



PUBLIC COPY

Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 17 AUGUST 2022

*A prosperous and progressive
community we proudly call home*





PO BOX 156
MUDGEES NSW 2850

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

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10 August 2022

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
17 AUGUST 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, appearing to be "BRAD CAM", with a horizontal line extending to the right.

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 20 July 2022

Council Decision:

That the Minutes of the Ordinary Meeting held on 20 July 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.	<u>RECOMMEND FOR COMPLETION.</u>
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.	<u>RECOMMEND FOR COMPLETION.</u>
Public Toilets Accessibility	15/22 Ordinary Meeting 02/02/2022	That Council provide better access to public toilets across the region but especially in the Town Hall Arcade Mudgee.	To be reported to Council at a future meeting.
Request for Additional State Government Funding for Weed Control	68/22 Ordinary Meeting 04/03/2022	That Council request the State Government increase funding to Councils for weed control in Local Government Areas.	To be reported to Council at a future meeting.
Accommodation Investigation within the Local Government Area	101/22 Ordinary Meeting 20/04/2022	That Council investigate considerations within the Local Government Area for accommodation.	To be reported to Council at a future meeting.
Electric Vehicle Charging Stations	169/22 Ordinary Meeting 15/6/2022	That Council provides in principle support for the installation of EV charging infrastructure within the Mid-Western Region; assesses	<u>RECOMMEND FOR COMPLETION.</u>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		available car parking spaces within the Mudgee, Gulgong, Rylstone and Kandos CBD's that are in close proximity to shops and cafes that would be suitable for EV recharging; assesses available grant opportunities and appetite of commercial EV companies to provide this infrastructure; and receive a report by the Director Development.	
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 MRT Quarterly Reports: January to March 2022 and April to June 2022

REPORT BY THE GENERAL MANAGER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, F0770077

RECOMMENDATION

That Council receive the report by the General Manager on the MRT Quarterly Reports, January to March 2022 and April to June 2022.

Executive summary

As per the funding and performance agreement entered into in July 2017 between Mudgee Regional Tourism (MRT) and Council, MRT is required to report quarterly to Council on their performance.

Disclosure of Interest

Nil

Detailed report

The MRT report for the third and fourth quarters of the 21/22 financial year have been delivered to Council in accordance with the funding and performance agreement. The reports are attached for Council's consideration.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

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

Council has a contract with MRT for the supply of tourism services within the Mid-Western Local Government Area. The term of this contract is for four years ending on 30 June 2022. Under this contract, MRT must provide quarterly reports to Council.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

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

Associated Risks

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

BRAD CAM
GENERAL MANAGER

3 August 2022

Attachments: 1. MWRC Quarterly Report Q3 2021-22.
2. MWRC Quarterly Report Q4 2021-22.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



2021–22 Quarterly Report

Q3: Jan to Mar 2022

prepared for

MID-WESTERN REGIONAL COUNCIL

PURPOSE

Mudgee Region Tourism (MRT) tables this report to the Mid-Western Regional Council (MWRC) as a requirement of the contract between MWRC and MRT 2017–22, an agreement subject to the following key performance indicators and as referenced in Appendix 1 of the Contract.

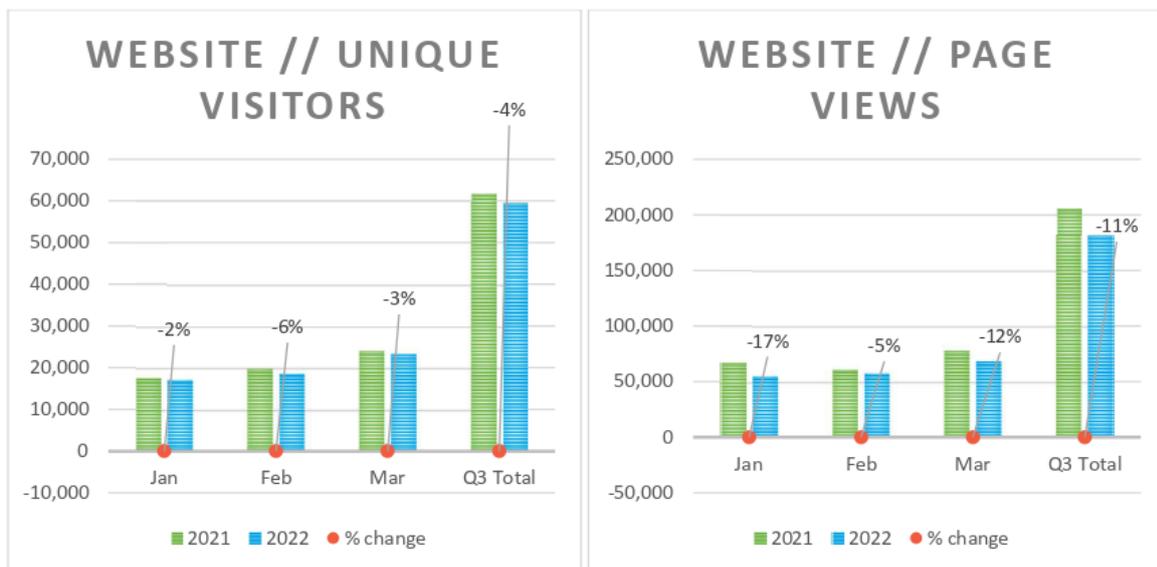
BOARD + EXECUTIVE TEAM

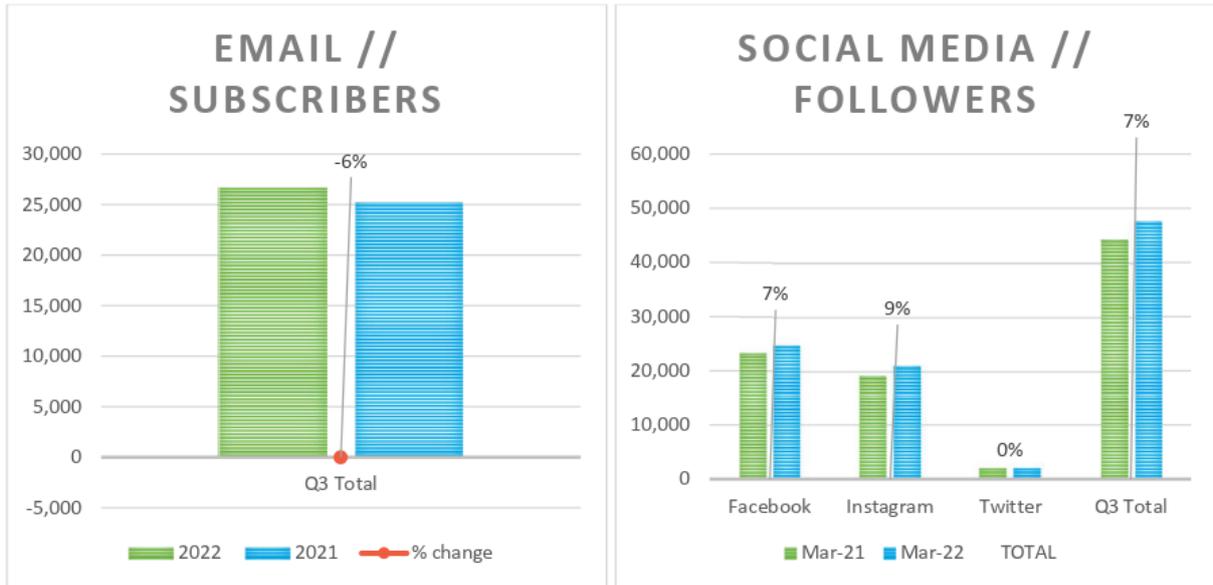
- MRT were awarded GOLD for Tourism Marketing + Campaigns and SILVER for Visitor Information Services at the NSW Tourism Awards
- MRT were awarded BRONZE for Tourism Marketing + Campaigns Qantas Australian Tourism Awards
- Annual General Meeting held for partners, FY20 + FY21 Auditors Report accepted // Mudgee 22 February
- Received approval from MWRC for the Tourism Services + Regional Marketing EOI
- Mudgee nominated and announced as finalist for NSW Top Tourism Town Award
- Hosted quarterly events meeting with MRT, MWRC, MWA and MFF
- McArthur recruitment agency appointed to recruit for CEO

GRANTS + FUNDING

- DNCO Regional Tourism Bushfire Recovery grants complete activation will continue for VOX pop videos for the eight select events
- Building Better Regions Fund (BBRF) application successful for two grants, implementation late 2022
- Bushfire Local Economic Recovery Fund (BLERF) application successful. \$495K Funding across two years for the Feel the Love Campaign, activity commenced
- Google AdWords Grant – successful grant for not for profits, activity commenced

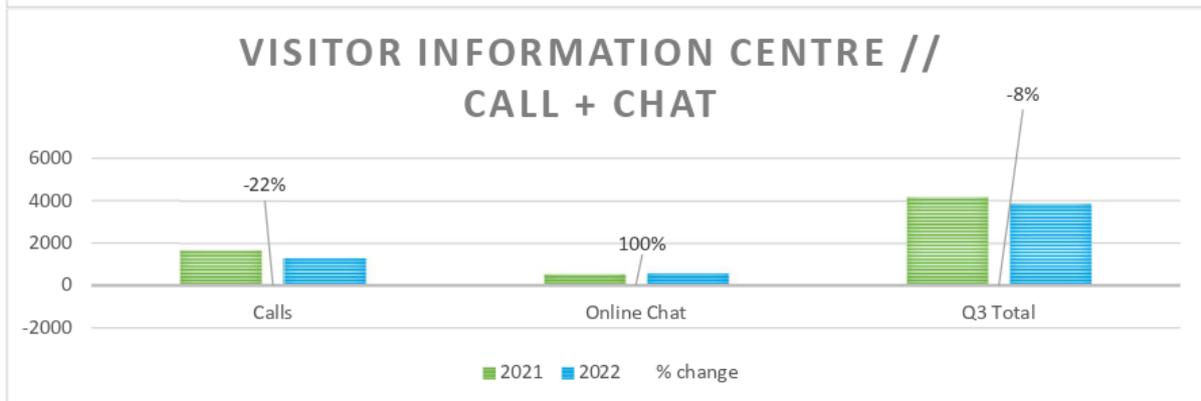
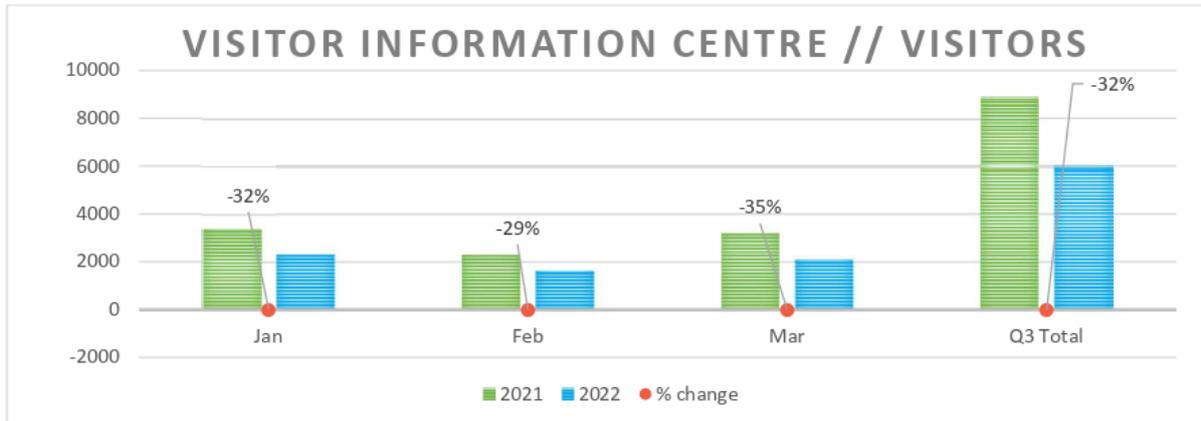
DESTINATION MARKETING

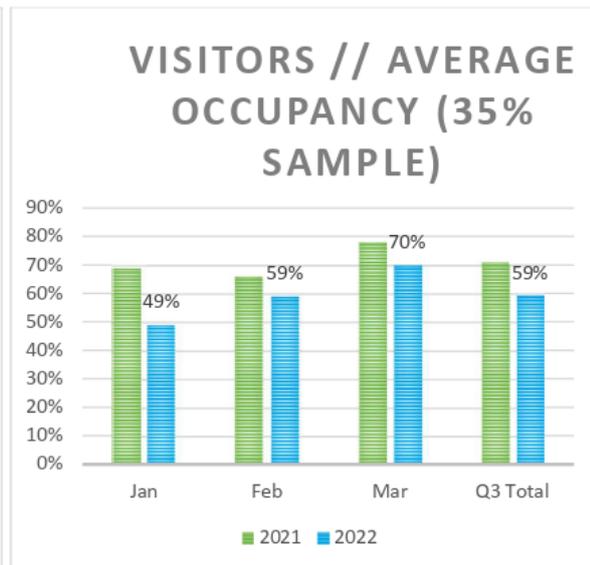
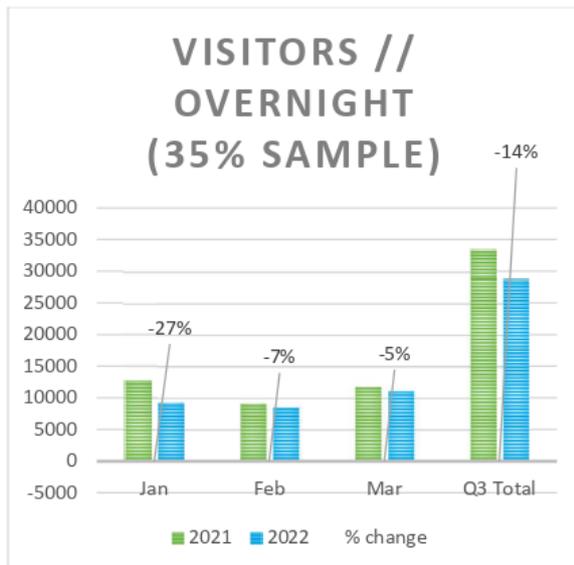
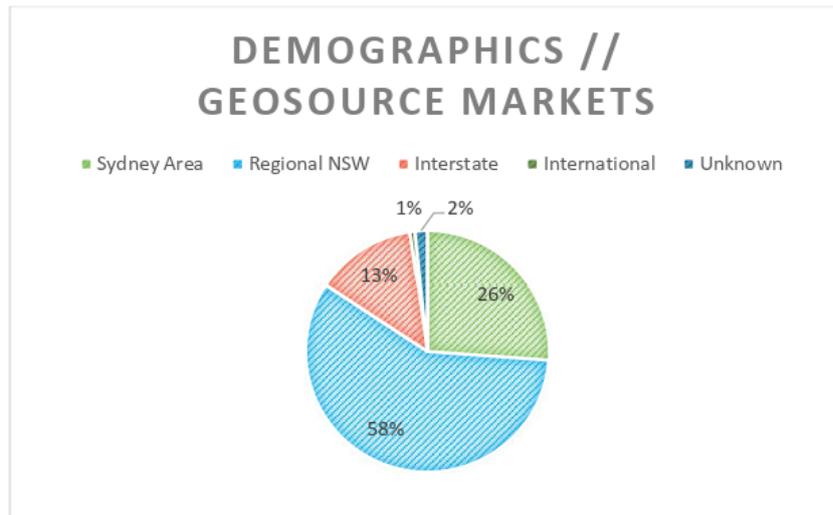




- Unique website visitation down (-4%) page views down (11%)
- Email subscribers down (-6%) + Social Media followers up (7%)
- Consumer confidence building, research and plan travel arrangements growing momentum
- No active campaign in market while Phase 2 of Feel the Love being developed

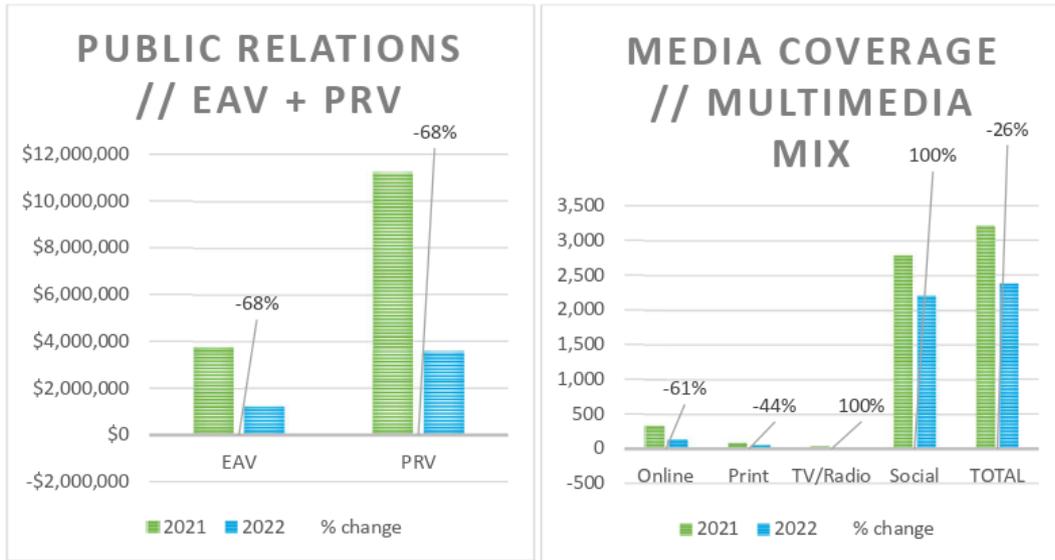
VISITOR STATISTICS





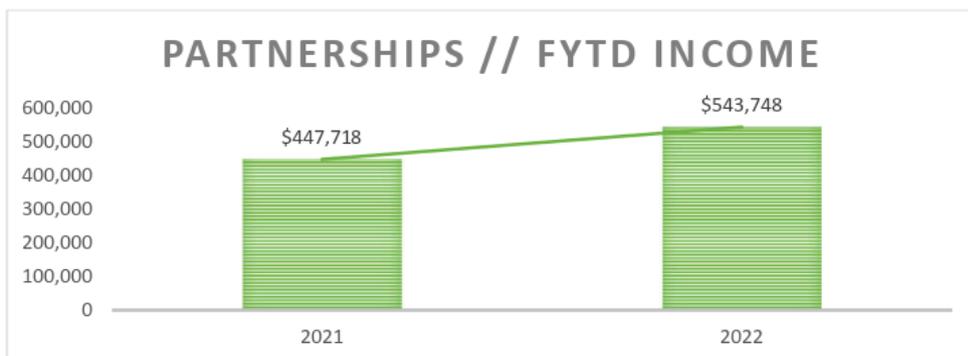
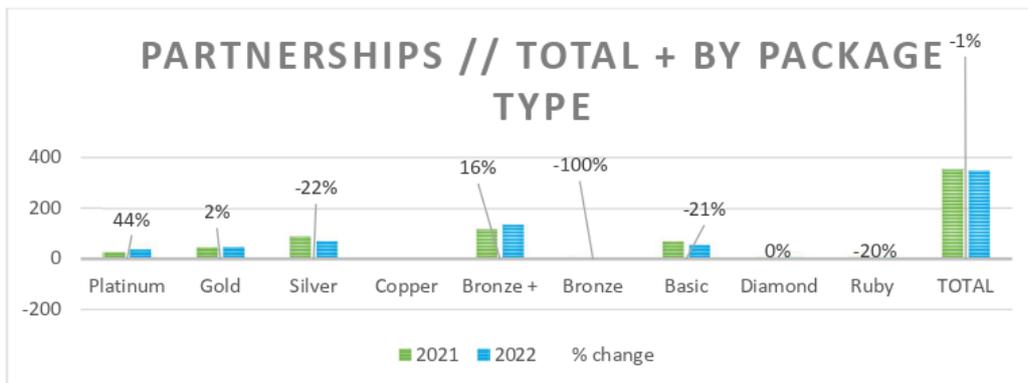
- VIC visitors decreased significantly compared to Q3 2021 (-32%)
- Overnight visitors down on Q3 2021 (-14%)
- Average occupancy down Q3 2021 (-16%)
- Regional NSW was the strongest geo-source market (58%), comprised of big number of Mudgee Region visitors, followed by the Sydney area (26%)
- Data demonstrates inconsistencies when comparing to 2020-21, primarily due to the ever-changing tourism landscape and the extremely strong re-bounce with visitor's desire to visit the region after COVID-19 lockdown in 2020-21

PUBLIC RELATIONS // MEDIA COVERAGE



- Media coverage/articles – to access our digital press room [click here](#)
- Estimated Advertising Value (EAV) and Public Relations Value (PRV) being down (68%, respectively), no active campaign in market while Phase 2 of Feel the Love being developed

PARTNERSHIPS



- Total partnership packages \$544K vs \$448K last year
- Partnership income up (21%)
- Extremely strong partnership engagement + confidence from industry in MRT deliverables

2020–25 DESTINATION MANAGEMENT PLAN GOALS + ACTIVITY

Goal	Measurable Objectives (over the period 2020 to 2025)	Progress or action taken, as at end of March 22
A. Leverage existing visitor markets to encourage increased length of stay and yield	Increase the visitor economy spend by 20% or 200,000 visitor nights	Decrease of 45% overnight visitation FYTD on previous year FY22 COVID19 travel restrictions in place, phased approached to re-opening + lack of consumer confidence
B. Encourage greater regional disbursal to share the benefits of tourism across the entire Mudgee Region	Increase in participation in events and tickets sales at museums and attractions by 10% in centres such as Gulgong, Kandos and Rylstone	With events reignited and consumer confidence returning, ticket sales are increasing
C. Strengthen the appeal of the region year-round to contribute to the viability of local businesses and to support vibrant communities	Increase in positive sentiment achieved as measured by an analysis of social media and online media sentiment Increase in digital content delivered for multichannel distribution relating to low and shoulder seasons	MRT are aiming for an increase in positive sentiment from 2019 baseline NPS (Net Promoter Score) of 50. 2020-21 MRT Media Sentiment Report completed Feb 22. Overall sentiment decreased from 39 to 36, however we retain the highest score and remain the most loved region just ahead of Margaret River on 35. Hunter Valley 28, Orange 25. Reference full report Mudgee announced as finalist for NSW Top Tourism Town Award
D. Focus on higher-yield markets by enriching the experience offer	Increase in the number of higher-yield products, tours and experiences listed on the Australian Tourism Data Warehouse (ATDW) and on online booking platforms	On-going members are encouraged to create their own ATDW content to connect with MRT website MRT will continue to work with local industry to increase our region's digital presence.
E. Enhance collaboration and partnerships to support the visitor economy	Increase partnership engagement and resulting financial contribution to MRT by 10%	Increase in higher level partnership packages resulting in 21% increase in financial contribution FYTD. 349 partners FYTD compared to 354 on previous year

FINANCIAL PERFORMANCE

1. **Nature of Report**
 - a. This is the financial report for the second quarter of the MRTI 2021–22 financial year, given to Mid-Western Regional Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.
 - b. The report demonstrates the preliminary trading result for the financial quarter ended March 31, 2022.
2. **Accounting Conventions**
 - a. The attached P&L and Balance Sheet have been prepared from the Xero General Ledger with no external intervention other than formatting.
 - b. Accrual accounting is used under GAAP.

Overall Result

 - a. Operating Profit/Net Income \$194K, \$98K ahead of budget.
3. **Trading Income**

Retail trading income at end Q3 \$161K, \$17K behind budget.
4. **Total Income**

Overall revenue \$26K ahead of budget.

Gross Profit \$41K ahead budget.
5. **Total Expenses**

Total expenses under budget \$40K.

 - a. The organisation continues to be under financial control.
6. **Cash Funds**

At the end of Q3 of the 2021–22 Financial Year, Cash-on-Hand is the primary current asset \$297K
7. **Balance Sheet**
 - a. A balance sheet is included as part of this report.

CONSOLIDATED – MARCH YTD VS BUDGET YTD

Consolidated - Q3 YTD vs Budget YTD

PROFIT & LOSS	2021/2022 (YTD)	Budget	Budget Variance (\$)	Budget Variance (%)
Revenue				
Retail Sales	\$160,952	\$178,029	-\$17,077	-9.59%
Ticket and Booking Income	\$2,934	\$2,910	\$24	0.82%
Partnership Income	\$543,748	\$524,600	\$19,148	3.65%
Mid Western Regional Council	\$508,419	\$508,417	\$2	0.00%
Grants & Other Income	\$221,506	\$198,000	\$23,506	11.87%
Total Revenue	\$1,437,558	\$1,411,956	\$25,602	1.81%
Cost of Sales				
COGS Mudgee	\$73,966	\$128,279	-\$54,313	-42.34%
COGS Partnership	\$6,486	\$7,000	-\$514	-7.35%
COGS Merchandise Sales G	\$269	\$0	\$269	-
COGS Ticketing	\$8	\$322	-\$314	-97.60%
COGS Merchandise Sales M - GST Free	\$39,159	\$0	\$39,159	-
Total Cost of Sales	\$119,887	\$135,601	-\$15,714	-11.59%
Gross Profit	\$1,317,671	\$1,276,355	\$41,316	3.24%
Expenses				
Bank and Professional / Consultant Fees	\$36,911	\$38,570	-\$1,659	-4.30%
Computer & IT Expenses	\$22,530	\$15,585	\$6,945	44.56%
Depreciation	\$15,804	\$12,755	\$3,049	23.90%
Partner Costs	\$7,861	\$8,330	-\$469	-5.63%
Operating Costs	\$35,558	\$24,098	\$11,460	47.55%
Regional Marketing	\$273,244	\$333,600	-\$60,356	-18.09%
Staff & Board Costs (not Salaries & Wages)	\$21,676	\$20,525	\$1,151	5.61%
Staff Wages & Salaries	\$525,736	\$514,200	\$11,536	2.24%
Magazine and Map	\$167,050	\$172,379	-\$5,329	-3.09%
Suspense	-\$238	\$0	-\$238	-
Total Expenses	\$1,106,132	\$1,140,042	-\$33,910	-2.97%
Operating Profit	\$211,539	\$136,313	\$75,226	55.19%
Other Income				
MWRC Reimbursement	\$392	\$0	\$392	-
Other Expenses				
Office Relocation	\$17,745	\$40,000	-\$22,255	-55.64%
Earnings Before Interest & Tax	\$194,187	\$96,313	\$97,874	101.62%
Net Income	\$194,187	\$96,313	\$97,874	101.62%

BALANCE SHEET – DECEMBER 2021

As at 31 March 2022

BALANCE SHEET	Mar 2022
ASSETS	
Cash & Equivalents	
Visa Debit Cards	\$3,565
NAB 14-080-1731	\$293,367
NAB Savings Acc	\$540
Total Cash & Equivalents	\$297,473
Accounts Receivable	
Trade Debtors	\$5,687
Trade Debtors - Sub Account	-\$2,195
Total Accounts Receivable	\$3,492
Inventory	
Stock On Hand Mudgee	\$37,064
Stock on Hand - Consignment	\$172
Stock on Hand Mudgee - GST Free	-\$7,726
Total Inventory	\$29,511
Other Current Assets	
ING Management Account	\$7
Float	\$600
Undeposited Funds	-\$2,352
Retail POS System Clearing Account	\$1,862
Membership Fees Clearing Account	-\$979
Prepayments [13505]	\$8,615
123Tix Ticket Sales	\$2,094
FBT Prepayment	\$9,096
Prepaid Aramex - Fastway	\$510
Total Other Current Assets	\$19,453
Total Current Assets	\$349,928
Fixed Assets	
Motor Vehicle	\$53,227
Accum Depn - Motor Vehicle	-\$27,902
Plant & Equipment	\$53,556
Accum Depn - Plant & Equipment	-\$19,799
Office Equipment	\$13,876
Accum Depn - Office Equipment	-\$2,884
Furniture & Fittings @ Cost	\$57,027
Accum Depn - Furniture & Fittings	-\$7,437
Total Fixed Assets	\$119,665
Investments or Other Non-Current Assets	
Intangible Asset - Web update	\$91,836
Accum Depn - Intangible Assets	-\$48,011
2011 Advertisement	\$340
Total Investments or Other Non-Current Assets	\$44,165
Total Non-Current Assets	\$163,830
Total Assets	\$513,758
LIABILITIES	

	Mar 2022
Accounts Payable	
Trade Creditors	\$66,510
Tax Liability	
PAYG Withholding Tax	\$8,408
Other Current Liabilities	
Suspense [13600]	\$2,431
GST	-\$2,958
Superannuation Payable	\$4,378
Rounding	\$0
Conversion clearing account	\$66
Accruals	\$11,635
Rounding Adj Account	\$4
Provision for Holiday Pay [25600]	\$34,462
Countrylink Tickets	\$301
Provision for Purchase of Consignment Stock	\$225
Income in Advance - BLERF	\$52,390
Total Other Current Liabilities	\$102,934
Total Current Liabilities	\$177,853
Other Non-Current Liabilities	
Chattel Mtg Liability(current)	\$8,766
UnExp Int-Chattel Mtg Current	-\$206
Provision for LSL [25602]	\$19,613
Total Other Non-Current Liabilities	\$28,173
Total Non-Current Liabilities	\$28,173
Total Liabilities	\$206,025
EQUITY	
Retained Earnings	
Retained Earnings	\$113,546
Current Earnings	
Current Year Earnings	\$194,187
Total Equity	\$307,732
Total Liabilities & Equity	\$513,758



2021–22 Quarterly Report

Q4: Apr to Jun 2022

prepared for

MID-WESTERN REGIONAL COUNCIL

PURPOSE

Mudgee Region Tourism (MRT) tables this report to the Mid-Western Regional Council (MWRC) as a requirement of the contract between MWRC and MRT 2017–22, an agreement subject to the following key performance indicators and as referenced in Appendix 1 of the Contract.

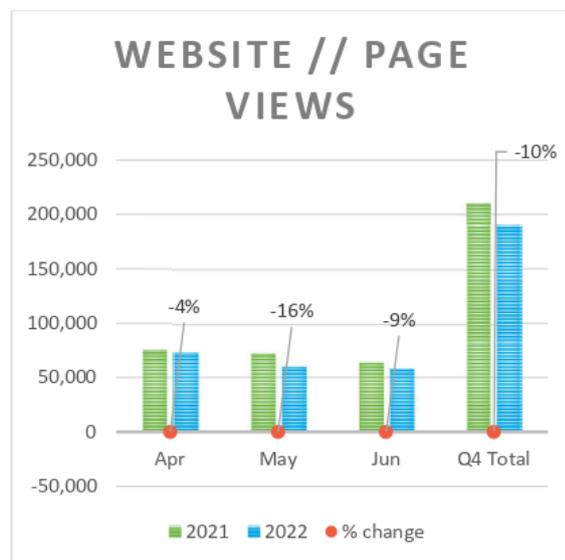
BOARD + EXECUTIVE TEAM

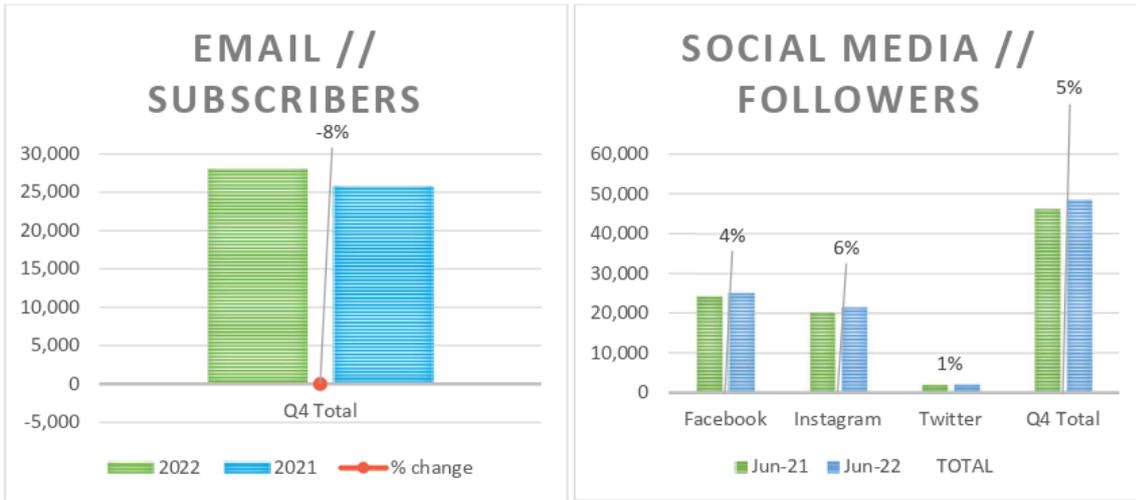
- Mudgee announced winners of NSW Top Tourism Town (population 5,000+) second year in a row. Will be inducted in the Hall of Fame in 2023
- Successful onsite business verification for AVIC Accreditation Review confirmed by The Tourism Group
- Advertising and recruitment commenced for CEO - led by McArthur
- 2022–2023 Partnership Drive completed - 289 partners: income of \$479k
- Attended DNCW Destination Management Plan Workshop // Bathurst 16 May
- Special AGM held for partners, incoming Board Directors ratified and Feel the Love Reconnect | Rediscover | Reimagine campaign launch to industry // Mudgee 17 May
- Attended MWRC Economic Think Tank // Mudgee 26 May
- New content developed for the region: video + stills in line with Feel the Love campaign
- Production of the new 2022-23 Mudgee Region Magazine and Map
- Hosted quarterly events meeting with MRT, MWRC, MWA and MFF

GRANTS + FUNDING

- Regional Skills Relocation Grant application submitted awaiting pre-approval
- Bushfire Local Economic Recovery Fund (\$495K) Feel the Love 2.0 project in progress. Campaign video + still images developed; TVC, PR + Social strategy in progress; digital asset being developed.
- Building Better Regions Fund (BBRF) application successful for two grants, implementation late 2022 for Industry Engagement Strategy and Wellness Strategy
- Google AdWords Grant – successful grant for not for profits, activity commenced

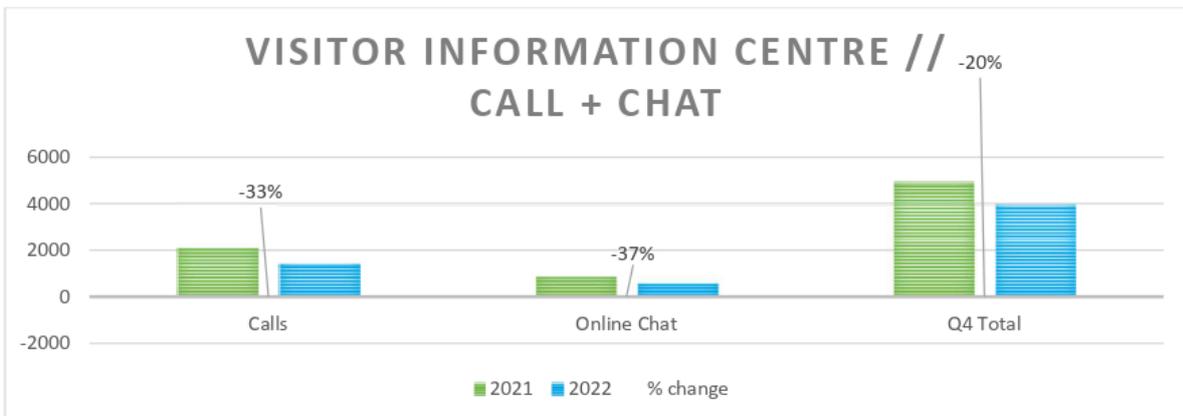
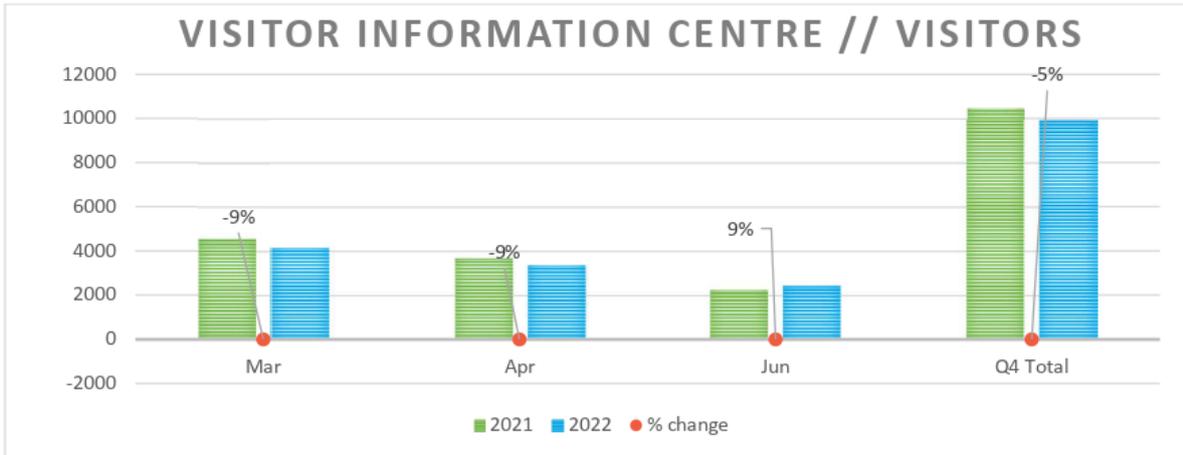
DESTINATION MARKETING

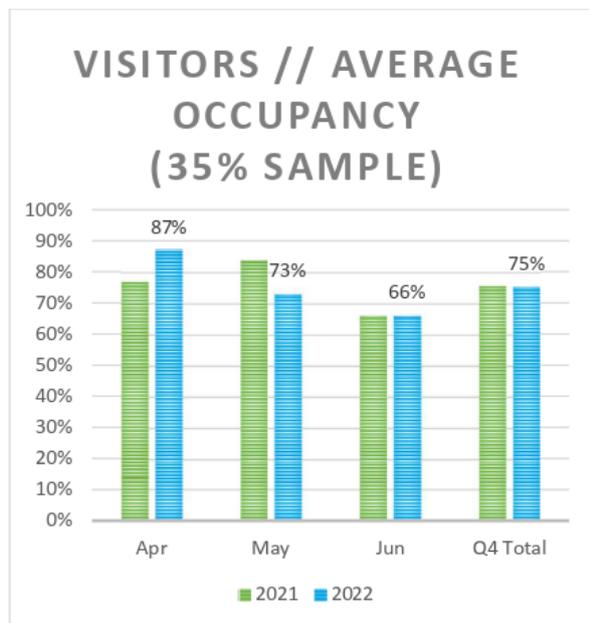
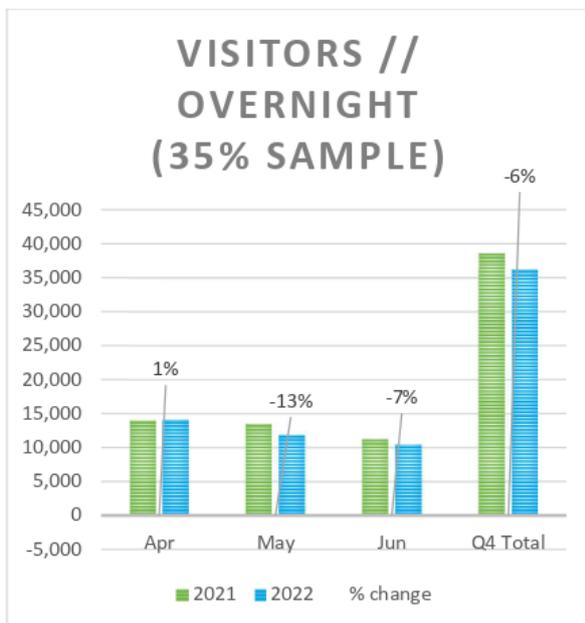
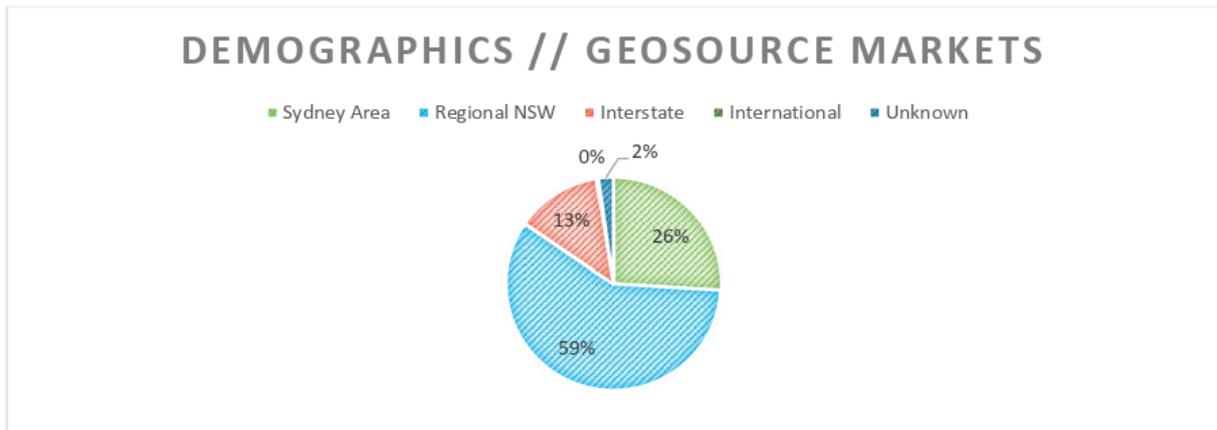




- Unique website visitation down (-7%) page views down (10%)
- Email subscribers down (-8%) + Social Media followers up (5%)
- Consumer confidence improving, consumer competition with international borders open and flight discounting
- No active campaign in market while Phase 2 of Feel the Love being developed

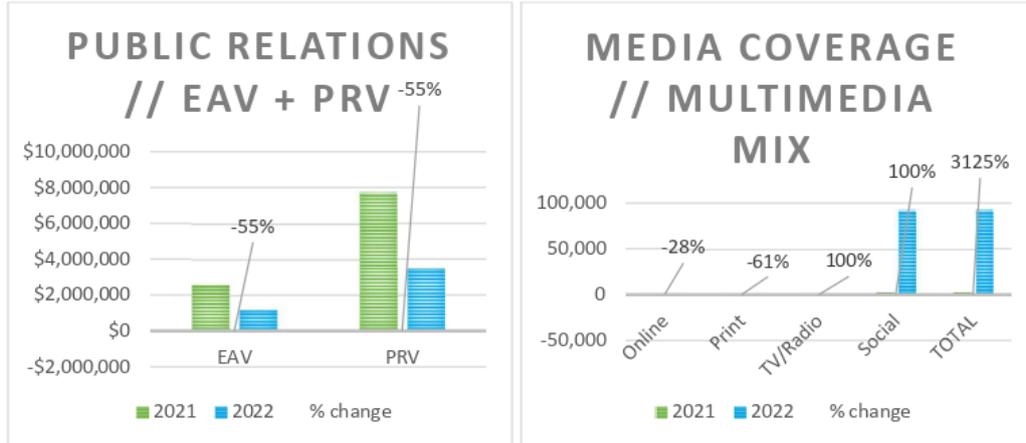
VISITOR STATISTICS





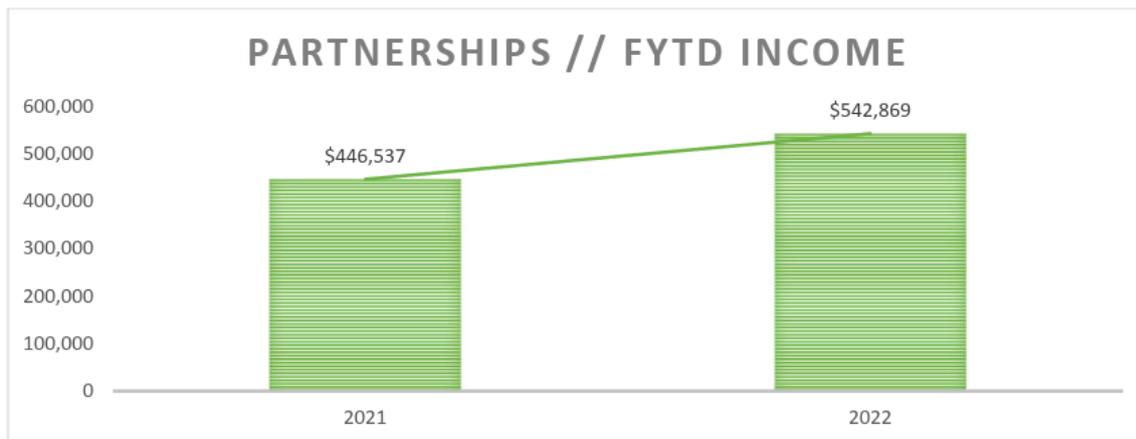
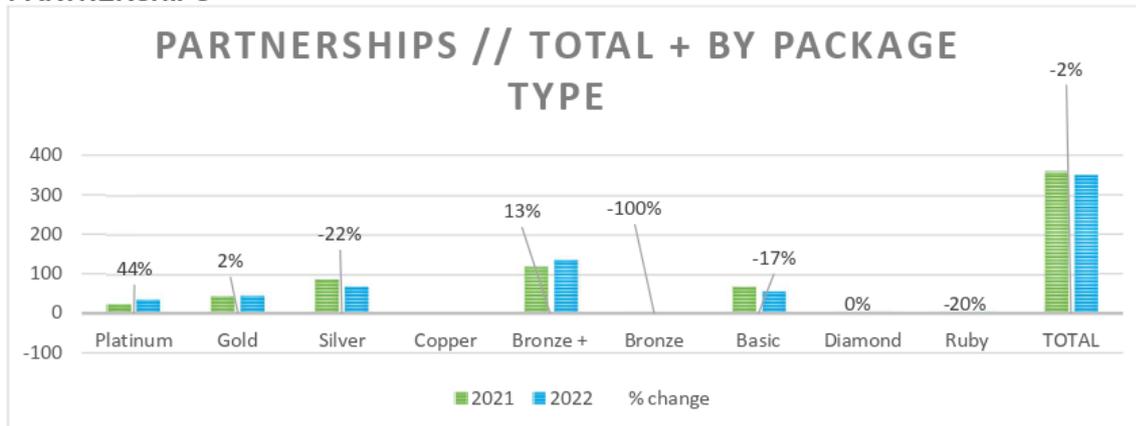
- VIC visitors decreased compared to Q4 2021 (-5%)
- Overnight visitors down on Q4 2021 (-6%)
- Average occupancy on par with Q4 2021
- Regional NSW was the strongest geo-source market (59%), comprised of big number of Mudgee Region visitors, followed by the Sydney area (26%)
- A positive response from visitors with 93% indicating they will return within 12 months
- Data demonstrates inconsistencies when comparing to 2020-21, primarily due to the ever-changing tourism landscape and the extremely strong re-bounce with visitor’s desire to visit the region after COVID-19 lockdown in 2020-21
- Q4 2022 results are demonstrating an increase when comparing data to pre-pandemic (Q4 2019). Overnight visitors increase by 10%. Average occupancy increase by 9%

PUBLIC RELATIONS // MEDIA COVERAGE



- Media coverage/articles – to access our digital press room click [here](#)
- Estimated Advertising Value (EAV) and Public Relations Value (PRV) being down (55%, respectively), no active campaign in market while Phase 2 of Feel the Love being developed
- High social coverage in May for announcement of NSW Top Tourism Town winners
- Australian Traveller Tip-On // 30K Mudgee Region Magazines May, June + July 2022

PARTNERSHIPS



- Total partnership packages \$543K vs \$447K last year
- Partnership income up (22%)

2020–25 DESTINATION MANAGEMENT PLAN GOALS + ACTIVITY

Goal	Measurable Objectives (over the period 2020 to 2025)	Progress or action taken, as at end of June 22
A. Leverage existing visitor markets to encourage increased length of stay and yield	Increase the visitor economy spend by 20% or 200,000 visitor nights	Decrease of 35% overnight visitation FYTD on previous year FY22 COVID19 travel restrictions in place, phased approached to re-opening + lack of consumer confidence.
B. Encourage greater regional disbursal to share the benefits of tourism across the entire Mudgee Region	Increase in participation in events and tickets sales at museums and attractions by 10% in centres such as Gulgong, Kandos and Rylstone	With events reignited and consumer confidence returning, ticket sales are increasing
C. Strengthen the appeal of the region year-round to contribute to the viability of local businesses and to support vibrant communities	Increase in positive sentiment achieved as measured by an analysis of social media and online media sentiment Increase in digital content delivered for multichannel distribution relating to low and shoulder seasons	MRT are aiming for an increase in positive sentiment from 2019 baseline NPS (Net Promoter Score) of 50. 2020-21 MRT Media Sentiment Report completed Feb 22. Overall sentiment decreased from 39 to 36, however we retain the highest score and remain the most loved region just ahead of Margaret River on 35. Hunter Valley 28, Orange 25. Reference full report Mudgee named NSW Top Tourism Town. Australian Traveller magazine tip-on package included online editorial + social coverage through the Australian Traveller website and social channels. Feel the Love TVC, PR + Social Strategy in development. New regional campaign content video + still images in works.
D. Focus on higher-yield markets by enriching the experience offer	Increase in the number of higher-yield products, tours and experiences listed on the Australian Tourism Data Warehouse (ATDW) and on online booking platforms	On-going members are encouraged to create their own ATDW content to connect with MRT website, currently 179 partner ATDW listings. MRT will continue to work with local industry to increase our region's digital presence. There are a total of 263 Mudgee Region listings on ATDW, an increase of 17% FYTD on previous year
E. Enhance collaboration and partnerships to support the visitor economy	Increase partnership engagement and resulting financial contribution to MRT by 10%	Increase in higher level partnership packages resulting in 22% increase in financial contribution FYTD. 352 partners FYTD compared to 358 on previous year

FINANCIAL PERFORMANCE

1. **Nature of Report**

a. This is the financial report for the second quarter of the MRTI 2021–22 financial year, given to Mid-Western Regional Council (MWRC) under the reporting format as agreed under the contract executed between MWRC and MRTI.

b. The report demonstrates the preliminary trading result for the financial quarter ended June 30, 2022, prior to financial audit and adjustments.

