



****PUBLIC COPY****

Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 13 DECEMBER 2023

*A prosperous and progressive
community we proudly call home*





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6 December 2023

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
13 DECEMBER 2023
Public Forum at 5.30pm
Council Meeting commencing at conclusion of Public Forum

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", with a long horizontal line extending to the right.

BRAD CAM
GENERAL MANAGER

AGENDA

Acknowledgement of Country	9
Item 1: Apologies.....	9
Item 2: Disclosure of Interest.....	9
Item 3: Confirmation of Minutes.....	9
3.1 Minutes of Ordinary Meeting held on 15 November 2023.....	9
Item 4: Matters in Progress	10
Item 5: Mayoral Minute	11
Nil	
Item 6: Notices of Motion or Rescission.....	12
Nil	
Item 7: Office of the General Manager	13
Nil	
Item 8: Development	14
8.1 DA0251/2023 - Alterations and Additions to Dwelling and New Shed at 74 Mayne Street, Gulgong	14
8.2 ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Increase from 144 to 200 beds - Lot 32 DP 750773 - 94 Main Street, Ulan.....	41
8.3 Development Control Plan 2013 - Amendment 7	61
8.4 Impacts of State Significant Development Report.....	65
8.5 Events Assistance Application.....	69
8.6 Airport - Hangar 4 Access to Taxiway	73
8.7 Acceptance of NSW Grant Funding	77
8.8 Monthly Development Applications Processing and Determined	81
Item 9: Corporate Services.....	91
9.1 Monthly Budget Review - November 2023	91

9.2	Monthly Statement of Investments as at 30 November 2023.....	111
9.3	Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee ...	119
9.4	Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act,1993	124
9.5	Draft Plan of Management Old Gulgong Fire Station - Adoption.....	130
9.6	Draft Plan of Management Community Land - Post Crown Review.....	134
9.7	Naming of a new road in a subdivision off Rifle Range Road, Mudgee.....	138
9.8	Policy Reviews - Revenue.....	147
9.9	Policy Review - Fraud and Corruption Control.....	150
9.10	General Manager Performance Review Panel	162
Item 10:	Operations.....	165
10.1	Policy Reviews - Operations	165
10.2	Policy Review - Drinking Water	168
Item 11:	Community	172
11.1	Delegation of Authority General Manager - December 2023 - January 2024.....	172
11.2	Australia Day Awards Selection Panel	176
11.3	Councillor Representative on the Crudine Ridge Wind Farm Community Consultative Committee	178
11.4	Solar Array Progress Report	180
Item 12:	Reports from Committees.....	190
12.1	Audit Risk and Improvement Committee Minutes - 24 November 2023.....	190
12.2	Botobolar Community Committee Meeting Minutes - 24 October 2023	199
12.3	Gulgong Memorial Hall Committee Meeting	203
12.4	Rail Committee Minutes - 3 November 2023.....	207
Item 13:	Urgent Business Without Notice	211
Item 14:	Confidential Session.....	212
	Nil	
Item 15:	Urgent Confidential Business Without Notice	214
Item 16:	Open Council.....	214

Item 17: Closure.....214

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 November 2023

Council Decision:

That the Minutes of the Ordinary Meeting held on 15 November 2023 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	To be reported to Council at a future meeting.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	To be reported to Council at a future meeting.
Ulan and Cope Road Safety – Rumble Strips	Res 241/23 Ordinary Meeting 18/10/2023	That Council receive a report detailing costings and investigate opportunities for funding to install rumble strips along Ulan and Cope Roads for enhance safety measures.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 DA0251/2023 - Alterations and Additions to Dwelling and New Shed at 74 Mayne Street, Gulgong

REPORT BY THE PLANNING COORDINATOR AND MANAGER PLANNING
 TO 13 DECEMBER 2023 ORDINARY MEETING
 GOV400103, DA0251/2023

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator and Manager Planning on the DA0251/2023 - Alterations and Additions to Dwelling and New Shed; and,
- B. approve DA0251/2023 - Alterations and Additions to Dwelling and New Shed be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

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

Title / Name:	Drawing No.	Sheet No.	Revision/ Issue:	Date:	Prepared by:
Site Plan	3796-A01	-	C	NOV 2023	Giselle Denley Drafting Services
Floor Plans	3796-A02	-	C	NOV 2023	Giselle Denley Drafting Services
Elevations	3796-A03	-	C	NOV 2023	Giselle Denley Drafting Services
Typical Section	3796-A04	-	B	SEPT 2023	Giselle Denley Drafting Services
Shed Floor Plan, Elevations and Section	3796-A05	-	B	SEPT 2023	Giselle Denley Drafting Services
BASIX Certificate	A480977	-	-	5 JAN 2023	Rohrs Refrigeration
Stormwater Management Plan	BTE-230077	-	02	8 SEPT 2023	BTE Consulting Pty Ltd
Clause 4.6 Variation Request	-	-	-	23 NOV 2023	de Witt Consulting

- 2. For clarity, this development consent provides approval for alterations and additions to the existing dwelling house and new detached shed, only.

GENERAL

3. All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
4. Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
5. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission. Driveways installed over public footpaths must match the existing footpath profile.
6. The detached shed is not to be used or adapted for habitable purposes at any time without the prior approval of Council.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

7. Application shall be made to Council under Section 138 of the Roads Act 1993 for driveway crossover works within the road reserve.

The application shall contain details demonstrating compliance with:

- a) Council's Access to Properties Policy; and
- b) Australian Standard AS/NZS 2890.1:2004 Parking Facilities – Off-street parking facilities.

The Section 138 application shall be considered and approved by Council prior to the release of the Construction Certificate for the development.

8. A detailed engineering design is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

A Construction Certificate is required for but not limited to the following civil works:

- a) Stormwater drainage design.

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

- a) Lot 6 Section 30 DP758482
- b) Lot 7 Section 30 DP758482

10. Application shall be made to Council under Section 68 of the Local Government Act 1993 to carry out Water Supply, Stormwater and Sewerage Works.

The application shall contain details demonstrating compliance with the *Plumbing and Drainage Act 2011* and/or the Plumbing Code of Australia. (The application form and further information is available on Council's website www.midwestern.nsw.gov.au).

The Section 68 application shall be considered and approved by Council prior to the issue of a Construction Certificate.

11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

12. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:

- i. the appointment of a Principal Certifying Authority and
- ii. the date on which work will commence.

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

13. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

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

15. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:

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

16. The development site is to be managed for the entirety of work in the following manner:

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

17. If the work involved in the erection/demolition of the building;

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- b) building involves the enclosure of a public place

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

- 18. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
- 19. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
 - a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

BUILDING CONSTRUCTION

- 20. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
- 21. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
- 22. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
- 23. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
- 24. Commitments listed in BASIX Certificate number(s) A480977 dated 5 January 2023 prepared by Rohrs Refrigeration must be installed and/or completed in accordance with the requirements contained in that certificate.
- 25. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;

- The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
 - b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001;
 - c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency; and
 - d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.
26. The removal of any asbestos material (less than 10m²) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
27. Structural members subject to attack by subterranean termites shall be protected by one of the methods outlined in AS 3660.1 and a durable notice must be permanently fixed to the building in a prominent location, such as a meter box or the like, indicating:
- a) the method of protection; and
 - b) the date of installation of the system; and
 - c) where a chemical barrier is used, its life expectancy as listed on the National Registration Authority label; and
 - d) the need to maintain and inspect the system on a regular basis.
28. The strength of the concrete used for the reinforced concrete floor slab must be a minimum 25Mpa.
29. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment & Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
30. Metal roof/wall cladding shall be provided in a non-reflective colour scheme such as "Colorbond" steel sheeting.

Stormwater Drainage

31. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
32. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.

33. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the developer's/demolisher's expense.
34. Stormwater drainage is to comply with the Mid-Western Regional Council Development Control Plan 2013 and the standards referenced in Appendix B & D.

Access to Property - Driveway Crossover

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

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

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

36. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
37. 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.
38. Prior to use of the development and/or issue of an Occupation Certificate, all roof water shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm. Please note this can be achieved by connecting to existing stormwater lines.
39. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate No. A480977 dated 5 January 2023 prepared by Rohrs Refrigeration, and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.
40. Roof water from the dwelling and shed shall be conducted to the water storage tank/s in accordance with the BASIX requirements. Any additional roof water, and overflow from the water storage tank/s, shall be conducted to the street gutter by means of a sealed pipeline having a minimum diameter of 90mm, prior to use of the development and/or issue of an Occupation Certificate.
41. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.

ADVISORY NOTES

42. 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".
43. 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.
44. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
45. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
46. 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:

47. The proposed development generally complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
48. The justification provided to support the variation to clause 4.3 Height of Buildings of the Mid-Western Regional Local Environmental Plan is considered to be satisfactory in the circumstances of the case.
49. 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.
50. No submissions were received during the public exhibition period.

Executive summary

OWNER/S	Mr C and Mrs P Schimek
APPLICANT:	Mr Benjamin Pirie
PROPERTY DESCRIPTION	74 Mayne Street, Gulgong Lots 6 and 7 Sec 30 DP 758482

PROPOSED DEVELOPMENT	Alterations and Additions to existing Dwelling House and New Shed
ESTIMATED COST OF DEVELOPMENT:	\$150,000
REASON FOR REPORTING TO COUNCIL:	Variation to LEP Clause 4.3 Maximum Building Height Exceeding 10%
PUBLIC SUBMISSIONS:	No submissions received during the notification period

Council is in receipt of Development Application DA0251/2023 that seeks approval for Alterations & Additions to an existing dwelling and new detached shed, at 74 Mayne Street GULGONG NSW 2852, Lot 6 & 7 Sec 30 DP 758482.

The site has an area of approximately 1315m², with a combined frontage of approximately 24m to Mayne Street, and secondary frontage to Queen Street. The subject site falls to the rear (Queen Street) by approximately 3.5m and is currently occupied by a single storey dwelling that is a heritage listed building and small detached shed.

The applicant is proposing the partial demolition to the rear of the dwelling with new additions comprising a floor area of approximately 121m². The additions include a kitchen / family room, pantry, additional bedroom, bathroom, laundry / mudroom and an 'L' shaped rear verandah. The applicant is also proposing a new 9m x 11m detached shed to the rear of the property.

The proposal has been amended a number of times owing to Council concerns in relation to impacts to the heritage listed building and the design of the dwelling additions proposed. Further, it was identified that there was a significant non-compliance with clause 4.3 Height of Buildings of the Mid-Western Local Environmental Plan (LEP) 2012. The applicant has therefore sought a variation to this development standard pursuant to clause 4.6 Exceptions to development standards of the LEP.

The applicant submitted final plans and a revised clause 4.6 variation report on the 24 November 2023 which seeks a 34.2% variation to the 5-metre maximum building height for Gulgong, to a total height of 6.69 metre which is marginally lower than the current heritage house.

Importantly, it should be noted that the existing heritage listed dwelling currently exceeds the maximum building height of 5 metres. It is currently 6.69 metres from natural ground level to the ridge of the dwelling and this area of the dwelling will be retained by the proposed development. The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, no submission/s were received. Whilst revised plans were provided to Council to address heritage impacts and reduce the building height variation proposed, the changes to the design of the dwelling additions were considered to reduce potential impacts to adjoining properties. Re-notification of the proposal was therefore not required.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application seeks a variation to the LEP Height of Buildings development standard of more than 10% and a clause 4.6 justification report has been provided for consideration.

The application is recommended for approval.

Disclosure of Interest

Nil

Detailed report

PROPOSED DEVELOPMENT

Council is in receipt of Development Application DA0251/2023 that seeks approval for Alterations & Additions to an existing dwelling and new detached shed located at 74 Mayne Street GULGONG NSW 2852, legally known as Lot 6 & 7 Sec 30 DP 758482.

The applicant is proposing the partial demolition to the rear of the heritage listed dwelling with new additions comprising a floor area of approximately 121m².

The additions include a kitchen / family room, pantry, additional bedroom, bathroom, laundry / mudroom and an 'L' shaped rear verandah. The applicant is also proposing a new 9m x 11m detached shed to the rear of the property which is proposed to be constructed over the existing boundary of the two (2) lots.

Please refer to the development plans located within **Attachment 1**.

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

SUBJECT SITE

The site has an area of approximately 1315m², with a combined frontage of approximately 24m to Mayne Street, and secondary frontage to Queen Street. The subject site falls to the rear (Queen Street) by approximately 3.5m and is currently occupied by a single storey dwelling that is a heritage listed building and small detached shed.

Mayne Street at this location features concrete kerb and gutter on both sides of the street and a sealed carriageway width of approximately 11 metres. Queen Street also has kerb and gutter on both sides of the street.

The site previously contained a large peppercorn tree on the Queen Street frontage. This tree has since been removed from the site following a storm event.

Please refer to the aerial image shown in Figure 1 below.



Figure 1: Site Plan

APPLICATION HISTORY

Upon receiving the application and undertaking a preliminary assessment, a number of significant issues were identified and a further information request was made on the 13 February 2023.

Issues identified included:

1. The plans did not include the total height of the proposed building works (which is to be shown from natural ground level). A significant variation to the maximum building height under the Mid-Western Regional LEP 2012 was proposed based on the plans submitted. No clause 4.6 variation to a development standard justification report was however submitted with the application for Council assessment.
2. A variation to the street setback was proposed for the secondary frontage of the site and the views to the proposed shed from Queen Street. No justification for this variation was provided for assessment.
3. No stormwater concept design was submitted despite there being a significant amount of additional site coverage proposed, along with the natural sloping nature of the land appearing to cause impacts of overland flows to adjoining land.
4. The development appeared to be proposed / constructed over a boundary line. No clarification was provided in this respect.

5. The site contains a number of trees (and is also located within the Gulgong Heritage Conservation area) however the application did not provide any information on tree removal or replacement landscaping, or any fencing to address the proposed reduced setback for the shed from Queens Street.
6. Concerns in relation to heritage impacts and design of the additions to the dwelling (raised by Council's Heritage Advisor following a site inspection and review of the application).

A meeting with the applicant was also undertaken on the 21 March 2023, at their request, and in order to clarify the information request.

On the 9 August 2023, Council received a clause 4.6 variation report from the applicant, prepared by de Witt Consulting. This clause 4.6 report noted that a variation of 40.6% was proposed to the Building Height prescribed under the MWRLEP 2012 for Gulgong.

As the applicant did not alter the propose design of the development, based on the Heritage advisor's response, the proposed 40% variation to the LEP building height was not supported. The applicant was formally advised of this on the 11 August 2023.

On the 9 October 2023, revised plans were provided which reduced the bulk of the dwelling additions along with the submission of a stormwater concept plan and SEE addendum report that sought to address the building setback variation proposed for the shed from Queen Street.

Unfortunately, however, the clause 4.6 variation report was not updated to reflect the proposed changes to the plans and variation sought, and on the 13 October 2023, it was requested that this report be updated for assessment finalisation.

An amended clause 4.6 report was provided for assessment; however, the extent of the variation was incorrectly assessed within the report. This was owing to the fact that the height of the building is required to be taken from natural ground level, not the finished floor level.

A final clause 4.6 report with amended plans were provided to Council on the 24 November 2023 and informed the final assessment of the application. This confirmed that the proposed variation to the LEP height of buildings development standard was now 34.2%.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application seeks a variation to the LEP Height of Buildings development standard of more than 10% and a clause 4.6 justification report has been provided for consideration.

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

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

ASSESSMENT

The application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979* 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 (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal involves development that requires the issue of a BASIX certificate. The applicant has provided the relevant BASIX certificate and a condition of consent has been included ensuring that the commitments be met as listed in the certificate – BASIX Certificate no. A480977 dated 5 January 2023 prepared by Rohrs Refrigeration.

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021

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

STATE ENVIRONMENTAL PLANNING POLICY (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 alterations and additions to an existing dwelling house and a detached garage. A dwelling house is defined as the following, and the proposed detached garage is considered ancillary to the residential use of the site:

- *dwelling house means a building containing only one dwelling.*
- *dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.*

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 proposal, being alterations and additions to an existing dwelling house with detached shed is permissible with consent in the zone and complies with the relevant objectives.

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 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of the rear existing portion of the residence including the kitchen, dining, bathroom, laundry, toilet and small living room.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 5 metres above existing ground level. The development for the rear addition to the dwelling is proposed at a maximum height of 6.71 metres. The existing frontage of the heritage listed dwelling (being retained) has an established overall height of 6.69 metres. As a result, both the existing heritage listed dwelling, and the proposed addition to the rear is non-compliant with the development standard and results in a variation of 34.2%. The applicant has sought a variation to this requirement pursuant to Clause 4.6 of the LEP 2012 which is addressed below.

It is important to note that the Standard Instrument (Local Environmental Plans) Amendment (Exceptions to Development Standards) Order 2023 commenced on the 1 November 2023. As the development application was made prior to the 1 November 2023, the savings provisions of cl.1.8A of the LEP 2012 applies and therefore the prior relevant subclauses of cl.4.6 have been considered by this assessment below.

Clause 4.6 Exceptions to development standards

It is proposed to vary Clause 4.3 of the MWLEP to allow for an increase in the maximum height limit of 5.0 metres prescribed in the MWLEP to 6.71 metres. This represents a variation of 34.2% of the development standard. The variation is considered acceptable and to meet the requirements of this clause as specified below:

(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.

Comment Approval is sought to contravene a development standard imposed by the Mid-Western Regional Local Environmental Plan being Clause 4.3 as the proposed dwelling will exceed the maximum height of 5.0 metres prescribed in the MWLEP.

The variation of this Development Standard is not expressly excluded noting the following:

- The variation does not relate to subdivision of the land (excluded under Subclause 6).
- The variation does not contravene any of the following (excluded under Subclause 8)
 - (a) a development standard for complying development

- (b) a development standard in connection with a commitment set out in a BASIX certificate.
- (c) clause 5.4 (relating to “controls relating to miscellaneous permissible uses)

- (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.*

Comment A satisfactory professionally written justification report dated 23 November 2023 has been provided by the applicant that argues that the compliance with the maximum height of 5m in this case is unreasonable and unnecessary for the following reasons:

The existing dwelling is a local heritage item, and the site is located within the Gulgong Heritage Conservation Area (HCA). The Statement of Heritage Impact found the proposal to have neutral to positive impacts on the heritage character of the building and HCA.

Strict compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case as the objectives of the standard have been achieved. The proposed alterations and additions create a built form that is largely consistent with existing development on site and in the surrounding area. It will not adversely impact the scale of the dwelling as a whole. The proposed development also contributes positively to the Gulgong Heritage Conservation Area, as demonstrated by the Statement of Heritage Impact. The proposed alterations and additions facilitate appropriate development of the site with the variation of the height of building developments standard justified on the basis that the proposed design better meets the objectives of this clause in the LEP.

Adhering strictly with the height of building development standard would result in a potentially degraded visual character, since the proposed addition improves the aesthetic qualities of the existing development. The proposed development does not require strict adherence to the development standard to meet the clause objectives.

The proposed development retains the existing roof ridge line, whilst also not adversely impacting important view corridors or the significance of the HCA from the Queen Street elevation. As a result, a compliant development would be required to be split levelled, which would not result in the same complementary heritage outcome, which is of high importance in an HCA and a site containing a local heritage item.

The proposal in its current form is more appropriate in its context than a development that complies with the 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*

Comment The written request provided by the applicant has adequately addressed the matters (refer to subclause (3) for further details).

(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.

Comment The application is considered to be in the public interest as it is able to meet the objectives of the zone as well as the objectives of Clause 4.3 relating to Height of Buildings as discussed below.

Clause 4.3 Height of Buildings

To establish a maximum height limit to which buildings can be designed in particular locations.

Comment: The proposed height of the addition to the rear of the existing heritage listed dwelling will be less than the current height of the dwelling, and will be consistent with buildings in the locality. The nature of the variation is due to the sloping nature of the land and the applicant has elected to retain a similar roof profile, whilst keeping the addition on the same finished floor level as the current dwelling. On this basis, the variation is considered to be acceptable.

To enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.

Comment: The proposed additions to the dwelling will be similar in height to surrounding development in the area, given the existing buildings in the area. The addition to the rear of the site will not dominate the streetscape or the existing character of the heritage listed dwelling.

Zone R1 General Residential

To provide for the housing needs of the community

Comment: The proposed development will continue to provide an appropriate form of housing for the Gulgong community, whilst preserving the heritage listed dwelling located on the site.

To provide for a variety of housing types and densities

Comment: The proposed development will continue to provide housing opportunities for the Gulgong community.

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.

(b) the concurrence of the Secretary has been obtained.

Comment The Secretary's concurrence may be assumed in accordance with Planning Circular PS 18-003 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:

The Secretary's concurrence may not be assumed by a delegate of council if:

- *The development contravenes a numerical standard by more than 10%; or*
- *The development contravenes a non-numerical standard.*

It is proposed to vary the maximum height limit of 5m by 34.2%. As the development contravenes the standard by more than 10%, the secretary's concurrence cannot be assumed by a delegate of council. As a result, a report to Council is required to determine the application.

(5) *In deciding whether to grant concurrence, the Secretary must consider:*

- whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- the public benefit of maintaining the development standard, and*
- any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Comment Noted – the secretary's concurrence has been assumed in accordance with Planning Circular PS 20-002 issued on 5 May 2020 refer to the previous Clause for further details.

(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:*

- the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- 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.*

Comment Not applicable – the variation does not relate to subdivision.

(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).*

Comment Noted, the consent will be added to Council's register.

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 heritage item (which is also located in the Gulgong Heritage Conservation Area), consideration must be given to the relevant heritage significance in accordance with Clause 5.10(4).

Initially, the design of the proposal included a raised roof profile above the existing Edwardian cottage (circa 1915-1925), projection of the side walls straight back and an L shaped veranda addition. The site and proposed plans were supported by a Statement of Heritage Impact prepared by BJ Hickson Heritage Adviser, which was reviewed by Council's Heritage Advisor.

Concerns were raised by Council's Heritage Advisor, predominately due to the raised roof profile with the comment made that the original fabric of the cottage was lost, owing to its lower pitch. The new veranda was also of concern.

Feedback was provided to the applicant, in light of the fact that the proposal would also result in a variation to the maximum building height, recommending a reduction to the height of the rear addition to be consistent with the existing cottage, or reduced further below the roofline of the cottage, in order to ensure that the streetscape, fabric and character of the cottage is preserved.

Amended plans were submitted and referred back to council's heritage advisor who provided support to the revised design.

On the basis of the revised design, the proposal is considered to have no significantly adverse impacts on the Heritage Conservation Area of Gulgong, including its setting, whilst conserving the heritage significance of the existing heritage listed dwelling.

Clause 5.21 Flood Planning

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

Clause 6.1 Salinity

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

Additionally, as the proposal involves piers for the alteration/additions and a concrete slab for the shed, a condition of consent has been included requiring the slab to be designed appropriately to minimise the impacts of salts in the ground on the building.

Clause 6.3 Earthworks

The proposal involves only minor earthworks to prepare the site for the development. The works are not expected to generate any significant impacts as listed in Clause 6.3(3). Conditions of consent have been included to ensure any earthworks related activities are carried out appropriately and minimise impacts upon neighbouring properties.

Clause 6.4 Groundwater vulnerability

The site is not identified as groundwater vulnerable.

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 DCP 2013


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

Part 3.1 Residential Development

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Minimum lot size	
Minimum lot size	Not Applicable - the site contains an existing dwelling house.
Attached Dual Occupancy – Minimum 600m ²	Not Applicable
Detached Dual Occupancy – Minimum 800m ²	Not Applicable

Note: Detached Dual Occupancy is prohibited in R2 Low Density Residential Zone.

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	Not Applicable
Zones R1, R2 and R3 where lot size is greater than 901m ² and less than 1999m ² : 6.5 and 7.5 to the garage	The proposed shed is setback 3m from Queen Street. The DCP requires a 7.5m setback from the street to the garage. This is achieved from the Mayne Street frontage, however, a variation to the DCP of 60% is sought based on the immediately adjoining sheds in this location being located less than 7.5m from Queen Street. This was confirmed following a site inspection with a number of existing garages located within 7.5m of the Queen Street frontages adjacent to the site and is therefore considered to be acceptable based on the merits of the application.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
	
Zone R2 where 200m ² to 1ha: 10m	Not Applicable
Zone R5 less than or equal to 5ha: 30m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 60m	Not Applicable
RU5: DCP	Not Applicable
Building Side/Rear setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 900m	Not Applicable
Zones R1, R2 and R3 where Lot size is greater than the 901m ² and less than 1,999m ² : 900mm	The proposed shed is setback 3m from the secondary street frontage known as Queen Street.
Zone R2 where 2000m ² to 1ha: 2.5m	Not Applicable
Zone R5 less than or equal to 5ha: 20m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 20m	Not Applicable
RU5: BCA	Not Applicable
Building Secondary Frontage for corner lots setback	
Zones R1, R2 and R3 where Lot size is less than 900m ² : 0m for garages in laneways 2m to side boundary	Not Applicable
Zones R1, R2 and R3 where Lot size is greater than 901m ² and less than 1,999m ² : 2m	Not Applicable
Zone R2 where 2000m ² to 1ha: 7.5m	Not Applicable

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
Zone R5 less than or equal to 5ha: 15m	Not Applicable
Zones RU1, RU4 and R5 greater than 5ha: 15m	Not Applicable
RU5: 3m	Not Applicable
Building height / design	
Proposed buildings are single story	Complies
The design is not a mirror or duplication for the two dwellings when fronting streets.	Not Applicable
75% of internal living areas shall receive at least three hours effective sunlight between the hours of 9.00am and 3.00pm on 21 June (Winter solstice)	Complies
Both dwellings have direct street frontage, i.e. battle-axe arrangements are not permissible	Not Applicable
Minimum separation of 3 metres between buildings	Not Applicable
The garage door or carport does not exceed 45% of the front elevation	Complies
All facades with street frontage contain windows	Complies
Street frontage elevations contain minimum 5% openings	Complies
Building is not a transportable or relocated dwelling	Complies
Slope and cut and fill	
The slope of the site does not exceed 15%	Complies
Cut is limited to 1m	Complies
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.	Conditions to be imposed.
Any cut and fill has been provided with retaining wall including drainage and is set back a minimum 300mm from the allotment boundary.	Conditions to be imposed.
Fill does not direct stormwater onto adjoining properties and drainage pits for	Conditions to be imposed.

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
overland flow paths have been provided.	
Cut / fill is clear of any water or sewer easements.	Conditions to be imposed.
Open space	
Private open space is located on the Northern or Eastern side of dwellings.	Existing retained to the northern side / rear of the dwelling.
Private open space has direct access from main living areas.	Complies
Each dwelling provides a Principal Private Open Space with a minimum of 80m ² and a minimum dimension of 5 metres.	Complies
If alfresco is to be counted as Principal Private Open Space, it must be: located at or near ground level have direct northerly aspect) create no more than 25% of principal open space	Not Applicable
Where Principal Private Open Space is located within front set back: located behind suitably landscaped area minimum width of 1.5 metres to the front boundary	Not Applicable
75% of Principal Private Open Space shall receive a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June	Complies
Site coverage	
Maximum site coverage of 50%	Complies
Parking	
Each dwelling has two car parks with a minimum of one being a garage for each.	Complies
Parking and manoeuvring areas are hard stand	Conditions to be imposed.
Driveways are located a minimum of 6m from any intersection	Complies
Utilities	
Buildings are located clear of utility infrastructure	Complies
Building is not located within an easement	Complies

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
for the purpose of utility infrastructure	
Structures are located a minimum of 1500mm from the centre of water and sewer main	Complies - Conditions to be imposed.
Details of water supply and sewer reticulation have been provided:	
If available within 500m applicant has proposed connection to reticulated network	Complies
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	Complies
Fencing	
1.8 metre high fencing is provided between Principal Private open spaces	Not Applicable
Front fences are open panel, do not exceed 1.2 metres in height and are not of Colorbond material construction	Not Applicable
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	Not Applicable
Side and rear fences do not exceed 1.8 metres in height once behind the building	Complies
For corner allotments no fence, structure or landscaping in greater than 1 metre in height is located within the triangle formed by a sight line 12 metres x 6 metres from the intersection of the two street boundaries	Not Applicable
Dividing fences do not affect the flow of surface water with the possibility of causing	Not Applicable

DEVELOPMENT CONTROL REQUIREMENT	COMMENT / COMPLIES
flooding.	
Garages, Outbuildings	
Outbuildings must not negatively affect the amenity of the streetscape or adjoining properties	The proposed shed is to be located to the rear of the property, with access available from Queen Street. The proposed shed is not considered to impact the amenity of the streetscape or surrounding properties.
Urban areas where <750m ² : 50m ² maximum shed size	Not Applicable
Urban areas where 751-1000m ² : 80m ² maximum shed size	Not Applicable
Urban areas where 1001-2000m ² : 100m ² maximum shed size	Complies = 99m ²
Urban areas where 2001-3000m ² : 120m ² maximum shed size	Not Applicable
Urban areas where >3000m ² : 150m 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	Complies

Note: Urban areas are limited to residential areas which include the R1, R2, R3 zones and where a dwelling-house is approved or constructed on the land.

Part 4.4 Signs

Not Applicable

Part 4.7 Tree Preservation Order

No trees to be removed. A recent site inspection confirmed that a large peppercorn tree had previously fell in a storm and has been subsequently removed. This tree is not listed under the TPO of the DCP however.

Part 5.1 Car Parking

Complies. The proposed development will provide 2 parking spaces onsite, with a new shed allowing for 1 space to be undercover.

Part 5.2 Flooding

Not Applicable

Part 5.3 Stormwater Management

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

Part 5.4 Environmental Controls

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

Part 8.1 Gulgong

The proposed development is not for subdivision and is not located within the mapped area under Part 8.1.

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

No contributions necessary as the proposal is not for additional residential development on the site and therefore Section 7.11 or Section 7.12 of the EP&A Act does not apply.

Section 64 - Water/Sewer Developer Services Charges

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

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 suitable access and parking 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 disused under the clause 5.10 LEP assessment, there are no adverse heritage impacts identified based on the revised proposal submitted for consideration.

(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, subject to compliance with conditions.

(H) SOILS

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

(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

To comply with BASIX requirements.

(M) NOISE AND VIBRATION

Conditions are required to manage noise during construction.

(N) NATURAL HAZARDS

The development site is not identified as bushfire prone or flood prone and there are no known slip or mass movement issues.

(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 including the provision of suitable residential development.

(R) ECONOMIC IMPACT IN THE LOCALITY

Generally positive including the provision of additional local employment and expenditure during the construction phase.

(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. 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, subject to conditions.

(B) TECHNICAL SERVICES

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

(C) HERITAGE ADVISOR

Council's Heritage Advisor has not raised any concerns with the revised proposal submitted.

(D) ACCESS COMMITTEE

No consultation necessary.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Mid-Western Local Environmental Plan 2012
Mid-Western Development Control Plan 2013
Mid-Western Community Participation Plan 2019

Legislation

Local Government Act 1993
Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulation 2021

Financial implications

Should Council refuse the application and the applicant seeks to appeal this decision through the Land & Environment Court, legal costs associated with an appeal will be required to be funded by Council.

Associated Risks

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

KAYLA ROBSON
PLANNING COORDINATOR

ALINA AZAR
DIRECTOR DEVELOPMENT

27 November 2023

Attachments: 1. Development Plans and Reports. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Increase from 144 to 200 beds - Lot 32 DP 750773 - 94 Main Street, Ulan

REPORT BY THE MANAGER PLANNING
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, P1411461 - Part 4

RECOMMENDATION

That Council:

- A. Receive the report by the Manager Planning on ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Lot 32 DP 750773 - 94 Main Street, Ulan;**
 - B. Refuse ME0040/2023 - Section 4.55(1A) Modification to DA0135/2012 - Temporary Workers Accommodation - Lot 32 DP 750773 - 94 Main Street, Ulan subject to the following Statement of Reasons;**
 - a) The Section 4.55(1A) Modification Application ME0040/2023 is not considered to be of minimal environmental impact;**
 - b) The Section 4.55(1A) Modification Application ME0040/2023 is not considered to be substantially the same development for which consent was granted by Council;**
 - c) The Section 4.55(1A) Modification Application ME0040/2023 does not achieve compliance with Section 6.11(2)(d) Temporary Workers Accommodation of the Mid-Western Regional Local Environmental Plan 2012 as adequate sewer systems cannot be provided on the site to support the development;**
 - d) The Section 4.55(1A) Modification Application ME0040/2023 does not achieve compliance with Part 5.4 Environmental Controls and Part 6.2 Temporary Workers Accommodation of the Mid-Western Regional Development Control Plan 2013;**
 - e) The subject site is not considered to be suitable for the proposed modified development as a result of the following:**
 - (i) The existing Sewerage Treatment Plant proposed to be utilised by the modified development is undersized and cannot adequately cope with the effluent loads associated with the proposed increase in demand over the site, and**
 - (ii) The subject site cannot adequately support the required increase in effluent disposal area as it is significantly constrained by buffers associated with the immediately adjoining Goulburn River, groundwater bore, adjoining dwelling and overall site boundaries.**
 - C. Proceed to authorise relevant Council staff to undertake compliance action pursuant to Schedule 5, Part 1 of the Environmental Planning and Assessment Act in relation to the development.**
-

Executive summary

OWNER/S	NSW Department of Industry – Crown Land (Registered Lease AH129615P)
APPLICANT:	The Trustee for Long Necks Unit Trust Mr Luke Morris
PROPERTY DESCRIPTION:	94 Main Street, Ulan (Lot 32 DP750773)
PROPOSED DEVELOPMENT:	Section 4.55(1A) Modification to DA0135/2012 (Temporary Workers Accommodation) Increase number of beds from 144 to 200
ORIGINAL ESTIMATED COST OF DEVELOPMENT:	\$2.8 Million
REASON FOR REPORTING TO COUNCIL:	Council approved the original development application and subsequent modifications
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a Section 4.55(1A) Application to modify DA0135/2012. The application has been amended a number of times by the applicant, along with their appointed legal advisors as a result of Council's further information requests and the unlawful placement of the accommodation units and new sewerage treatment plant on the site without the prior consent of Council.

