



**\*\*PUBLIC COPY\*\***

# **Business Papers 2023**

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
**WEDNESDAY 16 AUGUST 2023**

*A prosperous and progressive  
community we proudly call home*







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9 August 2023

Dear Councillor,

MEETING NOTICE  
**Ordinary Meeting**  
16 AUGUST 2023  
**Public Forum at 5.30pm**  
*Council Meeting commencing at conclusion of Public Forum*

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

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 19 July 2023**

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 19 July 2023 be taken as read and confirmed.

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The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

<b>SUBJECT</b>	<b>RESOLUTION NO. &amp; DATE</b>	<b>RESOLUTION</b>	<b>ACTION</b>
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.	<b>To be reported to Council at a future meeting.</b>
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.	<b>To be reported to Council at a future meeting.</b>
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	<b>To be reported to Council at a future meeting.</b>
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.	<b>To be reported to Council at a future meeting.</b>
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	<b>To be reported to Council at a future meeting.</b>



## Item 5: Mayoral Minute

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Nil

## Item 6: Notices of Motion or Rescission

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### 6.1 Streets in Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, A0100035

#### MOTION

**That the General Manager inform the Council and the Gulgong community when the streets in Gulgong are going to be brought up to a reasonable standard.**

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#### Background

This was discussed at the last Gulgong Chamber of Commerce meeting. A number of people asked me to find out when this is getting done. Several works requests have been submitted over the last 12 months. When the streets are done they need to be done with coloured gravel and not black tar, so that they look like the older streets that were done before.

In particular, when Main Street and sections of Medley and Herbert Streets are resealed, they must be sealed with the special coloured stone to look like the original heritage pavement.

#### Officer's comments

The Gulgong CBD and surrounding streets have been inspected by Council's Director Operations and Works Manager. It is acknowledged that recent works to install water mains have left some rough sections as trenches settle. This is not unusual when trenching works occur in roads and will be repaired. There are also other examples of road defects in nearby streets that need some attention. A program of works is being developed to make these repairs as part of Council's maintenance program.

Other items to be investigated in the short term include:

- Colour and material matching repairs in the river rock sealed sections instead of black bitumen for Mayne Street and Herbert Street, where coloured stone was used as a seal.
- A top coat or other suitable product for the section of Herbert Street that has hot mix asphalt concrete seal. This section of road between Robinson Street and Queen Street will have a useful life of at least another 20 years and is in excellent condition. If Council's intent is to provide a coloured stone seal in this section, options will need to be explored to provide a coating to match the coloured stone section that can also provide a quality outcome and smooth running surface.

## 6.2 Support for the reopening of Gulgong - Rylstone Rail Line

NOTICE OF MOTION LISTED BY CR KATIE DICKER  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, A0100035

### MOTION

**That Council formally write to the NSW Minister for Regional Roads and Transport the Hon. Jenny Aitchison asking that funds for the reopening of the Gulgong – Rylstone line to existing 19 TAL standards, be included in the NSW budget estimates session commencing 24 October 2023.**

### Background

This is a follow on from Council's unanimous resolution 383/22 in December 2022 to "*support the continued representation to the State Government on passenger rail services.*"

The line is a strategic link in the State's rail network, providing an alternate route to Newcastle and the North. It also represents a duplication of the predominantly single track of the Main West linking Lithgow to Dubbo.

Benefits to our Region:

- Facilitates an express rail service Dubbo – Gulgong – Mudgee – Rylstone – Sydney
- Allows the forest industry to remodel logistics to allow logs currently passing through our streets to be transported by rail.
- Regular tourist train visits including special events trains e.g. Flavours, NRL matches etc.

### Officer's comments

It is important to understand that a rail link to Dubbo also needs to be supported to allow passengers to travel from Dubbo to Sydney via Gulgong.

## Item 7: Office of the General Manager

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### 7.1 Mayoral and Deputy Mayoral Elections

REPORT BY THE DIRECTOR COMMUNITY  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, GOV400006

#### RECOMMENDATION

##### That Council:

- 1. receive the report by the Director Community on the Mayoral and Deputy Mayoral Elections;**
  - 2. note Circular to Councils 23-09 received from the Office of Local Government advising that Mayoral elections are to be held in September 2023 for the final year of the Council term; and**
  - 3. determine to hold an Extraordinary meeting of Council on 27 September 2023 for the purposes of holding elections for the Mayor and Deputy Mayor.**
- 

#### Executive summary

This report provides Council and the community with information received via a circular from the Office of Local Government relating to the timing of elections for the Mayor. This circular was received on 2 August 2023 and requires Council to hold Mayoral elections in September 2023.

#### Disclosure of Interest

Nil

#### Detailed report

Council has received Circular 23-09 from the Office of Local Government stating that elections for the Mayor will need to be held in September 2023. Council had previously resolved in January 2021 to elect the Mayor for a period of two years.

It is noted that there are two somewhat contradictory clauses within the Local Government Act relating to Mayor elections.

Clause 230(1) states:

*A mayor elected by the councillors holds the office of mayor for 2 years, subject to this Act.*

Clause 290(1) states:

*The election of the mayor by the councillors is to be held—*

*(a) if it is the first election after an ordinary election of councillors—within 3 weeks after the ordinary election, or*



- (b) if it is not that first election or an election to fill a casual vacancy—during the month of September, or
- (c) if it is the first election after the constitution of an area—within 14 days after the appointment of a provisional council or the first election of the council if a provisional council is not appointed, or
- (d) if the relevant council is a non-functioning council, or a council of which all civic offices have been declared vacant, and the election is the first to be held after the appointment or election of the councillors—within 14 days after the appointment or election of the councillors.

Around the time of the December 2021 election, advice was sought on this contradiction and what the Mayor term should be. No direction was provided by the Office of Local Government to limit the term of the Mayor to 1 year and 9 months and hold the next Mayoral election in September 2023 and so Council resolved to elect the Mayor for the two-year term as per Clause 230 (1).

This recent advice means that an election for the office of Mayor will need to be held at some point during September 2023. This Mayoral election could be held at an extraordinary meeting similar to the extraordinary meeting held in January 2022. It is recommended that an Extraordinary meeting be held on Wednesday 27 September at 5.30pm.

As per the motion for the Election of the Deputy Mayor at the January 2022 Extraordinary Council Meeting, the Deputy Mayoral term was to run concurrently with the Mayoral term. Therefore, an election for the Deputy Mayor will also be held at the same meeting following the election of the Mayor.

## Community Plan implications

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

## Strategic implications

### Legislation

Local Government Act 1993

## Financial implications

Nil

SIMON JONES

DIRECTOR COMMUNITY

2 August 2023

- Attachments:*
1. Mayoral Elections Fact Sheet.
  2. Office of Local Government Circular to Councils 23-09.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

## Fact Sheet

# ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



### Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

### How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

### Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

### Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

### Procedures

#### Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

#### At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

**Note:** In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

### Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

*It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*

*Each councillor is entitled to vote for only one candidate in each round of voting.*

*I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

*Would those councillors voting for [name of candidate] please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

#### Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

*[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the*

*names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

#### Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

*[Name of candidate], having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

*[Name of candidate], having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

*[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*

*Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.



## Preferential ballot

The returning officer explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

*[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

*[Name of candidate], having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

*[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

#### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### 5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

#### 7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### Part 3 Preferential ballot

#### 8 Application of Part

This Part applies if the election proceeds by preferential ballot.

#### 9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers “1”, “2” and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter’s preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, “**absolute majority**”, in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

#### 11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### Part 4 General

#### 12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

#### 13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

<b>Circular Details</b>	23-09 / 01 August 2023 / A869189
<b>Previous Circular</b>	21-24 September 2021 Mayoral elections
<b>Who should read this</b>	Councillors / General Managers / Governance staff
<b>Contact</b>	Council Governance Team / 02 4428 4100/ <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

## September 2023 mayoral elections

### What's new or changing

- Councils that elect their mayors are required under section 290(1)(b) of the *Local Government Act 1993* (the Act) to hold mid-term mayoral elections in September 2023.
- Mayors elected in September 2023 will hold their office until council elections are held on 14 September 2024.
- Deputy mayors hold their office for the term specified by the council's resolution. An election for deputy mayor should be held when the deputy mayor's term expires.

### What this will mean for your council

- Mayoral elections must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2021*.
- Schedule 7 prescribes three methods of election of mayors:
  - open ballot (eg a show of hands)
  - ordinary ballot, or
  - preferential ballot.
- Councillors can participate in mayoral elections using an open ballot by audio visual link but not where the other two methods of election are used.
- Ordinary and preferential ballots are secret ballots and councillors will need to attend the meeting in person to vote if the mayoral election is held using either of these methods.

### Key points

- Mayors elected by councillors normally hold their office for two years (unless a casual vacancy occurs). Because of the postponement of the last ordinary council elections to 4 December 2021, mayors elected by councillors during this term will have a shorter term than the usual two years.
- Councils that elect their mayors are required under the Act to hold mid-term mayoral elections in the month of September. This means that the mid-term mayoral elections will need to be held in September 2023.
- The term of office of mayors elected in September 2023 will automatically expire on 14 September 2024, when their term as a councillor expires.

**Where to go for further information**

- The Office of Local Government has issued a fact sheet on conducting mayoral elections, which is available [here](#).
- For further information please contact the Council Governance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)



**Brett Whitworth**  
**Deputy Secretary, Local Government**

## Item 8: Development

### 8.1 DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) at 33-35 Horatio Street, Mudgee

REPORT BY THE PLANNING COORDINATOR AND MANAGER PLANNING  
 TO 16 AUGUST 2023 ORDINARY MEETING  
 GOV400103, DA0087/2022

#### RECOMMENDATION

##### That Council:

- A. receive the report by the Planning Coordinator and Manager Planning on DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) at 33-35 Horatio Street, Mudgee; and
- B. approve DA0087/2022 - Demolition of Dwelling and Construction of Food and Drink Premises (KFC) at 33-35 Horatio Street, Mudgee subject to the following conditions and statement of reasons:

#### APPROVED PLANS

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations:

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Proposed Site Plan	TP100	P2	7 June 2023	Baldasso Cortese P/L
Proposed Landscape Plan	TP110	P2	16 December 2021	Baldasso Cortese P/L
Proposed Floor Plan	TP200	P2	7 June 2023	Baldasso Cortese P/L
Proposed Roof Plan	TP201	P1	27 August 2021	Baldasso Cortese P/L
Proposed Elevations Sheet 1	TP300	P2	7 June 2023	Baldasso Cortese P/L
Proposed Elevations Sheet 2	TP301	P2	7 June 2023	Baldasso Cortese P/L
Proposed 3D Views	TP302	P1	27 August 2021	Baldasso Cortese P/L
Signage Details	TP400	P1	27 August 2021	Baldasso Cortese P/L
Civil Drawings	TX15361.00-C1.00, C1.01, C2.00 and C3.00	A	30 August 2021	Triaxial Consulting
Statement of Environmental Effects	-	002	September 2021	Atlas Environment and Planning
Waste Management Plan	-	-	-	Applicant



Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Statement of Heritage Impact	9188	3	24 August 2021	Heritage 21
Odour Assessment Report	-	-	19 November 2021	The Odour Unit
Illuminated Signage General Assessment	-	-	6 November 2021	C-Level Design and Engineering
Social Impact Assessment	660.30161.000000-R01	v1.1	14 December 2021	SLR Consulting Australia Pty Ltd
Noise Impact Assessment	212155R	-	November 2021 – Addendum July 2023	Spectrum Acoustics
Peer Review and Supplementary Traffic Advice	2204876.01FA	-	15 July 2022	McLaren Traffic Engineering
Further Supplementary Traffic and Parking Advice	220486.03FA	-	31 January 2023	McLaren Traffic Engineering
Flood Modelling Report	TX15361.00.rpt.jd-Rev 4	REV4	6 July 2023	Triaxial Consulting Ltd

- For clarity, this development consent provides approval for the demolition of a dwelling house and outbuildings, tree removal, construction of a food and drink premises, advertising signage and ancillary works.

*Note: This approval does not give consent to the proposed ‘banner’ signs located within the front setback.*

## **GENERAL**

- This consent does not permit commencement of any site works. Works are not to commence until such time as a Section 68 Approval for drainage works and Construction Certificate for building works have been obtained, along with the appointment of a Principal Certifier.
  - All building work must be carried out in accordance with the *Building Code of Australia*.
- Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.*
- All demolition works are to be carried out in accordance with AS 2601-2001 “Demolition of structures”, with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council’s Waste Depot requires prior arrangement for immediate landfilling.
  - All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
  - The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.



8. **Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.**
9. **The only waste derived fill material that may be received at the development site must be:**
  - a) **Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and**
  - b) **Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.**
10. **Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**
11. **All external colour and finishes are to consist of non-reflective materials and colours.**
12. **Mature landscaping shall be provided to the development in accordance with the approved plan and following requirements:**
  - a) **All open space areas on the site are to be landscaped with mature or advance plant species (minimum pot size of 200mm for shrubs and 100 Litre bags for trees). Landscaping enhances the development for acoustic and visual privacy, as well as shade and blends the development into the established streetscape and neighbourhood.**
  - b) **The replacement street trees are to be mature species of minimum 200 Litre bags and must be protected via appropriate tree barriers at all times until established.**
  - c) **Landscaping must be water efficient.**
  - d) **Landscaping utilises, where practicable, endemic species which are appropriate for the site.**
  - e) **Landscaping allows for continued casual surveillance of the internal driveway, car parking areas and street, where practicable, from within the development.**
  - f) **Landscaping softens the visual impacts of the parking spaces.**
  - g) **Landscaping shall not provide opportunities for concealment of people.**
  - h) **Landscaping is to be provided to the development prior to occupation.**
  - i) **Landscaping shall be maintained at all times. Should any planting die or be removed for any reason, it shall be replaced by a like replacement planting.**

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

13. **Prior to issue of any Construction Certificate, the signage plan is to be amended to reduce the overall height of the pylon 'KFC bucket' advertising sign to be no greater than 7.0m.**
14. **Prior to issue of any Construction Certificate, the proposed 'banner signage' as shown within the submitted signage and site plan are to be removed.**
15. **Prior to issue of any Construction Certificate, the detailed signage design must include reference to the installation of 'dimnable drivers' in accordance with the Lighting Assessment provided by C-Level Design and Engineering dated 6 November 2021.**

16. **Finished floor heights of the proposed building and car parking finished surface levels and internal car park kerb heights are to be in accordance with that specified within the Flood Modelling Report (Revision 4 dated 6th July 2023) prepared by Triaxial Consulting Pty Ltd. The car parking area shall be designed and constructed to allow overland flow through the site as specified within the abovementioned Flood Modelling report by Triaxial Consulting Pty Ltd. Full details are to be submitted to and approved by the Certifier (i.e. Council or Private Certifier), prior to the issue of the Construction Certificate.**
17. **Prior to release of any Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.**
18. **Prior to issue of any Construction Certificate, a Liquid Trade Waste approval is to be obtained from Mid-Western Regional Council.**
19. **The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council prior to issue of any Construction Certificate.**  
*Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.*
20. **Prior to the issue of a Construction Certificate, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.**  
*Note: The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.*  
*Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the long service levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.*
21. **In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of any Construction Certificate.**  
**The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.**  
*Note: based on the proposed cost of works being \$1,800,000.00, it is estimated the contribution amount will be \$18,000.00.*  
*Note: the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.*  
*Note: Mid-Western Regional Contributions Plan 2019 is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au) under Council Documents/Strategies and Plans.*
22. **A 2 metre high acoustic barrier/ fence shall be erected on the eastern, western and southern boundaries of the site along with a 300mm high bund constructed adjacent to the drive-through area of the development. The material of the barrier/fence shall have a minimum surface density of 15kg/square metre. Acceptable forms of**

construction are: lapped and capped timber palings with 12.5mm thick palings and 25% overlap each side, or masonry of single 110mm brick in accordance with the Noise Impact Assessment report prepared by Spectrum Acoustics (Amended July 2023). Details of the acoustic barrier shall be submitted to the Principal Certifier prior to issue of any Construction Certificate.

23. The mechanical plant area is to be fitted with acoustic louvres to comply with Table 14 of the Noise Impact Assessment report by Spectrum Acoustics (Amended July 2023). Details of the louvres shall be approved by the acoustic consultant and submitted to the Principal Certifier prior to the issue of any Construction Certificate.
24. The proposed parapet walls adjacent to the kitchen exhaust shall be 4.5m high above ground. This shall be confirmed by the Principal Certifier on the relevant plans prior to the issue of any Construction Certificate.
25. The main kitchen exhaust hood (H-01) shall be designed to include an exhaust air emission control system with provision for ozone dosing. The dosing shall be dosed at a location that maximises contact time between the ozone and exhaust airstream (minimum 2 seconds). Details of the design shall be submitted to the Principal Certifier prior to the issue of any Construction Certificate.
26. The registered proprietor of the land shall prepare a Plan of Management for the development including the car parking area and drive through facilities.

The Plan of Management shall set out all required operational parameters including, but not limited to the following:

- Details of the on-site management of all deliveries and waste collection services associated with the development.
- Deliveries and waste collection must occur outside normal operating hours (excluding the evening period of 10pm to 7am), must not occur during the typical peak periods of midday to 1pm and 5pm to 7pm, daily. Deliveries and waste collection services occurring during business hours shall be managed by appropriately trained staff to ensure no conflict with other vehicles occurs.
- Maintenance checks of the noise mitigation measures required in accordance with the approved Noise Impact Assessment.
- Maintenance checks of the signage output levels in accordance with the Illuminated Signage General Assessment.
- Daily litter checks of the site, street frontage and line of sight from the premises.
- Regular maintenance of landscaping and a replacement planting program for dying plants.
- Staff training on safety procedures and protocols including waste and traffic management, site maintenance, illumination of signage, crime or antisocial behaviour, and complaints handling.
- Details of the on-site management of the drive through and car parking areas during times of peak demand. Queuing of vehicles within the drive through must not be allowed to exceed 9 vehicles at any time and queued vehicles must not impact upon the orderly operation of Horatio Street.
- The Plan of Management is to include details pertaining to the management of queue lengths through the use of dedicated waiting bays or other available car parking spaces on-site.
- The use of appropriately trained staff to “marshal” vehicles in the drive thru queues and car parking areas and if necessary close the drive thru entry until such time as queues have returned to an acceptable level.

- Queued vehicles must under no circumstances be allowed to affect the driveway entry to the site or extend onto the Horatio Street.

The plan of management shall be submitted to and approved by Council prior to the issue of any Construction Certificate.

27. All building work is to comply with the requirements of the Access to Premises Standard. Details of compliance is to be indicated on plans and submitted for assessment with the Construction Certificate.
28. All finished surface levels shall be shown on the plans submitted for any Construction Certificate.
29. The design, construction and fit out of any proposed kitchen, cool room/s and associated structures must be constructed in accordance with the relevant requirements of:
  - a) *Food Act 2003*;
  - b) *Food Regulation 2015*;
  - c) *Food Standards Australia and New Zealand – Food Standards Code 2003*;
  - d) *AS 4674-2004 for Design, Construction and Fit out of Food Premises*;
  - e) *AS 1668.2-2012 – The use of ventilation and air conditioning in buildings*; and
  - f) *The Building Code of Australia*.

Full details are to be submitted for approval to the Certifier (i.e. Council or a private Certifier) prior to the issue of any Construction Certificate.

The information that will need to be submitted, includes, but is not limited to, the location of hand-basins, wash-up sinks, any exhaust hoods, floor finishes, wall finishes and ceiling finishes.

30. A channelised right turn lane (CHR) on the eastbound approach of Horatio Street generally in accordance with drawing titled Intersection Design Plan, numbered C3.00 Issue A, prepared by Triaxial Consulting (dated 30 August 2021) is to be constructed to TfNSW satisfaction and completed prior to the commencement of any construction works.

As road works are required on Horatio Street, road works will be subject to the developer entering into the Works Authorisation Deed (WAD) with TfNSW prior to the commencement of any construction. TfNSW will exercise the function of the road authority under Section 64 of the Roads Act 1993, in addition to its concurrence with respect to a classified road.

*Note: Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work. The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.*

All road works under the WAD shall be completed prior to issue of any Construction Certificate associated with the approved development.

All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW or Council.

The access driveway and layback are to be constructed in accordance with Mid-Western Regional Council Engineering standards, match existing road levels and must not adversely interfere with existing road drainage.

31. A detailed engineering design is to be submitted to and approved by Council prior to the issue of a S.138 Roads Act Approval and prior to the issue of any Construction Certificate for the Development. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A S.138 Roads Act Approval is required for but not limited to the following civil works:

- a) *Commercial vehicular crossings / driveways in accordance with Council's Access to Properties Policy.*
- b) *Removal of any redundant vehicle crossings, laybacks and subsequent rectification works.*
- c) *Construction of a 2.5m wide reinforced concrete shared path from the eastern boundary of Lot 2 DP 743615 to the kerb return in Lawson Street (a distance of approximately 98 metres).*
- d) *Relocation and replacement of any affected street trees or services.*
- e) *Reinstatement and turfing of all disturbed footway areas.*

*Note: no works can commence prior to the issue of the S138 Roads Act Approval.*

32. Prior to the issue of any Construction Certificate for the development, application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Stormwater Drainage Works.

A detailed engineering design is to be submitted to and approved by Council prior to the issue of a Section 68 approval. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

The work required for but not limited to the following civil works:

- a) *Full details (civil / structural) of the proposed reinforced concrete box culvert units and base slab.*
- b) *Design and certification of the box culvert units and base slab with respect to the expected vehicular loading from the largest expected service delivery / waste collection vehicle.*
- c) *Details of the proposed pits at the culvert entry and connection to the existing culvert under Horatio Street.*
- d) *All culvert units and base slabs shall have a design life of not less than 100 years.*

The Section 68 application shall be considered and approved by Council prior to the release of any Construction Certificate for the development.

33. A Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off shall be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of the Construction Certificate. The drainage report and design must comply with the following requirements:



- a) Drainage design for the proposed below ground detention system must be accompanied by fully detailed runoff calculations and a structural design prepared and certified by a suitably qualified professional Engineer.
- b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.
- c) Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5/5/20/50/100 year event.
- d) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.

34. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:

- a) Saving available topsoil for reuse in the revegetation phase of the development;
- b) Using erosion control measures to prevent on-site damage;
- c) Rehabilitating disturbed areas quickly; and
- d) Maintenance of erosion and sediment control structures.

35. Details of the internal circulating driveway, car parking spaces and waiting bays are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of any Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.

The plans shall include the provision of the following:

- A total of 23 car parking spaces.
- A minimum of 1 disabled car parking space.
- The provision of 2 marked drive thru waiting bays (spaces 22 and 23).

36. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy.

37. Prior to the issue of any Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable).

The lots to be consolidated into a single parcel include:

- a) Lot 2 DP743615
- b) Lot 3 DP743615

38. Vehicular entrances comprising kerb laybacks (where roll kerb and gutter does not exist) and concrete footway crossings are to be provided to each lot at a suitable location. These should be constructed in accordance with Aus-Spec #1 and Council's "Access to Properties" Policy.

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Operations Department between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice.

Failure to have the work inspected may result in the access being removed and reconstructed at the contractors / owners expense.

39. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of any Construction Certificate for all work on public land or infrastructure. The insurance cover shall include the following:
- a) Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
  - b) Public Liability Insurance is to include Mid-Western Regional Council as an interested party.
  - c) The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.
40. In accordance with the requirements of Essential Energy, the following shall be demonstrated on the plans, prior to issue of any Construction Certificate:
- a) The Applicant must meet the requirements of AS2067 for the substation in relation to fire safety. Clearances will be dependent on the building classification. Minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy *CEOM7098 Distribution Underground Design Construction Manual* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. The Applicant may want to seek assistance with this from a fire engineer to determine they meet the required clearances.
  - b) The easement area for the substation must remain clear of all obstructions. Surface treatment should be grass or wood chip material only and must be lower than the concrete plinth of the substation.
  - c) The easement area must be accessible at all times by Essential Energy (24 hours a day / 7 days a week).
  - d) Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
  - e) Prior to any demolition works commencing, any service line/s to the properties must be disconnected.
  - f) The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.

#### **PRIOR TO THE COMMENCEMENT OF BUILDING WORKS**

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

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



42. Prior to the commencement of construction work impacting traffic on Horatio Street (HW18), the proponent is to contact the TfNSW Road Access Unit at [road.access@transport.nsw.gov.au](mailto:road.access@transport.nsw.gov.au) to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. See TfNSW website for further information: <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.

Adequate safety measures are to be implemented on the road network for construction traffic. Heavy vehicle movements should be limited during school peak periods.

43. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- stating that unauthorised entry to the work site is prohibited, and
  - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - the name, address and telephone number of the principal certifying authority for the work,
  - The sign shall be removed when the erection or demolition of the building has been completed.
44. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

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

45. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
- Demolition work is not be undertaken until:
    - Council has been provided with a copy of any required Hazardous Substances Management Plan;
    - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
  - The removal, handling and disposal of any asbestos material (in excess of 10m<sup>2</sup>) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
  - All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency;
  - Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

46. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
47. If the work involved in the erection/demolition of the building;
  - a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b) building involves the enclosure of a public place

A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
48. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department, in writing, of any existing damage to Council property.
49. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
50. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
51. Runoff and sediment erosion controls shall be installed prior to commencement of works with the development site to the satisfaction of the Certifier (i.e. Council or the Principle Certifier) and incorporate:-
  - a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
  - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
  - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

### **DURING WORKS**

52. Demolition or Construction work noise that is audible at other premises is to be restricted to the following times:
  - Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.
53. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
54. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.

55. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
56. Prior to the pouring of any in-situ concrete, the building/s shall be set-out by a registered land surveyor in the position as approved by Council.  

A copy of the identification survey shall be provided to the Principal Certifier at time of any pier/footing/slab inspection.
57. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Office of Environment and Heritage (OEH), SafeWork NSW, Council, Fire and Rescue NSW etc) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.
58. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
59. The development site is to be managed for the entirety of work in the following manner:
  - a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
  - b) Appropriate dust control measures;
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
60. The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
61. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's / Demolisher's expense.
62. Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of *Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances*. This must include relevant incident management strategies for transportation on public roads.
63. The civil works associated with the S68 and S138 approvals are to be inspected by Council to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
  - a) Installation of sediment and erosion control measures;
  - b) Water and sewer line installation prior to backfilling;
  - c) All box culverts / drainage prior to backfill;
  - d) Formwork and steel in place, prior to pouring of any concrete and
  - e) Practical Completion.

64. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the water, sewer and stormwater works.
65. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Water Supply Code of Australia.

*Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).*

66. The developer is to extend and meet the full cost of sewer reticulations to service the development plus the cost of connecting to existing services. All sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the *Local Government Act 1993*) and in accordance with the National Specification – Sewerage Code of Australia.

*Note: Council does not permit other bodies to insert new junctions into 'live' water and/or sewer mains. Please contact Council's Operations Water and Wastewater Department by calling ☎ 1300 765 002 or 02 6378 2850 or by emailing [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) to obtain a quote for the connection of sewer (Private Works Order).*

#### **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

67. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
68. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
69. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (*Local Government Act 1993*) approval/s.
70. Prior to use of the development and/or issue of an Occupation Certificate, all works included in the Trade Waste Approval are to be completed.
71. Prior to issue of the Occupation Certificate, a Certificate of Compliance is to be provided to the Principal Certifier for the illuminated signage to certify that the signage is installed in accordance with AS4282-2019, will not have a negative impact on surrounding properties in accordance with the recommendations of the Lighting Assessment provided by C-Level Design and Engineering dated 6 November 2021.

72. A Certificate of Compliance is to be provided to the Principal Certifier for the mechanical exhaust system to certify that the installation complies with AS1668.1 & AS1668.2 as per the Building Code of Australia Volume 1 Part F4.12.
73. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of Development Consent, prior to use of the development and/or issue of an Occupation Certificate.
74. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all car parking and associated driveway works are to be completed in accordance with the relevant *Section 138 Roads Act* approval/s.
75. A 'No Stopping' zone must be provided to the east of the egress driveway on the southern side of Horatio Street to maximise sight distance for vehicles exiting the subject site with approval to be sought from the Local Traffic Committee prior to issue of any Occupation Certificate.
76. Two (2) waiting bays must be appropriately signposted / line marked to Council's satisfaction, prior to issue of the Occupation Certificate.
77. Prior to the issue of an Occupation Certificate, easements benefiting Council, including associated Section 88B instruments, are to be created over any existing or newly constructed drainage components located within the subject property.
78. Following completion of the development, work-as-executed plans (WAE) are to be provided to Council in the following formats:
  - a) PDF; and
  - b) Dwg format or "AutoCAD Compatible"
  - c) MapInfo tab files with individual layers, supplied in individual tables

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

To accompany the WAE Drawings, Council also requires the completion of Asset Data Excel Spreadsheets (to be provided by Council) prior to the issue of the Occupation Certificate.

#### **OPERATIONAL / ONGOING**

79. The facility shall only operate from Monday to Sunday - 10.30am to 10.00pm only.  
*Note: All illuminated signage on the site must be turned off at strictly 10.00pm.*
80. Deliveries must only occur outside the daytime peak periods of:
  - a) Midday to 1pm and 5pm to 7pm, daily.
81. No deliveries or waste collections are permitted to occur during the evening / night-time period between 10pm and 7am, daily.
82. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
83. All loading and unloading in connection with the premises shall be carried out wholly within the site.

84. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
85. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
86. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
87. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
88. No display or sale of goods is to take place from public areas fronting the premises.
89. All general waste generated by the proposed development shall be disposed of to a suitably licenced waste facility able to accommodate such wastes.
90. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers at all times.
91. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
92. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.  
  
*Note: If Council receives odour complaints, a field-based investigation study shall be completed by a suitably qualified odour control engineer consisting of the components specified on page 22 of the Odour Assessment Report by The Odour Unit dated 19 November 2021 at full cost to the developer.*
93. The development is to be maintained in a clean and tidy manner, at all times.
94. All approved signage is to be maintained in good condition at all times.
95. The signage is to be securely affixed and is not to flash, move or be objectionably glaring.
96. Measures, such as raised kerb edges or bollards, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. Landscaping is to be maintained for the life of the development.



**COUNCIL ADVISORY NOTES**

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

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

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

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

<b>Section 64 Contributions</b>			
<b>Commercial Restaurant (Per 100m<sup>2</sup> floor area)</b>			
	<i>ET/Unit</i>	<i>Value 22/23</i>	<i>273m<sup>2</sup> Floor Area Proposed</i>
<b>Water Headworks</b>	0.8	\$6,478.57	\$21,213.19
<b>Sewer Headworks</b>	0.8	\$3,547.20	\$9,683.86
<b>Total Headworks</b>			\$30,897.05

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

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

2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. The erection of dividing fences under this consent does not affect the provisions of the Dividing Fences Act 1991. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent. Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.
5. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this



notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.

6. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

#### **ESSENTIAL ENERGY ADVISORY NOTES**

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances/easements in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

#### **STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

1. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. The matters raised within submissions have been addressed in the following manner:
  - Conditions have been imposed to limit the proposed advertising signage, the design of the access and stormwater management over the site, hours of construction and operation for the premises, and requirement for a new shared path to be installed within Horatio Street.
  - Independent specialist reports have been provided to satisfactorily address the following key concerns:

- **Traffic and parking;**
- **Noise impacts;**
- **Odour impacts;**
- **Illumination;**
- **Waste management;**
- **Heritage impacts;**
- **Crime and antisocial behaviour; and**
- **Stormwater drainage and flooding.**

## Executive summary

<b>OWNER/S:</b>	Diamond 7 Pty Ltd
<b>APPLICANT:</b>	Diamond 7 Pty Ltd
<b>PROPERTY DESCRIPTION:</b>	33-35 Horatio Street, Mudgee
<b>PROPOSED DEVELOPMENT:</b>	Demolition of dwelling and construction of food and drink premises (KFC)
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$1.8 Million
<b>REASON FOR REPORTING TO COUNCIL:</b>	Greater than 7 objections received
<b>PUBLIC SUBMISSIONS:</b>	72 Objections - 28 template submissions and 44 unique submissions

Council is in receipt of Development Application DA0087/2022 that seeks approval for the demolition of a dwelling and outbuildings, and the construction of a Food and Drink Premises (KFC), to be located at 33-35 Horatio Street MUDGEES NSW 2850, legally described as Lot 2 and Lot 3 DP 743615 which has a total area of 2,226m<sup>2</sup>.

The site is located with frontage to Horatio Street and also benefits from rear lane access to Lyons Lane, approximately 520m from the intersection of Church and Horatio Streets, Mudgee. The site is immediately surrounded by residential dwellings, including one (1) heritage listed dwelling found to the rear of the subject site. The subject site is also located in the Heritage Conservation Area of Mudgee.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 1 October 2021.

The applicant has submitted a number of specialised reports to support the application and in order to respond to a number of community concerns. The most recent peer-reviewed report related to traffic which was provided to Council and Transport for NSW. Transport for NSW has since provided a final referral response (March 2023), providing recommended conditions, based on the concept road works and access design upgrades proposed to Horatio Street (a state classified road).

In summary, the proposed development has been assessed in accordance with Council's DCP and the LEP, and has considered all referral responses and community submissions. A merits-based assessment finds that the proposed development is generally consistent with Council's current planning controls. Where variations to Council's requirements have been proposed, conditions are recommended for Council's consideration.

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

A total of 72 objections have been received, noting 28 were provided in a template letter format with 44 unique submissions provided.

As a result of a full merits based assessment of the proposal, the application is recommended for approval subject to conditions.

## Disclosure of Interest

Nil

## Detailed report

Development Application DA0087/2022 seeks approval for the demolition of a dwelling, outbuildings and tree removal, and the construction of a Food and Drink Premises (KFC), to be located at 33-35 Horatio Street, Mudgee NSW 2850, legally described as Lot 2 and Lot 3 DP 743615 which has a total area of 2,226m<sup>2</sup>.

### **Subject Site**

The subject site has access to the classified road network known as Horatio Street to the north, being the primary spine road connecting the east and west areas of Mudgee. The subject site contains two (2) lots and is currently occupied by a single storey brick dwelling and attached carport, with an existing driveway crossover provided to Horatio Street.

A number of outbuildings are located to the south-eastern rear corner of the land which also benefits from access to a dead end, unformalised (part gravel only), narrow rear laneway known as Lyons Lane. The laneway provides rear access to eight (8) other existing residential lots.

The subject site also contains an open stormwater drain running to a culvert under Horatio Street which predominately bisects Lot 3 from the north-western corner to the south-eastern corner of the lot.

A variety of non-native mature vegetation are planted over the site and one (1) large eucalyptus variety is located at the western front corner of the land. An avenue of Council street trees are also provided at the frontage of the site.

The existing development which immediately surrounds the subject site consists of single storey residential dwellings of various ages and one (1) heritage listed dwelling is located to the south of the land, fronting Inglis Street.

Other existing development also located nearby with frontage to Horatio Street include:

- A funeral service provider with chapel facility is located two (2) lots to the west of the site.
- The Mudgee Corner Store Café is located 330m to the west of the site.
- McDonalds is located 500m to the west of the site.
- The Horatio Motel is located 150m to the east of the site.
- Tyre Power Mudgee and Mudgee Toyota is located 300m to the east of the site.

Figure 1 provides the site location within Horatio Street below:



Figure 1: Site Locality Plan

### **Proposed Development**

The proposed development involves the following:

1. Consolidation of the title from two (2) lots into one (1) lot.
2. Demolition of an existing single storey brick dwelling with attached carport and separate garage.
3. Removal of nine (9) nominated trees/shrubs within the site, three (3) golden elm street trees within Council's footpath along with earthworks and stormwater construction works to prepare the site for the development.
4. Construction of a food and drink premises (KFC), situated 9.7m from the front boundary of Horatio Street including:
  - a) an overall building height of 6 metres;
  - b) total floor area of 273m<sup>2</sup> and 40 seats;
  - c) a single lane drive-thru on the south-western side of the building incorporating a digital menu board and ordering / speaker facilities;
  - d) 23 onsite parking spaces (including 1 accessible) and one (1) internal loading bay; and
  - e) Signage includes one (1) illuminated pylon sign within the front setback having an overall height of 8.5 metres, low level non-illuminated advertising banners within the front setback, entry and exit directional signage along with the illuminated business signage on the northern, eastern and western sides of the building.

5. New aboveground 5.82m<sup>2</sup> electrical substation is proposed within the front setback of the site, immediately in front of the building.
6. New two (2) metre high boundary fencing of the site along with landscaping throughout, including three (3) replacement street trees within the Horatio Street frontage.
7. Two (2) new separate driveway crossovers from Horatio Street, along with road upgrades within Horatio Street to form a channelized right-hand turning lane into the site. Right hand turning into Horatio Street when exiting the site is to be restricted within the secondary driveway.
8. Operational hours are proposed between the hours of 10.30am and 10.00pm, Monday to Sunday with waste collection and deliveries to occur outside of the restaurant operating times.
9. Eight (8) staff are required to support the operation of the development.

Figures 2 and 3 demonstrate the proposed site layout and front elevation of the building when viewed from Horatio Street.

**Attachment 1** also includes a full copy of the submitted development plans.

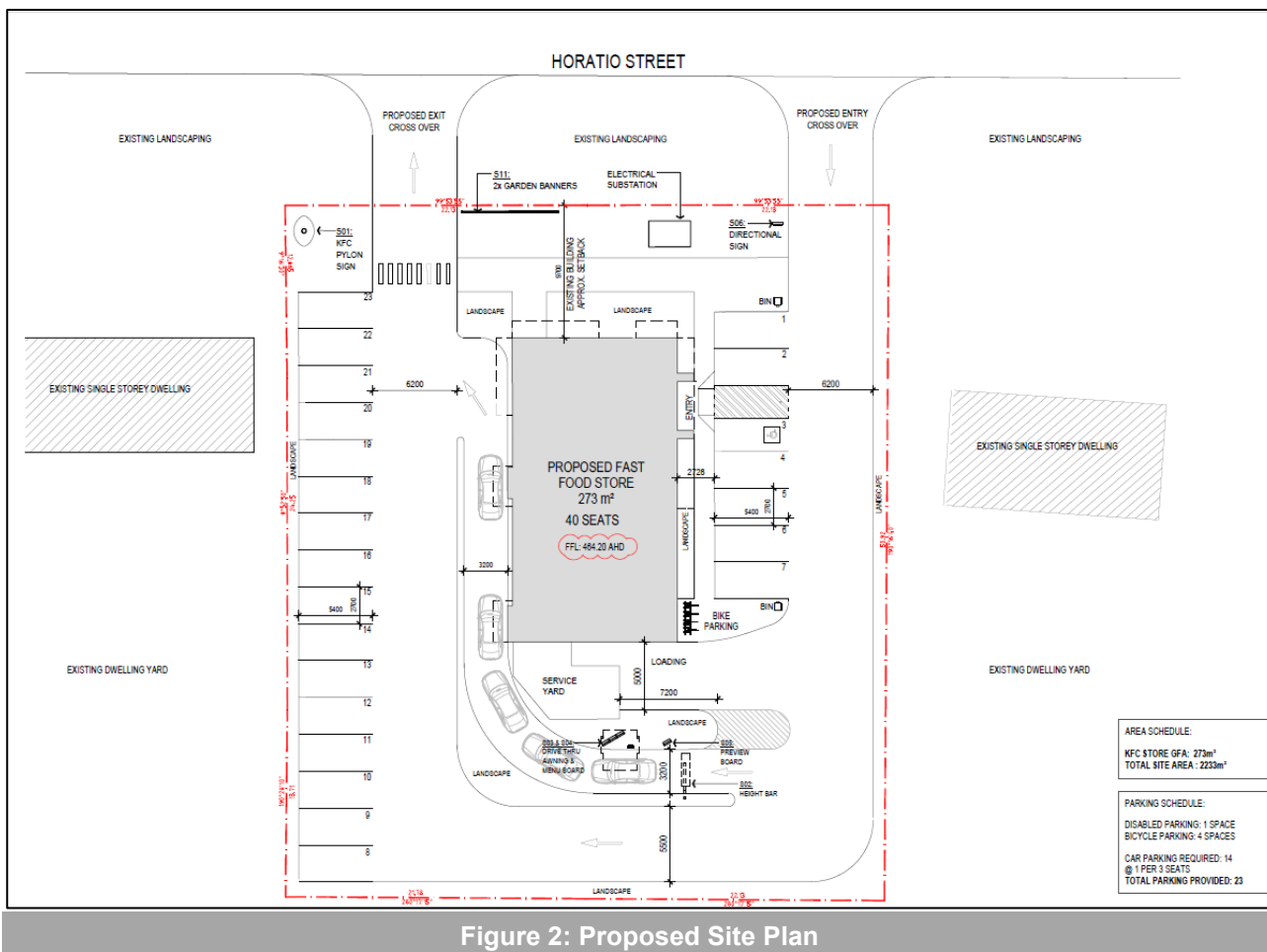


Figure 2: Proposed Site Plan



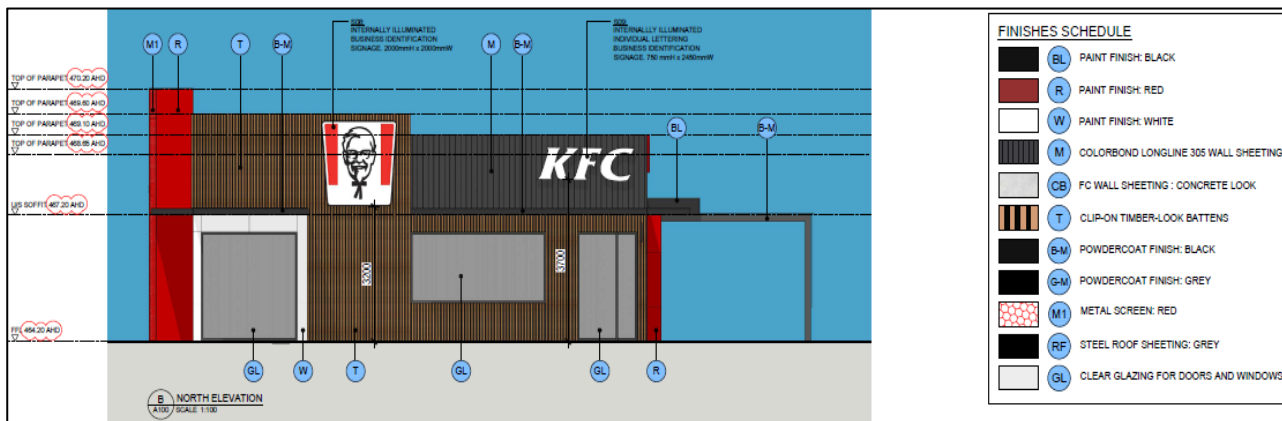


Figure 3: Northern Elevation Plan (Horatio Street View)

## LEGISLATIVE REQUIREMENTS

### Environmental Planning and Assessment Act 1979

#### Designated Development

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

#### Integrated Development

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

It is important to note that in accordance with section 4.46(3), which states:

*Development is not integrated development in respect of the consent required under section 138 of the Roads Act 1993 if, in order for the development to be carried out, it requires the development consent of a council and the approval of the same council.*

On the basis of the above, the subject application is not integrated development as the proposed works on the classified public road (Horatio Street) will also require the approval of Council, with concurrence required from Transport for NSW (TfNSW) in accordance with Section 138(2) of the *Roads Act 1993*.

The Development Application was subsequently referred to TfNSW for concurrence in relation to the proposed works within the classified public road network and in accordance with 2.119 and 2.122 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, and Section 3.15 and 3.16 of the *State Environmental Planning Policy (Industry and Employment) 2021*. Compliance with the State Planning Policies is discussed later in this report.

## ASSESSMENT

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

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

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

#### STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The proposed development will require the removal of vegetation ancillary to the carrying out of the development to be located in the SP3 Tourist Zone. The removal of the trees within the site

will be considered as part of the subject application. Therefore, no further consideration of this SEPP is considered necessary.

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

The proposal does not involve development that requires the issue of BASIX certificate for the building. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

The proposed development involves Advertising or Signage which will front Horatio Street, a classified road network, and is proposed at a height of more than 8 metres above ground (section 3.15 of the SEPP) and is therefore captured by Chapter 3 Advertising and Signage of the SEPP.

The application was referred to TfNSW in accordance with Section 3.15 and section 3.16 of the SEPP.

Figure 4 below demonstrate the proposed business advertising and signage to be displayed that will also include illuminated signage within 250m of the classified road network.



Figure 4: 3D Perspective and Signage (Horatio Street and entry to building from eastern elevation)

The Heritage Assessment and Social Impact Assessment recommends that the proposed pylon signage to be located within the front setback be of a reduced height so as to further minimise



impacts on views from within the Mudgee HCA and item I81 (a heritage listed house located at 8 Inglis Street to the rear of the site), however, the reports do not specify or recommend a reduced height to mitigate such impacts.


The plans submitted with the application provide an overall height of the pylon sign being 8.5m with illumination. Furthermore, 2 x 'Garden Banners' are proposed within the front setback which will have an overall height of 2m.

An assessment of the proposed advertising signage and business identification signage is provided below and whilst there are non-compliances identified, it is considered that the signage proposed can be conditioned to achieve an acceptable outcome for the site.

Requirement	Compliance	Comment
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	No – condition.	<p>The proposed signage is considered to be generally typical of commercial/corporate signage.</p> <p>Further from the subject site at a distance of some 300m east and 500m west, existing commercial and industrial developments are found which includes corporate buildings such as Mudgee Toyota, Tyre Power and McDonalds.</p> <p>It is noted that the overall height of pylon signs associated with these businesses are <u>not</u> 8.5m high. McDonalds, for example, has an approved pylon sign at 7m and the existing KFC pylon sign within Church Street is also approved at 7m.</p> <p>Therefore, a condition is recommended to reduce the height of the proposed pylon sign to 7m prior to issue of any construction certificate.</p>
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No – condition.	<p>Whilst the building has been sited with a larger front setback from Horatio Street, the proposed 'KFC bucket' corporate pylon sign is proposed at 8.5m and is to be illuminated.</p> <p>This is not in keeping with the established character of the area and the heritage assessment and Social Impact Assessment also includes a recommendation to reduce the overall height from 8.5m but does not specify a reduced height.</p> <p>As a result, an assessment of the height</p>

		<p>proposed at 8.5m, location within the immediate front setback and overall form of the proposed signage in this location is considered to detract from the established residential area immediately surrounding the subject site.</p> <p>A reduced overall height of the pylon sign is recommended at 7m remaining consistent with existing businesses in the area.</p> <p>Further, it is recommended that the proposed 'banner' signs be removed from the proposed front garden bed area to reduce visual clutter from multiple advertising signage on the classified road network.</p> <p>Conditions have been imposed accordingly.</p>
<p><b>3 Views and vistas</b></p>		
<p>Does the proposal obscure or compromise important views?                  Does the proposal dominate the skyline and reduce the quality of vistas?                  Does the proposal respect the viewing rights of other advertisers?</p>	<p>Yes</p>	<p>The proposal, subject to a reduced pylon sign height to 7m, is not considered to obstruct or compromise any significant views or vistas in this location of Horatio Street.</p>
<p><b>4 Streetscape, setting or landscape</b></p>		
<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape?                  Does the proposal reduce clutter by rationalising and simplifying existing advertising?                  Does the proposal screen unsightliness?                  Does the proposal protrude above buildings, structures or tree canopies in the area or locality.                  Does the proposal require ongoing vegetation management?</p>	<p>No - condition.</p>	<p>The proposed advertising signage is standardised corporate signage that reflects the KFC brand. In the proposed location, surrounded by residential dwellings, the business identification signage located on the elevations of the building is considerate to be appropriately setback on the site to ensure that this does not dominate the streetscape.</p> <p>The proposed pylon signage however is not supported at 8.5m high and the 2m high garden banner signage is also not supported in its current form or location as mentioned within this report.</p> <p>Conditions are recommended to mitigate the impacts of multiple signs and the overall height of the pylon sign which also remains consistent with the Heritage Report and Social Impact Assessment prepared to</p>

		<p>support the proposed development.</p> <p>Overall, it is considered that the proposed development will remain 'recognisable' to the general public and the number of advertising signs proposed by the applicant can be reduced.</p>
<b>5 Site and building</b>		
<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?                  Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>No - condition.</p>	<p>The proposed signage is not considered to be compatible with the scale, proportion or characteristics of the site owing to the location and surrounding existing single storey dwellings. The signage is proposed to align with the corporate nature of the development and to ensure it is visible to passing traffic in Horatio Street.</p> <p>At a height of 8.5m however, this will result in the pylon sign being visually dominant in this location and is not sympathetic to the established residential character of the area.</p> <p>A condition is recommended to reduce the height of the pylon sign to 7m.</p>
<b>6 Associated devices and logos with advertisements and advertising structures</b>		
<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>Illumination proposed – condition.</p>	<p>The proposed signage is to include fixed illuminated logos and advertising with a lighting assessment provided in support of the application stating that the 'maximum outputs of the signage are within tolerances noted in Tables 3.3 and 3.5 of AS4282-2019'.</p> <p>However, the report also includes recommendations that 'dimmable drivers' be installed to add greater onsite flexibility and in order to reduce the effects of 'over-illumination', that the signs outputs be independently dimmed to a level that is customised to the site.</p> <p>A condition is recommended to mitigate the impacts of illumination in this location including 'dimmable drivers' and also to mitigate any potential light spill to residential areas during operations.</p>
<b>7 Illumination</b>		
<p>Would illumination result in</p>	<p>No -</p>	<p>Whilst there has been no overall</p>

<p>unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Recommended conditions of consent require the signs to comply with relevant Australian Standards.</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p> <p>Is the illumination subject to a curfew?</p>	<p>condition.</p>	<p>assessment provided on potential glare impacts as a result of the development, a specific lighting assessment for the signage has concluded that the illumination of the signage maximum outputs are within tolerances noted in tables 3.3 and 3.5 of AS4282-2019 and dimmable drivers are recommended for this site.</p> <p>In comparing the existing Mudgee KFC site approvals that do not appear to require dimmable drivers be installed for the illuminated signage (see night time photo below), it is considered that this recommendation will achieve an improved outcome for the Horatio Street site and reduce potential light spill impacts to surrounding properties.</p>  <p>Conditions are recommended accordingly to ensure dimmable drivers are installed, compliance with the Australian Standard is achieved and also requiring all illumination be turned off at the time of store closure (10pm).</p>
<p><b>8 Safety</b></p>		
<p>Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas? Would the proposal reduce safety for any public road?</p>	<p>No - condition.</p>	<p>The proposed signage is not generally considered to impact on the safety of pedestrians or obscure sightlines however, the banner signage within the garden area in the front setback is considered to cause visual clutter of advertising signage and may impact on road safety, and therefore the banner signage is not supported in this location.</p>

		A condition is recommended to remove the banner signs from the frontage of the site.
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STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The proposal does not involve a Residential Apartment Development nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

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

STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS—REGIONAL) 2021

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Pursuant to section 4.6(2) of the Policy, no preliminary contamination report is required, and has therefore not been provided for assessment as the land concerned is not captured by subclause (4) of the SEPP. A site inspection and a search of Council's records did not reveal any potentially historic contaminating activities upon the site, with the current use being for residential accommodation. The change of use relates to a commercial purpose and therefore it is not considered that any further assessment in accordance with the contaminated land planning guidelines is necessary.

STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021

The proposed development is not impacted by any requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

**Essential Energy**

Pursuant to Section 2.48, the development will have an impact on electricity power lines and a new substation is proposed within the front setback of the site, adjacent to the entry point to the development.

A referral to Essential Energy was therefore undertaken and the following comments provided are to be included within any notice of determination issued:

1. *The Plans provided indicate an "electrical substation" at the front of the property:*

- a) *Minimum separation / clearances and segregation for fire risk from the proposed substation to any building, fence, planting, landscaping, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management*

*of Activities within Electricity Easements and Close to Infrastructure.*

*b) Design, construction and installation of the proposed substation must meet the requirements of Essential Energy's Contestable Work process. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au).*

- 2. Any proposed driveway access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.*
- 3. Prior to any demolition works commencing, any service line/s to the properties must be disconnected. The Applicant will also need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with industry standards.*

Notwithstanding the above comments, there is concern raised by staff in relation to a substation being placed within the front setback of the site and the inability to provide suitable screening measures to Horatio Street, noting the abovementioned clearance distances required by Essential Energy.

Council has no policy requirements in relation to substations being located within the front setback of new development and therefore it is deemed generally acceptable in the circumstances of the case as there are limited other siting options that will not impact on parking or traffic movements through the site.

### **Transport for NSW**

Pursuant to Section 2.119 of the SEPP (Transport and Infrastructure), the development is proposed with frontage (and direct access) to a classified road network known as Horatio Street (HW18). Further, the development is identified as a traffic generating development pursuant to Section 2.122 and Schedule 3 of the SEPP (Transport and Infrastructure).

The development application was referred to TfNSW in accordance with the SEPP. Deficiencies were identified in the documentation provided for assessment along with concerns raised in relation to the impact of the development on the classified road network of Horatio Street relating to queuing of vehicles, impacts to existing on-street parking and access to existing residential driveways in this location.

After a significant number of further information requests and issues identified with the submitted traffic assessment provided, a final response was received based on the updated traffic surveys and additional information as requested by Council and TfNSW.

The response from TfNSW dated 21 March 2023 provided no objection to the proposal, with the previous concerns having been addressed by the applicant, subject to the following recommended conditions:

- 1. A channelised right turn lane (CHR) on the eastbound approach of Horatio Street generally in accordance with drawing titled Intersection Design Plan, numbered C3.00 Issue A, prepared by Triaxial Consulting (dated 30 August 2021) is to be constructed to TfNSW satisfaction and completed prior to the commencement of any construction works.*
- 2. As road works are required on Horatio Street, road works will subject to the developer entering into the Works Authorisation Deed with TfNSW prior to the commencement of any construction. TfNSW will exercise the function of the road authority under Section 64 of the Roads Act 1993, in addition to its concurrence with respect to a classified road.*



*Comment: It is requested that Council advise the developer that the Conditions of Consent do not guarantee TfNSW's final consent to the specific road work, traffic control facilities and other structures or works, for which it is responsible, on the road network. TfNSW must provide a final consent for each specific change to the classified (State) road network prior to the commencement of any work.*

*The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the TfNSW.*

3. *All road works under the WAD shall be completed prior to commencement of any construction works associated with the approved development.*
4. *All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW or Council, and to Council's requirements.*
5. *The access driveway and layback are to be constructed in accordance with Mid-Western Regional Council Engineering standards, match existing road levels and must not adversely interfere with existing road drainage.*
6. *A 'No Stopping' zone must be provided to east of the egress driveway on the southern side of Horatio Street to maximise sight distance for vehicles exiting the subject site with approval to be sought from the Local Traffic Committee prior to issue of any Occupation Certificate (interim or final).*
7. *Two (2) waiting bays must be appropriately signposted / line marked to Council's satisfaction.*
8. *Deliveries must occur outside the typical peak periods of midday to 1pm and 5pm to 7pm daily.*
9. *Prior to the commencement of construction work impacting traffic on Horatio Street (HW18), the proponent is to contact the TfNSW Road Access Unit at [road.access@transport.nsw.gov.au](mailto:road.access@transport.nsw.gov.au) to determine if a Road Occupancy Licence (ROL) is required. In the event an ROL is required, the proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. See TfNSW website for further information: <https://roads-waterways.transport.nsw.gov.au/business-industry/road-occupancy-licence/index.html>.*
10. *Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances. This must include relevant incident management strategies for transportation on public roads.*

The final response from TfNSW has been reviewed by Council's technical engineering staff and recommended conditions of consent have been provided to ensure the proposed development does not have a significant adverse impact on the road network or adjoining properties. This will include the requirement for a Plan of Management to be prepared to manage traffic onsite, when required.

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

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

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#### **Clause 1.2 Aims of Plan**

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

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### Clause 1.4 Definitions

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

**food and drink premises** - means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or café
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

*Note: Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.*

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### Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned SP3 Tourist and is therefore subject to the Plan.

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### Clause 2.3 Zone objectives and Land Use table

The land is zoned SP3 Tourist pursuant to MWRLEP 2012. The proposal, being a food and drink premises is permissible with consent in the zone and complies with the relevant objective of the SP3 Zone which is to:

- provide for a variety of tourist-oriented development and related uses.

The proposal seeks to provide onsite and takeaway food and drink options for the Region which is generally consistent with the SP3 zone objective.

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### Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of a dwelling, associated outbuildings and vegetation located over the site. Conditions are able to be provided to address this requirement.

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### Clause 4.3 Height of buildings

The subject site is not mapped for a maximum height limit however, land to the north and south are mapped with a maximum height limit of 8.5m.

Notwithstanding, the impacts associated with the overall height of the proposed development (6m for the building) on surrounding single storey dwellings has been assessed on its merits in the context of the Heritage Conservation Area of Mudgee and adjacent heritage listed item with no significant adverse impacts expected owing to the large setbacks provided.

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### Clause 5.4 Controls relating to miscellaneous permissible uses

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

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### Clause 5.10 Heritage Conservation

The proposal includes works involving a site within the Heritage Conservation Area and also adjoins a heritage listed item, identified as I81 (house) under the LEP, consideration must be given to the relevant heritage significance in accordance with Clause 5.10(4).

The provision of Clause 5.10(4) states:

**(4) Effect of proposed development on heritage significance.** *The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether*

*a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).*

The applicant has submitted a Heritage Assessment Report prepared by Heritage 21 which states the following conclusions and recommendations within section 7 of the report:

### **7.1 Impact Summary**

The NSW Office of Environment & Heritage's guidelines require the following aspects of the proposal to be summarised.<sup>10</sup>

#### **7.1.1 Aspects of the proposal which respect or enhance heritage significance**

In our view, the following aspects of the proposal would respect the heritage significance of the subject site, the Mudgee heritage conservation area and heritage item in the vicinity:

- The proposed setback of the development would be consistent with the setback of adjacent properties;
- It would not alter the historic subdivision pattern in the Mudgee locality;
- The proposal would have minimal impact on primary views to and from heritage items in its vicinity;
- The proposal would not result in the demolition of heritage significant fabric;
- The proposed colour scheme identified would result in a neutral heritage impact on the Mudgee HCA and heritage item in the vicinity;
- The design, bulk and form of the proposed commercial structure would not dominate the local streetscape and would be considered sympathetic within the context of the Mudgee HCA, nearby heritage items as well as the Horatio Street streetscape;
- Landscaping – including tall plantings – at the rear boundary of the site would reduce the potential visual impact of the proposed development on view lines to and from the heritage item at the rear of the site as well as from within the Mudgee HCA; and
- The proposal would attract the community to the area and would therefore facilitate the ongoing community engagement with the Mudgee HCA and nearby heritage items.

#### **7.1.2 Aspects of the proposal which could have detrimental impact on heritage significance**

Additionally, recommendations are provided below as supplementary mitigation measures to further limit heritage impact.

From a heritage perspective, the visual impact of the proposed 'KFC pylon sign' may result in a negative heritage impact on the Mudgee HCA and surrounding heritage items. Heritage 21 recommends that the proposed 'KFC Pylon Sign' at the front of the site should be reduced in height. This would reduce the visual impact of the proposed development on the Mudgee HCA and nearby heritage items.

### 7.1.3 Sympathetic alternative solutions which have been considered and discounted

Heritage 21 provided heritage advice to the applicant which has been incorporated in the final proposal as described in Section 5.0 and which includes:

- The use of sympathetic colours and materials would reduce potential visual impacts on the Mudgee HCA and nearby heritage items as part of the proposed works. It would also ensure that the proposal remains sympathetic to the established character of the HCA;
- The design, shape and bulk of the proposed works should be modified so that it would not result in a proposal that would be considered visually obtrusive within the Horatio Street Streetscape and Mudgee HCA;
- The proposed landscaping should be modified so that it provides a buffer between the subject site and nearby heritage items. This would reduce potential visual impacts as a result of the proposed works.

Heritage 21 provided heritage advice to the applicant which has not been incorporated in the final proposal as described in Section 5.0. This regarded:

- Heritage 21 recommends that the proposed 'KFC Pylon Sign' at the front of the site should be reduced in height. would reduce the visual impact of the proposed development on the Mudgee HCA and nearby heritage items. This was dismissed due to the desire to provide adequate signage for the commercial development; and
- An alternate pitched roof form that is sympathetic with nearby structures would reduce the obtrusiveness of the proposed development and would lessen the impact on the Mudgee HCA and nearby heritage items. This was dismissed due to a desire to ensure the commercial development adopts the designs used for KFC commercial developments.

### 7.2 General Conclusion

Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would engender minimal impact on the heritage significance of the subject site, the Mudgee heritage conservation area and the heritage item in the vicinity. We therefore recommend that Mid-Western Regional Council view the application favourably on heritage grounds.

The development application was also referred to Council's Heritage Advisor with the following comments noted:

*The proposal is for demolition of a brick house with a flat roof dating probably from the 1970s and construction of a fast food outlet with parking and landscaping. The site lies within the Mudgee Heritage Conservation Area and abuts the rear boundary of a locally listed item at 6-8 Inglis Street. The application includes a professionally written Statement of Heritage Impact.*

*The existing house on the site is a reasonable example of its style, but again it does not contribute to the significance of the conservation area. Hence there is no objection on heritage grounds to its demolition. The heritage issue is whether the proposed new development will detract from the heritage significance of the area.*

*The conservation area comprises a commercial part, effectively the Mudgee CBD, and a residential part. The existing buildings in the vicinity of the subject site are houses, (but the zoning is SP3, Tourist.) The house to the east of the subject site is on the eastern boundary of the conservation area and is arguably contributory, but sites to the north and west are vacant or occupied by houses that would be classed as neutral. This part of the conservation area does not generally contribute to its overall heritage significance.*

*The proposed building clearly reads as a branded fast food outlet. The design makes some concessions to the setting, being set back in the middle of the site with some recessive colours and materials, as well as the bright red and white, and rather simple landscaping to screen it from its neighbours and soften the visual impact slightly. But it will necessarily be rather more noticeable in the streetscape than the house it will replace.*

*Consequently, it must be said that it will have an adverse heritage impact; but given the limited heritage value of the immediate precinct, that impact will be minor. There is no objection to the proposal on heritage grounds.*

In consideration of the report provided by Heritage 21 and the referral response of Council's Heritage Advisor, it is considered that in general, the proposed development will not have a detrimental impact on the heritage conservation area or the heritage listed item however, Council staff are supportive of the recommendation to reduce the overall height of the proposed pylon advertising sign within the front setback as recommended by the report.

The rationale that is provided within the report for why changes were not made to the signage plans being '*due to the desire to provide adequate signage for the commercial development*' is not supported by staff on the basis that there is significant signage proposed on the walls of the building that will clearly identify the KFC brand to passing trade. The pylon signage will also remain clearly visible to Horatio Street traffic with a reduced height.

Staff recommend that the pylon sign be reduced from 8.5m to 7m, given the proposed height of the building at 6.0m and all surrounding buildings are single storey. This will reduce the dominance of the proposed pylon signage in the heritage conservation area and also reduce the visual impact on adjoining land.

Further to the above, the limitation to 7m for the pylon sign is consistent with the already approved KFC sign located in Church Street (per DA0177/2014) and the McDonalds pylon signage (per DA133/94).

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### **Clause 5.21 Flood planning**

Council's mapping system indicates the site is affected by flooding during the 1% AEP flood event. Accordingly, the development is required to satisfy the provisions of clause 5.21(2) and (3) of the LEP 2012.

The Mudgee Flood Risk Precinct mapping shows the site as being impacted by both medium and high flood risk. The Mudgee Flood Study 2021 also shows the majority of Lot 3 being affected by overland flooding as well as the southern portion of Lot 2. See excerpts from Council's Mapping below.



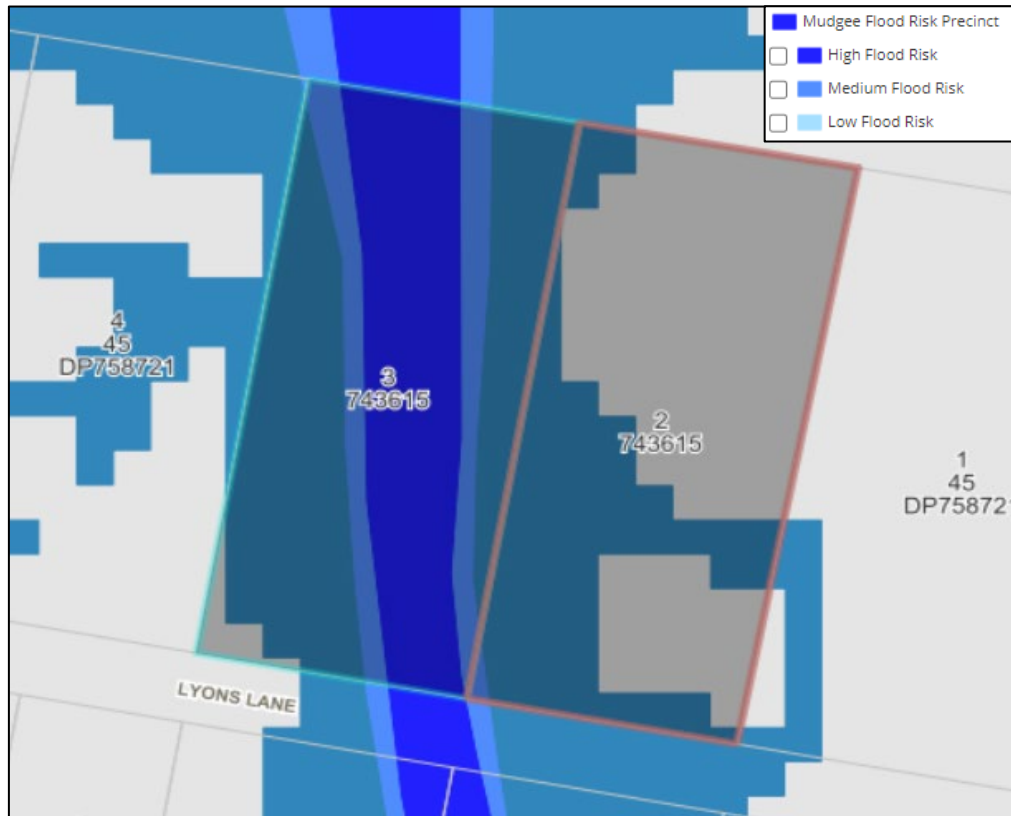


Figure 5: Flood Mapping of the Site (Mudgee Flood Risk Precinct Mapping)

The area of medium and high flood risk reflects the area of open channel currently contained within Lot 3 and is considered to accurately reflect the nature of the concentrated flow within this channel.

Clause 5.21(2) requires Council to be satisfied the development:

- (a) *is compatible with the flood function and behaviour on the land, and*
- (b) *will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) *incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) *will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Further, Clause 5.21(3) requires Council to consider the following matters:

- (a) *the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) *the intended design and scale of buildings resulting from the development,*
- (c) *whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) *the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The proposal is for a commercial land use, with the majority of the main building being located within the 'medium and low risk' flood precinct of the site. The development seeks to include suitable construction measures to capture and manage the flow of water through the site (under the carpark) in the same location as currently managed, whilst mitigating impacts of flows onto



adjoining land. As a result, there are no specific matters within Clause 5.21 of the LEP 2012 that would preclude the development from proceeding, subject to conditions.

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### **Clause 6.3 Earthworks**

The proposal involves extensive earthworks to prepare the site for the development. The provisions under Clause 6.3(3) are provided below:

- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*
- a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development;*
  - b) the effect of the development on the likely future use or redevelopment of the land;*
  - c) the quality of the fill or the soil to be excavated, or both;*
  - d) the effect of the development on the existing and likely amenity of adjoining properties;*
  - e) the source of any fill material and the destination of any excavated material;*
  - f) the likelihood of disturbing relics;*
  - g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area; and*
  - h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed development is considered to disrupt (during works) existing drainage patterns in the locality however, once works are completed, the proposal seeks to manage storm and flood waters via controlled engineering design methods. The flood modelling report states that there will be no increased impact to properties as a result of the proposed development.

Further, conditions are recommended to be imposed to manage fill material and potential for unknown relics being uncovered onsite.

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### **Clause 6.4 Groundwater vulnerability**

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

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### **Clause 6.5 Terrestrial biodiversity**

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

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### **Clause 6.7 Active street frontages**

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

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### **Clause 6.8 Airspace operations – Mudgee Airport**

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

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### Clause 6.9 Essential Services

In accordance with clause 6.9 the following essential services that are relevant to the proposal have been considered:

- a) *The supply of water* – reticulated town water supply and a hydrant is located within the frontage of the site (Horatio Street). Appropriate hydrant coverage will be required to service the development and will need to be designed accordingly to achieve compliance for the building class.
- b) *The supply of electricity* - electricity is located within Horatio Street however, the site will require upgrades (including a substation) which has been delineated on plan. Council is not supportive of the proposed location of the substation however, Essential Energy has provided comments in relation to minimum clearance distance around the substation structure. This will limit options to screen or visually improve a substation to better present to the streetscape and there are very limited options to relocate onsite without impacting on parking or onsite vehicle movements. This is deemed acceptable in the circumstances of the case.
- c) *The disposal and management of sewage* - sewer is located within Horatio Street and also runs along the western boundary of the site.
- d) *Stormwater drainage or on-site conservation* - The plans provided show a conceptual drainage plan and the proposed use of a concrete culvert to replace the existing open channel to convey stormwater and overland flood flows which is considered acceptable. The plans provided also specify the provision of detention storage and rainwater tanks along with upgrades to the rear laneway to manage the overland flows currently occurring. Full detail and calculations justifying the proposed detention storage will be required at CC stage. Conditions have been recommended requiring further details of the proposed detention storage methods as well as further supporting calculations.
- e) *Suitable road access* – As noted in this report, concern was previously raised in relation to access and egress from the site, along with the proposed road upgrades in Horatio Street. This matter is further addressed in this report, with no objection provided by Transport for NSW in March 2023.

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### Clause 6.10 Visually sensitive land near Mudgee

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

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

##### (ii) Draft environmental planning instruments (EPI)

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

##### (iii) Any development control plans

#### MID-WESTERN REGIONAL DCP 2013

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

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### Part 4.4 Signs

As discussed under the provisions of the SEPP for advertising signage, the proposed development includes the following signage:

- 8.5m high illuminated pylon sign in the front setback.
- Banner signage, 2m high x 3.6m long within the front setback.

- Wall signage on the building displaying corporate logos that will also be illuminated.
- Illuminated directional signage.
- Pole supported signage and two (2) digital menu boards within the drive-thru.

In accordance with the provisions of the DCP, the subject site is located within the heritage conservation area (HCA) of Mudgee. The provisions of Part 4.4 for heritage conservation areas require consideration towards the following objectives:

- a) The streetscapes in the business areas of Mudgee, Gulgong, Rylstone and Hargraves are within a heritage conservation and particular attention is paid to the preservation and enhancement of the character and appearance of these areas.*
- b) Corporate identification should be carefully selected and amended where necessary to retain the character of individual buildings and the surrounding locality.*
- c) Generally, signs on individual buildings or within areas of special significance should be discreet and should complement the building or area. An important element of Council's planning policies involves the careful control of all advertisements, and external building colours in the main business areas.*

It is also important to note that the site is located in a commercial zone, being SP3 Tourist and is not zoned Residential. Therefore, the DCP controls for a 'residential area' do not apply to this development.

Based on the plans submitted with the application, the proposal is considered to result in non-compliance with the above DCP 2013 requirements for signage in the Mudgee HCA.

The applicant has submitted plans for signage which is based on the standard corporate requirements of KFC. In the circumstances of the case, and given that McDonalds is located 520m to the west of the site on the corner of Horatio and Church Streets, it is considered that some elements of the signage proposed is able to be supported.

As noted within the assessment under the SEPP for advertising signage, staff do not support the height of the illuminated pylon signage at 8.5m within the front setback or the banner signage, also within the front setback. This is considered to be an excessive amount of signage within the front building line (in addition to the proposed wall signage) that results in visual clutter and does not achieve the objectives of Part 4.4 of the DCP. A reduced height of 7m to the pylon sign is however supported and also aligns with the recommendations of a reduced signage height outlined in the Heritage 21 report and the Social Impact Assessment.

As the proposed building is to be setback 9.7m from Horatio Street and almost 15m from the side boundaries adjoining residential dwellings, it is considered that the primary wall signage will not dominate the streetscape of Horatio Street or significantly impact on surrounding properties. The wall signage proposed on the building is shown below and includes the signage to be illuminated.

Further, an Illumination Report has been provided by the applicant which confirms that with the inclusion of 'dimmable drivers' installed to add greater onsite flexibility and to reduce the effects of 'over-illumination', that the signs outputs be independently dimmed to a level that is customised to the site. A condition is recommended to mitigate the impacts of illumination in this location in accordance with the Illumination Report.

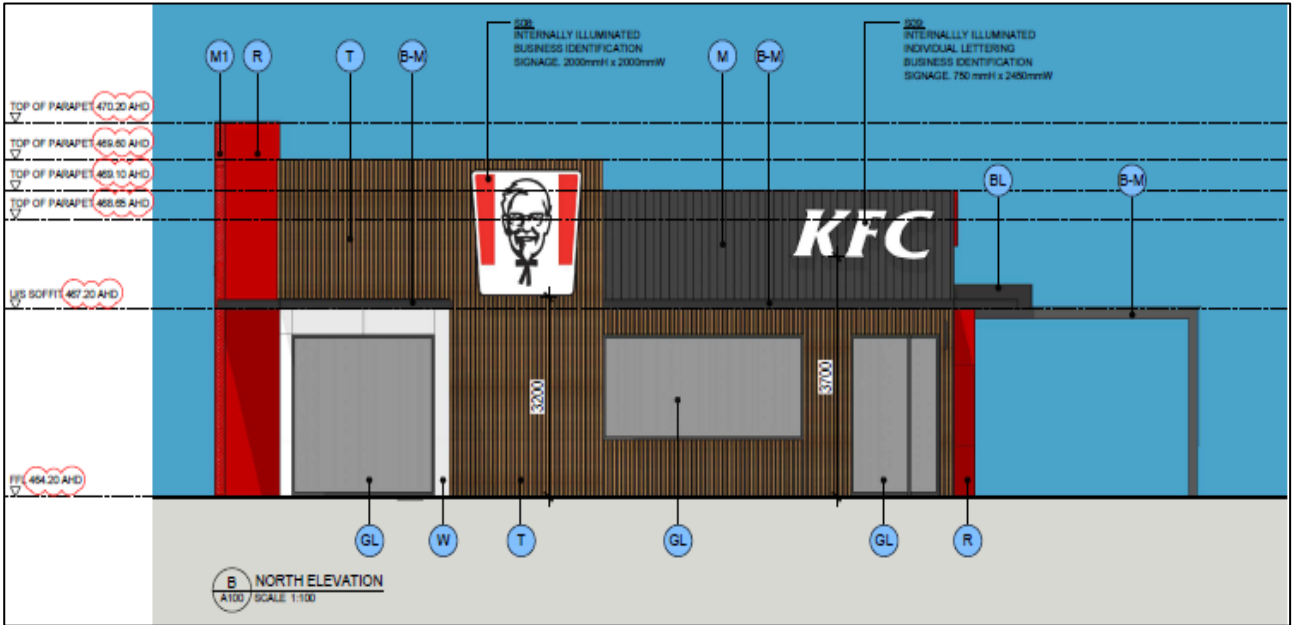


Figure 6: Proposed Northern Elevation (Horatio Street)

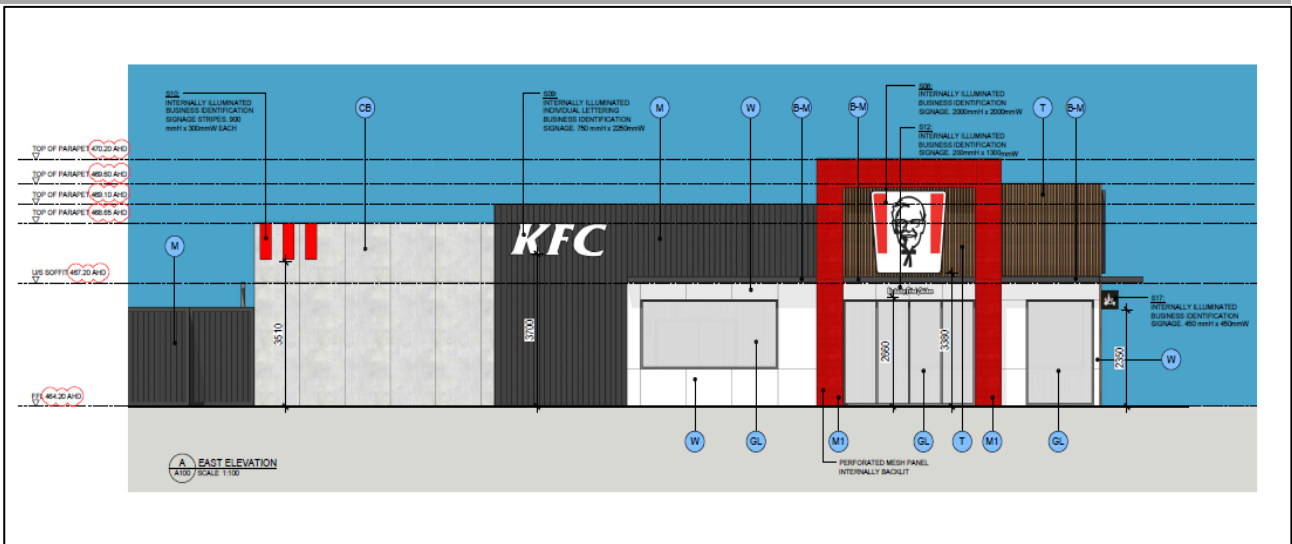


Figure 7: Proposed Eastern Elevation

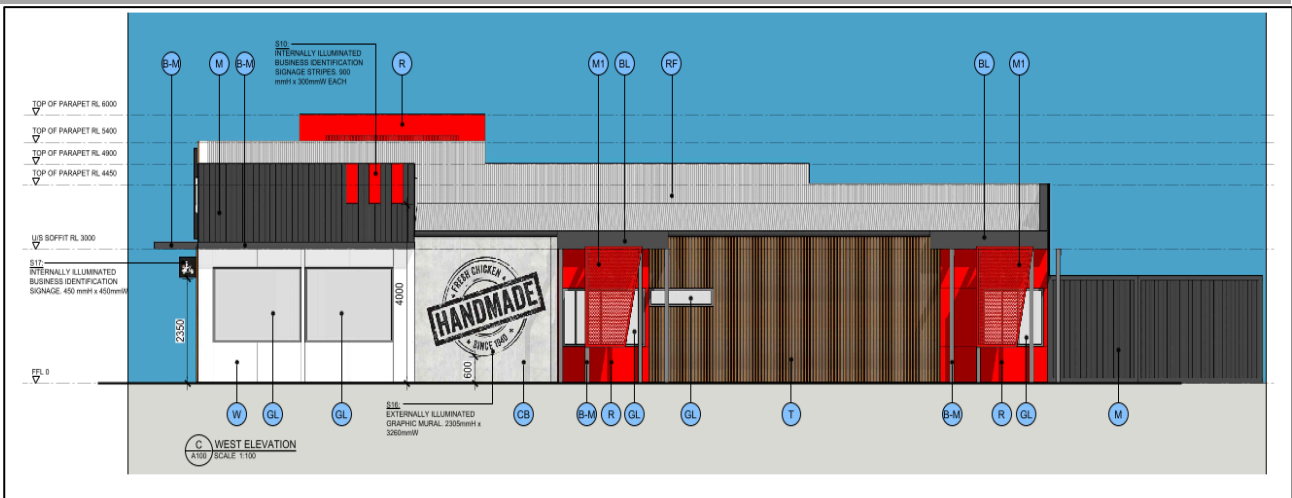


Figure 8: Proposed Western Elevation

**Part 4.5 Commercial Development**

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMPLIES?</b>
<b>Building setbacks</b>	
Building setback from the street – no minimum	Yes – the proposed building is setback 9.7m from Horatio Street.
Side and rear setbacks must comply with BCA	Yes – western setback = approximately 14.8m, eastern setback = approximately 14.32m, rear setback = approximately 15m
<b>Signage</b>	
Signage complies with relevant provisions in section 4.4 DCP 2013	No. Refer to Part 4.4 assessment of report. Conditions recommended.
<b>Design</b>	
Buildings interact with the street	Yes. Various windows and materials incorporated into the northern elevation.
On active street frontages, ground level of building used for business or retail premises	Not applicable
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Yes. Various colours and finishes included on the building façade including ‘clip-on timber look battens’. Corporate colours and the typical KFC design are also included. Whilst the site is located in the Mudgee Heritage Conservation area, the overall finishes proposed have been reviewed by Councils Heritage Advisor and owing to the overall immediately surrounding development that are not considered to be individually contributory to the Mudgee heritage conservation area, there is no objection to the general built form of the development as proposed.
Heritage inclusions	Yes. Heritage impact assessment provided and addressed within section 5.10 of this report against the provisions of the LEP 2012.
External plant to be screened from public	Most external plant are proposed to the rear service area. Condition recommended.
Development on a corner – includes architectural features to address both streets	Not applicable
Landscape buffers to other zones	Landscaping provided which is considered to be appropriate for the site and softens the overall commercial development. Condition imposed to manage the landscaping onsite in perpetuity.
<b>Scale form and height</b>	
Complies with LEP height controls – 8.5m maximum height	The site is not mapped with a maximum building height and therefore a merits-based assessment is required. The proposed building height of 6m is considered suitable owing to the increased front, side and rear setbacks, however the pylon sign is required to be reduced from 8.5m to 7m in

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	accordance with Part 4.4 of the DCP.  Whilst the development is not considered to be consistent with the existing heritage character of the Mudgee Heritage Conservation area, the development has been reviewed by Council's Heritage Advisor and as noted within the above assessment under Clause 5.10 of the LEP, there is considered to be limited heritage value of the immediate built precinct, and therefore the proposed development will have a minor impact in this location. There is no objection to the proposal on heritage grounds.
<b>Mortimer and Church Street, Mudgee</b>	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not applicable
Provides variance particularly on upper floor levels, every 20-25m	Not applicable
<b>Articulation and Façade Composition</b>	
Breaks visual bulk with fenestration or change in materials etc.	Yes. Varying materials and colours provided.
No excessive blank walls in front façade	Yes. Visual bulk is reduced with the inclusion of various colours and materials.
Where blank walls are proposed (side or rear), minimise impacts with landscaping, patterning of façade, signage, public art	Yes. Minimal blank walls are proposed to side or rear boundaries and additional landscaping and large setbacks provided as part of the proposal minimise impacts in this regard.
<b>Residential–Commercial interface</b>	
Landscape buffer to residential boundaries	Yes. Landscaping of boundaries provided to all boundaries.
Ground and first floor do not overlook residential properties	Not applicable – development is single storey.
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	The proposed development includes landscaping of the site along with boundary fencing however, there is no clarity shown on the plans in relation to the type of fencing proposed along the boundaries to the east, south and west.  The Acoustic Assessment submitted with the application states that all noise modelling undertaken included a 2.0m high fence with the sound transmission loss for the barrier based on material with a minimum surface density of 15kg/m <sup>2</sup> ( <i>for example a fence constructed of lapped and</i>



**DEVELOPMENT CONTROL REQUIREMENT**

**COMPLIES?**

	<p><u>capped timber (12.5mm paling thickness, 25% overlap each side) or masonry (single 110mm brick)</u>). This report was then recently amended to include a maximum 300mm gap at the rear fence / boundary to accommodate overland flooding and resulted in the internal drive-through bund wall being increased to 300mm.</p> <p>The acoustic report also noted that the boundary fencing will not provide relief to residential dwellings surrounding the site during waste collection due to the overall height of a truck required to access the site however, the report proceeds to note that the collection of wastes will only occur between <u>8am and 10am weekdays</u> and would take 2 – 3 minutes to complete. The report does not however include any noise modelling or details in relation to site deliveries of fresh or frozen goods.</p> <p>The initial traffic report prepared by Triaxial Consulting submitted with the application states that deliveries will be required by various suppliers utilising a MR (12.5m) truck and LR (4.2m) truck on most days (excluding Sundays). A condition is recommended to address this oversight in the acoustic report and ensure early morning and late night (prior to 7am) do not occur and impact on residential receivers.</p> <p>As a result of the noise assessment findings including adoption of the above fencing and bund wall, along with restriction to the hours of operation/deliveries being used as the primary noise control measures, the development will achieve compliance with the assessed noise criteria to ensure there are no impacts on adjoining residential receivers. A condition is imposed in this regard.</p>
<p>Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided</p>	<p>Yes. Sufficient separation is provided to the adjacent residents with landscaping treatments throughout.</p>
<p>Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice</p>	<p>Yes. Owing to the significant setbacks to the side and rear boundaries, the development does not reduce sunlight to less than 3 hours between 9am and 3pm on adjoining residential properties.</p>
<p><b>Utilities and Services</b></p>	
<p>Building and structures located clear of infrastructure</p>	<p>Yes. Compliance is achieved.</p> <p>It should be noted however that the proposed dual driveways will impact on the avenue of Council street tree assets in this location and complete removal of the street trees was not supported by Councils Recreational Services Department.</p>

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	The applicant subsequently amended the proposed landscape plan to include replacement street tree plantings away from the driveways which is generally supported by planning staff to facilitate safe vehicle access and egress. It is recommended that the plants be of a mature size (200L bags) and tree barriers also be placed by the developer for protection. A condition is imposed accordingly.
Able to be serviced by water, sewer and waste disposal	Yes. Compliance is able to be achieved.
Trade waste application required?	Yes. Condition imposed.
<b>Traffic and Access</b>	
All vehicles must be able to enter and exit the site in a forward direction	Yes. Noting that dual driveways are proposed.
All vehicle movement paths are sealed	Yes. Shown on plan and conditioned.
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Yes. Condition imposed.
All loading facilities located within the site	Yes. A loading and service area is also shown on the south eastern side of the building.
All loading facilities designed to comply with Australian Standards	Yes. A condition will also be required to ensure compliance is achieved.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	Yes. The application was supported by a revised Traffic Impact Assessment and this has been referred to Transport for NSW and Council's Development Engineers. Upon additional traffic surveys and updated report being provided by the applicant, no objection to the proposal has been provide by TfNSW and Council's Development Engineers.
<b>Pedestrian Access</b>	
Maintain existing covered pedestrian access within town centres	Not applicable
Convenient and safe access through parking areas	Yes. Internal footpath connections provided onsite.
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Yes. Links to other sites not altered by the proposal.
<b>Parking</b>	
Discussed elsewhere in report	Yes. Parking numbers achieve compliance.
<b>Landscaping</b>	
Landscaped areas in car parks should be provided incorporating	No. The landscape plan provided to support the application does not propose any canopy trees within the parking

**DEVELOPMENT CONTROL REQUIREMENT**

**COMPLIES?**

the use of canopy trees and buffer planting to residential boundaries

areas. Landscaping treatment is limited to groundcovers, hedges and border plantings throughout, including along the boundaries, with accent plantings also proposed adjacent to the building. The landscape plan was however amended during assessment to denote 3 replacement street trees to replace those street trees that are required to be removed to facilitate the dual driveways proposed. The proposed landscaping plan is generally supported.

Landscaping to comprise low maintenance, drought and frost resistant species

The landscape plan includes grevilleas, purple flax, murrayas, and liriopie along with birds of paradise accent plantings. Whilst the overall location of landscaping treatment is supported, conditions are recommended to ensure the species are modified to include hardy, low maintenance, drought and frost resistant species that will survive in this location.

**Part 4.7 Tree Preservation Order**

There are no trees listed within Part 4.7 located on the site that have been identified as a significant tree that requires preservation.

**Part 5.1 Car Parking**

In accordance with the DCP, the following parking calculations are provided for the development:

DCP Requirement	Comments	Compliance achieved
Restaurants or cafes or Take away food and drink premises require: <i>1 space per 7m<sup>2</sup> gfa or 1 space per 3 seats whichever is the greater (Restaurant).</i>  Drive thru food service requires: <i>10 spaces, either in queue or as normal parking</i>	Gross floor area of the restaurant = 92m <sup>2</sup> 92/7 = 13.1 spaces OR Total seat numbers = 40 seats 40/3 = 13.3 spaces PLUS 10 spaces for Drive – thru facilities Based on the higher value applied on a per seat basis for the restaurant, 13 spaces (rounded to the nearest whole number) achieves compliance with the DCP. Further, an additional 10 spaces have been accommodated onsite to achieve compliance with the DCP for drive through facilities.	Yes. Compliant onsite parking numbers are achieved. A total of 21 parking spaces (reduced by 2 x waiting bays as required by TfNSW requirements), plus at least 10 spaces within the single drive-through (stacked) has been provided. It is noted that any additional queuing in the drive through will have an impact on traffic flow, the service /loading area, parking numbers 1 to 7, along with vehicle movements within Horatio Street. A Plan of Management is recommended to manage traffic onsite by trained staff. A condition is recommended accordingly.

Notwithstanding the above, the proposal results in a variation to the requirements of Part 5.1 relating to landscaping of the parking area to include shading at the rate of 1 shade tree per 6 car parks and also the requirement to retain existing trees on the site where possible. No trees are proposed to be retained on the site and no shade trees are proposed within the car parking areas of the site. This is considered generally acceptable owing to the parking layout and landscaping buffer of the entire boundary.

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### Part 5.2 Flooding

As noted within the assessment comments under Clause 5.21 of the LEP 2012, part of the site is identified as medium and high flood risk and impacted by overland flows associated with the 1 in 100 year event.

Council's DCP 2013 Section 5.2 Flooding however, notes the following with respect to the mapped flood risk precincts:

<b>Flood Risk Precincts</b>	<p>Each of the floodplains within the local government area which have been subject to flood investigations have been divided based on different levels of potential flood hazard. The relevant Flood Risk Precincts (FRP's) are outlined below.</p> <ul style="list-style-type: none"><li>• <b>High Flood Risk</b> Land that is below the 100 year ARI flood that is subject to high hydraulic hazard (ie provisional high hazard in accordance with the Floodplain Management Manual) or areas that are isolated in a 100 year ARI flood due to evacuation difficulties.</li><li>• <b>Medium Flood Risk</b> Land below the 100 year ARI flood level that is not subject to high hydraulic hazard and where there are no significant evacuation difficulties.</li><li>• <b>Low Flood Risk</b> All other land within the floodplain (i.e. within the PMF extent) but not identified as either in a high flood risk or medium flood risk precinct.</li></ul>
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Figure 9: DCP 2013 Flood Risk Precincts Excerpt

Appendix A - Matrix 1 Urban Floodplains contained within Council's DCP states that Commercial Development is an **unsuitable land use within areas nominated as high flood risk** (see below).



The proposed development has been amended to ensure compliance with Council's DCP requirements with respect to finished floor levels, material selection and storage of hazardous materials. The development has also been amended to allow the passage of flood waters through the site and around the proposed building as a result of the flood study undertaken.

The existing open channel on-site is proposed to be replaced with twin 1.5m x 0.6m reinforced concrete box culvert units. Provision for overland flow through the site has been made through the grading and shaping of the car park and driveway areas, the use of taller (200mm) kerb edging to ensure flows are not dispersed onto adjoining sites and the use of a 300mm opening to the base of the fence at the rear (southern) boundary of the site.

Whilst it is noted that Council's DCP 2013 does not support the proposed commercial development in the high hazard flood risk area of the site, the applicant has completed a merits-based assessment of the proposal based upon the results of the flood study and recommends support of the application.

The applicants consultant within the Flood Modelling Report dated 6 July 2023, concludes the following:

*After review of the model results and mapping output, we confirm that the extension of the existing culvert to the Southern boundary of the site will have minimal impact on the site flooding. Any potential effects can be offset by managing the site levels and inclusion of an underground OSD tank.*

*Although the site is listed as "high risk" and contains a concrete lined channel conveying the 1% flow through the site, the inclusion of a new underground box culvert and careful management of the site finished levels as shown on Triaxial engineering plans will ensure that the criteria listed in the Mid-Western Regional Council Urban Floodplain Planning and Development Control Matrix will be complied with.*

The application is reported to Council for its determination, noting neither the original flood mapping or Council's DCP 2013 have been altered at this time - the development remains an unsuitable land use under the high flood risk precinct of the DCP 2013. The development however seeks to increase the finished floor level of the building and ensure compliance is achieved with the medium flood risk precinct requirements of the DCP.

Should Council be of a mind to accept the applicants' arguments outlined in the Flood Modelling Report dated 6 July 2023, recommended conditions have been included by the Development Engineering Department for Council's consideration which is supported by staff.

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### **Part 5.3 Stormwater Management**

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

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### **Part 5.4 Environmental Controls**

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

### **Contributions**

#### **MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019**

Pursuant to Council's Contributions Plan 2019, the development is proposing a commercial development that has a proposed cost greater than \$200,000. Therefore, a levy of 1% applies in accordance with the Plan.



The contribution payable has been calculated based on the submitted application costing being \$1,800,000.00 x 1% = \$18,000. A condition has been applied accordingly.

### Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges based on an ET of 0.8 for a commercial restaurant. A condition has been imposed accordingly for payment of the contributions.

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

No Planning Agreements are applicable.

#### **Regulations – 4.15(1)(a)(iv)**

### **ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021**

#### **Additional matters that consent authority must consider:**

The Regulations requires Council to consider AS2601 when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 will be required and included as a condition of consent.

#### **Likely impacts of the development – 4.15(1)(b)<sup>1</sup>**

<sup>1</sup> Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

#### **(A) CONTEXT AND SETTING**

Based on a full merits-based assessment of the proposal as outlined in this report, the proposed food and drink premises is considered to generally be an appropriate development for the subject site, subject to the recommended conditions of consent.

The zoning of the site relates to the provision of a 'variety of tourist related development' and food and drink premises are permitted with consent in the SP3 zone.

The development provides significant setbacks (greater than the DCP 2013 requires) to Horatio Street and all adjoining boundaries in order to reduce its impact and dominance in the streetscape, whilst ensuring there is a suitable access arrangements and traffic flow through the site.

#### **(B) ACCESS, TRANSPORT AND TRAFFIC**

The application proposes dual driveways to service the development, seeks to upgrade Horatio Street to include a centralised right-hand turning lane for eastbound vehicles and also seeks to restrict all right hand turning of vehicles into Horatio Street from the site with the placement of a 'barrier' in the north-western driveway – see Figure 11 below.

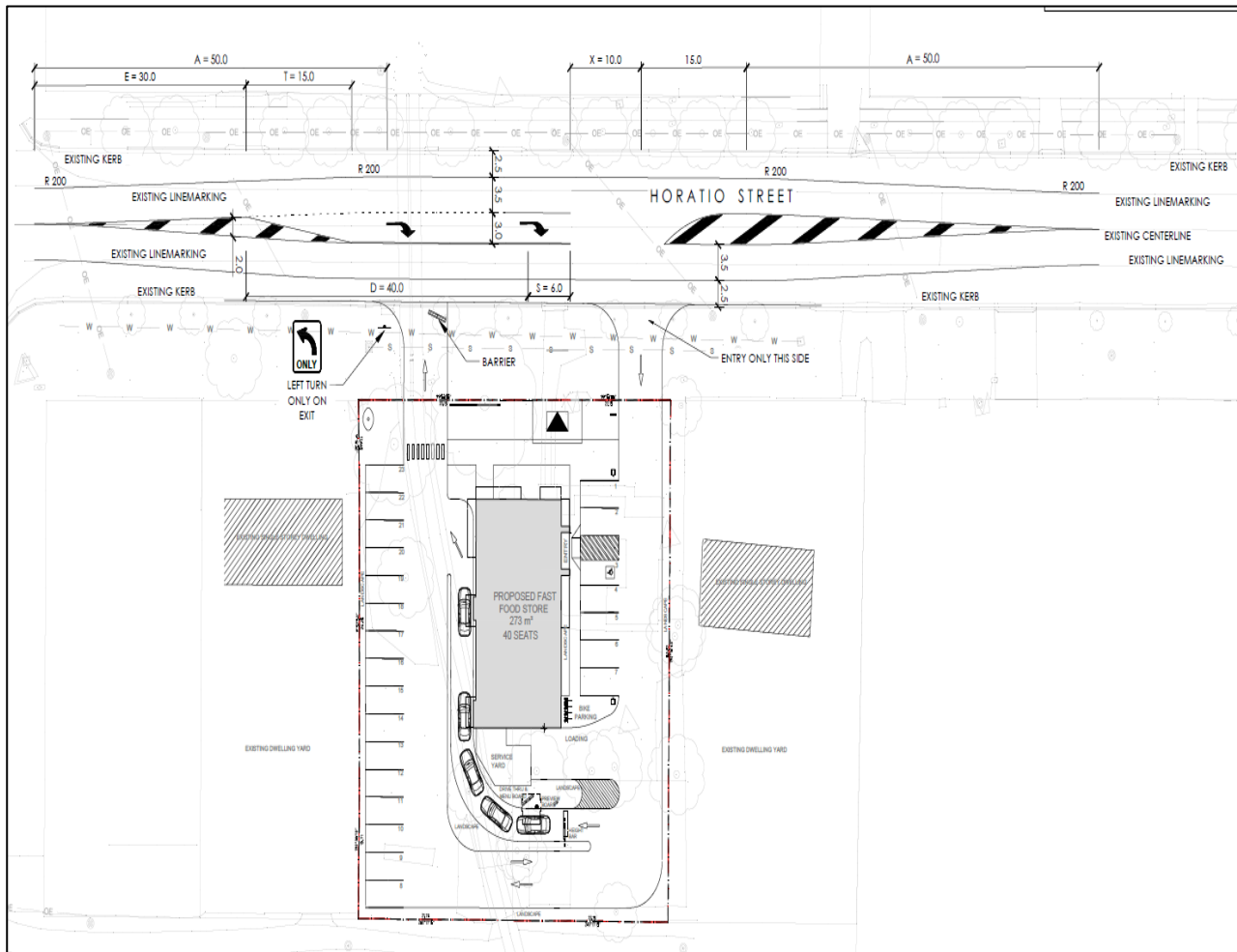


Figure 11: Proposed upgrades to Horatio Street

As the development seeks works within the classified road network, pursuant to Section 138(2) of the Roads Act 1993, concurrence from Transport for NSW (TfNSW) is required in respect to such works within any classified State road network, noting that Council is the consent authority and also the roads authority in this respect.

Final revised traffic assessment and modelling was provided to Council and TfNSW, prepared by McLaren Traffic Engineering. As noted within this report, TfNSW provided no objection and conditions of consent on the 21 March 2023.

Council's Development Engineering Department have also reviewed the revised information supplied, along with the response from TfNSW and advised the following:

*Access to the proposed development site is via two new separate entry and exit driveway crossings off Horatio Street, with exit from the site being left out only. A channelised right turn lane (CHR) intersection treatment within Horatio Street is proposed.*

*As Horatio Street is a State Road, the application was referred to TfNSW for their assessment and concurrence. TfNSW provided their concurrence in a recent letter to Council dated 21<sup>st</sup> March, 2023.*

*The concurrence provided 10 recommended conditions; these matters are all able to be incorporated as conditions of consent. The 10 conditions are summarised below:*

1. Provision of a channelised right turn lane (CHR) on Horatio Street.
2. The developer to enter into a WAD with TfNSW.
3. Completion of all road works prior to commencement of construction on site.

4. *All works at full cost to the developer.*
5. *Access driveways and laybacks to be in accordance with MWRC standards.*
6. *Provision of a "No stopping" zone on the southern side of Horatio Street (approval required from MWRC LTC).*
7. *Provision of two waiting bays to Council's satisfaction.*
8. *Deliveries to occur outside of peak hours.*
9. *The developer is to obtain an ROL prior to commencement of works in Horatio Street.*
10. *Transportation of contaminated fill requirements.*

*The letter also raised 3 additional comments for Council's consideration: impact of construction traffic, impact on existing drainage infrastructure and pedestrian connectivity. Matters 1 and 3 can be addressed via conditions of consent, while matter 2 is discussed in detail under the flooding / stormwater headings below.*

*These matters will be addressed as conditions of consent.*

Subject to compliance with the recommended conditions of consent, there is not considered to be an adverse impact on the road network, with compliant carparking and access able to be provided for the development.

#### **(C) PUBLIC DOMAIN**

The development is not considered to impact the public domain in terms of recreation opportunities, the amount, location, design, use and management of public spaces, or remove pedestrian linkages between public spaces. It should be noted however that the proposed development has been conditioned to include a new pedestrian connection (concrete shared path) within Horatio Street towards the Mudgee CBD being some 98 metres in length. Further, as the development seeks to also provide bike storage racks within the development, encouraging cycling options to the site, a safe pedestrian connection to the site must be provided.

#### **(D) UTILITIES**

All relevant utilities are available or can be made readily available to the site as noted under clause 6.9 of the LEP 2012 noting that suitable road access remains a significant issue for the development.

#### **(E) HERITAGE**

As noted within the above assessment under Clause 5.10 of the LEP 2012, there are no heritage-based grounds of objection to the proposed development.

#### **(F) OTHER LAND RESOURCES**

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

#### **(G) WATER**

No significant impact expected to town water supply however, it is noted that stormwater and flooding impacts have been addressed by the Development Engineering Department referral and assessment included earlier within this report.

#### **(H) SOILS**

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

### **(I) AIR AND MICROCLIMATE**

The development is not expected to impact air quality or microclimatic conditions. The development application has been supported by an odour report in response to the air quality concerns raised by the community during public notification. The report noted a number of recommendations which have been endorsed by Council's Environmental Health Officer which included the following:

- The main kitchen exhaust hood (H-01) shall be designed to include an exhaust air emission control system with provision for ozone dosing. The dosing shall be dosed at a location that maximises contact time between the ozone and exhaust airstream (minimum 2 seconds). Details of the design shall be submitted to the Principal Certifier prior to the issue of the Construction Certificate.
- A Certificate of Compliance is to be provided to the Principal Certifier for the mechanical exhaust system to certify that the installation complies with AS1668.1 & AS1668.2 as per the Building Code of Australia Volume 1 Part F4.12.
- If Council receives odour complaints a field-based investigation study shall be completed by a suitably qualified odour control engineer consisting of the components specified on page 22 of the Odour Assessment Report by The Odour Unit dated 19 November 2021.

As such, conditions of consent to manage air quality concerns have been recommended accordingly.

### **(J) FLORA AND FAUNA**

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

### **(K) WASTE**

During demolition and construction, wastes will be required to be managed onsite in accordance with standard conditions of consent. Further, the application proposes a commercial waste collection arrangement to service the site during operations and a Waste Management Plan forms part of the recommended approved documentation.

### **(L) ENERGY**

The application will be subject to Section J requirements in accordance with the BCA.

### **(M) NOISE AND VIBRATION**

An assessment has been conducted to determine the noise impact as a result of the development. The assessment considered the potential for adverse noise impacts as a result of;

- Operation of the drive through (movement of vehicles and the drive through service),
- Car parking,
- Mechanical plant,
- Kitchen vent fans,
- Waste removal, and
- Road traffic associated with the restaurant.

The assessment was based on the following recommendations being in place at the site;

- Boundary fences acting as acoustic barriers to 2.0m high along the eastern, western and southern boundaries,
- The plant area being fitted with acoustic louvres (to achieve the minimum insertion loss as detailed in Table 14 of the report),
- Parapet walls acting as acoustic barriers on the facade of the building (to the heights detailed in Section 5.6 of the report).

Following submission of an amended flood report for the site, the southern fencing is now proposed with a 300mm gap in the bottom to enable the free flow of flood waters. As a result, the internal drive-through will require a 300mm raised bund to be placed next to the queuing area to achieve compliance with the adopted noise criteria.

The report concludes however that with the above recommendations in place, the theoretical noise from each assessed noise source will not exceed the adopted criteria at any receiver.

Notwithstanding this conclusion, it has been predicted that there may be an exceedance of the project noise trigger levels for the site due to the cumulative noise from all noise sources operating at worst case levels. The predicted exceedance would be less than 2dB(A) Leq (15 min) at receivers R1 and R2 (adjoining the site). Such an exceedance is considered negligible as per the discussion in the Noise Policy for Industry Guidelines.

Further, it is noted from the report that there will be a minor noise exceedance during waste collection activities, during a suggested 2-3 minute window between 8am and 10am. As this is during the day time and for a small window, the impact is considered to be negligible.

Whilst the abovementioned noise mitigation measures are supported by staff, the noise report does not include modelling in relation to other or multiple truck deliveries of fresh or frozen goods as outlined within the traffic report provided to support the development. Notwithstanding, it is considered that conditions of consent in relation to times for deliveries to the subject site can be managed via conditions of consent to mitigate potential cumulative traffic related noise impacts to adjoining properties.

#### **(N) NATURAL HAZARDS**

The site is identified as flood prone. This has been discussed elsewhere in the report with conditions recommended.

#### **(O) TECHNOLOGICAL HAZARDS**

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

#### **(P) SAFETY, SECURITY AND CRIME PREVENTION**

The application was supported by a Social Impact Assessment prepared by SLR which aimed to address a number of concerns raised by the community during the public notification period along with an explanation of the proposed adoption of crime prevention through environment design principles.

The assessment considered the social impact of the proposed redevelopment of the site and identified it as acceptable subject to implementation of the following recommendations:

- *The proposed pylon sign at the front of the site be reduced in height (see Section 6.5.2);*
- *A Plan of Management (PoM) be prepared and adopted by way of condition(s) of consent, outlining the management procedures for the premises to ensure impacts of concern are appropriately managed (see **Section 7.2**);*
- *Council and Broadview (the developer) proceed with proactive communication within the local community on the proposed development.*

The assessment notes the following in relation to Crime Prevention measures:

*The proposed development minimises criminal opportunities via appropriate consideration of the principles of CPTED, namely surveillance, natural access control, territorial reinforcement, and space management. These principles translate into design*

*components such as clear sightlines (no opportunities for offenders to hide); clear delineation between public space and back of house areas; use of easy to maintain building elements (communicating an alert and active presence), effective lighting of external areas and designated walking paths across the site, appropriate signage, landscaping treatments and use of security devices such as CCTV cameras. Implementation of the above-mentioned measures into the design of the proposed development aims to create an environment that will dissuade crime and anti-social behaviour.*

*KFC maintains the most current standards of safety and training for staff in relation to safety procedures and protocols. Training materials that form part of all employee on-boarding processes will also be outlined in the Plan of Management developed for the proposal, which every staff member will be required to be familiar with upon employment. Crime Prevention training material includes behavioural systems for employees such as the use of keys and locks on the premises, daily safe checks for financial fraud, and how to lodge security incidents for suspicious activity. Violent Crime and Robbery training material contains procedures for employees handling violent crime situations that may occur on the premises including within the carpark, and potential robbery scenarios. Specific Alarm System training material is also provided with details on how to arm and disarm the alarm, and respond to alarm emergencies.*

*The above-mentioned training materials can be made available for review by Council if requested.*

*In summary, the incorporation of CPTED principles into design components, and the existing standard procedures employed by KFC are anticipated to be sufficient for the operation of the development. The use of the site as a food and drinks premises is unlikely to have any appreciable impact on safety for staff and customers or surrounding residents given the implementation of the Plan of Management.*

It is important to note that the plans do not indicate the locations over the site in which CCTV or security lighting will be introduced or if the locations of such security devices will have an adverse impact on those adjoining residential dwellings. It is generally considered however that the significant side and rear setbacks of the development along with the requirement to install 2m high acoustic fencing will not lend itself to any significant light spill or privacy invasion from the building, subject to the appropriate placement of the security measures on the proposed building. Conditions are therefore recommended to address this concern accordingly.

#### **(Q) SOCIAL IMPACT IN THE LOCALITY**

The proposal was supported by a Social Impact Assessment which included the following potential social impacts:

- land use change and implications to the community's sense of place and property right;
- traffic and parking;
- odour;
- noise;
- visual amenity and lighting;
- waste; and
- anti-social behaviour.

The assessment states that a Plan of Management should be prepared to govern the operation of the premises, along with conditions of consent to address the following:

- Waste management as per the Waste Management Plan (Broadview, 2021);



- Regular maintenance checks of the noise mitigation measures in place as per the Noise Impact Assessment (Spectrum Acoustics, 2021);
- Regular checks of sign output levels as per the Illuminated Signage General Assessment (C-Level Design & Engineering, 2021);
- Daily litter checks of the site, street frontage, and line of sight from the premises as per staff training materials;
- Regular landscaping maintenance and programs to replace dying or deceased plants; and
- Details of, and continued implementation of, standard KFC training for staff in relation to safety procedures and protocols, site maintenance including waste management, and complaints handling.

Such a plan of management is supported by staff and a condition of consent is recommended.

#### **(R) ECONOMIC IMPACT IN THE LOCALITY**

The propose development will attract economic benefit to local contractors and businesses during demolition, construction and operation along with the support of local staff during operations.

#### **(S) SITE DESIGN AND INTERNAL DESIGN**

As discussed throughout this report, initial concerns were raised primarily due to site access and queuing of vehicles into Horatio Street, along with stormwater and flooding of the site.

As these matters have since been resolved in consultation with TfNSW and the Development Engineering Department, there are not considered to be any additional significant concerns in relation to the site or internal design that cannot be managed via conditions of consent.

#### **(T) CONSTRUCTION**

To comply with the BCA where relevant. Limitation to the hours of construction / demolition is also conditioned accordingly.

#### **(U) CUMULATIVE IMPACTS**

The proposed development is not considered to have any significant cumulative impacts on the site, the road network or surrounding land subject to compliance with the recommended conditions of consent.

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

#### **(A) DOES THE PROPOSAL FIT IN THE LOCALITY?**

Whilst there are no hazardous land uses or activities nearby, it is considered that the development has been designed to ensure there is minimal impact on the locality and surrounding land. Further, key areas of concern from Council staff and the community are able to be appropriately conditioned to ensure compliance during operations is managed onsite.

#### **(B) ARE THE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT?**

The site is not subjected to any significant natural hazards, with the exception of flooding as noted within this report. The proposal will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

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

**(A) PUBLIC SUBMISSIONS**

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 1 October 2021. During the notification and advertising period, 44 unique submissions and 28 template submissions were received, a total of 72 submissions by way of objection have been received.

The applicant lodged amended supporting reports during the assessment process to respond to Council and TfNSW further information requests, and in relation to concerns of the community. Such additional information was not considered to alter the development proposal or warrant re-notification of the proposal to the community.

The submissions received by Council raised the following key concerns with comments provided in the table below:

Key Concern Raised:	Comment:
Land use change	<p>As noted within this report, the SP3 Tourist Zone permits a 'food and drink premises' with the consent of Council.</p> <p>The land has been zoned SP3 Tourist since the commencement of the 2012 LEP and there has been no zoning change since gazettal of the LEP in this location. The 'Tourist' zoning is provided as a commercial opportunity zone being on the main thoroughfare of Mudgee where there is significant exposure to passing trade.</p> <p>It is accepted however that the current land use will be altered by the proposal with the demolition of the existing dwelling and outbuildings however, the change in built form, subject to compliance with the conditions of consent, is considered acceptable and complies with the objective of the SP3 Tourist Zone.</p>
Signage	<p>The signage is generally supported, <u>excluding</u> the proposed signage within the front setback in its current form.</p> <p>As noted in this report, the pylon signage is recommended to be reduced from 8.5m to 7m and the 'banner signs' are to be removed to reduce the visual clutter on the classified road network, in the Mudgee Heritage Conservation Area, and also improve road safety in this location.</p> <p>Further, dimmable drivers are recommended to be implemented on the illuminated signage to reduce potential impacts in accordance with the illumination assessment provided.</p>
Traffic and parking impacts to Horatio Street and other collector roads	<p>As noted within this report, the road upgrades to facilitate the proposed development within Horatio Street is generally supported by Transport for NSW and Development Engineering. The final design will be required to be lodged under a Section 138 <i>Roads Act</i> application with final concurrence and 'WAD' approval also required by TfNSW.</p> <p>The proposed onsite parking to support the development exceeds the minimum requirements under Council's DCP 2013 however, to ensure that any potential queuing into Horatio Street as a result of the drive through facility does not occur, a Plan of Management for the site is required. A condition has been recommended accordingly.</p>

<p>Access impacts and on-street parking in front of residential properties</p>	<p>The proposed road upgrades within this location will result in minor impacts to on-street parking in front of the site and adjacent to each driveway point (total of approximately 3 spaces) in order to create the channelised right hand turning lane on the east bound approach. Noting that the works within Horatio Street are subject to a separate approval process under the <i>Roads Act</i> and final concurrence from TfNSW.</p> <p>TfNSW require a 'no stopping' zone to be established on the eastern side of the proposed egress driveway (middle of the site or between the 2 driveways) to ensure there is compliant sight distance achieved when exiting the subject site. This will not however impact on any other properties.</p>
<p>Impacts on cyclists and pedestrians</p>	<p>The proposed development will be required to construct a 2.5m wide shared path from the eastern boundary of the site to the kerb return in Lawson Street (a total distance of approximately 98m) in order to improve pedestrian and cycling connections to Mudgee CBD. A condition is imposed accordingly.</p>
<p>Odours from cooking and fats</p>	<p>The development has been supported by an Odour Assessment which provides recommendations to eliminate odours from cooking and fats. The report has also been reviewed by Council's Environmental Health Officer with the recommendations to manage impacts supported by staff.</p> <p>Conditions have been recommended accordingly.</p>
<p>Noise and late-night trading</p>	<p>An independent Noise Impact Assessment has been provided which has been assessed by Councils Environmental Health Officer as noted within this report. The report provides recommendations to manage impacts associated with the operations over the site and demonstrates compliance is able to be achieved with the noise criteria during evening trade which is proposed to be limited to 10pm, daily.</p> <p>Deliveries and waste collections will be restricted to ensure there is no sleep disturbance in the night time period and conditions have been recommended.</p>
<p>Visual amenity and modification to the streetscape</p>	<p>As a result of the significant street setbacks (exceeding DCP controls) the development is unlikely to have a significant adverse impact on the visual amenity or streetscape in this location. The development is proposing an 8.5m high pylon sign and banner signage within the front setback which is not supported. A reduced overall height of the pylon sign to 7m is considered to be more appropriate and remains consistent with other approved commercial signage in the surrounding area.</p>
<p>Lighting pollution from signage and security lights</p>	<p>As noted within this report, owing to the large setbacks of the building and the supporting illumination assessment, conditions have been recommended to manage potential light spill from the development.</p>
<p>Devaluing properties</p>	<p>The devaluation of properties is not a relevant planning consideration as found within many Land and Environment Court decisions.</p>
<p>Waste management / littering / pest and vermin</p>	<p>A waste management plan has been provided with the application and is considered to be appropriate for all phases of the development however, the onsite management of litter and vermin is recommended to be included within the Plan of Management required to be prepared for the site - A condition has been imposed.</p>
<p>Anti-social behaviour and crime</p>	<p>A social impact assessment has been provided to support the development. Within this report, crime and antisocial behaviour has</p>

	<p>been addressed. The development has been designed with the principles of “Crime prevention through environmental design”, including:</p> <ul style="list-style-type: none"> <li>• Surveillance</li> <li>• Natural access control</li> <li>• Territorial reinforcement</li> <li>• Space management</li> </ul> <p>The development has open sight lines through the design of the building, boundary landscaping treatment, drive through and parking areas. The report also confirms that CCTV will be installed to dissuade crime and anti-social behaviour. Staff training is also mandatory as part of KFC operations.</p> <p>Conditions are recommended to ensure crime management is included within the Plan of Management for the site in order to reduce impacts on staff, customers and surrounding properties.</p>
Stormwater drainage	<p>The development has provided a stormwater drainage concept plan that will be further refined prior to issue of a construction certificate. The plan is generally supported by Councils Engineering Department, subject to conditions recommended and is to ensure that the development does not impact on surrounding properties as result of the proposal proceeding.</p>

The applicant has also responded to the submission concerns, along with undertaking separate community consultation, within the Social Impact Assessment report prepared by SLR Consulting Australia which has been included as **Attachment 2** to this report.

As noted above and as a result of a full merits-based assessment of the proposal, conditions are considered to be able to be imposed for the development in order to address the relevant concerns raised by the community. A redacted copy of all public submissions received by Council during the notification period is included as **Attachment 3** to this report.

**(B) SUBMISSIONS FROM PUBLIC AUTHORITIES**

The application was referred to:

- Essential Energy with conditions and comments provided; and
- TfNSW with conditions also provided.

The above external referral responses have been included within this report and included as recommended conditions of consent.

**The Public Interest – 4.15(1)(e)**

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

The proposed development has resulted in significant community interest however, the majority of the key areas for concern have been addressed by the applicant and may be restricted via conditions of consent to mitigate impacts during operations.

**CONSULTATIONS**

**(A) HEALTH AND BUILDING**

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

### **(B) TECHNICAL SERVICES**

Council's Development Engineer has provided a final referral response with the recommendation of a number of conditions of consent to address a number of concerns.

### **(C) HERITAGE ADVISOR**

Council's Heritage Advisor has not raised any objections to the proposal as noted within the Clause 5.10 LEP assessment of the application.

### **(D) ENVIRONMENTAL HEALTH OFFICER**

Council's Environmental Health Officer has reviewed the acoustic report and odour report and has recommended conditions of consent to address these concerns.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Comprehensive Land Use Strategy  
Mudgee Town Structure Plan  
Mid-Western Local Strategic Planning Statement

### **Council Policies**

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

### **Legislation**

Environmental Planning & Assessment Act 1979  
Environmental Planning & Assessment Regulation 2000  
Mid-Western Regional Local Environmental Plan 2012  
Roads Act 1993

## Financial implications

Should the applicant seek to appeal the decision of Council to the Land and Environment Court, the costs associated with an appeal will be required to be funded by Council.

## Associated Risks

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

KAYLA ROBSON  
PLANNING COORDINATOR

ALINA AZAR  
DIRECTOR DEVELOPMENT

24 July 2023

- Attachments:*
1. Development Plans. (separately attached)
  2. SEE & Supporting Reports. (separately attached)
  3. Public Submissions (Redacted). (separately attached)
  4. Heritage Assessment Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 8.2 Planning Proposal Tourist and Visitor Accommodation - Post Exhibition

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, LAN900151

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Strategic Planning on the Planning Proposal Tourist and Visitor Accommodation - Post Exhibition; and
2. request the Department of Planning and Environment to draft and finalise the amendment to the *Mid-Western Regional Local Environmental Plan 2012* 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.

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### Executive summary

At Council's 14 December 2022 ordinary meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DPE) for a Gateway Determination. The Planning Proposal seeks 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.

A conditional DPE Gateway Determination was granted on 6 April 2023. A copy of the Gateway Determination is provided as Attachment 1.

The Planning Proposal was placed on public exhibition on Friday 23 June 2023 until Thursday 20 July 2023, in accordance with Condition 2. No submissions were received during the exhibition period. Council consulted with Destination in accordance with Condition 3, no response was provided.

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

### Disclosure of Interest

Nil

## Detailed report

### Planning Proposals

Planning Proposal is a term used to describe the application and process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPE has issued *Local Environmental Plan Making Guideline*, dated September 2022, to provide guidance and information on the process for preparing planning proposals.

### The Gateway Process

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

### Gateway Timeline

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

Stage	Completed	Comment
<b>Preparation of a Planning Proposal</b>		
Staff prepared the Planning Proposal	✓	November 2022
Council Decision to Support Proposal	✓	14 December 2022
<b>Issue of Gateway Determination</b>		
Council Requests Gateway Determination	✓	January 2023
DPE Issues Gateway Determination	✓	April 2023
Gateway Conditions Satisfied	✓	June 2023
<b>Consultation</b>		
Consultation with Relevant Agencies	✓	Agency consultation with: - Destination NSW
Public Exhibition	✓	23 June - 20 July 2023
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 16 August 2023 meeting.
<b>Finalisation of the Planning Proposal</b>		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

### GATEWAY DETERMINATION

A conditional Gateway Determination was received on 6 April 2023 and included six standard conditions. The Planning Proposal was amended in accordance with Condition 1. The amended Planning Proposal is provided as attachment 2.

### CONSULTATION

#### **Community Consultation**

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 20 days. During the public exhibition no submissions were received.

#### **Agency Consultation**

In accordance with Condition 3, the Planning Proposal was referred to the Destination NSW. No response was received.

## FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed to Stage 6 - Finalisation. Stage 6 is the last stage in the LEP making process.

## 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 Comprehensive Land Use Strategy, August 2010.

### Council Policies

The steps involved towards the notification of the Planning Proposal will not require any change to relevant policies.

### Legislation

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

## Financial implications

Nil

## Associated Risks

If Council does not wish to proceed with finalisation of the Planning Proposal, it can withdraw its support at this stage in the Gateway Process. Council would be required to formally resolve not to proceed with the Planning Proposal and advise DPE accordingly.

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

31 July 2023

Attachments: 1. Gateway Determination.  
2. Planning Proposal.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



Department of Planning and Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-90):** to amend the Mid-Western Regional Local Environmental Plan 2012 to require land subject to a development application for Tourist and Visitor Accommodation to comply with clause 4.2A for the erection of dwelling houses.

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan 2012 to require that Tourist and Visitor Accommodation to be permitted on certain lands on which a dwelling house is permitted under clause 4.2A should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to address the following matters:
  - a) Amend the Project Timeline to reflect the Gateway determination of the proposal and subsequent milestones for finalisation in six (6) months.
  - b) Consider inclusion of development consent consideration criteria for environmental impact matters for Tourist and Visitor Accommodation (e.g. biodiversity, bushfire, contamination, flooding & visual impacts etc.) similar to clause 5.24(4) of the Standard Instrument.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of twenty (20) working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2022).
3. Consultation is required with Destination NSW under section 3.34(2)(d) of the Act. Destination NSW is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;

- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed within six (6) months of this Gateway determination.

Dated 6<sup>th</sup> day of April 2023.



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

**Delegate of the Minister for Planning and**  
**Public Spaces**





*Looking After  
our Community*

PLANNING PROPOSAL  
GENERAL  
AMENDMENT 2022/23  
TOURIST & VISITOR  
ACCOMODATION

1 JUNE 2023

MID-WESTERN REGIONAL COUNCIL  
STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030





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

Version	Date	Notes
V001	November 2022	PP reported to December Council
V001	June 2023	PP updated prior to public exhibition

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## Overview

### Introduction

The Planning Proposal Mid-Western Regional Local Environmental Plan General 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 changes 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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Draft Central West and Orana Regional Plan 2041	<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>
	<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 Pymont 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.

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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	April 2023
Completion of Technical Information	N/A
Agency Consultation	June/July 2023
Public Exhibition	June/July 2023
Consideration of Submissions	August 2023
Legal Drafting & Opinion	August/September 2023
Finalisation	September 2023

## 8.3 Planning Proposal Lot 101 DP 1221461 - 148 Wyoming Road, Stubbo

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400098, LAN900153

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Lot 101 DP 1221461, 148 Wyoming Road, Stubbo;**
2. **provide initial support for the rezoning from RU1 Primary Production to R5 Large Lot Residential and change to minimum lot size from 100ha to 12ha of Lot 101 DP 1221461, 148 Wyoming Road, Stubbo;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning and Environment seeking a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*;**
4. **suggest as a condition of Gateway Determination, that a Biodiversity Assessment report be required; and**
5. **undertake community consultation as outlined within any approved Gateway Determination.**

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### Executive summary

Council has received a Planning Proposal seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (LEP) to rezone the subject site from RU1 Primary Production with a current minimum lot size of 100 hectares to R5 Large Lot Residential with a minimum lot size of 12ha.

The subject site is approximately 100 hectares in total. The subject site is located off Wyoming Road approximately 9.5 kilometres north-east of Gulgong. The Sandy Hollow Gulgong Railway runs along the south-eastern boundary of the site.

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future large lot residential land supply opportunities around Gulgong and beyond. The proposed rezoning and change to the minimum lot size is considered consistent with Part C of the CLUS.

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

The staff recommendation is to provide initial support for the Planning Proposal and to send to DPE for a Gateway Determination with a request that a Biodiversity Assessment be report be

provided prior to community consultation. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPE for Gateway Determination.

## Disclosure of Interest

Nil

## Detailed report

### **Planning Proposals**

Planning Proposal is a term used to describe the process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPE has issued the *Local Environmental Plan Making Guideline*, 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* (September 2022).

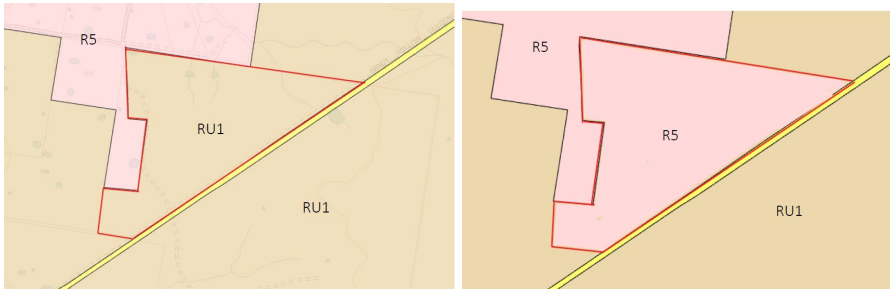
### **Gateway Timeline**

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
<b>Preparation of a Planning Proposal</b>		
Planning Proposal lodged with Council	✓	June 2023
Staff undertake assessment	✓	June/July 2023
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 16 August 2023 meeting
<b>Issue of Gateway Determination</b>		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
<b>Consultation</b>		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
<b>Finalisation of the Planning Proposal</b>		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

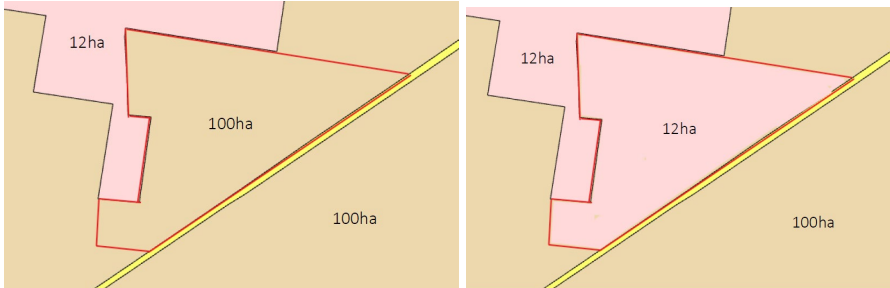
## PROPOSAL CONTEXT

The Planning Proposal seeks to rezone Lot 101 DP 1221461 (subject site) from RU1 Primary Production with a current minimum subdivision lot size of 100 hectares to R5 Large Lot Residential with a minimum lot size of 12 ha. The maps below highlights the current and proposed zoning and current and proposed minimum lot size.



Current Zoning

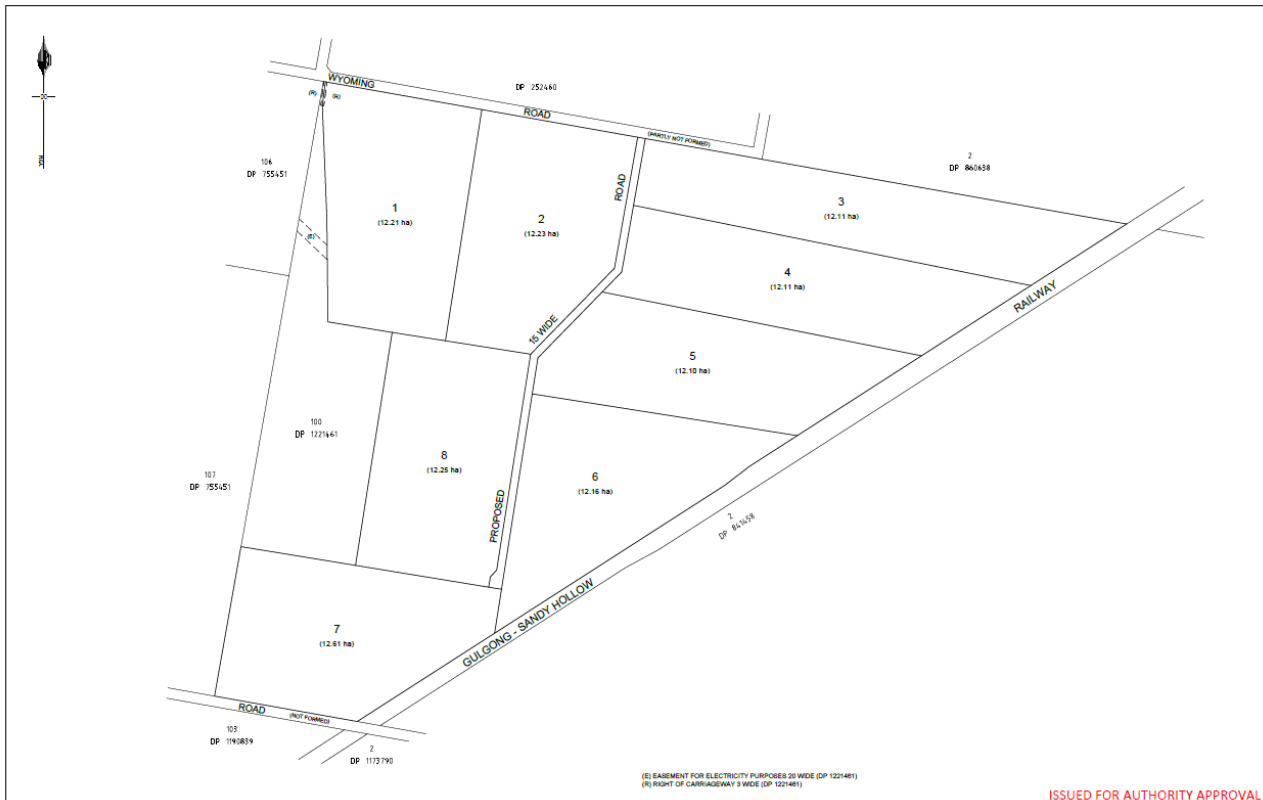
Proposed Zoning



Current Minimum Lot Size

Proposed Minimum Lot Size

The proponent has provided a concept subdivision plan for the 12 ha lots, provided below. It is worth noting that the 8 lots are a maximum yield and the ultimate yield will be dependent on detailed design at the Development Application stage.



ISSUED FOR AUTHORITY APPROVAL



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Client: CLIENT  
 Project: ZONING APPLICATION  
 LOT 103 DP 1221481  
 Drawing Title: SUBDIVISION CONCEPT PLAN

Rev	Date	Amendment
A	20/08/23	ISSUED FOR AUTHORITY APPROVAL

Design	RB	Certification
Drawn	MR	
Check	RB	Drawing Number
Original Sheet Size	A1	38948-P04
Revision		A

INTENDED OUTCOMES

The intended outcome is that the subject site has the opportunity to be subdivided to create lots meeting the mapped minimum lot size subject to consideration through the development application process.

The proponent has outlined that the future sources of water will be onsite rainwater tanks and if feasible and allowable a bore may be established for non-potable water for each lot. On-site effluent management for each lot is proposed.

### EXPLANATION OF PROVISIONS

The Planning Proposal details how the objectives and intended outcomes will be achieved by:

- Amending part of the zone indicated on Land Zoning Map - Sheet LZN\_005 from RU1 Primary Production to R5 Large Lot Residential.
- Amending part of the minimum lot size indicated on the Lot Size Map – Sheet LSZ\_005 from (AD) 100 hectares to (AB2) 12 hectares.

### JUSTIFICATION

The DPE *Local Environmental Plan Making Guideline* September 2022 outlines questions to consider when demonstrating the justification. The questions most pertinent in consideration of this Planning Proposal are discussed below.

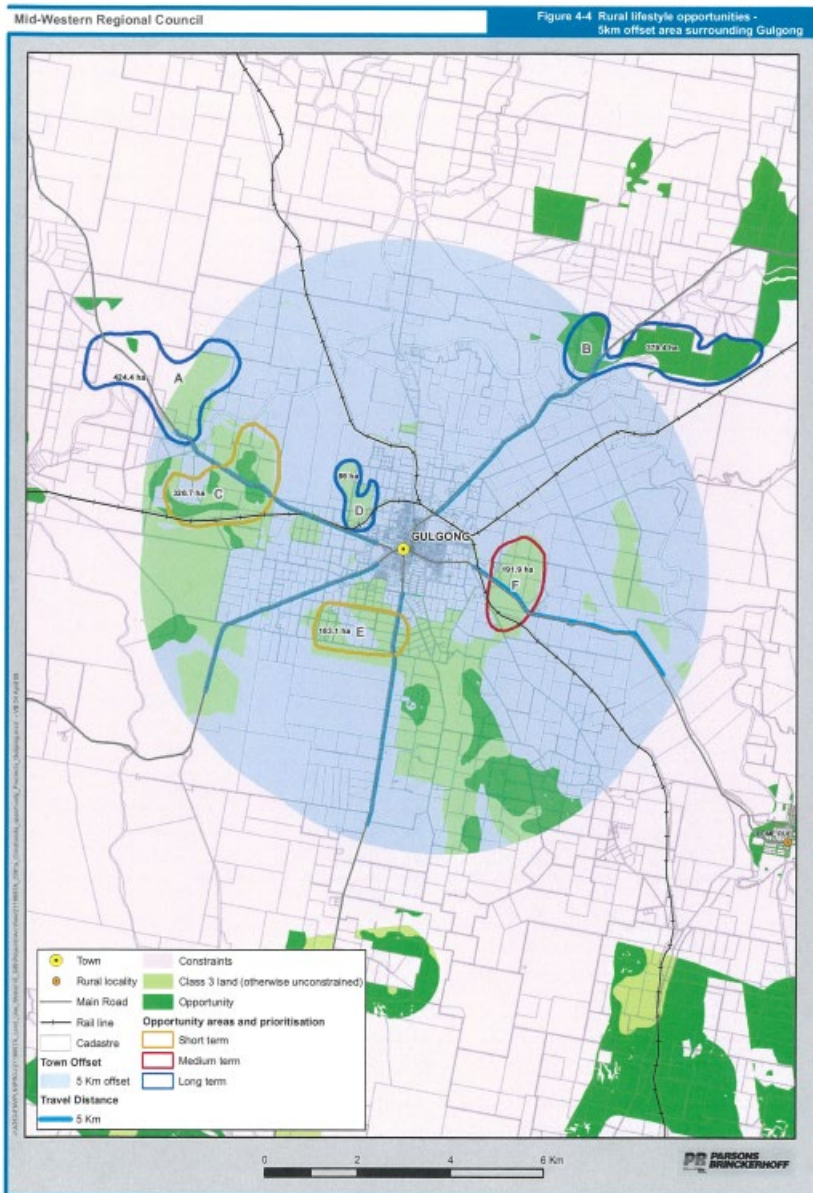
#### ***Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?***

The Planning Proposal is generally consistent with the Local Strategic Planning Statement (LSPS) in particular, Planning Priority 2 '*make available diverse, sustainable, adaptable and affordable housing options through effective land use planning*'.

The Planning Proposal has been assessed in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically Part C. Part C Figure 4.4 *Regional Lifestyle opportunities 5km offset area surrounding Gulgong* outlines visually the large lot opportunities. Figure 4.4 is provided below.

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

The rezoning of the subject site is the only means of achieving the objectives and intended outcomes of the Planning Proposal.



The subject site is located in Area B which is a long term opportunity area. The Planning Proposal states that the short term opportunities have been taken up (Area C and E) and there has been zero take up in medium term area (Area F). Area F has not been rezoned and could provide a potential lot yield of 11, 12ha lots. However, there are multiple constraints to realising this lot yield including established dwelling patterns and lot sizes and has not be the subject of any rezoning application. It is unlikely that Area F will develop under present conditions. This allows Council to consider Area B and specifically the subject site that could yield up to 8 lots.

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

The Planning Proposal is generally consistent with the Ministerial Directions. The two Directions that are inconsistent – 9.1 Rural zones and 9.2 Rural lands – are justified by an endorsed strategy being the CLUS that identifies the subject site as a long term opportunity.

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?** Part of the subject site is identified as High Biodiversity Sensitivity on Council’s Sensitivity Biodiversity Map. Further a known Plant Community Type (PCT 277 – Blakely’s Red Gum – Yellow Box grassy



tall woodland of the NSW South Western Slopes Bioregion) is located on part of the site. The proponent recommends siting future dwellings and outbuildings away from the vegetation which is reasonable given the minimum subdivision size of 12ha. It is recommended as a condition of Gateway Determination a Biodiversity Assessment report be required as well as consultation be undertaken with the Biodiversity, Conservation and Science Directorate within the NSW Environment and Heritage.

***Has the planning proposal adequately addressed any social and economic effects?***

An AHIMs report has been submitted and demonstrates that there are no Aboriginal sites recorded in or near the location and no Aboriginal places have been declared in or near the above location.

The subject site does not contain any Heritage items nor does it fall within a Conservation Area – General. The subject site is also not in close proximity to any heritage items.

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

It is proposed that the following authorities and government agencies will be consulted as part of any exhibition port Gateway:

- NSW Environment and Heritage - Biodiversity, Conservation and Science Directorate
- Office of Water
- Australian Rail Track Corporation

**LOCAL PLAN MAKING AUTHORITY**

In accordance with the 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 forwarding the Planning Proposal and a Council resolution of initial support to the DPE seeking a Gateway Determination.

**Community Plan implications**

<b>Theme</b>	<b>Looking After Our Community</b>
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  
Mid-Western Regional Comprehensive Land Use Strategy, August 2010

**Council Policies**

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

**Legislation**

The Planning Proposal has been considered in accordance with Division 3.4 Environmental Planning Instruments - LEPs (previously Division 4) Local Environmental Plans of the

*Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Local Environmental Plan 2012.*

## Financial implications

Nil

## Associated Risks

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

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

1 August 2023

*Attachments:* 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.4 Budget allocation for the preparation of a Gulgong building heights Planning Proposal

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, LAN900046

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Strategic Planning on the Budget allocation for the preparation of a Gulgong building heights Planning Proposal ; and
2. amend the 2023/2024 budget to allocate \$10,000.00 for the preparation of a Planning Proposal to review and look to increase the maximum building height in Gulgong funded from unrestricted cash

### Executive summary

Multiple development applications with building height variations are being reported to Council as the determination of these exceed staff delegation.

During the discussion of one of these development applications proposing a variation, the matter of amending the maximum building height in Gulgong was discussed and it was agreed that staff commence such a project to review the standard with the view to increasing the maximum building height in Gulgong. Accordingly, a budget of \$10,000.00 is proposed to engage a consultant to prepare a Planning Proposal for Council's consideration.

### Disclosure of Interest

Nil

### Detailed report

The building heights in Gulgong are stipulated on the *Mid-Western Regional Local Environmental Plan 2012* (LEP) mapping. The process of changing this standard would require the preparation and assessment of a Planning Proposal that would then inform an amendment to the LEP.

A budget of \$10,000.00 is proposed to engage a consultant to prepare a Planning Proposal for Council's consideration. Once prepared, staff will report the Planning Proposal to Council for consideration and with Council support progress the amendment through the stages as outlined in the Department of Planning and Environment *Local Environmental Plan Making Guideline* (September 2022).

### Community Plan implications

Theme	Looking After Our Community
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Goal	Vibrant towns and villages
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Strategy	Respect and enhance the historic character of our region and heritage value of our
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towns

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## Strategic implications

### **Council Strategies**

*Mid-Western Regional Comprehensive Land Use Strategy* (August 2010)

### **Council Policies**

The allocation of a budget for the preparation of a Planning Proposal will not require any change to relevant policies.

### **Legislation**

Planning Proposals are 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

Increase to the 2023/2024 budget to allocate \$10,000.00 for the preparation of a Planning Proposal.

## Associated Risks

Nil

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

3 August 2023

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.5 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, A0420109

### RECOMMENDATION

**That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined.**

### Executive summary

The report presented to Council each month is designed to keep Council informed of the current activity in relation to development assessment and determination of applications.

### Disclosure of Interest

Nil

### Detailed report

Included in this report is an update for the month of July 2023 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; and
- Variations to the Mid-Western DCP.

### Community Plan implications

Theme	Looking After Our Community
Goal	Vibrant towns and villages
Strategy	Maintain and promote the aesthetic appeal of the towns and villages within the region

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN  
MANAGER PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

1 August 2023

*Attachments:* 1. Monthly Development Applications Processing and Determined - July 2023.

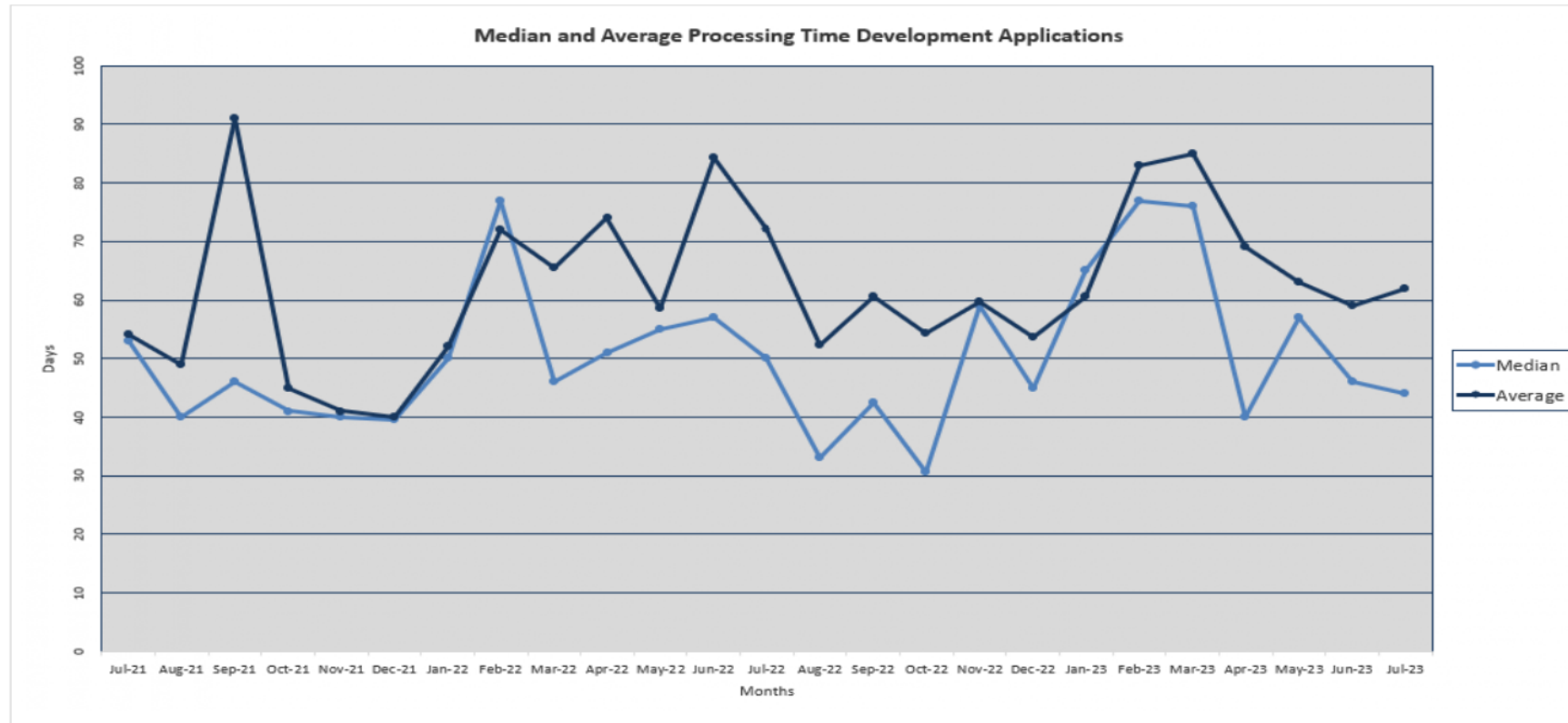
APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

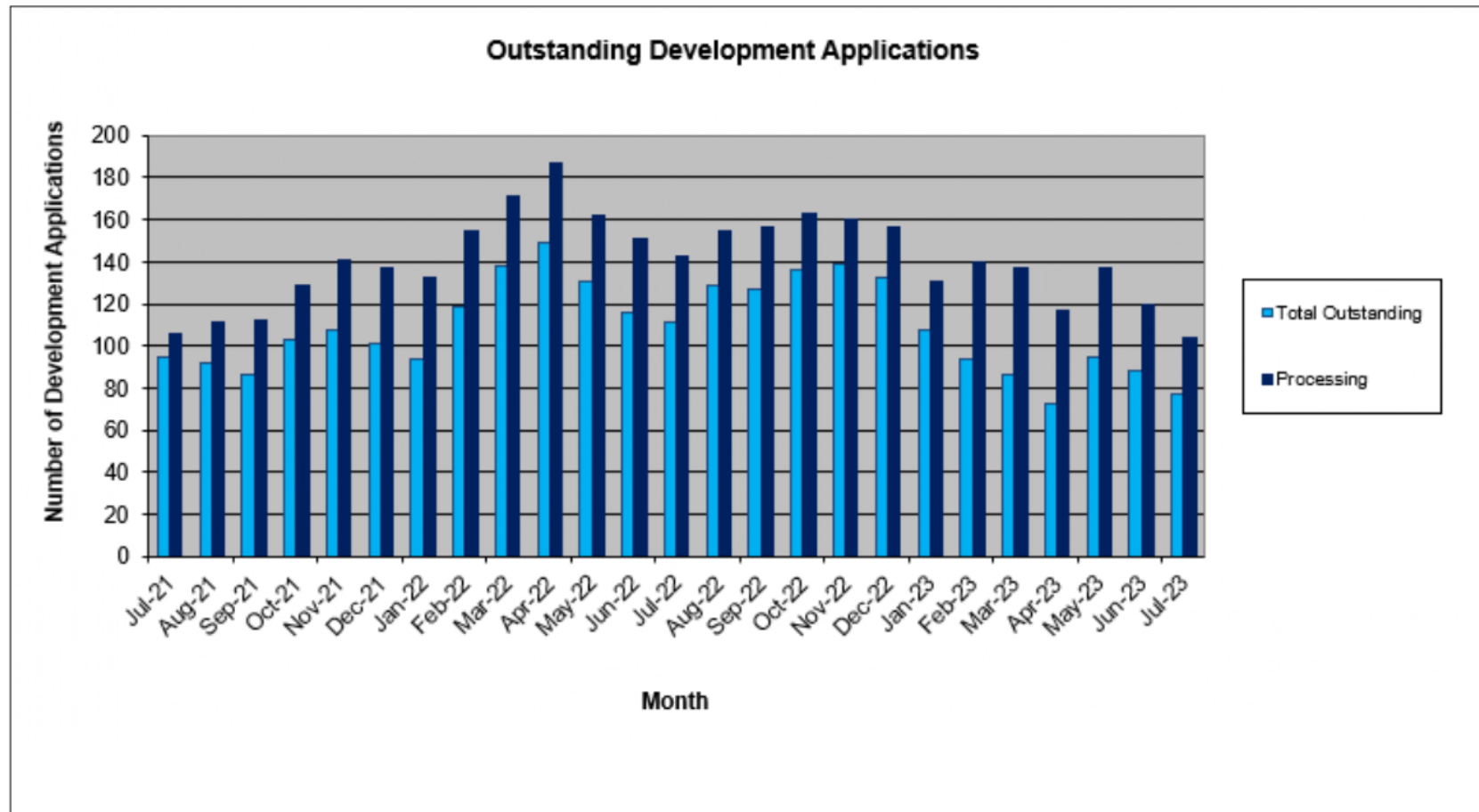


## Monthly Development Application Processing Report – July 2023

This report covers the period for the month of July 2023. Graph 1 indicates the processing times up to 31 July 2023 with the month of July having an average of 62 days and a median time of 42 days.



**Monthly Development Application Processing Report – July 2023**



Graph 2 indicates the total number of outstanding applications, the number currently being processed is 104 and the number on “stop clock” is 39.

The Planning and Development Department determined 24 Development Applications either by Council or under delegation during July 2023.

## Monthly Development Application Processing Report – July 2023

### Development Applications Determined – July 2023

App/Proc ID	Description	House No	Street Name	Locality
DA0418/2022	Dual Occupancy	12	Little Bayly Street	GULGONG NSW 2852
DA0107/2023	Subdivision - Torrens Title	28	Melton Road	MUDGEE NSW 2850
DA0123/2023	Dual Occupancy	37	Fairydale Lane	MUDGEE NSW 2850
DA0148/2023	Subdivision - Torrens Title	30	Banjo Paterson Avenue	MUDGEE NSW 2850
DA0191/2023	Alterations & Additions	73	Belmore Street	GULGONG NSW 2852
DA0217/2023	Dual Occupancy	17	Flinders Avenue	MUDGEE NSW 2850
DA0314/2023	Subdivision - Torrens Title	35	Beryl Road	GULGONG NSW 2852
DA0325/2023	Dwelling House	14	Lovett Court	MUDGEE NSW 2850
DA0339/2023	Subdivision - Torrens Title	855	Castlereagh Highway	MENAH NSW 2850
DA0351/2023	Shed	89	Lewis Street	MUDGEE NSW 2850
DA0358/2023	Demolition	66	Cox Street	MUDGEE NSW 2850
DA0376/2023	Shed	43	Bayly Street	GULGONG NSW 2852
DA0377/2023	Dwelling House	11	Adams Lead Road	GULGONG NSW 2852
DA0379/2023	Dwelling House	180	Lesters Lane	PIAMBONG NSW 2850
DA0383/2023	Alterations & Additions	49	Zimmer Lane	GULGONG NSW 2852
DA0390/2023	Subdivision - Torrens Title	1	Belmore Street	GULGONG NSW 2852
DA0395/2023	Farm building	385	Bishops View Road	PIAMBONG NSW 2850
DA0396/2023	Shed	2	King Street	MUDGEE NSW 2850
DA0402/2023	Swimming Pool	267	Ridge Road	COOKS GAP NSW 2850
DA0406/2023	Detached Shed	11	Flinders Avenue	MUDGEE NSW 2850
DA0003/2024	Shed	4	Pirie Close	MUDGEE NSW 2850
DA0009/2024	Alterations & Additions	3	Short Street	MUDGEE NSW 2850
DA0012/2024	Shed	22	Spring Road	MUDGEE NSW 2850
DA0014/2024	Shed	38	Oporto Road	MUDGEE NSW 2850

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

DA number	Number of DCP variation(s)	Level of variation
DA0351/2023	1	>10%

## Monthly Development Application Processing Report – July 2023

### Development Applications currently being processed – July 2023.

App/Proc ID	Description	House No	Street Name	Locality
DA0102/2016	Dwelling	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use	1	Sydney Road	MUDGEE NSW 2850
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS NSW 2848
DA0164/2022	Change of use	9	Sydney Road	MUDGEE NSW 2850
DA0226/2022	Garage	12	Wandoona Court	MUDGEE NSW 2850
DA0329/2022	Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0406/2022	Subdivision - Torrens Title	36	Tinja Lane	PUTTABUCCA NSW 2850
DA0417/2022	Commercial Alterations & Additions	59	Church Street	MUDGEE NSW 2850
DA0027/2023	Demolition	134	Lions Drive	BURRUNDULLA NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0068/2023	Shed	688	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0074/2023	Industrial Building	38	Hill End Road	CAERLEON NSW 2850
DA0090/2023	Dwelling House	1121	Ulan Road	BUDGEE BUDGEE NSW 2850
DA0190/2023	Subdivision - Torrens Title	132	Bruce Road	MUDGEE NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0215/2023	Dual Occupancy	12	Flinders Avenue	MUDGEE NSW 2850
DA0220/2023	Signage	27	Sydney Road	MUDGEE NSW 2850
DA0221/2023	Dwelling House	655	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0231/2023	Dual Occupancy	521	Ulan Road	EURUNDEREE NSW 2850
DA0232/2023	Secondary dwelling	23	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850

Monthly Development Application Processing Report – July 2023

DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEES NSW 2850
DA0254/2023	Dwelling (Manufactured) & Tourist Accommodation (3 units)	1928	Goolma Road	TWO MILE FLAT NSW 2852
DA0267/2023	Camping Ground	48	Turners Lane	GULGONG NSW 2852
DA0268/2023	Shed	267	Ulan Road	BOMBIRA NSW 2850
DA0271/2023	Secondary dwelling	8	Avisford Court	MUDGEES NSW 2850
DA0280/2023	Alterations and additions to existing preschool	2	Lovejoy Street	MUDGEES NSW 2850
DA0286/2023	Warehouse Units - 8 units	38	Hill End Road	CAERLEON NSW 2850
DA0287/2023	Warehouse Units x 10	38	Hill End Road	CAERLEON NSW 2850
DA0295/2023	Dwelling House	120	Market Street	MUDGEES NSW 2850
DA0296/2023	Dwelling House	171	Ridge Road	COOKS GAP NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0303/2023	Subdivision - Torrens Title	8	Pirie Close	MUDGEES NSW 2850
DA0304/2023	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0324/2023	Subdivision - Torrens Title	139	Robertson Street	MUDGEES NSW 2850
DA0333/2023	Alterations to the Existing Caravan Park	8	Bell Street	MUDGEES NSW 2850
DA0343/2023	Cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0344/2023	Shed	186	Lesters Lane	PIAMBONG NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0350/2023	Subdivision - Torrens Title	4	Church Street	MUDGEES NSW 2850
DA0354/2023	Swimming Pool	53	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0363/2023	Alterations and Additions to Caravan Park	3	Carwell Street	RYLSTONE NSW 2849
DA0364/2023	Telecommunications facility	0	Upper Bylong Road	UPPER BYLONG NSW 2849
DA0368/2023	Industrial Building	38	Hill End Road	CAERLEON NSW 2850
DA0369/2023	Subdivision - Torrens Title	33	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0371/2023	Dwelling House	127	Madeira Road	MUDGEES NSW 2850
DA0378/2023	2 x Serviced Apartments	713	Black Springs Road	BUDGEES BUDGEES NSW 2850
DA0381/2023	Dwelling House	435	Nullo Mountain Road	OLINDA NSW 2849
DA0382/2023	Home business	5	Yamble Close	MUDGEES NSW 2850
DA0384/2023	Dual Occupancy	43	Knox Crescent	CAERLEON NSW 2850
DA0385/2023	Dwelling House	176	Kaludabah Road	PIAMBONG NSW 2850
DA0387/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850

Monthly Development Application Processing Report – July 2023

DA0392/2023	Community Facility	1164	Coxs Creek Road	COXS CREEK NSW 2849
DA0393/2023	Shed	151	Robertson Street	MUDGEE NSW 2850
DA0394/2023	Alterations and additions to industrial developmnt	4	Industrial Avenue	GULGONG NSW 2852
DA0398/2023	Garage	174	Church Street	MUDGEE NSW 2850
DA0399/2023	Shed	4	Page Street	BOMBIRA NSW 2850
DA0400/2023	Multi dwelling housing	24	Cox Street	MUDGEE NSW 2850
DA0401/2023	Swimming Pool	30	Tallawang Street	GULGONG NSW 2852
DA0404/2023	Shed	1	Nelthorpe Street	BOMBIRA NSW 2850
DA0407/2023	Subdivision - Torrens Title	417	Cope Road	STUBBO NSW 2852
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0410/2023	Dwelling House	5	Robert Jones Street	MUDGEE NSW 2850
DA0001/2024	Subdivision - Torrens Title	547	Gollan Road	GOOLMA NSW 2852
DA0004/2024	Alterations & Additions	11	Market Street	MUDGEE NSW 2850
DA0005/2024	Dwelling House	5571	Hill End Road	HARGRAVES NSW 2850
DA0006/2024	Dwelling	374	Coxs Creek Road	RYLSTONE NSW 2849
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0010/2024	Dwelling House	235	Gladstone Street	MUDGEE NSW 2850
DA0011/2024	Secondary dwelling	108	Saddleback Trail	EURUNDEREE NSW 2850
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Use yard to store towed motor vehicles	8	Industrial Avenue	MUDGEE NSW 2850
DA0017/2024	Dwelling House	5	Nelthorpe Street	BOMBIRA NSW 2850
DA0018/2024	Secondary dwelling	755	Spring Ridge Road	GULGONG NSW 2852
DA0019/2024	Alterations & Additions	1768	Windeyer Road	WINDEYER NSW 2850
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0023/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0024/2024	Alterations & Additions	16	Alexander Dawson Court	MUDGEE NSW 2850
DA0027/2024	Alterations & Additions	119	Market Street	MUDGEE NSW 2850
DA0030/2024	Farm building	6580	Ilford Sofala Road	ILFORD NSW 2850
DA0031/2024	Alterations & Additions	29	Belmore Street	GULGONG NSW 2852
DA0032/2024	Subdivision - Torrens Title	211	Dabee Road	KANDOS NSW 2848
DA0034/2024	Secondary dwelling	34	Lang Street	MUDGEE NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848



### Monthly Development Application Processing Report – July 2023

DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0038/2024	Dwelling House	593	Cope Road	STUBBO NSW 2852

### Heritage Development Applications currently being processed – July 2023.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Change of use	110	Church Street	MUDGEE NSW 2850
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE NSW 2849
DA0087/2022	Demolition	33	Horatio Street	MUDGEE NSW 2850
DA0201/2022	Garage	74	Gladstone Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850
DA0251/2023	Alterations & Additions	74	Mayne Street	GULGONG NSW 2852
DA0282/2023	Hotel Accommodation	63	Horatio Street	MUDGEE NSW 2850
DA0360/2023	Secondary dwelling	27	Gladstone Street	MUDGEE NSW 2850
DA0375/2023	Secondary dwelling	1	Atkinson Street	MUDGEE NSW 2850

## Item 9: Corporate Services

### 9.1 New and Amended Fees and Charges 2023/24

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS  
 TO 16 AUGUST 2023 ORDINARY MEETING  
 GOV400098, FIN300117

#### RECOMMENDATION

##### That Council:

1. receive the report by the Accountant Reporting & Analysis on the New and Amended Fees and Charges 2023/24;
2. add the following new fee, as written, and place on public exhibition for 28 days; and

<i>Service Type</i>	<i>New Fee</i>	<i>Fee (Inclusive of GST)</i>	<i>GST</i>	<i>Price Policy</i>
Hire of Mudgee Showground main pavilion bar area	Main Pavilion Bar Area	\$ 125	Yes	Per Day

3. endorse the new fee following the 28 day public exhibition period if no submissions are received.

#### Executive summary

This report recommends the introduction of a new fee for recreation services. 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.

#### Disclosure of Interest

Nil

#### Detailed report

##### New Fees

The following table provides information about the reason for introduction of the new fee:

<b>Fee Name</b>	<b>Reason for new fee</b>
For hire of Mudgee Showground main pavilion bar area.	The reason for inclusion of this fee in this report is that we had inadvertently omitted the fee in the budget process 2023/24

## Community Plan implications

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

## Strategic implications

### Council Strategies

If the recommendation is approved and no submissions are received the 2023/24 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:

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

## Financial implications

This report recommends that the fees and charges within the 2023/24 Operational Plan be amended. Revenue associated with these changes is not anticipated to have a material impact on the 2023/24 Operational Plan or future years.

## Associated Risks

Not Applicable

SUMEDHA UPRETI  
ACCOUNTANT REPORTING & ANALYSIS

LEONIE VAN OOSTERUM  
ACTING DIRECTOR CORPORATE SERVICES

2 August 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.2 Monthly Budget Review - July 2023

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, FIN300315

### RECOMMENDATION

#### That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - July 2023;
2. amend the 2023/24 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the budget to cover the cost of emergency replacement of Mudgee Saleyards scanner.

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### Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program at 31 July 2023.

### 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

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

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

#### Legislation

Clause 202 of the Local Government (General) Regulation 2021, 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 VAN OOSTERUM  
ACTING DIRECTOR CORPORATE SERVICES

2 August 2023

*Attachments:* 1. Monthly Budget Review - July 2023.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MONTHLY BUDGET REVIEW – 31 JULY 2023

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

16 AUGUST 2023

MID-WESTERN REGIONAL COUNCIL  
FINANCE





FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

THIS DOCUMENT HAS BEEN PREPARED BY SUMEDHA UPRETI, ACCOUNTANT REPORTING & ANALYSIS FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:  
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DATE OF PUBLICATION: 16 AUGUST 2023

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

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## 1. Budget Variation

### 2023/24 BUDGET VARIATION

FUND	PROJECT NAME	VARIATION DESCRIPTION	EXPENSE CHANGE	REVENUE CHANGE	FUNDING SOURCE 1	FINANCIAL YEAR
WATER	RURAL FILLS STATIONS	ADDING BUDGET FOR RURAL FILL STATION FROM WATER METERS OPERATING BUDGET FOR 20K	\$ 20,000.00		UNRESTRICTED CASH	23/24
WATER	WATER METERS OPERATION AND MAINTENANCE	ADDING BUDGET FOR RURAL FILL STATION FROM WATER METERS OPERATING BUDGET FOR 20K	-\$ 20,000.00		UNRESTRICTED CASH	23/24
GENERAL	BYLONG VALLEY WAY UPGRADE	ADDING BUDGET FOR BYLONG VALLEY WAY ROAD BOUNDRY DEFINITION WORKS NOT FUNDED BY RESTART.	\$ 40,000.00		UNRESTRICTED CASH	23/24
GENERAL	YOUNG ENTREPRENEURS SUMMIT	ADDING BUDGET FOR NSW SMALL BUSINESS MONTH PROGRAM GRANT - CENTRAL WEST ENTREPRENEURS SUMMIT 2023	\$ 2,500.00	-\$ 2,500.00	GRT - YOUTH SERVICES	23/24
GENERAL	ANZAC PARK GULGONG ROTUNDA - REFURBISHMENT	ADDING BUDGET FOR COMMUNITY WAR MEMORIAL FUND 2023/24 ROUND 1 - GULGONG DISTRICT FALLEN SOLDIERS MEMORIAL AND ROTUNDA (ANZAC PAR) REFURBISHMENT WORK	\$ 10,000.00	-\$ 10,000.00	GRT - OTHER GRANT INCOME OPERATING	23/24

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

## 2. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM AS AT 31 JULY 2023.

**\$ 0.85 M**

Actual YTD

**179**

Capital Projects

**\$78.45 M**

Budget

**\$21.73 M**

Commitments

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
<b>Looking after our Community</b>						
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0
COMM. TRANSPORT- VEHICLE PURCHASE	65	0	65	0	0%	0
COUNTRY UNIVERSITY CENTER CAPITAL	1,430	0	1,430	10	1%	939
CEMETERY CAPITAL PROGRAM	17	0	17	0	0%	0
CEMETERY EXPANSION - MUDGEES & GULGONG	40	0	40	0	0%	0
CEMETERY SIGNAGE UPGRADE	10	0	10	0	0%	0
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	100	0	100	0	0%	0
PUBLIC TOILETS - ILFORD REST STOP	23	0	23	0	0%	0
LIBRARY BOOKS	96	0	96	20	21%	0
RED HILL EXHIBITION SPACE	500	0	500	0	0%	0
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	44	0	44	0	0%	0
CAPITAL UPGRADE - KILDALLON	60	0	60	0	0%	0
COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES	65	0	65	0	0%	0
PUBLIC HALLS - AUDIO UPGRADES	35	0	35	0	0%	0
TOWN HALL - EXTERNAL BRICKWORK	100	0	100	0	0%	0
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	68	0	68	0	0%	0
KANDOS HALL & LIBRARY - TOILETS	109	0	109	0	0%	0
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE	45	0	45	0	0%	0
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	0	0%	0
MUDGEES POOL HEATERS	80	0	80	0	0%	0
MUDGEES POOL STORAGE SHED UPGRADE	26	0	26	0	0%	0
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0
MUDGEES SHOWGROUNDS - AMENITIES	25	0	25	0	0%	0
BILLY DUNN OVAL - UPGRADES	90	0	90	0	0%	0

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
GULGONG TENNIS COURTS	80	0	80	0	0%	0
GLEN WILLOW FIELD ONE REFURBISHMENT	550	0	550	0	0%	0
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0
PUTTA BUCCA TRAINING CAMP FACILITY	9,725	0	9,725	71	1%	9,069
GLEN WILLOW - PUMP TRACK (REQUIRES GRANT)	650	0	650	0	0%	14
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0
VICTORIA PARK GULGONG - AMENITIES UPGRADE	447	0	447	4	1%	1
GLEN WILLOW - NETBALL PRECINCT UPGRADE	30	0	30	0	0%	0
GLEN WILLOW - STADIUM LIGHTING UPGRADE	3,010	0	3,010	0	0%	0
BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK	92	0	92	0	0%	0
GLEN WILLOW - STADIUM ELEVATOR REPLACEMENT	311	0	311	0	0%	0
WARATAH PARK FIELD RENOVATION	90	0	90	0	0%	0
RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT ( REQUIRES GRANT)	42	0	42	0	0%	0
VICTORIA PARK MUDGEE - SIGHT SCREENS & SEATING	80	0	80	0	0%	0
VICTORIA PARK GULGONG - STORAGE SHED (REQUIRES GRANT)	30	0	30	0	0%	0
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0
RYLSTONE SHOWGROUND ARENA - UPGRADE	757	0	757	0	0%	4
RECREATIONAL PROPERTY MATTERS	20	0	20	0	0%	0
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0
KANDOS INCLUSIVE ADVENTURE PLAYSPACE	558	0	558	0	0%	0
ELECTRIC BBQ - KANDOS & RYLSTONE PALYGROUND	10	0	10	0	0%	0
HENRY LAWSON MEMORIAL RENEWAL	14	0	14	0	0%	0
SHADE SAIL - MUDGEE DOG PARK	15	0	15	0	0%	0
SCULPTURES ACROSS THE REGION	29	0	29	0	1%	0
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	379	0	379	0	0%	0
APEX PARK GULGONG - IRRIGATION RENEWAL	37	0	37	0	0%	0



FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
PLAYGROUND SHADING PROGRAM	53	0	53	0	0%	29
PARK BIN REPLACEMENT	80	0	80	0	0%	0
PLAYGROUND RUBBER SOFTFALL PROGRAM	60	0	60	0	0%	0
IRRIGATION RENEWAL PROGRAM	0	0	0	0	0%	0
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEE	161	0	161	0	0%	0
LAWSON PARK MUDGEE -IRRIGATION RENEWAL	45	0	45	0	0%	0
FLIRTATION HILL MUDGEE - MASTER PLAN WORKS	600	0	600	0	0%	38
PLAYGROUND - BROADVIEW ESTATE	120	0	120	0	0%	0
STREET SCAPE IMPROVEMENTS	31	0	31	0	0%	0
STREETSCAPE - STREET BINS	57	0	57	0	0%	0
<b>Total</b>	<b>21,612</b>	<b>0</b>	<b>21,612</b>	<b>106</b>	<b>0%</b>	<b>10,094</b>

### Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	355	0	355	170	48%	0
MUDGEE WASTE DEPOT UPGRADES	38	0	38	0	0%	8
NEW TIP CELL CONSTRUCTION	5,904	0	5,904	0	0%	5,663
WASTE SITES REHABILITATION	548	0	548	0	0%	49
KANDOS WTS OFFICE REPLACEMENT	12	0	12	0	0%	0
DRAINAGE CAPITAL IMPROVEMENTS	262	0	262	0	0%	0
CAUSEWAY IMPROVEMENTS	61	0	61	0	0%	0
STORMWATER DRAINAGE - BOMBIRA AVENUE	1,100	0	1,100	0	0%	0
PUTTA BUCCA WETLANDS CAPITAL	18	0	18	0	0%	25
WATER NEW CONNECTIONS	100	0	100	3	3%	0
WATER AUGMENTATION - MUDGEE HEADWORKS	2,475	0	2,475	0	0%	797
WATER DISTRIBUTION - MUDGEE	2,800	0	2,800	0	0%	0

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
WATER RYLSTONE DAM WALL & EROSION PROTECTION (REQUIRES GRANT)	420	0	420	0	0%	0
WATER MAINS - CAPITAL BUDGET ONLY	1,657	0	1,657	0	0%	0
WATER MAINS - SYDNEY ROAD	90	0	90	0	0%	0
WATER PUMP STATION - CAPITAL RENEWALS	101	0	101	0	0%	0
WATER RESERVOIR - BUDGET ONLY	100	0	100	0	0%	0
WATER RESERVOIR - FLIRTATION HILL MUDGEE	105	0	105	0	0%	0
RAW WATER SYSTEMS RENEWALS	22	0	22	5	21%	0
WATER TREATMENT PLANT - RENEWALS	123	0	123	6	5%	44
SEWER NEW CONNECTIONS	50	0	50	0	0%	0
SEWER AUGMENTATION - RYLSTONE & KANDOS	180	0	180	1	0%	71
MUDGEE SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	0	0%	0
SEWER MAINS CAPITAL UPGRADES	2,194	0	2,194	0	0%	0
SEWER PUMP STATION - CAPITAL RENEWALS	1,177	0	1,177	0	0%	0
SEWER TREATMENT WORKS - RENEWALS	94	0	94	1	1%	14
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0
<b>Total</b>	<b>20,566</b>	<b>0</b>	<b>20,566</b>	<b>185</b>	<b>1%</b>	<b>6,672</b>

### Building a Strong Local Economy

CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0
MUDGEE VALLEY PARK EXPANSION	1,760	0	1,760	3	0%	53
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	371	0	371	0	0%	0
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	25	0	25	0	0%	0
MUDGEE VALLEY PARK - CARETAKER HOUSE RENOVATION	50	0	50	0	0%	0
MUDGEE VALLEY PARK - SHADE OVER POOL	22	0	22	0	0%	0
RYLSTONE CARAVAN PARK STAGE 2	1,040	0	1,040	13	1%	11

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
CHRISTMAS DECORATIONS	200	0	200	0	0%	122
EVENTS STORAGE COMPOUND	60	0	60	0	0%	0
SIGNAGE UPGRADE	228	0	228	0	0%	15
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	0	0%	0
SALEYARDS - BATHROOM RENOVATIONS	30	0	30	0	0%	0
SALEYARDS - WEIGH SCALE DOOR REPLACEMENT	20	0	20	0	0%	0
SALEYARDS - REPLACEMENT SCANNER	20	0	20	0	0%	15
PROPERTY - EX SALEYARDS STAGE II	1,500	0	1,500	37	2%	144
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	100	0	100	0	0%	79
<b>Total</b>	<b>5,497</b>	<b>0</b>	<b>5,497</b>	<b>53</b>	<b>1%</b>	<b>440</b>

### Connecting our Region

URBAN RESEALS - BUDGET ONLY	(0)	0	(0)	0	-16841%	0
URBAN RESEALS - COX ST SEG 80 & 90	12	0	12	0	0%	0
URBAN RESEALS - GLADSTONE ST SEG 140 - 160	36	0	36	0	0%	0
URBAN RESEALS - MCGREGOR PLACE	10	0	10	0	0%	0
URBAN RESEALS - WENONAH STREET	16	0	16	0	0%	0
URBAN RESEAL - RODGERS STREET	41	0	41	0	0%	0
URBAN RESEAL - DONOGHUE STREET	18	0	18	0	0%	0
URBAN RESEAL - ADAMS STREET	15	0	15	0	0%	0
URBAN RESEAL - DAVIES ROAD	44	0	44	0	0%	0
URBAN RESEAL - BLACK LEAD LANE	43	0	43	0	0%	0
URBAN RESEAL - ALBENS LANE	10	0	10	0	0%	0
URBAN RESEAL - GREVILLEA STREET	17	0	17	0	0%	0
URBAN RESEAL - CAINBIL STREET	18	0	18	0	0%	0
URBAN RESEAL - BOWMAN STREET	18	0	18	0	0%	0
URBAN RESEAL - BUMBERRA PLACE	11	0	11	0	0%	0
URBAN RESEAL - NOYES ST SEG 30 - 70	23	0	23	0	0%	0

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
URBAN RESEAL - MORTIMER STREET	55	0	55	0	0%	0
URBAN RESEAL - SWORDS COURT	11	0	11	0	0%	0
URBAN RESEAL - VERA COURT	12	0	12	0	0%	0
URBAN RESEAL - WHITE CIRCLE	55	0	55	0	0%	0
URBAN RESEAL - WINBOURNE STREET	23	0	23	0	0%	0
URBAN RESEAL - WINTER STREET	21	0	21	0	0%	0
URBAN RESEAL - CARWELL STREET RYLSTONE	23	0	23	0	0%	0
URBAN RESEAL - COOMBER STREET RYLSTONE	24	0	24	0	0%	0
URBAN RESEALS - GEORGE ST SEG 10-30	16	0	16	0	0%	0
URBAN RESEAL - PIPER STREET RYLSTONE	14	0	14	0	0%	0
URBAN ROAD REHABS - BUDGET ONLY	(0)	0	(0)	0	0%	0
URBAN ROADS KERB & GUTTER CAPITAL	117	0	117	1	1%	6
URBAN REHAB - ROBERTSON ST SEG 90	550	0	550	0	0%	0
URBAN HEAVY PATCHING	26	0	26	2	7%	0
RESHEETING - URBAN ROADS	12	0	12	0	0%	0
URBAN UPGRADE - DABEE STREET RYLSTONE (REQUIRES GRANT)	420	0	420	0	0%	0
URBAN ROADS LAND MATTERS CAPITAL	15	0	15	0	0%	0
RURAL SEALED ROADS RESEALS BUDGET ONLY	15	0	15	0	0%	0
RURAL RESEAL - HENRY LAWSON DRIVE	523	0	523	0	0%	0
RURAL RESEAL - TINJA LANE	12	0	12	0	0%	0
RURAL RESEAL - BARNEYS REEF ROAD	235	0	235	0	0%	0
RURAL RESEAL - BLUE SPRINGS ROAD	99	0	99	0	0%	0
RURAL RESEAL - SPRINGFIELD LANE	16	0	16	0	0%	0
RURAL RESEAL - MEBUL ROAD	85	0	85	0	0%	0
RURAL RESEAL - LUE RD	100	0	100	0	0%	82
RURAL RESEAL - GLEN ALICE RD	62	0	62	0	0%	0
RURAL RESEAL - CUDGEGONG RD	229	0	229	0	0%	0
RURAL RESEAL - PYRAMUL RD	101	0	101	0	0%	0

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
RURAL RESEALS - DABEE ROAD KANDOS	114	0	114	0	0%	0
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	413	0	413	0	0%	0
RURAL REHAB - LUE ROAD MOUNTKNOW	495	0	495	0	0%	12
RURAL REHAB - CUDGEGONG RD CARWELL	520	0	520	1	0%	0
HEAVY PATCHING	52	0	52	0	0%	0
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	26	0	26	0	0%	0
RURAL ROADS - FLOODED ROADS SMART WARNING SYSTEM	55	0	55	0	0%	0
RURAL SEALED ROAD LAND MATTERS	28	0	28	3	9%	0
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	199	0	199	0	0%	0
REG RDS RESEALS - BYLONG VALLEY WAY MR215	283	0	283	0	0%	0
REG RDS RESEALS - ILFORD ROAD MR215	65	0	65	0	0%	0
REG RDS RESEALS - HILL END ROAD MR216	152	0	152	0	0%	0
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	900	0	900	0	0%	0
HILL END ROAD SAFETY IMPROVEMENTS	940	0	940	43	5%	73
BVW UPGRADE RNSW 2080	0	40	40	0	0%	18
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	11	0	11	0	0%	0
SEAL EXTENSION - QUEENS PINCH RD	505	0	505	6	1%	34
SEAL EXTENSION - BOTOBOLAR RD	1,179	0	1,179	134	11%	252
SEAL EXTENSION - CORICUDGY ROAD	2,720	0	2,720	89	3%	326
RESHEETING	2,161	0	2,161	98	5%	137
UNSEALED ROADS LAND MATTERS CAPITAL	18	0	18	0	0%	0
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	247	0	247	0	0%	0
FOOTPATH REPLACEMENT	142	0	142	1	0%	0
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	164	0	164	17	11%	14
RYLSTONE RIVER - WALKING AREA EXTENSION	125	0	125	0	0%	0
AIRPORT HANGER AND STUDIO	200	0	200	0	0%	181

FINANCE | MONTHLY BUDGET REVIEW – 31 JULY 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0
<b>Total</b>	<b>15,030</b>	<b>40</b>	<b>15,070</b>	<b>393</b>	<b>3%</b>	<b>1,136</b>

Good Government

RYLSTONE ADMINISTRATION - BUILDING PAINTING	20	0	20	0	0%	0
OLD POLICE STATION CAPITAL	50	0	50	0	0%	20
BUILDINGS MASTER KEY SYSTEM	50	0	50	0	0%	0
MUDGEES ADMIN BUILDING EXTENSION	100	0	100	0	0%	325
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	0
RECREATION BUILDING - RENOVATION	100	0	100	0	0%	0
CARMEL CROAN BUILDING - ROOF RESTORATION	25	0	25	0	0%	0
IT SPECIAL PROJECTS	29	0	29	0	0%	0
IT CORPORATE SOFTWARE	101	0	101	6	6%	15
PLANT PURCHASES	7,188	0	7,188	90	1%	2,580
PLANT PURCHASES - NEW	147	0	147	0	0%	0
RYLSTONE DEPOT - CAPITAL UPGRADE	65	0	65	1	1%	0
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	0	0%	0
SOLAR FARM INITIATIVE - STAGE 3	7,778	0	7,778	19	0%	449
<b>Total</b>	<b>15,745</b>	<b>0</b>	<b>15,745</b>	<b>116</b>	<b>1%</b>	<b>3,390</b>

<b>Total Capital Works Program</b>	<b>78,450</b>	<b>40</b>	<b>78,490</b>	<b>854</b>	<b>1%</b>	<b>21,731</b>
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## 9.3 Monthly Statement of Investments as at 31 July 2023

REPORT BY THE ACTING CHIEF FINANCIAL OFFICER  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, FIN300053

### RECOMMENDATION

#### That Council:

1. receive the report by the Acting Chief Financial Officer on the Monthly Statement of Investments as at 31 July 2023; and
2. note the certification of the Responsible Accounting Officer.

---

### Executive summary

The purpose of this report is to certify that Council's investments have been made in accordance with legal and policy requirements, provide information on the detail of investments and raise other matters relevant to Council's investment portfolio as required.

### Disclosure of Interest

Nil

### Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 July 2023.

### Community Plan implications

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

#### Council Strategies

Not Applicable

#### Council Policies

Council's Investments Policy requires a written report each month setting out the entire investment portfolio.

#### Legislation

As per Clause 212 of the Local Government (General) Regulation 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

NEIL BUNGATE  
ACTING CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM  
ACTING DIRECTOR CORPORATE SERVICES

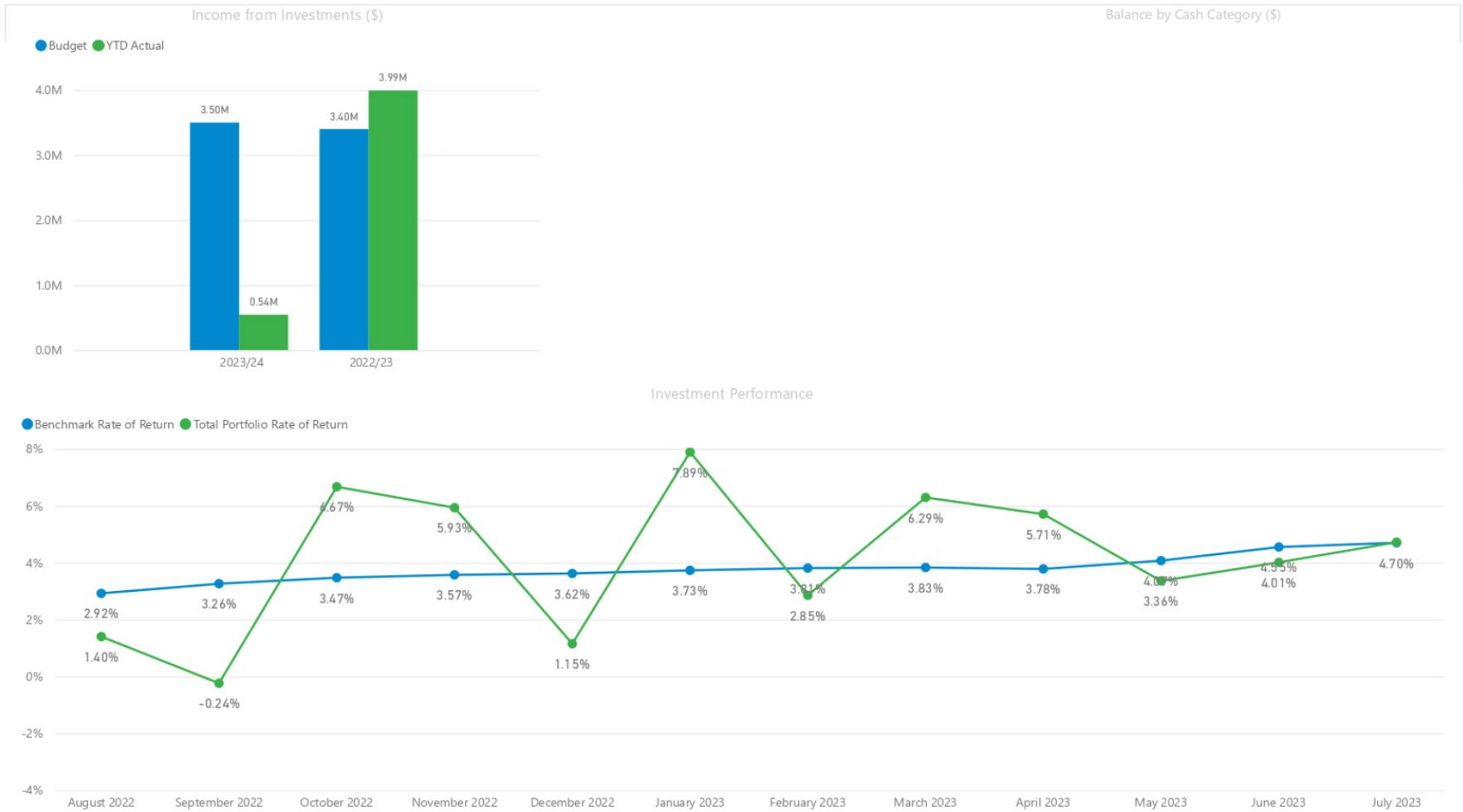
3 August 2023

*Attachments:* 1. Investment Report for 31 July 2023.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER





Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 37,563,061	27%	27%	20%	OK
Between 3 months and 1 year	\$ 72,000,000	51%	77%	40%	OK
Between 1 year and 2 years	\$ 29,000,000	20%	98%	50%	OK
Between 2 years and 4 years	\$ 3,000,000	2%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
<b>Total</b>	<b>\$ 141,563,061</b>				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	24%	\$ 33,500,000
	NAB	40%	OK	15%	\$ 21,253,729
	Westpac	40%	OK	16%	\$ 22,000,000
A+	Macquarie	20%	OK	1%	\$ 1,500,000
A	ING	20%	OK	17%	\$ 23,500,000
	Australian Military Bank	10%	OK	1%	\$ 1,000,000
BBB+	Australian Unity Bank Of Queensland Bendigo & Adelaide	10%	OK	7%	\$ 10,500,000
	Bank	10%	OK	6%	\$ 8,500,000
	Bank	10%	OK	1%	\$ 2,000,000
	MyState Bank	10%	OK	1%	\$ 2,000,000
BBB	AMP	5%	OK	4%	\$ 5,000,000
	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,307,242
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 5,948,353
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,553,737
<b>TCorp Short Term Income</b>	<b>Income Fund</b>	<b>15%</b>	<b>OK</b>	<b>1%</b>	<b>\$ 1,553,737</b>
<b>Grand Total</b>				<b>100%</b>	<b>\$ 141,563,061</b>

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	54%	\$ 76,753,729
BBB+	20%	OK	17%	\$ 24,000,000
BBB	5%	OK	4%	\$ 5,000,000
TCorp Growth Funds	15%	OK	7%	\$ 9,255,595
TCorp Short Term Income Fund	15%	OK	1%	\$ 1,553,737
A+ to A	50%	OK	18%	\$ 25,000,000
<b>Grand Total</b>			<b>100%</b>	<b>\$ 141,563,061</b>

**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)	4,641,050		7,253,729
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	3,249,946		3,307,242
TCorp - Medium Term Growth Fund	5,893,162		5,948,353
Tcorp - Short Term Income Fund	1,546,414		1,553,737
<b>Total</b>	<b>15,330,572</b>	<b>-</b>	<b>18,063,061</b>

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
ING	3.21%	26/07/2023	1,500,000	58,044
CBA	3.72%	19/07/2023	1,500,000	53,507
MyState Bank	4.02%	5/07/2023	1,500,000	62,448
Bank Of Queensland	4.40%	12/07/2023	4,000,000	97,885
<b>Total</b>			<b>8,500,000</b>	<b>271,883</b>

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Bank Of Queensland	5.52%	21/08/2024	1,500,000	93,689
Bank Of Queensland	5.62%	4/09/2024	1,500,000	97,003
Bank Of Queensland	5.62%	18/09/2024	2,000,000	133,648
<b>Total</b>			<b>5,000,000</b>	<b>324,340</b>



**At Call Fund and Managed Funds**

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.25%	\$ 7,253,729	0
TCorp - Cash Fund	3.00%	\$ -	1
TCorp - Long Term Growth	3.00%	\$ 3,307,242	5
TCorp - Medium Term Growth	3.00%	\$ 5,948,353	5
Tcorp - Short Term Income	3.00%	\$ 1,553,737	5
<b>Total</b>		<b>\$ 18,063,061</b>	

**Current Term Deposits**

Institution	Yield	Term to Maturity	Principal Amount
AMP	4.70%	114	\$ 1,500,000
AMP	4.70%	65	\$ 1,000,000
AMP	4.90%	233	\$ 2,500,000
Australian Military Bank	5.10%	359	\$ 1,000,000
Australian Unity	3.50%	142	\$ 2,000,000
Australian Unity	4.35%	121	\$ 2,000,000
Australian Unity	4.10%	212	\$ 1,500,000
Australian Unity	4.30%	184	\$ 2,000,000
Australian Unity	4.50%	254	\$ 2,000,000
Australian Unity	5.60%	373	\$ 1,000,000
Bank Of Queensland	3.92%	240	\$ 1,000,000
Bank Of Queensland	4.25%	114	\$ 1,000,000
Bank Of Queensland	4.55%	240	\$ 1,500,000
Bank Of Queensland	5.52%	387	\$ 1,500,000
Bank Of Queensland	5.62%	401	\$ 1,500,000
Bank Of Queensland	5.62%	415	\$ 2,000,000
Bendigo & Adelaide Bank	5.30%	380	\$ 2,000,000
CBA	4.63%	324	\$ 4,000,000
CBA	4.71%	37	\$ 4,000,000
CBA	5.05%	219	\$ 3,500,000
CBA	3.99%	16	\$ 1,500,000
CBA	4.47%	135	\$ 2,000,000
CBA	4.55%	128	\$ 2,000,000
CBA	4.15%	331	\$ 2,000,000
CBA	4.76%	170	\$ 1,500,000
CBA	4.20%	100	\$ 1,500,000
CBA	3.05%	268	\$ 2,000,000
CBA	2.75%	44	\$ 1,500,000
CBA	2.63%	72	\$ 1,500,000
CBA	4.52%	303	\$ 1,000,000
CBA	0.85%	450	\$ 2,500,000
CBA	0.72%	310	\$ 2,000,000
CBA	0.77%	408	\$ 1,000,000
ING	4.62%	338	\$ 1,500,000
ING	5.10%	590	\$ 3,500,000
ING	4.57%	436	\$ 2,500,000
ING	4.90%	303	\$ 4,000,000
ING	5.05%	352	\$ 2,000,000
ING	5.52%	163	\$ 4,000,000
ING	5.65%	345	\$ 3,000,000
ING	5.40%	1066	\$ 3,000,000
Macquarie	4.50%	163	\$ 1,000,000

Institution	Yield	Principal Amount	Term to Maturity
Macquarie	4.50%	163	\$ 500,000
MyState Bank	4.90%	289	\$ 2,000,000
NAB	0.80%	394	\$ 1,500,000
NAB	0.64%	86	\$ 3,000,000
NAB	0.70%	58	\$ 2,500,000
NAB	1.51%	30	\$ 2,500,000
NAB	4.49%	506	\$ 2,500,000
NAB	4.45%	422	\$ 2,000,000
Westpac	0.65%	2	\$ 2,000,000
Westpac	1.06%	198	\$ 2,000,000
Westpac	2.28%	226	\$ 1,500,000
Westpac	3.70%	366	\$ 2,000,000
Westpac	4.22%	128	\$ 1,000,000
Westpac	4.35%	352	\$ 1,500,000
Westpac	4.30%	170	\$ 1,000,000
Westpac	4.67%	142	\$ 1,000,000
Westpac	4.78%	296	\$ 2,500,000
Westpac	4.89%	548	\$ 2,500,000
Westpac	4.46%	282	\$ 1,500,000
Westpac	4.55%	142	\$ 1,000,000
Westpac	4.40%	212	\$ 1,500,000
Westpac	5.05%	380	\$ 1,000,000
<b>Total</b>			<b>\$ 123,500,000</b>

## 9.4 Naming of a Bridge on Burrendong Dam Road over Meroo Creek, Yarrabin

REPORT BY THE REVENUE OFFICER  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, ROA100071

### RECOMMENDATION

#### That Council:

1. receive the report by the Revenue Officer on the naming of a Bridge on Burrendong Dam Road over Meroo Creek, Yarrabin;
2. support the name of Flynn Bridge;
3. provide public notification of the proposed name and call for further submissions in accordance with the Road, Bridge & Place Naming Policy; and
4. receive a further report at the end of the exhibition period to formalise the name of the road.

---

### Executive summary

Council has received a request from the public to name the bridge on Burrendong Dam Road over Meroo Creek at Yarrabin.

### Disclosure of Interest

Nil

### Detailed report

Council received a request for the bridge on Burrendong Dam Road over Meroo Creek to be named. Letters were sent to the immediate neighbours of the bridge, and advertising was placed in the 16<sup>th</sup> June 2023 Mudgee Guardian. Submissions closed on the 14<sup>th</sup> July 2023.

Three submissions were received with the following names suggested:

· Merrendee                      · Edwards                      · Flynn

These names were evaluated via the Geographical Names Board and an issue was found with Merendee and Edwards, with both names already in use as Merrendee Road in Yarrabin and Edwards Close in Bombira. Flynn was accepted for use with no objections.

The recommended name of Flynn relates to three generations of the Flynn family who owned and resided at Merrendee Station located adjacent to the bridge to be named. The family was well known and very active in the area.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Road, Bridge and Place Naming Policy

### Legislation

Roads Act, 1993

Road Regulation, 2008

Geographical Names Act, 1996

Geographical Names Board of NSW Address Policy and User Manual, May 2021

## Financial implications

Two name signs at an approximate cost of \$300. These costs are included in the existing signage budgets.

## Associated Risks

Nil

SARAH PRINGLE  
REVENUE OFFICER

LEONIE VAN OOSTERUM  
ACTING DIRECTOR CORPORATE SERVICES

26 July 2023

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

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Sarah Pringle**

---

**From:** Rhonda Mellor  
**Sent:** Wednesday, 24 May 2023 1:03 PM  
**To:** Council  
**Subject:** Naming a bridge crossing

I would formally like to put in a request on behalf of Merrendee Station Burrendong Dam Rd Yarrabin to have the bridge over the Meroo River named MERRENDEE BRIDGE.

(Photo included of point of interest)

Please let me know if this is possible and how we go about it. Many thanks

Andrew Mellor

Manager

Merrendee Station



Sent from my iPhone

TO THE GENERAL MANAGER  
MID WESTERN COUNCIL  
MUDGEE



SUBJECT: REQUEST FOR SUBMISSION RE PROPOSED  
NAMING OF BRIDGE ON BURRENDONG  
DAM ROAD OVER MEROO CREEK AS  
ADVERTISED MUDGEE GUARDIAN 23/6/23  
I HAVE TWO SUGGESTIONS FOR NAMING  
THAT BRIDGE

(1) AUB EDWARDS BRIDGE - HE WAS A FORMER  
OWNER OF WORLDS END AT THE BRIDGE,  
PRIOR TO CURRENT SUBDIVISION

OR

(2) NEIL FLYNN BRIDGE - HE WAS THE FORMER  
OWNER OF MERENDEE STATION ON MEROO  
CREEK

OR

EDWARDS OR FLYNN BRIDGE.

REGARDS OWEN FITZSIMMONS

23/6/23



**From:** [Michelle Flynn](#)  
**To:** [Council](#)  
**Subject:** Proposed Bridge name - Burrendong Dam Road over Meroo Creek  
**Date:** Friday, 14 July 2023 12:09:22 PM  
**Attachments:** [image0.jpeg](#)  
[image0.jpeg](#)  
[image1.jpeg](#)  
[image2.jpeg](#)  
[image3.jpeg](#)

---

Attention  
General Manager

I'm writing to put forward my family name for the proposed Bridge naming of the Burrendong Dam Road over Meroo Creek .

My name is Michelle Flynn I have strong connections to the Mudgee area via both my mothers and fathers line .

My mother Diana Stafford's line is a well known family from the Cooyal area .  
The Blackman's my mothers lineage is from Aboriginal Thomas Henry Blackman son of Thomas Harley Blackman and Aboriginal Gomerai woman known as Mary Ann .  
My father Michael Neil Flynn's father Neil Flynn owned and lived at Merrendee station at the historical time of the resumption of land for the Burrendong Dam .  
Merrendee Station is very close to the Meroo River and considering the history it would make me very proud to have the Flynn family name considered as a name for the bridge at the Burrendong Dam road over a Meroo Creek .



I have used some quotes from Dale Edwards book Ghosts of Burrendong to show my connection to the area below .

“ Merrendee Station was originally owned by the Webb family and later leased by Gundowda's C.E Suttor. For the years C.E Suttor had control of Merrendee, the big old homestead was lived in by Bert and Mary McGrath .”  
“Merrendee station was later sold by the Webb family and purchased by the Flynn family.”

My great grandfather Thomas Flynn and his wife Rose purchased the property and his son.

“Neil Flynn and his wife Beverley moved to live in this lovely old homestead and at that time had carried out renovations to improve and modernise this very impressive building that still stands gracefully looking out over the Burrendong waters where old Yarrabin village once stood .

The Flynn's were still the owners at the time of resumption by the WC and IC  
They had some country along the river totally resumed including some of their best flats and the old Merrendee woodshed where so many thousands of sheep had over the years passed through to be shorn .

Merrendee was later sold by the Flynn family and is still a very successful grazing property today . “

My grandfather Neil Flynn is buried at Mudgee .

I recently had his grave restored .

I visit the area regularly and hope that my proposal will be favourably considered .

A few photos of my family at Merrendee and a more recent visit where I was shown through the homestead by the current manager .

Michelle ( granddaughter of Neil Flynn ) and Deborah Flynn ( daughter of Neil Flynn ) on the



Burrendong Dam at Merrendee around 1971



Michael Flynn with daughters Nicole Michelle and Peta Flynn at Merrendee .

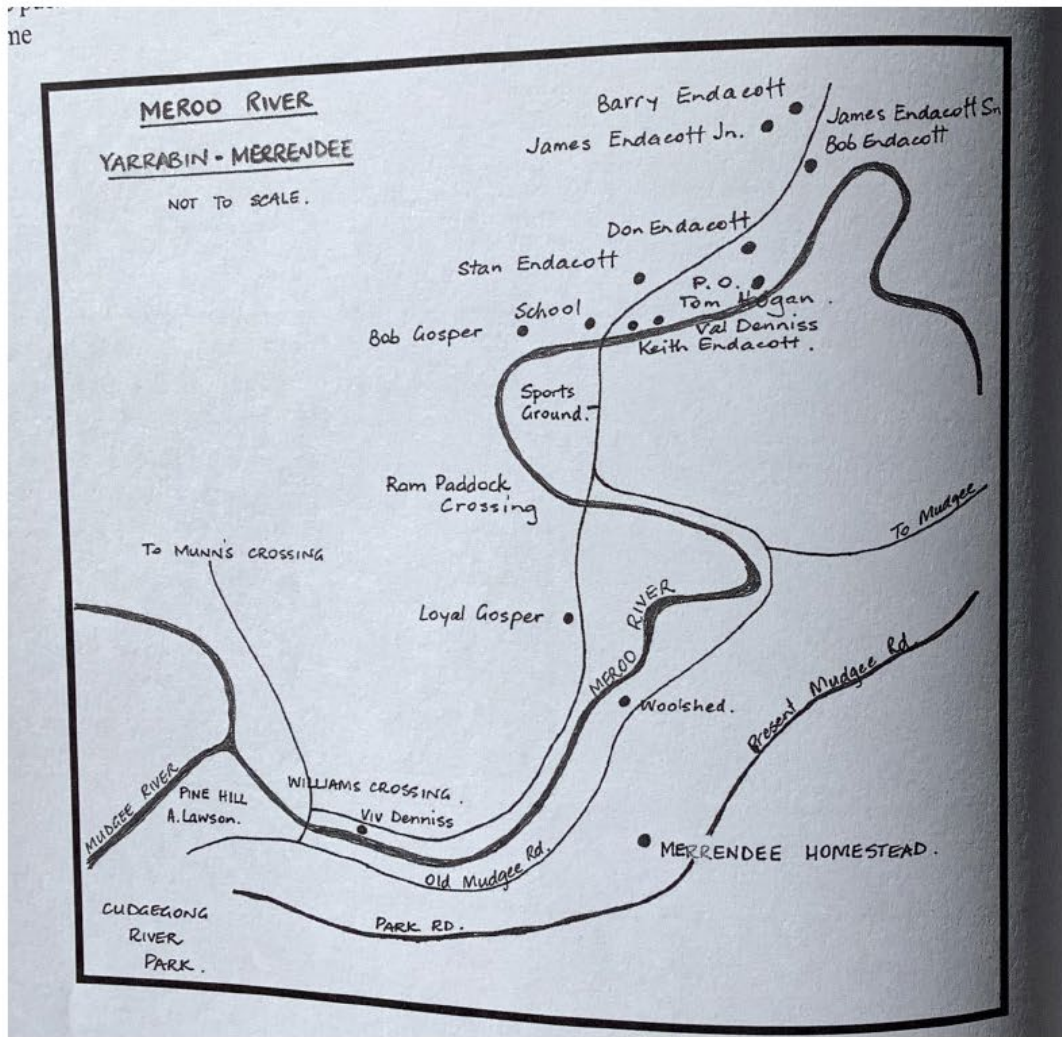


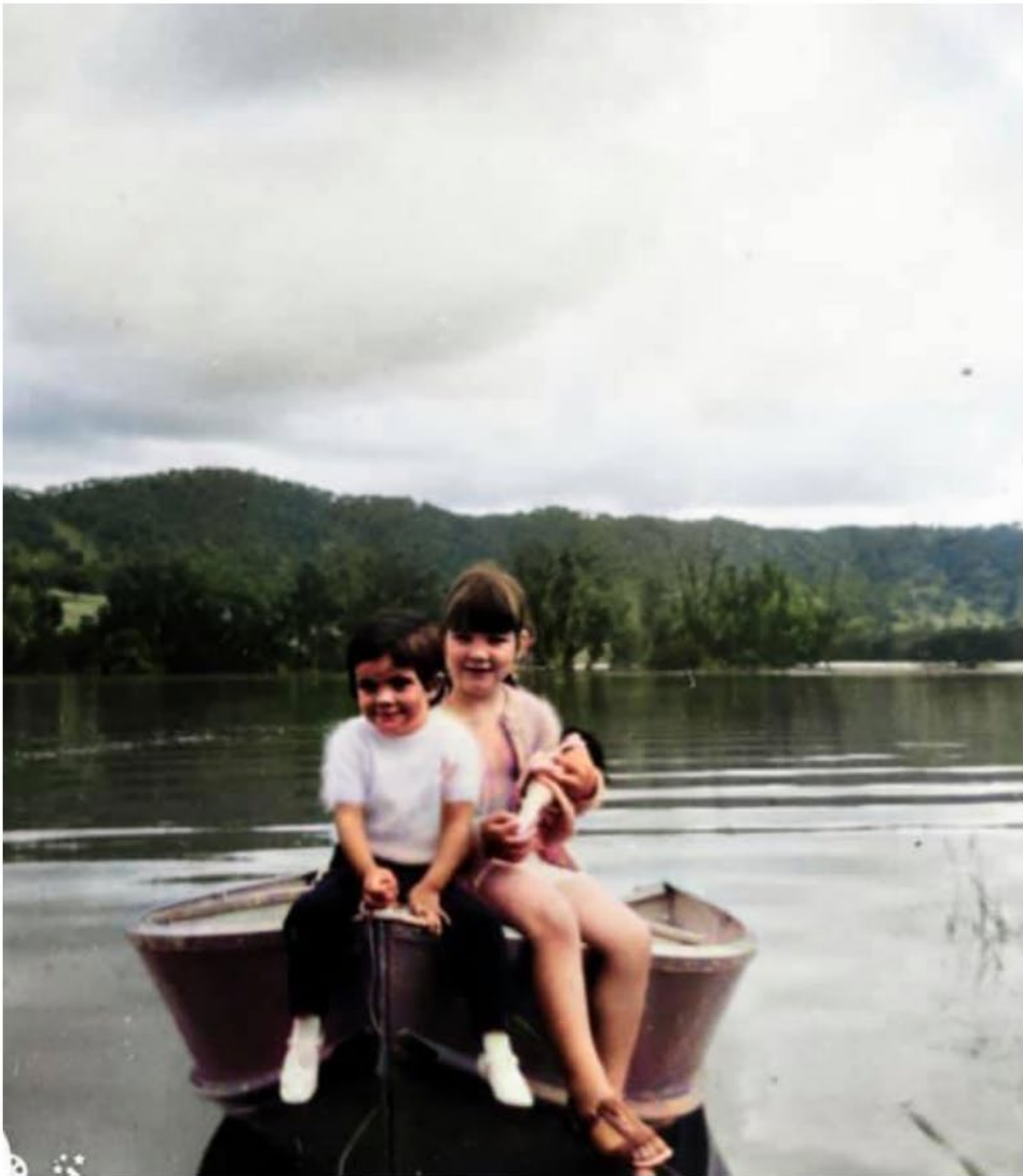
Pictures of the Dam and homestead at Mudgee 2022 .

Kind regards

Michelle Flynn

Sent from my iPad

















## 9.5 Policy Review - Work Health and Safety

REPORT BY THE WHS AND RISK COORDINATOR  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, A0100021

### RECOMMENDATION

#### That Council:

1. **receive the report by the WHS and Risk Coordinator on the Policy Review - Work Health and Safety; and**
2. **adopt the revised Work Health and Safety Policy**

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### Executive summary

The Work Health and Safety Policy has been reviewed to ensure compliance with relevant legislation and to ensure it is relevant for Council's requirements. There are no significant changes required to the policy.

### Disclosure of Interest

Nil

### Detailed report

Mid-Western Regional Council (Council) is committed to providing a safe and healthy work environment for all workers and others in the workplace, so far as reasonably practicable.

This is achieved with effective consultation between Management, Workers and other Stakeholders in accordance with the requirements of the Work Health and Safety Act 2011 and Regulations.

- Provision and maintenance of a safe work environment
- Provision and maintenance of safe plant and structures
- Provision and maintenance of safe systems of work
- To continually monitor, identify and eliminate or reduce hazards and risks to health and safety
- Safe use, handling and storage of substances, structures and plant
- Provision and maintenance of adequate facilities for the welfare of workers
- Provision of adequate information, training and supervision for its workers
- Provision of health and wellbeing programs, activities and monitoring for its workers

### Community Plan implications

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

### **Council Strategies**

Delivery Program Action: Provide a safe, healthy and non-discriminatory working environment.

Projects/Service: Implement and embed a WHS Management System that reflects the Australian Standard.

### **Council Policies**

Not Applicable

### **Legislation**

Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017

## Financial implications

Not Applicable

## Associated Risks

If Council does not maintain and promote a current Work Health and Safety Policy there may be an increase in risk and incidents occurring.

VERONIKA BARRY  
WHS AND RISK COORDINATOR

LEONIE VAN OOSTERUM  
ACTING DIRECTOR CORPORATE SERVICES

7 August 2023

*Attachments:* 1. Revised Work Health and Safety Policy.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY WORK HEALTH AND SAFETY

*A prosperous  
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ADOPTED	VERSION NO	6.2
COUNCIL MEETING MIN NO	REVIEW DATE	JUNE 2027
DATE:	FILE NUMBER	A0100021 / WHS105

Mid-Western Regional Council (Council) is committed to providing a safe and healthy work environment for all workers and others in the workplace, so far as reasonably practicable. This is achieved with effective consultation between Management, Workers and other Stakeholders in accordance with the requirements of the Work Health and Safety Act 2011 and Regulations.

To facilitate this, Council has established, implemented and continues to maintain a Work Health and Safety Management System (WHSMS). The WHSMS forms the foundation of a proactive, systematic and coordinated approach to the management of health and safety risks arising out of Councils undertakings. The WHSMS embraces the risk management principles prescribed in AS ISO 31000:2018 and provides for fair and effective workplace health and safety consultation, cooperation and issue resolution.

Everyone within the workplace including Contractors has a work health and safety responsibility, and Council's WHSMS aims to provide a framework to support everyone in continually upholding these responsibilities.

### Aims of the Work Health and Safety Management System

- Provision and maintenance of a safe work environment
- Provision and maintenance of safe plant and structures
- Provision and maintenance of safe systems of work
- To continually monitor, identify and eliminate or reduce hazards and risks to health and safety
- Safe use, handling and storage of substances, structures and plant
- Provision and maintenance of adequate facilities for the welfare of workers
- Provision of adequate information, training and supervision for its workers
- Provision of health and wellbeing programs, activities and monitoring for its workers

### WHS Objectives

- Identification and management of work health and safety risks and compliance with the Work Health and Safety Act 2011 and Regulations;
- Maintaining effective communication with our Workers, Contractors, Visitors and other Stakeholders to ensure that safe work practices are undertaken in the workplace;
- Empowering individuals to adopt the highest standards of workplace health and safety practices to protect themselves and others in the workplace;
- Monitoring, reviewing, reporting and continuous improvement of the WHSMS

### WHS Responsibilities

**SENIOR MANAGEMENT:** The General Manager, Directors and those involved in strategic decision making must exercise due diligence in ensuring that Mid-Western Regional Council complies with the duties of a "PCBU" defined in Section 19 of the Work Health and Safety Act 2011.

**WORKERS:** Workers have a duty to take reasonable care of themselves and others at the workplace. A worker includes a person who carries out work in any capacity for Council, including work as an employee, a contractor, subcontractor, outworker, volunteer, apprentice or trainee and work experience students.

**VISITORS:** Visitors to Council's workplaces have a duty to take reasonable care of themselves and others at the workplace and cooperate with any reasonable instruction given by an employee of Mid-Western Regional Council.

## Item 10: Operations

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### 10.1 Crown Land Beryls Reserve

REPORT BY THE DIRECTOR OPERATIONS  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, A0220005, P0930111

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Operations on Crown Land Beryls Reserve; and**
  2. **complete the matters in progress No 347/20.**
- 

#### Executive summary

Council at its Ordinary meeting 18/11/2020 resolved:

*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.*

Staff have undertaken an assessment of the road area only to provide some additional maintenance to allow better access to the site. It should be noted the roads within the site are not Council maintained roads. Consideration has been given to providing improved access to the river not all internal tracks.

The reserve is not actively maintained by Council and no budget exists for this purpose. A small budget could be dedicated to this reserve as part of the consideration of the Community Lands Management Plan that is yet to be adopted by Council.

#### Disclosure of Interest

Nil

#### Detailed report

##### **Location**

The Crown Land Reserve known as Beryls Reserve is off Mebul Road. The land is Crown Land and is vested in Council as the land manager. A draft Community Lands Management Plan guides the uses and development of the land. The area of land is approximately 90.85 hectares and is accessed via the unsealed section of Mebul Road. The land adjoins the Cudgegong River and has been used for decades as a local swimming location during summer and some camping in winter. There is evidence on site of recent camp fires indicating people are still readily accessing the site. The site in its current condition remains a nice place for the community to visit.



Image – Beryls Reserve

### **Internal tracks**

The site has two entrances off Mebul Rd, one at the eastern most end and one to the western most end.

The site has a number of internal tracks that access areas of the site but primarily the river. The track that runs along the top of the site, generally parallel to Mebul Rd, connects the two entrances and is heavily eroded and would be suitable to 4WD vehicles only. This track is not essential to access the river.

The western entry to the site is accessible and the tracks from this point leading to the river are trafficable, however most suitable to 4WD vehicles. Some 2WD vehicles maybe suitable. Once you get close to the river bank the track is sandy gravel as you are essentially in the extended river bed. This is suitable to 4WD vehicles only.

The track from the western end of the site would require upgrading to provide all vehicle all weather access. This would include grading and resheeting and piped drainage in places. The cost to upgrade the track would be approximately \$40,000 and includes:

- 1km x 3m wide with 100mm of gravel;
- 3 sets of small pipes.

The cost to grade this road annually once upgraded is approximately \$2,000.

Due to its location adjacent to the Cudgegong River and issues with the road flooding it is likely it will need resheeting say every 7-10yrs. Re-sheeting is currently \$30K per/km.

Council did undertake some very minor works to a small section of road approximately two years ago while plant and equipment were on Mebul road to improve access.

### **Options**

1. Leave the tracks in the current condition that provide limited access throughout the site but reasonable access to the river noting access is currently available;
2. Upgrade a section of the tracks from the western end to improve access to the river for a greater type of vehicles except where the base becomes sandy and would regularly be affected by floods or high / fluctuating water levels. Dedicate a budget of \$40,000 for the road works and an on-going budget of \$5,000p/a for recreation services to undertake basic maintenance of the site.
3. Upgrade all tracks through the site. A recent inspection of the site has revealed this would require extensive works. This has not been costed as part of this report but can be done on Councils request.

Any proposed works should be undertaken in line with the Objectives and Key Performance Targets of the Community Plan of Management.

### **Community Plan of Management**

Beryls Reserve is Crown Land managed by Council. Under the draft Community Land Plan of Management (CLPoM) the area is defined as Natural Area Bushland with a purpose of public recreation. Core objectives of this category of land under the CLPoM are to:

- ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and microorganisms) of the land and other ecological values of the land.
- protect the aesthetic, heritage, recreational, educational and scientific values of the land.
- promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion.
- restore degraded bushland.
- protect existing landforms such as natural drainage lines, watercourses and foreshores.
- retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term.
- protect bushland as a natural stabiliser of the soil surface.

Permissible uses and development on Bushlands lands may include:

- access roads
- alternate energy technology
- biodiversity enhancement
- dog training and exercise
- drainage
- emergency use
- filming and photography of events,
- speeches, concerts etc. (commercial, amateur)
- fitness and wellbeing programs
- grazing
- maintenance activities
- natural areas
- passive recreation paths
- personal training
- public utilities and/or works
- associated with relevant legislation (bushfire, telecommunications etc)
- public utility infrastructure
- recycling (Return & Earn stations)
- remediation works
- rest areas
- telecommunication facilities.
- temporary compounds

## Community Plan implications

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

## Strategic implications

### Council Strategies

Draft Community Land Plan of Management.

### Council Policies

Nil

### Legislation

Crown Lands Management Act 2016

## Financial implications

The road within Beryls Reserve does not form part of Councils road network either as a maintained or unmaintained Council or Crown road. It is largely an internal track on this parcel of crown land. As such the tracks are not funded as part of Councils roads capital or maintenance program.

Should Council wish to fund upgrading this road or allocate maintenance costs, funding should be provided as part of the management of the Crown Land parcel and as part of maintenance of the entire site. Funding could be considered from unrestricted cash.

To provide an upgraded road as detailed in the report \$40,000 could be allocated from unrestricted cash. To fund on-going basic maintenance of the site an allocation of \$5,000p/a could be made from unrestricted cash. There is a current unrestricted cash balance of \$9.9M

## Associated Risks

Traditionally access to this site has been limited to appropriate weather conditions and the condition of the internal tracks.

Should Council wish to improve access to a higher standard this may attract greater numbers of people to the site and create the need for additional servicing of the area or at least that expectation. There is the possibility the site could be accessed by free campers and certain types of off road camper vans if access is improved to a higher standard. The site lends itself to an area where a low level of amenity should be expected i.e. no bins, people take their rubbish with them.

The site is currently not maintained by Council and people enter the site at their own risk as conditions allow. The river bank area is subject to fluctuating water levels, river debris etc. as can be expected by the natural river environment.





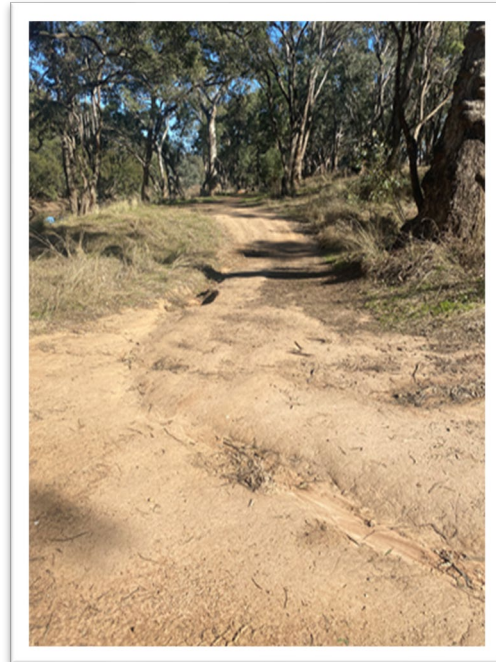
*Entry to site. Accessible 2WD*



*Internal tracks to river. Sandy base 4WD only.*



*Internal tracks to river. Possible 2WD with clearance.*



*Internal track to river. 2WD with clearance.*





*Internal tracks to river. Possible 2WD with clearance.*



*Sandy track at river bank 4WD only.*



*Eroded track.*



*Eroded track. Toward eastern entry.*



*Eroded track. 4WD only.*



*Eroded track. 4WD only.*

JULIAN GEDDES  
DIRECTOR OPERATIONS

13 July 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 10.2 Policy Reviews - Operations

### REPORT BY THE DIRECTOR OPERATIONS

TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, GOV400047

#### RECOMMENDATION

##### That Council:

1. receive the report by the Director Operations on the Policy Reviews - Operations;
2. place on public exhibition for 28 days the amended 'Bitumen Sealing of Gravel Roads Policy' and 'Protective Fencing and Overhead Protective Structures in Public Places Policy', and if no submissions are received adopt the amended policies; and
3. place on public exhibition for 28 days the proposed rescinding of 'Construction of New Pathways Policy', 'Kerb and Guttering and Footpath Charges Policy' and 'Sign Inspection and Replacement Policy' and if no submissions are received rescind these policies.

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#### Executive summary

This report deals with the review of Council policies that is required as per the policy review schedule. Policies are reviewed and updated as required and consideration given to whether a policy is still necessary and relevant.

#### Disclosure of Interest

Nil

#### Detailed report

The policies listed below have been reviewed and are attached with relevant changes being highlighted in the document:

##### **Bitumen sealing of gravel roads**

This policy defines the criteria for the provision of bitumen seals on urban and rural gravel roads where adjoining property owners request some action to reduce or remove the nuisance of dust on their property. Policy reviewed with one minor change to simplify wording around the property owner's contribution to the cost of sealing works.

##### **Protective Fencing and Overhead Protective Structures in Public Places Policy**

This policy deals with the approval process and standards for overhead hoardings and fences on public lands (footpaths etc) that require the approval of Council during construction works. Minor amendments have been made to update referenced legislation.

##### **Sign Inspection and Replacement Policy**

This is an old policy that deals with maintenance inspection of road signs. This process is now superseded by asset management plans and defect management processes. This policy is no longer required and is recommended to be rescinded.



### **Construction of New Pathways Policy**

This policy is to clarify Council's objective in providing and maintaining an integrated network of pathways throughout the urban areas in the region. This policy has been superseded by the Pedestrian Access and Mobility Plan and soon to be delivered Walking and Cycling Strategy. It is recommended this policy be rescinded.

### **Kerb and Guttering and Footpath Charges**

This policy documents the determination of kerb and guttering and footpath charges to adjacent landowners, in accordance with the ability to charge such fees under the Roads Act 1993. This policy has been in place for 10 years and there is no evidence of practical application of this policy or the intent to apply it. The ability to enforce such charges remains under the Roads Act 1993. It is recommended this policy be rescinded.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Nil

### **Council Policies**

Bitumen sealing of gravel roads – proposed to be amended and adopted.

Protective Fencing and Overhead Protective Structures in Public Places Policy – Proposed to be amended and adopted.

Sign Inspection and Replacement Policy – Proposed to be rescinded.

Construction of New Pathways Policy – Proposed to be rescinded.

Kerb and Guttering and Footpath Charges – Proposed to be rescinded.

### **Legislation**

Nil

## Financial implications

Nil

## Associated Risks

The updating of Council policies ensures suitable governance arrangements and guidance exists for the implementation of Council's functions. Amending policies reduces the risk of policies becoming out of date, not meeting best practice or referencing out of date or incorrect legislation.

The risks around rescinding the policies proposed is considered minimal as they are either not being actively used or have been replaced by other strategies and plans.

JULIAN GEDDES  
DIRECTOR OPERATIONS

3 August 2023

- Attachments:*
1. Bitumen sealing of gravel roads.
  2. Construction of new pathways.
  3. Kerbing and Guttering and Footpath Charges.
  4. Protective Fencing and Overhead Protective Structure in Public Places.
  5. Sign Inspection and replacement.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY

### Bitumen Sealing of Gravel Roads

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ADOPTED		VERSION NO	1.1
COUNCIL MEETING MIN	30-18	REVIEW DATE	FEBRUARY 2022
DATE:	21/2/2018	FILE NUMBER	A0100021

## Objective

1. To provide clarity on the proposed extension of the bitumen sealed network within the region.
2. To define criteria for the provision of bitumen seals on urban and rural gravel roads where adjoining property owners request some action to reduce or remove the nuisance of dust on their property.
3. This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'.

## Legislative requirements

This Policy is consistent with the ROADS ACT 1993

## Related policies and plans

The Roads Asset Management plan Delivery Plan

Delivery Plan

## Policy

Council will review its seal extension program on an annual basis taking into account available funds and determine its forward program (if any) in conjunction with the Community Plan, Delivery Program and Roads Asset Management Plan.

Only seal extension projects that have been approved by Council and are included in the Delivery Plan within the current financial year will have certainty of being undertaken. Those thereafter will be reviewed subject to further funding, road traffic analysis, and road conditions as determined in the Delivery Program and Roads Asset Management Plan.

Council will consider the sealing of a maintained gravel road when a contribution is made by resident(s) or property owner(s) for the cost of the seal. Council will contribute by preparing the road surface for seal. A quotation will be provided on application.

Council will not provide small isolated strips of bitumen sealing, a minimum length of 100m is required and the full width of the road is to be sealed.

Council will consider requests for bitumen sealing of unsealed roads under the following conditions:

- [A contribution towards the cost of sealing an existing gravel road matches the estimated cost of the bitumen seal in cash or kind. All payments are required to be paid in full before](#)



**POLICY: BITUMEN SEALING OF GRAVEL ROADS**

**ERROR! REFERENCE SOURCE NOT FOUND. VERSION 4.1, 21/2/2018**

commencement of work That the property owner meet the cost of sealing and Council meet the cost of gravelling and preparation of the pavement below the seal.

- Provided that the minimum length of an isolated strip is not less than 100 metres and the full width of road is sealed.
- That the application is made on the attached form.
- Council will only consider up to five applications in any one financial year.
- Access to properties are required be sealed from the edge of the bitumen seal for a minimum distance of 2m or to the property boundary.
- Bitumen sealing projects will be programmed to be undertaken when Council resources are available.

All bitumen sealing requests will require Council resolution to proceed.

Ongoing maintenance of constructed bitumen seal will be with Council.

Maintenance activities on the sealed network will be at the discretion of the General Manager and undertaken in consideration of the entirety of the road network in conjunction with the Delivery Plan and Road Asset Management Plan.

Adopted: Min No. 30-18

Re-Affirmed\Amended: N/A

Review Date: 21 February 2018

Related Files: A0100021

**POLICY:** ERROR! REFERENCE SOURCE NOT FOUND. | ERROR! REFERENCE SOURCE NOT FOUND. ERROR! REFERENCE SOURCE NOT FOUND.[INSERT-DATE] |



## POLICY

### Construction of New Pathways

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ADOPTED		VERSION NO	
COUNCIL MEETING MIN	212/13	REVIEW DATE	MAY 14
DATE:	6/6/13	FILE NUMBER	A0100021

## Objective

To clarify Council's objective in providing and maintaining an integrated network of pathways throughout the urban areas in the region.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

## Policy

New pathways will be constructed within budgetary and resource constraints on both sides of a street for:

1. Arterial roads, CBD Roads and other roads where the traffic volume exceeds 2,500 vehicles per day (vpd).
2. Immediately adjacent to schools.

New pathways will be constructed within budgetary and resource constraints on one side of a street where traffic volumes are greater than 300 vpd and less than 2,500 vpd. No pathway will be constructed on streets having a traffic volume less than 300 vpd, unless it provides a link between sections of the existing pathway network. It is considered that with less than 300 vpd, traffic volumes are low enough for pedestrians to use the carriageway with reasonable safety.

Prioritisation of pathways for new construction will be based on:

1. Pedestrian Generators (Schools, Commercial Development, Parks)
2. Contribution to overall network of pathways
- 2.3. Disabled needs
- 3.4. Road Hierarchy
- 4.5. Pedestrian Volume
- 5.6. Proximity of adjacent pathway
- 6.7. Requests

- Generally, new pathways will be constructed 1200mm wide and offset 900mm from the property boundary within road reserves.
- Cycleways will be constructed 2400mm wide on an alignment to be determined by Council.
- They are to be constructed of 100mm thick concrete with a strength grade of N25 and a 50-80mm slump at time of placement.

**POLICY: CONSTRUCTION OF NEW PATHWAYS | 6 JUNE 2013**

- The thickness of the footpath will increase to 125mm thick in reserves or other areas where mowing will be carried out by self-propelled plant.
- The maximum nominal size of course aggregate shall be 20mm.
- The concrete shall be reinforced with F72 mesh at 40mm cover to the top, with laps and mesh support complying with AS3600.
- Concrete shall not be placed where the temperature of the surrounding air is higher than 32 C or lower than 10 C.
- [Ramps are to be to disabled standards.](#)
- Pram ramps shall be constructed at all street corners as detailed in the standard drawing below.
- 10mm wide keyed Expansion Joints are to be provided at spacing's not exceeding 6m, and on either side of each vehicular crossing.
- 6mm wide Control Joints are to be provided at 1.2m spacing's and formed by cutting the freshly screeded concrete to at least half the concrete depth. After finishing the surface the joints shall be struck with a tool to coincide exactly with the location of the cuts.





## POLICY

### Kerbing and Guttering and Footpath Charges

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ADOPTED		VERSION NO	
COUNCIL MEETING MIN	212/13	REVIEW DATE	MAY 14
DATE:	6/6/13	FILE NUMBER	A0100021

## Objective

To document a policy relating to the determination of kerbing & guttering, and footpath charges to adjacent landowners, in accordance with the ability to charge such fees under the Roads Act 1993.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

## Policy

1. For the purpose of this policy, the following definitions are deemed to apply:
  - **Frontage** - The frontage of a property relates to the boundary, which is adjacent to the street, which is mentioned in the property description registered by Council.
  - **Corner Property** - The corner property relates to a property with multiple street boundaries attached to each other, one of which is the frontage as in (a) above.
  - **Rear Boundary** - The rear boundary of a property relates to a single street boundary, which is not attached to another boundary as in (a) and (b) above.
2. Council shall determine lengths of footpaths, kerbing and guttering requiring landowner's contribution based on the lengths as defined in the registered property plan for the subject allotment.
3. The cost applicable to the landowner for construction of footpaths and Kerb & Gutter shall be determined on the following basis:
  - **Single Frontage Properties, Residential 2A** - Are to be charged a maximum charge of one half actual cost of footpath or kerbing and guttering construction.
  - **Corner Properties, Residential 2A** - Are to be charged a maximum charge of 40% actual cost of footpath or kerbing and guttering construction
  - **Rear Boundaries to Properties with single Frontage, Residential 2A** - Are to be charged a maximum charge of 40% actual cost of paving, kerbing and guttering construction.
  - **All Boundaries to Properties other than Residential 2A** - Are to be charged a maximum charge of one half actual cost of paving, kerbing and guttering construction, unless construction is required as part of a development application.
  - **Cost estimates will be provided by Council prior to the commencement of works.**
4. Council will not require a contribution for footpaths adjacent to properties in residential 2A areas where they are proposed under the Footpath Strategic Plan. **ROADS ACT 1993 - SECT 217**



**POLICY: KERBING AND GUTTERING AND FOOTPATH CHARGES**[\[INSERT POLICY TITLE HERE\]](#) | [ERROR! REFERENCE SOURCE NOT FOUND.](#)[\[VERSION 4.1, 4.2 ETC\]](#), [ERROR! REFERENCE SOURCE NOT FOUND.](#)[\[INSERT DATE\]](#)

### **ROADS ACT 1993 - SECT 217**

#### **217 ROADS AUTHORITY MAY RECOVER COST OF PAVING, KERBING AND GUTTERING FOOTWAYS**

(1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.

(2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine.

(3) The owner of land the subject of such a determination becomes liable to pay the amount determined on receiving notice of that amount.

(4) This section does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid and does not apply to the Crown as regards public open space.

(5) In this section, a reference to a gutter includes, in the case of a roadway that is laid to the kerb in a permanent manner, a reference to such part of the roadway as is within 450 millimetres of the kerb.



## POLICY

### Protective Fencing and Overhead Protective Structure in Public Places

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ADOPTED		VERSION NO	
COUNCIL MEETING MIN	402/13	REVIEW DATE	JUL/OCT 25/14
DATE:	21/07/2023/16/10/13	FILE NUMBER	A0100021

## Objective

To control and regulate the erection of protective fencing and overhead protective structures in public places in the Mid-Western Regional local government area.

## Policy

1. No person shall erect a protective fencing and overhead protective structures in any public place within the Mid-Western Regional local government area without first obtaining written approval/permission from the Council. An approval to erect a temporary hoarding may be granted under S94 of the Local Government Act 1993 and s138 and s139 of the Roads Act 1993
2. An application to erect protective fencing and overhead protective structures shall be in writing and shall include:-
  - i) Details of the construction and location of the proposed protective fencing and overhead protective structures;
  - ii) The length of time the protective fencing and overhead protective structures will be in place;
  - iii) A copy of a \$20 million Public Liability Policy endorsed to cover Council;
  - iv) An undertaking that the protective fencing and overhead protective structures will be temporarily or permanently, altered or removed, if directed to do so by the Council
  - v) Council may require the relevant documents demonstrating compliance SafeWork NSW Codes of Practice for hoardings and or details of fencing to be submitted with any application.
  - iv/vi) The proposed structure maybe required to come with fully engineered and certified structural documentation.

### COUNCIL REGULATIONS:

#### 1. Protective Fencing and Overhead Protective Structures.

The erection and maintenance of any protective fencing or overhead protective structures must be in accordance with the relevant Codes of Practice, including but not limited to the Code of Practice – Overhead Protective Structures from SafeWork NSW, Construction Work – Code of Practice from Safe Work Australia and any specification from Council. requirements of the Workplace Health and Safety Act 2011.

#### 2. Encroachments on footpaths.

**POLICY: PROTECTIVE FENCING AND OVERHEAD PROTECTIVE STRUCTURE IN PUBLIC PLACES | 16 OCTOBER 2013**

Where it is proposed to fence off a section of the footpath, a minimum 1.2m width shall be Signs directing pedestrians to the thoroughfare shall be provided on the fence.

The Council may restrict this projection to provide appropriate pedestrian footway or for the protection of the public.

**3. The Protection of Public Infrastructure**

- a) Prior to the erection of the Protective Fencing and Overhead Protective structure a full photographic record and audit shall be submitted and approved by Council at all public infrastructure footpaths, drainage and the like, that may be impacted by the erection.
- b) All public infrastructure shall be restored to the pre-erection condition to the full satisfaction of Council.

**4. Maintenance.**

- a) Protective fencing and overhead protective structures shall remain in place until the construction of the building is completed or building completely demolished;
- b) Hydrants, manholes or other footpath boxes shall not be covered in any way or access to them impeded;
- c) Uprights shall not be inserted into the footpath or roadway but shall be tenoned into sole plates;
- d) Vehicles shall not cross the footpath to gain access to the site except with permission from the Council and a temporary planked crossing constructed;
- e) If an office is positioned upon the roof of a overhead protection structure the roof is to be sloped away from the footpath;
- f) Cranes shall not be placed upon the public way unless a permit has been obtained from the Council;
- g) Protective fencing and overhead protective structures permits do not allow the use of the roadway for the loading and unloading of vehicles;
- h) The use of the roadway for the storage of materials is not permitted without prior approval from the Council;
- i) 2.5 metre clearance required for pedestrian and disabled requirement;
- j) Offset distance from man holes, hydrants and svv etc required minimum distance to be stated.



## POLICY

### Sign Inspection and Replacement Road Signs

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ADOPTED		VERSION NO	
COUNCIL MEETING MIN	212/13	REVIEW DATE	MAY 14
DATE:	6/6/13	FILE NUMBER	A0100021

### Objective <sup>[UG1]</sup>

The objective of this policy is to formalise and document inspection and operational procedures to maximise the effectiveness of the [Shire Council](#) Roadway signs and balance maximum sign effectiveness, public safety, and performance while maintaining fiscal responsibility.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

## Policy

### Background

1. There are five (5) different types of roadway signs. These include:

- Regulatory Signs
- Warning Signs
- Information Signs
- Miscellaneous Signs
- Construction Signs (these are generally temporary signs related to construction)

2. Sign priority based on Function and Classification:

A) Priority One:

Stop Signs  
Give Way Signs  
School Crossings  
Hospital  
Pedestrian  
[Handicap Disabled](#) Parking and Loading

B) Priority Two:

Other Regulatory Signs: these include Speed Limit signs, No Parking signs, etc.

Warning Signs: these include Height Restriction signs, Road Narrow signs, Median signs, etc.

C) Priority Three:

Information Signs: these include Route signs, directional signs, etc.

Miscellaneous Signs:

**POLICY: SIGN INSPECTION AND REPLACEMENT ROAD SIGNS** | [ERROR! REFERENCE SOURCE NOT FOUND. 6 JUNE 2013](#)

**Inspection and Inventory**

An inventory of all signs will be maintained by Council, which will include a history of inspection and condition of the signs. All signs will be inspected with scheduled road inspections as follows:

- Priority One: - Once every 12 months
- Priority Two: - Once every 24 months
- Priority Three: - Once every 36 months

Signs inspections will confirm that the sign is in place and will document the appearance, conditions and reflectivity of the sign as well as visibility of the sign with regard to obstructions (i.e.: trees that have grown in front of signs).

**Other Inspections**

Public Concerns:

In addition to formal inspections, citizen concerns related to [ShireCouncil](#) Roadway Signs will be documented in the Works Request System. Safety related concerns will be investigated within 1 working day. All other concerns will be investigated in a timely manner as manpower and workload permit.

Council Staff:

In addition to formal inspections, Council staff shall inform Customer Service of any concerns related to Council Roadway Signs. Safety related concerns will be investigated within 1 working day. All other concerns will be investigated in a timely manner as manpower and workload permit.

**Sign Conditions**

Signs are rated on appearance and reflectivity, and placed into one of the following four (4) levels:

- Level One - New
- Level Two - Starting to fade and noticeable colour change.
- Level Three - Very noticeable fading and colour change, or minor damage.
- Level Four - Badly faded and colour almost gone, or damaged severely

**Action**

When signs reach Level Two, they are replaced as work load and budget restraints warrant. If there is a safety issue, a works order will be issued immediately and the sign will be replaced as soon as is reasonable, based on availability of work force.

**Sign Replacement**

SIGN IMPORTANCE	CONDITION			
	LEVEL ONE	LEVEL TWO	LEVEL THREE	LEVEL FOUR
PRIORITY ONE		X	X	X
PRIORITY TWO			X	X
PRIORITY THREE				X
X = replace				

### **Visibility of Signs**

When the visibility of a sign is found to be impaired by other signs, trees, shrubs, etc. so that the effectiveness of the sign is significantly reduced, works will be scheduled to bring the sign back to a functional level, as manpower and workload permit. In the event of private trees obstructing Roadway Signs, the owner will be contacted to perform maintenance on the tree to correct the obstruction.

### **Interpretation**

The Mid Western Regional Council acknowledges that all signs cannot be maintained in perfect condition due to fiscal and practical constraints. The timing of maintenance and inspections will be planned within the scope of current operating budget, to balance safety and appearance.



## 10.3 Major Project Roads Upgrade Policy

REPORT BY THE DIRECTOR OPERATIONS  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, GOV400047

### RECOMMENDATION

#### That Council:

1. **receive the report by the Director Operations on the Major Project Roads Upgrade Policy;**
2. **Place the Major Project Roads Upgrade Policy on public exhibition for 28 days; and**
3. **subject to no submissions being received, adopt the policy at the conclusion of the exhibition period.**

---

### Executive summary

This report details a new policy that flags the objective of Council undertaking works where council is the Roads Authority and roads are required to be upgraded as part of Development Consents issued for major projects including state significant developments.

### Disclosure of Interest

Nil

### Detailed report

Council as the Roads Authority is the owner of local roads in fee simple under the Roads Act 1993. It is Councils desire to undertake upgrade works to local roads where a proponent is required to do so under a condition of development consent.

It is open to Council to implement a policy to the effect that, where a section 138 approval is granted under the Roads Act 1993, only Council may carry out the works.

This policy is intended to give Council that option and flag this intention with developers.

The Objectives of the policy include:

- To ensure compliance with the Roads Act 1993
- To provide a fair and consistent exercise of the Councils functions under section 138 and 139 of the Roads Act in respect of applications made by or on behalf of private developers of major developments with the Councils local government area to upgrade roads within the Councils local road network in connection with such development
- To ensure that safe and high quality road infrastructure is provided in connection with major development undertaken by private developers in the Councils area
- To ensure developers are aware of Councils intent to undertake road upgrades on local roads within the council area.

## Community Plan implications

<b>Theme</b>	<b>Connecting Our Region</b>
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

## Strategic implications

### **Council Strategies**

Roads Asset Management Plan

### **Council Policies**

Nil

### **Legislation**

Roads Act 1993

## Financial implications

The works when undertaken are via commercial terms negotiated with and fully funded by the developer.

## Associated Risks

In implementing this policy council will need to balance the need to complete the annual operating and capital works with the ability to add additional works to fulfil the obligations of this policy. Council has very successfully over the years undertaken these types of works for major developers under contract.

The policy states works will be undertaken in accordance with standard terms and conditions and these are in development.

JULIAN GEDDES  
DIRECTOR OPERATIONS

3 August 2023

*Attachments:* 1. Major Projects Road Upgrade Policy.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY

### Major Project Road Upgrades Policy

*A prosperous  
and progressive  
community*

ADOPTED		VERSION NO	VERSION 1.0
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	SEPTEMBER 2025
DATE:	10 <sup>TH</sup> JULY 2023	FILE NUMBER	GOV400047

## Introduction

1. The Council is the roads authority and owner of all public roads other than freeways and Crown roads in its local government area.
2. Section 138 of the Roads Act makes it an offence for a person to do any of the following without the consent of the appropriate roads authority
  - (a) erect a structure or carry out a work in, on or over a public road, or
  - (b) dig up or disturb the surface of a public road, or
  - (c) remove or interfere with a structure, work or tree on a public road, or
  - (d) pump water into a public road from any land adjoining the road, or
  - (e) connect a road (whether public or private) to a classified road,
3. Section 138 provides that consent may not be given with respect to a classified road except with the concurrence of Transport for NSW. A classified road means any of the following:
  - (a) a main road,
  - (b) a highway,
  - (c) a freeway,
  - (d) a controlled access road,
  - (e) a secondary road,
  - (f) a tourist road,
  - (g) a tollway,
  - (h) a transitway,
  - (i) a State work.
4. Section 139 of the Roads Act provides that a consent under section 138 may be granted on the roads authority's initiative or on the application of any person, and may be granted on such conditions as the roads authority thinks fit.
5. Major developments on private land within the Council's local government area, including but not limited to *State significant development* within the meaning of the *Environmental Planning and Assessment Act 1979 (EPA Act)*, typically create a need for road works to upgrade roads within the Council's local road network to cater for traffic generated by the developments.
6. Development consents granted for major developments frequently require developers to upgrade roads within the Council's local road network.

POLICY: MAJOR PROJECT ROAD UPGRADES POLICY | VERSION 1.0, 10<sup>TH</sup> JULY 2023

## Purpose of this Policy

7. This Policy sets out the Council's requirements for the granting of consent under section 138 of the Roads Act to applications made by or on behalf of private developers to carry out road work to upgrade roads within the Council's local road network for which the Council is the roads authority under the Roads Act.

## Policy objectives

8. To ensure compliance with the Roads Act 1993.
9. To provide for the fair and consistent exercise of the Council's functions under section 138 and 139 of the Roads Act in respect of applications made by or on behalf of private developers of major developments within the Council's local government area to upgrade roads within the Council's local road network in connection with such development.
10. To ensure that safe and high quality road infrastructure is provided in connection with major development undertaken by private developers in the Council's area.
11. To ensure developers are aware of councils intent to undertake road upgrades on local roads within the council area.

## Legislative requirements

Roads Act 1993, sections 138 and 139.

## Related policies and plans

Nil

## Policy statement

- The Council prefers to carry out road work to upgrade roads within the Council's local road network, including where developers may be required by a condition of development consent for major development, including State Significant development under the EPA Act, to upgrade roads within the Council's network.
- Developers of proposed major development, including State significant development, should wherever practicable, undertake consultation with Council in its capacity as roads authority relating to road work that will or may be required to upgrade roads in connection with the proposed development (such as design, specifications, cost etc.) prior to making an application for development consent to the consent authority in respect of the development under the EPA Act,
- Arrangements for road work to upgrade roads in connection with proposed major development resulting from pre-development application consultations with Council in its capacity as roads authority should, wherever practicable, be reflected in the development application and recognise the Council's preference, as stated in this Policy, to carry out the road works itself.

POLICY: MAJOR PROJECT ROAD UPGRADES POLICY | VERSION 1.0, 10<sup>TH</sup> JULY 2023

- Irrespective of whether developers undertake consultation with the Council in its capacity as roads authority before making development applications for major development, Council will, when consulted by the consent authority in relation to the proposed development, indicate Council's policy position that it prefers to carry out road works in connection with the development itself and seek to have this reflected in the conditions of development consent.
- Developers of major development, including State significant development, should make applications for consent under section 138 of the Roads Act to carry out road work in connection with such development reflecting the Council's preference (as stated in the Policy) to carry out the road works.
- Where a condition of development consent for major development, including State significant development, requires the developer itself to undertake road work in connection with the development, the section 138 application should provide for the Council to carry out the road work on the developer's behalf in accordance with the Council's standard terms and conditions for road works on behalf of private developers, a copy of which is available from Council on request.
- The Council's standard terms and conditions for road works on behalf of private developers will generally be incorporated into the conditions of any consent granted by the Council to a section 138 application.

## Item 11: Community

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### 11.1 Gulgong Natural History Museum Survey Results

REPORT BY THE DIRECTOR COMMUNITY  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, FIN300410, P1114611

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the Gulgong Natural History Museum Survey Results;**
  2. **note the overall support from the Gulgong community for the development of the Natural History Museum at Red Hill;**
  3. **endorse the Red Hill precinct as the location for the Gulgong Natural History Museum; and**
  4. **request that further information be provided to Council on the design of the Museum, the Museum collection and the future operation of the Museum as a visitor destination.**
- 

#### Executive summary

Council has received funding from the State Government for the development of a Natural History Museum in Gulgong. Concerns had been raised by members of the Gulgong community regarding the lack of community consultation regarding the project. A community consultation process was undertaken through June and July of 2023 with an online and hard copy survey available to provide feedback on the Museum project.

This survey has resulted in the largest participation rate for any individual community consultation process with 447 responses received in total. This report provides the Council with feedback on these responses and seeks Council's endorsement to continue with the planning process for the Gulgong Natural History Museum at the Red Hill precinct.

#### Disclosure of Interest

Nil

#### Detailed report

At the Council meeting held on 17 August 2022, Council unanimously resolved to provide in principle support for the concept of developing a new exhibition space at the Red Hill precinct in Gulgong. Details were provided in this report of the potential for this to include exhibition materials from Michael Durrant, a private collector of fossils, fossil casts and other natural history materials



who is known for a number of exhibition spaces around the country, including at Mount Morgan in Queensland and Peak Hill in New South Wales.

The concept of the Natural History Museum was introduced to the Red Hill Committee at its meeting on 12 October 2022.

At its meeting on 19 October 2022, Council resolved, if successful with its application, to accept funding from the NSW Government's Regional Tourism Activation Fund for the Gulgong Natural History Museum at Red Hill. It is important to note that this funding was to accelerate the development of new and unique destination tourism offerings within the State and the Gulgong Natural History Museum, while early in its planning stages, was identified by both Council and the State Government through the application process, as being a project that would meet the criteria for the project.

The application was successful and the \$3 million in grant funding was subsequently announced in February 2023.

In the weeks following the funding announcement, Council received five letters from members of the Gulgong community concerned about aspects of the project. At the Red Hill Committee meeting in May, similar concerns were raised concerning the suitability of the Red Hill site, the potential scientific quality of the materials on exhibition and the lack of community consultation over the project.

In order to respond to concerns over the lack of consultation, a survey was developed and was issued through social media, local Gulgong schools and in hard copy form available at the Council office in Gulgong. The survey was open for a number of weeks and surveys were collected and tallied.

A summary of some of the key results from the survey are attached to this report.

In total, 417 online survey responses and 30 hard copy survey responses were received. In looking at the response, we have focused on the responses from Gulgong residents, rather than residents elsewhere in the region or visitors to the region. While some of the qualitative information from these groups can be useful, the important factor was trying to get a sense from the Gulgong community as to the level of support for the project.

**321 of the online response and 26 of the hard copy responses were from Gulgong residents. This is a total of 348 survey responses from 447 total responses or 77.9%.**

The base results from the survey are that overall **72.9% of Gulgong residents support the development of the Natural History Museum at Gulgong.**

Overall **61.9% of Gulgong residents support the Gulgong Natural History Museum being located at the Red Hill precinct.**

Of those Gulgong residents that support the Museum being in Gulgong, **82.4% are supportive of the Museum being located at Red Hill.**

It was also important to ask questions in the survey as to the reasons for support or opposition. Support for the Museum focused on the economic benefits of establishing another tourism attraction in Gulgong. There were well in excess of 100 comments related to Red Hill being an ideal location, given that it was close to the Gulgong CBD and would allow visitors to also visit other attractions and businesses in Gulgong. It was also noted by many that the Natural History Museum would work in well with other attractions at Red Hill such as the Gulgong Gold Experience

and the Red Hill cottage and that it was ideally placed next to the Red Hill Environmental Education Centre.

Comments around opposition to the Museum and its location focused on a number of different themes and focused on the following:

- There are already too many Museums in Gulgong
- Red Hill is not the right location because of its special heritage value to Gulgong
- The community has other priorities other than a Natural History Museum
- Concerns about the scientific quality of the Museum
- Concerns about the concept design of the building
- There are not enough volunteers in Gulgong to help run the Museum

Many of these concerns could be answered by further explanation over the model of operation that will be used for the Museum and how the Museum will be presented as a unique attraction. For example, it is not expected that volunteers will form the basis of the service delivery model for the Museum.

The concerns over the use of Red Hill have been presented to Council through the Red Hill Committee and this information has been weighed up as part of this report and its recommendations. The issues are understood and will form part of considerations to mitigate impact on existing interpretation at the Red Hill site. The project will need to go through an independent process for Development Approval, most likely through a Regional Planning Panel and heritage and conservation considerations will need to be carefully considered.

Further work is required to plan out the collection strategy for the Museum and to ensure that materials are displayed professionally and accurately. This will occur over the coming months with the intention of delivering a visitor destination of which the whole community can be proud.

Despite a number of Gulgong residents raising concerns, there does appear to be a sizeable majority of local people who are supportive of the Museum and the intention to develop this Museum at Red Hill. Red Hill incorporates a large area and it is believed that the design process for the building and the area as a whole can accommodate the development of a new building and exhibition space as well as maintaining the integrity of the Gulgong history that has been interpreted on the site.

It is recommended that Council continue with the project at Red Hill and that the necessary levels of funding and professional staffing are provided to ensure the success of the Gulgong Natural History Museum.

## Community Plan implications

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

## Strategic implications

**Council Strategies**  
Community Plan

**Council Policies**

Not Applicable

**Legislation**

Not Applicable

Financial implications

At this stage, Council has approved a budget of \$4 million for the Gulgong Natural History Museum project, with \$3 million coming from the NSW Government's Regional Tourism Activation Fund and \$1 million from Council. This report does not seek additional funds, however, this may be required as further planning is undertaken on the project.

Associated Risks

A full business case is being developed for this project as per the required Capital Expenditure Review. As part of this process, risks would be considered as for any sizeable construction project.

SIMON JONES  
DIRECTOR COMMUNITY

27 July 2023

*Attachments:* 1. Gulgong Natural History Museum Survey Results.  
2. Gulgong Natural History Museum Survey.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

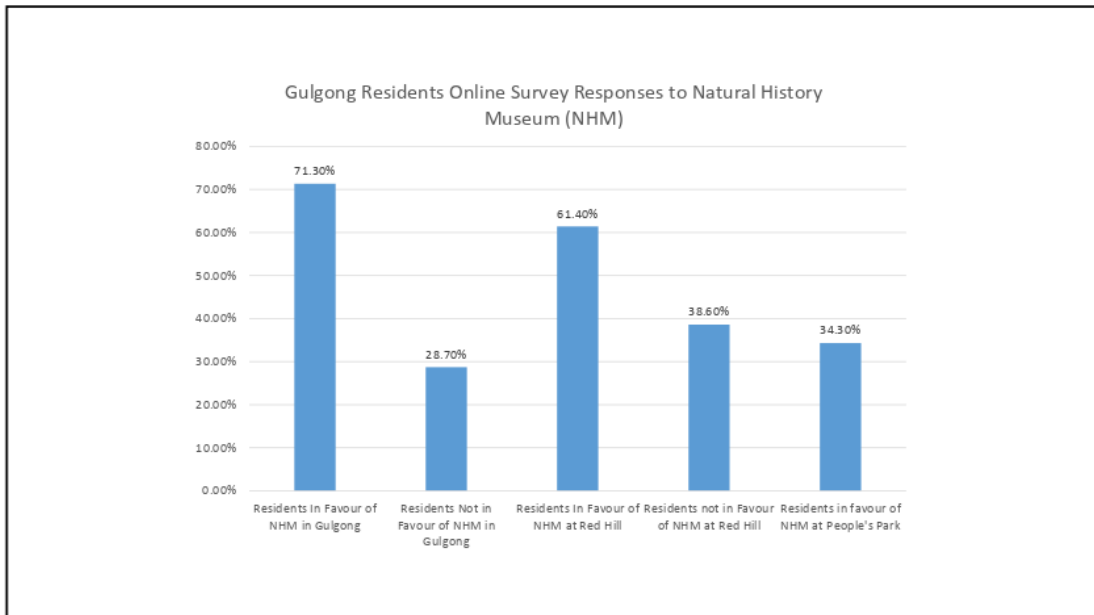
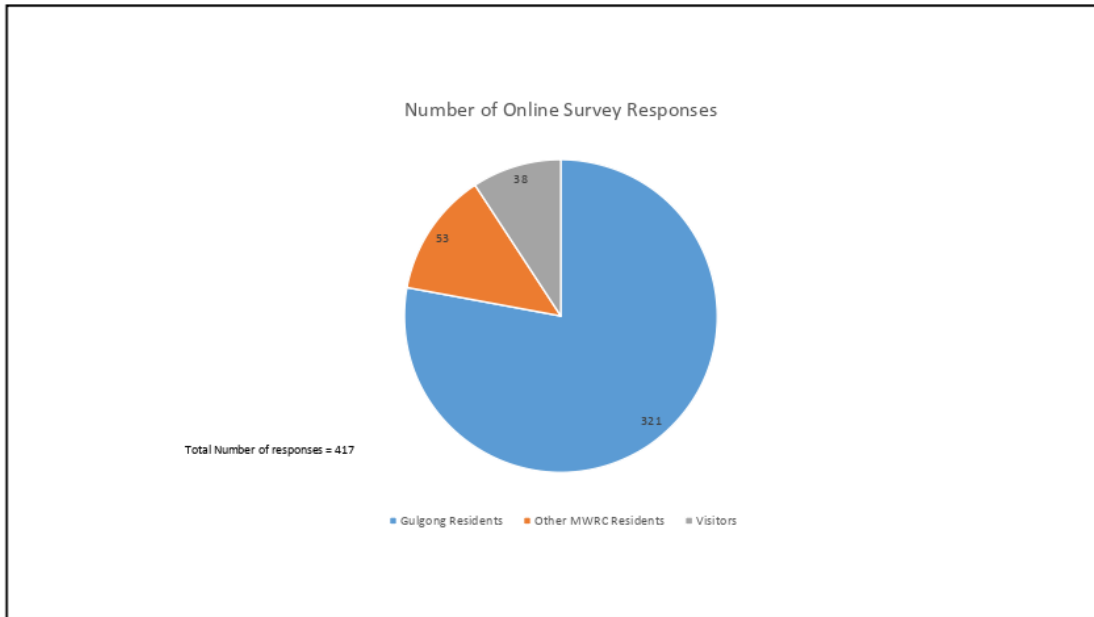


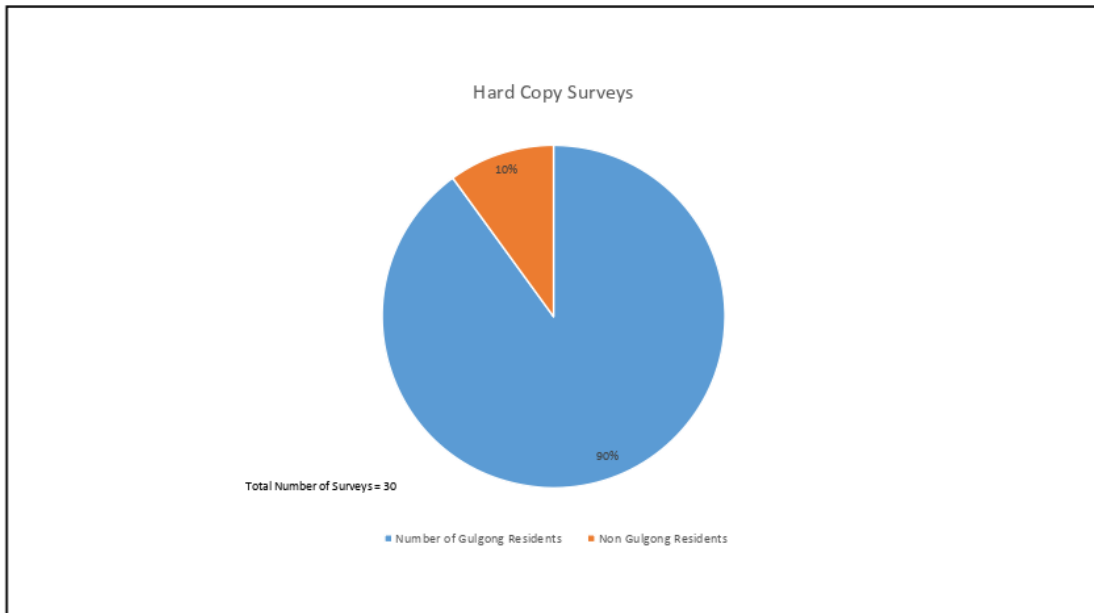
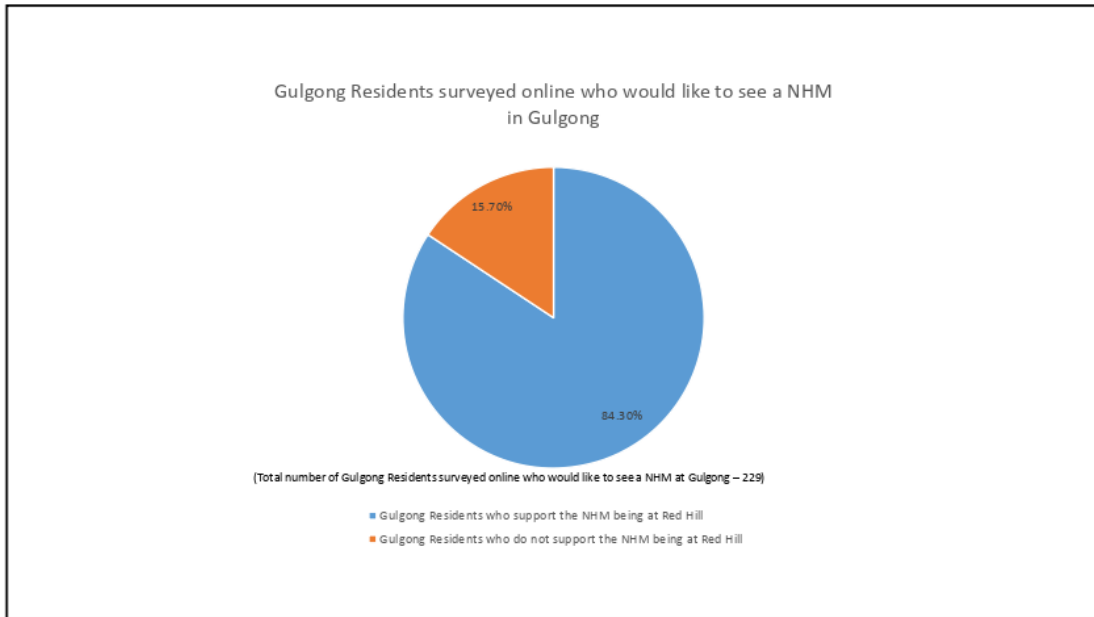
## GULGONG NATURAL HISTORY MUSEUM SURVEY RESULTS

27 JULY 2023

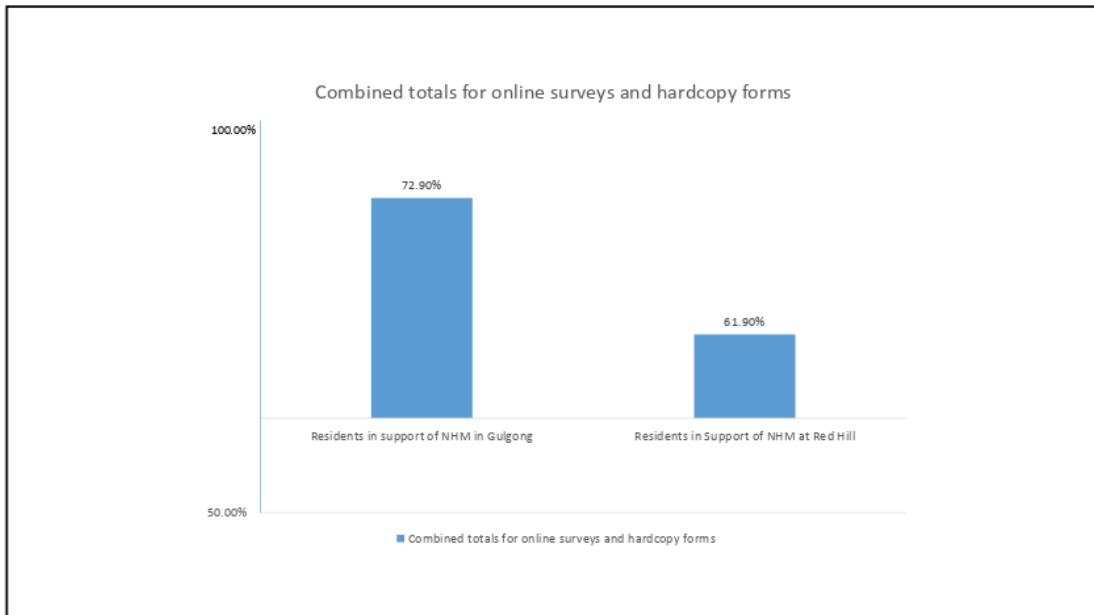
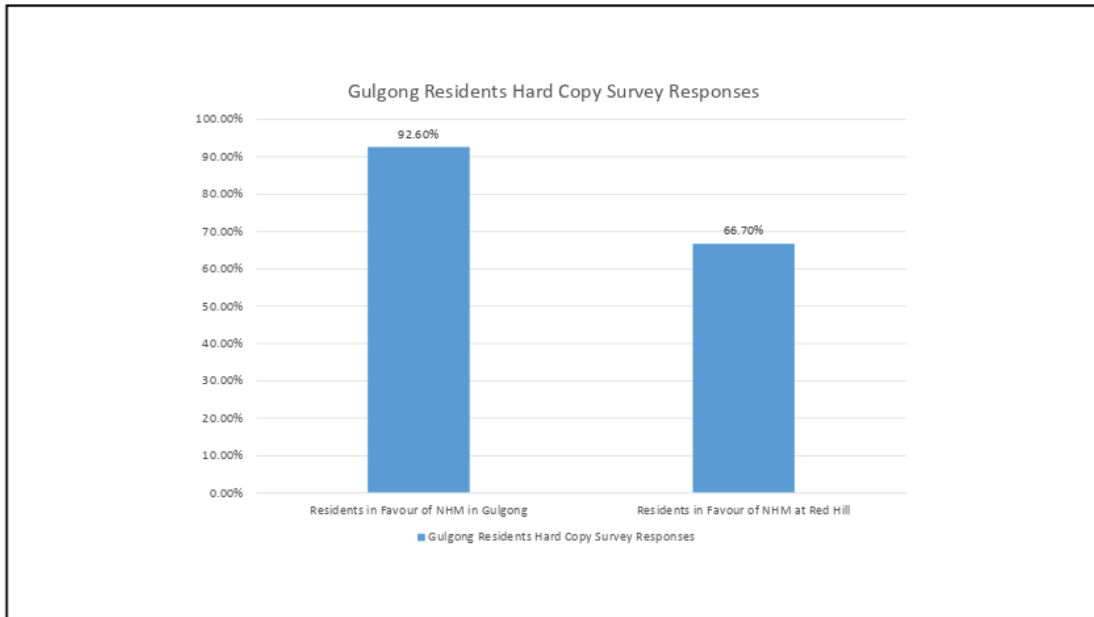
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COMMUNITY

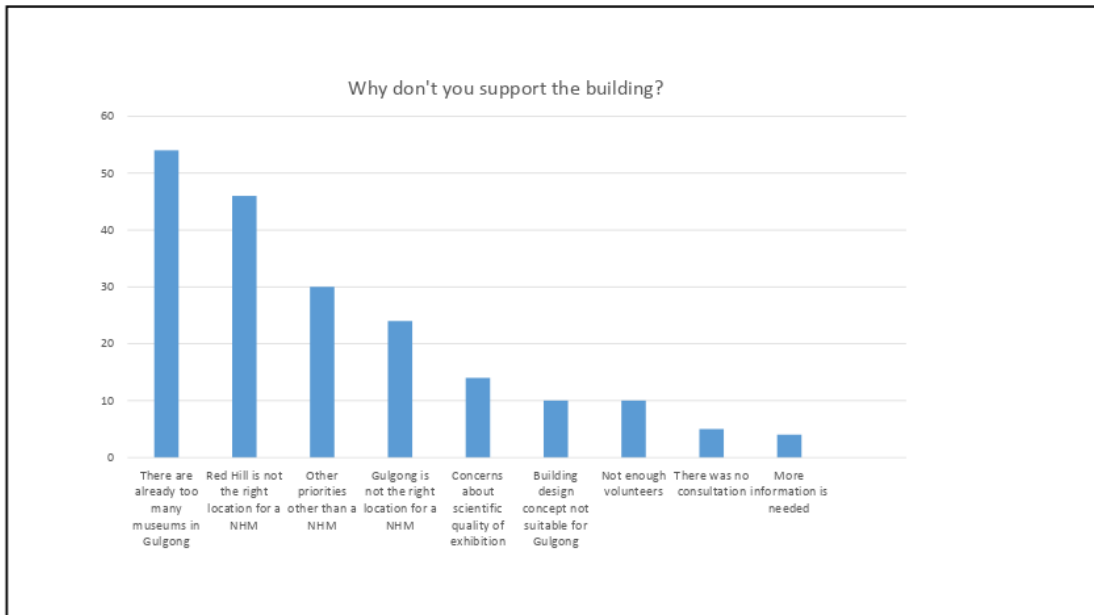
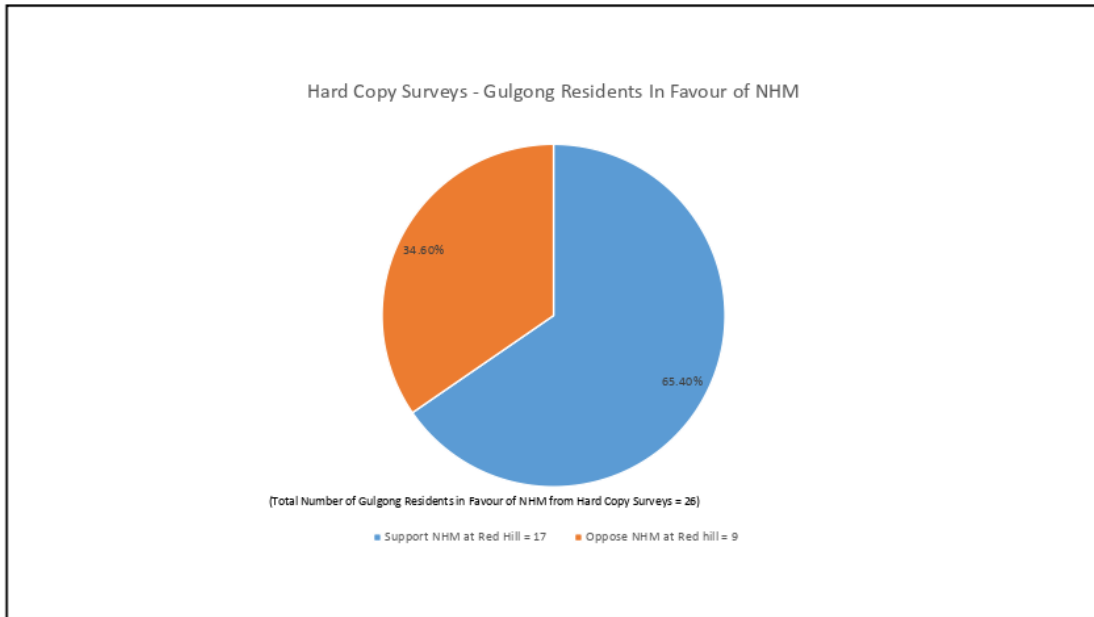


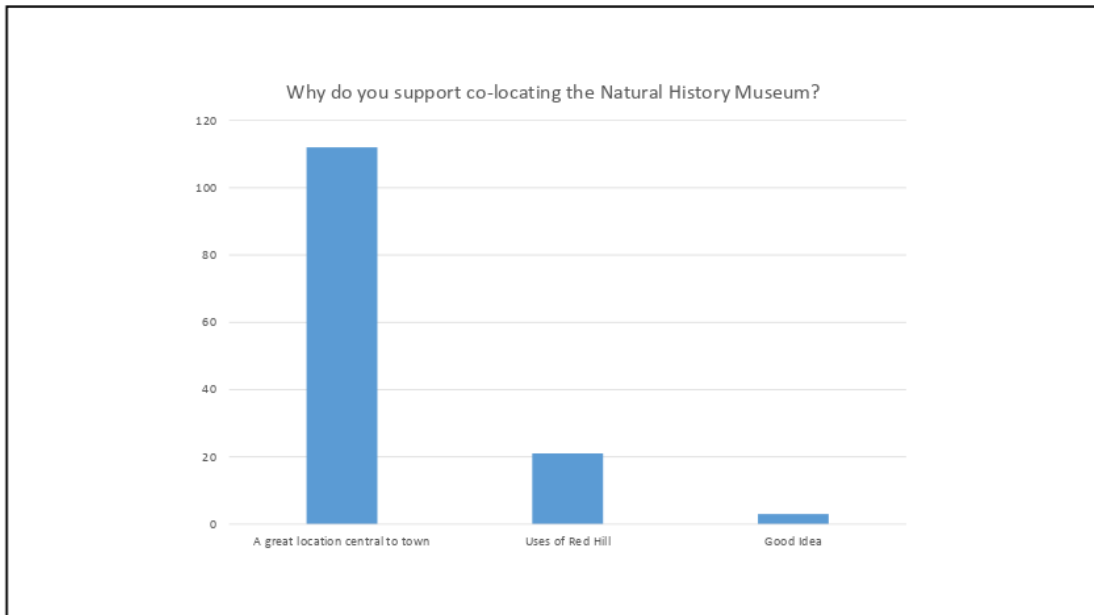
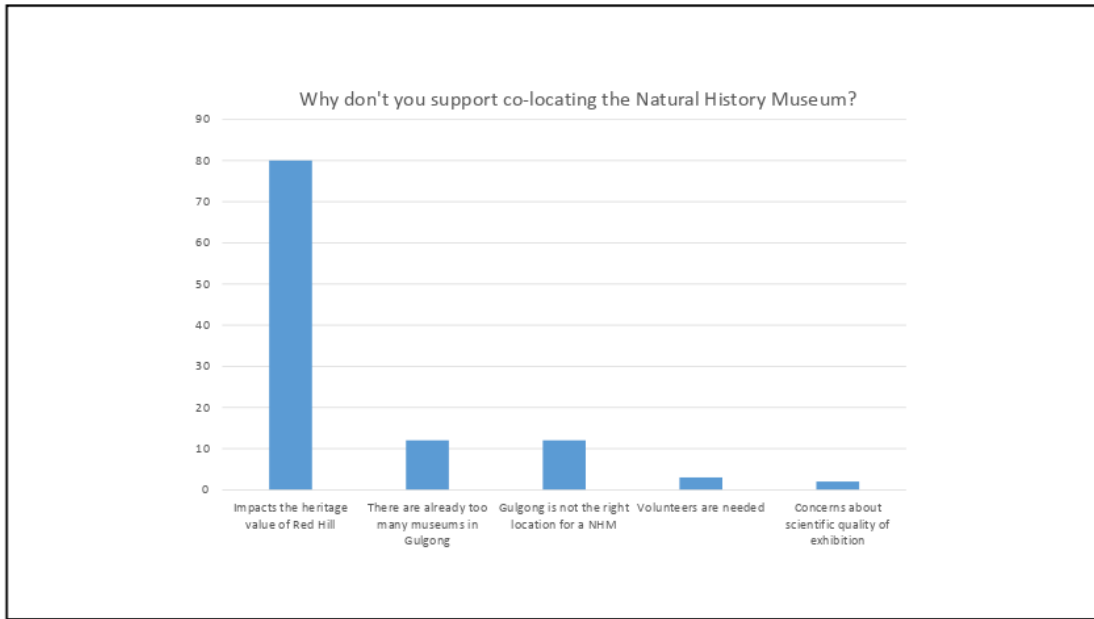


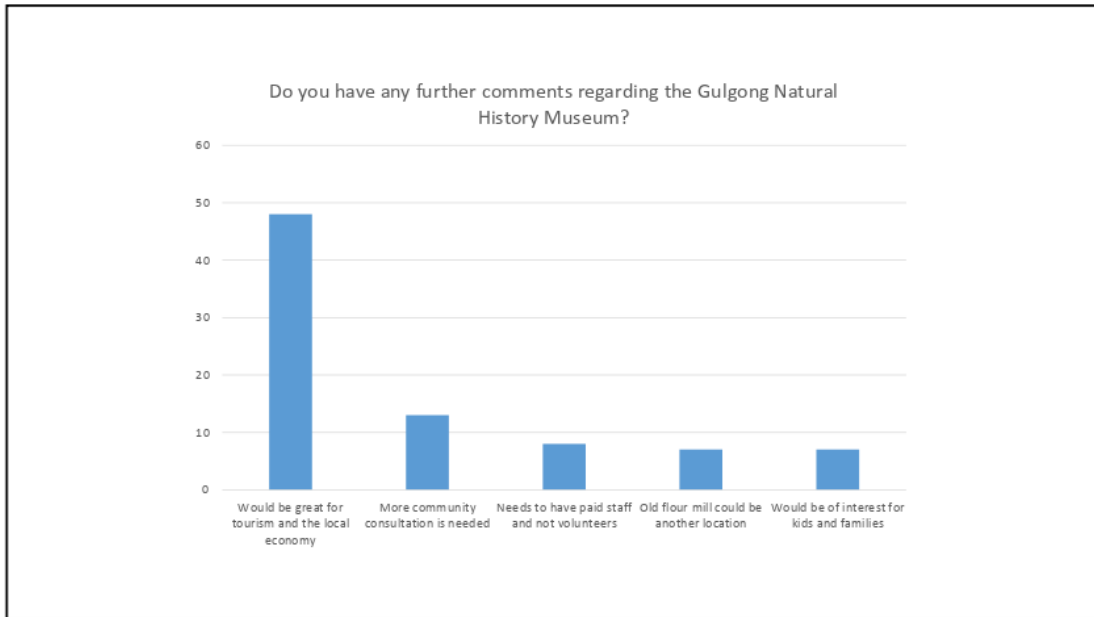














# Gulgong Natural History Museum Survey

In 2022, Council was successful in receiving a NSW Government grant to establish a Natural History Museum in Gulgong. The heart of this project is to provide locals and visitors the opportunity to explore both local and international natural history collections. It would provide the opportunity to get up close with a full size dinosaur skeleton and engage in a fun and interactive learning environment.

Council are in the early stages of designing the Gulgong Natural History Museum and are seeking the community's input on the final design and what this may deliver for the community.

Please complete the below survey before 16 July 2023 and return to a Council office so your input can be considered in the final design. Alternatively, email it to [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au) or complete the survey online at [midwestern.nsw.gov.au](http://midwestern.nsw.gov.au)

## Tell us a little about yourself

### 1. Are you:

A Gulgong resident

A resident of other towns in the Mid-Western Region

A visitor to Gulgong

### 2. What is your age?

5 - 12 Years

13 - 18 Years

19 - 30 Years

31-50 Years

51 - 70 Years

71+ Years

Prefer not to say

### 3. Do you support the building of a Natural History Museum in Gulgong?

Yes

No

#### 3a. Why or why not?

### 4. In designing the Natural History Museum, what are the top 3 things you would like Council to consider?

Environmentally sustainable

Accessibility for all ages and abilities

Architecturally designed

Child friendly

Baby/Pram friendly

Consider local environment aesthetics

Other (please specify)



# Gulgong Natural History Museum Survey

## 5. What experiences would you like to see as part of the Natural History Museum? (Select as many as would like)

- Animal Exhibits
- Full-size Dinosaur
- Geological Exhibits
- Anthropological Exhibits
- Botanical Exhibits
- Fossil and Amber Collections
- Meteorites and Space Rocks
- Interactive activities for all ages and abilities
- Outside Playground – featuring dinosaurs and other animals
- Inside Playground space
- Other (please specify)
- Ability to touch fossils or moulds
- Learning Spaces
- Children's party area
- Craft activities related to natural history and dinosaurs
- Café
- Gift shop
- Audio and Visual education options
- Guided tours
- Self-guided tours

## 6. Do you support co-locating the Natural History Museum at Red Hill, to sit nearby the Gulgong Gold Experience and a future visitor centre for the region?

Yes  No

6a. Why or why not?

## 7. Do you support the option of locating the Natural History Museum at People's Park Gulgong?

Yes  No

7a. Why or why not?

## 4. Do you have any further comments regarding the Gulgong Natural History Museum?



## 11.2 Meals on Wheels Policy

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, COS300025

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager, Community & Cultural Services on the Meals on Wheels Policy; and
2. endorse the Mudgee Meals on Wheels Policy.

### Executive summary

The Mudgee Meals on Wheels Policy has been reviewed and updated in line with the current Commonwealth Home Support Program (CHSP) manual.

### Disclosure of Interest

Nil

### Detailed report

This review of the Mudgee Meals on Wheels Policy is necessary given to updates with the CHSP Manual. The most substantial changes are as follows:

1. Introduction of obligations under the Australian Government's Serious Incident Reporting Scheme, which the service must comply with as it receives CHSP funding;
2. Previous funding conditions not allowing the service to refuse requests based on an inability to pay has been removed;
3. Carers are no longer a service cohort;
4. General terminology, particularly around staffing, has been updated; and
5. Minor unsubstantial changes.

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not Applicable

**Council Policies**

Not Applicable

**Legislation**

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

FIONA SHEARMAN  
MANAGER, COMMUNITY & CULTURAL  
SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

2 August 2023

*Attachments:* 1. DRAFT Meals on Wheels Policy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.3 Policy Review - Companion Animals Management

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, GOV400047

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Policy Review - Companion Animals Management;**
2. **place the revised Companion Animals Management Policy and Annual Work Plan 2023 on exhibition for 28 days; and**
3. **adopt the Companion Animals Management Policy and Annual Work Plan if no submissions are received.**

---

### Executive summary

The *Companion Animals Policy* was last reviewed and adopted by Council in February 2018 and is due for review in this term of Council.

This policy review was conducted by the Manager Customer Services & Governance and the Compliance Coordinator, and in consultation with the Council Rangers and the Executive.

### Disclosure of Interest

Nil

### Detailed report

The structure and content of this policy have had only minor changes made and remain bound to the 9 key priorities of the Companion Animals Annual Work Plan, however, the proposed actions under each priority area have been removed from the Policy and are detailed in the Companion Animals Annual Work Plan. The background to each objective has been expanded to provide further clarity to the community on Council's legislative and strategic responsibilities.

The Companion Animals Management Policy continues to be supported by the activities of the Companion Animal Annual Work Plan. The Companion Animal Work Plan is reviewed on an annual basis each June and if no changes are recommended this document will operate for the following financial year.

The key objectives of this revised Policy are:

- *Comply with the provisions of the Companion Animals Act 1998*
- *Achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community.*
- *Increase the number of animals microchipped and registered, therefore reducing the number of animals in the pound.*

- *Increase the number of impounded animals being returned to owners or rehomed to the community or rehoming organisations.*
- *Reduce the negative impacts of Companion Animals within the community and the natural environment.*
- *Ensure adequate resources and facilities for the control, impounding, management and care of companion animals.*
- *Ensure procedures for enforcement of the Companion Animals Act are conducted to educate animal owners and to protect the broader community.*
- *Establish guidelines for dealing with feral and infant animals.*
- *Ensure the safety, security and welfare of Companion Animals whilst in Council's care.*

Note: The Companion Animals Work Plan 2023/24 has had important and necessary changes made to the aims, actions and performance indicators in each of the 9 key priority areas. These changes have been made to achieve the following:

- *A focus on education of the community rather than enforcement, and providing a positive and proactive role in the community*
- *A focus on rehoming all companion animals to suitable members of the public, rehoming organisations or foster carers whenever possible*
- *To ensure the safety and security of the community and other animals at all times*
- *To ensure positive and productive relationships with key stakeholders in the community and not-for-profit organisations*

Note also the change to the Policy title from 'Companion Animals' to 'Companion Animals Management' which is more suited to the objectives and function of Council.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Work with key partners and the community to reduce crime, anti-social behaviour and improve community safety

## Strategic implications

### **Council Strategies**

Councils Community Plan

### **Council Policies**

Companion Animals Management Policy

### **Legislation**

Companion Animals Act 198

## Financial implications

Animal control continues to operate within Council's approved annual budget for 2023/4 and future years.

<b>Budget Year</b>	<b>Operating Performance Ratio</b>	<b>Own Source Revenue</b>	<b>Building &amp; Infrastructure Renewal</b>
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<b>2022/23</b>	✓	✗	✗
<b>Future Years</b>	✓	✗	✗

### Associated Risks

There is a significant risk to the community, Council staff and companion animals should Council not operate with a Companion Animals Policy and an Annual Work Plan. The Annual Work Plan outlines the specific activities Council staff and the community should adhere to in order to educate and mitigate all associated risks in the community.

RICHARD CUSHWAY  
MANAGER, CUSTOMER SERVICES &  
GOVERNANCE

SIMON JONES  
DIRECTOR COMMUNITY

2 August 2023

- Attachments:*
1. Policy Review - Companion Animals Management - Clean Version - July 2023.
  2. Revised - Companion Animals Annual Work Plan 2023 - July 2023.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY

### Companion Animals Management

*A prosperous  
and progressive  
community.*

ADOPTED	VERSION NO	1.1
COUNCIL MEETING MIN NO	REVIEW DATE	
DATE:	FILE NUMBER	GOV400047

## Objectives

- Comply with the provisions of the Companion Animals Act 1998
- Achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community.
- Increase the number of animals microchipped and registered, therefore reducing the number of animals in the pound.
- Increase the number of impounded animals being returned to owners or rehomed to the community or rehoming organisations.
- Reduce the negative impacts of Companion Animals within the community and the natural environment.
- Ensure adequate resources and facilities for the control, impounding, management and care of companion animals.
- Ensure procedures for enforcement of the Companion Animals Act are conducted to educate animal owners and to protect the broader community.
- Establish guidelines for dealing with feral and infant animals.
- Ensure the safety, security and welfare of Companion Animals whilst in Council's care.

## Legislative Requirements

- Companion Animals Act 1998
- Companion Animals Regulation 2018
- Prevention of Cruelty to Animals Act 1979

## Policy

Mid-Western Regional Council will annually develop and make publicly available a Companion Animals Annual Work Plan that will identify the actions to be taken by Council to achieve the objectives of this policy and fulfil its responsibilities under the Companion Animals Act, 1998.

This Policy provides the strategic framework for key areas of responsibility and focus of the Companion Animals Annual Work Plan and 9 Key Priorities.

The **priorities** in the Companion Animals Work Plan are;

Priority 1: Public Education Programme & Promoting Responsible Pet Ownership

Priority 2: Public Safety, Dangerous Dogs and Restricted Breeds

Priority 3: Registration and Identification

Priority 4: Nuisance Animals and Excessive Barking Dogs

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Priority 5: Impounding and Rehoming of Companion Animals

Priority 6: Animal Welfare

Priority 7: Management of Feral and Infant Animals

Priority 8: Cat Management

Priority 9: Off Leash Dog Areas & Importance of Effective Control

**PRIORITY 1: PUBLIC EDUCATION PROGRAMME & PROMOTING RESPONSIBLE PET OWNERSHIP**

**OBJECTIVES**

- *To achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community*
- *To ensure that owners of dogs, particularly in rural areas, are well informed about their responsibilities.*

**BACKGROUND**

Council encourages all owners of companion animals to be responsible for their pets' actions. Owing a pet comes with responsibilities for its care and to demonstrate respect for the animal and the potential impact it can have on the community.

Council aims to promote responsible pet ownership through education, involvement in community events and providing services and programs to the community.

Council will also achieve compliance via a combination of education and enforcement.

Being a responsible pet owner includes:

- Making sure the animal is properly identified and registered,
- Providing for the health and welfare for the animal,
- Minimising nuisance behaviour and negative impact on the environment and community,
- Keeping animals out of prohibited areas,
- For dogs, ensuring they are under the effective control and on a leash while in public.

**COMMUNITY EDUCATION AND ENFORCEMENT**

Encouragement of responsible companion animal ownership through community involvement and education, supported by responsive and appropriate compliance and enforcement activities are well recognised.

The best outcome for the community, companion animals and their owners will be achieved through a well-informed community, supporting Council's efforts to provide a quality animal management program.

Voluntary compliance is facilitated by education and awareness programs as well as incentives and programs with a compliance focus. The whole community, whether companion animal owners or not, should be involved in the process to achieve responsible and rewarding companion animal management.



## PRIORITY 2: PUBLIC SAFETY, DECLARED DOGS AND RESTRICTED BREEDS

### OBJECTIVES

- *To reduce the potential threat to public safety by management of aggressive animals.*
- *To reduce the number of dog attacks.*
- *To monitor, manage and control the keeping of identified restricted breeds, declared dangerous dogs and menacing dogs.*

### BACKGROUND

Council aims to reduce the number of complaints of dog attacks each year.

As well as dogs attacking humans, there is also a problem with dogs attacking other animals and particularly in rural areas, where dogs often attack livestock. Council acknowledges the impact that such incidents have on farmers and is committed to ensuring that dog owners recognise their responsibilities to prevent such attacks.

Council recognises its obligation under the Companion Animals Act to investigate reports of aggression in dogs and to use preventative powers under the Act, to control and manage animal aggression.

Under the provisions of the Companion Animals Act, 1998 Council **will**:

- Declare a dog as dangerous or menacing under the provisions of the Companion Animals Act, if it attacks with or without provocation, or menaces a person or animal or repeatedly threatens to attack or repeatedly chases a person or animal.
- Conduct annual inspections as a minimum of the premises where the restricted breeds and declared dangerous dogs are kept, to ensure compliance with the legislation.
- Initiate compliance and enforcement action to ensure the safe keeping of restricted breeds and declared dangerous dogs to ensure public safety.

## PRIORITY 3: REGISTRATION AND IDENTIFICATION

### OBJECTIVES

- *To increase the number of Companion Animals being lifetime registered and microchipped.*
- *To increase community awareness of the benefits of microchipping and registration of their animal.*
- *Lost or stray Companion Animals are promptly impounded and owners notified.*
- *To increase the number of de-sexed Companion Animals.*
- *Encourage owners to be actively responsible for their animals' welfare.*
- *To reduce the number of Companion Animals' euthanised.*

### BACKGROUND

Proper identification of companion animals is pivotal to their effective management. Additionally, timely and accurate identification facilitates the return of animals to their owners minimising the need for Council to impound animals. Furthermore, identification and registration makes the owners accountable under the NSW Companion Animals Act.

Council encourages pet owners to:

- Ensure their animals are microchipped by 12 weeks of age and registered by 6 months of age in accordance with the Companion Animals Act

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- Ensure their animals wear a collar and tag with name and contact details
- Notify Council of certain changes and events, such as changes to registration or identification information such as address or if the animal goes missing or dies.

#### PRIORITY 4: NUISANCE ANIMALS AND EXCESSIVE BARKING DOGS

##### OBJECTIVES

- *To minimise the adverse effects of animal noise in the community*
- *To prevent roaming/escaping animals*

##### BACKGROUND

Council recognises that noise created by animals can affect neighbourhood amenity and the comfort of neighbours. Complaints about barking dogs account for a large proportion of the noise complaints received by Council.

Council aims to resolve animal noise complaints efficiently and effectively and always attempts to reach an amicable outcome for all parties involved.

Under Section 21 of the Companion Animals Act 1998, a dog is a nuisance if it:

- Is habitually at large,
- Makes a noise by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
- Repeatedly defecates on any other person's property,
- Repeatedly chases any other person, animal or vehicle,
- Endangers any other person or animal, or
- Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

#### PRIORITY 5: IMPOUNDING AND REHOMING OF COMPANION ANIMALS

##### OBJECTIVES

- *To reduce the number of animals impounded.*
- *To ensure the prompt return of identified animals to their owners in accordance with legislation*
- *To increase the number of animals rehomed with rehoming organisations*

##### BACKGROUND

A large number of companion animals are impounded each year. Council aims to reduce the number of animals impounded, and increase the number returned to their owners or rehomed.

Animals collected or impounded that are not properly microchipped or registered, will be taken to Council's pound. Council Rangers are not trained to accept sick or injured animals nor are Council's facilities equipped to accommodate sick or injured animals.

Council provides a service for the surrender of animals. Council aims to encourage the surrender of animals for reasons such as aggression, but does not encourage the surrender of animals where simple behaviour modification would suffice. Owners seeking advice regarding modification of their companion animal's staff behaviour may be offered brief, experiential, verbal advice in good faith by Council with no liability attached. Animals surrendered due to aggressive behaviour, will not be

rehomed to the community. Such animals may be euthanized following the statutory period of impoundment.

Council has limited storage facilities for animals and overcrowding is not permitted, due to the risks which animals can pose to each other in crowded situations. Animals that are not collected or adopted are held for statutory periods, following which time elapses, animals are humanely euthanized. Council would welcome the circumstances which see every impounded animal finding a new, responsible and caring owner. Animals requiring euthanasia are listed for treatment in sequence based on the date of their initial impoundment.

## PRIORITY 6: ANIMAL WELFARE

### OBJECTIVES

- *To ensure that Companion animal welfare standards are strictly applied and maintained by Council Rangers*
- *To minimise risk to Council staff and other animals*

### BACKGROUND

Many pet problems arise from animals experiencing frustration or boredom, causing reactions such as barking, chasing and jumping up. By providing environmental enrichment such as the addition of cognitive, dietary, physical, sensory and social stimuli, physiological and psychological wellbeing can be improved.

Animal welfare is defined as providing appropriate nutrition, shelter, exercise and interaction to enhance the physical and mental wellbeing of the animal.

Council aims to work with local veterinary clinics and companion animal stakeholders to ensure animal welfare issues in the community are addressed.

## PRIORITY 7: MANAGEMENT OF FERAL AND INFANT ANIMALS

### OBJECTIVES

- *To minimise or eliminate the amount of infant companion animals being euthanised.*
- *To manage the numbers of feral animals within the community.*

### BACKGROUND

The Companion Animals Act 1998 requires Councils who seize animals under the provisions to either sell or destroy the animal after the statutory holding period has passed (Seven (7) days for unidentified animals and fourteen (14) days for identified animals). This allows Councils to develop policy guidelines for the management of feral or infant companion animals before the expiry of those statutory periods.

A feral animal under this policy is defined as an untamed or wild cat or dog whose owner is unidentified and has been living in undomesticated circumstances.

Feral animals can pose a significant health and safety risk to people and other animals and are unsuitable for rehoming. To confine a feral animal for an extended period of time would cause stress and be considered cruel.

An infant animal under this policy is defined as a cat or dog less than eight (8) weeks of age.

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## PRIORITY 8: CAT MANAGEMENT

### OBJECTIVES

- *To increase the number of identified, registered and de-sexed cats within the Councils region.*
- *To educate the community about responsible cat ownership aiming to reduce the numbers of stray/feral/non-registered cats in the community.*

### BACKGROUND

There is a continuing concern about the number of stray cats and unwanted kittens in the community. Council aims to educate the community about the benefits of de-sexing their cats, and to address issues associated with straying cats.

Cats can be a nuisance to surrounding neighbours and when outdoors they also pose a significant risk to native fauna. Under Section 31 of the Companion Animals Act, a cat is a nuisance if:

- It makes a persistent noise,
- It repeatedly damages anything outside the property on which it is ordinarily kept.

Council recognises that cats are more difficult to confine to a property than dogs. Consequently, each complaint will need to be examined and assessed individually. Distinctions also need to be made between stray or feral and domestic cats, for the purpose of applying this Policy Council Rangers will make that distinction as required.

Cats born after 1998 are required to be identified and registered under the Companion Animals Act.

Note: under the terms of the legislation, there is no definition for a 'stray or feral cat'.

## PRIORITY 9: OFF LEASH DOG AREAS & IMPORTANCE OF EFFECTIVE CONTROL

### OBJECTIVES

- *To monitor the operation of off leash areas.*
- *To encourage dog owners use the off leash facility appropriately.*

### BACKGROUND

Mid-Western Regional Council currently has three dog off-leash areas:

- Glen Willow Sporting complex, Mudgee
- Peoples Park, Gulgong
- Rylstone Showground, Rylstone (along the banks of the river)

Council recognises the benefit of off-leash facilities. Dogs need to be socialised with other dogs and humans. Exercise can play a part in alleviating unwanted behaviour such as excessive barking and some forms of aggression.

It is anticipated that designated off-leash facilities can also help prevent animal owners from using public parks and recreation areas. By providing suitable off-leash facilities, Council is promoting and facilitating compliance with leash requirements in other areas and responsible companion animal ownership generally.

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 1: PUBLIC EDUCATION PROGRAMME / PROMOTING RESPONSIBLE PET OWNERSHIP**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ <b>Achieve a high level of responsible pet ownership through education, consultation and cohesive management within the community.</b></li> <li>○ <b>To ensure that owners of dogs, particularly in rural areas, are well informed about their responsibilities.</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Working with the media, and other Agencies promoting responsible companion animals management by increasing the Communities understanding of the negative impacts companion animals may have on the environment and in rural areas the impact on livestock from dog attacks; and</li> <li>○ Work with animal welfare organisations to investigate the implementation of a school education program to teach children responsible ownership of dogs including an awareness of a dog’s natural hunting instincts.</li> <li>○ Encourage rural dog owners to ensure that their animals cannot venture onto adjoining properties and attack livestock.</li> <li>○ Liaising with Economic Development department on content for Community News release, Social media posts and/or Radio media releases.</li> <li>○ Supporting Million Paws Walk Work (held by RSPCA) via attendance of Council Rangers (if available).</li> </ul>	<ul style="list-style-type: none"> <li>○ At least 2 Companion Animal story/editorial/advertisement relating to responsible Companion Animals ownership, to be published via Radio, Social Media and/or Community News.</li> <li>○ Customer Service and Council Rangers to promote lifetime registration</li> <li>○ Attendance at Million Paws Walk</li> </ul>



MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 2: PUBLIC SAFETY / DANGEROUS DOGS AND RESTRICTED BREEDS**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ <b>Reduce the potential threat to public safety by management of aggressive animals.</b></li> <li>○ <b>Reduced incidence of dog attacks.</b></li> <li>○ <b>Effectively monitor, manage and control the keeping of identified restricted breeds and declared dogs.</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Ensure an efficient and effective response to reported dog attacks.</li> <li>○ Investigate all reports of animal attacks.</li> <li>○ Update OLG Companion Animals data per attack.</li> <li>○ Effectively monitor, manage and control the keeping of identified restricted breeds of dogs.</li> <li>○ Declare dogs as dangerous, menacing or nuisance where necessary under the provisions of the Companion Animals Act.</li> <li>○ Conduct quarterly inspections of the premises where declared or restricted breeds of dogs are kept to ensure compliance with the legislation.</li> </ul>	<ul style="list-style-type: none"> <li>○ OLG dog attacks data demonstrates a reduction over time.</li> <li>○ Number of compliance inspections of restricted and/or declared dog premises, ensuring all necessary controls are in place at that time.</li> <li>○ Commence investigation into all reported dog attacks within 24 hours of the report being communicated with Council.</li> <li>○ Council Rangers to attend any relevant vocational training or professional development relating to declared or dangerous dogs.</li> <li>○ Office of Local Government dog attacks data reviewed and published in annual reports to Executive.</li> </ul>

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 3: REGISTRATION AND IDENTIFICATION**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ <b>Increase in the number of Companion Animals being lifetime registered and microchipped.</b></li> <li>○ <b>Increased community awareness of the benefits of microchipping and registration of their animal.</b></li> <li>○ <b>Lost or stray Companion Animals are promptly impounded and owners notified.</b></li> <li>○ <b>Increase the number of de-sexed Companion Animals.</b></li> <li>○ <b>Encourage owners to be actively responsible for their animals' welfare.</b></li> <li>○ <b>Reduced number of Companion Animals' euthanised.</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Implement education programs to advise residents of the process (and benefit) of microchipping and lifetime registering their animal.</li> <li>○ Education programs to remind companion animal owners to notify of changes of ownership, address or other details.</li> <li>○ Liaise with local veterinary clinics in raising community awareness about registration and identification.</li> <li>○ Implement education programs that promote the benefits of de-sexing Companion Animals.</li> <li>○ Ensure that Council staff regard animal welfare as a high priority in all dealings with the community and their companion animals.</li> <li>○ Council to provide subsidies through Fees and Charges for animals adopted that have been de-sexed.</li> <li>○ Ensuring all Companion Animals adopted from pound are registered</li> <li>○ Ensure all Council Rangers are trained to microchip Companion Animals</li> </ul>	<ul style="list-style-type: none"> <li>○ Increase in number of microchipped and lifetime registered animals in the community.</li> <li>○ Decrease in the number of animals impounded.</li> <li>○ OLG Companion Animals annual report lodged by due date.</li> <li>○ Increased number of de-sexed companion animals in the community.</li> <li>○ Decrease number of Companion Animals being euthanized from pound.</li> <li>○ Microchipping day annually with community.</li> </ul>



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**PRIORITY 4: NUISANCE ANIMALS AND EXCESSIVE BARKING DOGS**

<b>Aim</b>	<b>Action</b>	<b>Performance Indicator</b>
<ul style="list-style-type: none"><li>○ To minimise the adverse effects of animal noise in the community.</li><li>○ To prevent roaming/escaping animals</li></ul>	<ul style="list-style-type: none"><li>○ Review procedures for dealing with animal noise and nuisance complaints.</li><li>○ Provide advice to owners about ways they can stop dogs from excessive barking.</li><li>○ Remind owners that it is their responsibility to adequately confine their animal to their property.</li><li>○ Inspection of dog owners premises for repeat offenders of dogs roaming.</li></ul>	<ul style="list-style-type: none"><li>○ Reduced number of complaints received due to barking dogs and nuisance animals.</li><li>○ Reduce number of penalty infringement notices issued from roaming and failing to prevent escape</li></ul>

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 5: IMPOUNDING AND REHOMING OF COMPANION ANIMALS**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ Reduce the number of animals impounded.</li> <li>○ Ensure the prompt return of identified animals to their owners in accordance with legislation</li> <li>○ Increase the number of animals rehomed with rehoming organisations</li> </ul>	<ul style="list-style-type: none"> <li>○ Encourage the community to lifetime register and microchip their animals.</li> <li>○ Encourage Companion Animal owners to notify of changes of address and details that help facilitate the prompt return of animals.</li> <li>○ Provide appropriate resourcing and facilities for the surrender of animals.</li> <li>○ Maintain a patrol and collection service for stray animals.</li> <li>○ Utilise Councils web page and social media promoting the rehoming and/or return to owner of impounded animals.</li> <li>○ Ensure the safe and responsible adoption of animals.</li> <li>○ To deal with the euthanasia of animals in a sensitive ethical manner in strict compliance of welfare standards and codes of practice.</li> <li>○ Mandatory microchipping and registration of all animals leaving pound.</li> <li>○ Liaise with a minimum of 2 rehoming organisations for all Companion Animals available for adoption if unable to rehome locally or behaviour dictates as such.</li> </ul>	<ul style="list-style-type: none"> <li>○ Increased number of animals returned to their owners or re-homed.</li> <li>○ Increased number of microchipped and registered animals.</li> <li>○ Decrease number of euthanized animals.</li> <li>○ Maintenance of existing rehoming organisation list and evidence of email correspondence to rehoming org groups.</li> </ul>

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 6: ANIMAL WELFARE**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ Ensuring that Companion animal welfare standards are strictly applied and maintained by Council Rangers</li> <li>○ Minimise risk to Council staff and other animals</li> </ul>	<ul style="list-style-type: none"> <li>○ Impounded animals are cared for without compromise in accordance with national and state standards, and in accordance with principles of POCTA.</li> <li>○ Conduct vet checks of Companion Animals received into pound when required</li> <li>○ Councils engage with the RSPCA as required when receiving when receiving animal welfare complaints.</li> <li>○ Council Rangers to undertake suitable vocational training to ensure a high level of understanding of national and state companion animal welfare standards.</li> <li>○ Ensuring the cleaning of the pound to the appropriate standards and in accordance with internal procedures.</li> <li>○ Ensure use of commercial chemicals in the cleaning of the pound to minimise the outbreak of parvovirus.</li> <li>○ Ensure a quarterly commercial clean of pound</li> <li>○ Council Rangers to providing toys, comfortable bedding and ensure impounded dogs are relocated to the outside kennels during the day.</li> <li>○ Council Rangers to ensure suitable feeding daily, including treats and dog bones.</li> <li>○ Ensure dog wash installed and available for the washing of impounded animals as required.</li> <li>○ Ensure installation of shade sails in outside dog kennels for</li> </ul>	<ul style="list-style-type: none"> <li>○ No Parvovirus outbreaks</li> <li>○ Quarterly contract commercial clean completed</li> <li>○ Random cleaning inspections that ensures compliance to cleaning procedures</li> <li>○ No sick or injured animals as a result of time in pound.</li> </ul>

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

	<p>suitable shelter</p> <ul style="list-style-type: none"><li>○ Council Rangers not to accept animals surrendered that are visibly sick or injured</li></ul>	
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MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 7: MANAGEMENT OF FERAL AND INFANT ANIMALS\**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ To minimise or eliminate the amount of infant companion animals being euthanised.</li> <li>○ Manage the number of feral dogs and cats within the community.</li> </ul>	<ul style="list-style-type: none"> <li>○ Communication with registered rescue organisations and the RSPCA.</li> <li>○ Close consultation with local veterinarians.</li> <li>○ Education programs to promote the benefits of de-sexing Companion Animals.</li> <li>○ Euthanizing feral animals as required</li> <li>○ Provide traps to community for hire, to reduce the number of feral cats and dogs straying</li> </ul>	<ul style="list-style-type: none"> <li>○ Maintaining a low number of euthanised Companion Animals.</li> <li>○ Increase in the amount of Companion Animals rehomed.</li> <li>○ Increase in the no. of Infant Companion Animals rehomed to rescue organisations</li> <li>○ Increase in the no. of traps hired annually</li> </ul>

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 8: CAT MANAGEMENT**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ To increase the number of identified, registered and de-sexed cats within the Councils region.</li> <li>○ To educate the community about responsible cat ownership aiming to reduce the numbers of stray/feral/non-registered cats in the community.</li> </ul>	<ul style="list-style-type: none"> <li>○ Working with the media, and other agencies promoting responsible companion animals' management and ownership.</li> <li>○ Implement education programs to advise residents of the process (and benefit) of microchipping, de-sexing and lifetime registering their animal.</li> <li>○ Education programs to remind the companion animal owners to notify of changes of ownership, address or other details.</li> </ul>	<ul style="list-style-type: none"> <li>○ At least 2 Companion Animal story/editorial/advertisement relating to responsible Companion Animals ownership, to be published via Radio, Social Media and/or Community News.</li> <li>○ Increase number of microchipped and lifetime registered animals in the community.</li> </ul>

MID-WESTERN REGIONAL COUNCIL - COMPANION ANIMALS ANNUAL WORK PLAN 2023/2024

**PRIORITY 9: OFF LEASH DOG AREAS & IMPORTANCE OF EFFECTIVE CONTROL**

Aim	Action	Performance Indicator
<ul style="list-style-type: none"> <li>○ Monitor the operation of off leash areas.</li> <li>○ Encourage dog owners use the off leash facility appropriately.</li> </ul>	<ul style="list-style-type: none"> <li>○ Educate the community about the benefits of using off leash areas.</li> <li>○ Educate the community about the correct use and their responsibilities whilst using off leash areas.</li> <li>○ Patrol of off-leash areas and installation of appropriate signage around the high traffic community spaces</li> <li>○ Educate community regarding use of off leash parks and effective control in public place</li> </ul>	<ul style="list-style-type: none"> <li>○ Reduction in the number of fines issued for dogs off lead</li> <li>○ Ensuring a social media and/or radio campaign advising owners of responsibilities to keep dogs on a lead.</li> </ul>



## 11.4 Library Services - Quarterly Report

REPORT BY THE MANAGER LIBRARY SERVICES  
 TO 16 AUGUST 2023 ORDINARY MEETING  
 GOV400103, F0620020

### RECOMMENDATION

**That Council receive and note the Library Services - Quarterly Report by the Manager Library Services.**

### Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad themes of Customer Visits, Library Borrowings and Purchased Items, and Sustainable Organisations. This report covers the period April-June 2023.

### Disclosure of Interest

Nil

### Detailed report

#### CUSTOMER VISITS, LIBRARY BORROWINGS, & PURCHASED ITEMS

Visits to our Library branches during the April-June 2023 period are slightly higher than the number of visits during the previous quarter:

Period	Visits
April – June 2023	18,445
January – March 2023	17,673

Across the Library Service, loans of physical and online library items are also slightly higher compared to the previous quarter:

Period	Loans
April – June 2023	21,085
January – March 2023	20,731

Loans from the Mobile Library during April-June 2023 were higher compared to the previous quarter (*Note: a lower figure in January can be attributed to the service not operating*):

Period	Loans
April – June 2023	1,174
January – March 2023	679

The use of library eResources (library subscribed databases) and web presence accesses (website, catalogue, app and Facebook page) have slightly increased when compared to the previous quarter:

Period	Accesses
April – June 2023	28,907

January – March 2023	28,719
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The Library continues to purchase new items in both print and electronic formats in line with the Collection Development Policy. These items include fiction and non-fiction titles (incl. large print), magazines, graphic novels, DVD's, tabletop games & puzzles, and audiobooks:

Period	Purchases
April – June 2023	5,283

### SUSTAINABLE ORGANISATION

The Library hosts several in-house book groups, and also facilitates six community book groups. Throughout April-June 2023 we held 6 book group sessions with a total of 42 attendees. The Afternoon Book Group and Gulgong Book Group were reinstated, and we are currently gauging interest for a group at Kandos. Due to customer demand we have started two new programs – Unplugged Gamers, a monthly tabletop gaming group for adults, as well as Friday Night Book Group for those specifically interested in reading dystopia, sci-fi, fantasy, and cult classics. Unplugged Gamers has proved extremely popular so far with 12 attending the first session and 14 attending the second.

Three Monday History Talks were held over April-June 2023 with a total of 54 attending. During this period, we also hosted 2 author talks, one with Gordon Smith (author of *Conversations with No-One*), and another with Sharyn Munro (author of *Peeping Through My Fingers*), which saw 15 people attend in total. The Library also hosted the Warrabinga Art Competition, receiving over 40 entries. A morning tea and craft activities were also held on the morning of the judging, with around 30 people attending.

The Library continues to foster a lifelong love of books and reading through its early literacy initiatives. During April-June 2023, our children's services team delivered an impressive 91 storytime sessions, reaching 1,017 children. On Wednesday 24 May, we partnered with Mudgee Performing Arts Society (MPAS) to deliver a special storytime event in the Town Hall Theatre to celebrate National Simultaneous Storytime (NSS), 67 attended this event. Kids Chess Club remains hugely popular, meeting every second and fourth Wednesday of the month. Last quarter our external trainer facilitated 6 sessions, with a total of 66 children attending.

Thanks to a grant from Telstra and the State Library of NSW, we were able to expand our digital literacy initiatives by offering 6 Tech Savvy Seniors sessions to 31 participants during May. We continued our partnership with NBN Co and delivered 4 one-on-one specialised tech help appointments. During June, our Library Management System (Spydus) also underwent a minor upgrade, giving us access to the latest features and enhancements.

In order to improve ease of use for our members we consolidated our online platforms from four into two, with BorrowBox and IndyReads remaining. BorrowBox now has an extensive collection of eMagazines available in addition to eBooks and eAudiobooks. This was a cost-effective exercise and allowed us to subscribe to a new video streaming service – Kanopy (incl. Kanopy Kids). Kanopy provides our members with access to over 23,000 (and growing) movies, series, documentaries, foreign films, classic cinema, independent films and educational videos for free.

Lastly, we have been working closely with our main book supplier James Bennett to create a profile for the labelling and cataloguing of new purchases. This will mean a significant decrease to our workload, as labelling and cataloguing will be outsourced, and staff time can be redirected towards other projects. This will also improve consistency, and most importantly, will generate a faster turnaround time from the ordering stage, to an item being made available for members to borrow. Standing Orders have also been put in place with James Bennett and other suppliers to streamline selection processes and achieve value for money.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Strategic implications

### **Council Strategies**

The Library Services Quarterly Report has been developed in line with the 2022/23 – 2025/26 Delivery Program.

### **Council Policies**

Collection Development Policy

### **Legislation**

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

RACHEL GILL  
MANAGER LIBRARY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

11 July 2023

*Attachments:* Nil

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.5 Library Strategic Plan 2023-2030

REPORT BY THE MANAGER LIBRARY SERVICES  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, F0620008

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Library Services on the Library Strategic Plan;
2. place the Library Strategic Plan on exhibition for 28 days to seek feedback from the community; and
3. adopt the Library Strategic Plan if no submissions are received during the exhibition period.

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### Executive summary

In mid-2019, the State Library of New South Wales undertook a review of Mid-Western Regional Council Library. Such reviews are in accordance with the *Library Act* 1939 and support local government in the provision of library services. In early 2021, Mid-Western Regional Council Library engaged Jan Richards Consulting to collaboratively develop a plan for the strategic direction of the library service. The attached strategic plan incorporates observations and recommendations from both parties.

### Disclosure of Interest

Nil

### Strategic Plan 2023-2030

Four key strategic priorities were identified to successfully position Mid-Western Regional Council Library as it heads towards 2030:

- Our Spaces
- Our Collections
- Our Programs and Activities
- Our People

These priorities were drawn from the *Framework for Australian Public Libraries* (<https://read.alia.org.au/apla-alia-standards-and-guidelines-australian-public-libraries-may-2021>) which identifies essential areas to be assessed to enhance the effective and efficient operation of public libraries. Within each of these priorities a number of actions have been recommended, along with markers of success and suggested timeframes, to enable the library to achieve its goals.

It is also important to note that the plan ties in with several strategic Council documents (listed below), links to the United Nations Sustainable Development Goals, and supports the Library's mission: *to contribute to the wellbeing and vibrancy of our towns, villages and rural areas through inclusive and dynamic programs, adaptable services, relevant resources and safe and welcoming spaces. We champion the importance of reading and celebrate and safeguard the rich heritage of our region.*

The strategic plan outlines a vision for library services, and has been developed in partnership with the staff of Mid-Western Regional Council Library and the community. It reflects the specific circumstances of this region and the opportunities for growth, while also considering best practice examples which can be adapted for the Mid-Western Regional Council Library environment.

## Community Plan implications

<b>Theme</b>	<b>Looking After Our Community</b>
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Strategic implications

### **Council Strategies**

Delivery Program 2022/23–2025/26  
Operational Plan 2023/24  
Community Plan – Towards 2040  
2023-2033 Cultural Plan  
2022 Community Engagement Strategy

### **Council Policies**

2023 Collection Development Policy

### **Legislation**

*Library Act 1939*

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

RACHEL GILL  
MANAGER LIBRARY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

18 July 2023

*Attachments:* 1. Library Strategic Plan 2023-2030.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



# MID-WESTERN REGIONAL COUNCIL LIBRARY STRATEGIC PLAN

2023–2030

1 JULY 2023

MID-WESTERN REGIONAL COUNCIL  
LIBRARIES



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## Acknowledgement of Country

We acknowledge the Wiradjuri people, the traditional custodians of the Wiradjuri Nation. We acknowledge their Elders past, present and future. We also acknowledge people from other nations and language groups who have now made the Mid-Western Region their home, along with the descendants of the Wiradjuri Nation.

## 1. Introduction

Mid-Western Regional Council Library is a well-utilised and vibrant service in the Central West region of NSW. It boasts above average membership, and surveys have shown it is valued by the community. In moving forward, the Library would like to build on these advantages, and explore how it could enhance its service offer, maximise use of its collections, and be an employer of choice in the Library and Information Services (LIS) sector.

This plan outlines a vision for library services, and proposes a number of clear strategies and actions to achieve this goal. Developed in partnership with the staff of Mid-Western Regional Council Library and their communities, it reflects the specific circumstances of this region, and the opportunities for growth, while at the same time considering best practice examples which can be incorporated into or adapted for the Mid-Western Regional Council Library environment.

### Snapshot:

Established	<i>Library Act</i> adopted 17 July 1950 Library service commenced 4 June 1952
Branches	Mudgee, Gulgong, Rylstone, Kandos, Mobile Library
Area	8,737sq km
Population	25,760
Membership	12,520 (48.6% of population)
Major legislation	NSW <i>Library Act</i> 1939 & <i>Library Regulation</i> 2018 NSW <i>Local Government Act</i> 1993
Library Management System (LMS)	Spydus (Civica)
Staff	8.26ft
Professional associations	NSW Public Libraries Association (NSW PLA) Australian Library and Information Association (ALIA)
Websites	<a href="https://midwestern.nsw.gov.au/Community/Libraries">midwestern.nsw.gov.au/Community/Libraries</a> <a href="https://midwestern.spydus.com">midwestern.spydus.com</a> <a href="https://mwrclibrary.eventbrite.com">mwrclibrary.eventbrite.com</a>
Social media	<a href="https://facebook.com/MudgeeLibrary">facebook.com/MudgeeLibrary</a>
Library app	<a href="https://yourlibraryapp.com/Mid-WesternRegionalLibrary">yourlibraryapp.com/Mid-WesternRegionalLibrary</a>

## 2. Background

In mid-2019, the State Library of New South Wales undertook a review of Mid-Western Regional Council Library. Such reviews are in accordance with the *Library Act* 1939 and support local government in the provision of library services. In early 2021, Mid-Western Regional Council Library engaged Jan Richards Consulting to collaboratively develop a plan for the strategic direction of the library service. This plan incorporates observations and recommendations from both parties.

The following steps were also undertaken in preparing this report:

- An analysis of current membership and usage using reports from the Spydus Library Management System
- An exploration of findings from the review undertaken by the State Library of New South Wales in 2019
- A demographic survey using data from the Australian Bureau of Statistics, Australian Early Development Census and Australian Digital Inclusion Index
- Mapping the library against relevant Council and industry plans
- Benchmarking against similar library services
- Responding to applicable national and international trends, and

During a hands-on visit with Jan Richards Consulting over 4 days during February 2021:

- Undertaking in-depth work with library staff including a workshop and individual interviews. This was followed up with online conversations and surveys on specific subjects
- Consultation with key stakeholders including library members, Council staff and partner organisations. A series of telephone conversations were subsequently conducted with community members who were unable to meet in person
- Visits to the library branches at Mudgee, Gulgong, Rylstone and Kandos

An online survey was used as an additional tool to seek the views of the community. Information from the '*Tell us how you missed us?*' survey conducted in 2020 by the Australian Library and Information Association (ALIA) and provided via postcode was also incorporated. Other key documents were used in the development of this report and are referenced in the bibliography and, where appropriate, noted in the text.

### 3. Mission Statement

To contribute to the wellbeing and vibrancy of our towns, villages and rural areas through inclusive and dynamic programs, adaptable services, relevant resources and safe and welcoming spaces. We champion the importance of reading and celebrate and safeguard the rich heritage of our region.

#### Mid-Western Regional Council Community Plan – Towards 2040

This Strategic Plan ties in with several strategies from Mid-Western Regional Council's Community Plan:

- 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community.
- 1.1.3 Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles.
- 1.2.1 Respect and enhance the historic character of our region and heritage value of our towns and villages.
- 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community.
- 1.4.1 Support programs which strengthen the relationships between the range of community groups.
- 1.4.2 Support arts and cultural development across the region.
- 1.4.3 Provide equitable access to a range of places and spaces for all in the community.
- 3.3.2 Build strong linkages with institutions providing education, training and employment pathways in the region.
- 5.3.1 Pursue excellence in service delivery.

#### Mid-Western Regional Council 2023-2033 Cultural Plan

This Strategic Plan also ties in with Mid-Western Regional Council's Cultural Plan:

- B. Continue to develop the role of the region's libraries as a place of curiosity, inspiration, and stimulation, providing resources across both physical and digital formats.

## 4. Our Vision

Supporting an informed, connected, creative, literate and healthy community.

### Target Groups:

Children 0-5 and their caregivers; primary school children; young adults; students (including home-schooled); adults; seniors; housebound; rural members; the reading community; local and family history researchers; travellers and casual users; people with a disability; Indigenous community; CALD (culturally and linguistically diverse); local businesses and professionals; state-wide partners.

### Collections:

Fiction; Non-Fiction; Large Print; Young Adult; Picture Books, Beginner and Easy Readers; Graphic Novels; Magazines; Newspapers; DVD's; Audiobooks; Games and Puzzles; Local and Family History; ESL/Core Literacy; Kits; Drug Info and Legal Information Access Centre Resources; eBooks; eAudiobooks; eMagazines; Online Databases

### Facilities:

Lending services across four branches; interlibrary loan services; e-resource platforms, online catalogue and library app; public computer and wifi access; printing and photocopying facilities; community spaces, study spaces and rooms for hire.

### Programs & Activities:

Early literacy and school holiday programs; literary events and programs; digital literacy initiatives; facilitation of in-house and community-run book groups; mobile library service and outreach activities; collection development and maintenance.

“Libraries are one of the few places you are allowed to exist without the expectation of spending money”  
(Neil Gaiman, 2013)

## 5. Guidelines

Australia is one of the few countries to have evidence-based public library standards and guidelines at a State (*Living Learning Libraries*) and National (*ALIA Standards and Guidelines for Australian Public Libraries*) level. These documents have a similar approach and have been developed cooperatively over the years, both offering unique strengths. *Living Learning Libraries* has been used for benchmarking purposes as these relate to the State Library of New South Wales review. The *ALIA Standards and Guidelines* provide a more descriptive approach, and were updated post-COVID, considering the changed environment.

NSW public libraries also recognise the United Nations Sustainable Development Goals, a collection of 17 independent but interconnected goals designed as a call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.

Libraries are key institutions to help achieve the Sustainable Development Goals as they touch all ages, cut across jurisdictions and impact in both large and small communities. Libraries are well placed to collaborate with partners and stakeholders in business and the community, to have a wider impact in raising awareness of the goals and how the community can contribute to their actions.

This Strategic Plan will contribute to several Sustainable Development Goals:

- Ensure healthy lives and promote well-being for all at all ages
- Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation
- Make cities and human settlements inclusive, safe, resilient and sustainable

Mid-Western Regional Council is designated Urban Small by the Australian Bureau of Statistics (ABS). Councils in this cohort include (from smallest population) Snowy Monaro, Lithgow, Kiama, Richmond Valley, Singleton, Mid- Western, Griffith, Kempsey, Goulburn Mulwaree, Mosman, Armidale, Byron, Bega Valley, Eurobodalla, Lane Cove, Burwood, Orange, Bathurst, Ballina, Strathfield, Lismore and Wingecarribee. After extensive discussion it was agreed that only a couple of these councils were comparable in size and demographics for benchmarking purposes – Singleton and Goulburn-Mulwaree. A number of other libraries from within this cluster also provided best-practice examples more closely related to the Mid-Western Regional Council Library environment.

## 6. Strategic Priorities

The following four key strategic priorities have been identified to successfully position Mid-Western Regional Council Library as it heads towards 2030:

1. Our Spaces
2. Our Collections
3. Our Programs and Activities
4. Our People

This is drawn from the *Framework for Australian Public Libraries* which identifies key areas to be assessed to enhance the effective and efficient operation of public libraries.

### Strategic Priority 1: Our Spaces

To provide safe, welcoming and inclusive physical and digital places and spaces that meet the identified needs of the community.

OUR SPACES: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>▪ Realign opening hours to meet community needs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increased opening hours that are consistent with NSW State Library recommendations</li> </ul>	◆		
<ul style="list-style-type: none"> <li>▪ Explore possibilities for 24/7-member access</li> </ul>	<ul style="list-style-type: none"> <li>▪ Higher rates of library membership, visits and loans</li> </ul>		◆	
<ul style="list-style-type: none"> <li>▪ Consider options and funding opportunities for the development of a digital hub</li> </ul>	<ul style="list-style-type: none"> <li>▪ Introduction of a dedicated space which enhances digital literacy through the provision of 3D printing, virtual reality, robotic coding and other similar technologies, including one-on-one tech support</li> </ul>		◆	
<ul style="list-style-type: none"> <li>▪ Undertake functional review of front-of-house service delivery</li> </ul>	<ul style="list-style-type: none"> <li>▪ Redesigned service desk area, improved efficiencies to rostering system and introduction of a concierge/roving model</li> </ul>		◆	
<ul style="list-style-type: none"> <li>▪ Encourage use of Library App as new self-check option</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increased uptake of Library App</li> <li>▪ Less demand for assistance with basic loan transactions</li> </ul>			◆
<ul style="list-style-type: none"> <li>▪ Upgrade internal and external signage across all branches</li> </ul>	<ul style="list-style-type: none"> <li>▪ New internal and external signage, including rear signage at Mudgee branch</li> <li>▪ Improved discoverability of buildings and collections</li> <li>▪ Reduced navigational enquiries</li> </ul>		◆	
<ul style="list-style-type: none"> <li>▪ Activate laneway space to become an extension of the library</li> </ul>	<ul style="list-style-type: none"> <li>▪ Laneway area is transformed and revitalised into an outdoor library space</li> </ul>		◆	
<ul style="list-style-type: none"> <li>▪ Advocate for inclusion of library locations on Mudgee Visitor Information Centre brochures and maps</li> </ul>	<ul style="list-style-type: none"> <li>▪ Updated tourist brochures and maps displaying library locations</li> <li>▪ Increased visits from travellers</li> </ul>	◆		



LIBRARIES | MID-WESTERN REGIONAL COUNCIL LIBRARY STRATEGIC PLAN

OUR SPACES: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>Consider engaging a library design consultant</li> </ul>	<ul style="list-style-type: none"> <li>Engagement of library design consultant to review facilities and make recommendations</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Arrange replacement of carpet at Mudgee branch</li> </ul>	<ul style="list-style-type: none"> <li>Installation of new carpet at Mudgee Library</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Maximise available space and activate use of the collections through introduction of moveable shelving and digital screens</li> </ul>	<ul style="list-style-type: none"> <li>Introduce additional mobile shelving units, including raising lower shelving to lift the collection away from the floor</li> <li>Addition of digital screen for front window</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Review and repurpose underutilised areas</li> </ul>	<ul style="list-style-type: none"> <li>Repurposed spaces in the Youth Room and Front Reading Room at Mudgee branch</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Take advantage of street frontage and front window space to showcase the vital services within</li> </ul>	<ul style="list-style-type: none"> <li>Improved aesthetics, layout and flow of spaces that are also visually enticing to passersby</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Investigate available options for study pods, recreational reading areas, and additional space for community groups to meet</li> </ul>	<ul style="list-style-type: none"> <li>Addition of dedicated study and reading areas, and meeting spaces</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Consider relocation of staff-only areas to expand ground floor space for public use</li> </ul>	<ul style="list-style-type: none"> <li>Greater accessibility and use of library spaces</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Explore, pilot and monitor opportunities to offer library services in other community spaces and Council facilities including 'pop-ups'</li> </ul>	<ul style="list-style-type: none"> <li>Delivery of programs in a variety of locations across the LGA</li> <li>Increased 'pop-ups' within the community</li> </ul>			◆
<ul style="list-style-type: none"> <li>Utilise the Mobile Library to include a range of learning, cultural and technology programs delivered in different locations across the LGA including community events</li> </ul>	<ul style="list-style-type: none"> <li>Increased awareness and engagement with library services</li> <li>Strengthened relationships with other service providers</li> </ul>			◆

Strategic Priority 2: Our Collections

To develop and manage library collections which:

- Meet the informational, educational, recreational and cultural needs of the community
- Foster a love of reading and inspire intellectual curiosity
- Support lifelong learning

To develop selection, acquisition and collection management procedures that ensure relevant library materials are available and accessible to the community in appropriate formats as soon as possible.

To facilitate access by the local community to resources held in other Australian libraries.

To collect, preserve, maintain and provide access to resources that document, illustrate and record the history and cultural heritage of the local area and development of the local community.

LIBRARIES | MID-WESTERN REGIONAL COUNCIL LIBRARY STRATEGIC PLAN

OUR COLLECTIONS: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>Explore options for increased consortia purchasing and collection sharing with other library services in the NSW Central West Zone</li> </ul>	<ul style="list-style-type: none"> <li>Centralised selection of resources and reduced admin processes</li> <li>Value for money – access to a greater range of titles for less investment</li> <li>Strengthened relationships with other library services</li> </ul>	◆		
<ul style="list-style-type: none"> <li>Continue consolidating online platforms</li> </ul>	<ul style="list-style-type: none"> <li>Streamlined content, better accessibility for members, less confusion with multiple platforms offering duplicate content</li> </ul>	◆		
<ul style="list-style-type: none"> <li>Introduce a shelf-ready collections procurement process</li> <li>Continue use of standing orders and profiles for selection</li> </ul>	<ul style="list-style-type: none"> <li>Outsourced labelling, covering and cataloguing processes</li> <li>Reduced processing time and quicker turnaround for items to be made available for borrowing</li> <li>Greater efficiencies in selection and ordering</li> </ul>	◆		
<ul style="list-style-type: none"> <li>Investigate James Bennett's <i>Sustainability Project</i> as a potential collection maintenance tool</li> </ul>	<ul style="list-style-type: none"> <li>Improved weeding and disposal processes</li> </ul>	◆		
<ul style="list-style-type: none"> <li>Increase community participation and engagement in the Library's collection activities</li> <li>Continue to promote <i>Suggest a Purchase</i> platform</li> </ul>	<ul style="list-style-type: none"> <li>Positive feedback from the community</li> <li>Increased usage of Community Collections Manager (CCM) for new title recommendations</li> <li>A collection curated by the community which meets specific interests and needs</li> </ul>			◆
<ul style="list-style-type: none"> <li>Implement initiatives in the Library's <i>Marketing Plan</i> to maximise use of the collections</li> <li>Increase stock circulation between branches and make available a greater number of popular titles</li> </ul>	<ul style="list-style-type: none"> <li>Increased visitation and loan statistics</li> <li>Improved chances of serendipity for library members browsing the collection</li> <li>Improved equality of access to the entire collection</li> </ul>	◆		
<ul style="list-style-type: none"> <li>Introduce more outward facing displays to maximise impact</li> <li>Explore genrefication of selected collections</li> </ul>	<ul style="list-style-type: none"> <li>Greater visibility of collections and resources</li> <li>Achieving a bookshop "look and feel" across all library branches with improved discoverability, practicality and ease-of-use for library members</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Add value to the collections by offering seminars, workshops and training to complement specific collection areas and build confidence in their use</li> </ul>	<ul style="list-style-type: none"> <li>Increased usage of collection including online resources and databases</li> </ul>			◆
<ul style="list-style-type: none"> <li>Regularly review and update website, catalogue and social media content</li> </ul>	<ul style="list-style-type: none"> <li>Increased virtual visits and engagement</li> <li>An engaging and dynamic online presence that is consistently refreshed with up-to-date and timely content</li> </ul>			◆
<ul style="list-style-type: none"> <li>Build on established relationships with heritage partners to expand the local studies collection and initiatives</li> </ul>	<ul style="list-style-type: none"> <li>Continued growth of local studies collection</li> <li>Increased usage of local studies collection</li> </ul>			◆
<ul style="list-style-type: none"> <li>Consider the possibility of an oral history program to capture local stories and enhance a sense of pride and place</li> </ul>	<ul style="list-style-type: none"> <li>Introduction of an oral history program</li> </ul>		◆	

LIBRARIES | MID-WESTERN REGIONAL COUNCIL LIBRARY STRATEGIC PLAN

OUR COLLECTIONS: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>Digitise and provide online access to selected local studies materials</li> </ul>	<ul style="list-style-type: none"> <li>Digitisation and launch of an online platform that showcases and provides enhanced accessibility to selected local studies materials</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Acknowledge and honour the works of First Nations authors</li> <li>Showcase and celebrate the works of local writers</li> </ul>	<ul style="list-style-type: none"> <li>Delivery of programs and workshops that include and support First Nations and local writers</li> <li>Ongoing identification of local authors on physical titles</li> <li>Purchasing of titles authored by First Nations and local writers</li> </ul>			◆

### Strategic Priority 3: Our Programs and Activities

To provide targeted and engaging activities that reflect the diversity of the community and encourage and enhance effective and productive use of the library.

OUR PROGRAMS AND ACTIVITIES: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>Extend the range and diversity of programs for adult members</li> </ul>	<ul style="list-style-type: none"> <li>A greater offering of programs for adults</li> </ul>	◆		
<ul style="list-style-type: none"> <li>Introduce further STEAM and maker-space type activities, as well as digital literacy programming</li> <li>Keep up-to-date with digital technology innovations and trends (e.g., artificial intelligence, augmented reality)</li> </ul>	<ul style="list-style-type: none"> <li>Increased STEAM-related programs for all ages</li> <li>Stronger awareness of digital technologies and how they could be applied to a library environment</li> <li>Improved digital literacy rates</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Encourage self-directed groups to take advantage of library spaces</li> </ul>	<ul style="list-style-type: none"> <li>Greater use of library spaces by community groups (e.g., book groups, craft groups)</li> </ul>			◆
<ul style="list-style-type: none"> <li>Offer programs that reinforce the influence of Australian literary heritage, and First Nations voices in the region</li> </ul>	<ul style="list-style-type: none"> <li>Delivery of programs that focus on Australian literary heritage and First Nations voices in the region</li> </ul>			◆
<ul style="list-style-type: none"> <li>Curate programs and activities which can be replicated in all branch libraries and at off-site locations</li> </ul>	<ul style="list-style-type: none"> <li>Decreased workload and double-handling for programming</li> <li>Delivery of consistent and streamlined activities</li> <li>Increased programs in branches and off-site</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Explore possibility of recording selected programs for online viewing</li> </ul>	<ul style="list-style-type: none"> <li>Further reach and access to programs</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Engage with the Mudgee Readers' Festival to contribute to the delivery of an exciting and encompassing program</li> </ul>	<ul style="list-style-type: none"> <li>Participation in annual Mudgee Readers' Festival</li> </ul>			◆
<ul style="list-style-type: none"> <li>Participate in relevant local, state, and national festivals, events and campaigns</li> </ul>	<ul style="list-style-type: none"> <li>Participation in other festivals, events and campaigns</li> <li>Increased networking and relationship opportunities in the literary industry</li> </ul>			◆

LIBRARIES | MID-WESTERN REGIONAL COUNCIL LIBRARY STRATEGIC PLAN

OUR PROGRAMS AND ACTIVITIES: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>Build on partnerships and synergies with Council departments and community groups to develop programs that expand audience participation, especially with young adults</li> </ul>	<ul style="list-style-type: none"> <li>Improved engagement by young adults with the library</li> <li>Increased participation in programs</li> <li>Enhanced cross-collaboration with Council departments and community groups</li> </ul>			◆

### Strategic Priority 4: Our People

To ensure that the size, qualifications, capabilities and mix of the library workforce support delivery of a range of services and programs which meet the needs of the community.

OUR PEOPLE: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>Undertake a restructure of the Library that aligns with the strategic direction, and if funding permits, expand staffing to meet population ratio targets within resource limitations</li> </ul>	<ul style="list-style-type: none"> <li>Revised staffing structure that is better aligned to service delivery</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Update position descriptions to reflect current roles</li> </ul>	<ul style="list-style-type: none"> <li>Updated and accurate position descriptions</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Audit and build staff capabilities and agility to ensure they have the necessary skills to deliver current and future services</li> </ul>	<ul style="list-style-type: none"> <li>Highly skilled, confident and passionate staff</li> <li>Programs and services delivered to a high standard and quality</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Staff to be cross-trained in key roles in order for quality service delivery and expectations to be continued and maintained, including across all branches and the Mobile Library</li> </ul>	<ul style="list-style-type: none"> <li>Uninterrupted continuity of programs and services in the event of staff absence</li> <li>Knowledge transfer between roles with increased training and secondment opportunities for staff</li> </ul>		◆	
<ul style="list-style-type: none"> <li>Staff will continue to undertake professional development and educational activities on a formal and informal basis</li> </ul>	<ul style="list-style-type: none"> <li>Skilled staff who remain current with industry trends, developments and best-practice</li> </ul>			◆
<ul style="list-style-type: none"> <li>Participate in all NSW Public Library membership initiatives to retain and build the Library's membership base</li> </ul>	<ul style="list-style-type: none"> <li>Increased library membership</li> <li>Strong partnerships with NSW public libraries and associations</li> <li>Consistent messaging and branding</li> </ul>			◆
<ul style="list-style-type: none"> <li>Engage with the community on a regular basis (as per Mid-Western Regional Council's <i>Community Engagement Strategy</i>) to understand needs and priorities and to refine service delivery</li> </ul>	<ul style="list-style-type: none"> <li>Improved community engagement and feedback</li> <li>Delivery of programs and services that match community needs</li> </ul>			◆
<ul style="list-style-type: none"> <li>Recruit and train volunteers to assist in the enrichment of local and family history collections</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of volunteer group</li> <li>Continued growth of local and family history collections</li> </ul>		◆	

LIBRARIES | MID-WESTERN REGIONAL COUNCIL LIBRARY STRATEGIC PLAN

OUR PEOPLE: ACTIONS	MARKERS OF SUCCESS	SHORT TERM	LONGER TERM	ONGOING
<ul style="list-style-type: none"> <li>■ Explore traineeship opportunities</li> </ul>	<ul style="list-style-type: none"> <li>■ Recruitment of a library trainee</li> </ul>			◆
<ul style="list-style-type: none"> <li>■ Host work placement and work experience students and provide mentoring to entice new staff into the industry</li> </ul>	<ul style="list-style-type: none"> <li>■ Ongoing provider of work placement and work experience opportunities for students</li> <li>■ Students gaining employment in the library industry</li> </ul>			◆
<ul style="list-style-type: none"> <li>■ Utilise ALIA's <i>Professional Pathways</i> framework to attract new and highly skilled staff coming from non-library backgrounds</li> </ul>	<ul style="list-style-type: none"> <li>■ Staff from diverse backgrounds transitioned to the library sector</li> </ul>			◆

DRAFT

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## 11.6 Request for Exemption from Tender - Glen Willow Stadium Field Renovation

REPORT BY THE MANAGER RECREATION SERVICES  
TO 16 AUGUST 2023 ORDINARY MEETING  
GOV400103, COR400615

### RECOMMENDATION

#### That Council:

1. receive the report by the Manager Recreation Services on the Request for Exemption from Tender - Glen Willow Stadium Field Renovation;
2. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the Glen Willow Stadium field renovation project; noting that due to extenuating circumstances, a satisfactory result would not be achieved by inviting tenders;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
  - 3.1 specification could not be altered in such a way to invite other suppliers to competitively compete without impacting the desired outcome;
  - 3.2 supplier has sole rights over a product and service that provides significant advantageous conditions to field life expectancy, capacity limits and risk mitigation; and
  - 3.3 that with a significant amount of existing field infrastructure at Glen Willow already being constructed by Evergreen Turf, efficiencies in ongoing maintenance can be achieved by working with the same supplier;
4. delegate authority to the General Manager or their delegate to enter negotiations with Evergreen Turf; and
5. delegate authority to the General Manager or their delegate to finalise the contract for the Glen Willow Stadium field renovation and approve contract variations within the approved budget for the project, provided satisfactory can be negotiated with Evergreen Turf.

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### Executive summary

Glen Willow Stadium field requires a significant renovation to secure the future integrity of the playing surface. This report seeks to provide Council information on the intended procurement method for the project being seeking an exemption from tender and engage the services of Evergreen Turf.

### Disclosure of Interest

Nil

## Detailed report

Glen Willow Stadium is the Regions Premier sporting venue that hosts both elite and local level sporting fixtures. A vital component for the continued success of the venue is the condition of the playing surface. As such Council committed funding in the 2023/24 Operation Plan to undertake a significant renovation to the field involving stripping and replacing existing turf and undertake upgrades to the soil profile.

Key considerations to ensure project success included:

- the type, intensity and frequency of sports to be played on the stadium playing surface,
- ongoing renovation opportunities and frequency in relation to resource allocation,
- the varying climatic conditions to be experienced throughout the year, and
- commitment to industry leading soil profile characteristics including drainage and ongoing integrity.

Section 55(3)(i) of the Local Government Act provides the opportunity for Council to resolve to provide an exemption from tender for a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

This request for exemption is based on the fact that during the recent construction of Rugby Union playing fields Council opted to install a synthetic root system product called StaLok. Having utilised and maintained the playing surfaces for the past couple of seasons it is evident that the turf reinforcement product has significantly enhanced the strength and stability of the playing surface. The fields have been able to consistently display significant resistance to wear, with day in, day out play. This has provided benefits to both player safety, field use capacity and downtime, maintenance requirements and reputation as a premier sporting venue.

The StaLok fibre has therefore been determined to be an essential inclusion in the stadium field renovation project. The product is also the best fit product to secure consistency across the venues playing surfaces and Council's maintenance equipment. Evergreen have sole rights over the supply and installation of the product and as such form the basis of the exemption request. There are also efficiencies to be gained in ongoing maintenance by working with the same supplier given their successful service delivery in the construction of all playing services in Glen Willow stage 2 project.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Recreation Strategy

### **Council Policies**

Not Applicable

**Legislation**

Not Applicable

Financial implications

This report is not seeking any additional funding. Funding has already been allocated in the 2023/24 Operational Plan.

Associated Risks

Risk is mitigated through the product being validated at the adjacent Rugby Union playing fields. It is evident that the methodology applied, significantly enhances the strength and stability of the playing surface. The construction of all playing surfaces as part of Glen Willow Stage 2 project were successful and the relationship with Evergreen continues to be advantageous to Council.

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

4 August 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 12: Reports from Committees

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Nil

## Item 13: Urgent Business Without Notice

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### URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

### GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
  - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
  - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
  - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
  - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
  - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
  - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
  - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

### BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
  - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)



## Item 14: Confidential Session

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### LOCAL GOVERNMENT ACT, 1993

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#### 10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
  - (a) the discussion of any of the matters listed in subclause (2), or
  - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
  - (a) personnel matters concerning particular individuals (other than councillors),
  - (b) the personal hardship of any resident or ratepayer,
  - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
  - (d) commercial information of a confidential nature that would, if disclosed:
    - (i) prejudice the commercial position of the person who supplied it, or
    - (ii) confer a commercial advantage on a competitor of the council, or
    - (iii) reveal a trade secret,
  - (e) information that would, if disclosed, prejudice the maintenance of law,
  - (f) matters affecting the security of the council, councillors, council staff or council property,
  - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
  - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
  - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

#### 10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
  - (a) the relevant provision of section 10A(2)
  - (b) the matter that is to be discussed during the closed part of the meeting,
  - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.



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**DISCLOSURE AND MISUSE OF INFORMATION**

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
  - (a) with the consent of the person from whom the information was obtained, or
  - (b) in connection with the administration or execution of this Act, or
  - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
  - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
  - (e) with other lawful excuse.
  
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
  
2. (1B) Subsection (1A) does not apply to:
  - (a) the report of a committee of a council after it has been presented to the council, or
  - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
  - (c) disclosure made in circumstances prescribed by the regulations, or
  - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
  
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
  
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
  - (a) the determination of an application for an approval, or
  - (b) the giving of an order.

**Maximum penalty: 50 penalty units**

## MOTION

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**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

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*The following matters have been listed for consideration in Confidential Session:*

### **14.1 General Manager's Performance Agreement 2023-2024**

***The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.***

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.

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CONFIDENTIAL  
SESSION

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