



PUBLIC COPY

Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 14 DECEMBER 2022

*A prosperous and progressive
community we proudly call home*





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MUDGEES NSW 2850

86 Market Street MUDGEES
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77 Louee Street RYLSTONE

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7 December 2022

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
14 DECEMBER 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 16 November 2022

Council Decision:

That the Minutes of the Ordinary Meeting held on 16 November 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
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.
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.
MRI Machine for Mudgee Hospital	268/22 Ordinary Meeting 21/09/2022	That Council write to the Federal MP Andrew Gee and State MP Dugald Saunders seeking MRI Machine and engage with medical community to identify priorities of service needs within the LGA.	To be reported to Council at a future meeting.
Disabled Access and Parking in Gulgong	272/22 Ordinary Council Meeting 21/09/2022	That Council removes Emergency Vehicle Parking Only signage from Herbert Street Gulgong; identify and construct a disabled access ramp at a suitable location between the Gulgong Post Office and Gulgong Medical Centre.	To be reported to Council at a future meeting.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	Investigate financing options and grant opportunities for the construction of an indoor swimming pool and that a further report be brought back to Council to deliver a final Business Case document.	To be reported to Council at a future meeting.
Declaration of Statewide Road Emergency	Res 356/22 (a) Ordinary Meeting 16/11/22	That Council joins with LGNSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency and writes to the Hon Anthony Albanese MP, Prime Minister of Australia, and the Hon Dominic Perrottet MP, Premier of New South Wales, seeking immediate action for: <ul style="list-style-type: none"> • an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing 	To be reported to Council at a future meeting.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		Country Bridges program from the New South Wales Government; <ul style="list-style-type: none"> • a boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government; and • new funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government. 	
Removal of NOTAM at Mudgee Airport	Res 356/22 (c) Ordinary Meeting 16/11/22	That Council seek to urgently remove the NOTAM preventing use of grass verges on runway 04/22 at Mudgee Airport in the interest of safety; liaise with CASA as to what would be required in order to have this included in the ERSA; and have a report brought back to Council outlining what is required in order to make that runway surface usable for pilots.	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 Delegation of Authority General Manager / December 2022 - January 2023

REPORT BY THE GOVERNANCE CO-ORDINATOR
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, A0230005

RECOMMENDATION

That Council:

1. **receive the report by the Governance Co-ordinator on the Delegation of Authority General Manager / December 2022 - January 2023; and**
 2. **suspend the operation of the exclusions listed in Part 4 of the General Manager's Delegations of Authority for the period 1 December 2022 to 31 January 2023.**
-

Executive summary

The last Ordinary Council Meeting of the year occurs 14 December 2022, with the next Ordinary Council Meeting to be held 15 February 2023. The recommended actions to suspend the delegation exclusions is to minimise disruptions of Planning and Development decisions during the December / January 2023 period.

Disclosure of Interest

Nil

Detailed report

The last Ordinary Council Meeting of the year occurs 14 December 2022, with the next Ordinary Meeting to be held on 15 February 2023. This means that in instances where development applications, or Council Memos have to be referred to Council for decisions of development applications, there could be delays of up to 2 months without suspension of the existing Delegation Exclusions.

This would be unreasonable, and Council could be challenged in the Land and Environment Court, for deemed refusal of an application, which is 40 days.

To avoid these delays, and possible legal challenges it is prudent to temporarily amend the General Manager's delegations such that decisions on development applications can still be made during December and January.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Delegations & Authorisations Policy
General Manager Delegation of Authority

Legislation

Local Government Act 1993

Financial implications

Nil

Associated Risks

Mitigate the risks of legal actions against Council for delayed Development decisions that may be challenged in the Land & Environment Court.

ASHLEIGH MARSHALL
GOVERNANCE CO-ORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

17 November 2022

Attachments: 1. Delegation of Authority for the General Manager.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

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community*

ADOPTED		REVIEW DATE	AUGUST 2021
COUNCIL MEETING MIN NO	319/20	FILE NUMBER	A0230005
DATE:	21 OCTOBER 2020		

1. Pursuant to the powers conferred on Council by Section 377 of the *Local Government Act* 1993, (LG Act) the Council hereby authorises the General Manager to exercise the under mentioned powers, in addition to those powers conferred and imposed upon General Managers by Section 335 of the *LG Act* 1993, the functions of General Manager.
 - 1.1. Council recognises that it cannot delegate those powers, authorities, duties and functions that are required by legislation to be exercised by Council under the LG Act s. 377 (1) (a) to (u); Or requiring a resolution of Council.
 - 1.2. The delegation will remain in force until otherwise revised or revoked by resolution of Council in accordance with the *LG Act 1993* (as amended). Council must review all its delegations during the first 12 months of each term of office *LG Act* s. 380
 - 1.3. Any function that is delegated by the Council may, notwithstanding the delegation, still be exercised by the Council.
 - 1.4. The General Manager will exercise the powers, authorities, duties and functions delegated, in accordance with and subject to the provisions of any legislation and in accordance with relevant policies of Council.
2. The Council delegates to the General Manager the powers, authorities, duties and functions specified in:
 - 2.1 The *Local Government Act 1993* (as amended), subject to s. 377 of the *LG Act*.
 - 2.2 All other Acts and subordinate legislation (as amended) under which Council has powers, authorities, duties and functions, subject to s.381 of the *Local Government Act 1993* (as amended).
3. **Limitations in this delegation:-**
 - 3.1 a) To authorise any work at a cost not exceeding \$100,000, 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.
 - 3.1 b) To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to a S44 fire event or a declared natural disaster. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.
 - 3.2 To accept Council tenders with a contract value of up to \$1,000,000 or a contract entered into through a prescribed entity tender, where all other tender requirements of section 55 of the *Local Government Act* 1993 and Part 7 of the *Local Government Regulation* 2005 are met.
 - 3.3 To determine and write-off rates, fees, charges and other debts up to and including \$2,500.00 per annum per debt.

21 OCTOBER 2020, DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

4. Exclusions in this delegation:-

Determination of applications under the *Environmental Planning and Assessment Act* 1979, and other relevant Acts, which include:

- 4.1 The determination of a development application where a Senior Staff¹ member of Council or Councillor is the owner or applicant of the subject land (excluding Council owned or managed land).
 - 4.2 The determination of a development application where Council is the owner or manager of the land if the development exceeds a construction value of \$150,000.
 - 4.3 The determination of a development application for a subdivision creating more than 20 allotments.
 - 4.4 The determination of a development application for the erection, alteration and/or additions to buildings exceeding a construction value of \$3,000,000.
 - 4.5 To grant consent to a development application requiring a variation of more than 10% to a condition or standard specified in a Council policy, Development Control Plan (DCP) or Local Environment Plan (LEP), without providing 5 working days notification to Council, during which two Councillors request the application to be reported to Council for consideration.
 - 4.6 To grant consent to a development which receives 7 or more objections during assessment.
 - 4.7 To grant consent to a development application which receives 1-6 objections during assessment; without providing 5 working days notification to Council, during which two Councillors request that the application be reported to Council for consideration.
 - 4.8 The determination of a development application which upon the written request of two Councillors is to be reported to Council for consideration.
-

¹ Senior Staff s332 Local Government Act 1993 No 30

7.2 Administration of the September 2024 Local Government Elections

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400067, A0170031

RECOMMENDATION

That Council:

1. receive the report by the Manager, Customer Services & Governance on the Administration of the September 2024 Local Government Elections; and
2. pursuant to s. 296(2) and (3) of the Local Government Act 1993 (NSW) (“the Act”), authorise the General Manager to enter into a contract for the Electoral Commissioner to administer all elections, council polls and constitutional referenda of the Council for the contract period including the September 2024 Elections.

Executive summary

The Office of Local Government issued circular 22–35 / 11 November 2022 informing Council of the extension of the deadline for Councils to make a decision on the administration of the 2024 election complying with section 296AA of the Local Government Act.

Council has historically contracted the NSW Electoral Commissioner to conduct council elections.

Disclosure of Interest

Nil

Detailed report

Under section 296AA of the Act, each council must resolve by 13th March 2023 to either:

- enter into an agreement with the Electoral Commissioner by contract or otherwise to administer the Council’s elections, polls and referenda; or
- that the Council’s elections are to be administered by another electoral services provider engaged by the council.

Mid-Western Regional Council has historically engaged the NSW Electoral Commission to conduct the Elections. The cost of holding the 2024 local government election is expected to be well in excess of \$200,000.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership

Strategy	Provide strong representation for the community at Regional, State and Federal levels
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Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

S 296AA Local Government Act 1993

Financial implications

Council accumulates a budget over the 4-year term of Council to fund the conduct of the general election of Councillors and holds these funds in an Election reserve. This will be adjusted as required based on the advised costs which are expected to be in excess of \$200,000.

The NSW Electoral Commission engagement contract will also provide for the conduct of other polls and constitutional referenda, there are no budget provisions at this time should council utilise these services.

Associated Risks

No compliance of statutory provisions to conduct the Councillor Election in 2024.

If Councils fails to engage the Electoral commission to conduct the election the General Manager will be required to administer Council's elections.

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

17 November 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.3 Code of Meeting Practice

REPORT BY THE DIRECTOR COMMUNITY
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400009

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Code of Meeting Practice;**
2. **note the proposed changes to the Code of Meeting Practice related to attendance by Councillors at meetings via audio-visual link;**
3. **place on public exhibition a draft of the Code of Meeting Practice for at least 28 days and provide members of the community at least 42 days in which to comment on the draft code; and**
4. **adopt the Code of Meeting Practice if no submissions are received during the period of 42 days.**

Executive summary

The Local Government (General) Regulation 2021 commenced on 1 September 2021 including the provisions for the Model Code of Meeting Practice. The Model Code of Meeting Practice consists of a number of mandatory and optional clauses. It is proposed that Council now include some of the optional clauses relating to attendance at meetings via audio-visual link in its Code of Meeting Practice.

Disclosure of Interest

Nil

Detailed report

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

Earlier this year, Council determined to include in its Code of Meeting Practice provisions related to natural disasters or public health emergencies. However, it did not include provisions for attendance at meetings in individual circumstances.

The option clauses available in the Model Code of Conduct are focused on the mechanisms by which an individual Councillor can attend a meeting by audio-visual link. This may include circumstances such as a Councillor who is unwell or not able to travel for the meeting or has been unavoidably detained on other business. It is also noted that approval of the attendance at the meeting by audio-visual link must be by way of a Council resolution. The proposal of this report is to add in the following clauses to Council's Code of Meeting Practice:

Attendance by councillors at meetings by audio-visual link

- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the Health Records and Information Privacy Act 2002 when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.
- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the

maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

It is important to note that the Model Code does not provide an option for a Councillor to attend via a phone call only. This is because there needs to be confidence that the Councillor in question is attentive to the meeting and that their vote can be recorded appropriately at all times. It is also important for the integrity of the meeting that should a confidential session be required that can be assurance that the Councillor is the only one present during this part of the meeting.

All changes to the Code of Meeting Practice must be placed on public exhibition to provide an opportunity for the community to comment. It is recommended that the additions to the Code be made and that the changes be placed on public exhibition.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Code of Meeting Practice

Code of Conduct

Councillor & Staff Interactions Policy

Councillor Expenses & Facilities Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Financial implications

Not Applicable

Associated Risks

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

SIMON JONES

DIRECTOR COMMUNITY

5 December 2022

Attachments: 1. Code of Meeting Practice - optional AV clauses.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

Model Code of Meeting Practice for Local Councils in NSW

5 Coming Together

Attendance by councillors at meetings

- 5.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 5.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting, unless permitted to attend the meeting by audio-visual link under this code.

- 5.3 The board of the joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter before the meeting can be heard by the other representatives. For the purposes of a meeting held in accordance with this clause, the chairperson and each other voting representative on the board have the same voting rights as they have at an ordinary meeting of the board.

Note: Clause 5.3 reflects section 397G of the Regulation. Joint organisations may adopt clause 5.3 and omit clause 5.2. Councils must not adopt clause 5.3.

- 5.4 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making

an apology if they are unable to attend a meeting. However, the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.

- 5.5 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.

- 5.6 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.

- 5.7 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 5.7 reflects section 234(1)(d) of the Act.

- 5.8 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 5.9 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 5.9 reflects section 368(1) of the Act.

Model Code of Meeting Practice for Local Councils in NSW

5.10 Clause 5.9 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 5.10 reflects section 368(2) of the Act.

5.11 A meeting of the council must be adjourned if a quorum is not present:

- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
- (b) within half an hour after the time designated for the holding of the meeting, or
- (c) at any time during the meeting.

5.12 In either case, the meeting must be adjourned to a time, date, and place fixed:

- (a) by the chairperson, or
- (b) in the chairperson's absence, by the majority of the councillors present, or
- (c) failing that, by the general manager.

5.13 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

5.14 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the health, safety or welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster or a public health emergency, the mayor may, in consultation with the general manager and, as far as is practicable, with each

councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.

5.15 Where a meeting is cancelled under clause 5.14, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clause 3.3.

Meetings held by audio-visual link

5.16 A meeting of the council or a committee of the council may be held by audio-visual link where the mayor determines that the meeting should be held by audio-visual link because of a natural disaster or a public health emergency. The mayor may only make a determination under this clause where they are satisfied that attendance at the meeting may put the health and safety of councillors and staff at risk. The mayor must make a determination under this clause in consultation with the general manager and, as far as is practicable, with each councillor.

5.17 Where the mayor determines under clause 5.16 that a meeting is to be held by audio-visual link, the general manager must:

- (a) give written notice to all councillors that the meeting is to be held by audio-visual link, and
- (b) take all reasonable steps to ensure that all councillors can participate in the meeting by audio-visual link, and

- (c) cause a notice to be published on the council's website and in such other manner the general manager is satisfied will bring it to the attention of as many people as possible, advising that the meeting is to be held by audio-visual link and providing information about where members of the public may view the meeting.
- 5.18 This code applies to a meeting held by audio-visual link under clause 5.16 in the same way it would if the meeting was held in person.
- Note: Where a council holds a meeting by audio-visual link under clause 5.16, it is still required under section 10 of the Act to provide a physical venue for members of the public to attend in person and observe the meeting.**
-
- ## Attendance by councillors at meetings by audio-visual link
- 5.19 Councillors may attend and participate in meetings of the council and committees of the council by audio-visual link with the approval of the council or the relevant committee.
- 5.20 A request by a councillor for approval to attend a meeting by audio-visual link must be made in writing to the general manager prior to the meeting in question and must provide reasons why the councillor will be prevented from attending the meeting in person.
- 5.21 Councillors may request approval to attend more than one meeting by audio-visual link. Where a councillor requests approval to attend more than one meeting by audio-visual link, the request must specify the meetings the request relates to in addition to the information required under clause 5.20.
- 5.22 The council must comply with the Health Privacy Principles prescribed under the *Health Records and Information Privacy Act 2002* when collecting, holding, using and disclosing health information in connection with a request by a councillor to attend a meeting by audio-visual link.
- 5.23 A councillor who has requested approval to attend a meeting of the council or a committee of the council by audio-visual link may participate in the meeting by audio-visual link until the council or committee determines whether to approve their request and is to be taken as present at the meeting. The councillor may participate in a decision in relation to their request to attend the meeting by audio-visual link.
- 5.24 A decision whether to approve a request by a councillor to attend a meeting of the council or a committee of the council by audio-visual link must be made by a resolution of the council or the committee concerned. The resolution must state:
- (a) the meetings the resolution applies to, and
 - (b) the reason why the councillor is being permitted to attend the meetings by audio-visual link where it is on grounds other than illness, disability, or caring responsibilities.
- 5.25 If the council or committee refuses a councillor's request to attend a meeting by audio-visual link, their link to the meeting is to be terminated.
- 5.26 A decision whether to approve a councillor's request to attend a meeting by audio-visual link is at the council's or the relevant committee's discretion. The council and committees of the council must act reasonably when considering requests by councillors to attend meetings by audio-visual link. However, the council and committees of the council are under no obligation to approve a councillor's request to attend a meeting by audio-

Model Code of Meeting Practice for Local Councils in NSW

visual link where the technical capacity does not exist to allow the councillor to attend the meeting by these means.

- 5.27 The council and committees of the council may refuse a councillor's request to attend a meeting by audio-visual link where the council or committee is satisfied that the councillor has failed to appropriately declare and manage conflicts of interest, observe confidentiality, or to comply with this code on one or more previous occasions they have attended a meeting of the council or a committee of the council by audio-visual link.
- 5.28 This code applies to a councillor attending a meeting by audio-visual link in the same way it would if the councillor was attending the meeting in person. Where a councillor is permitted to attend a meeting by audio-visual link under this code, they are to be taken as attending the meeting in person for the purposes of the code and will have the same voting rights as if they were attending the meeting in person.
- 5.29 A councillor must give their full attention to the business and proceedings of the meeting when attending a meeting by audio-visual link. The councillor's camera must be on at all times during the meeting except as may be otherwise provided for under this code.
- 5.30 A councillor must be appropriately dressed when attending a meeting by audio-visual link and must ensure that no items are within sight of the meeting that are inconsistent with the maintenance of order at the meeting or that are likely to bring the council or the committee into disrepute.

Entitlement of the public to attend council meetings

- 5.31 Everyone is entitled to attend a meeting of the council and committees of the council. The council must ensure that all meetings of the council and committees of the council are open to the public.
- Note: Clause 5.31 reflects section 10(1) of the Act.**
- 5.32 Clause 5.31 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 5.33 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 5.33 reflects section 10(2) of the Act.

Note: If adopted, clauses 15.14 and 15.15 confer a standing authorisation on all chairpersons of meetings of the council and committees of the council to expel persons from meetings. If adopted, clause 15.14 authorises chairpersons to expel any person, including a councillor, from a council or committee meeting. Alternatively, if adopted, clause 15.15 authorises chairpersons to expel persons other than councillors from a council or committee meeting.

Webcasting of meetings

- 5.34 Each meeting of the council or a committee of the council is to be recorded by means of an audio or audio-visual device.
- 5.35 At the start of each meeting of the council or a committee of the council, the chairperson must inform the persons attending the meeting that:
- (a) the meeting is being recorded and made publicly available on the council's website, and
 - (b) persons attending the meeting should refrain from making any defamatory statements.
- 5.36 The recording of a meeting is to be made publicly available on the council's website:
- (a) at the same time as the meeting is taking place, or
 - (b) as soon as practicable after the meeting.
- 5.37 The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.
- 5.38 Clauses 5.36 and 5.37 do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the Act.
- 5.39 Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Note: Joint organisations are not required to webcast meetings but may choose to do so by adopting clauses 5.34–5.39. Joint organisations that choose not to webcast meetings may omit clauses 5.34–5.39.

Attendance of the general manager and other staff at meetings

- 5.40 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 5.40 reflects section 376(1) of the Act.**
- 5.41 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 5.41 reflects section 376(2) of the Act.**
- 5.42 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 5.42 reflects section 376(3) of the Act.**
- 5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.
- 5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.

Item 8: Development

8.1 Planning Proposal General Amendment - Tourist and Visitor Accommodation 2022/23

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, LAN900151

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal General Amendment – Tourist and Visitor Accommodation 2022/23 to include a provision requiring the land on which tourist and visitor accommodation occurs to satisfy Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones of the *Mid-Western Regional Local Environmental Plan 2012*;**
2. **provide initial support for the Planning Proposal to amend *Mid-Western Regional Local Environmental Plan 2012* and submit to the NSW Department of Planning and Environment via the NSW Planning Portal seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*;**
3. **advise the NSW Department of Planning and Environment that Council's General Manager (or delegate) will be the nominated Local Plan Making Authority for this proposed amendment; and**
4. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has prepared a Planning Proposal seeking to include an additional LEP provision for consideration in the assessment of development applications for tourist and visitor accommodation, of the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The additional provision will require land subject of a development application for tourist and visitor accommodation to satisfy *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones* of the *Mid-Western Regional Local Environmental Plan 2012*.

Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones of the LEP, requires the land to measure the mapped minimum lot size or have a dwelling entitlement subject to the various subclauses for the erection of a dwelling.

This requirement is currently contained in Clause 6.4 Tourist and visitor accommodation of Council's Development Control Plan 2013. Moving this requirement into the LEP provides staff and the community with an increased clarity of expectations and weight when assessing a development application for tourist and visitor accommodation in the Region. The DCP provision has been

consistently applied by Council since adoption with the intent being to ensure that tourist and visitor accommodation is supported by a residential component.

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

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

Background

Mid-Western Regional Development Control Plan 2013

The following requirement is in Council's DCP and has been consistently applied since the commencement of the plan:

6.4 Tourist and Visitor Accommodation Location

(a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.

(b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.

The requirement to locate tourist and visitor accommodation on land with dwelling entitlement ensures there is not a proliferation of unauthorised dwellings on undersized lots. Further, Council identifies future rural lifestyle opportunities (dwellings on smaller lots) in strategically identified locations, to provide for a rural lifestyle demand.

Mid-Western Regional Local Environmental Plan 2012

Under Council's current and previous LEPs, various types of dwellings and tourist and visitor accommodation are and have been permissible in the rural areas (including land currently zoned R5 Large Lot Residential). This is unlike other rural and regional councils, where both multiple dwellings (dual occupancy, rural workers' dwellings, secondary dwellings) and the range of tourist and visitor accommodation are limited.

Due to the range of permissible dwellings and tourist and visitor land uses, it is necessary to move the requirement for dwelling entitlement into the LEPs to provide increased clarity for the community and weight when assessing a development application.

The land use permissibility will not change, for instance, in the RU1 Primary Production zone, the following land uses will remain permissible: bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments. Below is the current *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones*:

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

(1) The objectives of this clause are as follows—

(a) to minimise unplanned rural residential development,

(b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones,

- (c) to control rural residential density affected by historical subdivision patterns in Zone R5 Large Lot Residential.
- (2) This clause applies to land in the following zones—
- (a) Zone RU1 Primary Production,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone RU5 Village,
 - (d) Zone R5 Large Lot Residential,
 - (e) Zone E3 Environmental Management.
- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land in a zone to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the land—
- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
 - (b) is a lot or holding that existed before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
 - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) is an existing holding that is not within Zone R5 Large Lot Residential, or
 - (e) would have been a lot or a holding referred to in paragraphs (a)–(d) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
 - (f) is, in the case of land within 500 metres of land within Zone RU5 Village, a lot that has an area of at least 5 hectares, that has a sealed road frontage and that is connected to the sealed road network, or
 - (g) is a holding within Zone R5 Large Lot Residential that has an area of at least 5 hectares, that has all weather access, including all weather vehicular access, to which adequate services provided by public utility undertakings are available and that is suitable for the on-site disposal of domestic wastewater, or
 - (h) is a former holding, or
 - (i) is a former rural lot that has an area of at least 40 hectares.

Note—A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.

- (5) In this clause—

existing holding means land that—

- (a) was a holding on the relevant date, and*
- (b) is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in the ownership of the holding since the relevant date, and includes any other land adjoining that land acquired by the owner since the relevant date.*

former holding means land—

- (a) that was a holding on 9 August 2012, and*
- (b) that is a holding at the time the application for development consent referred to in subclause (3) is lodged, whether or not there has been a change in ownership of the holding since 9 August 2012, and*
- (c) that is at least the minimum lot size applicable under the environmental planning instrument that applied to the land immediately before the commencement of this Plan.*

former rural lot means a lot—

- (a) located in the former Mudgee, Rylstone or Merriwa local government areas, and*
- (b) that was created prior to the commencement of this Plan, and*
- (c) on which the erection of a dwelling house was permissible immediately before that commencement, and*
- (d) that is in Zone RU1 Primary Production, and*
- (e) in respect of land in the former Mudgee local government area—that was held in separate ownership from any adjoining land on 11 February 1985.*

holding means all adjoining land, even if separated by a road or railway, held by the same person or persons.

Note—The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on the stated date.

relevant date means—

- (a) in relation to land marked “Mudgee” on the Former LEP Boundaries Map—29 November 1967, or*
- (b) in relation to land marked “Merriwa” on the Former LEP Boundaries Map—18 April 1975, or*
- (c) in relation to land marked “Cudgegong” on the Former LEP Boundaries Map—24 November 1967, or*
- (d) in relation to land marked “Rylstone” on the Former LEP Boundaries Map—31 July 1970.*

Department of Planning and Environment Agritourism Reform

It was highlighted during the initial consideration of the Agritourism reform that a discrepancy would be created between the current LEP provision and what was being proposed by the Agritourism reform. The Agritourism reform was requiring dwelling entitlement for farm stay accommodation, however this requirement was not currently in Council’s LEP for the other forms of tourist and visitor accommodation. Accordingly, this Planning Proposal will ensure a consistent approach is taken for all forms of tourist and visitor accommodation within our region.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

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

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Staff Prepare the Planning Proposal	✓	November 2022
Council Decision to Support Proposal	✓	14 December 2022
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

INTENDED OUTCOMES

That land subject to development applications for tourist and visitor accommodation satisfy dwelling requirements under *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones*.

EXPLANATION OF PROVISIONS

The Planning Proposal will insert a provision into the LEP that will require development applications for tourist and visitor accommodation to satisfy *Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones*.

JUSTIFICATION

The DPE Local Environmental Plan Making Guideline September 2022 outlines questions to consider when demonstrating the justification. The provided Planning Proposal responds to the questions.

LOCAL PLAN MAKING AUTHORITY

In accordance with the Department's LEP Making Guideline, Council is to nominate the LPMA or person who will be carrying out the work to amend the LEP. For basic LEP amendments, the Council usually nominates itself as the LPMA. In this instance as the LEP amendment is of a routine type, it is recommended that the General Manager be delegated to carry out the LEP making function on behalf of Council.

NEXT STEP

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

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

28 November 2022

Attachments: 1. Planning Proposal.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Looking After
our Community*

PLANNING PROPOSAL
GENERAL
AMENDMENT 2022/23
TOURIST & VISITOR
ACCOMODATION

1 NOVEMBER 2022

MID-WESTERN REGIONAL COUNCIL
STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030



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PLANNING PROPOSAL GENERAL AMENDMENT 2022/23
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Version	Date	Notes
V001	November 2022	PP reported to December Council

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Overview

Introduction

The Planning Proposal Mid-Western Regional Local Environmental Plan Housekeeping Amendment (the Planning Proposal) explains the intent of, and justification for, the proposed amendment to the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012).

The Planning Proposal is to implement the following change to the MWRLEP 2012:

Include an additional MWRLEP 2012 provision for consideration in the assessment of development applications for tourist and visitor accommodation.

The additional provision will require land subject of a development application for tourist and visitor accommodation to satisfy Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones of the Mid-Western Regional Local Environmental Plan 2012.

The Planning Proposal has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 (the Act) and the relevant Department of Planning and Environment, Local Environmental Plan Making Guideline, December 2021.

Background

Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

Under the MWRLEP 2012 and previous environmental planning instruments, various types of dwellings and tourist and visitor accommodation are, and have been permissible in the rural areas (including land currently zoned R5 Large Lot Residential).

Due to the range of permissible dwellings and tourist and visitor land uses, it is necessary to move the requirement for dwelling entitlement from the Mid-Western Regional Development Control Plan 2013 (DCP 2013) into the MWRLEP 2012 to provide increased clarity for the community and weight when assessing a development application.

The following requirement is in Council's DCP 2013 and has been consistently applied since the commencement of the plan:

6.4 Tourist and Visitor Accommodation

Location

(a) Must comply with the MLS map or demonstrate compliance with Clause 4.2A of the LEP 2012.

(b) All tourist and visitor accommodation has a residential component and therefore Council will not consider the establishment of any tourist and visitor accommodation on land on which a single dwelling is not permissible in the LEP 2012.

Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to implement the following:

	PROPOSED AMENDMENT	LAND TO WHICH IT APPLIES	OBJECTIVE/OUTCOME
1.	An additional provision will require land subject of a development application for tourist and visitor accommodation to satisfy <i>Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones.</i>	All land zoned RU1 Primary Production, RU4 Primary Production Small Lots, RU5 Village, R5 Large Lot Residential and E3 Environmental Management.	Tourist and visitor accommodation established on land that satisfies <i>Clause 4.2A erection of dwelling houses and dual occupancies on land in certain zones.</i>

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Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved by the following:

PROPOSED AMENDMENT	EXPLANATION OF PROVISIONS
1. Additional clause.	Inclusion of either a miscellaneous and additional local provision that states tourist and visitor accommodation must not be granted on land unless a dwelling house is permitted to be erected under 4.2A.

Part 3 – Justification

Section A - Need for the Planning Proposal

Q1: Is the planning proposal the result of an endorsed LSPS, strategic study or report?

Yes, Council's Comprehensive Land Use Strategy (CLUS) outlines the importance of sustainable rural settlement, minimising rural land fragmentation and minimising the proliferation of dwellings on undersized lots.

To provide for rural lifestyle opportunities, a constraints and opportunity mapping exercise was undertaken and identified the location of future rural lifestyle opportunities.

Accordingly, the requirement for tourist and visitor accommodation to be located on land with a dwelling entitlement is consistent with the approach of the CLUS.

Q2: Is the planning proposal the best means of achieving the objectives or outcomes, or is there a better way?

The requirement for tourist and visitor accommodation to be located on land with a dwelling entitlement is currently in the DCP 2013.

Including this requirement in the MWRLEP 2012 provides the appropriate weight when assessing a development application for tourist and visitor accommodation in the Region.

Section B - Relationship to Strategic Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

STRATEGY	DIRECTION/ACTION/OBJECTIVE - COMMENT
Central West and Orana Regional Plan 2036	<p><i>Direction 12: Plan for greater land use compatibility</i></p> <p><i>Action 12.2 Identify and protect important agricultural land in local plans.</i></p> <p>The Planning Proposal will assist in protecting important agricultural lands by continuing to limit the number of tourist and visitor accommodation in the rural areas.</p> <p><i>Action 12.3 Create local strategies to limit urban and rural housing development in agricultural and extractive resource areas, industrial areas and transport corridors.</i></p> <p>Council's Comprehensive Land Use Strategy supports limiting tourist and visitor accommodation in rural areas.</p> <p><i>Action 12.4 Amend planning controls to deliver greater certainty of land use.</i></p> <p>The control is currently in Council's DCP 2013, including the control in the MWRLEP 2012 provides both greater certainty for landowners, Council and the community at large.</p>

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	<p><i>Direction 28: Manage rural residential development</i> Council identifies future opportunities and rural residential zones adjoining urban settlements at a minimum lot size from 2 – 5 hectares and with 5 – 10 kilometre radius around the towns within the region.</p>
Draft Central West and Orana Regional Plan 2041	<p><i>Objective 13: Protect agricultural production values and promote agriculture innovation, sustainability and value-add opportunities.</i></p> <p>The Planning Proposal will assist in protecting important agricultural lands by continuing to limit the number of tourist and visitor accommodation in the rural areas.</p> <p><i>Strategy 13.1: Protect agricultural land and industries from land use conflicts and fragmentation.</i></p> <p>The development of dwelling and tourist and visitor accommodation places pressure on proposed subdivision, resulting in fragmentation. Continuing to limit the establishment of dwelling and tourist and visitor accommodation will minimise fragmentation and land use conflict.</p> <p><i>Strategy 13.1: maintain and protect agricultural land and industries from land use conflicts and fragmentation, especially those lands identified as important such as those identified as Class 1-3 using the NSW land and capability mapping, biophysical strategic agricultural land, those currently developed for irrigation, or other special use lands that support specialised agricultural industries.</i></p> <p>Land mapped as Class 1-3 will be further protect with this Planning Proposal.</p> <p><i>Strategy 13.2: Strategic and local planning should maintain and protect the productive capacity of agricultural land in the region.</i></p> <p>The Planning Proposal is consistent with this Strategy item.</p>

Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal to continue to conserve agricultural land is consistent with Council's LSPS Our Place 2040.

Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is consistent with the Department of Primary Industries – Agriculture, various studies regarding minimising land fragmentation and dwellings on agricultural land.

Q6: Is the planning proposal consistent with applicable SEPPs?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table.

SEPP TITLE	PLANNING PROPOSAL CONSISTENCY
SEPP (Biodiversity and Conservation) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP Building Sustainability Index (BASIX) 2004	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.

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	Future development applications would be required to determine at development application whether the BASIX is applicable.
SEPP (Exempt & Complying Development Codes) 2008	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Housing) 2021	Yes – The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Industry and Employment) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP No 65 – Design and Quality of Residential Apartment Development	Not applicable.
SEPP (Planning Systems) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resilience and Hazards) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resources and Energy) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Transport and Infrastructure) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.

Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

These directions apply to planning proposals lodged with the Department of Planning and Environment on or after the date the particular direction was issued and commenced.