In summary, the final amended modification application submitted on the 24 November 2023 proposes to:

1. Modify the approved development plans (condition 1) seeking approval for the use of fourteen (14) transportable buildings for the purpose of temporary workers accommodation (total of 56 rooms, each with a bathroom) that have been already placed on the site - This will increase the total number of accommodation rooms onsite from 144 to 200;
2. Extension of the sealed car park area at the front of the site;
3. A new stormwater detention basin to capture runoff from the car park;
4. Expansion of the effluent disposal area to accommodate the development towards the rear of the site (adjacent to the Goulburn River) and along the north eastern boundary.

The application originally sought the approval for installation of an additional laundry building (bringing the total to 3 onsite), the installation of the 14 accommodation buildings, along with the installation of a new 30,000L Sewerage Treatment Plant. These elements have subsequently been removed during the assessment of the application with the applicant now stating that all laundry will be undertaken by contract arrangement offsite. Despite this latest amendment, the applicant has not proposed the removal of the existing laundry buildings on the site.

The amended development proposal has been assessed in accordance with Council's LEP and DCP requirements, and in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act.

The assessment has concluded that the proposed development will not comply with Part 5.4 Environmental Controls (pollution and waste management) and Part 6.2 Temporary Workers Accommodation (a variation of 22.5% is sought to the parking requirements). The proposal is considered to result in unacceptable environmental impacts owing to the proposed increase in effluent loading generated by the development which cannot be accommodated by the existing 20,000L sewerage treatment plant, nor will the additional loading be disposed of onsite in a compliant manner. As a result, the proposed modified development is not considered to be substantially the same development as approved by Council and is recommended for refusal.

Pursuant to the powers handed down by the General Manager, conferred under Section 378 of the *Local Government Act 1993*, staff do not hold assumed delegation to determine the application as DA0135/2012 was approved at a full Council meeting on 15 February 2012, and consequently modifications to the consent shall be determined at a full Council meeting.

The Section 4.55 Application was not required to be notified as per Council's Community Participation Plan. However, as all prior applications made have been notified, this proposal was also notified for 14 days. No submissions were received during the notification period.

Disclosure of Interest

Nil

Detailed report

PRIOR APPLICATION HISTORY

Council granted consent to DA0135/2012 for the construction of Temporary Workers Accommodation, located at 94 Main Street, Ulan Lot 32 DP750773 at the February 2012 Council meeting.

At the June 2012 Council meeting, Council approved a modification (MA0037/2012) of ten (10) conditions of consent relating to a number of matters including BCA, DDA compliance, and school signage upgrades.

At the 15 May 2019 meeting, Council also approved a modification (MA0036/2019) of six (6) conditions relating to the provision of potable water and the construction level of the effluent management system.

At the 15 March 2023 meeting, Council approved further changes to the consent and approved plans (ME0024/2023) allowing for an additional laundry building, modifying conditions 1 (approved plans) condition 50 (life of the development) and also removed the requirement for a footpath (condition 43).

Physical commencement has occurred, and consequently the consent remains active.

The approved development layout by Council is included as Figure 1 below. The proposed modified site layout, including the additional 14 buildings and car park extension is included within Figure 2 below.



Figure 1 – Approved Site Plan (ME0024/2023)

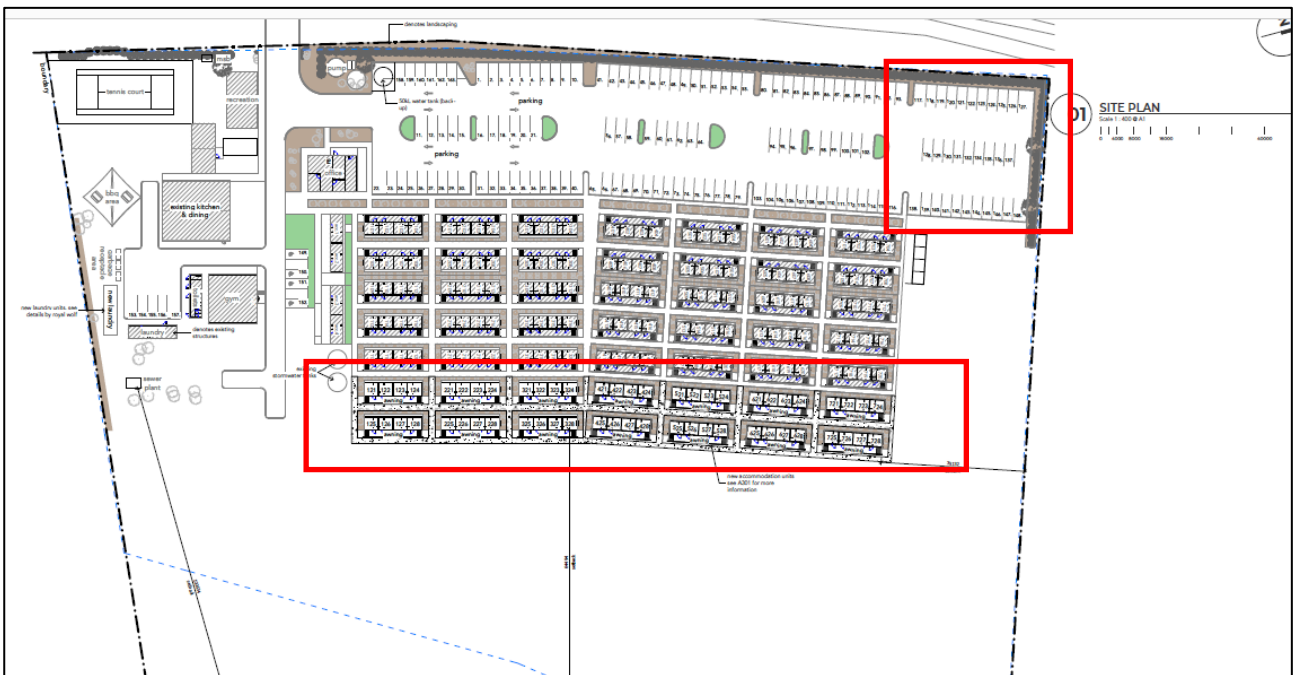


Figure 2 – Proposed Site Plan dated 08.05.2023 (Appendix C to SEE submitted 24 November 2023)

The following table outlines the history of the current modification application ME0040/2023 before Council:

Date:	Comment:
23 May 2023	ME0040/2023 lodged with Council.
10 June 2023	Initial site inspection conducted with Council's Health and Building and Engineering Officers.

<p>16 June 2023</p>	<p>Following a preliminary assessment, a further information request was issued to the Applicant requesting the following:</p> <ol style="list-style-type: none"> 1. A traffic impact assessment – due to the proposed 38.9% increase to the traffic associated with the development. 2. A car parking demand assessment – due to the propose variation sought to car parking of the Mid-Western Regional DCP 2013. 3. Further details on all stormwater capture and detention onsite including plans and supporting calculations. 4. An updated Site and Soil Assessment for Onsite Effluent Management report – due to the discrepancies identified between the submitted report and sewer plan.
<p>26 June 2023</p>	<p>Applicant submitted a Traffic Report, Stormwater plan / design and revised Site and Soil Assessment report.</p>
<p>29 June 2023</p>	<p>Meeting held at Councils Office with applicant and appointed consultants including Council Staff from Environmental Health, Health and Building, Development Engineering and Planning.</p>
<p>4 July 2023</p>	<p>Applicant submitted a revised Stormwater plan / design and further revised Site and Soil Assessment report.</p>
<p>6 July 2023</p>	<p>Applicant was advised the Traffic Report was deemed insufficient following Engineering referral response received and a final opportunity to submit an updated Traffic Report was provided.</p>
<p>10 July 2023</p>	<p>Applicant advised their response to the request for a revised Traffic Report was as follows:</p> <ol style="list-style-type: none"> 1. <i>Please see attached Traffic Impact Statement, and also comments below regarding the above:</i> 2. <i>The first three (3) points have been addressed in the amended Traffic Impact Statement.</i> 3. <i>The TIA shall include traffic counts on Main Street and Ulan Road. We have estimates on Main St and we have doubled what the traffic counts were on Ulan Road from 2011.</i> 4. <i>The TIA shall include SIDRA (or similar) modelling of the proposed development, including the intersection of Main Street and Ulan Road. No SIDRA has been provided. High level analysis done is section 3.4.</i>
<p>12 July 2023</p>	<p>The further revised Site and Soil Assessment report was not supported by Council's Environmental Health Officer with the following request made to the applicant:</p> <ol style="list-style-type: none"> 1. <i>The proposed effluent irrigation area needs to be accurately shown on the sewer disposal plan. The plan currently shows the scaled area to be 5250 sq. m when 5550 sq. m is required.</i> 2. <i>12 months of groundwater monitoring results from the well on the property is requested to be provided.</i> 3. <i>A written justification for the proposed additional laundry facilities is requested to be provided.</i>
<p>13 July 2023</p>	<p>The applicant provided a response to the Environmental Health Officers request for clarification from the 12 July 2023 which stated:</p> <ol style="list-style-type: none"> 1. <i>Please see attached amended Septic Report provided correct calculations and irrigation area recommended.</i>

	<p>2. <i>A consolidated report of groundwater monitoring results from prior to the commissioning of the STP (2019) to present (2023) attached.</i></p> <p>3. <i>The additional laundry has since been removed. Written justification not required.</i></p>
24 July 2023	Planning emailed request to meet with applicant's consultant regarding effluent disposal matters and issues with the report.
25 July 2023	<p>Engineering Referral Response received with a further request for information as follows:</p> <p><i>The TIA shall include traffic counts on Main Street and Ulan Road as previously requested.</i></p> <ul style="list-style-type: none"> • <i>The TIA shall include SIDRA (or similar) modelling of the proposed development, including the intersection of Main Street and Ulan Road as previously requested</i> • <i>Additional details of the proposed on-site detention system have been provided for consideration by the applicant in support of the proposed amendment; however, Council officers have advised that during a recent site inspection it has found that the as constructed on-site detention system did not comply with the approved plans. As such, additional information is required detailing the works required to achieve compliance with the approved plans and further justifying if the quoted additional detention storage exists.</i>
31 July 2023	Final Engineering referral response received with conditions included.
3 August 2023	Meeting with applicants' consultant held regarding the Site and Soil Assessment and supporting plan discrepancies with Council's Environmental Health Officer.
9 August 2023	Revised effluent plan submitted to Council with updated details.
10 August 2023	Site inspection following a report of new buildings being moved to the site – 5 buildings had been placed onsite and all piers were poured for the 14 buildings associated with the subject modification application ME0040/2023. Directions issued by Council's Compliance Coordinator to onsite contractor and applicant/ landowners to cease all works as no development consent is in place.
23 August 2023	Further site inspection undertaken with Council's Environmental Health Officers to view the effluent disposal area and sewerage treatment works.
24 August 2023	<p>Further request for information made by Council to address the effluent management of the development:</p> <p>1. An independent detailed survey plan of the site is to be provided to council including the following:-</p> <ul style="list-style-type: none"> • the location of the rear boundary of the subject lot, and • the location of the top of bank of the watercourse to the rear of the site, and • the location of the existing effluent disposal area (including bunded area constructed) constructed onsite, and • the location of the existing sewerage treatment plant(s) constructed onsite, along with all existing holding well / pumps, and • the location of the water monitoring bore, and • all contours at 1m intervals over the site must be shown on

	<p>the plan in AHD, commencing from the top of bank of the watercourse to the front boundary.</p> <p>2. A further amended sewer plan is to be provided to include all existing infrastructure (including any holding tanks/pumps onsite) and all proposed sewer infrastructure to support the additional accommodation.</p>
8 September 2023	Applicant provided supporting letter, revised sewer plan and survey plan in response to Council's request of 24 August 2023 which included the new sewerage works proposed.
18 September 2023	Final letter issued to applicant inviting the applicant to withdraw the current modification as it cannot be approved in its current form.
23 October 2023	<p>Applicant provided a response to Council's letter of 18 September 2023 via their appointed legal advisors seeking the following amendments to the current modification application:</p> <ol style="list-style-type: none"> 1. Removing the new Sewer Treatment Plant from the application and 2. Seeking an amendment to condition 62 of the consent to read as follows: <i>The proposed sewerage treatment plant is to be located in accordance with drawing 'Locality Plan and Site Layout' 17239-A01 Rev C or in accordance with any plans approved by the required application under Section 68 of the Local Government Act 1993 (NSW) pursuant to condition 6 of this consent, with respect to the Goulburn River.</i> <p>Specifically, this correspondence referred to the existing sewer plant being adequate to service the 144 accommodation units, not the proposed 200 units.</p>
31 October 2023	Council sought further clarification from the applicant as to if the application was now amended to remove the 14 buildings (56 additional rooms) on the basis of there being no additional sewerage treatment works being required as part of the amended application.
11 November 2023	Applicant provided a further letter from their appointed legal advisors along with a former (outdated) site plan, operational manual for the existing sewerage treatment plant and sought to rely upon a previous version of the Site and Soil Assessment Report (dated July 2023) which removed the larger/ new treatment plant.
16 November 2023	The applicant further amended the application to seek the 'use' of the 14 buildings placed unlawfully onsite (not the installation of the buildings).
22 November 2023	A final referral response was received by Council's Environmental Health Officer with the recommendation of refusal on the basis of the waste water volumes are already at capacity on the site – this referral response was also provided to Council's Manager of Health and Building. The applicant was formally notified of Council's position with 5 key points of concern raised in relation to the Site and Soil assessment report and the waste management issues identified.
24 November 2023	The applicant provided a final amended SEE with supporting letter in response to Council's position on the waste water matters of the 22 November 2023.
28 November 2023	The applicants additional information was reviewed by the Manger of Health and Building and final advice issued to the Planning Department. The application in its current form is not supported and it was recommended that the applicant be offered the opportunity for a specialist / third party peer

review of the revised Site and Soil Assessment Report. The applicant was formally advised and in response, requested the matter be brought before Council for determination.

LEGISLATIVE REQUIREMENTS

The application has been assessed in accordance with Section 4.55 and 4.15 of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows:

4.55(1A) Modifications involving minimal environmental impact

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

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

Comment The proposal to modify the development to increase the total number of accommodation beds from 144 to 200, along with the expansion to the car park is not considered to be of minimal environmental impact. The use of the unlawfully placed accommodation buildings on the site has been assessed in terms of the ability for the existing sewer treatment plant and effluent disposal area being able to accommodate the additional loads created by the proposed increase. The assessment has concluded that the existing sewerage plant is undersized to accommodate the additional loads, and the effluent disposal area would need to increase in size. Owing to the constraints of the site, adjoining the Goulburn River and a groundwater bore, along with a dwelling located at the adjoining north eastern boundary and overall site boundaries, it is considered that the additional effluent disposal area required to support a total of 206 persons (incl. 6 staff) cannot be safely accommodated onsite, without the likelihood of adverse environmental impacts. See Figure 3 below.

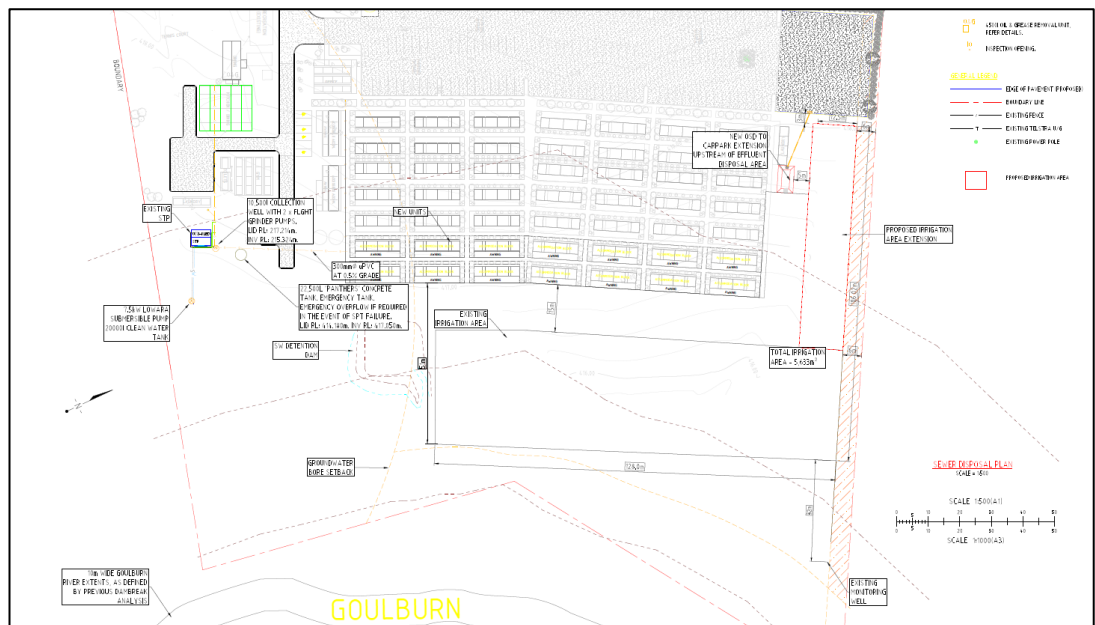


Figure 3 – Sewer Disposal Plan / Constraints (updated 24 November 2023)

It should be noted that a Clean-up notice was previously issued to the applicant by Council this year, owing to the existing sewerage treatment plant failing. Service reports provided by the applicant also demonstrates that the existing sewerage system placed onsite has failed in the past, and the total usage (inflow of sewerage)

is considered to have been underestimated by the applicants Site and Soil Assessment report used to support this modification application. As a result, it is considered that the proposed modification is not of minimal environmental impact.

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

Comment Based on a full assessment of the application, Council is not satisfied that the proposed modification is substantially the same development as the original consent issued. The original approval granted consent to a maximum 144 bedrooms with supporting services (including water, sewer, stormwater, traffic and parking demand). The applicant now seeks a modified consent for the 'use' of 14 additional buildings for accommodation purposes along with an expanded parking area that is non-compliant with Council's DCP controls, seeking a variation of 22.5%, which is not supported.

(c) it has notified the application in accordance with (i) the regulations, if the regulations so require, or (ii) a Development Control Plan,

Comment The S4.55 Application was not required to be notified to adjoining neighbours as per Council's CPP. However, as all prior applications have been notified, this proposal was also notified for 14 days.

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

Comment No submissions were received.

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

Comment All matters under Section 4.15(1) of relevance to the modification are addressed below.

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

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

State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed modified development does not result in any additional impacts to electrical infrastructure. Previous comments and conditions provided by Essential Energy may be retained accordingly.

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

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

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

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

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

Mid-Western Regional Development Control Plan (DCP) 2013

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

Section 5.4 – Environmental Controls

Requirements	Compliance
<p>Pollution and Waste Management</p> <p>a) <i>Proponents should indicate all waste streams i.e. trade, liquid, chemical, solid, medical, and clarify how they will be managed and contained safely onsite and disposed of such that there are no environmental impacts of effects on adjoining properties, stormwater or sewerage systems or waterways.</i></p>	<p>No – compliance is not adequately achieved with the amended Site and Soil Assessment report failing to demonstrate that the existing sewerage treatment plant and associated effluent disposal areas can accommodate the additional waste water loads generated by the modified development without causing impacts to adjoining land, groundwater bores and the adjoining Goulburn River.</p>

Section 6.2 – Temporary Workers Accommodation

	Requirements	Compliance
Location	<p>(i) if the development relates to a mine—within 5 kilometres of the relevant mining lease under the Mining Act 1992, or</p> <p>(ii) in any other case—within 5 kilometres of the large-scale infrastructure in which persons are to be employed.</p> <ul style="list-style-type: none"> • Provision of suitable arrangements for the disposal of waste water and the provision of a water supply. It should be noted that proposals relying on the provision of water transported by tankers will not be supported. • Design of the facility to ensure that there is no adverse visual impact discernible from outside the project site. • Submission of a plan of management to address the social concerns having regard to the particular location of the accommodation. • The application should address health and residential amenity issues that arise due to the location near the major infrastructure project site. 	<p>Yes, the proposal is within 5km of an existing mine however, as the proposal was approved prior to commencement of the DCP 2013, the proposal is not related to a specific mine or project.</p>

- Provision of additional access and parking infrastructure commensurate with the additional demand.
- Provision of a Social Impact Assessment.
- The application should identify and address potential positive and negative economic impacts of the proposal.

Need

The proponent shall demonstrate the need for the facility by providing an analysis of the number of major infrastructure project (including mining) jobs currently approved and the total number of temporary workers accommodation beds approved. The expected life of the Temporary Workers Accommodation facility shall be included in the Statement of Environmental Effects indicating the expected timing of decommissioning to relate to the life of the major infrastructure project.

Not Applicable – Existing approval in place.

Social Impact Assessment

The Social Impact Statement should include but is not limited to the following:

- Identification and an in-depth analysis of social impacts of the proposal.
- Outline the process of community consultation and address issues raised by the community.
- consideration of cumulative impacts, intergenerational equity, impacts on the provision of all services and identify ways to address these impacts.
- The results of consultation with relevant service providers including police and health providers.
- Identification of a strategy to mitigate impacts, encourage integration with the community, and permanent relocation to the area, timeframe for implementation of the strategy and a monitoring program.
- Identify and implement provisions that will address the needs identified by the SIS and the demands generated by the development in a way that will not

SIA to be submitted and approved prior to issue of CC as per existing retained condition of consent.

Part of the facility has a CC previously issued by a private certifier and is currently operational.

Separate compliance action is underway in respect of the buildings placed onsite without a valid Construction Certificate.

	adversely impact upon the existing community.	
Transportable Buildings	The application must illustrate that all transportable buildings can be permanently affixed to the site by footings in accordance with the requirements of the National Construction Code and associated Engineer's Certification. Detail that all buildings and structures will have adequate form and appearance, including material and colours in soft earth browns, creams and greens, which do not detract from the visual amenity of the area. The use of reflective cladding material on walls will not be permitted.	Conditions may be retained to ensure that transportable building footings comply with the NCC.
Accessibility	Accessibility requirements established by Access to Premises Standard, the National Construction Code and the associated Australian Standards are to be addressed in the application.	Compliance with the NCC and Access to Premises Standard is conditioned via the existing approval.
Density	Development shall be limited to a maximum of 100 beds per hectare.	Complies. Site is 4ha and only 200 beds are proposed under the modified development.
Facilities	<p>The accommodation facility is to provide the following facilities as a minimum:</p> <ul style="list-style-type: none"> • Ablution facilities to be provided in each accommodation room including shower, toilet and washbasin connected to an approved effluent disposal system; • Communal laundry and associated facilities connected to an approved effluent disposal system; • A covered/ sheltered entry for each building; • An outdoor activity area of which part shall be shaded; • Adequate and secure storage space for workers, equipment and other material associated with the management and maintenance of the accommodation facility; • Adequate Lighting for pedestrian and vehicular safety and security throughout the complex; and • Paved internal pedestrian access to and between all buildings and facilities is to be provided. 	<p>Conditions exist on the consent to this affect and a Section 68 is required to be obtained from Council.</p> <p>As discussed within this report, the assessment has found that the site is significantly constrained and is not capable of managing the additional sewer loads generated by the proposed additional accommodation units.</p>

Traffic and parking

- Internal road and vehicular access provided in accordance with Australian Standard No. AS2890 Council standard. Provision of one car parking space per room and one space per staff member in accordance with the car parking section of this DCP;
- Designated bus parking and collection/drop off area located within the development area with sufficient manoeuvring area to allow the bus to enter and leave the site in a forward direction; and
- Designated delivery areas.

The proposed modification seeks a variation to this requirement in terms of the total number of spaces provided onsite. The applicant contends that a total of 208 parking spaces are generated by the proposed modification however only 163 parking spaces are proposed by the application. This results in a shortfall of 45 parking spaces or 22.5%. This is not supported.

Conditions were previously imposed in relation to the construction requirements of the car park, no changes required as part of this modification.

Services

- Provision of a potable water supply capable of providing a minimum of 140 litres per person per day. A lower daily minimum may be acceptable where the proposed development includes water saving measures such as recycling systems or non-potable water supply sources;
- A water balance is to be submitted demonstrating that the proposed provisions for water and sewer services can be met by the development;
- Demonstration of adequate water supply to maintain the accommodation facility including landscaping;
- Where the facility is to connect to a reticulated system approved by the local authority, the applicant must demonstrate that the reticulated system can support the additional demand generated by the Temporary Workers Accommodation whilst allowing adequate capacity to service existing demand, demand to meet land already zoned within the catchment, uses already approved to connect to the reticulated service and land

The modified application does not seek to alter the provision of potable water supply to the site, however, the requirement of a minimum of 140L / Person / Day required by the DCP has been overlooked by the applicant in the context of the demand referenced within the waste water assessment report submitted for assessment. This matter has been further discussed in the referral response completed by the Health and Building Department.

	<p>identified in the Comprehensive Land Use Strategy;</p> <ul style="list-style-type: none"> • Provision of waste collection and where necessary entering into a waste disposal agreement with Council or an approved waste collection operator; and • First aid facilities 	
Landscaping	<p>A landscape plan should be provided with the application. Where possible, remnant vegetation should be retained. Landscaping should focus on:</p> <ul style="list-style-type: none"> • Providing a buffer to surrounding land, in this case vegetation should consist a combination of mature trees and shrubs to achieve a visual buffer; • Providing privacy within the development; • Improving the residential amenity through the provisions of shade; • Consist mainly of native species or species that thrive in this locality; and • At least 25% of the site should be open space. It will be a requirement of any development consent that the landscaping is to be maintained for the life of the development in accordance with the approved landscaping plan. 	<p>Condition exists for a landscaping plan prior to issue of the CC. No changes required as part of this modification.</p>
Plan of Management	<p>The applicant shall provide a Plan of Management that shall form part of any approval granted by Council. The Plan shall address, but is not limited to, the following issues:</p> <ul style="list-style-type: none"> • Identification of measures introduced to mitigate social impacts; • Management of security and safety of tenants, community and surrounding residents; • Noise, dust, odour, light spill and litter; • Potential conflict with adjoining owners/occupiers that may be affected by the operation of the accommodation facility; • The method of transport of the workers to the project site; 	<p>A condition exists for a plan of management prior to commencement of works and in the general conditions.</p> <p>A site management document was submitted to Council on the 22 October 2019 which included a socioeconomic assessment, safety and security information along with environmental information (noise, waste, odour, light, dust, water and maintenance).</p> <p>The management plan confirms that the community hall and supporting facilities are open to the Ulan community and staff /</p>

	<ul style="list-style-type: none"> • The consumption of alcohol at the accommodation facility (if applicable); • Where adjacent to a town or village, access to facilities; • Access to medical services; • Method for the collection of waste within the site; • Emergency response procedures; • Soil, groundwater and surface water protection methods; • Details of signage at the entrance to the accommodation which is to include the following: <ul style="list-style-type: none"> • Site Manager / Operator; • Specific Rules of the Accommodation site; • Emergency Contact Details; and • Complaints Handling Procedure that will be publicly available and include a compliant contact phone number. 	residence of the development.
Decommissioning	<p>The application shall be accompanied by a Decommissioning Plan that shall form part of any approval granted by Council. The Plan shall address the following issues: When the facility shall be decommissioned;</p> <ul style="list-style-type: none"> • Works or facilities that shall remain in place following decommissioning; • Details of the clean – up and rehabilitation of the site; • The proposed use of the site after decommissioning; and • The transfer to public ownership of any legacy infrastructure. 	<p>A condition of consent exists for a decommissioning plan within the general conditions.</p> <p>A decommissioning plan was also provided to Council on the 22 October 2019.</p>
Developer Contributions	<p>Council will seek to negotiate planning agreements for major developments in accordance with s93F of the Environmental Planning and Assessment Act 1979. Proposals involving less than 50 beds will be assessed in accordance with Council Section 94 Contributions Plan as commercial development.</p>	<p>Section 94A contributions have been conditioned within the existing consent.</p> <p>Payment, including CPI was also made on the 30 April 2019 for the 144-bed development.</p>

Mid-Western Regional Development Contributions Plan 2005–2021

The original application was levied with S94A contributions under this Plan. This will continue to apply to the development under the existing conditions of consent and the current contributions

plan 2019 will apply to the additional 56 beds/additional works proposed pursuant to Section 7.12 of the Environmental Planning and Assessment Act.

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

No Planning Agreements are applicable.

(iv) The regulations

Environmental Planning and Assessment Regulation 2021

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

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

The proposed changes to the development have been assessed and it is determined that the modified development sought is likely to significantly increase the impacts associated with the development. This is primarily due to the undersized current sewerage treatment plant, lack of available land on the site to accommodate the increased effluent disposal area required by the modified development and the high risk of the system failing, based on previous history of the system in this location.

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

(a) Does the proposal fit in the locality?

No. The amended application to increase the number of beds from 144 to 200 is considered to be unsuitable for this site and locality, owing to the constraints of the site and adjoining developments.

(b) Are the Site Attributes conducive to Development?

No. The site is subject to bushfire risk, localised flooding from the Goulburn River, and is immediately adjacent to a groundwater bore used for commercial water supply.

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

(a) Public Submissions

Section 1.12 of the Community Participation Plan 2019 does not require notification/advertising of S4.55 Applications. Notwithstanding this, as the original development application was notified, the proposed modification was re-notified. No submissions were received during the notification period.

(b) Submissions from Public Authorities

The application was referred to the NSW Rural Fire Service with revised conditions recommended for the development.

4.15(1)(e) The Public Interest

(a) Federal, State and Local Government interests and Community interests

Whilst no submissions were received during the public exhibition period, significant concern is raised in relation to the unlawful works undertaken over the site and the risks this poses to the community and the occupants of the facility. As a result, separate compliance action has commenced to date in relation to fire safety matters associated with the facility.

CONSULTATIONS

Health & Building

Council's Health & Building Department, including Council's Environmental Health Officer, have raised concerns with the proposal. Despite requests for information and meetings held, the following final referral comments are provided based on a detailed assessment of the application in terms of total persons/expected wastewater volumes, emergency buffer, the disposal area and setbacks required. The final referral response is provided as follows:

Onsite sewage systems (i.e., Sewage Treatment Plant) should be sized for the total design flow (daily total), established on the basis of peak occupancy and recommended per person design flows for the type of facility (i.e. use, hotel/motel) it serves.

Values for 'commercial' per person design daily flows in Australia are not provided in Australian/New Zealand Standard AS/NZS1547:2012 (only for NZ) or in any most recent guidelines. They must be determined by other means.

In the most recently submitted wastewater report prepared by BARNSON (23 Nov 2023), the applicant is proposing a per person design flow of 82L per day with the removal of laundry facilities from the site. The site has existing laundry buildings (x2) installed which accommodate commercial washing machines and separate wash tubs as well as laundries within the executive rooms, which are not proposed to be removed. It is for this reason laundry use has been included in the per person design flow calculations hereafter.

Previously endorsed wastewater reports for the site have used a per person daily flow of 120L/p/day. This number is consistent with that applicable to typical residential premises on tank water per Appendix H of AS1547 (a concession is provided if on tank water in lieu of reticulated water supply, when 150L/p/day is applicable). In such scenarios, these premises are owner/occupier and are responsible for water security and have a pecuniary interest. Conversely, the guests at the site are not owner/occupiers and do not have a vested interest in preserving water. For these reasons, it is highly likely that the expected per person design flow will be higher than 120L per day.

