



PUBLIC COPY

Business Papers 2022

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 20 JULY 2022

*A prosperous and progressive
community we proudly call home*





PO BOX 156
MUDGEES NSW 2850

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

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13 July 2022

Dear Councillor,

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

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

AGENDA

Acknowledgement of Country	7
Item 1: Apologies.....	7
Item 2: Disclosure of Interest.....	7
Item 3: Confirmation of Minutes.....	7
3.1 Minutes of Ordinary Meeting held on 15 June 2022	7
Item 4: Matters in Progress	8
Item 5: Mayoral Minute	10
Nil	
Item 6: Notices of Motion or Rescission.....	11
6.1 Update on Bells Line of Road Expressway Project.....	11
6.2 Purchase of Additional Plant for Road Patching	12
6.3 Resheeting of Streets throughout Gulgong.....	13
Item 7: Office of the General Manager	14
7.1 2022 Christmas Shut Down.....	14
7.2 Code of Meeting Practice	16
Item 8: Development	19
8.1 Development Application DA0350/2022 for Subdivision of Land (1 into 2 lots) at 74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235	19
8.2 Planning Proposal 540 Buckaroo Road, Buckaroo, Lot 2 DP 1227923 - Post Exhibition	54
8.3 Land and Housing Supply Monitor 1 January 2022 - 30 June 2022.....	58
8.4 NSW Government EV Destination Charging Grant.....	62
8.5 NSW Planning Portal Integration.....	66
8.6 Service NSW for Business	69
8.7 Acceptance of Grant Funding - NSW Government (Reconnecting Regional NSW – Community Events Program)	71

8.8	Monthly Development Applications Processing and Determined	74
Item 9:	Finance	86
9.1	Naming of an unnamed lane off Dabee Street, Rylstone	86
9.2	Monthly Statement of Investments as at 30 June 2022	95
9.3	Monthly Budget Review - July 2022 Budget Variations	102
9.4	New and Amended Fees and Charges 2022/23	110
9.5	MWRC Solar Array - Update and Request for Exemption from Tender	113
9.6	Community Grants Program - July 2022	118
Item 10:	Operations	123
	Nil	
Item 11:	Community	124
11.1	Architectural Services for Mudgee Administration Building Upgrade	124
11.2	Business Use of the Footpath Policy Review	134
11.3	Disability Inclusion Action Plan 2022	152
11.4	Synthetic Cricket Wicket- Cahill Park Mudgee	172
11.5	Acceptance of Pump Track Grant Funding	175
Item 12:	Reports from Committees	178
12.1	Botobolar Community Committee Meeting Minutes - 24 May 2022	178
12.2	Local Traffic Committee Meeting Minutes - June 2022	183
Item 13:	Urgent Business Without Notice	191
Item 14:	Confidential Session	193
14.1	General Manager's Performance Agreement 2022-2023	197
Item 15:	Urgent Confidential Business Without Notice	211
Item 16:	Open Council	211
Item 17:	Closure	211

Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 15 June 2022

Council Decision:

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

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		the Mudgee, Gulgong, Rylstone and Kandos CBD's that are in close proximity to shops and cafes that would be suitable for EV recharging; assesses available grant opportunities and appetite of commercial EV companies to provide this infrastructure; and receive a report by the Director Development.	

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Update on Bells Line of Road Expressway Project

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0100035, GOV400022

MOTION

That Council get a report from Central Region of Councils (CENTROC) to get an update on the opening up a freeway on the Bells Line of Road, between Lithgow and Windsor.

Background

Having served as the Council representative on the Bells Line Expressway Group for about 12 years with good success and a lot of support, I would like to know where the project is up to following its handover under Councillor Russell Holden to CENTROC to manage. I have had no update since this time.

Officer's comments

The Bells Line Expressway Group was wound up in 2017 and all administration was passed over to CENTROC. CENTROC has evolved into the Central NSW Joint Organisation. There is no reference on their website of any focus on the Bells Line Expressway.

The focus from the NSW State Government in recent years has been on significant upgrades of the Great Western Highway between Katoomba and Lithgow, as referenced in the draft Central West and Orana Regional Transport Plan.

6.2 Purchase of Additional Plant for Road Patching

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0100035, GOV400022

MOTION

That Council look into purchasing another road patcher.

Background

We need to have another plant to provide much needed support, especially in the event that the primary equipment is broken down and awaiting repair.

Officer's comments

The cost of a new jet patcher machine would be approximately \$430,000 with at least a 12 month lead time. Plant running costs for the machine are approximately \$40,000 p.a. with additional staff costs of \$130,000 plus materials.

Councils current plant and equipment budget does not have a second jet patcher identified nor does the plant reserve fund. The plant reserve funds the acquisition of new plant to replace existing plant already in the fleet. Additional staff will need to be employed to operate a new machine.

It should be noted while the roads are suffering quite badly due to the on-going wet weather not all pot holes are filled using this type machine. Many potholes particularly deeper ones are filled using cold mix.

Should council wish to explore an additional jet patcher it is suggested a business case be prepared to explore this concept further including other methods and options of pothole repair.

6.3 Resheeting of Streets throughout Gulgong

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0100035, GOV400022

MOTION

That Council receive a report on the resheeting of streets throughout Gulgong. There are a number of affected streets that need resheeting repairs.

Background

If you drive along, what is a number of streets in the main town centre of Gulgong, you will feel how uneven the road has become. I receive a lot of complaints from the community about this.

It should be noted that the streets in the main CBD area, that is, Herbert Street, Medley Street and the famous Main Street need to be resheeted with the agreed heritage aggregate colour.

Officer's comments

Staff to provide a report to the September Council meeting on the re-sheeting program for Gulgong.

Item 7: Office of the General Manager

7.1 2022 Christmas Shut Down

REPORT BY THE DIRECTOR COMMUNITY
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0260003

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the 2022 Christmas Shut Down; and**
2. **note that administrative centres, works depots and libraries will close for the Christmas holidays from 12 noon on Thursday 22 December 2022, returning on Wednesday 4 January 2023.**

Executive summary

Council traditionally closes its administrative centres, works depots and libraries for the Christmas Holidays. This report recommends the closure for the 2022 Christmas/New Year period.

Disclosure of Interest

Nil

Detailed report

Past practice has been for Council's workforce to take leave over the Christmas/New Year period. This is traditionally a quieter period for Council services and thus provides a good opportunity for staff to take annual leave and also reduce Council's leave balance. Christmas Day falls on a Sunday, Boxing Day on a Monday, the Christmas Day Holiday Tuesday 27 December, New Year's Day on Sunday 1 January and New Year's Day Holiday on Monday 2 January. These days are gazetted as public holidays. All other business days (five in total) will be treated as annual leave.

Please note that, as always, skeleton staff crews and on call staff will remain on duty and available during this period to deal with required maintenance or issues that arise.

Community Plan implications

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

Strategic implications

Council Strategies

Under the Local Government Award, appropriate notice needs to be provided to Council employees of any periods of forced leave. The Christmas and New Year period includes five days of regular annual leave for staff in administration centres, works depots and libraries. Some staff will still be available over this period for required or emergency works.

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Not applicable

SIMON JONES
DIRECTOR COMMUNITY

1 June 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.2 Code of Meeting Practice

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, GOV400009

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Code of Meeting Practice;**
2. **note the one (1) submission received during the public exhibition period; and**
3. **adopt the Code of Meeting Practice.**

Executive summary

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

Disclosure of Interest

Nil

Detailed report

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

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

An amendment has also been made to the Model Code of Meeting Practice implementing recommendation 6 in ICAC's report in relation to its investigation of the former Canterbury City Council (Operation Dasha). ICAC recommended that the Model Code of Meeting Practice be amended to require that Council business papers include a reminder to Councillors of their oath or affirmation of office, and their conflict of interest disclosure obligations.

In April 2022 Councillors reviewed the draft Code of Meeting Practice and resolved to place the document of public exhibition for 28 days, and if no submissions were received then to adopt to policy.

During the exhibition period Council received one (1) submission opposing clause 17.10, which reads “a notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than one (1) day after the meeting at which the resolution was adopted”. Note the submission was distributed to Councillors for consideration and is attached for further details.

No changes have been recommended to the Code of Meeting Practice that was publically exhibited.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Code of Conduct

Councillor & Staff Interactions Policy

Councillor Expenses & Facilities Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Financial implications

Not applicable

Associated Risks

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

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

4 July 2022

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: [REDACTED]
To: [Richard Cushway](#)
Cc: [Council](#); [Brad Cam](#)
Subject: RE: MWRC Code of Meeting Practice
Date: Thursday, 2 June 2022 8:48:12 AM
Attachments: [image001.jpg](#)
[MWRC - August 2021.pdf](#)

Hello Richard,

Thank you for your email and clarification on the omission to clause 17.10 of Council's draft Code of Meeting Practice.

The Rylstone & District Historical Society Inc (RDHS) is disappointed that there is no proposal to change the time period given the issue we raised last year by way of example – refer attached letter which newly elected councillors may not have seen.

What this effectively means is that community members will not be able to challenge any decisions of council in relation to development applications.

CI 17.6 allows 3 months to lodge a motion for all matters other than development applications, so why only 1 day for DA matters?

RDHS's view is that if council's decision is in line with the recommendations from Planning staff (including heritage advisor) contained in the meeting agenda papers, then possibly 1 or 2 days is acceptable, **HOWEVER** if council's decision is not in accordance with those recommendations then at least 2 weeks should be given, especially when the unconfirmed minutes of Council's meeting are not posted online for at least 6 days after the meeting.

Kind regards,

Peter Monaghan – Pres. of RDHS inc.

[REDACTED]

Item 8: Development

8.1 Development Application DA0350/2022 for Subdivision of Land (1 into 2 lots) at 74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235

REPORT BY THE TOWN PLANNER AND MANAGER, PLANNING
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, DA0350/2022

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner and Manager, Planning on the Development Application DA0350/2022 for Subdivision of Land (1 into 2 lots) at 74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235; and
- B. approve Development Application DA0350/2022 for Subdivision of Land (1 into 2 lots) at 74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235 subject to the following conditions:

APPROVED PLANS

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

Title / Name:	Drawing No / Document Ref	Revision / Issue	Date:	Prepared by:
Proposed Subdivision Over Lot 2 DP817235, known as 74 Inglis Street Mudgee	Job No. 22-930 Sheet 1 of 1	0	14/12/2021	Oryan Geospatial

GENERAL

2. This consent approves a Torrens Title Subdivision – 1 into 2 lots.
3. New lot boundaries are to be located at least 900mm away from the side and rear of any existing structure to meet the minimum setback requirements.

PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE

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

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges and the application is to be made by way of submission via the NSW Planning Portal.

5. A linen plan and associated documentation is to be submitted to Council for approval and endorsement by the General Manager, or an appropriate delegate via the NSW Planning Portal;
6. Prior to the issue of Subdivision Certificate, the applicant is to provide separate water and sewer reticulation services to each allotment within the subdivision. The connection point to ensure that the connection is within the lot must be shown on the plan and must be submitted along with subdivision certificate;

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

7. Prior to the issue of a subdivision certificate, a survey drawing is to be submitted to Council, demonstrating that all private water, stormwater and sewer services are located wholly within the lot that they serve;
8. Prior to issue of Subdivision Certificate, applicant must carry out appropriate investigation to confirm the location of the sewer main. The sewer main must be protected by an easement of no less than 3m in width which will be minimum 1.5m on the either side of the sewer main;
9. Sewer easements of minimum 3m in width, including associated Section 88B instruments, are to be created in favour of council over any existing sewerage reticulation components located within the subject property;
10. Prior to issue of the *Subdivision Certificate*, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) Satisfactory evidence that arrangements have been for the installation of fibre-ready facilities to all individual lots so as to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and
 - c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots.

11. Electricity and telecommunications are to be supplied to the Subdivision in accordance with the relevant authority's standards;

12. The adjustment of existing services or installation of new services and meters, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer;
13. In accordance with the provisions of section 7.11 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Contributions Plan 2019*, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to increase in accordance the consumer price index and are payable at the rate applicable at the time of payment.

	2 New Lots (1 x credit for existing Lot)
Transport facilities	\$4,511.00
Recreation and open space	\$2,266.00
Community facilities	\$660.00
Stormwater management	\$476.00
Plan administration	\$1,034.00
Total	\$8,947.00

Note – the contribution amount will be adjusted by the Consumer Price Index, of not paid in the same financial year the development consent was issued.

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

14. The developer shall obtain a *Certificate of Compliance* under the *Water Management Act 2000*, from Council;
- Note – Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.*
15. Any unpaid Contributions or charges nominated in the development consent will be indexed to CPI at the beginning of each new financial year.

ADVISORY NOTES

1. This development consent requires a *Certificate of Compliance* under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate. A person may apply to Mid-Western Regional Council, as the water supply authority, for a *Certificate of Compliance* pursuant to section 305 of the *Water Management Act 2000*.

Please be advised that as a precondition to the granting of a *Compliance Certificate*, a monetary contribution in accordance with the following *Schedule of Contributions* must be paid in full (including indexation, where applicable).

Section 64 Contributions

2 x residential allotments (small) at 0.75 ET/units each and credit for existing lot (1 x residential allotment (medium) at 1.0 ET/unit)	
Water Headworks	\$4,511.50
Sewer Headworks	\$2,059.50
Total Headworks	\$6,571.00

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

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

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development 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; and
3. No submissions were received during notification of the application.

Executive summary

OWNER/S	Luke and Anna Cossetto
APPLICANT:	Luke Cossetto
PROPERTY DESCRIPTION	74 Inglis Street, Mudgee NSW 2850 Lot 2 DP817235
PROPOSED DEVELOPMENT	Subdivision of land (1 into 2 lots)
ESTIMATED COST OF DEVELOPMENT:	\$40,000
REASON FOR REPORTING TO COUNCIL:	Variations greater than 10% to a MWRLEP 2012 numerical standard are to be reported to Council to obtain the concurrence of the Secretary of the Department of Environment and Planning.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0350/2022 that seeks approval for Subdivision of land (1 into 2 lots), located at 74 Inglis Street MUDGEE NSW 2850, Lot 2 DP 817235, and received by Council on 17 March 2022.

The subject site is located within a residential area on the corner of Douro Street and Inglis Street with the Wallerawang Gwagegar Railway line located to the north-east of the site. Lyons Lane also adjoins the site to north and north-east of the site. The site itself is 1135m² in size and contains an existing dwelling and garage accessed off Douro Street. An aerial of the subject site and surrounds is provided in Figure 1.

The application proposes to subdivide the land into two lots as follows:

- Lot 1 will be 600.23m² in size and will contain the existing dwelling,
- Lot 2 will be 534.67m² in size and will contain the existing shed.

The proposal includes a variation to the minimum lot size of 600m² prescribed in the Mid-Western Local Environmental Plan 2012 (MWRLEP 2012). Lot 2 will be 534.67m² representing a 10.93% variation to the development standard requirement. A copy of the proposed subdivision plan is provided in Attachment 1.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 17 May 2022. During the notification period, no submissions were received.

In accordance with the requirements of the MWRLEP 2012, the applicant has satisfactorily demonstrated that the minimum lot size of 600m² is unreasonable and unnecessary in this case by demonstrating that the dwelling located on the undersized lot is able to achieve the development standards for "Residential Development" under Council's Development Control Plan (DCP) including sufficient private open space and the provision for car parking given the recent approval for a new 5m driveway access from Douro Street (Reference: S138.0091/2022). Figure 2 shows the layout of Proposed Lot 2 containing the existing dwelling. As such the proposed variation is supported and discussed in detail within the body of this report.

As the application involves a variation to a MWRLEP 2012 standard that is greater than 10%, the application is required to be determined at a Council meeting in order to gain concurrence by the Secretary of the Department of Environment and Planning for the variation.

The proposed development is considered otherwise generally consistent with Council's Development Control Plan and the Mid-Western Regional Local Environmental Plan 2012. The application is recommended for Approval.



Figure 1: Aerial Image of subject site and locality.

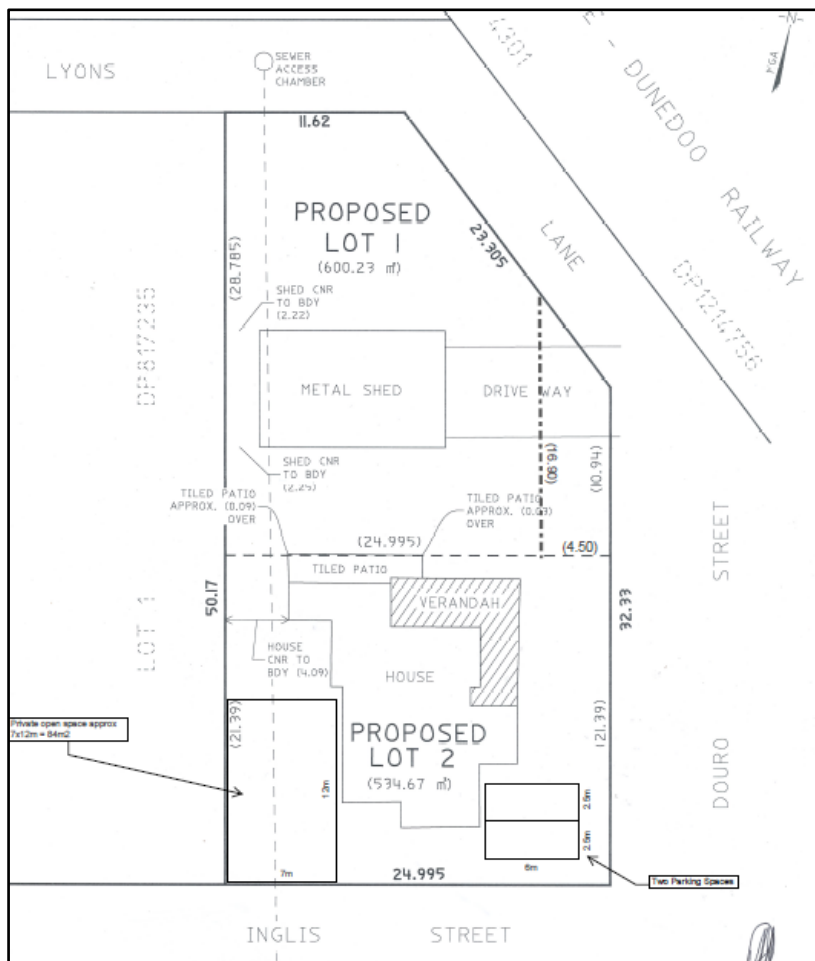


Figure 2: Extract of proposed subdivision plan showing location of private open space and parking within Lot 2.

Disclosure of Interest

Nil

Detailed report

Background and previous approvals

The subject site contains an existing dwelling and double garage accessed from an existing crossover to Douro Street. A photo of the subject site as viewed from Douro Street is provided in Figure 3.

On 8 December 2021, Council approved a Section 138 (S138.0078/2022) for a second driveway crossover to the subject site. The sketch provided with the application indicated that the crossover was to be from Inglis Street and would be 5 metres wide.

Following approval of S138.0078/2022 above, a second Section 138 application (S138.0091/2022) was lodged and approved by Council on 22 December 2021. This application changed the location of the second crossover to the southern end of the Douro Street frontage. Significantly, the proposed subdivision relies on this new crossover to provide onsite car parking to Proposed Lot 2 containing the existing dwelling. Whilst this crossover has been approved, no new crossovers have been constructed at the time of writing.



Figure 3: Photo of subject site from Douro Street frontage. A new crossover has been approved under S138.0091/2022 on the southern end of the Douro Street frontage.

Designated Development

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

Integrated Development

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

Assessment

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

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

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

State Environmental Planning Policy (Biodiversity And Conservation) 2021

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

State Environmental Planning Policy (Industry And Employment) 2021

The proposed development does not involve Advertising or Signage nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Precincts-Regional) 2021

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

State Environmental Planning Policy (Primary Production) 2021

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to section 4.6 of the Policy, a site inspection and a search of council's records did not reveal any potentially contaminating activities upon the site. Accordingly, no further consideration is necessary

State Environmental Planning Policy (Resources and Energy) 2021

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

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

- **Subdivision** – as defined in s6.2 of the *Environmental Planning and Assessment Act 1979*

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R1 General Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned R1 General Residential pursuant to MWRLEP 2012. The objectives of the zone and how the proposal satisfies the objectives is addressed below:

R1 General Residential

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

Comment The proposal will contribute to the housing needs of the community.

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

Comment The proposal will contribute to the variety of housing types and densities within the R1 zone.

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

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

Clause 2.6 Subdivision – consent requirements

As the proposal involves subdivision this requires development consent under this Clause as discussed throughout the report.

Clause 4.1 Minimum subdivision lot size

The proposed lots have an area of 534.67m² and 600.23m². The minimum lot size pursuant to the mapping is 600m². Subsequently, the applicant has addressed clause 4.6 (discussed below) to justify the proposed variation.

Clause 4.6 Exceptions to development standards

It is proposed to vary Clause 4.1 of the MWRLEP 2012 to reduce the minimum lot size in relation to Lot 2 from 600m² to 534.67m², representing a variation of 10.33% to the development standard. The development standard to be varied states the following:

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

In *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified the correct approach to the consideration of clause 4.6 requests as follows:

- Clause 4.6(4) establishes preconditions that must be satisfied before a consent authority can exercise the power to grant development consent for development that contravenes a development standard.
- The first opinion of satisfaction in clause 4.6(4)(a)(i) is whether the clause 4.6 request has adequately addressed the matters required to be demonstrated in clause 4.6(3). Those matters are:
 - that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
 - that there are sufficient environmental planning grounds to justify contravening the development standard.
- The consent authority does not have to directly form the opinion of satisfaction regarding these matters, but only indirectly form the opinion of satisfaction that the written request has adequately addressed these matters.
- The second opinion of satisfaction in clause 4.6(4)(a)(ii) is that the proposed development will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.

- The consent authority must be directly satisfied that the clause 4.6 request adequately addresses the matter in clause 4.6(4)(a)(ii), which is not merely that the proposed development will be in the public interest, but that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development in the zone.
- The final precondition in clause 4.6(4) that must be satisfied is that the concurrence of the Secretary of the Department of Planning and Environment has been obtained.

Given the above, an assessment has been made taking into consideration the above points and the requirements of Clause 4.6 as follows:

1. Clause 4.6(4)(a)(i)

The consent authority satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated in clause 4.6(3) being:

- *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- *that there are sufficient environmental planning grounds to justify contravening the development standard.*

Comment:

The applicant has provided an appropriate justification that the minimum lot size standard is unreasonable and unnecessary in this case and that there are sufficient environmental planning grounds to justify contravening the development standard. The reasons (as summarised by the applicant in their report) are as follows. A full copy of the report is available in Attachment 2.

1. The site is relatively flat, environmentally unconstrained and able to accommodate new residential development without negative impacts on adjoining properties.
2. The existing dwelling will maintain good amenity, access and car parking, private open space and solar access on Lot 2 as proposed.
3. New residential development on the subject lot can easily be serviced with electricity, water and sewer services, and has adequate access.
4. The proposed development will not affect the character of the area or create any land use conflicts.
5. The development is consistent with the predominant lot pattern in the local area where there are numerous examples of similar subdivisions of lots with three road frontages.
6. The development is consistent with the objectives of Clause 4.1 Minimum Subdivision Lot Size.
7. The development is consistent with the objectives of the R1 General Residential zone.

In addition to the above it is also acknowledged that the land may be subdivided to below the minimum lot size of 600sqm under a different pathway of the MWRLEP. This would require the land to be developed for a detached dual occupancy and then subsequently subdivided to a lot at least 400 square metres in size in accordance with the requirements of Clause 4.1B "Exceptions to minimum lot sizes for certain residential development" of the MWRLEP.

2. Clause 4.6(4)(a)(ii)

The consent authority satisfied that the proposal will be in the public interest because it is consistent with the objectives of the particular development standard that is contravened and the objectives for development for the zone in which the development is proposed to be carried out.

Comment:

It is proposed to vary Clause 4.1 Minimum Subdivision Lot Size of the MWRLEP 2012. The applicant has provided an appropriate response to how the proposal meets the objectives of this Standard which incorporates the following (refer to Attachment 2 for a full assessment):

1. *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*

Comment The proposed subdivision will result in a new lot for future residential development that is greater than 600m² in size and therefore complies with the minimum lot size requirement. The proposed lot that is less than 600m² in size will contain the existing dwelling. The dwelling will be centrally located on the proposed lot, will have adequate setbacks to all boundaries, a good amount of private open space and solar access and opportunity for car parking.

The proposed subdivision is also consistent with the predominant subdivision pattern in the local area where there are numerous examples of lots with three road frontages having been subdivided in a similar manner and with lot sizes less than 600m².

2. *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*

Comment Proposed Lot 2 will contain an existing dwelling and proposed Lot 1 will be vacant and likely to be developed for residential purposes. This lot will meet the minimum lot size of 600m² and is able to be developed without impacting the amenity of neighbouring properties, including the dwelling on proposed Lot 2 and the adjoining land to the west at 76 Inglis Street, Mudgee.

3. *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*

Comment The proposed subdivision will result in a new lot for future residential development that is greater than 600m² in size and therefore complies with the minimum lot size requirement. The subdivision therefore promotes future residential development that can be designed to comply with all relevant development controls.

The existing dwelling on proposed Lot 2 also complies with relevant development controls, including private open space, site coverage, solar access and there is capacity for provision of on-site car parking given the approval of a Section 138 application for a new access from Douro Street.

4. *ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*

Comment This objective is not relevant to the proposed development as the subject land is not rural land.

5. *to ensure that subdivision does not have an inappropriate impact on the natural environment,*

Comment The proposed dwelling will have no negative impact on the natural environment as the land is relatively flat, no native vegetation is required to be cleared, it is not proximate to any watercourse and is able to be serviced with all essential utilities.

6. *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

Comment This objective is not relevant to the proposed development as the subject land is not rural land.

Below is an assessment against the objectives of the zone R1 General Residential:

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

Comment The proposed subdivision will facilitate additional housing opportunities in an accessible location.

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

Comment The proposal will contribute to the variety of housing types and densities within the R1 zone. In addition to a single dwelling, the MWRLEP 2012 provides for the opportunity for higher density development through the application of clauses 4.1A and 4.1B. The proposed subdivision creates a lot that could take advantage of these LEP provisions, however this will be the subject of further consideration and detailed design and a future development application.

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

Comment The proposed subdivision creates lots of sufficient size that could be developed for a range of permissible land uses specified in the R1 General Residential Zone, subject to development consent.

Given the above, the proposal is considered to be consistent with the objectives of Clause 4.1 and the zoning of the land R1 General Residential. The proposed variation to the minimum lot size is therefore considered to be in the public interest in this case.

3. Clause 4.6(4)

Council must be satisfied is that the concurrence of the Secretary of the Department of Planning and Environment has been obtained.

Comment

The Secretary's concurrence may be assumed in accordance with Planning Circular PS 20-002 issued on 5 May 2020 which states:

all consent authorities may assume the Secretary's concurrence under:

- *Clause 4.6 of a local environmental plan that adopts the Standard Instrument (Local Environmental Plan) Order 2006 or any other provision of an environmental planning instrument to the same effect, or*
- *State Environmental Planning Policy No 1 – Development Standards.*

However the assumed concurrence is subject to conditions:

- In relation to “**Numerical and non-numerical development standards**” the circular states that the Secretary's concurrence may not be assumed by a delegate of council if:
 - The development contravenes a numerical standard by greater than 10%; or
 - The variation is to a non-numerical standard.

The circular further states that “the purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation”.

In this case as it is proposed to vary the minimum lot size by more than 10% and is being considered at a Council meeting. Accordingly, the secretary's concurrence can be assumed.

4. Clause 6

Relates to variations to the minimum lot size for Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition,

Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

Comment: Not applicable - the land is zoned R1 General Residential.

5. Clause 8

Requires that development consent cannot be granted in relation to a development standard for complying development, in connection to a commitment set out in a BASIX certificate or Clause 5.4

Comment: The variation does not relate to any development standards excluded by Clause 8.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

As the proposal includes works involving a site within the Heritage Conservation Area, consideration must be given to the relevant heritage significance in accordance with Clause 5.10(4). The proposal relates to subdivision with no building works proposed. Accordingly, the impact upon the heritage conservation area is considered to be minimal with no further consideration necessary.

Clause 5.21 Flood planning

As shown in Figure 4, the development site is mapped as being impacted by Probable Maximum Flooding (PMF) events. An assessment against the requirements of Clause 5.21 is as follows:

The development is compatible with the flood hazard of the land, and

Comment Under the Mudgee Flood Study 2021 the site is impacted by Probable Maximum Flooding (PMF) events and is identified as having a Low Flood Risk. The proposal, being a subdivision, is identified as a compatible land use in accordance with the Urban Floodplains Matrix contained within the Mid-Western Development Control Plan 2013.

(b) The development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and

Comment The proposal, being a subdivision will have minimal to no effect on the increase of potential flood affectation of other development or properties.

(c) The development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and

Comment The proposal will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes.

(d) The development incorporates appropriate measures to manage risk to life from flood, and

Comment The flood hazard under the Mudgee Flood Study 2021 is "Generally safe for people, vehicles and buildings" accordingly no additional measures are considered necessary to manage risk to life from flood.

(e) The development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Comment The proposal will not have any adverse effects on the environment.

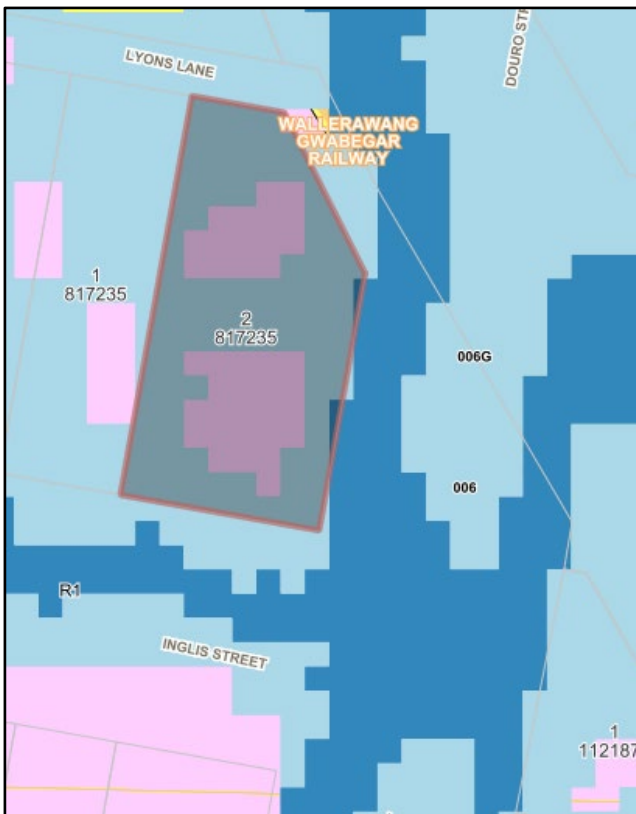


Figure 4: Extract from Mudgee Flood Study 2021.
Light Blue = PMF Dark Blue = Overland (Source: Intramaps)

Clause 6.1 Salinity

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

Clause 6.3 Earthworks

The proposal is for a use only and does not involve any earthworks. Accordingly, no further consideration of this clause is necessary.

