



MOOB MOOB MILL
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NEIL & TRACEY LAW
T/A HARDOO HOLDINGS AND TIMBERS
323 BINGEEBEEBRA RD MUMMULGUM 2469

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To the B.C.A CHAIRMANS PANEL
Preferably someone of importance who can help!

My name is Tracey Law I have read the web page of the B.C.A. while I am sure I don't have the right forum for my family business problems I feel that I quote. The B.S.A.'s aim is to ensure a dynamic and competitive business environment capable of contributing to Australia's growth and prosperity. You may be able to help me find the right forum. As the B.C.A's aim is the same as our own aim.

The aim of **OUR** business is to become a successful Saw Mill.
A community conscious development, providing jobs for our small village producing timber for local and global markets. Also, we had hoped to develop a future macadamia farm, already in its early stages. Once again we will endeavor to provide job opportunities for our small community and to produce products for local and global markets. Something we have been aiming for, for some time.

BUT
RED TAPE AT LOCAL GOVERNMENT LEVEL

Re: - National television campaign.

MY husband and I have recently seen the national television campaign. This has significant importance to us as we are small business people TRYING to have a go in rural Australia.

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OUR STORY,



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IN the past we have been a small portable saw milling operation which worked on private property on a week end. Our business has supported our family for some time. WE are a large family with 10 children (blended) 7 are still at home. We are very hard working people. Three years ago my husband took a redundancy package from State Forest and we decided to develop our part time small business. We used our own capital and this redundancy money to start. Our business has grown considerably in the last two years and we have decided to rent/purchase a small one man bench. Giving two of our son's jobs as well.

THE ONE MAN BENCH! (\$175,000.00 bench). Shed construction and extra's \$130,000.00. For us to do this we have had to dig deep and find money to firstly pay for the equipment and then a Development Application.(\$4,000.00) This development application while to the inexperienced seemed simple enough has come at a great financial burden. Council has financially hit us time and again with hidden expenses. NONE OF THESE EXPENSES WERE TOLD TO US BEFORE WE STARTED.

1. We have had to widen a public road.

*** please note*** properties beyond our drive way number 7. This road is a dead end road. The existing road had to be six mtrs wide. (WHO FOR) Traffic volume for our D.A will average out to 1 ½ vehicles per week. Then we had to make a six mtr wide bitumen driveway on our own property, where an already existing hard surface drive was working fine. \$10,000.00. This expense has continued. Another bill \$455.00 what for we ask? Council has to stamp the road design maps. Which we just paid an engineer to design

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\$1800.00 We now pay \$3,550.00 for one off road use and then another



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\$600.00 per year every year. We have been told that it is simple the term USER PAYS has been tossed around considerably.

LOG TRUCKS

Note that our Saw mill is the only sawmill in N.S.W. and QLD who will have to pilot trucks from the highway to our property. The logistics of this will prove a miserable failure as logging operations are in remote areas. Cell phones don't work in our region and delays are very common for weather reasons and traffic conditions. Our road meets R.T.A standards and the logging operators work in much more severe conditions than ours on a regular basis on general public roads. Several contractors have already told us they will not deliver to us because they will be operating out of areas where there is no communication available. WE HAVEN'T EVEN TRIED WITH COUNCIL ON THIS POINT YET!!!! DO THEY KNOW WHAT THEY ARE DOING!!!!

Council has requested a noise assessment done. Asking for measures at the boundaries, (\$2,000.00 +++) We have been told by the experts that tests are not carried out at the boundaries as stipulated in the D.A. they're done thirty mtrs from the neighbors residence AND that COUNCIL DOESN'T KNOW WHAT THEY'RE DOING.

The Council Works Manager we are told hasn't done a D.A. for a Saw mill before.

On one visit council came to inspect the shed structure and didn't realize the shed had no walls in the APPROVED plans. OH!!!!!!!!!!!!

It was SUGGESTED to put walls in it in case of complaint (FORM ONE NEIGHBOR) about noise. YES we put the walls in it \$3,500.00. We had hoped that logic would prevail and that by putting the walls in would be seem as a keen effort (at our expense) to spend the money in what would

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seem the solution to a future problem. BUT no that was not to be.



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Council has given us another interim order until the 3rd Jan.(After being threatened with legal action) IN this order it is stipulated that we must have the noise assessment done by this date. Prior to this order we told council it would be the first week in February before any professionals were available to complete this work. **WHY ARE THEY DOING THIS TO US!!!!!!!**

please note council has all the equipment at hand to do this assessment but won't come to the party.

THE BURN PIT

The D.A. was submitted with a burn pit. This was checked with D.I.P.N.A. It seemed okay at the time (verbally . We had nothing in writing) and was APPROVED by council.

ADD A DISGRUNTLED NEIGHBOUR!!!!!!!

NOW we have an illegal pit, we are to move this pit (AT OUR EXPENSE) because we have (noted by Council & D.I.P.N.A) a particularly malicious neighbor.

Last week when council attended it was made very clear that council was not "instructing us" to move it but only suggesting it as a solution to the neighbor problem. Since then they have decided that the buck should be passed and it is now D.I.P.N.A.'s responsibility to find a solution to the APPROVED pit. Don't mind that council passed the D.A. previously and this cost us \$4,000.00 to construct.

*** please note*** Kyogle Shire Council has been in very recent months under investigation by State Government. Our neighbor has used this forum at Council meets to drag us into this investigation. Our financial situation has once again become desperate as we were closed down due to allegations by this individual for several weeks last month. It was pressure from the media that got us up and running last time.

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THIS MONTH!!!!!!!



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Council has become so fearful of the repercussions from complaint and being under review by state government, that while they are trying to help us in the long term they are only burdening us even more financially.

We are now at a cross road of making the decision do we cut our losses, which will mean we loose our home. (The family vehicle has already gone). Our eldest son has been working for 4 months with out remuneration. Our daughter has moved back home and contributes substantially to the food that goes on the table.

Council once again has burdened us with not having a interim order ready when they promised us a follow on would be available and this loss of income from two days, a lose of \$5,000.00 was crucial to the way we would survive the closure of timber mill manufactures at Christmas time.

While I don't expect anything from the BUSINESS COUNCIL I am hoping just a little, that there may be one last avenue of action for us to succeed at what we do best. Our dreams are pretty much shattered and our faith in the system no longer exists. Any information you can give us would be greatly appreciated. EVEN A LITTLE HELP WE FEAR WILL BE TOO LATE.

It seems if you don't have any money to fight for the right you don't have any right's at all. .

We don't have any more money.

Sincerely

Tracey & Neil Law

DO WE COUNT OR DO WE BECOME ANOTHER STATISTIC

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The Experience for us.



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WE WILL NEVER AGAIN ENCOURAGE OUR CHILDREN TO FOLLOW THERE DREAMS IN BUSINESS IN AUSTRALIA. Our dream was for our children to carry on where we will leave off in the future. WE WILL NEVER EXPECT FROM GOVERNMENT BODIES A FAIR GO.
WE WILL NEVER AGAIN PLACE OUR MONEY AND OUR HEARTS IN JOBS FOR OURSELVES AND OUR CHILDREN.

A KICK IN THE GUTS IS ALL WEVE GOT TO SHOW FOR OUR EFFORTS.

THEY SAY A BAD EXPERIENCE IS TALKED ABOUT MORE THAN A GOOD ONE. PEOPLE WILL BE HEARING OF OUR EXPERIENCE AND IT WILL REFLECT ON MANY.

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To The General Manager

Re D.A. for N & T Law

We have received response from council to the letter sent on the 7th Dec.

Scott Turner has implied that we see Council as consultants for our D.A. All we have asked is that council clarify what is required to complete the D.A..

We believe it is council professional responsibility to promote clear communication in regards to any council matter. Council has a DUTY OF CARE to its constituents to work with them in a diligent and honest way.
PLEASE NOTE

When we were first stopped by council at the end of November a document prepared by our solicitor was sent to Council responding to the **completion** of **all** Points of the Approved D.A. except the road which was out of our control but in progress.

The conditions not met at that point were the ones associated with the road. Council came and inspected the site and the few minor requirements were discussed and subsequently completed. These consisted of storage area for fuel tanks. COUNCIL CAME AND INSPECTED THESE MINOR REQUIREMENTS.

We saw this inspection of the as confirmation and completion of these Points of our D.A.

Discussion was entered into at this point in regard of the fire pit and the possibility of it being moved. At this point it had been constructed in the approved location by council. We were happy to find a solution. Council said they would take care of this and an appointment with Jim Morrison was organized.

We believe it is council that has been dragging the chain and not us.

We believed that all conditions were met and that provision was made in the interim order for the construction of the last remaining part of our D.A. the

road construction. Subject to the burn pit situation which was in the approved location.

We were led to believe that once the council inspected the road the interim order would be completed and that our D.A. would be completed.

Council was contacted about the completion of the road in November by the contractor and also by my self who rang council.

I REALISE DUE TO MY LACK OF EXPERIENCE IN THESE MATTERS THAT I NEVER ASKED FOR ANYTHING IN WRITING. I WONT BE SO STUPID IN THE FUTURE.

I spoke to Darren Ward about the completion of the road and he said that it was up to the engineers to inspect.

We were told by the Darren Ward verbally through this process that if an extension for an interim was required then one would be on going.

WE were never told that we would have to apply for another.

We have asked for clarity on these issues because council has changed the Original D.A. consenting to the existing Burn Pit. It is obvious to us that council has no concern for the expense this has generated for us.

We were not asked to have Noise Assessments in our Original and Approved D.A. IN the last interim we have been asked to present an assessment by the 3rd January.

Response from council 8th Dec

AMBIGUOUS

NOW council is saying should they get complaint it is in our **interest** to have this test done. If we don't they will fine us if we exceed the noise levels. WHAT DO THEY WANT!

SOUND TEST

AT ONE INSPECTION SCOTT TURNER WAS SURPRISED THAT THE SHED HAD NO END WALLS.

This was after the approval of the shed by council!!!!

Scott Turner suggested that we put walls in as a further reduction of noise.

WE did this at Councils suggestion.

Council shouldn't have approved the shed without walls in the first place if they wanted walls.

BUT we have been very keen at all times to do every thing in our power to

reduce any problems. We won't be doing any suggestion work in the future.

IN these letters we have asked for clarification on the noise tests for our D.A. we were told by Mr Clarke from Clarke Acoustic Consultants Pty Ltd that testing should be carried out 30 mtrs form the residence of neighbors and not the boundries of our property.

Council has not clarified this question.

Also it was asked of council if they could perform these tests as they have the equipment. We are unable to get an assessment date any closer than the first week of February.

If they can't do the test can they please explain why?

All we ask is that council use **reasonable consideration** without **prejudice** in dealing with our Application.

Sincerely
Neil & Tracey Law.