This assertion is consistent with the 'draft' Environment & Health Protection Guidelines: Onsite Wastewater Management June 2023, which states that for 'short-term accommodation' flow allowances should be based on a reticulated water supply i.e., 150L/p/day, and not the concession rate of 120L/p/day.

Australian Standard 1547:2012 (Appendix H) states that per person design flows are best represented by actual values from past experience and are considered likely to also be representative of anticipated future uses of the facilities.

Although the applicant has stated to Council (Nov 2023) that each of the design flow values selected or derived are explained at the hand of, now known, site specific conditions, the applicant has not provided such data, instead, references have been made to the NSW Health Department - Septic Tank and Collection Well Accreditation Guideline, which was published in 1999, to determine per person design flow values. This is not considered best practice, as the applicant could determine per person design flows by way of collating data arising from previous system usage, historical potable water volume usage / purchase, service reports, occupancy rate etc. To overcome the shortcomings in information, data etc., Council has relied upon statistical data and the STPs service documents previously submitted to Council to establish a per person design flows.

Per Person Design Flow

Although the meter readings in some instances appear inconsistent, from 1 March through to the 19 July the data appears more stable and subsequently considered reliable.

1 March 2023 to 19 July 2023, a total of 2,095,602 L of raw water volume entered the system.

1/03/2023 – 19/7/2023 (inclusive) = 141 days

2,095,602 L / 141 days = 14,862 L per day.

Daily flow = 14,862 L / the number of people occupying the premises.

From Wednesday 8th March through to and including Thursday 30th March, the applicants traffic study (July 2023) identifies (by way the number of guests vs the number of vehicles per each day) a total of 2202 guests stayed at the site, with an average of 95.7 guests per night, or an occupancy rate of approximately 66%. This occupancy rate is applied to the total daily flow volume to ascertain the per person rate.

14,862 L / 95 guests on average (excluding staff) = **156 L per person / per day.**

If the values for February 2023 were to be included in the scope of data, (as the volume for that month is high and may represent an anomaly in the data, although the data may be correct as it could be expected that higher water usage is a result of the climate for that time of year), between 1 February 2023 and the 19 July 2023, a total of 4,120,587L raw water volume entered the system:

- 1/2/2023 – 19/7/2023 (inclusive) = 169 days
- 4,120,587 L / 169 days = 24,382 L/per day
- Daily flow = 24,382 / the number of people occupying the premises.
- 24382 / 95 guests on average (excluding staff) = **256 L/per person / per day.**

It shall be noted that the Technician undertaking the February STP service stated in the service report dated 1/3/23 that: ... The system is struggling to cope with the load levels going into it which accounts for the carry over that is happening due to constant high sludge levels, once the new larger capacity system is installed it will eliminate all these issues.... This gives reason to indicate that the February inflow meter reading may be correct.

Total Daily Flow

In determining the total daily flow for the purposes of sizing the STP and effluent disposal area, if Council were to include the above per person design flows for the proposed 200 persons, plus 6 staff, the following are worked examples:

- 200 persons (guests) x 156L/p/day = 31,200 L p/day +
- 6 staff x 36 L/p/day = 216 L/p/day =
- Total daily flow = 31,416 L.

This exceeds the current STP capacity of 20,000L (and would exceed the previously proposed 30,000L STP).

- 200 persons (guests) x 256 L/p/day = 51,200 L p/day +
- 6 staff x 36 L/p/day = 216 L/p/day
- Total daily flow = 51,416 L

This exceeds the current STP capacity of 20,000L (and would exceed the previously proposed 30,000L STP).

Effluent Disposal Area Sizing

To determine the size of the effluent disposal area, the total daily flows of 31,416 L or 51,416 L shall be included in a hydraulic loading calculation where the total daily flow is divided by a Design Irrigation Rate (per Australian Standard AS1547-2012)

- 31,416 L / 3.5mm Design Irrigation Rate (DIR) = **8,976 m².**
- 51,416 L / 3.5mm Design Irrigation Rate (DIR) = **14,690m².**

An effluent disposal area between **8,976m² and 14,690m²** is required to support the proposed development. Currently the applicant is proposing **5,633m²**. The site is 4Ha/10acres in size.

Council assessment against NSW Health Department - Septic Tank and Collection Well Accreditation Guideline (1999)

Further, an assessment has also been undertaken in accordance with the 1999 guideline, NSW Health Department - Septic Tank and Collection Well Accreditation Guideline. Whilst Council believes this guideline is outdated, a review has been undertaken in this context.

Hotel/motel

- Guest waste sources = WC/urinal (counted as one, whereas guideline counts them separately), handbasin, shower, kitchen and laundry = 5 wastes
- 5 waste types = **109 L/person/day for guests**
- 109L/p/day x 200 guests (100% occupancy = worst case scenario) = 21,800 L/day

- Staff 36L/person/day x 6 staff = 216 L/person/day
- Daily flow = 21,800 L + 216 L = 22,016 L/day (exceeds current STP capacity), plus,
- Dishwasher/glasswasher allowance = 1550L/100 persons = 3100L
- Total daily flow = 22,016L + 3100L = **25,116L** (which equates to 121L per person per day)
- Effluent disposal area = 25,116L / 3.5mm DIR = **7176m²**. Applicant proposing 5633m². An additional 1,543m² of area is required.

Conclusion

From information submitted to-date, as well as evidence collated, a reduction in the per person design flow from 120L previously approved by Council (approval s68.0019/2020) to the proposed 82L is not supported.

It has been demonstrated that a per person design flow of between 121L (inclusive of allowances) through to 256L shall apply and that the site is incapable of servicing the total daily flow arising from these per person design flows and the proposed increase in peak occupancy (from 144 to 200 guests).

It is considered that the applicant has not adequately demonstrated how the site can accommodate an increase in peak occupancy without having an adverse impact on the environment or an increased risk to public health.

The applicant was advised of the above recommendations and has formally requested the matter be determined at the next available Council meeting.

Development Engineer

Council's Development Engineer has provided a referral response which supports the proposed modified development on the basis of the information submitted to date.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Mid-Western Local Environmental Plan 2012
Mid-Western Development Control Plan 2013
Community Participation Plan 2019

Legislation

Local Government Act 1993
Public Health Act 2010
Environmental Planning and Assessment Act 1979 (as amended)
Environmental Planning and Assessment Regulation 2021

Financial implications

Development Contributions have been paid to Council in accordance with the approved consent. Should Council refuse the application however, the costs associate with an appeal through the Land & Environment Court will be required to be funded by Council.

Associated Risks

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

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

28 November 2023

Attachments:

1. Statement of Environmental Effects and Supporting Reports. (separately attached)
2. Applicants response to Councils Waste Water Matters and updated Report (24 November 2023). (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Development Control Plan 2013 - Amendment 7

REPORT BY THE MANAGER PLANNING
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, LAN900108

RECOMMENDATION

That Council:

- A. receive the report by the Manager Planning on the draft Development Control Plan 2013 - Amendment 7;
- B. endorse and support the retention of the existing sewer treatment plant buffer at 1 Odour Unit; delete the *Note*; and commentary on a revised odour assessment, from Section 7.4 Odour, of Appendix C Caerleon DCP;
- C. endorse and publicly exhibit the proposed amendments to Mid-Western Regional Development Control Plan (DCP) 2013 outlined in this report, pursuant to Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 and Part 2 of the Environmental Planning and Assessment Regulation 2021; and
- D. receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the changes to the DCP as proposed.

Executive summary

Mid-Western Regional Council's Development Control Plan (DCP 2013) needs to be updated periodically to ensure it is meeting community expectations; is compatible with NSW planning legislation and policy; meets current industry standards; and to correct errors, omissions or provide clarity of content. This report outlines proposed amendments to the DCP 2013, specifically amendments to Appendix C – Caerleon DCP, and seeks Council's endorsement to publicly exhibit the proposed changes.

The amendments to DCP 2013 proposed as part of Amendment 7 are detailed as follows:

- *Amendments Table*, listing date and brief description of amendment made to the DCP 2013 Amendment No.7;
- Make changes/amendments to Appendix C Caerleon DCP, **Section 7.4 Odour** – so that it reads:

7.4 Odour

*There is to be no development within the 1 odour unit contour, as shown in the Indicative Odour Plan in **Figure 9**, until such time as a revised odour assessment is undertaken after the Mudgee Sewerage Treatment Plant (STP) is commissioned.*

Note. The developer is to commission a qualified odour consultant to undertake an odour assessment within 6 months from the time the Mudgee Sewerage Treatment Plant (STP) is commissioned. The odour study shall determine the minimum odour contour from the Mudgee STP and the minimum buffer from the landfill site.

If endorsed, the draft DCP Amendment 7 will be placed on public exhibition for 28 days in accordance with the *Environmental Planning and Assessment 1979* (as amended).

Disclosure of Interest

Nil

Detailed report

Caerleon DCP forms Appendix C of DCP 2013 – and applies to the Caerleon Estate only. It was prepared for Blaxland Property Mudgee Pty Ltd ATF Blaxland Property Mudgee Trust, by Elton Consulting. It was submitted as part of the Caerleon Planning Proposal, and was exhibited and reported to Council on the 17 October 2012 – adopted with publication of the amendment to Councils LEP for the Caerleon Estate.

The assumptions upon which the Caerleon DCP were based, included consideration of an odour buffer surrounding the future Sewage Treatment Plant (STP), adjacent to the existing Mudgee Solid Waste Facility. The odour buffer was based on the odour impact assessment undertaken as part of the STP design. Since that time, Mudgee STP has been constructed and has been operational for approximately 9 years. Construction has commenced on a new landfill cell, located to the East of the active landfill cell at the Solid Waste Facility.

In reference to Section 7.4 Odour, of the Caerleon DCP, an odour assessment report was submitted by the Caerleon Estate developer recommending total removal of the odour buffer from the developer's land (Lot 1000 DP 1297490). Council engaged The Odour Unit Pty Ltd to peer review the developer's initial odour assessment dated 19 March 2021. Following provision of review findings to the developer and ongoing consultation between Council officers, Council's consultant, Developer and the Developer's consultant relating to the subject odour assessment, subsequent review was undertaken on the Developer's revised Odour Monitoring and Assessment report, dated 12 May 2022. The final report and cover letter submitted by the developer and resulting peer review report is attached.

A recommendation of the peer review is to ensure planning decisions are made by Council in the interest of protecting existing and future community amenity from unintended adverse odour release from Mudgee Sewage Treatment Plant and the Solid Waste Facility, including preserving the integrity of compatible land use within the available buffer surrounding the Mudgee STP and Solid Waste Facility.

Section 7.4 Odour, of the Caerleon DCP, does not align with the above intent and it is therefore recommended to adjust the clause, removing the potential for interpretation that refinement of the odour buffer could be based on an odour study without consideration of appropriate justification.

Further to the recommended Caerleon DCP adjustment, it is noted that throughout the consultation with the Developer and review of the odour assessment reports issued, it has been recommended by The Odour Unit and advised to the Developer that a wholistic risk assessment with consideration of avoidance, mitigation, and management measures for odour impact caused by unintended odour release events within the buffer zone on the Caerleon site is to be undertaken should the existing buffer be considered for future refinement.

In accordance with the recommendations made by The Odour Unit, it is recommended that any future consideration of the odour buffer refinement be limited to maintain the following minimum buffer distances from existing and future activity boundaries of the Mudgee STP and Solid Waste Facility:

- Sewage Treatment Plants – 400 metres;

- Solid Waste Facilities (< 50,000 tpa putrescible waste disposal) – 250 metres.

The above minimum distance odour buffer recommendations are referenced in NSW Government policy and guidance material and do not negate the need to undertake the above mentioned wholistic risk assessment in any future consideration of odour buffer refinement.

Change	Justification/Reason
Insert Amendments Table, listing dates and brief description of amendments made to the DCP.	For transparency, clarity and ease of reference, a table of amendments, including date endorsed is to be provided in the MWRC DCP 2013.
Delete the Note; and commentary on a revised odour assessment, from Section 7.4 Odour	To ensure planning decisions are made by Council in the interest of protecting existing and future community amenity from unintended adverse odour release from Mudgee Sewage Treatment Plant and the Solid Waste Facility.

Public Exhibition

The draft DCP Amendment 7 is required to be placed on public exhibition for a period of 28 days to enable submissions from the community in response to the proposed amendments.

A further report will then be prepared and presented to Council for final adoption, unless no submissions are received, where the proposed changes will be adopted as presented.

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

Nil

Council Policies

The report is presented to consider an amendment to the Mid-Western Regional Development Control Plan 2013.

Legislation

The amendment to the DCP 2013 is being undertaken in accordance with Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021* and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (as amended).

Financial implications

Nil

Associated Risks

If Council does not wish to proceed with the Draft Development Control Plan – Amendment 7, the risk is that development may occur in close proximity to Council’s Sewerage Treatment Plant – without due consideration to its operational environment.

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

Attachments:

1. Peer Review - Odour Assessment. (separately attached)
2. Caerleon Estate - Odour Monitoring Assessment. (separately attached)
3. Cover Letter - Caerleon Estate - Odour Monitoring and Assessment. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Impacts of State Significant Development Report

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, LAN900072

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Impacts of State Significant Development Report;**
 2. **note the report, Impacts of State Significant Development prepared by PWC; and**
 3. **publish the report, Impacts of State Significant Development on Council website.**
-

Executive summary

Mid-Western Regional Council (MWRC) engaged PwC to assess the impacts of additional population on services, infrastructure and housing as a result of State Significant Development (SSD) projects within and immediately surrounding the Mid-Western LGA (MWR LGA).

The report provides a point-in-time analysis based on the best data available to assess the cumulative impacts of additional population on services, infrastructure and housing as a result of major projects within and immediately surrounding the MWR LGA.

A series of issues were identified and potential recommendations have been developed to mitigate the impacts for each service sector. The actions and recommendations also identify longer-term opportunities and legacy projects with many focused on utilities infrastructure.

It is recommended that the report be noted and published on the Council website.

Disclosure of Interest

Nil

Detailed report

Mid-Western Regional Council received an NSW Government grant to engage PwC to assess the impacts of additional population on services, infrastructure and housing as a result of State Significant Development (SSD) projects within and immediately surrounding the MWR LGA. This project was identified due to the fast paced growth of the Central West Orana Renewable Energy Zone.

The report provides a point-in-time analysis based on the best data available to assess the cumulative impacts of additional population on services, infrastructure and housing as a result of major projects within and immediately surrounding the Mid-Western Region, Local Government Area.

The analysis has three primary objectives:

- a) Growth impacts: estimate the likely number of workers expected across both the construction and operational phases of planned major projects in the region and determine the subsequent temporary and permanent increase to population within the Mid-Western Region, Local Government Area.
- b) Service / Infrastructure Impacts: determine the impact of this additional population on housing, infrastructure, and services, including water, sewage, waste, healthcare, schooling, childcare, and emergency services.
- c) Mitigating Strategies: outline strategies and potential investments required to mitigate the identified short-term impacts on housing, infrastructure and services as well as identify a series of longer-term economic development opportunities or legacy projects.

Growth Impacts

At the time this report was written 25 SSD projects as well as EnergyCo's transmission lines were identified for development in and around the Mid-Western Region.

It is projected that a peak workforce of up to 7,010 workers will be utilised in 2026. Accounting for workers who may bring spouses and families, the total additional population may peak at 9,906 additional persons in 2026. This equates to a 40% increase in population in three years.

It is assumed that approximately 5,000 of the additional population will be housed in temporary worker accommodation (TWA). The remainder needs to be housed within the region, which translates to approximately 1,515 additional dwellings required in the region in 2026. By comparison, MWRC has processed 1630 housing approvals in past 10 years (163 a year). The rental market is currently tight with 74 properties vacant across the LGA as of October 2023, noting this has since reduced to 57 in November 2023.

Service / Infrastructure Impacts

The expected exponential growth will impact current service levels and infrastructure in the Mid-Western Region, Local Government Area.

Water needs from TWAs and additional residential housing may demand, on average, up to an additional 708 ML per year in 2026. TWAs may generate, on average, up to 456 ML of wastewater per year in 2026 (assuming approximately 5,000 people are housed in TWAs). Council does not have the operational capacity to service this demand.

Up to 7,428 additional tonnes of waste is forecast to be produced in the peak construction year (2026) from additional residential housing and temporary worker accommodation.

Increased demand on local road networks could increase average road maintenance costs by approximately 55%, rising to \$13,270 per km from \$8,539 per km. The majority of this additional traffic demand would be generated by non-rate paying persons, creating a funding gap for maintenance.

Up to an additional 5,085 emergency department presentations could be expected in 2026, a 35% increase and would necessitate a doubling of the current emergency department capacity at Mudgee Hospital if this activity were to be met within the region.

Up to an additional 25 classrooms may be required across primary and secondary schools at the peak construction period in 2026 due to workers who may bring families and children.

Mitigating Strategies & Recommendations

44 mitigating strategies were identified in the report in categories of housing, water management, sewerage, waste, childcare, schools, hospitals, primary care, ambulance, police and local roads. The mitigating strategies were developed through mapping gaps by service area and operational capability and confirming the response required to maintain current service provisions. Key

stakeholders and the levers available also were identified to understand factors impacting the ability to meet increased demands on services and infrastructure.

These recommendations are intended to inform ongoing collaborative planning with relevant government and non-government stakeholders to align growth planning for services and infrastructure and manage the impacts on the Mid-Western community throughout the delivery of these State Significant Developments. Some recommendations will be delivered by council whilst others will require leadership by other agencies. In some incidents Council may not action recommendations due to which may have impacts on the pace of development of the Renewable Energy Zone.

Staff will utilise the report and findings to continue to inform government of ongoing pressures in the region from the Central West Orana Renewable Energy Zone. It is recommended that the report be noted and published on the Council website.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide strong representation for the community at Regional, State and Federal levels

Strategic implications

Council Strategies

Mid-Western Regional Economic Development Strategy – 2023 update
Local Environment Plan
Mudgee and Gulgong Urban Release Strategy
On Site Sewerage Management Plan
Roads Asset Management Plan
Sewer Asset Management Plan
Sewer Development Servicing Plan
Water Supply Systems Asset Management Plan

Council Policies

Affordable Housing Policy
Drinking Water Policy

Legislation

Not Applicable

Financial implications

Nil

Associated Risks

This report aims to delineate the effects of State Significant Developments on the Mid-Western Region and its community. Neglecting the recognised impacts and failing to implement strategies to alleviate them poses a potential threat to the community's social, environmental, and economic well-being.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

28 November 2023

Attachments: 1. Managing Impacts of State Significant Development Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Events Assistance Application

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, ECO800009

RECOMMENDATION

That Council:

1. receive the report by the Manager Economic Development on the Events Assistance Application; and
2. provide Events Assistance to the below applicant (includes in-kind amount only) for Period 1, July – December 2023:
 - Rylstone Kandos and District Dog Club Inc. \$625

Executive summary

This report considers applications for Events Assistance under Council's *Events Assistance Policy*. It relates to an event held between 1 July and 31 December 2023.

Disclosure of Interest

Nil

Detailed report

Council's Events Assistance Program is designed to assist local community events that benefit the local economy and attract visitors to the Region. A maximum of \$3,000 per event per year is recommended.

Under this program, the highest priority should be for events which:

- Attract the largest number of visitors to the Region; and
- Extend the duration of visitation to the Region (i.e. occur over a number of days).

A summary of the request received, and recommendations can be found in Attachment 1. Full application for the event can be found in Attachment 2.

2023 Championship Dog Show

The 2023 Championship Dog Show was held 22-23 July 2023 at the Rylstone Showground. The event had an attendance of 250 attendees (both local and visiting). \$625 of in-kind support is requested to cover the cost of bins and waste removal. It is recommended that if Council wishes to support this event the recommended amount of funding based on the scoring scale is \$625.

The Events Assistance scoring system below was used to score applications against set criteria:

LOCAL COMMUNITY/VOLUNTEER PARTICIPATION IN EVENT

SCORE	DEFINITIVE	VALUE JUDGEMENT
-------	------------	-----------------

ANSWERS

0	Unsatisfactory	No or limited local community/volunteer participation or impact (<100 residents)
1	Poor	Community/volunteer participation or local benefits impacting (100 to 500 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (500 to 1,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>1,000 residents)

CAPACITY TO ENSURE EVENT CONTINUES AND DEVELOPS IN THE FUTURE

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined

ECONOMIC ACTIVITY GENERATED FROM EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	\$0-\$25K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
8	\$150k-\$200K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
14	\$300K+	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)

ADDITIONAL POINTS IN-KIND REQUESTS

SCORE	VALUE JUDGEMENT
10	All events requesting 100% in-kind assistance receive 10 bonus points. Noting only up to cost of in-kind services will be funded

Attachment 1 and 2 outline the requests and recommendations for funding.

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

Applications for Events Assistance are required to have clear linkages to the Community Plan Towards 2040 outcomes. This includes promoting the region as a great place to live, work, invest and visit. Supporting events that provide opportunities for local and visitor attendance increases visitation to the region and provides social and economic benefits to the region.

Council Policies

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors to the region.

Legislation

The Local Government Act 1993, Section 356, states: (1) a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Financial implications

Funding of \$50,000 is proposed in the 2023/24 Operational Plan for Events Assistance. Based on the scoring system above, the recommendation of staff is to provide \$625 in Events Assistance for the 2023 Championship Dog Show event held in period 1, between 1 July and 31 December 2023. This leaves a balance of \$375 in Events Assistance.

Associated Risks

It is important for Council to provide support to these planned events to help encourage visitors to the region and help stimulate the tourism economy.

If Council does not support these events, there is a risk that they may not go ahead in the future or that they are held at another location and therefore, there is the potential of further lost economic benefits to the Mid-Western Region.

There is also a risk that an applicant provides false or fraudulent information to benefit from the program. This risk is minimised by the clear and transparent policy, process for approval, and feedback requirements of the program.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

1 December 2023

Attachments: 1. Events Assistance Scoring. (separately attached)
2. Events Assistance Application. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Airport - Hangar 4 Access to Taxiway

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, F0470025

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Airport - Hangar 4 Access to Taxiway;**
2. **approve the recommendation to concrete the grass access apron from Hangar 4 to the taxiway; and**
3. **amend the 2023/2024 budget to set an expenditure budget of \$14,000 for the construction of the concrete accessway to be funded by unrestricted cash.**

Executive summary

Mudgee Airport, Hangar 4, (lot 2/1003936), is situated adjacent to a swale drain that receives stormwater from the hardstand parking area at Mudgee Airport and stormwater runoff from George Campbell Drive.

Earthwork mitigations have previously been completed to prevent water ingress into the hangar, however, substantial volumes of stormwater persistently flow through the grassed area between the hangar and taxiway. The grass access apron, serving as the pathway to the sealed taxiway, becomes saturated and impassable for aircraft following rainfall.

This access issue is exclusive to Hangar 4. Considering that the access route from the hangar to the taxiway becomes obstructed during rain events, it is recommended Council concrete this grass section. This measure would ensure all-weather access for the lessee to and from the hangar.

Disclosure of Interest

Nil

Detailed report

Mudgee Airport has a number of hangers leased to the public. Hangar 4, (lot 2/1003936), is situated adjacent to a swale drain that receives stormwater runoff from the hardstand parking area at Mudgee Airport and stormwater runoff from George Campbell Drive.

Earthwork mitigations have previously been completed to prevent water ingress into the hangar, however, this redirects the water flow across the lessees' access into the hangar, which is a grass access apron. When it rains the grassed accessway becomes sodden and impassable by aircraft. The lessee cannot access the hanger from tarmac or runway.

The grass access apron is Council owned and maintained. No other hangar has a grass access apron of Mudgee Airport.



IMAGE 1 – flooding of Hangar 4 access after 31mm rain event on 4 October 2023.



IMAGE 2 – Area of grass from Hangar 4 to Taxiway.

It is recommended that Mid-Western Regional Council concrete the grass section between the hangar and taxiway, allowing all-weather access for the lessee to and from the hangar.

This will improve the Airport facilities and assets and reduce the risk to aircraft and pilots. The area to be concreted is 100 square metres, and the expected cost to complete the works is \$11,000 - \$14,000.

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 and businesses

Strategic implications

Council Strategies

Mudgee Airport Masterplan

Council Policies

Asset Management Policy

Leasing and Licencing of Council Property Policy

Legislation

Real Property Act 1900

Financial implications

In 2023/24 set an expenditure budget of \$14,000 to be funded by unrestricted cash.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2023/24	-	-	X
Future Years	-	-	-

Associated Risks

If the area is not concreted, aircraft may become bogged and/or damaged as a result of the wet grassed accessway being impassable and Council may be held liable for damage to Aircraft.

Lessee may break the lease due to unsuitable access to Hangar 4.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

27 November 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 Acceptance of NSW Grant Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, GRA300060

RECOMMENDATION

That Council:

1. receive the report by the Manager Economic Development on the Acceptance of NSW Grant Funding;

2. if successful, accept the grant funding from the following grant funding bodies:

Grant Fund	Project	Grant Amount
NSW NLIS (Sheep and Goats) eID Infrastructure Saleyard Rebate Scheme	Mudgee Saleyards - Purchase and installation of sheep and goat electronic identification tagging equipment.	\$48,000
Crown Reserves Improvement Fund 2023-24	Cudgegong Waters Park amenities building (with camp kitchen) construction, and boom gate relocation	\$646,210

3. if successful, amend the 2023/24 and 2024/25 budgets as follows:

3.1 2023/24 set an expenditure budget of \$48,000 to be funded by grants for the purchase and installation of sheep and goat eID tagging equipment;

3.2 Combine the two existing projects listed below into one budget named Cudgegong Waters amenities, camp kitchen and boom gate relocation.

- Cudgegong Waters - Public Toilets (Requires Grant) – project 75158
- Cudgegong Waters Park Camp Kitchen (Requires Grant) – Project 75162;

3.3 move the income and expenditure budgets for funding of the Cudgegong Waters amenities, camp kitchen and boom gate relocation from 2023/2024 to 2024/2025;

3.4 increase the expenditure budget of the Cudgegong Waters amenities, camp kitchen and boom gate relocation in 2024/2025 by \$215,705 to be funded by grants;

3.5 increase the grant funding budget of the Cudgegong Waters amenities, camp kitchen and boom gate relocation by \$30,505; and

4. authorise the General Manager to finalise and sign the funding agreements.

Executive summary

Council have applied to multiple funding bodies for projects identified in the Operational Plan that will support the overall goals of the Community Plan.

The funding bodies identified in this report include:

- NSW NLIS (Sheep and Goats) eID Infrastructure Saleyard Rebate Scheme
- Crown Reserves Improvement Fund 2023-24

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

Disclosure of Interest

Nil

Detailed report

NSW NLIS (Sheep and Goats) eID Infrastructure Saleyard Rebate Scheme – Saleyards

The NSW NLIS (Sheep and Goats) eID Infrastructure Saleyard Rebate Scheme provides funding to eligible industry participants for the costs associated with the purchase and installation of mandatory individual electronic identification (eID) tagging for sheep and farmed goats within NSW.

The following project was identified as relevant and meeting the criteria of the grant fund:

- Mudgee Saleyards - Purchase and installation of sheep and goat electronic identification tagging equipment.

Crown Reserves Improvement Fund 2023-24

The Crown Reserves Improvement Fund 2023-24 provides financial support for the maintenance, improvement or development of Crown reserves.

The following project was identified as relevant and meeting the criteria of the grant fund:

- Cudgegong Waters Park amenities building (with camp kitchen) construction, and boom gate relocation.

Community Plan implications

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

Strategic implications

Council Strategies

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

- Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles;
- Provide infrastructure and services to cater for the current and future needs of our community;
- Provide equitable access to a range of places and spaces for all in the community;
- Promote the region as a great place to live, work, invest and visit; and
- Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the region.

Council Policies

Nil

Legislation

Nil

Financial implications

If successful:

NSW NLIS (Sheep and Goats) eID Infrastructure Planning & Design Grant

Saleyards - Purchase and installation of sheep and goat electronic identification tagging equipment.

In 2023/24 set an expenditure budget of \$48,000 to be funded by grants.

Crown Reserves Improvement Fund 2023-24

Cudgegong Waters Park amenities building (with camp kitchen) construction, and boom gate relocation.

- Combine the two existing projects listed below into one budget named Cudgegong Waters amenities, camp kitchen and boom gate relocation
 - Cudgegong Waters - Public Toilets (Requires Grant) – Project 75158
 - Cudgegong Waters Park Camp Kitchen (Requires Grant) – Project 75162;
- move the income and expenditure budgets for this funding from 2023/2024 to 2024/2025;
- increase the expenditure budget in 2024/2025 by \$215,705 to be funded by grants; and
- increase the grant funding budget by \$30,505.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2023/24	-	✘	✘
Future Years	-	✘	✓

Associated Risks

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

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

27 November 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.8 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0420109

RECOMMENDATION

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

Executive summary

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

Disclosure of Interest

Nil

Detailed report

Included in this report is an update for the month of November 2023 Development Applications determined and Development Applications processing.