2. **Accounting Conventions**

a. The attached P&L and Balance Sheet have been prepared from the Xero General Ledger with no external intervention other than formatting.

b. Accrual accounting is used under GAAP.

Overall Result

a. Operating Profit/Net Income \$99K, \$139K ahead of budget.

3. **Trading Income**

Retail trading income at end Q4 \$212K, \$15K behind budget.

4. **Total Income**

Overall revenue \$25K ahead of budget.

Gross Profit \$63K ahead budget.

5. **Total Expenses**

Total operational expenses under budget \$54K.

a. The organisation continues to be under financial control.

6. **Cash Funds**

At the end of Q4 of the 2021–22 Financial Year, Cash-on-Hand is the primary current asset \$639K (primarily due to 2022-23 partnership income/pre-payments)

7. **Balance Sheet**

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

CONSOLIDATED – JUNE YTD VS BUDGET YTD

Consolidated - Q4 YTD vs Budget YTD

PROFIT & LOSS	2021/2022	Budget	Budget Variance (\$)	Budget Variance (%)
Revenue				
Retail Sales	\$212,067	\$226,819	-\$14,752	-6.50%
Ticket and Booking Income	\$10,014	\$5,000	\$5,014	100.28%
Partnership Income	\$542,975	\$524,600	\$18,375	3.50%
Mid Western Regional Council	\$670,018	\$664,558	\$5,460	0.82%
Grants & Other Income	\$357,396	\$346,000	\$11,396	3.29%
Total Revenue	\$1,792,470	\$1,766,977	\$25,493	1.44%
Cost of Sales				
COGS Mudgee	\$149,800	\$185,743	-\$35,943	-19.35%
COGS Partnership	\$6,512	\$7,000	-\$488	-6.97%
COGS Ticketing	\$17	\$600	-\$583	-97.11%
Total Cost of Sales	\$156,330	\$193,343	-\$37,013	-19.14%
Gross Profit	\$1,636,141	\$1,573,634	\$62,507	3.97%
Expenses				
Bank and Professional / Consultant Fees	\$47,272	\$49,150	-\$1,878	-3.82%
Computer & IT Expenses	\$28,388	\$18,000	\$10,388	57.71%
Depreciation	\$27,846	\$17,000	\$10,846	63.80%
Partner Costs	\$9,756	\$10,000	-\$244	-2.44%
Operating Costs	\$44,670	\$30,300	\$14,370	47.43%
Regional Marketing	\$453,203	\$533,500	-\$80,297	-15.05%
Staff & Board Costs (not Salaries & Wages)	\$24,865	\$28,249	-\$3,384	-11.98%
Staff Wages & Salaries	\$692,199	\$693,140	-\$941	-0.14%
Magazine and Map	\$170,251	\$173,779	-\$3,528	-2.03%
Suspense	-\$212	\$0	-\$212	-
Recruitment	\$20,789	\$20,000	\$789	3.95%
Total Expenses	\$1,519,027	\$1,573,118	-\$54,091	-3.44%
Operating Profit	\$117,113	\$516	\$116,597	22,596.36%
Other Expenses				
Office Relocation	\$17,745	\$40,000	-\$22,255	-55.64%
Earnings Before Interest & Tax	\$99,368	-\$39,484	\$138,852	351.67%
Net Income	\$99,368	-\$39,484	\$138,852	351.67%

BALANCE SHEET – JUNE 2022

As at June 2022

BALANCE SHEET	Jun 2022
ASSETS	
Cash & Equivalents	
Visa Debit Cards	\$2,148
NAB 14-080-1731	\$635,898
NAB Savings Acc	\$540
Stripe AUD	\$98
Total Cash & Equivalents	\$638,685
Accounts Receivable	
Trade Debtors	\$39,680
Trade Debtors - Sub Account	-\$2,195
Total Accounts Receivable	\$37,485
Inventory	
Stock On Hand Mudgee	\$41,309
Stock on Hand - Consignment	\$634
Stock on Hand Mudgee - GST Free	-\$3,686
Total Inventory	\$38,257
Other Current Assets	
ING Management Account	\$7
Float	\$600
Undeposited Funds	\$2,255
Retail POS System Clearing Account	\$1,862
Membership Fees Clearing Account	\$65,732
Prepayments [13505]	\$16,274
123Tix Ticket Sales	\$1,947
Prepayment Partnership Drive	\$16,026
FBT Prepayment	\$4,877
Prepaid Aramex - Fastway	\$728
Total Other Current Assets	\$110,309
Total Current Assets	\$824,736
Fixed Assets	
Motor Vehicle	\$53,227
Accum Deprn - Motor Vehicle	-\$32,454
Plant & Equipment	\$53,556
Accum Deprn - Plant & Equipment	-\$20,140
Office Equipment	\$13,876
Accum Deprn - Office Equipment	-\$3,693
Furniture & Fittings @ Cost	\$57,027
Accum Deprn - Furniture & Fittings	-\$10,281
Total Fixed Assets	\$111,119
Investments or Other Non-Current Assets	
Intangible Asset - Web update	\$91,836
Accum Deprn - Intangible Assets	-\$51,507
2011 Advertisement	\$340
Total Investments or Other Non-Current Assets	\$40,669
Total Non-Current Assets	\$151,788
Total Assets	\$976,524
LIABILITIES	

	Jun 2022
Accounts Payable	
Trade Creditors	\$86,954
Tax Liability	
PAYG Withholding Tax	\$9,134
Other Current Liabilities	
Suspense [13600]	\$1,601
GST	\$50,928
Superannuation Payable	\$5,545
Rounding	\$0
Conversion clearing account	\$66
Accruals	\$11,635
Rounding Adj Account	\$4
Provision for Holiday Pay [25600]	\$34,388
Countrylink Tickets	\$378
Income in Advance - Gold	\$146,018
Income in Advance - Bronze	\$40,161
Income in Advance - Ruby	\$8,280
Income in Advance - Platinum	\$154,809
Income in Advance - Diamond	\$9,160
Income in Advance - Basic	\$10,509
Income in Advance - Silver	\$102,502
Provision for Purchase of Consignment Stock	\$225
Income in Advance - BLERF	\$64,500
2022/23 Additional Advertising in Advance	\$8,940
Total Other Current Liabilities	\$649,648
Total Current Liabilities	\$745,736
Other Non-Current Liabilities	
Chattel Mtg Liability(current)	\$5,479
UnExp Int-Chattel Mtg Current	-\$87
Provision for LSL [25602]	\$24,266
Total Other Non-Current Liabilities	\$29,658
Total Non-Current Liabilities	\$29,658
Total Liabilities	\$775,393
EQUITY	
Retained Earnings	
Retained Earnings	\$104,499
Current Earnings	
Current Year Earnings	\$96,632
Total Equity	\$201,131
Total Liabilities & Equity	\$976,524

Item 8: Development

8.1 DA0178/2022 - Subdivision of Land (1 into 11 Lots) and Dual Occupancy Development (12 Dwellings) with new extension of Inverness Avenue - 21 Robertson Street, Mudgee

REPORT BY THE PLANNING COORDINATOR
 TO 17 AUGUST 2022 ORDINARY MEETING
 GOV400098, DA0178/2022

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on DA0178/2022 - Subdivision of Land and Dual Occupancy Development with new extension of Inverness Avenue - 21 Robertson Street, Mudgee, legally identified as Lot 27 DP 1165146 and Lot 2 DP 153695;
- B. approve DA0178/2022 - Subdivision of Land and Dual Occupancy Development with new extension of Inverness Avenue - 21 Robertson Street, Mudgee, legally identified as Lot 27 DP 1165146 and Lot 2 DP 153695 subject to the following conditions and Statement of Reasons:

CONDITIONS

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. Any modification otherwise required to the approved plans will require the submission of a modification application under Section 4.55 of the *Environmental Planning and Assessment Act*.

<i>Title/Name</i>	<i>Drawing No/ Document Ref</i>	<i>Revision/ Issue</i>	<i>Dated</i>	<i>Prepared by</i>
Proposed Subdivision Layout	Dwg 21-97_11	14	28.02.2022	Imrie, Astley & Associates
Master Site Plan	01.0	C	18.07.2022	Duplex Building Design
Lot 1 and 1A - Site Plan	001.1	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – DWL A Ground Floor Plan	001.3	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – DWL B Ground Floor Plan	001.4	P6	18.07.2022	Duplex Building Design

Lot 1 and 1A – Elevations	001.5	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Elevations	001.6	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Building Section	001.7	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Site Management Legend	001.8	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Shadow Diagram	001.9	P6	18.07.2022	Duplex Building Design
Lot 1 and 1A – Landscaping Area	001.11	P6	18.07.2022	Duplex Building Design
Lot 2 and 2A – Site Plan	00.1	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Ground Floor Plan	00.3	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Elevation	00.4	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Elevation	00.5	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Section + Details	00.6	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Site Management Plan	00.7	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Shadow Diagram	00.8	F	18.07.2022	Duplex Building Design
Lot 2 and 2A – Gross Building Area Plan & Landscape Compliance	00.9	F	18.07.2022	Duplex Building Design
Lot 3 and 3A – Site Plan	001	F	18.07.2022	
Lot 3 and 3A – Ground Floor Plan	00.3	F	18.07.2022	Duplex Building Design
Lot 3 and 3A – First Floor Plan	00.4	B	18.07.2022	Duplex Building Design
Lot 3 and 3A – Elevation	00.5	E	18.07.2022	Duplex Building Design
Lot 3 and 3A – Elevation	00.6	E	18.07.2022	Duplex Building Design
Lot 3 and 3A – Section + Details	00.7	F	18.07.2022	Duplex Building Design
Lot 3 and 3A – Site Management Plan & Shadow Diagrams	00.8	F	18.07.2022	Duplex Building Design

Lot 4 and 4A – Site Plan	0001.1	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Ground Floor Plan	0001.3	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – First Floor Plan	0001.4	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Elevation	0001.5	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Elevation	0001.6	P5	18.07.2022	Duplex Building Design
Lot 4 and 4A – Section + Details	0001.7	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Site Management Plan & Shadow Diagrams	0001.8	P6	18.07.2022	Duplex Building Design
Lot 4 and 4A – Gross Floor Area /F.S.R	0001.9	P6	18.07.2022	Duplex Building Design
Lot 10 and 10A – Site Plan	001.0	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Ground Floor Plan	001.3	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – First Floor Plan	001.4	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Elevation	001.5	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Elevation	001.6	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Section + Details	001.7	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Site Management Plan & Shadow Diagrams	001.8	P7	18.07.2022	Duplex Building Design
Lot 10 and 10A – Gross Floor Area /F.S.R	001.9	P2	18.07.2022	Duplex Building Design
Lot 11 and 11A – Site Plan	00.1	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Ground Floor Plan	00.3	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – First Floor Plan	00.4	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Elevation	00.5	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Elevation	00.6	D	18.07.2022	Duplex Building Design

Lot 11 and 11A – Section + Details	00.7	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Site Management Plan & Shadow Diagrams	00.8	D	18.07.2022	Duplex Building Design
Lot 11 and 11A – Gross Floor Area /F.S.R	00.9	D	18.07.2022	Duplex Building Design
Noise Impact Assessment – Proposed Residential Subdivision inverness Avenue Mudgee	212177R	-	April 2022	Spectrum Acoustics
BASIX Certificate – Lot 1 & 1A	1261069M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 2 & 2A	1261125M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 3 & 3A	1261088M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 4 & 4A	1261130M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 10 & 10A	1261451M	-	22 November 2021	Paul & C associates
BASIX Certificate – Lot 11 & 11A	1261133M	-	22 November 2021	Paul & C associates
Traffic Assessment Report	TX15318.02-01RPT.JD	REV 1	21 November 2021	Triaxial Consulting
Existing Plan	TX15318.02-C2.00	E	14.07.2022	Triaxial Consulting
Subdivision Plan 1	TX15318.02-C3.00	E	14.07.2022	Triaxial Consulting
Inverness Ave Extension Plan and Longitudinal Section	TX15318.02-C4.00	E	14.07.2022	Triaxial Consulting
Inverness Ave Extension Cross Sections	TX15318.02-C5.00	E	14.07.2022	Triaxial Consulting
Drainage Plan	TX15318.02-C6.00	E	14.07.2022	Triaxial Consulting
Sewer Plan Sheet 1	TX15318.02-C7.00	E	14.07.2022	Triaxial Consulting
Sewer Plan Sheet 2	TX15318.02-C7.01	E	14.07.2022	Triaxial Consulting
Water Plan	TX15318.02-C8.00	E	14.07.2022	Triaxial Consulting

2. This development consent includes approval for the following:
 - a. Stage 1 - Subdivision of land (1 Lot into 11 Lots);
 - b. Stage 2 – Construction of a dual occupancy (detached) on proposed Lots 1, 2, 3, 4, construction of a dual occupancy (attached) on proposed Lots 10 and 11, and removal of 5 x trees;
 - c. Stage 3 - Subdivision of each Dual Occupancy.

Note - Lots 5, 6, 7, 8 and 9 are vacant lots under this consent.

3. This approval does not include the installation of the proposed Entry Signs to be located in the road reserve.

GENERAL

The following conditions are to be complied with and implemented for all relevant stages of the development.

4. The height and construction of dividing fences may require agreement between the owners of the subject land and the respective owners of adjacent properties. Legal advice should be sought in the case of any doubt.
5. Notwithstanding the approved plans, the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
6. All earthworks, including cut and fill and the construction of retaining walls must be carried out in accordance with the requirements of Council's Development Control Plan. The extent of fill is not permitted to exceed 600 mm, cut is limited to 1,000 mm and retaining walls must be set back a minimum of 300mm from any boundary.
7. Any fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
8. Costs associated with all development works including any necessary alterations, relocations 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.
9. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a. protect and support the building, structure or work from possible damage from the excavation; and
 - b. where necessary, underpin the building, structure or work to prevent any such damage.

Note: Prescribed condition pursuant to clause 98E of the Environmental Planning and Assessment Regulation 2000 and Council requirement to preserve the stability of adjoining roads/public places.

10. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works or Construction Certificate has been obtained and the appointment of a Principal Certifier.

11. No structures or earthworks are permitted to encroach within any easements for the purposes of utility infrastructure as specified in Council's Development Control Plan.
12. 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.
13. All trafficable pavements are to be constructed and sealed with an impervious surface, either bitumen or concrete, and maintained to the satisfaction of Council at all times.
14. Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, this includes Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.
15. Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, Plumbing and Drainage Act 2002 and Plumbing and Drainage Regulations to the complete satisfaction of the Plumbing and Drainage Inspector.
16. 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.

**PRIOR TO ISSUE OF A SUBDIVISION WORKS CERTIFICATE
(STAGE 1 – SUBDIVISION 1 INTO 11 LOTS)**

The following conditions are to be satisfied, prior to the issue of a Subdivision Works Certificate for all Civil Construction Works required by the development.

17. Prior to issue of the Subdivision Works Certificate, the plan provided by Triaxial Consulting TX15318.02-C6.00 REV E dated 14.07.2022 is to be updated to ensure the acoustic barrier is maintained at a height of 5.6 metres for the full length of the acoustic easement as referenced within Figure 2 - BK632, sheet 2 of 3. The full length of the mound / acoustic barrier fronting the subject development is to be landscaped with a mix of low maintenance native grasses, shrubs and trees with spacing's of not less than 5 metres.
18. Prior to issue of the Subdivision Works Certificate, the plan provided by Triaxial Consulting TX15318.02-C6.00 REV E dated 14.07.2022 is to be updated to include new pedestrian lighting of the relocated golf cart track in accordance with AS1158.1 – Pedestrian. The placement of lighting must not cause nuisance on any residential lands.
19. A detailed Engineering Design is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The Engineering Design is to comply with Council's Development Control Plan, Guidelines and Standards referenced here within. A Subdivision Works Certificate is required for, but not limited to the following Civil Works:
 - Stormwater Drainage, including Inter-allotment Drainage, Detention Basins and

bio-retention Devices as applicable;

- Road Construction including footpaths;
- Water and Sewerage extensions;
- Earth works for the Subdivision;
- Landscaping of road verges and Public Reserves

Note: No work is permitted to commence prior to the issue of an approved Subdivision Works Certificate.

20. Where filling is required all finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate. 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.
21. 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 the Streets Opening Conference Guideline 2009 Section 6.2.
22. A Traffic Guidance Scheme (TGS) completed by a certified person for implementation during the works is to be submitted to Mid-Western Regional Council for assessment by Council prior to the granting of the Subdivision Works Certificate.

STORMWATER DRAINAGE

23. Stormwater Drainage design is to be prepared in accordance with the Institution of Engineer's publication Australian Rainfall and Runoff and submitted to Council for approval prior to the release of the Subdivision Works Certificate. The drainage design is to be supported by full and detailed calculations that demonstrate that the stormwater runoff from the site is not increased beyond the existing undeveloped state for all storm events up to and including a 100 year ARI. All stormwater detention details including analysis shall be included with the design documentation.
24. Drainage design for the sizing of the detention basin and cul-de-sac pipe must include an analysis of the upstream contributing area and overland flow paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems, prior to issue of the Subdivision Works Certificate.
25. Approved Kerb adaptors are to be provided for each Lot to enable stormwater runoff from future dwelling development to discharge to kerb. Connections / pipe are to be installed to extend no less than 600 mm into each Lot prior to the construction of footpath.
26. Inter-allotment drainage incorporating both pits, pipes and swale is to be installed across the rear of proposed Lots generally as shown on the Drawing Drainage Plan TX15318.02-C6.00 Issue E.
27. A bund is to be constructed within the Mudgee Golf Club land at the rear of proposed Lots 1 – 5 inclusive to protect those Lots from any surface runoff.

28. The cul-de-sac pipe is to be provided with a double kerb inlet to ensure inlet capacity is achieved for large storm events.

29. Outfall from the detention basin is to be piped to existing infrastructure located in Golf Club land north-east of the proposed basin.

ROAD WORKS

30. The Developer is to construct the extension of Inverness Avenue. Works for the proposed subdivision must be designed and infrastructure constructed such that all works comply with the following requirements.

ITEMS	REQUIREMENTS
Inverness Avenue extension	Road reserve to be 16 metres wide. Pavement to be widened to match existing Inverness Avenue pavement width, 9.6 metres wide Back of Kerb to Back of Kerb. The central nature strip / island at the subdivision entry is to be deleted.
Nature strip / verge	Graded to fall from property boundary to kerb
Footpath	Pedestrian paths to be concrete no less than 1.35 metres wide with approved bollards to prevent golf buggy / vehicle access. Golf buggy paths generally 2 metres wide but with localised widening as necessary to allow golf buggies to safely pass
Kerb and Gutter	Match existing Inverness Avenue roll-over kerb profile
Seal	Two coat flush seal 14/7mm (double/double)
Sub-Soil Drainage	Where required

31. All utility crossings are to be perpendicular to the road centreline and pre-formed prior to the addition of the base course.

32. All earthworks for the roads associated with the development must have compaction testing compliance with EMS Q4 and AUS-SPEC CQS-A.

WATER AND SEWER

33. The Developer is to provide a water and sewer connection for each proposed Lot in this subdivision. For sewer, this will require construction of new sewer mains to discharge to existing mains in Sydney Road. Detailed design for sewer and water mains extensions are to be included in plans submitted for a Subdivision Works Certificate.

Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the Developer. Please contact Council's Operations Water and Wastewater Department by calling 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).

34. The Applicant must provide to Council detailed design and documentation demonstrating that the proposed sewer achieves minimum grade requirements and has no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure.

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL / SUBDIVISION WORKS

The following conditions are to be satisfied, prior to commencement of all Civil Construction Works required by the development.

35. Prior to the commencement of any works the Developer must apply for and obtain approval for the issue of a Subdivision Works Certificate. Application for a Subdivision Works Certificate must be accompanied by full and detailed drawings and supported by calculations.
36. Any damage to Council infrastructure caused as a result of any part or stage of this development must be repaired or re-instated to Council satisfaction with all costs borne by the developer.
37. 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.
38. Prior to the commencement of subdivision works, the following actions are to be carried out:
- a. A site supervisor is to be nominated by the applicant;
 - b. Council is to be provided with two (2) days' notice of works commencing; and
 - c. Council is to be notified in writing of any existing damage to Council's infrastructure.

Note: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

39. 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 require to be relocated. DBYD can be contacted online www.1100.com.au or by phone on 1100.
40. Prior to the commencement of works, and in conjunction with the assessment and issue of a Subdivision Works certificate, an Erosion and Sediment Control Plan (ESCP) / Soil and Water Management Plan (SWMP) for the development is to be prepared and implemented in accordance with Landcom Guidelines and requirements as outlined in the latest edition of "Soils and Construction- Managing Urban Stormwater. Points to be considered include but not limited to:
- Saving available topsoil for reuse in the revegetation phase of the development;
 - Using erosion control measures to prevent on-site damage prior to any construction activity on site;

- Rehabilitating disturbed areas promptly; and
- Maintenance of erosion and sediment control structures.

Note: Details required to prepare both ESCP and SWMP's are provided in the above Landcom Document referred to as the Blue Book. Treatment methods to combat salinity are to be provided.

DURING WORKS - CIVIL

The following conditions are to be complied with, during all Civil Construction Works required by the development.

41. 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.

42. All necessary inspections and testing shall be undertaken during construction works in accordance with the requirement of the Principal Certifier and/ or Council.
43. 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, Energy and Science (OESS) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the (OESS).
44. The Applicant must ensure that the development does not cause any water pollution, as defined under Section 120 of the Protection of the Environment Operations Act 1997.
45. The Applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Registry Services and Council.
46. To reduce the likelihood of air emissions, dust and noise impacts, the Applicant shall ensure that all the plant and equipment used at the site is:
- a. maintained in a proper and efficient condition; and
 - b. operated in a proper and efficient manner.
47. The Applicant must minimise the dust generated by the development at all times.
48. All earthworks must ensure that the site is graded so as to be free draining.
49. No construction must take place until and unless appropriate erosion control, dust control and silt collection measures are in place to the satisfaction of Council and to relevant engineering standards. Such erosion control, dust control and silt collection measures must remain onsite and maintained to the satisfaction of Council for the duration of the construction period.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE (STAGE 1 – SUBDIVISION 1 INTO 11 LOTS)

The following conditions are to be satisfied, prior to the issue of a Subdivision Certificate for Stage 1 of the Development – 1 into 11 Lots.

50. Prior to issue of the Subdivision Certificate for Stage 1, compliance with the conditions of consent and the registration of the linen plan associated with DA0102/2021 shall be completed to the satisfaction of Council.

51. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Registry Services.

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

52. A linen plan and associated documentation are to be submitted to Council via the NSW Planning Portal for approval and endorsement by the General Manager (or an appointed delegate).

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

- a. A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and**
- b. 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.**

54. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.

55. Easements including associated Section 88B instruments, are to be created in favour of:

- any upstream lots to drain water (width variable);**
- any proposed lots to be serviced by water reticulation or sewer components (width of 3m).**

56. Easement and Section 88B documentation for stormwater drainage through proposed Lot 7 must include requirements for the ongoing maintenance of a shallow swale to define and overland flow path across the land, prior to issue of the Subdivision Certificate.

57. Easement and Section 88B documentation for the right of way for access for the relocated golf cart track and pedestrian pathway is to be provided, prior to issue of the Subdivision Certificate.

58. Prior to issue of a Subdivision Certificate, an investigation shall be undertaken that identifies the extent of salinity with reference to each individual lot within the subdivision. Should elevated salt levels be identified, the investigation should also make recommendations in terms of and include a salinity management plan for the entire site which contains adequate measures for combating potential salinity and increases the occurrence of native vegetation.

If a salinity management plan is required, it must be submitted to and approved by Mid-Western Regional Council prior to release of the subdivision certificate. A restriction as to user shall be created pursuant to section 88 of the Conveyancing Act nominating Mid-Western Regional Council as the varying authority over all lots, enforcing the implementation of the management plan. The Section 88 instrument shall be created at full cost to the developer.

59. Prior to the issue of a Subdivision Certificate, an agreement under Section 88B is to be entered into requiring that the re-located detention basin and Vegetation Zone is maintained by the Mudgee Golf Club to the satisfaction of Council at all times.
60. Prior to issue of a Subdivision Certificate, the acoustic mound with fencing being not less than 5.6m high for the full length of the acoustic easement as shown within Figure 2 - BK632, sheet 2 of 3, along with all landscaping is to be completed in accordance with the updated plan prepared by Triaxial Consulting included within the application for the Subdivision Works Certificate at the full cost of the developer and to the satisfaction of Council at all times.
61. Prior to the issue of a Subdivision Certificate, a Plan of Management is to be prepared with agreement of Mudgee Golf Club, detailing the following commitments:
- a. Frequency of management of the landscaping on the acoustic mound to be not less than quarterly. Where plantings have died, replacement of the plants are to be undertaken within 14 days with a like for like species;
 - b. Frequency of the management of the detention basin and adjoining Vegetation Zone to be not less than monthly;
 - c. Mowing and rubbish removal within all areas of the Right of Way for Access / golf cart track is to be undertaken not less than monthly;
 - d. Replacement of lighting within the golf cart track to be repaired not less than monthly;
 - e. A complaints handling procedure and reporting register is to be established that ensures all repairs and maintenance required within the rights of carriageway / golf cart track, detention basin and acoustic easement within the Golf Club land that are reported by residents or Council are appropriately resolved within 30 days. The register is to be made available to Council at any time upon request.

The Plan of Management is to be signed by Mudgee Golf Club with full details included for registration on title of the land under Section 88 of the Conveyancing Act and is to accompany the application for the Subdivision Certificate.

62. Prior to the issue of a Subdivision Certificate, the access handle of lot 5 (battle axe handle) shall be no less than 4 meters wide.
63. Prior to the issue of Subdivision Certificate the Developer is to construct new mains providing an extension of the existing mains in Inverness Avenue and separate water and sewer reticulation services to each allotment within the subdivision to the satisfaction of Council.
64. 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)
65. Prior to issue of Subdivision Certificate the Developer is to provide a sewer connection for each proposed Lot in this subdivision.

Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the Developer. Please contact Council's Operations Water and Wastewater Department by calling 1300 765 002 or 02 6378 2850 or by emailing

council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).

66. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.
67. Prior to the issue of a Subdivision Certificate all required infrastructure works are to be constructed at the full cost of the Developer, in a manner consistent with relevant parts of the AUS-SPEC Specification and Council's standard drawings.
68. Prior to the issue of a Subdivision Certificate for any stage, each lot must have separate access that must comply with Council requirements and must obtain approval under the provisions of Section 138 of the Roads Act 1993 prior to carrying out any activities in the road reserve.
69. 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 CD or 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:

- 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 dwg)
- 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

70. 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 the Subdivision Certificate for Stage 1. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
11 Lots (minus 1 credit for vacant lot)		
<i>Mudgee Catchment</i>	<i>Per Lot</i>	<i>10 Lots</i>
Transport Facilities	\$ 4,511.00	\$ 45,110.00
Recreation and Open Space	\$ 2,266.00	\$ 22,660.00
Community Facilities	\$ 660.00	\$ 6,600.00
Stormwater Management	\$ 476.00	\$ 4,760.00
Plan Administration	\$ 1,034.00	\$ 10,340.00
TOTALS	\$ 8,947.00	\$ 89,470.00

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.

71. Following completion of all engineering works with a final satisfactory inspection report, and prior to issue of a Subdivision Certificate for stage 1, a defects bond of 5% of the value of such works (not carried out by Council) or a minimum of \$2,000, whichever is the greater, shall be lodged with Council. The bond may be provided by way of a monetary deposit with the Council or via a Bank Guarantee which will be held for a period of 24 months. The 24-month maintenance bond period commences from the date of Plan Registration.
72. The amount at which uncompleted works is to be held as bond is to be confirmed with Council at a rate of 135% of the total cost of uncompleted works and is to be paid to Council prior to issue of the Subdivision Certificate.
73. A minimum of two (2) street trees per lot (excluding Lot 5) are to be installed with supporting barrier devices to prevent damage prior to issue of the Subdivision Certificate. A monetary payment / bond may be accepted by Council for this work in accordance with Council's Policy.
74. 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.

**PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE
 (STAGE 2 – DUAL OCCUPANCIES)**

The following conditions are to be satisfied, prior to the issue of a Construction Certificate for a Dual Occupancy.

- 75. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
- 76. Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.

Note: The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

- 77. 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 Construction Certificate. Contributions are subject to the consumer price index and are payable at the rate applicable at the time of payment.

Section 7.11 Contributions		
12 x Dwellings (1 credit per lot applied from Stage 1 Subdivision)		
<i>Mudgee Catchment</i>	<i>Per Lot</i>	<i>6 x Dwellings</i>
Transport Facilities	\$ 4,511.00	\$ 27,066.00
Recreation and Open Space	\$ 2,266.00	\$ 13,596.00
Community Facilities	\$ 660.00	\$ 3,960.00
Stormwater Management	\$ 476.00	\$ 2,856.00
Plan Administration	\$ 1,034.00	\$ 6,204.00
TOTALS	\$ 8,947.00	\$ 53,682.00

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.

- 78. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.
- 79. Prior to the issue of a Construction Certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note: Refer to Advisory Notes in relation to the payment of contributions to obtain a Certificate of Compliance.

PRIOR TO THE COMMENCEMENT OF WORKS - BUILDING

The following conditions are to be satisfied, prior to the commencement of construction works for each Dual Occupancy.

80. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
- a. the appointment of a Principal Certifying Authority; and
 - b. the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

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

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE PRIOR TO SUBSEQUENT DISPOSAL AT AN APPROVED WASTE DISPOSAL FACILITY.

82. A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:
- a. stating that unauthorised entry to the work site is prohibited;
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c. the name, address and telephone number of the Principal Certifying Authority for the work; and
 - d. the sign shall be removed when the erection or demolition of the building has been completed.

83. Prior to the commencement of any works within the road reserve the Developer must obtain approval under the provisions of Section 138 of the Roads Act 1993. Site plans showing all proposed works within the road reserve must be provided with this application.

84. Prior to the commencement of any works on public land 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.

85. 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.

86. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.

87. If the work involved in the erection/demolition of the building:

- a. Is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
- b. Building involves the enclosure of a public place; then

a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

DURING CONSTRUCTION

The following conditions are to be satisfied, during the construction works of each Dual Occupancy.

88. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

89. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.

90. The requirements of the following BASIX Certificate numbers:

- a. Lot 1 & 1A – 1261069M issued on 22 November 2021;
- b. Lot 2 & 2A – 1261125M issued on 22 November 2021;
- c. Lot 3 & 3A – 1261088M issued on 22 November 2021;
- d. Lot 4 & 4A – 1261130M issued on 22 November 2021;
- e. Lot 10 & 10A – 1261451M issued on 22 November 2021; and
- f. Lot 11 & 11A – 1261133M issued on 22 November 2021

Must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.

91. Each building shall be set-out by a registered land surveyor in the locations approved by Council. A copy of the Identification Survey Report prepared by a registered land surveyor shall be submitted to the Certifier prior to the pouring of any in-situ concrete i.e. at slab steel inspection stage.

92. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.

93. Switchboards for gas, electricity, etc., must not be attached to the front or street facing elevations of the building.

94. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during construction works including the erection of any fences or hoardings.

95. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.
96. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
97. All stormwater is to discharge to the street gutter with the use of non-flexible kerb adaptors. Alternatively, stormwater is to be connected to the approved inter-allotment drainage system.
98. Building envelopes are not to extend greater than 90m from the nearest hydrant.
99. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
100. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.
101. 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.
102. If the work involved in the erection/demolition of the building;
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
 - b. building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
103. Where it is proposed to import fill, the material shall be certified as 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.
104. Vehicles must be clean and free of debris prior to leaving the site during construction. Deposited material may be ordered to be removed at the Applicant/operator's expense.
105. The Applicant must:
 - a. minimise the waste generated by the development;
 - b. classify all waste generated on site in accordance with the EPA's Waste Classification Guidelines 2014 (or its latest version);
 - c. store and handle all waste on site in accordance with its classification;
 - d. not receive or dispose of any waste on site; and
 - e. remove all waste from the site as soon as practicable, and ensure it is sent to an appropriately licensed waste facility for disposal, capable of receiving such waste.

106. The developer is to meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply 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.
107. The developer is to meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All 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 – Sewerage Code of Australia.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be satisfied, prior to the issue of an Occupation Certificate for each Dual Occupancy.

108. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
109. Prior to the issue of an Occupation Certificate all driveway / access / car parking area for each dwelling is to be completed. New sealed access from is to be constructed in accordance with Council requirements and standards. Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.
110. Prior to the issue of an Occupation Certificate the applicant is to provide separate water and sewer services to each dwelling.
111. Prior to the issue of an Occupation Certificate, for any buildings on site, the building is to be connected to reticulated water supply, stormwater and sewerage in accordance with the relevant section 68 approval/s.
112. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
113. Prior to issue of an Occupation Certificate, all fencing, plantings and hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed. Landscaping must comprise low maintenance, drought and frost resistant species.
114. Outdoor drying facilities and letterboxes are to be provided for each dwelling prior to occupation.
115. The developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each dwelling is correctly allocated in accordance with AS4819, prior to issue of the Occupation Certificate.
116. Prior to the issue of an Occupation Certificate the Developer must, where applicable, pay all relevant Development Contributions that may be levied in accordance with Council's Developer Contributions Plan/s.

OPERATIONAL/ ONGOING CONDITIONS

The following conditions must be complied with for the life of the development.

117. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
118. All vehicles are required to enter and leave the site in a forward direction at all times.
119. Waste collection receptacles shall not obstruct driveways at any time.
120. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
121. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.
122. Any individual air conditioning unit and heat pump for hot water storage units on the site must be installed and operated at all times so as not to cause “Offensive Noise” as defined by the Protection of the Environment Operations Act 1997.
123. The development is to be maintained in a clean and tidy manner, at all times.
124. Fencing shall be provided for the dwellings in accordance with the following requirements:
 - a. A 1.8 metre high screen fence is to be provided to all side and rear boundaries, behind the front building line/
 - b. A 1.8 metre high screen fence is to be provided between the private open space areas of the dwellings.
 - c. All required fencing shall be provided prior to occupation of the dwelling unit.
 - d. All fencing shall be provided at the full cost of the developer.
 - e. All required fencing shall be maintained at all times.
 - f. Fencing provided along property boundaries must not disrupt overland flow of stormwater.
 - g. For corner allotments – no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle formed by a sight line 6 metres x 6 metres from the intersection of the two road boundary lines.
 - h. No Colorbond is to be used in fencing located forward of the building line.
125. Landscaping shall be provided to the development in accordance with the following requirements:
 - a. All open spaces on the site are to be landscaped.
 - b. Landscaping enhances the development for acoustic and visual privacy, as well as shade.
 - c. Landscaping blends the development into the established streetscape and neighbourhood.
 - d. Landscaping is water efficient.
 - e. Landscaping minimises over-shadowing within the development and neighbouring properties.
 - f. Landscaping utilises, where practicable, endemic species which are appropriate for the site.

- g. Landscaping allows for continued casual surveillance of the internal driveway, car parking areas and street, where practicable, from within the living areas of the dwellings.
- h. Landscaping shall not provide opportunities for concealment of people.
- i. Landscaping is to be provided to the development prior to the occupation of the dwellings.
- j. Landscaping shall be maintained at all times. Should any planting die or be removed for any reason, it shall be replaced by a like replacement planting.

126. Golf carts must only access the right of access / golf cart track via the approved easements.

127. All complaints regarding maintenance of the right of access, stormwater basin and landscape zones are to be directed to the Mudgee Golf Club in accordance with the Plan of Management.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE (SUBDIVISION OF DUAL OCCUPANCIES)

The following conditions must be satisfied prior to the issue of the Subdivision Certificate for each Dual Occupancy.

128. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Registry Services.

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

129. A linen plan and associated documentation are to be submitted to Council via the NSW Planning Portal for approval and endorsement by the General Manager (or an appointed delegate).

130. Prior to the issue of a Subdivision Certificate for the subdivision of each dual occupancy, the plan of subdivision must ensure that the following is achieved:

- a. For each dual occupancy (detached), the lot size shall be not less than 400m² for each dwelling; and
- b. For each dual occupancy (attached), the lot size shall be not less than 300m² for each dwelling.

131. Prior to issue of the Subdivision Certificate for each dual occupancy, a satisfactory final inspection report shall be provided for each building.

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

- a. A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
- b. 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.

133. Underground electricity, street lighting and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards.

134. Easements including associated Section 88B instruments, are to be created in favour of:

- any upstream lots to drain water (width variable);
- any proposed lots to be serviced by water reticulation or sewer components (width of 3m).

135. Prior to issue of Subdivision Certificate the Developer is to provide separate 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)

136. Prior to issue of Subdivision Certificate the Developer is to provide a separate sewer connection for each proposed Lot in this subdivision.

Note: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the Developer. Please contact Council's Operations Water and Wastewater Department by calling 1300 765 002 or 02 6378 2850 or by emailing council@midwestern.nsw.gov.au to obtain a quote for the connection of water and sewer (Private Works Order).

137. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.

138. All existing and new easements shall be shown on the linen plan and supporting documentation otherwise required by this consent. This must include the Plan of Management requirements for the rights of access and stormwater basin authorised by this consent.

COUNCIL ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Construction 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, 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):

Section 64 Contributions		
	<i>ET's with Credits applied</i>	<i>Charge</i>
Water Headworks	12.6ET	\$110,325.60
Sewer Headworks	15.5ET	\$61,953.50
TOTAL HEADWORKS		\$172,279.10

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.

2. 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".

3. Council has no regulatory authority in regards to dividing fencings under the Dividing Fences Act 1991 and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
4. 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.
5. Division 8.2 of the Environmental Planning and Assessment Act (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 Development Department for more information or advice.
6. If you are dissatisfied with this decision section 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).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development generally complies with the requirements and objectives of the applicable environmental planning instruments and the Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The land is zoned R1 General Residential and has specifically been identified in key strategic planning documents including the Comprehensive Land Use Strategy 2010 for future urban purposes.
4. The matters raised within submissions have been addressed in the following manner:
 - Conditions have been imposed to address the following key concerns;
 - Construction management – traffic management, noise, sediment and erosion control and dust;
 - Upgraded acoustic mound, fencing and landscaping amendments for the full length of the acoustic easement abutting the Depot Road industrial land;
 - Improved maintenance requirements of the relocated golf cart access track, stormwater basin, landscaping and acoustic barrier to be registered on title of the land along with the creation of a Management Plan including a complaints register; and
 - Stormwater drainage management.

Executive summary

OWNER/S:	Mudgee Golf Club Limited
APPLICANT/DEVELOPER:	Inverness Property Group Pty Ltd C/- Ms Emma Yule
PROPERTY DESCRIPTION:	21 Robertson Street, Mudgee Lot 27 DP 1165146 and Lot 2 DP 153695
PROPOSED DEVELOPMENT:	Stage 1 - Subdivision of Land (1 Lot into 11 Lots); Stage 2 - Dual Occupancy (detached) on Proposed Lots 1, 2, 3, 4 (8 dwellings); Dual Occupancy (attached) on Proposed Lots 10 and 11 (4 dwellings); Lots 5, 6, 7, 8 and 9 – to remain vacant land; Stage 3 - Subdivision of each Dual Occupancy;
ESTIMATED COST OF DEVELOPMENT:	\$4,215,050.00
REASON FOR REPORTING TO COUNCIL:	14 Submissions Received and Development exceeds \$2 Million
PUBLIC SUBMISSIONS:	14 Submissions

Council is in receipt of Development Application DA0178/2022 that seeks approval for the Torrens Title Subdivision of proposed Lot 2 (created by DA0102/2021) into 11 Lots along with the construction of 6 dual occupancies (each to be further subdivided to form 12 single dwellings) and the extension of Inverness Avenue, at 21 Robertson Street,

The application was received by Council on 11 November 2021 however a further information letter was issued on the 16 December 2021 raising a number of critical issues with the proposed development.

The subject land is located to the north of the Inverness Avenue residential area, to the west of the Depot Road industrial precinct and forms part of the Mudgee golf course. The land is currently legally identified as Lot 2 DP 153695 and Lot 27 DP 1165146.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 18 March 2022. During the notification period, 14 submissions were received raising a number of concerns with the development which is further addressed in this report.

The proposed development has been assessed in accordance with Council's DCP and the LEP. The proposed development is considered generally consistent with Council's planning controls however, a number of minor variations to the Mid-Western Regional Development Control Plan 2013 have been proposed which is further addressed within this report.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that more than seven (7) objections have been made against the development and the value of the application exceeds \$2 million.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

BACKGROUND

21 Robertson Street Mudgee is commonly known as the location of the Mudgee Golf Course and is currently zoned partly Residential and Private Recreation. The zoning of this immediate area for residential, private recreation and industrial purposes was identified following the preparation of the *Rural Residential, Industrial and Residential Strategy 2003* with a report to Council endorsed in March 2005 and 'concept plans' for a proposed residential subdivision within the Golf Course land submitted to Council in October 2005.

In formulating the amendments to the zoning for this area, and in a report to Council on the Mid-Western Interim Local Environmental Plan on the 22 March 2006, consideration of a submission made by Barnson on behalf of Mudgee Golf Club and DTM Enterprises Pty Ltd included the following:

1. *Industrial development directly adjacent to the established golf course is incompatible and is not consistent with Council resolution of October 2005;*
2. *It is likely that additional industrial land will be required to service future demand and therefore the reliance on industrial land from this locality is short sighted especially given that state position of the golf club that they will not pursue development in accordance with the proposed industrial zone and noting recent announcements concerning significant economic development projects such as Wilpinjong Coal Mine, Moolarben Coal Mine and Mudgee Abattoir re-opening; and*
3. *The subject land remains a rare and unique opportunity for prestige residential /resort development in Mudgee; and*
4. *Mudgee Golf Club Inc. and DTM Enterprises propose an integrated approach with common objectives to prestige residential investigation and remain convinced a sound planning solution can be developed to address land use conflict impacts between any future residential and existing industrial land.*

Following this, Council approved a residential subdivision for 25 lots (stages 1A and 1B) over Lot 182 DP 756894, Lot 2 DP 153695 and Lot 49 DP 445944, being Mudgee Golf Club land on the 15 November 2006 (DA0132/2007 and modified by MI0033/2007 in June 2007 and MI0009/2009 on 23 September 2008). The original approval was issued under the Mudgee Local Environmental Plan 1998, with the subdivision of land permissible with the consent of Council.

The 2006 approval, along with the subsequent modifications, did not endorse future stages 2 or 3 of the proposed subdivision plan which required a separate consent to be obtained which was conditioned by Council at this time. Further, it was required that an acoustic report be prepared prior to an operational development consent being issued in order to mitigate acoustic impacts to future residents from the existing industrial zoned land. An acoustic report with recommendations of noise attenuation measures (fencing of 1.8m with mounding barrier of a nominal 2.2m on the northern / eastern side of the development) was provided accordingly at this time. The approved Stage 1 layout is provided within Figure 1 below.

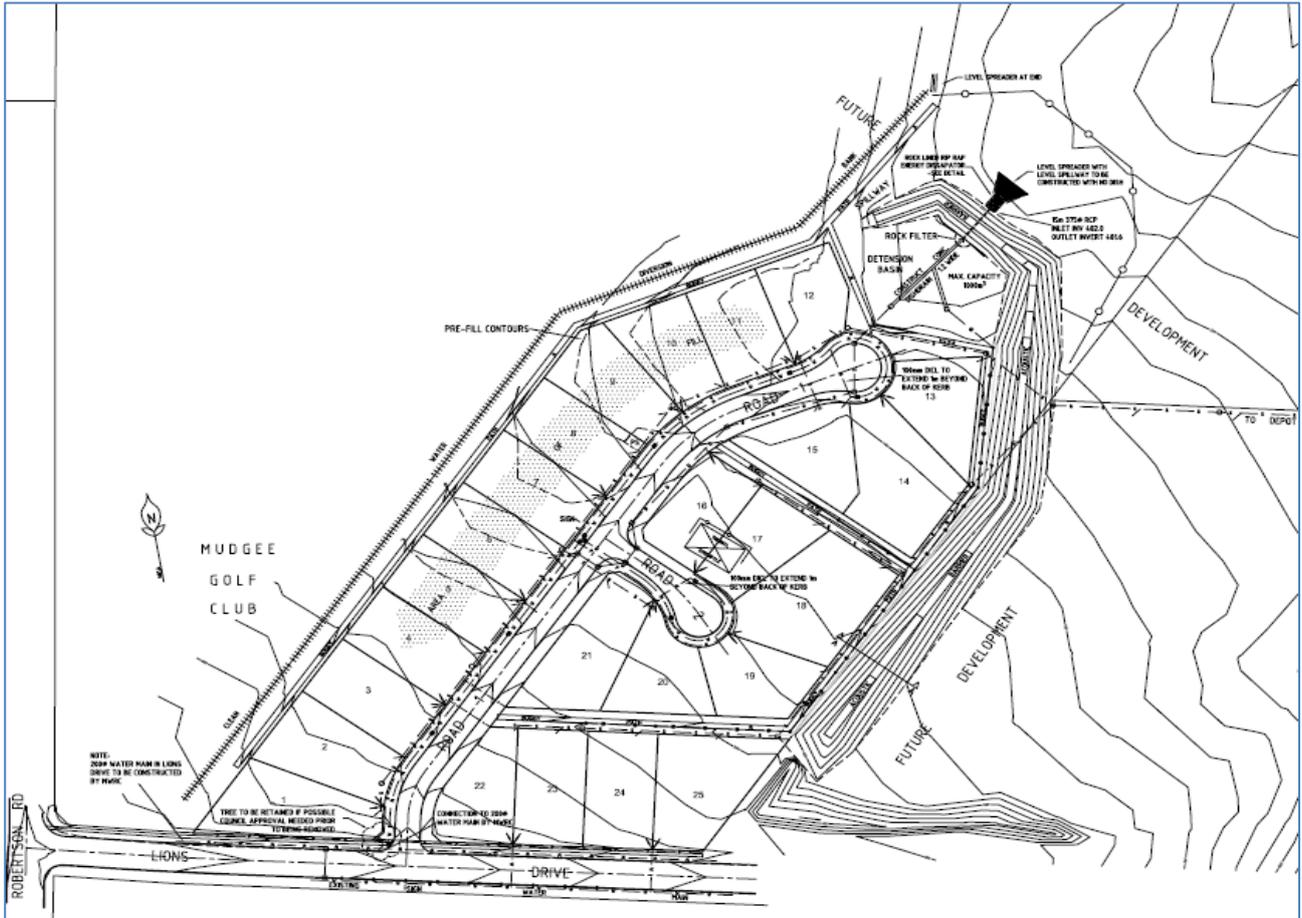


Figure 1: DA0132/2007 - Approved Stage 1 Subdivision Layout

Concurrent to the above 2006 development consent being obtained, a further report to Council on the 2 May 2007, requested Council endorse a minor amendment to the Draft Mid-Western Interim Local Environmental Plan to reflect the zone boundaries of the development to align with the subdivision approved. This was endorsed by Council and the zoning map updated to reflect this zoning change. The final gazetted mapping is included in Figure 2 below (gazetted on 15 February 2008) and includes Stage 1, and also proposed future stages 2 and 3 of the 'concept plan' for subdivision provided to Council as part of the Draft LEP preparation process.

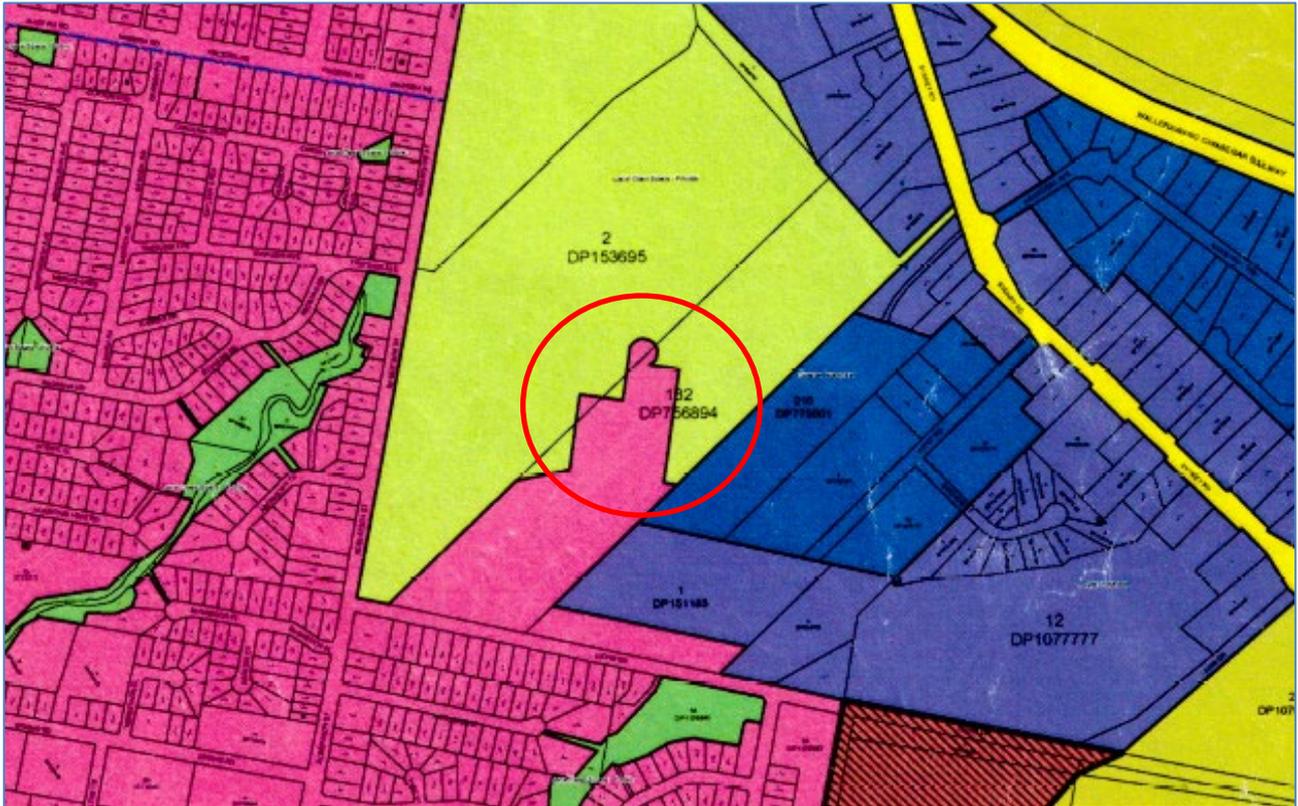


Figure 2: Mid-Western Regional Interim Local Environmental Plan 2008 Zoning Map

Further to the above, the zoning of the area of the proposed development was also reflected in the Comprehensive Land Use Strategy 2010 – see Figure 3 below.

