corridor along 10m in accordance with a plan approved by Dol Water.	
24 -27	N/A	
28	The consent holder must ensure that any construction below ground level does not result in the need for permanent dewatering, other than in accordance with licence conditions approved by Dol Water.	
<b>END OF CONDITIONS</b>		

All communications to be addressed to:

Headquarters  
15 Carter Street  
Lidcombe NSW 2141

Headquarters  
Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: [csc@rfs.nsw.gov.au](mailto:csc@rfs.nsw.gov.au)

Facsimile: 8741 5433



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

Your Ref: DA0034/2017  
Our Ref: D16/2675  
DA16090603694 GB

**ATTENTION:** Drew Roberts

26 September 2016

Dear Sir/Madam

**Integrated Development for Lot 17 DP 756897, Lot 16 DP 756897, 38 Hill End Road Caerleon NSW 2850**

I refer to your letter dated 10 August 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

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

**Asset Protection Zones**

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

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**Water and Utilities**

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

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Access**

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

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

**General Advice – consent authority to note**

Any future development application lodged within this subdivision under section 79BA of the 'Environmental Planning & Assessment Act 1979' will be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Garth Bladwell on 1300 NSW RFS.

Yours sincerely



Nika Fomin  
**Manager, Planning and Environment Services East**

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



18 January 2017

SF2013/172701; WST13/00126/04

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

Dear Sir

**DA0034/2017: Lots 16 & 17 DP 756897; 38 Hill End Road (MR216), Caerleon; Subdivision**

I refer to an email from Drew Roberts on 23 June 2017 forwarding additional information in support of DA0034/2017 to Roads and Maritime Services for comment. Reference is also made to Roads and Maritime's previous submission dated 24 July 2017. I write to advise Roads and Maritime's submission on 24 July 2017 contained errors and should be disregarded. This letter is Roads and Maritime's final response in relation to DA0034/2017. I apologise for any confusion caused.

In accordance with section 138(2) of the *Roads Act 1993*, Roads and Maritime grants its concurrence to the proposed development subject to the following conditions being met:

- Prior to the commencement of construction work, a Channelised Right (CHR) turn lane facility in accordance with Figure 7.7 Part 4A of *Austroads Guide to Road Design* (copy enclosed) and relevant Roads and Maritime supplements, is to be provided in Hill End Road at its intersection with the proposed public road. The intersection works are to be designed and constructed for a 100km/h speed zone and be able to accommodate the largest vehicle accessing the intersection.
- Prior to the commencement of construction work, a sealed Basic Left (BAL) turn treatment as shown in Figure 8.2 Part 4A of *Austroads Guide to Road Design* (copy enclosed) and relevant Roads and Maritime supplements, is to be provided at the intersection of the proposed public road and Hill End Road.
- Safe Intersection Sight Distance (SISD) in accordance with Part 4A of *Austroads Guide to Road Design* and relevant Roads and Maritime supplements is to be provided at the intersection of the proposed public road and Hill End Road.

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, Manager Land Use Assessment, on 02 6861 1453.

Yours faithfully

Dane Hendry  
Network & Safety Manager  
Western

**Roads and Maritime Services**

**From:** ConveyancingTeam  
**To:** [Drew Roberts](#)  
**Subject:** FW: DA0034/2017 38 Hill End Road, Caerleon being Lot 17 DP756897 & Lot 16DP756897  
**Date:** Thursday, 13 July 2017 3:37:14 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.jpg](#)  
[image005.png](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[4a. Letter from Council requesting further info R"cd 01.09.16.pdf](#)  
[19196-CDSet.pdf](#)  
[Landscaping.pdf](#)  
[3151\\_Additional information Biodiversity\\_Rev 0\\_20170620.pdf](#)

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We refer to your correspondence seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has no objection to this development at this time, provided:

1. If the proposal changes, Essential Energy would need to be informed for further comment; and
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property are complied with.

In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.

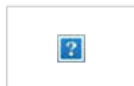
Prior to carrying out any works, a "Dial Before You Dig" enquiry must be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).

Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines/Underground Assets*.

If you have any queries, please contact the writer.

Regards,

Melinda White  
Conveyancing Officer



T: 02 6588 6778 (Extn 86778) | [conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au)  
PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)  
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us  

## 8.3 MI008/2018 Modification of DA 0259/2017 - Change Pylon Sign for Club Mudgee Car Park

REPORT BY THE SENIOR TOWN PLANNER  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, DA0259/2017

**RECOMMENDATION**

**That Council:**

- A. receive the report by the Senior Town Planner on MI008/2018 Modification of DA 0259/2017 - Change Pylon Sign for Club Mudgee Car Park;
- B. approve MI008/2018 Modification of DA 0259/2017 - Change Pylon Sign for Club Mudgee Car Park subject to the following modified conditions:

**APPROVED PLANS**

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp (as amended in red) 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
Site Plan	-	-	-	As received by Council on 24 April 2017.
<del>Car Park Sign 1</del>	-	-	-	<del>As received by Council on 24 April 2017.</del>
<del>Car Park Sign 2</del>	-	-	-	<del>As received by Council on 24 April 2017.</del>
Car Park Sign	-	-	-	Unique Signage Solutions
Fabricated Letters Fixed to Eastern Wall of Club & Fabricated Letters Fixed to Corner Wall of Club	-	-	-	As received by Council on 24 April 2017.
Photo of existing Club Mudgee sign on awning fascia	-	-	-	As received by Council on 22 June 2017.
Entry Club Signage	WDS 5.81	B	31.10.13	Nicholas Associates Architects Pty Ltd

**(AS AMENDED BY MI008/2018)**

**GENERAL**

2. This development consent provides approval for:
  - (a) The proposed “Club Mudgee” sign attached to the north-west corner of the building;
  - (b) The proposed “Club Mudgee” sign attached to the eastern wall of the building;
  - (c) The existing “Club Mudgee” sign attached to the entrance awning of the building; and
  - (d) The proposed “Club Mudgee” pylon sign erected near the Perry Street car park entrance to the site.
3. The approved pylon sign is to be located wholly within the property boundaries of the subject site, with no part of the sign to be located within the road reserve.
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.

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

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

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

6. A sign must be erected in a prominent position on any 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.

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7. **The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials. NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE**
8. **Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.**
9. **A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
10. **If the work involved in the erection/demolition of the building:**
  - a) **Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
  - b) **Building involves the enclosure of a public place**

**A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.**

## **BUILDING CONSTRUCTION**

11. **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.**
12. **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.**
13. **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.**
14. **The development site is to be managed for the entirety of work in the following manner:**
  - a) **Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;**
  - b) **Appropriate dust control measures;**
  - c) **Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and**
  - d) **Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**
15. **All public footways, foot paving, kerbs, gutters and road pavement damaged during**



the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.

#### PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

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

16. On completion of the work, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the structure.

#### CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

17. Any illumination of signage is to comply with the following requirements:
- a) Illumination (including cabling) of signs is to be:
    - (i) concealed; or
    - (ii) integral with the sign; or
    - (iii) internally illuminated; or
    - (iv) provided by means of carefully designed and located remote or spot baffled lamps.
  - b) The design and lux of any internal or spot lighting shall be designed to avoid off-site or traffic safety impacts.
  - c) Illumination must not be set to flashing mode, at any time.
  - d) Comply with Australian Standard *AS 4282:1997 – Control of the Obtrusive Effects of Outdoor Lighting*.
18. The internal light of the pylon sign must be set on a timer so that it is off outside the business hours of the premises.
19. ~~The wording on the pylon sign is to be limited to “Club Mudgee, Patron Carpark, Ph: 6372 1922”. Changes may be made to the telephone number, as required and without Council consent. The wording must be in fixed print. That is, the pylon sign is not to operate as a changeable message sign, at any time.~~

The wording on the pylon sign is to be limited to “Club Mudgee, Patrons Parking Only, [www.clubmudgee.com.au](http://www.clubmudgee.com.au)” or similar. Changes may be made to the telephone number or other contact details, as required, and without Council consent. The wording must be in fixed print. That is, the pylon sign is not to operate as a changeable message sign, at any time.

(AS AMENDED BY MI008/2018)

20. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
21. Any graffiti attacks on the approved signage and related components are to be
-

removed and cleaned as soon as practicable, in order to deter future attacks.

22. The existing TAB sign is to be removed from the premises within 2 months from the erection of any of the proposed signs approved by this Development Consent.

## Executive summary

OWNER/S	Mudgee Soldiers Club Ltd
APPLICANT:	Mudgee Soldiers Club Ltd
PROPERTY DESCRIPTION	Club Mudgee, 93-99 Mortimer Street, Mudgee NSW 2850
PROPOSED DEVELOPMENT	Modification of Consent – Change Pylon Sign at Carpark
ESTIMATED COST OF DEVELOPMENT:	N/A
REASON FOR REPORTING TO COUNCIL:	The application includes a variation to a standard in Council's DCP. The application was called up by Councillor Holden.
PUBLIC SUBMISSIONS:	Nil

### Approved development

The original application, approved on 12 July 2017, was for a number of signs for Club Mudgee. One of the approved signs was a single pole pylon sign to be erected near the entrance to the car park.

### Proposed modification

No previous modifications to the original application have been submitted or approved.

This application to modify the development consent was submitted to Council on 15 November 2017. The material submitted with the application states that the proposed modifications are:

*Change in the design of the Car Park Sign from 1 pylon sign with single light box to a 3 pole with 2 single sided illuminated light boxes.*

A comparison between the approved Car Park Sign and proposed Car Park Sign is provided in the following table:

	Approved Sign	Proposed Sign
Height	4.0m	4.0m
Number of Poles	1	3
Sign face dimensions	1.8m x 1.25m	1.82m x 1.2m
Illuminated light boxes	Yes	Yes
Number of sign panels	1	2

In short, the proposed modification seeks to change the Car Park Sign from a single panel sign to a 2-panel 'V' layout type sign.

The application to modify the consent is recommended for approval.

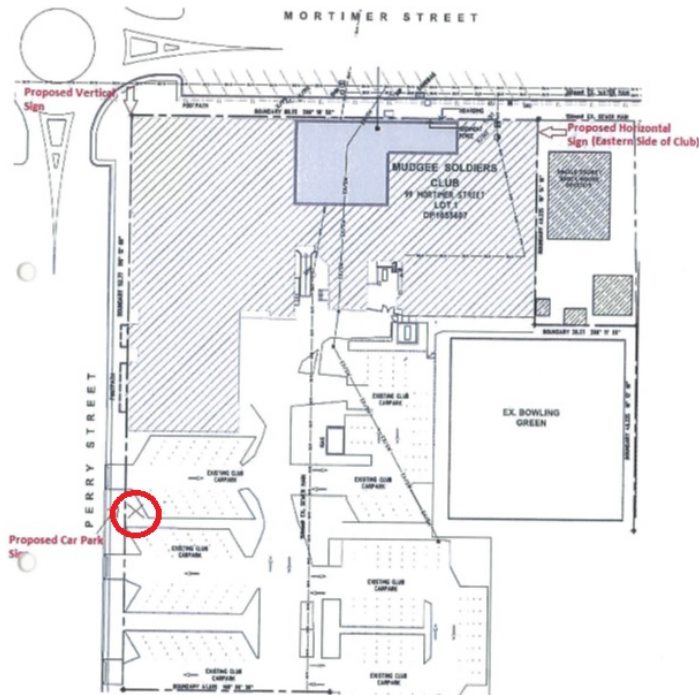


Figure 1 – Location of Approved Pylon Sign Near Car Park Entrance

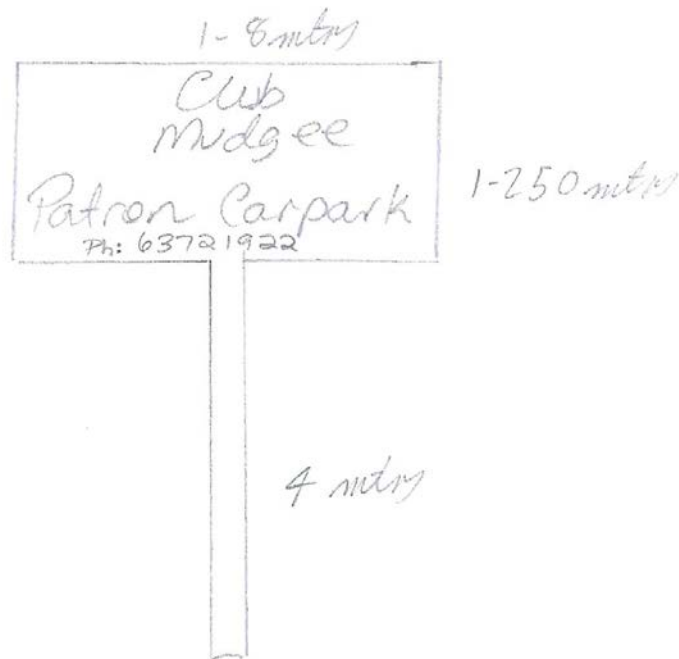
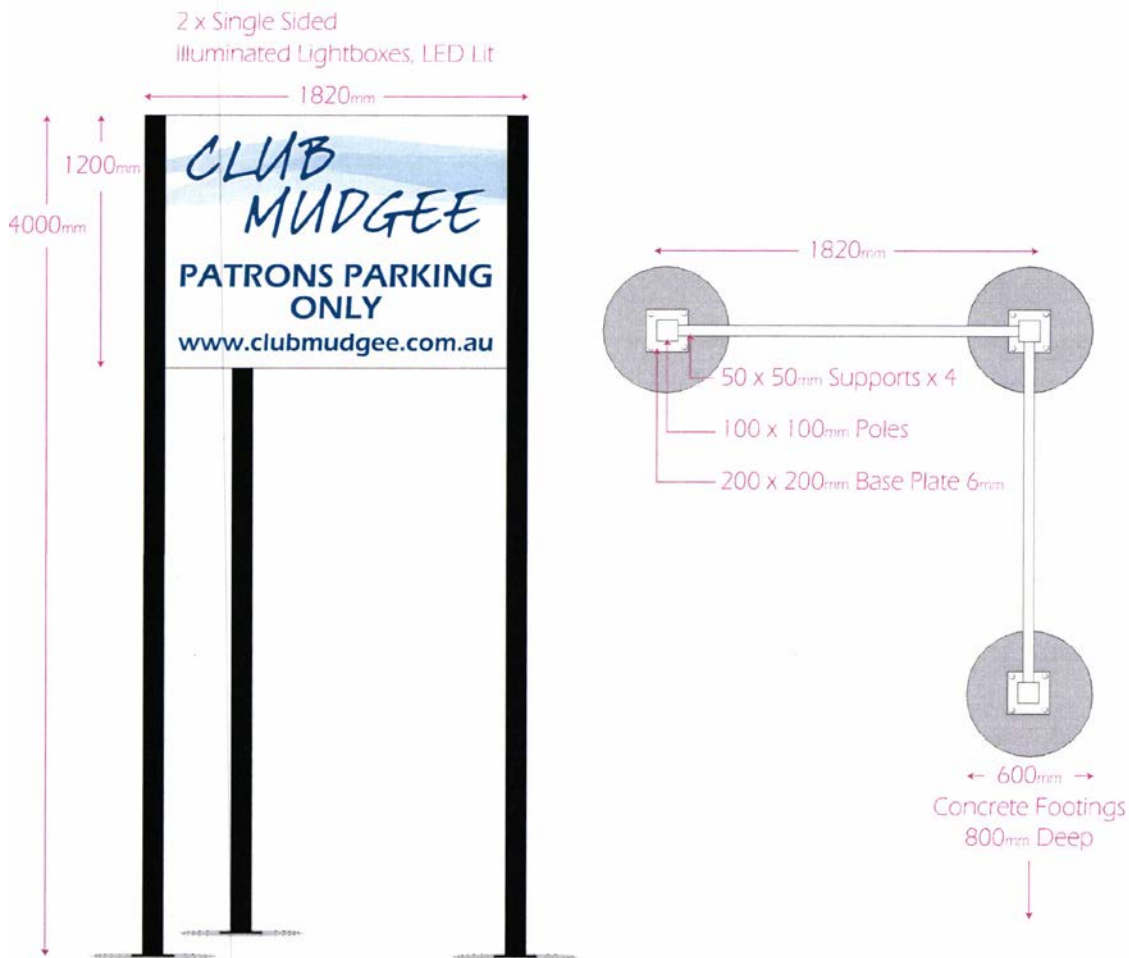


Figure 2: Approved Pylon Sign for Car Park Entrance.



**Figure 3: Proposed Modified Pylon Sign for Car Park Entrance.**

The original application (DA259/2017) sought approval for, among other things, a single pole illuminated sign. As the original application requested a variation to Council's DCP, a memo was circulated to Councillors on Thursday 26 June 2017. As no request was made to have the application considered by Council, the application was determined under delegation.

Disclosure of Interest

Nil

Detailed report

*SECTION 96(1A) – MODIFICATION INVOLVING MINIMAL ENVIRONMENTAL IMPACT*

Section 96(3) of the *Environmental Planning and Assessment Act 1979* states: *In determining an application for modification of consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.*

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.

### ***Minimal Environmental Impact***

The proposed modifications are relatively minor in nature and will not result in any adverse impacts on the natural or built environment. The proposed sign is illuminated, 4.0m high and positioned within a garden bed – as is the already approved sign (DA259/2017). While the V-shaped layout of the sign means that the sign faces will be more visible to residents on the opposite side of the road, it is considered that the distance between these residences and the sign will mitigate the visual impact of the sign. It is noted that none of residents lodged a submission in response to public notification of the proposed modification or the original development application. In terms of impacts, there is no appreciable difference between the approved and proposed Car Park Sign.

In considering impacts upon neighbours it important to note condition 18 of the consent requires that the internal lighting of the sign must be set on a timer so that it is off outside the business hours of the premises.

### ***Substantially the Same Development***

The modification is considered to result in substantially the same development as that for which consent was originally granted. The comparison table provided in the “Proposed Development” section of this report indicates that the height, size and illumination components of the sign are similar. The only appreciable difference is that the proposed sign is a V-shaped arrangement, whereas the approved sign was a single panel design. It is noted that the approved sign had sign faces on both sides of the sign panel – in comparison, the V-shaped layout is also visible from both sides.

### ***Consultation***

Not applicable.

The original application did not require referral to any public authority or approval body applied. Consequently, there are no conditions on the development consent applied as a result of concurrence or any general terms of approval.

### ***Notification and submissions***

The proposed modification was notified to neighbours in accordance with Part 1.12 of Council’s DCP 2013. Notification letters were sent to the owners of 18 properties, including a number of commercial premises fronting Mortimer Street and the residences facing Perry Street, opposite Club Mudgee. The notification period was 20 November 2017 to 7 December 2017. No submissions were received.

## ***REQUIREMENTS OF REGULATIONS AND POLICIES***

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

The proposed modification does not alter the original proposal’s compliance with the relevant sections of the LEP. It is noted that the modified pylon sign is less than the building height requirements of the LEP and the modified sign will continue to be compatible with the Heritage Conservation Area.

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

The proposed modification does not alter the original proposal’s compliance with the relevant sections of the SEPP. It is noted that conditions regulating illumination of the Car Park Sign will remain unchanged.

### ***Mid-Western Regional Development Control Plan 2013 (DCP)***

Section 4.4 of the DCP provides development standards for signage. The proposed modified pylon sign is considered to comply with the following development standards for signage.

- Heritage Conservation Area.

The proposed modified pylon sign, due to the distance between the sign and existing signs, and consistency in style and colour with existing signs, does not have an adverse impact on the character of the Heritage Conservation Area.

- Maximum signage area.

The maximum signage area allowed is 25% of the frontage. The proposed modified sign, together with all other approved signs for Club Mudgee, will be well below the 25% signage area allowed for the Perry Street frontage.

- Maintenance and Illegal Signs.

The requirements contained in this section require high quality, professional signs and to ensure that signs are erected legally. The plans submitted with the application indicate a professional looking sign. Conditions are included in the consent to ensure that the sign is maintained to appear clean and tidy at all times. The sign will be erected legally in accordance with the development consent.

### Variations

The proposed modified pylon sign varies from the following signage requirements contained in the DCP:

- (a) No additional pylon signs to be erected in the Mudgee business area.
- (b) No illuminated signs to be erected above the awning line, within the Mudgee business area.

Despite the proposed modified sign's variation from these development requirements, it is considered the variation is justified - and the application is recommended for approval, on the following grounds:

- The proposed signage will complement the Club's existing signage, both metal and illuminated.
- The number and type of signs, including above awning and illuminated, is less than the number and type of signs on comparable premises in the streetscape. Club Mudgee currently has 7 signs. The commercial premises opposite the Club on Mortimer Street have 26 signs for 8 businesses. The Club's proposed signage is no more obtrusive than the existing signage of the other businesses in the vicinity of the Club.
- A timer is intended to be installed on the proposed Pylon Sign, so that it will not be illuminated for the whole night (**condition**).
- A pylon sign for the car park was refused in 1990. The Club has since grown significantly in size and the proposed pylon sign is consistent with the current scale of the Club.
- There are other pylon signs in the vicinity of the site, including Mudgee Public School and the Mortimer Street shops. The proposed pylon sign will not have an adverse impact on the character of the Mudgee business area.

- The sign is located within private property, positioned behind the Perry Street building line – as such the sign will be partially screened by the existing building, particularly for those vehicles travelling along Mortimer Street.

#### *IMPACT OF DEVELOPMENT*

The proposed modification generally does not significantly alter the impacts associated with the approved development.

#### *SUITABILITY OF SITE FOR DEVELOPMENT*

##### ***Does the proposal fit in the locality***

The approved use and the proposed modification are considered an appropriate fit in the locality.

##### ***Are the site attributes conducive to development***

The site attributes are generally conducive to the approved use and the proposed modifications.

#### *SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

##### ***Public Submissions***

The proposed modification was notified to neighbours in accordance with Part 1.12 of Council's DCP 2013. The notification period was 20 November 2017 to 7 December 2017. No submissions were received.

##### ***Submissions from public authorities***

Not applicable.

#### *THE PUBLIC INTEREST*

##### ***Federal, State and local government interests and community interests***

The proposed modification is considered to be generally in the public interest.

#### *CONSULTATIONS*

##### ***Health & Building***

Not applicable.

##### ***Development Engineer***

Not applicable.

##### ***Heritage Advisor***

Not applicable.

#### Community Plan implications

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

## Strategic implications

### **Council Strategies & Plans**

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013

### **Council Policies**

Not applicable.

### **Legislation**

*Environmental Planning and Assessment Act 1979*

## Financial implications

Not applicable.

## Associated Risks

The recommendation of staff is to approve the application subject to conditions provided above.

Should Council refuse the application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

ILIJA SUSNJA  
SENIOR TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

18 January 2018

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 8.4 DA0084/2018 Subdivision of part of the Loy Avenue road reserve to create a new lot in connection with a proposed road closure and sale

REPORT BY THE TOWN PLANNER  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, DA0084/2018

### RECOMMENDATION

#### That Council:

1. receive the report by the Town Planner on the DA0084/2018 Subdivision - Subdivision of part of the Loy Avenue road reserve to create a new lot in connection with a proposed road closure and sale;
2. resolve to grant an exemption to the payment of S94 and S64 Developer Contributions;
3. approve DA0084/2018 – Subdivision of part Loy Avenue, Mudgee subject to the following conditions:

### APPROVED PLANS

1. Development is to be carried out generally in accordance with the following stamped plan, except where amended as required by the following conditions. The Survey Plan submitted for certification and endorsement are to be in accordance with the Plan Form 2 showing proposed Lot 100, being Plan First Title and Subdivision of Part of Loy Avenue for Title Issue and Road Closing, prepared by Surveyor Colin William (Bill) Currie, dated 12.07.2017 and with a Surveyor's Reference 26060 MWRC, as submitted with the application.
2. For clarity, this development consent approves the creation of Lot 100, through the subdivision of part Loy Avenue.
3. Proposed lot 100 shall not be dealt with otherwise than by sale to the owners of the adjacent property being lot 11 DP 1205283 known as 8 Loy Avenue. If not sold to the adjacent owners as proposed by the supplementary documents lodged with the application, the applicant must re-dedicate the proposed lot 100 as public road. Proposed lot 100 shall be consolidated with lot 11 DP 1205283 (i.e. No. 8 Loy Avenue) within six months of completion of purchase of this lot by the owners of that lot. The applicant must include this condition in the contract for sale of lot 100, together with other conditions to ensure it occurs, and must enforce this provision against the purchasers

### CULTURAL HERITAGE

4. 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.
-

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

5. 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.

6. Prior to the issue of a Subdivision Certificate, a linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
7. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.

**NO FURTHER CONSTRUCTION OF ACCESS**

8. Other than maintenance of existing conditions, no further development of the land that requires the construction of a formal vehicular access to the land from Loy Avenue will be permitted.

## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Mid-Western Regional Council
PROPERTY DESCRIPTION	Loy Avenue road reserve (adjoining 8 Loy Avenue)
PROPOSED DEVELOPMENT	Subdivision of part of Loy Avenue road reserve to create a new lot in connection with a proposed road closure and sale.
ESTIMATED COST OF DEVELOPMENT:	\$0
REASON FOR REPORTING TO COUNCIL:	Request to vary Council policy/standards, and exemption to pay developer contributions
PUBLIC SUBMISSIONS:	0

A Development Application seeking to subdivide part of Loy Avenue road reserve to create a new lot was received by Council on 6 October 2017. The application is in connection with a proposed road closure and sale to the adjoining property owner at 8 Loy Avenue.

The proposed road closure and sale to the adjoining property owner has already been agreed to by Council at previous meetings, as outlined below.

At the Ordinary Council Meeting on 3 December 2014, Council resolved:

2. *Council agree to the Application for Closure of that part of Perry Street road reserve (213m<sup>2</sup>) adjacent to the eastern boundary of proposed allotment 26 of the Riverview Estate subdivision as shown on the plan in Attachment 4 to this report and make an application to NSW Trade & Investment – Crown Lands for the closure;*
4. *If, upon closure of that section of part of Perry Street road reserve the land vests in Council, Council agree to sell the land to the applicant...*

At the Ordinary Council Meeting on 19 August 2015, Council resolved:

*That Council agree to sell the land to the applicant...*

At a subsequent Ordinary Council Meeting on 19 April 2017, Council further:

2. ...agrees to the Application for Closure of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report and; confirm with Department of Industry – Crown Lands to proceed with the closure of this area along with closure of the 213m<sup>2</sup> area of Loy Avenue road reserve the subject of resolutions by Council on 3 December 2014 and 19 August 2015 (Minute No's 526/14 & 253/15, respectively), under the one application;
3. agrees, upon closure of that 14.6m<sup>2</sup> section of part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report, to sell the land to the applicant...;

This development application has been submitted as a result of the above resolutions and relates to the Department of Industry and Crown Lands approval for the 213m<sup>2</sup> and 14.6m<sup>2</sup> parcels to be closed under a single application in order to reduce costs and processing times. That is, the subject land (229.5m<sup>2</sup>) ceases to be a public road and becomes a lot in a registered deposited plan, owned by Council under Part 4 of the *Roads Act, 1993*.

The section of the road reserve to be closed does not comprise part of the vehicular carriageway or footpath. This part of the road reserve has been fenced within and used as part of No. 8 Loy Avenue, accommodating part of a deck attached to the rear of the house.

The proposed lot will have an area of 229.5m<sup>2</sup> and will be sold to the owners of No. 8 Loy Avenue. The proposed boundaries of the new lot will align with adjoining rear property boundaries and the road will continue to function in its current manner.

The application is recommended for approval.

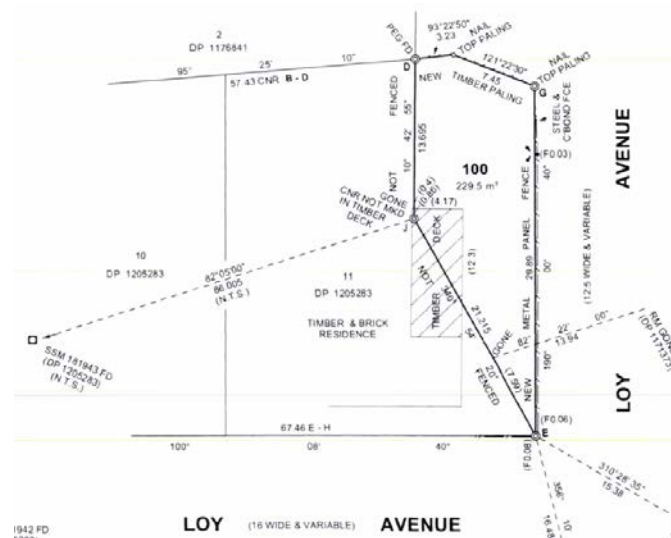


Figure 1: Proposed Survey Plan

## Disclosure of Interest

Mid-Western Regional Council is the applicant for this development application.

## Detailed report

**Site Description**

The site is approximately 229.5m<sup>2</sup> in area and has frontage to Loy Avenue, on two sides. The remaining side adjoins 8 Loy Avenue.

The site, currently fenced, presently accommodates part of an existing deck, erected to the rear of 8 Loy Avenue. No. 8 Loy Avenue contains a single storey dwelling that addresses Loy Avenue to the south, and adjoins the river corridor to the rear. There are no other adjoining properties.

The site does not support any existing significant vegetation.

The subject site is not a heritage item but is located within a Heritage Conservation Area. The site is identified as a flood control lot.

The site is zoned R1 General Residential pursuant to Mid-Western Regional Local Environmental Plan 2012.

**Site History**

The site is located along the Cudgegong River within a newly created 26 lot residential subdivision (see Figure 1). An existing residential dwelling sits on the adjoining parcel (Lot 11 DP1205283) which was approved by Council on 11 May 2015 under DA0247/2015. The owner has since fenced 229.5m<sup>2</sup> of road reserve into the yard, and extended the deck, which has resulted in the structure and fence encroaching into the road reserve. Once the lots are consolidated, the deck will be contained entirely within the boundary and meet setback requirements.

Date	Application Details
2/04/14	DA0273/2014 Proposed Staged 26 Lot Residential Subdivision
1/10/14	MI2015/48 Section 96 modification of DA0273 which modified flooding conditions
6/05/15	DA0247/2015 Single storey dwelling, detached shed and boundary fencing

## Assessment

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

*REQUIREMENTS OF REGULATIONS AND POLICIES S79C(1)(a)*

## (a)(i) Environmental Planning Instruments

**State Environmental Planning Policy No 55- Remediation of Land**

The site was remediated and a validation report provided as part of DA0273/2014 for the 26 lot residential subdivision. No further consideration is warranted.

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

The following clauses of MWRLEP 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

### Part 2.3 Zone objectives and Land Use Table

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The proposal to close part of a road (Loy Avenue) is permissible with consent and complies with the relevant objectives, in that it is not expected to hinder other permissible uses within the immediate area.

### Part 2.6 Subdivision – consent requirements

As the proposal involves subdivision, development consent is required.

#### 4.1 Minimum subdivision lot size

The following summarises the assessment of the proposal against the minimum lot size development standards of the MWRLEP 2012.

MWRLEP 2012 Development Standard	Proposal m <sup>2</sup>	Compliance	% of Non-compliance
Subdivision – minimum 600m <sup>2</sup>	229.5	No	61.75%

#### 4.6 Exceptions to development standards

As outlined in the table above, the proposal results in a breach of the following development standard:

- Clause 4.1 – Minimum subdivision lot size

Clause 4.6(2) specifies that development consent may be granted for development even though the development would contravene a development standard.

1. *The objectives of this clause are as follows:*
  - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
  - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.*

The applicant seeks development consent for creation of a lot that necessitates a variation of 61.75% to the development standard under Clause 4.1 – Minimum subdivision lot size of MWRLEP 2012. As discussed below in subclauses (3) and (4), it is considered that the contravention to the development standard is acceptable in this instance as the proposed lot will be consolidated with an adjoining residential lot that is currently used for residential purposes.

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

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a written request demonstrating that compliance with this development standard would be unnecessary and unreasonable in this case and has provided sufficient environmental planning grounds to justify a variation to this development standard. The following justification has been provided by the applicant to address the above requirements:

*“It is considered unnecessary to comply with the minimum lot size as the lot to be created will then be consolidated with adjacent lot 11. Council has previously considered the proposal with a resolution to close the road and sell to the adjacent owner.*

*To assist in guaranteeing that the lot will be consolidated, and not kept as an undersized allotment, Council will ensure that the final contract of sale of the property ...includes the provision that exchange happen upon consolidation of the lots. Council will need to be a party to this as the property owner, retaining control over the process”.*

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
  - (a) *the consent authority is satisfied that:*
    - (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
    - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
  - (b) *the concurrence of the Secretary has been obtained.*

As stated above, the applicant has submitted a written request demonstrating that compliance with the development standard would be unnecessary and unreasonable in this case and has provided sufficient environmental planning grounds to justify a variation to the development standard. The consent authority is satisfied that matters within subclause (3) have been addressed as follows:

- The underlying object of this development standard is to control residential development to ensure that created lots are of a suitable size and dimension to accommodate residential development that is compatible with surrounding residential development. The subdivision achieves this intent as the proposed lot will be consolidated with the adjoining residential lot that is occupied by an existing dwelling.
- This standard is considered to be unreasonable and unnecessary in this case as there is no intention for the subdivided lot to be used as a standalone lot for further residential development. Hence, the subdivision will not adversely affect the amenity of this locality and the subdivision will not impact the existing road reserve in terms of traffic, pedestrian movements or any on street car parking facilities. The proposed subdivision is considered to be a positive long term outcome for this residential area.

Concurrence of the Secretary is assumed, pursuant to the provisions of Planning Circular PS17-006. That is, as the variation to the development standard is greater than 10%, the application must be determined by a full council, and the matters set out in subclause 4.6(5) have been considered, see below.

- (5) *In deciding whether to grant concurrence, the Secretary must consider:*
  - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*

The granting of concurrence to the proposed variation of the development standard will not raise any issues of state or regional planning significance.

*(b) the public benefit of maintaining the development standard, and*

The proposed variation to the development standard will not compromise the long term strategic outcomes of the planning controls to the extent that a negative public benefit will result. In this regard, there is no material public benefit to in enforcing the development standards.

*(c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

No other matters are required to be considered before granting concurrence.

### 6.2 Flood planning

No physical development is proposed as part of this application and therefore, further consideration of flooding is not warranted, as there will be no change to flood risk, or behaviour.

It should be noted that the subject site is identified as sitting within the 'high risk' flood area. A flood study was undertaken and approved as part of the original subdivision approved under DA0273/2014 - 26 lot residential subdivision – identifying levels and fill requirements.

### 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. The proposed development does not involve earthworks and is not expected to result in any significant impact upon groundwater dependable ecosystems.

### 6.9 Essential Services

No services are essential for the proposed development, given that the lot to be created will be consolidated into the adjoining parcel at Lot 11 DP 1205283 – it will not form a standalone lot capable of being developed (as provided by the conditions of consent).

### 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

### Draft environmental planning instruments (EPI)

No draft environmental planning instruments apply to the land to which the Development Application relates.

### Any development control plans

### **Mid-Western Regional DCP 2013**

An assessment is made of the relevant chapters and sections of this DCP. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

## 5.2 Flooding

No physical development is proposed as part of this application and therefore, further consideration of flooding is not warranted, as there will be no change to flood risk, or behaviour.

It should be noted, a flood study was undertaken and approved as part of DA0273/2014 for the original 26 lot subdivision – recommending flood mitigation/development standards – which were adopted through conditions of consent, or restrictions on the Title.

### Part 7.1 Urban Subdivision

<b>Part 7.1 Urban Subdivision</b>	<b>Requirement</b>	<b>Compliance/Comment</b>
Applies to	Land zoned residential village zones. Rural residential lots up to 2 hectares.	Land is zoned R1 General Residential.
Lot size	Minimum lot size as determined by MWRC LEP 2012.  All lots have street frontage.	Clause 4.6 variation sought.  All lots have frontage to Loy Avenue.
Lot Design	Lots generally rectangular in shape.	The part road closure will initially create a lot that is not rectangular in shape. The lot is to be consolidated into the adjoining parcel (Lot 11 DP 1205283) which will create a lot that is generally rectangular.
Utility Services	Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development.	No servicing plan submitted, and a departure to DCP requiring provision of services is recommended – see below.

### **Departure – 7.1 Urban Subdivision – Utility Services.**

This standard is considered to be unreasonable and unnecessary in this case as there is no intention for the subdivided lot to be developed. Instead, the proposed lot will be consolidated with the adjoining fully serviced residential lot (Lot 11) – enforced through the conditions of consent.

In the circumstances, it is considered that a departure from the DCP requirement is reasonable, in that connections to essential services are unreasonable and unnecessary, serving no practical purpose.



### **Environmental Planning and Assessment Regulation 2000**

The Development Application has been assessed against the relevant clauses of the *Environmental Planning and Assessment Regulation 2000*, and fully complies.

#### *LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY – 79C(1)(b)*

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

The site is located in a newly developed residential area. The creation of the new undersized lot will not result in the ability to develop as a stand-alone parcel. The subdivision will essentially formalise an existing encroachment of a timber deck and enclosed yard into the road reserve/public open space. No physical work is required. The subdivision will reflect the physical configuration of the property. No impact to the area is expected as part of this subdivision.

#### *SUITABILITY OF SITE FOR DEVELOPMENT – 79C(1)(c)*

##### (a) Does the proposal fit in the locality

Yes. The proposed use is permissible with consent in the zone and is compatible as discussed throughout this report. The subdivision will reflect the physical configuration of the property.

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

Yes. There are no major impediments to development of the site as discussed throughout this report.

#### *SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 79C(1)(d)*

##### (a) Public Submissions

The proposal was not required to be notified or advertised in accordance with MWRDCP 2013.

No submissions were received.

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

No submissions received.

#### *THE PUBLIC INTEREST – 79C(1)(e)*

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

## CONTRIBUTIONS

### SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2005-2021

As the proposed development involves subdivision of land contributions are payable in accordance with Council's Section 94 Development Contributions Plan. The site is located within Catchment 2 Mudgee Residential Area and in the 2016/17 financial year requires a S94 contribution of \$7,022 per lot created.

However, given the nature of the application it is considered practical/reasonable that an exemption be granted to the payment of S94 contributions. To this end, in accordance with S1.13 of Mid-Western Regional Section 94 Contributions Plan, *Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.*

Technically, the proposed subdivision creates a new lot that could be developed for the purposes of a dwelling. However the physical constraints stemming from the lot size and configuration, as well as the encroaching deck and boundary fence, all but ensures that development of this new lot will not occur. Notwithstanding the physical constraints, to ensure that no development of the lot occurs a condition has been imposed requiring that the new lot be consolidated with the adjoining Lot 11 within 6 months of the sale of the property – and is to be enforceable through conditions of the contract.

In the circumstances, the application of S94 contributions are considered unreasonable in that there will be no additional demand placed on community resources, and accordingly a resolution of Council is sought, as part of this development application, to grant an exemption to the payment of S94 contributions.

### DEVELOPMENT SERVICING PLANS - SECTION 64 CONTRIBUTIONS

Although the development involves subdivision, no services will be connected – as per the recommended departure to Council's DCP Part 7.1 Utility Services.

As the proposed subdivision will be conditioned that the newly created lot be consolidated into the adjoining Lot 11 within 6 months of purchase, it has been recommended that the DCP requirement to provide essential services to the lot be set aside. In turn, the ability to develop the lot as a stand-alone parcel, and place additional load on Council's sewer and water system is nil. Therefore, in accordance with the MWRC Development Servicing Plans (DSP), the proposed subdivision will not generate demand for water or sewer.

As no increased loading will occur as a result of the development, Section 64 contributions do not apply.

## CONSULTATIONS

### (a) Health & Building.

No consultation necessary.

### (b) Technical Services

Comments received 20 October 2017. Recommended Condition 2 was removed:

- 2. Prior to certification and endorsement of the Survey plan the owner of Lot 11 on DP1205283 must pay to Council all monies being for fees, charges and compensation for the land as determined by Council.*

This application is focused solely on the subdivision of land. The sale of land and receipt of monies is a separate matter, not relevant to the development application.

The remaining recommended conditions have been included in the consent with minor modifications.

(c) Heritage Advisor

No consultation necessary.

**CONCLUSION**

The proposal to subdivide part of Loy Avenue road reserve to create a new lot satisfies the objectives of the Mid-Western Regional LEP 2012 and DCP 2013 and will not result in significant adverse impacts for the locality.

The application is recommended for approval. In making this recommendation, it is acknowledged that three (3) departures/variations/exemptions to Council's development standards are sought – as discussed throughout the report, being:

1. Vary clause 4.1 Minimum subdivision lot size - proposed 229.5m<sup>2</sup> lot is a 61.75% variation to the 600m<sup>2</sup> MLS standard in LEP 2012;
2. Negate the need to connect proposed Lot 100 to reticulated water, sewer, electricity and telecommunications – required for urban subdivisions in Part 7 Subdivision of DCP 2013; and
3. Exempt payments of Section 94 and 64 Developer Charges for the creation of a new lot.

Community Plan implications

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

Strategic implications

**Council Strategies and Plans**

- Mid-Western Regional Local Environmental Plan 2012
- Mid-Western Regional Development Control Plan 2013
- Mid-Western Regional Development Contributions Plan 2005 – 2021
- Mid-Western Regional Development Services Plan

**Legislation**

- Environmental Planning and Assessment Act 1979

Financial implications

The applicant would not be required to pay Section 64 (Water \$6,500.25 and Sewer \$2,968.50) and Section 94 (\$7,022) developer contributions.

## Associated Risks

The recommendation of staff is to approve the development subject to conditions provided above. Should Council refuse the development application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

A refusal would also preclude the sale of land to the adjoining landowner, as per previous Council resolutions, 3 December 2014, 19 August 2015 and 19 April 2017.

CAMERON AMOS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

12 January 2018

*Attachments:*

1. Council Report and Minute 3 December 2014.
2. Council Minute 19 August 2015.
3. Council Report and Minute 17 April 2017.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 6.2.5 Application for Closure and Purchase of Part Perry Street Road Reserve

### REPORT BY THE REVENUE & PROPERTY MANAGER TO 3 DECEMBER 2014 COUNCIL MEETING

Application for closure part Perry St road reserve  
GOV400038, ROA100007

#### RECOMMENDATION

##### That:

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

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#### Executive summary

This report seeks to secure a resolution to the proposal by Mr John Walker for Council to close and subsequently sell to Mr Walker that part of Perry Street road reserve, identified on Attachment 4 appended to this Report. It is Mr Walker's intent, if Council is agreeable to the road closure and sale, to proceed to consolidate this land with proposed Lot 26 of the Riverview Estate, which Mr Walker is in the process of purchasing, and construct a residence on the consolidated allotment.

## Detailed report

The northern end of Perry Street road reserve, off Short Street, is Council controlled and is currently zoned E3 Environmental Protection pursuant to Mid-Western LEP 2012.

Mr John Walker has submitted a proposal for Council to consider closing approximately 213m<sup>2</sup> of the Perry Street road reserve adjacent to proposed Lot 26 of the Riverview Estate. Mr Walker will purchase Lot 26 of the Riverview Estate upon the registration of the subdivision and to enable the establishment of the preferred residence, requires the additional 213m<sup>2</sup> of Perry Street road reserve. Attachment 4, appended to this Report, shows the site of the proposed closure.

Attachment 3 shows the northern section of the Perry Street road reserve adjacent to Allotment 1 DP 1176841 (now the site of the proposed Riverview Estate subdivision). This plan was registered on 14/8/2012. There is no technical reason for the irregular "v" shape of the road reserve adjacent to the eastern boundary of proposed Lot 26. The two previous potential developers of Allotment 1 DP 1176841 had plans for a retirement village and subsequently, a community title development. It was intended to create a small area that led from the road directly out onto the proposed (now existing) pathway, hence the irregular "v" shaped boundary. Neither proposal proceeded in that form but the boundary adjustment was finalised at that time to facilitate their developments.

Each application made to Council for a road closure must be considered in accordance with Council's *Permanent Road Closures Policy*. The Policy stipulates Council must take into account the individual circumstances of the road before proceeding through the formal process of road closure as required by the Roads Act. Individual circumstances of a road include:

1. *The likelihood of the road being required as a through road;*
2. *The legal requirement for the road to give access to separate lots or sections;*
3. *The access to public infrastructure or public waterway.*

Circumstances 1, 2 and 3 of the Policy have been considered in relation to Mr Walker's application and it is considered that the proposed road closure would not have a negative impact on either circumstance.

Should Council wish to consent to the road closure application, the matter will be progressed through the formal process of road closure as stipulated by the Roads Act. The ultimate decision however, to close that part of the road reserve will be made by NSW Trade & Investment – Crown Lands after a public process, where the possibility of the closure will be advertised allowing all community members a chance to comment and/or object to the closure.

The road closing processes that are to be progressed by Council are expected to take between 16-20 weeks to complete, dependent upon completion of mandatory investigations and documentation and securing surveys and valuations etc. Once Council has lodged the road closure application with NSW Trade & Investment – Crown Lands, it may take up to 12-18 months for the Crown to process and finalise.

It should also be recognised that there may be a possibility that upon the proposed closure, the land will vest in the Crown and not in Council (Section 38(2)(b) & (c) Roads Act 1993). The outcome is the land would become the Crown's to sell and the proceeds of the sale would be directed to the Crown. Council would not gain any monetary benefit from the closure of that part of the road reserve if the land vests in the Crown upon closure.

A further consideration, if Council wishes to proceed with the closure, relates to the zoning of the site. The road reserve is currently zoned E3 Environmental Protection pursuant to Mid-Western LEP 2012. Proposed lot 26 is zoned R1 General Residential. The creation of the lot through the

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MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 3 DECEMBER 2014

road closure process does not require planning consent nor does consolidation of land with proposed lot 26. Inevitably, the consolidation would create a split zoned parcel which should be addressed at some future stage to rezone the land to R1 Residential should the Council wish to proceed with the proposal. Until the road closure is finalised and the land has transferred, building over that part of the road reserve should not occur.

### Financial and Operational Plan implications

Dependent upon the deliberations of NSW Trade & Investment – Crown Lands in relation to the vesting of the land in Council and in accordance with Council's *Permanent Road Closures* Policy regarding the closure of a road subject to the processes of the Roads Act 1993, the applicant would be responsible for all costs associated with the closure of that part of the road reserve and its purchase from Council.

The purchase price of the land should be calculated on the basis of Improved Capital market rates, with reference to sales of surrounding lands. It is important that the financial return to the community reflects the tangible reduction in public amenity, and the increase in the financial return of the additional area of land acquired by the applicant.

An estimate of the costs involved and a summary of the closure process has been given to Mr John Walker.

### Community Plan implications

This report meets Community Plans

Theme 4 - Connecting our Region:

Goal 1: High Quality Road Network That Is Safe and Efficient

Strategy 1.2: Provide a roads network that balances asset conditions with available resource and community needs

Theme 5 - Good Governance:

Goal 3: An Effective and Efficient Organisation

Strategy 3.3: Prudently manage risks associated with all Council activities

DIANE SAWYERS  
REVENUE & PROPERTY MANAGER

  
LEONIE JOHNSON  
ACTING DIRECTOR, CORPORATE

19 November 2014


- Attachments:*
1. Permanent Road Closures Policy
  2. Application to close part Perry Street road reserve - Mr John Walker
  3. Plan of Perry Street road reserve
  4. Plan of Site in Application for Closure
  5. Plan of Zoning for Site
  6. Current photograph of the Site

APPROVED FOR SUBMISSION:



BRAD CAM  
GENERAL MANAGER

ATTACHMENT 1

	<b>POLICY</b>	ADOPTED CM 6/6/13 Minute 212/13
	<b>Permanent Road Closures</b>	REVIEW: Aug 12 FILE No. A0100021

**OBJECTIVE**

To manage requests for extinguishment of existing Public Road Reserves.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, *'Connecting our Region High Quality Road Network that is Safe and Efficient'*

**POLICY**

Council will consider applications from adjoining owners for the closure and sale of unformed roads in the Region provided that it does not deny access to a public waterway, public infrastructure or adjoining properties.

Prior to proceeding through the formal process of road closure through the Roads Act (s33 – 38), Council will take account of the individual circumstances of the road including:

- The likelihood of the road being required as a through road;
- The legal requirement for the road to give access to separate lots or sections;
- The access to public infrastructure or public waterway.

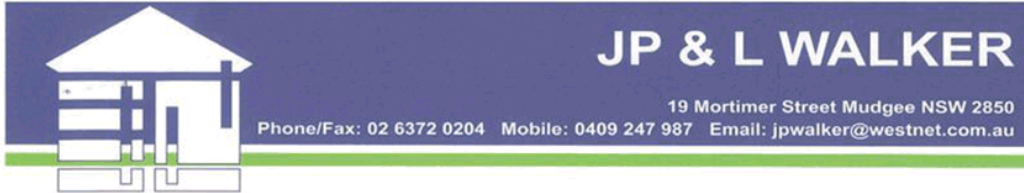
In the event that Council determines that a road may be closed subject to the processes of the Roads Act, the person requesting the road closure will be responsible for the following:

- All costs associated with the closure of the road.
- The cost of the land calculated on the basis of the improved Capital Value of the land through which the road is passing.

Adopted: Min No. 212/13 Ord Mtg 06.06.13  
 Re-Affirmed/Amended:  
 Review Date:



ATTACHMENT 2



20.10.2014  
Mr Brad Cam  
General Manager  
Mid-Western Regional Council

Dear Sir,

Following our meeting on Friday the 17<sup>th</sup> of October, I would like to confirm that I would like Council to commence the process of a Permanent Road Closure of land as identified in the attached plan.

Due to the lengthy process involved, your early attention to this matter would be very much appreciated.