Clause 6.4 Groundwater vulnerability

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

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013

An assessment is made of the relevant chapters and sections of the Mid-Western Regional Development Control Plan 2013 (DCP, 2013). Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 2.1 Residential Development

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Building Setback from the street	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 4.5m and 5.5m to the garage	Complies – subdivision will not alter existing setback of dwelling to Douro Street.
Building Side/Rear setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 900m	Complies – the new boundary will be set back a minimum of 1.7m from the existing dwelling. A condition will be included to ensure minimum setbacks are achieved.
Building Secondary Frontage for corner lots setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 0m for garages in laneways 2m to side boundary	Complies – subdivision will not alter existing setback of dwelling to Inglis Street.
Building height / design	
Proposed buildings are single story	No impact
75% of private open space and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)	Complies
Principal Private Open Space with a minimum of 80m ² and a minimum dimension of 5 metres.	Complies – private open space available on the south western side of the existing dwelling which is 110sqm in size and has a minimum dimension of 6.5m – refer to Figure 2 for details of location.
The garage door or carport does not exceed 45% of the front elevation	No impact
All facades with street frontage contain windows	No impact
For corner allotments no fences, structures or landscaping exceeding 1 metre in height are to be located within the triangle	No impact

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries.	
Building is not a transportable or relocated dwelling	No impact
Parking	
Provision for parking of two vehicles behind the building line including at least one space undercover.	No parking is currently provided onsite within proposed Lot 2 containing the existing dwelling. A Section 138 has already been issued for the creation of a new crossover to Douro Street at the southern boundary of the lot (refer Figure 2 for details) which provides for access to the site and provision of parking onsite for two vehicles.
Utilities	
Buildings are located clear of utility infrastructure	No impact
Building is not located within an easement for the purpose of utility infrastructure	No impact
Structures are located a minimum of 1500mm from the centre of water and sewer main	No impact
Details of water supply and sewer reticulation have been provided:	No impact - existing dwelling connected to reticulated services and condition to be included for separate services to be provided to vacant lot.
If available within 500m applicant has proposed connection to reticulated network	Not applicable
Where no water supply is available, applicant has provided a minimum 60,000 litres which includes a minimum of 20,000 litres reserved for firefighting purposes	Not applicable
Where no reticulated sewer is present, the applicant has proposed onsite disposal in accordance with Section 68 of the Local Government Act 1919	Not applicable
If reticulated services have not been proposed the site is a minimum of 5ha in size	Not applicable
All storm water flows to a gravity system	Complies
Buildings are not located in the path of overland flow	Not applicable
Fencing	
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	No impact
Side fences located in front of the building line are open panel or a combination of open panel and masonry columns to match the front fence and do not exceed 1.2 metres in height	No impact
Side and rear fences do not exceed 1.8 metres in height once behind the building	No Impact
Dividing fences do not affect the flow of surface water with the possibility of causing flooding.	No impact
Access	
All weather two wheel drive access	Complies
Driveways to be located a minimum of 6m from an intersection.	A Section 138 has been approved for the proposed access/driveway location.
For rural area the minimum sight distances is 250m in the 100km/h speed zone and 180m for the 80km zone	Not applicable
Where the driveway exceeds a slope of 6% appropriate erosion and sediment control is to be incorporated into the design of the access.	Not applicable – the slope does not exceed 6%

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Garages, Outbuildings	
Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties	Not applicable
Urban areas where <750m ² : 50m ² maximum shed size	Not applicable
Max building height of 4.5m from natural ground level to the ridge applies in urban areas where the lot is under 2000m ²	Not applicable
Ridgelines	
Development roofline must not project above the ridgeline where visible from any public road or place.	Not applicable
Slope and cut and fill	
The slope of the site does not exceed 15%	Complies
Cut is limited to 1m	Not applicable
Fill is limited to 600mm and is made up of clean fill and is accompanied by a geo-technical assessment demonstrating compaction complies with Australian Standards.	Not applicable
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.	Not applicable
Fill does not direct stormwater onto adjoining properties and drainage pits for overland flow paths have been provided.	Not applicable
Cut / fill is clear of any water or sewer easements.	Not applicable

Part 7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
Lot size	
Minimum lot size as determined by MWRLEP 2012	Variation to the minimum lot size, referred to throughout the report
All lots have street frontage	All lots have frontage to Douro Street
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	Approximately 4 degrees
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable
Battle-axe handles in R2 and R5 residential zones have width of 6m	Not applicable
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Yes. Achieves adequate solar access.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	Not applicable
For new release subdivision east-west orientated lots have increased width and midpoint	Not applicable

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Lots generally rectangular in shape	Lots are generally rectangular in shape with Lot 2 to contain an existing dwelling and Lot 1 of sufficient size and shape to accommodate a building envelope
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Not applicable
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Not applicable
Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Not applicable
Traffic Impact Statement submitted for all subdivisions where new road required	Not applicable
Subdivision integrates with existing residential area	Yes
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	Not applicable
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Not applicable
Multiple cul-de-sacs and “no through roads” discouraged	Not applicable
Maximum number of lots in cul-de-sac is 12 lots	Not applicable
Subdivision >80 lots should not require backtracking	Not applicable
Road Standards for New Development	
Urban Road Standards required	Not applicable
1 x 1.2m footpath, barrier kerbing	Not applicable
Commercial and Industrial Subdivision roads: 22m road reserve, 13m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, barrier / rollover kerbing	Not applicable
Cycle ways and footpaths	
Cycle ways and pedestrian networks included in new subdivisions	Not applicable
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	Not applicable
New subdivisions provide direct, convenient and safe access to major facilities	Yes, subdivision layout will extend to the existing connections to Mudgee
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Not applicable
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Not applicable
Open Space	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Not applicable
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc. and shading landscaping	Not applicable
Landscaping	
Landscape plan provided, detailing treatment of public domain	Not applicable
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable
Street Trees	
Two (2) street trees provided per lot	Existing street trees on Inglis Street to be retained. Due to the space available,

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	No further street tree required to Douro Street.
Developer provides levy to Council to provide these trees after 80% of works carried out	Not applicable
Utility Services	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications
Evidence of consultation with relevant authorities submitted with application	Not applicable (small subdivision)
Drainage	
As per Section 5.3 Stormwater and Drainage	Stormwater drainage to be provided in accordance with Council requirements.

Part 4.7 Tree Preservation Order

No trees to be removed.

Part 5.1 Car Parking

Not applicable – it is noted that the existing dwelling is able to provide car parking onsite given approval has been obtained for a new crossover from Douro Street.

Part 5.2 Flooding

The development site is mapped as being impacted by Probable Maximum Flooding (PMF) events under the Mudgee Flood Study 2021 and categorised as a low flood risk.

Under the Urban Floodplains Matrix, subdivision is considered to be suitable development within low flood risk areas. The matrix also requires Council to consider the impact of the development on flooding elsewhere. In this case, the development relates to subdivision only with no building works proposed and is therefore is considered unlikely to have any impact on existing flood behaviour. The impact of future development of Lot 1 on flooding behaviour will be assessed at such time as an application is lodged.

Part 5.3 Stormwater Management

Proposed Lot 2 is already connected to Council’s stormwater infrastructure, a condition will be included to ensure that existing services are located within the lot they serve. Stormwater from future development on Lot 2 will be required to be provided at that time to Council requirements.

Part 5.4 Environmental Controls

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

Section 7.11 Contributions

Mid-Western Regional Contributions Plan 2019

Pursuant to Council’s Contributions Plan 2019, the development is proposing the subdivision of the land creating one additional lots which requires the payment of a contribution in accordance with the plan as follows:

Section 7.11 contribution rates – Inside Mudgee

	2 New Lots (1 x credit for existing Lot)
Transport facilities	\$4,511.00

Recreation and open space	\$2,266.00
Community facilities	\$660.00
Stormwater management	\$476.00
Plan administration	\$1,034.00
Total	\$8,947.00

An appropriate condition has been imposed requiring payment of the contribution

Section 64 - Water/Sewer Developer Services Charges

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

Water Headworks

Debit 2 x Small Residential Allotment (<650m²) = 2 x 0.75ET/unit = 1.5ET/unit
 Credit 1 x Medium Residential Allotment (650m² – 1200m²) = 1.0 ET/unit

Total = 0.5ET/unit @ \$9,023 ET/unit = \$4,511.50

Sewer Headworks

Debit 2 x Small Residential Allotment (<650m²) = 2 x 0.75ET/unit = 1.5 ET/unit
 Credit 1 x Medium Residential Allotment (650m² – 1200m²) = 1.0 ET/unit

Total = 0.5ET/unit @ \$4,119 ET/unit = \$2,059.50

Section 64	
Water Headworks	\$4,511.50
Sewer Headworks	\$2,059.50
Total Headworks	\$6,571.00

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

Environmental Planning and Assessment Regulation 2021

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

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

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

(a) Context and Setting

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

(b) Access, Transport and Traffic

The implications of additional traffic and suitable access are discussed throughout this report. The proposal is considered appropriate.

(c) Public Domain

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

(d) Utilities

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

(e) Heritage

As there is no proposed development, impact upon the relevant heritage significance will be minimal.

(f) Other Land Resources

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

(g) Water

No significant impact expected.

(h) Soils

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

(i) Air and Microclimate

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

(j) Flora and Fauna

Not applicable.

(k) Waste

Waste service available.

(l) Energy

Not applicable.

(m) Noise and Vibration

Not applicable.

(n) Natural Hazards

The site is identified as flood prone. This has been discussed elsewhere in the report with a conclusion stating the proposed development is categorised as having a low flood risk and the development will have minimal impact on flooding within the surrounding area.

(o) Technological Hazards

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

(p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

(q) Social Impact in the Locality

Generally positive.

(r) Economic Impact in the Locality

Generally positive.

(s) Site Design and Internal Design

Adequate as discussed throughout this report.

(t) Construction

To comply with the BCA where relevant.

(u) Cumulative Impacts

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

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

(a) Does the proposal fit in the locality?

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

(b) Are the Site Attributes conducive to Development?

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

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

(a) Public Submissions

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 17 May 2022. During the notification period, no submissions were received.

(b) Submissions from Public Authorities

No submissions were sought or received from public authorities.

The Public Interest – 4.15(1)(e)

(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.

Consultations

(a) Health and Building

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

(b) Technical Services

Council's Development Engineer has not raised any concerns with the proposal subject to standard conditions.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

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

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2021
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.

SARAH HOPKINS
TOWN PLANNER

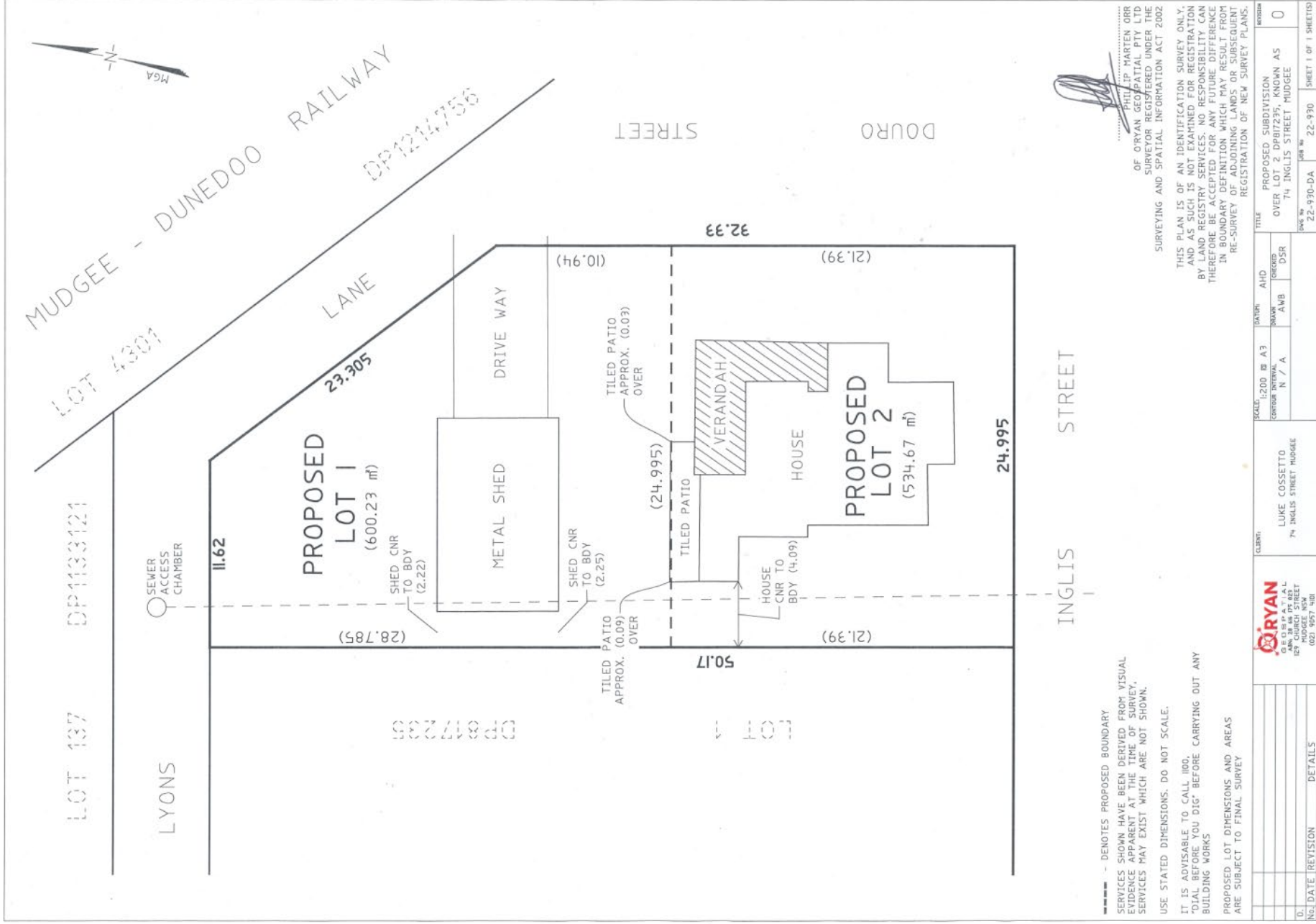
ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

24 June 2022

Attachments: 1. Proposed Subdivision Plan.
2. Applicant Report - Exception to Development Standard Report.

APPROVED FOR SUBMISSION:

SIMON JONES
DIRECTOR COMMUNITY



--- DENOTES PROPOSED BOUNDARY
 SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. SERVICES MAY EXIST WHICH ARE NOT SHOWN.
 USE STATED DIMENSIONS. DO NOT SCALE.
 IT IS ADVISABLE TO CALL 1100. "DIAL BEFORE YOU DIG" BEFORE CARRYING OUT ANY BUILDING WORKS
 PROPOSED LOT DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY

PHILIP MARTEN ORR
 OF ORRYAN GEOSPATIAL PTY LTD
 SURVEYOR REGISTERED UNDER THE SURVEYING AND SPATIAL INFORMATION ACT 2002

THIS PLAN IS OF AN IDENTIFICATION SURVEY ONLY. AND AS SUCH IS NOT EXAMINED FOR REGISTRATION BY LAND REGISTRY SERVICES. NO RESPONSIBILITY CAN THEREFORE BE ACCEPTED FOR ANY FUTURE DIFFERENCE IN BOUNDARY DEFINITION WHICH MAY RESULT FROM RE-SURVEY OF ADJOINING LANDS OR SUBSEQUENT REGISTRATION OF NEW SURVEY PLANS.



<p>ORRYAN Geospatial 28 Mt Pitt Street Mudgee NSW (02) 9571401</p>		CLIENT: LUKE COSSETTO 74 INGLIS STREET MUDGEE	SCALE: 1:200 OR A3 CUSTOMER N/A	DATE: A3 DRAWN: AMB CHECKED: DSR	TITLE: PROPOSED SUBDIVISION OVER LOT 2 DP817295, KNOWN AS 74 INGLIS STREET MUDGEE	SHEET NO: 22-930-DA JOB NO: 22-930	SHEET 1 OF 1 SHEETS
No. DATE REVISION		DETAILS					

EXCEPTION TO DEVELOPMENT STANDARD REPORT

74 Inglis Street, Mudgee



Navigate Planning

17 March 2022

1 INTRODUCTION

This report supports a development application for a two lot subdivision on land at Lot 2 DP 817235, 74 Inglis Street, Mudgee (the subject land).

The subject land is 1135m² in size and has three road frontages, being Douro Street, Inglis Street and Lyons Lane. The land contains a dwelling in the southern part of the site near Inglis Street and a large shed in the northern part of the site with access from Douro Street.

The development application proposes to subdivide the land into two lots, with the shed located on proposed Lot 1 and the existing dwelling on proposed Lot 2. The purpose of the subdivision is for future residential development on proposed Lot 1 replacing the existing shed. Proposed Lot 1 will have an area of 600.23m² and proposed Lot 2 will have an area of 534.67m².

The location of the subject land is shown in the map below.



2 RELEVANT DEVELOPMENT STANDARDS

The subject land is zoned R1 General Residential under the Mid-Western Regional Local Environmental Plan 2012. The land has a minimum lot size of 600m².

Subdivision of land must comply with clause 4.1 of the MWRLEP 2012, which is as follows:

4.1 Minimum subdivision lot size

- (1) *The objectives of this clause are as follows—*
 - (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*
 - (b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*
 - (c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*
 - (d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*
 - (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*
 - (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (3A) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system—*
 - (a) *land identified as “Area A” on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or*
 - (b) *land identified as “Area B” on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres.*
- (3B) *Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system, land identified as “Area D” on the Lot Size Map may be subdivided to create lots of at least 2 hectares.*
- (4) *This clause does not apply in relation to the subdivision of any land—*
 - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
 - (b) *by any kind of subdivision under the Community Land Development Act 1989.*

The subject land has a minimum lot size of 600m². Therefore, at least 1200m² is required for a two lot subdivision that complies with the development standard. At 1135m² in size, subdivision of the land will result in at least one lot less than the minimum lot size.

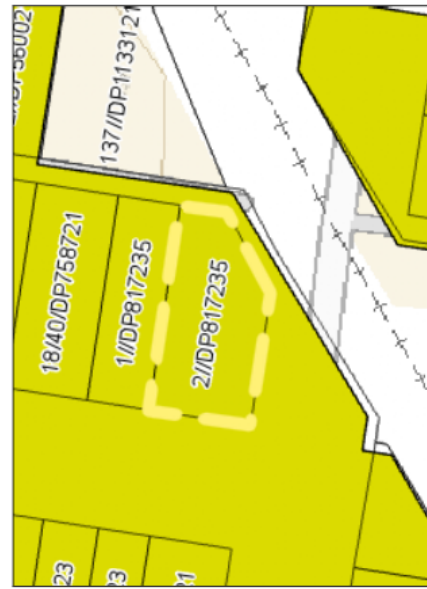
The subject land is not identified on the Lot Size Map in Areas A, B or D. The proposed subdivision is not a strata or community title subdivision.

Therefore, the development standard that the applicant seeks to vary is the minimum lot size of 600m², as referred to in clause 4.1 (3) of the MWRLEP 2012.

Extracts of the LEP 2014 Land Zoning and Minimum Lot Size Maps are provided below.



LEP 2014 Land Zoning Map



LEP 2014 Minimum Lot Size Map

Development can be approved despite non-compliance with a development standard under clause 4.6 of LEP 2014. Clause 4.6 is as follows:

4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows—*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*
 - (i) *the applicant’s written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*
- (5) *In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following—*
 - (a) *a development standard for complying development,*
 - (b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
 - (c) *clause 5.4.*

As noted above, the proposed subdivision contravenes the current minimum lot size standard referred to in clause 4.1 of MWRLEP 2012. Clause 4.1 is not expressly excluded from the operation of Clause 4.6.

This report should be considered a written request from the applicant for approval of a development application for a two lot subdivision of Lot 2 DP 817235 at 74 Inglis Street, Mudgee, despite non-compliance with the minimum lot size development standard. Justification for the non-compliance is provided in Section 4 of this report.

The Department of Planning's Planning Circular PS20-002 states that concurrence may not be assumed by a delegate of Council if the development contravenes a numerical standard by greater than 10%. The proposed variation is slightly higher at 10.88% and therefore must be considered and determined at a Council meeting.

3 RELEVANT CASE LAW

There are a number of Land and Environment Court cases that provide guidance in the preparation of written requests to justify non-compliance with a development standard under clause 4.6 of Local Environmental Plans, including:

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

Brigham v Canterbury–Bankstown Council [2018] NSWLEC 1406.

Wehbe v Pittwater Council [2007] NSWLEC 827.

Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248.

Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90.

Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.

In *Initial Action Pty Ltd v Woolhara Municipal Council [2018] NSWLEC 118*, Commissioner Preston summarised (from *Wehbe v Pitwater Council [2007] NSWLEC 827*) five common ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary (under clause 4.6(3)(a)), as follows:

- *The first and most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- *A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- *A third way is to establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- *A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council’s own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.*
- *A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.*

The above ways to establish that a variation from a development standard is well founded are included in the Department of Planning’s Guide to Varying Development Standards 2011.

The Commissioner also stated that an applicant does not need to establish all of the ways and that establishing only one way may be sufficient.

In relation to clause 4.6(3)(b), the Commissioner stated that the grounds relied on by the applicant in the written request must be “environmental planning grounds” by their nature, being grounds that relate to the subject matter, scope and purpose of the EPA Act. The environmental planning grounds must be “sufficient”, in order “to justify contravening the development standard”, so that the consent authority can be satisfied that the written request has adequately addressed this matter. The Commissioner clarified that “*the focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole.*”

In relation to clause 4.6(4)(a)(ii), the Commissioner stated that the consent authority must be satisfied that it will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development of the zone in which the development is proposed to be carried out.

4 JUSTIFICATION FOR EXCEPTION TO DEVELOPMENT STANDARD

As stated above, clause 4.6 of LEP 2014 requires a written justification for non-compliance with a development standard to demonstrate that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- b) there are sufficient environmental planning grounds to justify contravening the development standard.

Council must also be satisfied that the development is in the public interest.

The following issues are relevant considerations in determining whether the proposed development can be approved, despite non-compliance with the minimum lot size development standard:

- the objectives of clause 4.1 of MWRLEP 2012,
- the objectives of the R1 General Residential zone; and
- the relevant environmental planning grounds.

4.1 Clause 4.1 Objectives

This section of this report seeks to demonstrate that compliance with the relevant development standard is unreasonable or unnecessary in this case as the objectives of the development standard are achieved notwithstanding non-compliance with the standard.

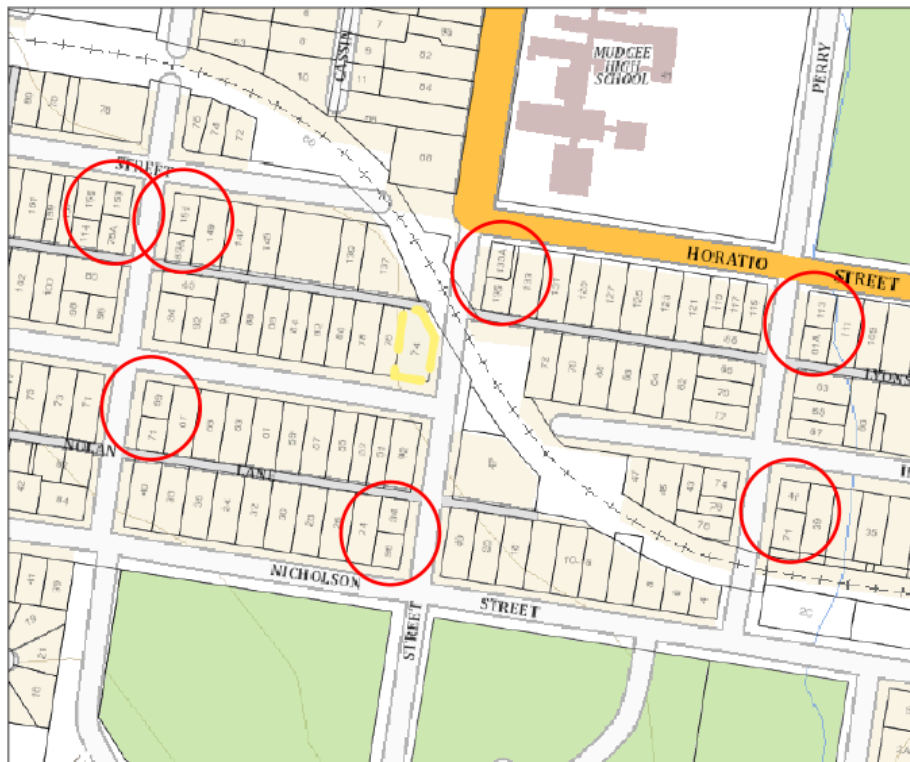
The objectives of clause 4.1 are outlined below, along with comments relating to the proposed development.

- (a) *to ensure that subdivision of land occurs in a manner that promotes suitable land uses and development,*

Comment – The proposed subdivision will result in a new lot for future residential development that is greater than 600m² in size and therefore complies with the minimum lot size requirement. The proposed lot that is less than 600m² in size will contain the existing dwelling. The dwelling will be centrally located on the proposed lot, will have adequate setbacks to all boundaries, a good amount of private open space and solar access and opportunity for car parking.

The proposed subdivision is also consistent with the predominant subdivision pattern in the local area where there are numerous examples of lots with three road frontages having been subdivided in a similar manner and with lot sizes less than 600m². The following map identifies 6 similar examples within 300m of the subject land. As indicated in the table that follows the map, all of these lots are less than 600m² in size.

Based on the above, the proposal is considered to achieve objective (a).



Map showing lots with three road frontages that have been subdivided similar to the current development proposal.

Table identifying size of lots identified in the above map

Land	Area	Zone	MLS
135 Horatio Street	575m ²	R3	600m ²
135A Horatio Street	439m ²	R3	600m ²
94 Douro Street	505m ²	R1	600m ²
96 Douro Street	505m ²	R1	600m ²
69 Inglis Street	513m ²	R1	600m ²
71 Court Street	498m ²	R1	600m ²
151 Horatio Street	534m ²	R1	600m ²
63A Court Street	386m ²	R1	600m ²
153 Horatio Street	468m ²	R1	600m ²
78A Court Street	542m ²	R1	600m ²

- (b) *to minimise any likely impact of subdivision and other development on the amenity of neighbouring properties,*

Comment – The proposed Lot 1 which will be the subject of future residential development can be developed without impacting the amenity of neighbouring properties, including the dwelling on proposed Lot 2 and the adjoining land to the west at 76 Inglis Street, Mudgee.

Based on the above, the proposal is considered to achieve objective (b).

- (c) *to ensure that lot sizes and dimensions are able to accommodate development, consistent with relevant development controls,*

Comment – The proposed subdivision will result in a new lot for future residential development that is greater than 600m² in size and therefore complies with the minimum lot size requirement. The subdivision therefore promotes future residential development that can be designed to comply with all relevant development controls.

The existing dwelling on proposed Lot 2 also complies with relevant development controls, including private open space, site coverage, solar access and there is capacity for provision of on-site car parking.

Based on the above, the proposal is considered to achieve objective (c).

- (d) *to ensure that rural lands are not fragmented in a manner that threatens either their future use, or the use of neighbouring land, for agricultural production,*

Comment – This objective is not relevant to the proposed development as the subject land is not rural land.

- (e) *to ensure that subdivision does not have an inappropriate impact on the natural environment,*

Comment – The proposed dwelling will have no negative impact on the natural environment as the land is relatively flat, no native vegetation is required to be cleared, it is not proximate to any watercourse and is able to be serviced with all essential utilities.

Based on the above, the proposal is considered to achieve objective (e).

- (f) *to maximise the economic potential of, and provide for more intensive, small lot agricultural uses in, areas that are able to access commercial quantities of irrigation water.*

Comment – This objective is not relevant to the proposed development as the subject land is not rural land.

As outlined above, it is considered that the proposed development will comply with the objectives of clause 4.1 of MWRLEP 2012 and therefore compliance with the minimum lot size development standard is unreasonable or unnecessary in this case. This satisfies clause 4.6(3)(a) of LEP 2014.

4.2 R1 Zone Objectives

The objectives of the R1 zone and comments in relation to the proposed development are provided below:

Objective 1 – To provide for the housing needs of the community.

Comment – House prices in Mudgee have risen significantly over the last few years. Increasing supply of housing, for both owner/occupier and rental, is one of the means of dampening house prices. Providing housing in good locations, close to schools, shops and services is important to meeting the needs of the community, not just for housing, but for accessible housing. The proposed subdivision will facilitate additional housing opportunities in a very accessible location and it is considered that the proposal is consistent with this objective.

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

Comment – The Mid-Western Regional Local Environmental Plan 2012 provides for a variety of housing types and densities through the application of clauses 4.1A and 4.1B. These clauses facilitate a range of housing types in certain circumstances. The proposed subdivision creates a lot that could take advantage of these LEP provisions, however this will be the subject of further consideration and detailed design and a future development application. It is therefore considered that the proposed subdivision is consistent with this objective.

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

Comment – The Mid-Western Regional Local Environmental Plan 2012 provides for a range of other land uses to be permissible with consent in the R1 General Residential zone. The proposed subdivision creates a lot that could be used for any of the permissible land uses, subject to development consent. No decision has yet been made as to the future use of the land. While residential development of some form is likely to be the preferred use, the creation of a lot that could be used for a variety of permissible purposes is consistent with this objective.

As outlined above, it is considered that the proposed development will comply with the objectives of the R1 General Residential zone. This adds to the argument that compliance with the minimum lot size development standard is unreasonable or unnecessary in this case.

4.3 The Relevant Environmental Planning Grounds

This section of this report seeks to demonstrate that there are sufficient environmental planning grounds to justify contravening the relevant development standard.

4.3.1 *The capacity of the subject land to accommodate residential development*

The subject land is relatively flat, with a slight slope to the north. A dwelling exists in the southern part of the lot and a large shed is located in the northern part of the site with access from Douro Street. Following the demolition of the garage/shed (as part of a future development application) a vacant lot over 600m² in size will be available to accommodate residential development. The lot contains one tree that does not require removal in order to facilitate residential development. The lot is otherwise unencumbered by any natural features or hazards. All services are available to the site to connect future residential development.

There will also be no detrimental impacts on the amenity of the locality from the residential development of the subject land, as:

- A dwelling on the lot can be sited and oriented to avoid privacy impacts.
- A dwelling on the lot can be developed with no significant overshadowing impacts on adjoining properties.
- A dwelling can be erected in a manner that fits with the character of the area.
- No land use conflicts will result from the subdivision or additional residential development on the land.

4.3.2 *Potential Precedent*

As outlined in section 4.1 above, the proposed subdivision is consistent with the predominant lot pattern in the local area. Therefore, there is no new precedent that approval of the development application would set. The precedent for corner lot subdivision creating lots less than the minimum lot size has already been set.

4.3.3 *The Public Interest*

In broad terms, the provision of additional housing in the existing urban area of Mudgee is in the public interest to combat rising prices and to minimise the need for additional greenfield housing on the outskirts of town. More specifically, it is in the public interest to provide additional housing in locations where existing services are available and there will be minimal amenity and environmental impacts.

The proposed subdivision provides for additional residential development in a location that is within walking distance of schools and the Mudgee Town Centre. The site has adequate existing road frontage to facilitate residential development in a variety of potential forms.

The site has a north-south orientation such that any residential development can be undertaken on the land without causing significant overshadowing of adjoining properties. The existing dwelling on the land which would be located to the south of future residential development will maintain good solar access to the private open space area and to the front porch.

Based on the above, it is considered that there are sufficient environmental planning grounds to justify contravening the minimum lot size development standard. This satisfies clause 4.6(3)(b) of MWLEP 2012.

5 CONCLUSION

The proposed two-lot subdivision on the subject land at 74 Inglis Street, Mudgee is a development that can comply in all respects with Council's requirements, except for the fact that one of the proposed lots is less than the minimum lot size development standard.

This report seeks to justify the non-compliance with clause 4.1 of the Mid-Western Regional Local Environmental Plan 2012 under clause 4.6 of that Plan.

An exception to the minimum lot size development standard is considered justified for the following reasons:

1. The site is relatively flat, environmentally unconstrained and able to accommodate new residential development without negative impacts on adjoining properties.
2. The existing dwelling will maintain good amenity, access and car parking, private open space and solar access on Lot 2 as proposed.
3. New residential development on the subject lot can easily be serviced with electricity, water and sewer services, and has adequate access.
4. The proposed development will not affect the character of the area or create any land use conflicts.
5. The development is consistent with the predominant lot pattern in the local area where there are numerous examples of similar subdivisions of lots with three road frontages.
6. The development is consistent with the objectives of clause 4.1.
7. The development is consistent with the objectives of the R1 General Residential zone.

For these reasons, it is considered unreasonable and unnecessary to require compliance with the minimum lot size standard in this case. This report outlines the environmental planning grounds that justify approval of the modification despite the non-compliance. The public interest is served by the approval of a development application that in all other respects complies with relevant LEP objectives and provisions and has minimal to no environmental or amenity impacts.

8.2 Planning Proposal 540 Buckaroo Road, Buckaroo, Lot 2 DP 1227923 - Post Exhibition

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, LAN900136

RECOMMENDATION

That Council:

- A. receive the report by the Manager, Strategic Planning on the Planning Proposal 540 Buckaroo Road, Buckaroo, Lot 2 DP 1227923 - Post Exhibition; and**
- B. exercise its delegation in the preparation of the amendment to the Mid-Western Regional Local Environmental Plan 2012 to list bulk storage and reload facility in Schedule 1 Additional Permitted Uses and prepare corresponding mapping subject to the Opinion issued by Parliamentary Counsel.**

Executive summary

At Council's 13 October 2021 meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DPE) for a Gateway Determination. The Planning Proposal relates to 540 Buckaroo Road, Buckaroo Lot 2 DP 1227923 and will facilitate the development of a bulk storage and reload facility.

A conditional Department of Planning and Environment Gateway Determination was granted on 26 November 2022. A copy of the Gateway Determination is provided as Attachment 1.

Condition 1 of the Gateway Determination required that prior to the commencement of community consultation the NSW Rural Fire Service and the Environment Protection Authority were to be consulted with. The NSW Environment Protection Authority responded, provided as Attachment 2. The NSW Rural Fire Service acknowledged the referral via the NSW Planning Portal, however no response was received. Accordingly, the Department of Planning and Environment advised Council to progress to public exhibition, a copy of this advice is provided as Attachment 3.

The Planning Proposal was placed on public exhibition on Friday 3 June 2022 until Friday 1 July 2022 in accordance with Gateway Determination Condition 2. Two submissions were received during the exhibition period and is provided as Attachment 4. The concern raised in the submission is discussed in the body of the report.

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

Disclosure of Interest

Nil

Detailed report

Planning Proposals

Planning Proposal is a term used to describe the application and process of rezoning or making an amendment to a Local Environmental Plan (LEP). A Planning Proposal application is a document that explains the intended effect of the LEP amendment and provides a strategic justification for doing so. DPE has issued *A guide to preparing local environmental plans*, dated 2018, to provide guidance and information on the process for preparing planning proposals.

