



****CONFIDENTIAL COPY****

Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 20 APRIL 2022

*A prosperous and progressive
community we proudly call home*





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MUDGEE NSW 2850

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13 April 2022

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
20 APRIL 2022
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

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.

The meeting will be live streamed on Council's website.

Members of the public may address Council at the Public forum, which is held at 5.30pm immediately preceding the Council meeting. Speakers who wish to address Council are invited to register by 4.00pm on the day prior to the Council Meeting by contacting the Executive Assistant to the Mayor and General Manager.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

I would like to acknowledge the traditional owners of the lands on which we meet, the Wiradjuri people and pay our respects to elders past, present and emerging.

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 16 March 2022

Council Decision:

That the Minutes of the Ordinary Meeting held on 16 March 2022 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Indoor Pool Feasibility Study	Res 325/19 Ordinary Meeting 16/10/2019	That Council request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	Report has gone to Council and currently awaiting Feasibility Study.
Banner Poles Gulgong	Res 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	To be reported to Council at a future meeting.
Cox Street Rail crossing	Res 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox Street.	To be reported to Council at a future meeting.
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.	To be reported to Council at a future meeting.
Water Sharing Plan	Res 171/21 Ordinary Meeting 21/06/2021	That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing Plan commence immediately.	To be reported to Council at a future meeting.
Community Grants Program July 2021	215/21 Ordinary Meeting 21/07/2021	That Council investigate the purchase of the Angus Avenue building and potential long term lease to Cementa, and bring a report back to a future Council meeting.	Recommended for completion.
Tree Removal – Mortimer Street, Mudgee	231/21 Ordinary Meeting 4/08/2021	That a report be brought back to Council through the Local Traffic Committee in regard to improving the safety, including visual aspects, of the pedestrian crossing in Mortimer Street on the northern side outside Woolworths	Recommended for completion.
Tourism Services and Regional Marketing Expression of	07/22 Extraordinary Meeting 12/01/2022	That Council request an additional report be brought back to Council detailing the alternate cost of providing Tourism Services and Regional Marketing internally (not	Recommended for completion.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Interest 2021/54		through a contract arrangement), outlining any benefits and disadvantages to current service levels.	
BMX Pump Track Investigation	14/22 Extraordinary Meeting 2/02/2022	That Council provides in principle support for the construction of a BMX Pump Track in the Mid-Western Region and investigates potential sites and costs for the construction of a BMX Pump Track across the entire region.	To be reported to Council at a future meeting.
Drive-in Cinema	17/22 Extraordinary Meeting 02/02/2022	That Council engages in preliminary discussions with the owner of the Dubbo Drive in Cinema about the potential for bringing the facility to the Mid-Western Region and assesses the potential financial implications of any such endeavour.	Recommended for completion.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Accommodation Investigation within the Local Government Area

NOTICE OF MOTION LISTED BY CR KATIE DICKER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, A0100035

MOTION

That Council investigate considerations within the Local Government Area for accommodation.

Background

Accommodation challenges are not an issue that are unique to our LGA, and there is no simple solution. Accommodation within the region has many demands placed upon it from residents, tourism, online platforms and industry. This issue is of high importance to many within our community and impacts across all demographics.

Starting the conversation allows for Council to begin to move forward with undertaking what we can do in our region to assist with the current demand and future planning.

Officer's comments

The GM will continue working with the Regional Housing Taskforce and State Government in looking for solutions to the accommodation shortage issues facing our region.

Item 7: Office of the General Manager

7.1 Code of Meeting Practice

REPORT BY THE GOVERNANCE COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, GOV400009

RECOMMENDATION

That Council:

1. **receive the report by the Governance Coordinator on the Code of Meeting Practice ;**
2. **place on public exhibiton a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code ; and**
3. **adopt the Code of Meeting Practice if no submissions are received during the period of 42 days.**

Executive summary

The Local Government (General) Regulation 2021 commenced 1 September 2021 including the provisions for the Model Code of Meeting Practice. Councils must adopt a code of meeting practice that incorporates the mandatory provisions of the Code of Meeting Practice within 12 months of the local government elections.

Disclosure of Interest

Nil

Detailed report

The new Model Code of Meeting Practice contains new provisions that allow councils to permit individual councillors to attend meetings by audio-visual link and to hold meetings by audio-visual link in the event of natural disasters or public health emergencies. The provisions governing attendance at meetings by audiovisual link are non-mandatory. Councils can choose not to adopt them or to adapt them to meet their own needs.

Amendments have also been made to the provisions governing the webcasting of meetings and disorder at meetings to reflect amendments to the Regulation since the previous iteration of the Model Meeting Code was prescribed.

An amendment has also been made to the Model Code of Meeting Practice implementing recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha). ICAC recommended that the Model Code of Meeting Practice be

amended to require that council business papers include a reminder to councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Code of Conduct

Councillor & Staff Interactions Policy

Councillor Expenses & Facilities Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Financial implications

Not applicable

Associated Risks

The application of the Code of Meeting Practice will reduce risks arising from poor governance practice.

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

5 April 2022

Attachments: 1. Model Code of Meeting Practice. (separately attached)
2. Draft MWRC Code of Meeting Practice. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.2 Policy Review - Councillor Expenses and Facilities

REPORT BY THE GOVERNANCE COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Governance Coordinator on the Policy Review - Councillor Expenses and Facilities;**
2. **place the revised Councillor Expenses and Facilities Policy on public exhibition for 28 days; and**
3. **adopt the revised Councillor Expenses and Facilities Policy if no submissions are received.**

Executive summary

The Councillor Expenses and Facilities Policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

Disclosure of Interest

Nil

Detailed report

This is a foundation policy of Council ensuring accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expenses or facility provided under this policy.

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Community Plan implications

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

Strategic implications

Council Strategies

This policy aligns with the Good Government key theme of the Community Strategic Plan.

Council Policies

Not applicable

Legislation

Local Government Act 1993

Local Government (General) Regulation 2005

Financial implications

Councillor Expenses and Facilities are provided for in the Operational Plan.

Associated Risks

Not applicable

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

21 March 2022

Attachments: 1. Councillor Expenses and Facilities Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Councillor Expenses and Facilities Policy

*A prosperous
and progressive
community.*

REVIEW		VERSION NO	3.0
COUNCIL MEETING MIN	TBA	REVIEW DATE	SEPTEMBER 2024
DATE:	5 APRIL 2022	FILE NUMBER	GOV400047

Objective

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
- ensure facilities and expenses provided to councillors meet community expectations
- support a diversity of representation
- fulfil the council's statutory responsibilities.

Legislative requirements

Local Government Act 1993, Sections 252 and 253

Local Government (General) Regulation 2021, Clauses 217 and 403

Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009

Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities

Local Government Circular 05-08 legal assistance for Councillors and Council Employees.

Related policies and plans

Code of Conduct

Procedures for the Administration of the Code of Conduct

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | ERROR! REFERENCE SOURCE NOT FOUND., 5 APRIL 2022

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Policy

Policy summary

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

EXPENSE OR FACILITY	MAXIMUM AMOUNT	FREQUENCY
General travel expenses	\$5,000 all councillors	Per year
Interstate, overseas and long distance intrastate travel expenses	\$10,000 total for all councillors. Each travel approved by Council resolution	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$2,500 per councillor	Per year / accumulative
Conferences and seminars	\$11,000 total for all councillors	Per year
ICT expenses Home internet (council to provide & maintain telecommunication equipment iPad, iPhone, Hub app mobile content viewing)	\$100 per councillor	Per month
Home office Expenses	\$100 per councillor	Per year
Carer expenses	\$100 per councillor	Per month
Access to facilities in a Councillor common room (Committee Room)	Provided to all councillors	Not relevant
Council vehicle and fuel card	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant
Number of non-exclusive staff supporting Mayor and Councillors are the GM Executive Assistant / GM Administrative Assistant	Provided to the mayor and councillors	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Part A - Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Mid-Western Regional Council.
- 1.2. The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Principals

- 2.1. Council commits to the following principles:
 - **Proper conduct:** councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - **Reasonable expenses:** providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
 - **Participation and access:** enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor
 - **Equity:** there must be equitable access to expenses and facilities for all councillors
 - **Appropriate use of resources:** providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
 - **Accountability and transparency:** clearly stating and reporting on the expenses and facilities provided to councillors.

3. Private or political benefit

NOTE: Councillors who have received telephone/facsimile/answering service devices and internet connection at their private residence under the prior policy may retain those facilities and services whilst holding the office of councillor. Those facilities are now being replaced with mobile internet accessible telephony devices.

- 3.1. Councillors must not obtain political benefit from any expense or facility provided under this policy.

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | 3.0, 5 APRIL 2022

- 3.2. The private benefit Councillors gain through the provision of council owned and maintained ICT devices, an iPhone and iPad and home internet costs are recognised and approved under this policy.
- 3.3. Private use of council issued iPhone and iPad by councillors may occur in accordance with this section. A councillor's private mobile phone number can be diverted to the council provided iPhone and private calls may be made under the councils Telstra telecommunications plan. This is limited to national calls only.
- 3.4. Councillors can use the iPhone and iPad to access private iCloud accounts. All private iCloud access from council devices must be in accordance with section 3 of the Electronic Telecommunications Acceptable Use Policy, Prohibited conduct
- 3.5. Private use described in sections 3.3 & 3.4 does not require a compensatory payment back to council.
- 3.6. The Councillor must not obtain private benefit from any other expense or facility other than;
 - 3.6.1. iPhone, an iPad and home internet provided under this policy and;
 - 3.6.2. The flow on private benefit to a councillor who will take the skills and knowledge that the council's professional development program into their personal and professional lives outside of the council. To limit this private benefit the councillor professional development program will be directed toward enhancing the fundamental skills required of a Councillor including;
 - 3.6.2.1. A member of the Governing body of a large public agency including, Governance skills; Director skills
 - 3.6.2.2. Integrated Planning & reporting; including strategic management skills
 - 3.6.2.3. Representation and communication; including community leadership skills.
- 3.7. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Part B - Expenses

4. General expenses

- 4.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 4.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | ERROR! REFERENCE SOURCE NOT FOUND., 5 APRIL 2022

5. Specific expenses

GENERAL TRAVEL ARRANGEMENTS AND EXPENSES

- 5.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 5.2. Each councillor may be reimbursed up to a total of \$5,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 5.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 5.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.

INTERSTATE, OVERSEAS AND LONG DISTANCE INTRASTATE TRAVEL EXPENSES

- 5.5. Council will scrutinise the value and need for councillors to undertake overseas travel. Councils should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the council and the local community.
- 5.6. Total interstate, overseas and long distance intrastate travel expenses for all councillors will be capped at a maximum of \$10,000 per year. This amount will be set aside in Council's annual budget.
- 5.7. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.
- 5.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 5.9. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | 3.0, 5 APRIL 2022

- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 5.10. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 5.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 5.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 5.13. Bookings for approved air travel are to be made through the general manager's office.
- 5.14. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

TRAVEL EXPENSES NOT PAID BY COUNCIL

- 5.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

ACCOMMODATION AND MEALS

- 5.16. In circumstances where it would introduce undue risk for a councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the general manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the councillor lives more than 50 kilometres from the meeting location.
- 5.17. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development outside Midwestern region.
- 5.18. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.
- 5.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 5.18.
- 5.20. Councillors will not be reimbursed for alcoholic beverages.

REFRESHMENTS FOR COUNCIL RELATED MEETINGS

- 5.21. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 5.22. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually

PROFESSIONAL DEVELOPMENT

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | ERROR! REFERENCE SOURCE NOT FOUND., 5 APRIL 2022

- 5.23. Council will set aside \$2,500 per councillor annually in its budget to facilitate professional development of councillors through programs, training, education courses and membership of professional bodies.
- 5.24. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 5.25. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 5.26. Approval for professional development activities is subject to a prior written request to the Mayor outlining the:
- details of the proposed professional development
 - relevance to council priorities and business
 - relevance to the exercise of the councillor's civic duties.
- 5.27. In assessing a councillor request for a professional development activity, the Mayor must consider the factors set out in Clause 5.27, as well as the cost of the professional development in relation to the councillor's remaining budget.

CONFERENCES AND SEMINARS

- 5.28. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 5.29. Council will set aside a total amount of \$10,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.
- 5.30. Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 5.31. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 5.16-5.20.

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | 3.0, 5 APRIL 2022

INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) EXPENSES

- 5.32. Council will provide appropriate ICT devices and services for each councillor. This may include mobile phones and tablets, mobile phone and tablet services and data, and home internet costs.
- 5.32.1. Councillors may divert their private mobile phone numbers to the council iPhone
- 5.32.2. Councillors may utilise the council iPhone for private calls with the exception of international calls
- 5.32.3. Councillors will be reimbursed call divert charges of their private mobile phone diverted to their councillor iPhone
- 5.32.4. Councillors may request the ICT Team create private iCloud accounts from the council iPhone / iPad for private storage and private apps
- 5.32.4.1. Private iCloud use from a council device must comply with Councils Electronic telecommunications acceptable use policy.
- 5.33. Reimbursements will be made only for approved private communication devices and services used for councillors to undertake their civic duties, such as:
- receiving and reading council business papers
 - relevant phone calls and correspondence
 - diary and appointment management.
- 5.34. Councillors may seek reimbursement for applications on their mobile electronic communication device that are directly related to their duties as a councillor, within the maximum limit.

SPECIAL REQUIREMENT AND CARER EXPENSES

- 5.35. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 5.36. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 5.37. In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 5.38. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$1,200 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 5.39. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 5.40. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | ERROR! REFERENCE SOURCE NOT FOUND., 5 APRIL 2022

HOME OFFICE EXPENSES

- 5.41. Each councillor may be reimbursed up to \$100 per year for costs associated with the maintenance of a home office, such as minor items of consumable stationery and printer ink cartridges.

6. Insurances

- 6.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 6.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 6.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 6.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

7. Legal assistance

- 7.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
 - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 7.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 7.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 7.4. Council will not meet the legal costs:
- of legal proceedings initiated by a councillor under any circumstances

- of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 7.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

Part C - Facilities

8. General facilities for all councillors

FACILITIES

- 8.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
- a councillor common room appropriately furnished to include, desks and appropriate refreshments (excluding alcohol)
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.
- 8.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through a specified officer in the General Managers office.
- 8.3. The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

STATIONERY

- 8.4. Council will provide stationery to councillors at their request including;
- business cards
 - pads and diaries

ADMINISTRATIVE SUPPORT

- 8.5. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support may be provided by staff in the General Managers office or by a member of council's administrative staff as arranged by the general manager or their delegate.
- 8.6. Council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

9. Additional facilities for the mayor

- 9.1. Council will provide to the mayor a maintained vehicle to a similar standard of other council vehicles, with a fuel card. The vehicle will be supplied for use on business, professional development and attendance at the mayor's office.

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | ERROR! REFERENCE SOURCE NOT FOUND., 5 APRIL 2022

- 9.2. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 9.3. In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the general manager.
- 9.4. Staff in the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D - Processes

10. Approval, payment and reimbursement arrangements

- 10.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 10.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 10.3. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
- 10.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

DIRECT PAYMENT

- 10.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the manager Customer Service & Governance for assessment against this policy, with sufficient information and time to allow for the claim to be assessed and processed.

REIMBURSEMENT

- 10.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Governance Department.

ADVANCE PAYMENT

- 10.7. Council will not pay a cash advance for councillors attending approved conferences, seminars or professional development.

NOTIFICATION

- 10.8. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 10.9. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | 3.0, 5 APRIL 2022

REIMBURSEMENT TO COUNCIL

10.10. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- council will invoice the councillor for the expense
- the councillor will reimburse council for that expense within 14 days of the invoice date.

10.11. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

TIMEFRAME FOR REIMBURSEMENT

10.12. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

11. Disputes

11.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.

11.2. If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

12. Return or retention of facilities

12.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.

12.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.

12.3. The prices for all equipment purchased by councillors under Clause 12.2 will be recorded in Council's annual report.

13. Publication

13.1. This policy will be published on council's website.

14. Reporting

14.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.

15. Auditing

POLICY: COUNCILLOR EXPENSES AND FACILITIES POLICY | ERROR! REFERENCE SOURCE NOT FOUND., 5 APRIL 2022

- 15.1. The operation of this policy, including claims made under the policy, will be included in council's audit program and an audit undertaken at least every two years.

16. Breaches

- 16.1. Suspected breaches of this policy are to be reported to the general manager.
- 16.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Part E - Definitions

The following definitions apply throughout this policy.

TERM	DEFINITION
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a councillor
appropriate refreshments	Means food and beverages, excluding alcohol, provided by council to support councillors undertaking official business
Act	Means the <i>Local Government Act 1993</i> (NSW)
Clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of council who is not suspended, including the mayor
General Manager	Means the general manager of Council and includes their delegate or authorised representative
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
long distance intrastate travel	Means travel to other parts of NSW of more than three hours duration by private vehicle
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in the table on page 3
NSW	New South Wales
official business	Means functions that the mayor or councillors are required or invited to attend to fulfil their legislated role and responsibilities for council or result in a direct benefit for council and/or for the local government area, and includes: meetings of council and committees of the whole meetings of committees facilitated by council civic receptions hosted or sponsored by council meetings, functions, workshops and other events to which attendance by a councillor has been requested or approved by council
professional development	Means a seminar, conference, training course or other development opportunity relevant to the role of a councillor or the mayor
Regulation	Means the <i>Local Government (General) Regulation 2021</i> (NSW)
Year	Means the financial year, that is the 12 month period commencing on 1 July each year

7.3 Organisation Structure

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE
TO 20 APRIL 2022 ORDINARY MEETING
GOV400064, A0100056, A0270001, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Executive Manager, People and Performance on the Organisation Structure ; and**
2. **re-determine the existing Organisation Structure.**

Executive summary

Council is required under Section 333 of the Local Government Act, “to review, and may re-determine, the organisation structure within 12 months after any ordinary election of Council.”

Disclosure of Interest

Nil

Detailed report

A copy of the current Organisation Structure of Council is included below:



This structure was implemented in February 2021. Changes to the structure at that time streamlined the structure and increased capacity to improve efficiency and improve the alignment of positions to more closely support strategic and Operational Plan outcomes.

The Executive supports continuation of the current structure as it is operating efficiently and effectively in delivering services to the community in line with the Delivery Program and Operational Plan.

Community Plan implications

Theme	Good Governance
Goal	An effective and efficient organisation
Strategy	Pursue excellence in service delivery

Strategic implications

Council Strategies

Community Plan
Delivery Program
Workforce Strategy

Council Policies

Not applicable

Legislation

Council is required under Section 333 of the Local Government Act, to “review, and may re-determine, the organisation structure within 12 months after any ordinary election of Council.”

Financial implications

All existing staff positions are included in the Operational Plan.

Associated Risks

Council will be in breach of the Local Government Act, if the organisation structure is not reviewed and determined by January 2023.

MICHELE GEORGE
EXECUTIVE MANAGER, PEOPLE AND
PERFORMANCE

10 March 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.4 Local Government NSW Membership

REPORT BY THE DIRECTOR COMMUNITY
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, A0040005

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Local Government NSW Membership ;**
2. **re-join Local Government NSW ; and**
3. **amend the 2021/22 budget to increase expenditure by \$8,295 and amend the 2022/23 budget to increase expenditure by \$46,151 for LGNSW membership fees to be funded from unrestricted cash.**

Executive summary

Mid-Western Regional Council has previously been a member of Local Government NSW. Council resolved not to renew its membership for the 2021/22 financial year. This report recommends that Council re-join Local Government NSW. Mid-Western Regional Council is now the only Council in NSW that is not a member. The benefits of membership are considerable across a broad range of areas.

Disclosure of Interest

Nil

Detailed report

Local Government NSW has provided Council with a quote for membership for the 22/23 financial year. The cost to Council for a basic membership is \$46,151.00 (Ex. GST).

Local Government NSW have provided information on the benefits of membership. Information is included in the attachment and includes reference to:

Advocacy representation

Advocating and making representations to all spheres of government, industry, and business on issues of importance to local government and their communities to ensure your voice is heard

Learning and Development

Best value, specifically designed local government training to up-skill your staff and ensure they are kept up-to-date with the latest sector developments.

Professional Networking Opportunities

Conferences, workshops and professional forums to allow you to gain mutually beneficial connections - even during the social-distancing era.

Grant Support

Capacity building and development support across important local government functions to bring you resources that may otherwise not be available.

Industrial Relations and Workplace Support

Representation in industrial disputes and award matters, and specialist industrial relations advice to best equip you to deal with any issues that arise.

Policy Advice

Advice to Mayors, Councillors, General Managers and staff across a range of local government matters to help you to determine your best course of action.

Management Services

Executive recruitment, facilitated performance reviews, salary and HR benchmarking surveys and organisation reviews to help you obtain and retain the best people for your council.

Legal Advice

Advice on legal matters and policy across a wide range of areas to assist you with compliance.

Member Mentoring

Access to guidance and support from highly experienced and well regarded colleagues to become more empowered to make decisions.

One of the biggest areas of concern is the coming negotiations over the Local Government Award. These negotiations will be led by Local Government NSW on behalf of Councils. It will be extremely concerning if these types of advocacy and representation were happening without our Council having involvement or the capacity to put forward its views and be represented. It would be a costly exercise for Council to seek its own legal advice on Award negotiations. Ultimately, the next twelve months would be a concerning time for Council to not be a member of LGNSW.

The Executive is of the strong view that membership of Local Government NSW is a necessity and is required for Council to meet its relevant community plan objectives relating to lobbying and advocacy.

It was also noted during recent financial years where Council was not a member, that there was an impact on some costs and the availability of some professional advice services that would have been beneficial to Council. This is particularly true for areas of industrial relations support and advice as well as training and development costs.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

The cost of membership is \$46,151.00 ex GST for the 2022/23 financial year. This needs to be included into the budget. A smaller pro rata amount of \$8,295 for the remainder of the 2021/22 financial year is also included.

Associated Risks

A decision to not be a member of Local Government NSW could lead to Council becoming isolated from other Councils across NSW. This may lead to Council spending more on their own lobbying efforts as well as on training opportunities, procurement services and industrial legal advice.

SIMON JONES
DIRECTOR COMMUNITY

18 March 2022

Attachments: 1. Local Government NSW Member Benefits.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Our ref: R90/0292-04 Out-34144

22 March 2022

Mr Brad Cam
General Manager
Mid Western Regional Council

Via email: brad.cam@midwestern.nsw.gov.au

Dear Brad

Local Government NSW member benefits

I am pleased to provide information regarding the value councils receive for their Local Government NSW (LGNSW) membership fee.

Each and every one of LGNSW programs and services are designed to deliver value to our membership. The most recent **Value Audit commissioned by LGNSW concluded that we deliver \$9.56 of benefits for every dollar collected in membership – but we are committed to driving the value of those membership dollars further still.**

As part of our advocacy efforts, LGNSW influences decision makers on matters that affect and improve our sector. Our extensive government relationships enable us to act swiftly in the best interest of councils, as demonstrated by the State's recent response to the unacceptable baseline rate peg of 0.7%.

Our advocacy work on your behalf is broad and deep, with more than 118 significant submissions on behalf of members made to the NSW Government and policy makers since January 2020. This is work our individual members do not have to undertake themselves: it not only prevents the diversion of resources but ensures we speak with a strong and united voice that cannot be ignored.

That voice has helped grow the funding support available to councils and our communities from around \$2 billion in 2018-19 to \$8.2 billion in 2020-21, helping to progress recovery from drought, bushfires, and the COVID-19 pandemic. As the recent flood waters recede across NSW and councils face the herculean tasks ahead, a cohesive and unified approach will be more important than ever. Mid-Western Regional Council is an integral part of our sector, and LGNSW would welcome your support in 2022 and beyond.

The collective power of our sector is critical, but as your Association, LGNSW is also committed to supporting you at an individual level. Membership services available to councillors and staff include:

- **industrial relations and workplace support** (representing councils in industrial disputes and award matters, making and varying industrial awards, advising on legal policy matters and legislation) and HR support;
- **Legal and policy advice;**

- **organisational development and capacity building**, including mentor programs, professional development networks);
- access to **grants and grant support**;
- **professional development and training specifically designed for Councillors and staff**;
- **professional networking and learning opportunities** (through conferences, workshops and professional forums);
- **executive recruitment and performance reviews**;
- **management consulting and structure reviews**; and
- **procurement services and bulk supply arrangements** through Local Government Procurement (LGP), saving you time and money.

Should you have any further questions, I can be contacted at scott.phillips@lgnsw.org.au or 0419 469 023.

Yours sincerely



Scott Phillips
Chief Executive

7.5 Disaster Recovery Funding Update

REPORT BY THE EMERGENCY MANAGEMENT OFFICER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, AA0060009; GRA600016

RECOMMENDATION

That Council:

1. receive the report by the Emergency Management Officer on the Disaster Recovery Funding Update ; and
2. amend the 2021/22 budget to reallocate unspent grant funding from the Make Safe Program to Kerrys Ridge Fire Recovery.

Executive summary

In January 2020 the Federal Government announced Disaster Recovery Funding (DRF) of \$1.275 million for Mid-Western Regional Council as one of the 42 most severely impacted Local Government Areas (LGAs) following the 2019/20 Black Summer Bushfires. Funding needs to be fully spent by 30 June 2022. This report provides an update on the DRF funding and recommends a reallocation of unspent funds.

Disclosure of Interest

Nil

Detailed report

The \$1.275 million DRF received from the Federal Government was allocated to a number of programs to support bushfire recovery and resilience by Council in March 2020. Funding needs to be fully spent by 30 June 2022.

Office of Local Government – Quarterly 2 2021/22 Reporting

A progress report was submitted to the Office of Local Government in February 2022 and is included as an attachment to this report.

Major Projects Update

Below is a budget breakdown for each project:

Project	Budget	Total Budget	Remaining	% Remaining
Bushfire Recovery	20114	\$272,600.00	\$36,665.51	14%
Make Safe program	20119	\$370,000.00	\$84,877.60	23%
Large Water Tanks	20212	\$250,000.00	-\$5,975.62	-2%
Economic Stimulus	20213	\$90,000.00	\$0.00	0%
Ilford Hall upgrades	20214	\$60,000.00	\$50,255.15	84%
Running Stream Hall upgrades	20215	\$80,000.00	\$0.00	0%
Olinda Hall upgrades	20216	\$137,400.00	\$46,872.46	35%
Community Welfare	20217	\$15,000.00	\$5,651.90	38%

Bushfire Recovery

The Emergency Management Officer position which is funded through this budget is vacant.

Hall Upgrades

Running Stream – complete.

Olinda – in progress.

Iford – in progress. Delays are being experienced due to contractor availability and COVID-19.

Make Safe Program

Complete. Remaining funds to be re-allocated, see below.

Re-allocation of funds from Make Safe Program

Council spent over \$2.1 million on recovery works and after natural disaster funding, Council was out of pocket approximately \$100,000. The re-allocation of unspent funding allocated to the Make Safe program will contribute to those costs incurred.

Community Welfare

Council's Community Recovery Officer will utilise these funds as part of ongoing community recovery events and activities.

Community Plan implications

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

Strategic implications

Council Strategies

Operational Plan

Council Policies

Not applicable

Legislation

Local Government Act 1993

Financial implications

As the funding is allocated towards expenses incurred in a prior year, this will result in an improvement to Council's operating performance ratio in 2021/22.

Associated Risks

Not applicable

ALAYNA GLEESON

EMERGENCY MANAGEMENT OFFICER

24 February 2022

Attachments: 1. Disaster Recovery Funding 21/22 FY Quarter 2 Reporting to Resilience NSW.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

Actual Expenditure at the Account balance level

Mid-Western Regional Council

Period: 1 July 2021 to 31 December 2021

Project Number	Project Name <small>(please list the projects in this column)</small>	Mid-Western Regional Council	Mid-Western Regional Council
	Category D - Event AGRN 871	Funding allocation for projects	YTD December 2021
A20114	Bushfire Recovery Minor / Bushfire Liason Officer	272,600	26,535
A20119	Bushfire Recovery - Makesafe Program	370,000	99,291
A20212	Bushfire Recovery - Large Water Tanks	250,000	6,088
A20213	Bushfire Recovery - Economic Stimulus	90,000	0
A20214	Bushfire Recovery - Ilford Hall	60,000	5,700
A20215	Bushfire Recovery - Running Stream Hall	80,000	0
A20216	Bushfire Recovery - Olinda Hall	137,400	78,983
A20217	Bushfire Recovery - Community Welfare	15,000	3,476
Total - Natural Disaster expenses		1,275,000	220,073

INSTRUCTIONS

1) Pick Council name from drop down box in cell C1

2) Add project number in Column A

3) Add project name in Column B

4) Add total project actual expenditure for FY21-22 in Column D, each project total should match the detailed transaction listing provided on the individual project tab; Add total funding allocation for each project, total should match total amounts of funding received in Jan and Feb 2020.

5) Provide a PDF signed copy of the report. The report should be signed by the CFO or a nominee who has the carriage and the authority to sign the report.

I confirm the monthly expenditure report:

- only includes expenditure that meets the eligibility criteria as agreed with the Commonwealth under the Category D of the Disaster Recovery Funding Arrangements 2018 (DRFA).
- agrees with our general ledger records from which the transactions listing accompanying this report has been provided.
- includes appropriate expenditure accruals that can be reliably measured in accordance with normal accounting practices.
- is free from material misstatements (such as incorrect classification of expenditure by event and/or category).
- evidence for expenditure has been reviewed to ensure it is sufficient to ensure compliance with the DRFA's requirements and can be provided upon request.



Digitally signed by Leonie Johnson
Date: 2022.02.04 12:03:56 +11'00'

Signature of Authorising Officer
(CFO)

Date

Leonie Johnson

Summary council Account balance

Item 8: Development

8.1 ME0018/2022 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Two Additional Lots)

REPORT BY THE DUTY TOWN PLANNER

TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, DA0191/2021

RECOMMENDATION

That Council:

- A. receive the report by the Duty Town Planner on the ME0018/2022 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Two Additional Lots) ; and
- B. approve ME0018/2022 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Two Additional Lots) subject to the following conditions and Statement of Reasons (with amendments shown in blue text):

CONDITIONS

PARAMETERS OF CONSENT

1. 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 herein.

Title/Name	Drawing No/ Document Ref	Revision/ Issue	Dated	Prepared by
Figure 1 – Proposed Subdivision	BK630 – Sheet 1 of 3	-	14/07/2020 1/12/2021	Robert John Crooks
Figure 2 – Proposed Services	BK630 – Sheet 2 of 3	-	1/12/2021	Robert John Crooks
Figure 3 – Proposed Services Crossing Diagrams	BK630 – Sheet 3 of 3	-	1/12/2021	Robert John Crooks
Figure 1 – Proposed Subdivision Stage 1 Lots 1-11	BK630 – Sheet 1 of 2	-	1/12/2021	Robert John Crooks
Figure 2 – Stage 1 Proposed	BK630 – Sheet 2 of 2	-	1/12/2021	Robert John Crooks

Services Crossing Diagrams				
Proposed Site Plan	TX14774.00 – C2.01	A	14/08/20	Triaxial Consulting
Road xxx Longitudinal Sections – Sheets 1	TX14774.00 – C5.00	A	14/08/20	Triaxial Consulting
Lot 1 Services Plan	TX14774.00 – SK01	A	02/12/21	Triaxial Consulting
Plenty Road Longitudinal Sections – Sheets 1	TX14774.00 – C5.10	A	12/04/21	Triaxial Consulting
Road 2 – Profile – 1	TX14774.00 – C5.50	1	25/11/21	Triaxial Consulting
Stormwater Management Plan	TX14774.00 – C6.00	B	12/04/21	Triaxial Consulting
Drainage Details	TX14774.00 – C6.50	0	25/11/21	Triaxial Consulting
Sewer Plan	TX14774.00 – C7.00	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.01	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.02	B	12/04/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.03	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.04	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.00 – C7.05	A	14/08/20	Triaxial Consulting
Water Plan	TX14774.00 – C8.00	B	12/04/21	Triaxial Consulting

MODIFIED BY ME0018/2022

- This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.
- This consent does not include approval for the removal of any trees.

GENERAL

- Proposed Lots 1 to 25 27 are to have a minimum area of 2,000 m².
MODIFIED BY ME0018/2022
- The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.

6. All *Acacia ausfeldii* (Ausfeld's Wattle) plants located within proposed Lot 1 are to be retained and conserved.
7. No trees are to be removed from within the Plenty Road reserve. No trees on the road or parks reserves shall be removed during construction of the subdivision works including the erection of hoardings and fences without Council's approval. Care must be taken to ensure that no trees are damaged either above or below ground level.
8. Street trees of an approved species are to be provided at a rate of two (2) trees per allotment.
9. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.
- b) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the *Water Management Act 2000*.
10. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
11. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
12. The only waste derived material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of *Protection of the Environment Operations Act 1997*; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.
13. Where discrepancies between the Drawings, current amended Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.
14. In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage:
 - a) Erection of permanent structures,
 - b) Cut or fill of land,
 - c) The planting of trees, or
 - d) Concrete structures

Footing design must ensure that footings extend below the zone of influence to ensure that no load is placed on infrastructure.

Stormwater

- 15. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.**
- 16. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.**
- 17. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.**
- 18. A grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.**

Water and Sewer

- 19. The developer is to provide separate water and sewer reticulation services to each lot.**
- 20. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of extending and connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the *National Specification – Water Supply Code of Australia, National Specification – Sewerage Code of Australia, AS/NZS3500: Plumbing and Drainage* and any other applicable codes.**
- 21. Where the sewer main is located outside of the residential block, the service tie shall extend inside the property boundary and an inspection shaft extended vertically upward to the surface ground level to form the boundary riser. The tie should generally be located on the sewer main line at 1.0 metre from the lowest corner of the property and extend 1 metre into the boundary.**

Electricity Supply

- 22. Underground electricity, street lighting and telecommunications is to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an electricity supply.**

TransGrid Conditions

- 23. TransGrid shall be notified of any amendments/modifications to the proposal which may change proposed distances to TransGrid structures or conductors.**
- 24. All works must be carried out in accordance with *NSW WorkCover 'Working Near Overhead Powerlines' Code of Practice 2006*.**
- 25. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.**
- 26. Pits or pillars to connect the electricity supply to residences cannot be located within the TransGrid electricity easement.**

Roads and footpaths

27. Construction and extension of Plenty Road and the New Internal Proposed Road must be undertaken generally in accordance with the approved Drawings, Engineering Design and AUS-SPEC #1 & 2.
28. Road pavements are to be designed by a suitable qualified engineer in accordance with AUSTROADS procedures. Materials and testing requirements shall comply with those set out in *AUSPEC Construction Specification* with sample locations selected as per *RMS Specification Q4*.
29. The proposed extension to Plenty Road is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert).
Nature Strip (verge)	4.5m
Concrete Footpaths	1.2m wide to extend the full length of Plenty Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events of adjacent to intersections. To be installed behind kerb.

30. The proposed cul-de-sac road in the subdivision is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert)
Cul-de-sac	Radius not less than 10m
Nature Strip (verge)	2 x 4.5m
Concrete Footpaths	1.2m wide to extend the full length of new road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb.

31. A minimum 1.2m wide and 100mm thick concrete footpath is to be constructed along one side of the entire length of the proposed road/cul-de-sac and extended to connect to the existing footpath in Plenty Road.

32. One roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of installation of kerb and gutter and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
33. Where footpaths are provided the roof-water outlet shall be extend under the footpath and extend past the edge of the footpath sufficient to allow connection.
34. Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

35. Prior to the issue of a Subdivision Works Certificate, amended plans are to be submitted to and approved by Council to address the following matters:
 - a) The design for stormwater must demonstrate that the gutter flow calculation complies with the requirements of *Mid-Western Development Control Plan 2013*.
 - b) The road pavement width must be measured from invert to invert of kerb.
 - c) Kerb return detail must be submitted.
 - d) Cul-de-sac geometry details are to be submitted and must not be less than 10m radius.
 - e) Footpath details.
 - f) Kerb ramp details along with construction details.
 - g) Kerb and gutter details.
 - h) Kerb inlet pit detail.
 - i) Splay of corner lot details.
36. Prior to the issue of a Subdivision Works Certificate, a detailed engineering design is to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. A Subdivision Works Certificate is required for, but not limited to, the following civil works:
 - a) Water and sewer extensions, and connections to each lot;
 - b) Stormwater drainage, including inter-allotment drainage, detention basins and bio-retention devices;
 - c) Road construction including shoulder;
 - d) Kerb and gutter;
 - e) A 1.2m wide concrete footpath along the cul-de-sac road and the extension to Plenty Road;
 - f) Earth works for the subdivision; and
 - g) Landscaping of road verges and public reserves.
37. Prior to the issue of a Subdivision Works Certificate, the developer must submit to and obtain approval from Council, detailed design and documentation of the proposed sewer reticulation system. The details are to address the following:
 - a) Demonstrate that the proposed sewer reticulation system has minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure; and
 - b) A report outlining the proposal to provide a waste water service to each lot within the proposed subdivision. The report is to be prepared in accordance with *the*

Gravity Sewer Code of Australia WSA02-2014. Where pressure sewer is being proposed, the report is to be prepared in accordance with the Pressure Code of Australia WSA 07-2007.

38. Detailed design supported with calculation of water reticulation plan is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The design must address water network crossing culvert and drainage reserve to get connected to water main available at Lovett Court. The design must address the following, but not limited to:
- a) Air valves, hydrants and air valves must be provided along the length of the main according to the *Water Supply Code of Australia WSA 03-2011*.
 - b) The alignment of the main entering the new subdivision is to be at a 90 degree bend instead of two 45 degree bends. The main is to turn the corner with a tee instead of an elbow. The section of the tee facing to the west is to have a stop valve which is to be blanked out on the side of the valve that faces Robertson Road. Stop valves are to be installed on all sides of this tee.
 - c) The tee turning the corner is to have a temporary thrust block installed according to *Water Supply Code of Australia WSA 03-2011*. This thrust block would comprise of wood or other material deemed appropriate by Council's Water and Sewer Department.
 - d) Right hand close valves are to be used for all stop valves within the subdivision.
 - e) A report outlining the proposal to provide a water supply service to each lot in the subdivision. The report is to be prepared in accordance with the *Water Supply Code of Australia WSA 03-2011*.
39. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:
- a) Details of sedimentation and erosion control.
 - b) Details of haulage routes shall be provided to Council for approval.
Note - all trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
 - c) Details of dust mitigation.
 - d) Details of access roads.
 - e) Location and phone number of the site office.
- Reason - to reduce the environmental impact on the site during the construction period.
40. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-off* and be submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The Drainage Report is to address the following:
- a) Show that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls;
 - b) The provision of a water quality control system to treat the stormwater runoff from the development as outlined in *Mid-Western Regional Development Control Plan 2013 - Water Quality Performance Guidelines and Statement of Environment Effects*;

- c) A detailed drainage design must be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's Development Engineering Specifications;
 - d) A full and detailed stormwater management plan for the site, satisfactory to Council, is to be submitted which must be accompanied with analysis of the upstream contributing areas, tributaries and overland flow-paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems;
 - e) The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by suitably qualified and experienced person in the field of hydrology and hydraulics including water quality modelling (MUSIC) results;
 - f) Inter-allotment drain is to be designed to accept the concentrated drainage from buildings and paved areas on each allotment to provide for no less than flow rates generated by 1:20 year ARI storm event in accordance with BCA requirements;
 - g) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property; and
 - h) Show a grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.
41. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by Section 6.2 of the *Streets Opening Conference Guideline 2009*.
42. Prior to the issue of the Subdivision Works Certificate, consent from Council must be obtained for all new works within the road reserve, pursuant to section 138 of the *Roads Act 1993*.
43. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
44. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a 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*. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
45. 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:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly;

- d) Maintenance of erosion and sediment control structures; and
- e) Disturbed areas are to be seeded, fertilised and hay mulched or similar on completion of regrading works. Disturbed areas are to be progressively revegetated with exposed areas kept to a workable minimum.

46. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping. Details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.

Reason - to minimise erosion and silt discharge and ensure valuable topsoil resources are protected.

47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

PRIOR TO THE COMMENCEMENT OF WORKS

48. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
49. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
50. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the *Water Management Act 2000*), the proponent shall obtain a Section 91 Controlled Activity Approval under the *Water Management Act 2000* to carry out those works.

Note - please contact the Natural Resources Access Regulator for more information in relation to this matter.

51. The following is to be provided, prior to the commencement of any works and is to be maintained in an effective and operational condition for the duration of the work:
- a) Mid-Western Regional Council is to be given at least two days' notice of the intention to commence works.
 - b) A site supervisor is to be nominated by the applicant.
 - c) Erosion and Sediment Controls for the Development are to be implemented in accordance with Dwg No. 82018276-01 C2080 Rev D *Soil and Water Management Layout Plan* and Dwg No. 82018276-01 C2081 Rev D *Soil and Water Management Notes and Details* and Landcom Guidelines and requirements as outlined in the latest edition of *Soils and Construction- Managing Urban Stormwater*.
 - d) Appropriate dust control measures.
 - e) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.
 - f) 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.
 - g) Subdivision Works certificate approval must be obtained from Council for works like but not limited to road, kerb, gutter, water and sewer works
52. Prior to the commencement of any works 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.

53. The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. Dial Before You Dig can be contacted online <https://www.1100.com.au> or by phone on 1100.
54. Prior to the commencement of construction works the applicant needs to comply with the requirements of Section 634 of the *Local Government Act 1993*, 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.

55. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and *RMS Manual for Traffic Control at Worksites* current at the time of construction is to be provided to Council for approval prior to any works commencing on Plenty Road. The plan must be prepared and certified by a person holding the appropriate RMS accreditation.
56. Prior to commencement of works, all traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by RMS. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.

DURING CONSTRUCTION

57. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Sewer and water line installation prior to backfilling;
 - c) Water and sewer lines pressure testing;
 - d) Sewer manholes vacuum testing;
 - e) Footpath foundations and concrete reinforcing prior to pouring concrete;
 - f) Establishment of line and level for kerb and gutter placement;

- g) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - h) Road pavement surfacing;
 - i) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - j) Practical Completion.
58. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
59. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
60. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
61. 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.
62. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil to ensure sediment from the whole site is captured.
63. The developer 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 NSW Land Registry Services and Council.
64. All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes, Standards, Council's Development Control Plan, Council's Standard Drawings and Aus Spec #1.
65. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
66. 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.
67. In the event that *Acacia ausfeldii* (Ausfeld's Wattle) plants are discovered during earthmoving/construction works, all work on 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 authorisation of the OEH.
68. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.

69. All electrical, telecommunication, sewer and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of base course and installation of kerb and gutter.
70. All road crossings for stormwater are to be constructed using Reinforced Concrete Pipe (RCP).
71. A turf strip of minimum 600 mm width is to be laid behind the kerb and gutter. Where footpaths are provided, the area between the footpath and the kerb and gutter is to be turf and 600 mm provided above the footpath.
72. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.
73. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
74. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure. Should any adjustments or alterations to Council's water supply or sewer be required, Council will carry out these works at the developer's expense.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

75. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
76. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
77. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
 - a) Road construction;
 - b) Footpath construction;
 - c) Provision of stormwater drainage infrastructure for the development, including grated yard inlet pits, where required;
 - d) Stormwater detention basin;
 - e) Provision of street trees;
 - f) Provision of sewerage infrastructure for the development, with separate sewer connection for each lot in the subdivision; and
 - g) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
78. The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the

development works. The work is to be completed to Council's satisfaction prior to the issue of a Subdivision Certificate.

79. Prior to issue of Subdivision Certificate, the developer is to provide a sewer junction for each lot in the development. This can be achieved by making payment to Council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).
80. Prior to issue of Subdivision Certificate, the developer is to provide a water service and meter for each Lot. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the cost of installing both the service and a 20mm meter on the water main. (SUBJECT TO CPI INCREASE)

Note - Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains.

81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
82. At the completion of construction and prior to the issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a Flash Drive with all of the QA documentation in accordance with Aus Spec and the requirements outlined below:

a) **COVERSHEET**

- Project Address
- Client/Developer
- DA Number
- Lot Numbers
- Subdivision Stage Number (If Applicable)

b) **INDEX**

- Section Numbers

c) **CONTRACTOR DETAILS**

- Contractor Representative
- Contractor Contact Details

d) **SCOPE OF WORKS**

- Enter description outlining scope of works completed

Records to be included as applicable:

- Material Certification and Material Test Reports (Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc for supplied materials).
- Concrete mix details (Concrete Register/ Concrete Test Results required).
- Bitumen Sealing Reports/Records.
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a drawing).
- Dimensional and Tolerance Records (Survey Conformance Reports).
- Inspection Documentation (Development Engineer Inspections, ITPs, Lot Identification).

- Non-conformance reports (Major non-conformances not detailed on council inspections).
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format).
- Copy of final inspection report from Council's Development Engineer.

83. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- a) PDF;
- b) Dwg format or "Autocad compatible";
- c) MapInfo files (MGA GDA94 Zone 55/56); and
- d) Completed Asset Data Template spreadsheets in MS Excel format.

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.

84. 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 *Australian Standard AS 2870 – 2011: Residential Slabs and Footings*. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

Defects Liability Bond

85. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council.

The defects liability bond will be held by Council for a period of 12 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer, to Council's satisfaction. If defects are not rectified, Council may use bond money to rectify defective works.

For the purposes of defining the defects liability period, the works are considered to be completed when the Subdivision Certificate is registered with NSW Land Registry Services.

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

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.

Developer Contributions

86. In accordance with the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Council Contributions Plan 2019*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the

issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to the Consumer Price Index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
25 27 additional lots (minus credit for existing)		
<i>Mudgee Catchment</i>	<i>Per Lot</i>	<i>24 26 Lots</i>
Public Amenity or Service		
Transport facilities	\$4,347.00	\$113,022.00
Recreation and Open Space	\$2,182.00	\$56,732.00
Community Facilities	\$635.00	\$16,510.00
4347*26Stormwater Management	\$458.00	\$11,908.00
Plan Administration	\$995.00	\$25,870.00
Total	\$8,617.00	\$224,042.00

Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued or where lots are released in different financial years.

Note – Council's *Mid-Western Regional Contributions Plan 2019* is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

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87. The developer shall obtain a Certificate of Compliance under the *Water Management Act 2000*, from Council.

Note – as a precondition to issuing a Certificate of Compliance, the Council may require the alteration and extension of services, upgrading and installing ancillary infrastructure such as pump stations and the payment of section 64 developer charges. Payments of charges may also be paid in accordance with the deferred payments provisions contained within the relevant Council Development Servicing Plans.

Note – refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

88. A restriction, covenant or similar instrument is to be applied to proposed Lot 1 to protect all *Acacia ausfeldii* (Ausfeld's Wattle) plants located within the lot. The instrument shall identify Council as the sole party to vary the restriction or covenant or similar.
89. A restriction, covenant or similar instrument is to be applied to provide protection to the Aboriginal artefact sites identified on the approved plan. No buildings are to be erected within 10 metres of the Aboriginal artefact site.

90. A covenant, or similar instrument, is to be applied to Lots 1 to **25 27** requiring compliance with the relevant terms of the General Terms of Approval issued by NSW Rural Fire Service.
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91. Three (3) 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, where necessary. The 3m minimum width may be extended depending on the size of the main, the depth of the main and when the easement is shared with other services. In the case of a shared trench involving inter-allotment drainage and sewer reticulation, the sewer line should be located on the side of the trench nearest the building being serviced.
92. Easements of variable width shall be created over any overland inter-allotment drainage in favour of upstream allotments. The easements are to be no less than 1m wide. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
93. Easements for electricity purposes, as required by the electricity supply authority, shall be created, where required. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.

Electricity and NBN

94. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - 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; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
 - d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless areas, as opposed to a mapped Fibre to the Node area.

Road Dedication

95. The proposed road/cul-de-sac within the subdivision and the proposed extension to Plenty Road shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

Other dedications

96. Proposed Lots ~~26 and 27~~ 28 and 29 are to be dedicated as a drainage reserve.
MODIFIED BY ME0018/2022

STATEMENT OF REASONS

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The matters raised within submissions have been addressed in the following manner:
 - Necessary road upgrades will be required by conditions.
 - The proposed subdivision will not have an adverse impact on local traffic conditions.
 - The proposed design for water supply will result in improved water pressure.
 - The Stormwater Management Plan is satisfactory.
 - There is ample area on each lot on which to erect a dwelling.
 - There is no fencing forming part of the proposed development.
 - Sufficient open space is provided in the adjoining drainage reserve.
 - Suitable conditions are imposed to address construction impacts.
 - Suitable conditions are imposed to ensure that Aboriginal sites are adequately protected.
 - The subject site is not identified as a wildlife corridor.
 - The proposed variation from the DCP requirement regarding the length of the cul-de-sac is supported.
 - The proposed subdivision will have minimal impact on the water table and bore water supply.
 - It is expected that noise from traffic will be no greater than what is expected in a residential area.
 - No road connection to Robertson Road will be provided.
 - Consideration of the impact on property values is not a planning matter.
 - Council's Development Engineer supports the proposed sewer servicing strategy.
 - There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.
 - Suitable conditions are imposed to control dust during construction works.
 - The proposed subdivision has been designed to take into account the existing powerlines. Both TransGrid and Essential Energy have not objected to the proposed subdivision.
4. **The proposed modification is considered to result in minimal environmental impact and is substantially the same development as originally approved – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the *Environmental Planning and Assessment Act 1979*.**
ADDED BY ME0018/2022

OTHER APPROVALS

General Terms of Approval

A copy of the NSW Natural Resources Access Regulator's General Terms of Approval are attached.

A copy of NSW Rural Fire Service's General Terms of Approval are attached.

ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision Sections 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
6. The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:
www.water.nsw.gov.au > Water > Licensing & Trade > Approvals.

7. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate.

A person may apply to Mid-Western Regional Council, as the water supply authority, for a Certificate of Compliance pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a Compliance Certificate, either of the following is to occur:

- a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable); or

Section 64 Contributions			
25 27 Additional Lots (credit for existing lot)			
	Additional ET/Unit	Value/ET	Payment Due
Water Headworks	36 39	\$8,689.00	\$312,804 \$338,871.00
Sewer Headworks	25.2 27.3	\$3,967.00	\$99,968.40 \$108,299.10
Total Headworks			\$412,805.90 \$447,170.10

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

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

MODIFIED BY ME0018/2022

Essential Energy Advice

8. Essential Energy's records indicate there is electricity infrastructure located within the property sand within close proximity to the property. Any activities with these locations 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*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
9. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
10. Given there is electricity infrastructure in the area, it is the responsibility of the person completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (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* and *Code of Practice – Work Near Underground Assets*.

General Responsibilities of the Developer and/or the Principal Contractor

11. It is the responsibility of either or both of these parties to:
 - a) Provide for the overall supervision and quality of the works.
 - b) Advise Council officers regarding:
 - i. Any foreseeable hazard arising from the premises that has the potential to harm the health or safety of the Council officers when on the work site, and

- ii. The assessment of any risk that has not been eliminated, and
 - iii. The measures taken to control any such risks, and
 - iv. Any measures that may need to be taken by Council officers to control any such risk while on the work site.
- c) Obey with any lawful instruction of the Principal Certifying Authorities representative.
- d) Notify Council when a required inspection has been missed.
- e) The provision and maintenance of all site signage as required by legislation, including but not limited to:
- i. A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and
 - ii. The name and phone number of the Principal Certifying Authority.

Executive summary

OWNER/S	Peter J Consadine
APPLICANT:	Peter J Consadine
PROPERTY DESCRIPTION	209 Robertson Road, Spring Flat (Lot 3 DP1206488)
PROPOSED DEVELOPMENT	Modification to Subdivision – Two Additional Lots
ESTIMATED COST OF DEVELOPMENT:	Not applicable
REASON FOR REPORTING TO COUNCIL:	Application seeks to modify a development consent that was originally determined by Council
PUBLIC SUBMISSIONS:	One

A modification of consent application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 19 January 2022. The proposed modification of Development Consent DA0191/2021 seeks to add two extra lots into the subdivision. No changes are proposed to the majority of the approved lots and to the road layout. Changes are required to a number of conditions in response to the addition of the two lots.

The proposed modification is recommended for approval.

Disclosure of Interest

Nil

Detailed report

Original Approval

The original development consent, approved on 16 June 2021, was for a 1 into 25 lot subdivision at 209 Robertson Road, Mudgee. The developer has applied for a Construction Certificate for Stage 1 of the subdivision, comprising Lots 1 to 11.

Previous Modification

There have been no previous modifications to the original consent.

Proposed Modification

This application to modify the development consent was submitted to Council on 19 January 2022.

The proposed modification seeks to add an extra two lots into the subdivision. The applicant has not specifically applied for any changes to the conditions. A number of conditions will need to be amended, in response to the new number of lots. No changes are proposed to the majority of the lots or the proposed new roads.