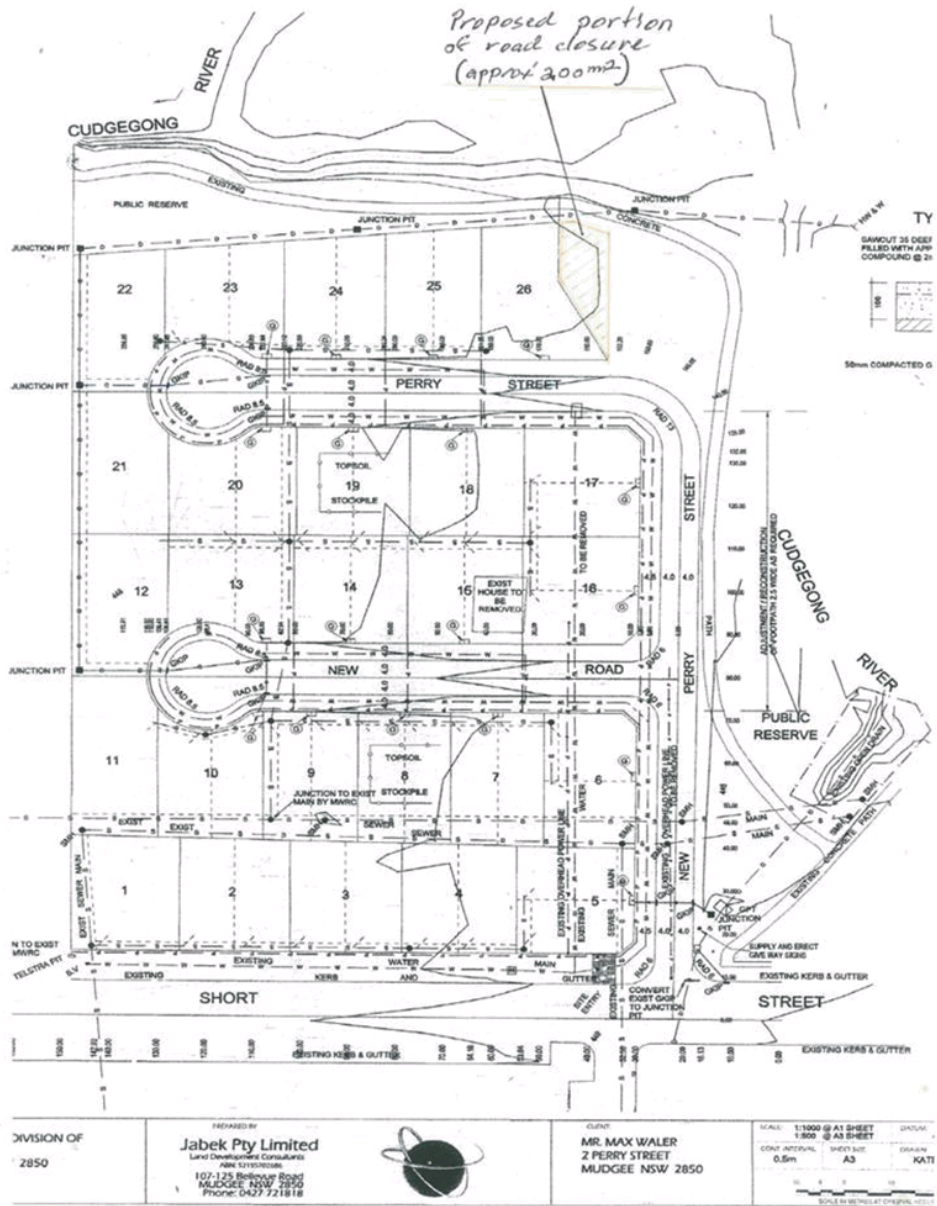
If you require any further information do not hesitate to contact me on 0409247987.

Kind Regards

A handwritten signature in black ink, appearing to read "John Walker".

John Walker

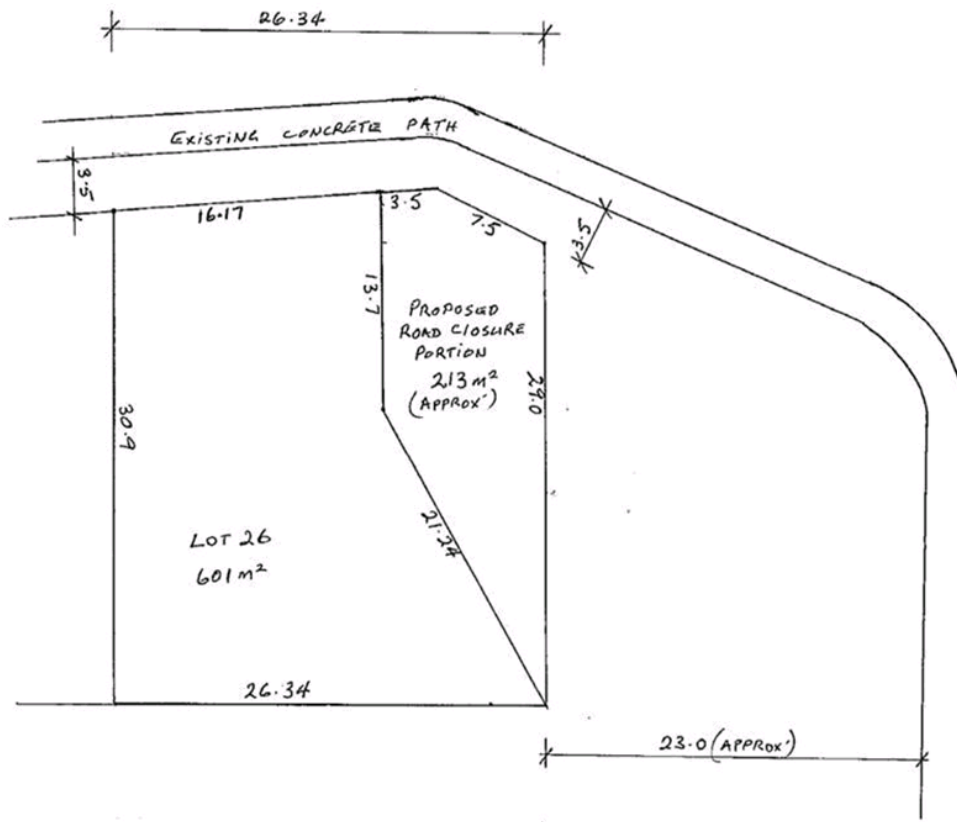




DIVISION OF 2850	PREPARED BY <b>Jabek Pty Limited</b> Land Development Consultants AHL 015000048 107-125 Bellevue Road MUDJEE NSW 2850 Phone: 0827 721818	CLIENT <b>MR. MAX WALER</b> 2 PERRY STREET MUDJEE NSW 2850	SCALE: 1:1000 @ A1 SHEET 1:500 @ A3 SHEET GENY APPROVAL SHEET SIZE DRAWER 0.5m A3 KATI SCALE IN METRES AT CORNER HEADS
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MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 3 DECEMBER 2014



JOHN WALKER  
PROPOSED ROAD CLOSURE  
2 PERRY ST  
MUDGEE.

John Walker - road closure

Council owned land is a valuable public asset owned by Council on behalf of ratepayers. Council has the responsibility to maintain its land asset portfolio in the best interests of the local community and ratepayers and to act consistently, fairly and transparently with its economic and asset management objectives and procedures.

Please note that all road closure applications are considered and processed in accordance with Council's Permanent Road Closure Policy & the Roads Act 1993. I have enclosed a copy of Permanent Road Closure Policy for your information.

The applications are ultimately subject to a Council resolution for approval and all costs are to be met upfront by the applicant. For your consideration I have listed an estimate of the costs involved that would be at your expense:

- Newspaper advertising fee (\$385)
- Department of Primary Industries application fees (est. \$476.00)
- Survey Costs (est. \$4000) *valuation*
- Survey Lodgment and Registration (est. \$1500)
- Council Linen Release (est. \$280)
- Legal Registration Clerk (est. \$150)
- Solicitors fees (est. \$2000)
- Cost of purchasing land after valuation
- Any further costs which may include bank fees if applicable.

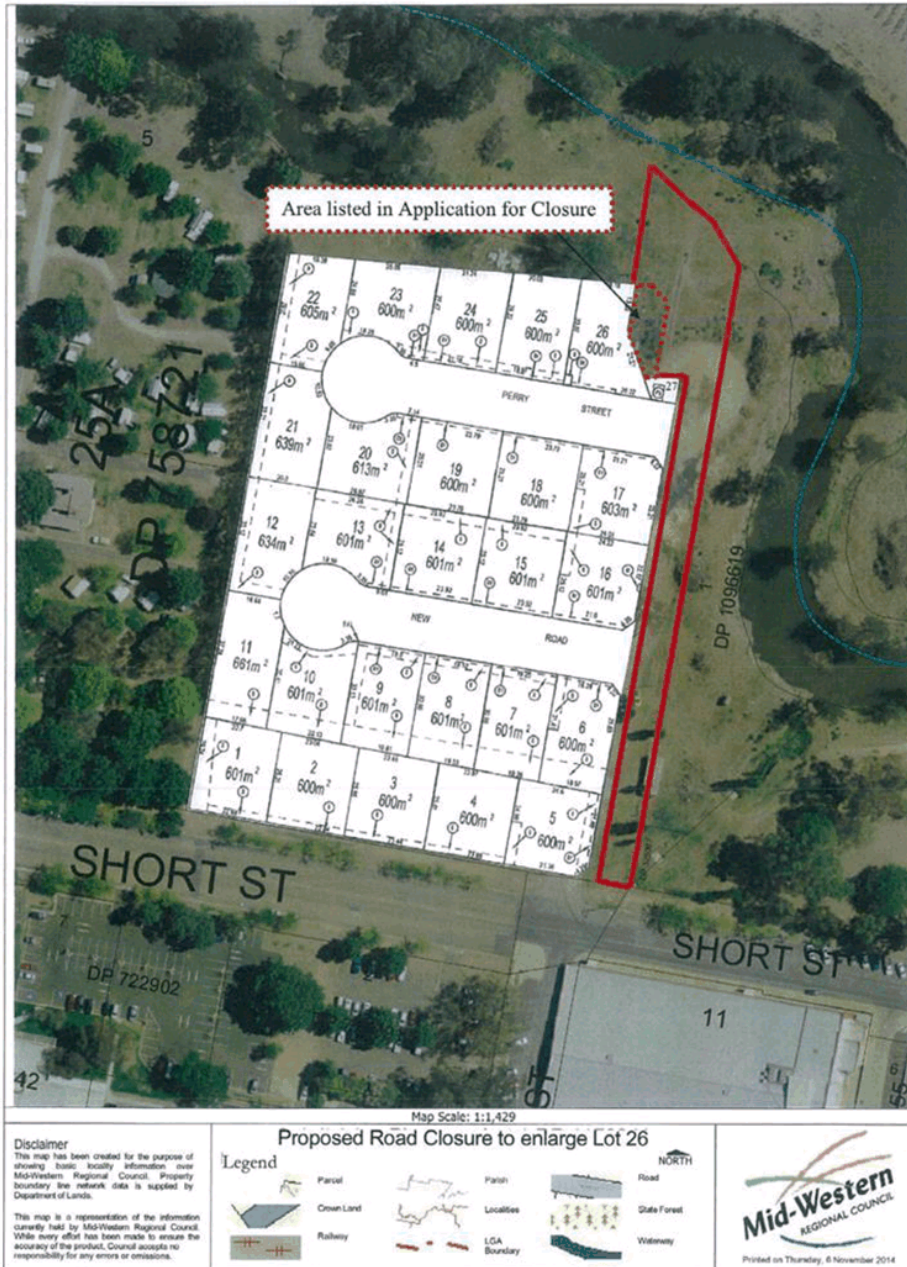
If you wish to proceed with your application, can you please confirm in writing and enclose Council's administration fee of \$276.00 for Council to commence investigations on your proposal.

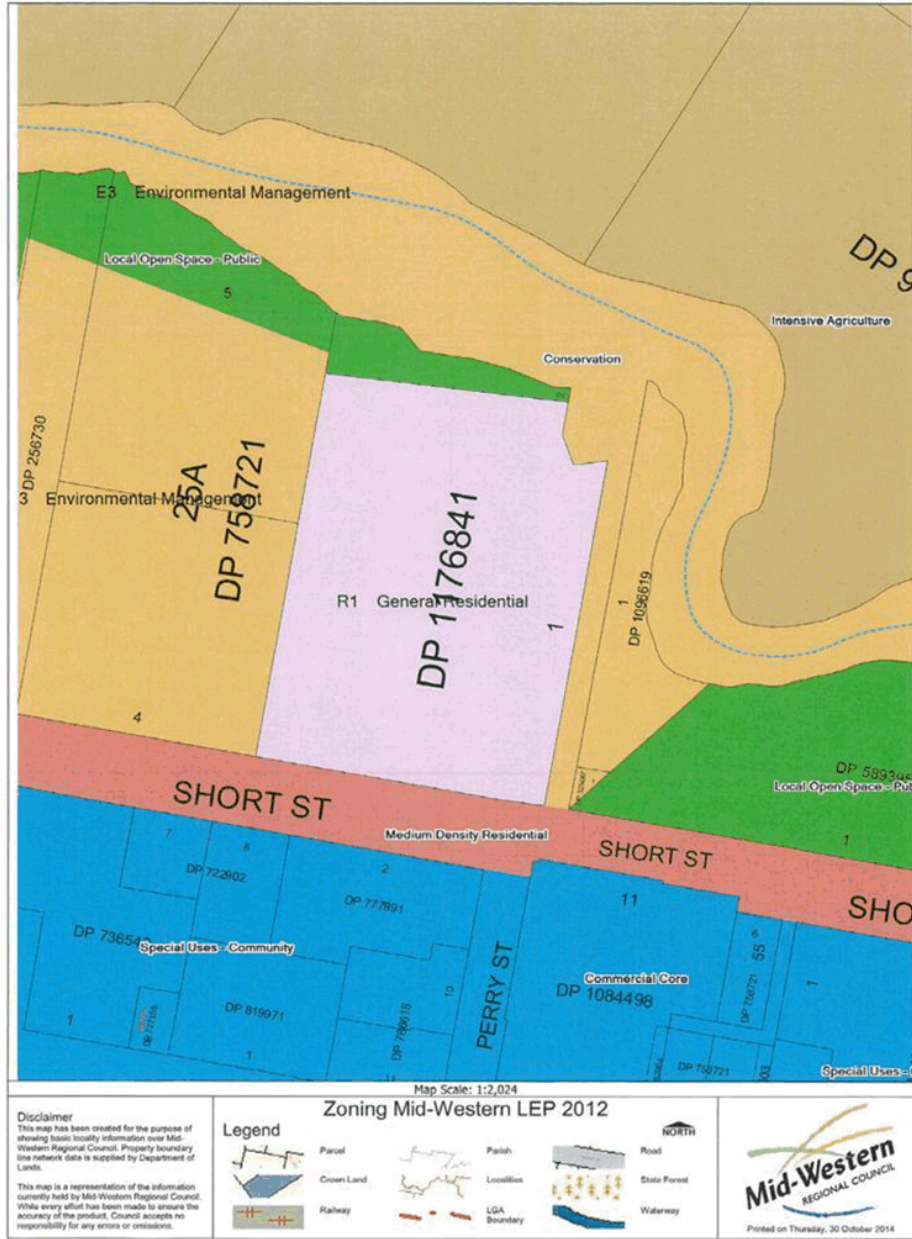
When the proposal is approved by a Council resolution, you would be required to remit an initial payment of the above costs plus GST to Council. Following receipt of payment, Council will commence with the road closure. It is anticipated that the Crown will take up to 2 years to finalise the closure. Any surplus funds at the end of this process will be reimbursed to you, or if the actual costs exceed the initial estimate, you will be required to pay the difference.

Should you require any further information please do not hesitate to contact Property Department on (02) 6378 2878.

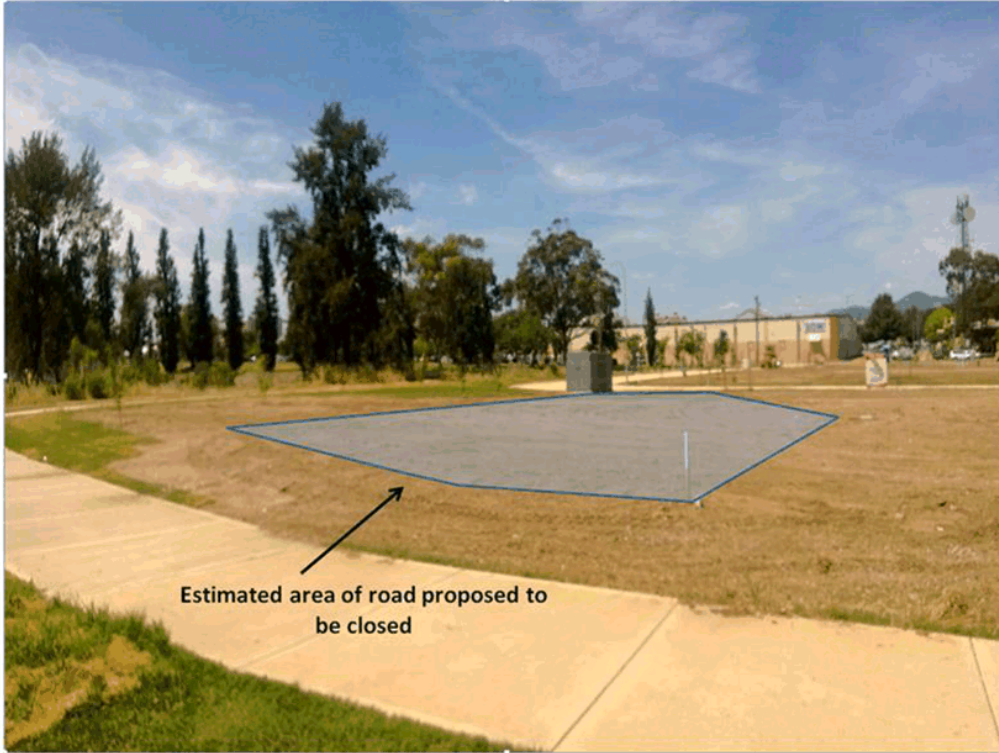
\$ 276.00  
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ATTACHMENT 6







## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT  
COUNCIL MEETING: WEDNESDAY 19 AUGUST 2015

### 6.2.9 APPLICATION FOR CLOSURE AND PURCHASE OF PART LOY AVENUE ROAD RESERVE

GOV400043, ROA100007

Councillor Walker declared a significant non-pecuniary interest as the applicant is his brother, left the room at 7.50pm and did not participate in discussion or vote in relation to this matter.

253/15

**MOTION:** Shelley / Weatherley

**That Council agree to sell the land to the applicant for \$25,000. The applicant is to be responsible for all costs in relation to the land purchase, including Council's reasonable legal costs.**

**AMENDMENT:** Martens /

That Council agree to sell the land to the applicant for \$45,000. The applicant is to be responsible for all costs in relation to the land purchase, including Council's reasonable legal costs.

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

<b>Councillors</b>	<b>Ayes</b>	<b>Nayes</b>
Cr Kennedy	✓	
Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White		✓

## 9.2 Application for Closure and Purchase of Part Loy Avenue Road Reserve

REPORT BY THE REVENUE AND PROPERTY MANAGER  
TO 19 APRIL 2017 ORDINARY MEETING  
GOV400064, ROA100007

### RECOMMENDATION

#### That Council:

1. receive the report by the Revenue and Property Manager on the Application for Closure and Purchase of Part Loy Avenue Road Reserve;
2. agrees to the Application for Closure of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report and; confirm with Department of Industry – Crown Lands to proceed with the closure of this area along with closure of the 213m<sup>2</sup> area of Loy Avenue road reserve the subject of resolutions by Council on 3 December 2014 and 19 August 2015 (Minute No's 526/14 & 253/15, respectively), under the one application;
3. agrees, upon closure of that 14.6m<sup>2</sup> section of part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report, to sell the land to the applicant for the amount of \$1,713.62;
4. directs that the applicant be responsible for all costs in relation to the closure and subsequent sale of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report, including Council's reasonable legal costs;
5. authorises the General Manager to sign all documentation necessary in relation to the proposed road closure and sale of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report; and
6. authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the closure and subsequent sale of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report.

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### Executive summary

This report seeks to secure a resolution to the proposal by Mr John Walker for Council to close and subsequently sell to Mr Walker that 14.6m<sup>2</sup> part of Loy Avenue road reserve, identified in Attachment 1 appended to this Report. It is Mr Walker's intent, if Council is agreeable to the road closure and sale, to proceed to consolidate this land with Lot 11 of the Riverview Estate, which Mr Walker owns.

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### Disclosure of Interest

Nil

### Detailed report

Council approved the closure and sale of approximately 213m<sup>2</sup> of part of Loy Avenue to Mr John Walker on the 3 December 2014. The 3 December 2014 report and Council Minute are appended as Attachment 2 to this Report.

On the 19 August 2015 Council subsequently approved the sale of the 213m<sup>2</sup> land area for the value of \$25,000. The report and Council Minute are appended to this report as Attachment 4.

Mr Walker has now submitted a new proposal for Council to consider closing an additional section of the Loy Avenue road reserve adjacent to the 213m<sup>2</sup> section of Loy Avenue road reserve which was approved for closure by Council on 3 December 2014.

This section of the road measuring approximately 14.6m<sup>2</sup> could not be included in the original report as it was then private land and was not yet registered as a road when the 3 December 2014 report was presented to Council. Mr Walker's current application is appended to this report and is indicated as Attachment 3. The 14.6m<sup>2</sup> section of road under the current application is already enclosed into Mr Walkers's garden area.

Pursuant to Council's 3 December 2014 and 19 August 2015 resolutions relating to the initial 213m<sup>2</sup> closure and purchase application, Council has already progressed this application and has applied for the closure of this 213m<sup>2</sup> of Loy Avenue road reserve.

After receiving the current application for the closure of the additional 14.6m<sup>2</sup> of Loy Avenue road reserve, Council notified Department of Industry, Crown Lands of Mr Walkers's recent request for the extra 14.6m<sup>2</sup> of the road reserve to be closed (if approved by Council) at the same time with the previous 213m<sup>2</sup> road reserve application. Closure of both sections of the road reserve in one application would remove the duplication of the cost of Road Closure Application fees, survey and consolidation fees and Council's administration costs as well as time saving factors.

The Department of Industry, Crown Lands has subsequently given approval in principle for the closure of the 14.6m<sup>2</sup> area and has agreed to combine the 213m<sup>2</sup> and 14.6m<sup>2</sup> areas as a single road closure application. The Approval in Principle for the closure of both sections in one application is appended to this Report as Attachment 5.

Notwithstanding this Approval in Principle, should Council consent to the additional 14.6m<sup>2</sup> closure and sale of Loy Avenue road reserve, Council is required to undertake the public consultation process which is mandatory under the Roads Act 1993, for this area of road reserve.

Each application made to Council for a road closure must be considered in accordance with Council's *Land Acquisition and Disposal Policy*. The Policy stipulates Council must take into account the individual circumstances of the road before proceeding through the formal process of road closure as required by the Roads Act. Individual circumstances of a road include:

- *The likelihood of a Reserve being required as a through road; and*
- *Legal requirements of a Reserve to provide access to properties; and*
- *Access to public infrastructure or public waterway; and*

- *Whether the land upon closure of a Reserve will vest in Council (Section 38(2)(b) & (c) Roads Act 1993); and*
- *Disposal considerations as outlined in the Table at Appendix 1.*

The above circumstances have been deliberated in relation to Mr Walker's application to close the additional 14.6m<sup>2</sup> of Loy Avenue road reserve, and it is considered that the proposed road closure would not have a negative impact on any circumstance listed.

Community Plan implications

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

Financial implications

Council's *Land Acquisition and Disposal* Policy stipulates that –

*For land which vests in Council upon closure of a Reserve with the intent for its disposal, the General Manager is obtain at least one valuation of the land to be provided by a Registered Valuer to establish the disposal value.*

Notwithstanding this direction, it is considered relevant in this instance, to base the proposed purchase price of the additional 14.6m<sup>2</sup> area on a square metre pro-rata basis of the \$25,000 purchase price resolved by Council on 19 August 2015 for the 213m<sup>2</sup> Loy Avenue road reserve area. The Council Minute relating to the purchase price of the 213m<sup>2</sup> area is appended to this report as Attachment 4.

On this basis, the price for the 14.6m<sup>2</sup> area would be \$1,713.62.

Should this proposal be accepted, the Operational Plan 2016/2017 will be amended to reflect the proposed sale proceeds of this additional area and the sale proceeds will be transferred to the land Development Reserve with the Operational Plan 2016/2017 amended accordingly.

In addition and in accordance with Council's *Land Acquisition and Disposal* Policy, all costs associated with the closure of the road reserve and disposal of the land, including Council's reasonable legal costs, will be borne by the purchaser.

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

27 March 2017

- Attachments:*
1. Plan of proposed closure of 14.6m<sup>2</sup> of Loy Avenue road reserve. (separately attached)
  2. Council Report & Minute 3 December 2014 on application to close & purchase initial 213m<sup>2</sup> area of Loy Avenue road reserve. (separately attached)
  3. Request for closure of 14.6m<sup>2</sup> of Loy Avenue road reserve. (separately attached)

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REPORT 9.2

4. Council Report & Minute 19 August 2015 on land price of initial 213m2 closure and purchase. (separately attached)
5. Crown Approval In Principle to close 14.6m2 Loy Avenue road reserve. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Mid-Western Regional Council

Date: 19 April 2017

Cr Thompson returned to the room at 6:32pm.

**Item 9: Finance**

## 9.1 MONTHLY BUDGET REVIEW FEBRUARY 2017

GOV400064, FIN300065

81/17

**MOTION: Shelley / Holden****That Council:**

1. receive the report by the Manager, Financial Planning on the Monthly Budget Review February 2017;
2. amend the 2016/17 Operational Plan in accordance with the variations as listed in the Monthly Budget Review attachment

*The motion was carried with the Councillors voting unanimously.*

9.2 APPLICATION FOR CLOSURE AND PURCHASE OF PART  
LOY AVENUE ROAD RESERVE

GOV400064, ROA100007

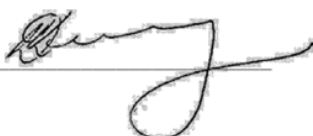
82/17

**MOTION: Holden / Cavalier****That Council:**

1. receive the report by the Revenue and Property Manager on the Application for Closure and Purchase of Part Loy Avenue Road Reserve;
2. agrees to the Application for Closure of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report and; confirm with Department of Industry – Crown Lands to proceed with the closure of this area along with closure of the 213m<sup>2</sup> area of Loy Avenue road reserve the subject of resolutions by Council on 3 December 2014 and 19 August 2015 (Minute No's 526/14 & 253/15, respectively), under the one application;
3. agrees, upon closure of that 14.6m<sup>2</sup> section of part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report, to sell the land to the applicant for the amount of \$1,713.62;
4. directs that the applicant be responsible for all costs in relation to the closure and subsequent sale of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south

Page 6 of the Minutes of the Ordinary Meeting of Council held on 19 April 2017

Mayor



General Manager



Mid-Western Regional Council

Date: 19 April 2017

eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report, including Council's reasonable legal costs;

5. authorises the General Manager to sign all documentation necessary in relation to the proposed road closure and sale of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report;
6. authorises the Common Seal of Council to be affixed to all documentation necessary in relation to the closure and subsequent sale of 14.6m<sup>2</sup> of that part of Loy Avenue road reserve adjacent to the south eastern boundary of Lot 11 DP1205283 as shown on the plan in Attachment 1 to this report.

*The motion was carried with the Councillors voting unanimously.*

9.3 MONTHLY STATEMENT OF INVESTMENT AND BANK  
BALANCES AS AT 31 MARCH 2017

GOV400064, FIN300053

83/17

**MOTION:** Shelley / Cavalier

**That Council:**

1. receive the report by the Manager, Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 March 2017;
2. note the certification of the Responsible Accounting Officer.

*The motion was carried with the Councillors voting unanimously.*

Cr Holden declared a pecuniary conflict of interest in item 9.4 as a family member is making a request for grant funding, left the room at 6:33pm and did not participate in discussion or vote in relation to this matter.

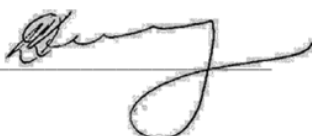
9.4 COMMUNITY GRANTS PROGRAM APPLICATIONS -  
QUARTER 4

GOV400064, FIN300122

**MOTION:** Shelley/Cavalier

That Council amend the Community Grants Policy to include a new grant category called Youth Representative Grants, which will be open to youth, as defined in the Youth Council Guidelines, who are selected and represent Australia at any international competition or event, including but not limited

Mayor



General Manager



## 8.5 DA0136/2018 - Demolition of Mudgee Showground Grandstand

REPORT BY THE SENIOR TOWN PLANNER  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, DA0136/2018

**RECOMMENDATION****That Council:**

- A. receive the report by the Senior Town Planner on DA0136/2018 - Demolition of Mudgee Showground Grandstand;**
- B. refuse DA0136/2018 - Demolition of Mudgee Showground Grandstand for the following reasons:**
- 1. The proposal would have a significant negative impact upon the heritage significance of the Mudgee Heritage Conservation Area as considered against the provisions of clause 5.10(4) of Mid-Western Regional Local Environmental Plan 2012.**
  - 2. The proposal is not in the public interest.**

## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Mid-Western Regional Council
PROPERTY DESCRIPTION	Lot 1 Sec 66 DP 758721
PROPOSED DEVELOPMENT	Demolition of Grandstand
ESTIMATED COST OF DEVELOPMENT:	\$40,000
REASON FOR REPORTING TO COUNCIL:	Public Interest
PUBLIC SUBMISSIONS:	1

A Development Application seeking to demolish the Mudgee Showground Grandstand, located at 11 Nicholson Street, was received by Council on 21 November 2017.

The applicant has lodged a structural inspection report, prepared by Barnson Pty Ltd dated 26 October 2017. The report has provided indicative costings of \$776,160 to bring the structure into compliance with the current Australian Standards and to make safe. The report concludes that that:

- the grandstand structure does not comply with the design and loading requirements of the current Australian Standards nor does it meet the minimum requirements for stairways or access in accordance with the Building Code of Australia.
- the implementation of the rectification works (\$776,160) will increase the structural capacity of the specific members in order to comply with the Australian Standards and ensure the structural integrity of the structure, however the works require almost total re-construction.
- the grandstand appears of considerable age and is believed to have exceeded its design life.
- the grandstand is un-useable in its present condition and poses an immediate public safety threat to anyone accessing it.



The Grandstand was erected in 1936 and is located on the eastern portion of the Mudgee Showground as part of a cluster of showground buildings used for a variety of purposes. The showground also sits within the Heritage Conservation Area (HCA) as identified within the Mid-Western Regional Local Environmental Plan 2012.

The application was advertised and notified for a period of 14 days, ending 15 December 2017, with one objection letter received as a result. The submission is related to the heritage value of the Grandstand, both architecturally and socially.

The application to demolish is not supported by staff and is recommended for refusal.



**Figure 1: Location Plan**



**Figure 2: Mudgee Showground Conservation Management Plan 2010**

## Disclosure of Interest

Mid-Western Regional Council is the applicant for this development application.

## Detailed report

The proposed development seeks to demolish the existing Grandstand at the Mudgee Show Ground.

Public access to the Grandstand is currently blocked through the erection of hoarding at the front of the two staircases.

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

#### (a) Provisions of any Environmental Planning Instrument and any draft EPI - 79C(1)(a)(i) and (ii)

#### **State Environmental Planning Policy No 44 – Koala Habitat Protection**

SEPP 44 applies to the proposal as Mudgee Shire Council (now Mid-Western Regional Council) is listed within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size.

However, the proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

#### **State Environmental Planning Policy No 55 - Remediation of Land**

A site inspection and a search of Council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

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

#### **PART 1**

##### 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as:

**demolish**, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

#### **PART 2**

##### Part 2.3 Zone objectives and Land Use Table

The land is zoned RE1 Public Recreation pursuant to MWRLEP 2012.

The proposed development is generally consistent with the objectives of the zone. That is, the proposal would still allow for the land to be used for recreational purposes, the demolition of the Grandstand should not detract from the amenity provided for recreational activities undertaken on

site, and the proposal would not significantly impact upon any natural environmental qualities of the site.

#### Part 2.7 Demolition requires development consent

The proposal being to demolish may be carried out only with development consent.

### **Part 5**

#### 5.3 Development near zone boundaries

Not applicable.

#### 5.4 Controls relating to miscellaneous permissible uses

The proposal does not include any of the listed uses contained under this clause.

#### 5.9 Preservation of trees or vegetation

The proposal does not involve the removal of any vegetation.

#### 5.10 Heritage Conservation

As the development involves the demolition of a building within a Heritage Conservation Area development consent is required, under 5.10(2).

Pursuant to clause 5.10(4), before granting consent, consideration must be given to the effect of the proposed development on the heritage significance of the item or area concerned. In this regard, the application was referred to Council's Heritage Advisor for review. The full report is attached, with an excerpt below:

*A Conservation Management Plan (CMP) for the Showground was prepared for Council by Conybeare Morrison International (architects and heritage consultants) in 2010. This included an assessment of the heritage significance of various structures against the Heritage Council's criteria. It concluded that the grandstand is a significant item. I have examined the building and the CMP, and concur with that assessment. Demolition would result in the total loss of a contributory item in the Mudgee Conservation Area.*

*Barnsons were commissioned to advise on the structural adequacy of the building, having regard to current standards. Their report identifies certain deficiencies and the work required if they are to be rectified. It is notable that the report does not advise that the building presents any danger.*

*The application documents provided to me do not attempt to justify the proposed demolition. It is possible to infer that the rationale is that demolition will cost far less than upgrading. But there is no requirement to modify buildings and structures retrospectively to comply with current standards. Indeed there would be very few buildings which do comply.*

*Even if there is a danger, demolition of a heritage item or a contributory item in a conservation area cannot be justified simply on the grounds of cost. Demolition should only be permitted when an item cannot be saved. It is submitted that Council should set an example by conserving its own assets, rather than set a precedent for applications to demolish listed and contributory buildings on what may be dubious grounds.*

**Recommendation**

*The application should be refused*

**Part 6****6.2 Flood planning**

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

**6.3 Earthworks**

The proposal would only involve minor earthworks to remedy the site post demolition. The works are not expected to generate any significant impacts as listed in clause 6.3(3).

**6.4 Groundwater vulnerability**

The site is identified as groundwater vulnerable in accordance with Council's mapping. The proposed development does not involve extensive earthworks and is not expected to result in any significant impact upon groundwater dependable ecosystems.

**6.5 Terrestrial biodiversity**

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

**6.7 Active street frontages**

Not applicable.

**6.8 Airspace operations – Mudgee Airport**

The proposal does not penetrate the Airport OLS.

**6.9 Essential Services**

All essential services that are relevant to the proposal are available.

**6.10 Visually sensitive land near Mudgee**

The land is not located within the area identified within the visually sensitive land map.

**(b) Provisions of any Development Control Plan or Council Policy – 79C(1)(a)(iii)****Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013)**

There are no relevant provisions of the DCP that relate to demolition.

Public exhibition of the proposal is discussed below.

**(c) Provisions of any Planning Agreement or Draft Planning Agreement – 79C(1)(a)(iia)**

No planning agreement applicable.

**(d) Regulations – 79C(1)(a)(iv)**

## **Environmental Planning & Assessment Regulation 2000**

### Clause 92 – Additional matters that consent authority must consider

This requires Council to consider AS2601 when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 should be included as a condition of consent if granted. However, the application is recommended for refusal.

### Clause 93 – Fire safety and other considerations

The proposal does not involve a change of use that is not altering or extending a part of a building. Accordingly, no further consideration is necessary.

### Clause 94 – Consent authority may require buildings to be upgraded

The proposal does not involve works as specified in 94(1) and therefore no further consideration is necessary.

### Clause 94A – Fire safety and other considerations applying to erection of temporary structures

The proposal does not involve a temporary structure. Accordingly, no further consideration is necessary.

## *IMPACT OF DEVELOPMENT*

### (a) Context and Setting

The proposed demolition of a contributory building within the HCA area is considered to have a significant negative impact upon the context of the HCA and the showground setting itself.

### (b) Access, transport and traffic

No significant impact expected.

### (c) Public domain

The showground is considered an important element of the public domain within Mudgee due to its accessibility, prominence and mixture of current uses. Subsequently, unnecessary demolition of an important building is expected to have a negative impact upon the public domain and set an undesirable precedence.

### (d) Utilities

Not applicable.

### (e) Heritage

Refer to comments above.

### (f) Other land resources

The proposal is not expected to impact upon other land resources.

### (g) Water

No significant impact expected.

(h) Soils

No significant impact expected.

(i) Air and Microclimate

No significant impact expected.

(j) Flora & fauna

No significant impact expected.

(k) Waste

Waste service available.

(l) Energy

Not applicable.

(m) Noise & vibration

Not applicable.

(n) Natural Hazards

No natural hazards are identified.

(o) Technological hazards

Not applicable.

(p) Safety, security and crime prevention

No significant impact expected.

(q) Social impact in the locality

The Grandstand and the Showground have played an important role in the social heritage fabric of Mudgee as identified within the objection letter, written by a local heritage consultant (discussed later in this report). Subsequently, any removal of a significant building of this nature, in particular where no replacement facility is proposed, or justification provided for its removal, is expected to erode the social fabric of Mudgee.

(r) Economic impact in the locality

Expected costs associated with the rectification works have been included in this report (\$776,160), as well as demolition costs (\$40,000). No details have been provided as to the economic costs to remove the building as a facility traditionally involved in the showground operations.

(s) Site design and internal design

Not applicable.

(t) Construction

Not applicable.

(u) Cumulative Impacts

The demolition of the grandstand would set an undesirable precedent with regards to the cumulative impact of allowing other similar important buildings to be removed from the heritage fabric of Mudgee, particularly when in public hands.

*SUITABILITY OF SITE FOR DEVELOPMENT*

(a) Does the proposal fit in the locality

The proposal would result in the removal of a building that currently fits well with the locality.

(b) Are the site attributes conducive to development

Not applicable.

*SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS*

(a) Public Submissions

The proposal was notified and advertised for a period of 14 days in accordance with MWRDCP 2013 and the regulations. The submission period ended on 15 December 2017 and one submission was received. The submission was from Barbara Hickson Architect and Heritage Advisor.

The submission (attached) details a variety of points as discussed below.

Significance of the grandstand

The submission provides a statement of significance of the Grandstand quoted as:

*'The grandstand constructed in 1936 is of considerable social and cultural significance being the venue for many spectator events. Aesthetically significant as a good example of the straightforward engineered structures built between the wars, and forms part of a strong 'streetscape of pavillions' around the central ring.'*

**Comment:** Council's Heritage Advisor and the Conservation Management Plan both come to a similar conclusion that the building is of high significance and any demolition should be a last resort.

Precedence

The objection concludes that Council should be setting a good example with regards to preservation of heritage.

**Comment:** Generally a public authority is in a good position to set an example as to the preservation of important heritage and social fabric. Council is in ownership of a significant number of heritage items and other important buildings within the HCA. However, decisions around

demolition of buildings need to be made on balance with all other considerations as referred to under Section 79C of the *Environmental Planning and Assessment Act 1979*.

(b) Submissions from public authorities

No submissions received.

*THE PUBLIC INTEREST*

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

In relation to local government and community interests, as part of the submission package, the applicant has lodged a Structural Inspection Report of the Mudgee Showground Grandstand, prepared by Barnson, dated 26 October 2017. The report (attached) is provided for structural purposes only and provides no comment on any heritage conditions, or assessments associated with the building. It concludes:

- the grandstand structure does not comply with the design and loading requirements of the current Australian Standards nor does it meet the minimum requirements for stairways or access in accordance with the Building Code of Australia.
- the implementation of the rectification works (\$776,160) will increase the structural capacity of the specific members in order to comply with the Australian Standards and ensure the structural integrity of the structure, however the works require almost total re-construction.
- the grandstand appears of considerable age and is believed to have exceeded its design life.
- the grandstand is un-useable in its present condition and poses an immediate public safety threat to anyone accessing it.

In reviewing the report, it is pertinent to note that there is no requirement to modify buildings and structures retrospectively to comply with current standards – to do so would be cost prohibitive. Therefore, costs associated with demolishing and erecting new staircases/ramps and fire egress upgrades may not actually be required – unless the entire structure is demolished and a new structure erected.

No additional issues in the interests of the public have been identified beyond those already discussed in this report.

*CONSULTATIONS*

(a) Health & Building

Council's Health & Building Surveyor has not raised any concerns with the proposal subject to standard conditions.

(b) Technical Services

No consultation necessary.

(c) Heritage Advisor

Comments (attached) discussed earlier in this report.

*CONCLUSION*

No reason or justification for the Grandstand's removal has been given, and no proposal has been put forward for the replacement of the structure. This fact, combined with the social and cultural



value the Grandstand makes to the Mudgee Showground and the wider HCA, means that the demolition is not supported by staff.

This conclusion has been arrived at in response to Council's Heritage Advisors comments, the submission received from a local architect and heritage advisor, the Mudgee Showground Conservation Management Plan and after consideration of clause 5.10(4) of Mid-Western Regional Local Environmental Plan 2012.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Vibrant towns and villages
Strategy	Respect and enhance the historic character of our Region and heritage value of our towns

## Strategic implications

### **Council Strategies and Plans**

The Mudgee Showground Conservation Management Plan has identified the grandstand as of high significance with regards to the Heritage Conservation Area. This plan was endorsed by Council at its Strategic Committee Meeting held on 3 February 2010.

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013  
Mid-Western Regional Development Contributions Plan 2005 – 2021  
Mid-Western Regional Development Servicing Plan

### **Legislation**

Environmental Planning and Assessment Act 1979

## Financial implications

Nil.

## Associated Risks

The recommendation is to refuse the development application. The applicant may seek a further review of this decision or appeal through the Land and Environment Court.

DREW ROBERTS  
SENIOR TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

13 December 2017

*Attachments:*

1. Structural Inspection Report. (separately attached)
2. Submission. (separately attached)
3. Internal Heritage Referral Comments. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.6 DA0184/2018 - Use of footpath area for dining - 67 Market Street, Mudgee (Woolpack Hotel)

REPORT BY THE TOWN PLANNER AND MANAGER, STATUTORY PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, DA0184/2018

### RECOMMENDATION

#### That Council:

- A. receive the report by the Town Planner and Manager, Statutory Planning on DA0184/2018 - Use of footpath area for dining - 67 Market Street, Mudgee (Woolpack Hotel);
- B. approve DA0184/2018 - Use of footpath area for dining - 67 Market Street, Mudgee (Woolpack Hotel) subject to the following conditions:

#### APPROVED PLANS

1. Development is to be carried out generally in accordance with the stamped plan (identified as Outdoor Seating Plan, Drawing Number 27772-A01 Revision C dated 2/02/2018 and prepared by Barnson), except where amended as required by the following conditions.
2. For clarity, this development consent approves the use of the footpath adjacent to 67 Market Street, Mudgee for dining purposes associated with these premises.

#### OPERATIONAL CONDITIONS

3. The operation of the footpath dining area must at all times be in accordance with a current approval under Section 125 of the *Roads Act 1993*.
  4. The hours of operation are restricted to between 11am and 10pm seven (7) days a week.
  5. The maximum capacity of patrons to be seated at tables in the permitted footpath dining area is limited to 30 persons at any one time.
  6. All street furniture is to be removed from the footpath dining area outside approved operating hours.
  7. A minimum clear zone (pedestrian area) of 1.8 metres measured outwards from the shop frontage shall be maintained at all times. All furniture is to be placed outside this clear zone.
  8. The business proprietor and all personnel must ensure that the footpath dining area (and the immediate vicinity adjacent to the footpath dining area) is maintained in a clean and tidy condition at all times, free of grease, food and litter.
  9. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
-

- 10. Barricades must be 1 metre in height clearly defining the boundaries of the footpath dining area. The barricades must be linked together and constructed so that they cannot be easily moved by patrons and can tolerate wind events.**
- 11. Furniture is to be good quality, properly maintained and of a colour and design that compliments any adjacent heritage building and streetscape. Advertising material and/or product endorsement is not to be displayed on any items of furniture.**

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## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Woolpack Hotel Pty Ltd
PROPERTY DESCRIPTION	Footpath adjacent to 67 Market Street, Mudgee (Lot 112 / DP1136686)
PROPOSED DEVELOPMENT	Use of footpath area for dining
ESTIMATED COST OF DEVELOPMENT:	Nil
REASON FOR REPORTING TO COUNCIL:	A Councillor is the owner or applicant of the subject site.
PUBLIC SUBMISSIONS:	Nil

A development application seeking to use the footpath area adjacent to the Woolpack Hotel (located at 67 Market Street, Mudgee) for dining was received by Council on 5 February 2018.

The footpath dining area is proposed to have a maximum seating capacity of 30 people and intends to serve alcohol between the hours of 12 noon and 10pm. The recommended hours of operation are 11am to 10pm to allow for the set up of tables and chairs.

The proposal has already received consent from Council under Section 125 of the *Roads Act 1993* (refer to Attachment 1). This application was approved in accordance with Council's Business Use of Footpath Policy on 28 September 2017. This approval was then provided to the Office of Liquor and Gaming who are the responsible authority for licencing requirements.

Whilst the SEPP Exempt and Complying Development Code 2008 allows for the use of the footpath by a food and drink premises as exempt development. This exemption does not apply for a pub or small bar and therefore, a development consent is required.

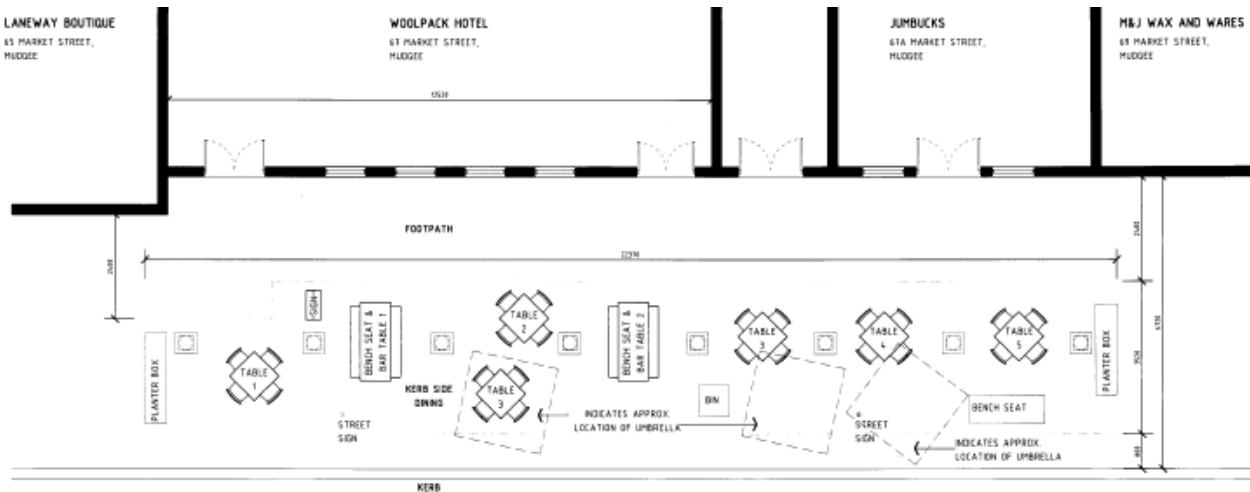
The application was notified to adjoining owners for a period of ten days in accordance with Council's Development Control Plan 2013 (DCP 2013), with Friday 16 February 2018 the closing date for submissions.

The application was also referred to the NSW Police who did not raise any objections to the proposal. A copy of their submission can be found in Attachment 2.

The proposal is recommended for approval subject to conditions.

The processing of this application has been given priority as the NSW Office of Liquor and Gaming is awaiting determination of this development application in order to process the relevant liquor licensing requirements associated with footpath dining under Section 125 of the *Roads Act 1993* which was approved in September 2017.

The proposed outdoor seating plan is provided below.



**Figure 1: Outdoor Seating Plan – Woolpack Hotel**

### 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**

(a) Provisions of any Environmental Planning Instrument and any draft EPI - 79C(1)(a)(i) and (ii)

#### **State Environmental Planning Policy No 55 - Remediation of Land**

The proposed use will be located on an existing sealed footpath with no proposed works to this surface. In addition, a search of Council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

#### **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

Subdivision 20A *Footpaths - outdoor dining* of the SEPP allows for the use of the footway by a food and drink premises as exempt development.

To be exempt development, the use of the footway must:

- (a) not be associated with a pub or a small bar, and
- (b) be carried out in accordance with an approval granted under Section 125 of the *Roads Act 1993* (if applicable), including in accordance with any hours of operation to which the approval is subject, and
- (c) be carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993* (if applicable).

The application is associated with a pub and is therefore not consistent with the provisions of the SEPP relating to footway dining. As such, the use of the footway for dining as per this proposal requires development consent.

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

The following clauses of Mid-Western Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

#### Zoning of Land

The land is zoned B3 Commercial Core pursuant to MWRLEP 2012. The use of the footpath is in association with an established premises used for the purposes of a **pub** and is permissible with consent in the zone.

#### Clause 5.10 Heritage Conservation

The Woolpack Hotel is identified as a heritage item and is also within the Heritage Conservation Area. The proposal does not involve any works, rather the use of the footpath area for dining which is already commonly established along both Market Street and Church Street. It is not considered that it will impact on the heritage significance of the site.

#### Clause 6.2 Flood planning

The subject site is not identified as being within the flood planning area in accordance with Council's maps and the Floodplain Study and Management Plan. No further consideration is necessary.

#### Clause 6.3 Earthworks

The proposal is for a use only and does not involve any earthworks. Accordingly, no further consideration of this clause is necessary.

#### Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. The proposed development does not involve any earthworks and is not expected to result in any significant impact upon groundwater dependable ecosystems.

#### Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

#### Clause 6.7 Active street frontages

The subject site is located within the area mapped as 'Active street frontage' pursuant to the LEP mapping. The proposal will continue the use of all ground floor areas for retail premises and therefore continues to satisfy this clause.

#### Clause 6.8 Airspace operations – Mudgee Airport

The proposal does not penetrate the Airport OLS.

### Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available to the proposed development.

### Clause 6.10 Visually sensitive land near Mudgee

The land is not located within the area identified within the visually sensitive land map.

(b) Provisions of any Development Control Plan or Council Policy – 79C(1)(a)(iii)

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

### Part 5.1 Car Parking

There is no provision for car parking within Council's DCP for the use of the footpath, for dining purposes. Accordingly, no additional car parking is required.

This is similar to other restaurants, dining or take away food bars using Council's footpath for dining, that are carried out as exempt development, pursuant to the Exempt and Complying SEPP.

Notwithstanding the above, sufficient parking is available given the location of the site within the Central Business District, and the close proximity to Byron Place and Short Street Car parks.

(c) Provisions of any Planning Agreement or Draft Planning Agreement – 79C(1)(a)(iiia)

No planning agreement applicable.

(d) Regulations – 79C(1)(a)(iv)

## **Environmental Planning & Assessment Regulation 2000**

There are no relevant applicable Clauses relating to the proposal.

## ***LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY – 79C(1)(b)***

### (a) Context and Setting

The proposal is appropriate with regards to the surrounding context and setting. The footpath dining is within the core business district of the Mudgee township. Footpath dining associated with restaurants and cafes is common in the area and will be consistent with the existing landscape.

### (b) Access, transport and traffic

The application will not have any impact on the existing vehicular access and car parking to the site.

(c) Public domain

The proposal will be located in the public domain. It is considered that the proposal will have no significant detrimental effect relating to the public domain subject to appropriate conditions being imposed.

(d) Utilities

All relevant utilities are available to the site.

(e) Heritage

The heritage aspects have already been discussed within this report. The proposed footpath dining is not expected to impact on the heritage significance of the site or wider conservation area.

(f) Other land resources

The proposal is not expected to impact upon other land resources as discussed throughout this report.

(g) Water

No significant impact expected.

(h) Soils

No significant impact expected.

(i) Air and Microclimate

No significant impact expected.

(j) Flora & fauna

No significant impact expected.

(k) Waste

Waste services are available.

(l) Energy

Not applicable.

(m) Noise & vibration

The hours of operation for the use of the footpath will be limited to between 11am and 10pm. Appropriate conditions will be included to ensure that the amenity of the area is not impacted as a result of emitting offensive noise.

(n) Natural Hazards

No natural hazards are identified.



(o) Technological hazards

Not applicable.

(p) Safety, security and crime prevention

There will be increased passive surveillance as a result of the proposed development.

(q) Social impact in the locality

Generally positive.

(r) Economic impact in the locality

Generally positive.

(s) Site design and internal design

Adequate as discussed throughout this report.

(t) Construction

The proposal is for a use only and does not involve construction works. Any construction work must comply with the BCA where relevant.

(u) Cumulative Impacts

Nil. There are no known impacts that have the potential to act in unison, in terms of space or time, or owing to their repetitive nature, that would produce an effect greater or different than the sum of the separate parts.

**SUITABILITY OF SITE FOR DEVELOPMENT – 79C(1)(c)**

The proposal is of a nature in keeping with the overall function of the site. The premises are in a commercial surrounding and amongst similar uses to that proposed.

**SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 79C(1)(d)**

(a) Public Submissions

The proposal was required to be notified for a period of 10 days in accordance with MWRDCP 2013 and the regulations, with the submission period ending on 16 February 2018. The application was required to be notified as a residence is located above the adjacent commercial premises. To date no submissions have been received.

(b) Submissions from public authorities

The application was referred to NSW Police. A copy of the submission from NSW Police is attached (Attachment 2). NSW Police did not raise any objections in relation to the proposal.

**THE PUBLIC INTEREST – 79C(1)(e)**

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### CONSULTATIONS

(a) Health & Building.

No consultation necessary.

(b) Technical Services

No consultation necessary.

(c) Heritage Advisor

No consultation necessary.

### CONCLUSION

Having regard to all of the above matters, it is considered that the proposal is acceptable and it is recommended for approval subject to conditions.

### 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

### Strategic implications

#### Council Strategies & Plans

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013

#### Council Policies

Council's Business Use of the Footpath Policy facilitates businesses, community groups and entertainers to use the footpath for either commercial or community activities. This policy aims to enhance and promote a vibrant and welcoming atmosphere in the Mid-Western Regional Council local government area, through approvals issued under Section 125 of the *Roads Act 1993*.

S.125 approval issued by Council, in accordance with Business Use of the Footpath Policy, dated 28 September 2017 (attached).

#### Legislation

Environmental Planning and Assessment Act 1979.

### Financial implications

Not applicable.

## Associated Risks

The recommendation of staff is to approve the development application subject to conditions provided above. Should Council refuse the development application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

SARAH HOPKINS  
TOWN PLANNER

LINDSAY DUNSTAN  
MANAGER STATUTORY PLANNING

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

14 February 2018

*Attachments:* 1. Council approval under Section 125 Roads Act 1993.  
2. NSW Police submission.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



TJ | PN#20441 | LAW100036

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

28 September 2017

Mr Jamie Fitzgerald  
PO Box 376  
Mudgee NSW 2850

Dear Mr Fitzgerald,

**RE: BUSINESS USE OF FOOTPATH – WOOLPACK HOTEL PTY LTD  
94 CHURCH ST MUDGEE – FP0192**

Please find enclosed your Business Use of Footpath Permit for display in your front window.

Approval is hereby granted to place furniture on the footpath adjacent to the above premises for the purposes of dining only.

The service of alcohol into the footpath dining area is not to occur until evidence of liquor licencing approval is provided and the signposting, barricades and seating policy requirements are met and inspected by Council.

This dining approval is subject to the following conditions:-

1. Furniture is to be placed in accordance with your submitted plans.
2. Furniture is to be good quality, properly maintained and of a colour and design that compliments any adjacent heritage building and streetscape. Advertising material and/or product endorsement is not to be displayed on any items of furniture.
3. A clear zone (pedestrian area) of 1.8 metres measured outwards from the shop frontage shall be maintained at all times. All furniture is to be placed outside this clear zone.
4. All furniture is to be removed at the close of business.
5. The footpath restaurant and surrounds are to be maintained in a clean condition and kept free of litter at all times.
6. A copy of your current and valid Public Liability Insurance Policy for **\$20 million**, which is endorsed to cover Mid-Western Regional Council, shall be submitted to Council annually. Your current insurance expires 12 June 2018.
7. An annual renewal fee of \$78 is payable in July each year, you will receive a renewal notice at that time.

Upon providing proof of approval from the Office of Liquor Gaming & Racing for the extension of your liquor licencing area, you must also comply with the following conditions:-

8. Barricades must be 1 metre in height clearly defining the boundaries of the liquor licenced area. The barricades must be linked together and constructed so that they cannot be easily moved by patrons and can tolerate wind events.

9. The maximum capacity of patrons to be seated at tables in the permitted footpath dining area will be limited to 30 person/s based on the available square meters of footpath divided by 3 multiplied by 4 which equates to the maximum number of patrons at one time in the designated area.

10. Only seated table service of alcohol by authorised staff of the licenced premises with meals will be permitted.

11. Service of alcohol with meals is restricted to be undertaken between the hours 12 noon and 10 pm, and;

- no more than one alcoholic drink may be supplied to any one person at any one time;
- the following drinks must not be sold or supplied;
  - any drink (commonly referred to as a 'shot') that contains more than 30 ml of spirits or liqueur and that is designated to be consumed rapidly;
  - any drink containing more than 50% spirits or liqueur;
  - any ready to drink (RTD) beverage with an alcohol by volume content more than 5%; and
  - any drink prepared on the premises that contains more than one 30ml nil nip of spirits or liqueur.
- Wine and beer sold by the glass cannot exceed the following individual serve quantities; wine not exceeding 150 ml and beer not exceeding 425mls;
- Liquor must only be sold or supplied in vessels opened by authorised staff of the licenced premises;
- No liquor may be taken out of the footpath defined licenced area;
- In the case of BYO the proprietor shall serve and store the alcohol provided by patrons within the premises (not the footpath area) as single drinks as above.
- Signposting of the licenced area will be displayed on the outside panels of the barricades to inform the public of the licenced area.
- Signposting of the Alcohol Free Zone will be displayed on the inside of the barricades informing patrons that as they leave the licenced area they are entering an alcohol free zone.

NOTE - This permit is valid for 5 years only and Council reserves the right to cancel this permit and impound offending articles if the abovementioned conditions are not adhered to at all times. After the expiry a new application will need to be resubmitted.

Enclosed is a copy of the Mid-Western Regional Council's Business Use of Footpath Policy for conditions of the permit.

If you have any questions in relation to your permit, please contact my office on (02) 6378 2850.

Kind regards,

TIM JOHNSTON  
MANAGER GOVERNANCE

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# NSW POLICE FORCE

## Orana Mid-Western LAC – Crime Management Unit

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94 Market Street,  
MUDGEES NSW 2850  
Tel: 02 6372 8599  
Fax: 02 6372 8511

**Mid-Western Regional Council  
86 Market Street, Mudgee  
Att: Lindsay Dunstan  
Manager Statutory Planning - Development**

**RE: Development application DA0184/2018 – Proposed Use of Footpath for Outdoor Dining Area. Woolpack Hotel 67 Market Street, Mudgee. TRIM 2018/119347 (See attached application)**

The Woolpack Hotel is situated at 67 Market Street, Mudgee and trades under a current Hotel liquor licence with an extended trading authorisation, right to keep gaming machines along with a minor's authorisation area. Trading hours for the premises are from 5:00am to 3:00am Monday to Saturday and 7:00am to 12:00am on Sunday. The current licensee for the premises is Cassie BONES who was appointed this position on 25<sup>th</sup> September 2017.

In December 2015, correspondence was received from Mudgee Region Tourism to allow consumption of alcohol on the footpath with Alfresco Dining. As a result, Police held discussion with Council regarding the Alfresco Dining. To maintain and ensure a safe environment for the public, patrons and local surrounding businesses a number of restrictions/conditions were requested to be enforced to regulate the Alfresco Dining areas on the footpath.

From lengthy discussion with Council and stakeholders a 'Business Use of Footpath Policy', was finalised and implemented on the 20<sup>th</sup> July 2016. Within the Policy document there are numerous conditions regarding the Dining/Liquor Licensing Area for which Police requested. **(See attached Business Use of Footpath Policy)**

In August 2017, an application was provided to Mid-Western Regional Council regarding Business Use of Footpath Policy requesting to extend their dining/liquor licensed area to the footpath outside their premises. The application was approved in September 2017, permitting dining only, with a maximum of 30 people at any one time. The proprietors of the Woolpack Hotel were also advised they cannot serve alcohol to patrons within the Alfresco Dining area on the footpath until a change of boundaries application was provided and granted by Liquor & Gaming NSW.

Some of the conditions listed under the 'Business Use of Footpath Policy', state:

## 10.4 Dining / Liquor Licencing area

□ All applications for a dining / liquor licenced area permit will be referred to NSW Police Mudgee Local Area Command. Local Police can make representations to the Office of Liquor Gaming & Racing as part of the consideration of the liquor license boundary extension application and; comment directly to the Council on the proposed local permit being issued.

□ Council will issue to applicants a letter outlining the local conditions of the permit, this letter will be used by businesses when applying to the Office of Liquor Gaming & Racing to extend their liquor licence boundary to include the designated area of footpath.

□ Barricades 1 metre in height clearly defining the boundaries of the licenced area will be approved in consultation with the council. The barricades must be linked together and constructed so that they cannot be easily moved by patrons and can tolerate wind events.

□ The maximum capacity of patrons to be seated at tables in the permitted footpath dining area will be limited by the available square meters of footpath divided by 3 multiplied by 4 which equates to the maximum number of patrons at one time in the designated area.

□ Seated table service of alcohol with meals by authorised staff of the licenced premises only will be permitted.

□ Service of alcohol with meals is restricted to be undertaken between the hours 12 noon and 10 pm, and;

- no more than one alcoholic drink may be supplied to any one person at any one time and;
- the following drinks must not be sold or supplied;

- any drink (commonly referred to as a 'shot') that contains more than 30 ml of spirits or liqueur and that is designated to be consumed rapidly and;
- any drink containing more than 50% spirits or liqueur and;
- any ready to drink (RTD) beverage with an alcohol by volume content more than 5% and;
- any drink prepared on the premises that contains more than one 30ml nil nip of spirits or liqueur

*IN THIS CONDITION, READY TO DRINK (RTD) BEVERAGE MEANS AN ALCOHOLIC MIXED BEVERAGE THAT IS PREPARED BY THE MANUFACTURER.*

- Wine and beer sold by the glass cannot exceed the following individual serve quantities; wine not exceeding 150 ml and beer not exceeding 425mls

- Liquor must only be sold or supplied in vessels opened by authorised staff of the licenced premises

- No liquor may be taken out of the footpath defined licenced area

- In the case of BYO the proprietor shall serve and store the alcohol provided by patrons within the premises (not the footpath area) as single drinks as above.

□ Signposting of the licenced area will be displayed on the outside panels of the barricades to inform the public of the licenced area.



- Signposting of the Alcohol-Free Zone will be displayed on the inside of the barricades informing patrons that as they leave the licenced area they are entering an Alcohol Free Zone.
- Outdoor furniture should be strong, durable, waterproof and weather resistant designed for commercial outdoor use. Tables and chairs should fold or stack for storage.
- Outdoor furniture may be powder coated or polished aluminium, brushed or stainless steel, natural or painted timber, or canvass. Under no circumstances shall outdoor furniture consist of “cheap” bulk manufactured plastic chairs. Surfaces such as table tops should be non-reflective. All outdoor furniture will be subject to the approval of Council.

On Thursday 8<sup>th</sup> February 2018, a Development Application was received from Mid-Western Regional Council for the Woolpack Hotel for a proposed use of footpath for outdoor dining. All information provided has been reviewed along with previous discussions held with owners of the Woolpack Hotel and Mid-Western Regional Council resulting in nil issues.

Due to restrictions/conditions being put in place by Mid-Western Regional Council under their ‘Business Use of Footpath Policy’. Police have no objections to the development application being granted for outdoor dining at the Woolpack Hotel. However, the proprietor must ensure they comply with the Mid-Western Regional Council’s “Business Use of Footpath Policy”, at all times in order to ensure a safe environment for the public, staff and surrounding businesses.



Jason TURNBULL  
Licensing Senior Constable  
Orana Mid-Western LAC  
Mudgee Police Station  
PH:63728599  
13<sup>th</sup> February 2018



Jeffrey BOON  
Chief Inspector  
Orana Mid-Western LAC  
Mudgee Police Station  
PH:63728599  
13<sup>th</sup> February 2018

## 8.7 MA0009/2018 - Modification to DA0164/2015 - Commercial Alterations & Additions - Oriental Hotel - 6 Lewis Street, Mudgee

REPORT BY THE MANAGER, STATUTORY PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, MA0009/2018

### RECOMMENDATION

That Council:

- A. receive the report by the Manager, Statutory Planning on the MA0009/2018 - Modification to DA0164/2015 - Commercial Alterations & Additions - Oriental Hotel - 6 Lewis Street, Mudgee;
- B. approve MA0009/2018 - Modification to DA0164/2015 - Commercial Alterations & Additions - Oriental Hotel - 6 Lewis Street, Mudgee subject to the following conditions:

### APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans
  - Project No. 711 - Drawing Number DA1201 - Issue C Ground Floor and Site Plan
  - Project No. 711 - Drawing Number DA1301 - Issue C Level One Floor Plan
  - Project No. 711 - Drawing Number DA1501 - Issue C Elevations
  - Project No. 711 - Drawing Number DA1601 - Issue C Sections
  - Oriental Hotel, Mudgee Car Parking Analysis Response to Council – Ref. 2013/377.F02A.CM/hc – McLaren Traffic Engineering

and the Application received by Council on 14 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.

2. The signage on the western elevation is to generally match the existing signage on the hotel western elevation.

### PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

3. The bi-fold doors for both levels facing the street are to incorporate treatment to minimize noise levels to a maximum of 5db(A) above background level noise. Details of compliance with this requirement are to be provided with the construction certificate documentation and certified by a qualified acoustic engineer.
4. An acoustic barrier to a height of 2m above ground level is to be provided for the length of the western boundary extending from the front boundary to the rear access gate. Details of the barrier are to be provided prior to the issue of a construction certificate.
5. The 2m acoustic barrier proposed for the southern elevation is to be extended

for the entire rear boundary of Lot 1 DP 995458.

6. Any plant or air-conditioning units are to be adequately screened. Details of screening are to be provided with the construction certificate documentation.
7. Under clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the existing residential portion of the building, being the second storey residential part, is to be brought into partial conformity with the following Performance Requirements (PR's) of the BCA, Volume 1.

CP2 – In relation to the doors of the Sole Occupancy Units (SOU's) and doors in the path of travel to the required stairways.

DP2 – In relation to the goings/risers, handrails and balustrades of the external stairway leading down from the second storey residential part.

DP6 – In relation to the operation of the latch to the doors in a path of travel to an exit. Those being doors in public corridors and opening into required stairways.

EP1.2 – In relation to serving common areas throughout the residential part.

EP2.1 – In relation to the whole of the residential part.

EP4.1, EP4.2 – In relation to passage way, corridor and stairway of the residential part.

Details of compliance with the abovementioned Performance Requirements of the BCA are to be indicated on amended/additional plans and submitted to the Principle Certifying Authority for assessment with the Construction Certificate. A report from a suitably qualified Building/BCA Certifier is to be submitted addressing the matters which are subject to the upgrading.

8. A certificate from a Practising Structural Engineer certifying to the structural sufficiency of the existing structure to support proposed addition is to be submitted at Construction Certificate stage.
9. All building work is to comply with the requirements of the Access to Premises Standard.
10. Trade Waste Application will be required to be submitted and approved for the proposed kitchen grease trap prior to occupation.
11. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act 1993* to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
12. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
13. All proposed structural foundations must not impose a load within the zone of influence of any reticulated water or sewer mains.

**Note:** Please contact Council regarding the calculation of the zone of influence.

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14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:

Water Headworks	\$ 11,223
Sewerage Headworks	\$ 5,122
Total Payable	\$ 16,345

15. In accordance with the provisions of section 94 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94 Development Contributions Plan, a contribution of \$31,977 for Civic Improvements shall be paid to Council in accordance with this condition.

16. Car parking within the development is to comply with the following:

- ~~a) Car parking shall be implemented as shown on the approved drawings at the full cost of the Developer;~~
- a) Car parking spaces 2, 3 and 4 as shown on the approved plans are to be provided at the full cost of the Developer.
- b) Each parking space is to have minimum dimensions pursuant to Australian Standard AS2890.1;
- ~~c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.1;~~
- d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times;
- e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority *Guide to Traffic Generating Developments 1992* and Australian Standard AS2890.1. Details of compliance are to be shown on the relevant plans and specifications.
- f) To ensure sight distances are achieved, the layback and crossover are to be altered to ensure vehicles exiting the car park are centrally located between the boundary and building as to achieve the requirements of section 3.2.4 and Figure 3.3 of AS2890.1.
- g) To improve the safe movement of pedestrians through the carpark, pavement markings are to be provided. Pavement markings a minimum 1 metre wide shall be installed parallel to the boundary and cross at right angles to link to the Hotel entrance.

(AMENDED MA0009/2018)

#### PRIOR TO COMMENCEMENT OF WORKS BUILDING

17. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- the appointment of a Principal Certifying Authority and
  - 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.

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

**Council encourages the separation and recycling of suitable materials.**

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

19. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
  - a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.
20. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

21. Prior to the commencement of works on site, the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property.
22. The development site is to be managed for the entirety of work in the following manner:
  - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

#### **BUILDING CONSTRUCTION**

23. 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.
  24. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
  25. Construction work noise that is audible at other premises is to be restricted to the following times:
    - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
-

26. 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.
27. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
  - a) Demolition work is not be undertaken until:
    - Council has been provided with a copy of any required Hazardous Substances Management Plan;
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - b) The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
  - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
28. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the WorkCover Authority and disposed of at an approved waste facility.
29. All stormwater is to discharge to the street with the use of non-flexible kerb adaptors. Please note this can be achieved by connecting to existing stormwater lines.
30. All building work is to comply with the requirements of the Access to Premises Standard.
31. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

#### **PRIOR TO WORKS COMMENCING CIVIL**

32. 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.
  33. 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.
  34. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or
-

testing of the works.

35. 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.

#### **PRIOR TO OCCUPATION CERTIFICATE**

36. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
37. All car parking and associated driveway works are to be completed prior to occupation of the development.
38. CCTV cameras are to be installed at all entrances to the premises to the standards of NSW police. An additional camera is to be located at the rear south western entrance to the premises capturing the immediate surrounding carpark.
39. Security lighting is to be installed to clearly identify the rear gate to the public carpark.
40. ~~A sign is to be placed at the Mortimer Street driveway entrance making patrons aware of the extra parking at the rear of the site.~~

(DELETED MA0009/2018)

41. Confirmation of registration of the boundary adjustment as approved by this consent.
42. Prior to occupation or the issue of the Occupation Certificate (or Interim Occupation Certificate) the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
43. Confirmation from a registered surveyor that no part of the new building exceeds a height of 8.5m above existing natural ground level.

#### **GENERAL CONDITIONS**

44. A management plan is to be prepared for hotel staff. The plan is to incorporate measures including the closing of all bi-fold doors and all other external windows at 10pm every evening, the locking of the external gate to the rear carpark at 10pm every evening and the directing of patrons to exit the hotel through the Mortimer Street exits after 10pm every evening.
  45. For every 12 month period after the issue of the Final Fire Safety Certificate the
-

- owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
46. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
  47. The air conditioning unit/s must be operated in accordance with the requirements of the Protection of the Environmental Operations Act (Noise Control) Regulations 2000.
  48. The premises shall, at all times, be operated and maintained in accordance with Food Safety Standards 3.1.1, 3.2.2 and 3.2.3 prescribed in chapter 3 of the Australia and New Zealand Food Standards Code.
  49. 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".
  50. The colour scheme is to generally match the existing colour scheme of the hotel.
  - ~~51. The rear garage is to remain open and clear for the use of car parking during opening hours.~~
  51. The rear garage is not to be used for any other purpose, other than that which it was approved, i.e. garage and store.

(AMENDED MA0009/2018)

52. The southern extent of the turfed area is to incorporate a play equipment area as committed to in the details lodged with the application.
- 52A. To ensure all vehicles entering the site can exit in a forward direction all driveway and manoeuvring areas, including those in between the garage and keg room, are to remain clear at all times.

(ADDED MA0009/2018)

#### PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

53. 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)

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



- 55. 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 adjoining private properties as a result of this subdivision.**
- 56. All services including water and sewer connections are to be preserved for individual lots.**

## Executive summary

OWNER/S	Desmond & Carol Kennedy
APPLICANT:	Barnson Pty Ltd
PROPERTY DESCRIPTION	6 Lewis Street, Mudgee
PROPOSED DEVELOPMENT	Commercial Alterations & Additions
ESTIMATED COST OF DEVELOPMENT:	\$880,000
REASON FOR REPORTING TO COUNCIL:	Owner is a Councillor
PUBLIC SUBMISSIONS:	1

A section 96(1A) modification application has been received for DA0164/2015, which was granted consent by Council at its meeting of 18 February 2015. The original consent was for alterations & additions to the Oriental Hotel.

The approved development included the provision of seven (7) parking spaces including one (1) accessible space. Four (4) of these parking spaces were to be provided along the western boundary of the site, with the remaining three (3) - including the accessible parking space, to be provided within the existing garage at the rear of the site.

The subject modification, as originally lodged, sought to remove the 3 spaces within the garage – thereby leaving 4 spaces on site. The request to reduce the number of onsite car parking spaces was supported by a traffic study, prepared by McLaren Traffic Engineering. This found that there is sufficient parking available in the local area to justify the reduction in onsite parking (i.e. from 7 to 4 spaces). The application has been lodged because it has become apparent that in order for the garage to achieve compliance with the consent, substantial works would be required to be undertaken.

The proposal was notified in accordance with Council's DCP 2013. During the notification period, Council received one letter of objection - co-signed by adjoining neighbours.

The proposal is recommended for approval, supporting the removal of the 3 spaces within the existing garage. One additional space, which is the space located closest to Mortimer Street, is also recommended to be deleted - owing to safety concerns, as detailed throughout the report. This will result in the provision of 3 onsite car parking spaces only.

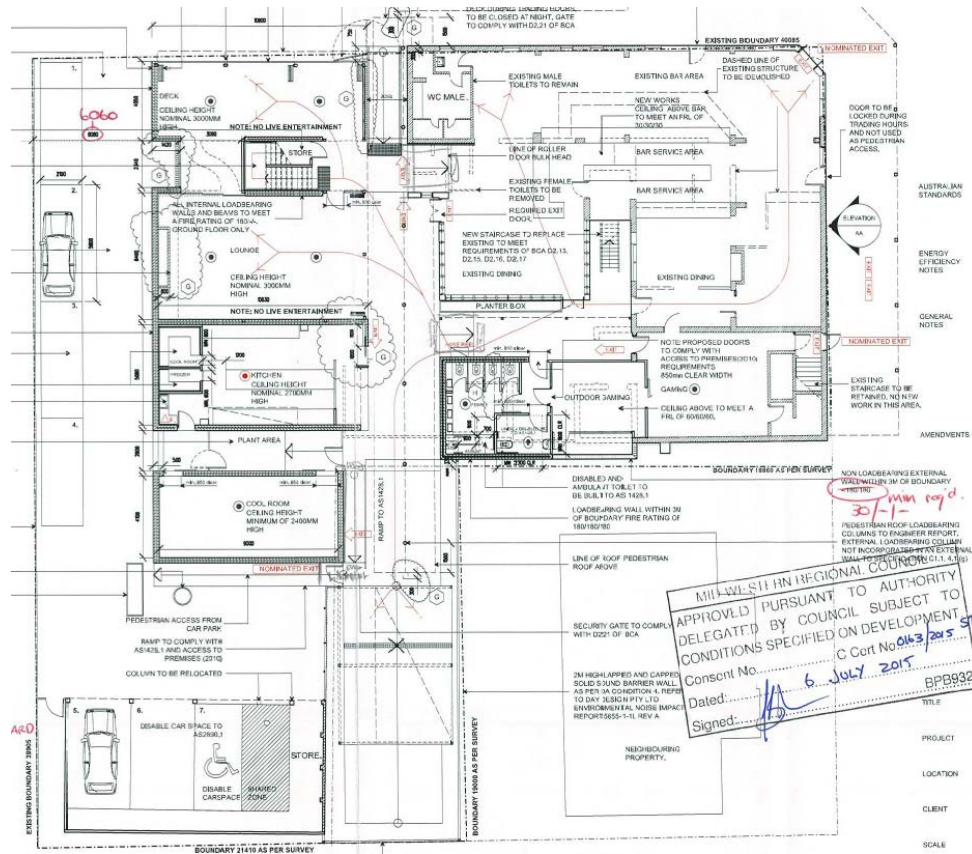


Figure 1: Parking Plan – Excerpt CC 0163/2015 Stage 2

Disclosure of Interest

Nil

Detailed report

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

REQUIREMENTS OF REGULATIONS AND POLICIES

Section 96 Modification Legislation

The Modified Application is made pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979*. The Modified Application requests that Council remove the three (3) parking spaces within the garage as noted on the approved stamped ground floor plan, and delete Condition 51, which requires that *the rear garage is to remain open and clear for the use of car parking during opening hours*.

Section 96(1A) of the *Environmental Planning and Assessment Act 1979* pertains to modifications to an approved Development Application that are of minimal environmental impact. In accordance with this section, it is considered that the amendments, as noted above, are of (a) 'minimal environmental impact', and (b) the development to which the consent as modified relates will be substantially the same development as the consent which was originally granted.

The information detailed below provides an assessment of these areas of the development which are required to be assessed under Section 79C of the *Environmental Planning and Assessment Act 1979*, as is relevant.

Those areas of the development not discussed below were not considered relevant to the proposed modification.

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

The land is zoned B3 Commercial Core pursuant to MWRLEP 2012. All relevant provisions of the MWRLEP 2012 were considered during assessment of the original development application and remain valid. The proposal will not result in any non-compliances with MWRLEP 2012.

### ***Section 94 Development Contributions Plan 2005 – 2021***

A Section 94 Development Contributions Plan can levy contributions in order to fund items specified in the works schedule of the Section 94 Contributions Plan. Council's Section 94 Plan allowed for a monetary contribution towards public parking facilities in lieu of providing parking on site. Once those items specified in the works schedule have been funded, no further contributions can be levied.

Council's position in this regard is that it has already sourced and funded all projects in the works schedule (Mortimer Street and Byron Place car parks) and accordingly no further car parking contributions can be levied. This position has been applied by Council when assessing/determining other developments within the catchment area of the contributions plan – i.e. DA0114/2016 Alterations and Additions to Kelly's Irish Pub.

Council would need to identify a new parking project and amend the Section 94 Plan if it wishes to resume collection of car parking contributions within the Mudgee CBD.

The applicant has not proposed any works-in-kind contribution.

It is noted that a Planning Report was presented to Council in December 2014 in consideration of DA0164/2015. This recommended that a condition be imposed requiring S94 contribution payments for 11 spaces. The matter was deferred, until February 2015, during which time the applicant prepared a detailed traffic study. This study found *that there is enough on-street and public carpark vacancies in the surrounding vicinity to absorb the extra parking demand of 11 vehicles*. Council's updated Planning Report accordingly considered that contributions were not necessary and the condition was removed from the recommendation. The matter was determined in accordance with the Planning Report.

### ***State Environmental Planning Policy***

No SEPP's are of relevance to the proposed modification.

### ***Mid-Western Regional Development Control Plan 2013***

#### **Part 5.1 Car Parking**

In assessing the application to modify the original development consent, the provision of relevance within DCP 2013 is Part 5.1 Car Parking.

Part 5.1 Car Parking requires the preparation of a car parking study for pubs that are located within the B3 Commercial Core zone, in order to determine the rate of parking required. Whilst the retention of onsite parking within the Mudgee CBD area is always preferable, the traffic study provided with the application (prepared by McLaren Traffic Engineering, dated 1 November 2017 –

revised edition) indicates that there is sufficient parking available in the local area to justify the reduction in onsite parking (i.e. from 7 to 4 spaces).

The study states, *there is a significant amount of kerbside parking within the surveyed area in close proximity to the site. This is largely due to the peak period for the Hotel outside of commercial office business hours and retail peak periods such that the availability of kerbside parking increases after 5:00pm.*

The report notes that the shortfall of car spaces *will not have a detrimental impact to the surrounding on-street parking supply, given that there is a minimum of 186 spaces available at 5pm and increases in parking supply after 5pm. Hence, the proposed reduction to four (4) car parking spaces is fully supported in terms of its traffic and parking impacts.*

Further to the above, it should be noted that during the assessment of the current application it was revealed that the approved car parking layout (DA0165/2015 / CC0163/2015) does not fully comply with AS2890 Australian Standard Parking Facilities, contributing to pedestrian safety issues. Specifically, as per the referral by Council's Manager Development Engineering, it was revealed that:

1. There are poor sight lines for vehicles exiting the site via Mortimer Street due to improvements made to the site as part of the approved development. That is, the layout does not comply with Minimum Sight Lines for Pedestrian Safety in accordance with Section 3.2.4 and Figure 3.3 of AS2890.1 due to the proximity of the building to the boundary line and the minimal aisle width based on proposed parking arrangements. The location of the car parking space closest to Mortimer Street forces vehicles exiting the site to move to the right side of the aisle where vision of traffic and pedestrians along Mortimer Street is obscured.
2. There are safety issues with the manoeuvring area and the potential for conflict with pedestrians accessing the site from the Target Carpark. That is, there are conflicts between pedestrians accessing the hotel through the rear access point from the public car park adjoining the hotel and vehicles utilising the garage for car parking and associated traffic manoeuvring. This conflict exists between vehicles reversing out of the garage and pedestrians potentially walking around the corner straight into the path of a reversing vehicle.

Parking Space No. 5, which is provided in the existing garage, is considered to be particularly unsafe as there is no visibility of pedestrian traffic entering from the Target carpark and similarly it would be difficult for a pedestrian to identify an exiting vehicle reversing from the garage.

In addition to the manoeuvring areas, the configuration of the existing garage does not, and cannot comply with AS2890.1 or AS2890.6 - unless significant modifications are undertaken.

For example, as provided by the applicant in the Statement of Environmental Effects, the existing garage is an old building, comprised of four separate garages with internal load bearing walls separating each garage, with a width between the door jambs of the roller doors of 2.05m to 2.10m. In accordance with AS2890.1 parking spaces for enclosed garages are to be 3.0m wide x 5.4m deep with a minimum entry width of 2.4m. In order to comply the openings of each space would need to be widened by 0.3m - 0.35m, this will most likely require the removal of the brick piers and existing roller doors, i.e. the entire front facade of the garage.

In addition, the accessible parking space in accordance with AS2890.6 is required to have a shared area on one side of the dedicated accessible space 2.4m x 5.4m; a shared area 2.4m x 2.4m at the end of the dedicated spaces; and a headroom height clear of 2.5m above the level of the dedicated space. To comply with these standards the garage would need to be significantly altered, including raising the lintel and roof structure to a minimum of 2.5m to achieve the required headroom clearance; and the re-distribution of roof loads, and erection of new structural columns,

following the demolition of the internal load bearing walls, in order to accommodate the shared area. It is possible that these works would require the construction of an entirely new roof.

In order to provide fully compliant car parking spaces onsite and to ensure pedestrian safety, the recommendation of Council's Manager Development Engineering is to:

1. Remove the car parking space closest to Mortimer Street (space No 1 Drawing Number 20167 TD01 Rev C) so that vehicles exiting the site have improved sight lines to allow safe egress. To ensure sight distances are achieved, the layback and crossover are to be altered to ensure vehicles exiting the car park are centrally located between the boundary and building as to achieve the requirements of section 3.2.4 and Figure 3.3 of AS2890.1.
2. Improve the safe movement of pedestrians with the applicant installing pavement markings to guide pedestrians safely through the carpark. Pavement markings a minimum 1 metre wide should be installed parallel to the boundary and cross at right angles to link to the Hotel entrance.
3. Demolish the garage and provide the 3 spaces within that area - including the disabled space. As the garage holds no heritage significance, and given the numerous safety issues noted, the demolition of the garage is recommended.

In considering Council's Manager Development Engineering's referral (Attachment 6), it is pertinent to note that the response was provided in two separate reviews, one dated 24 October 2017 and the second dated 5 November 2017. The comments raised in relation to non-compliances with AS2890.6 – disabled access spaces, and AS2890.1 parking configurations, were provided in response to now superseded plans. These were amended to address the non-compliances. The revised plans now comply with AS2890.1 – no disabled space is required as there are less than 5 spaces proposed.

Recommendations 1 and 2 above are supported and will be facilitated through appropriate conditions on the consent [conditions 15(f) and 15 (g)]. Recommendation 3 is not supported for the following reason.

The whole basis for recommending the demolition of the garage is to address deficiencies/non-compliances of the approved parking layout, issued through DA0164/2015. That is, it does not comply with AS2890.1, nor AS2890.6, and these non-compliances give rise to pedestrian safety issues. In this regard it is considered that Council has determined to grant consent to the original application, and at this time Council did not identify these issues when granting that consent. As such, it is believed, the subsequent consequences of this error are Council's responsibility and should be construed strictly against Council.

That being said, Council cannot correct deficiencies of its previous decisions through subsequent applications unless requested to do so by the applicant or it is directly related to the modification sought. Council does not have the freedom to simply re-write a development consent to correct an error. This is particularly relevant to the subject application, because demolishing the garage would result in a very different decision from that sought, and doing so would result in the loss of a valuable physical asset to the property owner.

This is very similar to the principle arising from the authority of *Ryde Municipal Council v Royal Ryde Homes* [1970] 19 LGRA 321. That decision concerned the granting by the Council of development consent for a laundry. The Council, in granting its consent, did not include a condition restricting the hours of operation of the laundry. The Court held that Council's failure to impose a condition limiting the operating hours of the laundry meant that the laundry could operate at all hours. This principle has established that, where a Council has determined to grant conditional consent, the Council should always remember that where the Council has made a mistake in drafting its conditions of consent, it is the Council's responsibility and the Council must face the consequences of that failure.

Following on from the above, as the garage is not recommended to be demolished, Council has two options available. It can refuse the application, or approve it with conditions. Refusing the application would maintain the 7 approved spaces, but would also preserve the parking layout as approved under DA164/2015, which contains numerous non-compliances with the Australian Standards, and has numerous pedestrian safety issues. Such a decision would also require the applicant to undertake extensive modifications to the garage, as outlined in the applicant's Statement of Environmental Effects, and noted above. A refusal notice would also (inadvertently) reject the findings of the traffic report prepared by McLaren Traffic Engineering, which supports the reduction in parking numbers, given there is ample parking available in the local area.

Of relevance, when considering this application, it should be noted, that the Hotel, including the alterations and additions approved under DA0164/2015, have been in use/occupied since December 2016 - with no off-street parking being available. Council issued an Interim Occupation Certificate in December 2016, allowing occupation of the development. Until such time all car parking and associated driveway works were completed, including the erection of an acoustic barrier along the western boundary – to ameliorate against traffic noise, the Final Occupation Certificate could not be issued. During this 12 month period of occupation, despite having no off-street parking, no complaints regarding on-street parking availability have been received by Council.

Although of less significance when making a decision (particularly as it was the applicant who proposed parking in the garage in the original plans), the cost of upgrading the structure to ensure compliance with the conditions of consent should also be considered. It is likely that an entirely new roof would be required in order to accommodate the head room above the disabled space, and in order to re-distribute the loads following the demolition of the internal loadbearing walls. This is in addition to the complete removal/renovation of the front facade, in order to accommodate compliant car parking widths. Although no costings for the upgrade were provided by the applicant, it is not unreasonable to expect the works would run into tens of thousands of dollars. It is arguable that the cost associated with retrofitting the building to provide 3 car parking spaces is unreasonable, and in fact may fail the Newbury Test, as found in the House of Lords decision of *Newbury District Council v Secretary of State for the Environment* (1981) AC 578. This being the legal test used to determine the validity of conditions of consent, and establishes three principles or tests which help determine whether a condition imposed on a development consent is valid or not, the last being that the condition must be reasonable.

Given the above, it is recommended that the application be approved as proposed. Safety issues alone can be used to justify a reduction in the number of onsite car parking spaces provided. Any improvements in the quality of interaction between vehicles and pedestrians should be prioritised ahead of compliance with achieving a desired quantity of car parking spaces. This is coupled with the fact that the car parking study provided with the application found that there is sufficient parking available in the local area to justify the reduction in onsite parking (i.e. from 7 to 4 spaces).

In addition, the recommendation is to impose new requirements for the installation of pavement markings, and the deletion of space 1, as recommended by Council's Manager Development Engineer. This will result in a total of 3 onsite car parking spaces only.

Given the proposed recommendation is to require only 3 onsite spaces, it is considered practical to delete Condition 40. This required the provision of signage at the Mortimer Street driveway entrance making patrons aware of the extra parking at the rear of the site. Given the number of spaces to be provided onsite it is not considered practical or necessary to do so. It is expected that they will be predominantly used by staff.

#### *IMPACT OF DEVELOPMENT*

##### **Context and Setting**

Not applicable in the context of the proposed modification.

***Access, transport and traffic***

As discussed above.

***Public domain***

The deletion of 4 car parking spaces will not significantly impact the public domain. There will be a negligible increase to on-street parking demands. Offsetting this, it is considered there will be enhanced safety to pedestrian linkages and access between the development and public areas (Mortimer Street and Target carpark) resulting from the proposed development.

***Utilities***

Not applicable in the context of the proposed modification.

***Heritage***

Council's Heritage Advisor has reviewed the proposal in the context of the garage's heritage value. Referral comments can be viewed in Attachment 5 – Internal Heritage Referral Response.

The Heritage Advisor concluded that the garage holds no significant heritage value. The structure was probably pre-war, but much later than the hotel, and several of the walls have been rebuilt or substantially modified, the roller doors are all modern. Therefore there would be no objection to demolishing the garage, subject to consent.

***Other land resources***

Not applicable in the context of the proposed modification.

***Water***

Not applicable in the context of the proposed modification.

***Soils***

Not applicable in the context of the proposed modification.

***Air and Microclimate***

Not applicable in the context of the proposed modification.

***Flora & fauna***

Not applicable in the context of the proposed modification.

***Waste***

Not applicable in the context of the proposed modification.

***Energy***

Not applicable in the context of the proposed modification.

***Noise & vibration***

Not applicable in the context of the proposed modification.

***Natural Hazards***

Not applicable in the context of the proposed modification.

***Technological hazards***

Not applicable in the context of the proposed modification.

***Safety, security and crime prevention***

Not applicable in the context of the proposed modification.

***Social impact in the locality***

Not applicable in the context of the proposed modification.

***Economic impact in the locality***

Not applicable in the context of the proposed modification.

***Site design and internal design***

Not applicable in the context of the proposed modification.

***Construction***

Not applicable in the context of the proposed modification.

***Cumulative Impacts***

Nil expected. As per the traffic study submitted, sufficient parking exists within the locality to cater for the pub's parking demands during peak periods – and it is considered that the deletion of 4 spaces onsite will not dramatically alter this situation.

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

N/A in the context of the proposed modification.

***Are the site attributes conducive to development***

The approved pub is still suitable for the site.

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

The application was exhibited in accordance with MWRDCP 2013 for a period of 14 days with one submission received signed by two separate neighbouring property owners. The relevant concerns to this application are addressed below:

**Payment of S94 Contributions**

Concern has been raised that S94 contributions for parking offsets should be included in the assessment of the proposal.

**Comment:** Council has already recouped all monies allowable, and has delivered the Mortimer Street and Byron Place carpark extensions, as detailed in the works schedule identified within the *S94 Development Contributions Plan 2005 – 2021*. Council has no ability to further levy parking contributions.

**Extra pressure placed upon on-street parking in the vicinity**

Concern has been raised that the removal of parking onsite will contribute to added pressure on street parking.

**Comment:** The removal of 4 spaces will add pressure to on-street parking. However, on balance the proposal is considered adequate for reasons outlined in this report.

The Monday – Friday lunchtime patronage is expected to be predominantly people working or shopping in the downtown area such that they have already parked. The number of patrons to the site during the lunch period is not expected to noticeably change over the existing operation – as a result of the subject application. Ample on-street parking exists outside core business hours, as demonstrated in the submitted traffic reports.

**The alternate use of the garage space**

Concern has been raised that the garage use (should the parking be removed) is unknown and therefore impacts cannot be considered including noise.



**Comment:** The driveway area for manoeuvring of staff vehicles associated with the remaining parallel spaces must be kept clear for manoeuvring areas. The garage will still remain under its current use as a garage. Any future use of this structure would be subject to a separate development application. A condition has been recommended to be added ensuring that both the garage and manoeuvring areas are to remain vacant and free from patronage area respectively.

#### Independent assessment of proposed application

Concern has been raised that the application should be assessed and determined by an external panel.

**Comment:** Staff have the delegations to assess the application and refer it to Council for determination. This is consistent with the original development application that was lodged for the hotel extensions.

A second, late submission (attached) made on behalf of the above submission maker, was prepared and submitted by Wakefield Planning – Specialists Town and Transport Planners on the 23 January 2018. The matters raised in this submission are addressed below, separately.

#### Independent Assessment/Peer Review

The submission recognises that previous applications associated with the site have been consistent with the processes set out in NSW Code of Conduct, this representing the standard requirement where there is a pecuniary interest. The submission goes further to suggest, even though compliant with the *Local Government Act 1993*, given some of the concerns that have been expressed regarding the application, and submissions previously made, external review of the modification may be of benefit.

**Comment:** An external review of the application is not considered warranted in this instance. The matters to be decided are relatively straight forward (deletion of 3 car parking spaces), and the level of community interest is low, with only one submission made during the notification period.

In accordance with staff delegations, a report has been prepared, and this will be presented to Council for determination.

#### Acoustic Issues

Reference is made to conditions 3, 4, 5 and 6 of DA0164/2015. Respectively, these conditions relate to the bi-fold doors addressing Mortimer Street, conditions 4 and 5 addressing the acoustic barrier on the western and southern boundaries, and condition 6 addressing air conditioner noise.

The report considers that the modification provides Council an opportunity to address concerns relating to the acoustic conditions and re-draft these as an integrated performance based condition (example provided). This would address current and future noise issues, and can accommodate future changes of operation that may not require a DA.

The report further argues that should Council not be supportive of the acoustic advice provided via submitters, or the suggested draft condition, there is also an opportunity to defer the matter and to have the Day Design material reviewed externally by an expert firm. There is also an opportunity to further develop the role and scope of a plan of management.

**Comment:** As discussed previously, Council does not have the freedom to simply re-write a development consent. The limits of Councils discretion when considering a modification are defined by the matters raised for consideration by the application, and any new or revised conditions must relate to the same planning matter. In this regard, the applicant is not proposing

any changes to the bi-fold doors, or the air conditioner enclosure. It is further argued, even if Council wanted to, it could not consider the acoustic treatment to the side boundary or the noise report provided, given the proposed development does not propose changes to the acoustic barrier, and in fact, through the reduction in parking spaces will reduce the incidence of noise.

#### Parking Demand and Section 94 Contributions

The report concludes that there is no objection on planning grounds to the use of the three spaces for storage or some other use with minimal amenity impact, given that there is adequate parking in the vicinity. The report argues that given the close proximity of the Mortimer Street Carpark, which is an identified facility in Council's Section 94 Plan, contributions should be payable.

**Comment:** As per above, Council has already recouped all monies allowable, and has delivered the Mortimer Street and Byron Place carpark extensions, as detailed in the works schedule identified within the *S94 Development Contributions Plan 2005 – 2021*. Council has no legal ability to impose further parking contributions.

#### **Submissions from public authorities**

Nil.

#### *THE PUBLIC INTEREST*

##### **Federal, State and local government interests and community interests**

The development, to delete 4 off-street parking spaces, from a business premises in the Mudgee CBD was consulted and submissions were made in accordance with the *Environmental Planning and Assessment Act 1979* - these have been addressed above. The health and safety of the public will not be affected (will actually be improved), there are no Federal or State Government policy statements of relevance. Similarly, there are no relevant planning studies or strategies, no management plan, planning guidelines or advisory documents of relevance.

#### *CONSULTATIONS*

##### **Health & Building**

Not applicable.

##### **Development Engineer**

Council's Manager Development Engineering has provided comments (attached) as discussed throughout this report.

##### **Heritage Advisor**

Council's Heritage Advisor has provided comments (attached) as discussed throughout this report.

## Community Plan implications

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

## Strategic implications

### **Council Strategies & Plans**

Mid-Western Regional Local Environmental Plan 2012  
Mid-Western Regional Development Control Plan 2013

Mid-Western Regional Development Contributions Plan 2005 – 2021  
Mid-Western Regional Development Servicing Plan

**Council Policies**

Not applicable.

**Legislation**

Environmental Planning and Assessment Act 1979

Financial implications

Not applicable.

Associated Risks

The recommendation of staff is to approve the application subject to conditions provided above.