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	22 July 2021
Staff Undertake Initial Assessment	✓	July – October 2021
Council Decision to Support Proposal	✓	13 October 2021
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	1 November 2021
DPIE Issues Gateway Determination	✓	26 November 2021
Gateway Conditions Satisfied	✓	26 May 2022
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with: <ul style="list-style-type: none"> - NSW Rural Fire Service. - NSW Environmental Protection Authority. - Department of Planning Environment – Biodiversity and Conservation Division. - NSW Mining, Energy and Geoscience.
Public Exhibition	✓	Friday 3 June 2022 – Friday 1 July 2022.
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 20 July 2022 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 26 November 2021 and included seven standard conditions.

CONSULTATION

Community Consultation

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days. During the public exhibition, two submissions were received. Both submissions raised the same issues, detailed below and a staff comment provided has been provided.

Matter/comment raised in the Submission	Staff comment
<p>Increased Traffic along and condition of Buckaroo Road and the intersection with Buckaroo Lane.</p>	<p>The subject site has frontage to Buckaroo Road, a Council road. The Planning Proposal documentation states truck movements will commence at 1-3 trucks and increase to 2-3 trucks (50 tonnes per truck) per week after the first twelve months. The Planning Proposal was referred to Council’s Development Engineers who raised no concerns and stated that the specifics of the proposal can be assessed at development application stage. Therefore, any future development application will be referred to Council’s Development Engineers to consider traffic generated from the development and traffic impact.</p>

Agency Consultation

In accordance with Condition 1, the Planning Proposal was referred to the NSW Rural Fire Service and the NSW Environmental Protection Authority. A response was received from the NSW Environmental Protection Authority that stated no objection to the proposed additional use, however SafeWork NSW should be consulted regarding the handling, storage and potential manufacture of explosives. The response states, if a licence is not required for the future use, Council would be the Appropriate Regulatory Authority in relation to environmental matters regulated under the Protection of The Environment Operations Act 1997.

Council continued to follow-up with the NSW RFS, a response was provided, and raised no objection. The response is provided as Attachment 5.

A submission was received from the Biodiversity, Conservation and Science Directorate of the Department of Planning and Environment; the submission is provided as Attachment 6. The submission outlines the primary areas of interest for the Directorate and did not make any specific comment.

A submission was received from the NSW Department of Regional NSW – Mining, Exploration and Geoscience, who raised no concerns or issues regarding the proposal. The response is provided as Attachment 7.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed with the finalisation of the Planning Proposal. This will involve drafting LEP provisions and additional permitted use map.

Draft LEP

Included, as part of the Gateway Determination is a written Authorisation to Exercise Delegation of the Minister’s functions under Section 3.36 (previously Section 59) of the *Environmental Planning and Assessment Act 1979*. The documentation will be forwarded to the Office of Parliamentary Counsel to draft the amendment to the LEP and seek an Opinion that the plan may be made. A copy of the request will be forwarded to DPE – Western Region. Following the receipt of the Opinion, a request that the LEP amendment be notified will be made.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING
27 June 2022

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

- Attachments:**
1. Department of Planning and Environment Gateway Determination. (separately attached)
 2. NSW Environmental Protection Authority. (separately attached)
 3. Department of Planning and Environment letter to Council advising to proceed to exhibition. (separately attached)
 4. Submissions. (separately attached)
 5. NSW Rural Fire Service. (separately attached)
 6. Department of Planning and Environment - Biodiversity, Conservation and Science Directorate. (separately attached)
 7. NSW Department of Regional NSW Mining Exploration and Geoscience response. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Land and Housing Supply Monitor 1 January 2022 - 30 June 2022

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, LAN900042

RECOMMENDATION

That Council receive the report by the Manager, Strategic Planning on the Land and Housing Supply Monitor 1 January 2022 - 30 June 2022.

Executive summary

The Land and Housing Supply Monitor was developed as part of the Urban Release Strategy process in 2014. This Monitor is presented to Council every 6 months and provides the latest development activity data for the preceding six-month period. This report details the total activity for the 2021/22 year.

In addition, the attached Monitor details land supply within the R1 General Residential and R2 Low Density Residential zones. The Monitor is attached to this report.

Disclosure of Interest

Nil

Detailed report

The following is detailed in the attached Monitor:

- Recent development activity for the most recent six-month period ending 30 June 2022.
- Land supply within the R1 General Residential and R2 Low Density Residential zones, detailing how many years supply this represents.
- Current population growth and forecast.

The Monitor focuses on the R1 General Residential and R2 Low Density Residential zonings in Mudgee as this is the area experiencing the greatest growth in the region. Over time this Monitor will be expanded to include other land supply around the region.

It is important for Council to maintain this Monitor to ensure an adequate land supply is maintained. Further, the Monitor assists in the consideration of land zoning decisions and providing advice to community members in relation to rezoning enquiries.

Community Plan implications

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

Strategic implications

Council Strategies

The preparation of this report and Monitor is an outcome of the Mid-Western Regional Urban Release Strategy December 2014.

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Not applicable

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

23 June 2022

Attachments: 1. Land and Housing Supply Monitor.

APPROVED FOR SUBMISSION:

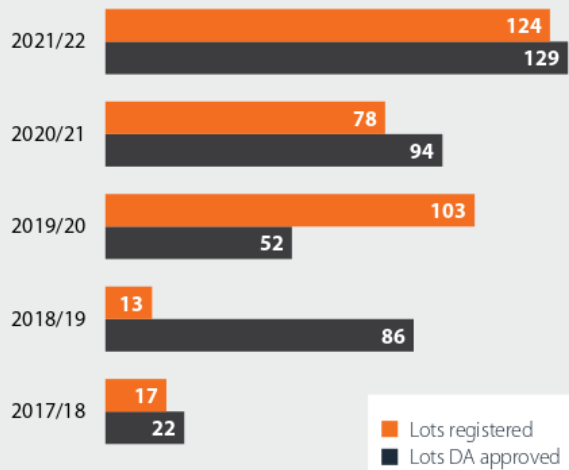
BRAD CAM
GENERAL MANAGER

LAND AND HOUSING SUPPLY MONITOR

1. Recent development activity across the region

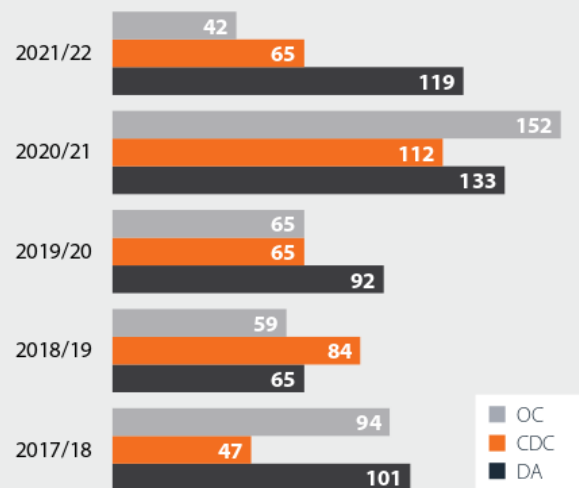
Residential lots approved and released

(including land zoned R1, R2, and R5 with minimum of 2 hectares)



Dwellings and medium density housing

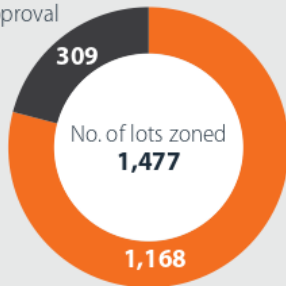
Development Applications, Complying Development Applications and Occupation Certificates



2. Land supply within Mudgee urban release areas

R1 (450–1999m²)

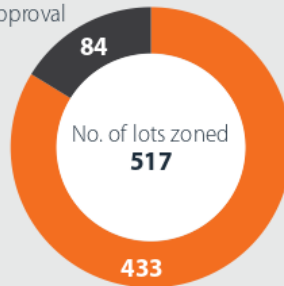
Lots with subdivision approval



Lots without subdivision approval

R2 (2000m²)

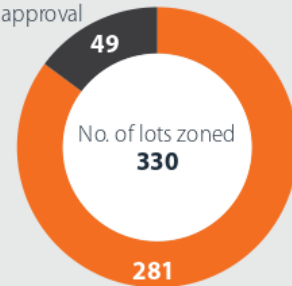
Lots with subdivision approval



Lots without subdivision approval

R2 (4000m²)

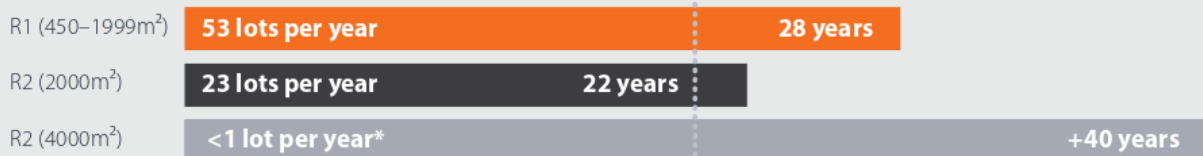
Lots with subdivision approval



Lots without subdivision approval

Years of land supply

(Years supply is based on the average number of lots registered per year over the past five years)



* Note: Minimal development in URS areas to date

Minimum target = 20 years

3. Population growth and forecast



8.4 NSW Government EV Destination Charging Grant

REPORT BY THE ACTING DIRECTOR DEVELOPMENT
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, GRA600052

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Development on the NSW Government EV Destination Charging Grant;**
2. **support the application for 5 additional EV Destination Charging units in the region;**
3. **if grant application successful, accept the grant funding of up to \$37,500;**
4. **if grant application successful, amend the Budget and Operational Plan as follows:**
 - **in 2022/23 set a capital expenditure budget of \$50,000 to be funded by grant funding of \$37,500 and Capital Program Reserve of \$12,500;**
 - **in 2022/23 and 2023/24 set an operational expense budget of \$6,000 p.a. from Unrestricted cash; and**
5. **authorise the Mayor or General Manager to finalise and sign the funding agreement with the NSW Government for the EV Destination Charging Grant if the funding application is successful.**

Executive summary

This report provides an overview of current Electric Vehicle (EV) charging stations in the Mid-Western Region and a proposal to apply to the NSW Government EV Destination Charging Grant for the co-funding of 5 additional Destination Chargers.

It is recommended to approve the application for the EV Destination Charging Grant, and if successful set an expenditure budget of \$56,000 for 2022/23.

Further, it is recommended to amend the 2022/23 Budget to increase grant funding received for EV Destination Chargers by \$37,500

It is also recommended that Council authorise the Mayor or General Manager to accept funding from NSW Government EV Destination Charging Grant and sign the funding agreement and other relevant documentation should Council be successful in obtaining the grant funding applied for.

Disclosure of Interest

Nil

Detailed report

The NSW Electric Vehicle Strategy aims to drive sales of EVs to more than 50% of new car sales by 2030-31. To support this, the NSW Government is encouraging Councils to support the implementation of EV Charging Stations through a range of initiatives. One such initiative is the EV Destination Charging Grant, whereby funds are available to co-fund the purchase and installation of Destination Chargers.

To note, there are three different types of EV Chargers.

Level 1 - AC slow charging ranging from 1.4 kW to 2.4 kW AC charging capability. This is the same as plugging into a regular power point at home or work. 10 km to 20 km range is added after being plugged in for an hour, which is why it is usually only done overnight to recharge the vehicle by 100 km to 300 km.

Level 2 - AC fast charging ranging from 7 kW to 22 kW AC charging capability. This is a dedicated charger with its own plug or socket. This is faster than a Level 1 charger. Typically, 40 km to 100 km of range per hour is added, dependent on each individual car configuration.

Level 3 - DC fast charging is the fastest charging option, ranging from 25 kW to 350 kW DC fast charging capability. This level charger can add 150 km range per hour at the lower end and a full charge at highest charging speeds in 15 minutes (depending on the charger size and car technology).

The EV Destination Charging Grant is supporting the installation of Level 2 chargers, otherwise known as "Destination Chargers".

In the Mid-Western Region, a Level 3 Fast Charger is located at Club Mudgee. This was fully funded and supported by NSW Government and NRMA. Should NRMA identify the region requiring a second Fast Charger, based on current and planned usage, at this point in time it will be located adjacent to the current charger at Club Mudgee. There is no current desire from NRMA to make further investment in the region for second location due to infrastructure investment costs.

Council can consider the installation of a Level 3 Fast Charger at alternate locations in the region, however this would be at Council's expense. Initial estimates indicate this would require investment of up to \$100,000 and ongoing maintenance costs. Council owned chargers can be branded and cost recovery can be undertaken by charging for electricity usage. At this stage, it is not recommended Council make this investment.

Tesla has advised potential to invest in Level 3 chargers in region. This is subject to agreement of a License/Location Lease and identification of potential sites that meet the needs of both parties. Council staff have commenced discussions on potential locations and once appropriate sites are identified, this opportunity would be brought to Council for approval.

Level 2 chargers, as supported by the EV Destination Charging Grant, are typically located at destination locations where car owners may leave their vehicle and undertake activities whilst the vehicle is charging.

There are currently 5 Destination Chargers in the region. These are located at:

- Lowe Wines (Mudgee)
- Petersons Wines (Mudgee)
- The Winning Post (Mudgee)
- The Stables (Mudgee)
- Kandos Museum (Kandos)

The following sites have been identified as potential locations for a Destination Charger:

- Mudgee Arts Precinct (Mudgee)
- Red Hill, Gulgong (Gulgong)
- Rylstone Memorial Hall / Showground (Rylstone)
- Kandos Memorial Hall (Kandos)
- Mudgee Valley Park (Mudgee)
- Glen Willow Regional Sports Complex (Mudgee)

Each of these sites meet the criteria of locations where drivers can leave their cars, either overnight for accommodation or for daytime activities.

The capital expense cost of Destination Chargers are around \$7,000 for a double-socket unit. Installation costs are between \$1800 and \$3000 depending upon location and access to appropriate power.

Ongoing costs (excluding power supply) include service and maintenance costs (3-monthly check by electrician) and annual RCD test, payment platform fees (e.g. 33c/transaction) and ongoing software to list on appropriate websites (approximately \$280/socket/p.a). Based on 5 destination chargers allow \$6000 p.a. (excluding payment platform fees as these may be passed onto user).

Customers can be charged to use the chargers at a per Kw basis and/or time basis. These rates can be set by Council and updated on a monthly basis if required.

It is proposed Council approves the application for the EV Destination Charging Grant for up to 5 Destination Chargers across the region for a total investment of \$50,000, including co-funding commitment of \$12,500 in 2022/23 and an ongoing expense of \$6,000 p.a.

Community Plan implications

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

Strategic implications

Council Strategies

Council's Towards 2040 Community Plan has a range of strategies that highlight providing infrastructure and services to cater for current and future needs of the community

Council Policies

Nil

Legislation

Not applicable

Financial implications

This project will increase capital expenditure in 2022/23 by \$50,000 and produce 5 new assets that will be required to be maintained by Council in future years.

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

Associated Risks

Should Council not invest in expanding an EV Charging network, future visitors and residents may choose to live, work or visit other destinations and not the Mid-Western Region.

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

9 June 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 NSW Planning Portal Integration

REPORT BY THE ACTING DIRECTOR DEVELOPMENT
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, GRA800006

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Development on the NSW Planning Portal Integration;**
2. **accept grant funding of \$80,000 from NSW Government Planning Portal API integration grant;**
3. **amend the 2022/23 Budget and Operational Plan as follows:**
 - **In 2022/23 set an expenditure budget of \$185,000 to be funded by grant funding of \$80,000 and unrestricted cash of \$105,000;**
 - **In 2023/24 and 2024/25 set an expenditure budget of \$60,000 p.a. for licensing expense for ongoing integration between Technology One and the NSW Planning Portal; and**
4. **authorise the General Manager to finalise and sign the funding agreement with the NSW Government.**

Executive summary

The NSW Planning Portal was introduced in July 2021 by NSW Government with the intention to digitise the planning process for a wide-range of users across the state. Whilst the intention was to streamline services for customers and government agencies, without digital integration with Council software and management programs the Planning Portal has increased manual workload significantly for Council. In turn this has reduced service levels to process planning related applications and created increased opportunities for errors and issues in the administration of the development process.

To improve efficiency, reduce errors and improve times to process Development Applications, it is recommended that Council accept grant funding from NSW Government Planning Portal API Integration Grant and amend the budget and operational plan per above recommendations to deliver integration between the Planning Portal and Council's TechOne software.

Disclosure of Interest

Nil

Detailed report

The Department of Planning and Environment is providing funds through the NSW Planning Portal API grant to support local councils to digitally integrate with the NSW Planning Portal via APIs. APIs, or application programming interfaces, are the digital tools necessary to complete

the integration of an online service. APIs enable one party to push out data from a particular data field into their IT system (in this case, the NSW Planning Portal) and for another party (for Council this is TechOne) to receive that data and map it to equivalent data fields from their side. This works in both directions, enabling any data entered into fields at either end to flow back and forth in real time. The NSW Planning Portal API Grant is contributing to assist councils to digitally integrate their IT systems with the NSW Planning Portal using ePlanning integration APIs.

The core advantages to Council of establishing an Application Programming Interface (API) between TechOne and the Planning Portal;

- Increased productivity and efficiency through the automation of data migration, saving time on important tasks such as; record keeping, data creation/collection, and various other tasks that require transferring data between each application.
- Increased productivity and efficiency, where the application process will be sped up, reducing assessment time for customers.
- An API will improve consistency in the collection of data.
- Improving data quality and allowing more reliable and accurate input of data – will remove human error
- Inefficiencies are experienced currently, where Council are using a dual system to register applications, one where DAs are integrated with TechOne automatically, and the other where applications are having to be manually inputted into TechOne.

The number of Development Applications received and processed by Council has continued to grow over the last few years. The increased volume of applications, along with a more manual and laborious process has led to delays in DA processing time. Income from Development Application fees have increased by 158% over the last 12 months. Therefore, it is timely to utilise the increased funds to invest in improved processes to manage increased workloads and provide improved services to the community.

It is recommended that Council accept grant funding of \$80,000 from NSW Government Planning Portal API integration grant and amend the 2022/23 Budget and Operational Plan as follows:

- In 2022/23 set an expenditure budget of \$185,000 to be funded by grant funding of \$80,000 and unrestricted cash of \$105,000
- In 2023/24 and 2024/245 set an expenditure budget of \$60,000 p.a. for licensing expense for ongoing integration between Technology One and the NSW Planning Portal

Community Plan implications

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

Strategic implications

Council Strategies

This project supports Council's goal to be an effective and efficient organisation.

Council Policies

Not applicable

Legislation

The Planning Portal is a NSW Government mandated system to lodge planning applications online. This must be used by anyone in NSW to lodge a range of planning applications with Council.

Financial implications

This project will increase operational expenses in 2022/23 by \$185,000 and \$60,000 p.a. into the future to continue to receive software support and updates.

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

Associated Risks

Should Council not invest in supporting the integration between the NSW Planning Portal and TechOne software, it is likely that errors in planning activities due to the manual duplication of tasks will occur. Further, without integration, increases in planning applications and activities will require further administration resources to support and process these and the recruitment of staff is difficult due to a tight employment market. This leaves a risk of further increased times to process development applications, exposing Council to greater risk of Land and Environment Court matters due to slow decision making.

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

17 June 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

SIMON JONES
DIRECTOR COMMUNITY

8.6 Service NSW for Business

REPORT BY THE EXECUTIVE ASSISTANT DEVELOPMENT
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, ECO800004

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Service NSW for Business;**
2. **delegates authority to the General Manager to enter into an agreement with Service NSW; and**
3. **any necessary documents be authorised for execution under the Common Seal of Council.**

Executive summary

The purpose of this report is to provide background information and seek support to enter into an agreement with Service NSW.

Disclosure of Interest

Nil

Detailed report

Service NSW for Business provides free, personalised support to small business owners, to help them understand industry regulations, to guide them through transactions, and to access support. The services provided to business owners include:

- Business Concierges offering over-the-phone, email and face-to-face support and case management.
- An online Business Profile to make it faster and easier for business owners to transact with NSW Government.
- Guidance and support for small business owners impacted by natural disasters or emerging issues to access a range of Government stimulus, support and information.

Online business information hubs including how-to guides to help business owners understand key tasks and the support available when starting and running a business in NSW.

In August 2021, Council signed a Partnership Agreement to confirm a partnership with Service NSW for "Service NSW for Business" in 2021-22. A new Partnership Agreement has been developed for Council to continue engaging with all services across Service NSW in 2022-23.

There are no additional tasks required of Council, however signing this agreement provides access to a range of data collected by Service NSW which provides insights and understanding of services and assistance being providing to local businesses across the region. Previous data shared with Council under the initial agreement included number of businesses accessing various grant sources from bushfire funding to COVID support. Data has also included information regarding number of

businesses registered for Job Keeper as well as number of business using or value of consumers accessing Dine and Discover vouchers in the region. It is important to note, no personal or individual business information is provided. Data provided is summative only.

The intention of the Partnership Agreement is to build awareness of specialist advice services available to local businesses, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

For Mid-Western Regional Council, the process is to endorse the proposed recommendations and to inform Service NSW when this endorsement has occurred.

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

This agreement supports Council's goal to provide an attractive business and economic environment. It will support the attraction and retention of a diverse range of businesses and industries to the region.

Council Policies

Nil

Legislation

Council would still undertake all assessments as per appropriate legislation.

Financial implications

This program is at no cost to Mid-Western Regional Council to participate. Support material, training and advice is provided by Service NSW for Business at no cost. Implementation of the program may lead to reduced processing times and costs relating to applications to Council.

Associated Risks

Nil

ALEX WILSON
EXECUTIVE ASSISTANT DEVELOPMENT

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

27 June 2022

Attachments: 1. Mid-Western Regional Council - LG - Partnership Agreement - Legal review 26.07.21. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Acceptance of Grant Funding - NSW Government (Reconnecting Regional NSW – Community Events Program)

REPORT BY THE EVENTS COORDINATOR
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, GRA600052

RECOMMENDATION

That Council:

1. receive the report by the Events Coordinator on the Acceptance of Grant Funding - NSW Government (Reconnecting Regional NSW – Community Events Program);
2. if successful, accept the following grant funding of \$239,651 from the NSW Government:

Project	Amount
Mudgee Arts Precinct Culture Workshop	\$20,000
Kildallon Education Centre Opening Celebrations	\$19,651
Lights Up Community Event	\$200,000

3. amend the 2022/23 Event Operations Budget to set an expenditure budget of \$239,651 funded by grant funding; and
4. if successful, authorise the General Manager to finalise and sign the funding agreements with the NSW Government.

Executive summary

The Reconnecting Regional NSW – Community Events Program aims to promote the social and economic recovery of regional communities, by renewing social connections and providing a revenue boost to local businesses, following the extended COVID-19 restrictions across regional NSW and impacts of border closures. A dedicated allocation of \$239,651 is available to the Mid-Western Regional Council to apply for funding towards events that meet the funding criteria.

Council has applied to this grant program to support 3 free community events, including Mudgee Arts Precinct Culture Workshops, Kildallon Education Centre Opening Celebrations and a Lights Up Community Event.

It is recommended, if successful in the above application for funding, that Council accepts the grant funding, authorises the General Manager to sign the funding agreements and amends Council's Budget for 2022/23.

Disclosure of Interest

Nil

Detailed report

The NSW Government unveiled a \$200 million Regional Recovery Package aiming to create new jobs and support community events, shows and festivals to boost tourism across the state.

A dedicated allocation of \$239,651 is available to the Mid-Western Regional Council to apply for funding towards these events

Funding will be allocated to events that meet the program assessment criteria, viability and deliver positive social outcomes promoting community participation, inclusion and cohesion. Importantly, events must be free to attend for the community.

Council has applied to this grant program to support 3 free community events:

- **Mudgee Arts Precinct Culture Workshops**

The Cultural Workshop space, part of the Mudgee Art Precinct will open August 22 housing a space in the region for a Community Arts Program. The events will engage arts educators for a variety of free activities over a weekend (or two) to showcase the new facility.

- **Kildallon Education Centre Opening Celebrations**

The Kildallon Education Centre (old TAFE Building), is the new home for U3A, Mudgee Performing Arts and Mudgee Concert Band. The event would be the official launch of the facility. Providing a free community event with activities and local food and entertainment.

- **Lights Up Community Event**

A free community event including local entertainment, food trucks & wineries, light installations and lights show. Date for this event is to be established. Activities will take place at Mudgee Showground and lighting opportunities across other towns.

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

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

Nil

Legislation

Nil

Financial implications

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

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

Associated Risks

Nil

JOANNA LINDSAY
EVENTS COORDINATOR

BRAD CAM
GENERAL MANAGER

23 June 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

8.8 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER, PLANNING

TO 20 JULY 2022 ORDINARY MEETING

GOV400098, GOV400088, A0420109

RECOMMENDATION

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

Executive summary

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

Disclosure of Interest

Nil

Detailed report

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

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

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Not applicable

LINDSAY DUNSTAN
MANAGER, PLANNING

ALINA AZAR
ACTING DIRECTOR DEVELOPMENT

1 July 2022

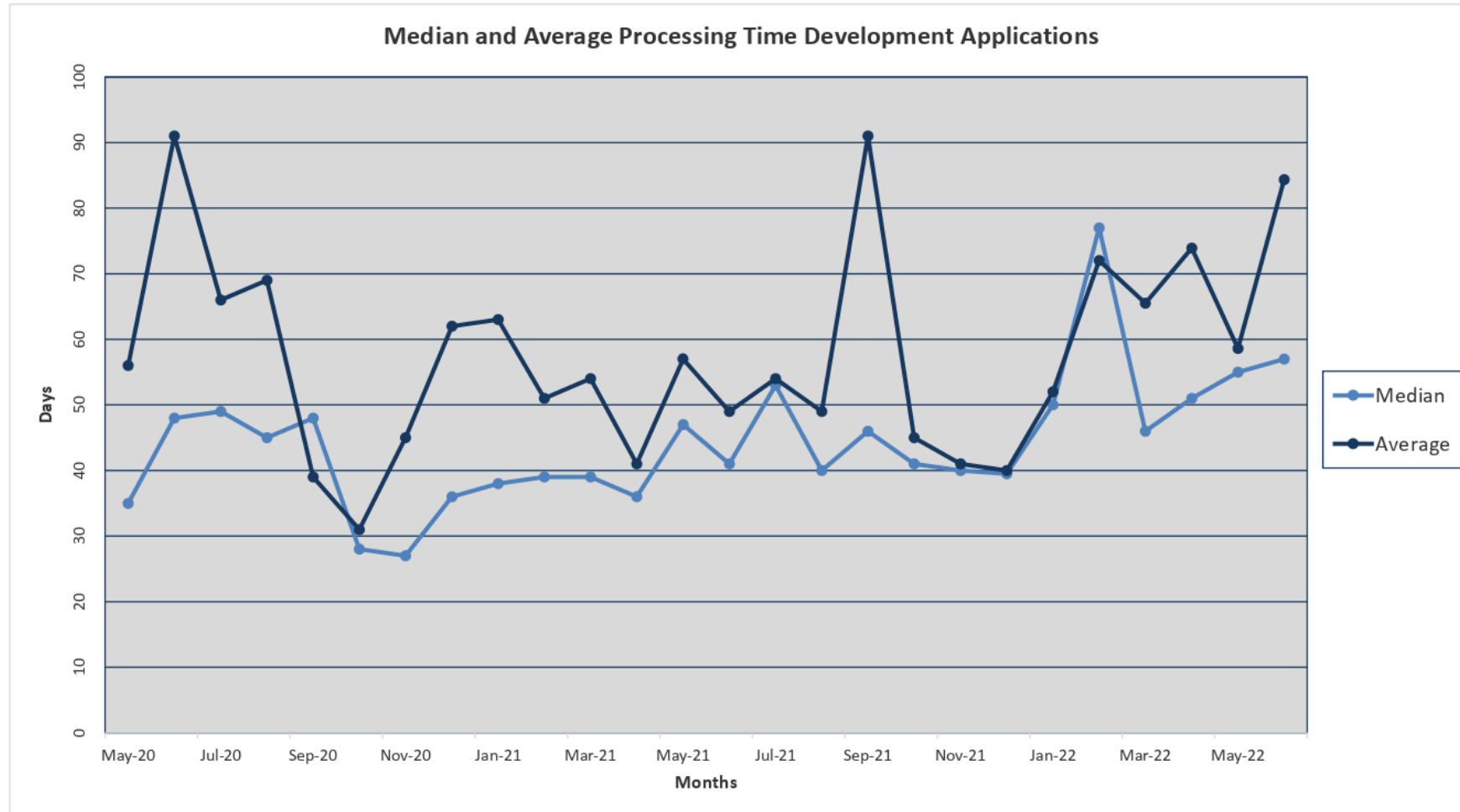
Attachments: 1. DA applications processing and determined ATTACHMENT June 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

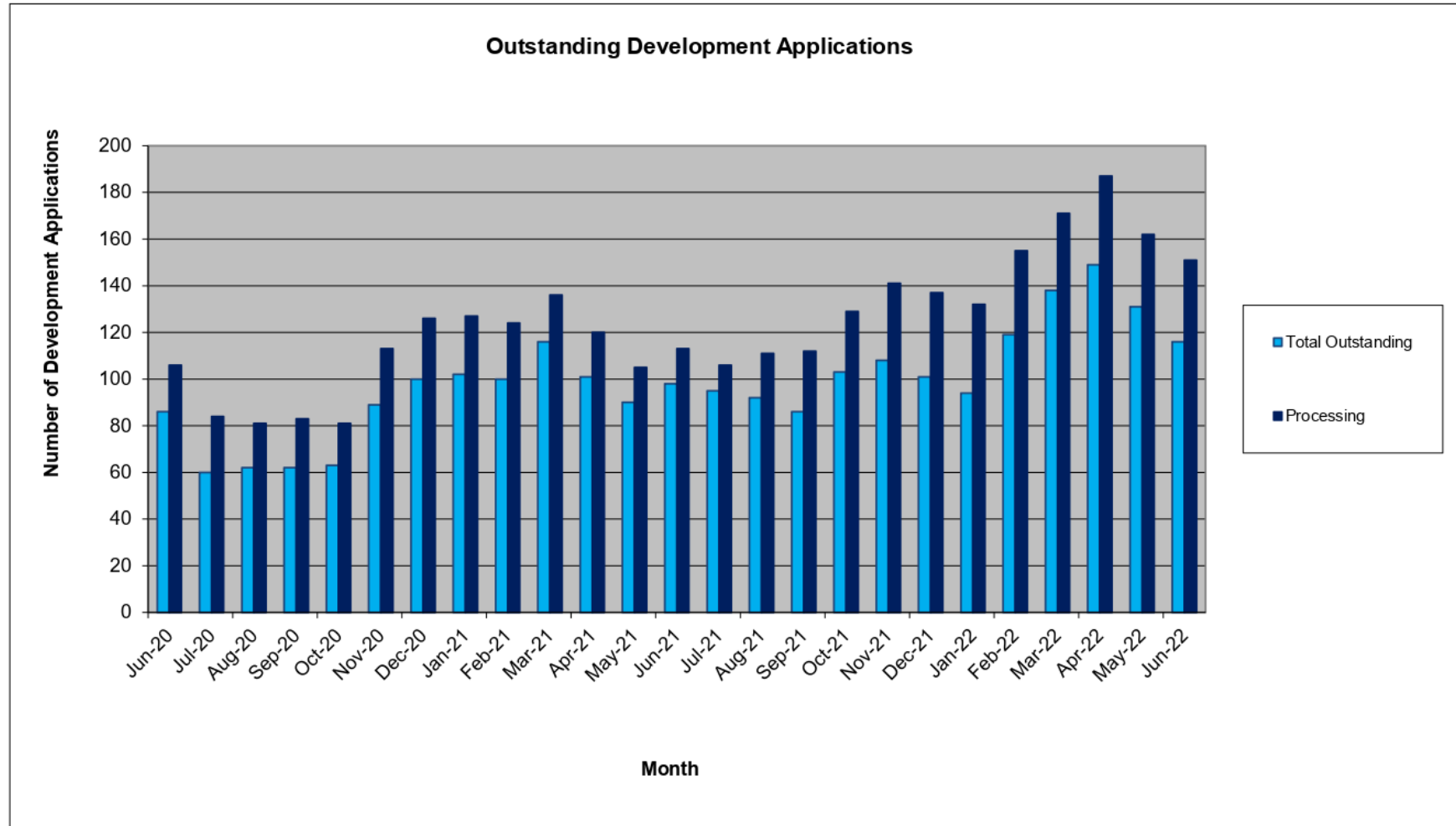
Monthly Development Application Processing Report – June 2022

This report covers the period for the month of June 2022. Graph 1 indicates the processing times up to 30 June 2022 with the month of June having an average of 84.33 days and a median time of 57 days.



Monthly Development Application Processing Report – June 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 – June 2022

The Planning and Development Department determined 33 Development Applications either by Council or under delegation during June 2022.