Since this time, the Stage 1 area of the Inverness and Lions Drive residential subdivisions have been fully developed, however the final area of vacant residential zoned land has been retained by the Golf Club and forms part of the subject development application.

It is important to also note that the area of land affected by the proposed development is also subject to a boundary adjustment (DA0102/2021) which was approved by Council on the 26 March 2021 however, the plan has not yet been registered. The primary purpose of the subdivision was to create a development lot (ready for sale) within the residential zoned land. The development lot is smaller than the available residential zone land, i.e. smaller than future Stages 2 and 3 proposed. This is demonstrated in Figure 4 below, which shows the proposed lots approved by the boundary adjustment that is affected by this proposed development (proposed Lot 2 – red bold), it also shows the residential zoned land available to be development - shaded pink.

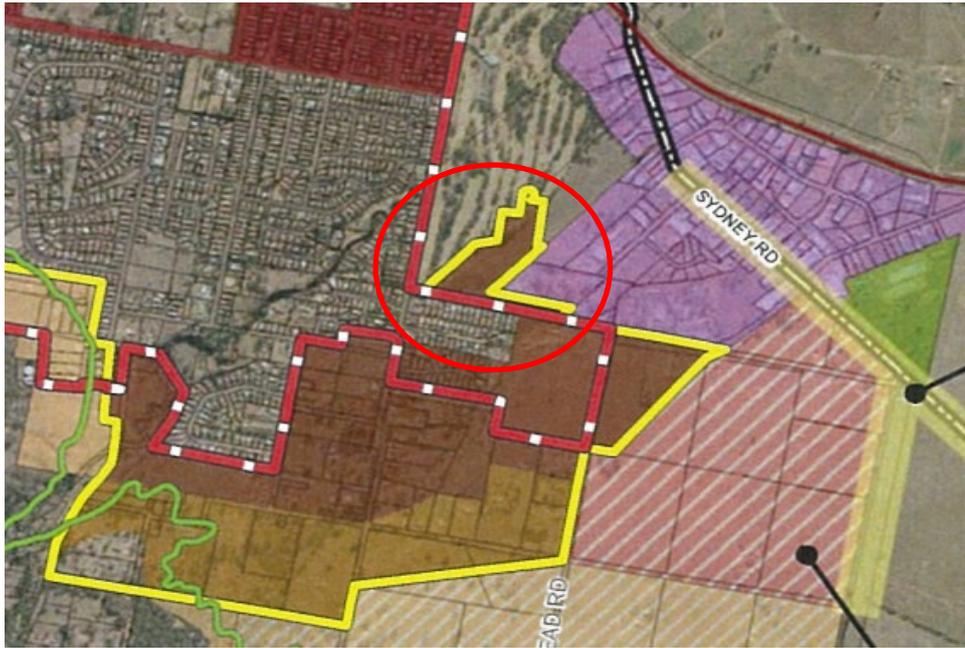


Figure 3: Mudgee Comprehensive Land Use Strategy Map (current)

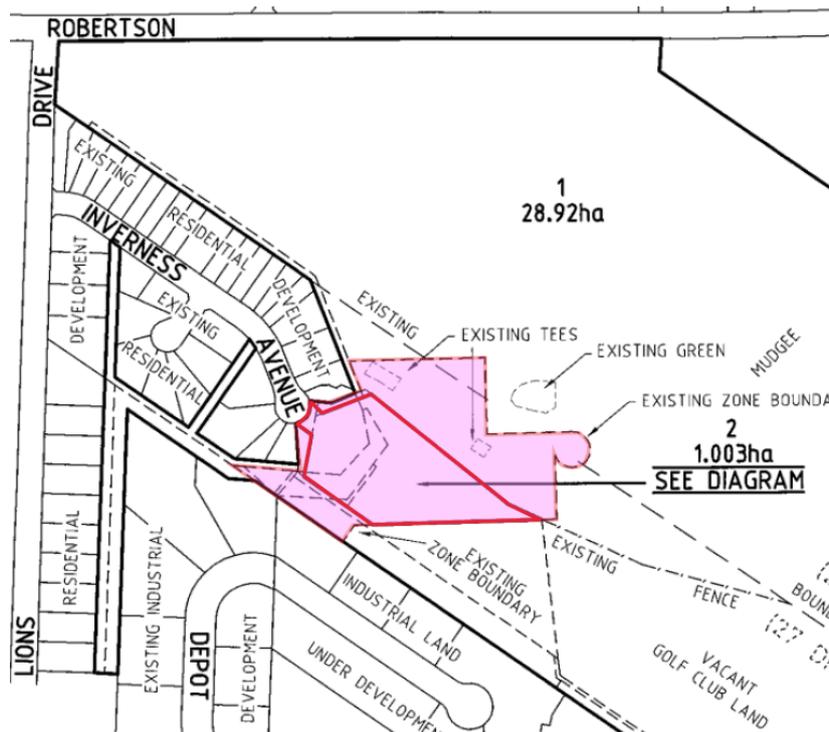


Figure 4: Approved Boundary Adjustment Lot Layout (DA0102/2021) – Bold Red Line Subject Site / Pink Shading – Residential Zoned Land

PROPOSED DEVELOPMENT

Council is in receipt of Development Application DA0178/2022 that seeks approval for the Torrens Title Subdivision of proposed Lot 2 (created by DA0102/2021) into 11 Lots along with the construction of 6 dual occupancies (each to be further subdivided to form single dwellings) and the

extension of Inverness Avenue, at 21 Robertson Street, Mudgee currently legally identified as Lot 2 DP 153695 and Lot 27 DP 1165146.

The application was received by Council on 11 November 2021 however a further information letter was issued on the 16 December 2021 raising a number of critical issues with the proposed development.

A number of modifications have been made to the proposed development since lodgement, with the final set of updated plans provided for assessment on the 19 July 2022. The changes to the plans finally made on the 19 July 2022 were not significant to the overall development outcome previously notified and therefore the plans did not require re-notification to neighbouring land owners as the changes were primarily to address non-compliances with the Development Control Plan 2013 and legal aspects of the public road interface with the existing golf cart access arrangements.

The proposed development involves the following key aspects which is shown in Figure 5 below, with a full copy of the plans and supporting information included in Attachment 1:

- Stage 1 - Subdivision of land (1 Lot into 11 Lots);
- Stage 2 – Construction of a dual occupancy (detached) on proposed Lots 1, 2, 3, 4 (8 x dwellings); construction of a dual occupancy (attached) on proposed Lots 10 and 11 (4 x dwellings) and removal of 5 x trees; *Note - Lots 5, 6, 7, 8 and 9 – to remain vacant land however future subdivision / dual occupancies may be possible with separate consent;*
- Stage 3 - Subdivision of each Dual Occupancy.

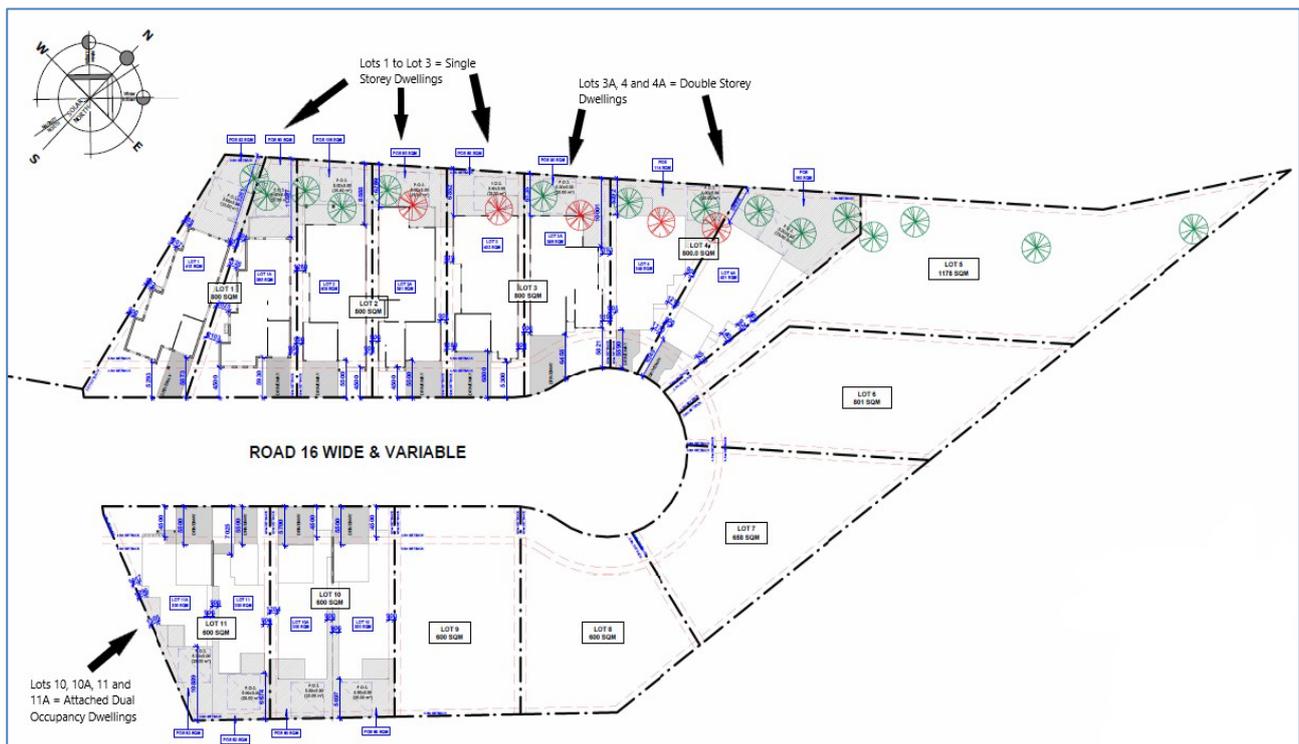


Figure 5: Site Master Plan

Site Description

The subject land is located to the north of the Inverness Avenue residential area, to the west of the Depot Road industrial precinct and forms part of the Mudgee golf course. The land is currently legally identified as Lot 2 DP 153695 and Lot 27 DP 1165146.

The land currently contains stormwater management infrastructure and acoustic mounding that was required as part of the stage 1 approved subdivision, the golf course land and contains a total area

of approximately 29.92 hectares. Once the boundary adjustment approved under DA0102/2021 is completed and registered however, proposed Lot 2 will contain a total area of approximately 1.03 hectares and proposed Lot 1 will be approximately 28.92 hectares.

Proposed Lot 2, the subject area of the development, is otherwise clear of any significant infrastructure or natural watercourses as shown by Figure 6 below. A row of existing vegetation is located on the north western area of the site with the majority of trees to be retained. The plans indicate at least 5 trees will require removal to accommodate the proposed dual occupancy developments over Lots 1 to 4 (indicated in red within Figure 5 above).



Figure 6: Site Location Plan

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regs).

Integrated Development

The development proposal is not considered to be Integrated Development, in accordance with section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

ASSESSMENT

The application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows.

4.15(1)(a) Requirements of Regulations and Policies

(i) Do any environmental planning instruments (SEPP, REP or LEP) apply to the land to which the Development Application relates?

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The proposed development will not require removal of large areas of native vegetation or koala habitat identified under this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal involves development that requires the issue of a BASIX certificate as part of the dual occupancy developments. The applicant has provided the relevant BASIX certificate and a condition of consent has been included ensuring that the commitments be met as listed in the certificate.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The proposed development does not involve Advertising or Signage nor is impacted by any other requirements of this Policy. The site plan indicates future estate signage however, no elevation details have been provided for assessment and therefore this has not been considered as part of this application. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

The proposed development is not State or Regionally Significant Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021 The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 Pursuant to section 4.6 of the Policy, a site inspection and a search of Council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021 The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Pursuant to section 2.48, the development will not have impact on underground electricity power lines, distribution pole or tower as noted within the SEPP. There are no electrical easements that constrain the subject site and therefore no further consideration of this SEPP is considered necessary.

MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012 (MWRLEP 2012)

The following clauses of Mid-Western Regional Local Environmental Plan 2012 have been assessed as being relevant and matters for consideration in assessment of the Development Application.

R1 General Residential

1. *To provide for the housing needs of the community.*

Comment The proposal will contribute to the housing needs of the community with the provision of new housing opportunities that aligns with all previous strategic plans that were endorsed by Council for this location.

2. *To provide for a variety of housing types and densities.*

Comment The proposal will contribute to the variety of housing types and densities within the R1 Zone and also enables vacant land to be made available for future dwellings to be designed and approved accordingly.

3. *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment The proposal is not expected to hinder other possible permissible land uses within the immediate area.

Clause 2.6 Subdivision – consent requirements

As the proposal involves subdivision this will also require development consent as discussed throughout the report.

Clause 4.1 Minimum subdivision lot size

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

The proposed lots created as part of stage 1 will have lot areas as per the following table:

Lot Number	Proposed Lot Size	Development Proposed
1	800m ²	Dual Occupancy (detached)
2	800m ²	Dual Occupancy (detached)
3	800m ²	Dual Occupancy (detached)
4	800m ²	Dual Occupancy (detached)
5	1178m ²	Vacant
6	801.1m ²	Vacant
7	658.4m ²	Vacant
8	600m ²	Vacant
9	600m ²	Vacant
10	600m ²	Dual Occupancy (attached)
11	600m ²	Dual Occupancy (attached)

The minimum lot size pursuant to the LEP 2012 mapping is 600m². Accordingly, the proposal complies with the development standard.

Clause 4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

This clause applies as the land is zoned R1 and the development proposes dual occupancies upon Lots 1 to 4 and Lots 10 and 11 as part of Stage 2. In accordance with 4.1A (3)(a) and (b), four (4) **dual occupancies (detached)** are proposed on the lots equal to or greater than 800m² and two (2) **dual occupancies (attached)** are proposed on a site equal to or greater than 600m². Accordingly, the proposal complies with this development standard.

Whilst the application has been amended since lodgement to remove all development upon Lots 5 – 9 as part of this proposal, the lot sizes proposed as part of the stage 1 subdivision would enable future compliance with clause 4.1A for dual occupancies. This would however be subject to appropriate designs to achieve compliance with the DCP 2013.

Further, the acoustic impact assessment prepared by Spectrum Acoustics has assessed future noise impacts for proposed Lots 7, 8 and 9 (located closest to the eastern boundary and the interface with the industrial land) on the basis of future single storey dwellings being located on the vacant lots, with Lots 10 and 11 proposing double storey attached dual occupancies as part of this application. An assessment of this matter is further provided within this report.

Clause 4.1B Exceptions to minimum lot sizes for certain residential development

This clause applies as the land is zoned R1 and dual occupancy development is proposed.

As part of the application (stage 3), the developer also seeks to further subdivide each dual occupancy. Pursuant to Clause 4.1B(2)(b)(i) and (ii), dual occupancies may be subdivided in accordance with the following:

- For the erection of a **dual occupancy (detached)** and subdivision that will result in a lot size of not less than 400m² for each dwelling; and
- For the erection of a **dual occupancy (attached)** and subdivision that will result in a lot size of not less than 300m² for each dwelling.

Accordingly, the proposal is able to comply with these development standards.

A condition has been imposed to ensure that the development retains compliance with this standard prior to issue of the Subdivision Certificate.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The development is proposed with a maximum building height of the two storey dwelling (proposed Lot 10 and 10A) of 8.15 metres and therefore complies with the development standard.

Clause 4.6 Exceptions to development standards

No variations to a development standard prescribed by the Mid-Western Regional Local Environmental Plan 2012 is proposed by this application.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

No items of aboriginal significance, heritage item or the heritage conservation area are recorded on the site or in the vicinity. Notwithstanding this, a condition is recommended to ensure that work is ceased should an item be discovered during construction.

Clause 5.21 Flood planning

The subject site is not identified as being within the flood planning area in accordance with the Mudgee Flood Study 2021. No further consideration is therefore necessary.

Clause 6.1 Salinity

The subject site is mapped to be located within a saline environment. As part of the previous consent issued for the subdivision of Inverness Avenue (Stage 1) in 2006, condition 50 was imposed:

An investigation shall be undertaken that identifies the extent of salinity with reference to each individual lot within the subdivision. Should elevated salt levels be identified, the investigation should also make recommendations in terms of and include a salinity management plan for the entire site which contains adequate measures for combating potential salinity and increases the occurrence of native vegetation.

If a management plan is required, it must be submitted to and approved by Mid-Western Regional Council prior to release of the subdivision certificate. A restriction as to user shall be created pursuant to Section 88 of the Conveyancing Act nominating Mid-Western Regional Council as the varying authority over all lots, enforcing the implementation of the management plan. The Section 88 instrument shall be created at full cost to the developer.

It is therefore recommended that a similar condition be imposed on this development to protect the future buildings.

Clause 6.3 Earthworks

The proposal involves extensive earthworks including construction of a new road, acoustic mounding and ancillary supporting infrastructure including a new stormwater detention basin.

With imposition and future compliance with appropriate conditions of consent including but not limited to:

- sediment and erosion control;
- dust suppression;
- compaction testing;
- disturbance of unknown relics;
- limiting construction hours; and
- limiting cut and introduction of clean fill only.

It is considered that the proposed earthworks will not have a detrimental impact on the site or to surrounding lands, subject to imposition of appropriate conditions.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad/deep excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

Clause 6.7 Active street frontages

Not applicable. The site is not located within the area mapped as 'Active street frontage'.

Clause 6.8 Airspace operations – Mudgee Airport

The proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development. Extension to both water and sewer will be required to service the proposed development along with electricity and NBN services.

A new detention basin is proposed on the north eastern corner of the land which will be contained within future proposed Lot 1. The Golf Club will therefore be responsible for all future care and maintenance of a new enlarged stormwater basin to support the existing and proposed residential development of Inverness Avenue. Conditions of consent have been imposed accordingly.

Clause 6.10 Visually sensitive land near Mudgee

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

4.15(1)(a) Requirements of Regulations and Policies

(ii) Draft environmental planning instruments (EPI)

No draft environmental planning instruments apply to the land to which the Development Application relates.

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013

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

Part 3.1 Residential Development

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Minimum lot size	
Minimum lot size	Complies – each lot is not less than 600m ² .
Attached Dual Occupancy – Minimum 600m ²	Complies
Detached Dual Occupancy – Minimum 800m ²	Complies

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Building Setback from the street	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 4.5m and 5.5m to the garage	Does not achieve full compliance for Lot 2 and Lot 10. Refer to variation assessment comments below where a maximum of 22% variation is proposed.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Zones R1, R2 and R3 where lot size is greater than 901m ² and less than 1999m ² : 6.5 and 7.5 to the garage	Not Applicable
Zone R2 where 200m ² to 1ha: 10m	Not Applicable
Zone R5 less than or equal to 5ha: 30m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 60m	Not Applicable
RU5: DCP	Not Applicable
Building Side/Rear setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 900m	Complies – all side and rear setbacks provide a minimum of 900mm to side / rear boundaries.
Zones R1, R2 and R3 where Lot size is greater than the 901m ² and less than 1,999m ² : 900mm	Not Applicable
Zone R2 where 2000m ² to 1ha: 2.5m	Not Applicable
Zone R5 less than or equal to 5ha: 20m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 20m	Not Applicable
RU5: BCA	Not Applicable
Building Secondary Frontage for corner lots setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 0m for garages in laneways 2m to side boundary	Not Applicable
Zones R1, R2 and R3 where Lot size is greater than 901m ² and less than 1,999m ² : 2m	Not Applicable
Zone R2 where 2000m ² to 1ha: 7.5m	Not Applicable
Zone R5 less than or equal to 5ha: 15m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 15m	Not Applicable
RU5: 3m	Not Applicable
Building height / design	
Proposed buildings are single story	<p>Does not comply with deem to satisfy provisions - The development includes 3 x detached double storey dwellings (Lot 3A, Lot 4 and Lot 4A) along with 4 x attached double storey dwellings (Lots 10, 10A, 11 and 11A).</p> <p>An assessment with justification from the applicant has been provided in accordance with Part 3.1 of the DCP rather than under the Deemed to Satisfy provisions of Part 2. Comments are provided at the end of this section.</p>

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
<p>The design is not a mirror or duplication for the two dwellings when fronting streets.</p>	<p>Complies – the applicant has provided variations to each dual occupancy design by incorporating different windows and fascia's, differing window placement, articulation to the buildings, privacy screening and landscape placement. This also includes the attached dual occupancy development over Lots 10 and 11 which is considered to positively complement the streetscape despite sharing a common wall and boundary.</p>
<p>75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)</p>	<p>Does not comply for 2 of the 12 dwellings proposed due to the double storey design under the deemed to satisfy provisions of Part 2.2. Refer to variation assessment comments below.</p>
<p>Both dwellings have direct street frontage, i.e. battle-axe arrangements are not permissible.</p>	<p>Complies – Lot 5 is proposed as a battle-axe lot due to the constrained shape of the existing land (Lot 2 following the boundary adjustment) and the need to provide a cul-de-sac head however, no development is proposed at this time over this lot.</p>
<p>Minimum separation of 3 metres between buildings</p>	<p>This requirement is not relevant to the proposed dual occupancies as they are also proposed to be subdivided as part of stage 3 and the minimum setback from side boundaries is 900mm once subdivided.</p>
<p>The garage door or carport does not exceed 45% of the front elevation</p>	<p>Does not achieve full compliance with the deemed to satisfy provisions however, considered to comply with the discretionary provisions under Part 3.1 as the variations to garage and entry doors allows for a varied streetscape to be provided. A maximum variation of 24% is required to the deemed to satisfy provision as noted in the assessment of the variations below.</p>
<p>All facades with street frontage contain windows</p>	<p>Complies – varied windows provided throughout each dual occupancy.</p>

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Street frontage elevations contain minimum 5% openings	Complies – there are no windowless / door less front elevations. All dwellings present positively to the street.
Building is not a transportable or relocated dwelling	Complies – no transportable or relocated dwellings proposed.
Slope and cut and fill	
The slope of the site does not exceed 15%	Complies
Cut is limited to 1m	Complies – RL's provided on all plans.
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Complies - RL's provided on all plans.
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.	Complies
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Complies – overland flow path required through Lots 7 and 8 to drain to new detention basin.
Cut / fill is clear of any water or sewer easements.	Complies – condition to be imposed.
Open space	
Private open space is located on the Northern or Eastern side of dwellings.	Complies – each dwelling contains private open space areas either to the north / north-western side of the dwellings or to the east / south eastern side of the dwellings.
Private open space has direct access from main living areas.	Complies – all dwellings have direct access from main living areas into the private open space areas.
Each dwelling provides a Principal Private Open Space with a minimum of 80m ² and a minimum dimension of 5 metres.	Complies – each dwelling as a minimum of 80m ² and minimum dimensions of 5m x 5m.
If alfresco is to be counted as Principal Private Open Space, it must be:	Not applicable – each dwelling also includes patios and alfresco areas however full compliance is achieved with the principal private open space areas.
i) located at or near ground level	
ii) have direct northerly aspect	
iii) create no more than 25% of principal open space	Not Applicable
Where Principal Private Open Space is located within front set back:	
i) located behind suitably landscaped area	
ii) minimum width of 1.5 metres to the front boundary	

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	Compliance is achieved with a minimum of 3 hours sunlight available to the principal private open space area of each dwelling on June 21.
Site coverage	
Maximum site coverage of 50%	Does not comply for dwelling 2A with a minor variation of 0.14% proposed. Refer to assessment comments and justification by applicant below.
Parking	
Each dwelling has two car parks with a minimum of one being a garage for each.	Complies – each dwelling will either contain a double garage or single garage with stacked parking available.
Parking and manoeuvring areas are hard stand	Complies – concrete driveways proposed.
Driveways are located a minimum of 6m from any intersection	Complies – no intersections nearby
Utilities	
Buildings are located clear of utility infrastructure	Sewer, water and stormwater will require augmentation however, this will be undertaken as part of the stage 1 subdivision of the site.
Building is not located within an easement for the purpose of utility infrastructure	Capable of compliance once the stage 1 subdivision is undertaken. Condition to be imposed.
Structures are located a minimum of 1500mm from the centre of water and sewer main	Capable of compliance once the stage 1 subdivision is undertaken. Condition to be imposed.
Details of water supply and sewer reticulation have been provided:	Complies.
If available within 500m applicant has proposed connection to reticulated network	To be connected to the reticulated network.
Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes	Not Applicable
Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with Section 68 of the Local Government Act 1919	Not Applicable
If reticulated services have not been proposed the site is a minimum of 5ha in size	Not Applicable
All storm water flows to a gravity system	Capable of compliance once the stage 1 subdivision is undertaken.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Buildings are not located in the path of overland flow	Capable of compliance once the stage 1 subdivision is undertaken.
Fencing	
1.8 metre high fencing is provided between Principal Private open spaces	Complies – conditions to be imposed.
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	Complies – no front fencing proposed.
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height	Conditions to be imposed.
Side and rear fences do not exceed 1.8 metres in height once behind the building	Complies – condition to be imposed.
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries	Not Applicable
Dividing fences do not affect the flow of surface water with the possibility of causing flooding.	Condition to be imposed for the proposed overland flow path for lots 7 and 8.

Variations sought under Part 2.2 and Part 3.1 of the DCP 2013

Building Setback from the street	Comment
Zones R1, R2 and R3 where Lot size is less than 900m ² : 4.5m and 5.5m to the garage	<p>Does not comply with Part 2.2 or Part 3.1 for Lots 2 and 10 with the porch for the dwellings proposed to encroach within the front building setback of 4.5m as noted below:</p> <p>Lot 1 – Dwelling A = 4.7m to building 6.2m to garage. Dwelling B = 4.5m to building 5.5m to garage.</p> <p>Lot 2 – Dwelling A and B = 3.79m (to porch) 5.78m to garage. Variation of 15.7% proposed due to porch articulation only which is considered acceptable.</p> <p>Lot 3 – Dwelling A = 5.5m to building 6.6m to garage. Dwelling B = 5.8m to building 6.45m to garage.</p> <p>Lot 4 – 5.9m to each garage of dwelling A and Dwelling B (entry to each dwelling set behind the garage setback due to cul-de-sac head).</p> <p>Lot 10 – Dwelling A = 3.5m (to porch) 5.5m to garage. Dwelling B = 3.5m (to porch) 5.7m to garage. Variation of 22% proposed due to porch articulation only which is considered acceptable.</p> <p>Lot 11 – Dwelling A = 3.5m (to porch) 5.5m to garage. Dwelling B = 7.02m to building 5.5m to garage.</p> <p>The porch is consider to add articulation to the front setback and streetscape and does not dominate the front building elevation. Given the variation is minor for Lot 2 and Lot 10 and will improve the design outcome for the development, the variation is supported in the circumstances of the case.</p>

Building height / design Comment

Proposed buildings are single story

Does not comply. The development includes 3 x detached double storey dwellings (Lot 3A, Lot 4 and Lot 4A) along with 4 x attached double storey dwellings (Lots 10, 10A, 11 and 11A).

An assessment in accordance with Part 3.1 of the DCP has been undertaken with the following requirements of the DCP noted for a merits based assessment:

- a) *elevated housing developments must minimise the impact on areas of predominately single storey housing.*
- b) *Building height must ensure that the adjacent properties are not overlooked or overshadowed.*

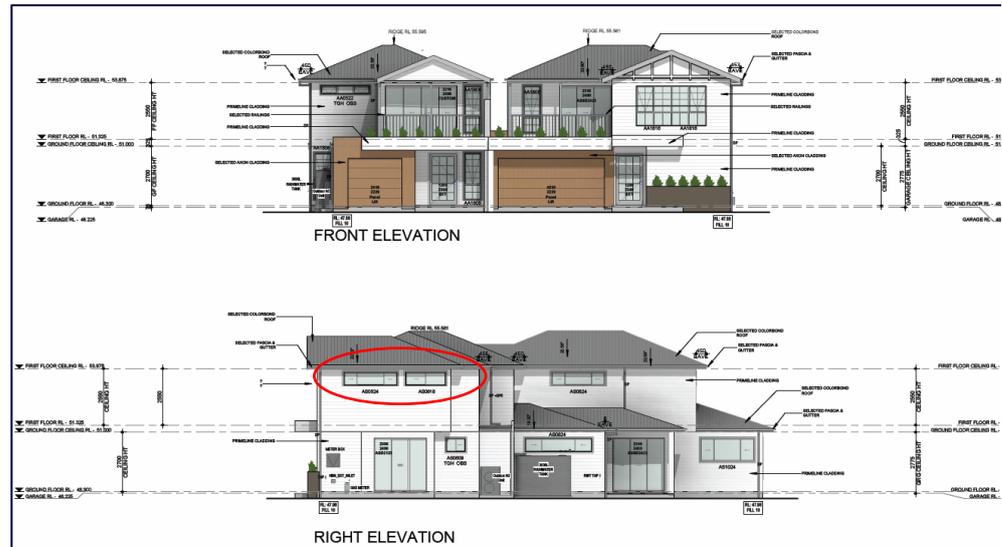
For the double storey attached buildings proposed on Lots 10 and 11, the applicant states the following:

The two-storey design will serve to visually screen the residential development from the industrial buildings in Depot Rd. The elevations are broken up by roof lines and elevations do not suggest window placement will be an issue for overlooking or privacy into first floor bedrooms.

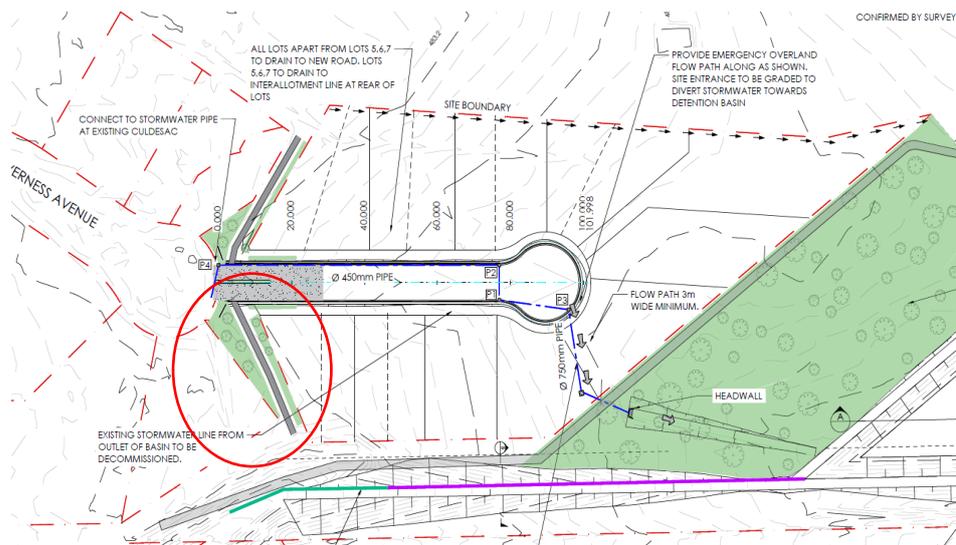
Shadow diagrams are copied below from the architectural plans to show a side by side of the two 2 storey dual occupancies. The shadow from Lot 10 into Lot 11A affects the left elevation (garage and rainwater tank side of the dwelling to minimise impact to living space) – acceptable design.



In terms of impacts to existing single storey dwellings in this area as a result of the upper storey part of the proposed dwellings (e.g. 12A Inverness Avenue), as noted by the above shadow diagram, the existing private open space area for 12A Inverness will still retain a minimum of 3 hours of solar access on June 21 and no direct overlooking from the upper storey part of 11A will be possible into 12A Inverness Avenue as the upper windows proposed for 11A will be placed high as noted in the elevations below to maintain privacy.



It is also important to note that a grass nature strip will also be included between proposed Lot 11A and 12A Inverness Avenue providing a greater buffer for the upper storey front area of the proposed dwelling.



For the 3 other double storey dwellings (Lots 3A, 4 and 4A) only part of the dwelling is located on the upper storey (toward the rear of the dwelling). As a result, no impacts to overshadowing or privacy due to direct overlooking are identified given advantage of a northerly aspect and no side elevation windows provided on the upper storey of the dwellings.

On the basis of the above assessment and combination of single and double storey dual occupancies proposed, the merits of the proposed development are supported in accordance with Part 3.1 of the DCP 2013.

75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)

Does not comply for 2 of the 12 dwellings proposed. Proposed Lot/dwelling 10A and 11A does not comply with the deemed to satisfy provisions under Part 2.2 for 75% of internal living areas receiving less than 3 hours of solar access between 9am and 3pm on June 21. The double storey attached dual occupancies proposed over Lot 10 and 11 are orientated to the south east and therefore the internal living areas which are also located to the south east are restricted due to the attached dwelling (to the north eastern side) also being double storey and therefore shadows the rear internal living areas of the attached adjoining buildings. Despite this, general compliance with

the discretionary provisions of Part 3.1 are achieved as the applicant has staggered the front section of the upper storey from the ground floor in order to maximise solar access to internal living areas without impeding on neighbouring dwellings and is therefore considered acceptable in the circumstances.

The garage door or carport does not exceed 45% of the front elevation

Does not achieve full compliance with the deemed to satisfy provisions of Part 2.2 however, considered to comply with the discretionary provisions of Part 3.1.

A maximum variation of 24% is required to the deemed to satisfy provision as noted below.

Lot 2 and 2A = 48.5% and 49.7%

Lot 3 = 47%

Lot 4 and 4A = 54.3% and 50.3% (note garages at the front of street elevation due to cul-de-sac head)

Lot 10 and 10A = 55.8% (attached dual occupancy)

Although does not achieve full compliance with the deemed to satisfy provisions, it is considered to comply with the discretionary provisions under Part 3.1 as the variations to garage and entry doors allows for a varied streetscape to be provided.

Site coverage	Comment
Maximum site coverage of 50%	<p>Does not comply for dwelling 2A with a minor variation of 0.14% proposed. The variation is considered to be minor for 1 dwelling out of 12 proposed and the applicant has provided the following justification:</p> <p><i>A variation is proposed for Lot 2A. Minor variation whereby the site coverage is exceeded by 0.14%. The plans can be amended as this area is minor and when the land is surveyed the variation may be rectified.</i></p> <p><i>The minor site coverage exceedance does not material alter the performance of the design and Private Open Space area is following the DCP controls.</i></p> <p>This is considered acceptable in the circumstances.</p>

Part 4.4 Signs

Not applicable – the estate ‘entrance signs’ are proposed within the road reserve and have not formed part of this assessment.

Part 4.7 Tree Preservation Order

The proposed removal of 5 trees within the site to accommodate the development is not prescribed under section 4.7 of the DCP 2013.

Part 5.1 Car Parking

Each proposed dual occupancy includes a garage (either single or double) and also an area in front of each dwelling to accommodate a ‘stacked’ parking arrangement. Compliance is therefore achieved with the DCP.

Part 5.2 Flooding

Not applicable.

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater and a new Stormwater Detention Basin is proposed to be constructed to support this development along with accommodating the existing development within Inverness Avenue.

Part 5.4 Environmental Controls

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

Part 7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
Lot size	
Minimum lot size as determined by MWRC LEP 2012	Complies – In accordance with 4.1 and 4.1A of the LEP 2012.
All lots have street frontage	Complies - All lots have frontage to the proposed new road being an extension of Inverness Avenue.
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	Complies - Approximately 0-10 degrees across the proposed Lot 2.
All lots have 16m width at building line in residential and village zones	Complies - Lots are of ample size and dimension and enable a 16m width at the relevant building line. The lots which front the cul-de-sac head (Lot 4, 5, 6, 7) have been widened / enlarged to enable a greater front setback, with Lot 5 proposing an access handle to a large 1,178m ² lot due to the elongated nature of the land in the northern corner of the site.
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Complies. Lot 5 handle width is 4m. Condition to be imposed to reflect this width requirement.
Battle-axe handles in R2 and R5 residential zones have width of 6m	Not applicable
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Complies - Achieves adequate solar access and follows the

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	existing / established subdivision pattern of Inverness Avenue.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	Not Applicable
For new release subdivision east-west orientated lots have increased width and midpoint	Not Applicable
Lots generally rectangular in shape	Generally complies. The development includes a majority of rectangular lots, excluding those lots with frontage to a cul-de-sac head. The lots are all of sufficient size to accommodate a substantial building envelope on the vacant lots 5 – 9 proposed and the development outcome of lots 1 – 4 and 10 and 11 are included as part of this application for assessment.
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Generally achieved.
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Complies.
Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Assessment provided by applicant. Discussed elsewhere in report
Traffic Impact Statement submitted for all subdivisions where new road required	Assessment provided by applicant. Discussed elsewhere in report
Subdivision integrates with existing residential area	Complies – extension of Inverness Avenue is proposed with a minimum width of 16m.
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	Not applicable – the subject site as a result of the approved boundary adjustment approved under DA0102/2021 does not enable connection to surrounding roads.
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	The proposed development includes the continuation of golf course connections for pedestrians / golf carts which formed part of the original subdivision of Inverness Avenue.
Multiple cul-de-sacs and “no through roads” discouraged	Complies – only one cul-de-sac proposed.
Maximum number of lots in cul-de-sac is 12 lots or otherwise a cul-de-sac is restricted to less than 150 metres.	Complies - The maximum number of lots proposed is 11 as part of

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

	<p>the initial subdivision, further the proposed road extension will be less than 150metres.</p> <p>It should be noted that the existing Inverness Avenue subdivision approved in 2006 exceeds both the maximum number of lots and the maximum length under the current DCP; this requirement was not however in place at the time as the DCP was first endorsed in 2013.</p> <p>It should also be noted, Council through the re-zoning of the golf club land for residential purposes, with no connecting/through road, has inadvertently supported the long access road, number of dwellings, accessed via a cul-de-sac. There is no other access available.</p>
Subdivision >80 lots should not require backtracking	Not Applicable
Road Standards for New Development	
Urban Road Standards required	Complies – condition to be imposed regarding construction.
1 x 1.2m footpath, barrier kerbing	Complies – condition to be imposed regarding construction.
Commercial and Industrial Subdivision roads: 22m road reserve, 13m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, barrier / rollover kerbing	Not Applicable
Cycle ways and footpaths	
Cycle ways and pedestrian networks included in new subdivisions	Concrete footpath provided in layout where appropriate and conditions imposed accordingly.
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	The proposed site is not included within the PAMP.
New subdivisions provide direct, convenient and safe access to major facilities	Complies - existing access to Mudgee retained.
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Overland pathway included. The proposed development includes a new stormwater detention basin (proposed to be a minimum of 1800m ³) at the eastern boundary of proposed Lot 2 and within proposed Lot 1, being the golf club land. Easements for drainage will also be required / implemented for a minimum 3m wide flow path

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

	<p>between lots 8 and 9. Further the development will include an extension / relocation of the existing golf cart access from the front of the subject site to the eastern side of proposed Lot 2 (over Lot 1) with appropriate easements to be maintained as part of the registration process. As a result, connections will be maintained for the existing residents of Inverness Avenue and maintenance of this area will continue to be required by the Golf Club via the 88B instrument.</p>
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<p>Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate</p>	<p>Not Applicable - Developer to construct.</p>
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Open Space

<p>Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space</p>	<p>Not applicable – the proposed stage 1 subdivision development is for 11 Lots.</p> <p>The stage 3 subdivision of the dual occupancies construction as part of stage 2 results in 17 Lots in total (including the 5 vacant lots proposed).</p> <p>It is noted that a separate application may be lodged for the further subdivision of future dual occupancies over proposed Lots 5 to 9 which could result in a total of 22 lots or dwellings. This would however be subject to future design and a merits based assessment at the time.</p>
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<p>Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc. and shading landscaping</p>	<p>A detention basin is proposed however, this is not proposed for a dual purpose of open space and stormwater detention.</p>
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Landscaping

<p>Landscape plan provided, detailing treatment of public domain</p>	<p>A basic landscape treatment plan has been provided for assessment which includes the detention basin area proposed. Further detailed plan to be provided with the CC paying particular attention to the landscaping of the upgraded acoustic mounding. Condition imposed accordingly.</p>
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DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable – no dedication to Council other than the extension of the public road is proposed.
Street Trees	
Two (2) street trees provided per lot	Condition to be imposed prior to issue of the Subdivision Certificate. Ample area is available within the street reserve without impacting on the proposed driveways to accommodate this requirement.
Developer provides levy to Council to provide these trees after 80% of works carried out	To be conditioned
Utility Services	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Complies – All lots to be connected to reticulated water, sewer, electricity and telecommunications prior to release of Subdivision Certificate.
Evidence of consultation with relevant authorities submitted with application	Not Applicable (small subdivision)
Drainage	
As per Section 5.3 Stormwater and Drainage	Detailed stormwater plan to be lodged at CC stage. Concept plan adequate and deemed adequate by Development Engineering Department.

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing subdivision and dual occupancy developments over proposed Lot 2 to be created by a boundary adjustment under DA0102/2021. The development is therefore subject to Section 7.11 Contributions under the Plan which has been calculated as follows:

Stage 1: 1 into 11 Lots (1 credit for existing lot)

	Per Lot	10 Lots (1 x Credit applied for existing Lot)
Transport Facilities	\$ 4,511.00	\$ 45,110.00
Recreation and Open Space	\$ 2,266.00	\$ 22,660.00
Community Facilities	\$ 660.00	\$ 6,600.00
Stormwater Management	\$ 476.00	\$ 4,760.00
Plan Administration	\$ 1,034.00	\$ 10,340.00

Total	\$ 8,947.00	\$ 89,470.00
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Stage 2: 6 x Dual Occupancies (New Lots 1, 2, 3, 4, 10, 11) Note: each dual occupancy to be further subdivided however no further charges can be applied.

	Per Dwelling or Lot	6 x Dual Occupancies (12 x dwellings total - 1 credit per Lot applied)
Transport Facilities	\$ 4,511.00	\$ 27,066.00
Recreation and Open Space	\$ 2,266.00	\$ 13,596.00
Community Facilities	\$ 660.00	\$ 3,960.00
Stormwater Management	\$ 476.00	\$ 2,856.00
Plan Administration	\$ 1,034.00	\$ 6,204.00
Total	\$ 8,947.00	\$ 53,682.00

An appropriate condition has been imposed requiring payment of the contribution at the relevant stage.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC Headworks charges calculated as follows by Council's Water and Sewer Department:

- *Water - Credit for existing lot - 1.5 ET*
- *Sewer - Credit for existing lot - 1.05 ET*

WATER Headworks for (Lot 1, 1A, 2, 2A, 3, 3A, 4, 4A (Detached dual occ) and Lot 10, Lot 10A, Lot 11 and Lot 11A (attached dual occ) =

12 x 0.8 ET = 9.6 ET Headworks for Lot 6 & 7 - 2 x 1 ET = 2 ET Headworks for Lot 8 & 9 - 2 x 0.75 ET = 1.5 ET Headworks for Lot 5 - 1 x 1 ET = 1 ET

Water total contributions = 12.6 ET = 12.6 x \$8756 = \$110,325.60

SEWER Headworks for (Lot1, 1A, 2, 2A, 3, 3A, 4, 4A (Detached dual occ) and Lot 10, Lot 10A, Lot 11 and Lot 11A (attached dual occ) =

12 x 1 ET = 12 ET Headworks for Lot 6 & 7 - 2 x 1 ET = 2 ET Headworks for Lot 8 & 9 - 2 x 0.75 ET = 1.5 ET Headworks for Lot 5 - 1 x 1.05 ET = 1.05 ET

Sewer total contributions = 15.5 ET = 15.5 x \$3997 = \$61,953.50

An appropriate condition has been imposed requiring payment of the contribution at the relevant stage.

Note: The above contributions have been calculated based on a single lot / dwelling on each proposed vacant lot.

4.15(1)(a) Provisions of any Planning Agreement or Draft Planning Agreement – (1)(a)(iiia)

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

No matters prescribed by the Regulations impact determination of the Development Application.

Figure 8: Civil Plans with Acoustic Measures Shown – July 2022

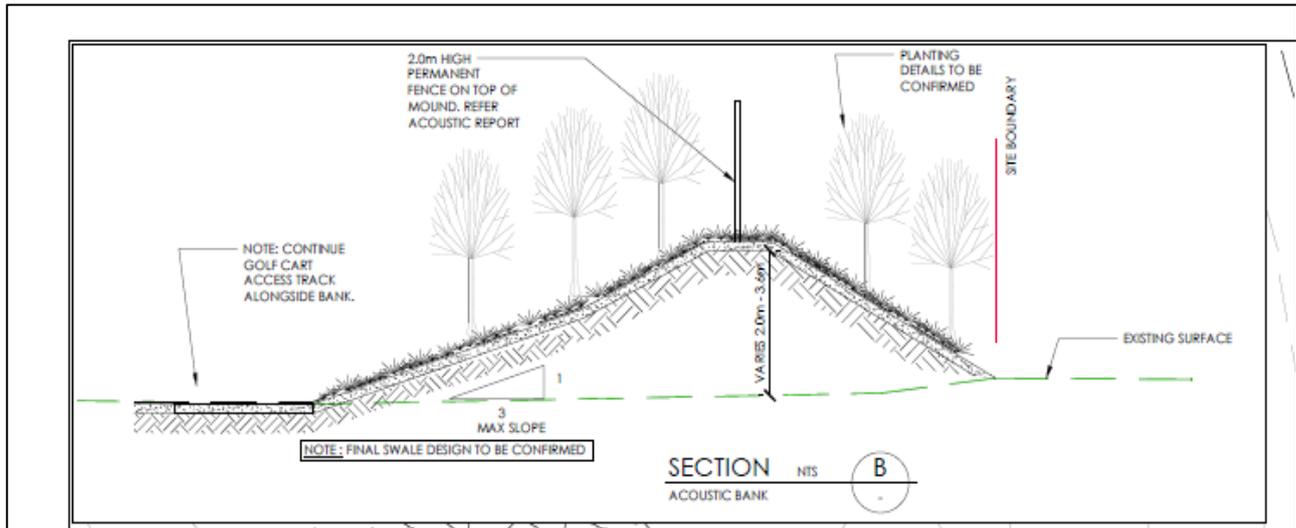


Figure 9: Civil Plan – Section of Acoustic Bunding – July 2022

(B) ACCESS, TRANSPORT AND TRAFFIC

The implications of additional traffic and suitable access to the site have been assessed by Council's Development Engineers with a supporting traffic assessment report provided with the application.

It is important to note that the traffic assessment was provided to Council based on the original development design submitted in November 2021 which included dual occupancy developments over proposed Lots 5 to 9 (totalling 22 dwellings). The assessment found that the addition of up to 22 dwellings in this location will see a minor increase in traffic on the surrounding road networks however, this minor increase does not trigger the need for upgrades to existing road infrastructure. This was reviewed by the Development Engineering Department and no objections were received. The engineers were not however supportive of any variation to a reduced road reserve width under the DCP 2013. The applicant subsequently opted to amend the width of the proposed new road to achieve full compliance with the DCP 2013 and a 16m road reserve width (9.6m pavement width) is now provided.

The proposal is therefore considered appropriate.

(C) PUBLIC DOMAIN

The development will not impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces. The development seeks to continue to maintain the golf cart access arrangements that benefit the existing Inverness Avenue residents and pedestrian connections via the Golf Course land.

(D) UTILITIES

All relevant utilities are available or can be made readily available to the site as discussed throughout this report and in compliance with the Mid-Western Regional Local Environmental Plan 2012 requirements. Furthermore, no objections have been received from the Water and Sewer Department in relation to servicing of the subject site, being at the full cost of the developer.

(E) HERITAGE

Not Applicable

(F) OTHER LAND RESOURCES

No impact expected on the conservation or the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments as a result of the proposed development. The Mudgee Golf Club will still co-exist in this location and the boundary adjustment approved under DA0102/2021 will enable 1.003 hectares of residential zoned land to be developed for residential purposes.

(G) WATER

No significant impact expected and reticulated water able to accommodate the proposed development. Conditions are also imposed to manage dust during construction and the management of stormwater will be required in accordance with the drainage plan provided with the application.

(H) SOILS

No significant impact expected. The land is not known to be affected by subsidence, slip or mass movement, subject to contamination, and will not result in significant soil erosion or degradation subject to compliance with the conditions of consent recommended.

(I) AIR AND MICROCLIMATE

The development is not expected to impact air quality or microclimatic conditions.

(J) FLORA AND FAUNA

The vegetation proposed to be removed has been discussed throughout this report.

(K) WASTE

Waste service available and able to accommodate the proposed new subdivision and dwellings subject to compliance with the conditions of consent to enable a waste truck to access all lots. With the increase in road widths now proposed, compliance is capable of being achieved.

(L) ENERGY

BASIX Certificates have been provided for each dwelling proposed. Conditions imposed to ensure future compliance.

(M) NOISE AND VIBRATION

The subject site is located in close proximity to the established industrial precinct of Depot Road, to the south and east of the land. As noted earlier within this report, the applicant has committed to upgrade and extend the acoustic mounding with fencing and landscaping (commencing at 4m high to 5.6m high) which is consistent with the requirement of the Acoustic Impact Assessment report provided with the subject application.

The acoustic report has assessed both the proposed double storey developments on Lots 10 and 11, however has based the assessment of the proposed vacant Lots 7, 8 and 9 as future single storey dwellings only. Notwithstanding, the acoustic barrier upgrades are required for the full length of the adjoining golf course buffer land which already contains a smaller mound that was required by the earlier approved for the stage 1 subdivision of Inverness Avenue.

Furthermore, as the same consultant was used for acoustic reporting on the industrial land and workshops adjoining the subject site approved under DA0214/2014 (most recently modified in 2021), the report has also included an assessment on the layout of the approved industrial workshops and the requirement to have roller doors and openings closed during the evening periods of operations.

The acoustic assessment concludes that with the acoustic barrier in place (commencing at 5.6m within the golf course land and reducing to 4m as shown in Figure 8 above), noise from the nearby

Depot Road industrial precinct will not create adverse impacts at proposed receivers in the subdivision.

It is recommended however that a condition be imposed requiring the developer to increase the acoustic barrier to 5.6m for the full length to ensure any future dwellings (that may include a double storey) on Lots 7, 8 and 9 are also protected by the acoustic barrier.

(N) NATURAL HAZARDS

The development site is not identified as bushfire prone or flood prone and there are no known subsidence, slip or mass movement issues. No specific conditions are required in this regard.

(O) TECHNOLOGICAL HAZARDS

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk. No specific conditions are required in this regard.

(P) SAFETY, SECURITY AND CRIME PREVENTION

The proposed development is consistent with the established arrangements of Inverness Avenue and the connections provided to the Mudgee Golf Course. As a result, it is considered that there will be increased passive surveillance as a result of the proposed development moving forward.

(Q) SOCIAL IMPACT IN THE LOCALITY

The proposed development provides additional housing opportunities that align with previous strategic planning work to zone the land for residential purposes. As a result, there is a generally positive social impact generated by the development.

(R) ECONOMIC IMPACT IN THE LOCALITY

The proposed development will generate a generally positive economic impact and will include local employment opportunities generated by the construction of the development.

(S) SITE DESIGN AND INTERNAL DESIGN

The design of the development is considered to be a positive outcome considering the existing constraints and lot arrangements, whilst also considering the existing residents at the end of Inverness Avenue. This includes the upgrade of infrastructure such as stormwater drainage and acoustic mounding that has caused concern in the past for existing residents.

The design of each dwelling is unique to the new lots proposed, whilst remaining well-proportioned, maintain the amenity and privacy of the area and are not replicated or identical designs.

The maintenance of the golf course connections will continue to be the responsibility of the Mudgee Golf Club and additional conditions of consent are recommended to ensure that complaints regarding the untidiness of the area are directed to the Mudgee Golf Club and not to Council.

(T) CONSTRUCTION

Conditions are recommended to manage the construction process for both the civil and building construction processes. This includes hours of construction, dust management and sediment and erosion control measures.

(U) CUMULATIVE IMPACTS

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

Suitability of Site for Development – 4.15(1)(c)

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

It is considered that the site is suitable for the residential zoned land upon which it is sited, and is able to fit within the locality, subject to installation of an upgraded acoustic barrier in accordance with the acoustic report submitted being constructed within the 20m wide easement over proposed Lot 1 (golf course land). There are no hazardous land uses nearby that would preclude the development proceeding and there are adequate utilities and transport facilities in the area available for the development.

(B) ARE THE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT?

The site is not subjected to any natural hazards, and the project will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

Submissions made in accordance with Act or Regulations – 4.15(1)(d)

(A) PUBLIC SUBMISSIONS

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 18 March 2022. During the notification period, 14 submissions were received. The applicant lodged amended plans during the assessment process however, the changes were to reflect DCP compliance issues regarding the road reserve width and the golf cart access proposed over the new public road which were not considered significant enough with regards to implications on adjoining neighbours. Therefore, re-notification of the proposal was not considered necessary as the general subdivision and dwelling layout remains substantially the same.

A summary of the concerns raised is provided below, along with copies of the submissions made provided within Attachment 2. The applicant has also provided a response to the submissions which is included at Attachment 3.

Summary of concern raised	Comment
Golf Club have not completed previous obligations in the original development. E.g. retention dam, golf cart track never gravelled, lights not installed or maintained, acoustic hedge not maintained, entry signage and footpath	Whilst the concerns regarding previous compliance with conditions of consent are valid, the applicant of this development is not the golf club. Therefore the responsibility will fall to the applicant to complete the works and comply with the conditions of consent and following this, maintenance of the areas such as the acoustic mounding and stormwater basin will fall to the Mudgee Gold Club. Additional conditions are recommended to ensure complaints are quickly managed by the Mudgee Golf Club and a plan of management is to be prepared for these areas.
Increase in traffic and vehicle overcrowding / on-street parking within Inverness Avenue	The traffic assessment has considered the impacts of the potential for 22 dwellings utilising the local road network and existing intersections which found no significant impacts to require upgrades of existing infrastructure. Council's development engineers have also raised no objections in regards to traffic generation but have requested an increase to the road width of the development to ensure better servicing and full compliance with the DCP 2013.
Property devaluation	This is not a planning consideration. The site has been zoned for residential purposes since 2008 and the development is

	consistent with the strategic planning work endorsed by Council and previous concept plans prepared by the Mudgee Golf Club for the area.
Maximum number of 12 lots in cul-de-sac exceeded and concerns for emergency services access	The development does not exceed the maximum lots as part of the stage 1 subdivision (11 proposed) with attached dual occupancies permitted on lots of at least 600m ² which can lawfully be further subdivided under the LEP 2012. A merits based assessment has therefore been undertaken and this is considered acceptable with an increase in road width provided.
No green space / open space or located within 400m of park or open space	The 'green space' currently exists within the golf club land and this will not change as a result of the proposed development. It will be relocated to the eastern side of the development as shown on the civil drawings. Further, as the development does not propose greater than 20 lots, there is no requirement to provide a park or open space area within 400m of the site. Arguably however, the golf club will continue to provide 'open space' which will continue to support the existing and future residents of the area.
Loss of views to golf course due to 2 storey dwellings / loss of peace and quiet / no 2 storey designs permitted in Inverness Ave	The limitation of 2 storey design within the existing Inverness Avenue was a developer covenant applied on each lot under the previous subdivision in 2006. There are no specific controls that restricts double storey development in Mudgee and as a result, a merits based assessment has been applied in this regard. Loss of views in an urban setting cannot be considered from a planning perspective however.
Seek an alternative access/road to the site via golf course land - Inverness Avenue is not constructed to handle heavy vehicles required to support the construction of the development	The subject land, once the boundary adjustment previously approved is completed, will result in access only being available via Inverness Avenue. Inverness Avenue has supported the previous construction of homes in this location and therefore there are no concerns that the road cannot accommodate temporary construction traffic. Notwithstanding, the applicant will be required to ensure that any damage caused by the developer is remedied to the satisfaction of Council. A condition is imposed accordingly.
Public road proposed over existing cart access to golf course / loss of golf cart link to course	The golf cart access will be directed via the south eastern boundary and align with the upgraded acoustic barrier. Therefore no golf cart access will occur over a public road.
Right of carriageway proposed	There is no Right of Carriageway proposed by this development. There will continue to be rights of access for the golf cart track over the golf course land.
Overshadowing of dwellings with 2 storey design and loss of privacy	As noted within the assessment of the application above, 12A Inverness Avenue will continue to receive a minimum of 3 hours of solar access on the 21 June and no loss of privacy is proposed with all windows proposed on the upper storey to be high placed windows.
Open channel is not compliant	The new stormwater detention basin is considered to be compliant with Council's requirements.
Use of dwellings by investors	Council has no power to regulate ownership of properties.

Dangers to children playing in street, walking or riding to school	There is not considered to be any increased risk to children as a result of the proposed development.
Pressure on existing services - water and NBN.	There is not considered to be any impact on water provision or NBN as a result of the proposal.
Removal of reserve and open space at end of existing street	The reserve / open space area has been relocated to accommodate the proposal and will still be located over Golf Club land. This area is not 'public land'.
Development is too close to industrial land in Depot Road / Depot Road operates 24 hours a day	As noted throughout the assessment report, upgraded acoustic measures are required and this includes a condition to maintain the 5.6m high barrier for the full length of the acoustic easement.
Proposed Density - Lot sizes and design is not in line with original development or existing streetscape	The proposed lot sizes are compliant with the LEP 2012 and the overall design is considered acceptable.
No consideration to existing drainage issues in Inverness Avenue / Golf Club land	The developer must ensure that the proposed development does not increase pre-development flows and as a result a concept stormwater design has been submitted that also considers run off from the golf course. Conditions have been recommended accordingly.
Conflicts of interest	Any conflicts of interests must be managed in accordance with Councils code of conduct.
Consistency of development with established residential development for 'non permitted' development e.g. no Colorbond fencing, no garden sheds in rear yards etc.	<p>The existing "prohibited developments" are legally known as 'restriction to users' which is imposed on the existing residents of Inverness Ave and have been imposed by the original developers (i.e. Mudgee Golf Club). They are not requirements of Council.</p> <p>Under State Planning Policy requirements, there are exempt development provisions which can be utilised accordingly for minor forms of development (and not require Council approval). Should the developer in this circumstance wish to replicate the same prohibitions on this subdivision, this cannot be forced upon them by Council when the DCP requires certain fencing types to maintain privacy.</p>
Easement for stormwater must be extended and discharge piped underground to connect to the existing line	The engineers have considered this matter and conditions imposed accordingly.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

The application was referred to Essential Energy with those relevant comments included within the conditions of consent.

The Public Interest – 4.15(1)(e)

(A) FEDERAL, STATE AND LOCAL GOVERNMENT INTERESTS AND COMMUNITY INTERESTS

No submissions were sought or received from public authorities.

CONSULTATIONS

(A) Health and Building

Council's Health & Building Surveyor has not raised any concerns with the proposal, subject to conditions.

(B) Technical Services

Council's Development Engineer has not raised any concerns with the proposal subject to conditions based on the amended plans provided to Council.

(C) Heritage Advisor

No consultation necessary.

(D) Environmental Health Officer

Council's Environmental Health Officer has not raised any concerns with the proposal subject to a condition regarding the acoustic mounding being staggered over a length of 4m. This has been altered by a condition requiring the full length of the acoustic barrier within the acoustic easement to be 5.6m high in order to accommodate future developments of a similar scale over the vacant lots proposed.

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

Not Applicable

Council Policies

Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Community Participation Plan 2019
Mid-Western Regional Developer Servicing Plan 2008

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2021
Mid-Western Regional Local Environmental Plan 2012

Financial implications

The Applicant will be required to pay developer contributions in accordance with the Mid-Western Regional Contributions Plan 2019 and Developer Servicing Plans 2008.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

21 July 2022

- Attachments:*
1. Attachment 1 - DA Plans & Supporting Documents. (separately attached)
 2. Attachment 2 - Public Submissions (redacted). (separately attached)
 3. Attachment 3 - Applicant Response to Public Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone

REPORT BY THE DUTY TOWN PLANNER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, DA0029/2023

RECOMMENDATION

That Council:

- A. receive the report by the Duty Town Planner on the DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone; and
- B. approve DA0029/2023 - Dwelling House at 18 Coxs Creek Road, Rylstone subject to the following conditions:

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 and/or any plan notations.

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Site Plan	01.2	03	Jun 2022	Mudgee Builder
Floor Plan	02.1	03	Jun 2022	Mudgee Builder
Dimensions	02.2	-	Jun 2022	Mudgee Builder
Elevation	03	03	Jun 2022	Mudgee Builder
Section	4	02	May 2022	Mudgee Builder
BASIX Certificate	1310054S	-	28/05/2022	Mudgee Builder P/L

2. This approval includes approval for a dwelling house only.
3. The dwelling shall not be used for tourist and visitor accommodation. If it is to be used for tourist or visitor accommodation, a separate change of use application must be lodged with Council, which must be supported by a Bushfire Assessment Report.
4. No trees are to be removed.

GENERAL

5. All earthworks, filling, building, driveways or other works, are to be designed and constructed 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.

6. All stormwater from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties and must be managed within the site. Methods of disposal of excess stormwater, including overflow from tank, must also include adequate provision for the prevention of erosion and scouring.
7. Costs associated with all development works including any necessary alterations, 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.
8. 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.
9. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as Colorbond steel sheeting.
10. The existing access off from Coxs Creek Road is to be upgraded and constructed to ensure that the access is sealed with bitumen and has appropriately sized drainage pipes and culverts so as not to compromise the capacity of table drains. The specification for this upgraded vehicle access must be in accordance with Council's requirements and standards as outline in Council's "Access to Properties Policy" for rural road. Separate approval for this work must be obtained under the provisions of Section 138 of the Roads Act 1993.
11. A "slow down driveway ahead" sign (W2-207 Guide Signage) is to be erected in the Coxs Creek Road road reserve to the east of the existing access and to face west-bound traffic on Coxs Creek Road. No removal of significant vegetation and trees is to occur in the road reserve to improve visibility of the sign. However, minor trimming of branches and removal of non-native shrubs is permitted to improve sight distance requirements.
12. The internal driveway and vehicle manoeuvring areas must be constructed of compacted gravel. Measures to prevent erosion and scouring and the transport of sediment by stormwater runoff must be put in place and maintained at all times.
13. A minimum of 45,000 litres of domestic water storage is to be provided for the proposed dwelling. All roofwater is to be directed to this tank.
14. The following bushfire protection measures are to be implemented at the commencement of works, and maintained for the life of the development:
 - a) Asset Protection Zones
The intent of measures is to provide sufficient space, and maintain reduced fuel loads, so as to ensure radiant heat levels of buildings are below critical limits, and to prevent direct flame contact with a building.

At the commencement of works, and in perpetuity, the property around the asset shall be managed as follows in accordance with Section 3.2 and Appendix 4 of Planning for Bushfire Protection 2019 and the Rural Fire Service's document '*Standards for Asset Protection Zones*':

- i) North for a distance of 20m as an 'Inner Protection Area'.
- ii) South for a distance of 20m as an 'Inner Protection Area'.
- iii) East for a distance of 20m as an 'Inner Protection Area'.
- iv) West for a distance of 20m as an 'Inner Protection Area'.

b) **Water and Utilities**

The intent of measures is to provide adequate serviced of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- i) Water, electricity and gas are to comply with Section 6.8.3 of Planning for Bushfire Protection 2019.
- ii) In recognition that an unreliable water supply exists, a 20,000 litre dedicated water supply tank (non-flammable) shall be provided. An RFS standard 65mm metal Storz outlet with a ball valve shall be provided.

Note: Farm dams and swimming pools cannot be used as a dedicated water supply source for bushfire fighting purposes.
- iii) All associated fittings to the tank shall be non-combustible.
- iv) A pump shall be provided to supply water for fire suppression activities and shall be a minimum 5hp or 3kW and shall be petrol or diesel powered.
- v) Pumps for the water tank shall be adequately shielded from potential bushfire threat.
- vi) A 19mm hose, capable of reaching all parts of the perimeter of the building, shall be provided.
- vii) All above ground water and gas service pipes external to the building shall be metal, including and up to any taps.
- viii) A Static Water Supply marker (SWS) is to be obtained from the Rural Fire Service and fixed in a prominent location at the entry of the property.

c) **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack.

- i) New construction is to comply with AS 3959-2018 'Construction of buildings in bushfire prone areas' – Bushfire Attack Level 12.5
- ii) Roofing shall have guttering screened to prevent the build-up of flammable material.
- iii) Any sarking shall be:
 - Non-combustible; or
 - Comply with AS/NZS 4200.1, be installed on the outside of the frame and have a flammability index of no more than 5 as determined by AS1530.2.

- iv) **Garage doors are to be tight fitting to door jambs with gaps no greater than 5mm when closed, and any roller shutter is to be provided with an ember protection device at the top of the shutter that captures any embers where a gap of 2mm or greater exists on the external surface.**
- d) **Access**
The intent of measures for property access is to provide safe access to/from the public road system for firefighters providing property protection during a bushfire, and for occupants faced with evacuation. To achieve this, the following requirements shall apply:
 - i) **Access shall comply with Section 3.4 and Appendix 3 of Planning for Bushfire Protection 2019.**
- e) **Landscaping**
Landscaping of the site is to comply with Section 3.7 and the principles of Appendix 4 of Planning for Bushfire Protection 2019.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

- 15. **Prior to release of the Construction Certificate, approval pursuant to Section 68 of the *Local Government Act, 1993* for the installation of an On Site Sewerage Management System is to be obtained from Mid-Western Regional Council.**
- 16. **Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$25,000 or more.**

Note - The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

Note – Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

PRIOR TO THE COMMENCEMENT OF WORKS

- 17. **No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:**
 - a) **the appointment of a Principal Certifying Authority; and**
 - b) **the date on which work will commence.**

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

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

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

19. **A sign must be erected in a prominent position on any work site on which the erection or demolition of a building is carried out:**
 - a) **stating that unauthorised entry to the work site is prohibited;**
 - b) **showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;**
 - c) **the name, address and telephone number of the principal certifying authority for the work; and**
 - d) **The sign shall be removed when the erection or demolition of the building has been completed.**
20. **With the exception of work where there is in force an exemption under clause 187 and 188 of the Environmental Planning and Assessment Regulation 2000 all building work that involves residential building work for which the Home Building Act requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract of insurance is to be in force.**
21. **The contractor is required to contact Dial Before You Dig to obtain details of various services in the vicinity of the proposed dwelling. Dial Before You Dig may be contacted online via <https://www.1100.com.au> or by phone on 1100.**

DURING CONSTRUCTION

22. **All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.**
23. **All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.**
24. **All mandatory inspections required by the *Environmental Planning and Assessment Act 1979* and any other inspections deemed necessary by the Principal Certifying Authority are to be notified by the developer (providing no less than 24 hours' notice) and carried out during the relevant stage of construction.**
25. **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**
 - b) **No construction work noise is permitted on Sundays or Public Holidays.**
26. **The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.**
27. **Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:**
 - a) **the method of protection; and**
 - b) **the date of installation of the system; and**
 - c) **where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and**
 - d) **the need to maintain and inspect the system on a regular basis.**

28. 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.
29. The requirements of BASIX Certificate number 1310054S issued on 28 May 2022 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.
30. All stormwater is to discharge to a water tank and the over flow discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
31. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

32. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
33. Prior to use of the dwelling and/or the issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
34. Prior to the issue of an Occupation Certificate, the driveway upgrade works, approved in accordance with Section 138 of the Roads Act 1993, are to be completed.
35. Prior to the issue of an Occupation Certificate, a “slow down driveway ahead” sign is to be erected on Coxs Creek Road to the east of the existing access and facing westbound traffic.
36. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No 1310054S, dated 28 May 2022, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.

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 (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 Development Department for more information or advice.
4. If you are dissatisfied with this decision section 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.

REASONS FOR DECISION

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.

Executive summary

OWNER/S	Peter A Shelley & Doreen A Shelley
APPLICANT:	Mudgee Builder Pty Ltd
PROPERTY DESCRIPTION	18 Cox's Creek Road, Rylstone (Lot 1 DP817671)
PROPOSED DEVELOPMENT	Dwelling House
ESTIMATED COST OF DEVELOPMENT:	\$785,000
REASON FOR REPORTING TO COUNCIL:	A Councillor is the owner of the land
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a development application that seeks approval for a dwelling house at 18 Cox Creek Road, Rylstone (Lot 1 DP817671).

The proposed development seeks to construct a new single storey, five bedroom dwelling with 3 bathrooms. The dwelling will be erected towards the centre of the 40.03 ha property.

The application was not required to be notified or advertised in accordance with the Mid-Western Regional Community Participation Plan 2019. No submissions were received during the assessment period.

As the property the subject of the development application is owned by a Councillor, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

Disclosure of Interest

The application identifies Councillor Peter Shelley as the owner of the land.

Detailed report

SITE DESCRIPTION

The subject site is located on the corner of Bylong Valley Way and Coxs Creek Road, Rylstone. The site has an area of 40.03 hectares with a frontage of approximately 260m to Coxs Creek Road and a frontage of approximately 860m to Bylong Valley Way. The property is approximately 800m to the north of Rylstone.

There are no buildings erected on the land.

The terrain across the site is undulating.

There is a 25m wide easement for electricity transmission that crosses the site in a north-south direction.

The site is predominantly grassland. A number of trees are scattered throughout the site.

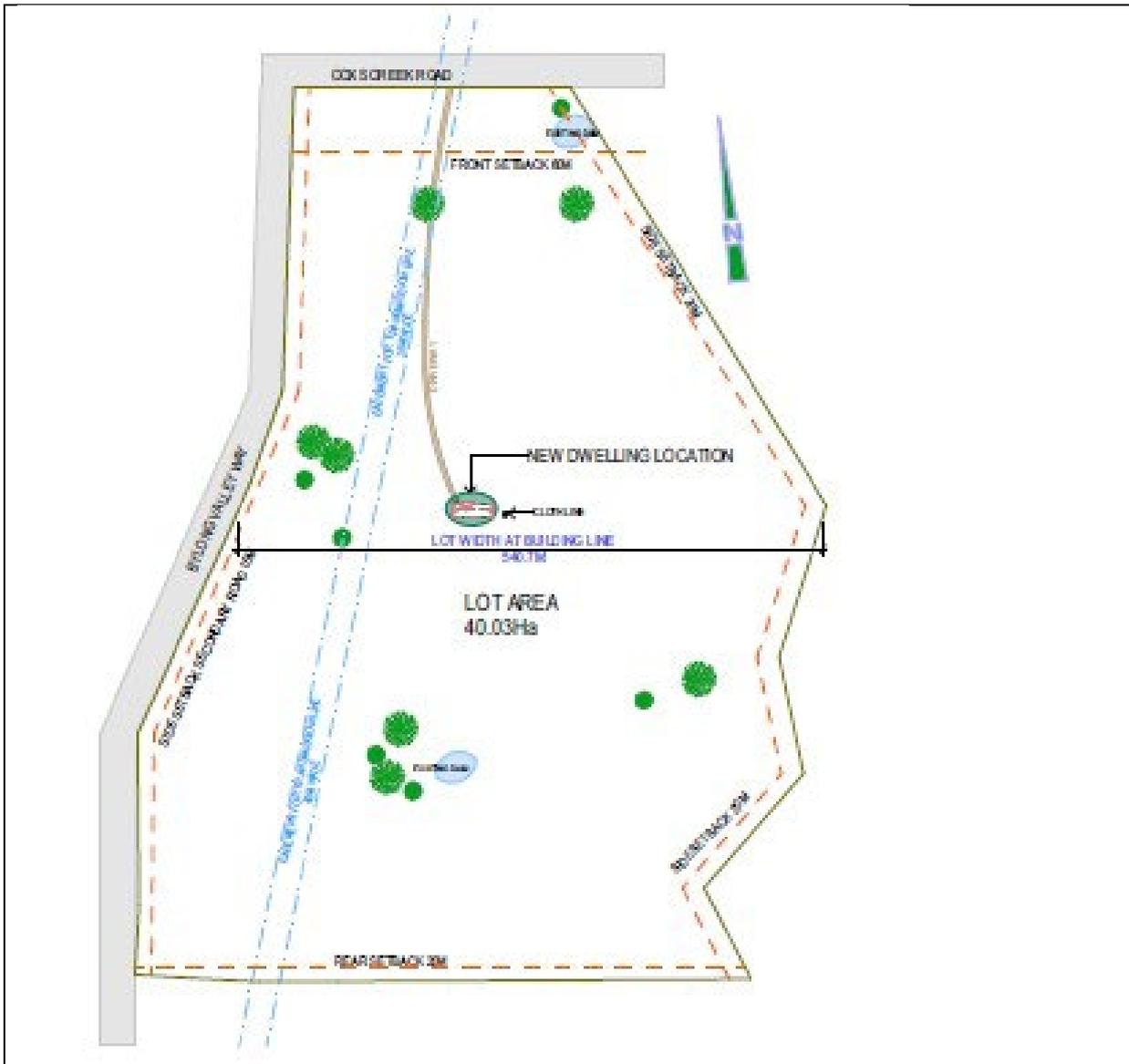


Figure 1 – Site Plan

PROPOSED DEVELOPMENT

The proposed development is a dwelling house. The dwelling will contain five (5) bedrooms, three (3) ensuites, one (1) bathroom, a combined living/kitchen and dining room and double garage.

The dwelling will be constructed on a concrete slab, with brick veneer walls and Colorbond custom orb roofing.

The dwelling will be located centrally within the property.

No tree removal is proposed.

The dwelling is proposed to be connected to a solar power supply.

Rainwater tanks are proposed for water supply.

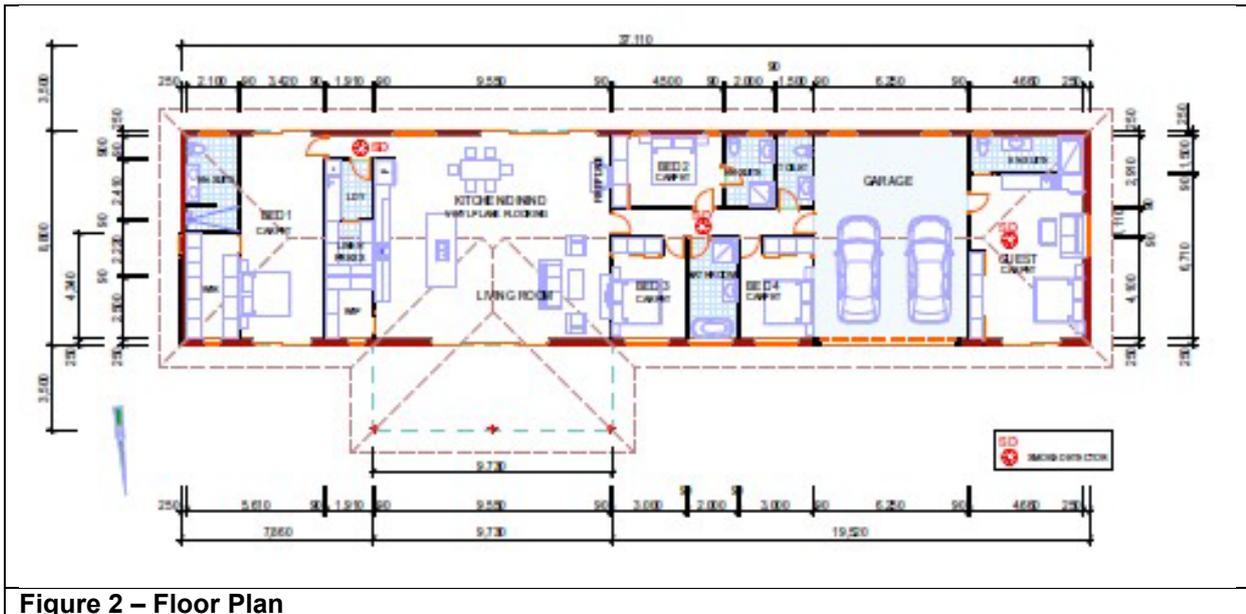


Figure 2 – Floor Plan

LEGISLATIVE REQUIREMENTS

Biodiversity Conservation Act 2016 (BC Act)

The proposed development does not involve the removal of any trees. No further consideration of the BC Act is required for this assessment.

Environmental Planning and Assessment Act 1979 (EP&A Act)

Designated Development

Not Applicable

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Integrated Development

The proposed development does not trigger integrated development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979*.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

The application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The main issues are addressed below as follows.

(a) Provisions of any Environmental Planning Instrument and any draft EPI – 4.15(1)(a)(i) and (ii)

State Environmental Planning Policy (Resilience and Hazards) 2021

A review of Council’s records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021

(a) Clause 2.48 – Development likely to affect electricity transmission network.

Not Applicable

The proposed dwelling is set back approximately 60m from the easement for the electricity line.

(b) Clause 2.119 – Development with frontage to classified roads.

Bylong Valley Way is identified as classified road for the purpose of this clause.

The proposed development satisfies the requirements of this clause as follows:

- Access to the property is provided from a road other than the classified road;
- The proposed development will not adversely affect the operation of the classified roads;
- The proposed development will not emit smoke or dust;
- The proposed development will result in only a marginal increase in the number of vehicle movements. There is sufficient capacity in the local road network to accommodate the additional vehicle movements; and
- The proposed development will not be adversely impacted upon by potential traffic noise and vehicle emissions from the operation of the classified road.

State Environmental Planning Policy (Biodiversity and Conservation) 2011

This SEPP applies to the proposal as Mid-Western Regional Council is listed within Schedule 2 of the SEPP and the area of land associated with the proposal is greater than 1 hectare in size. However, the proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposal involves development that requires the issue of a BASIX certificate. The applicant has provided the relevant BASIX certificate and a condition of consent has been included ensuring that the commitments be met as listed in the certificate.

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

The following clauses of the MWRLEP 2012 have been assessed as being relevant and matters for consideration in the assessment of the Development Application.

Clause 1.2 Aims of Plan

The application is not contrary to the relevant aims and objectives of the plan.

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as a:

Dwelling house means a building containing only one dwelling.

Note: Dwelling houses are a type of **residential accommodation**.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned RU1 Primary Production and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use Table/ Permissibility

The land is zoned RU1 – Primary Production pursuant to MWRLEP 2012. The proposed dwelling house is permissible with the consent of Council in the zone.

The objectives of the zone and how the proposal satisfies the objectives is addressed below:

1. *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Comment The proposal does not significantly impact upon the ability of the land to be used for the purposes of primary production.

2. *To encourage diversity in primary industry enterprises and systems appropriate for the area.*

Comment The proposal will not hinder the ability of the land to be used for a diversity of primary industry enterprises.

3. *To minimise the fragmentation and alienation of resource lands.*

Comment The proposal does not contribute to unreasonable fragmentation of rural land.

4. *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment The proposal will not result in any significant conflict with adjoining land uses subject to compliance with conditions of the consent.

5. *To maintain the visual amenity and landscape quality of the Mid-Western Region by preserving the area's open rural landscapes and environmental and cultural heritage values.*

Comment The proposal will not result in any significant impact upon the immediate visual amenity or environmental/cultural heritage values of the site.

6. *To promote the unique rural character of the Mid-Western Region and facilitate a variety of tourist land uses.*

Comment The proposal will not hinder the use of the land for tourist uses.

Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain zones

This clause applies as the land is zoned RU1 and the application involves the erection of a dwelling.

In order for the property to benefit from a 'dwelling entitlement', it must satisfy one of the provisions contained within clause 4.2A(3). A review of Council's records and the details submitted with the application has revealed that the property complies with clause 4.2A(3)(b), as the property was created by a subdivision for which development consent (or equivalent) was granted before MWRLEP commenced and on which the erection of a dwelling house was permissible under a previous planning instrument. Subsequently, the consent authority can consider the development application for the erection of a dwelling.

Clause 4.3 Height of buildings

The subject site is not mapped for a maximum height limit.

Clause 5.10 Heritage Conservation

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

Clause 5.21 Flood planning

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

Clause 6.1 Salinity

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

Clause 6.3 Earthworks

The proposal involves only minor earthworks to prepare the site for development. The proposed earthworks will not be significant in terms of the matters for consideration identified in this clause. Conditions have been applied to ensure and earthworks related activities are carried out appropriately and minimise impacts on neighbouring properties.

Clause 6.4 Groundwater Vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination,

adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity'.

Clause 6.9 Essential Services

All essential services that are relevant to the proposal are available or will be available as a result of the proposed development, as follows:

- An 80,000 litre rainwater tank is proposed for the supply of water. Water is also available from a dam on site;
- It is proposed to provide solar panels for the provision of electricity;
- A septic system is proposed for the management of sewage;
- Stormwater runoff will be directed to the rainwater tank and disposed of on-site; and
- The existing access into the property will be utilised. Conditions will be applied requiring this access to be upgraded.

Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the land to which the development application relates.

(b) The provisions of any Development Control Plan or Council Policy – 4.15(1)(a)(iii)

Mid-Western Regional Development Control Plan 2013 (the DCP)

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

Part 4.7 Tree Preservation Order

No trees to be removed.

Part 5.1 Car Parking

Land Use	Required	Compliance/Comments
Dwelling	2 spaces per dwelling – 1 space to be a garage	Complies. Two spaces within proposed garage.

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Part 6.1 Dwellings in Rural Areas

- *Services*

The dwelling is not proposed on a lot within 500m of the R1 or R2 zone.

- *Dwellings adjacent to Village Zones*

The dwelling is not proposed on a lot within 500m of the RU5 zone.

- *Setbacks*

The minimum front setback as prescribed within the table is 60 m to Coxs Creek Road. The proposed dwelling is set back approximately 400m from the primary road frontage to Coxs Creek Road. Accordingly, the proposal complies.

The minimum front setback to a classified road is 100m. The proposed dwelling is set back approximately 215m from Bylong Valley Way. Accordingly, the proposal complies.

The minimum side/rear setback as prescribed within the table is 20 m. The proposed dwelling is set back approximately 260m from the nearest side boundary. Accordingly, the proposal complies.

- *Out-buildings and Farm Buildings*

Not Applicable – no new outbuildings or farm buildings proposed.

(c) Provisions of any Planning Agreement or Draft Planning Agreement – 4.15(1)(a)(iia)

No planning agreement applicable

(d) Regulations – 4.15(1)(a)(iv)

No matters prescribed by the Regulations impact determination of the Development Application.

(e) The likely impacts of development – 4.15(1)(b)

Not Applicable

Context and Setting & Site Design and Internal Design

The proposal is appropriate with regards to the surrounding rural context and setting.

Access, transport and traffic

Council's Development Engineer has advised that the existing access is to be upgraded with a bitumen pavement in accordance with Council's *Access to Properties Policy*. The location of the existing crossover does not comply with sight distance requirements. A condition will be included in the recommendation requiring the installation of a "slow down driveway ahead" sign to face west-bound traffic on Coxs Creek Road. The local traffic network is capable of absorbing the increase in traffic to be generated by the proposed dwelling house. The proposal provides a sufficient number of parking spaces for the proposed use.

Public Domain

The development will not impact the public domain in terms of recreations opportunities, the amount, location, design, use and management of public spaces, or pedestrian linkages between public spaces.

Utilities

All relevant utilities are available or can be made readily available to the site.

Heritage

Not Applicable

Other land resources

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments.

Water

The proposed development includes rainwater tanks. The proposal is not expected to create any water pollution issues, subject to a condition for sediment erosion controls during construction.

Soils

The proposed development will not have any negative impacts on soils, subject to a condition for sediment erosion controls during construction. The dwelling footprint is not mapped as being affected by saline soils. Despite this, a condition will be applied to ensure that the concrete used in the floor

slab is Class 25 MPa concrete, to resist saline damage, which is common in the Local Government Area. The site is not considered to be effected by unstable soils or contaminants.

Air and Microclimate

The development is not expected to impact air quality or microclimatic conditions.

Flora and Fauna

Not Applicable

Waste

Not Applicable

Energy

Not Applicable

Noise and vibration.

Not Applicable

Natural Hazards

The site is not identified as being effected by geological/soil instability or flooding.

The site is identified as bushfire prone. The applicant has provided a bushfire risk assessment that demonstrates the risk has been minimised subject to incorporating the appropriate measures within the development. The building is to be constructed to BAL 12.5 standard with an Asset Protection Zone (APZ) of 20m to be maintained and the standard water supply to be provided. All these measures have been incorporated into the conditions of consent.

Technological Hazards

There are no known risks to people, property or the biophysical environment, resulting from technological or industrial hazards, or building fire risk.

Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

Economic impact in the locality

Generally positive.

Social impact on the locality

Generally positive.

Construction

The impacts of construction activities may be regulated by conditions.

Cumulative impacts

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

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality?

Yes. There are no hazardous land uses or activities nearby, there are no constraints posed by adjacent developments and there are adequate utilities and transport facilities in the area available for the development.

Are the site attributes conducive to development?

Yes. The proposed development is designed to respond to the bushfire constraints on the site. No adjoining land uses will have an adverse impact on the proposed development. The proposed development will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

(g) Submissions made in accordance with Act or Regulations – 4.15(1)(d)

Public submissions

The application was not required to be notified or advertised in accordance with the *Mid-Western Regional Community Participation Plan 2019*. No submissions were received during the assessment period.

Submissions from public authorities

No submissions were sought or received from public authorities.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

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

Covenants and easements effecting the proposal

There is an easement for an electricity line running through the property. The proposed dwelling is approximately 60m away from this easement.

CONSULTATIONS

Health and Building

Council's Health and Building section have recommended conditions to address the detailed building matters. These conditions are incorporated in the recommendation.

Development Engineer

Council's Development Engineer has provided conditions to address the detailed engineering matters. These conditions are incorporated in the recommendation.

DEVELOPER CONTRIBUTIONS

Section 7.11 Contributions

Not Applicable

The proposal involves a dwelling house on a lot created in an earlier subdivision. Pursuant to *Mid-Western Regional Contributions Plan 2019*, the development is exempt from Section 7.11 contributions.

Section 64 Water and Sewer Developer Services Charges

Not Applicable

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the development does not increase the demand or loading upon Councils infrastructure or require additional water, sewer or trade waste services to the land or building. No charges can therefore be applied under the plan.

Community Plan implications

Goal	Protect and enhance our natural environment
Strategy	Ensure land use planning and management enhances and protects biodiversity and natural heritage

Strategic implications

Council Strategies & Plans

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Contributions Plan 2019
Mid-Western Regional Development Servicing Plan

Council Policies

Access to Properties Policy

Legislation

Environmental Planning and Assessment Act 1979

Financial implications

Not Applicable

Associated Risks

The recommendation of staff is to approve the development subject to conditions provided above. Should Council refuse the development application, the applicant may seek a further review of this decision or appeal through the Land and Environment Court.

ILIJA SUSNJA
DUTY TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

29 July 2022

Attachments: 1. Plans of proposed development.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



FRONT RENDERED IMAGE



REAR RENDERED IMAGE

**MUDGEE
BUILDER**

JASON BOXSELL
 PH 0428 727 559
 JASON.BOXSELL@GIPOND.COM

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PROJECT ADDRESS
 / TITLE

18 COXS CREEK RD
 RYLSTONE NSW
 2849

DP
 817671

LOT
 1

CLIENT
 PETER & DOREEN
 SHELLEY

DATE JUN 2022

DRAWING NAME
 SITE RENDERED

REVISION VER. 03

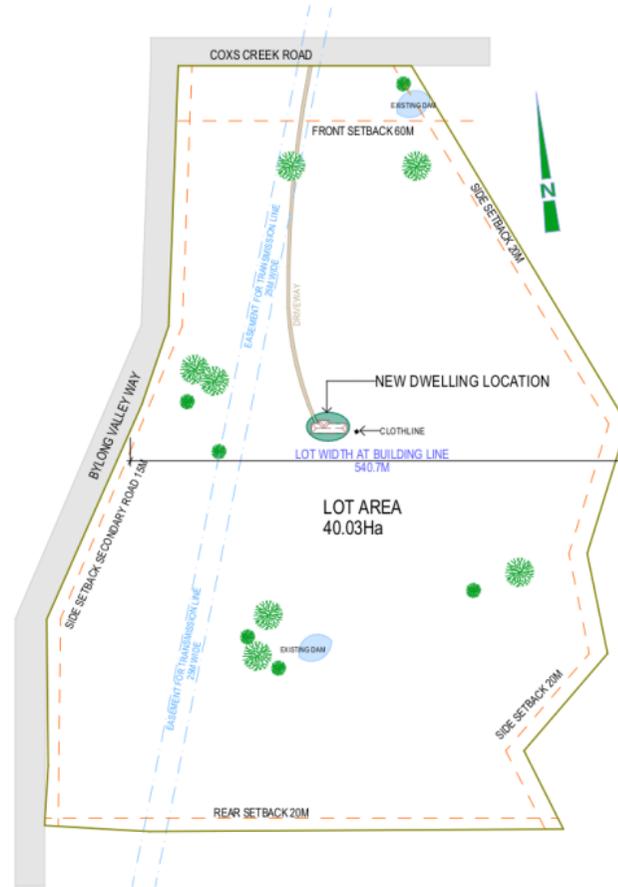
SCALE N/A

SHEET ID.

01.1 PAPER
 SIZE
 A3

- GROUND LEVELS, FINISHED FLOOR LEVELS, SITE WORKS AND RETAINING AREA INDICATIVE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION. SITE PLANS ARE TO BE READ IN CONJUNCTION WITH ANY SURVEY/ENGINEERING PLANS AVAILABLE.
- ALL DIMENSIONS ARE TO BE CHECKED WITH EXISTING AND PROPOSED SITE CONDITIONS.
- WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
- NO VARIATION MAY BE MADE TO THESE DRAWINGS WITHOUT THE PRIOR APPROVAL OF THE BUILDING DESIGNER.
- REFER TO ENGINEERS' DESIGN, DOCUMENTATION AND CALCULATION FOR DETAILS ON SLAB, FOOTINGS, STRUCTURE RETAINING WALLS, FINISHED FLOOR LEVELS, SITEWORKS AND STORMWATER DETAILS.
- THIS DRAWING IS TO BE READ IN CONDUCTION WITH ALL OTHER DRAWINGS SHEETS, CONSULTANTS DRAWINGS, DOCUMENTS, SCHEDULES AND SPECIFICATIONS (AS APPLICABLE).
- THE BUILDER AND SUBCONTRACTOR SHALL ENSURE THAT ALL STORMWATER DRAINS, SEWER PIPES AND THE LIKE ARE LOCATED AS A SUFFICIENT DISTANCE FROM ANY BUILDINGS FOOTING AND/OR SLAB EDGE BEAMS SO AS TO PREVENT GENERAL MOISTURE PENETRATION, DAMPNESS, WEAKENING AND UNDERMINING OF ANY BUILDING AND ITS FOOTING SYSTEM.
- LOCATION OF ALL EXISTING ON-SITE SERVICES TO BE CONFIRMED ON-SITE PRIOR TO CONSTRUCTION.
- REFER TO THE SURVEY PLAN AND/OR DP PLAN FOR SITE INFORMATION.
- SOIL CLASS IS 1M

LOT AREA	40.03Ha
LOT WITH AT THE BUILDING LINE	540.7m
MINIMUM SETBACK FROM PRIMARY ROAD	60m
MINIMUM SETBACK FROM SECONDARY ROAD	15m
MINIMUM REQUIRED SETBACK FROM EACH SIDE BOUNDARY	20m
MINIMUM SETBACK FROM REAR BOUNDARY	20m





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 SHELLEY

DATE JUN 2022

DRAWING NAME
 SITE PLAN

REVISION NO. 03

SCALE 1:10000

SHEET ID.

01.2 PAPER SIZE
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NOTES - TILE LAYOUT INDICATIVE ONLY - PROVIDE LEFT OFF HINGES TO W/C DOORS - TO BCA REQUIREMENTS - CONFIRM LEVEL ON SITE TO ALL EXTERNAL DOORS IF STEPS ARE REQUIRED - TO COMPLY WITH BCA	BASIX Project Commitments Proposed: Separate dwelling house Address: 18 Coxs Creek Road, Rylstone NSW 2849 Lot 297 DP 755434	Thermal Comfort External walls Brick veneer Internal walls Cavity walls, direct fix plasterboard, single gap	Specification R 2.6 Reflective foil with bulk insulation no gap No insulation	Ventilation Bathroom exhaust Control switch Kitchen exhaust Control switch Laundry control switch	Natural ventilation n/a Natural ventilation Manual switch on/off Individual fan/ not ducted Manual switch on/off
	Alternative water details Individual rain water tank size Garden and lawn areas All toilets Laundry Pool top-up	80,000litre Yes Yes Yes n/a	External ceiling Plasterboard Roof (horizontal area) Corrugated iron Floors Concrete slab on ground Windows Aluminium frame ALM-002-01 Site Orientation of nominal north elevation Energy Hotwater Individual system	R 4.0 (up), Unventilated roof space Dark color, foil/sarking insulation, No insulation Aluminium frame, Single glazed, Clear, 900mm eave As shown on plans Specification Gas instantaneous with higher energy rating	Cooling Individual systems- living areas individual systems- bedroom areas Heating Individual systems- living areas individual systems- bedroom areas Appliances Cooktop / oven Ventilated Fridge space Indoor cloth line Outdoor cloth line Alternative energy Solar panel

AREA	
FRONT PORCH AREA:	34.06 m2
CONDITIONAL AREA	251.17 m2
UNCONDITIONAL AREA	75.4 m2
GARAGE AREA	53.44 m2
TOTAL FLOOR AREA (WITHOUT PORCH)	326.57 m2
ROOF AREA	452.80 m2



02.1 FLOOR PLAN
1:200

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DATE JUN 2022

DRAWING NAME
 FLOOR PLAN

REVISION VER. 03
 SCALE 1:200
 SHEET ID.

02.1 PAPER SIZE
 A3

DOOR SCHEDULE									
ID	ASD 01	ASD 02	ASD 03	ASD 04	ASD 05	CSD 01	CSD 02	CSD 03	CSD 04
Nominal W x H Size	2,400x2,100	4,800x2,100	2,400x2,100	4,800x2,100	2,400x2,100	820x2,100	720x2,100	820x2,100	820x2,100
Type	External Sliding Doors	External Sliding Doors	External Sliding Doors	External Sliding Doors	External Sliding Doors	CAVITY DOOR	CAVITY DOOR	CAVITY DOOR	CAVITY DOOR
Material	Aluminium / Single glaze	Aluminium /Single glaze	Aluminium /Single glaze	Aluminium /Single glaze	Aluminium /Single glaze	Timber	Timber	Timber	Timber
2D Plan Preview									
NOTE	Clear	Clear	Clear	Clear	Clear				

DOOR SCHEDULE									
ID	D 01	D 02	D 03	D 04	D 05	D 06	D 07	D 08	D 09
Nominal W x H Size	820x2,100								
Type	HINGED DOOR								
Material	Timber								
2D Plan Preview									
NOTE									

DOOR SCHEDULE							
ID	D 10	D 11	D 12	ROBE 01	ROBE 02	ROBE 03	ROBE 04
Nominal W x H Size	820x2,100	820x2,100	820x2,100	5,540x2,032	2,000x2,340	2,910x2,340	2,000x2,340
Type	HINGED DOOR	HINGED DOOR	HINGED DOOR	GARAGE DOOR	WARDROBE DOORS	WARDROBE DOORS	WARDROBE DOORS
Material	Timber	Timber	Timber	Steel colourbond	Timber	Timber	Timber
2D Plan Preview							
NOTE				DOOR SIZE TO BE MEASURED			

02.3
-

02.3 DOOR SCHEDULE



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CLIENT
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 SHELLEY

DATE JUN 2022

DRAWING NAME
 DOOR SCHEDULE

REVISION VER. 03

SCALE 1:1

SHEET ID.

02.3 PAPER SIZE A3

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WINDOW SCHEDULE								
ID	ASW 01	ASW 02	ASW 03	ASW 04	ASW 05	ASW 06	ASW 07	ASW 08
Nominal W x H Size	700x1,200	700x1,200	1,800x1,200	1,800x1,200	1,800x1,200	1,800x1,200	800x600	1,200x1,200
2D								
ELEVATION								
Frame material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Glazing	Single, Clear	Single, Clear	Single, Clear	Single, Clear (Next to bathtub)	Single, Clear	Single, Clear	Single, Frosted	Single, Clear

WINDOW SCHEDULE							
ID	ASW 09	ASW 10	ASW 11	ASW 12	ASW 13	ASW 14	ASW 15
Nominal W x H Size	1,200x1,200	800x600	800x600	700x1,200	700x1,200	1,800x1,200	1,200x1,200
2D							
ELEVATION							
Frame material	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium	Aluminium
Glazing	Single, Clear	Single, Frosted	Single, Frosted	Single, Clear	Single, Clear	Single, Clear	Single, Clear (En-suite)

02.4
-

02.4 WINDOW SCHEDULE



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DATE JUN 2022

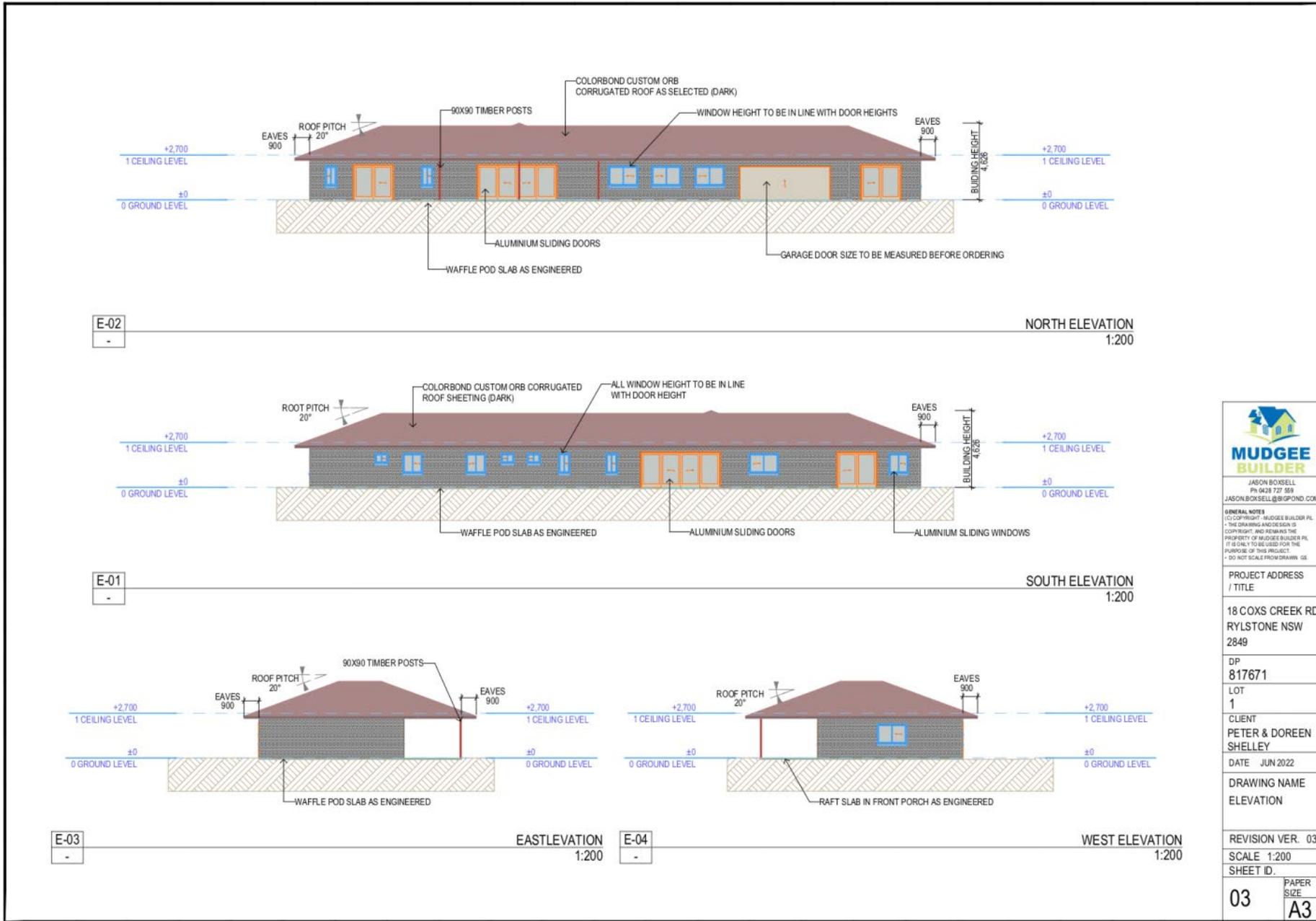
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 WINDOW SCHEDULE

REVISION VER. 03

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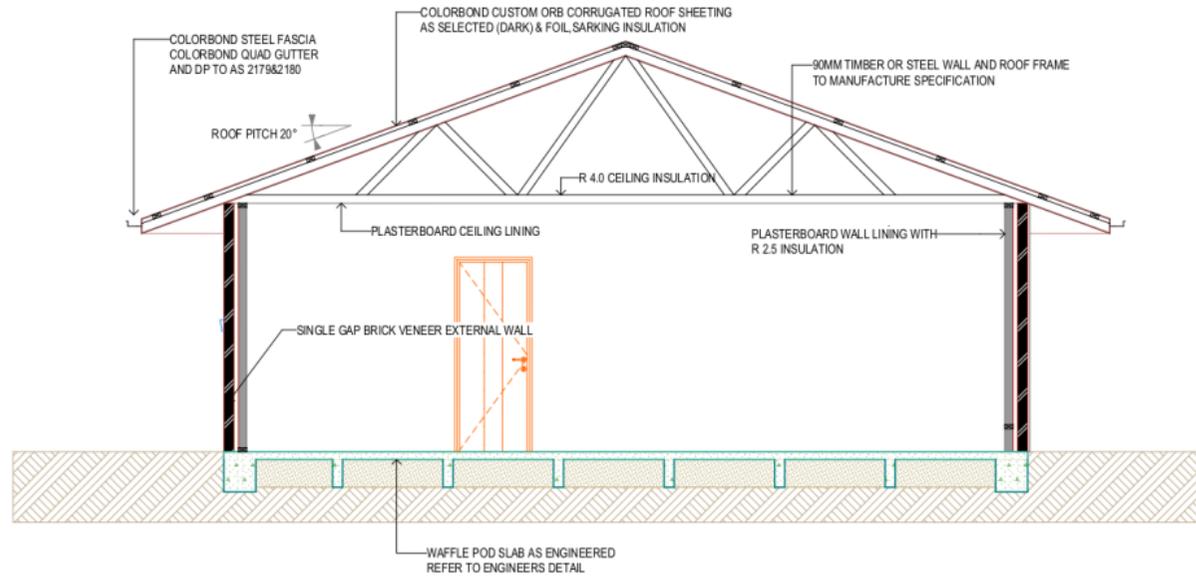
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 ELEVATION

REVISION VER. 03
 SCALE 1:200
 SHEET ID.
 03

PAPER SIZE
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NOTE
 FINAL INSULATION REQUIREMENTS
 ARE SUBJECT TO ENERGY REPORT.
 BUILDER TO CONFIRM DETAILS



S-01
 -

SECTION
 1:50

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DATE MAY 2022

DRAWING NAME
 SECTION

REVISION VER. 02

SCALE 1:50

SHEET ID.

4

PAPER
 SIZE
 A3

8.3 Planning Proposal Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, LAN900141

RECOMMENDATION

That Council:

- A. receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca - Post Exhibition; and**
- B. when Gateway Determination Conditions 1 and 2 have been satisfied, Council request the Department of Planning and Environment to draft and finalise the amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone Lot 31 DP 158548 from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size.**

Executive summary

At Council's 20 April 2022 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DPE) for a Gateway Determination. The Planning Proposal relates to Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca and will facilitate the further development of the Glen Willow Regional Sports Complex.

A conditional Department of Planning and Environment Gateway Determination was granted on 8 July 2022. A copy of the Gateway Determination is provided as Attachment 1.

Condition 1 of the Gateway Determination required an Aboriginal Cultural Heritage Assessment, in consultation with Heritage NSW be prepared. Condition 2 required a Preliminary Site Investigation be prepared. The draft Preliminary Contamination and Cultural Heritage Assessment submitted by the proponent has been referred to Heritage NSW. The Gateway Determination conditions 1 and 2 are yet to be satisfied, once satisfied the Planning Proposal will progress to Stage 6 Finalisation in accordance with the Department of Planning and Environment, Local Environmental Plan Making Guideline.

The Planning Proposal was placed on public exhibition on Friday 15 July 2022 until Friday 12 August 2022 in accordance with Gateway Determination Condition 3. No submissions were received during the exhibition period.

The purpose of this report is to provide Council with a post exhibition report and to advise DPE to progress to Stage 6 Finalisation of the LEP making process.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the application and 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 *Local Environmental Plan Making Guideline*, dated December 2021, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

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

Gateway Timeline

The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan 2012 and the progress of the current Planning Proposal through the various stages.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	17 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	✓	25 May 2022
DPIE Issues Gateway Determination	✓	8 July 2022
Gateway Conditions Satisfied	N/A	N/A no conditions to satisfy prior to commencing public exhibition
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with: - NSW Heritage
Public Exhibition	✓	Friday 15 July 2022 – Friday 12 August 2022.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 17 August 2022 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 8 July 2022 and included six conditions. As discussed above, once conditions 1 and 2 have been satisfied, the Planning Proposal will progress to Stage 6 Finalisation.

CONSULTATION

Community Consultation

Condition 3 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days. During the public exhibition no submissions were received.

Agency Consultation

In accordance with Condition 4, the Planning Proposal was referred to NSW Heritage.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed to Stage 6 Finalisation when the Gateway Determination conditions 1 and 2 have been satisfied. This will involve sending the finalisation package to DPE to facilitate the preparation of the mapping and progress a map only amendment to the LEP.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Provide equitable access to a range of places and spaces for all in the community

Strategic implications

Council Strategies

Mid-Western Regional Comprehensive Land Use Strategy, August 2010.

Council Policies

The steps involved towards the notification 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 proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise the landowners and DPE accordingly.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

2 August 2022

Attachments: 1. Gateway Determination.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-157): to facilitate further development of the Glen Willow Regional Sports Complex at Lot 31 DP158548, 53 Pitts Lane, Putta Bucca, Mudgee.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan 2012 to rezone land from RU4 Primary Production Small Lots to RE1 Public Recreation and to remove the minimum lot size at Lot 31 DP 158548, 53 Pitts Lane, Putta Bucca, Mudgee should proceed subject to the following conditions:

1. An Aboriginal Cultural Heritage Assessment in consultation with Heritage NSW is to be prepared that is relevant to the subject site and the findings of the assessment incorporated into the planning proposal prior to finalisation.
2. A Preliminary Site Investigation is to be prepared to determine the risk of contamination and the findings of the investigation incorporated into the planning proposal prior to finalisation.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) which has a minimum of 20 days consultation requirement. To avoid inconsistencies with Council's Community Participation Plan and statutory requirements, a 28-day consultation is recommended; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
4. Consultation is required with Heritage NSW under section 3.34(2)(d) of the Act and to comply with the requirements of applicable directions of the Minister under section 9.1 of the Act.

Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The LEP should be completed within nine (9) months of Gateway determination

Dated 8th of July 2022.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning

8.4 Mid-Western Region Towards 2040 Community Plan

REPORT BY THE DIRECTOR DEVELOPMENT
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, COR400124

RECOMMENDATION

That Council:

1. **receive the report by the Director Development on the Mid-Western Region Towards 2040 Community Plan ; and**
2. **adopt the Mid-Western Region Towards 2040 Community Plan.**

Executive summary

The purpose of this report is to adopt the Mid-Western Region Towards 2040 Community Plan as the plan was previously endorsed, however the Office of Local Government requires the plan to be adopted by Council.

Disclosure of Interest

Nil

Detailed report

At the May 2022 Council meeting, Council endorsed the Mid-Western Region Towards 2040 Community Plan after it had been on public exhibition for a period of 28 days. It has been since identified that the Office of Local Government requires Council to 'adopt' the Community Plan rather than endorse as per the previous report.

It is recommended that Council adopt the Community Plan to meet the NSW Office of Local Government Integrated Planning and Reporting obligations.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

The Community Plan is the highest level plan prepared by Council on behalf of the community.

Council Policies

Not Applicable

Legislation

NSW Office of Local Government Integrated Planning and Reporting Guidelines.

Financial implications

Not Applicable

ALINA AZAR
DIRECTOR DEVELOPMENT

26 July 2022

Attachments: 1. Mid-Western Region Towards 2040 Community Plan. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Policy Review - Smoke Free Outdoor Areas

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, A0100021

RECOMMENDATION

That Council:

1. **receive the report by the Manager Building and Development on the Policy Review - Smoke Free Outdoor Areas;**
2. **place the revised Smoke Free Outdoor Areas Policy on public exhibition for 28 days; and**
3. **adopt the revised Smoke Free Outdoor Areas Policy if no submissions are received.**

Executive summary

The existing Smoke Free Areas 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 revised Smoke Free Outdoor Areas Policy provides guidance and awareness to staff and the community of smoke free zones within various Council assets or land, along with providing the legislative requirements for enforcement activities.

The objective of the policy is to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community; and
- Minimise cigarette butt pollution on Council owned land.

All proposed changes to the Smoke Free Outdoor Areas Policy are shown as "track changes" within the copy of the Policy included as Attachment 1.

Community Plan implications

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

Strategic implications

Council Strategies

The Smoke Free Outdoor Areas policy is assisting Council to effectively communicate and educate the community of the areas where smoking is not permitted.

Council Policies

Smoke Free Policy (existing)
Mid-Western Regional Council Code of Conduct

Legislation

Local Government Act 1993
Smoke-free Environment Act 2000
Smoke-free environment Regulation 2016

Financial implications

Not Applicable

Associated Risks

Without appropriate policies in place to regulate smoke free areas, there is risk of unlawful smoking activities which cannot be enforced by Council and also may result in poor customer service due to the lack of community awareness.

TY ROBSON
MANAGER BUILDING AND DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

2 August 2022

Attachments: 1. Smoke Free Outdoor Areas Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Smoke Free Outdoor Areas

*A prosperous
and progressive
community.*

ADOPTED

COUNCIL MEETING MIN NO
DATE 17 AUGUST 2022

VERSION NO 1.0

REVIEW DATE AUGUST 2026
FILE NUMBER A0100021

Objective

The objectives of Mid-Western Regional Council in banning smoking in various Council **areas owned buildings and on certain Council owned lands** are to:

- Improve the health of community members;
- Improve public amenity and maintenance of Council property;
- Raise community awareness of the issues associated with smoking;
- Provide community leadership in taking measures to protect the health and social wellbeing of the community; **and,**
- Minimise cigarette butt pollution on Council owned **land.**

Policy

This policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community;
- A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces;
- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas; and
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

The following areas on Council land are smoke free; that is no smoking:

- Within ten (10) metres of all children's playground equipment;
- On all playing fields, sporting grounds and sporting facilities (i.e. swimming pools, outdoor sports centres);

POLICY: SMOKE FREE OUTDOOR AREAS 1.0SMOKE FREE OUTDOOR AREAS

- At all events run or sponsored by Council;
- Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings;
- Glen Willow Sporting Precinct; and
- Within all covered bus stops and taxi ranks,

Except at major events run by Council where a dedicated signposted smoking area is provided.

Legislative requirements

Under the NSW Local Government Act 1993 Council has the power to:

- Erect suitably worded and strategically placed notices in “public places” (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of Mid-Western Regional Council prohibiting smoking (see ~~relevantly~~, s.632 (1) and (2)(e) of the Act);
- Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (see ~~relevantly~~, s.679 of the Act ~~and cl.5-7 of, and Schedule 1 to, the General Regulation~~);
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, ~~relevantly~~, s.680 of the Act);
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (see, ~~relevantly~~, s.681 of the Act); and
- Otherwise prohibit smoking in any place within the local government area of (name), in respect of which Council is the owner or occupier, as a condition of entry to that place.

Authorised Persons

The Mid-Western Regional Council Rangers are ~~“authorized persons”~~ ‘authorised persons’ pursuant to the Local Government Act 1993 which enables such persons to deal with, or to act in regard to, any acts, matters or things relevant to this policy.

Signage

All Council open space areas listed in the body of this policy will be signposted, wherever practicable, to provide smoke-free zones:

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and the wording:

WARNING: Heavy Penalty.

Regulated under s632 *NSW Local Government Act 1993*.

POLICY: SMOKE FREE OUTDOOR AREAS 1.0SMOKE FREE
OUTDOOR AREAS

Leases, Licenses and other Council Agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

Enforcement of Ban

In implementing Council's ~~Smoke-free Policy~~ **Smoke Free Outdoor Areas Policy** a program of community education and awareness, specifically targeting residents and day visitors, is to be undertaken. Enforcement of this Policy will be by persuasion and self-policing, rather than punitive enforcement.

8.6 Community Participation Plan - Amendment 1 (Public Exhibition)

REPORT BY THE MANAGER, PLANNING
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, LAN900106

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Planning on the Community Participation Plan - Amendment 1 (Public Exhibition);**
2. **endorse and publicly exhibit the proposed amendments to the Mid-Western Regional Community Participation Plan (CPP) outlined in this report, pursuant to Part 2, Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979; and**
3. **receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the changes to the CPP as proposed.**

Executive summary

Mid-Western Regional Council's Community Participation Plan (CPP) outlines how Council will notify the community regarding development and other matters prescribed by the *Environmental Planning and Assessment Act 1979* (EP&A Act), allowing the community to access, participate and provide feedback. Following feedback from members of the public and changes in legislation by the NSW Government, the following amendments to the CPP are proposed:

- Remove newspaper advertisement requirement from the CPP completely.
- Expand neighbour notification to include applications where there are works to a heritage item.
- Stipulate a mandatory condition for dwelling applications to give adjoining neighbours notification 2 days prior to construction.
- Other minor administrative updates.

If endorsed, the draft CPP Amendment 1 will be placed on public exhibition for 28 days in accordance with the EP&A Act (as amended).

Disclosure of Interest

Nil

Detailed report

On 17 April 2020, the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) was amended removing the requirement to publish notices and documents in the 'local newspaper', instead requiring publication online. This is in relation to planning matters stipulated by the EP&A

Regulations such as DCPs, State Significant Development, EIS etc. The impetus for this change is the general decline in print media and a trend towards online/digital media.

“Outdated provisions in the EP&A Regulation required planning authorities to notify the public of various planning matters through local newspapers. There is a broader industry trend away from hardcopy to digital media. Local newspapers have been transitioning to online-only delivery, often with a paywall, or suspending publication entirely.”

(NSW Department of Planning, Industry and Environment)

Council is seeking to amend the CPP to better reflect print media trends, reduce cost to developers, improve approval times and to align with the legislation.

Current CPP Exhibition Requirements

Development can be placed into one of three categories, which determines what type of public consultation occurs, being:

1. No public exhibition required – exempt (small scale minor development),
2. Neighbour notification – letters sent to adjoining property owners (Cost \$83), or
3. Advertisement (includes neighbour notification) – advertisement placed in the Friday edition of the *Mudgee Guardian* (Cost \$448).

Proposed Changes to CPP

- **Newspaper advertisements**

Remove the requirement to place an advertisement in the newspaper, and replace with publication on Council’s website. This mirrors the change made by the NSW Government to go electronic and removes the \$448 fee currently paid by the applicant.

This change will also help reduce delays and improve efficiency. Online publication will allow the application to be notified within 24 hours of the application being lodged, as opposed to print media, where owing to the papers print cycle, there could be up to 10 days delay.

Online publication also allows Council to better communicate information about an application with the community. Reports, plans and other documentation associated with an application can be uploaded on to Council’s website for immediate viewing by members of the public. This is contrasted with Council’s current approach, where customers must come into Council to view application material.

Excluding exempt applications, all applications will therefore be neighbour notified and published online on Council’s website.

Note: Council has been placing applications on its website since May 2021 as an initiative by staff. This amendment will ensure that this practice becomes a requirement and will help standardise the process for all applications.

- **Types of development requiring notification**

It is proposed that neighbour notification be expanded to include all works to a heritage item, regardless of the development being residential, commercial or industrial. This will ensure the community has an opportunity to provide comments and reflect Council’s commitment to “respect and enhance the historic character of our Region and heritage value of our towns”.

Other minor changes

The CPP currently includes the minimum exhibition timeframes for plans and applications as mandated by Schedule 1 of the EP&A Act. It is proposed that nominated integrated development be

added as a document type in the table to reflect the statutory minimum exhibition period of 28 days and provide clarity to readers of the CPP.

Updating references to new legislation, and removing old references. Deletion of reference to transitional arrangements with notification requirements contained in the DCP – now deleted.

Note: This is not a change to current practice but simply an administrative addition to ensure the CPP comprehensively reflects Schedule 1 of the EP&A Act.

Public exhibition

All changes proposed have been made in red throughout the draft CPP document included as Attachment 1.

The draft CPP Amendment 1 is required to be placed on public exhibition for a period of 28 days to enable submissions from the community in response to the proposed amendments.

A further report will then be prepared and presented to Council for final adoption. However, if no submissions are received, the proposed changes will be adopted as presented immediately at the conclusion of the public exhibition period.

Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Encourage community access and participation in Council decision making

Strategic implications

Council Strategies

Nil

Council Policies

The report is presented to consider an amendment to the Mid-Western Regional Community Participation Plan.

Legislation

The amendment to the CPP is being undertaken in accordance with Part 2, Division 2.6 and Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Financial implications

Not Applicable

Associated Risks

If Council does not wish to proceed with the Draft Community Participation Plan – Amendment 1, the risk is that there will continue to be an unnecessary financial burden on the applicant, current delays as a result of newspaper deadlines and the community will not have an opportunity to comment on development involving a heritage item or variations to development standards.

LINDSAY DUNSTAN
MANAGER, PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

27 October 2020

Attachments: 1. Amendment to CPP.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



COMMUNITY PARTICIPATION PLAN

Amendment 1

OCTOBER 2019

MID-WESTERN REGIONAL COUNCIL

■ ■ ■ ■ ■ TOWARDS 2030



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Amendment No.	Description
1	Newspaper advertisements removed; types of development to be notified.

INTRODUCTION

Role of Community Engagement

Mid-Western Regional Council (Council) recognises the value of engaging with the community in a meaningful way to build long term, sustainable community relationships and achieve a shared vision for the future. Council is committed to understanding the needs and expectations of the community and providing inclusive, credible and equitable community engagement opportunities on a proactive and ongoing basis.

Community engagement allows individuals, community groups and interested parties to share ideas with Council, helping to shape planning and project outcomes that best meet the needs of the local community. It promotes open discussion and an opportunity for a diversity of voices to be considered by Council as part of its decision making process.

Council wants to ensure that all individuals and groups have the opportunity to have a say on the decisions that affect them. It utilises the Public Participation Spectrum by IAP2 to guide its approach to public participation activities.

Council's Community Engagement Strategy developed as part of the Integrated Planning and Reporting framework identifies how Council will engage the community to establish future priorities and aspirations across all Council functions.

Purpose of Community Participation Plan

The Mid-Western Region Community Participation Plan has been prepared in accordance with Division 2.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The purpose of the Community Participation Plan (CPP) is to enhance opportunities for all members of the community to participate in planning decisions and achieve better planning outcomes in the Mid-Western Region.

The CPP sets out how Council will notify the community and allow them to access, participate and provide feedback on planning matters being considered, including plan making and proposed development decisions.

The CPP outlines the minimum requirements for community participation in the planning system under the EP&A Act and Council's policy. The level and extent of community participation will vary depending on the nature, complexity and potential impact of a planning proposal or decision.

Community Participation Principles

The CPP is based on community participation principles which set the standard for how the community will be engaged. These principles are outlined in Section 2.23 (2) of the EP&A Act and include:

- The community has a right to be informed about planning matters that affect it.
- Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions including how community views have been taken into account.
- Community participation methods and the reasons given for planning decisions should be appropriate having regard to the significance and likely impact of the proposed development.

Relationship with other Plans and Strategies

The CPP should be read in conjunction with Council's Community Engagement Strategy which outlines how the community can be engaged in forming a shared vision for the future and strategies aligned to all Council functions. The Community Engagement Strategy is reviewed every 4 years as part of the Integrated Planning and Reporting Cycle and there is an opportunity to incorporate the matters required under Division 2.6 of the EP&A Act into one document as part of the next review.

The CPP also supports Council's commitment in the Towards 2030 Community Plan, to demonstrate leadership, transparency and accountability in Council's decision making and to make it easy for the community to be involved in Council activities.

~~Council's existing advertising and notification requirements are contained in Chapter 1.12 of the Mid-Western Regional Development Control Plan 2013 (DCP). Upon adoption of the Mid-Western Regional Community Participation Plan, the requirements of the DCP will be superseded and therefore, Chapter 1.12 will be repealed.~~

Land and Functions Covered

The CPP applies to all land within the Mid-Western Region Local Government Area. It relates specifically to the strategic planning and development assessment functions undertaken by Council as the relevant planning authority.

MANDATORY COMMUNITY PARTICIPATION REQUIREMENTS

Minimum Exhibition Timeframes

The following tables provide the mandatory minimum exhibition timeframes for the planning functions and documents that this Community Participation Plan applies to, as set out in Schedule 1 of the *Environment Planning & Assessment Act 1979* (EP&A Act). The *Environmental Planning & Assessment Regulation 2021* (EP&A Regulations) may amend **Part 4** of Schedule 1 of the Act to prescribe additional mandatory requirements for community participation or to make other changes to that Part.

Minimum Public Exhibition Period for Plans

DOCUMENT TYPE	MINIMUM EXHIBITION PERIOD
Draft Community Participation Plans	28 Days
Draft Local Strategic Planning Statements	28 Days
Planning Proposals for Local Environmental Plans subject to a Gateway Determination	28 Days or: <ul style="list-style-type: none"> a) If a different period of public exhibition is specified in the gateway determination for the proposal – the period so specified; or b) If the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal – no public exhibition.
Draft Development Control Plans	28 Days
Draft Contribution Plans	28 Days

Minimum Public Exhibition Period for Development Applications and Other Matters

DOCUMENT TYPE	MINIMUM EXHIBITION PERIOD
Application for Development Consent for Designated Development	28 Days
Application for Development Consent for State Significant Development	28 Days
Application for Development Consent for Nominated Integrated Development	28 Days
Application for Development Consent (other than Complying Development Certificate, for Designated Development or for State Significant Development)	14 Days* *Specific Local Requirements are provided in the section below.
Application for Modification of Development Consent that is Required to be Publicly Exhibited by the Regulations	14 Days*. *Specific Local Requirements are provided in the section below.
Environmental Impact Statement Obtained Under Division 5.1	28 Days
Environmental Impact Statement for State Significant Infrastructure Under Division 5.2	28 Days
Re-exhibition of any Amended Application or Matter Referred to Above Required by or Under this Schedule	The period (if any) determined by the person or body responsible for publicly exhibiting the application or matter*. *Specific Local Requirements are provided in the section below.

Local Requirements

As per the table above, the minimum exhibition period for an application for development consent (other than Complying Development Certificate, for Designated Development or for State Significant Development **or for Nominated Integrated Development**) is 14 Days, unless a different period is specified under this CPP.

A variation to the minimum 14 Days public exhibition requirement is provided by Council for the types of development detailed below.

No Public Exhibition Required

Development that does not require public exhibition includes:

- Single storey dwelling;
- Single storey additions to a house;
- Minor dwelling additions such as carports, pergola and verandahs;
- Private swimming pools;
- Detached garage or shed associated with a dwelling to be used in conjunction with the dwelling (ie. not for commercial/industrial use);
- Subdivision creating less than 5 lots;
- Commercial or industrial development within a business or industrial zone that does not adjoin a dwelling;
- Attached dual occupancy within the R5 Large Lot Residential zone.

The above exemptions do not apply if the proposal involved works to a heritage item.

Despite the above exclusions, following a site inspection and consideration of relevant factors such as the character of the existing development, slope of the site and local amenity, Council may determine that notification should occur.

Likewise, Council may determine that public exhibition is not required due to the minor nature of the proposal.

Advertising Required

~~As part of the 14 Days public exhibition period, some types of development requires advertising in the local newspaper. This includes:~~

- ~~■ Demolition of a building identified as a heritage item in Schedule 5 of the Mid-Western Regional Local Environmental Plan 2012;~~
- ~~■ Major Council projects (not including utility service infrastructure) with a value exceeding \$1.0 million or likely to be of significant community interest;~~
- ~~■ Non-residential uses in or adjacent to the R1 General Residential and R2 Low Density Residential zones;~~
- ~~■ Subdivision creating 20 or more allotments;~~
- ~~■ Sex services premises;~~
- ~~■ Within the R1 General Residential, R2 Low Density Residential or RU5 Village Land zones, development applications for the purposes of multi-dwelling housing, residential flat buildings, senior housing, hostels, boarding house, group homes, tourist and visitor accommodation-~~

MID-WESTERN REGIONAL COUNCIL | COMMUNITY PARTICIPATION PLAN

~~(excluding B&Bs), caravan parks, exhibition villages and child care centres.~~

~~Despite the above, Council may determine that a development should be advertised in the public interest.~~

~~For development that requires advertising, the period of exhibition comprises a minimum of 14-Days from the date the notice is published in the local newspaper.~~

Modification of Development Consent

If an application for modification of a development consent is received, the requirement for public exhibition will depend upon the type of modification requested as outlined below.

MODIFICATION TYPE	MINIMUM EXHIBITION PERIOD
Minor Error, Misdescription or Miscalculation (Section 4.55(1))	Public exhibition is not required
Minimal Environmental Impact (Section 4.55(1A))	Public exhibition is not required, where Council is satisfied that the development will have the same or lesser impact on the amenity of adjoining property owners as the original application
All Other Modifications	Public exhibition will be required in the same manner as the original development application

Amended Applications

Where an application is amended prior to final determination, the application will be notified in the same manner as the original development unless Council is satisfied that the amended, substitute or later application differs only in minor respects from the original application, or the changes are made to address objections received, or the changes will have the same or lesser impact on adjoining property owners.

The EP&A Regulations may specify the circumstances in which a plan or other matter is required or not required to be re-exhibited.

Further explanation of the public exhibition and notification process is provided below.

PUBLIC EXHIBITION AND NOTIFICATION

Exhibition Process

Public exhibition plays an important role in enabling the community to participate in the planning process. It provides the opportunity for those potentially impacted by development to provide feedback on the possible impacts.

Where a planning matter needs to be placed on public exhibition, Council may do any, or all of the following:

- Determine the relevant exhibition period
- Make documents publicly available
- Give notice to adjoining property owners
- Advertise the exhibition notice and advise how submissions can be made

Publicly exhibited plans, applications and other matters cannot be made, determined or finalised until after the minimum public exhibition period. If a plan, application or other matter is placed on public exhibition for a specified longer period, the plan or application is not to be made, determined or finalised until after that specified longer period.

Further details regarding the public exhibition process including mandatory provisions under the EP&A Act (Schedule 1 Division 3) are provided below.

Exhibition Timeframes

Council will always exhibit a planning matter for the mandatory minimum timeframes set under the EP&A Act, the EP&A Regulations and Council's Local Requirements as outlined above. In some circumstances, Council may consider an extended public exhibition timeframe based on the scale and nature of the proposal.

Public exhibition timeframes are in calendar days and include weekends. If the public exhibition period is due to close on a weekend or a public holiday, Council will extend this to finish on the next working day.

The period between 20 December and 10 January (inclusive) is excluded from the calculation of the public exhibition period.

If a particular matter has more than one different exhibition or notification periods that apply, the longer period applies.

Access to Plans and Documents

During the public exhibition period, Council will make the relevant plans, policies and development applications available for public inspection. These documents can be accessed via the following:

- At Council's website (www.midwestern.nsw.gov.au);
- At Council's main administration centres during normal business hours, at the following locations;
 - 86 Market Street, Mudgee
 - 109 Herbert Street, Gulgong
 - 77 Louee Street, Rylstone
- ~~In advertisements placed in the local newspaper (where applicable).~~

Council is not required to make available for public inspection any part of an environmental impact statement whose publication would, in the opinion of Council, be contrary to the public interest because of its confidential nature or for any other reason.

Notice to Adjoining Property Owners

When a development application is required to be placed on public exhibition, a direct written notice will be sent to adjoining property owners. Direct notification provides an opportunity for potentially affected people to raise any concerns, provide support, make a comment or provide useful information before a planning decision is made.

The written notice will include as a minimum:

- A brief description of the proposal;
- The site address and name of the applicant;
- Where and when the relevant plans and documentation can be viewed;
- The public exhibition period; and
- Details for making a written submission.

For the purposes of notification to adjoining property owners, this will include all property owners with a shared boundary and directly opposite the proposed development site.

When a development application is lodged, written notification will normally occur within a few days of lodgement. If more information is required from the applicant, notification will be delayed until this information is received.

If notice is to be provided to adjoining property owners, the applicant will be charged a fee in accordance with Council's adopted fees and charges.

~~In addition, the documents included in the development application will be uploaded onto Council's website to allow for public viewing.~~

~~Advertising During Public Exhibition~~

~~When a planning matter or development application is required to be advertised as part of the public exhibition process, Council will place an exhibition notice in the local newspaper. The exhibition notice will normally be included in Council's weekly column or under the public notices section of the local newspaper.~~

~~The exhibition notice will include:~~

- ~~■ A brief description of the planning matter or proposal;~~
- ~~■ The site address and name of the applicant (for a development application);~~
- ~~■ Where and when the relevant plans and documentation can be viewed;~~
- ~~■ The public exhibition period; and~~
- ~~■ Details for making a written submission.~~

~~If advertising is required, the applicant will be charged a fee in accordance with Council's adopted fees and charges.~~

Submissions

Anyone with an interest in a planning matter is welcome to make a written submission which must be lodged with Council by 4.30pm on the final day of the exhibition period.

Submissions by the community with respect to a plan, application or other matter may be made during the minimum period of its public exhibition. If the plan, application or other matter is placed on public exhibition for a specified longer period, submissions may be made during that specified longer period.

The EP&A Regulations outline the method of public exhibition under the EP&A Act, how people can make submissions, how people can obtain further information and the requirements for something to be considered a submission for the purposes of the EP&A Act.

Submission Requirements

A submission must meet the following requirements:

- Be addressed to the General Manager;
- Be received in writing (either by email or letter);
- Be submitted within the nominated public exhibition period;
- Be based on planning grounds (whether in support or objection);
- Include reference to the application, policy or plan being exhibited; and
- Include the name, address and telephone contact details of the author.

Whether a submission is made in support or objection of a matter, it is important that clear reasons are provided in the submission to identify the impacts on a person or property that is potentially affected.

Lodgement of Submissions

Any of the following methods of lodgement will be accepted:

- In person, at Council's main administration centres during normal business hours, at the following locations;
 - 86 Market Street, Mudgee
 - 109 Herbert Street, Gulgong
 - 77 Louee Street, Rylstone
- By mail, to PO Box 156, Mudgee NSW 2850;
- By email, to council@midwestern.nsw.gov.au;
- By online submission, via Council's website.

If a submission is not received by any of the above methods, the submission is not considered a formal written submission for the purposes of the EP&A Act. Comments on social media, written and verbal discussions with Councillors or staff will not be treated as a submission.

Late Submissions

Whilst community feedback is strongly encouraged as part of the planning process, Council also has to balance this with a requirement to process plans, policies and development applications in a timely manner.

This means that Council cannot guarantee that it will consider submissions received after the exhibition period unless an extension of time has been explicitly granted and only in exceptional circumstances.

Acknowledgement of Submissions

At the end of the public exhibition period, a letter of acknowledgement will be sent to the author of each submission. This letter will not respond to any questions or issues raised in a submission, or express an opinion on the planning matter or subject proposal.

All submissions received during the exhibition period will be considered as part of the assessment report.

Political Donations or Gifts

When making a submission to Council, the author of the written submission is required to disclose any reportable political donations or gifts. It is an offence not to disclose relevant information or to make a false disclosure statement under the EP&A Act.

Please read and complete a Political Donations Disclosure Statement which is available on Council's website, if this may be applicable.

Privacy

Submissions are considered as public documents, and other people may be able to review them on request, so it is important to read Council's privacy statement which is available on Council's website.

Notification of Decisions

Council is required to publicly notify certain decisions and reasons for decisions under the EP&A Act. This includes:

- The determination by Council of an application for development consent;
- The determination by Council of an application for the modification of a development consent (being an application that was publicly exhibited);
- The granting of an approval, or the decision to carry out development, where an environmental impact statement was publicly exhibited under Division 5.1.

~~Council publishes these decisions on its website, and places notification of a monthly summary of decisions in a local newspaper.~~

Post-determination notification of decisions will be carried out in accordance with the provisions of section 4.18 of the EP&A.

The mandatory public notification requirement for these decisions is:

- The decision;
- The date of the decision;
- The reasons for the decision (having regard to any statutory requirements applying to the decision); and
- How community views were taken into account in making the decision.

The requirement to provide reasons for the decision may be satisfied by reference to any document that contains the reasons for decision.

8.7 Acceptance of Grant Funding - NSW Government Small Business Month

REPORT BY THE EVENTS COORDINATOR
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, GRA600052

RECOMMENDATION

That Council:

1. **receive the report by the Events Coordinator on the Acceptance of Grant Funding - NSW Government Small Business Month;**
2. **if successful, accept the following grant funding of \$5000 from the NSW Government;**
3. **amend the 2022/23 Event Operations Budget to set an expenditure budget of \$5000 funded by grant funding; and**
4. **if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.**

Executive summary

The NSW Government is offering grants of up to \$5,000 to eligible applicants to deliver free events during NSW Small Business Month November 2022 that directly benefit and support the small business community.

Disclosure of Interest

Nil

Detailed report

NSW Small Business Month is a program that brings together industry associations, small business advocates and government to upskill and connect NSW small business owners. The month-long event also promotes the importance of small businesses to the community and NSW economy.

This month-long program of activities is designed to support small businesses across the state. Eligible grant applicants are invited to apply for up to \$5,000. The theme for 2022 is 'Connect for Success', with the focus to help the state's small businesses as they recover from COVID, floods and other economic challenges.

Council has applied to this grant program for funding of \$5,000 to deliver a free online event. The Resilience Project Workplace Digital Program. The content of the program focuses on key areas of Gratitude, Empathy/Kindness and Mindfulness and is all evidence based wellbeing strategies relevant during times of crisis.

It is recommended, if Council is successful in its application for any of the above grant funding, that it accepts the grant funding, authorises the General Manager to sign the funding agreement and amends Council's Budget for 2022/23 by amounts noted.

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the Region as a great place to live, work, invest and visit

Strategic implications

Council Strategies

The identified projects support a number of Council strategies as identified in the Community Plan including promoting the region as a great place to live, work, invest and visit.

Council Policies

Nil

Legislation

Nil

Financial implications

If application is successful, the following adjustments are required to the 2022/23 budget set an expenditure budget of \$239,651 funded by grant funding.

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

Associated Risks

Nil

JOANNA LINDSAY
EVENTS COORDINATOR

ELLE WATSON
ACTING MANAGER ECONOMIC
DEVELOPMENT

28 July 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.8 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER, PLANNING
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, A0420109

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 July 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

ALINA AZAR
DIRECTOR DEVELOPMENT

1 August 2022

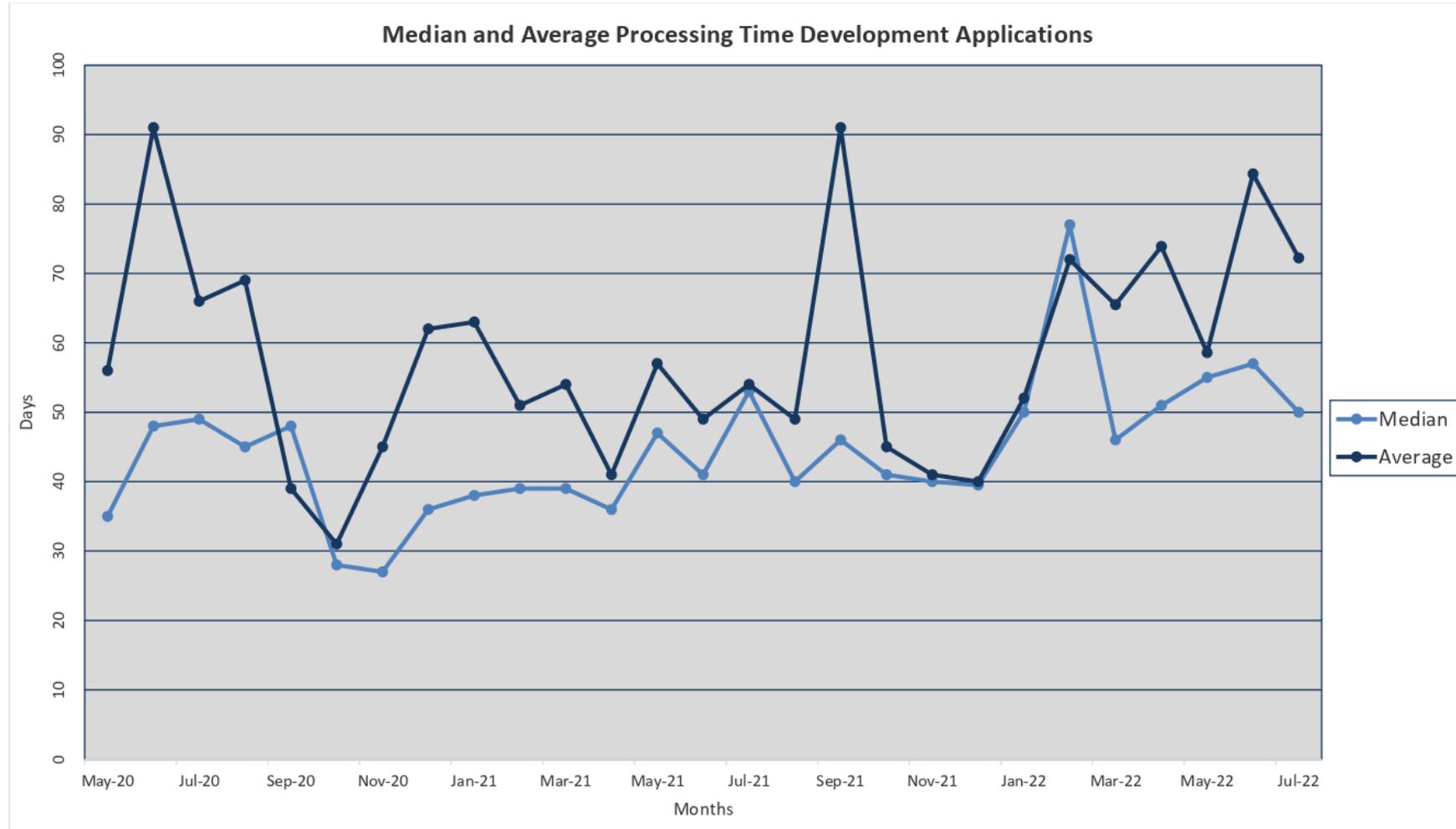
Attachments: 1. DA applications processing and determined July 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

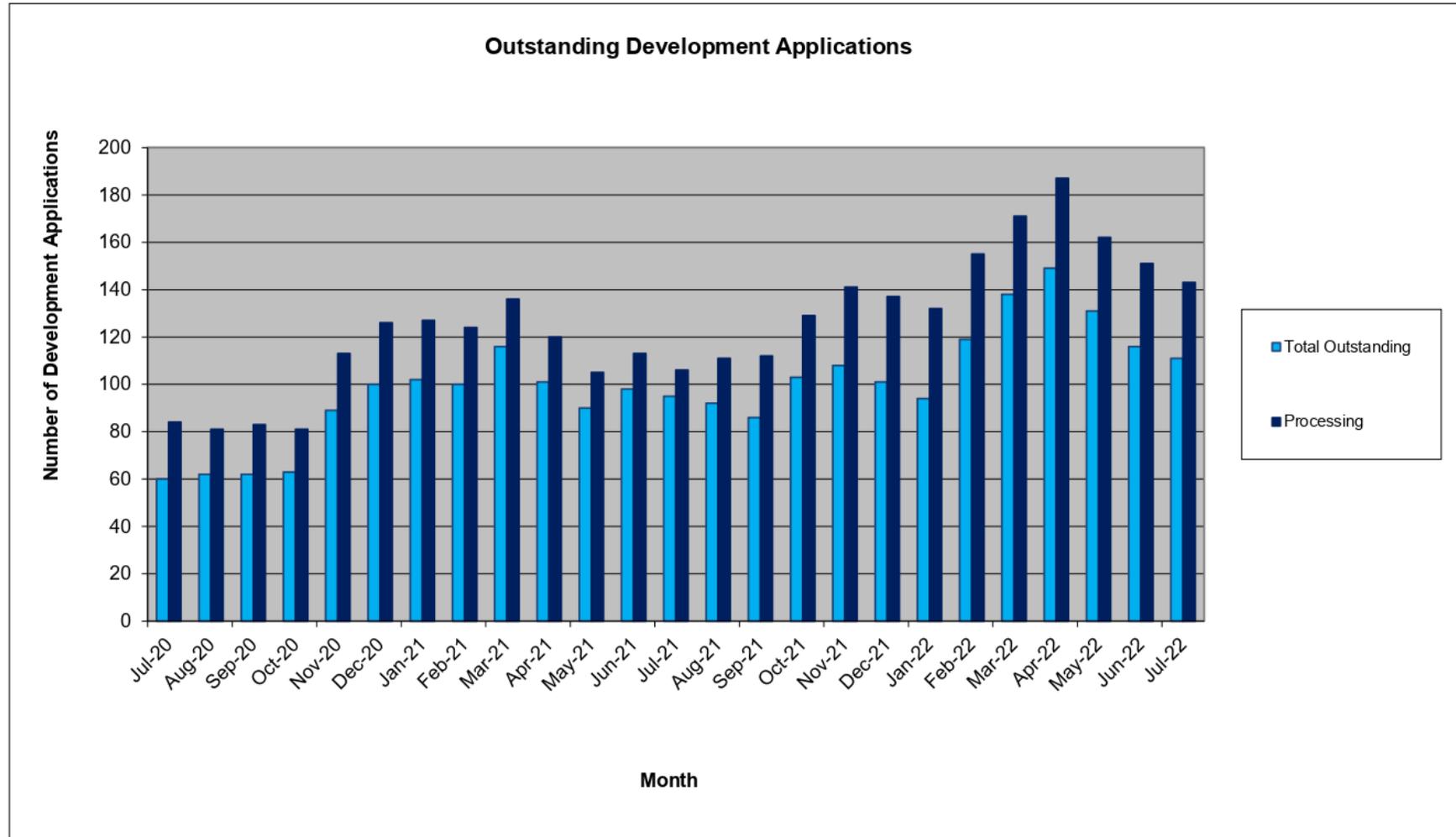
Monthly Development Application Processing Report – July 2022

This report covers the period for the month of July 2022. Graph 1 indicates the processing times up to 31 July 2022 with the month of July having an average of 72.22 days and a median time of 50 days.



Monthly Development Application Processing Report – July 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 – July 2022

The Planning and Development Department determined 32 Development Applications either by Council or under delegation during July 2022.

Development Applications Determined – July 2022

Appl/Proc ID	Description	House No	Street Name	Locality
DA0002/2022	Alterations and additions to industrial developmnt	11	Industrial Avenue	MUDGEE
DA0015/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0190/2022	Subdivision - Torrens Title	150	Gladstone Street	MUDGEE
DA0232/2022	Subdivision - Torrens Title	34	Leconfield Drive	BOMBIRA
DA0254/2022	Subdivision - Torrens Title	213	Putta Bucca Road	PUTTA BUCCA
DA0255/2022	business premises	38	Hill End Road	CAERLEON
DA0257/2022	Shed >150m2	17	Waterworks Road	MUDGEE
DA0309/2022	Dual Occupancy	4	Goodlet Lane	SMUDGEE
DA0310/2022	Other (DA)	6	Wilkins Crescent	MUDGEE
DA0317/2022	Other (DA)	44	Davies Road	KANDOS
DA0328/2022	Dwelling House	86	Rissler Road	STUBBO
DA0330/2022	Dwelling House	12	Goodlet Lane	MUDGEE
DA0339/2022	Dwelling House	310	Castlereagh Highway	GULGONG
DA0343/2022	Garage	14	Herbert Street	GULGONG
DA0348/2022	Dual Occupancy	8	Flinders Avenue	MUDGEE
DA0350/2022	Subdivision - Torrens Title	74	Inglis Street	MUDGEE
DA0358/2022	farm building	221	Stubbo Road	STUBBO
DA0364/2022	Dwelling House	22	Suttor Avenue	CAERLEON
DA0368/2022	Dwelling House	76	Zimmer Lane	GULGONG
DA0370/2022	Shed >150m2	81	Adams Lead Road	GULGONG
DA0385/2022	Industrial Building	32	Burrundulla Road	BURRUNDULLA
DA0386/2022	Shed >150m2	11	Steel Drive	SPRING FLAT
DA0389/2022	Garage	59	Wyaldra Lane	COOKS GAP
DA0397/2022	Subdivision - Torrens Title	1	Short Street	KANDOS
DA0399/2022	Other (DA)	28	Louee Street	RYLSTONE
DA0407/2022	signage	70	Church Street	MUDGEE
DA0415/2022	Dwelling House	27	Anderson Street	GULGONG
DA0431/2022	Shed >150m2	778	Castlereagh Highway	MENAH
DA0435/2022	Swimming Pool	124	Inglis Street	MUDGEE
DA0441/2022	Shed >150m2	30	Enfield Avenue	CAERLEON

Monthly Development Application Processing Report – July 2022

DA0444/2022	Shed >150m2	658	Black Springs Road	BUDGEE BUDGEE
DA0454/2022	entertainment facility	267	Ulan Road	BOMBIRA

Monthly Development Application Processing Report – July 2022

Development Applications currently being processed – July 2022.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURUNDULLA
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
DA0089/2019	Change of use - Shed to Habitable Dwelling	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 FORME
DA0199/2021	Change of use to serviced apartments	1	Sydney Road	MUDGEE
DA0429/2021	Dual Occupancy	182	Cudgegong Road	RYLSTONE
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS
DA0094/2022	Dwelling House	96	Madeira Road	MUDGEE
DA0123/2022	bed and breakfast accommodation	226	Melrose Road	MOUNT FROME
DA0164/2022	Change of use - retail premises	9	Sydney Road	MUDGEE
DA0166/2022	Subdivision - Torrens Title	15	Cainbil Street	GULGONG
DA0170/2022	Other (DA)	33	Blain Road	CAERLEON
DA0178/2022	Dual Occupancy	21	Robertson Street	MUDGEE
DA0216/2022	Dwelling House	1858	Cudgegong Road	CUDGEGONG
DA0218/2022	Demolition	1858	Cudgegong Road	CUDGEGONG
DA0226/2022	Garage	12	Wandoona Court	MUDGEE
DA0241/2022	secondary dwelling	257	Melrose Road	MOUNT FROME
DA0243/2022	Emergency Services/Bushfire Hazard Reduction	3	Garner Street	LUE
DA0247/2022	Ancillary Residential Development	25	Burrundulla Avenue	MUDGEE
DA0267/2022	telecommunications facility	20	Robison Street	ULAN
DA0268/2022	Subdivision - Torrens Title	313	Magpie Lane	GALAMBIE
DA0270/2022	Dual Occupancy	64	Inglis Street	MUDGEE
DA0277/2022	Ancillary Residential Development	15	Mudgee Street	RYLSTONE

Monthly Development Application Processing Report – July 2022

DA0279/2022	secondary dwelling	41	Medley Street	GULGONG
DA0288/2022	Shed >150m2	10	Robert Jones Street	MUDGEE
DA0301/2022	Dual Occupancy	25	Fairydale Lane	MUDGEE
DA0302/2022	Shed >150m2	6	Worobil Street	GULGONG
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
DA0315/2022	semi-detached dwelling	1858	Cudgegong Road	CUDGEGONG
DA0319/2022	Dwelling House	251	Cuthel Lane	BERYL
DA0329/2022	Other (DA)	19	Sydney Road	MUDGEE
DA0334/2022	Dual Occupancy	4	Suttor Avenue	CAERLEON
DA0335/2022	Garage	163	Narrango Road	DABEE
DA0336/2022	Shed >150m2	44	Burrundulla Road	BURRUNDULLA
DA0338/2022	Dual Occupancy	9	Goodlet Lane	MUDGEE
DA0344/2022	Subdivision - Torrens Title	49	White Street	GULGONG
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0361/2022	Other (DA)	131	Buckaroo Road	BUCKAROO
DA0373/2022	Other (DA)	391	Brogans Creek Road	CLANDULLA
DA0376/2022	Industrial Building	38	Hill End Road	CAERLEON
DA0378/2022	Other (DA)	99	Mount Pleasant Lane	BUCKAROO
DA0380/2022	secondary dwelling	62	Rodgers Street	KANDOS
DA0388/2022	Subdivision - Torrens Title	52	Nicholson Street	MUDGEE
DA0390/2022	Subdivision - Torrens Title	7	Lovett Court	SPRING FLAT
DA0391/2022	secondary dwelling	7	McLachlan Street	KANDOS
DA0394/2022	Shed >150m2	65	Drews Lane	HOME RULE
DA0396/2022	Subdivision - Torrens Title	227	Melrose Road	MOUNT FROME
DA0401/2022	Dual Occupancy	41	Suttor Avenue	CAERLEON
DA0402/2022	Dwelling House	6	Enfield Avenue	CAERLEON
DA0403/2022	Subdivision - Torrens Title	7	Madeira Road	MUDGEE
DA0406/2022	Subdivision - Torrens Title	36	Tinja Lane	PUTTA BUCCA
DA0408/2022	Other (DA)	115	Eurunderree Lane	EURUNDEREE
DA0409/2022	Dual Occupancy	151	Wattlegrove Lane	LINBURN
DA0412/2022	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD

Monthly Development Application Processing Report – July 2022

DA0413/2022	Subdivision - Torrens Title	900	Castlereagh Highway	BERYL
DA0414/2022	Subdivision - Torrens Title	5056	Hill End Road	HARGRAVES
DA0416/2022	Garage	15	Mudgee Street	RYLSTONE
DA0417/2022	Other (DA)	59	Church Street	MUDGEE
DA0419/2022	Subdivision - Torrens Title	53	Cox Street	MUDGEE
DA0422/2022	Shed >150m2	115	Coxs Creek Trail	COXS CREEK
DA0423/2022	Dual Occupancy	155	Suzanne Road	TALLAWANG
DA0425/2022	Shed >150m2	56	Rocky Waterhole Road	MOUNT FROME
DA0426/2022	Dual Occupancy	49	Suttor Avenue	CAERLEON
DA0427/2022	Subdivision - Torrens Title	161	Gladstone Street	MUDGEE
DA0428/2022	Subdivision - Torrens Title	19	Waterworks Road	MUDGEE
DA0429/2022	multi dwelling housing	81	Lawson Street	MUDGEE
DA0430/2022	Dwelling House	82	Carwell Street	RYLSTONE
DA0432/2022	secondary dwelling	17	Buckaroo Road	BUCKAROO
DA0433/2022	earthworks	16	Robert Jones Street	MUDGEE
DA0434/2022	Dwelling House	685	Coxs Creek Road	RYLSTONE
DA0436/2022	Shed >150m2	17	Belmore Street	GULGONG
DA0437/2022	Dwelling House	233	Upper Botobolar Road	BOTOBOLAR
DA0439/2022	Subdivision - Torrens Title	1329	Pyramul Road	PYRAMUL
DA0443/2022	Dual Occupancy	51	Saleyards Lane	MUDGEE
DA0445/2022	Dwelling House	320	Beechworth Road	HARGRAVES
DA0446/2022	Dwelling House	31	Wurth Drive	BOMBIRA
DA0447/2022	Alterations & Additions	19	Nashs Flat Place	MUDGEE
DA0448/2022	Subdivision - Torrens Title	151	Robertson Street	MUDGEE
DA0449/2022	Shed >150m2	9	Kellett Drive	MUDGEE
DA0450/2022	Dwelling House	344	Castlereagh Hwy	BURRUNDULLA
DA0451/2022	Other (DA)	1403	Blue Springs Road	BUNGABA
DA0452/2022	Ancillary Residential Development	58	White Circle	MUDGEE
DA0453/2022	secondary dwelling	209	Mortimer Street	MUDGEE
DA0456/2022	Dwelling House	111	Adams Lead Road	GULGONG
DA0001/2023	Other (DA)	42	Angus Avenue	KANDOS
DA0002/2023	Other (DA)	1062	Blue Springs Road	COPE
DA0004/2023	Garage	20	Honey Lane	MUDGEE

Monthly Development Application Processing Report – July 2022

DA0007/2023	Dwelling House	24	Peru Lane	GULGONG
DA0008/2023	secondary dwelling	604	Wallawaugh Road	HARGRAVES
DA0009/2023	secondary dwelling	14	Baskerville Drive	MUDGEE
DA0010/2023	Garage	45	Winter Street	MUDGEE
DA0011/2023	farm building	200	Lesters Lane	PIAMBONG
DA0012/2023	Change of use - Food and drink premises	82	Mortimer Street	MUDGEE
DA0013/2023	bed and breakfast accommodation	81	Market Street	MUDGEE
DA0014/2023	Dual Occupancy	4078	Twelve Mile Road	TWELVE MILE
DA0015/2023	Dwelling House	69	Barneys Reef Road	GULGONG
DA0016/2023	Dwelling House	1368	Castlereagh Highway	CULLENBONE
DA0017/2023	Shed >150m2	4	Butler Circle	BOMBIRA
DA0018/2023	Shed >150m2	18	Bumberra Place	BOMBIRA
DA0019/2023	Dwelling House	13	Goodlet Lane	MUDGEE
DA0020/2023	Dwelling House	30	Webster Street	BOMBIRA
DA0021/2023	Dwelling House	35	Wurth Drive	BOMBIRA
DA0022/2023	Shed >150m2	1	Mountain View Road	MUDGEE
DA0023/2023	Dwelling House	38	Rifle Range Road	MUDGEE
DA0024/2023	Other (DA)	209	Pipeclay Lane	BUDGEE BUDGEE
DA0026/2023	Shed >150m2	1500	Spring Creek Road	YARRAWONGA
DA0027/2023	Demolition	134	Lions Drive	BURRUNDULLA
DA0028/2023	farm building	433	Maitland Bar Road	MAITLAND BAR
DA0029/2023	Dwelling House	18	Coxs Creek Road	RYLSTONE
DA0030/2023	Dwelling House	14	Zimmler Lane	GULGONG
DA0031/2023	Alterations & Additions	800	Castlereagh Highway	MENAH
DA0032/2023	Shed >150m2	19	Spring Creek Road	GULGONG
DA0033/2023	Shed >150m2	3	Saleyards Lane	GULGONG
DA0034/2023	Subdivision - Torrens Title	845	Henry Lawson Drive	EURUNDEREE
DA0036/2023	Dwelling House	235	Gladstone Street	MUDGEE
DA0037/2023	Other (DA)	49	Old Grattai Road	ERUDGERE

Monthly Development Application Processing Report – July 2022

Heritage Development Applications currently being processed – July 2022.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES
DA0198/2021	Change of use - Serviced apartments	110	Church Street	MUDGEES
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0087/2022	Demolition	33	Horatio Street	MUDGEES
DA0201/2022	Garage	74	Gladstone Street	MUDGEES
DA0234/2022	Dwelling House	64	Lawson Street	MUDGEES
DA0303/2022	Other (DA)	103	Lawson Street	MUDGEES
DA0392/2022	secondary dwelling	31	Gladstone Street	MUDGEES
DA0393/2022	Educational Establishment	70	Court Street	MUDGEES
DA0398/2022	secondary dwelling	15	Mudgee Street	RYLSTONE
DA0411/2022	Other (DA)	28	Market Street	MUDGEES
DA0418/2022	Dual Occupancy	12	Little Bayly Street	GULGONG
DA0440/2022	Demolition	70	Court Street	MUDGEES
DA0455/2022	Ancillary Residential Development	48	Court Street	MUDGEES
DA0005/2023	Demolition	127	Gladstone Street	MUDGEES
DA0006/2023	Alterations & Additions	53	Denison Street	MUDGEES
DA0025/2023	Dwelling House	82	Belmore Street	GULGONG

Item 9: Finance

9.1 Quarterly Budget Review - June 2022

REPORT BY THE ACTING CHIEF FINANCIAL OFFICER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN300240

RECOMMENDATION

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Quarterly Budget Review - June 2022; and**
 2. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**
-

Executive summary

This is the final budget review for the 2021/22 Operational Plan. The attachment to this report provides commentary on the unaudited financial position and performance against budget, as at 30 June 2022.

Disclosure of Interest

Nil

Detailed report

Whilst the Local Government Regulation 2005 does not require a budget review statement for the June quarter it is managements' determination that a review of the 2021/22 actual performance to approved budget is provided to Council. As the 2021/22 financial statements are currently in draft format the review has been performed against the unaudited balances. Some sections of the midyear Quarterly Budget Review Statement such as Income Statement, Balance Sheet and Key Financial Indicators have been removed as final reporting will be provided in the audited financial statements.

Once audited financial statements are presented to Council, the actual variances to the original budgets can be found on the Income Statement and the Statement of Cash Flows. The Material budget variations note also provides commentary on material variations.

Community Plan implications

Theme	Good Government
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

The Local Government (General) Regulation 2005 section 203(2) requires a budget review statement must include or be accompanied by:

- a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regards to the original estimate of income and expenditure; and
- b) if that position is unsatisfactory, recommendations for remedial action.

Financial implications

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2005:

It is my opinion as the Responsible Accounting Officer that the financial position of Mid-Western Regional Council as at 30 June 2022 is satisfactory, having regard to the original estimates of income and expenditure, and actuals, for the 2021/22 financial year.

Associated Risks

Not Applicable

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

30 June 2022

Attachments: 1. Quarterly Budget Review June 2022. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Monthly Budget Review - July 2022

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Monthly Budget Review - July 2022;**
2. **amend the 2022/23 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 unforeseeable works required at the Kandos Community Hall due to significant damage found which could result in major injury.**

Executive summary

This report provides Council with information on the progress of the 2022/22 capital works program at 31 July 2022.

Please note that this report does not include revotes.

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.

Authority to commit funds in an emergency

The General Manager is provided the following delegation from Council, and he has exercised his authority in regard to:

- Undertake works to Kandos Community Hall's flooring and joist beams as there is significant damage which is a major risk of injury and replacement is urgent to manage this safety issue. The additional budget has been entered into this monthly budget report, and was for an amount of \$21,622 including GST.

3. Limitations in this delegation:-

3.1 To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to an emergency, community safety issue or potential public liability issue.

Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.

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

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

28 July 2022

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

Attachments: 1. Monthly Budget Review - July 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET
REVIEW -
31 JULY 2022

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

17 AUGUST 2022

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

 TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

FUNDING SUMMARY

Fund	Funding Source	22/23	Grand Total
General	ASSET REPLACEMENT RESERVE	-21,622	-21,622
	GRT - BUSHFIRE & EMERGENCY SERVICES - CAPITAL	8,500,000	8,500,000
	GRT - OTHER GRANT INCOME	-3,260	-3,260
	PLANT REPLACEMENT RESERVE	-200,645	-200,645
	UCF - RMS STATE ROADS - ORDERED WORKS	-263,247	-263,247
	Unrestricted Cash	-182,340	-182,340
General Total		7,828,886	7,828,886
Grand Total		7,828,886	7,828,886

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 \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
BUILDING A STRONG LOCAL ECONOMY	General	Flavours Of Mudgee - Adding extra budget for grant held in contract liability	0	GRT - OTHER GRANT INCOME	(3,260)	-	0	-	0	3,260
GOOD GOVERNMENT	General	Plant Purchases - Bring forward replacement of P&G truck, additional costs for other replacements	200,645	-	0	PLANT REPLACEMENT RESERVE	(69,350)	PLANT REPLACEMENT RESERVE	(131,295)	0
BUILDING A STRONG	General	Commercial Property - George Campbell Drive - Removal of cherry trees and slashing	182,000	-	0	-	0	-	0	(182,000)

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 \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
LOCAL ECONOMY										
LOOKING AFTER OUR COMMUNITY	General	Kandos Community Hall - Flooring Refurbishment - Budget added to cover significant damage found after work commenced.	21,622	-	0	ASSET REPLACEMENT RESERVE	(21,622)	-	0	0
BUILDING A STRONG LOCAL ECONOMY	General	Commercial Prop - Administration - Additional budget required for valuation.	3,600	-	0	-	0	-	0	(3,600)
LOOKING AFTER OUR COMMUNITY	General	Fire Control Centre - Cudgegong Community - Budget to be removed as no longer required by RFS. Project funding to be provided to NSW Public Works by RFS to administer the project funding.	-8,500,000	GRT - BUSHFIRE & EMERGENCY SERVICES - CAPITAL	8,500,000	-	0	-	0	0
CONNECTING OUR REGION	General	Ow - Gollan Rd Heavy Patching - New state project	263,247	UCF - RMS STATE ROADS - ORDERED WORKS	(263,247)	-	0	-	0	0
	Total		(7,828,886)		8,233,493		(90,972)		(150,000)	(182,340)

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 31 July 2022.

\$ 2.04 M

Actual YTD

181

Capital Projects

\$90.81 M

Budget

\$10.45 M

Commitments

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
FIRE CONTROL CENTRE - CUDGEGONG COMMUNITY	8,500	(8,500)	0	0	0%	0	Deferred/Cancelled
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	91	0	91	0	0%	54	Design
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	160	0	160	23	15%	85	Construction
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0	Project Scope
COMM. TRANSPORT - VEHICLE PURCHASE	85	0	85	0	0%	37	Procurement
COUNTRY UNIVERSITY CENTER	891	0	891	3	0%	0	Design
CEMETERY CAPITAL PROGRAM	16	0	16	0	0%	0	Complete
GULGONG CEMETERY ROAD UPGRADE	30	0	30	0	0%	0	Project Scope
PUBLIC TOILETS - ROTARY PARK KANDOS UPGRADE	98	0	98	0	0%	0	Project Scope
LIBRARY BOOKS	95	0	95	0	0%	0	Construction
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	57	0	57	0	0%	0	Procurement
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	80	0	80	1	1%	6	Project Scope
TOWN HALL - EXTERNAL BRICKWORK	50	0	50	0	0%	0	Procurement
CAPITAL UPGRADE - RYLSTONE GUIDE HALL ROOF REPLACEMENT	25	0	25	0	0%	0	Procurement
KANDOS HALL & LIBRARY - TOILETS	40	0	40	0	0%	0	Design
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE	45	0	45	0	0%	0	Project Scope
KANDOS COMMUNITY HALL - FLOORING REFURBISHMENT	30	22	52	17	32%	0	Final works
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	35	0	35	0	0%	0	Consultation
GOOLMA HALL - FLOORING & WINDOW REFURB	20	0	20	11	56%	5	Final works
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	0	0%	0	Consultation
CAP UPGRD- SWIMMING POOLS BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GULGONG/ KANDOS POOL - LOCKERS	10	0	10	0	0%	0	Procurement
KANDOS POOL - EXTERNA WORKS	55	0	55	0	0%	10	Design
POOL SHADE PROGRAM	46	0	46	0	0%	38	Complete
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Project Scope
ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES BUILDING	103	0	103	0	0%	7	Consultation
GLEN WILLOW SPORTS GROUND UPGRADES	300	0	300	17	6%	222	Construction
CAHILL PARK SYNTHETIC CRICKET WICKET	30	0	30	0	0%	0	Construction
MUDGEE 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 MUDGEE - FENCING	60	0	60	0	0%	0	Procurement
GULGONG TENNIS COURTS	130	0	130	0	0%	0	Procurement
GLEN WILLOW FIELD ONE REFURBISHMENT	550	0	550	0	0%	0	Design
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0	Consultation
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0	Procurement
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	120	0	120	0	0%	0	Consultation
RYLSTONE & KANDOS DOG PARK	90	0	90	0	0%	0	Procurement
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE 1	996	0	996	23	2%	72	Construction
PUTTA BUCCA TRAINING CAMP FACILITY -STAGE 2	950	0	950	44	5%	84	Construction
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE3 (REQUIRES GRANT)	1,166	0	1,166	0	0%	0	Project Scope
MUDGEE SHOWGROUNDS - PATHWAY IMPROVEMENTS	40	0	40	0	0%	0	Design
GLEN WILLOW - PUMP TRACK	700	0	700	0	0%	0	Consultation
WALKERS OVAL MUDGEE CARPARK UPGRADES	20	0	20	0	0%	0	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	75	0	75	0	0%	0	Project Scope
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	Design
VICTORIA PARK GULGONG - STORAGE SHED (REQUIRES GRANT)	30	0	30	0	0%	0	Consultation
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0	Project Scope
RYLSTONE SHOWGROUND ARENA - UPGRADE	30	0	30	0	0%	0	Consultation
RED HILL - PATHWAY AND LANDSCAPING UPGRADE	40	0	40	0	0%	0	Design
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0	Design
JACK TINDALE PARK RYLSTONE - UPGRADE	40	0	40	0	0%	0	Project Scope
SHADE SAIL - MUDGEES DOG PARK	12	0	12	0	0%	0	Procurement
SCULPTURES ACROSS THE REGION	27	0	27	0	0%	0	Construction
RYLSTONE RIVER WALK - IMPROVEMENT	20	0	20	0	0%	0	
ROTUNDA PARK KANDOS - IRRIGATION RENEWAL	21	0	21	0	0%	0	Procurement
APEX PARK GULGONG - IRRIGATION RENEWAL	20	0	20	0	0%	0	Procurement
GILBEY PARK - FENCING	10	0	10	0	0%	0	Procurement
MEMORIAL PARK MUDGEES - IRRIGATION RENEWAL	20	0	20	0	0%	0	Procurement
PLAYGROUND SHADING PROGRAM	152	0	152	0	0%	0	Design
RED HILL CAPITAL WORKS	263	0	263	3	1%	7	Procurement
CORONATION PARK FENCE	35	0	35	0	0%	0	Procurement
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	0	Procurement
LAWSON PARK MUDGEES - IRRIGATION RENEWAL	30	0	30	0	0%	0	Procurement
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	0	Procurement
MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS	35	0	35	0	0%	0	Initial works
PASSIVE PARK SIGNAGE REPLACEMENT	21	0	21	0	0%	0	Design
FLIRTATION HILL MUDGEES - MASTER PLAN WORKS	700	0	700	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
ART GALLERY FACILITY	523	0	523	75	14%	272	Construction
STREET SCAPE IMPROVEMENTS	31	0	31	0	0%	0	Design
STREETSCAPE - STREET BINS	7	0	7	0	0%	0	Consultation
Total	18,585	(8,478)	10,106	219	2%	899	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	340	0	340	0	0%	0	Consultation
MUDGEES WASTE DEPOT UPGRADES	53	0	53	0	0%	1	Consultation
NEW TIP CELL CONSTRUCTION	3,272	0	3,272	0	0%	242	Initial works
NEW RECYCLING BINS	30	0	30	0	0%	0	Consultation
WASTE SITES REHABILITATION	2,340	0	2,340	0	0%	8	Design
DRAINAGE CAPITAL IMPROVEMENTS	259	0	259	0	0%	11	Budget only
PUTTA BUCCA WETLANDS CAPITAL	17	0	17	0	0%	0	
PUTTA BUCCA WETLANDS TOILET	95	0	95	0	0%	87	Deferred/Cancelled
PUTTA BUCCA WETLANDS -PATHWAYS AND CAR PARK (REQUIRES GRANT)	25	0	25	0	0%	0	Deferred/Cancelled
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	374	0	374	0	0%	14	Procurement
WATER NEW CONNECTIONS	97	0	97	5	5%	0	Complete
WATER AUGMENTATION - MUDGEES HEADWORKS	2,872	0	2,872	1	0%	34	Multi-year project - complete for this year
WATER DISTRIBUTION - MUDGEES	2,800	0	2,800	0	0%	0	Project Scope
WATER AUGMENTATION - RYLSTONE & KANDOS	500	0	500	0	0%	0	Project Scope
WATER MAINS - CAPITAL BUDGET ONLY	1,080	0	1,080	0	0%	0	Budget only
WATER PUMP STATION - CAPITAL RENEWALS	175	0	175	0	0%	1	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RAW WATER SYSTEMS RENEWALS	21	0	21	0	0%	0	Multi-year project - complete for this year
WATER TREATMENT PLANT - RENEWALS	120	0	120	0	0%	8	Complete
SEWER NEW CONNECTIONS	38	0	38	4	10%	0	Complete
SEWER AUGMENTATION - RYLSTONE & KANDOS	4,375	0	4,375	1	0%	35	Multi-year project - complete for this year
SEWER AUGMENTATION - MUDGEE	1,000	0	1,000	0	0%	0	Project Scope
SEWER MAINS - CAPITAL BUDGET ONLY	1,745	0	1,745	0	0%	0	Budget only
RISING MAIN ULAN RD TO PUTTA BUCCA	387	0	387	0	0%	0	Deferred/Cancelled
SEWER PUMP STATION - CAPITAL RENEWALS	1,130	0	1,130	0	0%	0	Deferred/Cancelled
SEWER PUMP STATION - RACECOURSE MUDGEE	125	0	125	0	0%	0	Design
SEWER TREATMENT WORKS - RENEWALS	62	0	62	0	0%	0	Complete
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Deferred/Cancelled
Total	23,363	0	23,363	11	0%	440	

Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	420	0	420	1	0%	57	Procurement
RYLSTONE CARAVAN PARK - CAPITAL	365	0	365	31	8%	348	Construction
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Consultation
CUDGEGONG WATERS PARK HOUSE	230	0	230	90	39%	152	Initial works
MUDGEE VALLEY PARK EXPANSION	2,400	0	2,400	429	18%	1,480	Construction
CUDGEGONG WATERS - PUBLIC TOILETS	375	0	375	0	0%	0	Design
MUDGEE VALLEY PARK EXPANSION ROADS	350	0	350	0	0%	0	Design
DIGITAL SIGNAGE	81	0	81	0	0%	15	Consultation
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	50	0	50	0	0%	0	Consultation
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	0	0%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Total	4,342	0	4,342	550	13%	2,052	

Connecting our Region

URBAN RESEALS - BELMORE ST GULGONG	15	0	15	0	0%	0	Design
URBAN RESEALS - BARIGAN STREET WOLLAR	14	0	14	0	0%	0	Design
URBAN RESEALS - BARNETT STREET WOLLAR	13	0	13	0	0%	0	Design
URBAN RESEAL - DABEE RD	12	0	12	0	0%	0	Design
RESEAL - HENRY BAYLEY DRIVE	23	0	23	0	0%	0	Design
URBAN RESEALS - JACQUES STREET KANDOS	39	0	39	0	0%	0	Consultation
URBAN RESEAL - MEDLEY STREET GULGONG	10	0	10	0	0%	0	Design
URBAN RESEAL - MORTIMER STREET MUDGEES	39	0	39	0	0%	0	Design
URBAN RESEALS - INGLIS ST MUDGEES	32	0	32	0	0%	0	Consultation
URBAN RESEALS - SALEYARDS LN GULGONG	14	0	14	0	0%	0	Consultation
URBAN ROADS KERB & GUTTER CAPITAL	17	0	17	0	0%	0	Project Scope
URBAN HEAVY PATCHING	21	0	21	1	3%	0	Project Scope
URBAN REHAB - BROADHEAD RD SPRINGFL	150	0	150	0	0%	0	Project Scope
URBAN REHAB - LAWSON/SHORT STREET INTERSECTION MUDGEES	105	0	105	0	0%	0	Project Scope
URBAN REHAB - LOVEJOY STREET MUDGEES	30	0	30	0	0%	0	Project Scope
URBAN REHAB - SHORT STREET	30	0	30	0	0%	0	Project Scope
URBAN RESEALS - ANDERSON STREET GULGONG	16	0	16	0	0%	0	Design
URBAN RESEALS - NANDOURA STREET GULGONG	27	0	27	0	0%	0	Design
URBAN RESEALS - WYNELLA STREET GULGONG	14	0	14	0	0%	0	Design
URBAN RESEALS - BENT STREET KANDOS	22	0	22	0	0%	0	Design
URBAN RESEALS - CROWN STREET KANDOS	21	0	21	0	0%	0	Design
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	0	12	0	0%	0	Design
URBAN RESEALS - CASSIN LANE MUDGEES	10	0	10	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - GRANT STREET MUDGEE	10	0	10	0	0%	0	Design
URBAN RESEALS - HARDY CRESCENT MUDGEE	19	0	19	0	0%	0	Design
URBAN RESEALS - HORATIO STREET MUDGEE	20	0	20	0	0%	0	Design
URBAN RESEALS - LANG STREET MUDGEE	15	0	15	0	0%	0	Design
URBAN RESEALS - MENCHIN STREET MUDGEE	13	0	13	0	0%	0	Design
URBAN RESEALS - MULGOA WAY MUDGEE	15	0	15	0	0%	0	Design
URBAN RESEALS - RAYNER STREET MUDGEE	10	0	10	0	0%	0	Design
URBAN RESEALS - CUDGEGONG STREET RYLSTONE	21	0	21	0	0%	0	Design
URBAN RESEALS - LOUEE STREET RYLSTONE	36	0	36	0	0%	0	Design
URBAN RESEALS - SHORT STREET - RYLSTONE	18	0	18	0	0%	0	Design
URBAN RESEALS - TONGBONG STREET RYLSTONE	14	0	14	0	0%	0	Design
RESHEETING - URBAN ROADS	11	0	11	0	0%	0	Deferred/Cancelled
URBAN SEALING - BRUCE ROAD	402	0	402	0	0%	0	Project Scope
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	100	0	100	0	0%	0	Project Scope
URBAN ROADS LAND MATTERS CAPITAL	15	0	15	0	0%	0	Initial works
RURAL RESEAL - LUE RD	436	0	436	0	0%	0	Design
RURAL RESEAL - YARRAWONGA RD	171	0	171	0	0%	0	Design
RURAL RESEAL - WINDEYER RD GRATTAI	110	0	110	0	0%	0	Design
RURAL RESEAL - CUDGEGONG RD	192	0	192	0	0%	0	Design
RURAL RESEAL - BOTOBOLAR RD	148	0	148	0	0%	0	Design
RURAL RESEAL - BROGANS CREEK RD CLANDULL	34	0	34	0	0%	0	Design
RURAL REHAB - LUE ROAD MOUNTKNOW	500	0	500	1	0%	4	Project Scope
RURAL REHAB - CUDGEGONG RD CARWELL	520	0	520	0	0%	0	Project Scope
RURAL REHAB - HENRY LAWSON DR	339	0	339	0	0%	0	Project Scope
HEAVY PATCHING	48	0	48	0	0%	0	Project Scope
RURAL RESEAL - CAMPBELLS CREEK ROAD WINDEYER	139	0	139	0	0%	0	Design
RURAL RESEALS - GREVILLEA GROVE RYLSTONE	15	0	15	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	0	0%	0	Design
RURAL RESEALS - LINBURN LANE	142	0	142	0	0%	0	Design
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	0	Design
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	27	0	27	0	0%	0	Design
RURAL RESEALS - CAMERONS ROAD RUNNINGS	3	0	3	0	0%	0	Design
RURAL SEALED ROAD LAND MATTERS	11	0	11	0	0%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM 2022/23	796	0	796	3	0%	0	Project Scope
MUNGHORN GAP REALIGNMENT & UPGRADE	1,321	0	1,321	21	2%	10	Construction
HILL END ROAD SAFETY IMPROVEMENTS	2,275	0	2,275	1	0%	9	Procurement
BVW UPGRADE RNSW 2080	2,251	0	2,251	3	0%	60	Design
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	3	0	3	0	0%	5	Construction
ZIMMER LANE	81	0	81	0	0%	0	Project Scope
BADGERS LANE	98	0	98	0	0%	0	Project Scope
SEAL EXTENSION - QUEENS PINCH RD	1,547	0	1,547	110	7%	77	Construction
SEAL EXTENSION - COXS CREEK RD	1,700	0	1,700	58	3%	226	Construction
SEAL EXTENSION - BOTOBOLAR RD	1,774	0	1,774	5	0%	0	Construction
RESHEETING	2,056	0	2,056	60	3%	61	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	15	0	15	0	0%	0	Initial works
GOODIMAN CREEK BRIDGE REPLACEMENT	950	0	950	0	0%	599	Construction
DIXONS LONG POINT CROSSING	6,299	0	6,299	5	0%	43	Initial works
BRIDGE TO PUTTA BUCCA ROAD	3,008	0	3,008	2	0%	1,200	Construction
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0	Project Scope
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	235	0	235	0	0%	0	Budget only
ULAN ROAD - COPE RD TO ULAN WOLLAR RD	300	0	300	0	0%	0	Design
FOOTWAYS - CAPITAL WORKS	141	0	141	7	5%	4	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	162	0	162	0	0%	0	Initial works
AIRPORT - AIRCRAFT PARKING	20	0	20	0	0%	0	Consultation
AIRPORT AMBULANCE TRANSFER BAY	50	0	50	0	0%	0	Project Scope
AIRPORT HANGER AND STUDIO	245	0	245	1	0%	2	Procurement
Total	29,669	0	29,669	279	1%	2,299	

Good Government

CORPORATE BUILDINGS UPGRADE BUDGET ONLY	0	0	0	0	0%	0	Budget only
OLD POLICE STATION CAPITAL	50	0	50	0	0%	0	Project Scope
BUILDINGS MASTER KEY SYSTEM	131	0	131	0	0%	0	Project Scope
MUDGEES ADMIN BUILDING EXTENSION	700	0	700	0	0%	69	Design
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	0	Project Scope
IT SPECIAL PROJECTS	28	0	28	0	0%	0	Consultation
IT - NETWORK UPGRADES	198	0	198	16	8%	34	Project Scope
IT CORPORATE SOFTWARE	80	0	80	2	2%	0	Consultation
IT - PAPER CUT SECURE PRINTING	25	0	25	0	0%	0	Consultation
PLANT PURCHASES	6,388	201	6,588	959	15%	4,645	Budget only
RYLSTONE DEPOT - CAPITAL UPGRADE	80	0	80	0	0%	9	Procurement
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	0	0%	7	Procurement
SOLAR FARM INITIATIVE - STAGE 3	7,082	0	7,082	0	0%	0	Project Scope
Total	14,854	201	15,055	977	6%	4,763	

Total Capital Works Program **90,813** **(8,278)** **82,535** **2,035** **2%** **10,454**

9.3 Monthly Statement of Investments as at 31 July 2022

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN300053

RECOMMENDATION

That Council:

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

Community Plan implications

Theme	Good Government
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

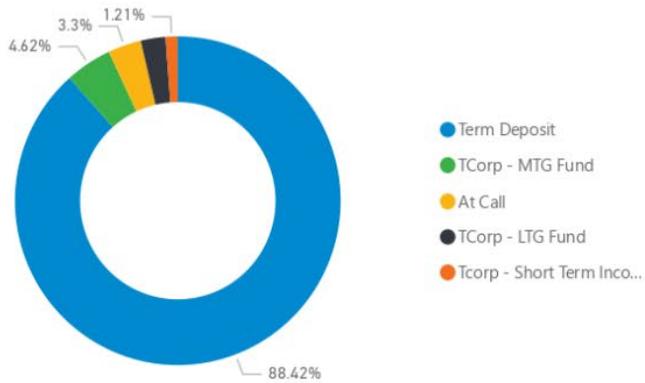
28 July 2022

Attachments: 1. Investment Report - July 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

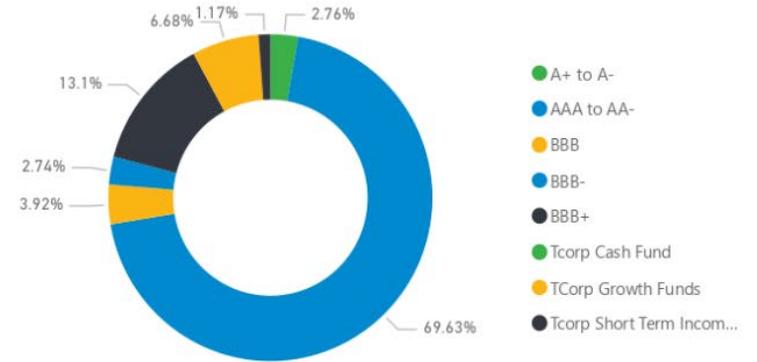


Mid-Western Regional Council Cash and Investments as at 31 July 2022

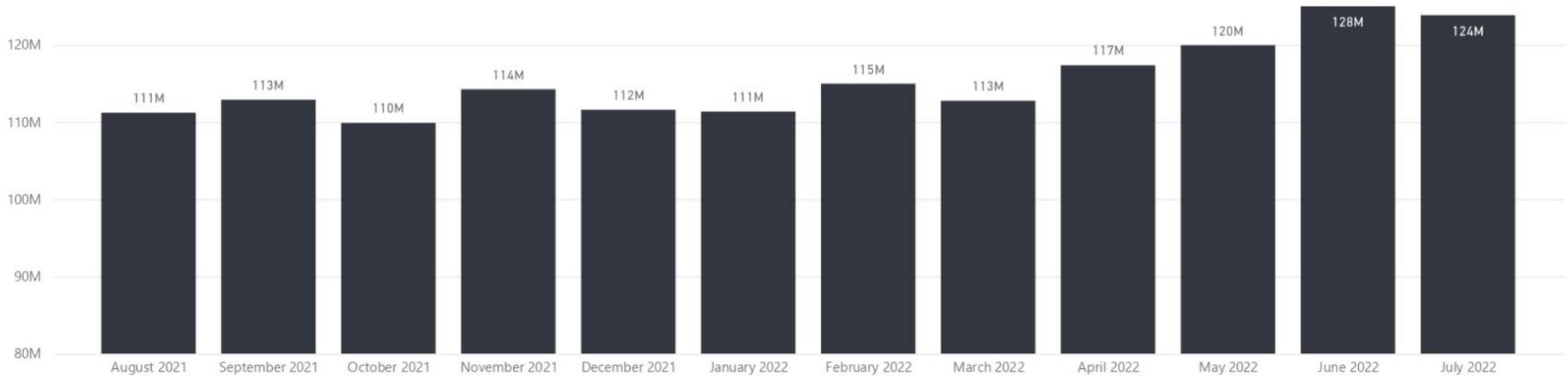
Total Investment Portfolio (\$)

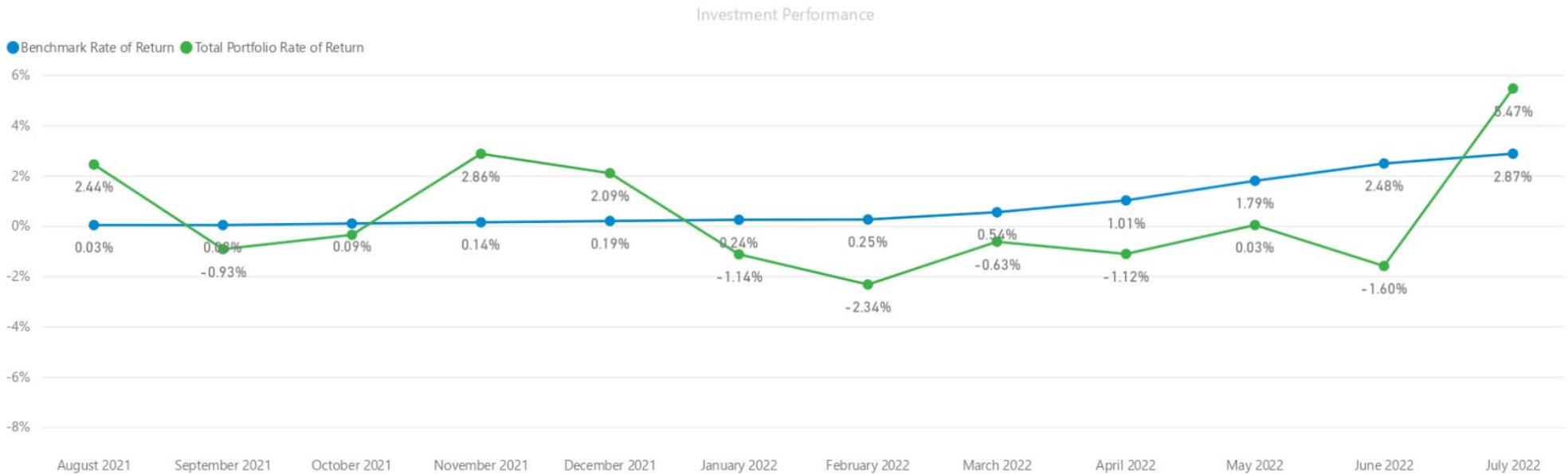
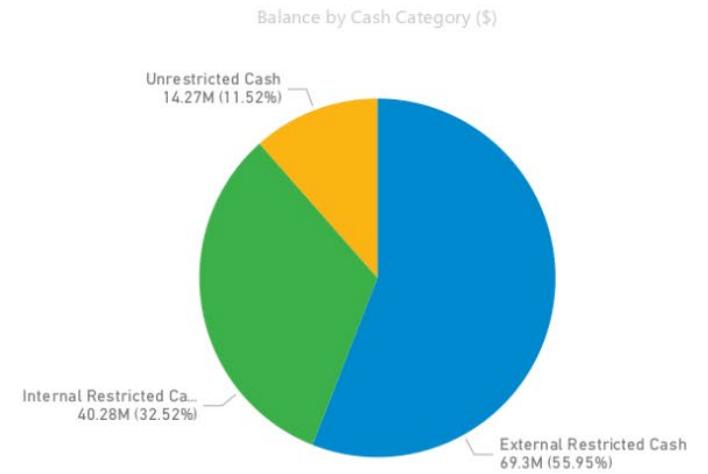
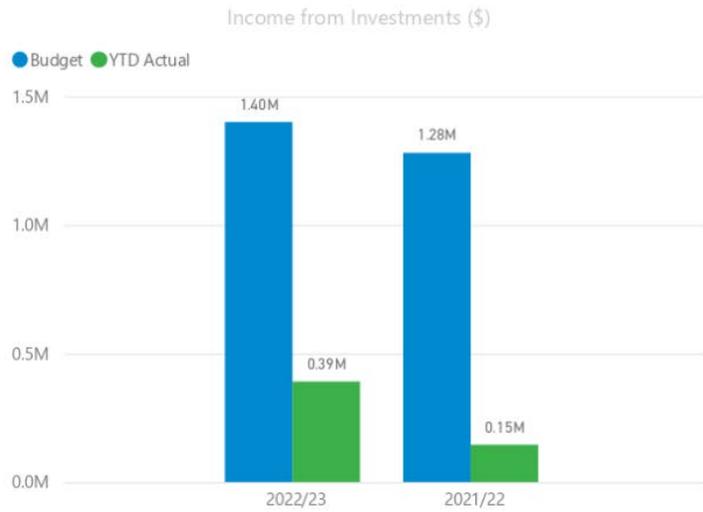
123.85M

Investments by Long Term Rating



Portfolio Balance at End of Month (\$)





At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	1.00%	0	\$	4,086,827
TCorp - Long Term Growth Fund	0.50%	5	\$	3,036,092
TCorp - Medium Term Growth Fund	0.50%	5	\$	5,722,558
Tcorp - Short Term Income Fund	0.50%	5	\$	1,495,333
Total			\$	14,340,809

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	1.00%	116	\$	2,000,000
AMP	1.10%	185	\$	1,500,000
Australian Unity	3.50%	507	\$	2,000,000
Australian Unity	4.35%	486	\$	2,000,000
Australian Unity	4.10%	577	\$	1,500,000
Australian Unity	4.30%	549	\$	2,000,000
Bank Of Queensland	0.90%	59	\$	1,500,000
Bank Of Queensland	0.50%	101	\$	1,500,000
Bank Of Queensland	0.61%	59	\$	1,000,000
Bank Of Queensland	0.85%	143	\$	1,000,000
Bank Of Queensland	1.20%	283	\$	2,000,000
CBA	0.46%	3	\$	1,500,000
CBA	0.72%	675	\$	2,000,000
CBA	0.47%	31	\$	1,500,000
CBA	0.50%	87	\$	1,500,000
CBA	0.47%	87	\$	1,000,000
CBA	0.77%	773	\$	1,000,000
CBA	0.47%	143	\$	1,500,000
CBA	0.85%	815	\$	2,500,000
CBA	0.48%	171	\$	2,000,000
CBA	0.73%	269	\$	1,500,000
CBA	3.05%	633	\$	2,000,000
CBA	2.63%	437	\$	1,500,000
CBA	2.31%	297	\$	1,500,000
CBA	2.75%	409	\$	1,500,000
CBA	3.15%	304	\$	1,000,000
CBA	4.15%	696	\$	2,000,000
CBA	3.68%	311	\$	1,500,000
CBA	4.17%	325	\$	1,000,000
CBA	3.94%	332	\$	1,000,000
Defence Bank	3.20%	304	\$	1,500,000
ING	3.21%	360	\$	1,500,000
Judobank	0.65%	24	\$	1,500,000
Judobank	0.90%	87	\$	1,000,000
Judobank	1.01%	73	\$	1,000,000
Macquarie	1.40%	213	\$	1,014,077
Macquarie	1.15%	241	\$	1,000,000
MyState Bank	4.20%	339	\$	1,500,000
NAB	0.87%	17	\$	2,000,000
NAB	0.79%	45	\$	1,500,000
NAB	0.70%	73	\$	1,000,000
NAB	0.57%	213	\$	1,700,000
NAB	0.65%	332	\$	2,000,000
NAB	0.51%	144	\$	1,800,000
NAB	0.45%	115	\$	1,500,000
NAB	0.45%	129	\$	2,000,000
NAB	0.80%	759	\$	1,500,000

Institution	Yield	Term to Maturity	Principal	Amount
NAB	0.64%	451	\$	3,000,000
NAB	0.45%	157	\$	1,500,000
NAB	0.70%	423	\$	2,500,000
NAB	0.48%	185	\$	1,000,000
NAB	0.79%	199	\$	1,500,000
NAB	0.68%	122	\$	1,000,000
NAB	0.85%	241	\$	1,500,000
NAB	0.75%	122	\$	1,000,000
NAB	0.95%	241	\$	1,500,000
NAB	1.51%	395	\$	2,500,000
NAB	1.21%	269	\$	1,000,000
NAB	4.49%	871	\$	2,500,000
NAB	4.45%	787	\$	2,000,000
Westpac	0.85%	5	\$	2,000,000
Westpac	1.06%	563	\$	2,000,000
Westpac	0.70%	178	\$	1,500,000
Westpac	0.78%	227	\$	1,500,000
Westpac	0.90%	255	\$	2,500,000
Westpac	0.95%	206	\$	2,000,000
Westpac	2.28%	591	\$	1,500,000
Westpac	3.70%	731	\$	2,000,000
Total			\$	109,514,077

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 32,340,809	26%	26%	20%	OK
Between 3 months and 1 year	\$ 52,014,077	42%	68%	40%	OK
Between 1 year and 2 years	\$ 28,000,000	23%	91%	50%	OK
Between 2 years and 4 years	\$ 11,500,000	9%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 123,854,886				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	23%	\$ 29,000,000
	NAB	40%	OK	34%	\$ 41,586,827
	Westpac	40%	OK	12%	\$ 15,000,000
A+	Macquarie	20%	OK	2%	\$ 2,014,077
A	ING	20%	OK	1%	\$ 1,500,000
BBB+	Australian Unity	10%	OK	6%	\$ 7,500,000
	Bank Of Queensland	10%	OK	6%	\$ 7,000,000
	MyState Bank	10%	OK	1%	\$ 1,500,000
BBB	AMP	5%	OK	3%	\$ 3,500,000
	Defence Bank	5%	OK	1%	\$ 1,500,000
TCorp Growth Funds	TCorp - Long				
	Term Growth	15%	OK	2%	\$ 3,036,092
	TCorp - Medium				
TCorp Short Term Income	Term Growth	15%	OK	5%	\$ 5,722,558
	Tcorp - Short				
TCorp Short Term Income	Term Income	15%	OK	1%	\$ 1,495,333
BBB-	Judobank	5%	OK	3%	\$ 3,500,000
Grand Total				100%	\$ 123,854,886

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP)	% of Portfolio	Amount
AAA to AA-		100% OK	69%	\$ 85,586,827
A+ to A-		50% OK	3%	\$ 3,514,077
BBB+		20% OK	13%	\$ 16,000,000
BBB		10% OK	4%	\$ 5,000,000
TCorp Growth Funds		15% OK	7%	\$ 8,758,650
TCorp Short Term Income Fund		15% OK	1%	\$ 1,495,333
BBB-		5% OK	3%	\$ 3,500,000
Grand Total			100%	\$ 123,854,886

Monthly Investment Portfolio Activity

The below table shows investments activities of At Call Fund and Managed Funds

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	5,083,268		4,086,827
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	2,958,222		3,036,092
TCorp - Medium Term Growth Fund	5,565,633		5,722,558
Tcorp - Short Term Income Fund	1,489,471		1,495,333
Total	15,096,594	-	14,340,809

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
MyState Bank	0.52%	6/07/2022	1,000,000	6,083
MyState Bank	0.52%	20/07/2022	1,000,000	6,183
Bank Of Queensland	0.50%	27/07/2022	2,200,000	13,049
CBA	0.46%	20/07/2022	1,700,000	8,698
NAB	0.47%	6/07/2022	1,500,000	4,191
Total			7,400,000	38,205

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	3.70%	31/07/2024	2,000,000	160,367
Australian Unity	3.50%	20/12/2023	2,000,000	108,740
Defence Bank	3.20%	31/05/2023	1,500,000	47,868
CBA	4.15%	26/06/2024	2,000,000	170,321
CBA	3.68%	7/06/2023	1,500,000	55,049
CBA	4.17%	21/06/2023	1,000,000	42,385
NAB	4.49%	18/12/2024	2,500,000	279,856
NAB	4.45%	25/09/2024	2,000,000	201,408
Australian Unity	4.35%	29/11/2023	2,000,000	125,137
MyState Bank	4.20%	5/07/2023	1,500,000	65,244
Total			18,000,000	1,256,375

9.4 Draft Financial Statements 2021/22

REPORT BY THE ACTING CHIEF FINANCIAL OFFICER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN300346

RECOMMENDATION

That Council:

1. receive the report by the Acting Chief Financial Officer on the Draft Financial Statements 2021/22;
2. resolve that in its opinion the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2022:
 - 2.1 have been drawn up in accordance with the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Australian Accounting Standards, and the Local Government Code of Accounting Practice and Financial Reporting;
 - 2.2 present fairly the Council's financial position and operating result for the year;
 - 2.3 accord with the Council's accounting and other records; and
 - 2.4 do not contain any known matter that would make the financial statements false or misleading in any way
3. authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Acting CFO) to sign the Statement by Councillors and Management on its opinion of the General Purpose Financial Report 2021/22 and Special Purpose Financial Report 2021/22;
4. authorise the General Manager to issue the 2021/22 Financial Reports immediately upon receipt of the Auditors Report; and
5. authorise the General Manager to finalise the date at which the Auditors Report and Financial Statements for 2021/22 are to be presented to the public.

Executive summary

Council is required to prepare financial reports for each year and refer them to audit as soon as practicable. Council is required to endorse the draft financial reports for referral to audit. The audit of the 2021/22 financial reports is scheduled from 5 September 2022.

Disclosure of Interest

Nil

Detailed report

The attached draft financial reports have been prepared in accordance with the legislated requirements included in this report.

The attached draft financial statements are not available to the public until after Council's auditor has provided an independent audit report. It is recommended that Council authorise the General Manager to issue the financial reports immediately upon receipt of the auditors' report, subject to there being no material audit changes or audit issues.

It is recommended that Council authorise the General Manager to finalise the date at which the auditors' report and financial statements are to be presented to the public. It is anticipated that this presentation will occur at the Council meeting of 16 November 2022.

Community Plan implications

Theme	Good Government
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

Section 413 of the Local Government Act 1993 requires that:

1. A council must prepare financial reports for each year, and must refer them for audit as soon as practicable (having regard to the requirements of section 416 (1)) after the end of that year.

Council's financial reports must include the following:

- a) a general purpose financial report;
- b) any other matters prescribed by the regulation; and
- c) a statement in the approved form by the council as to its opinion on the general purpose financial report.

The general purpose financial report must be prepared in accordance with this Act and the regulations and the requirements of:

- a) the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the regulations; and
- b) such other standards as may be prescribed by the regulations.

Section 416 of the Local Government Act 1993 requires that:

1. A council's financial reports for a year must be prepared and audited within the period of 4 months after the end of that year.

Council's financial reports must be prepared in accordance with the requirements of:

- a) the Australian Accounting Standards and professional pronouncements;
- b) the Local Government Code of Accounting Practice and Financial Reporting; and
- c) the Local Government Act 1993 and the Regulations.

Section 215(1) of the Local Government (General) Regulation 2021 requires that the statement by Council as to its opinion on the financial reports must be made by resolution of the Council and be signed by the Mayor, at least one other member of Council, the General Manager and the Responsible Accounting Officer. The statement must indicate:

- a) whether or not Council's annual financial reports have been drawn up in accordance with the required Standards and Regulations;
- b) whether or not those reports present fairly Council's financial position and operating result for the year;
- c) whether or not those reports accord with the Council's accounting and other records;
- d) whether or not the signatories know of anything that would make those reports false or misleading in any way; and
- e) include such information and explanations as will prevent those reports from being misleading because of any qualification that is included in the statement.

Financial implications

The cost of preparing and auditing the Financial Statements is already included in the Operational Plan; no budgetary changes are anticipated at this stage.

Associated Risks

There is a risk of material misstatement in the Financial Reports, which is mitigated by the following:

- Completion by qualified professionals;
- Fraud controls;
- Financial compliance procedures; and
- External audit.

Should a material change be required before the audit report is issued, the Financial Statements will be required to come back to Council for confirmation.

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

26 July 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Budget Revotes from 2021/22 to 2022/23

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Budget Revotes from 2021/22 to 2022/23;**
2. **amend the 2022/23 budget to reflect the revote of \$14,265,838 capital expenditure as identified in the attachment to this report; and**
3. **amend the 2022/23 budget to reflect the revote of \$3,573,133 operating expenditure as identified in the attachment to this report.**

Executive summary

This report recommends the revoting of budgets into 2022/23 for projects not yet completed as at 30 June 2022.

Attachment 1 shows each project recommended for revote, the amount of expenditure and the funding source.

Disclosure of Interest

Nil

Detailed report

The total budget amendment in this report of \$17,838,971 includes \$14,265,838 in Capital expenditure and \$3,573,133 Operating expenditure projects.

A number of these projects were commenced and expected to take place over more than one financial year. Due to some delays in construction and the allowance for variability in timing of works, the full budget allocation was not expended in 2021/22.

As these projects were commenced to various stages, but as at 30 June 2022 were not completed they are not technically "revotes" in accordance with the Regulations (as per s211(3)), but they are reported to Council as revote projects for completeness.

Unspent budget of \$1,441,845 funded by unrestricted cash is proposed to be revoted to be spent in 2021/22.

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

Section 211(3) of the Local Government (General) Regulation 2005 states that budgets approved by Council automatically lapse at the end of a financial year. However, this subclause does not apply to approval and votes relating to:

- a) work carried out or started, or contracted to be carried out, for the Council; or
- b) any service provided, or contracted to be provided, for the Council; or
- c) goods or materials provided, or contracted to be provided, for the Council; or
- d) facilities provided or started, or contracted to be provided, for the Council before the end of the year concerned, or to the payment of remuneration to members of the Council's staff

A budget approval that has lapsed may be reinstated by a resolution of Council.

Financial implications

Council has sufficient funds in Reserves, Unspent Grants and Contributions, and Developer Contributions in each of the individual funds to be allocated to the continuing projects.

Council's unrestricted funds balance as at 30 June 2022 will be finalised as part of the 2021/22 financial statement process, and confirmed by external audit, however the forecast budget indicates that sufficient unrestricted funds will be available to meet the General Fund revenue-funded revotes.

It is important to note that amounts revoted from one financial year to the next, in particular operational expenditure items, impact the operating results of each year.

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

Associated Risks

Not Applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

28 July 2022

Attachments: 1. Budget Revotes from 2021/22 to 2022/23. (separately attached)
2. Revote Project List. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Related Party Disclosure Policy

REPORT BY THE FINANCIAL OPERATIONS COORDINATOR
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN3000289

RECOMMENDATION

That Council:

1. receive the report by the Financial Operations Coordinator on the Related Party Disclosure Policy;
2. place the revised Related Party Disclosure Policy on public exhibition for a period of 28 days; and
3. adopt the Related Party Disclosure Policy for a further period of four years, if no submissions are received during the public exhibition period.

Executive summary

The Related Party Disclosure Policy aims to set out the necessary requirements and guide Council for effective implementation of processes that will ensure compliance with the requirement of the Australian Accounting Standards Board (AASB) 124 Related Party Disclosure standard. This Policy has been reviewed and no material changes are recommended only changes to the job titles and references to legislation.

Disclosure of Interest

Nil

Detailed report

Related Party Disclosures are required under the Australian Accounting Standard AASB 124. As detailed in the amended policy, Council's approach to the collection of data aims at being sensible, efficient and practical. It is imperative that these processes are adhered to and that there is cooperation from all the identified Key Management Personnel (KMP).

The Policy was reviewed against requirements in the Office of Local Government Accounting Code, and AASB 124, and no changes are recommended. The current KMP are still deemed as relevant.

It is recommended to review this Policy every four years, instead of annually, as it is anticipated that changes will not be required often.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

The Related Party Disclosure Policy was reviewed.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

TRISH ELSEGOOD
FINANCIAL OPERATIONS COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

29 July 2022

Attachments: 1. Related Party Disclosure Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Related Party Disclosure Policy

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	1.3
COUNCIL MEETING MIN:		REVIEW DATE	AUGUST 2026
DATE:	17 AUGUST 2022	FILE NUMBER	FIN3000139, GOV400047

Objective

The objective of the Policy is to ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the Financial Statements are properly identified, recorded in Council's systems, and disclosed in Council's General Purpose Financial Statements to achieve compliance with AASB 124, the Privacy and Personal Information Protection Act 1998 [PPIPA] and the Government Information (Public Access) Act 2009 [GIPAA].

Legislative and regulatory requirements

- Local Government Act 1993 and Local Government (General) Regulation 2021
- Accounting Standard AASB 124 July 2015 Related Party Disclosures
- Accounting Standard AASB 10 August 2011 Consolidated Financial Statements
- Accounting Standard AASB 11 August 2011 Joint Arrangements
- Privacy and Personal Information Protection Act 1998 [PPIPA]
- Government Information (Public Access) Act 2009 [GIPAA]

Related policies and plans

- Access to Information Policy
- Conflicts of Interests Policy
- Code of Conduct

Definitions

Related Parties	A person or entity that is related to the entity that is preparing its financial statements. For the purpose of this policy, related parties are entities related to Council, key management personnel and close family members of key management personnel of Mid-Western Regional Council.
Related Party Transaction	A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Key Management Personnel (KMP)	People that have authority and responsibility for planning, directing and controlling the activities of the entity, either directly or indirectly. For Council purposes KMP includes; <ul style="list-style-type: none"> • the Mayor,

POLICY: RELATED PARTY DISCLOSURE POLICY | 1.3 , 17 AUGUST 2022

	<ul style="list-style-type: none"> • Councillors, • the General Manager, • Directors, • the Chief Financial Officer, • the Executive Manager, People and Performance
Close Family Members	Close family members are people who can be expected to influence or be influenced by key management personnel. This includes but is not limited to spouse or partner, children and dependents, children and dependents of spouse or partner and possibly parents, grandparents and other family members. Other family members that would expect to influence or be influenced by key management personnel need to be included as close family members.
KMP Compensation	All forms of consideration paid, payable or provided in exchange for services provided. Compensation categories include:- <ul style="list-style-type: none"> • Short Term Employment Benefits • Post Employment Benefits • Other Long Term Benefits, and • Termination Benefits.
Arms Length Transaction	A transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest.
Ordinary Citizen Transactions	Transactions that are made on an arm's length basis between the Council and key management personnel and their close family members that an ordinary citizen of the community would transact with the Council. This includes but is not limited to payment of rates for properties owned by the key management personal.
Normal Terms and Conditions	The standard rules governing transactions between Council and all external bodies. These can be governed by policies, legislation or accepted business practices.
Control	Is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.
Joint Control	Is the contractually agreed sharing of control over an economic activity.
Significant influence	Is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.
Responsible Accounting Officer	A position of Council with regulatory responsibilities, as described in the Local Government (General) Regulation 2005, currently filled by the Chief Financial Officer.
Material transaction	Transactions assessed as material, given the definitions on page 5 including: significant in terms of size; carried out on non-market terms; outside normal day-to-day business operations; disclosed to regulatory or supervisory authorities; reported to senior management.

Policy Statement

Related Party relationships are a normal feature of business. Related parties may enter into transactions that unrelated parties would not. Therefore a related party relationship has potential to have an effect on the profit or loss and financial position of Council.

In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect the assessment of Council's operations by users of Financial Statements, including assessments of the risks and opportunities facing the Council.

Council will exercise compliance with the disclosure requirements of AASB 124 by executing the following steps;

- a) identifying related party relationships and transactions;
- b) identifying outstanding balances, including commitments, between an entity and its related parties;
- c) identifying the circumstances in which disclosure of the items in (a) and (b) is required; and
- d) determining the disclosures to be made about those items.

Related Parties

Identification of Key Management Personnel (KMP)

KMP for Mid-Western Regional Council are considered to include:-

- the Mayor,
- Councillors,
- the General Manager,
- Directors,
- the Chief Financial Officer,
- the Executive Manager, People and Performance
- staff whom from time to time will act in any of the above mentioned positions

Identification of Related Parties

A person or entity is considered a related party of Council if any of the following conditions apply:-

- a) They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others)
- b) They are an associate or belong to a joint venture of which Council is part of
- c) They and Council are joint ventures of the same third party
- d) They are part of a joint venture of a third party and council is an associate of the third party

POLICY: RELATED PARTY DISCLOSURE POLICY | 1.3 , 17 AUGUST 2022

- e) They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.
- f) They are controlled or jointly controlled by close or possibly close members of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
- g) They are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
- h) They, or any member of a group which they are a part, provide KMP services to Council.

For the purposes of this policy, related parties of Council are:

- a) Entities related to Council;
- b) KMP of Council;
- c) Close family members of KMP;
- d) Possible close family members of KMP; and
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Please see Appendix 1 for examples of common related parties of council.

KMP's will identify all entities that are controlled or jointly controlled by close family members through the self-assessment process. Should uncertainties or any other contentious issues arise during this process the KMP's are responsible for discussing this with Councils Responsible Accounting Officer who can consult Councils external auditor for clarification if necessary.

Annual Review of Related Parties

A review of KMP's and their related parties will be completed at the beginning of each Financial Year. Whereby the identified KMP's will be required to complete the Related Party Declaration (see Appendix 2) by 31 July and present this to Councils Financial Operations Coordinator.

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP are responsible for keeping the Financial Operations Coordinator updated when any changes to those related parties occur outside of those times.

Particular events, such as a change in Councillors, General Manager, Directors or members of the Executive management team, will also trigger a review of Council's related parties immediately following such an event.

Councils Responsible Accounting Officer and Financial Operations Coordinator will be responsible for identifying Council subsidiaries, associates and joint ventures.

Councils Financial Operations Coordinator will maintain a register of all declared and identified related parties.

Related Party Transactions

Types of Transactions

The following are examples of transactions that are disclosed if they are transacted with a related party:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;
- Quotations and/or tenders;
- Commitments;
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party;
- Grants and subsidy payments made to associated entities of Council;
- Non-monetary transactions; and
- Compensation made to key management personnel and their close family members.

Materiality of Transactions

AASB 124 grants Council discretion to use their judgement when determining the level of detail to be disclosed in the financial statements. It should be noted that Materiality is not simply determined by the value of a transaction, many other factors are considered. As well as considering the closeness of the related party relationship other factors to be considered, when assessing related party transactions, are;

- significant in terms of size;
- carried out on non-market terms;
- outside normal day-to-day business operations, such as the purchase and sale of businesses;
- disclosed to regulatory or supervisory authorities;
- reported to senior management;
- subject to shareholder approval.

Ordinary Citizen Transactions

Ordinary citizen transactions are those transactions that are made on an arm's length basis between Council and related parties that an ordinary citizen of the community would transact with the Council.

Examples of these are rates payments for properties owned by the related party and dog registration payments.

Council will identify all transactions between Council and related parties. Any that are deemed to be ordinary citizen transactions will not typically be required to be disclosed in the annual financial report.

Transactions between Council and related parties that would normally be considered to be ordinary citizen transactions but where the terms and conditions differ from normal practice will not be considered to be an ordinary citizen transaction for the purposes of this policy. These will be disclosed in Council's annual financial statements in the related party disclosure.

Please note that KMP's are still required to notify the Financial Operations Coordinator of these transactions via the process outlined below and the determination of whether or not disclosure is required is vested with the Responsible Accounting Officer and Financial Operations Coordinator.

POLICY: RELATED PARTY DISCLOSURE POLICY | 1.3 , 17 AUGUST 2022

Should uncertainties or any other contentious issues arise during this process the KMP's are responsible for discussing this with Councils Responsible Accounting Officer who can consult Councils external auditor for clarification if necessary.

Identification of all Related Party Transactions

All related party transactions will be captured to allow a full assessment of transactions that are to be included in the related party disclosure per the disclosure requirements contained in AASB 124.

This will also allow Council's external auditors to perform a full analysis of the entire process that results in the related party transaction disclosure.

All KMP will be required to complete and submit a Related Party Transaction Declaration (Appendix 3) to the Financial Operations Coordinator, a notification advising of any known related party transactions that have occurred in the past 12 month period and any related party transactions that have the potential of occurring in the next 12 month period. A Nil notification will be required to be submitted to the Financial Operations Coordinator if no transactions are required to be reported.

This notification will be due to the Financial Operations Coordinator by 31 July covering the preceding financial year period.

To ensure all related party transactions are captured and recorded, the Financial Operations Coordinator is responsible for reviewing, if required, other sources of information held by Council including, without limitation:

- a) a register of related parties of a KMP and of persons related to the KMP;
- b) Council's pecuniary interest returns;
- c) minutes of Council and committee meetings;
- d) Council's Contracts' Register.

Councils Financial Operations Coordinator will maintain a register of all declared and independently identified related party transactions.

Required Disclosures and Reporting

AASB124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

1. *Disclosure of any material related party transactions* – if there have been material transactions between related parties, Council must disclose the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.
2. *KMP Compensation Disclosures* – must disclose in the financial statements KMP compensation in total for each of the categories.

If an elected member or staff member is affected by the related party disclosure they will be given a copy of the disclosure for comment before the external audit is finalised. All comments will be considered however any deviations from the standard policy will not be included in the final disclosure. The General Manager will give the final approval of what will be contained in the disclosure.

Information Privacy

Confidential

The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through a GIPAA application:

- a) information (including personal information) provided by a KMP in a related party disclosure; and
- b) personal information contained in a register of related party transactions.

Storage of information

Declarations and registers pertaining to the Councils related parties and related party transactions will be maintained within a secure and confidential location of Councils records management system.

When Consent is Required

Except as specified in this Policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

Permitted Recipients and Permitted Purposes

For the purpose of this policy the following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of declared related parties and/or related party transactions:

- a) the General Manager;
- b) the Responsible Accounting Officer Finance Manager and Financial Operations Coordinator,;
- c) Public Officer;
- d) an Auditor of Council (including an Auditor from the NSW Auditor General's Office);

For the purpose of this policy any person specified above may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of declared related parties and/or related party transactions for the following purposes:

- a) to assess and verify a notified related party transaction;
- b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions;
- c) to comply with the disclosure requirements of AASB 124;
- d) to verify compliance with the disclosure requirements of AASB 124.

POLICY: RELATED PARTY DISCLOSURE POLICY | 1.3 , 17 AUGUST 2022

Government Information (Public Access) [GIPPA] Status

The following documents are not open to or available for inspection by the public:

- a) related party disclosures provided by a KMP; and
- b) a register of related party transactions.

A GIPAA application seeking access to:

- a) a document or information (including personal information) provided by a KMP in a related party disclosure; or
- b) personal information contained in a register of related party transactions;

will be refused on the grounds that the document or information comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of GIPAA.

A GIPAA application seeking access to, and release of, transactional information and documentation about the subject of a related party transaction with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under GIPAA.

Appendix 1

Examples of common related parties of Council

Likely to be a Related Party of council	May be a Related Party of council
Councillors (including the Mayor)	Senior staff (if they are KMP they are a related party)
General Manager (GM)	Other family members of the Councillors, GM and senior staff that are KMP (if the family member may be expected to influence, or be influenced by, that person in their dealings with Council, then they are a related party)
Children of the Mayor, Councillors and the GM	
Spouse/Domestic Partners of the Mayor, Councillors and the GM	
Dependents of the Mayor, Councillors and the GM	
Dependents of a Spouse/Domestic partner of the Mayor, a Councillor or the GM	
Children of a senior staff member that is a KMP	
Spouse/Domestic partners of a senior staff member that is a KMP	
Dependents of a senior staff member that is a KMP	
Dependents of a Spouse/Domestic partner of a senior staff member that is a KMP	
Entities that are controlled or jointly controlled by Council, a KMP or their close family member.	

Disclaimer: This list contains a list of common related parties of council, however there may still be relationships not identified in this list that will meet the definition of a related party.

Appendix 2



Private and Confidential
Related party Declaration by Key Management Personnel

Name of Key Management Person: _____
Position of Key Management Person: _____

(List details of known close family members, entities that are controlled/jointly controlled by KMP and entity's that are controlled /jointly controlled by the close family members of KMP)

Name of person or entity	Relationship
--------------------------	--------------

I _____, declare that the above list includes all my close family members and the entity's controlled, or jointly controlled by myself or my close family members. I make this declaration after reading Councils Related Party Disclosure Policy which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

Declared at _____ on the _____

Signature of KMP:
Full Name of KMP:
Date:

www.midwestern.nsw.gov.au *Good Government*

Appendix 3



Related Party Transaction Declaration

[Note: This document is confidential and is not GIPAA-accessible. See Council's Related Party Disclosure Policy]

Name of Key Management Personnel:
 Position of Key Management Personnel:

- (a) has previously entered into and which will continue in the 2020/2021 financial year, or
- (b) has entered into, or is reasonably likely to enter into, in the 2020/2021 financial year.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship

Notification

I, notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2020/2021 financial year.

I make this notification after reading the Privacy Collection Notice provided by Mid-Western Regional Council, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of KMP:
 Full Name of KMP:
 Date:

9.7 Water Usage Charges - Undetected Leaks Policy Review

REPORT BY THE REVENUE COORDINATOR
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, GOV400066

RECOMMENDATION

That Council:

1. **receive the report by the Revenue Coordinator on the Water Usage Charges - Undetected Leaks Policy Review;**
2. **place the revised Water Usage Charges – Concealed Leaks Policy on public exhibition for 28 days; and**
3. **adopt the Water Usage Charges – Concealed Leaks Policy if no submissions are received during the public exhibition period.**

Executive summary

The existing Water Usage Charges – Undetected Leaks Policy (the Policy) has been reviewed as part of Council’s ongoing policy review program and is being presented to Council for endorsement. Some relatively minor changes are suggested, including referring to concealed leaks which better represents the intent of the policy. Recommended changes are shown in the track changes version of the Policy appended to this Report.

Disclosure of Interest

Nil

Detailed report

The Policy was executed in response to providing some financial relief in relation to the increasing cost of water and the financial impacts that can occur to both the Residential ratepayer and Council, when water usage is not routinely monitored.

The Policy also extends to provide some financial relief to the owners of Non-Residential properties regarding the payment of Sewer Usage and Liquid Trade Waste Charges where the water leak is significant and undetectable.

The proposed amendments are relatively minor, mostly seeking to clarify the types of water loss applicable to the policy. There’s also a new requirement relating to repair of leaks following owner notification by Council. Although no robust notification process currently exists, discussions have taken place in this regard. It’s envisaged that if leak notifications are consistently made by Council in the future, this policy may require further significant review, or potentially, the policy may not be required at all.

It should be noted that the calculation of any credit under the policy continues to be based on the difference between the actual charge and double the raw water rate. The raw water rate has increased significantly in recent years, which has seen the amount of credit provided under this policy diminish. The concession is currently around \$0.60 per KL, but was close to \$2.00 only a few years ago. This is considered appropriate given that property owners now have the ability to register for

leak notifications on the “Your Water” platform. It also serves as the start of a progressive winding back of the concession should Council driven notifications increase.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

IAN CLAYTON
REVENUE COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

3 August 2022

Attachments: 1. Water Usage Charges - Undetected Leaks Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

 <p>Mid-Western Regional Council ESTABLISHED 1979</p>	POLICY		
	WATER USAGE CHARGES – UNDETECTABLE CONCEALED LEAKS		
	COUNCIL MEETING MIN NO: 5714	VERSION NO: 1.12	
DATE: 21 March 2018 May 2022	REVIEW DATE: March 2022-2027	FILE NUMBER: F6780002	

Objective

The purpose of this policy is to provide a framework for processing and assessing requests for a reduction in water usage and sewer usage charges due to an undetectable concealed water leak.

The objectives of this policy are to:

1. Provide some financial relief to property owners when water is lost due to an undetectable-concealed leak, whilst demonstrating to property owners that they have a responsibility for maintaining their private water infrastructure and services.
2. Provide a standard approach in dealing with requests for financial relief when water is lost due to an undetectable-concealed leak.

Legislative requirements

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

Related policies and plans

- Hardship Provision – Rates and Charges Policy
- Debt Management and Recovery Policy

Policy

Principles

- a) The property owner is responsible for managing their water consumption at their property. This includes registering for "YourWater" to monitor daily water usage and leak alerts or regularly checking the water meter to monitor water usage and consumption patterns.
- b) The property owner is responsible for maintaining and repairing any water infrastructure including internal pipes or fixtures and irrigation systems in a timely manner to conserve water and reduce potential costs.
- c) Council may try to contact the property owner in regards to the leak. Such notification is provided as an added service and should not be relied on.

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Water usage charges – (residential properties)

- a) A property owner is responsible for all water usage that is recorded on the water meter/s located on their property, notwithstanding there is a leak, which includes an undetectable concealed leak.
- b) The determination of the application will be made by Manager Revenue & Property.
- c) The application is to be made on the appropriate form and adequate supporting documentation must accompany the application.

- d) The property for which the application applies must be land categorised as ~~residential-~~ *Residential* for rating purposes in accordance with section 516 Local Government Act.
- e) The applicant must be the owner/s of the property for which the application applies.
- f) The application must be received by Council within ~~60~~30 days of the issue of the water usage account. Applications may be accepted after 30 days in exceptional circumstances, at the discretion of the Manager - Revenue & Property.
- g) The leakage must have been significant and ~~undetectable~~ concealed. Significant leakage is determined if the water usage for the period in question is greater than 150 kilolitres and is 1.5 times greater than the previous 3 years daily average usage. Undetectable-Concealed leakage is defined as being hidden from view and occurring within pipeline breaks or connections in the ground, under slabs or within walls and is clearly not visible by the owner or occupier.

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POLICY: | 21 March 2018

- h) The submission of a copy of the licensed plumber's invoice or account should accompany the application outlining the cost of the repairs that were necessary, stating the location of the leak, and the nature of the repairs, and supported by a Statutory Declaration, advising that the entire service is in good condition and does not need replacing. If the works have been completed by a property owner, a Statutory Declaration needs to be submitted addressing the detail mentioned above.
- i) Where the application meets the criteria specified, the water usage which is greater than 1.5 times the previous 3 years daily average water usage, will be charged at 2 times the rate of the raw water usage charge for the relevant financial year. A maximum reduction of \$2,500, being the amount that was raised initially to the amount raised based upon the raw water charge, applies.
- j) Only one application will be accepted as a result of an undetectable leak at the same property and by the same owner/s, regardless of whether it is a related event or a separate undetectable leakage. The adjustment process is considered an educational activity and the property owner, by receiving an adjustment the first time, should then be aware to check for leaks regularly and maintain plumbing at the property.
- k) Applicants will be advised in writing of the decision within 30 days of receipt of the application.
- k~~l~~)** The leak must be repaired within 30 days of notification by Council. This notification may be received via text, email or letter advising of increased consumption. In the absence of advice from Council or leak alert from 'YourWater', the leak must be repaired within 30 days of the issue date of the water account containing the increased water consumption charges due to concealed leak.

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Sewer usage and liquid trade waste charges – (non-residential properties)

- a) In accordance with clause d) above, non-residential properties are ineligible for reduction in water usage charges under this policy.
- b) Where a non-residential property, subject to sewer usage charges based on water consumption, experiences an undetected-concealed leak which has not discharged to the sewer system, sewer usage and liquid trade waste charges will not apply in relation to the quantity of water estimated to be the subject of the leak.
- c) Clauses a), b), c), e), f), g), h) K) & k~~l~~) above apply to any application under this part.

VARIATION

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

9.8 Naming of a bridge on Spring Ridge Road over Goodiman Creek, Beryl

REPORT BY THE REVENUE OFFICER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, ROA100071

RECOMMENDATION

That Council:

1. receive the report by the Revenue Officer on the naming of a bridge on Spring Ridge Road over Goodiman Creek, Beryl;
2. formally approve the name of O'Brien Bridge; and
3. advertise the approved name and submit the name to the Government Gazette.

Executive summary

Formal approval is requested to name the bridge on Spring Ridge Road over Goodiman Creek in the locality of Beryl, O'Brien Bridge.

Disclosure of Interest

Nil

Detailed report

Council received a request from a member of the public for the bridge over Goodiman Creek on Spring Ridge Road to be named. Council wrote to the neighbours of the bridge requesting their naming suggestions and public consultation was also invited in an advertisement in the 1st January 2022 Mudgee Guardian.

From submissions received, Council provisionally approved the name of O'Brien Bridge at their 15th June 2022 meeting.

O'Brien relates to the O'Brien family who have resided in the area since the late 1800's, and continue to reside in the area adjacent to the bridge being named.

The new bridge name was advertised in the 1st July 2022 issue of the Mudgee Guardian and on Council's website with no additional submissions or objections received.

Notices of the new bridge name 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 with no objections received.

Council has the authority to name bridges and the naming of this bridge will assist in identifying locations along Spring Ridge Road when reporting incidents to the Emergency Services Call Centre (000).

In accordance with Council's Road, Bridge & Place Naming Policy, should Council formally endorse the naming of this bridge, 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

Not Applicable

Financial implications

The cost and installation of two name signs is currently within existing street signage budgets.

Associated Risks

Nil

SARAH PRINGLE
REVENUE OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

27 July 2022

Attachments: 1. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



9.9 Naming of a new street in a subdivision off Railway Street, Gulgong

REPORT BY THE REVENUE OFFICER
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, P04862, R0790141

RECOMMENDATION

That Council:

1. receive the report by the Revenue Officer on the naming of a new street in a subdivision off Railway Street, Gulgong;
2. name this street Millennium Court; and
3. advertise the proposed name and receive a further report at the end of the exhibition period to formalise the name of the street.

Executive summary

A new subdivision off Railway Street in the town of Gulgong includes one new street. Addressing requirements for the new subdivision will necessitate the naming of this new street.

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 new street.

Following the approval of a new subdivision off Railway Street in the town of Gulgong, Council wrote to the property owner and neighbours of the subdivision on 15th June 2022 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 17th June 2022 issue of the Mudgee Guardian and on Council's website. Submissions closed on 8th July 2022 and during this period two submissions were received with the following names suggested:

Millennium	Budhin	Bulan
Wayimaa	Wambuwuny	

These names were evaluated via the Geographical Names Board and an issue was found with Bulan as it sounds similar to Ulan Road.

Millennium, Budhin, Wayimaa and Wambuwuny were accepted for use.

The recommended name of Millennium relates to a time when one period ends and another begins.

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 new street will allow the completion of street

addressing within this new subdivision. Section 162 of the Roads Act (1993) states that “a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months’ notice of the proposed name.”

In accordance with Council’s Road, Bridge and Place Naming Policy, the name that Council endorses for this street 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 street name, and Gazettal of the new street 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 a street sign at the intersection of Railway Street and the street to be named. The costs of which will be met by the developer.

Associated Risks

Nil

SARAH PRINGLE
REVENUE OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

20 July 2022

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: Morgan Blamey
Sent: Friday, 10 June 2022 12:42 PM
To: Carolyn Atkins
Cc: Daniel McNamara; Kayla Robson
Subject: Railway Street, GULGONG

Re: Railway Street, GULGONG - DA0333/2022

Hi Caroyln,

Thank you for following up, we would like to commence the road naming process with Council.

Proceeding with a single street for road naming purposes, the name we would like to put forward is 'Millennium Court'. The reason for selecting this name is personal preference amongst the development team. Please see below definitions of the word 'Millennium' for reference:

the millennium the time when one period of 1,000 years ends and another begins

i.e. a new beginning for residential development within Gulgong.

Happy to discuss further.

Morgan Blamey | **Development Planner**

dmps

Note: This email is confidential and may contain copyright material of dmps intended solely for the addressee. If you received the email in error please notify us immediately by email and delete all copies. It is the responsibility of the recipient to virus scan this email and any attachments.

Street Name Suggestions
going ~~off~~ from Station St
Gulgong
- Elaine Scott



Bulan-Bulan - Wiradjuri - pronounced Bulan ^{PARRYT} Bulan
Boodhin - Wiradjuri - pronounced Boodhin - ^{SUNBEAM}
Wayimaa - Wiradjuri - pronounced Way - ^{COCKATOO} Mar
Wambuwuny - Wiradjuri - pronounced Wom - ^{KANGAROO} Boyn



Item 10: Operations

10.1 Floodplain Risk Management Committee

REPORT BY THE DIRECTOR OPERATIONS
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, SEW200053

RECOMMENDATION

That Council:

1. **receive the report by the Director Operations on the Floodplain Risk Management Committee;**
2. **reinstate the Mid-Western Regional Council Floodplain Risk Management Committee as an advisory body to Council; and**
3. **appoint Cr _____ and Cr _____ as Council delegates to the Mid-Western Regional Floodplain Risk Management Committee.**

Executive summary

The establishment of a Floodplain Risk Management Committee (FRM) by Council is part of the formal steps in the Floodplain Risk Management Process. With the review of the Mudgee Flood Study completed and the subsequent review of the Floodplain Risk Management Plan and Study commencing, the formation of the Committee is a requirement of the NSW Department of Planning, Industry and Environment (DPE) guidelines. The Committee is an advisory committee to Council and will operate under a Terms of Reference (Attachment A).

Committee membership shall comprise of:

- Councillors – 2
- Local SES Controller or nominee
- Representative of the Department of Planning, Industry and Environment
- Community representatives – up to 2 who have an interest in local catchment flooding issues or community representation
- Planning staff - 1 from development assessment and 1 from strategic planning
- Operations staff – Director of Operations and Manager Infrastructure Planning.

Council has previously had such a committee in the past and had ex Councillor Holden as the nominated representative.

Disclosure of Interest

Nil

Detailed report

Councils in NSW are obligated to develop and implement floodplain risk management plans in accordance with the NSW DPE guidelines as set out in the Floodplain Development Manual 2005. The guidelines stipulate the formation of a floodplain risk management committee (FRM Committee) that makes recommendations to Council.

The principle objective of the FRM Committee is to assist Council to undertake studies and develop the Flood Risk Management Plan for the study area, and provide advice on priorities for implementation. Once the committee has completed the prime task of developing and FRM plan and implementation strategy, and the council has adopted these, implementation falls back to council or the responsible authority as part of activities under the FRM framework.

The Committee acts as both a focus group and forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possibly differing viewpoints on these issues into a management plan. The DPE guidelines suggest that Committee membership should be comprised of elected members of Council, Council staff from engineering, planning and environmental disciplines, local community representatives, representatives of relevant industry bodies, DPE officers and a representative from the SES. The Committee does not have any formal powers, rather is an advisory committee with the principal objective to assist the Council in the development and implementation of the management plan for the area(s) under its jurisdiction.

The Committee provides important links to state agencies, key stakeholders and the community.

The establishment of a Floodplain Risk Management Committee by Council is a step in the Floodplain Risk Management Process. To form the Committee it is recommended that 2 delegates be appointed from Council. Council Officers will write to OEH and SES requesting a representative be nominated as members of the Committee.

Community Plan implications

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

Strategic implications

Council Strategies

Mudgee Flood Study – forms a component of the Flood Risk Management framework

Council Policies

Nil

Legislation

NSW DPIE – Flood Prone Land Policy

NSW DPIE Floodplain Development Manual

Financial implications

There are no direct financial implications in the formation of the FRM Committee for staff, consultants or community volunteers. The consultants who provide advice to the committee are engaged to undertake the Flood Risk Management Study and Plan and meetings are included in the technical brief. Community participation is voluntary.

Associated Risks

Formation of the committee is a requirement of both the funding deed with DPIE and is a key principle in the sustainable governance arrangements for the Flood Risk Management process. Not establishing such a committee provides risks around strategic FRM planning, consultation and links to relevant agencies that provide valuable input to the FRM process.

JULIAN GEDDES
DIRECTOR OPERATIONS

2 August 2022

Attachments: 1. Terms of Reference.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



TERMS OF REFERENCE

MUDGEE FLOODPLAIN RISK
MANAGEMENT COMMITTEE

3 AUGUST 2022

MID-WESTERN REGIONAL COUNCIL
OPERATIONS



OPERATIONS | TERMS OF REFERENCE

Committee Name

The committee shall be known as the 'Mudgee Floodplain Risk Management Committee'. Further reference to the Mudgee Floodplain Risk Management Committee within this document will be referred to as the 'Committee'

Delegations

The Committee has no delegations from the Council.

Financial Arrangements

Unless expressly resolved by Council the Committee has no powers to commit nor expend any Council funds.

THIS DOCUMENT HAS BEEN PREPARED BY JULIAN GEDDES, DIRECTOR OPERATIONS FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:
JULIAN.GEDDES@MIDWESTERN.NSW.GOV.AU OR (02) 6378 2850

DATE OF PUBLICATION: 3 AUGUST 2022

OPERATIONS | TERMS OF REFERENCE

Committee's Responsibilities

The objective of the Committee is to provide advice to Council on floodplain risk management issues facing the Mudgee flood planning area catchment in accordance with Appendix D of the NSW Floodplain Development Manual (2005).

In particular the Committee shall oversee the following items completed in accordance to the Mudgee Floodplain Risk Management Study and Plan Technical Brief:

- Floodplain Risk Management Study.
- Floodplain Risk Management Plan.
- Interim development controls within the floodplain area.
- Community Consultation material / framework

The role of the Committee is advisory to:

- Discuss the technical, social, economic and ecological issues and for the distillation of possibly differing viewpoints on these issues;
- Assist Council by providing direction through the process of preparation and implementation of Floodplain Risk Management Planning.
- Foster partnerships and collaboration between the local community and Council.

Committee Membership

Membership of the Committee shall be comprised of:

- Councillors – 2 as determined by Council resolution
- Local SES Controller or nominee
- Representative of the Department of Planning, Industry and Environment
- Community representatives - up to 2 whom have an interest in local catchment flooding issues and community representation.
- Planning staff – 1 from development assessment and 1 from strategic planning.
- Operations Infrastructure Services staff - 2

The Council reserves the right to determine the appointment of all members and member Organisations, Community or Interest Groups.

Membership Selection

Councillors, Council staff, Agency and community representatives shall be nominated by Council Resolution, the General Manager or the respective agency as appropriate.

OPERATIONS | TERMS OF REFERENCE

Membership Tenure

Councillors will be appointed for the Term of the Council unless otherwise resolved by the Council.

All other Committee member's appointment may be ended on the basis on one of the following:

- Resignation of a member;
- Regular non-attendance (missing three (3) consecutive meetings); or
- Failure to adhere to the protocols set out below.

Should the committee agree by consensus, the committee may appoint additional members or fill in any vacant positions. Should the committee be in consensus, a position may be left permanently vacant.

Committee membership is to be dissolved or renewed as required to serve the needs of dealing with the matters before the Committee.

MEETING PRACTICE Code of Meeting Practice

The meeting procedures outlined in the Council's Code of Meeting Practice shall guide the meeting procedures of the Committee unless otherwise outlined below:

Chairperson

A designated Council Staff member will act as chairperson and is required to form a Quorum.

Executive Officer

The Executive officer shall:

- provide executive support to the Committee
- be responsible for preparing the agenda and minutes of the Committee meetings
- be responsible for preparing report to Council containing the minutes
- be responsible for providing the Committee members with the resolutions of Council regarding Committee recommendations.

Other Attendees

- Guest speakers/observers may be invited as required and as determined by the Committee.
- There may be a need to establish temporary sub-committees or working groups to meet certain criteria or to pursue specific issues

OPERATIONS | TERMS OF REFERENCE

Responsibilities of Members

Should a member be unable to attend a meeting, an apology or notification must be made to the Secretary prior to the meeting.

Members will have no power or delegations to make decisions on behalf of Mid-Western Regional Council or allocate funds.

Members must follow meeting protocols. The following meeting protocols are as follows:

- Members shall respect the role of the chair in the conduct of the meetings.
- Members shall respect the right of every member to speak and put forward their views.
- Members shall comply with the chair's decisions in relation to agenda items and timeframes.
- Meetings shall be run through consensus. Where there is an opposing view, members can choose to have their name recorded in the minutes stating their position.
- Minutes shall be taken each meeting and distributed to each member via email, providing a summary of issues discussed and actions to be progressed.
- Any confidential items brought up in the meetings shall not be made public.
- Members are to declare any potential conflict of interest that may arise in the considerations of the committee and at such a time where a conflict of interest is established, remove themselves from any relevant discussions.

Frequency of Meetings

The Committee shall meet at staged intervals as per the Mudgee Floodplain Risk Management Study and Plan Brief at Council offices at a mutually agreed time. Meeting frequency will vary depending on the business and release of information from the consultant undertaking the study and plan.

Quorum

A quorum for attendance shall be satisfied following that **half the membership of the committee plus one** is in attendance.

Notice of Meeting and Agenda/Business Paper

A notice of an agenda for every meeting of the committee will be forwarded to all committee members at least five (5) working days prior to the date of each meeting.

Any items submitted for inclusion by any committee members are to be lodged with the Committee's nominated secretary a minimum of two (2) weeks prior to the meeting to allow time to prepare information on the matter.

Minutes of a meeting will be taken by a Council officer and distributed to all Committee members within ten (10) days of the meeting.

OPERATIONS | TERMS OF REFERENCE

Voting and Decisions

Decisions made by the committee will be based on a voting system. The proposition which receives the majority of votes (more than half in attendance) will be the decision of the committee.

Each member on the committee will be entitled to a single vote.

Should a decision be equally voted for, the chairperson presiding at the meeting shall have another vote in addition to their original vote.

Should the Committee make a recommendation which may require further consideration by Council's Executive and/or Council, Council officers will refer the consideration to the appropriate body.

10.2 ACEN Stubbo Solar Farm Blue Springs Road Upgrade

REPORT BY THE DIRECTOR OPERATIONS
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, LAN900112

RECOMMENDATION

That Council:

1. **receive the report by the Director Operations on the ACEN Stubbo Solar Farm Blue Springs Road Upgrade;**
2. **approve Council completing the upgrade of approximately 4.6km of Blue Springs Road on behalf of ACEN Stubbo Solar Pty Ltd at no cost to Council;**
3. **authorise the Director of Operations to negotiate final terms and sign all necessary contractual documentation to formally accept the \$3,912,000 for Blue Springs Road upgrade plus or minus 10% for ACEN Stubbo Solar Pty LTD;**
4. **amend the 2022/23 budget to allocate \$3,912,000 for Blue Springs Road upgrades; and**
5. **authorise the General Manager to negotiate any positive variations to the contract with ACEN Stubbo Solar Pty Ltd up to an additional \$1,000,000 with any such variations reported to Council through the monthly budget report.**

Executive summary

As part of the development requirements for the Stubbo Solar Farm, 4.6km of road upgrades are required to Blue Springs Road. Council is proposing to undertake these works as the Principle Contractor for ACEN Stubbo Solar Farm Pty Ltd. The works will be performed under contract with all costs being paid by Stubbo Solar Pty Ltd.

Disclosure of Interest

Nil

Detailed report

ACEN Stubbo Solar Farm Pty Ltd has received approval to construct a large scale solar farm off Blue Springs Road. One of the conditions of the development consent requires Stubbo Solar to upgrade the first 4.6km of Blue Springs Rd including the intersection with Cope Road and the site entry intersection.

Subject to Council approval, Council has provided a quote of \$3,912,000 for the works and a timeline that sees the works are completed by the end of December 2022, subject to plans of management being accepted by the Department of Planning. Any delays in approval outside Councils control, will delay the above timelines. ACEN Stubbo Solar are accepting of both the quote and the timeline.

Council envisage there may be a requirement at the request of ACEN to complete additional works to that currently included in the priced scope. The recommendation allows the General Manager to accept positive variations in this instance.

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

Nil

Council Policies

Private Works policy

Legislation

Not Applicable

Financial implications

All costs associated with the works will be paid by ACEN Stubbo Solar Pty Ltd, a budget allocation is recommended in this report for the value of the works. The value of the works is anticipated to be less than the quote, as a reasonable profit and contingency has been built in to cover risk as per the private works policy.

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

Associated Risks

Council assumes the risks of delivery as per the contract. Council does take on and accept the risks associated with delivery of the project in accordance with design unless negotiated otherwise. There are no penalties in the contract for delay costs. Council is required to deliver the project in accordance with the development consent and associated management plans and environmental controls.

JULIAN GEDDES
DIRECTOR OPERATIONS

4 August 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.3 Asset Management Strategy 2022-2026

REPORT BY THE DIRECTOR OPERATIONS
 TO 17 AUGUST 2022 ORDINARY MEETING
 GOV400098, COU500082

RECOMMENDATION

That Council adopt the Asset Management Strategy and Asset Management Policy.

Executive summary

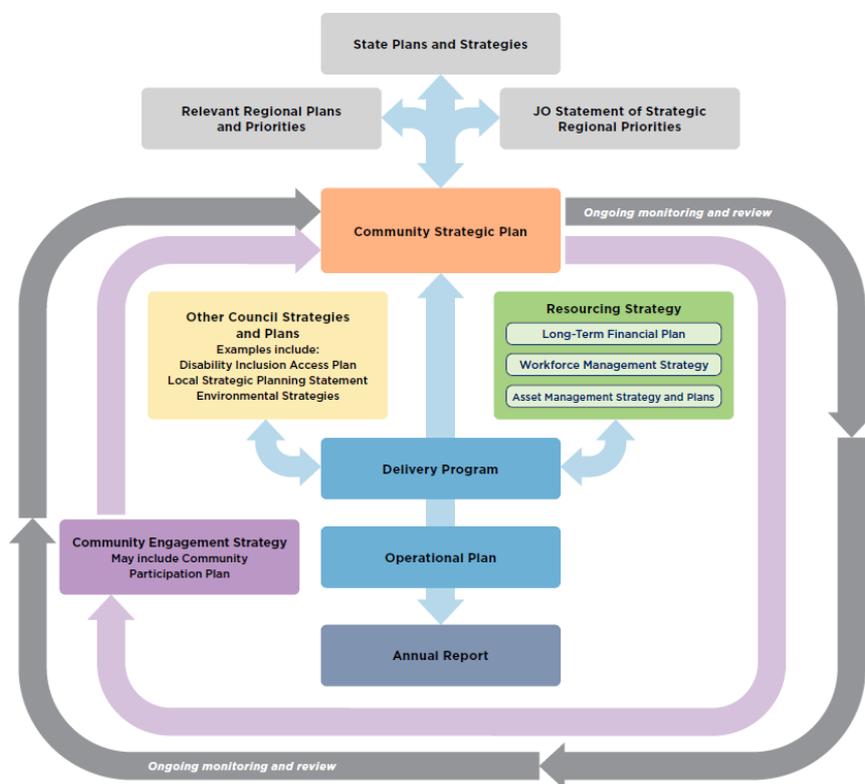
The Asset Management Strategy (AMS) is a requirement of the Integrated Planning and Reporting process and is an important component of Council Resourcing Strategy which incorporates the Long Term Financial Plan, Operational Plan and Delivery Program, Community Plan and Asset Management Policy. The Asset Management Strategy and Asset Management Policy were placed on public exhibition from 22nd June until 22 July 2022. No submission were received.

Disclosure of Interest

Nil

Detailed report

Integrated Planning and Reporting Framework



The Asset Management Strategy (AMS) is designed to provide ongoing strategies to manage Council's physical assets including setting parameters for asset selection, maintenance, inspection

and renewal which plays a key role in determining the operational performance and sustainability of Council.

The Asset Management Strategy addresses ongoing asset management improvement tactics, action steps based on internal/external audit assessments and recommendations to ensure council have plans and strategies in providing services and infrastructure that community needs.

The Asset Management Strategy was placed on public exhibition from 29th June 2022 until 22nd July 2022, with no submissions being received. The recommendation is now for Council to adopt the Asset Management Strategy and associated Asset Management Policy.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

Strategic implications

Council Strategies

Council Resourcing Strategy
Operational Plan 2022/23

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The Asset Management Strategy makes up a part of the Council Resourcing Strategy and is included in the Operational Plan 2022/23 and the Long Term Financial Plan.

Associated Risks

Nil

JULIAN GEDDES
DIRECTOR OPERATIONS

5 August 2022

Attachments: 1. Asset Management Strategy 2022-26. (separately attached)
2. Asset Management Policy 2022. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Mudgee Arts Precinct Construction - Project Update

REPORT BY THE DIRECTOR COMMUNITY
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, COR400301, REC800038

RECOMMENDATION

That Council note the report by the Director Community on the Mudgee Arts Precinct Construction - Project Update.

Executive summary

The attached report provides an update on the Progress of the Mudgee Arts Precinct Project.

Disclosure of Interest

Nil

Detailed report

The Mudgee Arts Precinct Project is a major project that has attracted \$5.3 million in State and Federal funding from a total budget of \$8.1 million.

The project continues to progress with several successful exhibitions having taken place.

Construction on the workshop building has commenced and is running to schedule with fit out of furniture to be installed in August and project completion expected by the end of September.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing unexpected risks that emerge with this project.

SIMON JONES
DIRECTOR COMMUNITY

26 July 2022

Attachments: 1. Mudgee Arts Precinct Progress Update.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MUDGEE ARTS PRECINCT PROJECT PROGRESS REPORT

25 JULY 2022

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | MUDGEES ARTS PRECINCT PROJECT PROGRESS REPORT

Project Update

As at 25 July 2022 the overall project progress for the Mudgee Arts Precinct Project was approximately 90%.

OVERALL PROJECT PROGRESS



GALLERY AND TOURISM BUILDING PROGRESS



WORKSHOP BUILDING PROGRESS



PROJECT EXPENDITURE



COMMUNITY

Achievements and Highlights

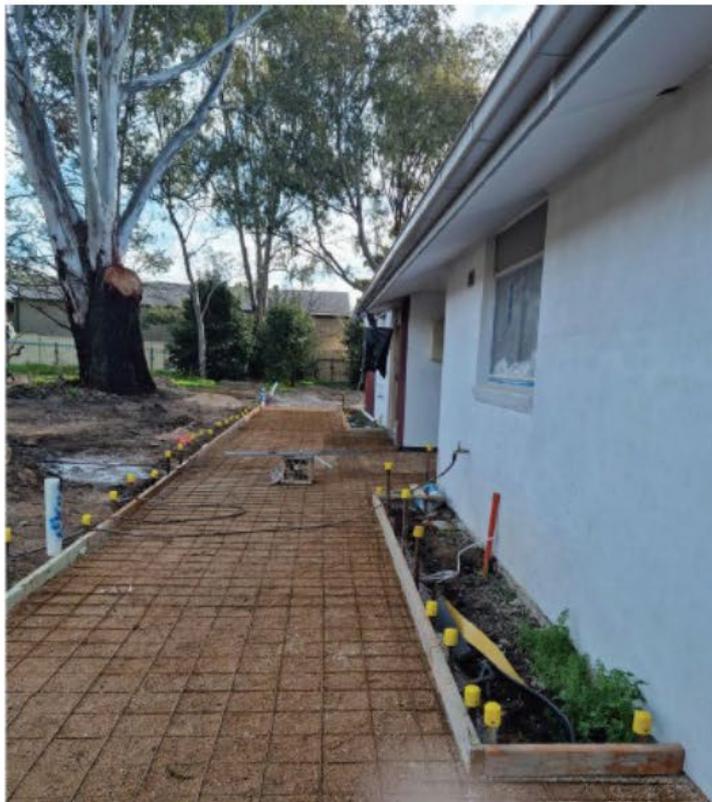
- Construction commenced on workshop building
- Painting and gyprock complete
- Flooring, kitchen and wash up cabinetry has been installed
- Electrical works and concreting has commenced

The Next 6 Months

- New fencing and landscaping
- New parking areas constructed
- Fit-out of workshop spaces

COMMUNITY | MUDGEES ARTS PRECINCT PROJECT PROGRESS REPORT

PHOTOS



COMMUNITY | MUDGEES ARTS PRECINCT PROJECT PROGRESS REPORT



COMMUNITY | MUDGEES ARTS PRECINCT PROJECT PROGRESS REPORT



11.2 Mudgee Arts Precinct - Quarterly Report

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, REC800038

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mudgee Arts Precinct - Quarterly Report; and**
2. **note the recent services and activities provided with respect to Mudgee Arts Precinct.**

Executive summary

This report aims to familiarise Council with services and activities provided with respect to Mudgee Arts Precinct and related cultural activities for the period 1 April 2022 to 30 June 2022.

Disclosure of Interest

Nil

Detailed report

Programming

Mudgee Arts Precinct's third exhibition *Michael Bourke: A Brief History of Mudgee* opened on 8 April 2022. A well-known local artist, Michael's satirical and witty interpretation of the region was well received, particularly by members of the local community (including repeat visitors).

The exhibition was part of the gallery's mission towards assisting with the establishment of a 'cultural economy' with the artist selling all works from the exhibition except one, and receiving commissions for several new works and also a follow up exhibition at another local gallery later this year.

Having a local artist also enabled the gallery to facilitate school tours hosted by the artist. Michael gave 14 tours in total, including seven visits from Mudgee Preschool, St Matthews Catholic School, Mudgee High School, Mudgee Public School and All Hallows. In total, around 500 school children visited the exhibition as part of an official tour; many visited more than once.

The exhibition received very positive reviews through social media, as well as via visitor feedback.

Alongside *A Brief History of Mudgee*, the Precinct exhibited *The Princess and The Piano*. By local sculptor, Pamela Welsh, the exhibition comprised a series of six works based on the extraordinary story of Princess Alexandra of Bavaria who suffered from 'glass delusion' and believed she had swallowed a glass baby grand piano.

A total of 10,221 visitors came through over this period (up from the 4,240 visitors from the previous quarter). Organic word-of-mouth drew many people from the local community to see the exhibition, being accessible and targeted to people from the region.

Both Michael and Pamela featured in The Mudgee Guardian and were interviewed for ABC Central West. Pamela's exhibition was also reviewed in Arts Zine in May 2022, discussing her practice and the background to her figurative creations.

Education

The gallery continued to host educational tours and art activities for students in and visitors its exhibition spaces. Over the course of the April to June period. Almost 500 people attended these events, including participants from pre-schools, primary schools, and high schools across the region.

Mudgee Arts Precinct also continued to produce educational videos supported by the Museums & Galleries of NSW's *Let's Get Digital* program. Michael Bourke and Pamela Welsh's *'Making Conversations'* videos were published on 23 May on the Precinct's YouTube channel with a combined 95 views.

As part of Michael's exhibition, the Precinct also produced a video narration with Ken Sutcliffe to accompany the paintings as a QR code in the gallery space. This was posted on 8 April 2022 and had 559 views.

Community engagement

Mudgee Arts Precinct hosted artist talks with Michael Bourke and Pam Welsh as part of their exhibitions and shared insights into their creative approaches and artistic processes. These events were attended by 65 participants.

Community workshops linking to gallery exhibitions were delivered, as well as the annual Waste 2 Art community art exhibition and competition. The workshops were attended by 58 participants and 36 entries were received for the Waste 2 Art competition. Eleven category winners were featured in the Regional exhibition at Lithgow and Kandos Public School's *Fending off Flotsam* received highly commended recognition.

The Cultural Officer continues to forge strong relationships with art teachers from local schools and the increased engagement has resulted in local teachers linking their curriculums to coincide with gallery exhibitions.

Digital Marketing

Facebook

Facebook page reach 22,427	Facebook page visits 1,575	New Facebook page likes 128
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Instagram

Instagram reach 2,847	Instagram profile visits 790	New Instagram followers 115
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YouTube

Views 1,215	Subscribers 13
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Grant funding

Council has been successful in its application for LGA funding from Create NSW and will receive \$50,000 for programming in 2022/2023. The funding will enable the gallery to continue to program exhibitions of artistic excellence, produce accompanying educational and digital resources, host exhibition openings and ensure the artists and curators are suitably reimbursed for their contributions.

Council was also successful in its application for CHART Funding (Culture, Heritage and Arts Regional Tourism) from Australian Museums and Galleries Association for almost \$3,000 to assist with purchasing equipment for the Precinct's education programs.

Community Plan implications

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

Strategic implications

Council Strategies

A Strategic Plan for Mudgee Arts Precinct is currently in development and will be presented to Council shortly.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

25 July 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 Community Services - Quarterly Report

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, COS300010

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Community Services - Quarterly Report; and**
2. **note the recent services provided and activities coordinated by Council's Community Services Department.**

Executive summary

The aim of this report is to familiarise Council with the services and activities coordinated by Council's Community Services Department and to inform it of any issues and event of note that arose during the period 1 April 2022 to 30 June 2022.

Disclosure of Interest

Nil

Detailed report

Details of Community Services' quarterly activities, events, milestones and points of interest are contained within the attachment to this report. Of particular interest:

- Community Development Officers rolled out positive activities to acknowledge National Sorry Day and Reconciliation Week;
- Eight 'Get Ready Community Interactive workshops' focusing on community preparedness and building capability and resilience, reducing will be rolled out in August across the region;
- Community Transport trip statistics are beginning to improve as more services and opportunities open up following the global pandemic;
- There continues to be a need for quality educators across the region to host Family Day Care Services as waitlists for early childhood education and care grow.

Community Plan implications

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

Strategic implications

Council Strategies
Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

25 July 2022

Attachments: 1. Community Services - April to June 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

COMMUNITY DEVELOPMENT

Monthly Interagency meetings have continued throughout the year with good attendance and feedback from agencies regarding sharing information and networking.

Issues discussed included Centrelink payments, continuing COVID-19 issues affecting service delivery and the ability to work, the continuing effects of the Black Summer bush fires and recent floods.

Local housing remains a major topic of discussion, particularly as rental rises in Mudgee have precipitated rises in all the villages as well. Accommodation options are hampered by the increasing demand for additional AirBnB style accommodation with approximately 471 properties currently listed in the region. This has been reflected in an increase in services' clients presenting with lease terminations/no options to renew rental agreements. The so called recent 'property boom' and need for accommodation for visiting contractors are also contributing to this stress.

Planning for this year's Rylstone Family Fun Day has commenced and information is being shared on the LifeSkills Plus programs and other outreach services being delivered in Rylstone and Kandos.

Community Development Officers delivered two Interagency Information Sessions in April on problematic gambling (particularly youth gambling) and domestic violence.

Community Development Officers coordinated a Sorry Day event in Mudgee on 26 May with a group of local Indigenous and non-Indigenous people meeting in Mudgee to watch a film on the background to Sorry Day. The following day marked the beginning of Reconciliation Week and an outing to Drayton's Valley Reserve was arranged for a smoking ceremony, a short walk (looking for artefacts and hand stencils) and then a discussion about plans for the reserve now that its management has been handed over to NEWCO (North East Wiradjuri Company).

There was also discussion about Wirambili-yanhi Wiradjuri walan, the Indigenous culinary and medicinal plants community garden being developed next to the NEWCO building in Kandos. This project was initiated and supported by the Community Development Team.

Community Development staff participated on online Mudgee Child and Family Network Meetings to supply and share information and services, provide a voice for implementing programs, services and events to target early intervention initiatives. The meetings for the quarter have been attended by a number of stakeholders including Council, early childhood education and care providers, an NDIS service provider and Community Health.

The New South Wales Seniors Week Festival 2022 was celebrated from 25 March to 3 April. The Planning Committee organised lunches at Gulgong, Mudgee, Rylstone and Kandos which included the presentation of the Seniors Citizen of the year Award for each town, handed out by a Council representative. The Committee also organised a Concert with morning tea, for the LGA. The Concert was very well attended by 120 seniors with excellent feedback.

Wollemi Voices continues to grow in members with its external facilitator continuing to provide singing teaching in a voluntary capacity. This activity successfully delivers an outcome of social participation under Department of Communities and Justice funding.

Official confirmation NEWCO's \$20,000 grant from the National Indigenous Australians Agency for establishment of the Wirambili-yanhi Wirambili walan Indigenous Plants Community Garden was received in April. Earthworks are due to commence shortly, followed by the delivery of sandstone blocks and some water tanks for catchment. A steel

garden shed has been delivered and construction of that plus a slab will be undertaken shortly.

Grant funding will be used for earthworks and setting up garden beds and a yarning circle, installing water tanks to collect water for the garden and purchasing gardening equipment and plants.

COMMUNITY RECOVERY

Determine long term resource needs for if/when another disaster occurs.

Resilience NSW plans to utilise the Mid-Western area for the pilot 'Community Resilience Network' program have been delayed due to the flooding across the state and staff requirement to deploy to areas outside of the LGA.

In May, Council's Community Recovery Officer attended Resilience NSW training in Evacuation Management and Emergency Management Centre Concepts as well as attending the Australasian Fire awareness and Community engagement Conference.

Regular feed back to the Community Recovery Officer has come from community interactions, community meetings, and events such as the Mudgee Small Farm Field days. This has included information around areas of flooding that were previously unknown, and subsequent impacts on residents. Unknown weather impacts, often do not trigger combat agency response due to the resilient nature of affected communities. In turn, the recovery phase is not activated. Resilience NSW have been made aware of this concern.

Eight 'Get Ready Community Interactive workshops' focusing on community preparedness and building capability and resilience, reducing dependence on Government services will be rolled out in August in Cooyal, Goolma, Gulgong, Wollar, Hargraves, Mudgee, Olinda and Running Stream.

The workshops are interactive and will enable communities to reconnect and build stronger relationships. The workshop agenda is based on the five simple steps of the "Get Ready" program:

1. Know your risk
2. Plan now for what you will do
3. Get your home ready
4. Be aware
5. Look out for each other.

These workshops will provide participants the opportunity to ask specific hazard and agency questions. The events will also provide emergency services an opportunity to promote and recruit within local communities.

A Running Stream community meeting was convened by Lithgow Council in June 2022. It provided the community with an opportunity to reconnect and discuss further community projects to build resilience. The event was well attended and future programs are also planned. Lithgow Council planned and delivered this event for running stream community.

Bushfire Recovery Grants are currently open and being promoted for the community led projects for not-for-profit organisations or individual applicants to support sustained economic recovery and community resilience following the 2019-2020 bushfire season. The fund 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. Applications for total funding capped at \$62,000 are open until 16 September 2022.

COMMUNITY TRANSPORT

Quarterly statistics

Commonwealth Home Support Program trips	601
Community Transport Program trips	139
National Disability Insurance Scheme trips	93
Department of Veterans Affairs trips	23
Health Related Transport trips	102
Full cost recovery trips	112
Non reportable trips	23
Total	1073

Unmet requests for transport: 16 (the majority being Sydney trips due to driver unavailability).

Fleet

Six vehicles comprise the Community Transport fleet. One car is currently off the road due to reaching contractual maximum odometer reading allowable. This vehicle will be replaced with an AWD vehicle which is more suitable for predominantly out of town clients living on unsealed roads and challenging driveways.

Volunteers

There are currently 19 drivers are registered for volunteering. Two were unavailable during this period for personal reasons, and one unavailable due to being on holidays. Three new volunteers have been recruited during this reporting period. Volunteer drivers completed their first aid training in May which is now mandatory for all drivers under the funding guidelines. Staff also completed first aid training.

Compliance Reporting

All mandatory and required reporting has been prepared and submitted by due dates. Compliance meetings have been conducted by Transport for NSW and no major non-compliance issues identified.

General

The majority of trips delivered are for medical appointments. Day programs at Mudgee Hospital recommenced late in the reporting period which will increase trip outputs. Trip numbers have been down for some time due to the pandemic however an increase in demand is slowing becoming evident. Social outings and promotion of services is required to increase outputs and will be implemented coming into the warmer months.

FAMILY DAY CARE

Family Day Care continues to provide education and care to the families within Mudgee, Gulgong and Kandos (also Wellington).

Educator numbers remain at twelve (6 in Mudgee, 2 in Gulgong, 1 in Kandos, and 3 in Wellington).

Our waiting list continues to grow with currently 25 families on the waiting to receive care. There is a mixture of ages but predominately under 3years. A recruitment drive for new educators has been planned for the second half of the year.

The Community Child Care Funding Sustainability Support Performance Report and Child Safety Statement of Compliance Report was submitted 30 June 2022 and was assessed as complete with no further action.

A compliance visit was conducted by the Department of Education Early Childhood Education Directorate towards the end of May 2022. Areas identified as needing action have been addressed.

The pandemic is still having a negative impact on educators and families – if an educator's household member contracts COVID, they are required to close and are unable to provide education and care to the children. This impacts educators' income as well as that of the scheme; the levies charged are generated from the hours and days each educator operates. There is pressure from families to waive the gap fee (the portion of fees that families pay) when a family member of child cannot attend care due to COVID, and this has been deemed an individual business decision for each educator. Currently this is not impacting on the Scheme because it is still able to collect its portion of the educator and administration levies.

Two of educators, Julie Crowe in Mudgee and Zoe Burn in Wellington, have been nominated in the Excellence in 2022 National Family Day Care Australia Awards. This is wonderful recognition for the education and care they provide to the children and their families. Results for Regional winners will be announced in August.

MEALS ON WHEELS

Fresh meals delivered:

April 597

May 685

June 620

TOTAL 1902

Frozen meals deliver:

April 38

May 65

June 112

TOTAL 114

34 active clients.

7 new clients and 8 exited clients.

Referrals through the My Aged Care System have been steady and many taking up the service when contacted. 3 outstanding as they do not require meals at this time.

Volunteer numbers are meeting demand for deliveries.

YOUTH SERVICES

Youth Services continued to support Youth Council to plan and deliver a program of activities for Youth Week and the April School Holidays. A range of events were held in Mudgee, Gulgong, Kandos and Rylstone, along with a popular excursion to the Dubbo Escape Room. Most activities were well attended, noting excellent engagement at skateboard workshops held at the Mudgee and Gulgong skate parks. Activities included film, virtual reality, craft, trivia, an art competition and a mail out kit to engage geographically isolated young people.

Youth Services continue to deliver their after school monthly programmes being coordinated across the region, with varying levels of engagement. Programs in Mudgee have been regularly booked out, however more engagement is being sought in the Gulgong and Kandos/Rylstone communities. Consultation with young people in these communities will continue to influence the programming offered.

The One YA Book One Community 2022 project was launched during Youth Week and concluded at the end of term 2 (late June). 120 copies of *Hometown haunts: #LoveOzYA horror tales* an anthology of Young Adult short stories by contemporary Australian authors, edited by Poppy Nwosu were purchased and distributed through the community. All four high school and the TAFE libraries were eager and pleased to continue to be involved, as well as Mid-Western Regional Council library branches. Statistics indicate approximately 150 people participated in the project.

During June, the Mid-West Music Quest was hosted by Real FM with support from the Youth Council and Youth Services. The competition was an opportunity for musicians of all ages to perform in front of a live audience, with the possibility to win prizes, including Mudgee Money and radio airplay of their song. Twenty one entrants competed in two heats, resulting in eight participants progressing to the finals. The final was held in the Town Hall Theatre in front of 130 people, with Klancie Freebody announced as the winner. The majority of entrants were in the youth demographic of 12-25 years and it was fantastic for them to be able to showcase their talent to the broader community. Funds raised from ticket sales will be used to purchase sound equipment for use by young people in the region.

11.4 Glen Willow Stage 2 - Progress Update

REPORT BY THE DIRECTOR COMMUNITY

TO 17 AUGUST 2022 ORDINARY MEETING

GOV400098, COR400303, COR400277, COR400332, PAR300585, COR400273

RECOMMENDATION

That Council note the report by the Director Community on the Glen Willow Stage 2 - Progress Update.

Executive summary

The attached report provides an update on the Progress of the Glen Willow Stage 2 Project.

Disclosure of Interest

Nil

Detailed report

The Glen Willow Stage 2 Project is a major project that has attracted \$17 million in funding from State and Federal governments. It is the most significant project currently under construction by Mid-Western Regional Council. The attached report provides an update on the project.

The project nears completion with only minor works such as fencing and signage to be completed.

An official opening has been proposed for October and is awaiting confirmation from the funding bodies.

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
Glen Willow Master Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

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

26 July 2022

Attachments: 1. Glen Willow Stage 2 Report.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



GLEN WILLOW STAGE TWO PROGRESS REPORT

25 JULY 2022

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

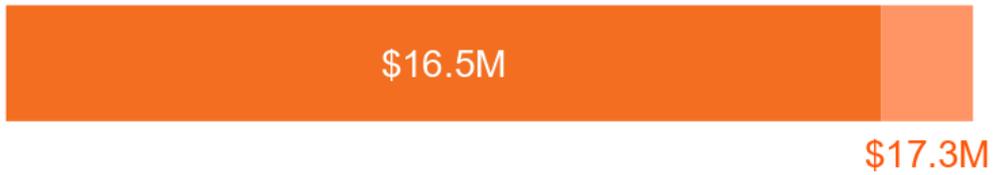
Project Update

As at 25 July 2022 the overall project progress for Stage Two of the Glen Willow Project was approximately 95%.

OVERALL PROJECT PROGRESS



PROJECT EXPENDITURE



PROJECT EXPENDITURE COMMITTED



COMMUNITY

Achievements and Highlights

- Rugby Union Clubhouse construction completed and operational
- 2 multipurpose fields completed
- 2 Rugby Union fields completed
- Spectator mound constructed
- Scoreboards and goal posts installed
- Sewer and power substation upgraded

Works still to be completed

- Fencing to be finished
- Footpaths to be completed
- Signage installation
- Additional lighting
- PA system
- An official opening event has been proposed for October 2022

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

PROJECT COMPONENT	% COMPLETE	COMPLETE (Y/N)
Site Prep - North	100%	Complete
Junior Rugby League Building	100%	Complete
Roads & Carpark Design & Construction	100%	Complete
Services	100%	Complete
Site Prep - South	100%	Complete
Rugby Union Building	100%	Complete
Field Construction	100%	Complete
Field Lighting	95%	
Site Finalisation	95%	

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT



11.5 Improved Access to Public Toilets in Mudgee

REPORT BY THE DIRECTOR COMMUNITY
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, P0041211

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Improved Access to Public Toilets in Mudgee;**
2. **provide in principle support for the proposal to utilise toilets on the St John's Anglican Church grounds for public use;**
3. **delegate to the General Manager the authority to finalise any requirement agreements with the St John's Anglican Church for this proposal;**
4. **allocate a project budget of \$80,000 in the 2022/23 financial year to be funded from the Capital Reserve Fund; and**
5. **allocate a maintenance budget of \$20,000 in the 2022/23 and future financial years to be funded from unrestricted cash.**

Executive summary

This report seeks to update Council on plans for improved community access to public toilets in the Mudgee CBD, including a proposal to utilise existing toilets that are owned by the St John's Anglican Church to allow for them to be used by the public as part of the existing options throughout the town.

Disclosure of Interest

Nil

Detailed report

At the Council meeting in February, it was resolved that Council provide better access to public toilets across the region but especially in the Town Hall Arcade Mudgee. This report seeks to provide Council with an update on a proposal to increase access to public toilet facilities in the Mudgee CBD.

Currently, there are a number of public toilet options within the Mudgee CBD, these include:

- Town Hall Arcade - Council managed
- Mudgee Library – Council managed
- Old Tourist Office at 84 Market Street – Council managed
- Robertson Park – Council managed
- Coles Car Park – Privately managed
- Mudgee Metro Plaza (Woolworths) – Privately managed

It is noted that the Mudgee Library is only opened during library opening hours. Other Council managed facilities are open during daylight hours.

It is also noted that there are other facilities that are operated by Council outside of the CBD, including Lawson Park and Percy Nott Rest area (open 24 hours).

One idea that has emerged is the option to utilise existing public toilets on the grounds of the St John's Anglican Church. These toilets are located off Church Street and have recently been refurbished. The option would include the following:

- The Anglican Church would continue to own the toilets
- Council would open and close the toilets each day
- Council would clean the toilets and attend to any minor maintenance issues
- Council would also maintain the area to the south and east of the Church building to encourage more public use of this area
- A proposal for some works to create a more open and inviting public space would be discussed between Council and the Church

This proposal would require some additional ongoing operational budget for cleaning and security operations (including opening and closing each day) and grounds maintenance. One-off funds would also be required for some landscaping works south of the Church building to provide for a more open public area off Market Street. The cost of the landscaping works will depend on the favoured approach. One option is to utilise crushed granite (similar to the driveway at St John's). A more expensive option would be to lay pavers over a concrete base. This would like add an additional \$50K to the proposed budget.

An alternative option for Council would be to consider the building of an additional toilet block on Council owned land in the CBD.

Another important consideration is ensuring that there is appropriate signage throughout the CBD to ensure that visitors and the community have clear information about the location of public toilets and the easiest way to access them. While this work is ready to proceed, we will include signage for the St John's Anglican Church toilets should Council endorse the recommended approach.

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 Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Additional funds will be required in any circumstances where additional public toilets are brought into operation as there will also be additional costs in relation to cleaning, opening and closing and minor

maintenance issues. The proposal also includes the possibility of creating more public open space within the CBD, which is beneficial given increasing tourism numbers. However, this will also need to be funded with council's support.

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

Associated Risks

There are risks associated with the issue of access to public toilets on private land. It is appropriate that consideration of public liability and insurance be covered in any agreement or Memorandum of Understanding between the Anglican Church and Council.

It is also noted that it is in Council and the community's interests to ensure that adequate public toilet facilities are available in the Mudgee CBD. Ultimately, this is to present the Mid-Western Region as a welcoming destination for visitors.

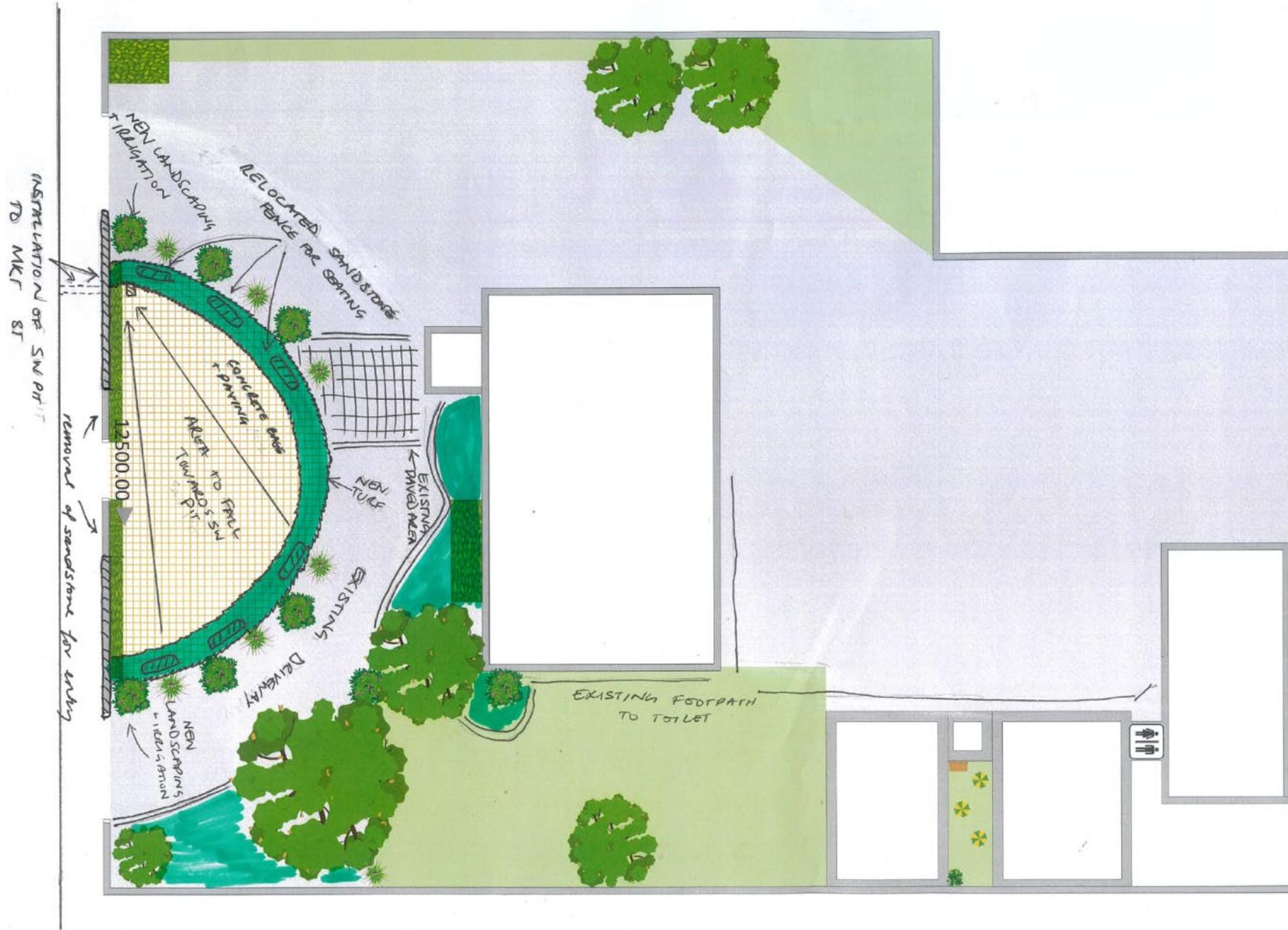
SIMON JONES
DIRECTOR COMMUNITY

1 August 2022

Attachments: 1. St John's Anglican Church Concept Plan- Draft.pdf.
2. St John's Anglican Church - artist impression of open space.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Created on 24/06/2022 2:22 PM



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11.6 Exemption from Tender - Red Hill Cottage

REPORT BY THE DIRECTOR COMMUNITY
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, FIN300306

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Exemption from Tender - Red Hill Cottage;**
2. **approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the restoration of the miners cottage at Red Hill, noting that due to the unavailability of competitive or reliable tenderers, a satisfactory result would not be achieved by inviting tenders;**
3. **note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:**
 - a) **the market has already been tested appropriately, via public marketplace on VendorPanel – 91 suppliers selected with 0 responses received at time of the closing; and**
 - b) **the same organisations would be targeted if we had tendered (via VendorPanel) so there is no benefit in re-advertising as a tender;**
4. **accept the quote from Phillip Fuller Builder for \$xxxxxx.xx for the renovation and restoration of the Red Hill Cottage; and**
5. **delegate authority to the Director Community to finalise the contract and approve variations to the finalised contract sum not exceeding the budget provided by Council.**

Executive summary

The Gulgong Gold Experience at Red Hill in Gulgong is operated by the Red Hill Committee and maintained by Mid-Western Regional Council.

The grant funded restoration of the miners cottage will become the official entry to the Gulgong Gold Experience and will include a visitor information centre and tea room as well as the provision of amenities for the visiting public.

A request for quote was sent out to 91 suppliers with 0 responses received.

This report seeks exemption from tender for the renovation and restoration of the Red Hill Cottage as the RFQ has identified all potential tenderers.

Disclosure of Interest

Nil

Detailed report

Council sought quotes on 24 May 2022 for the renovation and extension of the miner's cottage, ensuring that all works are consistent to the heritage time period. 91 suppliers were contacted through the VendorPanel procurement process.

Renovations are to include the internal demolition of walls, verandah, bathroom, kitchen and laundry, replacement of windows, internal lining boards, sub floor/piers and strip flooring, replacement of kitchen and verandah area, completion of a new toilet area and internal and external painting.

The request for quote closed on 22 June 2022 with no responses received. Subsequently, three quotes were received by approaching contractors directly. It is noted that due to the nature of the renovation and the heritage aspect of the building, the full extent of the work required is unknown until a contractor commences.

Section 55(3)(i) of the Local Government Act provides for Council to resolve in providing an exemption from tender for a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

This request for exemption is based on the fact that we have already gone to market to all potential applicants and going to tender will not provide any further information.

Quotes for an hourly rate have been directly requested from 3 suppliers with one supplier not being on VendorPanel.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Procurement Policy

Legislation

Local Government Act 1993

Financial implications

There are no financial implications at this time as this project is grant funded by the Australian Government Building Better Regions Fund for \$150,000 ex of GST with additional funds provided by Council.

Associated Risks

Council will not be able to deliver the restoration of the Red Hill Cottage due to the unavailability of contractors.

SIMON JONES
DIRECTOR COMMUNITY

15 July 2022

Attachments:

1. Red Hill Cottage Quote 1. (Confidential - separately attached)
2. Red Hill Cottage Quote 2. (Confidential - separately attached)
3. Red Hill Cottage Quote 3. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.7 Red Hill Exhibition Space

REPORT BY THE DIRECTOR COMMUNITY
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, P1114611

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Red Hill Exhibition Space;**
2. **provide in principle support for the concept of developing a new exhibition space at the Red Hill Precinct; and**
3. **amend the 2022/23 budget to include an initial project budget for the Red Hill Exhibition Space of \$50,000 to be funded from unrestricted cash.**

Executive summary

Council has been offered an exciting opportunity to be the permanent host of a world class fossil collection. One option available is to include this collection as part of the tourism offering at the Red Hill Precinct in Gulgong. This could potentially be an excellent addition to the quality destinations available in the town and support the economic development of the area.

Disclosure of Interest

Nil

Detailed report

An approach has been made for Council to consider housing an important collection of fossils owned by Michael Durant. It is thought to be one of the finest private collections in the world. One option would be to house the collection at the Red Hill site in Gulgong in a purpose built exhibition space.

In terms of the Red Hill site, Council endorsed an update to the Red Hill Master Plan in October 2019. This included provision for an exhibition space on the site and this is consistent with the Plan of Management for Red Hill.

Some thought will need to be given to presenting the fossil collection within this Red Hill precinct, given the important role that Red Hill plays in telling the story of the history of Gulgong. However, this project represents an opportunity to continue to develop Gulgong as a tourism destination with complimentary exhibitions throughout the town. As an example, the National Fossil and Mineral Museum in Bathurst receives approximately 30,000 visitors a year.

This report seeks Council's in principle support for the project so that initial work can be undertaken.

This would include:

- Transport and storage for parts of the collection.
- Liaison and further work with the collection owner to ensure that interpretation and display areas are developed.
- Planning work for the development of the exhibition space including applications for funding.

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 Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

An initial budget of \$50,000 is sought to allow for early work on this project. If the project is supported and develops well, a further report would seek budget for the capital works required to develop the exhibition space. It would be anticipated that this project would be partially grant funded.

Associated Risks

It would be appropriate for a business case to be developed for this project, likely required for a Capital Expenditure Review. As part of this process, risks would be considered as for any sizeable construction project.

SIMON JONES
DIRECTOR COMMUNITY

3 August 2022

Attachments: 1. Red Hill Master Plan endorsed Oct 2019.pdf.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



2019 RED HILL MASTERPLAN



STAGE 1 - COMPLETED WORKS

- 1 Mine shaft completed at a cost of \$1 million. Successfully operating.

STAGE 2 - COMPLETED WORKS

- 2 Construction of a Bus and Car Parking area. Completed at a cost of \$40,000

STAGE 2 - FUNDED WORKS IN PROGRESS

- 3 Restoration of the Miner's Cottage so it can become the entry to the complex. It will be used as tea rooms, gift shop and visitor information centre. The estimated cost \$60,000

STAGE 3 - FUTURE WORKS

- 4 Creation of a new exhibition space and public toilets. Approx cost of \$400,000
 To be created in a style that references historical buildings depicted in old photographs from the Red Hill site. To be used to exhibit 'old trades' such as a blacksmith, leather products, wool spinner.

STAGE 4 - PROPOSED FUTURE WORKS

- 5 Children's mining themed playground to be constructed and also two unisex and one disabled toilet. At an approximate cost of \$250,000
- 6 Security Fencing for the entire complex at a cost of approx. \$200,000
- 7 Create a 'Billabong' of running water to give the true experience of Gold Panning. When not in use the water can be turned off and it will become a dry river bed with rocks and suitable planting. Approx. \$200,000
- 8 Construction of additional visitor parking to be built at a cost of \$40,000



11.8 NSW Public Spaces Charter

REPORT BY THE MANAGER - RECREATION SERVICES
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, GOR500038

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Recreation Services on the NSW Public Spaces Charter;**
2. **note the 10 principles for quality public spaces outlined in the NSW Public Spaces Charter; and**
3. **authorise the General Manager to become a signatory to the NSW Public Spaces Charter on behalf of Council.**

Executive summary

The NSW Government has developed the Public Spaces Charter to increase commitment to quality green and public spaces across urban areas in NSW. The NSW Government is now inviting local government agencies to become signatories to the NSW Public Spaces Charter.

This report seeks to provide Council with the background information on the Charter, how the Charter benefits Council and recommendation for Council to become a signatory to the Charter.

Disclosure of Interest

Nil

Detailed report

The NSW Government, through the Department of Planning, Industry and Environment, has developed a charter to incorporate a broad range of mechanism intended to plan, design, manage and/or activate public space. It provides guidance to land managers and planners on what to consider in the management and development of Public Spaces. The purpose being to have access to high quality public spaces that allows them to enjoy and participate in public life.

The Charter relates to all public spaces including Crown Land, Community Land (under the Local Government Act 1993), public facilities and streetscapes. The Department is requesting that Local Councils in NSW become signatories to the charter to demonstrate their commitment to the 10 principles which make up the backbone of the Charter.

The Charters 10 principles for quality public spaces have been designed to maximise the social, cultural, environmental and economic benefits that public space delivers. The 10 principles are outlined below with further details contained within the official document in Attachment One to this report.

Public Spaces Charter- 10 Principles

1. Open and Welcoming - Everyone can access public spaces and feel welcome, respected and included.

2. Community Focused - Public spaces brings people together and builds strong, connected and resilient communities.
3. Culture and Creativity - Public spaces provides a platform for culture and creative expressions that makes places more colourful, animated and thought-provoking.
4. Local Character and Identity - Public space reflects who we are and our diverse stories and histories.
5. Green and Resilient - Public space connects us to nature, enhances biodiversity and builds climate resilience into communities.
6. Healthy and Active - Public spaces allows everyone to participate in activities that strengthen our health and wellbeing.
7. Local Business and Economies - Public spaces supports a dynamic economic life and vibrant urban and town centres
8. Safe and Secure - Everyone feels safe to access and use public spaces at all times of the day.
9. Designed for Place - Public space is flexible and responds to its environment to meet the needs of its community.
10. Well-managed - Well-managed and maintained public spaces functions better and invites people to use and care for it.

The Charters principles require support from all Council departments and therefore would continue to support strategic alignment to any existing Council strategies in a tailored approach to public spaces. It is also important to note that Councils ongoing advocacy and collaboration with State and Federal initiatives in public space planning is essential in identifying and supporting key infrastructure projects.

Becoming a signatory, Council would be demonstrating a commitment to delivering great public spaces for all sections of the community. Signatories will be provided with the NSW Public Spaces Charter icon and logo promoted on the Charter website. The NSW Public Spaces Charter project team will also work with Council in developing an action plan to implement the Charter.

This is a unique opportunity for Council to demonstrate to the NSW Government and to the Mid-Western community, Council's commitment to managing existing high-quality public spaces in a sustainable way and enhancing public spaces for future generations.

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
Recreation Strategy
Recreation Asset Management Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

In itself, the signing of the Public Spaces Charter does not incur a cost to Council. However, it is noted that future larger scale works may need some adaptation to ensure that the Charter principles are adhered to.

Associated Risks

In ensuring that Council meets the requirements of the Public Spaces Charter, there may be some additional costs associated with future projects. However, these are not likely to be substantial. Alternatively, in the event that Council does not sign the Charter, there is some risk that funding opportunities will be denied Council if the Charter becomes a requirement of a future funding program.

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

3 August 2022

Attachments: 1. NSW Public Spaces Charter. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Red Hill Committee - April 2022

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, A0190002

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Red Hill Committee held on 29 April 2022; and**
 2. **note the minutes of the Red Hill Committee meeting held on 29 April 2022.**
-

Executive summary

This report seeks to inform Council on the progress of the Red Hill site following the Red Hill Committee Meeting held on 29 April 2022.

Disclosure of Interest

Nil

Detailed report

The Gulgong Gold Experience at the Red Hill site has undergone a tourist resurgence in 2021 and 2022 following the impact of COVID lockdowns early in 2020.

The Miner's Cottage refurbishment is progressing well after some early delays due to COVID and a request to Crown Lands for a boundary adjustment. These works are anticipated for completion in March 2023. This site is proposed be the new Visitor Information Centre for the Gulgong region.

Note in the minutes the Committee's request to nominate the Red Hill site to be added to the NSW State Heritage register.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan
Red Hill Master Plan

Council Policies

Not Applicable

Legislation

The Red Hill Committee is operating under Section 355 of the Local Government Act (1993)

Financial implications

Any further capital works at the Red Hill site will require budget approval.

Associated Risks

Not Applicable

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

3 August 2022

Attachments: 1. Red Hill Committee Meeting Minutes 29 April 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
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E council@midwestern.nsw.gov.au

MINUTES

RED HILL COMMITTEE MEETING

Meeting commenced at 3.05pm on Friday 29th April 2022 at Red Hill School Gulgong

Attendees: Councillor Percy Thompson (Chair), Joy Harrison, Tony Harrison, Chris Pearson, Red Hill School representative, Richard Cushway (MWRC Staff).

1. APOLOGIES

Councillor Paul Cavalier, David Warner

Moved: Joy Seconded: Tony Carried unanimously

2. REVIEW OF PREVIOUS MEETING MINUTES

Chris Pearson queried progress on the following action items from the previous minutes held in July 2021.

- **Review process of listing Red Hill site on State Heritage register** – the committee discussed and agreed to continue pursuing this and asked Council to investigate further for the next meeting.
- **Consult with NSW Dept of Planning regarding possible funding for signage at Red Hill** – Richard recommended that this request should be raised as a Community Plan Proposal (CPP) when these are open for submissions in January 2023. The committee agreed to submit a proposal.
- **Spray weeds and clear up the Derelict Mine Site** – the committee communicated their frustration regarding the delay in getting this resolved. Richard advised there were significant WHS concerns regarding staff or contractors accessing the site, so the preferred option is to spray the weeds from outside the fenced area. Richard said he would follow up on this with Peter Raines, Manager Recreation Services, to action this request.

Motion – *that the committee note the previous meeting minutes and support the changes to the action items (as detailed above)*

Moved: Joy Seconded: Tony Carried unanimously

3. GULGONG GOLD EXPERIENCE UPDATE

Joy Harrison (GGE) provided an update on operations at the Gulgong Gold Experience. No other comments from committee.

4. MINER'S COTTAGE REFURBISHMENT

Richard distributed the updated Cottage refurbishment plans and the committee discussed these. The committee asked if they could be emailed of any changes to the plans and any important milestones. Richard noted this.

5. REQUEST FROM ARCHITECT FOR HISTORICAL INFORMATION

Richard discussed with the committee the need for further historical information to be provided to Council so the architect of the Cottage upgrade can include these in the design / theme. The architect requires any historical information, photos, plans etc of the Red Hill site, including the Cottage. Chris Pearson advised he could provide some information and will discuss with David Warner.

6. GULGONG GOLD EXPERIENCE WALKWAY

Further discussion was held regarding the design and location of a new walkway. Richard provided an update to the location of the walkway and materials used. Council staff have recommended a concrete pebble aggregate walkway, which the committee supported. Richard advised the cost of materials have increased significantly since Covid and this was a more practical and cost effective option, as opposed to a timber walkway, which was suggested in the last meeting.

***Motion** – that the committee endorse the recommended walkway option and support Council staff in obtaining quotes and then completing the work.*

Moved: Joy Seconded: Chris Carried unanimously

7. RED HILL DRAFT PLAN OF MANAGEMENT

No further progress. Richard to email committee when this Plan of Management is going to Council for consideration and when it's open for public submissions and comment.

8. RED HILL EEC LANDSCAPING MASTERPLAN UPDATE

The landscaping masterplan is continuing to progress. A further update will be provided at the next meeting.

9. GENERAL BUSINESS

Improved signage for Visitor Information Centre – it was suggested that the directional

street signage to the new upgraded Cottage is improved for visitors to the area. This was added to the task list for action by Council staff.

2 new panning troughs to be purchased – it was suggested that 2 new panning troughs be purchased from GGE funds and installed at a more suitable location. Joy and Tony Harrison would follow up and arrange the purchase and installation. This was added to the task list.

MEETING CLOSED 4.30PM

NEXT MEETING TBC

ACTIONS – UPDATED 29/04/2022

TASK	WHO	PROGRESS
2 Panning Troughs to be purchased and installed with funds sourced from GGE income.	JOY & TONY HARRISON	TBA
Review process of listing Red Hill Site on State Heritage Register	MWRC	TO INCLUDE IN COUNCIL REPORT
Consult with NSW Dept of Planning re possible funding for Signage	COMMITTEE	COMMITTEE TO LODGE A COMMUNITY PLAN PROPOSAL IN JAN 2023
Extend GGE MOU to include operations of Visitor Information Centre and Tea Room	MWRC	ON HOLD UNTIL MINER'S COTTAGE OPENS
Installation of Mullock Heaps around Red Hill site	COMMITTEE	NO PROGRESS
Spray and Clear Derelict Mine Site	MWRC	COUNCIL STAFF TO ACTION
Repair/upgrade of pathway between Cottage and GGE entrance	MWRC	COUNCIL STAFF OBTAINING FINAL PLANS / QUOTES AND THEN WILL COMMENCE WORKS
Improved Directional Signage to the new Visitor Information Centre (Cottage) once open.	MWRC	ON HOLD UNTIL COTTAGE IS OPERATIONAL

12.2 Local Traffic Committee Meeting Minutes - July 2022

REPORT BY THE ADMINISTRATIVE ASSISTANT, OPERATIONS
TO 17 AUGUST 2022 ORDINARY MEETING
GOV400098, A0100009

RECOMMENDATION

That Council receive the report by the Administrative Assistant, Operations on the Local Traffic Committee Meeting Minutes - July 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 21 July 2022.

Three traffic reports were considered:

- Mudgee High School Rainbow Day 2022
- Flavours of Mudgee Street Festival - 24 SEPTEMBER 2022
- 40 KM/H school zone signage plan - St Matthews Catholic College

Three General Business item included:

- Request for signage at the intersection of Tallawang Road and Mayne Street Gulgong
- Oporto and Lisbon Road
- Guideposts missing at Walkers Oval

Full discussion notes are included in the attached report.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

EMMA ROXBY
ADMINISTRATIVE ASSISTANT, OPERATIONS

JULIAN GEDDES
DIRECTOR OPERATIONS

3 August 2022

Attachments: 1. LTC 21 July 2022- Minutes _Redacted.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 15 July 2022

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 21 July 2022.

Present	Community Member P Blackman, Councillor A Karavas, NSW Police M Fehon, NSW Police G McGovern, Transport for NSW W Hazelton, Mr S Fogarty, NSW Police Representative, Samantha Cecchini (MWRC), Lisa Cartmell (MWRC), Ray Kearns (MWRC)
Apologies	NSW Police McGovern
Secretary	Michelle Neilsen (MWRC) Emma Roxby(MWRC)

The LTC meeting commenced at 10:00 am.

MINUTES OF PREVIOUS MEETING

MOTION CARRIED: Community Member Phillip Blackman / Wayde Hazelton

The motion was carried with Councillors voting unanimously.
Recommendation

That the Minutes of the previous Local Traffic Committee held on 17 June 2022 be taken as read and confirmed.

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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 – this will be included as part of the audit. 23/5/2022 – brief with Ray Kearns for approval 21/7/2022-Pull together a brief to put forward a consultant.
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. 21/7/2022- Council to look at DA consent for a left only turn.
Henry Lawson Drive and Ulan Rd			TO BE CONTINUED ACTION: MWRC – Ray to provide report for April 2022 meeting. 18/3/2022 Ray advised a Road Audit will be undertaken for this intersection. 27/7/2022- Information is still to be collected and official report to follow.
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. 23/5/2022 traffic counters in place didn't occur due to location issues. 21/7/2022-Still being investigated.
Mudgee Preschool assessable parking location	February 2022 LTC		Council to speak with Mudgee Preschool to discuss the possibility of assessable parking from Kauri Lane. 23/05/2022 – awaiting response from pre-school. 31/7/2022- Samantha will look after this and work with Director of Operations
Oporto Road Line marking	February 2022		Council to investigate line marking options on Oporto Road to cease parking issues. 21/7/2022- Traffic volume analyses completed, consultation with rangers.
Jaques Street Kandos	March 2022		Request to extend the bus zone on Fleming Street to Jaques Street to be investigated by Council and TfNSW 23/5/2022 – TfNSW to review changes from 2019. 21/7/2022- Meeting between stake holders for consultation

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Barigan Street	April 2022		To investigate parking concerns in the street in the afternoon when students from Cudgegong Public School leave for the day. 21/7/2022- School to communicate to students in newsletter. More investigation required.
Request for accessible parking in Cudgegong Street Rylstone	May 2022		17/6/2022 Council to further investigate. 21/7/2022- continuing investigation

PAST EVENT DEBRIEF

EVENT	
Small Farm Day	Parking Barrier along Ulan Road- Weather issues, size of the signs were smaller than spec. Where they are sourcing signs. Event organiser might need contingency plans. Debrief with AREC.
All future large events	Pre meeting and post event debrief (organisers)

CALENDAR OF EVENTS

2022		
JANUARY	DATE	COMMENTS
FEBRUARY	DATE	COMMENTS
██████████	██████████	
MARCH	DATE	COMMENTS
██████████	██████████	
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MAY	DATE	COMMENTS
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4

[REDACTED]		
JUNE	DATE	COMMENTS
[REDACTED]	[REDACTED]	
JULY	DATE	COMMENTS
[REDACTED]	[REDACTED]	
AUGUST	DATE	COMMENTS
[REDACTED]	[REDACTED]	
SEPTEMBER	DATE	COMMENTS
[REDACTED]	[REDACTED]	
OCTOBER	DATE	COMMENTS
[REDACTED]		
NOVEMBER	DATE	COMMENTS
[REDACTED]		
DECEMBER	DATE	COMMENTS
[REDACTED]		

Red = Unapproved
 Green = Approved

22/031 MUDGEES HIGH SCHOOL RAINBOW DAY 2022

RECOMMENDATION

That Council

RECOMMENDATION

That Council

Approve the event – ‘Mudgee High School Rainbow Day’ Thursday 22nd September 2022 – and classify as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and be approved with the following conditions:

- a. **The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;**
- b. **The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation**
- 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 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. **Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;**
- h. **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**

- i. Maintain a four-metre wide emergency vehicle lane;
- j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
- l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the Transport for NSW are indemnified against any possible action as the result of the event;
- m. The event is to be undertaken in accordance with the traffic control contingency plan, to ensure additional authorised traffic controllers are not required at short notice;
- n. All people interacting with vehicles are to wear reflective high visibility vests.
- o. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review
- p. The organiser is to receive Transport for NSW consent for use of Market Street and Ulan Road

Committee comments

- Organiser to facilitate a brief with all parties before event takes place.
- Traffic Guidance Scheme needs to be updated.
- Update all supporting documents.
- Samantha Cecchini to be contact.

MOTION CARRIED: Councillor Alex Karavas / Mark Fehon

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

22/032 FLAVOURS OF MUDGEES STREET FESTIVAL - 24 SEPTEMBER 2022

RECOMMENDATION

That Council approve the event ‘ Flavours of Mudgee Street Festival 2022’ held on Saturday 24 September 2022 be classified as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events, Version 3.5’ and proceeds with the following conditions:

- 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 3.5 and submitted to and approved by Council prior to the event.
- b. A Traffic Guidance Scheme (TGS) certified by a person with a ‘Worksite Traffic Control Certificate’ be included in the TMP;
- c. Any person directing traffic on a public road is required to possess a valid traffic controller’s certificate;
- d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- e. 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, the Roads and Maritime Service and NSW Police Force are indemnified against any possible action as the result of the event;

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 15 JULY 2022

- f. Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;**
- g. Reimbursing Council for the cost of damage repairs;**
- h. Complying with any of Council's Law Enforcement Officers' directives;**
- i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- 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 at least two weeks prior to event commencement;**
- k. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;**
- l. Maintain a four-metre wide emergency vehicle lane;**
- m. Notify NSW ambulance and NSW Fire Brigade of the event**
- n. Traffic Control plan to be in accordance with Roads and Maritime Services Traffic Control at Worksites Manual**

Committee Comments

- Plan B campaign with TfNSW.

MOTION CARRIED: Community Member Phillip Blackman / Mark Fehon

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

22/033 40 KM/H SCHOOL ZONE SIGNAGE PLAN - ST MATTHEWS CATHOLIC COLLEGE

RECOMMENDATION

Broadhead Rd - Static school zone signs to be erected in the interim until illuminated signs are available and installed.

Broadhead Rd (north of Bruce Rd) – No stopping signs to be extended along the western side to up to the driveway entry of 56 Broadhead Rd. The road pavement is only 10m wide and no pull over area exists on the should at this location

Broadhead Rd (north of Bruce Rd) – No stopping signs to extend along the full length of the new kerb to perhaps up to the location of the new pedestrian refuge/crossing to be installed near 38 Broadhead Rd. The road pavement is only 10m wide and does not support parking on the shoulder.

Provide suggestion to incorporate design and extending the no stopping and the delinilation to allow for the potential drop off bay on Broadhead Road to improve parking on the shoulder and include a No Parking/School Zone Drop-Off Pick-Up Zone on the eastern side only.

That Council approve the 40km/h School Zone Signage Plan for St Matthews Catholic College

MOTION:

That the above recommendation be accepted and approved.

22/034 GENERAL BUSINESS

RECOMMENDATION

That Council receive the general business as noted and any actions from the general business to be investigated by the Committee further.

REQUEST FOR SIGNAGE AT THE INTERSECTION OF TALLAWANG ROAD AND MAYNE STREET GULGONG

Committee Comments

- Further investigation needed.
- Wayde to investigate

Oporto AND LISBON ROAD

Committee Comments

- To be looked at during the Oporto Road Line marking review.

GUIDEPOSTS MISSING AT WALKERS OVAL

Committee Comments

- Works request to be completed to repair the missing guide post.

MOTION:

That the above recommendation be accepted and approved.

Nil

Nil

CLOSURE

There being no further business the meeting concluded at 11:43 am

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 General Manager's Performance Agreement 2021-2022

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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 an individual, namely the performance of the General Manager.

14.2 Exemption from Tender for Acting Manager Finance (Contract extension)

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) 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 personnel matters concerning particular individuals (other than Councillors).

14.3 Dixons Long Point Crossing - Delivery Phase Tender Evaluation Recommendation

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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.