Should Council refuse the application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

LINDSAY DUNSTAN  
MANAGER, STATUTORY PLANNING

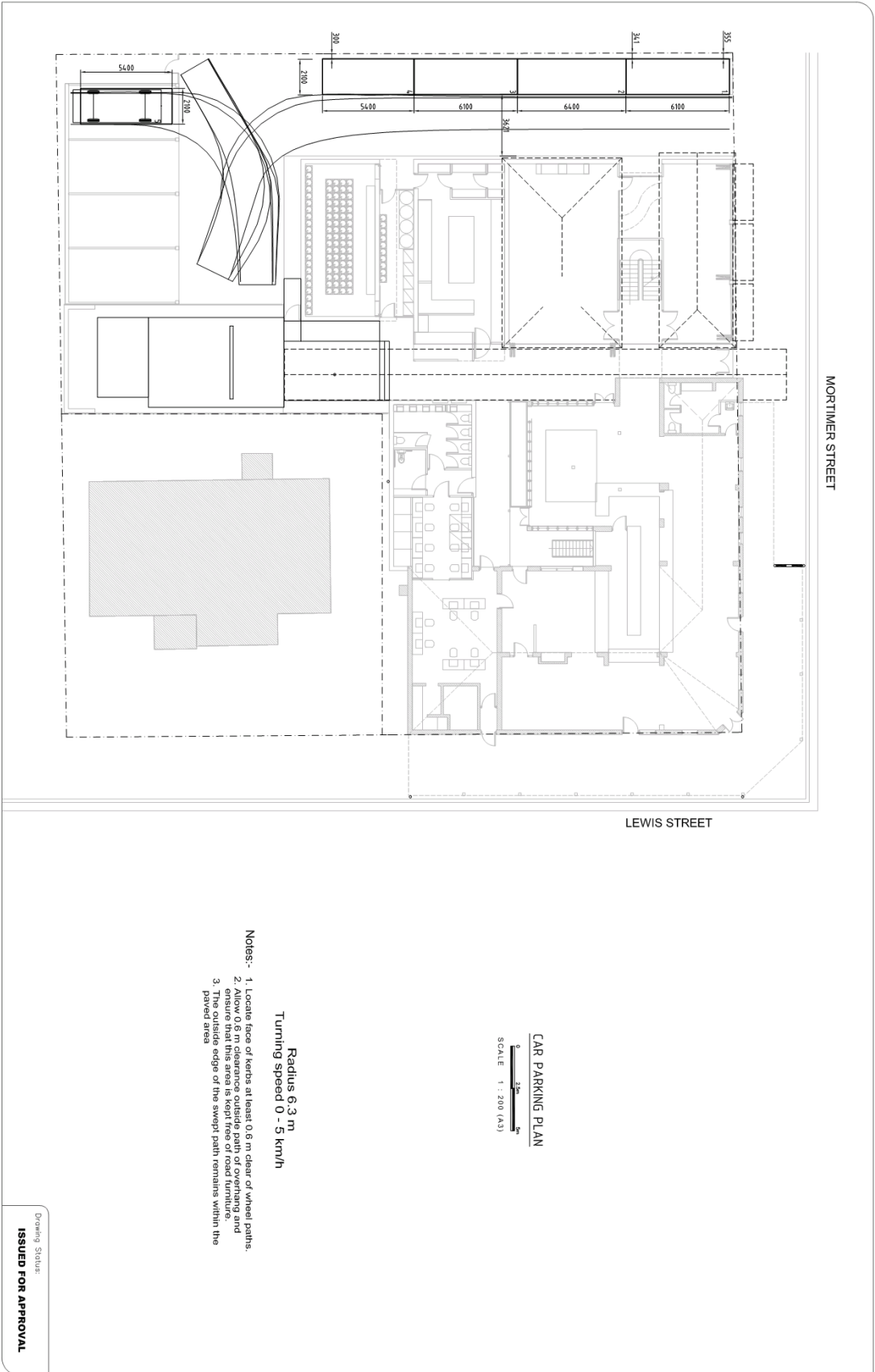
JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

5 December 2017

- Attachments:*
1. Revised Car Parking Layout.
  2. Final Traffic Study.
  3. Submission.
  4. Submission - Planning Consultant.
  5. Internal Heritage Referral Response.
  6. Internal Development Engineer Referral Response.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



**barnson**  
DESIGN, PLAN, MANAGE

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Client: **DES KENNEDY**  
Project: **AILSA AND ADDA AT THE ORIENTAL HOTEL**  
**6 LEWIS STREET**  
**MIDJEECH NSW 2850**

Drawing Title:  
**CAR PARKING PLAN**

Design	Drawn	Rev	Date	Amendment
NMS	NMS			
Check	QA			
Drawn Sheet	KJA			
Author				
AI: Melbourne, Melbourne				

Drawing Status:  
**ISSUED FOR APPROVAL**

Certification

Drawing Number: **20167 TD01**  
Revision: **C**



1st November 2017

Reference: 17311.01FB

Barnson Pty Ltd  
4/108-110 Market Street  
Mudgee NSW 2850  
Attention: Luke Morris

**ADDENDUM LETTER FOR ORIENTAL HOTEL OF  
PROPOSED ALTERATIONS & ADDITIONS  
AT 6 LEWIS STREET, MUDGEE**

Dear Luke

Reference is made to your request to provide an addendum letter for the proposed alterations and additions to the Oriental Tavern Hotel at 6 Lewis Street, Mudgee. This letter will address any proposed changes from the previously assessed traffic and parking report dated 3<sup>rd</sup> February 2015 and supplementary letter dated 5<sup>th</sup> February 2015, undertaken by *M<sup>C</sup>Laren Traffic Engineering (MTE)*.

This addendum letter addresses the reduction of parking provided on-site from a total of seven (7) car parking spaces to four (4) spaces, accessed from Mortimer Street as depicted in **Annexure A** for reference.

It should be noted, that there is no change in scale of the proposed alterations and additions to the Oriental Tavern Hotel, only reduction of parking provided.

**1 Parking Requirements**

Reference is made to the supporting letter dated 5<sup>th</sup> February 2015 undertaken by MTE, which provided the following increase in scale and increase in patron numbers requirements for the alterations and additions.

Alterations and Addition Scale

- Increase in dining floor area of 28.1m<sup>2</sup>;
- Increase in Level 1 lounge area of 108.9m<sup>2</sup>;
- Increase in gaming area of 25.14m<sup>2</sup>;
- Decrease in Alfresco area by 66.45m<sup>2</sup>;
- Increase of 40m<sup>2</sup> of turfed area.

**Table 1**, below summaries the increase / decrease in patrons at the above location based on regression modelling conducted in the traffic report dated 3<sup>rd</sup> February 2015.



TABLE 1: INCREASE IN PATRON NUMBERS

Location	Increase in Patrons
Dining Floor	+13
Lounge Area	+38
Game Area	+2
Alfresco Area	-36
Turfed Area	+21
<b>Total</b>	<b>38</b>

As shown above, the alterations and additions results in an increase of 38 patrons to the development. Based on a 30% car occupancy rate, this results in a parking requirement of 11 spaces. The development is proposing four (4) car parking spaces resulting in a shortfall of seven (7) car parking spaces.

### 1.1 Justification of Parking Shortfall

Reference is made to the previous traffic report dated 3<sup>rd</sup> February 2017, undertaken by MTE, which provides the following parking summary, reproduced below in **Table 2**, based on the observed survey periods. The location of the on-street parking observed during the survey is reproduced in **Annexure B** for reference.

TABLE 2: CAR PARKING &amp; HOTEL PATRONAGE SURVEY

	Count 1 (Saturday 17 <sup>th</sup> January)		Count 2 (Friday 23 <sup>rd</sup> January)		Count 3 (Saturday 24 <sup>th</sup> January)	
	Hotel Peak Time	5:00pm	Hotel Peak Time	5:00pm	Hotel Peak Time	5:00pm
Peak Parking Occupancy	99 @ 8:00pm	80	90 @ 7:00pm	156	107 @ 8pm	77
Parking availability	243	262	252	186	235	265
Oriental Hotel Customer Patronage	131	21	106	18	162	40
Oriental Hotel Staff Number	13	6	13	6	13	6

As shown above, the minimum parking available on-street was 186 car parking spaces, which occurred at 5:00pm on a Friday. The peak patron counts at the Oriental Tavern Hotel on the same day occurred at 7:00pm the same afternoon, which had an on-street parking availability of 252 spaces.

It is evident that there is a significant amount of kerbside parking within the surveyed area in close proximity to the site. This is largely due to the peak period for the Hotel outside of commercial office business hours and retail peak periods such that the availability of kerbside parking increases after 5:00pm.



As such the shortfall of 7 car spaces will not have a detrimental impact to the surrounding on-street parking supply, given that there is a minimum of 186 spaces available at 5pm and increases in parking supply after 5pm. Hence, the proposed reduction to four (4) car parking spaces is fully supported in terms of its traffic and parking impacts.

### **1.2 Off Peak Parking Demand**

Under the proposed alterations and additions and the reduction to four (4) car parking spaces from the proposed seven (7). The off-peak period, namely the lunch period is expected to operate as per the existing operation. That is the number of patrons to the site during the lunch period is not expected to noticeably change, such that there is not expected to be any change to the surrounding parking demand to the Hotel during the lunch time period over the existing operation.

It should be noted that the typical patrons to the pub during the lunch time period are local residents, workers from the surrounding local / retail developments and generally patrons who have undertaken trips to the retail developments such that they have already parked. The proposed alterations and additions provides an additional four (4) car parking spaces. This is an improvement over the current operation which provides nil (0) car parking spaces which is fully supported.

It is envisaged that the provision of four (4) car parking spaces will typically be utilised by staff, removing up to four (4) parking spaces from the on-street parking demand which is fully supportable.

### **2 Car Park Design & Compliance**

The on-site car park has been assessed against the relevant Australian Standards namely, AS2890.1:2004 and AS2890.6:2009, the following are relevant to note:

- Parallel parking spaces with 2.1m width;
- Middle Parallel parking spaces providing 5.9m length;
- End parallel parking spaces providing 5.4 in length;
- Restricted parallel parking space providing 6.2m length
- Parking aisle of 3.6m in width.

It should be noted that with the reduction in parking, an accessible parking spaces has been removed. If required by Council one (1) disabled car parking space can be made available as one of the parallel spaces, with the shared space provided within the parking aisle.



### **3 Traffic Impact**

The likely increase in traffic, associated with the demand for an additional ten (10) car parking spaces, in close proximity to the Hotel is likely to only result in a peak hour generation of 10 vehicles (either entering or leaving the town centre) due to the fact that the average duration of stay of patrons at the Hotel is at least 2 – 3 hours. This is relatively low when considering the surrounding road network and the patronage peak of the licensed premises (7:00-8:00pm) outside of typical commuter (4:00-6:00pm) periods.

The additional trips associated with this demand will not be readily noticeable nor will it adversely affect the surrounding intersection performances. Furthermore, there will be no adverse impact in terms of nearby residential amenity considerations, as per RMS guidelines.

Please contact the undersigned should you require further information or assistance.

Yours faithfully

**McLaren Traffic Engineering**

A handwritten signature in black ink, appearing to read 'Craig McLaren'.

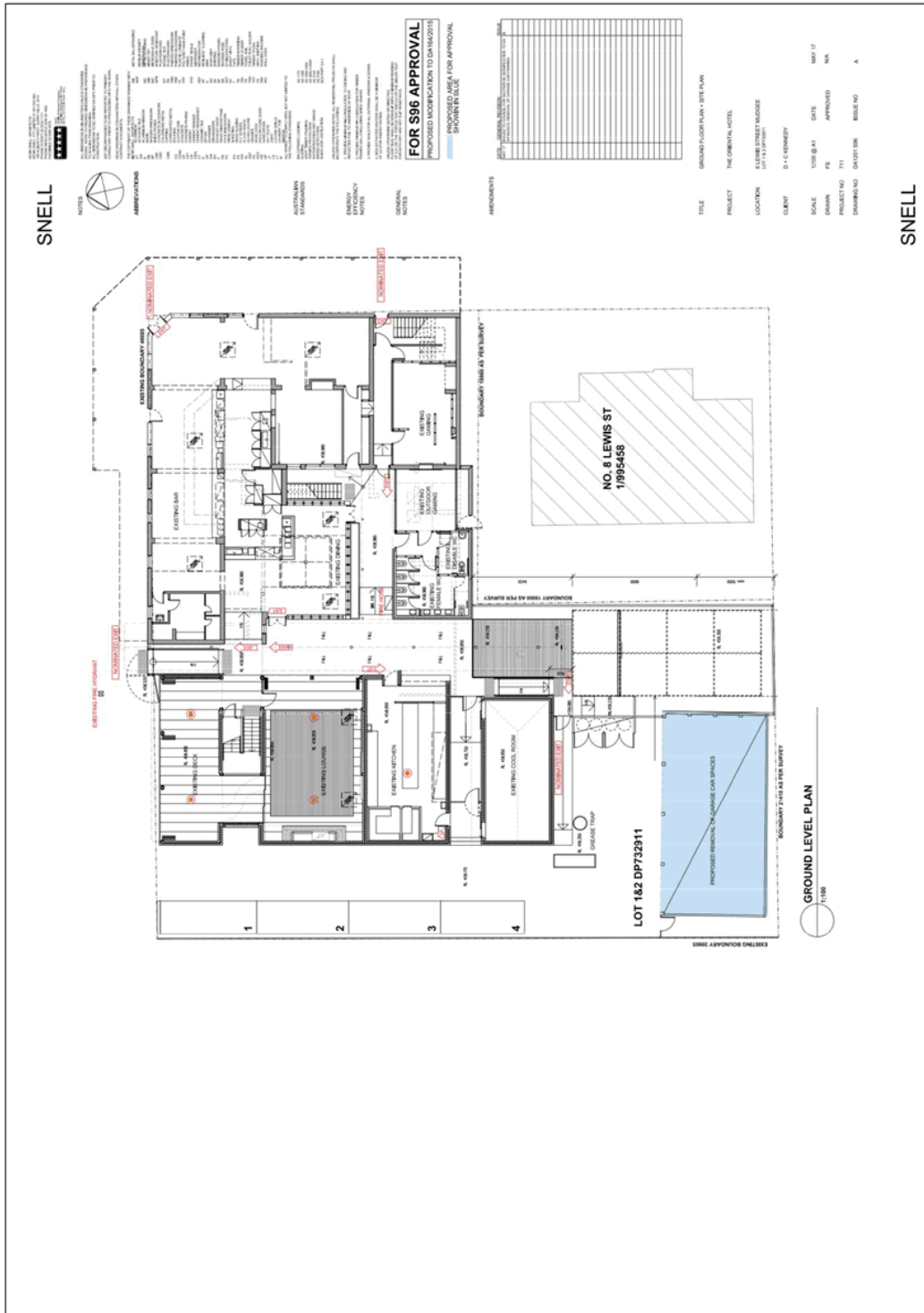
**Craig McLaren**  
Director

BE Civil. Graduate Diploma (Transport Eng) MAITPM MITE [1985]  
RMS Accredited Level 3 Road Safety Auditor  
RMS Accredited Traffic Control Planner, Auditor & Certifier (Orange Card)





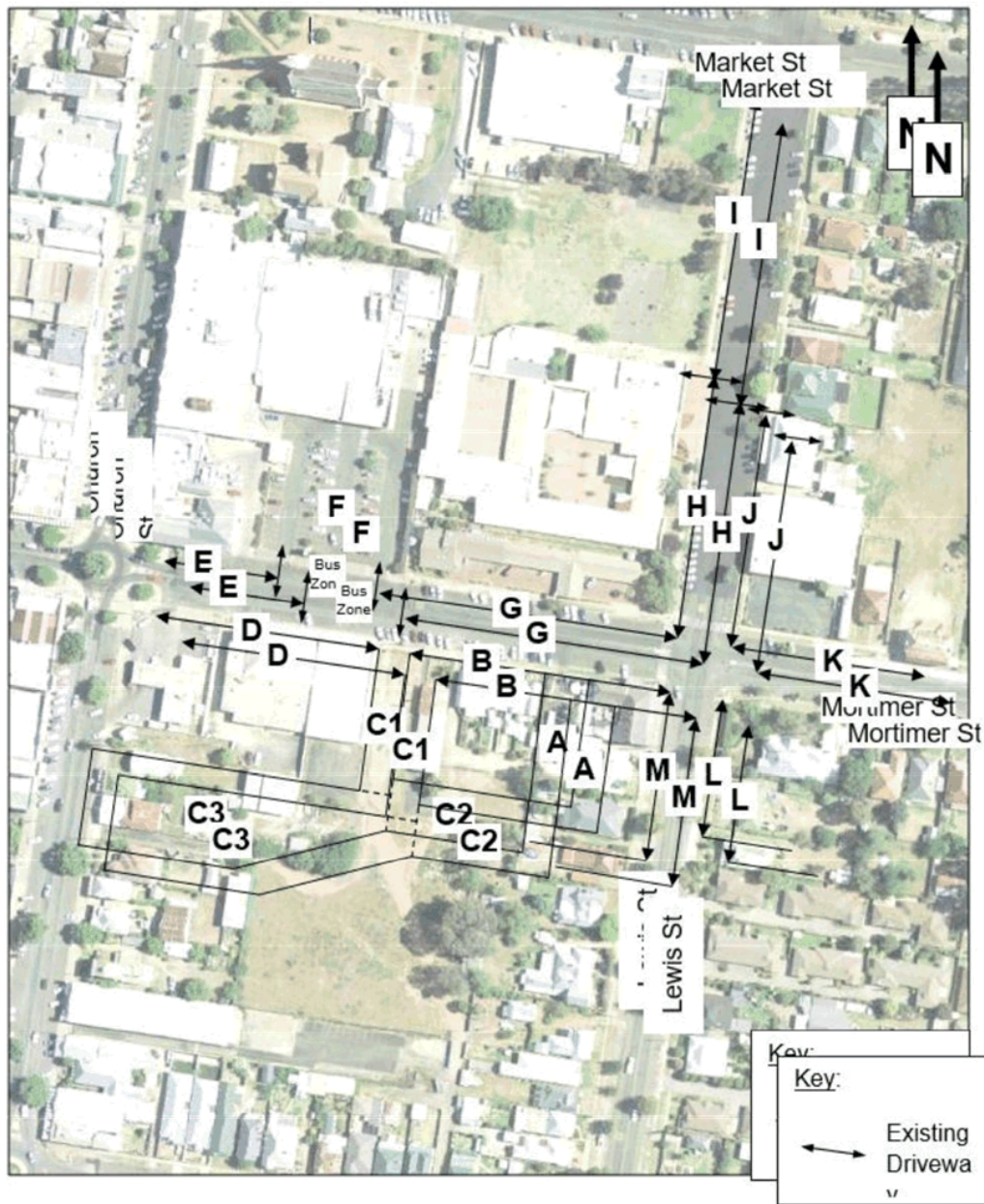
ANNEXURE A: CONCEPT SITE PLAN



Proposed Alterations & Additions  
 6 Lewis Street, Mudgee  
 17311.01FB - 1st November 2017

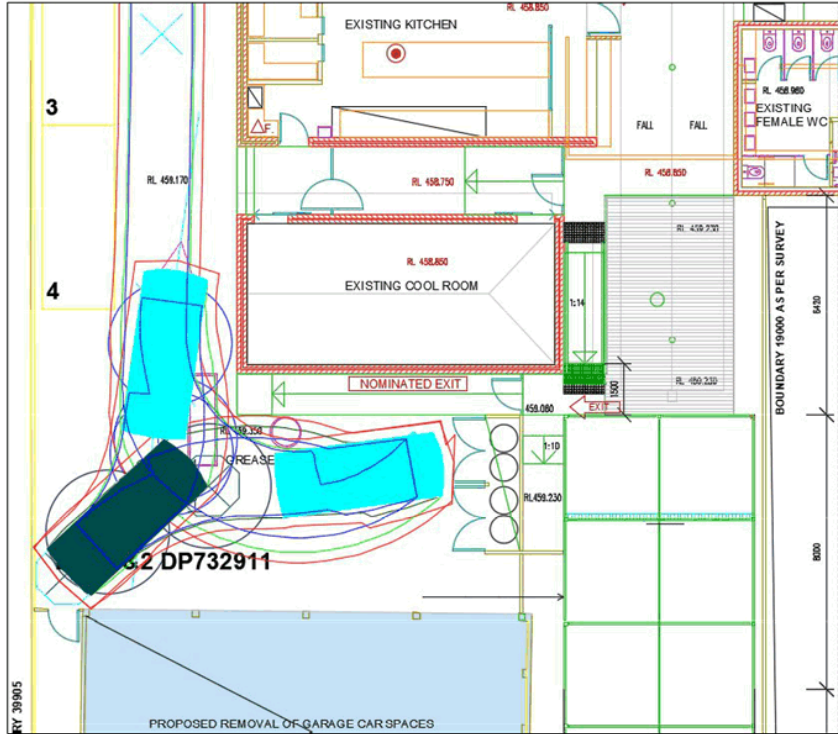


ANNEXURE B: CAR PARKING SURVEY LOCATIONS





**ANNEXURE C: SWEEP PATH TESTING**



**B85 turning around in the on-site car park  
Tested @ 5km/h  
Successful**

**Blue – Vehicle Tyres  
Green – Vehicle Body  
Red – 300mm clearance**

8 September, 2017

The General Manager  
Midwestern Regional Council  
PO Box 156  
MUDGEES NSW 2850

CC: Mr. Lindsay Dunstan  
Mr. Drew Roberts

Dear Sirs,

**RE: DEVELOPMENT APPLICATION MA0009/2018  
'ORIENTAL TAVERN', 6 LEWIS STREET, MUDGEES NSW 2850  
OBJECTION AND SUPPORTING SUBMISSIONS  
REQUEST FOR INDEPENDENT REVIEW**

We refer to the above application ('the Modification Application') for modification to the existing development application 'DA0164/2015' ('the Original Application').

We confirm having received notice of the Modification Application on 22 August 2017 which outlined the proposal of the removal of the requirement for three (3) particular car-parking spaces from the premises by the Oriental Tavern ('the Applicant').

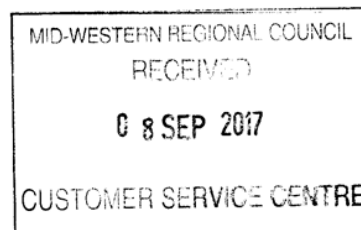
We wish for this correspondence to be regarded as an objection to the Modification Application for the grounds contained herein.

Development Application DA1064/2015

The development application to which the Modification Application relates was sought by the Applicant to allow for commercial alterations and a two story addition to their premises at 6 Lewis Street, Mudgees ('the Premises').

Under the terms of the approval granted for the Original Application on 18 February 2015, the Applicant was required to make provision for seven (7) parking spaces including one (1) accessible space. Three of these spaces, including the accessible space, were to be contained within the existing garage facility located towards the rear of the Premises.

We note that the Applicant was further required to ensure that this rear garage was "to remain open and clear for the use of car parking during opening hours". We understand that the Modification Application contains provision for the removal of this condition.



We note from the materials submitted in support of the Modification Application that the dimensions of this existing garage space are not sufficient to allow for parking spaces to comply with AS2890.1 and AS28901.6 without modification to the long-standing structure. We further note that no modification has been made, or indeed should be made, due to the heritage nature of this structure.

*As the restrictions imposed by the dimensions of the garage structure have remained consistent since the approval of the Original Application, we question why the concerns raised within the Modification Application were not addressed within the planning of the initial development some two and a half years ago.*

We observe that it was the recommendation of the town planner in his report of 17 December 2017 that *"All car parking and associated driveway works are to be completed prior to occupation of the development"*.

Having inspected the formal approval of the Original Application, we also observe that:

- a. As set out within condition 16, car parking within the development was to adhere to the standards of AS2890.1 prior to the granting of a construction certificate;
- b. The Applicant was advised that *"no work can commence until a Construction Certificate has been issued"*; and
- c. As set out within condition 37, all car parking was to be completed prior to occupation of the development or provision of an occupation certificate.

We note the advice of the Applicant in the Modification Application that they have not attended to the installation of the three parking spaces in question.

We seek your advice as to the reason for the provision by the Council to the Applicant of both a Construction Certificate and an Occupation Certificate in light of the clear failure of the Applicant to satisfy the obligations set out within the development approval.

We also seek clarification as to whether the Modification Application, if approved, will result in the Applicant being compelled to provide further contributions under s.94A of the *Environmental Planning and Assessment Act 1979*.

We note that the appropriate contribution per parking space, as recommended by the town planner in his report on the Original Application, was that of \$14,966.00. We anticipate that the granting of the Modification Application would therefore involve the provision of a minimum sum of \$44,898.00 by the Applicant to the Council for the provision, extension or augmentation of public amenities or services.

We welcome your confirmation of this understanding, particularly in light of the decision by the Council to waive the requirement of the Applicant to pay a parking offset contribution of \$224,490.00 at the time of approving the Original Application.

Development Application MA009/2018

We advise that we are concerned about the impact the approval of the Modification Application may have on the residents and businesses located in close proximity to the Premises.

A strong contributing factor to our consternation with respect to the Modification Application is the failure of the Applicant to advise the subsequent use of the area in question. We understand that the area is not to be used as parking spaces however have been left in the dark as to the intent for the further use of this property.

Our concerns regarding the impact of the Modification Application include:

a. Traffic

The removal of the requirement for the Applicant to install the three parking spaces will result in additional pressure being placed on the on-street parking in the vicinity around the Premises.

This increased demand will cause greater difficulties for local residents and customers of the local businesses to obtain parking during their day to day activities as well as reducing the viability of future development in the vicinity of the Premises. The Modification Application, if granted, would therefore cause a negative economic and social impact in the surrounding area.

We note the report of McLaren Traffic Engineering annexed to the Modification Application. We recognise the recommendations contained therein however note that the on-site analysis and data collection were performed during the traditionally quiet time of mid-January, some two years before the current standard of trade, which has resulted in a skewing of the statistics to understate the impact upon traffic resulting from the operations of the Applicant.

b. Noise

The conversion of the current space from that of off-street parking to commercial use will cause a significant increase in the noise-pollution associated with the Premises.

The area in question is in close proximity to adjoining properties and the increased activity, including the likely storage and frequent attendance to kegs and bins, will dramatically impact upon the enjoyment of this neighbouring land by the residents.

This impact would be exacerbated by the increased foot traffic that will result from the decreased on-site parking options as a greater number of

patrons will be required to travel on foot past the nearby residential and accommodation properties.

As neighbouring residents, we would request that any approval of the Modification Application be conditional upon the following measures to minimise the impact of the increased noise pollution and ensure that the commercial operations undertaken on the Premises, including those of outdoor dining and other open-air activities, adhere to the requirements imposed by the LA10 Noise Emission Conditions:

1. The erection of a 2.5m tall boundary fence of plywood construction to an appropriate standard of acoustic dampening and protection such as that prescribed by the SLR Report Analysis;
2. The area is not permitted to be used to store garbage bins, kegs, and similar items; and
3. Glass bottles and similar waste products are not permitted to be handled in the area between 21:00 to 08:00.

We suggest that the space in question would be suitable for alternative uses not currently contemplated within the Modification Application. We submit that a more appropriate, and less impactful, use of the space in question would be the installation of dedicated motorbike and/or bicycle parking.

The use of the garage space for this alternate vehicle storage would be in-line with the principles of the approval for the Original Application and the established policy of the Council in seeking to develop and encourage tourism in the local area with minimal impact upon the Applicant's activities.

#### Request for Independent Assessment

We note that the owner and proprietor of the Premises and associated commercial venture is Mayor Desmond Kennedy with his daughter Ms. Emma Kennedy currently acting as Licensee for the venue.

In light of the personal and economic interests held by Mr Kennedy in the ongoing development and operations of the Applicant, we hold concerns about the proposal for the Modification Application to be assessed by the Council.

We wish to advise that we do not allege any improper or deliberate influence on the part of Mr Kennedy and that our concerns arise from the strong relationships developed between Mr Kennedy and the councillors and general staff over his extended time in office.

It is highly unlikely that any assessment of the Modification Application by the current councillors and staff will be able to be performed in a sufficiently isolated manner and we would request that the matter be evaluated by an independent assessment panel.

We feel that the need for independent and autonomous evaluation is heightened in light of the apparent failure of the Applicant to have adhered to the requirements of the previous development approval to ensure that no concerns about misconduct or undue influence arise within the greater public.

We advise that we have made initial enquiries with the office of the Hon. Gabrielle Upton – Minister for Local Government, Minister for Heritage in relation to the matter. We confirm that we feel it is in the best interests of both the neighbouring properties and the general public to request the review of this matter by the Minister in the event that appropriate safeguards are not implemented to ensure that the Modification Application and the associated concerns, impacts, and required development contributions are provided the independent assessment they require.

We welcome your response.

Yours faithfully,



Phillip Matchett  
Proprietor, 'Ningana Motel'  
Director, Matchett Holdings Pty Ltd  
76 Mortimer Street  
MUDGEE NSW 2580



Jeffery & Barbara Churchill  
Cathrobe Pty Ltd  
63-69 Mortimer Street  
MUDGEE NSW 2850





AWTM Pty Ltd ATF Witherby Family Trust ABN 50 285 185 541

PO Box 594  
MOREE NSW 2400

M: 0427 257 244

E: [angus.witherby@wakefieldplanning.com.au](mailto:angus.witherby@wakefieldplanning.com.au)  
W : [wakefieldplanning.com.au](http://wakefieldplanning.com.au)

Our ref: Oriental Hotel  
Your ref: MA 0081/2018

23 January 2018

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

Attn: Mr Brad Cam

Dear Mr Cam,

**Re: MA0009/2018 Oriental Hotel, Lewis Street Mudgee. Submission regarding modification of consent.**

Wakefield Planning has been commissioned by Mr Phillip Matchett, Proprietor of the Nigana Motel at 76 Mortimer Street Mudgee, to make submission on the current modification of consent, which, it is understood, is proposed to be considered at Council's February meeting. In particular, we have been requested to review the history of recent applications on the site, and form a view regarding the overall acoustic management at the Oriental Hotel, including where it adjoins the western boundary of the site. In addition, we have been requested to form a view regarding the other acoustic conditions applying to the development, parking treatment and also the assessment process itself.

In our submission there is an opportunity with consideration of the modification to address issues concerning both carparking and acoustic issues, to ensure that any consent modification provides both robust conditions and appropriate clarity.

**Assessment Process**

It is understood that the proponent is the Mayor of Mid-Western Regional Council. As Council is well aware, in circumstances where an elected representative (or a senior staff member) is a development proponent there is an obligation to ensure that conflicts of interest both be avoided and be seen to be avoided. From the reports to Council and the Minutes DAs 0164/2015 and 0054/2016 were reviewed by staff, prior to determination by the elected representatives and the Mayor was not present during the determinations. This is consistent with the NSW Code of Conduct, and this represents the standard requirement where there is a pecuniary interest. We submit, however, even though compliant with the *Local Government Act 1993* there are opportunities to further strengthen probity surrounding these types of applications, and our experience in these areas (including with regional councils in NSW) suggests some additional measures which would be of benefit, in particular where a matter has an extensive public profile.

*Managing Conflicts of Interest*

Although it is ultimately the responsibility of each Council to develop its own protocols based on the *Local Government Act 1993*, the Office of Local Government and the Independent Commission Against Corruption have issued guidance for best practice assessment of applications in these circumstances. In our submission these guidelines usefully point towards additional ways in which conflicts can be managed. Originally released in 1997 these identify the key issues as:

1. Dealing with an actual conflict of interest
2. Dealing with perceived conflicts of interest
3. Public perception, and
4. Matters being used for political ends (e.g. public accusations of corruption, etc)

To resolve these matters a conflict of interest policy is recommended. Generally, the Guidelines state, Councils should err on the side of caution. Mid-Western Council, unlike many others, has such a conflict of interest policy. Of note, however, is that the Council's policy is focused on disclosure and advice rather than assessment and determination procedures. This largely reflects the Code of Conduct.

While there is significant benefit in a policy of this type, procedures to enhance probity in assessment and determination can also be of assistance in addressing these issues. These procedures can be of benefit not only where elected representatives or senior staff are proponents but also where the Council itself is a proponent, particularly where there is strong community interest. I would stress that the submissions in this letter do not, in any way, suggest that Council staff are other than fully professional, but go more to addressing perceptions of issues.

*Independent assessment/peer review*

In our experience (both in rural NSW and elsewhere) the main tools of benefit are independent assessment and peer review. Many NSW councils (particularly in Sydney where it is becoming compulsory) now utilise Independent Hearing and Assessment Panels (IHAP) to ensure that DA assessment is at arm's length from the elected body. For larger matters, though including local council representation, the Joint Regional Planning Panels (JRPP) perform a similar function. Unfortunately, a JRPP cannot be used at a Council's request for developments outside their thresholds.

While there are mixed views, particularly in rural areas, about the need for determinations to be separate to the elected body (and I am not persuaded that this is necessary or desirable in the general run of a Council's business), there are other alternatives that can enhance probity while still maintaining Councillor input.

For assessment, a key tool is the outsourcing of assessment to another council's staff or to a private consulting firm. In my experience in NSW, VIC and WA these are effective methods to ensure that there is a more "arms-length" assessment process. Alternatively, a staff report can be peer reviewed, again by staff of another council or by a private consulting firm. I have been frequently involved in both methods, with full external assessment utilised for larger applications and peer review for smaller applications or modifications.

In the case of external assessment, the outsourced assessment can be provided directly to the elected representatives by the assessing body with the Council's own planning staff able to make separate comment, but not be directly involved in the preparation of the submission. With a peer review situation, the peer review report would be supplied together with the staff report, noting that staff would have the opportunity to edit their report following peer review and then have it further considered by the peer reviewer. Again this is a method I have used while working both in and for the local government sector<sup>1</sup>.

While not at full arm's length as with IHAP, these methods can be effective in addressing both perception issues as well as actual conflicts of interest, although it is noted that substantial divergence from a professional recommendation by elected members may still create some perceptual issues.

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<sup>1</sup> The author has worked in local government in a senior capacity and has used these methods. He is a former Director of the Centre for Local Government and Senior Lecturer in Urban and Regional Planning at UNE, where advice was provided to a number of councils on these and similar issues. While in private practice the author has been both a peer reviewer for Council staff reports and has also undertaken full external assessments, including for a significant number of Council DAs.

#### *Technical Reports*

Issues sometimes arise with respect to technical reports, where these are prepared (as is usual) by the proponent. Particularly for specialist areas such as acoustic assessments and similar, there is often not the detailed professional knowledge in-house to fully peer review such studies. In these cases, there is often benefit in seeking outside review by an appropriate professional firm to provide an independent “cross check”, particularly with applications of public interest or where pecuniary issues arise, or where submissions include technical submissions that place legitimate doubt on a proponent’s submissions.

Given the concerns that have been expressed regarding noise with the applications for the Oriental Hotel, in our submission it is considered that this is the type of case which could benefit from external assessment of the acoustic issues commissioned by the Council or alternatively a peer review of the proponent’s acoustic report.

#### **Development Consent Conditions – DA 0164/2015**

There are several conditions that address acoustic issues in this consent. These include Conditions 3, 4, 5 and 6. Context for acoustic issues for commercial development has been provided for many years by the NSW EPA Industrial Noise Policy 2000 (noting it was superseded in 2017) which provides objective methods for developing project-specific noise levels. For preference, these should be established through a noise study prior to a development or modification occurring. This is preferable to referencing, instead, “typical” background levels as it provides a context-specific approach with minimises risks that in a particular case existing levels may not be typical.

Condition 3 addresses the bi-fold doors addressing the Mortimer Street frontage. The condition seeks to limit noise propagation to the front to “5dBA above background” which would generally be a suitable condition provided that existing background ambient noise conditions are sufficiently low. In the absence of project specific noise levels, however, the background level – and an appropriate target level - is unknown. This can limit the effectiveness of the condition unless a specific study is undertaken to assess background levels (exclusive of the operation of the development). In this regard it should also be noted that it is night-time levels, in particular during the sleep disturbance period, which are of most concern.

Conditions 4 and 5 addresses the issue of an acoustic barrier for the western and southern boundaries. Condition 4 with respect to the western boundary states:

*Prior to issue of a construction certificate an acoustic barrier to a height of 2m above ground level is to be provided for the length of the western boundary extending from the front boundary to the rear access gate. Details of the barrier are to be provided prior to the issue of a construction certificate.*

It is noted that the western boundary has a driveway adjoining the row housing adjacent and that this driveway provides access for service vehicles as well as for some parking. As drafted, it appears that this condition pre-determined the height of the fence and also does not specify an acoustic outcome to be achieved.

Condition 6 addresses air conditioner noise, and refers to air conditioning being “adequately screened”. Without a quantitative approach this condition may also be difficult to apply.

Taken together, these conditions could usefully be combined into a single, performance-based condition that addresses all sources of noise – patrons, vehicles, plant and equipment, etc. - noting that noise is cumulative – and which references the required acoustic performance at one or more nearby sensitive receivers. In this case there are a number of sensitive receivers adjoining and adjacent to the development. A further benefit of a performance-based condition is that it is up to the proponent to demonstrate how they will achieve the condition, whether by way of physical works, management measures or both. Supported by an appropriate acoustic study this can often significantly reduce compliance costs for a proponent rather than relying on a series of specific measures being taken in isolation.

The acoustic performance outcome required would be established by project specific criteria based on NSW EPA guidelines and a possible draft condition is appended. While it is possible to develop a generic condition that refers to amenity impacts in the absence of a pre-development noise study, and which can require a study in the case of complaints, this can lead to ongoing disputation about noise levels which are difficult to manage, and is not recommended.

A performance-based condition can also call up verification by way of a post-implementation acoustic review, to either confirm performance or identify a breach. While this is the ideal scenario, for reasons of cost it is common for any post-implementation review to be triggered by a complaints mechanism. While Condition 44 requires a plan of management, it assists clarity if the consent outlines performance requirements as well as specific objectives. For example, in this case the management plan might include incorporation of all the operational recommendations of the acoustic study as well as a complaints mechanism.

It is understood that licensing requirements have also addressed acoustic issues, however in our submission it would be preferable for a performance-based DA condition to underpin this.

#### *Specific acoustic impacts of proposed modification*

We understand that the current modification is silent on the future use of the enclosed area originally proposed as car parking. A reduction in carparking would assist to reduce acoustic issues and is not opposed on town planning grounds. While informal advice suggests the area may be used for storage, it is noted that there may be other uses made of this area which would result in noise generation. Use by patrons could be one example, as could service uses, noting that in such cases these uses should be clearly identified on the plans.

The development of a performance based acoustic condition as outlined above would ensure that any future use met appropriate acoustic outcomes.

#### **Commentary on Acoustic Advice**

We are not acoustic consultants, but have had extensive experience working with acoustic issues with development assessment. With regard to the construction of a "Colorbond" fence to achieve acoustic protection we have had the opportunity to review an excerpt of the material provided by Day Design. In our experience<sup>2</sup> we would have anticipated that a typical density of 10-15kg/m would likely have been appropriate, together with a height of approximately 2.5m. In this regard "Colorbond" has relatively poor capabilities in terms of performing as an acoustic barrier.

We note also the advice by Peter Knowland of PKA Acoustic Consulting which confirms that the Day Design work does not appear to follow accepted EPA practice. The further advice from SLR Consulting reinforces that the fence performance would not be adequate in the circumstances.

#### **Parking demand and the application of Section 94**

It is understood that the modification intends to reduce the number of parking spaces on the site, and to utilise the structure for other purposes. This parking was initially required, but had not been implemented as part of the operation of the development following the 2015 consent. It is noted that the development currently does not provide sufficient parking on-site and that previous assessment decisions have accepted this, (although apparently in the absence of a Section 94 payment), based on the level of parking available in the vicinity, in particular during peak operating hours.

While, as stated, there is some benefit in reducing the parking on the premises in terms of reducing noise, it is considered that the full Section 94 payment as per Council's Section 94 plan should be conditioned. In this regard although there is adequate parking in the vicinity, the site is within close proximity of the Mortimer Street Carpark, which is an identified facility in Council's Section 94 plan. Accordingly, in terms of nexus, there is no argument that the facility would not service the needs of the development.

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<sup>2</sup> The author has had considerable experience in addressing acoustic issues. This includes a wide range of retail and commercial projects, predominantly supermarkets and hotels, with noise arising from both traffic and parking as well as operational noise from loading docks, condenser decks, patrons and the like. Wakefield Planning has been involved variously as proponent, assessing body and submitter for objectors.

**Conclusions**

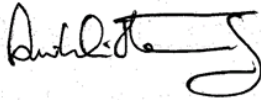
In considering the modification to the application Council has an opportunity to address concerns relating to the acoustic conditions and re-draft this as an integrated performance based condition (see below). This would address current and future noise issues, and can accommodate future changes of operation that may not require a DA.

Should Council not be supportive of the acoustic advice provided via submitters, or the suggested draft condition, there is also an opportunity to defer the matter and to have the Day Design material reviewed externally by an expert firm. There is also an opportunity to further develop the role and scope of a plan of management.

In terms of parking, while there is no objection on planning grounds to the use of the three spaces for storage or some other use with minimal amenity impact, a full Section 94 contribution should be paid.

Finally, given some of the concerns that have been expressed regarding the application, and submissions previously made, external review of the modification may also be of benefit.

Yours sincerely



Angus Witherby  
*Director*

**ATTACHMENT****PROPOSED ACOUSTIC CONDITION - MA0009/2018 Oriental Hotel, Lewis Street Mudgee**

Replace Conditions 3 and 4 as follows:

**Acoustic Management Condition**

3. To manage the potential acoustic impacts of the development so as to minimise the amenity impacts on surrounding development, the proponent shall:

- a) Within three (3) months of the date of this Consent, commission at their own expense an experienced and reputable acoustic consulting firm to undertake an acoustic study of the site which shall:
  - i. address all sources of noise within the development, and
  - ii. identify sensitive receivers on all boundaries (including across roads), and
  - iii. develop project-specific noise criteria for the development, and
  - iv. be conducted in conformity with the NSW EPA Noise Policy for Industry (2017), and
  - v. indicate any required mitigation measures (including built or management measures) so that the development meets the identified noise criteria, and
  - vi. be supplied to Council for endorsement, such study being to the satisfaction of Council;
- b) Implement, within three (3) months of the endorsement of the study by the Council, all recommended mitigation measures, ensuring that:
  - i. any management measures to be implemented into a plan of management for the facility, and
  - ii. such plan is supplied to Council for endorsement and being to the satisfaction of Council;
- c) Immediately establish a complaints register, and
  - i. record in the register all complaints regarding noise that are received, together with the name and contact details of the complainant, any action taken to address the complaint, and a record of information provided to the complainant in response to the complaint, and
  - ii. make such register available to an authorised officer of the Council at any time for inspection, on request, during the normal business hours of the premises, and
  - iii. supply a copy of the register to Council within three (3) business days if requested by the Council;
- d) If, in the opinion of the Council, a pattern of complaints emerges with respect to noise,
  - i. commission a further acoustic study to assess the compliance of the development with the project specific noise criteria, and
  - ii. implement all recommendations of that study to address any breaches of the project specific noise criteria.

**Additional condition to address fencing**

4. The proponent shall fence the western and southern boundaries of the site so as to manage views to and from the site and to ensure a good standard of visual presentation to neighbouring properties, such fence to be of solid material, and at least 2m in height. The final design of the fence shall comply with any acoustic requirements imposed on the development by the acoustic management condition (Condition 4) and the design of the fence shall be to the satisfaction of Council.

Delete Conditions 5 and 6.

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**Drew Roberts**

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**From:** Graham Hall <hallct@ozemail.com.au>  
**Sent:** Monday, 4 September 2017 10:55 PM  
**To:** Drew Roberts  
**Subject:** Oriental Hotel

Hi Drew

The application is simply for a variation to the number of parking spaces. That is not a heritage issue. The application suggests that the garage has some heritage significance and includes a recommendation that "the shed not be demolished" as if that were currently a requirement. It is not; it is simply one way of providing the required number of spaces.

Further to our site visit, I do not actually think the garage has any heritage value. It is probably pre-war, but much later than the hotel, and several of the walls have been rebuilt or substantially modified, The roller doors are all modern..

Therefore there would be no objection to demolishing it, but of course that would require consent.

Alternatively, if all the parking is still required, I think it could possibly be provided within the building if the roller doors and jambs were removed, except perhaps for the disabled space. You may wish to check.

Please let me know if you need more detail or a formal memo on this.

Cheers

**Graham Hall**

B Arch, M Bldg Sc, MBA, Grad Cert Herit Cons, FRAIA  
Nominated Architect: NSW ARB No. 2600

**Graham Hall and Partners**  
**Architects and Heritage Consultants**

263 Trafalgar Street Annandale NSW 2038  
Ph: 9692 0941 Fax: 9571 9641  
Mobile: 0408 869 209  
E-mail: [hallct@ozemail.com.au](mailto:hallct@ozemail.com.au)

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PRIVATE AND CONFIDENTIAL - MIDWESTERN REGIONAL COUNCIL

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<b><u>MWRC – DEVELOPMENT APPLICATION REFERRAL</u></b>	
<b>DEVELOPMENT APPLICATION NO: MA0009/2018</b>	<b>FILE NO: DA0164/2015</b>
<b>PROPOSAL: Commercial Alterations/Additions – modification to car parking and deletion of condition 51</b>	
<b>PROPERTY DESCRIPTION: Lot 1 DP 732911 - Oriental Tavern 6 Lewis Street MUDGEES NSW 2850</b>	
<b>REFERRED TO DEVELOPMENT DESIGN ENGINEER ON: 22 August 2017</b>	
<b>ASSESSING OFFICERS NAME: Drew Roberts</b>	

<b>CONSTRUCTION CERTIFICATE LODGED:</b>	<b>No</b>
<b>BUILDING CLASSIFICATION:</b>	
<b>COMMENTS:</b>	
Not supported, details below	
Further comments provided below in red provided 5/11/2017	



The current Carparking Plan (drawing No 20167TD01 Rev A) does not comply with AS2890.1 and AS2890.6 as proposed.

With regard to the space provided for people with disabilities as it is currently proposed does not comply with AS2890.6. The space as proposed does not comply with the following sections

- Section 2.2.2 Parallel Parking Spaces (a), which requires a dedicated space to be at least 3200mm wide and 7800mm long. The space provided is only 2100mm wide and 5400mm long
- Section 2.2.2 Parallel Parking Spaces, (b) a shared area adjacent to the non-traffic side of the dedicated space is to be at least 1600mm wide and 7800mm long. The shared zone has been provided on the traffic side and dimension have not been provided.
- Section 2.3 Pavement Slope and Surface. Each space provide is to have a firm plane surface with fall not exceeding 1:40 in any direction (or 1:33 if the surface has a bituminous seal and the parking space is out of doors). The current area has grades well in excess with slope of 1:13 – 1:10

The remaining parking spaces as proposed do not comply with the following sections of AS2890.1 (not considering the additional requirements of the disabled space)

- Section 2.4.4 Parallel Parking in Parking Aisles (a), layout shall be in accordance with Figure 2.5, this provides a minimum space length of 5900mm long based on an aisle width of 3600mm
- Figure 2.5 requires 300mm clearance from obstructions higher than 150mm. A 1800mm high Colourbond fence has been installed which will require at least 300mm clearance.
- Figure 2.5 requires that where the opposite side of the aisle is bound by obstructions higher than 150mm that the aisle width shall be increased by at least 300mm

Considering the above requirements with regard to clearances and the minimum space width of 2100mm giving a total of 2700mm the available aisle width from the measurements taken on site at the widest point provide an aisle width of 3270mm. Figure 2.5 requires that for an aisle width of 3300mm that the space lengths are increased to 6100mm.

There are also issues with Sight Lines for Pedestrian Safety. The 1800mm high fencing and Hotel wall provide a permanent sight obstruction which does not comply with AS2890.1.

The turn path template provides that a car can enter and exit in a forward although the class of vehicle has not been provided (B99 or B85). The driveway is also used for deliveries of concern is that a light vehicle could not enter and exit in a forward direction and would most likely need to reverse further limiting the sight lines for pedestrians.

The amended condition as proposed can not be met by the proposed layout and would require an additional space to be removed to comply. The placement of the disabled space is non compliant and can not be provided within the proposed parking area.

As the shed holds no heritage significance my recommendation is to demolish the shed and provide the 3 spaces within that area which shall include the disabled space whilst maintaining the 4 parallel space along the boundary which is consistent with the current approval.

Further to the above my recommendation is still valid with the exception of the 4 parallel spaces which is to be reduced to 3, validation provide below.

After further assessment of the site based on the most recent plans provided by Barnson and review of the Traffic Engineers report/s there are still a number of issues of compliance with AS2890.1, site safety generally and insufficient justification for the reduction of spaces provided by the Traffic Engineer.

The layout doesn't comply with Minimum Sight Lines for Pedestrian Safety in accordance with section 3.2.4 and Figure 3.3 of AS2890.1 due to the proximity of the building to the boundary line and the minimal aisle width based on proposed parking arrangement, as such space No 1 is to be deleted from Drawing Number 20167 TD01 Rev C. To ensure sight distances are achieved the layback and crossover are to be altered to ensure drivers exiting the carparking are centrally located between the boundary and building as to achieve the requirements of section 3.2.4 and Figure 3.3 of AS2890.1.

There are also safety issues with manoeuvring area and the potential for conflict with pedestrians accessing from the Target Carpark. To improve the safe movement of pedestrians the applicant shall install pavement markings to guide pedestrians safely to through the carpark. Pavement markings a minimum 1metre wide shall be installed parallel to the boundary and cross at right angles to link to the Hotel entrance.

Parking particularly within Space 5 provided in the existing garage is considered to be unsafe as there is no visibility of pedestrian traffic entering from the Target carpark and similarly it would be difficult for a pedestrian to identify an exiting vehicle as they enter the Hotel carpark. Again pavement markings in this instance would minimise conflict by directing pedestrian along an appropriate path of travel, removal of the shed would further improve visibility and manoeuvring within the site.

There are to be no other physical obstructions placed along the parking aisle or within the vehicle manoeuvring area.

## 8.8 Events Assistance Application - Wings Wheels and Wine

REPORT BY THE EVENTS COORDINATOR  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, FIN300181

### RECOMMENDATION

#### That Council:

1. **receive the report by the Events Coordinator on the Events Assistance Application - Wings Wheels and Wine;**
2. **decline the request by Mudgee Aero Club Inc to provide \$1,166 in-kind Events Assistance for Mudgee Airport hire;**
3. **decline the request by Mudgee Aero Club Inc to provide \$900 in-kind Events Assistance to waive landing fees for participating aircraft; and**
4. **approve the request by Mudgee Aero Club Inc to loan traffic control signage.**

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### Executive summary

This report considers a late application for Events Assistance under Council's Events Assistance Policy. It relates to an event being held between 1 January and 20 June 2018, the 2018 Wings Wheels and Wine Show.

As the 2017/18 Events Assistance budget has been fully exhausted and the Wings Wheels and Wine 2018 event is expecting to make a \$10,000 profit, the recommendation of staff is to decline Mudgee Aero Club Inc's request for Events Assistance.

### Disclosure of Interest

Nil.

### Detailed report

Council's Events Assistance Program is designed to assist local community events which benefit the local economy and attract visitors to the region. A maximum of \$2,500 per event per year is recommended. Under this program, the highest priority should be for events which:

- Attract the largest number of visitors to the region; and
- Extend the duration of visitation to the region (i.e. occur over a number of days).

Applications for events to be held from 1 January to 30 June 2018 were considered by Council in November 2017. This late application requesting Events Assistance was received from Mudgee Aero Club Inc on 23 January 2018. The application is included in Attachment 1.

Wings Wheels Wine is a one day air show, car show and wine event held biennially at Mudgee Airport. The 2018 event will be held on 29 April. The organisers have requested waiving of Airport hire fees (\$1,166.00), waiving of landing fees for participating aircraft (estimated at \$900) and loan

of traffic control signage for the event (to be booked out against Events Assistance and reversed once returned).