The report will detail:

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

4 December 2023

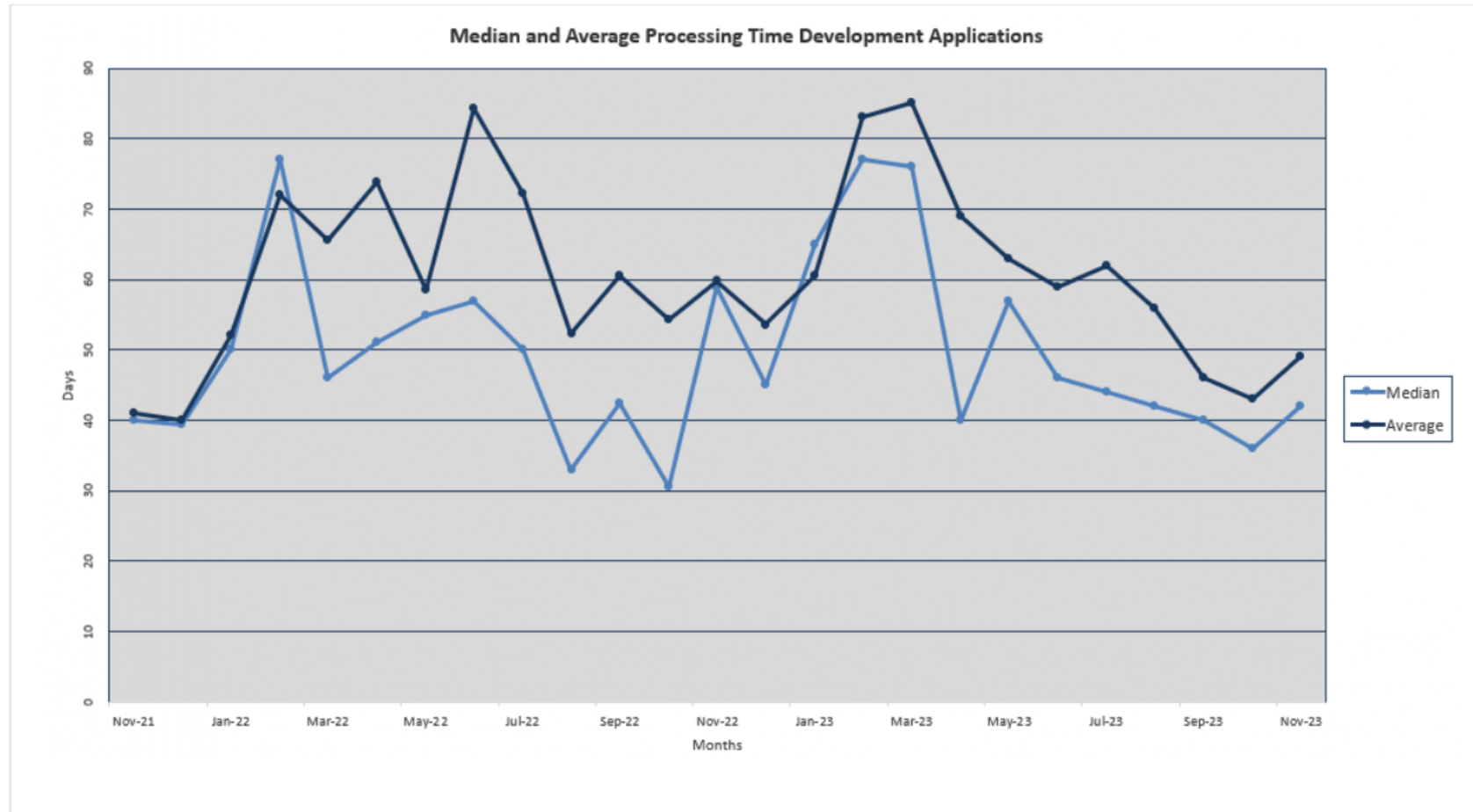
Attachments: 1. Monthly Development Application Processing and Determined - November 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

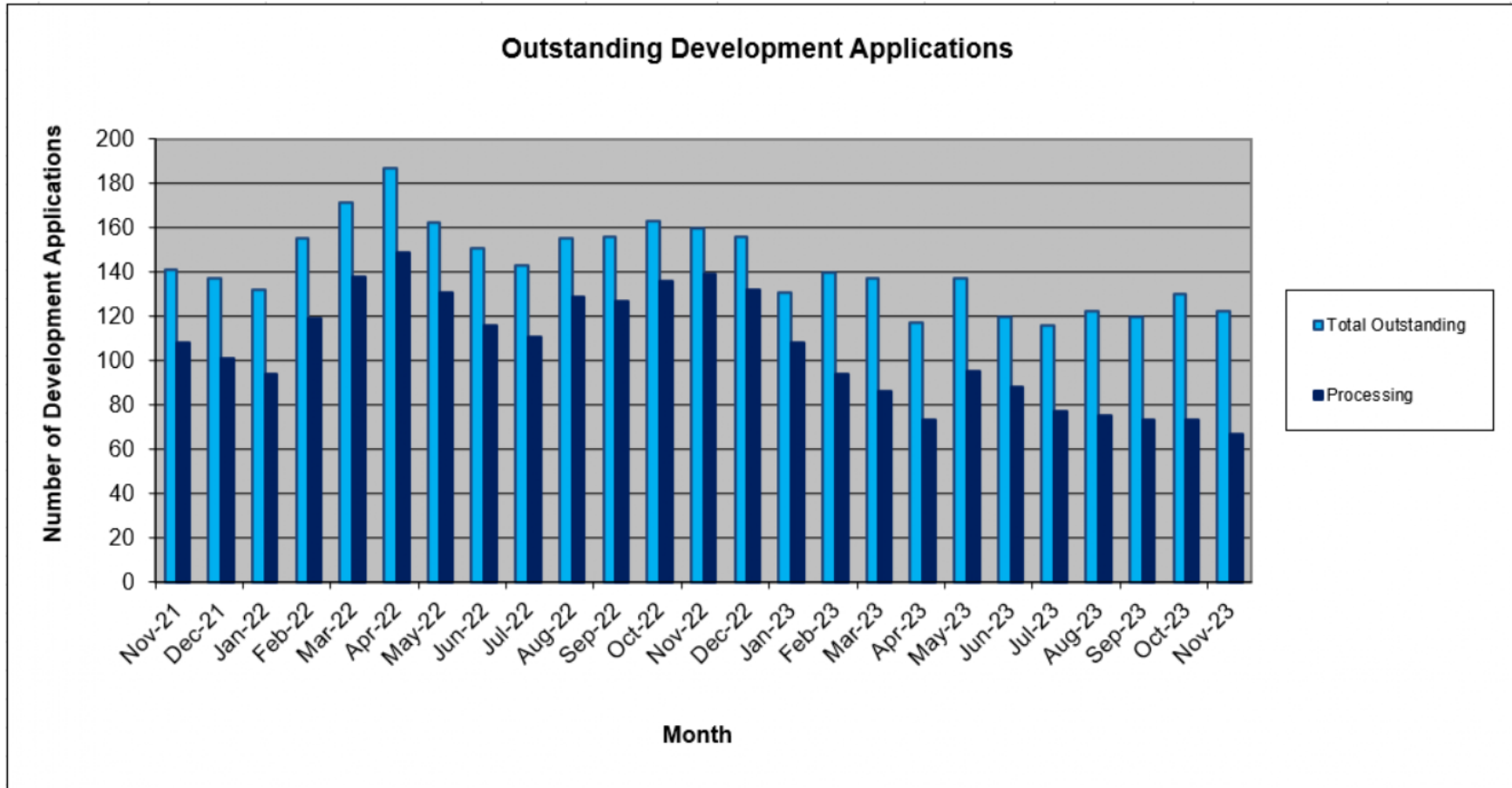
Monthly Development Application Processing Report – November 2023

This report covers the period for the month of November 2023. Graph 1 indicates the processing times up to 30 November 2023 with the month of November having an average of 49 days and a median time of 42 days.



Monthly Development Application Processing Report – November 2023

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 67 and the number on “stop clock” is 55.



The Planning and Development Department determined 25 Development Applications either by Council or under delegation during November 2023.

Monthly Development Application Processing Report – November 2023

Development Applications Determined – November 2023

Appl/Proc ID	Description	House No	Street Name	Locality
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850
DA0286/2023	Warehouse Units (8 units)	38	Hill End Road	CAERLEON NSW 2850
DA0295/2023	Dwelling House	120	Market Street	MUDGEE NSW 2850
DA0324/2023	Subdivision - Torrens Title	139	Robertson Street	MUDGEE NSW 2850
DA0333/2023	Alterations to the Existing Caravan Park	8	Bell Street	MUDGEE NSW 2850
DA0384/2023	Dual Occupancy	43	Knox Crescent	CAERLEON NSW 2850
DA0387/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850
DA0400/2023	Multi dwelling housing	24	Cox Street	MUDGEE NSW 2850
DA0006/2024	Dwelling	374	Coxs Creek Road	RYLSTONE NSW 2849
DA0034/2024	Secondary dwelling	34	Lang Street	MUDGEE NSW 2850
DA0055/2024	Garage	20	Steel Drive	SPRING FLAT NSW 2850
DA0064/2024	Subdivision - Torrens Title	983	Wollar Road	STONY CREEK NSW 2850
DA0072/2024	Earthworks	10	Harvey Street	BOMBIRA NSW 2850
DA0073/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0082/2024	Additions to Existing Post Office/General Store	78	Louee Street	RYLSTONE NSW 2849
DA0087/2024	Dual Occupancy	43	Suttor Avenue	CAERLEON NSW 2850
DA0097/2024	Boundary Realignment	138	Church Street	MUDGEE NSW 2850
DA0109/2024	Alterations to Front Facade	52	Church Street	MUDGEE NSW 2850
DA0118/2024	Demolition	112	Norris Lane	GALAMBINE NSW 2850
DA0121/2024	Signage	19	Church Street	MUDGEE NSW 2850
DA0123/2024	Shed	13	Tongbong Road	RYLSTONE NSW 2849
DA0135/2024	Swimming pool	38	Nicholson Street	MUDGEE NSW 2850
DA0137/2024	Dwelling	34	Suttor Avenue	CAERLEON NSW 2850
DA0147/2024	Retaining Walls	15	Flinders Avenue	MUDGEE NSW 2850
DA0154/2024	Dwelling	27	Hone Creek Drive	CAERLEON NSW 2850

Monthly Development Application Processing Report – November 2023

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

DA number	Number of DCP variation(s)	Level of variation
DA0087/2024	1	>10%
DA0123/2024	1	>10%
DA0142/2024	1	>10%
DA0077/2024	1	>10%

Development Applications currently being processed – November 2023.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0327/2011	Shed	23	Horatio Street	MUDGEE NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use - shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use - Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use - Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0329/2022	Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0406/2022	Subdivision - Torrens Title	36	Tinja Lane	PUTTABUCCA NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0221/2023	Dwelling House	655	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850
DA0248/2023	Extension to existing shed	6	Avisford Court	MUDGEE NSW 2850
DA0267/2023	Camping Ground	48	Turners Lane	GULGONG NSW 2852

Monthly Development Application Processing Report – November 2023

DA0296/2023	Dwelling House	171	Ridge Road	COOKS GAP NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0304/2023	Recreation Area - Annual Polo Club Tournament	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0343/2023	Change of Use - Serviced Apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTA BUCCA NSW 2850
DA0364/2023	Telecommunications facility	0	No 3 Railway Tunnel	UPPER BYLONG NSW 2849
DA0369/2023	Subdivision - Torrens Title	33	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0394/2023	Alterations and additions to industrial developmnt	4	Industrial Avenue	GULGONG NSW 2852
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0411/2023	Shed	18	Webster Street	BOMBIRA NSW 2850
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Use yard to store towed motor vehicles	8	Industrial Avenue	MUDGEE NSW 2850
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0023/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850
DA0030/2024	Farm building	6580	Ilford Sofala Road	ILFORD NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0040/2024	Alterations & Additions	390	Yarrowonga Road	YARRAWONGA NSW 2850
DA0044/2024	Farm Stay Accommodation	772	Black Willow Road	HARGRAVES NSW 2850
DA0045/2024	Subdivision - Torrens Title	312	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0052/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0053/2024	Alterations & Additions	971	Green Gully Road	BOCOBLE NSW 2850
DA0059/2024	Dwelling House	210	Green Gully Road	GREEN GULLY NSW 2850
DA0068/2024	Secondary dwelling	658	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0070/2024	Change of use	48	Old Ilford Road	ILFORD NSW 2850

Monthly Development Application Processing Report – November 2023

DA0076/2024	Dual Occupancy	11	Shearman Street	CAERLEON NSW 2850
DA0077/2024	Dual Occupancy	20	Suttor Avenue	CAERLEON NSW 2850
DA0078/2024	Shed	13	Harvey Street	BOMBIRA NSW 2850
DA0079/2024	Subdivision - Torrens Title	82	Henry Bayly Drive	MUDGEE NSW 2850
DA0080/2024	Secondary dwelling	161	Eurunderree Lane	EURUNDEREE NSW 2850
DA0084/2024	Dwelling House	521	Ulan Road	EURUNDEREE NSW 2850
DA0086/2024	Industrial Building	5	Sydney Road	MUDGEE NSW 2850
DA0092/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0094/2024	Signage	11	Sydney Road	MUDGEE NSW 2850
DA0095/2024	Dwelling Additions, Shed & Pool	74	Mortimer Street	MUDGEE NSW 2850
DA0096/2024	Demolition	23	Mortimer Street	MUDGEE NSW 2850
DA0099/2024	Shed	4	Albens Lane	MUDGEE NSW 2850
DA0101/2024	Serviced Apartment	72	McDonalds Road	ERUDGERE NSW 2850
DA0103/2024	Dwelling	1620	Spring Creek Road	COOKS GAP NSW 2850
DA0104/2024	Detached Additions	54	Wynella Street	GULGONG NSW 2852
DA0105/2024	Boundary Realignment	211	Dabee Road	KANDOS NSW 2848
DA0106/2024	Demolition	29	Horatio Street	MUDGEE NSW 2850
DA0107/2024	Group home	5	Harvey Street	BOMBIRA NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0112/2024	Dual Occupancy	15	Shearman Street	CAERLEON NSW 2850
DA0113/2024	Dwelling, Gate and Gate House	618	Castlereagh Highway	MENAH NSW 2850
DA0116/2024	Mobile phone tower	804	Castlereagh Highway	MENAH NSW 2850
DA0119/2024	Shed	36	Banjo Paterson Avenue	MUDGEE NSW 2850
DA0122/2024	Convert part of shop to cafe	45	Angus Avenue	KANDOS NSW 2848
DA0124/2024	Dual Occupancy	60	Davies Road	KANDOS NSW 2848
DA0125/2024	Pylon Sign	11	Sydney Road	MUDGEE NSW 2850
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0127/2024	Subdivision - Torrens Title	1585	Pyangle Road	LUE NSW 2850
DA0128/2024	Retaining Wall and Fibreglass Pool	73	Bara Road	HAYES GAP NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848
DA0130/2024	Dwelling	1392	Spring Ridge Road	TALLAWANG
DA0131/2024	Light Industrial Building	48	George Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – November 2023

DA0136/2024	Dwelling House, Garage and Swimming Pool	832	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0138/2024	Alterations and Additions and Change Signage	32	Sydney Road	MUDGEE NSW 2850
DA0139/2024	Alterations & Additions	8	Goolma Road	GULGONG NSW 2852
DA0143/2024	Subdivision - Torrens Title	2232	Bylong Valley Way	RYLSTONE NSW 2849
DA0144/2024	Alterations and Additions	17	Bent Street	KANDOS NSW 2848
DA0145/2024	Alterations and Additions	31	Crossings Road	MENAH NSW 2850
DA0148/2024	Shed	2424	Castlereagh Highway	GULGONG NSW 2852
DA0149/2024	Dwelling	341	White Rock Road	PINNACLE SWAMP NSW 2849
DA0155/2024	Dwelling	1096	Bocoble Road	BOCOBLE NSW 2850
DA0156/2024	Secondary dwelling	12	Shearman Cres	CAERLEON NSW
DA0157/2024	Dual Occupancy	20	Shearman Cres	CAERLEON NSW 2850
DA0161/2024	Aircraft Hanger	2	Staggerwood Road	RYLSTONE NSW
DA0162/2024	Shed	10	Barlow Court	MUDGEE NSW 2850
DA0165/2024	Change Of Use	14	Industrial Avenue	MUDGEE NSW 2850
DA0169/2024	Dwelling	7	Davis Cres	CAERLEON NSW 2850
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEE NSW 2850
DA0171/2024	Dwelling	140	Erudgere Lane	ERUDGERE NSW 2850
DA0173/2024	Subdivison - 1 into 2 Lots	25	Fisher Street	GULGONG NSW 2852

Heritage Development Applications currently being processed – November 2023.

App/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEE NSW 2850
DA0201/2022	Garage	74	Gladstone Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0251/2023	Alterations & Additions	74	Mayne Street	GULGONG NSW 2852
DA0282/2023	Hotel accommodation	63	Horatio Street	MUDGEE NSW 2850
DA0375/2023	Secondary dwelling	1	Atkinson Street	MUDGEE NSW 2850
DA0054/2024	Secondary dwelling	38	Lewis Street	MUDGEE NSW 2850
DA0067/2024	Subdivision - Torrens Title	89	Lewis Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – November 2023

DA0069/2024	Demolition	67	Market Street	MUDGEE NSW 2850
DA0071/2024	Shed	80	Court Street	MUDGEE NSW 2850
DA0089/2024	Secondary dwelling	95	Inglis Street	MUDGEE NSW 2850
DA0117/2024	Shed	82	Horatio Street	MUDGEE NSW 2850
DA0133/2024	Subdivision - Torrens Title	2	Wattle Lane	GULGONG NSW 2852
DA0140/2024	Alterations and Additions to Federal Hotel and Motel Accommodation	34	Inglis Street	MUDGEE NSW 2850
DA0142/2024	Shed	2	White Street	GULGONG NSW 2852
DA0146/2024	Dwelling	9	Robinson Street	GULGONG NSW 2852
DA0151/2024	Shed	47	Madeira Road	MUDGEE NSW 2850
DA0152/2024	Illuminated Wall Sign	52	Church Street	MUDGEE NSW 2850
DA0159/2024	Dual Occupancy	90	Douro Street	MUDGEE NSW 2850
DA0160/2024	Demolition of Shed	94	Horatio Street	MUDGEE NSW 2850
DA0164/2024	Change Of Use	35	Inglis Street	MUDGEE NSW 2850
DA0166/2024	Business premises	14	Perry Street	MUDGEE NSW 2850
DA0167/2024	Shed	16	Wenonah Street	GULGONG NSW 2852

Item 9: Corporate Services

9.1 Monthly Budget Review - November 2023

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - November 2023;
 2. note the General Manager has utilised his delegation under the Delegation of Authority to authorise the following urgent works:
 - 2.1 \$40,000 towards water cartage to provide water supply to Cudgegong Waters Caravan Park on 23 November 2023.
 - 2.2 \$20,000 towards repair of damaged fibre optic cable connecting the Council Depot to operational IT infrastructure on 28 November 2023;
 3. amend the 2023/24 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.
-

Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program at 30 November 2023.

Disclosure of Interest

Nil

Detailed report

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

The General Manager has enacted his delegation under 3.1a of his Delegation of Authority, and is required as per below to advise Council of use of that authority:

3.1 a) To authorise any work at a cost not exceeding \$250,000, which in the General Manager's opinion is necessary to respond to an emergency, community safety issue or potential public liability issue. Any such expenditure must be reported immediately to the Mayor and to the next ordinary meeting of the Council.

Theme Good Government

Goal An effective and efficient organisation

Strategy Prudently manage risks association with all Council activities

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2021, states that the responsible accounting officer of a Council must:

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

Financial implications

The budget variations proposed will impact the below financial ratios.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2023/24	✘	✘	✘
Future Years	-	-	✔

Associated Risks

Not Applicable

MYOORAN VINAYAGAMOORTH
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

28 November 2023

Attachments: 1. Monthly Budget Review - November 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MONTHLY BUDGET REVIEW – 30 NOVEMBER 2023

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

5 DECEMBER 2023

MID-WESTERN REGIONAL COUNCIL
FINANCE



FINANCE | MONTHLY BUDGET REVIEW – 30 NOVEMBER
2023

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

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

DATE OF PUBLICATION: 5 DECEMBER 2023

FINANCE | MONTHLY BUDGET REVIEW
– 30 NOVEMBER 2023

Table of Contents

1. Budget Variations.....	4
2. Capital Works Program.....	6

1. Budget Variations								
Fund	Project Name	Variation Description	Expense Change	Non-cash expense	Revenue Change	Non-cash Revenue	Funding Source 1	Financial Year
General	Procurement Operations	Cost of stationery and catering	1,000.00				Unrestricted Cash	2023/24
General	Procurement Operations	transfer legal expense budget stores to procurements	5,050.00				Unrestricted Cash	2023/24
General	Stores and purchasing	transfer legal expense budget stores to procurements	- 5,050.00				Unrestricted Cash	2023/24
General	Revenue Collection	Cover the cost of legal expenses - Rates exemption status	3,700.00				Unrestricted Cash	2023/24
General	Cudgegong Waters	Cover the cost of cartage of water	40,000.00				Unrestricted Cash	2023/24
General	Rylstone Showground Pump Shed replacement	Pump Shed replacement	20,000.00				Asset Replacement Reserve	2023/24
General	Plant Replacement		63,200.00				Plant Replacement Reserve	2023/24
General	Plant Replacement	Increase required due to risk assessment and vehicle repl.					Plant Replacement Reserve	2023/24
General	Plant Replacement	replacement damaged Tipper truck	- 103,000.00				Plant Replacement Reserve	2023/24
General	Plant Operations	Insurance claim tipper truck			28,182.00		Plant Replacement Reserve	2023/24
Water	Water Management & Administration	cost of obtaining Legal advice	4,000.00				Water Unrestricted Cash	2023/24
General	Employment Lands Strategy	savings in project. Transfer to state significant development strategy	- 11,307.00				Unrestricted Cash	2023/24
General	State Significant Development Strategy	Budget movement from 35053 to 75313	11,307.90				Unrestricted Cash	2023/24
General	Rural Rehab Lue Rd	Defer project to 2024.25 to prioritise heavy patching	- 494,999.00		- 189,587.00		Roads to Recovery Grant	2023/24
General	Rural Reseal - Henry Lawson Drive	Transfer Grant from Lue Rd and recognise additional funds from prior year savings			400,290.00		Roads to Recovery Grant	2023/24
General	RFS - Stations & Sheds	Cost to cover new PPE & associated items	10,000.00				Unspent Grant	2023/24
General	Emergency Repair of Council Fibre	Cost to cover emergency repair work including contingencies	20,000.00				Unrestricted Cash	2023/24
General	OWUA Small Projects	unspent 22/23 funds	20,863.00		20,863.00		Contributions	2023/24
General	Mudgee Airport Commercial Lots	Conduct valuation of the Mudgee Airport	7,000.00				Unrestricted Cash	2023/24
General	MR633 Shoulder Culvert Widening Seg 90	Shoulder and Culvert Widening project	727,805.20		727,805.20		TfNSW	2023/24

Budget Variations								
Fund	Project Name	Variation Description	Expense Change	Non-cash expense	Revenue Change	Non-cash Revenue	Funding Source 1	Financial Year
General	Rural Rehab Lue Rd	Defer project to 2024.25 to prioritise heavy patching	494,999.00		189,587.00		Unrestricted Cash	2024/25
General	Rural Rehab Budget Only	Allocate RTR funding and budget to Lue Rd	- 189,587.00		- 189,587.00		Roads to Recovery Grant	2024/25

FINANCE | MONTHLY BUDGET REVIEW – 30 NOVEMBER 2023

2. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM AS AT 30 NOVEMBER 2023.

\$ 15.97 M

Actual YTD

248

Capital Projects

\$88.77 M

Budget

\$31.81 M

Commitments

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Building a Strong Local Economy							
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	68	0	68	66	98%	1	Construction
RYLSTONE CARAVAN PARK - CAPITAL	3	0	3	2	56%	0	Complete
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK EXPANSION	2,401	0	2,401	153	6%	11	Consultation
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	371	0	371	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK EXPANSION ROADS	65	0	65	34	52%	0	Complete
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	65	0	65	16	24%	16	Final works
MUDGEE VALLEY PARK - CARETAKER HOUSE RENOVATION	50	0	50	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK - SHADE OVER POOL	22	0	22	0	0%	23	Procurement
RYLSTONE CARAVAN PARK STAGE 2	1,040	0	1,040	171	16%	514	Procurement
CARAVAN PARK - RIVERSIDE - CAPITAL	118	0	118	18	15%	0	Initial works
CARAVAN PARK - RIVERSIDE - CABIN	250	0	250	0	0%	0	Project Scope
CHRISTMAS DECORATIONS	200	0	200	127	63%	0	Procurement
EVENTS STORAGE COMPOUND	60	0	60	0	0%	0	Procurement
SIGNAGE UPGRADE	244	0	244	8	3%	8	Initial works
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	4	0	4	0	0%	0	Complete
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	0	0%	6	Initial works
SALEYARDS - BATHROOM RENOVATIONS	30	0	30	0	0%	7	Procurement
SALEYARDS - WEIGH SCALE DOOR REPLACEMENT	20	0	20	9	46%	0	Procurement
SALEYARDS - REPLACEMENT SCANNER	20	0	20	15	73%	0	Complete
PROPERTY - EX SALEYARDS STAGE II	1,893	0	1,893	514	27%	289	Construction
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	388	0	388	53	14%	38	Construction
Total	7,382	0	7,382	1,186	16%	913	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	52	0	52	31	59%	8	Construction
RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL)	290	0	290	11	4%	8	Initial works
RURAL FIRE SERVICE - MUDGEES AIRBASE SHED (CAPITAL)	27	0	27	6	24%	32	Final works
MUDGEES POUND UPGRADE - RENOVATION & EXTENSION	3	0	3	0	0%	0	Project Scope
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0	Procurement
COMM. TRANSPORT- VEHICLE PURCHASE	65	0	65	0	0%	0	Project Scope
COUNTRY UNIVERSITY CENTER CAPITAL	1,430	0	1,430	1,078	75%	169	Construction
CEMETERY CAPITAL PROGRAM	17	0	17	4	24%	0	Initial works
GULGONG CEMETERY ROAD UPGRADE	10	0	10	10	98%	0	Complete
CEMETERY EXPANSION - MUDGEES & GULGONG	40	0	40	0	0%	0	Procurement
CEMETERY SIGNAGE UPGRADE	10	0	10	3	28%	0	Design
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	100	0	100	0	0%	100	Project Scope
PUBLIC TOILETS - ILFORD REST STOP	23	0	23	0	0%	0	Complete
LIBRARY BOOKS	96	0	96	51	53%	0	Construction
MUDGEES LIBRARY AIR CONDITIONING	5	0	5	4	88%	0	Complete
GULGONG NATURAL HISTORY MUSEUM	100	0	100	15	15%	11	Design
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	44	0	44	0	0%	0	Project Scope
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	4	0	4	4	94%	0	Project Scope
CAPITAL UPGRADE - KILDALLON	60	0	60	0	0%	0	Project Scope
COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES	65	0	65	0	0%	0	Project Scope
PUBLIC HALLS - AUDIO UPGRADES	35	0	35	0	0%	0	Project Scope
TOWN HALL - EXTERNAL BRICKWORK	100	0	100	0	0%	0	Project Scope
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	68	0	68	6	8%	0	Project Scope
KANDOS HALL & LIBRARY - TOILETS	109	0	109	0	0%	4	Design
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE)	45	0	45	0	0%	11	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	13	0	13	0	0%	0	Project Scope
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	0	0%	15	Project Scope
KANDOS HALL INTERNAL REPAIRS	20	0	20	0	0%	3	Project Scope
MUDGEES POOL HEATERS	80	0	80	0	0%	0	Procurement
MUDGEES POOL STORAGE SHED UPGRADE	46	0	46	0	0%	0	Procurement
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Design
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement
ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES BUILDING	5	0	5	5	99%	0	Complete
GLEN WILLOW SPORTS GROUND UPGRADES	186	0	186	51	27%	4	Construction
MUDGEES SHOWGROUNDS - AMENITIES	25	0	25	24	94%	0	Construction
BILLY DUNN OVAL - UPGRADES	90	0	90	56	62%	13	Initial works
GULGONG TENNIS COURTS	218	0	218	0	0%	0	Procurement
GLEN WILLOW FIELD ONE REFURBISHMENT	590	0	590	0	0%	0	Procurement
CLANDULLA RECREATION PARK AMENITIES	120	0	120	6	5%	104	Design
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	2	11%	0	Initial works
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	112	0	112	0	0%	101	Project Scope
RYLSTONE & KANDOS DOG PARK	29	0	29	9	33%	3	Complete
GLEN WILLOW STORMWATER RETICULATION SYSTEM	4	0	4	0	0%	0	Complete
PUTTA BUCCA TRAINING CAMP FACILITY	9,725	0	9,725	914	9%	8,660	Construction
GLEN WILLOW - PUMP TRACK (REQUIRES GRANT)	700	0	700	9	1%	14	Consultation
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0	Consultation
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Procurement
VICTORIA PARK GULGONG - AMENITIES UPGRADE	485	0	485	76	16%	349	Procurement
GLEN WILLOW - NETBALL PRECINCT UPGRADE	143	0	143	1	1%	0	Construction
GLEN WILLOW - STADIUM LIGHTING UPGRADE	3,010	0	3,010	575	19%	1,703	Construction
BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK	92	0	92	0	0%	11	Project Scope
GLEN WILLOW - STADIUM ELEVATOR REPLACEMENT	311	0	311	0	0%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WARATAH PARK FIELD RENOVATION	90	0	90	37	41%	6	Construction
PROPERTY PURCHASE - 191 DENISON STREET	330	0	330	0	0%	0	Initial works
RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT (REQUIRES GRANT)	42	0	42	0	0%	0	Procurement
RYLSTONE SHOWGROUND CAPITAL	0	20	20	0	1%	0	Project Scope
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	58	0	58	27	47%	0	Initial works
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Procurement
VICTORIA PARK GULGONG - STORAGE SHED (REQUIRES GRANT)	30	0	30	0	0%	0	Consultation
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0	Complete
RYLSTONE SHOWGROUND ARENA - UPGRADE	787	0	787	17	2%	4	Procurement
MUDGEES SHOWGROUND LIVESTOCK HOLDING YARDS	40	0	40	0	0%	0	Project Scope
RECREATIONAL PROPERTY MATTERS	20	0	20	8	41%	0	Consultation
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0	Design
KANDOS INCLUSIVE ADVENTURE PLAYSPACE	558	0	558	0	0%	44	Design
ELECTRIC BBQ - KANDOS & RYLSTONE PLAYGROUND	15	0	15	8	55%	0	Initial works
HENRY LAWSON MEMORIAL RENEWAL	14	0	14	0	0%	0	Multi-year project - complete for this year
JACK TINDALE PARK RYLSTONE - ROAD UPGRADE	40	0	40	0	0%	0	Project Scope
SHADE SAIL - MUDGEES DOG PARK	15	0	15	14	95%	0	Complete
SCULPTURES ACROSS THE REGION	29	0	29	21	72%	0	Construction
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	125	0	125	0	0%	0	Consultation
APEX PARK GULGONG - IRRIGATION RENEWAL	49	0	49	0	0%	0	Design
PLAYGROUND SHADING PROGRAM	53	0	53	13	25%	29	Construction
PARK BIN REPLACEMENT	80	0	80	0	0%	0	Consultation
PLAYGROUND RUBBER SOFTFALL PROGRAM	60	0	60	0	0%	0	Design
IRRIGATION RENEWAL PROGRAM	0	0	0	0	0%	0	Design
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	261	0	261	0	0%	0	Design
LAWSON PARK MUDGEES - IRRIGATION RENEWAL	45	0	45	0	0%	0	Design
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	39	98%	1	Initial works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS	48	0	48	0	1%	0	Initial works
FLIRTATION HILL MUDGEES - MASTER PLAN WORKS	725	0	725	153	21%	336	Construction
PLAYGROUND - BROADVIEW ESTATE	120	0	120	0	0%	0	Consultation
STREET SCAPE IMPROVEMENTS	31	0	31	6	18%	0	Initial works
STREETSCAPE - STREET BINS	57	0	57	0	0%	0	Consultation
Total	23,246	20	23,266	3,294	14%	11,743	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Protecting our Natural Environment							
RURAL WASTE DEPOT UPGRADES	355	0	355	173	49%	4	Project Scope
MUDGEE WASTE DEPOT UPGRADES	38	0	38	9	23%	3	Project Scope
NEW TIP CELL CONSTRUCTION	6,403	0	6,403	1,658	26%	4,080	Construction
NEW RECYCLING BINS	4	0	4	4	100%	0	Complete
KANDOS WTS OFFICE REPLACEMENT	22	0	22	17	79%	0	Construction
DRAINAGE CAPITAL IMPROVEMENTS	30	0	30	0	0%	0	Budget only
CAUSEWAY IMPROVEMENTS	61	0	61	2	3%	0	Project Scope
STORMWATER DRAINAGE - BOMBIRA AVENUE	1,400	0	1,400	0	0%	0	Initial works
PUTTA BUCCA WETLANDS CAPITAL	35	0	35	8	24%	17	Initial works
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	184	0	184	4	2%	167	Final works
WATER NEW CONNECTIONS	100	0	100	40	40%	3	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	2,534	0	2,534	599	24%	236	Construction
WATER DISTRIBUTION - MUDGEE	2,800	0	2,800	0	0%	0	Design
WATER RYLSTONE DAM WALL & EROSION PROTECTION (REQUIRES GRANT)	420	0	420	0	0%	13	Project Scope
WATER MAINS - CAPITAL BUDGET ONLY	1,076	0	1,076	0	0%	0	Budget only
WATER MAINS - MAYNE STREET	93	0	93	0	0%	82	Complete
WATER MAINS - BAYLY STREET	167	0	167	6	4%	2	Procurement
WATER MAINS - TALLAWANG ROAD	275	0	275	11	4%	2	Procurement
WATER MAINS - LITTLE BAYLY STREET	108	0	108	2	2%	7	Procurement
WATER MAINS - SYDNEY ROAD	90	0	90	0	0%	0	Project Scope
WATER MAINS - NRAR WATER METER PROJECT	193	0	193	44	23%	136	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	76	0	76	1	1%	0	Project Scope
WATER PUMP STATION - GULGONG RIVER ACCESS	8	0	8	3	31%	0	Complete
WATER RESERVOIR - BUDGET ONLY	100	0	100	0	0%	0	Project Scope
WATER RESERVOIR - FLIRTATION HILL MUDGEE	105	0	105	0	0%	0	Project Scope
RAW WATER SYSTEMS RENEWALS	72	0	72	19	27%	0	Construction
WATER TREATMENT PLANT - RENEWALS	148	0	148	106	71%	38	Construction
SEWER NEW CONNECTIONS	50	0	50	4	7%	0	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEWER AUGMENTATION - RYLSTONE & KANDOS	265	0	265	1	0%	71	Design
MUDGEES SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	0	0%	0	Project Scope
SEWER MAINS CAPITAL UPGRADES	2,194	0	2,194	78	4%	952	Construction
SEWER PUMP STATION - CAPITAL RENEWALS	1,177	0	1,177	18	2%	71	Initial works
SEWER TREATMENT WORKS - RENEWALS	94	0	94	10	10%	9	Design
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
Total	21,258	0	21,258	2,816	13%	5,894	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Connecting our Region							
URBAN RESEALS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN RESEALS - BELMORE ST GULGONG	52	0	52	0	0%	0	Design
URBAN RESEALS - COX ST SEG 80 & 90	12	0	12	11	94%	0	Design
URBAN RESEALS - GLADSTONE ST SEG 140 - 160	36	0	36	27	75%	0	Design
URBAN RESEALS - MCGREGOR PLACE	10	0	10	0	0%	0	Design
URBAN RESEALS - WENONAH STREET	16	0	16	15	91%	0	Initial works
URBAN RESEAL - RODGERS STREET	41	0	41	0	0%	0	Design
URBAN RESEAL - DONOGHUE STREET	18	0	18	0	0%	0	Design
URBAN RESEAL - ADAMS STREET	15	0	15	0	0%	0	Design
URBAN RESEAL - DAVIES ROAD	44	0	44	34	77%	0	Design
URBAN RESEAL - BLACK LEAD LANE	43	0	43	42	97%	0	Design
URBAN RESEAL - ALBENS LANE	10	0	10	0	0%	0	Design
URBAN RESEAL - GREVILLEA STREET	17	0	17	17	103%	0	Design
URBAN RESEAL - CAINBIL STREET	18	0	18	15	81%	0	Initial works
URBAN RESEAL - BOWMAN STREET	18	0	18	17	92%	0	Complete
URBAN RESEAL - BUMBERRA PLACE	11	0	11	0	0%	0	Design
URBAN RESEAL - NOYES ST SEG 30 - 70	23	0	23	0	0%	0	Design
URBAN RESEAL - MORTIMER STREET	55	0	55	0	0%	0	Design
URBAN RESEAL - SWORDS COURT	11	0	11	0	0%	0	Design
URBAN RESEAL - VERA COURT	12	0	12	0	0%	0	Design
URBAN RESEAL - WHITE CIRCLE	55	0	55	49	89%	0	Design
URBAN RESEAL - WINBOURNE STREET	23	0	23	0	0%	0	Design
URBAN RESEAL - WINTER STREET	21	0	21	19	92%	0	Design
URBAN RESEAL - CARWELL STREET RYLSTONE	23	0	23	22	97%	0	Initial works
URBAN RESEAL - COOMBER STREET RYLSTONE	24	0	24	23	94%	0	Initial works
URBAN RESEALS - GEORGE ST SEG 10-30	16	0	16	14	85%	0	Design
URBAN RESEAL - PIPER STREET RYLSTONE	14	0	14	13	91%	0	Initial works
URBAN RESEALS - JACQUES STREET KANDOS	21	0	21	0	0%	10	Initial works
URBAN RESEAL - MORTIMER STREET MUDGEES	36	0	36	0	0%	36	Initial works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - SALEYARDS LN GULGONG	11	0	11	0	0%	12	Construction
URBAN ROAD REHABS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN ROADS KERB & GUTTER CAPITAL	117	0	117	75	64%	12	Initial works
URBAN REHAB - ROBERTSON ST SEG 90	550	0	550	1	0%	43	Initial works
URBAN HEAVY PATCHING	26	0	26	2	8%	0	Initial works
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	430	0	430	31	7%	30	Construction
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	0	12	9	78%	1	Construction
RESHEETING - URBAN ROADS	12	0	12	0	0%	0	Initial works
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	20	0	20	12	59%	0	Construction
URBAN ROADS LAND MATTERS CAPITAL	25	0	25	0	0%	0	Consultation
RURAL SEALED ROADS RESEALS BUDGET ONLY	15	0	15	0	0%	0	Budget only
RURAL RESEAL - HENRY LAWSON DRIVE	521	0	521	300	58%	160	Initial works
RURAL RESEAL - TINJA LANE	12	0	12	0	1%	0	Design
RURAL RESEAL - BARNEYS REEF ROAD	235	0	235	0	0%	0	Design
RURAL RESEAL - BLUE SPRINGS ROAD	99	0	99	68	69%	0	Initial works
RURAL RESEAL - SPRINGFIELD LANE	16	0	16	15	94%	0	Design
RURAL RESEAL - MEBUL ROAD	85	0	85	96	112%	0	Design
RURAL RESEAL - LUE RD	129	0	129	50	39%	0	Initial works
RURAL RESEAL - GLEN ALICE RD	62	0	62	0	0%	0	Design
RURAL RESEAL - YARRAWONGA RD	162	0	162	124	77%	15	Initial works
RURAL RESEAL - WINDEYER RD GRATTAI	102	0	102	0	0%	78	Initial works
RURAL RESEAL - CUDGEGONG RD	324	0	324	142	44%	192	Design
RURAL RESEAL - PYRAMUL RD	101	0	101	0	0%	0	Design
RURAL RESEALS - DABEE ROAD KANDOS	114	0	114	0	0%	0	Design
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	413	0	413	0	0%	0	Budget only
RURAL REHAB - LUE ROAD MOUNTKNOW	495	(495)	0	3	0%	10	Initial works
RURAL REHAB - CUDGEGONG RD CARWELL	520	0	520	16	3%	80	Initial works
HEAVY PATCHING	52	0	52	13	26%	1	Initial works
RURAL RESEAL - BUDGEE BUDGEE	35	0	35	38	110%	0	Design

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	1	2%	27	Initial works
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	7	Initial works
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	28	0	28	28	100%	0	Design
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	240	0	240	236	98%	0	Complete - awaiting invoices
RURAL ROADS - FLOODED ROADS SMART WARNING SYSTEM	55	0	55	0	0%	0	Consultation
RURAL SEALED ROAD LAND MATTERS	64	0	64	3	4%	0	Initial works
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	73	0	73	0	0%	0	Budget only
REG RDS RESEALS - BYLONG VALLEY WAY MR215	283	0	283	137	49%	1	Design
REG RDS RESEALS - ILFORD ROAD MR215	65	0	65	0	0%	0	Design
REG RDS RESEALS - WOLLAR ROAD MR 208	152	0	152	0	0%	0	Project Scope
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	60	0	60	12	21%	4	Complete
HILL END ROAD SAFETY IMPROVEMENTS	1,024	0	1,024	378	37%	87	Construction
BVW UPGRADE RNSW 2080	40	0	40	7	18%	0	Initial works
RESEAL ULAN ROAD - TURILL AREA	576	0	576	0	0%	0	Project Scope
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	11	0	11	0	0%	0	Consultation
ZIMMER LANE (NOW MAINTAINED)	22	0	22	20	93%	0	Complete
BADGERS LANE (NOW MAINTAINED)	72	0	72	25	35%	4	Initial works
SEAL EXTENSION - QUEENS PINCH RD	905	0	905	65	7%	8	Construction
SEAL EXTENSION - COXS CREEK RD	824	0	824	386	47%	158	Construction
SEAL EXTENSION - BOTOBOLAR RD	1,585	0	1,585	1,073	68%	155	Construction
SEAL EXTENSION - CORICUDGY ROAD	637	0	637	520	82%	146	Construction
SEAL EXTENSION - CORICUDGY ROAD STAGE 2	2,364	0	2,364	406	17%	342	Construction
RESHEETING	2,161	0	2,161	1,210	56%	138	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	57	0	57	1	2%	0	Initial works
BRIDGE TO PUTTA BUCCA ROAD	369	0	369	342	93%	131	Construction
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0	Project Scope
ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB	278	0	278	160	57%	243	Initial works
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE REHAB	52	0	52	23	43%	0	Complete - awaiting invoices
ULAN ROAD - RESEALS LINBURN AND ULAN AREAS	600	0	600	0	0%	0	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
FOOTPATH REPLACEMENT	142	0	142	1	1%	0	Initial works
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	243	0	243	48	20%	7	Design
AIRPORT HANGER AND STUDIO	289	0	289	187	65%	60	Construction
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Consultation
Total	18,814	(495)	18,319	6,581	36%	2,199	

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Good Government							
RYLSTONE ADMINISTRATION - BUILDING PAINTING	20	0	20	11	55%	1	Initial works
OLD POLICE STATION CAPITAL	50	0	50	0	0%	20	Initial works
BUILDINGS MASTER KEY SYSTEM	50	0	50	0	0%	0	Consultation
MUDGEES ADMIN BUILDING EXTENSION	471	0	471	18	4%	319	Construction
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	0	Construction
MUDGEES ADMIN BUILDING - EAST WING OFFICES RECONFIGURATION	90	0	90	0	0%	0	Project Scope
RECREATION BUILDING - RENOVATION	100	0	100	16	16%	20	Procurement
CARMEL GROAN BUILDING - ROOF RESTORATION	25	0	25	2	10%	13	Procurement
IT SPECIAL PROJECTS	54	0	54	0	0%	0	Project Scope
IT - NETWORK UPGRADES	72	0	72	16	22%	0	Construction
IT CORPORATE SOFTWARE	101	0	101	26	25%	6	Construction
IT - PAPER CUT SECURE PRINTING	25	0	25	0	0%	0	Project Scope
PLANT PURCHASES	8,126	166	8,292	1,560	19%	3,522	Budget only
PLANT PURCHASES - NEW	513	0	513	51	10%	49	Complete
RYLSTONE DEPOT - CAPITAL UPGRADE	65	0	65	1	2%	0	Consultation
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	13	19%	0	Initial works
SOLAR FARM INITIATIVE - STAGE 3	8,220	0	8,220	384	5%	7,112	Construction
Total	18,074	166	18,240	2,098	11%	11,063	
Total Capital Works Program	88,774	(309)	88,465	15,975	18%	31,811	

9.2 Monthly Statement of Investments as at 30 November 2023

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR AND CHIEF FINANCIAL OFFICER
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, FIN300053

RECOMMENDATION

That Council:

1. receive the report by the Financial Planning Co-Ordinator and Chief Financial Officer on the Monthly Statement of Investments as at 30 November 2023; and
2. note the certification of the Responsible Accounting Officer.

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 30 November 2023.

Due to the earlier close requirement for reports, it also noted that statement balances for TCorp's Long-Term Growth Fund, Medium Term Growth Fund and Short-Term Fund are as at 28 November 2023. These balances may be subject to change when finalised as at 30 November by TCorp.

Community Plan implications

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

Council Strategies

Not Applicable

Council Policies

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

Legislation

As per Clause 212 of the Local Government (General) Regulation 2021 the Responsible Accounting Officer certifies that:

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

Financial implications

Not Applicable

Associated Risks

Not Applicable

MYOORAN VINAYAGAMOORTHY
FINANCIAL PLANNING CO-ORDINATOR

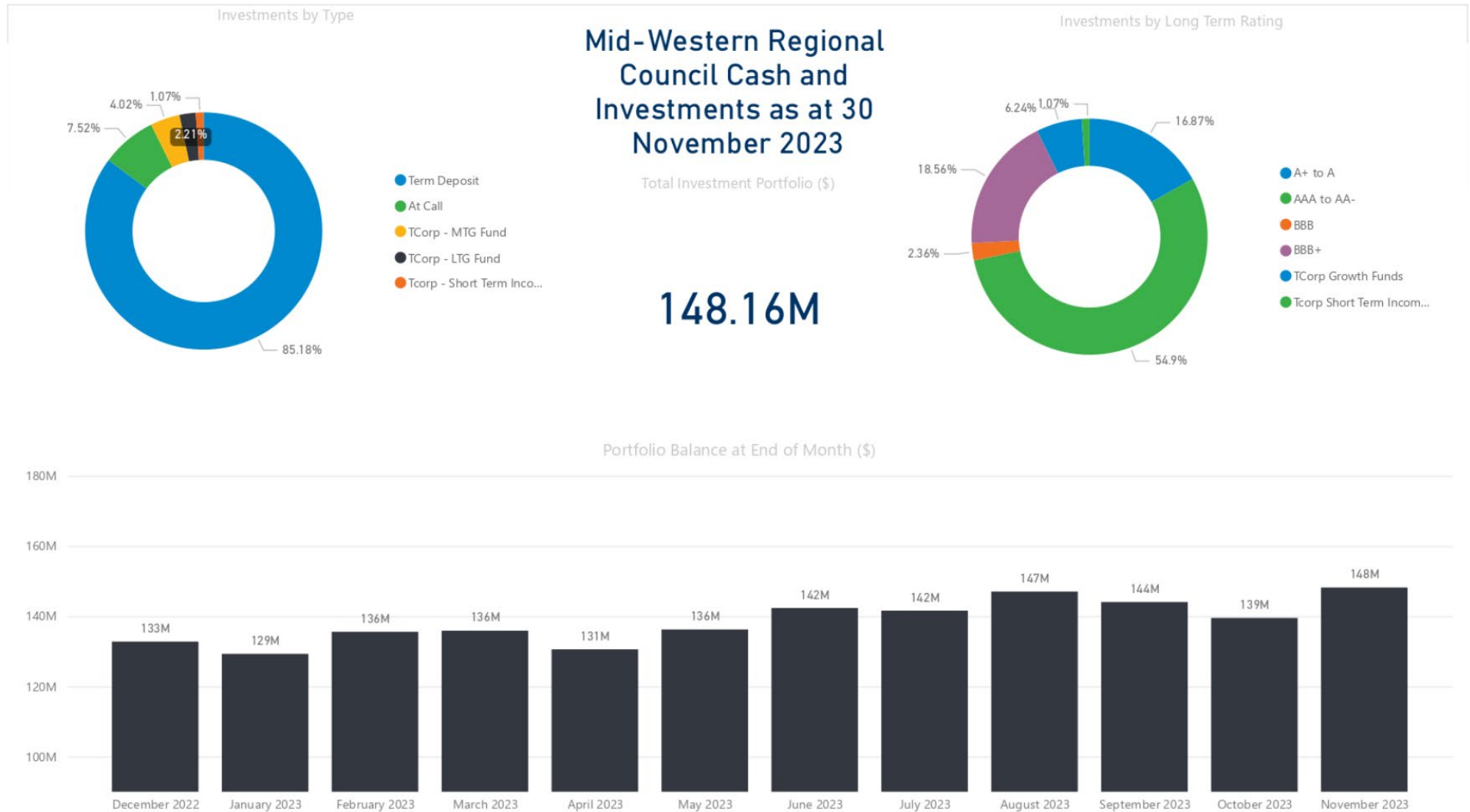
LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

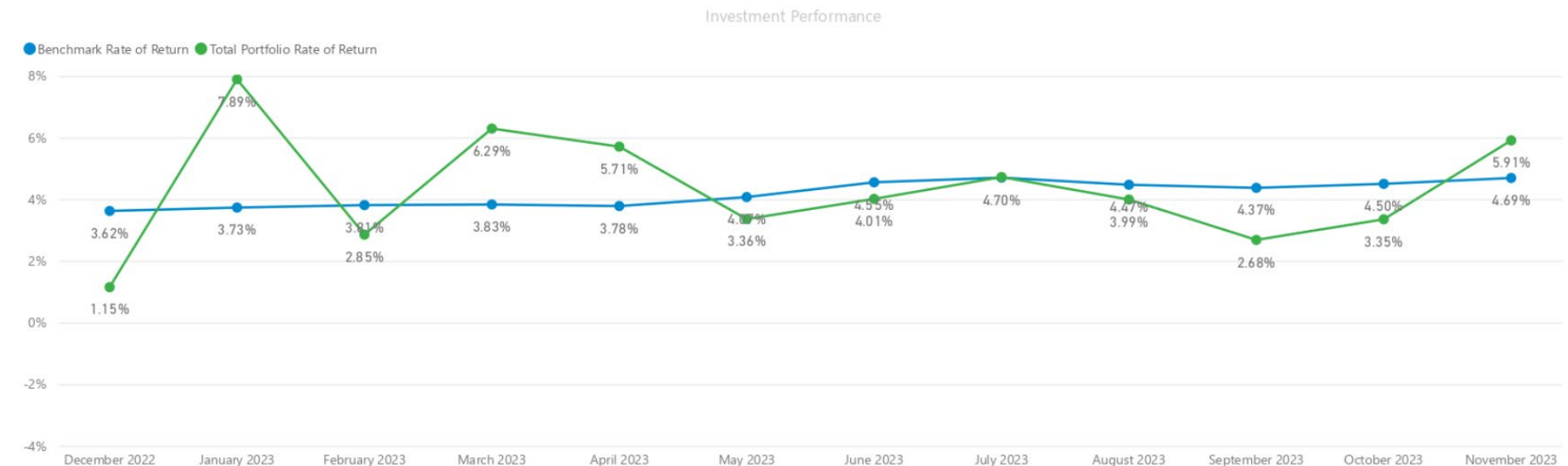
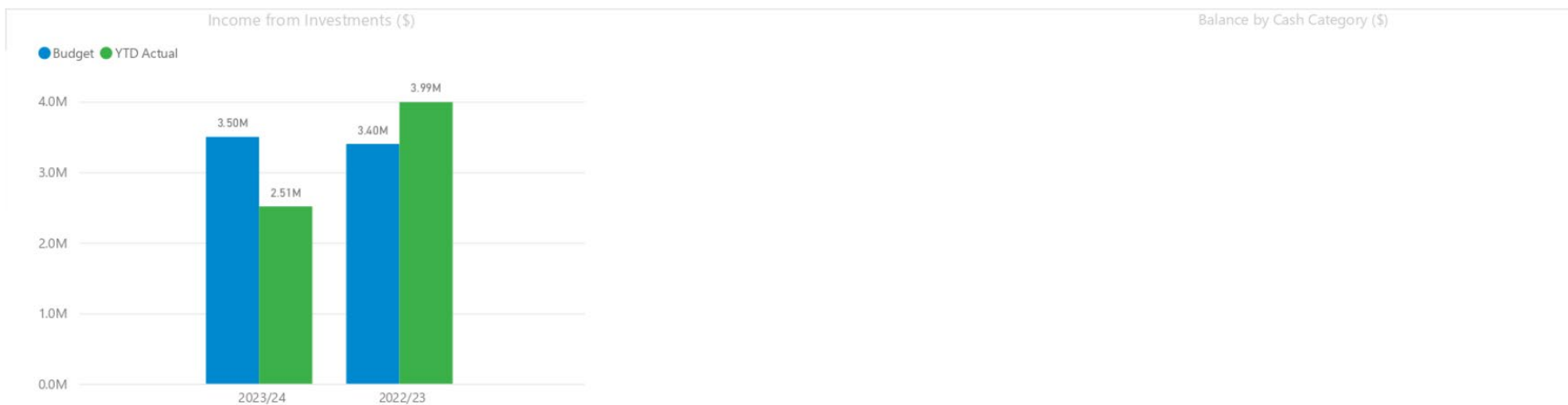
28 November 2023

Attachments: 1. Monthly Statement of Investments as at 30 November 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 42,961,595	29%	29%	20%	OK
Between 3 months and 1 year	\$ 85,700,000	58%	87%	40%	OK
Between 1 year and 2 years	\$ 12,500,000	8%	95%	50%	OK
Between 2 years and 4 years	\$ 7,000,000	5%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 148,161,595				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	17%	\$ 25,900,000
	NAB	40%	OK	19%	\$ 27,939,568
	Westpac	40%	OK	19%	\$ 27,500,000
A+	Macquarie	20%	OK	1%	\$ 1,500,000
A	ING	20%	OK	16%	\$ 23,500,000
	Australian Military Bank	10%	OK	1%	\$ 1,000,000
	Australian Unity Bank Of Bendigo & Adelaide Bank	10% 10%	OK OK	7% 8%	\$ 10,500,000 \$ 12,000,000
BBB+	Bank MyState Bank	10% 10%	OK OK	1% 1%	\$ 2,000,000 \$ 2,000,000
	AMP	5%	OK	2%	\$ 3,500,000
	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,279,672
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 5,961,645
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,580,710
Tcorp Short Term Income	Income Fund	15%	OK	1%	\$ 1,580,710
Grand Total				100%	\$ 148,161,595

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	55%	\$ 81,339,568
BBB+	20%	OK	19%	\$ 27,500,000
BBB	5%	OK	2%	\$ 3,500,000
TCorp Growth Funds	15%	OK	6%	\$ 9,241,317
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,580,710
A+ to A	50%	OK	17%	\$ 25,000,000
Grand Total			100%	\$ 148,161,595

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	4,194,233		11,139,568
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	3,176,415		3,279,672
TCorp - Medium Term Growth Fund	5,844,526		5,961,645
Tcorp - Short Term Income Fund	1,574,025		1,580,710
Total	14,789,199	-	21,961,595

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Australian Unity	4.35%	29/11/2023	2,000,000	125,137
CBA	4.20%	8/11/2023	1,500,000	76,118
Bank Of Queensland	4.25%	22/11/2023	1,000,000	52,164
AMP	4.70%	22/11/2023	1,500,000	47,322
AMP	5.05%	27/11/2023	1,547,322	1,070
Total			7,547,322	301,812

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	5.44%	20/11/2024	1,500,000	84,506
Bank Of Queensland	5.40%	27/11/2024	2,000,000	109,775
AMP	5.05%	27/11/2023	1,547,322	1,070
Australian Unity	5.50%	4/12/2024	2,000,000	111,808
Westpac	5.34%	9/07/2025	2,000,000	172,050
Total			9,047,322	479,211

At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.50%	\$ 11,139,568	0
TCorp - Long Term Growth	3.00%	\$ 3,279,672	5
TCorp - Medium Term Growth	3.00%	\$ 5,961,645	5
Tcorp - Short Term Income	3.00%	\$ 1,580,710	5
Total		\$ 21,961,595	

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	5.05%	258	\$ 1,000,000
AMP	4.90%	111	\$ 2,500,000
Australian Military Bank	5.10%	237	\$ 1,000,000
Australian Unity	3.50%	20	\$ 2,000,000
Australian Unity	4.10%	90	\$ 1,500,000
Australian Unity	4.30%	62	\$ 2,000,000
Australian Unity	4.50%	132	\$ 2,000,000
Australian Unity	5.60%	251	\$ 1,000,000
Australian Unity	5.50%	370	\$ 2,000,000
Bank Of Queensland	3.92%	118	\$ 1,000,000
Bank Of Queensland	4.55%	118	\$ 1,500,000
Bank Of Queensland	5.52%	265	\$ 1,500,000
Bank Of Queensland	5.62%	279	\$ 1,500,000
Bank Of Queensland	5.62%	293	\$ 2,000,000
Bank Of Queensland	5.28%	342	\$ 2,500,000
Bank Of Queensland	5.40%	363	\$ 2,000,000
Bendigo & Adelaide Bank	5.30%	258	\$ 2,000,000
CBA	0.72%	188	\$ 2,000,000
CBA	0.77%	286	\$ 1,000,000
CBA	0.85%	328	\$ 2,500,000
CBA	3.05%	146	\$ 2,000,000
CBA	4.15%	209	\$ 2,000,000
CBA	4.47%	13	\$ 2,000,000
CBA	4.52%	181	\$ 1,000,000
CBA	4.55%	6	\$ 2,000,000
CBA	4.63%	202	\$ 4,000,000
CBA	4.76%	48	\$ 1,500,000
CBA	5.05%	97	\$ 3,500,000
CBA	5.36%	321	\$ 2,400,000
ING	4.62%	216	\$ 1,500,000
ING	5.10%	468	\$ 3,500,000
ING	4.57%	314	\$ 2,500,000
ING	4.90%	181	\$ 4,000,000
ING	5.05%	230	\$ 2,000,000
ING	5.52%	41	\$ 4,000,000
ING	5.65%	223	\$ 3,000,000
ING	5.40%	944	\$ 3,000,000
Macquarie	4.50%	41	\$ 1,000,000
Macquarie	4.50%	41	\$ 500,000
MyState Bank	4.90%	167	\$ 2,000,000
NAB	0.80%	272	\$ 1,500,000
NAB	4.49%	384	\$ 2,500,000
NAB	4.45%	300	\$ 2,000,000
NAB	5.30%	244	\$ 2,000,000
NAB	5.22%	307	\$ 1,800,000
NAB	5.15%	153	\$ 1,000,000
NAB	5.22%	335	\$ 2,500,000

Institution	Yield	Principal Amount	Term to Maturity
NAB	5.15%	195 \$	1,500,000
NAB	5.15%	349 \$	2,000,000
Westpac	1.06%	76 \$	2,000,000
Westpac	2.28%	104 \$	1,500,000
Westpac	3.70%	244 \$	2,000,000
Westpac	4.22%	6 \$	1,000,000
Westpac	4.35%	230 \$	1,500,000
Westpac	4.30%	48 \$	1,000,000
Westpac	4.67%	20 \$	1,000,000
Westpac	4.78%	174 \$	2,500,000
Westpac	4.89%	426 \$	2,500,000
Westpac	4.46%	160 \$	1,500,000
Westpac	4.55%	20 \$	1,000,000
Westpac	4.40%	90 \$	1,500,000
Westpac	4.88%	1000 \$	4,000,000
Westpac	5.28%	328 \$	1,000,000
Westpac	5.44%	356 \$	1,500,000
Westpac	5.34%	587 \$	2,000,000
Total			\$ 126,200,000

9.3 Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee

REPORT BY THE PROPERTY OFFICER
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0210007, P1991411

RECOMMENDATION

That Council:

1. **receive the report by the Property Officer on the Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee;**
2. **give public notice of a proposed resolution to classify Lot 2 DP510997 at 292 Saleyards Lane, Mudgee as Operational Land in accordance with Chapter 6, Part 2, Division 1 Local Government Act 1993 (the Act); and**
3. **receive a further report after the exhibition period to consider any submissions and deal with the next steps in the classification process as required by the Act.**

Executive summary

This report seeks to commence the process for classification of Lot 2 DP510997 (the Allotment) being land located at 292 Saleyards Lane Mudgee, as Operational land.

Disclosure of Interest

Nil

Detailed report

On 20 September 2023 Council resolved to enter into an agreement with the landowner to acquire Lot 2 DP510997 at 292 Saleyards Lane, MUDGEE. With agreement reached, settlement is scheduled to occur mid December 2023.

As Council is acquiring the Allotment, it will need to carry out the required process to appropriately classify the Allotment as directed under Chapter 6, Part 2, Division 1 of the Local Government Act 1993 (the Act).

All public land must be classified as either Community or Operational. The purpose of classification is to identify clearly that land which should be kept for use by the general public (Community land) and that land which need not (Operational land).

Community Land would ordinarily comprise land such as a public park, reserve or sporting grounds. The use and management of Community Land is to be regulated by a Plan of Management.

Community land must not be sold (except in limited circumstances referred to in the Act). Community land must not be leased or licenced for more than 21 years and may only be

leased/licenced for more than 5 years if public notice of the proposed lease/ licence is given. In the event that an objection is made to the proposed lease/ licence, the Minister's consent is required. These restrictions do not apply to Operational land.

Operational land would ordinarily comprise land which facilitates the carrying out by a council of its functions or land which may not be open to the general public. It also includes land held as a temporary asset or as an investment.

Any land acquired by a Council that is not classified under the Act i.e. resolved by Council at the end of 3 months, is taken to have been classified as Community land.

Notwithstanding that the Allotment has not yet transferred to Council, the Act, at Section 31, allows councils to classify land before ownership has been completed, the advantage being that it allows for completion of the process within the stipulated 3 month period:

31 Classification of land acquired after 1 July 1993

(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

Given the intended use of the land, it is proposed that the Allotment be classified as Operational land and that the legislated process be undertaken to reflect this.

To commence the process for the classification of the Allotment, Council must resolve its intentions to classify the Allotment as Operational land and its intention must be advertised for a period of 28 days, during which time written submissions to the proposed classification will be accepted. Upon completion of this process, a further report will be presented to Council on the outcomes of the exhibition and next steps in the classification process as required by the Act.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Chapter 6, Part 2, Division 1 directs that all public land must be classified as either Community or Operational land.

Financial implications

Not Applicable

Associated Risks

Any land acquired by a council that is not classified under the Act i.e. resolved by council at the end of 3 months, is taken to have been classified as Community land. As settlement is scheduled to occur mid December 2023, the land will be classified as Operational land within the stipulated timeframe.

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

22 November 2023

Attachments: 1. Council Minute for purchase of Lot 2 DP510997.
2. Advertisement of proposed classification of land.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT
COUNCIL MEETING: 20 SEPTEMBER 2023

14.2 PURCHASE OF LAND

GOV400103, 20466

233/23

MOTION: Cavalier / Palmer

That Council:

1. receive the report by the Property Coordinator on the Purchase of Land identified in the independent valuation as attached to this report;
2. resolve to purchase the land by agreement with the land owner at the price determined by the independent valuation;
3. authorise the Mayor and the General Manager to finalise negotiations and execute the completion of the property purchase, including signing of a purchase contract, land transfer, and any other relevant documents;
4. amend the 2023/2024 Budget to allocate a budget amount as specified in the valuation report, for the purchase of land, to be funded from the Land Development Reserve;
5. arrange the preparation, lodgement, and registration of the relevant lot consolidation plan after purchase and land transfer is complete; and
6. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the purchase, and including lot consolidation and registration.

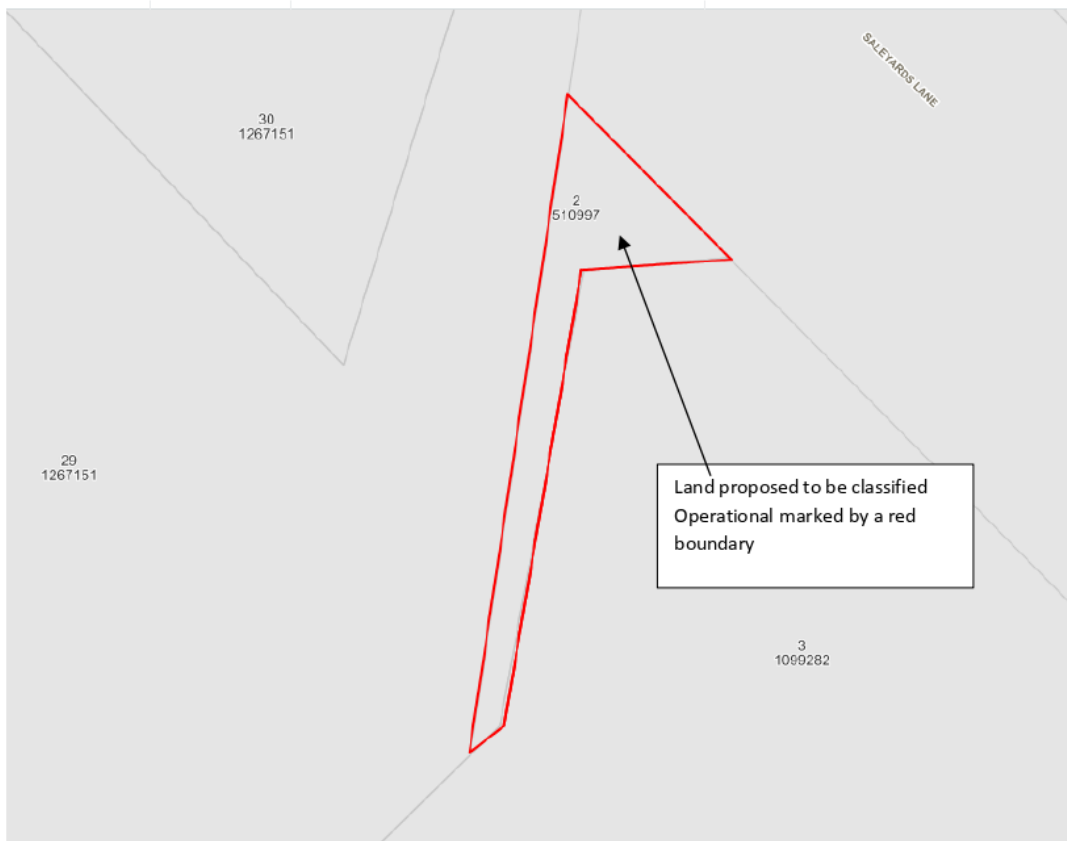
The motion was carried with the Councillors voting unanimously.

Proposed Classification of Land

Pursuant to Section 31 of the Local Government Act, 1993, Council proposes to classify;

Lot 2 DP510997 at 292 Saleyards Lane at Mudgee, as Operational Land.

A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission on the proposed classification. Submissions should be directed in writing and submitted to the General Manager, 86 Market Street. MUDGEE. Submissions will be accepted until 12 January 2023 .