Development Applications Determined – June 2022

Appl/Proc ID	Description	House No	Street Name	Locality
DA0003/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0006/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0093/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0233/2022	Demolition	58	Pitts Lane	PUTTA BUCCA
DA0244/2022	Emergency Services/Bushfire Hazard Reduction	41	George Campbell Drive	BOMBIRA
DA0262/2022	Shed >150m2	210	Green Gully Road	GREEN GULLY
DA0271/2022	Alterations and additions to industrial developmnt	6	Horatio Lane	MUDGEE
DA0274/2022	Dual Occupancy	21	Suttor Avenue	CAERLEON
DA0284/2022	Ancillary Residential Development	14	Dunphy Crescent	MUDGEE
DA0286/2022	Pergola	21	White Circle	MUDGEE
DA0292/2022	Dual Occupancy	1	Saleyards Lane	MUDGEE
DA0294/2022	Garage	107	Denison Street	MUDGEE
DA0295/2022	Subdivision - Torrens Title	25	Rifle Range Road	MUDGEE
DA0308/2022	Dual Occupancy	5	Suttor Avenue	CAERLEON
DA0316/2022	Secondary dwelling	61	Buchanan Street	KANDOS
DA0318/2022	Signage	115	Market Street	MUDGEE
DA0322/2022	Secondary dwelling	148	Pipeclay Lane	BUDGEE BUDGEE
DA0326/2022	Shed >150m2	25	Henry Bayly Drive	MUDGEE
DA0333/2022	Subdivision - Torrens Title	1	Railway Street	GULGONG
DA0341/2022	Dwelling House	59	Snelsons Lane	GULGONG
DA0342/2022	Shed >150m2	20	Carwell Street	RYLSTONE
DA0353/2022	Other (DA)	37	Racecourse Road	GULGONG
DA0355/2022	Shed >150m2	59	Snelsons Lane	GULGONG
DA0366/2022	Change of use - retail to commerical premises	160	Church Street	MUDGEE
DA0367/2022	Alterations & Additions	3	Diana Drive	SPRING FLAT
DA0371/2022	Dwelling House	11	Goodlet Lane	MUDGEE
DA0372/2022	Dwelling House	195	Lowes Peak Road	ST FILLANS
DA0374/2022	Shed >150m2	32	Bawden Road	MUDGEE
DA0379/2022	Dwelling House	171	Black Lead Lane	GULGONG
DA0382/2022	Dwelling House	3	Goodlet Lane	MUDGEE

Monthly Development Application Processing Report – June 2022

DA0387/2022	Dwelling House	219	Lowes Peak Road	ST FILLANS
DA0405/2022	Other (DA)	77	Market Street	MUDGEES
DA0410/2022	Other (DA)	267	Ulan Road	BOMBIRA

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

- **DA0274/2022 (>10%) Variation to the DCP**

Monthly Development Application Processing Report – June 2022

Development Applications currently being processed – June 2022.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0456/2022	Dwelling House	111	Adams Lead Road	Gulgong
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer	GRATTAI
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0089/2019	Change of use - Shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG
DA0024/2021	Subdivision - Community Title	20	Sydney Road	MUDGEE
DA0087/2021	Carport	63	Court Street	MUDGEE
DA0166/2021	water storage facility	51	Oaklands Road	MOUNT FROME
DA0199/2021	Change of use	1	Sydney Road	MUDGEE
DA0412/2021	Other (DA)	38	Spring Flat Road and 108 Lions Drive	SPRING FLAT
DA0429/2021	Dual Occupancy	182	Cudgegong Road	RYLSTONE
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS
DA0015/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0094/2022	Dwelling House	96	Madeira Road	MUDGEE
DA0123/2022	bed and breakfast accommodation	226	Melrose Road	MOUNT FROME
DA0130/2022	Industrial Building	3	Wilkins Crescent	MUDGEE
DA0164/2022	Change of use - retail premises	9	Sydney Road	MUDGEE
DA0166/2022	Subdivision - Torrens Title	15	Cainbil Street	GULGONG
DA0170/2022	Other (DA)	33	Blain Road	CAERLEON
DA0178/2022	Dual Occupancy	21	Robertson Street	MUDGEE
DA0189/2022	Change of use	4	Avisford Court	MUDGEE
DA0190/2022	Subdivision - Torrens Title	150	Gladstone Street	MUDGEE
DA0216/2022	Dwelling House	1858	Cudgegong Road	MUDGEE
DA0218/2022	Demolition	1858	Cudgegong Road	CUDGEGONG
DA0226/2022	Garage	12	Wandoona Court	MUDGEE

Monthly Development Application Processing Report – June 2022

DA0232/2022	Subdivision - Torrens Title	34	Leconfield Drive	BOMBIRA
DA0241/2022	Secondary dwelling	257	Melrose Road	MOUNT FROME
DA0243/2022	Emergency Services/Bushfire Hazard Reduction	3	Garner Street	LUE
DA0247/2022	Ancillary Residential Development	25	Burrundulla Avenue	MUDGEE
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
DA0267/2022	Telecommunications facility	20	Robison Street	ULAN
DA0268/2022	Subdivision - Torrens Title	313	Magpie Lane	GALAMBINE
DA0270/2022	Dual Occupancy	64	Inglis Street	MUDGEE
DA0277/2022	Ancillary Residential Development	15	Mudgee Street	RYLSTONE
DA0279/2022	Secondary dwelling	41	Medley Street	GULGONG
DA0288/2022	Shed >150m2	10	Robert Jones	MUDGEE
DA0301/2022	Dual Occupancy	25	Fairydale Lane	MUDGEE
DA0302/2022	Shed >150m2	6	Worobil Street	GULGONG
DA0309/2022	Dual Occupancy	4	Goodlet Lane	MUDGEE
DA0310/2022	Other (DA)	6	Wilkins Crescent	MUDGEE
DA0311/2022	Dwelling House	31	McLachlan Street	KANDOS
DA0312/2022	Subdivision - Torrens Title	55	Ilford Road	KANDOS
DA0313/2022	Subdivision - Torrens Title	194	Hill End Road	CAERLEON
DA0315/2022	Semi-detached dwelling	1858	Cudgegong Road	CUDGEGONG
DA0317/2022	Other (DA)	44	Davies Road	KANDOS
DA0319/2022	Dwelling House	251	Cuthel Lane	BERYL
DA0328/2022	Dwelling House	86	Rissler Road	STUBBO
DA0329/2022	Other (DA)	19	Sydney Road	MUDGEE
DA0330/2022	Dwelling House	12	Goodlet Lane	MUDGEE
DA0334/2022	Dual Occupancy	4	Suttor Avenue	CAERLEON
DA0335/2022	Garage	163	Narrango Road	DABEE
DA0336/2022	Shed >150m2	44	Burrundulla Road	BURRUNDULLA
DA0338/2022	Dual Occupancy	9	Goodlet Lane	MUDGEE
DA0339/2022	Dwelling House	310	Castlereagh Highway	GULGONG
DA0343/2022	Garage	14	Herbert Street	GULGONG
DA0344/2022	Subdivision - Torrens Title	49	White Street	GULGONG

Monthly Development Application Processing Report – June 2022

DA0348/2022	Dual Occupancy	8	Flinders Avenue	MUDGEE
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON
DA0358/2022	farm building	221	Stubbo Road	STUBBO
DA0361/2022	Other (DA)	131	Buckaroo Road	BUCKAROO
DA0364/2022	Dwelling House	22	Suttor Avenue	CAERLEON
DA0368/2022	Dwelling House	76	Zimmmer Lane	GULGONG
DA0370/2022	Shed >150m2	81	Adams Lead Road	GULGONG
DA0373/2022	Other (DA)	391	Brogans Creek Road	CLANDULLA
DA0376/2022	Industrial Building	38	Hill End Road	CAERLEON
DA0377/2022	Dual Occupancy	433	Kaludabah Road	PIAMBONG
DA0378/2022	Other (DA)	99	Mount Pleasant Lane	BUCKAROO
DA0380/2022	Secondary dwelling	62	Rodgers Street	KANDOS
DA0381/2022	Shed >150m2	8	Thomas Clark Place	MUDGEE
DA0385/2022	Industrial Building	32	Burrundulla Road	BURRUNDULLA
DA0386/2022	Shed >150m2	11	Steel Drive	SPRING FLAT
DA0388/2022	Subdivision - Torrens Title	52	Nicholson Street	MUDGEE
DA0389/2022	Garage	59	Wyaldra Lane	COOKS GAP
DA0390/2022	Subdivision - Torrens Title	7	Lovett Court	SPRING FLAT
DA0391/2022	Secondary dwelling	7	McLachlan Street	KANDOS
DA0394/2022	Shed >150m2	65	Drews Lane	HOME RULE
DA0396/2022	Subdivision - Torrens Title	227	Melrose Road	MOUNT FORME
DA0397/2022	Subdivision - Torrens Title	1	Short Street	KANDOS
DA0400/2022	Dwelling House	40	Saleyards Lane	MUDGEE
DA0401/2022	Dual Occupancy	41	Suttor Avenue	CAERLEON
DA0402/2022	Dwelling House	6	Enfield Avenue	CAERLEON
DA0403/2022	Subdivision - Torrens Title	7	Madeira Road	MUDGEE
DA0404/2022	Dwelling House	235	Gladstone Street	MUDGEE
DA0406/2022	Subdivision - Torrens Title	36	Tinja Lane	PUTTA BUCCA
DA0408/2022	Other (DA)	115	Eurunderee Lane	EURUNDEREE
DA0409/2022	Dual Occupancy	151	Wattlegrove Lane	LINBURN
DA0412/2022	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD
DA0413/2022	Subdivision - Torrens Title	900	Castlereagh Highway	BERYL
DA0414/2022	Subdivision - Torrens Title	5056	Hill End Road	HARGRAVES

Monthly Development Application Processing Report – June 2022

DA0415/2022	Dwelling House	27	Anderson Street	GULGONG
DA0416/2022	Garage	15	Mudgee Street	RYLSTONE
DA0417/2022	Other (DA)	59	Church Street	MUDGEE
DA0419/2022	Subdivision - Torrens Title	53	Cox Street	MUDGEE
DA0422/2022	Shed >150m2	115	Coxs Creek Trail	COXS CREEK
DA0423/2022	Dual Occupancy	155	Suzanne Road	TALLAWANG
DA0425/2022	Shed >150m2	56	Rocky Waterhole Road	MOUNT FROME
DA0426/2022	Dual Occupancy	49	Suttor Avenue	CAERLEON
DA0427/2022	Subdivision - Torrens Title	161	Gladstone Street	MUDGEE
DA0428/2022	Subdivision - Torrens Title	19	Waterworks Road	MUDGEE
DA0429/2022	Multi dwelling housing	81	Lawson Street	MUDGEE
DA0430/2022	Dwelling House	80	Carwell Street	RYLSTONE
DA0431/2022	Shed >150m2	778	Castlereagh Highway	MENAH
DA0432/2022	Secondary dwelling	17	Buckaroo Road	BUCKAROO
DA0433/2022	Earthworks	16	Robert Jones Street	MUDGEE
DA0434/2022	Dwelling House	685	Coxs Creek Road	RYLSTONE
DA0435/2022	Swimming Pool	124	Inglis Street	MUDGEE
DA0436/2022	Shed >150m2	17	Belmore Street	GULGONG
DA0437/2022	Dwelling House	233	Upper Botobolar Road	BOTOBOLAR
DA0438/2022	Other (DA)	40	Davies Road	KANDOS
DA0439/2022	Subdivision - Torrens Title	1329	Pyramul Road	PYRAMUL
DA0441/2022	Shed >150m2	30	Enfield Avenue	CAERLEON
DA0442/2022	Other (DA)	209	Pipeclay Lane	BUDGEE BUDGEE
DA0443/2022	Dual Occupancy	51	Saleyards Lane	MUDGEE
DA0444/2022	Shed >150m2	658	Black Springs Road	BUDGEE BUDGEE
DA0445/2022	Dwelling House	320	Beechworth Road	HARGRAVES
DA0446/2022	Dwelling House	31	Wurth Drive	BOMBIRA
DA0447/2022	Alterations & Additions	19	Nashs Flat Place	MUDGEE
DA0448/2022	Subdivision - Torrens Title	151	Robertson Street	MUDGEE
DA0449/2022	Shed >150m2	9	Kellett Drive	MUDGEE
DA0450/2022	Dwelling House	344	Castlereagh Hwy	BURRUNDULLA
DA0450/2022	Swimming Pool	344	Castlereagh Hwy	BURRUNDULLA
DA0451/2022	Other (DA)	1403	Blue Springs Road	BUNGABA

Monthly Development Application Processing Report – June 2022

DA0452/2022	Ancillary Residential Development	58	White Circle	MUDGEES
DA0453/2022	Secondary dwelling	209	Mortimer Street	MUDGEES
DA0454/2022	Entertainment facility	267	Ulan Road	BOMBIRA

Monthly Development Application Processing Report – June 2022

Heritage Development Applications currently being processed – June 2022.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES
DA0198/2021	Change of use	110	Church Street	MUDGEES
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE
DA0369/2021	Alterations & Additions	22	Queen Street	GULGONG
DA0070/2022	Dwelling House	120	Market Street	MUDGEES
DA0087/2022	Demolition	33	Horatio Street	MUDGEES
DA0201/2022	Garage	74	Gladstone Street	MUDGEES
DA0234/2022	Dwelling House	64	Lawson Street	MUDGEES
DA0303/2022	Other (DA)	103	Lawson Street	MUDGEES
DA0350/2022	Subdivision - Torrens Title	74	Inglis Street	MUDGEES
DA0392/2022	Secondary dwelling	31	Gladstone Street	MUDGEES
DA0393/2022	Educational Establishment	70	Court Street	MUDGEES
DA0398/2022	Secondary dwelling	15	Mudgee Street	RYLSTONE
DA0399/2022	Other (DA)	28	Louee Street	RYLSTONE
DA0407/2022	Signage	70	Church Street	MUDGEES
DA0411/2022	Other (DA)	28	Market Street	MUDGEES
DA0418/2022	Dual Occupancy	12	Little Bayly Street	GULGONG
DA0440/2022	Demolition	70	Court Street	MUDGEES
DA0455/2022	Ancillary Residential Development	48	Court Street	MUDGEES

Item 9: Finance

9.1 Naming of an unnamed lane off Dabee Street, Rylstone

REPORT BY THE REVENUE OFFICER
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, R0790141

RECOMMENDATION

That Council:

- 1. receive the report by the Revenue Officer on the naming of an unnamed lane off Dabee Street, Rylstone; and**
- 2. formally approve the name of Kirkland Lane.**

Executive summary

Formal approval is requested to name the unnamed lane off Dabee Street in the town of Rylstone, Kirkland Lane.

Disclosure of Interest

Nil

Detailed report

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

Following a request to name an unnamed lane off Dabee Street in the town of Rylstone, Council wrote to the neighbours of the unnamed lane on the 27th January 2022 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 11th February 2022 Mudgee Guardian, the March issue of Rylstone-Kandos Community Capers and on Council's website.

From submissions received, Council provisionally approved the name of Kirkland Lane at their 20th April 2022 meeting.

The recommended name of Kirkland Lane relates to the Kirkland family who have a long history in Rylstone and owned property along the lane to be named and nearby. James Kirkland was born in Lancashire and married Jessie Taylor in Fish River in 1842. They moved to Rylstone where he was employed as a carpenter. He did building work at Dabee Station homestead and shearing shed. He also built the pews for the Anglican and Presbyterian Churches in Rylstone, and was the local coffin maker. James and Jessie were founding members of the Presbyterian Church and there is a memorial plaque to them in St Andrews Presbyterian Church. James and Jessie's son Andrew Kirkland married Mary Pickett in Rylstone in 1886. They owned a property called Oakborough on the Cudgegong River south

west of Rylstone, and Andrew held the Licence for the Shamrock Hotel. Their son Athol served in the 34th Battalion during WW1 and was killed at Villers Bretonneux in 1918. He was buried in an unmarked grave which was identified in 2015. Mary Kirkland owned a house on Dabee Street near the lane being named. Her son Clifton lived there followed by her grandson Wallace. Her other grandson Raymond lived adjacent to the lane being named. Great great granddaughter Jill Wilson grew up at 14 Louee Street which backs onto the lane being named.

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

The new lane name was advertised in the 20th May 2022 issue of the Mudgee Guardian and on Council's website with no additional submissions or objections received.

Notices of the new lane name was served on Australia Post, the Registrar General, the Surveyor General, the NSW Ambulance Service, NSW Fire & Rescue, NSW Rural Fire Brigades, NSW Police Force, NSW State Emergency Service and NSW Volunteer Rescue Association via the Geographical Names Board Place and Road Naming Proposal System with no objections received.

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

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

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

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Road, Bridge and Place Naming Policy

Legislation

Roads Act 1993

Road Regulation 2008

Geographical Names Act, 1996

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

Financial implications

The cost and installation of two street signs at the intersection with Dabee Street and the northern end of the unnamed lane, is currently within existing street signage budgets.

Associated Risks

Nil

SARAH PRINGLE
REVENUE OFFICER

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

22 June 2022

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

APPROVED FOR SUBMISSION:

SIMON JONES
DIRECTOR COMMUNITY

General Manager
Mid-Western Regional Council
P O Box 156
MUDGEE NSW 2850

RE – PROPOSED STREET NAMING – ROAD RESERVE OFF DABEE ROAD
RYLSTONE NSW 2849

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

I propose: GEORGE LANE

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

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

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

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

Barry was killed in action 7th April 1969 aged 21

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

Yours faithfully,

Lynette A Rawlinson

General Manager

MWRC

PO Box 156

Mudgee NSW 2850



Mr. BRAD CAM

Dear Sir

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

KEMPS LANE.

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

I hope you can consider this as fitting.

Carol Hayward

Jill Wilson

13th March 2022

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

Dear Sir,

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

My reasons being as follows:

1. My ancestors were James & Jessie Kirkland.

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

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

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

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

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

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

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

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

Yours faithfully,

Jill Wilson

Rylstone and District Historical Society Inc.



Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

17th March 2022

Attention: Diane Sawyers; Manager Revenue & Property

Re: ROAD RESERVE NAME PROPOSAL – RYLSTONE

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

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

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

Yours sincerely,

Peter Monaghan - President, Rylstone & District Historical Society Inc



9.2 Monthly Statement of Investments as at 30 June 2022

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

RECOMMENDATION

That Council:

1. **receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 30 June 2022; and**
2. **note the certification of the Responsible Accounting Officer.**

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 30 June 2022.

It is noted that at the time of publishing the 30 June report the TCorp managed fund balances were not finalised. These balances may be subject to change.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

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

Legislation

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

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

Financial implications

Not applicable

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

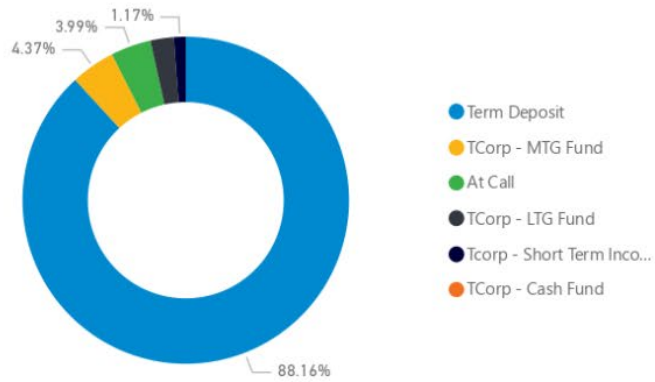
1 July 2022

Attachments: 1. Investment Report - 30 June 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

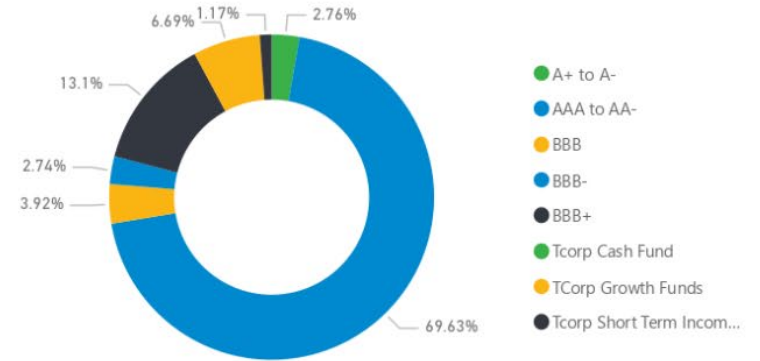


Mid-Western Regional Council Cash and Investments as at 30 June 2022

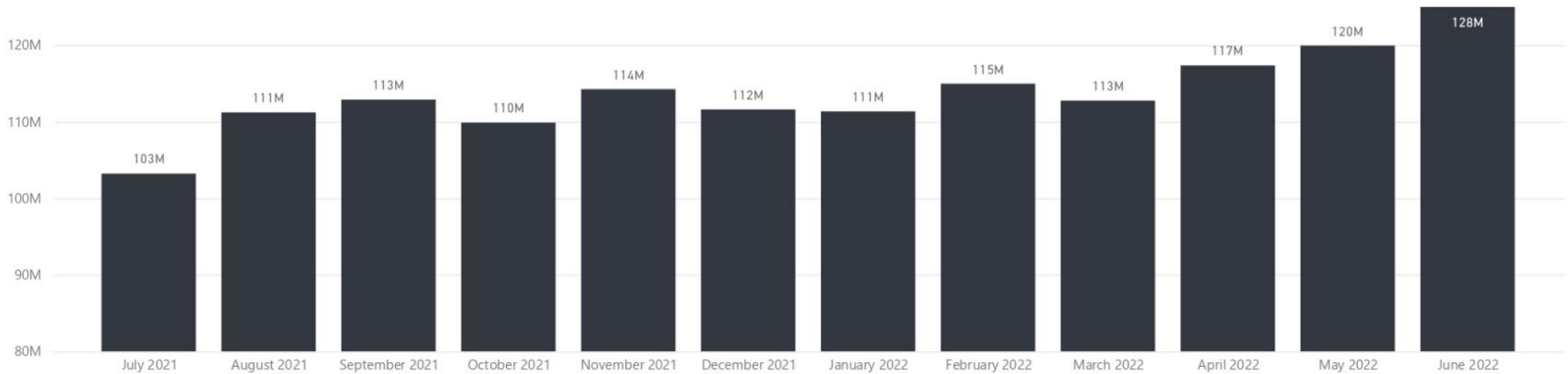
Total Investment Portfolio (\$)

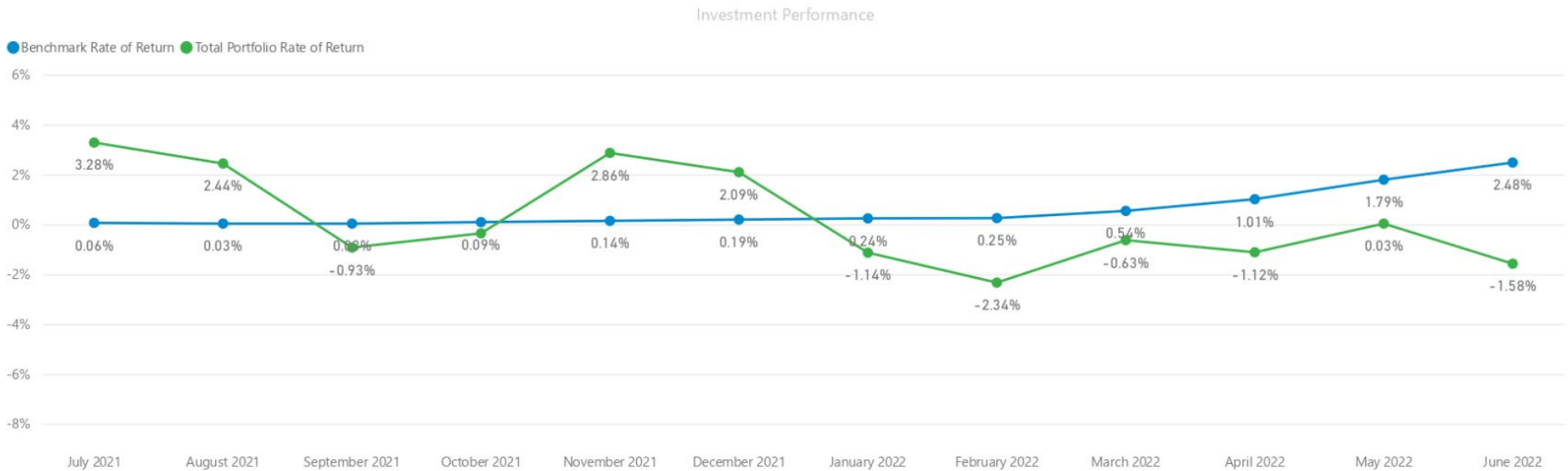
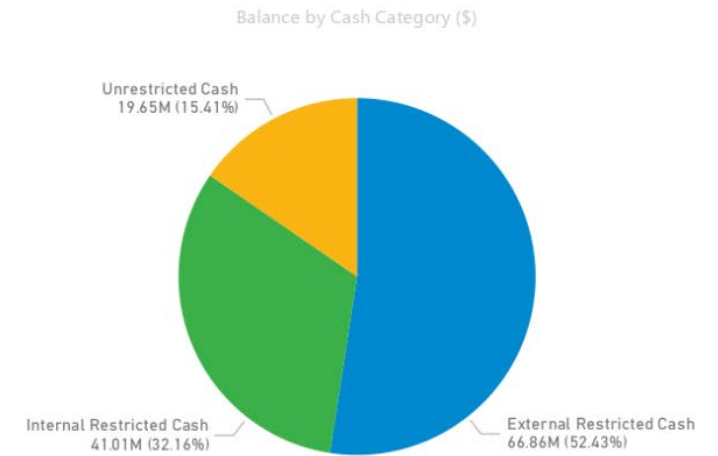
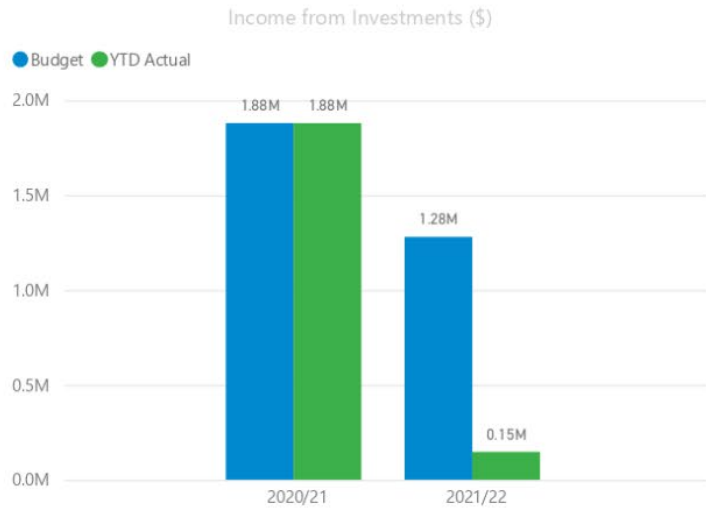
127.51M

Investments by Long Term Rating



Portfolio Balance at End of Month (\$)





At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	1.00%	0	\$	5,083,268
TCorp - Cash Fund	0.50%	1	\$	-
TCorp - Long Term Growth Fund	0.50%	5	\$	2,954,269
TCorp - Medium Term Growth Fund	0.50%	5	\$	5,570,651
TCorp - Short Term Income Fund	0.50%	5	\$	1,490,090
Total			\$	15,098,278

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	1.00%	147	\$	2,000,000
AMP	1.10%	216	\$	1,500,000
Australian Unity	3.50%	538	\$	2,000,000
Australian Unity	4.35%	517	\$	2,000,000
Bank Of Queensland	0.90%	90	\$	1,500,000
Bank Of Queensland	0.50%	27	\$	2,200,000
Bank Of Queensland	0.50%	132	\$	1,500,000
Bank Of Queensland	0.61%	90	\$	1,000,000
Bank Of Queensland	0.85%	174	\$	1,000,000
Bank Of Queensland	1.20%	314	\$	2,000,000
CBA	0.46%	34	\$	1,500,000
CBA	0.46%	20	\$	1,700,000
CBA	0.72%	706	\$	2,000,000
CBA	0.47%	62	\$	1,500,000
CBA	0.50%	118	\$	1,500,000
CBA	0.47%	118	\$	1,000,000
CBA	0.77%	804	\$	1,000,000
CBA	0.47%	174	\$	1,500,000
CBA	0.85%	846	\$	2,500,000
CBA	0.48%	202	\$	2,000,000
CBA	0.73%	300	\$	1,500,000
CBA	3.05%	664	\$	2,000,000
CBA	2.63%	468	\$	1,500,000
CBA	2.31%	328	\$	1,500,000
CBA	2.75%	440	\$	1,500,000
CBA	3.15%	335	\$	1,000,000
CBA	4.15%	727	\$	2,000,000
CBA	3.68%	342	\$	1,500,000
CBA	4.17%	356	\$	1,000,000
Defence Bank	3.20%	335	\$	1,500,000
ING	3.21%	391	\$	1,500,000
Judobank	0.65%	55	\$	1,500,000
Judobank	0.90%	118	\$	1,000,000
Judobank	1.01%	104	\$	1,000,000
Macquarie	1.40%	244	\$	1,014,077
Macquarie	1.15%	272	\$	1,000,000
MyState Bank	0.52%	6	\$	1,000,000
MyState Bank	0.52%	20	\$	1,000,000
MyState Bank	4.20%	370	\$	1,500,000
NAB	0.87%	48	\$	2,000,000
NAB	0.79%	76	\$	1,500,000
NAB	0.70%	104	\$	1,000,000
NAB	0.57%	244	\$	1,700,000
NAB	0.65%	363	\$	2,000,000
NAB	0.51%	175	\$	1,800,000
NAB	0.45%	146	\$	1,500,000
NAB	0.45%	160	\$	2,000,000
NAB	0.80%	790	\$	1,500,000
NAB	0.64%	482	\$	3,000,000
NAB	0.45%	188	\$	1,500,000
NAB	0.70%	454	\$	2,500,000
NAB	0.48%	216	\$	1,000,000
NAB	0.47%	6	\$	1,500,000
NAB	0.79%	230	\$	1,500,000
NAB	0.68%	153	\$	1,000,000
NAB	0.85%	160	\$	1,500,000
NAB	0.75%	153	\$	1,000,000
NAB	0.95%	272	\$	1,500,000
NAB	1.51%	426	\$	2,500,000
NAB	1.21%	300	\$	1,000,000
NAB	4.49%	902	\$	2,500,000
NAB	4.45%	818	\$	2,000,000
Westpac	0.85%	36	\$	2,000,000
Westpac	1.06%	594	\$	2,000,000
Westpac	0.70%	209	\$	1,500,000
Westpac	0.78%	258	\$	1,500,000
Westpac	0.90%	286	\$	2,500,000
Westpac	0.95%	237	\$	2,000,000
Westpac	2.28%	622	\$	1,500,000
Westpac	3.70%	762	\$	2,000,000
Total			\$	112,414,077

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 32,498,278	25%	25%	20%	OK
Between 3 months and 1 year	\$ 56,014,077	44%	69%	40%	OK
Between 1 year and 2 years	\$ 27,500,000	22%	91%	50%	OK
Between 2 years and 4 years	\$ 11,500,000	9%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 127,512,355				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	26%	\$ 29,700,000
	NAB	40%	OK	35%	\$ 39,000,000
	Westpac	40%	OK	13%	\$ 15,000,000
A+	Macquarie	20%	OK	2%	\$ 2,014,077
A	ING	20%	OK	1%	\$ 1,500,000
BBB+	Australian Unity	10%	OK	4%	\$ 4,000,000
	Bank Of Queensland	10%	OK	8%	\$ 9,200,000
	MyState Bank	10%	OK	3%	\$ 3,500,000
BBB	AMP	5%	OK	3%	\$ 3,500,000
	Defence Bank	5%	OK	1%	\$ 1,500,000
BBB-	Judobank	5%	OK	3%	\$ 3,500,000
Grand Total				100%	\$ 112,414,077

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP)	% of Portfolio	Amount
AAA to AA-	100%	OK	74%	\$ 83,700,000
A+ to A-	50%	OK	3%	\$ 3,514,077
BBB+	20%	OK	15%	\$ 16,700,000
BBB	10%	OK	4%	\$ 5,000,000
BBB-	5%	OK	3%	\$ 3,500,000
Grand Total			100%	\$ 112,414,077

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)	7,536,584		5,083,268
TCorp - Cash Fund	2,257,305		-
TCorp - Long Term Growth Fund	3,055,956		2,954,269
TCorp - Medium Term Growth Fund	5,698,048		5,570,651
Tcorp - Short Term Income Fund	1,491,617		1,490,090
Total	20,039,509	-	15,098,278

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
CBA	0.42%	8/06/2022	1,000,000	4,913
CBA	0.42%	22/06/2022	2,000,000	10,149
MyState Bank	0.52%	29/06/2022	1,500,000	8,826
CBA	0.41%	8/06/2022	1,000,000	4,167
Total			5,500,000	28,056

The below table shows new term deposits

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

9.3 Monthly Budget Review - July 2022 Budget Variations

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - July 2022 Budget Variations; and
2. amend the 2021/22 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

Executive summary

This report provides Council with initial budget variations to the 2022/23 Operational Plan. Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

Disclosure of Interest

Nil

Detailed report

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

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

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

- a) establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of Council's income and expenditure, and

- b) if any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of Council.

Financial implications

The budget variations proposed will impact the below financial ratios.