Detailed in the table below are the directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
Focus area: Planning Systems	
1.1 – Implementation of Regional Plan	Not applicable.
1.2 - Development of Aboriginal Land Council land	Not applicable
1.3 - Approval and Referral Requirements	The proposed amendment does not include the requirements for approvals or referrals.
1.4 - Site Specific Provisions	Not applicable, as the proposed amendments are not site specific.
1.5 - Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 - Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 - Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 - Implementation of the Western Sydney Aerotropolis Plan	Not applicable.

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1.11 - Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 - Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 - Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 - Implementation of Greater Macarthur 2040	Not applicable.
1.15 - Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16 - North West Rail Link Corridor Strategy	Not applicable.
1.17 - Implementation of the Bays West Place Strategy	Not applicable.
Focus area 2: Design and Place	
-	
Focus area 3: Biodiversity and Conservation	
3.1 - Conservation Zones	Consistent.
3.2 - Heritage Conservation	Consistent.
3.3 - Sydney Drinking Water Catchments	Not applicable.
3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 - Recreation Vehicle Areas	Consistent.
3.6 - Strategic Conservation Planning	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 - Flooding	Not applicable.
4.2 - Coastal Management	Not applicable.
4.3 - Planning for Bushfire Protection	Consistent, the Planning Proposal is not site specific.
4.4 - Remediation of Contaminated Land	Consistent, the Planning Proposal is not site specific.
4.5 - Acid Sulfate Soils	Consistent, the Planning Proposal is not site specific.
4.6 - Mine Subsidence and Unstable Land	Consistent, the Planning Proposal is not site specific.
Focus area 5: Transport and Infrastructure	
5.1 - Integrating Land Use and Transport	Not applicable.
5.2 - Reserving Land for Public Purposes	Not applicable.
5.3 - Development Near Regulated Airports and Defence Airfields	Consistent, the Planning Proposal is not site specific.
5.4 - Shooting Ranges	Consistent, the Planning Proposal is not site specific.
Focus area 6: Housing	
6.1 - Residential Zones	Not applicable.
6.2 - Caravan Parks and Manufactured Home Estates	Not applicable.
Focus area 7: Industry and Employment	
7.1 - Business and Industrial Zones	Not applicable.
7.2 - Reduction in non-hosted short-term rental accommodation period	Not applicable.
7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Focus area 8: Resources and Energy	
8.1 - Mining, Petroleum Production and Extractive Industries	Consistent, the Planning Proposal is not site specific.
Focus area 9: Primary Production	
9.1 - Rural Zones	The Planning Proposal does not facilitate the rezoning of the land.
9.2 - Rural Lands	Consistent – the minimum lot size is not changing. The Planning Proposal to ensure tourist and visitor accommodation occurs on land with dwelling entitlement supports this Direction.
	The Planning Proposal does not relate to a rural residential land supply.
9.3 - Oyster Aquaculture	Not applicable.

9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
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Section C - Environmental, Social and Economic Impact

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Site specific constraints will be considered during the assessment of any future development applications for tourist and visitor accommodation.

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in Local Environmental Plan Making Guideline, the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

Q10: How has the planning proposal adequately addressed any social and economic effects?

Not applicable.

Section D - State and Commonwealth Interests

Q11: Is there adequate public infrastructure for the planning proposal?

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure.

Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Not applicable due to the nature of the Planning Proposal.

STRATEGIC PLANNING |
PLANNING PROPOSAL GENERAL AMENDMENT 2022/23
TOURIST & VISITOR ACCOMODATION

Part 4 – Mapping

No change to mapping required as part of this Planning Proposal.

Part 5 – Community Consultation

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Local Environmental Plan Making Guideline and requires a public exhibition period of 20 days.

Public exhibition will be undertaken in accordance with any issued Gateway Determination.

STRATEGIC PLANNING |
PLANNING PROPOSAL GENERAL AMENDMENT 2022/23
TOURIST & VISITOR ACCOMODATION

Part 6 – Project Timeline

The Planning Proposal is a housekeeping amendment to the *Mid-Western Local Environmental Plan 2012* and should be able to be achieved within 3 - 6 months of the date of the Gateway Determination.

Proposed Timeline

MILESTONE	DATE
Gateway Determination	January 2023
Completion of Technical Information	N/A
Agency Consultation	February 2023
Public Exhibition	March 2023
Consideration of Submissions	April 2023
Legal Drafting & Opinion	May 2023
Finalisation	May 2023

8.2 Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, LAN900033

RECOMMENDATION

That Council:

1. receive the report by the Manager, Strategic Planning on the Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022; and
2. endorse the following 'farm stay accommodation' and 'farm gate premises' clauses and objective to be inserted into the Mid-Western Regional Local Environmental Plan 2012:

Farm Stay Accommodation

(1) The objectives of this clause are as follows—

- (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,**
- (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.**

Additional Objective: cluster location of buildings to maintain principal use of land for primary production.

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—

- (a) on the same lot as an existing lawful dwelling house, or**
- (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.**

(3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.

(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—

- (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—**
 - (i) residential accommodation,**
 - (ii) primary production operations,**

- (iii) other land uses, and*
- (b) whether the development will have a significant adverse impact on the following on or near the land—*
 - (i) the visual amenity or heritage or scenic values,*
 - (ii) native or significant flora or fauna,*
 - (iii) water quality,*
 - (iv) traffic,*
 - (v) the safety of persons, and*
- (c) whether the development is on bush fire prone land or flood prone land, and*
- (d) the suitability of the land for the development, and*
- (e) the compatibility of the development with nearby land uses.*

Farm Gate Premises

- (1) The objectives of this clause are as follows—*
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,*
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—*
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—*
 - (i) residential accommodation,*
 - (ii) primary production operations,*
 - (iii) other land uses, and*
 - (b) whether the development will have a significant adverse impact on the following on or near the land—*
 - (i) the visual amenity or heritage or scenic values,*
 - (ii) native or significant flora or fauna,*
 - (iii) water quality,*
 - (iv) traffic,*
 - (v) the safety of persons, and*
 - (c) whether the development is on bush fire prone land or flood prone land, and*
 - (d) the suitability of the land for the proposed development, and*
 - (e) the compatibility of the development with nearby land uses.*

Executive summary

The Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 (the Order) was published on the 6 October 2022 and will commence in early 2023. The Order contains two optional clauses for Council's consideration. The two optional clauses are 'farm stay accommodation' and 'farm gate premises'. The order also contains the additional land use definitions, discussed in the body of the report.

The staff recommendation is to include the optional clauses for 'farm stay accommodation' and 'farm gate premises' as it will provide staff with matters for consideration when assessing development applications. Further, the staff recommendation is to include an additional objective. The additional objective will encourage the clustering of the location of buildings to maintain principal use of land for primary production and minimise land use conflict.

'Farm gate premises' will be a subset of 'Agritourism' and will be permissible where Agriculture is permissible. Agriculture is permissible in the RU1 Primary Production and RU4 Primary Production Small Lots zones. The permissibility of 'farm stay accommodation' we remain the same.

The draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 was reported to Council for consideration in March 2022. The Order published in October 2022 differs to the draft, accordingly staff are reporting the matter to Council for consideration.

The main differences between the draft and published order is the removal of development standards (gross floor area for buildings, maximum guest's onsite) in the optional clauses and the change to the definition of farm stay accommodation.

Disclosure of Interest

Nil

Detailed report

BACKGROUND

The Department of Planning and Environment exhibited an Explanation of Intended Effect for proposed agritourism planning control changes in March-April 2021. Council made a submission during the exhibition period (April 2021).

Staff briefed Councillors in April 2021 and March 2022.

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 and State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Agritourism) 2022 were both published on the 6 October 2022.

The State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Agritourism) 2022 commenced on 1 December 2022 and will stipulate exempt and complying Agritourism development.

NEW LAND USE TERMS

The following are the new land use terms that will be inserted into the Dictionary of the Mid-Western LEP. The insertion of these land use terms is not optional.

Agritourism means the following—

(a) *farm gate premises,*

(b) *farm experience premises*.

Note— *Agritourism is a type of agriculture—see the definition of the term in this Dictionary.*

Camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

(a) a caravan park, or

(b) farm stay accommodation.

Caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

Commercial farm means a farm on which agriculture is undertaken that is—

(a) on land categorised as farmland under the Local Government Act 1993, section 515, or

(b) a primary production business within the meaning of the Income Tax Assessment Act 1997 of the Commonwealth, or part of a primary production business, including a business that—

(i) was a primary production business, and

(ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

Farm experience premises means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—

(i) horse riding,

(ii) farm tours,

(iii) functions or conferences,

(iv) farm field days.

Note— *Farm experience premises are a type of agritourism—see the definition of that term in this Dictionary.*

Farm gate premises—

(a) means a building or place—

(i) on a commercial farm, and

(ii) ancillary to the farm, and

(iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—

(A) processing, packaging and sale of the products, but not the processing of animals,

(B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

(C) tastings or workshops,

(D) the provision of information or education related to the products, and

(b) includes cellar door premises.

Note— *Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.*

Farm stay accommodation means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note— *Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.*

PROPOSED OPTIONAL CLAUSES

There are two optional clauses that Council has considered; Farm Stay Accommodation and Farm Gate Premises, as provided below. When considered previously (March 2022) these clauses contained development standards. The optional clauses no longer contain development standards. The two optional clauses are provided below:

5.24 Farm stay accommodation [optional]

(1) The objectives of this clause are as follows—

(a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,

(b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

Optional Objective: cluster location of buildings to maintain principal use of land for primary production.

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—

(a) on the same lot as an existing lawful dwelling house, or

(b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.

(3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.

(4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—

(a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—

(i) residential accommodation,

- (ii) primary production operations,*
- (iii) other land uses, and*

(b) whether the development will have a significant adverse impact on the following on or near the land—

- (i) the visual amenity or heritage or scenic values,*
- (ii) native or significant flora or fauna,*
- (iii) water quality,*
- (iv) traffic,*
- (v) the safety of persons, and*

(c) whether the development is on bush fire prone land or flood prone land, and

(d) the suitability of the land for the development, and

(e) the compatibility of the development with nearby land uses.

Staff comment: It is the staff recommendation to adopt the proposed optional clause and additional objective to ensure amenity is considered in the assessment of any development application for farm stay accommodation. Of particular assistance is the inclusion of the requirement for the land to meet the minimum lot size or be on the same lot as a lawful dwelling. This provision is currently contained in Council's Development Control Plan and it would be beneficial for this requirement to have greater weight when contained within the Mid-Western LEP. This consideration will ensure there is not a proliferation of farm stay accommodation and unauthorised change of use to permanent dwellings within the rural areas.

5.25 Farm gate premises [optional]

(1) The objectives of this clause are as follows—

- (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,*
- (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*

(2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—

(a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—

- (i) residential accommodation,*
- (ii) primary production operations,*
- (iii) other land uses, and*

(b) whether the development will have a significant adverse impact on the following on or near the land—

- (i) the visual amenity or heritage or scenic values,*
- (ii) native or significant flora or fauna,*
- (iii) water quality,*
- (iv) traffic,*

- (v) *the safety of persons, and*
- (c) *whether the development is on bush fire prone land or flood prone land, and*
- (d) *the suitability of the land for the proposed development, and*
- (e) *the compatibility of the development with nearby land uses.*

Staff comment: The new farm gate premises land use will facilitate permissibility in both the RU1 Primary Production and RU4 zones. The inclusion of the optional clause will give staff specific matters for consideration during the assessment of a development application, rather than relying on a merit based assessment.

WHERE WILL AGRITOURISM LAND USES BE PERMISSIBLE

Agritourism, and the subsets of this use, 'farm gate premises' and 'farm experience premises' will sit under the parent term 'agriculture' and will be permissible where agriculture is permissible. 'Agriculture' is permissible with consent in the RU1 Primary Production and RU4 Primary Production Small Lots zones.

NEXT STEP

Council's endorsement of the 'farm stay accommodation' (including the optional objective) and 'farm gate premises' optional clauses will inform DPE's drafting to amend the Mid-Western LEP (without the need for Council to prepare a planning proposal). DPE are proposing the amendment will commence early 2023.

It should be noted, State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Agritourism) 2022, published on the 6 October 2022 commenced on the 1 December 2022. Council does not need to consider any items in relation to this legislation.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

The consideration and endorsement of the two optional clauses of 'farm stay accommodation' and 'farm gate premises' will not require any changes to relevant policies.

Legislation

The two optional clauses of 'farm stay accommodation' and 'farm gate premises' has been considered in accordance with the Standard Instrument Local Environmental Plan Agritourism Amendment Order (the Order).

The Mid-Western LEP will be updated in line with DPE's reform timeframe.

Financial implications

Nil

Associated Risks

If Council were not to opt in for the inclusion of the two clauses 'farm stay accommodation' and 'farm gate premises' in the Mid-Western LEP, staff would not have the benefit of considering these clauses in the assessment of future development applications.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

28 November 2022

Attachments: 1. Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022

under the

Environmental Planning and Assessment Act 1979

MARGARET BEAZLEY, Governor

I, the Honourable Margaret Beazley AC KC, Governor of New South Wales, with the advice of the Executive Council, and under section 3.20 of the *Environmental Planning and Assessment Act 1979*, make the following Order.

Dated, this 28th day of September 2022.

By Her Excellency's Command,

ANTHONY ROBERTS, MP
Minister for Planning

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 [NSW]

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022

under the

Environmental Planning and Assessment Act 1979

1 Name of Order

This Order is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022*.

2 Commencement

This Order commences on 1 December 2022.

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Land Use Table

Insert in appropriate order in Direction 5—

- Agritourism;
- Farm experience premises;
- Farm gate premises;
- Primitive camping grounds;

[2] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Insert “in buildings” after “bedrooms” in clause 5.4(5).

[3] Clause 5.4(8)

Omit “not less than 8”. Insert instead “not less than 9”.

[4] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5km of a poultry farm used for breeding poultry, or
 - (B) within 1km of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3km of another pig farm.

[5] Clauses 5.24 and 5.25

Insert at the end of Part 5—

5.24 Farm stay accommodation [optional]

- (1) The objectives of this clause are as follows—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

Direction— Additional objectives may be included.

- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied all buildings or manufactured homes used to accommodate guests on the landholding will be—
 - (a) on the same lot as an existing lawful dwelling house, or
 - (b) on a lot of a size not less than the minimum lot size for a dwelling house to be permitted on the lot under an environmental planning instrument applying to the land.

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (3) Subclause (2) does not apply if the development is a change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the development, and
 - (e) the compatibility of the development with nearby land uses.

Direction— Additional development standards for farm stay accommodation may be included.

5.25 Farm gate premises [optional]

- (1) The objectives of this clause are as follows—
 - (a) to allow for tourism and related commercial uses on land used principally for primary production at a scale that does not adversely affect the principal use of the land for primary production,
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- Direction—** Additional objectives may be included.
- (2) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have a significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have a significant adverse impact on the following on or near the land—
 - (i) the visual amenity or heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

Direction— Additional development standards for farm gate premises may be included.

[6] Dictionary, definition of “agriculture”

Insert before paragraph (a)—

- (aaa) agritourism,

[7] Dictionary, definition of “artisan food and drink industry”

Omit paragraph (b). Insert instead—

- (b) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,

[8] Dictionary

Omit the definitions of *camping ground*, *caravan park* and *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of ***agriculture***—see the definition of that term in this Dictionary.

camping ground means an area of land, with access to communal amenities, used for the short term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

commercial farm means a farm on which agriculture is undertaken that is—

- (a) on land categorised as farmland under the *Local Government Act 1993*, section 515, or
- (b) a primary production business within the meaning of the *Income Tax Assessment Act 1997* of the Commonwealth, or part of a primary production business, including a business that—
 - (i) was a primary production business, and
 - (ii) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

farm experience premises means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (c) used to provide visitors to the farm, on a commercial basis, with small-scale and low-impact tourist or recreational activities, including the following, but not including motor sports—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note— Farm experience premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a commercial farm, and
 - (ii) ancillary to the farm, and
 - (iii) used to provide visitors to the farm, on a commercial basis, with agricultural products predominantly from the farm, supplemented by products from other farms in the region, or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided,
 - (C) tastings or workshops,
 - (D) the provision of information or education related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises are a type of **agritourism**—see the definition of that term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a commercial farm, and
- (b) ancillary to the farm, and
- (c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

landholding means an area of land—

- (a) constituted or worked as a single property, and
- (b) if comprising more than 1 lot—the lots are—
 - (i) contiguous, or
 - (ii) separated only by a road or watercourse.

manufactured home has the same meaning as in the *Local Government Act 1993*.

primitive camping ground means a camping ground approved under the *Local Government Act 1993*, Chapter 7, Part 1 as a primitive camping ground.

Note— Primitive camping ground is a type of **camping ground**—see the definition of that term in this Dictionary.

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 [NSW]
Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental
Plans) Order 2006

[9] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[10] Dictionary, definition of “restaurant or cafe”

Omit “also provided”. Insert instead—

also provided, but does not include the preparation and serving of food and
drink to people that occurs as part of—

- (a) an artisan food and drink industry, or
- (b) farm gate premises.

[11] Dictionary, definition of “retail premises”

Omit paragraph (b).

[12] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before “highway service centres”.

8.3 Acceptance of NSW Government Grants

REPORT BY THE MANAGER - ECONOMIC DEVELOPMENT
 TO 14 DECEMBER 2022 ORDINARY MEETING
 GOV400098, GRA600051

RECOMMENDATION

That Council:

1. receive the report by the Manager - Economic Development on the Acceptance of NSW Government Grants;
2. if successful, accept the grant funding from the following NSW Government grant funding bodies:

Grant Fund	Project	Grant Amount Requested
2022 Summer Holiday Break Program	Youth Summer School Holiday Program	\$11,148
ClubGrants Infrastructure Grants	Rylstone Showground Amenities Upgrade: show society amenities building and arena lighting	\$200,000
Fixing Local Roads - Pothole Repair Round	Fast-track urgent road maintenance and potholes	\$778,670
Places to Swim (Open Spaces Program)	Cudgegong Waters Park amenities building	\$445,000
Places to Swim (Open Spaces Program)	Rylstone River Walk	\$378,500
Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program	Rylstone Showground arena lighting	\$287,000
Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program	Victoria Park Gulgong amenities building	\$354,125

3. if successful, amend the 2023/24 and 2024/25 budgets in accordance with the adjustments listed on the Financial Implication section of this report;
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government; and
5. amend the 2023/24 income for Glen Willow Lighting Upgrade to be \$2,324,206 grant funded and \$685,794 funded by Capital Reserves.

Executive summary

Council has applied to numerous funding bodies for a range of projects identified in the Operational Plan and those that will support the overall goals of the Community Plan.

The NSW Government funding bodies identified in this report include:

- 2022 Summer Holiday Break Program
- ClubGrants Infrastructure Grants
- Fixing Local Roads - Pothole Repair Round
- Places to Swim (Open Spaces Program)
- Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program

It is recommended that if Mid-Western Regional Council is successful in any of the above applications, that Council accepts the grant funding, and authorises the General Manager to sign the funding agreements and amend the 2023/24 and 2024/25 Council budgets.

Further, an adjustment to the budget for Glen Willow Lighting Upgrade is required as anticipated grant funding is lower than the amount applied for. Therefore an amendment to the income budget for 23/24 is required and recommended for approval.

Disclosure of Interest

Nil

Detailed report

2022 Summer Holiday Break Program

The objective of the 2022 Summer Holiday Break Program is to address geographical, financial and accessibility barriers that impact the ability of young people in regional NSW to enjoy recreational and social activities within their local communities. Mid-Western Regional Council applied for \$11,148 to facilitate a number of excursions and workshops planned for the summer holidays.

ClubGrants Infrastructure Grants

The NSW Government offers grants to communities across NSW to support the building, renovation and fit-out of community infrastructure. Funding is available for sport and recreation facilities, arts and cultural infrastructure, as well as projects that assist communities with essential infrastructure and disaster readiness.

The project identified as meeting the criteria for the ClubGrants Infrastructure Fund was the Rylstone Showground Amenities Upgrade: show society amenities building and arena lighting \$200,000.

Fixing Local Roads - Pothole Repair Round

The Fixing Local Roads Pothole Repair Round provides funding for routine corrective maintenance of potholes in rigid and flexible pavements, on sealed and unsealed roads. Corrective Maintenance includes unplanned maintenance activities that are necessary to ensure continued access and the safe operation of the network.

The value of this fund is dependent on kilometres of road network managed in the local government area and the number of applicants applying for the funding. This value will be \$778,670 for Mid-Western Regional Council.

Places to Swim (Open Spaces Program)

The Places to Swim Grant provides funding for improvements to open spaces that will directly support swimming in natural bodies of water. Funding includes amenities and facilities that directly support recreational use of the waterways, improvements for water-based recreation such as launching small non-powered watercraft, and providing walking tracks/trails and infrastructure that directly connect to and support access to water for recreation.

The following projects were identified as relevant and met the criteria of the grant fund:

- Cudgegong Waters Park Amenities Building \$445,000
- Rylstone River Walk – Improvement \$378,500

Female Friendly Community Sport Facilities and Lighting Upgrades Grant Program

The primary objectives of this Program is to increase the number and type of safe, equitable, accessible, and inclusive sport and active recreation facilities. Foster positive sport and active recreation experiences for women and girls through the provision of welcoming and supportive community spaces and environments and increase utilisation of sport and active recreation facilities for women and girls through enabling more female participation opportunities. This funding required co-contribution from Council of 25% of the grant request.

The following projects were identified as meeting the criteria of this:

- Rylstone Showground lighting upgrade \$287,000
- Victoria Park Gulgong amenities building \$354,125

Resources for Regions

Council has applied to the Resources for Regions program to support the lighting upgrade at Glen Willow Stadium. A budget for this project was set and approved in October 2022, however an adjustment to the income component of the budget is required as anticipated grant funding is lower than the original amount applied for. Therefore an amendment to the income budget for 23/24 is required and recommended for approval.

- Glen Willow Stadium lighting upgrade Grant application amount: \$3,010,000
 Grant funding likely to be: \$2,324,206

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

The identified projects support a number of Council strategies as identified in the Community Plan including:

- Provide infrastructure and services to cater for the current and future needs of our community.

- Maintain the provision of high quality, accessible community services that meet the needs of our community.
- Provide a roads network that balances asset conditions with available resources and community needs

Council Policies

Nil

Legislation

Nil

Financial implications

Youth Summer School Holiday Program

In 22/23 set an expenditure budget of \$11,148 to be fully funded by grants

Rylstone Showground Amenities Upgrade

In 23/24 increase expenditure to \$400,000 with \$200,000 to be funded by grants and \$200,000 to be funded from the Capital Program Reserve.

Fast-track urgent road maintenance and potholes

In 22/23 increase expenditure budget of \$778,670 to be fully funded by grants

Cudgegong Waters Park amenities building

In 23/24 increase expenditure to \$450,000 with \$445,000 to be funded by grants and \$5,000 to be funded from the Capital Program Reserve

Rylstone River Walk

In 23/24 set an expenditure budget of \$378,500 to be fully funded by grants

Rylstone Showground arena lighting

In 23/24 increase expenditure to \$378,500 with \$287,000 to be funded by grants and \$91,500 to be funded from the Asset Replacement Reserve.

Victoria Park Gulgong amenities building

In 23/24 increase expenditure to \$475,500 with \$354,125 to be funded by grants and \$121,375 to be funded from the Capital Program Reserve

Glen Willow Lighting

Amend the 23/24 income budget to receive \$2,324,206 from grant funding and reduce transfer from Capital Program Reserve to \$685,794

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

Associated Risks

If the grant funding for the above-named projects is successful and not accepted by Council the projects may not be able to proceed or be delayed due to funding restraints. There is a project delivery risk for each project. These risks are managed through Council's policies and procedures.

MICHELE MINI
MANAGER - ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

10 November 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 NRMA Electric Vehicle Fast Charging Sites

REPORT BY THE MANAGER - ECONOMIC DEVELOPMENT
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, ECO800023

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Economic Development on the NRMA Electric Highway;**
2. **authorise the General Manager to negotiate appropriate locations for a new four bay EV charging station; and**
3. **authorise the General Manager to engage and execute agreements with the NRMA to identify and authorise the instalment of EV fast charging station in Mudgee.**

Executive summary

As part of the Federal Government's Electric Highway Commitment, Mudgee has been identified as an area where additional fast charging infrastructure would be beneficial. As such, NRMA are wanting to progress discussions with Council to install a new four bay fast charger at an appropriate location in Mudgee. It is proposed that NRMA would cover all costs to build, power, maintain, and monitor this facility.

The purpose of this report is seek approval to continue negotiations with NRMA and authorise the General Manager to engage and execute agreements with NRMA to install a new four bay EV charger in Mudgee CBD.

Disclosure of Interest

Nil

Detailed report

The Federal Government's Electric Highway commitment will see EV charging stations located no more than 150km apart on national highways around the country. As part of recent funding to NRMA, Mudgee has been identified as an area where additional infrastructure will be of benefit. The NRMA are delivering this project and would like to engage Council to explore sites in Mudgee that meet the following requirements:

- Not more than 10 minute deviation from the highway
- Minimum four bay parking area to accommodate high use periods
- Available access 24/7
- Access to amenities

All infrastructure, build, power, maintenance and monitoring costs would be covered by the NRMA.

The Council carpark on Short Street has been identified as a possible location for the EV fast charging station as this location is close to amenities, Tourist Information Centre and a short walk to the town centre.

If to progress, Council would enter a licence agreement for the location of the chargers. The term of the licence Council would commit to is 5 years and the license fee during this term is \$1 per annum. important to note:

- this License does not give the Licensee (NRMA) any right to exclusive possession or occupancy of the Licensed Area.
- the Licensor (MWRC) may use, or permit other parties to use, the Licensed Area.
- this Licence will not create, or be construed as creating, any form of tenancy or other right or interest in or to the Licensed Area, other than a contractual right; and
- this Licence does not constitute a lease at Law and the Licensee will not claim before a court or tribunal that this Licence constitutes a lease at Law.
- Licensee (NRMA) will pay for connection charges and ongoing usage costs.
- The licensee (NRMA) promptly after becoming aware of it, repair any damage to the Licensee's Property whether caused by vandalism, attempted or actual theft or other unlawful activity, or by accident or negligence of a third party other than the Licensor.
- The Licensee may terminate this Licence at any time by giving the Licensor at least 120 days' written notice.

The current Club Mudgee EV station is also currently being considered for upgrade to a dual fast EV charging station.

It is recommended the Council authorise the General Manager to negotiate an appropriate location for the EV charging station; and once location is agreed, execute agreements with NRMA.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Nil, as all establishment and ongoing expenses are the responsibility of NRMA.

Associated Risks

The risk of not engaging in this project will be that the Mid-Western Region may miss out on the opportunity to have further fast EV chargers installed in Mudgee at no cost to Council. If fast EV charging stations are not installed this may deter some visitors and affect tourism as more of the population are investing in electric cars and the demand for this service will continue to grow.

MICHELE MINI
MANAGER - ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

28 November 2022

Attachments: 1. Draft Licence to Occupy NRMA EV Charger Installation. (separately attached)
2. NRMA Electric Highways letter of intent. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Update on Mudgee Airport 04/22 Runway Grass Strip

REPORT BY THE BUSINESS DEVELOPMENT COORDINATOR
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, F0470008

RECOMMENDATION

That Council receive the report by the Business Development Coordinator on the Update on Mudgee Airport 04/22 Runway Grass Strip.

Executive summary

At the 16 November 2022 Ordinary Council Meeting, Urgent Business Without Notice was raised including the motion:

That Council seek to urgently remove the NOTAM preventing use of grass verges on runway 04/22 at Mudgee Airport in the interest of safety, liaise with CASA as to what would be required in order to have this included in the ERSA, and have a report brought back to Council outlining what is required in order to make that runway surface usable for pilots.

The following report provides an update on this issue including the undertaking of further investigations to review the request to rescind the NOTAM (C87/22) currently in place, restricting use of the grass runway strip parallel to the sealed 04/22 runway, for Take -Off and Landing of Aircraft.

Disclosure of Interest

Nil

Detailed report

In May 2022 a NOTAM was issued to restrict Aircraft from using the grass runway strip parallel to the sealed runway 04/22 for Take-Off and Landing as it was identified that the runway strip did not comply with the current legislation Civil Aviation Safety Regulation 1988 (CASR 1988) and Part 139 (Aerodromes) Manual of Standards 2019 (amended), (MOS 139) to allow Take-Off and Landing.

Prior to publishing the Original NOTAM, the CASA Aerodromes Inspector was consulted to review Council staff's understanding of the legislation and advise of the possibility of allowing Aircraft to use the grass runway strip for Take-Off and Land. Airport staff were advised that it was not possible, as the area available for use could not comply with MOS139 runway requirements.

On the 16th June, in an effort to clarify and confirm the decision to issue the NOTAM, a request was submitted to CASA\Guidance, Transformation & Safety Systems.

On the 5th of September a response was received -CASE ENQ-22-140294 - Response to Guidance Query - Use of Runways Strip for Take-off and Landing [SEC=OFFICIAL] CRM:000247001460. A copy of this has been provided to Councillors.

The response confirmed that the decision to issue the NOTAM was valid.

Post the 16th November Council meeting, further communication with CASA was undertaken. Staff reached out to additional CASA representatives including those noted as suitably qualified experts by Mudgee Pilot – Mr Tyms.

On the 29th of November, as a result of contacting further CASA representatives, staff were contacted by CASA Aerodromes Inspector, to reaffirm that Mudgee Airport could not comply with MOS 139 if a decision was made to rescind the NOTAM and allow Aircraft Take- Off and Land on the grass strip parallel to runway 04/22.

CASA further affirmed that tail wheeled aircraft were able to land on the 16/34 grass runway strip and 04/22 sealed runways.

Further, Council staff have reached out to the organiser of Wings, Wheels and Wine regarding the impacts of the NOTAM in place. Paul Bennet (the organiser) has advised the implementation of the NOTAM does not have any impact on the delivery of the air show, and the event will proceed with the NOTAM in place. There are two usable runways for the event – RW04/22 and the grass runway RW16/34.

Council staff have also discussed the NOTAM with RFS in regard to planes requiring to take off and land for firefighting duties and they are have also advised that the NOTAM does not impact their operations.

On the grass runway (RW16/34) remedial and improvements works have been undertaken over the last 2 weeks, since the significant rain event of October. Staff can confirm there are two runways at Mudgee airport that have surface usable for pilots.

If Council would like to create a third runway at Mudgee Airport, a feasibility study would need to be undertaken. An Airport Consultant may be hired to do this and an expense budget of \$15,000 would need to be set. This may provide guidance as to the possibility of constructing an additional grass runway parallel to 04/22 in areas west and east of the current sealed runway. If a new runway is created, this would be included in an updated ERSA.

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 delivery of Mudgee Airport services supports a range of Council strategies including the effective and efficient delivery of infrastructure, as well as supporting the region as a great place to live, work, invest and visit.

Council Policies

Not Applicable

Legislation

Civil Aviation Safety Regulation 1988 (CASR 1988)
Part 139 Method of Standards 2019 (Amended)

Financial implications

Nil

Associated Risks

If Council lifts the NOTAM issued to restrict Aircraft from using the grass runway strip parallel to the sealed runway 04/22 for Take-Off and Landing, Mudgee Airport will not comply with the current legislation Civil Aviation Safety Regulation 1988 (CASR 1988) and Part 139 (Aerodromes) Manual of Standards 2019 (amended), (MOS 139). The impact of this is that Mudgee Airport may be closed by CASA.

ANDREW BANKS
BUSINESS DEVELOPMENT COORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

30 November 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Draft Contaminated Land Use Planning Policy

REPORT BY THE TOWN PLANNER AND MANAGER, PLANNING
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, LAN900010

RECOMMENDATION

That Council:

1. receive the report by the Town Planner and Manager, Planning on the Draft Contaminated Land Use Planning Policy;
2. endorse and publicly exhibit the Draft Contaminated Land Use Planning Policy outlined in this report; 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 Contaminated Land Use Planning Policy as proposed.

Executive summary

Council currently does not have any policy or procedures on how to manage contaminated land, and does not have any sort of contamination register, or potentially contaminated land register. Since 2019, Council has participated in the NSW EPAs *Regional Capacity Building Program*. The Program is funded by the EPA and aims to assist Council's in implementing and maintaining policies and procedures associated with Contaminated Land Management.

In accordance with the NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land 1998 (“the Planning Guidelines”) it is strongly recommended that:

“each local council develop and adopt a formal policy for managing land contamination to provide a local context for decision making” and that “the policy should be consistent with the Guidelines and either adopt or be based on them, with variations based on local conditions and procedure”.