As the 2017/18 Events Assistance budget has been fully exhausted and the Wings Wheels and Wine 2018 event is expecting to make a \$10,000 profit, the recommendation of staff is to decline Mudgee Aero Club Inc's request for Events Assistance. Further, the Mudgee Aero Club Inc has provided a copy of its bank statement demonstrating funds available to cover the amounts requested in this application.

Council can approve Mudgee Aero Club Inc's request to loan traffic control signage for the event, as there is no financial impact for Council in doing so.

Whilst the recommendation of staff is to decline the request for Events Assistance due to insufficient funds available this financial year, it is acknowledged that the Wings Wheels and Wine event has had a long and successful history as a major event in the region. Council has previously provided Events Assistance to this event over a number of years.

Based on the key priorities for Events Assistance, the scoring scale indicates that \$1,000 would be an appropriate level of funding if there were remaining funds available in the 2017/18 Events Assistance budget.

#### Scoring Scale - Events Assistance Program

Local community/volunteer participation in event		
Score	Definitive Answers	Value Judgement
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<500 residents)
1	Poor	Community/volunteer participation or local benefits impacting (500 to 1,000 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (1,000 to 2,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>2,000 residents)

Capacity to ensure event continues and develops in the future		
Score	Definitive Answers	Value Judgement
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

Economic activity generated from event		
Score	Definitive Answers	Value Judgement
0	\$0-\$25K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
8	\$150K-\$200K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)
14	\$300K+	Number of visitors to the region x \$425 (if multi-day event) or \$125 (if single day)

Assessment Criteria	Score
Local community/volunteer participation	3
Longevity of event	3
Economic activity generated from event	4
<b>TOTAL</b>	<b>10</b>

It is noted that an additional Community Grants application was submitted by Mudgee Aero Club Inc. However, as the request for funding relates to an event, it is appropriate that it is considered under the Events Assistance Program and not Community Grants. Refer to Attachment 2 for the Community Grants application.

## Community Plan implications

<b>Theme</b>	<b>Building a Strong Local Economy</b>
<b>Goal</b>	An attractive business and economic environment
<b>Strategy</b>	Promote the Region as a great place to live, work, invest and visit

## Strategic implications

### Council Strategies

Applications for Events Assistance are required to have clear linkages to the Community Plan Towards 2030 outcomes. This includes promoting the region as a great place to live, work, invest and visit. By supporting events which provide opportunities for local and visitor attendance, this increases visitation to the region and provides social and economic benefits to the region.

### Council Policies

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors the region.

### Legislation

The *Local Government Act 1993*, Section 356, states: (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

## Financial implications

Funding of \$60,000 is provided in the 2017/18 Operational Plan for Events Assistance. The current budget was increased by \$4,000 from unrestricted cash at the December 2017 Council Meeting.

Given the 2017/18 Events Assistance budget is fully exhausted, there are no funds available to approve the late application for Events Assistance by Mudgee Aero Club Inc.

If Council wishes to support the request for Events Assistance, the Events Assistance budget would need to be increased by \$1,166 to provide in-kind Mudgee Airport hire fees.

Based on historic information, the estimated number of participating aircraft is 30 with an average of 2 tonnes per aircraft. This would result in landing fees of \$900 (ie. 30 aircraft x \$30). If Council wish to support the request to waive landing fees for the day of the event, the budget will again need to be increased by this amount.

The total request for in-kind Events Assistance is \$2,066. Any budget increases will need to be funded from unrestricted cash, which would have the following impact.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2017/18	✘	✘	-
Future Years	-	-	-

## Associated Risks

In considering Events Assistance applications, there is always a risk that if Council does not support a local event, that the event may not be able to proceed. In this case, the applicant has indicated that it expecting to make a profit and has surplus funds available based on the information provided. The risk of the 2018 event not going ahead is therefore, considered low.

The applicant will be provided with the policy and timeline for applying for Events Assistance, so that it has the opportunity to apply for funding for future events and it can be assessed against other eligible events prior to the budget being fully exhausted.

ALAYNA GLEESON  
EVENTS COORDINATOR

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

1 February 2018

*Attachments:* 1. Events Assistance Application - Wings Wheels Wine.  
2. Community Grants Application - Wings Wheels Wine.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Event Assistance Funding Application - 1 January 2018 to 30 June 2018

#26

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, January 23, 2018 4:37:11 PM  
**Last Modified:** Tuesday, January 23, 2018 5:17:53 PM  
**Time Spent:** 00:40:41  
**IP Address:** 103.232.163.31

---

Page 2: CONTACT DETAILS

**Q1** Please enter your contact details below:

**Name:** Rob Duffy  
**Organisation:** Mudgee Aero Club Inc  
**Address:** 41 George Campbell Drive  
**Suburb:** Mudgee  
**State:** NSW  
**Post Code:** 2850  
**Email Address:** info@mudgeeaeroclub.hwy.com.au  
**Phone Number:** 0401136182

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**Q2** Website/Social Media

**Website:** Mudgeeaeroclub.hwy.com.au  
wingswheelsandwine.com.au  
**Facebook Page:** wings wheels and wine 2018

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Page 3: EVENT INFORMATION

**Q3** Name of event:

Wings Wheels and Wine

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**Q4** Event Date/s:

29th April 2018

---

**Q5** Number of days event is held:

one

---

**Q6** Event location:

Mudgee Airport

---

## Event Assistance Funding Application - 1 January 2018 to 30 June 2018

**Q7** Year the event was established:

1994

**Q8** How often is the event held?Other (please  
specify):  
biennially**Q9** Event description:

Air show, car show wine tasting and sales

**Q10** Event aims and objectives:

To provide Families, Flying and Car enthusiasts a great days entertainment

**Q11** Desired outcomes of event:

To benefit all participants and the club financially

**Q12** Expected attendance numbers: (note: 'local' refers to Mid-Western LGA residents, 'visitors' refers to those coming from outside Mid-Western LGA)

Local Participants	150
Local Spectators	2000
Visitor Participants	50
Visitor Spectators	500
Total Expected Attendance	2500-3000

**Q13** What methods do you use to collect data on attendance and visitor numbers?

Numbered tickets and post codes and lucky gate prize by coupon entry.

**Q14** Target audience:

Families, Flying and Car enthusiasts

**Q15** Local community involvement (including local businesses and number of volunteers):Mudgee Rotary Club Mudgee PCYC Cooyal BFB,  
Anglican Church catering. Local wineries. Market stall holders.**Q16** Economic benefits of the event:

Economic Benefit flow to local community groups



Event Assistance Funding Application - 1 January 2018 to 30 June 2018

**Q17** Community and social benefits of the event:

Benefiting the community groups involved as well as the Aero Club

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**Q18** How will Council's support of the event be recognised?

Council logo in all advertising TV Radio and press

---

**Q19** How do you plan to market and promote the event?

Social Media TV and Radio commercial, press advertising

---

Page 4: PROJECT BUDGET AND FINANCIAL DETAILS

**Q20** Please provide details of your event income:

Events Assistance Funding Requested:	2500
Expected Sales Revenue (including entry/ticket sales):	37000
Contribution from your Organisation/Club:	Underwriting the event
Sponsorship:	3-10k
Stallholder Fees:	1200
Other Income:	2300
Total Income:	46000

---

**Q21** Please provide details of your event expenditure:

Marketing:	7000
Venue Hire:	airport hire
Event Infrastructure:	1800
Waste Management:	800
Traffic Control:	0
Staff Costs:	0
Other 1:	Feature event Steve Mini \$6500
Other 2:	Paul Bennet Airshows display \$20-25k

---

**Q22** If positive or surplus budget, please provide further details/explanation what this surplus will be used for:

Add to club funds to build new hangar promoting flying and use of the airport

---

**Q23** Total Surplus/Deficit:

\$ 10k

---

## Event Assistance Funding Application - 1 January 2018 to 30 June 2018

**Q24** How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

It isnt reliant on council funding we believe council may like to assist in promoting such an event.

**Q25** Please outline the management structure of your event including key role and responsibilities, and the use of paid/unpaid staff?

Air show run by Paul Bennet Airshows.

**Q26** Is your group/organisation Incorporated? **Yes**

**Q27** Is your group/organisation not-for-profit? **Yes**

**Q28** Have you registered for GST? **No**

**Q29** Do you have an ABN? **Yes,**  
ABN::  
60292863397

**Q30** Has your event previously received funding from Council? **Yes,**  
If yes, please list year(s) of funding and amount(s) received::  
2010 2012 2014 2016

**Q31** Does the event hold current Public Liability Insurance? Events MUST have insurance to be eligible to receive funding. **Yes**

**Q32** Please upload a copy of your Certificate of Currency

**Mudgee Aer 03 Q62 0052667 03 NB 2017 10 50048 Coverage Schedule N0001 2017-18.pdf(140.2KB)**

Page 5: FUNDING REQUESTED - MUST NOT EXCEED \$2,500

**Q33** Please provide details of IN-KIND support requested AND dollar amounts:(e.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's Fees and Charges (click here) for amounts.

1. **Traffic Control Signage**
2. **Airport Hire**

**Q34** Please provide details of CASH support requested AND dollar amounts:For any cash funding received, copies of invoices may be required as evidence along with an invoice.

1. **2500**

Event Assistance Funding Application - 1 January 2018 to 30 June 2018

Page 6: AUTHORISATION OF APPLICANT

**Q35** Authorisation of Applicant:

Name:	<b>Robert Duffy</b>
Position	<b>Secretary/ Treasurer</b>
Date:	<b>23.1.2018</b>

---

**Q36** I confirm:

**that the information contained in the application form and within the attachments are true and correct.**

,

**that this application has been submitted with the full knowledge and support of the applicant.**

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# COMMUNITY GRANTS



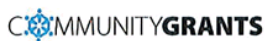
## Application Form

### APPLICANTS DETAILS

Name of Organisation	Mudgee Aero Club Inc.
Contact Person	Rob Duffy
Address	George Campbell Dr Mudgee
Phone	0401 136 182
Email	info@mudgeeaeroclub.hwy.com.au
ABN	60292863397
Bank Account Name	Mudgee Aero Club Inc
BSB	082726
Account Number	50794018

### PROJECT / ACTIVITY DETAILS

Name of Project / Activity	Wings Wheels and Wine 2018	
Amount of funding requested	\$ 5,000.00	
Start and Finish date	START (click to tick)	FINISH (click to tick)
	29th April 2018	29th April 2018
Briefly, describe Project / Activity	Air show, car show and showcasing local wines and produce	



ADDRESS CRITERIA

How will your project benefit the Mid-Western Region Community?

(Note: limited number of characters)

by bringing income to the organisations and business's that provide catering and services for the show.  
By attracting visitors to Mudgee from surrounding areas

What is the expected amount of resident participation?

(Please provide no. of estimated participants)

(Note: limited number of characters)

Resident participation would approx 75-80% of the expected attendance of 2500-3000

What level of consultation and collaboration with other local groups has your organisation undertaken?

(ie what other local community groups are or will be involved in this project?)

(Note: limited number of characters)

Cudgegong Cruiser organise the car display. Local community organisations are invited to cater and have done so at previous shows ie Cooyal BFB Anglican Church. An invitation is extended to local wineries offering stall sights at no charge for tastings and sales.  
Mudgee Rotary and PCYC benefit by supervising parking and receiving a gold coin donation.

Outline your organisation's capacity to deliver the Project / Activity OR describe previous experiences.

(Note: limited number of characters)

This will be Mudgee Aero Clubs 15th Wines Wheels Wheels and Wine

**COMMUNITY GRANTS**

Project Income	Community Grant (amount sought from Council)	\$ 5,000.00
	Expected Sales Revenue i.e. Entry Fee, Membership Sales	\$ 40,000.00
	Other Income	
<b>TOTAL INCOME</b>		<b>\$ 45,000.00</b>

List proposed cash expenditure (provide copies of quotes for equipment)

Project Expenditure	Aircraft Displays	\$ 25,000.00
	Major attraction Steve Mini	\$ 4,500.00
	Advertising TV ,Press and local Radio	\$ 6,000.00
	Liability insurance for event	\$ 3,600.00
<b>TOTAL EXPENDITURE</b>		<b>\$ 39,100.00</b>
<b>TOTAL SURPLUS / DEFICIT</b>		<b>\$ 5,900.00</b>

If positive or surplus budget, please provide further details/explanation what this surplus will be used for.

Previous surplus amounts have been saved any surplus this year it is hoped to be able to use to build a hangar this will enable the club to promote flying in Mudgee and this will increase use of the airport.

*(Note: Unspent grants >\$200 will be required to be returned to MWRC)*

**FINANCIAL DETAILS**

	YES (click to tick)	NO (click to tick)
Is your group/organisation Incorporated?	<input checked="" type="radio"/>	<input type="radio"/>
Have you registered for Goods & Services Tax (GST) purposes?	<input type="radio"/>	<input checked="" type="radio"/>
Do you have an Australian Business Number (ABN)? Note: If you do not have an ABN please attach a 'Statement by Supplier' form	<input checked="" type="radio"/>	<input type="radio"/>

**COMMUNITYGRANTS**

Has your organisation/group previously received a Community Grant from Council?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input type="radio"/>
If yes, please advise date and amount	DATE / YEAR 2016	AMOUNT \$ 2,500.00
Did your group return the acquittal form?	YES (click to tick) <input type="radio"/>	NO (click to tick) <input checked="" type="radio"/>
Closing bank balance from the most recent bank statement or treasurer's report	<input type="text"/>	
Comment on cash set aside for specific projects (optional)	Club has \$67000 set aside for a new hangar.	

**APPLICATION CHECKLIST**

If the following are not attached with the application, this may result in the application not being considered.

	SUPPLIED? (click to tick)	
	YES	NO
A copy of the group's/organisation's most recent bank statement or treasurer's report	<input type="radio"/>	<input type="radio"/>
A copy of the group's/organisation's public liability insurance <i>Ausubing CaFC.</i>	<input type="radio"/>	<input type="radio"/>
Where the group intends to purchase equipment, a copy of the quote/s obtained	<input checked="" type="radio"/>	<input checked="" type="radio"/>
Where the groups/organisations does not have an ABN, 'Statement by Supplier' is required	<input checked="" type="radio"/>	<input checked="" type="radio"/>
If your group is not incorporated, please supply a letter from your auspicing body	<input checked="" type="radio"/>	<input checked="" type="radio"/>

**AUTHORISATION OF APPLICANT**

Name	Robert Duffy
Position	Secretary/Treasurer
Date	8th January 20188

- I confirm that the information contained in the application form and within the attachments are true and correct.
- I confirm that this application has been submitted with the full knowledge and support of the applicant.
- I acknowledge the Community Grants Program acquittal requirements and understand that surplus funds may be required to be returned to Council.
- I am aware that this application will be reproduced in the Council Business Paper, and authorise public release of information provided.

**COMMUNITYGRANTS**

**SUBMIT YOUR APPLICATION**

**EMAIL:** After you complete this digital form, please save it to your computer and email to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

**DELIVER TO:** Customer Service Locations

86 Market Street  
MUDGEE

109 Herbert Street  
GULGONG

77 Louee Street  
RYLSTONE

**MAIL TO:** Mid-Western Regional Council  
Attn: Finance Department  
PO Box 156  
MUDGEE NSW 2850

SUBMIT ONLINE

COMMUNITY GRANTS POLICY

PRINT MY APPLICATION





## 8.9 Community Engagement Van Proposal

### REPORT BY THE DIRECTOR DEVELOPMENT

TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0820020

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Development on the Community Engagement Van Proposal;**
2. **approve the repurpose of the existing mobile library van for use as part of community engagement activities across the region; and**
3. **amend the 2017/18 Operational Plan to increase the Corporate Development budget for internal plant hire by \$2,000, to be funded from unrestricted cash.**

---

### Executive summary

A new mobile library van will be soon be delivered to support Council's ongoing mobile library service. This means that the existing mobile library van is excess to Council's library needs. It does however, provide an opportunity for Council to utilise the van for a range of community engagement activities across the region.

This report seeks Council's approval to retain the existing mobile library van as an item of plant, repurpose the van with minor fit out changes and utilise the van for various community engagement activities required by Council.

### Disclosure of Interest

Nil.

### Detailed report

A key focus of the Integrated Planning and Reporting Framework is Community Engagement and ensuring all members of the community have the opportunity to actively participate in community engagement activities. This means that Council needs to continue to proactively identify and pursue new ways of conducting these activities and engaging with a broad cross-section of the community.

The existing mobile library van is due to be replaced which has been funded by Glencore. This has resulted in the opportunity to repurpose the van to be used as part of Council's community engagement activities at little additional cost.

Examples of the activities it could be used for include:

- Attendance at Council events such as Australia Day and other major Council events (such as Flavours of Mudgee and NRL events);
- Transportation and staging of marketing activation for promotional purposes conducted either within or outside the region;

- Visit towns and smaller villages in the region to conduct community engagement and educational activities;
- Visit individual Council sites or facilities for a specific community engagement project.

The following diagram is an example of how the van may be utilised.



### Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
<b>Goal</b>	Good communications and engagement
<b>Strategy</b>	Improve communications between Council and the community and create awareness of Council’s roles and responsibilities

### Strategic implications

**Council Strategies**  
Towards 2030 Community Plan  
Community Engagement Strategy

**Council Policies**  
Not applicable.

**Legislation**  
Local Government Act 1993

## Financial implications

Although the van is at the end of its useful life for heavy usage like the mobile library, the van can still be repurposed and utilised for a reduced kilometre activity like Community Engagement, whilst still meeting Council requirements through this low cost solution.

It is estimated that the van would sell for about \$12,000 on trade-in. This report recommends that Council utilises the Plant Fund to retain the van and cover costs of fitout which are anticipated to be less than \$5,000. This work can be done within the Plant Funds existing budget.

The Corporate Development project would then pay an internal plant hire rate to recover these costs over time, and cover ongoing running costs of the van. Early estimates of this cost are around \$2,000 per annum. This would have a negative impact to operational costs and the Operating Performance Ratio, however the benefit of having the van available for community engagement activities would be difficult to achieve at such a low cost through any other method.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2017/18	<b>X</b>	-	-
Future Years	<b>X</b>	-	-

## Associated Risks

Not applicable.

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

13 February 2018

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.10 Land &amp; Housing Supply Monitor 1 July 2017 - 31 December 2017

REPORT BY THE MANAGER, STRATEGIC PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, LAN900042

**RECOMMENDATION**

**That Council receive the report by the Manager, Strategic Planning on the Land & Housing Supply Monitor 1 July 2017 - 31 December 2017.**

## Executive summary

The Land and Housing Supply Monitor was developed as part of the Urban Release Strategy process. This report provides the latest data for the period ending 31 December 2017.

## Disclosure of Interest

Nil.

## Detailed report

The table below provides data for the last three years and for the most recent six month period ending 31 December 2017.

	2013/2014	2014/2015	2015/16	2016/17	1 July – 31 Dec 2017 (first 6 months)
<b>SUBDIVISION</b>					
<b>Residential</b> subdivision applications (no. of lots approved – Das)	710	246	80	30	4
<b>Rural</b> subdivision applications (no. of lots approved – DA's)	-	-	-	-	1
<b>SUBDIVISION CERTIFICATES</b>					
<b>Residential</b> subdivision certificate (no. of lots released)	95	135	18	34	10 lots (400-1000m2) 4 lots (2000m2) TOTAL = 14 lots
<b>Rural</b> subdivision certificate (no. of lots released)	-	-	-	-	4 lots (12ha) 5 lots (20ha) 13 lots (100ha) TOTAL = 22 lots
<b>DWELLINGS</b>					
DA approval for dwellings and dual occupancies (no. of dwellings approved)	148	123	95	87	50
CDC's for dwellings and dual occupancies (no. dwellings)	50	23	38	46	3

Occupation certificates (no. dwellings)	51	91	22	159	62
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## Community Plan implications

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

## Strategic implications

### Council Strategies

The preparation of this report is an outcome of the Mid-Western Regional Urban Release Strategy December 2014.

### Council Policies

Not applicable.

### Legislation

Not applicable.

## Financial implications

Not applicable.

## Associated Risks

Not applicable.

**SARAH ARMSTRONG**  
MANAGER, STRATEGIC PLANNING

**JULIE ROBERTSON**  
DIRECTOR DEVELOPMENT

16 January 2018

*Attachments:* Nil

APPROVED FOR SUBMISSION:

**BRAD CAM**  
GENERAL MANAGER

## 8.11 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400064, A100055, A100056

### RECOMMENDATION

**That Council receive the report by the Director Development on the Monthly Development Applications Processing and Determined.**

### Executive summary

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

### Disclosure of Interest

Nil.

### Detailed report

Included in this report is an update for the months December 2017 and January 2018 of Development Applications determined and Development Applications processing. The report will detail:

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

### 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

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

30 January 2018

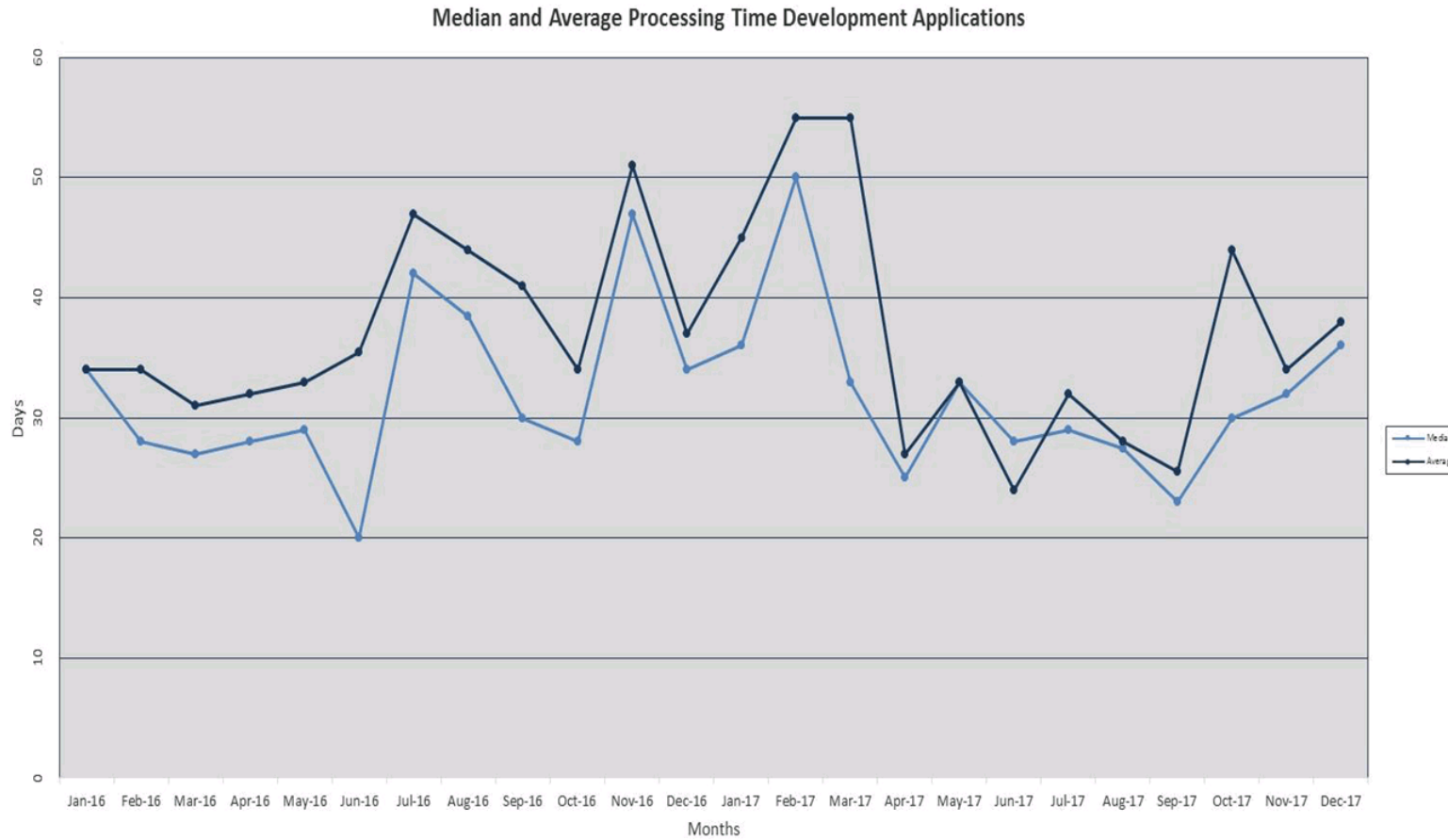
- Attachments:*
1. Monthly Development Applications Processing and Determined - December 2017.
  2. Monthly Development Applications Processing and Determined - January 2018.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Monthly Development Application Processing Report – December 2017**

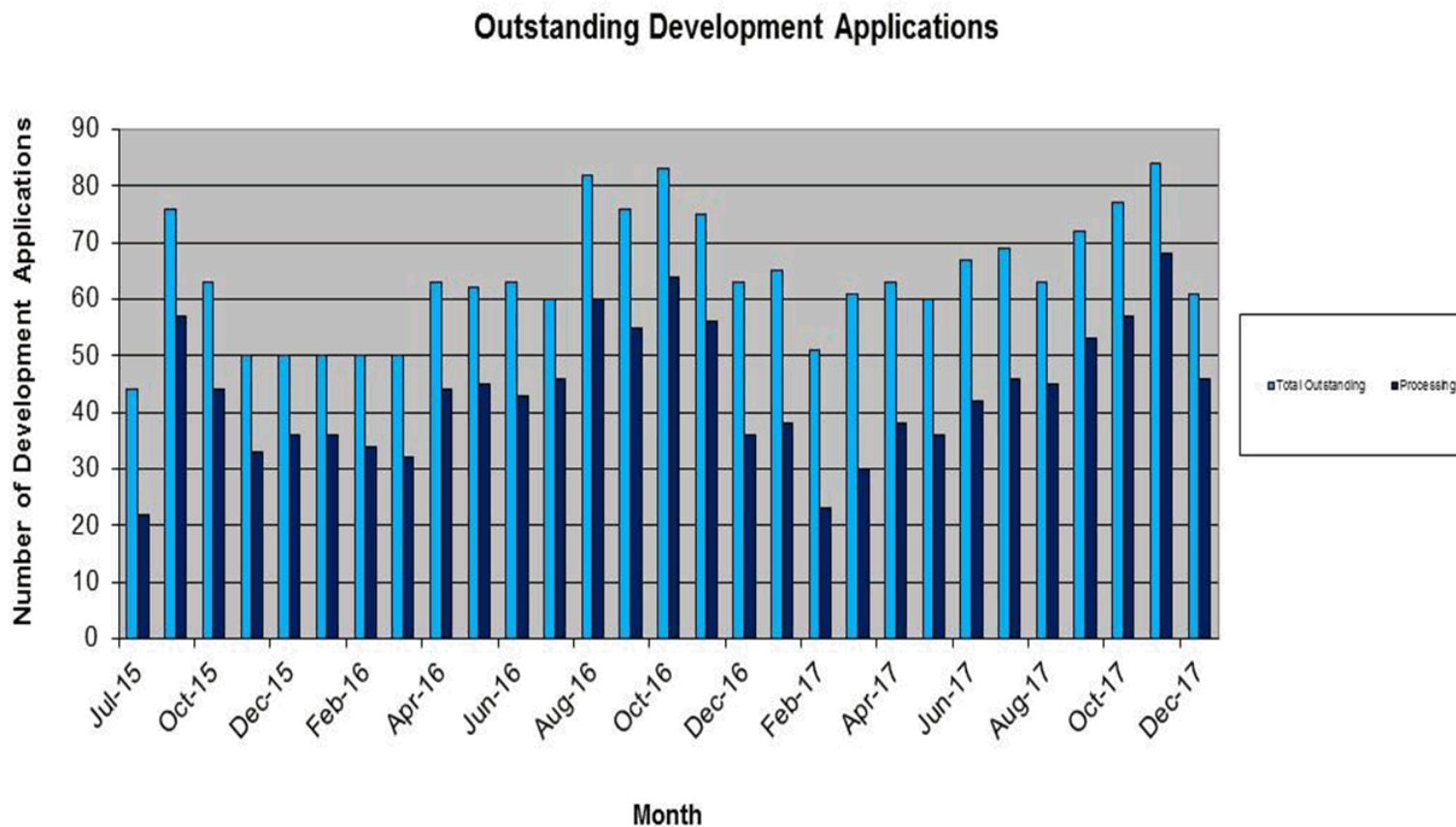
This report covers the period for the month of December 2017. Graph 1 indicates the processing times up to 31, December 2017 with the month of December having an average of 38 days and a median time of 36 days.





Monthly Development Application Processing Report – December 2017

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



## Monthly Development Application Processing Report – December 2017

The Planning and Development Department determined 24 Development Applications either by Council or under delegation during December 2017.

### Development Applications Determined – December, 2017

Appl/Proc ID	Description	House No	Street Name	Locality
DA0344/2016	Residential Shed	111	Horatio Street	MUDGEE
DA0292/2017	Secondary Dwelling	1	Caerleon Court	MUDGEE
DA0315/2017	Subdivision - Torrens Title	101	Lawson Street	MUDGEE
DA0010/2018	Residential Shed	47	Herbert Street	GULGONG
DA0018/2018	Change of use - detached garage to class 1a dwelling & internal fitout	1848	Castlereagh Highway	TALLAWANG
DA0026/2018	Subdivision - Torrens Title	42	Bateman Avenue	MUDGEE
DA0036/2018	Moveable Dwelling	10	Hardwick Avenue	MUDGEE
DA0038/2018	Residential Shed	202	Broadhead Road	SPRING FLAT
DA0040/2018	Change of use - residential dwelling to health consulting rooms	125	Market Street	MUDGEE
DA0042/2018	Change of use – Gym	24	Mortimer Street	MUDGEE
DA0043/2018	Depot	62	Inglis Street	MUDGEE
DA0048/2018	Dwelling House	72	Winter Street	MUDGEE
DA0054/2018	Alterations & Additions	221	Black Lead Lane	GULGONG
DA0056/2018	Residential Shed	62	Cox Street	MUDGEE
DA0057/2018	Subdivision - Torrens Title	15	Baskerville Drive	MUDGEE
DA0059/2018	Secondary Dwelling	50	Lawson Street	MUDGEE
DA0062/2018	Shed >150m2	20	Inglis Street	MUDGEE
DA0065/2018	Swimming Pool	35	Beryl Road	GULGONG
DA0067/2018	Residential Shed	13	Burundulla Avenue	MUDGEE
DA0069/2018	Change of use – existing building to dwelling	143	Lead Lane	GULGONG
DA0073/2018	Residential Shed	99	Winchester Crescent	COOKS GAP
DA0075/2018	Residential Shed	6	Spring Road	MUDGEE
DA0078/2018	Dwelling House	1534	Castlereagh Highway	APPLE TREE FLAT
DA0088/2018	Swimming Pool	2692	Ulan Road	COOKS GAP

## Monthly Development Application Processing Report – December 2017

### Development Applications currently being processed – December, 2017.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0191/2015	Subdivision - Torrens Title	196	Robertson Road	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0315/2016	Tourist and Visitor Accommodation	345	Bylong Valley Way	ILFORD
DA0325/2016	Change of use - garage to bedroom	179	Denison Street	MUDGEE
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0034/2017	Subdivision - Torrens Title	38	Hill End Road	CAERLEON
DA0221/2017	Function Centre	141	Black Springs Road	EURUNDEREE
DA0228/2017	Subdivision - Torrens Title	158	Robertson Street	MUDGEE
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0280/2017	Warehouse	23	Industrial Avenue	MUDGEE
DA0303/2017	Change of use - vehicle repair station	1	Inglis Street	MUDGEE
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0008/2018	Subdivision - Torrens Title	215	Putta Bucca Road	PUTTA BUCCA
DA0009/2018	Subdivision - Torrens Title	15	Wiradjuri Close	PUTTA BUCCA
DA0063/2018	Shed >150m2	434	Melrose Road	MOUNT FROME
DA0072/2018	Earthworks	290	Rocky Waterhole Road	MOUNT FROME
DA0102/2018	Change of use - studio/storage shed	111	Mount Pleasant Lane	BUCKAROO
DA0103/2018	Alterations & Additions	1581	Yarrabin Road	YARRABIN
DA0104/2018	Commercial Alterations/Additions	121	Ulan Road	PUTTA BUCCA
DA0111/2018	Residential Shed	20	Bumberra Place	BOMIBRA
DA0119/2018	Secondary Dwelling	4	Dunn Street	KANDOS
DA0119/2018	Dwelling House	4	Dunn Street	KANDOS
DA0124/2018	Demolition	7	Nandoura Street	GULGONG
DA0136/2018	Demolition	11	Nicholson Street	MUDGEE
DA0139/2018	Seniors Housing	153	Bruce Road	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0146/2018	Tourist and Visitor Accommodation	196	Rocky Waterhole Road	MOUNT FROME
DA0148/2018	Dwelling House	206	Lesters Lane	PIAMBONG
DA0152/2018	Dwelling House	2735	Hill End Road	AVISFORD

### Monthly Development Application Processing Report – December 2017

DA0157/2018	Dwelling House	20	Lewis Street	MUDGEES
DA0158/2018	Commercial Alterations/Additions	9	Sydney Road	MUDGEES
DA0159/2018	Change of use - shop to indoor recreation facility (gym)	102	Church Street	MUDGEES
DA0163/2018	Commercial Premises	2	Eagle Road	RYLSTONE
DA0164/2018	Industrial Building	49	George Street	MUDGEES
DA0165/2018	Liquid Fuel Depot	56	Sydney Road	MUDGEES
DA0167/2018	Liquid Fuel Depot	4	Industrial Avenue	GULGONG
DA0168/2018	Multi Dwelling Housing	31	Banjo Paterson Avenue	MUDGEES
DA0169/2018	Alterations & Additions	69	Gladstone Street	MUDGEES
DA0171/2018	Dwelling House	16	Bumberra Place	BOMBIRA
DA0172/2018	Subdivision - Torrens Title	13	Caledonian Street	GULGONG
DA0173/2018	Dual Occupancy	29	Henry Bayly Drive	MUDGEES
DA0174/2018	Dwelling House	1678	Yarrabin Road	YARRABIN
DA0175/2018	Horticulture	60	Carara Road	ERUDGERE
DA0176/2018	Commercial Alterations/Additions	93	Mortimer Street	MUDGEES
DA0178/2018	Commercial Premises	36	Sydney Road	MUDGEES
DA0179/2018	Change of use - office	65	Church Street	MUDGEES

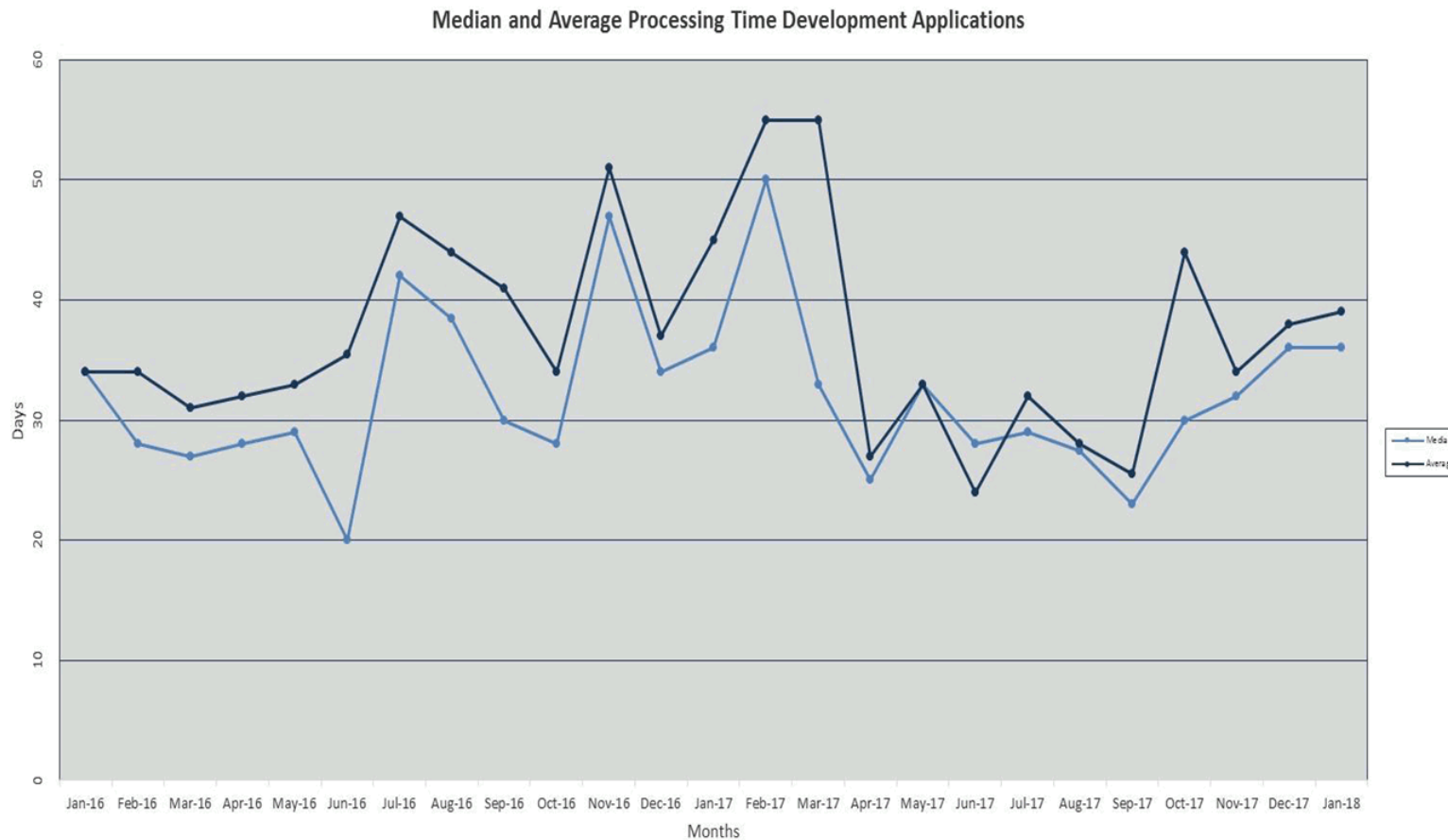
## Monthly Development Application Processing Report – December 2017

### Heritage Development Applications currently being processed – December 2017.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0091/2017	Residential Shed	42	Louee Street	RYLSTONE
DA0122/2017	Dual Occupancy	1	Lewis Street	MUDGEE
DA0247/2017	Change of use - beauty salon	79	Market Street	MUDGEE
DA0295/2017	Alterations & Additions	28	Herbert Street	GULGONG
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0081/2018	Commercial Alterations/Additions	5	Church Street	MUDGEE
DA0084/2018	Subdivision - Torrens Title	8	Loy Avenue	MUDGEE
DA0106/2018	Subdivision - Torrens Title	59	Bellevue Road	MUDGEE
DA0153/2018	Subdivision - Torrens Title	10	Fitzroy Street	GULGONG
DA0161/2018	Boundary Adjustment	126	Mortimer Street	MUDGEE
DA0166/2018	Change of use - retail food and drink premises	48	Market Street	MUDGEE
DA0177/2018	Alterations & Additions	46	Lawson Street	MUDGEE

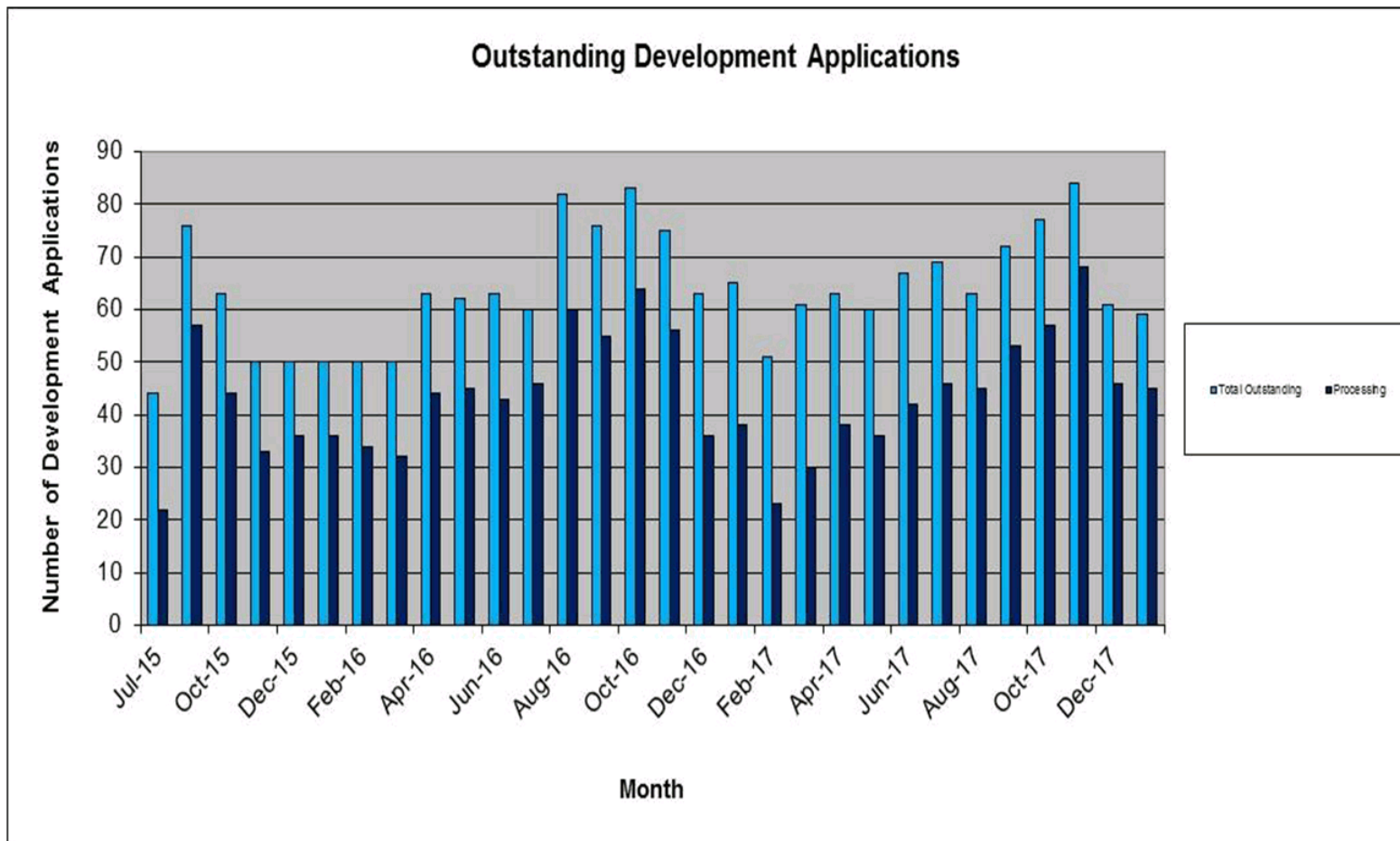
Monthly Development Application Processing Report – January 2018

This report covers the period for the month of January 2018. Graph 1 indicates the processing times up to 31, January 2018 with the month of January having an average of 39 days and a median time of 36 days.



Monthly Development Application Processing Report – January 2018

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



## Monthly Development Application Processing Report – January 2018

The Planning and Development Department determined 25 Development Applications either by Council or under delegation during January 2018.

### Development Applications Determined – January, 2018

Appl/Proc ID	Description	House No	Street Name	Locality
DA0008/2018	Subdivision - Torrens Title	215	Putta Bucca Road	PUTTA BUCCA
DA0079/2018	Alterations & Additions	3926	Bylong Valley Way	RYLSTONE
DA0091/2018	Subdivision - Strata Title	35	Banjo Paterson Avenue	MUDGEE
DA0093/2018	Dwelling House	202	Black Lead Lane	GULGONG
DA0098/2018	Boundary Adjustment	24	Byrnes Lane	BURRUNDULLA
DA0099/2018	Agriculture	80	Kemps Valley Road	KAINS FLAT
DA0107/2018	Residential Shed	1603	Bocoble Road	CARCALGONG
DA0108/2018	Dwelling House	23	Dunphy Crescent	MUDGEE
DA0114/2018	Commercial Premises	37	Snlesons Lane	GULGONG
DA0118/2018	Dwelling House	11	Robert Jones Street	MUDGEE
DA0120/2018	Residential Shed	17	Marshfield Lane	MUDGEE
DA0132/2018	Dwelling House	64	White Circle	MUDGEE
DA0135/2018	Residential Shed	24	Redbank Road	MUDGEE
DA0137/2018	Flood Mitigation Work	62	Cox Street	MUDGEE
DA0141/2018	Secondary Dwelling	38	Hill End Road	CAERLEON
DA0144/2018	Residential Shed	17	Woodside Close	MUDGEE
DA0147/2018	Dwelling House	10	Costigan Court	MUDGEE
DA0149/2018	Residential Shed	18	Oporto Road	MUDGEE
DA0150/2018	Dwelling House	355	Queen Pinch Road	SPRING FLAT
DA0155/2018	Dwelling House	12	Larges Lane	KANDOS
DA0156/2018	Telecommunications Facility	3326	Hill End Road	HARGRAVES
DA0160/2018	Dwelling House	88	Bergalin Road	GULGONG
DA0161/2018	Boundary Adjustment	126	Mortimer Street	MUDGEE
DA0162/2018	Shed >150m2	2	Roxburgh Street	KANDOS
DA0170/2018	Alterations & Additions	931	Spring Flat Road	SPRING FLAT



## Monthly Development Application Processing Report – January 2018

### Development Applications currently being processed – January, 2018.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEES
DA0191/2015	Subdivision - Torrens Title	196	Robertson Road	MUDGEES
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0315/2016	Tourist and Visitor Accommodation	345	Bylong Valley Way	ILFORD
DA0325/2016	Change of use – garage to bedroom	179	Denison Street	MUDGEES
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0034/2017	Subdivision - Torrens Title	38	Hill End Road	CAERLEON
DA0221/2017	Function Centre	141	Black Springs Road	EURUNDEREE
DA0228/2017	Subdivision - Torrens Title	158	Robertson Street	MUDGEES
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0280/2017	Warehouse	23	Industrial Avenue	MUDGEES
DA0303/2017	Change of use – vehicle repair station	1	Inglis Street	MUDGEES
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0009/2018	Subdivision - Torrens Title	15	Wiradjuri Close	PUTTA BUCCA
DA0063/2018	Shed >150m2	434	Melrose Road	MOUNT FROME
DA0072/2018	Earthworks	290	Rocky Waterhole Road	MOUNT FROME
DA0102/2018	Change of use – studio/storage shed	111	Mount Pleasant Lane	BUCKAROO
DA0103/2018	Alterations & Additions	1581	Yarrabin Road	YARRABIN
DA0104/2018	Commercial Alterations/Additions	121	Ulan Road	PUTTA BUCCA
DA0111/2018	Residential Shed	20	Bumberra Place	BOMBIRA
DA0119/2018	Dwelling House	4	Dunn Street	KANDOS
DA0136/2018	Demolition	11	Nicholson Street	MUDGEES
DA0139/2018	Seniors Housing	153	Bruce Road	MUDGEES
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEES
DA0146/2018	Tourist and Visitor Accommodation	196	Rocky Waterhole Road	MOUNT FROME
DA0148/2018	Dwelling House	842	Lower Piambong Road	PIAMBONG
DA0152/2018	Dwelling House	2735	Hill End Road	AVISFORD
DA0157/2018	Dwelling House	20	Lewis Street	MUDGEES
DA0158/2018	Commercial Alterations/Additions	9	Sydney Road	MUDGEES
DA0159/2018	Change of use – shop to gym	102	Church Street	MUDGEES

### Monthly Development Application Processing Report – January 2018

DA0164/2018	Industrial Building	49	George Street	MUDGEES
DA0165/2018	Liquid Fuel Depot	56	Sydney Road	MUDGEES
DA0167/2018	Liquid Fuel Depot	4	Industrial Avenue	GULGONG
DA0168/2018	Multi Dwelling Housing	31	Banjo Paterson Avenue	MUDGEES
DA0169/2018	Alterations & Additions	69	Gladstone Street	MUDGEES
DA0172/2018	Subdivision - Torrens Title	13	Caledonian Street	GULGONG
DA0173/2018	Dual Occupancy	29	Henry Bayly Drive	MUDGEES
DA0174/2018	Dwelling House	1678	Yarrabin Road	YARRABIN
DA0175/2018	Horticulture	60	Carara Road	ERUDGERE
DA0176/2018	Commercial Alterations/Additions	93	Mortimer Street	MUDGEES
DA0178/2018	Commercial Premises	36	Sydney Road	MUDGEES
DA0179/2018	Change of use – office fit out	65	Church Street	MUDGEES
DA0180/2018	Dwelling House	640	Queens Pinch Road	MULLAMUDDY
DA0181/2018	Residential Shed	26	Kellett Drive	MUDGEES

## Monthly Development Application Processing Report – January 2018

### Heritage Development Applications currently being processed – January 2018.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0091/2017	Residential Shed	42	Louee Street	RYLSTONE
DA0122/2017	Dual Occupancy	1	Lewis Street	MUDGEE
DA0247/2017	Change of use – beauty salon	79	Market Street	MUDGEE
DA0295/2017	Alterations & Additions	28	Herbert Street	GULGONG
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0081/2018	Commercial Alterations/Additions	5	Church Street	MUDGEE
DA0084/2018	Subdivision - Torrens Title	8	Loy Avenue	MUDGEE
DA0106/2018	Subdivision - Torrens Title	59	Bellevue Road	MUDGEE
DA0166/2018	Change of use – retail to food and drink premises	48	Market Street	MUDGEE
DA0177/2018	Alterations & Additions	46	Lawson Street	MUDGEE
DA0182/2018	Boundary Adjustment	80	Rodgers Street	KANDOS
DA0184/2018	Business Premises	67	Market Street	MUDGEE
DA0185/2018	Change of use	8	Lewis Street	MUDGEE

## 8.12 Delivery Program 2017 - 2021 Six Monthly Progress Report

## REPORT BY THE DIRECTOR DEVELOPMENT

TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, COR400116

**RECOMMENDATION**

**That Council receive the report by the Director Development on the Delivery Program 2017 - 2021 Six Monthly Progress Report.**

## Executive summary

Council is required to report on its progress against the adopted Delivery Program at least every six months. This report presents progress against the Delivery Program 2017/2021 for the six months to 31 December 2017.

## Disclosure of Interest

Nil.

## Detailed report

Council adopted the 2017/2021 Delivery Program on 21 June 2017.

Section 404 of the *Local Government Act 1993* requires the General Manager to ensure progress reports are provided to Council, with respect to the principal activities detailed in the Delivery Program, at least every 6 months.

## Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

## Strategic implications

**Council Strategies**

The 2017/2021 Delivery Program forms part of Council's Integrated Planning and Reporting documentation.

**Council Policies**

Not Applicable.

**Legislation**

Local Government Act 1993

## Financial implications

Not applicable.

## Associated Risks

Not applicable.

JULIE ROBERTSON  
DIRECTOR DEVELOPMENT

1 February 2018

*Attachments:* 1. Six Monthly Progress Report 2017/18. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 9: Finance

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### 9.1 Name to be included in the Pre-Approved Street/Road Names List

REPORT BY THE PROPERTY SUPPORT OFFICER  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, R0790041 R0790141

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Property Support Officer on the Name to be included in the Pre-Approved Street/Road Names List; and**
  2. **support the name of Knowles for future use in street/road naming.**
- 

#### Executive summary

Street/Road naming submissions are often made by the public that do not relate to a new road or street, or are submitted when there are no new roads or streets being named. A new submission has been received for the name Knowles.

#### Disclosure of Interest

Nil

#### Detailed report

Council, being the Roads Authority, is required to name new or unnamed streets and roads. Street/Road naming submissions are often made by the public that do not relate to a new road or street, or are submitted when there are no roads or streets being named.

Council recently received a submission suggesting a name for consideration when naming streets/roads in the Council area. However, there are currently no roads or streets being named. It is requested that this name be approved for inclusion in Council's Pre-Approved Street/Road Names list for future use.

This name has been approved for use by the Geographical Names Board.

Knowles – for use in the Mudgee area.

## Community Plan implications

<b>Theme</b>	<b>Connecting Our Region</b>
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

## Strategic implications

### Council Strategies

Not Applicable.

### Council Policies

Road Naming Policy

### Legislation

Roads Act 1993

Roads Regulation 2008

Geographical Names Act 1996

Geographical Names Board of NSW Guidelines

## Financial implications

Not Applicable – A short administration process will occur when the name, if approved, is added to the Pre-Approved Names List.

## Associated Risks

Nil

CAROLYN ATKINS  
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

6 February 2018

*Attachments:* 1. Geographical Names Board Approval.  
2. Knowles Submission.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Carolyn Atkins**

---

**From:** Susan Fietz <Susan.Fietz@finance.nsw.gov.au>  
**Sent:** Monday, 5 February 2018 9:26 AM  
**To:** Carolyn Atkins  
**Subject:** Road name pre-approval  
**Attachments:** Knowles Road.pdf

Hi Carolyn

We have received your letter of 25 January 2018, seeking GNB endorsement for a road commemorating Bill Knowles and advise:

Knowles – acceptable and has been added to the pre-approval list subject to an appropriate road type being applied (at the time when a formal submission is made)  
Bill Knowles – not acceptable as per 6.7.5 Acceptable Road Names of the NSW Addressing User Manual, *the use of given or first names in conjunction with a surname is not acceptable for road naming.*

Regards  
Susan

**Susan Fietz**  
Statutory Officer | Geographical Names Board  
Spatial Services | Department of Finance, Services & Innovation  
Tel: (02) 6332 8215  
Email: [susan.fietz@finance.nsw.gov.au](mailto:susan.fietz@finance.nsw.gov.au) | [SS-GNB@finance.nsw.gov.au](mailto:SS-GNB@finance.nsw.gov.au) | [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au)  
346 Panorama Ave Bathurst NSW 2795 | PO Box 143, BATHURST NSW 2795



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Please consider the environment before printing this email



Please find a submission and  
paperwork for road naming.  
Name William ( Bill ) Arthur  
Knowles



**From:** [Carolyn Atkins](#)  
**Date:** 1/08/2017 2:53:03 PM  
**To:** [rachelknowles@bigpond.com](mailto:rachelknowles@bigpond.com)  
**Subject:** RE: Road naming



Hi Rachel,

I am very sorry that Bill is no longer with us. If you wish to make a submission for road naming please write a letter to Council (PO Box 156 MUDGEE NSW 2850) and provide background information as listed below.

Regards

Carolyn

Carolyn Atkins

Property Support Officer  
Mid-Western Regional Council  
t 02 6378 2850 | d 02 6378 2884

f 02 6378 2815 | e [carolyn.atkins@midwestern.nsw.gov.au](mailto:carolyn.atkins@midwestern.nsw.gov.au)

a 86 Market Street | PO Box 156 Mudgee NSW 2850

w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

[facebook](#) | [twitter](#) | [youtube](#)

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**From:**  
[rachelknowles@bigpond.com](mailto:rachelknowles@bigpond.com)

[<mailto:rachelknowles@bigpond.com>]  
**Sent:** Tuesday, 1 August 2017 2:30 PM  
**To:** Carolyn Atkins <[Carolyn.Atkins@midwestern.nsw.gov.au](mailto:Carolyn.Atkins@midwestern.nsw.gov.au)>  
**Subject:** RE: Road naming

HO' how I wish my soul mate was here. He was William Arthur Knowles and he died on the 13th Jan 1999. Very interesting to know it was his uncle that took the photo of the landing of Galipolli and we have a photo on our wall sent to us by Canberra.

-----Original Message-----

**From:** [Carolyn Atkins](#)  
**Date:** 1/08/2017 2:24:51 PM  
**To:** [rachelknowles@bigpond.com](mailto:rachelknowles@bigpond.com)  
**Subject:** RE: Road naming

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From: bigpond (rachelknowles@bigpond.com)  
To:  
Cc:  
Bcc:  
Subject: Fw: Road Naming for Bill

Cc: Bcc:

Picture

### **ROAD NAMING SUBMISSION**

William Arthur Knowles ( Bill ) bought land on Blacksprings road Mudgee from Max and Joy Walker in 1977 and then brought his family to Mudgee and built his home.

Bill started as a licensed handy man and has worked on many of the old homes in Mudgee.

Bill then started his family locksmith business in mudgee as a Master Locksmith and in 1997 Proceeded to put two of his sons through locksmithing via his business and flying them down to Sydney TAFE for 3 years .

Bill was a **King Scout** and when he found out the Mudgee scouts had been non existent For two years he started it up again.

In 1985 Bill set up a scout camp at the back of his property where there was a flag pole And bush kitchen and toilets. He also held week-end camps and parents would bring Along lots of food while the scouters would show their skills to their parents on their skills On many area of scouting and damper making.

In August 1985 Bill took the scouts to compete in the Golden West Area Scout Camp to compete for the Bunyip Shield and took out third place.

In 1987 he ran the first Fun Run for scouts with Les and Ruth McDonald

Bill had a few boys that could not keep up with the teachings and test so he started to mark them on their own abilities and not what the scout books said and this was Taken up by the scout movement.

Bill applied and received a grant and was able to re- paint the scout hall.

In 1987 When Mudgee held a camp for scouts around the world Bill had two German Boys stay with the family ( Olaf and Hiko ) and received a commissioners Appreciation Certificate for his support and friendship for the boys.

Bill has been involved with the Mudgee Salvation Army and spokesperson when attending different organisation. He was a welfare officer in the Mudgee Salvation Army and Accompanied many young people to court.

With the help of monies coming into the Opertunity shop he drew up what was Needed on a emergency trailer and then went down to Sydney to pay and set up the building of it.

In 1990 Bill hooked up the trailer and with a full load of food, clothes and other Much needed items and headed for the town of Nyngan where there was devistaing floods. Bill and another man slept in the car and came back only when he needed to collect more Items for the Nyngan community.

In 1990 Bill was nominated for the local Australia Day award for his contribution to the Mudgee comr

\* Bill was awarded the **King Scout** badge in 1940

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\* Bill was awarded the King Scout badge in 1940

**Bills uncle Sergeant Arthur Henry Joyner of the 1st Division Signals Company  
Was the man who took the photo of the landing of Gallipoli**

\* Bill tried to join the RAAF when world war 2 started and when told he was in a protected industry and wasn't allowed so he kept at them till he got an interview with the labour and industry commissioner Jack Bellamy and at first he said no but Bill kept on at him till at last a hand shake of approval and Bill was off to war joining the RAAF in 77 squadron

At the age of 20 he was sent to P.N.G. To stop the Japanese invasion of Australia.  
He left the RAAF as a Warrant Officer 11

Bill died on the 13th January 1999

Mention Bill Knowles name to any of the older generation in Mudgee and you will get only great respect for this man.

IN CARING

RACHEL KNOWLES

443 SLACKSPRINGS RD

BUDGE BUDGE

2850

02 63733851



BILL KNOWLES UNCLE WAS THE SOLDIER WHO TOOK  
THIS FAMOUS PHOTO AND A COPY WAS GIVEN TO  
CLUB MURDOCH MANY YEARS AGO AND IT IS HANGING  
UPSTAIRS IN THE CLUB

PART OF  
BILL KNOWLES  
LIFE STORY HE  
WROTE FOR  
HIS FAMILY

## ROYAL AUSTRALIAN AIR FORCE AND WAR

I tried twice to join the RAAF but was rejected because I was in a protected industry, then the third time I went in with a letter from the workshop manager (Jack Smith) who was a WW1 veteran and understood how I felt.

**I was actually interviewed by the Labor and Industry Commissioner Jack Bellamy, who said no at first and I told him I would change my name and join the Army... That did it... all he said was 'If I stick to my decision, you will still try won't you?' My answer was 'Yes' He gave me a grin, shook my hand and wished me luck in my RAAF career.... I was on my way.**

I joined on the 10<sup>th</sup> of November 1942 as a wireless mechanic or radio mechanic and spent ten days as a 'Rookie' at Bradfield Park which was a RAAF station 2 AD

In the ten days I spent at Bradfield Park, we learned the fundamentals of RAAF life and discipline and a smart salute was right at the top. After this period, I started an eleven-month intensive course in radio at **Ultimo Technical Collage, which** I enjoyed as I had previously played with radios as a hobby.

Finally, I was posted to Richmond RAAF Base and only stayed there a few days before being posted back to Bradfield Park for embankment to **77 Sqdn. In Milne Bay.**

**So here I was at the age of twenty off to P.N.G. to help stop the Japanese invasion of Australia.**

We shipped out of Townsville on the 'S.S. Anhui' a Chinese Coolie Freighter of 2700 TONS.

**WHAT A TRIP!** 3 days and 3 nights at sea with 2,000 men on board, vomiting everywhere.

I had teamed up with **Rion Vioist** who was 10 years older than me and an announcer with radio **2KY**. He was a well-travelled man and knew a few lurks about sea travel. He taught me the fine art of staying healthy while your ship rolled around in heavy seas. We stayed out of the hammocks, which hung close to the ceilings where the vapors of heat, men living in close-knit conditions and vomit took its daily toll.

Going to the toilet was unusual to say the least. It consisted of placing one's backside on a timber structure, which hung over the side of our ship, closing ones eyes and holding on for dear life. Suffice to say we did not lose one bare bottom.

Rion and I had good health and so we were given jobs in the officers cook house and lived like royals on the best of food.

We arrived in Milne Bay and were welcomed at night by Jap bombers; of course, this was not a surprise as **Tokyo Rose** had told us before hand on the radio. Cluster bombs everywhere!!!!!!! but as our anti air craft guns were in full swing there was not much damage the Japs could do.

We only spent a short time at Milne Bay then we were off to Goodenough Island in the **De'Enteaux** Group about 120 miles southeast of Milne Bay.

On arrival, we moved immediately to a campsite that was part established under the shadow of a three thousand foot mountain. We did not get around to placing our newly acquired radio training into practice as we had little test gear to properly service the HF Transmitters and receivers in our 25 Kitty Hawk P40 fighters.

**Our commanding officer was WING COMMANDER CRESWELL an ace fighter pilot from Darwin and later followed by 'KILLER CALDWELL'**

We had to go up in the Kitty Hawks to fix the radios and keep the communication open and all this while they were zooming in the sky in battle with the Japs. Some times, we could almost touch the ground with our hands the planes flew so close to the ground that eventually I was grounded because my nerves shattered.

Our boys used to go on daylight missions up to **LAE** and **SALAMOA** and some time to **RABAUL**. The yanks had hunted the Japs out of our island and had them on the run up through **NEW BRITAIN**.

As we travelled through the island, we found the Jap's had built airstrips everywhere using slaver native labour. These strips we re- built and used for our own planes and of course the Japs knew where we were and constantly raided us at night which was frustrating because our fighters were not equipped for night flying.

I spent 9 month installing and servicing a field telephone system between 75' 76 and 77 squadron and other units on the island.

After 9 long month we received orders to move the Sqdn. And be on an American LST (Landing Ship Tanker) in 12 hours. The packing was easy but we also had to load 2,000 – 44 gallon drums of aircraft fuel into the hold. My back aches as I think back on this exercise, we had to roll the drums down the beaches and up the ramps into the ships. What was left in camp we buried in the swamps. Except Warrant Officer Grant's gear.

At last we were told where the ship was heading, **MANUS ISLANDS** in the **ADMIRALTY GROUPS**. We had to pass between **PNG** (Paupa New Guinea) and **NEW BRITAIN** through a very narrow strait. This was a dangerous and nerve wrecking maneuver

Because of what was happening at Manus we were diverted and landed with an invasion force on **ADMIRALTY ISLAND** and dug in under fire. We spent 3 long weeks in these trenches with gun fire and shells whizzing every which way until at last the Island was '**cleaned up**'

### **WAR IS OVER AND WE ARE HEADING HOME**

I celebrated my 21st birthday here on Manus Island minus the cake and present for all our parcels had been stored at **MILNE BAY** for 3 months and naturally, everything was bad and moldy.

My 21<sup>st</sup> should have been the high light of my life but for the fact that I contracted Dengue fever and Dysentery and ended up in hospital for a few weeks. I nearly gave up the ghost, just when the nurses thought I had made it along came some bug and latched onto me. One of my feet was swollen and itched constantly for a week.... They never found out what the bug was.

We stayed on at Momote strip for 6 months then once more, we were on the move. This time we flew over to **NOOMFOR ISLAND** off the **North East Coast of Dutch New Guinea**.

The Air Force was refitting the squadron with new crew and Mustangs, ready for the **BORNEO** assault. All our radio gear was changed to **UFH** and completely new to us.

Rion and I set up a 'Radio Station' and broadcast music and news over the camp PA system for a couple of months. I scrounged around everywhere to find wire and bits of anything that we could

use setting up the system. Then it was all over for us, we were posted home.

The flew us down the PNG coast to **MOAMAI** on the first day and then down to **MARKHAM VALLEY** and across to **TOWNSVILLE** in a **C 47 DAKOTA** and then the next day onto **BRISBANE**.

Rion and I decided to go the rest of the way by train. In hindsight, I guess it was to take in the sights of our own homeland and I did feel proud that I was one of the thousands that stopped the bastards from taking over **Australia and enslaving the Australian people**.

**THE YOUNG PEOPLE OF TODAY WILL NEVER REALLY KNOW WHAT KIND OF HELL WORLD WAR 2 WAS AND WITH LUCK AND DETERMINATION OF THOSE HOW BELIEVE IN A FREE COUNTRY.... THEY SHALL NEVER HAVE TO FIND OUT WHAT KILLING IN BATTLE IS ALL ABOUT.**

Some things I will never put to print... these things will stay in my memory forever and I will take to the grave with me.

William Arthur Knowles



8904609

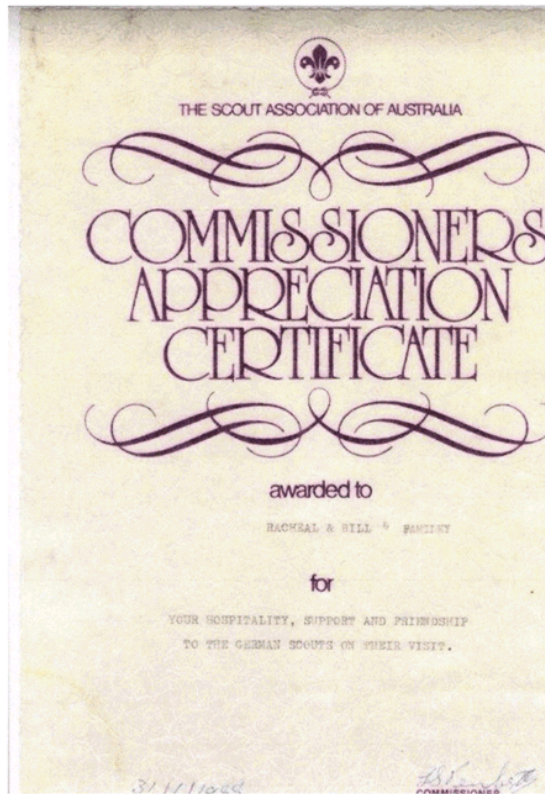
We would like to nominate  
Mr. Bill Knowles for an Australia Day (Mudgee)  
award. His work in the Mudgee community has  
benefited all.

started up the Scout movement 9 yrs ago  
and although retired stayed on to advise + help.  
He has sat on many committees for a 1/2 way  
houses works as a welfare officer for the Salvation  
Army and will go to court with young people so  
they don't feel alone. He and his wife are foster  
parents and will take children into their home  
any time day or night. Mr. Knowles works with  
the E/Services and has worked hard at getting  
for Mudgee an emergency trailer so it can  
be used to feed and care for people fighting  
fires.

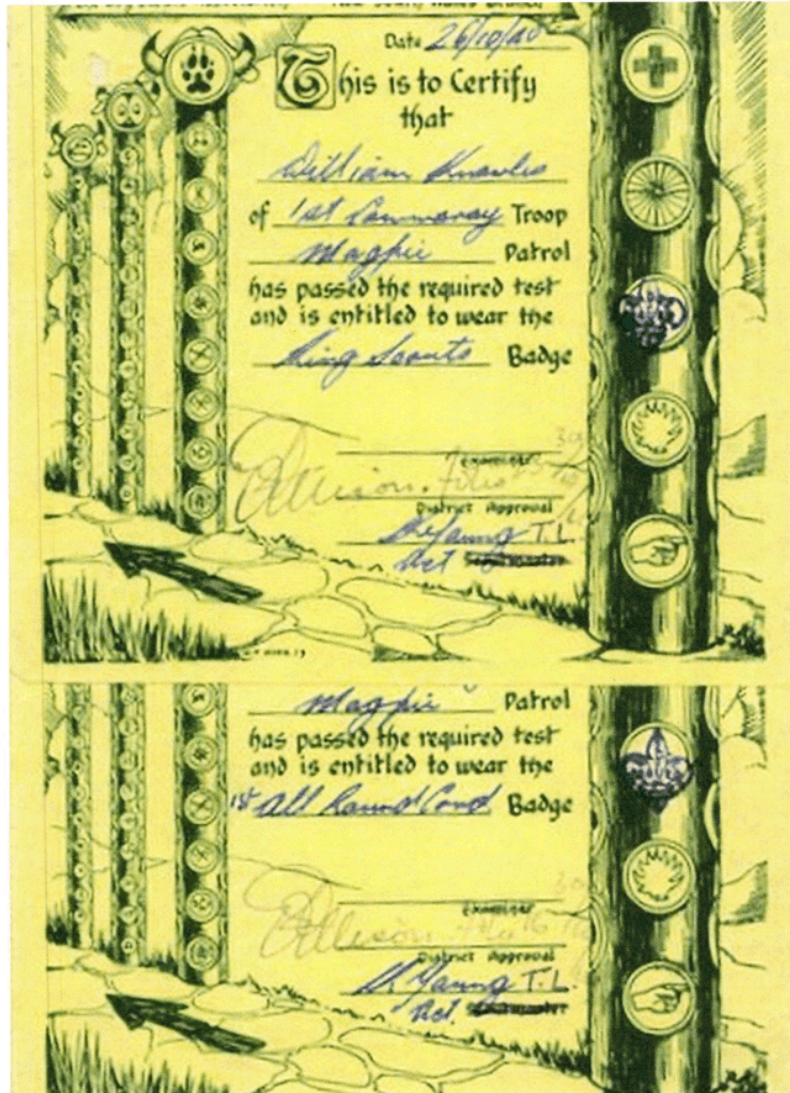
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E. G. Ross  
 Susan Keane  
 Crystal Smith  
 Barbara J. Roberts  
 K. Lindholm  
 Cheryl  
 Myra  
 Rachel Knowles  
 Joyce Gallyer  
 Judy Athol  
 Wendy Norman  
 Elizabeth  
 S. Elliott  
 Maggie  
 Robert Talbot  
 Jonathan Dale  
 Sue Rye  
 V. Malone  
 in minutes  
 Eric Biceau  
 Linda Warry



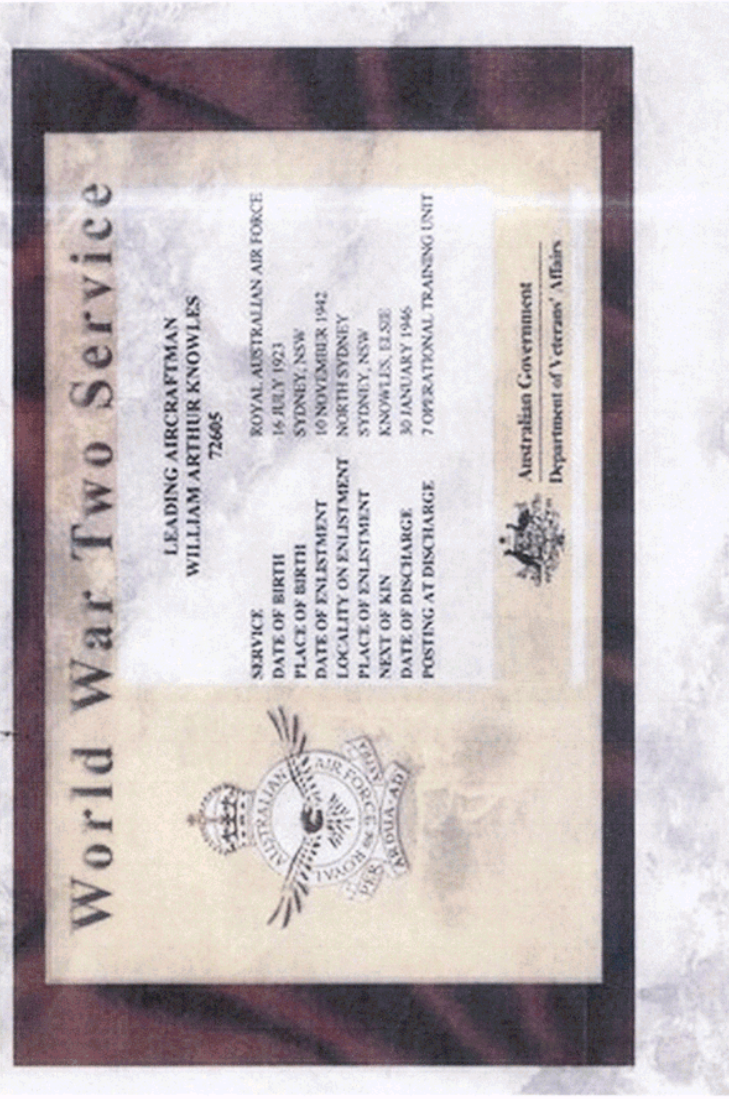


KING SCOUT BILL KNOWLES





\\nominal.koi - Certificate for WILLIAM ARTHUR KNOWLES nsp://www.zf011.gov.au/scripts/veteran\_certificate.asp?vetera



SCOUT CAMP HELD AT SCOUT LEADER BILL KNOWLES

PROPERTY

BUDGEE

BUDGEE



Friday, August 16, 1985

## SCOUT CAMP

The Golden West Area Scout Camp was held at Tarana (near Bathurst) on August 3 and 4.

Six patrols competed for the Bunyip Shield which Mudgee has held for 2 years.

The patrols came from Narromine, Wellington, Trangie, Coonabarabran, Bathurst and Mudgee and competed in all kinds of activities and camperaft.

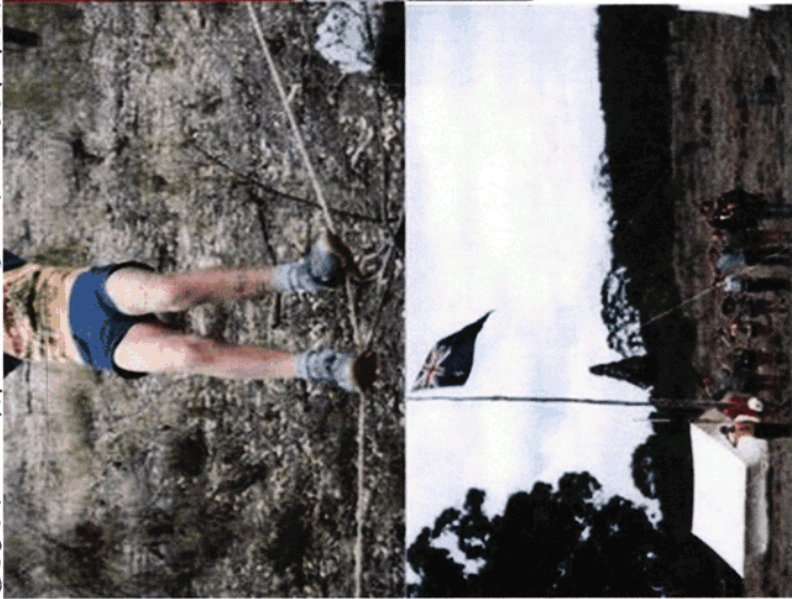
This year the shield was won by Coonabarabran with Trangie second and Mudgee third.

The Mudgee Patrol consisted of Patrol Leader Jason Berger, APL Robbie Russell and Scouts John O'Sullivan, Evan Thompson, Carl Radawycz and David Parsons with Leaders Hein Radawycz and Bill Knowles.

Despite the cold conditions all the patrols had a good time and learned more about camping.

Congratulations Coonabarabran for keeping the Shield in the Mid Western District.

SCOUT CAMP HELD AT SCOUT LEADERS BILL KNOWLES PROPERTY AT  
BUDGES  
BUDGES





IMPORTANT DATES TO REMEMBER	
JANUARY	APRIL 5th Combined Sports. 12th Scouting D'OOO
	22nd MUDGEE AGM 25th ANZAC DAY
FEBRUARY	MAY 3RD FUN RUN
8th Scouting D'OOO 22nd Founder Day (Gulgong)	16-17 PL + RPL (MUDGEE HALL)
Sept 1 + 3rd ORANGE 7/11	30th DISTRICT AGM (Gulgong) (HAM MUDGEE RSL)
MARCH	6th Gulgong Foundation 13th 1+3A DUBBO
28/29 BUSHWALK N' BUNDLES	27th Scouting <del>at</del> 6/7th Gulgong Camp 29th Fun Day Mudgee
JULY	OCTOBER
	1st JobNacks Start 15-18 District camp (area) 17-18 Six 18a Camp Ecotals. 25th Scouting B'ambel
AUGUST	NOVEMBER
1+2 Budyid (GULGONG) 14 2 Stage 1+3A CIBAN.	29th hamfest picnic
23RD SCOUTING <del>at</del>	DECEMBER 6th Scouting Gulgong
SEPTEMBER	
19-20 Cub Pack Holiday Gulgong	

KING SCOUT LEADER Bill KNOWLES PART OF HIS DIARY

TWO MASCOTS AT  
SCOUT CAMP BUDGE BUDGE



1987  
SCOUT FUN RUN  
WITH LES + RUTH  
MCDONALD  
+  
CUB LEADER  
MIKE BEEKUS



KING SCOUT BILL KNOWLES  
IN MOOSE SCOUT HALL



1990  
NYNCAN  
FLOODS  
  
BILL KNOWLES  
+  
FRANK ROBINSON  
DROVE SALVATION ARMY  
EMERGENCY TRAILER  
TO FEED NYNCAN  
PEOPLE + RESCUERS

Schools cricket team which were the Mudgee High School Girls Cricket team to victory in the Marie Cornish trophy.

The other six nominees for this award were: Allan Pattallo (rodeo), Karla Mole (athletics and netball), Corey Underwood (junior league), John Newman (sportsmaster at Mudgee High School), Robin Van Der Wegen (endurance riding) and Nikki Sebelic (athletics).

Three nominations were collected for the Arts award and the popular winner was Mr Norm McVicker who has worked so hard to restore and preserve the Eurunderree School.

Mr McVicker was nominated by the Eurunderree Provisional School Committee which he formed to realise his dream of bringing the school Henry Lawson attended back to its former glory.

Cr Cox said that the amount of work Mr McVicker had put into the project had been magnificent.

Mr McVicker was modest when he received his award and said, "This is not just an award for me, it is for all the people who helped with the Eurunderree School".

He later thanked the Guardian which was the major media outlet he used for publicity.

Mr and Mrs Bob Roberts and Mrs Heather Rushion were the other nominees for this award.

Before the ceremonies broke up for lunch, the crowd was once again treated to Mrs Griffith's voice, this time she sang a medley of "I Still Call Australia Home", "Waltzing Matilda" and "Advance Australia Fair".

After lunch, the Folklore Fun Fossil winners were announced and they read out their entries.

12 THE MUDGEE GUARDIAN TUESDAY, JANUARY 30, 1990

The audience sat in the natural amphitheatre in the grounds of the Eurunderree School to watch the entertainment.

To make the world nicer because you are here.

Today is a good time to be truly thankful for all of the good things you really have got.

To think and determine, just what you can do.

For all of the others who maybe have to try.

Today is a good time to be warm and to make life around us seem happy and fun.

To give life a meaning, to demonstrate truly.

That honesty, kindness and true joy are one.

Then everyone was treated to the first ever showing of "The Legend That Is Lawson", a collection of poems, prose, newspaper articles and music which Mr Henry McVicker had combined to tell the story of Henry Lawson.

Mr Griffith said, it was "a marvellous way to start our Australia Day".

Just before Cr Cox gave out the Shire Australia Day awards, Mrs Grace Griffith sang Advance Australia Fair, backed by Mr Jose Grace, the owner of the new Lawson Hill Winery.

When Cr Cox introduced the awards, he said "Australia has had a fairly poor record of national pride in the past.

He advised all present to "take a deep breath and blow out our chests in pride".

Mr Norm McVicker was awarded the Shire Arts award for his work on "the old bark school".

"This is God's own country," he said, "and we should pay tribute to our pioneers who laid the foundation for our life here."

"We have a lifestyle that is the envy of people throughout the world, and many people are making Australia the home for their new life," he said.

In reading out the nominations for the Shire Citizen of the Year, the Sports award and the Arts award, Cr Cox said that although choosing the person in each category was difficult, the decisions were unanimous.

The committee who chose the winners were Mr Beverly Ingham from CWA, Mr Bob Crooks (Lions Club), Mr Maurice Gaudry (Gulgong Chamber of Commerce), Mr Jim Gilby (Sports Council) and Cr Bill Cox (Mudgee Shire Council).

Mr Eric Redington was awarded the title of Citizen of the Year.

There were 15 nominations in this category, the other nominees were: Mrs Mabel Hosking, Mrs Nellie Coombs, Mr Max Lock, Mrs Millie Chun, Mr Max Rayner Snr, Mr Leo O'Connor, Mr John McEwen, Mr Errol Grievess, Mr Peter Lyons, Mr Steve Russell, Mrs Rachel Knowles, Mr Paul Kinnaird, Mr Bill Knowles and Mr John Chapman.

by Lynda Fallon

← BILL KNOWLES  
NOMINATED FOR  
LOCAL AUSTRALIAN  
AWARD FOR  
WORK IN COMMUNITY

## 9.2 Community Grants Program Applications - Quarter 3

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, FIN300138

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Financial Planning on the Community Grants Program Applications - Quarter 3;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Program Policy, subject to those requirements being met;**

<b>Mudgee District U3A</b>	<b>\$ 170</b>
<b>Mudgee Fine Food Inc.</b>	<b>\$2,000</b>
<b>Mudgee and District Relay for Life</b>	<b>\$2,676</b>

3. **do not provide financial assistance to the following applicants, for the reasons provided in the report;**

**Running Stream Recreation Reserve Trust  
Mudgee Tennis Club  
Vision Australia – Black & White Committee**

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### Executive summary

This report considers requests for financial assistance under Council's Community Grants Program Policy.

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan.

All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation
- Level of consultation and collaboration with other local groups
- Organisational capacity to deliver the program or project

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request.

A summary of each application is shown below, together with panel recommendations.

Applicant	Project/ Activity	Total Project Cost \$	Funding Request \$	Recommended Funding \$	Total Score out of 12
<b>Running Stream Recreation Reserve Trust</b>	Repairs to Running Stream Reserve Trust School Building	4,000	3,000	0	3
<b>Mudgee District U3A Inc.</b>	Enrolment / Showcase Day	170	170	170	11
<b>Mudgee District Tennis Club</b>	Clubhouse Upgrades	12,000	10,000	0	10
<b>Mudgee Fine Foods</b>	Farm Gate & Foodie Trail	7,650	3,300	2,000	8
<b>Vision Australia – Mudgee Black &amp; White Committee</b>	St Patrick's Day Luncheon	1,152	1,150	0	3
<b>Mudgee &amp; District Relay for Life</b>	2018 Relay for Life	2,676	2,676	2,676	11

**Disclosure of Interest**

Nil.

**Detailed Report**

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

### Running Stream Recreation Reserve Trust

The Running Stream Recreation Reserve Trust hosts a local kids club, which caters for up to 10 children, meeting on a weekly basis. The Reserve Trust School building has fallen into disrepair and requires maintenance to the exterior of the building to combat termite damage.

The Running Stream Recreation Reserve Trust requests funding for the amount of \$3,000 to assist with the rectification work.

**1** ★*Benefits and link to the community plan***1** ★*Amount of resident participation***0***Consultation and collaboration with other local groups***1** ★*Capacity to deliver the program or project***NOT RECOMMENDED**

Whilst the application discusses the local kids club, upon further inspection it is noted that another venue of the reserve trust is being utilised for this service. The required funding is therefore to be used for the asset maintenance.

Council acknowledges the importance of the significant historical value of the Running Stream Recreation Reserve Trust School Building, however feel grant funding already applied for through Crown Lands meets these requirements more soundly.

### Mudgee District U3A Inc.

The Mudgee District U3A is a self-help group built on the premise that collectively older people have the skills and knowledge to provide learning opportunities for themselves. Membership helps promote health and wellbeing and encourages healthy lifestyles.

The official enrolment day was held on 13 January 2018 at Council's Stables. Mudgee District U3A request a reimbursement of the hire of the stables building, at a cost of \$170.

**3** ★★ ★*Benefits and link to the community plan***2** ★★*Amount of resident participation***3** ★★ ★*Consultation and collaboration with other local groups***3** ★★ ★*Capacity to deliver the program or project*

**RECOMMENDATION**

**\$170**

*Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community.*

*Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles.*

*Link to Community Plan: 1.4.2 Supports arts and cultural development across the Region.*

*Mudgee District Tennis Club*

The Mudgee District Tennis Club (MDTC) are requesting funds towards the upgrade of the kitchen facilities at the tennis clubhouse. Up until the last few years MDTC Clubhouse has been made available for use by community groups and parties, once the Clubhouse is back up to standard, MDTC would like to again make it available for use by community groups, and this may be for regular meetings or one off events.

The club has 250 members and numerous non-members that regularly use the clubhouse facilities.

MDTC request \$10,000 financial assistance to undertake the clubhouse kitchen upgrade.

**3** ★★ ★

*Benefits and link to the community plan*

**2** ★★

*Amount of resident participation*

**2** ★★

*Consultation and collaboration with other local groups*

**3** ★★ ★

*Capacity to deliver the program or project*

**NOT RECOMMENDED**

Although this project demonstrates significant benefits to the community, Council has already committed to provide funding of \$20,000 each year for four years through the Operational Plan 2017/18 & Delivery Program 2017/2021. This funding was in response to a budget submission for assistance towards MDTC's capital works program that included upgrades to the kitchen area.

Given the above, staff do not recommend providing additional funding from the Community Grants Program.

*Mudgee Fine Foods Inc.*

Mudgee Fine Foods are proposing the creation of an A5 sized Farm Gate & Foodie Trail brochure for distribution to locals and tourists. This handy booklet will target establishments offering and promoting local food produce. Along with local produce, farm gate experiences will round out the concept.

Mudgee Fine Foods Inc. request \$3,300 towards the production and distribution of the brochure.

- 2 ★★  
*Benefits and link to the community plan*
- 3 ★★★  
*Amount of resident participation*
- 1 ★  
*Consultation and collaboration with other local groups*
- 2 ★★  
*Capacity to deliver the program or project*

**RECOMMENDATION** **\$2,000**

*Link to Community Plan: 3.2.1 Promote the Region as a great place to live, work, invest and visit.*

*Vision Australia – Mudgee Black & White Committee*

The Mudgee Black & White Committee is once again hosting their annual St Patrick’s Day luncheon on the 17 March. This function aims to raise money for the vision impaired in the Mudgee and surrounds.

The Mudgee Black & White committee has requested \$1,150 donation towards the expenses incurred hosting this annual event.

- 0  
*Benefits and link to the community plan*
- 2 ★★  
*Amount of resident participation*
- 0  
*Consultation and collaboration with other local groups*
- 1 ★  
*Capacity to deliver the program or project*

**NOT RECOMMENDED**

Funds raised through this event are donated directly to Vision Australia. Whilst there are a number of vision impaired in the region, it is not in line with the goals & criteria of the Community Grants Program to donate to national fundraising corporations without the event linking specifically to local Community Plan outcomes.

*Mudgee and District Relay for Life*

The Mudgee and District Relay for life will once again host the annual Cancer Council’s Relay for Life 24 hour event, which raises money for cancer research, prevention, support, and advocacy.

Mudgee and District Relay for Life request in-kind support to the total value of \$2,676, which will cover:

Major event facility hire	\$1,600
Use of illuminators	\$ 100
Provision for waste collection	\$ 976



- 2 ★★  
*Benefits and link to the community plan*
- 3 ★★★  
*Amount of resident participation*
- 3 ★★★  
*Consultation and collaboration with other local groups*
- 3 ★★★  
*Capacity to deliver the program or project*

**RECOMMENDATION**

**\$2,676**

*Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles.*

Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

Strategic implications

**Council Strategies**

Not applicable

**Council Policies**

Recommendations are made under the Community Grants Program Policy.

**Legislation**

In accordance with the *Local Government Act 1993 Section 356* granting of financial assistance must be in accordance with a Council resolution.

Financial implications

Funding of \$120,000 is provided in the Operational Plan for Financial Assistance. \$83,309 has already been allocated, leaving a balance of \$36,691.

Should Council approve the recommendations in this report, a balance of \$31,845 will remain.

Associated Risks

Not applicable.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

6 February 2018

- Attachments:*
1. Community Grant Application - Running Stream. (separately attached)
  2. Community Grant Application - Mudgee U3A. (separately attached)
  3. Community Grant Application - Mudgee District Tennis Club. (separately attached)
  4. Community Grant Application - Mudgee Fine Foods Inc.. (separately attached)
  5. Community Grant Application - Vision Australia Black & White Committee. (separately attached)
  6. Community Grant Application - Relay for Life. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.3 Registration of Lease in accordance with Real Property Act 1900 - Lot 1 DP1016478

REPORT BY THE REVENUE AND PROPERTY MANAGER  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, P1253811

### RECOMMENDATION

#### That Council:

1. **receive the report by the Revenue and Property Manager on the Registration of Lease in accordance with Real Property Act 1900 - Lot 1 DP1016478;**
2. **consent to formalise the Lease agreement in relation to Allotment 1 DP1016478, as appended in the Confidential Section of this Business Paper, with the new lessee; and**
3. **consent to the registration of the lease on the Title of Allotment 1 DP1016478 in accordance with the requirements of the Real Property Act 1900; and**
4. **authorise the Mayor and General Manager to sign all documentation necessary to effect the completion of the Lease agreement in relation to Allotment 1 DP1016478; and**
5. **authorise the Common Seal of Council to be affixed to all documentation necessary to effect the completion of the Lease agreement in relation to Allotment 1 DP1016478.**

---

### Executive summary

The purpose of this Report is to obtain a resolution to formalise and register the lease agreement between Council and the new lessee for the occupation of Lot 1 DP1016478 (the Lot) at 105 Spring Creek Road Gulgong.

### Disclosure of Interest

Nil

### Detailed report

Council owns the Lot, being 35 ha, at 105 Spring Creek Road Gulgong. The Lot is classified as *Operational* land in accordance with Sec 25 Local Government Act 1993.

The Lot forms part of the Gulgong Sewerage Treatment Plant operations where Council is permitted to reuse treated effluent on the Lot subject to EPA Licence 5808 conditions. To achieve the reuse, the Lot is leased to enable the utilisation of the available water in the recycled effluent storage dam to be irrigated for the purpose of fodder production and stock grazing by the lessee.

Facilitated by the delegated authority of the General Manager, a lease agreement has been negotiated for a period of five (5) years with a new lessee to continue to irrigate the Lot with the treated effluent to produce fodder and run stock. The agreement is appended in the Confidential section of the Business Paper.

Section 53 of the *Real Property Act 1900 (NSW)* requires leases for a term exceeding 3 years to be registered on the Title of the Lot. There is no adverse implication to Council in relation to the registration.

To finalise the legalities of the agreement process, it is recommended that Council give its consent to the registration of the lease on the Title of the Lot.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Leasing & Licencing of Council Property

### Legislation

Section 53 of the *Real Property Act 1900 (NSW)* requires leases for a term exceeding 3 years to be executed in the approved form. The combined effect of section 53 and section 41(1) (which provides that unregistered dealings pass no interest in the land) is that legal leases of Torrens title land for terms of more than three years are created by the registration of the approved form of lease.

The NSW Land Registry Services *Registrar General's Guidelines* is also referenced for providing information about legislation and other requirements relating to leases intended for registration with NSW Land Registry Services.

Local Government Act 1993 - Sec 377, Delegation to the General Manager.

## Financial implications

The Lease agreement provides that the Lessee is responsible for the payment of Land & Property Information fees on the lodgement of the Lease for registration by Council.

The 2017/18 Operational Plan will be reviewed and amended as required, for the re-negotiated lease amount, during the March 2018 Quarterly Budget Review.

## Associated Risks

Nil

DIANE SAWYERS  
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

6 February 2018

*Attachments:* 1. Lease Agreement. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.4 Quarterly Budget Review Statement December 2017

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, FIN300117

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Financial Planning on the Quarterly Budget Review Statement December 2017;
2. amend the 2017/18 Operational Plan in accordance with the proposed variations as listed in the Quarterly Budget Review attachment to this report; and
3. note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council, based upon the revised estimates of income and expenditure.

---

### Executive summary

This report, with its incorporated attachment, makes up the December 2017 Quarterly Budget Review Statement of the 2017/18 Operational Plan. Proposed budget variations to the Operational Plan with relevant financial implications are included in the attachment.

### Disclosure of Interest

Nil.

### Detailed report

The Quarterly Budget Review Statement presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of council's progress against the operational plan and the last revised budget along with recommended changes and reasons for major variances.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

The recommendation if approved will amend the 2017/18 Operational Plan. In accordance with the Delivery Program 2017/21 a comprehensive Quarterly Budget Review reporting is required to be completed within two months of period end.

**Council Policies**

Not applicable.

**Legislation**

Clause 203 of the Local Government (General) Regulation 2005 requires that:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by: (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and (b) if that position is unsatisfactory, recommendations for remedial action.
- (3) A budget statement must also include any information required by the Code to be included in such a statement.

Financial implications

Approval of all the proposed budget variations to the Operational Plan in this report will have the following impact on Council's projected cash balances:

Funding Source	Movement
Asset Replacement Reserve	-\$ 30,000
Plant Replacement Reserve	\$ 220,038
Unrestricted Cash	\$ 209,056
Voluntary Planning Agreements	\$ 7,223
Water Reserves	\$ 300,000
Unspent Grants	-\$ 93,742
Capital Reserve	-\$ 11,900
Developer Contributions	\$ 375,000
Saleyards Unrestricted Cash	\$ 8,700
Ulan Road Reserve	\$ 83,100
<b>Grand Total</b>	<b>\$ 1,067,474</b>

The proposed variations have a small positive impact on the following financial ratios for 2017/18. Page 21-23 of the attachment shows the projected movement in each ratio.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2017/18	✓	✓	✓
Future Years	-	-	-

Certification

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

*It is my opinion that the December Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2018 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2017/18 financial year.*

Associated Risks

Approval of the budget variations proposed in this report are required in order to meet some project deadlines. Should the variations not be approved there is a risk of losing grant funding and delays in project commencement.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

7 February 2018

*Attachments:* 1. Quarterly Budget Review Statement December 2017. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 9.5 Monthly Statement of Investment and Bank Balances as at 31 December 2017

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, FIN300053

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 December 2017; and**
2. **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

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 December 2017.

### Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
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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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### Strategic implications

#### Council Strategies

Not applicable.

#### Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

#### Legislation

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.

## Financial implications

Not applicable.