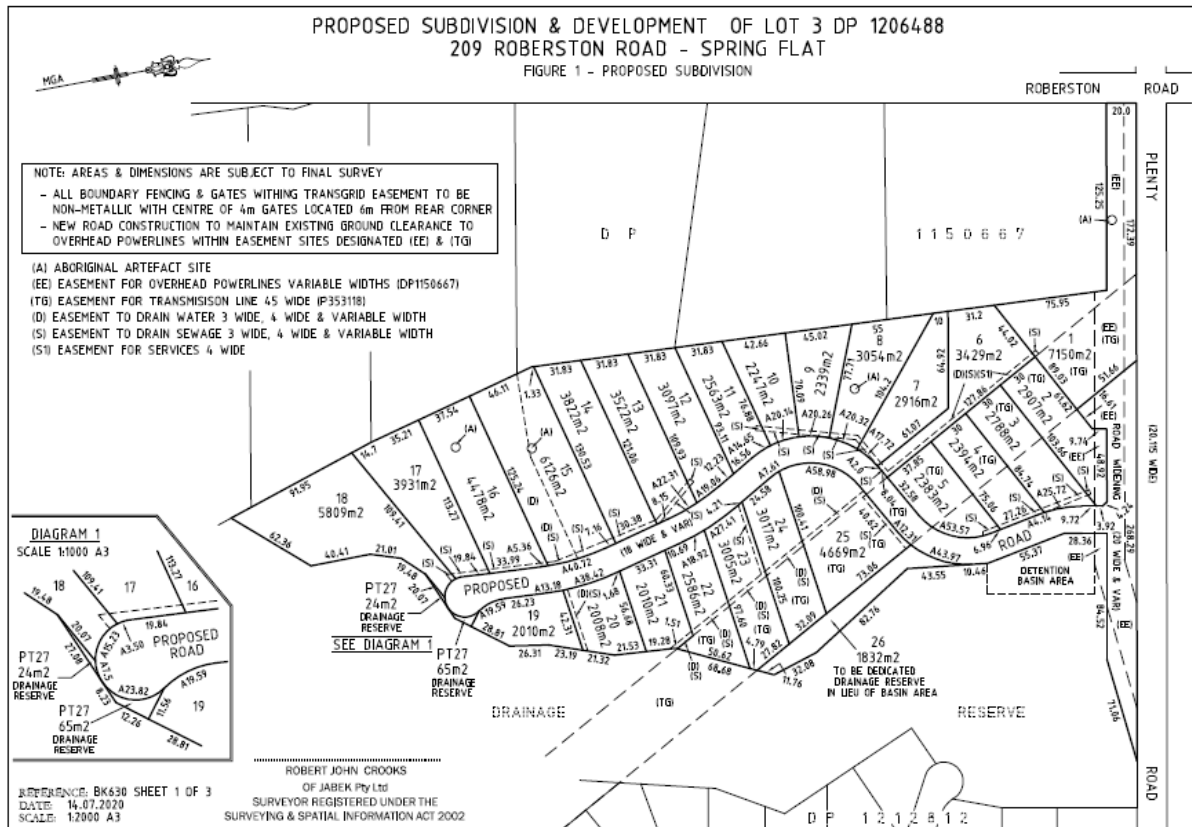


Figure 1: Approved Subdivision Plan

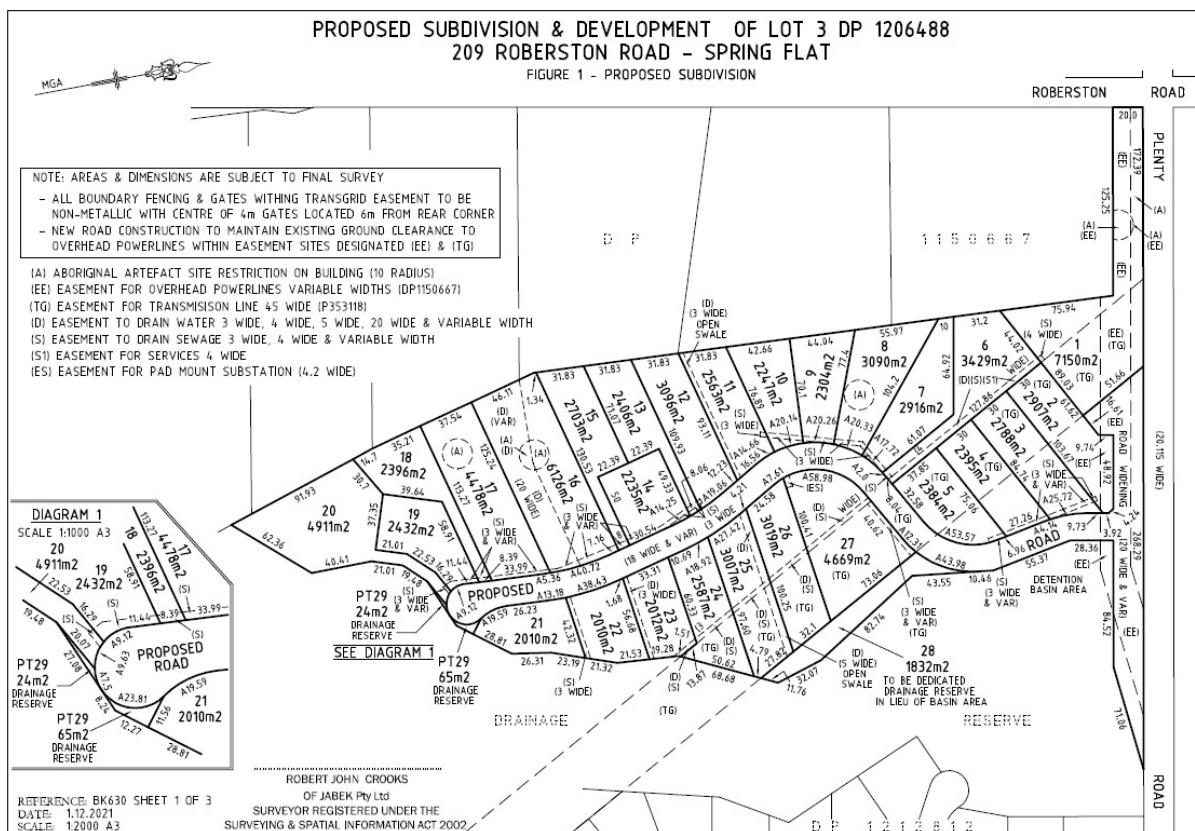


Figure 2: Proposed Subdivision Plan – Addition of Lots 14 and 19

REQUIREMENTS OF REGULATIONS AND POLICIES

Section 4.55 Modification Legislation

Minimal Environmental Impact

The Modification Application is made pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* pertains to modifications to a Development Consent that are of minimal environmental impact. It is considered that the proposed modification will have 'minimal environmental impact' compared to the originally approved proposal, as:

- There are no changes to the approved road layout of the subdivision.
- There will not be an increase in the number of lots adjoining neighbouring land.
- No changes are proposed to those lots containing Aboriginal Heritage Items.
- No increase in the size of the stormwater detention basin is required.
- There will be no impact on water pressure within the proposed water servicing infrastructure.

Substantially the Same Development

The modification is considered to result in substantially the same development as that for which consent was originally granted. The modification will add another two lots to the subdivision. The position and shape of the majority of the lots will remain unchanged. No changes are proposed to the road layout.

Consultation

Consultation with the relevant Minister, public authority or approval body with regard to a condition applied as a result of concurrence or with general terms of approval is required by the legislation. The original development was integrated development. This modification of consent application has

been referred to the following agencies for comment. The agency's comments are summarised as follows.

- **Natural Resources Access Regulator**

The Natural Resources Access Regulator (NRAR) advised that the previously issued General Terms of Approval remain current and no further assessment by NRAR is required.

- **NSW Rural Fire Service**

NSW Rural Fire Service provided amended General Terms of Approval to be issued with the modified development consent. Only minor changes were made to the General Terms of Approval.

- **Transgrid**

Transgrid's comments were: "There is no impact to Transgrid therefore no assessment is required."

- **Essential Energy**

Essential Energy stated that they have "no comments to make as to potential safety risks arising from the proposed modified development." The advice notes provided by Essential Energy have been included as Advisory Notes on the original approval.

Notification and Submissions

This modification of consent application was required to be notified and advertised in accordance with Council's *Community Participation Plan October 2019*. The advertising period commenced on 28 January 2022 and ended on 11 February 2022. One submission has been received in response to notification of the modification.

The issues raised in the submission are summarised below:

- Property values

Comment: There is no evidence to support the claim that the proposed subdivision will have a negative impact on property values in the area. In addition, consideration of the impact on property values is not a planning matter.

- Impact on amenity of existing residences

Comment: There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.

- Glare and white roofs and white fences.

Comment: The application is for subdivision only. Glare from roofs and fences can be considered in future applications for dwellings on the proposed lots.

- Building envelope to be a minimum 30 metres distant from the neighbour's boundary and with a building height restricted to single level.

Comment: It is considered unreasonable to require this subdivision to comply with these building restrictions. *Mid-Western Regional Development Control Plan 2013* requires that dwellings are set back 2.5m from side and rear boundaries for properties that are greater than 2000m² in area and in the R2 – Low Density Residential zone. There are no building height limits/requirements applicable to the land under *Mid-Western Local Environmental*

Plan 2012.

- Flood study/ inadequate stormwater drainage.

Comment: A Stormwater Management Plan has been assessed by Council's Development Engineer in the original application and was considered that adequate stormwater drainage will be provided such that the post-development discharge flow rate from the site is to be kept to below the pre-development rate.

- Kangaroos

Comment: It is unlikely that the proposed subdivision will hinder the ability of kangaroos to travel between feeding grounds.

- More than 12 lots off cul-de-sac

Comment: The original application provided justification for the variation to the DCP requirement requiring that no more than 12 lots are serviced by a cul-de-sac. The DCP requirement is that the maximum number of lots to be serviced by a cul-de-sac is 12, or the length of the cul-de-sac does not exceed 150m in length.

The proposed cul-de-sac will provide access to 25 lots and the length of the cul-de-sac is approximately 490m.

The original application provided the following justification for the variation to the DCP requirement:

- *A contributing factor to the longer cul-de-sac length is the larger lot frontages required for the 2000m² blocks, which generally have 30-40m frontages, much larger than in typical residential construction.*
- *Although longer and servicing more lots than recommended the new cul-de-sac will be managed by ensuring the road construction is at a standard that will be able to convey the expected volume of traffic to be generated (approximately 21 vehicle trips in peak hour).*
- The length of the cul-de-sac is directly attributed to the existing irregular shape of the parent lot, and the size of the lots proposed.
- The road hierarchy is not detrimentally impacted.
- *The layout is aligned with the planning proposal which was supported by Council and considered as part of LEP amendment No 12). Hence a cul-de-sac treatment was already considered acceptable for this site by Council and followed over in this DA stage design.*

Based on the above justification, it is considered that the variation from the cul-de-sac requirements are considered acceptable.

MATTERS FOR CONSIDERATION

The consent authority is required to consider the relevant matters outlined in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As the proposed modification does not seek any major changes to the approved subdivision, the majority of the matters for consideration under Section 4.15 are not relevant. These considerations are summarised as follows:

a) The provisions of any environment planning instruments.

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

The proposed modification does not alter the proposal's compliance with the relevant development standards contained in MWRLEP 2012.

It is noted that the proposed lots range in size from 2,010m² to 7,150m², which meets the minimum lot size of 2,000m² applicable to this subdivision. Each of the proposed lots will be serviced with reticulated water and sewer networks.

Identified Aboriginal heritage items will be protected by existing conditions requiring the preparation of a section 88B instrument to protect these items. The new lot layout does not increase the impact on Aboriginal heritage items.

State Environmental Planning Policies (SEPP's)

The proposed modification does not alter the proposal's compliance with the relevant development standards contained in the applicable SEPP's.

Draft Environmental Planning Instruments

Not applicable

b) The provisions of any development control plan or Council policy.

Mid-Western Regional Development Control Plan 2013

The proposed modification does not alter the proposal's compliance with all the relevant requirements of the Mid-Western Regional Development Control Plan 2013.

The original application proposed a variation to the DCP requirements for the length of the cul-de-sac and the number of lots it serves. The justification to the variation from these DCP requirements has been discussed in a previous section of this report. The variation is supported by staff.

The proposed addition of two lots increases the number of lots in the subdivision that have an access handle. New access handles are provided to Lots 13, 15, 18 and 20 in the modified subdivision layout. The width of these access handles are approximately 8m, exceeding the minimum width requirement of 6m.

Council Policies

Not applicable

There are no Council policies applicable to the proposed modified subdivision.

Contributions

The proposed modification will increase the number of lots from 25 to 27. Consequently, there will be an increase in the amount of developer contributions payable for the subdivision. Adjustments for the increase in the number of lots have been incorporated in the recommendation related to Section 7.11 contributions and Section 64 Water and Sewer headworks charges.

c) The provisions of any planning agreement

Not applicable

d) The regulations

Not applicable

e) The likely impacts of development

The proposed modification does not alter the impacts associated with the approved subdivision.

f) The suitability of the site for the development

The proposed modification does not alter the suitability of the site for the approved development.

g) Any submissions received

The issues raised in the submission has been discussed in a previous section of this report.

h) The public interest

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

CONSEQUENTIAL CHANGES TO CONDITIONS

The proposed modification sought to add two additional lots into the subdivision layout. A number of conditions require adjustment to accurately address the proposed addition of two lots.

Amend Condition 1 to refer to amended plans

There is no objection to the proposed addition of two lots into the subdivision layout. Accordingly, it is recommended that Condition 1 be amended to refer to the new plans showing the new subdivision layout.

Condition 4

Condition 4 makes reference to Lots 1 to 25. There are now 27 residential lots in the subdivision. It is recommended the number of lots be adjusted in Condition 4.

Condition 86

Condition 86 identifies the contributions payable for the proposed subdivision. The contribution amounts need to be adjusted to take into account the additional two lots.

Condition 90

Condition 90 makes reference to Lots 1 to 25. There are now 27 residential lots in the subdivision. It is recommended that Condition 90 be amended to reflect the 27 lots.

Condition 96

This condition makes reference to Lots 26 and 27, which are to be dedicated as drainage reserves. As there are an additional two lots, the condition needs to be amended to identify the drainage reserve lots as Lots 28 and 29.

Statement of Reasons 4

A fourth Statement of Reasons is to be added to reflect the assessment of this modification of consent application.

Advisory Note 7

This advisory note identifies the sewer and water headworks charges applicable to the subdivision. The addition of two lots will increase the charges that are payable. It is recommended the Advisory Note be adjusted to reflect the increased headworks charges.

CONSULTATIONS

Development Engineer

Council's Development Engineer has provided the following comments in relation to the proposed modification.

This application is seeking to amend a previously approved residential subdivision by increasing the number of proposed lots by 2, from 25 to 27 lots.

Pre-lodgement meetings discussed requirements and noted that, as per the letter from Triaxial Consulting accompanying the application:

- *No additional road construction is required,*
- *No new services are required, and*
- *Additional lots are within the originally approved outer boundary of the development.*

Some alteration of infrastructure and servicing, e.g. Additional water connections, hydrants and valves; minor additional sewer extension, etc., will be required.

These matters can be addressed during assessment for Subdivision Works certificate and do not require any additional conditioning or alteration to previously applied conditions.

As noted above no additional engineering conditions are required. All engineering requirements as detailed in the previously issued consent (DA0191/2021) remain applicable and should be retained.

CONCLUSION

The proposed modifications in application ME0018/2022 have been assessed and are considered reasonable in the circumstances. The proposed modifications do not alter compliance with relevant development standards and requirements for subdivision.

The proposed modification is focussed on adding two additional lots to the approved subdivision. Changes are required to a number of conditions to reflect the additional two lots.

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

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

Nil

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Financial implications

Nil

Associated Risks

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

ILIJA SUSNJA
DUTY TOWN PLANNER

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

25 March 2022

Attachments:

1. Approved Subdivision Plan.
2. Triaxial Application Letters.
3. Modified Subdivision Plans.
4. NSW Rural Fire Service response.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

FIGURE 1 – PROPOSED SUBDIVISION

PLENTY

(20.115 WIDE)

ROAD

NOTE: AREAS & DIMENSIONS ARE SUBJECT TO FINAL SURVEY

- ALL BOUNDARY FENCING & GATES WITHIN TRANSFERRED EASEMENT TO BE NON-METALLIC WITH CENTRE OF 4m GATES LOCATED 6m FROM REAR CORNER
- NEW ROAD CONSTRUCTION TO MAINTAIN EXISTING GROUND CLEARANCE TO OVERHEAD POWERLINES WITHIN EASEMENT SITES DESIGNATED (EE) & (TG)

(A) ABORIGINAL ARTEFACT SITE

(SEE) EASEMENT FOR OVERHEAD POWERLINES VARIABLE WIDTHS (DP1150667)

TG) EASEMENT FOR TRANSMISSION LINE 45 WIDE (P353118)

(D) EASEMENT TO DRAIN WATER 3 WIDE, 4 WIDE & VARIABLE WIDTH

(5) EASEMENT TO DRAIN SEWAGE 3 WIDE, 4 WIDE & VARIABLE WIDTH

(S1) EASEMENT FOR SERVICES 4 WIDE

DIAGRAM 1

SCALE 1:1000 A3

19.84
20.0

27

171 2

1.5
Z
MAF

8.23
ERVE

PT27

ROBERT JOHN CROOKS

OF JABEK PLY LTD

SURVEYOR REGISTERED UNDER THE

SURVEYING & SPATIAL INFORMATION ACT 2002

REFERENCE: BK630 SHEET 1 OF 3

DATE: 14.07.2020
SCALE: 1:3000 13

SCALE: 1:2000 A3

9 December 2021

Mid Western Regional Council

Attention: Ilija Susnja

86 MARKET STREET
MUDGEE NSW 2850

Dear Ilija,

Re: Proposed Modification to DA0191/2021 – Additional Information

290 Robertson Road Mudgee NSW

Triaxial Reference: TX14774.00-03.ltr.jd

The following report has been prepared in conjunction with Bob Crooks from Jabek Pty Ltd in response to the pre-lodgement meeting held with council town planner Ilija Susnja as per his email forwarded on 1 November 2021.

The modification to create 2 additional lots is as detailed in the amended plans attached and is a result of giving due consideration to the fact that:

- No additional road construction is required.
- No additional lots are being created that share a common boundary with existing adjoining parcels of land, hence no adverse impact on adjoining properties.
- No new services are required, although lot 20 will require an additional sewer extension of 6 metres, which will not require any additional sewer manholes. The engineering plans have been altered to show the modified lot layout, including the extra junction and minor extension to the sewer main. These have been lodged with Mid Western Regional Council for issue of the Subdivision Works Certificate.
- Although it will not create a need for additional services it is proposed to provide service conduits for water, power, NBN and a 100mm sewer house service within the battle axe handle of lots 13, 15, 18 and 20 to service the building opportunities on those lots.
- No adverse engineering constraints or impacts are created by the addition of the extra 2 lots, and it could be argued that the most economic use of the infrastructure is created in accordance with the zoning.
- As the additional lots are totally within the 25 lots of the original DA, and in fact are fully contained within 4 of the original lots, they do not in fact impact on:
 - Natural Resources Access Regulator land; ie. No additional lots are affected.
 - TransGrid Easement Site; ie. No additional lots are affected.
 - Aboriginal Heritage Sites; ie. No additional lots are affected.
 - Essential Energy Easement Site; ie. No additional lots are affected.
 - The general terms of approval issued by the NSW Rural Fire Service, ie. Condition relating to lots 1 to 25 will apply to the new lots 1 to 27 as per the report dated 11.03.2021.



COMPLEX PROBLEMS
RESOLVED SIMPLY

Suite 12, Level 14, 327 Pitt St
Sydney NSW 2000
triaxial.com.au
1300 874 294

SYDNEY | ADELAIDE | BAROSSA | DARWIN | MUDGEE

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1 of 2

It is however also relevant to note that as original Engineering works do impact on the TransGrid easement site, and on land administered by the Natural Resources Access Regulator, plans have been submitted to both with the new amended lot layout shown.

Copies of emails sent to both authorities are attached, including:

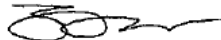
- Amended subdivision plan, also showing proposed stage 1.

Further noting all the engineering plans with Council now show the new lot layout as per the request of Council engineers, and the new lot layout has been included in the electrical design plans currently undergoing finalisation for forwarding to Essential Energy for construction approval.

We trust this report meets your current requirements, and should you wish to discuss the matter further, please do not hesitate to contact the undersigned.

Yours faithfully

TRIAXIAL CONSULTING



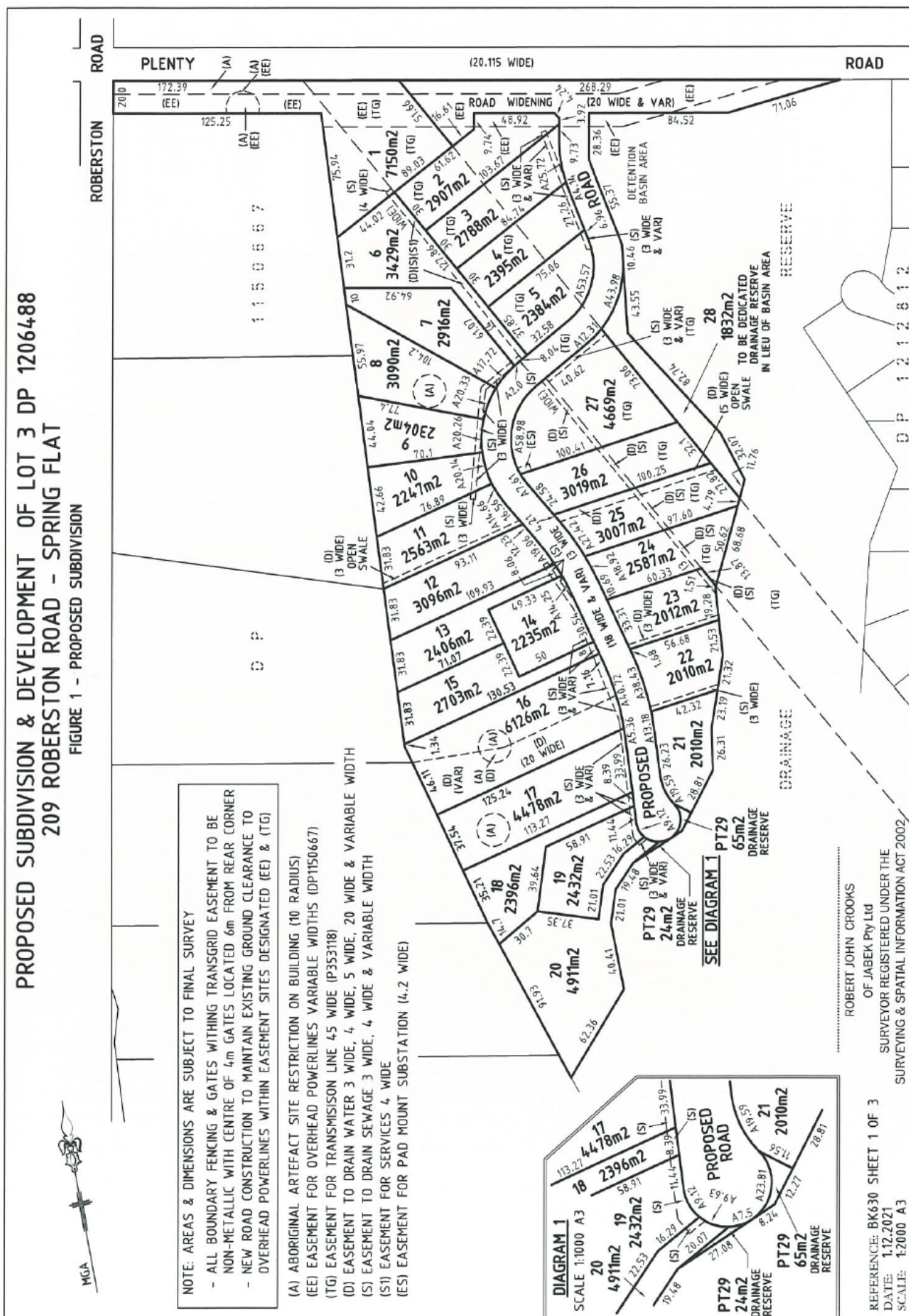
JIM DISHER
B.E. (Civil), M.E. (Civil & Structural)
MIE Aust.

JABEK Pty Ltd
BOB CROOKS
Registered Surveyor

Suite 12, Level 14, 327 Pitt St
Sydney NSW 2000
triaxial.com.au
1300 874 294

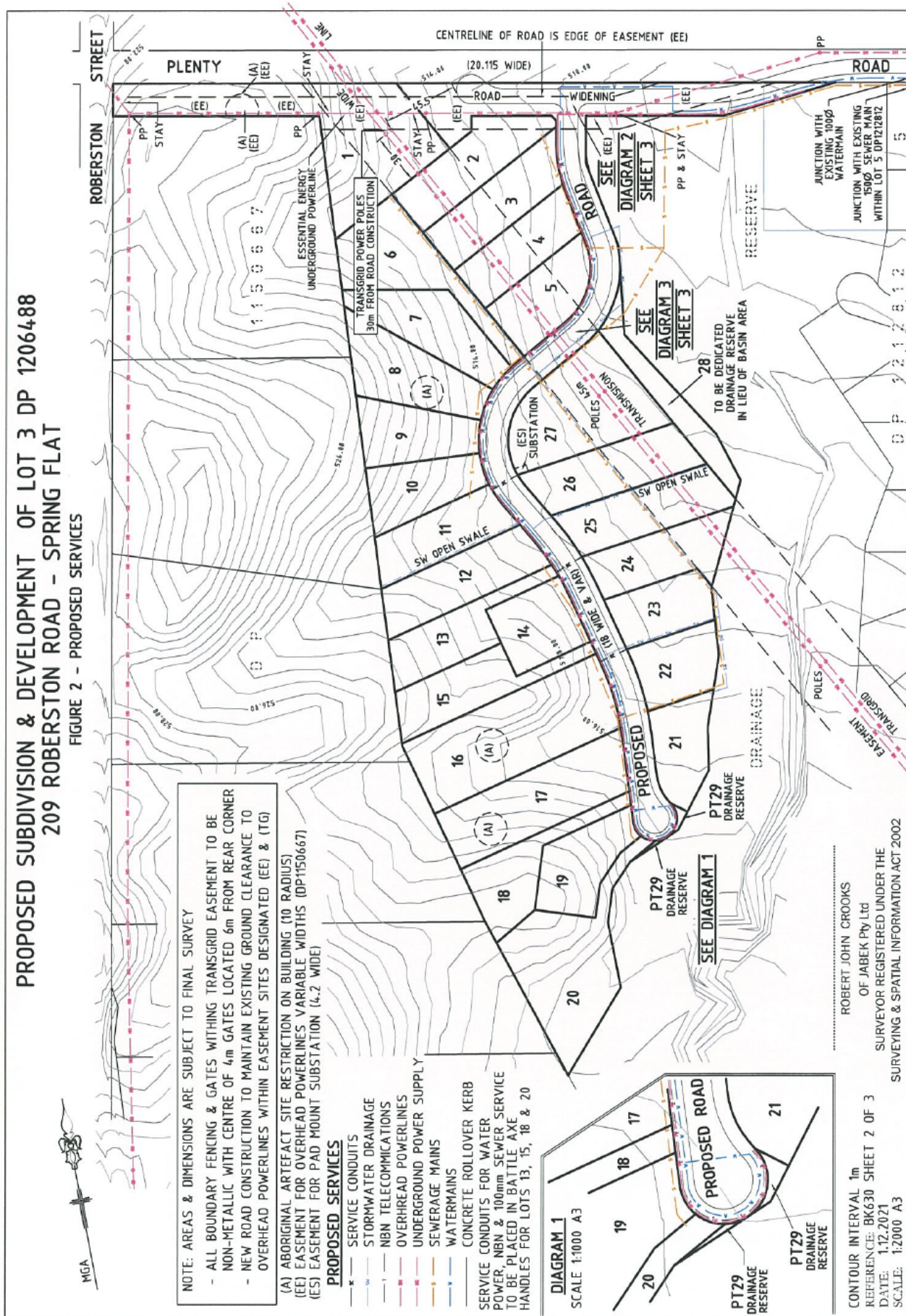
1 of 1

PROPOSED SUBDIVISION & DEVELOPMENT OF LOT 3 DP 1206488
209 ROBERSTON ROAD – SPRING FLAT
FIGURE 1 – PROPOSED SUBDIVISION

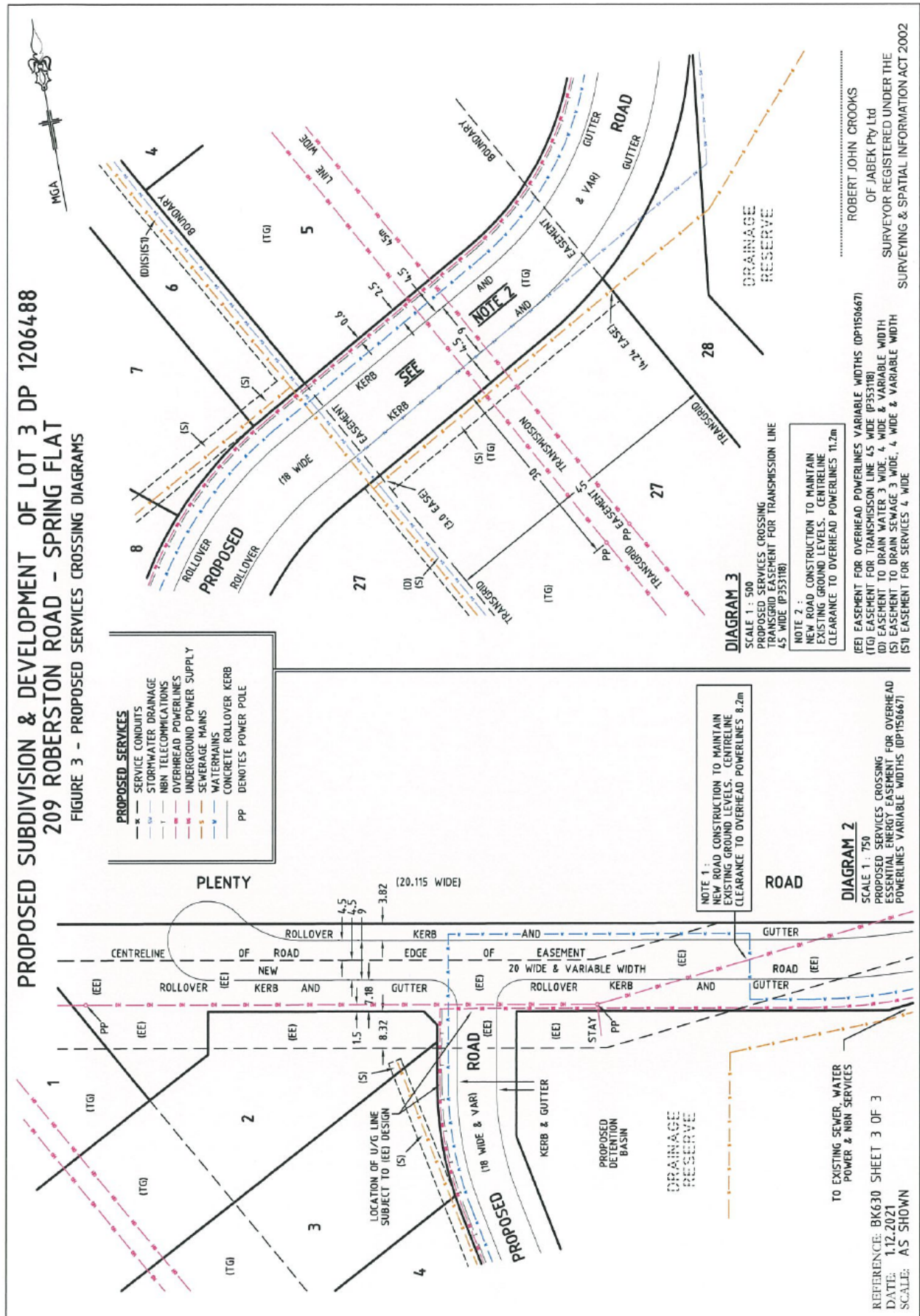


PROPOSED SUBDIVISION & DEVELOPMENT OF LOT 3 DP 1206488
209 ROBERSTON ROAD - SPRING FLAT

FIGURE 2 - PROPOSED SERVICES



PROPOSED SUBDIVISION & DEVELOPMENT OF LOT 3 DP 1206488
209 ROBERSTON ROAD – SPRING FLAT
FIGURE 3 – PROPOSED SERVICES CROSSING DIAGRAMS



ROBERT JOHN CROOKS
OF JABEK Pty Ltd
SURVEYOR REGISTERED UNDER THE
SURVEYING & SPATIAL INFORMATION ACT 2002

PROPOSED SUBDIVISION & DEVELOPMENT OF LOT 3 DP 1206488

209 ROBERSTON ROAD – SPRING FLAT

FIGURE 1 – PROPOSED SUBDIVISION STAGE 1 LOTS 1 – 11

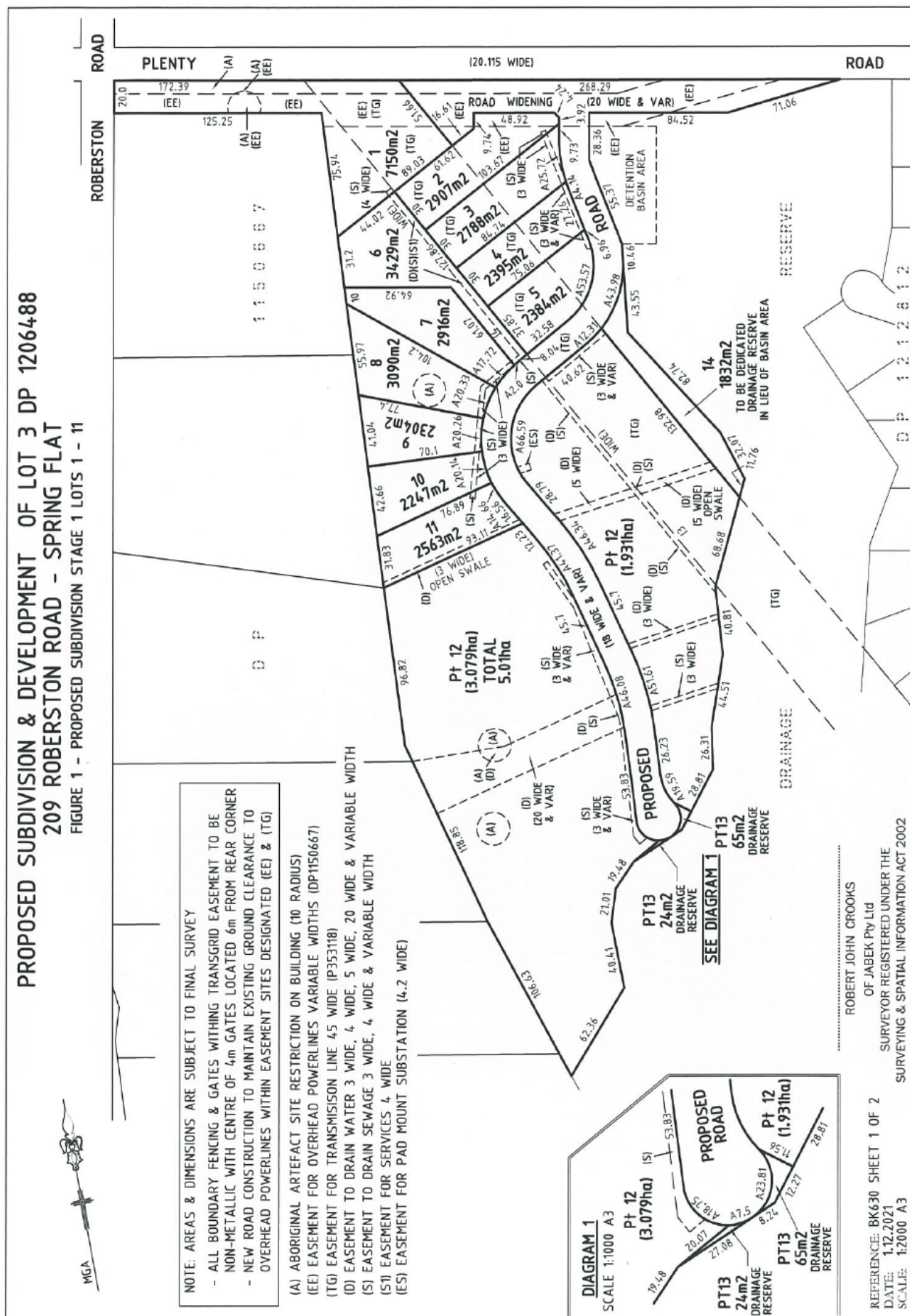
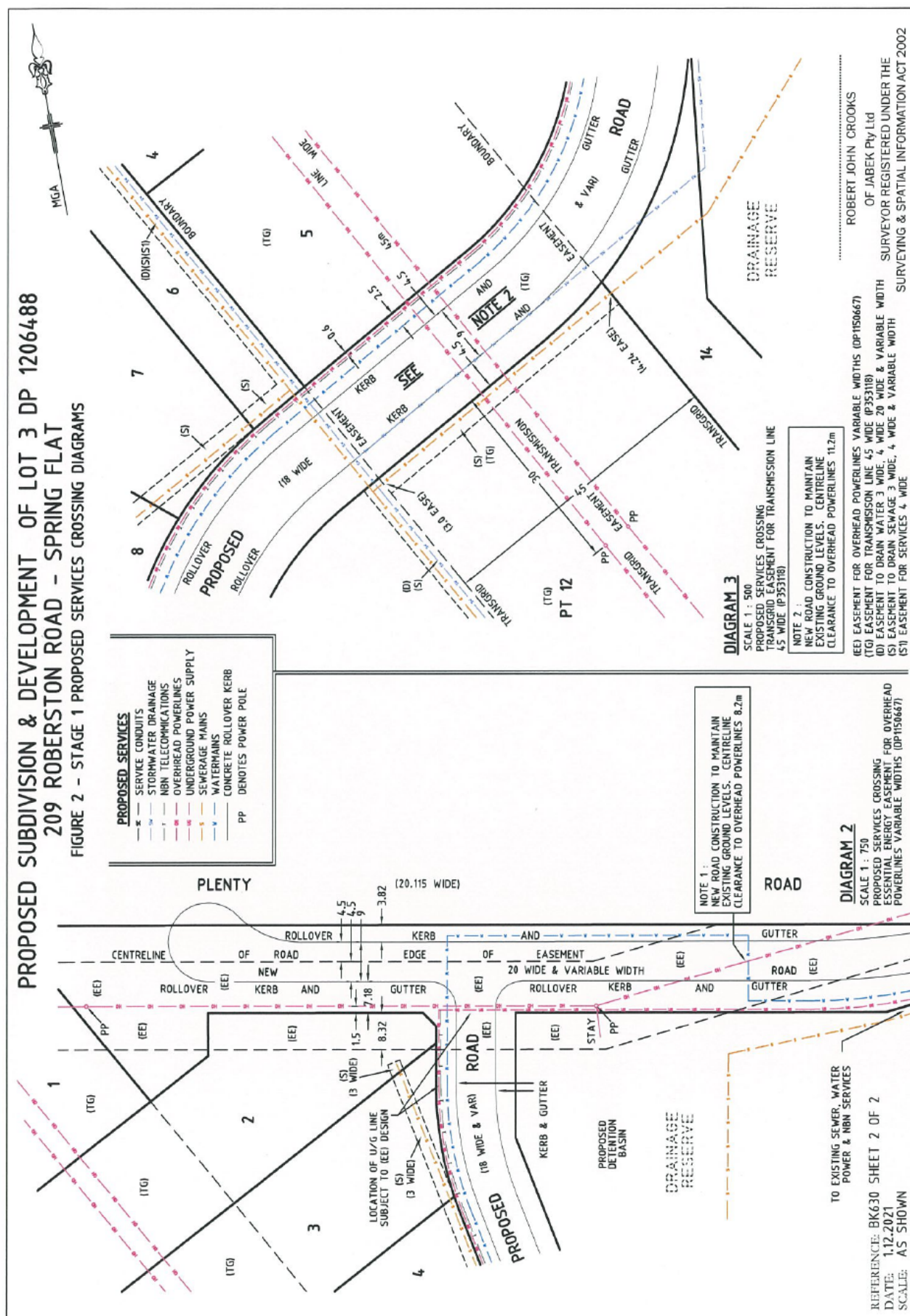
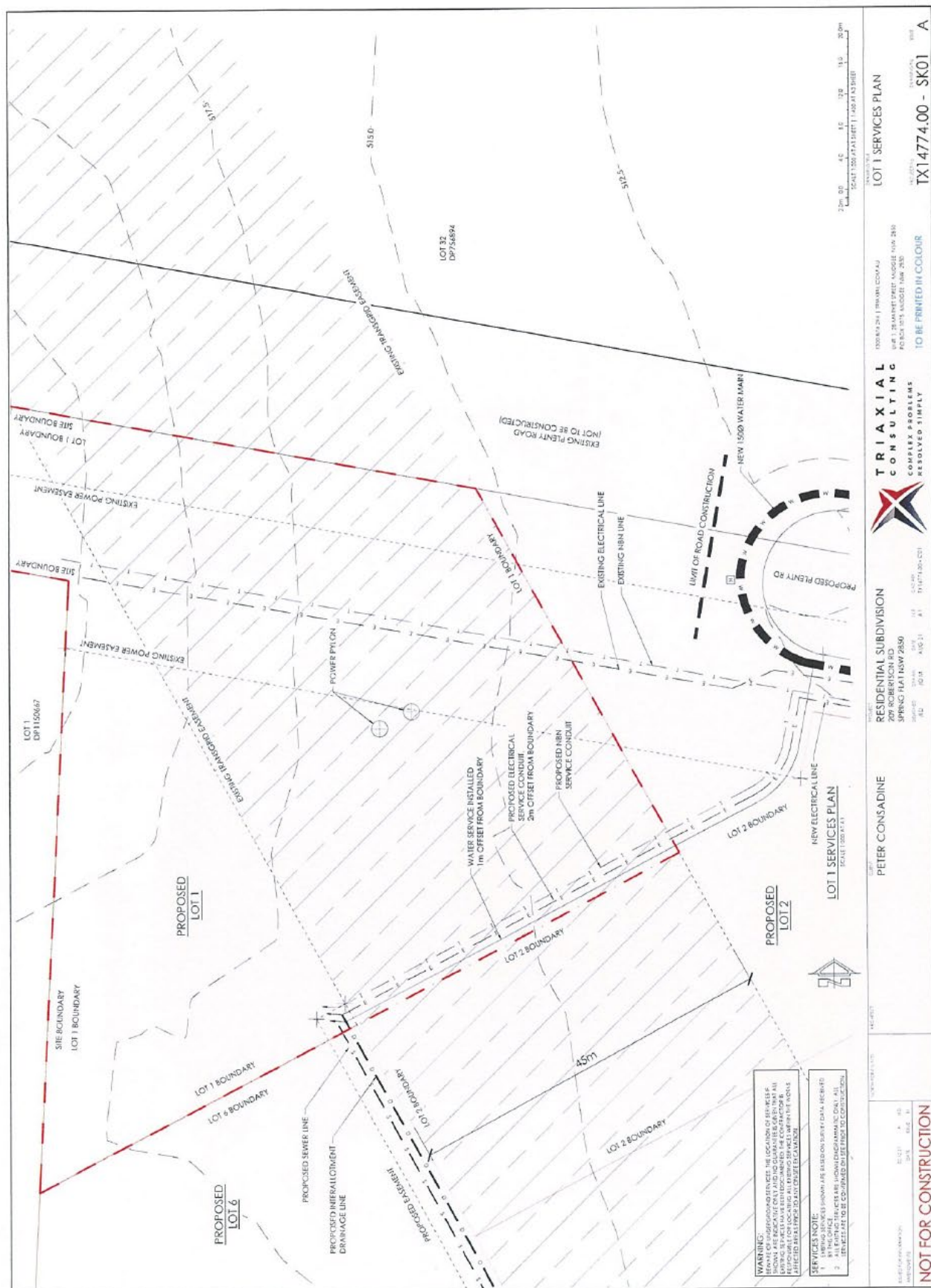
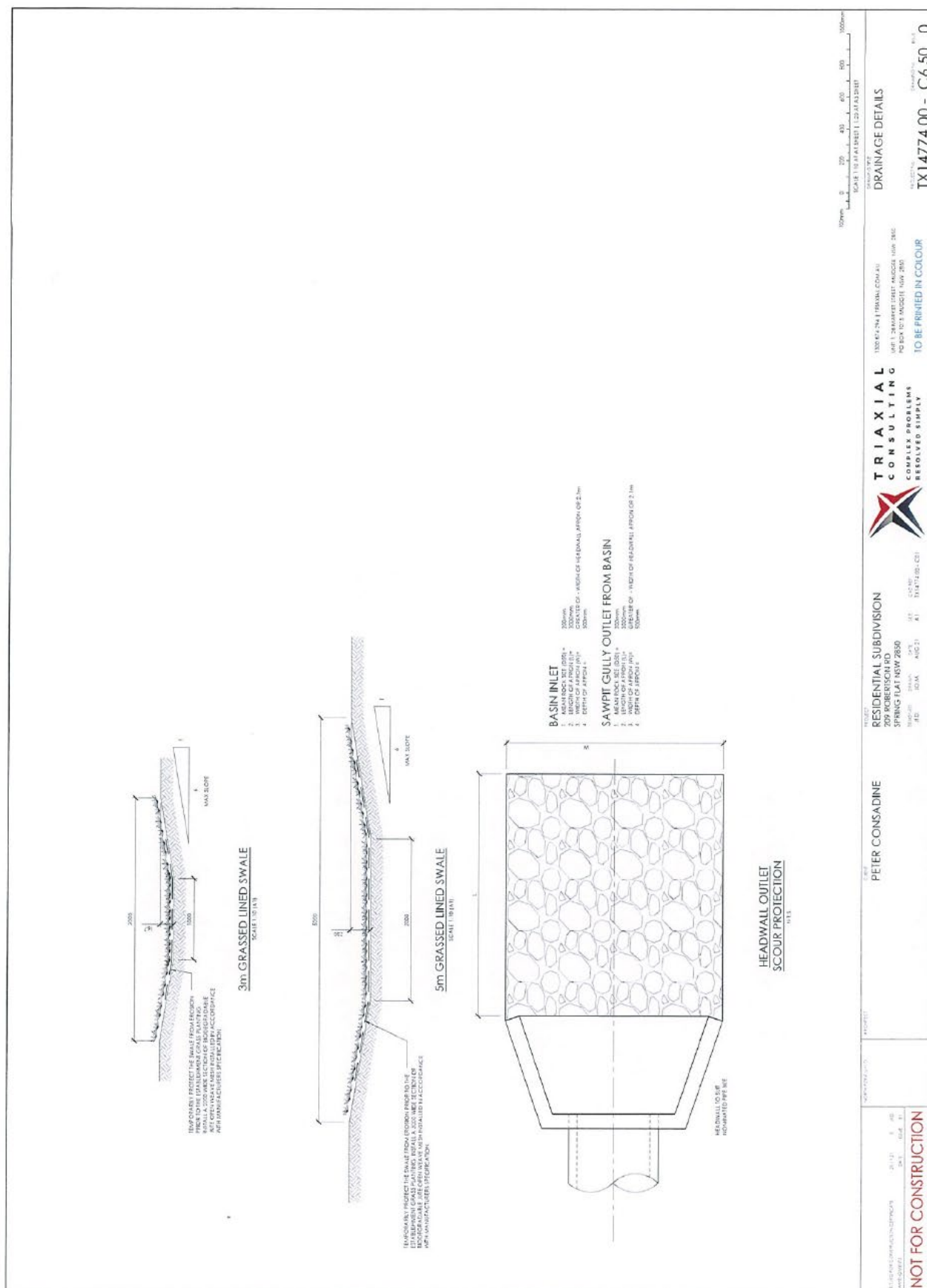
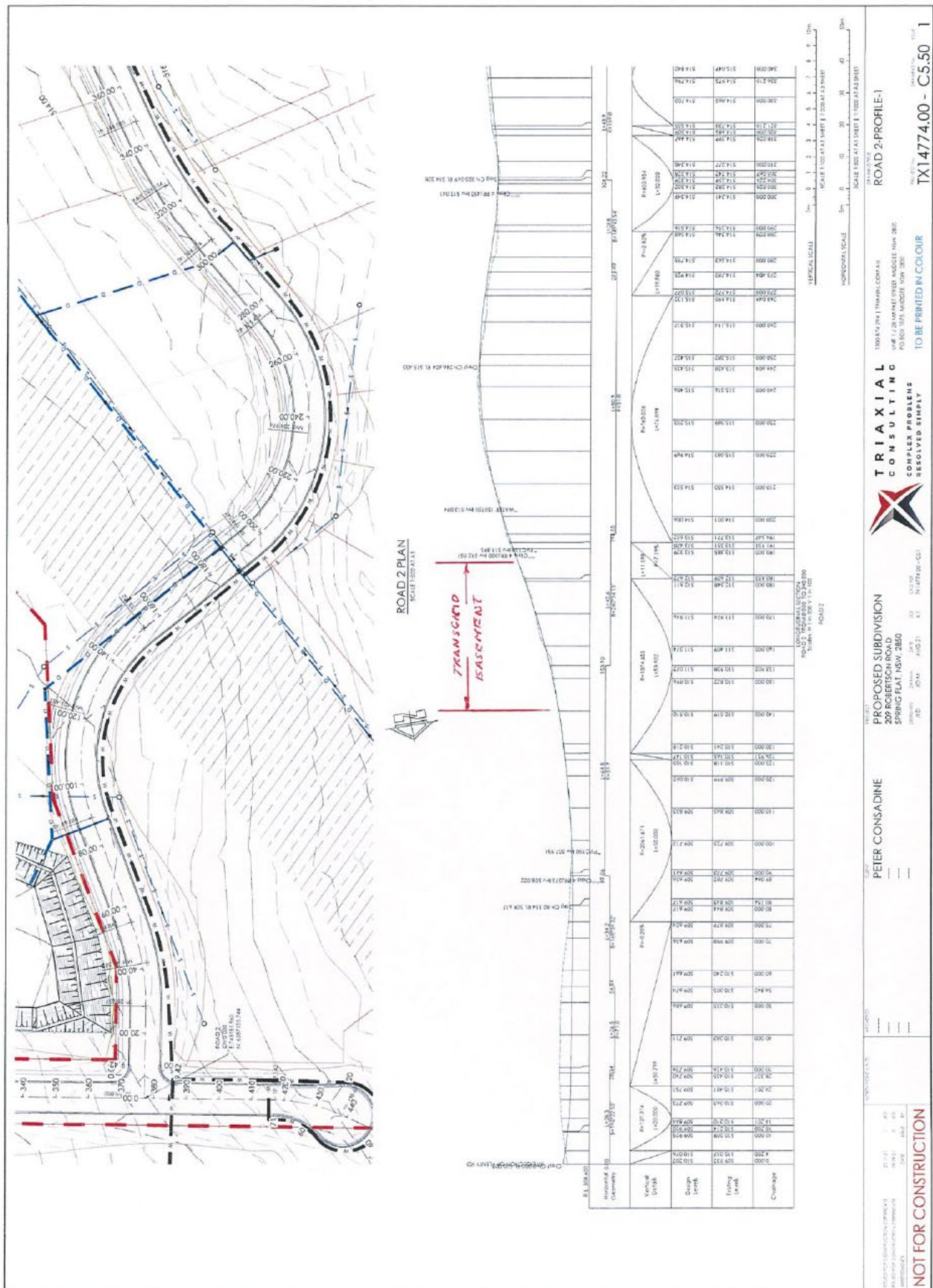


FIGURE 2 - STAGE 1 PROPOSED SERVICES CROSSING DIAGRAMS











NSW RURAL FIRE SERVICE

Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Your reference: (CNR-34559) ME0018/2022
Our reference: DA20210128000333-S4.55-1

ATTENTION: Ilija Susnja

Date: Thursday 24 March 2022

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
209 Robertson Road Spring Flat NSW 2850, 3//DP1206488

I refer to your correspondence dated 27/01/2022 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- minimum 8 metre carriageway width kerb-to-kerb;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; and,
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning.

Water and Utility Services

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:

3. The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 11/03/2021.

For any queries regarding this correspondence, please contact Marc Ellwood on 1300 NSW RFS.

Yours sincerely,



Kalpana Varghese
Supervisor Development Assessment & Plan
Built & Natural Environment





NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
209 Robertson Road Spring Flat NSW 2850, 3//DP1206488
RFS Reference: DA20210128000333-S4.55-1
Your Reference: (CNR-34559) ME0018/2022

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20210128000333-Original-1 issued on 11/03/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Kalpana Varghese

Supervisor Development Assessment & Plan
Built & Natural Environment

Thursday 24 March 2022

8.2 Planning Proposal - 53 Pitts Lane, Putta Bucca (Lot 31 DP 158548)

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 20 APRIL 2022 ORDINARY MEETING
GOV400087, LAN900141, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal - 53 Pitts Lane, Putta Bucca (Lot 31 DP 158548) to rezone from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size;**
2. **provide initial support for a Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
3. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has received a Planning Proposal seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (Mid-Western LEP) to rezone Lot 31 DP 158548 from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size. The subject site adjoins the established Glen Willow Regional Sports Complex.

The proposed rezoning is to facilitate the development of various recreational facilities within the established Glen Willow Regional Sports Complex precinct.

The subject site measures approximately 6.75 hectares, has frontage to Pitts Lane and adjoins the Cudgegong River to the south.

The Planning Proposal provided as Attachment 1 has been prepared generally in accordance with the structure outlined in the NSW Department Planning and Environment (DPE) Local Environmental Plan Making Guideline. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The staff recommendation is to provide initial support for the Planning Proposal and to send to DPE for a Gateway Determination. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPE for Gateway Determination.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPE has issued the Local Environmental Plan Making Guideline 2021, to provide guidance and information on the process for preparing planning proposals and making the amendment to the LEP.

The Gateway Process

DPE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the Local Environmental Plan Making Guideline 2021.

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	January 2022
Staff Undertake Initial Assessment	✓	January – April 2022
Council Decision to Support Proposal	✓	20 April 2022
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED

The rezoning of the subject site from RU4 Primary Production Small Lots to RE1 Public Recreation is proposed to facilitate the future development of recreational facilities on the subject lot. The Planning Proposal states the site is intended to be used for a mix of recreational uses. The inclusion of the subject site is detailed in the adopted Glen Willow Masterplan. An extract of the Masterplan is included in the Planning Proposal and details the following recreational facilities; BMX pump track, bootcamp fitness zone, fitness equipment, playground and ancillary uses. An extract of the Glen Willow Masterplan is provided below.

It should be noted that concept plans and in this case, an extract from the Masterplan are provided with a Planning Proposal to assist with the consideration of the rezoning of the site. Council will consider the specific plans and details of any proposed land uses through the lodgement of a development application as required.

A change from the 20 hectare minimum lot size to no minimum lot size is proposed. This approach is consistent with the approach on the adjoining established Glen Willow Sports Complex currently zoned RE1 Public Recreation with no minimum lot size. The Planning Proposal states, it is proposed to consolidate the subject lot with the lots that comprise the Glen Willow Regional Sports Complex site.



Source: Extract from the Glen Willow Masterplan

INTENDED OUTCOMES

The subject site is zoned RU4 Primary Production Small Lots and is mapped with a minimum lot size of 20 hectares. It should be noted, a strip of land along the southern boundary adjoining the Cudgegong River is mapped AF within a minimum lots size of 400 hectares, due to a discrepancy alignment between the cadastral boundary and minimum lot size mapping.

It is proposed the land be rezoned to RE1 Public Recreation with no minimum lot size to facilitate the future development of recreational facilities on the subject in conjunction with the established Glen Willow Regional Sports Complex.

EXPLANATION OF PROVISIONS

The intended outcomes outlined above will be achieved by updating the zoning of Lot 31 DP 158548 from RU4 Primary Production Small Lots to RE1 Public Recreation on Land Zoning Map – sheet LZN_006G and updating the minimum lot size from 20 hectares to no minimum lot size on Lot Size Map – sheet LSZ_006G.

JUSTIFICATION

The DPE Local Environmental Plan Making Guideline 2021 outlines questions to consider when demonstrating the justification for the planning proposal. A staff comment is provided in response to those questions below.

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The proposed zoning of the subject site was not identified in the Council adopted Comprehensive Land Use Strategy Parts A, B and C in 2010. However, justification for this rezoning is outlined below.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The rezoning of the subject site is considered the best means of achieving the objectives and intended outcomes. The proposed zoning is a logical step to ensure all land subject to the Glen Willow Masterplan has consistent land use permissibility.

Will the planning proposal give effect to the objectives and actions of the Central West and Orana Regional Plan?

The proponent has outlined how the Planning Proposal is consistent with the Central West and Orana Regional Plan 2036 (the Plan). Two of the Plans Directions are of particular relevance, with Direction 1 and 4 discussed below.

Direction 1 Protect the region's diverse and productive agricultural land is relevant in the consideration of this Planning Proposal. The site is currently zoned RU4 Primary Production Small Lots and identified as biophysical agricultural land. Within the Region, RU4 Primary Production Small lots generally have a minimum lot size of 20 hectares or greater. It is acknowledged there are smaller lots (similar to the size of the subject site) also within the Region, these lots are generally held with adjoining lots to increase the holding size and support an agricultural operation. In the context of the site, there is limited opportunity to increase an agricultural operation. Further, the site is currently constrained by the established and proposed uses of the Glen Willow Masterplan. For these reasons, the loss of the agricultural land can be justified.

Direction 4 Promote and diversify regional tourism markets is relevant in the consideration of this Planning Proposal. The development of the site with additional recreational opportunities will increase recreational offerings within the Region in accordance with this Direction.

Is the planning proposal consistent with the Mid-Western Local Strategic Planning Statement, or another endorsed local strategy or strategic plan?

Mid-Western Local Strategic Planning Statement, Our Place 2040

Council's Local Strategic Planning Statement, Our Place 2040 (LSPS) details 12 Planning Priorities. The provision of initial support to amend the LEP to facilitate the development of additional recreational opportunities is consistent with Planning Priority 7 *Support the attraction and retention of a diverse range of businesses and industries*.