Council currently acts in “good faith” with the Planning Guidelines, but the adoption of a Contaminated Land Use Planning Policy will re-affirm Councils legislative obligations and will align Council activities and management processes to the Planning Guidelines.

Overall the adoption of a policy will aim to achieve the following key principles of:

- Ensuring any land use changes will not increase the risk to human health or the environment.
- Avoiding inappropriate restrictions on land use.
- Providing information to support decision making and to inform the community of Council's requirements.

It is recommended that Council endorse the Contaminated Land Use Planning Policy to provide a framework for Council to appropriately manage land contamination through the land use planning process.

If supported, the draft Contaminated Land Use Planning Policy will be placed on public exhibition for 28 days in accordance with the Local Government Act 1993.

Disclosure of Interest

Nil

Detailed report

Council has prepared a Contaminated Land Use Planning Policy to establish a framework for Council to appropriately manage land contamination. The Policy is strongly aligned/based on the *Model Regional Contaminated Land Policy – Land Use Planning* January 2020, prepared by the Hunter Joint Organisation, as part of their *Regional Contaminated Land Capacity Building Program*.

Mid-Western Regional Council's Contaminated Land Use Planning Policy sets out the preferred practice of Council Officers in relation to:

- Identifying, evaluating and managing contamination through the land use planning process.
- Recording, managing and disclosing contaminated land information.
- Reporting contamination to the NSW EPA.
- Preventing or minimising the potential for contamination.

Additionally, Council has an important role in supplying the community with information regarding land use history, land contamination and remediation activities. The Contaminated Land Use Planning Policy also seeks to establish a Contaminated Land Information System (CLIS) to provide relevant and accurate information on contaminated land to the community in accordance with the *NSW Government Information (Public Access) Act 2009*.

Councils are implementing the CLIS very differently, owing to limited resources. Council should look to implement and maintain an information management system which is commensurate with the size and resources available. As Council has no dedicated contamination specialists/staff, limited resources within existing teams, and poorly integrated software, mapping, and record systems - no CLIS has been developed, or devised – but will be investigated / developed within the limitations of existing resources.

Overall, the adoption and implementation of a local contaminated land use policy by Council will provide a valuable tool to staff and the community.

Public Exhibition

The draft Contaminated Land Use Planning Policy is required to be placed on public exhibition for a period of 28 days to enable submissions from the community. A further report will then be prepared and presented to Council for final adoption. However, if no submissions are received, the proposed Policy will be adopted as presented following the conclusion of the public exhibition period.

Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

Strategic implications

Council Strategies

The Contaminated Land Use Planning Policy will assist Council to effectively manage land contamination through the land use planning process and will communicate this framework to the public.

Council Policies

Nil

Legislation

Environmental Planning and Assessment Act 1979

NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land 1998 (“the Planning Guidelines”)

Financial implications

Not Applicable

Associated Risks

This policy reaffirms Councils statutory obligation and provides a framework for decision making. Without this policy there is the risk that there would be a lack of community awareness on contaminated land management and the potential risk to the environment or human health.

HANNAH DRAPER
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

24 November 2022

Attachments: 1. Draft Contaminated Land Use Planning Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Contaminated Land Use Planning

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	[VERSION 1.1, 1.2 ETC]
COUNCIL MEETING MIN	7/09/2022	REVIEW DATE	[DATE TO REVIEW]
DATE:	XX/08/2022	FILE NUMBER	[INSERT FILE NO]

1. Scope

This document outlines Mid-Western Regional Councils Policy under the regulatory control of Local Government, as stipulated by the *Environmental Planning and Assessment Act 1979* and Managing Land Contamination Planning Guidelines 1998 (“the Planning Guidelines”).

In accordance with the *Environmental Planning and Assessment Act 1979*, Council as a planning authority is exempt from liability associated with contaminated land for anything done or omitted to be done in “good faith”, which is to act substantially in accordance with the contaminated land planning guidelines. This Policy seeks to align Council activities and management processes to the Planning Guidelines and achieve the key principles of:

- Ensuring any land use changes will not increase risk to human health or the environment.
- Avoiding inappropriate restrictions on land use
- Providing information to support decision making and to inform the community of Council’s requirements.

2. Purpose

The purpose of the Contaminated Land Policy is to provide a framework for Council to appropriately manage land contamination through the land use planning process.

The Policy sets out the preferred practice of Council Officers in relation to:

- Identifying, evaluating and managing contaminated land through the land use planning process.
- Recording, managing and disclosing contaminated land information.
- Reporting contamination to the NSW EPA.
- Preventing or minimising the potential for contamination.

It is not the intent of this Policy that an act or omission of any Officer of the Council shall be called into question or held to be invalid on the grounds of failure to comply with this Policy.

3. Objectives

The objectives of this policy are to:

- Ensure that changes in land use will not increase the risk to human health or the environment.
- Consider the likelihood of land contamination as early as possible in the planning and development control process.
- Link decisions about the development of land with the information available about possible contamination.

POLICY: | [VERSION 1.1, 1.2 ETC]

- Ensure Council exercise its functions relating to the development of contaminated land with a reasonable standard of care and diligence.
- Ensure that site investigations and remediation works are carried out in a satisfactory manner, and where appropriate, are independently verified by a Site Auditor.
- Avoid inappropriate restrictions on land use arising from contamination.
- Provide information to support decision making, and to inform the community of potential restrictions on property arising from contaminated land matters.

4. Application

This Policy relates to Council's responsibility in contaminated land matters as the regulatory authority for land use planning.

This Policy applies to all land within the Local Government Area.

5. Relationship to other Policies, Procedures and Guidelines

This Policy is supported by a number of legislative instruments, regulations, guidelines and other relevant Council documents, as listed below:

Contaminated Land Management Act 1997
Contaminated Land Management Regulation 2013
Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021
Government Information (Public Access) Act 2009
Guidelines provided or endorsed by the NSW EPA under the CLM Act.
Local Government Act 1993
Local Government (General) Regulation 2005
Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land, 1998 (or the planning guideline in force at the time)
National Environment Protection (Assessment of Site Contamination) Measure 1999, amended in 2013
State Environmental Planning Policy (Resilience and Hazards) 2021
Mid-Western Regional Local Environmental Plan 2012
Mid-Western Development Control Plan 2013

6. Review of this Policy

This policy will be reviewed every three (3) years from the date of adoption. The policy will also be subject to review at an earlier time in response to amendments to legislation, policy or guidelines that may directly affect the intent and application of the Policy.

7. Managing Land Contamination through the Planning Process in the Local Government Area

7.1 Land Use Planning Functions

When carrying out planning functions under the *Environmental Planning and Assessment Act 1979*, Council must consider the possibility that the previous and / or current land uses, and / or a nearby land use, has caused contamination of the site, and the potential risk to human health and the environment from that contamination.

POLICY STATEMENTS:

1. Council shall not approve a Development Application or support a Planning Proposal unless it is satisfied on the basis of information available to it under this Policy that:
 - Contamination has been considered;
 - If the land is contaminated, that the land is suitable in its contaminated state (or will be suitable following remediation) for all the uses permissible under the approval; or
 - If the land is contaminated, that conditions can be placed in planning instruments or on development consents and approvals under Part 4 of the *Environmental Planning and Assessment Act 1979* that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

7.2 Information Management

Council has an important role in supplying the community with information regarding land use history, land contamination and remediation activities. Council also has a statutory responsibility to include certain information on certificates issued for the purposes of s10.7 of the *Environmental Planning and Assessment Act 1979*. The information required is defined in:

- s59 of the *Contaminated Land Management Act 1997* (i.e. information provided to Council by either the NSW EPA or Accredited Auditors).
- Schedule 2 of the *Environmental Planning and Assessment Regulation 2021* (i.e. whether there is a policy adopted by Council or any other public authority that restricts the development of the land, in this case due to actual or potential contamination).

The development and maintenance of a Land Use Information System (LUIS) will assist Council to meet its legislative obligations. Council will develop a systematic approach to recording and accessing information on contamination.

POLICY STATEMENTS:

2. Council to develop a systematic approach to recording and assessing information on contamination, to facilitate compliance with statutory obligations, support its planning functions, and provide relevant and accurate information on contaminated land to the community in accordance with the *NSW Government Information (Public Access) Act 2009*.

INFORMATION PROVIDED ON THE S10.7 PLANNING CERTIFICATE

POLICY: | [VERSION 1.1, 1.2 ETC]

Information to be disclosed on a Section 10.7(2) Planning Certificate is specified in the *Environmental Planning and Assessment Regulation 2021* (Schedule 2) and s59(2) of the *Contaminated Land Management Act 1997*. Council therefore has a legal obligation to provide certain information through Section 10.7(2) Planning Certificates in relation to land contamination.

POLICY STATEMENTS:

3. Section 10.7(2) Planning Certificates issued by Council are to:
 - Contain information on matters prescribed under Section 59(2) of the *Contaminated Land Management Act 1997* that are relevant to the property
 - Identify whether or not any adopted policy (including this Policy) of Council or any other public authority restricts the development of the land (the subject of the certificate) because of the likelihood of any risk of contamination

INFORMATION TO BE PROVIDED ON SECTION 10.7(5) PLANNING CERTIFICATES

Section 10.7(5) Planning Certificates are governed by s10.7(5) of the *Environmental Planning and Assessment Act 1979*, which states that “a council may include advice on such other relevant matters affecting the land of which it may be aware”. As such, there is no specific legislative requirement for Council to provide information pertaining to land contamination issues on s10.7(5) Certificates. However, this needs to be balanced with the fact that the Council owes the applicant a duty to take reasonable care when issuing planning certificates.

POLICY STATEMENTS:

4. Section 10.7(5) Planning Certificates issued by Council are to provide information that is provided to Councils by the NSW EPA in accordance with s 59 of the *Contaminated Land Management Act*, that is not already included in a s10.7(2) Planning Certificate.
5. If Council is aware that a site has been notified to the NSW EPA under S.60 of the *Contaminated Land Management Act*

7.3 Certification Requirements

Contaminated site assessments are inherently complex and usually present a wide range of issues. Engaging professionals who have the relevant qualifications, competencies and experience is important when investigating and managing contaminated sites. For this purpose, Contaminated Land Consultant certification schemes have been developed to ensure those Consultants dealing with contaminated sites have the necessary competencies to carry out the work. Certification under a recognised scheme should be interpreted as the Consultant meeting at least an acceptable minimum standard of competency. Currently, the certification schemes recognised by NSW EPA and the Council are:

- Environment Institute of Australia and New Zealand’s (EIANZ) scheme for Certified Environmental Practitioner Site Contamination Specialist (CEnvP SC)
- Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

POLICY STATEMENTS:

6. Contaminated land reports are to be prepared, or reviewed and approved by an appropriately qualified and certified Environmental Consultant. Currently, the certification schemes recognised by NSW EPA and the Council are (noting other schemes may become recognised):
 - Environment Institute of Australia and New Zealand's (EIANZ) scheme for Contaminated Land Assessment Specialist Certified Environmental Practitioner (CEnvP SC)
 - Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

7.4 Investigation and Reporting Standards

Given the complex and technical nature of contaminated land reports, it is essential that Consultants complete investigations and reporting in accordance with the EPA prepared and adopted guidelines. To further assist Council staff when assessing planning applications, an accompanying report synthesis, presenting project background, scope, objectives, key issues, investigation findings and recommendations is to be provided with each report.

POLICY STATEMENTS:

7. All investigations and accompanying reports provided to Council are to be completed in accordance with NSW EPA prepared and adopted guidelines.
8. All contaminated land reports provided to Council are required to include a summary report synthesising key findings and recommendations.

7.5 Site Investigation, Remediation and Validation

To ensure Councils satisfy their legislative obligations when considering planning applications, an appropriate investigation process based on the following stages is required.

INITIAL EVALUATION

An Initial Evaluation is to be completed by Council. It aims to determine whether contamination needs to be addressed during the assessment of a Planning Application as required by SEPP (Resilience and Hazard) and to therefore determine whether further information is required for Council to conduct its planning functions in good faith.

POLICY STATEMENTS:

9. An initial evaluation is to be completed by Council for all land use Planning Applications.

POLICY: | [VERSION 1.1, 1.2 ETC]

PRELIMINARY SITE INVESTIGATION

A Preliminary Site Investigation is provided by the Proponent. The main objectives are to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination, and if required, provide a basis for a Detailed Site Investigation.

POLICY STATEMENTS:

10. A Preliminary Site Investigation is required when an Initial Evaluation identifies that contamination is, or may be present on the site, or if potential or actual contamination on an adjacent area has the potential to migrate to the site.

SAMPLING AND ANALYSIS QUALITY PLAN AND DETAILED SITE INVESTIGATION

A Sampling and Analysis Quality Plan and Detailed Site Investigation is provided by the Proponent. The objectives are to define the nature, extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information to develop a Remedial Action Plan, if required. It should be noted that this Stage of the process may entail several investigations and reports, including Site Specific Risk Assessments and Modelling.

POLICY STATEMENTS:

11. A Sampling and Analysis Quality Plan and Detailed Site Investigation is required:
 - Where the Preliminary Site Investigation indicates that the land is, or may be contaminated
 - When the site is, or was, formally used for an *potentially contaminating land use* listed in Appendix A, or other potentially contaminating activities known to Council, and a land use change is proposed that has the potential to increase the risk of exposure to contamination
 - To accompany a remediation proposal or notification.

REMEDIAL ACTION PLAN

A Remedial Action Plan is provided by the Proponent. The objectives are to set remediation objectives and document the process to remediate the site. The proposed remediation is to (as a minimum) reduce the risk from contamination to acceptable levels for the proposed land use scenario. The Remedial Action Plan should be based on the information from previous investigations.

POLICY STATEMENTS:

12. A Remedial Action Plan is required where the Detailed Site Investigation, Site Specific Risk Assessment or Modelling identifies that remediation or management is needed to render the site suitable for its intended land use.

13. A Remedial Action Plan (and accompanying investigation reports) must accompany the Planning Application where development consent is required for remediation (i.e. Category 1 Remediation Works).
14. A Remedial Action Plan (and accompanying investigation reports) must accompany any notification to Council for proposed Category 2 Remediation work.

VALIDATION, ONGOING MANAGEMENT AND MONITORING

Validation and / or Ongoing Management / Monitoring Reports are provided by the Proponent. The objective of Validation is to demonstrate whether or not the objectives stated in the Remedial Action Plan and any conditions of development consent have been achieved. At times, this may include ongoing management and / or monitoring following the completion of remediation. Monitoring undertaken for a limited time is typically incorporated into the Validation Report.

In situations where full clean-up is not feasible or on-site containment of contamination is proposed, the need for an On-going Environmental Management Plan including monitoring, maintenance and management measures should be determined by both the Proponent's Consultant and the Planning Authority.

SEPP (Resilience and Hazards) requires a Notice of Completion to be provided to Council for all remediation work. The Notice of Completion is to include the Validation Report (with monitoring results if monitoring was undertaken, and any ongoing management and monitoring requirements).

POLICY STATEMENTS:

15. A Validation Report (including monitoring results where applicable) is required to validate the completion and effectiveness of all remediation works for which consent has been provided by Council (i.e. Category 1 Remediation Works).
16. The Notice of Completion provided to Council for any Category 2 remediation works is to include the Validation Report.
17. An On-going Environmental Management Plan is required to be provided to Council and implemented where contamination remains on site, and there is uncertainty as to its potential to migrate; and / or the effectiveness of the management measures implemented to contain the contamination following remediation and validation; and / or monitoring and ongoing management forms part of the remediation strategy.

7.6 Site Audits

A Site Audit is an independent review of any or all stages of the site investigation process, conducted by a Site Auditor accredited by the NSW EPA in accordance with the *Contaminated Land Management Act 1997*. Engaging a Site Auditor can provide greater certainty about the information on which the planning authority bases its decision, particularly where sensitive uses are proposed, and / or where contamination is complex. The outcome of a Site Audit is a Site Audit Statement, stating the purpose and outcome of the Site Audit, and accompanying Site Audit Report providing the information on which the outcome was based.

POLICY: | [VERSION 1.1, 1.2 ETC]

POLICY STATEMENTS:

18. Council may require a site audit to be carried out where council:
- Believes on reasonable grounds that the information provided by the proponent is incorrect or incomplete;
 - Wishes to verify whether the information provided by the proponent has adhered to appropriate standards, procedures and guidelines; or
 - Does not have the internal resources to conduct its own technical review.
19. All costs associated with providing a site audit are to be borne by the proponent.

7.7 Control of Remediation Works

Remediation is generally considered beneficial as it improves the quality of the environment, reduces health risks and restores land to productive use. However, in some situations remediation work itself has the potential for environmental impact, and the planning process must ensure that these impacts are adequately identified and mitigated. SEPP (Resilience and Hazard) provides consistent state-wide planning and development controls for the remediation of contaminated land. Remediation work which requires development consent is known as Category 1 Remediation Work. All other remediation work may be carried out without development consent and is known as Category 2 Remediation Work; however, Council must be notified prior to commencement and upon completion of Category 2 Remediation Works.

POLICY STATEMENTS:

20. Development consent is required for Category 1 Remediation Work as defined by SEPP (Resilience and Hazard)
21. Council must be notified of proposed Category 2 Remediation Works no less than 30 days prior to their scheduled commencement.

7.8 Duty to Report

The duty to report contamination to the NSW EPA is a requirement under the *Contaminated Land Management Act 1997*, with updates provided in the *Contaminated Land Management Amendment Act 2008*.

The following people are required to report contamination as soon as practical after they become aware of any contamination that meets the triggers for the duty to report:

- Anyone whose activities have contaminated land
- An owner of land that has been contaminated.

It should be noted that although the above people have the duty to report contamination, anyone can at any time report suspected contamination to the NSW EPA.

8. Preventing Contamination

Measures to prevent possible contamination at its source can help to reduce the need for remedial action in the future. Preventing contamination occurring in the first place can therefore have significant environmental and financial benefits for Council and the Community.

POLICY STATEMENTS:

22. For potentially polluting activities, Council will apply and enforce conditions of development consent that ensure effective and ongoing control measures are implemented.

DRAFT

POLICY: | [VERSION 1.1, 1.2 ETC]

Appendix A - Potentially Contaminating Land Uses

The following land use definitions generally relate to the land use definitions used in the *Standard Instrument—Principal Local Environmental Plan*. Additional definitions and comments are included in the table to assist in identifying the potential to contaminate land from that land use.

Should only be used where specific information about the site is available.

* Table 1 activities where a Preliminary Investigation is mandatory for change of use DA. See cl 4.6 SEPP (Resilience and Hazards) 2021.

GROUPING	POTENTIALLY CONTAMINATING LAND USE	DEFINITION OR COMMENTS
Agriculture	Aquaculture	Cultivating or keeping fish or marine vegetation for commercial purposes; Fisheries Management Act 1994
	* Extensive agriculture#	Used to capture farm shed activities such as chemical storage and handling
	Food manufacturing	All types of food and drink manufacturing that may have included boilers or cooking, needs to be at reasonable scale
	* Intensive livestock agriculture	Feed lots, piggeries, dairies, concentrated waste products Designated development triggers
	* Intensive plant agriculture	Vineyards, orchards, irrigated cropping, turf farming
	Livestock processing industries	Production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, and includes abattoirs, knackerries, tanneries, wool scours and rendering plants.
	Rural supplies	Store large quantities of chemicals but should be only applied where chemicals are decanted or repackaged on site
	* Sheep and cattle dips	Public or private facilities
	Stock and sale yards	Associated with waste, wash-down facilities and stock dips or other pest treatments
	* Tanning and associated trades	
Asbestos	Asbestos Disposal#	Where asbestos containing material has been buried for permanent disposal
	* Asbestos production and disposal	Includes mining and asbestos product manufacturing
	Demolition without asbestos clearance	A building with significant ACM demolition without providing an asbestos clearance
Chemical *	Acid/alkali plant and formulation	
	Battery manufacture, storage and recycling	Commercial scale storage of used batteries

	Chemical storage facilities	Includes the bulk storage and handling of chemical in association with other activities
*	Chemicals manufacture and formulation	
*	Defence works	UXOs, fuels and chemical use or storage
*	Dry cleaning establishments	
	Hospitals	Incinerators and boilers, radioactive wastes
	Laboratory	Place equipped to conduct scientific experiments, tests, investigations, etc., or to manufacture chemicals, medicines, or the like. Includes large scale photographic labs etc.
*	Paint formulation and manufacture	
	Paper and printing works	Commercial printeries with significant stores of ink and solvents
*	Pesticide manufacture and formulation	
*	Wood preservation	
Fuel	Liquid fuel depots	
*	Oil production and storage	Oil refineries
*	Service stations	
	Store and dispense 450l or more of fuel or oils	Fuel storage on land where primary land use is not otherwise listed
Industry	Cement works	
*	Drum re-conditioning works	
*	Electrical manufacturing (transformers)	
*	Electroplating and heat treatment premises	
*	Engine works	Manufacture of engines
*	Explosives industry	Includes explosives magazines, ammunition and fireworks manufacture and testing.
*	Gas works	
	Heavy industrial storage establishment	Storage of goods, materials, plant or machinery for commercial purposes
	Heavy industrial workshops and metal fabrication	Includes welding, sand blasting, spray painting
*	Iron and steel works	
*	Metal treatment	

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*	Mining and extractive industries	Including mineral or ore processing or coal washing etc.
	Paper pulp or pulp products industries	
	Pet food manufacturing	As distinct from food manufacturing
*	Power stations	
	Sawmill or log processing works	Relating to often being off grid using steam or liquid fuel driven machinery, also drying kilns and use of pesticides
	Small engine service and repairs	Lawnmowers and other small engine not considered motor vehicles
*	Smelting and refining	
	Storage of plant and equipment	Generally informal storage of equipment that may lead to land contamination
	Vehicle body repair workshops	Panel beaters and spray painting
Transport *	Air transport facilities	Includes heliports and all ancillary buildings
	Emergency services facilities	Police, Ambulance Fire, SES have often included fuel storage
	Freight transport facility	
	Motor vehicle service and repairs	Including cars sales yards and tyre shops
*	Railway yards	
	Truck or transport depots	Place used for the servicing and parking of trucks, earthmoving machinery and the like
	Vehicle washing	Where involved in truck washing or engine degreasing for the public or as a standalone operation
Waste	Contaminated soil and groundwater treatment works	
	Junk yard	land used for the collection, storage, abandonment or sale of scrap metals, waste paper, bottles or other scrap materials or goods, or land used for the collecting, dismantling, storage, salvaging, or abandonment of cars or other vehicles or machinery or for the sale of their parts.
*	Landfill sites	Sites use for the disposal of waste
	Oil Recycling	
*	Scrap yards	
	Sewage treatment plants	
	Site used for illegal waste disposal	
	Use of uncertified fill	Land has been levelled or reshaped with fill material that has not been certified as suitable and or the filling has not been approved
*	Waste storage and treatment	

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Other	Commercial or industrial fixed plant with liquid fuels, e.g. generator sets.	
	Rifle or shooting range	
	Site that includes large electrical transformers or switch gear	Including electrical substations and transformers or switchgear for large industrial premises.
	Site that is impacted by off-site contamination#	Sites that would require contamination assessment due to the impacts of contamination derived from land that is being regulated by the EPA under Part 3 of the CLM Act.

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POLICY: | [VERSION 1.1, 1.2 ETC]

Appendix B Abbreviations

CLIS	Contaminated Land Information System
CLM	Contaminated Land Management
CLM Act	<i>Contaminated Land Management Act 1997</i>
DCP	Development Control Plan
DA	Development Application
DSI	Detailed Site Investigation
EMP	Environmental Management Plan
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Reg	<i>Environmental Planning and Assessment Regulation 2021</i>
EPI	Environmental Planning Instrument
LEP	Local Environment Plan
LUIS	Land Use Information System
NEPM 1999)	National Environmental Protection (Assessment of Site Contamination Measure 1999)
POEO Act	<i>Protection of the Environment Operation Act 1997</i>
PSI	Preliminary Site Investigation
RAP	Remediation Action Plan
SAR	Site Audit Report
SAS	Site Audit Statement
SEPP	<i>State Environmental Planning Policy</i>
SMP	Site Management Plan
UPSS	Underground Petroleum Storage System
UST	Underground Storage Tank

Appendix C Glossary

Assessment of site contamination	A formal investigation and report carried out by a contaminated land consultant in accordance with the Planning Guideline, the Reporting Guidelines or the UPSS Regulation and may include a preliminary site investigation, a detailed site investigation, a remediation action plan or a validation report.
Category 1 remediation	As defined in SEPP (Resilience and Hazards) 2021, being remediation that requires development consent.
Category 2 remediation	As defined in SEPP (Resilience and Hazards) 2021, being remediation that may be undertaken without development consent.
Contaminated Land Management	In regard to Council's responsibilities as a regulatory authority through the land use planning process: The management of records relating to past or present land use, assessment of site contamination, provision of relevant information, monitoring of remediation and the determination of suitability for rezoning and development consents as described within this policy.
Contamination	<p>As defined in EP&A Act: contaminated land means land in, on or under which any substance is present at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>or in CLM Act: Contamination of land, for the purposes of this Act, means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment.</p> <p>Note: Contamination and Pollution have similar statutory definitions, and while Council has statutory powers to regulate pollution (in particular under the <i>Protection of the Environment Operations Act 1997</i>) this policy is primarily concerned with contamination. A pollution incident is considered to be a matter that is dealt with in the short term by the relevant powers. Pollution can result in contamination if the pollution is not cleaned up in the short term or Council does not become aware of the issue within a reasonable time to be able to enforce a suitable remedy.</p>
Contamination assessment	See Assessment of site contamination.

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Deferred Commencement	A development consent is granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority as to any matter specified in the condition, in accordance with s 80 (3) of the <i>Environmental Planning and Assessment Act 1979</i> .
Detailed Site Investigation	Stage 2 - Detailed Investigation as defined in Planning Guideline, the Reporting Guidelines and the NEPM. An investigation that will define with high precision the nature, extent and risks posed by contamination.
Duty to Report	The duty to report significant contamination to the NSW EPA is a requirement under the <i>Contaminated Land Management Act 1997</i> , with updates provided in the <i>Contaminated Land Management Amendment Act 2008</i> . The triggers for reporting are presented in the “ <i>Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997</i> ” (2015).
Environmental Management Plan	A plan to enforce the management of residual contamination (e.g. onsite containment of contamination) following suitable remediation of a site.
Initial Evaluation	An evaluation undertaken by Council to determine whether contamination is likely to be an issue, and to assess whether further information is required for it to conduct its planning functions in good faith.
Local Environmental Plan (LEP)	An LEP guides planning decisions for Local Government Areas (LGAs) through zoning and development controls, which provide a framework for the way land can be used. LEPs are Planning Instruments from the <i>Environmental Planning & Assessment Act 1979</i> .
Ongoing Monitoring	Ongoing monitoring, as defined in <i>ASC NEPM</i> , and the <i>Consultants reporting on contaminated land</i> (NSW EPA, 2020), may be required for assessment, validation and /or management purposes. In these cases, a monitoring program must be documented detailing the proposed strategy, parameters to be monitored, locations, frequency, decision process for additional actions and for ending monitoring, and reporting requirements.
Phase	A term commonly used to refer to the formal stages of contamination assessment; however, it is not reliably consistent with the terms defined in this policy.
Planning Guideline	<i>Managing Land Contamination Planning Guideline</i> (Department of Urban Affairs and Planning and EPA 1998) or otherwise specified by s 145C <i>Environmental Planning and Assessment Act 1979</i> .
Pollution	As defined in the POEO Act pollution means: a. water pollution, or

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- b. air pollution, or
- c. noise pollution, or
- d. land pollution.

pollution incident means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.
land pollution or pollution of land means placing in or on, or otherwise introducing into or onto, the land (whether through an act or omission) any matter, whether solid, liquid or gaseous:

- a. that causes or is likely to cause degradation of the land, resulting in actual or potential harm to the health or safety of human beings, animals or other terrestrial life or ecosystems, or actual or potential loss or property damage, that is not trivial, or
- b. that is of a prescribed nature, description or class or that does not comply with any standard prescribed in respect of that matter, but does not include placing in or on, or otherwise introducing into or onto, land any substance excluded from this definition by the regulations.

See note under **contamination**.

Preliminary Site Investigation

Stage 1 – Preliminary investigation as defined by the Planning Guideline, the Reporting Guidelines and the NEPM. An investigation that defines the potentially contaminating activities carried out on a site, the areas where contamination is most likely to exist and, if necessary, sufficient soil or groundwater sampling to confirm whether the land has been contaminated or not.

Remediation

As defined in SEPP (Resilience and Hazards) 2021 remediation means:

- a. removing, dispersing, destroying, reducing, mitigating or containing the contamination of any land, or
- b. eliminating or reducing any hazard arising from the contamination of any land (including by preventing the entry of persons or animals on the land).

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Remediation Action Plan	Remediation Action Plan as defined by the Planning Guideline and the Reporting Guidelines. A plan that sets out how a contaminated site can be made suitable for its intended use including methodology, clean-up criteria and validation procedures.
S10.7 planning certificate	A planning certificate as defined under section 10.7 of the EP&A Act 1979
Site Audit	<p>Non-Statutory Site Audit means a site audit undertaken by a site auditor that is not a requirement of a statutory instrument such as a development consent or regulation by the <i>Contaminated Land Management Act (1997)</i>.</p> <p>Statutory Site Audit as defined in section 47 of the <i>Contaminated Land Management Act (1997)</i> means a site audit carried out in order to secure compliance with, among other things, a requirement of SEPP55 or a development consent.</p> <p>Site Audit Statement contains the Site Auditor's findings and is in the form approved by the EPA. See s53B CLM Act. Further information about Site Audits can be found in the NSW EPA website: http://www.epa.nsw.gov.au/clm/auditorscheme.htm</p>
Specific potentially contaminating land	A land use specified in Appendix A that will, if determined to have been carried out on the land, be used to identify land for contaminated land management under this policy.
Suitably qualified person	Means a person who has such competence and experience in relation to the assessment of site contamination as is recognised as appropriate by the contaminated land management industry. They will also be, or be reasonably able to be, or supervised by a consultant who is, certified under a contaminated land consultant certification scheme recognised by the EPA.
UPSS regulation	Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019
Validation Report	Validation and monitoring as defined by the Planning Guideline and the Reporting Guidelines. A report detailing the results of the post-remediation testing against the clean-up criteria stated in the RAP.