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

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

4 July 2022

Attachments: 1. Monthly Budget Review - July 2022 Budget Variations.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET
REVIEW -
JULY 2022 BUDGET
VARIATIONS

20 JULY 2022

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

FUNDING SUMMARY

Fund	Funding Source	23/24	24/25	25/26	Grand Total
General	GRT - RECREATION - CAPITAL	0			0
	GRT - ROADS TO RECOVERY	709,587			709,587
	PLANT REPLACEMENT RESERVE	122,218			122,218
	RAT - NOTIONAL - BUSINESS	(3,207)			(3,207)
	RAT - NOTIONAL - FARMLAND	(5,312)			(5,312)
	RAT - NOTIONAL - MINING	773			773
	RAT - NOTIONAL - RURAL RESIDENTIAL	(16,121)			(16,121)
	RAT - NOTIONAL - URBAN RESIDENTIAL	(110,723)			(110,723)
	RMS CONTRIBUTIONS - OPERATING	(18,000)			(18,000)
	UCF - RMS STATE ROADS - ORDERED WORKS	(4,105,000)			(4,105,000)
	Unrestricted Cash	131,924	(90,200)	(91,914)	(50,190)
	VPA		100,000		100,000
General Total		(3,293,861)	9,800	(91,914)	(3,375,975)
Sewer	Unrestricted Cash		17,743	(157,266)	(139,523)
Sewer Total			17,743	(157,266)	(139,523)
Waste	Unrestricted Cash		(110,190)	(92,567)	(202,757)
Waste Total			(110,190)	(92,567)	(202,757)
Water	Unrestricted Cash		23,638	44,232	67,870
Water Total			23,638	44,232	67,870
Grand Total		(3,293,861)	(59,009)	(297,515)	(3,650,385)

2022/23 VARIATIONS

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$
General	Ow -Safer Roads Program Menah - Shoulder widening, CAM installation, roadside barrier, audio-tactile line marking & RRPMS.	3,156,522	UCF - RMS STATE ROADS - ORDERED WORKS	(3,630,000)	-	0
General	Ow -Safer Roads Program Cudgegong - Installation of Vehicle Activated Signage (VAS), audio tactile edge and centre line, retro reflective pavement markers (RRPMs), isolated flexible roadside barrier and performing targeted curve shoulder widening.	413,044	UCF - RMS STATE ROADS - ORDERED WORKS	(475,000)	-	0
General	General Purpose Revenue - Increase in number of properties.	0	RAT - NOTIONAL - URBAN RESIDENTIAL, RURAL RESIDENTIAL, FARMLAND & BUSINESS	(134,590)	-	0
General	Plant Purchases - New highway maintenance truck \$120k, Vehicle WHS and upgrade engineer car to ute	117,782	-	0	PLANT REPLACEMENT RESERVE	122,218
General	Badgers Lane - To upgrade the unsealed road to standard as it is now part of the maintained roads list.	98,000	-	0	-	0
General	Zimmer Lane - To upgrade the unsealed road to standard as it is now part of the maintained roads list.	81,000	-	0	-	0

CORPORATE: FINANCE | MONTHLY BUDGET REVIEW – JULY 2022

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$
General	Workplace Health & Safety - New WHS trainer and assessor position.	80,900	-	0	-	0
General	Financial Services - Revaluation of Council buildings and land.	20,000	-	0	-	0
General	Caravan Park - Cudgegong Waters - Legal fees for advice on hand-over of responsibility for the water filtration plant, potable water supply and sewer treatment plant to lessee.	15,200	-	0	-	0
General	Commercial Prop - Administration - Valuation of land	3,000	-	0	-	0
General	Rural Sealed Road Rehab & Widening - - Over budgeted for Roads to Recovery grant.	-709,587	GRT - ROADS TO RECOVERY	709,587	-	0
General	Putta Bucca Training Camp Facility - Stage 1 - Move budget to stage 1.	50,000	GRT - RECREATION - CAPITAL	(50,000)	-	0
General	Putta Bucca Training Camp Facility -Stage 2 - Move budget to stage 1.	-50,000	GRT - RECREATION - CAPITAL	50,000	-	0
General	Ulan Wollar Rd - Railway Signage - Install railway signage in 3 locations along Ulan Wollar Rd.	18,000	RMS CONTRIBUTIONS - OPERATING	(18,000)	-	0
Total		3,293,861		(3,548,003)		122,218

2023/24 VARIATIONS

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$
General	Playground - Broadhead Estate - Duplication of budget	-100,000	-	0	VPA	100,000
General	Workplace Health & Safety - New WHS trainer and assessor position.	90,200	-	0	-	0
Sewer	Sewer Management & Administration - Loan interest adjustment	-17,743	-	0	-	0
Waste	Waste - General Operations - Loan interest adjustment	110,190	-	0	-	0
Water	Water Management & Administration - Loan interest adjustment	-23,638	-	0	-	0
Total		59,009		0		100,000

2024/25 VARIATIONS

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$
General	Workplace Health & Safety - New WHS trainer and assessor position.	91,914	-	0	-	0
Sewer	Sewer Management & Administration - Loan interest adjustment	157,266	-	0	-	0
Waste	Waste - General Operations - Loan interest adjustment	92,567	-	0	-	0
Water	Water Management & Administration - Loan interest adjustment	-44,232	-	0	-	0
Total		297,515		0		0

9.4 New and Amended Fees and Charges 2022/23

REPORT BY THE FINANCIAL PLANNING COORDINATOR
 TO 20 JULY 2022 ORDINARY MEETING
 GOV400098, FIN300117

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2022/23;
2. add the following new fees, as written, and place on public exhibition for 28 days;

<i>Service Type</i>	<i>New Fee</i>	<i>Fee (Inclusive of GST)</i>	<i>GST.</i>	<i>Price Policy</i>
Community Transport – Car Transport – within MWRC region	Wellness Centre Program Participants (5km radius)	\$ 4.00	No	Subsidised/Partial Cost Recovery
Library – Other Library Fees	Disposable Headphones	\$ 1.00	Yes	Direct Cost Recovery
Library – Other Library Fees	USB Sticks 8G	\$ 8.00	Yes	Direct Cost Recovery
Glen Willow Sports Complex – Facility Hire	Glen Willow Rugby Union Fields 1 and 2	\$ 254.00	Yes	Subsidised/Partial Cost Recovery
Glen Willow Sports Complex – Facility Hire	Glen Willow Junior League Fields 1, 2 and 3	\$ 127.00	Yes	Subsidised/Partial Cost Recovery
Showground – Hire fees	Pony Club Rally Day – Rylstone	\$ 55.00	Yes	Subsidised/Partial Cost Recovery

3. amend the following fee amount, as written, and place on public exhibition for 28 days; and

<i>Service Type</i>	<i>Amended Fee</i>	<i>Current Fee amount (\$)</i>	<i>Amended fee amount (\$)</i>
Debt Recovery – Process Filing and Issue Fees	Filing Fee – Statement Liquidated Claim – \$0.01 to \$20,000 – Corp	\$ 290.00	\$ 298.00
Debt Recovery – Process Filing and Issue Fees	Filing Fee – Statement Liquidated Claim – \$20,000.01 to \$100,000 – Corp	\$ 600.00	\$ 618.00
Debt Recovery – Process Filing and Issue Fees	Filing Fee – Examination Order – \$0.01 to \$100,000	\$ 184.00	\$ 190.00

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

Executive summary

This report recommends the introduction of a number of new and amended fees and charges for Community Transport, Library, the Glen Willow Sports Complex and Debt Recovery. Any new or amended fees that are not legislated are required to be placed on public exhibition to provide the public with opportunity for submission.

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

Disclosure of Interest

Nil

Detailed report

New Fees

The following table provides information about the reason for introduction of new fees.

Fee Name	Reason for new fee
Wellness Centre Program Participants (5km radius)	This service has not previously been charged for by Council. This is to transport participants of the Wellness Centre Program to the Wellness Centre located at the hospital grounds.
Disposable Headphones	This fee has not previously been captured in the Council's Fees and Charges Listing.
USB Sticks 8G	This fee has not previously been captured in the Council's Fees and Charges Listing.
Glen Willow Rugby Union Fields 1 and 2	These Sporting Fields have now been complete and are available for use.
Glen Willow Junior League Fields 1, 2 and 3	These Sporting Fields have now been complete and are available for use.
Pony Club Rally Day – Rylstone	This fee has not previously been captured in the Council's Fees and Charges Listing.

Amended Fees

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

Fee Name	Reason for change
Filing Fee – Statement Liquidated Claim – \$0.01 to \$20,000 – Corp	Change in the fee amount as set by the Court.
Filing Fee – Statement Liquidated Claim – \$0.01 to \$20,000 – Corp	Change in the fee amount as set by the Court.
Filing Fee – Examination Order – \$0.01 to \$100,000	Change in the fee amount as set by the Court.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

Not applicable

Legislation

In accordance with Section 608 of the Local Government Act, Council may charge and recover an approved fee for any service it provides other than an annual charge made under section 496 or 501.

Section 610F (1) of the Local Government Act states that A council must not determine the amount of a fee until it has given public notice of the fee in accordance with this section and has considered any submissions duly made to it during the period of public notice.

These fees must be set with the Operational Plan and can only be amended after the date, if:

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

Financial implications

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

Associated Risks

Not applicable

AMANDA COVER
FINANCIAL PLANNING COORDINATOR

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

28 June 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 MWRC Solar Array - Update and Request for Exemption from Tender

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 20 JULY 2022 ORDINARY MEETING
GOV400087, ENE100032

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the MWRC Solar Array - Stage 2;
 2. note that the contracted construction manager Engie Electrical and Communications Pty Ltd (Engie) are undergoing a corporate restructure and have chosen to exercise their option to exit the contract at the completion of Stage 2;
 3. note that Council have approved an early exit of the contract, resulting in Council changing the method of project and construction management as recommended in the report;
 4. approve an exemption from tender, in accordance with Section 55(3)(I) of the Local Government Act 1993, for the provision of project management and construction management services;
 5. note the reason why a satisfactory outcome would not be achieved by inviting tenders is that:
 - 5.1 the project is part way through stage 2 – design and tender package development and it would be difficult to get a new construction manager to pick up mid-project; and
 - 5.2 the existing project managers have already been contracted to oversee the entire solar array project, amending their contract to also include construction management is the most cost effective solution for the project, saving on rework and familiarisation for a new construction manager;
 6. authorise the General Manager to engage Constructive Energy Pty Ltd (CE) to provide the project and construction management services for an estimated contract sum of \$xxx excluding GST; and
 7. authorise the General Manager to approve contract variations within the approved budget for the Solar Array project.
-

Executive summary

At the 21 October 2020 Council Meeting, Council provided endorsement of Stage 2 of a 5 MW (battery ready) solar array.

Stage 1 included completion of a concept design, community consultation, capital expenditure reporting, Development Application, and engineering and grid connection approval.

Stage 2 includes a detailed design, and completion of the construction trade package tender process.

This report will expand on Council's progress with Stage 1 & 2, and request an exemption from tender for the construction and project management of the Solar Array.

Disclosure of Interest

Nil

Detailed report

PROJECT SCOPE

The project has been broken into 4 stages:

- **Stage 1:** Concept design, connection approval and feasibility confirmation
- **Stage 2:** Detailed design and construction trade package tender process
- **Stage 3:** Onsite construction, commissioning and energisation
- **Stage 4:** System operation, tuning and maintenance

STAGE 1 PROGRESS

- ✓ PROJECT TEAM ESTABLISHMENT
- ✓ CONCEPT DESIGN & FEASIBILITY CONFIRMATION

➤ CONNECTION INVESTIGATION SERVICES AGREEMENT (CISA)

The CISA application is progressing, with the following summarised outcomes:

1. Delays to the timing of a granted CISA – approval is still pending, so construction timing has been pushed to 2022/2023
2. Essential Energy network enquiry confirmed there is still capacity available on the network
3. Essential Energy augmentation route is currently being finalised. The anticipated costs of the route are within the initial estimates.

➤ CONFIRM COMMERCIAL & INDUSTRIAL (C&I) CUSTOMER UPTAKE LEVELS AND PRICING

1. Survey of local C&I businesses confirmed respondents are interested in purchasing local energy from a Council owned array and about 3/4 would be okay with the bill coming from Council.
2. Further C&I customer interest is on hold until the project progresses to construction.

➤ DEVELOPMENT APPLICATION

MWRC has called upon a third-party town planner to complete the development application process. Development Application is progressing, and is in the final evaluation stage by the Regional Assessment Panel. Completion anticipated in the next month.

STAGE 2 PROGRESS

Given the positive modelling results from Stage 1, Stage 2 was endorsed by Council on 20 October 2020:

➤ DETAILED DESIGN

The detailed design is progressing with delays based on finalisation of the connection path to the grid. A third party contractor has been working on the design (through Engie), and finalisation will now occur with Council contracting directly with that contractor – Clean Technology Partners. Design is 95% complete.

➤ CONSTRUCTION TRADE TENDER PACKAGE DEVELOPMENT

Engie have prepared the tender packages, subject to bundling into efficient contracts (anticipated to be 4). Revision of the process into 4 contracts will allow for Council to be the head contractor under the new construction management method. The procurement process will be carried out by CE and Council.

Investigation is underway to add Sewerage Treatment Plant 'behind the meter' for further Council savings, and to determine the case for inclusion of battery storage.

➤ BIODIVERSITY CORRIDOR (TREE PLANTING)

Tree planting is delayed based on finalisation of the DA, and associated planting requirements.

STAGE 3 UPDATE

Due to a corporate takeover and restructure, Engie who has been engaged as the Managing Contractor has elected not to deliver Stage 3. Council has amended its approach and will become the Head Contractor for Stage 3, with Constructive Energy continuing in their role of Project Manager and assisting with some of the requirements of the previous Construction Management contract. Therefore, it is recommended for Council to approve an exemption from tender.

This new solution will allow

- Meets procurement guidelines
- Enables local contractor participation
- Minimises risk and delays

After confirmation of updated design and cost estimates, and a review of the pricing model, council staff will report back to Council to obtain endorsement, or otherwise, for Stage 3.

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

Operational Plan and Development Plan

Council Policies

Local Preference Policy

Legislation

In accordance with Section 23A of the Local Government Act 1993, Council is required to undertake a capital expenditure review when it spends money to buy, construct, renovate or acquire an asset.

The NSW Office of Local Government's Capital Expenditure Guidelines apply to capital projects for infrastructure facilities, expected to cost in excess of council's annual ordinary rate revenue or \$1 million whichever is the greater amount (GST exclusive). As the estimated construction price of the solar array is \$8.8 million, a capital expenditure review has been completed and noted by the Office of Local Government.

Financial implications

STAGES 1&2 BUDGET UPDATE

A budget of \$870,000 was approved for Stages 1 & 2, including biodiversity corridor works. So far, \$455,000 has been spent with an additional \$270,000 committed, leaving \$145,000 remaining. Network design rework may result in a variation which will be processed through the QBR if required.

STAGE 3 BUDGET

A further \$8.08 million has been allocated for the completion of Stage 3. Nothing has been committed against this budget, and a report to Council to approve progression to Stage 3 is still required.

It should be noted that prices for components and shipping increased in 2021 but have been stable in 2022. A review of total costs for construction will be included in the Stage 3 progression report.

PROJECT/CONSTRUCTION MANAGEMENT BUDGET ALLOCATIONS

The budget allocation for the previously approved method was about \$1.007 million across all 3 stages of this project.

With the revised recommendation to change to a Council and Constructive Energy led project, the estimated management method is a direct cost estimate of about \$920,000. Indirect costs (use of internal resources to manage e.g. procurement and project oversight) are not included, as they will mostly be absorbed as preapproved operating budgets and are hard to quantify.

No change to the budget is recommended in this report.

Associated Risks

Risks have been identified and actions are being taken to mitigate projects risks, as a part of Stage 1 and continuing. At this stage, the notable risks are:

1. **Failure to obtain Development Application approval** – should the DA not be approved for the proposed location, any capital works for this site will not be utilised and therefore may be considered a waste of funding. The project team is aware of this risk, and will not be completing unnecessary material capital works before the DA is approved.
2. **Estimates for connection and construction are incorrect** - it should be noted that the estimates for network connection and construction are on the conservative/high side, and contingency has been built in. However fluctuations in import pricing over the recent year or so, means this risk remains relevant and is being constantly monitored.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

BRAD CAM
GENERAL MANAGER

11 July 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

9.6 Community Grants Program - July 2022

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
 TO 20 JULY 2022 ORDINARY MEETING
 GOV400098, FIN3000159

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Community Grants Program - July 2022; and
2. provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:

Kandos Rylstone Community Radio Inc.	\$10,000
Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.	\$5,000
Western Region Academy of Sport Inc. (WRAS)	\$1,134
Business Mudgee	\$5,690
Mudgee North-West Division of Sydney Legacy	\$893

Executive summary

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

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

All applications were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

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

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

Applicant	Project/Activity	Funding Request \$	Total Score out of 9	Recommended Amount \$
Kandos Rylstone Community Radio Inc.	Monthly Community Newsletter Community Capers	12,000	8	10,000

Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.	Mudgee Showground Carols 2022	9,875	9	5,000
Western Region Academy of Sport Inc. (WRAS)	Annual operation of the Western Region Academy of Sport	1,512	7	1,512
Business Mudgee	Heart of Cudgegong - Defib Project	5,690	9	5,690
Mudgee North-West Division of Sydney Legacy	Purchase replacement battery and pads for Defibrillator & replace fire extinguishers	893	8	893
Total				22,717

Disclosure of Interest

Nil

Detailed report

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

Kandos Rylstone Community Radio Inc.

Kandos Rylstone Community Radio Inc. requests \$12,000 for Monthly Community Newsletter Community Capers. The funding is requested for publishing, printing and distribution of the Rylstone Kandos Monthly newsletter. This newsletter has benefited the Mid-Western Region Community for over two decades through publicising new and existing businesses, community events, items of interest, community announcements and services across a range of providers each month.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community groups 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles, 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$10,000

The Panel scored the application as 8 and there appear to be significant benefits linked with the objectives of Councils Community Plan so the maximum Cap amount under the community grant category was recommended.

Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc.

Rotary Club of Mudgee Inc. and Rotary Club of Mudgee Sunrise Inc. requests a total of \$ 9,875 (\$5,000 cash, \$ 1140 fee waiver for Mudgee Showground, \$ 3,400 in-kind support for the erection and removal of show banner and \$ 335 fee waiver for bins hire) for Mudgee Showground Carols 2022. Project/activity is annual celebration of Christmas for Mudgee community. The event gives Mudgee families and others the opportunity to come together to celebrate Christmas in an alcohol-

free family environment. Santa lands on Showground in a Commercial Helicopter sponsored helicopter. The event comes to a conclusion with a fantastic fireworks spectacular.

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

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 5,000

The Panel scored the application as 9 and there appears to be significant link to the Council Community Plan so the maximum cap amount under the community grant category was recommended.

Western Region Academy of Sport Inc. (WRAS)

Western Region Academy of Sport Inc. (WRAS) requests \$1,512 for Annual operation of the Western Region Academy of Sport. MRAS provides regional athletes and coaches with pathways to progress to higher levels of sports representation. Athletes receive intensive training sessions, education, sports performance support and elite level competition. WRAS members receive opportunities not necessarily available to regional sportspeople.

Link to Community Plan:1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community, 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 1,512

The Panel scored the application as a 7, however it is noted that this is an annual contribution and therefore it is recommended to fund the full amount.

Business Mudgee

Business Mudgee requests \$5,690 for Heart of Cudgegong - Defib Project . The Heart of Cudgegong - Defib project will promote the location installation of Defibrillators or Automated Defibrillators (AEDs) in all communities including Kandos, Mudgee and outlying villages to positively impact cardiac arrest survival rates. To start we wish to install two 24/7 public accessible defibrillators in the Mudgee CBD and Caerleon areas.

Link to Community Plan:1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.1.2 Work with key partners and the community to lobby for effective health services in our Region, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 5,690

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

Mudgee North-West Division of Sydney Legacy

Mudgee North-West Division of Sydney Legacy requests \$893 for Purchase replacement battery and pads for Defibrillator & replace fire extinguishers. Mudgee legacy offers a range of support for dependants of deceased and incapacitated veterans and their families. Each month there is a meeting/ luncheon for the widows of the Mudgee community.

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.1.2 Work with key partners and the community to lobby for effective health services in our Region, 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 893

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

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Recommendations are made under the Community Grants Program Policy.

Legislation

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

Financial implications

Funding of \$110,000 is provided in the Operational Plan for financial assistance. \$0 has already been allocated, leaving a balance of \$110,000. Based on the scoring system above, the recommendation of staff is to provide \$23,095 in financial assistance. Should Council approve the recommendations in the report, a balance of \$86,905 will remain.

Associated Risks

Not applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

NEIL BUNGATE
ACTING CHIEF FINANCIAL OFFICER

9 June 2022

Attachments: 1. Community Grants. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

Nil

Item 11: Community

11.1 Architectural Services for Mudgee Administration Building Upgrade

REPORT BY THE DIRECTOR COMMUNITY
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, FIN300374

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Architectural Services for Mudgee Administration Building Upgrade;
2. note the preliminary concept plans for the Mudgee Administration Building Upgrade;
3. support the further development of these plans to allow for the submission of a Development Application;
4. approve an exemption from tender, in accordance with section 55 (3) (i) of the Local Government Act 1993, for the architectural services for the Mudgee Administration Building upgrade, noting that due to the extenuating circumstances a satisfactory result would not be achieved by inviting tenders;
5. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has already been tested appropriately, via public marketplace on VendorPanel;
 - b) the same organisations would be targeted if we had tendered (via VendorPanel which picks from the marketplace) so there is no benefit in re-advertising as a tender;
 - c) intellectual property rights are held over the concept design and cannot be used by another supplier to further develop the design, therefore inviting tenders would not be able to interface with the existing concept design;
6. accept Collins and Turner for the architectural services for the Mudgee Administration Building in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7; and
7. delegate authority to the General Manager to negotiate and finalise the contract with Collins and Turner.

Executive summary

Council has grown significantly as an organisation over the past decade. Alongside the staff that are located in Gulgong, Rylstone and Kandos, there are many staff located in Mudgee in a number of locations and buildings. Consideration has been given to a redevelopment of the civic area to provide better public space amenity, an improved Council Chambers area and a better design of the work areas for Council staff and our Customer Service Centre.

This report seeks to inform Council and the community about the options for a redevelopment of the Market Street site. It also seeks an exemption from tender to continue to work on the design with the architects to take Council through the development application process.

Disclosure of Interest

Nil

Detailed report

While there is some capacity to increase work from home arrangements for staff where appropriate, there is still a need to develop additional space over the next few years. This is driven by the increasing size of the organisation, primarily in delivering a significantly increased capital program and the supporting roles for this. This ultimately has an impact on many different departments across the organisation.

A renovation and extension of the existing building will also allow consideration to be given for designing workplaces where more hybrid arrangements can be developed. This would involve more areas where collaboration can take place and ensuring that staff who work some time at a home location or are based at the Rylstone office are also able to work effectively at the Mudgee office when required.

Staff are located in a number of separate buildings across the region and there are efficiencies to be found in housing staff in a smaller number of locations. The size of the Council Chambers is also an issue with the introduction of increasing amounts of technology required for webcasting and presentations making the area cramped, no longer fit for purpose and a potential workplace health and safety concern. Currently only a small gallery space is available with no overflow area.

The overall concept design has two stages. The first Stage would see an extension and renovation of the existing Stables building which would then be able to house the Council Chambers. This would provide for a larger purpose built Chambers with potential overflow areas for larger galleries when required. Additional meeting room space would also be created. The existing Chambers area would be renovated to allow for staff from other buildings to be re-located to the main administration building.

Stage Two would see the construction of a new building on Market Street. This would include the demolition of the old Tourism Office building. This would provide for better accessible access for the community to a new Customer Service area. It will also provide for an improved civic space in front of the Stables building that would allow for a town square to be developed in this area.

Council have been working with an architectural firm, Collins and Turner, on some concept designs for a revamped civic area. Collins and Turner were chosen from a number of firms through a competitive Request for Quote process. The high level concepts that have been developed are designed to show the potential floor space that can be created as well as an initial exploration of the building design. All of this is subject to the required Development Application process.

It is recommended that Council continue to work with Collins and Turner on this project and an exemption from tender is sought. In these circumstances, it is believed that going back to market will not create any value for money as the concept work will need to be redone and we already have an overall concept that Council is in a position to consider.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan
Asset Management Strategy

Council Policies

Procurement Policy

Legislation

Local Government Act 1993

Financial implications

Budget is already in place in the 2022/23 financial year to progress design to the Development Application stage.

Associated Risks

It is recognised that improvements need to be made to staff work areas and the Chambers to improve efficiency as well as amenity. This exploration of the administration area represents a thought through process to enable improvements to be made. However, there is always a risk that the community may not see the hidden value in such projects and Council needs to consider these benefits to the community against the full range of issues and projects that demand attention.

SIMON JONES
DIRECTOR COMMUNITY

3 June 2022

Attachments: 1. Mudgee Admin Chambers for Council Report.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

MID-WESTERN REGIONAL COUNCIL
MUDGEE ADMINISTRATION PRECINCT
STAGE ONE CONCEPT DESIGN
PRESENTATION
20 APRIL 2022
COLLINS AND TURNER

Mid Western Regional Council - Mudgee Administration Building
Prepared for MWRC
20 April 2022

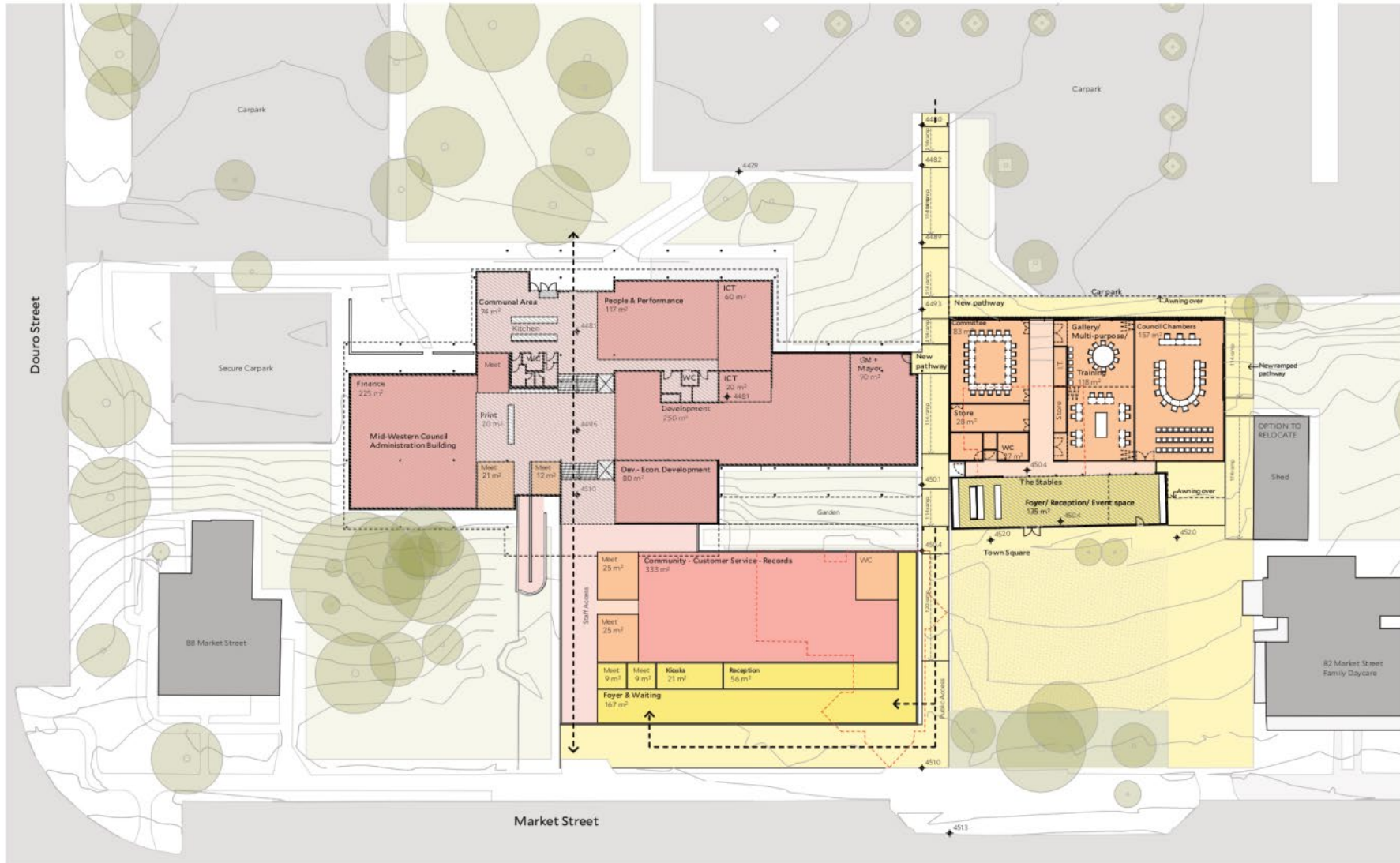
Concept Design

SITE PLAN - EXISTING



Concept Design

SITE PLAN - STAGE 1 AND 2 WORKS



Concept Design

FLOOR PLAN - CHAMBERS



Concept Design

CHAMBERS SOUTH VIEW
PERSPECTIVE STUDY



Concept Design

CHAMBERS NORTH VIEW
PERSPECTIVE STUDY



Concept Design

STAGES 1 AND 2
PERSPECTIVE STUDY - PRELIMINARY



11.2 Business Use of the Footpath Policy Review

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0420120

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Business Use of the Footpath Policy Review;**
2. **note that no submissions were received during the exhibition period; and**
3. **adopt the revised Business Use of the Footpath Policy.**

Executive summary

Council currently has 86 active Business Use of Footpath permits consisting of businesses promoting goods for sale with footpath displays, cafes serving meals into defined seating arrangements on the footpath and licenced premises also extending their licence to access the footpath space.

Short term permits are also issued for busking and community charities conducting fundraising activities.

Disclosure of Interest

Nil

Detailed report

The key policy changes recommended for adoption include;

1. Maps defining the streets where the Policy applies are annexures to the policy
2. Streets with parallel parking will have the pedestrian clearway 1.8 metres from the gutter and goods/table & chairs against the building
3. Fees and Charges amended to remove the annual renewal fee and be replaced with an application fee that provides a permit lasting 5yrs. This would be payable at time of application.
4. Barricades are required to define dining areas of the footpath, in the same way licenced areas are barricaded.
5. Temporary use permits for community engagement events are now permissible.
6. Advertising signage is permitted on a-frame, barriers and umbrellas only. No other signage will be permitted on any other structure on the footpath/nature strip.
7. Amplified music will be approved using mobile amplifiers (no power cables) up to a maximum of 72dB

Note in April 2022 Council resolved to place the draft Business Use of Footpaths Policy on public exhibition for 28 days and to return to Council with any submissions received on this draft policy.

Note no submissions were received during the exhibition period.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Mobile Vending & Street Trading Policy
Public Seating and Footpaths Policy
Disability Inclusion Action Plan
Pedestrian Access & Mobility Plan

Legislation

Roads Act 1993

Financial implications

Not applicable

Associated Risks

Public Liability risks arising from business use of footpaths are addressed by the policy.

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

4 July 2022

Attachments: 1. Reviewed Business Use of the Footpath Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Business Use of the Footpath

*A prosperous
and progressive
community.*

REVIEW		VERSION NO	5.2
MEETING MIN NO		REVIEW DATE	
DATE		FILE NUMBER	A0420120

1 Purpose

The purpose of this policy is to facilitate businesses, community groups and entertainers use of the footpaths for either commercial or community activities, through the issue of an approval under the Roads Act 1993.

This policy aims to enhance and promote a vibrant and welcoming atmosphere in the Mid-Western Regional Council local government area (MWRC LGA).

The policy will ensure a pleasant and safe environment for shoppers and patrons, without compromising the safety or amenity of the public domain for pedestrians using the public footpath and adjoining public spaces and for motorists parking or alighting from their vehicles.

The policy will allow the approval of business use of footpath areas within the central business districts of Gulgong, Kandos, Mudgee and Rylstone, adjacent to businesses where there is adequate road reserve/footpath width for safe pedestrian and traffic circulation.

The permits available are:

- Advertising signs
- Display of goods for sale
- Dining
- Dining/Liquor licensed area (NB. Pubs and small bars also require development consent under the Environmental Planning and Assessment Act 1979)

Temporary Use Permits include:

- Displays and promotions
- Community groups fundraising (not for profit)
- Busking
- Community engagement activities (conducted by Council)

Businesses should not utilise a footpath without a permit from the Council.

Community groups or the general public wanting to utilise a footpath for promotions, fundraising or entertainment activities should lodge an application with the Council before undertaking such activities.

POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,

2 Objective

The objectives of this policy are as follows:

2.1 Access and Equity

- To ensure safety and convenient passage of all pedestrians and customers when using public footpaths;
- To ensure the maintenance of clear view lines for both pedestrians and motorists, particularly near pedestrian crossings, street corners and key intersections; and
- To ensure adjoining premises are not adversely affected by any business use of footpath areas.

2.2 Council and Community Protection

- To protect Council and CBD businesses permitted to extend their business onto the footpath from liability claims, while permitting effective use of public footpaths for business purposes; and
- To ensure that the amenity of the general public will not be compromised by the provision of business use to footpath areas; and
- To ensure that any signage, displays or activities will not offend, intimidate or harass the general public and any reports of this will be investigated by Council.

2.3 Economic

- To enhance the economic viability of our local businesses by offering permits to use public footpaths for business purposes;
- To ensure trading and enhance our central business districts by providing a more vibrant and colourful atmosphere for shoppers.
- To provide for an active and integrated street front; and
- To maintain visibility and exposure of shopfronts.

3 Legislative requirements

The Roads Act 1993 and the Local Government Act 1993 generally require that a person shall not carry out any activity on a public road or place without approval of Council.

Sections 125 and 126 and in some cases Sections 137A-139F of the Roads Act 1993 allow Council to approve the use of a footpath as long as using the footpath for that purpose is not taken to constitute a public nuisance and does not give rise to an offence against the Roads Act or any other relevant legislation.

Sections 137A-139F of the Roads Act 1993, address legislative requirements for Street Vending activities.

Section 68 Part E (2) of the Local Government Act 1993 allows Council to approve the hanging of articles beneath an awning or to overhang the footpath.

Approvals for overhanging articles and street vending are not applicable to this policy. Such enquiries can be directed to Council's Planning department for overhanging articles and Council's Health and Building department for street vending.

POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,

Footpath dining that is not exempt development will require development consent under the *Environmental Planning and Assessment Act 1979*. To be an exempt development, pursuant to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the use of the footway must:

- (a) not be associated with a pub or a small bar, and
- (b) be carried out in accordance with an approval granted under Section 125 of the *Roads Act 1993* (if applicable), including in accordance with any hours of operation to which the approval is subject, and
- (c) be carried out in accordance with any approval granted under section 68 of the *Local Government Act 1993* (if applicable).

If the outdoor dining area is associated with a pub or small bar, development consent is required under the Environmental Planning and Assessment Act 1979

NSW Liquor Act 2007 and Liquor Regulation 2018 apply for the purpose of the service of alcohol.

4 Related policies and plans

- Mobile Vending and Street Trading policy
- Public Seating on Footpaths policy
- Disability Inclusion Action plan
- Pedestrian Access & Mobility Plan

5 Areas to which this Policy applies

The policy applies to all footpath areas in the central business districts of Gulgong, Kandos, Mudgee and Rylstone.

Refer to the annexures for a map of these areas.

6 Applying to use the Footpath

Applications must be made on the Business Use of the Footpath Application forms (Permanent or Temporary use) which are available on Council's website or at Council's offices. Applications must be accompanied by a diagram showing how the footpath is proposed to be used with particular reference to the area of the proposed use and other supporting documentation as stated within the application.

Applications relating to footpaths along State Roads will also be referred to Traffic NSW seeking their consent of the proposed use. Businesses wishing to use a footpath location outside of the CBD zones (as indicated in the annexure maps) may still lodge an application, with these applications to be determined by the Duty Town Planner.

7 Footpath area that can and cannot be used

Businesses, community groups and entertainers use of footpath areas is permitted, with the approval of Council, generally on footpaths immediately adjacent to a shop front and in locations that do not cause an impediment to other footpath users.

POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,

The use of footpath areas maybe either prohibited or restricted, in locations where they obstruct the clear view line of pedestrians or motorists. Clear view lines allow pedestrians to view on-coming traffic and for motorists to observe pedestrians movements.

To ensure access and equity there will generally be a minimum width retained for pedestrian circulation of at least 1.8 metres immediately adjacent to the property boundaries (generally the building line), for the clear passage of footpath users.

Setbacks of 1.2 metres for angled parking zones and 0.8 metres for parallel parking zones from the kerb edge is generally required for the safety of pedestrians and patrons from contact with moving motor vehicles.

Council may, on the merit of a particular situation and application, consider variation to this standard where the applicant can show that the proposal is consistent with the surrounding environment, adequate pedestrian circulation and parking safely is maintained or that agreement has been obtained from the relevant Access Committee.

Any use of footpaths will be conditional upon the safety of potential users. These setback conditions may result in there being only small areas of footpath available for use. Applications should make this assessment before applying and paying any fees and charges.

See the annexures to this document for examples of how the footpaths may be used for each of the CBD areas.

8 Public liability Insurance

A copy of the current Public Liability insurance to the value of \$10 million for the display of goods and/or signs and \$20 million for dining and licenced areas with endorsement noting Midwestern Regional Council's respective rights and interests and indemnifying Midwestern Regional Council for the permitted area of the footpath is to be provided to the Council. It is the responsibility of the permit holder to provide a copy of any and all renewed Public Liability insurance as required in this clause. Failure to do so will be grounds to void the Permit

9 The Permit

Council will issue a Permit to those who receive approval to use the footpath for business purposes. The issue of permits to use the footpath for business purposes will be at the sole discretion of the General Manager as delegated. This Permit must be prominently displayed in the front window of the business of which the Permit refers.

The General Manager has delegated the function of issuing a business a permit for the use of the footpath as an extension of the business to the Manager Customer Services & Governance and the Governance Coordinator.

10 General Conditions

All business / persons being issued with a permit shall be required to comply with the following general conditions:

10.1 Term

Holders of Permits that are lapsing after 5 years will receive a letter in July informing the business requesting they re-apply in August to ensure continuity of Permit.

10.2 Fees

Council reserves the right to charge a fee for the administration process of determining, approving and issuing permits.

Permits are subject to an application/area fees outlined in Mid-Western Regional Councils Schedule of Fees and Charges.

10.3 Hours of operation

The hours of operation for any approved area must be the same as or less than the approved hours of operation of the associated business unless specified in the permit. The hours of operation for the approved area may be limited if it is considered that the amenity of the surrounding area or the safety of pedestrians or footpath diners may be adversely affected. Businesses seeking approval for the service of alcohol with meals will have hours of alcohol service defined, refer section 10.4 below

10.4 Maintenance of approved area

The permitted area of footpath used by the business and areas between the shop premises and the permitted area shall be kept clean at all times and any spills or other material likely to cause injury or accident for pedestrians shall be removed immediately by the applicant/operator.

10.5 Smoking

Smoking is not permitted in any area used for dining or any other area as provided under the Smoke-free Environment Act 2000.

10.6 Business or financial Transactions

No business or financial transactions shall be carried out on the approved area. Such activities shall be carried out wholly within the confines of the premises. This does not include the giving and taking of bills, and associated tips and charges.

10.7 Lighting

Any proposed lighting must be included in the application for approval by Council and be in accordance with the relevant Australian Standards.

10.8 Noise

Amplified music will be accepted using portable amplifiers only (no power cables) being used at less than 72dB.

10.9 Safety

The approved area shall not in any form reduce the safe egress of people from the business premises.

POLICY: BUSINESS USE OF THE FOOTPATH | 5.2.

10.10 Access

- The applicant should provide access in accordance with AS1428 for people with disabilities.
- No business use of the footpath will be permitted where the use would create access problems for people with disabilities.
- In heritage areas with narrower footpaths, consideration will still be given to applications which take account of the needs of all persons who require clear lines of access past footpath obstacles.

10.11 Public Assets

- The removal/relocation of any Council assets, such as rubbish bins and existing street furniture, shall be subject to Council approval and will be at the applicant's cost.
- The removal/relocation of any public utilities/infrastructure shall not be permitted unless justification on public benefit can be made to Council and approvals have been obtained from the relevant authorities. Works will be carried out at the applicant's cost.

10.12 Breaches of Conditions

- If a business permitted to use the footpath in accordance with this Policies conditions breach any of the conditions that apply to their permit will in the first instance be warned. The warning of the breach will be placed in writing.
- Businesses that have been warned of a breach and are found to have again breached will have the permit withdrawn. Notice of withdrawal of the permit will be in writing.
- Businesses who have the service of alcohol condition 10.4 contained in their permit and have been found to have breached condition 10.4 will have the notice of permit being withdrawn notified to the Liquor Licensing Authority.

10.13 Permit not transferable

The Permit cannot be transferred from one user to another. Should a business be sold, the new business operator must make a new application to Council for permission to use the footpath.

10.14 Termination of a permit

A Permit can be terminated at any time by either party with one week's notice.

The Council may enter the approved area and terminate the approval, without notice if:

- The operator breaches the approval and does not remedy the breach within the specified time included in the written notice from the Council (this includes non-payment of fees);
- In the Council's opinion, the road safety or pedestrian circumstances in regard to the approved area substantially change; or
- Council's approval granted pursuant to section 68 of the Local Government Act 1993 and section 125 of the Roads Act 1993 is either revoked by Council, or lapses.

10.15 Enforcement and Compliance.

Enforcement can be taken under the Roads (General) Regulation 2000 in relation to the placement of obstructions on the footpath, or Section 125(1) and 121B of the environmental Planning and Assessment Act 1979. Failure to comply with the conduct of business set out herein or with the enforcement order may result in receiving a fine or cancellation of the Permit. These offences incur penalties set by State legislation.

11 Specific Conditions

11.1 Advertising Signs

The following controls apply to all signage/advertising to be displayed on the approved area:

- Large portable advertising signs or fixed structures will be referred to Councils Planning department for determination of the need for a Development Application to be lodged with the Council.
- Signage/advertising can be permitted on A-frames, barriers and umbrellas. (Umbrellas must be of non-reflective material, signage on each umbrella must be consistent with all other umbrellas on the approved area).
- No other signage will be permitted on any other structure on the footpath/nature strip.
- All signage must be placed to avoid obstruction to pedestrian movement (in accordance with Section 6)
- A-Frames must be a maximum height of 1.2 metres and maximum width of 0.6 metres
- A-Frames must only be displayed during business hours
- A-Frames are to be generally located directly in front of the premises to which they relate
- Signage must be of colour (or marked) so that it is distinguishable
- Signage must not have any sharp edges or protruding parts
- Signage must directly relate to your business

11.2 Display of goods for sale

- Separate approval under Section 68 of the Local Government Act 1993 is also required to sell articles on the footpath. Sales transactions must only occur within the businesses premises not on the footpath
- Display stands must be stable or firmly secured. Display stands should be a minimum height of 1.0 metres and a maximum height of 1.2 metres and width of 0.75 metres. All display stands should be of high quality design.
- No part of the footpath is to be used for storage.

11.3 Dining

- Footpath dining areas associated with pubs or small bars require development consent under the *Environmental Planning and Assessment Act 1979* in addition to a permit under Section 125 of the *Roads Act 1993*.
- Separate approval under Section 68 of the Local Government Act 1993 may also be required if

POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,

temporary shade structures overhang the road.

- Barricades are required to physically define the side boundaries or perimeters of an outdoor dining area, barricades must not contain parts that are likely to cause damage to the pavement, or sharp edges, hinges and other moving parts that may present a hazard to patrons or pedestrians
- Any proposed transparent solid barrier (such as Perspex) should comply with AS 1428.1 Access and Mobility, and should be clearly marked for the full width with a highly visible contrasting line.
- Outdoor dining areas must be easily accessible from the public footway and should as far as possible present an open and inviting image to entice participation. Planter boxes may be used to physically define the side boundaries or perimeters of an outdoor dining area.
- Planter boxes may be considered in open areas, where there is sufficient room and pedestrian movement is not impeded. The planter boxes must be well-maintained by the applicant. Council reserves the right to order the removal of planter boxes that are not properly maintained including the consistent provision of approved high-quality flowers or vegetation. Permanent planter boxes will only be considered on footpath areas where the footpath has sufficient uninterrupted pedestrian access 1800 wide.
- Approved planters shall be terra cotta, concrete or reconstituted stone in natural, sandstone or terra cotta colour, or powder coated, brushed stainless steel or timber.
- Outdoor furniture should be strong, durable, waterproof and weather resistant designed for commercial outdoor use. Tables and chairs should fold or stack for storage.
- Outdoor furniture may be powder coated or polished aluminium, brushed or stainless steel, natural or painted timber, or canvass. Under no circumstances shall outdoor furniture consist of “cheap” bulk manufactured plastic chairs. Surfaces such as table tops should be non- reflective. All outdoor furniture will be subject to the approval of Council.
- Outdoor furniture is not to be placed outside the approved area under any circumstances.
- Each business should adopt a single colour and style for tables and chairs in its particular area to provide consistency and identity.
- All outdoor furniture must be temporary and must be able to be removed in extreme weather conditions.
- Umbrella’s must be securely mounted at all times and in the advent of high winds must be managed so that they do not cause harm to patrons and pedestrians.
- Where the use of a heating device is proposed, details of the type, location and design must be included in the application. Heating devices must be designed in a manner which minimises risk and as such shall turn off automatically if overturned to prevent injury to patrons and property. Heating devices must be removed when not in use and suitably screened from public view. All outdoor heaters must comply with the relevant Australian Standards.
- Food and drink must be served on non-disposable crockery and cutlery. Food and drink must not be prepared in the area approved for outdoor eating.
- Paper, foam or plastic plates, cups and cutlery shall not be used for footpath outdoor dining areas.
- Appropriate footpath service shall be provided which includes as a minimum the removal of any dirty plates, cups, cutlery, footpath staining, and rubbish on a regular basis during each operating day.

11.4 Dining / Liquor Licensing area

- Footpath dining areas associated with pubs or small bars require development consent under the Environmental Planning and Assessment Act 1979 in addition to a permit under Section 125 of the Roads Act 1993.
- Separate approval under Section 68 of the Local Government Act 1993 may also be required if temporary shade structures overhang the road
- All applications for a dining / liquor licenced area permit will be referred to NSW Police Mudgee Local Area Command. Local Police can make representations to the Office of Liquor Gaming & Racing as part of the consideration of the liquor license boundary extension application and; comment directly to the Council on the proposed local permit being issued.
- Council will issue to applicants a letter outlining the local conditions of the permit, this letter may be used by businesses when applying to the Office of Liquor Gaming & Racing to extend their liquor licence boundary to include the designated area of footpath.

Conditions may include:

- Barricades 1 metre in height clearly defining the boundaries of the licenced area will be approved in consultation with the council. The barricades must be linked together and constructed so that they cannot be easily moved by patrons and can tolerate wind events.
 - The maximum capacity of patrons to be seated at tables in the permitted footpath dining area will be limited by the available square meters of footpath divided by 3 multiplied by 4 which equates to the maximum number of patrons at one time in the designated area (4 persons per 3 square metres).
 - Seated table service of alcohol with meals by authorised staff of the licenced premises only will be permitted Service of alcohol with meals is restricted to be undertaken between the hours 12 noon and 10 pm, and;
 - no more than one alcoholic drink may be supplied to any one person at any one time and;
 - the following drinks must not be sold or supplied;
 - any drink (commonly referred to as a 'shot') that contains more than 30 ml
 - of spirits or liqueur and that is designated to be consumed rapidly and;
 - any drink containing more than 50% spirits or liqueur and;
 - any ready to drink (RTD) beverage with an alcohol by volume content more than 5% and;
 - any drink prepared on the premises that contains more than one 30ml nil nip of spirits or liqueur
 - Wine and beer sold by the glass cannot exceed the following individual serve quantities; wine not exceeding 150 ml and beer not exceeding 425mls
 - Liquor must only be sold or supplied in vessels opened by authorised staff of the licenced premises
 - No liquor may be taken out of the footpath defined licenced area
- NB: in this condition, ready to drink (RTD) beverage means an alcoholic mixed beverage that is prepared by the manufacturer.
- In the case of BYO the proprietor shall serve and store the alcohol provided by patrons within the premises (not the footpath area) as single drinks as above.
 - Signposting of the licenced area will be displayed on the outside panels of the barricades to inform the public of the licenced area.
 - Signposting of the Alcohol Free Zone will be displayed on the inside of the barricades informing

POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,

patrons that as they leave the licenced area they are entering an alcohol free zone.

- Outdoor furniture should be strong, durable, waterproof and weather resistant designed for commercial outdoor use. Tables and chairs should fold or stack for storage.
- Outdoor furniture may be powder coated or polished aluminum, brushed or stainless steel, natural or painted timber, or canvass. Under no circumstances shall outdoor furniture consist of “cheap” bulk manufactured plastic chairs. Surfaces such as table tops should be non-reflective. All outdoor furniture will be subject to the approval of Council.

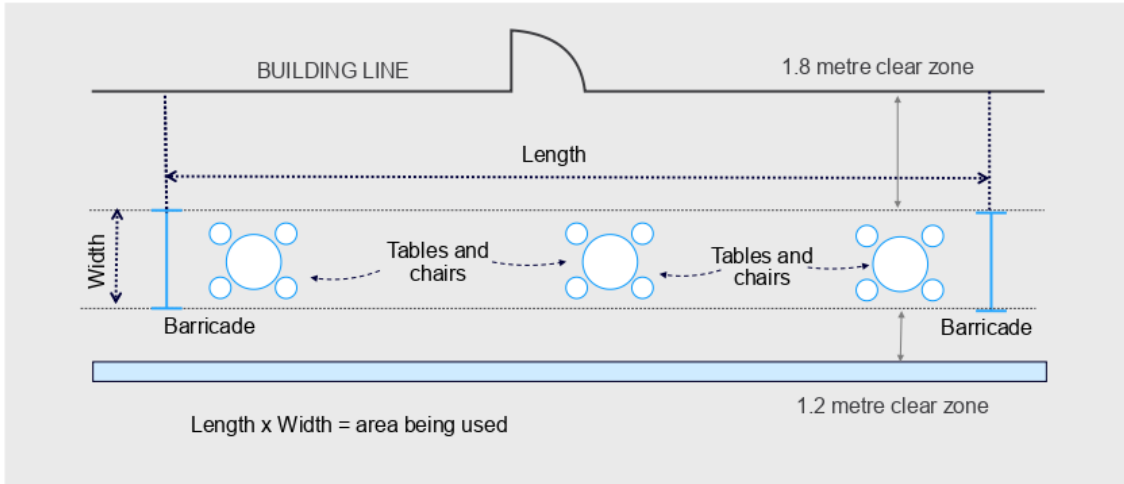
11.5 Temporary Use Permits

- Temporary use permits are required by businesses, community organisations and individuals wanting to access the footpath/nature strip for once off / occasional activities including advertising, promotions, fundraising, entertainment and busking or community engagement events. Applications must contain the following;
 - A description of the activity to be conducted e.g. fashion parade, sale of raffle tickets, busking, promotion, advertising, choir etc.
 - The date and times of the activity including setup and takedown e.g. 10.30 am to 12.30 pm. Busking permits will only be approved for daylight hours.
 - A description of furniture and fittings to be placed on the footpath / nature strip
 - A letter/email of consent from the business that is supporting the activity to be conducted on the footpath in front of their shop
 - A certificate of currency (refer to item 7 above)
- Temporary use permits issued by council will be dated and state the permitted activity. Permits must be made available upon request by a council employee. Businesses must display permits in the front window, as per section 8..
- For businesses requesting a temporary permit to use the footpath;
 - A maximum of two (2) Temporary Business Use of Footpath applications can be submitted during any one calendar year, and
 - Such an application cannot exceed more than four (4) weeks at any one time.
- Businesses requesting to use the footpath in excess of the above restrictions will be required to submit a Permanent Business Use of Footpath form and pay the appropriate fees and charges.

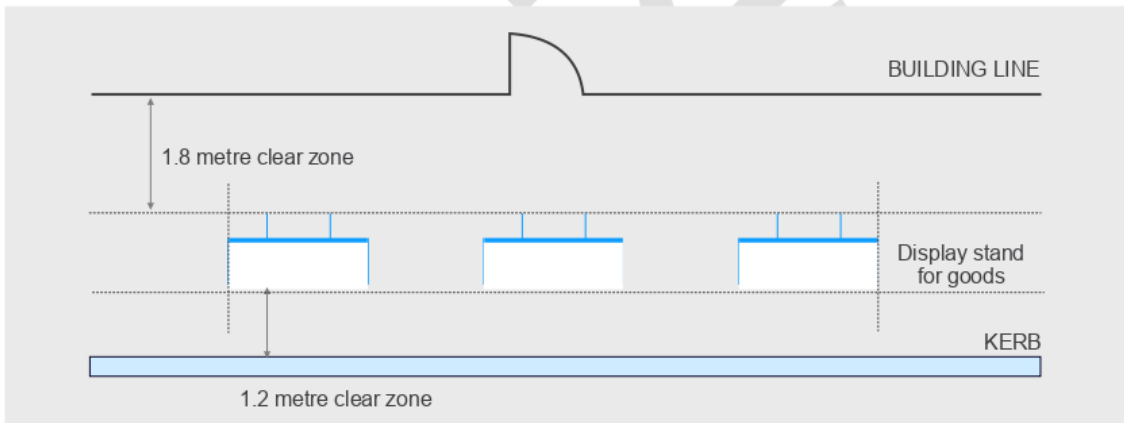
POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,

Examples of how the CBD footpaths may be used by businesses where there is angled parking:

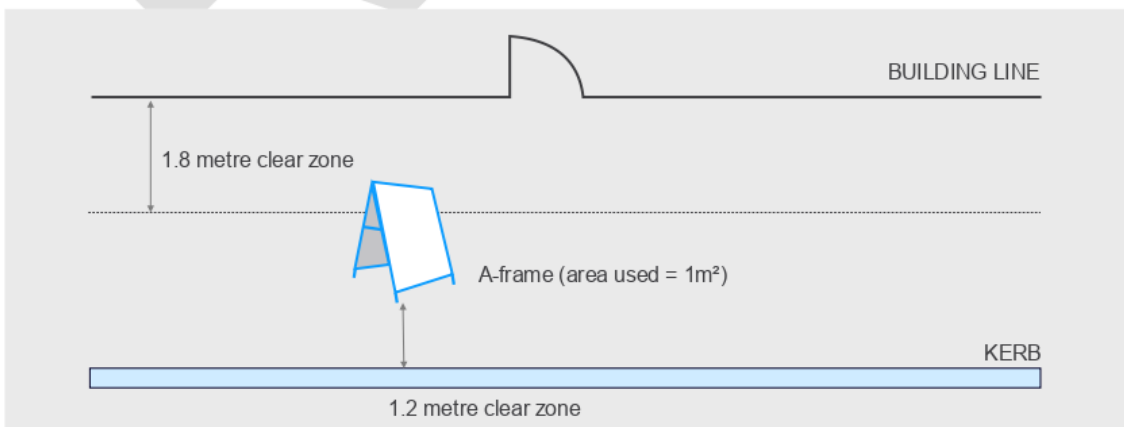
FOOTPATH DINING



DISPLAY OF GOODS FOR SALE



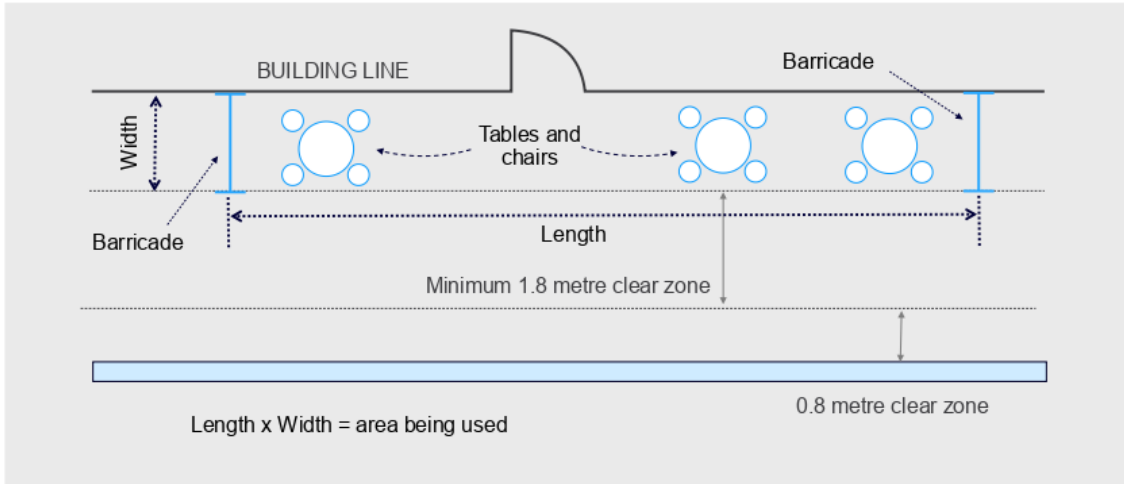
ADVERTISING OF BUSINESS



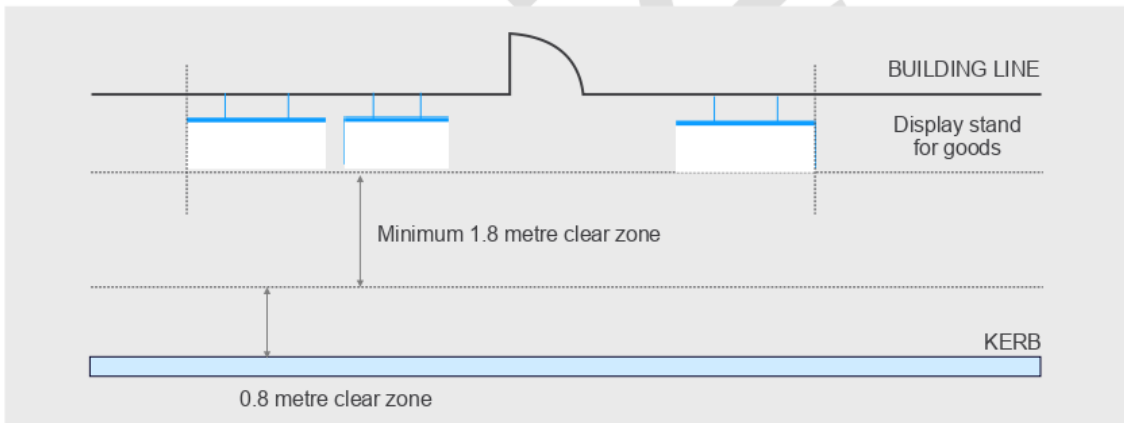
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Examples of how the CBD footpaths may be used by businesses where there is parallel parking:

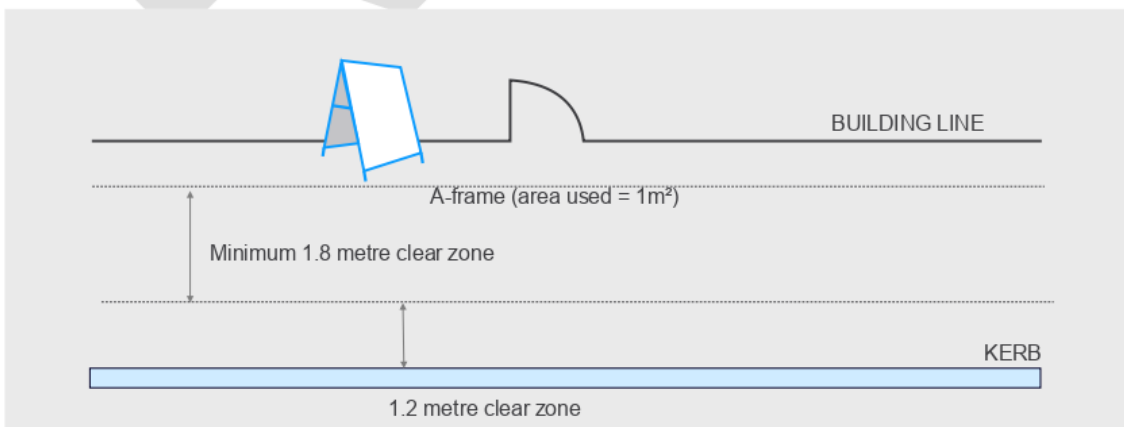
FOOTPATH DINING



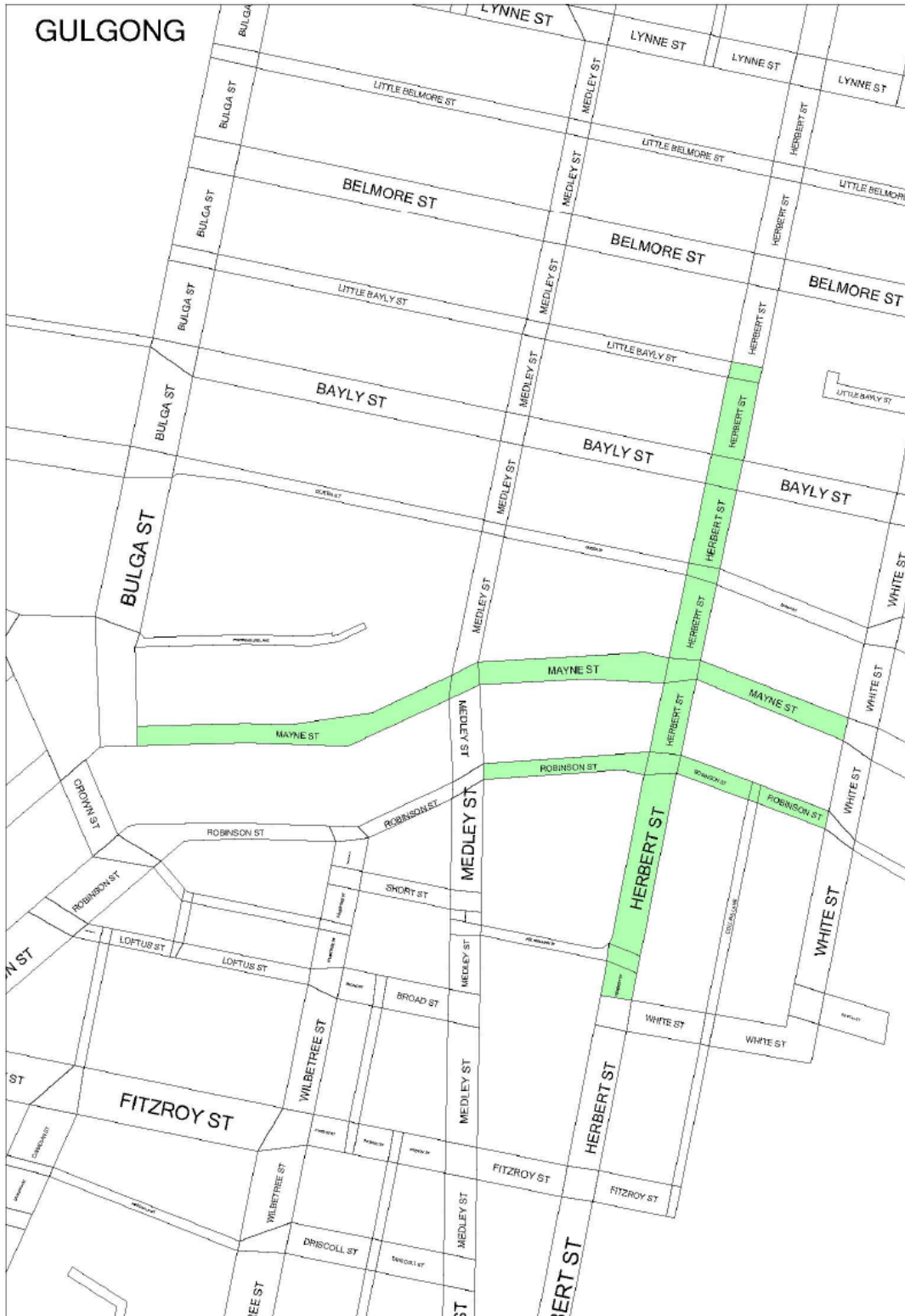
DISPLAY OF GOODS FOR SALE



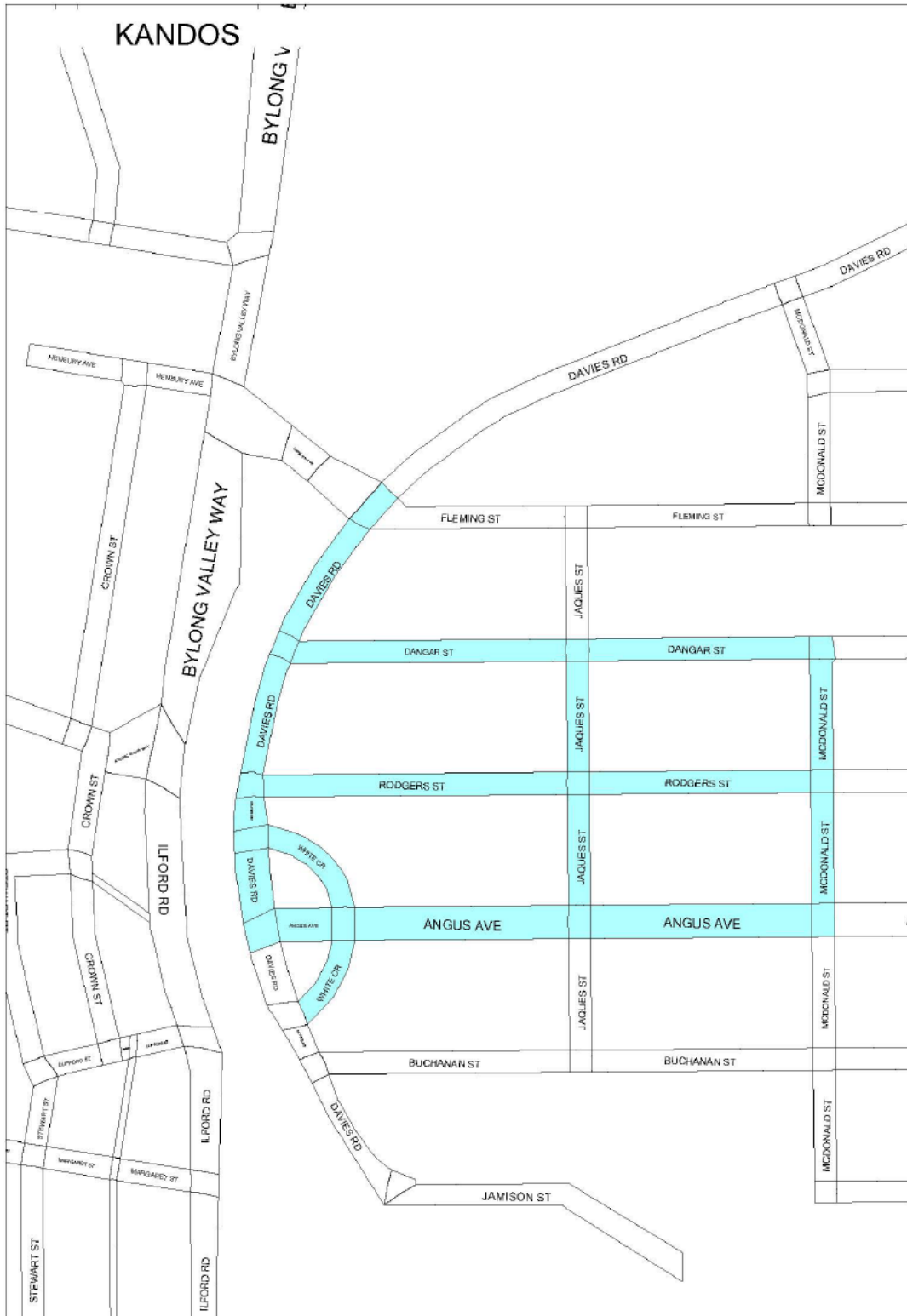
ADVERTISING OF BUSINESS



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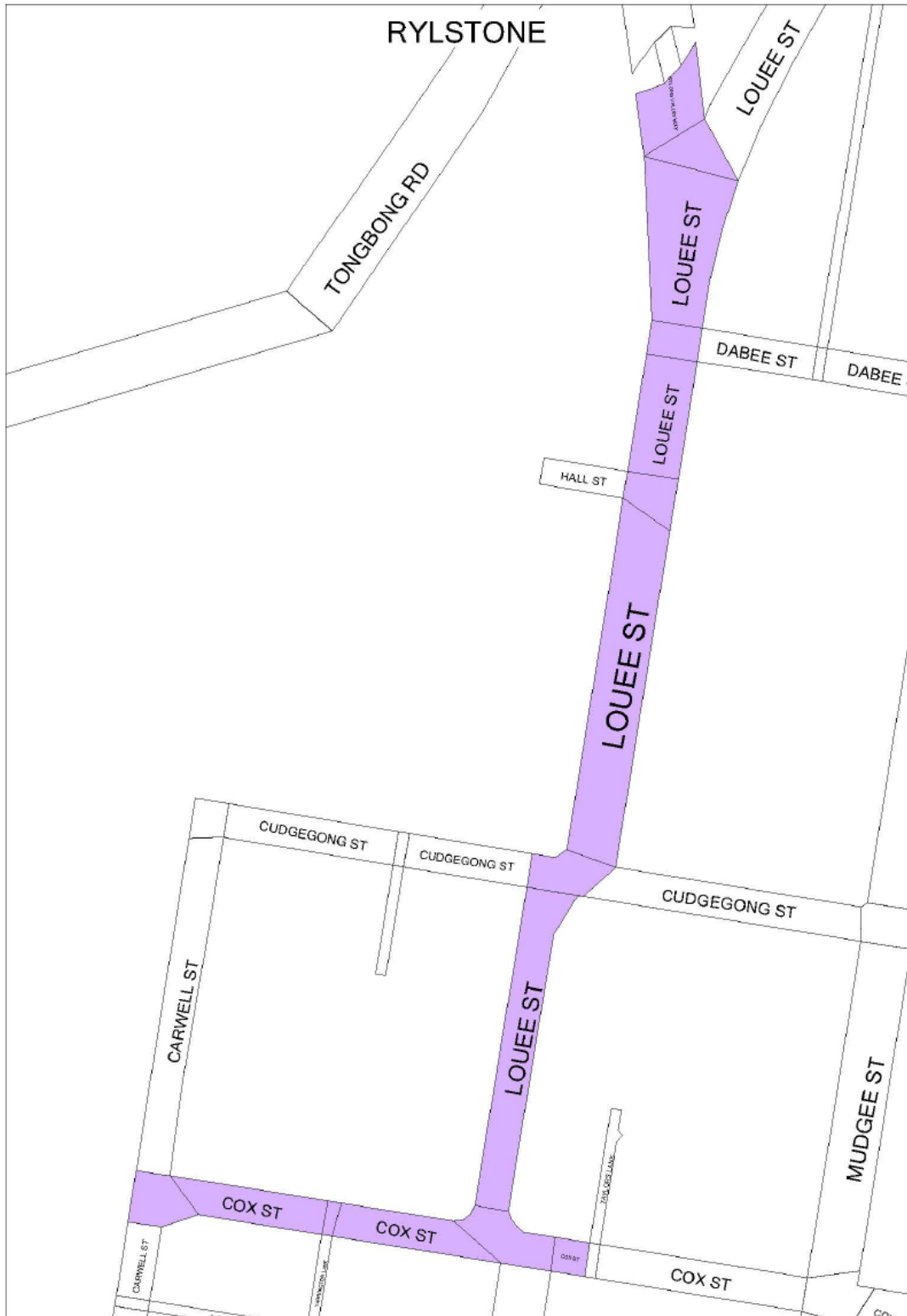
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POLICY: BUSINESS USE OF THE FOOTPATH | 5.2,



11.3 Disability Inclusion Action Plan 2022

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, COS300797

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Disability Inclusion Action Plan 2022;**
2. **place the draft Disability Inclusion Action Plan 2022 on public exhibition for 28 days to seek any additional public comment; and**
3. **endorse the Disability Inclusion Action Plan 2022 if no further submissions are received through the public exhibition process.**

Executive summary

This report seeks Council's approval to place the draft Disability Inclusion Action Plan on public exhibition and, if appropriate, endorse the plan if no further submissions are received.

Disclosure of Interest

Nil

Detailed report

A disability inclusion action plan ('DIAP') addresses strategies to assist people living with disability to participate fully in their local community with access to supports and services. Council's DIAP must address:

1. How legislative principles are addressed;
2. Strategies to support people with disability;
3. How people with disability were consulted; and
4. How it supports the New South Wales Disability Inclusion Action Plan.

This version of Council's DIAP is its second reiteration and was originally based on a document prepared on Council's behalf by the University of Technology: Sydney. The DIAP will provide a mechanism for Council to actively monitor its including actioning planning with annual reporting to the Minister for Disability through its integrated planning and reporting.

The five main inclusion objectives of Council's draft DIAP are as follows:

1. Supporting an inclusive workforce;
2. Providing effective governance and leadership;
3. Supporting the community to promote and celebrate diversity and inclusion;
4. Promoting meaningful communication and engagement with the community; and
5. Supporting improved physical access in the community.

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

The *Disability Inclusion Action Act (NSW) 2014* commenced in December 2014 and requires Council to maintain and regularly review its Disability Inclusion Action Plan.

Financial implications

Not applicable

Associated Risks

A failure to endorse and report upon a Disability Inclusion Action Plan, would potentially leave Council liable for penalties under the *Disability Inclusion Action Act (NSW) 2014*.

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

6 June 2022

Attachments: 1. Draft Disability Inclusion Action Plan 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Disability Inclusion Action Plan 2022– 2026

1 JUNE 2022

MID-WESTERN REGIONAL COUNCIL
COMMUNITY SERVICES



COMMUNITY SERVICES | DISABILITY INCLUSION ACTION PLAN 2022–2026

THIS DOCUMENT HAS BEEN PREPARED BY COMMUNITY SERVICES, FOR MID-WESTERN REGIONAL COUNCIL.

ANY QUESTIONS IN RELATION TO THE CONTENT OF THIS DOCUMENT SHOULD BE DIRECTED TO:
COUNCIL@MIDWESTERN.NSW.GOV.AU OR (02) 6378 2850

DATE OF PUBLICATION: 1 JUNE 2022

Table of Contents

1. Introduction	4
2. The case for inclusion	4
3. Disability Inclusion Action Plan	4
4. Legislative context	5
National context	5
State context	6
Local context	6
5. Disability and inclusion in the Mid-Western Region	7
Demographic context	7
Disability assistance and carers	9
6. MWRC plans and policies	10
Community Plan: Towards 2040	10
MWRC Delivery Program and Operational Plan	10
Workforce Strategy 2022-26	11
MWRC Equal employment opportunity	11
Pedestrian access and mobility plan	11
Accessible tourism	12
MWRC and the DIAP – towards an inclusive community	13
7. Inclusion objectives	13
8. Action planning	14
Supporting an inclusive workforce	14
Providing effective and efficient governance and leadership	15
Supporting the community to promote and celebrate diversity and inclusion	16
Council actively promotes meaningful communication and engagement with the community	16
Supporting improved physical access in the community	17
9. Governance and accountability	18
Monitoring and reviewing	18
10. Disability inclusion action planning checklist	18

1. Introduction

This is the first formal review of Mid-Western Regional Council's Disability Inclusion Action Plan ('DIAP'). It is a tangible demonstration of Council's understanding of the need for it to be a role model for promoting the rights of those in the community living with disability, as well as its commitment to improving access and opportunity for everyone living in or visiting the region.

The DIAP provides a vision for the future and puts in place a number of proactive strategies intended to achieve and maintain community inclusion within the Mid-Western Regional area. Council accepts the responsibility of being the driving force for the plan, but the strategies also require the ongoing support of local community members, services and businesses to achieve those outcomes. By working together, we can continue to make our community an even better place to live, work, invest and visit.

This plan was initially prepared for Council by the University of Technology Sydney Institute for Public Policy and Governance in July 2016. It has now been reviewed and updated 'in house'.

2. The case for inclusion

Local government plays a key role in promoting the value of diversity and inclusion across the community. Council seeks to meet its obligations under the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 and is committed to being a regional leader in disability inclusion.

Council is committed to advancing the social model of disability and seeks to break down the barriers between people with a disability and physical, attitudinal, communication and social environments. As part of this commitment, Council seeks to actively promote the rights of people with disability to fully participate within the community on an equal basis with other citizens.

A diverse and inclusive community benefits and strengthens Council's vision and enriches all aspects of community life. Through increasing inclusiveness in our community we can achieve greater social harmony, strong and diverse vibrant towns and communities, positive health impacts and provide a strong sense of belonging and community pride.

3. Disability Inclusion Action Plan

This DIAP was originally developed (and now reviewed) as part of Council's commitment to providing equitable opportunities for everyone to access services and participate in community life. The DIAP establishes actions that Council will undertake to achieve a more inclusive region for everyone. It is intended that the plan will have a positive impact on people living with disability, and benefits will extend to the broader community through positive effects of increased inclusion and access.

The term 'disability' is very broad. Improving disability inclusion is not just about increasing physical accessibility; it also includes creating opportunities for social engagement, improving the quality of personal, social and business interactions, and the methods through which information can be accessed.

The DIAP is a holistic document which applies to all areas of Council business: infrastructure, services and activities, events and community engagement. The DIAP outlines a framework and establishes actions, with embedded evaluative measures and indicators that will allow our community to achieve the benefits of an inclusive community.

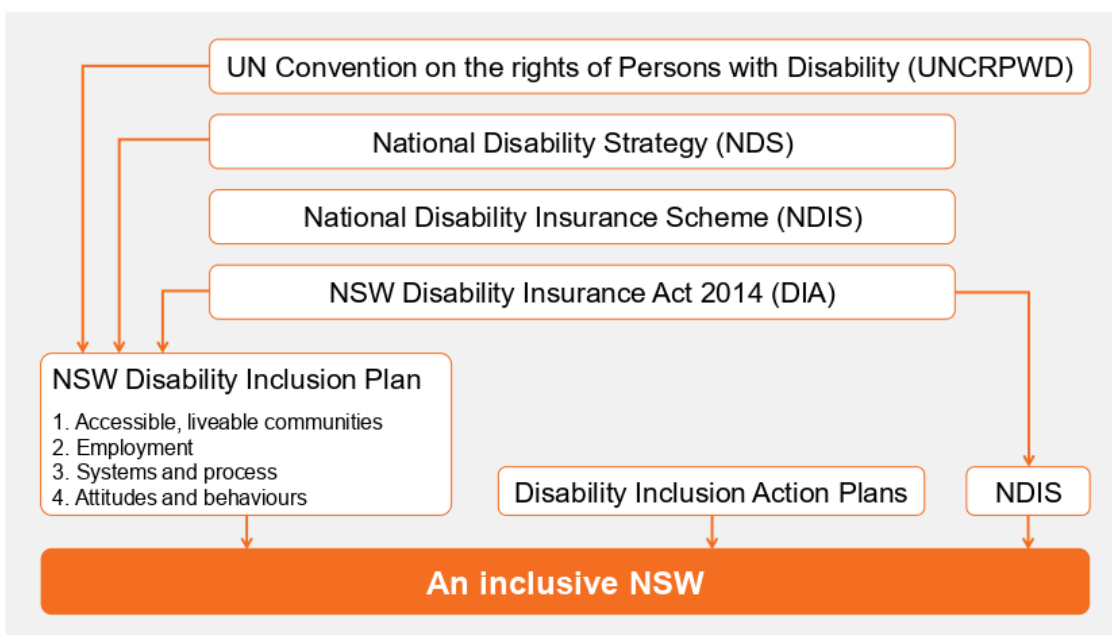
The DIAP forms part of Council’s integrated planning and reporting and will be monitored and reported on annually in Council’s Annual Reports.

It is important to note that the DIAP is a plan for the community. While a significant number of actions in the DIAP fall under Council’s lead or responsibility, Council alone does not have the power to affect the scale of change that the DIAP aspires to achieve. For example, by increasing community awareness and acknowledging local businesses that are actively undertaking inclusion activities, Council is promoting good practice. Council however is not able to enforce disability inclusion principles in areas outside of the building development process.

4. Legislative context

The New South Wales (NSW) Government is committed to improving the lives of people with disability, their carers and families. Changes and reforms over recent years have led to the NSW Government building upon national efforts to enhance the cohesion of society by ensuring that people living with disability can exercise their rights and prerogatives without barriers. The State and local policies below depict the legislative mechanisms with which government seeks to further the ability of people with disability to fully and meaningfully participate within their community.

FIGURE 1: LGNSW (2015) NSW DISABILITY INCLUSION ACTION PLANNING GUIDELINES



National context

In 2008, the Australian Government committed to promoting and exercising a rights-based approach to ensure that people with a disability can fully participate within the community without barriers as emphasised in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The UNCRPD recognised that people with a disability have the same human rights as those without disability and reaffirmed the ‘universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with a disability to be guaranteed their full enjoyment without discrimination’.¹ Along with acknowledging this universal human right, Australia in ratifying the UNCRPD pledged to ‘promote, protect and ensure the full and equal

¹ UNITED NATIONS (2006), CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, PREAMBLE.

enjoyment of all human rights and fundamental freedoms by all persons with a disability and to promote respect for their inherent dignity'.²

The Commonwealth Government's National Disability Strategy 2010-2020 (NDS) was developed in partnership with all levels of Australian government. It outlines a national plan for improving the lives of Australian people with disability, their carers and families. The NDS identifies six priority areas that broadly encompass the outcomes set out by the UNCRPD. The principles of the NDS have been aligned with the Disability Inclusion Act 2014 and Disability Inclusion Plan.

State context

The New South Wales Disability Inclusion Act 2014 ('NSW DIA') is aimed at improving the lives of people with a disability and continues the efforts of the NSW government to build a truly cohesive society. The objectives of the NSW DIA are to promote the independence of people with a disability to exercise choice and control in pursuit of their goals and the planning and delivery of supports and services for people with disability.³ The NSW DIA sets forth a purpose of coordinating a whole of government approach towards the creation of a more inclusive society, in which community services and facilities are accessible to people with disability and assist people with disability actualise their full potential.

Local context

To achieve the abovementioned goals, the NSW DIA stipulates that all local governments develop a DIAP. The DIAP outlines measures to ensure that people with a disability are able to effectively access general support and services that allow them to meaningfully participate within their community. The DIAP also sets out strategies which Council will utilise to support people with a disability. The DIAP focuses on key outcome areas for priority action planning. The key outcome areas and action plans are developed collaboratively with key stakeholders, Council staff and the community have been included.

The DIAP is not a standalone document; it is an integral part of Council's Integrated Planning and Reporting ('IP&R') framework. Figure 2 demonstrates the placement of the DIAP in Council's IP&R requirements. Council is currently undertaking the development of their future Community Plan. Council will consider the alignment of the DIAP inclusion objectives as part of the development of the Community Plan.

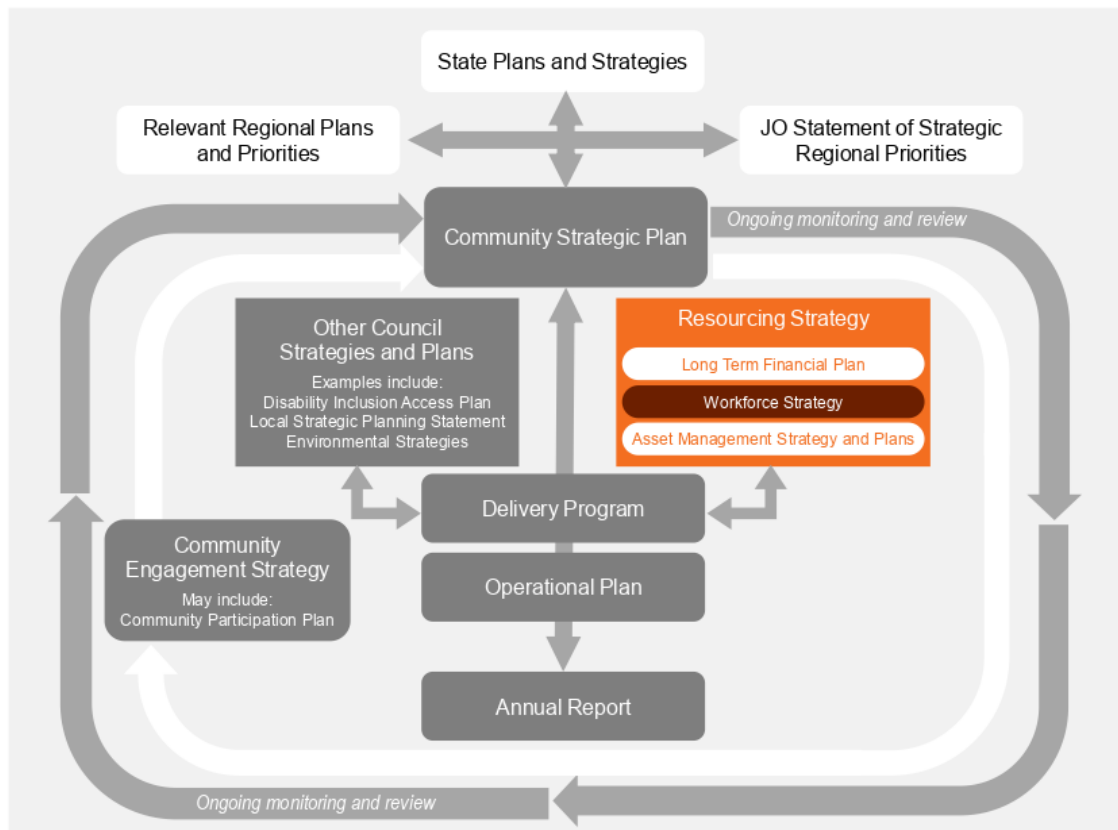
The DIAP reflects the values and principles of the community and promote Council's vision developed as part of the Community Plan. Strategies for inclusion inform Council's Delivery Program and inclusion actions are identified in Council's Operational Plan. Progress of the DIAP is monitored and reported in Council's Annual Report. Alongside annual monitoring, the DIAP is evaluated and reviewed every four years (or exceptionally five years in this case). Evaluation ensures that the DIAP remains a current reflection of the community's principles and acknowledges progress made towards inclusion in the community more broadly.

A key outcome of the DIAP involves the inclusion objectives traversing into all areas of Council planning. Council is committed to ensuring that our community is inclusive of all people with disability including people with physical, intellectual, cognitive sensory disabilities and those with mental health conditions. This also extends to those living within our community with dementia. Council aspires towards inclusion planning that is reflected in every area of Council practice and planning. The DIAP is an integral aspect of achieving this aspiration.

² UNITED NATIONS (2006). CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES, PREAMBLE.

³ DISABILITY INCLUSION ACT (2014) NSW NO 41, PART 1: PRELIMINARY.

FIGURE 2: HOW COUNCIL’S DIAP FITS WITHIN ITS IP&R FRAMEWORK



Source: Mid-Western Regional Council Workforce Strategy 2022-2026

5. Disability and inclusion in the Mid-Western Region

Council is committed to enhancing the lives of its community. It seeks to involve the community in the planning, implementation and monitoring of its DIAP. In implementing the Mid-Western Regional Council DIAP, Council wishes to extend the scope of disability inclusion beyond physical barriers to ensure that people with disability are included and able to meaningfully participate within the community.

Extending the scope of disability inclusion actioning involves reassessing how disability is interpreted within the community and ensuring all people with disability are understood and included. Council understands that genuine inclusion is never achieved in isolation. Effective disability inclusion actioning involves identifying existing Council visions, goals, principles and objectives that directly align with Council’s DIAP. The sections below have been developed to inform, assess and continue our commitment to fully support the members of our community by reviewing the demographics of the local government area and existing Council policies for disability inclusion.

Demographic context

The MWRC was established in 2004 when the former Mudgee Council and the majority of the former Rylstone Council along with a portion of Merriwa Council were merged.

The MWRC area is comprised of four main towns: Mudgee, Gulgong, Kandos and Rylstone as well as smaller surrounding rural villages. The MWRC area is home to a growing and diverse population with an economy based on agricultural, viticultural, mining, and tourism industries.

At the time of the 2016 Census, the usual resident population of the MWRC area was 24,076, with a median age of 42, higher than NSW (38 years). Table 1 below provides a snapshot of community characteristics of the MWRC region compared to NSW.

TABLE 1: MID-WESTERN REGIONAL COUNCIL – DEMOGRAPHIC PROFILE

	MID-WESTERN REGIONAL LGA	NEW SOUTH WALES
Total population	24,076	8,186,800
Aboriginal And Torres Strait Islander People	5.4%	2.9%
AGE		
Median age	42	38
MEDIAN WEEKLY INCOME		
Personal	\$547	\$664
Family	\$1,433	\$1,780
Household	\$1,131	\$1,486
HOUSING TYPE		
Owned outright	38.0%	32.2%
Owned with a mortgage	30.6%	32.3%
Rented	27.4%	31.8%
EMPLOYMENT		
Employed, full-time	56.4%	59.2%
Employed, part-time	31.6%	29.7%
Unemployed	6.5%	6.3%
BIRTHPLACE		
Australia	81.2%	65.5%
England	2.3%	3.0%
New Zealand	1.0%	1.6%
LANGUAGE		
English only spoken at home	87.4%	68.5%
DISABILITY		
Has need for assistance	5%	5.4%
Does not have need for assistance	84%	88%

Source: ABS, 2016

The MWRC has a higher percentage of people born in Australia (81%) compared to NSW (66%). This is also reflected in the number of people who only speak English at home (87%) compared to New South Wales (69%). At 2016, 5% of the MWRC population identified as Aboriginal and Torres Strait Islander people. There is a similar proportion of people who need assistance within the MWRC area compared to NSW generally.

Table 2 provides a breakdown of the age profile across each major town within MWRC.

TABLE 2: MID-WESTERN REGIONAL COUNCIL SUBURB BREAKDOWN - DEMOGRAPHIC PROFILE

	MID-WESTERN REGIONAL LGA	MUDGEES SUBURB	GULGONG SUBURB	KANDOS SUBURB	RYLSTONE SUBURB
Total population	24,070	10,923	2,530	1,310	926
GENDER					
Female	49.7%	51.2%	49.5%	49.1%	50.8%
Male	50.3%	48.8%	50.5%	50.9%	49.2%
AGE GROUPS					
0 to 9 years	14%	15.9%	15.1%	9.3%	9.4%
10 to 19 years	11.8%	11.9%	12.3%	10.8%	11%
20 to 29 years	9.9%	12.3%	10.4%	7.3%	8%
30 to 39 years	11.3%	13.7%	11%	7.5%	9.1%
40 to 49 years	13%	12.4%	11.7%	12.1%	11%
50 to 59 years	14.1%	11.9%	12.6%	17%	14.9%
60 to 69 years	12.5%	8.9%	13.2%	15.3%	17.9%
70 to 79 years	9%	7.8%	8.4%	15.3%	13.5%
80+ years	4.3%	5.2%	5.3%	5.3%	5.2%

Source: ABS, 2016

Generally, the MWRC is home to a higher percentage of older people compared to NSW, with 26% of the population aged 60 years and over, compared to 22% for NSW.

- **Mudgee** is home to just under half the MWRC population (10,923 people). Mudgee is home to MWRC Council Chambers and is a primary hub for the majority of services across the region. The median age in Mudgee is 37.
- **Gulgong** is the second most populated town with 2,530 residents. The median age in Gulgong is 41.
- **Kandos** has a population of 1,310 people. It is the third most populated town in the MWRC area and has the highest median age compared to other MWRC area towns (52).
- **Rylstone** has a population of 926 people. The median age in Rylstone is 50.

Disability assistance and carers

Data from the 2016 Census identifies that 1,288 people in the MWRC area need assistance with a core activity. Table 3 provides a breakdown of people across each major MWRC town that requires assistance.

TABLE 3: MWRC AND MAJOR TOWNS – DISABILITY ASSISTANCE

	MID-WESTERN REGIONAL LGA		MUDGEES SUBURB		GULGONG SUBURB		KANDOS SUBURB		RYLSTONE SUBURB	
	#	%	#	%	#	%	#	%	#	%
Need for assistance										
Has need for assistance	1,288	5%	605	6%	133	5%	142	11%	60	6%
Does not have need for assistance	20,223	84%	9,351	86%	2,083	83%	1,000	76%	800	87%
Not stated	2,562	11%	971	9%	308	12%	172	13%	64	7%

Source: ABS, 2016

Some key characteristics of people who require disability assistance include:

- 605 (47%) of people who require assistance across MWRC reside in Mudgee.
- The largest age group of people requiring assistance are people 75-84 (18%).

- 50% of people who require assistance with a core activity in the MWRC area are 55+ years.
- 77% of people in Rylstone who require assistance with a core activity were 55+ years old.
- 6% of Indigenous people who reside in the MWRC region require assistance with a core task.

The MWRC region has a total of 2,107 people who provide unpaid assistance to people with a disability. Some key characteristics of carers include:

- Out of the four main towns in the MWRC, Mudgee has the highest number (796) of people who provide unpaid care.
- The majority of unpaid carers of people with disability in the MWRC area are between the ages of 45 to 64.
- 21.7% of unpaid carers in the MWRC region are volunteers.

6. MWRC plans and policies

Community Plan: Towards 2040

In May 2022, Council endorsed its Community Plan Towards 2040 ('Towards 2040'), which is Council's highest level strategic plan. Towards 2040 sets out the community's vision of the future and outlines the community's goals, values and aspirations. Towards 2040 aligns with the NSW State Plan.

Towards 2040 provides five key themes that outline the community's vision for the future. Council has developed goals or objectives with corresponding strategies to achieve success:

- Looking after our community
- Protecting our environment
- Building a strong economy
- Connecting our region
- Good government

Council also provides a suite of strategies to support the implementation and action of goals within Towards 2040. Key goals within Towards 2040 focus on providing accessible and inclusive community services and facilities that meet the needs of residents and visitors. Council also commit to working with key stakeholders to support and promote effective health and disability services in the region. Council is committed to providing the necessary infrastructure to meet current and future demands to enable and create a sense of belonging.

MWRC Delivery Program and Operational Plan

Towards 2040 is supported by the MWRC Delivery Program and Operational Plan. The Delivery Program and Operational Plan is a program and resource strategy that identify the assets, funds and resources required to deliver the goals set out in Towards 2040. These documents are also currently in development. The 2022/23-2025/26 Delivery Program and the 2022/23 Operational Plan outlines measures that directly relate to improving inclusion and access in the community.

Workforce Strategy 2022-26

The MWRC Workforce Strategy (the Strategy) is an essential element of the Community Plan Towards 2040 and aims to ensure MWRC has the right amount of people with the right skills to achieve the expectations outlined in the Delivery Program.

The Strategy outlines the issues, actions and strategies required over a four year period to facilitate the Delivery Program. Some key challenges that place pressure on the MWRC workforce include an ageing workforce and the impact of increased retirement age. The Strategy also includes a workforce profile of the local government area. Some key findings include.

- Employees aged 50+ represent 41% of the workforce
- Employees aged less than 30 years represent 17% of the workforce
- The majority of the workforce (54%) is between 41 and 60 years old

MWRC Equal employment opportunity

MWRC also has an Anti-Discrimination and Equal Employment Opportunity Policy (EEO). Council works to provide an environment where staff and other people in the workplace are treated fairly and respectfully.⁴

Between 2017 and 2021, MWRC completed several initiatives that supported EEO measures. These initiatives are outlined below:

- Providing training on Anti-Discrimination and EEO Policies, including a focus on merit based recruitment
- Training on disability inclusion and accessibility awareness
- Code of conduct training for select positions
- A review of Council's Recruitment and Selection Procedure
- Continued assistance with flexible working arrangements for employees with family and carer responsibilities

A Wage Assessment Tool for supported workers employed in Council disability services has also been developed. The tool provides fair wages for employees while meeting the needs of disability services.

Pedestrian access and mobility plan

In 2016 Council endorsed its Pedestrian Access and Mobility Plan (PAMP). The PAMP is part of Council's commitment to safe, convenient and connected pedestrian infrastructure that encourages the community to use active transport. The PAMP was developed in collaboration between Council and NSW Roads and Maritime Services. The PAMP delivers a framework for developing pedestrian routes and infrastructure that caters to needs of individuals of all abilities including: older people, people with mobility or visual impairments, children, tourists, and cyclists.

- The PAMP includes projects to improve pedestrian safety, mobility, and access to local shops, schools and community facilities, recreational areas and neighbourhoods

⁴ MID-WESTERN REGIONAL COUNCIL 2021 ANNUAL REPORT.

- The PAMP reports that the MWRC area has a higher percentage of older adults compared to the Australian national average
- The PAMP finds that the higher percentage of older residents escalates the requirement of suitable pathway infrastructure for the mobility impaired

As part of the development of the PAMP, a user survey was undertaken with the general community and aged care facilities.

Some key findings from the community survey include:

- 44% of respondents were aged 55 years and older
- 19% of respondents (n=33) require the use of walking sticks or frames and 3% of respondents (n=11) require use of guide dogs/walking cane
- 6% of respondents (n=10) require the use of wheelchairs and 8% of respondents (n=14) require use of mobility scooter
- Less satisfaction with the extent of the pathway network and the network safety than with pathway design, convenience or pleasantness
- Respondents felt they would use pathways more if the network had a greater extent available

The pathway audit also reported major issues with relevant to ability of people with physical or cognitive disability or lowered mobility to access the pathways. These issues included:

- Pathways not meeting the road
- Missing ramps and existing ramps which do not meet the standard
- Shops and facilities with only stair access

Consideration has been made to these findings and have provided necessary context for forming the DIAP, in particular highlighting physical access and mobility for people with disability and older community members.

Accessible tourism

Access to tourist attractions and recreational activities is recognised as a fundamental human right, delivering important social benefits for individuals and the community, and economic and employment opportunities. Enabling people with disability and their carers to better access tourism opportunities promotes social inclusion; capitalises on the social benefits of increasing access and generates economic opportunities through the growth of the tourism market.

Improving access to tourism and recreational activities has both social and economic benefits. Accessing tourist and recreational activities is a vital step in ensuring an improvement in social inclusion and health and wellbeing outcomes for people with disability. Improving social inclusion is not just about increasing physical accessibility; it also includes creating opportunities for social engagement, improving the quality of personal, social and business interactions, and the methods through which information can be accessed. All tiers of government have undertaken a number of policy initiatives aimed at promoting and enhancing social inclusion; one particular aspect is improving the accessibility of services and public infrastructure for people with disability.

Improving access to tourism and recreational activities has both social and economic benefits. According to demographic forecasts there will be a huge increase in the proportion of older people. With close to 40% of people nationally having some form of disability by the time they are 70 years

old, forecasts based on population statistics of age acquired disabilities indicate that the total expenditure of this group in the tourism sector is likely to exceed 22% in five years' time.⁵

The MWRC area is a key regional destination for tourism and visitors in NSW. It is important that established platforms and mechanisms are realised for disability inclusion, including accessibility more broadly.

MWRC and the DIAP – towards an inclusive community

The DIAP is well placed to align with Council's existing plans and processes. The DIAP integrates within the Community Plan Towards 2040 and works towards existing community goals, values and aspirations. Actions developed in the DIAP strengthen Council's five themes and engage existing strategies to deliver stronger and more inclusive communities. The DIAP is also strengthened by acknowledging Council's ongoing funding of community support programs, disability employment, accessible public infrastructure and providing non-discriminatory working environments.

7. Inclusion objectives

Council plays a key role in promoting the value of diversity and inclusion. The role of Council in delivering inclusion is much broader than service provision. Council alone does not have all the levers to affect community-wide change. Council can lead by example in the way it conducts its operations and drive activities to lead awareness but there is no regulatory framework to 'enforce' social inclusion principles in the manner in which non-council services are delivered.

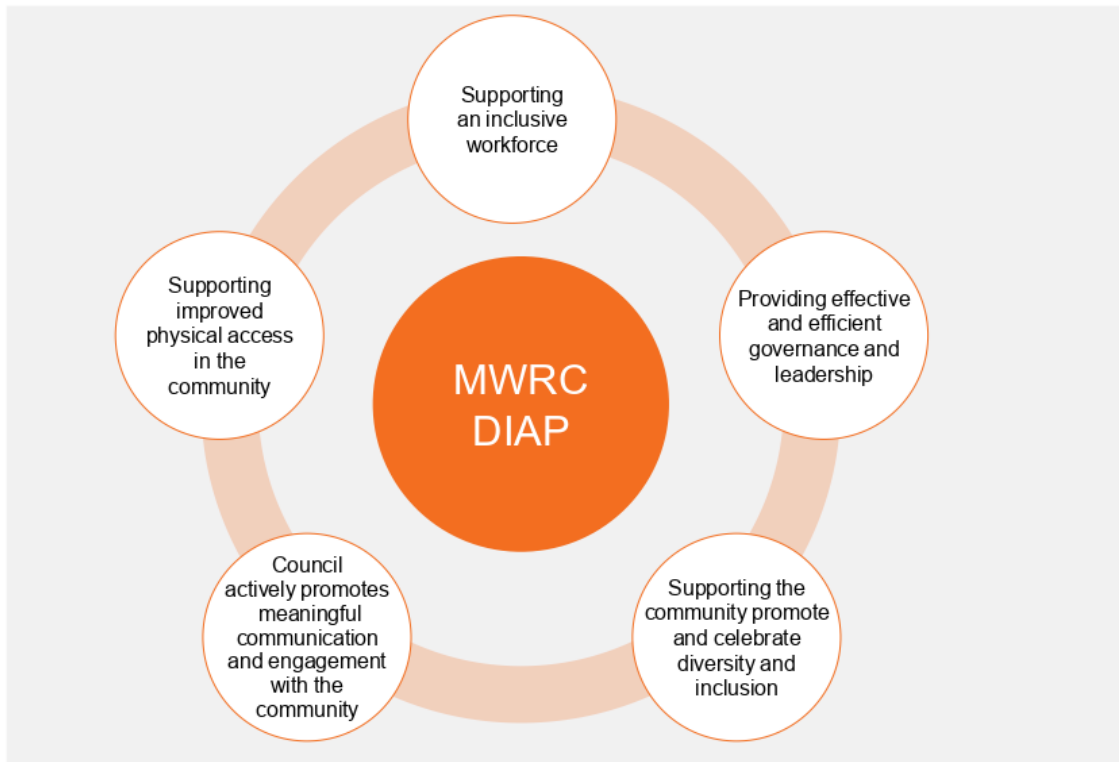
These objectives outline our approach towards inclusion. Objectives guide the DIAP actions and present our aspirations for developing greater inclusion in our community. By developing realistic yet aspirational goals we can work towards making genuine progress.

These inclusion objectives were developed to provide strong integration with Council's existing planning processes to make disability action planning align with Council's core business.

The inclusion objectives and actions developed as part of this DIAP reflect Council's role as a leader within the community to facilitate and influence change to improve access across the community.

⁵ TRAVABILITY (2010), PRESS RELEASE: AUSTRALIA MISSES THE PLANE ON ACCESSIBLE TOURISM.

FIGURE 3: MID-WESTERN REGIONAL COUNCIL'S DISABILITY INCLUSION PLAN



8. Action planning

Actions have been structured to reflect the four objectives outlined within the NSW Disability Inclusion Action Planning Guidelines:

- Developing positive community attitudes and behaviours
- Creating liveable communities
- Supporting access to meaningful employment, and
- Improving access to mainstream services through better systems and processes

The nature of actions is dynamic; actions are not necessarily contained under one focus area or are mutually exclusive to one objective. One action can have a number of related objectives and sit across multiple focus areas. Our framework attempts to encapsulate the inter-connection of actions and many pathways of likely impact.

Actions will also target different audiences, for example certain actions will relate exclusively to people with a disability, others will benefit the entire community. Actions are directed to address the multiple roles and influences of Council as an organisation, local leaders, and drivers of change within the community.

Supporting an inclusive workforce

An inclusive community is one in which everyone has the ability to access and participate in life and engage with other members of the community. Employment is an extremely valuable and important enabler to promoting inclusion.

People with disability have valuable contributions towards our community and workforce. As a key employer, Council seek to be inclusive within its own workforce recruitment and retention of people with disability and promote other employers to be diverse and inclusive.

How this aligns with NSW Disability Inclusion Action Planning Guidelines:

- Objective 3: Support access to meaningful employment
- Objective 2: Create liveable communities

ACTIONS 2022-2026	EXPECTED OUTCOME	KEY STAKEHOLDERS	REPORTING	INDICATORS
Facilitate opportunities for people with disability to work or volunteer within Council	Increased diversity of Council workforce Improve employment opportunities for people with disability	People with disability	Workforce strategy	Council workforce statistics
Engage with local disability service providers to identify strategies to enhance employment opportunities for people living with disability	Increase knowledge sharing between Council and local disability service providers	People with disability	Annual report	Council workforce statistics
Consider diversity within a workforce strategy framework	Council continues to be an inclusive employer, including recruiting, retaining and supporting people with disability	Community	Annual Report Equal Employment Opportunity Management Plan	Council workforce statistics

Providing effective and efficient governance and leadership

Council is a leader and has the ability to facilitate and influence an inclusive community. We envisage that its Access Committee provide strategic advice concerning accessibility matters.

How this aligns with NSW Disability Inclusion Action Planning Guidelines:

- Objective 4: Improving access to mainstream services through better systems and processes.

ACTIONS 2022-2026	EXPECTED OUTCOME	KEY STAKEHOLDERS	REPORTING	INDICATORS
Review and amend the Access Committee Terms of Reference to reinforce its focus and purpose	Access Committee is provided with Terms of Reference that clearly outlines Access Committee's purpose, roles and responsibilities and processes to Council and the community. This will not be exclusive to issues of physical access.	Council Access Committees	Updated Terms of Reference	Increased communication and interaction between Council and Access Committee that results in positive inclusion outcomes.
Support better collaboration between Advisory Committees	Improved collaboration between Advisory committees for youth, recreation and inclusion so that all Council Advisory Committees have consider disability inclusion.	Council Advisory Committees Access Committees	DIAP 2020	Advisory Committees consider disability inclusion as a part of their activities and processes.

COMMUNITY SERVICES | DISABILITY INCLUSION ACTION PLAN 2022–2026

Supporting the community to promote and celebrate diversity and inclusion

An inclusive community is one where people feel valued and celebrated for who they are. A key component of respect includes acknowledging and celebrating diversity and ensuring ownership of participation and sense of place within the MWRC community.

Everyone should be treated with respect, offered freedom, encouragement and opportunities to be independent and equal. Council plays an important role in building awareness and challenging assumptions through representing and celebrating diversity and inclusion.

How this aligns with NSW Disability Inclusion Action Planning Guidelines:

- Objective 1: Developing positive community attitudes and behaviours
- Objective 2: Creating liveable communities

ACTIONS 2022-2026	EXPECTED OUTCOME	KEY STAKEHOLDERS	REPORTING	INDICATORS
As appropriate, incorporate disability awareness and inclusion across key Council activities and events	Encourage outreach, awareness and education about disability. Encourage people with disability to interact, showcase their talents and ability alongside people without disability.	Advisory Community People with disability Disability service providers	Annual report	Number of Council activities and events that incorporate or promote outreach and education about disability
Establish collaboration between Council's Access Committee and all Council departments	Cross collaboration and education of Council staff. Increased understanding of accessibility and inclusion in all Council areas.	All of Council Community	Annual report	Disability and inclusion are considered in every Council decision
Develop and implement a marketing campaign to encourage understanding of people living with disability	Encourage outreach, awareness and education about disability.	Council corporate team Council community services team	Annual report	Number of campaign activities
Provide disability awareness training for frontline Council staff to promote accessible Council services	Increased understanding of disability.	Council frontline staff	Annual report	Number of staff trained

Council actively promotes meaningful communication and engagement with the community

Council also seeks to improve access to mainstream services by providing information to people with disability, local businesses and other community members of issues and resources for improved access.

Council facilitates and influences processes and outcomes that demonstrate disability inclusion. As an organisation, Council provides services and support that assist people with disability. As a leader, Council works with local businesses, community groups and individuals who also promote inclusion in the community.

Council seeks to address barriers and look for opportunities to engage with the community to deliver and provide services and facilities that are accessible for everyone.

How this aligns with NSW Disability Inclusion Action Planning Guidelines:

- Objective 2: Creating liveable communities
- Objective 4: Improving access to mainstream services through better systems and processes

ACTIONS 2022-2026	EXPECTED OUTCOME	KEY STAKEHOLDERS	REPORTING	INDICATORS
Continue to provide Council information in multiple formats	Improved access to Council information	Community	Annual report	Number of downloads through various formats
Investigate the opportunity to provide a 'one-stop-shop' on Council's website that provides people with disability access to essential information (e.g. accessible and appropriate services and facilities)	Improved processes for engaging with people with a disability.	Council People with disability	Annual report	Number of web page visits

Supporting improved physical access in the community

An inclusive community is one which is accessible to everyone. Having an accessible built and natural environment and streetscape is fundamental to inclusion and participating within the community.

Council understands that active planning and design principles are important to motivate participation and facilitate social connection. Council seeks to ensure that wherever possible, buildings and other spaces are accessible to everyone. Council understands that it does not have direct power over non-Council services and buildings however Council wishes to be a leader for accessibility in the community and to increase easy access to services, community and cultural centres and other buildings and spaces.

- How this aligns with NSW Disability Inclusion Action Planning Guidelines:
- Objective 2: Creating liveable communities

ACTIONS 2022-2026	EXPECTED OUTCOME	KEY STAKEHOLDERS	REPORTING	INDICATORS
Continue to implement the Pedestrian Access and Mobility Plan (PAMP)	Increase pathway infrastructure to improve physical access of public space.	Community Council	Pathways inspected every four years and PAMP updated every two years.	Number of projects implemented.
Auditing physical accessibility of Council owned buildings to consider leading practice prioritisation of upgrades	Physical accessibility of Council owned facilities is reviewed with priority upgrades identified.	Council	DIAP 2020	Council prioritises key facilities to upgrade in terms of physical accessibility.
Inclusion objectives to be referred to and considered when allocating community grants	Increase consideration of disability and inclusion in awarding Council grants.	Community Council	Annual report	Successful applicants reflect and align with the inclusion objectives.

9. Governance and accountability

Monitoring and reviewing

Section 13 of the DIA stipulates that councils in NSW must include reporting on their disability inclusion action planning in their Annual Reports.

Key performance indicators have been developed for each of the actions in this Disability Inclusion Action Plan. Key outcomes should be reported on four yearly. Along with key outcomes, each action has been developed with a performance indicators and measures. It is recommended that each key performance indicators and measures are reported on annually and integrated into Councils delivery program monitoring and reporting processes.

Section 14 of the DIA stipulates that Council is required to review their disability inclusion action planning process every four years (the exception being five years for this current review, given delays and challenges brought about by the global pandemic). This stipulation is designed to align with the review of Council's IP&R framework and the four-yearly review of the Community Plan.

10. Disability inclusion action planning checklist

The following table provides a checklist of the mandatory requirements under DIA legislation for councils as part of disability inclusion action planning or a Disability Inclusion Action Plan.

LEGISLATIVE REQUIREMENT	COMPLIANCE
Planning	
People with a disability have been consulted in the disability inclusion action planning process	✓
Strategies and actions to provide access to buildings, events and facilities have been identified	✓
Strategies and actions to provide access to information have been identified	✓
Strategies and action that support employment of people with disability have been identified	✓
Strategies and actions to encourage and create opportunities for people with disability to access the full range of services and activities available in the community have been identified	✓
A report on the disability inclusion action planning consultation with people with a disability has been provided to the Disability Council NSW	✓
Actions and strategies that support the goals of the NSW Disability Inclusion Act have been identified	✓
A copy of the disability inclusion action planning documentation has been provided to the Disability Council NSW	✓
Disability inclusion action planning documentation is publicly available	✓
Reporting	
Progress towards achievement of the action planning goals will be included in the Annual Report	✓
The Department of Communities and Justice and the Minister for Disability Services have been provided with a copy of the section of the Annual Report that details implementation of disability inclusion action planning	✓

11.4 Synthetic Cricket Wicket- Cahill Park Mudgee

REPORT BY THE SPORT AND RECREATION LIAISON OFFICER
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, PAR300627

RECOMMENDATION

That Council:

1. **receive the report by the Sport and Recreation Liaison Officer on the Synthetic Cricket Wicket- Cahill Park Mudgee;**
2. **accept \$10,000 in grant funding from Cricket Australia's Australian Cricket Infrastructure Fund (Round 2);**
3. **amend the 2022/23 budget to include \$30,000 for construction of synthetic cricket wicket at Cahill Park Mudgee, \$10,000 from grant funding and \$20,000 funded from the Asset Replacement Reserve; and**
4. **authorise the General Manager to finalise and sign the funding agreement with the NSW Cricket Association.**

Executive summary

In April 2022, Council applied for \$10,000 in grant funding from Round 2 of Cricket Australia's Australian Cricket Infrastructure Fund to construct a synthetic cricket wicket at Cahill Park Mudgee. The purpose of this report is to accept the grant funding, authorise the General Manager to sign the funding agreement, and amend the 2022-23 budget to include a project budget of \$30,000 with grant funding of \$10,000 and Council contribution of \$20,000.

Disclosure of Interest

Nil

Detailed report

Council provide an extensive range of public sporting and recreational facilities across the Mid-Western Region including both synthetic and turf cricket pitches. The Mudgee & District Junior Cricket Association has expressed a need for Council to provide a synthetic cricket wicket at Cahill Park Mudgee to meet their playing needs and support junior cricket development in the wider region.

The Cahill Park site currently offers one turf cricket wicket. Whilst turf wicket offers an authentic experience to local cricket players, a synthetic cricket wicket provides a stable, safe surface for junior players, requires minimal maintenance and is less susceptible to closure following an inclement weather event. Converting the existing turf wicket to a synthetic wicket would complement the additional synthetic and turf wickets recently constructed at the Glen Willow Regional Sporting Complex. For this reason, the Mudgee Junior Cricket Association intend to continue to utilise Cahill Park as part of their field allocations.

Council applied for \$10,000 in grant funding through Round 2 of Cricket Australia's Australian Cricket Infrastructure Fund to construct a synthetic cricket wicket at Cahill Park Mudgee to help improve the

quantity of cricket infrastructure in the region, support the development of community cricket facilities in the region, and create an inclusive and accessible environment for cricket participants and the broader community.

Cricket Australia’s Australian Cricket Infrastructure Fund (ACIF) provides funding for community cricket facility projects, with a focus on growing participation and promoting accessibility and inclusivity. Funding is allocated to projects that meet the program assessment criteria, objectives and can provide facilities for community cricket. The following project was identified as relevant and meeting the criteria of the grant fund:

- Installation of synthetic cricket pitch at Cahill Park Mudgee

It is recommended that Council accept the grant funding, authorise the General Manager to sign the funding agreement, and amend the 2022-23 budget to include \$30,000 for construction of synthetic cricket wicket at Cahill Park Mudgee, with grant funding of \$10,000 and Council contribution of \$20,000.

Community Plan implications

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

Strategic implications

Council Strategies

Recreation Strategy

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

There is currently no budget allocated for the upgrade of existing cricket infrastructure at Cahill Park Mudgee. It is recommended that Council endorse \$30,000 for a synthetic wicket to allow cricket to continue to utilise the facility, with grant funding of \$10,000 and Council contribution of \$20,000.

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

Associated Risks

Local Cricket Clubs will not be able to meet playing needs and support Junior Cricket development in the wider region in the event a synthetic cricket wicket at Cahill Park was not supported.

ALAYNA GLEESON
SPORT AND RECREATION LIAISON OFFICER

SIMON JONES
DIRECTOR COMMUNITY

9 June 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.5 Acceptance of Pump Track Grant Funding

REPORT BY THE MANAGER - RECREATION SERVICES

TO 20 JULY 2022 ORDINARY MEETING

GOV400098, GOV400098, A0100035, GOV400022

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Recreation Services on the Acceptance of Pump Track Grant Funding;**
2. **amend the 2022-23 budget to include \$700,000 for construction of a Pump Track, with \$350,000 from grant funding and \$350,000 from Council Voluntary Planning Agreement funds;**
3. **accept \$145,000 in grant funding from the Australian Trade and Investment Commission (Austrade);**
4. **authorise the General Manager to finalise and sign the funding agreement with the funding body Austrade.**
5. **accept, if successful, \$205,000 in grant funding from the Clubs NSW ClubGrants program;**
6. **authorise the General Manager to finalise and sign the funding agreement with ClubGrants; and**
7. **amend the 2022-23 budget to remove the Clandulla Mountain Bike Project.**

Executive summary

In May 2022, Council supported in principle the development of an asphalt Pump Track at the Glen Willow Regional Sporting Complex and to investigate grant opportunities to fund the project. The purpose of this report is to accept grant funding, authorise the General Manager to sign the funding agreement and provide an update on future grant opportunities.

Disclosure of Interest

Nil

Detailed report

The construction of a pump track in the Mid-Western Region presents an opportunity for Council to continue to develop tourism infrastructure whilst supporting and encouraging healthy and active living.

At the May 2022 Council meeting, the following recommendations were endorsed in principle:

- Construction of a pump track at the Glen Willow Regional Sporting complex.
- Actively pursue grant funding to enable the project to be undertaken.

- Asphalt as the preferred material option.
- Provide an inter-linked course that caters for varying difficulty- aiming to provide a minimum of 3 circuits and acknowledge that 4 circuits to be an ideal outcome.
- Recognise supporting infrastructure that would be required such as shading, fencing, seating and water bubbler.
- Continue to undertake ongoing engagement with potential users of the facility and broader community on course design and track feature inclusions.
- Investigation into additional cycling facilities across other region centres be considered as part of the new Recreation Strategy.

Council originally allocated \$245,000 in the 2021-22 Operational Plan (\$145,000 grant funding and \$100,000 Council contribution) to upgrade and support new track construction at the Clandulla State Forest Mountain Bike precinct. Unfortunately, due to various reasons this project was unable to move forward into construction phase despite extensive efforts by both Council Officers and local volunteer associations. Challenges encountered included inability to obtain necessary permits and long-term track management security.

For this reason, it has been suggested that the allocated project funding be transferred to a similar recreation project that would continue to boost tourism in the region whilst also supporting health and wellbeing benefits to the entire community. The funding body (Austrade) endorsed Council's recommendation in June 2022. It is therefore proposed that Council accept grant funding to commence the Pump Track project.

The estimated budget for the entire project is \$700,000. The first stage of the project would be to establish track design, complete site preparation, construction of a dirt pump track and dedicated small carpark for track access.

The second stage would be to finalise asphalt seal for both track and carpark, landscaping, water bubbler, shade shelters and seating throughout the facility. Council will continue to actively pursue grant opportunities to secure advancement of stage two, including submitting an application for the upcoming ClubsNSW Club Grants program.

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
Recreation Strategy

Council Policies
No applicable

Legislation
Not applicable

Financial implications

There is currently no budget allocated for the pump track project. It is recommended that Council amend the 2022-23 budget to include \$700,000 for the project with \$350,000 coming from grant funding and \$350,000 from Council's VPA reserves. The current allocation for the Clandulla Mountain Bike project will be removed.

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

Associated Risks

Physical injury to facility users would be moderate however users would be required to utilise the facility at their own risk. Council would assist with risk mitigation through regular track inspections and maintenance as required.

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

07 July 2022

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Botobolar Community Committee Meeting Minutes - 24 May 2022

REPORT BY THE DIRECTOR COMMUNITY
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0060107

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 24 May 2022;**
2. **endorse the minutes and recommendations of the Botobolar Community Committee meeting 24 May 2022; and**
3. **endorse the Terms of Reference for the Botobolar Community Committee.**

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Botobolar Community Committee held on 24 May 2022.

The Botobolar Community Committee focuses on the ongoing operation of the Botobolar Community Room.

Disclosure of Interest

Nil

Detailed report

At the meeting on 20 April 2022, Council endorsed the reinstatement of the Botobolar Community Committee and the endorsement of its members.

The committee held its first meeting on 24 May 2022 and this report provides the minutes to Council for their information.

One of the main tasks was to establish a Terms of Reference which needs to be supported by Council. This is provided to Council for endorsement.

The Committee have also recommended future capital works be considered at the site and that quotes be sought for a toilet block as well as a 6 meter roller door and associated supports to go in the area between the vehicle shed and the community room in order to facilitate a better coordinated

use of the community room by the RFS and community. They have also recommended that quotes be sought for a small shed to store a lawn mower.

The Rural Fire Service have stated that they have funds available to assist with capital works.

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

Not applicable

Council Policies

Code of Conduct

Legislation

Section 355 of the Local Government Act (1993)

Financial implications

Not applicable

Associated Risks

Not applicable

SIMON JONES

DIRECTOR COMMUNITY

10 June 2022

Attachments: 1. Terms of Reference - Botobolar Community Committee.
2. Botobolar Community Committee Meeting Minutes 24 May 2022.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



TERMS OF REFERENCE Mid-Western Regional Council Botobolar Community Committee

*A prosperous
and progressive
community.*

ADOPTED		REFERENCE	2.1
MIN		REVIEW DATE	JUNE 2025
DATE PREPARED:	10 JUNE 2022	FILE NUMBER	A0100024

Preamble

Mid-Western Regional Council appreciates the advice, voluntary time, commitment, interest and dedication demonstrated by members of its Advisory Committees. Council will give consideration to recommendations stated in the minutes of Advisory Committees. Such recommendations are considered in the context of Council's Community Plan, Operational Plan and Delivery Program and budgetary considerations at an operational and strategic level.

Responsibilities

- Manage the ongoing operation of the Botobolar Community Room
- Provide advice to Council on any proposed Memorandum of Understanding between Council, the Rural Fire Service and the community regarding the use of the Community Hall and Fire Shed
- Provide advice to Council on any required capital works for the Botobolar Community Room

Composition of Committee

The Committee shall comprise the following members:

- One (1) elected Councillor
- Rural Fire Service Representatives (up to 2)
- Community representatives (up to 10)

Meeting Frequency and Quorum

The Committee shall meet up to four times per year and report the minutes from these meetings back to Council.

The quorum shall be half the current membership plus one.

Council Contact and Support

The Director, Community or their delegate is the Council contact officer for the Botobolar Community Committee.



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

MINUTES

BOTOBOLAR COMMUNITY COMMITTEE

Tuesday 24th May 2022 at the Botobolar Community Hall

Meeting opened at 3.04pm

Present: Cr Des Kennedy, Troy Porter (RFS), Neil Williams (FRS), David Sargeant, David Swansson, Mat Lynch, Michael Burnicle, Diane Burnicle, Simon Jones (staff)

1. Welcome

Cr Kennedy opened the meeting and welcomed those present.

2. Apologies

Apologies were noted from Adam Ellis

3. Terms of Reference

Terms of Reference for the Committee were discussed. The focus of the Terms of Reference will be to manage the relationship with the Rural Fire Service via a Memorandum of Understanding and coordinate the use of the community room, including bookings.

It was agreed that a Memorandum of Understanding (MOU) would be developed between Council (the Committee) and the RFS over the use of the community room and the site generally. Any such MOU would remain consistent with the existing Rural Fire District Service Agreement in place between Council and the RFS.

It was noted that the RFS have no issue with the community using the Community Room or the RFS shed within a framework to be agreed through the MOU.

Action: Terms of Reference to be drafted based on discussions and to be presented to Council for endorsement.

Action: Memorandum of Understanding to be drafted for review by RFS and the Committee before being submitted to Council for endorsement

4. Capital Works

The Committee discussed possible capital works at the site that would facilitate a better coordinated use of the shed and community room by the RFS and the community.

The main considerations are for additional toilets, a small storage area for a lawn mower and a roller door to go between the vehicle shed area and the community room.

Motion: That quotes be sought for a toilet block and small storage area at the rear of the RFS shed.

Moved: D. Swansson/N.Williams

Motion Supported

Motion: That quotes be sought for a 6 metre roller door and associated supports to go in the area between the vehicles shed and the community room.

Moved: D. Swansson/N.Williams

Motion Supported

5. Brigade Funds

N.Williams stated that the Brigade is keen to give back to the community and has funds available to assist with capital works.

6. Keys to the Building

It was noted that the RFS shed would be converted to the RFS key system. We will need to sort out key access to the community room.

Meeting Closed at 3.47pm

Next meeting – to be confirmed

12.2 Local Traffic Committee Meeting Minutes - June 2022

REPORT BY THE EXECUTIVE ASSISTANT, OPERATIONS
TO 20 JULY 2022 ORDINARY MEETING
GOV400098, A0100009

RECOMMENDATION

That Council receive the report by the Executive Assistant, Operations on the Local Traffic Committee Meeting Minutes - June 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 17 June 2022.

Four traffic reports were considered:

- Keep Clear and Intersection Signage in Lewis Street
- Speed Limit Reduction On Barneys Reef Road- Birriwa Solar Farm
- Proposed Road Crossing On Birriwa Bus Route (South)
- Amendment To Traffic Management Plan For The Small Farm Field Days

Three General Business item included:

- Lawson Street
- Buses Entering and Exiting St Matthew's Catholic School Broadhead Road & Bruce Road
- Putta Bucca Road Speed Limits

One Correspondence item included:

- Olinda Community Association approval to install two community notice boards

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

7 July 2022

Attachments: 1. Minutes of the Local Traffic Committee June 2022.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 17 June 2022

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 17 June 2022.

Present	Community Member P Blackman, Councillor A Karavas, Transport for NSW W Hazelton, Samantha Cecchini (MWRC), Ray Kearns (MWRC)
Apologies	Simon Fogarty, NSW Police G McGovern & Julian Geddes(MWRC)
Secretary	Michelle Neilsen & Emma Roxby(MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION: Community Member Phillip Blackman / Wayde Hazelton

That the Minutes of the previous Local Traffic Committee held on 20 May 2022 be taken as read and confirmed.

2

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	18/3/2022 – this will be included as part of the audit. 23/5/2022 – brief with Ray Kearns for approval
Denison Street and Church Street Intersection	August 2020		Put down traffic counters at the intersection of Denison and Church Street to measure traffic numbers Physical traffic counts have been collected. Report to follow. 17/6/2022- Samantha Cecchini to complete report for next LTC.
Henry Lawson Drive and Ulan Rd			TO BE CONTINUED ACTION: MWRC – Ray to provide report for April 2022 meeting. 18/3/2022 Ray advised a Road Audit will be undertaken for this intersection.
Menah Ave Mudgee	17 December 2021	LTC 21/051	Council to investigate the traffic flow of Menah Ave and to investigate the rise of the road. 23/5/2022 traffic counters in place. 17/6/2022-traffic counters still in place.
Mudgee Preschool assessable parking location	February 2022 LTC		Council to speak with Mudgee Preschool to discuss the possibility of accessible parking from Kauri Lane. 23/05/2022 – awaiting response from pre-school. 17/6/2022- report to follow.
Oporto Road Line marking	February 2022		Council to investigate line marking options on Oporto Road to cease parking issues.
Jaques Street Kandos	March 2022		Request to extend the bus zone on Fleming Street to Jaques Street to be investigated by Council and TfNSW 23/5/2022 – TfNSW to review changes from 2019.
Barigan Street	April 2022		To investigate parking concerns in the street in the afternoon when students from Cudgegong Public School leave for the day 17/6/2020- further investigation needed.

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Request for accessible parking in Cudgegong Street Rylstone.	May 2022		17/6/2022- Council to further investigate

PAST EVENT DEBRIEF

EVENT	

CALENDAR OF EVENTS

2022		
JANUARY	DATE	COMMENTS
FEBRUARY	DATE	COMMENTS
NRL Charity Shield	26 February 2022	
MARCH	DATE	COMMENTS
Outback Classic Trial	31 March 2022	
Sunset Sounds	26 March 2022	cancelled
Mudgee Endurance Ride		cancelled
APRIL	DATE	COMMENTS
NRL Premiership Round 4	2/4/2022	
ANZAC Day Parade and Marches	25/4/2022	
MAY	DATE	COMMENTS
Mudgee Classic Cycle Event	1 May 2022	
Windeyer Endurance Ride	14 th & 15 th May 2022	LTC approval not required.
Kandos Street Machine and Hot Rod Show	2 May 2022	LTC endorsed
JUNE	DATE	COMMENTS
Mudgeeque Henry Lawson Festival	4 June 2022 11 June 2022	
JULY	DATE	COMMENTS
Small Farm Field Days	8 th & 9 th July 2022	
AUGUST	DATE	COMMENTS
Mudgee Running Festival	21 August 2022	

4

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 17 JUNE 2022

SEPTEMBER	DATE	COMMENTS
Flavours of Mudgee	24 September 2022	
OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved

Green = Approved

22/025 KEEP CLEAR AND INTERSECTION SIGNAGE IN LEWIS STREET

RECOMMENDATION

That Council approve the installation of both “DO NOT QUEUE ACROSS INTERSECTION” signage on Lewis Street and “KEEP CLEAR” pavement symbols which was granted by Transport for NSW on 30 May 2022 as a proposed solution.

MOTION: Transport for NSW Wayde Hazelton / Phillip Blackman

That the above recommendation be accepted and approved.

22/026 SPEED LIMIT REDUCTION ON BARNEYS REEF ROAD- BIRRAWA SOLAR FARM

RECOMMENDATION

That Council approve a speed limit reduction on Barneys Reef Road during the construction of Birriwa Solar Farm

MOTION: Councillor Alex Karavas / Wayde Hazelton

That the above recommendation be accepted and approved.

22/027 PROPOSED ROAD CROSSING ON BIRRIWA BUS ROUTE (SOUTH)

RECOMMENDATION

That Council approve proposed road crossing on Birriwa Bus Route (South) for the Birriwa Solar Farm.

Committee Comments

Will there be traffic control during construction?

MOTION: Councillor Alex Karavas / Wayde Hazelton

That the above recommendation be accepted and approved.

22/028 AMENDMENT TO TRAFFIC MANAGEMENT PLAN FOR THE SMALL FARM FIELD DAYS

RECOMMENDATION

That Council approve the amendment to the traffic management plan for the Small Farm Field Days.

Committee Comments

- Signs should read “accessible parking” not “disabled parking”.
- Wheelchair symbol needs to be larger on the sign.

MOTION: Councillor Alex Karavas / Phillip Blackman

That the above recommendation be accepted and approved.

22/029 GENERAL BUSINESS

RECOMMENDATION

That Council receive the general business items as noted and any actions from the general business items to be investigated by the Committee further.

Lawson Street

Resealing works have been undertaken on Lawson Street in May 2022 and Council is proposing to rehabilitate the intersection of Lawson and Short Streets in 2022/23

Traffic counters will be placed for collection of data. Further investigation for truck bypass up Douro Street during school drop off/pick up hours.

Buses Entering and Exiting St Matthew’s Catholic School Broadhead Road & Bruce Road

Committee Member brought forward some concerns in regards the buses entering and exiting the new St Matthew’s Catholic School. Further discussion to take place and meeting will be set up with developers and designers, members of Mid-Western Regional Council and TfNSW.

6

MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 17 JUNE 2022

Putta Bucca Road Speed Limits

Committee Member brought forward some complaints from residents on Putta Bucca Road that the road speed needs to change from 80km/h to 50km/h.

60km/h signs are in place but covered waiting for Transport for NSW approval. Speed counters could still be placed to check the speed. NFA

MOTION:

That the above recommendation be accepted and approved.

22/030 CORRESPONDENCE

RECOMMENDATION

That Council receive the correspondence as noted and any actions from the items in correspondence be investigated by the Committee further if required.

Olinda Community Association approval to install two community notice boards

Council received an email from the Olinda Community Association to install two community notice board. Before any approvals can be given the Local Traffic Committee requires more information before this is possible this includes and not limited too;

- Location of the proposed site will need to be surveyed.
- Location will need to have a clear pull off and parking for people to look at the notice boards.
- Establish if there is enough room in the road reserve.
- Will there need to be a land acquisition.
- Will Council need to maintain the notice boards after the installation?
- What is meant by interactive will it have power, Wi-Fi or lighting.

MOTION:

That the above recommendation be accepted and approved.

CLOSURE

There being no further business the meeting concluded at 10:54am

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D *GROUNDINGS FOR CLOSING PART OF MEETING TO BE SPECIFIED*

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

664

DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.

1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.

2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.

- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.

- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 General Manager's Performance Agreement 2022-2023

The reason for dealing with this report confidentially is that it relates to personnel matters concerning particular individuals (other than Councillors) in accordance with Section 10A(2)(a) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of an individual, namely the performance of the General Manager.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure