



****PUBLIC COPY****

Business Papers 2023

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 19 APRIL 2023

*A prosperous and progressive
community we proudly call home*





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MUDGEE NSW 2850

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77 Louee Street RYLSTONE

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12 April 2023

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
19 APRIL 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

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Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Extraordinary Meeting held on 4 April 2023

Council Decision:

That the Minutes of the Extraordinary Meeting held on 4 April 2023 be taken as read and confirmed.

The Minutes of the Extraordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Section of Mebul Road to be Cleaned Up	347/20 Ordinary Meeting 18/11/2020	That a report be brought back to Council on the provision of additional maintenance to the area of road and roadside along the section of Mebul Road along the Cudgegong River at the old crusher site.	To be reported to Council at a future meeting.
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	To be reported to Council at a future meeting.
MRI Machine for Mudgee Hospital	268/22 Ordinary Meeting 21/09/2022	That Council write to the Federal MP Andrew Gee and State MP Dugald Saunders seeking MRI Machine and engage with medical community to identify priorities of service needs within the LGA.	To be reported to Council at a future meeting.
Disabled Access and Parking in Gulgong	272/22 Ordinary Council Meeting 21/09/2022	That Council removes Emergency Vehicle Parking Only signage from Herbert Street Gulgong; identify and construct a disabled access ramp at a suitable location between the Gulgong Post Office and Gulgong Medical Centre.	To be reported to Council at a future meeting.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	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.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Councillor Expenses and Facilities Policy

NOTICE OF MOTION LISTED BY CR PETER SHELLEY
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, GOV400022

MOTION

That Council amends the Councillor Expenses and Facilities Policy to the following;

Where its states on Page 3, under Policy subheading: “Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved”. This to be amended to state “Councillors must provide claims for reimbursement within six months of an expense being incurred. Claims made after this time cannot be approved”.

Background

This motion is simply an administration change. Changing the time frame from 3 months to 6, in effect assisting Councillors to comply with Council’s policy whilst not being disadvantaged because of it.

Officer’s comments

The Councillor Expenses and Facilities Policy was last before Council in April 2022. The policy that was adopted by Council included a change whereby claims for expenses needed to be made within three months. This was consistent with the recommendations from the Office of Local Government. However, this was a change from the previous version of the policy.

Normally, the Councillor Expenses and Facilities Policy is required to be placed on public exhibition prior to amendment or adoption and this process would be included as part of the recommendation. However, Clause 253(3) of the Local Government Act 1993 provides circumstance for a change to be made without public exhibition if “the council is of the opinion that the proposed amendment is not substantial”. This proposed change may well fit within that clause. However, it is recommended that Council include in its resolution reference to consideration of clause 253(3). For instance, the recommendation could include the following:

That Council:

1.
2. *note that the proposed change is not substantial as per clause 253(3) of the Local Government Act 1993 and therefore no public exhibition period is required.*

Item 7: Office of the General Manager

7.1 MRI Machine for Mudgee Hospital

REPORT BY THE GENERAL MANAGER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, PUB600014

RECOMMENDATION

That Council:

1. **receive the report by the General Manager on the MRI Machine for Mudgee Hospital; and**
2. **acknowledge the meeting held with members of the local medical community and agree not to pursue an MRI machine for the Mudgee Hospital.**

Executive summary

Council previously resolved to write to our Federal and State Members seeking an MRI machine for the Mudgee Hospital. Following a meeting with the medical community to identify priorities of service needs with the LGA, this report recommends that Council does not pursue an MRI machine for the Mudgee Hospital.

Disclosure of Interest

Nil

Detailed report

Council will recall that at its meeting held 21 September 2022, Council resolved to (min268/22):

1. Write to the Federal Member for Calare, Andrew Gee and State Member for Dubbo, Dugald Saunders, seeking an MRI machine for the Mudgee Hospital; and
2. Engage with our medical community to identify priorities of service needs within the LGA.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Work with key partners and the community to lobby for effective health services in our region

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

BRAD CAM
GENERAL MANAGER

6 March 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.2 MRT Quarterly Report: October to December 2022

REPORT BY THE GENERAL MANAGER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, F0770077

RECOMMENDATION

That Council receive the report by the General Manager on the MRT Quarterly Report: October to December 2022.

Executive summary

As per the funding and performance agreement entered into in July 2017 between Mudgee Regional Tourism (MRT) and Council, MRT is required to report quarterly to Council on their performance.

Disclosure of Interest

Nil

Detailed report

The MRT report for the second quarter of the 22/23 financial year has been delivered to Council in accordance with the funding and performance agreement. The report is attached for Council's consideration.

Community Plan implications

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

Strategic implications

Council Strategies

A key strategy in the Mid-Western Region Community Plan is to promote the Region as a great place to live, work, invest and visit. This strategy recognises the important role that tourism plays in building a strong local economy.

Council has a contract with MRT for the supply of tourism services within the Mid-Western Local Government Area. The term of this contract is for four years ending on 30 June 2025. Under this contract, MRT must provide quarterly reports to Council.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

This report is for information purposes only, as per Council's contractual arrangement with MRT. There are no additional financial implications.

Associated Risks

This report is for information purposes only, as per Council's contractual arrangement with MRT.

BRAD CAM
GENERAL MANAGER

2 March 2023

Attachments: 1. MWRC Quarterly Report Q2 2022-23. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 MA0009/2022 - Modification to DA0214/2014 - 7 Lot Subdivision and Industrial Development - 86 Depot Road, Mudgee

REPORT BY THE PLANNING COORDINATOR

TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, DA0214/2014 - Part B

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on Application MA0009/2022 - Modification to DA0214/2014 - Subdivision and Industrial Development - 86 Depot Road, Mudgee; and
- B. approve MA0009/2022 - Modification to DA0214/2014 - Subdivision and Industrial Development - 86 Depot Road, Mudgee subject to the following amended conditions and statement of reasons (in blue):

PARAMETERS OF CONSENT

APPROVED PLANS

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

Title / Name:	Drawing No / Document Ref:	Revision / Issue:	Date:	Prepared by:
Master Plan	3312-A01	A	April 2013	Giselle Denley Drafting Services
Site Plan (Lot 6)	3312-A01	A	April 2013	Giselle Denley Drafting Services
Ground Floor Plan (Lot 6)	3312-A02	B	Nov 2017	Giselle Denley Drafting Services
Elevations (Lot 6)	3312-A03	B	Nov 2017	Giselle Denley Drafting Services
Site Plan (Lots 1-4)	3312-A02	D-F	Feb 2021 MAR 2022	Giselle Denley Drafting Services
Ground Floor Plan, South East Elevation and South West Elevation (Lot 1)	3312-A03	D	Sep 2019	Giselle Denley Drafting Services
Lot 2 Ground Floor Plan, First Floor Plan & Elevations (Lots 2 and 3)	3312-A04	E-G	Feb 2021 MAR 2022	Giselle Denley Drafting Services
Shed 2 Elevations	3312-A15	A	MAR 2022	Giselle Denley Drafting

				Services
Lot 3 Site Plan	3312-A13	A	March 2021	Giselle Denley Drafting Services
Lot 3 Ground Floor Plan, Elevations & First Floor Plan	3312-A16	F	MAR 2021	Giselle Denley Drafting Services
Lot 4 Site Plan	3312-A12	A	OCT 2022	Giselle Denley Drafting Services
Lot 4 Ground Floor Plan, First Floor Plan & South East Elevation (Lot 4)	3312-A05	D-G	Feb 2021 DEC 2022	Giselle Denley Drafting Services
Shed 4 South West, North East & North West Elevations	3312-A14	A-D	May 2021 DEC 2022	Giselle Denley Drafting Services
Lot 6 Site Plan	3312-A08	B	MAR 2022	Giselle Denley Drafting Services
Shed 6 Ground Floor Plan	3312-A09	C	MAR 2022	Giselle Denley Drafting Services
Shed 6 Elevations	3312-A10	D	MAR 2022	Giselle Denley Drafting Services
Storage Shed Typical Floor Plan & Storage Shed Front Elevation	3312-A09	A	April 2013	Giselle Denley Drafting Services
Proposed subdivision Showing Existing Improvements	BK041.dwg Sheet 1 of 4	-	14/10/2013	Jabek Pty Ltd
Layout Industrial Development Lots 1-6 (Stage 2)	BK041.dwg Sheet 2 of 4	-	14/10/2013	Jabek Pty Ltd
Service Layout	BK041.dwg Sheet 3 of 4	-	14/10/2013	Jabek Pty Ltd
Detail Lot 7	BK041.dwg Sheet 4 of 4	-	14/10/2013	Jabek Pty Ltd

The following plans/drawings supersede the above listed plans/drawings in relation to the road layout, stormwater drainage concept, proposed lot boundaries, boundary setbacks, car parking layout and landscaping.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Concept Stormwater Plan	MX-10284.01-C2.0	B	17/11/17	Triaxial Consulting
Concept Stormwater Plan Basin Details	MX-10284.01-C2.1	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 1 of 2	MX-10284.01-C3.0	B	17/11/17	Triaxial Consulting
Turning Circle Plan Sheet 2 of 2	MX-10284.01-C3.1	B	17/11/17	Triaxial Consulting
Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting

(AMENDED MA0043/2021)

(AMENDED MA0009/2022)

- Notwithstanding the approved plans the structure is to be located clear of any easements and/or any water and sewer mains in accordance with Council Policy.

2A. The following limits apply to the proportion of the building on proposed Lot 6 that may be used for industrial premises or warehouse purposes:

- a) A maximum of 2,000m² of the building on proposed Lot 6 may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
- b) Any amount of the building less than the cumulative total of 2,000m² may be used as industrial premises, with the remainder able to be used for warehouse/storage purposes; or
- c) The total floor area of the building on proposed Lot 6 may be used for warehouse/storage purposes.

Note: this condition is applied to ensure that the use of the building matches the number of car parking spaces shown on the approved plans.
(ADDED MA0020/2017)

2C. Landscaping is to be provided in all areas identified as landscaping within the following plan:

Landscaping Plan	MX-10284.01-C4.0	C	23/03/18	Triaxial Consulting
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(ADDED MA0020/2017)

AMENDMENTS TO APPROVED PLANS

3. The maximum fill permitted to be placed on proposed Lot 1 is limited to 500mm above the existing natural ground level as shown on Plan No.BK041.dwg, Sheet 3 of 4.

~~4. No roller doors are to be constructed in the north-western wall of the proposed sheds on Lots 1 - 4, that adjoin the golf course and residential area at the north-eastern end of Inverness Avenue.~~
(AMENDED MA0043/2021) (DELETED MA0001/2022)

5. ~~A minimum 1.8 2.5 metre high lapped and capped timber fence with minimum 12mm palings and 25% overlap each side along the full western boundary of the site is to be provided along the western boundary (residential land, Golf Club land) of the development prior to the commencement of any works on the site. The timber fence is to be erected along the western boundary of proposed Lots 1 to 4. The remainder of the western boundary adjoining proposed Lot 7 may be fenced with a chain mesh fence.~~
(ADDED MA0017/2020) (AMENDED MA0001/2022)
(DELETED MA0009/2022)

5A. All lots in the approved subdivision shall have a minimum lot size of 2,000m².

Note: Proposed Lot 5 on the approved plans has a lot size of 1,870m². Lot 5 may be readily increased to 2,000m² by adjusting the boundary between Lots 4 and 5. Amended plans demonstrating compliance shall be provided prior to the issue of a Subdivision Certificate involving Lot 5.
(ADDED MA0020/2017)

5B. Amended plans are to be submitted to and approved by Council, indicating that a minimum of 16 parking spaces are provided on proposed Lot 4. Such plans are to be approved by Council prior to the issue of a Construction Certificate for any development on proposed Lot 4.
(ADDED MA0020/2017)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE - CIVIL

6. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
7. A detailed engineering design (including sediment and erosion control) supported by plans, and an "AutoCAD compatible" Plan, (in dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with AUS-SPEC #1 (as modified by Mid-Western Regional Council) and the conditions of this development consent. The engineering design is to be submitted to and approved by Council or an Accredited Certifier prior to the issue of a Construction Certificate.
8. Engineering plans of the sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

Note 1: Council will quote on connecting any sewer or water main extension to the existing "live" main on receipt and approval of engineering plans.

Note 2: Council does not permit other bodies to insert new junctions into 'live' sewer mains.
9. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 1.5 year ARI. All storm water detention details including analysis shall be included with the drainage report.
10. The Cul-de-sac proposed at the end of Depot road must be designed pursuant to "AUSTROADS Design Vehicles and Turning Path Templates Guide 2013" to accommodate at least a B-Double turning radius (15m) when travelling between 5-15km/hr. The turning path plan must be submitted to Council prior to the issue of the Construction Certificate.
11. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE - BUILDING

The following conditions must be complied with prior to Council or an accredited Certifier issuing a Construction certificate for the proposed building:

12. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 to carry out water supply, stormwater and sewerage works is to be obtained from Mid-Western Regional Council.
- 12A. Prior to issue of any Construction Certificate for Shed 4, application must be made and approval obtained for a Liquid Trade Waste permit to discharge waste water runoff from the proposed wash bay to Councils sewer system.
(AMENDED MA0009/2022)

13. A schedule of existing and proposed fire safety measures is to be submitted to the Principal Certifying Authority with the application for the Construction Certificate.
14. The developer shall obtain a Certificate of Compliance under the Water Management Act. This will require:

- a) Payment of a contribution for water and sewerage headworks at the following rate:

Water Headworks	\$55,426.00
Sewerage Headworks	\$26,959.00
Total Payable	\$82,385.00

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

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

(AMENDED MA0020/2017)

- 14A. In accordance with the provisions of section 94A of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Section 94A Development Contributions Plan (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to the issue of a Construction Certificate.

The value of the works is to be calculated in accordance with Section 9.0 and the procedure outlined in Appendix 1 of the Section 94A Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the final levy amount following submission of the documents.

Note: the levy amount will be adjusted by the Consumer Price Index, if not paid in the same financial year it was calculated. Based on the cost of the proposed development submitted with the DA (\$2,450,000), an indicative total levy of \$24,500 is payable.

A pro-rata portion of the Section 94A contribution may be paid prior to the issue of a Construction Certificate for only part of the total development.

(ADDED MA0020/2017)

- 14B. Prior to the issue of any Construction Certificate that includes above ground works, a landscape plan shall be submitted to and approved by Council. This landscape plan shall be prepared by an appropriately qualified and experienced professional. The landscaping plan is to show and/or achieve the following:

- a) A planting schedule (including a range of plant sizes).
- b) A maintenance schedule.
- c) Re-planting regime for any plants that are damaged, dead, or removed for any reason.
- d) Provision of landscaping adjacent to and between car parking areas to assist in visually breaking up the expanse of the car park.
- e) Provide landscaping and fencing (if to be provided) within the front boundary landscaped setback that achieves the following:

- (i) Allows for passive surveillance between the road reserve and the internal car park and entrance to buildings. This may be achieved by using shrubs that have a maximum height of 0.8m at maturity and trees that have a minimum canopy height of 1.7m at maturity.
 - (ii) Includes a mixture of trees, shrubs and groundcovers to create mass of vegetation with an average height of 2m at maturity, within the approved landscaped areas.
 - f) Utilise endemic species, where practicable, which are appropriate for the site.
 - g) Details of an irrigation system connecting to the on-site rainwater tanks.
- (ADDED MA0020/2017)

14C. A landscaping bond of \$1,500 is to be paid to Council prior to the issue of a Construction Certificate for above ground building works. Such bond is to be refunded upon satisfactory completion of the landscaping in accordance with the approved landscaping plan.
(ADDED MA0020/2017)

- 14D. Prior to issue of a Construction Certificate for Sheds 1 to 4, and where it is proposed to operate the premise in the evening and night-time periods (6pm to 6am) each shed must include the following acoustic measures, also in accordance with the report prepared by Spectrum Acoustics:
- Lining the internal walls (or parts of the walls where workshop equipment or work benches are to be located) with acoustic shielding on the southern and/or western walls;
 - Isolating particularly noisy plant, equipment or activities and acoustically shielding these;
 - Locating noisy plant or activities “behind” internal partitions or offices relative to receivers; or
 - Sourcing noise attenuation equipment specific to a particular plant item, e.g. mufflers, attenuator guards, cowlings etc.
- (ADDED MA0001/2022)

- 14E. Prior to the issue of a Construction Certificate for Sheds 1, 2 and 3, and in accordance with the acoustic report addendum prepared by Spectrum Acoustics dated September 2022 (and additional response dated 17 March 2023):
- a) A 5.6m high acoustic barrier is required along the boundary adjacent to Shed 1.
 - b) A 5m high acoustic barrier is required along the western boundary adjacent to Shed 2.
 - c) A 4.2m high acoustic barrier is required along the western boundary adjacent to Shed 3.
 - d) An acoustic barrier is one which is constructed of material with a minimum surface density of 15kg/m³ and is impervious from the ground to the required height with no gaps for the passage of sound.
- (AMENDED MA0009/2022)

- 14F. Prior to the issue of a Construction Certificate for Shed 2 as shown on the endorsed plans, a detailed drainage design showing no less than 60% of all roof runoff is directed to stormwater tank or tanks to provide no less than 20,000 litres of detention storage which is to be discharged using a restricted orifice at a rate no greater than 5 litres per second. The capacity of the tank may be increased to also provide storage for re-use.
(AMENDED MA0009/2022)

14G. Prior to the issue of a Construction Certificate for Shed 4 as shown on the endorsed plans, a detailed drainage design showing no less than 60% of all roof runoff is directed to stormwater tank or tanks to provide no less than 20,000 litres of detention storage which is to be discharged using a restricted orifice at a rate no greater than 5 litres per second. The capacity of the tank may be increased to also provide storage for re-use.

(AMENDED MA0009/2022)

PRIOR TO THE COMMENCEMENT OF WORKS – CIVIL

**15. Prior to development the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
(AMENDED MA0020/2017)**

16. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.

17. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party. All work is to be at no cost to Council.

PRIOR TO THE COMMENCEMENT OF WORKS – BUILDING

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

- a) the appointment of a Principal Certifying Authority; and**
- b) the date on which work will commence; and**
- c) Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.**

19. 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.

20. 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.**

21. Prior to the commencement of works on site, the applicant shall advise Council's Operations Directorate, in writing, of any existing damage to Council property.
(AMENDED MA0020/2017)

CIVIL CONSTRUCTION

- 21A. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
(NUMBERED MA0020/2017)
22. 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.
23. The developer is to grant Council (or an Accredited Certifier on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
24. The subdivision works are to be inspected by the Council (or Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water and sewer line installation prior to backfilling;
 - c) Establishment of line and level for kerb and gutter placement;
 - d) Road and driveway pavement construction (including excavation, formwork and reinforcement) ;
 - e) Road pavement surfacing; and
 - f) Practical completion.
25. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am 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.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
27. Interallotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.
28. The requirements for stormwater quality, as specified in the DCP, shall be addressed in the design prior to issue of the Construction Certificate. The design shall be such that there is no increased maintenance burden on Council.
- 29A. The developer must construct the full length of the proposed new extension of Depot Road located in Lot 210 DP775001, to the following standard:

Item	Requirement
Road Reserve Width	21.6 m

Pavement Width	13m (invert to invert)
Court Bowl/ Cul-de-sac Head	15m radius to invert
Seal	(i) All parts of the cul-de-sac head that is wider than 18m: Asphalt (Hot mix) (ii) The remainder of the Depot Road extension: Two coat bitumen seal
Drainage	Direct stormwater runoff to subdivision drainage design in accordance with Section 5.3 of the Development Control Plan.

(ADDED MA0020/2017)

30. Car parking for lots 1-6 must comply with the following standards:

- a) All vehicles must be provided adequate means to exit the lot in a forward direction;
- b) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
- c) Each disabled car parking space is to be in accordance with the provisions of Clause D3.5 of the Building Code of Australia and Australian Standard as 2890.6 – 2004;
- d) All car parking spaces are to be line-marked and sealed with a hard standing, all weather material and must be maintained in a satisfactory condition at all times; and
- e) The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority Guide to Traffic Generating Developments 1992 and Australian Standard AS2890.1 – 2004. Details of compliance are to be shown on the relevant plans and specifications.

31. If any aboriginal artefacts are uncovered or identified during construction earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

Note: The applicant should contact the Aboriginal Land Council and consult a suitably qualified individual to determine if artefacts were uncovered.

32. Runoff and erosion controls shall be installed prior to clearing and incorporate:

- a) diversion of uncontaminated upsite 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.

WATER AND SEWER

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

- 34. The applicant is to provide separate water and sewer reticulation services to each lot.
- 35. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.

BUILDING CONSTRUCTION

- 36. 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.
- 37. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
- 38. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pm
 - No construction work noise is permitted on Sundays or Public Holidays.
- 39. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
- 40. The strength of the concrete used for the reinforced concrete floor slab must be 25Mpa.
- 41. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

- 42. Under the Environmental Planning & Assessment Act, 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with the Land Titles Office.

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.
- 43. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
- 44. If the Subdivision Certificate is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
- 45. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
- 46. Prior to issue of the Subdivision Certificate, Council is to be supplied with:

- a) A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision;
 - c) All contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or an agreement be made between the developer and Council;
 - d) As to the security to be given to Council that the works will be completed or the contribution paid; and
 - e) As to when the work will be completed or the contribution paid.
47. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "AutoCAD compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
48. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
49. (DELETED MA0020/2017 – AMENDED CONDITION MOVED TO CONDITION 14A)
50. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

TOTAL PAYABLE	6	x	\$1650	=	\$9,900
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Note: Council does not permit other bodies to connect to 'live' water mains.

OR

51. Where the water service has been provided by the developer. The developer is to provide a water meter for each lot in the subdivision. This can be achieved through providing a water service ending with a lockable ball valve to each lot and make a payment to Council of \$370.00 per lot to cover the cost of a 20mm meter and installation.

TOTAL PAYABLE	6	x	\$370	=	\$2,220
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Note: Council does not permit other bodies to connect to 'live' water mains.

52. The developer is to provide a sewer junction for each dwelling in the subdivision. This can be achieved by making a payment to Council of \$1,450.00 per new junction to cover the cost of Council installing a junction in an existing main.

TOTAL PAYABLE	6	x	\$1,450.00	=	\$8,700
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Note: Council does not permit other bodies to insert new junctions into “live” sewer mains.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions are to be completed prior to occupation of the building and are provided to ensure that the development is consistent with the provisions of the Building Code of Australia and the relevant development consent.

- 53. 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.**
- 54. All car parking and associated driveway works are to be completed prior to occupation of the development.**
- 54A. All plants shown on the approved landscape plan/s are to be planted and all hard landscaping (e.g. rocks, retaining walls, solid garden bed edging) is to be installed prior to the issue of an Occupation Certificate.
(ADDED MA0020/2017)**
- 4B. ~~The 2.5 metre high timber acoustic fencing along the western boundary of the site shall be completed prior to issue of an Occupation Certificate for Sheds 1 to 4, in accordance with the recommendations of the Noise Impact Assessment Report prepared by Spectrum Acoustics dated July 2021.
(ADDED MA0001/2022)
(DELETED MA0009/2022)~~**
- 54C. Prior to issue of an Occupation Certificate for Sheds 1 to 4 and where operations are proposed between 6pm and 6am (evening and night time periods), all acoustic measures required by this consent shall be installed within the building to the satisfaction of the Principal Certifying Authority.
(ADDED MA0001/2022)**
- 54E. ~~Prior to issue of any Occupation Certificate for Sheds 1, 2, and 3, the acoustic barrier must be installed in accordance with the acoustic report addendum prepared by Spectrum Acoustics dated September 2022 (and additional response dated 27 February 2022) as follows:~~**
 - ~~a) A 5.6m high acoustic barrier is required along the boundary adjacent to Shed 1.~~**
 - ~~b) A 5.0m high acoustic barrier is required along the western boundary adjacent to Shed 2.~~**
 - ~~c) A 4.2m high acoustic barrier is required along the western boundary adjacent to Shed 3.~~**
 - ~~d) An acoustic barrier is one which is constructed of material with a minimum surface density of 15kg/m³ and is impervious from the ground to the required height with no gaps for the passage of sound.
(AMENDED MA0009/2022)~~**
- 54F. ~~Prior to issue of any Occupation Certificate for Sheds 1, 2, and 3 Council is to be provided with a verification report prepared by a suitably qualified acoustic consultant which certifies that the acoustic barrier installed along the western boundary of the site has been installed in accordance with the acoustic report addendum prepared by Spectrum Acoustics dated September 2022 (and additional response dated 17 March 2023) and the conditions of this consent No. 14E and 54F.
(AMENDED MA0009/2022)~~**

CONDITIONS RELATED TO THE ONGOING USE OF THE SITE

55. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
56. All loading and unloading in connection with the premises shall be carried out wholly within the site.
57. Garbage areas are to be adequately screened from public view with an opaque fence and / or adequate landscaping.
58. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimisation & Management Act 1995.
59. All security fencing (excluding the western boundary adjoining the Golf Course land – currently identified as Lot 27 DP1165146) is to be pre-coloured or powder coated. Security fencing to the public road frontage is to be erected on or behind the front building line. Full details of proposed fencing is to be included on the landscaping plan. (AMENDED MA0001/2022)
60. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”.
61. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
62. All ‘Colorbond’ material for the proposed sheds is to be non-reflective.
63. Hours of operation of the industrial buildings are restricted to the following times and conditions:
~~Monday to Saturday 7.00am to 6.00pm~~
~~No work is permitted on Sundays or Public Holidays~~

Monday to Sunday - 6.00am to 10.00pm; however, all doors and windows must be kept closed from 6.00pm daily; and
 - a) Operations from within the industrial buildings are permitted Monday to Sunday- 10.00pm to 6.00am subject to the following conditions;
 - i. Any deliveries that must occur during the hours of Monday to Sunday - 10.00pm to 6.00am must be undertaken within the building frontages to Depot Road only; and
 - ii. All roller doors and windows are to be kept fully closed (other than for the entry or exiting the building by staff);
 - iii. Any mechanical plant or equipment installed on the buildings must ensure that suitable acoustic covers / shielding devices are installed by a suitably qualified person and maintained for the life of the development.(AMENDED MA0001/2022)
- 63A Where operations during the hours of 6.00pm to 6.00am creates excessive noise or inconvenience to the amenity of the area, the operations are to cease immediately during the evening and night time periods. The operations are to be managed so there is no interference with the amenity of the neighbourhood by reason of the emission of

any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
(ADDED MA0001/2022)

63B The applicant is responsible for the preparation and management of a complaints register for the life of operations which must record the following information:

- a) Name, address and contact details of the complainant;
- b) Description of complaint (e.g. type/character and volume);
- c) Frequency and duration of complaint; and
- d) Any actions taken to resolve complaint.

The complaints register must be made available to Council at any time on request.
(ADDED MA0001/2022)

64. The combined maximum permitted noise level for all activities within the subject industrial development is 5dB(A) above the background noise level of 39dB(A) as measured at the property boundary of Lot 210 DP 775001 and the Mudgee Golf Course and the residentially zoned land.

65. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscape areas in order to prevent vehicles driving over them. (ADDED MA0020/2017)

66. Landscaping is to be maintained in accordance with the approved landscape plan.
(ADDED MA0020/2017)

ADVISORY NOTES

- 1.** The removal of trees within any road reserve requires separate approval of Council in accordance with the policy "Tree Removal and Pruning Public Places".
- 2.** 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.
- 3.** Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
(MODIFIED MA0043/2021)
- 4.** If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
(MODIFIED MA0043/2021)
- 5.** To ascertain the date upon which the consent becomes effective, refer to section 83 of the EP&A Act.
- 6.** To ascertain the extent to which the consent is liable to lapse, refer to section 95 of the EP&A Act.

7. The development is to operate so as to not emit offensive noise, as defined in the Protection of the Environment Operations Act 1997.
(ADDED MA0020/2017)

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
2. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
3. The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning and Assessment Act 1979.
(NEW STATEMENT OF REASONS MA0043/2021)
4. The proposed development satisfactorily addresses the issues raised in the objections received in response to public notification of the development, as follows:
 - a) The proposed development will not have an adverse noise or amenity impact, subject to compliance with the amended conditions of consent and this includes construction of a 2.5m (increasing to a maximum of 5.6m, 5m and 4.2m behind sheds 1, 2 and 3 in accordance with the amended acoustic report dated September 2022) timber acoustic fence along the western boundary of the site, closing all roller doors and windows during the evening and night periods of operation along with upgrade of the buildings with acoustic measures such as shielding and lining of the walls.
(ADDED MA0001/2022)
(AMENDED MA0009/2022)

Executive summary

OWNER/S:	DTM Property Enterprises Pty Limited.
APPLICANT:	Mr Daniel J Baggett.
PROPERTY DESCRIPTION:	Lot 2102 DP 1237751 (formerly identified as Lot 210 DP 7750021).
PROPOSED DEVELOPMENT:	Modification to DA0214/2014 to alter the design of the proposed industrial sheds approved.
ESTIMATED COST OF DEVELOPMENT:	Nil
REASON FOR REPORTING TO COUNCIL:	Previous applications approved by Council.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a Modification Application to DA0214/2014 (MA0009/2022) at 86 Depot Road, Mudgee pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act*.

Council granted consent to the original Development Application on the 21 May 2014. A number of modifications to the consent have also been approved by Council.

Application MA0009/2022 seeks to amend the approved plans for Sheds 2, 4 and 6 which relates to the building layout, floor areas, amenities and overall building heights. The application was also supported by an addendum to the previous Acoustic Assessment Report to address the increase in

heights and layouts for sheds 2 and 4 which abut the boundary of the Golf Course and Inverness Avenue residential area.

The modification application was notified for a period of 14 days. No submissions were received during the notification period.

The application is supported subject to amended conditions of consent which aligns with the assessment and recommendations contained within the updated Acoustic Report (and addendum report provided on the 4 April 2023), Council's Environmental Health Officer, Health and Building Officer and Development Engineering Officer.

Disclosure of Interest

Nil

Detailed report

PRECEDING APPROVED DEVELOPMENT

Council granted consent to Development Application DA0214/2014 on the 21 May 2014. This approval related to the subdivision of the land (legally identified at the time as Lot 210 DP 7750021 – 36B Castlereagh Highway Mudgee) into seven (7) lots with a new road extension from Depot Road, and construction of new industrial sheds (proposed on plan as 'workshops with offices') in a staged manner. This included one (1) large shed containing 12 x 'workshop units' on proposed lot 6.

At the time of approval, the applicant did not nominate uses of the industrial buildings on the basis that this would be dependent upon finding future tenants for each building. Car parking however, was calculated on the basis of 'Bulky goods and manufacturing warehouse' applying a rate of 1 space per 75m² under the DCP 2013. A variation of 12 parking spaces for the overall development was sought by the applicant at the time. The cost of the development was estimated at \$2,425,000.

Stage 1 release of the subdivision to create Lots 2101 and 2102 was registered on the 30 November 2017 (SC009/2018).

Since 2014, the application has been modified four (4) times which is detailed as follows:

- Section 4.55(2) - MA0020/2017 – approved 20 June 2018 which included modification to plans and conditions of consent relating to the road and stormwater design for the development.
- Section 4.55 (1A) - MA0017/2020 – approved 20 November 2019 which included modification to plans of the buildings and modification to fencing for Lots 1 to 4 (western boundary fence facing the golf course to be partly timber and partly chain wire).
- Section 4.55(1A) - MA0043/2021 – approved 16 June 2021 which included modification to sheds 2, 3 and 4, increased shed heights and reconfiguration of the shed designs. The application was also submitted with the request to include roller doors on the western elevations and also increase hours of operation to 6am to 12 Midnight Monday to Saturday however, this was removed from the application along with the imposition of amended condition 4. Operating hours of 7am to 6pm Monday to Saturday was therefore retained at this time under condition 63 of the consent.
- Section 4.55 (1A) – MA0001/2022 - Modification to conditions relating to roller doors on the western elevations of the buildings, installation of acoustic measures including timber

The subject land and the approved modified layout of the development is included in Figures 1 and 2 below.



Figure 1 – Site location including zoning

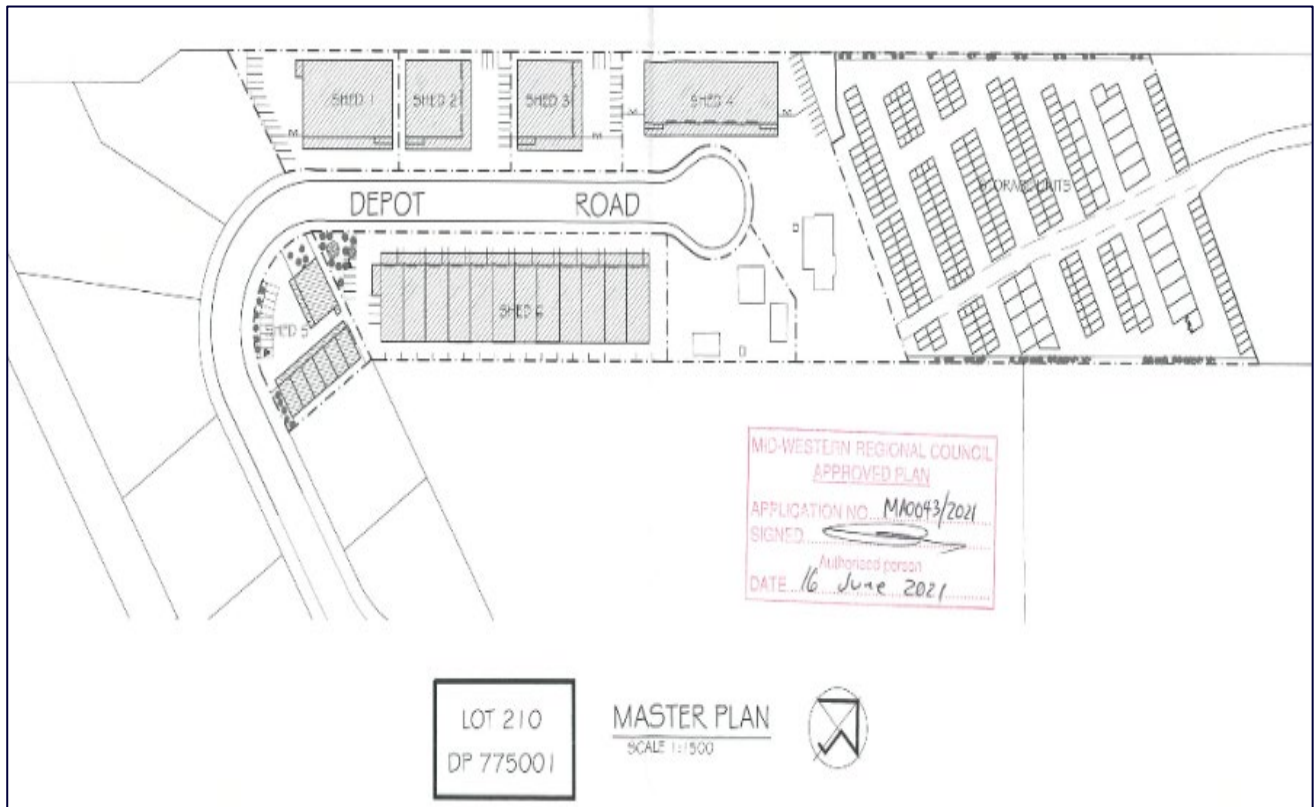


Figure 2 – Modified layout approved by MA0043/2021 – 16 June 2021

PROPOSED MODIFICATION

Modification application MA0009/2022 has been submitted to Council proposing to amend the following:

1. Modification to shed 2 / Lot 2, comprising of:
 - i) Increase the ground floor area from 655.8m² to 700m²,
 - ii) Increase the height of the shed from 8m (to the eaves) to 10.5m (to the eaves),
 - iii) Alter the location of roller and PA doors on the North West, North East and South West elevations (it should be noted that the roller doors on the South West elevation which faces toward Lot 1/Shed 1 has increased from 1 to 3 roller doors and are now 5m x 5m – there are no roller doors however proposed on the North West elevation towards the golf course / Inverness Avenue),
 - iv) Flip the location of the entry, signage and stacker doors on the South East elevation,
 - v) Relocate the building from the Eastern boundary to the Western boundary of proposed Lot 2.
 - vi) Note: no change is proposed to the building setbacks or parking numbers.
2. Modification to shed 4 / Lot 4, comprising of:
 - i) Increase the ground floor area from 1,200m² to 1,541m², incorporating an attached prefabricated office and amenities building to the South Western elevation,
 - ii) Addition of a wash bay within the ground floor area of the building,
 - iii) Reconfigure the amenities with an additional 1 toilet and 3 showers,
 - iv) Increase the first floor area of offices from 60.11m² to 96.31m²,

- v) Relocation of parking over Lot 4 to the South Eastern boundary of the building,
 - vi) Alter the location and configuration of the entry to the building, roller and PA doors on the South East, South West, North East and North West elevations (it should be noted that there is now no roller doors on the North West elevation which fronts the Golf Course / Inverness Avenue),
 - vii) Increase the height of the building from 8m (to the eaves) to 10.5m (to the eaves),
 - viii) Increase the parking numbers on the site to at least 24 from 11 spaces,
 - ix) Note; no change to building setbacks are proposed.
3. Modification to shed 6 / Lot 6, comprising of:
- i) Reduction to the total number of workshop units from 12 to 10 and inclusion of a prefabricated office building at the Eastern side of the site. This reduces the total floor area of all units and the new office building on the site from 3,000m² to 2,780m²,
 - ii) Increase the parking numbers onsite to at least 39 from 24 spaces,
 - iii) Increase the width of all roller doors to 5m x 5m for each workshop unit,
 - iv) Increase the height of the building from 5.5m (to the eaves) to a maximum of 8.5m (to the eaves),
 - v) Modify the setbacks of the building from 4m to 14m at the eastern boundary (aligning with the separately approved change of use for the gymnasium and accommodating more parking onsite) and the western boundary from 8m to 6m. No change is proposed to the front setback from the new extension of Depot Road.

There are no changes proposed to sheds 1 or 3, as approved. Separate plans have been provided for shed 3 as part of this modification owing to the previous approved plans including both sheds 2 and 3 on the same plan set. As shed 2 is now being modified by this application, the plans for shed 3 have been separated accordingly from shed 2.

The proposed development has been assessed in accordance with Council's LEP and DCP and there are no additional departures from Council's DCP sought by this modification application.

The application is referred to Council for determination as all prior applications have been determined by Council.

The application is recommended for Approval.

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

ASSESSMENT

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

4.55(2) Other Modifications

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

Comment The proposal seeks to modify conditions of consent relating to the approved building plans. No change to the overall approved development or development description is proposed by this modification. As a result, it is considered the development remains substantially the same development as approved.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Comment No concurrences or referrals were required to be obtained under the original development and therefore no general terms of approval (or other conditions of consent) are required to be considered under this subclause.

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comment The S4.55 Application was notified to adjoining neighbours as per Council's Community Participation Plan.

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

Comment No submission 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?

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

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

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

It should be noted that the subject site is not mapped with a maximum building height under the Mid-Western Regional Local Environmental Plan 2012.

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

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

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

MID-WESTERN REGIONAL DCP 2013

The previous application submitted has been assessed in accordance with the DCP. The proposed modification (MA0009/2022) does not propose any changes that would significantly impact upon compliance with the DCP provisions. As a result, the proposal has been assessed upon its merits.

Conditions have been retained to address onsite parking compliance with new plans including additional parking for sheds 4 and 6. Further, new conditions have been recommended by Engineering to address stormwater detention owing to the increase in roof area proposed by the modification.

MID-WESTERN REGIONAL DEVELOPMENT CONTRIBUTIONS PLAN 2019 AND DEVELOPER SERVICING PLANS 2008

The original application was levied with Section 64 and Section 94A contributions with the modification application having no impact or change to the levying of the contributions for the development.

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

No Planning Agreements are applicable.

(iv) The regulations

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

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

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

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

The proposed changes to the development application conditions under this modification is limited to the building layout and height of the sheds located over proposed Lots 2, 4 and 6, along with acoustic fencing and stormwater management.

The original application for the development was supported by an acoustic report prepared by Spectrum Acoustics (dated April 2014) with a response provided by the applicant's consultant dated 30 April 2014 detailing the following:

The report has not assumed a solid boundary fence (for the western boundary) and has presented a theoretical worse-case scenario in terms of having a large mechanical workshop servicing mining machinery in each shed without any internal partition, internal walls, attenuation guards, mufflers etc., and assuming simultaneous operating of

machinery. Noise from each source was considered to be impacting across the entire internal wall surfaces of each shed. The existing mound was considered.

In summary, the results identify that the theoretical noise from each of the sheds individually (except Shed 1), will comply with the adopted criterion at the nearest residential receiver to the site. Shed 1 potentially exceeds the criterion by 3dB(A). The worst case scenario results (Table 5 in the report) shows that under the assessed conditions the combined noise from all sheds if simultaneously operating (mechanical workshop) could exceed the criterion by up to 4 dB(A) Leq (15min) at the nearest residential receiver.

In reality, it is not likely that all sheds will be occupied by the assumed mechanical occupant, or likely that machinery will operate simultaneously, be installed without any internal isolation/attenuation or be affecting the entire surface of the roof and walls. With such a minor predicted noise exceedance, the assessment has concluded that the sheds can feasibly comply with the day time noise criterion for nearby residential receivers with simple internal noise control actions. Based on the results detailed in the report it was concluded that the proposal can operate without adversely impacting upon the acoustical amenity of any residential receiver.

Further, an acoustic mound or fence was not suggested to address the noise environment. Alternative industrial activities (& other noise producing occupants) are not precluded, rather internal noise control would be appropriate such as plant specific items e.g.: mufflers, attenuator guards, cowlings etc. and internal partitions.

The applicant has proposed a solid fence for the length of the development and located the individual buildings along the golf course boundary to break up the bulk of the development. It is reiterated that a solid boundary fence was not assumed in the modelling, though a fence is proposed for the length of the western boundary from Lot 1 to Lot 4 (at this stage a 1.8m high colour bond fence is proposed), which will add to noise attenuation and external noise control and contribute to visual amenity issues. The existing residential subdivision is currently bordered by an acoustic mound which ends in correlation with the subdivision. Extension of the mound at this stage is unnecessary based on the results of the Noise Impact Assessment.

The acoustic report modelling from 2014 based future noise producing activities over the site to include:

Noise Producing Activity	dB(A) Leq (15 min)
Recycling Facility (general)	100-110
Metal Fabrication	100-110
Commercial/Retail	60-70
Gym (classes)	80-90
Dance Studio	85-95
Ice Works	80-90
Mechanical Workshop	95-105

Noting that it was recommended by the consultant that:

'Should an impending occupier of one of the sheds be identified as having the potential to undertake particularly noisy activities (i.e. louder than that used in the calculations in this assessment) it is recommended that a specific acoustic assessment be considered to ensure maintenance of the acoustic amenity of the residential area'.

The above assessment resulted in the conditions of consent imposed by Council in May 2014, which also included a condition requiring a 1.8 m high lapped and capped timber fence along the western and southern boundaries, along with no roller doors on the north western wall of the workshop on future Lot 1.

As part of the modification submitted and approved by Council in October 2021 (MA0001/2022), the applicant provided an updated acoustic report prepared by Spectrum Acoustics (July 2021). In summary, the assessment from July 2021 concluded that:

'provided all doors and windows are closed during the evening and night, there should not be any adverse noise impacts at any receivers.

The discussion above is general and the condition for doors to be closed could be removed pending the results of any acoustic assessment based on specific details of proposed activities within a particular shed.

The use of the yards to the closest sheds to residential receivers would be possible provided a minimum 2.5m high acoustic barrier is in place along the western boundary to the site.'

As a result of the above findings and review by Council's Environmental Health Officer, number of new and amended noise control restrictions were imposed as a result of MA0001/2022.

For the current modification and the proposal to amend the building layouts and increase the height of sheds 2, 4 and 6, an acoustic addendum report was provided to Council. This was reviewed by Council's Environmental Health Officer, which concluded that amended conditions should be imposed which align with the recommendations of the amended acoustic report dated September 2022 and 17 March 2023. This results in the need to increase the height of the acoustic fencing in specific locations to a maximum of 5.6m, 5m and 4.2m respectively. This follows the height of the roller doors orientated towards the western boundary / residential area. This may be achieved via use of concrete or Hebel panels as noted in the addendum report dated 17 March 2023.

In conclusion, as per the submitted noise report, noise can be appropriately managed, subject to conditions of consent.

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

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

The development has been approved in the IN1 General Industrial Zone which is consistent with the objectives of the zone and the immediate industrial locality. The modification to the building layout and heights of sheds 2, 4 and 6 does not alter the previous findings in relation to the location of the development in the locality, with a number of conditions remaining in place to enforce the amenity that is required to be preserved for the northern area of the site.

(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.

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

(A) PUBLIC SUBMISSIONS

As the original development application was notified, the proposed modification was also notified.

No submissions were received during the notification period of this modification.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

No submissions were sought or received from public authorities.

4.15(1)(e) The Public Interest

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

No significant issues in the interests of the public are expected as a result of the proposed development, subject to compliance with the recommended amended conditions of consent. The development has been approved in line with the IN1 General Industrial zoning of the land however, it is also important to ensure land use conflicts continue to be appropriately managed for the community which is reinforced via conditions of consent.

CONSULTATIONS

(A) ENVIRONMENTAL HEALTH OFFICER

Council's Environmental Health Officer has provided an assessment of the application and the addendum Noise report provided to Council dated September 2022 and further information supplied dated 17 March 2023.

The following comments have been provided for assessment:

A response has been received from Spectrum Acoustics.

They also did the acoustic report for DA0178/2022 on the adjoining land.

They clarify in their response that the required 5.6m barrier is to mitigate the noise from Shed 1 only.

A 4m barrier for the subject property is required to mitigate noise from Sheds 2 & 3.

They have also provided an assessment of noise impacts from Shed 4 on the current nearest residence at Lot 7 Inverness Ave and conclude no barrier is required.

I believe the nearest proposed dwellings to Shed 4 in the adjoining development would be on the proposed Lot 7 and/or Lot 8. There is a vegetation zone of approx. 50m and a detention basin between Shed 4 and Lots 7 & 8.

I agree that the proposed acoustic assessment is acceptable for the approval of the modifications under MA0009/2022.

In regards to Condition No 5 of MA0001/2022, I recommend it be deleted and new one inserted in the Prior To Commencement of Construction section:

In accordance with the acoustic report by Spectrum Acoustics dated September 2022:

- a) A 2.5m high acoustic barrier is required along the western boundary adjacent to Shed 1.*
- b) A 4m high acoustic barrier along the western boundary is required adjacent to Sheds 2 and 3.*
- c) An acoustic barrier is one which is constructed of material with a minimum surface density of 15kg/m³ and is impervious from the ground to the required with no gaps for the passage of sound.*

(B) HEALTH AND BUILDING OFFICER

The following comments have been provided for assessment:

Works will require a s68 and CC for each building. Plans indicate compliance with BCA is achievable.

Refer to Environmental Health Officer regarding noise.

Therefore - no new conditions required based on the proposed amendments.

(C) DEVELOPMENT ENGINEERS

The following comments have been provided for assessment:

1 Increase to overall building height of shed 2, 4 & 6.

No engineering impact or requirement for changes or additional conditions due to changes in shed height.

2 Reconfiguration of the buildings including new wash bay in shed 4, new office building to shed 4, additional 3 showers and 1 toilet to shed 4, new office building to shed 6 (reducing the workshops from 12 to 10 units).

The inclusion of a wash bay in Shed 4 will likely trigger a requirement for Liquid Trade Waste (LTW) approval from Council's W&S team. An additional condition will be detailed below. The additional showers and toilet are not considered to add significantly or excessively to the capacity of the sewer system.

3 Increase the total floor areas of sheds 2 and 4.

Shed 2 – The increase in floor area and additional awning increases roofed area by approximately 30%. This will have some implication on the management of stormwater runoff and the capacity of stormwater drainage infrastructure.

A condition requiring detention storage provided in rainwater tanks, some of which could be retained for re-use, is recommended for inclusion.

Shed 4 - The increase in floor area and additional awning increases roofed area by approximately 15%. This will have some implication on the management of stormwater runoff and the capacity of stormwater drainage infrastructure.

A condition requiring detention storage provided in rainwater tanks, some of which could be retained for re-use, is recommended for inclusion.

4 Car Parking

The amended plans submitted with this application appear to show an increase of 26 spaces above that shown on the car parking layout on the original (DA0214/2014) endorsed plans. However, it should be noted that an amended car parking layout (refer endorsed plan for DA0433/2021 – Recreation Facility Dwg 3710-A01 Rev B) already shows a similar increase in the number of car parking spaces required by that approval.

Summary / Conclusion:

Based on comments above it is considered that the only additional or amended engineering related conditioning is required to address amended plans, stormwater management and Liquid Trade Waste requirements.

The majority of original conditions detailed in DA0214/2014 also remain applicable and should be included in any Modified Consent that might be issued.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

Financial implications

The applicant will still be required to pay developer contributions in accordance with the relevant Contributions Plans required by the previous approval issued by Council.

Associated Risks

Should Council refuse the Modification 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

4 April 2023

Attachments: 1. MA0009/2022 - Amended Plans. (separately attached)
2. MA0009/2022 - Acoustic Report Addendums. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 Mudgee Valley Park Expansion

REPORT BY THE MANAGER - ECONOMIC DEVELOPMENT
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COM100023

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Economic Development on the Mudgee Valley Park Expansion;**
2. **approve the proposed expansion of the Mudgee Valley Park;**
3. **allocate a \$6.76 million expenditure budget for the 2023/24 year to be fully loan funded; and**
4. **forward a copy of the capital expenditure review to the Office of Local Government as required under Section 23A of the Local Government Act 1993.**

Executive summary

The purpose of this report is to present a business case assessment and capital expenditure review to Council for consideration of the investment opportunity for the further expansion of Mudgee Valley Park.

The proposed development of 20 x new cabins involves a total development cost of \$6.76 million. If Council wishes to proceed with this project, it will need to adopt an expenditure budget of \$6.76 million to be fully loan funded over a 10-year period.

This proposed expansion will deliver key worker housing in the short term (3-5 years) and in the long term increase the tourism beds available to meet these growing demands.

Disclosure of Interest

Nil

Detailed report

A new business case and capital expenditure review has been prepared for the expansion of the Mudgee Valley Park.

The proposal involves the following mix of cabin types:

Cabin Type	No. Cabins	No. Beds
1 Bedroom	11	11
2 Bedroom	1	2
3 Bedroom	5	15
4 Bedroom	3	12
Total	20	40

The total estimated cost of the proposed Stage 3 project is \$6.76 million.

For the purpose of this business case, three scenarios have been examined:

- **Scenario 1** (Best Case) – cabins are booked for 5 years under contract based on a fixed weekly rate, increased annually by CPI and 5 years under normal tourism conditions at 100% occupancy. After 5 years the cabins are booked under normal tourist conditions at 100% occupancy. Whilst this is not the most likely scenario, it demonstrates the potential of the cabins with favourable economic activity.
- **Scenario 2** (Predicted Case) – cabins are booked for 2 years under fixed contract conditions, 3 years by business travellers or workers with a minimum stay period of 3 – 5 nights and weekly servicing conditions, and 5 years under normal tourism conditions at average occupancy. Based on historical trends and the expectations around future economic activity, this is considered the most likely outcome.
- **Scenario 3** (Worst Case) – cabins are booked for 2 years under fixed contract conditions, 3 years by business travellers or workers with a minimum stay period of 3 – 5 nights and weekly servicing conditions, and 5 years under normal tourism conditions at low occupancy. Whilst this is not likely to be the most likely scenario, it demonstrates the potential risk to revenue in unfavourable economic activity.

The following table shows the total return on investment over a 10 year period based on these 3 scenarios:

10 Year Return on Investment	Scenario 1	Scenario 2	Scenario 3
Cabin Revenue	15,454,625	12,096,515	11,123,964
Loss of Revenue House	600,000	600,000	600,000
Cabin Expenses	5,416,087	3,881,110	3,453,998
Operating Profit	9,438,538	7,615,405	7,069,966
Operating Profit %	61.1%	63.0%	63.6%
ROI %	139.6%	112.7%	104.6%
Net Profit (After Overheads)	8,532,014	6,708,881	6,163,442
Operating Profit %	55.2%	55.5%	55.4%
ROI %	126.2%	99.3%	91.2%

Under each scenario the development cost is \$6.76 million.

- **Scenario 1** (Best Case). The new cabins would deliver an estimated net profit of \$8.5 million over a 10-year period, which represents a 126% return on investment over 10 years.
- **Scenario 2** (Predicted Case). The new cabins would deliver an estimated net profit of \$6.7 million over a 10-year period, which represents a 99% return on investment over 10 years.
- **Scenario 3** (Worst Case). The new cabins would deliver an estimated net profit of \$6.1 million over a 10-year period, which represents a 91% return on investment over 10 years.

The payback period for each of the three scenarios have been examined. The following table shows the payback period based on these 3 scenarios:

	Scenario 1	Scenario 2	Scenario 3
Payback period	8.1 years	10 years	11.3 years

Under each scenario the development cost is \$6.76 million and is funded 100% from existing Council funds (unrestricted cash reserves).

FUNDING OPTIONS

There are many funding options available to undertake the proposed Stage 3 development of 20 x new cabins, with total development cost \$6.76 million. They include:

- Funding from unrestricted cash reserves;
- Partial funding from grants; and/or
- Full or partial funding from borrowed funds.

There may be funding opportunities to apply for grants to contribute to the project, however there are no suitable grants currently available. Full funding from unrestricted cash reserves is not the preferred option for funding as it would require the allocation of funds from alternative uses and other major infrastructure projects already planned for delivery.

The option to borrow funds to deliver the \$6.67 million-dollar project would be at a rate of approximately 6%. This would result in annual repayments of \$908,672 over a 10-year loan period or \$584,853 over a 20-year period.

Loan Period	Annual Repayment
10 Years	\$908,672
20 Years	\$584,853

The interest payable at 6%, assuming bi-annual repayments will amount to \$2.3 million over a 10-year loan and \$4.9 million over a 20-year loan.

Loan Period	Total Interest Payable
10 Years	\$2,327,347
20 Years	\$4,937,689

The net operating profit has been calculated assuming a 10-year loan under the three options.

10 YEAR LOAN AT 6%

10 Year Return on Investment	Scenario 1	Scenario 2	Scenario 3
Net Operating Profit (After Overheads)	8,532,014	6,708,881	6,163,442
Operating Profit %	55.2%	55.5%	55.4%
ROI %	126.2%	99.3%	91.2%
Less: Interest on Loan	2,327,347	2,327,347	2,327,347
Net Profit (After Interest)	6,204,667	4,381,534	3,836,095
Operating Profit %	40.1%	36.2%	34.5%
ROI %	91.8%	64.8%	56.8%

The table shows that under all three scenarios, the net profit over the 10-year period, having the \$6.76 million fully funded over a 10-year loan at 6%.

- **Scenario 1** (Best Case). The new cabins would deliver an estimated net profit of \$6.2 million over a 10-year period after interest, which represents a 91.8% return on investment over 10 years.

- **Scenario 2** (Predicted Case). The new cabins would deliver an estimated net profit of \$4.3 million over a 10-year period after interest, which represents a 64.8% return on investment over 10 years.
- **Scenario 3** (Worst Case). The new cabins would deliver an estimated net profit of \$3.8 million over a 10-year period after interest, which represents a 56.8% return on investment over 10 years.

The following table shows the payback period based on these 3 scenarios:

	Scenario 1	Scenario 2	Scenario 3
Payback period	10.5 years	14.4 years	16.7 years

Under each scenario the development cost is \$6.76 million and is funded 100% from loan funding at 6% over a 10-year period.

It is important to note that the useful life of the new cabin assets would extend beyond the 10 year period of analysis. This means that from Year 11 onwards, the full benefit of the increased profits (before loans) will be realised.

A copy of the full business case is provided in Attachment 1.

In accordance with Section 23A of the Local Government Act 1993, Council is required to undertake a capital expenditure review for this project. A copy of the capital expenditure review is provided in Attachment 2. Council is required to forward a copy of this review to the Office of Local Government.

Community Plan implications

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

Strategic implications

Council Strategies

The Mid-Western Towards 2040 Community Plan includes a strategy to support the attraction and retention of a diverse range of businesses and industries. The 4 Year Delivery Program includes an action under this strategy which is focused promoting the region to target businesses that compliment key local industries.

The expansion of Mudgee Valley Park is consistent with the strategy included in the Towards 2040 Community Plan. It provides an opportunity to increase own source revenue through property whilst increasing the key worker housing stock in the region. This is a short-term solution to key worker housing shortages and cabins can be released as tourism accommodation in the long term.

It is expected that the renewable energy zone construction phase and other construction projects will see 4,000 to 6,000 workers requiring accommodation within the region. The expansion of Mudgee Valley Park will provide critically needed housing for these workers.

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Financial implications

The business case demonstrates that under the various scenarios, the total profits generated by the Mudgee Valley Park will offset the development costs associated with the project in just over 10 years.

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

Associated Risks

The business case has been prepared based on a set of key assumptions which may or may not be fully realised over the 10 year period. Assumptions were made about development costs, occupancy rates, fixed/variable costs, usage types, staffing requirements and local economic conditions. Whilst these assumptions were considered reasonable at the time of undertaking the business case, there is no guarantee that issues beyond Council's control will not materially impact these assumptions. This is a commercial risk that Council must accept in making the decision to proceed with the project.

MICHELE MINI
MANAGER - ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

31 March 2023

Attachments: 1. Mudgee Valley Park Stage 3 Expansion Business Case. (Confidential - separately attached)
2. Mudgee Valley Park Stage 3 Expansion Capital Expenditure Review. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Renewable Energy Planning Agreement Policy

REPORT BY THE ECONOMIC DEVELOPMENT CO-ORDINATOR.
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, LAN900113

RECOMMENDATION

That Council:

1. **receive the report by the Economic Development Co-ordinator. on the Renewable Energy Planning Agreement Policy;**
2. **place the Renewable Planning Agreement Policy on exhibition for 28 days to seek feedback from the community; and**
3. **adopt the Renewable Planning Agreement Policy if no submissions are received during the exhibition period.**

Executive summary

The Renewable Energy Planning Agreement Policy has been prepared as a set of guidelines that Council can use to regulate the negotiation, approval, and implementation of Renewable Energy Planning Agreement's (REPA's) and to provide guidance to proponents of Renewable Energy projects in the region. This policy applies to all renewable energy generation and transmission projects (and associated infrastructure) that will impact the Mid-Western Local Government Area.

This extends to wind farms, solar farms, pumped hydro, battery energy storage systems, hydrogen generation, transmission lines or any other form of renewable energy project or infrastructure.

Disclosure of Interest

Nil

Detailed report

The Central West and Orana Renewable Energy Zone is one of five Renewable Energy Zones in NSW. Renewable Energy Zones (REZ's) seek to group new wind and solar power and renewable power generation projects into locations where it can be efficiently stored and transmitted across NSW.

The Central West and Orana Renewable Energy Zone includes a significant part of Mid-Western Regional Local Government Area (LGA), the majority of the Dubbo Regional LGA, areas of the Gilgandra and Warrumbungle LGA's.

The purpose of this policy is to provide a guideline for Council to use when entering into a Renewable Energy Planning Agreement (REPA) with proponents. This policy applies to all REPA's entered into by Council.

The policy guides the impact of such development types and the need to carefully consider and plan for broader community impacts. The NSW Planning System allows for the consideration of the

impacts of development on the community through the Planning Agreement process under the provisions of the Environmental Planning and Assessment Act, 1979.

This Policy applies to any development application, application to modify a development consent or planning proposal by Proponents of Renewable Energy for land and development within the local government area of the Mid-Western Region, and surrounding LGA's that have an impact on the local community within the Mid-Western Region LGA.

Renewable Energy Planning Agreement Contribution

Proponents of Renewable Energy Projects in within the local government area of the Mid-Western Region, and surrounding LGA's that have an impact on the local community within the Mid-Western Region LGA, this extends to wind farms, solar farms, pumped hydro, battery energy storage systems, hydrogen generation, transmission lines or any other form of renewable energy project or infrastructure.

Proponents of each renewable energy project (and associated infrastructure) will be required to enter into a Planning Agreement with Mid-Western Regional Council with funding contributions to be equivalent to 1.5% of the Capital Investment Value (as defined in the Environmental Planning and Assessment Regulation 2021) of the project as a total value over the life of the project.

Payment Details under the Renewable Energy Planning Agreement

Once the project commences operation, Council request that the proponent; promptly notify Council of the Operational Commencement Date. Pay Council 50% of the value of the REPA (inclusive of GST) within 20 business days of the Operational Commencement Date.

The remaining 50% split annually over the life of the project. The payment due date will be the anniversary of the Operational Commencement Date each year. Payment will be adjusted annually in response to changes in the Australian Consumer Price Index.

Use of Funds for Community Benefits

Council will manage and utilise funds received through the Regional Energy Planning Agreement for the benefit of the community of the Mid-Western Regional Council Local Government Area. The benefit/s to the community includes (but may not be limited to) the following:

- Road infrastructure provision and maintenance;
- Housing opportunities and initiatives;
- Strategic planning;
- Economic development and investment attraction opportunities and initiatives;
- Skills development;
- Community facilities and recreation opportunities;
- Youth welfare and support; and
- Other infrastructure provision that provides for the continued health, wellbeing and development of the community.

Individual community groups will not receive funding from this fund. However, Proponents may want to explore the option of a Community Benefit Fund, which is designed to support small, localised community activities.

Community Plan implications

Goal	An attractive business and economic environment
Strategy	Support the expansion of essential infrastructure and services to match business and industry development in the region

Strategic implications

Council Strategies

Towards 2040 Community Plan

Regional Economic Development Strategy (REDS)

Council Policies

By adopting the recommendation, Council is endorsing the Renewable Energy Agreement Policy to be placed on public exhibition for comment. Should any submissions be received, a further report will be presented back to Council for consideration. If no submissions are received at the end of the exhibition period, the policy will be adopted.

Legislation

Environmental Planning and Assessment Act, 1979

Environmental Planning and Assessment Regulation 2021

Mid-Western Regional Council Local Environment Plan 2012

Electricity Infrastructure Investment Act 2020 (NSW) (EII Act)

Protection of the Environment Operations Act 1997

Financial implications

The adoption of this policy may lead to increased funding to Council to support a range of initiatives on behalf of the community.

Associated Risks

There are potential risks associated with this policy if not adopted, these may include the possibility of missed opportunities for community benefit and infrastructure contributions from proponents who may not be required to make such contributions without a formal agreement in place. Without a planning agreement, there may be a risk of inadequate consideration of environmental and social impacts that could arise from development activities, which could have long-term consequences for the community.

LISA PENSON

ECONOMIC DEVELOPMENT CO-ORDINATOR.

ALINA AZAR

DIRECTOR DEVELOPMENT

30 March 2023

Attachments: 1. Renewable Energy Planning Agreement Policy Draft.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



POLICY RENEWABLE ENERGY PLANNING AGREEMENTS

*A prosperous
and progressive
community.*

ADOPTED		VERSION NO	version 1.0
COUNCIL MEETING MIN	[xx/xx]	REVIEW DATE	[date to review]
date:	[insert date]	FILE NUMBER	[insert file no]

Objective

The purpose of this policy is to provide a guideline for Council to use when entering into a Renewable Energy Planning Agreement (REPA) with Proponents. This policy applies to all REPA's entered into by Council.

This policy is a set of guidelines that Council can use to regulate the negotiation, approval, and implementation of Renewable Energy Planning Agreement's (REPA's) and to provide guidance to proponents of Renewable Energy projects in the region and Council's requirements to deliver benefits to the community.

This policy applies to all renewable energy generation and transmission projects (and associated infrastructure) that will impact the Mid-Western Local Government Area.

This extends to wind farms, solar farms, pumped hydro, battery energy storage systems, hydrogen generation, transmission lines or any other form of renewable energy project or infrastructure.

There has been much interest and growth in renewable energy developments in the Mid-Western Regional Local Government Area (LGA).

The policy guides the impact of such development types and the need to carefully consider and plan for broader community impacts. The NSW Planning System allows for the consideration of the impacts of development on the community through the Planning Agreement process under the provisions of the Environmental Planning and Assessment Act, 1979.

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act, 1979
Environmental Planning and Assessment Regulation 2021
Mid-Western Regional Council Local Environment Plan 2012
Electricity Infrastructure Investment Act 2020 (NSW) (EII Act)
Protection of the Environment Operations Act 1997

RELATED POLICIES AND PLANS

Towards 2040 Community Plan
Regional Economic Development Strategy (REDS)

policy: | version 1., [insert date]

POLICY

Background

This Policy applies to any development application, application to modify a development consent or planning proposal by Proponents of Renewable Energy for land and development within the local government area of the Mid-Western Region, and surrounding LGA's that have an impact on the local community within the Mid-Western Region LGA.

A Renewable Energy Planning Agreement is an agreement entered into by Council and a Proponent where the Proponent agrees to fund public amenities or infrastructure, dedicate land at no cost to Council, provide monetary contributions or any other material public benefit, for a public purpose.

The use of Renewable Energy Planning Agreements has increased as a result of their flexibility in allowing councils to capture public benefits outside of the infrastructure contributions system where there is a need for an innovative and flexible approach to deliver public infrastructure and services.

Council aims to ensure that REPAs are entered into before development consent is granted. The REPA will be reviewed annually to ensure that the public benefit is being provided in accordance with the terms of the agreement.

Renewable Energy Planning Agreement Contribution

Proponents of Renewable Energy Projects in within the local government area of the Mid-Western Region, and surrounding LGA's that have an impact on the local community within the Mid-Western Region LGA, this extends to wind farms, solar farms, pumped hydro, battery energy storage systems, hydrogen generation, transmission lines or any other form of renewable energy project or infrastructure.

Proponents of each renewable energy project (and associated infrastructure) will be required to enter into a Planning Agreement with Mid-Western Regional Council with funding contributions to be equivalent to 1.5% of the Capital Investment Value (as defined in the Environmental Planning and Assessment Regulation 2021) of the project as a total value over the life of the project.

An official authorised creditor declaration will be required to confirm Capital Investment Value.

Payment Details under the Renewable Energy Planning Agreement

Once the project commences operation, Council request that the proponent;

- promptly notify Council of the Operational Commencement Date.
- pay Council 50% of the value of the REPA (inclusive of GST) within 20 business days of the Operational Commencement Date.
- pay Council the remaining 50% split annually over the life of the project. The payment due date will be the anniversary of the Operational Commencement Date each year. Payment will be adjusted annually in response to changes in the Australian Consumer Price Index

Proponents are to use the REPA Template supplied by Council as a draft agreement, noting minor changes may be accepted by Council.

Use of Funds for Community Benefits

Council will manage and utilise funds received through the Regional Energy Planning Agreement for the benefit of the community of the Mid-Western Regional Council Local Government Area. The benefit/s to the community includes (but may not be limited to) the following:

- Road infrastructure provision and maintenance;
- Housing opportunities and initiatives;
- Strategic planning;
- Economic development and investment attraction opportunities and initiatives;
- Skills development;
- Community facilities and recreation opportunities;
- Youth welfare and support;
- Other infrastructure provision that provides for the continued health, wellbeing and development of the community.

(See Appendix A for further information)

Individual community groups will not receive funding from this fund. However, Proponents may want to explore the option of a Community Benefit Fund, which is designed to support small, localised community activities.

Public Notification Period

It should be noted that the minimum exhibition period for a REPA is 28 days.

Ideally, a REPA should be submitted to Council and in place prior to submission of the Environmental Impact Statement (EIS) to which the REPA relates.

Disclosure

Council will disclose all REPAs entered into with proponents on its website and they can be found in Council's VPA Register.

Reporting

Council will provide an annual report on its use of REPAs, including the public benefits provided under each agreement.

Review

This policy will be reviewed annually to ensure that it remains relevant and effective in achieving Council's and Proponents objectives.

This policy is intended to provide guidance to Council and is not intended to create legal obligations or rights. By Council resolution, Council reserves the right to depart from this policy if it considers it appropriate to do so in a particular case.

policy: | version 1., [insert date]

Appendix A – Potential Public Benefits

The following table lists examples of public benefits that REPAs may seek to achieve.

The list is not exhaustive.

Infrastructure	<p>Accessibility improvements – accessible parking, kerb ramps, modifications to public buildings or areas</p> <p>Roads – design and construction</p> <p>Open space – parks, public places, embellishment</p> <p>Drainage and stormwater controls</p> <p>Traffic measures</p> <p>Transport outcomes</p> <p>Pedestrian and cycleway linkages and footpaths</p> <p>Telecommunication networks</p> <p>Power, water, gas</p> <p>Communications and information technology such as WIFI public space</p> <p>Bridges (vehicular and pedestrian)</p> <p>Flood management / mitigation works</p>
Facilities	<p>Community buildings – e.g. meeting rooms, halls, libraries</p> <p>Child care centres</p> <p>Public toilets</p> <p>Youth spaces</p> <p>Public leisure facilities</p> <p>Performance spaces</p> <p>Civic spaces</p> <p>Public car parking areas and commuter parking</p> <p>Bus shelters</p> <p>Family care facilities</p> <p>Sport, recreation and activity centres</p> <p>Business, research and creative industries incubator space and ancillary uses</p> <p>Affordable Housing</p>
Public domain improvements	<p>Paving – paths, streets and open space areas</p> <p>Plantings – streets and open space areas</p> <p>Furniture – seats, bins</p> <p>Banners</p> <p>Public art in streets, open space and public domain space</p> <p>Kerbs and gutters</p> <p>Treatment and/or features in public places</p> <p>Facilities such as kiosk in parks and open spaces</p> <p>Turf</p> <p>Public leisure, sport and recreation facilities</p> <p>Environmental management improvements such as water and energy minimising devices</p> <p>Restoration and management of natural areas including beaches, bushland, creeks and lagoons</p>
Other	<p>Other benefits in line with Council plans and strategies - including plans of management, flood plan management plans, traffic and transport plans, masterplans, development control plans, local environmental plans and the management plan</p> <p>Maintenance/Rehabilitation in perpetuity – e.g. pest control and bush regeneration</p> <p>Other public benefits that provide a positive planning outcome for the people of Mid-Western Regional Council.</p>

policy: | version 1., [insert date]

DRAFT

8.4 Economic Development Strategy Reviews

REPORT BY THE MANAGER - ECONOMIC DEVELOPMENT
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COR400003

RECOMMENDATION

That Council:

1. **receive the report by the Manager - Economic Development on Strategy Reviews;**
2. **rescind the Industry Closure Strategy and Mid-Western Region Economic Development Strategy; and**
3. **endorse the Regional Economic Development Strategy (REDS) 2023.**

Executive summary

The following Council Strategies are outdated and now redundant:

- Industry Closure Strategy – last revised 16/11/2016
- Economic Development Strategy – last revised 01/07/2010

The Regional Economic Development Strategy (REDS) 2023 was published March 2023 by Department of Regional NSW. This document provides an evidence base to guide governments in making policy and investment decisions to enhance resilience and drive sustainable, long-term economic growth in the Mid-Western Region.

It is recommended that the Industry Closure Strategy and Economic Development Strategy be rescinded, and the Mid-Western Regional Economic Development Strategy (2023 update) be endorsed.

Disclosure of Interest

Nil

Detailed report

The Industry Closure Strategy purpose was to define Council's role in assisting the community if a large business or entire industry closes in the Mid-Western Region. Last updated in 2016, this policy is not a requirement of Council and is considered un-necessary at a Strategy level. Council's Economic Development team work with business and industry to provide support and monitor activities. If a major industry were to close, a whole of government approach is required including NSW State Government agencies tasked with the objective to keep industry in NSW.

The Mid-Western Regional Council's Economic Development Strategy (2010 – 2020) outlined a shared vision and future economic direction for the region in the 10-year period July 2010 to July 2020. The strategy provided a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and meaningfully engage in economic development initiatives for the region. This document is now outdated and the Mid-Western

Regional Economic Development Strategy – 2023 update (REDS) now provides the current economic development strategy for the region.

The Mid-Western Regional Economic Development Strategy (2023 update) is a document prepared by Department of Regional NSW in collaboration with Mid-Western Regional Council. The purpose of this document is to provide an updated evidence base to guide governments in making policy and investment decisions to enhance resilience and drive sustainable, long-term economic growth in the Mid-Western Region.

The document analyses the following key elements to identify strategic opportunities for growth, resilience and liveability in the region.

- significant events impacting major industries;
- macroeconomic trends shaping the region's future;
- significant investments made in the past 5 years; and
- the Mid-Western 2023 economic snapshot.

Following from this analysis stakeholders from the Mid-Western Region were consulted to identify key priorities for the region. The key priorities identified included:

- economic diversification – seizing opportunities presented by a macro shift towards renewable energy sources;
- attracting and retaining a working population – concern was raised that the housing availability issues are impacting the ability to attract and retain skilled workers; and
- matching labour pool to major projects – ensuring major projects are accompanied by robust plans which consider labour supply and housing availability to secure long-term economic benefits for the community from significant investments in the region.

These key priorities align with the Economic Development Action Plan for the Mid-Western Region and support the key theme in the Community Plan: *Building A Strong Local Economy*.

The key economic development strategies identified in the REDS document are detailed in the table below:

Strategy	Enablers	Rationale
Develop a mature and diversified visitor economy.	Facilitate investment in community infrastructure to support sporting and cultural precinct offerings that the region has developed.	Improve the region's visitor economy by increasing specialisation around arts and sporting infrastructure.
Grow industry clusters around mining, manufacturing, agriculture and renewable energy.	Strategically plan for value-add opportunities and supply chain integrations in the region's engine industries.	Proactively planning for needs such as industrial land and enabling infrastructure will help support value add opportunities as they arise.
Capitalise on existing viticulture strengths.	Collaborate with state government agencies to identify and progress initiatives which support enhanced industry disaster-readiness through higher	Boost the capability of the industry's human and physical capital.

	levels of technology uptake, improved access to export markets and co-investment opportunities.	
Support the attraction and retention of an increased number of diverse businesses and industries while developing a strong entrepreneurial reputation.	Develop and implement a business attraction and investment action plan that supports industry diversification.	Build the capability of the region's workforce to participate in the Central West-Orana REZ and emerging supply chains.
Invest in housing and population-serving infrastructure and services.	Develop a Regional Housing Delivery Plan to identify short to medium-term actions to improve overall housing supply. Including for workers and their families.	Improving planning pathways and stock of worker housing to boost supply of sustainable housing growth in the region.

It is recommended that Council rescind the Industry Closure Strategy and Economic Development Strategies and endorse the Mid-Western Regional Economic Development Strategy (2023 update).

Community Plan implications

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

Strategic implications

Council Strategies

Industry Closure Strategy adopted 19/12/2012 Minute 615/12
Economic Development Strategy adopted 16/6/2010 Minute 177/10

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Nil

MICHELE MINI
MANAGER - ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

18 November 2022

Attachments: 1. Economic Development Strategy. (separately attached)
2. Industry Closure Strategy. (separately attached)
3. Mid-Western Regional Economic Development Strategy 2023 Update.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Acceptance of NSW Government Grants

REPORT BY THE MANAGER - ECONOMIC DEVELOPMENT
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, GRA600052

RECOMMENDATION

That Council:

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

Grant Fund	Project	Grant Amount Requested
2024/25 Multi-Year Funding for Arts & Cultural Organisations	Mudgee Arts Precinct Exhibition and Education Program	\$338,000
NSW Regional Business Event Development Fund	Central West Young Entrepreneur Summit 2023 - speakers and social marketing	\$15,000
2023/24 Regional Event Fund: Flagship Event Fund	Flavours of Mudgee 2023 marketing	\$30,000pa for 3 years

3. **if successful, amend the 2023/24, 2024/25, 2025/26, 2026/27 and 2027/28 budgets in accordance with the adjustments listed on the Financial Implication section of this report and 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 and that will support the overall goals of the Community Plan.

The NSW Government funding bodies identified in this report include:

- 2024/25 Multi-Year Funding for Arts & Cultural Organisations
- NSW Regional Business Event Development Fund
- 2023/24 Regional Event Fund: Flagship Event Fund

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 Budget for 2023/24, 2024/25, 2025/26, 2026/27 and 2027/28.

Disclosure of Interest

Nil

Detailed report

2024/25 Multi-Year Funding for Arts & Cultural Organisations

The Multi-Year Funding supports arts and cultural organisations to deliver, develop and present multiple arts and cultural activities over a 4-year period.

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

- Mudgee Arts Precinct Exhibition and Education Program \$338,000

NSW Regional Business Event Development Fund

The NSW Regional Business Event Development Fund is designed to help create, attract and support business events for regional NSW and to support new business event infrastructure projects.

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

- Central West Young Entrepreneur Summit 2023 \$15,000
Speakers and Social Marketing

2023/24 Regional Event Fund: Flagship Event Fund

The 2023/24 Regional Event Fund: Flagship Event Fund funding is available to enhance marketing and promotion to assist existing events build visitation from outside the event's local area. Funding is not intended to replace previous or other event funding.

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

- Flavours of Mudgee 2023 \$30,000 p.a.
Marketing for 3 years

Community Plan implications

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

Strategic implications

Council Strategies

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

- Support arts and cultural development across the region;
- Encourage the development of a skilled and flexible workforce to satisfy local industry and business requirements;
- Support the attraction and retention of a diverse range of businesses and industries; and
- Provide a roads network that balances asset conditions with available resources and community needs.

Council Policies

Nil

Legislation

Nil

Financial implications

2024/25 Multi-Year Funding for Arts & Cultural Organisations - Mudgee Arts Precinct Exhibition and Education Program.

In 2024/25 increase the expenditure budget by \$80,000 to be funded by grants.

In 2025/26 increase the expenditure budget by \$83,000 to be funded by grants.

In 2026/27 increase the expenditure budget by \$85,000 to be funded by grants.

In 2027/28 increase the expenditure budget by \$90,000 to be funded by grants.

NSW Regional Business Event Development Fund - Central West Young Entrepreneur Summit 2023 - speakers and social marketing.

In 2023/24 increase the expenditure budget by \$15,000 to be funded by grants.

2023/24 Regional Event Fund: Flagship Event Fund - Flavours of Mudgee 2023 Marketing.

In 2023/24 increase the expenditure budget by \$30,000 to be fully funded by grants.

In 2024/25 increase the expenditure budget by \$30,000 to be fully funded by grants.

In 2025/26 increase the expenditure budget by \$30,000 to be fully funded by grants.

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

Associated Risks

If the grant funding for the above-named projects is successful and not accepted by Council the projects may not be able to proceed or 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

20 March 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Re-Establishment of Alcohol Free Zones

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, A0130008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Building and Development on the Re-Establishment of Alcohol Free Zones; and**
2. **support the re-establishment of Alcohol Free Zones to April 2027 within the Central Business Districts of Kandos, Rylstone, Mudgee and Gulgong in order to:**
 - a) **Improve community safety by preventing disorderly behaviour caused by the consumption of alcohol in a public place.**
 - b) **Contribute to and foster, accessible and safe areas, community confidence and pride in local identity.**
 - c) **Assist in preventing damage to business premises and infrastructure by creating safe areas adjacent to those business premises with the Central Business Districts.**

Executive summary

The purpose of this report is to re-establish the existing Alcohol Free Zones (AFZs) within the Central Business Districts (CBDs) of Gulgong, Mudgee, Kandos and Rylstone as the existing AFZs will expire 18th April 2023. The location of these AFZs can be seen in the attached maps.

The Ministerial Guidelines on Alcohol Free Zones states that an AFZ can be re-established under Section 644B Clause 4 of the Local Government Act 1993 for a maximum period of four (4) years.

Disclosure of Interest

Nil

Detailed report

In June 2009 Council resolved to establish Alcohol Free Zones (AFZs) within the Central Business Districts (CBDs) of Gulgong, Mudgee, Kandos and Rylstone. These zones were subsequently re-established in 2019 and will soon expire. As such this report seeks to re-establish all four AFZs for a further 4 years.

Council staff have consulted with Sergeant Mr Andrew Pearce who is the Licensing Supervisor for the Orana Mid-Western Police District (OMWPD), which incorporates all four towns.

Mr Pearce has advised that the AFZs are an important part in the reduction of alcohol related crime. Mr Pearce further advised that the OMWPD supports updating the signage in the listed areas.

As there are no proposed changes to the locations of the AFZs or the signs, further community consultation is not considered necessary.

Six signs, three in Mudgee, one in Gulgong, and two in Rylstone are required to be sourced in order to replace missing or stolen signs. In addition to the six new signs, it is proposed to keep all other existing signs (63 in total) and only replace the approved date range on the signs with new stickers. This will be facilitated by the Health and Building Department.

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

Towards 2040 Community Plan - Strategy 1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community safety.

Council Policies

Not Applicable

Legislation

Local Government Act 1993

Financial implications

The approximate cost of supplying and installing 6 new signs and 63 stickers to update dates on existing signage is \$2000 (+GST). This expense will be covered from existing budgets.

Associated Risks

Not Applicable

TY ROBSON
MANAGER BUILDING AND DEVELOPMENT

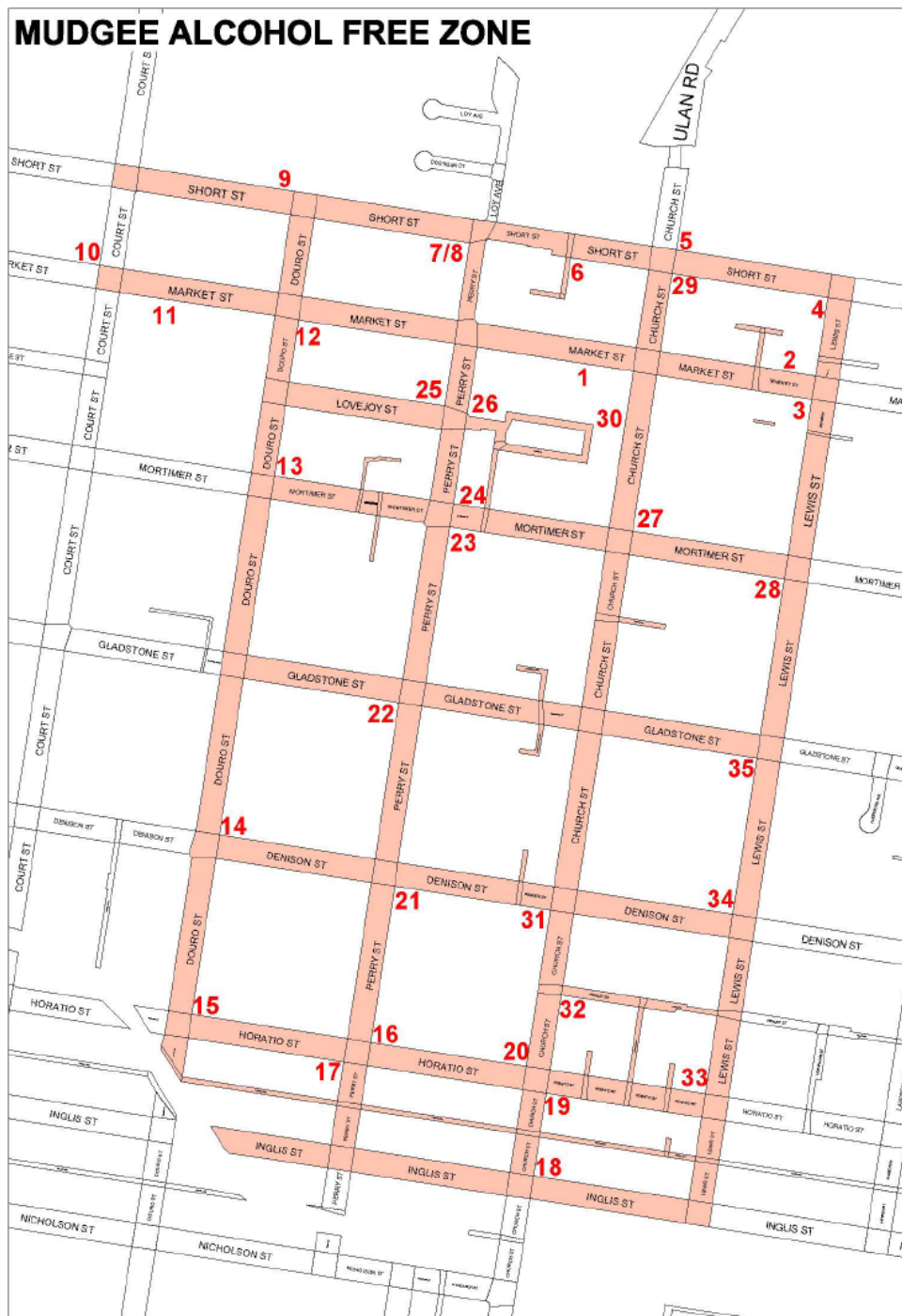
ALINA AZAR
DIRECTOR DEVELOPMENT

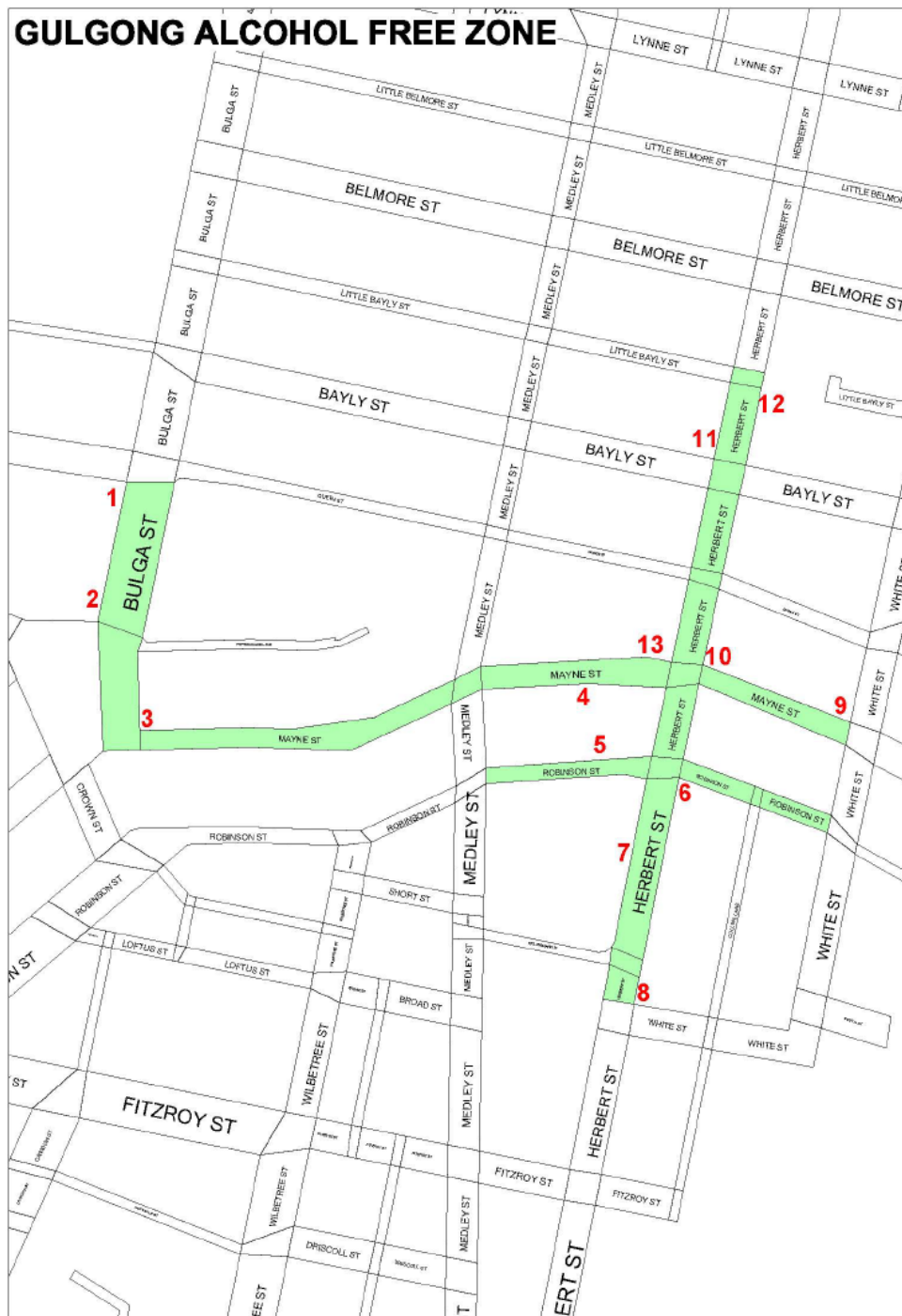
4 April 2023

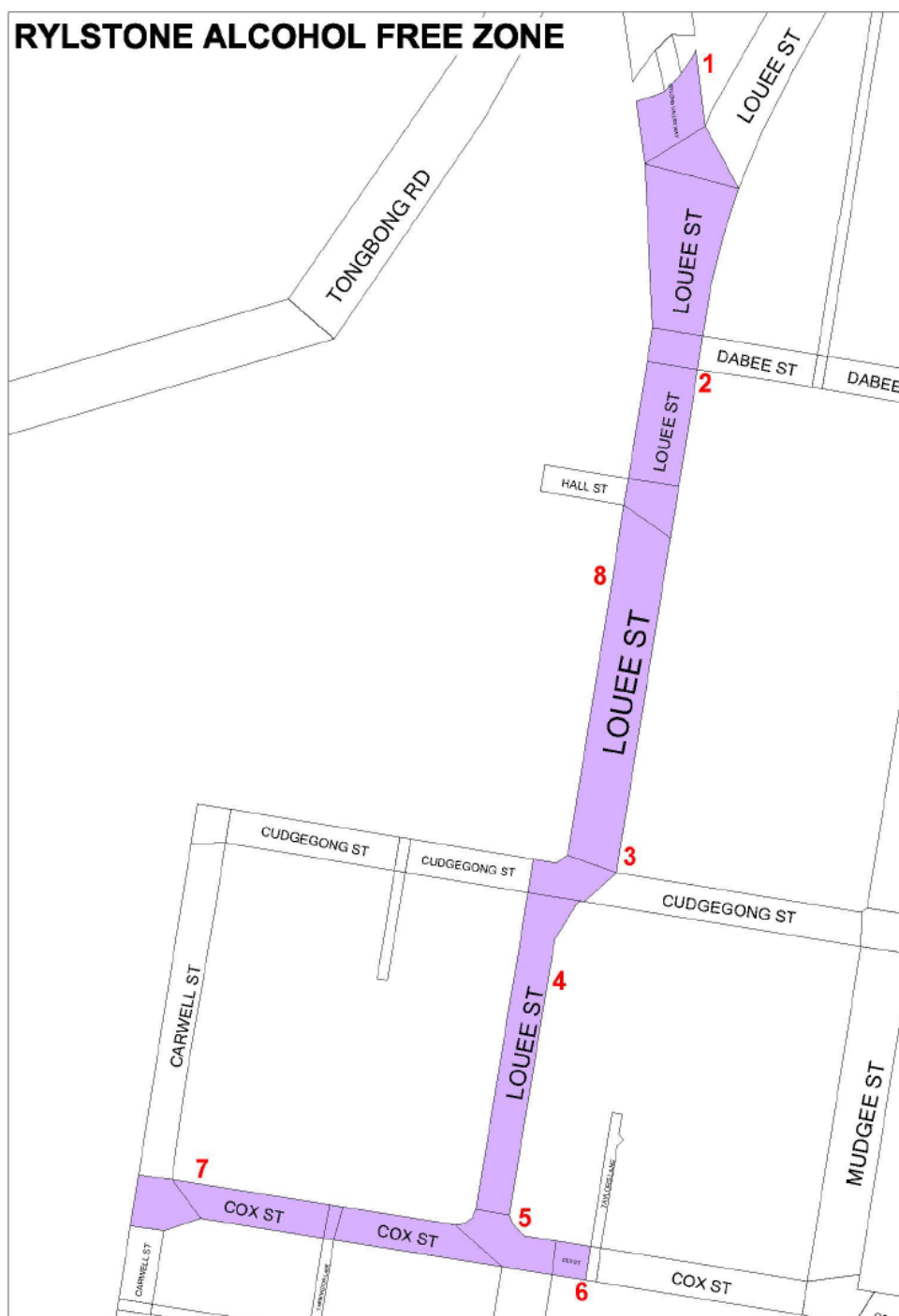
Attachments: 1. Mudgee, Gulgong, Rylstone, and Kandos Alcohol Free Zone Maps.

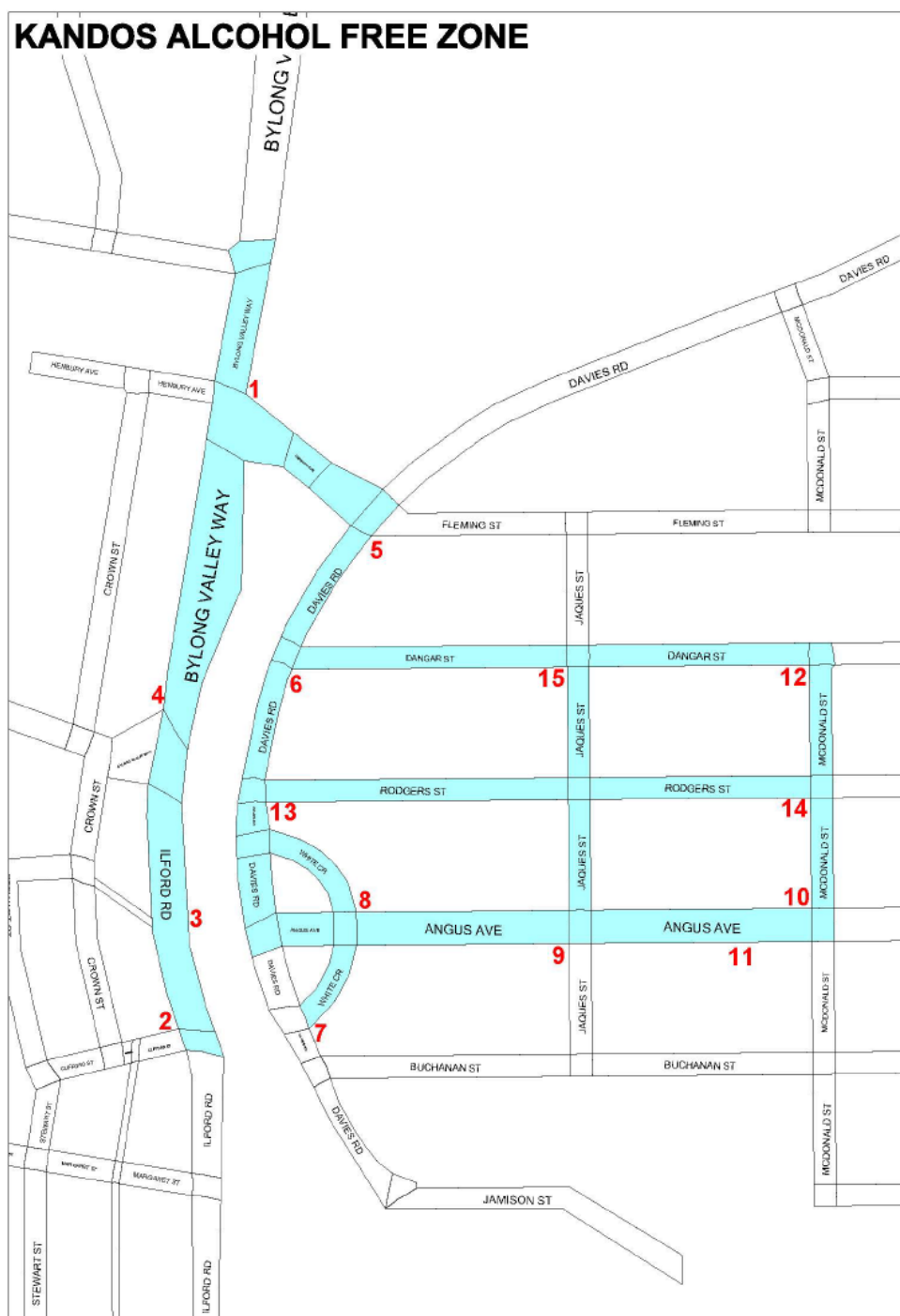
APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER









8.7 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER, PLANNING
TO 19 APRIL 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 March 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 April 2023

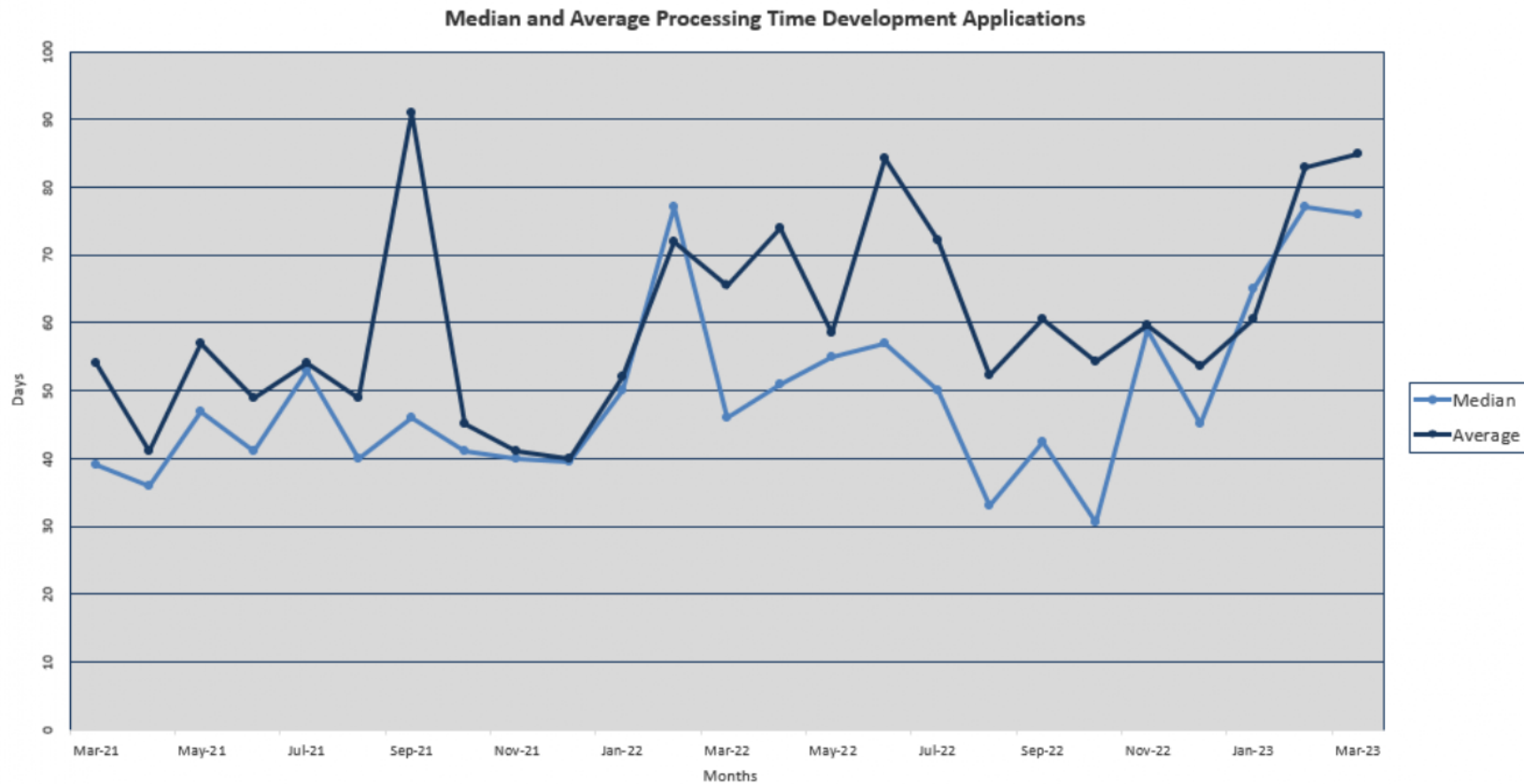
Attachments: 1. DA applications processing and determined ATTACHMENT March 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

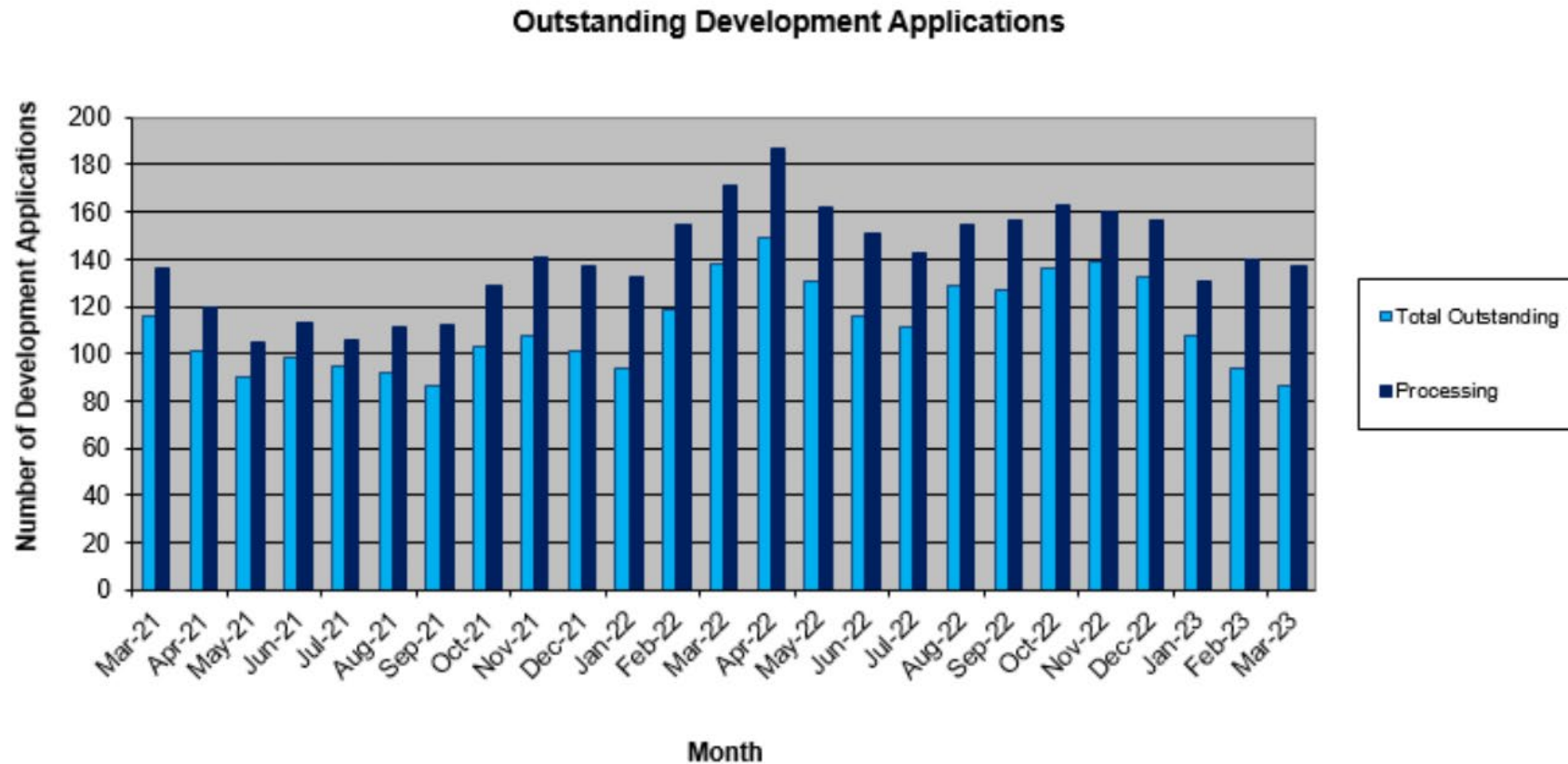
Monthly Development Application Processing Report – March 2023

This report covers the period for the month of March 2023. Graph 1 indicates the processing times up to 31 March 2023 with the month of March having an average of 76 days and a median time of 85 days.



Monthly Development Application Processing Report – March 2023

Graph 2 indicates the total number of outstanding applications, the number currently being processed is 86 and the number on “stop clock” is 49.



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

Monthly Development Application Processing Report – March 2023

Development Applications Determined – March 2023

Appl/Proc ID	Description	House No	Street Name	Locality
DA0312/2022	Subdivision - Torrens Title	55	Ilford Road	KANDOS NSW 2848
DA0001/2023	Alterations & Additions @ Kandos Library	42	Angus Avenue	KANDOS NSW 2848
DA0023/2023	Dwelling House	38	Rifle Range Road	MUDGEE NSW 2850
DA0042/2023	Camping Ground	5964	Castlereagh Highway	RUNNING STREAM 2850
DA0048/2023	Secondary dwelling	68	Perry Street	MUDGEE NSW 2850
DA0080/2023	Pub	49	Church Street	MUDGEE NSW 2850
DA0084/2023	Subdivision - Torrens Title	7	Thomas Clark Place	MUDGEE NSW 2850
DA0092/2023	Secondary dwelling	156	Gladstone Street	MUDGEE NSW 2850
DA0099/2023	Garage	180	Broadhead Road	SPRING FLAT NSW 2850
DA0120/2023	Dual Occupancy	3	Suttor Avenue	CAERLEON NSW 2850
DA0125/2023	Dual Occupancy	45	Nullo Mountain Road	OLINDA NSW 2849
DA0126/2023	Dual Occupancy	3	Beryl Road	GULGONG NSW 2852
DA0153/2023	Subdivision - Torrens Title	21	Douro Street	MUDGEE NSW 2850
DA0170/2023	Alterations & Additions	93	Norris Lane	GALAMBINE NSW 2850
DA0188/2023	Ancillary Residential Development	3	Florence Close	MUDGEE NSW 2850
DA0196/2023	Carport	177	Mortimer Street	MUDGEE NSW 2850
DA0201/2023	Dwelling House	20	Steel Drive	SPRING FLAT NSW 2850
DA0211/2023	Change of use	27	Byron Place	MUDGEE NSW 2850
DA0216/2023	Dwelling House	297	Mossy Rock Lane	MONIVAE NSW 2849
DA0228/2023	Alterations & Additions	7	Lawson Street	MUDGEE NSW 2850
DA0234/2023	Shed >150m2	499	Ridge Road	COOKS GAP NSW 2850
DA0260/2023	Garage	76	Zimmer Lane	GULGONG NSW 2852
DA0262/2023	Shed	100	Tongbong Road	RYLSTONE NSW 2849
DA0265/2023	Dwelling House	20	Dunnachie Street	MUDGEE NSW 2850
DA0312/2022	Subdivision - Torrens Title	55	Ilford Road	KANDOS NSW 2848

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

DA number	Number of DCP variation(s)	Level of variation
DA0142/2023	1	N/A
DA0429/2022	1	>10% = 35%

Monthly Development Application Processing Report – March 2023

DA0259/2023	1	>10% = 44%
DA0214/2023	1	>10% = 35%
DA0213/2023	1	>10% = 17%
DA0052/2023	1	>10% = 18.18%
DA0259/2023	1	<10% = 9.5%
DA0145/2023	1	N/A
DA0056/2023	1	N/A

Development Applications currently being processed – March 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	PUTTA BUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	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	Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0434/2021	Subdivision - Torrens Title	2	Stewart Street	KANDOS NSW 2848
DA0164/2022	Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0226/2022	Garage	12	Wandoona Court	MUDGEE NSW 2850
DA0247/2022	Ancillary Residential Development	25	Burrundulla Avenue	MUDGEE NSW 2850
DA0268/2022	Subdivision - Torrens Title	313	Magpie Lane	GALAMBINE NSW 2850
DA0329/2022	Demolition and Construction of 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	PUTTA BUCCA NSW 2850
DA0417/2022	Alterations, Additions & Demolition to Commercial	59	Church Street	MUDGEE NSW 2850
DA0419/2022	Subdivision - Torrens Title	53	Cox Street	MUDGEE NSW 2850
DA0427/2022	Subdivision - Torrens Title	161	Gladstone Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – March 2023

DA0453/2022	Secondary dwelling	209	Mortimer Street	MUDGEE NSW 2850
DA0016/2023	Dwelling House	1368	Castlereagh Highwa	CULLENBONE NSW 2850
DA0027/2023	Demolition	134	Lions Drive	BURRUNDULLA NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0056/2023	Eco-Tourist Facility	1141	Crudine Road	CRUDINE NSW 2795
DA0068/2023	Shed	688	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0074/2023	Industrial Building	38	Hill End Road	CAERLEON NSW 2850
DA0078/2023	Multi dwelling housing	232	Mortimer Street	MUDGEE NSW 2850
DA0090/2023	Dwelling House	1121	Ulan Road	BUDGEE BUDGEE 2850
DA0091/2023	Dwelling House	4	Eleanor Dark Cour	MUDGEE NSW 2850
DA0107/2023	Subdivision - Torrens Title	28	Melton Road	MUDGEE NSW 2850
DA0111/2023	Training Camp Facility & Consolidation of Lots	58	Pitts Lane	PUTTA BUCCA NSW 2850
DA0123/2023	Dual Occupancy	37	Fairydale Lane	MUDGEE NSW 2850
DA0141/2023	Secondary dwelling	1199	Ulan Road	BUDGEE BUDGEE 2850
DA0145/2023	Subdivision - Torrens Title	37	Calderwood Road	RYLSTONE NSW 2849
DA0148/2023	Subdivision - Torrens Title	30	Banjo Paterson Avenue	MUDGEE NSW 2850
DA0162/2023	Retaining Wall	38	Hughson Avenue	MUDGEE NSW 2850
DA0166/2023	Swimming Pool	177	Snakes Creek Road	WILBETREE NSW 2850
DA0172/2023	Multi dwelling housing	30	Meares Street	MUDGEE NSW 2850
DA0178/2023	Subdivision - Torrens Title	79	Fairydale Lane	MUDGEE NSW 2850
DA0181/2023	Dual Occupancy	42	Guntawang Street	GULGONG NSW 2852
DA0186/2023	Dwelling House	45	Callaghan Street	CLANDULLA NSW 2848
DA0190/2023	Subdivision - Torrens Title	132	Bruce Road	MUDGEE NSW 2850
DA0193/2023	Secondary dwelling	13	Cox Street	MUDGEE NSW 2850
DA0202/2023	Earthworks	33	Blain Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0206/2023	Warehouse Unit Complex	38	Hill End Road	CAERLEON NSW 2850
DA0207/2023	Dwelling House	112	Glen Alice Road	RYLSTONE NSW 2849
DA0209/2023	Dual Occupancy	8	Dunnachie Street	MUDGEE NSW 2850
DA0214/2023	Subdivision - Torrens Title	52	Court Street	MUDGEE NSW 2850
DA0215/2023	Dual Occupancy	12	Flinders Avenue	MUDGEE NSW 2850
DA0217/2023	Dual Occupancy	17	Flinders Avenue	MUDGEE NSW 2850
DA0220/2023	Signage	27	Sydney Road	MUDGEE NSW 2850

Monthly Development Application Processing Report – March 2023

DA0221/2023	Dwelling House	655	Black Springs Road	BUDGEE BUDGE 2850
DA0223/2023	Dual Occupancy	23	Dunnachie Street	MUDGE NSW 2850
DA0226/2023	Shed >150m2	1620	Spring Creek Road	COOKS GAP NSW 2850
DA0230/2023	Secondary dwelling	22	Mudgee Street	RYLSTONE NSW 2849
DA0231/2023	Dual Occupancy	521	Ulan Road	EURUNDEREE NSW 2850
DA0232/2023	Secondary dwelling	23	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGE NSW 2850
DA0236/2023	Serviced Apartments	569	Hill End Road	ERUDGERE NSW 2850
DA0238/2023	Subdivision - Torrens Title	11	Acacia Drive	RYLSTONE NSW 2849
DA0242/2023	Uniform Shop to Nail and Beauty Salon	82	Church Street	MUDGE NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGE NSW 2850
DA0249/2023	Alterations & Additions	144	Mortimer Street	MUDGE NSW 2850
DA0252/2023	Subdivision - Torrens Title	14	Robinson Street	WINDEYER NSW 2850
DA0253/2023	Subdivision - Torrens Title	251	Church Street	MUDGE NSW 2850
DA0254/2023	Dwelling (Manufactured) Tourist Accommodation	1928	Goolma Road	TWO MILE FLAT NSW 2852
DA0258/2023	Secondary dwelling	16	Lawson Street	MUDGE NSW 2850
DA0267/2023	Camping Ground	48	Turners Lane	GULGONG NSW 2852
DA0268/2023	Shed	267	Ulan Road	BOMBIRA NSW 2850
DA0269/2023	Transportable dwellings, tourist accommodation	88	Gibsons Lane	ERUDGERE NSW 2850
DA0271/2023	Secondary dwelling	8	Avisford Court	MUDGE NSW 2850
DA0273/2023	Industrial Building	38	Hill End Road	CAERLEON NSW 2850
DA0275/2023	Vehicle Repair Station	5	Wilkins Crescent	MUDGE NSW 2850
DA0276/2023	Dwelling House	19	Baskerville Drive	MUDGE NSW 2850
DA0278/2023	Shed	85	Angus Avenue	KANDOS NSW 2848
DA0280/2023	Alterations and additions to existing preschool	2	Lovejoy Street	MUDGE NSW 2850
DA0281/2023	Swimming Pool	56	Wollar Road	BUDGE BUDGE 2850
DA0286/2023	Warehouse Units	38	Hill End Road	CAERLEON NSW 2850
DA0287/2023	Warehouse Units	38	Hill End Road	CAERLEON NSW 2850
DA0290/2023	Shed >150m2	98	Norris Lane	GALAMBINE NSW 2850
DA0295/2023	Dwelling House	120	Market Street	MUDGE NSW 2850
DA0296/2023	Dwelling House	171	Ridge Road	COOKS GAP NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM 2850
DA0298/2023	Dwelling House	58	Panorama Court	RYLSTONE NSW 2849

Monthly Development Application Processing Report – March 2023

DA0300/2023	Dual Occupancy	37	Knox Crescent	CAERLEON NSW 2850
DA0301/2023	Alterations & Additions	29	Bernards Road	YARRAWONGA NSW 2850
DA0302/2023	Secondary dwelling	13	Ilford Road	RYLSTONE NSW 2849
DA0303/2023	Subdivision - Torrens Title	8	Pirie Close	MUDGEE NSW 2850
DA0304/2023	Recreation Area	2358	Henry Lawson Driv	CANADIAN LEAD 2850
DA0305/2023	Shed	46	Suttor Avenue	CAERLEON NSW 2850
DA0306/2023	Dwelling House	142	Mossy Rock Lane	MONIVAE NSW 2849
DA0308/2023	Recreation and camping facilities	3	Carwell Street	RYLSTONE NSW 2849
DA0309/2023	Dwelling House	21	Hosking Street	CAERLEON NSW 2850
DA0310/2023	Shed	11	Stockmans Drive	PUTTA BUCCA NSW 2850
DA0311/2023	Garage	21	Rodgers Street	KANDOS NSW 2848
DA0313/2023	Shed	24	Dunnachie Street	MUDGEE NSW 2850
DA0314/2023	Subdivision - Torrens Title	35	Beryl Road	GULGONG NSW 2852
DA0315/2023	Alterations & Additions	1368	Crudine Road	CRUDINE NSW 2795
DA0316/2023	Dwelling House	19	Hosking Street	CAERLEON NSW 2850
DA0317/2023	Dwelling House	29	Hosking Street	CAERLEON NSW 2850
DA0318/2023	Shipping Container on Vacant Block	9	Standard Avenue	CHARBON NSW 2848
DA0319/2023	Garage	207	Mortimer Stree	MUDGEE NSW 2850
DA0321/2023	Dwelling House	8	Yaraandoo Street	GULGONG NSW 2852
DA0322/2023	Dwelling House	25	Grevillea Grove	RYLSTONE NSW 2849
DA0324/2023	Subdivision - Torrens Title	139	Robertson Street	MUDGEE NSW 2850
DA0325/2023	Dwelling House	14	Lovett Court	SPRING FLAT NSW 2850
DA0326/2023	Dwelling House	593	Cope Road	STUBBO NSW 2852
DA0327/2023	Subdivision - Torrens Title	3019	Bylong Valley Way	RYLSTONE NSW 2849
DA0328/2023	Dwelling House	21	Robert Jones Street	MUDGEE NSW 2850
DA0331/2023	Swimming Pool	26	Horatio Street	MUDGEE NSW 2850
DA0332/2023	Manufactured Dwelling	154	Black Lead Lane	GULGONG NSW 2852
DA0333/2023	Upgrade Mudgee Valley Caravan Park	8	Bell Street	MUDGEE NSW 2850
DA0334/2023	Swimming Pool	11	Baskerville Drive	MUDGEE NSW 2850

Monthly Development Application Processing Report – March 2023

Heritage Development Applications currently being processed – March 2023.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEE NSW 2850
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE NSW 2849
DA0087/2022	Demolition	33	Horatio Street	MUDGEE NSW 2850
DA0201/2022	Garage	74	Gladstone Street	MUDGEE NSW 2850
DA0418/2022	Dual Occupancy	12	Little Bayly	GULGONG NSW 2852
DA0429/2022	Multi dwelling housing	81	Lawson Street	MUDGEE NSW 2850
DA0052/2023	Dwelling House	15	Loy Avenue	MUDGEE NSW 2850
DA0174/2023	Secondary dwelling	156	Mayne Street	GULGONG NSW 2852
DA0184/2023	Dual Occupancy	2	Mealey Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0191/2023	Alterations & Additions	73	Belmore Street	GULGONG NSW 2852
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850
DA0218/2023	Hotel accommodation	141	Mayne Street	GULGONG NSW 2852
DA0227/2023	Signage	77	Church Street	MUDGEE NSW 2850
DA0251/2023	Alterations & Additions	74	Mayne Street	GULGONG NSW 2852
DA0261/2023	Recreation Area	93	Mortimer Street	MUDGEE NSW 2850
DA0272/2023	Retrospective Change of Use (Garage to Granny Flat)	7	Lawson Street	MUDGEE NSW 2850
DA0282/2023	Hotel accommodation	63	Horatio Street	MUDGEE NSW 2850
DA0323/2023	Secondary dwelling	27	Gladstone Street	MUDGEE NSW 2850

Item 9: Finance

9.1 Naming of a road providing access to a subdivision off White Rock Road, Pinnacle Swamp

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, P26899, R0790041

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of a road providing access to a subdivision off White Rock Road, Pinnacle Swamp;**
 2. **name this road River Station Road; and**
 3. **advertise proposed name and receive a further report at the end of the exhibition period to formalise the name of the road.**
-

Executive summary

A new subdivision off White Rock Road in the locality of Pinnacle Swamp requires access via an unnamed crown road reserve. Addressing requirements for the new subdivision will necessitate the naming of this unnamed 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 unnamed road.

Following the approval of a new subdivision off White Rock Road in the locality of Pinnacle Swamp, Council wrote to the property owner and neighbours of the subdivision on 20th December 2022 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 23rd December issue of the Mudgee Guardian and in the February 2023 issue of the Rylstone Kandos Community Capers, along with on Council's website. Submissions closed on 24th of February 2023 and during this period four submissions were received with the following name suggested:

- River Station Road

This name was evaluated via the Geographical Names Board and was found acceptable for use as a street/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 unnamed 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 a street signs at the intersection of White Rock Road and the road being named will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

30 March 2023

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

River Station

243, White Rock Road

Rylstone

To whom it may concern,

We are the part owners of River Station, White Rock Road.

In reply to your letter regarding the name of the road that is through our property.

We wish to propose that it still be called River Station Road.

River Station was settled back in 1836 with that name. We feel that this is the appropriate name for this road.

Thanking you,

Pamela & William Smith.



From: Kate Reid
Sent: Monday, 13 February 2023 7:56 PM
To: Council
Subject: Road name

Request for Submissions - Proposed Road Name in Pinnacle Swamp

On display until 24 February 2023, 04:30 PM

Council proposes to name a road in a subdivision off White Rock Road in the locality of Pinnacle Swamp.

Council is inviting submissions from the public in addition to submissions from Council's pre-approved names list.

Submissions should be in writing, giving reasons and addressed to the General Manager, Mid-Western Regional Council, PO Box 156 MUDGEES 2850. Submissions will be accepted until **Friday, 24 February 2023**.

Should you have any queries or wish to discuss this matter please contact Council's Revenue and Property Department.



please accept my submission for the above road.

I would name it "River Station Road"

this is what it is commonly known as.

with thanks

Kate Reid

To: General Manager - Road Name - off White Rock Rd, Pinnacle Swamp

Curious as to why Council is asking for submissions to name the proposed road off White Rock Rd, from the entrance to the property 'River Station', giving access to Mr Matic's subdivision, the map in the Mudgee Guardian was of such poor standard it was difficult to read where all the roads & names of areas were, in such small print & so faint couldn't read it.

Construction of this road has not even been started let alone finished inspected & passed by Council, only a large Strand of Trees bulldozed & burnt, the previous owners of River Station so value these trees for their their natural beauty, shade, shelter for live stock and native animals, that they built the road around these trees instead of straight through the middle of them. Previous owner Margaret Morris suggested at a council meeting or in writing that Mr Matic could build the road on her side of the boundary fence between her & Mr Matic.

This was supposed to be a compromise to save those trees obviously it was not put down on paper or Council would not let it happen? Why couldn't this road be built on Mr Matic's side of the boundary fence?

Any-way - We suggest that this road be named: 'RIVER STATION Rd.' because it goes through the property 'River Station' - out of Respect for the previous owners of the property over many years. We would be very disappointed if it was named Matic's Rd.

FROM: LES & ROBYN JOHNSTON

From: Hylton John
Sent: Friday, 24 February 2023 2:49 PM
To: Council
Subject: Naming Of A New Road for a subdivision off White Rock Road

Attention Carolyn Atkins or Sarah Pringle.

Dear Carolyn and Sarah,

I am the owner of the land being developed.

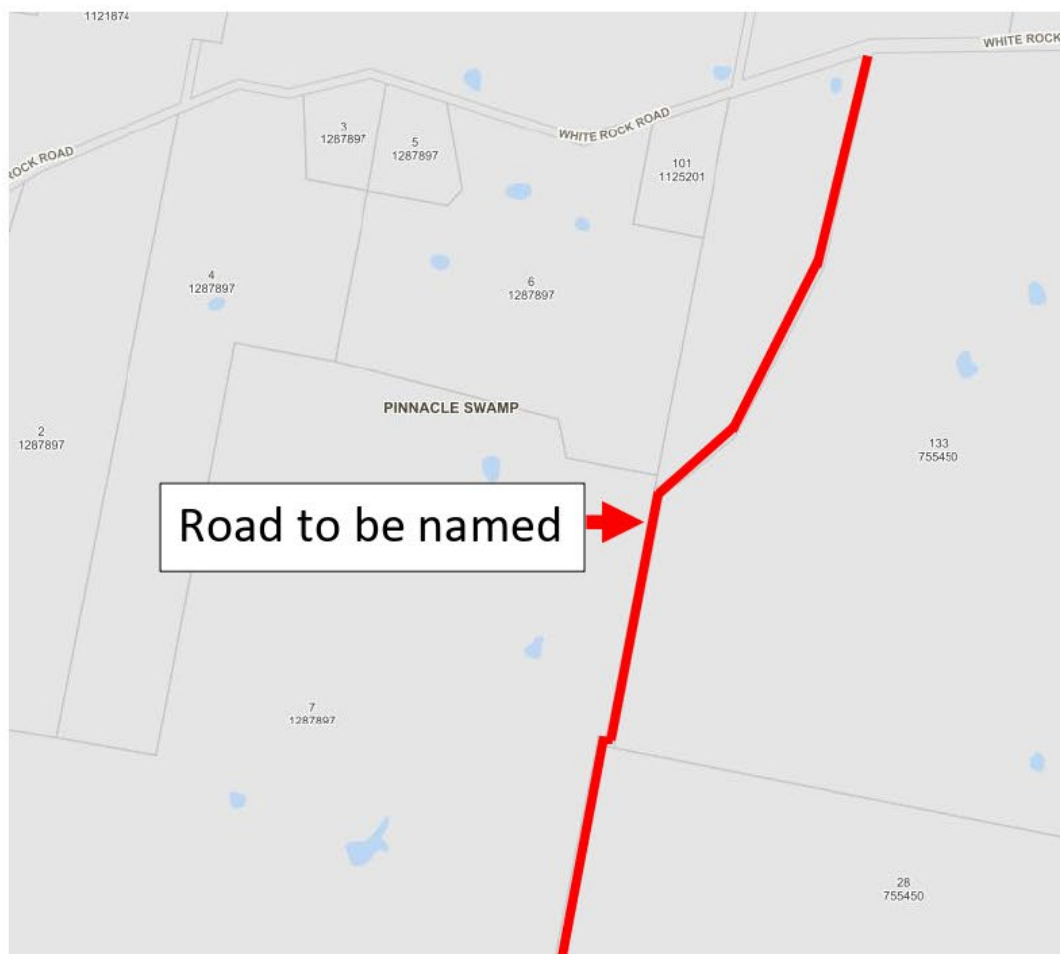
I hereby make my submission for the naming of the new road. I submit the name to be River Station Road.

I believe the name to be appropriate as the road in part passes through "River Station" and the balance of the road passes next to River Station.

River Station is a large cattle property which is well known in the area, which I understand has been established over a number of decades.

Kind Regards,

Hylton John



9.2 Rescission of Building Upgrade Finance (using Environmental Upgrade Agreements) Policy

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, EN200067

RECOMMENDATION

That Council:

1. **receive the report by the Manager Property and Revenue on the Rescission of Building Upgrade Finance (using Environmental Upgrade Agreements) Policy;**
2. **cease to offer Environmental Upgrade Agreements as provided for in accordance with the Local Government Act 1993;**
3. **endorse the proposal that the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy, is proposed to be rescinded;**
4. **place notice on public exhibition for 28 days that the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy, is proposed to be rescinded; and**
5. **rescind the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy, if no submissions are received following the public exhibition period.**

Executive summary

The purpose of this report is for Council to review its offer to provide Environmental Upgrade Agreements (EUAs) and to consider rescinding the Building Upgrade Finance (using Environmental Upgrade Agreements) Policy (the Policy).

Disclosure of Interest

Nil

Detailed report

Council's resolution of 13/10/2021 endorsed the implementation of EUAs and directed appointment of a third-party provider to administer the EUAs (Minute 301-21). The appointment of a third-party provider was favoured as opposed to Council self-administration of the EUA process, as it was considered that most of the administration burden would be removed from Council and cost recovery measures for any staff time would be covered in a formalised *Services Agreement* with the third-party provider.

The Policy adopted by Council on 15/6/2022 was in response to these directions (Minute 178-22).

The report of 13/10/2021, Minutes and Policy are appended to this Report as Attachments 1, 2, 3 and 4, respectively.

Information has subsequently been received which indicates the appointment of a third-party provider will not satisfy all of Council's obligations as directed under the Local Government Act 1993 (LGA), Local Government (General) Regulation 2005 and other relevant legislation in relation to EUAs. The advice is appended as Attachment 5 to this Report.

In view of this information, it is considered it would not be prudent for Council to enter into a *Services Agreement* to appoint a third-party provider. The options now available are:

1. That Council continue to offer EUAs and carry out the administrative processes entirely, whereby –
 - Council would need to review all of the documentation and templates (provided by NSW Government), develop finance processes and legislative administration and would need to undertake the business, economic development and communication processes associated with offering the EUAs to the local business community and maintain these over a long period of time (up to 20-25 years).
 - A budget of \$50,000 would be required for implementation: consultancy advice and review of elements as listed in the dot point above, and then advice on eligibility etc. of any applications received and; for extra Council resources to maintain this system and progress and maintain any eligible/approved EUAs.
 - The level of cost-recovery fees (per application) which would need to be charged by Council would likely be prohibitive, making it untenable for local businesses to apply for EUAs. Assuming there are no applications or very few, the cost of implementation would then be borne by the wider community.
 - It is noted generally, that the uptake of EUAs within the few NSW local government areas that have endorsed the implementation has been minimal.
2. That Council cease to offer EUAs –
 - The benefits to Council and the business/building owners, as outlined in the 13/10/2021 report, may not be as readily realised.
 - The costs of implementation and sustaining the EUA process will not be applicable.

It is recommended that Council cease to offer EUAs and rescind the Policy.

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

Building Upgrade Finance (using Environmental Upgrade Agreements) Policy which is proposed to be rescinded.

Legislation

Local Government Act 1993

- Part 2A - Environmental Upgrade agreements
- s372 – Rescinding or altering resolutions

Local Government (General) Regulation 2005 – Part 5A Environmental Upgrade Agreements

Guidelines for Environmental Upgrade Agreements as published in the Government Gazette of NSW dated 18 February 2011 Mandatory Requirements 4-7

Guide – NSW Department Planning, Industry and Environment NSW Local Council's Building Upgrade Finance Guide – Building Upgrade Finance March 2020

Financial implications

If Council wishes to cease offering EUAs, no budget will be required.

If Council wishes to continue to offer EUAs, a budget of between \$50,000 would be required for implementation of the EUA process.

It should be noted that fees would need to be developed to be cost neutral, and any ongoing operational budget would require a revenue contra amount. At this stage, an estimate of ongoing budgets is difficult to calculate and a further report would be required after implementation is underway, should Council wish to endorse the continuation of the program.

Associated Risks

If Council wishes to cease offering EUAs there may be a risk that the benefits to Council and the business/building owners, as outlined in the 13/10/2021 report, may not be as readily realised.

If Council wishes to continue to offer EUAs –

- Legislative/operative risks will be negated as a third-party provider will not be appointed, instead the entirety of the EUA process will be conducted by Council.
- Cost recovery may not be achieved if there is no or low uptake of EUAs.

DIANE SAWYERS

MANAGER PROPERTY AND REVENUE

30 March 2023

- Attachments:*
1. Report to Council EUAs 13/10/2021. (separately attached)
 2. Minute 301-21 13/10/2021. (separately attached)
 3. Minute 178-22 15/6/2022. (separately attached)
 4. Building Upgrade Finance (using environmental Upgrade Agreements) Policy - adopted 15/6/2022. (separately attached)
 5. Information. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

LEONIE JOHNSON

CHIEF FINANCIAL OFFICER

9.3 Solar Array - Stage 3 Approval

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, ENE100032

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the Solar Array - Stage 3 Approval;**
2. **note the Stage 2 Business Case Update outcomes;**
3. **approve progression of the MWRC Solar Array to Stage 3 – onsite construction, commissioning and energisation; and**
4. **amend the following budgets:**
 - 4.1 **2022/23 – Solar Array Stage 2 – increase by \$65,000 to be funded from unrestricted cash**
 - 4.2 **2023/24 – Solar Array Stage 3 – increase by \$278,000 to be funded from unrestricted cash**

Executive summary

At the 21 October 2020 Ordinary Council Meeting, Council provided endorsement of Stage 2 of a 5 MW (battery ready) solar array. Stage 2 included a detailed design and completion of the construction trade package tender process.

This report sets out the progress against Stage 1 and Stage 2 of the Solar Array, and seeks to obtain endorsement to progress to Stage 3: onsite construction, commissioning and energisation.

Disclosure of Interest

Nil

Detailed report

PROJECT SCOPE

The project has been broken into 4 stages:

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

STAGE 1 PROGRESS

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

- ✓ DEVELOPMENT APPLICATION
- ✓ CONNECTION INVESTIGATION SERVICES AGREEMENT (CISA)
- ESSENTIAL ENERGY CONNECTION APPROVAL
Currently awaiting formal offer to proceed.
- CONFIRM COMMERCIAL & INDUSTRIAL (C&I) CUSTOMER UPTAKE LEVELS AND PRICING, AND MARKET PARTICIPANT PROVIDER
Selective Tender currently being prepared for a Market Participant.

STAGE 2 PROGRESS

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

- DETAILED DESIGN
The detailed design is progressing with delays based on finalisation of the connection path to the grid.
- CONSTRUCTION TRADE TENDER PACKAGE DEVELOPMENT
There are three reports to Council making recommendations on the Trade Package tender outcomes included in this business paper.
- BIODIVERSITY CORRIDOR (TREE PLANTING)
The biodiversity corridor is currently included in a procurement package for civil and landscaping works. The biodiversity corridor is required to be planted before solar panel installation can occur, under the construction certificate conditions.

STAGE 3 RECOMMENDATION

Under the approval provided at the start of Stage 2 for the 5MW MWRC solar array project, it was agreed that prior to the commencement of the Construction phase (Stage 3), that an updated business case showing the project is still viable, based on tendered construction costs would be required.

An Expression of Interest process was conducted to identify the latest commercial models available for the market participation scope, for the sale of energy into the grid. The EOI identified 4 reputable contenders that can enable the sale of energy to the grid and MWRC facilities. Two main approaches have been identified and used to validate the business case. The Power Pass Through and Power Purchase Agreement and linked supply contract.

Based on the updated construction and project costs, both market approaches are capable of delivering an acceptable financial return with simple payback occurring between 8 and 15 years dependent on model configuration and firm pricing.

On this basis, it is recommended to progress with commencement of Stage 3 of the project. Details are in the Stage 2 Business Case Update (Confidential Attachment 1).

Community Plan implications

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

Strategic implications

Council Strategies

Operational Plan and Development Plan

Council Policies

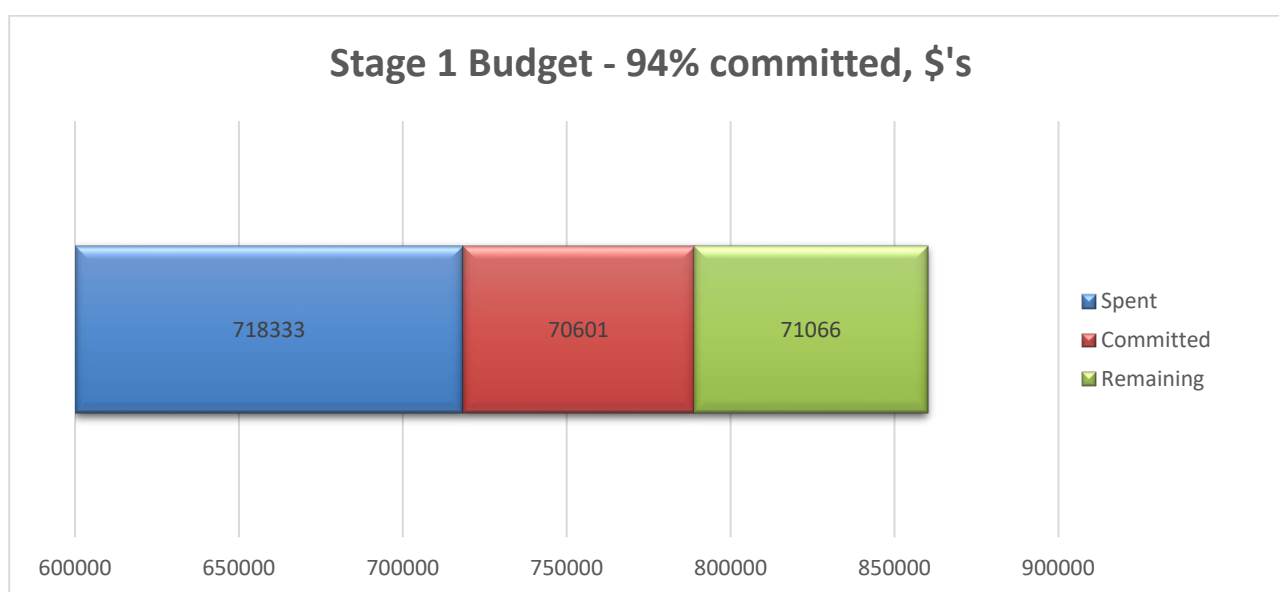
Not Applicable

Legislation

Not Applicable

Financial implications

Stages 1 & 2 Budget update



A budget of \$860,000 has been approved for Stages 1 & 2, including biodiversity corridor works (now included in Stage 3). So far, \$718,333 has been spent with an additional \$70,601 committed, leaving \$71,066 remaining.

Network design rework and additional planning reports required under conditions of DA approval have resulted in additional budget of \$45,000 required to complete Stages 1&2, with a breakdown of total costs estimated below:

Stage 1/2 - DA, designs, approvals	\$370,000
Internal project management and DA consultants, design	\$205,000
Network Approvals	\$130,000
Consulting	\$200,000
Contingency	\$20,000
Total estimated stage 1 & 2	\$925,000

Stage 3 Budget

A further \$8.08 million has been allocated for the completion of Stage 3. Nothing has been committed against this budget, as all works are contingent on progression to Stage 3 being resolved by Council.

A review of the construction costs of the Solar Array has been completed and details are in the Stage 2 Business Case Update (Confidential Attachment 1), with a breakdown of total costs estimated below:

Construction	\$7,095,795
Network Upgrades	\$600,000
Consulting Stage 3	\$217,000
Project contingency	\$300,000
Business oncosts and insurance	\$147,205
Total estimated Stage 3	\$8,360,000

Current budget for Stage 3 is \$8,081,696 Pricing updates have resulted in additional budget of \$128,000 required to complete Stage 3, internal business oncosts which were not previously allowed for will require an additional \$90,000 and will bring the total project to \$8,300,000.

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

Associated Risks

Risks have been identified and actions are being taken to mitigate projects risks, with an active Risk Register in place. At this stage, the notable risks are:

1. Procurement/contract risk – Council officers are working through the process of entering into multiple contracts to complete the construction work;
2. Network connection delays – Council has engaged qualified consultants to continue to monitor and manage the network connection requirements;
3. Construction time delays - Council officers and consultants are working to an achievable project schedule to minimise delays; and
4. Exposure to wholesale energy pricing fluctuations – this is dependent on the model Council takes up, and mitigating controls are being addressed as a part of the retail market engagement process.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

31 March 2023

Attachments: 1. Stage 2 Business Case Update. (Confidential – separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 RFT 2022/103 Mudgee Solar Farm Civil and Landscape

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COR400594

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the RFT 2022/103 Mudgee Solar Farm Civil and Landscape;**
2. **decline to accept any of the tenders with respect to RFT 2022/103 Mudgee Solar Farm Civil and Landscape in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;**
3. **authorise the Director Community to enter into negotiations with Sunset Group Australia Pty Ltd in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021;**
4. **note that the reason Council should decline all tenders and enter into negotiations is that Council will need to clarify and negotiate contract terms offered by the preferred tenderer/s;**
5. **decline to call fresh tenders at this stage assuming that a satisfactory outcome can be negotiated;**
6. **delegate authority to the General Manager to accept a negotiated contract value aligning with the current budget; and**
7. **delegate authority to the Manager, Procurement and Fleet or their nominated Council representative to notify tenderers of their submission outcome.**

Executive summary

Tender submissions were received for the provision of Mudgee Solar Farm Civil and Landscape. Four tender submissions were received with one tender exceeding the allocated budget and two non-conforming. It is recommended to Council that the Director Community be authorised to negotiate with the tender within the allocated budget, Sunset Group Australia Pty Ltd.

Disclosure of Interest

Nil

Detailed report

Tender submissions were requested for the delivery of Civil and Landscape for the Mudgee Solar Farm (5MWp) by the Chief Financial Officer.

The tender was conducted via VendorPanel through an open market place.

Tender Invitation and Process

Council opened the tender request on 23rd December 2022 and closed at 5:00pm on 17th February 2023.

The above tender was advertised in the following:

- VendorPanel
- Sydney daily newspaper (Local Government section)
- Mid-Western Regional Council website

One mandatory briefing session was held on 18th January 2023 at 33 Blain Road.

Tenders were evaluated on the following criteria and weightings:

- Task Appreciation – demonstrated understanding of the works required
- Experience of the organisation in the design, supply and installation/construction
- Experience and availability of nominated team members responsible for delivery onsite
- Project delivery schedule – realistic, within MWRC timelines
- Quality of proposed materials and equipment
- Price

A tender assessment panel was formed comprising of representatives from the relevant departments within Council, Members of the tender evaluation panel (TEP) comprised of:

- Chairperson Procurement Officer
- Panel Member 1 Manager Major Projects
- Panel Member 2 DeltaQ Representative
- Panel Member 3 Chief Financial Officer

Tender Submissions

There were four submissions received from the following organisations:

1. Hunter Land Management Pty Ltd
2. PLC Fencing Pty Ltd
3. Sunset Group Australia Pty Ltd
4. TOBCO

Two tenderers were deemed non-conforming due to not attending the mandatory site briefing and two tenderers deemed conforming.

Tender Evaluations

The relevant ranking of tender as determined from the total weighted score is provided in the confidential attachment – RFT 2022/103 Mudgee Solar Farm Civil and Landscape.

It is noted that out of the four submissions one was above the available budget. And two were deemed non-conforming.

Community Plan implications

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

Strategic implications

Council Strategies

Operational Plan

Council Policies

Sustainable Procurement & Contracts Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Financial implications

A budget is in place for this project and, at this stage, no additional funds are requested. The aim of this report is to seek a solution where the project can be delivered within the existing budget.

Associated Risks

The tender panel has assessed that the preferred tenderer would be capable for delivering the works, however terms of the contract and accepted departures from the tender need to be negotiated. The submitted price by Sunset Group Pty Ltd was within budget and the lowest price for conforming tenderers so it was deemed appropriate to recommend to Council that the Director Community be authorised to enter into negotiations with Sunset Group Pty Ltd, or failing that an alternate tenderer.

The recommended resolution does not request additional budget from Council. As such, Council officers would need to bring a further report to Council should it not be possible to negotiate a contract sum that is within the allocated budget.

All tender evaluation panel members indicated that they did not have any conflicts of interest.

LEONIE JOHNSON

CHIEF FINANCIAL OFFICER

30 March 2023

Attachments: 1. RFT2022/103 - Civil and Landscape Evaluation. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

9.5 RFT 2022/105 Mudgee Solar Farm HV Install

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COR400596

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the RFT 2022/105 Mudgee Solar Farm HV Install;**
2. **decline to accept any of the tenders with respect to RFT 2022/105 Mudgee Solar Farm HV Install in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;**
3. **authorise the Director Community to enter into negotiations with D & C Powerline Constructions Pty Ltd in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021;**
4. **note that the reason Council should decline all tenders and enter into negotiations is that Council will need to clarify and negotiate contract terms offered by the preferred tenderer/s;**
5. **decline to call fresh tenders at this stage assuming that a satisfactory outcome can be negotiated;**
6. **delegate authority to the General Manager to accept a negotiated contract value aligning with the current budget; and**
7. **delegate authority to the Manager, Procurement and Fleet or their nominated Council representative to notify tenderers of their submission outcome.**

Executive summary

Tender submissions were received for the provision of Mudgee Solar Farm HV Install. Three tender submissions were received with two tenders exceeding the allocated budget. It is recommended to Council that the Director Community be authorised to negotiate with the tender within the allocated budget, D & C Powerline Constructions Pty Ltd. Should negotiations with the preferred tenderer fail, it is recommended that the Director Community enter negotiations with any of the other tenderers.

Disclosure of Interest

Nil

Detailed report

Tender submissions were requested for the delivery of the HV install for the Mudgee Solar Farm (5MWp) by the Chief Financial Officer.

The tender was conducted via VendorPanel through an open market place.

Tender Invitation and Process

Council opened the tender request on 23rd December 2022 and closed at 4:00pm on 17th February 2023.

The above tender was advertised in the following:

- VendorPanel
- Sydney daily newspaper (Local Government section)
- Mid-Western Regional Council website

One mandatory briefing session was held on 18th January 2023 at 33 Blain Road.

Tenders were evaluated on the following criteria and weightings:

- Task Appreciation – demonstrated understanding of the works required
- Experience of the organisation in the design, supply and installation/construction
- Experience and availability of nominated team members responsible for delivery onsite
- Project delivery schedule – realistic, within MWRC timelines
- Quality of proposed materials and equipment
- Price

A tender assessment panel was formed comprising of representatives from the relevant departments within Council, Members of the tender evaluation panel (TEP) comprised of:

- Chairperson Procurement Officer
- Panel Member 1 Manager Major Projects
- Panel Member 2 DeltaQ Representative
- Panel Member 3 Chief Financial Officer

Tender Submissions

There were three submissions received from the following organisations:

1. D & C Powerline Constructions Pty Ltd
2. JLE Electrical
3. Specialized Electrical Pty Ltd

All tenderers were deemed conforming.

Tender Evaluations

The relevant ranking of tender as determined from the total weighted score is provided in the confidential attachment – RFT 2022-105 – HV Install Evaluation.

It is noted that two out of the three submission were in excess of the available budget.

Community Plan implications

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

Strategic implications

Council Strategies

Operational Plan

Council Policies

Sustainable Procurement & Contracts Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Financial implications

A budget is in place for this project and, at this stage, no additional funds are requested. The aim of this report is to seek a solution where the project can be delivered within the existing budget.

Associated Risks

The tender panel has assessed that the tenderers would be capable of delivering the works. The submitted price by D & C Powerline Constructions Pty Ltd was substantially lower than that provided by the two other tenderers and so it was deemed appropriate to recommend to Council that the Director Community be authorised to enter into negotiations with D & C Powerline Constructions Pty Ltd, or failing that an alternate tenderer.

The recommended resolution does not request additional budget from Council. As such, Council officers will need to bring a further report to Council should it not be possible to negotiate a contract sum that is within the allocated budget.

All tender evaluation panel members indicated that they did not have any conflicts of interest.

LEONIE JOHNSON

CHIEF FINANCIAL OFFICER

28 March 2023

Attachments: 1. RFT 2022-105 - HV Install Evaluation. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

9.6 RFT 2022/104 Mudgee Solar Farm DC Install

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COR400595

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer on the RFT 2022/104 Mudgee Solar Farm DC Install;**
2. **decline to accept any of the tenders with respect to RFT 2022/104 Mudgee Solar Farm DC Install in accordance with Clause 178 of the Local Government (General) Regulation 2021 – Part 7 Tendering;**
3. **authorise the Director Community to enter into negotiations with Autonomous Energy in accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2021;**
4. **note that the reason Council should decline all tenders and enter into negotiations is that Council will need to clarify and negotiate contract terms offered by the preferred tenderer/s;**
5. **decline to call fresh tenders at this stage assuming that a satisfactory outcome can be negotiated;**
6. **delegate authority to the General Manager to accept a negotiated contract value aligning with the current budget; and**
7. **delegate authority to the Manager, Procurement and Fleet or their nominated Council representative to notify tenderers of their submission outcome.**

Executive summary

Tender submissions were received for the provision of Mudgee Solar Farm DC Install. Six tender submissions were received with all but one tender exceeding the allocated budget.

It is recommended to Council that the Director Community be authorised to negotiate with the tender that has more experience and sound project delivery schedule but is slightly above the allocated budget but still within the overall Solar Array budget, Autonomous Energy.

Should negotiations with the preferred tenderer fail, it is recommended that the Director Community enter negotiations with any of the other tenderers.

Disclosure of Interest

Nil

Detailed report

Tender submissions were requested for the delivery of the DC install for the Mudgee Solar Farm (5MWp) by the Chief Financial Officer.

The tender was conducted via VendorPanel through an open market place.

Tender Invitation and Process

Council opened the tender request on 23rd December 2022 and closed at 4:00pm on 17th February 2023.

The above tender was advertised in the following:

- VendorPanel
- Sydney daily newspaper (Local Government section)
- Mid-Western Regional Council website

One mandatory briefing session was held on 18th January 2023 at 33 Blain Road.

Tenders were evaluated on the following criteria and weightings:

- Task Appreciation – demonstrated understanding of the works required
- Experience of the organisation in the design, supply and installation/construction
- Experience and availability of nominated team members responsible for delivery onsite
- Project delivery schedule – realistic, within MWRC timelines
- Quality of proposed materials and equipment
- Price

A tender assessment panel was formed comprising of representatives from the relevant departments within Council, Members of the tender evaluation panel (TEP) comprised of:

- Chairperson Procurement Officer
- Panel Member 1 Manager Major Projects
- Panel Member 2 DeltaQ Representative
- Panel Member 3 Chief Financial Officer

Tender Submissions

There were six submissions received from the following organisations:

1. Autonomous Energy
2. Macquarie Energy
3. NG Energy
4. OTG Energy
5. Platinum Electricians Dubbo
6. QA Electrical

All tenderers were deemed conforming.

Tender Evaluations

The relevant ranking of tender as determined from the total weighted score is provided in the confidential attachment – RFT 2022-104 – DC Install Evaluation.

It is noted that out of the six submissions one was within the available budget.

The evaluation panel concluded that even though the recommended tender was slightly over budget for this project it was not exceeding the overall budget for the Solar Array project due to a separate tender coming in under budget.

Community Plan implications

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

Strategic implications

Council Strategies

Operational Plan

Council Policies

Sustainable Procurement & Contracts Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Financial implications

A budget is in place for this project and, at this stage, no additional funds are requested.

The aim of this report is to seek a solution where the project can be delivered within the existing overall Solar Array project budget.

Associated Risks

The tender panel has assessed that the recommended tenderer would be the most suitable for delivering the works on the basis of a weighted assessment, and so it was deemed appropriate to recommend to Council that the Director Community be authorised to enter into negotiations with Autonomous Energy.

The recommended resolution does not request additional budget from Council. As such, Council officers will need to bring a further report to Council should it not be possible to negotiate a contract sum that is within the allocated budget.

All tender evaluation panel members indicated that they did not have any conflicts of interest.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 March 2023

Attachments: 1. RFT2022-104 DC Install Evaluation. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.7 Riverside Caravan Park

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COM100008, 233911

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Riverside Caravan Park;
2. agree to purchase the chattels identified in Attachment 2 to this report for \$1,300,000 and ensure completion of the purchase occurs before the expiration of the current lease on 27 September 2023;
3. agree to undertake the operation of the business as a going concern from the settlement date of the contract;
4. authorise the General Manager to finalise negotiations and execute the completion of the purchase, including signing all relevant documents; and
5. amend the 2022/23 budget as follows:
 - 5.1 allocate \$1,400,000 to the purchase of Riverside Caravan Park, including legals and minor repairs, to be funded from unrestricted cash;
 - 5.2 allocate an operating budget, as detailed in the report with a net operating surplus of \$50,000 (unrestricted cash)
 - 5.3 reduce rental income by \$22,500 (unrestricted cash)
6. amend the 2023/24, 2024/25 and 2025/26 budget as follows:
 - 6.1 allocate an operating budget, as detailed in the report and attachment 1, with a net operating surplus of \$440,000 per annum (unrestricted cash)
 - 6.2 reduce rental income by \$110,000 net per annum (unrestricted cash)

Executive summary

The purpose of this report is to present a business case assessment to Council for consideration of a commercial opportunity to purchase the chattels at the Riverside Caravan Park (the Park) and to undertake the operation of the Park as a going concern before the current lease expires on 27 September 2023.

Disclosure of Interest

Nil

Detailed report

A Business Case for the purchase of the Park's chattels and the ongoing operation of the site as a caravan park is appended to this report as Attachment 1. It provides a detailed overview of the

Park and the options available to Council to increase its returns from commercial property activities.

A market appraisal of the chattels has been completed indicating the total value of the inventory is about \$1.3 million excl. GST. The market appraisal is appended as Attachment 2.

Existing Approvals and Assets

The site of the business known as Mudgee Riverside Caravan and Tourist Park at 16-22 Short Street is currently being operated on Allotments 1/256730, 4 & 5/25A/758721 by the lessee. The 2.915ha site is owned by Council and is classified as *Operational* land.

The Approval to Operate a Caravan Park and Camping Ground (ATO) under s68 Part F2 of the Local Government Act is currently being reconsidered for compliance by Council's Building Services.

The Park has a total of 114 sites, consisting of:

- 44 Long Term Sites
- 30 Short Term Sites
- 40 Camp Sites

The majority of the chattels at the Park are owned by the lessee, except for those listed in Attachment 2, which are owned by Council.

The rent due to Council for the period 27/9/2022 to 26/9/2023 is \$135,389 excl. GST.

Expected Commercial Returns

The commercial investment in the Park has been considered under three scenarios: current occupancy levels maintained, reduced occupancy, and increased occupancy.

In the short term, the proposal is to operate the Park in the same manner and under the same conditions as prior to the expiry of the lease. This is to allow staff the opportunity to observe the day-to-day operations of the business prior to making recommendations regarding Park improvements and to consider the best long-term options for future development.

Funding Sources

With current occupancy rates maintained, and operating costs in line with our own commercial caravan park requirements, net operating profit is anticipated to be about \$440,000. Details of the operating costs and income anticipated are included in confidential attachment 1 (commercial in confidence).

Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the region

Strategic implications

Council Strategies

The *Mid-Western Community Plan Towards 2040* includes a strategy to prudently manage risks associated with all Council activities. The *Delivery Program 2022/23-2025/26* includes an action

under this strategy that is focussed on providing long-term financial sustainability through sound financial management; this includes identifying opportunities to increase revenue from property related investments.

A key focus of local government *Fit for the Future* reform process was for councils to identify alternate ways of raising revenue to ensure long-term financial sustainability. An action included in Council's Improvement Action Plan was to examine opportunities to raise additional revenue through maintaining a strong commercial property portfolio.

The operation of the Park is consistent with the strategies included in the *Mid-Western Community Plan Towards 2040*, the *Delivery Program 2022/23-2025/26* and *Fit for Future Improvement Action Plan*. It provides an opportunity to increase own source revenue through property related investments and helps achieve the objective of long-term financial sustainability.

Council Policies

Procurement Policy

Legislation

Local Government Act 1993

Financial implications

Budget variation has been recommended in this report as follows; all amounts are excluding GST:

- Purchase of business chattels: \$1,300,000
- Immediate repairs and make safe allowance \$95,000
- Legals \$5,000

Total purchase allocation \$1,400,000. This amount is considered capital and will not impact operating performance, but will impact building and infrastructure renewals. It is recommended to fund the purchase from surplus unrestricted cash.

Operating budgets for Riverside Caravan Park are detailed in attachment 1, but the summarised results are listed below:

- Park Revenue: \$840,000
- Operating costs: \$400,000
- Net Trading Profit: \$440,000
- Rent foregone: \$110,000 (net surplus)
- Surplus: \$330,000 *increase to unrestricted cash per annum*

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

Associated Risks

The proposed operation of the Park will have normal commercial risks associated with operating a caravan park. The key risk will be any downturn in occupancy levels.

The business case has been prepared based on a set of key assumptions, which may or may not be fully realised over the payback period. Assumptions were made about immediate repair costs, occupancy rates, fixed/variable costs, usage types, staffing requirements and local economic conditions. Whilst these assumptions were considered reasonable at the time of undertaking the business case, there is no guarantee that issues beyond Council's control will not materially impact these assumptions. This is a commercial risk that Council must accept in making the decision to proceed with the project.

LEONIE JOHNSON

CHIEF FINANCIAL OFFICER

5 December 2022

Attachments: 1. Riverside Caravan Park Business Case. (Late Attachment)
2. Valuation of Business & Chattels. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.8 Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24

REPORT BY THE MANAGER FINANCE
TO 19 APRIL 2023 ORDINARY MEETING
GOV400105, FIN300417

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24;**
2. **endorse the Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24 to go on public exhibition for a period of 28 days commencing Thursday 20 April; and**
3. **request a further report be presented following the exhibition period including a review of any submissions made on the Draft Delivery Program 2023/27 and Draft Operational Plan 2023/24.**

Executive summary

Following extensive community consultation and in line with Councils Integrated Planning and Reporting requirements, the draft Delivery Program 2023/27 (the Delivery Program) and draft Operational Plan 2023/24 (the Operational Plan) are presented to Council and the community. This report seeks a Council resolution to place the Delivery Program/Operational Plan on exhibition, with a subsequent report to be presented to Council in May considering any submissions made, and a further report to the ordinary meeting in June recommending adoption of the final Operational Plan and Delivery Program.

Disclosure of Interest

Nil

Detailed report

Under the Local Government Act (1993), Council must have an annual Operational Plan, adopted before the beginning of each financial year, outlining the activities to be undertaken in that year, as part of the Delivery Program.

The Delivery Program details all of the principal activities Council will undertake to achieve the goals established in Council's Community Plan *Towards 2040*. The draft Operational Plan for 2023/24 has been integrated into the Delivery Program and sets out the annual projects and activities to which Council are committed and includes detailed budgets for the projects and services identified under each theme, together with appropriate measures and timeframes for completion. The document includes budgets for the four years from 2023/24 to 2026/27. If endorsed by Council, the draft documents will be published on Council's website from Thursday 20 April 2022 for a period of 28 days.

Draft Operational Plan 2023/24

Residents were encouraged to make Community Plan Proposals to be considered in the Draft Operational Plan 2023/24 from 28 November 2022 to 9 January 2023. The draft Operational Plan has been prepared following a series of budget workshops with budget managers, executive, and Elected Members over the past 3 months. The draft Operational Plan sets out Council's proposed budget for next financial year, and the three years thereafter. The budgets are presented in the form of consolidated statements and schedules, together with a more detailed breakdown at a functional level.

Operating revenue is forecast at \$80.6 million for 2023/24, plus an estimated \$20.9 million in Capital Grants & Contributions, taking total anticipated income to a budget of \$109.5 million.

Operating expenditure is budgeted at \$85.8 million.

The draft Operational Plan includes additional borrowings of:

Project	Fund	2023/24	2024/25	2025/26	2026/27
Rylstone Kandos Sewer Augmentation	Sewer	-	\$1,000,000	-	-
Total			\$1,000,000		

Statement of Revenue Policy

The Rates Model proposed as part of the Operational Plan includes an increase to all rating categories at the IPART capped rate of 4%, distributed evenly. Land rating categories are:

- Farmland
- Residential
- Business; and
- Mining

Rate assessments are based upon property valuations (ad valorem), with minimum amounts applied where appropriate. No base amounts apply to the proposed 2023/24 rate structure.

Council has received updated 2022 base date land valuations for all properties within our Local Government area, superseding the previous 2019 base date values. These new values will be used for rating purposes effective from 1/7/2023.

Council's overall rate revenue is capped by IPART at 4%. As the land valuations have changed, the rates that Council sets for 23/24 need to be adjusted so as the resulting rate revenue does not exceed the rate cap. Council therefore does not receive additional revenue from the increased land values. Although the Land Value change is revenue neutral for Council, the effect on rates for individual property owners will vary, depending on the individual Land Value change compared to other land in the category.

Community Plan implications

Theme	Good Government
Goal	Strong civic leadership
Strategy	Provide clear strategic direction through the Community Plan, Delivery Program and Operational Plans

Strategic implications

Council Strategies

Relevant Integrated Planning and Reporting Strategies are taken into account during the process of developing the revised Delivery Program 2023/27 and draft Operational Plan 2023/24, including the Community Strategic Plan, and Resourcing Strategies.

Council Policies

Relevant Integrated Planning and Reporting Policies may impact the way the Delivery program and Operational Plan are developed, for example the Financial Reserves and Asset Management Policy.

Legislation

Due Dates / Frequency	Plan/Strategy	Legislative Reference
From 2012, adopt by 30 June in year following election. Exhibit for at least 28 days.	Delivery Program	s404(1)– (5) (Act)
Adopt prior to beginning of financial year. Exhibit for at least 28 days. Post copy on website within 28 days of council endorsement.	Operational Plan	s405(1) – (6) s532 s610B – s610F s706(2) (Act) cl201(1)

Financial implications

The draft Operational Plan 2023/24 as attached to this report recommends to Council the proposed budget for the next four years.

The table below shows whether the proposed ratios meet benchmarks:

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

Associated Risks

Not Applicable

NEIL BUNGATE
MANAGER FINANCE

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

24 March 2023

Attachments: 1. MWRC Draft Operational Plan 23-24 (separately attached).

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.9 Monthly Statement of Investments as at 31 March 2023

REPORT BY THE MANAGER FINANCE
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, FIN300053

RECOMMENDATION

That Council:

1. **receive the report by the Manager Finance on the Monthly Statement of Investments as at 31 March 2023; and**
2. **note the certification of the Responsible Accounting Officer.**

Executive summary

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

Disclosure of Interest

Nil

Detailed report

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

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

Financial implications

Not Applicable

Associated Risks

Not Applicable

NEIL BUNGATE
MANAGER FINANCE

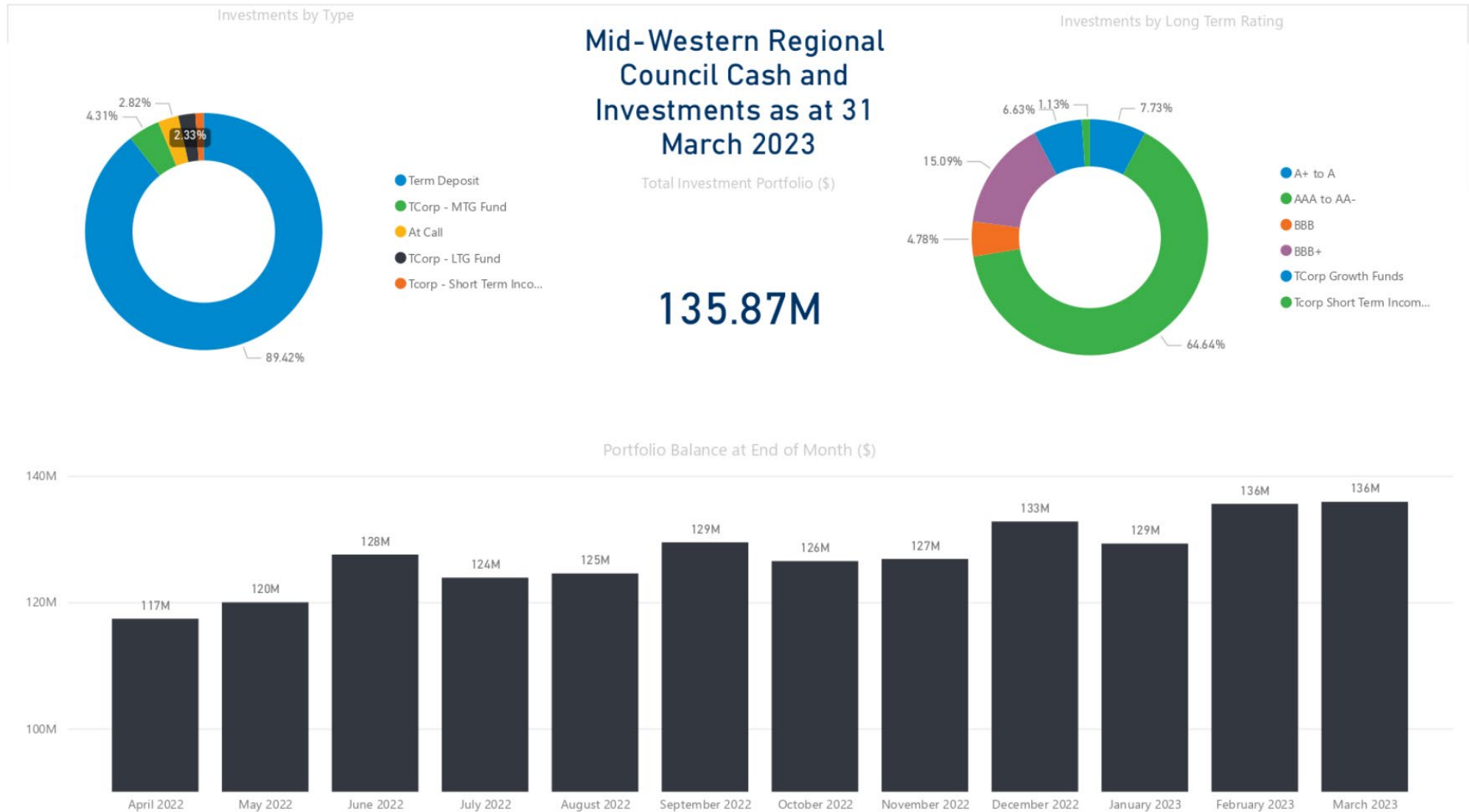
LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

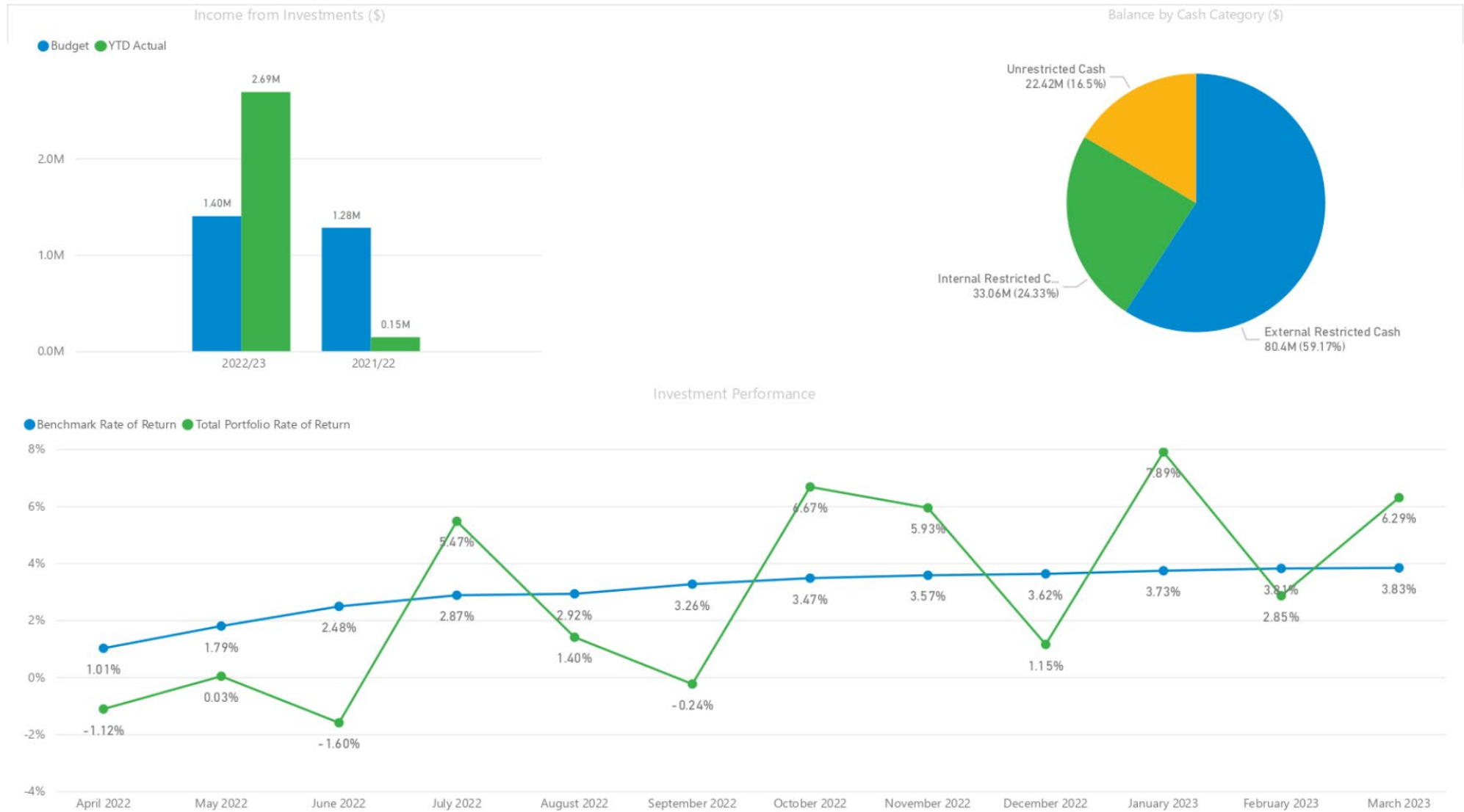
24 March 2023

Attachments: 1. Investment Report 31 March 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal	Amount
NAB	3.75%	0	\$	3,832,451
TCorp - Long Term Growth Fund		5	\$	3,160,500
TCorp - Medium Term Growth Fund		5	\$	5,850,373
TCorp - Short Term Income Fund		5	\$	1,530,630
Total			\$	14,373,953

Current Term Deposits

Institution	Yield	Term to Maturity	Principal	Amount
AMP	4.70%	236	\$	1,500,000
AMP	4.70%	187	\$	1,000,000
AMP	4.90%	355	\$	2,500,000
Australian Unity	3.50%	264	\$	2,000,000
Australian Unity	4.35%	243	\$	2,000,000
Australian Unity	4.10%	334	\$	1,500,000
Australian Unity	4.30%	306	\$	2,000,000
Australian Unity	4.50%	376	\$	2,000,000
Bank Of Queensland	1.20%	40	\$	2,000,000
Bank Of Queensland	3.92%	362	\$	1,000,000
Bank Of Queensland	4.25%	236	\$	1,000,000
Bank Of Queensland	4.55%	362	\$	1,500,000
Bank Of Queensland	4.40%	103	\$	4,000,000
CBA	0.72%	432	\$	2,000,000
CBA	0.77%	530	\$	1,000,000
CBA	0.85%	572	\$	2,500,000
CBA	3.68%	68	\$	1,500,000
CBA	0.73%	26	\$	1,500,000
CBA	3.05%	390	\$	2,000,000
CBA	2.63%	194	\$	1,500,000
CBA	2.31%	54	\$	1,500,000
CBA	2.75%	166	\$	1,500,000
CBA	3.15%	61	\$	1,000,000
CBA	4.15%	453	\$	2,000,000
CBA	4.17%	82	\$	1,000,000
CBA	3.94%	89	\$	1,000,000
CBA	3.72%	110	\$	1,500,000
CBA	3.99%	138	\$	1,500,000
CBA	4.20%	222	\$	1,500,000
CBA	4.47%	257	\$	2,000,000
CBA	4.52%	425	\$	1,000,000
CBA	4.55%	250	\$	2,000,000
CBA	4.63%	446	\$	4,000,000
CBA	4.76%	292	\$	1,500,000
CBA	4.71%	159	\$	4,000,000
CBA	5.05%	341	\$	3,500,000
Defence Bank	3.20%	61	\$	1,500,000
ING	3.21%	117	\$	1,500,000
ING	4.62%	460	\$	1,500,000
ING	5.10%	712	\$	3,500,000
ING	4.57%	558	\$	2,500,000
Macquarie	4.50%	285	\$	1,000,000
Macquarie	4.50%	285	\$	500,000

Institution	Yield	Term to Maturity	Principal	Amount
MyState Bank	4.02%	96	\$	1,500,000
NAB	0.65%	89	\$	2,000,000
NAB	0.80%	516	\$	1,500,000
NAB	0.64%	208	\$	3,000,000
NAB	0.70%	180	\$	2,500,000
NAB	1.51%	152	\$	2,500,000
NAB	1.21%	26	\$	1,000,000
NAB	4.49%	628	\$	2,500,000
NAB	4.45%	544	\$	2,000,000
Westpac	0.65%	35	\$	2,000,000
Westpac	1.06%	320	\$	2,000,000
Westpac	0.90%	12	\$	2,500,000
Westpac	2.28%	348	\$	1,500,000
Westpac	3.70%	488	\$	2,000,000
Westpac	4.22%	250	\$	1,000,000
Westpac	4.35%	474	\$	1,500,000
Westpac	4.30%	292	\$	1,000,000
Westpac	4.67%	264	\$	1,000,000
Westpac	4.78%	418	\$	2,500,000
Westpac	4.89%	670	\$	2,500,000
Westpac	4.46%	404	\$	1,500,000
Westpac	4.55%	264	\$	1,000,000
Westpac	4.40%	334	\$	1,500,000
Westpac	5.05%	502	\$	1,000,000
Total			\$	121,500,000

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 32,873,953	24%	24%	20%	OK
Between 3 months and 1 year	\$ 62,000,000	46%	70%	40%	OK
Between 1 year and 2 years	\$ 41,000,000	30%	100%	50%	OK
Between 2 years and 4 years	\$ -	0%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 135,873,953				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	31%	\$ 42,500,000
	NAB	40%	OK	15%	\$ 20,832,451
	Westpac	40%	OK	18%	\$ 24,500,000
A+	Macquarie	20%	OK	1%	\$ 1,500,000
A	ING	20%	OK	7%	\$ 9,000,000
BBB+	Australian Unity	10%	OK	7%	\$ 9,500,000
	Bank Of Queensland	10%	OK	7%	\$ 9,500,000
	MyState Bank	10%	OK	1%	\$ 1,500,000
BBB	AMP	5%	OK	4%	\$ 5,000,000
	Defence Bank	5%	OK	1%	\$ 1,500,000
TCorp Growth Funds	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,160,500
	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 5,850,373
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,530,630
Grand Total				100%	\$ 135,873,953

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	65%	\$ 87,832,451
BBB+	20%	OK	15%	\$ 20,500,000
BBB	5%	OK	5%	\$ 6,500,000
TCorp Growth Funds	15%	OK	7%	\$ 9,010,872
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,530,630
A+ to A	50%	OK	8%	\$ 10,500,000
Grand Total			100%	\$ 135,873,953

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)	13,909,438		3,832,451
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	3,115,854		3,160,500
TCorp - Medium Term Growth Fund	5,770,246		5,850,373
TCorp - Short Term Income Fund	1,525,704		1,530,630
Total	24,321,242	-	14,373,953

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
NAB	0.57%	1/03/2023	1,700,000	19,327
Westpac	0.78%	15/03/2023	1,500,000	13,912
NAB	0.85%	29/03/2023	1,500,000	15,160
NAB	0.95%	29/03/2023	1,500,000	15,304
Macquarie	1.15%	29/03/2023	1,000,000	11,910
Macquarie	1.40%	2/03/2023	1,028,235	14,198
Total			8,228,235	89,811

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
CBA	4.71%	6/09/2023	4,000,000	97,555
CBA	5.05%	6/03/2024	3,500,000	179,655
ING	5.10%	12/03/2025	3,500,000	362,868
AMP	4.70%	22/11/2023	1,500,000	47,322
AMP	4.70%	4/10/2023	1,000,000	24,337
AMP	4.90%	20/03/2024	2,500,000	119,815
ING	4.57%	9/10/2024	2,500,000	175,288
Total			18,500,000	1,006,841

9.10 Monthly Budget Review - March 2023

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, FIN300315

RECOMMENDATION

That Council:

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - March 2023;
2. amend the 2022/23 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report; and
3. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the budget to cover the cost of S44 fire event in March 2023.

Executive summary

This report provides Council with information on the progress of the 2022/23 Capital Works Program at 31 March 2023.

Disclosure of Interest

Nil

Detailed report

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

Community Plan implications

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
2022/23	✗	—	—
Future Years	—	—	✓

Associated Risks

Not Applicable

SUMEDHA UPRETI
ACCOUNTANT REPORTING & ANALYSIS

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 March 2023

Attachments: 1. Monthly Budget Review - March 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MONTHLY BUDGET REVIEW – 31 MARCH 2023

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

19 APRIL 2023

MID-WESTERN REGIONAL COUNCIL
FINANCE



THIS DOCUMENT HAS BEEN PREPARED BY SUMEDHA UPRETI, ACCOUNTANT REPORTING AND 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: 19 APRIL 2023

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1) Proposed Budget Variation

FUNDING SUMMARY

Fund	Funding Source	22/23	Grand Total
General	GRT - OTHER GRANT INCOME (OPERATING)	-50,000	-50,000
	GRT - ROADS & BRIDGES OTHER CAPITAL	-55,500	-55,500
	GRT - S44 BUSHFIRE REIMBURSEMENTS	-20,000	-20,000
	PLANT REPLACEMENT RESERVE	-18,000	-18,000
	Unrestricted Cash	-69,778	-69,778
General Total		-213,278	-213,278
Waste	OTR - REIMBURSEMENT - GENERAL INSURANCE	-16,750	-16,750
	Unrestricted Cash	0	0
Waste Total		-16,750	-16,750
Grand Total		-230,028	-230,028

2022/23 VARIATIONS

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Mudgee School Zebra Crossing Infrastructure Upgrade - Additional funding approved by TFNSW for Road safety audit and cover the extra cost.	F	0	GRT - ROADS & BRIDGES OTHER CAPITAL	(55,500)	-	0	-	0	55,500
General	Drainage Administration - Adding Budget for Legal Expenses & valuation.	U	45,000	-	0	-	0	-	0	(45,000)
General	Capital Works - Gulgong Preschool - Budget added for Gulgong preschool roof and gutter remediation.	U	25,000	-	0	-	0	-	0	(25,000)

FINANCE | MONTHLY BUDGET REVIEW –

31 MARCH 2023

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Restricted Funding Source 2	Restricted Funding Source 2 Variation \$	Unrestricted Cash Variation \$
General	Council Works Depots - Buildings - Adding budget for Mudgee depot clean-up.	U	20,000	-	0	-	0	-	0	(20,000)
General	Roller Braking System - Budget added for Roller breaking system safe prior to use	U	18,000	-	0	PLANT REPLACEMENT RESERVE	(18,000)	-	0	0
General	Property - Income - CWP site compliance survey budget added.	U	12,000	-	0	-	0	-	0	(12,000)
General	Rural Fire Service - Cooks Gap Station (Capital) - Adding expense budget to cover the cost or additional expenses incurred.	U	8,233	-	0	-	0	-	0	(8,233)
General	Active Parks - Building Maintenance - Purchase order budget not roller over in 2022 FY for Westend sporting Complex amenities repair through insurance.	U	7,545	-	0	-	0	-	0	(7,545)
General	Rural Sealed Regional Road Land Matters Capital - Adding Budget to cover the legal cost of road widening matter - Ulan Blackspot realignment.	U	6,500	-	0	-	0	-	0	(6,500)
General	Airport - Operations & Maintenance - Adding budget to cover the legal cost for registration of the lease.	U	1,000	-	0	-	0	-	0	(1,000)
General	Major Events Glen Willow - Regional Sport Event Fund- Stream 2 Central Coast Mariners FC a-League Mens Event 2022-23.	C	50,000	GRT - OTHER GRANT INCOME (OPERATING)	(50,000)	-	0	-	0	0
General	S44 March 2023 - Bushfire Emergency budget for March 2023.	C	20,000	GRT - S44 BUSHFIRE REIMBURSEMENTS	(20,000)	-	0	-	0	0
Waste	Waste - General Operations - Waste collection Hook Bin replacement due to fire, reimbursement to receive from insurance.	F	0	OTR - REIMBURSEMENT - GENERAL INSURANCE	(16,750)	-	0	-	0	16,750
Waste	Hook lift Bins - Waste collection Hook Bin replacement due to fire, reimbursement to receive from insurance.	U	16,750	-	0	-	0	-	0	(16,750)
Total			230,028		(142,250)		(18,000)		0	(69,778)

2) Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM AS AT 31 MARCH 2023.

\$ 25.85 M

Actual YTD

249

Capital Projects

\$73.85 M

Budget

\$13.18 M

Commitments

FINANCE | MONTHLY BUDGET REVIEW –

31 MARCH 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
RURAL FIRE SERVICE - COOKS GAP STATION (CAPITAL)	1	8	9	0	0%	9	Construction
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	111	0	111	13	12%	41	Initial works
RURAL FIRE SERVICE - BOTOBOLAR STATION (CAPITAL)	10	0	10	9	92%	0	Final works
BUSHFIRE RECOVERY - EMERGENCY RADIO COMMUNICATIONS	35	0	35	0	0%	28	Construction
RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL)	300	0	300	0	0%	19	Design
RURAL FIRE SERVICE - MUDGEE AIRBASE SHED (CAPITAL)	30	0	30	2	8%	27	Procurement
MUDGEE POUND UPGRADE - RENOVATION & EXTENSION	214	0	214	210	98%	0	Final works
COMM. TRANSPORT- VEHICLE PURCHASE	121	0	121	37	31%	0	Procurement
COUNTRY UNIVERSITY CENTER CAPITAL	94	0	94	7	8%	0	Procurement
KILLDALLON RENOVATION (L BLOCK)	15	0	15	15	97%	0	Construction
CEMETERY CAPITAL PROGRAM	16	0	16	19	114%	0	Construction
GULGONG CEMETERY ROAD UPGRADE	30	0	30	0	0%	0	Procurement
CEMETERY SHORING	15	0	15	0	0%	10	Initial works
PUBLIC TOILETS - ROBERTSON PARK MUDGEE	10	0	10	9	91%	0	Complete
PUBLIC TOILETS - ANZAC PARK CAPITAL	8	0	8	6	74%	0	Final works
LIBRARY BOOKS	95	0	95	55	58%	0	Construction
MUDGEE LIBRARY AIR CONDITIONING	11	0	11	6	54%	0	Complete
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	24	0	24	0	0%	14	Deferred/Cancelled
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	63	0	63	46	74%	7	Final works
CAPITAL WORKS - GULGONG PRESCHOOL	0	25	25	0	0%	19	Project Scope
CAPITAL UPGRADE - RYLSTONE GUIDE HALL ROOF REPLACEMENT	40	0	40	33	81%	0	Complete
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	12	0	12	12	100%	0	Complete
KANDOS HALL & LIBRARY - TOILETS	59	0	59	5	8%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE	45	0	45	0	0%	0	Deferred/Cancelled
KANDOS COMMUNITY HALL - FLOORING REFURBISHMENT	102	0	102	100	98%	0	Complete
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	35	0	35	0	0%	20	Initial works
GOOLMA HALL - FLOORING & WINDOW REFURB	20	0	20	18	92%	0	Complete
CAP UPGRD- SWIMMING POOLS BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
GULGONG/ KANDOS POOL - LOCKERS	10	0	10	0	0%	0	Procurement
KANDOS POOL - EXTERNA WORKS	55	0	55	31	56%	0	Construction
POOL SHADE PROGRAM	46	0	46	44	95%	0	Complete
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Procurement
GULGONG POOL HEATERS	105	0	105	(0)	0%	0	Procurement
ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES BUILDING	103	0	103	37	36%	3	Construction
MUDGEE SHOWGROUNDS - REDEVELOPMENT	126	0	126	126	100%	0	Complete - awaiting invoices
GLEN WILLOW SPORTS GROUND UPGRADES	777	0	777	456	59%	14	Construction
CAHILL PARK SYNTHETIC CRICKET WICKET	30	0	30	25	83%	4	Complete
VICTORIA PARK MUDGEE - FENCING	115	0	115	0	0%	98	Consultation
GULGONG TENNIS COURTS	230	0	230	5	2%	0	Initial works
CLANDULLA RECREATION PARK AMENITIES	120	0	120	0	0%	0	Consultation
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	0	Procurement
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	120	0	120	0	0%	128	Construction
RYLSTONE & KANDOS DOG PARK	90	0	90	22	25%	25	Construction
GLEN WILLOW STORMWATER RETICULATION SYSTEM	266	0	266	251	94%	0	Complete - awaiting invoices
PUTTA BUCCA TRAINING CAMP FACILITY	1,938	0	1,938	740	38%	731	Construction
MUDGEE SHOWGROUNDS - PATHWAY IMPROVEMENTS	40	0	40	30	76%	0	Construction
GLEN WILLOW - PUMP TRACK	700	0	700	0	0%	0	Initial works
WALKERS OVAL MUDGEE CARPARK UPGRADES	20	0	20	0	0%	0	Design

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0	Deferred/Cancelled
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Design
MUDGEE SHOWGROUND - MAIN ARENA RENOVATION	47	0	47	41	87%	0	Complete
MUDGEE SHOWGROUNDS - ROAD REHAB AND FENCING	75	0	75	0	0%	0	Procurement
MUDGEE SHOWGROUNDS - GRANDSTAND FIT-OUT	196	0	196	187	95%	0	Complete - awaiting invoices
VICTORIA PARK MUDGEE - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Procurement
VICTORIA PARK GULGONG - SHOT PUT/DISCUS REPLACEMENT	25	0	25	3	13%	0	Initial works
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	Design
MUDGEE SHOWGROUND EQUIPMENT	52	0	52	52	100%	0	Complete
RYLSTONE SHOWGROUND ARENA - UPGRADE (PARTIAL GRANT REQUIRED)	30	0	30	0	0%	0	Initial works
RYLSTONE SHOWGROUND ACCESS ROAD	56	0	56	5	8%	1	Initial works
SAMMY'S FLAT FENCE REPLACEMENT (RYLSTONE SHOWGROUND)	105	0	105	54	51%	0	Complete
RED HILL - PATHWAY AND LANDSCAPING UPGRADE	40	0	40	0	1%	0	Initial works
RED HILL EXHIBITION SPACE	50	0	50	18	36%	14	Construction
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0	Procurement
PUBLIC SPACES - INSTALL CAMERA & SECURITY LIGHTING	60	0	60	40	67%	7	Construction
HENRY LAWSON MEMORIAL RENEWAL	15	0	15	0	0%	1	Design
JACK TINDALE PARK RYLSTONE - ROAD UPGRADE	40	0	40	0	1%	0	Initial works
SHADE SAIL - MUDGEE DOG PARK	12	0	12	10	85%	0	Final works
SCULPTURES ACROSS THE REGION	61	0	61	49	81%	0	Construction
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	20	0	20	0	0%	0	Initial works
JACK TINDALE PARK ROADS	11	0	11	7	67%	0	Construction
ROTUNDA PARK KANDOS - IRRIGATION RENEWAL	36	0	36	3	8%	0	Initial works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
GILBEY PARK - FENCING	10	0	10	0	0%	9	Construction
MEMORIAL PARK MUDGEE - IRRIGATION RENEWAL	35	0	35	0	0%	0	Initial works
PLAYGROUND SHADING PROGRAM	152	0	152	23	15%	110	Construction
RED HILL CAPITAL WORKS	362	0	362	296	82%	51	Final works
CORONATION PARK FENCE	45	0	45	18	39%	0	Construction
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEE	30	0	30	28	92%	0	Construction
CORONATION PARK GULGONG - IRRIGATION RENEWAL	30	0	30	0	0%	20	Construction
PLAYGROUND EQUIPMENT UPGRADE - RYLSTONE SHOWGROUND	292	0	292	8	3%	243	Construction
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	1%	0	Procurement
MUDGEE RIVERSIDE - WALKING TRACK IMPROVEMENTS	35	0	35	0	0%	0	Initial works
PASSIVE PARK SIGNAGE REPLACEMENT	21	0	21	0	0%	0	Initial works
FLIRTATION HILL MUDGEE - MASTER PLAN WORKS	750	0	750	0	0%	0	Procurement
ART GALLERY FACILITY	821	0	821	713	87%	52	Construction
STREET SCAPE IMPROVEMENTS	31	0	31	0	0%	0	Procurement
STREETSCAPE - STREET BINS	8	0	8	8	100%	0	Complete
Total	10,507	33	10,540	3,930	37%	1,703	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	380	0	380	5	1%	349	Construction
MUDGEE WASTE DEPOT UPGRADES	53	0	53	36	68%	1	Final works
NEW TIP CELL CONSTRUCTION	3,291	0	3,291	507	15%	44	Multi-year project - complete for this year
NEW RECYCLING BINS	30	0	30	4	15%	0	Procurement
WASTE SITES REHABILITATION	90	0	90	4	5%	55	Multi-year project - complete for this year

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
REMOTE SECURITY CAMERAS AT WTS	39	0	39	31	81%	3	Final works
LEACHATE POND ENLARGEMENT	11	0	11	0	0%	2	Final works
KANDOS WTS OFFICE REPLACEMENT	0	0	0	0	99%	0	Consultation
HOOKLIFT BINS	0	17	17	0	0%	17	Project Scope
DRAINAGE CAPITAL IMPROVEMENTS	11	0	11	11	100%	0	Complete
CULVERTS, SHOULDER & K&G - BELLVUE RD MUDGEES	1	0	1	1	100%	0	Complete
CAUSEWAY IMPROVEMENT - TALLAWAY ST GULGONG	23	0	23	2	7%	0	Complete
PUTTA BUCCA WETLANDS CAPITAL	17	0	17	0	0%	0	Procurement
PUTTA BUCCA WETLANDS TOILET	95	0	95	93	98%	0	Complete
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	379	0	379	190	50%	2	Construction
WATER NEW CONNECTIONS	147	0	147	65	44%	0	Construction
WATER AUGMENTATION - MUDGEES HEADWORKS	1,173	0	1,173	152	13%	806	Construction
WATER MAINS - CAPITAL BUDGET ONLY	557	0	557	0	0%	0	Budget only
WATER MAINS - MAYNE STREET	247	0	247	151	61%	88	Final works
WATER MAINS - BAYLY STREET	110	0	110	20	18%	2	Initial works
WATER MAINS - TALLAWANG ROAD	180	0	180	20	11%	2	Initial works
WATER MAINS - LITTLE BAYLY STREET	70	0	70	34	48%	2	Initial works
WATER MAINS - HORATIO ST COURT TO COX	77	0	77	76	99%	0	Complete
WATER MAINS - SYDNEY ROAD	90	0	90	0	0%	0	Project Scope
WATER MAINS - SAVILLE ROW KANDOS	30	0	30	15	51%	1	Final works
WATER PUMP STATION - CAPITAL RENEWALS	175	0	175	21	12%	0	Construction
RAW WATER SYSTEMS RENEWALS	78	0	78	28	36%	0	Construction
WATER TREATMENT PLANT - RENEWALS	120	0	120	9	8%	0	Initial works
SEWER NEW CONNECTIONS	68	0	68	25	36%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	417	0	417	86	21%	142	Project Scope
MUDGEES SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	2	0%	0	Project Scope
SEWER MAINS - CAPITAL BUDGET ONLY	1,745	0	1,745	447	26%	67	Construction
RIISING MAIN ULAN RD TO PUTTA BUCCA	0	0	0	0	100%	0	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEWER PUMP STATION - CAPITAL RENEWALS	1,130	0	1,130	0	0%	0	Deferred/Cancelled
SEWER TREATMENT WORKS - RENEWALS	187	0	187	0	0%	0	Design
Total	11,572	17	11,589	2,036	18%	1,585	
Building a Strong Local Economy							
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	508	0	508	209	41%	229	Construction
RYLSTONE CARAVAN PARK - CAPITAL	466	0	466	276	59%	74	Construction
RIVERSIDE CARAVAN PARK FIRE SERVICES	1	0	1	0	0%	2	Final works
MUDGEE VALLEY PARK UPGRADE	0	0	0	0	100%	0	Complete
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Consultation
CUDGEGONG WATERS PARK HOUSE	258	0	258	180	70%	63	Construction
MUDGEE VALLEY PARK EXPANSION	3,140	0	3,140	2,175	69%	284	Construction
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	10	0	10	4	43%	0	Design
MUDGEE VALLEY PARK EXPANSION ROADS	380	0	380	21	6%	94	Construction
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	12	0	12	0	0%	0	Consultation
SIGNAGE UPGRADE	161	0	161	0	0%	15	Initial works
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	50	0	50	11	22%	25	Initial works
SALEYARDS - POST AND RAIL REPLACEMENT	16	0	16	0	0%	13	Procurement
TOOHEYS PARK - BUILDING	20	0	20	0	0%	0	Deferred/Cancelled
PROPERTY - EX SALEYARDS STAGE II	2,396	0	2,396	42	2%	192	Construction
PROPERTY - DEVELOPMENT MORTIMER ST	10	0	10	5	50%	0	Construction
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	500	0	500	40	8%	142	Construction
COMMERCIAL PROP - AERODROME COTTAGE RENOVATIONS	25	0	25	17	66%	0	Final works
COMMERCIAL PROP - OLD GULGONG FIRE STATION SECURITY CAMERAS	15	0	15	7	48%	0	Complete
Total	8,029	0	8,029	2,986	37%	1,134	

FINANCE | MONTHLY BUDGET REVIEW –

31 MARCH 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Connecting our Region							
MUDGEE CDB HIGH PEDESTRIAN ACTIVITY AREA	66	0	66	4	6%	0	Construction
URBAN RESEALS - BELMORE ST GULGONG	52	0	52	0	0%	0	Project Scope
URBAN RESEALS - BARIGAN STREET WOLLAR	14	0	14	14	98%	0	Complete
URBAN RESEALS - BARNETT STREET WOLLAR	13	0	13	12	90%	0	Complete
URBAN RESEAL - DABEE RD	12	0	12	12	102%	0	Complete
RESEAL - HENRY BAYLEY DRIVE	23	0	23	21	91%	0	Complete
URBAN RESEALS - JACQUES STREET KANDOS	39	0	39	18	47%	10	Complete - awaiting invoices
URBAN RESEAL - MEDLEY STREET GULGONG	10	0	10	0	0%	14	Construction
URBAN RESEAL - MORTIMER STREET MUDGEE	39	0	39	0	0%	36	Construction
URBAN RESEALS - INGLIS ST MUDGEE	32	0	32	13	41%	18	Construction
URBAN RESEALS - SALEYARDS LN GULGONG	14	0	14	0	0%	12	Construction
URBAN ROADS KERB & GUTTER CAPITAL	17	0	17	0	0%	0	Construction
URBAN HEAVY PATCHING	21	0	21	5	25%	0	Construction
URBAN REHAB - DUNN STREET KANDOS SEG 10-30	176	0	176	104	59%	0	Complete
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	230	0	230	200	87%	158	Construction
URBAN REHAB - BROADHEAD RD SPRINGFL	230	0	230	222	96%	0	Complete
URBAN REHAB - LAWSON/SHORT STREET INTERSECTION MUDGEE	105	0	105	0	0%	0	Initial works
URBAN REHAB - LOVEJOY STREET MUDGEE	30	0	30	0	0%	0	Initial works
URBAN REHAB - SHORT STREET	30	0	30	0	0%	0	Initial works
URBAN RESEALS - ANDERSON STREET GULGONG	16	0	16	17	106%	0	Complete - awaiting invoices
URBAN RESEALS - NANDOURA STREET GULGONG	27	0	27	23	86%	0	Complete
URBAN RESEALS - WYNELLA STREET GULGONG	14	0	14	7	52%	8	Complete - awaiting invoices
URBAN RESEALS - BENT STREET KANDOS	22	0	22	20	90%	0	Complete

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\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - CROWN STREET KANDOS	21	0	21	17	79%	0	Complete
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	0	12	0	0%	10	Construction
URBAN RESEALS - CASSIN LANE MUDGEE	10	0	10	10	98%	0	Complete
URBAN RESEALS - GRANT STREET MUDGEE	10	0	10	10	98%	0	Complete
URBAN RESEALS - HARDY CRESCENT MUDGEE	19	0	19	14	75%	0	Complete
URBAN RESEALS - HORATIO STREET MUDGEE	20	0	20	25	126%	0	Complete
URBAN RESEALS - LANG STREET MUDGEE	15	0	15	16	105%	0	Complete
URBAN RESEALS - MENCHIN STREET MUDGEE	13	0	13	13	97%	0	Complete
URBAN RESEALS - MULGOA WAY MUDGEE	15	0	15	12	83%	0	Complete
URBAN RESEALS - RAYNER STREET MUDGEE	10	0	10	0	0%	8	Construction
URBAN RESEALS - CUDGEGONG STREET RYLSTONE	21	0	21	17	81%	0	Complete
URBAN RESEALS - LOUEE STREET RYLSTONE	36	0	36	28	77%	0	Complete
URBAN RESEALS - SHORT STREET - RYLSTONE	18	0	18	18	99%	0	Complete
URBAN RESEALS - TONGBONG STREET RYLSTONE	14	0	14	14	97%	0	Complete
RESHEETING - URBAN ROADS	11	0	11	0	0%	0	Initial works
URBAN SEALING - BRUCE ROAD	410	0	410	420	102%	0	Complete
MUDGEE SCHOOL ZEBRA CROSSING INFRASTRUCTURE UPGRADE	205	0	205	205	100%	7	Complete - awaiting invoices
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	100	0	100	1	1%	9	Initial works
URBAN ROADS LAND MATTERS CAPITAL	15	0	15	3	19%	0	Construction
RURAL RESEAL - LUE RD	436	0	436	4	1%	379	Construction
RURAL RESEAL - YARRAWONGA RD	171	0	171	0	0%	137	Construction
RURAL RESEAL - WINDEYER RD GRATTAI	110	0	110	5	5%	78	Construction
RURAL RESEAL - CUDGEGONG RD	192	0	192	97	51%	93	Construction
RURAL RESEAL - BOTOBOLAR RD	148	0	148	74	50%	89	Construction
RURAL RESEAL - BROGANS CREEK RD CLANDULL	34	0	34	30	87%	0	Complete
RURAL REHAB - LUE ROAD MOUNTKNOW	500	0	500	107	21%	158	Construction
RURAL REHAB - CUDGEGONG RD CARWELL	3	0	3	3	100%	0	Deferred/Cancelled
RURAL REHAB - HENRY LAWSON DR	0	0	0	0	0%	0	Deferred/Cancelled

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
HEAVY PATCHING	48	0	48	71	146%	0	Complete - awaiting invoices
ULAN WOLLAR ROAD - STAGE 1	3	0	3	1	46%	0	Construction
RURAL RESEAL - BUDGEE BUDGE	55	0	55	0	0%	0	Construction
RURAL RESEAL - CAMPBELLS CREEK ROAD WINDEYER	139	0	139	6	5%	129	Construction
RURAL RESEALS - GREVILLEA GROVE RYLSTONE	15	0	15	14	93%	0	Complete
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	0	0%	24	Construction
RURAL RESEALS - LINBURN LANE	142	0	142	104	73%	7	Complete - awaiting invoices
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	2%	7	Construction
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	27	0	27	0	0%	26	Construction
RURAL RESEALS - CAMERONS ROAD RUNNINGS	3	0	3	0	0%	3	Construction
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	3,912	0	3,912	1,105	28%	595	Construction
RURAL ROAD - COOPER DR AND CHARBON RD INTERSECTION UPGRADE	100	0	100	76	76%	0	Complete
RURAL ROADS - FLOODED ROADS SMART WARNING SYSTEM	55	0	55	0	0%	0	Project Scope
RURAL SEALED ROAD LAND MATTERS	22	0	22	5	20%	0	Construction
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	198	0	198	198	100%	4	Complete
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM 2022/23	796	0	796	350	44%	69	Construction
RURAL HEAVY PATCHING - GOLLAN ROAD	263	0	263	137	52%	1	Construction
BYLONG VALLEY WAY HEAVY PATCHING PROGRAM	34	0	34	2	6%	15	Construction
MUNGHORN GAP REALIGNMENT & UPGRADE	1,321	0	1,321	546	41%	394	Construction
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	137	0	137	86	63%	31	Construction
HILL END ROAD SAFETY IMPROVEMENTS	1,940	0	1,940	532	27%	94	Construction
BVW UPGRADE RNSW 2080	900	0	900	132	15%	176	Construction
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	8	7	15	13	93%	0	Construction
SEALING - GRIMSHAW LANE	18	0	18	16	89%	0	Complete
ZIMMER LANE (NOW MAINTAINED)	81	0	81	37	46%	0	Construction

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
BADGERS LANE (NOW MAINTAINED)	98	0	98	0	0%	0	Construction
SEAL EXTENSION - AARONS PASS RD	239	0	239	241	101%	3	Complete
SEAL EXTENSION - QUEENS PINCH RD	1,387	0	1,387	800	58%	184	Construction
SEAL EXTENSION - COXS CREEK RD	1,756	0	1,756	1,004	57%	166	Construction
SEAL EXTENSION - MEBUL RD	2	0	2	2	122%	0	Complete
SEAL EXTENSION - BOTOBOLAR RD	968	0	968	106	11%	249	Construction
SEAL EXTENSION - CORICUDGY ROAD	13	0	13	22	173%	6	Initial works
RESHEETING	2,056	0	2,056	1,571	76%	398	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	15	0	15	2	13%	0	Construction
GOODIMAN CREEK BRIDGE REPLACEMENT	950	0	950	778	82%	18	Construction
DIXONS LONG POINT CROSSING	30	0	30	29	96%	0	Initial works
BRIDGE TO PUTTA BUCCA ROAD	3,102	0	3,102	1,404	45%	183	Construction
REGIONAL ROAD BRIDGE CAPITAL	32	0	32	0	0%	0	Budget only
GOULBURN RIVER BRIDGE ULAN ROAD	30	0	30	30	100%	0	Complete
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	235	0	235	0	0%	0	Budget only
ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB	300	0	300	22	7%	103	Initial works
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE	174	0	174	(0)	0%	0	Initial works
FOOTPATH REPLACEMENT	207	0	207	23	11%	0	Construction
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	204	0	204	20	10%	128	Construction
SHARED PATHWAY - GLEN WILLOW TO PUTTA BUCCA WETLANDS AREA	42	0	42	0	0%	0	Construction
AIRPORT - AIRCRAFT PARKING	20	0	20	19	95%	0	Complete
AIRPORT AMBULANCE TRANSFER BAY (REQUIRES PARTIAL GRANT)	100	0	100	36	36%	2	Final works
AIRPORT HANGER AND STUDIO	249	0	249	32	13%	127	Initial works
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Initial works
AIRPORT - BEACON LIGHTING POLE REPLACEMENT	10	0	10	0	0%	9	Construction
CARPARK - MUDGEES COMMON	42	0	42	34	80%	0	Complete

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CARPARK - GULGONG POOL	11	0	11	7	70%	0	Complete
Total	26,380	7	26,387	11,446	43%	4,372	
Good Government							
CORPORATE BUILDINGS UPGRADE BUDGET ONLY	0	0	0	0	0%	0	Budget only
COMMUNITY SERVICES BUILDING CAPITAL	7	0	7	4	52%	0	Final works
OLD POLICE STATION CAPITAL	50	0	50	0	0%	20	Deferred/Cancelled
BUILDINGS MASTER KEY SYSTEM	131	0	131	20	15%	100	Construction
MUDGEE ADMIN BUILDING EXTENSION	727	0	727	179	25%	409	Construction
MUDGEE ADMIN BUILDING - EAST WING OFFICES RECONFIGURATION	15	0	15	7	46%	0	Complete
IT SPECIAL PROJECTS	28	0	28	3	9%	0	Initial works
IT - NETWORK UPGRADES	245	0	245	65	27%	16	Construction
IT CORPORATE SOFTWARE	186	0	186	61	33%	50	Construction
IT - PAPER CUT SECURE PRINTING	25	0	25	0	0%	0	Consultation
PLANT PURCHASES	7,167	0	7,167	4,695	66%	3,675	Budget only
RYLSTONE DEPOT - CAPITAL UPGRADE	80	0	80	25	32%	19	Construction
SOLAR FARM INITIATIVE	421	0	421	276	65%	71	Procurement
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	22	34%	14	Construction
SOLAR FARM INITIATIVE - STAGE 3	8,082	0	8,082	0	0%	0	Procurement
ROLLER BRAKING SYSTEM	61	18	79	57	72%	0	Final works
MUDGEE DEPOT - SECURITY CAMERAS	25	0	25	23	90%	0	Final works
RYLSTONE WORKSHOP OFFICE - CAPITAL	30	0	30	17	57%	0	Construction
RYLSTONE EMULSION TANK	15	0	15	0	0%	13	Design
Total	17,361	18	17,379	5,453	31%	4,387	
Total Capital Works Program	73,848	74	73,923	25,852	35%	13,181	

Item 10: Operations

10.1 Land Acquisition for Drainage Easement - Part Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660 Bombira

REPORT BY THE MANAGER, INFRASTRUCTURE PLANNING
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COU500013

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Infrastructure Planning and Manager Property and Revenue on the land acquisition for drainage easement servicing new land subdivisions at Bombira;**
2. **resolve to acquire easement rights over approximately 3.4ha of land traversing Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660 for the purpose of drainage by agreement with the land owner at a compensation price determined by appropriate independent valuation plus or minus 20 percent;**
3. **arrange the preparation, lodgement and registration of appropriate subdivision plans related to the easement on Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660;**
4. **construct a drain within the easement to direct the flows through Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660 to discharge at the downstream natural water course, including the demolition and re-establishment of boundary fencing to make stock-proof;**
5. **amend the budget to allocate amounts for the purchase of easement rights and construction of drainage channels to service Bombira, funded from unrestricted cash, as follows:**
 - **2022/23 - \$300,000**
 - **2023/24 - \$1,100,000**
6. **approve an exemption from tender, in accordance with Section 55(3)(i) of the Local Government Act 1993, for the drainage channel construction works, noting that a satisfactory result would not be achieved by inviting tenders;**
7. **note the reason why a satisfactory outcome would not be achieved by inviting tenders is that the land owner requires that their company complete the works on land they own;**
8. **authorise the General Manager to finalise negotiations with the land owner, including the construction contract price and contract terms;**

9. **authorise the General Manager to finalise negotiation terms with the land owner to create the easement and subsequently enter into a Heads of Agreement with the land owner to record the parties' agreement in respect to the terms on all relevant matters concerning the easement and the compensation to be paid;**
 10. **authorise the General Manager to finalise negotiations with the land owner the terms of a construction licence and enter into a licence deed with the land owner to construct the drain ahead of registration of the easement;**
 11. **authorise the General Manager and the Mayor, if required, to complete and execute all documentation, in relation to the registration of the drainage easement on the plan of subdivision and Certificates of Title for Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660; and**
 12. **authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the registration of the drainage easement on the plan of subdivision.**
-

Executive summary

The stormwater management strategy provided by the developer of the residential development site the subject of DA0152/2015 and MA0033/2016 ("Bombira") relies on the stormwater captured from much of the developed site being directed to a single on site detention basin where it is treated for water quality before being discharged, for storms up to a 1 in 100 year event, at flow rates no greater than pre-development flows onto the downstream properties via a pre-existing swale where it extends until it meets a recognised water course.

No easement exists over the downstream properties securing the right for drainage. The downstream land owner has raised concern with respect to the potential for land erosion, giving rise to a future potential claim for nuisance. Since Council is now responsible for the ongoing maintenance of the completed Bombira on site detention basin and drainage network Council must now acquire the drainage easement over the downstream properties and arrange for the construction of a properly designed drainage swale within that easement to safely convey the stormwater generated from the Bombira catchment to discharge at the recognised water course.

This report seeks Council approval to acquire the easement under "Just Terms" and allocate a budget of \$1,400,000 + GST for the costs associated with:

- finalisation of the design,
- acquire and create the easement through registration of a plan of subdivision with Land Registry
- the construction of the drainage swale and associated crossings necessary to maintain property access; and
- drain, clean out and make good the Bucholtz Park on site detention basin.

This report also seeks Council support for exemption from tendering the earthmoving and construction works due to '*extenuating circumstances*', as provided for under s55(3)(i) of the Local Government Act 1993 (LG Act), so that the drainage swale and associated access crossing works are awarded to a single contractor. The contractor is the land owner who has provided quoted construction rates that have been verified by an independent Quantity Surveyor as being fair and reasonable in the current construction market.

Disclosure of Interest

Nil

Detailed report

A swale ("Swale") was constructed some time ago by Mr Max Walker ("land owner") on Lot 5 DP1181765 (Lot 5), being part of the land known as 33 Robert Hoddle Grove, Bombira. The purpose of the Swale was to protect Lot 5 from inundation by directing stormwater collected from the undeveloped upstream land discharging onto Lot 5 and then convey it through Lot 61 DP1181768 and Lots 1-2 DP1062660 until it meets a recognised watercourse. This land is grazing land and zoned RU4 Primary Production Small Lots.

There now exists to the north and directly upstream of Lot 5 the residential development site known as "Bombira", the subject of the development consent DA0152/2015 and its subsequent modifications MA0016/2016, MA0033/2016, MA0029/2017 and MA002/2019. Six stages of this development have now been completed and are partially occupied. Another two stages are at construction.

Condition 20 of the Bombira development consent requires:

"The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Runoff (2001) for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100-year ARI. All storm water detention details including analysis shall be included with the drainage report."

Note: Post development flows must not exceed pre-development flows up to and including the 100 year ARI event. Any additional works required to satisfy this condition will be entirely at the developer's cost.(AMENDED MA0033/2016)".

In response to this condition the developer provided to Council the Bombira Estate Stormwater Management Report dated 19/11/2019 ("Cardno Report").

The Cardno Report aims to direct as much of Bombira Estate's runoff to a single on site detention ("OSD") basin located at what is now known as Bucholtz Park, Joseph Place Bombira. The report demonstrated by detailed modelling that the proposed OSD basin would, for storm events up to and including a 100 year ARI, attenuate peak runoff to at or below pre-development (existing) rates and treat the collected stormwater for water quality (as required under condition 22 of the development consent) before discharging to the swale existing on downstream properties described above.

Prior to the issuing of the Construction Certificate for Stage 4 of Bombira, the stage within which the OSD would be located, the Owner of Lot 5 raised complaint to Council in regard to the proposed Bombira development and requested that the construction of the subdivision stages not be approved due to drainage issues through his property.

On 09/12/2019 Council provided a letter in response to the complaint received from the owner of Lot 5 which in part stated:

"Given that the application for a Construction Certificate (CC) is in accordance with an existing and valid Development Approval Council cannot legally defer or delay the issue the CC being sought in the near future."

Council is proceeding with assessment of the CC on the basis that the application complies with the requirements of the amended Development Consent."

At around that time Council had sought a technical peer of the Cardno review of the stormwater management plan from a suitably qualified consultant, GHD. The conclusion from the peer review was that the Cardno Report sufficiently addressed the requirements of the development consent condition 20 for most aspects, supporting the 09/12/2019 letter.

On 21/01/2020 Council issued the construction certificate CCC0036/2020 approving the construction of Stage 4 Bombira, including the OSD basin.

Following the issuing of the Bombira Stage 4 construction certificate Council received a letter dated 18/03/2020 from an engineering consultant, on behalf of the land owner, notifying of their concerns arising the Cardno report, specifically:

"No easement exists over our clients' land to receive and allow the passage of concentrated stormwater over their property from the Bombira Estate. With no legal protection to ensure the passage of stormwater is protected and not impeded, the function of the detention basin outlet may be severely compromised and may not function as designed, leading to substantial rectification costs that Council will ultimately be responsible for.

There is no existing watercourse at the outlet location of the detention basin to discharge stormwater into. No watercourse is marked on the topographic maps near the detention basin outlet location. Existing small farm diversion banks have been constructed near the basin outlet that convey small amounts of stormwater to the South, but these are considerably undersized to cope with the expected inflow of stormwater from the new basin outlet. They are also dependent on the existing land use (as farming land) as they were constructed as an overflow diversion bank leading from an existing dam. These banks may be altered to suit the future land use when the land is further developed. With no legal protection to allow the passage of stormwater through our client's land there is no way for stormwater to safely be conveyed through the site."

On 30/09/2020 the linen plan was released confirming transferring ownership of the OSD basin and maintenance to Council.

It is recommended Council obtain easement through Lot 5, Lot 61 DP1181768 and Lots 1-2 DP1062660 and construct a drainage channel to mitigate the risk of potential for legal claim of nuisance to the downstream property i.e. the potential for localised erosion and flooding over the land and preserve the Bombira drainage function into the future.

Council has engaged a consultant engineer to study and produce design for the drainage channel. This design comprises a drainage channel extending from the Bombira OSD basin through the downstream properties as well as a branch channel to take stormwater developed from Lot 15 DP1194019 to the north of Bombira (the subject of a 46 lot subdivision under DA0109/2016). This, in concept, results in a total of approximately 2.1km of drainage channel, however further design development may see the total length of channel reduce.



Creation of Rights for Drainage Easement

The acquisition of rights for the purposes of a drainage easement impacts a total of 3.4ha of land traversing Lot 5 DP1181765, Lot 61 DP1181768 and Lots 1-2 DP1062660 ("easement").

Staff have made contact with the land owner of Lot 5, who is also the land owner of the other affected property to discuss terms that would satisfy both parties for acquisition by agreement in line with Land Acquisition (Just Terms Compensation) Act 1991, that is:

- a) The creation of easement is to be carried out by Agreement between Council and land owner, the registration of which will cause the easement to be dedicated as a drainage easement in favour of Council;
- b) In consideration of the easement, Council agrees to pay, and the land owner agrees to accept, the compensation amount as determined by property valuation undertaken by a Certified Practicing Valuer ("Valuer"). It is also estimated a budget of \$26,000 is required for the costs of survey and legal costs associated with the acquisition and registration of the Subdivision Plan.

Note: Should design development result in a shorter length of channel the purchase price for the land will reduce.

Given the Subdivision Plan registration process will take some time it is proposed that a construction license be entered into between Council and the land owner to establish legal ability for Council's construction of the channel to occur ahead of the easement registration (weather permitting).

Construction of the Drainage Channel

Engineering designs have been provided in enough detail to cost the works required to create the drainage channel and associated structures. The owner of the property is an earth moving contractor who is to undertake the works via an exemption from tender under the Local Government Act 1993. To establish costs the owner has provided rates to Council that have been independently verified.

The construction cost as provided for by the land owner requires a budget be made available for the cost of construction of the drainage channel. The construction budget comprises costs for:

- Site establishment and sediment controls;
- Channel construction, including the excavation and disposal of approximately 15,000m³ of soil over the 2.1km length of channel
- Provision of property access crossings over the channel in strategic locations.
- Reseeding / vegetation of the excavated channel to establish the sides and base.

Council engaged a quantity surveyor, GHQS Pty Ltd, to provide an independent assessment of the construction rates provided from the land owner. The findings of the assessment is that the rates provided are fair and reasonable. Council may therefore accept that these rates represent fair value in the current market.

Note there is an opportunity for this cost to reduce if further design development of the drainage channel sees a reduction in overall channel length.

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

Land Acquisition and Disposal Policy

Procurement Policy

Tendering Guidelines for NSW Local Government – October 2009'

Legislation

Local Government Act 1993

Local Government (General) Regulation

Land Acquisition (Just Terms Compensation) Act 1991

Financial implications

The total costs associated with this project is estimated at \$1,174,882. A contingency of \$217,488 is suggested to be added to cover the costs of any unknowns and variations encountered during the project as well as draining and cleaning out the OSD basin. It is therefore recommended that a total budget of \$1.4 million be made available for the project and the budget be amended to include for the following:

- FY22/23 \$300,000
- FY23/24 \$1,100,000

Funding for the project will come from Council's unrestricted cash balance.

Note: Council cannot amend the development contributions plan (CP) to recover the cost of acquisition and construction of the section of channel which services development for which consent has already been granted. To that end since consent has been issued for Bombira (DA0152/2015 and its subsequent modifications) as well as for Lot 15 DP1194019, the benefitting development lot to the north of Bombira (DA0109/2016) the costs are not recoverable. However there may be the opportunity to recover costs through s7.11 contributions to the proportion that other future developments which will benefit from the drain.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2022/23	—	—	×
2023/24	—	—	×
Future Years	×	—	×

Operating performance ratio decreases in future years due to ongoing maintenance costs associated with the drainage swale post completion of construction.

Building & Infrastructure Renewal ratio deteriorates with the acquisition and construction of the new drainage asset.

Associated Risks

Legal risk

In the absence of drainage easement over the properties downstream of the Bucholtz Park OSD there is no legal protection against risk of claims in tort (nuisance) should downstream property ever be affected by the Bombira outflows as well as there is no legal protection for Council to ensure that the drainage function of the drainage swale to be constructed through Lot 5 and downstream property is not altered or interfered with in any way which may cause impediment to the drainage system.

To mitigate this risk and provided appropriate legal means of drainage, it is necessary for Council to acquire easement for drainage over the property.

Public health & safety

On site detention basins are not designed to hold water for extended periods. Due to the nature of construction of this basin and the lack of downstream easements this detention basin does hold water during periods of extended wet weather. Part of this project is to modify the outlet of the detention basin so it performs as intended. There is children's playground in the vicinity of the basin that present a risk if water is detained for extended periods.

Procurement risk

Given the cost estimate of construction, the Local Government Act 1993 requires a process of open tender unless an exemption applies.

The Local Government Act – 1993 Section 55 (3)(i) provides;

*A contract where, because of **extenuating circumstances**, remoteness of locality or unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders.*

A satisfactory outcome will not be achieved by inviting tenders for the construction work as the land owner has clearly expressed the ability and desire of his earth moving company to undertake the works on land that he owns and will not allow others to undertake work on his land.

This satisfies the test that there are sufficiently different circumstances to constitute 'extenuating circumstances' under s55(3)(i) of the Local Government Act and that Council may form the opinion that a satisfactory result would not be achieved by inviting tenders. The risk that Council will not receive fair value in negotiating construction costs directly with the land owner has been mitigated by having an independent Quantity Surveyor review the costs and has found them to be appropriate when compared to current market rates.

RAY KEARNS
MANAGER, INFRASTRUCTURE PLANNING

JULIAN GEDDES
DIRECTOR OPERATIONS

9 March 2023

Attachments: 1. Confidential Memo - Bombira Land Acquisition for Drainage Easement.
(Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Revised Memorandum of Understanding - MWRC & Manor Enterprises Pty Ltd - Red Hill Precinct

REPORT BY THE MANAGER, CUSTOMER SERVICES & GOVERNANCE
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, FIN300096

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services & Governance on the Revised Memorandum of Understanding - MWRC & Manor Enterprises Pty Ltd - Red Hill Precinct;**
2. **endorse the proposed changes to the Memorandum of Understanding with Manor Enterprises Pty Ltd for the operation of the Red Hill Precinct which includes the Gulgong Gold Experience and Red Hill Cottage; and**
3. **authorise the General Manager to sign the Memorandum of Understanding with Manor Enterprises Pty Ltd for the operation of the Red Hill Precinct on behalf of Council.**

Executive summary

This report seeks to inform Council on the proposed Memorandum of Understanding with Manor Enterprises Pty Ltd for the operation of the Red Hill Precinct, which includes the Gulgong Gold Experience, Red Hill Cottage Tea Room & Mudgee Region Tourist Office.

Disclosure of Interest

Nil

Detailed report

The Gulgong Gold Experience opened to the public in 2016 and since this time a Memorandum of Understanding (MOU) has been in place between Council and operators of the facility to ensure a consistent and professional tourist attraction is made available to the public. This commenced with the Gulgong Holtermann Museum Inc. as the operator in 2016 and Manor Enterprises Pty Ltd took over the operations in 2019.

With the Red Hill Cottage refurbishment almost complete the MOU between MWRC and the operators of the Red Hill precinct required review and note this MOU attached to this report.

The revised MOU between MWRC and Manor Enterprises Pty Ltd now incorporates the existing operations of the Gulgong Gold Experience and in addition to this the operations of the Red Hill Cottage Tea Room & Mudgee Region Tourist Office.

It is anticipated that the operation of the Red Hill Cottage Tea Room & Mudgee Region Tourist Office will commence on 1st July 2023 and the revised MOU will be subject to a period of 12 months and financial assistance of \$15,000 per annum will be provided for operation of the site. There is no change to the monetary contribution under the MOU.

Note: Separate to the operation at Red Hill is the Red Hill Advisory Committee, which has been endorsed by Council to provide guidance, advice and to represent the community on the Red Hill Precinct and in the future strategic direction of the site. The committee meets on a bi-annual basis.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

There is no change proposed to Council's contribution and no additional funds are sought. Under the MOU any operating profit is returned to the Red Hill precinct to improve the site.

Associated Risks

There are risks associated with a new commercial operation at the Red Hill Cottage however we anticipate a successful first 12 months with the visitation numbers continuing to grow at the Gulgong Gold Experience and the additional patronage of the Mudgee Region Tourist Office.

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES &
GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

4 April 2023

Attachments: 1. Memorandum of Understanding MWRC and Manor Enterprises Pty Ltd - Red Hill 2023-24.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEES NSW 2850
86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone
T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

Memorandum of Understanding Mid-Western Regional Council and Manor Enterprises Pty. Ltd. 2023-24

1. Purpose

The purpose of this MOU is to facilitate the use and operation of the Red Hill Precinct including the Mining Exhibit (Gulgong Gold Experience) and the Red Hill cottage. Manor Enterprises Pty. Ltd. will have permission to use the facility and be responsible for its operation as a tourist facility available and open to the public.

2. Terms and Conditions of Use

- 2.1 The Red Hill Precinct is a Mid-Western Regional Council (MWRC) facility on land managed by Council and includes the Mining Exhibit (Gulgong Gold Experience) and the Red Hill cottage.
- 2.2 MWRC agrees to the use of and operation of the Red Hill Precinct by Manor Enterprises Pty. Ltd, including the operation of the Red Hill cottage as a café and tourist information centre.
- 2.3 Two sets of keys will be provided to Manor Enterprises Pty. Ltd. on permanent loan.
- 2.4 There will be no charge to Manor Enterprises Pty. Ltd. for the use and operation of the Red Hill Precinct.
- 2.5 MWRC will provide financial assistance of \$15,000 per annum to Manor Enterprises Pty. Ltd. in return for the operation and day to day oversight of the Red Hill Precinct. This will be paid quarterly on receipt of an invoice from Manor Enterprises Pty. Ltd.
- 2.6 Assessment of the amount of financial assistance will be made each financial year based on the financial statements on the operation of the Red Hill Precinct.
- 2.6 MWRC will provide a mobile phone for the exclusive use of the Red Hill Precinct.
- 2.7 Manor Enterprises Pty. Ltd. agree to ensure that the Red Hill Precinct is open to the public on Saturdays, Sundays and Public Holidays (except Christmas Day, Boxing Day, Good Friday and ANZAC Day) as a minimum.
- 2.8 Manor Enterprises Pty. Ltd. is able to charge entry to the Red Hill Precinct. Any funds collected are to be re-invested into the maintenance, operation and promotion of the facility and its exhibits, including the Red Hill cottage.

- 2.9 Manor Enterprises Pty. Ltd. is to provide MWRC with a report each six months on the operation of the Red Hill Precinct. This should include information related to visitation numbers and any financials related to the operation of the facility. Ideally Manor Enterprises Pty. Ltd. would set up a separate bank account for all financial matters related to the Red Hill Precinct (both for the Gulgong Gold Experience and Red Hill Cottage).
- 2.10 Minor maintenance issues are to be the responsibility of Manor Enterprises Pty. Ltd. (in consultation with Council as required). Major maintenance issues should be referred to Council's Building Service Department.
- 2.11 The Red Hill site will be covered by Council's building and public liability insurances.
- 2.12 Any volunteers or employees used for the operation of the Red Hill Precinct will be the responsibility of Manor Enterprises Pty. Ltd. and be covered under its insurance.
- 2.13 Manor Enterprises Pty. Ltd. is to provide MWRC with a copy of its current public liability insurances with Council listed as an interested party.
- 2.14 Manor Enterprises Pty. Ltd. is to provide MWRC with a copy of its Operations Plan for the Red Hill Precinct. This is to include reference to volunteer management, food handling, training and induction, risk assessments and information on contacts and responsibilities for the operation of the Red Hill Precinct
- 2.15 Consideration will be given to a licence agreement in relation to the property. If a licence agreement was to eventuate then this would take precedence over this Memorandum of Understanding.
- 2.16 This MOU extends until 30 June 2024 but can continue beyond that time until either party requests a further MOU to be negotiated. Alternatively, either party can terminate this MOU with a month's notice at any time after 30 June 2024, or it can be terminated at any time if agreed by both parties.

Signed:

BRAD CAM
GENERAL MANAGER
MID-WESTERN REGIONAL COUNCIL

Date:

JOY HARRISON
PRESIDENT
MANOR ENTERPRISES PTY. LTD.

Date:

11.2 Request for Exemption from Tender - Glen Willow Stadium Lighting Upgrade Project

REPORT BY THE DIRECTOR COMMUNITY
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, FIN300254

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Request for Exemption from Tender - Glen Willow Stadium Lighting Upgrade Project;
2. approve an exemption from tender, in accordance with section 55 (3)(i) of the Local Government Act 1993, for the Glen Willow Stadium Lighting Upgrade Project;
3. note the reasons why a satisfactory outcome would not be achieved by inviting tenders are:
 - a) the market has been recently tested via public marketplace on VendorPanel for other lighting as part of the Glen Willow Stage Two project we have recently been to market, via public marketplace on VendorPanel –with seven responses received and a contract being awarded to Rees Electrical;
 - b) the same organisations would be targeted if we tendered for this project (via VendorPanel) and the view is a different result will not be achieved by inviting fresh tenders; and
 - c) that with a significant amount of existing lighting infrastructure at Glen Willow already being provided by Rees Electrical, efficiencies in ongoing maintenance can be achieved by working with the same supplier;
4. delegate authority to the General Manager or their delegate to enter negotiations with Rees Electrical; and
5. delegate authority to the General Manager or their delegate to then finalise the contract for the Glen Willow Lighting Project and approve contract variations within the approved budget for the project, provided a satisfactory outcome can be negotiated with Rees Electrical.

Executive summary

This report seeks to provide information to Council on the intended procurement process for the Glen Willow Main Stadium Lighting Upgrade Project. An exemption from tender is sought as a Request for Tender process has already been undertaken recently for lighting at Glen Willow as part of the Stage 2 Project and any potential tenderers have already been identified.

Disclosure of Interest

Nil

Detailed report

This report seeks an Exemption from Tender for the Glen Willow Main Stadium Lighting Upgrade Project. This project is primarily funded by a \$2,324,206 grant from the NSW State Government through the Resources for Regions (Round 9) Program.

An exemption from tender is sought because a Request for Tender process has already been undertaken for lighting at the Glen Willow Sporting Complex. RFT 2020/108 was reported to Council in March 2021 having been through a tender process via Vendor Panel's Public Marketplace. Ultimately 7 tender submissions were received and it was resolved to negotiate with Rees Electrical. 22 light towers were installed as part of the Glen Willow Stage 2 project. This installation with Rees Electrical has gone smoothly and Council has been satisfied with their work and support.

Section 55(3)(i) of the Local Government Act provides the opportunity for Council to resolve to provide an exemption from tender for a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

This request for exemption is based on the fact that we have already gone to market recently and going through a tender process again will not provide a better outcome. There are also some efficiencies to be gained by working with the same company in providing support and maintenance for the additional towers and work required for the main Stadium lighting.

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

Procurement Policy

Legislation

Local Government Act 1993

Financial implications

All works involved in this report have already been included within the budget. No additional budget is sought.

Associated Risks

Risk is mitigated through the fact that a Request for Quote process has already been undertaken through VendorPanel and appropriate suppliers have been identified. The installation of the previous lighting as part of Glen Willow Stage Two has been successful and the relationship with Rees Electrical has been working well.

SIMON JONES
DIRECTOR COMMUNITY

4 April 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.3 Mudgee Community Transport Policy

REPORT BY THE MANAGER, COMMUNITY & CULTURAL SERVICES
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, COS300184

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Community & Cultural Services on the Mudgee Community Transport Policy;**
2. **place the Mudgee Community Transport Policy on exhibition for 28 days to seek feedback from the community; and**
3. **adopt the reviewed Mudgee Community Transport Policy if no submissions are received during the exhibition period.**

Executive summary

The Mudgee Community Transport Policy has been reviewed and updated in response to operational updates and industry reform since it was last reviewed.

Disclosure of Interest

Nil

Detailed report

Council's Mudgee Community Transport Policy review is attached to this report. Amendments are largely minor and include:

1. Updating service priorities as drawn from current contractual arrangements with Transport for NSW;
2. References to Council's Children and Vulnerable People Policy are now included to firmly embed the Commonwealth Government's Serious Incident Response Scheme within service delivery; and
3. Requirements around the use of child restraints within service fleet have been updated to reflect realistic operations.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Council's Children and Vulnerable People Policy and Procedure provide guidance around the Serious Incident Response Scheme for services, including Mudgee Community Transport.

Legislation

The reviewed policy takes into consideration the Serious Incident Response Scheme introduced for home care services within the *Aged Care Act 1997* in late 2022.

Financial implications

The Mudgee Community Transport Service is funded predominantly by Transport for NSW pursuant to its Funding Agreement with Council, and from client contributions as listed in Council's fees and charges.

Associated Risks

Not Applicable

FIONA SHEARMAN
MANAGER, COMMUNITY & CULTURAL
SERVICES

SIMON JONES
DIRECTOR COMMUNITY

5 April 2023

Attachments: 1. DRAFT Mudgee Community Policy - Reviewed March 2023. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Local Traffic Committee Meeting Minutes - March 2023

REPORT BY THE OPERATIONS ADMINISTRATION ASSISTANT
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, A0100009

RECOMMENDATION

That Council receive the report by the Operations Administration Assistant on the Local Traffic Committee Meeting Minutes for March 2023.

Executive summary

The purpose of this report is to advise Council and seek support of the considerations and recommendations of the Local Traffic Committee (LTC).

Disclosure of Interest

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday, 17 March 2023.

Three event reports were considered:

- Gulgong RSL Sub Branch Anzac Day Parade
- Mudgee Glow 2023
- Mudgee Small Farm Field Days 2023

No traffic report was considered:

- Not Applicable

General Business items included:

- Representatives from St. Matthews – Discuss Matters in Progress
- Pedestrian Refuge – Market Street
- Speed Zone Review – Henry Lawson Drive and Ulan Rd

Correspondence items included:

- Central Ranges Endurance Ride 11-12 MARCH 2023 AT WINDEYER

Full discussion notes are included in the attached report.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

BETHANY PALMER
OPERATIONS ADMINISTRATION ASSISTANT

JULIAN GEDDES
DIRECTOR OPERATIONS

28 March 2023

Attachments: 1. Local Traffic Committee Meeting Minutes - March 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 17 March 2023

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 17 March 2023.

Present	Mr R Kearns (Manager Infrastructure Planning), Ms S Cecchini (Road Safety Officer), Mr P Blackman (Community Representative), Mr G McGovern (NSW Police), Secretary BP Palmer (Administration Assistant), Mr Worley (Transport for NSW Representative), Mrs T Starr (MWRC Employee), Angela Myles (St. Matthew's Representative - Executive Principal), Justin Yeo (St. Matthew's Representative - Head of Campus Primary), Justin McCarney (St. Matthew's Representative - Head of Campus Secondary)
Apologies	Mr S Fogarty (NSW Police), Cr A Karavas (Council Representative), Mr M Fehon (NSW Police), Mr W Hazelton (Transport for NSW Representative)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION: Mr Philip Blackman / Garry McGovern

That the Minutes of the previous Local Traffic Committee held on 17 February 2023 be taken as read and confirmed.

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 17 MARCH 2023

MATTERS IN PROGRESS – MARCH 2023			
SUBJECT	RES NO. & DATE	CLOSE	ACTION
Perry Street Parking Issues (Surrounding Mudgee High School)	15.06.22		<p>18/3/2022 – This will be included as part of the audit.</p> <p>23/5/2022 – brief with Ray Kearns for approval</p> <p>21/7/2022-Pull together a brief to put forward to a consultant.</p> <p>19/8/2022-Ongoing</p> <p>16/12/2022 – RFQ for 2023. Consultant for access.</p> <p>17/02/2023 – Ongoing. Request for Quote from consultant.</p> <p>17/03/2023 - Ongoing</p>
Henry Lawson Drive and Ulan Rd	N/A	Report REQ	<p>18/3/2022 Ray advised a Road Audit will be undertaken for this intersection.</p> <p>27/7/2022- Information is still to be collected and official report to follow.</p> <p>19/8/2022- TfNSW to review Road Safety Report.</p> <p>16/9/2022- Look at speed in between Henry Lawson Drive and Ulan Rd.</p> <p>28/10/22 – Possible budget allocation. Council will revise the scope to road safety audit and Transport NSW will do a speed zone assessment.</p> <p>16/12/2022 – Waiting for budget review. Follow up with finance. TfNSW speed zone assessment waiting for finalised report.</p> <p>17/02/2023 – TfNSW Speed Zone Assessment should be approved in the coming weeks – discussion around 60km/hr zone.</p> <p>17/03/2023 - Council arrange a Road Safety audit. TfNSW has endorsed the speed zone change & requested a quote for signage change from Council. Chairperson seeking endorsement from MWRC General Manager.</p>
Discuss painted slip lane for bus pick up zone (St. Matthew's Primary – Lewis Street)	LTC Feb 23		<p>17/02/2023 – Ogden's Coaches addressing painted slip lanes - Painted Island TfNSW Road Rule Mt. Matthews Primary College – Service Lane. Design discussion with Ogden's, Police & TfNSW. Ogden's use of bus zone outside of school hours; events, charter hire etc. Feedback on design; signage & parking comments for March LTC from TfNSW & Police</p> <p>17/03/2023 – Discuss with St. Matthew's so it can be communicated in advance with parents. Ray to add notes about signage. Report required for April LTC.</p>

MATTERS IN PROGRESS – MARCH 2023			
SUBJECT	RES NO. & DATE	CLOSE	ACTION
Discuss painted slip lane for bus pick up zone (Cudgegong Primary)	LTC Feb 23		17/02/2023 – Ogden's Coaches addressing painted slip lanes - Painted Island TfNSW Road Rule 17/03/2023 – TfNSW & Police endorse adding the diagonal lines at Cudgegong Primary as per the Painted Island TfNSW Road Rule.
St. Matthews Secondary College – Spring Flat	LTC Feb 23 (Customer Responses under LAN900096)		17/02/2023 – Pedestrian/Cyclist concerns. Discussions around out of hours parking on Broadhead Road; not endorsed by TfNSW & MWRC Road Safety. Intersection Design for coach left / right movements Broadhead Road. TfNSW & Police to complete a site inspection for further comment 17/03/2023 – Representatives discussed current matters around St. Matthews School. Risk & Suggestions listed below in General Business.
Rylstone Police Intersection Review – Coomber St & Mudgee St, Rylstone	LTC Feb 23 (Email Rylstone Police)		17/02/2023 – Referred to TfNSW & Road Safety to review. Traffic Counters on Mudgee Street & Coomber Street. Submit report for LTC at future date after data review 17/03/2023 – Waiting for Traffic Counter data.

PAST EVENT DEBRIEF

EVENT	

CALENDAR OF EVENTS

2023		
JANUARY	DATE	COMMENTS
Kandos Street Machine and Hot Rod Show	27 January 2023 – 29 January 2023	
FEBRUARY	DATE	COMMENTS

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 17 MARCH 2023

St George Illawarra Dragons V South Sydney Rabbitoh	18 February 2023	
MARCH	DATE	COMMENTS
Can Cruise	18 March 2023	Secretary to email event organiser to notify about LTC
Mudgee Glow 2023	31 March 2023	Endorsed by LTC Committee
APRIL	DATE	COMMENTS
Manly Sea Eagles v Newcastle Knights	1 April 2023	
Mudgee RSL Sub Branch Anzac Day Parade	25 th April	
Gulgong RSL Sub Branch Anzac Day Parade	25 th April	March LTC Meeting
Dirty Mudgee 2023	29 April 2023	
Mudgee Classic 2023	30 April 2023	
18 th National Historic Machinery Rally	14 th – 16 th April 2023	
MAY	DATE	COMMENTS
JUNE	DATE	COMMENTS
JULY	DATE	COMMENTS
AUGUST	DATE	COMMENTS
SEPTEMBER	DATE	COMMENTS
OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
DECEMBER	DATE	COMMENTS

Red = Unapproved
Green = Approved

23/005 GULGONG RSL SUB BRANCH ANZAC DAY PARADE

RECOMMENDATION

That Council approve the event Gulgong ANZAC Day Parade and March, held 25 April 2023 and classify as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.5” with the following conditions:

- a) **A Special Events Transport Management Plan (TMP)**, is to be prepared in accordance with the **Guide to Traffic and Transport Management for Special Events Version 3.5** and submitted to and approved by Council prior to the event.
- b) **A Traffic Guidance Scheme/s (TGS)** certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
- c) Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
- d) Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation;
- e) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, the Transport for NSW and NSW Police are indemnified against any possible action as the result of the event;
- f) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- g) Reimbursing Council for the cost of any damage repairs;
- h) Complying with any of Council's Law Enforcement Officers' directives;
- i) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
- k) Advertise the proposed event in local newspapers and radio with relevant information at least two weeks prior to the date;
- l) Maintain a four-metre wide emergency vehicle lane;
- m) Notify NSW ambulance and NSW Fire Brigade of the event;
- n) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
- o) Traffic Guidance Scheme to be in accordance with Transport for NSW's Traffic Control at Worksites Manual

MOTION: Mr Garry McGovern / Philip Blackman

That the above recommendation be accepted and approved.

23/006 MUDGEES GLOW 2023

RECOMMENDATION

The Local Traffic Committee endorsed the event 'Mudgee Glow 2023' held on Friday 31st March 2023 be classified as a Class 2 event under the 'Guide to Traffic and Transport Management for Special Events, Version 3.5' and proceeds with the following conditions:

- a) **Special Events Transport Management Plan (TMP)**, is to be prepared in accordance with the **Guide to Traffic and Transport Management for Special Events Version 3.5** and submitted to and approved by Council prior to the event.
- b) **A Traffic Guidance Scheme (TGS)** certified by a person with a 'Worksite Traffic Control Certificate' be included in the TMP;
- c) Any person directing traffic on a public road is required to possess a valid traffic controller's certificate;
- d) Events are to be undertaken in accordance with the requirements of the NSW Police

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MID-WESTERN REGIONAL COUNCIL | LOCAL TRAFFIC COMMITTEE - 17 MARCH 2023

- Service with their approval documentation forwarded to Council for notation;
- e) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;
 - f) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
 - g) Reimbursing Council for the cost of damage repairs;
 - h) Complying with any of Council's Law Enforcement Officers' directives;
 - i) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected at least two weeks prior to event commencement;
 - k) Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - l) Maintain a four-metre wide emergency vehicle lane;
 - m) Notify NSW ambulance and NSW Fire Brigade of the event
 - n) Traffic Control plan to be in accordance with Transport for NSW Traffic Control at Worksites Manual

MOTION: Mr Thomas Worley / Philip Blackman

That the above recommendation be accepted and approved.

0.0 MUDGEES SMALL FARM FIELD DAYS 2023

RECOMMENDATION

That Council approve the event – “Mudgee Small Farm Field Days” Friday and Saturday, 7th & 8th July 2023, and classify as a Class 2 event under the “Guide to Traffic and Transport Management for Special Events Version 3.4” and proceed with the following conditions:

- a) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.4 and submitted to and approved by Council prior to the event;
- b) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- c) Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- d) Reimbursing Council for the cost of damage repairs;
- e) Complying with any of Council's Law Enforcement Officers' reasonable directives;
- f) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g) the qualification of the person creating the Traffic Guidance Scheme must be a holder of the Prepare a Work Zone Traffic Management Plan or superseded Select and Modify Certificate or the Design and Audit Certificate which has not expired;
- h) Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;

- i) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to list Council, **TRANSPORT FOR NSW** and **NSW Police** as Interested Parties;
- j) The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected;
- k) Maintain a four-metre wide emergency vehicle lane;
- l) Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- m) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review.
- n) Traffic Guidance Schemes are prepared in accordance with **TRANSPORT FOR NSW Traffic Control at Worksites Manual**.

MOTION: Mr Garry McGovern / Philip Blackman

That the above recommendation be accepted and approved.

23/007 GENERAL BUSINESS

RECOMMENDATION

That Council receive the general business as noted and any actions from the general business to be investigated by the Committee further.

REPRESENTATIVES FROM ST. MATTHEWS – DISCUSS MATTERS IN PROGRESS

(3) Representatives to discuss current matters around St. Matthews Schools;

- Angela Myles, Executive Principal
- Justin Yeo, Head of Campus Primary
- Justin McCarney, Head of Campus Secondary

Secondary School Location Spring Flat Risks;

- St. Matthews Current Concerns; Pedestrian & Cycling Traffic. Access across the intersection.
- Police Current Concerns; Parents behaviour dropping off children in the no stopping zone.
- Intersection Bus Access – Roads Approval only 12.5m coach length

Secondary School Location Spring Flat Suggestion/Measures;

- Access Study – Capture Area. Sydney Road & Caravan Park, cyclist.
- TfNSW suggest contact Road Safety Education Consultant, formulate the messaging in the school environment; signage, communication, assembly, parent/teacher night.
- Broadview Estate students travel time on bus, email TfNSW the issue to review. Investigate the bus routes.
- DA 3-Month Review – Road Safety to arrange a traffic count. TfNSW will then conduct observation.
- Communicate to coach companies regarding the size restriction.
- Develop off-street parking with endorsement from TfNSW & Council
- TfNSW current lead for safety around school in precinct, assist in design review & budget opportunities

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Primary School Pick Up / Drop Off – Lewis Street

- Reviewed current concept design
 - Discuss with St. Matthew's so it can be communicated in advance with parents

PEDESTRIAN REFUGE – MARKET STREET

Discussed speed limit review with TfNSW. Report to be submitted at April LTC Meeting.

SPEED ZONE REVIEW – HENRY LAWSON DRIVE AND ULAN RD

Discussed speed limit review with TfNSW. Report to be submitted at April LTC Meeting.

MOTION:

That the above recommendation be accepted and approved.

23/008 CORRESPONDENCE

RECOMMENDATION

That Council receive the general business as noted and any actions from the general business to be investigated by the Committee further.

CENTRAL RANGES ENDURANCE RIDE 11-12 MARCH 2023 AT WINDEYER

Emailed approval for event due to late submission. Police NSW & Transport for NSW endorsed the event. Sent dates for items to be considered to organiser for future submissions.

MOTION:

That the above recommendation be accepted and approved.

CLOSURE

There being no further business the meeting concluded at 12.02pm.

12.2 Botobolar Community Committee Meeting Minutes - 7 March 2023

REPORT BY THE DIRECTOR COMMUNITY
TO 19 APRIL 2023 ORDINARY MEETING
GOV400103, A0060107

RECOMMENDATION

That Council:

1. receive the report by the Director Community on the Botobolar Community Committee Meeting Minutes - 7 March 2023; and
2. endorse the minutes of the Botobolar Community Committee meeting held on 7 March 2023.

Executive summary

The Botobolar Community Committee recently held a meeting on 7 March 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 7 March and a range of matters were discussed. These matters included the refurbishment of the Community area of the Shed (Capital works).

It was noted that there will be an increase in the village subsidy from Council from July 2023.

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

5 April 2023

Attachments: 1. Botobolar Community Committee Meeting Minutes - 7 March 2023.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

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MINUTES

BOTOBOLAR COMMUNITY COMMITTEE

Tuesday 7th March 2023 at the Botobolar Community Hall

Meeting opened at 3.05pm

Present: David Swansson, Matt Lynch, Michael Burnicle, Diane Burnicle, Simon Jones (staff)

1. Welcome

Simon Jones opened the meeting and welcomed everyone

2. Apologies

Apologies were noted from Cr Des Kennedy, Adam Ellis, Troy Porter (RFS), Neil Williams (FRS), David Sargeant, Peter Lynch, Troy Gersbach (RFS), Garry Lynch

3. Minutes

The minutes were noted and accepted

4. Refurbishment of the Community area of the Shed (Capital works)

Confirmation of previous discussions including:

- New toilet (move water tank to concrete block)
- Water line to be replaced
- New pump is in place
- New wall sheeting
- New kitchen and fridge (quotes to be sourced)
- Epoxy floor (approx.. 70m2)
- New chairs needed
- Funds from Council confirmed as having been received
-

RFS have agreed to leave roller door up for access to current toilet until the new toilet is in place.

The Committee noted the works done by the RFS on the roller door and expressed their thanks for this work.

5. General Business

5.1 Recognition for Jim and Judy Lynch

Motion: That formal recognition be provided to Jim and Judy Lynch for the contributing to the Botobolar community and the Community Hall in particular.

Moved: D. Burnicle/D. Swansson

Motion Supported

5.2 Village Subsidy

It was noted that there will be an increase in the subsidy from Council from July 2023

5.3 Community Events

It was note that the plan was to have community BBQs every two months or so

5.4 Access Keys

Question raised over who will get a key to use in emergencies in order to access the equipment.

Action: To be discussed with Troy Porter

Meeting Closed at 3.36pm

Next meeting – to be confirmed

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A

WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) The matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
 - (i) alleged contraventions of any code of conduct requirements applicable under section 440.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

10D

GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A(2)
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

664

DISCLOSURE AND MISUSE OF INFORMATION

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the Ombudsman Act 1974 or the Freedom of Information Act 1989, or
 - (e) with other lawful excuse.
1. (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
2. (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

Maximum penalty: 50 penalty units

MOTION

I move that pursuant to the provisions of Section 10 of the Local Government Act, 1993 the meeting be closed to the public.

After a motion to close the meeting has been moved and seconded and before the vote, the Chairman will ask if there are any other matters, besides those listed on the agenda which should be considered in Confidential Session.

He will then announce those matters to be considered in Confidential Session. In doing so, the Chairman will give reasons why those matters are to be considered in Confidential Session and explain the way in which discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

CHAIRMAN

The following matters have been listed for consideration in Confidential Session:

14.1 RFT 2022/92 Construction of Landfill Cell Extension Stage 2A Mudgee Solid Waste Facility

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret in accordance with Section 10A(2)(c); (d)(i); (d)(ii) and (d)(iii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of Report contains confidential financial information.

14.2 Agreement with Mudgee Rugby Union Club

The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(c) and (d)(ii) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information that would, if disclosed, confer a commercial advantage on a competitor of the council.

The Chairman will then ask the General Manager if there are any written representations from the public on the proposed closure of the meeting.

The General Manager will read out any written representations received.

The Chairman will ask if anyone in the gallery would like to make verbal representations in regard to the matters now to be considered in Confidential Session.

The Chairman will then put the motion "to close the meeting" to the vote.

CONFIDENTIAL SESSION

Item 15: Urgent Confidential Business Without Notice

Item 16: Open Council

Item 17: Closure