## Associated Risks

There are inherent risks in investing funds across different platforms, which have the possibility of impacting Council investments. However, the parameters of the Investment Policy have been developed to reduce risk, as much as possible, and are designed to heavily protect capital investment. The higher risk items are that return on investment will not be as high as anticipated, or in very bad economic environments (e.g. Global Financial Crisis) there may be no return on investment – this risk is low, and monthly reporting to Council helps to mitigate investment risk by providing a probity process.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

8 January 2018

*Attachments:* 1. Investment and Cash Balances 31 December 2017.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Investment Register as at 31 December 2017**

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
NAB (Cheque Account)	179,789	12,706,714	12,889,709	(3,207)	700,000

The bank balances have been reconciled to the General Ledger as at 31/12/2017

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
National Australia Bank	At Call	3,553	1.90%	NA	At Call	AA-
National Australia Bank	Term Deposit	1,600	2.55%	21/03/2018	259	AA-
National Australia Bank	Term Deposit	3,000	2.66%	26/09/2018	370	AA-
National Australia Bank	Term Deposit	1,800	2.57%	5/09/2018	322	AA-
National Australia Bank	Term Deposit	1,500	2.54%	14/11/2018	350	AA-
St George Bank	Term Deposit	2,500	2.60%	24/01/2018	238	AA-
St George Bank	Term Deposit	1,000	2.65%	30/05/2018	364	AA-
St George Bank	Term Deposit	2,500	2.60%	21/02/2018	259	AA-
St George Bank	Term Deposit	2,500	2.60%	28/03/2018	292	AA-
St George Bank	Term Deposit	1,500	2.60%	7/02/2018	238	AA-
St George Bank	Term Deposit	1,500	2.55%	7/03/2018	252	AA-
St George Bank	Term Deposit	1,000	2.61%	11/07/2018	364	AA-
St George Bank	Term Deposit	1,600	2.60%	18/04/2018	259	AA-
St George Bank	Term Deposit	1,000	2.61%	2/05/2018	259	AA-
St George Bank	Term Deposit	1,300	2.60%	3/10/2018	322	AA-
Bankwest	Term Deposit	1,700	2.55%	10/01/2018	238	AA-
CBA	Term Deposit	2,000	2.55%	24/04/2018	300	AA-
CBA	Term Deposit	1,500	2.55%	4/04/2018	247	AA-
CBA	Term Deposit	2,000	2.58%	25/07/2018	359	AA-
CBA	Term Deposit	1,500	2.57%	16/05/2018	266	AA-
CBA	Term Deposit	1,500	2.65%	16/05/2018	259	AA-

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
CBA	Term Deposit	1,700	2.65%	13/06/2018	287	AA-
CBA	Term Deposit	2,500	2.60%	27/06/2018	293	AA-
CBA	Term Deposit	1,000	2.61%	11/07/2018	307	AA-
CBA	Term Deposit	1,000	2.61%	29/08/2018	356	AA-
CBA	Term Deposit	1,000	2.63%	8/08/2018	314	AA-
Suncorp Metway	Term Deposit	2,500	2.55%	28/11/2018	357	A+
AMP	Term Deposit	1,000	2.60%	26/04/2018	269	A
AMP	Term Deposit	1,000	2.60%	2/05/2018	266	A
ING Bank	Term Deposit	1,000	2.65%	30/05/2018	357	A
ING Bank	Term Deposit	1,000	2.92%	2/10/2019	720	A
Bank of Queensland	Term Deposit	1,300	2.60%	22/08/2018	315	BBB+
Bank of Queensland	Term Deposit	1,000	2.60%	8/08/2018	287	BBB+
Bendigo & Adelaide Bank	Term Deposit	1,300	2.65%	31/10/2018	364	BBB+
Bank Australia	Term Deposit	1,000	2.80%	25/07/2018	322	BBB
Credit Union Australia	Term Deposit	1,000	2.60%	31/10/2018	343	BBB
Defence Bank	Term Deposit	1,500	2.65%	19/09/2018	322	BBB
Members Equity Bank	Term Deposit	2,000	2.56%	17/10/2018	329	BBB
TCorp - Medium Term Growth Fund	Managed Fund	4,032				TCorp (Unrated)
TCorp - Cash Fund	Managed Fund	1,675				TCorp (Unrated)
<b>Total Investments</b>		<b>66,560</b>				

Limit Compliance as at 31 December 2017

Investments by Institution	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-	11,453	17%	30%
Bankwest	AA-	1,700	3%	30%
St George Bank	AA-	16,400	25%	30%
CBA	AA-	15,700	24%	30%
Suncorp Metway	A+	2,500	4%	15%
AMP	A	2,000	3%	15%
ING Bank	A	2,000	3%	15%
Bank of Queensland	BBB+	2,300	3%	5%
Bendigo & Adelaide Bank	BBB+	1,300	2%	5%
Bank Australia	BBB	1,000	2%	5%
Credit Union Australia	BBB	1,000	2%	5%
Defence Bank	BBB	1,500	2%	5%
Members Equity Bank	BBB	2,000	3%	5%
TCorp - Medium Term Growth Fund	TCorp (Unrated)	4,032	6%	15%
TCorp - Cash Fund	TCorp (Unrated)	1,675	3%	15%
		<b>66,560</b>	<b>100%</b>	

Investments by S&P Rating	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
	AAA to AA-	45,253	68%	100%
	A+ to A-	6,500	10%	40%
	BBB+ to BBB-	9,100	14%	20%
	TCorp (Unrated)	5,707	9%	15%
	Unrated	-	0%	\$ 250,000
		<b>66,560</b>	<b>100%</b>	

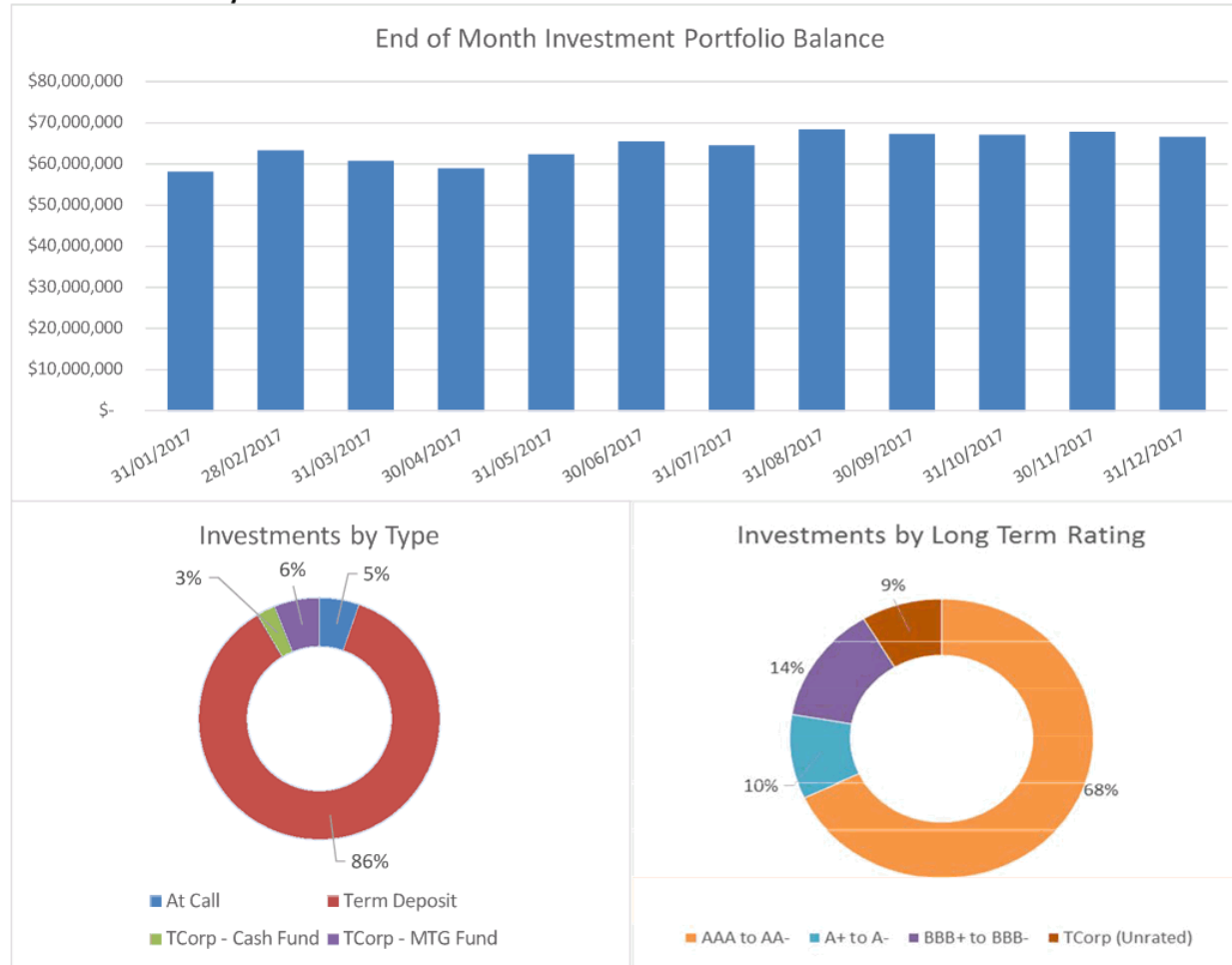
Term to Maturity	Amount \$'000	Actual	% of Portfolio	
			Cumulative Actual	Cumulative Minimum
Less than 3 months	23,060	35%	35%	20%
Between 3 months and 1 year	42,500	64%	98%	40%
Between 1 year and 2 years	1,000	2%	100%	50%
Between 2 years and 4 years	-	0%	100%	85%
More than 5 years	-	0%	100%	0%
	<b>66,560</b>	<b>100%</b>		

#### Monthly Investment Portfolio Activity

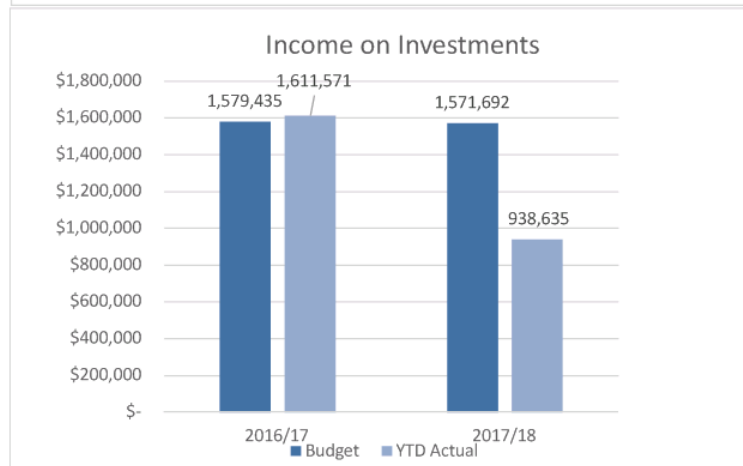
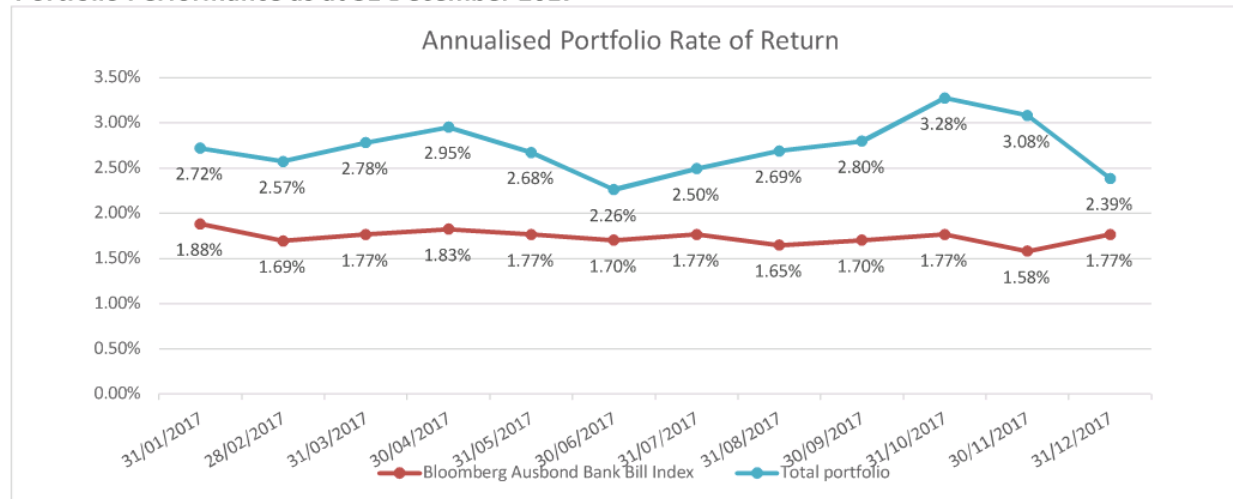
The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
NAB (At call account)	3,027		3,553			
TCorp - Cash Fund	1,672		1,675			
TCorp - Medium Term Growth Fund	4,032		4,032			
Suncorp Metway			2,500	New Deposit		2.55%
St George Bank	1,800	1,800		Redeemed		
Bankwest	1,500	1,500		Redeemed		
AMP	1,000	1,000		Redeemed		
	<b>13,032</b>		<b>11,760</b>			
Investment Portfolio Movement			(1,272)	Reduction		

**Portfolio Summary as at 31 December 2017**



**Portfolio Performance as at 31 December 2017**





## 9.6 Monthly Statement of Investment and Bank Balances as at 31 January 2018

REPORT BY THE MANAGER FINANCIAL PLANNING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, FIN300053

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 January 2018; and**
2. **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

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 January 2018.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not applicable.

#### Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

#### Legislation

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.

## Financial implications

Not applicable.

## Associated Risks

There are inherent risks in investing funds across different platforms, which have the possibility of impacting Council investments. However, the parameters of the Investment Policy have been developed to reduce risk, as much as possible, and are designed to heavily protect capital investment. The higher risk items are that return on investment will not be as high as anticipated, or in very bad economic environments (e.g. Global Financial Crisis) there may be no return on investment – this risk is low, and monthly reporting to Council helps to mitigate investment risk by providing a probity process.

NEIL BUNGATE  
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON  
CHIEF FINANCIAL OFFICER

5 February 2018

*Attachments:* 1. Investment Balances 31 January 2018.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

For the month ended: 31/01/2018

**Investment Register as at 31 January 2018**

Bank Account	Opening Balance	Receipts	Payments	Closing Balance	Overdraft Limit
NAB (Cheque Account)	(3,207)	14,438,342	14,395,022	40,113	700,000

The bank balances have been reconciled to the General Ledger as at 31/01/2018

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
National Australia Bank	At Call	1,754	1.90%	NA	At Call	AA-
National Australia Bank	Term Deposit	1,600	2.55%	21/03/2018	259	AA-
National Australia Bank	Term Deposit	3,000	2.66%	26/09/2018	370	AA-
National Australia Bank	Term Deposit	1,800	2.57%	5/09/2018	322	AA-
National Australia Bank	Term Deposit	1,500	2.54%	14/11/2018	350	AA-
St George Bank	Term Deposit	1,000	2.65%	30/05/2018	364	AA-
St George Bank	Term Deposit	2,500	2.60%	21/02/2018	259	AA-
St George Bank	Term Deposit	2,500	2.60%	28/03/2018	292	AA-
St George Bank	Term Deposit	1,500	2.60%	7/02/2018	238	AA-
St George Bank	Term Deposit	1,500	2.55%	7/03/2018	252	AA-
St George Bank	Term Deposit	1,000	2.61%	11/07/2018	364	AA-
St George Bank	Term Deposit	1,600	2.60%	18/04/2018	259	AA-
St George Bank	Term Deposit	1,000	2.61%	2/05/2018	259	AA-
St George Bank	Term Deposit	1,300	2.60%	3/10/2018	322	AA-
CBA	Term Deposit	2,000	2.55%	24/04/2018	300	AA-
CBA	Term Deposit	1,500	2.55%	4/04/2018	247	AA-
CBA	Term Deposit	2,000	2.58%	25/07/2018	359	AA-
CBA	Term Deposit	1,500	2.57%	16/05/2018	266	AA-
CBA	Term Deposit	1,500	2.65%	16/05/2018	259	AA-
CBA	Term Deposit	1,700	2.65%	13/06/2018	287	AA-

Investments	Type	Amount \$'000	Yield %	Maturity Date	Term	Long Term Rating
CBA	Term Deposit	2,500	2.60%	27/06/2018	293	AA-
CBA	Term Deposit	1,000	2.61%	11/07/2018	307	AA-
CBA	Term Deposit	1,000	2.61%	29/08/2018	356	AA-
CBA	Term Deposit	1,000	2.63%	8/08/2018	314	AA-
CBA	Term Deposit	1,500	2.67%	12/12/2018	336	AA-
CBA	Term Deposit	1,500	2.67%	19/12/2018	343	AA-
Suncorp Metway	Term Deposit	2,500	2.55%	28/11/2018	357	A+
AMP	Term Deposit	1,000	2.60%	26/04/2018	269	A
AMP	Term Deposit	1,000	2.60%	2/05/2018	266	A
ING Bank	Term Deposit	1,000	2.65%	30/05/2018	357	A
ING Bank	Term Deposit	1,000	2.92%	2/10/2019	720	A
Bank of Queensland	Term Deposit	1,300	2.60%	22/08/2018	315	BBB+
Bank of Queensland	Term Deposit	1,000	2.60%	8/08/2018	287	BBB+
Bendigo & Adelaide Bank	Term Deposit	1,300	2.65%	31/10/2018	364	BBB+
Bank Australia	Term Deposit	1,000	2.80%	25/07/2018	322	BBB
Credit Union Australia	Term Deposit	1,000	2.60%	31/10/2018	343	BBB
Defence Bank	Term Deposit	1,500	2.65%	19/09/2018	322	BBB
Members Equity Bank	Term Deposit	2,000	2.56%	17/10/2018	329	BBB
TCorp - Medium Term Growth Fund	Managed Fund	4,049				TCorp (Unrated)
TCorp - Cash Fund	Managed Fund	1,678				TCorp (Unrated)
<b>Total Investments</b>		<b>63,581</b>				

Limit Compliance as at 31 January 2018

Investments by Institution	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
National Australia Bank	AA-	9,654	15%	30%
St George Bank	AA-	13,900	22%	30%
CBA	AA-	18,700	29%	30%
Suncorp Metway	A+	2,500	4%	15%
AMP	A	2,000	3%	15%
ING Bank	A	2,000	3%	15%
Bank of Queensland	BBB+	2,300	4%	5%
Bendigo & Adelaide Bank	BBB+	1,300	2%	5%
Bank Australia	BBB	1,000	2%	5%
Credit Union Australia	BBB	1,000	2%	5%
Defence Bank	BBB	1,500	2%	5%
Members Equity Bank	BBB	2,000	3%	5%
TCorp - Medium Term Growth Fund	TCorp (Unrated)	4,049	6%	15%
TCorp - Cash Fund	TCorp (Unrated)	1,678	3%	15%
		<b>63,581</b>	<b>100%</b>	

Investments by S&P Rating	Long Term Rating	Amount \$'000	% of Portfolio	
			Actual	Policy Limit
	AAA to AA-	42,254	66%	100%
	A+ to A-	6,500	10%	40%
	BBB+ to BBB-	9,100	14%	20%
	TCorp (Unrated)	5,727	9%	15%
	Unrated	-	0%	\$ 250,000
		<b>63,581</b>	<b>100%</b>	

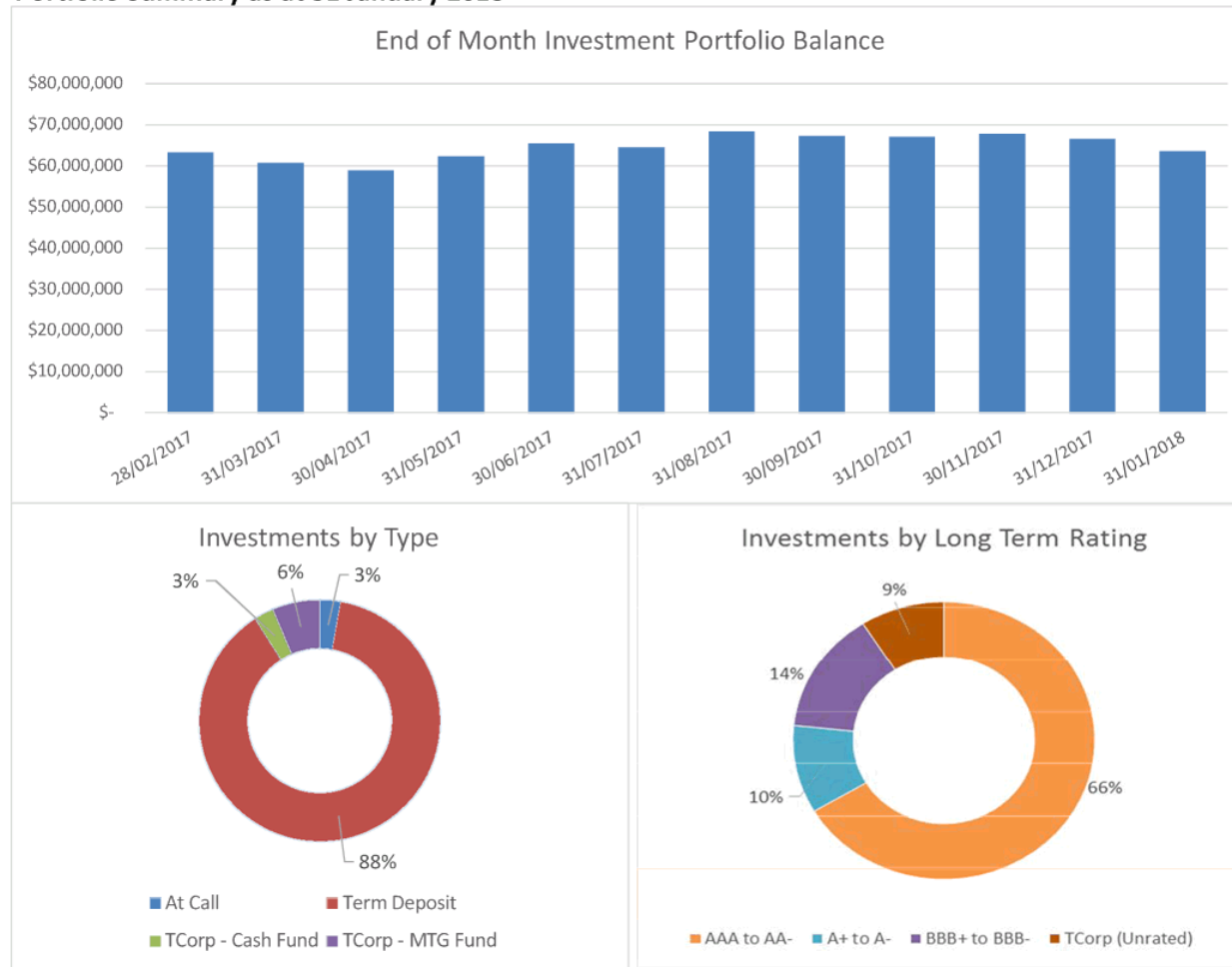
Term to Maturity	Amount \$'000	Actual	% of Portfolio	
			Cumulative Actual	Cumulative Minimum
Less than 3 months	25,181	40%	40%	20%
Between 3 months and 1 year	37,400	59%	98%	40%
Between 1 year and 2 years	1,000	2%	100%	50%
Between 2 years and 4 years	-	0%	100%	85%
More than 5 years	-	0%	100%	0%
	<b>63,581</b>	<b>100%</b>		

#### Monthly Investment Portfolio Activity

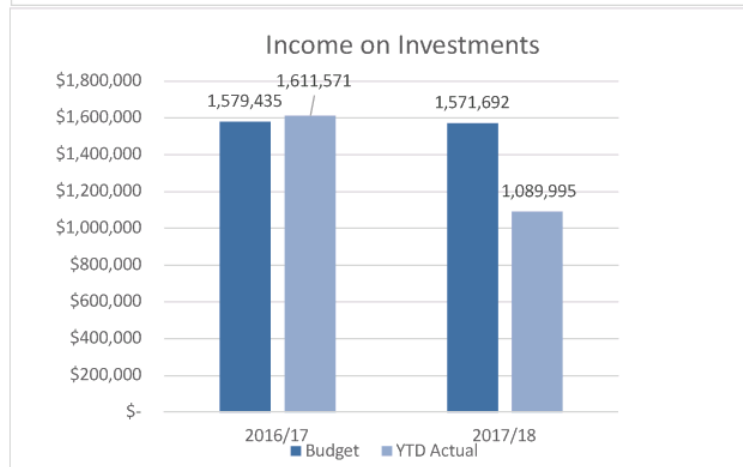
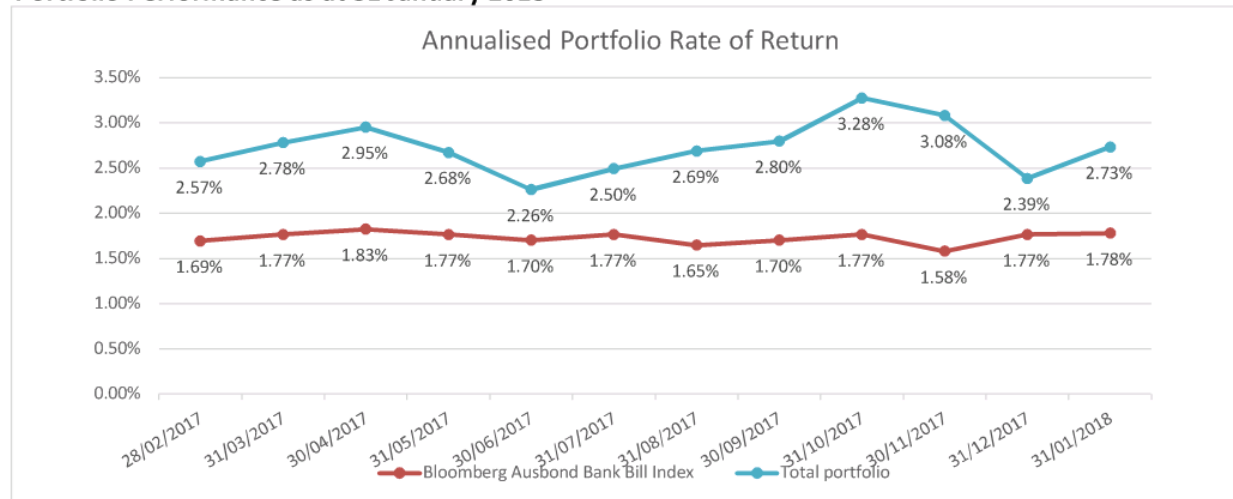
The below table shows investments that have matured and have been redeemed or re-invested, and new investments placed.

Bank Accounts	Opening Balance \$'000	Redeemed Balance \$'000	Re-invested Balance \$'000	Change in interest rate	Change in Term (days)	New Term Rate
NAB (At call account)	3,553		1,754			
TCorp - Cash Fund	1,675		1,678			
TCorp - Medium Term Growth Fund	4,032		4,049			
Bankwest	1,700	1,700		Redeemed		
CBA			1,500	New Deposit		2.67%
CBA			1,500	New Deposit		2.67%
St George Bank	2,500	2,500		Redeemed		
	<b>13,460</b>		<b>10,481</b>			
Investment Portfolio Movement			<b>(2,979)</b>	Reduction		

**Portfolio Summary as at 31 January 2018**



**Portfolio Performance as at 31 January 2018**





## Item 10: Operations

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### 10.1 Bitumen Sealing of Gravel Roads Policy

REPORT BY THE MANAGER WORKS  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0100021

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Works on the Bitumen Sealing of Gravel Roads Policy; and**
  2. **adopt the Bitumen Sealing of Gravel Roads Policy.**
- 

#### Executive summary

The Bitumen Sealing of Gravel Road Policy was adopted by Council in May 2014 and has been reviewed.

This Policy provides a mechanism for private individuals to apply to Council for consideration to seal part of an unsealed road and financially contribute. Each application is assessed individually and reported to Council for a decision.

There are no legislative or significant changes that impact the Policy, however the policy has been amended to require any privately funded bitumen sealing works to be paid in full prior to commencement of the works, prior to which Council only required a deposit of 25% followed by a balance of payment within 14 days.

#### Disclosure of Interest

Nil

#### Detailed report

Council occasionally receives requests from ratepayers who are willing to financially contribute to the sealing of parts of the unsealed road network. The Bitumen Sealing of Gravel Roads Policy makes provision for private individuals to request Council to consider sealing part of a road where they pay for the costs of the seal. It is generally considered that if individuals choose to financially contribute to improving their road, then Council will consider their request.

In summary, the Policy requires Council to prepare the road for seal and the private contribution covers the cost of the seal. Payment must be received prior to commencement of the works. Minimum lengths and property access requirements are detailed in the Policy. The application form

is attached and the acceptance of the application, and subsequent work, is subject to a Council resolution.

Council will continue to maintain the sealed section road following the works.

## Community Plan implications

<b>Theme</b>	<b>Connecting Our Region</b>
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

## Strategic implications

### Council Strategies

The Roads Asset Management Plan and Operational Plan will be considered in assessing any application made under this Policy.

### Council Policies

Not applicable

### Legislation

Not Applicable

## Financial implications

Generally a sealed road costs more to maintain than an unsealed road, however each application is reviewed on its merits and costed accordingly. A Council Report, which includes all financial and strategic implications is provided to Council for consideration and decision to accept the application.

## Associated Risks

No risks have been identified.

SALLY MULLINGER  
MANAGER WORKS

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

5 February 2018

*Attachments:* 1. Bitumen Sealing of Gravel Roads Policy.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY Bitumen Sealing of Gravel Roads

*A prosperous  
and progressive  
community*

### REVIEWADOPTED

COUNCIL MEETING MIN NO 212/13  
DATE: 05 DECEMBER 2017

VERSION NO 1.1

REVIEW DATE MAY 14  
FILE NUMBER A0100021

### Objective

1. To provide clarity on the proposed extension of the bitumen sealed network within the region.
2. To define criteria for the provision of bitumen seals on urban and rural gravel roads where adjoining property owners request some action to reduce or remove the nuisance of dust on their property.
3. This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'.

### Legislative requirements

This Policy is consistent with the ROADS ACT [1993](#)

### [Related policies and plans](#)

[The Roads Asset Management plan](#)

[Delivery Plan](#)

1993

### Policy

Council will review its seal extension program on an annual basis taking into account available funds and determine its forward program (if any) in conjunction with the Community Plan, Delivery Program and Roads Asset Management Plan.

Only seal extension projects that have been approved by Council and are included in the Delivery Plan within the current financial year will have certainty of being undertaken. The Road Sealing Program with only roads included in the current financial year are regarded as being firm, and those thereafter being will be reviewed subject to further funding, road traffic analysis, and road conditions as determined in the Delivery Program and Roads Asset Management Plan.

Council will consider the sealing of a maintained gravel road when a contribution is made by resident(s) or property owner(s) for the cost of the seal. Council will contribute by preparing the road surface for seal. A quotation will be provided on application.

Council will not provide small isolated strips of bitumen sealing, a minimum length of 100m is required and the full width of the road is to be sealed.

Council will consider requests for bitumen sealing of unsealed roads under the following conditions:

;

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## POLICY: BITUMEN SEALING OF GRAVEL ROADS | 1.1

- ~~1. Unless a~~ contribution towards the cost of sealing an existing gravel road matches the estimated cost of the bitumen seal in cash or kind. ~~All payments are required to be paid in full before commencement of work.~~
- ~~2. Provided that the minimum length of an isolated strip is not less than 100 metres and the full width of road is sealed.~~
- ~~3. On any road that is currently included within the current Delivery Program~~
- ~~4. Unless the~~That the application is made on the attached form.
- ~~5. Unless the section in question is of a standard that the costs associated with sealing are considered minimal or it is included on the current Gravel Resheeting Program.~~
- ~~6. Council will only consider up to five applications in any one financial year.~~
- ~~Access to properties are required be sealed from the edge of the bitumen seal for a minimum distance of 2m or to the property boundary.~~
- ~~Bitumen sealing projects will be programmed to be undertaken when Council resources are available.~~

~~All bitumen sealing requests will require Council resolution to proceed.~~

Ongoing maintenance of constructed bitumen seal will be with Council.

Maintenance activities on the sealed network will be at the discretion of the General Manager and undertaken in consideration of the entirety of the road network in conjunction with the ~~Delivery Plan~~ and Road Asset Management Plan.

Adopted: Min No. ~~80/04-Ord-Mtg-15/9/04~~

Re-Affirmed/Amended: ~~Min No. 48/10-Ord-Mtg-18/8/10~~

Review Date:

Related Files:

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POLICY: BITUMEN SEALING OF GRAVEL ROADS | 1.1

### Application for Consideration to Undertake Bitumen Sealing

Name:	
Address:	
Contact <a href="#">Number/Phone #</a>	
Describe proposed location (distance from nearest cross road / direction)	
Actual <a href="#">distance-length</a> to be sealed (minimum 100m)	
<a href="#">Width to be sealed</a> <a href="#">Number of entrances required to the property.</a>	
<a href="#">Number of property accesses</a> <a href="#">Indicate whether you are able to provide any plant or material to assist in the project.</a>	
<b>Please provide an estimate to undertake sealing at the above location</b>	
	Signed & Dated (Applicant)
<b>Office Use Only:</b>	
Complies with Policy (Yes / No)	
Preparatory road construction required to accommodate the sealing.	
Any drainage implications known	
Estimate Date for construction (provided agreement signed and returned within 30 days)	
<b>Estimated Cost (to applicant):</b>	
Estimate Prepared By (print)	
Signed & Dated:	
Project Approved to proceed if agreement signed and returned (reason if refused)?	
Signed & Dated (Group Manager Operations):	
<b>Agreement:</b>	
I agree to pay the above estimated costs for bitumen sealing in accordance with this application. <a href="#">Please find enclosed my 25% deposit for the works. I understand that the balance is to be paid within 14 days of the works being completed.</a>	
	Signed & Dated (Applicant)

NOTES:

- Work required by the applicant will be carried out only when the plant and equipment required is available.

**POLICY: BITUMEN SEALING OF GRAVEL ROADS | 1.1**

- Council will assume ongoing maintenance of the constructed bitumen surface with these activities undertaken subject to available resources and competing priorities across the entire road network (as defined [from time to time](#) in the [Road Network Strategic Roads Asset Management Plan](#)).

## 10.2 Relocation of premises for Ironed Out

REPORT BY THE MANAGER ENVIRONMENTAL SERVICES  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0160009

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Environmental Services on the Relocation of premises for Ironed Out;**
2. **support the move of premises for Ironed Out to 154 Church Street, Mudgee;**
3. **authorise the General Manager to negotiate and sign a Commercial lease for the premises; and**
4. **amend the Operational Plan 2017/18 to allocate \$20,000 to relocation of the Ironed Out premises, to be funded from unrestricted cash.**

---

### Executive summary

The existing premises has housed Council's "Ironed Out" service over the past 12 years is no longer suitable due to both a lack of space and inadequate staff facilities.

New premises have been located that would be ideal for the Ironing service, however the move would require expenditure for both the fit out of the new premises and repair works to the existing property to make some items good.

This expenditure is not currently in Council's approved budget and therefore requires Council resolution to make the appropriate funds available.

### Disclosure of Interest

Nil

### Detailed report

Council has for the past 12 years run a disability employment service known as "Ironed Out" that currently provides the following services to the public; Ironing service, Dry Cleaning Agency, Costumer Hire and second hand clothes sales.

The business has ebbed and flowed over these years however with the addition of a Dry Cleaning Agency and Second hand clothing in the past 2 years the number of customers has been increasing.

It has also been evident for a number of years that the current property is too small for the operations, which has led to a number of issues including;

1. Insufficient room to set up enough Ironing stations on maximum staff days

2. Insufficient room to store or display costumes for hire
3. Inadequate facilities for customers to try on hire costumes or second hand clothes
4. No display area for second hand clothes
5. Inadequate lunch room/facilities for staff
6. No storage room for stock and or equipment associated with the business

Due to these issues Council Staff have actively been investigating alternative premises for the past 18 months however over this period nothing suitable and or affordable has been available, until recently.

A property at 154 Church Street Mudgee has recently become available for Commercial lease and has been investigated as a possible new location. This has resulted in the following findings;

1. The Property is considerably larger (approx. 180m<sup>2</sup> as opposed to the existing 60m<sup>2</sup>) in floor area.
2. The layout is suitable to allow adequate ironing stations, staff facilities and lunch room.
3. The Property allows ample area for the proper display of both Second hand clothing and Costume hire.
4. An area can be utilised as a shop area for the display and sale of various second hand items, from the waste facility and tip shop.

The new property has the required disability access, wide street frontage for customer parking, rear lane access, parking for staff and deliveries, existing staff amenities (Bathroom/Kitchen/Lunch room/Locker room), existing appropriate development consent and zoning for the usage and room for expansion of the business in the future if required. The owner is also flexible with regard to lease periods with a 3+3+3 arrangement currently being considered.

The rental on the new premises is \$29 per week more than the existing property (\$1500 per annum) which when compared against the advantages of the new property is minor in nature.

It is considered the new larger property with a "Shop" retail area and expanded second hand component will more than compensate for this modest rental increase.

The proposed move, however will require unbudgeted capital expenditure for fit out works to the new premises. This will include new power points and lighting for the ironing stations, establishment of appropriate electronic IT support services, new clothes and storage racks and customer service desk display area.

Facilities from the existing use will be utilised as appropriate as well as resources from the tip shop. It is estimated however that the move and fit out will cost in the order of \$20,000.

This is a one off cost and it is not considered there will be any additional ongoing costs from the proposed relocation apart from the previously mentioned minor rental increase.

Conclusion: The proposed move would show Council support for the existing service, provide staff with proper facilities and room to carry on the business and allow for expansion of the operations to the benefit of both Council and the staff.



## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
<b>Goal</b>	Meet the diverse needs of the community and create a sense of belonging
<b>Strategy</b>	Support programs which strengthen the relationships between the range of community groups

## Strategic implications

### Council Strategies

Councils Delivery Plan 2017/2021 identifies an action of “Providing meaningful employment to members of the disabled community”. These recommendations would support this.

### Council Policies

‘Not Applicable’

### Legislation

‘Not Applicable’

## Financial implications

The one off relocation expense is not allocated within the current budget. Ironed Out does not have existing revenues or income/savings to cover this expenditure. An amendment to the Operational Plan 2017/18 is recommended, to be funded from unrestricted cash.

It is expected that an additional rise in rental weekly can be offset through improved additional business, and that the net impact on future budgets would be nil. However, the anticipated increase in revenue from the larger site would assist Councils Own Source Revenue Ratio in future years.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2017/18	<b>x</b>	-	-
Future Years	-	<b>✓</b>	-

## Associated Risks

Nil

PETER COTTERILL  
MANAGER ENVIRONMENTAL SERVICES

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

5 February 2018

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 11: Community

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### 11.1 Companion Animals Policy and Annual Work Plan 2017/18

REPORT BY THE MANAGER GOVERNANCE  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, LAW100018

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Governance on the Companion Animals Policy and Annual Work Plan 2017/18 that has been on exhibition; and**
2. **adopt with minor amendments the Companion Animals Policy and Annual Work Plan.**

---

#### Executive summary

The Companion Animals Policy and Annual Work Plan 2017/18 were placed on exhibition following the December 2017 meeting and received one submission.

#### Disclosure of Interest

Nil

#### Detailed report

The submission is attached.

Councils Policy has been updated into the standard council policy template and amended by adding a section relating to the Management of Feral and Infant Animals in accordance with s64 (2) of the Act. The Policy changes have also been reflected in the Companion Animals Annual Work Plan priorities.

s64 (2) of the Companion Animals Act provides for Council Policy that is in accordance with the Office of Local Government (OLG) guidelines to direct staff to manage animals sized that maybe feral and/or infant in consultation with a veterinarian in a shorter period of time than Council is required to apply without such a policy. Please refer to page 7 of the attached marked up version of the Policy that details how Council manages feral and or infant animals that are seized.

Amendments to the policy have also been reflected in the Annual Work Plan resulting in the following priorities being established;

The 9 priorities of the Annual Work Plan are:

1. Public education and promoting responsible pet ownership
2. Public Safety – Dangerous, menacing and restricted breeds of dogs
3. Registration and identification
4. Nuisance animals and excessive barking dogs
5. Impounding animals
6. Animal Welfare
7. Management of Feral and Infant Animals.
8. Cat Management
9. Dog off leash areas

The marked up amendments to the Annual Work Plan to accommodate the policy changes are attached to the report.

The submission was considered with some suggestions being adopted in this final version of the Policy and Annual Work Plan.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

## Strategic implications

### **Council Strategies**

Effective animal control is an action under 1.14 of the Community Plan.

### **Council Policies**

The Companion Animals Annual Work Plan aligns with the Companion Animals Policy.

### **Legislation**

Companion Animals Act 1998

## Financial implications

Animal Control is managed within Councils 2017/18 annual budget.

## Associated Risks

The risks identified in the Animal Control Program are documented in the risk register and are regularly reviewed. (HRWHS005).

TIM JOHNSTON  
MANAGER GOVERNANCE

SIMON JONES  
DIRECTOR COMMUNITY

25 January 2018

*Attachments:*

1. Companion Animals Policy. (separately attached)
2. Companion Animals Action Plan 2017/18. (separately attached)
3. Feedback of Document on Exhibition. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.2 Public Art Policy and Public Art Plan

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, REC800021

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Community Services on the Public Art Policy and Public Art Plan;**
2. **endorse the Public Art Policy; and**
3. **endorse the Public Art Plan.**

---

### Executive summary

Council's Public Art Policy was last endorsed in October 2013 and is now due for review. The Policy sets out Council's commitment to the development of a public art program, including adding value to Council infrastructure, attractions and public amenity.

The Public Art Plan supports the Public Art Policy operationally and, therefore, should be reviewed in conjunction with any policy updates.

### Disclosure of Interest

Nil.

### Detailed report

The most notable amendments to the Public Art Policy concern the abolition of the now redundant Public Art Advisory Panel. This panel was a sub-committee of the Cultural Development Committee but, due to ongoing issues concerning failure to raise meeting quorum, the memberships of the Cultural Development Committee and Public Art Advisory Panel were combined.

The amended Public Art Plan also merges the Public Art Advisory Panel and the Cultural Development Committee into the one committee, and provides detail as to both currently installed public art works as well as potential sites for future installations.

Both the Public Art Policy and Public Art Plan have previously been discussed by the Cultural Development Committee and the most recent proposed amendments were discussed in consultation with its members. Only one response was received following a request for feedback on the draft documents and this response was supportive of all amendments proposed.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Not applicable.

### **Council Policies**

Not applicable.

### **Legislation**

Not applicable.

## Financial implications

Council currently has an ongoing budget in place to cater for sculptures across the region which encompasses acquisitions, installation and ongoing maintenance. As the number of works of public art installed increases, so too will there be a need for an increased maintenance budget in coming years.

## Associated Risks

Not applicable.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 January 2018

*Attachments:* 1. Amended Public Art Policy (with tracking). (separately attached)  
2. Amended Public Art Plan (with tracking). (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.3 Village Subsidy Review 2018/19

REPORT BY THE DIRECTOR COMMUNITY  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, FIN300052

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Community on the Village Subsidy Review 2018/19; and**
2. **note the recommendations on the payment of village subsidies for 2018-2019.**

---

### Executive summary

Council requested further information from villages in the Mid-Western Regional Council area who currently receive an annual village subsidy to maintain a variety of parks, sports facilities and buildings. This report seeks to provide more information on the works that are completed at these locations following receipt of the village subsidy.

### Disclosure of Interest

Nil

### Detailed report

At the Council meeting held on 15 November 2017, the following resolution (Min 348/17) was passed:

#### That Council:

1. **receive the report by the Director Community on the Village Subsidies 2017-2018;**
2. **note the village subsidies for 2017 – 2018; and**
3. **request the General Manager take the concerns outlined by Councillors in the meeting regarding the amount the Goolma Amenities Committee are paid in comparison to other villages and report back to Council.**

Correspondence was sent to fifteen village organisations who currently receive the annual subsidy on the 20<sup>th</sup> November, 2017 requesting information regarding the maintenance and enhancement of community buildings and fields carried out by organisations in their area.

Of the fifteen villages contacted, seven returned a response.

- Birriwa Sportsground Trust
- Bylong Hall committee
- Cooyal Sportsground Trust
- Bungaba Progress Association



- Goolma Amenities Committee
- Ilford Hall Committee
- Mullamuddy Bushfire Brigade

These groups made submissions which are included as attachments for the information of Councillors. It is difficult to assess the village subsidies where information has not been provided. There is some evidence that the areas looked after by Goolma and Hargraves requires a higher payment, although the payment to Goolma does seem inconsistent with other villages. As reported in November, there appears to be a historic context to this given that there was, under Mudgee Shire Council, a Goolma Amenities Levy. This has not been in operation under the Mid-Western Regional Council.

Council also invited Running Stream Reserve Trust to apply for the Village subsidy. Running Stream Reserve Trust submitted a request to be considered for the Village Subsidy to help maintain the Community Hall and Reserve grounds.

The Village Subsidy for 2017/18 financial year were determined as follows:

<b>Village</b>	<b>2017/18</b>
Bylong Hall Committee	1,500.00
Birriwa Sportsground Trust	1,500.00
Botobolar Community Committee	1,500.00
Bungaba Progress Association	1,500.00
Cooks Gap & District Progress Association	1,500.00
Cooyal Sportsground Trust	1,500.00
Grattai CWA branch	1,500.00
Hargraves Progress Association	2,400.00
Ilford Hall Trust	1,500.00
Lue Hall and Recreation Committee	1,500.00
Meroo Hall Trust	1,500.00
Mullamuddy Rural Fire Brigade	1,500.00
Pyramul Recreation Ground Trust	1,500.00
Windeyer Progress Association Inc	1,500.00
Goolma Amenities Committee*	5,073.44

The following subsidies are recommended for the 2018/19 financial year:

<b>Village</b>	<b>2018/19</b>
Bylong Hall Committee	1,500.00
Birriwa Sportsground Trust	1,500.00
Bungaba Progress Association	1,500.00
Cooyal Sportsground Trust	1,500.00
Goolma Amenities Committee	2,400.00
Ilford Hall Trust	1,500.00
Mullamuddy Rural Fire Brigade	1,500.00
Running Stream Reserve Trust	1,500.00

The following subsidies are recommended for the 2018/19 financial year when a response is received from the relevant groups so that there can be a record kept of the work that is being carried out for future reference:

<b>Village</b>	<b>2018/19</b>
Botobolar Community Committee	1,500.00
Cooks Gap & District Progress Association	1,500.00
Grattai CWA branch	1,500.00
Hargraves Progress Association	2,400.00
Lue Hall and Recreation Committee	1,500.00
Meroo Hall Trust	1,500.00
Pyramul Recreation Ground Trust	1,500.00
Windeyer Progress Association Inc	1,500.00

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Community Strategic Plan  
Open Spaces and Recreation Asset Management Plan

### **Council Policies**

Not Applicable

### **Legislation**

Not Applicable

## Financial implications

Village subsidies are provided from the existing passive parks operational budget.

## Associated Risks

Village subsidies can play an important function by engaging with the local village community to take ownership of the various open spaces and buildings in their area. Without the work of the village groups, it may become more expensive for Council to provide the same levels of service or a lower standard of service would be delivered. This could cause some reputational damage to Council.

SIMON JONES  
DIRECTOR COMMUNITY

1 February 2018

- Attachments:*
1. Birriwa Recreation Ground - Village Subsidy.
  2. Bungaba Progress Association - Village Subsidy.
  3. Bylong Hall Committee - Village subsidy.
  4. Goolma Amenities Committee - village subsidy.
  5. Cooyal Park Trust - Village Subsidy.
  6. Village Subsidy Review - Ilford Hall Trust.
  7. Running Stream Reserve Trust Village Subsidy Application.
  8. Village Subsidy - Mullamuddy Bushfire Brigade.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**- BIRRIWA RECREATION GROUND TRUST -**

11<sup>th</sup> Dec 2017

Simon Jones

Director, Community

Mid – Western Regional Council

Dear Sir,

Re. Birriwa Village Subsidy Review

Our Trust would like to thank the Mid-Western Regional Council for their continuing support for the Birriwa Community with their Village Subsidy. This source of income has proved to be almost essential for the continued maintenance and upgrades of our facilities as other sources of income in a small community are very limited.

The Recreation Ground has an activities shed as well as the Rural Fire Service building that houses the Birriwa Bushfire Brigade's communication equipment, its two trucks and support equipment.

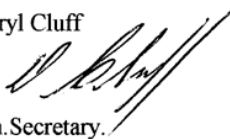
Over the past years the subsidy has allowed for the construction of toilet facilities and the replacement of the derelict perimeter fence. A new entrance ramp was purchased with Village Subsidy funds in 2015 with the associated road base and labour being provided by community members. Continuing maintenance of the grounds is essential with the lopping of dangerous trees and for the control of noxious weeds, St. John's wort being a constant problem, the Village Subsidy being important in assisting with these operations.

Also, there is the desire to control grass growth to reduce fire danger and as the ground is increasingly being used by travellers, as well as aesthetic appeal. For this purpose, the trust plans to direct future income towards the purchase of a small pre-owned tractor for slashing the area around the buildings. It would be operated and maintained jointly by the Birriwa Recreation Ground Trust and the Birriwa Bushfire Brigade.

I trust that we have provided sufficient information and thank you again for your continued support.

Yours sincerely,

Darryl Cluff



Hon. Secretary.



**From:** Wendy Byfield  
**To:** [Council](#)  
**Subject:** Attn: Simon Jones Director of Community  
**Date:** Tuesday, 19 December 2017 7:09:37 PM

---

**Attention:** Simon Jones Director of Community

Dear Simon,  
Re: Your letter.

Village Subsidy Review for 2018 – 2019 was presented to our monthly General Meeting on 17/12/2017. Bungaba Progress Association [BPA] in partnership with Council progressed a grant from Stronger Families and Communities Initiative from the Federal Government in 2002.

In cooperation with Council, a part of this funding was used to conduct a review into the needs of the residents in the Bungaba parish. One of these identified needs was to provide a meeting place (hall) where community members can raise concerns of problems in the parish, meet other residents, and participate within the local community.

BPA became an Incorporated Association and we abide by the Incorporation Act Rules and Regulations and its Constitution.

Over the years we have received grants/donations from FRRR, Moolarben Coal, Ulan Coal and some small grants from Council.

The hall has been used as a community meeting place by Ulan Coal on a number of occasions including Rural Fire Service participation. The hall is available for emergency services use if/when the need is warranted. The hall is available for use by authorised local residents for community type initiatives.

BPA conduct at least two fundraising events per year to assist in costs of maintaining the hall and surrounds. Our public liability insurance and contents/fire and theft insurance continues to be our main costs. Council covers the building insurance in its blanket cover. As insurance costs have increased over the last few years, I would like Council to acknowledge this additional cost to our community and ask for an increase in the village subsidy of up to \$1,000.00 per year to a total of \$2,500.00 per year to assist us with ongoing costs.

If you require any further information please contact me by email or phone.

Trevor Byfield  
Treasurer/BPA Contact Person

**From:** H & G Bosman  
**To:** [Marilyn Frost](#); [Council](#)  
**Cc:** [Jeffrey Braithwaite](#)  
**Subject:** Village Subsidy Review for 2018-2019  
**Date:** Monday, 11 December 2017 11:13:59 AM  
**Attachments:**

1. [Mid-Western Council Letter 20.11.17 - 11122017.pdf](#)
2. [Cost Cleaning Amenities Bylong Hall .pdf](#)
3. [Cost of mowing Bylong Hall & Surrounds 2017.pdf](#)
4. [Barson Engineering Report - Termite Damage Hall Shelter.pdf](#)
5. [Barson Inv.151057 - Bylong Hall.pdf](#)
6. [Property Worx R & M and Demolition Bylong Hall.pdf](#)
7. [Inv #662 - Termite Control Bylong Hall.pdf](#)
8. [Tennis Pole - Termite Ridden fell on playground roof.JPG](#)
9. [Tennis Pole across playground roof.JPG](#)
10. [Ben Suttor - Plumbing Toilet Blockage NOV 17.pdf](#)

Dear Marilyn,

In regards to our conversation on Thursday 30 November, referring to the letter we received from Mid-Western Council in regards to - **Village Subsidy Review for 2018-2019**.

You requested details of the maintenance & costs carried out to buildings and fields in the Bylong Area, plus any costs incurred.

We seem to have an incredible amount of traffic through the Bylong Valley, every day there at least 50 or more people who stop to use the amenities, BBQ area and playground. This is double or tripled on weekends due to the amount of motorbikes and trucks, plus when there is an event, like the Bathurst Races the traffic is overwhelming. Due to the fact that we only have 3 toilets we continually have blockages, which we manage to ourselves, but sometimes we have to call in a plumber to rectify the problem.

Please find attached the following invoices & payments the Bylong Community pay for the running costs for Bylong Hall area and its surrounds: -

1. Letter from Mid-Western Regional Council – 20<sup>th</sup> November 2017
2. Cleaning of Amenities 3 x a week – total cost for 2017.
  - a. Plus, removal of 4 wheelie bins to Mid-Western Council tip 2 x a week.
3. Mowing of Bylong Hall area, Bylong grounds, Church grounds, Road side on both sides from Church to Bylong Fire Station – Total Cost 2017.
4. Barson Engineer report, required by council to declare the shelter, tennis poles and old toilets unsafe and need to be demolished.
5. Invoice from Barson for engineer report.
6. Repairs and Maintenance carried out to toilets, rainwater tanks, frozen pipes for kitchen and BBQ repairs. Plus cost of demolition to termite ridden shelter.
7. Pest Alert Invoice to control the termite problem for the whole of the Bylong Hall area.
8. 2 x Photos of termite ridden tennis court pole blown down by a severe windstorm on Monday 6<sup>th</sup> November. This then prompted the action of fast tracking the demolition of the shelter and all the tennis court poles, due to the safety aspect and not wanting anyone hurt in the process.
9. Ben Suttor Plumbing repairs for blocked toilets – Bylong Hall.
10. Origin Invoices for quarterly period.

11. Cost of gas to supply hot water for showers and BBQ's

If you require any further information please do not hesitate to contact me.

Regards,

Gail

**(Treasurer/Secretary – Bylong Hall Committee)  
On behalf of President Jeffrey Braithwaite.**

**Jeffrey Braithwaite**

**President/Chairman** of Bylong Hall Committee Inc  
**Treasurer/Secretary** of Bylong Hall Committee Inc  
6166 Bylong Valley  
Way  
Station, 7942 Bylong Valley Way  
Bylong NSW  
2849  
NSW 2849  
Ph: 02 6379  
8357  
6379 8221  
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656  
Email:  
[jeffreybraithwaite@bigpond.com](mailto:jeffreybraithwaite@bigpond.com)  
Email: [bosmanhg@bigpond.com](mailto:bosmanhg@bigpond.com)

**Gail Bosman**

c/o Bylong

Bylong

Ph: 02

Mbl: 0427 377

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**From:** [Marilyn Frost](#)  
**To:** "[Lesley Tink](#)"  
**Subject:** RE: Goolma Amenities Committee  
**Date:** Tuesday, 21 November 2017 4:21:20 PM

---

Thank you Lesley.

Kind regards,

Marilyn

Marilyn Frost | Executive Administration Assistant  
Mid-Western Regional Council  
t 02 6378 2850 | d 02 6378 2818  
f 02 6378 2815 | [Marilyn.frost@midwestern.nsw.gov.au](mailto:Marilyn.frost@midwestern.nsw.gov.au)  
a 86 Market Street | PO Box 156 Mudgee NSW 2850

---

**From:** Lesley Tink [<mailto:lesley@tink.id.au>]  
**Sent:** Tuesday, 21 November 2017 4:17 PM  
**To:** Marilyn Frost <[Marilyn.Frost@midwestern.nsw.gov.au](mailto:Marilyn.Frost@midwestern.nsw.gov.au)>  
**Subject:** Re: Goolma Amenities Committee

Lesley Tink  
Kevin Gardiner

Mark Doherty  
Len Cooney  
Tim Warner  
Bill Moore

These people represent: The Churches - Kevin Gardiner, Gun Club - Len Cooney, Cricket Club - Tim Warner, Tennis Club - Mark Doherty, Fire Brigade - Bill Moore, Hall - Lesley Tink

This is the old Hall Committee and was changed years ago to the Amenities Committee to represent all the Goolma Groups and act as a Shire Contact for the area. Each of these groups sends a representative to be on our committee. It does work very well and is as fair as you can get. We have bought and run a BIG mower for the village and any project we feel needs doing gets discussed, voted on etc. We have just spent \$1,000 on the mower and \$4,000 on a large lockable cupboard to put Goolma history documents in and old trophies, uniforms etc. to be housed in the hall. We are about to do a major repair to the tennis courts (at least \$11,000) and we look after the hall toilets which we always leave open.

That keeps us busy enough.

Lesley

On 21 Nov 2017, at 9:43 am, Marilyn Frost <[Marilyn.Frost@midwestern.nsw.gov.au](mailto:Marilyn.Frost@midwestern.nsw.gov.au)> wrote:

Hello Lesley,



Thank you for returning my call this morning.  
As discussed, could you please send me a list of committee members? Thank you.

Have a lovely afternoon.

Kind regards,

Marilyn

Marilyn Frost  
Executive Assistant Community  
Mid-Western Regional Council

t 02 6378 2818 | f 02 6378 2815 |

e [marilyn.frost@midwestern.nsw.gov.au](mailto:marilyn.frost@midwestern.nsw.gov.au)

a 88 Market Street | PO Box 156 Mudgee NSW 2850

w [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

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# COOYAL PARK TRUST

87 Baker's Lane

Linburn

Via MUDGEE NSW 2850

23<sup>rd</sup> November, 2017

Mr Simon Jones

Director, Community Services

Mid-Western Regional Council

PO Box 156

MUDGEE NSW 2850



Dear Simon,

In response to your letter dated 20<sup>th</sup> November, 2017 I wish to supply the following information regarding the Cooyal Park:

The Cooyal Park is administered by a Trust Board of seven appointed Trustees and two ex-officio officers from the Cooyal Tennis Club and Cooyal Parents' Association and that Board is answerable to the Department of Primary Industries – Lands.

The Cooyal Park Trust reports annually to the Department of Primary Industries – Lands with financial information from the separate organisations operating within the Cooyal Park boundaries i.e. The Cooyal Fire Brigade, the Cooyal Tennis Club, the Cooyal Hall Association and the Cooyal Parents' Association. Each organisation operates individually but are ultimately answerable to the Cooyal Park Trust.

The Cooyal Park Trust members are responsible for all activities conducted within the Park boundaries and for the maintenance of the grounds. The maintenance is carried out at working bees throughout the year and with regular

mowing by members with the mower owned by the Park Trust or if members are not available a contractor is called in to carry out the work.

Over the years the Park Trust has been responsible for the erection of a steel front fence and gate way, the planting of a bottle brush hedge within the fence, the erection of several tanks, and the erection of a toilet block. Also over the past twenty years the Cooyal Tennis Club has erected two tennis courts, the club house and tanks; an event sign has been erected; the Cooyal Fire Brigade has extended their shed; the Cooyal Hall has been extended with verandahs and complete renovation of the kitchen and currently the Cooyal Parents' Association is completing a fenced and covered playground which also includes a barbeque area with seating.

The Cooyal community is very proud of the complex at Cooyal Park and continually work together at fund-raising activities to provide funds for maintenance and further developments.

Throughout the year the tennis courts, Hall, Fire Brigade Shed, Park and now the new playground are used extensively by the local community and others for activities such as the annual Endurance Ride, Gold Expo, Christmas Tree as well as for regular tennis days, craft groups, Fire Brigade meetings and training sessions, parties, weddings, meetings and other events.

If you require further information please contact me.

Yours faithfully

**COOYAL PARK TRUST**



(Mrs) Joyce Purtle

Hon. Secretary/Treasurer.

**From:** Tania Selby  
**To:** [Marilyn Frost](#)  
**Subject:** Village subsidy review- Ilford Hall Trust  
**Date:** Monday, 5 February 2018 12:50:52 PM

---

To MWRC  
Re: Village Subsidy Reveiw 2018-2019

Iford Hall currently receives the village subsidy which is a huge help to us in the upkeep of the hall. Regular maintenance of the hall includes mowing the hall grounds as well as the oval and RFS shed across the road and cleaning hall and toilets. Recent work done at the hall includes an extension of the foot path for easier access, exhaust fans installed in the kitchen, ceiling fans installed in main hall area & replacement of broken floor board in the main hall area. The hall is a very old building and maintenance is an ongoing expense with future maintenance work needing to be done.

Regards  
Tania Selby  
Ilford Hall Committee Member

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**Running Stream Recreation Reserve Trust**

Chris Reeves  
Trustee Secretary  
866 Razorback Road  
RUNNING STREAM NSW 2850  
Ph: 0263588285  
Email: gcreeves4@gmail.com

Mid Western Regional Council  
88 Market Street  
MUDGEE NSW 2850

**To whom it may concern**

**Village Subsidy Program**

The Running Steam Recreation Reserve Trust No: 37372 would like to receive the annual Village Subsidy for the Running Steam Hall.

We would like to be considered this year so we can get help for the maintenance on the Hall and the Reserve grounds. We hope to paint the interior of the Hall in the very near future.

Kind regards

Chris Reeves

2nd February 2018

**From:** Mullamuddy Treasurer  
**To:** [Council](#)  
**Subject:** Attn: Simon Jones - Village Subsidy Review  
**Date:** Wednesday, 7 February 2018 11:17:53 AM

---

Hi Simon

As requested in letter regarding Village Subsidy Review for 2018-2019, please find below a list of maintenance & upgrades that have been carried out at Mullamuddy Bushfire Brigade Shed to maintain not only a safe and comfortable environment for our volunteer fire fighters, but also a safe place for residence of our area in the event of a fire;

- Regular mowing of grounds
- Weed control on grounds
- Installation of an air conditioner in meeting/kitchen area of shed
- Installation of motors on shed roller doors for more safe & ease of use
- Safety rail installed at step
- Installation of TV for use in training, presentations, community engagement/safe place etc

Please do not hesitate to contact me if you have any questions.

Regards

Erica Lunney  
Treasurer  
Mullamuddy Bushfire Brigade  
0429 170 283

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## 11.4 Community Services October 2017 to December 2017 Quarterly Report

REPORT BY THE MANAGER, COMMUNITY SERVICES  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, COS300010

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager, Community Services on the Community Services October 2017 to December 2017 Quarterly Report; and
2. note the recent services provided and activities coordinated by Council's Community Services Department.

---

### Executive summary

This report aims to familiarise Council with services provided by its Community Services Department and to inform it of activities undertaken within this portfolio.

### Disclosure of Interest

Nil.

### Detailed report

A summary of the various community services provided to the Mid-Western community are detailed in the attached report. Services covered in this report include Community Development, Community Transport, cultural activities, Family Day Care, and Meals on Wheels.

### Community Plan implications

Theme	Looking After Our Community
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Goal	A safe and healthy community
------	------------------------------

Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community
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---

### Strategic implications

#### Council Strategies

Not applicable.

#### Council Policies

Not applicable.

**Legislation**

Not applicable.

## Financial implications

Options are being considered for contributions towards a budget for the establishment of a Regional Gallery and further work will be put into a further submission under the Regional Cultural Fund.

## Associated Risks

Not applicable.

FIONA TURNER  
MANAGER, COMMUNITY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 February 2018

*Attachments:* 1. Community Services Q4 2017.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## COMMUNITY DEVELOPMENT

### Meetings

*Mudgee and Gulgong Interagency* – Meetings continuing every month until December 2017. Guest speakers from the HomeCare Australia, Marathon Health, Social Future and Veritas House were in attendance this quarter. Local issues affecting the community services sector such as the introduction of the NDIS, the demolition of the Mudgee Hospital, changes in funding arrangements, as well as opportunities to work together and support mutual client groups, were discussed during this period.

*Mudgee People Against Violence* – The Love Bites program was rolled out in high schools across the region during this period. The program is an extremely successful school-based domestic and family violence and sexual assault prevention program. It is based on best practice standards for education programs as recommended by the Federal Government funded Australian Domestic and Family Violence Clearing House and other leading academics in the area of violence against women. The Committee also prepared a grant application to the NSW Government to fund an International Women's Day project.

*Seniors Week Planning Committee* – The committee began to meet to organise activities for Seniors Week 2018 and applying for funding. Several events throughout the week. An application to NSW Seniors Festival was lodged in order to extend the usual craft, art, writing and photography competitions to include art lessons (water colours, photography, etc) for seniors in the lead up to the competitions. Unfortunately, the application was not successful.

Council, in partnership with the Department of Human Services, hosted sessions at the Stables in October 2017 focussed on information and services for families and job seekers. Unfortunately, the information sessions were not well utilised by the community.

### Events

*Rylstone and Kandos Family Fun Day* - The Family Fun Day was coordinated by Kandos/Rylstone Interagency during the October school holidays. The event provided an opportunity for services to connect with the community in a relaxed and fun environment. The Family Fun Day has become a feature annual event on the local calendar with over 500 people attending most every year. Services are invited to provide a nil cost activity on the day that supports wellbeing or provides an opportunity for interaction. Feedback following the event was very positive and the community requested it be repeated.

*White Ribbon Day* - Mudgee People Against Violence coordinated a street stall on White Ribbon Day (25 November) to fundraise and raise awareness of domestic violence.

Council's Community Development Officers continue to work with community stakeholders to identify community needs and gaps in community service provision. One of the needs identified during this quarter is the need to form a domestic violence support group for victims of domestic violence. Options are currently being explored to fund an appropriate regular meeting venue.

## COMMUNITY TRANSPORT

### Transport figures Q4/2017

591 trips classed as Health Related Transport trips.

1630 trips classed as Commonwealth Home Support Program trips.

177 trips classed as Community Transport Program trips.

54 trips classed as Department of Veterans Affairs trips.

7 trips classed as National Disability Insurance Scheme trips.

Total: **2459 trips**

There have been 19 unmet requests for transport during this quarter, seven being for health-related transport. The reason for this is usually vehicle or driver unavailability but other reasons include unreasonable appointment times (9.00am in Sydney, for example).

### Vehicles

Two vehicles were damaged during this period. Both vehicles needed oil sumps replacing and the suspected cause (a client's driveway) has been inspected and solutions explored and discussed with the client.

### Volunteers

The service currently has 23 volunteers on its books with four new drivers recruited and trained during this period. Three volunteer drivers ceased volunteering for the service.

### Training

The new software program continues with its rollout. Challenges have been identified by both office staff and volunteer drivers and possible solutions, where possible, have been sought from Transport for NSW and the software developers. Unfortunately, not all problems have viable solutions and the software is less efficient than previous software utilised by the service.

### General

An application was submitted on 13 December 2017 to the Point to Point Commission for Mudgee Community Transport to become a 'Booking Service Provider' pursuant to Point to Point legislation effective 1 February 2018. The application is yet to be processed by the Commission, despite several attempts at follow up.

We have secured NDIS Agreements with two clients during this period for transport.

#### **CULTURAL MATTERS**

Unfortunately, in early December 2017, Council was advised that it had been unsuccessful with its application to the Regional Cultural Fund to secure funding for a Regional Gallery. The selection panel noted Council's application had 'particular merit' and there are plans to meet with representatives assessing funding applications in mid-February 2018 to discuss a further submission on Council's behalf in the next funding round.

The Tatlow Collection (the 22 piece collection Council accepted as a donation at its September 2017 meeting) was installed in the Mudgee Town Hall Library in November 2017. An official opening will be coordinated shortly.

Council acquired three new public art pieces to add to its Lawson Park Sculpture Walk collection from the 2017 Sculptures in the Garden event at Rosby Estate. Council staff have been working with the artists to discuss site, formation and orientation preferences and installation will take place shortly.

### **FAMILY DAY CARE**

Mid-Western Regional Family Day Care continues to provide a unique and valued child care option to the families within our community.

October to December 2017 saw a decline in our educators with three resignations:

Rylstone from one to no educators. This educator relocated to Coolah.

Wellington from ten to eight educators. One educator moved to Dubbo and one educator left to go to a private FDC Scheme.

Mudgee remains with ten educators, Gulgong with two educators and Kandos with one educator.

**21 educators in total**

**250 registered children**

There have been consistent enquiries into care but we have no vacancies.

During December 2017 we have had three enquiries from prospective educators (two in Wellington and one in Mudgee); interviews and training for successful candidates to be conducted early 2018.

Mudgee is to gain two long day care services in 2018 which may impact on Family Day Care through a loss of educators and families. Early 2018 will also see MWRFDC undertake a marketing campaign to recruit further educators.

Family Day Care applied for a sustainability grant in November 2017; the outcome will not be known until April 2018. The outcome of the application will be of major significance to the continued operation and sustainability of the service given Community Support Program funding will cease from 30 June 2018.

### MEALS ON WHEELS

Main meals including hot meals, chilled deserts, sandwiches and soups

October	531
November	650
December	461
<b>Total</b>	<b>1641</b>

Frozen meals including meals, baked meals and breaky meals

October	51
November	70
December	91
<b>Total</b>	<b>212</b>

Current number of active clients for Meals on Wheels

26

Current number of clients cancelled until further notice, in respite or with family

1

#### Summary

Meals on Wheels client numbers declined in this period. Many longstanding clients have been admitted to aged care facilities or passed away. We have had spikes of new clients however many of these clients are using Meals on Wheels as a temporary service while convalescing and cancelling when their conditions have improved. Meal quality has improved due to the updated menu and issues being dealt with our external service provider. Frozen meals orders have been popular and increased number of clients using the service.

#### Meals on Wheels volunteers

We currently have 17 organisations and/or businesses and nine individuals registered for volunteering for Meals on Wheels. Volunteer numbers have remained steady however a small number of new volunteers are coming on board. Focus is more so on attracting client numbers rather than volunteers.

#### Christmas

There was a decline in numbers receiving meals in December due to clients' families visiting or taking clients out of town. Total of ten clients received meals on Christmas Day. Lions Club donated cakes and puddings to our clients again for Christmas. Volunteers and volunteer groups were given small gifts and cards from Meals on Wheels as a token of appreciation.

**Future Plan:** Yearly surveys will again be sent to clients to complete and client review assessments will also begin early February. Promoting the service will be a priority over the next six months including in Council's Community News, by distributing brochures, also coordinating community engagement meetings with relevant stakeholders to inform of the service and encourage engagement.

## 11.5 Library Services - Quarterly Report

### REPORT BY THE LIBRARY SERVICES COORDINATOR

TO 21 FEBRUARY 2018 ORDINARY MEETING

GOV400066, GOV400054, F0620020

### RECOMMENDATION

**That Council receive the report by the Library Services Coordinator on the Library Services - Quarterly Report.**

### Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad outlines of Customer Visits, Library Borrowings, Purchased items, Strategic Partnerships, and Sustainable Organisation. The Report covers the period October to December 2017.

### Disclosure of Interest

Nil

### Detailed report

#### *CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS*

Visits to our Library branches during the October to December 2017 period are lower than visits during the same period in 2016.

Quarter	Visits
Oct-Dec 2017	23,561
Oct-Dec 2016	27,277

Across the Library Service, loans of library items have remained at similar levels when compared to the Oct-Dec 2016 period.

Quarter	Loans
Oct-Dec 2017	19,105
Oct-Dec 2016	19,642

Loans from the Mobile Library during Oct-Dec 2017 remain at a similar level when compared to the Oct-Dec 2016 period.

Quarter	Loans
Oct-Dec 2017	1,348
Oct-Dec 2016	1,570

The use of library resources has decreased when compared to the same quarter of the previous year.

Quarter	Accesses
Oct-Dec 2017	198
Oct-Dec 2016	765

The Library continues to purchase new items in line with the Collection Development Strategy. These items include audio books, magazines, fiction and non-fiction for adults and children in both print and electronic format, and DVDs.

Quarter	Purchases
Oct-Dec 2017	1,618

### *STRATEGIC PARTNERSHIPS*

The Library is collaborating with the Mudgee Colonial Museum to have a small part of the Museum's collection on display at Mudgee Library. The display will be refreshed at regular intervals.

Mid-Western Regional Council Library has recently joined a consortia of 11 Central and Western NSW libraries to bring the Borrowbox ebook and eaudiobook platform to Mid-Western library customers. This collaboration has added around 5000 additional items to our existing collections.

### *SUSTAINABLE ORGANISATION*

The Library continues to engage with the community through regular newspaper features, items in Council's Community newsletter, and via the Library's Facebook page. An email is sent monthly to schools, school librarians, BookGroup and other interested community members, and includes promotional materials (if appropriate), instructions for use of targeted online resources, news of upcoming Library events, and recommended reading lists.

Library branches continue to participate with the 'Wrap with Love' program, acting as collection points for knitted squares. Mudgee Library also supports a monthly knitting group at the Library.

During 2017, the Library facilitated 4 community Book Groups, and 3 U3A Book Groups.

The program of First Monday History talks continued until year's end, with local historians invited to present on a topic of interest to the wider community. The talks have generated much interest, and will continue into 2018.

A small meeting room and training room in Mudgee Library were rebuilt into a larger meeting space – it is expected this will be well used by the wider community.

The Library was also pleased to receive a grant from Glencore which facilitated the purchase of a new Mobile Library. It is expected the new Mobile Library – with up-to-date branding – will be seen out in the community soon.

### 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



## Strategic implications

### **Council Strategies**

The Library Services – Quarterly Report has been developed in line with the 2014-2017 Delivery Program.

Not applicable

### **Council Policies**

The Library Services – Quarterly Report has been developed in line with the Collection Management Strategy.

Not applicable.

### **Legislation**

Not applicable

## Financial implications

Not applicable

## Associated Risks

Not applicable

MICHELLE MAUNDER  
LIBRARY SERVICES COORDINATOR

SIMON JONES  
DIRECTOR COMMUNITY

6 February 2018

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.6 Mudgee Town Hall Cinema - Activity Report 2017

REPORT BY THE LIBRARY SERVICES COORDINATOR  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, REC800016

### RECOMMENDATION

#### That Council:

- 1. receive the report by the Library Services Coordinator on the Mudgee Town Hall Cinema - Activity Report 2017; and**
- 2. note the successful efforts of the partnership with Rotary in presenting new release movies each month and in raising funds for the community.**

---

### Executive summary

The Mudgee Town Hall Cinema began operation in July 2013, and continues to succeed as a partnership between Council and the two Mudgee based Rotary clubs. This report serves to outline the community patronage, fundraising activity and volunteer contribution of the cinema.

### Disclosure of Interest

Nil

### Detailed report

The Mudgee Town Hall cinema operates as a partnership between Mid-Western Regional Council, the Mudgee Rotary Club, and the Rotary Club of Mudgee Sunrise. The cinema operates eight movie sessions on the first weekend of every month.

Council provides the venue, management and distributor negotiation aspects of the project, while the Rotary clubs provide the voluntary staff for candy bar (including stock purchasing), weekend ticket sales, ushering, projectioning and the like.

The success of the Mudgee Town Hall Cinema project is two-fold – it brings new release movies back to Mudgee on a regular basis, and has seen many happy adults and children enjoying cinema in their region. During 2017, a total of 5,596 tickets were sold.

Added to its success is the candy bar fundraising opportunity provided to Rotary, which has seen many community organisations and projects benefit.

During 2017, Rotary have raised a total of \$10,542.41 from the candy bar they operate. In addition to that, Council provide Rotary with a share of the ticket sales profit, and in 2017 this has added up to \$13,223.65. This means that the total amount of money contributed by Rotary back to the community during 2017 is \$23,676.06.

This is made possible by the many Rotary volunteers who each month serve as popcorn makers, ticket sellers and ushers at the movies. Rotary has estimated that each month, they provide the following amount of volunteer hours:

- 16 hours for candy bar purchasing, candy bar set up, rostering of volunteers and distribuion of posters around the Mudgee township
- 4 hours of volunteer projectionist time to screen movies
- 102 hours of volunteer time spent on ticket sales, ushering, and candy bar sales over 8 weekend movie sessions
- A total of 122 volunteer hours each month.

Rotary estimate their volunteer hours equates to \$3,170 of paid staff hours per month, or \$38,040 per annum.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

## Strategic implications

### **Council Strategies**

Not applicable

### **Council Policies**

Not applicable

### **Legislation**

Not applicable

## Financial implications

Not applicable

## Associated Risks

Not applicable

MICHELLE MAUNDER  
LIBRARY SERVICES COORDINATOR

SIMON JONES  
DIRECTOR COMMUNITY

7 February 2018

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 12: Reports from Committees

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### 12.1 Gulgong Memorial Hall Committee Meetings November and December 2017

REPORT BY THE DIRECTOR COMMUNITY  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0100025

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting November and December 2017;**
2. **note the minutes from the Gulgong Memorial Hall Committee meetings held 14 November and 5 December, 2017; and**
3. **endorse that the Gulgong Arts Council have a membership position on the Gulgong Memorial Hall Committee.**

---

#### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Memorial Hall Committee meetings held on 14 November and 5 December, 2017.

#### Disclosure of Interest

Nil

#### Detailed report

The Gulgong Memorial Hall Committee has had a number of discussions required future works at the Hall and there are many ideas for the future. As a regular user of the Hall, the Gulgong Arts Council has also put forward ideas for consideration. Alongside this, the Gulgong arts Council have requested that they be accepted as a member of the Hall Committee. This may also provide opportunities for other regular users to be members of the Committee. Ultimately, if there is regular positive communication between hall users then this will hopefully lead to a high degree of harmony and understanding between users and better knowledge of the different events and different requirements of the Hall.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

## Strategic implications

### Council Strategies

Not applicable.

### Council Policies

Not Applicable.

### Legislation

The Gulgong Memorial Hall Committee is operating under Section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

## Financial implications

Not Applicable.

## Associated Risks

Not Applicable.

SIMON JONES  
DIRECTOR COMMUNITY

7 December 2017

- Attachments:*
1. Gulgong Memorial Hall minutes 14/11/2017.
  2. Gulgong Memorial Hall minutes 5/12/2017.
  3. Memorila Hall Gulgong - Request Kitchen Items.
  4. Request for Gulgong Arts Council delegate as committee member.
  5. Gulgong Memorial Hall Audio Inventory.
  6. Sound Sysytem Test Report - Gulgong Memorial Hall.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Gulgong memorial hall Meeting 14/11/2017

Opened: 1608

Present: Charles Vassel, Pauline Hannaford, Percy Thompson, Chris Hannaford, Bill Clifford, Ray Thackeray, Cheryl Vassel

Apologies: Maureen Trgo.

Minutes of last meeting: Moved Pauline, 2<sup>nd</sup> Percy

Matters arising: Nil

Correspondence: email from Paul Blackwell tabled following a meeting with Chris and Ray, also tabled a response from Chris and Ray. Need to add repainting of the inside of the Hall to response. Microwave – a new microwave needs to be considered, as the current one is not large enough.

Thanks to Paul Blackwell for the thoroughness with which he attended to the concerns of the Memorial Hall committee. Chris and Ray were surprised at the depth to which he went to look into the needs of the Hall.

Ray, Chris and the Men's Shed members will repair the door to the Store Room as one of their projects.

The items discussed in the email will make the Hall much more secure. Electrician is already organised, and quotes for doors have been done.

Angle of air-conditioners needs to be rectified, as do not work efficiently because they are on an angle, not straight.

If there are any problems noted with the Hall, as in water coming into the Hall etc, please put in a works request to Council.

Guttering will be cleaned.

Terms of Reference read out, all in agreement with this, and with the code of Conduct.

There is a possibility that the Chamber's Melbourne Cup winning Voucher that has not been collected, may be put in as a Chocolate Wheel prize, as long as the Chamber are prepared to have some consultation with the MH committee for this prize to be added as the last spin, with no redress on the MH committee should the original winner come forward at a later date. The Memorial Hall Committee require to have something in writing to address our concerns.

Due to this issue, we are calling a meeting of all interested parties to a meeting on the 5<sup>th</sup> of December at 1600 at the Men's Shed.

Swoop petting farm are coming to the Christmas Celebration – donkey, chickens, rabbits. Chris has organised extra hay to cater for this.

Don Hobbs is bringing two ponies, and there are others as well. There will be no dog cart. Scotti has volunteered to bring Santa in the back of his Ford. Next year is the 100<sup>th</sup> anniversary of the A-model Ford and there will be a celebration at the Showground.

Nicole will be supplying 4 junior and two senior elves to help Santa.

Santa will be getting dressed in the bottom pub.

Kindergarten have sent out over 100 posters.

Should be 2-3 people doing Face Painting.

Need to make sure all are on-board.

Vaughan and young people are all ok.

Des good.

Fire Service still ok.

Brun Gates to do drinks.

Hospital Auxillary will be helping as well.

Allan McSweyn will help with chocolate wheel tickets, as well as some others from the swap meet.

No luck contacting Gulgong Singers.

Ray has purchased the drinks, and has purchased left over sausages from the Swap Meet. Men's Shed will use any left-overs.

Meeting closed 1647. Next meeting 5.12, Men's Shed 1600

Action Plan

Person Responsible	Action	Result
Cheryl	Questionnaire to Hall users	
Chris/Council	Hall hiring Fees	
Charlie	Beck re vouchers	
Ray	Community Singers	Unable to contact
Chris	Don Hobbs re draft horse	Done
Chris	Camel	Not coming
Maureen	Jumping Castle owner	
Chris	Country singers	

Gulgong Memorial Hall Meeting 5.12.2017

Opened: 1606

Present: Charles Vassel, Pauline Hannaford, Percy Thompson, Chris Hannaford, Bill Clifford, Maureen Trgo, Ray Thackeray, Cheryl Vassel

Visitors: Diane Thompson, Des Kelly

Minutes of last meeting read out: moved Pauline, 2<sup>nd</sup> Ray

Matters arising: Bill Murphy at the last Men's Shed, Chamber voucher has been claimed.

Christmas Celebration:

20 – 30 bales of Hay will be available for the Christmas Celebration

IGA have gone to their Community Chest, and Beck will be able to get the whole \$500 for the vouchers. The cheque needs to be paid to an organisation, and as the Memorial Hall Committee do not have a bank account, will be made out to the Men's Shed, and this will be sorted out by Maureen

Pauline has made Ham vouchers, each is numbered and signed. The Hams will be in the IGA cool room, and each person will present their ticket to IGA. The Hams are \$45-50 each. This year we have only 10 spins, as 12 were too difficult.

Beck has been able to donate 10kg of onions for us. These will be cut up and pre-cooked tomorrow.

Scotti still ok to transport Santa. Centennial Hotel available as a change room. Rob Barton was feeling out of the loop, but now ok, reassured that we still need him to be Santa, however he needs to leave at 1830. Chris will pick him up at 1615 to take him to the Centennial Hotel to get changed. 4 Elves available. Will drive Santa and the Elves up Mayne St to CRT, do a loop then into the Park. Photos starting at 1700, Charlie will communicate with Alan Walker re the time.

Swoop – Beck Durant - bringing Jethro, the Donkey; a Ferrett, chickens, sheep etc. Chris will make up two pens for this, and will zip-tie them, and put bails of hay around the outside for the children to stand on to pet the animals.

Mudgee rodeo starts at 2000, so Don Hobbs not coming. Have Carole, Pauline and ????? driving the ponies.

Need at least one gazebo for the BBQ. Bring long-arm Umbrella

Hay will be secured to stop it spreading everywhere.

Need to acknowledge Hospital Auxillary, Rural Fire Service, Presbyterian Church,

?no Face painting, as Belinda needs to go to Newcastle, may be a possibility of other people doing this. Have wipe off Tattoos.

Charlie will pick up Chocolate Wheel on Thursday or Friday.

Chris will pick up hay in the morning; pick up animals from Swoop at 1500

Chocolate wheel tickets, first run of five colours to have highlight through the numbers.

RFS under control.



Ray has bought detergent for the water slide. New water tanker will be there. Carole will put out witches hats so no-one parks in the way in-case of a fire and the tanker needs to go.

Can anchor things with some old tyres from Des's if necessary.

Food that has not been purchased has been ordered. Will collect lollies on Friday, all the rest of the food will be collected on Friday or Saturday.

Float for raffle tickets, and drinks. Maureen will organise this. Tickets will be \$2 each.

Jumping castle ok.

Check Billy Carts tomorrow.

If anyone has spare bicycle helmets please label them and bring them in.

Thursday at 0930 we have been invited to a meeting at the Library with the Arts Council. Chris checked with Simon Jones, the Arts Council members are still carrying on with their desire to have some input into the Memorial Hall. They were given a copy of the Minutes, and what was decided by the Memorial Hall Committee will be adhered to.

Need to check with Council whether any moneys that come into Council specifically for the Memorial Hall, can be set-aside for the Memorial Hall. Is the Council required to honour this? If we want to raise funds for the Hall, can these funds be used only for the Hall?

Run a Fireman's Ball in the Hall, 1/3 to Hall, 2/3 to Fire Brigade. Need to get approval for this, and whether we go 50/50 with the Profits. Bill Clifford and Chris will contact Council about getting reimbursement of the Hall Hire Fees. This will raise money for the RFS Museum that is being constructed at the airport.

If it rains we move into the Hall – Swoop, Santa, Chocolate Wheel, BBQ on front veranda, Des do rock and roll?

Meeting closed 1458. Next meeting February 13/2/2018

**From:** [Simon Jones](#)  
**To:** [Paul Blackwell](#); [Marilyn Frost](#)  
**Subject:** FW: Memorial Hall Gulgong  
**Date:** Tuesday, 9 January 2018 3:14:17 PM  
**Attachments:** [5B393DF830634E1397AF14B0E3427A79.png](#)

---

**From:** GULGONG ARTS COUNCIL [mailto:artscouncilgulgong@hotmail.com]  
**Sent:** Tuesday, 9 January 2018 1:43 PM  
**To:** Simon Jones <Simon.Jones@midwestern.nsw.gov.au>  
**Subject:** Memorial Hall Gulgong



**Gulgong Arts Council**  
 PO Box 422 Gulgong NSW 2852  
[www.gulgong-arts.com](http://www.gulgong-arts.com)    [info@gulgong-arts.com](mailto:info@gulgong-arts.com)

8<sup>th</sup> January 2018

Simon Jones  
 Mid-Western Regional Council  
 Via email

Dear Simon,  
 Re: Gulgong Memorial Hall

Gulgong Arts Council would like to thank you, Paul Bracknell and Percy Thompson for attending the meeting re: Gulgong Memorial Hall on 7<sup>th</sup> December 2017 along with members of Gulgong Memorial Hall Committee.

It was lovely to meet with you all and be able to voice our concerns person to person. As suggested by you at this meeting we have compiled a list of suggested implements for the kitchen at the Memorial Hall as follows:

Prep Items	Glass ware	Serving
1 – Knife set (carving etc)	100 - 365ml wine glasses	100 Knives (serrated edge)
10 – 300mm long plastic serving platters	100 - High Ball 300ml water glasses	100 forks
10 – 5000mm long plastic serving platters		100 desert spoons
5 – Baking pan 419 x 305 x 19mm		100 tea spoons
1 – Saucepan set		100 Dinner plates

2 - 20lt Stockpot		100 bread & butter plates
2 - ladles		100 coffee/tea mugs
1 – whisk		
10 - tongs		
4 - egg slides (slotted turner)		
2 - slotted serving spoons		
5 – solid serving spoons		
1 – colander (large)		
1 – mixing bowl set		
2 - Electric fry pans		
2 – Slow Cookers		
1 - 2lt measure jug - Microwave proof		
1 - Carving fork		
1 - Electric kettle		
4 - Plastic salad bowls		
Industrial stove/oven	As requested by Mem Hall Committee	
Industrial microwave	As requested by Mem Hall Committee	

Thank you again!

Kindest regards

Toni Morrison  
 Secretary  
 Gulgong Arts Council  
 0488741860

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**Marilyn Frost**

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**From:** Simon Jones  
**Sent:** Tuesday, 9 January 2018 3:15 PM  
**To:** Marilyn Frost  
**Subject:** FW: Gulgong Memorial Hall Committee

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To go with Committee report to Council.

Thanks

---

**From:** GULGONG ARTS COUNCIL [mailto:artscouncilgulgong@hotmail.com]  
**Sent:** Tuesday, 9 January 2018 2:34 PM  
**To:** Council <Council@midwestern.nsw.gov.au>  
**Cc:** Simon Jones <Simon.Jones@midwestern.nsw.gov.au>  
**Subject:** Gulgong Memorial Hall Committee



**Gulgong Arts Council**  
PO Box 422 Gulgong NSW 2852  
www.gulgong-arts.com info@gulgong-arts.com

Mid-Western Regional Council  
Attention: Brad Cam  
General Manager

Via Email

9<sup>th</sup> January 2018

Dear Brad

Re: Gulgong Memorial Hall Committee

In the past months Gulgong Arts Council committee members have had several meetings with Gulgong Memorial Hall Committee and Mid-Western Regional Council re: improvements to Gulgong Memorial Hall. Through these meetings Gulgong Arts Council have been invited to delegate a committee member to sit on the Gulgong Memorial Hall Committee and we agree, that this would be a good idea.

Simon Jones suggested that I write to you expressing Gulgong Arts Council's interest in this matter.

We would be pleased if you could let us know if this is possible and the procedure to get this matter organised.

PS Could this email please be forwarded to Gulgong Memorial Hall Committee?

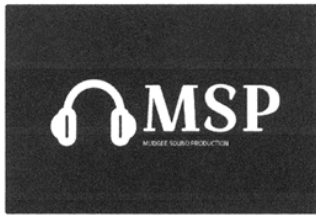
Kindest regards

Toni Morrison  
Secretary  
Gulgong Arts Council

Sheet1

## A/V INVENTORY Gulgong Memorial Hall

Item	Quantity	Comments	Returned?
Neutrik 90ft Speaker Cable	1	Repaired 12/17	
Neutrik 50ft Speaker Cable	4	2xRepaired 12/17	
Mic Cable 16ft	1		
Mic Cable 70ft	1		
IEC power cable	1		
RCA to 3.5mm Cable	2		
3.5 to 3.5mm cable	1		
Speaker stands	4		
Mic Stands w/ clips	2		
Aus Mon XRS12B Speaker	6		
Beyer Dynamic Mic	1		
Aus Mon Foldback Power Amp	1		
Aus Mon FOH Power Amp	1		
Aus Mon USB/CD/SD Reader	1		
Wireless Mic Receiver	1		
Date:			
Name:			
Signature:			



**Mudgee Sound Production**

## Report

04/01/18

**Venue: Gulgong Memorial Hall  
Sound System Test & Report**



Sound system for the venue is all in working order, checked and reasonably up-to-date, however, in a rapidly progressing industry, the mixing desk does not have a bluetooth or USB connectivity function, which is commonly used by most clients in a variety of applications.

I would recommend a unit such as a  
POWER DYNAMICS PDC85 MEDIA PLAYER AMPLIFIER BT/USB/MP3  
to update the system to its full capabilities.  
This unit is available for \$329.00 (+p&h).

For further enquiries, please feel free to contact me on 0409037521.

**Brett Kenny**  
**Mudgee Sound Production & Design**  
ABN: 18 182 075 383

E: [mudgeesoundproduction@hotmail.com](mailto:mudgeesoundproduction@hotmail.com)  
Ph: 0409037521

Payment:  
Brett Kenny  
Acc: 619947  
BSB: 732-653



## 12.2 Local Traffic Committee Meeting - December 2017

REPORT BY THE MANAGER DEVELOPMENT ENGINEERING  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0100009

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Development Engineering on the Local Traffic Committee Meeting - December 2017;**
2. **approve to convert the 'Nose to Kerb' parking of Church Street adjoining the tennis courts to 'Rear to Kerb' 60 degree angle parking; and**
3. **accept the recommendation regarding Disabled Parking around Kandos and Rylstone:**
  - a) **develop an ongoing program to improve compliance with the Australian Standard 2890.5 Parking Facilities – on street Parking**
  - b) **that a community Planning Proposal be put forward for the allocation of funds in the 2018/19 Financial year for the investigation and construction of dedicated compliant Disabled Parking Spaces within Kandos and Rylstone**
  - c) **rescind the Motion carried by Minute number 503/13, Item 3b**

---

### Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

### Disclosure of Interest

There are no disclosure of interest associated with this report.

### Detailed report

The Local Traffic Committee meeting was held on 15 December 2017.

There were two reports tabled for consideration with two recommended for approval by Council:

- convert 'Nose to Kerb' parking near the tennis courts on Church Street
- Disabled Parking in Kandos and Rylstone

The minutes and comments for the LTC meeting are attached.

## Community Plan implications

<b>Theme</b>	<b>Good Governance</b>
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

## Strategic implications

### **Council Strategies**

Facilitating the Local Traffic Committee is covered in Council's Delivery Program, Strategy 4.1.1. Pedestrian Access Mobility Plan

### **Council Policies**

Not Applicable

### **Legislation**

Roads Act 1993  
Roads Transport Act 2013  
Road Rules 2014

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

DANIEL BUCKENS  
MANAGER DEVELOPMENT ENGINEERING

GARRY HEMSWORTH  
DIRECTOR OPERATIONS

21 December 2017

*Attachments:* 1. LTC Meeting Minutes - December 2017.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



Mid-Western Regional Council

Date: 15 December 2017

## Minutes of the Local Traffic Committee

Held at the 54 Depot Road Mudgee  
on 15 December 2017.

---

Present	Daniel Bucken MWRC – (Chairperson), Phillip Blackman (Members Representative), Chief Inspector Jeff Boon (NSW Police), Prue Britt (RMS), Daniel Buckens (MWRC), Garry Hemsworth (MWRC)
Apologies	Cr Alex Karavas (Councillor)
Secretary	Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

### MINUTES OF PREVIOUS MEETING

#### **RECOMMENDATION**

**No minutes to confirm due to the email circulation of the November items.**

2

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Yellow Line Methodology	29 Jan LTC Meeting		Council convert no stopping zones to yellow line methodology.  Conversion will be continued by Council progressively. Council to conduct educational campaign as the changes occur.
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	This is still an on-going process. There are new standards in place by Essential Energy regarding the lighting. The globes in the lights will be replaced when they go and not prior to.
Caravans on Mayne Street Gulgong	20 Jan LTC Meeting	Council provide a proposal of what options may be available. Council to table an item at Gulgong Access Committee with the proposal	Council has a study that was undertaken in 2007 that was never reviewed by the committee or endorsed by Council.
Sawpit and Bruce Road Intersection	20 Jan LTC Meeting  15 Sept 2017 LTC	Council inspect and provide report back to LTC for treatment options  Warning signage to be installed on the approach to the Bruce Rd and Sawpit Road intersection	RMS recommendation to straighten road and trim vegetation that obscure views.  Works request SI0035/2018 has been raised.
Disabled parking Kandos IGA	28 April 2017	RMS and Council to meet onsite and discuss viable options. Provide report to June meeting.	Reports forms part of this agenda
No Stopping Signs	15 September 2017	Install "No Stopping" signs on the NW side of Horatio St and Lewis St and at the NE side of Market St and Cox Street Intersection	Works request SI0034/2018 has been raised.

PAST EVENT DEBRIEF

EVENT	

### CALENDAR OF EVENTS

DECEMBER	Date	Comments
JANUARY	Date	Comments
FEBRUARY	Date	Comments
Charity Shield	24 February 2018	

Red = Unapproved  
Green = Approved

17/038 CONVERSION TO "REAR TO KERB" PARKING - CHURCH STREET ADJOINING THE TENNIS COURTS

#### RECOMMENDATION

That Council convert the "Nose to Kerb" parking on the western side of Church Street adjoining the Tennis Courts to "Rear to Kerb" 60° Angle Parking.

**MOTION:** Ms Prue Britt / Sgt Jeff Boon

That the above recommendation be accepted and approved.

17/039 DISABLED CARPARKING - KANDOS AND RYLSTONE

#### RECOMMENDATION

1. That Council develop an ongoing program to improve compliance with Australian Standard 2890.5 Parking Facilities – On-street Parking.
2. That a Community Planning Proposal be put forward for the allocation of funds in the 2018/19 Financial Year for the investigation and construction of dedicated compliant Disabled Parking Spaces within Kandos and Rylstone.
3. Rescind the Motion carried by Minute Number 503/13, Item 3 b

**MOTION:** Chief Inspector Jeff Boon / Prue Britt

That the above recommendation be accepted and approved.

## 4

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 15 DECEMBER 2017

17/040 GENERAL BUSINESS

SCHOOL CROSSING NEAR CUDGEGONG SCHOOL

A works request (SI0040/2018) has been raised requesting a proper school crossing on Church Street near Cudgegong Public School.

RMS SPECIAL EVENTS BRIEFING NIGHTS

Prue has invited Council staff and Councillors to attend special events briefing nights that are scheduled early in the new year. Topics to be discussed include traffic management plans and approvals for special events

CHRISTMAS TOY RUN

Police mentioned there have been some complaints with regards to the Christmas Toy Run. There were issues with regards to traffic management and complaints had come from the station where they gathered before the run. They did not apply for any traffic management plans and there were no plans were put in place.

## CLOSURE

There being no further business the meeting concluded at 10.30am.

## 12.3 Mudgee Sports Council Meeting 29 January, 2018.

REPORT BY THE DIRECTOR COMMUNITY  
TO 21 FEBRUARY 2018 ORDINARY MEETING  
GOV400066, A0360013

### RECOMMENDATION

#### That Council:

1. receive the report by the Director Community on the Mudgee Sports Council Meeting 29 January, 2018. and
2. note the minutes for the Mudgee Sports Council meeting held on 29 January 2018.

---

### Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council meeting held on 29 January 2018.

### Disclosure of Interest

Nil.

### Detailed report

The Mudgee Sports Council receives an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meetings.

The meeting discussed the Mudgee Sports Council Awards dinner which is being held on Friday 23 February at the Mudgee Golf Club.

There was also discussion regarding the Glen Willow Master Plan. A number of changes were proposed and an amended Master Plan will be presented to Council at a future meeting for endorsement.

### Community Plan implications

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

---

### Strategic implications

#### Council Strategies

Not Applicable.

**Council Policies**

Not Applicable.

**Legislation**

The Mudgee Sports Council is operating under Section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

## Financial implications

Not Applicable.

## Associated Risks

Nil.

SIMON JONES  
DIRECTOR COMMUNITY

7 February 2018

*Attachments:* 1. Sports Council Meeting 29/01/2018.

**APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER

**Mudgee Sports Council Minutes**

**Netball Clubhouse**

**29-01-2018**

**18:05**

**Present:** G. Robinson. K. Lang (Touch & Snr League), S. Jones (MWRC Rep), P. Mitchell, N. Cavangah (Jnr Cricket), R. Smith (Mudgee Wombats), J. Fleming (Wolves), L. Humphreys (Rugby Union), B. Stoddart (Touch), K. Bennetts( Little A's), K. Marshall (Netball), N. Richards(Hockey), N. Henwood ( touch) & J.Johnson.

**Apologies** John O'Neill (MWRC Rep), G. Bartrim (Mudgee Rugby), A. Whale (Jnr Cricket); apologies are accepted moved N. Henwood seconded B. Stoddart.

Minutes from previous meeting read as true and correct: Moved N. Cavangah seconded G. Robinson.

**Business arising from previous meeting:**

1. Addition to terms of reference – Need to attend 5 meetings & AGM if not in full attendance then the club cannot access any grants for grounds or athlete, please amend minutes to read as above.
2. Simon wrote letter on behalf of Sport Council thanking the former Greenkeeper Brett.

**Treasurer's Report:**

1. As at meeting there is \$78,069.71.  
Treasurer's report moved G. Robinson seconded K. Marshall.

**Secretary Report:**

1. Letter to Brad Reynolds Thanking him for his work.
2. Request from Junior League for hire of Cahill Park.

**Works Request Updates:**

1. Lights completed Cahill Park.
2. Concreting of Netball wet area in progress.
3. Lift at Glen Willow in progress.
4. Lights fields 3-4 to be done in the next few weeks before 24/02/18.
5. Toilet roll holders still to be done.
6. Netball lights working.

**Works Requests:**

1. Panel out of fence at Glen Willow missing.
2. The gate that allows access to Cricket area doesn't need a key, people may be accessing area.

**General Business:**

1. Can anyone join Sports Council, can join as not for profit, can join with affiliation, anyone can access sports grants.
2. Canteen area at Touch/Soccer fluoro light exploded due to weather could electrician check.
3. Drains at Glen Willow- the drain at turn around bay didn't cope with the rain yesterday 28/01/18.

4. Sports Awards- lots of nominations in some still to come, Disability inclusive combining with ours, and would like to intermix with our awards, similar format to last year. Kathy will notify Robbo of speaker Thursday. Disability Inclusive wonder if Sports Council would pay for their 4 trophies and engraving of trophy's, **MOTION: That Mudgee sports Council pay for the trophies and engraving of perpetual trophy for Disability inclusive as part of the Mudgee Sports Council awards.** Moved K. Lang, seconded N. Cavangah, and carried. The selection committee will meet Wednesday the 7<sup>th</sup> February at MacDonald Lawson at 6:30pm, Kathy, Geoff, & Peter will head committee with maybe Rob O'Connor to attend any other member of sports council is welcome to attend. Numbers for dinner need to be in by Tuesday the 22<sup>nd</sup> February, please email Geoff to confirm ASAP, **inner to be held at Mudgee Golf club 23<sup>rd</sup> February at 6:30 for a 7pm start.**

5. **Glen Willow Master plan:** A few user groups have contact council re master plan with the major issue being storage, and Cricket requesting Cricket Nets, there is also the possibility for a couple of extra fields( Multipurpose) past fields 3 & 4. There maybe be area on the eastern side for shedding, or the western side, League and Touch are very interested in doing this. Soccer have put in for a grant as part of the Asian Cup round 1, which has been knocked back, but they are reapplying as the grants are for ground upgrades not new fields so to upgrade surfaces like fields 3&4, and maybe lighting. Touch has also applied for similar grants, Soccer waiting for quotes, and will see staff at council.

Hockey would like amenities with storage for goals as well as safety fencing around fields. lighting for new multi purpose fields could move to fields above fields 3&4, additional shedding field 2, and Cricket Nets Northern side of fields 3&4..

Can we have discussions with similar clubs like Junior and Senior League to share amenities which would allow bigger amenities?

Bus parking and turning bay and internal access.

New plans will be drawn up and council will forward to all sporting groups with the changes, and if everyone is happy then staff will present to councillors.

Time for works will depend on funding, council would like to start as soon as funding becomes available and if local sports can access grants through their affiliated bodies, Council would attempt to match this all depends on the scale and capacity of council at the time.

6. The access to the Touch amenities is still blocked due to road works.

7. Are the bollards going back in the same place? The road still isn't wide enough for 2 cars to pass safely, could council please check, footpath seems to be very wide and doesn't need to be that wide (this is an internal area where the roadway becomes the carpark).

8. The Business enterprise centre has closed, who will type booklet for Sports awards, Simon has offered the services of council staff to assist with the typing.

Meeting closed 2100.

Next meeting

26<sup>th</sup> February 2018

6pm at Mudgee Netball clubhouse.



## Item 13: Urgent Business Without Notice

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### 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)