9.4 Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act, 1993

REPORT BY THE REVENUE COORDINATOR
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0340011

RECOMMENDATION

That Council:

1. receive the report by the Revenue Coordinator on the Sale of Land to Recover Overdue Rates and Charges - Chapter 17, Part 2, Division 5, Section 713 Local Government Act, 1993;
2. agree to sell under Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act, 1993, the lands held under the following Property Numbers: 1161, 2589, 3275, 6662 and 13737 and note that the General Manager has signed the General Manager's Certificates for each of the properties;
3. approve Friday 3rd May 2024, as the date for the Auction;
4. authorise the General Manager to appoint an Auctioneer and determine the time and venue for the Auction on 3rd May 2024;
5. authorise the General Manager to arrange the publication of the mandatory advertisement in accordance with Section 715(1) Local Government Act 1993;
6. authorise the General Manager to exercise delegated authority to deal with matters arising out of the sale process so as to ensure continuous and smooth running of the Sale process;
7. authorise the General Manager to determine any reserve prices;
8. authorise the General Manager to negotiate the sale of any property, by private treaty in accordance with Section 716(2) Local Government Act 1993, which fails to sell at the Auction on 3 May 2024;
9. authorise the General Manager to consider arrangements for payment of rates and charges and to withdraw properties from the Auction where satisfactory arrangements have been accepted or where a property no longer meets the requirements for sale under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act, 1993;
10. authorise the General Manager to execute the contract documents on behalf of Council in relation to all properties that are sold at the Auction on 3rd May 2024 and to execute the contract documents on behalf of Council in relation any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;

11. **authorise the General Manager to take such action, if necessary, (including court proceedings if required) as may reasonably be required to give vacant possession of any properties sold at the Auction on 3rd May 2024 and to take such action, if necessary, (including court proceedings if required) as may reasonably be required to give vacant possession to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;**
 12. **authorise the General Manager and Mayor to sign all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to sign all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8;**
 13. **authorise the Common Seal of Council be affixed to all documentation necessary to facilitate the processes under Chapter 17, Part 2, Division 5, Sections 713-726 of the Local Government Act 1993 and; to all documentation relating to any properties that fail to sell at the Auction, but are subsequently sold by private treaty, as negotiated by the General Manager at Recommendation 8; and**
 14. **authorise the General Manager to appoint a legal representative in this matter.**
-

Executive summary

This report seeks Council's resolution to sell the lands comprised in the five (5) General Manager's Certificates, appended as Attachments 2-6 to this Report, to recover overdue rates and charges pursuant to Chapter 17, Part 2, Division 5, Section 713 of the Local Government Act 1993 (the Act).

Disclosure of Interest

Nil

Detailed report

There have been exceptional circumstances over recent years which have influenced some ratepayers' ability to pay rates and charges, including natural disasters, Covid-19 and more recently inflation and interest rate increases. However, these recent circumstances are not the predominant cause of long-standing debts of over 5 years. Whilst Council undertakes recovery action in accordance with the Debt Management and Recovery Policy (the Policy), there are properties that have rates and charges outstanding for greater than 5 years which have not been able to be collected to date.

Section 713(1) of the Act states that a rate or charge is overdue if it has remained unpaid for more than 1 year from the date on which it became payable in the case of vacant land, and in the case of any other land, it has remained unpaid for more than 5 years. A council may, in accordance with the provisions of the Act, sell any land on which any rate or charge is overdue subject to satisfying certain pre-conditions set out in the Act.

Pursuant to Chapter 17, Part 2, Division 5, Section 713 of the Act, Council is in a position to sell, by public auction in the first instance, 5 properties which have accrued rates and charges in excess of 5 years. There are various reasons why Council has not been able to recover the outstanding rates

and charges owing on these properties. All other recovery action initiated in accordance with the Policy has been unsuccessful in attempts to collect the overdue amounts in relation to these properties.

Additional steps have been taken in recent months over and above those outlined in the Policy in an attempt to contact the property owners. Letters advising of the potential sale of these properties were issued via registered and ordinary post in November 2023.

The General Manager's Certificates have been prepared in respect of each property confirming the age and amount of the outstanding debts. The Certificates have been sighted and certified by the General Manager pursuant to Section 713(3) of the Act and are appended as Attachments 2-6 to this Report.

The properties recommended to be included in the proposed sale are summarised below:

LOCALITY	AMOUNTS PAYABLE BY WAY OF OVERDUE RATES AND	AMOUNTS PAYABLE BY WAY OF RATES & CHARGES (OTHER THAN OVERDUE RATES AND	TOTAL AMOUNT DUE (to 30/6/2024), interest calculated to 7/11/2023)
Mudgee	\$439.99	\$18,658.70	\$19,098.69
Barigan	\$299.82	\$11,843.71	\$12,143.53
Cope	\$1,205.04	\$8,700.53	\$9,905.57
Bocoble	\$564.26	\$8,070.74	\$8,635.00
Bombira	\$446.02	\$7,409.80	\$7,855.82
TOTAL DUE	\$2,955.13	\$54,683.48	\$57,638.61

Schedule 1, appended as Attachment 1 to this Report, provides detailed information in relation to the individual properties. Plans of each property are appended as Attachments 7-11.

In accordance with Section 715 of the Act, Council is required to undertake an extensive process prior to selling a property at public auction for overdue (greater than 5 years) rates and charges:

1. Before selling land under this Division, the Council must:
 - a) fix a convenient time (being not more than 6 months and not less than 3 months from the publication in a newspaper of the advertisement referred to in paragraph
 - b) and a convenient place for the sale;
 - c) give notice of the proposed sale by means of an advertisement published in the Gazette and in at least one newspaper;
 - d) take reasonable steps to ascertain the identity of any person who has an interest in the land; and
 - e) take reasonable steps to notify each such person (and the Crown, if the land concerned is owned by the Crown) of the council's intention to sell the land under this Division.

2. If, before the time fixed for the sale:
 - a) all rates and charges payable (including overdue rates and charges) are paid to the council; or

- b) an arrangement satisfactory to the Council for payment of all such rates and charges is entered into by the rateable person, the council must not proceed with the sale.

Section 715 (1)(a) provides that once Council has resolved to sell land for overdue rates and charges, it must conduct the sale not more than six months and not less than three months after the date of publication of the appropriate advertisement. An advertisement under Section 715(1) of the Act notifying a proposed sale of land for unpaid rates and charges is to contain certain information, including that Council proposes to sell lands for unpaid rates and charges at public auction, the name of the auctioneer and the proposed place, date and time of the auction.

Should Council proceed with the sale it is intended to place the advertisement by Friday, 2 February 2024 to enable the sale to take place on Friday, 3 May 2024.

Auctioneer and Venue and Time for Auction

The sale of land is to be conducted by public auction. It is recommended that the General Manager appoint an auctioneer in accordance with Council's Procurement Policy to conduct the auction on 3rd May 2024 and, also determine the venue and time for the auction upon the appointment of the auctioneer.

Legal Matters

It is recommended that the General Manager appoint a legal representative in accordance with Council's Procurement Policy to deal with all legal matters relating to the sale

In an auction situation the contract is entered into at the fall of the hammer. While the transfer will need to be executed under Seal, it is not necessary for the contracts to be executed under Seal.

It is recommended that the General Manager be authorised to sign the contracts on Council's behalf at the fall of the hammer. The General Manager would then have authority to sub-delegate that task should he so wish.

Land that fails to sell at the auction may be sold by private treaty by Council.

Reserve Prices

It is recommended that the appointed auctioneer make recommendations to the General Manager in relation to any reserve prices, and that the General Manager set appropriate reserves where he sees fit.

Payment of Rates before the Date of the Sale

Section 715 (2)(a) and (b) provides that where, before the date of the sale, the full amount of the outstanding rates is paid, or Council accepts an arrangement for payment suitable to it, the subject land must be withdrawn from the sale.

Full payments present no problems. However, where a partial payment is made and arrangements are tendered for the balance to be paid after the due date of the sale, complications may arise.

Usually such arrangements are made at a time when it is not possible to refer the matter to Council for a decision, sometimes only a day or two before the auction date.

It is recommended that the General Manager be given delegated authority to consider arrangements for payment of rates and charges.

Community Plan implications

Theme **Good Government**

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Debt Management and Recovery Policy
Step 6 in the debt recovery procedure.
Procurement Policy

Legislation

Pursuant to Chapter 17, Part 2, Division 5, Section 713 of the Act.

Financial implications

The successful auction of all of the properties listed would mean that \$57,638.61 in outstanding rates and charges would be removed, either by way of full monetary payment and/or write-off, from Council's outstanding debtors listing.

No budget variations are required for this recommendation.

Associated Risks

Notwithstanding that a sale of land auction to recover overdue rates and charges provides a last resort procedure for Council to recoup the monies owing after exhausting all other recovery method procedures, some unfavourable publicity, comments or actions may follow.

All legal matters will be referred to the appointed legal representative and the Auction will be conducted by a suitably qualified auctioneer.

IAN CLAYTON
REVENUE COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

23 November 2023

- Attachments:*
1. Schedule 1 - Listing and Detail of Properties Proposed to be Auctioned. (Confidential - separately attached)
 2. 1161 - Mudgee - Signed General Managers cert. (Confidential - separately attached)
 3. 2589 - Barigan - Signed General Managers cert. (Confidential - separately attached)
 4. 3275 - Cope - Signed General Managers cert. (Confidential - separately attached)
 5. 6662 - Bocoble - Signed General Managers cert. (Confidential - separately attached)
 6. 13737 - Bombira - Signed General Managers cert. (Confidential - separately attached)
 7. Plan 1 - Property 1161 - Mudgee. (Confidential - separately attached)
 8. Plan 2 - Property 2589 - Barigan. (Confidential - separately attached)
 9. Plan 3 - Property 3275 - Cope. (Confidential - separately attached)
 10. Plan 4 - Property 6662 - Bocoble. (Confidential - separately attached)
 11. Plan 5 - Property 13737 - Bombira. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Draft Plan of Management Old Gulgong Fire Station - Adoption

REPORT BY THE MANAGER PROPERTY AND REVENUE

TO 13 DECEMBER 2023 ORDINARY MEETING

GOV400103, COU500102, 4532, 8586, 13084

RECOMMENDATION

That Council:

1. **receive the report by the Manager Property and Revenue on the Draft Plan of Management Old Gulgong Fire Station - Adoption;**
2. **note the submission received during the exhibition period as cited in Attachment 3 to this Report and accept the recommendations proposed by staff;**
3. **note that further Native Title Manager advice as cited in Attachment 4 to this Report has been considered in relation to the draft v8 Plan of Management Old Gulgong Fire Station, Crown Reserves 90876 and 90877 and Dedication 520110;**
4. **adopt the draft v8 Plan of Management Old Gulgong Fire Station as cited in Attachment 1 to this Report, in accordance with Section 40 of the Local Government Act 1993 and in accordance with Section 3.23(6) of the Crown Land Management Act 2016;**
5. **authorise the General Manager to make minor editorial modifications in the finalisation of the draft v8 Plan of Management Old Gulgong Fire Station Plan of Management if necessary; and**
6. **forward the adopted Plan of Management Old Gulgong Fire Station to the NSW Department of Planning and Environment – NSW Crown Lands for information.**

Executive summary

At the Meetings of Council held on 21 September 2022 and 20 September 2023, Council was presented with draft v6 and draft v7 Plan of Management (PoM) Old Gulgong Fire Station, respectively.

Council resolved on 20 September 2023 via Minute 223/23 to place the draft PoM on public exhibition in accordance with s38 Local Government Act 1993 (LGA) and receive a further report at the conclusion of the public exhibition period to consider any submissions received.

Following the enactment of this resolution, this Report now seeks Council's consideration of the submission received and a resolution to finalise and adopt the PoM in accordance with s40 of the LGA and s3.23(6) of the Crown Land Management Act (CLMA).

Draft v8 of the PoM is appended as Attachment 1 to this Report

Disclosure of Interest

Nil

Detailed report

Council Minute 223/23 of 20 September 2023 is appended as Attachment 2 to this Report. The outcome of the enactment of Resolution No. 4 is as follows –

Public Exhibition in accordance with s38 of the Act

The draft PoM was publicly exhibited from 13 October 2023 to 9 November 2023 with submissions accepted up until 23 November 2023.

The draft PoM was available for viewing on Council's website with hard copies available at Council's Administration Services Centres. A walk-in information session was also conducted on 31 October 2023 at the Gulgong Service Centre.

One submission was received. Attachment 3 to this Report contains a summary of the submission along with the Council manager recommendation.

Native Title Managers' Advice

Plans of management for Crown reserves must be compliant with the statutory requirements of the Commonwealth Native Title Act 1993 (NTA). Council cannot adopt a plan of management until it has obtained written advice from a Native Title Manager that a plan of management complies with the applicable provisions of the NTA legislation.

The Native Title Managers' Advice presented to Council on 21 September 2022 indicated that the draft PoM complied with the applicable provisions of the NTA, in this case being valid future acts under s24JA.

Council advised and gave the opportunity to comment to NTSCorp Limited as the representative aboriginal body for New South Wales, under s24JB(6) of the NTA. No comment was received from NTSCorp.

The Native Title Managers' Advice presented to Council on 21 September 2022 has been reviewed in light of the amendments brought forward by Crown and addressed by Council on 20 September 2023. It is considered that the proposed revised PoM still complies with the applicable provisions of the NTA being valid future acts under s24JA.

The reviewed Native Title Managers' advice is appended as Attachment 4 to this Report.

Recommendation

It is recommended that the PoM as appended as Attachment 1 to this Report be adopted by Council.

Community Plan implications

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

Strategic implications

Council Strategies

The PoM will provide strategic direction for Community classified Crown Land and is consistent with Council's responsibilities under the LGA and the CLMA. The PoM identifies the permissible

uses and potential development for the land parcel cited. Council may not undertake any activities, uses or developments which are not provided for in the PoM.

Council Policies

Not Applicable

Legislation

Crown Land Management Act 2016

Division 3.4 – Crown Land managed by Councils

Division 3.6 – Plans of Management and other plans

Section 8.7 – When advice of Native Title Manager is required

Crown Land Management Regulation 2018

Local Government Act 1993

Part 2 Division 2 – Use and Management of Community Land

Local Government (General) Regulation 2005

Part 4 Community land, Division 1 – Guidelines for the categorisation of Community Land

Native Title Act 1993 (Commonwealth)

Section 233 – Future Act

Section 24JA – Reservations, leases etc.

NSW Aboriginal Land Rights Act 1983

Financial implications

The adoption of the PoM will not have an immediate financial impact. Any future works priorities identified as part of the PoM will be considered through the normal operational planning and budget processes.

Associated Risks

It is a requirement under the LGA and CLMA for Council to produce compliant plans of management for all Council managed Crown reserves. One of the key aims of a plan of management is to ensure that management of Crown Reserves is conducted in accordance with requirements of the NSW Aboriginal Land Rights Act 1983 and Native Title Act 1993, reducing the potential for Council to be in breach of either piece of legislation. The PoM addresses all requirements and clearly sets out the obligations.

The risk of producing a plan of management which did not align with the community's vision for the reserve was mitigated by public consultation facilitated by the commissioning of 2 open on-line community surveys between October 2018 and August 2020, the exhibition of the draft PoM, additional community consultation in the form of a walk-in information session on 31 October 2023 and due consideration of the submission received.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

24 November 2023

- Attachments:*
1. v8 Plan of Management Old Gulgong Fire Station. (separately attached)
 2. Minute 223/23 20 September 2023. (separately attached)
 3. Summary of submission & recommendation. (separately attached)
 4. Native Title Managers' Advice 24/11/2023. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Draft Plan of Management Community Land - Post Crown Review

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, COU500102

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Draft Plan of Management Community Land - Post Crown Review;
2. note and adopt the changes advocated by Department Planning & Environment – Crown Lands as indicated in this Report;
3. note that written consent of the draft v2.0 Plan of Management Community Land as amended by Department Planning & Environment – Crown Lands has been received and endorsed to proceed to public exhibition;
4. place the amended draft v2.0 Plan of Management Community Land on public exhibition, as per s38 of the Local Government Act 1993 and conduct a public hearing, as required, in accordance with s40A Local Government Act 1993; and
5. receive a further report at the conclusion of the public exhibition period and public hearing period to consider any submissions received or if substantial changes are recommended for any reason to:
 - 5.1 seek the Minister administering the Crown Land Management Act 2016 further consent if necessary, to adopt the draft Plan; or
 - 5.2 recommend that Council adopt the Draft Plan of Management Community Land pursuant to s40 Local Government Act 1993 in accordance with s3.23(6) Crown Land Management Act 2016, if there are no submissions or substantial proposed changes.

Executive summary

The purpose of this report is for Council to consider the proposed changes advocated by Department Planning & Environment – Crown Lands & Public (Crown) in relation to draft v2.0 Plan of Management Community Land (the PoM) and; for Council to resolve to place the amended draft PoM on public exhibition as per s38 of the Local Government Act 1993 (the Act), if the proposed Crown changes are adopted.

Draft v2.0 of the PoM is appended as Attachment 1 to this report.

Disclosure of Interest

Nil

Detailed report

At the Meeting of Council held on 3 November 2021, Council was presented with the draft v1.2 PoM.

Council resolved, via Minute 336-21, to refer this version to Crown for consideration in accordance with s39 of the Act to seek written consent to firstly exhibit and then adopt this draft in accordance with s3.23(6) Crown Land Management Act 2016 (CLMA) and the LGA.

The preparation of the PoM for the Crown Reserves also included the review and allocation of Council owned Community classified land into the required categories. This requirement of the Act had not previously been executed and Plans of Management for these lands are not currently in place. Accordingly, these land parcels have now been incorporated, along with the Reserves, in this PoM to comply with the Act.

Crown has subsequently reviewed this version in relation to the Crown Reserves and has approved the exhibition of the PoM subject to consideration and adoption of the minor amendments as cited in Crown's Approval to Exhibit.

The Approval is appended as Attachment 2 to this report.

In addition to these amendments, other changes have been made to the initial categorisation of some of the Reserves. Categorisations were considered and allocated by Crown on or after July 2018 and forwarded to Council for deliberation. In the majority of instances these categorisations were accepted and endorsed by Council. However, as these were approved by Crown some time ago, Crown's recent considerations have since changed. Crown would not come to the same decision if the categorisations were to be considered and assessed now. Accordingly, under the direction of Crown, categorisation changes were made to a number of Reserves amending the initial categorisation to that of Natural Area Bushland.

The Reserves that were changed to the category of Natural Area Bushland are cited in Appendix 7 of the PoM in Attachment 1 to this report.

Notification and Exhibition

Sections 38, 39, 40, 40A LGA and section 3.23 CLMA set out the requirements.

The PoM will be placed on public exhibition for a period of 28 days, allowing not less than 42 days after the date on which the draft plan is placed on exhibition, to receive submissions. A public hearing will also be conducted during this period to receive submissions in relation to the Council owned community land parcels subject to the PoM

If significant amendments are made to the draft PoM in relation to a reserve, the PoM must be referred back to the Crown with further public exhibition if required. If proposed changes are not substantial, the PoM may be referred to Council for consideration to adopt without further Crown referral or public exhibition.

Native Title Manager's Advice

All Plans of Management for Crown Reserves must be compliant with the statutory requirements of the Native Title Act 1993 prescribed by both the CLM Act and the LGA.

Native Title Manager's Advice in relation to v1.2 of the PoM was provided to Council on 3 November 2021. Further Native Title Manager's Advice will be provided when the PoM is presented again for consideration of any submissions and endorsement.

Community Plan implications

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

Strategic implications

Council Strategies

The PoM will provide strategic direction for Community Land and Crown Land and is consistent with Council's responsibilities under the Act and the CLMA. The PoM identifies the permissible uses and possible development for the land parcels cited. Identified possible development may be considered through the normal operational planning and budget processes and constraints.

Council may not undertake any activities, uses or developments which are not provided for in the PoM.

Council Policies

Not Applicable

Legislation

Crown Land Management Act 2016

Division 3.4 – Crown Land managed by Councils

Division 3.6 – Plans of Management and other plans

Section 8.7 – When advice of Native Title Manager is required

Local Government Act 1993

Part 2 Division 2 – Use and Management of Community Land

Native Title Act 1993 (Commonwealth)

Section 233 – Future Act

Financial implications

The PoM will not have an immediate financial impact. Any future priorities identified as part of the PoM will be considered through the normal operational planning and budget processes.

Associated Risks

The PoM was prepared by a consultant in consultation with Council's management and Crown. It addresses Council's various public land management obligations under the Act and the CLMA and clearly sets out these requirements.

One of the key aims of a PoM is to ensure that management of Crown Reserves is conducted in accordance with requirements of the NSW Aboriginal Land Rights Act 1983 and Native Title Act 1993, reducing the potential for Council to be in breach of either piece of legislation.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

22 November 2023

- Attachments:*
1. Draft v2 Plan of Management Community Land. (separately attached)
 2. Approval from Crown to exhibit draft Plan of Management Community Land. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.7 Naming of a new road in a subdivision off Rifle Range Road, Mudgee

REPORT BY THE REVENUE OFFICER
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, R0790141

RECOMMENDATION

That Council:

1. receive the report by the Revenue Officer on the naming of this road Wilton Grove;
2. name this road Wilton Grove;
3. approve staff to submit Wiltonville Grove as an alternative road name if Wilton is rejected by the Geographical Names Board; and
4. advertise the proposed name and receive a further report at the end of the exhibition period to formalise the name of the road.

Executive summary

A subdivision off Rifle Range Road in the town of Mudgee includes a new road. Addressing requirements for the subdivision will necessitate the naming of the new road.

Disclosure of Interest

Nil

Detailed report

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

Following the approval of a new subdivision off Rifle Range Road in the locality of Mudgee, Council wrote to the property owner and neighbours of the subdivision on 25th October 2023 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 3rd November 2023 issue of the Mudgee Guardian and on Council's website. Submissions closed on 24th November 2023 and during this period one submission was received which was for Wilton Grove. This name was evaluated via the Geographical Names Board and an issue was found with Wilton as it sounds similar to Wilson Road in Windeyer, however the GNB will not make a determination until a proposal is submitted.

The recommended name of Wilton Grove relates to William Wilton who migrated to Australia with his wife Elizabeth in 1841. He purchased 4000 acres at McDonalds Creek, calling the property 'Wiltonville' where he grew sheep and cattle. William contributed to the local community as a businessman, committee member of the Mechanic's Institute, a Magistrate and one of the first

Trustees of the Mudgee Showground. He was also a keen local cricketer and is buried in Mudgee Cemetery with his descendants.

If the GNB do not approve Wilton, Council can submit Wiltonville as an alternative road name.

Street naming is legislated under the Roads Act, 1993. This Act empowers the authority in charge of the road with the rights to name it. The naming of this new road will allow the completion of street addressing within this new subdivision. Section 162 of the Roads Act (1993) states that:

“a road authority may name and number all public roads for which it is the authority. A roads authority may not alter the name of a public road unless it has given the Geographical Names Board (GNB) at least two months’ notice of the proposed name.”

In accordance with Council’s Road, Bridge and Place Naming Policy, the name that Council endorses for this road will be:

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

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Road, Bridge and Place Naming Policy

Legislation

Roads Act 1993

Road Regulation 2008

Geographical Names Act, 1996

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

Financial implications

The cost and installation of two street signs located at the intersection of Rifle Range Road and the road being named. These costs will be met by the developer.

Associated Risks

Nil

SARAH PRINGLE
REVENUE OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

27 November 2023

Attachments: 1. Submission.
2. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Sarah Pringle

From:
Sent: Sunday, 5 November 2023 1:12 PM
To: Council
Subject: Road Naming Submission D/A0295/2022 Rifle Range Road
Attachments: 25 Rifle Range Road Name Submission.pdf

Dear Sir

Please find attached our Road Naming Submission for new road created by subdivision off Rifle Range Road Mudgee D/A0295/2022.

I will deliver a hard copy to customer service.

Kind Regards

Symond Carr
Director
S.A. CARR & CO. PTY .LTD

S.A. CARR & CO. PTY .LTD

'This e-mail (including any attachments) is confidential and copyright. S.A CARR & CO. PTY. LTD and the sender makes no warranty about the content of this e-mail. Unless expressly stated, this e-mail does not bind anyone and does not necessarily constitute the opinion of the sender of S.A CARR & CO. PTY. LTD. If this e-mail has been received in error, then please notify the sender immediately and delete the message. The sender checks e-mails and attachments for viruses, however we cannot guarantee that either are virus free. We accept no liability for any damage sustained as a result of viruses.'

1/11/2023
S.A.Carr and Company Pty Ltd.

The General Manager
Mid-Western Regional Council.
P.O.Box 156
Mudgee NSW 2850.

RE: Road Naming DA0295/2022 Rifle Range Road Lot 69 DP 756864.

Dear Sir,

I am writing on behalf of the Hooper family that are the current owners and developers of the above-mentioned land.

We would like to put forward a submission to name the new road off Rifle Range Road created by subdivision, recognising William and Elizabeth Wilton, their family, and their descendants.

“WILTON AVENUE”

Our submission is based on local history, early settlers, and eminent persons.

William and Elizabeth arrived in Australia from Wiltshire England on 23/12/1841 and purchased land in the Mudgee district, “Wiltonville”, 4,000 acres freehold at McDonalds Creek. Over time they worked the land into the largest wool growing property and woolshed of the time in the district producing a wool clip of 100 bales whilst grazing 250 head of cattle.

William was a local businessman, a committee member of the Mechanic’s Institute, a Magistrate, an Alderman and Mayor of the Cudgegong Borough Council in the late 1800’s (see attached), one of the first trustee’s of the Mudgee Showground in 1881 (see attached) as well as a keen cricketer participating in many a thrilling game between Mudgee & West End teams, and between the various families, the Wiltons, the Honeysett’s and the Rayners.

Unfortunately, both the homestead and Wiltonville woolshed were destroyed by fire on separate occasions as well as Kellet’s Store in Market Street where there was once a lane named Wilton Lane, this no longer exists.

William and Elizabeth are buried in the Mudgee Cemetery along with members of their direct family in the Wilton Cryp.

We trust you look favourably upon our submission recognising the Wilton family history and the large contribution that has been made to the Mudgee area and community, as a whole over the past 182 years.

Yours faithfully

Director
S.A.Carr and Company Pty Ltd.



After a period of political lobbying during the 1870s regarding the construction of the Mudgee Railway, its route was finally determined to locate close to the Burrundulla site, which therefore compromised the potential to continue to conduct shows there⁹. The search then began for a larger, permanent site for the Showground. This initiated a history of legislative dedications and trustee appointments.

The establishment and growth of the Showground precinct as it is seen today, at its current site commenced in the late 19th century.

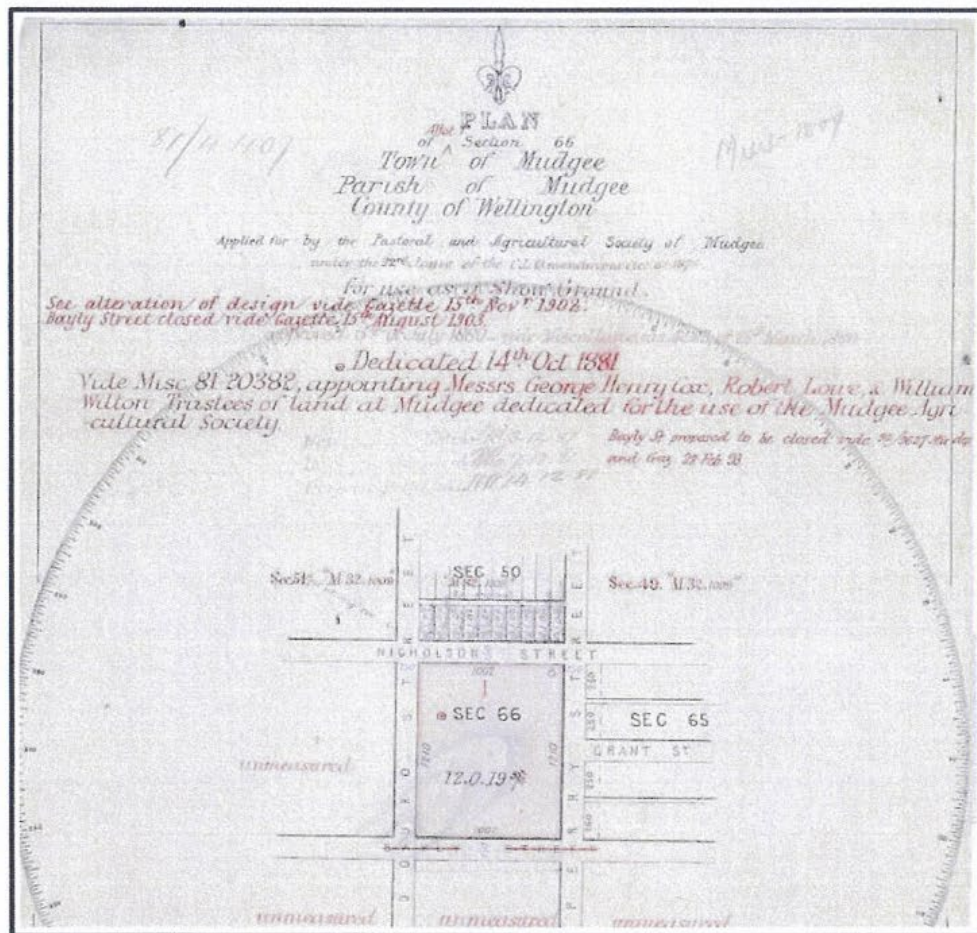


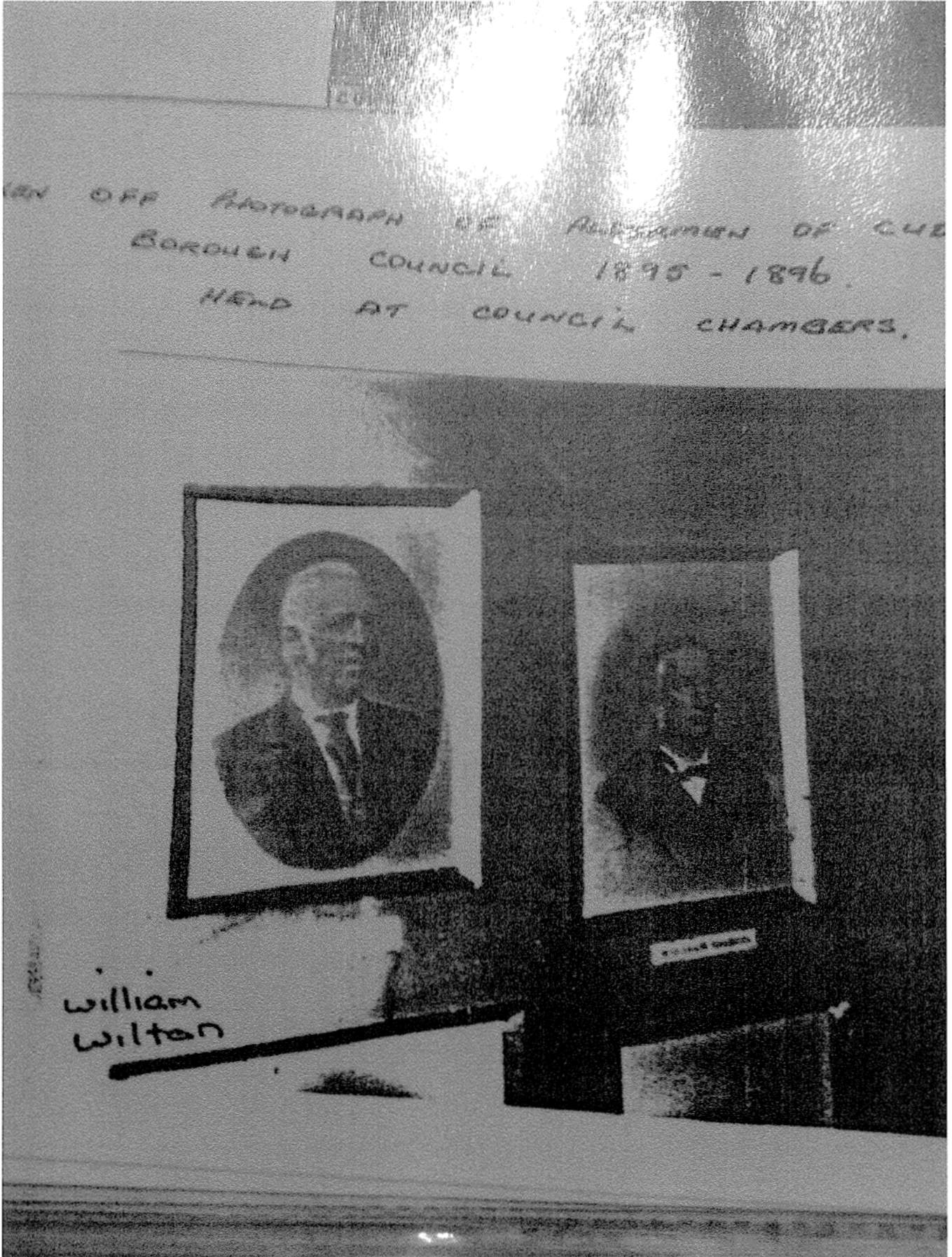
Figure 2 – Plan showing first dedication for Mudgee Showground in 1881

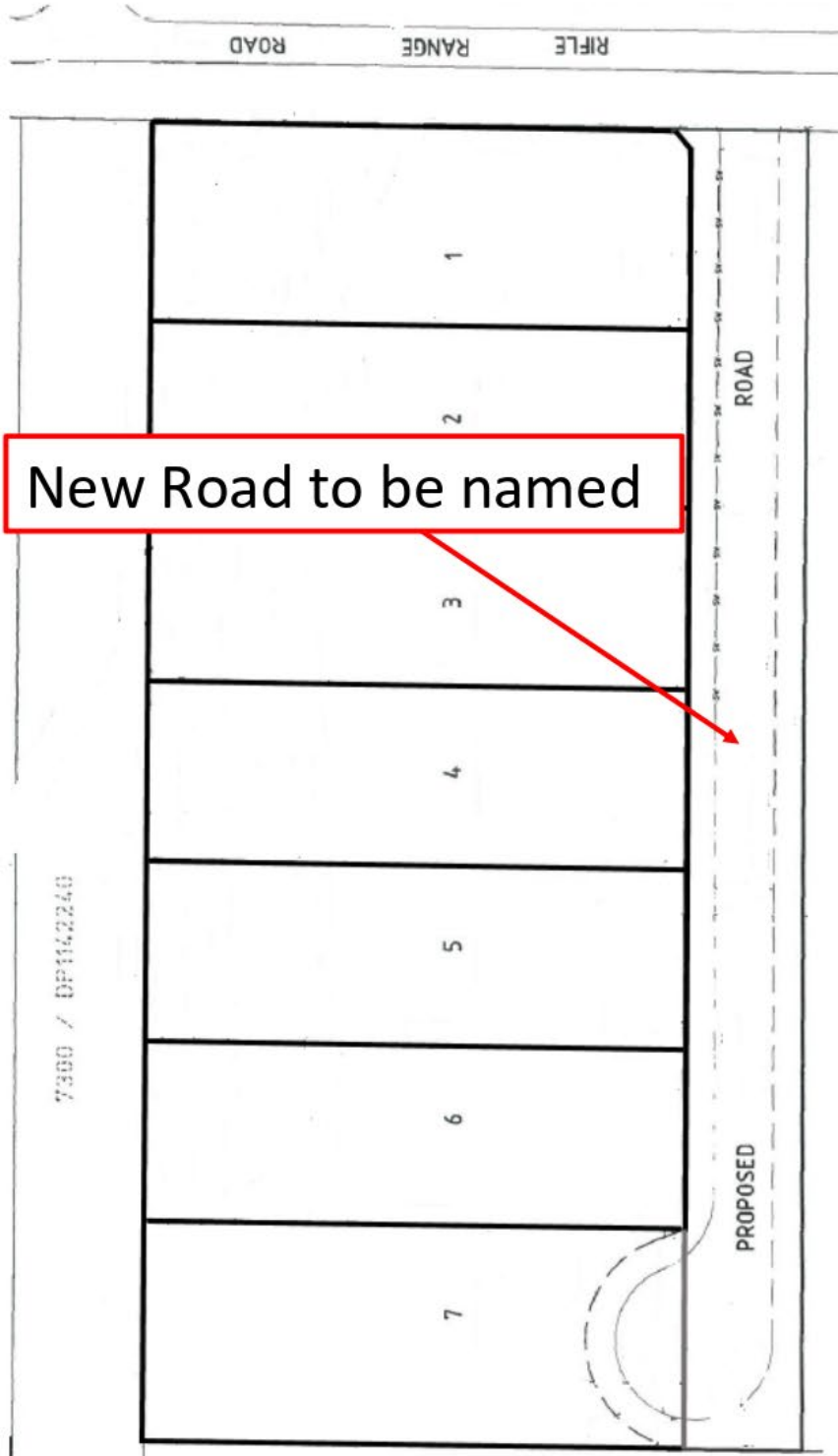
Lot 1 of Section 66 was dedicated for the purpose of Mudgee Agricultural Society on 14 October 1881 (see Figure 2). Although shows had been held in Mudgee since the 1840s, this era commenced the staging of the first Mudgee Show at the current locality. On 11 November 1881, the first Trustees were appointed to the Showground. These were: George Cox, Henry Cox, Robert Lowe and William Wilton.

On 14 November 1893, Lot 2 was dedicated and added to the existing Showground (see Figure 3).

⁹ The railway officially opened 11 September 1884: Ref www.mudgeeguardian.com.au/story/local-history-sir-john-robertson-the-premier/







9.8 Policy Reviews - Revenue

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, GOV400047

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Policy Reviews - Revenue;
2. place on public exhibition for 28 days the revised *Road, Bridge and Place Naming Policy, Pensioner Concessions Policy, Debt Management and Recovery Policy* and *Credit Policy*; and
3. adopt the revised *Road, Bridge and Place Naming Policy, Pensioner Concessions Policy, Debt Management and Recovery Policy* and *Credit Policy* if no submissions are received during the exhibition period.

Executive summary

The existing *Road, Bridge and Place Naming Policy, Pensioner Concessions Policy, Debt Management and Recovery Policy* and *Credit Policy* have been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

Disclosure of Interest

Nil

Detailed report

The policies listed below have been reviewed and are attached with relevant changes being highlighted in the draft documents. A summary of the main changes are -

Road, Bridge and Place Naming Policy

The objective of this Policy is to provide consistent guidelines for developers, the community and Council when allocating new road names or re-naming existing roads; allocating bridge names and allocating place names; and to ensure names are allocated that will stand the test of time and are of local or historical significance.

Road Naming

The advent of the Geographical Names Board's Road Name Eligibility Check site did away with the requirement to write to the GNB to find out if a proposed name would be acceptable. It also removed approximately 1 month from the processing time of a proposal.

The GNBs NSW Place and Road Naming Proposal System replaced the old NORNS system. Proposals via the GNB are now more streamlined and approvals (or not) are now processed quicker. The GNB also include notification of other agencies as part of the proposal system which removes that task from Council staff's workload. Once a name is approved the Gazettal is also

processed through the GNBs proposal site and Council no longer incurs a cost to include the gazettal in the Government Gazette.

Bridge Naming

Bridge Naming is entirely in the purview of Council. Following the road naming process provides a solid basis for the bridge naming process however bridge naming is not subject to the same legislative requirements. The bridge naming process has been streamlined to; calling for submissions, presenting submissions to Council in a Report and Council then making a decision from the submissions received. Council continues to notify all parties and submit gazettal's for publication in the Government Gazette.

Place Naming

The GNBs NSW Place and Road Naming Proposal System replaced the old hard copy application system for Place Name proposals. Proposals via the GNB are now more streamlined and approvals (or not) are now processed quicker. The GNB is the authority for place naming and continues to notify other agencies as well as ensure the naming is gazetted.

Pensioner Concessions Policy

The objective of this Policy is to provide guidelines to eligible pensioners regarding the statutory pensioner concession legislation as specified in Division 1 Part 8 of Chapter 15 of the Local Government Act 1993.

The main amendment which is an addition to this Policy, is on page 2. The addition reflects the recent practice of verifying on-going bulk pensioner eligibility with Centrelink and Department Veterans' Affairs on a quarterly basis. Prior to this financial year, only one bulk pensioner verification was processed just prior to the main July rate levy. Three additional bulk verifications will ensure greater data accuracy in relation to on-going eligibility of pensioners for rate rebates.

Debt Management and Recovery Policy

The objective of this Policy is to provide a framework for the efficient and effective collection of outstanding debts and to fulfil statutory requirements in relation to the recovery of rates, charges, fees and other debts.

The proposed changes to the Policy are consistent with the intent of the existing Policy and are primarily minor amendments to give clarity to, and reflect the scope of Council's current business operations and current business practices.

Credit Policy

The objective of this Policy is to set out Council's principles in relation to the provision of credit facilities for external parties.

The proposed changes to the Policy are minor to reflect Council's current business operations.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

By adopting the recommendation, Council is endorsing the changes to the policies to be placed out on public exhibition for comment. Should any submissions be received a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the revised policies will be adopted and apply from that date.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

The review of Council policies ensures suitable governance arrangements and guidance exists for the implementation of Council's functions. Amending policies reduces the risk of policies becoming out of date, not meeting best practice or referencing out of date or incorrect legislation.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

17 November 2023

- Attachments:*
1. Draft - Road Bridge Place Naming Policy. (separately attached)
 2. Draft Pensioner Concessions Policy. (separately attached)
 3. Draft Debt Management and Recovery Policy. (separately attached)
 4. Draft Credit Policy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.9 Policy Review - Fraud and Corruption Control

REPORT BY THE DIRECTOR CORPORATE SERVICES
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400105, COR400272

RECOMMENDATION

That Council:

1. receive the report by the Director Corporate Services on the Policy Review - Fraud and Corruption Control;
2. place on public exhibition for 28 days the revised *Fraud and Corruption Control Policy*; and
3. adopt the revised *Fraud and Corruption Control Policy* if no submissions are received during the exhibition period.

Executive summary

The existing Fraud and Corruption Control Policy has been reviewed after a recent organisation restructure, and proposed amendments are recommended to ensure the appropriate staff are delegated within the Policy.

Disclosure of Interest

Nil

Detailed report

The Fraud and Corruption Control Policy ('the policy') is designed to confirm Councils commitment to an honest and ethical environment that minimises fraud and corruption. The policy sets standards and provides guidance on how Mid-Western Regional Council aims to prevent, detect and respond to fraud and corruption.

Changes are tracked in the attached policy and include:

- amending references to the Chief Financial Officer to the Director of Corporate Services, as this is the staff member responsible for administering the controls in the policy under the new structure;
- amending reference to the Executive Manager People and Performance to the Manager People and Performance; and
- other minor administrative amendments.

Community Plan implications

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

Strategic implications

Council Strategies

Nil

Council Policies

There is a list of related policies and documents in the policy.

Legislation

There is a list of relevant legislation in the policy.

Financial implications

No budget variations are recommended as a part of this report.

Associated Risks

If the recommendations are not endorsed there is a risk that the policy would not be able to function efficiently within the approved organisation structure.

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

29 November 2023

Attachments: 1. Draft Fraud and Corruption Control Policy with tracked changes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Fraud and Corruption Control



ADOPTED		VERSION NO	1
COUNCIL MEETING MIN	282/22	REVIEW DATE	SEPTEMBER 2026
DATE:	21/9/22	FILE NUMBER	GOV400047

Objective/ Policy Statement

The public, our fellow employees and other people we deal with are entitled to expect each of us act with integrity and to protect resources, information, revenues, reputation and the public interest. Therefore, Mid-Western Regional Council is committed to an honest and ethical environment that minimises fraud and corruption. Fraud and corruption are incompatible with our values and present a risk to the achievement of our objectives and the provision of our services to the public. Mid-Western Regional Council has a zero-tolerance approach to fraud and corruption.

This policy sets standards and provides guidance on how Mid-Western Regional Council aims to prevent, detect and respond to fraud and corruption.

FRAUD DEFINITION

Council has adopted the following definition of fraud based on the definition in AS 8001-2021:

Dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.

This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. (Ref. AS8001-2021 1.4.13)

CORRUPTION DEFINITION

Council has adopted the following definition of corruption based on the definition in AS 8001-2021:

Dishonest activity in which a person associated with an organisation (eg: Councillor, director, executive, manager, employee or contractor) acts contrary to the interests of the organisation and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation. This can also involve corrupt conduct by the organisation, or a person purporting to act on behalf of and in the interests of the organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly (Ref. AS8001-2021, 1.4.8)

Scope

This Policy applies to all Council employees including permanent, fixed-term, temporary and casual as well as to Councillors, consultants, contractors to council and volunteers.

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

Legislative requirements

- Local Government Act 1993
- Local Government (General) Regulation 202105
- Independent Commission Against Corruption Act 1988
- Public Interest Disclosures Act 20221994
- Crimes Act NSW 1900
- Australian Standards AS 8001-2021 including normative references

Related policies and documents

- Code of Conduct
- Complaints Policy
- Contractor Management Policy
- Statement of Business Ethics
- Public Interest Disclosure Internal Reporting Policy
- Enterprise Risk Management Policy
- [Sustainable Procurement and Contracts](#) Policy
- Audit Risk and Improvement Committee Charter
- ICT Strategy
- Internal Audit Policy
- Fraud Control Framework & Procedure
- Conflicts of Interest Declarations
- Notification of Secondary Employment Procedure
- Volunteers Procedure

Policy approach

In developing this policy Mid-Western Regional Council has embedded the 10 key attributes from the Fraud Control Improvement Kit published by Audit Office of New South Wales. These ten attributes are shown in the diagram below.

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022



ATTRIBUTE 1: LEADERSHIP

A successful fraud control framework is led by a committed and accountable executive. The General Manager has ultimate responsibility for the fraud control framework and endorses the fraud control activities within Mid-Western Regional Council.

The [Director Corporate Services/Chief Financial Officer](#) is accountable for monitoring the implementation of the fraud control framework.

Council's Delivery Program includes the requirement to develop a Fraud Control Framework and regularly review.

The NSW Local Government Capability Framework includes 'acting with integrity' as a key personal attribute. This framework provides the structure to incorporate the management of fraud into an individual's role expectations.

ATTRIBUTE 2: ETHICAL FRAMEWORK

This framework promotes and encourages a culture and the systems that support ethical behaviour.

Council has adopted a Code of Conduct that clearly sets out acceptable standards of ethical behaviour and these are provided to all councillors at the start of each term of Council. All employees are introduced to the Code of Conduct during their induction training.

Other documents that contribute to an ethical framework to set standards of behaviour and guide decision making include the Statement of Business Ethics, Conflict of Interest Declarations and Notification of Secondary Employment Procedure. These documents are reviewed regularly to ensure they are up to date and in line with the relevant standards.

ATTRIBUTE 3: RESPONSIBILITY STRUCTURES

Assigned responsibility in this framework ensures that councillors and all employees understand clearly their role and accountabilities.

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

Responsibilities within the Council

Councillors are responsible for:

- approving the Fraud and Corruption Control Policy
- raising community awareness of the Council's commitment to fraud and corruption prevention
- promoting awareness and compliance with Council's Code of Conduct
- supporting the General Manager in the implementation of adequate prevention measures for fraud and corruption
- reporting all instances of suspected or actual fraud or corrupt conduct in accordance with Council's Code of Conduct and Public Interest Disclosure Internal Reporting Policy

The General Manager is responsible for:

- ensuring an effective Fraud and Corruption Control Policy and framework is in place that minimises the incidence of fraud and corruption
- under section 11 of the ICAC Act 1988, to report to the ICAC any matter that they reasonably suspects involves or may involve corruption or fraudulent conduct
- determining who shall investigate and report upon allegations of fraud and corruption
- ensuring results of investigations are acted upon, including referral to the Police under Section 316 of the Crimes Act 1900 in cases of serious offence
- appointing the Disclosure Officers for Council
- embedding fraud control and ethical behaviours into employee position descriptions

Executive and Managers have the following responsibilities, in addition to their responsibilities as Council employees:

- promoting a highly ethical environment and culture where fraud and corruption is discouraged
- ensuring staff are aware of their responsibilities and the consequences from fraud and corruption
- ensuring that internal controls are operating effectively
- leading by example to promote ethical behaviour
- promote fraud awareness and ensure staff complete relevant training
- alert the General Manager of emerging fraud and corruption risks

All Council employees are responsible for:

- performing their functions and duties with skill, care, diligence, honesty, integrity and impartiality
- being aware of their individual responsibilities under this Policy
- complying with the requirements of this Policy and legislative requirements to not participate in fraudulent and corrupt behaviour
- reporting in accordance with this Policy any suspicion of fraudulent and corrupt behaviour

Audit, Risk and Improvement Committee responsibilities

The Audit, Risk and Improvement Committee is responsible for advising the General Manager and governing body of the Council of the adequacy and effectiveness of the Council's fraud and corruption prevention framework and activities.

Internal Audit

Internal audit must be alert to the possibility of fraud within the Council. Internal audit assists in deterring fraud by examining and evaluating the adequacy and effectiveness of internal controls. It

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

is also expected to evaluate whether the senior management is properly overseeing the fraud control policies and practices.

Internal audit is not specifically responsible for detecting fraud but is expected to obtain assurance that any material control deficiencies are detected. Internal audit must report known or suspected fraud to the General Manager and Audit, Risk and Improvement Committee if they detect it.

Internal audit regularly examines risk processes across the council to detect irregularities. Internal audit recommendations are recorded and are followed up regularly, with responsibility assigned to individuals and clear time tables set for response. Outcomes of reviews are reported to the senior management and the Audit, Risk and Improvement Committee on a periodic basis.

Management uses internal audit findings as an opportunity to improve processes.

The General Manager and the Audit, Risk and Improvement Committee annually review the internal audit program.

External Audit

The responsibility of an external auditor in detecting and preventing fraud subject to a financial statement audit is set out in Australian Auditing Standard 240 (ASA 240). The external auditor is concerned with fraud that causes a material misstatement in the financial report.

ATTRIBUTE 4: FRAUD CONTROL POLICY

This Policy is part of the Fraud and Corruption Control Framework of Council which provides initiatives aimed at preventing, detecting and responding to fraud and corruption. This Policy has been developed based on the Audit Office of New South Wales Fraud Control Improvement Kit and the Australian Standards Fraud and Corruption Control (AS 8001-2021).

The Fraud and Corruption Control Policy does not operate in isolation and has strong links to the Code of Conduct and the Statement of Business Ethics.

This Policy will be updated on a biennial basis.

ATTRIBUTE 5: PREVENTION SYSTEMS

Fraud and corruption prevention controls are focused on areas identified with the highest risk. As part of Councils enterprise risk management we will identify areas of risk, evaluate the effectiveness of controls and determine where actions are necessary to reduce risk.

Managing Conflicts of Interest

Disclosures of interest are managed in accordance with the Code of Conduct. Requiring staff, councillors, advisors and committee members to disclose actual, potential or perceived conflicts of interest can assist to manage risks of fraud and corruption posed by a conflict with their duties. Identifying concealed conflicts of interest is part of the detection program.

Managing Risks Associated with Gifts and Benefits

Procedures to manage the fraud and corruption risk associated with gifts and benefits are found in the Code of Conduct. The Code of Conduct aims to avoid any influence or appearance of influence on a person connected to gifts, hospitality or benefits of any kind.

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

Internal Controls

Appropriately designed internal controls can be effective at preventing fraud and corruption. The council maintains appropriate controls based on the degree of risk including:

- segregation of duties
- approvals and authorisation
- financial delegations
- payment file and employee master file reviews
- internal review of transactions
- stocktake on inventory
- internal audit review of controls

Controls are embedded into computerised systems where possible and procedures made available to the appropriate staff in order to implement controls.

Workforce Screening

Council is committed to employing people who support our ethical values. Pre-employment screening is used to verify information supplied by candidates on their resumes and applications, and includes two reference checks prior to a position being offered. This aims to give Council a higher level of assurance as to the identity, qualifications and honesty of the applicant before appointment.

Security of Physical Assets

Council has controls in place to protect the value of significant tangible assets such as property, plant and equipment and inventory. Measures that are in place include locks and access controls, alarms, security fencing and gates, video surveillance and security service contractors.

Technology-enabled Fraud

Mid-Western Regional Council (MWRC) relies on its Information Communication Technology systems to provide critical services to its stakeholders. Cyber security controls are key to preventing the risk of fraud from external sources.

The ICT Strategy supports the interests of Mid-Western Regional Council by aiming to provide a secure, reliable and available ICT environment.

ATTRIBUTE 6: FRAUD AWARENESS

All Council representatives are expected to act in in line with the standards of behaviour set out in our Code of conduct.

Staff need to understand fraud is not tolerated and the consequences of committing fraud. They need to be aware of:

- what fraud is
- common types of fraud they may encounter their responsibilities
- how to report suspected frauds
- their responsibility to contribute to eliminating fraud and corruption

Staff training

Awareness training will be implemented through the following programs:

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

- induction Program for all new Councillors and Council employees to include awareness training on this Policy and the Code of Conduct;
- training in fraud and corruption prevention is undertaken based on an assessment of risk;
- sharing corruption prevention information through management meetings, newsletters and other internal publications;
- refresher awareness training for the Executive, Managers and Co-ordinators on Council's Code of Conduct on a biennial basis.; and
- an ongoing awareness initiative to inform relevant staff when corruption cases are made public, in order to educate and discourage corrupt and fraudulent behaviour

Customer and Community Awareness

Fraudulent activity may be detected as a result of complaints from Council customers or other members of the public. It is essential that the community understands the impact of fraudulent and corrupt activity and the importance of exposing such behaviour. In order to increase community awareness and encourage the reporting of fraudulent and corrupt conduct, Council will:

- a) publish this Policy, the Code of Conduct, Business Ethics Statement, and Complaints Policy on Council's website; and
- b) promptly acknowledge the receipt of a report of suspected corrupt or fraudulent conduct

ATTRIBUTE 7: THIRD PARTY MANAGEMENT SYSTEMS

Council will mitigate the risk of fraud and corruption by having appropriate controls in place to manage dealings with third parties. These controls include:

- Code of Conduct, Statement of Business Ethics and Procurement Policy being available on our website to inform customers, the community and suppliers of the standards of behaviour expected, by both our staff and the third party, when conducting business with Council.
- Requirements for third party due diligence before engaging contractors. Council's Contractor Management Policy and contract management systems are in place to manage contracts when in place.
- Providing ways that third parties can report allegations of fraud within Council's Complaints Policy.
- Conflict of Interest Declaration requirements and Notification of Secondary Employment Procedure.
- Targeted training for employees involved in procurement and contract management.

ATTRIBUTE 8: NOTIFICATION SYSTEM

The Council encourages its stakeholders and suppliers to report known or suspected fraud or corruption. Staff should be aware of the provision in section 316(1) of the Crimes Act 1900 which says that failure to report a serious offence (which could include fraud) is an offence.

As stated in the Public Interest Disclosure Internal Reporting Policy, Council is committed to:

- continuing to create a climate of trust, where staff are comfortable and confident about reporting wrongdoing
- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council
- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

- keeping staff who make reports informed of their progress and the outcome

All staff are encouraged to report general wrongdoing to their supervisor. However the Public Interest Disclosures Act requires that for a report to be a protected disclosure, it must be made to a public official in accordance with Council's Public Interest Disclosure Internal Reporting Policy. Council encourages reports to be made in writing, as this helps to avoid any confusion or misinterpretation, but reports can be made verbally.

In most instances, reports of fraud can be dealt with internally. However, if staff have concerns that their report of corruption will not be dealt with appropriately then they have the option of reporting directly to the Independent Commission Against Corruption (ICAC).

If a council employee suspects that another organisation or person is defrauding the council, the suspicion can be discussed with their manager in the first instance or directly with the Manager Governance and Customer Service.

Our stakeholders, suppliers and members of the public are encouraged to report suspected or actual cases of fraud or corruption to Council or directly to the ICAC.

Protection against Reprisals

Mid-Western Regional Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, your Director or the General Manager immediately.

For further information refer to the Public Interest Disclosure Internal Reporting Policy.

Complaint management

Council may receive notification of fraud and corruption from a complaint. Council's Complaints Policy provides a system for staff to receive a complaint and escalate to the appropriate area. It also lists alternative avenues for dealing with complaints such as reporting to the Independent Commission Against Corruption.

ATTRIBUTE 9: DETECTION SYSTEM

Council has established a number of detection systems to identify fraud and corruption events. It is noted that detection systems may also have a prevention effect as the threat of detection can act as a deterrent. Detection systems include:

Post- transactional review

Council undertakes the following reviews in order to detect fraudulent transactions:

- reviewing a random sample of transactions monthly
- regular general ledger account reconciliations
- regular reviews of high risk activities

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

Management Reports

Management reporting can give warning signs or identify trends leading to detection of fraudulent and corrupt activity. Management regularly review financial reports such as:

- Monthly capital works program
- Quarterly budget review
- Contracts register

Review of data

Retrospective review of data is undertaken in high risk areas such as accounts payable and procurement to identify potential fraud and corruption.

Exit Interviews

Under Council's resignation and retirement procedure Human Resources will contact the employee and invite them to complete an Exit Questionnaire or to participate in an Exit Interview. Exits interviews may produce information about fraudulent or corrupt activity that departing employees have knowledge about or have been involved in.

ATTRIBUTE 10: INVESTIGATION SYSTEMS

Council recognises that it will not always be successful in its efforts to prevent fraud. It will therefore investigate all reported instances of fraud and corrupt conduct as thoroughly as possible. Depending upon the circumstances of the case, an internal investigation may be undertaken or the matter referred to an external body such as NSW Police, ICAC or the NSW Ombudsman.

If a matter is reported under the Public Interest Disclosure Internal Reporting Policy the investigation will follow those procedures.

Other investigations will be guided by the below principals.

Preliminary Assessment

When an allegation of fraud or corruption is made it should be referred immediately to Council's Chief Financial Officer or ~~Director Corporate Services Executive Manager People and Performance~~. These employees will conduct preliminary enquiries to determine whether it is recommended to commence a more formal investigation. If the preliminary investigation suspects on reasonable grounds the matter concerns or may concern corruption, it will be communicated to the General Manager to be immediately referred to an external body. A formal investigation may still be undertaken even though another agency, such as the NSW Police Force or the ICAC, is also investigating. If the allegation implicates the Chief Financial Officer or ~~Director Corporate Services Executive Manager People and Performance~~ it should be referred to the alternate employee or General Manager instead.

Formal Investigation

Following the preliminary assessment, if a more formal investigation is recommended this must be reported to the General Manager to request approval. The ICAC's publication Factfinder – A guide to conducting internal investigations (April 2022) may be used as a tool for guidance in the investigation where considered appropriate.

Investigations must be undertaken by an appropriately qualified investigator who is independent of the business unit in which the event occurred. The investigator may be a manager with appropriate

POLICY: | FRAUD AND CORRUPTION CONTROL AUGUST 2022

skills or qualifications or an external specialist or law enforcement agency. During the investigation the suitability of the investigator may be reviewed.

Record Keeping

Complete and accurate records will be made during all investigations and any evidence gathered will be secured and preserved.

Maintaining Confidentiality

Every endeavour will be made to ensure that any allegations of fraud and subsequent investigations are handled confidentially. This is designed to help prevent any action being taken against internal reporters. However, there may be situations where confidentiality may not be possible or appropriate.

While anonymous reports are not encouraged, there may be situations where someone may not want to identify themselves. Council will accept anonymous reports, however, anonymity may limit our ability to seek further information to assess the report adequately. When the identity of the internal reporter is known, Mid-Western Regional Council is able to obtain any further necessary information, provide the person with protection and support and give feedback about the outcome of any investigation into the allegations.

Disciplinary Procedures

| During the investigation, where disciplinary proceedings are required the **Executive Manager People and Performance** will be involved to ensure the disciplinary procedures are properly followed and to ensure that any personnel issues affecting the staff members involved are properly addressed.

Making Vexatious, Frivolous or Misleading Allegations

Any report that turns out to be vexatious, frivolous or misleading will result in disciplinary action against the reporter.

Documenting Fraud Events

| The **Director Corporate Services** ~~Chief Financial Officer~~ will maintain a database of all reports of fraud. The database will help Council determine where it should focus its efforts and where changes to controls, policies or procedures are required. The register shall be reported to the Audit, Risk and Improvement Committee.

9.10 General Manager Performance Review Panel

REPORT BY THE PEOPLE & PERFORMANCE MANAGER
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400105, A0381418

RECOMMENDATION

That Council:

1. **receive the report by the People & Performance Manager on the General Manager Performance Review Panel;**
2. **appoint a Performance Review Panel ('panel') in line with the Guidelines for the Appointment and Oversight of General Managers 2022 ('Guidelines');**
3. **notes that the General Manager's nominated Councillor be appointed by Council;**
4. **appoints the Mayor, the Deputy Mayor, Councillor _____ and Councillor _____ to the panel;**
5. **delegates the responsibility of performance management of the General Manager under the Guidelines to the panel; and**
6. **receive a report back to Council with an updated annual performance agreement that adheres to all requirements of the Guidelines, outlines the performance review process undertaken, and provides the findings and recommendations of the performance review process.**

Executive summary

The new Guidelines for the Appointment and Oversight of General Managers 2022 ('Guidelines') outlines Council's legislative requirement to conduct an annual performance appraisal with the General Manager and ensure a fair and equitable process is adhered to through the appointment of a suitable performance review panel ('panel') to conduct the review process.

The panel will be delegated responsibility to undertake performance management functions of the General Manager which requires them to conduct an annual performance review process and report back to Council in a confidential meeting. The panel must provide an updated annual performance agreement, an outline of the review process undertaken and provide the findings and the recommendations of the review to the Council.

Disclosure of Interest

Nil

Detailed report

The *Local Government Act 1993* (the Act) outlines Council's legislative requirement to determine the process for the appointment of the general manager and monitor their performance (section 223).

The Guidelines require a new best practice process under section 23A of the Act. Council should adhere to this process when conducting annual performance appraisals in order to obtain legislative compliance. It is recommended that the full responsibility for performance management of the general manager be delegated to the panel. The panel must comprise of the Mayor, Deputy Mayor, a councillor nominated by the Council and another councillor nominated by the General Manager. The panel members appointed must be trained in performance management of general managers. The Council may also consider including an independent observer to the panel. It is recommended that the panel make a decision on whether and whom to include as an independent observer, but the Council could also resolve that now.

The role of the panel includes:

- conducting performance reviews;
- report the findings and recommendations of the review to the Council; and
- develop an updated performance agreement reflective of the requirements in the Guidelines.

Council should decide on the suitable panel members through means of a nomination process. Should the Council have two (2) or more nominations, it is recommended that Council propose the preferred candidates through a process of resolution, amendment or foreshadowing alternates.

Councillors who are not members of the panel may be invited to contribute to the performance review process by providing feedback to the Mayor on the General Manager's performance relevant to the agreed performance criteria, which will be provided to the Councillors by the panel.

All councillors should be notified of relevant dates in the performance review cycle and be kept advised of the panel's findings and recommendations.

The panel should provide the General Manager with written notice at least ten (10) days prior to any performance review meeting along with the agreed performance criteria in which the general manager will be assessed on.

Community Plan implications

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

Strategic implications

Council Strategies

The General Managers performance agreement is required to align to the Community Strategic Plan and Delivery Program.

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Section 8A – Guiding Principles for Council:

- 1(i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Section 23A - Departmental Chief Executive's Guidelines

- (3) A council must take any relevant guidelines issued under this section into consideration before exercising any of its functions.

Section 223 – Role of governing body

- (a) to direct and control the affairs of the council in accordance with this Act,
- (b) to provide effective civic leadership to the local community,
- (i) to determine the process for appointment of the general manager by the council and to monitor the general manager's performance.

Financial implications

There are no budget variations recommended in this report. The operational budget for Human Resources is adequate to cover staff resourcing required to facilitate the panel process.

Associated Risks

Should Council not endorse the recommendations in this report, Council is at risk of not meeting the legislative requirements of part 23A of the Act.

SHARNA ROSS
PEOPLE & PERFORMANCE MANAGER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

29 November 2023

Attachments: 1. Guidelines for Appointment and Oversight of General Managers 2022.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

10.1 Policy Reviews - Operations

REPORT BY THE EXECUTIVE ASSISTANT OPERATIONS
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400105, ROA100072

RECOMMENDATION

That Council:

1. receive the report by the Executive Assistant Operations on the Policy Reviews - Operations;
 2. place on public exhibition for 28 days the amended *Access to Properties, Advice to Residents on Road Works/Conditions, Informational and Directional Signage, Road Encroachments on Private Land* and *Unmaintained and Unformed Roads*;
 3. adopt the *Access to Properties* policy if no submissions are received during the public exhibition period;
 4. adopt the *Advice to Residents on Road Works/Conditions* policy if no submissions are received during the public exhibition period;
 5. adopt the *Informational and Directional Signage* policy if no submissions are received during the public exhibition period;
 6. adopt the *Road Encroachments on Private Land* policy if no submissions are received during the public exhibition period; and
 7. adopt the *Unmaintained and Unformed Roads* policy if no submissions are received during the public exhibition period.
-

Executive summary

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

Disclosure of Interest

Nil

Detailed report

Access to Properties

Updates have been made to standard drawings and included requirements around classified roads.

Advice to Residents on Road Works/Conditions

Minor wording changes.

Informational and Directional Signage

Policy is still effectively the same as the old policy adjustments have been made to ensure ease of understanding.

Road Encroachments on Private Land

Minor wording changes.

Unmaintained and Unformed Roads

Minor wording changes.

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 and businesses

Strategic implications

Council Strategies

Nil

Council Policies

Nil

Legislation

Nil

Financial implications

Nil

Associated Risks

The updating of Council policies ensures suitable governance arrangements and guidance exists for the implementation of Council's functions. Amending policies reduces the risk of policies becoming out of date, not meeting best practice or referencing out of date or incorrect legislation.

LISA CARTMELL
EXECUTIVE ASSISTANT OPERATIONS

JULIAN GEDDES
DIRECTOR OPERATIONS

29 November 2023

- Attachments:*
1. Access to Properties. (separately attached)
 2. Advice to Residents on Road Works/Conditions. (separately attached)
 3. Information and Directional Signage. (separately attached)
 4. Road Encroachment on Private Land. (separately attached)
 5. Unmaintained and Unformed Roads. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 Policy Review - Drinking Water

REPORT BY THE WATER QUALITY OFFICER
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, GOV400088

RECOMMENDATION

That Council:

1. receive the report by the Water Quality Officer on the Policy Review - Drinking Water;
2. place the *Drinking Water Policy* on public exhibition for 28 days; and
3. adopt the *Drinking Water Quality Policy* if no submissions are received during the public exhibition period.

Executive summary

The Drinking Water Quality Policy was adopted by Council on 21 April 2021 and is due for review. The Drinking Water Quality Policy has been updated by amending the references to include the latest Legislative requirements, related policies and plans.

Disclosure of Interest

Nil

Detailed report

The Public Health Act 2010 and Public Health Regulation 2022 requires water utilities to develop and implement a quality assurance program, such as a Drinking Water Management System, for drinking water quality.

MWRC has implemented a Drinking Water Management System in line with the NSW Guidelines for Drinking Water Management Systems (NSW Health, NSW DPI 2013). A key element of the NSW Guidelines for Drinking Water Management Systems is the commitment from the Water Utility to a drinking water quality policy.

The Drinking Water Quality Policy was adopted by Council on 21 April 2021 and has been reviewed. The Drinking Water Quality Policy has been updated by amending the references to include the latest Legislative requirements, related policies and plans.

The content of the Policy has not been changed and, as such, there will be no changes in the operations of Council due to the updated Policy.

Community Plan implications

Theme	Protecting Our Natural Environment
Goal	Provide total water cycle management

Strategy Maintain and manage water quantity and quality

Strategic implications

Council Strategies

Not Applicable

Council Policies

Drinking Water Quality Policy adopted on 21 April 2021. Review date for this policy is 1 February 2024. If the reviewed Policy is not adopted, MWRC would not comply with its own Drinking Water Management System.

Legislation

The Public Health Act 2010 and Public Health Regulation 2022 requires water utilities to develop and implement a quality assurance program for drinking water quality.

Financial implications

Not Applicable

Associated Risks

Without a current Drinking Water Quality Policy, there is a risk that commitment to drinking water quality will not be seen as a priority by MWRC staff. This could lead to a possible drinking water incident with serious consequences to the community's health.

FRANCOISE PIELTAIN
WATER QUALITY OFFICER

JULIAN GEDDES
DIRECTOR OPERATIONS

8 November 2023

Attachments: 1. Draft Drinking Water Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Drinking Water Quality

*A prosperous
and progressive
community.*

DRAFT	REFERENCE	1.2
COUNCIL MEETING MIN NO	REVIEW DATE	01/02/2027
DATE: 8 NOVEMBER, 2023	FILE NUMBER	WAT500007

Objective

To provide a commitment to the sustainable management and supply of safe drinking water to our customers.

Legislative requirements

The Public Health Act 2010 and Public Health Regulation 2022 requires water utilities to develop and implement a quality assurance program for drinking water quality. Implementing a Drinking Water Management System in line with the NSW Guidelines for Drinking Water Management Systems (NSW Health, NSW DPI 2013) satisfies this requirement. Commitment to a drinking water quality policy is a key element of the NSW Guidelines for Drinking Water Management Systems.

Related policies and plans

- Mid-Western Regional Council Risk-Based Drinking Water Management System - Mudgee, Gulgong and Rylstone Water Supply Systems (Version 3, 2023)
- Mid-Western Regional Council Drinking Water Quality Management System Annual Report (August 2023)
- Australian Drinking Water Guidelines (2011) - Updated September 2022
- Public Health Act (2010) NSW
- Public Health Regulation 2022
- Mid-Western Regional Council Risk Management Framework

Policy

To achieve the sustainable management and supply of safe drinking water to our customers, Mid-Western Regional Council will:

- Manage water quality at all points along the delivery network from the source water to the customer's tap.
- Use a risk based approach in which potential risks to water quality are identified and managed to minimise any threat to drinking water quality.
- Deliver water to our customers that complies with the health related criteria in the Australian Drinking Water Guidelines
- Promote community participation in decision making processes and ensure that community expectations are considered.
- Review the implemented Drinking Water Quality Management System on a periodic basis in line with the NSW Guidelines for Drinking Water Management Systems.

POLICY: DRINKING WATER QUALITY | ERROR! REFERENCE SOURCE NOT FOUND., 8 NOVEMBER, 2023

- Continually improve our management practices by assessing performance against corporate commitments and stakeholder expectations
- Continually improve the capability of staff by encouraging and supporting participation in training and professional development and ensure all employees are aware of and actively seek to achieve the aims of this policy.

All managers, employees, and contractors of Mid-Western Regional Council that are involved in the supply of drinking water are responsible for understanding, implementing, maintaining and continuously improving the Drinking Water Quality Management System.

Item 11: Community

11.1 Delegation of Authority General Manager - December 2023 - January 2024

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0230005

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Delegation of Authority General Manager - December 2023 - January 2024; and**
 2. **suspend the operation of the exclusions listed in Part 4 of the General Manager's Delegations of Authority for the period 1 December 2023 to 31 January 2024.**
-

Executive summary

The last Ordinary Council Meeting of the year occurs 13 December 2023, with the next Ordinary Council Meeting to be held 21 February 2024. The recommended actions to suspend the delegation exclusions is to minimise disruptions of Planning and Development and Procurement decisions during the December 2023 / January 2024 period.

Disclosure of Interest

Nil

Detailed report

The last Ordinary Council Meeting of the year occurs 13 December 2023, with the next Ordinary Meeting to be held on 21 February 2024. This means that in instances where development applications, or Council Memos are required to be referred to Council for decisions of development applications, there could be delays of up to 2 months without suspension of the existing Delegation Exclusions.

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

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

Another area is that of the need for Council involvement in procurement decisions for tenders. This will allow our capital works program to proceed without undue delays caused by the ten week break in Council meetings.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Delegations & Authorisations Policy
General Manager Delegation of Authority

Legislation

Local Government Act 1993

Financial implications

Nil

Associated Risks

Mitigate the risks of legal actions against Council for delayed Development decisions that may be challenged in the Land & Environment Court and mitigate the cause of undue delays in tender processes caused by the extended break in Council meeting dates.

SIMON JONES
DIRECTOR COMMUNITY

16 November 2023

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

*A prosperous
and progressive
community.*

ADOPTED

COUNCIL MEETING MIN NO 06/22
DATE: 12 JANUARY 2022

REVIEW DATE SEPTEMBER 2024
FILE NUMBER GOV400099

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

12 JANUARY 2022, DELEGATION OF AUTHORITY FOR THE GENERAL MANAGER

4. Exclusions in this delegation:-

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

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

¹ Senior Staff s332 Local Government Act 1993 No 30

11.2 Australia Day Awards Selection Panel

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, CMR200046

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Australia Day Awards Selection Panel;**
2. **endorse the Mayor, Deputy Mayor and Cr Dicker to be representatives on the Australia Day Awards Selection Panel; and**
3. **delegate decisions on Award recipients to the Australia Day Awards Selection Panel.**

Executive summary

As part of the Australia Day ceremony in January 2024, a number of Awards are presented. A selection panel is required to decide on award recipients and this report seeks Council's endorsement of the proposed panel.

Disclosure of Interest

Nil

Detailed report

As part of the Australia Day Awards ceremony, a number of Awards are presented.

These Awards are:

- Citizen of the Year
- Young Citizen of the Year
- Community Event of the Year
- Glen Johnston Memorial Award – Music & Arts
- Sports Award
- Volunteer Services Awards
- Wall of Reflections

It is important that Council determines a selection panel to determine the Award recipients.

Convention over many years has been that the selection panel has included the Mayor, Deputy Mayor and a Councillor from the town in which the Australia Day ceremony will be held. In 2024, the Award ceremony will be held in Mudgee. In line with this convention, Cr Katie Dicker has been recommended for inclusion on the Selection Panel.

Announcements on the award winners will remain embargoed until the Awards ceremony on 26 January 2024.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

There are no financial implications in relation to this report.

Associated Risks

It is recommended that Council endorses the selection panel and the process by which the Australia Day Awards are coordinated. This enables the process to be transparent for the community.

SIMON JONES
DIRECTOR COMMUNITY

16 November 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 Councillor Representative on the Crudine Ridge Wind Farm Community Consultative Committee

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0420255

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Councillor Representative on the Crudine Ridge Wind Farm Community Consultative Committee; and
2. appoint an alternate Councillor representative to the Crudine Ridge Wind Farm Community Consultative Committee.

Executive summary

The following report seeks to appoint an alternate Council representative the Crudine Ridge Wind Farm Community Consultative Committee. The Committee Chair has noted that it would be beneficial for Council to regularly have a representative at these meetings.

Disclosure of Interest

Nil

Detailed report

Where Council determines to officially appoint a representative to an external body or Committee, this is achieving through a resolution of Council.

As a State Significant Development, the Crudine Ridge Wind Farm Community Consultative Committee plays an important role in the communication between the development and the community. There is an expectation for State Significant Developments that the Council representative will be an elected Councillor.

The current Council representative, Councillor Cavalier was nominated in February 2022. The Chair of the Crudine Wind Farm Community Consultative Committee, David Johnson, has requested that Council provide an alternate representative to fill the role when Councillor Cavalier is unavailable.

Community Plan implications

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

Council Strategies

Community Strategic Plan

Council Policies

Code of Conduct

Legislation

Local Government Act

Financial implications

Nil

Associated Risks

Where some in the community have an expectation of Council involvement, it can be seen as a reputational risk if Council is not in attendance for meetings such as the Crudine Ridge Community Consultative Committee. It provides some assurance to the affected community that Council is listening to any concerns that they may have about the development.

SIMON JONES

DIRECTOR COMMUNITY

13 November 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

11.4 Solar Array Progress Report

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, ENE100032

RECOMMENDATION

That Council receive and note the report by the Director Community on the Solar Array Progress Report.

Executive summary

At the 19 April 2023 Ordinary Council Meeting, Council provided endorsement of Stage 3 of a 5MW (battery ready) Solar Array. Stage 3 includes onsite the construction, commissioning, and energisation of the solar array. The attached report sets out the progress of the Solar Array Project.

Disclosure of Interest

Nil

Detailed report

The Solar Array project continues to progress. Preliminary works have taken place to provide access to the construction site as well as undertaking the required vegetation screening works required before construction can commence.

At time of writing this report, documentation is still being finalised for the final design of the array. Again, this is required before construction can commence. Ordering the solar panels and tracking system is a keen component of the project timeline as there can be a substantial lead time for these items. We expect this order to be placed in December once the design of the system and the earthworks is finalised. The component with the longest lead time, the inverter, has already been ordered.

Work is progressing with the retail aspect of the project and further work on the design of the augmentation of the Essential Energy lines that are required for the project is also taking place. The cost of this part of the project cannot be guaranteed until the design is finalised and we have pricing come in for this. This may require further budget to be provided depending on the pricing. The impact of exchange rates with a weaker Australian dollar have been felt over 2023 in relation to price estimates for the inverter, panels and tracking system and the contingency in the budget may need to be supplemented in the near year.

At this stage, we are expecting finalisation of the construction phase Between July and September with commissioning of the array shortly after this. The project timeline is focused on an end date in October 2024.

Community Plan implications

Theme	Good Government
Goal	An effective and efficient organisation

Strategy Pursue efficiencies and ongoing business improvement

Strategic implications

Council Strategies

Community Plan
Operational Plan and Development Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Council has provided a budget of \$8.3 million for the Stage 3 works. There is also likely to be a small amount of funds remaining from Stage 1 & 2 which we will transfer into the Stage 3 budget. While a potential request for additional budget is foreshadowed, it is not required at this time.

Associated Risks

There are numerous contracts to manage with this project which is exposing Council to potential issues and cost overruns. These contracts are being carefully managed to ensure minimal impact on the budget and on the project timeline. However, the management of multiple contractors is placing a strain on staff resources.

As noted, the impact of fluctuations in the exchange rate of the Australian dollar is also a significant issue as the little ability to control the timing of purchasing because of the timeframes required. The market for purchasing solar components is also under extreme supply pressure at present.

Ultimately, each delay in the project has potential cost impacts contractually as well as the ongoing requirement of Council to continue its existing electricity arrangements.

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

SIMON JONES
DIRECTOR COMMUNITY

31 October 2023

Attachments: 1. Solar Array Project Update - November 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



SOLAR ARRAY PROGRESS REPORT

29 NOVEMBER 2023

MID-WESTERN REGIONAL COUNCIL
MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | SOLAR ARRAY PROGRESS REPORT

Project Update

As at 31 October 2023 the overall project progress of the Solar Array Project was approximately 10%.

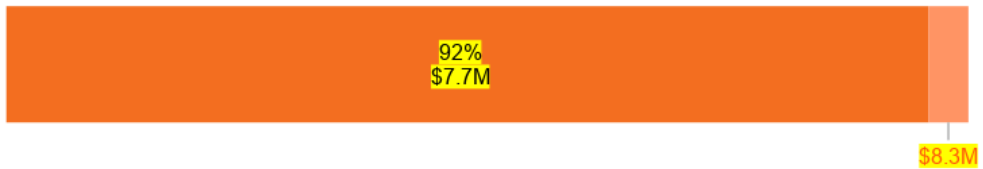
OVERALL PROJECT PROGRESS



PROJECT EXPENDITURE



PROJECT EXPENDITURE COMMITTED



Achievements and Highlights

- Stage 1 Completed – *project team establishment, concept design and feasibility confirmation, development application, connection investigation services agreement (CISA), confirm commercial and industrial (C&I) customer uptake levels and pricing and market participation provider.*
- Stage 2 Completed – *detailed design, construction trade package tender process, biodiversity corridor (tree planting) completed.*
- Stage 3 – commenced.
- Access Road completed.
- Vegetation screening completed.

Works still to be completed

- Finalisation of design for the earthworks for the array pad
- Finalisation of design for the panel and tracker configuration
- Solar Array pad earthworks
- Construction of the Solar Array
- Design of the upgrades to Essential Energy infrastructure
- Completing of the electricity infrastructure upgrades
- Commissioning of the array
- Finalisation of the retail methodology and supply

COMMUNITY | SOLAR ARRAY PROGRESS UPDATE



COMMUNITY | SOLAR ARRAY PROGRESS REPORT



COMMUNITY | SOLAR ARRAY PROGRESS UPDATE



COMMUNITY | SOLAR ARRAY PROGRESS REPORT



COMMUNITY | SOLAR ARRAY PROGRESS UPDATE



Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes - 24 November 2023

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, COR400236

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 24 November 2023; and
 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting 24 November 2023.
-

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 24 November 2023.

Disclosure of Interest

Nil

Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 24 November 2023 meeting.

Community Plan implications

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

Council Strategies

Not Applicable

Council Policies

Audit Risk and Improvement Committee Charter
Internal Audit Policy

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Nil

SIMON JONES
DIRECTOR COMMUNITY

27 November 2023

Attachments: 1. Minutes ARIC Meeting 24 November 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Minutes of the Audit, Risk and Improvement Committee

Held at the Council Chambers, 86 Market Street, Mudgee
on 24 November 2023, commencing at 9:30AM and concluding at 11:16AM.

COMMITTEE MEMBERS PRESENT ARIC Chair J Stuart, Committee Member K Dicker, Independent Member J Bentley.

COUNCIL OFFICIALS PRESENT Director Community (Simon Jones), Director Corporate Services (Leonie Van Oosterum), WHS and Risk Coordinator (Veronika Barry), Manager People and Performance (Sharna Ross), Governance Coordinator (Ashleigh Marshall), Business Improvement Officer (Erin Reid), Cyber Security Engineer (Christopher Carter), and Executive Assistant - Community (Christie Holt).

EXTERNAL PARTIES PRESENT Director Corporate Assurance, Prosperity (Luke Malone), Audit Leader – Financial Audit, NSW Audit Office (Cassie Malone).

Item 1: Apologies

58/23 MOTION: Bentley / Dicker

That the apologies for:

- General Manager (Brad Cam),
- Director Development (Alina Azar),
- Director Operations (Julian Geddes),
- Chief Financial Officer (Neil Bungate),
- Manager ICT (Ian Blake)

be accepted.

The motion was carried with the Committee Members voting unanimously.

Item 2: Disclosure of Interest

There were no disclosures of interest.

Item 3: Confirmation of Minutes

59/23 MOTION: Bentley / Dicker

That the Minutes of the previous ARIC Meeting held on 25 August 2023 be taken as read and confirmed.

The motion was carried with the Committee Members voting unanimously.

Item 4: Matters in Progress

60/23

MOTION: Dicker / Bentley

That the Audit Risk and Improvement Committee note Minute no. 41/22, and 19/23 as completed.

The motion was carried with Committee Members voting unanimously.

SUBJECT	MEETING DATE	RESOLUTION NO.	RESOLUTION	ACTION
Enterprise Risk Management Update	12/08/2022	41/22	<p>MOTION: Dicker / Bentley</p> <p>That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.</p> <p>The Committee requested that the Mid-Western Regional Council's organisation structure be presented to ARIC once complete in TechOne.</p>	<p>28 Sep 2022 ER - The Organisational Hierarchy is being updated by the Finance Team for the purposes of moving TechOne to CI anywhere. This work has progressed to the test environment and once completed the committee will be provided with an update.</p> <p>10 Aug 2023 Refer to Report 8.1 for the organisational structure,</p> <p>RECOMMENDED FOR COMPLETION</p>
Annual Report by the Committee Chair	17/02/2023	19/23	<p>MOTION: Bentley / Dicker</p> <p>The Audit, Risk and Improvement Committee noted the 2021/2022 ARIC Annual Report.</p> <p>The Chair raised the issue of redacting/removing signatures from official documents. A policy and procedure will be investigated further by Council Staff.</p>	<p>28 Feb 2023 A policy and procedure will be investigated further re redacting or removing signatures from official documents.</p> <p>10 May 2023 This matter continues to be investigated by Manager Customer Services and Governance</p> <p>18 Jul 2023 SJ - Director Community advised amendments made to the Electronic Signature Procedure,</p>

				<p>in circumstances where a signature is required on an official document this would not be redacted or removed. For ARIC Annual Reports, signatures are not required.</p> <p>10 Aug 2023 Annual Report complete and checked by Chair. No requirement for Chair signature for this document. Refer to report 8.2. of this agenda.,</p> <p>RECOMMENDED FOR COMPLETION</p>
Draft Financial Statements 2022/2023	25/08/2023	46/23	<p>MOTION: Dicker / Bentley</p> <p>That the Audit, Risk and Improvement Committee note that:</p> <ol style="list-style-type: none"> 1. the Draft Financial Statements for the financial year ended 30 June 2023 had not been finalised; and 2. the statements will be circulated next week on completion with feedback to be provided. 	<p>27 Oct 2023 25.8.2023 Neil Bungate update - draft financial statements not yet complete for ARIC meeting 25.8.2023. Leonie has advised John Stuart Chair a copy will be circulated for feedback when ready., 15.11.2023 Financial Statements were presented at Council meeting and Annual Report for 2022/23 including Financial Statements was also included in the agenda for the Council meeting.</p>
Enterprise Risk Management Update	25/08/2023	47/23	<p>MOTION: Dicker / Stuart</p> <p>That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.</p> <p><i>At the next meeting, Veronika Barry, WHS and Risk Coordinator will</i></p>	<p>27 Oct 2023 Business Continuity included in the Enterprise Risk Management Update report for 24 November 2023 ARIC meeting and a visual map of the Business Continuity practices that have been adopted, and the</p>

			<p><i>present a visual map of the Business Continuity practices that have been adopted, and the relationship between Business Continuity and the wider Risk Management Framework.</i></p>	<p>relationship between Business Continuity and the wider Risk Management Framework will be presented.</p>
<p>2023/24 Operational Plan and 2023/27 Delivery Program</p>	<p>25/08/2023</p>	<p>54/23</p>	<p>MOTION: Bentley / Dicker</p> <p>That the Audit, Risk and Improvement Committee note the 2023/24 Operational Plan and 2023/27 Delivery Program.</p> <p><i>The Committee noted that the wrong page was in the document for depreciation of urban roads. This was noted by staff who advised that the process that caused the error will be corrected.</i></p>	<p>12 Sep 2023 Neil to advise if this has been corrected. (The wrong page was in the document for depreciation of urban roads. This was noted by staff who advised that the process that caused the error will be corrected.)</p> <p>06 Nov 2023 27.10.2023 Christie emailed Neil to check if this has been corrected. Response not yet received.</p> <p>20 Nov 2023 Neil to follow up today.</p>

Items brought forward:

61/23 MOTION: Bentley / Dicker

That item 5.3 Financial Statements 2022/2023, item 7.2 Annual Report 2022/23, and item 6.5 Cyber Security Report be brought forward.

The motion was carried with the Committee Members voting unanimously.

5.3 FINANCIAL STATEMENTS 2022/2023

COR400236, COR400236

62/23 MOTION: Dicker / Bentley

That the Audit, Risk and Improvement Committee receive the Financial Statements for the financial year ended 30 June 2023.

The Chair and Leonie Van Oosterum thanked Luke Malone and his team at Prosperity for their efforts working with us for the past 5 years. The Chair

congratulated everyone involved on a very good results and the Deputy Chair and Committee Member endorsed the Chair's words.

The motion was carried with the Committee Members voting unanimously.

7.2 ANNUAL REPORT 2022/23

COR400236, COR400236

63/23

MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee note the Annual Report for the year ending 2022/23.

The motion was carried with the Committee Members voting unanimously.

6.5 CYBER SECURITY REPORT

COR400236, COR400236

64/23

MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee receive the report and accept the future body of work for the next 6 months cyber improvement program.

The Chair thanked Christopher Carter for his efforts and the Deputy Chair and Committee Member endorsed the Chair's words and added they were comfortable with the statements.

The motion was carried with the Committee Members voting unanimously.

Item 5:

Audit

5.1 INTERNAL AUDIT PROGRAM STATUS REPORT

COR400236, COR400243

65/23

MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee receive the Crowe Internal Audit Program Status Report.

The motion was carried with the Committee Members voting unanimously.

5.2 AUDIT PLAN 2023/24 - INTERNAL AUDIT - DEVELOPMENT
APPLICATIONS FUND MANAGEMENT

COR400236, COR400236

66/23 MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee endorse the Audit Plan for Internal Audit of Development Applications Fund Management from Crowe.

The motion was carried with the Committee Members voting unanimously.

Item - 5.3 Financial Statements 2022/2023 - has been moved to another part of the document.

Item 6: Risk

6.1 ENTERPRISE RISK MANAGEMENT UPDATE

COR400236, COR400236

67/23 MOTION: Dicker / Bentley

That the Audit, Risk and Improvement Committee note the Enterprise Risk Management update.

The Deputy Chair thanked Veronika Barry for the work she is doing, well done.

The motion was carried with the Committee Members voting unanimously.

6.2 WORK HEALTH AND SAFETY REPORTS

COR400236, COR400236

68/23 MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee note the WHS Reports for August 2023, September 2023, and October 2023.

The motion was carried with the Committee Members voting unanimously.

6.3 LEGISLATIVE COMPLIANCE BREACHES

COR400236, GOV400047

69/23 MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee note:

1. four legislative breaches have been added to the register; and
2. four legislative breaches previously reported remain open; and

3. three legislative breaches have been closed.

The motion was carried with the Committee Members voting unanimously.

6.4 FRAUD INCIDENT & PROCUREMENT BREACH REGISTERS

COR400236, COR400236

70/23

MOTION: Dicker / Bentley

That the Audit Risk and Improvement Committee note that:

1. there were two suspected fraud incidents since the last ARIC meeting; and
2. there were no identified Procurement Breach incidents since the last ARIC meeting.

The motion was carried with the Committee Members voting unanimously.

Item - 6.5 Cyber Security Report - has been moved to another part of the document.

Item 7: Improvement

7.1 UPDATE ON BUSINESS IMPROVEMENT AT COUNCIL

COR400236, COR400236

71/23

MOTION: Bentley / Dicker

That the Audit, Risk and Improvement Committee note the progress of the Business Improvement program.

The motion was carried with the Committee Members voting unanimously.

Item - 7.2 Annual Report 2022/23 - has been moved to another part of the document.

Item 8: General Business

Nil

Simon Jones noted that at the next meeting we will discuss a review of the ARIC and it's charter.

Item 9: Closure

There being no further business the meeting concluded at 11:16AM.

The next Audit, Risk and Improvement Committee will be held on the Friday, 23 February 2024 at Council Chambers, 86 Market Street, Mudgee.

12.2 Botobolar Community Committee Meeting Minutes - 24 October 2023

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0060107

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 24 October 2023; and
2. endorse the minutes of the Botobolar Community Committee meeting held on 24 October 2023.

Executive summary

The Botobolar Community Committee recently held a meeting on 24 October 2023 and a range of matters were discussed. The minutes from the meeting are presented to Council for information and endorsement.

Disclosure of Interest

Nil

Detailed report

The Botobolar Community Committee recently held a meeting on 24 October 2023 and a range of matters were discussed. These matters included the new toilet construction, lighting works and general business).

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Financial implications

There are no material financial considerations with this recommendation.

Associated Risks

Council assets and community events not having appropriate management and governance practices that may include insurance coverage in a risk to both Council and community groups. The Committee's work will be focus on developing a framework for the use of the shed across Council, RFS and the local community.

Risk is mitigated by having clear documentation in place for the use of the Botobolar facility and ensuring all parties know who is responsible for matters that arise. As the facility is on Council land, it is important that the building asset is maintained in good condition.

SIMON JONES
DIRECTOR COMMUNITY

14 November 2023

Attachments: 1. Botobolar Community Committee Meeting Minutes - 24 October 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



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MINUTES **BOTOBOLAR COMMUNITY COMMITTEE**

Tuesday 24th October 2023 at the Botobolar Community Hall

Present: David Swansson, Matt Lynch, Michael Burnicle, Diane Burnicle, Neil Williams, Garry Lynch, Troy Porter (RFS), Ben Edmunds (staff) Peter Raines (staff)

1. Welcome

Ben Edmunds opened the meeting and welcomed everyone

2. Apologies

Apologies were noted from Cr Des Kennedy, Adam Ellis, David Sargeant, Peter Lynch, Troy Gersbach, Simon Jones

3. Minutes

The previous minutes were noted and accepted

4. New Toilet Construction

- Updated provided on toilet works, concrete path installation and relocation of some existing services. No commitment made as yet as to timeframes for works being completed
- Noted that toilet is to be available to public however will not be signposted
- Toilet cleaning schedule to be created by Committee

5. Lighting Works

- Update provided on lighting works completed, in particular the external lighting around the perimeter of the complex. This will bring added safety to the facility

6. General Business

6.1 Key access and allocation

- a. confirmation that fire brigade is to have key access to both sections of the facility. Fire section no general member access without permission
- b. confirmation that the roller doors are to be on a district key system
- c. noted that keys need to be arranged for Council and fire brigade
- d. noted that approximately 12 community access keys are to be distributed at any point in time
- e. existing key access to remain until arranged for changeover period. To be communicated to all advisory members once finalised

- 6.2** Action required- add Wendy Lynch to email distribution list
- 6.3** Community group to coordinate working bee in coming weeks
- 6.4** Christmas gathering scheduled for 24 November
- 6.5** General comment that whilst the road conditions have improved in some sections there are still some sections that are dangerous
- 6.6** Council tasks- ensure that service locations are captured on a map for any future records

Next Meeting scheduled for 12th March 2024 at 3pm

12.3 Gulgong Memorial Hall Committee Meeting

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, A0100024

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Gulgong Memorial Hall Committee Meeting; and
2. note the minutes from the Gulgong Memorial Hall Committee meetings held on 25 October 2023.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Gulgong Memorial Hall Committee meetings held on 25 October 2023.

Disclosure of Interest

Nil

Detailed report

The Gulgong Memorial Hall Committee met on 25 October 2023 as part of their ongoing meetings. Note the minutes for current actions and updates provided by the committee.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

The Gulgong Memorial Hall Committee is operating under Section 355 of the Local Government Act 1993, which allows it to exercise a function of Council.

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES
DIRECTOR COMMUNITY

14 November 2023

Attachments: 1. Minutes Gulgong Hall Committee Meeting 25 October 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



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MINUTES **GULGONG HALL COMMITTEE**

Wednesday 25th October 2023 at the Gulgong Memorial Hall

Present: Cheryl Vassel, Charlie Vassel, Peta Stanford, Des Kelly, Ray Thackeray, Toni Morrison, Cr Percy Thompson, Ben Edmunds (staff)

Visitors: Rebecca Hallam, Sue Hughes

1. Welcome

Percy Thompson opened the meeting and welcomed everyone

2. Apologies

Apologies were noted from Simon Jones

3. Minutes

The previous minutes were noted and accepted

4. Solar Panels

Council to investigate costings. Will provide these at next meeting

5. Change room upgrades

Council will investigate. Next Financial Capital Works Program to be looked at next month and this will be looked at for future upgrades

6. General Business

6.1 Use of PA system within the Hall

- Dragon boat users have requested use of the PA system for their event at Cudgegong Waters Park
- Motion for use of the system by Gulgong Community members only – All in favour
- Council has budget for a portable system that could be utilised by community members
- Council to engage contractor to assess the system and provide a mixer. Contractor will also provide an instruction guide to the system

6.2 Stage accessibility

- Council to investigate ramp for stage, or a chair lift. If feasible will bring costings to next committee meeting

6.3 Hall Checklist

- Checklist for closing of hall to be provided onsite for users. This will include use of gas heaters

6.4 Men's Shed Repairs

- Update provided by Ben Edmunds. Works complete on new wall. Council seeking contractors to complete works on concrete slab and awning at front entrance

6.5 Hall fees and charges

- Clarification on charges to rent the hall. This is set to \$100 per approximately, depending on the event.

7. Christmas Celebration

- Checklist for duties for responsibilities for each committee member and council provided
- Council to provide garbage bags, print out flyers (Cheryl Vassel to provide Council with copy of flyer) and leave for the committee in the kitchen
- Council will also book the hall in the booking system for the Celebration
- Next meeting regarding the Christmas Celebration to be held on Friday 17th November, 5:30pm

Next Meeting scheduled for May, 2024 – date to be confirmed

12.4 Rail Committee Minutes - 3 November 2023

REPORT BY THE DIRECTOR COMMUNITY
TO 13 DECEMBER 2023 ORDINARY MEETING
GOV400103, TRA300009

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Rail Committee Minutes - 3 November 2023; and**
2. **endorse the minutes of the Rail Committee Meeting 3rd November 2023.**

Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Rail Committee held on 3 November 2023.

The members of the Rail Committee have a focus of re-instating the 89km rail line between Rylstone and Gulgong for passenger rail, light freight and tourism opportunities.

Disclosure of Interest

Nil

Detailed report

At the meeting on 2 February 2022, Council endorsed the formation of a Rail Committee. The public were invited to be members of the Committee and these members were endorsed at the April 2022 Council meeting.

The Committee held its last meeting on 3 November 2023 and this report provides the minutes to Council for their information.

The request from the Committee for further information on rail to be included in a future Community News publication is noted. Should Council wish to provide this direction to staff then this could be included within the resolution for these minutes.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Code of Conduct

Legislation

Section 355 of the Local Government Act (1993)

Financial implications

Nil

Associated Risks

Nil

SIMON JONES
DIRECTOR COMMUNITY

13 November 2023

Attachments: 1. Rail Committee Meeting Minutes November 3 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



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MINUTES

RAIL COMMITTEE

Friday 3rd November 2023 at the Council Administration Building, Mudgee

Meeting opened at 2pm

Present: Cr Peter Shelley, Mike Sweeney, John Bentley, John Wood, Simon Jones (staff)

1. Apologies – Drew Stein

Moved: Mike Sweeney

Seconded: John Bentley

Motion Supported by all

2. Minutes from the Previous meeting

Motion: That the minutes from the May meeting be accepted

Moved: John Bentley

Seconded: John Wood

Motion Supported by all

3. Update on Rail Services

- Council thanked for the letter sent to Minister Aitchison. The issues raised will hopefully be looked at in Budget Estimates on 7/11/23.
- Summary of Mudgee Region Rail's discussion with Alistair Lunn provided. Drew Stein to follow up with Alistair Lunn in the future.
- Discussion regarding speaking to the media. Committee members assured Council that they recognise that they are not speaking on behalf of Council.
- Communication from Mudgee Region Rail with Mayor of Dubbo. No further progress at this stage.

4. Community News

The Committee can see benefit in keeping the community informed of Council's actions in relation to rail services and encourages Council to use its Community

News publication for this. Committee members can provide content for this if required.

Meeting closed 2.20pm

Next meeting – to be confirmed for April 2024

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

Nil

CONFIDENTIAL
SESSION

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure