



****PUBLIC COPY****

Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 16 MARCH 2022

*A prosperous and progressive
community we proudly call home*





PO BOX 156
MUDGEE NSW 2850

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

Ph: 1300 765 002 or (02) 6378 2850
Fax: (02) 6378 2815
Email: council@midwestern.nsw.gov.au

9 March 2022

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
16 MARCH 2022
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

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

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

In order to comply with Government guidelines on social distancing, up to 25 members of the public will be permitted into the Council Chambers. Due to the cap on attendees, if there are more than 25 people, the last to arrive will not be permitted entry.

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", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 16 February 2022

Council Decision:

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

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Indoor Pool Feasibility Study	Res 325/19 Ordinary Meeting 16/10/2019	That Council request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	Report has gone to Council and currently awaiting Feasibility Study.
Banner Poles Gulgong	Res 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	To be reported to Council at a future meeting.
Cox Street Rail crossing	Res 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox Street.	To be reported to Council at a future meeting.
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong river at the old crusher site.	To be reported to Council at a future meeting.
Water Sharing Plan	Res 171/21 Ordinary Meeting 21/06/2021	That Council write to Water NSW (formerly State Water) and formally request that negotiations for a renewed Water Sharing Plan commence immediately.	To be reported to Council at a future meeting.
Community Grants Program July 2021	215/21 Ordinary Meeting 21/07/2021	That Council investigate the purchase of the Angus Avenue building and potential long term lease to Cementia, and bring a report back to a future Council meeting.	To be reported to Council at a future meeting.
Tree Removal – Mortimer Street, Mudgee	231/21 Ordinary Meeting 4/08/2021	That a report be brought back to Council through the Local Traffic Committee in regard to improving the safety, including visual aspects, of the pedestrian crossing in Mortimer Street on the northern side outside Woolworths	To be reported to Council at a future meeting.
Mudgee Lookout at Caerleon Estate	284/21 Ordinary Meeting 15/09/2021	That Council allocate \$5,000 to obtain a valuation on a 1 hectare block of land within the Caerleon Estate with a view to using it as a lookout over the Mudgee Valley, and	Recommended for completion.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		that a report be brought back to Council.	
Tourism Services and Regional Marketing Expression of Interest 2021/54	07/22 Extraordinary Meeting 12/01/2022	That Council request an additional report be brought back to Council detailing the alternate cost of providing Tourism Services and Regional Marketing internally (not through a contract arrangement), outlining any benefits and disadvantages to current service levels.	To be reported to Council at a future meeting.
BMX Pump Track Investigation	14/22 Extraordinary Meeting 2/02/2022	That Council provides in principle support for the construction of a BMX Pump Track in the Mid-Western Region and investigates potential sites and costs for the construction of a BMX Pump Track across the entire region.	To be reported to Council at a future meeting.
Drive-in Cinema	17/22 Extraordinary Meeting 02/02/2022	That Council engages in preliminary discussions with the owner of the Dubbo Drive in Cinema about the potential for bringing the facility to the Mid-Western Region and assesses the potential financial implications of any such endeavour.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Peoples Park Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, F0650126

MOTION

That Council support providing funding for a community garden and public amenities at the Peoples Park in Gulgong.

Background

I have been approached by a representative of the Growers Network group in Gulgong who would like Council to provide funding for the creation of a community garden and public amenities in the Peoples Park in Gulgong.

Officer's comments

If Council supports this initiative, a further report needs to be brought back to Council.

6.2 Weed Control Surrounding Windamere Dam

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, A0100035

MOTION

That Council contact the NSW Minister for Lands and Water to request better weed control of noxious weeds including blackberry and serrated tussock on State Land surrounding the Windamere Dam.

Background

Receiving phone calls from concerned community members about the lack of weed control on land surrounding the Windamere Dam.

Officer's comments

Weeds staff will continue to meet with the NSW Department of Planning and Environment (DPE) and Water NSW to ensure that a weed program is being implemented.

6.3 Request for Additional State Government Funding for Weed Control

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, A0100035

MOTION

That Council request the State Government increase funding to councils for weed control in local government areas.

Background

With the good seasons we have, we are getting many different noxious weeds growing and Council needs additional funding to get these weeds under control.

Officer's comments

Councils Biosecurity weed control function is partly funded through the Weeds Action Plan (WAP). The funding received by Council for 2021/22 was \$206,000.

The Central Tablelands Local Land Services (LLS) are allocated funding from the State Government that is distributed to Council's within that Local Land Services group.

Funding is generally allocated dependent on the weed control activities undertaken like private property inspection, roadside spraying, education etc.

Council staff can prepare a letter to the Minister for Agriculture the Hon. Dugald Saunders MP to advocate for additional funding.

Item 7: Office of the General Manager

7.1 Payment of Superannuation Contributions for Councillors

REPORT BY THE GOVERNANCE COORDINATOR
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, GOV400006

RECOMMENDATION

That Council:

1. **receive the report by the Governance Coordinator on the Payment of Superannuation Contributions for Councillors; and**
2. **commence making a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a Councillor starting from the financial year commencing 1 July 2022.**

Executive summary

The Office of Local Government consulted with the Local Government sector during 2020 resulting in legislating that councils may commence making superannuation contribution payments for Councillors.

Disclosure of Interest

Nil

Detailed report

Under the Commonwealth Superannuation Guarantee (Administration) Act 1993, Councils across Australia were not required to make superannuation contributions in relation to the fees they pay to mayors and councillors. This is because mayors and councillors are elected to a civic office in a council and are not employees of the council.

The release of the discussion paper was prompted by concerns raised within the local government sector that the ineligibility of councillors to receive superannuation payments is inequitable and is a deterrent to more women and younger people standing as candidates at council elections.

The discussion paper sought the views of councils and others on the following four options:

- Maintaining the status quo – Mayors and Councillors can continue to voluntarily contribute a portion of their fees to a complying superannuation fund of their choice.
- Mandate the current voluntary situation – amend the Local Government Act 1993 (the Act) to make it compulsory for Councils to pay a portion of the Mayors' and Councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the Mayor and Councillor.

- Amend the Act to allow Councils to voluntarily pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the Mayor and Councillors in addition to the Mayor's and Councillors' fees – this means that the payment of Councillor superannuation in addition to their fee would be at each Council's discretion, allowing the Council to take into account the Council's resources and the local community's views; or
- Amend the Act to make it compulsory for Councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the Mayor and Councillors in addition to the Mayor's and Councillors' fees.

The Local Government Amendment Act 2021 No.11 gave effect to Section 254B Payment for superannuation contributions for Councillors.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Section 254B Local Government Act

Financial implications

It is estimated that the cost in the first financial year of 2022/23 will be \$23,700. This will be funded from Council's unrestricted cash and will have a negative impact on the Operating Performance Ratio. This cost has been allowed for in developing Council's Draft Operational Plan 2022/23 and any future budget forecasts.

Associated Risks

Not Applicable

TIM JOHNSTON
GOVERNANCE COORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

25 February 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.2 Internal Audit Policy Review

REPORT BY THE EXECUTIVE MANAGER, PEOPLE AND PERFORMANCE
TO 16 MARCH 2022 ORDINARY MEETING
GOV400067, COR400236, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Executive Manager, People and Performance on the Internal Audit Policy Review; and**
2. **adopt the Internal Audit Policy.**

Executive summary

Council's Internal Audit Policy is in place to establish an effective and efficient internal audit function that will provide independent, objective assurance and appropriate services designed to add value and improve Council's operations. This policy has been reviewed and is presented for adoption.

Disclosure of Interest

Nil

Detailed report

At the Council meeting of 16 May 2018, Council endorsed the implementation of an internal audit function and an Audit, Risk and Improvement Committee in 2018/19. At the Council meeting of September 2018, Council adopted its first Internal Audit Policy.

The Internal Audit Policy is now due for review and the Policy has been reviewed and administrative changes have been suggested in the policy attached to this report.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Internal Audit Policy

Audit, Risk and Improvement Committee Charter

Enterprise Risk Management Framework

Legislation

Local Government Act 1993

Financial implications

A budget has been allocated in the 2021/2022 Operational Plan to meet the requirements of the Internal Audit Plan.

Associated Risks

The Internal Audit Policy is a critical component of the Internal Audit Function and is essential in ensuring Council is meeting its obligations.

MICHELE GEORGE
EXECUTIVE MANAGER, PEOPLE AND
PERFORMANCE

28 February 2022

Attachments: 1. Reviewed Internal Audit Policy - 16 March 2022 Council meeting.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Internal Audit

*A prosperous
and progressive
community.*

ADOPTED	VERSION NO	2
COUNCIL MEETING MIN	REVIEW DATE	
DATE:	FILE NUMBER	CLICK HERE TO

Objective

The objective of this policy is to establish an effective and efficient internal audit function that will provide independent, objective assurance and appropriate services designed to add value and improve Council's operations.

An effective internal audit function will seek to achieve the following outcomes in undertaking the annual audit program endorsed by the Audit Risk and Improvement Committee:

- Assess and evaluate Council's processes, procedures and internal control environment to assist with the management of operational risks;
- Appraise the relevance, reliability and integrity of management, business systems, financial and operating records and reports;
- Assist the General Manager and Council in the effective discharge of their responsibilities by providing them with analyses, appraisals, recommendations and information concerning the activities reviewed;
- Review compliance with Council policies and procedures, legislative requirements and regulations; and
- Provide outcomes that will generally improve practices across Council.

Legislative requirements

Local Government Act 1993

Local Government Act Regulations

Related policies and plans

- Audit Risk and Improvement Committee Charter
- Risk Management Policy
- Fraud Control Policy

Policy

Independence and Objectivity

The internal audit function must be independent and objectivity must be exercised in the conduct of internal audit work.

Internal audit engagements shall be performed with an unbiased and impartial attitude. Internal audit shall not be involved in the day to day operations of Council.

Authority and access

Internal audit shall have direct and unrestricted access to Council and management. It is authorised to review all areas of Council with full, free and unrestricted access to Council's operations, data and records, assets and personnel.

Reporting responsibility

The internal audit function will report functionally to the Audit Risk and Improvement Committee with administratively reporting to the General Manager.

Internal audit reports will be prepared and presented to the Audit Risk and Improvement Committee via the General Manager's office on completion of an audit, and progress reports will be presented bi-annually to the Audit Risk and Improvement Committee. These reports will state the control measures that Council has adopted that were assessed by internal audit; the method in which the internal audit was conducted; the observations and recommendations of internal audit and management responses to audit recommendations.

Internal Audit Resourcing

The internal audit function will be undertaken by a suitably qualified and experienced external service provider and specialist audit services support will be engaged as required. All work undertaken by the external service provider within the Council will be approved by the Audit Risk and Improvement Committee.

The term of appointment of an internal auditor other than a staff member shall be reviewed by the General Manager at least every three years.

Scope and Objective of Internal Audit

The internal audit coverage may extend to all areas of the organisation and include financial, accounting, administrative, computing and other operational activities.

The extent and frequency of internal audits will depend upon varying circumstances such as results of previous audits, relative risk associated with activities, materiality, the adequacy of the system of internal control and the resources available.

An annual audit plan will be endorsed by the Audit Risk and Improvement Committee.

The objective of Internal Audit is to provide Council with independent advice in relation to:

- Reviewing and appraising the adequacy and effectiveness of the system of internal controls;
- Appraising the relevance, reliability and integrity of management, financial and operating data and reports;
- Reviewing the systems established to ensure compliance with those policies, plans, procedures, statutory requirements and regulations which could have a significant impact on operations;
- Reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets;
- Appraising the economy, efficiency and effectiveness with which resources are employed;

- Reviewing operations or programs to ascertain whether results are consistent with Council's established objectives and goals and whether the operations or programs are being carried out as planned;
- Assessing the adequacy of established systems and procedures;
- Conducting special assignments and investigations into any matter or activity affecting the probity, interests and operating efficiency of the organisation; and
- The improvement and effectiveness of risk management, legal compliance, internal control and governance systems to provide value and accountability to ratepayers.

Audit Methodology

Internal audits will be conducted in accordance with the Standards for the Professional Practice Internal Auditing. For all audits undertaken, the manager for the activity under review shall be advised and given the opportunity to discuss:

- The objectives, risks and scope of the audit to be conducted, prior to the commencement of such audit; and
- The findings and proposed recommendations on the completion of an audit, and, where appropriate, provide comments.

Independence

To be effective, the Internal Audit function must be able to operate without being influenced or restricted when undertaking its responsibilities. For this purpose the Internal Audit reports directly to the Audit Risk and Improvement Committee via the General Manager with respect to all audit investigation findings.

Authority

Internal Auditors, in the course of their duties, have full, free and unrestricted access to all records, monies, materials, assets, property and personnel and are permitted to examine all transactions, review all policies, procedures and functions in Council.

Information acquired by Internal Audit in the course of an audit must remain confidential and must not be used for purposes outside the scope of the audit review.

All members of management and staff must fully co-operate with internal audit in relation to matters subject to review.

Audit Reports and Recommendations

At the completion of an audit, internal audit will discuss their findings and recommendations with the appropriate officers concerned to ensure that internal audit and management agree on the findings and jointly develop any recommendations considered necessary. A final report will then be issued to the Audit Risk and Improvement Committee.

At the request of the Audit Risk and Improvement Committee (in consultation with the General Manager), internal audit may be required to provide a report summarising significant issues arising out of audits undertaken during the year. It may also be required to provide independent verification that any high risk issues have been addressed, and to undertake an assessment of the implementation of audit recommendations. The report may include: reference to areas where weaknesses were encountered; suggested remedial measures and any general observations or recommendations considered appropriate; and a summary of management actions taken or not taken in response to audit recommendations.

The General Manager will co-ordinate the review of the implementation of internal audit recommendations and report progress and any associated issues to the Risk Audit and Improvement Committee on at least a quarterly basis.

Relationship between Internal Audit and External Audit

Internal audit will collaborate with the appointed external auditor with respect to all internal audit engagements conducted, as required, to facilitate the audit coverage and avoid duplication of work.

Both the internal auditor and external auditor may approach the Audit Risk and Improvement Committee Chairperson directly on any matter.

Management

The internal audit function will be guided by the standards of the Institute of Internal Auditors and will be active in implementing modern auditing techniques.

A comprehensive set of audit working papers shall be prepared during each assignment. The working papers shall include planning rationale, process documentation, details of auditing procedures, results of testing, discussion records, a report on each process audited and correspondence with senior and line management, etc.

The Executive Manager People and Performance (on behalf of the General Manager) will liaise with the internal audit function (contractor) in relation to the conduct of internal audits, reporting arrangements and the administration of any contractual arrangements.

7.3 Council Advisory Committees

REPORT BY THE DIRECTOR COMMUNITY
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, A0100024, A0100034

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Council Advisory Committees;**
2. **endorse Chris Hannaford, Pauline Hannaford, Cheryl Vassel, Charles Vassel, Toni Morrison and Peta Stamford to be members of the Gulgong Memorial Hall Committee;**
3. **endorse Victoria Barrett, Les Leighton, Rodger Barnes, Pamela Morris and Kerrie Edwards to be members of the Mid-Western Regional Access Committee; and**
4. **endorse Michael Sweeney, John Bentley, John Wood and Andrew Stein to be community members of the Rail Committee.**

Executive summary

Council has resolved for a number of Advisory Committees to be established for this term of Council. This report updates Council on the establishment of those Committees and requests Council endorse community members to be on these Committees.

Disclosure of Interest

Nil

Detailed report

Council has resolved for a number of Advisory Committees to be established for this term of Council. Advertisements have been made for individuals to nominate to be members of these Committees. Where Committees existed in the preceding Council, those individuals have also been contact to renew their interest.

At this time, we have only received enough nominations for the Gulgong Memorial Hall Committee, the Mid-Western Regional Access Committee and the Rail Committee. We are still seeking nominations for the Red Hill Reserve Committee and the Youth Council. User groups, sporting groups and community organisations will be contacted regarding the Sports Councils and the Mudgee Showground Committee.

When enough community members of the Committees are established, a meeting will be called where the Terms of Reference for the Committees will be discussed. Ultimately, Council will endorse the Terms of Reference for these Committees.

As noted previously, these Committees will be focused on providing community consultation on strategic issues and are generally expected to meet twice a year.

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support programs which strengthen the relationships between the range of community groups

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not Applicable

Legislation

Section 355 of the Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

All minutes from Council Advisory Committees should be sent to Council meetings for information and endorsement of any significant recommendations. Council staff act as contacts for these Committees to ensure that appropriate governance practices are maintained.

SIMON JONES
DIRECTOR COMMUNITY

28 February 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 ME0016/2022 - Proposed Modification to DA0011/2020 for Intensive Plant Agriculture at 80 Kemps Valley Road, Kains Flat Lot 57 DP255534

REPORT BY THE TOWN PLANNER
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, ME0016/2022

RECOMMENDATION

That Council:

1. receive the report by the Town Planner on ME0016/2022 - Proposed Modification to DA0011/2020 for Intensive Plant Agriculture at 80 Kemps Valley Road, Kains Flat Lot 57 DP255534; and
2. approve ME0016/2022 - Proposed Modification to DA0011/2020 for Intensive Plant Agriculture at 80 Kemps Valley Road, Kains Flat Lot 57 DP255534 subject to the following conditions and statement of reasons:

Conditions of consent (AMENDMENTS IN BLUE)

CONDITIONS

APPROVED PLANS

1. Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

<i>Title/Name</i>	<i>Plan No.</i>	<i>Rev</i>	<i>Dated</i>	<i>Prepared by</i>
Existing – Site Plan	190259_A_101	011	9 July 2019	PharmOut
Proposed - Site Plan	190259_A_102	015	9 July 2019	PharmOut
Proposed – Ground Floor Layout	190259_A_202	08	9 July 2019	PharmOut
Proposed – Site Security Layout	190259_A_302	07	9 July 2019	PharmOut
Proposed Elevations	190259_A_401	08	9 July 2019	PharmOut

2. This development consent provides approval for intensive agriculture – horticulture, erection of 4 x greenhouses, head house and associated infrastructure, only.
3. The harvested plant shall not be treated, processed or packaged onsite. This shall occur entirely offsite from an external facility.
4. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.

5. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewer Management System is to be obtained from Mid-Western Regional Council.
7. 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* (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Table 6 and the procedure outlined in Figure 1 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 **\$6,279,000.00** it is estimated the contribution amount will be **\$62,790.00**. 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 under Council Documents/Strategies and Plans.

(AMENDED ME0016/2022)

PRIOR TO THE COMMENCEMENT OF WORKS

8. **Prior to the commencement of works a Road Maintenance Management Plan shall be submitted to and approved by Mid-Western Regional Council. The Road Maintenance Management Plan shall address the manner in which maintenance work to Kemps Valley Road is to be carried out during the construction phase of the development until such time that Kemps Valley Road is upgraded and sealed to the satisfaction of Council.**

The Road Maintenance Management Plan is to be fully implemented at all times and a copy of the plan must be held on site at all times for compliance.

(ADDED ME0016/2022)

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

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

10. 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

11. 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:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and
 - d) the sign shall be removed when the erection or demolition of the building has been completed.
12. 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.

13. 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.

BUILDING CONSTRUCTION

14. 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.
15. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
16. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.

17. 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.
18. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
19. All building work is to comply with the requirements of the Access to Premises Standard.
20. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
21. 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.

ENGINEERING CONDITIONS

- ~~21. Prior to the commencement of works onsite, the Applicant must upgrade Kemps Valley Road in accordance with AusSpec #1. This is to include the upgrade of existing gravel pavement and bitumen sealing provide for no less than a 6 metre wide bitumen sealed pavement, formed with 1 metre wide gravel shoulders and be completed to the satisfaction of Council.~~
- ~~22. A new access crossover for the site must be constructed from Kemps Valley Road to provide access to the proposed development. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgraded as necessary, to the satisfaction of Council.~~

(DELETED ME0016/2022)

22. A total of 38 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
 - a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 – *Parking facilities – Part 6: Off-street parking for people with disabilities*;
 - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times.
23. 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.

24. All stormwater runoff from roof and developed surfaces, including overflow from rainwater tanks, is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
25. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
26. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
27. Prior to the commencement of any onsite work, Council must be provided with no less than five (5) working days notification to enable inspection of existing road conditions. At the completion of works, the road is to be re-inspected by Council and any defects caused by construction traffic or activities associated with the development must be repaired to the satisfaction of Council.
28. No earthworks (cut or fill) is permitted to extend beyond property boundaries. No cut or fill is to occur within 300 mm of any property boundary and details for stabilisation of earthworks to prevent erosion or scouring are to be provided prior to commencement of that part of the works.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

29. Prior to the issue of an Occupation Certificate, the Applicant must upgrade Kemps Valley Road in accordance with AusSpec #1. This is to include the upgrade of existing gravel pavement and bitumen sealing provide for no less than a 6m wide bitumen sealed pavement, formed with 1 metre wide gravel shoulders and be completed to the satisfaction of Council.
30. A new access crossover for the site must be constructed from Kemps Valley Road to provide access to the proposed development. Consent from council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgrades as necessary, to the satisfaction of Council. The access shall be constructed prior to the issue of an Occupation Certificate

(ADDED ME0016/2022)

31. 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.
32. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 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.

ONGOING / OPERATIONAL CONDITIONS

33. 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.
34. 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 NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
35. The approved hours of operation for the facility are:
 - 24 hours per day / 7 days per week.
36. Medium and large vehicle movements including water trucks or the LPG Tanker and Small Lorry shown in the Preliminary Site Management Plan Project 190259 Doc REP007 Rev 02, may only access the site between the following hours:
 - 7am – 7pm / 7 days per week.
37. No less than two (2) rows of the existing olive grove along the north, north-west, and south western sides of the proposed buildings must be maintained at all times to provide screening for the facility.
38. The ventilation systems and exhaust fans must be operated in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*.
39. All vehicles must be able to enter and exit the site in a forward moving direction.
40. All loading and unloading in connection with the premises shall be carried out wholly within the site.
41. 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.
42. 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”. This may include pointing security lighting downwards and/or the fitting of louvres, baffles or shields to limit spill light.
43. The roof and wall cladding shall be finished in a non-reflective; non-glaring material and shall not direct undue glare onto neighbouring properties.
22. The applicant is to prepare a plan of management (POM) to be kept at the site at all times, outlining the management and storage of fertilisers, to prevent any contamination of the site, soil or waterways. The occupiers of the site shall manage the facility in accordance with the POM at all times.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. **The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.**
- ~~2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.**~~
2. **The proposed modification is substantially the same development as that approved and will have minimal environmental impacts.**
3. **The proposed modification complies with all the relevant matters required to be taken into consideration in accordance with sections 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979*.**

(ADDED ME0016/2022)

Advisory Note

- **The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.**
- **Odour generated from the operation of the site must be in accordance with the NSW Environment Protection Authority's Technical Framework and Technical Notes: *Assessment and management of odour from stationary sources in NSW*.**

Executive summary

OWNER/S	Ms Susan Zaiter
APPLICANT:	Mr Daniel Elhindi C/- Barnson Pty Ltd
PROPERTY DESCRIPTION	80 Kemps Valley Road, Kains Flat, Lot 57 DP255534
PROPOSED DEVELOPMENT	Modification to Development Consent DA0011/2020 for Intensive Plant Agriculture to amend Condition 21 and 22
REASON FOR REPORTING TO COUNCIL:	A revised cost of works has been submitted totalling \$6,279,000.00 which exceeds the threshold for the application to be determined under delegation.
PUBLIC SUBMISSIONS:	Two (2) submissions

Council is in receipt of a Modification Application to DA0011/2020 (ME0016/2022) at 80 Kemps Valley Road, Kains Flat pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

The application seeks to modify the consent as follows:

1. Modify Condition 21 and 22 relating to the timing required for the upgrade of Kemps Valley Road. It is sought that the road upgrades be undertaken prior to the release of an occupation certificate instead of prior to the commencement of works.

The proposed modification has been sought to allow the proponent to explore potential avenues for establishing this upgrade.

The original Development Application was determined under delegation on 24 October 2019. The modification of consent application is required to be determined by Council as a more accurate cost of works has been submitted totalling \$6,279,000 which exceeds the threshold for the application to be determined under delegation, by staff.

The scope of works remains unchanged from the original Development Application.

The application was notified in accordance with the Mid-Western Regional Community Participation Plan 2019. During the notification period of the application, two (2) objections were received.

The proposed development has been assessed in accordance with Council's Development Control Plan 2013 (DCP 2013) and the *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP 2012). The proposed development is considered generally consistent with Council's planning controls.

The proposed modification is recommended for approval subject to the inclusion of a new condition of consent requiring a Road Maintenance Management Plan to be submitted prior to the commencement of works. This plan will manage the maintenance of the existing road during the construction phase of the development until the road can be upgraded and sealed to Council's satisfaction. This aligns with the condition recommended by Council's Development Engineer.

Disclosure of Interest

Nil

Detailed report

BACKGROUND HISTORY

The original development consent, DA0011/2020 was approved on 24th October 2019 for intensive plant agriculture. The proposal involves the construction of 4x greenhouses, a head house and an associated infrastructure to be utilised primarily for growing medicinal cannabis.

Development Details:

- 11,600m² greenhouse area, inclusive of:
 - 4 x 2900m² greenhouses with a polycarbonate finish, enclosed walkways and technical area @ 6.8m high (4.6m to eaves);
- 3,270m² Head House consisting of:
 - Administration – 300m²;
 - Warehouse/Dispatch – 300m²;
 - Pre-harvest – 1,000m²;
 - Staff support / amenities – 400m²;
 - Post-harvest – 600m²;
 - Technical area – 275m²;
 - Enclosed walkways.
- 38 x staff;
- 60 x car parking spaces;

- Bitumen sealed internal driveway, manoeuvring and car parking areas;
- 2.4m high anti-climb security fence around the perimeter of the area of works, including a section of the common boundary on the south eastern side, which was recently purchased by the applicant;
- 5 x 300,000L (approximately) Rainwater Tanks to collect water for irrigation purpose;
- Composting of waste plant material on-site;
- Retention of approximately half of the existing olive trees, to be utilised as landscaping;
- 24 hour use – security to be at the site at all times. General hours of operation will be in line with agricultural activities and harvest phases;
- No treating, processing or packaging is to occur from the site. The harvested plant is to be transported to an external facility.

As a condition of this approval, the Kemps Valley Road, which is the main access road to the facility was required to be upgraded prior to the commencement of works.

PROPOSED MODIFICATION

The application seeks to modify Condition 21 and 22 to amend the timing required for the upgrade of Kemps Valley Road. Condition 21 and 22 currently read as follows:

21. *Prior to the commencement of works onsite, the Applicant must upgrade Kemps Valley Road in accordance with AusSpec #1. This is to include the upgrade of existing gravel pavement and bitumen sealing provide for no less than a 6 metre wide bitumen sealed pavement, formed with 1 metre wide gravel shoulders and be completed to the satisfaction of Council.*
22. *A new access crossover for the site must be constructed from Kemps Valley Road to provide access to the proposed development. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgraded as necessary, to the satisfaction of Council.*

The applicant seeks for the road upgrades to be undertaken prior to the release an occupation certificate instead of prior to the commencement of works.

The application was referred to Council's Development Engineer who acknowledged that the vehicles utilised during the construction phase of the development would impact on the existing road conditions. The condition change is supported subject to an additional condition of consent requiring a 'Road Maintenance Management Plan' be submitted for Council approval prior to the commencement of works. This plan is to be implemented during the construction phase of the development until the road is upgraded and sealed to the satisfaction of Council.

Condition 8 has been added as follows:

8. *Prior to the commencement of works a road Maintenance Management Plan shall be prepared and approved by Mid-Western Regional Council. The Road Maintenance Management Plan shall address the manner in which maintenance work to Kemps Valley Road will be carried out during the construction phase of the development until such time that Kemps Valley road can be upgraded and sealed to the satisfaction of Council.*

The Road Maintenance Management Plan is to be fully implemented at all times and a copy of the plan must be held on site at all times for compliance.

The proposed development remains to be in accordance with Council's LEP and DCP and is considered generally consistent with Council's planning controls.

It should be noted, the original development application was submitted to Council with a Cost of Works (COW) totalling \$1.8M, and was determined by staff under delegation. The subject application has amended the COW, now totalling \$6.279M. As the COW now exceed staff delegations the report has been referred to Council for determination. The revised COW does not exceed any Regionally Significant or State Significant Development thresholds, requiring determination by a Regional Panel, or the Minister for Planning.

The application is recommended for Approval.

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

4.55(1A) Modifications involving minimal environmental impact

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comment The proposed modification will have 'minimal environmental impact' and will have no significant environmental impacts compared to the approved development for the following reasons:

- Kemps Valley Road will still be upgraded once the construction phase of the development is completed. The proprietor of the land will be required to maintain the road in accordance with a Road Maintenance Management Plan until such time as the road is upgraded to the satisfaction of Council.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comment The proposed modification to amend Condition 21 and 22 is considered to be substantially the same as the original development granted for intensive plant agriculture. The scope of works remains unchanged from the original Development Application.

(c) it has notified the application in accordance with:
(i) the regulations, if the regulations so require, and
(ii) a development control plan,

Comment The Section 4.55(1A) application was notified in accordance with the Mid-Western Regional Community Participation Plan 2019.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Comment Two (2) submissions were received which have been considered within this report.

(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Comment All matters under Section 4.15(1) of relevance to the modification have been addressed throughout this report.

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment Noted.

4.15(1)(a) Evaluation – Matters for consideration

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

The proposed modification does not alter the proposal's compliance with the relevant State Environmental Planning Policies, considered as part of the original Development Application. No new considerations were required to be addressed as a result of the proposed modification.

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

The original development was considered against the Mid-Western Regional Local Environmental Plan 2012. The proposed modification does not give rise to any issues that need to be reconsidered under the MWRLEP 2012.

(ii) Do any draft environmental planning instruments (EPI) apply to the land to which the Application relates?

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

(iii) Do any development control plans apply to the land to which the Application relates?

MID-WESTERN REGIONAL DCP 2013

The previous application submitted has been assessed in accordance with the DCP. The proposed modification (ME0016/2022) does not propose any changes that would impact upon compliance with the DCP provisions.

MID-WESTERN REGIONAL DEVELOPMENT CONTRIBUTIONS PLAN 2019

The original application was levied with Section 7.12 contributions with the modification application having no impact or change to the levying of the contributions for the development. The revised, increased cost of works submitted, will result in a higher contribution amount.

(iii) Do any planning agreement or any draft planning agreement apply?

No Planning Agreements are applicable.

(iv) The regulations

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

No matters prescribed by the Regulations impact determination of the Application. No new matters of consideration arise because of the modification.

4.15(1)(b) Likely impacts of the development

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

The proposed modification will not result in any new impacts from that which is currently approved as follows:

- The modification to Condition 21 and 22 was originally imposed by Council's Development Engineer who have supported the modification subject to an additional condition requiring a Road Maintenance Management Plan.

No further issues were identified as a result of the proposed modification.

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

The scope of works remains unchanged from the original Development Application. The proposed modification does not alter the suitability of the site for the approved development.

4.15(1)(d) Any submissions made in accordance with Act or Regulations

(A) PUBLIC SUBMISSIONS

The proposed modification was notified for a period of 14 days in accordance with the Mid-Western Regional Community Participation Plan 2019.

Two (2) submissions were received during the notification period. A summary of the issues raised by the objectors are provided below and a copy of the submissions are included in **Attachment 1**.

Concern raised	Comment
1. <i>The traffic volumes would further degrade the road should construction of the access be delayed.</i>	The applicant is required to prepare and submit a Road Maintenance Management Plan for Council approval prior to the commencement of works. During construction, the road will be required to be maintained until such time that it is upgraded and sealed to Council's satisfaction.
2. <i>The types of vehicles including heavy machinery, trucks, construction vehicles, and land clearing machinery would be large and numerous and would impact on the road.</i>	

3. <i>The road currently is a dirt road which is in poor condition and can be very dangerous. It quite possibly is unable to sustain the volume of traffic to the development site which would be detrimental to local residents.</i>	
4. <i>Dust generation and health impacts.</i>	Dust generation has previously been assessed under the original Development Application. As part of this modification the applicant is required to undertake appropriate maintenance work to Kemps Valley Road, which is intended to prevent any excessive deterioration and dust generation.
5. <i>Light pollution from vehicles and noise from vehicles, generators, pumps etc.</i>	Noise and light pollution has previously been assessed and addressed under the original Development Application. The scope of works remains unchanged from the original proposal as approved. No additional impact in terms of light pollution or noise is expected.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

No submissions were sought or received from public authorities.

4.15(1)(e) The Public Interest

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

No significant issues in the interests of the public are expected as a result of the proposed development, subject to compliance with the recommended amended conditions of consent. Submissions from the community have been considered and matters relating to the condition of the road and impact to existing road users has been addressed with appropriate conditions of consent.

CONSULTATIONS

(A) DEVELOPMENT ENGINEER

Council's Development Engineer has reviewed the proposed modification and is supportive of the modifications to Condition 21 and 22 subject to the inclusion of an additional condition of consent requiring a Road Maintenance Management Plan. All recommended conditions have been applied.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

Financial implications

Not Applicable

Associated Risks

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

HANNAH DRAPER
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

22 February 2022

Attachments: 1. ME0016/2022 - Attachment 1 - X2 Objections - 80 Kemps Valley Road, Kains Flat Lot 57 DP255534.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: [REDACTED]
To: [Council](#)
Subject: DA Modification @ 80 Kemps Valley Rd
Date: Monday, 14 February 2022 5:11:03 PM

14/2/22

To.
The General Manager
Mid Western Regional Council
86 Market St
Mudgee NSW 2850

Dear Sir,

In relation to the proposed modification to amend condition 21 and 22 @ 80 Kemps Valley Rd Kains Flat NSW 2850 by Mr Daniel Elhindi, I never opposed the original DA as I think it will be great for the opportunity for employment for locals, however, I would like to oppose this modification for the following reasons :

Access to the Development site is only via one road - which is currently a dirt road, heavily tracked and generally in a poor condition.

The sheer volume of traffic this development will produce means that this road would be further degraded should construction of the access be delayed as per the amendment requested to the DA as follows:

- 1. Trucks delivering construction materials to the site would be large and numerous considering the scope of the development.**
- 2. Heavy Machinery required for construction gaining access to the site.**
- 3. Land clearing machinery required prior to construction.**
- 4. Workers employed at the site throughout the construction process.**
- 5. Trucks required for the delivery of water tanks.**
- 6. Trucks delivering materials for the construction of ancillary sheds.**
- 7. Machinery required for the establishment of carparking areas.**
- 8. Machinery required to construction carparking areas.**
- 9. It should be noted also that when wet, the road in its current condition would be very dangerous and quite possibly unable to sustain the volume of traffic to the development site. This would also be detrimental for local residents gaining access to their properties.**
- 10. The amount of dust from traffic has already affected my health [REDACTED] and if this modification is approved the dust will be a lot worse.**

Thank You for the opportunity to allow me to comment on the said proposal and I hope to hear from you soon

Kindest Regards

[REDACTED]

--

Kindest regards,

From: Matthew.ORegan@glencore.com.au
To: [Council](#)
Subject: DA Modification @ 80 Kemps Valley Rd
Date: Friday, 18 February 2022 11:10:53 AM

To.
The General Manager
Mid Western Regional Council
86 Market St
Mudgee NSW 2850

Dear Sir,

In relation to the proposed modification to amend condition 21 and 22 @ 80 Kemps Valley Rd Kains Flat NSW 2850 by Mr Daniel Elhindi, I never opposed the original DA, however I would like to oppose this modification.

Access to the Development site is only via one road - which is currently a dirt road, heavily tracked and generally in a poor condition.

The sheer volume of traffic this development will produce means that this road would be further degraded should construction of the access be delayed as per the amendment requested to the DA.

I also have some concerns around light pollution ie: lights for the proposal being on at night and also noise such as generators, pumps etc given that this is in very close proximity to my house.

Can you please provide me with further detail surrounding:

- Noise
- Light pollution
- Road sealing

Thanks

Matt O'Regan
Diesel Fleet and Equipment Coordinator
Ulan West Underground - A Glencore managed company

Telephone: +61 2 63709200

Direct: +61 2 63709257

Email: matthew.oregan@glencore.com.au

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8.2 Planning Proposal Putta Bucca Road, Lot 2 DP 1252505

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 16 MARCH 2022 ORDINARY MEETING
GOV400087, LAN900139, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Planning Proposal Putta Bucca Road, Lot 2 DP 1252505 to rezone from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size and include a buffer and corresponding clause or similar to restrict and ensure future land uses consider odour;**
2. **provide initial support for a Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning and Environment seeking a Gateway Determination, in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
3. **undertake community consultation as outlined within any approved Gateway Determination.**

Executive summary

Council has received a Planning Proposal seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (Mid-Western LEP) to rezone Lot 2 DP 1252505 from RU4 Primary Production Small Lots to RE1 Public Recreation with no minimum lot size. The subject site adjoins the Mudgee sewer pumping station and is impacted by odour. Accordingly, the recommendation is to include a Mid-Western LEP buffer and corresponding clause or similar to restrict and ensure future land uses consider the odour generated by the facility.

The proposed rezoning is to facilitate the development of a sports training and accommodation facility ancillary to the established Glen Willow Regional sporting complex.

The subject site measures approximately 7.15 hectares, has frontage to Putta Bucca Road and adjoins Council's Mudgee sewer pumping station.

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

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

Disclosure of Interest

Nil

Detailed report

Planning Proposals

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

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	10 January 2022
Staff Undertake Initial Assessment	✓	January – March 2022
Council Decision to Support Proposal	✓	16 March 2022
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

PROPOSED

The rezoning of the subject site from RU4 Primary Production Small Lots to RE1 Public Recreation is proposed to facilitate the future development of a sports training and accommodation facility. The sports training and accommodation facility will comprise three buildings, as detailed below. Buildings A and B will accommodate 28 self-contained units and building C will accommodate the common areas. A covered BBQ area, fire area and three recovery baths are proposed between buildings B and C.

It should be noted concept plans are provided with a Planning Proposal to assist with the consideration of the rezoning of the site. Council will consider the specific plans and details of this proposal through the lodgement of a development application in the future.

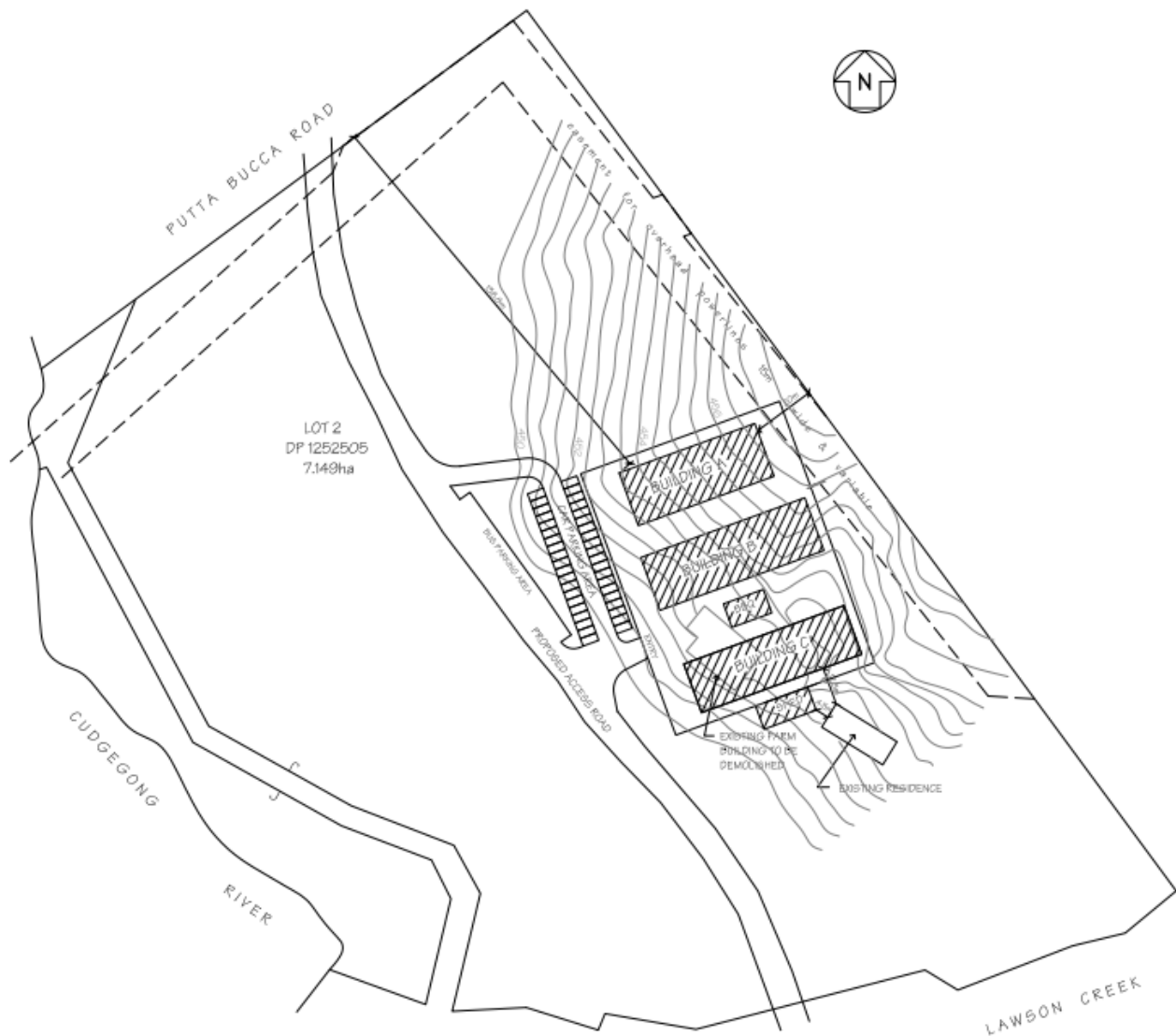


Image: Concept Plan

The change from the 20 hectare minimum lot to no minimum lot size is proposed. This approach is consistent with the approach on the adjoining the established Glen Willow sporting complex currently zoned RE1 Public Recreation with no minimum lot size.

The existing dwelling is proposed to be retained and utilised in association with the sports training and accommodation facility.

Due to the sites location adjoining the Mudgee sewer pump station, an odour impact assessment was requested and provided. The assessment identifies the site is impacted by odour. Accordingly, the staff recommendation is to include a Mid-Western LEP buffer and corresponding clause or similar to restrict and ensure future land uses consider the odour generated by the facility on the land impacted by odour.

INTENDED OUTCOMES

The subject site is zoned RU4 Primary Production Small Lots and mapped with a minimum lot size of 20 hectares. It is proposed the land be rezoned to RE1 Public Recreation with no minimum lot size to facilitate the development of a sports training and accommodation facility ancillary to the established Glen Willow sporting complex.

A mapped buffer and corresponding local provision clause or similar will ensure suitable land uses will be considered on the land impacted by odour.

EXPLANATION OF PROVISIONS

The intended outcomes outlined above will be achieved by updating the zoning of Lot 2 DP 1252505 from RU4 Primary Production Small Lots to RE1 Public Recreation on Land Zoning Map – sheet LZN_006C and updating the minimum lot size from 20 hectares to no minimum lot size on Lot Size Map – sheet LSZ_006C.

In addition, the intended outcome will be achieved by the inclusion of a mapped buffer and corresponding clause or similar.

JUSTIFICATION

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

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

The proposed sports training and accommodation facility was not identified in the Council adopted Comprehensive Land Use Strategy Parts A, B and C in 2010. However, justification for this rezoning is outlined below.

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

The various options to achieving the outcome were discussed at pre-lodgement state. In addition, DPE advice was sought and provided. The Planning Proposal was then lodged consistent with discussions and advice.

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

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

Direction 1 Protect the region's diverse and productive agricultural land is relevant in the consideration of this Planning Proposal. The site is currently zoned RU4 Primary Production Small Lots and identified as biophysical agricultural land, the whole of the Glen Willow sporting complex is also identified. Within the Region RU4 Primary Production Small lots generally have a minimum lot size of 20 hectares or greater. It is acknowledged there are smaller lots (similar to the size of the subject site) also within the Region, these lots are generally held with adjoining lots to increase a holding size to support an agricultural operation. In the context of the site, there is limited opportunity to increase an agricultural operation. Further, the site is currently constrained by the pedestrian and vehicular movements, both current and proposed in the Glen Willow Masterplan. For these reasons the loss of 6.65 hectares of agricultural land is justifiable.

Direction 4 Promote and diversify regional tourism markets is relevant in the consideration of this Planning Proposal. The development of the site with the sports training and accommodation facility will result in visitors to the Region, specifically promoting this Direction. Further, this facility is providing an offering, not currently provided in the Region.

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

Mid-Western Local Strategic Planning Statement, Our Place 2040

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

Mid-Western Regional Comprehensive Land Use Strategy 2010

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

Glen Willow Masterplan

The Planning Proposal is consistent with the Glen Willow Masterplan. The sports training and accommodation facility is detailed on the Glen Willow Masterplan, Stage 3 Plan, provided on page 14 of the Planning Proposal. The proponent has also highlighted the proposal is consistent with a key goal of the masterplan.

Recreation Strategy 2013

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

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

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

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

Mid-Western Regional Council - Regional Economic Development Strategy 2018-2022

One of the elements of this Strategy is to develop a mature and diversified tourism sector, recognising the region's strong and mature winery reputation and building a diverse offering, including sports and heritage tourism. The proposed supports the above strategy by improving facilities at the Glen Willow Regional Sports Complex to attract sporting events and grow sports tourism.

Destination Country & Outback Destination Management Plan

The support of sports tourism through attracting and hosting regional, State or national sporting events is a key action. The proposed supports the action by improving facilities at the Glen Willow regional sporting complex to attract sporting events and grow sports tourism.

Other matters

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

In addition, the Local Environmental Plan Making Guideline 2021 requires a Planning Proposal to address the environmental, social and economic impacts of the proposed. The Planning Proposal addresses these matters, in addition has submitted technical acoustic and odour assessments. These assessments are provided as Attachment 2 and 3a.

STAFF COMMENT

Development Engineering

The Planning Proposal was referred to Council's Development Engineering team, who provided the following comment. Which will assist in the preparation of any future development application.

The introduction of through traffic past the proposed sports training and accommodation facility may require implementation of a management plan. Problems could include noise late in the evenings from hoon behaviour. A traffic management plan post the development could include lockable barriers if the need warranted.

The proposed road is located on a moderately graded cross fall which will result in cut and fill operations. Its location may need to be adjusted slightly near the car park to provide for suitable grades in and out of the carpark.

Standard environmental (soil and sedimentation measures) need to be implemented during the construction.

Gross pollutant traps will be required on culverts established under the road. There will be table drains established on the high side of the new road. The specification for the sealed pavement width is 9m.

Water and Sewer

The Planning Proposal was referred to Council's Water and Sewer team, who provided the following comment.

The subject site adjoins the Putta Pucca sewer pump station, a key piece of infrastructure for the Mudgee community. The sewer pump station was designed and developed in the current rural context and omits odour accordingly. An odour assessment was requested and provided. The assessment identifies area of the site impacted by odour. The building envelope is suitably located outside of the 2 odour unit and above affected area. The odour assessment outlines the suitability of the location of the facility on the subject site. The rezoning and development of the site will result in the potential for future uses within the odour impacted area. Accordingly, a buffer and corresponding clause or similar to restrict and ensure future land uses consider the odour generated by the facility is recommended.

NEXT STEP

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

Community Plan implications

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

Strategic implications

Council Strategies

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

Mid-Western Regional Comprehensive Land Use Strategy Part C – Strategy, August 2010

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

7 December 2021

Attachments:

1. Planning Proposal. (separately attached)
2. Acoustic Assessment. (separately attached)
3. Odour Assessment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Review of the Rylstone Street Study 2021

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, GRA600011

RECOMMENDATION

That Council receive and note the Review of the Rylstone Street Study 2021.

Executive summary

The Rylstone Main Street Study – Louee was undertaken in 1991. Due to the age of the document, funding was sought and obtained to undertake a review of the document. The Rylstone Street Study 2021 examines each of the buildings along both sides of Louee Street Rylstone from the corner of Dabee Street to the corner of Cox Street. Some of the buildings are individually heritage listed and all are within the Rylstone Heritage Conservation Area.

The purpose of the Rylstone Street Study 2021 is to provide guidance to landowners if they are looking to develop or make improvements to their properties. Landowners will still be required to obtain any relevant development approvals and are encouraged to seek the advice of Council's Heritage Advisor prior to commencing work.

Council's development assessment staff will also reference the document to determine a property's significance when considering development applications.

Disclosure of Interest

Nil

Detailed report

The Rylstone Street Study 2021 contains the following sections; an introduction, brief history of Rylstone, uses of the buildings in 1991 and 2019 and then provides detailed property information sheets for 38 properties.

An example of a property information sheet is provided below. The property information sheet provided is for Council's Rylstone administration office. It brings together information contained in the 1991 Rylstone Main Street Study – Louee and any updated information available. The property information sheets also detail conservation recommendations, which do not obligate a landowner to undertake these works, rather, provide guidance if they are looking to undertake works.

As mentioned above, landowners will still be required to obtain any relevant development approvals and are encouraged to seek the advice of Council's Heritage Advisor prior to commencing work.

22. 77 Louee Street

ITEM NO	ADDRESS	MWRC LOT AND DP#	MWRC PROPERTY NO
22	77 Louee Street, Rylstone	Lot 8 Section 5 DP 758891	16331

NAME OF BUILDING/BUSINESS	OTHER/PREVIOUS NAMES/USES
RYLSTONE SHIRE HALL	

CURRENT USE

Office for Mid-Western Regional Council, Library Branch

HERITAGE LISTING

Mid-Western Regional Council LEP 2012 Heritage Conservation Area

HERITAGE SIGNIFICANCE

Ward, 1991:

The building is significant as a member of the group of three public buildings including the Shire Hall, Small Hall and Memorial Hall.

STATEMENT OF SIGNIFICANCE

Hickson, 2019:

This building was constructed in 1913 and designed by local architect Harold Hardwick (born in Rylstone), who was responsible for many civic and ecclesiastical buildings in the Central West. This building is aesthetically pleasing and a good example of an early 20th century small country town Shire Council building. It has a well-executed classical façade featuring symmetry, rendered bands and large attached fluted pillars. This building retains a high degree of integrity with the main original structure largely intact internally and externally.

This building is rare having a continuous association with local government serving the community and ratepayers for over 100 years.

It is recommended for individual listing as a place of local significance.

DESCRIPTION

Ward, 1991:

Date of construction: 1913

A single storey brick building with a pitched hip iron roof.

The building is a simple building of the Federation style including multi-paned windows above string courses and classical features such as column pilasters.

The brick facade of the building is broken up through the use of fluted column pilasters and pairs of sash windows with small paned top lights above either side of the central timber double doors.

The building title, "Rylstone Shire Hall" is displayed above the central doors. The foundation stone giving the date of construction is situated in the northern most window bay.

ADDITIONAL INFORMATION

Hollister, 2019:

The Hall was extended in the 1980s (B. Hickson, architect) adding further office space and a large chamber for Council meetings. The chamber contains an honour board of all serving Shire Presidents since 1906.

HISTORIC RESEARCH

Ward, 1991:

The first elected council of Rylstone Shire met on 5th December 1906. Up until this time the Department of Public Works was responsible for public infrastructure.

The first meetings were held in "Jackson's Building" (Jackson's Corner at 61-67 Louee Street) until the present hall was built in 1913. The building has subsequently been extended at the rear to cater for the increased needs of council offices.

ADDITIONAL INFORMATION

Hollister, 2019:

Rylstone was the 116th local government area proclaimed in the state of New South Wales. In 2004, parts of Rylstone, Mudgee and Merriwa Shires were amalgamated to become Mid-Western Regional Council.

Hickson, 2019:

At the first meeting of the Rylstone Shire Council Councillor Benson was elected as the first President. The councillors set about organizing staff by advertising for a Shire Clerk in the Mudgee Guardian and the Daily Telegraph; Percy Barnes was appointed in December 1906. An engineer and maintenance men were also soon appointed. Repair of roads and sanitary services were the main works initially at hand. Other early interests were the eradication of weeds, and rabbit pests, a fire brigade and rubbish collection.

During the time of James Gettens as President, a loan was raised for the erection of the purpose-built Shire Hall. Cr. McLachlan moved that the clerk write, asking if a loan could be obtained for 12 or 15 years and this motion was seconded and carried.

The building work was carried out by the contractor Mr. RT Highfield. He was a well-known local builder. Later additions occurred in the 1950s and 1980s.

COMMENTS ON RESTORATION

Ward, 1991:

The building facade is in good condition and of high integrity. Any additions have been carried out to the rear of the building and as such have not affected the character of the facade.

CONSERVATION RECOMMENDATIONS

Hickson, 2019:

Well maintained building. The paintwork makes a positive contribution to highlighting changes in facade elevations.

Maintain/retain as much original fabric as possible: brickwork, sash windows with lights, timber doors, fluted columns.

Maintenance required:

- Some ridge capping is corroded/rusted – repair or replace

Consider making the window lights, especially over the main front doors, openable as they once were.

PROPOSED COLOUR SCHEME – WARD 1991

Roof	Dark Grey
Guttering	Brunswick Green
Fascia	Mission White
Columns	Rose Pink
– <i>Column Background</i>	Mission White
Door and Windows	Brunswick Green
– <i>Door Surround</i>	Rose Pink and Mission White
Cement Render	Dulux Fireclay

WARD, 1991



WARD, 1991



HOLLISTER, 2019



Community Plan implications

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

Strategic implications

Council Strategies

The review of the Rylstone Street Main Study is consistent with Council's Local Strategic Planning Statement, Planning Priority 1 *Respect and enhance the historic character of our Region and heritage value of our towns.*

Council Policies

The noting of the Study does not trigger an amendment to any Council policies.

Legislation

Any future works proposed will have to comply with relevant legislation.

Financial implications

Not Applicable

Associated Risks

Nil

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

9 February 2022

Attachments: 1. Rylstone Street Study 2021. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Streetscape Guide for Gulgong, Kandos, Mudgee & Rylstone

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, LAN900114

RECOMMENDATION

That Council receive and note the Streetscape Guide for Gulgong, Kandos, Mudgee and Rylstone.

Executive summary

Council's streetscape infrastructure including bins, street furniture and tree guards are currently replaced as required or newly installed in response to a community request. Accordingly, a consultant was engaged to prepare a guide to assist in a planned coordinated approach to the type and placement of streetscape infrastructure.

The Streetscape Guide for Gulgong, Kandos, Mudgee and Rylstone (the Guide) was prepared by a consultant in consultation with staff across the organisation. The Guide does not trigger any infrastructure replacement or upgrade. It will be utilised by Council staff when the need arises.

Disclosure of Interest

Nil

Detailed report

Current Situation / Background

Council's streetscape infrastructure, including bins, street furniture and tree guards are replaced as required or newly installed in response to a community request. This appears to have resulted in inconsistent types of infrastructure and placement and could negatively impact upon the aesthetic appeal of the towns central business districts.

A consultant was engaged to understand the current streetscape infrastructure including: benches, tables, tree guards, vegetation, rubbish bins, street signs, street lighting, bicycle racks. The consultant then developed a methodology and design guidelines for determining the future location and type of streetscape infrastructure to be used by Council staff.

The Streetscape Guide

The Guide is split into six sections:

1. Introduction – this section provides a background to the project, project aims and outlines the importance of identifying place and regional identity and character.
2. Place Appraisal – an appraisal is provided for each of the towns that details place identity and character.
3. Existing Materials and Design Fabric – this section outlines the existing materials and fabrics of furniture, planting, pavement and kerbs across the four towns.
4. Guiding Principles for Streetscape Design – this section draws on the place appraisal and sets objectives for future works.

5. Materials Framework – pavement, furniture and planting, including a specific section detailing heritage elements. It should be noted Council's existing Street Tree Policy and Mudgee CBD Street Tree Project was utilised in the preparation of this section.

The consultant has proposed some consistency of street infrastructure across the region.

The Gossipark Bayside bin (black enclosure currently seen in the Mudgee streetscape) are proposed for Kandos, Mudgee and Rylstone. The existing bins within Gulgong are proposed to be maintained.

The existing Seat Furniture Australia benches and tables are to be retained in Mudgee. A new bench 'Albert Park' from Commercial Systems (detailed on pages 20, 22 and 26) is proposed for Gulgong, Kandos and Rylstone. These benches have not been utilised in the region previously. The benches have more of a traditional feel and are constructed with a steel frame and timber battens. The consultants advised of the importance of retaining timber battens in the seating.

6. Design Guide – addresses the placement of streetscape infrastructure, accommodating for varying footpath widths. This section details the current pavement design for when it needs to be replicated.

It also addresses the situation where the recommended street bench / bin / bike rack layout will not work in the field and steps to deliver an appropriate outcome.

In addition to other matters, this section stipulates that when a bin requires replacement, the suitability of its current location should be considered.

It is anticipated sections 5 and 6 of the Guide will be utilised most when considering the repair, replacement and installation of new infrastructure.

Team engagement

The consultants engaged with representatives from the Roads, Waste, Economic Development and Parks and Gardens teams. The draft Guide was then circulated to those originally engaged for comment, with some changes made.

Next Step

The Guide does not trigger any infrastructure replacement or upgrade. It will be utilised by Council staff when the need arises.

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

The noting of the Guide does not trigger the amendment to any Council strategies.

Council Policies

The noting of the Guide does not trigger the amendment to any Council policies.

Legislation

Any future installation of street infrastructure needs to be installed in accordance with relevant legislation.

Financial implications

Not Applicable

Associated Risks

Not Applicable

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

9 February 2022

Attachments: 1. Streetscape Guide. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Employment Zones Reform

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, lan900010

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Employment Zones Reform; and**
2. **endorse the Return Translation Detail for the employment zones land use tables and pond-based aquaculture, tank-based aquaculture & local distribution premises land use permissibility**

Executive summary

The Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order) has been amended to give effect to the employment zones reform. As an outcome of the reforms, the existing Business and Industrial zones will be replaced with new zones.

All local environmental plans in NSW must be made in accordance with the SI LEP Order. The Standard Instrument Order sets standard zones that councils must apply to land within their local government area. This means that a translation amendment to the Mid-Western Regional Plan 2012 (Mid-Western LEP) is required. The Department of Planning and Environment (DPE) is coordinating the translation of LEPs amendments and is proposing a centralised public exhibition of all LEP amendments in April 2022.

A summary of the translation of the Business and Industrial zones is detailed in the body of the report. DPE required Council to prepare a Return Translation Detail for the Mid-Western LEP, a copy of this is provided as Attachment 1.

Council was also asked by DPE to consider the permissibility of a number of land uses and to place them in the applicable land use tables. The following land uses were considered 'pond-based aquaculture', 'tank-based aquaculture' and the new land use definition of 'local distribution premises'. The placement of these land uses is detailed in tables 5, 6 and 7 of Attachment 1.

The purpose of this report is to explain the proposed changes and to seek Council's endorsement of the 'Return Translation Detail'.

Disclosure of Interest

Nil

Detailed report

Background

As part of a broader planning reform program, DPE reviewed and updated the zones that apply to employment uses including within centres and industrial areas in NSW. In Mid-Western it includes the centres of Gulgong and Mudgee and associated industrial areas. The towns of Rylstone and Kandos are zoned RU5 Village and are not impacted by this reform.

The reform was announced as part of the NSW Budget in November 2020, and builds on ongoing work by the DPE, reviews by both the Australian and NSW productivity commissions and broader planning reforms to support strategic planning, economic growth and productivity.

What is an Employment zone?

An employment zone is a zone in which the primary objective is to promote employment-generating activities. Other zones including the rural, special purpose and residential zones, permit employment generating activities as secondary to their primary objectives.

New zones

DPE has introduced five employment zones and three supporting zones. The below table provides a comparison of existing zones and proposed zones. Not all zones included in the reforms will be utilised in the Mid-Western LEP. The below table details the change in zone names and the general location of these zonings.

<i>Proposed zoning</i>	<i>Current zoning</i>	<i>Location of zoning</i>
E1 Local Centre	B1 Neighbourhood centre	Southside Mudgee
E1 Local Centre	B2 Local Centre	Gulgong CBD
E2 Commercial Core	B3 Commercial Core	Mudgee CBD
E3 Productivity Support	B5 Business Development	Industrial area fronting Sydney Road
E4 General Industrial	IN1 General Industrial	Gulgong, Hill End, Depot and Industrial Roads
E4 General Industrial	IN2 Light Industrial	Inglis Street, Mudgee and Homer Street, Gulgong
E5 Heavy Industrial	IN 3 Heavy Industrial	Ulan industrial area
MU1 Mixed Use	B4 Mixed Use	Market Street approach to Mudgee and Caerleon

A change in permissibility has been mandated by DPE, so Council has no discretion to change these mandated land uses. In addition, there are a range of land uses that Council has discretion to place as either 'permitted without consent' or 'permitted with consent', for these land uses Council has maintained the permissibility of the current Mid-Western LEP. The land uses that Council has discretion to place as either 'permitted without consent' or 'permitted with consent' are detailed in Table 3. of Attachment 1 Return Translation Detail.

As highlighted in the table above there are two current zonings (B1 Neighbourhood Centre and IN2 Light Industrial) with no 'equivalent' zonings proposed by DPE. Accordingly, new zonings are being applied to these areas.

The below maps depict the location of the current IN2 Light Industrial zoning. The zoning proposed to be applied to these areas is E4 General Industrial. There will be a minor change in permissibility of this land. Accordingly, to ensure the amenity of the adjoining residential land uses is maintained, Council is proposing a 'local provision' clause be drafted to ensure any new development minimises amenity impacts on adjoining residential land uses.



The below map depicts the location of the current B1 Neighbourhood Centre. The proposed zoning is E1 Local Centre, which means there will be a minor change in permissibility of this land. Accordingly, to ensure the amenity of the adjoining residential land uses is maintained, Council is proposing a specific zone objective. The zone objective will be considered in the assessment of any future development application.



Location: Southside Oporto Road, MUDGEE

Pond-based aquaculture, tank-based aquaculture & local distribution premises land uses

In addition to the change in the Business and Industrial zonings, Council is required to consider the permissibility of 'pond-based aquaculture', 'tank-based aquaculture' and the new land use definition of 'local distribution premises'.

The current appropriate permissibly in the Mid-Western LEP of 'pond-based aquaculture' and 'tank-based aquaculture' has been maintained, as detailed in tables 5 and 6 of Attachment 1.

As part of the reform, DPE are proposing a new land use definition, 'local distribution premises'. Local distribution premises means *a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.*

The land use 'local distribution premises' has been decoupled from the group term 'warehouse or distribution centres' to allow the land use to be permitted in a wider range of land use zones. This is reflective of the need to support last mile delivery; for example, click and collect bays and parcel lockers.

Council is required to consider the permissibility of 'local distribution premises' in all zones in the Mid-Western LEP, except where it has already been mandated permitted with consent by DPE in the E1, E2, E3, E4 and MU1 zones. Table 7 of the Return Translation Detail provides the justification for the placement of the land use as either permitted with consent or prohibited. It is proposed to

prohibit 'local distribution premises' in the rural zones, as such this land use would not be supported in rural locations. It is also proposed to prohibit 'local distribution premises' in the residential zone due to the potential negative impacts on established neighbourhoods. It is proposed to prohibit 'local distribution premises' in the SP1 Special activities, SP3 Tourist, RE1 Public Recreation and RE2 Private Recreation zones, C1 National Parks and Nature Reserves and C3 Environmental Management zones as such a use would be inconsistent with the purposes of the zone.

Next step

If Council endorse the Return Detail Translation, it will be sent to DPE to progress to public exhibition.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

The consideration and endorsement of the Return Translation detail will not require any change to relevant policies.

Legislation

The Return Translation Detail has been considered in accordance with the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021.

The Mid-Western LEP will be updated in line with the Departments reform timeframe.

Financial implications

Not Applicable

Associated Risks

If Council were not to submit a Return Translation Detail, it is anticipated DPE would undertake this work and the local strategic land use context would not be considered in the translation and amendments.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

16 February 2022

Attachments: 1. Return Translation Detail. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Draft Standard Instrument Local Environmental Plan Agritourism Amendment Order

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, LAN900033

RECOMMENDATION

That Council:

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

Farm Stay Accommodation:

(1) The objectives of this clause are—

- a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
- b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
- c) to cluster the location of buildings to be used for farm stay accommodation to maintain the principal use of the land for primary production.

(2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—

- a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of —
 - i. 3 times the number of bedrooms permitted under clause 5.4(5), or
 - ii. 20 guests, and
- b) the gross floor area of a building used to accommodate guests will not be more than 75 square metres, and
- c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than 8 at any 1 time, and
- d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than 4, and

- e) all buildings or moveable dwellings used to accommodate guests will be—
 - i. on the same lot as an existing lawful dwelling house, or
 - ii. on a lot—
 - A. for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - B. the size of which is not less than the minimum size shown.

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

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

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

Farm Gate Premises:

(1) The objectives of this clause are—

- a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and

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

(2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—

- a) the gross floor area of a building used for farm gate premises will not be more than 200 square metres, and
- b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more 50 persons.

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

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

Executive summary

The Department of Planning and Environment (DPE) has prepared the draft Standard Instrument Local Environmental Plan Agritourism Amendment Order 2021 (LEP Order). The proposed changes in the LEP Order include:

- new land use terms 'agritourism' and subsets of this use 'farm gate premises' (previously called 'farm gate activity') and 'farm experience premises'
- changes to the 'farm stay accommodation definition'

- optional clauses to be inserted into the Mid-Western Local Environmental Plan 2012 (Mid-Western LEP) for 'farm stay accommodation' and 'farm gate premises'
- transferring 'cellar door premises' to become a subset of 'farm gate premises'

The staff recommendation is to include the optional clauses for 'farm stay accommodation' and 'farm gate premises' with the stipulated development standards in the Mid-Western LEP. As a consequence of the LEP Order 'Agritourism' and subsets of this use 'farm gate premises' (previously called 'farm gate activity') and 'farm experience premises' will be permissible where Agriculture is permissible. Agriculture is permissible with consent in the RU1 Primary Production and RU4 Primary Production Small Lots zones, accordingly, 'Agritourism' and its subsets will be permissible with consent.

DPE proposes to finalise the changes in early 2022. A state environmental planning policy to amend the Mid-Western LEP, without the need for a Planning Proposal is proposed to be made in mid-2022. This is when the Mid-Western LEP amendments will come into effect.

Disclosure of Interest

Nil

Detailed report

BACKGROUND

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

The Standard Instrument Local Environmental Plan Agritourism Amendment Order 2021 (LEP Order) is the first stage of rolling out the proposed planning control changes in the EIE.

CURRENT CONTROLS AND PERMISSIBILITY

The following 'farm stay accommodation' land use term and development standard stipulating the number of bedrooms, is within the Mid-Western LEP. The land use is permissible and development applications have been considered within the RU1 Primary Production, RU4 Primary Production Small Lots, R5 Large Lot Residential and C3 Environmental Management.

Farm stay accommodation means—

a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

5.4 Controls relating to miscellaneous permissible uses

(5) Farm stay accommodation, if development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 5 bedrooms.

Section 6.4 of Council's Development Control Plan provides standards for tourist and visitor accommodation, this includes farm stay accommodation. The standards stipulate various matters, including, tourist and visitor accommodation must only be erected on land that meets the minimum lot size for the erection of a dwelling.

NEW LAND USE TERMS

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

Agritourism means—

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

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

Farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the Local Government Act 1995, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of tourist and visitor accommodation

Farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the Local Government Act 1995, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,
 - (ii) farm tours,
 - (iii) functions or conferences,
 - (iv) farm field days.

Note— Farm experience premises is a type of agritourism

Farm gate premises (previously called ‘farm gate activity’)—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the Local Government Act 1995, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

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

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the Income Tax Assessment Act 1997 of the Commonwealth and includes a business that—

- (a) was a primary production business, and;
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

PROPOSED OPTIONAL CLAUSES

There are two optional clauses that Council has considered for; Farm Stay Accommodation and Farm Gate Premises, as provided below. Within these clauses, there are development standards Council is required to stipulate. These standards have been underlined and discussed in the table below.

Farm Stay Accommodation

(1) *The objectives of this clause are—*

- (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and*
- (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
- (c) [set out other objectives of the clause]*

(2) *Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—*

- (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—*
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or*
 - (ii) 20 guests, and*
- (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and*
- (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and*
- (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and*
- (e) all buildings or moveable dwellings used to accommodate guests will be—*
 - (i) on the same lot as an existing lawful dwelling house, or*
 - (ii) on a lot—*
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and*
 - (B) the size of which is not less than the minimum size shown.*

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

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

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

Staff comment: the proposed optional clause provides objectives and considerations to ensure amenity is considered in the assessment of any development application for farm stay accommodation. Of particular assistance is the inclusion of the requirement for the land to have dwelling entitlement. As mentioned above, this provision is currently contained in the DCP and it would be beneficial for this requirement to have greater weight when contained within the Mid-Western LEP. This consideration will ensure there is not a proliferation of farm stay accommodation and unauthorised change of use to permanent dwellings within the rural areas.

Farm Gate Premises

(1) *The objectives of this clause are—*

- (a) *to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and*
- (b) *to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.*
- (c) *[set out other objectives of the clause]*

(2) *Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—*

- (a) *the gross floor area of a building used for farm gate premises will not be more than [insert number no more than 200] square metres, and*
- (b) *the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more [insert number not more than 50] persons.*

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

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

Development standard Council is required to stipulate	Development standard proposed	Justification
Farm stay accommodation		
The objectives of this clause are— <u>[set out other objectives of the clause]</u>	To cluster the location of buildings to be used for farm stay accommodation to maintain the principal use of the land for primary production.	The spread of farm stay accommodation buildings across an agricultural property detrimentally impacts farm management practises onsite, it may also lead to negative impacts to adjoining agricultural pursuits.

		The objective has been included to ensure the principal use of the land for primary production is maintained.
Gross floor area of a building used to accommodate guests will not be more than <u>[insert number no less than 60] square metres</u>	The development standard of 75 square metres is proposed.	The 75 square metres is consistent with development approvals granted by Council previously. This standard is also consistent with what DPE outlined in the exhibited Explanation of Intended Effect.
Maximum number of guests accommodated in moveable dwellings on the landholding will not be more than <u>[insert number no more than 20] at any 1 time</u>	The development standard of 8 guests is proposed.	The development standard of 8 guests accommodated across a maximum of 4 moveable dwellings on a site, is considered to provide the landowner with an 'agritourism' opportunity resulting in an acceptable level of amenity impact on the locality. Further, the total number of guests permitted onsite under this clause (the combination of buildings and moveable dwellings) is 28. This number of guests is generally consistent with what Council has considered previously.
Maximum number of moveable dwellings used for the accommodation of guests will not be more than <u>[insert number no more than 6]</u>	The development standard of 4 moveable dwellings is proposed.	
Farm Gate Premises (includes, but not limited to, restaurant, café, facility holdings tastings or workshops etc.)		
Gross floor area of a building used for farm gate premises will not be more than <u>[insert number no more than 200] square metres</u>	The development standard of 200 square metres is proposed.	A landowner can erect a 200 square metre farm shed as exempt development. The visual impact of sheds of this scale are currently erected across the landscape. Accordingly, it is considered reasonable that this floor area be considered for the use as a farm gate premises. The size of recently approved cellar doors and restaurants varies, from 20 to 170 square metres.
Maximum number of persons that will be permitted on the landholding at any 1 time for	50 persons	Currently a merit based development assessment occurs for the consideration of

the purposes of the farm gate premises will not be more than <u>insert number not more than 50</u> persons		the maximum number of people permitted onsite. It should be noted, Council also utilises the 'function centre' definition in the rural zones. Accordingly if a landowners is wanting to establish a larger facility to be used for events catering for greater than 50 people, they could consider the suitability of the function centre land use for their proposal.
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WHERE WILL AGRITOURISM LAND USES BE PERMISSIBLE

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

NEXT STEP

Council's endorsement of the 'farm stay accommodation' and 'farm gate premises' optional clauses will inform DPE's drafting of a State Environmental Planning Policy (SEPP) to amend the Mid-Western LEP (without the need for Council to prepare a planning proposal). DPE are proposing to make the SEPP mid-2022.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

17 February 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER, PLANNING
TO 16 MARCH 2022 ORDINARY MEETING
GOV400088, A0420109, GOV400098

RECOMMENDATION

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

Executive summary

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

Disclosure of Interest

Nil

Detailed report

Included in this report is an update for the month of February 2022 Development Applications determined and Development Applications processing. The report will detail:

- Total outstanding development applications indicating the proportion currently being processed and those waiting for further information.
- Median and average processing times for development applications.
- A list of determined development applications.
- Currently processing development applications and heritage applications.
- Variations to the Mid-Western DCP.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN
MANAGER, PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

01 MARCH 2022

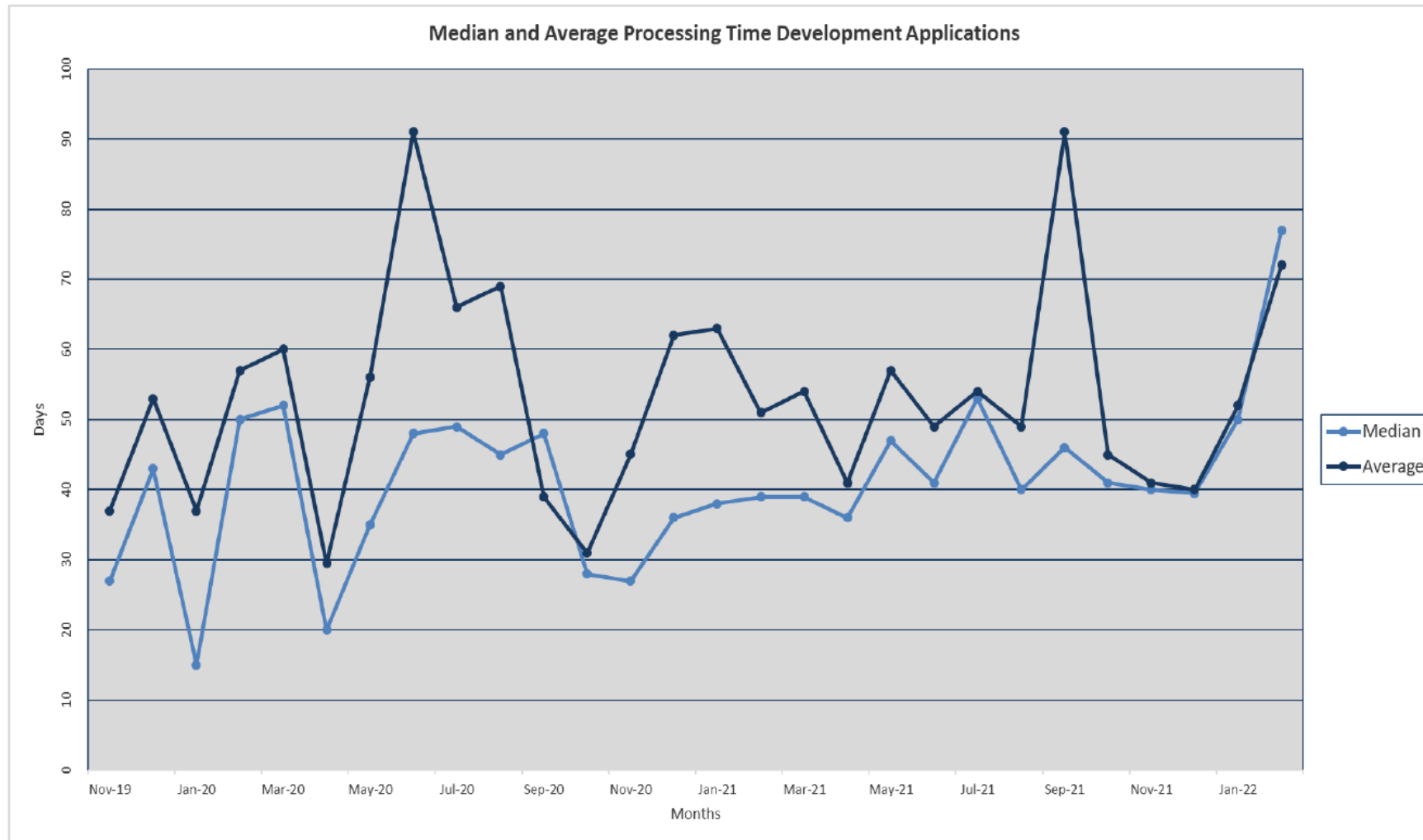
Attachments: 1. Monthly Development Applications Processing and Determined - February 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

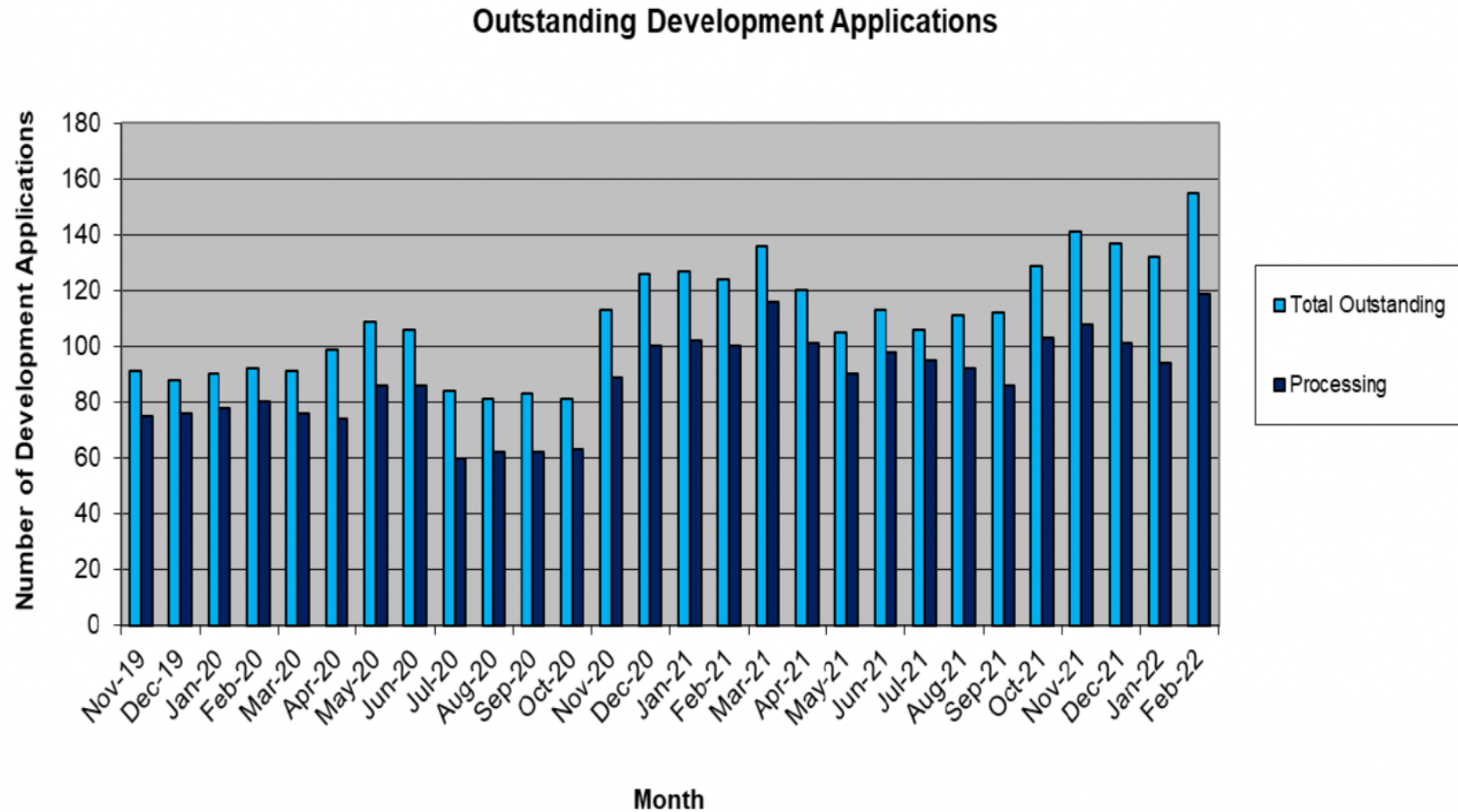
Monthly Development Application Processing Report – February 2022

This report covers the period for the month of February 2022. Graph 1 indicates the processing times up to 28 February 2022 with the month of February having an average of 72 days and a median time of 77 days.



Monthly Development Application Processing Report – February 2022

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



Monthly Development Application Processing Report – February 2022

The Planning and Development Department determined 19 Development Applications either by Council or under delegation during February 2022.

Development Applications Determined – February 2022

Appl/Proc ID	Description	House No	Street Name	Locality
DA0302/2021	Café	24	Cox Street	LUE
DA0101/2022	Alterations & Additions	44	Rocky Waterhole Road	MOUNT FROME
DA0116/2022	Dwelling House	26	Meramie Street	CAERLEON
DA0142/2022	Dwelling House	17	Glenrock Lane	KAINS FLAT
DA0165/2022	Shed >150m2	17	Leconfield Drive	BOMBIRA
DA0168/2022	Dwelling House	842	Ridge Road	COOKS GAP
DA0172/2022	Alterations & Additions	571	Spring Flat Road	SPRING FLAT
DA0197/2022	Shed >150m2	7	Harvey Street	BOMBIRA
DA0202/2022	Shed >150m2	77	Fairydale Lane	MUDGEE
DA0205/2022	Swimming Pool	24	Lawson Street	MUDGEE
DA0207/2022	Dual Occupancy	278	Beryl Road	GULGONG
DA0208/2022	Dwelling House	22	Dewhurst Drive	MUDGEE
DA0211/2022	Boundary Adjustment	305	Blue Springs Road	STUBBO
DA0222/2022	Subdivision - Torrens Title	75	Fairydale Lane	MUDGEE
DA0235/2022	Shed >150m2	8	Hollingsworth Drive	GULGONG
DA0248/2022	Alterations & Additions	57	Herbert Street	GULGONG
DA0253/2022	Dwelling House	17	Marshell Circuit	MUDGEE
DA0258/2022	Dwelling House	2	Butler Circle	BOMBIRA
DA0273/2022	Carport	69	White Circle	MUDGEE

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

DA number	Number of DCP variation(s)	Level of variation
DA0165/2022	2	>10% (side and rear setback)
DA0207/2022	2	>10% (Front Setback and Side Setback)

Monthly Development Application Processing Report – February 2022

Development Applications currently being processed – February 2022.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0089/2019	Change of use - shed to dwelling	2037	Coxs Creek	RYLSTONE
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE
DA0166/2021	Water storage facility	51	Oaklands Road	MOUNT FROME
DA0199/2021	Change of use	1	Sydney Road	MUDGEE
DA0405/2021	Residential Shed	126	Market Street	MUDGEE
DA0412/2021	Manufactured Homes Estate	38	Spring Flat Road	SPRING FLAT
DA0429/2021	Dual Occupancy	182	Cudgong Road	RYLSTONE
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS
DA0003/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0006/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0015/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0023/2022	Shed >150m2	14	Harvey Street	BOMBIRA
DA0061/2022	Secondary dwelling	705	Kains Flat Road	KAINS FLAT
DA0084/2022	Secondary dwelling	643	Campbells Creek Road	WINDEYER
DA0093/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0094/2022	Dwelling House	96	Maderia Road	MUDGEE
DA0095/2022	Facilities for Electric Vehicles	27	Mayne Street	GULGONG
DA0111/2022	Demolition	18	Sydney Road	MUDGEE
DA0123/2022	Bed and breakfast accommodation	226	Melrose Road	MOUNT FROME
DA0130/2022	Industrial Building	3	Wilkins Crescent	MUDGEE
DA0138/2022	Change of use - Farm Stay Accommodation	27	Craigmoor Road	BOMBIRA

Monthly Development Application Processing Report – February 2022

DA0143/2022	Subdivision - Torrens Title	4602	Wollar Road	WOLLAR
DA0146/2022	Hotel alterations & additions	1	Sydney Road	MUDGEE
DA0148/2022	Alterations & Additions	2358	Henry Lawson Drive	CANADIAN LEAD
DA0153/2022	Swimming Pool	10	Carolina Crescent	MUDGEE
DA0154/2022	Subdivision - Torrens Title	1	Railway Street	GULGONG
DA0157/2022	Dwelling House	361	Old Grattai Road	ERUDGERE
DA0163/2022	Subdivision - Strata Title	39	George Street	MUDGEE
DA0164/2022	Change of use to retail premises	9	Sydney Road	MUDGEE
DA0166/2022	Subdivision - Torrens Title	15	Cainbil Street	GULGONG
DA0170/2022	Solar Energy System	33	Blain Road	CAERLEON
DA0177/2022	Alterations & Additions	508	Powells Road	PYANGLE
DA0178/2022	Dual Occupancy	21	Robertson Street	MUDGEE
DA0182/2022	Subdivision - Torrens Title	50	Burrundulla Road	BURRUNDULLA
DA0185/2022	Garage	21	Cox Street	RYLSTONE
DA0186/2022	Dwelling House	211	Wollar Road	BUDGEE BUDGEE
DA0188/2022	Dwelling House	99	Merinda Street	HARGRAVES
DA0189/2022	Change of use - shed to secondary dwelling	4	Avisford Court	MUDGEE
DA0190/2022	Subdivision - Torrens Title	150	Gladstone Street	MUDGEE
DA0195/2022	Dwelling House	2031	Lower Piambong Road	PIAMBONG
DA0198/2022	Dwelling House	25	Wurth Drive	BOMBIRA
DA0200/2022	Subdivision - Torrens Title	846	Ullamalla Road	ULLAMALLA
DA0210/2022	Demolition	68	Short Street	MUDGEE
DA0212/2022	Garage	15	Bumberra Place	BOMBIRA
DA0213/2022	Dwelling House	19	Hughson Avenue	MUDGEE
DA0214/2022	Garage	74	Inglis Street	MUDGEE
DA0215/2022	Dwelling House	902	Botobolar Road	BOTOBOLAR
DA0216/2022	Dwelling House	1858	Cudgegong Road	CUDGEGONG
DA0218/2022	Demolition	1858	Cudgegong Road	CUDGEGONG
DA0219/2022	Garage	1858	Cudgegong Road	CUDGEGONG
DA0224/2022	Alterations and additions to caravan park	71	Lions Drive	MUDGEE
DA0225/2022	Dual Occupancy	61	Henry Bayly Drive	MUDGEE
DA0226/2022	Garage	12	Wandoona Court	MUDGEE
DA0227/2022	Dwelling House	10	Robert Jones Street	MUDGEE

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DA0228/2022	Garage	49	Mudgee Street	RYLSTONE
DA0229/2022	Dual Occupancy	359	Carramar Road	STUBBO
DA0231/2022	Dwelling House	1916	Windeyer Road	WINDEYER
DA0232/2022	Subdivision - Torrens Title	34	Leconfield Drive	BOMBIRA
DA0233/2022	Demolition	58	Pitts Lane	PUTTA BUCCA
DA0236/2022	Dwelling House	2349	Castlereagh Highway	GULGONG
DA0239/2022	Dwelling House	166	Lesters Lane	PIAMBONG
DA0240/2022	Dwelling House	15	Robert Jones Street	MUDGEE
DA0241/2022	Secondary dwelling	257	Melrose Road	MOUNT FROME
DA0242/2022	Shed >150m2	280	Henry Lawson Drive	EURUNDEREE
DA0243/2022	Emergency Services/Bushfire Hazard Reduction	3	Garner Street	LUE
DA0244/2022	Emergency Services/Bushfire Hazard Reduction	41	George Campbell Drive	BOMBIRA
DA0245/2022	Shed >150m2	33	Macquarie Drive	MUDGEE
DA0246/2022	Retaining Wall	2333	Castlereagh Highway	GULGONG
DA0247/2022	Ancillary Residential Development	25	Burrundulla Avenue	MUDGEE
DA0249/2022	Semi-detached dwelling	13	Butler Circle	BOMBIRA
DA0250/2022	Garage	41	Ilford Road	KANDOS
DA0251/2022	Subdivision - Torrens Title	3	Suttor Avenue	CAERLEON
DA0252/2022	Secondary dwelling	3	Butler Circle	BOMBIRA
DA0254/2022	Subdivision - Torrens Title	213	Putta Bucca Road	PUTTA BUCCA
DA0255/2022	Business premises	38	Hill End Road	CAERLEON
DA0257/2022	Shed >150m2	17	Waterworks Road	MUDGEE
DA0259/2022	Shed >150m2	8	Sawpit Road	MUDGEE
DA0260/2022	Subdivision - Torrens Title	151	Robertson Street	MUDGEE
DA0262/2022	Shed >150m2	210	Green Gully Road	GREEN GULLY
DA0263/2022	Alterations & Additions	288	Frog Rock Road	ST FILLANS
DA0264/2022	Dwelling House	1217	Queens Pinch Road	QUEENS PINCH
DA0265/2022	Dwelling House	173	Lowes Peak Road	ST FILLANS
DA0266/2022	Garage	9	Belmore Street	GULGONG
DA0267/2022	Telecommunications facility	20	Robison Street	ULAN
DA0268/2022	Subdivision - Torrens Title	313	Magpie Lane	GALAMBINE
DA0269/2022	Extend operating hours	34	Inglis Street	MUDGEE
DA0270/2022	Dual Occupancy	64	Inglis Street	MUDGEE

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DA0271/2022	Alterations and additions to industrial developmnt	6	Horatio Street	MUDGEE
DA0272/2022	Boundary adjustment	11	Belmore Street	GULGONG
DA0274/2022	Dual Occupancy	21	Suttor Avenue	CAERLEON
DA0275/2022	Dwelling House	5	Wurth Drive	BOMBIRA
DA0276/2022	Dual Occupancy	120	Rocky Waterhole Road	MOUNT FROME
DA0277/2022	Ancillary Residential Development	15	Mudgee Street	RYLSTONE
DA0278/2022	Shed >150m2	29	Robert Hoddle Grove	BOMBIRA
DA0279/2022	Secondary dwelling	41	Medley Street	GULGONG
DA0280/2022	Shed >150m2	34	White Circle	MUDGEE
DA0282/2022	Dwelling House	14	Harvey Street	BOMBIRA
DA0283/2022	Secondary dwelling	124	Bellevue Road	MUDGEE
DA0284/2022	Ancillary Residential Development	14	Dunphy Crescent	MUDGEE
DA0286/2022	Pergola	21	White Circle	MUDGEE
DA0288/2022	Shed >150m2	10	Robert Jones Street	MUDGEE
DA0289/2022	Shed >150m2	110	Tuckermans Road	MENAH
DA0290/2022	Ancillary Residential Development	783	Henry Lawson Drive	EURUNDEREE
DA0291/2022	Secondary dwelling	5	Holleys Lane	GULGONG
DA0292/2022	Dual Occupancy	43	Saleyards Lane	MUDGEE
DA0293/2022	Alterations & Additions	215	Gladstone Street	MUDGEE
DA0294/2022	Garage	107	Denison Street	MUDGEE
DA0295/2022	Subdivision - Torrens Title	25	Rifle Range Road	MUDGEE
DA0296/2022	Farm building	931	Spring Flat Road	SPRING FLAT
DA0298/2022	Subdivision - Strata Title	32	Melton Road	MUDGEE
DA0299/2022	Farm building	2252	Castlereagh Highway	GALMBINE
DA0301/2022	Dual Occupancy	25	Fairydale Lane	MUDGEE
DA0302/2022	Shed >150m2	6	Worobil Street	GULGONG
DA0307/2022	Dual Occupancy	15	Goodlet Lane	MUDGEE
DA0308/2022	Dual Occupancy	5	Suttor Avenue	CAERLEON
DA0309/2022	Dual Occupancy	4	Goodlet Lane	MUDGEE
DA0310/2022	Change of use to vehicle repair station	6	Wilkins Crescent	MUDGEE
DA0311/2022	Dwelling House	31	McLachlan Street	KANDOS
DA0312/2022	Subdivision - Torrens Title	55	Ilford Road	KANDOS
DA0313/2022	Subdivision - Torrens Title	194	Hill End Road	CAERLEON
DA0314/2022	Shed >150m2	26	Scotts Lane	GULGONG
DA0315/2022	Semi-detached dwelling	1858	Cudgegong Road	CUDGEGONG

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DA0316/2022	Secondary dwelling	61	Buchanan Street	KANDOS
DA0317/2022	Shed	44	Davies Road	KANDOS
DA0319/2022	Dwelling House	249	Cuthel Lane	BERYL

Monthly Development Application Processing Report – February 2022

Heritage Development Applications currently being processed – February 2022.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE
DA0300/2019	Demolition	80	Nicholson Street	MUDGEE
DA0198/2021	Change of use to serviced apartments	110	Church Street	MUDGEE
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0379/2021	Commercial Alterations/Additions	28	Market Street	MUDGEE
DA0070/2022	Dwelling House	120	Market Street	MUDGEE
DA0087/2022	Demolition	33	Horatio Street	MUDGEE
DA0106/2022	Dual Occupancy	97	Lewis Street	MUDGEE
DA0122/2022	Change of use to beauty salon	46	Market Street	MUDGEE
DA0160/2022	Subdivision - Torrens Title	1	Taylors Lane	RYLSTONE
DA0201/2022	Garage	74	Gladstone Street	MUDGEE
DA0220/2022	Dwelling House	46	George Street	MUDGEE
DA0234/2022	Dwelling House	64	Lawson Street	MUDGEE
DA0238/2022	Dwelling House	30	Robertson Street	MUDGEE
DA0297/2022	Shed >150m2	11	Market Street	MUDGEE
DA0300/2022	Alterations & Additions	41	Cox Street	MUDGEE
DA0303/2022	Detached studio	103	Lawson Street	MUDGEE
DA0304/2022	Dual Occupancy	7	Goodlet Lane	MUDGEE
DA0306/2022	Subdivision - Strata Title	34	Court Street	MUDGEE
DA0318/2022	Signage	115	Market Street	MUDGEE

Item 9: Finance

9.1 Amendment to Deed of Compulsory Acquisition by Agreement Ulan Wollar Road

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, Roa100367 & 25501

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Amendment to Deed of Compulsory Acquisition by Agreement Ulan Wollar Road;
2. note that the acquisition of Lot 1 DP 1254551 and the acquisition process required to obtain this Lot was considered and resolved by Council on 15/9/2021 Minute No 271/21;
3. agree to the terms in the revised agreement being *Deed of Compulsory Acquisition by Agreement* and with the accompanying Plan of Lot 1 DP 1254551 to be acquired as appended as Attachments 4 and 3, respectively, to this Report and;
 - a) enter into this agreement with TfNSW and the ARTC as under s29 of the Land Acquisition (Just Terms Compensation) Act 1991;
4. authorise the General Manager and the Mayor, if required to do so, to execute all necessary documentation to effect the revised *Deed of Compulsory Acquisition by Agreement* as appended as Attachment 4 to this Report; and
5. require Peabody Pastoral Holdings P/L or Wilpinjong Coal P/L be responsible for all reasonable costs, including all legal and other out of pocket costs, incurred by Council in considering and preparing the revised *Deed of Compulsory Acquisition by Agreement* as appended as Attachment 4 to this Report.

Executive summary

The purpose of this Report is to seek Council's endorsement to the request made by Transport for NSW (TfNSW) to amend Part B cl1 of the *Deed of Compulsory Acquisition by Agreement* (the Deed) which was previously authorised by Council on 15 September 2021 (Minute 271/21) for the acquisition of Lot 1 DP 1254551 (the Lot). Refer to Attachments 1, 2 and 3 appended to this Report.

If Council agrees to endorse the amendment, the proposed amended version of the Deed (the Revised Deed), appended as Attachment 4 to this Report, will require execution.

Disclosure of Interest

Nil

Detailed report

On 15 May 2019 Council endorsed a *Heads of Agreement for Opening New Aligned Sections of Ulan-Wollar Road* (the HOA) which recorded Council's, Peabody Pastoral Holdings P/L (PPH), Wilpinjong Coal P/L (WC) and Moolarben Coal Mines P/L (MCM) agreement in respect of the opening and dedication of new, realigned sections of the Ulan-Wollar Road (the Road) and the closing of existing sections of the Road.

The HOA includes a condition precedent at cl2.2(d) which requires Council to acquire (the Acquisition) the Lot from TfNSW for public road in accordance with the Roads Act 1993 (NSW) (the Roads Act) and the Land Acquisition (Just Terms Compensation) Act 1991 (the Act).

In pursuance of acquiring the Lot, at its 15 September 2021 meeting Council resolved to endorse an agreement under s29 of the Act, being the Deed, with TfNSW and ARTC (who holds a leasehold interest over the land).

The Deed sets out the terms on which the parties have agreed on all relevant matters concerning the Acquisition and the compensation to be paid for the Acquisition.

The Deed was subsequently forwarded to TfNSW for execution. Although TfNSW agreed with the content in the Deed at the time it was presented to Council on 15/9/2021, TfNSW have not since effected execution and have now requested that amendment to Schedule 1 Part B cl1 of the Deed be considered by Council.

The existing, previously approved clause is as follows:

1. Positive Covenant for Drainage

The Authority must ensure that all future drainage works on the Land are directed into the appropriate approved drainage system and must ensure that no person does any act or thing on the Land whereby stormwater, surface run-off or drainage passes over through or under the Land onto TfNSW's adjoining land, or track work or improvements of any kind of TfNSW (even if on land not owned by TfNSW) except through such works as are existing as at the date of this covenant or as may subsequently be approved in writing by TfNSW in its absolute discretion.

The proposed amended clause is as follows:

1. Positive Covenant for Drainage

The Authority must ensure that when any works are carried out on the Land, stormwater, surface run-off and drainage must be directed into the appropriate approved drainage system. The Authority must ensure that no person does any act or thing on the Land whereby stormwater, surface run-off or drainage passes over through or under the Land onto TfNSW's adjoining land, or track work or improvements of any kind of TfNSW (even if on land not owned by TfNSW) except that stormwater, surface run-off and drainage that does not comply with the terms of this covenant is permitted if the drainage is:

- (a) through works existing on the Land as at the date of this covenant; or*

(b) *approved in writing by TfNSW in its absolute discretion.*

It is considered there is no substantial difference between the two clauses and as such, it is recommended that Council agree to the request to amend the clause.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy

Legislation

Local Government Act 1993

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Financial implications

In accordance with cl4.2(a) of the HOA, PPH or WC will bear all reasonable costs incurred by Council in reviewing and amending Part B cl1 of the Deed, including all of its legal and other out of pocket costs.

Associated Risks

Council's solicitor is progressing the acquisition under the Act on Council's behalf and has also reviewed the terms of the proposed amendment to the Deed. Any risks associated with the amendment to Part B cl1 of the Deed are considered mitigated.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

14 February 2022

Attachments:

1. Council Minute 271/21 of 15/9/2021. (separately attached)
2. Current Deed of Compulsory Acquisition 15/9/2021. (separately attached)
3. Plan of Lot to be Acquired. (separately attached)
4. Amended Deed of Compulsory Acquisition. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.2 Mudgee Aero Club Lease Request

REPORT BY THE PROPERTY CO-ORDINATOR
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, F0470002

RECOMMENDATION

That Council:

1. **receive the report by the Property Co-ordinator on the Mudgee Aero Club Lease Request;**
2. **acknowledge the key objectives of the Mudgee Regional Airport Master Plan 2015, as Attachment 3, and only consider commercial lease applications in respect to the South East Development Zone identified as Lots 1-13 DP1271269 at Mudgee Airport;**
3. **accept the rental valuation determination for Lots 1-13 by City Valuers as at 11 October 2021, as per Confidential Attachment;**
4. **note that authority has been previously approved for the General Manager to negotiate the rental amounts for no more than 10% less than the rental valuation for all 13 lots;**
5. **not approve the proposed lease of Lot 2 DP1271269 to the Mudgee Aero Club as they do not meet the criteria for commercial development; and**
6. **note that under the Mudgee Regional Airport Masterplan 2015 there may be future release of land at the airport that may be a better fit for not-for-profit groups such as the Mudgee Aero Club.**

Executive summary

Council has received a request from the Mudgee Aero Club (the Club) to lease vacant land (attachment 1) being lot 2 DP1271269 in the recent 15 lot subdivision located in the South East Development Zone (SEDZ) at Mudgee Airport.

This report is to confirm Councils commitment to the Mudgee Regional Airport Masterplan 2015 (the Master Plan) and its recommendation to retain this area strategically for commercial development only and acknowledge that future land development and release in the northern area at the Mudgee Airport would be a longer term, better fit for the Club.

Disclosure of Interest

Nil

Detailed report

Council has received a request from the Club in respect to leasing Lot 2 DP1271269 (attachment 2) for development into an additional hangar space to expand their existing facilities. The Club have also requested that Council consider heavily reducing the lease fees. Please refer to the confidential

attachments – valuation report – for an outline of the recommended annual return for each available lot (attachment 4).

The Club presently lease Lot 3 DP1003936, Lot 5 DP1003936 and Lot 8 DP1133385 at Mudgee Airport. The permitted use of these sites under their lease are for Club House (Lot 3) and Aircraft Hangar & related storage (Lot 5 & 8), although it is also noted that Airbnb type accommodation is also offered at one of these sites.

The Master Plan has established a framework for the future development and release of land at the Airport. The key trends identified in the Master Plan, forecasts future aviation industry growth through supply of available, specifically developed land suitable for commercial purpose. Through implementation of the Master Plan, Council recently implemented SEDZ through registration and subdivision of 13 industrial lots, created strategically to attract aviation business to the Mudgee region. These lots will soon be advertised for commercial lease and development, with adoption of recommended lease yields and within the scope of the General Managers authority to negotiate.

Additionally, Council recently acquired Lot 63 DP618063 for expansion of the Airport to the north and as recommended in the Master Plan, this land may be subdivided for release and is considered better suited to community lease applications such as the Mudgee Aero Club.

It is also recommended that Council remain consistent with the strategic direction for development of the airport as identified in the Master Plan and in future only consider commercial applications in respect to Lots 1-13 DP1271269.

Community Plan implications

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

Strategic implications

Council Strategies

Mudgee Regional Airport Masterplan 2015

Council Policies

Leasing and Licencing of Council Property Policy

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Any approved development that contravenes the Master Plan and its recommended framework for development in the short, mid to long term could set a precedent for future disjointed development applications that detract from the intended purpose and release of these lots to attract business to the Mudgee region.

KELLY BARNES
PROPERTY CO-ORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

22 February 2022

Attachments:

1. Mudgee Aero Club Request. (separately attached)
2. Lot 2 DP1271269. (separately attached)
3. Mudgee Regional Airport Master Plan 2015. (separately attached)
4. City Valuers - Rental Valuation Determination. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Draft Long Term Financial Plan 2021-2031

REPORT BY THE ACTING CHIEF FINANCIAL OFFICER
TO 16 MARCH 2022 ORDINARY MEETING
GOV400087, FIN300201, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Acting Chief Financial Officer on the Draft Long Term Financial Plan 2021-2031;**
 2. **endorse the draft Long Term Financial Plan 2021-20301 to go on public exhibition for a period of 28 days;**
 3. **request a report be returned to Council after the period of exhibition, if any submissions are received for consideration; and**
 4. **if no submissions are received adopt the Long Term Financial Plan 2021-2031.**
-

Executive summary

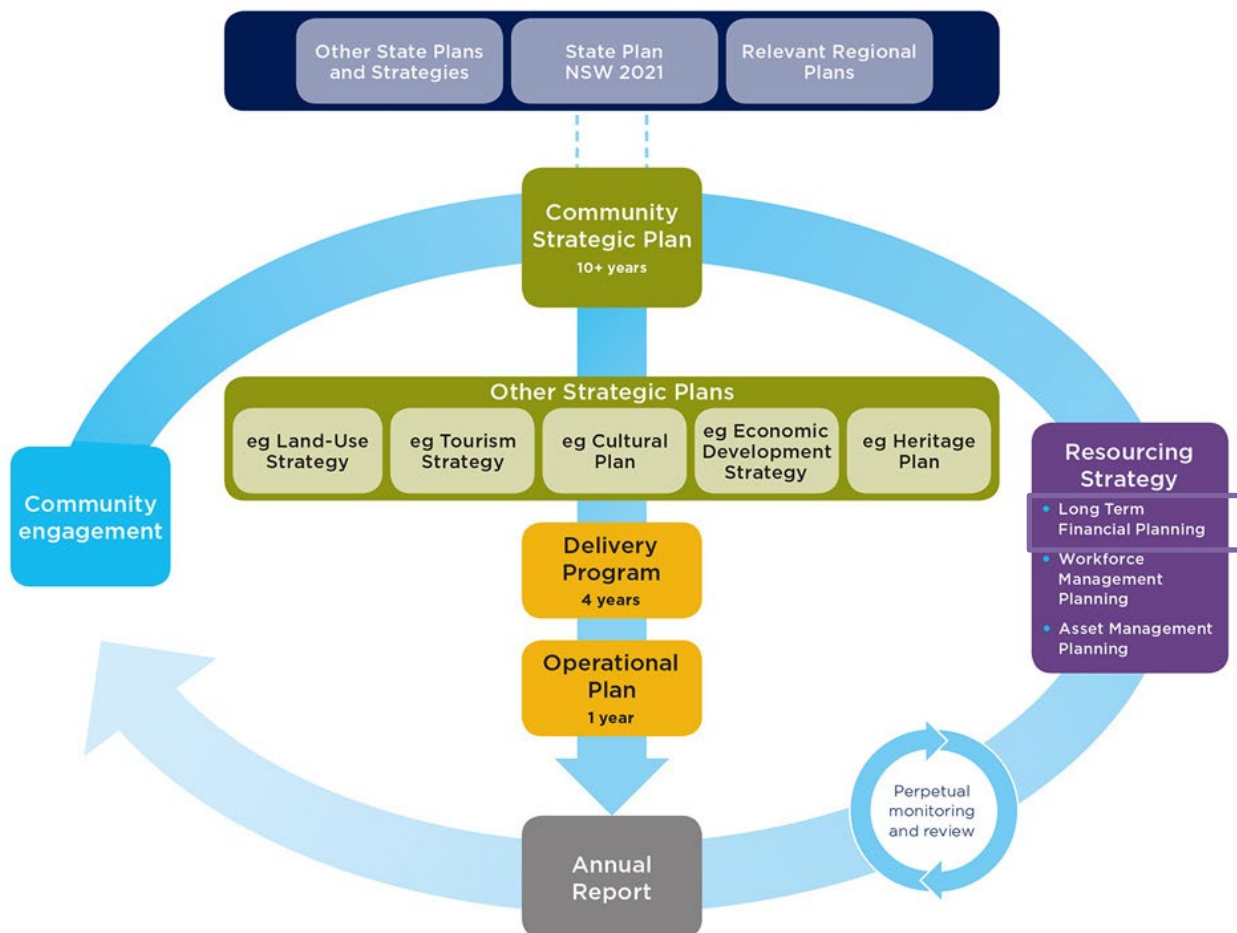
Following completion of the Operational Plan 2021/2022 the draft Long Term Financial Plan 2021-2031 is presented to Council to be placed on public exhibition, to better inform Council and the community.

Disclosure of Interest

Nil

Detailed report

The Long Term Financial Plan is a requirement of the Integrated Planning and Reporting process, as a component of the Resourcing Strategy.



The Long-Term Financial Plan must project financial forecasts for the council for at least ten years, and be updated annually to further inform the Operational Plan. The Long-Term Financial Plan must be used by the council to inform its decision-making during the finalisation of the Community Strategic Plan and the development of the Delivery Program.

The Long-Term Financial Plan must include:

- Planning assumptions used to develop the plan
- Projected income and expenditure, balance sheet and cash flow statement
- Sensitivity analysis (factors/assumptions most likely to affect the plan)
- Financial modelling for different scenarios
- Methods of monitoring financial performance

The Long Term Financial Plan was delayed from being completed earlier in the Operational Plan 2021/2022 cycle due to conflicting priorities with the impact of bushfires and COVID-19 on Councils work flows.

Community Plan implications

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

Strategic implications

Council Strategies

The Long Term Financial Plan makes up a part of Councils Resourcing Strategy, and links to the Asset Management Plans and Delivery Program.

Council Policies

Not Applicable

Legislation

Local Government Act 1993 Section 430 Resourcing Strategy:

1. A council must have a long-term strategy (called its "resourcing strategy") for the provision of the resources required to implement the strategies established by the community strategic plan that the council is responsible for.
2. The resourcing strategy is to include long-term financial planning, workforce management planning and asset management planning.

Financial implications

The Operational Plan 2021/22 sets out Council's planned activities, major projects and strategic direction for the financial year ended 30 June 2022. The Long Term Financial Plan 2021-2031 identifies Council's planned financial path for the next ten years.

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

24 February 2022

Attachments: 1. Long Term Financial Plan 2021-2031. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 Naming of three new streets in a subdivision off Knox Crescent, Caerleon

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, P26545, R0790063

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of three new streets in a subdivision off Knox Crescent, Caerleon;**
2. **name Road 1 Moore Street, name Road 2 Margaret Lane and name Road 3 Orchard Court; and**
3. **approve the inclusion of Neil in Council's pre-approved names list.**

Executive summary

A new subdivision off Knox Crescent in the locality of Caerleon includes three new streets. Addressing requirements for the new subdivision will necessitate the naming of these new streets.

Disclosure of Interest

Nil

Detailed report

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

Following the approval of a new subdivision off Knox Crescent in the locality of Caerleon, Council wrote to the property owner and neighbours of the subdivision on 18th January 2022 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 21st January 2022 issue of the Mudgee Guardian and on Council's website. Submissions closed on 11th February 2022 and during this period several submissions were received along with earlier submissions, with the following names being suggested:

Moore, Price, Orchard, Margaret Smythe and Neil Byron.

These names were evaluated via the Geographical Names Board and an issue was found with Byron as this would be a duplication of Byron Place and could not be used and Smythe was found to essentially be a duplication of Smith Street in Mudgee. Margaret was found to sound similar to Market Street in Mudgee and Orchard was found to sound similar to Richards Street in Mudgee. Both evaluations were queried and the GNB Secretariat advised that both would be considered different to the like sounding names and would be accepted for use. Neil, Moore and Price were accepted for use with no issues raised.

The recommended name of Moore relates to the Moore family, long time owners of the grazing properties of Caerleon and Meramie within which the Caerleon development is located. Edward Moore moved to the area from Sydney and purchased Caerleon in 1927. He and his wife Sadie, raised their two children, Frederick James (James) and Julie, who was born after their move, on the property. James and his wife Jennifer lived on the section of the property named Meramie. Edward and James ran the property together until Edward's passing. James passed away in 2011.

The recommended name of Margaret relates to Margaret Smythe (8/3/1941-10/6/20). Margaret came to Mudgee in 1968 and was a teacher at Mudgee High School for many years teaching home economics, food technology, computing and business studies. Apart from providing the skills to enable several generations of school children to look after themselves, Mrs Smythe was also a great contributor to her community. She was the President of the Mudgee View Club, raised funds to support children through the Smith Family, was President of the Mudgee Presbyterian Women's Association for 25 years and an active member of the Country Women's Association.

The recommended name of Orchard relates to the Orchard family. Jean Marie (John) and Hannah Sabina Orchard came to Mudgee in 1854. The family were well respected and contributed to the establishment of the Methodist Church in Mudgee. After John's passing, Hannah later married Daniel Cassin who would go on to be a Mayor of Mudgee. John and Hannah's daughter, Victoria married John Newman on 3/4/1861 and they set up their home in Grattai, just along from the Caerleon Estate land. John and Victoria raised 15 children, 12 of whom survived to adulthood and went on to contribute to the development of Mudgee with descendants continuing to live on and manage properties all through the area.

As there is more development planned for the Caerleon Estate subdivision it is intended to use Price and Neil for future road naming in the development. Price is already included in Council's pre-approved names list and it has been requested that Neil be included as part of this report.

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

In accordance with Council's Road, Bridge and Place Naming Policy, the name that Council endorses for these roads will be:

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

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

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient

Strategy	Provide traffic management solutions that promote safer local roads and minimise traffic congestion
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Strategic implications

Council Strategies

Not Applicable

Council Policies

Road, Bridge and Place Naming Policy

Legislation

Roads Act 1993

Road Regulation 2008

Geographical Names Act, 1996

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

Financial implications

The cost and installation of street signs at the intersections of Road 1 with Meramie Street and with Knox Crescent, the two intersections of Road 2 with Road 1 and the intersection of Road 3 with Road 1. The costs of which will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

25 February 2022

Attachments:

1. Submission.
2. Submission.
3. Submission.
4. Submission.
5. Submission.
6. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

STREET NAMES FOR CAERLEON DEVELOPMENT, MUDGEES

These names would have to be checked to see that they, or a variation close in spelling/pronunciation, aren't already in use:

Association:

The following names are proposed by close geographical association and from looking at the names of original crown grantees of the relevant land:

KNOX: ~~after crown grantee J. A. Knox, possibly John Knox, a saddler who lived in Mudgee in the second half of the 1800s and had a saddlery business on the north side of Market Street, Mudgee, between Court and Cox Streets.~~ Approved 15/10/14 Council Meeting

HOSKING: ~~after crown grantee George Hosking, a settler from Devon in England who took up numerous small acreages in the immediate area. George Hosking was a relation of the pioneer Crossing family.~~ Approved 15/10/14 Council Meeting

PRICE: after John Alexander Horatio Price, surveyor, builder in the mid 1860s of adjacent homestead now called Carleon Park, home of Max Roth. It seems that the Price family coined the name Carleon for their property. Price may have had some family association with Wales; his wife's maiden name was Campbell.

MOORE: after the Moore family, long time owners of the grazing property Carleon/Meremie.

SUTOR: ~~name of a prominent pioneer grazing family of the Bathurst and Hargraves district, the maiden name of former owner Jay Moore.~~ Approved 15/10/14 Council Meeting

ENFIELD: ~~after an adjoining property to the north, once quite extensive, which was established and expanded by prominent entrepreneur Richard Crossing, originally from Devon in England, and his family.~~ Approved 15/10/14 Council Meeting

SHEARMAN: ~~after Christy and Helen Shearman from neighbouring Darrhula.~~ Approved 2/2/22 Council Meeting

MERAMIE: ~~after the Moore family property near the NW junction of the Castlereagh Highway and the Hill End Road.~~ Approved 19/10/16 Council Meeting.

HONE: ~~after Hone Creek which flows through the area. The origin of this name is obscure. Hone Creek approved 16/12/15 Council Meeting.~~

Nathan: **Note re your suggestion CUDGEGONG:** there is an existing street in Rylstone by this name

John Broadley, Mudgee Historical Society

Information provided by Mrs Jennifer Moore by telephone 18/10/21

Edward Moore moved to the area from Sydney and purchased Caerleon in 1927. He and his wife, Sadie, raised their two children, Frederick James (James) and Juelie who were born after their move to Mudgee, on the property.

James and his wife Jennifer lived on the section of the property named Meramie (pronounced Mer Army) which was still part of Caerleon. Edward and James ran the property until Edward's passing.

The Caerleon woolshed is over 100 years old and was the first built in the area. It was used by all the properties in the area for some time.



The Sydney Morning Herald Mon 21 Nov 1927

Shooting Fatality

MR. R. H. SEFTON KILLED.

BODY FOUND NEAR FENCE.

A shocking shooting fatality occurred near Grattai on Thursday last, the victim being Mr. Robert Henry Sefton, a very fine type of young man, who was highly esteemed by all classes of the community. He was 33 years of age.

Deceased left Mudgee on Thursday and proceeded to a property on the Grattai road which he recently sold to Mr. Moore of Caerleon. He had a conversation with the manager, Mr. H. Smart, during which he stated that he wanted to shoot a couple of rabbits for his two dogs. He then took a repeating rifle and started on his hunt.

As he did not return towards evening Mr. Smart became somewhat anxious and made a search. Being unsuccessful he has called to Mudgee and communicated with the police, and Constables Treloar and Bray pro-

ceeded to the property. A diligent search was made throughout the night without result. Others, including Messrs. J. Whittaker, and Birchall joined the police and early on Friday morning they found the body of Mr. Sefton about 500 yards from the homestead and near a wire fence, with the rifle on the other side. Deceased was shot through the forehead, and death must have been almost instantaneous. There was a spent cartridge in the rifle and several in the magazine.

In the meantime Sergeant Taylor and Mudgee friends had organised a strong search party, but when they reached Grattai they learned the sad news of Mr. Sefton's death.

Deceased came to the district several years ago with his father, Mr. R. H. Sefton, a retired bank manager, who purchased the well-known Beau-desert Estate, down the river from Cullenbone, on which the family resided until Mr. Brownhill acquired the property a couple of years ago. The Seftons then proceeded to Sydney, where they at present reside.

About twelve months ago deceased acquired the Grattai property, which he retained until quite recently, when

he disposed of his interests to Mr. Moore, of Caerleon.

The late Mr. Sefton saw much active service in the great war, and was gassed during the fighting at the front. During his residence in the district he made a large number of warm friends, to whom the news of his untimely death came as a terrible shock. To the bereaved father, Brothers, and sisters we extend our very deepest sympathy.

MR. and Mrs. Edward Moore and their two children, of "Caerleon," Mudgee have returned home after a fortnight's holiday spent with Mr. and Mrs. L. U. Cox, of Mosman.

Mudgee Guardian Mon 27 Feb 1939

Painful Accident

Young Jimmy Moore, son of Mr. and Mrs. Ted Moore, of Caerleon Mudgee, met with a painful accident yesterday. He was preparing to take a couple of horses to Mudgee, to be shod, when one pulled back suddenly breaking the bridle, the buckle portion of which struck him in the eye. He was at once hurried to Orange for specialist treatment, and the hope is universal that the injury will soon yield to treatment.

Mudgee Guardian Thu 27 Jan 1949

There was a happy gathering at the home of Mr. and Mrs. Ted Moore, "Caerleon", Mudgee, on Friday night last, when the 21st birthday of their son Jim was celebrated. Friends came from as far away as Wellington.

Mudgee Guardian Thu 7 Dec 1950



COUNTRY VISITORS MISS JENNIFER SUTTON (of Glendowda, Coonabarabran), and MISS JUELIE MOORE (Caerleon, Mudgee), lunched at the Pickwick Club yesterday with their respective mothers, Mrs. M. Sutton and Mrs. E. Moore and Mrs. R. Swift of Collaroy.

Sydney Morning Herald Thu 25 Sep 1952

Mr. Jim Moore and sister, Julie, of Caerleon, Mudgee, were the guests of Mr. and Mrs. M. R. Sutton, of Glendowda, Mullaley, during the running of the Castlereagh Amateur Turf Club races at Coonabarabran last week. In the course of the festivities, Miss Jennifer Sutton celebrated her 21st birthday, and advantage was taken of the occasion to announce her engagement to Jim. About 100 guests were in attendance at the party.

Mudgee Guardian Thu 30 Apr 1953



—Monte Luke Photos.

MR. AND MRS. FREDERICK JAMES MOORE, of "Meramie," Mudgee, photographed on their way to the reception at the Royal Sydney Golf Club following their wedding at St. Mark's Church, Darling Point. (See account of wedding this page.)

WOMEN'S INTERESTS

All White Wedding At St. Mark's Church; Bride From Mullaley

WHITE chiffon, the bodice beautifully draped and hand embroidered in a cut-out design, fashioned the wedding gown of the bride when Jennifer Ranaid Suttor was married to Frederick James Moore at St. Mark's Church, Darling Point, last Wednesday evening.

The church was beautifully decorated with white flowers for this all-white wedding.

The bride is the only daughter of Mr. and Mrs. M. R. Suttor, of "Glen Dowda," Mullaley, and the bridegroom, the only son of Mr. and Mrs. E. Moore, of "Caerlion," Mudgee.

The bridal frock, which was made with a deep train, was worn with a fingertip length tulle veil falling from a tulle shell, and she carried white gardenias and tuberose in her bouquet.

Three bridesmaids were in attendance, all dressed

in white embossed organza with tiny white shells of white velvet instead of hats, and carrying bouquets of orange triumph roses tied with red velvet streamers.

They were the Misses Jocelyn Exom, of Suva, Fiji, who made the trip especially for the occasion, Judy Cappa, of Mendooran, and Julie Moore, sister of the bridegroom, of Mudgee.

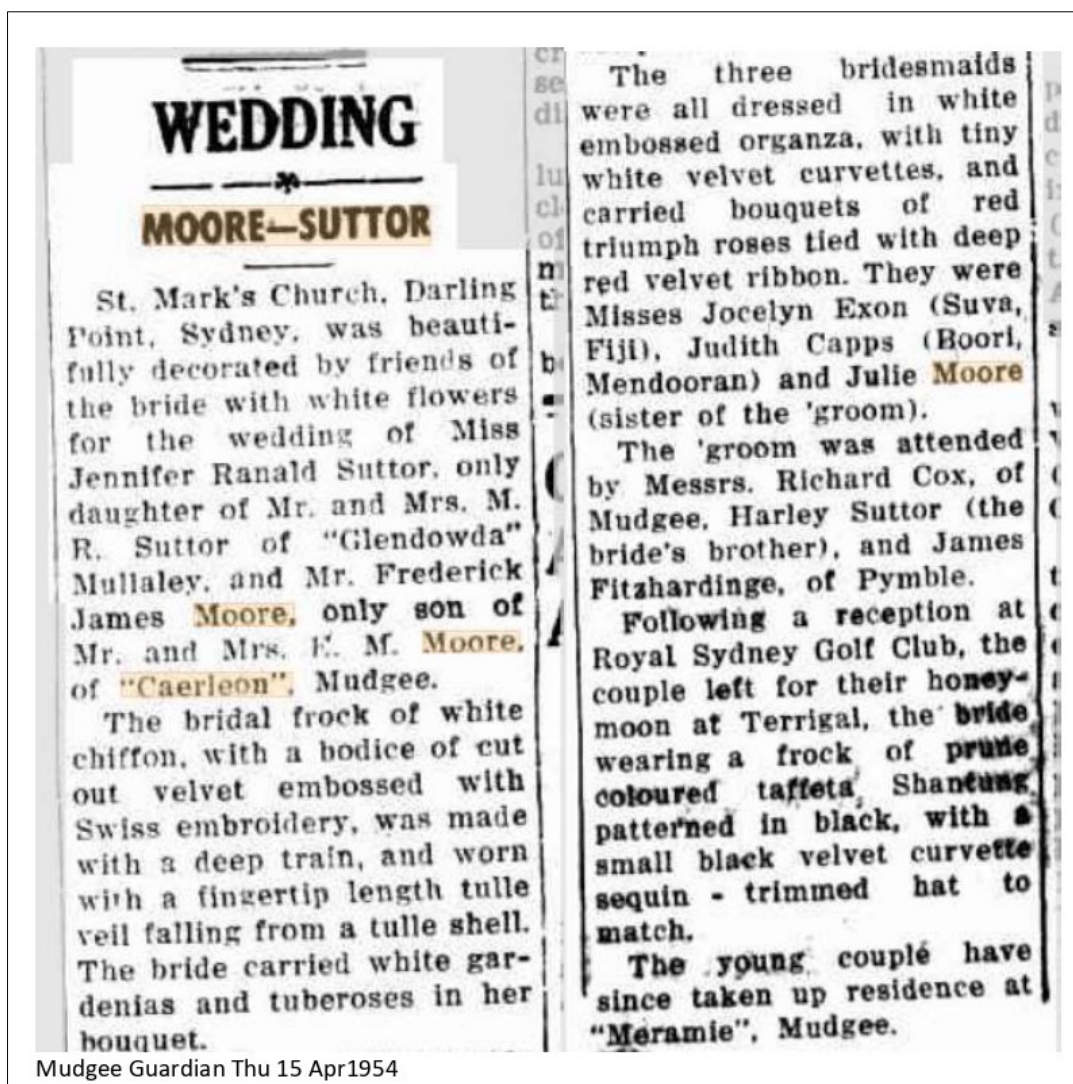
The bridegroom was attended by Messrs. Dick Cox (Mudgee), Harley Suttor, the bride's brother, and Jim Fitzhardinge, of Pymble.

Following a reception at the Royal Sydney Golf

Club, the couple left for their honeymoon at Terrigal, the bride wearing an unusual dress of prune-colored taffeta shantung, patterned in black with a small black curvette, sequin-trimmed to match her frock.

They will live on the bridegroom's property, "Meramie," Mudgee.

The Land Fri 26 Mar 1954



PROPOSED NEW STREET NAME

I wish to make a submission for a proposed new street name in Mudgee, to be named Margaret Street, or Margaret Crescent, or Margaret Place.

My mother Margaret Smyth was born in Orange on 8 March 1941 and died in Mudgee Hospital on 10 June 2020. She was born on the first International Women's Day, and was a great teacher, mother, friend, and member of the community.

Margaret Smyth moved to Mudgee in 1968 and was a teacher at Mudgee High School for many years. She taught Home Economics/Food Technology, Computing and Business Studies, and made a difference to many people. She had a number of students go on to become Home Economics / Food Technology teachers, but what she valued most was teaching young people to be able to prepare and cook nutritious meals and always be able to look after themselves. She was a great teacher.

She was instrumental in causing change for people for good, including winning the right to wear trousers rather than skirts for female teachers as was required in the 1970's (hard to believe today), successfully putting forward her case of playground duty in the cold of Mudgee winters.

Mum was always thinking of others. When public telephones became available, Mum wrote to the Council and suggested numerous places for installations, including near the Regent Theatre, and near the Taxi Rank, so that young people in Mudgee could call their parents when they came out of the pictures and were safe. The Council took on all her suggestions and installed them.

She was President of the Mudgee View Club for many years, raising funds to support children through The Smith Family.

She was President of the Mudgee Presbyterian Women's Association for 25 years and spent many hours contributing work for fundraising and helping others.

She was an active member of the Country Women's Association, providing years of community service and contribution.

In her retired years she took in sewing for people and donated all the money she made to the Cancer Council.

She had three children who grew up in Mudgee. Her two sons were both school captains of Mudgee High School, sporting champions, and one was dux of the school in Year 12.

Mum was the person who supported, encouraged and enabled others to thrive. She always cared about other people and valued good characteristics in people. She was

a kind, caring and giving person. She had that special quality that was in some ways indefinable, but which touched everyone she met.

She doesn't have a grave or a plaque. She wanted her ashes scattered at a place on the Turon River / Macquarie River Junction on the Bridle Track from Hill End. She recalled when she dropped Dad and my two brothers and myself there once with our kayaks and canoes, and picked us up the next day down the river at Triamble. As she sat quietly after we paddled away down the river, a group of platypus emerged and frolicked in the water in front of where she was sitting. It was one of her favourite moments and this is where she wanted her ashes scattered, which we did last year.

A street named after her would acknowledge her and her contribution to the town and to many people. I hope this meets with your favourable consideration.

Yours sincerely,
Kylie Smyth

27/8/2021

The General Manager,
Mid Western Regional Council,
Mudgee. 2850

RE: SUBMISSION FOR THE NAMING OF 2 STREETS IN CARLEON SUBDIVISION

Dear Mr Camm,

On Friday, August 6th, 2021, the Mudgee Guardian advertised a request for submissions for proposed street names for 2 new streets off Hone Creek Drive in the locality of Caerleon on the Hill End Road, Mudgee.

I would like to propose that the names **Newman** and **Orchard** be considered as street names within this locality.

The names proposed are significant within the locality of Caerleon as John Newman was a pioneer of the Mudgee district and John and his wife Victoria Orchard were settlers and eminent residents of the Caerleon locality.

Stage 1 of Caerleon Estate, recognised early pioneers of our family in naming Hosking Street and Enfield Avenue within the estate. However, my G Grandparent's names were not recognised at that time.

John Newman arrived in Mudgee in 1857 with his cousin George Hosking and he settled in the Erudgere/McDonald Creek area where he and his cousin acquired a considerable amount of land. This was close to land that had already been acquired by their Uncle, Richard Crossing who made his home at Enfield.

The Crossing, Hosking and Newman families were a close knit family and their acquisition of land in the area promoted both agriculture and business ventures within the Mudgee District. George Hosking ran a butcher's shop and farmed land whilst Richard Crossing owned the Settler's store in Mudgee and had had extensive business dealings within in the Mudgee district and acted as Mayor at one time. John Newman, lived in proximity to his cousin, George Hosking and uncle, Richard Crossing at Enfield.

Victoria Orchard came to Mudgee with her parents Jean Marie (John) Orchard and Hannah Sabina (Browne) Orchard in the 1854. Victoria's Grandfather had a distinguished career in the military unit called the Buffs, stationed at Bowenfels. The family were very well respected and both Jean Marie and Hannah contributed to the establishment of the Methodist Church in Mudgee. In later years, after Jean Marie died, Hannah married Daniel Cassin who later became the mayor of Mudgee.

John married Victoria Orchard on 3rd April 1861 and they made their home at "Wattle Cottage", on the corner of the Hargraves and Old Grattai Roads, in close proximity to the Caerleon Estate. They had 15 children born at Wattle Cottage, 12 living to adults, who also contributed to the development of Mudgee. My Grandfather, Albert Orchard Newman lived his whole life at McDonald's Creek and Collingwood and the Newman family continue to live and manage properties in the Collingwood/Yarrabin area.

Victoria was a highly regarded member of the community. She managed the home and contributed significantly to the Methodist Church in both Mudgee and Collingwood. After having 2 strokes, she had 8 children and in later life she was confined to a wheelchair.

In her obituary, in the Mudgee Guardian, 13th September, 1920, Victoria was described as a "grand old lady and the news of her death is universally regretted". When her husband John died, his obituary also recognised Victoria as "a charming personality and richly endowed with common sense and the graces of beautiful womanhood".

John Newman was respected by all who knew him and he showed a commitment to family, agriculture and the community and helped shape the character of Mudgee during his lifetime, (1838-1922). He was considered by his peers as a pioneer of the Mudgee district.

John Newman owned a considerable amount of land in the Erudgere/McDonald's Creek area, including land from his house block, Portion 32, Munna Map Sheet, to McDonald's Creek. He also owned Burnbrae winery and adjacent Portions, (see Erudgere Parish Map) as well as 2 Portions labelled Rushby, adjoining McDonald's Creek. Here he ran a Lincoln stud, promoted the Farmer's and Settler's Association and was prominent in the Mudgee Agricultural Show Society.

John's commitment to the community is shown by his involvement in civic duties. He was an Alderman on the Cudgegong Borough Council for 40 continuous years and acted as Mayor from 1870-71. He was still actively involved with the Council when he was appointed an Alderman in 1906. The Mudgee Guardian reported on 15th March, 1906 that the Mayor stated at Council that "the ratepayers gained a distinct advantage of Alderman Newman coming back to Council. His long experience of municipal life would be a great advantage to the Council"

John Newman was appointed a Magistrate of the colony, (JP) in 1898 and he contributed further to Mudgee as he also served on the Mudgee Public School Board in 1898.

Attached is the Obituary of John Newman, which summarises many of his contributions and a map of the Erudgere/McDonald's Creek area which identifies land owned and managed by John Newman and his family.

I would appreciate it if you could pass my submission to the Mayor and Councillors as well as appropriate Council staff for consideration of naming the new streets in the locality of Caerleon.

Further information can be supplied about John Newman and Victoria (Orchard) Newman if required.

Thanking you for consideration of this matter.

Regards

Bill Newman

From:

Sent: Thursday, 3 February 2022 1:58 PM

To: Council <Council@midwestern.nsw.gov.au>

Subject: Road Naming

Hi,

I'd like to put forward 2 name suggestions for our at Carleon estate.

Neil place
Byron Drive

Neil Australia Byron was my maternal grandfather. He lived at Collingwood and was actually born at night under a bridge on the Hill End rd on the 13th July 1915 (weighing 14lb - my poor great grandmother lol). He was a gun shearer, high up in the Miscellaneous Workers Union, actually fighting for workers rights, helped Aborigines, they even gave him an Aboriginal name because they appreciated him so much. He helped out cleaning up the devastation of Cyclone Tracy, being away from his wife and 4 little kids for months on end, as well as many other things. You can read about his life in a book called All Among The Wool Boys.

<https://catalogue.nla.gov.au/Record/2569327>

Please don't share my name.

Thank you for taking the time to read and consider this. I would love to give him a long lasting legacy here because he truly deserves it.

Kind Regards

Sent from my iPhone



9.5 Monthly Budget Review - February 2022

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 16 MARCH 2022 ORDINARY MEETING
GOV400087, FIN300315, GOV400098

RECOMMENDATION

That Council

1. **receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review for February 2022;**
2. **amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and**
3. **note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the hire of a loader to replace Council's damaged in an incident.**

Executive summary

This report provides Council with information on the progress of the 2021/22 capital works program at 28 February 2022.

Disclosure of Interest

Nil

Detailed report

Over the period of the financial year, Council has an opportunity to review and approve variances to the Budget. The attachment to this report provides information on the progress of capital works. Any budget variations are included in the December Quarterly Budget Review Statement.

The General Manager approved the hire of a replacement loader to replace Council's loader which was damaged in an incident and had to be assessed and repaired in Sydney. It was estimated that this would take up to 3 months and cost \$18,000. There was no existing budget for this hire so budget was requested for approval as it is used across Council's operations and required in order to continue essential maintenance and safety of public infrastructure.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2005, states that the responsible accounting officer of a Council must:

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure, and
- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Financial implications

The budget variations proposed will impact the below financial ratios.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2021/22	✗	—	✓
Future Years	—	—	—

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

28 February 2022

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET
REVIEW -
28 FEBRUARY 2022

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

16 MARCH 2022

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

FUNDING SUMMARY

Fund	Funding Source	21/22	22/23	Grand Total
General	ASSET REPLACEMENT RESERVE	-11,800		-11,800
	GRT - COMMUNITY SERVICES GRANT	-2,500		-2,500
	PLANT REPLACEMENT RESERVE	484,836	-492,336	-7,500
	UNRESTRICTED CASH	-28,000		-28,000
General Total		442,536	-492,336	-49,800
Grand Total		442,536	-492,336	-49,800

2021/22 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
GOOD GOVERNMENT	General	Plant Purchases - Delay in arrival of front lift truck replacement to 22.23	-492,336	-	0	PLANT REPLACEMENT RESERVE	492,336	0
CONNECTING OUR REGION	General	Urban Rehab - Percy Nott - Adding budget to cover the extra cost of putting asphalt in lieu of the spray seal.	30,000	-	0	ASSET REPLACEMENT RESERVE	(30,000)	0
GOOD GOVERNMENT	General	Workshop Concrete Works - Adjusting budget as the project is deferred and requires further investigation.	-18,200	-	0	ASSET REPLACEMENT RESERVE	18,200	0

CORPORATE FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
GOOD GOVERNMENT	General	Council Works Depot Operations - Adding Budget to hire a loader while our loader is in for repair(\$1500pw for 3 months)	18,000	-	0	-	0	(18,000)
BUILDING A STRONG LOCAL ECONOMY	General	Commercial Prop - Mortimer Precint - Adding budget to cover the Valuation cost for the property.	10,000	-	0	-	0	(10,000)
GOOD GOVERNMENT	General	Roller Braking System - Addition of protective covers and relocate electronics board	7,500	-	0	PLANT REPLACEMENT RESERVE	(7,500)	0
LOOKING AFTER OUR COMMUNITY	General	Seniors Week - Adding Budget for contribution to be made from Moolarben Coal for Senior Festival Activities.	2,500	GRT - COMMUNITY SERVICES GRANT	(2,500)	-	0	0
	Total		(442,536)		(2,500)		473,036	(28,000)

2022/23 VARIATIONS

Community Plan	Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
GOOD GOVERNMENT	General	Plant Purchases - Delay in arrival of front lift truck replacement to 22.23	492,336	-	0	PLANT REPLACEMENT RESERVE	(492,336)	0
	Total		492,336		0		(492,336)	0

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 28 February 2022.

20.26 M

Actual YTD

213

Capital Projects

\$65.85 M

Budget

\$15.05M

Commitments

- This budget total includes proposed revotes from 2020/2021 to 2021/22

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
BUSHFIRE RECOVERY - LARGE WATER TANKS (DRFA)	6	0	6	6	100%	0	Complete
FIRE CONTROL CENTRE - CUDGEGONG COMMUNITY	3,500	0	3,500	0	0%	0	Design
RURAL FIRE SERVICE - COOKS GAP STATION (CAPITAL)	50	0	50	0	0%	0	Consultation
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	120	0	120	0	0%	0	Consultation
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	245	0	245	31	13%	58	Initial works
COUNTRY UNIVERSITY CENTER	50	0	50	0	0%	8	Design
CEMETERY CAPITAL PROGRAM	24	0	24	0	0%	0	Procurement
MUDGEES CEMETERY ROAD UPGRADE	25	0	25	17	67%	3	Initial works
RYLSTONE CEMETERY DRAINAGE	15	0	15	0	2%	0	Complete
PUBLIC TOILETS - GOOLMA	11	0	11	8	77%	0	Complete
LIBRARY BOOKS	93	0	93	53	57%	0	Construction
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	60	0	60	3	5%	0	Procurement
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	93	0	93	62	67%	25	Final works
TOWN HALL - EXTERNAL BRICKWORK	50	0	50	0	0%	0	Procurement
MUDGEES TOWN HALL THEATRE - AIR-CONDITIONING UPGRADE	50	0	50	10	20%	0	Final works
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	160	0	160	0	0%	42	Initial works
KANDOS HALL & LIBRARY - TOILETS	20	0	20	0	0%	0	Consultation
POOL SHADE PROGRAM	65	0	65	0	0%	0	Procurement
GULGONG POOL STORAGE SHED	4	0	4	4	100%	0	Complete
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement
MUDGEES SHOWGROUNDS - REDEVELOPMENT	475	0	475	234	49%	255	Construction
GLEN WILLOW SPORTS GROUND UPGRADES	5,189	0	5,189	3,416	66%	400	Construction
GLEN WILLOW CARPARK	57	0	57	105	186%	4	Complete
MUDGEES SHOWGROUND TREE PLANTING *	20	0	20	0	0%	0	Consultation

CORPORATE FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GLEN WILLOW NETBALL AREA BUBBLER *	10	0	10	0	0%	0	Consultation
VICTORIA PARK MUDGEES - FENCING	60	0	60	0	0%	0	Procurement
GULGONG TENNIS COURTS *	130	0	130	0	0%	0	Consultation
MUDGEES DOG PARK RELOCATION & UPGRADE	3	0	3	3	100%	0	Complete
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0	Deferred/Cancelled
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0	Procurement
RYLSTONE & KANDOS DOG PARK	90	0	90	0	0%	0	Procurement
GLEN WILLOW STORMWATER RECIRCULATION SYSTEM	350	0	350	0	0%	182	Initial works
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE 1	100	0	100	35	35%	29	Initial works
PUTTA BUCCA TRAINING CAMP FACILITY - STAGE 3	92	0	92	0	0%	0	Design
MUDGEES SHOWGROUNDS - PATHWAY IMPROVEMENTS	40	0	40	0	0%	0	Project Scope
BILLY DUNN AMENITIES	323	0	323	314	97%	0	Complete-awaiting invoices
MUDGEES SHOWGROUNDS - GRANDSTAND FIT-OUT	250	0	250	7	3%	225	Construction
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	70	0	70	0	0%	0	Procurement
VICTORIA PARK GULGONG - SHOT PUT/DISCUS REPLACEMENT	25	0	25	0	0%	0	Procurement
VICTORIA PARK GULGONG - CRICKET WICKET SYNTHETIC REPLACEMENT	8	0	8	0	0%	5	Initial works
MUDGEES SHOWGROUND EQUIPMENT	47	0	47	0	0%	0	Procurement
RED HILL - PATHWAY AND LANDSCAPING UPGRADE*	40	0	40	0	0%	0	Project Scope
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	1	Initial works
SCULPTURES ACROSS THE REGION	27	0	27	24	87%	0	Procurement
PLAYGROUND SHADING PROGRAM	436	0	436	245	56%	20	Construction
MUDGEES DOG OFF LEASH AREA IMPROVEMENTS	10	0	10	0	0%	0	Procurement
PITTS LANE - LIGHTING *	17	0	17	17	98%	0	Complete
FLIRTATION HILL DEVELOPMENT	9	0	9	9	100%	0	Complete
RED HILL CAPITAL WORKS	200	0	200	3	1%	12	Design

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	245	0	245	0	0%	0	Project Scope
MOUFARRIGE PARK FENCE	10	0	10	2	20%	0	Initial works
CORONATION PARK FENCE	35	0	35	0	0%	0	Procurement
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEE	30	0	30	0	0%	0	Procurement
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	0	Procurement
LAWSON PARK MUDGEE - IRRIGATION RENEWAL	30	0	30	0	1%	0	Procurement
PLAYGROUND EQUIPMENT UPGRADE - RYLSTONE SHOWGROUND	292	0	292	0	0%	0	Design
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	0	Design
MUDGEE RIVERSIDE - WALKING TRACK IMPROVEMENTS	60	0	60	0	0%	6	Initial works
PASSIVE PARK SIGNAGE REPLACEMENT	21	0	21	0	0%	0	Design
MEMORIAL PARK MUDGEE - PATHWAY	32	0	32	0	0%	29	Procurement
FLIRTATION HILL MUDGEE - MASTER PLAN WORKS*	50	0	50	0	0%	0	Consultation
BLACKMAN PARK - BLACKMAN VAULT	20	0	20	0	0%	17	Initial works
ART GALLERY FACILITY	1,200	0	1,200	279	23%	5	Construction
STREETSCAPE - STREET BINS	12	0	12	3	25%	5	Construction
CUDGEGONG WATERS - PUBLIC TOILETS	20	0	20	0	0%	0	Design
Total	15,097	0	15,097	4,890	32%	1,335	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	67	0	67	26	39%	10	Procurement
MUDGEE WASTE DEPOT UPGRADES	37	0	37	5	12%	25	Final works
NEW TIP CELL CONSTRUCTION	100	0	100	10	10%	82	Final works
REMOTE SECURITY CAMERAS AT WTS	53	0	53	0	0%	0	Procurement

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RECYCLING PLANT UPGRADES	193	0	193	47	25%	70	Construction
LEACHATE POND ENLARGEMENT	475	0	475	406	85%	34	Complete-awaiting invoices
KANDOS WTS OFFICE REPLACEMENT	115	0	115	84	73%	15	Final works
GULGONG WTS OFFICE REPLACEMENT	9	0	9	12	130%	0	Complete
MUDGEE LANDFILL WHEEL WASH	6	0	6	6	101%	0	Complete
CAUSEWAY - SCHOOL LANE	1	0	1	1	100%	0	Complete
KANDOS STORMWATER UPGRADE	539	0	539	493	91%	37	Construction
CAUSEWAY - DREWS LANE	2	0	2	2	100%	0	Complete
CULVERTS, SHOULDER & K&G - BELLVUE RD MUDGEE	160	0	160	27	17%	2	Construction
CAUSEWAY IMPROVEMENT - TALLAWAY ST GULGONG	30	0	30	0	0%	0	Design
CAUSEWAY IMPROVEMENT - BLACKSPRINGS RD	33	0	33	1	2%	0	Design
PUTTA BUCCA WETLANDS TOILET	95	0	95	0	0%	0	Design
PUTTA BUCCA WETLANDS - PATHWAYS AND CAR PARK*	50	0	50	0	0%	0	Procurement
PUTTA BUCCA WETLANDS INFRASTRUCTURE	613	0	613	15	2%	214	Procurement
WATER NEW CONNECTIONS	95	0	95	83	87%	0	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	400	0	400	255	64%	88	Construction
WATER RYLSTONE DAM UPGRADE	400	0	400	5	1%	22	Project Scope
WATER TELEMTRY	3	0	3	3	101%	0	Complete
WATER MAINS - CAPITAL BUDGET ONLY	1	0	1	1	100%	0	Budget only
WATER MAINS - NICHOLSON ST COURT TO COX	200	0	200	144	72%	1	Final works
WATER MAINS - BYRON PLACE	82	0	82	23	28%	16	Procurement
WATER MAINS - MAYNE STREET	370	0	370	130	35%	19	Construction
WATER MAINS - NICHOLSON ST COURT ST WEST ROAD CROSSING	25	0	25	19	78%	0	Final works
WATER MAINS - NICHOLSON ST COURT ST EAST ROAD CROSSING	25	0	25	8	30%	0	Construction
WATER PUMP STATION - CAPITAL RENEWALS	96	0	96	18	19%	0	Construction
RYLSTONE DAM PS PAC DOSING SYSTEM	21	0	21	21	100%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	9	0	9	9	100%	0	Complete
RAW WATER SYSTEMS RENEWALS	61	0	61	4	7%	0	Procurement
WATER RESERVOIR RENEWALS	100	0	100	21	21%	57	Construction
WATER TREATMENT PLANT - RENEWALS	150	0	150	0	0%	2	Procurement
RURAL CUSTOMER FILL STATIONS	189	0	189	178	94%	0	Complete
SEWER NEW CONNECTIONS	50	0	50	46	93%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	125	0	125	17	14%	72	Design
SEWER TELEMTRY	10	0	10	10	100%	0	Complete
SEWER MAINS - CAPITAL BUDGET ONLY	820	0	820	0	0%	0	Budget only
SEWER MAINS RELINING	126	0	126	118	94%	0	Complete
RISING MAIN ULAN RD TO PUTTA BUCCA	13	0	13	13	100%	0	Deferred/Cancelled
SEWER PUMP STATION - CAPITAL RENEWALS	75	0	75	0	0%	0	Project Scope
SEWER TREATMENT WORKS - RENEWALS	191	0	191	187	98%	0	Complete
MUDGEE STP EMERGENCY WORKS	23	0	23	7	30%	8	Complete
Total	6,238	0	6,238	2,455	39%	776	

Building a Strong Local Economy

CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	235	0	235	27	12%	0	Design
RYLSTONE CARAVAN PARK - CAPITAL	400	0	400	69	17%	390	Initial works
RIVERSIDE CARAVAN PARK FIRE SERVICES	96	0	96	4	4%	90	Initial works
MUDGEE VALLEY PARK UPGRADE	319	0	319	274	86%	0	Complete-awaiting invoices
CUDGEGONG WATERS PARK HOUSE	250	0	250	16	7%	240	Initial works
MUDGEE VALLEY PARK EXPANSION	4,650	0	4,650	1,385	30%	4,165	Construction
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	14	0	14	0	2%	6	Construction
DIGITAL SIGNAGE	80	0	80	0	0%	0	Consultation
SALEYARDS - CATTLE CRUSH	17	0	17	0	0%	11	Procurement

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SALEYARDS TRUCK WASH	12	0	12	12	100%	0	Complete
PROPERTY - MUDGEY AIRPORT SUBDIVISION	1	0	1	1	101%	0	Complete
TOOHEYS PARK - BUILDING	20	0	20	0	0%	0	Consultation
PROPERTY - EX SALEYARDS STAGE II	2,500	0	2,500	14	1%	84	Design
COMMERCIAL PROP - AERODROME COTTAGE RENOVATIONS	15	0	15	14	96%	0	Final works
COMMERCIAL PROPERTY PURCHASE	1,121	0	1,121	19	2%	0	Consultation
Total	9,729	0	9,729	1,837	19%	4,987	

Connecting our Region

URBAN RESEALS - BELMORE ST SEG 10-20,50-90	74	0	74	37	50%	0	Construction
URBAN ROADS KERB & GUTTER CAPITAL	27	0	27	7	27%	0	Construction
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	601	0	601	592	99%	0	Complete
URBAN HEAVY PATCHING	26	0	26	20	80%	0	Construction
URBAN REHAB - PERCY NOTT	150	30	180	5	3%	25	Initial works
URBAN REHAB - DUNN STREET KANDOS SEG 10-30	182	0	182	0	0%	0	Design
URBAN REHAB - CHARBON	128	0	128	0	0%	0	Initial works
URBAN RESEALS - BOMBIRA	(0)	0	(0)	0	0%	0	Deferred/Cancelled
URBAN RESEALS - CHARBON	65	0	65	5	8%	6	Construction
URBAN RESEALS - PUTTA BUCCA	44	0	44	43	99%	0	Complete
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	840	0	840	546	65%	130	Construction
URBAN RESEALS - SMALL GULGONG RESEALS	24	0	24	24	100%	0	Complete
URBAN RESEALS - SNELSONS LANE SEG 10 GULGONG	16	0	16	0	0%	0	Initial works
URBAN RESEALS - WHITE ST GULGONG SEG 10 20 50-90	31	0	31	21	67%	0	Design
URBAN RESEALS - ANGUS AVE SEG 40-60 KANDOS	70	0	70	0	0%	20	Construction
URBAN RESEALS - DUNN ST KANDOS SEG 40 50	7	0	7	0	5%	0	Design

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - BANJO PATERSON AVE MUDGEE SEG 10-40	20	0	20	20	100%	0	Complete
URBAN RESEALS - LAWSON ST MUDGEE SEG 30-90	67	0	67	0	0%	0	Design
URBAN RESEALS - MACQUARIE DR MUDGEE SEG 30	17	0	17	17	100%	0	Complete
URBAN RESEALS - MEARES ST MUDGEE SEG 10	32	0	32	32	100%	0	Complete
URBAN RESEALS - NICHOLSON ST MUDGEE SEG 10-30	58	0	58	0	0%	0	Design
URBAN RESEALS - ROBERTSON ST MUDGEE SEG 10	9	0	9	9	100%	0	Complete
URBAN RESEALS - WENTWORTH AVE MUDGEE 10-20	13	0	13	0	2%	0	Complete
URBAN RESEALS - SOUTH MUDGEE	53	0	53	48	91%	3	Construction
URBAN RESEALS - MEROO CRESCENT MUDGEE SEG 10	5	0	5	0	0%	2	Complete-awaiting invoices
URBAN RESEALS - RYLSTONE	32	0	32	17	53%	0	Construction
URBAN REHAB - BOMBIRA AVENUE	95	0	95	31	33%	3	Complete-awaiting invoices
HORATIO ST/PERRY ST SHOULDER SEALING	55	0	55	0	0%	0	Consultation
URBAN RESEALS - HENNESY PLACE	10	0	10	0	0%	0	Design
RESHEETING - URBAN ROADS	16	0	16	0	1%	0	Construction
ROAD SAFETY IMPROVEMENTS - MUDGEE SCHOOLS	60	0	60	0	0%	0	Project Scope
MUDGEE SCHOOL ZEBRA CROSSING INFRASTRUCTURE UPGRADE	180	0	180	0	0%	0	Design
SCHOOL ZONE LINEMARKING REPAINT	16	0	16	0	0%	0	Design
URBAN ROADS LAND MATTERS CAPITAL	24	0	24	0	0%	0	Initial works
GUTTERING BYLONG VALLEY WAY KANDOS	50	0	50	35	71%	0	Construction
RURAL SEALED ROADS RESEALS BUDGET ONLY	12	0	12	0	0%	0	Budget only
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
RURAL REHAB - CUDGEGONG RD	52	0	52	1	2%	49	Complete
RURAL REHAB - BARNEYS REEF RD	97	0	97	85	87%	3	Complete
HEAVY PATCHING	48	0	48	15	32%	0	Construction
ULAN WOLLAR ROAD - STAGE 1	8	0	8	2	21%	0	Complete
ULAN WOLLAR ROAD - STAGE 3A	0	0	0	0	100%	0	Complete

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL REHAB - LUE ROAD MONIVAE SEG 100	469	0	469	363	77%	0	Final works
RURAL RESEAL - CRUDINE RD SEG 40, 80 & 160	139	0	139	0	0%	0	Complete-awaiting invoices
RURAL RESEAL - BUCKAROO	89	0	89	22	25%	0	Design
RURAL RESEAL - WINDEYER ROAD GRATTAI SEG 10	34	0	34	0	0%	0	Design
RURAL RESEAL - HARGRAVES	120	0	120	0	0%	0	Design
RURAL RESEAL - LUE ROAD LUE SEG 152-165	110	0	110	101	92%	0	Complete
RURAL RESEAL - PYRAMUL RD PYRAMUL SEG 140-190	140	0	140	79	57%	2	Construction
RURAL RESEAL - MOGO RD WOLLAR SEG 10 40	30	0	30	16	52%	0	Design
RURAL RESEAL - BURRENDONG DAM RD YARRABIN SEG 10	30	0	30	12	39%	0	Complete-awaiting invoices
RURAL RESEAL - RYLSTONE	99	0	99	8	9%	0	Complete-awaiting invoices
RURAL RESEAL - BLACK SPRINGS ROAD SEG 10 20 60 110 120 150	163	0	163	16	10%	4	Construction
RURAL RESEAL - BUDGEES BUDGEES	117	0	117	50	43%	4	Construction
RURAL RESEAL - ST FILLANS RD SEG 10	45	0	45	43	95%	3	Complete
RURAL RESEAL - ABATTOIRS RD MENAH SEG 10 20	67	0	67	19	29%	0	Complete-awaiting invoices
RURAL RESEAL - LOWER PIAMONG RD MENAH SEG 10-30	125	0	125	2	2%	0	Construction
WILPINJONG MINE ENTRANCES - ULAN WOLLAR RD	536	0	536	134	25%	0	Complete
LUE RD/PYANGLE RD INTERSECTION WIDENING	210	0	210	182	86%	0	Final works
RURAL RESEAL - LOWES PEAK RD SEG 10-30	100	0	100	33	33%	0	Complete-awaiting invoices
RURAL SEALED ROAD LAND MATTERS	16	0	16	0	0%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	800	0	800	67	8%	61	Initial works
MUNGHORN GAP REALIGNMENT & UPGRADE	1,265	0	1,265	777	61%	233	Construction
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	1,280	0	1,280	229	18%	113	Construction
HILL END ROAD SAFETY IMPROVEMENTS	599	0	599	124	21%	75	Construction
BVW UPGRADE RNSW 2080	300	0	300	218	73%	11	Construction
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	9	0	9	4	45%	1	Construction
SEAL EXTENSION - LOWER PIAMBONG RD	578	0	578	240	41%	36	Construction

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – FEBRUARY 2022

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEAL EXTENSION - AARONS PASS RD	1,000	0	1,000	128	13%	51	Construction
SEAL EXTENSION - QUEENS PINCH RD	1,147	0	1,147	83	7%	10	Design
SEAL EXTENSION - COXS CREEK RD	1,360	0	1,360	148	11%	75	Construction
SEAL EXTENSION - MEBUL RD	724	0	724	483	67%	96	Final works
SEAL EXTENSION - PYRAMUL RD SEG 120-130	5	0	5	5	100%	0	Complete
SEAL EXTENSION - COX STREET LUE	80	0	80	72	90%	0	Complete
SEAL EXTENSION - BOTOBOLAR RD	1,122	0	1,122	39	3%	84	Initial works
SEAL EXTENSION - SPRING FLAT ROAD	213	0	213	213	100%	0	Complete
RESHEETING	2,025	0	2,025	1,106	55%	116	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	21	0	21	6	30%	0	Construction
GOODIMAN CREEK BRIDGE REPLACEMENT	1,150	0	1,150	23	2%	0	Initial works
DIXONS LONG POINT CROSSING	785	0	785	372	47%	161	Project Scope
BRIDGE TO PUTTA BUCCA ROAD	100	0	100	2	2%	0	Procurement
GOULBURN RIVER BRIDGE ULAN ROAD	1,637	0	1,637	939	57%	614	Construction
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	556	0	556	375	67%	48	Construction
FOOTWAYS - CAPITAL WORKS	138	0	138	9	6%	0	Construction
PEDESTRIAN - PUTTA BUCCA WALKWAY	28	0	28	30	108%	0	Complete
PUTTA BUCCA ECO TRAIL	134	0	134	136	101%	0	Complete
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	370	0	370	168	45%	76	Construction
FOOTPATH - WALKERS OVAL TO CULTURAL PRECINCT	56	0	56	62	111%	0	Complete
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	87	0	87	14	16%	0	Construction
FOOTPATH - LIONS DRIVE	15	0	15	1	7%	14	Procurement
BUGGY PATH LIGHTING	2	0	2	0	0%	0	Complete-awaiting invoices
AIRPORT HANGER AND STUDIO	20	0	20	1	4%	0	Consultation
CARPARK - MUDGEES COMMON	50	0	50	0	0%	0	Consultation
CARPARK - GULGONG POOL	30	0	30	0	1%	0	Consultation
CBD PEDESTRIAN CROSSING LIGHTING UPGRADE	76	0	76	67	87%	0	Final works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
HIGH PEDESTRIAN ACTIVITY AREA 40KM/H	70	0	70	0	0%	0	Initial works
Total	23,785	30	23,815	8,835	37%	2,130	

Good Government

MUDGEES ADMINISTRATION BUILDING UPGRADE	39	0	39	41	103%	0	Initial works
OLD POLICE STATION CAPITAL	15	0	15	8	54%	0	Construction
BUILDINGS MASTER KEY SYSTEM	150	0	150	10	6%	0	Initial works
MUDGEES ADMIN BUILDING EXTENSION	775	0	775	41	5%	49	Design
IT SPECIAL PROJECTS	32	0	32	28	86%	0	Construction
IT - NETWORK UPGRADES	105	0	105	13	12%	69	Initial works
IT CORPORATE SOFTWARE	152	0	152	47	31%	0	Project Scope
IT - DATACENTRE STORAGE ARRAY	150	0	150	0	0%	27	Construction
PLANT PURCHASES	8,159	(492)	7,667	1,814	24%	5,256	Budget only
SOLAR FARM INITIATIVE	727	0	727	239	33%	328	Design
WORKSHOP CONCRETE WORKS	18	(18)	0	0	0%	0	Deferred/Cancelled
SOLAR FARM INITIATIVE - STAGE 3	1,000	0	1,000	0	0%	0	Project Scope
ROLLER BRAKING SYSTEM	146	8	154	0	0%	90	Initial works
Total	11,469	(503)	10,966	2,240	20%	5,819	

Total Capital Works Program

66,318	(473)	65,845	20,258	31%	15,047
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9.6 RFT 2021/50 - Wet and Dry Plant Hire Tender

REPORT BY THE PROCUREMENT OFFICER
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, COR400468

RECOMMENDATION

That Council:

1. receive the report by the Procurement Officer on the RFT 2021/50 - Wet and Dry Plant Hire Tender;
2. accept the provision of Wet and Dry Plant Hire for 3 years, in accordance with Clause 178 of the *Local Government (General) Regulation 2021*;
3. delegate the authority to the Manager Procurement & Fleet to accept any additional suppliers seeking inclusion to the Tender 2021/50 for the provision of Wet and Dry Plant Hire during the term of the contract; and
4. adopt the following suppliers to provide services under RFT 2021/50 Wet and Dry Plant Hire:
 - 1) A1 Earthworx
 - 2) Adrian Ingram Plant Hire
 - 3) Agile Arbor Pty Limited
 - 4) Andrew Turner Excavations
 - 5) Bennetts Towing
 - 6) Cleanaway Co
 - 7) Coates Hire
 - 8) Comer Plant Hire
 - 9) Complete Crushing Services
 - 10) Conplant Pty Ltd
 - 11) Corey's Cleanup
 - 12) Cutting Edge Earthmoving & Excavations
 - 13) Ezyquip Hire
 - 14) Ice Earthmoving
 - 15) JA Rural
 - 16) Jackson's Haulage Gulgong
 - 17) JH & C Evans
 - 18) Kandos Operations
 - 19) McWhelan Pty Ltd T/AS Vacsafe
 - 20) Miskle Transport & Earthmoving
 - 21) Mudgee Electronics Pty. Limited

- 22) Murkins Earthmoving**
- 23) Orange Hire**
- 24) PJJ Constructions Complete Mine Services**
- 25) R & J Andrews Engineering Bobcat & Tipper Hire**
- 26) Rollers Aust**
- 27) Troy Kurtz**
- 28) Ulan Water**
- 29) Western Haulage**

Executive summary

Tenders were requested for the establishment of a preferred list of suitable suppliers to provide plant hire services to Council for the next 3 years.

Tenderers were asked to submit their tender on 1 November 2021 for Wet and Dry Plant Hire, which closed at 10am on 6 December 2021. Thirty-four submissions were received. This report requests to accept the submissions that are conforming by Council for the Wet and Dry Plant Hire.

Disclosure of Interest

Nil

Detailed report

Tender Process

Advertisements for Tender for Wet & Dry Plant Hire were uploaded onto the Council website and VendorPanel on 1 November 2021. An advertisement was placed in the Mudgee Guardian on 5 November 2021. The terms of the contract are for the supply of wet and dry plant hire services for a period of three years.

The tender process was initiated and the tender evaluation panel was developed. A tender assessment panel was formed comprising of representatives from the most relevant departments within Council. Members of the tender assessment panel comprised of:

Tender Panel

Andrew Kearins – Manager Works
Steven Neely – Supervisor Reticulation & Circulation
Amanda Cover – Financial Planning Co-ordinator.

The panel used the process set out in the evaluation plan to determine which tenderers satisfied the wet and dry plant hire requirements of Council.

Submissions closed on Monday 6 December 2021. Council received thirty-four submissions as listed below:

1. A1 Earthworx
2. A-Plants Equipment
3. Adrian Ingram Plant Hire
4. Agile Arbor Pty Limited
5. Andrew Turner Excavations
6. Bennetts Towing

7. Cleanaway Co
8. Coates Hire
9. Comer Plant Hire
10. Complete Crushing Services
11. Conplant Pty Ltd
12. Corey's Cleanup
13. Cutting Edge Earthmoving & Excavations
14. Ezyquip Hire
15. Ice Earthmoving
16. JA Rural
17. Jackson's Haulage Gulgong
18. JH & C Evans
19. Kandos Operations
20. McWhelan Pty Ltd T/AS Vacsafe
21. Miskle Transport & Earthmoving
22. Mudgee Electronics Pty. Limited
23. Murkins Earthmoving
24. Orange Hire
25. PBJ Constructions
26. PJL Constructions Complete Mine Services
27. R & J Andrews Engineering Bobcat & Tipper Hire
28. Rollers Aust
29. Sharpe Bros
30. Total Drain Cleaning
31. Troy Kurtz
32. Ulan Water
33. Western Haulage
34. WTC Group Aust

Four late submissions were accepted:

1. Corey's Cleanup
2. Ezyquip
3. JA Rural
4. Western Haulage

Non-conforming tenders

Submissions were eliminated as non-conforming where tenderers were outside of the 100kms radius required or they did not meet the mandatory requirements. The following submissions were assessed as non-conforming:

1. PBJ Constructions
2. Sharpe Bros
3. Total Drain Cleaning
4. WTC Group Aust

Tenderers no longer participating in the tender process:

1. A-Plants Equipment

Community Plan implications

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

Strategic implications

Council Strategies

In order to complete the large program of works as detailed in the Delivery Program and Operational Plan, it is important Council utilise contractors to supplement Council's workforce.

Council Policies

Procurement Policy

Legislation

The hire amounts can exceed the statutory limit for the council's obligation to tender for services. This tender fulfils Council's obligation under the Local Government Act 1993, Section 55, and the Local Government (General) Regulation 2021.

Financial implications

It is recognised that Council frequently hire equipment from suppliers to carry out works in accordance of the Operational Plan.

Associated Risks

Council is currently outside the term of the previous Wet and Dry Hire contract, and as such, Council is at risk of breaching the requirements of Section 55 of the Local Government Act if Council does not enter a contract formed through the above process for the purposes of hiring plant and contractors. A decision to enter the contract, will reduce the risk of not meeting Local Government Act requirements and ensure that Council is procuring in a manner to obtain best value for money in its purchasing.

JESSICA MICHIE
PROCUREMENT OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

1 March 2022

Attachments: 1. Evaluation Sheet. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.7 Monthly Statement of Investments as at 28 February 2022

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 16 MARCH 2022 ORDINARY MEETING
GOV400088, FIN300053, GOV400098

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 28 February 2022; and**
2. **note the certification of the Responsible Accounting Officer.**

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 28 February 2022.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

As per Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer certifies that;

- a) this report sets out details of all money that the Council has invested under Section 625 of the Act; and
- b) all investments have been made in accordance with the Act and the regulations.

Financial implications

Not Applicable

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

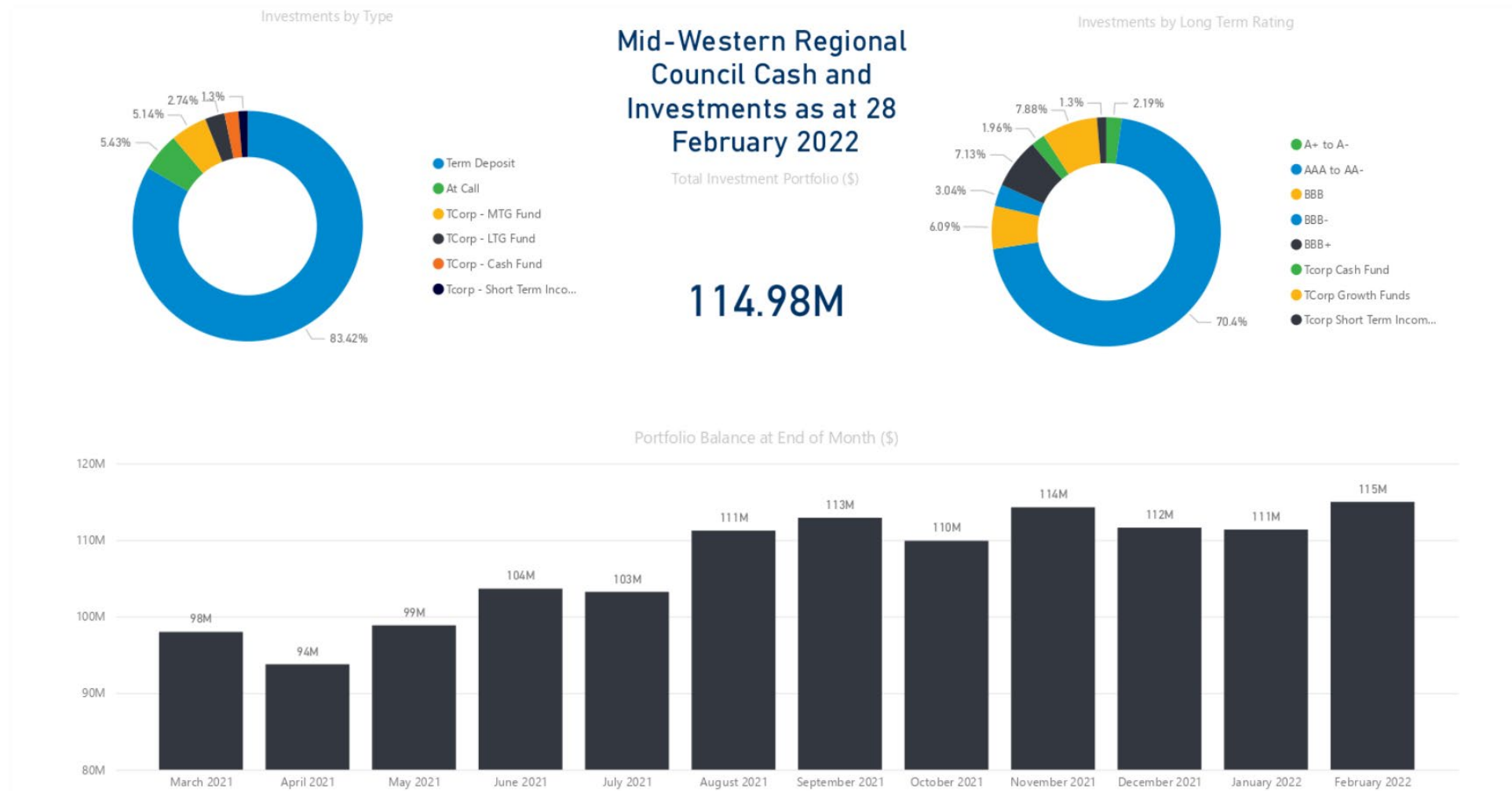
NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

2 March 2022

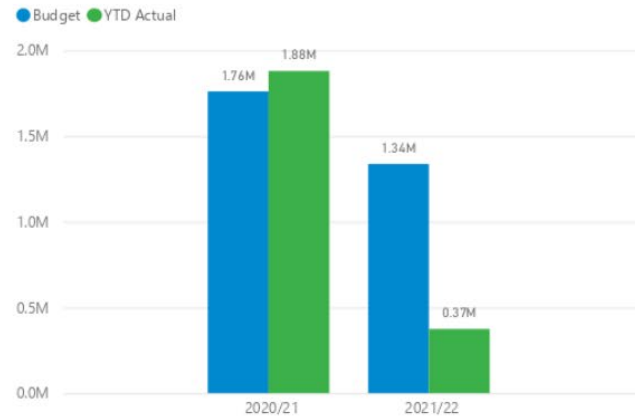
Attachments: 1. Investment Report attachment - February 2022.

APPROVED FOR SUBMISSION:

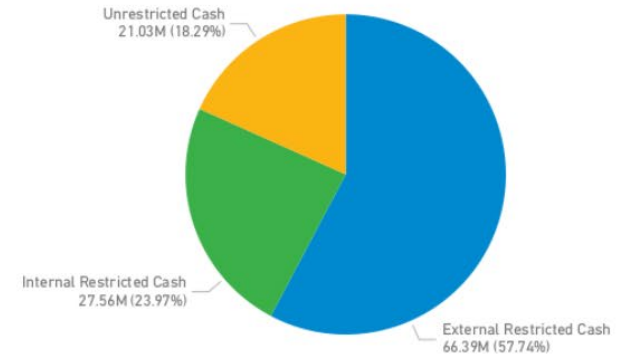
BRAD CAM
GENERAL MANAGER



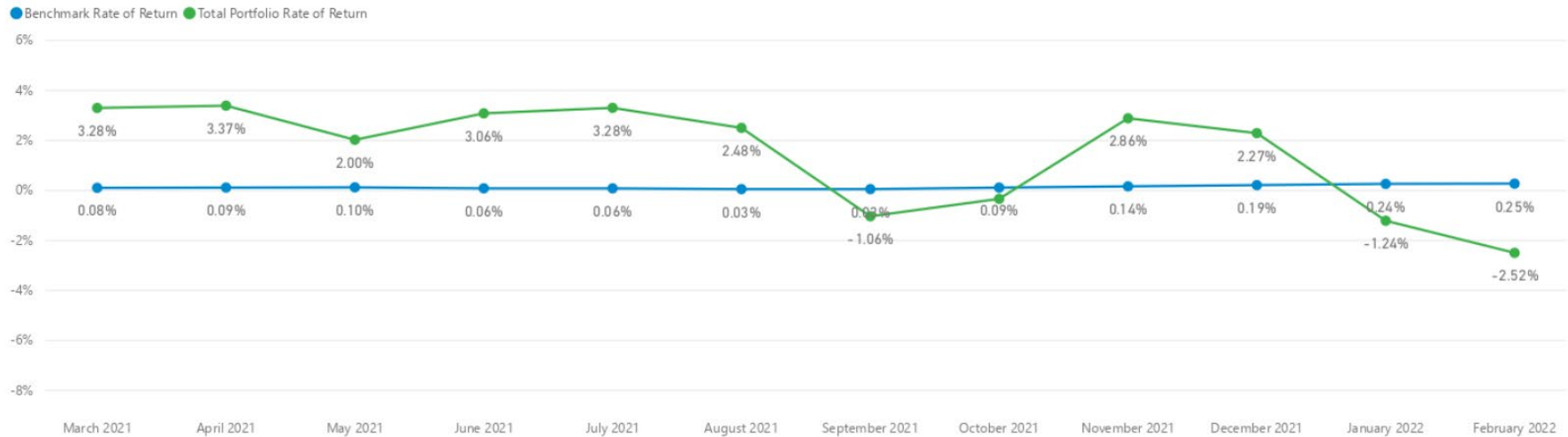
Income from Investments (\$)



Balance by Cash Category (\$)



Investment Performance



At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	0.25%	0	\$	6,241,865
TCorp - Cash Fund	0.50%	1	\$	2,259,154
TCorp - Long Term Growth Fund	0.50%	5	\$	3,151,480
TCorp - Medium Term Growth Fund	0.50%	5	\$	5,910,633
TCorp - Short Term Income Fund	0.50%	5	\$	1,500,114
Total			\$	19,063,245

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	1.00%	269	\$	2,000,000
AMP	1.10%	338	\$	1,500,000
Bank Of Queensland	1.45%	2	\$	1,000,000
Bank Of Queensland	0.90%	212	\$	1,500,000
Bank Of Queensland	0.50%	149	\$	2,200,000
Bank Of Queensland	0.50%	254	\$	1,500,000
Bank Of Queensland	0.61%	212	\$	1,000,000
Bank Of Queensland	0.85%	296	\$	1,000,000
CBA	0.53%	16	\$	2,000,000
CBA	0.44%	58	\$	2,500,000
CBA	0.43%	44	\$	1,500,000
CBA	0.46%	86	\$	1,500,000
CBA	0.42%	100	\$	1,000,000
CBA	0.42%	114	\$	2,000,000
CBA	0.41%	100	\$	1,000,000
CBA	0.46%	156	\$	1,500,000
CBA	0.46%	142	\$	1,700,000
CBA	0.72%	828	\$	2,000,000
CBA	0.47%	184	\$	1,500,000
CBA	0.50%	240	\$	1,500,000
CBA	0.47%	240	\$	1,000,000
CBA	0.77%	926	\$	1,000,000
CBA	0.47%	296	\$	1,500,000
CBA	0.85%	968	\$	2,500,000
CBA	0.48%	324	\$	2,000,000
CBA	0.73%	422	\$	1,500,000
ING	1.13%	72	\$	1,500,000
Judobank	0.65%	177	\$	1,500,000
Judobank	0.90%	240	\$	1,000,000
Judobank	1.01%	226	\$	1,000,000
Macquarie	1.40%	366	\$	1,014,077
MyState Bank	0.52%	128	\$	1,000,000
MyState Bank	0.52%	121	\$	1,500,000
MyState Bank	0.52%	142	\$	1,000,000
NAB	0.87%	170	\$	2,000,000
NAB	0.79%	198	\$	1,500,000
NAB	0.70%	226	\$	1,000,000
NAB	0.57%	23	\$	2,000,000
NAB	0.48%	30	\$	2,500,000
NAB	0.57%	366	\$	1,700,000
NAB	0.65%	485	\$	2,000,000
NAB	0.51%	297	\$	1,800,000
NAB	0.45%	268	\$	1,500,000
NAB	0.45%	282	\$	2,000,000
NAB	0.80%	912	\$	1,500,000
NAB	0.64%	604	\$	3,000,000
NAB	0.45%	310	\$	1,500,000
NAB	0.70%	576	\$	2,500,000
NAB	0.48%	338	\$	1,000,000
NAB	0.47%	128	\$	1,500,000
NAB	0.79%	352	\$	1,500,000
NAB	0.68%	275	\$	1,000,000
NAB	0.85%	282	\$	1,500,000
NAB	0.75%	275	\$	1,000,000
Westpac	0.85%	158	\$	2,000,000
Westpac	1.06%	716	\$	2,000,000
Westpac	0.70%	331	\$	1,500,000
Westpac	0.78%	380	\$	1,500,000
Westpac	0.90%	408	\$	2,500,000
Westpac	0.95%	359	\$	2,000,000
Total			\$	95,914,077

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 33,563,245	29%	29%	20%	OK
Between 3 months and 1 year	\$ 56,700,000	49%	79%	40%	OK
Between 1 year and 2 years	\$ 17,714,077	15%	94%	50%	OK
Between 2 years and 4 years	\$ 7,000,000	6%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 114,977,322				

Long Term Rating	Institution	Policy Limit (Institution)	% of Portfolio	Amount
AA-	CBA	40% OK	25%	\$ 29,200,000
	NAB	40% OK	35%	\$ 40,241,865
	Westpac	40% OK	10%	\$ 11,500,000
A+	Macquarie	20% OK	1%	\$ 1,014,077
A	ING	20% OK	1%	\$ 1,500,000
	Bank Of			
BBB+	Queensland	10% OK	7%	\$ 8,200,000
BBB	AMP	5% OK	3%	\$ 3,500,000
Tcorp Cash Fund	MyState Bank	5% OK	3%	\$ 3,500,000
	TCorp - Cash Fund	30% OK	2%	\$ 2,259,154
	TCorp - Long Term Growth Fund	15% OK	3%	\$ 3,151,480
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15% OK	5%	\$ 5,910,633
	Tcorp - Short Term Income Fund	15% OK	1%	\$ 1,500,114
Tcorp Short Term Income Fund	Judobank	5% OK	3%	\$ 3,500,000
Grand Total			100%	\$ 114,977,322

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100% OK		70%	\$ 80,941,865
A+ to A-	50% OK		2%	\$ 2,514,077
BBB+	20% OK		7%	\$ 8,200,000
BBB	10% OK		6%	\$ 7,000,000
Tcorp Cash Fund	30% OK		2%	\$ 2,259,154
TCorp Growth Funds	15% OK		8%	\$ 9,062,112
Tcorp Short Term Income Fund	15% OK		1%	\$ 1,500,114
BBB-	5% OK		3%	\$ 3,500,000
Grand Total			100%	\$ 114,977,322

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	5,412,262		6,241,865
TCorp - Cash Fund	2,258,759		2,259,154
TCorp - Long Term Growth Fund	3,251,268		3,151,480
TCorp - Medium Term Growth Fund	6,020,201		5,910,633
Tcorp - Short Term Income Fund	1,500,496		1,500,114
Total	18,442,986	-	19,063,245

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Bank Of Queensland	1.60%	16/02/2022	1,500,000	47,408
CBA	0.53%	2/02/2022	2,000,000	12,401
AMP	0.75%	2/02/2022	1,500,000	11,219
Total			5,000,000	71,028

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	0.90%	12/04/2023	2,500,000	26,753
AMP	1.10%	1/02/2023	1,500,000	16,455
Bank Of Queensland	0.85%	21/12/2022	1,000,000	7,173
Westpac	0.95%	22/02/2023	2,000,000	18,948
NAB	0.75%	30/11/2022	1,000,000	5,753
Total			8,000,000	75,082

Item 10: Operations

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

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

TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, ROA100462

RECOMMENDATION

That Council:

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

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

Executive summary

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

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

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

Disclosure of Interest

Nil

Detailed report

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

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

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

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

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

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

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

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

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

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

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

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

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

Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities

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

Council Strategies

Not Applicable

Council Policies

Land Acquisition and Disposal Policy

Legislation

Local Government Act 1993

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Financial implications

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

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

Associated Risks

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

RAY KEARNS
MANAGER - INFRASTRUCTURE PLANNING

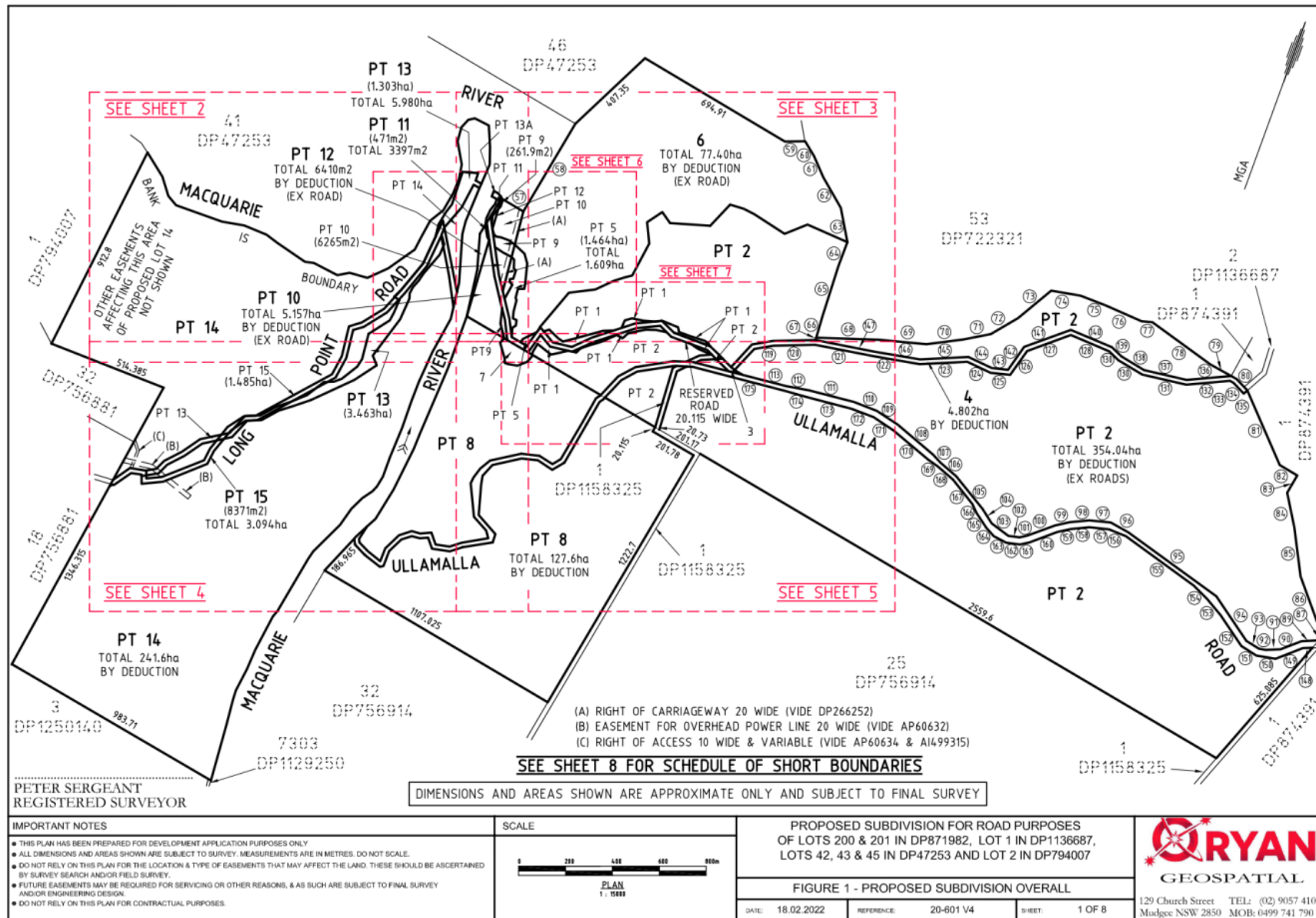
JULIAN GEDDES
DIRECTOR OPERATIONS

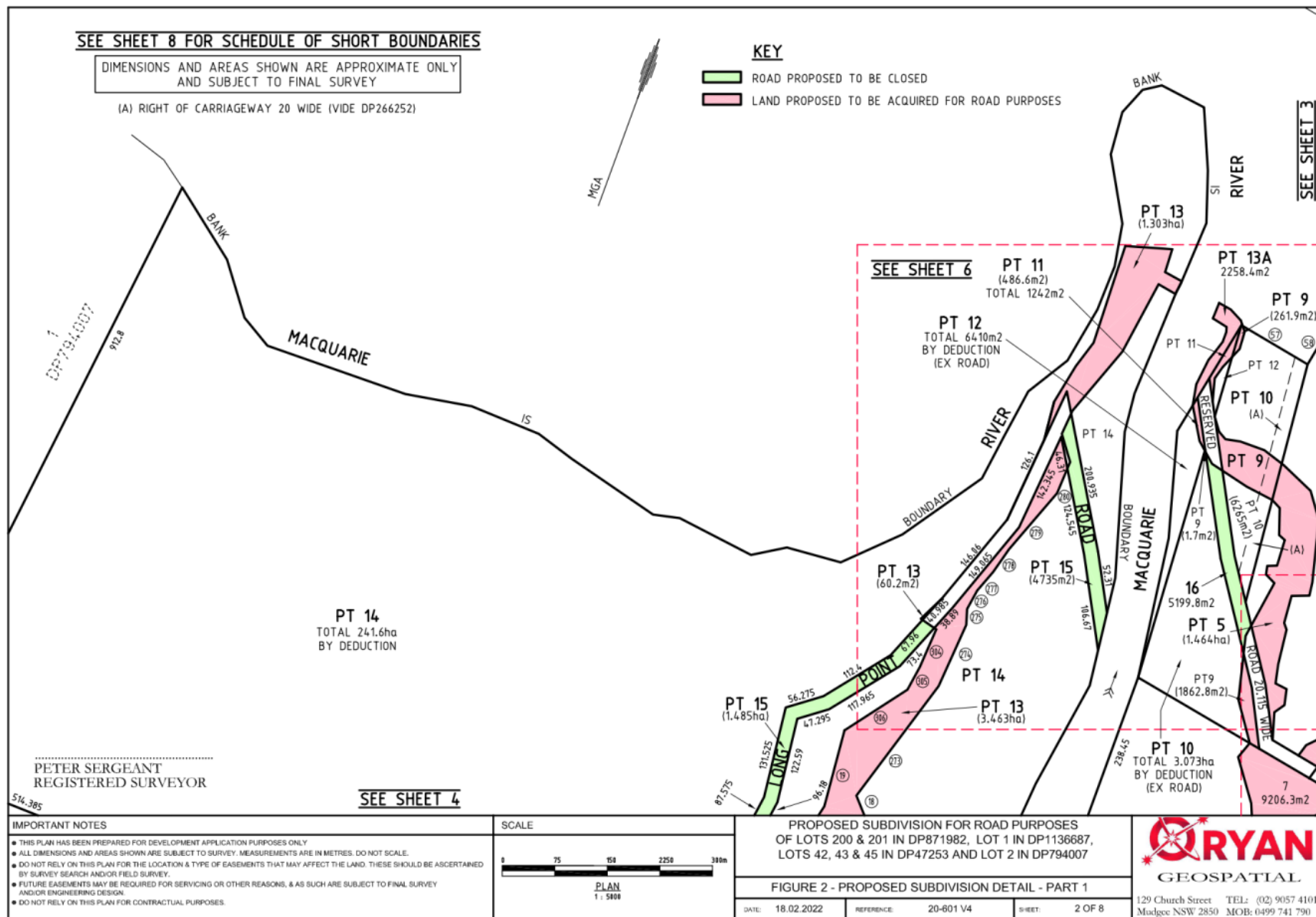
24 February 2022

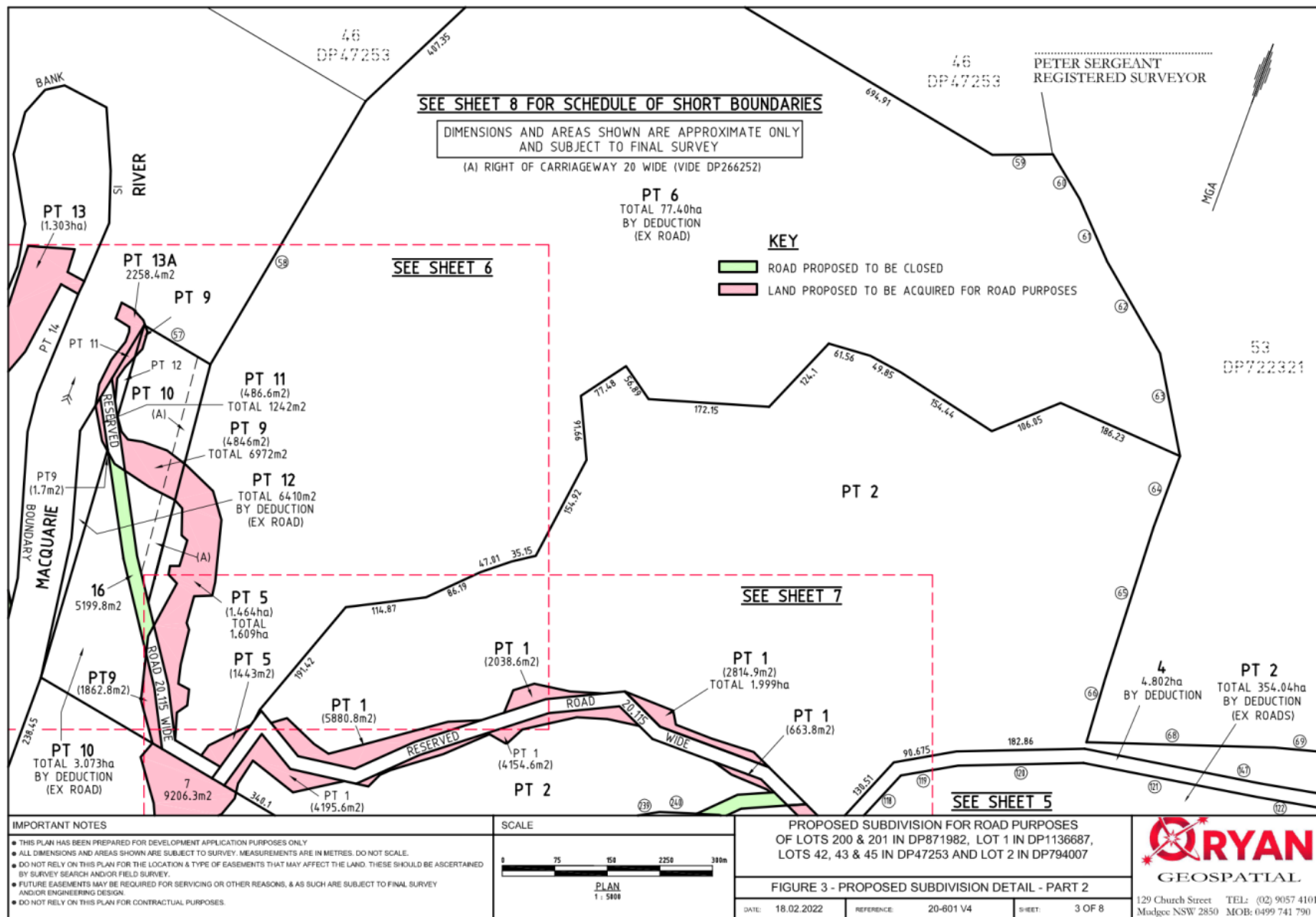
Attachments: 1. Plan - Land to be acquired and roads to be closed.

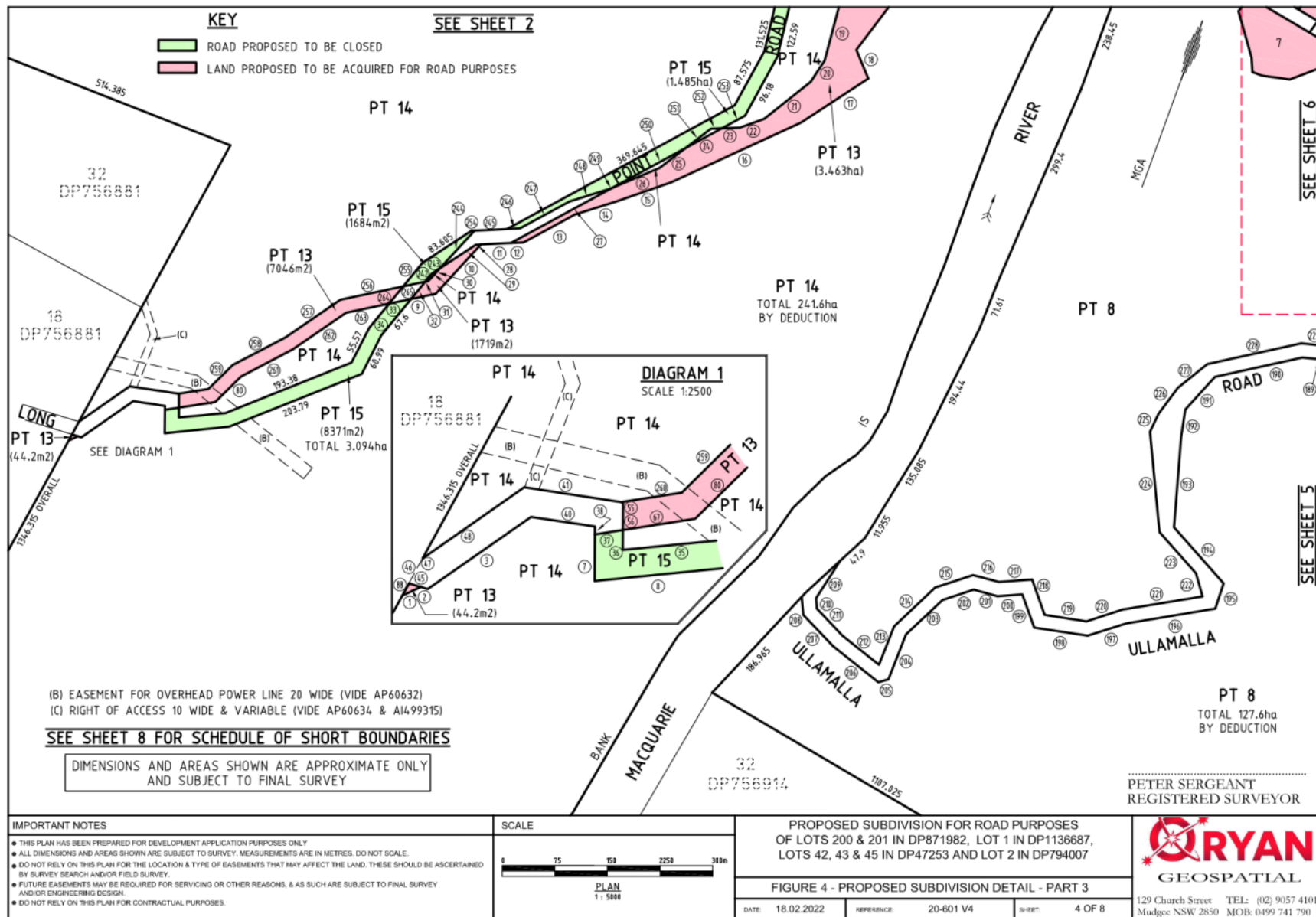
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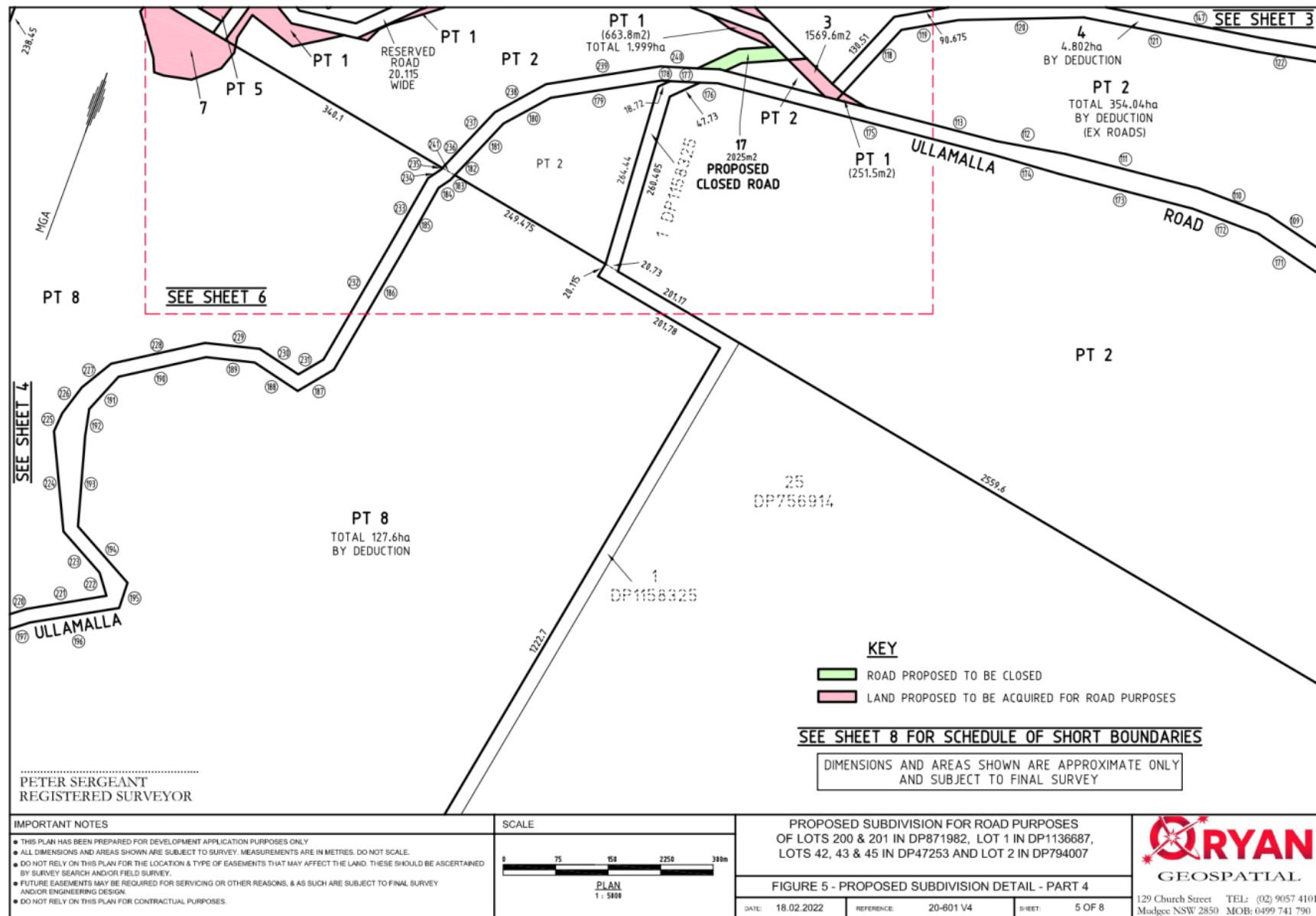
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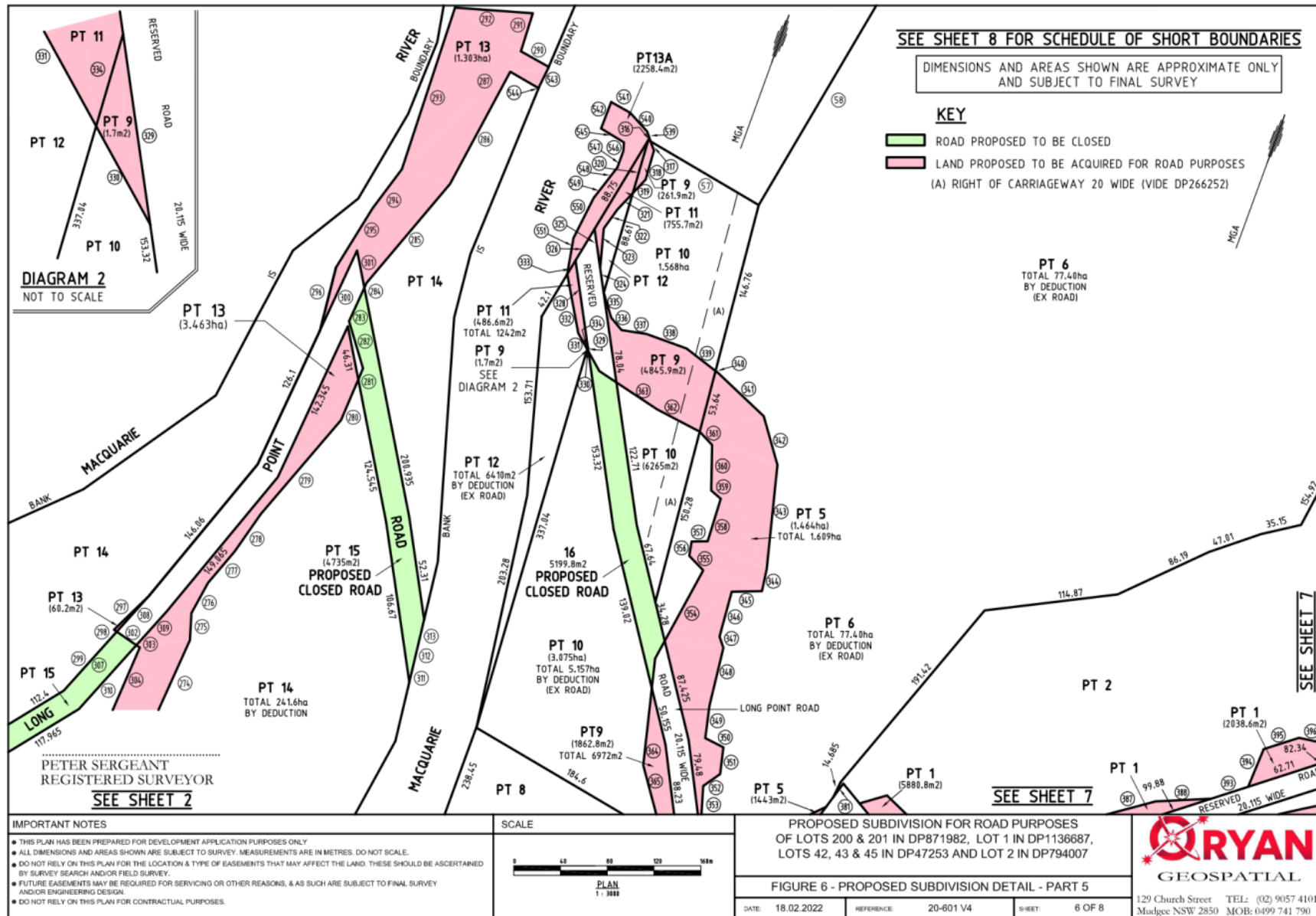


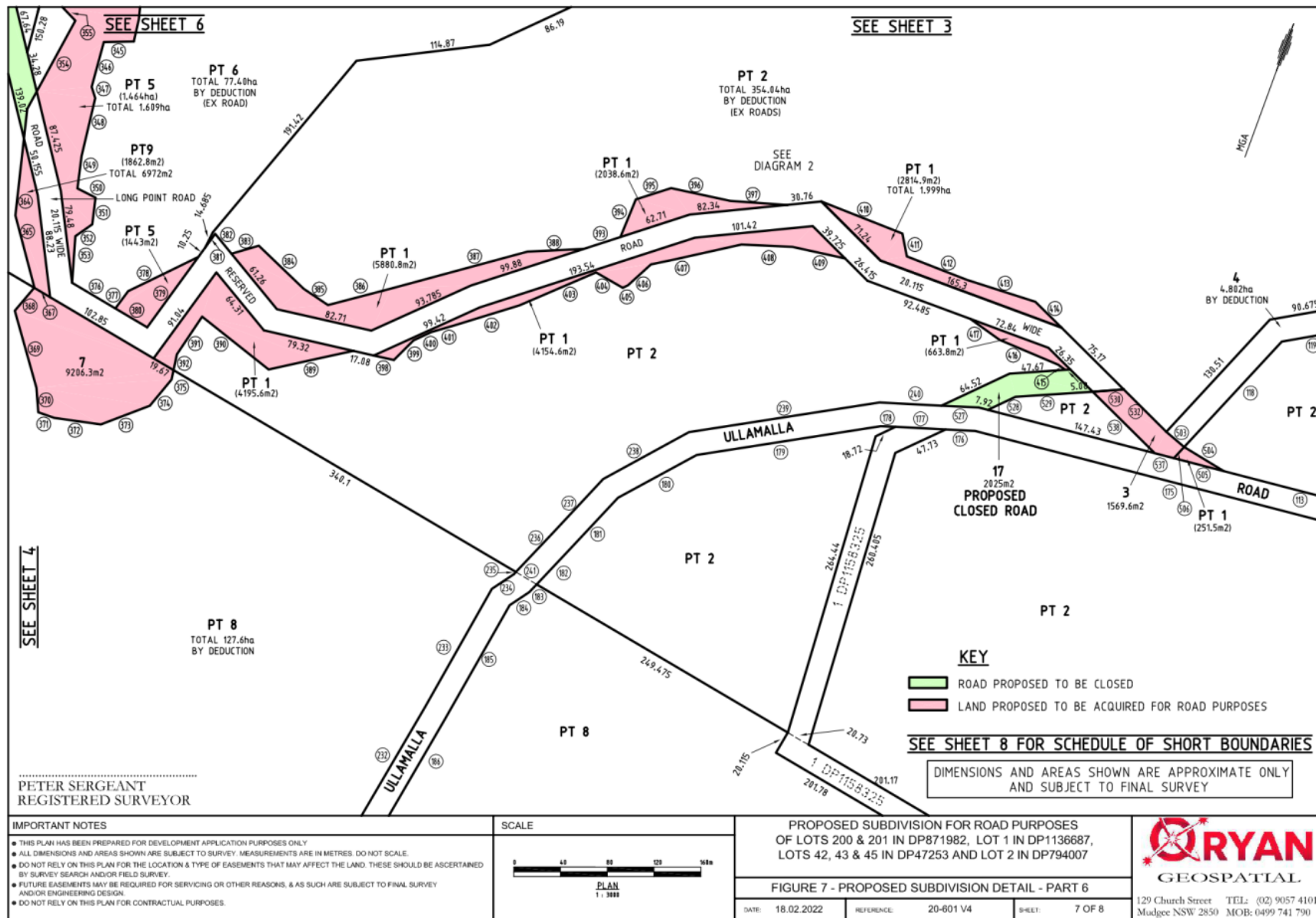












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Item 11: Community

11.1 Community and Cultural Services - October to December 2021 Quarterly Report

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, COS300010

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Community and Cultural Services - October to December 2021 Quarterly Report; and**
2. **note the recent services provided and activities coordinated by Council's Community and Cultural Services Department.**

Executive summary

This report aims to familiarise Council with services and activities provided by its Community and Cultural Services Department and to inform it of issues and events of note that arose during the period 1 October to 31 December 2021.

Disclosure of Interest

Nil

Detailed report

Details of Community and Cultural Services' quarterly activities, events, milestones and points of note are contained within the attachment to this report. Of particular interest:

- A number of face to face community oriented events and activities were either cancelled or postponed due to restrictions arising from COVID-19;
- COVID-19 has also had a negative impact on Council's potential to engage and continue to engage volunteers;
- Mudgee Community Transport was the winner of the Community and Volunteer Services category at the receive Magnificent Mudgee Business Awards;
- Council has secured a further \$240,000 to continue operating its Family Day Care Scheme over the next three years. This is of particular note given Family Day Care continues one of the more cost effective child care options for local families across the region.

Community Plan implications

Theme	Looking After Our Community
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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

Future operations of the Meals on Wheels service will need to be carefully considered going forward, having regard to a number of factors, including the introduction of local competition.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

15 February 2022

Attachments: 1. Community & Cultural Services Quarterly Reports - Detail.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

COMMUNITY DEVELOPMENT

Gulgong and Mudgee Interagency

Interagency meetings are held every month and guest speakers during this quarter included representatives from:

- The HAPPE Ears For Early Years project which provides free, safe and simple hearing checks to children aged 0 - 6 years who do not yet attend full time school as well as ongoing advice and support to parents and carers.
- Redwoods Work Collaborative which gets young people connected and supported towards meaningful employment.

Local issues discussed and which affect the community services sector include the increase of domestic violence, and mental health due to the pandemic and isolation and the lack of services in this area.

Kandos and Rylstone Interagency

Kandos and Rylstone Interagency meetings continue on a 6 weekly rotation via TEAMs. Issues and events discussed are the continuing post bushfire programs supporting local communities, COVID-19 impacts and continuing roll out of various NGO programs, including The Foundation of Rural and Regional Renewal (FRRR) Heartbeat of Rural Australia.

Rylstone Family Fun Day had to be cancelled due to continuing lockdowns and other events planned to substitute the cancelled Fun Day also had to be cancelled.

A guest speaker from Nanna's Community Eats attended the November meeting. The project was developed to address issues identified by the Kandos Charity Shop (and partner shops) following regular feedback from patrons of isolation and other stressors, including financial stresses. Nannas Community Eats operates with donations from Henbury Golf Club (use of their commercial kitchen) and Rotary, with subsidies from Rylstone Uniting Church and Vinnies with an initial target of providing 50 meals a week. The group now provides 60 meals per week with older single people, young families and people on low incomes being the predominant beneficiaries of the service.

Online Interagency Information Sessions

Due to the Pandemic and Public Health Orders not allowing face-to-face meetings, Council Community Development Officers organised four online information session through Microsoft TEAMS.

The sessions targeted four important topics:

- *Identifying Services Sector Risk presented by Mid-Western Regional Council Community Recovery Officer;*
- *Mental Health presented by Marathon Health;*
- *Volunteering (gaining and keeping volunteers, presented by Bathurst Neighbourhood Centre; and*
- *Measuring Outcomes presented by Sector Engagement Manager at FAMS*

Wirimbili Indigenous Plants Community Garden project

The working group completed the scope of works and lodged a proposal letter to NIAA (National Indigenous Australian Association). The group was then invited to complete a formal grant application for seed funding (\$20,000) to begin the Community Garden and develop an Indigenous medicinal and culinary plants garden in the vacant block adjacent to the Aboriginal Cultural Centre in Kandos. The Group was given verbal confirmation of gaining the grant at the end of December 2021 but have still yet to receive formal written confirmation in order for work to begin.

COMMUNITY TRANSPORT

Statistics

Mudgee Community Transport provided 981 trips for eligible clients during the October to December 2021 quarter, totally 86,617 kilometres. Four requests for transportation were denied due to lack of resources (vehicles or drivers at capacity). Subsidised taxi vouchers are made available to clients unable to accept community transport bookings to meet their needs.

Having to adjust processes has seen a reduction in the number of trips provided during this reporting period. Examples include, only able to transport one passenger at a time, rather than conduct shared trips, cancellations for non-essential appointments, cancellations of day programs, Sydney specialist cancelling regional client's appointments and clients hesitant to leave home during lockdowns.

Volunteers

Twenty volunteers contributed to the service during October to December 2021. One volunteer, unfortunately, withdrew due to the requirement from funding bodies that all volunteers should be double vaccinated (or possess a formal medical contraindication).

One new volunteer, however, completed induction and commenced driving.

The increasing amount of contractual requirements concerning verification, screening and checks that a volunteer must complete prior to being able to commence service can be quite burdensome and creates difficulty in recruitment.

Volunteer driver first aid courses were cancelled for the third time due to COVID restrictions for face to face training. Training will take place once restrictions are eased and allows for the best training environment for first aid.

General

Service NSW's Seniors Regional Travel card is becoming an increasingly popular means of paying for community transport as clients become increasingly aware of its availability

Mudgee Community Transport was deservedly awarded the overall winner of the Community and Volunteer Services category in the Magnificent Mudgee Business Awards.

CULTURAL SERVICES

Mudgee Arts Precinct was opened for only eight days before the statewide lockdown. As a result our program was heavily impacted. Guido Maestri's *Stories from Homedale* was extended until 9 January 2022, with planning and development of Linda Jackson's exhibition *Retreat Regeneration Reflection* being brought from its original date to fill a subsequent gap that emerged in the program.

Guido Maestri

Our inaugural exhibition 'Stories from Homedale' received hugely positive feedback and although affected by lockdown, it was possible to finally combine the building and exhibition opening with Guido Maestri, the Minister for the Arts Don Harwin, Federal Member for Calare, Andrew Gee, and Member for Dubbo, Dougal Saunders in attendance. Fellow painter and Archibald Prize winner, Ben Quilty was also present and hosted an exciting conversation with Guido about his arts practice for all present.

Arts education

Mudgee Arts Precinct launched the first of its educational videos supported by the Museums & Galleries of NSW's Let's Get Digital program. Guido Maestri's '*Making Conversations*' video was an educational resource promoted throughout the state lockdown, enabling the new exhibition to have a continued presence even though the doors to the gallery remained closed. The video has had 296 views.

The statewide lockdown also meant that the Precinct was closed throughout the September/October school holidays. In response, the Cultural Team developed a suite of online creative activities that could be completed from home. These activities aimed at introducing new ideas, attempted to inspire, enrich and promote creative experimentation for all ages.

HSC exhibitions

In November and December, Mudgee Arts Precinct hosted two local HSC Exhibitions for Mudgee High School and St Mathew's Catholic School. These important exhibitions were held in the Community Gallery Space and Seminar Room, highlighting the incredible talents of our local senior students, whilst also providing a professional platform to display their creative projects.

Visitors

Visitor numbers to the Precinct were impacted by lockdowns in the September-December period.

Quarter	Visitors
September - December 2021	6720

Digital marketing

During the period of September - December 2021, Mudgee Arts Precinct continued to develop its digital audience.

Facebook

Facebook Page Reach	Facebook Page Visits	New Facebook Page Likes
6,699	960	196

Instagram

Instagram Reach	Instagram Profile Visits	New Instagram Followers
2261	1094	307

YouTube

Views

296

Mudgee Town Hall Cinema

The Mudgee Town Hall Cinema cancelled its screenings throughout October and November due COVID-19 restrictions. In December, the cinema re-opened with restricted ticket sales due to NSW Public Health orders. Screenings were also paired back to allow Rotary volunteers to undertake COVID compliant cleaning in between sessions.

Film	Ticket sales
Respect (accessible screening)	42
Respect	106
Moonbound	87

FAMILY DAY CARE

Mid-Western Regional Family Day Care has been providing education and care to the families in our local community for 28 years.

Family Day Care Educators are self-employed and, therefore, Council's Family Day Care Coordination Unit is supporting 14 locally owned and operated small businesses. The Educator breakdown as at 31 December 2021 is one in Gulgong, one in Kandos, seven in Mudgee and five in Wellington.

Family Day Care applied for Round 3 of the Community Child Care Grants and was successful in acquiring \$240,000 over the next 3 years to support the Coordination Unit to seek out appropriately qualified and experienced educators for the Scheme.

The Coordination Unit is continuing to receive calls for families requiring care in all towns. As at 22 December 2022 there were no vacancies for children across the whole Scheme. Mudgee, Kandos and Gulgong have steadily maintained full capacity for 0-5 year olds in the past quarter.

A waiting list exists of approximately eight families who require care for their children, as well as another 12 families waiting on additional places with their current Educators. The Coordination Unit continues to receive calls seeking vacancies in 2022 and already have children requiring care.

As at 22 December 2021, Mid-Western Regional Family Day Care remains one of the cheaper child care options for our local families due to the flexibility of charged hours and the option for weekend and overnight care.

MEALS ON WHEELS

Main meals

Oct	549
Nov	555
Dec	603
TOTAL	1707

Frozen meals

Oct	26
Nov	24
Dec	21
TOTAL	71

Demand for meals was higher this year during the Christmas period due to many clients not travelling to visit family.

Clients

36 active clients during reporting period.

15 new referrals to MOW- 5 commenced and receiving service. 10 clients not commenced, all not wanting service at this time.

5 clients moved to higher assistance – residential aged care or respite

3 cancelled service.

Volunteers

It is now mandatory for all staff and volunteers to be fully vaccinated, required by NSW Health Commonwealth Home Support Program. This requirement has seen a drop in volunteer numbers.

General

Engagement of a new supplier of fresh meals with a less than traditional menu has resulted in some clients cancelling their service either temporarily or permanently. New referrals, however, continue to be received from the Federal My Aged Care portal and current clients appear happy with meals being provided.

Until recently, Meals on Wheels has been the only daily supplier of delivered hot meals in Mudgee. An increase in Home Care Packages has seen competition arise from Lite'n Easy, now an approved provider of meals for Home Care Package recipients. Some clients are electing to use this option over Meals on Wheels, however Meals on Wheels is still the only provider who delivers on a daily basis and provides a hot meal; two factors that the competition does not currently have capacity to address. Lite'n Easy's menu selection, however, is extensive and the company has the capacity to more broadly advertise its service and provide more cost effective meals. Strategies need to be explored to ensure Mudgee Meals on Wheels remains a viable service going forward.

RECOVERY AND RESILIENCE

Community Resilience Network (CRN)

The CRN is a deliverable through Resilience NSW to enable the community and Council to have an established network of assistance available for use during and after an emergency Event.

The CRN will work alongside the Local Emergency Management Officer and Local Emergency Management Committee.

Contacts within Resilience NSW and Emergency Services have been identified to establish how this will look and operate.

COVID-19

Regional Emergency Management Committee wellbeing meetings were attended to ensure that Council and the LEMC were briefed on the developing conditions and made aware of any resources that were available in the event they were needed.

Australasian Fire and Emergency Service Authorities Council / Australian Institute Disaster Resilience Conference

The Resilience NSW Strategic Plan was released, as well as an announcement of future use of Community Recovery Officers being successful in local government.

External stakeholders

The Community Recovery Officer attended meetings with external stakeholders, including those from Department of Primary Industries/ Gateway, Rural Fire Service, Resilience NSW, community members from impacted areas.

Community meetings have been largely positive, although concerns still exist around the capability to be prepared for the next emergency.

YOUTH SERVICES

Youth Services activities were heavily impacted by COVID lockdowns and restrictions during the September-December 2021 quarter.

The Youth Council did not meet during this period however Youth Services consulted with Youth Councillors and coordinated their feedback into programming during lockdown.

All activities planned for the September school holidays were cancelled and a new online program was developed. This included a photography competition, scavenger hunt, blu-tack sculpture competition, online trivia and the mailout of craft kits. Engagement with online activities was pleasing, with 141 youth participants.

The Inspirational Speaker programme talks with young Indigenous woman, Kiara Harris, which were scheduled for the last quarter of 2021, were once again postponed due to COVID restrictions. It is hoped the talks will proceed in Term 1 of 2022.

Youth Services resumed limited face-to-face activities in December, including regular monthly programs Book Bouncers, Crafternoon, Manga & Anime Squad and Level Up. A series of Christmas-themed activities, including Gingerbread House construction and Christmas Bauble decoration, were also held in Mudgee, Gulgong, Rylstone and Kandos.

11.2 Glen Willow Stage 2 Progress Update

REPORT BY THE DIRECTOR COMMUNITY

TO 16 MARCH 2022 ORDINARY MEETING

GOV400098, COR400303, COR400277, COR400332, PAR300585, COR400273

RECOMMENDATION

That Council receive the report by the Director Community on the Glen Willow Stage 2 Progress Update.

Executive summary

The attached report provides an update on the Progress of the Glen Willow Stage 2 Project.

Disclosure of Interest

Nil

Detailed report

The Glen Willow Stage 2 Project is a major project that has attracted \$17 million in funding from State and Federal governments. It is the most significant project currently under construction by Mid-Western Regional Council. The attached report provides an update on the project.

The project nears completion with only minor works such as fencing and signage to be completed.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan
Glen Willow Master Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing or unexpected risks that emerge with this project.

SIMON JONES
DIRECTOR COMMUNITY

25 February 2022

Attachments: 1. Glen Willow Stage 2 Update.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



GLEN WILLOW STAGE TWO PROGRESS REPORT

25 FEBRUARY 2022

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

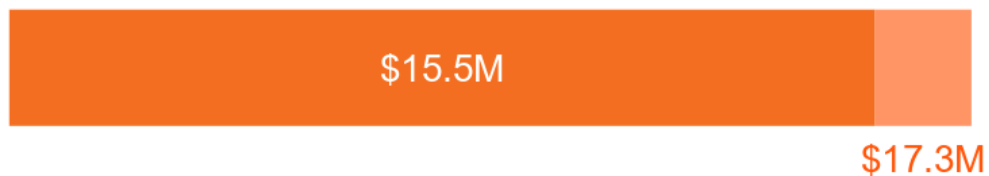
Project Update

As at 31 January 2022 the overall project progress for Stage Two of the Glen Willow Project was approximately 90%.

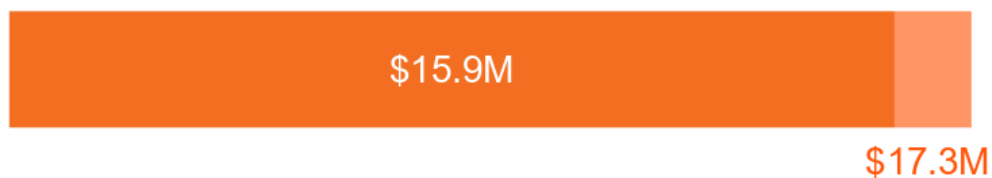
OVERALL PROJECT PROGRESS



PROJECT EXPENDITURE



PROJECT EXPENDITURE COMMITTED



COMMUNITY

Achievements and Highlights

- Carpark has been constructed and line marked
- Junior Rugby League Clubhouse construction has been completed
- Rugby Union Clubhouse construction is being finalised
- Fields have reached 90% completion
- Lighting towers have been constructed with minor electrical work still to take place

Works still to be completed

- Fencing and bollards
- Line marking
- Signage
- Pathways

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

PROJECT & COMPONENTS	PROGRESS NOTES	CONTRACT	PROJECTED END DATE	% COMPLETE	COMPLETE (Y/N)
Site Prep - North			Dec 2019	100%	Complete
Junior Rugby League Building			July 2020	100%	Complete
Roads & Carpark Design & Construction			February 2022	100%	Complete
Services			December 2021	100%	Complete
Site Prep - South			July 2020	100%	Complete
Rugby Union Building			February 2022	95%	
Field Construction			March 2022	95%	
Field Lighting			February 2022	95%	
Site Finalisation			June 2022	50%	

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT



COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT



11.3 Mudgee Arts Precinct Progress Update

REPORT BY THE DIRECTOR COMMUNITY
TO 16 MARCH 2022 ORDINARY MEETING
GOV400098, COR400301, REC800038

RECOMMENDATION

That Council receive the report by the Director Community on the Mudgee Arts Precinct Progress Update.

Executive summary

The attached report provides an update on the Progress of the Mudgee Arts Precinct Project.

Disclosure of Interest

Nil

Detailed report

The Mudgee Arts Precinct Project is a major project that has attracted \$5.3 million in State and Federal funding from a total budget of \$8.1 million.

The project continues to progress with the new Gallery and Tourism Information Building opening to the public in August 2021 and after a successful first exhibition by Guido Maestri, a new exhibition by Linda Jackson has opened.

Design work has been completed for the secondary workshop building with clearing of the site having commenced in February 2022 and demolition to commence shortly. Procurement has begun for contractors and suppliers to work on the building

Community Plan implications

Theme	Looking After Our Community
Goal	Meet the diverse needs of the community and create a sense of belonging
Strategy	Support arts and cultural development across the Region

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing unexpected risks that emerge with this project.

SIMON JONES
DIRECTOR COMMUNITY

25 February 2022

Attachments: 1. Mudgee Arts Precinct Progress Update.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MUDGEE ARTS PRECINCT PROJECT PROGRESS REPORT

25 FEBRUARY 2022

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | MUDGEES ARTS PRECINCT PROJECT PROGRESS REPORT

Project Update

As at 30 August 2021 the overall project progress for the Mudgee Arts Precinct Project was approximately

OVERALL PROJECT PROGRESS



GALLERY AND TOURISM BUILDING PROGRESS



WORKSHOP BUILDING PROGRESS



PROJECT EXPENDITURE



COMMUNITY

Achievements and Highlights

- Construction of the Gallery complete and opened to the public on August 7 2021 with opening exhibition by Guido Maestri
- Café Management Agreement has been made with Mudgee Cake and Dessert Co
- Brand platform, name and logo have been decided and implemented
- Designs for the workshop space have been completed
- DA for the workshop space has been approved
- Linda Jackson exhibition opened in January 2022

The Next 6 Months

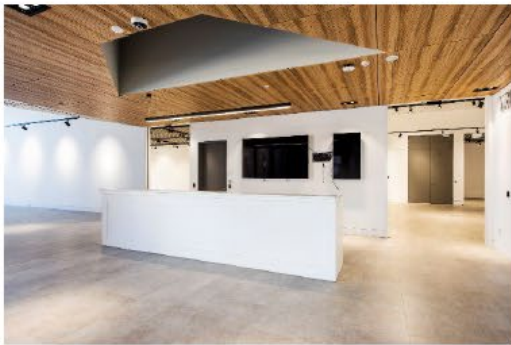
- Works to commence on the refurbishment of the old childcare centre to workshop space
- General site clean up
- New fencing and landscaping
- New parking areas constructed
- Fit-out of workshop spaces

COMMUNITY | MUDGEE ARTS PRECINCT PROJECT PROGRESS REPORT

PHOTOS



COMMUNITY | MUDGEES ARTS PRECINCT PROJECT PROGRESS REPORT



11.4 Flirtation Hill Mudgee Masterplan following Public Exhibition

REPORT BY THE MANAGER - RECREATION SERVICES

TO 16 MARCH 2022 ORDINARY MEETING

GOV400098, GOV400088, F0650008

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Recreation Services on the Flirtation Hill Mudgee Masterplan following Public Exhibition;**
2. **note that no public submissions were received;**
3. **note the minor amendments made to the draft Master Plan at the request of the former Council; and**
4. **adopt the draft Flirtation Hill Mudgee Master Plan.**

Executive summary

Council resolved at the May 2021 meeting for the draft Flirtation Hill Master Plan to be placed on public exhibition for a period of 28 days. No public submissions were received following the exhibition period.

At the request of the former Council at the May meeting, the draft masterplan has been amended to acknowledge the works completed at the reserve in the 2020/21 Operational Plan. No additional changes have been made to the original draft document.

Disclosure of Interest

Nil

Detailed report

The purpose of the Flirtation Hill Master Plan is to provide a dynamic long term planning document and conceptual layout to guide future growth and developments at the Flirtation Hill Mudgee reserve. This includes what the reserve should look like and how it should function into the future.

A draft Master Plan was presented to Council in May 2021 and was permitted to be placed on public exhibition for a period of 28 days. At this meeting it was the request of the former Council that the plan be brought back to Council for final review and include the plan being amended to capture the upgrade activities completed as part of the 2020/21 Operational Plan. These initiatives are now documented in section 4.3 Financing the Masterplan in the masterplan document.

Works included:

- Upgrades to the existing pathways
- Removal and crown lifting of identified trees throughout the reserve
- Bollard and regulatory signage upgrades

The exhibition period and subsequent time period provided Council officers with another

opportunity to review the masterplan contents and future direction of the reserve. Council staff remain supportive of the recommendations that derived from the 2021 Flirtation Hill Working Party.

It is important to note that the recent upgrades have been well received by residents with a noticeable increase in both passive and active recreation users of all ages. Unfortunately, the reserve continues to be subjected to anti-social behaviour to which will need to be monitor closely and potentially need additional funds committed to address these issue/s.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan
Recreation Strategy

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

This resolution does not commit Council to any new expenditure. Council committed funding towards Stage One of the Master Plan in the 2021/22 Operational Plan that require a co-contribution from grant funding.

Associated Risks

Not Applicable

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

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Attachments: 1. Draft Flirtation Hill Mudgee Masterplan.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



FLIRTATION HILL MASTER PLAN

FLIRTATION HILL, MUDGEE
NSW 2850

11 MARCH 2021

MID-WESTERN REGIONAL COUNCIL
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THIS DOCUMENT HAS BEEN PREPARED BY THE FLIRTATION HILL WORKING GROUP, FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:
PETER RAINES MANAGER RECREATION SERVICES OR (02) 6378 2850

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1. Introduction

1.1 Purpose of a masterplan

The purpose of this master plan is to provide a dynamic long term planning document and conceptual layout to guide future growth and developments at the Flirtation Hill Mudgee reserve. This includes what the reserve should look like and how it should function into the future.

The masterplan is to consider the following:

- Analysing the current character and functionality of the reserve
- Identifying any emerging issues, public expectations and desires for the reserve
- Develop a phasing and implementation schedule and identify priority actions

The potential development and improvement of Flirtation Hill ('The Pines') offers the Mudgee community the opportunity to enhance the recreational value of the green zone however also a very valuable chance to boost the ecological assets.

1.2 Methodology

A highly consultative methodology has been applied in the preparation of this document.

In December 2020, Mid- Western Regional Council commenced work on preparing a draft Master Plan for Flirtation Hill, a Council managed reserve located on south-west of the Mudgee CBD. As part of the preparation of this plan, Council established a working party that included interested Councillors and community members. Community members were invited to register their interest through an expression of interest process managed by Councils Community directorate.

Council is intending to conduct further community and stakeholder engagement activities. This includes the draft plan being placed on public exhibition, engaging the local Aboriginal Land Council and other interested authorities.

The flirtation Hill Mudgee masterplan project comprised of three stages being:

- Stage one- Research and Working Group engagement
- Stage two- Mid-Western community engagement
- Stage three- Final report

1.3 Recommendations

The planning process has identified the following actions as key to progressing the development of the Flirtation Hill Mudgee reserve. There is no priority set out in the list below:

- The establishment of planned precincts to provide for non-conflicting recreational precinct within the reserve
- Installation of a viewing platform
- Parking infrastructure and traffic management
- Develop resources to support for, but not limited to the following activities
 - recreational walking
 - children's bush setting natural adventure playground
 - active recreational and boot camp style exercise
 - recreation and respite opportunities and activities for those with dementia and disabilities
- Establish and commence an exotic weed removal program
- Install a raw and potable water supply system to support the maintenance and installation process
- Establish a planned native plant resource that will support biodiversity and become an acknowledged local and tourism asset
- Plan and commence the replacement of the dominant pine species with endemic and other native species
- Install refuse bins that exclude access by birds and other scavenging animals
- Amenities facilities
- Picnic and BBQ facilities
- Sensory garden tracks, infrastructure and facilities to support caring for those with dementia and disabilities and their careers
- Create interpretation resources and other signage that supports and informs the reserve users
- Install access management infrastructure to prevent unauthorized vehicle entry
- Continue to engage the community in the planning and progress of the project
- Install street and access lighting to assist in the security and overall safety of the reserve
- Creation of stepped and staged mini wetlands to clean and stabilize water run off and enhance biodiversity
- Ensure that all works, and activities directly benefit community use, enhance the tourism value and provide positive biodiversity outcomes
- Assess and establish the most appropriate location for the existing War Memorial within the planned site developments
- Consult and include local Indigenous members (where possible)

2. Site Analysis

2.1 Context and Current Uses

This master plan focuses primarily on the Flirtation Hill Mudgee reserve with minor reference to the Mudgee showground.

Flirtation Hill is a public reserve located in the south western portion of Mudgee, and was gazette for public purpose of public recreation in 1886. The site is bounded by the streets Douro, Nicholson and Madeira. The site is Crown Land and is approximately 14.8 hectares (ha) in area.

As a result of the site's elevation above the town it has a reservoir and lookout near its apex. Otherwise the site is largely undeveloped with the reserve is mainly used by dog walkers, joggers and mountain bike riders, with many people also visiting the site to appreciate the view from the lookout. There is also a war memorial at the apex of the site. Over recent times the site has been subjected to anti-social behavior and development pressures.

The location of the site within Mudgee is shown in Figure 1. Figure 2 identifies the main elements within the site whilst Figure 3 reveals site contour lines.



Figure 1. Location of Flirtation Hill Mudgee

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Figure 2: Flirtation Hill Mudgee layout

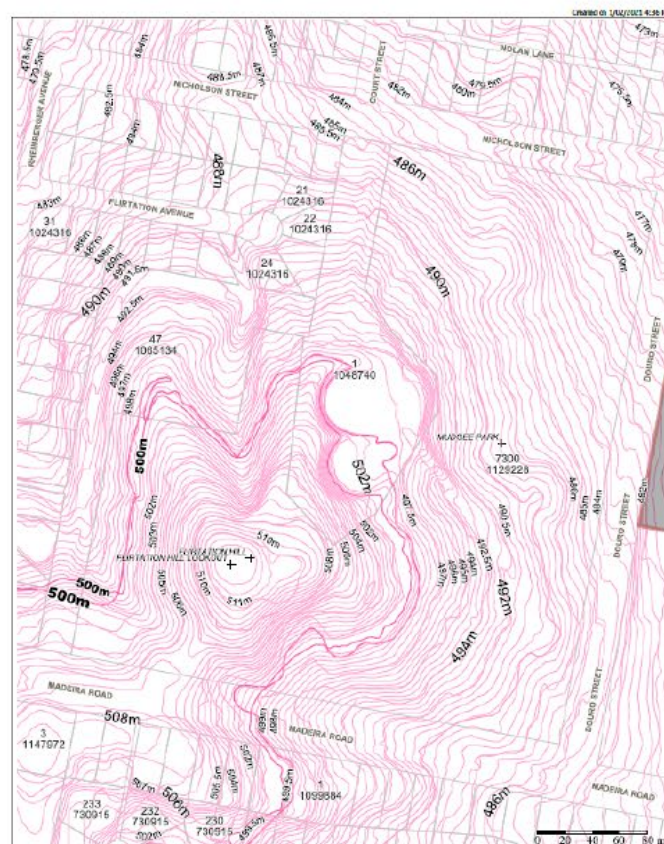


Figure 3: Contour map of Flirtation Hill

2.2 Indigenous Heritage

Searches of the Aboriginal Heritage Information Management System (AHIMS) revealed no registered sites of indigenous cultural heritage and the site has a history of disturbance. Consultation with indigenous community representatives as part of planning processes will ensure opportunities for inclusion and input into desirable spaces and functioning at the redeveloped Flirtation Hill.

2.3 Existing Biodiversity

Previous flora and fauna surveys (Eco Logical Australia (ELA), Ecological Assessment 2019 and 2020) have ascertained that the site predominantly consists of exotic vegetation mainly Aleppo pines (*Pinus halepensis*) or introduced grasses. Small areas of native vegetation exist, identified as white box shrubby open forest (Plant Community Type (PCT) 273) in either a good condition or a derived (predominantly grassy) state. This remnant native vegetation has a selection of typical species including white box (*Eucalyptus albens*), mugga ironbark (*E. sideroxylon*) trees; shrubby hop bush (*Dodonaea* spp.), hickory wattle (*Acacia implexa*) and cough bush (*Cassinia laevis*); and sparse ground covers such as purple wiregrass (*Aristida ramosa*), threeawn speargrass (*A. vagans*) and kidney weed (*Dichondra repens*).

There are patches of planted native vegetation with tree species consisting of yellow box (*E. melliodora*), Blakely's red gum (*E. blakelyi*), sugar gum (*E. cladocalyx*), mugga ironbark (*E. sideroxylon*) and Belah (*Casuarina cristata*) (Figure 4). The majority of the site, approximately 80%, consists of exotic vegetation, with a breakdown of the various types of vegetation shown in Table 1 and Figure 4.

Table 1: Flirtation Hill – Broad vegetation classification (data: ELA 2019)

Vegetation Type	Area (ha)	Proportion of site (%)
Remnant native (PCT 273) – derived	0.77	5
Remnant native (PCT 273) – woodland	0.23	2
Planted native	1.04	7
Exotic pines	8.03	54
Exotic grassland	3.57	24

The prevalence of the exotic Aleppo pines (*Pinus halepensis*) has produced a monoculture across the majority of the site, largely excluding the growth of other plant species (Figures 4). The density of the pine trees and relatively closed canopy, limits light infiltration, reducing prospects for diversity underneath the canopy. Some ecologically important species do however utilise the site in its' existing condition. The endangered small purple-pea (*Swainsona recta*) population is probably the most important example (Figure 5). The yellow-tailed black cockatoo (*Zanda funerea*), while not of concern from a conservation status viewpoint, also commonly utilise the site.

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Figure 4: Classes of vegetation at Flirtation Hill (ELA 2019).



Figure 5: Small purple-pea (*Swainsona recta*) occurrence and habitat features (ELA 2020).

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Figure 6: Areas to be preserved in conjunction with future development.

The site does not contain any endangered ecological communities (EEC) however, a population of small purple-pea (*Swainsona recta*) exist in the reserve's western and south western zones (Figure 5). The presence of the small purple-peas limits the potential scope of development or disturbance near their location as they are listed as endangered in both NSW (BC Act) and Commonwealth (EPBC Act) legislation and all possible impacts should be avoided.

Based on the Koala Habitat Protection State Environmental Planning Policy (SEPP) 2020, the site does not contain even 'potential' koala habitat. White box (*E. albens*) trees are listed as feed tree species, in the SEPP, but they do not exist at the site in numbers large enough to provide potential koala habitat.

Small purple-pea (*Swainsona recta*) originally occurred in the grassy understorey of woodlands and open-forests dominated by Blakely's red gum (*E. blakelyi*), yellow box (*E. melliodora*), Candlebark gum (*E. rubida*) and long leaf box (*E. goniocalyx*). It often grows in association with understorey plants like Kangaroo grass (*Themeda triandra*), poa tussocks (*Poa* spp.) and spear grasses (*Austrostipa* spp.). Pea plants tend to die back in summer, with a flowering period throughout spring, making that the best time of the year to survey for their presence. Loss and degradation of their habitat, through clearing and grazing, is a major cause of the reduction in their numbers and range.

Impacts from weed invasion, particularly exotic grasses, bridal creeper and St John's wort - all of which occur at Flirtation Hill, also negatively affect the small purple-pea. Actions that can assist in plant population stability and enhancement are physical and chemical control of major weeds and reducing the frequency and intensity of disturbance. The abundance and condition of the plants in the population should be regularly monitored and if plants exist in a position potentially threatened by erosion then corrective action should be taken to control erosion.

Future plans for development should consider the existing biodiversity values in conjunction with desirable ecological improvements. Proposals need to maintain as much of the existing native vegetation as possible (Figure 6). There is also a need to preserve all existing trees with hollows as they are very valuable habitat for a variety of wildlife species (Figure 5). Retention of some quantity

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of woody debris with site works should also be a significant consideration as many animals require such resources to complete their life cycle.

2.4 Site Photos



Figure 7: Planted native vegetation.



Figure 8: Exotic grassland and monoculture of alepo pines



Figure 9: Ongoing conservation and management of small purple-pea populations



Figure 10: Closed canopy and lack of ground level vegetation.



Figure 11: District views from the apex of Flirtation Hill.



Figure 12: War memorial

3. Masterplan

3.1 Vision

The vision for the Flirtation Hill Mudgee reserve is suggested to be:

‘To create a valued community asset and safe recreation space for all community members to enjoy’.

3.2 Objectives

There are a number of key objectives Council wishes to achieve as a result of the master plan.

Objective	Comments and Implications for Masterplan
Improve the view of the park from within the reserve	<p>Flirtation Hill provides for an elevated view of the town, the Cudgegong Valley, and the ranges. These views are spectacular and change with seasons and time of day. On a clear night the stars and Milky Way are spectacular and lights of town provide an enchanting site.</p> <p>The pines in the plantation have reached a height that impacts the view in several directions. It is proposed to construct a viewing platform at the crest of Flirtation Hill. This will undoubtedly enhance viewing opportunities.</p> <p>Immediate improvement would result from the staged removal of the plantation pines. This action would provide for the first stage of a revegetation process where the pines can be replaced with local and other native species that will directly target and improve the biodiversity on the site.</p> <p>It is recommended that species and mature heights be matched to the topography in order to maintain visibility from the platform. Vegetation colour, texture and flowering will in future add to the experience over time.</p>
Reduce antisocial behaviour, improve the amenity and utilization of the reserve	<p>The reserve presents a unique opportunity to establish a vibrant, targeted recreation area close to Mudgee town centre. Mudgee has become a key tourist destination in NSW and demands on available recreation resources are constantly escalating. Progressive removal of the pines and treatment of environmental and other weeds followed by themed planting and regeneration of local native species will ensure that the reserve becomes increasingly attractive to locals and tourists.</p> <p>The reserve in its current state is deemed to be thoroughly underutilized and current uses and users are in fact a deterrent to visitation and use by the broader community. This is exemplified by the attendance of police to rowdy gatherings, vehicle burnouts and alcohol fuelled anti-social behaviour, particularly at night. Recent</p>

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	<p>arrests of the occupants of vehicles exiting Flirtation Hill, for drug possession, trafficking and even firearm offences further exemplify the need for proactive action to expand the social context of the reserve as a whole.</p> <p>It goes without saying that families, groups and individuals, be they local or visitors, are alienated by what has historically been viewed as tolerated behaviour. A decline in standards emanates from past cultural acceptance, historical beliefs and practices and community apathy resulting from previous inaction or investment. An organic factor affecting the culture of current usage is that the reserve was once rural land bordering the town and was where unmitigated behaviour and activities were seen as part of a cultural rite of passage. Contrastingly, the site is now close to being the geographical centre of a growing regional service and tourist locality where modern expected norms directly conflict with the past.</p> <p>This Master Plan will dramatically improve the amenity and utilization of reserve by:</p> <ul style="list-style-type: none"> ■ Developing precincts for varied and non-conflicting activities ■ Securing boundaries and access ■ Providing supporting infrastructure such as amenities buildings and safe parking ■ Declaring the entire reserve to be an alcohol-free zone ■ Developing a community culture that broadens and strengthens the fabric of community ownership and pride
<p>Resolve vehicle movement and parking issues in the reserve and adjacent showground</p>	<p>Access to the Showground and the necessary parking requirements to support major functions in the precinct has been a long-standing issue. The current ad hoc and disorganised parking arrangements present a significant public safety risk.</p> <p>This Master Plan proposes to set aside land on the eastern side of the reserve to address this issue. Primarily, the proposal provides for safe access an egress to a managed surface that is buffered and delineated from the reserve and Douro Street. Design and siting of the carpark will focus on limiting and addressing its visual impact. It will be critical that the context of open space is not compromised by masses of permanent, inert hard surfaces.</p> <p>Additional outcomes derived from this proposal will be the provision of safe access and parking for the use of the reserve precincts providing for children's play, physical exercise and passive walking tracks.</p> <p>Environmental issues of progressive erosion, sediment control and runoff water quality will be addressed in a designed structured setting. Retention of the Eucalyptus sideroxylon will provide shade and a foundation for the transition to native species and resultant improvements in biodiversity.</p>

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<p>Protect and enhance the social, environmental and heritage values of the reserve</p>	<p>Flirtation Hill is a well-recognized location both physically and socially. The concepts of social and community ownership are evident although somewhat secular.</p> <p>There is a War Memorial located on the crown of the reserve. Whilst it appears that this is not dedicated land it does hold significance within the community. Any impact or potential relocation will require community consultation and to some extent approval.</p> <p>The site was planted with exotic pine species by the Lions Club many years ago. Investigations have revealed that this has turned out to be a misguided commercial venture and has no cultural or community attachment.</p> <p>Past photographs of the site indicate it was subject to major earthworks prior to the pines being planted. These works included major contour bank construction. This coupled with the works associated with the Town water reservoir severely limits the likelihood of the discovery of Aboriginal Cultural Heritage material. Nevertheless, it is recommended that an Aboriginal Heritage Impact Permit (AHIP) be sought prior to any works being commenced. This process will require consultation with interested Indigenous representatives and groups.</p> <p>The site holds significant environmental value due to the existence of a notable population of the plant <i>Swainsona erecta</i>. This species is listed as threatened and any works must account for the sustainability of this population.</p> <p>It is noted that the pines provide a food source for a flock of some 30+ yellow tailed black cockatoos. This species is not listed as threatened on a state or commonwealth level. However local populations are coming under increasing pressure from land clearing and environmental degradation. The birds are somewhat migratory and it is clear that this site is relied upon as a food source when young are fledged. The population was notably evident for longer periods during the recent drought.</p> <p>Any transition to species replacement must include significant numbers of natural food sources for the cockatoo such as casuarina species. In addition, transition must be over time and provide for maturity of the food resource. These cockatoos are a recognized component of Mudgee urban biodiversity resources.</p> <p>In broader terms the pine monoculture generally provides for an inert and extremely limited range bird animal and vegetation diversity. There is a notable population of weed species emanating from urban gardens. Privet, cotoneaster, African boxthorn and wild rose are notable throughout the site.</p>
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Consult with those that have an interest in the reserve so that community needs and views can be determined and accommodated where possible

Council has for some time been cognizant of the antisocial and other inappropriate behaviour on Flirtation Hill. It has responded to local resident complaints and consulted individually with concerned residents. Council has invested and installed barriers, speed bumps and signage and has increased its active maintenance over the past year.

In response to increased community concern and representations from elected Councillors, Council resolved to develop this Master Plan with the view to establishing a long-term commitment to the upgrading of the site. As a component of the planning process Council advertised and initiated a community consultation process to engage with all interested parties and seek input and take direction in developing the future plans for Flirtation Hill.

Council received a positive response from the community to its open invitation to participate. A working group has been established consisting of a cross section of local residents, Councillors and others with an interest. The group held 3 meetings and has provided valuable and positive input to the planning process.

3.3 Concept Plan

FLIRTATION HILL - MUDGEE DRAFT MASTERPLAN

VISION

To create a valued community asset and safe recreation space for all community members to enjoy.

OBJECTIVES

- To enhance the viewing vista at the peak of the reserve
- Reduce anti-social behaviour, improve the amenity and utilisation of the reserve as an access for all facility
- Resolve any vehicular access and parking issues within the reserve and adjacent showground
- To protect and enhance the social, environmental and heritage value of the reserve
- To consult with those that have an interest with the reserve so that community needs and views can be determined and accommodated where possible

KEY

- 'THE PINES' PUBLIC RESERVE
- EXISTING PATHWAYS



VERSION 2 DATE: 21/04/2021

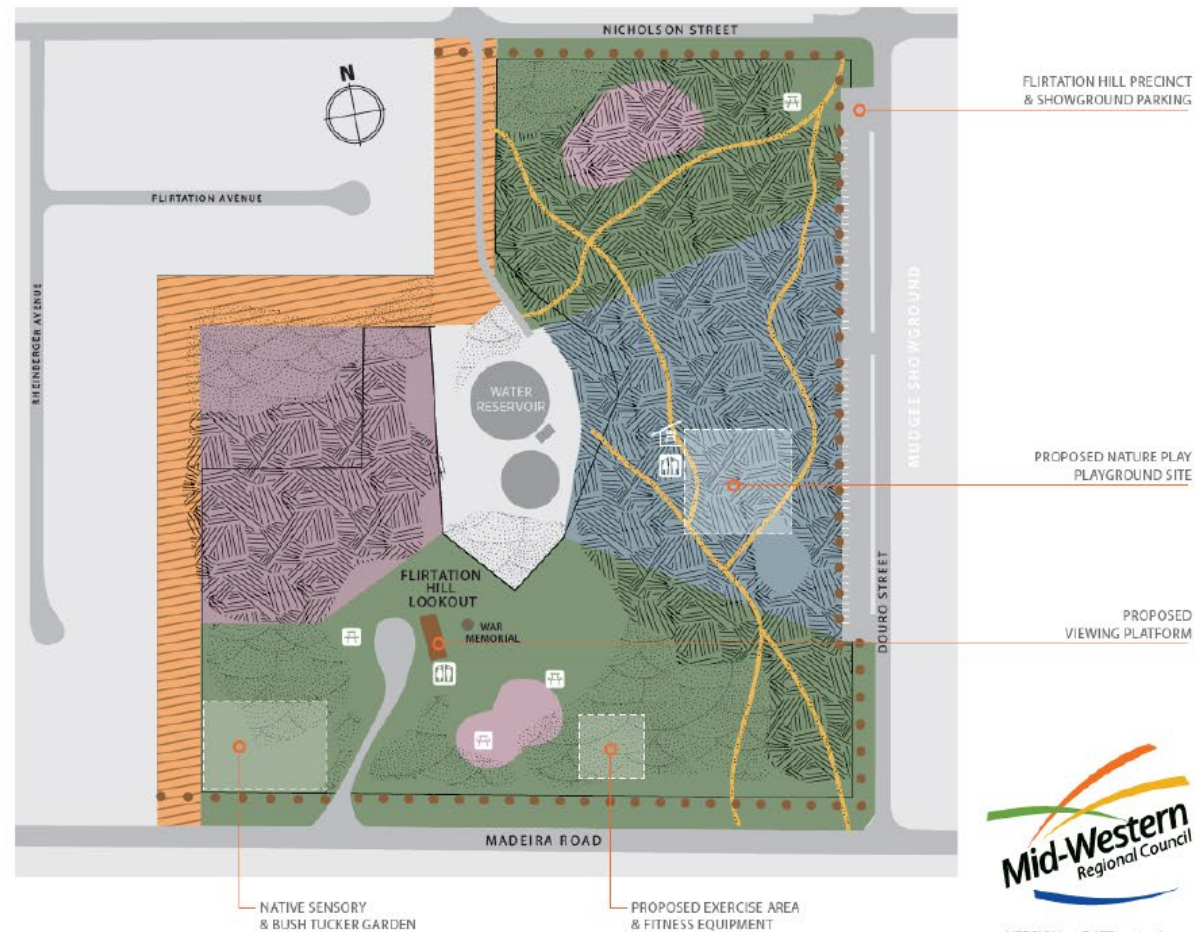
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FLIRTATION HILL - MUDGEE DRAFT MASTERPLAN

KEY FEATURES

- Enhanced viewing area & memorial garden
- New nature play space and nature trail
- Passive Park zones including BBQ facilities
- Dedicated exercise areas
- Improved pathways for walking and running
- Designated Conservation Zones
- Amenities
- Bollards for user and environmental protection
- Dedicated parking for both The Flirtation Hill precinct and Mudgee showground.

- PASSIVE ZONE
- NATURE PLAY ZONE
- CONSERVATION ZONE
- FIRE BREAK
- EXISTING NATIVE VEGETATION
- ESTABLISHED PINES
- EXISTING PATHWAYS
- PROPOSED BOLLARDS
- LOT BOUNDARY

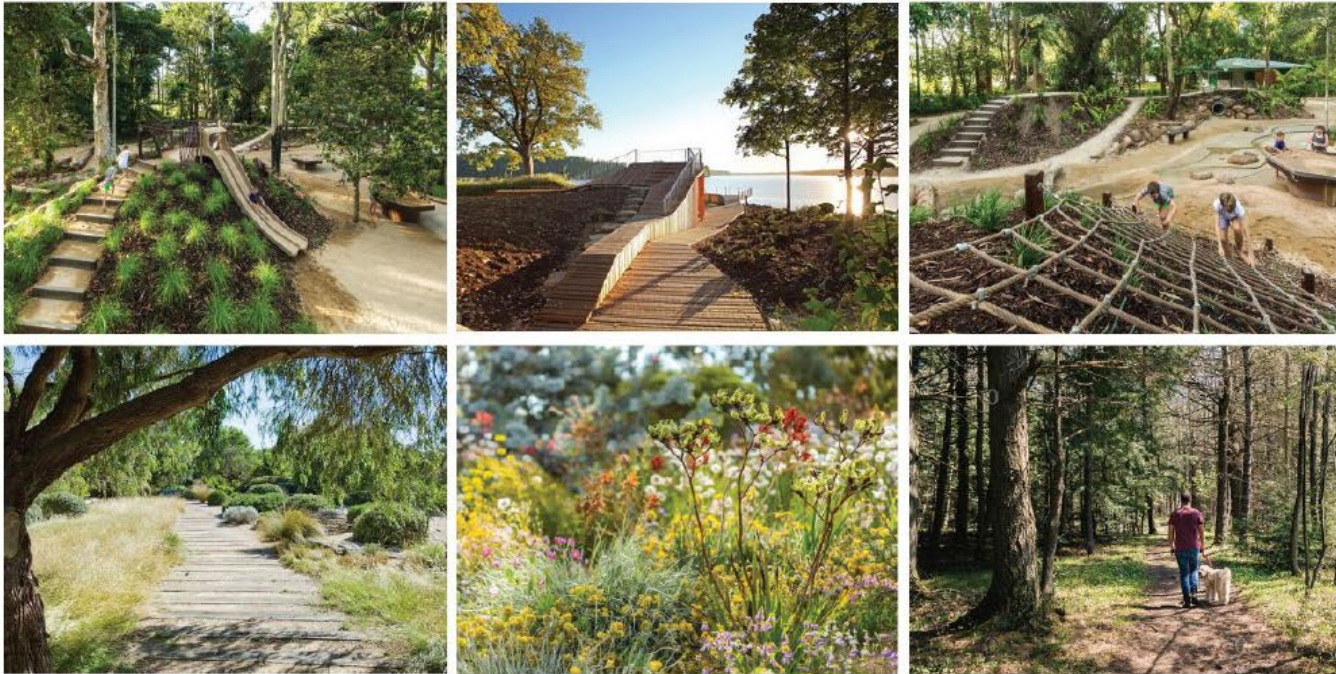


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FLIRTATION HILL - MUDGEE

DRAFT MASTERPLAN

CONCEPT EXAMPLES



CONSERVE EDUCATE SOCIALISE EXERCISE CLIMB BUILD PLAY GET DIRTY



VERSION 2 DATE: 21/04/2021

3.4 Masterplan Notes

Design Intent

Key aspects of the design process include:

- Multi-functional and flexible space, allowing the space to evolve and adapt to meet the changing needs and aspirations of the community
- Promote health and wellbeing and a safe public open space
- Promote design for open space that connect people with the natural environment in all development types and locations
- Perform varying functions beyond simply the recreation area, including integrating stormwater detention during peak storm periods

Potential Biodiversity

To have informed design and planning, biodiversity goals and constraints should be incorporated early in the design process as they will influence both the overall concept and the necessary pathway to achieve the adopted proposal. The proportion of the site that would be dedicated to conservation or biological values will eventually result from community consultation and allocation of land area to satisfy demands of conflicting activities. Many conservation zones will be able to be utilised for passive recreation, walking, bird-watching, sensory exposure and for education purposes. The benefit of conservation zones will be improved environmental outcomes, increased abundance of birds and animals and beautification, augmenting a valuable community asset while encouraging visitors and locals alike to visit Flirtation Hill more frequently.

Potential biodiversity goals may include:

- Creation of conservation zones
- Small purple-pea protection
- Improving habitat
- Incorporating wetlands
- Transition in stages

Potential Biodiversity Goal	Comments and Implications for Masterplan
Creation of conservation zones	<p>Conservation zones will assist in maintenance of the small purple-pea population. They would be areas where native vegetation predominates and where there is little ongoing disturbance. All existing native vegetation should be conserved in this semi urban landscape as its maturity makes it relatively more valuable than regenerating areas, with newly planted vegetation. Passive, non-destructive, recreational activities could be undertaken in these areas.</p> <p>Some areas could also be set aside to potentially keep pines, especially where the existing small purple-pea plants are established (an area that should not be disturbed). There could be an avenue of pines or perimeter walking track with pines bordering it. This would maintain links to the history and heritage of the site and would justify still calling it 'The Pines'.</p> <p>The process of creating new conservation areas should use selective felling of pine trees and small equipment rather than large earthmoving equipment, to limit damage to soil structure and existing vegetation.</p>

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	<p>This will also allow greater discrimination as to which pines are removed with the capacity to reserve some pines, while other native trees and understorey plants are establishing. Gradual pine removal will help to smooth transition stresses for animals that have grown accustomed to using existing site resources, to satisfy their needs.</p>
<p>Sustain and bolster small purple-pea population</p>	<p>To protect the small purple-pea plants, areas where they exist should be fenced off from vehicular traffic. There should be no ground disturbance and no removal of pines in the vicinity of the small purple-pea plants.</p> <p>Mowing and grounds maintenance activities should only be undertaken when the plants are not actively growing, flowering or fruiting (March to June). Careful weed management should be undertaken, to reduce competition from exotic perennial grasses and other priority weeds.</p> <p>Consultation with a botanical organisation and or the NSW Saving Our Species (SOS) program may be able to assist with research or activities to protect and preserve the small purple-pea plants. Botanical specialists may be able to harvest seeds, keep some in long term cold storage and also develop propagation programs. Permanent monitoring plots should be established and checked at least every five years to track the condition of the population.</p>
<p>Improve habitat for other potentially threatened species</p>	<p>Replacing a large number of the exotic Aleppo pines with native vegetation will make habitat more suitable for use by native fauna. The site has been identified as potentially suitable for four threatened plants:</p> <ul style="list-style-type: none"> ■ Ausfeld's wattle (<i>Acacia ausfeldii</i>), ■ Small purple-pea (<i>Swainsona recta</i>), ■ Silky Swainson-pea (<i>Swainsona sericea</i>) and ■ Hoary sunray (<i>Leucochrysum albicans</i> var <i>tricolor</i>). <p>and eight threatened animals:</p> <ul style="list-style-type: none"> ■ Regent honeyeater (<i>Anthochaera phrygia</i>), ■ Dusky woodswallow (<i>Artamus cyanopterus cyanopterus</i>), ■ Spotted harrier (<i>Circus assimilis</i>), ■ Little lorikeet (<i>Glossopsitta pusilla</i>), ■ Painted honeyeater (<i>Grantiella picta</i>), ■ Barking owl (<i>Ninox connivens</i>), ■ Powerful owl (<i>Ninox strenua</i>) and ■ Koala (<i>Phascolarctos cinereus</i>). <p>Flora surveys have revealed a population of small purple-pea (<i>Swainsona recta</i>) plants but no Ausfeld's wattle (<i>Acacia ausfeldii</i>) and no sighting, to date, of Silky Swainson-pea (<i>Swainsona sericea</i>) and Hoary Sunray (<i>Leucochrysum albicans</i> var <i>tricolor</i>).</p> <p>To increase the potential for threatened fauna species to utilise the site, habitat objectives should be designed to suit the Regent honeyeater. The Regent honeyeater is a critically endangered species, both under NSW (BC Act) and Commonwealth (EPBC Act) legislation, with an extremely high risk of extinction in the wild. It is a</p>

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	<p>flagship species and efforts to regenerate habitat for it will also result in better habitat provision for numerous other threatened and declining woodland fauna. Numerous sightings have been recorded around the Mudgee, Cooyal/Munghorn Gap area, with a key breeding area in the Capertee Valley.</p> <p>The Regent honeyeater is a generalist forager, feeding mainly on eucalypts that produce abundant volumes of nectar. Key eucalypt species include mugga ironbark, yellow box and white box. Flowering of associated species like stringybark and broad-leaved ironbark can also contribute to important nectar sources, as do mistletoes (<i>Amyema miquelii</i>, <i>A. pendula</i> and <i>A. cambagei</i>) which are also utilised.</p> <p>Planning for regeneration of areas at Flirtation Hill should focus on plant species that will support feeding and foraging behaviours of the Regent honeyeater. The appropriate species suitable to enhance habitat features are those that would come from box-ironbark woodlands or grassy white box – yellow box woodlands:</p> <table> <tr> <th>Common name</th><th>Scientific name</th></tr> <tr> <td>Mugga ironbark</td><td><i>E. sideroxylon</i></td></tr> <tr> <td>Red ironbark</td><td><i>E. tricarpa</i></td></tr> <tr> <td>Inland grey box</td><td><i>E. microcarpa</i></td></tr> <tr> <td>White box</td><td><i>E. albens</i></td></tr> <tr> <td>Yellow gum</td><td><i>E. leucoxylon</i></td></tr> <tr> <td>Yellow box</td><td><i>E. melliodora</i></td></tr> <tr> <td>Blakely's red gum</td><td><i>E. blakelyi</i></td></tr> <tr> <td>Box mistletoe</td><td><i>Amyema miquelii</i></td></tr> </table> <p>As it currently uses the site, the needs of yellow-tailed black cockatoos should also be considered in tree species selection for regeneration / conservation areas. They feed on seeds of native trees like she-oaks (<i>Allocasuarina</i> and <i>Casuarina</i> spp.), Acacias, Banksia and Hakea species. They have also become accustomed to introduced pine species, including the Aleppo pine, which is why retention of some of the pine trees and staged replacement with the native species is recommended.</p>	Common name	Scientific name	Mugga ironbark	<i>E. sideroxylon</i>	Red ironbark	<i>E. tricarpa</i>	Inland grey box	<i>E. microcarpa</i>	White box	<i>E. albens</i>	Yellow gum	<i>E. leucoxylon</i>	Yellow box	<i>E. melliodora</i>	Blakely's red gum	<i>E. blakelyi</i>	Box mistletoe	<i>Amyema miquelii</i>
Common name	Scientific name																		
Mugga ironbark	<i>E. sideroxylon</i>																		
Red ironbark	<i>E. tricarpa</i>																		
Inland grey box	<i>E. microcarpa</i>																		
White box	<i>E. albens</i>																		
Yellow gum	<i>E. leucoxylon</i>																		
Yellow box	<i>E. melliodora</i>																		
Blakely's red gum	<i>E. blakelyi</i>																		
Box mistletoe	<i>Amyema miquelii</i>																		
Stepped and staged wetlands/reservoirs	<p>The establishment of swales and small reservoirs could both moderate and improve the quality of stormwater moving across and potentially leaving the site. Small reservoirs of water could also enhance the habitat value of the site.</p> <p>Topography and slope dictate the movement of water on land. The steeper the terrain, the faster draining it will be, and the more difficult it will be for water to infiltrate into the ground. Drainage can be</p>																		

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	<p>provided on the top and bottom of slopes, and can be supplemented with terraces, to slow the path of water.</p> <p>Careful planning and implementation would be required to ensure the existing hydrology of the site is not drastically altered or established native trees may have diminished access to water and suffer premature disease and death. Other potential hazards include damage from erosive forces if check structures and ponds are poorly positioned or implemented. Swales are only suitable on moderate slopes not steep slopes like the main drainage line, draining to the north from the Flirtation Hill apex (Figure 9), which has a slope in excess of 10°.</p>
Staged transition	<p>Changing site use and remodelling large tracts of land and vegetation should take place over time, allowing gradual replacement of exotic pines with desirable native vegetation.</p> <p>It is essential to maintain some of the existing biodiversity value, while transitioning to improved native species, so that animals that have come to rely on current ecological resources are not left unsupported. This means removal of pines should take place in discrete parcels allowing establishment of replacement native tree species before any further removal of pines continues, at a later stage.</p>

Nature Play- playground

Nature Play playgrounds encourages children to interact with nature, to explore and learn about their surroundings.

Manly families do not have easy access to naturally unstructured play activities within their communities- such as rocks, logs and tunnels. A nature playground would provide children with the opportunity to engage in unstructured play activities in an outdoor setting that comprises of natural features, as opposed to convectional manufactured play equipment. It would also provide a point of difference as a destination playground for the Mid-West area.

In recent times there has been an increase in research into the benefits of nature play space. Potential benefits to the community that a nature play space would bring include:

- Encourages unstructured outdoor play, building resilience and creativity through 'risky' play
- Promotes health benefits, including cognitive, social and emotional development
- Improving children's physical developmental skills leading to improved self-confidence
- Focuses on enjoying the outdoors and exploring the simple wonders of the surroundings
- Leads to children having environmental awareness

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Figure 13 : Example of Nature Play space- Centenary Lakes nature play

Reserve and Showground Car Parking

Flirtation hill reserve and the adjacent showground have little designated or formal vehicle parking spaces. In most instance during minor events the showground is able to accommodate designated carparks within the precinct however for major events (such as the Mudgee show) there are insufficient carparks for patrons. The Flirtation hill precinct is therefore often utilised for informal ad-hoc parking.

The Mudgee Showground master plan highlights the need for additional formal car parking arrangements to which would compliment the need for formal carparks with increased infrastructure at the Flirtation hill precinct.



Figure 14 : Mudgee showground master plan (2009).

4. Implementation Plan

4.1 Staging

The option exist to stage the implementation of the master plan. This will be considered further in an implementation/management plan which will be prepared following community consultation and masterplan adoption. Indicative options are presented in the preliminary cost estimates (as at 2021).

4.2 Preliminary Cost Estimates (2021)

Stage One

Element	Estimate (\$)
Viewing Platform	100,000
Carpark	150,000
Security Infrastructure	100,000
Exotic tree removal and replacement (staged process)	100,000
Drainage Upgrades	70,000
Sensory and Indigenous Food Garden	80,000
Water Supply- potable and raw	50,000

Stage Two

Element	Estimate (\$)
Amenities (per unit)	120,000
Exotic tree removal and replacement (staged process)	100,000
Nature Play Playground	500,000
Park Furniture and BBQ (up to 2)	75,000
Fitness Equipment	20,000
Retention Basin- wetland	50,000
Signage	10,000

4.3 Financing the Masterplan

In Councils 2020/21 Operation Plan funding was committed for minor upgrades to the pathway network, tree removal/lifting and site security infrastructure that included bollards and regulatory signage improvements. These works are to be recognised as the initial steps towards achieving the desired outcomes of this masterplan.

Moving forward Council is to consider allocating funding to the masterplan as part of Councils long-term strategic outlook for community projects and capital works. This includes considering the recommendations detailed in this reports when prioritising Councils overall strategic objectives and future opportunities for public recreation and open space assets.

Given the constraints around funding towards the masterplan, it is proposed that (as funds allow) the project be undertaken in two stages. High priority developments to include:

- Installation of a viewing platform at the apex of the precinct
- Security improvement to the site such as perimeter bollards and gates
- Securing water supply to the precinct
- Commencement of stage exotic tree removal and replacement
- Reviewed site drainage plan and subsequent upgrades

4.4 Scope of Components

#	Item	Action/ Comments
1	Viewing platform	<ul style="list-style-type: none"> Lookout to be placed in position that maximises view to Mudgee CBD and the surrounding Cudgegong ranges Built elements to be durable and where possible provide maintenance free service
2	Car parking	<ul style="list-style-type: none"> Onsite parking to be made available to along eastern side of the precinct <ul style="list-style-type: none"> It is envisaged that a one-way circulation road be permitted, allowing for existing native vegetation to remain Accessibility carpark sections to be incorporated Appropriate pedestrian crossing to showground to be included in works Provision for a smaller carpark out the front of the proposed sensory garden section is also to be considered Carparks to be sealed material
3	Site security- Site entry and perimeter Fencing/bollards	<ul style="list-style-type: none"> Entire perimeter of the precinct is to have bollards installed to prevent unauthorised access into the site. The bollards are to be of timber material to fit into the natural landscape theme Highlighted vehicle entry points are at the reservoir access road at the corner of Douro and Madeira street. Entry points are to be gated (including Nicholson St, service access to sensory garden) Install street and access lightning to carparks and amenities buildings
4	Amenities Building	<ul style="list-style-type: none"> Preference for two amenities building (consisting of one unisex toilet) be available within the precinct, this is to assist with precinct usage and length of stay at the park <ul style="list-style-type: none"> One being around the lookout and picnic areas at the apex The other around the proposed nature play playground and carpark (priority building)
5	Key Landscape Areas- Sensory Aboriginal Food War Memorial	<ul style="list-style-type: none"> Sensory for Alzheimer's and other dementia/memory issues- at least two raised garden bed sections (with low height). To consist of low maintenance and drought resistant sensory plantings. Plantings to also engage and stimulate the five senses and prompt memories with plants to touch, smell and look at Advise to be sought from local Indigenous members to design, layout and plantings for Aboriginal food area Raised beds are to be easily accessible by people in wheelchairs and who uses walkers Low maintenance and drought resistance plantings to be positioned around the war memorial to assist with making the memorial a prominent feature

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6	Water Supply	<ul style="list-style-type: none"> ■ Investigate water supply to the reserve, including raw water from nearby showground precinct ■ Potable water sources required for amenities and drinking water stations ■ Raw water to be utilised from landscaped areas
7	Path network	<ul style="list-style-type: none"> ■ Aim for all paths to be accessible and of gravel material to fit in with surrounding landscape ■ Path network to follow existing informal tracks- allowing for gentle exercise and potentially seating for longer path sections ■ Stairs and/or handrails to be considered to allow connecting proposed Douro St carpark and the apex of the hill
8	Conservation zones and improved habitat	<ul style="list-style-type: none"> ■ Designated conservation zones to be created throughout the precinct that protect existing populations of the small purple-pea population ■ Other identified areas to consist of predominately native vegetation with small pockets of existing pine populations to maintain some existing biodiversity ■ Establish planned native plant resources that support biodiversity and become acknowledged local and tourism asset ■ New conservation zones to consist of select felling of pine trees over stage process with new desirable native species selection (as highlighted in this masterplan) ■ Stage transition action plan to be developed and executed
9	Site Drainage Retention Basins- stepped and staged wetlands	<ul style="list-style-type: none"> ■ Develop precinct drainage plan to ensure existing hydrology on site is not drastically altered and appropriate erosion controls are in place ■ Establish swales and small reservoirs to improve quality of stormwater moving across site
10	Nature Play playground	<ul style="list-style-type: none"> ■ Construction of a nature play playground that promotes children to interact with nature, to explore and learn about their surrounding ■ Unstructured play activities to include feature such as rocks, logs and tunnel ■ Natural features to be utilised as opposed to convectional manufactured play equipment ■ Location of playground as highlighted on concept map
11	Picnic and BBQ facilities- Seating and tables	<ul style="list-style-type: none"> ■ Highlighted essential amenities- 2 x drinking stations, 6 x combination of sheltered and open seating that consist of a min. of 2 places for wheelchairs ■ Seating to encourage and facilitate social gatherings (where possible) ■ Provisions for up to two BBQ's are proposed to compliment playground/ passive park areas
12	Signage	<ul style="list-style-type: none"> ■ Main entrance signs at the apex, cnr Douro and Nicholson and cnr Douro and Madeira

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		<ul style="list-style-type: none"> ■ Create interpretation resources and other signage that support and informs reserve users <ul style="list-style-type: none"> ○ Look to consider naming of the precinct, where possible incorporate Indigenous language ○ Consider appropriate wayfinding signage throughout infrastructure developments ○ Consider information and plant signage within reserve ■ Ensure that signage is suitable height and in large font to cater for any vision impaired ■ Promote alcohol free zone through appropriate signage locations
13	Shade	<ul style="list-style-type: none"> ■ It is important that seating and tables for sun-smart weather protection and age friendly are provided throughout designated sections of the park. Most notably the lookout area and highlighted passive park zone (provide up to 6 table shelters) ■ Mix of natural shade (importance of mature tree planting) and build shelters for instant shade protection
14	Lighting	<ul style="list-style-type: none"> ■ Lighting to be considered around major infrastructure, including amenities building, carparks and platform access ■ Solar lighting to be utilised where possible
15	Weed Removal	<ul style="list-style-type: none"> ■ Establish and commence an on-going exotic weed management program for the site
16	Waste	<ul style="list-style-type: none"> ■ Cater for bins to be installed at various focal locations through precinct ■ Bins type to ensure that excludes access by birds and other scavenging animals
17	War memorial	<ul style="list-style-type: none"> ■ Review location of war memorial in relation to planned developments to ensure that memorial remains within a prominent position at the apex
18	Exercise Equipment	<ul style="list-style-type: none"> ■ Assortment of relevant exercise equipment to be installed as highlighted on concept map (min. of 4 units)

Item 12: Reports from Committees

12.1 Local Traffic Committee Meeting Minutes - February 2022

REPORT BY THE EXECUTIVE ASSISTANT, OPERATIONS
TO 16 MARCH 2022 ORDINARY MEETING
GOV400088, A0100009, GOV400098

RECOMMENDATION

That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - February 2022.

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday 18 February 2022.

Three event reports were considered:

- Mudgee ANZAC Day parade and march
- Gulgong ANZAC Day parade
- Mudgee Classic Cycling Event

Two traffic reports were considered:

- Pedestrian Refuge and Kerb Extension Improvements on Perry Street and Denison Street intersection.
- Request for speed signs to be installed on Broadhead Road Mudgee.

One General Business item included:

- Parking issues in front of Preschool on Church Street

One Correspondence item included:

- Request for "No Parking" signs at the intersection of Dunphy Crescent and Oporto Road.

Full discussion notes are included in the attached report.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

MICHELLE NEILSEN
EXECUTIVE ASSISTANT, OPERATIONS

JULIAN GEDDES
DIRECTOR OPERATIONS

25 February 2022

Attachments: 1. Minutes - Local Traffic Committee February 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 18 February 2022

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 18 February 2022.

Present	Julian Geddes (MWRC), Phil Blackman, Cr Alex Karavas, Wayde Hazelton (TfNSW), Mark Fehon (NSW Police), Simon Fogarty (NSW Police) Samantha Cecchini (MWRC), Andrew Cope (TfNSW).
Apologies	Garry McGovern (NSW Police)
Secretary	Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION CARRIED: Transport for NSW Wayde Hazelton / Julian Geddes

The motion was carried with Councillors voting unanimously.

Recommendation

That the Minutes of the previous Local Traffic Committee held on 17 December 2021 be taken as read and confirmed.

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MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	19/11/2021 Scope of works has been completed. Report forms part of this agenda.
Request for 'No Stopping' sign	August 2018	Request a review of the traffic management and parking within the Gulgong CBD. Investigate alternate pedestrian	The last Gulgong Traffic Study was completed in 2007. A new traffic study will need to be completed.
Request to review traffic flow of Gulgong CBD	November 2018 February 2019 August 2019		19/11/21 Delegated to: MWRC – Ray Kearns to establish a budget and costings to do another study. Community consultation will need to take place.
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	19/11/2021 - Finalising the signage placement and scheduling the work that needs to be completed. It is a speed zone change so therefore there are statutory regulations associated with this. Still a few things that need to do be done to make these speed changes legal. This will take a couple. 100% funded by Transport for NSW. Aiming for a January 2022 installation.
Denison Street and Church Street Intersection	August 2020		Put down traffic counters at the intersection of Denison and Church Street to measure traffic numbers Report needed.
Henry Lawson Drive and Ulan Rd			TO BE CONTINUED ACTION: MWRC – Ray to provide report for March 2022 meeting.
Menah Ave Mudgee	17 December 2021	LTC 21/051	Council to investigate the traffic flow of Menah Ave and to investigate the rise of the road.

PAST EVENT DEBRIEF

EVENT	

CALENDAR OF EVENTS

2021		
JULY	DATE	COMMENTS
Small Farm Field Days	2 nd – 4 th July 2021	Cancelled until 2022
AUGUST	DATE	COMMENTS
Outback Classic	August 2021	
Mudgee Running Festival	22 August 2021	Cancelled till 2022
SEPTEMBER	DATE	COMMENTS
Flavours Of Mudgee	18 September 2021	Cancelled
Mudgee High School Rainbow Day	16 September 2021	Cancelled
OCTOBER	DATE	COMMENTS
Mudgee Triathlon Season	24 October 2021	
Sunset Sounds	30 October 2021	POSTPONED TIL MARCH 2022
NOVEMBER	DATE	COMMENTS
Mudgee 200	22 November 2021	On hold
Small Farm Field Days	5-6 th November 2021	CANCELLED.
DECEMBER	DATE	COMMENTS
2022		
JANUARY	DATE	COMMENTS
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	26 February 2022	
MARCH	DATE	COMMENTS
Outback Classic Trial	31 March 2022	
Sunset Sounds	26 March 2022	
APRIL	DATE	COMMENTS
NRL		
MAY	DATE	COMMENTS
Mudgee Classic Cycle Event	1 May 2022	Report forms part of February's agenda
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
Small Farm Field Days	7-9 July	
AUGUST	DATE	COMMENTS
SEPTEMBER	DATE	COMMENTS

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OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved

Green = Approved

22/002 PEDESTRIAN REFUGE AND KERB EXTENSION IMPROVEMENTS ON PERRY STREET AND DENISON STREET INTERSECTION

RECOMMENDATION

That Council approve in principal the design of the pedestrian refuge and kerb extension at the intersection of Perry street and Denison Street.

MOTION CARRIED: NSW Police Mark Fehon / Alex Karavas

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

Committee Comments

With it being an general access road what is the truck width

Concerns with the driveway of the High School agriculture block. (Deniston Street)

22/003 ANNUAL ANZAC DAY PARADE AND MARCH

RECOMMENDATION

That Council

- 1. Approve the event Mudgee ANZAC Day Parade and March, held 25 April 2022 and classify as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.5” with the following conditions:**
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in**

- accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event.
- b. A Traffic Guidance Scheme/s (TGS) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
 - c. Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
 - d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
 - e. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Transport for NSW and NSW Police are indemnified against any possible action as the result of the event;
 - f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - g. Reimbursing Council for the cost of any damage repairs;
 - h. Complying with any of Council's Law Enforcement Officers' directives;
 - i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
 - k. Advertise the proposed event in local newspapers and radio with relevant information at least two weeks prior to the date;
 - l. Maintain a four-metre wide emergency vehicle lane;
 - m. Notify NSW ambulance and NSW Fire Brigade of the event;
 - n. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
 - o. Traffic Guidance Scheme to be in accordance with Transport for NSW's Traffic Control at Worksites Manual

MOTION CARRIED: Transport for NSW Wayde Hazelton / Alex Karavas

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

22/004 GULGONG ANZAC DAY PARADE AND MARCH

RECOMMENDATION

That Council

1. Approve the event Gulgong ANZAC Day Parade and March, held 25 April 2022 and classify as a Class 2 event under the "Guide to Traffic and Transport Management for Special Events Version 3.5" with the following conditions:
 - a. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event.
 - b. A Traffic Guidance Scheme/s (TGS) certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;

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- c. Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
- d. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- e. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Transport for NSW and NSW Police are indemnified against any possible action as the result of the event;
- f. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- g. Reimbursing Council for the cost of any damage repairs;
- h. Complying with any of Council's Law Enforcement Officers' directives;
- i. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- j. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
- k. Advertise the proposed event in local newspapers and radio with relevant information at least two weeks prior to the date;
- l. Maintain a four-metre wide emergency vehicle lane;
- m. Notify NSW ambulance and NSW Fire Brigade of the event;
- n. The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
- o. Traffic Guidance Scheme to be in accordance with Transport for NSW's Traffic Control at Worksites Manual

MOTION CARRIED: Transport for NSW Wayde Hazelton / Alex Karavas

The motion was carried with Councillors voting unanimously.

MOTION:

That the above recommendation be accepted and approved.

22/005 REQUEST FOR SPEED SIGNS - BROADHEAD ROAD

RECOMMENDATION

That Council approve the installation of repeater 50km speed signs on Broadhead Road Spring Flat.

MOTION:

That the above recommendation be accepted and approved.

Committee Comments

Information to be provided to Transport for NSW for review.

22/006 MUDGEE CLASSIC

RECOMMENDATION

That Council

Approve the event – “Mudgee Classic 2022” held on Sunday 1 May 2022, classified as a Class 2 Event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’, with the following conditions:

- a) **Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;**
- b) **A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;**
- c) **Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;**
- d) **Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;**
- e) **Reimbursing Council for the cost of damage repairs;**
- f) **Complying with any of Council’s Law Enforcement Officers reasonable directives;**
- g) **Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;**
- h) **A Traffic Guidance Scheme (TGS) certified by a person with a ‘Select & Modify ‘or a ‘Design and Audit’ Certificate be included in the TMP;**
- i) **Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;**
- j) **Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;**
- k) **The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;**
- l) **Provide alternative access for motorists or pedestrians with legitimate business within the closed section of roadway;**
- m) **Maintain a four-metre wide emergency vehicle lane;**
- n) **Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;**
- o) **The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review; and Transport for NSW consent required for use of the State and Regional road network.**
- p) **Roads and Maritime Services consent required for use of the State and Regional road network.**
- q) **Variable message boards to be in place on the routes at least one week prior to event commencement at major points of the routes with locations and wording of variable message boards provided to Council;**

MOTION CARRIED: Transport for NSW Wayne Hazelton / NSW Police Representative

The motion was carried with Councillors voting unanimously.

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MOTION:

That the above recommendation be accepted and approved.

Committee Comments

- **Ulan Road is going to be the big impactor for residents.**
- **Organiser would like to see if they can utilise another club house and road other than the Soccer fields and club house.**
- **Concerns – Only concern for the Police is the Ulan Road.**
- **Contact Holly to confirm if they will be speaking to the Gulgong Chamber of Commerce.**

22/007 GENERAL BUSINESS

PARKING FRONT OF PRESCHOOL ON CHURCH STREET

Committee Comments

- The parking was changed to parallel parking due to the installation of the roundabout otherwise the roundabout would not comply with regulations.
- Mid-Western Regional Council will discussion future improvements with the preschool.

MOTION: Mayor Julian Geddes / Samantha Cecchini (MWRC)
Action Item to discuss further parking issues with preschool.

22/008 CORRESPONDENCE

DUNPHY CRESCENT AND OPORTO ROAD MUDGEES – REQUEST FOR ‘NO PARKING’ SIGNS.

When exiting Dunphy Cres onto Oporto Road there are cars parked too close to the corner and also parking on the footpath. So children have to walk on the road to walk to school and we can't see to get out of our street, we have to pull out half way across the road to see. There has already been a head on collision by someone turning in to Dunphy Cres. My suggestion is for Council to place signage to stop cars parking close to the corner and on the foot path.

I am also concerned about a caravan parked on the left hand side exiting Dunphy Cres. It's too close to the corner and we have to drive on the other side of the road to get around it which is dangerous when people are turning into Dunphy Cres. My suggestion is signage to stop people from parking there.

I have spoken to Des Kennedy about this who agrees with me and advised me to email Council.

Can you please inspect this area and contact me to advise of the outcome.

Committee Comments

Wayde Hazelton (TfNSW) suggested line marking and edge lines on Oporto Road. May need to look at line marking the length of Oporto Road. There is an IGA being developed on Oporto Road which may suggest increased traffic and on street parking.

MOTION: MWRC Samantha Cecchini (MWRC) / Julian Geddes

Action Item to investigate line marking and edge lining on Oporto Road. Traffic counts to be conducted.

CLOSURE

There being no further business the meeting concluded at 10.43am.

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

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WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D

GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
- (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
2. (1B) Subsection (1A) does not apply to:
- (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
- (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 Westview Drive In Expression Of Interest

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business in accordance with Section 10A(2)(c) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of Westview Drive In's business operations and financial position.

14.2 Tourism Services and Regional Marketing Service Contract

The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of the Delivery of Tourism Services.

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.