8.7 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER, PLANNING
TO 14 DECEMBER 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 November 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 December 2022

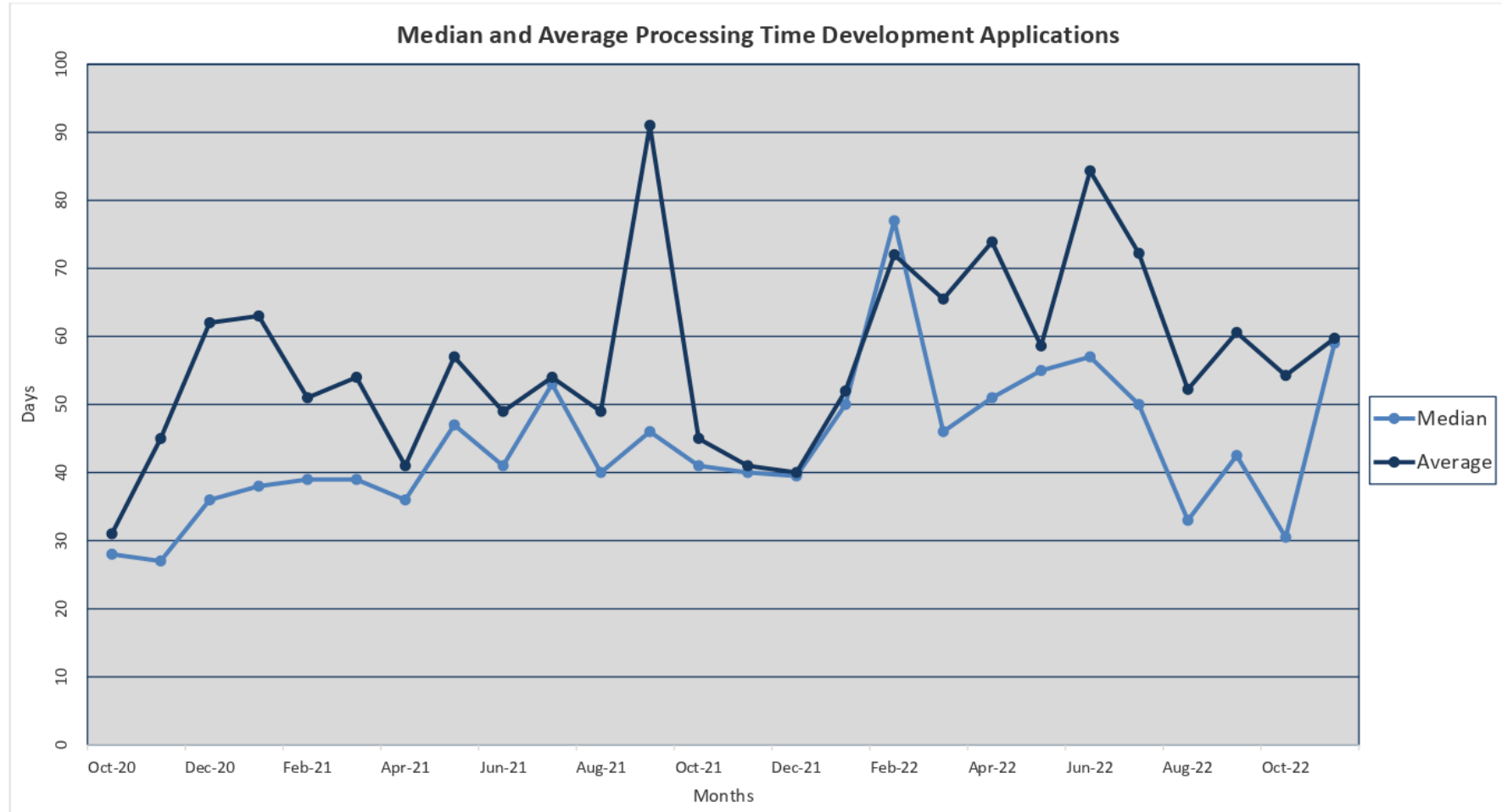
Attachments: 1. DA applications processing and determined ATTACHMENT November 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

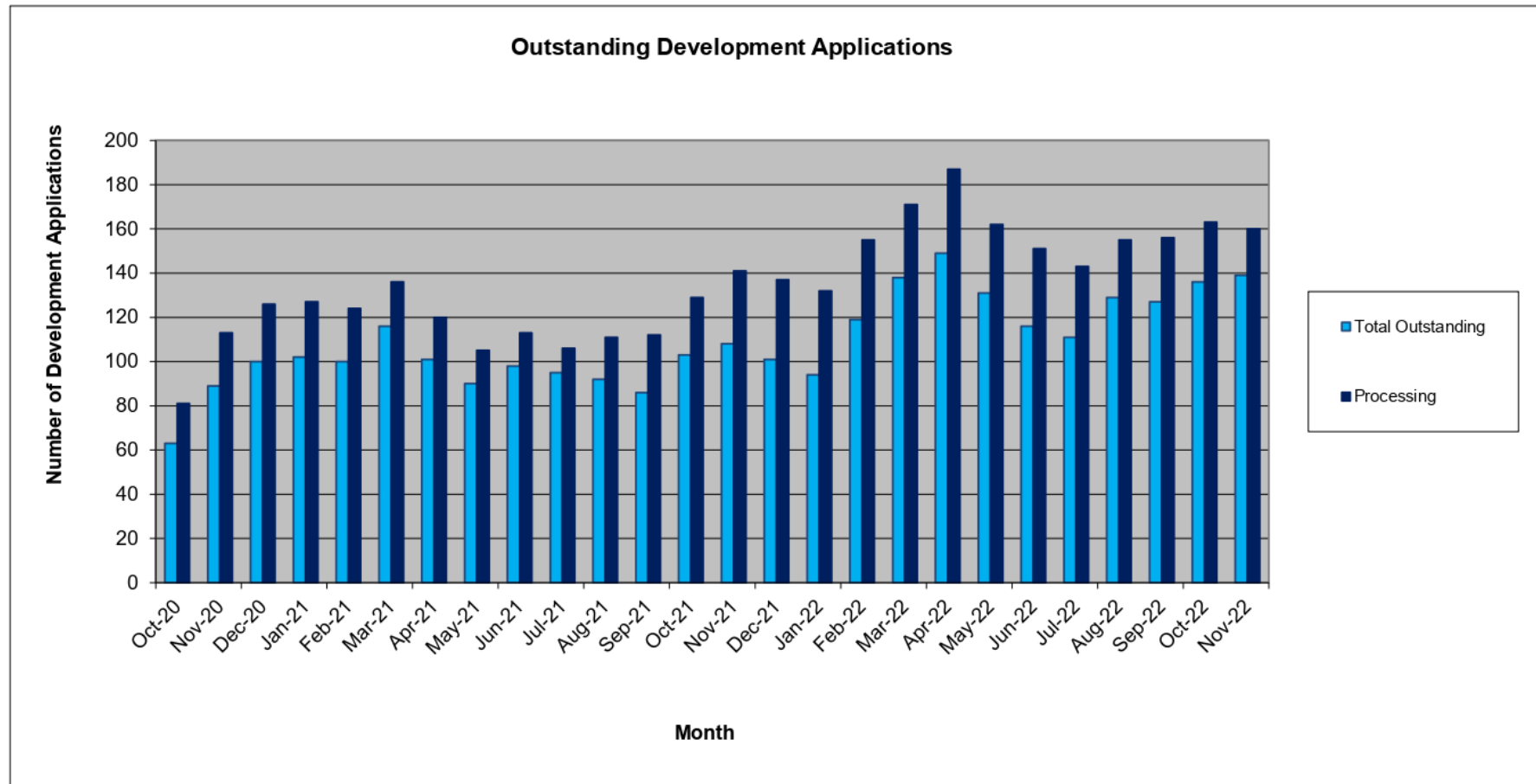
Monthly Development Application Processing Report – November 2022

This report covers the period for the month of November 2022. Graph 1 indicates the processing times up to 30 November 2022 with the month of November having an average of 59.72 days and a median time of 59 days.



Monthly Development Application Processing Report – November 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 – November 2022

The Planning and Development Department determined 39 Development Applications either by Council or under delegation during November 2022.

Development Applications Determined – November 2022

Appl/Proc ID	Description	House No	Street Name	Locality
DA0166/2021	Water storage facility	51	Oaklands Road	MOUNT FROME
DA0094/2022	Dwelling House	96	Madeira Road	MUDGEE
DA0303/2022	Other (DA)	103	Lawson Street	MUDGEE
DA0336/2022	Shed >150m2	44	Burrundulla Road	BURRUNDULLA
DA0401/2022	Dual Occupancy	41	Suttor Avenue	CAERLEON
DA0411/2022	Other (DA)	28	Market Street	MUDGEE
DA0413/2022	Subdivision - Torrens Title	900	Castlereagh Highway	BERYL
DA0426/2022	Dual Occupancy	49	Suttor Avenue	CAERLEON
DA0439/2022	Subdivision - Torrens Title	1329	Pyramul Road	PYRAMUL
DA0450/2022	Dwelling House	344	Castlereagh Hwy	BURRUNDULLA
DA0451/2022	Other (DA)	1403	Blue Springs Road	BUNGABA
DA0456/2022	Dwelling House	111	Adams Lead Road	GULGONG
DA0002/2023	Other (DA)	1062	Blue Springs Road	COPE
DA0005/2023	Demolition	127	Gladstone Street	MUDGEE
DA0008/2023	Secondary dwelling	604	Wallawaugh Road	HARGRAVES
DA0012/2023	Change of use to a food and drink premises	82	Mortimer Street	MUDGEE
DA0018/2023	Shed >150m2	18	Bumberra Place	BOMBIRA
DA0024/2023	Other (DA)	209	Pipeclay Lane	BUDGEE BUDGE
DA0041/2023	Secondary dwelling	16	Bumberra Place	BOMBIRA
DA0045/2023	Other (DA)	21	Robertson Street	MUDGEE
DA0050/2023	Subdivision - Torrens Title	5	Xavier Court	MUDGEE
DA0072/2023	Signage	62	Church Street	MUDGEE
DA0086/2023	Garage	4	Worobil Street	GULGONG
DA0089/2023	Dual Occupancy	6	Queen Street	GULGONG
DA0098/2023	Ancillary Residential Development	1244	Spring Creek Road	YARRAWONGA
DA0100/2023	Shed >150m2	44	Winter Street	MUDGEE
DA0122/2023	Dwelling House	42	Wurth Drive	BOMBIRA
DA0124/2023	Change of use to a function centre	267	Ulan Road	BOMBIRA
DA0130/2023	Garage	207	Mortimer Street	MUDGEE
DA0134/2023	Other (DA)	713	Black Springs Road	BUDGEE BUDGE

Monthly Development Application Processing Report – November 2022

DA0138/2023	Dwelling House	32	Dunnachie Street	MUDGEE
DA0139/2023	Dwelling House	10	Suttor Avenue	CAERLEON
DA0155/2023	Dwelling House	2505	Ulan Road	COOKS GAP
DA0157/2023	Shed >150m2	24	Saleyards Lane	MUDGEE
DA0158/2023	Swimming Pool	6	Constantia Road	MUDGEE
DA0160/2023	Dwelling House	22	Dunnachie Street	MUDGEE
DA0161/2023	Shed >150m2	23	Suttor Avenue	CAERLEON
DA0165/2023	Subdivision - Torrens Title	28	Banjo Paterson Avenue	MUDGEE
DA0167/2023	Shed >150m2	36	Enfield Avenue	CAERLEON

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

DA number	Number of DCP variation (s)	Type of variation
DA0401/2022	1	Setback
DA0041/2023	1	Setback
DA0426/2023	1	Cut and Fill

Monthly Development Application Processing Report – November 2022

Development Applications currently being processed – November 2022.

App/Proc ID	Description	House No	Street Name	Locality
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0089/2019	Change of use	2037	Coxs Creek Road	RYLSTONE
DA0164/2022	Change of use to a retail premises	9	Sydney Road	MUDGEE
DA0216/2022	Dwelling House	1858	Cudgegong Road	CUDGEGONG
DA0226/2022	Garage	12	Wandoona Court	MUDGEE
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
DA0312/2022	Subdivision - Torrens Title	55	Ilford Road	KANDOS
DA0313/2022	Subdivision - Torrens Title	194	Hill End Road	CAERLEON
DA0388/2022	Subdivision - Torrens Title	52	Nicholson Street	MUDGEE
DA0414/2022	Subdivision - Torrens Title	5056	Hill End Road	HARGRAVES
DA0419/2022	Subdivision - Torrens Title	53	Cox Street	MUDGEE
DA0425/2022	Shed >150m2	56	Rocky Waterhole Road	MOUNT FROME
DA0427/2022	Subdivision - Torrens Title	161	Gladstone Street	MUDGEE
DA0429/2022	Multi dwelling housing	81	Lawson Street	MUDGEE
DA0443/2022	Dual Occupancy	51	Saleyards Lane	MUDGEE
DA0453/2022	Secondary dwelling	209	Mortimer Street	MUDGEE
DA0001/2023	Other (DA)	42	Angus Avenue	KANDOS
DA0016/2023	Dwelling House	1368	Castlereagh Highway	CULLENBONE
DA0023/2023	Dwelling House	38	Rifle Range Road	MUDGEE
DA0027/2023	Demolition	134	Lions Drive	BURRUNDULLA
DA0032/2023	Shed >150m2	19	Spring Creek Road	GULGONG
DA0033/2023	Shed >150m2	3	Saleyards Lane	GULGONG
DA0037/2023	Other (DA)	49	Old Grattai Road	ERUDGERE
DA0038/2023	Dwelling House	1930	Bylong Valley Way	KANDOS
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON
DA0042/2023	Other (DA)	5964	Castlereagh Highway	RUNNING STREAM
DA0044/2023	Dwelling House	157	Melrose Road	MOUNT FROME

Monthly Development Application Processing Report – November 2022

DA0048/2023	Secondary dwelling	68	Perry Street	MUDGEE
DA0056/2023	Other (DA)	1141	Crudine Road	CRUDINE
DA0058/2023	Alterations & Additions	1476	Henry Lawson Drive	ST FILLANS
DA0063/2023	Dwelling House	3	Mustang Road	RYLSTONE
DA0068/2023	Shed >150m2	688	Queens Pinch Road	MULLAMUDDY
DA0071/2023	Subdivision - Torrens Title	2	Banjo Paterson Avenue	MUDGEE
DA0075/2023	Subdivision - Torrens Title	6	Flirtation Hill Lane	GULGONG
DA0084/2023	Subdivision - Torrens Title	7	Thomas Clark Place	MUDGEE
DA0090/2023	Dwelling House	1121	Ulan Road	BUDGEE
DA0091/2023	Dwelling House	4	Eleanor Dark Court	MUDGEE
DA0092/2023	Secondary dwelling	156	Gladstone Street	MUDGEE
DA0107/2023	Subdivision - Torrens Title	28	Melton Road	MUDGEE
DA0111/2023	Other (DA)	58	Pitts Lane	BUCCA
DA0113/2023	Dwelling House	14	Market Street	MUDGEE
DA0114/2023	Shed >150m2	36	Sydney Road	MUDGEE
DA0115/2023	Dwelling House	45	Suttor Avenue	CAERLEON
DA0118/2023	Alterations & Additions	804	Castlereagh Highway	MENAH
DA0120/2023	Dual Occupancy	3	Suttor Avenue	CAERLEON
DA0125/2023	Dual Occupancy	45	Nullo Mountain Road	OLINDA
DA0126/2023	Dual Occupancy	3	Beryl Road	GULGONG
DA0127/2023	Secondary dwelling	101	White Circle	MUDGEE
DA0129/2023	Other (DA)	191	Kaolin Road	HOME RULE
DA0132/2023	Shed >150m2	19	Lahy Court	MUDGEE
DA0136/2023	Dwelling House	192	Mayne Street	GULGONG
DA0140/2023	Subdivision - Torrens Title	7	Stan Boal Court	MUDGEE
DA0141/2023	Secondary dwelling	1199	Ulan Road	BUDGEE
DA0145/2023	Subdivision - Torrens Title	37	Calderwood Road	RYLSTONE
DA0146/2023	Shed >150m2	36	Aerodrome Road	RYLSTONE
DA0148/2023	Subdivision - Torrens Title	30	Banjo Paterson Avenue	MUDGEE
DA0152/2023	Alterations & Additions	470	Castlereagh Highway	BURRUNDULLA
DA0156/2023	Shed >150m2	8	Thomas Clark Place	MUDGEE
DA0159/2023	Dwelling House	873	Blue Springs Road	STUBBO
DA0162/2023	Retaining Wall	38	Hughson Avenue	MUDGEE

Monthly Development Application Processing Report – November 2022

DA0166/2023	Swimming Pool	177	Snakes Creek Road	WILBETREE
DA0169/2023	Alterations & Additions	142	Yarrabin Road	COLLINGWOOD
DA0170/2023	Alterations & Additions	93	Norris Lane	GALAMBINE
DA0176/2023	Garage	44	Grevillea Grove	RYLSTONE
DA0178/2023	Subdivision - Torrens Title	79	Fairydale Lane	MUDGEE
DA0186/2023	Dwelling House	45	Callaghan Street	CLANDULLA
DA0187/2023	Shed >150m2	3	Fitzroy Street	GULGONG
DA0188/2023	Ancillary Residential Development	3	Florence Close	MUDGEE
DA0190/2023	Subdivision - Torrens Title	132	Bruce Road	MUDGEE
DA0192/2023	Alterations & Additions	44	Oporto Road	MUDGEE
DA0194/2023	Dwelling House	6	Dunnachie Street	MUDGEE
DA0234/2022	Dwelling House	64	Lawson Street	MUDGEE
DA0392/2022	Secondary dwelling	31	Gladstone Street	MUDGEE
DA0398/2022	Secondary dwelling	15	Mudgee Street	RYLSTONE
DA0455/2022	Ancillary Residential Development	48	Court Street	MUDGEE
DA0006/2023	Alterations & Additions	53	Denison Street	MUDGEE
DA0025/2023	Dwelling House	82	Belmore Street	GULGONG
DA0046/2023	Demolition	11	Horatio Street	MUDGEE
DA0052/2023	Dwelling House	15	Loy Avenue	MUDGEE
DA0080/2023	Pub	49	Church Street	MUDGEE
DA0085/2023	Secondary dwelling	183	Church Street	MUDGEE
DA0112/2023	Other (DA)	19	Church Street	MUDGEE
DA0150/2023	Other (DA)	93	Herbert Street	BOMBIRA
DA0153/2023	Subdivision - Torrens Title	21	Douro Street	MUDGEE
DA0174/2023	Secondary dwelling	156	Mayne Street	GULGONG
DA0177/2023	Alterations & Additions	66	Douro Street	MUDGEE
DA0180/2023	Change of use to a retail premises	19	Church Street	MUDGEE
DA0184/2023	Dual Occupancy	2	Mealey Street	MUDGEE
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI
DA0137/2023	Other (DA)	6	Wirrang Close	EURUNDEREE
DA0168/2023	Alterations & Additions	12	Banjo Paterson Avenue	MUDGEE
DA0182/2023	Farm building	200	Lesters Lane	PIAMBONG
DA0185/2023	Shed >150m2	11	George Street	KANDOS

Monthly Development Application Processing Report – November 2022

DA0193/2023	Secondary dwelling	13	Cox Street	MUDGEE
DA0196/2023	Garage	177	Mortimer Street	MUDGEE
DA0197/2023	Dwelling House	26	Dunnachie Street	MUDGEE
DA0198/2023	Dwelling House	35	Webster Street	BOMBIRA
DA0199/2023	Garage	3	Atkinson Street	MUDGEE
DA0201/2023	Dwelling House	20	Steel Drive	SPRING FLAT
DA0202/2023	Earthworks	33	Blain Road	CAERLEON
DA0203/2023	Demolition	74	Inglis Street	MUDGEE
DA0204/2023	Other (DA)	1928	Goolma Road	TWO MILE FLAT
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE
DA0206/2023	Other (DA)	38	Hill End Road	CAERLEON
DA0207/2023	Dwelling House	112	Glen Alice Road	RYLSTONE
DA0208/2023	Dwelling House	28	Dunnachie Street	MUDGEE
DA0209/2023	Dual Occupancy	8	Dunnachie Street	MUDGEE
DA0183/2023	Shed >150m2	49	Bayly Street	GULGONG
DA0189/2023	Other (DA)	83	Mortimer Street	MUDGEE
DA0433/2022	Earthworks	16	Robert Jones Street	MUDGEE
DA0034/2023	Subdivision - Torrens Title	845	Henry Lawson Drive	EURUNDEREE
DA0036/2023	Dwelling House	235	Gladstone Street	MUDGEE
DA0066/2023	Dwelling House	26	Hone Creek Drive	CAERLEON
DA0073/2023	Other (DA)	99	Mount Pleasant Lane	BUCKAROO
DA0078/2023	Multi dwelling housing	232	Mortimer Street	MUDGEE
DA0099/2023	Garage	180	Broadhead Road	FLAT
DA0101/2023	Other (DA)	21	Shepherds Lane	GULGONG
DA0110/2023	Other (DA)	269	Henry Lawson Drive	EURUNDEREE
DA0121/2023	Signage	36	Church Street	MUDGEE
DA0123/2023	Dual Occupancy	37	Fairydale Lane	MUDGEE
DA0131/2023	Ancillary Residential Development	97	Lewis Street	MUDGEE
DA0147/2023	Shed >150m2	27	Short Street	MUDGEE
DA0149/2023	Dwelling House	252	Henry Lawson Drive	BOMBIRA
DA0151/2023	Dual Occupancy	248	Grattai Creek Road	GRATTAI
DA0154/2023	Dwelling House	42	Nicholson Street	MUDGEE
DA0164/2023	Dual Occupancy	30	Dunnachie Street	MUDGEE

Monthly Development Application Processing Report – November 2022

DA0171/2023	Shed >150m2	57	Rifle Range Road	MUDGEE
DA0172/2023	Multi dwelling housing	30	Meares Street	MUDGEE
DA0173/2023	Dwelling House	120	Rissler Road	STUBBO
DA0175/2023	Dual Occupancy	463	Queens Pinch Road	SPRING FLAT
DA0181/2023	Dual Occupancy	42	Guntawang Street	GULGONG
DA0201/2022	Garage	74	Gladstone Street	MUDGEE
DA0393/2022	Educational Establishment	70	Court Street	MUDGEE
DA0440/2022	Demolition	70	Court Street	MUDGEE
DA0163/2023	Demolition	3	McFarlane Street	MUDGEE
DA0191/2023	Alterations & Additions	73	Belmore Street	GULGONG

Monthly Development Application Processing Report – November 2022

Heritage Development Applications currently being processed – November 2022.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0198/2021	Change of use to serviced apartments	110	Church Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0087/2022	Demolition	33	Horatio Street	MUDGEE
DA0201/2022	Garage	74	Gladstone Street	MUDGEE
DA0234/2022	Dwelling House	64	Lawson Street	MUDGEE
DA0392/2022	Secondary dwelling	31	Gladstone Street	MUDGEE
DA0393/2022	Educational Establishment	70	Court Street	MUDGEE
DA0398/2022	Secondary dwelling	15	Mudgee Street	RYLSTONE
DA0418/2022	Dual Occupancy	12	Little Bayly Street	GULGONG
DA0440/2022	Demolition	70	Court Street	MUDGEE
DA0455/2022	Ancillary Residential Development	48	Court Street	MUDGEE
DA0006/2023	Alterations & Additions	53	Denison Street	MUDGEE
DA0025/2023	Dwelling House	82	Belmore Street	GULGONG
DA0046/2023	Demolition	11	Horatio Street	MUDGEE
DA0052/2023	Dwelling House	15	Loy Avenue	MUDGEE
DA0080/2023	Pub	49	Church Street	MUDGEE
DA0085/2023	Secondary dwelling	183	Church Street	MUDGEE
DA0112/2023	Other (DA)	19	Church Street	MUDGEE
DA0150/2023	Other (DA)	93	Herbert Street	BOMBIRA
DA0153/2023	Subdivision - Torrens Title	21	Douro Street	MUDGEE
DA0163/2023	Demolition	3	McFarlane Street	MUDGEE
DA0174/2023	Secondary dwelling	156	Mayne Street	GULGONG
DA0177/2023	Alterations & Additions	66	Douro Street	MUDGEE
DA0180/2023	Change of use to a retail premises	19	Church Street	MUDGEE
DA0183/2023	Shed >150m2	49	Bayly Street	GULGONG
DA0184/2023	Dual Occupancy	2	Mealey Street	MUDGEE
DA0189/2023	Other (DA)	83	Mortimer Street	MUDGEE
DA0191/2023	Alterations & Additions	73	Belmore Street	GULGONG
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI

Item 9: Finance

9.1 Monthly Budget Review - November 2022

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - November 2022; and
 2. amend the 2022/23 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.
-

Executive summary

This report provides Council with information on the progress of the 2022/23 Capital Works Program at 30 November 2022.

Disclosure of Interest

Nil

Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides the detailed information of recommended variations.

Community Plan implications

Theme	Good 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

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
2022/23	✘	-	-
Future Years	-	-	✔

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

24 November 2022

Attachments: 1. Monthly Budget Review - November 2022 Attachment.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET
REVIEW -
30 NOVEMBER 2022

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

14 DECEMBER 2022

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

FUNDING SUMMARY

Fund	Funding Source	22/23	23/24	Grand Total
General	CAPITAL PROGRAM RESERVE	500,000		500,000
	GRT - BUSHFIRE & EMERGENCY SERVICES -OP	-1,125,000		-1,125,000
	GRT - OTHER GRANT INCOME - CAPITAL	-4,500,000		-4,500,000
	RF - UNSPENT LOANS	4,000,000		4,000,000
	Unrestricted Cash	-848		-848
General Total		-1,125,848		-1,125,848
Sewer	SEWER RESERVE	30,000	-30,000	0
Sewer Total		30,000	-30,000	0
Grand Total		-1,095,848	-30,000	-1,125,848

2022/23 VARIATIONS

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Natural Disaster BVW Budden Gap (Requires Grant) - Adding budget for natural disaster damages repair (Grant Funded)	C	600,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(600,000)	-	0	-	0	-	0	0
General	Natural Disaster Laheys Creek Rd (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	180,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(180,000)	-	0	-	0	-	0	0

CORPORATE FINANCE | MONTHLY BUDGET REVIEW – NOVEMBER 2022

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Natural Disaster Bocoble Rd (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	40,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(40,000)	-	0	-	0	-	0	0
General	Natural Disaster Sweepy Rd (Old Coach) Causeway (Requires Gr - Adding budget for Natural disaster damaged causeway repair.	C	30,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(30,000)	-	0	-	0	-	0	0
General	Natural Disaster Goolma Rd (Requires Grant) - Adding budget for natural disaster damages repair (Grant Funded)	C	30,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(30,000)	-	0	-	0	-	0	0
General	Natural Disaster Henry Lawson Dr (Requires Grant) - Adding budget for natural disaster damages repair (Grant Funded)	C	30,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(30,000)	-	0	-	0	-	0	0
General	Natural Disaster Old Grattai Rd (Requires Grant) - Adding budget for natural disaster damages repair (Grant Funded)	C	30,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(30,000)	-	0	-	0	-	0	0
General	Natural Disaster Queens Pinch Rd Culvert (Requires Grant) - Adding budget for natural disaster damages repair (Grant Funded)	C	30,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(30,000)	-	0	-	0	-	0	0

CORPORATE FINANCE | MONTHLY BUDGET REVIEW – NOVEMBER 2022

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Natural Disaster Triamble Road (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	25,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(25,000)	-	0	-	0	-	0	0
General	Natural Disaster Baskerville Drive (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	20,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(20,000)	-	0	-	0	-	0	0
General	Natural Disaster Ulan Rd - Wattlegrove Ln (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	20,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(20,000)	-	0	-	0	-	0	0
General	Natural Disaster Jennings Rd (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	20,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(20,000)	-	0	-	0	-	0	0
General	Natural Disaster Bakers Lane (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	20,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(20,000)	-	0	-	0	-	0	0
General	Natural Disaster Barigan Rd (Requires Grant) - Adding budget for Natural disaster damaged road repair.	C	20,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(20,000)	-	0	-	0	-	0	0
General	Natural Disaster Browie Road (Requires Grant) - Adding budget for natural	C	20,000	GRT - BUSHFIRE & EMERGENCY	(20,000)	-	0	-	0	-	0	0

CORPORATE FINANCE | MONTHLY BUDGET REVIEW – NOVEMBER 2022

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
	disaster damages repair (Grant Funded)			SERVICES - OP								
General	Natural Disaster Campbells Creek Rd (Requires Grant) - Adding budget for natural disaster damages repair (Grant Funded)	C	10,000	GRT - BUSHFIRE & EMERGENCY SERVICES - OP	(10,000)	-	0	-	0	-	0	0
General	Streetscape - Street Bins - Adding budget to cover the additional cost of 3 bin enclosures.	U	848	-	0	-	0	-	0	-	0	(848)
General	Solar Farm Initiative - Stage 3 - Adding Budget for potential grant funding amount and removing the loan budget.	F	0	GRT - OTHER GRANT INCOME - CAPITAL	(4,500,000)	-	0	RF - UNSPENT LOANS	4,000,000	CAPITAL PROGRAM RESERVE	500,000	0
Sewer	Sewer Treatment Works - Gulgong Stp Spillway - Moving budget to 2024 FY as the wet condition will not allow civil work to progress.	F	-30,000	-	0	-	0	SEWER RESERVE	30,000	-	0	0
Total			1,095,848		(5,625,000)		0		4,030,000		500,000	(848)

2023/24 VARIATIONS

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
Sewer	Sewer Treatment Works - Gulgong Stp Spillway - Moving budget to 2024 FY as the wet condition will not allow civil work to progress.	U	30,000	-	0	-	0	SEWER RESERVE	(30,000)	-	0	0
Total			30,000		0		0		(30,000)		0	0

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 30 November 2022.

\$ 14.85 M

Actual YTD

\$75.33 M

Budget

253

Capital Projects

\$12.24 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							
RURAL FIRE SERVICE - COOKS GAP STATION (CAPITAL)	1	0	1	0	0%	0	Complete
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	111	0	111	0	0%	0	Initial works
RURAL FIRE SERVICE - WATER TANK MAINTENANCE	15	0	15	0	0%	0	Project Scope
RURAL FIRE SERVICE - BOTOBOLAR STATION (CAPITAL)	10	0	10	9	92%	0	Initial works
BUSHFIRE RECOVERY - EMERGENCY RADIO COMMUNICATIONS	35	0	35	0	0%	0	Procurement
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	214	0	214	132	62%	45	Construction
COMM. TRANSPORT- VEHICLE PURCHASE	121	0	121	0	0%	37	Procurement
COUNTRY UNIVERSITY CENTER	94	0	94	5	5%	0	Design
KILLDALLON RENOVATION (L BLOCK)	15	0	15	0	0%	9	Initial works
CEMETERY CAPITAL PROGRAM	16	0	16	14	86%	0	Construction
GULGONG CEMETERY ROAD UPGRADE	30	0	30	0	0%	0	Project Scope
CEMETERY SHORING	15	0	15	0	0%	0	Procurement
PUBLIC TOILETS - ROBERTSON PARK MUDGEES	10	0	10	0	0%	9	Initial works
PUBLIC TOILETS - ST JOHN'S ANGLICAN CHURCH	80	0	80	0	0%	0	Design
PUBLIC TOILETS - ANZAC PARK CAPITAL	8	0	8	4	46%	0	Initial works
LIBRARY BOOKS	95	0	95	36	38%	7	Construction
MUDGEES LIBRARY AIR CONDITIONING	11	0	11	0	0%	6	Final works
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	24	0	24	0	0%	14	Procurement
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	80	0	80	31	38%	15	Construction
CAPITAL UPGRADE - RYLSTONE GUIDE HALL ROOF REPLACEMENT	40	0	40	0	0%	32	Initial works
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	12	0	12	12	100%	0	Complete
KANDOS HALL & LIBRARY - TOILETS	59	0	59	5	8%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE	45	0	45	0	0%	0	Project Scope
KANDOS COMMUNITY HALL - FLOORING REFURBISHMENT	102	0	102	92	90%	0	Complete
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	35	0	35	0	0%	0	Procurement
GOOLMA HALL - FLOORING & WINDOW REFURB	20	0	20	18	92%	0	Final works
CAP UPGRD- SWIMMING POOLS BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
GULGONG/ KANDOS POOL - LOCKERS	10	0	10	0	0%	0	Procurement
KANDOS POOL - EXTERNA WORKS	55	0	55	19	34%	0	Construction
POOL SHADE PROGRAM	46	0	46	44	95%	0	Complete
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Design
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement
ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES BUILDING	103	0	103	7	7%	1	Procurement
MUDGEE SHOWGROUNDS - REDEVELOPMENT	107	0	107	77	72%	48	Final works
GLEN WILLOW SPORTS GROUND UPGRADES	777	0	777	394	51%	121	Construction
CAHILL PARK SYNTHETIC CRICKET WICKET	30	0	30	4	13%	8	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	115	0	115	0	0%	0	Procurement
GULGONG TENNIS COURTS	230	0	230	0	0%	0	Procurement
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0	Consultation
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0	Design
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	120	0	120	0	0%	0	Design
RYLSTONE & KANDOS DOG PARK	90	0	90	4	4%	35	Initial works
GLEN WILLOW STORMWATER RETICULATION SYSTEM	266	0	266	35	13%	182	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE 1	996	0	996	187	19%	40	Initial works
PUTTA BUCCA TRAINING CAMP FACILITY -STAGE 2	953	0	953	341	36%	37	Initial works
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE3 (REQUIRES GRANT)	1,166	0	1,166	0	0%	0	Design
MUDGEES SHOWGROUNDS - PATHWAY IMPROVEMENTS	40	0	40	3	8%	9	Construction
GLEN WILLOW - PUMP TRACK	700	0	700	0	0%	0	Design
WALKERS OVAL MUDGEES CARPARK UPGRADES	20	0	20	0	0%	0	Project Scope
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	7	Initial works
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Design
MUDGEES SHOWGROUND - MAIN ARENA RENOVATION	40	0	40	0	0%	0	Procurement
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	75	0	75	0	0%	0	Procurement
MUDGEES SHOWGROUNDS - GRANDSTAND FIT-OUT	196	0	196	184	94%	0	Final works
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Procurement
VICTORIA PARK GULGONG - SHOT PUT/DISCUS REPLACEMENT	25	0	25	3	13%	0	Construction
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
MUDGEES SHOWGROUND EQUIPMENT	52	0	52	52	100%	0	Complete
RYLSTONE SHOWGROUND ARENA - UPGRADE	30	0	30	0	0%	0	Design
RYLSTONE SHOWGROUND ACCESS ROAD	56	0	56	2	3%	1	Project Scope
SAMMY'S FLAT FENCE REPLACEMENT (RYLSTONE SHOWGROUND)	105	0	105	36	34%	18	Initial works
RED HILL - PATHWAY AND LANDSCAPING UPGRADE	40	0	40	0	0%	0	Initial works
RED HILL EXHIBITION SPACE	50	0	50	13	27%	9	Initial works
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0	Procurement
PUBLIC SPACES - INSTALL CAMERA & SECURITY LIGHTING	60	0	60	0	0%	0	Procurement

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
HENRY LAWSON MEMORIAL RENEWAL	15	0	15	0	0%	0	Project Scope
JACK TINDALE PARK RYLSTONE - UPGRADE	40	0	40	0	0%	0	Initial works
SHADE SAIL - MUDGEES DOG PARK	12	0	12	0	0%	9	Initial works
SCULPTURES ACROSS THE REGION	61	0	61	45	75%	1	Construction
RYLSTONE RIVER WALK - IMPROVEMENT	20	0	20	0	0%	0	Initial works
JACK TINDALE PARK ROADS	11	0	11	0	0%	0	Design
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%	9	Initial works
MEMORIAL PARK MUDGEES - IRRIGATION RENEWAL	20	0	20	0	0%	0	Procurement
PLAYGROUND SHADING PROGRAM	152	0	152	0	0%	0	Procurement
RED HILL CAPITAL WORKS	362	0	362	114	32%	155	Construction
CORONATION PARK FENCE	45	0	45	0	0%	14	Initial works
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	30	0	30	28	92%	0	Complete
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	0	Procurement
LAWSON PARK MUDGEES - IRRIGATION RENEWAL	30	0	30	0	0%	0	Procurement
PLAYGROUND EQUIPMENT UPGRADE - RYLSTONE SHOWGROUND	292	0	292	0	0%	233	Initial works
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	1%	0	Initial works
MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS	35	0	35	0	0%	0	Procurement
PASSIVE PARK SIGNAGE REPLACEMENT	21	0	21	0	0%	0	Procurement
FLIRTATION HILL MUDGEES - MASTER PLAN WORKS	750	0	750	0	0%	0	Procurement
ART GALLERY FACILITY	821	0	821	550	67%	55	Construction
STREET SCAPE IMPROVEMENTS	31	0	31	0	0%	0	Design
STREETSCAPE - STREET BINS	7	1	8	8	100%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Total	11,490	1	11,491	2,507	22%	1,164	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	340	0	340	0	0%	9	Procurement
MUDGEES WASTE DEPOT UPGRADES	53	0	53	0	0%	37	Initial works
NEW TIP CELL CONSTRUCTION	1,293	0	1,293	439	34%	70	Initial works
NEW RECYCLING BINS	30	0	30	0	0%	4	Procurement
WASTE SITES REHABILITATION	1,540	0	1,540	1	0%	55	Initial works
REMOTE SECURITY CAMERAS AT WTS	39	0	39	20	50%	15	Construction
LEACHATE POND ENLARGEMENT	11	0	11	0	0%	2	Final works
KANDOS WTS OFFICE REPLACEMENT	12	0	12	0	0%	0	Design
DRAINAGE CAPITAL IMPROVEMENTS	233	0	233	11	5%	0	Budget only
CULVERTS, SHOULDER & K&G - BELLVUE RD MUDGEES	1	0	1	1	100%	0	Complete
CAUSEWAY IMPROVEMENT - TALLAWAY ST GULGONG	23	0	23	2	7%	0	Initial works
PUTTA BUCCA WETLANDS CAPITAL	17	0	17	0	0%	0	Consultation
PUTTA BUCCA WETLANDS TOILET	95	0	95	90	95%	2	Complete
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	379	0	379	89	23%	98	Construction
WATER NEW CONNECTIONS	147	0	147	52	35%	0	Construction
WATER AUGMENTATION - MUDGEES HEADWORKS	1,473	0	1,473	9	1%	959	Initial works
WATER MAINS - CAPITAL BUDGET ONLY	707	0	707	0	0%	0	Budget only
WATER MAINS - MAYNE STREET	207	0	207	103	50%	112	Final works
WATER MAINS - BAYLY STREET	110	0	110	0	0%	22	Project Scope
WATER MAINS - TALLAWANG ROAD	180	0	180	0	0%	22	Project Scope
WATER MAINS - LITTLE BAYLY STREET	70	0	70	0	0%	35	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - HORATIO ST COURT TO COX	77	0	77	76	99%	1	Complete
WATER MAINS - SYDNEY ROAD	90	0	90	0	0%	0	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	175	0	175	0	0%	1	Initial works
RAW WATER SYSTEMS RENEWALS	78	0	78	2	2%	10	Procurement
WATER TREATMENT PLANT - RENEWALS	120	0	120	0	0%	8	Construction
SEWER NEW CONNECTIONS	68	0	68	20	30%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	417	0	417	29	7%	45	Project Scope
SEWER AUGMENTATION - MUDGEE	1,000	0	1,000	0	0%	0	Consultation
SEWER MAINS - CAPITAL BUDGET ONLY	1,745	0	1,745	98	6%	403	Construction
RISING MAIN ULAN RD TO PUTTA BUCCA	0	0	0	0	100%	0	Deferred/Cancelled
SEWER PUMP STATION - CAPITAL RENEWALS	1,130	0	1,130	0	0%	0	Project Scope
SEWER PUMP STATION - RACECOURSE MUDGEE	125	0	125	0	0%	0	Deferred/Cancelled
SEWER TREATMENT WORKS - RENEWALS	32	0	32	0	0%	0	Project Scope
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	(30)	0	0	0%	0	Deferred/Cancelled
Total	12,048	(30)	12,018	1,040	9%	1,911	

Building a Strong Local Economy

MUDGEE VALLEY PARK NON-CAPITAL WORKS	20	0	20	4	18%	0	Initial works
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	501	0	501	20	4%	58	Construction
RYLSTONE CARAVAN PARK - CAPITAL	466	0	466	83	18%	172	Initial works
RIVERSIDE CARAVAN PARK FIRE SERVICES	1	0	1	0	0%	2	Consultation
MUDGEE VALLEY PARK UPGRADE	8	0	8	0	2%	0	Construction
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Consultation
CUDGEGONG WATERS PARK HOUSE	258	0	258	180	70%	63	Construction
MUDGEE VALLEY PARK EXPANSION	3,205	0	3,205	1,997	62%	139	Initial works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	10	0	10	1	10%	0	Design
MUDGEE VALLEY PARK EXPANSION ROADS	380	0	380	0	0%	0	Project Scope
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	12	0	12	0	0%	0	Procurement
DIGITAL SIGNAGE	161	0	161	0	0%	15	Initial works
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	50	0	50	0	0%	0	Consultation
SALEYARDS - POST AND RAIL REPLACEMENT	16	0	16	0	0%	0	Procurement
TOOHEYS PARK - BUILDING	20	0	20	0	0%	0	Deferred/Cancelled
PROPERTY - EX SALEYARDS STAGE II	2,396	0	2,396	27	1%	63	Design
PROPERTY - DEVELOPMENT MORTIMER ST	10	0	10	5	50%	0	Construction
COMMERCIAL PROP - AERODROME COTTAGE RENOVATIONS	25	0	25	0	0%	9	Design
COMMERCIAL PROP - OLD GULGONG FIRE STATION SECURITY CAMERAS	15	0	15	0	0%	0	Project Scope
Total	7,614	0	7,614	2,316	30%	522	

Connecting our Region

MUDGEE CDB HIGH PEDESTRIAN ACTIVITY AREA	66	0	66	0	0%	0	Design
URBAN RESEALS - BELMORE ST GULGONG	52	0	52	0	0%	0	Design
URBAN RESEALS - BARIGAN STREET WOLLAR	14	0	14	0	0%	11	Construction
URBAN RESEALS - BARNETT STREET WOLLAR	13	0	13	0	0%	10	Construction
URBAN RESEAL - DABEE RD	12	0	12	0	0%	9	Construction
RESEAL - HENRY BAYLEY DRIVE	23	0	23	0	0%	19	Construction
URBAN RESEALS - JACQUES STREET KANDOS	39	0	39	0	0%	23	Construction
URBAN RESEAL - MEDLEY STREET GULGONG	10	0	10	0	0%	7	Construction
URBAN RESEAL - MORTIMER STREET MUDGEE	39	0	39	0	0%	32	Construction
URBAN RESEALS - INGLIS ST MUDGEE	32	0	32	0	0%	27	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - SALEYARDS LN GULGONG	14	0	14	0	0%	10	Construction
URBAN ROADS KERB & GUTTER CAPITAL	17	0	17	0	2%	0	Project Scope
URBAN HEAVY PATCHING	21	0	21	1	4%	0	Project Scope
URBAN REHAB - DUNN STREET KANDOS SEG 10-30	176	0	176	98	55%	23	Construction
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	230	0	230	84	36%	119	Construction
URBAN REHAB - BROADHEAD RD SPRINGFL	150	0	150	1	1%	38	Construction
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%	13	Construction
URBAN RESEALS - NANDOURA STREET GULGONG	27	0	27	0	0%	20	Construction
URBAN RESEALS - WYNELLA STREET GULGONG	14	0	14	0	0%	13	Construction
URBAN RESEALS - BENT STREET KANDOS	22	0	22	0	0%	13	Construction
URBAN RESEALS - CROWN STREET KANDOS	21	0	21	0	0%	14	Construction
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	0	12	0	0%	8	Construction
URBAN RESEALS - CASSIN LANE MUDGEES	10	0	10	0	0%	8	Construction
URBAN RESEALS - GRANT STREET MUDGEES	10	0	10	0	0%	8	Construction
URBAN RESEALS - HARDY CRESCENT MUDGEES	19	0	19	0	0%	17	Construction
URBAN RESEALS - HORATIO STREET MUDGEES	20	0	20	1	6%	17	Construction
URBAN RESEALS - LANG STREET MUDGEES	15	0	15	0	0%	14	Construction
URBAN RESEALS - MENCHIN STREET MUDGEES	13	0	13	0	0%	11	Construction
URBAN RESEALS - MULGOA WAY MUDGEES	15	0	15	0	0%	11	Construction
URBAN RESEALS - RAYNER STREET MUDGEES	10	0	10	0	0%	7	Construction
URBAN RESEALS - CUDGEGONG STREET RYLSTONE	21	0	21	0	0%	15	Construction
URBAN RESEALS - LOUEE STREET RYLSTONE	36	0	36	0	0%	22	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - SHORT STREET - RYLSTONE	18	0	18	0	0%	15	Construction
URBAN RESEALS - TONGBONG STREET RYLSTONE	14	0	14	0	0%	12	Construction
RESHEETING - URBAN ROADS	11	0	11	0	0%	0	Design
URBAN SEALING - BRUCE ROAD	402	0	402	319	79%	123	Construction
MUDGEES SCHOOL ZEBRA CROSSING INFRASTRUCTURE UPGRADE	167	0	167	198	119%	2	Construction
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	100	0	100	0	0%	0	Construction
URBAN ROADS LAND MATTERS CAPITAL	15	0	15	1	8%	0	Initial works
RURAL RESEAL - LUE RD	436	0	436	4	1%	310	Construction
RURAL RESEAL - YARRAWONGA RD	171	0	171	0	0%	113	Construction
RURAL RESEAL - WINDEYER RD GRATTAI	110	0	110	0	0%	64	Construction
RURAL RESEAL - CUDGEGONG RD	192	0	192	0	0%	0	Design
RURAL RESEAL - BOTOBOLAR RD	148	0	148	0	0%	116	Construction
RURAL RESEAL - BROGANS CREEK RD CLANDULL	34	0	34	0	0%	26	Construction
RURAL REHAB - LUE ROAD MOUNTKNOW	500	0	500	21	4%	181	Construction
RURAL REHAB - HENRY LAWSON DR	0	0	0	0	0%	0	Deferred/Cancelled
HEAVY PATCHING	48	0	48	5	11%	11	Project Scope
ULAN WOLLAR ROAD - STAGE 1	3	0	3	1	23%	0	Initial works
RURAL RESEAL - BUDGEES BUDGEES	55	0	55	0	0%	0	Design
RURAL RESEAL - CAMPBELLS CREEK ROAD WINDEYER	139	0	139	0	0%	106	Construction
RURAL RESEALS - GREVILLEA GROVE RYLSTONE	15	0	15	0	0%	11	Construction
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	0	0%	19	Construction
RURAL RESEALS - LINBURN LANE	142	0	142	0	0%	90	Construction
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	6	Construction
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	27	0	27	0	0%	43	Construction
RURAL RESEALS - CAMERONS ROAD RUNNINGS	3	0	3	0	0%	2	Construction
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	3,912	0	3,912	95	2%	69	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL ROAD - COOPER DR AND CHARBON RD INTERSECTION	100	0	100	0	0%	71	Design
RURAL SEALED ROAD LAND MATTERS	12	0	12	0	3%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM 2021/22	336	0	336	198	59%	2	Complete
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM 2022/23	796	0	796	4	1%	0	Project Scope
RURAL HEAVY PATCHING - GOLLAN ROAD	263	0	263	100	38%	0	Construction
BYLONG VALLEY WAY HEAVY PATCHING PROGRAM	34	0	34	2	6%	18	Construction
WOLLAR ROAD HEAVY PATCHING	200	0	200	0	0%	0	Project Scope
MUNGHORN GAP REALIGNMENT & UPGRADE	1,321	0	1,321	262	20%	17	Construction
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	137	0	137	82	60%	22	Construction
HILL END ROAD SAFETY IMPROVEMENTS	2,340	0	2,340	68	3%	157	Initial works
BVW UPGRADE RNSW 2080	900	0	900	10	1%	123	Initial works
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	8	0	8	4	52%	5	Construction
SEALING - GRIMSHAW LANE	18	0	18	16	89%	0	Construction
ZIMMER LANE (NOW MAINTAINED)	81	0	81	37	46%	4	Construction
BADGERS LANE (NOW MAINTAINED)	98	0	98	0	0%	0	Project Scope
SEAL EXTENSION - AARONS PASS RD	239	0	239	240	100%	3	Construction
SEAL EXTENSION - QUEENS PINCH RD	1,387	0	1,387	759	55%	164	Construction
SEAL EXTENSION - COXS CREEK RD	1,756	0	1,756	749	43%	389	Construction
SEAL EXTENSION - MEBUL RD	2	0	2	2	100%	0	Construction
SEAL EXTENSION - BOTOBOLAR RD	968	0	968	43	4%	3	Construction
SEAL EXTENSION - CORICUDGY ROAD	1	0	1	1	100%	120	Construction
RESHEETING	2,056	0	2,056	713	35%	418	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	15	0	15	2	13%	0	Initial works
GOODIMAN CREEK BRIDGE REPLACEMENT	950	0	950	141	15%	464	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
DIXONS LONG POINT CROSSING	30	0	30	23	75%	13	Initial works
BRIDGE TO PUTTA BUCCA ROAD	3,102	0	3,102	955	31%	288	Construction
REGIONAL ROAD BRIDGE CAPITAL	32	0	32	0	0%	0	Project Scope
GOULBURN RIVER BRIDGE ULAN ROAD	30	0	30	30	100%	0	Complete
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	235	0	235	1	0%	0	Budget only
ULAN ROAD - COPE RD TO ULAN WOLLAR RD	300	0	300	22	7%	142	Construction
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	174	0	174	0	0%	0	Project Scope
FOOTWAYS - CAPITAL WORKS	207	0	207	7	3%	4	Construction
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	204	0	204	18	9%	0	Construction
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	42	0	42	0	0%	0	Construction
AIRPORT - AIRCRAFT PARKING	20	0	20	19	95%	0	Complete - awaiting invoices
AIRPORT AMBULANCE TRANSFER BAY	100	0	100	1	1%	0	Initial works
AIRPORT HANGER AND STUDIO	249	0	249	2	1%	0	Procurement
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Consultation
CARPARK - MUDGEES COMMON	42	0	42	34	80%	1	Construction
CARPARK - GULGONG POOL	11	0	11	7	70%	0	Construction
Total	26,903	0	26,903	5,382	20%	4,282	

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	Procurement
BUILDINGS MASTER KEY SYSTEM	131	0	131	2	1%	0	Procurement
MUDGEES ADMIN BUILDING EXTENSION	727	0	727	57	8%	531	Construction
MUDGEES ADMIN BUILDING - EAST WING OFFICES RECONFIGURATION	15	0	15	7	44%	0	Final works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
IT SPECIAL PROJECTS	28	0	28	0	0%	3	Procurement
IT - NETWORK UPGRADES	228	0	228	65	29%	16	Procurement
IT CORPORATE SOFTWARE	186	0	186	39	21%	5	Design
IT - PAPER CUT SECURE PRINTING	25	0	25	0	0%	0	Consultation
PLANT PURCHASES	7,124	0	7,124	3,217	45%	3,667	Budget only
RYLSTONE DEPOT - CAPITAL UPGRADE	80	0	80	11	14%	20	Construction
SOLAR FARM INITIATIVE	421	0	421	148	35%	80	Procurement
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	9	13%	12	Construction
SOLAR FARM INITIATIVE - STAGE 3	8,082	0	8,082	0	0%	0	Procurement
ROLLER BRAKING SYSTEM	61	0	61	46	75%	8	Final works
MUDGE DEPOT - SECURITY CAMERAS	25	0	25	0	0%	0	Project Scope
RYLSTONE WORKSHOP OFFICE - CAPITAL	30	0	30	2	8%	21	Initial works
Total	17,279	0	17,279	3,602	21%	4,364	
Total Capital Works Program	75,334	(29)	75,305	14,847	20%	12,243	

9.2 Monthly Statement of Investments as at 30 November 2022

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 14 DECEMBER 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 30 November 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 30 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

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 2021 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

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

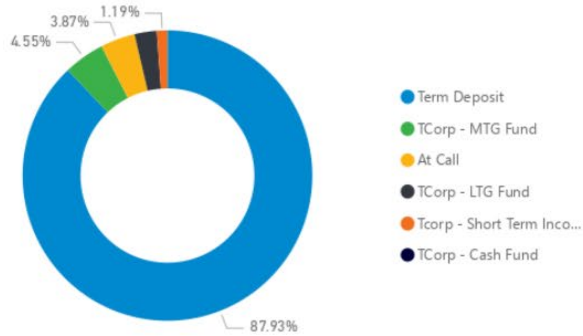
30 November 2022

Attachments: 1. Investment Report November 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

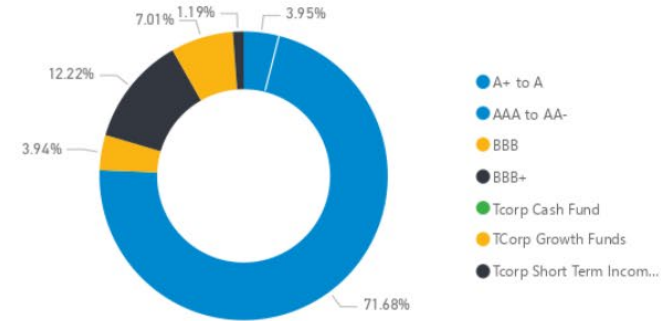


Mid-Western Regional Council Cash and Investments as at 30 November 2022

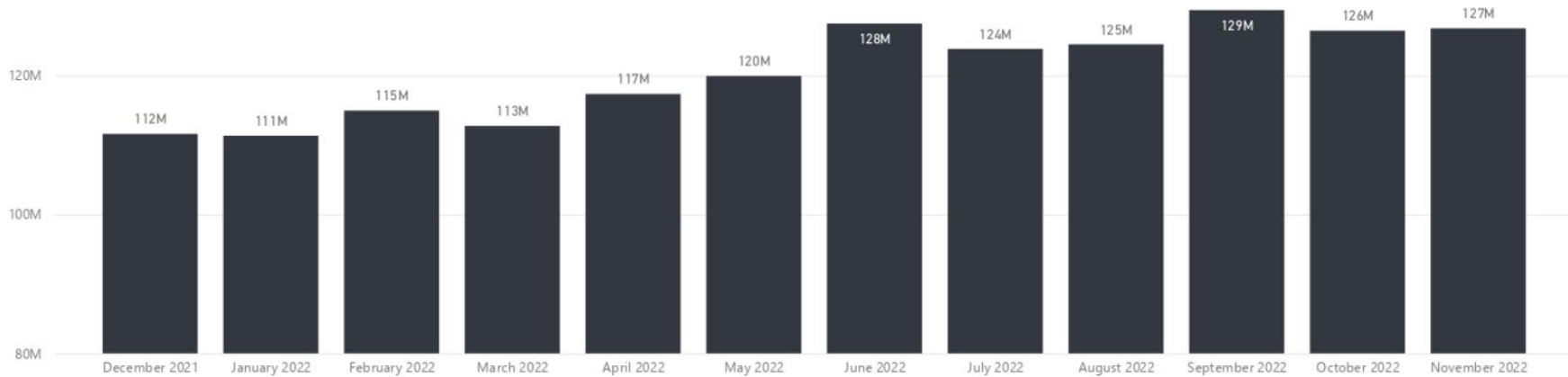
Total Investment Portfolio (\$)

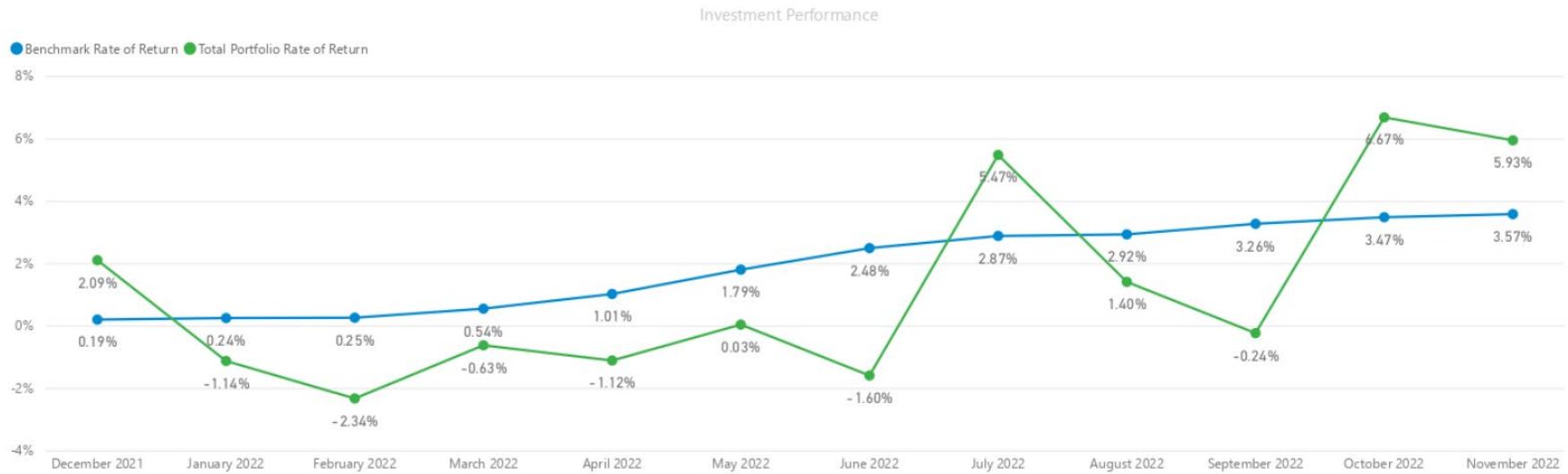
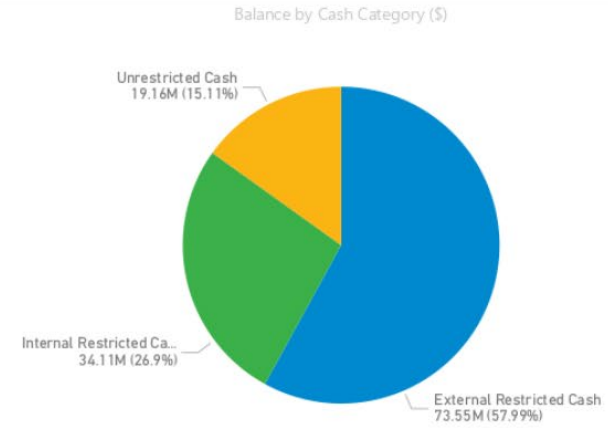
126.82M

Investments by Long Term Rating



Portfolio Balance at End of Month (\$)





Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 36,601,812	29%	29%	20%	OK
Between 3 months and 1 year	\$ 46,214,077	36%	65%	40%	OK
Between 1 year and 2 years	\$ 39,000,000	31%	96%	50%	OK
Between 2 years and 4 years	\$ 5,000,000	4%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 126,815,889				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	22%	\$ 28,000,000
	NAB	40%	OK	27%	\$ 34,401,963
	Westpac	40%	OK	22%	\$ 28,500,000
A+	Macquarie	20%	OK	3%	\$ 3,514,077
A	ING	20%	OK	1%	\$ 1,500,000
BBB+	Australian Unity	10%	OK	6%	\$ 7,500,000
	Bank Of	10%	OK	5%	\$ 6,500,000
	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 Cash Fund	TCorp - Cash Fund	30%	OK	0%	\$ -
	TCorp - Long Term				
TCorp Growth Funds	Growth Fund	15%	OK	2%	\$ 3,124,872
	TCorp - Medium				
	Term Growth Fund	15%	OK	5%	\$ 5,765,829
Tcorp Short Term Income	Income Fund	15%	OK	1%	\$ 1,509,148
Grand Total				100%	\$ 126,815,889

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	72%	\$ 90,901,963
BBB+	20%	OK	12%	\$ 15,500,000
BBB	5%	OK	4%	\$ 5,000,000
Tcorp Cash Fund	30%	OK	0%	\$ -
TCorp Growth Funds	15%	OK	7%	\$ 8,890,701
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,509,148
A+ to A	50%	OK	4%	\$ 5,014,077
Grand Total			100%	\$ 126,815,889

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)	3,747,135		4,901,963
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	3,038,938		3,124,872
TCorp - Medium Term Growth Fund	5,672,388		5,765,829
Tcorp - Short Term Income Fund	1,503,447		1,509,148
Total	13,961,908	-	15,301,812

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	2.84%	7/11/2022	2,000,000	14,634
Bank Of Queensland	0.50%	9/11/2022	1,500,000	9,637
NAB	0.45%	23/11/2022	1,500,000	8,932
AMP	1.00%	24/11/2022	2,000,000	19,562
NAB	0.68%	30/11/2022	1,000,000	5,999
NAB	0.75%	30/11/2022	1,000,000	5,753
Total			9,000,000	64,517

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	0.65%	6/02/2023	2,000,000	3,241
Westpac	4.55%	20/12/2023	1,000,000	50,611
Westpac	4.40%	28/02/2024	1,500,000	83,540
Bank Of Queensland	4.55%	27/03/2024	1,500,000	90,314
AMP	4.30%	5/12/2022	2,000,000	2,356
Total			8,000,000	230,062

At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal Amount
NAB	3.00%	0	\$ 4,901,963
TCorp - Cash Fund	3.00%	1	\$ -
TCorp - Long Term Gr	3.00%	5	\$ 3,124,872
TCorp - Medium Term	3.00%	5	\$ 5,765,829
Tcorp - Short Term Inc	3.00%	5	\$ 1,509,148
Total			\$ 15,301,812

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	1.10%	63	\$ 1,500,000
AMP	4.30%	5	\$ 2,000,000
Australian Unity	3.50%	385	\$ 2,000,000
Australian Unity	4.35%	364	\$ 2,000,000
Australian Unity	4.10%	455	\$ 1,500,000
Australian Unity	4.30%	427	\$ 2,000,000
Bank Of Queensland	0.85%	21	\$ 1,000,000
Bank Of Queensland	1.20%	161	\$ 2,000,000
Bank Of Queensland	3.92%	483	\$ 1,000,000
Bank Of Queensland	4.25%	357	\$ 1,000,000
Bank Of Queensland	4.55%	483	\$ 1,500,000
CBA	0.72%	553	\$ 2,000,000
CBA	0.77%	651	\$ 1,000,000
CBA	0.47%	21	\$ 1,500,000
CBA	0.85%	693	\$ 2,500,000
CBA	0.48%	49	\$ 2,000,000
CBA	0.73%	147	\$ 1,500,000
CBA	3.05%	511	\$ 2,000,000
CBA	2.63%	315	\$ 1,500,000
CBA	2.31%	175	\$ 1,500,000
CBA	2.75%	287	\$ 1,500,000
CBA	3.15%	182	\$ 1,000,000
CBA	4.15%	574	\$ 2,000,000
CBA	3.68%	189	\$ 1,500,000
CBA	4.17%	203	\$ 1,000,000
CBA	3.94%	210	\$ 1,000,000
CBA	3.72%	231	\$ 1,500,000
CBA	3.99%	259	\$ 1,500,000
CBA	4.20%	343	\$ 1,500,000
Defence Bank	3.20%	182	\$ 1,500,000
ING	3.21%	238	\$ 1,500,000
Macquarie	1.40%	91	\$ 1,014,077
Macquarie	1.15%	119	\$ 1,000,000
Macquarie	4.50%	406	\$ 1,000,000
Macquarie	4.50%	406	\$ 500,000
MyState Bank	4.20%	217	\$ 1,500,000
NAB	0.57%	91	\$ 1,700,000
NAB	0.65%	210	\$ 2,000,000
NAB	0.51%	22	\$ 1,800,000
NAB	0.45%	7	\$ 2,000,000
NAB	0.80%	637	\$ 1,500,000
NAB	0.64%	329	\$ 3,000,000

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.45%	35	\$ 1,500,000
NAB	0.70%	301	\$ 2,500,000
NAB	0.48%	63	\$ 1,000,000
NAB	0.79%	77	\$ 1,500,000
NAB	0.85%	119	\$ 1,500,000
NAB	0.95%	119	\$ 1,500,000
NAB	1.51%	273	\$ 2,500,000
NAB	1.21%	147	\$ 1,000,000
NAB	4.49%	749	\$ 2,500,000
NAB	4.45%	665	\$ 2,000,000
Westpac	0.65%	68	\$ 2,000,000
Westpac	1.06%	441	\$ 2,000,000
Westpac	0.70%	56	\$ 1,500,000
Westpac	0.78%	105	\$ 1,500,000
Westpac	0.90%	133	\$ 2,500,000
Westpac	0.95%	84	\$ 2,000,000
Westpac	2.28%	469	\$ 1,500,000
Westpac	3.70%	609	\$ 2,000,000
Westpac	4.22%	371	\$ 1,000,000
Westpac	4.35%	595	\$ 1,500,000
Westpac	4.30%	413	\$ 1,000,000
Westpac	4.67%	385	\$ 1,000,000
Westpac	4.78%	539	\$ 2,500,000
Westpac	4.89%	791	\$ 2,500,000
Westpac	4.46%	525	\$ 1,500,000
Westpac	4.55%	385	\$ 1,000,000
Westpac	4.40%	455	\$ 1,500,000
Total			\$ 111,514,077

9.3 New and Amended Fees and Charges 2022/23

REPORT BY THE FINANCIAL PLANNING COORDINATOR
 TO 14 DECEMBER 2022 ORDINARY MEETING
 GOV400098, FIN300117

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2022/23;
2. amend the following fee amounts, as written:

<i>Service Type</i>	<i>Amended Fee</i>	<i>Current Fee amount (\$)</i>	<i>Amended fee amount (\$)</i>
Development Applications	Concurrence of a public / statutory authority to a Development Application as required under the EPA Act or an environmental planning instrument	\$320 per concurrence authority plus \$140 administration fee	\$374 per concurrence authority plus \$164 administration fee
Development Consent Modifications Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act	Advertising of Division 8.2 [Previously known as 82A(1)]	\$620	\$725
Development Consent Modifications Review of Determination under Division 8.2 of the Environmental Planning and Assessment Act	Review of rejection of development application – If estimated cost less than \$100,000	\$55	\$64
	Review of rejection of development application – If estimated cost is more than \$100,000 and less than \$1,000,000	\$150	\$175
	Review of rejection of development application – If estimated cost is more than \$1,000,000	\$250	\$292

	Review of a Modified consent decisions d8.2 [Previously known as s96(AB)]	50% of original fee	50% of fee that was payable for the application the subject of appeal
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3. remove the following fee amounts, as written, and place on public exhibition for 28 days;

<i>Service Type</i>	<i>Fee to remove</i>	<i>Fee amount (\$)</i>
Development Consent Modifications Modifications involving minor error, misdescription or miscalculation	Modification of consent under s4.55 (1) Environmental Planning & Assessment Act – typographical error on notice of determination	No charge
Subdivision Applications Subdivision Certificates	Registration of privately issued Subdivision Certificate	\$36

4. amend the following fee amounts, as written, to come into effect 1st January 2023; and

<i>Service Type</i>	<i>Amended Fee</i>	<i>Current Fee amount (\$) effective until 31 December 2022</i>	<i>Amended fee amount (\$) effective from 1 January 2023</i>
Subdivision Applications Other Subdivision Applications & Inspections	Long Service Levy	Refer to Section 34 of the Building and Construction Industry Long Service Payments Act 1986. The current levy rate is 0.35% of the value of building and construction work where the cost of building is \$25,000 or more (inclusive of GST)	Refer to Section 34 of the Building and Construction Industry Long Service Payments Act 1986. The current levy rate is 0.25% of the value of building and construction work where the cost of building is \$250,000 or more (inclusive of GST)

5. endorse the new and amended fees following the 28-day public exhibition period if no submissions are received.

Executive summary

This report recommends the introduction of a number of amended fees and charges for Planning and Development. Any new or amended fees that are not legislated are required to be placed on public exhibition to provide the public with opportunity for submission.

All recommended changes are shown below under the detailed report section.

Disclosure of Interest

Nil

Detailed report

Amended Fees

The following table provides information about the reason for amendments proposed to existing fees:

Fee Name	Reason for change
Concurrence of a public / statutory authority to a Development Application as required under the EPA Act or an environmental planning instrument	Updated changes per the Environmental Planning and Assessment Regulation 2021 Schedule 4 Fees Item 3.2
Advertising of Division 8.2 [Previously known as 82A(1)]	Updated changes per the Environmental Planning and Assessment Regulation 2021 Schedule 4 Fees Item 7.7
Review of rejection of development application – If estimated cost less than \$100,000	Updated changes per the Environmental Planning and Assessment Regulation 2021 Schedule 4 Fees Item 7.4
Review of rejection of development application – If estimated cost is more than \$100,000 and less than \$1,000,000	Updated changes per the Environmental Planning and Assessment Regulation 2021 Schedule 4 Fees Item 7.4
Review of rejection of development application – If estimated cost is more than \$1,000,000	Updated changes per the Environmental Planning and Assessment Regulation 2021 Schedule 4 Fees Item 7.4
Review of a Modified consent decisions d8.2 [Previously known as s96(AB)]	Updated changes per the Environmental Planning and Assessment Regulation 2021 Schedule 4 Fees Item 7.5
Long Service Levy	Updated changes per the Building and Construction Industry Long Service Payments Regulation 2022

Removed Fees

The following table provides information about the reason for the removal of existing fees.

Fee Name	Reason for removal
Development Consent Modifications Modifications involving minor error, misdescription or miscalculation	This fee is of no charge and is not a Statutory fee
Subdivision Applications Subdivision Certificates	This is not a fee charged by the Council

The reason that the Environmental Planning and Assessment Regulation fees require updating is that fees and charges were checked against Part 15 of the Environmental Planning and Assessment Regulation 2000 as part of the 2022/23 budget process. After these fees were set in the draft

Operational Plan the new Environmental Planning and Assessment Regulation 2021 commenced on the 1 March 2022.

Community Plan implications

Theme	Good Government
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

Strategic implications

Council Strategies

If the recommendation is approved and no submissions are received, the 2022/23 Fees and Charges will be amended.

Council Policies

Not Applicable

Legislation

In accordance with Section 608 of the Local Government Act, Council may charge and recover an approved fee for any service it provides other than an annual charge made under section 496 or 501. Section 610F (1) of the Local Government Act states that a Council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice. These fees must be set with the Operational Plan and can only be amended after the date, if:

- (a) a new service is provided, or the nature or extent of an existing service is changed; or
- (b) the regulations in accordance with which the fee is determined, are amended.

Financial implications

This report recommends that the fees and charges within the 2022/23 Operational Plan be amended. Revenue associated with these changes is not anticipated to have a material impact on the 2022/23 Operational Plan or future years.

Associated Risks

Not Applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

25 November 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 Community Grants Program - December 2022

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS AND MANAGER FINANCIAL PLANNING
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, FIN3000159

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Community Grants Program - December 2022; and**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:**
 - **Gulgong Chamber of Commerce Inc. \$10,000**
 - **Mudgee Show Society \$5,000**
 - **Mid-Western People Against Violence Committee \$5,000**
 - **Gulgong and District Campdraft Association \$5,625**
3. **decline to provide financial assistance to the following applicants, for the reasons provided in the report:**
 - **Cudgegong Antique Machinery Club Inc.**
4. **provide events assistance to the following application in accordance with the Events Assistance Policy;**
 - **Gulgong Chamber of Commerce Inc. – Gulgong Folk festival for \$2,500**

Executive summary

This report considers requests for financial assistance under Council's Community Grants Program Policy.

Provision is made in Council's Community Grants Program Policy to provide financial assistance to not-for-profit community-based organisations, groups and individuals that offer a significant contribution to community outcomes and goals as provided in the Towards 2040 Community Plan.

All applications except for those under the Youth Representative Grants and the Mudgee Sports Advisory categories were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan.
- Level of consultation and collaboration with other local groups.
- Organisational capacity to deliver the program or project.

Even though an application meets the criteria it may be judged that there is not a significant enough benefit to the community in order to fund or fully fund the request. A summary of each application is shown below, together with panel recommendations.

Applicant	Project/Activity	Funding Request \$	Total Score out of 9	Recommended Amount \$
Gulgong Chamber of Commerce Inc.	Gulgong Chamber of Commerce administration	12,000	9	10,000
Mudgee Show Society	Mudgee Show and Rodeo	5,000	8	5,000
Mid-Western People Against Violence Committee	NSW Women's Week & International Women's Day Community Lunch	5,000	9	5,000
Gulgong and District Campdraft Association	Upgrade to the Gulgong Campdraft ground	15,512	7	5,625
Cudgong Antique Machinery club Inc.	Mudgee Swap Meet small shed hire	335	5	-
Total Financial Assistance				25,625
Gulgong Chamber of Commerce Inc.	Gulgong Folk Festival	6,000	8	2,500
Total Events Assistance				2,500

Disclosure of Interest

Nil

Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria. Copies of all applications are provided as attachments to the report.

Gulgong Chamber of Commerce Inc.

Gulgong Chamber of Commerce Inc. requests \$6,000 for Gulgong Folk Festival. To provide a promotional content and PA hire for the principal venue of the 2023 Gulgong Folk Festival, a rich tradition, folk festival which attracts quality musicians and performers and visitors to the region.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community group's 1.4.2 Support arts and cultural development across the Region, 3.2.1 Promote the Region as a great place to live, work, invest and visit

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

Events Assistance Grant: Cap \$2,500

RECOMMENDATION:

\$ 2,500

The Panel scored the application as 8 but no Financial Assistance amount was recommended as the applicant is entitled for the Event Assistance Program. The applicant missed the cut off for the Events Assistance report which was presented to Council last month. This report recommends payment of the maximum event assistance amount of \$2,500.

Gulgong Chamber of Commerce Inc.

Gulgong Chamber of commerce Inc. requests \$12,000 for Gulgong Chamber of Commerce administration. It administers, finances and operates 6 major community activities and programmes. It assists many community groups in our area to help ensure the smooth running of their events staged in the Mid-Western Regional Council area. Each Chamber activity requires financial administration and provision of resources.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the ranges of community groups 3.1.1 Support the attraction and retention of a diverse range of businesses and industries, 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community

COMMUNITY GRANT CATEGORY

Community Grants Category - Specific Program/ Project: Cap \$10,000

RECOMMENDATION:

\$10,000

The Panel scored the application as 9 and there appear to be significant benefits linked with the objectives of Council's Community Plan so the cap amount requested was recommended.

Mudgee Show Society

Mudgee Show Society requests \$5,000 for Mudgee Show and Rodeo. It strives to bring community together and showcase our region. Enables to showcase local livestock, arts and crafts, food and talent. Provides competitions which enable further completion to places like Sydney Royal Easter Show. We Need our smaller shows to have competitors eligible to compete at the big show.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community group's 1.4.2 Support arts and cultural development across the Region, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 5,000

The Panel scored the application as 8 and there appear to be significant benefits linked with the objectives of Council's Community Plan so the full amount requested was recommended.

Mid-Western People Against Violence Committee

Mid-Western People Against Violence Committee requests \$5,000 for NSW Women's Week and International Women's Day Community Lunch. During NSW Women's Week, the Mid-Western people Against Violence (MPAV) Committee hosts an International Women's' Day lunch which

invites community and guest speakers to connect, learn and celebrate the achievements of women locally and globally.

Link to Community Plan: 1.1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community health and safety 1.4.1 Support programs which strengthen the relationships between the range of community groups, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

Community Grants Category - Community Events: Cap \$ 5,000

RECOMMENDATION:

\$ 5,000

The Panel scored the application as 9 and there appear to be significant benefits linked with the objectives of Council's Community Plan so the full amount requested was recommended.

Gulgong and District Campdraft Association

Gulgong and District Campdraft Association requests \$15,512 for Upgrade to the Gulgong Campdraft ground. The goal with the funding is to upgrade the Gulgong Campdraft grounds to improve safety for competitors, spectators, horses and livestock. The main works will include purchasing sand to fill the arena as it is currently unusable when it is wet. Increase the height of the arena to meet the requirement of the ABCRA insurance policy.

Link to Community Plan: 1.1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community health and safety 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community, 1.4.3 Provide equitable access to a range of places and spaces for all in the community

COMMUNITY GRANT CATEGORY

Capital Grants Category: Cap 50% of requested amount or \$ 25,000 whichever is lower.

RECOMMENDATION:

\$ 5,625

The Panel scored the application as 7 and there appear to be significant benefits linked with the objectives of Councils Community Plan so 75% of (\$15,512 x 50%) was recommended.

Cudgegong Antique Machinery club Inc.

Cudgegong Antique Machinery club Inc. requests \$335 for Mudgee Swap Meet small shed hire. They hire the shed at the northern end of the showground and brings visitors to Mudgee to buy and sell second hand goods.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community groups 3.2.1 Promote the Region as a great place to live, work, invest and visit, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

Community Grants Category - In-kind Grant: Cap \$ 5,000

RECOMMENDATION:

\$ 0

The Panel scored the application as 5 and there does not appear to be satisfactory benefits linked with the objectives of Councils Community Plan so \$0 was recommended.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

Strategic implications

Council Strategies

Not Applicable

Council Policies

Recommendations are made under the Community Grants Program Policy.

Legislation

In accordance with the Local Government Act 1993 Section 356 granting of financial assistance must be approved by a Council resolution.

Financial implications

Funding of \$173,912 is provided in the Operational Plan for financial assistance. \$96,686 has already been allocated, leaving a balance of \$77,226. Based on the scoring system above, the recommendation of staff is to provide \$25,625 in financial assistance. Should Council approve the recommendations in the report, a balance of \$51,601 will remain.

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

24 November 2022

Attachments: 1. Community Grants December 2022 attachment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Policy Review - Procurement Policy

REPORT BY THE MANAGER PROCUREMENT AND FLEET
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400087, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Manager Procurement and Fleet on the Policy Review - Procurement Policy;**
2. **accept the revised policy name of 'Sustainable Procurement & Contract Management Policy';**
3. **place the revised Sustainable Procurement & Contract Management Policy on public exhibition for 28 days; and**
4. **adopt the Sustainable Procurement & Contract Management Policy if no submissions are received.**

Executive summary

A review of Council's Procurement Policy (the Policy) has been undertaken, and a revised Policy has been recommended to provide improvements for the organisation and the community. The new policy is now referred to as 'Sustainable Procurement & Contract Management Policy'. The policy now includes updated Procurement thresholds; refined, best practice additions; and Contract Management principles. This new policy demonstrates an increased focus on sustainability (Quadruple Bottom Line) and whole life cost & management considerations.

Disclosure of Interest

Nil

Detailed report

With the staged implementation of a Procurement & Contract Management framework and in order to continue best practice procurement and contract management efficiencies across the organisation, it has become necessary to review and amend the original Procurement Policy. This is to ensure that Council remain up to date with current best practice methodologies for both Procurement and Contract Management responsibilities. The new 'Sustainable Procurement & Contract Management Policy' is required to provide clarity of Council's undertakings with regards to Procurement and Contract Management to both staff and the community, with the intent to remain transparent and to maintain fair and reasonable dealings with our suppliers. This will improve Sustainable Procurement & Contract Management considerations to ensure the best value for money is achieved.

To support the Procurement and Contract Management Policy, a Sustainable Procurement & Contract Management Procedure has been created. This will better support staffing navigating sustainability and procurement & contract management activities by providing detailed guidance notes in the form of a procedure.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation
Strategy	Pursue efficiencies and ongoing business improvement

Strategic implications

Council Strategies

Not Applicable

Council Policies

By adopting the newly created 'Sustainable Procurement & Contract Management Policy', replacing Councils current Procurement Policy, Council is endorsing the changes to be placed out on exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date.

Legislation

The Local Government Act 1993, section 55, sets out the parameters of tendering, and this is referenced in the Policy.

Financial implications

Not Applicable

Associated Risks

By endorsing the proposed 'Sustainable Procurement & Contract Management Policy', Council is reducing procurement and contract management risks by providing a more diligent, defined policy that supports the 'before, during and after' procurement activities by including procurement guidelines, additional focus on sustainability and adding a clear contract management framework.

KRISTIE WARD
MANAGER PROCUREMENT AND FLEET

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 November 2022

Attachments: 1. Current Procurement Policy.
2. Revised Procurement Policy - New 'Sustainable Procurement & Contract Management Policy'.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Procurement Policy

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	2.3
COUNCIL MEETING MIN NO.	120/22	REVIEW DATE	APRIL 2023
DATE:	20 APRIL 2022	FILE NUMBER	FIN300032,FIN300086; FIN300155

Objective

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

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

Legislative requirements

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

Related policies and plans

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

POLICY: PROCUREMENT POLICY | V 2.3 , 20 APRIL 2022

Policy

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

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

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

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

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

Training of Staff

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

Delegation of Authority

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

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

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

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

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

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

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

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

Splitting of Orders

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

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

Promotions & Incentives

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

Allocation of Funds

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

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

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

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

Aggregation of Requirements

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

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

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

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

Petty cash limits are defined in the Petty Cash Procedure.

Purchase of Goods and Services above \$1000 and up to \$5,000

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

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

Purchase of Goods and Services above \$5,000 and up to \$50,000

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

Purchases must be undertaken by:

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

or

- Accessing Government contract pricing.

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

An SOA or a PSA may be established if:

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

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

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

Purchases must be undertaken by:

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

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

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

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

An SOA or a PSA may be established if:

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

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

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

Purchases must be undertaken by:

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

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

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

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

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

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

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

Purchase of Goods and Services above \$250,000

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

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

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

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

Tendering

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

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

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

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

The General Manager must approve the selective tendering methods prior to advertising (as an alternative to the open tendering method). The General Manager must also approve those

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selected tenderers from the Expression of Interest prior to undertaking the selective tender process.

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

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

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

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

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

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

Accessing tenders through external organisations & prescribed entities

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

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

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

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

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

When Council utilise tenders from Prescribed Entities, an approved panel of Service Providers is supplied, Council may choose to do business with one or all of the Service Providers. Where Council spend for any one quote is estimated to exceed \$250,000, and prior to approaching the panel of approved service providers, Council staff must obtain permission to proceed from the Manager Procurement & Fleet or the CFO through Council's Procurement Evaluation Plan and the relevant

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Director. Once this documentation has been completed and approved, Council staff approach the appropriate approved Service Providers (via appropriate formats i.e. e-quoting portals) to provide a quote under the conditions of tender by the Prescribed Entity for the goods/services required. Council are able to engage suppliers directly (without obtaining quotes), however this is not encouraged.

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

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

Amending Tendered Rates

Tendered rates cannot be amended mid-contract unless the original tender documentation and contract specifically permits rate increase considerations and/or variations. All requests for rate increases must be made in writing to the appropriate Council delegate and must not exceed the most recent annual CPI rate increase (nearest quarter) All Groups (or the rate specified in the tender/contract).

All approved increases must be responded to in writing from Council's delegate.

Conflicts of Interest

Council officers or delegates are required to report any identified relationships that could be actual, potential or perceived conflicts of interest both pecuniary and non-pecuniary. A relationship must be reported as it is identified, whether that be before or during any procurement activity, during a contract term, or as a conflict arises. It is the responsibility of the Council officer or delegate to make the appropriate persons aware (as per the Code of Conduct) of the relationship and complete a 'Conflict of Interest Declaration' form. It is at the discretion of that delegated person in the Code of Conduct to make determination on the conflict.

Due Diligence

Due diligence of Service Providers is to be carried out, where appropriate, where a tender is not required.

Due diligence of any Service Provider must be carried out in all Tender situations.

Receipt of Goods and Services

When the goods are received or the works and services carried out, a Goods Received declaration shall be completed in the prescribed format.

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Council Specific Procurement

Council will call for tenders on a regular basis for the provision of certain goods and services. The frequency of tenders will be guided by legislative requirements and operational needs. These contracts may include, but are not limited to:

- The supply of fuel and oils
- Cleaning of Council premises
- Security services
- Electricity supply
- Telecommunications

Tenders for casual plant hire will be publicly advertised as required. The advertisement will call for fixed rates from owners of specialised plant and equipment, for projects required to be carried out by Council on an as required basis. Quotations for capital works and/or any other works will be sought from these Service Providers via VendorPanel.

Tenders for casual hire of trade services will be publicly advertised as required. The advertisement will call for pre-qualified Service Providers of trade services for projects and routine maintenance required to be carried out by Council on an 'as required' basis. Quotations for capital works and/or any other works will be sought from these Service Providers via VendorPanel prior to engagement.

Certificates of Insurance

Service providers must have appropriate levels of public, products liability and professional indemnity insurance as necessary. Service providers must also provide evidence of their workers compensation coverage where applicable. All required Certificates of Currency for appropriate insurance must be downloaded into VendorPanel prior to the engagement. If procuring outside of VendorPanel, service providers must provide relevant insurance requirements to the engaging Council staff member.

Service providers identified to be working with (near) children or vulnerable people will be required to complete Police Checks for subcontractors & working with children checks prior to entering any relevant site.

Publication of Successful Tenderers and Expressions of Interest

Council will maintain a register showing those successful Service Providers to Council in those cases where the contract value is in excess of \$50,000.

Work Health & Safety Management and Workplace Injury Management

Mid-Western Regional Council assigns a high priority to the continuous improvement of work health and safety and workplace injury management.

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Council is responsible for:

RISK ASSESSMENTS

A purchasing risk assessment must be undertaken for all items/goods with regards to its potential use at the workplace. Supporting documents are available on Council's Intranet. In undertaking the risk assessment, the following factors are to be considered:

- Manner in which it is to be used and the suitability of the item for the purpose
- Hazards and risks presented by the item (including biological and chemical products) to be purchased
- Potential impact on affected personnel
- Transport, Maintenance, Cleaning and Storage
- Any associated needs (e.g. appropriate firefighting gear) should an emergency with the item occur
- Legal requirements such as codes of practice or relevant standards
- Specifications which are required to ensure safe operation or use
- Training requirements
- The need to change work procedures
- The need for personal protective equipment(PPE)
- Technical data or information required
- Opinions of the users of the item
- Hazards and risks associated with compounds used in operating, maintaining, cleaning, transporting and storage of the items
- Environmental impact of disposal of waste arising from the above

All risk assessments are to be documented in Council's record system and undertaken in consultation with employees/ workers who may be affected by the purchase. All records of assessments, and details provided by the service provider shall be maintained in a file by the originator of the purchasing request or the life of the equipment and updated when any modifications are carried out. Previous records of assessments are to be archived as appropriate.

PLANT & EQUIPMENT

In respect to the purchase of plant and equipment including furniture, the Service Provider will be requested to provide information regarding the hazards associated with the items and recommended controls to manage these hazards.

Suppliers of second-hand plant are specifically required to inform purchasers of any reasonably identifiable faults in the plant.

All plant and equipment must comply with all relevant Australian Standards.

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HAZARDOUS SUBSTANCES

The Safety Data Sheets (SDS) and instructions for use for all hazardous substances must be obtained before the purchase of hazardous substances.

All substances must meet labelling and usage requirements of WHS legislation, standards and codes of practice. From January 2017 all Service Providers must be compliant with Global Harmonisation System (GHS) for chemicals. This includes Pictogram Identification on all labels and documents

Any associated emergency control equipment including correct type of fire-fighting equipment and spill control is to be considered (re. Transport, use and storage) in the purchase of a hazardous substance.

PERSONAL PROTECTIVE EQUIPMENT [PPE]

Prior to purchasing PPE, consideration on whether other forms of hazard control from higher up the hierarchy of hazard control can be implemented needs to be taken into account.

All personal protective equipment must comply with relevant Australian Standards. Since PPE is personal, when purchasing the individual needs of staff MUST be considered. Such needs will include, but not be limited to, individual body size, impairments, capabilities etc.

All employees/workers – including managers – associated with PPE, require training in correct selection, fitting, use, maintenance and storage of the PPE

PRE - PURCHASE TRIALS

Trials of equipment and substances including PPE will be undertaken where reasonably practicable, providing an opportunity for monitoring by relevant personnel and management to ensure that no previously unforeseen hazards arise during use.

Trials should also ensure consultation where appropriate e.g. the introduction of new types or brands of PPE.

Feedback from the trial is to be recorded on the Purchasing Risk Assessment (HRWHS 025).

MAKING A DECISION TO PURCHASE

If after the risk assessment, trials and/or the provision of information from the potential Service Provider, the level of risk associated with the item to be purchased cannot be controlled and is not acceptable, the item is not to be purchased. An alternate item is to be sourced and the process started again.

WHS STANDARDS FOR PROCUREMENT OF SERVICE PROVIDERS

HRWHS 059 Safety Management Framework is to be referred to prior to the commencement of the service provider procurement process.

This procedure provides a framework for the determination of the level of WHS risk associated with any service to be provided, along with guidelines for WHS documents to be provided as part of any RFT or RFQ.

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Service Providers Responsibilities

Service providers shall have a demonstrated commitment to, acceptable performance with, and a systematic approach to work, health and safety management and workplace injury management.

Service providers, their employees and subcontractors must comply with work, health and safety, workers compensation insurance, injury management and rehabilitation obligations under legislation, relevant industry codes of practice, safety procedures in applicable industrial awards and approved agreements, and the general law.

If a service provider is deemed a regular or high-risk service provider by Council's WHS Coordinator, all employees of the service provider must undertake Council's Contractor Specific Induction Program. This induction does not replace site-specific inductions.

Principal contractors are accountable for compliance by their service providers with their legal obligations regarding their employees.

All service providers, their employees, their unions and subcontractors must also comply with their workplace obligations, including the provisions of all applicable industrial awards and approved agreements.

Arrangements or practices designed to avoid workplace obligations under relevant laws, industrial awards and approved agreements are not permitted.

Local Preference

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council. To assist local industry and local economic development, Council's Local Preference Policy supports our commitment to providing opportunities for our local service providers.

Full details of Council's Local Preference Policy can be found on Council's website.

Service Provider Management Policy

The Service Provider Management policy aims to ensure Council's expectations and management of service providers (contractors) is legal, ethical and transparent for all parties. It is to provide guidance in the selection, management and monitoring of service providers engaged by Mid-Western Regional Council. The outcomes of this policy are: Clear & Defined Expectations & Responsibilities, Performance Management Criteria & Matrix, Protection of Service Provider Rates and Ethical Behaviour & Fair dealing

Full details of Council's Service Provider Management Policy can be found on Council's website.

Contract Management

Council Representatives will govern the execution and management of contracts entered into on behalf of Council to minimise the exposure to financial and reputational risk

Council has introduced a contractor management system which:

- Improves record management of Contracts and relevant reporting requirement capabilities;
- Improves the overall contract management process;

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- Provides a robust, accountable and transparent audit trail;
- Seeks opportunities for improvements in service delivery;
- Is based on contemporary risk management principles; and
- Promotes positive working relationships between contractors and Mid-Western Regional Council

All contracts over the value of \$50,000 will be identified and published in Council's Contracts Register, excluding those specified in the Local Government Act as exempt from publication

All variations will be reviewed by Council Representatives with appropriate (project) subject matter knowledge and delegation.

The above excludes any employment contracts, non-binding Memoranda of Understanding or partnering agreements with other agencies.

Value for Money

The Council strives to achieve value for money in its procurement activities by:

- Undertaking a comparative analysis of the costs and benefits of each proposal throughout the whole procurement cycle, and
- Specifying clear conditions and evaluation criteria in approach to market documents.

Council will take into account the following factors in determining value for money:

- The maturity of the market for the good, property or service sought
- The performance history of each prospective supplier
- The relative risk of each proposal
- The flexibility to adapt to possible change over the life cycle of the good, property or service
- Financial considerations, including all relevant direct and indirect benefits and costs over the whole procurement cycle
- The anticipated price that could be obtained, or the costs that may be incurred at the point of disposal
- The evaluation of contract options (e.g. contract extension options), and
- Any other value-add functions of relevance to Council that the supplier can provide (e.g. environmental performance of the product / service, contribution of supplier to the local economy / community, etc.).

Value for money' is achieved by delivering the most advantageous outcome possible while practising transparency, fairness and equity to all potential suppliers and efficient, effective and proper expenditure of public monies.

Variations of this policy

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

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Definitions

SOA - Standing Offer Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time

PSA - Preferred Supplier Arrangement

- An agreement where the Service Provider allows Council to purchase goods and services at a set price for a set period of time, however, Council place Service Providers in a preferred order. This particularly relates to Wet & Dry Plant Hire and also Trades lists (to name a few). Lists are tendered for and Service Providers are numbered from 1 to say 5 during the evaluation process. In the first instance Council must contact the number 1 Service Provider and if unavailable contact number 2 on so on.

PQA - Pre-Qualified (Prequalification) Arrangement

- An agreement where Council create panels for regularly used goods or services, these may or may not be tendered for. Panels are created in VendorPanel (Councils' e-quoting portal) and Service Providers must meet Council's compliance requirements to be accepted. Prequalification panels allow Service Providers to nominate rates at time of quoting, any tendered rates are only used for tender evaluation, and therefore they may also be amended during the quoting process.
- This option allows Council to capture minimum compliance options for regularly used services providers as well as allowing service providers to present up to date pricing. The opportunity and potential for Council to obtain better value for money by creating a more competitive market is increased.

Prescribed Entity

- Any organisation that is specified in the Local Government (General) Regulation, Section 163 is recognised as a Prescribed Entity therefore approval is not required for acceptance of tenders sought from those specified.

VendorPanel

- Council's electronic quoting (e-quoting) portal

Council's VendorPanel Local Market Place

- VendorPanel Marketplace is an e-quoting portal enabling Council employees to directly contact businesses that Council may not utilise regularly or require tenders for, but may employ from time to time.

Public Advertising

Public advertising may include:

- Local and Sydney newspapers
- Approved Electronic Tendering & Quoting Portals (all service providers must be selected)
- Social Media
- Council's Website

Contracts

- A contract is a legally binding agreement that sets out the rights and duties of the parties involved. Typical contracts entered into by Mid-Western Regional Council include the provision of building maintenance & construction, construction of civil works, supply of goods and materials and consultancy services on issues such as engineering design, industrial relations, town planning, local enforcement and community engagement.



POLICY

Sustainable Procurement & Contracts Policy

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	[VERSION 1.1, 1.2 ETC]
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	[DATE TO REVIEW]
DATE:	[INSERT DATE]	FILE NUMBER	[INSERT FILE NO]

Objective

This Policy provides an overview of the Council Procurement and Contract Framework and principles that MUST be followed by all Council Officers and representatives when purchasing goods and services and managing associated contracts.

The outcomes of this Policy are:

- value for money,
- align with business needs,
- improve service delivery,
- ensure legislative compliance and probity;
- and support a competitive local economy.

This policy supports the delivery of Councils 'Community Strategic Plan' to achieve a sustainable Local Region.

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2021
- NSW Local Government Tendering Guide 2009
- NSW Model Code of Conduct
- GIPA Act 2009
- WHS Act 2011

Related policies and plans

- Procurement & Contract Management Procedure
- Local Preference Policy
- Contractor Management Policy
- Code of Conduct
- Statement of Business Ethics
- Enterprise Risk Management Policy
- Disposal of Assets Policy

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- Fraud and Corruption Control Policy

Scope

The Policy applies to all Council Officers and representatives who have delegated authority to purchase goods and services and manage the associated contracts on behalf of the Council.

It commits every individual involved in procuring and managing contracts for goods and services to actively ensure that all activities are:

- legal
- accountable and auditable
- fair and competitive
- ethically, environmentally, and socially responsible
- economically effective
- conducive to maintaining the Council's ability to exploit appropriate technological, commercial, and organisational developments as they arise
- capable of identifying, minimising, and managing risks that may threaten projects, procurements, or contracts, and
- free of any direct or indirect conflict of interest
- maintaining confidentiality

The scope of the Policy commences from when Council has identified a need for procurement, and continues through to the award, delivery, management and closing of the contract.

The word 'MUST' is used throughout this Policy to describe key principles against which Council will be audited and non-compliance identified. Non-compliance may result in disciplinary actions.

Focus on Sustainability

Sustainable procurement & contract management takes responsibility for the Economic, Environmental, Social and Governance impacts of any purchase – goods or services. These four factors are referred to as the Quadruple Bottom Line (QBL) and relate to a total lifecycle impact, and not just the upfront price.

More broadly, Sustainable Procurement considers:

1. The cost and **economic** impact of the procured product or service,
2. The **environmental** impact,
3. Any **social** and ethical implications, and
4. The application of good **governance**.

Sustainability is now an essential part of procurement. A sustainability lens ensures purchasing decisions are based on sound principles that maximise the benefit to the environment and society, and meets community expectations.

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There is a clear duty of care to spend public funds responsibly, and in a way that protects, nurtures, and grows the environment and the economy and supports local businesses, local jobs and guards against modern slavery or any other unethical practices.

Council acknowledges its responsibility to ensure the environmental, social, and economic sustainability of the local community, and to contribute positively to the overall health of the planet.



Roles and Responsibilities

POSITION	RESPONSIBILITIES
Council Officers and Representatives	Accountable for managing procurement and contracts in accordance with council’s financial delegations, Legislation, and this Policy. Council Officers are required to demonstrate due diligence in each of the PLAN, SOURCE, MANAGE stages based on the value and risk of the project.
Procurement Manager / Team	Overall responsibility of this Policy, its implementation and ongoing operational compliance. Provide support and guidance in the interpretation and use of this Policy and associated Procurement and Contract Management Framework and Legislation.
Executive Leadership Team (ELT)	Demonstrate leadership through commitment to Sustainable Procurement and Contract Management. Provide stewardship, oversight through review of “health checks” of procurement and contract management through consideration of regular reporting.

Procurement and Contract Management Framework

The Council Framework consists of 3 broad stages: **PLAN, SOURCE** and **MANAGE**.

When applying this framework and utilising the supporting templates, best practice and legislative requirements will be adhered to. This, in turn, will provide the best chance of reaching a successful

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procurement outcome, achieving value for money, mitigating risks and establishing appropriate contract management standards.

Processes and guidance are balanced with the risk and value of projects, procurements, and contracts. Complex projects with a high risk and high value, require careful planning, stringent peer review of Requirements Documents (Specifications) prior to any approach to the market.

Conversely, for low risk and low value simple procurement requirements, there is greater flexibility to minimise indirect administrative costs and improve efficiency.

Procurement Principles (PLAN AND SOURCE)

Accountability – Council is committed to ensuring accountability and transparency in its procurement activities. Accountability means that Council Officers are responsible for the actions and decisions that they take in relation to procurement and for the resulting outcomes. Council Officers MUST be able to demonstrate the basis of all decisions that can withstand any scrutiny.

Conflicts of Interest – A conflict of interest exists when a reasonable person might perceive that a public official's personal interest(s) could be favoured over their public duties corrupt conduct can arise when a conflict of interest is concealed, understated, mismanaged, or abused. Staff MUST declare, record, and save on file all identified conflicts in accordance with Councils Code of Conduct.

Record Keeping – The Council records provide evidence of actions and decisions and represent a vital asset to support its daily functions and operations. Council Officers MUST ensure appropriate documents and records are maintained in accordance with Council's Records Management Policy.

Confidentiality – Council Officers and consultation stakeholders MUST maintain the integrity and security of confidential information in their possession, or for which they are responsible. In addition to general obligations relating to the use of council information, Council Officers MUST only access confidential information that they have been authorised to access for the purposes of exercising official functions and only release confidential information authorised. Refer to the Council's Code of Conduct for further information.

Risk Analysis and Management – Risk analysis and management are techniques applied to ensure that procurement process contracts are successful. Council officers are required to identify and assess the risks and prioritise them by aligning relevant resources to monitor, control and minimise or overcome the impact. Consideration of Risk should be managed in accordance with the Council's Enterprise Risk Management Policy and Procedures.

Sustainability (QBL) – Councils top priority is to procure sustainably and with positive Planetary Health outcomes a focus wherever possible (i.e., socially, environmentally, and economically sustainable results delivered through excellent governance and leadership practices). When procuring or contract managing for Council, Council Officers MUST demonstrate that opportunities for sustainable outcomes have been adequately assessed and enacted, in accordance with Council's current procurement and contract management framework.

Emergencies – From time-to-time there may be a need to purchase goods or services due to an emergency whereby the requirements of Legislation and this Policy cannot be applied. An emergency is a situation that poses an immediate risk to health, life, property, or environment. Emergency procurement is only an option where Council must act immediately and take all reasonable and necessary action to mitigate any continuing risk associated with the emergency. This may only be used in cases of genuine emergency and not to remedy poor planning. Authorisation for emergency procurement MUST only be given under delegation by the General Manager (GM).

POLICY: | [VERSION 1.1, 1.2 ETC], [INSERT DATE]

Spend Threshold Requirements – The estimated value of the contract is inclusive of Goods and Services Tax (GST) for all goods and services for the life of the contract including any options to extend. The current tender threshold is \$250,000 including GST for the life of the contract. Council Officers MUST not split Purchase Orders or contract value estimates to avoid a defined or legislative process.

Purchase Orders – Suppliers MUST not be engaged to supply any goods or commence any services without first being issued with a valid Purchase Order (where specified in the Spend Thresholds below). Invoices issued by Contracted Suppliers must have a valid Council Purchase Order reference number that is referenced on their invoice, or it may not be paid.

Credit Cards – Council provides a credit card facility to enable the secure purchase of goods and services in support of legitimate Council business. Credit cards are intended to provide an efficient method of purchasing ad-hoc materials, travel, accommodation and minor expenses or urgent items where no preferred supplier agreement is in place. Council Officers issued with a corporate credit card are in a position of trust regarding the use of public funds. Expenditure on a credit card MUST be in accordance with financial delegations and the fundamental requirements set out in this Policy and Council’s Purchase Cards Policy and Corporate Cards Procedure.

Spend Threshold

The procurement methodology is dependent on the value threshold and/or risk of the purchase as shown below. All amounts include GST. The value threshold to determine the methodology is the total accumulated spend for the procurement including any anticipated variations for the procurement activity.

Council has access to a range of Common Use Arrangements (CUA’s). CUA’s are pre-established panels of providers that should be used for commonly purchased goods and services. These arrangements have been established by either Council (or group of councils), Local Government Procurement, Procurement Australia, NSW Procurement (State Government).

Contract Spend	Method	Description
Unlimited	Expression of Interest (EOI)	An EOI provides the opportunity to undertake market tests and can lead to a selective approach to your procurement. An EOI may lead to one of the below Procurement actions. It does not replace any action.
All Spend Thresholds	Review Common Use Arrangements (CUA) and access where possible	CUA’s are in place to reduce red tape and time. These should be accessed wherever possible for any spend level. Consider any opportunity to incorporate quadruple bottom line (QBL) initiatives.
Up to \$5,000	No quote required Credit cards to be utilised where possible	Credit card reconciliation is the process of ensuring that the transactions made match the transactions, are complete, correct, and valid. Reconciliation is an essential part of the closing process, and it’s how we ensure the integrity of our

POLICY: | [VERSION 1.1, 1.2 ETC], [INSERT DATE]

		records. Council Officers MUST reconcile credit cards as directed.
	No quotes required, however best practice	A Purchase Order with Standard Terms and Conditions or monthly order docket should be issued prior to goods or services being provided.
		Petty Cash is available for \$100 or less.
\$5,000 - \$50,000	MUST obtain 2 written quotes or an exemption to be obtained	It isn't always practical to obtain quotes. If, for any reason you can't obtain the required quotes value for money must still be considered. A procurement exemption MUST be obtained prior to goods or services being provided.
\$50,000 - \$150,000	MUST use Simple Request for Quote (RFQ) consider a detailed evaluation and award process. Consideration of QBL	Due to elevated spend and risk, an 'Open Market or Publicly Advertised' RFQ process MUST be conducted in line with the Council Framework guidance. If for any reason the RFQ process or public advertising cannot be undertaken, a procurement exemption MUST be obtained prior to goods or services being provided.
\$150,00 - \$250,000	MUST use Simple Request for Quote (RFQ) or Invitation to Quote process and MUST utilise a detailed evaluation and award process. Consideration of QBL	Due to elevated spend and risk, a 'Publicly Advertised' RFQ process MUST be conducted in line with the Council Framework guidance. If for any reason the RFQ process or public advertising cannot be undertaken, a procurement exemption MUST be obtained prior to goods or services being provided. Council Officers MUST prepare and utilise a detailed evaluation and award process.
Greater than \$250,000	MUST use Public Request for Tender (RFT) including Consideration of QBL	As per Legislative Requirements and the Council Framework guidance.
\$500k	Increased tender threshold for natural disaster response and recovery related contracts	Councils are not required to tender prior to entering into a contract with a value of less than \$500k where the contract: <ul style="list-style-type: none"> • is primarily for the purpose of response to or recovery from a "declared natural disaster", and • is entered into within 12 months after the date on which the natural disaster is declared. Refer to Clause 170(a) Local Government Regulation

Contract Management Principles (MANAGE)

This section provides the mandatory requirements for managing contracts. Council recognises that the effective management of contracts with suppliers is essential in maximising the business benefits, achieving value for money and minimising contractual risks.

A contract is an agreement made between two or more parties that creates rights and obligations enforceable in law. This Policy applies until all contractual obligations have been completed.

The following are excluded from this Policy:

- Employment contracts,
- Non-binding Memoranda of Understanding,
- Partnering and collaborative contracts with other Local or State organisations

Stages in the Contract Management Life Cycle

Contract Commencement (Stage 1) – starts before a contract is signed

Successful Contract Management is highly influenced by activities performed prior to contract award. Ensuring that contract terms, conditions, scope and deliverables, KPI reporting and relationship management are clearly established in the signed Contract and understood by all parties, is fundamental for effective Contract Management.

Contract Management (Stage 2) – runs until formal closure

Properly managing supplier performance with respect to outcomes and deliverables clearly specified and agreed in the Contract will help ensure Council and its customers obtain the business benefits and value for money within target timeframes

Contract Closure (Stage 3) – the formal conclusion

The contract close-out is the stage for closing-out Contract obligations and liabilities with suppliers. It may also include transitioning to another supplier for the goods/services.

Mandatory Requirements applying to contracts

- All Council Contracts valued at \$50,000 (including GST) or more must be registered and identified with a Contract Number - issued by Council's Contract Management System (CMS) Portt.
- A contract manager must be formally appointed. The Contract Manager may manage a contract valued at more than their level of financial delegation. However, the Contract Manager must not approve or incur expenditure on goods, services or a project valued at more than their level of financial delegation. Note, this also applies to any changes (variations) to the original price of procurement.
- Staff must use Council developed and recommended contract templates at all times. These include contracts based on Australian Standard, Standard Form Documents available from NSW Procurement and Purchase Order Term and Conditions.

All formal Contracts must include appropriate Sustainability clauses in the areas of;

POLICY: | [VERSION 1.1, 1.2 ETC], [INSERT DATE]

- Work Health & Safety; Quality Assurance; Environmental; Financial Capability; Insurance; Industrial Relations; Performance; Code of Conduct; Business Ethics; Exchange; and Disclosure of Information.
- That allow and support contract compliance and risk management, with having regard to project value, requirements and complexity.

All formal Contracts must include appropriate Commercial clauses in the areas of:

- Payments and Retentions (or security); Price Adjustments; Delay to Completion (or delivery); and Processes to Resolve Claims and Disputes.
- That allow managing or regulating variations to the original Contract, having regard to project value, Contract requirements and complexity
- Obtain all relevant approvals and licenses prior to commencement: of the contract planning and engagement (entering into a contract).

Contract Variations

All Contract Variations must be approved in writing in accordance with the Contract and be approved by the appropriate delegate.

Ethics and Probity

Council's Code of Conduct must always be adhered to in the management of Contracts on behalf of Council, in particular ensuring: responsible decision making, declaring and appropriately managing any Conflicts of Interest and appropriate decline of any offered Gifts or Benefits.

Contract Disclosures

In accordance with Part 3, Division 5 of the Government Information (Public Access) Act 2009 (GIPA Act), Council will maintain and publish a register of all Council contracts that records key information about each contract Council enters into with the private sector which has or is likely to have a value of \$150,000 (including GST) or more.

Modern Slavery Prevention

Council is committed to ensuring:

- its operations and supply chains do not cause, involve, or contribute to modern slavery; and
- its suppliers, relevant stakeholders, and others with whom we do business respect and share our commitment regarding minimising the risk of modern slavery.

This applies to all persons employed by Council or on Council's behalf in any capacity. The prevention, detection, and reporting of modern slavery in any part of Council's operations or supply chain is their responsibility.

Statement of Intent

Council is committed to combating Modern Slavery by:

POLICY: | [VERSION 1.1, 1.2 ETC], [INSERT DATE]

- Identifying where our modern slavery risks are in our supply chain and assessing the degree of those risks.
- Where Modern Slavery may be present, completing a risk checklist prior to making a purchase.
- Where risk is identified, engaging with our suppliers to provide further information on their commitment to minimising the risk of modern slavery in their own supply chains and operations. This will primarily be done by asking suppliers to complete a Modern Slavery Questionnaire.
- Including modern slavery criteria in Request for Tender documents and Contracts.
- Providing adequate training for all staff to ensure they are aware of what modern slavery is, what Council's modern slavery risks are and how to raise any identified or potential concerns.
- Utilising Councils complaint process to enable staff and others to raise concerns about modern slavery.

9.6 Policy Review - Asset Disposal

REPORT BY THE ASSETS ACCOUNTANT
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Assets Accountant on the Policy Review - Asset Disposal;**
2. **place the revised Asset Disposal Policy on public exhibition for 28 days; and**
3. **adopt the Asset Disposal Policy if no submissions are received.**

Executive summary

The Asset Disposal Policy was last reviewed and adopted by Council in April 2020. The policy is again due for review. A copy of the policy review is attached with track changes.

Disclosure of Interest

Nil

Detailed report

To ensure Council is running efficiently, there are some delegation changes, value changes for some disposal methods, further details for write-offs and some minor wording changes recommended to update the policy. These changes have been tracked for review in the attached draft policy.

Amendments to the policy are summarised below:

- Removal of the requirement for a register of disposed assets to be made publicly available on request.
- Additional delegated authority to the Manager Procurement & Fleet to dispose of plant/fleet assets.
- Delegated authority to the Stores Supervisor to dispose of stores stock and/or loose tools.
- Adjusting write-off method to confirm removal is to a Council recycling, tip or tip shop location.
- Increase negotiated sale not to exceed estimated value from \$2,000 to \$5,000.
- Amended notes regarding public auctions and remove financial value limits.
- Amended notes for tender method to be used when greater than \$250,000 subject to requirements and exemptions in the Local Government Act 1993.

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

Asset Management Strategy

Council Policies

Asset Management

Code of Conduct

Statement of Business Ethics

Conflict of Interest

Legislation

Local Government Act 1993

Local Government (General) Regulation 2005

Disposal of assets over \$250,000 require a tender process, however contracts between Councils are exempt from requiring a tender – Local Government Act NSW 1993, section 55, part 3. Therefore, negotiated sales with other Councils do not require a financial cap.

Financial implications

Not Applicable

Associated Risks

Not Applicable

FIONA HANDICOTT
ASSETS ACCOUNTANT

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

4 May 2022

Attachments: 1. Disposal of Assets Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Disposal of Assets

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	VERSION 3.1
COUNCIL MEETING MIN	103/21	REVIEW DATE	APRIL 2022
DATE:	17 APRIL 2021	FILE NUMBER	FIN300032

Objective

To ensure the disposal of assets surplus to Council requirements is carried out in an open and transparent manner that promotes obtaining best value for money; accountability; fairness and impartiality; and avoids any conflicts of interest, whether real or perceived.

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 2021~~05~~⁰⁵

Related policies and plans

- Asset Management
- Code of Conduct
- Statement of Business Ethics

Policy

Guidelines

This policy applies to all Council Officers and Councillors of Mid-Western Regional Council and must be strictly adhered to. Disposal of assets will be consistent with Council's economic, social and/or environmental objectives.

Council shall strictly implement its Code of Conduct, Statement of Business Ethics and other relevant policies on matters relating to disposal of assets.

Assets referred to in this policy encompass all items of value to Council. This includes, but is not limited to, light vehicles, plant and equipment, office equipment, office furniture, materials and stock items, software and hardware.

At all times, surplus assets or materials should be disposed of in a manner that maximises returns whilst ensuring open and effective competition.

Where considered appropriate, consultation with relevant business units and the community is conducted prior to disposal of significant assets. Furthermore, it is also ensured that no other department within Council has a need for the asset.

All asset information is maintained prior to disposal to ensure that informed decision making pertaining to the disposal can be made.

POLICY: ~~ERROR! REFERENCE SOURCE NOT FOUND.~~ DISPOSAL OF ASSETS | VERSION 3.1

Items of historical or cultural significance should be given special regard, adhering to relevant guidelines and regulations.

Any dangerous or hazardous goods are to be disposed of only in the authorised manner.

It is to be made clear to all prospective buyers that assets are sold as-is and at the buyer's risk. Buyers are to rely on their own enquiries regarding the condition and workability of assets. No warranty or after sale service is to be offered on any assets disposed of.

~~All disposals are recorded in Council's accounting system, including in the asset register for disposed items with an asset number. register of all disposed assets with a value in excess of \$5,000 is maintained, and can be made publicly available on request.~~

Related Documents

Asset disposal should align with the Asset Management Plan (AMP) and Asset Management Strategy documents. The AMP will be reviewed on a regular basis and should disclose assets requiring replacement or redundancy.

Refer to the Asset Disposal Procedure for details on the administrative process.

Delegation

The General Manager (GM) has delegated authority to dispose of Council owned assets that are surplus to requirements, excluding land which may only be disposed of by resolution of Council.

The Chief Financial Officer (CFO) ~~and Manager Procurement & Fleet~~ ~~has~~ delegated authority to dispose of Council owned plant/fleet assets where the plant/fleet is marked for replacement in the approved Fleet ~~Replacement~~ Plan.

The CFO has delegated authority to dispose of Council owned assets that are surplus to requirements, to a maximum value of \$10,000 per item, excluding land which may only be disposed of by resolution of Council.

~~The Stores Supervisor has delegated authority to dispose of stores stock and/or loose tools where the disposal methods meet the write-off definition below.~~

Conflict of Interest

Council Officers involved in the disposal of assets are responsible for disclosing any actual or perceived conflicts of interest that may arise in the performance of their duties. Council Officers must ensure there is no conflict of interest on their behalf prior to the commencement of each disposal activity. All perceived and actual conflicts of interest are to be referred to the GM. Where the GM concludes a conflict of interest exists, the Council Officer may be removed from the disposal process.

Reasons for Disposal

A decision to dispose of a Council owned asset may be based on one or more of the following:

- Obsolescence
- Non-compliance with occupational health and safety standards
- Nil utilisation estimates in foreseeable future

- Nil usage in previous 6 months (stock items)
- Optimum time for maximum return
- Uneconomical to repair
- Replacement of an existing asset eg plant, road rehabilitation/resealing

Preparing Assets for Disposal

Thorough inspections must be carried out prior to disposal to ensure assets do not contain:

- Additional items not intended for sale
- Confidential documents
- Any other Council documents
- Software (which may lead to a breach of licence or contain confidential data)
- Hazardous material

As far as practical, any Mid-Western Regional Council branding or identifying marks should be removed. Stores should be notified if disposal of an asset impacts stock items, and spare parts held for a particular asset should be disposed of in conjunction with the asset (where no similar assets are held by the Council).

Disposal Methods

The principal methods for disposal of assets are:

- Write-off (destruction or removal [to a Council recycling, tip or tip shop location](#)) – where [estimated asset value does not exceed \\$5,000 and the assets is are of no value,](#) unserviceable or beyond economical repair or the disposal cost is higher than the likely return
- Donation to registered charities or community organisations – where estimated asset value does not exceed \$5,000
- Negotiated sales – where estimated asset value does not exceed [\\$52,000](#) or to Rural Fire Service or to other Local Government Entities (councils)
- [Public Auction](#) – [assets may be disposed of by public auction where the costs associated with the auction can be justified in relation to the expected revenue from the sale assets with an estimated value between \\$52,000 and \\$250,000 may be disposed of by either public auction or tender. Should an asset valued at less than \\$250,000 fail to meet reserve at a public auction the CFO may approve the selling agent to negotiate with the highest bidder if it is reasonably expected to result in the best outcome for Council.](#)
- [Tender](#) – [all in accordance with section 55 of the Local Government Act 1993](#) assets with an estimated value [of greater than between \\$52,000 and \\$250,000 mustay](#) be disposed of by [either tender tendering. Refer to the Local Government Act for exemptions such as a sale by public auction. All assets with an estimated value greater than \\$250,000 must be disposed of by tender.](#)
- Trade-ins - only [used](#) for large plant assets where an active market may not exist, and where the trade-in price is higher than a public auction estimate

Public auction maximises the opportunity for public participation in the disposal process and is the appropriate method when:

- There is a public demand for the items;
- Alternative disposal methods are unlikely to realise higher revenue; ~~or~~
- ~~■ The costs associated with the auction can be justified in relation to the expected revenue from the sale.~~

~~Section 55 of the Local Government Act sets out the parameters for Tendering, and should be referenced and complied with, where relevant.~~

Low value assets and materials have been identified as potential targets for misappropriation of assets. Council Officers should monitor the quantities and disposal of low value assets and scrap materials to ensure that no inappropriate activities are being conducted by Council Officers and no conflict of interests are occurring.

Sales to Council Officers and Councillors

As a general principle, sale of assets to Council Officers and Councillors is not to occur outside of a public process.

The Independent Commission Against Corruption (ICAC) recommends that invitations to bid for the purchase of any surplus Council assets should not be limited to Council Officers or to elected officials. Members of the public must also be provided with the opportunity to compete for the purchase.

However, it is recognised that on occasion there will be individual circumstances where sale to a Council Officer may be the most practical or fair and reasonable manner of disposal. In these instances, the GM is to document all decisions and reasons for such decisions in relation to the asset disposal.

Donations to Community Groups and Registered Charities

This method of disposal may not be used for assets with an estimated value greater than \$5,000.

Donations of assets surplus to Council requirements may only be made with the authority of the GM or CFO and only after exploring all avenues for recouping a fair value for Council.

A request by a community group or registered charity for the donation of Council assets must be made in writing. In evaluating such requests, the following must be considered:

- Community groups and registered charities should receive equitable treatment.
- A check should be made to ensure the group is not a disguised business operation providing funds or remuneration to the principals.
- A check should be made to ensure the group is not-for-profit and that the intended use of the asset is non-commercial.

The recipient group is responsible for the removal of the asset at no cost to Council.

Variation

| **POLICY:** ~~ERROR! REFERENCE SOURCE NOT FOUND, DISPOSAL OF ASSETS~~ | VERSION 3.1

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.

9.7 Policy Review - Community Grants Program

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GRA600009

RECOMMENDATION

That Council:

1. **receive the report by the Manager Financial Planning on the Policy Review - Community Grants Program;**
2. **place the revised Community Grants Program Policy on public exhibition for 28 days; and**
3. **adopt the revised Community Grants Program Policy if no submissions are received.**

Executive summary

A review of Council's Community Grants Program Policy has made a recommendation to include the category 'Sports Advisory Group'.

Disclosure of Interest

Nil

Detailed report

At the ordinary meeting of Council on 15 June 2022, a recommendation was made to update the Community Grants Policy to include financial assistance for Sporting Clubs and individuals, which was previously managed through each Sports Council.

The revised Policy now includes the category 'Sports Advisory Group'. To be eligible under this category, applicants must satisfy the following criteria:

- Be registered with a club, which is affiliated with a Mid-Western Sports Advisory Group and pays an annual membership fee for all members.
- Qualify as a NSW or Australian representative either as an individual or as part of a team.
- Have the application signed by a representative of the local sporting club or association.
- Must not have received funding under this program in the preceding 12 months for the sport that the application refers to.
- Under special circumstances, funding may be provided for circumstances not meeting the above criteria. Requests made under this special provision should be accompanied by detailed reasons.

Applicants are excluded from the requirements of the Community Grants Assessment Criteria and must complete a Sports Advisory Group Funding Application that will be assessed by a panel of at least two relevant staff members The Cap for this category is \$500 per individual. The policy revision also:

- removes the Bushfire community resilience funding as this is assessment is complete; and
- includes a new assessment criteria that will consider alignment with Council's Disability Inclusion Action Plan objectives. This was a recommended action within the plan endorsed on 21 September 2022.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

By adopting the recommendation, Council is endorsing the Community Grants Program Policy changes be placed on public exhibition for comment. Should any submissions be received, a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policy will be adopted and apply from that date.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

24 October 2022

Attachments: 1. REVIEW - Community Grants Program Policy 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY COMMUNITY GRANTS PROGRAM

*A prosperous
and progressive
community.*

ADOPTED		REFERENCE	V4.3TBC
COUNCIL MEETING MIN NO	121/22TBC	REVIEW DATE	APRIL 2026TBC
DATE:	20-APRIL-2022TBC	FILE NUMBER	FIN300032

Objective

The objective of this policy is to:

- establish clear and transparent criteria by which financial assistance requests will be assessed and allocations determined;
- provide a process which allows Council to conduct a meaningful and equitable comparison of requests
- provide guidelines for the submission of applications and assessment process
- inform grantees of the requirements to acquit their funding

Scope

This policy applies to requests for financial assistance from not-for-profit community based organisations, groups and individuals that meet community needs and benefit residents in our community.

The purpose of the Community Grants Program is to enable Council to support local projects and activities put forward by those organisations that offer a significant contribution to community outcomes and goals as provided in the Towards 2030 Community Plan. In doing so, financial assistance is to be provided in a consistent, equitable and transparent manner.

Legislative requirements

The Community Grants Program is governed by the following legislative framework.

The Local Government Act 1993, Section 356, states:

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if:
 - (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

POLICY: COMMUNITY GRANTS PROGRAM | V 4.3 , 20 APRIL 2022

The Local Government Act 1993, Section 377, states:

(1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

(q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

Related policies and plans

- Code of Conduct
- Towards 2030 Community Plan
- Land Acquisition and Disposal Policy
- Disposal of Assets Policy

Policy

General Eligibility Criteria

To be eligible for assessment all applicants must:

- be an incorporated not-for-profit organisation or Individual. Unincorporated community groups are eligible to apply provided they are auspiced by an incorporated not-for-profit organisation;
- have met any previous Mid-Western Regional Council grant acquittal requirements;
- have no outstanding debts of any kind to Mid-Western Regional Council; and
- complete the online application form by the applicable cut-off time and date.

Mid-Western Regional Council does not provide grants under this policy for:

- events that are eligible to apply for the Events Assistance Program, excluding the Mudgee, Gulgong and Rylstone Shows'
- programs that typically fall under the responsibility of another level of government.

In-kind support for the waiver of rates, fees and charges is considered financial assistance within this policy and therefore eligible for applications. The waiver of a bond or security deposit is not considered financial assistance, however if any damage should arise as a result of the event, the applicant will be liable for the cost.

COMMUNITY GRANT CATEGORIES

Proposed projects must fall within one of the following categories (applicants cannot apply for funds in more than one category):

Youth Representative Grants Category

Youth representative grants are open to:

- persons that meet the eligibility criteria to represent on Youth Council; and

- are selected to represent Australia at any international competition or event, including but not limited to sporting, academic or the arts.

GRANT CAP: This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria.

Disability Representative Grants Category

Disability representative grants are open to:

- Persons that meet the definition of being disabled as per the Disability Discrimination Act 1992; and
- Are selected to represent at any state level or above, competition or event, including but not limited to sporting, academic or the arts.

GRANT CAP: This grant is limited to \$1,000, and will be excluded from the requirements of the Community Grants Assessment Criteria.

Business Associations Category

Business associations are organisations that represent the business community within the Mid-Western Regional Council area. To be eligible for funding the objectives of these organisations should align with strategies identified within Council's Community Plan theme 'Building a Strong Local Economy'.

For the purpose of this policy the business areas available for funding are:

- Gulgong
- Kandos/Rylstone
- Mudgee

Council may allocate an annual funding amount to a business association in each area. Council will prioritise claims based on need and program benefit, and will not cover the payment of wages for administration duties.

GRANT CAP: The annual amount for each business association per financial year shall not exceed \$10,000.

Community Groups Category

Community Groups are organisations that represent the community interests within the Mid-Western Regional Council area. To be eligible for funding the objectives of these organisations should align with strategies identified within Council's Community Plan themes 'Looking after our Community' or 'Protecting our Natural Environment'.

Council will prioritise claims based on need and program benefit, and will not cover the payment of wages for administration duties. Only one cap can be applied, per annum, for each program.

IN-KIND GRANT CAP: \$5,000

GRANTING OF COUNCIL ASSETS: See the Disposal of Assets Policy.

COMMUNITY EVENTS CAP: \$5,000

SPECIFIC PROGRAM/PROJECT CAP: \$10,000 (non-capital)

POLICY: COMMUNITY GRANTS PROGRAM | V 4.3 , 20 APRIL 2022

Capital Grants Category

Capital Grants are grants provided to an organisation (that meets the general eligibility criteria) towards a major item of capital expenditure, such as the construction/upgrade of a building or facility. To be eligible for funding, capital projects should align with strategies identified within Council's Community Plan.

Council will prioritise claims based on need and program benefit.

LOANS: Council will not lend funds to organisations for capital expenditure.

COUNCIL LAND: Council will not gift land to organisations for capital infrastructure, however, Council may consider applying an approved grant amount as an in-kind payment, or partial payment, towards purchase of surplus Council land. All requirements of the Land Acquisition and Disposal Policy must be met.

CAPITAL PROJECT CAP: \$25,000 or 50% of the total project cost, whichever is the lower.

Bushfire Community Recovery and Resilience Fund Grants Category

~~The Bushfire Community Recovery and Resilience Fund (BCRRF) grants are provided to not-for-profit organisations or individual applicants to support sustained economic recovery and community resilience following the 2019-2020 bushfire season. The BCRRF Phase Two is designed to support community recovery by funding projects and initiatives that will promote community well-being, social and broader recovery and future disaster resilience following the bushfires.~~

~~Community projects need to meet one or more of the following objectives:~~

- ~~▪ Improve community capacity, capability and resilience~~
- ~~▪ Improve community connectedness, identity of place and cultural heritage~~
- ~~▪ Improve and build regional and community knowledge~~
- ~~▪ Assist in local preparedness to future disasters and hazards~~
- ~~▪ Promote future disaster resilience following the bushfires~~
- ~~▪ Promote community well-being~~
- ~~▪ Support social and broader community recovery~~
- ~~▪ Support commemoration~~

~~Council will prioritise claims based on need and program benefit.~~

~~**PROJECT CAP:** Total funding is capped at \$62,500. This funding has been provided through the joint Commonwealth-State Disaster Recovery Funding Arrangement under the Bushfire Community Resilience and Recovery Fund.~~

Sports Advisory Group Category

This Program provides funding to individuals from affiliated Sports Advisory Group members who satisfy the below criteria. Applications for funding from sporting teams will be considered under the special assistance clause.-

To be eligible for funding, applicants must satisfy the following criteria:

- Be registered with a club that is affiliated with a Mid-Western Sports Advisory Group and pays an annual membership fee for all members.
- Qualify as a NSW or Australian representative either as an individual or as part of a team.

- Have the application signed by a representative of the local sporting club or association.
- Must not have received funding under this program in the preceding 12 months for the sport that the application refers to
- Under special circumstances funding may be provided for circumstances not meeting the above criteria. Requests made under this special provision should be accompanied by detailed reasons

The Sports Advisory Group Funding Applications received are assessed by a panel of at least 2 relevant staff members.

GRANT CAP: This grant is limited to \$500 per individual, and will be excluded from the requirements of the Community Grants Assessment Criteria.

Other Grants Category

Other grants include all not-for-profit or individual applications that do not meet one of the above categories, but still meet the General Eligibility Criteria. To be eligible for funding, these requests should align with strategies identified within Council's Community Plan.

GRANT CAP: \$2,000

Grants Management Process

APPLICATIONS

All grant applications are to be completed online, accessed from the Mid-Western Regional Council website. If you are unable to access the internet, facilities are available for lodgement at Council's Customer Service locations.

ASSESSMENT

All applications (except Youth Representative Grants, Disability Representative Grants and Sports Advisory Group Grants) received are assessed by a panel of at least three relevant staff members. If required, some applications may be assessed by external parties who have skills and professional expertise that benefit the assessment process.

The application will be assessed against the following criteria relative to the amount of funding requested:

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation
- Level of consultation and collaboration with other not-for-profit local groups in the planning and delivery of the project
- Organisational capacity to deliver the program or project
- Highlighted alignment with objectives in Council's disability inclusion action plan

Unsuccessful applicants are encouraged to seek feedback from staff on their application. Even though an application may meet the criteria it may not be competitive against other applications.

APPROVAL

Only Council has authority to approve grants for financial assistance. Council will be provided with a report on a quarterly basis to consider the assessment panel's recommendations for which applications will be funded and to what amount.

ACQUITTAL REQUIREMENTS

POLICY: COMMUNITY GRANTS PROGRAM | V 4.3 , 20 APRIL 2022

To ensure financial assistance is used by the recipient for the specified purpose all grantees must submit reports back to Council in accordance with the below requirements depending on the type of activity.

Grant Amount	Project	All other activities
<\$2,000	Brief report on the outcomes achieved at the end of the project	Brief report on the outcomes achieved at the end of the financial year
>\$2,000	In addition to the above a financial report with copies of invoices attached where relevant	In addition to the above annual financial statements with copies of invoices attached where relevant

UNSPENT GRANTS

Where unspent grants are reported in the acquittal this may jeopardise future applications for funding.

TIMETABLE

	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Applications open online via MWRC website	1 st May	1 st July	1 st October	1 st January
Applications close	6 weeks after opening	6 weeks after opening	6 weeks after opening	6 weeks after opening
Report to Council meeting (month)	July	October	February	May

**These dates are based on anticipated Council meeting dates, if a Council meeting is moved or cancelled - applications will be submitted at the next available meeting date.

PRIVACY

Applicants should be aware that copies of applications for financial assistance may be included in a report to Council which will be published in the Council Business Paper and will be publicly available as well as being published on Council's website.

Variations to Policy

Council may vary the amount and timing of Community Grants outside the Policy restrictions when a project or program is deemed to meet additional/high demand community needs or provide very high economic benefit to the region. Varied grants must be awarded through a Council Resolution and will meet all requirements of the Local Government Act at the time of providing the grant. Additional justification or evidence may be required from the applicant, and this is at Councils discretion.

Definitions

Term	Meaning
Grant Caps	<p>A grant cap provides the maximum amount of claim for each grant category. There are many beneficial programs, groups and projects that are carried out within the Mid-Western Regional Council community, and caps are designed to ensure that grant funding is available for many, not just some.</p> <p>Grants should be applied for based on need. Caps are not allocations, they are maximums, and a lesser amount may be granted dependant on how the application meets the assessment criteria. Caps are also designed to give guidance to applicants around expectation of Council support.</p> <p>Applicants may only apply for a grant in ONE category, per project. Some caps apply as an annual maximum, where this is the case, it is specified in the category definitions. Applicants should advise which cap they are applying under; however, Council reserves the right to apply the most appropriate cap to the grant application.</p>
Acquittal	<p>An acquittal is a written report submitted after the funded project is complete or at end of financial year. It details how the grantee administered the grant funds and met the outcomes in the funding application.</p>
Auspice	<p>An auspice is an incorporated not-for profit organisation who receives, administers and acquits the funding on behalf of an unincorporated grant applicant. Unincorporated groups seeking funding must apply for funding under an auspice.</p>
Financial Assistance	<p>Payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council.</p> <p>It should be noted the following examples are not considered financial assistance and are therefore outside this policy:</p> <p>Payments made in exchange for the provision of a service which Council may otherwise provide itself.</p> <p>Statutory contributions such as SES, Rural Fire Service and NSW Fire Brigades.</p> <p>Waiver of a bond or security deposit.</p>
Grant	<p>Cash provided to applicants for the specified purpose as outlined in the application. A grant is given with conditions that is must be administered for that purpose identified with requirement for acquittal.</p>

POLICY: COMMUNITY GRANTS PROGRAM | V 4.3 , 20 APRIL 2022

In-kind	Refers to an arrangement whereby Council foregoes revenue on things for which they would normally charge a fee.
Not-for-profit organisation	A not-for-profit organisation is an organisation that does not directly operate for the profit or gain of its owners, members or shareholders, either directly or indirectly. Any profit must be used to implement the organisation’s purpose and must not be distributed to members, owners or shareholders either while the organisation is operating or when it winds up.
Project/Program	A Project is a temporary organisation that is created for the purpose of delivering one or more business products according to an agreed Business Case
Business Association Group	Business associations are organisations that represent the business community within the Mid-Western Regional Council area. Examples include Chambers of Commerce.
Community Groups	Community Groups are organisations that represent the community interests within the Mid-Western Regional Council area. Examples include (but are not limited to) Fundraising Institutes, Hobby/Social Groups, Sports/Arts/Environmental/Health Groups, Associations etc

ONLINE APPLICATION

The online application form requires the below information.

APPLICATION FORM – COMMUNITY GRANTS

Applicants Details

- Name of organisation
- Contact person
- Address
- Phone
- Email
- ABN
- Bank Account

Project/Activity Details

- Name of project/activity
- Amount of funding requested
- Start and finish date
- Briefly describe project/activity

Address Criteria

- Degree of benefit to the community aligned with the community plan
- Amount of resident participation
- Level of consultation and collaboration with other local groups

- Organisational capacity to deliver the project/activity
- [Highlighted alignment with objectives in Council's disability inclusion action plan](#)
-

Financial Information

- Income
- Expenditure
- Net budget. If the application shows a budget surplus there must be an explanation provided to justify why surplus funds are required and how they are to be used. For example a charitable donation or organisation fund raising towards a major purchase
- Most recent bank account balance, from either bank statement or treasurers report

Attachments

- Certificate of incorporation or letter from auspicings body

APPLICATION FORM – YOUTH REPRESENTATIVE GRANTS/ DISABILITY REPRESENTATIVE GRANTS

Applicants Details

- Name
- Date of Birth
- Address
- Phone
- Email
- ABN
- Bank Account

Project/Activity Details

- Name of project/activity
- Amount of funding requested
- Start and finish date
- Briefly describe project/activity

Item 10: Operations

10.1 Rural Customer Water Fill Station - Introductory Period Review

REPORT BY THE PROJECT OFFICER, WATER AND SEWER AND MANAGER WATER AND SEWER
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, WAT500087

RECOMMENDATION

That Council:

1. **receive the report by the Project Officer, Water and Sewer and Manager Water and Sewer on the Rural Customer Water Fill Station - Introductory Period Review;**
 2. **note the submission received during the public exhibition period; and**
 3. **endorse commencement of the Water Filling Station per KL fee of \$3.42 from 1 January 2023.**
-

Executive summary

A report was presented to Council at October 2022 meeting regarding the operational costs since implementing the new fill points. In that report it was proposed to implement a per kilolitre (KL) fee and undertake an exhibition period.

One submission was received opposing the fee introduction.

Disclosure of Interest

Nil

Detailed report

A report was presented to Council at October 2022 meeting regarding the operational costs since implementing the new fill points. It was proposed to undertake a period of exhibition to allow residents to comment.

A grant received from the Federal Government under the Drought Communities programme allowed for the upgrade of the Rural Customer Water Fill Stations in the region. New filling stations were installed in Gulgong, Mudgee and Rylstone. The stations provide faster flow rates and quicker filling times for users, and allow Council to monitor usage, which was not possible previously. The upgraded fill points have been operational since October 2021 and have been utilised by 134 of the 839 registrants. Registration is only open to customers with a rural address and no connection to town water supply.

Since the commissioning of the filling stations, the region has received higher than average rainfall, and the below usage statistics are not indicative of expected use in a drought situation. The usage terms stipulate that use is for emergency potable water, extracting a maximum of 1000L in one visit.

The statistics indicate that the fill stations are likely not being utilised for their intended purpose, with 7% of users taking more than the allowance per visit. The highest user has extracted 134KL since their commissioning, which would indicate it is unlikely to be for emergency use and being used for general water supply.

Usage since October 2021

Number of customers to use	134
Number of customers registered	839
Total number of collections	1208
Total KL extracted	1180.82
Value of water not charged (\$3.42 per KL)	\$4,038.40
% of users taking more than 1KL per visit	7% accounting for 19% of the volume extracted
Average duration of transaction	4 min 37 seconds

Summary of Operational Issues

Power Supply

During the design phase, solar panel and battery was the chosen power source for each filling standpipe. Problems have arisen from insufficient battery power, primarily due to continued overcast days in the cooler months. The Gulgong standpipe is a dual controller, and has had the most voltage alarms from insufficient battery. There have been a handful of times where insufficient battery has coincided with a user trying to extract at the standpipe. These instances have been remedied by manually charging the batteries.

Swipe Cards

The system has the ability to be operated through an App or from a swipe card. It was anticipated that a majority of users would choose the app, however the uptake of cards was higher than expected. The swipe cards have been offered to rural customers at no charge, but the cost to Council \$15ext GST per card, plus any processing time by Customer Service Staff. Since commissioning the fill points, Council has spent \$4500 ex GST on swipe cards, and there is currently no penalty for lost or damaged cards.

There won't be the need to process this high volume of cards every year, but it is anticipated that at least 100 new cards would need to be generated, which is an annual cost of \$1500 ex GST.

Operational costs incurred for investigation or maintenance

When a customer completes a registration online or hard copy the registration requires processing by Customer Service. This process takes approximately 10 minutes per application. This has accounted for at least 100 hours of Customer Service staff, including initial training of registration procedures and standpipe operation.

Water and Sewer staff have had to attend to the fill stations at times, usually to address a no flow alarm, often linked to battery levels. This has accounted for approximately 50 hours of electrician team time since commissioning. Water and sewer operators at times, have been required to attend the fill points, where no flow is recorded when a customer goes to use them. This has accounted for about 50 hours of WS Operator time since commissioning.

Estimate of Annual Operating Costs

Position/Purpose	Cost estimate annually (incl. on-costs)
Electrical Team	\$5,000
WS Operators	\$5,000

Customer Service registration	\$3,000
	\$13,000

Life of asset estimation and cost to replace parts
 Asset renewals are required every 5 years for key components of the standpipes.

Estimate of Asset Renewal – 5 yearly

Item	Renewal Cost
Labour incl. on costs	\$3,000
Parts	\$16,104
	\$19,104

Consideration of Nomad (Tourist) potable water

The Council acknowledges the contribution of the tourism industry to the local economy. Part of being a tourist friendly location is providing safe potable water for travellers, including motor homes and caravans using our region during their travels. While there are safe places for nomadic tourists to source potable water, these are generally connected to a caravan park, or in less conspicuous places.

The Water Filling stations have the ability to allow casual users to access potable water via their smart phone, and therefore offering water to these users is an option for Council. There is risk that offering free potable water for casual users would open us to the chance of misuse, so the recommendation in this report is to keep the fee at the domestic use, so if non rural customers use the fill point they will pay the same fee as if using their own residential supply.

For a nomadic traveller, it is unlikely they would collect more than 300L (\$1) per visit.

Introduction of Water Usage Fee

The above discussion highlights the operational cost to provide water through the water filling stations. Based on these figures the current usage would not cover the operational costs. This report recommends introducing the Potable Water Usage – Residential Fee for all water taken at these fill points.

Introducing a fee would mean that Council has an opportunity to mitigate some of these costs. Introducing a fee would also mean the fill stations are less likely to be used outside of their intended use, and allow for both rural customers and travelling tourist’s access to safe potable water.

It should be noted that Council has the facility to be able to easily and quickly switch off any fee requirement at times of emergency or extreme drought as needed.

Exhibition Period

The exhibition period opened 25 October and ended 25 November. One submission was received. The notice was advertised via the Mudgee Guardian and published to Council’s website.

The submission received was:

“I did hear on radio the other day that you want to charge for the water now and we are paying the same as town. For that cost are you delivering the water to our house like you do in town? I think this is not fair as we have to drive to the station you need a container etc.

I thought the council had draught funding to build the station. I would like that a certain amount is free for property owners and even after that a lesser charge, as I have already pointed out we have to drive to get it. Charging the same as in town seems very unfair.”

As mentioned above in the report, the intention of the service is that the water filling stations are only used for emergencies. The terms of use include:

- Maximum 1000L per day for emergency use
- Cannot be used for stock use
- Not for commercial use
- For those who need urgent water access for their household
- Do not have access to fresh, clean household water
- Live within the Mid-Western Regional Local Government area
- Do not have a connection to town water supply

In the year since commissioning, the following users have taken high volumes of water, in the highest rainfall year on record. Council therefore suspect that much of the use since commissioning would not comply with the terms of use.

Rank	Qty (Litres)
1	154440
2	98040
3	89020
4	66110
5	59620

Those not connected to town water supply are expected to have their own water sources. The filling stations are for when their own sources are depleted, usually during extensive drought. The stations are not intended to compete with or replace the service water carters provide to fill rural residential tanks should it be required. Water cartage fees generally include a cost per kilo litre for water supply as well as a cartage rate.

In reference to the fairness of the fee, it should be noted that there will be no access charges levied to rural customers per annum, which is applied to those on town water supply.

Should an emergency situation, like drought, occur Council can resolve to remove the fee and its discretion.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management
Strategy	Provide a water and sewer network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Water Supply Systems Asset Management Plan
 Strategic Business Plan for Water Supply Services

Council Policies

Drinking Water Quality Policy - to provide a commitment to the sustainable management and supply of safe drinking water to our community

Legislation

Requirements to ensure safe drinking water are legislated under the Public Health Act 2010 (NSW) and Public Health Regulation 2012 (NSW)

Financial implications

The operation of the water fill stations is funded by Water Fund – Operational

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

Associated Risks

Nil

GEMMA WILKINS
PROJECT OFFICER, WATER AND SEWER

JULIAN GEDDES
DIRECTOR OPERATIONS

1 December 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Indoor Pool Business Case - Final Report

REPORT BY THE MANAGER - RECREATION SERVICES
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400088, FO640002

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Recreation Services on the Indoor Pool Business Case - Final Report;**
 2. **note the Mudgee Indoor Pool Business Case Final Report and the data to be used to guide future aquatic facilities;**
 3. **investigate financing options and grant opportunities for the construction of an indoor swimming pool; and**
 4. **continue to consult with community on the scale and mix of potential aquatic facilities.**
-

Executive summary

The attached final report on the Mudgee Indoor Pool Business case focuses on the design options, capital and operational implications and provides the necessary information to support future grant funding submissions.

Disclosure of Interest

Nil

Detailed report

Following the Indoor Pool Business Case interim report supplied to Council at the September 2022 meeting, the Business Case has progressed to a final version (Attachment A). The Business case is an important milestone in the Indoor Pool project as it considers the capital and ongoing operation and asset management costs associated with constructing such a facility.

The Business Case will now enable Council to implement more effective strategic planning of current and future aquatic facility assets. The Business Case is also an essential requirement when applying for grant funding opportunities.

Council will continue to engage with State Government and other potential funding partners regarding funding opportunities for the project. In the interim, Council will continue to assess the nature, scale and mix of potential facilities and services.

As deemed necessary, community feedback will be captured to continue to inform the strategic planning process. Community members will continue to be updated on the project's key milestones and progress through Councils 'Your Say' platform on Councils website.

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

Delivery and Operational Plan
Recreation Strategy

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

This report does not seek any further funding towards the project at this stage. The construction costs associated with new contemporary aquatic facilities are significant and will require all funding avenues to be explored in order to achieve project completion.

Associated Risks

There are risks in significant amounts for the expenditure for construction of an Indoor Aquatic Centre. This project would involve a significant capital investment and ongoing financial implications to which certain risks are captured in the Business Case.

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

1 December 2022

Attachments: 1. Mudgee Indoor Pool Business Case- Final Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.2 RFT 2022/75 Cleaning of Council Buildings

REPORT BY THE COORDINATOR BUILDING SERVICES
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, COR400566

RECOMMENDATION

That Council:

1. **receive the report by the Coordinator Building Services on the RFT 2022/75 Cleaning of Council Buildings;**
2. **accept Absolute Cleaning as the sole provider for RFT 2022/75 Cleaning of Council Buildings;**
3. **note that the service contract period is for 3 years with no extension period;**
4. **approve the tender value \$XX for the first twelve (12) month as a base value and acknowledge that CPI is to be applied annually;**
5. **delegate the General Manager to approve contract variations for additional cleaning schedules as required;**
6. **delegate relevant Council Officers to approve additional unplanned cleaning services outside regular servicing schedules, within financial delegation and approved budget; and**
7. **notify Tenderers in writing of the outcome of the evaluation and subsequent Council endorsement of these recommendations.**

Executive summary

Tender submissions were received for the provisions of professional Cleaning Services for Council buildings. This reports request to accept Absolute Cleaning as the sole provider for Councils nominated building cleaning services.

Disclosure of Interest

Nil

Detailed report

Building Services department oversees the management and provisions of Cleaning Services for Council's building assets. The current cleaning services contract expires month end January 2023.

The key function of the cleaning services contract is to undertake professional cleaning services of a high quality for identified Council Buildings across the entire local government area. Facilities included, however are not limited to, public toilets, public halls, sporting facilities, swimming pools, libraries and corporate offices.

Tender Invitation and Process

Council opened tender submissions to open market on 4 November 2022 and closed at 1.00pm on 25 November 2022. The tender comprised of cleaning schedules that detailed the service level requirements for nominated Council buildings across the entire local government area.

The above tender was advertised on the following platforms:

- Council e-Tendering portal- VendorPanel
- Mudgee Guardian
- Sydney Morning Herald
- Council's website

A non-mandatory briefing session was held on 10 November 2022 at 2.00pm in the Council Stables Building.

Given the extensive travel time required between various sites, cleaning schedules were consolidated into schedules for the three (3) major centres, this being Mudgee, Gulgong and Rylstone/Kandos. Tenderers were invited to apply for individual schedules or all schedules as deemed suitable by the Tenderer.

Tenders were evaluated on the following criteria and weighting:

- Relevant experience – 25%
- Capability, resourcing and ability to meet scope- 25%
- Price – 50%

A tender assessment panel was formed comprising of representative from the most relevant departments within Council. Members of the tender assessment panel comprised of:

- Manager Recreation Services;
- Coordinator Building Services; and
- Coordinator Financial Operations

Tender Submissions

Five (5) submissions were received from the following organisations:

- Absolute Cleaning
- Bond Services Pty Ltd
- Hartlock Pty Ltd trading as Cleaning Sorted
- Merfield Group
- Permies

The following tenders were deemed non-conforming as they did not meet the project requirements:

- Permies was removed from evaluation based on a non-compliant tender
- Bonds Pty Ltd was removed from evaluation based on a non-compliant tender

Tender Evaluation

The relative ranking of tenders as determined from the total weighted score is provided in the confidential attachment- RFT 2022/75 Cleaning of Council Buildings Evaluation Sheet.

All submissions were assessed in accordance with the approved evaluation criteria:

- Demonstrated relevant experience required to meet contract requirements;
- Demonstrated capability, resourcing and ability to meet scope; and
- The lump sum of the schedule of rates for nominated cleaning schedules and services.

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 and Operational Plan
Building Asset Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

There are no financial implications from this report as it is expected that the existing operational budgets provided will cover the mandatory cleaning services.

Associated Risks.

Council will be unable to provide safe and clean buildings in the event that a successful tender is not awarded.

BENJAMIN EDMUNDS
COORDINATOR BUILDING SERVICES

SIMON JONES
DIRECTOR COMMUNITY

1 December 2022

Attachments: 1. RFT 2022/75 Cleaning of Council Buildings Evaluation Sheet. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process

REPORT BY THE GOVERNANCE CO-ORDINATOR
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400047

RECOMMENDATION

That Council:

1. **receive the report by the Governance Co-ordinator on the Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process;**
2. **place the Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process on exhibition for 28 days to seek feedback from the community; and**
3. **adopt the Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process if no submissions are received during the exhibition period.**

Executive summary

This report seeks Council endorsement for the newly created Conflicts of Interests Policy - Dealing with Council-Related Development throughout the Development Process. This policy has been created to comply with amendments to the *Environmental Planning and Assessment (EP&A) Regulation*.

Disclosure of Interest

Nil

Detailed report

Amendments to the *Environmental Planning and Assessment (EP&A) Regulation* have been made to strengthen transparency and accountability in the planning system. These amendments will come into effect on 3 April 2023.

Council will be required to:

- Have a conflict of interest policy in place that advises how they would manage any potential conflict of interest that may arise when a council assesses development applications, where they have a commercial interest in the outcome.
- Prepare a management statement which must be exhibited with the development application, which details the potential conflict and the way they propose to manage it.
- Exhibit council-related development applications for a minimum of 28 days and record in their DA register the steps taken to manage any conflicts.

This policy has been prepared in line with the model template provided by the NSW Department of Planning and Environment.

The policy applies to all council-related development with exclusion of development applications for temporary uses, ancillary works within road reserves (i.e. driveways, footpaths), ancillary work to public reserves and parks (i.e. amenities buildings, fences, play equipment), tree removal and easements over council land as the legislation allows for no management controls where the risks of a conflict of interest are very low.

It was also determined not to include *regulation* and *enforcement* controls as these were not mandated by the legislation.

A conflict of interest form will be created and must be submitted by the applicant with all Council-related development applications. This will be used to assess the level of risk involved and determine which management controls (if any) should be implemented to manage the risk.

A number of management controls have been created to reduce any conflict of interest risks associated with staff interaction as well as controls for the assessing and determination of applications based on the value of the development.

- All council-related development with a construction value exceeding \$2M shall be referred to an external body (another council or a qualified consultant) for assessment.
- All council-related development with a construction value exceeding \$150K shall be reported to the General Manager for determination.
- All council-related development with a construction value exceeding \$1M shall be reported to Council for determination.

Any council-related development with a value exceeding \$5M shall be referred to the Western Regional Planning Panel for determination and is not subject to this policy.

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

Local Environment Plan 2012
Development Control Plan 2013

Council Policies

Code of Conduct

Legislation

Environmental Planning and Assessment Act 1979

Financial implications

Financial implications involved with having to engage an external consultant for the assessment of council-related development between \$2 million to \$5 million.

Associated Risks

Not having a policy in place when legislation comes into effect will delay any council-related development applications until a policy is adopted.

ASHLEIGH MARSHALL
GOVERNANCE CO-ORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

29 November 2022

Attachments: 1. Conflicts of Interests Policy - Dealing with Council-Related Development Throughout the Development Process.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Conflict of Interests Policy – Dealing with Council-Related Development Throughout the Development Process

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	VERSION 1.1
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	[DATE TO REVIEW]
DATE:	[INSERT DATE]	FILE NUMBER	GOV400047

1. Objective

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

2. Legislative requirements

The following requirements to address conflicts of interest in council related development, pursuant to the *Environmental Planning and Assessment Regulation 2021*:

- Councils must adopt and have a policy that specifies how conflicts of interest in connection with council-related development applications will be handled (section 66A).
- Council-related development applications must now be accompanied by either a management strategy statement, which explains how the council will manage potential conflicts of interest, or a statement that the council has no management strategy for the application (section 36A).
- Councils must record conflicts of interest in connection with each council-related development application, and the measures taken to manage the conflicts, in their existing DA register (section 242A).
- Council-related development applications must be exhibited for a minimum of 28 days to ensure transparency during the assessment process (*Environmental Planning and Assessment Act 1979*, schedule 1, clause 9B).

3. Scope

This policy applies to council-related development, excluding development applications for temporary uses, ancillary works within road reserves (i.e. driveways, footpaths etc), ancillary works to public reserves and parks (i.e. amenities buildings, fences, play equipment), easements over council land and tree removals.

4. Definitions

In this policy:

application means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent it does not include an application for a complying development certificate.

council means Mid-Western Regional Council.

POLICY: CONFLICT OF INTERESTS POLICY – DEALING WITH COUNCIL-RELATED DEVELOPMENT THROUGHOUT THE DEVELOPMENT PROCESS | VERSION 1.1, 30 NOVEMBER 2022

council-related development means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner (including community land, operational land, crown land under trust management of Council), or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority.

development process means application, assessment, determination, and enforcement

the Act means the *Environmental Planning and Assessment Act 1979*.

A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

5. Policy

5.1 Process for identifying and managing potential conflicts of interest

MANAGEMENT CONTROLS AND STRATEGIES

(1) The following management controls may be applied to:

- a. the assessment of an application for council-related development
 - i. All council-related development with a construction value exceeding \$2M shall be referred to an external body (adjoining council or consultant) for assessment.

Note - All council-related development with a construction value exceeding \$5M shall be assessed by council staff and referred to the Western Regional Planning Panel for determination – and is not subject to this policy.
 - ii. Communication between applicant and Council's assessment staff is to be made via public avenues, for example the NSW Planning Portal, front counter, phone, or email (council@midwestern.nsw.gov.au). Direct access to assessment staff offices by the applicant is not permitted.
 - iii. Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team.
 - iv. Council development assessment staff and project development teams are to be located in different/separate offices of Council's administration building, with separate reporting lines – i.e. reporting to different directors.
- b. the determination of an application for council-related development
 - i. All council-related development with a construction value exceeding \$150K shall be reported to the General Manager for determination.
 - ii. All council-related development with a construction value exceeding \$1M shall be reported to Council for determination.

Note - All council-related development with a construction value exceeding \$5M shall be referred to the Western Regional Planning Panel for determination – and is not subject to this policy.
 - iii. All council-related development applications that receive between 1-6 objections during assessment, shall be circulated to Council, and if called up, reported to Council for determination.
 - iv. All council-related development applications that receive seven (7) or more objections during assessment shall be referred to Council for determination.

POLICY: CONFLICT OF INTERESTS POLICY – DEALING WITH COUNCIL-RELATED DEVELOPMENT THROUGHOUT THE DEVELOPMENT PROCESS | VERSION 1.1, 30 NOVEMBER 2022

(2) The management strategy for the following kinds of development is that no management controls need to be applied:

- a. commercial fit outs and minor changes to the building façade
- b. internal alterations or additions to buildings that are not a heritage item
- c. advertising signage
- d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- e. development where the council might receive a small fee for the use of their land.
- f. where other State bodies are the consent authority for council-related development.

IDENTIFYING WHETHER A POTENTIAL CONFLICT OF INTEREST EXISTS, ASSESSMENT OF LEVEL RISK AND DETERMINATION OF APPROPRIATE MANAGEMENT CONTROLS

Development applications lodged with the council that are council-related development are to be referred to the general manager (or a delegate) for a conflict-of-interest risk assessment.

Note: Council-related development is defined in section 4.

The general manager is to:

- a. assess whether the application is one in which a potential conflict of interest exists,
- b. identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. assess the level of risk involved at each phase of the development process,
- d. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in this policy and the outcome of the general manager's assessment of the level of risk involved as set out above.

Note: The general manager could determine that no management controls are necessary in the circumstances.

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal (see Example in Appendix A).

Item 12: Reports from Committees

12.1 Gulgong Memorial Hall Committee Meeting - November 2022

REPORT BY THE DIRECTOR COMMUNITY
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, GOV400088, A0100024

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting - November 2022; and
 2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 9 November 2022.
-

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Memorial Hall Committee meetings held on 9 November 2022.

Disclosure of Interest

Nil

Detailed report

The Gulgong Memorial Hall Committee met on 9 November 2022 as part of their ongoing meetings. Note the minutes for current actions and updates provided by the committee.

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

Not Applicable

Council Policies

Not Applicable

Legislation

The Gulgong Memorial Hall Committee is operating under Section 355 of the Local Government Act 1993, which allows it to exercise a function of Council.

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES
DIRECTOR COMMUNITY

11 November 2022

Attachments: 1. Gulgong Memorial Hall Committee Meeting Minutes November 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
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MINUTES

GULGONG MEMORIAL HALL COMMITTEE

Wednesday 9th November 2022 at the Gulgong Memorial Hall

Meeting opened at 5.10pm

Present: Cr Percy Thompson, Cheryl Vassel, Charlie Vassel, Toni Morrison, Ray Thackeray (guest), Simon Jones (staff)

1. Welcome

Cr Thompson opened the meeting and welcomed those present.

2. Apologies

Apologies were noted from Peta Stanford.

3. Minutes from the meeting held on 11th May 2022

The minutes were noted and accepted.

4. Committee Membership

The Committee endorsed Ray Thackeray from the Gulgong Men's Shed to be a member of the Committee.

Moved: Cheryl Vassel

Seconded: Charlie Vassel

Motion supported

5. Christmas Celebrations 2022

- The organisation for the Christmas Celebrations on 17th December is going well.
- There was general discussion amongst the Committee regarding a range of items related to the Christmas celebrations, including discussions with various community groups throughout Gulgong.

- Posters have been printed and received from Council.
- Request for witches' hats to be borrowed from Council.
- Funding of \$3,000 from Council has been received.
- Additional sponsorship of \$1,000 from ACEN has also been sourced.
- It was noted that expenses for the Christmas celebrations have increased and in future a higher amount may need to be requested from Council.

6. Men's Shed Repairs Progress Report

- Awaiting second quote for the works.
- Works planned to be completed February/March 2023.

7. General Business

- There was some discussion around the future of the Hall annex if the Men's Shed were to move to a shed at Peoples' Park in the future
- Concern was raised about the Hall dividers being taken off site (and then returned) by a recent booking – should it be clear in the Hire agreement that items cannot be taken off site?
- Request for additional power point to be installed in the Hall – to be investigated by Council's Building Services Team

Meeting Closed at 5.50pm

Next meeting – to be confirmed for May 2023

12.2 Rail Committee Meeting Minutes - November 2022

REPORT BY THE DIRECTOR COMMUNITY
TO 14 DECEMBER 2022 ORDINARY MEETING
GOV400098, TRA300009

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Rail Committee Meeting Minutes - November 2022;**
2. **note the minutes of the Rail Committee Meeting - November 2022; and**
3. **note the survey outcomes provided by the Rail Committee; and**
4. **support the continued representation to the State Government on passenger rail services.**

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Rail Committee held on 18 November 2022.

The Rail Committee has a focus on reinstating the 89km rail line between Rylstone and Gulgong for passenger rail, light freight and tourism opportunities.

Disclosure of Interest

Nil

Detailed report

The second meeting of the Rail Committee was held on 18 November 2022 and this report provides the minutes to Council for their information. At the meeting it was discussed that the Mudgee Region Passenger Rail Inc. has undertaken a survey to gauge community interest in passenger rail in the Mid-Western region. The results of the survey are provided to Council and attached with the meeting minutes.

It was noted that the survey indicates that there is strong support among those surveyed for passenger rail services to return to the Mid-Western region. Further information is available in the minutes and the Survey Outcomes Report.

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

Community Plan

Council Policies

Code of Conduct

Legislation

Section 355 of the Local Government Act (1993)

Financial implications

Nil

Associated Risks

Council needs to consider any impact from indicating specific support or opposition to lobbying for the re-introduction of passenger rail services.

SIMON JONES
DIRECTOR COMMUNITY

21 November 2022

Attachments: 1. Minutes Rail Committee Meeting 18 November 2022. (separately attached)
2. Mudgee Region Rail Inc. - Survey Outcomes. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

12.3 Red Hill Committee Meeting - 12 October 2022

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 14 DECEMBER 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 12 October 2022; and**
2. **note the minutes of the Red Hill Committee meeting held on 12 October 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 12 October 2022.

Disclosure of Interest

Nil

Detailed report

Key discussion points from minutes:

- The Gulgong Gold Experience continues to operate well and visitation numbers continue to increase post COVID.
- 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.
- The concept for the Gulgong Natural History Museum (GNHM) was introduced to the Committee. The GNHM would incorporate a significant private collection of fossils from Michael Durant.

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

23 November 2022

Attachments: 1. Red Hill Committee Meeting Minutes 12 October 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
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E council@midwestern.nsw.gov.au

MINUTES

RED HILL COMMITTEE MEETING

Meeting commenced at 3.05pm on Wednesday 12th October 2022 at Red Hill School Gulgong

Attendees: Councillor Percy Thompson (Chair), Joy Harrison, Tony Harrison, Chris Pearson, David Warner, Rebecca Neilsen, Richard Cushway (MWRC Staff), Simon Jones (MWRC Staff).

1. APOLOGIES

No apologies received

2. REVIEW OF PREVIOUS MEETING MINUTES APRIL 2022

Motion – that the Committee note the previous meeting minutes

Moved: J Harrison

Seconded: C Pearson

Carried

3. UPDATE ON ACTION ITEMS

- Two additional planning troughs have been installed
- Council noted the interest via the meeting minutes in applying for State Heritage listing but did not include in the recommendation – Cr Thompson to consider a Notice of Motion
- Noted that the Red Hill cottage will need to be included in the MOU for the Gulgong Gold Experience
- Old Mine Site has been cleared and sprayed
- Quotes are coming in for the pathway work
- Signage will be needed for the cottage

4. TERMS OF REFERENCE

An updated Terms of Reference needs to be developed and endorsed by Council. A draft will be put together and circulated for comment.

5. GULGONG GOLD EXPERIENCE

This has been going really well, particularly during school holidays. There are now only 11 volunteers. Report for January – June 2022 will be circulated to the Committee and also included with the minutes to go to Council.

6. RED HILL COTTAGE

Building works are progressing. Still on track for handover in March.

There was some discussion about the need to install gates where attractions such as the Gulgong Gold Experience can be accessed by token (to be purchased at the cottage).

Surveillance cameras may be needed.

Barbara Hickson has finished interpretation information - can Acknowledgement of Country be included with this information?

7. WALKWAY

Pathway to have a pebblecrete look, similar to Gulgong CBD footpaths

8. RED HILL DRAFT PLAN OF MANAGEMENT

The draft Plan of Management to be circulated to the Committee.

9. RED HILL EEC LANDSCAPING MASTERPLAN UPDATE

The landscaping masterplan is continuing to progress.

Also, commendation from the Committee to the work being undertaken by Parks and Gardens staff at Red Hill. Rebecca asked for this agenda item to be removed with the actions already underway. Noted for next meeting.

10. GULGONG NATURAL HISTORY MUSEUM

The concept for the Gulgong Natural History Museum (GNHM) was introduced to the Committee. The GNHM would incorporate a significant private collection of fossils from Michael Durant.

Reference was made to the collection of fossils found at McGrath's Flat – there could be some local link to the GNHM.

Some concern was raised about the building and the impact that it may have on the interpretation of Red Hill history.

11. GENERAL BUSINESS

It was noted that a new CEO has been appointed to Mudgee Region Tourism.

Meeting Closed 3.58pm

Next meeting – to be confirmed for April 2023.

ACTIONS – UPDATED 12/10/2022

TASK	WHO	PROGRESS
2 Panning Troughs to be purchased and installed with funds sourced from GGE income.	GGE	These have been installed COMPLETED
Review process of listing Red Hill Site on State Heritage Register	MWRC	Included in report to Council with April minutes, No further action from Council. COMPLETED
Consult with NSW Dept of Planning re possible funding for Signage	COMMITTEE/MWRC	Community Plan Proposal to be submitted for 2023/24 budget
Extend GGE MOU to include operations of Visitor Information Centre and Tea Room	MWRC	To be actioned in discussion with Mudgee Region Tourism as the cottage progresses
Installation of Mullock Heaps around Red Hill site	COMMITTEE	No progress
Spray and Clear Derelict Mine Site	MWRC	Works have been undertaken COMPLETED

Repair/upgrade of pathway between Cottage and GGE entrance	MWRC	Council obtaining quotes with intention to complete work prior to Christmas
Improved Directional Signage to the new Visitor Information Centre (Cottage) once open.	MWRC	To be considered as cottage works progress
Gulgong Gold Experience Activity Report	MWRC	Latest report to be circulated to Committee
Draft Plan of Management	MWRC	Draft Plan to be circulated to Committee
Gates/turnstiles for Gulgong Gold Experience	MWRC/GGE	To be investigated

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 *GROUNDINGS 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 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Governments Act, 1993

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 (a) personnel matters concerning particular individuals (other than councillors).

14.2 Commercial Opportunity

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) 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 Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of a commercial property opportunity being considered by Council..

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.