Mid-Western Regional Comprehensive Land Use Strategy 2010

Council adopted the Comprehensive Land Use Strategy (CLUS) Parts A, B and C in 2010. Within Part C of the Strategy, Section 3.2.6 Open space and recreation facility recognises the development of the existing Glen Willow Regional Sports Complex. Further, the complex is identified in the Mudgee town structure plan. Therefore, the rezoning of land contiguous to the existing facility is consistent with the direction of the CLUS.

Glen Willow Masterplan

The Planning Proposal is consistent with the Glen Willow Masterplan. The additional recreational land uses are detailed on the Glen Willow Masterplan, provided on page 10 of the Planning Proposal. The proponent has also highlighted the proposal is consistent with a key goal of the masterplan.

Recreation Strategy 2013

The proponent has stated the Planning Proposal supports the following recommendations of the Recreation Strategy 2013:

That Council, through organised sporting groups, the Sports Council's and Mudgee Regional Tourism Inc., investigate opportunities for the promotion of the region's sporting facilities for sports related tourism.

That Council focus on the maintenance and embellishment of the existing infrastructure and delivery of Stages 2 and 3 of the Glen Willow facility in conjunction with rationalisation of duplicated facilities.

Other matters

The Planning Proposal adequately addresses its relationship with applicable State Environmental Planning Policies and Ministerial Directions.

The Planning Proposal includes a Project timeline. Council will request the update of this timeline prior to any future public exhibition.

In addition, the Local Environmental Plan Making Guideline 2021 requires a Planning Proposal to address the environmental, social and economic impacts of the proposed. The Planning Proposal addresses these matters.

NEXT STEP

If Council supports the recommendation, the next step would involve forwarding the Planning Proposal and a Council resolution of initial support to DPE seeking a Gateway Determination.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040
Mid-Western Regional Comprehensive Land Use Strategy Part C – Strategy, August 2010

Council Policies

The forwarding of the Planning Proposal will not require any change to relevant policies.

Legislation

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Local Environmental Plan 2012*.

Financial implications

Nil

Associated Risks

If Council does not wish to provide initial support for the Planning Proposal, Council may resolve not to proceed with the Planning Proposal and advise the proponent accordingly.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

4 April 2022

Attachments: 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Community Plan Review - Towards 2040

REPORT BY THE DIRECTOR DEVELOPMENT
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, COR400482

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Community Plan Review - Towards 2040 ;**
2. **place the draft Mid-Western Region Community Plan Towards 2040 on public exhibition for 28 days ; and**
3. **receive a further report following the exhibition period.**

Executive summary

The purpose of this report is to seek Council's endorsement to place the draft Mid-Western Region Towards 2040 Community Plan on public exhibition for a period of 28 days.

Disclosure of Interest

Nil

Detailed report

A key responsibility of a newly elected Council is a review of its Integrated Planning and Reporting Documentation which includes the Community Plan and Delivery Program for the next 4 years. This documentation must be in place by 30 June 2022.

Under Section 402 of the *Local Government Act 1993*, each local government must have a community strategic plan that identifies the main priorities and aspirations for the future covering a period of at least 10 years.

In order to meet this requirement and ensure the Mid-Western Region Community Plan Towards 2040 is relevant for the future, a range of community engagement activities have been undertaken to seek feedback from the community. Attachment 1 captures key findings from the community engagement activities conducted between June 2021 and February 2022 which reflect the community's needs and priorities for the future. Attachment 2 provides the results of the community wide survey which was undertaken by an independent research company.

The draft Mid-Western Region Community Plan Towards 2040 is included in Attachment 3. The recommendation is to place this document on public exhibition for a period of 28 days and to provide a further report to Council at the end of the exhibition period to consider any submissions received.

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

Nil

Financial implications

Not applicable

Associated Risks

Nil

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

1 April 2022

Attachments: 1. Community Engagement Outcomes. (separately attached)
2. Community Satisfaction Survey. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Policy Review - Social Media

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, GOV400087

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Policy Review - Social Media ;**
2. **place the revised Social Media Policy on public exhibition for 28 days ; and**
3. **adopt the Social Media Policy if no submissions are received.**

Executive summary

The existing Social Media Policy has been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

Disclosure of Interest

Nil

Detailed report

The Social Media policy provides guidance to staff on the purpose and appropriate use of Social Media channels. The majority of the proposed changes to the Social Media Policy are primarily minor amendments to give clarity, and reflect appropriate job titles.

New channels including Mudgee Arts Precinct channels and handles have been noted including Facebook, Instagram and YouTube.

TikTok has been added as an approved social media platform to promote Council events and activities.

All proposed changes to the Social Media Policy are shown as "track changes" on the copy of the Policy attached.

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

Social Media is integral to supporting Council in delivering effective communications to the community. Various Social Media channels assist in encouraging the community to access and participate in Council decision making and ensure the community are aware of Council's roles and responsibilities.

Council Policies

Media Policy (Existing)

Mid-Western Regional Council Code of Conduct

Mid-Western Regional Council Electronic Telecommunications – Acceptable Use

Legislation

Local Government Act 1993

Privacy Act 1988 (Privacy Act)

Enhancing Online Safety Act 2015

Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019

Defamation Act 2005 (NSW)

Financial implications

Not applicable

Associated Risks

Without appropriate policies in place to support Social Media there is risk to Council's reputation through unauthorised publishing of content and poor customer service.

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

6 April 2022

Attachments: 1. Revised - Social Media Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Social Media

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	1.0
COUNCIL MEETING MIN	28/20	REVIEW DATE	20 MARCH 2024
DATE:	2022	FILE NUMBER	GOV400087, GOV400047

Objective

- To provide clear guidelines around the use of Council's social media platforms.
- To provide clear guidelines around the personal social media use for Council staff.
- To provide a framework on when and how Council will be active on social media.

Introduction

Mid-Western Regional Council recognises social media as a primary communications tool. The Social Media Policy provides guidelines for Council staff for business and individual use of social media.

Related policies and plans

- Mid-Western Regional Council Media Policy
- Mid-Western Regional Council Code of Conduct
- Mid-Western Regional Council Electronic Telecommunications – Acceptable Use

Policy

Account management and creation

The Corporate Communications [Officer/Coordinator and Digital Communications Officer](#) are responsible for the management of Mid-Western Regional Council's corporate and event social media accounts, and will have administration access to all Council's secondary social media accounts.

~~Other Council staff may be delegated administrator roles for secondary social media accounts if they are subject matter experts or employed within the relevant department e.g.: Mid-Western Regional Council Library, Mid-Western Regional Youth Council. Managers are responsible for delegating access to members of their team who are responsible for managing social media accounts that fall within their department.~~

Secondary social media accounts are the responsibility of the manager who oversees the team managing the account. Managers are responsible for delegating access to members of their team who are responsible for the daily management of social media accounts.

Development of a new social media account must be approved by the Corporate Communications [Coordinator/Officer](#) and Manager Economic Development in consultation with the General Manager.

POLICY: [SOCIAL MEDIA](#) | 1.01.0, 2022-20 MARCH 2020

Delegation

In the absence of the Corporate Communications [Coordinator and Digital Communications Officer](#), the Manager Economic Development and Director Development will have delegation and may assume administration responsibilities.

Responsibilities

Council staff who are authorised administrators of Council's social media accounts are responsible for:

- Creating and publishing relevant content in accordance with Council's internal style guide to ensure brand consistency and key messages.
- Removing content that does not comply with House Rules (referred to below).
- Responding to public comments within 24 hours during business hours, if a reply is deemed necessary.
- Managing paid promotions in accordance with delegations.
- Publish emergency information (such as road closures due to motor vehicle accidents, storm events) in accordance with delegations.
- The Corporate Communications [Coordinator Officer and Digital Communications Office](#) are responsible for managing the corporate and event-related Mid-Western Regional Council social media accounts.
- The Library Team is responsible for managing Mid-Western Regional Council Library social media accounts.
- The Community Services Team is responsible for managing Mid-Western Regional Council community services [and cultural services accounts](#).

Conduct

Staff responsible for managing Council social media accounts must:

- Maintain a level of professionalism expected of them in accordance with the Code of Conduct.
- Ensure published content is accurate and complies with relevant legislation, the social channel policies and terms of use.
- Only disclose publicly available information.
- Never engage in behaviour that breaches Council's House Rules or Code of Conduct.
- Provide the equivalent level of customer service as would be provided to any other customer engaging with Council either in person or over the telephone.
- Only publish posts when the page is being monitored.

- Only invite co-hosts to Facebook events that are directly sponsoring or delivering the event.

And must not:

- Post as themselves, only under the page handle.
- Post or share on behalf of Council social media accounts into non-Council sites.
- Publish photographs of individuals without their express permission.
- Tag individuals (Council staff or otherwise) in posts to Council social media pages.

Level of service

- Council's Corporate social media accounts will be monitored by the Corporate Communications ~~Coordinator Officer~~ Digital Communications Officer and ~~Manager Economic Development~~ out of business hours on an ad-hoc basis to minimise conflict with Council's Social Media Policy and to ensure appropriate use by those posting to the page.
- Council's secondary social media accounts will be monitored between business hours from 8.30am – 4.30pm Monday to Friday.
- Complex enquiries or those requiring personal information and correspondence will not be dealt with on social media and will be moved offline via a referral to Council's Customer Service Team.
- Private messages will be responded to within 48 hours during business hours, Monday to Friday by the Corporate Communications ~~Coordinator Officer~~, Digital Communications Officer, Customer Service Team or relevant Page Managers as delegated.

House Rules

The following house rules will be applied to all Council social media accounts.

This site is monitored from 8.30am to 4.30pm Monday to Friday. In times of emergency, we will provide up-to-date information as quickly as possible.

We respect your right to express your opinion and encourage constructive discussion however if your contributions don't comply with Facebook's Terms (<http://www.facebook.com/terms.php>) or the following House Rules then they (and you) may be removed.

1. *Obscene, offensive or defamatory posts will not be tolerated.*
2. *Bullying, harassment and vilification will not be tolerated. This includes other users as well as Council staff.*
3. *Show respect for other people.*
4. *Do not repeat posts or unsolicited ads.*
5. *Keep comments relevant to the page, posts and thread.*
6. *Please be mindful of people's privacy and any personal information about you or others that you may post on this page.*

Removal of comments or posts

Comments or posts that contravene Council's Facebook and social media account House Rules will be removed, that includes comments that are:

POLICY: [SOCIAL MEDIA](#) | 1.01.0, 2022-20 MARCH 2020

1. Obscene, offensive or defamatory.
2. Abusive, threatening, vilifying or harassing.
3. Not relevant to the thread to the page, posts and thread.
4. Breaches individuals' privacy.
5. Infringes the intellectual property of others.
6. Defamatory or libellous.
7. Unsolicited commercial advertisement.

Personal use of social media

This policy does not discourage the personal use of social media by staff, however is intended to highlight the reputational risks and damage to Council that can arise from personal social media use. Staff should understand they are personally responsible for content published to their personal page and must:

- Comply with the terms of use of the social media platform or website, and all relevant legislation including privacy, defamation, discrimination, harassment and any other applicable laws.
- Act in accordance with Council's Code of Conduct and Media Policy.
- Only disclose publicly available information.
- Be respectful to others.
- Alert the Corporate Communications [Coordinator Officer and Digital Communications Officer](#) to any social media comments, posts or threads on a non-Council public page that might otherwise cause damage to Council's reputation or bring it into disrepute.

Staff must not:

- Comment or publish content that might otherwise cause damage to Council's reputation or bring it into disrepute.
- Speak on behalf of Council, nor give the impression they are authorised to do so.
- Publish photographs of another Council staff member in a social media space without their express permission.
- Use their Council email address or any Council logos or artwork that may give the impression of official support or endorsement of their personal comment.
- Disclose any confidential information or personal information obtained as a Council staff member.
- Post threatening, harassing, bullying or discriminatory content directed towards another Council staff member.

Mid-Western Regional Council social media accounts

FACEBOOK

ACCOUNT NAME	URL	HANDLE
Mid-Western Regional Council	https://www.facebook.com/mwrcouncil/	@mwrcouncil
Flavours of Mudgee	https://www.facebook.com/flavoursofmudgee/	@flavoursofmudgee
Mid-Western Regional Council Library	https://www.facebook.com/MudgeeLibrary/	@mudgeelibrary
Mid-Western Regional Youth Council	https://www.facebook.com/midwesternyouthcouncil/	@midwesternyouthcouncil
Mid-Western Regional Family Day Care Scheme	https://www.facebook.com/Mid-Western-Regional-Family-Day-Care-Scheme-348740388666559/	N/A
Mudgee Arts Precinct	https://www.facebook.com/MudgeeArtsPrecinct	@MudgeeArtsPrecinct
Mudgee Town Hall Cinema	https://www.facebook.com/MudgeeTownHallCinema	@MudgeeTownHallCinema
Mudgee Valley Park	https://www.facebook.com/mudgeevalleypark	@mudgeevalleypark

POLICY: [SOCIAL MEDIA](#) | [1.01.0, 2022](#) MARCH 2020

INSTAGRAM

ACCOUNT NAME	HANDLE
Choose Mudgee Region	@choosemudgeeregion
Flavours of Mudgee	@flavoursofmudgee
MWR Youth Council	@mwr_youthcouncil
Mid-Western Family Day Care	@midwesternregionalfdc
Mudgee Arts Precinct	@mudgeeartsprecinct

TWITTER

ACCOUNT NAME	HANDLE
MWRC	@MWRCouncil

SNAPCHAT

ACCOUNT NAME	HANDLE
Flavours of Mudgee	@Flavoursmudgee

YOUTUBE

ACCOUNT NAME	HANDLE
MWRC Mid-Western Regional Council	@MWRCouncil Mid-Western Regional Council
Mudgee Arts Precinct	Mudgee Arts Precinct

LINKEDIN

ACCOUNT NAME	HANDLE
Mid-Western Regional Council	Mid-Western Regional Council

TIKTOK

ACCOUNT NAME	HANDLE
Mid-Western Regional Council	@mwrCouncil

8.5 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER, PLANNING
TO 20 APRIL 2022 ORDINARY MEETING
GOV400088, A0420109, GOV400098

RECOMMENDATION

That Council receive the report by the Manager Planning 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 month of March 2022 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.
- Variations to the Mid-Western DCP.

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

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

04 April 2022

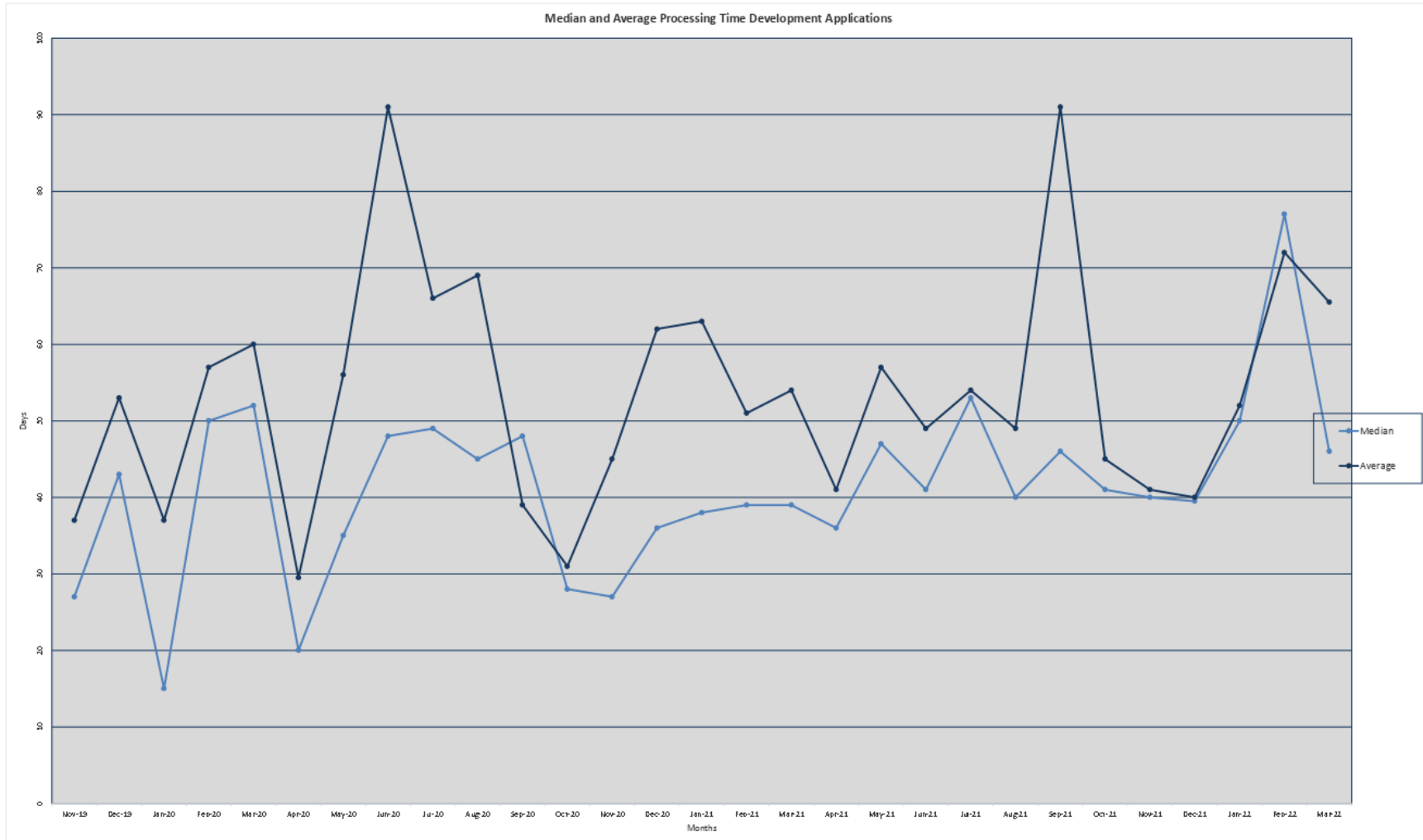
Attachments: 1. Monthly Development Applications Processing and Determined - March 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

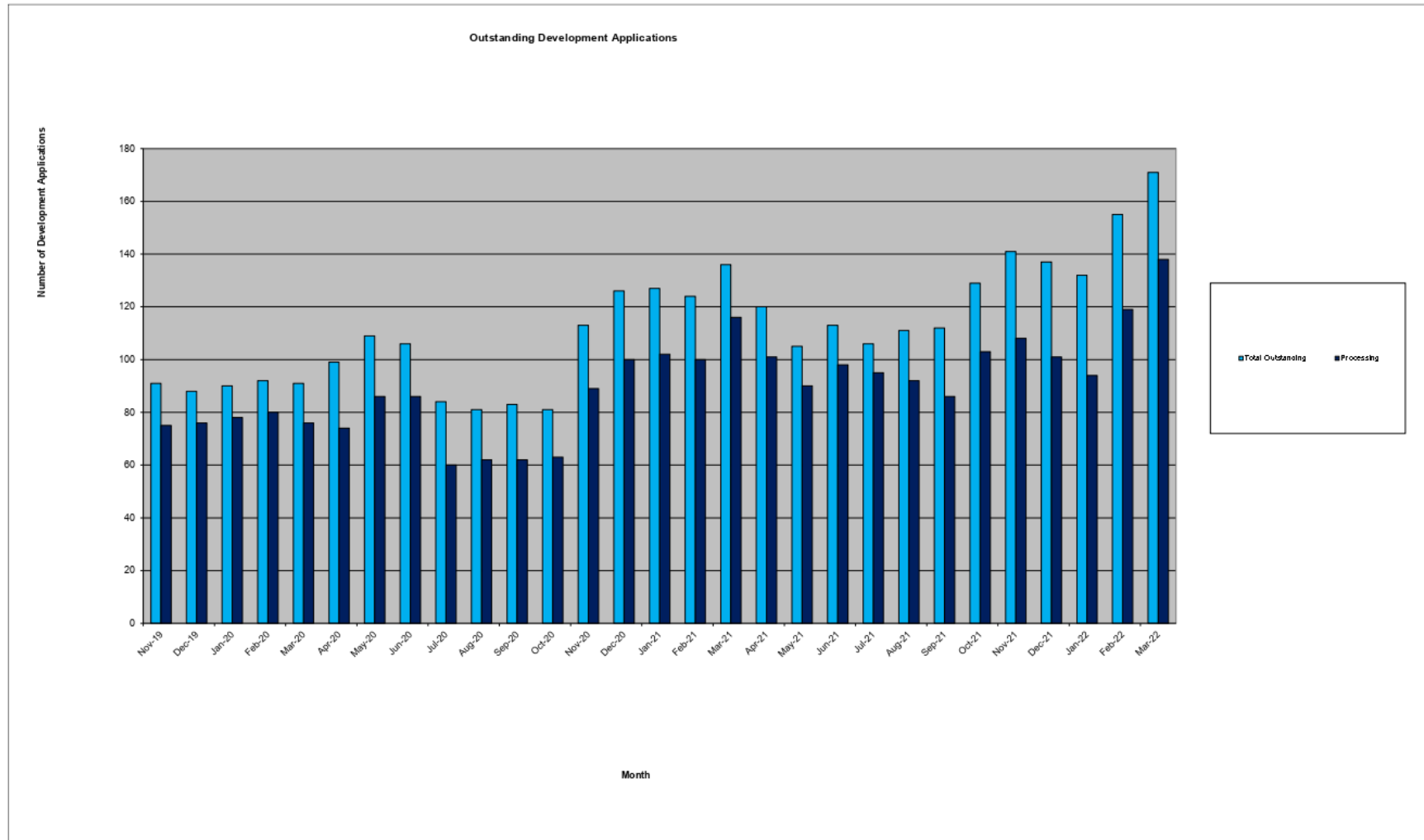
Monthly Development Application Processing Report – March 2022

This report covers the period for the month of March 2022. Graph 1 indicates the processing times up to 31 March 2022 with the month of March having an average of 65.5 days and a median time of 46 days.



Monthly Development Application Processing Report – March 2022

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 – March 2022

The Planning and Development Department determined 22 Development Applications either by Council or under delegation during March 2022.

Development Applications Determined – March 2022

Appl/Proc ID	Description	House No	Street Name	Locality
DA0405/2021	Residential Shed	126	Market Street	MUDGEE
DA0106/2022	Dual Occupancy	97	Lewis Street	MUDGEE
DA0122/2022	Change of use to Business Premises (beauty salon)	46	Market Street	MUDGEE
DA0138/2022	Change of use to Farm Stay Accommodation	27	Craigmoor Road	BOMBIRA
DA0153/2022	Swimming Pool	10	Carolina Crescent	MUDGEE
DA0154/2022	Subdivision - Torrens Title	1	Railway Street	GULGONG
DA0177/2022	Alterations & Additions	508	Powells Road	PYANGLE
DA0185/2022	Garage	21	Cox Street	RYLSTONE
DA0195/2022	Dwelling House	2031	Lower Piambong Road	PIAMBONG
DA0198/2022	Dwelling House	25	Wurth Drive	BOMBIRA
DA0212/2022	Garage	15	Bumberra Place	BOMBIRA
DA0225/2022	Dual Occupancy	61	Henry Bayly Drive	MUDGEE
DA0229/2022	Dual Occupancy	359	Carramar Road	STUBBO
DA0231/2022	Moveable Dwelling	1916	Windeyer Road	WINDEYER
DA0236/2022	Dwelling House	2349	Castlereagh Highway	GULGONG
DA0240/2022	Dwelling House	15	Robert Jones Street	MUDGEE
DA0242/2022	Shed >150m2	280	Henry Lawson Drive	EURUNDEREE
DA0249/2022	Semi-detached dwelling	13	Butler Circle	BOMBIRA
DA0250/2022	Garage	41	Ilford Road	KANDOS
DA0252/2022	Secondary dwelling	3	Butler Circle	BOMBIRA
DA0266/2022	Garage	9A	Belmore Street	GULGONG
DA0289/2022	Shed >150m2	110	Tuckermans Road	MENAH

***NOTE – Two Development Applications were approved with a variation to the DCP as listed below:**

DA number	Number of DCP variation(s)	Level of variation
DA0185/2022	1	>10% Secondary Setback
DA0242/2022	1	>10% Maximum shed size

Monthly Development Application Processing Report – March 2022

Development Applications currently being processed – March 2022.

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
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0089/2019	Change of use - Shed to habitable use	2037	Coxs Creek Road	RYLSTONE
DA0263/2019	camping ground	40	Grevillea Street	GULGONG
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE
DA0166/2021	water storage facility	51	Oaklands Road	MOUNT FROME
DA0199/2021	Change of use - to serviced apartments	1	Sydney Road	MUDGEE
DA0412/2021	Other (DA)	38 & 108	Spring Flat Road Lions Drive	SPRING FLAT
DA0429/2021	Dual Occupancy	182	Cudgegong Road	RYLSTONE
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS
DA0003/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0006/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0015/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0023/2022	Shed >150m2	14	Harvey Street	BOMBIRA
DA0093/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0094/2022	Dwelling House	96	Madeira Road	MUDGEE
DA0095/2022	Facilities for Electric Vehicles	27-31	Mayne Street	GULGONG
DA0111/2022	Demolition	18	Sydney Road	MUDGEE
DA0123/2022	bed and breakfast accommodation	226	Melrose Road	MOUNT FROME
DA0130/2022	Industrial Building	3	Wilkins Crescent	MUDGE
DA0143/2022	Subdivision - Torrens Title	5043	Wollar Road	WOLLAR
DA0146/2022	Other (DA)	1	Sydney Road	Mudgee
DA0157/2022	Dwelling House	361	Old Grattai Road	ERUDGERE

Monthly Development Application Processing Report – March 2022

DA0163/2022	Subdivision - Strata Title	39	George Street	MUDGEE
DA0164/2022	Change of use	9	Sydney Road	MUDGEE
DA0166/2022	Subdivision - Torrens Title	15	Cainbil Street	MUDGEE
DA0170/2022	Other (DA)	33	Blain Road	CAERLEON
DA0178/2022	Dual Occupancy	21	Robertson Street	MUDGEE
DA0182/2022	Subdivision - Torrens Title	50	Burrundull Road	BURRUNDULLA
DA0186/2022	Dwelling House	211	Wollar Road	BUDGE BUDGE
DA0188/2022	Dwelling House	99	Merinda Street	HARGRAVES
DA0189/2022	Change of use - Shed to secondary dwelling	4A	Avisford Court	MUDGEE
DA0190/2022	Subdivision - Torrens Title	150	Gladstone Street	MUDGEE
DA0200/2022	Subdivision - Torrens Title	846	Ullamalla Road	ULLAMALLA
DA0210/2022	Demolition	68	Short Street	MUDGEE
DA0213/2022	Dwelling House	19	Hughson Avenue	MUDGEE
DA0215/2022	Dwelling House	902	Botobolar Road	BOTOBOLAR
DA0216/2022	Dwelling House	1858	Cudgegong Road	CUDGEGONG
DA0218/2022	Demolition	1858	Cudgegong Road	CUDGEGONG
DA0219/2022	Garage	1858	Cudgegong Road	CUDGEGONG
DA0224/2022	Other (DA)	71	Lions Drive	MUDGEE
DA0226/2022	Garage	12	Wandoona Court	MUDGEE
DA0227/2022	Dwelling House	10	Robert Jones Street	MUDGEE
DA0228/2022	Garage	49	Mudgee Street	RYLSTONE
DA0232/2022	Subdivision - Torrens Title	34	Leconfield Drive	BOMBIRA
DA0233/2022	Demolition	58	Pitts Lane	PUTTA BUCCA
DA0239/2022	Dwelling House	166	Lesters Lane	PIAMBONG
DA0241/2022	secondary dwelling	257	Melrose Road	MOUNT FROME
DA0243/2022	Emergency Services/Bushfire Hazard Reduction	3	Garner Street	LUE
DA0244/2022	Emergency Services/Bushfire Hazard Reduction	41	George Campbell Drive	BOMBIRA
DA0245/2022	Shed >150m2	33	Macquarie Drive	MUDGEE
DA0246/2022	Retaining Wall	2333	Castlereagh Highway	GULGONG
DA0247/2022	Ancillary Residential Development	25	Burrundulla Avenue	MUDGEE
DA0251/2022	Subdivision - Torrens Title	3	Suttor Avenue	CAERLEON
DA0254/2022	Subdivision - Torrens Title	213	Putta Bucca Road	PUTTA BUCCA
DA0255/2022	business premises	38	Hill End Road	CAERLEON

Monthly Development Application Processing Report – March 2022

DA0257/2022	Shed >150m2	17	Waterworks Road	MUDGEE
DA0259/2022	Shed >150m2	8	Sawpit Road	MUDGEE
DA0260/2022	Subdivision - Torrens Title	151	Robertson Street	MUDGEE
DA0262/2022	Shed >150m2	210	Green Gully Road	GREEN GULLY
DA0263/2022	Alterations & Additions	288	Frog Rock Road	ST FILLANS
DA0264/2022	Dwelling House	1217	Queens Pinch Road	QUEENS PINCH
DA0265/2022	Dwelling House	173	Lowes Peak Road	ST FILLANS
DA0267/2022	telecommunications facility	20	Robison Street	ULAN
DA0268/2022	Subdivision - Torrens Title	313	Magpie Lane	GALAMBINE
DA0269/2022	Change of use	34-36	Inglis Street	MUDGEE
DA0270/2022	Dual Occupancy	64	Inglis Street	MUDGEE
DA0271/2022	Alterations and additions to industrial developmnt	6	Horatio Lane	MUDGEE
DA0272/2022	Other (DA)	11	Belmore Street	GULGONG
DA0274/2022	Dual Occupancy	21	Suttor Avenue	CAERLEON
DA0275/2022	Dwelling House	5	Wurth Drive	BOMBIRA
DA0276/2022	Dual Occupancy	120	Rocky Waterhole Road	MOUNT FROME
DA0277/2022	Ancillary Residential Development	15	Mudgee Street	RYLSTONE
DA0278/2022	Shed >150m2	29	Robert Hoddle Grove	BOMBIRA
DA0279/2022	secondary dwelling	41	Medley Street	GULGONG
DA0282/2022	Dwelling House	14	Harvey Street	BOMBIRA
DA0283/2022	secondary dwelling	124-128	Bellevue Road	MUDGEE
DA0284/2022	Ancillary Residential Development	14	Dunphy Crescent	MUDGEE
DA0286/2022	Pergola	21	White Circle	MUDGEE
DA0288/2022	Shed >150m2	10	Robert Jones Street	MUDGEE
DA0290/2022	Ancillary Residential Development	783	Henry Lawson Drive	EURUNDEREE
DA0291/2022	secondary dwelling	5	Holleys Lane	GULGONG
DA0292/2022	Dual Occupancy	43	Saleyards Lane	MUDGEE
DA0293/2022	Alterations & Additions	215	Gladstone Street	MUDGEE
DA0294/2022	Garage	107	Denison Street	MUDGEE
DA0295/2022	Subdivision - Torrens Title	25	Rifle Range Road	MUDGEE
DA0296/2022	farm building	931	Spring Flat Road	SPRING FLAT
DA0298/2022	Subdivision - Strata Title	32	Melton Road	MUDGEE
DA0299/2022	farm building	2252	Castlereagh Highway	GALAMBINE

Monthly Development Application Processing Report – March 2022

DA0301/2022	Dual Occupancy	25	Fairydale Lane	MUDGEE
DA0302/2022	Shed >150m2	6	Worobil Street	GULGONG
DA0307/2022	Dual Occupancy	15	Goodlet Lane	MUDGEE
DA0308/2022	Dual Occupancy	5	Suttor Avenue	CAERLEON
DA0309/2022	Dual Occupancy	4	Goodlet Lane	MUDGEE
DA0310/2022	Other (DA)	6	Wilkins Crescent	MUDGEE
DA0311/2022	Dwelling House	31	Mclachlan Street	KANDOS
DA0312/2022	Subdivision - Torrens Title	55	Ilford Road	KANDOS
DA0313/2022	Subdivision - Torrens Title	194	Hill End Road	CAERLEON
DA0314/2022	Shed >150m2	26	Scotts Lane	GULGONG
DA0315/2022	semi-detached dwelling	1858	Cudgegong Road	CUDGEGONG
DA0316/2022	secondary dwelling	61	Buchanan Street	KANDOS
DA0317/2022	Other (DA)	44	Davies Road	KANDOS
DA0319/2022	Dwelling House	251	Cuthel Lane	BERYL
DA0320/2022	Shed >150m2	232	Wyoming Road	STUBBO
DA0321/2022	Alterations & Additions	973	Spring Flat Road	SPRING FLAT
DA0322/2022	secondary dwelling	148	Pipeclay Lane	BUDGEE BUDGEE
DA0323/2022	Dwelling House	21	Fairydale Lane	MUDGEE
DA0324/2022	Dwelling House	23	Fairydale Lane	MUDGEE
DA0325/2022	Dwelling House	5	Goodlet Lane	MUDGEE
DA0326/2022	Shed >150m2	25	Henry Bayly Drive	MUDGEE
DA0327/2022	Dwelling House	47	Suttor Avenue	CAERLEON
DA0328/2022	Dwelling House	86	Rissler Road	STUBBO
DA0329/2022	Other (DA)	19	Sydney Road	MUDGEE
DA0330/2022	Dwelling House	12	Goodlet Lane	MUDGEE
DA0331/2022	Shed >150m2	1794	Windeyer Road	WINDEYER
DA0333/2022	Subdivision - Torrens Title	1	Railway Street	GULGONG
DA0334/2022	Dual Occupancy	4	Suttor Avenue	CAERLEON
DA0335/2022	Garage	163	Narrango Road	DABEE
DA0336/2022	Shed >150m2	44	Burrundulla Road	BURRUNDULLA
DA0337/2022	Shed >150m2	17	Buckaroo Road	BUCKAROO
DA0338/2022	Dual Occupancy	9	Goodlet Lane	MUDGEE
DA0339/2022	Dwelling House	310	Castlereagh Highway	GULGONG
DA0340/2022	Dwelling House	27	Fairydale Lane	MUDGEE
DA0341/2022	Dwelling House	59	Snelsons Lane	GULGONG

Monthly Development Application Processing Report – March 2022

DA0342/2022	Shed >150m2	20	Carwell Street	RYLSTONE
DA0343/2022	Garage	14	Herbert Street	GULGONG
DA0344/2022	Subdivision - Torrens Title	49	White Street	GULGONG
DA0345/2022	Alterations & Additions	86	White Circle	MUDGEE
DA0346/2022	Dwelling House	31	Suttor Avenue	CAERLEON
DA0347/2022	Ancillary Residential Development	62	Mudgee Street	RYLSTONE
DA0348/2022	Dual Occupancy	8	Flinders Avenue	MUDGEE
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0351/2022	Dwelling House	29	Suttor Avenue	CAERLEON
DA0352/2022	Shed >150m2	3	Vera Court	MUDGEE
DA0353/2022	Other (DA)	37	Racecourse Road	GULGONG
DA0354/2022	Alterations & Additions	24	Mealey Street	MUDGEE
DA0355/2022	Shed >150m2	59	Snelsons Lane	GULGONG
DA0356/2022	farm building	393	Cope Road	GULGONG
DA0357/2022	Dwelling House	6	Eleanor Dark Court	MUDGEE
DA0358/2022	farm building	221	Stubbo Road	STUBBO
DA0359/2022	Other (DA)	327	Tinja Lane	EURUNDEREE
DA0361/2022	Other (DA)	131	Buckaroo Road	BUCKAROO
DA0362/2022	Dwelling House	11	Webster Street	BOMBIRA
DA0363/2022	Alterations & Additions	4665	Hill End Road	HARGRAVES
DA0364/2022	Dwelling House	22	Suttor Avenue	CAERLEON

Monthly Development Application Processing Report – March 2022

Heritage Development Applications currently being processed – March 2022.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0300/2019	Demolition	80	Madeira Road	MUDGEE
DA0198/2021	Change of use - Residential flat building to serviced apartments	110	Church Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0070/2022	Dwelling House	120	Market Street	MUDGEE
DA0087/2022	Demolition	33	Horatio Street	MUDGEE
DA0160/2022	Subdivision - Torrens Title	1	Taylors Lane	RYLSTONE
DA0201/2022	Garage	74	Gladstone Street	MUDGEE
DA0220/2022	Dwelling House	46	George Street	MUDGEE
DA0234/2022	Dwelling House	64	Lawson Street	MUDGEE
DA0238/2022	Dwelling House	30	Robertson Street	MUDGEE
DA0297/2022	Shed >150m2	11	Market Street	MUDGEE
DA0300/2022	Alterations & Additions	41	Cox Street	MUDGEE
DA0303/2022	Other (DA)	103	Lawson Street	MUDGEE
DA0304/2022	Dual Occupancy	7	Goodlet Lane	MUDGEE
DA0306/2022	Subdivision - Strata Title	34	Court Street	MUDGEE
DA0318/2022	Signage	115	Market Street	MUDGEE
DA0332/2022	Shed >150m2	32	Douro Street	MUDGEE
DA0350/2022	Subdivision - Torrens Title	74	Inglis Street	MUDGEE
DA0365/2022	Demolition	30	Meares Street	MUDGEE

Item 9: Finance

9.1 Naming of a new street in a subdivision off Toole Road, Ulan

REPORT BY THE PROPERTY SUPPORT OFFICER

TO 20 APRIL 2022 ORDINARY MEETING

GOV400098, P05509, R0790041, DA0180/2011

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Toole Road, Ulan ; and**
2. **formally approve the name of Stock Road.**

Executive summary

Formal approval is requested to name the new street in a subdivision off Toole Road in the locality of Ulan, Stock Road.

Disclosure of Interest

Nil

Detailed report

Council, being the Roads Authority, is required to name new and unnamed streets and roads.

Following the approval of a new subdivision off Toole Road in the locality of Ulan, Council wrote to the neighbours of the subdivision on 6th October 2021 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 8th October 2021 Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the name of Stock Road at their 2nd February 2022 meeting.

Stock Road relates to the 1895 use of the land as a Stock and Camping Reserve.

The Geographical Names Board has been advised of this street name and has no objection.

The new street name was advertised in the 11th February 2022 issue of the Mudgee Guardian and on Council's website with no additional submissions or objections received.

Notices of the new street name was served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association via the NSW Online

Place and Road Naming Proposal System with one objection received in relation to new street name sounding similar to Stott Street and Scott Avenue. Council appealed the objection and it was overturned.

Street naming is legislated under the Roads Act (1993). This Act empowers the authority in charge of the road with the rights to name it. The naming of this street will allow the completion of street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that “a road authority may name and number all public roads for which it is the authority. A road authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months’ notice of the proposed name.”

In accordance with Council’s Road, Bridge & Place Naming Policy, should Council formally endorse the naming of this new street, notice of the approved name will be:

1. Published in the Government Gazette, the Mudgee Guardian and on Council’s website.
2. Concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Transport for NSW.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

Strategic implications

Council Strategies

Not applicable

Council Policies

Road, Bridge and Place Naming Policy

Legislation

Roads Act 1993

Road Regulation 2008

Geographical Names Act, 1996

Geographical Names Board of NSW Address Policy and User Manual, October 2019

Financial implications

The cost and installation of one street sign, located at the intersection of Toole Road with new street. The costs of which will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

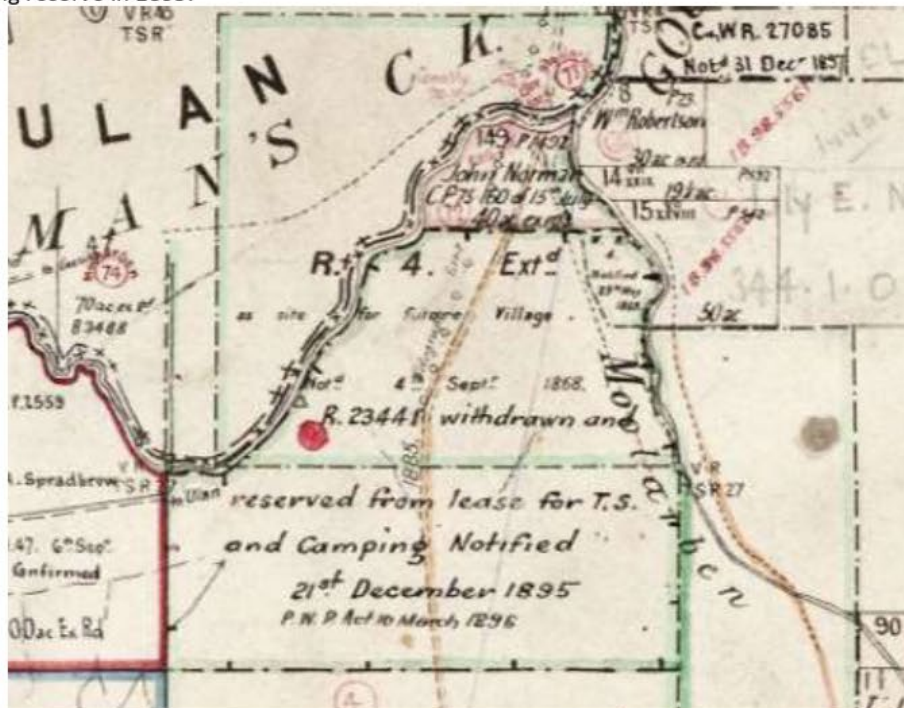
9 March 2022

Attachments: 1. Submission.
2. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

The land was originally reserved for a future village and was then reserved for a travelling stock and camping reserve in 1895.



From: Charlie Higgs

Sent: Tuesday, 11 January 2022 6:25 PM

To: Carolyn Atkins

Subject: RE: Response to enquiry re addressing and road naming - DA0180/2011 MA0031/2019

Hi Carolyn,

Regarding the street name, this is the response from the client:

“Run with Stock Road or Camping Road, as historically associated to the site. ”

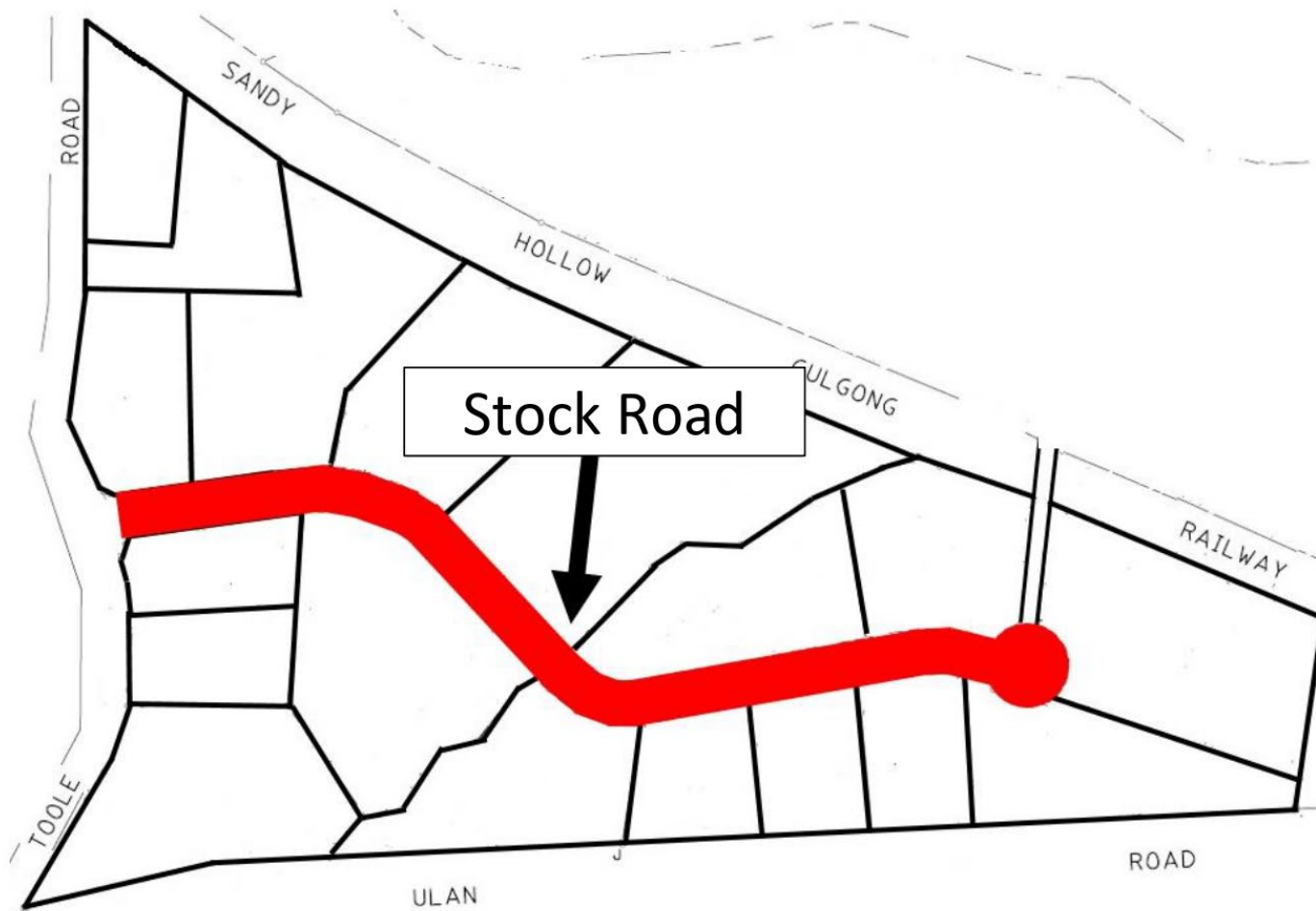
Thanks,

Charlie



CHARLIE HIGGS
Registered Surveyor





9.2 Naming of new streets in a subdivision off Hill End Road, Caerleon

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, P24228, R0790041

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the Naming of new streets in a subdivision off Hill End Road, Caerleon ; and**
2. **formally approve the names of Knott Place, Lillie Close and Marsh Avenue.**

Executive summary

Formal approval is requested to name the new streets in a subdivision off Hill End Road in the locality of Caerleon, Knott Place, Lillie Close and Marsh Avenue.

Disclosure of Interest

Nil

Detailed report

Council, being the Roads Authority, is required to name new and unnamed streets and roads.

Following the approval of a new subdivision off Hill End Road in the locality of Caerleon, Council wrote to the neighbours of the subdivision on 13th December 2021 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 17th December 2021 Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the names of Marsh Avenue, Lillie Close and Knott Boulevard at their 2nd February 2022 meeting.

The Marsh family came to the Mudgee from England in 1855. Thomas & Elizabeth were tenant farmers in the Burrundulla area. Their youngest son, George, married locally and he and Mary continued the Burrundulla farm, raising 8 children. One of those children was Allan Edward Marsh (1885-1960) married Louisa Paine in 1908 and was elected to Mudgee Council and was Mayor in 1923, 1926 and 1927. Allan's son Harold (1912-1989) continued the tradition of service to the community by being elected to Mudgee Municipal Council as the youngest alderman in NSW at the age of 21. Allan was also a President of the Mudgee Hospital Board, Secretary and President of the Mudgee Show Society and the Mudgee Friendly Society Pharmacy, as well as Director and then Grand Master of the Oddfellows Friendly Society. Multiple generations of the Marsh family still live in the area.

Lillie Cox was born 29/12/1895 and grew up on her parents' property at Wilbetree near Mudgee. Lillie married Walter Cook on 9/1/1918 and they owned the property called Glen Ayr on the south western edge of Mudgee, and ran Cooks Dairy Farm there up until the 1950s. Lillie and Walter

raised a family of 2 boys and 5 girls while running their successful business before retiring. Lillie passed away 26/10/1966.

James (Jim) Knott (8/12/1949-25/9/2018) owned the land from Hill End Road through to Bellevue Road in the localities of Caerleon and Mudgee, along with land at Yarrabin above Burrendong Dam. Jim was a business owner, owning and running the Grape and Grain restaurant, a pizza bar and a building company that developed many sites in Mudgee during the 1970s and 80s.

The Geographical Names Board has been advised of these street names and had one objection to the road type used for Knott Boulevard. The road type was amended to Place and the name of Knott Place was accepted.

The new street names were advertised in the 11th February 2022 issue of the Mudgee Guardian and on Council's website with no additional submissions or objections received.

Notices of the new street names were served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association via the NSW Online Place and Road Naming Proposal System with no objections received.

Street naming is legislated under the Roads Act (1993). This Act empowers the authority in charge of the road with the rights to name it. The naming of these streets will allow the completion of street addressing within the new subdivision. Section 162 of the Roads Act (1993) states that "a road authority may name and number all public roads for which it is the authority. A road authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months' notice of the proposed name."

In accordance with Council's Road, Bridge & Place Naming Policy, should Council formally endorse the naming of these new streets, notice of the approved names will be:

1. Published in the Government Gazette, the Mudgee Guardian and on Council's website.
2. Concurrently, notice of the new names will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Transport for NSW.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

Strategic implications

Council Strategies

Not applicable

Council Policies

Road, Bridge and Place Naming Policy

Legislation

Roads Act 1993

Road Regulation 2008
Geographical Names Act, 1996
Geographical Names Board of NSW Address Policy and User Manual, October 2019

Financial implications

The cost and installation of five street signs, located at the intersection of Marsh Avenue with Hill End Road and Knott Place, at the intersection of Knott Place with Marsh Avenue and Lillie Close, and at the intersection of Lillie Close with Knott Place. The costs of which will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

9 March 2022

Attachments: 1. Submission.
2. Submission.
3. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Submission – DJ Woods & Co Pty Ltd
Via Richard Boylan @ Barnsons 10/12/21



From: Richard Boylan
Sent: Friday, 10 December 2021 4:44 PM
To: Carolyn Atkins
Subject: RE: 19196 - hill end road

Hi Carolyn,

Please proceed with the following:

Road 1 - Marsh Avenue

Marsh (Mudgee) – For Allan Marsh who served on Council and was a member of an old Mudgee family. And for Harold Marsh who also served on Council and was a member of an old Mudgee family and was a Stock & Station Agent and Auctioneer.

Road 2 - Lillie Close

Lillie (Mudgee) – For Lillie Cook. The property of Glen Ayr, which covered the land from Henry Bayly Drive back along Rifle Range Road, was for many years, until the 1950s, used as Cooks Dairy Farm owned and run by Walter Cook and his wife Lillie Cook nee Cox.

Road 3 - Knott Boulevard (long street)

Named after Jim Knott who was a local land owner and businessman who contributed to the community for many years, he owned the adjacent lands to the Caerleon subdivision.

Kind Regards,

Richard Boylan B.SpSc(Hons) B.Civil Eng
Survey Manager

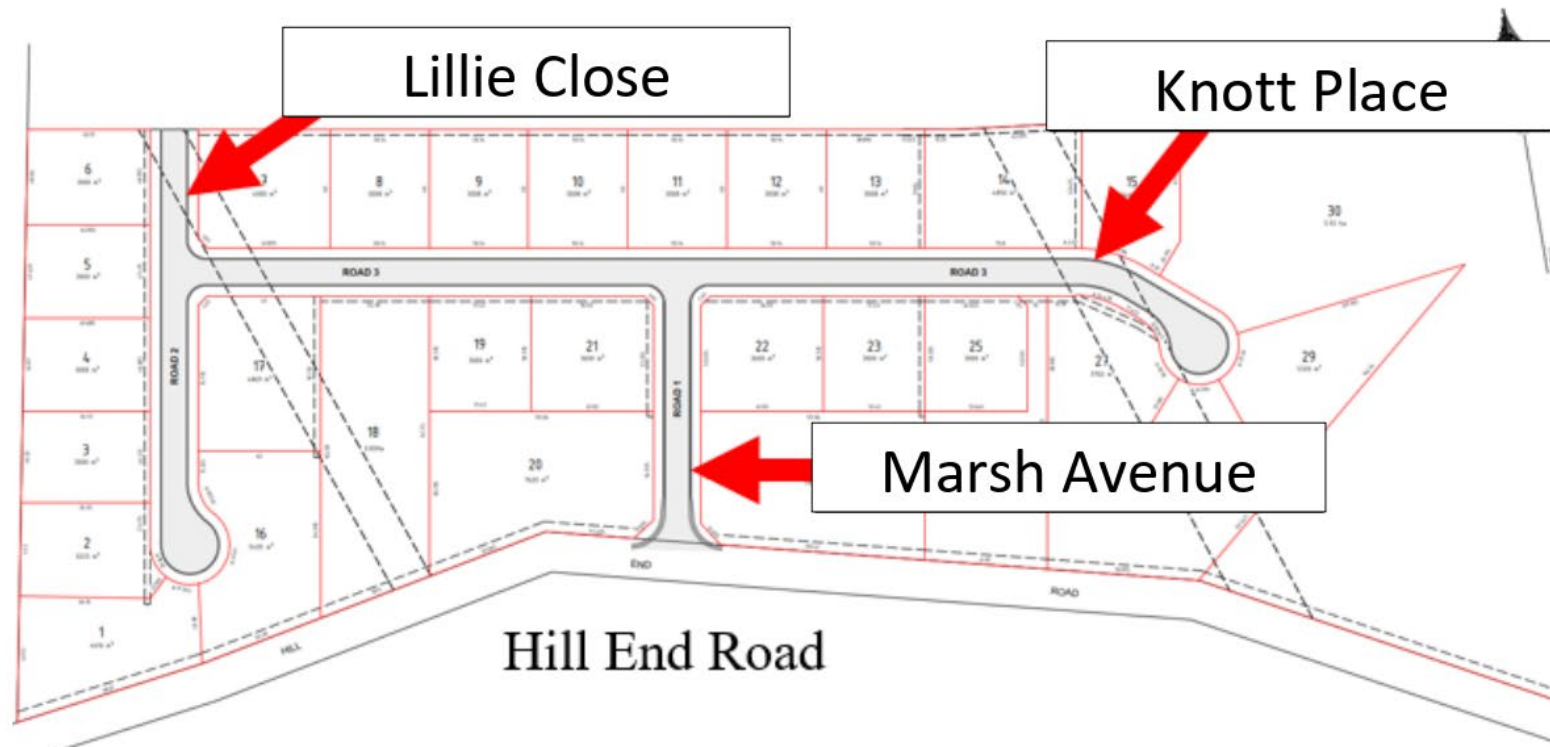


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9.3 Naming of an unnamed lane off Dabee Street in Rylstone

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, R0790141

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of an unnamed lane off Dabee Street in Rylstone ;**
2. **name this lane Kirkland Lane ; and**
3. **approve the inclusion of Kemp, Ralph and Maraway in Council's pre-approved names list.**

Executive summary

Council received a request from a member of the public to name an unnamed lane running South off Dabee Street in Rylstone.

Disclosure of Interest

Nil

Detailed report

Council, being the Roads Authority, is required to name new and unnamed streets and roads. The purpose of this report is to provide a list of names submitted by the public from which Council can choose a name for this unnamed lane.

Following a request from a member of the public to name an unnamed lane off Dabee Street, Council wrote to the owners of properties bordering the unnamed lane on 27th January 2022 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 11th February 2022 issue of the Mudgee Guardian, the 24th February 2022 issue of Rylstone-Kandos Community Capers and on Council's website. Submissions closed on 18th March 2022 and during this period, four submissions were received with the following names suggested:

- Ralph George
- Kirkland
- Kemp
- Maraway

These names were evaluated via the Geographical Names Board. Kemp, Kirkland and Maraway were found acceptable for use as a street/road name. Ralph George could not be accepted as only one name can be used. George cannot be used due to duplication with George Street in Kandos. Ralph is acceptable for uses as a street/road name.

The recommended name of Kirkland Lane relates to the Kirkland family who have a long history in Rylstone and owned property along the lane to be named and nearby.

Street naming is legislated under the Roads Act, 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this unnamed lane will allow for the allocation of street addressing for properties accessed from this lane. Section 162 of the Roads Act (1993) states that “a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months’ notice of the proposed name.”

In accordance with Council’s Road, Bridge and Place Naming Policy, the name that Council endorses for this road will be:

1. Advertised in the Mudgee Guardian and on Council’s website inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the new name will be sent to Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association, and, in the case of a classified road – Transport for NSW, inviting submissions in writing for a period of 14 days.

At the expiration time for lodgement of submissions, a further report will be prepared for Council addressing any submissions received and recommending the formal adoption of the proposed road name, and Gazettal of the new road name.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion

Strategic implications

Council Strategies

Not applicable

Council Policies

Road, Bridge and Place Naming Policy

Legislation

Roads Act 1993

Road Regulation 2008

Geographical Names Act, 1996

Geographical Names Board of NSW Address Policy and User Manual, October 2019

Financial implications

The cost and installation of two street signs at the intersection of the unnamed lane with Dabee Street and at the termination of the road reserve is currently included in existing street signage budgets.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

9 March 2022

Attachments: 1. Submission.
2. Submission.
3. Submission.
4. Submission.
5. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

General Manager

Mid-Western Regional Council

P O Box 156

MUDGEE NSW 2850

RE – PROPOSED STREET NAMING – ROAD RESERVE OFF DABEE ROAD

RYLSTONE NSW 2849

Thank you for inviting me to submit a name for the lane to be considered.

I propose: GEORGE LANE

The George Family (my family heritage) goes way back to early settlers in both Rylstone & Kandos continuing through time to include wars & casualty in the Viet Nam Conflict.

“Georgedale” in Kandos covered an extensive area from what is now the Kandos Golf Course out past Dabee Road. The George family who owned this property serviced in the First & Second World wars, after attending local schools worked in the area with some employed at the coal mines & Kandos Cement Works.

George Family in Rylstone are my immediate family. My Father, Ralph George was one of five brothers, all born in Rylstone early 1900-1925. Their residential house was situated on the corner of Fitzgerald St & Ilford Rd Rylstone. My Grandfather was one of the last families to still have a horse & sulky as they could not afford a vehicle. My Father & three of his brothers all serviced in the Second World War. After the war & they returned to Rylstone all brothers worked on constructing the bridge in town over the Cudgegong River. All remained living here, working in the area with my Father being employed on the Railway.

After attending Rylstone Primary & Kandos High School both my brothers, Robert & Barry George serviced in the Viet Nam Conflict during 1968-69. Robert joined the Regular Army at 19 & Barry was conscripted aged 20.

Barry was killed in action 7th April 1969 aged 21

Robert remained in the army going up through the ranks to become a Regimental Sargent Major of unit, regiments & divisions. 1994 he was commissioned to France to oversee the immortal remains of an Unknown Soldier being exhumed & lay to rest in the Australian War Memorial in Canberra. Roberts was awarded the Queen's, Conspicuous Service Cross and Conspicuous Service Medal for his dedication to the Australian Army & for his involvement in return of the Unknown Soldier.

Yours faithfully,

Lynette A Rawlinson

General Manager

MWRC

PO Box 156

Mudgee NSW 2850



Mr. BRAD CAM

Dear Sir

I would like to submit a name for the lane in Rylstone that runs north off Dabee Street. I thought it would be fitting to call it.

KEMPS LANE.

Mr. and Mrs. Kemp bought 2 Louee Street 60 years ago and their daughter still lives there today, they always used the lane. Their house that is 2 Louee Street enters onto this lane and has been used by them more than most.

I hope you can consider this as fitting.

Carol Hayward

Jill Wilson

13th March 2022

The General Manager,
Mid Western Regional Council,
Mudgee. NSW

Dear Sir,

I would like to put forward the name **Kirkland** for the lane running North off Dabee St. Rylstone.

My reasons being as follows:

1. My ancestors were James & Jessie Kirkland.

Some years ago the Rylstone Shire Engineer Esme Martens told me that she had found an early Parish map of Rylstone. On it was Kirkland Road which later was renamed Tong Bong Street.

2. James & Jessie Kirkland were early founding members of St Andrews Presbyterian Church in Rylstone. James being a carpenter had built the church pews for it. He had also built the pews at St James Church of England Rylstone. He had work at Dabee Station doing carpentry on the homestead & the Woolshed. He also made coffins when needed. There is a plaque in memory of James & Jessie Kirkland in St Andrews Church Rylstone.

3. Andrew Kirkland, son of James & Jessie Kirkland married Mary Clara Pickett. Andrew held the licence for the Shamrock Hotel located north of Dabee Street between Louee Street & Mudgee Street on the ridge across the railway line near the river near the Backhouse residence.

4. Mary Kirkland owned the house on the corner of Dabee Street & Louee Street known as Goodie Halls Corner (now a shop & a cafe). Later her son Clifton Kirkland lived there followed by her grandson Wallace Marchant. Both her grandsons lived on opposite sides of Dabee Street with Raymond Marchant on the other side. His block backed onto the said Street to be named.

5. Andrew & Mary's son Athol Kirkland served in the 34th Battalion in WW1 serving in France. He was killed at Villers Bretonneux & buried in an unmarked grave. When his grave was identified in 2015 they held a service at the grave site following Anzac Day on the 26th April. It was attended by our Prime Minister Tony Abbott, along with the local Mayor & other military dignitaries from our armed forces. It was filmed and highlighted on our Australian news reports.

6. WW1 Rylstone quilt recently found & I believe it is held at the War Memorial in Canberra contains members of local Rylstone family names embroidered on it. Kirkland is one of the names on the quilt.

I am a descendant (g g granddaughter of the Kirklands). I grew up & lived at 14 Louee Street, where our yard backed onto the lane yet to be named.

I would very much appreciate your consideration to be given to the name of **Kirkland** as the new name for this lane.

Yours faithfully,

Jill Wilson

Rylstone and District Historical Society Inc.



Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

17th March 2022

Attention: Diane Sawyers; Manager Revenue & Property

Re: ROAD RESERVE NAME PROPOSAL – RYLSTONE

In response to Council's request seeking submissions for the naming of a road reserve running north off Dabee St Rylstone, the Rylstone & District Historical Society Inc (RDHS) wishes to suggest the name **MARAWAY LANE**.

"MARAWAY" is the Wiradyuri name for path or pathway, and as this lane leads to the Cudgegong River the suggested name seems appropriate.

We have met with local indigenous representatives, and they are supportive, and provided us with this Wiradyuri name.

Yours sincerely,

Peter Monaghan - President, Rylstone & District Historical Society Inc



9.4 Road Closure and Easement Creation - Faucett Drive

REPORT BY THE PROPERTY COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, P1318811

RECOMMENDATION

That Council:

1. **receive the report by the Property Coordinator on the Road Closure and Easement Creation - Faucett Drive ;**
2. **note Council's previous report and resolution at its Ordinary Meeting on 16 August 2017 authorising the road closure and easement creation to proceed, as per Attachment 1 ;**
3. **note that the owner of Lot 10 DP1256248 no longer requires the benefit of the Rights of Carriageway as previously mentioned in that report ; and**
4. **upon closure of the unformed portion of Faucett Drive as shown on the plan in Attachment 2 to this Report, create the required easement for services and Rights of Carriageway to benefit Lot 1 DP1046119 only.**

Executive summary

This report seeks to amend a previous resolution supporting that two property owners benefit from a Rights of Carriageway (ROC) to be created by Council after formal closure of part Faucett Drive, Mudgee is complete.

The amendment is to confirm that only one owner requires the benefit of the ROC and to proceed with the road closure and easement creation on this basis.

Disclosure of Interest

Nil

Detailed report

After completion of the proposed road closure for part Faucett Drive Mudgee, the owners of Lot 10 DP1256248 and Lot 1 DP1046119 required for a ROC to be created benefitting their land over part of the former road reserve in order to maintain access to satisfy development requirements.

Since the original meeting supporting this proposal, the owner of Lot 10 DP1256248 has sold, with the property now developed and without requiring access via the proposed ROC. Instead, any ROC created now to benefit Lot 10 DP1256248 would be a burden to the land owner and require their financial contribution towards construction and ongoing maintenance costs for a ROC they do not require or utilise.

Council staff have made attempts to contact the owner of Lot 10 DP45895248, both through legal channels and directly in order to confirm the above assertion, however the property owner having

already developed the land, without requiring the ROC for access, is considered to be not interested in finalisation of the matter as they have ignored all requests to endorse the required documents.

The owner of Lot 1 DP1046119 has since made direct requests to Council to expedite this matter and remove Lot 10 DP1256248 as a benefitted owner in order to proceed with their own development.

The owner is in support of sole responsibility for construction and maintenance costs towards the ROC.

The ROC cannot be registered unless all affected land owners endorse the required documents. By removing the owner of Lot 10 DP1256248, Council can finalise this matter.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Costs to finalise this matter will be sourced from an existing budget – Unsealed Road – Local.

KELLY BARNES
PROPERTY COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

25 March 2022

Attachments: 1. Original Council Report - 16 August 2017.
2. Survey to show Road Closure & Right of Carriageway.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

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MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING - 16 AUGUST 2017
REPORT 9.6

9.6 Road Closure and Easement Creation - Faucett Drive

REPORT BY THE REVENUE AND PROPERTY MANAGER
TO 16 AUGUST 2017 ORDINARY MEETING
GOV400064, P1318811, ROA100007

RECOMMENDATION

That Council:

1. receive the report by the Revenue and Property Manager on the Road Closure and Easement Creation - Faucett Drive;
2. apply to Department of Industry – Crown Lands for the closure of the unformed portion of Faucett Drive as shown on the plan in Attachment 1 to this Report;
3. upon closure of the unformed portion of Faucett Drive as shown on the plan in Attachment 1 to this Report, create the required easement for services and Rights of Carriageway benefitting the Lots having frontage to the former road reserve;
4. authorise the General Manager to determine any other terms and conditions in relation to the details of the granting of the Rights of Carriageway benefitting the Lots having frontage to the former road reserve;
5. authorise the General Manager to sign all documentation necessary in relation to the proposed road closure as shown on the plan in Attachment 1 to this report, creation of easements for services and creation of Rights of Carriageway; and
6. authorise the Common Seal of Council to be affixed to all documentation necessary in relation to the proposed road closure as shown on the plan in Attachment 1 to this report, creation of easements for services and creation of Rights of Carriageway.

Executive summary

Subsequent to a Pre-Lodgement meeting regarding a proposed subdivision of Land with proposed access off the unformed section of Faucett Drive, Mudgee an inspection was undertaken at the site and has determined that the Rifle Range Road Detention Basin has been constructed within a significant portion of the Road Reserve. To resolve the issue, it is proposed to close the section of Faucett Drive and create easements over the existing services as well as a Right of Carriageway to facilitate access to those who would have benefited from the road.

Disclosure of Interest

Nil

Detailed report

An inspection was undertaken at the proposed sub-division site and it has been determined that the Rifle Range Road Detention Basin has been constructed within a significant portion of the Road Reserve. The status of this section of Faucett Drive is that of an unformed Council Road.

The Road Reserve is 20.115 metres wide and extends from the constructed portion of Faucett Drive west a distance of 100 metres before terminating at the adjoining property boundary. At approximately 70 metres along the road reserve the channel/stream which enters the basin dissects the road. The Detention Basin has been constructed a distance of approximately 14 metres into the Crown Road Reserve and runs the length of the road reserve.

As part of the proposed subdivision, access was to be provided via the unformed portion of Faucett Drive. Given the available width remaining within the road reserve it would not be possible to construct a road to the standards set out in Council's Development Control Plan.

A number of options have been explored to resolve the matter with the preferred option being the closure of the unformed section of Faucett Drive and creation of easement for services and a Right of Carriageway to provide legal access to the land subject to subdivision application.

Community Plan implications

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

Strategic implications

Council Strategies

Development Control Plan - given the available width remaining within the road reserve it would not be possible to construct a road to the standards set out in Council's Development Control Plan. Roads Asset Management Plan – any extension to Council's road network, will provide an additional burden to maintain.

Council Policies

The proposed road closure and the granting of the Rights of Carriageway, will be progressed in accordance with the provisions of the *Land Acquisition and Disposal Policy*.

Legislation

Divisions 2 & 4 of the *Roads Act 1993* prescribe the legislation and processes which must be followed in order to close a road. Section 38 of the *Roads Act* stipulates that unformed council road reserves will vest in the Crown and not council upon closure.

The *Registrar General's Guidelines* will be referenced regarding comprehensive information about legislative and other requirements relating to the preparation of plans and documents intended for lodgment and registration with the Land and Property Information.

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Financial implications

Costs associated with the road closure including application fees, survey and legal cost are estimated at \$10,000. On closure of the unformed road, the land will vest with the Crown, not Council. This will result in a requirement for Council to pay compensation to the Crown. At the time of closure the value for the land will be determined by at least one independent valuation. The surrounding land has very different Valuer General values, and as such, it is difficult to provide an early estimate. Council officers consider the value of the land could be between \$5,000 - \$120,000. It is recommended a budget for the land compensation be added in the September QBR.

The creation of easement for services and the Right of Carriageway has an estimated cost of \$7,000. It is recommended that the proponent of the proposed subdivision pay for the creation of the easement, as it is for their benefit, and given that the road is an unformed road, they would have been required to pay for formation of the road to access their subdivided lot.

Providing a Right of Carriageway will replace the outcome of a formed road, which will result in a reduced long term impact on Council as there will be no requirement to maintain the proposed road extension.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2017/18	✗	–	✓
Future Years	✓	–	✓

Associated Risks

There are a few unknowns in regards to this process, at this stage. Firstly, we are unsure of what the value of the land will return as, given the variances in surrounding land values. Current estimates are between \$5,000 - \$120,000.

We will also be required to go out to consultation, as a part of the road closure process. There is a chance that surrounding property owners may object to the proposal to close the unformed road.

DIANE SAWYERS
REVENUE AND PROPERTY MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 July 2017

Attachments: 1. Plan of section of Faucett Drive proposed to be closed.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

[illegible]

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MID-WESTERN REGIONAL COUNCIL | ORDINARY MEETING – 16 AUGUST 2017
REPORT 9.6 – ATTACHMENT 1

Aerial view of unformed section of Faucett Drive proposed to be closed





- (R) RIGHT OF CARRIAGEWAY 3 WIDE
- (E) EASEMENT FOR SERVICES 3 WIDE
- (D) EASEMENT TO DRAIN WATER 3 WIDE
- (W) EASEMENT TO DRAIN WATER 16 WIDE

46
DP 1191367
DRAINAGE RESERVE

DP 805495

2
DP 746914

1
DP 1046119

PT. 10
DP 1256248

8
DP 1222940

11
DP 1225539

10
DP 1225539

51
DP 1236430

FAUCETT (20, 115 WIDE) **DRIVE**

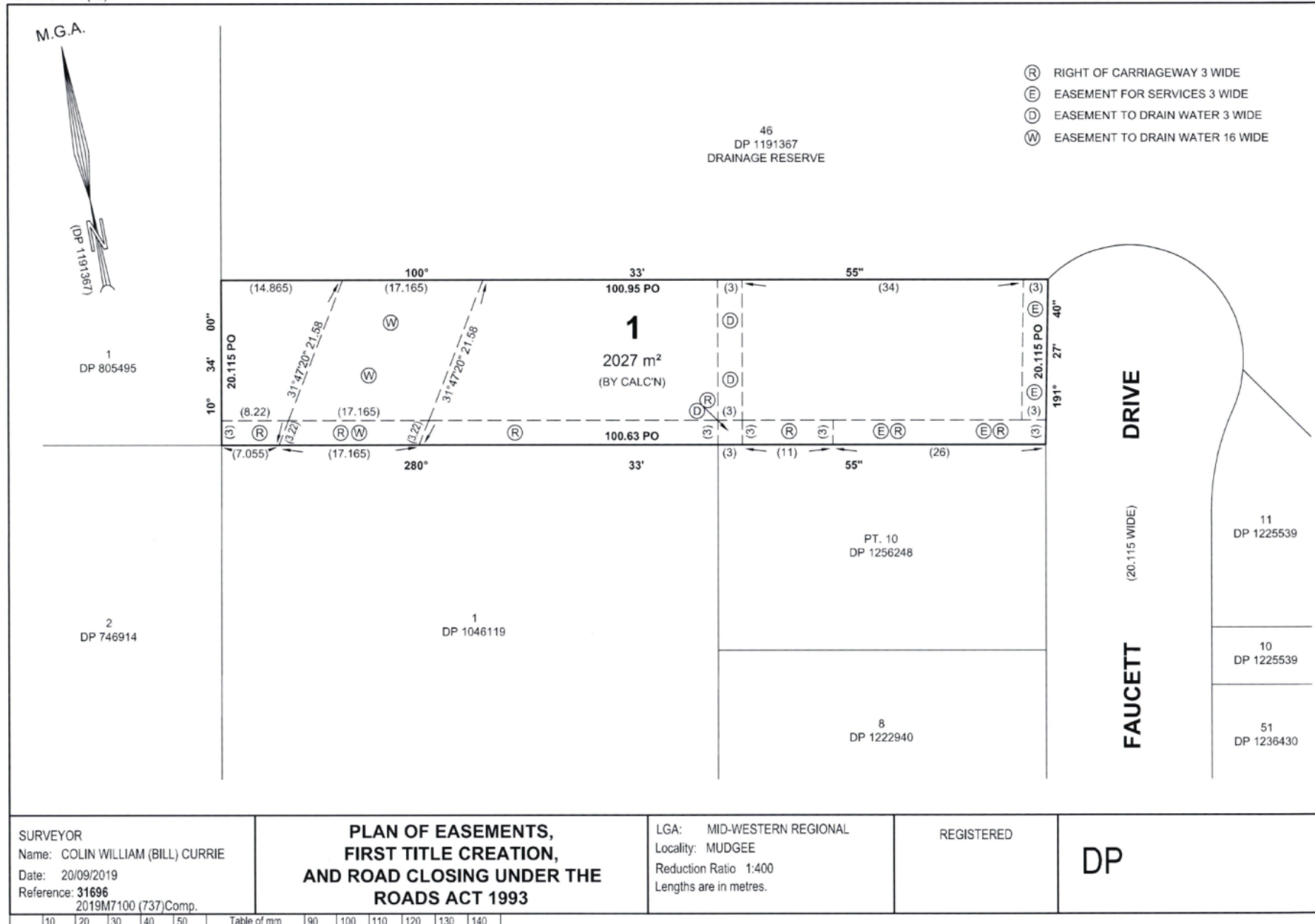
**PLAN OF EASEMENTS,
FIRST TITLE CREATION,
AND ROAD CLOSING UNDER THE
ROADS ACT 1993**

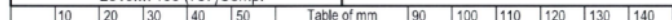
LGA: MID-WESTERN REGIONAL
Locality: MUDGEES
Reduction Ratio 1:400
Lengths are in metres.

REGISTERED

DP

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9.5 Proposed Road Closure at Dixons Long Point

REPORT BY THE PROPERTY OFFICER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, P2063011

RECOMMENDATION

That Council:

1. **receive the report by the Property Officer on the Proposed Road Closure at Dixons Long Point ;**
2. **consent to a proposed road closure of a Council Public Road. The subject road to be closed is indicated on Attachment 1 appended to this report ;**
3. **give notice pursuant to s38B *Roads Act 1993*, of the proposal to close the Council Public Road as indicated in Attachment 1 appended to this report ;**
4. **receive a further report after the notice period has ceased to:**
 - 4.1 **consider any submissions received ; and**
 - 4.2 **pursuant to s38D *Roads Act 1993* determine whether the Council Public Road as outlined in Attachment 1 appended to this Report, is to be closed ;**
5. **authorise the General Manager to sign all documentation, where necessary, in relation to the proposed closure and subsequent transfer of the Council Public Road ;**
6. **authorise the Mayor to sign any documentation, where additionally required to do so, in relation to the proposed closure and subsequent transfer of the Council Public Roads ; and**
7. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the proposed closure and subsequent transfer of the Council Public Road.**

Executive summary

This Report seeks to secure a resolution for the proposed closure of part of a Council public road pursuant to the Roads Act 1993.

Council is seeking approval to close a Council road traversing Lot 43 DP47253 at Dixons Long Point as part of the Dixons Long Point Crossing upgrade. The road is under Council authority and has been previously maintained for the purposes of Section 38E (2) (a) of the Roads Act 1993. Upon closure, this road will be transferred to the adjoining landowner as compensation for the opening of a Council Public Road traversing the same land parcel.

The proposed Road closure is to be progressed in accordance with Part 4 Division 3 of the Roads Act 1993 (the Act), NSW Department of Industry Council road closures Fact Sheet July 2018 (the Fact Sheet) and Council's Land Acquisition and Disposal Policy (the Policy).

Disclosure of Interest

Nil

Detailed report

The Dixons Long Point crossing is being upgraded under the Roads of Strategic Importance program, funded by the Australian Government. The upgrade is expected to promote regional connections and provide a safe road network for road users within Central West NSW.

As noted in item 10.1 presented to Council in the March 2022 Ordinary Meeting and Attachment 2 appended to this report, Council proposes to close part of a Road which will be surrendered as compensation for the forming of a new road.

The Road for closure covers approximately 6602m², traversing a property known as 'Dalmeny', located on Ullamalla road. The road status investigation, appended to this report as Attachment 3, indicates that the road in question is a Council Public Road pursuant to s7(4) of the Act. It is evident that the road is subject to a formed track in use, and will consequently vest in Council pursuant to s38E (2) (a) of the Act. Following the vesting, Council will surrender the road to the adjoining landowner in compensation for the opening of a Council Public Road for the construction of the new road.

This road closure will not alter access to any property, as all affected properties maintain legal, formed access.

It is recommended that Council progress the closure of the Road which includes public notification of the proposal and referral to various government departments and other relevant authorities.

Should Council wish to proceed with the closure, a further report will be presented to Council after the notice period has expired to consider any submissions received and to determine that Council intends (subject to the decisions made regarding any submissions) to close the subject road.

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents businesses

Strategic implications

Council Strategies

Not applicable

Council Policies

Land Acquisition and Disposal Policy

Legislation

Roads Act 1993

Financial implications

The road closure process will be supported by the Australian Government, Roads of Strategic Importance funding program. There is an existing budget in place.

Associated Risks

If the Council Public road is not closed, Council will be unable to use this road in compensation for the acquisition of land for the opening of a new Council Road. Council may then face risks of being unable to proceed with the project within the specified timeframe or facing excessive expenditure for this section of the upgrade.

BRITTNEY WAKLEY
PROPERTY OFFICER

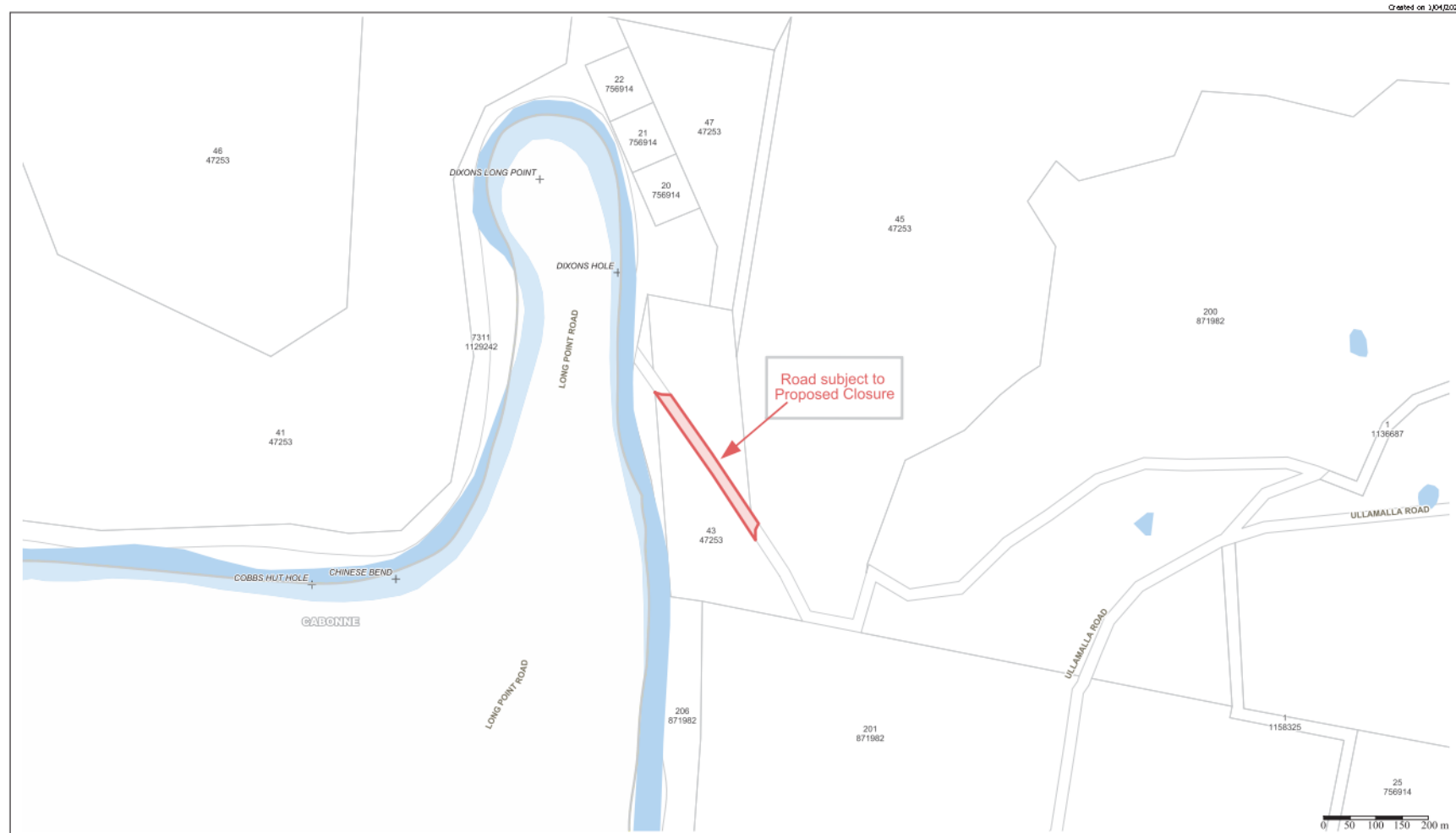
NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

1 April 2022

- Attachments:*
1. Plan of Proposed Road Closure - Dixons Long Point Crossing.
 2. Report Council Meeting 16 February 2022 - Item 10.1 - Land Purchase for Road Reserve Ullamulla.
 3. Status Report - Dixons Closure.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Mid-Western Regional Council
P.O. Box 106
86 Market Street
MIDGEE NSW 2630
Telephone: 02 6378 2850
Fax: 02 6378 2815
Email: council@midwestern.nsw.gov.au

Important Notice!

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Date: 1/04/2022

Map Scale: 1:6138 at A3

Item 10: Operations

10.1 Land Purchase for Road Reserve - Part Lots 200 DP871982, 1 DP1136687, 201 DP871982 & 43 DP47253 and Proposed Acquisition of Crown Land Part Lots 42/45 DP47253, 7311 DP1129242 and Macquarie River Reserve 56146 Ullamalla

REPORT BY THE MANAGER - INFRASTRUCTURE PLANNING AND MANAGER PROPERTY AND REVENUE

TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, ROA100462

RECOMMENDATION

That Council:

1. receive the report by the Manager - Infrastructure Planning and Manager Property and Revenue on the land purchase for road widening of existing registered road reserve servicing the location of the planned new bridge at Dixons Long Point, Ullamalla NSW;
2. resolve to purchase a total of approximately 3.8 ha of land from Lot 200 DP871982, Lot 1 DP1136687, Lot 201 DP871982 and Lot 43 DP47253 for the purpose of dedication as public road reserve by agreement with the Landowner at a sale price to be determined by appropriate independent valuation;
3. agree, at its own cost, to procure the appropriate independent valuation, preparation, lodgement and registration of appropriate subdivision plans giving effect to the transfer to road reserve and; as relevant, demolish the Landowners existing boundary fencing and gates and relocate to new property boundaries;
4. authorise the General Manager to finalise negotiations with the Landowner to effect the land purchase and subsequently enter into a Heads of Agreement with the Landowner to record the parties' agreement in respect to the terms on all relevant matters concerning the land purchase and the compensation to be paid;
5. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road;
6. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land purchase for the purpose of the public road;
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road; and

8. **receive further reports relating to the proposed road closures and the acquisition of Crown land as outlined in this Report in due course.**
9. **resolve to submit notification of proposed acquisition and then acquire by compulsory acquisition under s77 and S178 of the Roads Act 1993 (Roads Act) and Land Acquisition (Just Terms Compensation) Act 1991 NSW (Just Terms Act) a total of approximately 2.0 ha of Crown land from Lot 7311 DP1129242, Lot 42 DP47253, Lot 45 DP47253 and the Macquarie River – Reserve 56146 – Beds of all Rivers for the purpose of construction the new bridge and dedication as public road reserve by a compulsory acquisition.**
10. **resolve to apply for Crown lands license for site investigation and road and bridge construction whilst the above notification process is underway.**

Executive summary

The Dixons Long Point project requires the acquisition of a total of approximately 3.8ha of land (the Dedication Land) from a privately owned property (the Landowner) for the purposes of widening of a public road reserve. It is proposed:

- a) the transfer of the Dedication Land to Mid-Western Regional Council (Council) is to be carried out by way of Subdivision Plan, the registration of which will cause the Dedication Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of a public road.
- b) in consideration of the purchase of the Dedication Land, Council agrees to pay, and the Landowner agrees to accept, a monetary sum yet to be determined by an independent land valuer (the Valuer).

It is recommended that Council proceed with the subdivision and land purchase and authorise the General Manager to perform all duties necessary to effect the land transfer.

Disclosure of Interest

Nil

Detailed report

The upgrade of the link between Orange and Mudgee NSW (Dixon's Long Point) has been a discussion for more than 70 years. The Australian Government, under the Roads of Strategic Importance (ROSI) initiative has provided a sum of \$2 million towards field studies and design development for the purpose of selecting a preferred bridge option and preliminary site for construction works. Council expects to receive from the Australian Government a further \$27.8m in funding towards the completion of environmental studies, design development, management and construction of a bridge with 20 year ARI flood immunity and a total of approximately 3km of sealed road on the eastern and western road approaches to the bridge.

On the eastern side of the bridge there exists, on title of a number of allotments, a road registered reserve within which a road has not yet been constructed. It is planned as part of this project that this road reserve will form the eastern approach to the new bridge and, in order to achieve the necessary design and geometry parameters for the road, land will need to be acquired from the Landowner for widening the public road reserve, specifically:

- Part Lot 200 DP 871982 1.999ha
- Part Lot 1 DP 1136687 1,569m²
- Part Lot 201 DP 871982 9,206m²
- Part Lot 43 DP47253 6,972m²

Please note that the above areas are draft and will not be finalised until survey of property boundaries at completion of the construction works.

This Dedication Land is currently held by the Landowner. Market value of the Dedication Land will be assessed by the Valuer, however sales evidence suggests values ranging \$4,000-\$8000 per ha. Staff have made contact with the Landowner to discuss terms that would satisfy both parties for acquisition by agreement, that is:

- a) the transfer of the Dedication Land to Council is to be carried out by way of Subdivision Plan, the registration of which will cause the Dedication Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of a public road;
- b) in consideration of the purchase of the Dedication Land, Council agrees to pay, and the landowner agrees to accept, a monetary sum to be determined by the Valuer;
- c) Council, at its own cost, will arrange for the demolition of any existing boundary fencing, including gates, and relocate to the new property boundary;
- d) after road construction is complete and the fencing relocated, Council will at its own cost, arrange for a registered surveyor to survey the location of the new property boundary and finalise the preparation, lodgement and registration of appropriate Subdivision Plans giving effect of the transfer to road reserve;
- e) if there is a material change in area acquired, the settlement sum will be adjusted by the land value rate set by the Valuer.

It is proposed to enter into a Heads of Agreement with the Landowner to record the parties' agreement in respect to the terms on all relevant matters concerning the acquisition and the compensation to be paid.

In acquiring the Dedication Land and constructing the new road, two paper road reserves will become redundant. It is proposed to undertake necessary road status investigations of these road segments, and if determined eligible, prepare a further report to Council addressing the road closure process with a view of transferring the road closure lands to the Landowner.

In addition, land is also required to be acquired from the Crown to effect the construction of a new road approach to the new Dixons Long Point Bridge. The areas required are as follows:

- | | |
|--|-----------------------------|
| • Part Lot 45 DP 47253 | 16,090m ² |
| • Part Lot 42 DP 47253 | 1,242m ² |
| • Part Lot 7311 DP 1129242 | 2,258m ² |
| • Macquarie River – Reserve 56146 – Beds of all Rivers | 400m ² (nominal) |

Council must acquire these areas in accordance with s177 and s178 Roads Act 1993 (the Roads Act) and the Land Acquisition (Just Terms Compensation) Act.

Preliminary advice has been given to Crown of the proposed acquisition and Crown has subsequently responded confirming the process to be followed. Approval is now sort to submit to Crown lands notification of proposed acquisition and application for license for site investigation and road and bridge construction whilst the notification process is underway.

Attachment 1 appended to this Report shows draft plans proposed for the Road Dedication Land, road closures and land to be acquired from Crown.

Community Plan implications

Theme	Connecting Our Region
-------	-----------------------

Goal	Efficient connection of the region to major towns and cities
------	--

Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents businesses
----------	---

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy

Legislation

Local Government Act 1993

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Financial implications

The Dixons Long Point crossing project has a budget of \$29.8m and is 100% Australian Government Roads of Strategic Importance program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	–	–	–
Future Years	–	–	–

Associated Risks

This matter is considered low risk however Council staff will manage the mitigation of any risks which may arise.

RAY KEARNS
MANAGER - INFRASTRUCTURE PLANNING

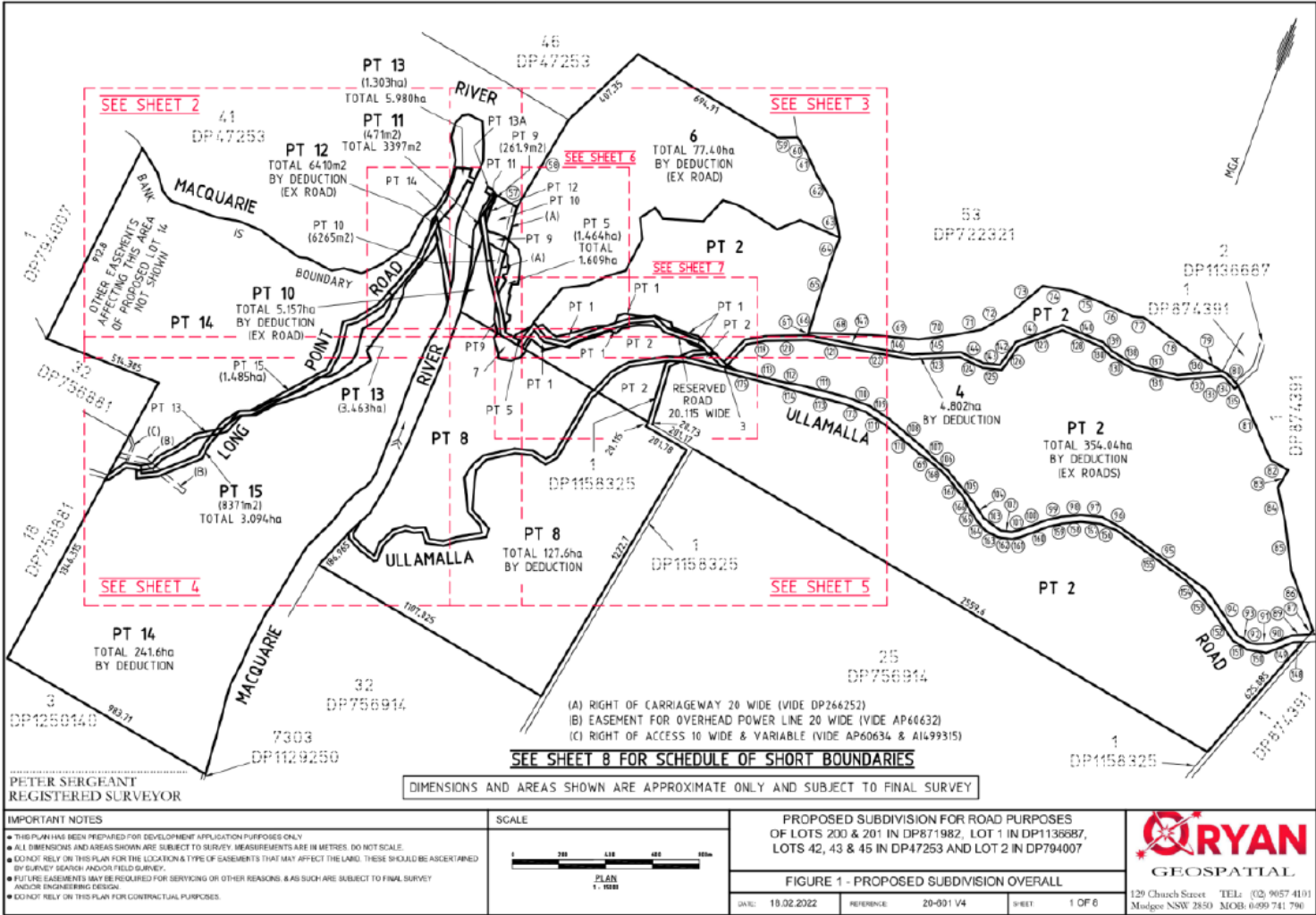
JULIAN GEDDES
DIRECTOR OPERATIONS

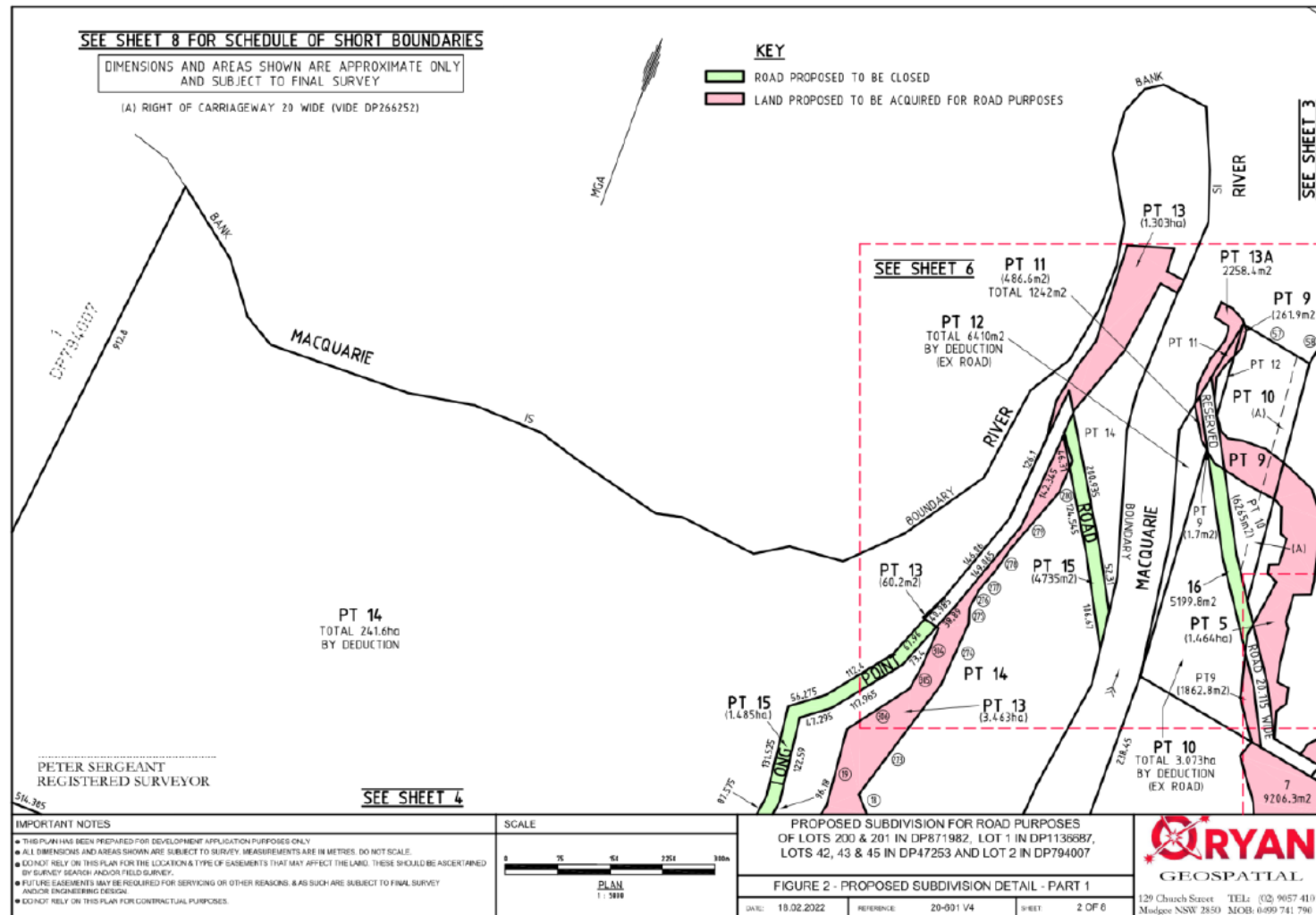
24 February 2022

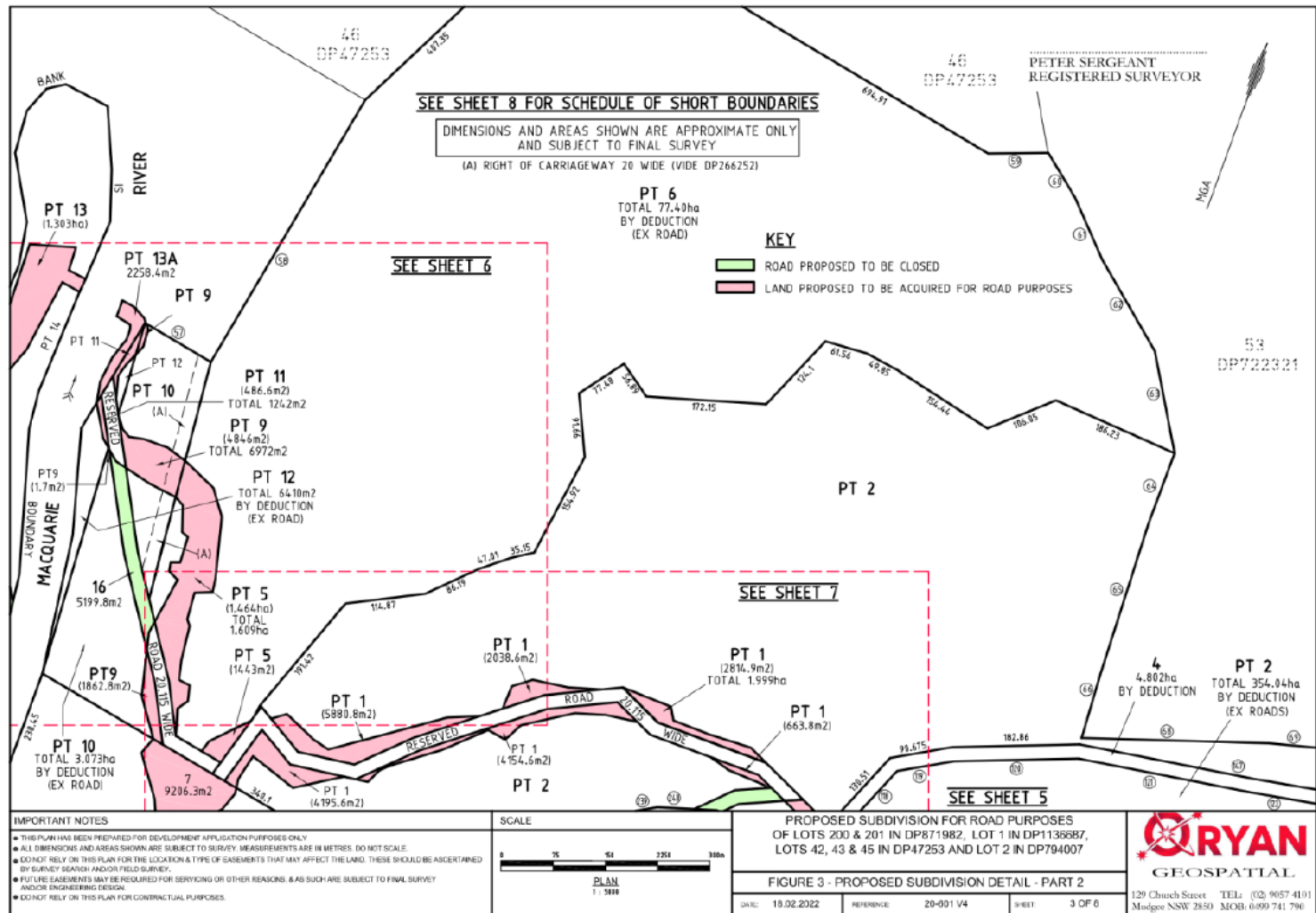
Attachments: 1. Plan - Land to be acquired and roads to be closed.

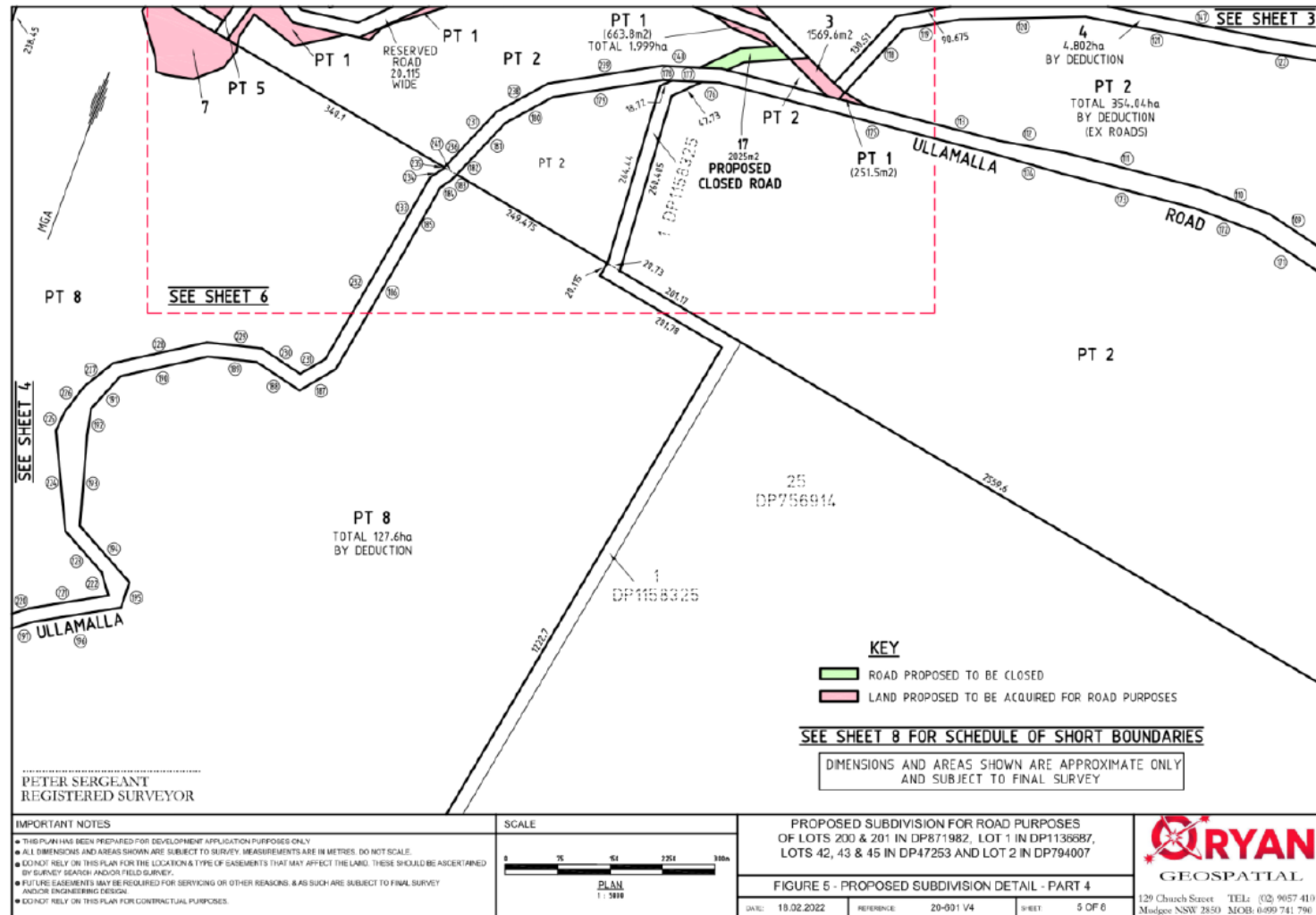
APPROVED FOR SUBMISSION:

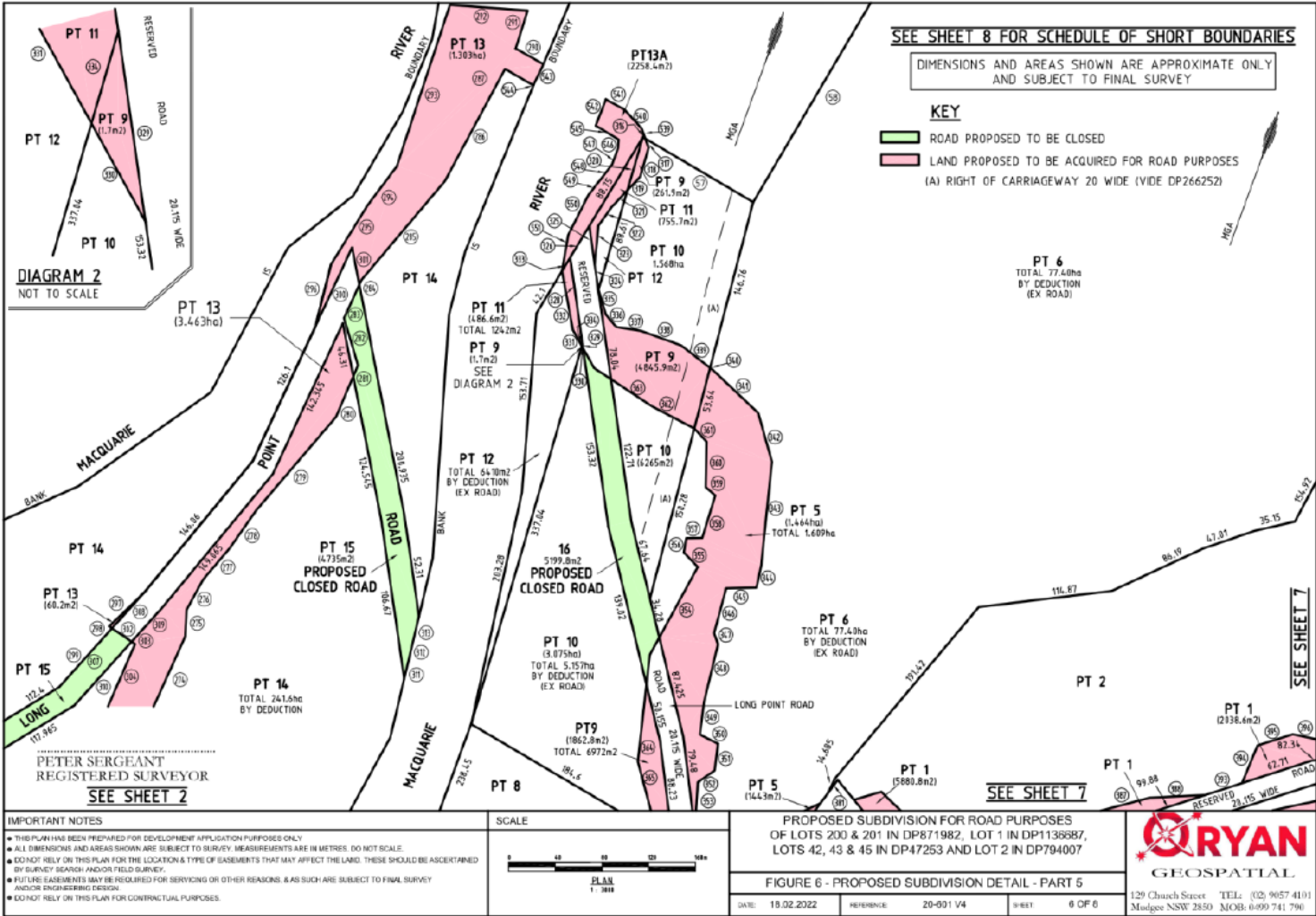
BRAD CAM
GENERAL MANAGER

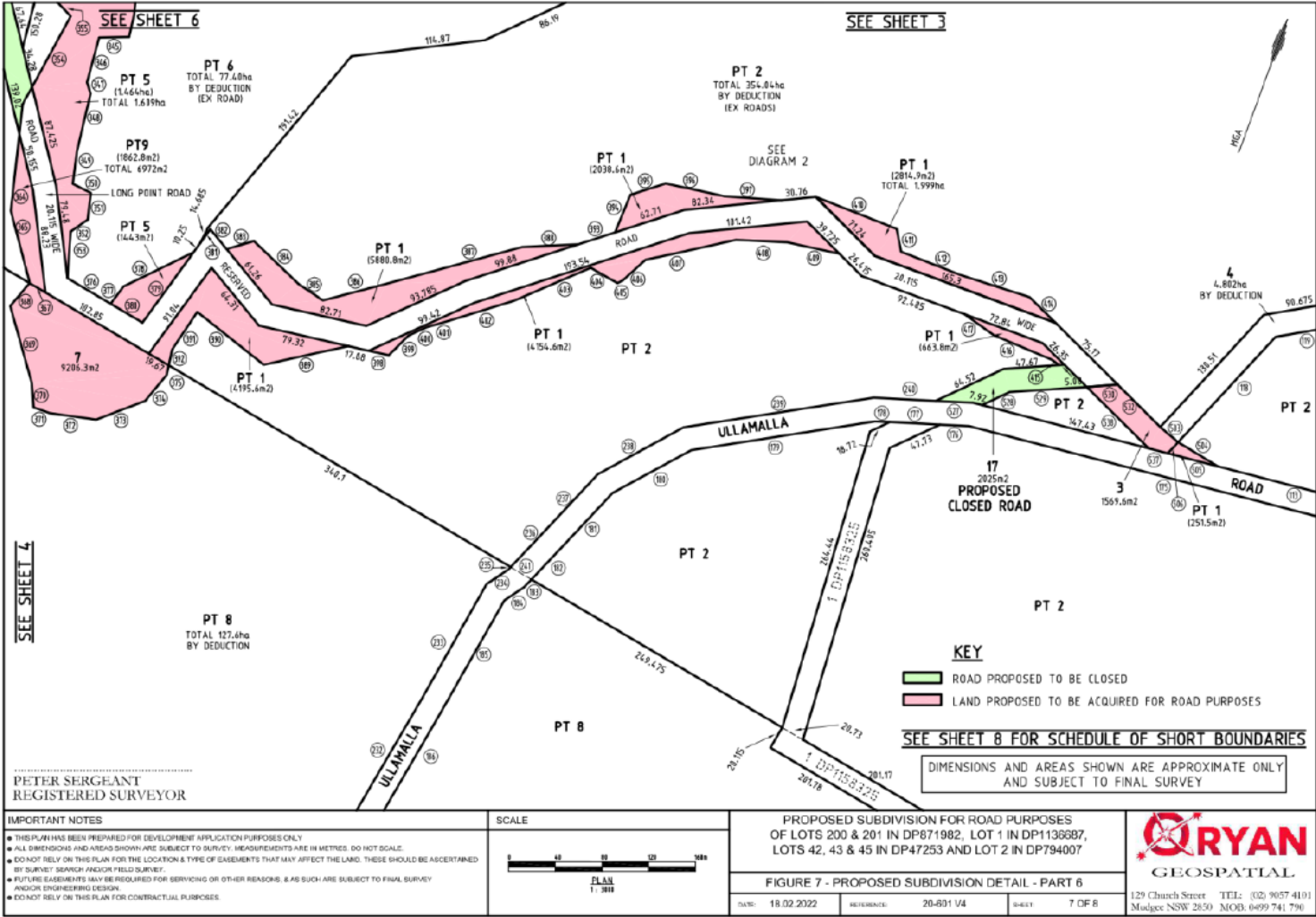













LINE DISTANCE	LINE DISTANCE	LINE DISTANCE	LINE DISTANCE	LINE DISTANCE	LINE DISTANCE	LINE DISTANCE	LINE DISTANCE
1 14.775	71 118.9	128 178.22	195 111.485	242 14.96	309 40.985	369 68.57	529 66.165
2 5.065	72 135.455	129 55.12	196 166.335	243 14.415	309 38.89	374 20.69	530 26.78
3 89.88	73 162.975	130 118.25	197 59.69	244 72.175	310 73.4	371 14.69	531 75.165
7 33.27	74 127.35	131 193.36	198 73.72	245 46.305	311 14.26	372 48.24	532 51.185
8 91.955	75 116.485	132 186.86	199 69.935	246 18.315	312 23.475	373 44.91	533 15.49
9 35.985	76 164.44	133 18.31	200 127.155	247 80.665	313 20.915	374 29.14	536 28.815
10 95.265	77 45.625	134 62.615	201 67.835	248 60.965	316 1.83	375 8.66	537 17.075
11 42.795	78 305.94	135 20.13	202 39.08	249 4.25	317 8.95	376 43.08	538 74.655
12 18.84	79 166.915	136 189.855	203 129.435	250 116.55	318 25.62	377 18.36	539 8.50
13 83.595	80 51.945	137 186.16	204 116.99	251 46.635	319 15.68	378 66.73	543 21.66
14 60.515	81 347.725	138 112.665	205 37.9	252 15.94	320 47.34	379 73.93	541 18.5
15 83.49	82 87.295	139 56.55	206 129.83	253 37.435	321 19.81	380 31.61	542 24.12
16 234.59	83 85.85	140 189.815	207 57.83	254 4.485	322 19.79	381 14.63	543 15.63
17 114.29	84 151.3	141 212.55	208 77.24	255 43.17	323 32.88	382 22.185	544 3.68
18 44.34	85 215.53	142 119.627	209 58.13	256 91.57	324 22.82	383 24.08	545 27.9
19 111.775	86 273.19	143 70.15	210 35.46	257 94.68	325 33.14	384 53.11	546 7.61
24 36.525	87 22.94	144 110.665	211 35.22	258 65.27	326 31.74	385 25.83	547 14.73
21 84.9	88 11.35	145 207.385	212 44.585	259 48.47	328 74.89	386 56.25	548 18.44
22 36.425	89 74.0	146 197.14	213 71.54	260 43.11	329 4.07	387 128.57	549 14.73
23 25.53	90 95.945	147 255.8	214 68.635	261 83.495	330 2.37	388 46.9	550 38.48
24 60.335	91 62.935	148 40.485	215 15.15	262 91.905	331 15.76	389 75.17	551 31.11
25 45.415	92 38.67	149 175.135	216 87.61	263 62.665	332 51.66	390 72.83	
26 72.81	93 63.975	150 84.225	217 61.69	264 31.97	333 13.69	391 38.91	
27 165.855	94 228.955	151 75.805	218 25.685	265 32.16	334 2.03	392 13.325	
28 7.125	95 465.165	152 158.59	219 63.295	266 2.88	335 22.54	393 34.285	
29 60.595	96 85.44	153 89.415	210 14.84	267 95.93	336 13.07	394 34.515	
30 25.11	97 91.92	154 81.4	211 53.175	268 22.99	337 21.71	395 31.75	
31 4.655	98 83.86	155 357.61	212 66.57	269 29.625	338 36.31	396 51.81	
32 31.97	99 63.375	156 78.075	213 58.8	270 35.325	339 31.33	397 47.745	
33 32.16	100 125.87	157 84.665	214 81.505	271 39.085	340 3.08	398 17.58	
34 44.675	101 34.665	158 78.97	215 57.08	272 105.54	341 53.48	399 23.48	
35 66.83	102 47.795	159 59.39	216 37.88	273 37.565	342 43.09	400 16.78	
36 14.16	103 89.345	160 126.16	217 47.55	274 10.115	343 89.35	401 20.21	
37 20.365	104 73.165	161 41.87	218 53.4	275 41.95	344 19.53	402 58.66	
38 5.645	105 117.16	162 58.19	219 61.48	276 31.61	345 25.81	403 71.31	
40 45.835	106 89.89	163 60.38	220 54.38	277 4.51	346 39.66	404 26.36	
41 69.80	107 46.63	164 47.625	221 115.2	278 101.67	347 18.24	405 5.16	
45 8.985	108 198.895	165 76.33	222 34.445	279 108.7	348 50.78	406 26.32	
46 29.54	109 186.975	166 41.76	223 78.58	280 27.75	349 27.87	407 79.41	
47 8.89	110 164.62	167 133.16	224 143.59	281 27.435	350 17.17	408 43.71	
48 88.895	111 198.14	168 87.335	225 28.56	282 33.94	351 23.89	409 46.615	
55 14.15	112 97.85	169 46.115	226 46.865	283 66.885	352 17.71	410 74.255	
56 19.82	113 162.12	170 197.77	227 53.83	284 145.315	353 39.65	411 19.92	
57 117.16	114 33.295	171 181.67	228 137.19	285 4.83	354 68.43	412 55.84	
58 435.99	115 19.195	172 99.605	229 78.13	286 59.525	355 17.17	413 62.415	
59 86.52	116 15.615	173 195.115	230 65.96	287 55.7	356 12.32	414 34.7	
60 74.28	117 48.85	174 98.73	231 41.875	288 41.655	357 13.75	415 6.995	
61 98.88	118 112.16	175 487.36	232 185.81	289 2.96	358 38.80	416 54.64	
62 156.85	119 82.955	176 25.175	233 116.1	290 67.96	359 18.83	417 32.115	
63 14.923	120 176.16	177 43.04	234 22.885	291 75.535	360 38.65	418 29.13	
64 118.165	121 253.88	178 12.675	235 2.22	292 32.275	361 15.69	419 39.53	
65 224.655	122 238.195	179 159.385	236 46.715	293 20.275	362 40.96	420 43.98	
66 94.64	123 234.46	180 76.885	237 62.52	294 3.47	363 41.60	421 12.98	
67 52.895	124 186.445	181 59.31	238 83.695	295 58.14	364 67.86	422 3.73	
68 267.875	125 85.355	182 42.175	239 164.94	296 37.36	365 63.73	423 38.39	
69 293.675	126 124.535	183 9.825	240 52.785	297 106.905	366 15.88	424 32.235	
70 158.775	127 198.315	184 20.395	241 21.625	298 67.96	368 26.82	425 26.17	

PROPOSED LOT	ACQUISITION AREA	CURRENT PARCEL
1	1599 ha	LOT 200 DP 871982
3	1569m2	LOT 1 DP 1036087
5	1.619ha	LOT 45 DP 47253
7	9706m2	LOT 201 DP 871182
9	1722m2	LOT 43 DP 47253
11	1242m2	LOT 43 DP 47253
13	5.453ha	LOT 2 DP794607
13A	225m2	LOT 731 DP121412
TOTAL LAND TO BE ACQUIRED FOR ROAD 1130ha		

PROPOSED CLOSED ROAD LOT	AREA	ROAD NAME
15	2.946ha	LONG POINT ROAD
16	519m2	UNNAMED
17	2025m2	UNNAMED
TOTAL PROPOSED CLOSED ROAD 3.666ha		

PETER SERGEANT
REGISTERED SURVEYOR



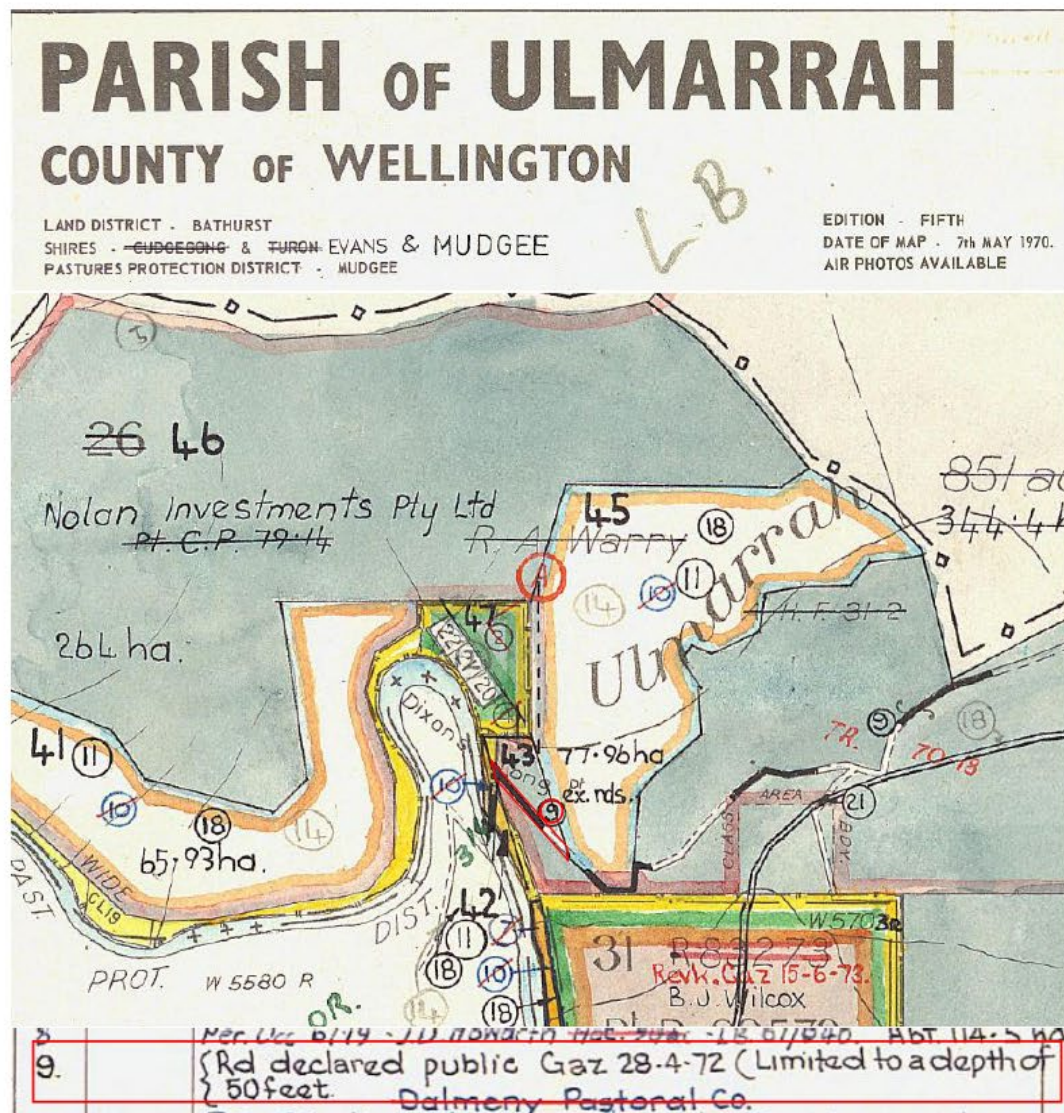
129 Church Street TEL: (02) 9057 4101
Mudgee NSW 2850 MOB: 0499 741 796

IMPORTANT NOTES <ul style="list-style-type: none"> THIS PLAN HAS BEEN PREPARED FOR DEVELOPMENT APPLICATION PURPOSES ONLY ALL DIMENSIONS AND AREAS SHOWN ARE SUBJECT TO SURVEY. MEASUREMENTS ARE IN METRES. DO NOT SCALE. DO NOT RELY ON THIS PLAN FOR THE LOCATION & TYPE OF EASEMENTS THAT MAY AFFECT THE LAND. THESE SHOULD BE ASCERTAINED BY SURVEY SEARCH AND/OR FIELD SURVEY. FUTURE EASEMENTS MAY BE REQUIRED FOR SERVICING OR OTHER REASONS. & AS SUCH ARE SUBJECT TO FINAL SURVEY AND/OR ENGINEERING DESIGN. DO NOT RELY ON THIS PLAN FOR CONTRACTUAL PURPOSES. 	SCALE	PROPOSED SUBDIVISION FOR ROAD PURPOSES OF LOTS 200 & 201 IN DP871982, LOT 1 IN DP1136687, LOTS 42, 43 & 45 IN DP47253 AND LOT 2 IN DP794607
FIGURE 8 - SCHEDULE OF BOUNDARY LINES AND ACQUISITIONS		
DATE: 10.02.2022	REFERENCE: 20-001 V4	SHEET: 8 OF 6

[illegible]

Roads subject to status search	Findings
Unformed road traversing Lot 43 DP 47253	Subject area was declared a Public Road shown by reference notes and gazette, notified 28 April 1972. Gazette notice refers to the road as 'the Westernmost road reserve within portion 26' as Lot 43 was formerly known as portion 26. This road appears to be an unformed Council road.

Unformed road traversing Lot 43 DP 47253 (formerly identified as part of portion 26), declared Public road notified 28 April 1972 as per reference note 9.



The below gazette notice from 28 April 1972 identifies the road as 'the westernmost reserved road within portion 26'.

Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001), Friday 28 April 1972 (No.44), page 1498

(5691)

Sydney, 28th April, 1972.

**DECLARATION OF ROADS TO BE PUBLIC ROAD
UNDER PROVISIONS OF THE PUBLIC ROADS ACT,
1902**

IT is hereby notified in pursuance of the provisions of section 18, Public Roads Act, 1902, as amended, that the roads here-under described are hereby declared to be public road and dedicated to the public accordingly.

T. L. LEWIS, Minister for Lands.

Land District—Bathurst; Shire—Cudgegong

Parish Ulmarrah, County Wellington, the westernmost reserved road within portion 7 extending generally northeasterly and then northwesterly from the northern boundary of portion 1; the part of the road separating end of road, portions 7 and 16 from portions 29 and 30, extending generally southwesterly from the road abovedescribed; the westernmost reserved road, extending generally southwesterly, within portion 17; the road separating end of road portions 17 and 28 from portion 26; the northernmost reserved road, extending generally southwesterly,

within portion 26; the westernmost boundary road separating portion 31 from portion 26; the westernmost reserved road within portion 26; the road 100 links wide extending generally southerly from the northwestern prolongation of the north-eastern side of the more western reserved road within portion 26 to the Macquarie River through R. 29573 from Conditional Sale, notified 15th July, 1899. (Council's reference GHS: LVH.) Rds 72-389.

NOTE: Dedication is limited to the surface and to a depth of 50 feet below the surface.

The image consists of two hand-drawn maps of land parcels, likely from a cadastral or planning context.

Top Map:

- A central parcel is labeled "26" in a red box. It is owned by "Reginald A. Warry".
- To the right of parcel 26 is a large area labeled "Raymond S. Burns Pt. AHS Area 31.2". Below this, it says "851 ac." and "A.H.F. 31.2".
- Below parcel 26, there is a smaller parcel labeled "Sp. L. 31-37 R. A. Warry 29573" with "327 ac." below it.
- To the right of the "Sp. L. 31-37" parcel is another area labeled "25" with "Reserve" and "for" written below it. Further down, it says "Classification William McLean Withdrawn A.C.L. 32.1".
- Other labels include "Set apart Ultramaah" and "1929 ac ex rds".
- Large text on the left side reads "oclaimed" and "RIE NOBLAS".

Bottom Map:

- A central parcel is labeled "46" in a red box. It is owned by "Nolan Investments Pty Ltd" with "Pt. C.P. 79/14" and "264 ha" below it.
- To the right of parcel 46 is a large area labeled "45" with "Ultramaah" written across it. Below it, it says "77-96 ha Pt. ex. 105".
- To the right of parcel 45 is another area labeled "25" with "Sp. Burns & ons AHS 31.2 Gt." and "Notified 15-3-74." below it.
- Below parcel 45, there is a smaller parcel labeled "41" with "65-73 ha" below it.
- To the right of parcel 41 is another area labeled "44 GM" with "Nolan Investments Pty Ltd 364-9 ha" and "1929 ac ex rds" below it.
- Other labels include "P.R. 47253", "W 5680 R", and "PROT W 5680 R".
- Large text on the left side reads "GUARIE".

PARISH NUMBERS USED

Small Number 2091 unless otherwise shown

Por.	Plan	Loc.	Vol.	Fol.	Por.	Plan	Loc.	Vol.	Fol.
			ON DATE						
1	W 179 1527	N.E.							
2		X							
3		X							
4		X							
5		X							
6	W 161 1527	N.W.	2-10-1861						
7	5677 R	N.E.	13988	154					
8		X							
9	W 180 1527	N.E.	31	237					
10		X							
11	W 5678	N.W.	14497	108					
12	6033 R	S.W.	13188	132					
13	4140	N.W.	4686	142					
14	4141	N.W.	8389	188					
15	4894	N.W.	5041	45					
16	5679	N.E.	4919	177					
17	5715 R	N.E.							
18	5714	N.W.	7631	34					
19	5711	N.W.	7745	206					
20	633 1527	S.W.	87	145					
21	633 1527	S.W.	87	144					
22	633 1527	S.W.	87	143					
23	W 5710 R	N.E.	13975	80					
24	5713 R	S.E.	15431	161					
25	5709 R	S.W.	15261	44					
26	5706 R	S.W.							
27	5708 R	S.W.	15406	28					
28	5707 R	S.W.	14478	165					
29	5716 R	N.W.	14607	94					
30	5687	N.E.	14497	108					
31	5702	S.W.	13682	163					
32	5703 R	S.W.	13682	163					
33	162 1527	N.E.							
34	5940 R	S.E.	14670	77					
35	D.P. 704719	N.E.	14975	80					
36	D.P. 704719	N.E.							
37	D.P. 41856	S.W.	14683	26					
38	D.P. 41856	S.W.	14683	26					
39									
40									
41	D.P. 47253	S.W.							
42	D.P. 47253	S.W.							
43	D.P. 47253	S.W.	15261	44					
44	D.P. 47253	S.W.	15261	44					
45	D.P. 47253	S.W.							
46	D.P. 47253	S.W.	15261	44					
47	D.P. 47253	S.W.	15249	236					
49	D.P. 704720	NE							
50	D.P. 704720	NE							
51	D.P. 704720	NE							
52	D.P. 704720	NE							
53	D.P. 722321	NW							
54	D.P. 722321	NW							
55	D.P. 726991	SW							

X - Indicates Cancelled Freehold.

S' - Superseded Portion

9.6 Draft Plan of Management for Cudgegong Waters Park

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, cou5000102, 20447

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Draft Plan of Management for Cudgegong Waters Park ;
2. endorse the draft Plan of Management for Cudgegong Waters Park as appended as Attachment 1 to this Report ;
3. note that Native Title advice has been received for the draft Plan of Management for Cudgegong Waters Park as appended as Attachment 1 to this Report ;
4. refer the draft for Cudgegong Waters Park as appended as Attachment 1 to this Report to the Minister administering the Crown Land Management Act 2016 for consideration in accordance with s39 Local Government Act 1993 to seek written consent to adopt the draft Plan in accordance with s3.23(6) Crown Land Management Act 2016 ;
5. require a further report for consideration if any significant changes are made to a draft Plan by the Minister administering the Crown Land Management Act 2016 ;
6. upon written consent of the draft Plan from the Minister administering the Crown Land Management Act 2016, place the draft Plan on public exhibition, as per s38 of the Local Government Act 1993 ;
7. receive a further report at the conclusion of the public exhibition to consider any submissions received or if substantial changes are recommended for any reason:
 - 7.1 seek the Minister administering the Crown Land Management Act 2016 further consent if necessary, to adopt the draft Plan ; or
 - 7.2 recommend that Council adopt the draft Plan of Management for Cudgegong Waters Park as appended as Attachment 1 to this Report pursuant to s40 Local Government Act 1993 in accordance with s3.23 (6) Crown Land Management Act 2016, if there are no submissions or substantial changes.
8. authorise Lands Advisory Services P/L to:
 - 8.1 act on Council's behalf to provide written advice in accordance with s39 Local Government Act 1993 to the Minister administering the Crown Land Management Act 2016, in relation to the draft Plan of Management for Cudgegong Waters Park ; and
 - 8.2 receive queries and information directly from and to send information and queries to the Minister administering the Crown Land Management Act 2016, during the course of the Minister's deliberation and assessment of the draft Plan of Management.

Executive summary

The purpose of this Report is to seek Council's endorsement of the draft Plan of Management for Cudgegong Waters Park (CWP PoM) and its subsequent referral to the NSW Department of Planning, Industry & Environment – Crown Lands (Crown) as the landowner of the Crown Reserve (the Reserve) for consideration and consent.

Council's endorsement is also sought to place the Draft CWP PoM on public exhibition after Crown's approval has been received.

Disclosure of Interest

Nil

Detailed report

The commencement of the CLMA in 2018 required councils across NSW to manage Crown land under their control under the established Public Land Management requirements of the Local Government Act (LGA). Prior to the land management changes introduced in the CLMA there were two distinct legislative systems for the management of Council-owned *Community* lands and Council-managed Crown lands.

In many locations in the Mid-Western Regional Council area, there are contiguous areas comprising Council-owned and Crown-owned reserves that previously had quite variable management and administrative requirements. The changes introduced in the CLMA aid Council and the community in streamlining and clarifying the management of public lands.

The key requirement of the changes to the CLMA is the need to incorporate all Crown land for which Council is the appointed Crown Lands Manager in a Plan of Management (POM).

As part of the change-over process, Council was required to classify all Crown land under its control as either *Operational* land or *Community* land, with the *Community* land then categorised as either Park, Sportsground, Natural Area, Area of Cultural Significance or General Community Use.

Council endorsed the nominated proposed classification and categorisation for each of the Crown land parcels it manages on 15 April 2020 after receiving concurrence from Crown (Council Minute 127-20).

Requirements of a Plan of Management

Section 36 of the LGA sets out the requirements.

A PoM provides strategic planning and governance for the management and use of the land. It establishes directions for planning, resource management and maintenance of the land, categorises land, authorise leases, licenses, or granting of any other estate and determines what development can take place. It also outlines the manner in which a council proposes to assess its performance with respect to the PoMs objectives and performance targets. The inclusion of these sections provides clarity for internal stakeholders and the wider community and should result in a streamlined development, public land use and land management administrative decision-making process.

The LGA allows a PoM to cover one or multiple parcels of land. Where multiple parcels of land are covered in one plan (Generic Plan), the LGA specifically states what needs to be included. Where a PoM covers one area of land or a contiguous site (Specific Plan), there is greater detail on what

has to be prescribed in the plan. A Generic Plan sets the framework of how the land is to be managed. A Specific Plan clearly outlines very precise management proposals as in the case of the CWP PoM but, it is not designed to provide detailed capital work or maintenance programs.

PoMs for *Community* land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequent amendments to the PoMs may occur.

Native Title Manager's Advice

All PoMs for Crown Reserves must be compliant with the statutory requirements of the Native Title Act 1993 (NTA) prescribed by both the CLM Act and the LGA. The Crown will not process a draft PoM unless Council attests that it has considered Native Title Manager Advice.

Written Native Title advice has been obtained indicating that the CWP PoM complies with applicable provisions of the NTA, being in this case, valid future acts under Section 24JA.

Native Title Manager's Advice is appended as attachment 2 to this Report.

Notification and Exhibition

Sections 38, 39, 40A LGA and section 3.23 CLMA set out the requirements.

Council is required to resolve to refer the draft CWP PoM to the Minister administering the CLM Act for consideration and consent. Upon approval of the Minister, the CWP PoM will be placed on public exhibition for a period of 28 days, allowing not less than 42 days after the date on which the draft plan is placed on exhibition, to receive submissions.

If significant amendments are made to a draft PoM in relation to a reserve, the PoM must be referred back to the Crown with further public exhibition if required. If proposed changes are not substantial, a draft PoM may be adopted without further Crown referral or public exhibition.

Draft Plan of Management for Endorsement

Cudgegong Waters Park is held under Reserve 190025 for *Public Recreation* and comprises 3 allotments:

- Lot 1 DP 737266 (41.79 ha) – Part Lot 1 is used for Holiday/Caravan Park recreational purposes and the remainder of Lot 1 is open recreational area not utilised by the Holiday Park;
- Lot 2 DP 737266 (0.3313 ha) – used in conjunction with Lot 1, as above;
- Lot 3 DP 737266 (12.94 ha) - recreational area for day camping and private camping and access to Windamere Dam for boating and fishing. The Rylstone Kandos Anglers Club currently oversees day to day activity on this site.

The Reserve was dedicated for the purpose of *Public Recreation* in 1987. It has been classified under the LGA as *Community Land* and the Crown has confirmed its categorisation to be that of *General Community Use*.

It is, however, considered that a more appropriate categorisation for the Reserve would be that of *General Community Use* and *Natural Area – Bushland*. In concurrence with Crown, it is proposed to amend the category from solely that of *General Community Use* to also include *Natural Area – Bushland* within some of the allotments.

A description of each category of land and a plan showing the proposed categories in relation to the 3 allotments, is provided in the CWP PoM.

The current use patterns, built and natural assets and their condition, emerging trends, constraints and influences have been considered within this PoM.

The development of the all PoMs for Crown Land Reserves under Council's management has been underway since April 2020. A consultant was contracted to produce these.

Consultation has been undertaken with Council's Executive and Directorate Managers on the approach to, and the content of, the CWP PoM. Public consultation has involved current licensees, site holders of the Holiday Park and users of the Anglers Club camping area.

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 CWP PoM will provide strategic direction for Community Land and Crown Land and is consistent with Council's responsibilities under the LGA and the CLMA. The CWP PoM identifies the permissible uses and development for the land parcels cited in the PoM.

Council may not undertake any activities, uses or developments which are not provided for in the CWP PoM.

Council Policies

Not applicable

Legislation

Crown Land Management Act 2016

Division 3.4 – Crown Land managed by Councils.

Division 3.6 – Plans of Management and other plans.

Section 8.7 - When advice of Native Title Manager is required.

Local Government Act 1993

Part 2 Division 2 – Use and Management of Community Land.

Native Title Act 1993 (Commonwealth)

Section 233 – Future Act.

Financial implications

The CWP PoM will not have an immediate financial impact. Any future priorities identified as part of the CWP PoM will be considered through the normal operational planning and budget processes.

Council received funding from the NSW Government through the *Plans of Management Funding Support Program* of \$94,087 to develop compliant PoMs under the LGA for all Council managed Crown reserves. The costs of preparing the CWP PoM will be funded from this resource.

Associated Risks

The CWP PoM addresses Council's various public land management obligations under the LGA and CLMA and clearly sets out these requirements.

One of the key aims of a PoM is to ensure that management of Crown Reserves is conducted in accordance with requirements of the NSW *Aboriginal Land Rights Act 1983* and *Native Title Act 1993*, reducing the potential for Council to be in breach of either piece of legislation.

There is a risk of delay for the use or development of the CWP site due to the lengthy process if an amendment is required to the CWP PoM.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

25 March 2022

Attachments: 1. Draft Cudgegong Waters Park Plan of Management. (separately attached)
2. Native Title Managers Advice. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.7 Monthly Statement of Investments as at 31 March 2022

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400088, FIN300053, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 March 2022 ; 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 March 2022.

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

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 and the regulations.

Financial implications

Not applicable

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

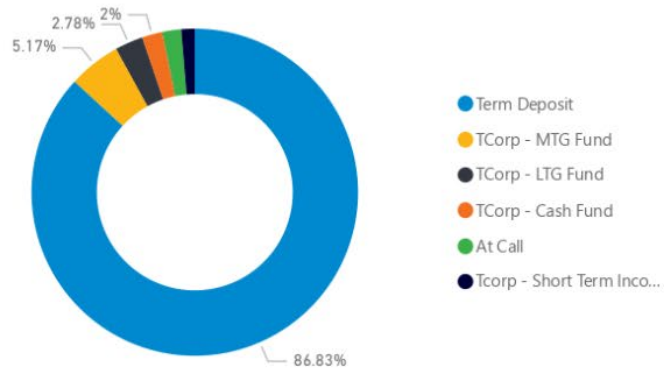
24 March 2022

Attachments: 1. Investment Report 31 March 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

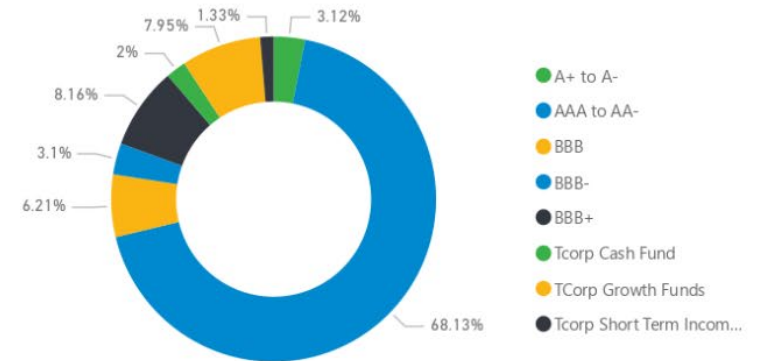


Mid-Western Regional Council Cash and Investments as at 31 March 2022

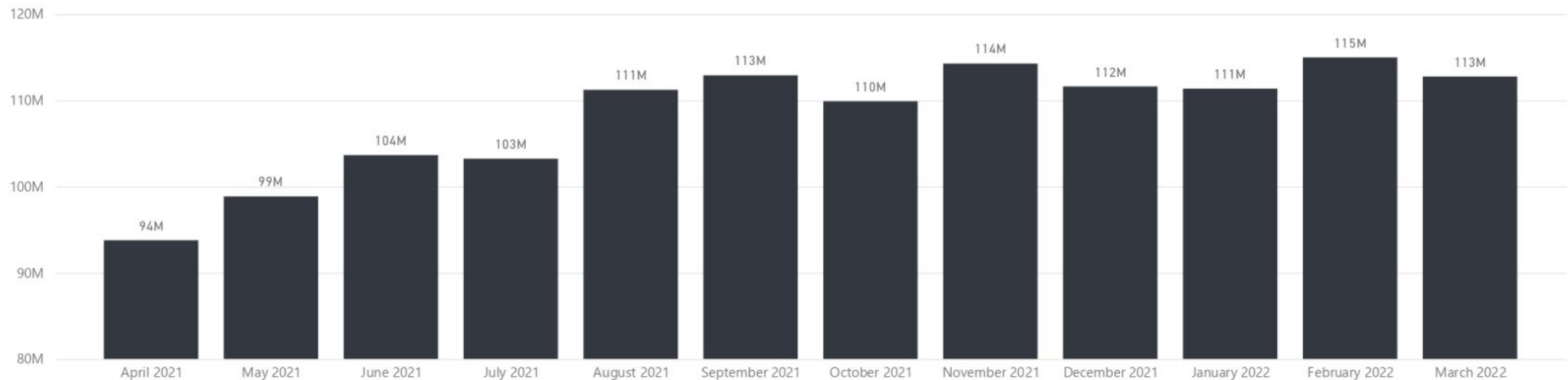
Total Investment Portfolio (\$)

112.76M

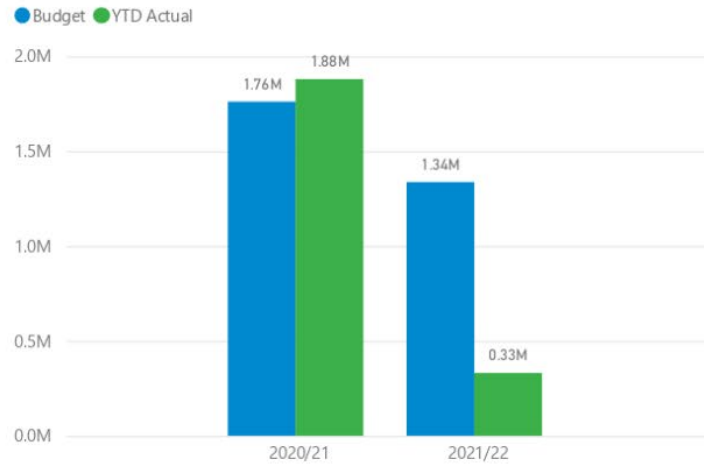
Investments by Long Term Rating



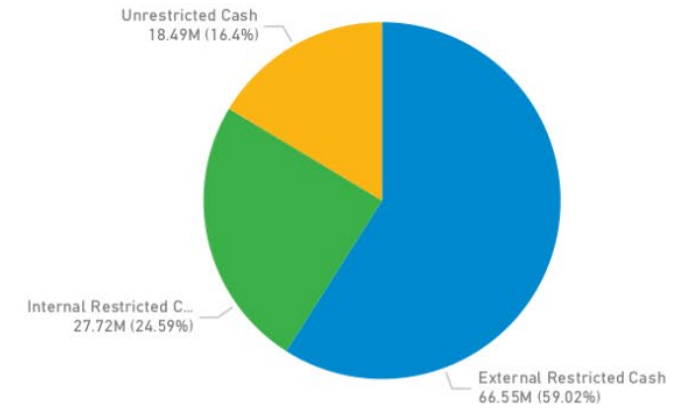
Portfolio Balance at End of Month (\$)



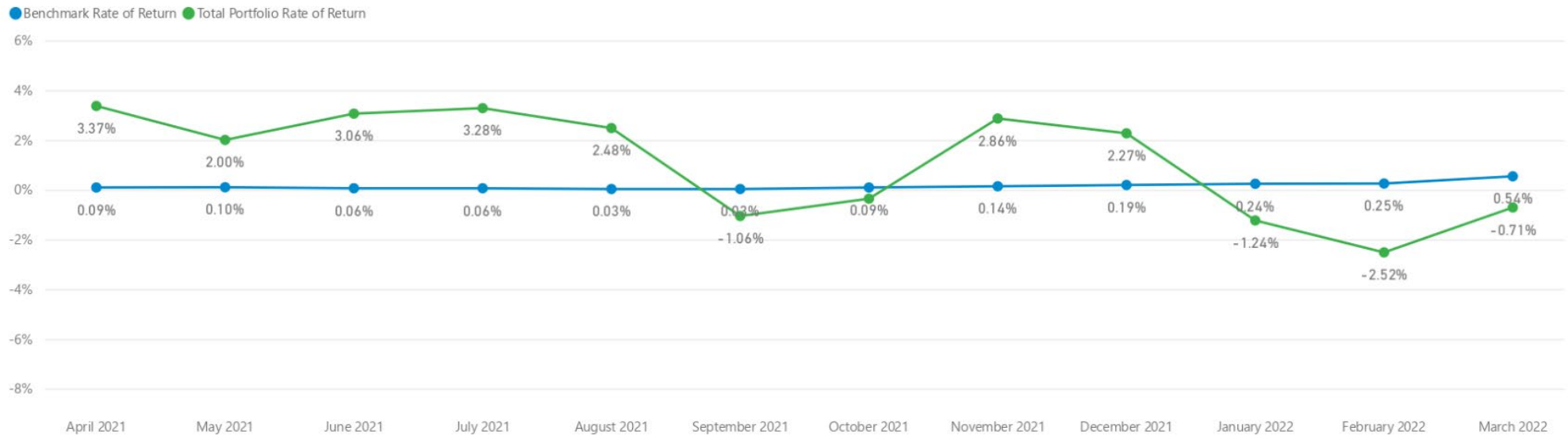
Income from Investments (\$)



Balance by Cash Category (\$)



Investment Performance



At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	0.25%	0	\$	2,127,037
TCorp - Cash Fund	0.50%	1	\$	2,257,607
TCorp - Long Term Growth Fund	0.50%	5	\$	3,138,282
TCorp - Medium Term Growth Fund	0.50%	5	\$	5,827,688
TCorp - Short Term Income Fund	0.50%	5	\$	1,495,610
Total			\$	14,846,226

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	1.00%	238	\$	2,000,000
AMP	1.10%	307	\$	1,500,000
Bank Of Queensland	0.90%	181	\$	1,500,000
Bank Of Queensland	0.50%	118	\$	2,200,000
Bank Of Queensland	0.50%	223	\$	1,500,000
Bank Of Queensland	0.61%	181	\$	1,000,000
Bank Of Queensland	0.85%	265	\$	1,000,000
Bank Of Queensland	1.20%	405	\$	2,000,000
CBA	0.44%	27	\$	2,500,000
CBA	0.43%	13	\$	1,500,000
CBA	0.46%	55	\$	1,500,000
CBA	0.42%	69	\$	1,000,000
CBA	0.42%	83	\$	2,000,000
CBA	0.41%	69	\$	1,000,000
CBA	0.46%	125	\$	1,500,000
CBA	0.46%	111	\$	1,700,000
CBA	0.72%	797	\$	2,000,000
CBA	0.47%	153	\$	1,500,000
CBA	0.50%	209	\$	1,500,000
CBA	0.47%	209	\$	1,000,000
CBA	0.77%	895	\$	1,000,000
CBA	0.47%	265	\$	1,500,000
CBA	0.85%	937	\$	2,500,000
CBA	0.48%	293	\$	2,000,000
CBA	0.73%	391	\$	1,500,000
ING	1.13%	41	\$	1,500,000
Judobank	0.65%	146	\$	1,500,000
Judobank	0.90%	209	\$	1,000,000
Judobank	1.01%	195	\$	1,000,000
Macquarie	1.40%	335	\$	1,014,077
Macquarie	1.15%	363	\$	1,000,000
MyState Bank	0.52%	97	\$	1,000,000
MyState Bank	0.52%	90	\$	1,500,000
MyState Bank	0.52%	111	\$	1,000,000
NAB	0.87%	139	\$	2,000,000
NAB	0.79%	167	\$	1,500,000
NAB	0.70%	195	\$	1,000,000
NAB	0.57%	335	\$	1,700,000
NAB	0.65%	454	\$	2,000,000
NAB	0.51%	266	\$	1,800,000
NAB	0.45%	237	\$	1,500,000
NAB	0.45%	251	\$	2,000,000
NAB	0.80%	881	\$	1,500,000
NAB	0.64%	573	\$	3,000,000
NAB	0.45%	279	\$	1,500,000
NAB	0.70%	545	\$	2,500,000
NAB	0.48%	307	\$	1,000,000
NAB	0.47%	97	\$	1,500,000
NAB	0.79%	321	\$	1,500,000
NAB	0.68%	244	\$	1,000,000
NAB	0.85%	251	\$	1,500,000
NAB	0.75%	244	\$	1,000,000
NAB	0.95%	363	\$	1,500,000
NAB	1.51%	517	\$	2,500,000
NAB	1.21%	391	\$	1,000,000
Westpac	0.85%	127	\$	2,000,000
Westpac	1.06%	685	\$	2,000,000
Westpac	0.70%	300	\$	1,500,000
Westpac	0.78%	349	\$	1,500,000
Westpac	0.90%	377	\$	2,500,000
Westpac	0.95%	328	\$	2,000,000
Westpac	2.28%	713	\$	1,500,000
Total			\$	97,914,077

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 25,846,226	23%	23%	20%	OK
Between 3 months and 1 year	\$ 59,414,077	53%	76%	40%	OK
Between 1 year and 2 years	\$ 20,500,000	18%	94%	50%	OK
Between 2 years and 4 years	\$ 7,000,000	6%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 112,760,303				

Long Term Rating	Institution	Policy Limit	Policy Compliance	% of Portfolio	Amount
AA-	CBA	40% OK		24%	\$ 27,200,000
	NAB	40% OK		32%	\$ 36,627,037
	Westpac	40% OK		12%	\$ 13,000,000
A+	Macquarie	20% OK		2%	\$ 2,014,077
A	ING	20% OK		1%	\$ 1,500,000
	Bank Of				
BBB+	Queensland	10% OK		8%	\$ 9,200,000
BBB	AMP	5% OK		3%	\$ 3,500,000
	MyState Bank	5% OK		3%	\$ 3,500,000
Tcorp Cash Fund	TCorp - Cash Fund	30% OK		2%	\$ 2,257,607
	TCorp - Long Term				
TCorp Growth Funds	Growth Fund	15% OK		3%	\$ 3,138,282
	TCorp - Medium				
	Term Growth Fund	15% OK		5%	\$ 5,827,688
Tcorp Short Term Income Fund	Tcorp - Short Term				
	Income Fund	15% OK		1%	\$ 1,495,610
BBB-	Judobank	5% OK		3%	\$ 3,500,000
Grand Total				100%	\$112,760,303

Long Term Rating Group	Credit Policy Limit	Policy Compliance	% of Portfolio	Amount
AAA to AA-	100% OK		68%	\$ 76,827,037
A+ to A-	50% OK		3%	\$ 3,514,077
BBB+	20% OK		8%	\$ 9,200,000
BBB	10% OK		6%	\$ 7,000,000
Tcorp Cash Fund	30% OK		2%	\$ 2,257,607
TCorp Growth Funds	15% OK		8%	\$ 8,965,971
Tcorp Short Term Income Fund	15% OK		1%	\$ 1,495,610
BBB-	5% OK		3%	\$ 3,500,000
Grand Total			100%	\$112,760,303

9.8 Policy Review - Borrowing Policy

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400087, FIN300134, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Policy Review - Borrowing Policy ; and**
2. **accept the current Borrowing Policy with no changes.**

Executive summary

Council's Finance department have conducted a review of the Borrowing Policy as part of the Annual Review of the Policy. There are no required changes to the policy required.

Disclosure of Interest

Nil

Detailed report

The Borrowings Policy aims to ensure that all borrowings are in accordance with legislative requirements; minimise the cost of borrowings; and meet industry best practice with regard to the Debt Service Ratio. We reviewed for any change in legislative changes and industry benchmarks and determined that there are no changes required to the Borrowings Policy.

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

The recommendation seeks to amend the Borrowing Policy

Legislation

Legislative reference are contained within the Borrowings Policy

Financial implications

As reported in Council's most recent Financial Statements 2021 the performance measures meet financial ratio considerations in the current Borrowing Policy.

Debt Service cover ratio = 10.59x (Benchmark >2x)

Cash expense cover ratio = 16.21 months (Benchmark >3months)

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

24 March 2022

Attachments: 1. POLICY - REVIEWED- Borrowing.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Borrowing Policy

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	1.2
COUNCIL MEETING MIN NO	125/20	REVIEW DATE	APRIL 2022
DATE:	15 APRIL 2020	FILE NUMBER	FIN300030, GOV400047

Objective

The objective of this policy is to ensure that the use and management of Council borrowings (including overdraft facilities):

- Complies with the Ministerial Revised Borrowing Order dated 13 May 2009;
- Is undertaken with due regard for Council's role as a custodian of public funds;
- Is undertaken with the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons; and
- Complies with Council's overall risk management philosophy.

The Council's power to borrow funds arises from Section 621 of the Local Government Act 1993. As a custodian of public funds, Council must exercise the reasonable care and diligence that a prudent person would exercise when borrowing funds.

This policy provides a framework for Council to borrow funds while ensuring the ongoing viability of the Council by not permitting overall borrowings to extend Council beyond its ability to meet future repayments and budgetary obligations.

Section 377(1) (f) of the Local Government Act 1993 stipulates that Council cannot delegate the borrowing of money. It is expected that Councillors will have a full understanding of the terms and conditions of borrowing arrangements before entering into any contract.

Legislative requirements

All borrowings must comply with the following:

- Local Government Act 1993;
- Local Government (General) Regulation 2005;
- Ministerial Revised Borrowing Order;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards; and
- Office of Local Government Circulars.

Policy

Delegation of Authority

Authority for the implementation of this policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993. The General Manager may, in turn, delegate the day-to-day management of Council's borrowings to the Responsible Officer or other appropriately qualified senior staff (subject to regular reviews).

POLICY: BORROWING POLICY | V1.2, 15 APRIL 2020

A record of the delegated authority is to be maintained and delegates are required to acknowledge that they have received a copy of this policy and understand the obligations of their delegated role. It is the responsibility of the General Manager to ensure that delegates have the necessary expertise and skill to carry out their delegated roles.

Guiding Principles

Guiding principles for Council borrowings:

- Borrowings may only be used to fund capital expenditure and not operating expenditure (which should be funded from revenue).
- Minimum working capital requirements are to be identified and maintained in a readily available form such that there is no need to call on borrowings to fund any shortfall in reasonably anticipated operating requirements.
- It is appropriate to fund significant capital works via borrowings such that the full cost of infrastructure is not only borne by present day ratepayers, but also by future ratepayers who will benefit from use of the funded infrastructure.
- It may be appropriate to fund certain capital projects with user charges, in which case user charges should reflect the project's costs, including loan payments.
- The impact on Council's budget of any movement in interest rates must be actively managed.

Structure of Borrowings

OVERDRAFT

The Council may maintain a modest overdraft facility for unexpected changes to operating cash flow requirements. As there are costs involved in accessing the facility, it is not to be used for expected operating cash flow and it is not to be used for long-term financing.

LONG-TERM BORROWINGS

Considerations

To assist with making the decision on whether to undertake long-term borrowings, Council should consider:

- The financial impact of the proposed borrowing on Council's Long Term Financial Plan, Delivery Program and Operational Plan including:
 - a) Scenario analysis in the case of changes to market interest rates; and
 - b) Any positive impact of the capital works funded by the proposed borrowing;
- The Debt Service Cover Ratio. This ratio measures the availability of operating cash to service debt including interest, principal and lease payments. At the time of borrowing financial projections for this ratio should be above 2.
- The Cash Expense Cover Ratio. This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow. At the time of borrowing financial projections for this ratio should be greater than 3 months.
- The cost-benefit analysis of the capital works to be funded and the works alignment with Council's strategic planning and capital program; and

- The proposed structure of the borrowings and the proposed way in which the Council will procure the borrowings to achieve competitive and favourable terms.

Requirements

Councils can borrow funds under section 621 of the Local Government Act 1993. All borrowings must be approved by Council resolution and included in Council's annual draft Operational Plan.

Councils must also apply to the Office of Local Government, completing a proposed loan borrowing return each year.

The General Manager under section 230 of the Local Government (General) Regulation 2005 must notify the Director-General within seven days after borrowing money under a loan contract.

If, during the year, Council is required to increase its proposed borrowings or change the purpose of the initial request, a council resolution must be passed prior to drawing down of any funds.

If there is an increase, Council must also notify the Office of Local Government by re-submitting the electronic loan borrowing request form including the updated amounts.

Process

To minimise the cost of borrowing, the policy will require Council to seek competitive borrowing terms by way of obtaining a minimum of three quotes.

The borrowing maturity profile should reflect the Council's forecast repayment profile. Consideration should also be given to incorporating flexibility in borrowing covenants in case of early repayment or a need to extend the term of the loan.

During the life of long-term borrowings, Council must regularly update its financials to ensure no breach of covenants or to take advantage of flexibility in the repayment profile should Council's financial situation change over time.

Restrictions

Council is restricted, by the Ministerial Revised Borrowing Order dated 13 May 2009, to source the borrowings from Australia and in Australian currency.

Borrowing Parameters

The Council's borrowing program must remain within the following parameters:

- Maximum term of borrowings is the shorter of 20 years or the expected economic life of the capital works funded.
- A minimum of 50% of borrowings are to be fixed rate.

Security for borrowings

The Council acknowledges that under Reg 229 of the Local Government (General) Regulation 2005 *the repayment of money borrowed by a council (whether by way of overdraft or otherwise), and the payment of any interest on that money, is a charge on the income of the council.*

POLICY: BORROWING POLICY | V1.2, 15 APRIL 2020

INTERNAL LOANS

An internal loan consists of surplus investment funds that are restricted to a particular purpose being borrowed for another purpose of Council. This process would involve a formal internal loan whereby borrowed funds would be repaid with interest to the reserve that has lent the funds.

Where the surplus funds have been derived from general revenue streams this decision can be made by resolution of Council.

Where the surplus funds have been derived from externally restricted revenue or from a special rate or charge, such loans require Ministerial approval prior to being entered into, in accordance with Section 410 of the Local Government Act 1993.

Internal loans and internally restricted funds are not required to be included in the proposed loan borrowing return submitted to the Office of Local Government.

Monitoring and Reporting

Any breach of this policy is to be reported to the General Manager and Responsible Accounting Officer immediately upon becoming aware of such breach. A written statement of the facts relating to the breach is to be prepared within two business days, including the remedial action taken or proposed to be taken. The breach should be reported to Council at the next meeting.

Policy Review

This policy will be reviewed at least once every two years and, in addition, as and when required in the event of legislative or other regulatory changes. Any amendment to this policy must be authorised by Council resolution.

Definitions

Term	Definition
Variable Rate Loan	A loan that attracts an interest rate linked to a variable benchmark. In Australia variable rate loans are normally priced at a fixed margin over the Ausbond Bank Bill Rate which is the market benchmark three month interbank rate.
Fixed Rate Loan	A loan that attracts a fixed pre-determined interest rate throughout the term of the loan.
Amortising/Credit Foncier Loan	A loan that is repaid over the term of the loan, normally by equal instalments due quarterly or semi-annually. Interest payments and capital repayments are normally combined and paid on the instalment date.
Interest Only Loan	A loan repaid in full on the final maturity date. The loan can be either a variable rate loan or a fixed rate loan with interest payments normally payable quarterly for a variable rate loan and semi-annually for a fixed rate loan.
Cash Expense Cover Ratio	The Cash Expense Cover Ratio is calculated as: $\frac{\text{Current year's cash and cash equivalents plus all term deposits}}{\text{Monthly payments from cash flow of operating and financing activities}}$
Debt Service Cover Ratio	The Debt Service Cover Ratio is calculated as: $\frac{\text{Operating result before capital excluding interest and depreciation, impairment, amortisation}}{\text{Principal repayments plus borrowing costs}}$

9.9 Policy Review - Procurement Policy

REPORT BY THE ACTING CHIEF FINANCIAL OFFICER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400087, GOV400047, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Policy Review - Procurement Policy ;**
2. **accept a minor amendment to raise the purchase requirements of goods and services under \$3,000 to \$5,000 within the revised Procurement Policy ; and**
3. **adopt the revised Procurement Policy.**

Executive summary

This report recommends a minor change to the Procurement Policy as placed on Public exhibition recently. The change recommends that the purchasing requirement for goods and services under \$3,000 be applied to those at a value of \$5,000 and under. This would see this purchasing category limit remain as it was previous to the policy review.

Disclosure of Interest

Nil

Detailed report

A review of Council's Procurement Policy was undertaken, and presented to the meeting of 16 February 2022. Following a period of public exhibition there were no public submissions, however a small error was noticed and a correction is recommended. This correction is shown in track changes of the attachment 1 to this report. The reduction of the purchasing limit was not intended nor highlighted to the Council. This revision will see the policy limit stay at the previous point being \$5,000.

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

By adopting the recommendation, Council is endorsing the Procurement Policy.

Legislation

The Local Government Act 1993, section 55, sets out the parameters of tendering, and this is referenced in the Policy. The Local Government Regulations also provide provisions around tendering process.

Financial implications

Not applicable

Associated Risks

Not applicable

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

29 March 2022

Attachments: 1. Review Procurement Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Procurement Policy

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	2.3
COUNCIL MEETING MIN NO.		REVIEW DATE	
DATE:	17 FEBRUARY 2022	FILE NUMBER	GOV2000047;FIN3000000;CO0000004; FIN300135

Objective

This policy aims to ensure Council's procurement of goods and services is legal, ethical and to Council's best advantage. The outcomes of this policy are:

- Open and fair competition;
- Value for money;
- Enhancement of the capabilities of local business and industry;
- Environmental protection; and
- Ethical behaviour and fair dealing
- Maintaining a high standard of health & safety management

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2005
- WHS Act 2011

Related policies and plans

- Local Preference Policy
- Service Provider Management Policy
- Code of Conduct
- Statement of Business Ethics
- Risk Management Policy
- Disposal of Assets Policy
- WHS Risk Management Procedure

POLICY: ~~PROCUREMENT POLICY~~PROCUREMENT POLICY |

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Policy

In entering into contracts for the carrying out of work, or the supply of goods and services, Council officers will have regard to Mid-Western Regional Council's purchasing objectives as set out above.

Every effort should be made to ensure businesses operating within the Mid-Western Regional Council area are given an opportunity to quote.

The general objectives of this policy apply to all purchases regardless of whether payment is made via traditional Accounts Payable processes, petty cash or corporate purchase cards.

Those persons/organisations providing goods and services to Council shall be considered to be agents of Council and shall be required to comply with Council's relevant policies.

Breach of the requirements of this policy may result in disciplinary action.

Training of Staff

Staff involved in the procurement of goods and services will be appropriately trained in the relevant procedures to be followed.

Delegation of Authority

The General Manager has delegated authority to incur financial expenditure on behalf of Council under the following provisions:

- Where expenditure has been provided for in Council's budget; or
- to respond to an emergency, community safety issue or potential public liability issue at a cost not exceeding \$250,000;

The General Manager is authorised to enter into contracts on behalf of Council within the expenditure delegation authorised. The Delegation of Authority for the General Manager at item 3.2 allows the General Manager to accept Council tenders with a contract value of up to \$3,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act 1993* and Part 7 of the *Local Government Regulation 2005* are met.

Other Council Officers may only incur expenditure on behalf of the Council if:

- The Officer has been granted a financial delegation by the General Manager and such delegation is recorded in the Delegations Register; and
- The expenditure is provided for in Council's budget; or
- In the case of genuine emergency or hardship where the power to incur expenditure in these circumstances has also been delegated.

Council Officers may only receive an expenditure delegation greater than \$1,000 where the Officer has completed appropriate training or has relevant experience which, in the opinion of the General Manager, qualifies the Officer to the delegated level.

Any Officer incurring expenditure may only do so in accordance with any constraints imposed by the Council or the General Manager in respect to a financial delegation.

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The General Manager has authority to approve exemption from Procurement threshold requirements, as appropriate. The General Manager may delegate this authority. Exemptions are only to be granted where exceptional circumstances exist that would not allow for the minimum procurement requirements (eg 2 quotes). Exemption management processes will be defined in Councils Purchase of Goods and Services Procedure.

Splitting of Orders

Council Officers are prohibited from splitting orders for the purposes of acquiring goods or services above their delegated financial and procurement levels, or to avoid the necessity to obtain quotes or call for tenders.

When party to a trade-in on goods, the delegated level of authority will be used for the purchase price of the goods not the purchase value less the trade in price.

Promotions & Incentives

The offering or acceptance of promotional goods, rewards, benefits or any other form of incentive in relation to the purchase of goods and services is strictly prohibited. Refer to Part 6 of Council's Code of Conduct.

Allocation of Funds

Apart from delegated authority to purchase, it is essential that funds are made available for a purchase prior to any commitment being entered into. A budget allocation must have been made by Council in the Operational Plan or subsequent reviews for the purpose to which the proposed expenditure applies.

For special projects, contribution works, and grant works not specifically detailed in the Operational Plan, approval to purchase is dependent upon the funds being available. These funds must either be received or committed in writing by the funding body and accepted by Council.

For any job which exceeds the preliminary estimate by more than an immaterial amount, initial approval for works to commence must be given by the General Manager and reported to Council via the Quarterly Budget Review process.

Budget allocations are provided for a purpose. Expenditure contrary to this purpose, (such as using a budget in one area to cover another, or using a recurrent budget to fund a capital purchase and vice versa), must be approved initially by the General Manager and then reported to Council via the Quarterly Budget Review process.

Aggregation of Requirements

Council has the opportunity to utilise contracts offered by Prescribed Entities (Local Government Procurement & Procurement Australia). Council Officers are encouraged to seek opportunities to aggregate purchases within these alliances as well as other groups when applicable.

Local Service Providers should be encouraged to submit a quotation or tender in these circumstances (with the Prescribed Entities), and advertising of such tenders or expressions of interest in locally circulated media (Community News, Mudgee Guardian) is essential.

Purchase of Goods and Services up to \$1,000

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Purchases may be made via corporate credit cards or out of petty cash except as defined otherwise by the General Manager. An alternative to a corporate card purchase is the use of a purchase request form upon receipt of the invoice. The use of an official purchase order is also available, but not preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process.

Petty cash limits are defined in the Petty Cash Procedure.

Purchase of Goods and Services above \$1000 and up to ~~\$53,000~~

Purchases may be made via corporate credit card except as defined otherwise by the General Manager. The use of an official purchase order is preferred. Council staff may either request a specific purchase order or utilise Council's monthly order process. An alternative to a purchase order is the use of a purchase request form upon receipt of the invoice.

For various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, it is impractical to raise orders prior to receipt of the invoice

Purchase of Goods and Services above ~~\$53,000~~ and up to \$50,000

Purchases must be made by submitting an official purchase order to the Service Provider. Exceptions to placing a purchase order will be made for various services involving recurrent payments, such as telephone and electricity accounts, subscriptions, credit card purchases and monthly rentals, where it is impractical to raise orders prior to receipt of the invoice.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
 - Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA) (via Vendor Panel where applicable) or
 - Obtaining at least two quotes (sole supplier situations excepted); including consideration for Council's Local Market Place on Vendor Panel;
- or
- Accessing Government contract pricing.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangements, including the removal of a service provider from an arrangement because of poor performance.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

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Purchase of Goods and Services above \$50,000 and up to \$100,000

Purchases must be made by submitting an official purchase order to the Service Provider. Public advertising for quotations is encouraged but is not essential. If public advertising is used, the responsible Director or Council's Manager Procurement & Fleet will assess the coverage of such public advertising.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Obtaining at least three written quotes (sole supplier situations excepted) including consideration for Council's Local Market Place on Vendor Panel (providing public advertising to appropriately test the market); or
- Accessing Government contract pricing. Or

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

When utilising SOA, PSA or PQA procurement methods, Council must ensure that there is provision for the evaluation of the arrangement, including the removal of a Service Provider from an arrangement because of poor performance or ensure the inclusion of Council's Service Provider Management Policy.

An SOA or a PSA may be established if:

- The supply of goods or services is needed in large volumes and or on a frequent basis; and
- Use of an SOA or PSA will obtain better value for money by aggregating demand for the goods or services required.

Purchase of Goods and Services above \$100,000 and up to \$250,000

Purchases must be made by submitting an official purchase order to the Service Provider.

Purchases must be undertaken by:

- Accessing a Standing Offer Arrangement (SOA); or
- Accessing a Preferred Supplier Arrangement (PSA) or Pre-qualified Supplier Arrangement (PQA); (via Vendor Panel where applicable) or
- Accessing Government contract pricing; or
- Public advertising for quotations. The responsible Director or CFO will assess the coverage of such public advertising.

All quotations received are to be given due consideration in accordance with Mid-Western Regional Council's purchasing objectives.

All persons and organisations that provide a quotation must be advised in writing of the outcome.

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An instrument of engagement must be used when procuring goods and/or services with this threshold, for example a formal Contract or Instrument of Agreement. The terms and conditions relevant to this procurement must be made evident during the quoting process (attached to the Request for Quote)

The instrument of engagement must include any proposed retention, bank guarantee requirements, payment milestones or any other conditions. The instrument of engagement must be agreed upon with the successful applicant (and signed) prior to the issuance of purchase order.

When engagement via an SOA, PSA or PQA & Government Pricing occurs, confirmation of the existing Terms & Conditions is recommended prior to engagement of any listed service provider.

At the end of major procurements, the performance of the contractor or Service Provider should be assessed. This information can be used in the assessment process for the award of future contracts.

Purchase of Goods and Services above \$250,000

Purchases in this category shall be administered in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

Prior to proceeding on any form of procurement for this value, a budget and a job number must be allocated to the specific project

An official purchase order must be raised, and submitted to the Service Provider.

At the end of major procurements the performance of the contractor or Service Provider should be assessed. This information can be used in the assessment process for the award of future contracts.

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Tendering

Section 55 of the Local Government Act 1993, in conjunction with the Local Government (General) Regulation 2005, provides the legislative framework that promotes the consistent use of good practice standards in local government tendering in a manner that is clear, consistent and readily accessible to all persons.

Tenders will be called for the provision of goods and or services that exceed \$250,000 in value (including GST). Exceptions may apply in certain circumstances as provided by section 55(3) of the Local Government Act 1993.

Whenever Council is required by section 55 of the Local Government Act 1993 to invite tenders before entering into a contract, Council must decide the tendering method to be used. The options are:

- The open tendering method by which tenders for the proposed contract are invited by public advertisement;
- The selective tendering method by which invitations to tender for a particular proposed contract are made following a public advertisement asking for Expressions of Interest;
- The selective tendering method by which recognised contractors selected from a list prepared or adopted by Council are invited to tender for proposed contracts of a particular kind.

The General Manager must approve the selective tendering methods prior to advertising (as an alternative to the open tendering method). The General Manager must also approve those selected tenderers from the Expression of Interest prior to undertaking the selective tender process.

- Or, Accessing a Standing Offer Arrangement (SOA); accessing a Preferred Supplier Arrangement (PSA); or accessing a Pre-qualified Supplier Arrangement

Part 7 of the Local Government (General) Regulation 2005 outlines the requirements for tender processes. The legislation and regulations should be complied with in all instances.

Council has a detailed Tendering Toolkit to guide Officers through the tendering process. This toolkit must be used for all tenders conducted by Council.

Tenders should be evaluated based on Council's purchasing objectives as well as but not limited to previous performance of contractors.

An instrument of engagement must be used when procuring goods and/or services via a tender. For example a formal contract or Instrument of Agreement. The terms and conditions relevant to this procurement must be made evident during the tendering process (attached to tendering documentation).

The instrument of engagement must include any proposed retention, bank guarantee requirements, payment milestones or any other conditions. The instrument of engagement must be agreed upon with the successful applicant (and signed) prior to the issuance of purchase order.

Accessing tenders through external organisations & prescribed entities

Council has the option to access tenders conducted by external organisations. This practice eliminates the need for Council to tender as an individual when there is demonstrated value for money from our alternatives due to a 'bulk buy' methodology.

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Council can access current tenders listed with Local Government Procurement (Prescribed Entity), Procurement Australia (Prescribed Entity), Regional Procurement & Centroc (Central NSW Councils) by following the relevant participation procedures. Council is not limited to utilising tender arrangements as sought by the abovementioned organisations and is encouraged to utilise the most effective method of Tendering for Council's purchasing objective.

Council have the capability to compare pricing and if an alternative is deemed better value for money than we are capable of obtaining as a single organisation we may utilise these alternatives. Considerations must also be given to Contract terms and conditions of the alternative tender to ensure the needs and expectations of Council are met

When Council participate in an external organisations tenders the project manager should assess the qualification criteria including compliance, standing offer deed, specifications and any evaluation criteria if available. Considerations must also be given to contract terms and conditions of the tender to ensure the needs and expectations of Council are met.

When accepting a tender conducted by an external organisation appropriate approvals must still be sought from either Council or the General Manager, depending on estimated contract value.

When Council utilise tenders from Prescribed Entities, an approved panel of Service Providers is supplied, Council may choose to do business with one or all of the Service Providers. Where Council spend for any one quote is estimated to exceed \$250,000, and prior to approaching the panel of approved service providers, Council staff must obtain permission to proceed from the Manager Procurement & Fleet or the CFO through Council's Procurement Evaluation Plan and the relevant Director. Once this documentation has been completed and approved, Council staff approach the appropriate approved Service Providers (via appropriate formats i.e. e-quoting portals) to provide a quote under the conditions of tender by the Prescribed Entity for the goods/services required. Council are able to engage suppliers directly (without obtaining quotes), however this is not encouraged.

The Local Government (General) Regulation 2005 and the Tendering Guidelines for NSW Local Government must still be considered during the evaluation phase of the responses from the request for quote. The same responsibilities apply to a tender with regards to the security of documentation and pricing as well as commercial in confidence information.

The evaluation of the responses (quotes) must align to the methodology stated in the approved Procurement Evaluation Plan. An Approval Memorandum must be submitted to the General Manager for acceptance of the recommended applicant unless delegated otherwise.

Amending Tendered Rates

Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations and/or variations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract).

All approved increases must be responded to in writing from Council's delegate.

Conflicts of Interest

Council officers or delegates are required to report any identified relationships that could be actual, potential or perceived conflicts of interest both pecuniary and non-pecuniary. A relationship must be reported as it is identified, whether that be before or during any procurement activity, during a contract term, or as a conflict arises. It is the responsibility of the Council officer or delegate to make

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the appropriate persons aware (as per the Code of Conduct) of the relationship and complete a 'Conflict of Interest Declaration' form. It is at the discretion of that delegated person in the Code of Conduct to make determination on the conflict.

Due Diligence

Due diligence of Service Providers is to be carried out, where appropriate, where a tender is not required.

Due diligence of any Service Provider must be carried out in all Tender situations.

Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services
- Electricity supply
- Telecommunications

Tenders for casual plant hire will be publicly advertised as required. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis. Quotations for capital works and/or any other works will be sought from these Service Providers via VendorPanel.

Tenders for casual hire of trade services will be publicly advertised as required. The advertisement will call for pre-qualified Service Providers of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis. Quotations for capital works and/or any other works will be sought from these Service Providers via VendorPanel prior to engagement.

Certificates of Insurance

Service providers must have appropriate levels of public, products liability and professional indemnity insurance as necessary. Service providers must also provide evidence of their workers compensation coverage where applicable. All required Certificates of Currency for appropriate insurance must be downloaded into VendorPanel prior to the engagement. If procuring outside of VendorPanel, service providers must provide relevant insurance requirements to the engaging Council staff member.

Service providers identified to be working with (near) children or vulnerable people will be required to complete Police Checks for subcontractors & working with children checks prior to entering any relevant site.

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Publication of Successful Tenderers and Expressions of Interest

Council will maintain a register showing those successful Service Providers to Council in those cases where the contract value is in excess of \$50,000.

Work Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council assigns a high priority to the continuous improvement of work health and safety and workplace injury management.

Council is responsible for:

RISK ASSESSMENTS

A purchasing risk assessment must be undertaken for all items/goods with regards to its potential use at the workplace. Supporting documents are available on Council's Intranet. In undertaking the risk assessment, the following factors are to be considered:

- Manner in which it is to be used and the suitability of the item for the purpose
- Hazards and risks presented by the item (including biological and chemical products) to be purchased
- Potential impact on affected personnel
- Transport, Maintenance, Cleaning and Storage
- Any associated needs (e.g. appropriate firefighting gear) should an emergency with the item occur
- Legal requirements such as codes of practice or relevant standards
- Specifications which are required to ensure safe operation or use
- Training requirements
- The need to change work procedures
- The need for personal protective equipment(PPE)
- Technical data or information required
- Opinions of the users of the item
- Hazards and risks associated with compounds used in operating, maintaining, cleaning, transporting and storage of the items
- Environmental impact of disposal of waste arising from the above

All risk assessments are to be documented in Council's record system and undertaken in consultation with employees/ workers who may be affected by the purchase. All records of assessments, and details provided by the service provider shall be maintained in a file by the originator of the purchasing request or the life of the equipment and updated when any modifications are carried out. Previous records of assessments are to be archived as appropriate.

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PLANT & EQUIPMENT

In respect to the purchase of plant and equipment including furniture, the Service Provider will be requested to provide information regarding the hazards associated with the items and recommended controls to manage these hazards.

Suppliers of second-hand plant are specifically required to inform purchasers of any reasonably identifiable faults in the plant.

All plant and equipment must comply with all relevant Australian Standards.

HAZARDOUS SUBSTANCES

The Safety Data Sheets (SDS) and instructions for use for all hazardous substances must be obtained before the purchase of hazardous substances.

All substances must meet labelling and usage requirements of WHS legislation, standards and codes of practice. From January 2017 all Service Providers must be compliant with Global Harmonisation System (GHS) for chemicals. This includes Pictogram Identification on all labels and documents

Any associated emergency control equipment including correct type of fire-fighting equipment and spill control is to be considered (re. Transport, use and storage) in the purchase of a hazardous substance.

PERSONAL PROTECTIVE EQUIPMENT [PPE]

Prior to purchasing PPE, consideration on whether other forms of hazard control from higher up the hierarchy of hazard control can be implemented needs to be taken into account.

All personal protective equipment must comply with relevant Australian Standards. Since PPE is personal, when purchasing the individual needs of staff MUST be considered. Such needs will include, but not be limited to, individual body size, impairments, capabilities etc.

All employees/workers – including managers – associated with PPE, require training in correct selection, fitting, use, maintenance and storage of the PPE

PRE - PURCHASE TRIALS

Trials of equipment and substances including PPE will be undertaken where reasonably practicable, providing an opportunity for monitoring by relevant personnel and management to ensure that no previously unforeseen hazards arise during use.

Trials should also ensure consultation where appropriate e.g. the introduction of new types or brands of PPE.

Feedback from the trial is to be recorded on the Purchasing Risk Assessment (HRWHS 025).

MAKING A DECISION TO PURCHASE

If after the risk assessment, trials and/or the provision of information from the potential Service Provider, the level of risk associated with the item to be purchased cannot be controlled and is not acceptable, the item is not to be purchased. An alternate item is to be sourced and the process started again.

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WHS STANDARDS FOR PROCUREMENT OF SERVICE PROVIDERS

HRWHS 059 Safety Management Framework is to be referred to prior to the commencement of the service provider procurement process.

This procedure provides a framework for the determination of the level of WHS risk associated with any service to be provided, along with guidelines for WHS documents to be provided as part of any RFT or RFQ.

Service Providers Responsibilities

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to work, health and safety management and workplace injury management.

Service providers, their employees and subcontractors must comply with work, health and safety, workers compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

If a service provider is deemed a regular or high-risk service provider by Council's WHS Coordinator, all employees of the service provider must undertake Council's Contractor Specific Induction Program. This induction does not replace site-specific inductions.

Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees, their unions and subcontractors must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Local Preference

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council's Local Preference Policy supports our commitment to providing opportunities for our local service providers.

Full details of Council's Local Preference Policy can be found on Council's website.

Service Provider Management Policy

The Service Provider Management policy aims to ensure Council's expectations and management of service providers (contractors) is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are: Clear & Defined Expectations & Responsibilities, Performance Management Criteria & Matrix, Protection of Service Provider Rates and Ethical Behaviour & Fair dealing

Full details of Council's Service Provider Management Policy can be found on Council's website.

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Contract Management

Council Representatives will govern the execution and management of contracts entered into on behalf of Council to minimise the exposure to financial and reputational risk

Council has introduced a contractor management system which:

- Improves record management of Contracts and relevant reporting requirement capabilities;
- Improves the overall contract management process;
- Provides a robust, accountable and transparent audit trail;
- Seeks opportunities for improvements in service delivery;
- Is based on contemporary risk management principles; and
- Promotes positive working relationships between contractors and Mid-Western Regional Council

All contracts over the value of \$50,000 will be identified and published in Council's Contracts Register, excluding those specified in the Local Government Act as exempt from publication

All variations will be reviewed by Council Representatives with appropriate (project) subject matter knowledge and delegation.

The above excludes any employment contracts, non-binding Memoranda of Understanding or partnering agreements with other agencies.

Value for Money

The Council strives to achieve value for money in its procurement activities by:

- Undertaking a comparative analysis of the costs and benefits of each proposal throughout the whole procurement cycle, and
- Specifying clear conditions and evaluation criteria in approach to market documents.

Council will take into account the following factors in determining value for money:

- The maturity of the market for the good, property or service sought
- The performance history of each prospective supplier
- The relative risk of each proposal
- The flexibility to adapt to possible change over the life cycle of the good, property or service
- Financial considerations, including all relevant direct and indirect benefits and costs over the whole procurement cycle
- The anticipated price that could be obtained, or the costs that may be incurred at the point of disposal
- The evaluation of contract options (e.g. contract extension options), and

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- Any other value-add functions of relevance to Council that the supplier can provide (e.g. environmental performance of the product / service, contribution of supplier to the local economy / community, etc.).

Value for money is achieved by delivering the most advantageous outcome possible while practising transparency, fairness and equity to all potential suppliers and efficient, effective and proper expenditure of public monies.

Variations of this policy

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

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Definitions

SOA - Standing Offer Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time

PSA - Preferred Supplier Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time, however, Council place Service Providers in a preferred order. This particularly relates to Wet & Dry Plant Hire and also Trades lists (to name a few). Lists are tendered for and Service Providers are numbered from 1 to say 5 during the evaluation process. In the first instance Council must contact the number 1 Service Provider and if unavailable contact number 2 on so on.

PQA - Pre-Qualified (Prequalification) Arrangement

- An agreement where Council create panels for regularly used goods or services, these may or may not be tendered for. Panels are created in VendorPanel (Councils' e-quoting portal) and Service Providers must meet Council's compliance requirements to be accepted. Prequalification panels allow Service Providers to nominate rates at time of quoting, any tendered rates are only used for tender evaluation, and therefore they may also be amended during the quoting process.
- This option allows Council to capture minimum compliance options for regularly used services providers as well as allowing service providers to present up to date pricing. The opportunity and potential for Council to obtain better value for money by creating a more competitive market is increased.

Prescribed Entity

- Any organisation that is specified in the Local Government (General) Regulation, Section 163 is recognised as a Prescribed Entity therefore approval is not required for acceptance of tenders sought from those specified.

VendorPanel

- Council's electronic quoting (e-quoting) portal

Council's VendorPanel Local Market Place

- VendorPanel Marketplace is an e-quoting portal enabling Council employees to directly contact businesses that Council may not utilise regularly or require tenders for, but may employ from time to time.

Public Advertising

Public advertising may include:

- Local and Sydney newspapers
- Approved Electronic Tendering & Quoting Portals (all service providers must be selected)
- Social Media
- Council's Website

Contracts

- A contract is a legally binding agreement that sets out the rights and duties of the parties involved. Typical contracts entered into by Mid-Western Regional Council include the provision of building maintenance & construction, construction of civil works, supply of goods and

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materials and consultancy services on issues such as engineering design, industrial relations, town planning, local enforcement and community engagement.

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9.10 Policy Review - Community Grants Program

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400088, GRA600009

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Policy Review - Community Grants Program ;**
2. **place the revised Community Grants Program Policy on public exhibition for 28 days ; and**
3. **adopt the revised Community Grants Program Policy if no submissions are received.**

Executive summary

A review of Council's Community Grants Program Policy is recommended to include a section for 'Variations to Policy'.

Disclosure of Interest

Nil

Detailed report

A review of Council's Community Grants Program Policy is recommended to include a section for variations to policy. This will allow Council to exceed the amount of the grant cap and vary the timing of the Community Grants outside the Policy Restrictions when a project or program is deemed to meet additional or high community needs or a high economic benefit to the region. Varied grants must be awarded through a Council Resolution and will meet all requirements of the Local Government Act at the time of providing the grant. Additional justification or evidence may be required from the applicant, and this is at Councils discretion.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

Strategic implications

Council Strategies

Not applicable

Council Policies

By adopting the recommendation, Council is endorsing the Community Grants Program Policy changes be placed on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

24 March 2022

Attachments: 1. POLICY - REVIEW- Community Grants Program.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY COMMUNITY GRANTS PROGRAM

*A prosperous
and progressive
community*

ADOPTED	
COUNCIL MEETING MIN NO	32/21
DATE:	17 FEBRUARY 2021

REFERENCE	V4.2
REVIEW DATE	AUGUST 2024
FILE NUMBER	FIN300138, GOV300047

Objective

The objective of this policy is to:

- establish clear and transparent criteria by which financial assistance requests will be assessed and allocations determined;
- provide a process which allows Council to conduct a meaningful and equitable comparison of requests
- provide guidelines for the submission of applications and assessment process
- inform grantees of the requirements to acquit their funding

Scope

This policy applies to requests for financial assistance from not-for-profit community based organisations, groups and individuals that meet community needs and benefit residents in our community.

The purpose of the Community Grants Program is to enable Council to support local projects and activities put forward by those organisations that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan. In doing so, financial assistance is to be provided in a consistent, equitable and transparent manner.

Legislative requirements

The Community Grants Program is governed by the following legislative framework.

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.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if:
 - (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

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The Local Government Act 1993, Section 377, states:

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

(q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

Related policies and plans

- Code of Conduct
- Towards 2030 Community Plan
- Land Acquisition and Disposal Policy
- Disposal of Assets Policy

Policy

General Eligibility Criteria

To be eligible for assessment all applicants must:

- be an incorporated not-for-profit organisation or Individual. Unincorporated community groups are eligible to apply provided they are auspiced by an incorporated not-for-profit organisation;
- have met any previous Mid-Western Regional Council grant acquittal requirements;
- have no outstanding debts of any kind to Mid-Western Regional Council; and
- complete the online application form by the applicable cut-off time and date.

Mid-Western Regional Council does not provide grants under this policy for:

- events that are eligible to apply for the Events Assistance Program, excluding the Mudgee, Gulgong and Rylstone Shows;
- programs that typically fall under the responsibility of another level of government.

In-kind support for the waiver of rates, fees and charges is considered financial assistance within this policy and therefore eligible for applications. The waiver of a bond or security deposit is not considered financial assistance, however if any damage should arise as a result of the event, the applicant will be liable for the cost.

COMMUNITY GRANT CATEGORIES

Proposed projects must fall within one of the following categories (applicants cannot apply for funds in more than one category):

Youth Representative Grants Category

Youth representative grants are open to:

- persons that meet the eligibility criteria to represent on Youth Council; and

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- are selected to represent Australia at any international competition or event, including but not limited to sporting, academic or the arts.

GRANT CAP: This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria.

Disability Representative Grants Category

Disability representative grants are open to:

- Persons that meet the definition of being disabled as per the Disability Discrimination Act 1992; and
- Are selected to represent at any state level or above, competition or event, including but not limited to sporting, academic or the arts.

GRANT CAP: This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria.

Business Associations Category

Business associations are organisations that represent the business community within the Mid-Western Regional Council area. To be eligible for funding the objectives of these organisations should align with strategies identified within Council's Community Plan theme 'Building a Strong Local Economy'.

For the purpose of this policy the business areas available for funding are:

- Gulgong
- Kandos/Rylstone
- Mudgee

Council may allocate an annual funding amount to a business association in each area. Council will prioritise claims based on need and program benefit, and will not cover the payment of wages for administration duties.

GRANT CAP: The annual amount for each business association per financial year shall not exceed \$10,000.

Community Groups Category

Community Groups are organisations that represent the community interests within the Mid-Western Regional Council area. To be eligible for funding the objectives of these organisations should align with strategies identified within Council's Community Plan themes 'Looking after our Community' or 'Protecting our Natural Environment'.

Council will prioritise claims based on need and program benefit, and will not cover the payment of wages for administration duties. Only one cap can be applied, per annum, for each program.

IN-KIND GRANT CAP: \$5,000

GRANTING OF COUNCIL ASSETS: See the Disposal of Assets Policy.

COMMUNITY EVENTS CAP: \$5,000

SPECIFIC PROGRAM/PROJECT CAP: \$10,000 (non-capital)

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Capital Grants Category

Capital Grants are grants provided to an organisation (that meets the general eligibility criteria) towards a major item of capital expenditure, such as the construction/upgrade of a building or facility. To be eligible for funding, capital projects should align with strategies identified within Council's Community Plan.

Council will prioritise claims based on need and program benefit.

LOANS: Council will not lend funds to organisations for capital expenditure.

COUNCIL LAND: Council will not gift land to organisations for capital infrastructure, however, Council may consider applying an approved grant amount as an in-kind payment, or partial payment, towards purchase of surplus Council land. All requirements of the Land Acquisition and Disposal Policy must be met.

CAPITAL PROJECT CAP: \$25,000 or 50% of the total project cost, whichever is the lower.

Bushfire Community Recovery and Resilience Fund Grants Category

The Bushfire Community Recovery and Resilience Fund (BCRRF) grants are provided to not-for-profit organisations or individual applicants to support sustained economic recovery and community resilience following the 2019-2020 bushfire season. The BCRRF Phase Two is designed to support community recovery by funding projects and initiatives that will promote community well-being, social and broader recovery and future disaster resilience following the bushfires.

Community projects need to meet one or more of the following objectives:

- Improve community capacity, capability and resilience
- Improve community connectedness, identity of place and cultural heritage
- Improve and build regional and community knowledge
- Assist in local preparedness to future disasters and hazards
- Promote future disaster resilience following the bushfires
- Promote community well-being
- Support social and broader community recovery
- Support commemoration

Council will prioritise claims based on need and program benefit.

PROJECT CAP: Total funding is capped at \$62,500. This funding has been provided through the joint Commonwealth-State Disaster Recovery Funding Arrangement under the Bushfire Community Resilience and Recovery Fund.

Other Grants Category

Other grants include all not-for-profit or individual applications that do not meet one of the above categories, but still meet the General Eligibility Criteria. To be eligible for funding, these requests should align with strategies identified within Council's Community Plan.

GRANT CAP: \$2,000

Grants Management Process

APPLICATIONS

All grant applications are to be completed online, accessed from the Mid-Western Regional Council website. If you are unable to access the internet, facilities are available for lodgement at Council's Customer Service locations.

ASSESSMENT

All applications (except Youth Representative Grants) received are assessed by a panel of at least three relevant staff members. If required, some applications may be assessed by external parties who have skills and professional expertise that benefit the assessment process.

The application will be assessed 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 not-for-profit local groups in the planning and delivery of the project
- Organisational capacity to deliver the program or project

Unsuccessful applicants are encouraged to seek feedback from staff on their application. Even though an application may meet the criteria it may not be competitive against other applications.

APPROVAL

Only Council has authority to approve grants for financial assistance. Council will be provided with a report on a quarterly basis to consider the assessment panel's recommendations for which applications will be funded and to what amount.

ACQUITTAL REQUIREMENTS

To ensure financial assistance is used by the recipient for the specified purpose all grantees must submit reports back to Council in accordance with the below requirements depending on the type of activity.

Grant Amount	Project	All other activities
<\$2,000	Brief report on the outcomes achieved at the end of the project	Brief report on the outcomes achieved at the end of the financial year
>\$2,000	In addition to the above a financial report with copies of invoices attached where relevant	In addition to the above annual financial statements with copies of invoices attached where relevant

UNSPENT GRANTS

Where unspent grants are reported in the acquittal this may jeopardise future applications for funding.

TIMETABLE

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Applications open online via MWRC website	1 st May	1 st July	1 st October	1 st January

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Applications close	6 weeks after opening	6 weeks after opening	6 weeks after opening	6 weeks after opening
Report to Council meeting (month)	July	October	February	May

**These dates are based on anticipated Council meeting dates, if a Council meeting is moved or cancelled - applications will be submitted at the next available meeting date.

PRIVACY

Applicants should be aware that copies of applications for financial assistance may be included in a report to Council which will be published in the Council Business Paper and will be publicly available as well as being published on Council's website.

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Variations to Policy

Council may vary the amount and timing of Community Grants outside the Policy restrictions when a project or program is deemed to meet additional/high demand community needs or provide very high economic benefit to the region. Varied grants must be awarded through a Council Resolution and will meet all requirements of the Local Government Act at the time of providing the grant. Additional justification or evidence may be required from the applicant, and this is at Councils discretion.

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Definitions

Term	Meaning
Grant Caps	<p>A grant cap provides the maximum amount of claim for each grant category. There are many beneficial programs, groups and projects that are carried out within the Mid-Western Regional Council community, and caps are designed to ensure that grant funding is available for many, not just some.</p> <p>Grants should be applied for based on need. Caps are not allocations, they are maximums, and a lesser amount may be granted dependant on how the application meets the assessment criteria. Caps are also designed to give guidance to applicants around expectation of Council support.</p> <p>Applicants may only apply for a grant in ONE category, per project. Some caps apply as an annual maximum, where this is the case, it is specified in the category definitions. Applicants should advise which cap they are applying under; however, Council reserves the right to apply the most appropriate cap to the grant application.</p>
Acquittal	<p>An acquittal is a written report submitted after the funded project is complete or at end of financial year. It details how the grantee administered the grant funds and met the outcomes in the funding application.</p>
Auspice	<p>An auspice is an incorporated not-for profit organisation who receives, administers and acquits the funding on behalf of an unincorporated grant applicant. Unincorporated groups seeking funding must apply for funding under an auspice.</p>
Financial Assistance	<p>Payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council. It should be noted the following examples are not considered financial assistance and are therefore outside this policy:</p> <p>Payments made in exchange for the provision of a service which Council may otherwise provide itself.</p>

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	Statutory contributions such as SES, Rural Fire Service and NSW Fire Brigades. Waiver of a bond or security deposit.
Grant	Cash provided to applicants for the specified purpose as outlined in the application. A grant is given with conditions that is must be administered for that purpose identified with requirement for acquittal.
In-kind	Refers to an arrangement whereby Council foregoes revenue on things for which they would normally charge a fee.
Not-for-profit organisation	A not-for-profit organisation is an organisation that does not directly operate for the profit or gain of its owners, members or shareholders, either directly or indirectly. Any profit must be used to implement the organisation's purpose and must not be distributed to members, owners or shareholders either while the organisation is operating or when it winds up.
Project/Program	A Project is a temporary organisation that is created for the purpose of delivering one or more business products according to an agreed Business Case
Business Association Group	Business associations are organisations that represent the business community within the Mid-Western Regional Council area. Examples include Chambers of Commerce.
Community Groups	Community Groups are organisations that represent the community interests within the Mid-Western Regional Council area. Examples include (but are not limited to) Fundraising Institutes, Hobby/Social Groups, Sports/Arts/Environmental/Health Groups, Associations etc

ONLINE APPLICATION

The online application form requires the below information.

APPLICATION FORM – COMMUNITY GRANTS

Applicants Details

- Name of organisation
- Contact person
- Address
- Phone
- Email
- ABN
- Bank Account

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Project/Activity Details

- Name of project/activity
- Amount of funding requested
- Start and finish date
- Briefly describe project/activity

Address Criteria

- 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 project/activity

Financial Information

- Income
- Expenditure
- Net budget. If the application shows a budget surplus there must be an explanation provided to justify why surplus funds are required and how they are to be used. For example a charitable donation or organisation fund raising towards a major purchase
- Most recent bank account balance, from either bank statement or treasurers report

Attachments

- Certificate of incorporation or letter from auspicings body

APPLICATION FORM – YOUTH REPRESENTATIVE GRANTS/ DISABILITY REPRESENTATIVE GRANTS

Applicants Details

- Name
- Date of Birth
- Address
- Phone
- Email
- ABN
- Bank Account

Project/Activity Details

- Name of project/activity
- Amount of funding requested
- Start and finish date
- Briefly describe project/activity

9.11 Monthly Budget Review - March 2022

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 20 APRIL 2022 ORDINARY MEETING
GOV400087, FIN300315, GOV400098

RECOMMENDATION

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review for March 2022 ;
2. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report ; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the upgrades of fire safety due to non-compliance and safety issues at the Mudgee Waste Depot and Recycling buildings.

Executive summary

This report provides Council with information on the progress of the 2021/22 capital works program at 31 March 2022.

Disclosure of Interest

Nil

Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides the detailed information of recommended variations.

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

Not applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2005, states that the responsible accounting officer of a Council must:

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure, and
- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Financial implications

The budget variations proposed will impact the below financial ratios.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	✗	—	✓
Future Years	—	—	—

Associated Risks

Not applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

28 March 2022

Attachments: 1. Monthly Budget Review Attachment - March 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET REVIEW - 31 MARCH 2022

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

20 APRIL 2022

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

FUNDING SUMMARY

Fund	Funding Source	21/22	22/23	Grand Total
General	GRT - ENVIRONMENT GRANTS	-295,000	-32,500	-327,500
	UNRESTRICTED CASH	-26,400		-26,400
General Total		-321,400	-32,500	-353,900
WASTE	UNRESTRICTED CASH	-10,000		-10,000
Waste Total		-10,000		-10,000
Grand Total		-331,400	-32,500	-363,900

2021/22 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
LOOKING AFTER OUR COMMUNITY	General	Rural Fire Service - Water Tank Maintenance - Adding budget to cover the cost of repairing water tank which has been damaged by recent storm.	15,000	-	0	-	0	(15,000)
LOOKING AFTER OUR COMMUNITY	General	Affordable Housing - Adding budget to cover the cost of legal expenses for Council Land Donation.	4,000	-	0	-	0	(4,000)

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – MARCH 2022

PROTECTING OUR NATURAL ENVIRONMENT	Waste	Mudgee Waste Depot Upgrades - Adding budget for building fire safety compliance requirement.	10,000	-	0	-	0	(10,000)
PROTECTING OUR NATURAL ENVIRONMENT	General	Env - Cudgegong River - Adding Budget for MD Healthy Rivers Grant	295,000	GRT - ENVIRONMENT GRANTS	(295,000)	-	0	0
BUILDING A STRONG LOCAL ECONOMY	General	Commercial Prop -Airport Subdivision - Adding Budget to cover the cost of Commercial Lease agreement for 13 lots.	7,400	-	0	-	0	(7,400)
	Total		331,400		(295,000)		0	(36,400)

2022/23 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
PROTECTING OUR NATURAL ENVIRONMENT	General	Env - Cudgegong River - Adding Budget for MD Healthy Rivers Grant	32,500	GRT - ENVIRONMENT GRANTS	(32,500)	-	0	0
	Total		32,500		(32,500)		0	0

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 31 March 2022.

24.15 M

Actual YTD

215

Capital Projects

\$65.88 M

Budget

- This budget total includes proposed revotes from 2020/2021 to 2021/22

\$14.95M

Commitments

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
BUSHFIRE RECOVERY - LARGE WATER TANKS (DRFA)	6	0	6	6	100%	0	Project Scope
FIRE CONTROL CENTRE - CUDGEGONG COMMUNITY	3,500	0	3,500	0	0%	0	Design
RURAL FIRE SERVICE - COOKS GAP STATION (CAPITAL)	50	0	50	6	12%	0	Consultation
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	120	0	120	0	0%	0	Consultation
RURAL FIRE SERVICE - WATER TANK MAINTENANCE	0	15	15	0	0%	0	Consultation
MUDGEE POUND UPGRADE - RENOVATION & EXTENSION	245	0	245	43	17%	108	Construction
COUNTRY UNIVERSITY CENTER	50	0	50	3	5%	3	Design
CEMETERY CAPITAL PROGRAM	24	0	24	0	0%	0	Procurement
MUDGEE CEMETERY ROAD UPGRADE	25	0	25	32	130%	3	Final works
RYLSTONE CEMETERY DRAINAGE	15	0	15	0	2%	0	Complete
PUBLIC TOILETS - GOOLMA	11	0	11	9	87%	0	Complete
LIBRARY BOOKS	93	0	93	59	64%	(12)	Construction
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	60	0	60	3	5%	0	Procurement
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	93	0	93	82	88%	10	Final works
TOWN HALL - EXTERNAL BRICKWORK	50	0	50	0	0%	0	Procurement
MUDGEE TOWN HALL THEATRE - AIR-CONDITIONING UPGRADE	50	0	50	11	21%	0	Final works
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	160	0	160	25	16%	33	Construction
KANDOS HALL & LIBRARY - TOILETS	20	0	20	0	0%	1	Consultation
POOL SHADE PROGRAM	65	0	65	0	0%	60	Initial works
GULGONG POOL STORAGE SHED	4	0	4	4	100%	0	Complete
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement
MUDGEE SHOWGROUNDS - REDEVELOPMENT	475	0	475	278	59%	212	Construction
GLEN WILLOW SPORTS GROUND UPGRADES	5,189	0	5,189	3,629	70%	421	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GLEN WILLOW CARPARK	57	0	57	113	199%	1	Complete
MUDGEES SHOWGROUND TREE PLANTING (REQUIRES GRANT)	20	0	20	0	0%	0	Consultation
GLEN WILLOW NETBALL AREA BUBBLER (REQUIRES GRANT)	10	0	10	0	0%	0	Consultation
VICTORIA PARK MUDGEES - FENCING	60	0	60	0	0%	0	Procurement
GULGONG TENNIS COURTS	130	0	130	0	0%	6	Design
MUDGEES DOG PARK RELOCATION & UPGRADE	3	0	3	3	100%	0	Complete
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0	Deferred/Cancelled
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0	Initial works
RYLSTONE & KANDOS DOG PARK	90	0	90	0	0%	0	Procurement
GLEN WILLOW STORMWATER RECIRCULATION SYSTEM	350	0	350	8	2%	182	Initial works
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE 1	100	0	100	79	79%	25	Initial works
PUTTA BUCCA TRAINING CAMP FACILITY -STAGE 3 (REQUIRES GRANT)	92	0	92	0	0%	0	Design
MUDGEES SHOWGROUNDS - PATHWAY IMPROVEMENTS	40	0	40	0	0%	0	Project Scope
BILLY DUNN AMENITIES	323	0	323	315	98%	0	Complete-awaiting invoices
MUDGEES SHOWGROUNDS - GRANDSTAND FIT-OUT	250	0	250	8	3%	225	Construction
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	70	0	70	0	0%	0	Procurement
VICTORIA PARK GULGONG - SHOT PUT/DISCUS REPLACEMENT	25	0	25	0	0%	0	Procurement
VICTORIA PARK GULGONG - CRICKET WICKET SYNTHETIC REPLACEMENT	8	0	8	5	67%	0	Complete-awaiting invoices
MUDGEES SHOWGROUND EQUIPMENT	47	0	47	0	0%	47	Initial works
RED HILL - PATHWAY AND LANDSCAPING UPGRADE	40	0	40	0	0%	0	Design
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	1	26%	0	Construction
SCULPTURES ACROSS THE REGION	27	0	27	24	87%	0	Final works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PLAYGROUND SHADING PROGRAM	436	0	436	270	62%	46	Construction
MUDGEES DOG OFF LEASH AREA IMPROVEMENTS	10	0	10	0	0%	0	Initial works
PITTS LANE - LIGHTING	17	0	17	17	98%	0	Complete
FLIRTATION HILL DEVELOPMENT	9	0	9	9	100%	0	Complete
RED HILL CAPITAL WORKS	200	0	200	8	4%	9	Design
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT (REQUIRES GRANT)	245	0	245	0	0%	0	Project Scope
MOUFARRIGE PARK FENCE	10	0	10	2	20%	5	Construction
CORONATION PARK FENCE	35	0	35	0	0%	0	Procurement
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	30	0	30	0	0%	28	Initial works
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	0	Procurement
LAWSON PARK MUDGEES - IRRIGATION RENEWAL	30	0	30	0	1%	0	Procurement
PLAYGROUND EQUIPMENT UPGRADE - RYLSTONE SHOWGROUND	292	0	292	0	0%	0	Design
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	0	Design
MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS	60	0	60	25	42%	0	Construction
PASSIVE PARK SIGNAGE REPLACEMENT	21	0	21	0	0%	0	Design
MEMORIAL PARK MUDGEES - PATHWAY	32	0	32	0	0%	29	Initial works
FLIRTATION HILL MUDGEES - MASTER PLAN WORKS	50	0	50	0	0%	0	Consultation
BLACKMAN PARK - BLACKMAN VAULT	20	0	20	0	0%	17	Construction
ART GALLERY FACILITY	1,200	0	1,200	330	28%	287	Construction
ART GALLERY CAPITAL	10	0	10	10	100%	0	Consultation
STREETSCAPE - STREET BINS	12	0	12	8	70%	0	Construction
CUDGEGONG WATERS - PUBLIC TOILETS	20	0	20	0	0%	0	Design
Total	15,107	15	15,122	5,428	36%	1,747	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Protecting our Natural Environment							
RURAL WASTE DEPOT UPGRADES	67	0	67	41	61%	13	Procurement
MUDGEE WASTE DEPOT UPGRADES	37	10	47	37	78%	0	Complete
NEW TIP CELL CONSTRUCTION	100	0	100	28	28%	66	Final works
REMOTE SECURITY CAMERAS AT WTS	53	0	53	0	0%	0	Procurement
RECYCLING PLANT UPGRADES	193	0	193	51	26%	72	Construction
LEACHATE POND ENLARGEMENT	475	0	475	406	85%	59	Final works
KANDOS WTS OFFICE REPLACEMENT	115	0	115	86	75%	15	Final works
GULGONG WTS OFFICE REPLACEMENT	9	0	9	12	130%	0	Complete
MUDGEE LANDFILL WHEEL WASH	6	0	6	6	101%	0	Complete
CAUSEWAY - SCHOOL LANE	1	0	1	1	100%	0	Complete
KANDOS STORMWATER UPGRADE	539	0	539	515	96%	35	Construction
CAUSEWAY - DREWS LANE	2	0	2	2	100%	0	Complete
CULVERTS, SHOULDER & K&G - BELLVUE RD MUDGEE	160	0	160	49	31%	6	Construction
CAUSEWAY IMPROVEMENT - TALLAWAY ST GULGONG	30	0	30	0	0%	0	Design
CAUSEWAY IMPROVEMENT - BLACKSPRINGS RD	33	0	33	1	2%	0	Design
PUTTA BUCCA WETLANDS TOILET	95	0	95	0	0%	0	Design
PUTTA BUCCA WETLANDS -PATHWAYS AND CAR PARK (REQUIRES GRANT)	50	0	50	0	0%	0	Procurement
PUTTA BUCCA WETLANDS INFRASTRUCTURE	613	0	613	26	4%	205	Procurement
WATER NEW CONNECTIONS	95	0	95	98	104%	2	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	400	0	400	281	70%	70	Construction
WATER RYLSTONE DAM UPGRADE	400	0	400	5	1%	22	Procurement
WATER TELEMETRY	3	0	3	3	101%	0	Complete

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – MARCH 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - CAPITAL BUDGET ONLY	1	0	1	1	100%	0	Budget only
WATER MAINS - NICHOLSON ST COURT TO COX	200	0	200	144	72%	0	Complete
WATER MAINS - BYRON PLACE	82	0	82	24	29%	35	Procurement
WATER MAINS - MAYNE STREET	370	0	370	130	35%	17	Construction
WATER MAINS - NICHOLSON ST COURT ST WEST ROAD CROSSING	25	0	25	19	78%	0	Complete
WATER MAINS - NICHOLSON ST COURT ST EAST ROAD CROSSING	25	0	25	8	30%	0	Construction
WATER PUMP STATION - CAPITAL RENEWALS	96	0	96	18	19%	0	Construction
RYLSTONE DAM PS PAC DOSING SYSTEM	21	0	21	21	100%	0	Complete
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	9	0	9	9	100%	0	Complete
RAW WATER SYSTEMS RENEWALS	61	0	61	4	7%	0	Procurement
WATER RESERVOIR RENEWALS	100	0	100	34	34%	45	Construction
WATER TREATMENT PLANT - RENEWALS	150	0	150	0	0%	9	Procurement
RURAL CUSTOMER FILL STATIONS	189	0	189	179	95%	0	Complete
SEWER NEW CONNECTIONS	50	0	50	65	131%	1	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	125	0	125	22	18%	67	Design
SEWER TELEMETRY	10	0	10	10	100%	0	Complete
SEWER MAINS - CAPITAL BUDGET ONLY	820	0	820	0	0%	0	Budget only
SEWER MAINS RELINING	126	0	126	118	94%	0	Complete
RIISING MAIN ULAN RD TO PUTTA BUCCA	13	0	13	13	100%	0	Deferred/Cancelled
SEWER PUMP STATION - CAPITAL RENEWALS	75	0	75	0	0%	0	Deferred/Cancelled
SEWER TREATMENT WORKS - RENEWALS	191	0	191	187	98%	0	Complete
MUDGE STP EMERGENCY WORKS	23	0	23	7	30%	2	Complete
Total	6,238	10	6,248	2,664	43%	742	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Building a Strong Local Economy							
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	235	0	235	28	12%	0	Design
RYLSTONE CARAVAN PARK - CAPITAL	400	0	400	89	22%	379	Initial works
RIVERSIDE CARAVAN PARK FIRE SERVICES	96	0	96	94	98%	2	Final works
MUDGEE VALLEY PARK UPGRADE	319	0	319	275	86%	12	Final works
CUDGEGONG WATERS PARK HOUSE	250	0	250	17	7%	240	Initial works
MUDGEE VALLEY PARK EXPANSION	4,650	0	4,650	1,715	37%	3,891	Construction
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	14	0	14	7	48%	0	Construction
DIGITAL SIGNAGE	80	0	80	0	0%	0	Consultation
SALEYARDS - CATTLE CRUSH	17	0	17	0	3%	14	Final works
SALEYARDS TRUCK WASH	12	0	12	12	100%	0	Complete
PROPERTY - MUDGEE AIRPORT SUBDIVISION	1	0	1	1	101%	0	Complete
TOOHEYS PARK - BUILDING	20	0	20	0	0%	0	Consultation
PROPERTY - EX SALEYARDS STAGE II	2,500	0	2,500	88	4%	76	Design
COMMERCIAL PROP - AERODROME COTTAGE RENOVATIONS	15	0	15	15	97%	0	Complete
COMMERCIAL PROPERTY PURCHASE	1,121	0	1,121	19	2%	0	Deferred/Cancelled
Total	9,729	0	9,729	2,360	24%	4,614	

Connecting our Region

URBAN RESEALS - BELMORE ST MUDGEE	74	0	74	37	50%	0	Construction
URBAN ROADS KERB & GUTTER CAPITAL	27	0	27	8	30%	4	Construction
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	601	0	601	592	99%	0	Complete
URBAN HEAVY PATCHING	26	0	26	24	93%	0	Construction
URBAN REHAB - PERCY NOTT	180	0	180	53	29%	53	Construction
URBAN REHAB - DUNN STREET KANDOS SEG 10-30	182	0	182	0	0%	0	Design

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN REHAB - CHARBON	128	0	128	5	4%	0	Construction
URBAN RESEALS - BOMBIRA	(0)	0	(0)	0	-23424%	0	Deferred/Cancelled
URBAN RESEALS - CHARBON	65	0	65	62	96%	0	Construction
URBAN RESEALS - PUTTA BUCCA	44	0	44	43	99%	0	Complete
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	840	0	840	548	65%	100	Construction
URBAN RESEALS - SMALL GULGONG RESEALS	24	0	24	24	100%	0	Complete
URBAN RESEALS - SNELSONS LANE SEG 10 GULGONG	16	0	16	9	55%	0	Complete
URBAN RESEALS - WHITE ST GULGONG SEG 10 20 50-90	31	0	31	21	67%	0	Complete
URBAN RESEALS - ANGUS AVE SEG 40-60 KANDOS	70	0	70	42	60%	0	Complete
URBAN RESEALS - DUNN ST KANDOS SEG 40 50	7	0	7	0	5%	0	Deferred/Cancelled
URBAN RESEALS - BANJO PATERSON AVE MUDGEE SEG 10-40	20	0	20	20	100%	0	Complete
URBAN RESEALS - LAWSON ST MUDGEE SEG 30-90	67	0	67	0	0%	0	Design
URBAN RESEALS - MACQUARIE DR MUDGEE SEG 30	17	0	17	17	100%	0	Complete
URBAN RESEALS - MEARES ST MUDGEE SEG 10	32	0	32	32	100%	0	Complete
URBAN RESEALS - NICHOLSON ST MUDGEE SEG 10-30	58	0	58	0	0%	0	Design
URBAN RESEALS - ROBERTSON ST MUDGEE SEG 10	9	0	9	9	100%	0	Complete
URBAN RESEALS - WENTWORTH AVE MUDGEE 10-20	13	0	13	0	2%	0	Complete
URBAN RESEALS - SOUTH MUDGEE	53	0	53	51	96%	0	Complete
URBAN RESEALS - MEROO CRESCENT MUDGEE SEG 10	5	0	5	2	44%	0	Complete
URBAN RESEALS - RYLSTONE	32	0	32	24	74%	0	Construction
URBAN REHAB - BOMBIRA AVENUE	95	0	95	52	55%	2	Complete
HORATIO ST/PERRY ST SHOULDER SEALING	55	0	55	0	0%	0	Consultation
URBAN RESEALS - HENNESY PLACE	10	0	10	0	0%	0	Design
RESHEETING - URBAN ROADS	16	0	16	1	4%	0	Construction
ROAD SAFETY IMPROVEMENTS - MUDGEE SCHOOLS	60	0	60	0	0%	0	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEE SCHOOL ZEBRA CROSSING INFRASTRUCTURE UPGRADE	180	0	180	0	0%	0	Design
SCHOOL ZONE LINEMARKING REPAINT	16	0	16	0	0%	0	Design
URBAN ROADS LAND MATTERS CAPITAL	24	0	24	0	0%	0	Initial works
GUTTERING BYLONG VALLEY WAY KANDOS	50	0	50	35	71%	0	Construction
RURAL SEALED ROADS RESEALS BUDGET ONLY	12	0	12	0	0%	0	Budget only
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
RURAL REHAB - CUDGEGONG RD	52	0	52	51	98%	0	Complete
RURAL REHAB - BARNEYS REEF RD	97	0	97	85	87%	1	Complete
HEAVY PATCHING	48	0	48	15	32%	0	Construction
ULAN WOLLAR ROAD - STAGE 1	8	0	8	2	27%	0	Complete
ULAN WOLLAR ROAD - STAGE 3A	0	0	0	0	100%	0	Complete
RURAL REHAB - LUE ROAD MONIVAE SEG 100	469	0	469	363	77%	60	Complete
RURAL RESEAL - CRUDINE RD SEG 40, 80 & 160	139	0	139	73	53%	0	Complete
RURAL RESEAL - BUCKAROO	89	0	89	86	96%	0	Complete
RURAL RESEAL - WINDEYER ROAD GRATTAI SEG 10	34	0	34	1	3%	0	Complete-awaiting invoices
RURAL RESEAL - HARGRAVES	120	0	120	1	1%	10	Design
RURAL RESEAL - LUE ROAD LUE SEG 152-165	110	0	110	101	92%	0	Complete
RURAL RESEAL - PYRAMUL RD PYRAMUL SEG 140-190	140	0	140	154	110%	0	Complete
RURAL RESEAL - MOGO RD WOLLAR SEG 10 40	30	0	30	16	52%	0	Design
RURAL RESEAL - BURRENDONG DAM RD YARRABIN SEG 10	30	0	30	12	39%	0	Complete
RURAL RESEAL - RYLSTONE	99	0	99	65	65%	0	Complete
RURAL RESEAL - BLACK SPRINGS ROAD SEG 10 20 60 110 120 150	163	0	163	59	36%	0	Construction
RURAL RESEAL - BUDGEE BUDGEE	117	0	117	62	53%	0	Construction
RURAL RESEAL - ST FILLANS RD SEG 10	45	0	45	43	96%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEAL - ABATTOIRS RD MENAH SEG 10 20	67	0	67	19	29%	0	Complete
RURAL RESEAL - LOWER PIAMONG RD MENAH SEG 10-30	125	0	125	2	2%	0	Complete-awaiting invoices
WILPINJONG MINE ENTRANCES - ULAN WOLLAR RD	536	0	536	134	25%	0	Complete
LUE RD/PYANGLE RD INTERSECTION WIDENING	210	0	210	183	87%	0	Complete
RURAL RESEAL - LOWES PEAK RD SEG 10-30	100	0	100	33	33%	0	Complete-awaiting invoices
RURAL SEALED ROAD LAND MATTERS	16	0	16	0	0%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	800	0	800	139	17%	41	Construction
MUNGHORN GAP REALIGNMENT & UPGRADE	1,265	0	1,265	874	69%	219	Construction
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	1,280	0	1,280	502	39%	57	Construction
HILL END ROAD SAFETY IMPROVEMENTS	599	0	599	199	33%	3	Construction
BVW UPGRADE RNSW 2080	300	0	300	218	73%	11	Complete
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	9	0	9	5	48%	1	Construction
SEAL EXTENSION - LOWER PIAMBONG RD	578	0	578	333	58%	10	Construction
SEAL EXTENSION - AARONS PASS RD	1,000	0	1,000	298	30%	73	Construction
SEAL EXTENSION - QUEENS PINCH RD	1,147	0	1,147	103	9%	10	Design
SEAL EXTENSION - COXS CREEK RD	1,360	0	1,360	395	29%	247	Construction
SEAL EXTENSION - MEBUL RD	724	0	724	488	67%	96	Final works
SEAL EXTENSION - PYRAMUL RD SEG 120-130	5	0	5	5	100%	0	Complete
SEAL EXTENSION - COX STREET LUE	80	0	80	72	90%	0	Complete
SEAL EXTENSION - BOTOBOLAR RD	1,122	0	1,122	56	5%	74	Initial works
SEAL EXTENSION - SPRING FLAT ROAD	213	0	213	213	100%	0	Complete
RESHEETING	2,025	0	2,025	1,383	68%	93	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	21	0	21	6	30%	0	Construction
GOODIMAN CREEK BRIDGE REPLACEMENT	1,150	0	1,150	23	2%	760	Initial works
DIXONS LONG POINT CROSSING	785	0	785	450	57%	91	Project Scope
BRIDGE TO PUTTA BUCCA ROAD	100	0	100	3	3%	0	Procurement
GOULBURN RIVER BRIDGE ULAN ROAD	1,637	0	1,637	1,180	72%	403	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	556	0	556	382	69%	47	Construction
FOOTWAYS - CAPITAL WORKS	138	0	138	9	6%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	28	0	28	30	108%	0	Complete
PUTTA BUCCA ECO TRAIL	134	0	134	136	101%	0	Complete
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	370	0	370	169	46%	76	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	56	0	56	62	111%	0	Complete
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	87	0	87	14	16%	0	Construction
FOOTPATH - LIONS DRIVE	15	0	15	1	7%	14	Procurement
BUGGY PATH LIGHTING	2	0	2	0	0%	0	Complete-awaiting invoices
AIRPORT HANGER AND STUDIO	20	0	20	1	4%	0	Design
CARPARK - MUDGEE COMMON	50	0	50	0	0%	0	Consultation
CARPARK - GULGONG POOL	30	0	30	0	1%	0	Consultation
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	76	0	76	67	87%	0	Final works
HIGH PEDESTRIAN ACTIVITY AREA 40KM/H	70	0	70	0	0%	0	Initial works
Total	23,815	0	23,815	11,087	47%	2,555	

Good Government

MUDGEE ADMINISTRATION BUILDING UPGRADE	39	0	39	41	104%	0	Complete-awaiting invoices
OLD POLICE STATION CAPITAL	15	0	15	8	54%	0	Construction
BUILDINGS MASTER KEY SYSTEM	150	0	150	39	26%	0	Construction
MUDGEE ADMIN BUILDING EXTENSION	775	0	775	46	6%	42	Design
IT SPECIAL PROJECTS	32	0	32	28	86%	0	Final works
IT - NETWORK UPGRADES	105	0	105	13	12%	69	Construction
IT CORPORATE SOFTWARE	152	0	152	65	43%	0	Construction
IT - DATACENTRE STORAGE ARRAY	150	0	150	27	18%	0	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PLANT PURCHASES	7,667	0	7,667	2,073	27%	4,878	Budget only
SOLAR FARM INITIATIVE	727	0	727	270	37%	297	Design
SOLAR FARM INITIATIVE - STAGE 3	1,000	0	1,000	0	0%	0	Project Scope
ROLLER BRAKING SYSTEM	154	0	154	0	0%	0	Initial works
Total	10,966	0	10,966	2,610	24%	5,288	
 Total Capital Works Program	 65,855	 25	 65,880	 24,148	 37%	 14,946	

9.12 Draft Delivery Program 2022/26 and Draft Operational Plan 2022/23

REPORT BY THE MANAGER FINANCE
TO 20 APRIL 2022 ORDINARY MEETING
GOV400088, FIN300340, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the draft Delivery Program 2022/26 and draft Operational Plan 2022/23 ;**
2. **endorse the Draft Delivery Program 2022/26 and Draft Operational Plan 2022/23 to go on public exhibition for a period of 28 days commencing Friday 22 April ; and**
3. **request a further report be presented following the exhibition period including a review of any submissions made on the Draft Delivery Program 2022/26 and Draft Operational Plan 2022/23.**

Executive summary

Following extensive community consultation and in line with Councils Integrated Planning and Reporting requirements, the draft Delivery Program 2022/26 (the Delivery Program) and draft Operational Plan 2022/23 (the Operational Plan) are presented to Council and the community. This report seeks Council resolution to place the Delivery Program/Operational Plan on exhibition, with a subsequent report to be presented to Council in May considering any submissions made, and a further report to the ordinary meeting in June recommending adoption of the final Operational Plan and Delivery Program.

Disclosure of Interest

Nil

Detailed report

Under the Local Government Act (1993), Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken in that year, as part of the Delivery Program.

The Delivery Program details all of the principal activities Council will undertake to achieve the goals established in Council's Community Plan *Towards 2040*. The draft Operational Plan for 2022/23 has been integrated into the Delivery Program and sets out the annual projects and activities to which Council are committed and includes detailed budgets for the projects and services identified under each theme, together with appropriate measures and timeframes for completion. The document includes budgets for the four years from 2022/23 to 2025/26. If endorsed by Council, the draft documents will be published on Council's website from Friday 22 April 2022 for a period of 28 days.

Draft Operational Plan 2022/23

Residents were encouraged to make Community Plan Proposals to be considered in the Draft Operational Plan 2022/23 from 24 November 2021 to 14 January 2022. The draft Operational Plan

has been prepared following a series of budget workshops with budget managers, executive, and Elected Members over the past 3 months. The draft Operational Plan sets out Council's proposed budget for next financial year, and the three years thereafter. The budgets are presented in the form of consolidated statements and schedules, together with a more detailed breakdown at a functional level.

Operating revenue is forecast at \$80.8 million for 2022/23, plus an estimated \$31 million in Capital Grants & Contributions, taking total anticipated income to a budget of \$112 million.

Operating expenditure is budgeted at \$78 million.

The draft Operational Plan includes additional borrowings of:

Project	Fund	2022/23	2023/24	2024/25	2025/26
Solar Array	General	\$4,000,000	-	-	-
Mudgee Valley Park Expansion	General	\$2,750,000	-	-	-
Waste Site Rehabilitation	Waste	\$3,272,000	-	-	-
Rylstone Kandos Sewer Augmentation	Sewer	-	\$5,000,000	-	-
Mudgee Water Augmentation	Water	-	-	\$3,000,000	-
Total		\$10,022,000	\$5,000,000	\$3,000,000	-

Revenue Policy

The Rates Model proposed as part of the Operational Plan includes an increase to all rating categories of the IPART capped rate of 0.7%, distributed evenly. Land rating categories are:

- Farmland
- Residential
- Business; and
- Mining

Rate assessments are based upon property valuations (ad valorem), with minimum amounts applied where appropriate. No base amounts apply to the proposed 2022/23 rate structure.

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

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program 2022/26 and draft Operational Plan 2022/23, including the Community Strategic Plan, and Resourcing Strategies.

Council Policies

Relevant Integrated Planning and Reporting Policies may impact the way the Delivery program and Operational Plan are developed, for example the Financial Reserves and Asset Management Policy.

Legislation

DUE DATES/ FREQUENCY	PLAN/STRATEGY	LEGISLATIVE REFERENCE
From 2012, adopt by 30 June in year following election. Exhibit for at least 28 days.	Delivery Program	s404(1)– (5) (Act)
Adopt prior to beginning of financial year. Exhibit for at least 28 days. Post copy on website within 28 days of council endorsement.	Operational Plan	s405(1)– (6) s532 s610B – s610F s706(2) (Act) cl201(1)

Financial implications

The draft Operational Plan 2022/23 as attached to this report recommends to Council the proposed budget for the next four years.

The table below shows whether the proposed ratios meet benchmarks.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	✓	✗	✓
Future Years	✓	✓	✓

Associated Risks

Not applicable

KHUSH KUMAR
MANAGER FINANCE

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

4 April 2022

Attachments: 1. Draft MWRC Operational Plan 22-23. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

10.1 Land Acquisition for Road Reserve - Part Lot 1581 DP 803795 Hill End Road, Tambaroora

REPORT BY THE WORKS ENGINEERS CO-ORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, GOV400088, ROA100465

RECOMMENDATION

That Council:

1. receive the report by the Works Engineers Co-ordinator on the Land Acquisition for Road Reserve - Part Lot 1581 DP 803795 Hill End Road, Tambaroora ;
2. resolve to acquire a total of 1,981m² of Lot 1581 DP 803795 ('the Land') by agreement with the Vendor for works in kind to the value of approximately \$10,000, for the purpose of public road ;
3. agree for Council, at its own cost, to arrange for the demolition of any existing boundary fencing and relocate the new boundary between the acquired land and Hill End Road ;
4. agree for Council, at its own cost, to make on behalf of the land owner Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP(Exempt and Complying Development Codes)2008 and Subdivision Certificate Application, procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect of the transfer to road reserve ;
5. agree for Council at its own cost to procure the preparation, lodgement and registration of LGA boundary adjustment or other appropriate agreement with Bathurst Regional Council for maintenance of the road reserve ;
6. authorise the General Manager to complete and execute all documentation, where necessary, in relation to effect the subdivision and land acquisition for the purpose of the public ;
7. authorise the Mayor to execute all documentation, where additionally required to do so, in relation to effect the subdivision and land acquisition for the purpose of the public road ; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to effect the subdivision and land purchase for the purpose of the public road.

Executive summary

MR216 (Hill End Road) Segments 2015 and 2020, in the location of Tambaroora NSW, require the

acquisition of private land for road reserve to effect the curve realignment to be done under committed NSW State Government Saving Lives on Country Roads funding ('the Land'). It is proposed:

- The transfer of the Land to Council is to be carried out by way of a plan of subdivision ('Subdivision Plan'), the registration of which will cause the Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- In consideration of the acquisition of the Land, Council agrees to carry out works to the value of approximately \$10,000, and the Vendor agrees to accept the works in kind.

The value of works exceeds the valuation of the land (being \$1,000) however, would avoid the program delay and costs associated with compulsory acquisition and is permissible under Council's Land Acquisition and Disposal Policy. The Hill End Road Safety Upgrade project is 100% NSW State Government *Saving Lives on Country Roads* program funded and has sufficient budget to cover the cost of the acquisition and subdivision.

It is recommended that Council proceed with the subdivision and acquisition of the Land and authorise the Mayor and General Manager to perform all duties necessary to finalise the land transfer.

Disclosure of Interest

Nil

Detailed Report

MR216 Hill End Road is a 2-lane undivided sealed road within Mid-Western Regional Council's area between Mudgee and Hill End, passing through the village of Hargraves. The road is a sub-arterial road carrying traffic from increasing tourism and collecting traffic from rural residential areas along roads feeding into Hill End Rd and to places of work / school.

In the location of Tambaroora on road segments 2015, 2020 and 2025 there exist a series of high risk curves on which numerous traffic incidents have occurred, negatively impacting the local community. As a result part of the NSW State Government ***Saving Lives on Country Roads*** funding secured by Mid-Western Regional Council to effect safety improvements over a 42km section of Hill End Road will be used to perform curve realignment, pavement widening and guardrail work. We are currently in year three of the three and a half year funding commitment, meaning these works are targeted to be completed by November 2022 under the funding agreement.

In order to progress this matter the acquisition of two parts of Lot 1581 in DP803795 totalling 1981m² of private land is required. Lot 1581 DP 803795 ('the Land') is currently owned by LVESB Pty Ltd ('the Vendor'), however when works commenced on the project the Lot was owned by Glenn William Borsato & Carly Adele Borsato. Market value of the land has been assessed by a professional Land Valuer at \$1,000. The Borsatos were satisfied with this offer, and a previous report was received by Council and endorsed for the purchase of the land for \$1,000. The property however, was sold before the acquisition could progress.

Contact has been made with the new owner to discuss terms that would satisfy both parties for acquisition by agreement. Initially the new owner requested compensation of \$100,000 for 'the Land' and it appeared that acquisition may have to be carried out via compulsory acquisition. In order to avoid the time and costs associated with compulsory acquisition, further negotiations revealed works in kind would be of more value than monetary compensation. The owner requested

that works be carried out to the existing 1.7km driveway on the Lot to allow for access to the existing dwelling. The scope of works is estimated to cost \$10,000.

The terms that would satisfy both parties for the acquisition by agreement are:

- a) The transfer of the Land to the Purchaser is to be carried out by way of Subdivision Plan, the registration of which will cause the Land to be dedicated as a public road, for the purposes of the Roads Act 1993, and become part of Hill End Road, being a public road.
- b) In consideration of the acquisition of the Land, Council agrees to carry out works in kind to the value of approximately \$10,000, being installation of pipes and maintenance grade of the owner's access driveway.
- c) The Land is located within Bathurst Regional Council. The process of subdivision must be effected through that Council. Accordingly, Council, at its own cost, is to make on behalf of the owner Notification of Exempt Development under Bathurst Regional LEP 2014 or SEPP (Exempt and Complying Development Codes) 2008 and Subdivision Certificate Application, procure the preparation, lodgement and registration of an appropriate Subdivision Plan with Bathurst Regional Council giving effect of the transfer to road reserve.

Community Plan implications

Theme	Connecting Our Region
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

Not applicable

Council Policies

Land Acquisition and Disposal Policy – extract as follows:-

In some cases there will be justified basis for Council acquiring land or interests in land at a price above the valuation benchmark in order to guarantee the successful securing of the property to achieve defined goals and objectives of Council; or to acquire the land with a view to adding value, or reducing risk to a larger scheme or development, future or current. Any special value should be determined and quantified within the initial decision of Council and referenced to the achievement of specific goals and objectives of Council.

Legislation

Not applicable

Financial implications

The Hill End Road Safety Upgrade project has a budget of \$4,970,000. The project is 100% NSW State Government *Saving Lives on Country Roads* program funded. This will fund all costs associated with the acquisition and all associated subdivision and administration expenses.

Associated Risks

This matter is considered low risk and does not require mitigation measures.

PAULA KENNEDY
WORKS ENGINEERS CO-ORDINATOR

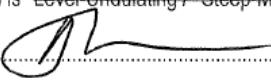
JULIAN GEDDES
DIRECTOR OPERATIONS

17 March 2022

Attachments: 1. 20-624 DP SOUTH Signed Admin.
2. 20-624 DP SOUTH FINAL.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

PLAN FORM 6 (2020)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 1 of 2 sheet(s)
Office Use Only	Office Use Only	
Registered:		
Title System:		
PLAN OF SUBDIVISION OF LOT 1581 IN DP 803795	LGA: BATHURST REGIONAL Locality: TAMBAROORA Parish: CARROLL County: WELLINGTON	
<p align="center">Survey Certificate</p> <p>I, DANIEL KURZAWA of O'RYAN GEOSPATIAL PTY LTD a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, is accurate and the survey was completed on Or</p> <p>*(b) The part of the land shown in the plan (*being/*excluding* LINES DENOTED PO) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>, the part surveyed is accurate and the survey was completed on 12/02/2021, the part not surveyed was compiled in accordance with that Regulation, or</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2017</i>.</p> <p>Datum Line: 'X' – 'Y'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level Undulating / *Steep Mountainous.</p> <p>Signature:  Dated: 12/02/2021</p> <p>Surveyor Identification No: 8678 Surveyor registered under the <i>Surveying and Spatial Information Act 2002</i></p> <p><small>*Strike out inappropriate words. **Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</small></p>	<p align="center">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
	<p align="center">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p>	
Plans used in the preparation of survey/compilation: CP 5191-2091 DP 252743 DP 803795	Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land. IT IS INTENDED TO DEDICATE LOT 1 TO THE PUBLIC AS PUBLIC ROAD	
Surveyor's Reference: 20-624 SOUTH	Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A	

PLAN FORM 6A (2019)		DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 2 of 2 sheet(s)	
<div style="text-align: right; font-size: small;">Office Use Only</div>		<div style="text-align: right; font-size: small;">Office Use Only</div>			
Registered:		<div style="font-size: x-small;"> This sheet is for the provision of the following information as required: <ul style="list-style-type: none"> A schedule of lots and addresses - See 60(c) <i>SSI Regulation 2017</i> Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> Signatures and seals- see 195D <i>Conveyancing Act 1919</i> Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets. </div>			
PLAN OF SUBDIVISION OF LOT 1581 IN DP 803795					
Subdivision Certificate number: Date of Endorsement:					
SCHEDULE OF STREET ADDRESSES					
LOT NUMBER	STREET NO.	STREET NAME	STREET TYPE	LOCALITY	
1	N/A	HILL END	ROAD	TAMBAROORA	
2		HILL END	ROAD	TAMBAROORA	
Signed by					
..... GLENN WILLIAM BORSATO (Registered Proprietor)	 Signature of Registered Proprietor			
..... CARLY ADELE BORSATO (Registered Proprietor)	 Signature of Registered Proprietor			
..... Mortgagee's Consent					
If space is insufficient use additional annexure sheet					
Surveyor's Reference: 20-624 SOUTH					

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 sheets

SCHEDULE OF SHORT BOUNDARIES

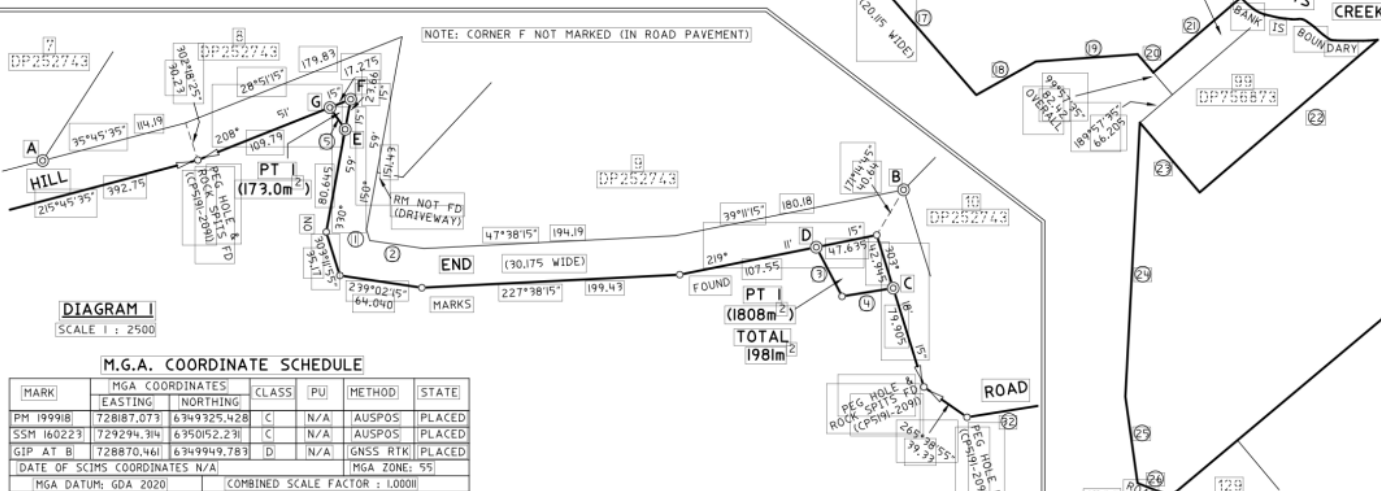
LINE	BEARING	DISTANCE
1	123°11'55"	8.79
2	59°02'15"	42.115
3	112°03'50"	42.6
4	42°06'10"	39.545
5	105°41'05"	20.58

SCHEDULE OF PO BOUNDARIES

LINE	BEARING	DISTANCE
1	237°35'35"	303.56
2	219°43'35"	142.23
3	206°23'35"	116.21
4	76°49'35"	183.07
5	92°40'35"	170.91
6	130°18'35"	161.14
7	177°31'35"	157.92
8	103°52'35"	167.69
9	97°34'35"	78.54
10	70°50'35"	72.14
11	129°37'35"	34.3
12	99°32'35"	271.98
13	21°10'35"	105.61
14	46°29'35"	157.72
15	99°57'35"	37.26
16	9°57'35"	178.15 BANK
17	189°57'35"	362.1 BANK
18	279°57'35"	141.92
19	143°35'35"	423.78
20	132°31'35"	135.02
21	71°54'35"	55.26
22	10°33'05"	116.51
23	280°22'35"	647.96
24	10°22'35"	501.8
25	221°36'35"	20.12
26	199°53'35"	79.46
27	221°24'35"	182.86

REFERENCE TO CORNERS

CORNER	BEARING	DISTANCE	FROM	ORIGIN
A	25°37'00"	1.325	RM G1 PIPE FD	DP252743
B	5°02'00"	1.57	RM G1 PIPE FD	DP252743
C	272°44'00"	11.92	RM G1 PIPE	PLACED
D	112°25'30"	18.33	RM DHW IN ROCK	PLACED
E	210°56'00"	0.45	RM G1 PIPE	PLACED
F	174°02'30"	16.22	RM G1 PIPE	PLACED
G	122°54'00"	0.485	RM G1 PIPE	PLACED



Surveyor: DANIEL KURZAWA

Date of Survey: 12/02/2021

Surveyor's Reference: 20-524 SOUTH
1:20m (Partial)

PLAN OF SUBDIVISION OF LOT 1581 IN DP 803795

LGA: BATHURST REGIONAL
Locality: TAMBAROORA
Subdivision No:
Lengths are in metres. Reduction Ratio 1 : 5000

Registered

DP

10.2 Drinking Water Annual Report and Factsheet

REPORT BY THE WATER QUALITY OFFICER
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, WAT500075

RECOMMENDATION

That Council:

1. **receive the report by the Water Quality officer on the Drinking Water Annual Report and Factsheet ; and**
2. **note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly.**

Executive summary

The Drinking Water Annual Report and Factsheet will be available on the MWRC Website in order to satisfy the requirements of Element 8 (Community Involvement and Awareness) of the Australian Drinking Water Guideline framework for the management of drinking water quality.

The Drinking Water Annual Report and Factsheet will be available on the MWRC Website in order to satisfy the requirements of Element 8 (Community Involvement and Awareness) of the Australian Drinking Water Guideline framework for the management of drinking water quality.

Disclosure of Interest

Nil

Detailed report

The attached "Drinking Water" factsheet and "Drinking Water Annual Report" will be available on the external website for the Community and will have the data updated yearly.

These documents were developed in consultation with RiskEdge (Drinking Water Quality Consultant) and MRWC Communication Team. The Annual Report provides the Community with information on results of drinking water testing in Mudgee, Gulgong and Rylstone as well improvements made to the water supply systems over the last year. The Factsheet provides information on the monitoring program, the Australian Drinking Water Guidelines and has a schematic flowchart of the 3 water supply systems.

Having these 2 documents available on the website will go some way in satisfying the requirements of Element 8 (Community involvement and awareness) of the Australian Drinking Water Guidelines Framework for Management of Drinking Water Quality.

The need to keep the Community informed about Water Quality was also identified in the Drinking Water Improvement Plan (Task 179: Annual report to be published on Website).

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Maintain and manage water quantity and quality

Strategic implications

Council Strategies

Not applicable

Council Policies

The Drinking Water Quality Policy highlight the need to promote community participation in decision making processes and ensure that community expectations are considered. Having these 2 documents available on the website will give the community information on the drinking water quality.

Legislation

Not applicable

Financial implications

Not applicable

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2019/20	—	—	—
Future Years	—	—	—

Associated Risks

Not applicable

FRANCOISE PIELTAIN
WATER QUALITY OFFICER

JULIAN GEDDES
DIRECTOR OPERATIONS

23 March 2022

Attachments: 1. Drinking Water Annual Report 2021.
2. Drinking Water Factsheet.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

ANNUAL DRINKING WATER QUALITY REPORT 2021

MID-WESTERN REGIONAL COUNCIL

OVERVIEW

Council's report card



Health results

100% compliance with Australian Drinking Water Guidelines (ADWG) achieved.



Aesthetic results

100% compliance with ADWG achieved for Mudgee and Rylstone, and 92% for Gulgong.



Events and improvements

- High zone Mudgee, Flirtation Hill Gulgong and Clandulla reservoirs have been upgraded/refurbished
- Unlined cast iron mains in Gulgong are causing occasional clarity issues. Replacement of these mains is progressing well with around 13km replaced to date

Verification monitoring of distribution systems

Council is committed to providing the communities of Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla with safe, secure, reliable and high quality water. This annual report is produced to inform the community of the quality of the drinking water over the course of the year.



HEALTH MEASURES



E.coli

A gut bacterium. Used as an indicator of fresh faecal contamination of water.



Fluoride

Improves dental health.



Free chlorine

Disinfection of the water.
At higher levels it can cause taste, odour and health problems.



Manganese

Occurs naturally in water. Concentrations over 0.5mg/L can cause health concerns.



AESTHETIC MEASURES



pH

Indication of how acidic/basic the water is. pH less than 6.5 may be corrosive. pH greater than 8.5 may cause scale and taste problems.



Turbidity

A measure of the relative clarity of the water. Turbidity is caused by particles suspended in the water.



Iron

Occurs naturally in water. High concentrations stain laundry and fittings.



Hardness

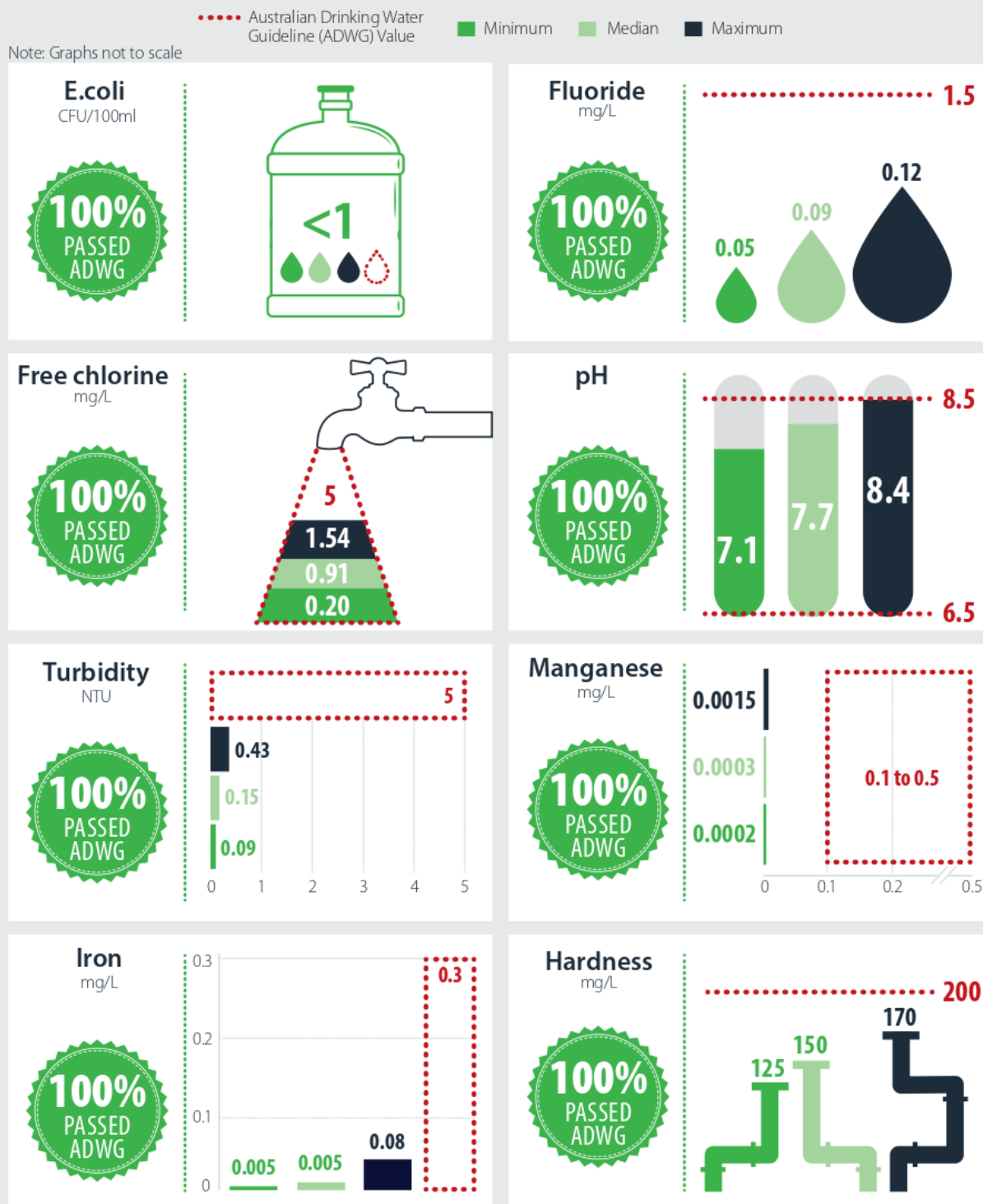
Caused by calcium and magnesium. 60-200mg/L indicates good quality water.



Manganese

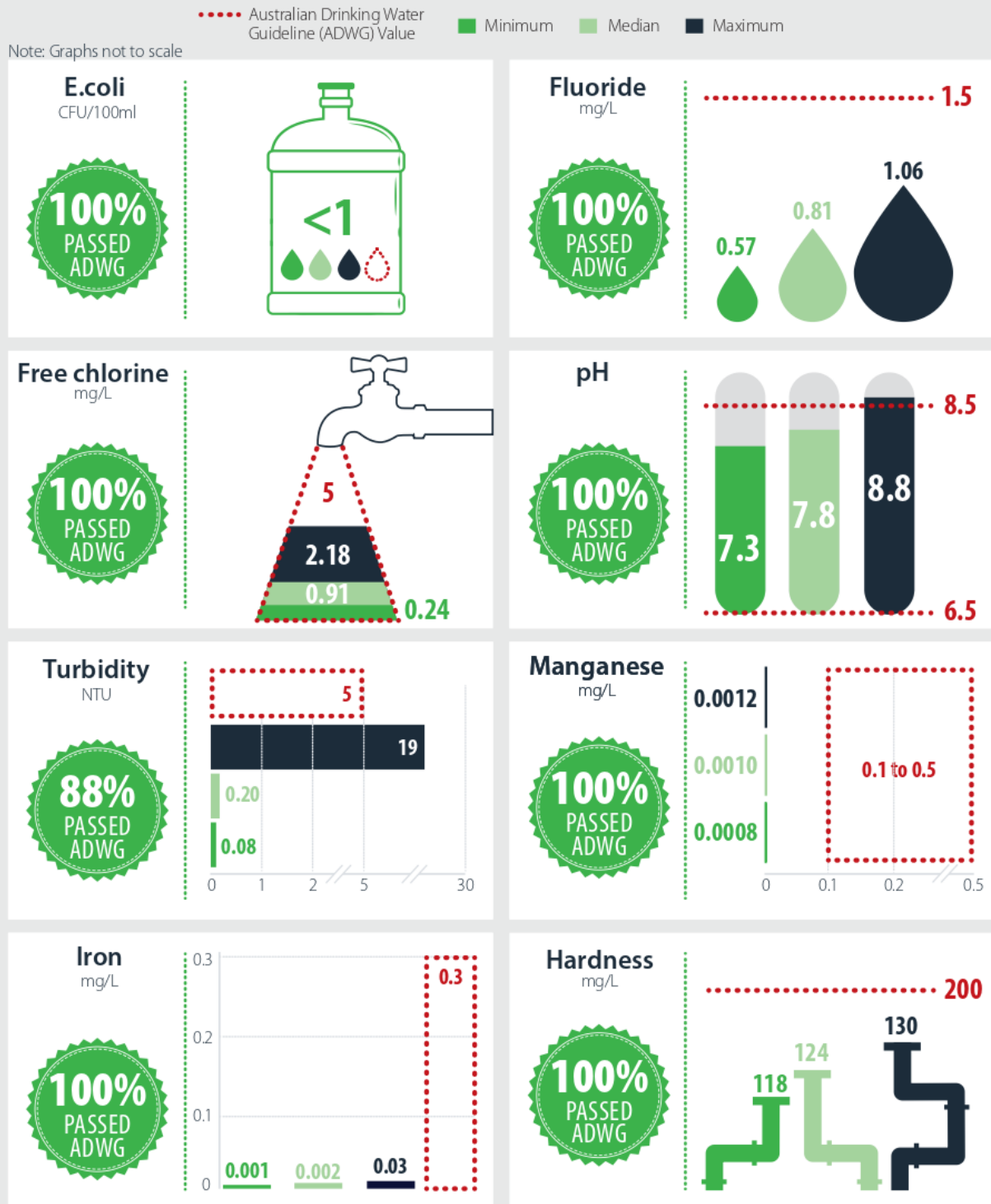
Occurs naturally in water. Concentrations over 0.1mg/L can cause taste and staining.

DRINKING WATER RESULTS – MUDGEEE



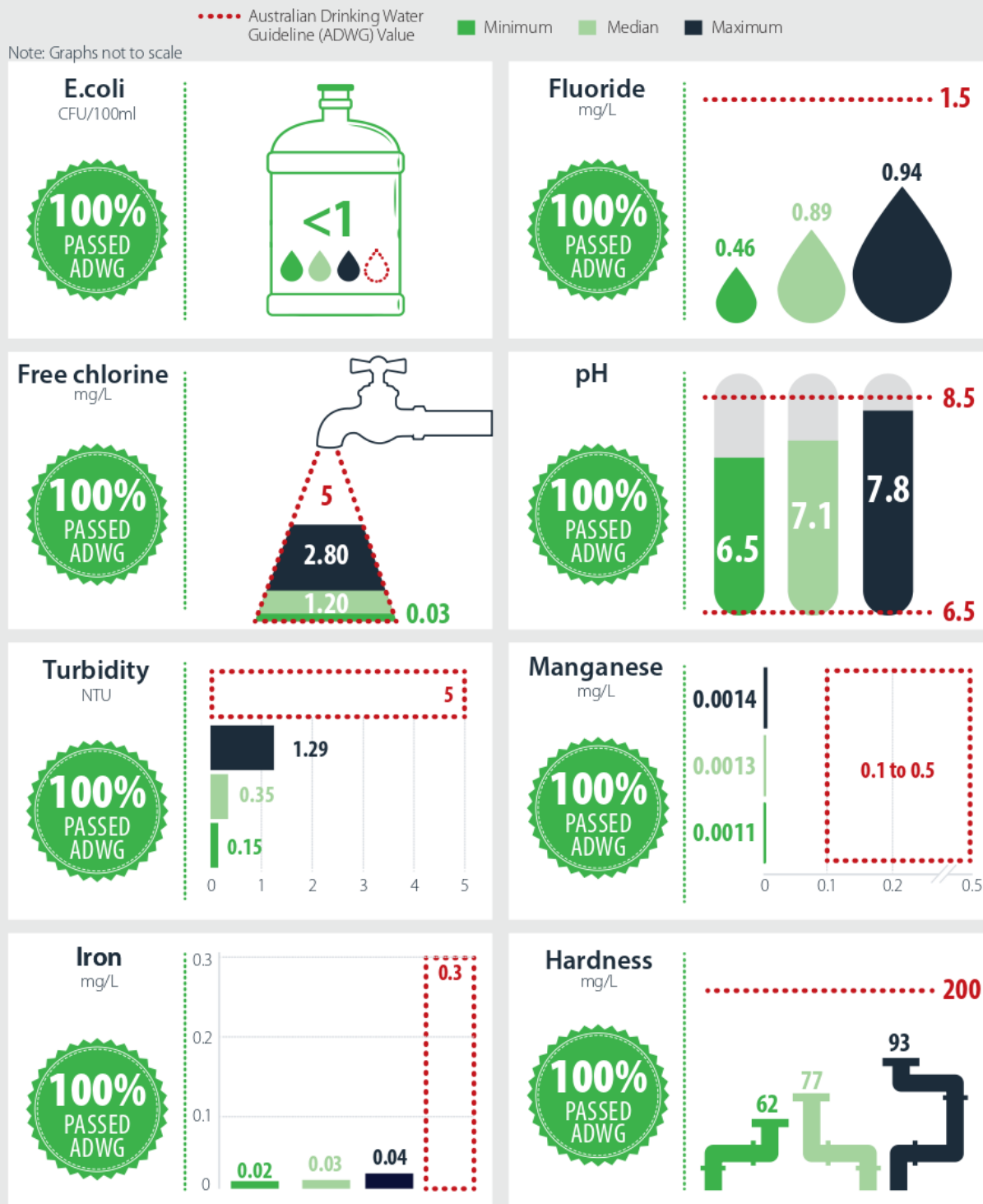
Source: Results from Weekly Verification monitoring – NSW Health Database

DRINKING WATER RESULTS – GULGONG



Source: Results from Weekly Verification monitoring – NSW Health Database

DRINKING WATER RESULTS – RYLSTONE



Source: Results from Weekly Verification monitoring – NSW Health Database

Drinking water

Council provides drinking water to communities within Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla. Council complies with its own Drinking Water Management System (DWMS), meeting the requirements of the Public Health Act 2010 and its regulations, and the Australian Drinking Water Guidelines.

OVERVIEW

Council is committed to providing its residents with safe, secure, reliable and high quality drinking water. To ensure this, Council's Drinking Water Management System requires a range of quality, safety and aesthetic tests be regularly undertaken from the point of collection to the household tap.

WATER MONITORING

A comprehensive monitoring program from catchment to tap has been developed in consultation with NSW Health, testing over 35 characteristics including turbidity, colour, micro-organisms and chemicals.

Samples are analysed on site and at accredited laboratory service providers including the NSW Forensic and Analytical Science Service. Monitoring occurs online, daily, weekly, monthly and annually (depending on criticality).

Samples are taken from Rylstone Dam, Cudgegong River, Burrundulla Bores, at the three water filtration plants, and from 38 locations through our water distribution systems.

WHAT IS THE AUSTRALIAN DRINKING WATER GUIDELINES?

- An authoritative reference on what defines safe, good quality water, how it can be achieved and how it can be assured
- A nationally accepted framework for good management of drinking water supplies based on the best available scientific evidence
- Designed to assure fit for purpose drinking water at its point of use
- Cover safety and aesthetic quality of drinking water through a range of values

COUNCIL'S REPORT CARD



Health results

100% compliance with ADWG achieved.



Aesthetic results

100% compliance with ADWG achieved for Mudgee and Rylstone, and 92% for Gulgong.



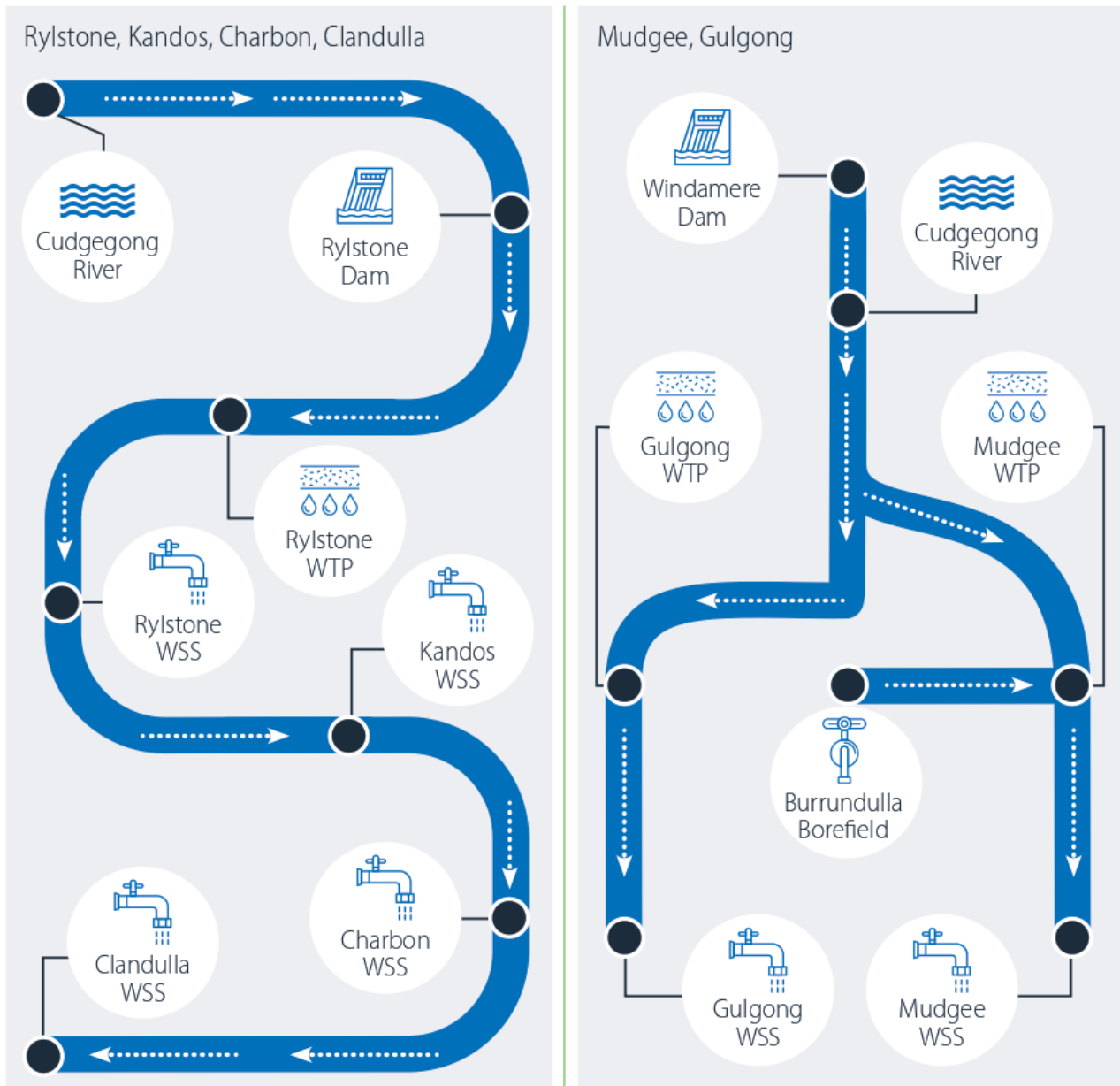
Events and improvements

- Online turbidity meter has been installed upstream from all three treatment plants
- Council committed in 2016 to replacing all cast iron mains in Gulgong over a 10 year period. To date, 12km have been replaced, with 5km to be replaced by 2026



Mudgee Water Treatment Plant

MID-WESTERN REGION WATER SUPPLY SYSTEMS FLOWCHART



WSS = Water Supply System; WTP = Water Treatment Plant

= Source;
 = Collection;
 = Treatment;
 = Distribution

FOR MORE INFORMATION

Visit Council's website midwestern.nsw.gov.au
Council's Water and Sewer Team are available to assist on 63 78 2850 or at council@midwestern.nsw.gov.au

DISCLAIMER

The information contained in this fact sheet is general in nature and should not be relied upon as the complete source of information to be considered. This document is not intended as a substitute for consulting relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances.

Item 11: Community

11.1 Business Use of Footpath Policy Review

REPORT BY THE GOVERNANCE COORDINATOR
TO 20 APRIL 2022 ORDINARY MEETING
GOV400088, A0420120, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Governance Coordinator on the Business Use of Footpath Policy Review Policy review ;**
2. **place the revised Business Use of Footpath Policy on public exhibition for 28 days ; and**
3. **adopt the revised Business Use of Footpath Policy if no submissions are received.**

Executive summary

Council currently has 86 active business use of footpath permits consisting of businesses promoting goods for sale with footpath displays, cafes serving meals into defined seating arrangements on the footpath and licenced premises also extending their licence to access the footpath space. Short term permits are also issued for busking and community charities conducting fundraising activities.

Disclosure of Interest

Nil

Detailed report

The policy changes recommended include;

- Maps defining the streets where the Policy applies are annexures to the policy
- Streets with parallel parking will have the pedestrian clearway 1.8 metres from the gutter and goods/table & chairs against the building
- Fees and Charges will change removing the annual renewal fee and be payable on application, no debtor accounts.
- Evidence of Public Liability insurance will be mandated, permits will lapse without evidence of insurance currency
- Barricades to define dining areas of the footpath are mandated the same way licenced areas are barricaded
- Temporary use permits for community engagement events are now included
- Council will inform permit holders 2 months prior to the 5th year expiry of their permit that to maintain continuity they must reapply
- Tear drop flags have not been included awaiting public exhibition

- Amplified music will be approved using mobile amplifiers (no power cables) up to a maximum of 72dB.

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

Community Plan

Council Policies

Mobile Vending & Street Trading Policy

Public Seating and Footpaths Policy

Disability Inclusion Action Plan

Pedestrian Access & Mobility Plan

Legislation

Roads Act

Financial implications

Not applicable

Associated Risks

Public Liability risks arising from business use of footpaths are addressed by the policy.

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

7 October 2021

Attachments: 1. Reviewed policy - Business Use of the Footpath.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Business Use of the Footpath

*A prosperous
and progressive
community*

ADOPTED/REVIEW		VERSION NO	4.45.1
MEETING MIN NO	387/19	REVIEW DATE	NOVEMBER 2023
DATE	20 NOVEMBER 2019	FILE NUMBER	GOV400047, A0420120

1 Purpose

The purpose of this policy is to facilitate businesses, community groups and entertainers use of the footpaths for either commercial or community activities, through the issue of an approval under the Roads Act 1993.

This policy aims to enhance and promote a vibrant and welcoming atmosphere in the Mid-Western Regional Council local government area (MWRC LGA).

The policy will ensure a pleasant and safe environment for shoppers and patrons, without compromising the safety or amenity of the public domain for pedestrians using the public footpath and adjoining public spaces and for motorists parking or alighting from their vehicles.

The policy will allow the approval of business use of footpath areas within the MWRC LGA central business districts of Gulgong, Kandos, Mudgee and Rylstone, adjacent to businesses where there is adequate road reserve/footpath width for safe pedestrian and traffic circulation.

The permits available are:

- Advertising signs
- Display of goods for sale
- Dining
- Dining/Liquor licensed area (NB. Pubs and small bars also require development consent under the Environmental Planning and Assessment Act 1979)

Temporary Use Permits include:

- Displays and promotions
- Community groups fundraising (not for profit)
- Busking
- Community engagement activities (not for profit conducted by Council)

Businesses should not utilize a footpath use without a permit from the Council.

Community groups or the general public wanting to utilize a footpath for promotions, fundraising or entertainment activities should speak lodge an application with the Council before undertaking such activities.

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2 Objective

The objectives of this policy are as follows:

2.1 Access and Equity

- To ensure safety and convenient passage of all pedestrians and customers when using public footpaths;

POLICY: BUSINESS USE OF THE FOOTPATH | ~~5.4.0, 20 NOVEMBER 2019~~

- To ensure the maintenance of clear view lines for both pedestrians and motorists, particularly near pedestrian crossings, street corners and key intersections; and
- To ensure adjoining premises are not adversely affected by any business use of footpath areas.

2.2 Council and ~~C~~ommunity Protection

- To protect Council ~~and~~; ~~CBD businesses permitted to extend their business onto the footpath the community and the public interest from potential insurance and liability claims~~, while permitting effective use of public footpaths for business purposes; ~~and~~
- ~~To effectively address risk management and insurance liability issues for Council;~~
- ~~To ensure that business use of public footpaths will not cost the public purse; and~~
- To ensure that the amenity of the general public will not be compromised by the provision of business use to footpath areas; ~~and~~.
- ~~To ensure that any signage, displays or activities will not offend, intimidate or harass the general public and any reports of this will be investigated by Council.~~

2.3 Economic

- To enhance the economic viability of our local businesses by offering permits to use public footpaths for business purposes;
- To ensure trading and enhance our ~~neighbourhood-centres central business districts~~ by providing a more vibrant and colourful atmosphere for shoppers.
- To provide for an active and integrated street front; and
- To maintain visibility and exposure of shopfronts.

3 Legislative requirements

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without approval of Council.

Sections 125 ~~and~~; 126 ~~and 127~~ and in some cases Sections 137A-139F of the Roads Act 1993 allow Council to approve the use of a footpath as long as using the footpath for that purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation.

Section 68 of the Local Government Act 1993 allows Council to approve the planning of articles on or to overhang the footpath.

Sections 137A-139F of the Roads Act 1993, address legislative requirements for Street Vending activities. ~~Approvals for overhanging articles and street vending are not applicable to this policy. Such enquiries can be directed to Council's Planning department for overhanging articles and Council's Health and Building department for street vending.~~

Footpath dining that is not exempt ~~development~~ will require development consent under the *Environmental Planning and Assessment Act 1979*. To be ~~an~~ exempt development, pursuant to ~~the~~ State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, 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

POLICY: BUSINESS USE OF THE FOOTPATH | 54.0, 20 NOVEMBER 2019

is subject, and

- (c) be carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993* (if applicable).

~~In accordance with above, if~~ the outdoor dining area is associated with a pub or small bar, development consent is required under the ~~Environmental Planning and Assessment Act 1979~~

NSW Liquor Act 2007 and Liquor Regulation 2019~~8~~ apply for the purpose of the service of alcohol.

4 Related policies and plans

- [Mobile Vending and Street Trading policy](#)
- [Public Seating on Footpaths policy](#)
- [Disability Inclusion Action plan](#)
- [Pedestrian Access & Mobility Plan](#)

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4.5 Areas to which this Policy applies

The policy applies to all footpath areas in the ~~Mid-Western Regional Council areas~~ [central business districts of Gulgong, Kandos, Mudgee and Rylstone](#).

~~Refer to~~ [See the annexures for a map of these areas](#).

5.6 Applying to use the Footpath

Applications must be made on the ~~Permanent or Temporary~~ Business Use of the Footpath Application forms ([Permanent or Temporary use](#)) which are available on Council's website or at Council's offices. Applications must be accompanied by a diagram showing how the footpath is proposed to be used with particular reference to the area of the proposed use and other supporting documentation as ~~required by the Business Use of Footpaths Policy~~ [stated within the application](#).

~~Applications relating to footpaths along State Roads will also be referred to Traffic NSW seeking their consent of the proposed use. The roads identified relating to this policy and relevant CBD areas are~~

~~Businesses wishing to use a footpath location outside of the CBD zones (as indicated in the annexure maps) may still lodge an application, with these applications to be determined by the Executive.~~

6 Footpath area that can and cannot be used

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Businesses, community groups and entertainers use of footpath areas is permitted, with the approval of Council, generally on footpaths immediately adjacent to a shop front and in locations that do not cause an impediment to other footpath users.

The use of footpath areas may be either prohibited or restricted, in locations where they obstruct the clear view line of pedestrians or motorists. Clear view lines allow pedestrians to view on-coming traffic and [for](#) motorists to observe pedestrians movements.

To ensure access and equity there will generally be [a](#) minimum width retained for pedestrian circulation of at least 1.8 metres immediately adjacent to the property boundaries (generally the building line), for the clear passage of footpath users.

POLICY: BUSINESS USE OF THE FOOTPATH | 5.4.0, 20 NOVEMBER 2019

A 1.2 metre setbackSetbacks of 1.2 metres for angled parking zones and 0.8 metres for parallel parking zones from the kerb edge is generally required for to ensure the safety of pedestrians and patrons from contact with moving motor vehicles.

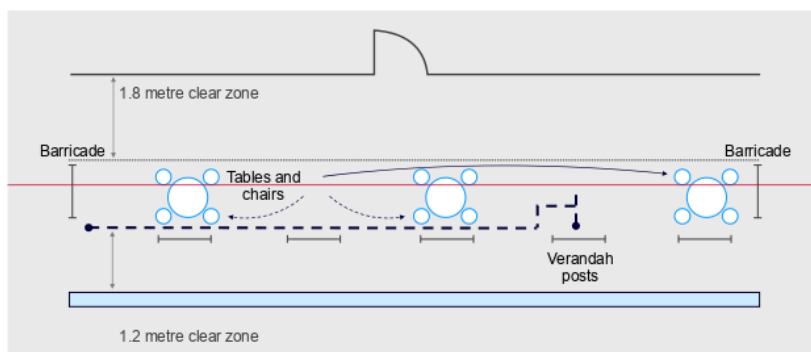
Council may, on the merit of a particular situation and application, consider variation to this standard where the applicant can show that the proposal is consistent with the surrounding environment, adequate pedestrian circulation and parking safety is maintained or that agreement has been obtained from the relevant Access Committee.

Any use of footpaths will be conditional upon the safety of potential users. These setback conditions (3 metres) may result in there being only small areas of footpath available for use. Applications should make this assessment before applying and paying any fees and charges.

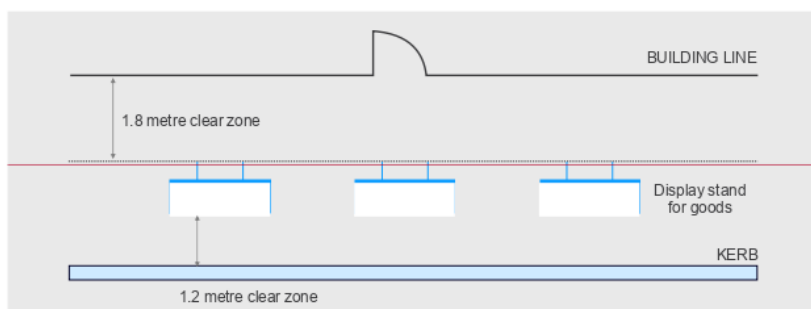
See the annexures to this document for examples of how the footpaths may be used for each of the CBD areas.

Some examples of how footpaths may be used by businesses are set out diagrammatically below:

6.1.1— FOOTPATH DINING

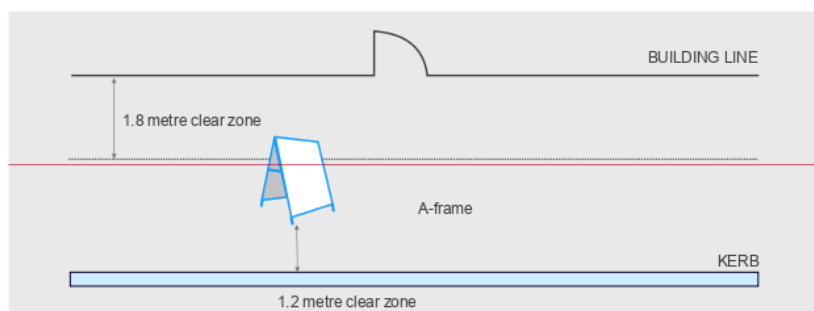


6.1.2— DISPLAY OF GOODS FOR SALE



POLICY: BUSINESS USE OF THE FOOTPATH | 54.0, 20 NOVEMBER 2019

6.1.3 ADVERTISING OF BUSINESS



7 Public liability Insurance

Permission for the use of the footpath will only be valid where adequate insurance cover is provided by the applicant. To ensure Council and community protection from claims that may arise as a result of use of the footpath area the permit holder must:

- Take out a public liability insurance policy for the sum of not less than ~~\$10,000,000 for minor use an A-frame only~~ or \$20,000,000 ~~for significant all other uses~~, which is to be in force at all times during the term of the ~~permit approval~~. ~~Extend the policy to indemnify Mid-Western Regional Council against any public liability claims arising from trading activities on the footpath.~~ Your insurance policy must also state the ABN (or ACN) for the business the permit is to relate to. ~~It is the applicant's responsibility to notify their insurer regarding their use of the footpath.~~
- Provide proof of this current policy to council with the application for approval or when requested to do so (~~this can be by way of a Certificate of Currency~~).
- Maintain this insurance policy during the term of the approval and provide updated Certificates of Currency each year upon the renewal of your insurance policy.

8 The Permit

Council will issue a Permit to those who receive approval to use the footpath for business purposes. The issue of permits to use the footpath for business purposes will be at the sole discretion of the General Manager ~~as delegated~~. This Permit must be prominently displayed in the front window of the business of which the Permit refers.

9 General Conditions

All business / persons being issued with a permit shall be required to comply with the following general conditions:

9.1 Term

Approvals shall be for a maximum period of 5 years.

9.2 Fees

Council reserves the right to charge a fee for the administration process of determining, approving and issuing permits.

POLICY: BUSINESS USE OF THE FOOTPATH | 5.4.0, 20 NOVEMBER 2019

Permits are subject to a non-refundable application fee and an annual renewal fee ~~with an area fee additional to each of the previous fees~~, as outlined in Mid-Western Regional Councils Schedule of Fees and Charges. The annual fees is payable will be charged every 12 months in July each year payable by the end of August. Fee reminder letters will be issued each June. Overdue annual fees will receive one reminder letter and permits will be cancelled for all businesses with unpaid fees as at 30th September each year from the date of approval.

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9.3 Hours of operation

The hours of operation for any approved area must be the same as or less than the approved hours of operation of the associated business unless specified in the permit. The hours of operation for the approved area may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or footpath diners may be adversely affected. Businesses seeking approval for the service of alcohol with meals will have hours of alcohol service defined, refer section 10.4 below

POLICY: BUSINESS USE OF THE FOOTPATH | 54.0, 20 NOVEMBER 2019 |

9.4 Maintenance of approved area

The ~~permitted~~approved area of footpath used by the business and areas between the shop premises and the permitted area shall be kept clean at all times and any spills or other material likely to cause injury or accident for pedestrians shall be removed immediately by the applicant/operator.

9.5 Smoking

Smoking is not permitted in any area used for dining or any other area as provided under the Smoke-free Environment Act 2000.

9.6 Business or financial Transactions

No business or financial transactions shall be carried out on the approved area. Such activities shall be carried out wholly within the confines of the premises. This does not include the giving and taking of bills, and associated tips and charges.

9.7 Lighting

Any proposed lighting must be included in the application for approval by Council and be in accordance with the relevant Australian Standards.

9.8 Noise

Amplified music is not permitted.

9.9 Safety

The approved area shall not in any form reduce the safe egress of people from the business premises.

9.10 Access

- The applicant should provide access in accordance with AS1428 for people with disabilities.
- No business use of the footpath will be permitted where the use would create access problems for people with disabilities.
- In heritage areas with narrower footpaths, consideration will still be given to applications which take account of the needs of all persons who require clear lines of access past footpath obstacles.

9.11 Public Assets

- The removal/relocation of any Council assets, such as rubbish bins and existing street furniture, shall be subject to Council approval and will be at the applicant's cost.
- The removal/relocation of any public utilities/infrastructure shall not be permitted unless justification on public benefit can be made to Council and approvals have been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

9.12 Breaches of Conditions

- If a business permitted to use the footpath in accordance with these Policies conditions breach any of the conditions that apply to their permit will in the first instance be warned. The warning of the

POLICY: BUSINESS USE OF THE FOOTPATH | 5.4.0, 20 NOVEMBER 2019

breach will be placed in writing.

- Businesses that have been warned of a breach and are found to have again breached will have the permit withdrawn. Notice of withdrawal of the permit will be in writing.
- Businesses who have the service of alcohol condition 10.4 contained in their permit and have been found to have breached condition 10.4 will have the notice of permit being withdrawn notified to the Liquor Licensing Authority.

9.13 Permit not transferable

The Permit cannot be transferred from one user to another. Should a business be sold, the new business operator must make a new application to Council for permission to use the footpath.

9.14 Termination of a permit

A Permit can be terminated at any time by either party with one week's notice.

The Council may enter the approved area and terminate the approval, without notice if:

- The operator breaches the approval and does not remedy the breach within the specified time included in the 14 days of receipt of written notice from the Council (this includes non-payment of fees);
- In the Council's opinion, the road safety or pedestrian circumstances in regard to the approved area substantially change; or
- Council's approval granted pursuant to section 68 of the Local Government Act 1993 and section 125 of the Roads Act 1993 is either revoked by Council, or lapses.

9.15 Enforcement and Compliance.

Enforcement can be taken under the Roads (General) Regulation 2000 in relation to the placement of obstructions on the footpath, or Section 125(1) and 121B of the environmental Planning and Assessment Act 1979. Failure to comply with the conduct of business set out herein or with the enforcement order may result in receiving a fine or cancellation of the Permit. These offences incur set penalties set by State legislation.

10 Specific Conditions

10.1 Advertising Signs

The following controls apply to all signage/advertising to be displayed on the approved area:

- Large portable advertising signs or fixed structures will be referred to Councils Planning department for determination of the need for a Development Application to be lodged with the Council.
- Signage/advertising can be permitted on A-frames, barriers and umbrellas. (Umbrellas must be of non-reflective material, signage on each umbrella must be consistent with all other umbrellas on the approved area).
- No other signage will be permitted on any other structure on the footpath/nature strip.
- All signage must be placed to avoid obstruction to pedestrian movement (in accordance with Section 6)
- A-Frames must be a maximum height of 1.2 metres and maximum width of 0.6 metres
- A-Frames must only be displayed during business hours
- A-Frames are to be generally located directly in front of the premises to which they relate
- Signage must be of colour (or marked) so that it is distinguishable

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- Signage must not have any sharp edges or protruding parts.
- Advertising flags are restricted to one per site not exceeding 2 meters tall and 750cm in width.
- Signage must directly relate to your business

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10.2 Display of goods for sale

- Separate approval under Section 68 of the Local Government Act 1993 is also required to sell articles on the footpath. Sales transactions must only occur within the businesses premises not on the footpath
- Display stands must be stable or firmly secured. Display stands should be a minimum height of 1.0 metres and a maximum height of 1.2 metres and width of 0.75 metres. All display stands should be of high quality design.
- No part of the footpath is to be used for storage.

10.3 Dining

- Footpath dining areas associated with pubs or small bars require development consent under the *Environmental Planning and Assessment Act 1979* in addition to a permit under Section 125 of the *Roads Act 1993*.
- Separate approval under Section 68 of the Local Government Act 1993 may also be required if temporary shade structures overhang the road.
- Barricades are required to physically define the side boundaries or perimeters of an outdoor dining area. barricades must not contain parts that are likely to cause damage to the pavement, or sharp edges, hinges and other moving parts that may present a hazard to patrons or pedestrians
- optional. If installed, barricades must not contain parts that are likely to cause damage to the pavement, or sharp edges, hinges and other moving parts that may present a hazard to patrons or pedestrians
- Any proposed transparent solid barrier (such as Perspex) should comply with AS 1428.1 Access and Mobility, and should be clearly marked for the full width with a highly visible contrasting line.
- Outdoor dining areas must be easily accessible from the public footway and should as far as possible present an open and inviting image to entice participation. Planter boxes may be used in appropriate circumstances to physically define the side boundaries or perimeters of an outdoor dining area.
- Planter boxes may be considered in open areas, where there is sufficient room and pedestrian movement is not impeded. The planter boxes must be well-maintained by the applicant. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of approved high-quality flowers or vegetation. Permanent planter boxes will only be considered on footpath areas where the footpath has sufficient uninterrupted pedestrian access 1800 wide, been widened for specific business use.
- Approved planters shall be terra cotta, concrete or reconstituted stone in natural, sandstone or terra cotta colour, or powder coated, brushed stainless steel or timber.
- 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.
- Outdoor furniture is not to be placed outside the approved area under any circumstances.
- Each business should adopt a single colour and style for tables and chairs in its particular area to provide consistency and identity.
- All outdoor furniture must be temporary and must be able to be removed in extreme weather conditions.
- Umbrella's must be securely mounted at all times and in the advent of high winds must be managed so that they do not cause harm to patrons and pedestrians.

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POLICY: BUSINESS USE OF THE FOOTPATH | ~~5.4.0, 20 NOVEMBER 2019~~

- Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Heating devices must be designed in a manner which minimises risk and as such shall turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed when not in use and suitably screened from public view. All outdoor heaters must comply with the relevant Australian Standards.
- Food and drink must be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area approved for outdoor eating.

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- Paper, foam or plastic plates, cups and cutlery shall not be used for footpath outdoor dining areas.
- Appropriate footpath service shall be provided which includes as a minimum the removal of any dirty plates, cups, cutlery, footpath staining, and rubbish on a regular basis during each operating day.

10.4 Dining / Liquor Licensing area

- Footpath dining areas associated with pubs or small bars require development consent under the Environmental Planning and Assessment Act 1979 in addition to a permit under Section 125 of the Roads Act 1993.
- Separate approval under Section 68 of the Local Government Act 1993 may also be required if temporary shade structures overhang the road
- 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 may 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.
- Conditions may include:
 - 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 (4 persons per 3 square metres).
 - 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
 - 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
- NB: in this condition, ready to drink (RTD) beverage means an alcoholic mixed beverage that is prepared by the manufacturer.
- 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

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POLICY: BUSINESS USE OF THE FOOTPATH | 5.4.0, 20 NOVEMBER 2019

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 aluminum, 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.

10.5 Temporary Use Permits

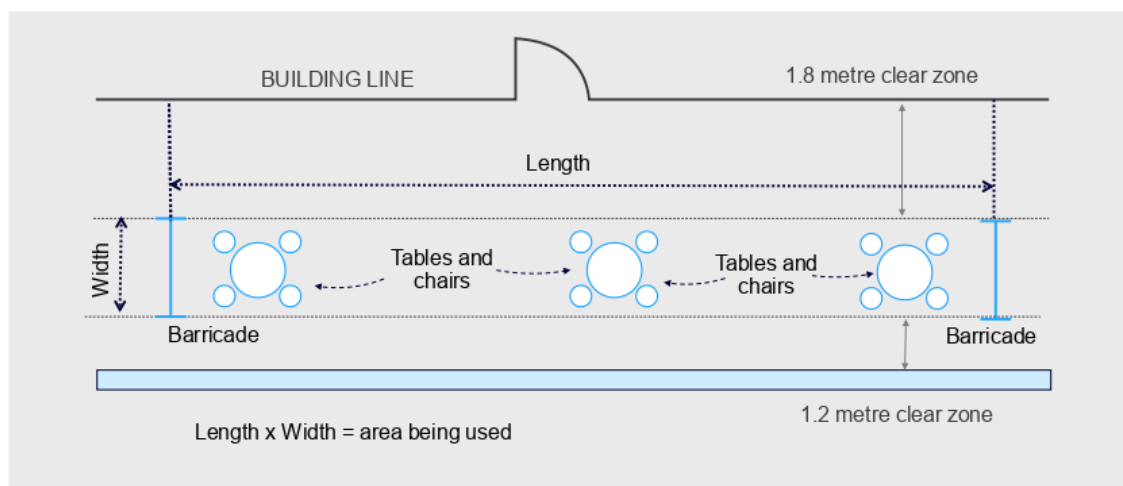
- Temporary use permits are required by businesses, community organisations and individuals wanting to access the footpath/nature strip for once off / occasional activities including advertising, promotions, fundraising, ~~and~~ entertainment and busking [or community engagement events](#). Applications must contain the following:
 - A description of the activity to be conducted e.g. fashion parade, sale of raffle tickets, busking, promotion, advertising, choir etc.
 - The date and times of the activity including setup and takedown e.g. 10.30 am to 12.30 pm
 - A description of furniture and fittings to be placed on the footpath / nature strip
 - A letter/email of consent from the business that is supporting the activity to be conducted on the footpath in front of their shop
 - A certificate of currency (refer to item 7 above)
- Temporary use permits issued by council will be dated and state the permitted activity. Permits must be made available upon request by a council employee. Businesses must display permits in the front window, as per section 8..
- For businesses requesting a temporary permit to use the footpath;
 - A maximum of two (2) Temporary Business Use of Footpath applications can be submitted during any one calendar year, and
 - Such an application cannot exceed more than four (4) weeks at any one time.
- Businesses requesting to use the footpath in excess of the above restrictions will be required to submit a Permanent Business Use of Footpath form and pay the appropriate fees and charges.
- **END**

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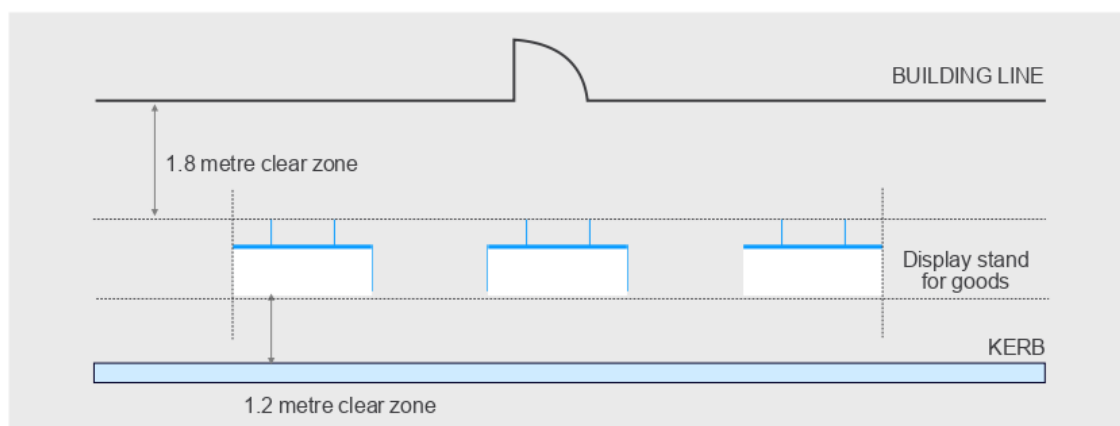
DRAFT

Some examples of how the CBD footpaths may be used by businesses where there is angled parking:

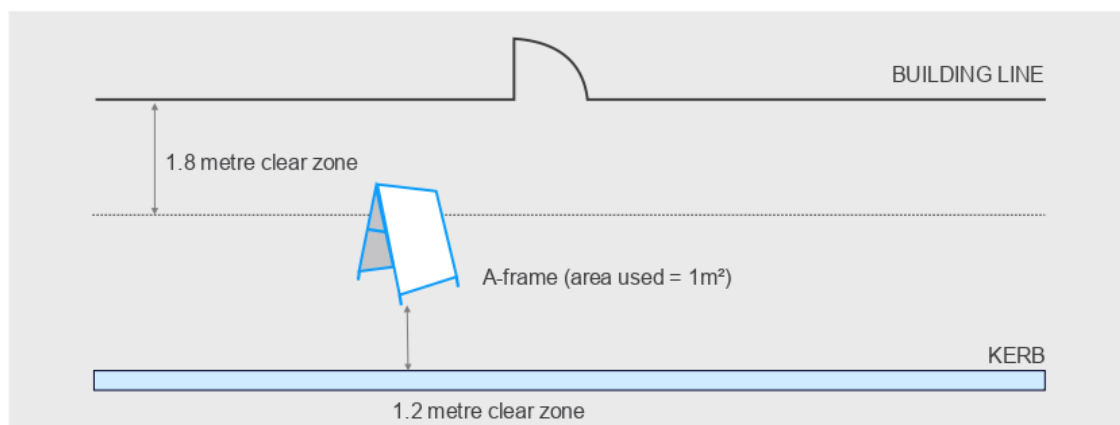
1.1.1 FOOTPATH DINING



1.1.2 DISPLAY OF GOODS FOR SALE



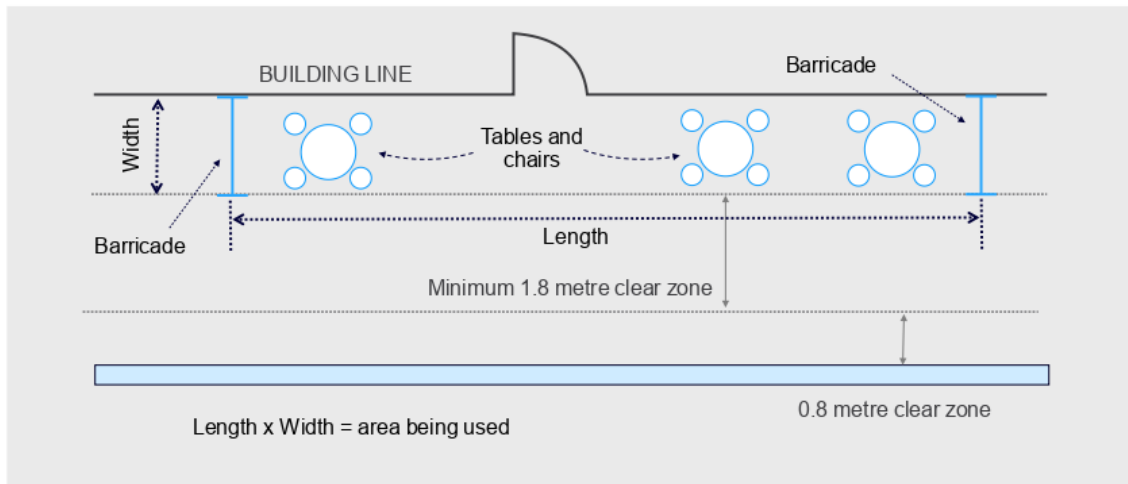
1.1.3 ADVERTISING OF BUSINESS



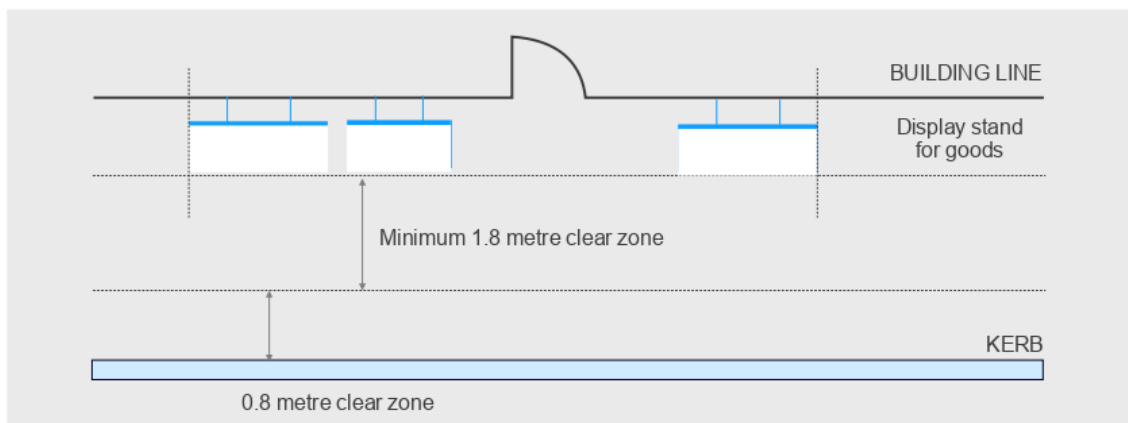
DRAFT

Some examples of how the CBD footpaths may be used by businesses where there is parallel parking:

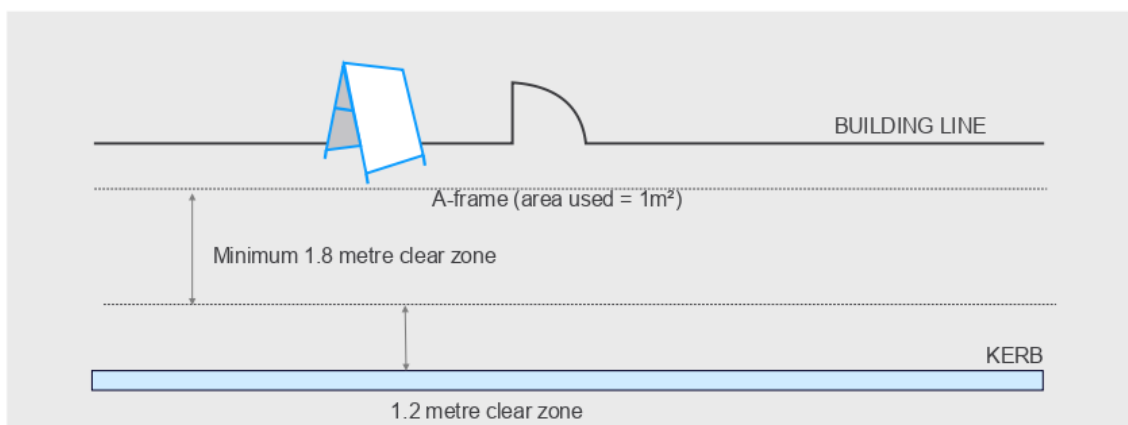
1.1.1 FOOTPATH DINING

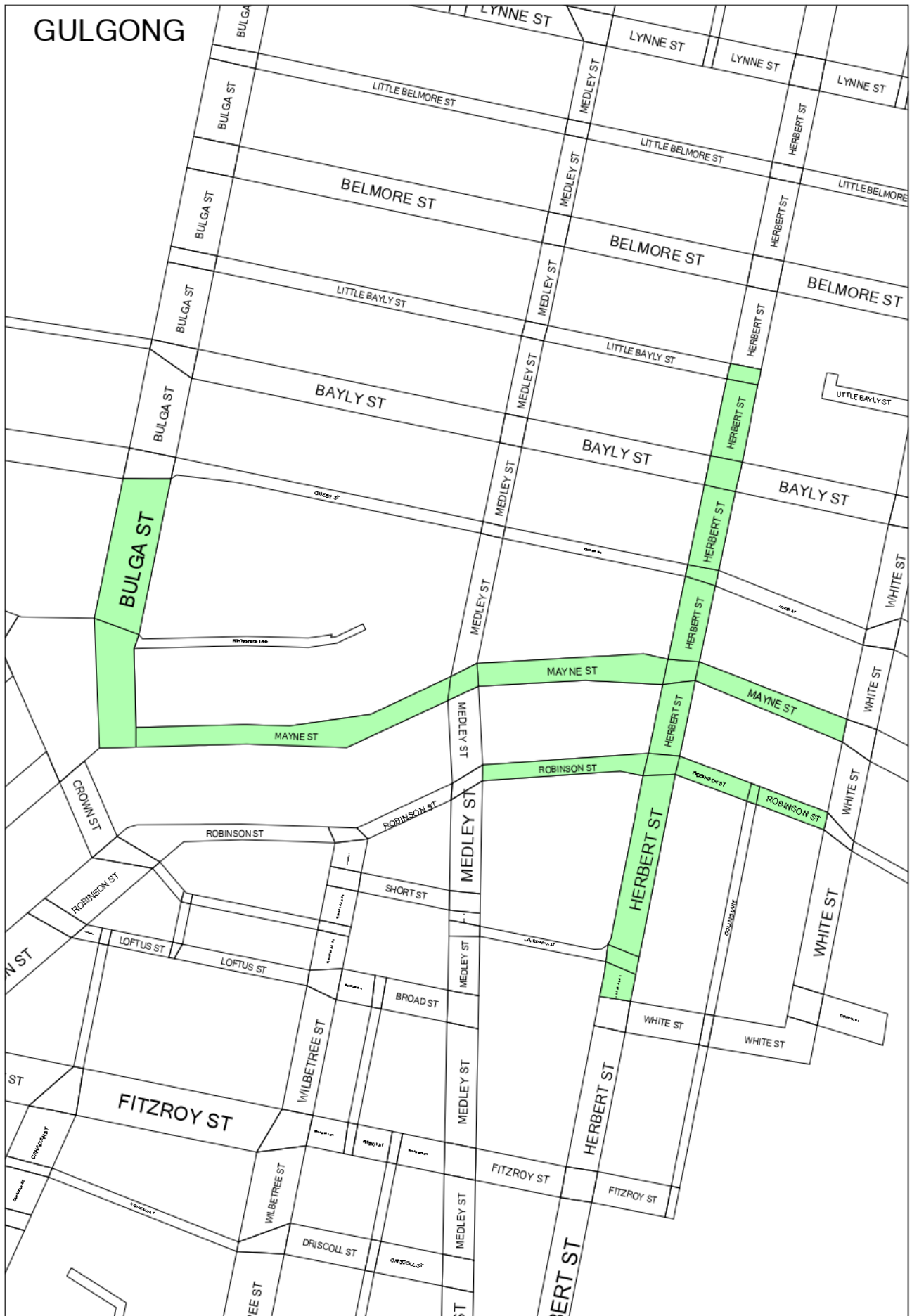


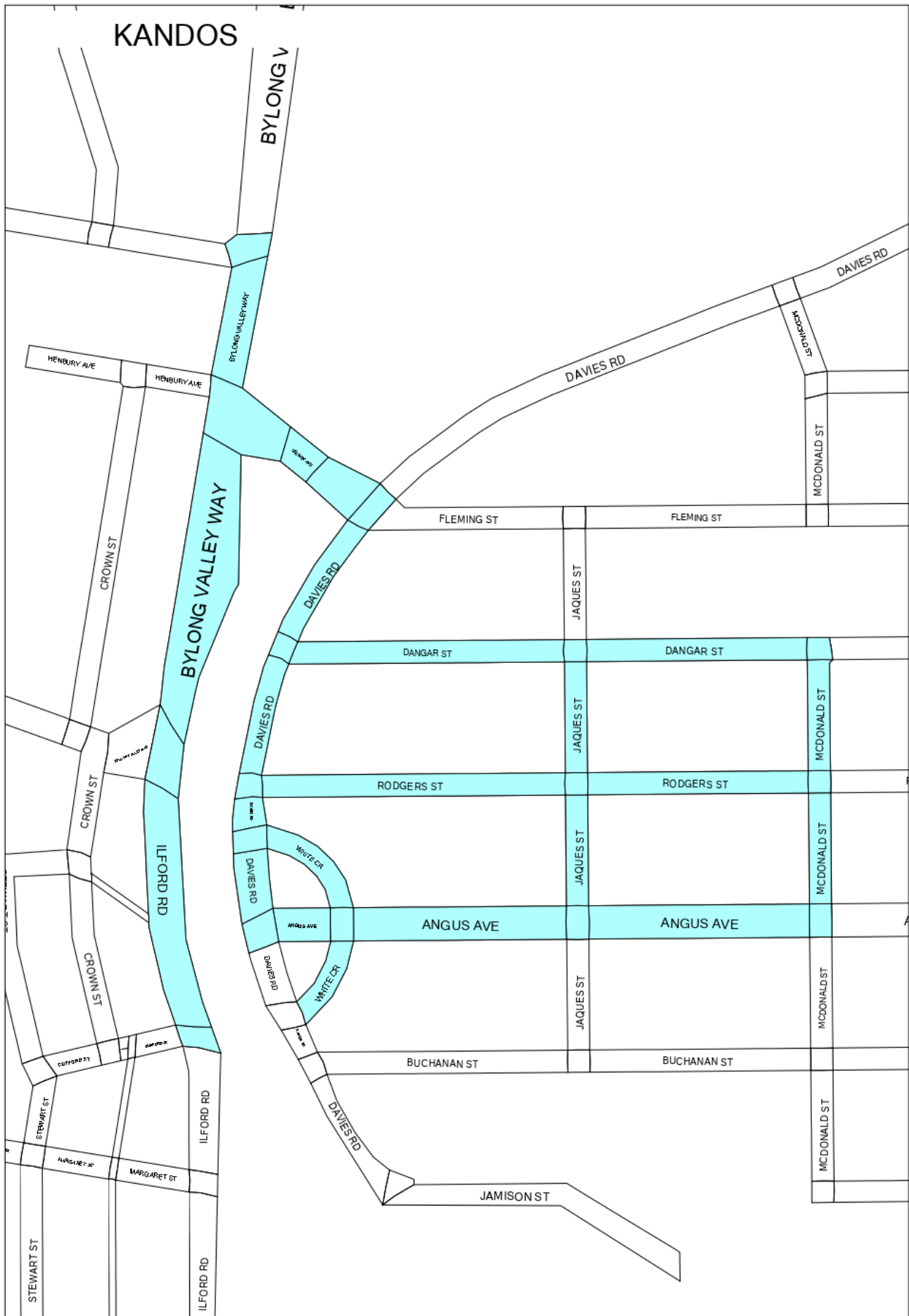
1.1.2 DISPLAY OF GOODS FOR SALE



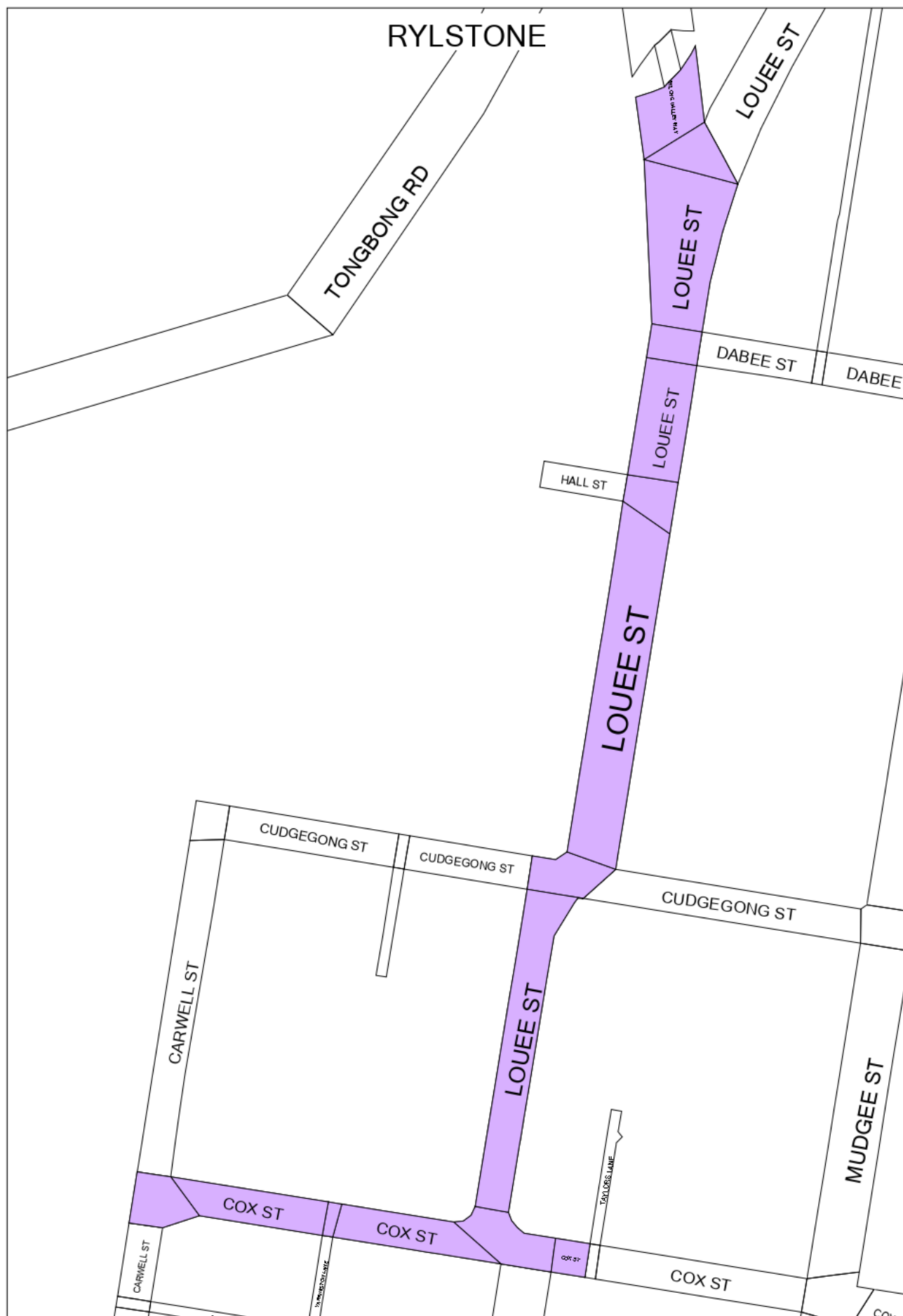
1.1.3 ADVERTISING OF BUSINESS











11.2 Mudgee Valley Park Stage 2 Progress Report

REPORT BY THE DIRECTOR COMMUNITY

TO 20 APRIL 2022 ORDINARY MEETING

GOV400098, FIN300365, COR400446

RECOMMENDATION

That Council receive the report by the Director Community on the Mudgee Valley Park Stage 2 Progress Report.

Executive summary

The attached report provides an update on the Progress of the Mudgee Valley Park Stage 2 Project.

Disclosure of Interest

Nil

Detailed report

The Mudgee Valley Park Stage 2 Project is a major project that has been allocated \$7.4M across the 2021/22 budget for the installation of 31 cabins and upgrade to roads.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Nil

Legislation

Local Government Act

Financial implications

Budget is already in place for this project.

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing or unexpected risks that emerge with this project.

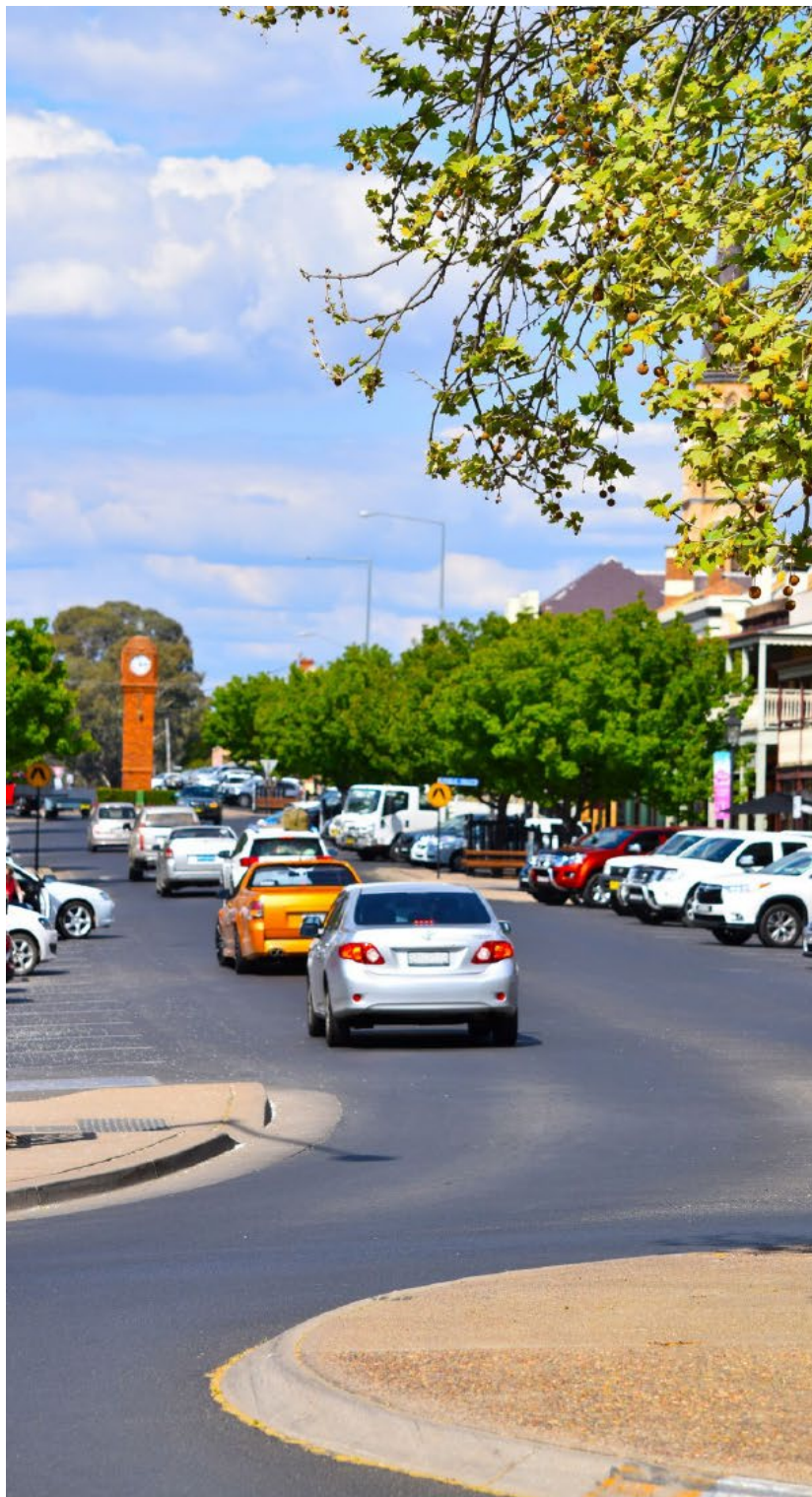
SIMON JONES
DIRECTOR COMMUNITY

21 March 2022

Attachments: 1. Mudgee Valley Park Stage 2 Progress Report.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MUDGEE VALLEY PARK STAGE 2 PROGRESS REPORT

18 MARCH 2022

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | MUDGEE VALLEY PARK STAGE 2 PROGRESS REPORT

Project Update

As at 1 March 2022 the overall project progress for the Mudgee Valley Park Stage 2 Project was approximately 15%.

OVERALL PROJECT PROGRESS



15%

A horizontal bar chart representing overall project progress. The bar is divided into two segments: a dark orange segment on the left representing 15% and a lighter orange segment on the right representing the remaining 85%.

PROJECT EXPENDITURE



\$1.5M

A horizontal bar chart representing project expenditure. The bar is divided into two segments: a dark orange segment on the left representing \$1.5M and a lighter orange segment on the right representing the remaining \$5.9M.

\$7.4M

PROJECT EXPENDITURE COMMITTED



\$4.2M

A horizontal bar chart representing project expenditure committed. The bar is divided into two segments: a dark orange segment on the left representing \$4.2M and a lighter orange segment on the right representing the remaining \$3.2M.

\$7.4M

COMMUNITY

Scope

At the meeting held on July 21 2021, Council endorsed the expansion of the Mudjee Valley Park. This expansion includes the installation of an additional 31 cabins on the site in order to expand accommodation options and generate new revenue opportunities for Council in the future. \$350k of this has also been allocated to the upgrade of the roads in and surrounding the park.

Achievements and Highlights

- Hoek Modular Homes have been engaged
- Metal subframes, timber frames, trusses and bracing complete on first 5 dwellings
- Roofs on first 5 dwellings
- Electrical work complete on first 5 dwellings
- Subframes complete for second lot of 5 dwellings
- Materials secured and ordered for all subsequent dwellings

Next 3 Months

- Cladding, plasterwork and windows for first 5 dwellings
- Installation of timber frames, bracing, roofing and windows for second lot of 5 dwellings
- Foundations to be laid and ready for first install
- Construction to commence on subsequent dwellings

COMMUNITY | MUDGEE VALLEY PARK STAGE 2 PROGRESS REPORT

Photos



COMMUNITY | MUDGEE VALLEY PARK STAGE 2 PROGRESS REPORT



11.3 Botobolar Community Committee

REPORT BY THE DIRECTOR COMMUNITY
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, P1234711

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Botobolar Community Committee ;**
2. **reinstate the Botobolar Community Committee as a Council Advisory Committee ;**
3. **appoint Cr _____ as the nominated representative on the Botobolar Community Committee ;**
4. **appoint David Sargeant, Mat Lynch, David Swansson, Adam Ellis, Michael Burnicle and Dianne Burnicle to be community representatives on the Botobolar Community Committee ; and**
5. **invite the Rural Fire Service to provide a representative for the Committee.**

Executive summary

Council has received representations from former members of the previous Botobolar Community Committee for the Committee to be re-instate. This report seeks Councils support to do so.

Disclosure of Interest

Nil

Detailed report

The Botobolar Community Committee was dissolved in the lead up to the December 2021 local government elections. It was not determined to be re-instated on the formation of the new Council in 2022.

Generally, Council has pursued a framework of encouraging community groups to become incorporated. Additional village subsidy funds are available for those incorporated associations who chose to do so, to assist in acquiring the necessary public liability insurance. The framework encourages this because it provides for a greater sense of ownership and greater flexibility for the community group to manage their affairs as they would like.

Botobolar is a unique situation. There is a small parcel of land of 1901m² that is in Council's name. This land houses a multi-purpose facility including a community hall and a RFS shed. The land was bequeathed to Council by Mr Jim Lynch of "York Huon" in the 1990's for the benefit of the Botobolar community and as a fire shed.

As with other Advisory Committees, the intent would be to focus on strategic issues rather than operational issues and to hold two meetings per year.

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

Community Plan

Council Policies

Not applicable

Legislation

Local Government Act 1993

Financial implications

There are no material financial considerations with this recommendation.

Associated Risks

Council assets and community events not having appropriate management and governance practices that may include insurance coverage in a risk to both Council and community groups. The Committee's work will be focus on developing a framework for the use of the shed across Council, RFS and the local community.

SIMON JONES

DIRECTOR COMMUNITY

1 April 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

11.4 Red Hill Advisory Committee

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 20 APRIL 2022 ORDINARY MEETING
GOV400098, A0100024, A0100034

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Red Hill Advisory Committee ; and**
2. **endorse Chris Pearson, Joy Harrison, Tony Harrison, Rebecca Nielsen, David Warner and Bill Murphy to be community members of the Red Hill Advisory Committee.**

Executive summary

Council has resolved for a number of Advisory Committees to be established for this term of Council. This report updates Council on the establishment of a further Advisory Committee since the previous Council Meeting and requests Council endorse community members to be on this new Red Hill Advisory Committee.

Disclosure of Interest

Nil

Detailed report

Council has resolved for a number of Advisory Committees to be established for this term of Council. Advertisements have been made for individuals to nominate to be members of these Committees. Where Committees existed in the preceding Council, those individuals have also been contact to renew their interest.

Since the Council Meeting in March we have received sufficient nominations for the Red Hill Advisory Committee to form.

When enough community members of the Committees are established, a meeting will be called where the Terms of Reference for the Committees will be discussed. Ultimately, Council will endorse the Terms of Reference for these Committees.

As noted previously, these Committees will be focused on providing community consultation on strategic issues and are generally expected to meet twice a year.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging

Strategy	Support programs which strengthen the relationships between the range of community groups
----------	---

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not applicable

Legislation

Section 355 of the Local Government Act 1993

Financial implications

Not applicable

Associated Risks

All minutes from Council Advisory Committees should be sent to Council meetings for information and endorsement of any significant recommendations. Council staff act as contacts for these Committees to ensure that appropriate governance practices are maintained.

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

6 April 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes 25 February 2022

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE
TO 20 APRIL 2022 ORDINARY MEETING
GOV400087, COR400236, GOV400098

RECOMMENDATION

That Council:

1. receive the report by the Executive Manager, People and Performance on the Audit Risk and Improvement Committee Minutes 25 February 2022 ; and
 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 25 February 2022.
-

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 25 February 2022.

Disclosure of Interest

Nil

Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 25 February 2022 meeting.

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

Audit Risk and Improvement Committee Charter
Internal Audit Policy

Legislation

Local Government Act 1993

Financial implications

Not applicable

Associated Risks

Nil

MICHELE GEORGE
EXECUTIVE MANAGER, PEOPLE AND
PERFORMANCE

16 March 2022

Attachments: 1. 25 February 2022 - ARIC Minutes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 25 February 2022, commencing at 9:33AM and concluding at 11:20AM.

COMMITTEE MEMBERS PRESENT ARIC Chair J Stuart, Independent Member J Bentley.

COUNCIL OFFICIALS PRESENT General Manager (Brad Cam), Executive Manager People and Performance (Michele George), Manager ICT (Ian Blake), Manager Customer Services & Governance (Richard Cushway), Business Improvement Officer (Erin Reid), Acting Chief Financial Officer (Neil Bungate), Director Operations (Julian Geddes), Emergency Management Officer (Alayna Gleeson).

EXTERNAL PARTIES PRESENT Prosperity (Luke Malone), Crowe (Alison Lee), (NSW Audit Office) Unaib Jeffrey.

1.1 LATE REPORT: AUDIT RISK AND IMPROVEMENT COMMITTEE CHARTER, MEMBERSHIP AND ELECTION OF THE CHAIR AND DEPUTY CHAIR

COR400236, COR400236

01/22 **MOTION: Bentley / Stuart**

That the Audit, Risk and Improvement Committee

- 1. Received the report on the Audit Risk and Improvement Committee Charter, Membership and Election of the Chair and Deputy Chair;**
- 2. Note the administrative changes to the Audit Risk and Improvement Committee Charter;**
- 3. Elect John Stuart as it's Chairperson; and**
- 4. Elect John Bentley as its Deputy Chair.**

The motion was carried with the Committee Members voting unanimously.

Item 1: Apologies

Apologies were received for the absence of Councillors Katie Dicker, Peter Shelley and Simon Jones.

02/22 **MOTION: Bentley / Stuart**

That the apologies for the absence of Councillors Katie Dicker, Peter Shelley and Simon Jones be received and leave of absence granted.

The motion was carried with the Committee Members voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

03/22 MOTION: Bentley / Stuart

That the Minutes of the previous ARIC Meeting held on 26 November 2021 be taken as read and confirmed.

The motion was carried with the Committee Members voting unanimously.

Item 4: Matters in Progress

Audit, Risk and Improvement Committee

SUBJECT	MINUTE NO. & DATE	RESOLUTION	ACTION
5.1 Enterprise Risk Management	15 May 020	Note that the Enterprise Risk Management Framework will be reviewed annually.	<p>It was noted at the 06 August 2021 ARIC meeting that the review was due to be reported to ARIC at the August 2021 meeting however with the Local Government elections being held on 4 September 2021, the review will be delayed to ensure it is in keeping with any potential changes in direction that could be a consequence of newly elected members.</p> <p>It was noted at the 26 November 2021 ARIC meeting that the Risk Officer has commenced Maternity Leave and this has now delayed the ability to update the register in Pulse and set review deadlines as per our Risk Management Procedure.</p> <p>Refer to report 6.1</p>

SUBJECT	MINUTE NO. & DATE	RESOLUTION	ACTION
6.3 Legislative Compliance	10/21 26 November 2021	The Audit, Risk and Improvement Committee: 2. consider a revised legislative compliance framework road map to be presented at the 25 th February 2022 meeting.	The Manager Customer Services and Governance will be presenting a revised legislative compliance framework road map at this meeting. Refer to report 6.3

Item 5: Audit

5.3 UPDATE ON EXTERNAL AUDIT ACTION ITEMS COR400236, COR400236

04/22 MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee note the progress on the external action items.

The motion was carried with the Committee Members voting unanimously.

5.5 DRAFT 2021/22 EXTERNAL AUDIT ENGAGEMENT COR400236, COR400243

05/22 MOTION: Bentley / Stuart

That the Audit Risk and Improvement Committee:

- a) endorse the draft 2021/22 External Audit Engagement Plan; and
- b) schedule an ARIC meeting between 7 October and 19 October 2022 in accordance with the draft 2021/22 External Audit Engagement Plan.

The motion was carried with the Committee Members voting unanimously.

10:00AM Unaib Jeffrey, NSW Audit Office left the meeting.

7.3 COUNCILS ROLE IN DISASTERS AND EMERGENCIES COR400236, COR400236

06/22 MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee note the plan for managing the lessons learnt for Council's role in Disasters and Emergencies.

The motion was carried with the Committee Members voting unanimously.

10:12AM Alayna Gleeson, Emergency Management Officer left the meeting.

5.1 INTERNAL AUDIT PROGRESS UPDATE

COR400236, COR400243

07/22

MOTION: Bentley / Stuart
That the Audit, Risk and Improvement Committee receive the Crowe Internal Audit Status Report.

The motion was carried with the Committee Members voting unanimously.

5.2 UPDATE ON INTERNAL AUDIT ACTION ITEMS

COR400236, COR400236

08/22

MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee note the progress on the internal action items and the rolling demands on the staff progressing the items.

The motion was carried with the Committee Members voting unanimously.

Item - 5.3 Update on External Audit Action Items – was moved up the agenda.

5.4 CONDUCT OF PRIVATE WORKS REVIEW

COR400236, COR400236

09/22

MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee receive the report on Conduct of Private Works Review and note the actions required.

The motion was carried with the Committee Members voting unanimously.

Item - 5.5 Draft 2021/22 External Audit Engagement - was moved up the agenda.

10:25AM Luke Malone, Prosperity left the meeting.

Item 6: Risk

6.1 ENTERPRISE RISK MANAGEMENT UPDATE

COR400236, COR400236

10/22

MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.

The motion was carried with the Committee Members voting unanimously.

6.2 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400236

11/22

MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee note the WHS Reports for:

- November 2021;
- December 2021; and
- January 2022.

The motion was carried with the Committee Members voting unanimously.

6.3 LEGISLATIVE COMPLIANCE

COR400236, COR400243

12/22

MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee:

1. note the Legislative Compliance report; and
2. support the revised legislative compliance framework road map.

The motion was carried with the Committee Members voting unanimously.

6.4 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

13/22

MOTION: Bentley / Stuart

That the Audit Risk and Improvement Committee note:

1. that there was one fraud incident since the last ARIC meeting;
2. that there were no incidents of Procurement Breach since the last ARIC meeting; and
3. the actions taken to address the items.

The motion was carried with the Committee Members voting unanimously.

Item 7:

Improvement

7.2 UPDATE ON BUSINESS IMPROVEMENT ACTION ITEMS

COR400236, COR400236

14/22

MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee note the progress on the Business Improvement action items.

The motion was carried with the Committee Members voting unanimously.

8.1 ARIC ANNUAL WORKPLAN AND FOUR YEAR STRATEGIC
PLAN AND UPDATE ON THE DRAFT RISK MANAGEMENT
AND INTERNAL AUDIT FOR LOCAL COUNCILS GUIDELINES.
COR400236, COR400236

15/22 MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee:

1. note the report on the ARIC Annual Work plan and Four Year Strategic Plan and update on the Draft Risk Management and Internal Audit for Local Councils Guidelines; and
2. determined to wait for the commencement of the guidelines and develop the annual work plan and four year strategic plan in the 22/23 financial year.

The motion was carried with the Committee Members voting unanimously.

10:42AM General Manager (Brad Cam), Executive Manager People and Performance (Michele George), Manager ICT (Ian Blake), Manager Customer Services & Governance (Richard Cushway), Acting Chief Financial Officer (Neil Bungate), Director Operations (Julian Geddes) left the meeting.

7.1 BUSINESS IMPROVEMENT AT MWRC
COR400236, COR400236

16/22 MOTION: Bentley / Stuart

That the Audit, Risk and Improvement Committee:

1. receive the report on Business Improvement at MWRC;
2. support Council's Business Improvement Framework; and
3. note the three year Business Improvement Work plan proposal.

The motion was carried with the Committee Members voting unanimously.

11:00AM Executive Manager People and Performance (Michele George) returned to the meeting.

Item - 7.2 Update on Business Improvement Action Items - was moved up the agenda.

Item - 7.3 Councils Role in Disasters and Emergencies – was moved up the agenda.

Item 8: General Business

Item - 8.1 ARIC Annual Work plan and Four Year Strategic Plan and update on the Draft Risk Management and Internal Audit for Local Councils Guidelines – was moved up the agenda.

Item - 1.1 Late Report: Audit Risk and Improvement Committee Charter, Membership and Election of the Chair and Deputy Chair – was moved up the agenda.

Mid-Western Regional Council

Date: 25 February 2022

Item 9: Closure

There being no further business the meeting concluded at 11:30AM.

12.2 Local Traffic Committee Meeting Minutes - March 2022

REPORT BY THE EXECUTIVE ASSISTANT, OPERATIONS
TO 20 APRIL 2022 ORDINARY MEETING
GOV400088, A0100009, GOV400098

RECOMMENDATION

That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - March 2022.

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

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday 18 March 2022.

Two event reports were considered:

- NRL 2022 Premiership Round 4 Game
- Small Farm Field Days
- Mudgee Classic Cycling Event

Two traffic reports were considered:

- Pedestrian Safety – Tree Site Concerns at the Pedestrian Crossing on Mortimer Street.
- Request for 60° angle rear to kerb parking in front of Art Gallery.

Three General Business item included:

- Classic Outback Trial
- St Matthews Catholic School
- Drink Driving Road safety Campaign

One Correspondence item included:

- Request for extensions of bus parking area at Kandos High School.

Full discussion notes are included in the attached report.

Community Plan implications

Theme	Connecting Our Region
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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

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

MICHELLE NEILSEN
EXECUTIVE ASSISTANT, OPERATIONS

JULIAN GEDDES
DIRECTOR OPERATIONS

31 March 2022

Attachments: 1. March 2022 - Minutes Local Traffic Committee.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 18 March 2022

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 18 March 2022.

Present	Community Member Philip Blackman, Councillor Alex Karavas, NSW Police Simon Fogarty, NSW Police Gary McGovern, Samantha Cecchini (MWRC), Transport for NSW Wayde Hazelton, Ray Kearns (MWRC)
Apologies	Mark Fehon, Julian Geddes.
Secretary	Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION: Community Member Phillip Blackman / Alex Karavas

That the Minutes of the previous Local Traffic Committee held on 18 February 2022 be taken as read and confirmed.

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 18 MARCH 2022

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	18/3/2022 – All school areas need a look. Action – study needs
Request for 'No Stopping' sign	August 2018	Request a review of the traffic management and parking within the Gulgong CBD. Investigate alternate pedestrian	The last Gulgong Traffic Study was completed in 2007. A new traffic study will need to be completed.
Request to review traffic flow of Gulgong CBD	November 2018 February 2019 August 2019		19/11/21 Delegated to: MWRC – Ray Kearns to establish a budget and costings to do another study. Community consultation will need to take place. Council report to be done
Denison Street and Church Street Intersection	August 2020		Put down traffic counters at the intersection of Denison and Church Street to measure traffic numbers Physical traffic counts have been collected. Report to follow.
Henry Lawson Drive and Ulan Rd			TO BE CONTINUED ACTION: MWRC – Ray to provide report for April 2022 meeting.
Menah Ave Mudgee	17 December 2021	LTC 21/051	Council to investigate the traffic flow of Menah Ave and to investigate the rise of the road.
Mudgee Preschool assessable parking location	February 2022 LTC		Council to speak with Mudgee Preschool to discuss the possibility of assessable parking from Kauri Lane. Update – Julian has arranged to meet with the preschool on Thursday 24 March 2022.
Oporto Road Line marking	February 2022		Council to investigate line marking options on Oporto Road to cease parking issues. Include bike lanes into this.

Councillor Karavas left the Chambers at 10:17am

PAST EVENT DEBRIEF

EVENT	

CALENDAR OF EVENTS

2022		
JANUARY	DATE	COMMENTS
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	26 February 2022	
MARCH	DATE	COMMENTS
Outback Classic Trial	31 March 2022	
Sunset Sounds	26 March 2022	
APRIL	DATE	COMMENTS
NRL Premiership Round 4	2/4/2022	
ANZAC Day Parade and Marches	25/4/2022	
MAY	DATE	COMMENTS
Mudgee Classic Cycle Event	1 May 2022	
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
Small Farm Field Days	8 th & 9 th July 2022	
AUGUST	DATE	COMMENTS
SEPTEMBER	DATE	COMMENTS
OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved
Green = Approved

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 18 MARCH 2022

22/009 NRL 2022 PREMIERSHIP ROUND 4 GAME TRAFFIC MANAGEMENT PLAN

RECOMMENDATION

That the proposed event “NRL Telstra Premiership Round 4”, held on 2 April 2022 be classified as Class 2 events under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceeds with the following conditions:

- a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.4* and submitted to and approved by Council prior to the event;
- b. Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c. Controlling noise as required by the *Protection of the Environment Operations (Noise Control) Regulation 2000*;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with any of Council’s Law Enforcement Officers’ reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. A Traffic Guidance Scheme (TGS) certified by a person with a Prepare a Work Zone Traffic Management Plan or maintain a current Select and Modify Certificate or the Design and Audit Certificate under the old qualifications framework to be included in the TMP;
- h. Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
- i. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, NSW Police Force and TRANSPORT FOR NSW is indemnified against any possible action as the result of the event;
- j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
- k. Maintain a four-metre wide emergency vehicle lane;
- l. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- m. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.

MOTION: Transport for NSW Wayde Hazelton / Garry McGovern

That the above recommendation be accepted and approved.

COMMITTEE COMMENTS

22/010 REQUEST FOR 60° ANGLE, REAR TO KERB PARKING IN FRONT OF ART GALLERY - MARKET STREET

RECOMMENDATION

That Council approve the installation of parking signage in the mark parking spots in front of the Art Gallery on Market Street.

MOTION: NSW Police Garry McGovern / Phillip Blackman

That the above recommendation be accepted and approved.

22/011 SMALL FARM FIELD DAYS – 2022

RECOMMENDATION

That Local Traffic Committee endorse the event – “Mudgee Small Farm Field Days” Friday and Saturday, 8th & 9th July 2022 – and classify as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceed with the following conditions:

- a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- d) Reimbursing Council for the cost of damage repairs;
- e) Complying with any of Council's Law Enforcement Officers' reasonable directives;
- f) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g) the qualification of the person creating the Traffic Guidance Scheme must be a holder of the Prepare a Work Zone Traffic Management Plan or superseded Select and Modify Certificate or the Design and Audit Certificate which has not expired;
- h) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- i) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to list Council, TRANSPORT FOR NSW and NSW Police as Interested Parties;
- j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
- k) Maintain a four-metre wide emergency vehicle lane;
- l) Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- m) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
- n) Traffic Guidance Schemes are prepared in accordance with Roads and Maritime Services Traffic Control at Worksites Manual.

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 18 MARCH 2022

MOTION: NSW Police Garry McGovern / NSW Police Representative

That the above recommendation be accepted and approved.

22/012 PEDESTRIAN SAFETY - TREE SITE CONCERNS AT PEDESTRIAN CROSSING
ON MORTIMER STREET NEAR WOOLWORTHS

RECOMMENDATION

That Council accept the report from the Local Traffic Committee in relation to pedestrian safety at the crossing in front of Woolworths on Mortimer Street Mudgee.

MOTION:

That the above recommendation be accepted and approved.

22/013 GENERAL BUSINESS

Classic Outback Trial

The event organiser was asked to submit updated information as part of their approval to hold their event in March 2022. They have provided these documents.

St Matthews Catholic School

Transport for NSW have an idea to move the 9 parking places at the northern end of the school and make the bus zone longer which allows the length of the frontage to be utilised. Further discussion to take place after the meeting.

Drink Driving Road Safety Campaign

NSW Police will be looking to do a road safety campaign on drink driving heading into the busy tourist/Easter time.

22/014 CORRESPONDENCE

REQUEST FOR EXTENSION OF BUS PARKING AREA AT KANDOS HIGH SCHOOL

Council received a request from Lithgow Bus Line to extend the bus parking area in the afternoon at the front of Kandos High School on Fleming Street to continue until the corner of Jaques Street Kandos. This will provide the Lithgow buses adequate room to park their buses which waiting for the school students.

ACTION

That Council staff investigate an extension of the bus parking area at Kandos High School

CLOSURE

There being no further business the meeting concluded at 11.00am.

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

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

GIVING NOTICE OF BUSINESS

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

BUSINESS WITHOUT NOTICE

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

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
- 1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- 2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

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

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Update on LEC Matter - DA0288/2019

The reason for dealing with this report confidentially is that it relates to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege in accordance with Section 10A(2)(g) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a matter subject to legal proceedings.

14.2 Consideration of Financial Assistance

The reason for dealing with this report confidentially is that it relates to discussion in relation to the personal hardship of a resident or ratepayer in accordance with Section 10A(2)(b) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of consideration to grant of financial assistance.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion “to close the meeting” to the vote.