



****PUBLIC COPY****

Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

**ORDINARY MEETING
WEDNESDAY 21 FEBRUARY 2024**

*A prosperous and progressive
community we proudly call home*





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14 February 2024

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
21 FEBRUARY 2024
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 stylized flourish at the end.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 13 December 2023

Council Decision:

That the Minutes of the Ordinary Meeting held on 13 December 2023 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	To be reported to Council at a future meeting.
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	To be reported to Council at a future meeting.
Ulan and Cope Road Safety – Rumble Strips	Res 241/23 Ordinary Meeting 18/10/2023	That Council receive a report detailing costings and investigate opportunities for funding to install rumble strips along Ulan and Cope Roads for enhance safety measures.	To be reported to Council at a future meeting.
Air-Conditioner at Rylstone Hall	324/13 Ordinary Meeting 13/12/2023	That Council obtain estimates for air-conditioning costs for the Rylstone Hall and report back to Council.	Report to Ordinary Council Meeting for 21 February 2024.

Item 5: Mayoral Minute

5.1 Mayoral Minute - Mudjee Classic 2024

MAYORAL MINUTE

TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300457

RECOMMENDATION

That Council:

1. approve \$8,935 support requested for the Mudjee Classic 2024 cycling event;
 2. place its intention to provide support for the Mudjee Classic 2024 event on public exhibition for a period of 28 days;
 3. if no public submissions received, provide support of \$8,935 from Glen Willow Carnivals budget; and
 4. receive a further report, if any public submissions are received.
-

The annual *Mudjee Classic* cycling event is to be held on the Saturday, 4 and Sunday, 5 May 2024. It is expected that approximately 2,500 cyclists and their families, partners and supporters will visit the region. All in all, we envisage visitation of 3,500 individuals to the region directly in relation to the event. Destination NSW will again be supporting this regional event.

Currently, *Mudjee Classic* will incur Council fees in excess of \$8,935 per event which relate to:

- Daily Hire of Glen Willow Field 7;
- 4 x change rooms to be used for storage and access to stadium public toilets;
- Usage of the Corporate rooms in the stadium for our Emergency Control Centre; and
- Waste servicing and removal during and post event

Mudjee Classic are seeking financial support from Council by the way of fee relief to assist with the costs associated with staging the event. I therefore propose that Council support this request for in-kind support and that it be funded from Glen Willow Carnivals budget.



CR DES KENNEDY
MAYOR
8 February 2024

Attachments: Nil

Item 6: Notices of Motion or Rescission

6.1 Naming of the Community Gallery at Mudjee Arts Precinct

NOTICE OF MOTION LISTED BY CR SAM PAINE

TO 21 FEBRUARY 2024 ORDINARY MEETING

GOV400105, GOV400022, REC8000038

MOTION

That Council name the Community Gallery at the Mudjee Arts Precinct the *Toni Behrens Community Gallery*.

Background

Toni Behrens was an artist and art teacher, the proprietor of *Mudjee Art House* and previously of *TheMudFactory*. We lost her late last year after a prolonged battle with cancer. Toni was a key part of Mudjee's art community, a talented artist working in painting, printing, and ceramics, and an educator and mentor who enthusiastically shared her talent with fellow artists and a generation of local children.

In recognition of the extraordinary nature of this loss, I would like to see Council name the Community Gallery in Toni's honour.

Officer's comments

The naming of a Council facility, building or room such as this is rightly the responsibility of the elected Council as representatives of the community. While there would be many worthy recipients of an honour such as this, the outpouring of love for Toni Behrens over the past couple of months has been palpable and her loss has been felt not just by the artistic community but by the wider population. As noted, it is Toni's years as a teacher and mentor as well as her creative talent that makes this recommendation both heartfelt and appropriate. She was a support to so many and this would be a fitting way for her to remain as a central part of the cultural community into the future. Appropriate signage and information would be sourced to support this initiative from existing budgets if possible.

6.2 February 2024 Mental Health Training for our Community

NOTICE OF MOTION LISTED BY CR KATIE DICKER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, GOV400022, PUB600008

MOTION

That Council:

- 1. undertake the provision of Mental Health First Aid training for up to 16 participants from within the Mid-Western Regional Council area by the end of June 2024; and**
- 2. amend the 2023/24 budget to increase the Healthy Communities budget by \$7500 to be funded from unrestricted cash, for the delivery of this Mental Health First Aid training.**

Background

The National Health Survey 2022, released in December 2023, on the Australian Bureau Statistics website informs us that health is broader than just the presence or absence of disease. It reflects the complex interactions between a family environment, social and economic conditions, perceptions, emotions and behaviours (1, 2).

The Australia Institute released in February 2023, *The Unlucky Country: Life expectancy and health in regional and remote Australia*. On page 9 it states:

“People in the Western NSW primary health network have experienced disproportionately high rates of suicide for at least a decade. Every life lost to suicide is significant and it is important to acknowledge the broader human cost associated with it and the impacts on families and communities.” (3)

798 suspected or confirmed deaths by suicide have been recorded in NSW from 1st January to 31st October 2023. 78% were among males, close to 50% occurred among residents of Regional NSW. The age groups with the highest number of deaths were 25–34, 35–44, 45–54, and 55–64 years (3). The elected council represents each of these age groups.

Mental Health First Aid is a two day face to face course that *“... teaches participants how to provide initial support to another adult who may be experiencing a mental health problem or mental health crisis, until professional help is received, or the crisis resolves.” (5)*

As Council we have the opportunity to provide our region with empowerment, tools and resources to have important conversations with each other. No matter what challenges our LGA is presented with in the future, having our community members have these skills can only be of benefit to all our families and communities.

References

1. Australian Institute of Health and Welfare, 'What is health?', <https://www.aihw.gov.au/reports/australias-health/what-is-health>; published 15/11/2023; accessed 23/01/2024.
2. Australian Institute of Health and Welfare, 'Australia's health 2022: data insights', <https://www.aihw.gov.au/reports/australias-health/australias-health-2022-data-insights/about>; published 15/11/2023; accessed 23/01/2024
3. The Australia Institute Research that matters, Kate McBride, 'The Unlucky Country', <https://australiainstitute.org.au/wp-content/uploads/2023/02/P1358-Unlucky-country-NSW-Web.pdf>; pp 1-13; published February 2023; accessed 23/01/2024
4. Australian Institute of Health and Welfare, 'Suicide & self-harm monitoring', <https://www.aihw.gov.au/suicide-self-harm-monitoring/data/suspected-deaths-by-suicide/data-from-suicide-registers>; accessed 23/01/2024
5. Mental Health First Aid Australia, 'Standard Mental Health First Aid', <https://www.mhfa.com.au/our-courses/adults-supporting-adults/standard-mental-health-first-aid/>; accessed 23/01/2024

Officer's comments

There is great value in these services being provided to the community. While not usually part of the core business of service delivery in local government, this type of initiative could sit within Council's Healthy Communities program. The running of a pilot program such as this would be useful in gathering information on how this could work in a sustainable way into the future.

6.3 Resume Seal Extension Program

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, R0790024

MOTION

That Council resume the seal extension program in the rural areas of the shire.

Background

It is a number of years since we extended the seal extension program. There are a lot of bus runs on unsealed roads and other areas with a lot of traffic. Residents in these areas are looking forward to having more bitumen on our roads.

Officer's comments

Councils has an adopted financial reserves policy that includes an internally restricted reserve for a Seal Extension Program. The funds for the seal extension reserve is allocated through the risk margin (profit) made on developer contributed road works at Councils discretion.

An extract of the *Policy – Financial Reserves* as it relates to seal extensions is provided below:

RESERVE NAME:	SEAL EXTENSION PROGRAM
Purpose:	To set aside surplus funds from road work contributions to invest into a seal extension program.
Calculation Basis:	Transfers to the Reserve are based on the risk margin achieved on capital road work projects funded by private contributions, and are to be included in the reserve at Councils discretion. Transfers from the Reserve are to be for seal extension work.
Target Balance:	No target. The balance will capture surplus funds at any given time.

Council will note in the quarterly budget reviews and budgets, movements in and out of this reserve to fund various seal extension projects including the co-contribution of seal extension projects that are Government grant funded.

At the end of December QBR with movements from the fund there will be \$35,000 remaining in the fund. It is considered important to continue to place funds into this reserve, as per the policy, for on-going seal extensions and in particular to take advantage of grant funded opportunities as they arise.

Over the last few years, and including this financial year this money has contributed to seal extensions of 52km of unsealed roads, including bus routes. Local rural unsealed roads that have had seal extension since 2020 are:

- Cox's Creek Road
- Botobolar Road
- Lower Piambong Road
- Mebul Road
- Coricudgy Road
- Aarons Pass Road
- Pyramul Road
- Mt Vincent Road
- Queens Pinch Road

6.4 Nullo Mountain Road Maintenance

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, R9012001, GOV400022

MOTION

That Council immediately bring the Nullo Mountain Road to a reasonable standard.

Background

A number of people in the Nullo Mountain area have previously requested this road be upgraded and have previously submitted Community Plan Proposals (CPP). People in this area are saying there are very dangerous sections of this road and this needs to be addressed immediately.

Officer's comments

Council has received submissions regarding Nullo Mountain Road. A number of submissions have been received over a few years. As a result of submissions some works have been undertaken including sealing a section of the road. There are no allocated funds for the 2023/24 financial year to undertake additional works. Councils Director Operations and Roads Manager will develop a scope and estimated costs for consideration as part of the 2024/25 budget to address safety issues in particular.

6.5 Increase Allowable Height to Build Around Mudgee

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, GOV400022

MOTION

That Council investigate the possibility of increasing the allowable height that you are allowed to build around Mudgee.

Background

We need further land to be available for people to build on. Mudgee town has grown rapidly and people need to have a choice of where they can buy land to build on.

Officer's comments

New Urban Release areas will be considered in the upcoming Housing Strategy Project which is being undertaken in 2024. This project will consider housing demand, current urban release areas and identify future areas for housing development in Mudgee and Gulgong.

The proposed water supply and sewerage servicing strategies for the next twenty year period as advised by the Urban Release Strategy have now been drafted and are being considered in the current budgeting process.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 RVA0002/2024 - Section 8.2 Review of Determination ME0040/2023 (DA0135/2012) - Temporary Workers Accommodation - 94 Main Street, Ulan

REPORT BY THE MANAGER PLANNING
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, P1411461 - Part 4

RECOMMENDATION

That Council:

1. receive the report by the Manager Planning on RVA0002/2024 - Section 8.2 Review of Determination - ME0040/2023 (DA0135/2012) - Temporary Workers Accommodation - 94 Main Street, Ulan; and
2. review the conditions imposed under ME0040/2023 and amend the conditions as follows (highlighted in green):

APPROVED PLANS

1. Development is to be carried out generally in accordance with stamped plans Site Plan (**Sewer Disposal Plan Drawing No. 17239—CC1 REV. 5, dated 06.02.2024**), Accommodation Plan (Drawing No. 17239-A301, REV A, dated 03.05.2023) (~~Drawing No.17239_L01, 17239_A01, Revision E, 17239_A02, Revision C, 17239_A03, Revision C and 17239_A04 Revision C, dated 18 October 2011, drawn by Barnson, Site Plan – Dining Room Extension, Drawing No. 17239-A200, Revision B, Dated 07.12.2022, Floor Layout – Dining Room Extension, Drawing No. 17239-A201, Revision B, Dated 07.12.2022, Elevations – Dining Room Extension, Drawing No. 17239-A202, Revision B, Dated 07.12.2022, 40' Ablutions Laundry, Sheets 1 to 6 of 6, REV 3, DWG: RWT-NMD-HS777-001) and Statement of Environmental Effects prepared by Barnson, received by Council on 21 October 2011, the Water Supply Quality Assurance Program dated 14 March 2019, the Statement of Environment Effects prepared by Barnson dated 24 November 2023 except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.~~

Note: this consent does not authorise any works within 40 metres of a watercourse as defined under the Water Management Act 2000.

[Modified MA0036/2019]

[Modified ME0024/2023]

[Modified ME0040/2023]

[Amended RVA0002/2024]

PLAN AMENDMENTS REQUIRED

- 1a. ~~All laundry facilities shown within the development site are to be removed from the plans submitted with any Section 68 Application or Building Information Certificate.~~
[Added ME0040/2023]
[Deleted RVA0002/2024]
- 1b. ~~The site plan (DWG17239-A300-REV-B Dated 21.07.2023) is to be updated to include all required setbacks as follows:~~
- ~~• A minimum of 100 metres from the Sewerage Treatment Plant and collection/holding wells from the Goulburn River.~~
 - ~~• A minimum of 250 metres from any dwelling not associated with the development and the Sewerage Treatment Plant and collection/holding wells.~~
 - ~~• A minimum of 150m from the Registered Groundwater Bore GW200870 located on the adjoining lot / to the south western boundary.~~
- [Added ME0040/2023]
[Deleted RVA0002/2024]
- 1c. ~~The site plan (DWG17239-A300-REV-B Dated 21.07.2023~~ Drawing No. 17239—CC1 REV. 5, dated 06.02.2024) is to be updated to include the upgraded Sewerage Treatment Plant which is required to be located ~~a minimum of 100 metres from the Goulburn River and~~ no closer to boundaries or the river than the 20,000L Sewerage Treatment Plant.
[Added ME0040/2023]
[Amended RVA0002/2024]
- 1d. The approved plans are to be updated to demonstrate full compliance with the requirements of the NSW Rural Fire Service General Terms of Approval dated 26 June 2023 (Ref: DA-2011-04713-S4.55-1) are achieved onsite prior to and at all times during operations of the development – a copy of the General Terms of Approval are attached to this Notice.
[Added ME0040/2023]

GENERAL

2. Accessible units are to be provided within the development site in accordance with AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
3. Communal facilities are to be provided with accessible features in accordance with the AS 1428.1 2009, the Building Code of Australia and the Access to Premises Code.
- 3a. No more than two hundred (guests) and six (6) staff members shall be on-site at one time.
[Added ME0040/2023]
- 3b. Overflow from the on-site detention basins shall not adversely impact the effluent disposal areas. Suitable mitigation measures such as diversions drains shall be implemented prior to use or occupation.
[Added ME0040/2023]
- 3c. Potable water supply to the site shall be limited to 82 litres per person per day.

[Added ME0040/2023]

[Deleted RVA0002/2024]

- 3d. ~~Documentary evidence is to be provided to the satisfaction of Council, on a quarterly basis (first period ending 31 March 2024), for a period of not more than 2 years, demonstrating that the total daily design flow of 20,000L has not been exceeded.~~

~~Documentary evidence is to include, but is not limited to service reports, provided and certified by the STP Service Provider, and receipts of any water supply cartage quantities, that occurred during the reporting period.~~

[Added ME0040/2023]

[Deleted RVA0002/2024]

- 3e. ~~Incident Reporting – Within 72 hours of detecting an exceedance of the daily flow rates of this approval, or the occurrence of an incident that causes (or may cause) harm to the environment, the proponent shall notify Council and other relevant agencies of the exceedance/incident.~~

~~Within 14 days of notifying the Council and/or other relevant agencies of an exceedance/incident, the Proponent shall provide to Council a written report that:~~

- ~~i. Describes the date, time and nature of the exceedance/incident;~~
- ~~ii. Identifies the cause (or likely cause) of the exceedance/incident;~~
- ~~iii. Describes what action has been taken to date;~~
- ~~iv. Describes the proposed measures to address the exceedance/incident.~~

[Added ME0040/2023]

[Deleted RVA0002/2024]

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE / BUILDING INFORMATION CERTIFICATE

~~The following conditions must be complied with prior to the Principal Certifying Authority (PCA) issuing a Construction Certificate or Building Information Certificate. The conditions are required to satisfy the PCA that the proposal is consistent with the applicable development consent, the Building Code of Australia and any Australian Standards that are relevant.~~

4. ~~The applicant is to demonstrate that there is the ability to provide a water supply to the development from roof storm water. This assessment is to be undertaken by a professional engineer report and is to indicate the harvest potential available, the likely water supply demand for the development and alternate supplies should the demand exceed the harvest potential.~~

[Deleted MA0036/2019]

- 4a. Prior to issue of a Building Information Certificate, the applicant must demonstrate full compliance with the requirements of the NSW Rural Fire Service General Terms of Approval dated 26 June 2023 (Ref: DA-2011-04713-S4.55-1).

[Added ME0040/2023]

- 4b. Separate written application must be made under Section 68 of the Local Government Act 1993, as amended, to Council for all water supply, sewerage and drainage work associated with the development. Full details of the method of

disposal of the sewerage/grey water must be submitted to the Council for approval prior to the issue of the Construction Certificate Building Information Certificate.

[Modified ME0040/2023]

5. Prior to use or occupation and prior to the issue of a Building Information Certificate, a survey plan prepared by a registered land surveyor shall be provided to Council delineating the approved location of an effluent disposal area (land application area) with a minimum area of 6857 square meters (m²).

~~The land application area is to be setback a minimum 15 meters from all habitable buildings, a minimum of 150 meters from any groundwater bore, 6 meters from the northern boundary, 5 meters from all onsite detention basins (OSDs) and outside the 40 meter buffer from the Goulburn River.~~

[Added ME0040/2023]

[Amended RVA0002/2024]

6. The proposed sewerage treatment system and irrigation areas are to comply with the Environmental Guidelines - Use of Effluent for Irrigation by the Department of Environment and Conservation. A report shall be prepared and submitted to Council for approval with the application under Section 68 of the Local Government Act for an onsite sewage management system. Note: The lid level of the Sewerage Treatment Plant shall be 418.5 416.0m AHD. ~~and the Sewerage Treatment Plant must be located a minimum of 100 metres from the Goulburn River, 150 metres from the adjoining groundwater bore (GW200870) a minimum of 250 metres from a dwelling not associated with the development. The report and section 68 application must clearly demonstrate a minimum effluent disposal area of 6857 square meters (m²) is available onsite to support the development that achieves compliant setbacks from the river, site boundaries, detention basin/s, car parking and from all accommodation units.~~

[Modified MA0036/2019]

[Modified ME0040/2023]

[Amended RVA0002/2024]

7. A registered Surveyors Certificate showing the boundaries of the site, ~~and all proposed buildings and sewerage works including the effluent disposal area plotted thereon is to be submitted to the Principal Certifying Authority Council before issue of a Building Information Certificate construction is commenced.~~

[Modified ME0040/2023]

8. Details of the engineered designed reinforced concrete slab/sand the wall and roof framing structural components of the building must be submitted with the required Construction Certificate.
9. In accordance with the provisions of section 94A 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council ~~Section 94A Development Contributions Plan~~, a levy of 1% of the cost of carrying out the modified development shall be paid to Council in accordance with this condition, prior to issue of the Building Information Certificate.

The levy is: \$14,000.00 based on the estimated cost of the modified development of \$ 1,400,000.00.

[Modified ME0040/2023]

- 10. Prior to the issue of the Construction Certificate, the Principal Certifying Authority (PCA) is to be supplied with certificates from telecommunications and energy service providers stating that suitable arrangements have been made for provision of underground telephone and electricity supplies for the proposed development.**
- 11. The Principal Certifying Authority (PCA) is to be provided with details regarding the provision of essential fire safety services in accordance with the BCA and relevant Australian Standards.**
- 12. If the Construction Certificate is not issued, for any reason whatsoever, within twelve (12) months of 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.**

A site supervisor is to be nominated by the applicant prior to issue of the Construction Certificate.
- 13. 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. Contractor's insurance cover for a minimum of \$10,000,000 (Ten million dollars) is to be sighted and to be shown to Mid-Western Regional Council as an interested party.**
- 14. Complete landscaping plans are to be submitted to Council for approval prior to issue of a Construction Certificate or Building Information Certificate. All landscaping is to be established prior to occupation of the development and consist of advanced trees and shrubs. Tree and shrub species should be endemic to the Mid-Western Regional Local Government Area, require minimal watering and be salt resistant.**

[Modified ME0040/2023]

- 15. 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 100-year ARI. All storm water detention details including analysis shall be included with the drainage report.**
- 15a. The on-site detention system is to be constructed generally in accordance with the Surface Stormwater Management concept plan as shown on Drawing No. 17239 HD32, Revision 1, dated 04/07/2023 prepared by Barnson. Full details shall be submitted to and approved by Council prior to the issue of the Building Information Certificate.**

[New Condition ME0040/2023]

PRIOR TO THE COMMENCEMENT OF WORKS

These conditions are required to ensure that the site is ready for construction works to commence and satisfy the provisions of the Environmental Planning and Assessment Act 1979 and the Building Code of Australia.

16. A sign must be erected in a prominent position on any work site on which the erection of a building is being carried out;
 - a) stating that unauthorised entry to the work site is prohibited, and
 - 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.
17. Prior to the commencement of any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the Act) are to be complied with:
 - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of Act.
 - c) Council is to given at least 2 days' notice of the date intended for commencement of
 - d) building works, in accordance with Section 81A(2)(c) of the Act.
18. Run-off and erosion controls must be installed prior to clearing the site and incorporate:
 - a) diversion of uncontaminated upsite run-off around cleared and/or disturbed areas and areas to be cleared or disturbed.
 - b) sediment fences at the downslope perimeter of the cleared or disturbed areas to prevent sediment and other debris escaping from the land to pollute water ways and collection areas.
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised.
19. During construction temporary toilet facilities are to be provided at or in the vicinity of the nominated work site and for this purpose provide either a standard flushing toilet or an approved sewage management facility.
20. If the work involved in the erection/demolition of the building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
21. The proposed method(s) of compliance with the Building Code of Australia are to be clarified by documentation to be submitted with the Construction Certificate Application. In this regard, it appears that the Development Application plans do not comply with the following deemed-to-satisfy provisions of the BCA;

- a) Section F2.4 -Facilities for people with disabilities.
- b) Part D3 -Access for people with disabilities.
- c) Section E- in particular, E1 Firefighting equipment, specifically the provision of fire hydrants and fire hose reels compatible to on-site water storage for firefighting.
- d) E4 Emergency lighting and exit signs.
- e) Section J - Energy efficiency (offices)
- f) Section C- Fire resistance, in particular Type C Fire Resisting Construction of walls within 3 metres of the boundary (including front and rear return walls)

22. The developer is to make arrangements with an archaeologist or indigenous group representing the locality to have people available onsite during any works that require disturbance to the surface or sub surface of the site. This is required to ensure that no indigenous objects are disturbed or destroyed during construction activities.
23. A construction management plan is to be prepared for the development that has considered the impact of the construction phase of the project on adjoining properties.

BUILDING CONSTRUCTION

These conditions are provided to ensure that adequate standards are being observed during the construction phase of the development.

24. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Friday - 7.00am to 6.00pm
 - Saturday - 8.00am to 1.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
25. All building work must comply with the requirements of the Building Code of Australia 2011, Volume One, together with the relevant Australian standards and also the Environmental Planning and Assessment Act, 1979, as amended, and Regulations.
26. All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority must be carried out during the relevant stages of construction.
27. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of AS 3500 (National Plumbing & Drainage Code) and the NSW Code of Practice- Plumbing & Drainage. The selected plumber/drainer must provide Council with a drainage diagram detailing the location of the drainage system and the relevant connections. All plumbing and drainage inspections must be carried out by Council prior to the covering of any trenches or wall/ceiling linings.
28. The development must be provided with car parking spaces and with adequate means of access for persons with disabilities in order to comply with Australian

Standard 2809.6 - 2009 (Parking facilities- Off street parking for people with disabilities) the Building Code of Australia and the Access to Premises Code. Full details must be provided with the Construction Certificate.

29. The development must be provided with sanitary facilities for people with disabilities in order to comply with Australian Standard 1428 2009 (Design for access and mobility), the Building Code of Australia and the Access to Premises Code. Full details must be provided with the required Construction Certificate.

30. All areas not provided with natural ventilation in accordance with the provisions of the Building Code of Australia being provided with an approved mechanical ventilation and/or air conditioning system complying with Australian Standard 1668, Parts 1 and 2.

31. The rainwater storage tanks used as a potable water supply for human consumption, in particular, the supply to the amenities within the building, must be protected from contamination from industrial and urban traffic emissions, dead animals, mosquitoes, dust, pesticides, bushfires and any other form of contamination.

[Modified MA0036/2019]

32. ~~Details of the method of protection of the water supply from contamination and the method of the subsequent implementation of a testing regime of the water supply must be designed by an approved hydraulic engineer and submitted to Council's Health & Building section prior to the issue of an Occupation Certificate.~~

[Deleted MA0036/2019]

33. A copy of the Final Fire Safety Certificate is to be provided to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.

34. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council with a copy of an Annual Fire Safety Statement certifying that specified fire safety measure is capable of performing to its specification.

35. Smoke detector units are to be installed in accordance with the requirements of the Building Code of Australia. The smoke detectors are to be interconnected and connected to a permanent 240 volt power supply and provided with battery backup to activate the alarm units in the event of power failure. A detail of the system is to be submitted to Council for approval prior to installation.

36. All building work must be carried out in accordance with the requirements of the Building Code of Australia. This includes but is not limited to the following:

- **Part C1** **Fire Resistance and Stability**
- **Part D3** **Access for People with Disabilities**
- **Part F2** **Sanitary and Other Facilities**
- **Part F2.4** **Facilities for people with disabilities**
- **Part F5** **Sound Transmission and Insulation**
- **Section J** **Energy efficiency**

ENGINEERING CONSTRUCTION

37. 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 storm water occur on adjoining land as a result of this development.

38. Vehicular entrances comprising concrete driveways and footway crossings are to be provided to the development. These should be constructed in accordance with Aus-Spec #1 and Council standard drawing M525-Rural Access, as outlined in Council's "Access to Properties Policy".

Concrete must not be poured until the excavation, formwork and reinforcing has been inspected by Council. The contractor/owner must arrange an inspection by contacting Council's Development Engineer between 8.00am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.

39. A minimum total of 154 163 car parking spaces are to be provided within the site of the development and comply with the following requirements:

- a) Each parking space is to have minimum dimensions of 5.5m x 2.6m;
- b) Each disabled car parking space is to be in accordance with the provisions of Councils Development Control Plan - Design for Accessibility.
- c) All car parking spaces are to be line-marked and provided with a two coat bitumen seal and must be maintained in a satisfactory condition at all times;
- d) Off street parking is to be encouraged by the placement of prominent signs indicating the available of parking.

[Modified ME0040/2023]

40. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Traffic Authority (RTA) guidelines and Australian Standard AS 2890.1 -1993. Details of compliance are to be shown on the relevant plans and specifications.

41. The developer is to upgrade the school zone signage of the Ulan Public school such that it is provided with flashing lights during designated school zone times. All installation and approval requirements through the Local Traffic Committee shall be carried out by the developer at full cost to the developer.

42. The developer is to upgrade Main Street for the full frontage of the proposed development, such that it has the following characteristics:

	Requirement
Half Road Pavement Width	6.5 metres (6.5 metre seal)
Concrete Footpaths	N/A
Seal	Two-coat flush seal-14/7 mm (Double/Double) as required
Table Drains	Austroroads
Subsoil Drainage	N/A
Underground Drainage	N/A

43. ~~The Developer shall provide a 1.2 metre wide concrete footpath from the development site to the centre of the Ulan village. Full details are to be provided with the application for Construction Certificate.~~

[Deleted ME0024/2023]

44. Internal Roads shall be sealed with a minimum of 6 metres for two way traffic and 3.5 for one way. Turning heads shall be a minimum radius of 8.5 m. Provision of Kerb and Gutter is optional for internal access roads, but if provided shall comply with Council's Residential Standards.
45. Internal roads shall be designed to a 40km/h minimum speed. Actual speed limits within the development should be limited to 10km/hr for shared zones and signposted accordingly. Traffic regulatory, warning and guide signs throughout the development should be in accordance with AS1742.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE / USE OF THE PREMISES

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.

46. 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. An application for an Occupation Certificate must be set out in the form of the relevant part of Form 12 of the Environmental Planning and Assessment Regulations and must be accompanied by the relevant information required by Form 12.
- 46a. Prior to the issue of an Occupation Certificate, the applicant is required to arrange for a final inspection of the private water supply and obtain a satisfactory final inspection from Mid-Western Regional Council for the operation of the private water supply work.
[New Condition MA0036/2019]
- 46b. Prior to the issue of an Occupation Certificate, an Approval to Operate the On-Site Sewage Management System granted under Section 68 of the Local Government Act 1993 is to be obtained.
[New Condition MA0036/2019]
47. On completion of the building work, the owner/agent of the building must cause the Council to be provided with a Final Fire Safety Certificate from a competent person with respect to each essential service nominated in the Fire Safety Schedule issued with the Construction Certificate.
48. All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to the occupation of the premises.
49. The developer and landowner (Crown) shall enter into a Mine Impact Agreement

with Ulan Coal Mine Limited prior to the occupation of the development due to the location of the site potentially exceeding noise criterion.

- 49a. ~~Prior to issue of an Occupation Certificate, Building Information Certificate and/or use of the development, an application shall be lodged and approved by Council pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On-Site Sewer Management System. The application shall be supported by amended Hydraulic Design Plans and supporting calculations of the development. including the removal of all laundry facilities from the site including the dining room extension and laundry building.~~

[Modified ME0024/2023]
[Modified ME0040/2023]
[Amended RVA0002/2024]

- 49b. ~~The two (2) laundry buildings shall be decommissioned and removed from the site prior to use or occupation of the new buildings. All sanitary plumbing and drainage servicing the laundry buildings shall be removed and backfilled to the satisfaction of Council.~~

[Modified ME0040/2023]
[Deleted RVA0002/2024]

- 49c. ~~All laundry facilities within individual units shall be decommissioned and removed from existing buildings prior to use or occupation to the new buildings. All sanitary plumbing and drainage serving the laundry facilities shall be removed to the satisfaction of Council.~~

[Modified ME0040/2023]
[Deleted RVA0002/2024]

GENERAL

The following conditions have been applied to ensure that the use of the land and/or building is carried out in a manner that is consistent with the aims and objectives of the environmental planning instrument affecting the land.

50. This approval is limited to twenty-five (25) years from the issue of the Occupation Certificate and the facility shall be decommissioned in accordance with the approved Decommissioning Plan within six (6) months of the closure of the facility.

[Modified ME0024/2023]

51. ~~The proposed development is not to rely on any other water supply other than treated water from the onsite sewerage treatment facility and capturing roof water. Should the development run out of water, then it will close down until water supplies have been supplemented by further rain fall. The proposed development has provided that the water supply will be gained by capturing roof water for a potable water supply and can also be supplemented by treated water for toilets and laundry water supplies.~~

[Deleted MA0036/2019]

- 51a. ~~MA0037/2012 permits the use of piped water from the adjacent property of Ulan water to the facility for use in periods of low rainfall to supplement the onsite~~

~~water supply. The use of water from Ulan Water is only permitted where the water can be piped from the Ulan water due to the location of a bore on the Ulan water site. The trucking in of water is not permitted either to the development site or the adjacent Ulan Water site.~~

~~[Deleted MA0036/2019]~~

52. A Decommissioning Plan in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
53. A Management Plan, including the identification of social impacts, in accordance with Council's Temporary Workers Accommodation DCP is to be prepared and approved by Council prior to the issue of the Occupation Certificate for the development.
54. 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.
55. All loading and unloading in connection with the premises shall be carried out wholly within the site.
56. 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".
57. All waste generated by the proposed development shall be disposed of to an approved location in accordance with the Waste Minimization & Management Act 1995.
58. Security fencing is to be provided to the site and is to be a maximum of 2.1 metres in height and of pre coloured steel fencing. Full details of proposed fencing are to be included on the landscaping plan.
59. Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for the regular removal and disposal of same.
60. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
61. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
62. The proposed sewerage treatment plant is to be located at least 100 metres from the Goulburn River to ensure compliance with the Environmental Planning and Assessment Regulations 2000.
63. 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: A

suitably qualified person would be required to be present during earthworks to identify whether any artefacts were uncovered).

64. The existing community facilities (tennis court, grandstand and community building) are to be made available to the local community for community events at no cost for the life of the development.
65. The private water supply for the site is to be designed, installed and maintained in accordance with the Public Health Act 2010 and the Public Health Regulations 2012 at all times.
[New Condition MA0036/2019]
66. The sites operators are to maintain and operate the private water supply in accordance with the quality assurance program (QAP) and which complies with the Public Health Regulations 2012. A Copy of the QAP is to be provided to the NSW Public Health Unit and records relating to managing the safety of the drinking water supply are to be kept onsite and made available on request of the Local Council or the NSW Public Health Unit.
[New Condition MA0036/2019]
67. Any truck movements associated with supplying potable water to the site are to occur during normal business hours only and are limited to no more than two (2) movements per day.
[New Condition MA0036/2019]

Executive summary

OWNER/S:	NSW Department of Industry – Crown Land (Registered Lease AH129615P)
APPLICANT:	The Trustee for Long Necks Unit Trust
PROPERTY DESCRIPTION:	94 Main Street, Ulan (Lot 32 DP750773)
PROPOSED DEVELOPMENT:	RVA0002/2024 - Review of Determination ME0040/2023 (DA0135/2012) - Temporary Workers Accommodation
ORIGINAL ESTIMATED COST OF DEVELOPMENT:	\$2.8 Million
REASON FOR REPORTING TO COUNCIL:	The review of determination application must be determined by Council in accordance with Section 8.3(6) of the EP&A Act
PUBLIC SUBMISSIONS:	Not Applicable

Council resolved on Wednesday, 13 December 2023 to grant consent, subject to modified conditions, to Modification Application ME0040/2023 at 94 Main Street, Ulan.

In summary, the modification approved the following:

1. Modify the approved development plans (condition 1) seeking approval for the use of fourteen (14) transportable buildings for the purpose of temporary workers accommodation (total of 56 rooms, each with a bathroom) unlawfully placed on the subject site;
2. Extension of the sealed car park area at the front of the site;
3. A new stormwater detention basin to capture runoff from the car park;
4. Expansion of the effluent disposal area to accommodate the development towards the rear of the site (adjacent to the Goulburn River) and along the north eastern boundary;
5. Removal of all laundries from site; and
6. Replace the existing 20,000L, with already placed on site 30,000L Sewerage Treatment Plant

The applicant has subsequently submitted a Review of Determination in accordance with Section 8.2(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) lodged on the 25 January 2024 which seeks to alter and/or remove a number of the conditions imposed by Council. A summary of the proposed changes sought by the applicant is detailed within this report with a letter and amended site plan also included (refer to **Attachment 1 and 2**).

Pursuant to Section 8.3 of the EP&A Act and Section 244 of the Environmental Planning and Assessment Regulations 2021 (EP&A Regulations), Council must review the determination or decision if duly requested to do so subject to the requirements of these Sections.

Disclosure of Interest

Nil

Detailed report


A summary of the conditions which are subject to the applicants request for review under ME0040/2023 is considered below and full written request, as provided by applicant, is included as **Attachment 1**.

Of importance, the applicant has now submitted a drawing demonstrating sufficient disposal area and compliant setbacks exists on site, to accommodate the additional 14 units, and laundry facilities. The areas/setbacks indicated on the drawing will need to be confirmed via survey, via existing Condition 7 - prior to issue of a Building Information Certificate.

It is important to note that the conditions sought to be reviewed relate to Council imposed requirements and therefore no referral to other agencies is required as part of this review application.

Current condition:	Proposed review request:	Comment:
Condition 1 – Approved plans and documentation	Removal of Notation	<p>No formal request has been made to review condition 1 other than removal of the notation relating to the 40m setback requirement from the river under the Water Management Act which is generally supported.</p> <p>However, the applicant has provided an amended overall site plan (which includes a further amended setbacks and updated effluent disposal area) for Councils review and endorsement dated 06.02.2024.</p>

		In the event that Council support the review of determination application, condition 1 must be amended to reflect the updated site plan. Failing to amend condition 1 will result in 2 differing site plans being approved by Council as part of this review.
Condition 1a – removal of laundry facilities from the plans.	Delete condition 1a	Supported. The applicants updated site plan includes a notation to remove the second laundry building from the site which would ultimately conflict with the expansion to the effluent disposal area required to support the development. The original laundry building is proposed to remain.
Condition 1b – update to site plan with all required setbacks.	Delete condition 1b	Supported. The applicants updated site plan dated 06.02.2024 includes notations with the relevant setbacks required to achieve compliance as originally requested by Council.
Condition 1c – update to site plan to ensure Sewerage Treatment Plan is 100m from river	Amend condition 1c to remove setback requirement of 100m from the river	Supported. The applicants updated site plan dated 06.02.2024 includes notations with setbacks required to achieve compliance as originally requested by Council.
Condition 3c – potable water supply limited to 82L /person/day	Delete condition 3c	Supported. The supply of potable water may also be regulated under a new Section 68 Activity Approval.
Condition 3d – provide documentary evidence to Council the total daily design flow of 20,000L has not been exceeded	Delete condition 3d	Supported. The maximum design flow requirements will be regulated under a new Section 68 Activity Approval.
Condition 3e – incident reporting for exceedances	Delete condition 3e	Supported. The requirement for reporting incidents will be regulated under a new Section 68 Activity Approval.
Condition 5a – land application area setbacks	Amend condition 5a to remove the setback requirements imposed	Supported. The applicants updated site plan dated 06.02.2024 includes notations with setbacks required to achieve compliance as originally requested by Council.
Condition 6 – sewerage treatment system and irrigation area	Amend condition 6 to refer to updated Australian standards/guidelines and remove references to	Supported <u>in part</u> . The review of determination application cannot legally include conditions (including part thereof) imposed <u>prior to</u> consent granted under application

requirements	minimum setbacks and minimum disposal area required	<p>ME0040/2023 approved on the 13 December 2023. Therefore, updates to the Australian Standards/guidelines is not supported.</p> <p>The applicants updated site plan however includes notations with the setback required to achieve compliance and removal of the setbacks in the condition are supported.</p>
Condition 49a – S.68 application requirements prior to Occupation	Condition 49a amended to remove reference to removal of laundry facilities	Supported. The applicants updated site plan includes notations to remove 1 of 2 laundry buildings from the site.
Condition 49b – decommissioning of laundry buildings prior to occupation of TWA	Delete condition 49b	Supported. The applicants updated site plan includes notations to remove 1 of 2 laundry buildings from the site.
Condition 49c – decommissioning of laundries within units	Delete condition 49c	<p>Supported. However, the applicants updated site plan includes notations to remove 1 of 2 laundry buildings from the site.</p> <p>It should also be noted that the four (4) 'executive rooms' located on the site each have a washer/dryer located within the rooms and as such must be included in the waste water assessment calculations – see image below and current website advertisement Executive Room – Ulan Village Green.</p> <div> <div> <p>Executive Room POA</p> <p>Complete with everything you need to rest and relax.</p> <ul style="list-style-type: none"> • 3 x Meals • Handicap Accessible • In-room washer/dryer • Queen Bed • Air Conditioning • Tea & Coffee Station • Private Ensuite • Fridge • Desk • Smart TV & Free WIFI <p>Book Now</p> </div>  <p>Accommodation Facilities</p> </div>
Condition 62 – sewerage treatment plant to be location 100m from the River	Delete condition 62	Not supported. No changes were made to this condition under ME0040/2023. The review of determination application cannot legally include conditions imposed <u>prior to</u> consent granted under ME0040/2023 on the 13 December 2023. Noting that this condition has been imposed on the first consent approved by Council under DA0135/2012.
-	New condition 62a proposed by	Not supported. An updated site plan (including effluent disposal area as modified) has been

	<p>applicant as follows: “Any proposed sewerage treatment plant is to be located in accordance with the drawing “Locality Plan and Site Layout” 17239-A01 Rev C or in accordance with any plans approved by the required application under Section 68 of the Local Government Act 1993 pursuant to condition 6 on this consent.”</p>	<p>approved as part of condition 1 (approved plans).</p> <p>The plan submitted as Attachment B to the applicants letter dated 24 January 2024 (refer to Attachment 1 of this report) is referenced as 17239 CC Plan Rev 2 dated 22-12-2023. This plan was subsequently amended with all required setbacks and is now dated 06.02.2024 (refer to Attachment 2 of this report)</p> <p>It is noted that the reference and title the applicant seeks to include as new condition 62a (Locality Plan and Site Layout” 17239-A01 Rev C) relates back to the DA approval from 13 July 2012 and does not relate to the 200 beds approved by Council under ME0040/2023.</p> <p>As a result of the above findings, there is no nexus to require a new condition to refer to a former superseded plan (based on 144 persons). Further, the final plans, as approved under this modified development would form part of a future (new) section 68 application considered under the current Local Government Act and associated Regulations requirements.</p>
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Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

Financial implications

Should Council refuse the application however, the costs associate with an appeal through the Land & Environment Court will be required to be funded by Council.

Associated Risks

Should Council refuse the review application, the applicant may appeal through the Land & Environment Court.

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

5 February 2024

Attachments: 1. Written Request to Review from Applicant. (separately attached)
2. Updated Site Plan - Submitted 7 February 2024. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 DA0329/2022 - Partial Demolition, Commercial/Industrial Redevelopment and Signage - 19, 21 and 23 Sydney Road, Mudgee

REPORT BY THE TOWN PLANNER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, DA0329/2022

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0329/2022 - Partial Demolition, Commercial/Industrial Redevelopment and Signage - 19, 21 and 23 Sydney Road, Mudgee; and
- B. that DA0329/2022 - Partial Demolition, Commercial/Industrial Redevelopment and Signage - 19, 21 and 23 Sydney Road, Mudgee be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No.	Issue	Date	Prepared by:
Site Plan	591ELD-01	K	29.03.23	Sunrai Designs
Demolition Plan	591ELD-02	D	10.07.22	Sunrai Designs
Overall Perspectives	591ELD-03	D	10.07.22	Sunrai Designs
Units 1-2 – Floor Plan, Elevations & Perspectives	591ELD-10	D	10.07.22	Sunrai Designs
Units 1-2 – Section	591ELD-11	D	10.07.22	Sunrai Designs
Unit 3 – Floor Plan, Elevations & Perspectives	591ELD-20	D	10.07.22	Sunrai Designs
Units 4-9 – Floor Plan	591ELD-30	D	10.07.22	Sunrai Designs
Units 4-9 – Elevations	591ELD-31	D	10.07.22	Sunrai Designs
Units 4-9 – Courtyard Elevations	591ELD-32	D	10.07.22	Sunrai Designs
Units 4-9 – Perspectives	591ELD-33	D	10.07.22	Sunrai Designs
Units 4-9 – Section	591ELD-34	D	10.07.22	Sunrai Designs
Units 10-17 – Floor Plan	591ELD-40	D	10.07.22	Sunrai Designs
Units 10-17 – Elevations	591ELD-41	D	10.07.22	Sunrai Designs
Units 10-17 – Perspectives	591ELD-42	D	10.07.22	Sunrai Designs

Units 10-17 – Section	591ELD-43	D	10.07.22	Sunrai Designs
Units 18-21 – Floor Plan	591ELD-50	D	10.07.22	Sunrai Designs
Units 18-21 – Elevations	591ELD-51	D	10.07.22	Sunrai Designs
Units 18-21 – Perspectives	591ELD-52	D	10.07.22	Sunrai Designs
Units 18-21 – Section	591ELD-53	D	10.07.22	Sunrai Designs
Signage	591ELD-SG01	B	14.08.23	Sunrai Designs
Stormwater Management Plan	TX15963.00 – C4.00	A	Feb 22	Triaxial Consulting
Letter of Response of Industrial Complex Development	220665.03FA	-	18.09.23	McLaren Traffic Engineering

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

GENERAL

2. This development consent provides approval for the redevelopment of the site for 21 units, associated signage and boundary adjustment. The approved use of each unit is as follows:

Unit Number	Approved Use
1	Vehicle Repair Station (existing)
2	Warehouse
3	Light Industry
4	Specialised Retail Premises
5	Specialised Retail Premises
6	Business Premises
7	Business Premises
8	Warehouse
9	Office Premises
10	Self-Storage
11	Light Industry
12	Light Industry
13	Self-Storage
14	Self-Storage
15	Light Industry
16	Light Industry
17	Self-Storage
18	Specialised Retail Premises
19	Specialised Retail Premises
20	Specialised Retail Premises
21	Specialised Retail Premises

3. This consent does not permit commencement of any site works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

4. **Notwithstanding the approved plans the structure is to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.**
No works involving cut or fill within the registered easement or within 1.5m of the water or sewer line.
5. **All earthworks, filling, building, driveways or other works are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.**
6. **The letter of concurrence and conditions issued by TfNSW (TfNSW reference WST22/00099/04 I SF2022/107066), dated 30th November 2023, shall be complied with prior, during and at the completion of the development, as outlined within the concurrence letter.**
A copy of the concurrence and conditions is attached to this determination notice.

TfNSW GENERAL CONDITIONS

7. **The TWRTL treatment is to be designed in accordance with *Austroads Guide to Road Design*, maintain appropriate distances and be designed and located to the satisfaction of TfNSW.**
8. **The development is to provide one (1) dedicated ingress only driveway and one (1) dedicated egress only driveway to the Sydney Road/the state road network with each driveway to be aligned with the internal circulation aisles. The western-most driveway (servicing frontage of Lot 19) is to be ingress only whilst the eastern-most driveway (servicing the frontage of Lots 21 and 23) is to be egress only; to mitigate potential queuing onto the classified road and to promote efficient ingress/egress movements for all vehicles manoeuvring through the site, particularly larger design vehicles. Each driveway is to be appropriately signposted as such. All associated signage related to entry and exiting of the site must be wholly located within the property boundaries and not within the Sydney Road reserve.**
9. **All other works associated with the construction of the development must be wholly contained within the property boundary and must not interfere with the operation and maintenance of the classified road network.**
10. **For the life of the development, the largest vehicle that is permitted to gain access to the site is a 20m long AV.**
11. **The signage required at each driveway to delineate/require egress only and ingress only (as detailed in Condition 8 above) must be in place for the life of the development.**

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

12. **Prior to the issuing of a Construction Certificate and/or Subdivision Certificate, (whichever comes first) the developer must:**
 - a) **Enter into a Works Authorisation Deed (WAD) with TfNSW, or other suitable arrangement as agreed to by TfNSW, to progress the delivery of all works on Sydney Road as generally shown in plans submitted**

by McLaren Traffic on 18 September 2023, Project no. 2022/665, Drawing reference 2022-665, Revision A (e.g. the relocation of the existing concrete median and signage located within the Two-Way Right Turn Lane (TWRTL) in front of 23 Sydney Road, Mudgee).

Notes:

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a state road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to development.west@transport.nsw.gov.au. TfNSW will then appoint a project manager who will coordinate TfNSW's involvement in the delivery of the works.
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor.
- A copy of pre-qualified contractors can be found on the RMS website at: www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html
- Any new services or modifications to existing services associated with this development application that involve works on, over or under Sydney Road must be incorporated into, and managed under, the Works Authorisation Deed for the project. It is the developer's responsibility to identify these works to the TfNSW project manager.
- More information on WADs can be found at: www.rms.nsw.gov.au/documents/projects/factsheet-development-process.pdf

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

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

- a) Car parking area for 111 vehicles (including 4 disabled spaces).
- b) Car parking spaces are to be allocated to each unit as shown on the approved plans and the allocation permanently marked on each car parking space.
- c) Site entry, exit and circulating carriageway.
- d) Stormwater drainage and OSD.

Note: No works can commence prior to the issue of the Construction Certificate.

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

- a) Drainage design for the proposed detention basin must be accompanied by fully detailed runoff calculations and a structural design for the proposed wall certified by a suitably qualified professional Engineer.

- b) **Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.**
 - c) **Drainage report and design must demonstrate that stormwater runoff from the site is not increased beyond the site's existing undeveloped state up to and including a 1/5/20/50/100 year event.**
 - d) **Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.**
- 15. **A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Council prior to any work commencing.**
- 16. **A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars), is to be provided to Council, prior to issue of the Construction Certificate. The insurance cover shall include the following:**
 - a) **Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.**
 - b) **Public Liability Insurance is to include Mid-Western Regional Council as an interested party.**
 - c) **The copy of the Contractor's public liability insurance cover is to include the Certificate of Currency.**
- 17. **An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:**
 - a) **Saving available topsoil for reuse in the revegetation phase of the development;**
 - b) **Using erosion control measures to prevent on-site damage;**
 - c) **Rehabilitating disturbed areas quickly; and**
 - d) **Maintenance of erosion and sediment control structures.**
- 18. **Consent from TfNSW / Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate. The accesses are to be designed and constructed in accordance with Council's Access to Properties Policy. This does not apply to the works associated with the WAD.**
- 19. **Details of the access upgrade, internal driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the issue of a Construction Certificate. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.**
- 20. **Where utilities are to be located within adjoining land, or stormwater discharge to be directed over an overland flow path across an adjoining property, an**

easement of sufficient width to accommodate the utilities or overland drainage path is to be registered on the title of the effected property, prior to issue of any Construction Certificate. Evidence of the creation of such easement is to be provided to Council and the Certifier (if applicable).

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

The application shall contain details demonstrating compliance with the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.

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

22. Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

Note: The amount payable is currently based on 0.25% of the cost of work. This is a State Government Levy and is subject to change.

Note: Council can only accept payment of the Long Service Levy as part of the fees for a Construction Certificate application lodged with Council. If the Construction Certificate is to be issued by a Private Certifier, the Long Service Levy must be paid directly to the Long Service Levy Corporation or paid to the Private Certifier.

23. In accordance with the provisions of Section 7.12 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Contributions Plan 2019, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to issue of a Construction Certificate.

The value of works is to be calculated in accordance with Section 2.9.3 and the procedure outlined in Section 4.3 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.

Note: Based on the proposed cost of works being \$4,808,560, it is estimated the contribution amount will be \$48,085.60.

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

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

24. Prior to the issue of a construction certificate, the developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note: Refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

PRIOR TO COMMENCEMENT OF WORKS

25. In accordance with the provisions of the Environmental Planning and Assessment Act 1979 construction works approved by this consent must not commence until:
- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
 - b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the Environmental Planning and Assessment Act 1979; and
 - c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
 - d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.
26. 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***
27. 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, and
 - 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,
 - d) The sign shall be removed when the erection or demolition of the building has been completed.
28. If the work involved in the erection/demolition of the building:
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
29. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;

- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

30. Prior to commencing works within the Sydney Road/the state classified road reserve, the developer must:

- a) Obtain Section 138 consent under the Roads Act 1993 from TfNSW for the works associated with the WAD.

Note: TfNSW will be exercising its powers under Section 64 of the Roads Act 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for the works.

- b) Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Road Access Management Team via OPLINK prior to commencing roadworks or any other works that impact a travel lane of Sydney Road.

Notes:

- *For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*
- *The applicant will need to create an account (this may take a few days to register) before submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.*
- *The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.*
- *An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.*

31. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to Council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

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

- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
- b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
- c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING WORKS

33. 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.
34. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
35. Construction work noise that is audible at other premises is to be restricted to the following times:
 - Monday to Saturday - 7.00am to 5.00pmNo construction work noise is permitted on Sundays or Public Holidays.
36. 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.
37. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.
38. All building work is to comply with the requirements of the Access to Premises Standard.
39. The list of fire safety measures contained in the fire safety schedule attached to the relevant development consent for a change of use, construction certificate or complying development certificate, are required to be installed in the building or on the land to ensure the safety of persons in the event of fire.
40. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
41. Stormwater drainage is to comply with the Mid-Western Regional Council *Development Control Plan 2013* and the standards referenced in Appendix B and D.
42. A total of 111 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 – *Parking facilities – Part 1: Off-street car parking* and the following requirements:
 - a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Car parking spaces are to be allocated to each unit in accordance with the approved plans and the allocation permanently marked on each car parking space.
 - c) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 – *Parking facilities – Part 6: Off-street parking for people with disabilities*;
 - d) All car parking spaces are to be line-marked and provided with a concrete surface and must be maintained in a satisfactory condition at all times; and

- e) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.

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

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

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

44. The developer is to provide separate water and sewer reticulation services to each allotment within the development.

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

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

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

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

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE - BOUNDARY ADJUSTMENT

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

Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.

48. Prior to the issue of a Subdivision Certificate, appropriate instruments, easements, covenants or the like are to be submitted to Council to facilitate the legal use of the lots as one development including the following:

- a) Vehicular access, manoeuvring and movements
 - b) Access and use of car parking spaces
 - c) Access and use of loading facilities
 - d) Stormwater drainage and services crossing cadastral boundaries.
 - e) Ongoing maintenance responsibilities, as relevant
49. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
50. Prior to the issuing of an Occupation Certificate or Subdivision Certificate, (whichever comes first), the developer must:
- a) Complete the works within the Sydney Road reserve. The concrete median and signage associated with the Two-Way Right Turn Lane (TWRTL) is to have been relocated in general accordance with the plans submitted to TfNSW and referenced as 'MTE Concept Plans – Project 2022/665', dated 18 September 2023. Signage must be relocated and installed in accordance with relevant Australian Standards and TfNSW prescriptions.
 - b) Ensure all redundant driveways and access points associated with the subject site are to be made good with kerb and gutters to match existing in accordance with Council's specifications.
 - c) Ensure all access across all lots created as a result of the boundary adjustment is via a 'Right of Way' (ROW) legally certified on the title of the burdened lots by way of a Section 88B Instrument under the *Conveyancing Act, 1919*. The ROW shall be of appropriate size to cater for the swept path of the largest vehicle to enter and exit the site as stipulated in the letter prepared by McLaren Traffic Engineers, dated 18 September 2023 and must contain a provision that it cannot be varied, modified, or released without the written consent of the Council.

PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

51. 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.
52. Prior to the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
53. Prior to commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking and associated driveway works are to be completed.

54. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that the building is connected to reticulated water supply, stormwater and/or sewerage in accordance with the relevant section 68 approval/s.
55. Prior to use of the development and/or issue of an Occupation Certificate, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
56. Prior to use of the development and/or issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
57. Prior to the use of the development and/or issue of an Occupation Certificate, evidence is to be submitted to Council and the Certifier (if applicable), that the boundary adjustment and relevant requirements set out in Condition 48 of this consent has been registered with NSW Land Registry Services.

SIGNAGE

58. Signage is to be provided in accordance with the approved plans and the following requirements:
- Sign 1 (19 Sydney Road) – Relocated existing pylon sign
 - Directory Sign for Units 1 to 3
 - Total advertising area is 4.4sqm
 - Maximum height 5.4m
 - Bottom of sign no less than 3.0m above ground level.
 - Sign 2 (21 Sydney Road) – Existing pylon sign
 - Directory Sign for Units 4-17
 - Total advertising area is 7.2sqm
 - Maximum height 6.6m
 - Bottom of sign no less than 3.0m above ground level.
 - Sign 3 (23 Sydney Road) – New pylon sign
 - Directory Sign for Units 18-21
 - Total advertising area is 7.2sqm
 - Maximum height 6.6m
 - Bottom of sign no less than 3.0m above ground level.
59. Each directory pylon sign is to only display:
- a) The name of the person or business operating from the relevant Units;
 - b) The nature of the business carried on from the relevant Units;
 - c) The address of the premises; and/or
 - d) A logo or other symbol that identifies the business.

The signs must not contain any advertising of a general nature or relate to a person or business not operating from the site.

- 60. The approved signage is to be located wholly within the property boundaries of the subject site, with no part of the signage to be located within the road reserve.
- 61. The signage must not be illuminated, at any time.
- 62. The approved signage is not to operate as a changeable message sign, at any time.
- 63. The approved signage and related components are to be maintained in a clean, tidy and structurally sound manner, at all times.
- 64. The property owner or tenant shall remove and clean any graffiti attacks on the approved signage and related components as soon as practicable, in order to deter future attacks.
- 65. Any further signage proposed on the site is subject to a separate Development Application, if the additional signage is not exempt development.

ONGOING USE:

- 66. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
- 67. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
- 68. The hours of operation of the development are limited to the following:
 - a) 7am to 6pm, Monday to Friday; and
 - b) 7am to 1pm, Saturday; and
 - c) No activities are to be undertaken on Sundays and public holidays.
- 69. All activities in connection with the use of the relevant subject units is to be wholly confined within the building.
- 70. 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".
- 71. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
- 72. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
- 73. The development is to be maintained in a clean and tidy manner, at all times.

74. No display or sale of goods is to take place from public areas or footpaths fronting the premises.
75. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site. Signage identifying the driveway and car park as low speed environments is also to be appropriately located within the site.
76. All loading and unloading in connection with the premises shall be carried out wholly within the site.
77. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
78. Any external plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise impacts to adjoining residential dwellings.
79. Areas set aside for landscaping as indicated on the approved site plan, are to be reserved for landscaping at all times. The landscaping is to consist of mature trees and lawn which are low maintenance, drought and frost tolerant in nature.
80. Measures, such as raised kerb edges, bollards and/or fencing, are to be installed and maintained around all approved landscaped areas in order to prevent vehicles driving over them.
81. Landscaping is to be maintained for the life of the development. If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of similar maturity as the vegetation which has died or being removed.

ESSENTIAL ENERGY GENERAL COMMENTS:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995* (NSW); and
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice –

Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

COUNCIL ADVISORY NOTES:

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

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

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

Section 64 Contributions	
	Value
Water Headworks	\$3,409.00
Sewer Headworks	\$5,644.65
Total Headworks	\$9,053.65

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

STATEMENT OF REASONS:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.
2. The proposed development is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*

3. The development was not required to be placed on public exhibition in accordance with the *Community Participation Plan 2019* and no submissions were received.

Executive summary

OWNER/S	Eldro Pty Limited P & D Eldred Holdings Pty Limited
APPLICANT:	Sunrai Designs
PROPERTY DESCRIPTION	The property is comprised of the following sites: <ul style="list-style-type: none">• 19 Sydney Road MUDGEE NSW 2850 (Lot 1 DP614991)• 21 Sydney Road MUDGEE NSW 2850 (Lot 21 DP737341)• 23 Sydney Road MUDGEE NSW 2850 (Lot 22 DP737341)
PROPOSED DEVELOPMENT	Partial demolition, boundary adjustment, commercial / industrial redevelopment (21 units) and signage
ESTIMATED COST OF DEVELOPMENT:	\$4,808,560.00
REASON FOR REPORTING TO COUNCIL:	Exceeds staff's <i>Delegation of Authority</i> , in that the value of the application exceeds \$2 million
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0329/2022 that seeks approval for boundary adjustment, partial demolition and re-development of the site for 21 units for commercial and industrial purposes (including signage and associated ancillary works) located at 19, 21 and 23 Sydney Road, MUDGEE NSW 2850, Lot 1 DP614991, Lot 21 DP737341 and Lot 22 DP737341, and received by Council on 7 March 2022.

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 10 June 2022. During the notification period, 0 submission/s were received. The application was amended during the assessment of the application; however, the changes were not considered to be significant to require re-notification.

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

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the value of the application exceeds \$2 million.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

SITE DESCRIPTION

The subject site, identified as 19, 21 and 23 Sydney Road, Mudgee is comprised of three lots and located on the north-eastern side of Sydney Road, in the section between Industrial Avenue and Burrundulla Avenue.

The surrounding area is a mix of industrial and commercial businesses. On the opposite side of the road is a tyre repair business, vehicle repair business and Busy Bee Service Station. Adjacent to the site to the south is a residential dwelling on the same lot as a crane and rigging business. On the northern side of the site is a residential dwelling on the same site as Booths wholesale soft drink / confectionary. To the rear of the site are the rear yards of business fronting Industrial Avenue.

The subject site itself is comprised of three lots known as 19 Sydney Road (Lot 1/DP614991), 21 Sydney Road (Lot 21/DP737341) and 23 Sydney Road (Lot 22/DP737341) with a combined site area of 14,115m². Figure 1 shows an aerial image of the subject site and its immediate surrounding area.

19 Sydney Road currently contains two buildings. The building at the front is used by Mudgee Auto Electrical (vehicle repairs) and the building at the rear is approved for use as vehicle repairs.

21 Sydney Road currently contains three buildings including a dwelling, a building formerly used as "Peters Refrigeration" and a second building used for commercial purposes.

23 Sydney Road currently contains four residential units.



Figure 1: Aerial Image of site and surrounds

PROPOSED DEVELOPMENT

It is proposed to redevelop the three sites, 19, 21 and 23 Sydney Road, to provide for 21 units across the three addresses for a range of industrial and commercial purposes including the retention of some existing buildings / businesses. An extract of the proposed site plan is provided in Figure 2. The development will operate as one site, but the lots are not proposed to be consolidated, rather it is proposed that the development will occur over three lots, with easements created to facilitate access and servicing. This is required as the lots are owned by different entities, and are not proposed to be consolidated.



Figure 2: Extract from proposed site plan

The proposed development will comprise the following:

19 Sydney Road

19 Sydney Road will be re-developed to accommodate three units, retaining two existing buildings and one new unit as follows:

Unit number	Proposed works	Use	Floor Area
Unit 1(Existing)	Existing building retained, alterations comprising new awning and entry glazing.	Retain existing use – Vehicle repair Station (DA consent no. 33/3-81 - Auto electrical business)	507m ²
Unit 2 (proposed)	New build attached to rear of Unit 1	Proposed first use - Local Distribution Centre	234m ²
Unit 3 (existing)	Existing building retained, alterations comprising new awning.	Proposed change of use to car detailing business (light industry)	226m ²

Unit 3 will include a change of use to a “car detailing business” which includes internal and external detailing including vacuuming, polishing and cleaning of vehicles. The use is considered to best meet the definition of “light industry” under the Mid-Western Regional LEP. The hours of operation proposed are 6am – 6pm.

21 Sydney Road

21 Sydney Road will be re-developed as follows:

- Demolition of industrial building, dwelling and shed. The existing building formerly occupied by Peters Refrigeration to be retained.
- Construction of a new “U-shaped” building incorporating two existing units and will accommodate Units 4 to 9.
- Construction of a new building to the rear of the “U-shaped” building which will accommodate Units 10 to 17 for use as “self-storage” and “creative industry”. Creative industry is defined as “a building or place the principle purpose of which is to produce or demonstrate arts, crafts, design or other creative products and includes artists’ studios, recording studios and set design and production facilities”. An amenities area between Units 13 and 14 is also proposed which will provide for accessible toilet facilities. In this area four small storage cupboards approximately 3m² in size are also proposed as an alternative to larger storage facilities.

The following units with the following uses are to be located on this site:

Unit number	Proposed works	Use	Floor area
Unit 4 (proposed)	New build (part of U-shaped building containing units 4-9)	Proposed first use – Specialised Retail Premises	342m ²
Unit 5 (proposed)	New build (part of U-shaped building containing units 4-9)	Proposed first use – Specialised Retail Premises	270m ²
Unit 6 (proposed)	New build (part of U-shaped building containing units 4-9)	Proposed first use – Business Premises	220m ²

Unit 7 (proposed)	New build (part of U-shaped building containing units 4-9)	Proposed first use – Business Premises	220m ²
Unit 8 (existing)	Existing building to be integrated with U-shaped building containing units 4-9	Proposed use – Warehouse	175m ²
Unit 9 (existing)	Existing building to be integrated with U-shaped building containing units 4-9	Proposed use – office premises	377m ²
Unit 10 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Self Storage	47m ²
Unit 11 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Creative Industry	63m ²
Unit 12 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Creative Industry	47m ²
Unit 13 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Self Storage	47m ²
Unit 14 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Self Storage	47m ²
Unit 15 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Creative Industry	47m ²
Unit 16 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Creative Industry	63m ²
Unit 17 (proposed)	Proposed new building (part of new building containing Units 10-17)	Proposed first use – Self Storage	47m ²

It is noted that the most recent approval for the retained existing building to be converted to Units 8 and 9 relates to the former workshop and showroom associated with Peters Refrigeration. Accordingly, a change of use to the separate units to accommodate a warehouse and office will be required.

23 Sydney Road

23 Sydney Road will be redeveloped through the demolition of the existing residential dwellings and construction of a new building containing three units (Units 18-21). Details of each unit are as follows:

Unit number	Proposed works	Use	Floor area
Unit 18 (proposed)	Proposed new build (part of new building containing Units 18- 21)	Proposed first use – Specialised Retail Premises	552m ²
Unit 19 (proposed)	Proposed new build (part of new building containing Units 18- 21)	Proposed first use – Specialised Retail Premises	525m ²
Unit 20 (proposed)	Proposed new build (part of new building containing Units 18- 21)	Proposed first use – Specialised Retail Premises	498m ²
Unit 21 (proposed)	Proposed new build (part of new building containing Units 18- 21)	Proposed first use – Specialised Retail Premises	767m ²

Signage

The proposal also includes the provision of business identification signage consisting of three pylon signs as follows:

- Existing sign on 19 Sydney Road to be retained but relocated to the north side of the driveway. The sign is proposed to be updated to allow for business identification signage for the three businesses located on this lot (Units 1, 2 and 3). The sign has a height of 5.4m and will have an advertising area of 4.4m².
- Existing pylon sign on 21 Sydney Road to be retained in same location. This sign received approval under M0054/01. The sign is proposed to be modified to have a maximum height of 6.6m and advertising area of 7.2m². The sign will be updated to allow for business identification signage for Units 4 to 17.
- New pylon sign to be located on 23 Sydney Road. This sign will be similar to existing sign on 21 Sydney Road with a maximum height of 6.6m and advertising area of 7.2m². This sign will advertise Units 18 to 21.

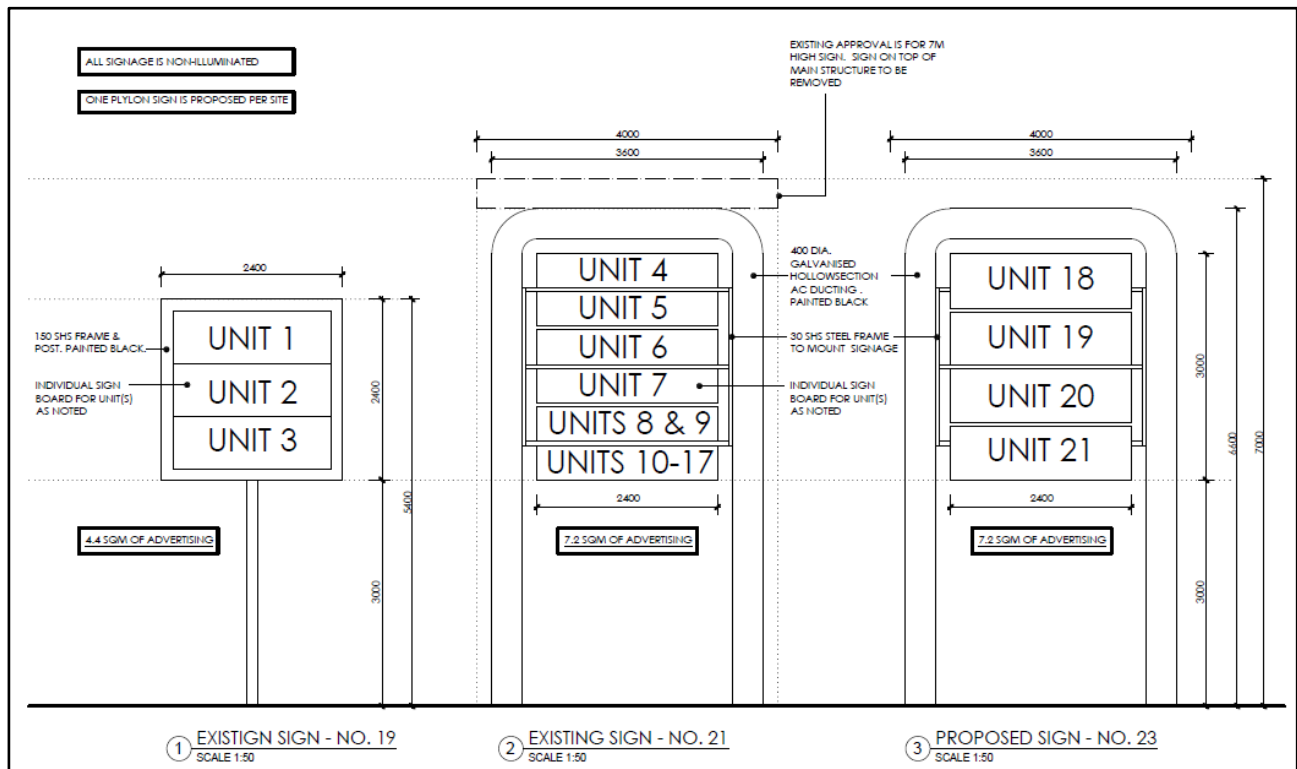


Figure 3: Proposed signage

Car parking and vehicular access

A total of 111 car spaces are proposed to be provided across the three addresses to accommodate the proposed development. Car spaces have been allocated to Units based on the car parking requirements generated for the use. The existing three crossovers to Sydney Road will be redesigned to service the site and reduce the overall number of crossovers to two. The relocation of one crossover will require the relocation of median signage currently in front of 23 Sydney Road to 29 and 58 Sydney Road.

Boundary Adjustment

A minor boundary adjustment between the lots will also be required to ensure a minimum setback of 3m to title boundaries is achieved for all buildings.

ASSESSMENT

LEGISLATIVE REQUIREMENTS

Biodiversity Conservation Act 2016 (BC Act)

The provisions of Part 7 of the *Biodiversity Conservation Act 2016* have been considered as per Part 1.7 of the EP&A Act 1979. The development is not considered “likely to significantly affect threatened species” and does not trigger entry into the biodiversity offsets scheme as the site is not identified on the Biodiversity Values Map (refer Figure 4 below) and the extent of clearing of native vegetation will not exceed the threshold amount of 0.25 hectares.

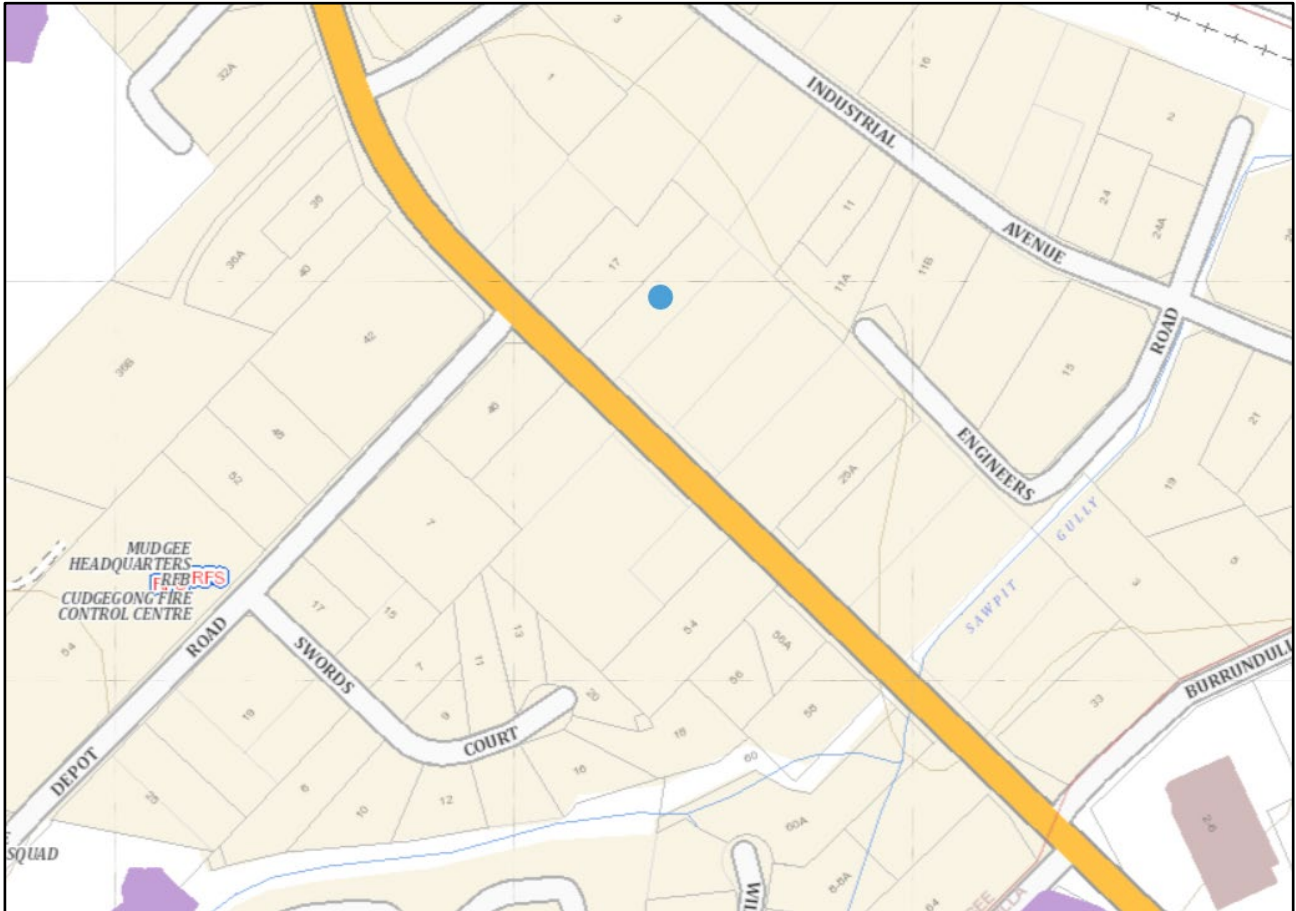


Figure 4: Extract for Biodiversity Values Map

Source: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

Environmental Planning and Assessment Act 1979 (EP&A Act)

Designated Development

The development proposal is not considered to be Designated Development, in accordance with Schedule 3 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs).

Integrated Development

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

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

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

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021 *Chapter 4 Koala Habitat Protection 2021*

The Biodiversity and Conservation SEPP applies to the proposal as the area of land associated with the proposal is greater than 1 hectare in size including adjoining land within the same ownership and does not have an approved koala plan of management applying to the land. The redevelopment of the site will remove two substantial trees and a number of smaller trees and shrubs.

The development is considered unlikely to have an impact on koalas or koala habitat given the site and surrounds are located in an urban area already developed for industrial / commercial purposes. The trees proposed to be removed were planted as part of previous developments. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Industry and Employment) 2021 *Chapter 3 Advertising and signage*

In accordance with Clause 3.6 of the all advertising is to satisfy the assessment criteria specified in Schedule 5. The proposed signage is considered acceptable, assessment against Schedule 5 is as follows:

SCHEDULE 5 REQUIREMENT	COMMENT
<p>1 Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<ul style="list-style-type: none"> There are a range of different types of signage along Sydney Road. A number of signs of similar height to that proposed of approximately 7m, including that of the Shell and Busy Bee Service Stations and the Nissan, Isuzu, Subaru, Hyundai and Toyota car dealership signs found along Sydney Road. The proposed signage will retain two existing signs with the third new sign designed to match the existing signs to be retained.
<p>2 Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed signs are within a commercial/industrial area and appropriately located within the site so that they will not detract from the amenity or visual quality of any special areas. The signs are located at the entrance to Mudgee from Sydney and therefore visual impacts should be considered. The signs have been designed to match signage in the immediate surrounds and is considered appropriate.</p>
<p>3 Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signs will not impact on views or vistas in the vicinity of the site and is appropriately positioned so that it will not impact on views to other advertisements.</p>
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen 	<ul style="list-style-type: none"> The proposed signage is appropriate with regards to scale and form in the area. The proposed signage will be of high quality, contributing to the streetscape The proposed signage will rationalise the signage for the 21 units over 3 signs evenly spaced across the frontage, reducing potential clutter of the streetscape. The proposed signage is appropriate to the size of existing development in the area.

<p>unsightliness?</p> <ul style="list-style-type: none"> Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<ul style="list-style-type: none"> Existing vegetation including large trees will not be impacted as a result of the signage.
<p>5 Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signage is considered to be compatible in scale and proportion to the proposed development. The signage will be modern in design to match the redevelopment of the site.</p>
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>No additional devices required for the operation of the signage.</p>
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	<p>Not Applicable – the signs are not proposed to be illuminated.</p>
<p>8 Safety</p> <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signs will not reduce the safety for vehicles, pedestrians or bicyclists and does not obscure views along the road, footpath or to any public area or safety zone.</p>

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Resilience and Hazards) 2021 *Chapter 4: Remediation of Land*

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ('Resilience and Hazards SEPP') have been considered in the assessment of the development application. Whilst the site includes some existing uses that may be potentially contaminating (such as vehicle repair station), the proposed re-development of the site will not include a change to a more sensitive use such as for residential, educational, recreational, hospital or child care purposes. The development will continue to be used for industrial / retail purposes. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Transport and Infrastructure) 2021*Chapter 2: Infrastructure Division 5 Electricity transmission or distribution Section 2.48 Determination of development applications—other development*

The proposed site accesses are to be constructed within 5 metres of existing overhead electricity lines. Pursuant to Section 2.48(2) the application has been referred to the electricity supply authority for the area, Essential Energy for comment about potential safety risks. Essential Energy responded, making no comments as to potential safety risks arising from the proposed development. Essential Energy provided general comments in relation to the application which will be included as notations on any approval.

Chapter 2: Infrastructure
Division 17 Roads and road infrastructure facilities
Section 2.119 Development with frontage to classified road

The development has frontage to a classified road and accordingly the requirements of Section 2.119 "Development with frontage to classified road" apply.

A Traffic and Parking Assessment prepared by McLaren Traffic Engineering was submitted with the application and considers the potential traffic safety, generation and parking implications of the development and satisfactorily addresses the requirements of Section 2.119.

The application proposes to reduce the number of accesses from three to two. One of the accesses will remain in the same position but will be modified to suit the re-development and the other will be relocated. The relocation of the access will consequently require the relocation of the median and signage associated with the Two-Way Right Turn Lane (TWRTL) from the frontage of 23 Sydney Road to the frontage of 29 and 58 Sydney Road as shown in Figure 5 below. Affected landowners were notified of the proposed relocation of the median and signage, with no comments received by Council.

The application was referred to Transport for NSW, who requested additional information before supporting the proposal subject to conditions. These have been included in the recommended conditions.



Figure 5: Extract from propose plan showing relocation of median and signage associated with the Two-Way Right Turn Lane (TWRTL) in front of 29 and 58 Sydney Road

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

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

Unit 1:

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

Unit 2:

Local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Unit 3:

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note: Light industries are a type of **industry**—see the definition of that term in this Dictionary.

Units 4, 5, 18, 19, 20 and 21

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- a) a large area for handling, display or storage, or
- b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note: Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of **retail premises**—see the definition of that term in this Dictionary.

Units 6 and 7

business premises means a building or place at or on which—

- a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- b) a service is provided directly to members of the public on a regular basis, and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note: Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary

Unit 8

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.

Unit 9

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note: Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

Unit 10, 13, 14, 17

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note: Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

Unit 11, 12, 15 and 16

creative industry means a building or place the principal purpose of which is to produce or demonstrate arts, crafts, design or other creative products, and includes artists' studios, recording studios, and set design and production facilities.

Note: Creative industries are a type of **light industry**—see the definition of that term in this Dictionary.

Signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- a) An advertising structure
- b) A building identification sign
- c) A business identification sign but does not include traffic signs or traffic control facilities.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned E3 Productivity Support and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned E3 Productivity Support pursuant to MWRLEP 2012. The proposal is permissible with consent in the zone and complies with the relevant objectives. The objectives of the zone and how the proposal satisfies the objectives is addressed below:

Zone E3 Productivity Support

1. *To provide a range of facilities and services, light industries, warehouses and offices.*

Comment The proposal is for a range of permissible uses in the zone.

2. *To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.*

Comment The proposed uses are compatible with but will not compete with smaller scale land uses in the Mudgee commercial centre.

3. *To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.*

Comment The proposed uses are not considered to be a retail or commercial activity which will adversely impact on the economic viability of the Mudgee commercial centre.

4. *To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.*

Comment The proposed development will provide for land uses that meet the needs of the community, businesses and industries that are suitable to the site and surrounding area.

5. *To provide opportunities for new and emerging light industries.*

Comment The proposed development will provide opportunity for the development of

new and emerging light industries.

6. *To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.*

Comment The proposed development will include facilities and services to meet the day to day needs of workers, which are large in size, weight and quantities.

7. *To promote a visually attractive entry point into Mudgee from the south east.*

Comment The proposal will consolidate three existing sites into one cohesive development, providing elements in the design that assist in creating a visually attractive entry to Mudgee including landscaping, compliant setbacks, appropriate use of building materials and the like.

8. *To enable development that does not undermine the primary retail role of the Mudgee commercial core area.*

Comment The proposed development includes uses that are not generally desirable in the downtown commercial core of Mudgee.

Clause 2.6 Subdivision – consent requirements

As the proposal involves subdivision this will also require development consent as discussed throughout the report.

Clause 2.7 Demolition requires development consent

In satisfaction of this clause, the development application seeks approval for the demolition of a number of existing buildings across the site including an existing industrial building and residential dwelling on 21 Sydney Road and residential units on 23 Sydney Road.

Clause 4.1 Minimum subdivision lot size

It is proposed to undertake a boundary adjustment between the three lots to ensure a minimum setback of 3.0m is achieved to all buildings. The boundary adjustment is minor in nature and will result in the following changes to the existing lots:

- Lot 1 DP614991 (19 Sydney Rd) = 3528 m²
reduce in size by ~114m², representing 3% change to the overall lot size
- Lot 21 DP737341 (21 Sydney Rd) = 5410 m²
reduce in size by ~42 m², representing 0.77% change to the overall lot size
- Lot 22 DP737341 (23 Sydney Rd) = 5180 m²
increase in size by ~159m², representing 3% change to the overall lot size

The minimum lot size pursuant to the mapping is 2000 m².

Accordingly, the proposal complies with the development standard.

Given it is proposed to utilise the three sites as one development and 21 Sydney Road will no longer have a vehicular access point, conditions will be included to ensure appropriate carriageway easements as well as other service easements are provided.

Clause 4.3 Height of buildings

The subject site is not mapped for a maximum height limit.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, a condition will be placed upon the consent ensuring that work is ceased should an item be discovered during construction.

Clause 5.21 Flood planning

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

Clause 6.1 Salinity

The extent of earthworks is not expected to significantly affect the process of salinisation.

Clause 6.3 Earthworks

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

Clause 6.4 Groundwater vulnerability

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

Clause 6.5 Terrestrial biodiversity

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

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

4.15(1)(a) REQUIREMENTS OF REGULATIONS AND POLICIES

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

Mid-Western Regional Development Control Plan 2013 (DCP)

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

Part 4.4 Signs

The DCP is not clear on what provisions should apply for signage on a mixed commercial / industrial development, therefore, the signage provisions for an industrial area, which typically surrounds the development area, has been used as a guide to ensure consistency with other signs approved along Sydney Road.

INDUSTRIAL AREAS	
REQUIREMENT	COMMENT
(a) Non-Illuminated Pole/pylon signs and directory boards shall be limited to a maximum of 6m ² advertising area and a maximum overall height of 5 metres. In general, the bottom of a pole or pylon signs should be at least 3 metres above ground level.	<p><u>Sign 1 - existing sign relocated, 19 Sydney Rd</u> Overall height = 5.4m – Does not comply Sign bottom above ground = 3m - Complies</p> <p><u>Sign 2 - existing sign on 21 Sydney Rd</u> Overall height = 6.6m – Does not comply Sign bottom above ground = 3m – Complies</p> <p><u>Sign 3 - new sign on 23 Sydney Rd</u> Overall height = 6.6m – Does not comply Sign bottom above ground = 3m – Complies</p> <p>Note: The required advertising area is not applied under this section as larger advertising area of 8m² is permitted under part (e) for industrial multi-unit complexes and will be applied for this development.</p> <p>All signs (proposed and existing structures) will exceed the height of 5m for Pylon signs, the applicant has provided an adequate justification for the variation to the new sign stating the following:</p> <ul style="list-style-type: none"> • The sign is intended to match in style and dimensions to the existing lawful sign 2 for cohesion and improvement of the streetscape quality through consistency. • There are numerous other signs in the immediate vicinity that are estimated to be of 7m in height or greater including Busy Bee, Shell, Isuzu Ute, Ford, Hyundai, Nissan, Mitsubishi and Mudgee Business Park. These signs already present as the dominant elements and will continue to dominate the skyline. • The signage readily satisfies the criteria and objectives contained within SEPP (Industry & Employment) 2021 as discussed in table 1 of this statement. • All other controls within MWRDCP 2013 and MWRLEP 2012 are complied with, suggesting that the proposal overall is of an appropriate manner and form.

	The height of the pylon signs are considered acceptable.
(b) Illuminated Pole or pylon signs must have a maximum area of 4m ² .	Not Applicable – pylon signs are not proposed to be illuminated.
(c) A maximum of one pole or pylon sign can be erected without Council approval if the above requirements are met.	Complies - The proposed pylon sign will be the only pylon sign associated with the site / development.
(d) A maximum of two (1) pole or pylon signs shall be permitted per site frontage.	Complies – one directory pylon sign is proposed per site.
(e) In the case of an industrial multi-unit complex, one (1) directory sign board of up to 8m ² in any area may be permitted with approval. Each industrial unit may have a sign at the entrance of each unit having the maximum dimensions of 2000mm by 600mm without approval.	<u>Sign 1 - existing sign relocated, 19 Sydney Rd</u> Advertising area = 4.4m ² – Complies <u>Sign 2 - existing sign on 21 Sydney Rd</u> Advertising area = 7.2m ² – Complies <u>Sign 3 - new sign on 23 Sydney Rd</u> Advertising area = 7.2m ² - Complies
(f) One sandwich board sign per site is permitted without approval however must be located inside the property boundaries and weighted and securely fixed so that it will not blow over. A maximum area of 2m ² per side applies.	Not Applicable – no sandwich boards proposed.
(g) Council will not approve the use of flashing lights, bunting and other devices to attract attention to a business.	No flashing lights, bunting or other devices are proposed.
(h) Individual directional signage will not be permitted.	Not Applicable

Part 4.6 Industrial Development

Whilst the development includes some commercial development the application is assessed against the standards for industrial development as the proposal includes industrial development and this type of development is typical to the surrounds the development.

DEVELOPMENT CONTROL REQUIREMENT COMPLIANCE / COMMENT

Setbacks

Less than 2000m²:

Front 6m to street; nil side/rear secondary frontage 4m; site coverage 60%

Site area = 14,115m²

Front setback = 17m – complies

2001m² 5,000²:

Front 12m to street; nil side/rear; 10m secondary frontage; site coverage 55%

Side / rear

North-west = 5m - complies

Rear = 3m - complies

South-east = 5m - complies

Internal lot boundaries = 3m

Over 5,001m²:

Front 15m to street; nil side/rear; 12m secondary frontage; site coverage 50%

Site Coverage = 37.7% - complies

Landscaping

– 5m in front for Sydney Road; 3m in front for all other;

Landscaping is provided to the Sydney road where possible.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIANCE / COMMENT
<ul style="list-style-type: none"> – Landscaping in front to improve visual presentation from street; – Side/rear setbacks to provide visual relief from public areas; – Must consist of mature trees and lawn which are low maintenance, drought and frost tolerant; – Must be provided in car parks if >10 spaces required 	<p>It is noted that part of the frontage of 21 and 23 Sydney Rd have been reduced as a result of historical proposals to widen the Sydney Rd reserve, this has resulted in 19 Sydney Rd Being a deeper lot than 21 and 23 Sydney Rd. As a result, landscaping to 19 Sydney Rd frontage is in excess of 11.1m, 21 Sydney Rd frontage is ~5m and 23 Sydney Rd frontage is ~3.4m. 21 and 23 Sydney Rd have a wider road reserve counteracting any reduction of the 5m landscaping requirement. The extent of proposed landscaping to the frontage is therefore considered to be acceptable.</p> <p>Mature trees will be retained were possible with landscaping proposed in side setbacks where possible.</p> <p>Other landscaping is proposed throughout car park.</p> <p>Suitable conditions in relation to landscaping have been included.</p>
Design	
<p>Low scale building elements (display areas, offices, amenities) to be located at front and constructed in brick or concrete; roof materials non-reflective</p>	<p>Complies and is consistent with other existing building in the street</p>
Fencing	
<ul style="list-style-type: none"> – Must be powder coated – Work/storage areas visible from street must be masonry or pre-coloured metal cladding, min. 2m height and set back from street – Gates set back from street by length of largest vehicle accessing site 	<p>Not Applicable</p>
Utilities	
<ul style="list-style-type: none"> – Statement of servicing to be provided (water, sewer, stormwater) – Adequate provision for storage/handling waste – LTW application to be provided where liquid wastes proposed to be discharged to Council's sewer – No buildings in utility easements 	<p>All essential services are available to the site.</p> <p>Stormwater to drain to an existing drainage pit and pipe system in Engineers Road with post flows equalling pre flows.</p> <p>LTW application not required.</p>
Traffic and Access	
<p>Traffic Access Report</p>	<p>Traffic report provided. Discussed elsewhere in report</p>
<p>Site access: Loading/unloading facilities</p>	<p>Suitable loading /unloading facilities designed</p>

DEVELOPMENT CONTROL REQUIREMENT	COMPLIANCE / COMMENT
designed for largest vehicle	for the largest vehicle provided.
Safe manoeuvring area	Manoeuvring shown on plans
No unsealed manoeuvring areas	Condition to be sealed
All vehicles enter/leave in forward direction; maximum 1 ingress and 1 egress point; no Vehicular access to main road where alternative present	<p>The application proposes to provide two vehicular access points to the development. This will result in the reduction in access points to the site.</p> <p>The access will be restricted to 1 ingress point and 1 egress point in accordance with the Traffic Report provided and comments from TfNSW.</p>
Car Parking	
Refer to Part 5.1 of DCP	Complies. Refer to Part 5.1 for detailed assessment.
Signage	
Refer to Part 4.4 of DCP	Signage proposed – refer to Part 4.4 for detailed assessment.
Outdoor Noise and Lighting	
<ul style="list-style-type: none"> – Must comply with <i>AS4282 Control of Obtrusive Effects of Outdoor Lighting</i> – Windows, doors, wall openings arranged to minimise noise impacts on residences within 400m of residential zone. – External plant (generators, air conditioning plant etc.) shall be enclosed to minimise noise impacts where adjoining residential area. 	<p>Lighting will be conditioned.</p> <p>The site does not adjoin a residential area / is not within 400m of a residential zone. However, a residential dwelling is located on the land to the south and the north of the development within the established commercial /industrial area.</p> <p>No new windows, doors, wall openings are proposed on new buildings (Unit 2) facing the north boundary.</p> <p>Access door openings are proposed on the south elevation of Units 18-21 adjacent to the dwelling on the south boundary, however roller doors for loading will be located on the opposite side. Existing trees are proposed to be retained on the south side between the dwelling and Units 18-21. Further the units are proposed to have a first use of specialised retail premises. The wider development will have commercial and light industrial uses which are not expected to generate significant noise. Notwithstanding this appropriate conditions will be included in relation to external plant as well as the general amenity condition.</p>
Subdivision	
– Minimum 30m frontage; roads designed to AustRoads standards for B-Doubles	It is proposed to undertake a minor boundary adjustment to ensure that all buildings

DEVELOPMENT CONTROL REQUIREMENT	COMPLIANCE / COMMENT
<ul style="list-style-type: none"> – Lots provided with water and sewer – Stormwater drainage and water quality measures implemented (see Part 5.5 of DCP) – Lots serviced with telecommunications/underground electricity – New roads constructed of bitumen 	<p>maintain a minimum setback of 3m to lot boundaries.</p> <p>The existing lots are already connected to relevant services and will not reduce the frontage width to below 30 metres.</p>

Part 4.7 Tree Preservation Order

No trees listed in the Tree Preservation Order are proposed to be removed. Vegetation is proposed to be removed as part of the proposal which has been addressed throughout this report.

Part 5.1 Car Parking

In accordance with Council's DCP, Section 5.1 – Car Parking, the following car parking is required:

- *Office / business - 1 space per 30m² of GFA (817m²)* – 27.2 spaces
- *Bulky Goods - 1 space per 500m² of GFA (3362m²)* – 67.2 spaces
- *Warehouse - 1 space per 100m² of GFA (409m²)* – 4.1 spaces
- *Vehicle Repair Station – 5 spaces per work bay (2) – 10 spaces*

Therefore, a total of 108.5 car parking spaces are required.

The plans detail the provision of 111 car parking spaces, which meets and exceeds the requirements of the DCP. Car spaces have been allocated to the relevant Units to ensure each Unit has parking in accordance with the required DCP rate.

The plans show a swept path assessment for a heavy rigid vehicle (HRV), medium rigid vehicle (MRV), small rigid vehicle (SRV) and a B99 car with the driveway and car parking areas. The entry and exit arrangement shown on the plans provides sufficient area for manoeuvring of the HRV, MRV and SRV in the circulating carriageway of the car park.

Part 5.2 Flooding

Not Applicable

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater advising that the plans provided show a conceptual drainage and on-site detention system with storm water captured and detained above ground in the car parking areas prior to discharge to an existing drainage pit and pipe system in Engineers Road. This drainage system is covered by an easement to drain water 4.5m wide created by DP 639259.

The calculations and detention storage provided do not cover the full range of storm events. Conditions will be included requiring that calculations and modelling shall be provided demonstrating that post-development flows do not exceed pre-development flows across all storm events up to and including the 1% AEP storm event.

Easements will be required to be implemented in relation to the movement of stormwater over lots, suitable conditions have been included.

Part 5.4 Environmental Controls

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

CONTRIBUTIONS

Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is commercial and has a proposed cost greater than \$200,000 therefore a levy of 1% applies and is payable to Council which requires the payment of a contributions in accordance with the plan as follows:

1% of \$4,808,560 is \$48,085.60

An appropriate condition has been imposed requiring payment of the contribution.

Section 64 - Water/Sewer Developer Services Charges

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

	Total Water Et/unit (including credit/s)	Water Cost (23/24 FY)	Total Sewer Et/unit (including credit/s)	Sewer Cost
19 Sydney Road	0.351	\$3,409.00	0.5616	\$2,490.13
21 Sydney Road	Nil	\$-	0.71144	\$3,154.52
23 Sydney Road	Nil	\$-	Nil	\$-
TOTAL	0.351 ET/unit	\$3,409.00	1.27304 ET/unit	\$5,644.65

A condition has been imposed accordingly.

4.15(1)(a) PROVISIONS OF ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT – (1)(a)(iia)

No Planning Agreements are applicable.

4.15(1)(a)(iv) REGULATIONS

Environmental Planning and Assessment Regulation 2021

Clause 61 – Additional matters that consent authority must consider

Clause 61(1) requires Council to consider Australian Standard AS2601-2001: *The Demolition of Structures* when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 has been included as a condition of consent.

LIKELY IMPACTS OF THE DEVELOPMENT – 4.15(1)(b)

(a) Context and Setting

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

(b) Access, Transport and Traffic

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

(c) Public Domain

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

(d) Utilities

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

(e) Heritage

Not Applicable

(f) Other Land Resources

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

(g) Water

No significant impact expected.

(h) Soils

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

(i) Air and Microclimate

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

(j) Flora and Fauna

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

(k) Waste

Waste service available.

(l) Energy

Not Applicable

(m) Noise and Vibration

The site is located in a commercial / industrial area and accordingly normal noises associated with the uses such as vehicles, unloading and loading during normal business hours (7am to 6pm) is considered acceptable. The application proposed standard operating hours from 6am-6pm. A condition will be included to require this to be 7am to align with standard day operational times. Should an earlier opening time be required this condition may be modified with further consideration of the noise impacts related to the activity and its location within the site.

It is noted that there are dwellings located on adjoining lots to the north and south. The development has been designed so that no roller doors, loading areas or accessways face these dwellings. Standard amenity conditions will be included in relation to noise as well as conditions required industrial activities to be located within the building and screening of noisy external equipment.

(n) Natural Hazards

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

(o) Technological Hazards

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

(p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

(q) Social Impact in the Locality

Generally positive.

(r) Economic Impact in the Locality

Generally positive.

(s) Site Design and Internal Design

Adequate as discussed throughout this report. As it is proposed to retain the three lots, it will be necessary for easements to cover shared access and facilities is provided. This has been included as a condition of consent.

(t) Construction

To comply with the BCA where relevant.

(u) Cumulative Impacts

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

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

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

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS – 4.15(1)(d)

Public Submissions

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 10 June 2022. During the notification period, 0 submission/s were received. The application was amended during the assessment of the application; however, the changes were not considered to be significant to require re-notification.

Consultation was also undertaken in January 2024 with affected property owners in relation to the relocation of the median and signage on Sydney Road.

Submissions from Public Authorities

Submissions were sought from TfNSW and Essential Energy with their requirements discussed throughout this report.

THE PUBLIC INTEREST – 4.15(1)(e)

Federal, State and Local Government interests and Community interests

There are no matters other than those discussed in the assessment of the Development Application above that would be considered to be contrary to the public interest.

CONSULTATIONS

Health and Building

Council's Health & Building Surveyor have recommended conditions to address building matters. These conditions are incorporated in the recommendation.

Development Engineering

Council's Development Engineer has provided conditions to address the detailed engineering matters including access, traffic, car parking, stormwater and servicing. These conditions are incorporated in the recommendation.

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

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2021
Mid-Western Regional Local Environmental Plan 2012
Roads Act 1993

Financial implications

Not Applicable

Associated Risks

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

SARAH HOPKINS
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

16 January 2024

- Attachments:*
1. Architectural Plans. (separately attached)
 2. Signage Plans. (separately attached)
 3. Stormwater Management Plan. (separately attached)
 4. Letter of Response from McLaren Traffic Engineering dated 18 September 2023. (separately attached)
 5. TfNSW response dated 30 November 2023. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon

REPORT BY THE TOWN PLANNER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, DA0052/2024

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon; and
- B. that DA0052/2024 - Subdivision (70 Residential Lots) Stage 13 - Caerleon Estate - 40 Hone Creek Drive, Caerleon be approved subject to the following conditions and statement of reasons:

APPROVED PLANS

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Title / Name:	Drawing No / Ref:	Rev	Date:	Prepared by:
Stage_13 SUBDIVISION PLAN	Stg_13-01	3	09.02.24	Bathla
Subdivision Plan	MKRV0036-113-C0020	4	18.01.24	Maker Eng
Civil Key Plan	MKRV0036-113-C0040	4	18.01.24	Maker Eng
Lot Layout Plan Sheet 1 of 2	MKRV0036-113-C0050	4	18.01.24	Maker Eng
Lot Layout Plan Sheet 2 of 2	MKRV0036-113-C0051	4	18.01.24	Maker Eng
Civil Works Layout Plan Sheet 1 of 2	MKRV0036-113-C0100	4	18.01.24	Maker Eng
Civil Works Layout Plan Sheet 2 of 2	MKRV0036-113-C0101	4	18.01.24	Maker Eng
Typical Sections Layout Plan	MKRV0036-113-C0300	4	18.01.24	Maker Eng
Typical Sections Sections Plan Sheet 1 of 2	MKRV0036-113-C0310	4	18.01.24	Maker Eng
Typical Sections Sections Plan Sheet 2 of 2	MKRV0036-113-C0311	4	18.01.24	Maker Eng
Temporary Basin Layout Plan	MKRV0036-113-C1200	4	18.01.24	Maker Eng

Title / Name:	Drawing No / Ref:	Rev	Date:	Prepared by:
Temporary Basin Sections	MKRV0036-113-C1210	4	18.01.24	Maker Eng
Swept Path Analysis Layout Plan	MKRV0036-113-C1706	4	18.01.24	Maker Eng
Biodiversity Development Assessment Report Stage 13 Caerleon Estate Mudgee	ENS5848	1.0	07.08.23	Biodiversity Australia Pty Ltd

In the event of any inconsistency with the approved plans / document and a condition of this consent, the condition prevails.

GENERAL

2. In accordance with Section 7.4 of the Environmental Planning and Assessment Act 1979, the development is to be undertaken in accordance with the executed Voluntary Planning Agreement.
3. All lots not fully located within “Area C” identified under Clause 4.1C of the Mid-Western Regional Local Environmental Plan 2012 must have a minimum lot size of at least 450m².
4. All General Terms of Approval issued in relation to the approved development, shall be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority to be issued in accordance with Section 100B of the Rural Fires Act 1997.

A copy of the General Terms of Approval is attached to this determination notice.

5. The development is to be undertaken at all times in accordance with the mitigation measures and environmental controls set out in Section 5.4 “Measures to Minimise Impact” of the Biodiversity Development Assessment Report, prepared by Biodiversity Australia.
6. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
7. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.
8. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that no time will any ponding of stormwater occur on adjoining land as a result of this development.

9. A temporary bus turning area is to be provided off/at the end of Hone Creek Drive, in accordance with one of the options shown on the approved plans. All costs associated with the construction and ongoing maintenance of the temporary turning area is to be borne by the developer until such time as it is no longer required.

PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

10. Prior to issue of the Subdivision Works Certificate, the lot layout of the subdivision is to be updated on all civil plans (prepared by Maker Eng) to be in accordance with the approved Subdivision Plan prepared by Bathla (identified as "Stage_13 Subdivision Plan" Revision 3 and dated 09/02/2024).

11. Prior to issue of the Subdivision Works Certificate the class and number of ecosystem credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to Council prior to Subdivision Works Certificate.

Table: Ecosystem credits required to be retired – like for like:

Impacted plant community type	Number of ecosystem credits	IBRA sub-region
<p>PCT266 – White Box Grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion</p> <p>(Like for Like offset trading groups include: White Box - Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland in the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands This includes PCT's: 74, 75, 83, 250, 266, 267, 268, 270, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286, 298, 302, 312, 341, 342, 347, 350, 352, 356, 367, 381, 382, 395, 401, 403, 421, 433, 434, 435, 436, 437, 451, 483, 484, 488, 492, 496, 508, 509, 510, 511, 528, 538, 544, 563, 567, 571, 589, 590, 597, 599, 618, 619, 622, 633, 654, 702, 703, 704, 705, 710,</p>	18	<p>Inland Slopes, Bogan-Macquarie, Bongo, Capertee Uplands, Capertee Valley, Crookwell, Hill End, Kerrabee, Lower Slopes, Murray Fans, Murrumbateman, Orange, Pilliga, Talbragar Valley and Wollemi. or</p> <p>Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.</p>

711, 796, 797, 799, 847, 851, 921, 1099, 1303, 1304, 1307, 1324, 1329, 1330, 1332, 1383, 1606, 1608, 1611, 1691, 1693, 1695, 1698, 3314, 3359, 3363, 3373, 3376, 3387, 3388, 3394, 3395, 3396, 3397, 3398, 3399, 3406, 3415, 3533, 4147, 4149, 4150)		
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12. Prior to issue of the Subdivision Works Certificate the class and number of species credits in the following table must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of the requirements in the following table must be provided to Council prior to Subdivision Works Certificate.

Table: Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Anthochaera phrygia</i> / Regent Honeyeater	4	Anywhere in NSW

13. A detailed engineering design with plans, and “AutoCAD compatible” Plan, (in .dwg format including pen-map), material samples, test reports and specifications are to be prepared in accordance with current AUS-SPEC specifications (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 prior to the issue of a Subdivision Works Certificate.
14. All finished surface levels shall be shown on the plans submitted for the Subdivision Works 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.
15. A site supervisor is to be nominated by the applicant prior to the issue of the Subdivision Works Certificate.
16. Existing and proposed contours are to be shown on detailed engineering plans.
17. Prior to the issue of a Subdivision Works Certificate, all details relating to the decommissioning of any farm dam in preparation for a residential site, including methods, materials and equipment shall be provided to Council.

Stormwater Drainage

18. Prior to the issue of a Subdivision Works Certificate the applicant is to submit a Drainage Report and civil design plans prepared in accordance with the current published version of Australian Rainfall and Runoff for approval prior to the release of the Subdivision Works 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. The Drainage Report shall include:

- Catchment plans;
- Hydrological calculations;
- Hydraulic calculations;
- Pit, pipe and headwall locations shown on plans;
- Gutter flow does not exceed 80 litres/sec or 2.5m in width;
- Pit bypass less than 15% of flow;
- Pit spacing less than 75m;
- Pipe class is appropriate given cover or depth;
- Pipe grade allows for self-cleansing at low flow velocities;
- Longitudinal sections of all pipelines showing pipe grades and classes, pit names/numbers and type, hydraulic grade etc.
- Plan and sectional views of non-standard drainage structures.
- Downstream owners consent to discharge of stormwater.

19. The trunk drainage system must be designed such that discharge from the subdivision satisfies the following water quality targets:

Post Development Stormwater Pollution Reduction Targets	
•	Total Suspended Solids (TSS) – 85% reduction of the typical annual load
•	Total Phosphorus (TP) – 65% reduction of the typical annual load
•	Total Nitrogen (TN) – 45% reduction of the typical annual load
•	90% of gross pollutant loads, oil and grease retained on-site

Note: Results from MUSIC modelling or equivalent shall be supplied with Subdivision Works Certificate Issue plans demonstrating that the design meets the above criteria.

20. All internal roads shall comprise roll back concrete kerb and gutter. Sub-surface drainage is required where gutter flows exceed 2.5m width during minor events (1 in 5yr ARI). If required, sub-surface drainage shall be located behind the kerb.
21. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1. An easement not less than 1.0m shall be created in favour of the upstream allotments for any inter-allotment drainage.
22. One (1) roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of the installation of the kerb and gutter.
23. An Erosion and Sediment Control Plan or the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of “Soils and Construction – Managing Urban Stormwater”. Points to be considered include, but are not limited to:
- drainage reserves are to be turfed;
 - single strip of turf to be laid behind kerb and gutter;

- saving available topsoil for reuse in the revegetation phase of subdivision;
- using erosion control measure to prevent on-site damage;
- rehabilitating disturbed areas quickly;
- maintenance of erosion and sediment control structures; and
- a schedule of operations is to be submitted to ensure all appropriate works are undertaken at the correct stage.

24. All stormwater runoff is to be piped into Detention Basins. No outfall using open channel will be permitted except between the lowest detention basin to the culvert under the rail corridor. The use of grassed swales with batter slopes no greater than 1:6 to provide for an overland flow path in the event of very large storms (< 1:100 year ARI) will be permitted.

Road Works

25. Internal road pavements shall be designed by a suitably qualified engineer in accordance with AustRoads procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification C242 with sample locations selected as per RMS Specification Q4. All flexible pavements to be sealed with a two coat Class C170 bitumen flush seal (14/7mm double/double).

26. Internal road reserve and pavement widths for Stage 13 are to conform with the following requirements:

Road	Classification	Road Reserve	Carriageway	Verge	Footpath	Kerb Type
Road No. 1	Local Residential	15.5m and 12.5m	7.5m and 7m	4m and 1.5m	1 x 1.2m	Roll top
Road No. 2	Local Residential	15.5m	7.5m	4m	1 x 1.2m	Roll top
Road No. 3	Local Residential	15.5m	7.5m	4m		Roll top
Hone Creek Drive (Neighbourhood Centre)	Neighbourhood Centre	22.6m	3m median with landscaping and pedestrian refuge; 2 x 3.5m travel lanes; and 2 x 2.3m parking lanes	1 x 3.5m (west side) 1 x 4.5m (east side)	1 x 1.2m (west side) 1 x 1.5m (east side)	Upright

27. The internal road network must be designed with sufficient width to accommodate turning paths for service vehicles, with particular attention to cul-de-sac court bowls that must be provided with a radius suitable for rubbish collection vehicles and that require no reversing movements for collection of rubbish.

28. Internal cross road intersections are to be designed to have:
- Give Way signs, and
 - Linemarking.
29. On the lesser priority road for pedestrian and cycle safety in accordance with Figure 2.1(a) of AS1742.2-2009 Manual of uniform traffic control devices, part 2 Traffic control devices for general use.

Water and Sewer

30. Water reticulation shall connect to the trunk main at four points: two where the trunk main enters the development (from the south) and two near its terminal point (in the north). The connections are required to be staggered (i.e. not through cross tee fittings) and the cost of the connections borne by the developer. The developer shall obtain a private works quotation from Council when ready to connect reticulation to the trunk main. All works are to be completed prior to the issue of a Subdivision Certificate.
- Note: Council does not permit other bodies to connect into 'live' water mains.*
31. Water services are to be located on alternate property boundaries to Telstra / Electricity. The Developer will construct water service to the water meter and prior to the issue of a Subdivision certificate pay for the Water Meter Assembly fee as specified in the current Schedule of Council Fees and Charges for Council to supply and install a meter only for each Lot in the Subdivision.
32. Water supply for Stage 13 is to be obtained by extension of mains constructed within Stage 9 of Neighbourhood 1.
33. Direct connection to the Trunk Main that generally follows proposed spine road alignment is NOT permitted except at existing connection points or as advised by Council's Water and Waste Water directorate.

Footpaths and Cycle Ways

34. Footpaths no less than 1.2 metres wide are to be provided on at least one side of Road No. 1, 2 and 3, and 1.2 metre (west side) and 1.5 metre (east side) footpaths on Hone Creek Drive (neighbourhood centre).

Street trees

35. Prior to issue of subdivision works certificate a landscape plan is to be prepared by a qualified landscape architect and approved by Council. Street trees of a species approved by Council are to be provided to all streets with an average of one tree per lot frontage. Corner lots are to have a minimum of two street trees on the secondary frontage. The location of street trees must complement proposed driveway locations and other elements in the public domain (i.e. light poles); maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners; provide appropriate shade; and provide an attractive and interesting landscape character
36. Street trees are to be approximately 1.5m - 2m in height when planted.

PRIOR TO COMMENCEMENT OF WORK

37. No construction is to commence before a Subdivision Works Certificate is issued for the subdivision works. The works are to be constructed in accordance with the plans and specifications referred to in the Subdivision Works Certificate.
- Note: The Subdivision Works Certificate may be issued by Council. Council's fee for this service is set out in Council's fees and charges.*
38. A Traffic Guidance Scheme (TGS) completed by the "Certified Person" for implementing during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
39. Contractor's insurance cover for a minimum of \$20,000,000 is to be sighted and to be shown to Mid-Western Regional Council as an interested party.

DURING WORKS

40. Any soil / water retention structures are to be constructed prior to the bulk stripping of topsoil, to ensure sediment from the whole site is captured.
41. All construction works shall be undertaken in accordance with the Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012 as approved under DA0428/2013 (and subsequently modified).
42. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base-course.
43. Street signs necessitated by the subdivision are to be installed in accordance with AUS- SPEC Specification and Council's requirements.
44. The subdivision works are to be inspected by Council (or an Accredited Certifier on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- installation of sediment and erosion control measures;
 - water and sewer line installation prior to backfilling;
 - stormwater pipes installation prior to backfilling;
 - water and sewer lines pressure testing;
 - sewer manholes vacuum testing;
 - establishment of line and level for kerb and gutter replacement;
 - road pavement construction;
 - road pavement compaction testing;
 - road pavement surfacing;
 - practical completion
45. Upon completion of each stage of construction, the Developer is also required to ensure that adequate provisions are made for the following:
- Sediment and erosion control measures;
 - Traffic control measures; and
 - Maintenance of public areas free from unauthorised materials, waste or other obstructions.

46. The applicant shall repair, in accordance with AUS-SPEC Specification and Council Standard Drawings, any part of Council's property damaged during the course of the development.
47. Following the completion of subdivision works, one set of Works As Executed Drawings in PDF format, AutoCAD compatible files in .dwg format, MapInfo files (MGA GDA94 Zone 55/56) and completed Asset Data Template spreadsheets in MS Excel format, are to be submitted to Council. All Works As Executed plans shall bear the consulting engineer's or consulting surveyor's certification stating that all information shown in the plans are accurate.

COVERSHEET

- Project Address
- Client/Developer
- DA Number
- Lot Numbers
- Subdivision Stage Number (If Applicable)

INDEX

- Section Numbers

CONTRACTOR DETAILS

- Contractor Representative
- Contractor Contact Details

SCOPE OF WORKS

- Enter description outlining scope of works completed

Records to be included as applicable:

- Material Certification and Material Test Reports(Sub base, Base course, Water, Sewer, Stormwater, Bitumen etc. for supplied materials)
- Concrete mix Details (Concrete Register/ Concrete Test Results required) Bitumen Sealing Reports/Records
- Earthworks/Civil Test Reports e.g. compaction tests - (Coordinates and RL required for each test required to be shown on a .dwg)
- Dimensional and Tolerance Records(Survey Conformance Reports)
- Inspection Documentation (Development Engineer Inspections, ITP's, Lot Identification) Non-conformance reports (Major non-conformances not detailed on council inspections) Work As Executed Drawings must be received and approved by Council. Documents to be submitted to be as follows:
 - One set of Work As Executed Drawings in PDF soft and hard copy.
 - AutoCAD compatible files in .dwg format of WAE constructions.
 - MapInfo files (MGA GDA94 Zone 55/56) of WAE constructions.
 - Asset Data Spreadsheets with all the asset details in Excel format. (Council will provide the template Excel sheet).
 - MapInfo files (MGA GDA94 Zone 55/56) Note: Ensure all WAE assets data in Excel
 - sheets correlate with WAE Drawings, AutoCAD and MapInfo files.
 - Copy of final inspection report from Council's Development Engineer.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

48. Under the Environmental Planning & Assessment Act 1979, a Subdivision Certificate is required before the linen plan of subdivision can be registered with NSW Land Registry Services.
- Note: The fee to issue a Subdivision Certificate is set out in Council's Fees and Charges.*
49. This development consent requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to the issue of a Subdivision Certificate.
- Please refer to the Advisory Notes for the contribution to be made to Council in accordance with the Voluntary Planning Agreement for Caerleon.
50. The developer is to meet the full cost of water and sewerage reticulations to service the new lots prior to the release of the Subdivision Certificate. Each lot must be provided with separate water and sewer 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.
51. Where infrastructure services cross through private land three metre wide easements, including associated Section 88B of the Conveyancing Act 1919 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.
52. If the Subdivision Certificate is not issued, for any reason, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent will be increased to the current rate at the time of payment.
53. Prior to issue of the Subdivision Certificate
- 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; be paid to Council in accordance with this condition for the purpose of:
 - As to the security to be given to Council that the works will be completed or the contribution paid and
 - As to when the work will be completed or the contribution paid.
54. Following completion of all engineering works, a defect liability bond of 5% of the value of such works (not carried out by Council) shall be lodged with Council to ensure that any defects in such works are remedied by the developer. The bond shall be lodged with Council, prior to issue of the Subdivision Certificate.
55. The developer is to ensure that all defects in the works that become apparent within twelve (12) months of Council accepting the works on maintenance are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Note: Any unspent bond money will be returned to the developer at the end of the twelve (12) months period, less the estimated cost of any outstanding works.

56. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey marks that may be distributed by the development or any associated work. Any information regarding location should be supplied to the Land Titles Office and Council.
57. Underground electricity, street lighting and telecommunication are to be supplied to the subdivision. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A Notice of Arrangements from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision; and
 - b) A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone and internet services to the subdivision that are NBN compliant.
58. All roadworks and other associated traffic control measures are to be completed with each stage of the development and prior to the release of the Subdivision Certificate.
59. The developer must provide Council and land purchasers with a site classification for each lots 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 2.2.3 of AS2870-1996. Results are to be submitted to Council prior to the issued of the Subdivision Certificate.
60. A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the PCA, prior to the issue of a Subdivision Certificate.
61. Prior to the issue of the Subdivision Certificate, the applicant must demonstrate that the General Terms of Approval issued by the NSW Rural Fire Service dated 20 October 2023 have been complied with.
62. The developer shall contact Council's Property and Rating Department to ensure that the Street Addressing for each lot is correctly allocated in accordance with AS4819, prior to issue of the Subdivision Certificate.

ADVISORY NOTES

1. This development consent requires a Certificate of Compliance under the *Water Management Act 2000* to be obtained prior to the issue of a Subdivision Certificate. Please be advised that as a precondition to the granting of a Compliance Certificate, the following is to occur:
 - a) A monetary contribution in accordance with the following Schedule of Contributions must be paid in full (including indexation, where applicable) which has been calculated in accordance with the VPA endorsed by Council:

Section 64 Contributions					
Total of 70 residential lots (69 x small and 1 x medium)					
		ET/ Unit	Per Lot	No. lots	Total
Water Headworks	Residential allotment (small) <650m ²	0.75	\$6,802. 33	69	\$469,360.8 2
	Residential allotment (medium) 650m ² - 1200m ²	1	\$9,069. 77	1	\$9,069.77
	Water Headworks Subtotal				\$478,430.5 9
Sewer Headworks	Residential allotment (small) <650m ²	0.75	\$3,088. 26	69	\$213,089.9 3
	Residential allotment (medium) 650m ² - 1200m ²	1	\$4,117. 68	1	\$4,117.68
	Sewer Headworks Subtotal				\$217,207.6 1
TOTAL HEADWORKS					\$695,638.2 1

Note: Section 64 Developer Contributions are subject to Consumer Price Index increase at 1 July each year.

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

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. No submissions were received during the public notification period.

Executive summary

OWNER/S	Caerleon Mudgee Pty Ltd ATF Caerleon Mudgee Trust
APPLICANT:	Universal Property Group Pty Ltd
PROPERTY DESCRIPTION	Lot 930 DP1274170 Caerleon Estate Development Block 40 Hone Creek Drive, CAERLEON NSW 2850
PROPOSED DEVELOPMENT	Subdivision of land (70 residential lots)
ESTIMATED COST OF DEVELOPMENT:	\$1,703,668.00
REASON FOR REPORTING TO COUNCIL:	The application exceeds staff's <i>Delegation of Authority</i> , in that it is for a subdivision creating more than 20 allotments.
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of Development Application DA0052/2024 that seeks approval for Torrens Title subdivision (70 residential lots plus residual), located at Caerleon Estate Development Block 40 Hone Creek Drive CAERLEON NSW 2850, Lot 930 DP 1274170, and received by Council on 21 September 2023.

The Greenfield subdivision is Stage 13 of the Caerleon Estate and will be located on the south side of the estate below Stage 9. Stages 1-11 were approved under the DA0428/2013 with all lots approved now released. Consent for stages 12A, 12B and 12C has also been granted with construction works currently being undertaken.

Consent for Stage 13, DA0093/2022, has previously been approved providing for the creation of 46 residential lots, no works have commenced. The current development application proposes to replace this consent, utilising the same footprint and general road layout as the previous approval, but increasing the overall lot yield to 70 lots. The new residential lots proposed will range in size from 300m² to 686m².

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 October 2023. During the notification period, no submission/s were received.

The proposed development has been assessed in accordance with Council's Development Control Plan, 2013 (DCP 2013) and the Mid-Western Regional Local Environmental Plan 2012 (MWLEP).

The proposed development is considered generally consistent with Council's planning controls. Noting that a variation is proposed to the road widths which were the subject of an amendment to the DCP in July 2023. The road widths are proposed to be in accordance with previous approvals and will match the existing road network. Future stages will be required to comply with the updated road width standards.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the application is for a subdivision creating more than 20 allotments.

The application is recommended for Approval.

Disclosure of Interest

Nil

Detailed report

Proposed Development

The proposal seeks to subdivide part of the land into 70 new residential lots ranging in size from 300m² to 686m² including new roads, temporary detention basin and temporary bus turning area.

The subdivision is identified as Stage 13 of the Caerleon Estate and will expand on the existing approved subdivision, and is located to the south of Stage 9. The main trunk road of the subdivision (Hone Creek Drive) will be extended and new roads will provide access to the proposed lots. All new residential lots will be serviced with reticulated water and sewer services.

The site contains an existing dam and is mostly cleared grassland with scattered trees throughout.

It should be noted that development consent DA0093/2022 has already been issued for Stage 13 which approved the creation of 45 residential lots ranging in size from 450m² to 1035.2m² with a similar road layout to the proposed development. The new application will increase the overall yield by 25 lots with an overall reduction in lot sizes.

A Location Plan and proposed subdivision plan is provided in Figures 1 and 2. A full set of the plans is in Attachments 1 and 2.



Figure 1: Location of development site (Source: Figure 1 SEE prepared by Universal Property Group)

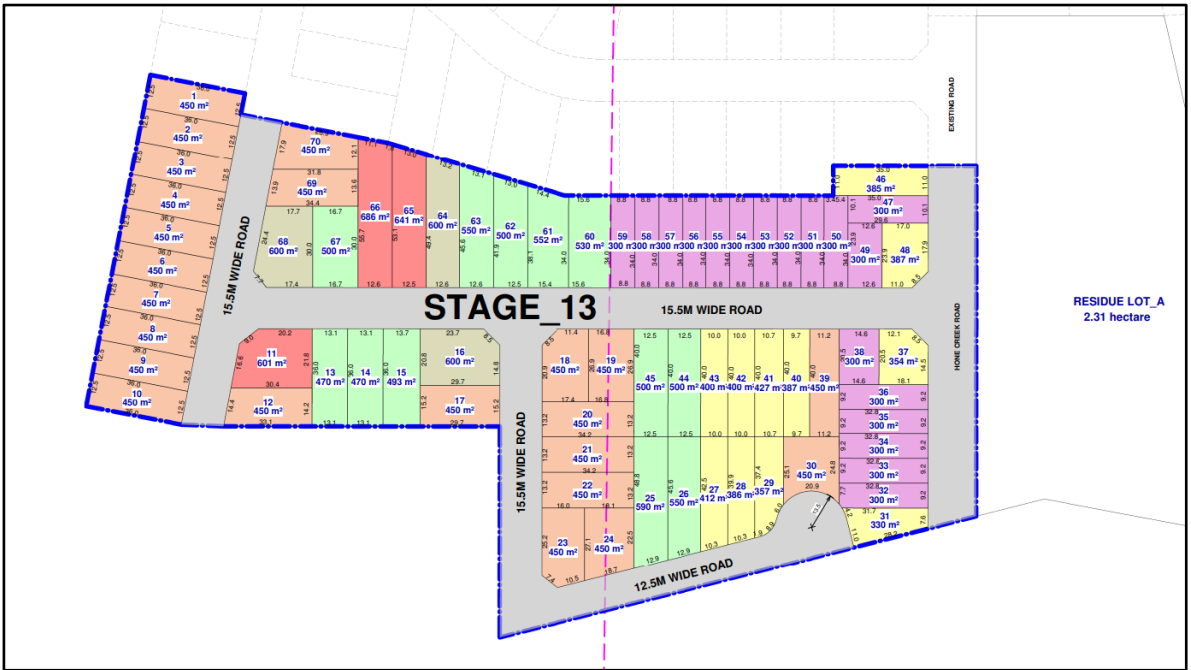


Figure 2: Proposed subdivision plan

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

The development proposal is considered to be Integrated Development, in accordance with Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The subject land is partially mapped as being bushfire prone, as such the development is integrated pursuant to Section 100B of the Rural Fires Act requiring a Bushfire Safety Authority. The application was referred to the Rural Fire Services who issued General Terms of Approval on 20 October 2023 (Attachment 3).

Biodiversity Conservation Act 2016 (BC Act)

The development triggers the Biodiversity Offset Scheme pursuant to Part 7 of the BC Act as:

- The site contains an area mapped on the Biodiversity Values Map as important habitat for a threatened species (shown in Figure 3), this coincides with mapping for Important Habitat for *Anthochaera phrgia* (Regent Honeyeater); and
- the extent of clearing of vegetation is approximately 4.5ha which is above the area clearing threshold of 0.25ha.

A Biodiversity Development Assessment Report (BDAR) was submitted with the application which assessed the impact of the proposal on biodiversity values according to the NSW Biodiversity Assessment Method (BAM) in accordance with the Biodiversity Conservation Act 2016 (BC Act).



Figure 3: Biodiversity Values Map

The BDAR, prepared by Biodiversity Australia identified two vegetation communities within the Development footprint as shown in Figure 4 with the total area of vegetation (comprised of 4.15ha) to be removed for the proposed subdivision. This impact is proposed to be offset through the

purchase and retirement of appropriate ecosystem credits. A suitable condition has been recommended.



Figure 4: Extract from BDAR prepared by Biodiversity Australia (Figure 7) showing vegetation zones

The BDAR also identified that species credits will be required in relation to the Regent Honeyeater, a suitable condition for the retirement of these credits will also be included as a condition of consent.

Measures to minimise impacts identified in Section 5.4 of the report will also be required to be implemented as a condition of consent.

Section 4.15 Evaluation of the *Environmental Planning & Assessment Act 1979*

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

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

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

State Environmental Planning Policy (Resilience and Hazards) 2021 Assessment of the contamination status of the land was undertaken with the rezoning of the site, the report (identified as Preliminary Contamination Assessment prepared by Envirowest Consulting and dated 20 July 2012) included the area of the proposed subdivision. The report identified that the site has historically been used for sheep and cattle grazing. Some areas of potential contamination were identified in the vicinity of the existing dwelling and sheds; however, the existing dwelling and sheds are not located within the boundaries of Stage 13. Based on this report it is considered unlikely that the subject land has been used for any potentially contaminating activities and accordingly, no further consideration is considered necessary.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 *Chapter 4 Koala Habitat Protection 2021*

The Biodiversity and Conservation SEPP applies to the proposal as the area of land associated with the proposal is greater than 1 hectare in size including adjoining land within the same ownership and does not have an approved koala plan of management applying to the land.

The Biodiversity Development Assessment Report (BDAR) prepared by Biodiversity Australia confirmed that koala food trees were present within the development footprint. Targeted koala surveys were undertaken which did not locate any koalas or koala signs.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

Division 5 Electricity transmission or distribution

Section 2.48 Determination of development applications—other development

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

Chapter 2: Infrastructure

Division 15 Railways and rail infrastructure facilities

Pursuant to Section 2.97 and Section 2.98, the development is not located adjacent to the railway corridor and does not involve the penetration of ground to a depth of more than 2m within 25m of the railway corridor and therefore no further consideration of this Division is considered necessary.

Chapter 2: Infrastructure

Division 17 Roads and road infrastructure facilities

Pursuant to Section 2.121 the development is not considered to be a traffic-generating development given the number of lots being created is less than 200.

Upgrades to the intersection of Hone Creek Road/Hill End Road and the intersection of Hill End Road/Castlereagh Highway have been completed under the approval for Neighbourhood 1 (DA0423/2013) which was identified as traffic generating development and required concurrence of RMS (now Transport for NSW).

State Environmental Planning Policy (Industry and Employment) 2021

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

State Environmental Planning Policy (Planning Systems) 2021

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

State Environmental Planning Policy (Precincts—Regional) 2021

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

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

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

Clause 1.2 Aims of Plan

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

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R1 General Residential and MU1 Mixed Use is therefore subject to the Plan. The zoning of the development is shown below in Figure 5.

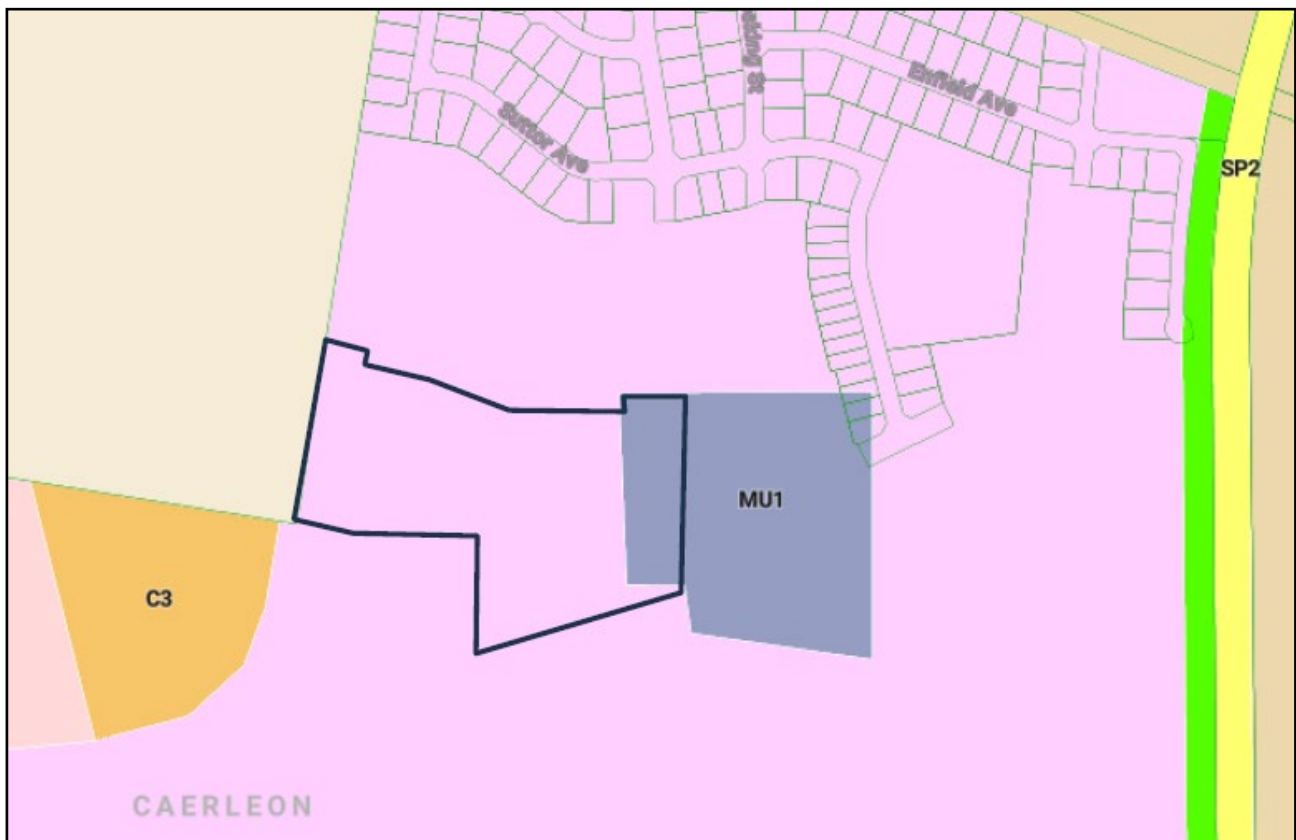


Figure 5: Land Zoning overlayed with proposed Stage 13 layout
(Source: extract from SEE provided with application)

Clause 2.3 Zone objectives and Land Use table

The land is zoned R1 General Residential and MU1 Mixed Use pursuant to MWRLEP 2012. The objectives of the zones and how the proposal satisfies the objectives is addressed below:

R1 General Residential

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

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

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

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

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

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

MU1 Mixed Use

1. To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.

2. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and contribute to vibrant, diverse and functional streets and public spaces.

3. To minimise conflict between land uses within this zone and land uses within adjoining zones.

4. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
5. To ensure development is consistent with the character of adjoining residential neighbourhoods.

Comment The proposal will provide lots to contribute to a mixture of compatible land uses within the Mixed Use Zone. Lots are intended for residential development on the edge of the Neighbourhood Centre integrating with residential development on the west side of Hone Creek Drive and the Neighbourhood Centre to be located on the east side of Hone Creek Drive.

Clause 2.6 Subdivision – consent requirements

As the proposal involves subdivision this will require development consent under this clause and as discussed throughout the report.

Clause 4.1 Minimum subdivision lot size

The proposed subdivision generally meets the objectives of the clause as the proposal will promote further suitable land uses that can be accommodated on the site whilst complying with all the relevant planning controls.

The minimum lot size pursuant to the mapping is 450m² where the land is zoned R1 General Residential. There is no minimum lot size where the land is zoned MU1 Mixed Use as shown in Figure 6.

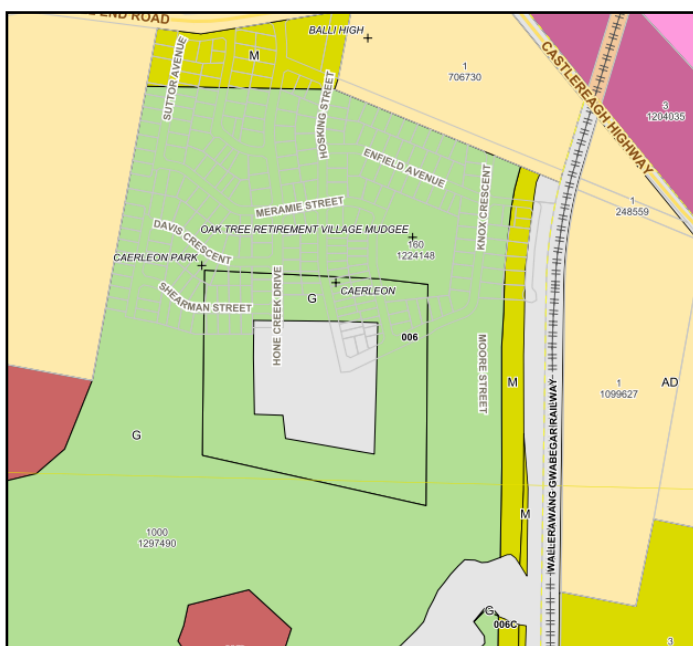


Figure 6: Lot Size Map. The area shown as green and marked as “G” has a minimum lot size of 450m²

As indicated in the table below, the proposed lots are able to meet the minimum lot size, except for those lots utilising Clause 4.1C.

Lot number	Proposed Size (m ²)	Minimum Lot Size	Complies?
Lots 1-10	450	450	Yes
Lot 11	601	450	Yes
Lot 12	450	450	Yes
Lot 13, Lot 14	470	450	Yes
Lot 15	493	450	Yes

Lot 16	600	450	Yes
Lot 17-24	450	450	Yes
Lot 25	590	450	Yes
Lot 26	550	450	Yes
Lot 27	412	450	No – utilising Clause 4.1C exception
Lot 28	386	450	No – utilising Clause 4.1C exception
Lot 29	357	450	No – utilising Clause 4.1C exception
Lot 30	450	450	Yes
Lot 31	330	No MLS	Yes
Lot 32-36	300	No MLS	Yes
Lot 37	354	No MLS	Yes
Lot 38	300	No MLS	Yes
Lot 39	450	450	Yes
Lot 40	387	450	No – utilising Clause 4.1C exception
Lot 41	427	450	No – utilising Clause 4.1C exception
Lot 42, Lot 43	400	450	No – utilising Clause 4.1C exception
Lot 44, Lot 45	500	450	Yes
Lot 46	385	No MLS	Yes
Lot 47	300	No MLS	Yes
Lot 48	387	No MLS	Yes
Lot 49	300	No MLS	Yes
Lot 50	300	No MLS	Yes
Lot 51-59	300	450	No – utilising Clause 4.1C exception
Lot 60	530	450	Yes
Lot 61	552	450	Yes
Lot 62	500	450	Yes
Lot 63	550	450	Yes
Lot 64	600	450	Yes
Lot 65	641	450	Yes
Lot 66	686	450	Yes
Lot 67	500	450	Yes
Lot 68	600	450	Yes
Lot 69, Lot 70	450	450	Yes

Clause 4.1C Exception to minimum subdivision lot sizes around Zone MU1

The objective of this clause is to enable medium density housing on a range of lots around land in Zone MU1 Mixed Use.

This clause allows for no minimum subdivision lot size for the subdivision of land identified as “Area C” on the Lot Size Map and within 100 metres of land in Zone MU1 Mixed Use, if the subdivision is for the purposes of residential accommodation. Figure 7 shows the location of “Area C”.

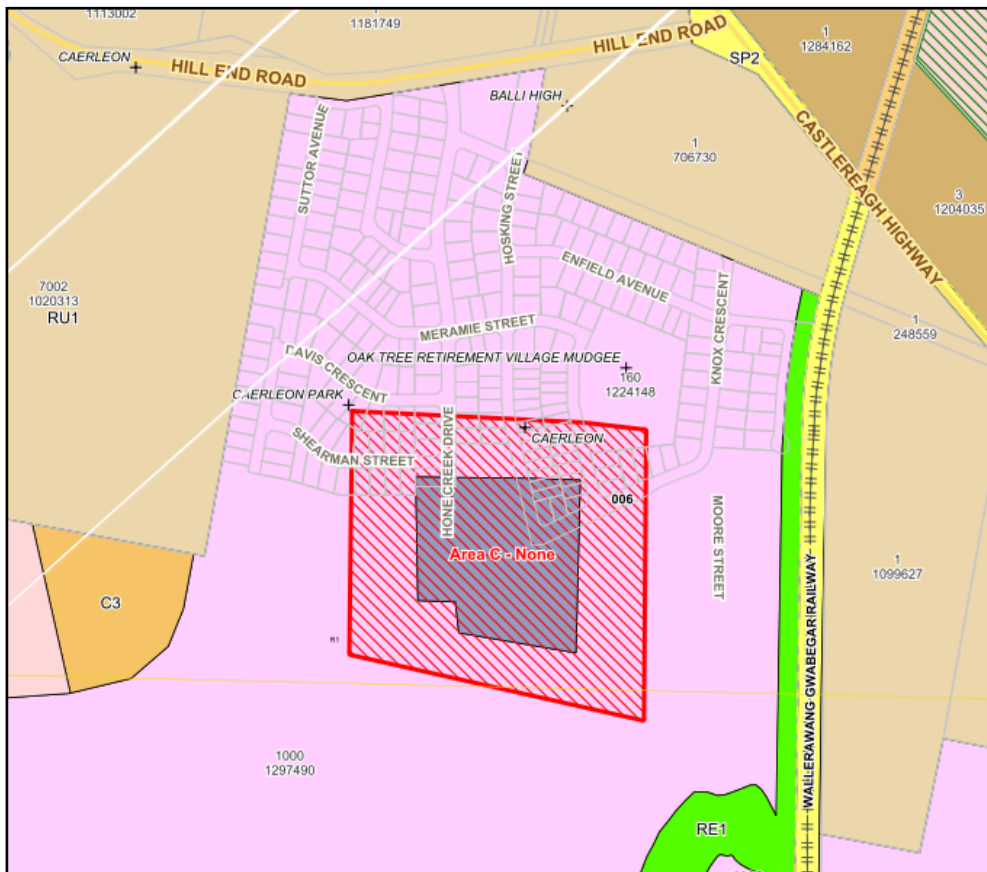


Figure 7: Lot Size Map showing “Area C” 100m around the MU1 Zone.

A total of 17 lots (identified as Lots 27-29, Lots 40-43 and Lots 50-59) located within Area C will utilise the provisions of Clause 4.1C requiring no minimum lot size. The lots range in size from 300m² to 427m² and are able to accommodate a dwelling.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5 metres above existing ground level. The application is for subdivision only and accordingly further consideration of this clause is not necessary.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity. Notwithstanding this, a condition will be placed upon the consent ensuring that work is ceased should an item be discovered during construction.

Clause 5.21 Flood planning

The subject site is identified mapped under the Mudgee Flood Study 2021 as being partially affected by flooding as shown in Figure 8 below.



Figure 8: Flood Mapping (Mudgee Flood Study 2021)

Council's Development Engineers have advised that the affectation of the site is limited to overland flow and is located at the top of the current study catchment. Previous stages and approvals have seen the approval of a drainage channel to divert the external catchment and overland flows. This channel is to be constructed in conjunction with the Stage 12 works.

An additional channel is proposed to divert the external catchment around the temporary OSD and water quality basin.

The application is considered acceptable from a flooding perspective.

Clause 6.1 Salinity

A Preliminary Soil Salinity Assessment (identified as Preliminary Soil Salinity Assessment prepared by Minespex dated May 2012) was prepared and submitted under DA0428/2013 and the rezoning of the land. This report covered the whole of the Caerleon Estate including the area of the proposed Stage 13 subdivision. The report concluded that the current salinity levels were low at that time and suitable for residential use, however, it was identified that the construction of subdivisions has the potential to alter existing salinity levels. Accordingly, a number of recommendations were suggested during the subdivision works and will be included as a condition of approval.

Clause 6.3 Earthworks

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

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters

contained within clause 6.4(3) is expected as a result of the proposed development. Given the extent of excavation, it is considered that the development would not cause groundwater contamination, adversely affect any groundwater dependent ecosystems, will not cumulatively impact potable water supply, and therefore no special measures, or conditions of consent would be considered necessary.

Clause 6.5 Terrestrial biodiversity

The site is partially affected by an area of 'Moderate Biodiversity Sensitivity' as shown Figure 9 below:

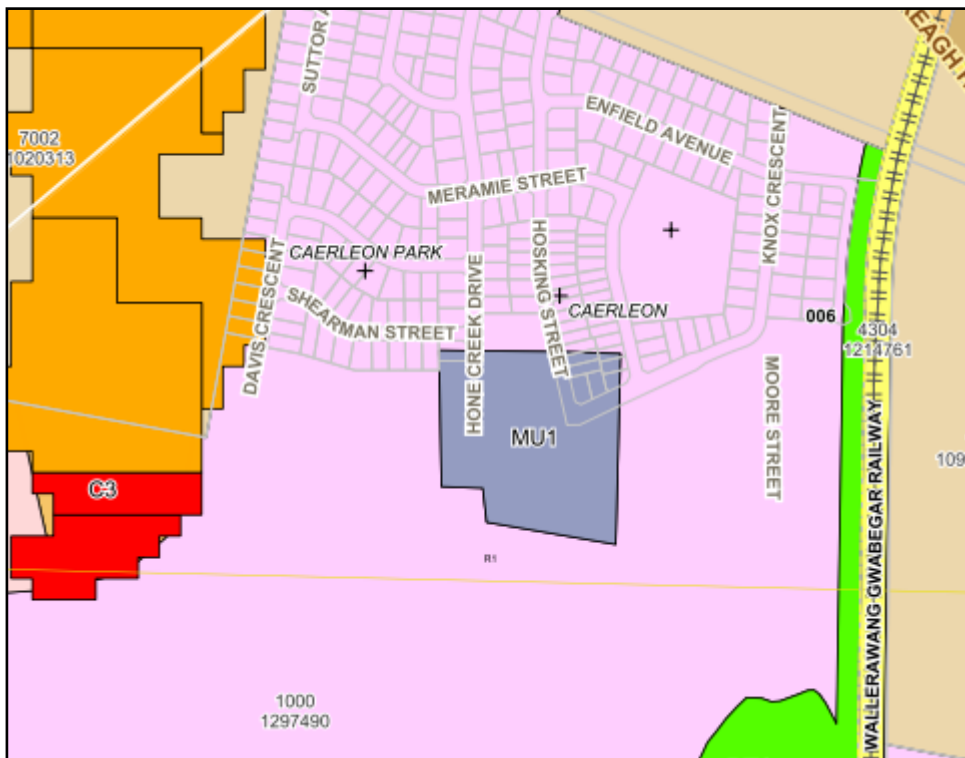


Figure 9: Terrestrial biodiversity mapping identified as the red and orange areas

Native vegetation will be removed in this area mapped to accommodate the subdivision including native grassland and two scattered trees. The removal of the vegetation has been considered previously in this report under the requirements of the BC Act. The impact cannot be avoided in this case and credits under the Biodiversity Offset Scheme (BOS) will be required by a condition of consent to offset the impact.

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DEVELOPMENT CONTROL PLAN 2013 (DCP 2013)

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

Part 4.7 Tree Preservation Order

The trees to be removed are not listed on the Tree Preservation Order.

Part 5.2 Flooding

As discussed earlier in this report, the site is partially identified as being subject to flooding under the Mudgee Flood Study 2021. This impact will be mitigated through existing and proposed drainage channels which will divert the external catchment and overland flows.

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater. A temporary OSD and water quality basin is proposed adjacent to the intersection of Roads 1 and 3. Full details will be required as a condition of approval prior to the issue of the Subdivision Works Certificate.

Part 5.4 Environmental Controls

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

PART 8.3 CAERLEON RESIDENTIAL AREA

APPENDIX C: CAERLEON DEVELOPMENT CONTROL PLAN

An assessment is made of Appendix C of the MWRDCP, relating to development controls for the land known as the Caerleon site. Those chapters or sections not discussed here were considered not specifically applicable to this application or are discussed elsewhere in this report.

Part 1.1 Land to which this DCP Applies

These controls apply to the land shown in Figure 1 of Appendix C.

Part 2.1 Vision and Principles

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Vision	
Sensitive areas developed with a 'rural' character	Not applicable
Range of residential Character Areas.	Complies
Safe and connected street network provides connections between residential areas and to Mudgee CBD without reliance on Castlereagh Highway	Not applicable to this stage – planned alternative connection via Fairydale Lane to be provided in future stages.
Public open space designed for social activity, entertainment, recreation and conservation.	Not applicable – no public open spaces proposed in this stage.
Balanced mix and distribution of land uses	Complies
Variety of housing types and sizes	Complies
Neighbourhood centre provide opportunities for small-scale retail to allow residents to meet their daily needs located within 400m of majority of homes within the 'urban' area of the site.	Not applicable – neighbourhood centre not included in this stage.
Retains important environmental and cultural features of the site	Complies

Part 2.2 Indicative Concept Plan

Development to be undertaken is generally in accordance with Indicative Concept Plan located in Figure 2.

Part 2.3 Character Areas

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Neighbourhood Centre Character Area	
Has an urban character.	Not applicable – an area for the neighbourhood centre has been reserved for future development and will be the subject of a separate development application
Provides a community hub with small-scale retail focus.	Not applicable
Located in the northern part of the site within 400m of the majority of houses.	Not applicable.
Maximum Building Height: 2 storeys	Not applicable
General Residential Character Area	
Articulated house frontages	Not applicable
High-quality durable fencing materials	Not applicable
Small lot housing from 450m ² to 600m ² .	Complies – small lot housing located within close proximity to future neighbourhood centre / open space and along main road.
Traditional detached dwellings on lots of 600m ² – 800m ² or more.	Complies - the subdivision will also accommodate for lots >600sqm
Large Lot Residential Character Area	
Larger-style residential development.	Not applicable
Minimum lot size 600m ² on flat areas	Not applicable
On steeper land up to 520m counter line; Minimum lot size 1200m ²	Not applicable
Rural Residential Character Area	
Residential development permissible only on lots 4,000m ² and above.	Not applicable
One or two storey detached dwellings with generous setbacks	Not applicable
Development above the 520m contour line be sited on the lowest part of a lot.	Not applicable

Part 3.1 Street Network and Design

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Street Network and Design	
Primary access to the site is to be via Hill End Road to north and Fairydale Lane to the southeast.	Complies – access will be retained via Hill End Road. Links to Fairydale Lane to be developed in future stages.
Verges abutting open space and riparian areas may be reduced to 1m in width providing no servicing infrastructure is installed on the non-residential side of the road.	Road 01 (Cul-de Sac) will abut a channel and the verge has been reduced in accordance with this standard.
Cul-de-sacs only where traffic volumes are very low and there is low parking demand	Complies – one cul-de-sac proposed to service 8 lots.
Cul-de-sac greater than 100m in length are provided with a wider carriageway.	Not applicable

<u>DEVELOPMENT CONTROL REQUIREMENT</u>	<u>COMPLIES?</u>
Residential Local Streets are designed to slow residential traffic and give priority to pedestrians and cyclists.	Complies
Residential Collector Street runs through the Neighbour Centre at a four-way intersection.	Not applicable
Residential Collector Street with Median provides a wider road reserve to accommodate a median	Not applicable
Neighbourhood Centre Road is specially designed to create a comfortable and safe pedestrian environment.	Complies – conditions will be included to comply with DCP requirements – see below.
Laneway	
8.0m Road Reserve	Not applicable
6.0m Carriageway	
2x 1.0m Nature Strip	
No Parking Permitted	
Barrier Kerb Type	
Minor Access Street – Cul-de-sac (including longer than 100m)	
17.0m Road Reserve	New local roads and cul-de-sac within the subdivision (identified as Roads 01, 02 and 03) do not meet the road requirements specified in the current DCP. The road widths, at 15.5m align with the previously approved development consent for Stage 13 and historical DCP requirements. The road standards were changed as part of Amendment No. 6 in July 2023.
9.0m Carriageway	
2 x 4.0m Nature Strip (Verge)	
Carriageway Parking	
Roll Kerb Type	
Residential Road – serves 31-120 dwellings	
18.0m Road Reserve	The proposed road widths will match the existing network and is consistent with the existing approval for Stage 13. The variation to the road widths is accepted in this case. Future stages (on the southern side of the channel) will adopt the wider road requirements under the amended DCP.
9.0m Carriageway	
2 x 4.5m Nature Strip	
1 x 1.5 Footpath	
Carriageway Parking	
Roll Kerb Type	
Major Residential Road (Collector Road) – serves >120 dwellings	Not Applicable
Sub-arterial Road (Collector Road)	Not Applicable
Sub-arterial Road (Collector Road) with Median	Not Applicable
Neighbourhood Centre Road Sub-arterial Road with Median	
23.6m Road Reserve	Plans indicate the road will be 21m and will provide a painted median rather than landscaping / pedestrian refuge as required. It also does not extend the full length of the road. A condition will be included to ensure compliance with DCP requirements except for the verge and footpath on the western side, which will be conditioned to require 3.5m verge and footpath at 1.2m to match the existing development on this side.
5.8m Carriageway for both directions	
The Neighbourhood Centre Road carriageway incorporates parallel car parking bays + 3.5m travel lanes in both directions.	
2 x 4.5m Nature Strip	
2 x 1.5 Footpath	
3.0m with landscaping and pedestrian refuge median	
Barrier Kerb Type	

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Minor Rural Access Street – Cul-de-sac	Not applicable
Rural Road	Not applicable

Part 3.2 Pedestrian and Cycle Network

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Off-road shared pedestrian and/or cycle paths are to be provided along the railway line corridor and drainage corridor.	Not applicable
Off-road shared pedestrian and/or cycle paths are to be no wider than 3.0m	Not applicable
Path/cycle ways in the drainage corridor should be located in the outer 50 per cent of the corridor.	Not applicable
All footpaths are to be a minimum of 1.5m wide.	Footpath widths will be required to match the existing network which is generally 1.2m. Future stages will be required to meet the standard.

Part 4.1 Public Open Space

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Public open space is located within 400m of the majority of housing in the General Residential Character Area	Generally, complies – The public open space within the Caerleon Estate is to be developed in accordance with Indicative Open Space Plan (Figure 5) which will ensure majority of residential lots in Stage 13 are within 400m of public open space. It is noted, however, that some lots in this stage will rely on the development of future public open space in proposed upcoming stages to achieve this standard.
Open space is provided within or adjacent to the Neighbourhood Centre	Not applicable
Open space is highly accessible, co-located with active and link to pedestrian and/or cycle path.	Not applicable
Dwellings are oriented towards public open space.	Not applicable
A 40m-wide open space buffer is to be provided along the railway line (can include road reserve, open space, drainage landscaping and underground services).	Not applicable
Housing adjacent to the buffer is to be oriented towards the street/buffer, where possible	Not applicable
Drainage corridors provide opportunities for appropriately located pedestrian and cycle paths, walking trails and additional open space.	Not applicable

Part 4.1 Street Trees and Landscaping

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Street tree planting is provided to all streets with an average of one tree per lot frontage.	Complies subject to condition
Corner lots have a minimum of two street trees on the secondary frontage.	Complies subject to condition
Street trees complement proposed driveway locations and other elements in the public domain	Complies subject to condition
Street trees maintain adequate lines of sight for vehicles and pedestrian	Complies subject to condition

Street trees provide appropriate shade	Complies
Street trees provide an attractive and interesting landscape character	Complies
Street trees are generally to be 1.5 – 2m in height when planted.	Complies subject to condition
Landscape Plan is prepared by a qualified landscape architect	Not application – no public open space in this Stage.

Part 5.1 Subdivision

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

R1 General Residential Zone	
Minimum lot size is the same as in the MWRLEP.	Complies – all lots comply with the minimum lot size requirements under the LEP.
Small lot housing to a minimum of 450m ² is to be located adjacent to areas of high amenity.	Complies – Lots within walking distance (200m) of the Neighbourhood Centre zone, and/or along the main spine road.
Refer to Section 5.2 of this DCP for building design controls for small lot housing	Not applicable
B4 Mixed Use Zone	
Subdivisions resulting in lot sizes less than 450m ² are demonstrated to be consistent with objectives of the Neighbourhood Centre Character Areas OR are created in the shared areas in the Indicative Density Allocation Plan.	Lots less than 450m ² are created in accordance with the Indicative Density Allocation Map (within 100m of the Mixed Use Zone)
R5 Large Lot Residential Zone	
Buildings are sited in an accessible and practical location suitable for residential building construction.	Not applicable
On sloping sites at or above the 520m contour line, buildings are sited such that they cannot be viewed, or have minimum visibility, from any urban area of Mudgee.	Not applicable
Minimum Lot Width	
Residential lots within the R1 General Residential Zone have a minimum lot width of 12.5m at the building line (except land in the shaded area surrounding the B4 Mixed Use, as illustrated in the Indicative Density Allocation Plan), and are generally rectangular in shape.	Complies – all lots outside of the shaded area surrounding the mixed use zone will have a minimum frontage width of 12.5m and are generally rectangular in shape. Frontage widths within the shaded area (where lots are <450sqm) have a width of 9.2m or more, which is considered adequate for future residential development of the lots in accordance with the Building Design standards (Part 5.2) including provisions for lots <300sqm and 301-649sqm
Residential lots in cul-de-sac streets are designed to create as regular a lot shape as possible around the cul-de-sac head.	Complies
Residential lots within the R5 Large Lot Residential Zone must have minimum lot width of 25m at the building line.	Not applicable
Subdivision - Earthwork	
Where land forming in association with subdivision works is proposed, it contributes to the overall design quality of the development.	Complies

Part 5.2 Building Design

Not Applicable

Part 6.1 Land Use

Not Applicable

Part 6.2 Built Form and Streetscape

Not Applicable

Part 6.3 Public Domain

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Landscape design is high quality design, including planting, street furniture, and lighting that enhances the character of the area.

Complies

Street tree planting is provided with an appropriate height and permeability to maintain views and establish shade for pedestrians.

Complies

Open space area adjoins the Neighbourhood Centre Character Area in a prominent location, and is designed to accommodate activities such as outdoor eating, pedestrian movement, or seating areas.

Not applicable

Part 6.4 Parking and Access

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

At-Grade Parking areas are generally behind building lines and screened from the Residential Collector Road.

Not applicable

On-street car parking is provided as 60° rear to kerb parking along the Neighbourhood Centre Road to contribute to street life and surveillance.

Parallel parking on the Neighbourhood Centre Road to be provided in accordance with the requirements set out under Table 2 of the DCP.

Laneways may be used to provide access to parking areas and waste collection areas. Laneways are designed to accommodate heavy vehicles where access to the rear of shops for deliveries and waste collection is required.

Not applicable

Shade trees are provided along the footpath adjacent to any on-street rear-to-kerb car parking, at a rate of 1 tree for every 8 car parking spaces.

To be included as a condition

Where the need for a bus stop at the site is identified by Council, details of the location and design of the bus stop are provided with the development plans submitted to Council for approval.

Not applicable to this stage, however bus stop likely to be required for future stages.

Part 7.1 Stormwater Management

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Buffers are provided along the drainage lines in accordance with the Strahler-based methodology.

Complies

Stormwater from the site is managed through on-site detention basins in the indicative location.

Complies

Principles of Water Sensitive Urban Design (WSUD) are incorporated across the site.

Complies

Development complies with relevant stormwater management objects in the most up to date revision of *Managing urban Stormwater: Soils and Construction* (NSW Department of Housing).

Complies

Applicant demonstrates that any potential impacts on groundwater and salinity can be managed to mitigate environmental impacts.

Complies

Erosion and sediment control measures are implemented and regularly maintained during construction. Sediment trapping devices are located at all points where stormwater runoff may leave the site during construction.

Complies

Driveways on steep slopes are designed to minimise erosion.

Not applicable

Part 7.2 Biodiversity

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Native vegetation and remnant trees in areas of high ecological constraints are retained and protected in large lot lands

Not applicable

Any development within the Large Lot Residential character Area and Rural Residential Character Area are positioned to avoid the removal of remnant trees.

Not applicable

Development that affects areas of high ecological constraint sets out the methods used to encourage natural regeneration.

Not applicable

Dwelling is not within the 40m environmental buffer area along the southern boundary of the land.

Complies

Part 7.3 Bushfire

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

If necessary, a Bush Fire Safety Authority is obtained from NSW Rural Fire Service at the subdivision and/or development application stage.

Complies – Bush Fire Safety Authority has been obtained.

Part 7.4 Odour

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

There is no development within the 1 odour unit contour shown in the Indicative Odour Plan.

Not applicable – the proposed subdivision does not affect this area.

Part 7.5 Contamination

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Further investigation into contamination at the Machinery Shed and Sheep Dip sites must be undertaken prior to development.

Not applicable to this stage

Part 7.6 Aboriginal Heritage

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

All sites of Aboriginal objects are avoided in development of land unless resolved through the following controls.

Complies

Where an Aboriginal object site cannot be avoided, further investigations have been undertaken and an Aboriginal Heritage Impact Permit has been attained.

Not applicable

Aboriginal Consultation has been undertaken prior to the Subdivision Application process where an AHIP application is required.

Not applicable

Part 8 Utilities

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

8.1 Water Supply

Potable water is supplied from existing water treatment facility in Mudgee or (during initial development stages) from the existing potable water reticulation system located adjacent to the southern boundary of the site.

Complies

8.3 Electricity and Telecommunications

Primary utilities such as electricity and telecommunications are available to the development.

Complies

Part 9. Torrens, Strata and Community Title Subdivision

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Allotments on land where free standing dwelling houses, dual occupancy dwellings or multiple dwellings (such as terraces that share a boundary wall) are proposed or exist may be Torrens Title.	Not applicable
Where buildings are attached or share common areas, allotments may be Torrens Title or be subdivided under a Community or Strata Scheme.	Not applicable
Proposed Torrens Title allotments that are attached or share common areas provide easements for right of way (where relevant) registered as a right of way on a survey or registered on title.	Not applicable

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

The Caerleon Voluntary Planning Agreement, endorsed by Council, excludes the proposed subdivision from the levying of Section 7.11 Contributions under the Contributions Plan 2019 in accordance with Section 5.3 of the Plan whereby the developer has entered into a planning agreement to under works, make monetary contributions, dedicate land or provide other material public benefit and has made this offer prior to the issue of the development consent.

Section 64 - Water/Sewer Developer Services Charges

Pursuant to the Caerleon Voluntary Planning Agreement in place and endorsed by Council, the proposed development is liable for water and sewer headworks charges in accordance with Schedule 5 of the VPA with a credit applied for the 1 large lot. A condition of consent has been imposed accordingly based on the following calculated charge including CPI to today's date:

Section 64 Contributions					
Total of 70 residential lots (69 x small and 1 x medium)					
		ET/Unit	Per Lot	Number of lots	Total
Water Headworks	Residential allotment (small) <650m ²	0.75	\$6,802.33	69	\$469,360.82
	Residential allotment (medium) 650m ² - 1200m ²	1	\$9,069.77	1	\$9,069.77
Sewer Headworks	Residential allotment (small) <650m ²	0.75	\$3,088.26	69	\$213,089.93
	Residential allotment (medium) 650m ² - 1200m ²	1	\$4,117.68	1	\$4,117.68
Total Headworks					\$695,638.21

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

The application is subject to the requirements of the Caerleon Estate Voluntary Planning Agreement that was endorsed by Council and therefore the requirements of the VPA (Particularly Schedule 3 - Development Contributions & Schedule 5 Water and Sewerage Charges) apply to the proposed development. This relates to the provision of infrastructure and services such as water, sewer, drainage and public open space or community facilities for the Estate and the VPA excludes the application of Section 94 and 94A to the proposed development and development consents.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

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

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

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

a) Context and Setting

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

b) Access, Transport and Traffic

The implications of additional traffic and suitable access are discussed throughout this report. Swept paths have been provided to indicate that buses will be able to access Hone Creek Drive within the subdivision. A temporary bus turning area is proposed either at the end of Hone Creek Drive or off Hone Creek Drive within the future area of the neighbourhood centre. A suitable condition has been included in relation to the construction and ongoing maintenance of the temporary bus turning area. The proposal is considered appropriate.

c) Public Domain

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

d) Utilities

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

e) Heritage

Not Applicable

f) Other Land Resources

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

g) Water

No significant impact expected.

h) Soils

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

i) Air and Microclimate

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

j) Flora and fauna

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

k) Waste

Waste services available – a condition will be included to ensure that new roads are able to accommodate waste trucks.

l) Energy

Not Applicable

m) Noise and Vibration

Not Applicable

n) Natural Hazards

The site is identified as bushfire prone and flood prone.

The applicant has provided a bushfire risk assessment that demonstrates the risk has been minimised subject to incorporating the appropriate measures with the development. The application was referred to the NSW RFS pursuant to Section 100B of the Rural Fires Act. General Terms of Approval have been issued accordingly subject to conditions. A condition will be included to ensure that the GTA requirements are met prior to the issue of a Subdivision Certificate.

As discussed earlier in this report, the site is partially identified as being subject to flooding under the Mudgee Flood Study 2021. This impact will be mitigated through existing and proposed drainage channels which will divert the external catchment and overland flows.

o) Technological Hazards

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

p) Safety, Security and Crime Prevention

Increased passive surveillance as a result of the proposed development.

q) Social Impact in the Locality

Generally positive

r) Economic Impact in the Locality

Generally positive

s) Site Design and Internal Design

Adequate as discussed throughout this report.

t) Construction

To comply with the BCA where relevant.

u) Cumulative Impacts

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

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

a) Does the proposal fit in the locality?

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

b) Are the Site Attributes conducive to Development?

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

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

Public Submissions

The application was advertised and neighbour notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 6 October 2023. During the notification period, no submission/s were received.

Submissions from Public Authorities

The application was referred to NSW RFS pursuant to Section 100B of the Rural Fires Act and General Terms of Approval have been issued as discussed throughout this report.

Crown Land as an adjoining landholder has confirmed that they have no objections to the proposal.

The Public Interest – 4.15(1)(e)

Federal, State and Local Government interests and Community interests

No significant issues in the interests of the public are expected as a result of the proposed development.

Consultations

Health and Building

No consultation necessary.

Technical Services

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

Environmental Services

Council's Environmental Services team have reviewed the BDAR and not raised any concerns with the proposal subject to compliance with mitigation measures set out in Section 5.4 of the report.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

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

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulations 2021
Mid-Western Regional Local Environmental Plan 2012

Other Documents / Agreements

Planning Agreement between Mid-Western Regional Council and Caerleon Mudgee Pty Limited and Caerleon Mudgee Trust dated 2013

Financial implications

Not Applicable

Associated Risks

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

SARAH HOPKINS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

6 February 2024

Attachments: 1. Proposed Subdivision Plan. (separately attached)
2. Proposed Civil Plans. (separately attached)
3. General Terms of Approval - Rural Fire Service. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Planning Proposal Gulgong - Heights of Buildings Amendment

REPORT BY THE MANAGER STRATEGIC PLANNING
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, LAN900046

RECOMMENDATION

That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Gulgong - Heights of Buildings Amendment;**
2. **provide initial support for amending the height of buildings map at Gulgong from 5m to 5.5m;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning, Housing and Infrastructure seeking a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*; and**
4. **undertake community consultation as outlined in any approved Gateway determination.**

Executive summary

Council at its meeting, held on Wednesday, 16 August 2023, resolved to review maximum building heights in Gulgong. This decision arose following multiple building height variations in Development Applications and the need for the variations to be reported to Council as they exceed staff delegations.

The review has been undertaken and a Planning Proposal prepared, seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (LEP) to amend the Height of Buildings map to increase the maximum height of buildings for development in the Gulgong locality from 5m to 5.5m.

The intent of the Planning Proposal is not to alter the built form or increase the intensity or density of development in the subject area, but to achieve a reasonable development outcome for infill development. The current 5m maximum building height is considered overly restrictive.

The Planning Proposal provided as Attachment 1 has been prepared in accordance with the structure outlined in the NSW Department Planning, Housing and Infrastructure (DPHI) *Local Environmental Plan Making Guideline (August 2023)*. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The Planning Proposal was referred to Council's Heritage Adviser and comments in support of the proposal have been received.

The staff recommendation is to provide support for the Planning Proposal and forward to DPHI with a request for a Gateway Determination to allow for community consultation to be undertaken. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to the DPHI.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

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

The Gateway Process

DPHI is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the *Local Environmental Plan Making Guideline* (August 2023).

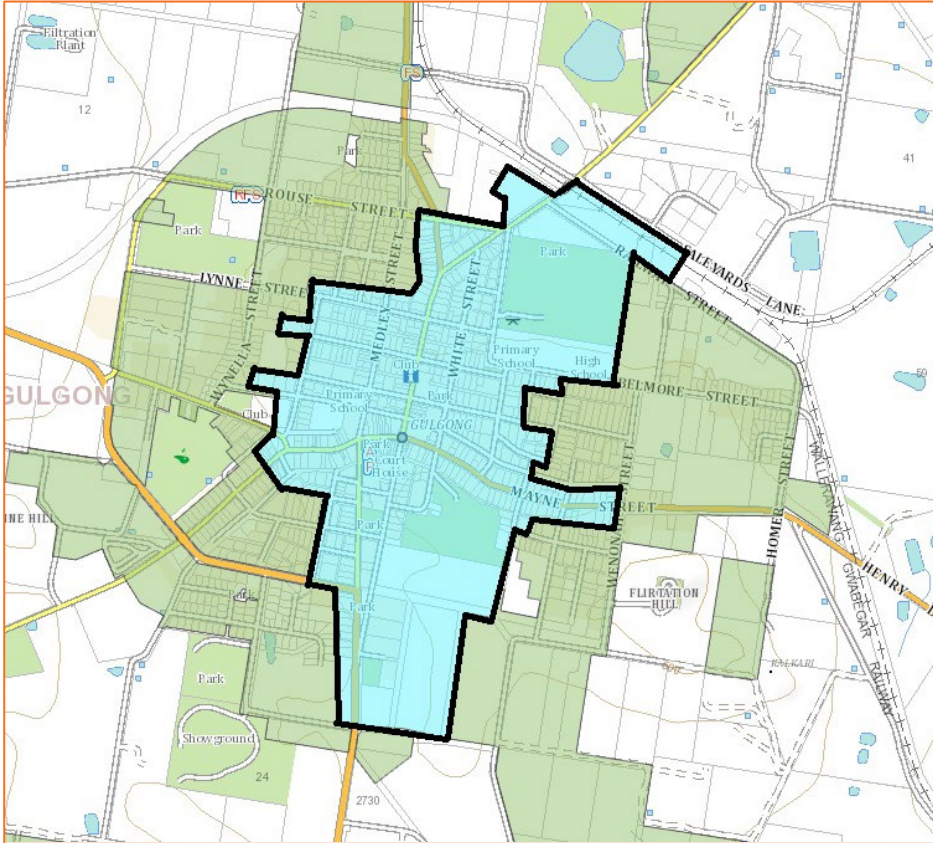
Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal prepared by Council	✓	December/January 2023
Council Decision to Support Proposal		The Planning Proposal is being reported to the 21 February 2024 meeting
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

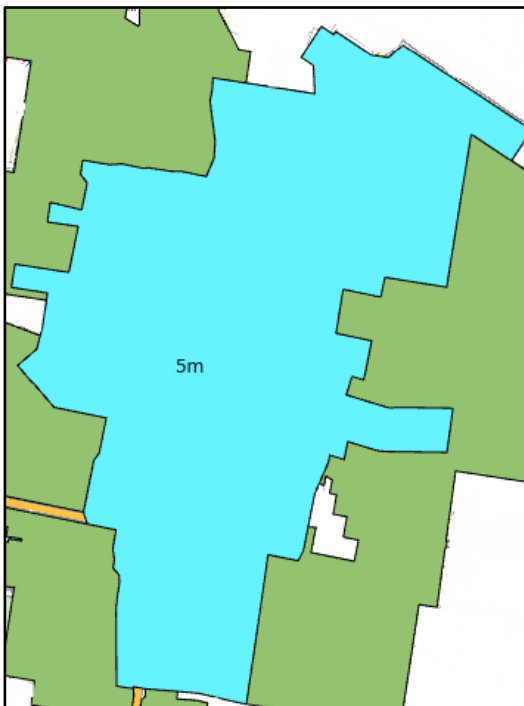
PROPOSAL CONTEXT

The Planning Proposal seeks to amend the Height of Buildings maps (HOB_005B; HOB_005C; HOB_005E) for certain land in Gulgong from a maximum height of 5m to 5.5m.

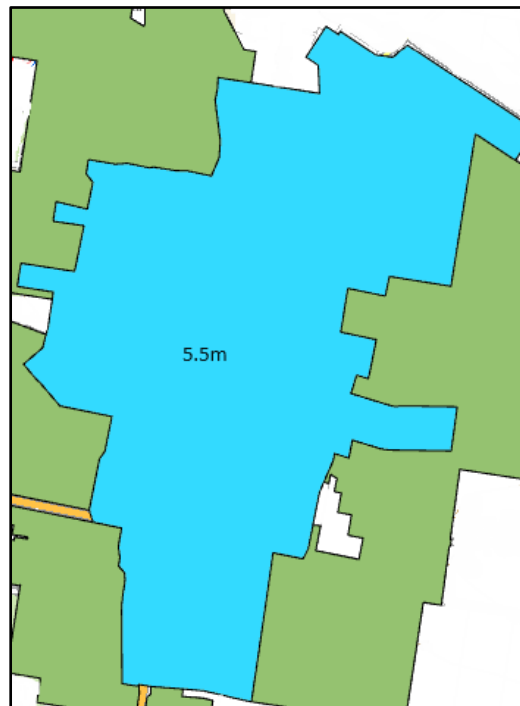


The map above demonstrates the area subject to the Planning Proposal. The subject area is generally within the Gulgong heritage conservation area.

The maps below highlight the current and proposed height of buildings.



Existing – Height of Building



Proposed – Height of Building

INTENDED OUTCOMES

The intended outcomes of the Planning Proposal are to:

- increase maximum building heights in the Gulgong locality to better reflect a reasonable outcome for infill development, whilst still respecting the heritage fabric of the Gulgong Heritage Conservation Area; and
- amend the relevant Mid-Western Regional Local Environmental Plan 2012 Height of Building maps.

The intent of the Planning Proposal is not to alter the built form or increase the intensity or density of development in the subject area, but to achieve a reasonable development outcome for infill development. The current 5m maximum building height is considered overly restrictive.

EXPLANATION OF PROVISIONS

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

- Amending the building heights indicated on the Height of Building map – Sheets HOB_005B; HOB_005C; HOB_005E from 5m to 5.5m.

The Planning Proposal is a map only amendment with no amendments to the written instrument.

JUSTIFICATION

The DPHI *Local Environmental Plan Making Guideline* (August 2023) outlines questions to consider when demonstrating the justification. The questions most pertinent in consideration of this Planning Proposal are discussed below.

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

No. The Planning Proposal is not the result of an endorsed LSPS, strategic study or report however, it is consistent with the recommendations, goals and priorities of the *Our Place 2040 – Mid-Western Regional LSPS*. Specifically Planning Priority 2 Making available diverse, sustainable, adaptable and affordable housing options through effective land use planning.

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

The Planning Proposal is the best and only means of amending the Height of Building map within the Mid-Western LEP 2012 and achieve the intended outcomes and objectives of the Planning Proposal.

The proposed amendment will be further supported by a review of the Mid-Western Regional Development Control Plan 2013.

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

The Planning Proposal is generally consistent with all the Ministerial Directions and State Environmental Planning Policies (SEPPs).

Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected because of the proposal?

The proposal to increase maximum building heights will not have any direct adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats. Site specific constraints will be considered during the assessment of any future development applications.

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

The subject area is chiefly within the Gulgong Heritage Conservation area. The proposed amendment to allow a maximum building height of 5.5m would still require compliance with Clause 5.10 *Heritage Conservation* (MWRLEP 2012) to ensure, amongst other things, the conservation of heritage items and heritage conservation areas, including associated heritage fabric, settings and views.

The subject area is the only area within the LGA that has such a restrictive maximum height limit, including the other three conservation areas of Kandos, Mudgee and Rylstone that all have a maximum height limit of 8.5m. It is therefore considered that the modest increase to the maximum height to 5.5m is reasonable and respects the important heritage fabric of the Gulgong Heritage Conservation Area.

Council's Heritage advisor offers the following comments:

The proposed increase to 5.5m will achieve this purpose without adverse impacts on the heritage significance of the conservation area or of listed items within it. Indeed, it could and enhance heritage outcomes. For example, number of listed and contributory items have steeply pitched roofs, the upper parts of which would be well over 5 metres high. The higher limit could facilitate more sympathetic extensions in certain circumstances.

It would probably be just possible to construct a flat roofed two-storey building on a level site within a 5.5 m height limit without resorting to excavation, and such a building could be quite unsympathetic. However, such a building could not be constructed as complying development in the conservation area, and would not comply with the heritage provisions of the local environmental plan and development control plan. It would therefore be most unlikely to be granted consent under delegation.

The provision of Clause 4.3 Height of buildings will remain unchanged.

4.3 Height of buildings

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

- (a) to establish a maximum height limit to which buildings can be designed in particular locations,*
- (b) to enable infill development that is of similar height to existing buildings and that is consistent with the heritage character of the towns of Mudgee, Gulgong, Kandos and Rylstone.*

(2) *The height of a building on any land is not to exceed the maximum height shown for the land on the [Height of Buildings Map](#).*

Consistency with the heritage character of Gulgong will still need to be addressed at the Development Application stage as well as having sympathetic regard to existing buildings and the heritage fabric of the locality.

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

The views of authorities and government agencies will be sought post Gateway. The Gateway determination will stipulate which authorities or government agencies are required to consult with.

NEXT STEP

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

Community Plan implications

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

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

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

5 February 2024

Attachments: 1. Planning Proposal - Gulgong Height of Buildings. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Renewable Energy Planning Agreement Policy - Post Public Exhibition

REPORT BY THE ECONOMIC DEVELOPMENT COORDINATOR
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, LAN900113

RECOMMENDATION

That Council:

1. **receive the report by the Economic Development Coordinator on the Renewable Energy Planning Agreement Policy;**
2. **receive all public submissions to the Renewable Energy Planning Agreement Policy; and**
3. **do not adopt the Renewable Energy Planning Agreement Policy in current form.**

Executive summary

The Renewable Energy Planning Agreement Policy was drafted as a set of guidelines that Council could 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 would apply to all renewable energy generation and transmission projects (and associated infrastructure) that would impact the Mid-Western Local Government Area. This extends to wind farms, solar farms, pumped hydro, battery energy storage systems (BESS), hydrogen generation, transmission lines or any other form of renewable energy project or infrastructure.

The Draft Policy was supported at the April 2023 Mid-Western Regional Council meeting and placed on 28 days public exhibition.

Two submissions were received during the public exhibition period and are attached to this report for consideration.

The NSW Government has recently commenced work on developing Guidelines for Wind and Solar Farms in regards to benefit sharing that include the use of VPAs.

It is recommended to not adopt the proposed Renewable Energy Planning Agreement Policy in current form and to revisit this post the finalisation of the Benefit Sharing Guidelines by the NSW Government.

Disclosure of Interest

Nil

Detailed report

In the absence of any guidelines from the NSW Government, a Renewable Energy Planning Agreement Draft Policy was supported at the April 2023 Mid-Western Regional Council meeting and placed on 28 days public exhibition.

Two submissions were received during the public exhibition period:

(1) **RES Australia**

The key concerns of RES Australia are below:

- **Mandatory requirement:** RES Australia states that the Draft Policy contradicts the voluntary nature of planning agreements under the EP&A Act by imposing a mandatory payment requirement on proponents, instead of allowing for voluntary arrangements.
- **Lack of flexibility:** They highlight the lack of flexibility in the policy, both in terms of funding contributions and the requirement for a planning agreement. They believe that a rigid approach may not be suitable for all renewable energy projects and that a case-by-case consideration is necessary.
- **Calculation of funding contributions:** RES Australia questions the use of Capital Investment Value (CIV) as the sole basis for funding contributions. They argue that this approach may not accurately reflect the impacts of renewable energy projects, particularly considering their remote locations and limited long-term impact on infrastructure and services.
- **Inconsistency with DPE Guidelines:** They state that the Draft Policy is inconsistent with various DPE guidelines, including the Large-Scale Solar Energy Guideline and the Social Impact Assessment Guidelines, which provide specific content for infrastructure contributions, benefit sharing, and private agreements in large solar projects.
- **Non-compliance with DPE's VPA Practice Note:** RES Australia raises concerns about the Draft Policy's alignment with the DPIE's Planning Agreements - Practice Note. They believe that the fixed, CIV-based contribution calculation lacks flexibility, does not consider public interest and probity considerations, and may not meet the objectives for planning agreements.

(2) **Burrendong SOS**

Burrendong SOS Group raised concerns with the proposed policy and state that the proposed payment distribution is unfair. They note that while the entire population of Mid-Western LGA will benefit financially from the wind farm, those directly affected by the project, including Burrendong SOS members, will receive no compensation or recognition for their sacrifices.

Specifically, Burrendong SOS suggests directing the funds towards the grading and maintenance of Crown Roads, rate reductions for non-host landowners within 8km of wind turbines, increased back-burning bush fire management practices around the wind farm, and council assistance/funding for feral animal and noxious weed control.

It is noted that Council does not believe that a Renewable Energy Planning Agreement would replace or remove the need for other funding contributions to local community including Neighbour Agreements (for those immediately and directly impacted by projects as highlighted by Burrendong SOS submission) and Community Group/Fund activities.

In regards to the RES Australia submission, the Policy provided guidelines for staff to negotiate a Renewable Energy Planning Agreement, it did not create a mandatory payment as the voluntary nature of a planning agreement is recognised in the EP&A Act. Concerns regarding a lack of flexibility and calculation of funding are noted however this position was one that has been adopted by all Central West and Orana Renewable Energy Zone Councils and provided consistency across projects and regions. Council remained able to negotiate amendments with individual proponents if or where appropriate.

Since the exhibition of this Draft Policy, the NSW Government has exhibited a number of Draft Guidelines to assist community, proponents and Councils in the delivery of major renewable energy projects.

These guidelines include:

- Draft Benefit-Sharing Guideline
- Draft Wind Energy Guideline – with technical supplements and Wind Energy Decommissioning Calculator
- Draft Transmission Guideline
- Large-Scale Solar Energy Guideline (Adopted in 2022) – now with Solar Energy Decommissioning Calculator
- Private Agreement Guideline

Whilst the Draft Benefit-Sharing Guidelines do not consider all of Council’s concerns, including guidelines around Community Benefits and VPAs for BESS and Pumped Hydro projects, they form the basis to commence a more formal position from Council with proponents.

As these guidelines are in development, it is recommended Council does not adopt the Renewable Energy Planning Agreement Policy as exhibited at this point in time and reconsider this once guidelines are finalised from the NSW Government.

Community Plan implications

Theme	Building a Strong Local Economy
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

Not Applicable

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 a future 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 adopted in its current form, in particular if it is not in line with published guidelines from the NSW Government there is a high risk that proponents will not enter an agreement with Council for future funding and there may be inadequate consideration of environmental and social impacts that could arise from development activities, which could have long-term consequences for the community.

LISA PENSON	ALINA AZAR
<u>ECONOMIC DEVELOPMENT COORDINATOR</u>	<u>DIRECTOR DEVELOPMENT</u>

1 June 2023

Attachments:

1. Public Submission - RES Australia.
2. Public Submission - Burrendong SOS.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Mr Brad Cam
General Manager
Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850

19 May 2023

Dear Brad,

Draft Renewable Energy Planning Agreements Policy Mid-Western Council

I refer to the Draft Renewable Energy Planning Agreements Policy currently on public exhibition, where Mid-Western Council seeks comment and input from the community.

RES remains committed to progressing discussions with Council to seek to reach an agreement on the terms and contributions to be provided under a Voluntary Planning Agreement (VPA) for Tallawang Solar Farm and Barney's Reef Wind Farm. RES will be responding separately concerning our VPA negotiations in relation to Tallawang Solar Farm.

However, RES has significant concerns regarding Council's proposed Draft Policy.

This letter sets out these concerns. RES is concerned that Council's application of the Draft Policy in this circumstance is unwarranted and inappropriate for the following reasons:

1. It purports to require a mandatory payment from proponents rather than provide guidance as to the option of entering into a voluntary arrangement negotiated between two parties;
2. The calculation of the contribution and the requirement to make that payment are inflexible and not reflective of, or proportionate to, the actual impacts of the project in question. This cannot be the cumulative impacts from other projects; and
3. It fails to link the required contribution and a 'public purpose' arising from the particular project, for which the contribution is levied.

RES notes that the Draft Policy is inconsistent with the DPE Guidelines and Practice Note and provides further reasons below.

1. The Draft Policy makes planning agreements a mandatory requirement

A fundamental requirement of planning agreements under the EP&A Act is that they are voluntarily entered into. So much is confirmed by the wording of section 7.4(1) of the EP&A Act, which provides that a planning agreement is a 'voluntary agreement' and is further supported by section 7.7(2), which provides that a consent authority cannot refuse to grant development consent on the ground that a planning agreement has not been entered into.

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North Sydney NSW 2060 Australia
T 02 8440 7400
E info-australia@res-ltd.com
www.res-australia.com.au



The Draft Policy, however, states that a planning agreement will be required for any renewable energy project, seeking entry into a planning agreement as a mandatory requirement. This is contrary to the voluntary nature and planning objectives for planning agreements set out in the EP&A Act and arguably invalidates the Draft Policy or otherwise makes it unenforceable.

2. The Draft Policy is inflexible

The Draft Policy does not provide any flexibility in either the approach to funding contributions or the issue of whether a planning agreement will be entered into for a renewable energy project within the Mid-Western LGA. The Draft Policy states that proponents of each renewable energy project '*will be required to enter into a Planning Agreement with Mid-Western Council*' and that '*funding contributions are to be equivalent to 1.5% of Capital Investment Value (CIV)*', which provides no flexibility in the approach to funding contributions.

While the '*Review*' section of the Draft Policy states that the policy is intended to provide guidance only, this section also states that departure from the Draft Policy requires a Council resolution. The application of an administrative policy must admit the possibility of exception depending on the circumstances of a particular case (*Seiffert v Prisoners Review Board* [2011] WASCA 148 at [124]; *Plaintiff Minister for Immigration and Border Protection* (2015) 327 ALR 8 at 24).

Further, a policy must not '*preclude the person on whom the power is conferred from departing from the policy or from taking into account circumstances relevant to the particular case in which the discretion is being exercised. If such an inflexible and invariable policy is adopted, both the policy and the decisions taken pursuant to it will be unlawful*' (*R v Secretary of State for the Home Department; Ex parte Venables*, cited by Gleeson CJ in *NEAT Domestic Trading Pty Ltd v AWB Ltd* (2003) 216 CLR 277).

The Draft Policy does not align with the above legal principles. RES is concerned that the Draft Policy, in its current form, would be invalid under administrative law principles, and any decisions made in accordance with it may similarly be invalid. The current approach in the Draft Policy may also amount to an unreasonable fetter on Council's and its delegate's discretion to enter into planning agreements on a voluntary and case-by-case basis.

3. CIV as the sole basis for funding contributions

The Draft Policy proposes a funding contribution based solely on a % of project CIV. While there may be some developments where project CIV is reliably related to the project's demand for additional public amenities, services and facilities, such as a residential development, which require additional open space, parking, transport infrastructure and other services, this is not usually the case for renewable energy projects.

Renewable energy projects are often located in relatively remote locations, and their impacts on services and infrastructure are usually limited, both in time (for example, during construction) and locality. Such projects also rarely require additional public services, amenities or facilities that are not otherwise imposed as conditions of consent. In particular, upgrades to existing services, such as road upgrades, electricity transmission and telecommunications, are usually dealt with by the standard conditions of the development consent for the project and are required to be carried out or funded by the proponent.



Impacts on proximate residences are also either managed through conditions of consent or dealt with by direct negotiation with the impacted residents/landowners (e.g., through neighbour agreements, leases and other financial agreements). Conditions of consent also usually require repair or replacement of public infrastructure and facilities damaged during the construction of the project (e.g., through pre and post-construction dilapidation surveys and infrastructure repair obligations).

As such, funding contributions based purely on project CIV may lack a sufficient link between the contribution and a 'public purpose' for which the contribution is levied and can very likely result in a contribution not proportionate to the impacts of the project in question.

Further, consideration of funding contributions solely based on project CIV may amount to consideration of an irrelevant consideration by the Council when adopting the Draft Policy and making any decisions in accordance with the Draft Policy, rendering the decision to adopt the Draft Policy and decisions made in accordance with Draft Policy invalid (*Minister for Immigration & Ethnic Affairs v Pochi* (1980) 31 ALR 666 at 689; *Minister for Immigration and Multicultural Affairs v Yusuf* (2000) 206 CLR 323 at 348).

4. The Draft Policy is inconsistent with DPE Guidelines

The DPE's *Large-Scale Solar Energy Guideline* (August 2022), *State Significant Guidelines* (October, 2022) and the *Social Impact Assessment Guidelines* (February, 2023) provide guidance to proponents of significant projects, including SSD renewable energy projects, with respect to stakeholder and community engagement and social impact assessment. Section 5.3 of the *Large-Scale Solar Energy Guideline* includes specific content with respect to infrastructure contributions, benefit sharing and private agreements with respect to large solar projects.

The Draft Policy does not allow for consideration or compliance with the above Guidelines, in that it imposes a set CIV based contributions approach that is not tied to specific project impacts and does not allow tailored contributions, or works-in-kind, in a renewable energy project VPA, to address those impacts.

5. Non-compliance with DPE's VPA Practice Note

RES appreciates that it is a matter for Council as to whether it adopts the Draft Policy, and it is a matter for Council as to the content of the Draft Policy. RES is, however, concerned that the Draft Policy, in its current form, may not align with the DPE's February 2021 *Planning Agreements - Practice Note (Practice Note)*. Clause 203(7) of the *Environmental Planning and Assessment Regulation 2021* (NSW) (**EP&A Regulation**) provides that a Council that is negotiating or entering into a planning agreement must consider any relevant practice notes issued by the Planning Secretary under clause 203(6) of the EP&A Regulation.

In particular:

- a. Sections 1.1 and 1.2 of the Practice Note state that VPAs are a way for planning authorities and developers to negotiate flexible outcomes in respect of development contributions. The fixed, CIV-based contribution calculation in the Draft Policy does not provide for a flexible or negotiated approach;



- b. There is a concern that imposition of a solely CIV-based approach to funding contributions for renewable energy projects does not align with the public interest and probity considerations set out in section 2.2 of the Practice Note, as CIV is not always a reliable indicator of the likely impacts of a project, its demands on or requirements for services, or the level of funding contributions appropriate for a renewable energy project;
- c. A solely CIV-based approach to contributions ignores the objectives for planning agreements set out in section 3.1 of the Practice Note, which include meeting the demands created by the development for new or augmented public infrastructure, amenities and services, securing off-site benefits to deliver a net community benefit and compensating for loss of or damage to public amenities, services, resources or assets; and
- d. The Draft Policy leaves no room for negotiation, or voluntary entry into the agreement. This is contrary to the offer and negotiation principles and procedures set out in 4.2 of the Practice Note and the relevant provisions of the EP&A Act, and particularly section 7.4, which provides that a planning agreement is '*a voluntary agreement*' between a planning authority and a developer.

Accordingly, RES objects to the Draft Policy in its current form, for the reasons set out above.

RES looks forward to progressing Tallawang Solar Farm and Barneys Reef Wind Farm with Council's continued input and support and to further discussing the proposed VPA for both projects.

We are happy to discuss the VPA, the Draft Policy, and the matters raised in this letter with you and any other relevant Council personnel. Please let us know if you would like to arrange a meeting with RES to discuss these matters further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Douglas', is written over a light blue horizontal line.

Andrew Douglas
Senior Development Project Manager
[Redacted]
andrew.douglas@res-group.com

From: [Ross Pride](#)
To: [Council](#)
Subject: Renewable Energy Planning Agreements
Date: Saturday, 6 May 2023 5:06:01 PM

General Manager
Mid-Western Regional Council
Re: Renewable Energy Planning Agreements Policy

Dear Sirs

We wish to make a submission on the above draft policy.

First, some background:

Our property is situated in Yarrabin, where we stand to be directly and adversely affected by the proposed Burrrendong Wind Farm.

Burrrendong SOS (Save Our Surroundings) is a group of some 50 households near the wind farm. Many of us, having escaped city life to enjoy a peaceful, unpolluted rural existence, proudly live 'off the grid'. We believe Australia has slipped behind in the race to replace polluting energy sources with sustainable options, and we are not remotely affiliated with, or supporters of, the coal and gas industries.

The likely ramifications of this wind farm proposal have, however, alarmed us.

Our concerns – and the word 'concern' is wholly inadequate to express our feelings on the matter – have been and are continuing to be expressed to and through the federal and state governments, Mid-Western Regional Council councillors and officials, via public demonstrations, and most particularly to the developer, Ark Energy.

We protest at the visual degradation of our beautiful surroundings; the proven adverse health effects of turbine noise; the drastic environmental degradation and habitat destruction involved in the construction and installation of the wind turbines; the ongoing deadly consequences for local birdlife; and the reduction in property values for surrounding properties.

[Our proposal re the Renewable Energy Planning Agreement Contribution](#)

We note that Council envisages payment from renewable energy generation and transmission projects equivalent to 1.5% of the capital investment value. Resulting funds are to be directed toward roads, housing, youth groups, etc in Mid-Western's LGA. Individual community groups will not receive funding from this fund.

In other words, the entire population of Mid-Western LGA will reap the financial benefits of Burrrendong Wind Farm, yet members of Burrrendong SOS and many other people in the surrounding area, while bearing the above-mentioned consequences, will receive no compensation for or recognition of our enforced sacrifice.

This is inequitable, and we strongly urge Council to reconsider.

Our strong request is that a significant proportion of REPA contribution funds, from Burrrendong and other future renewable energy projects, be directed towards those communities most grievously affected by their installation and operation.

In Burrrendong SOS's case we would direct Council's attention to, for example:

- Grading and maintenance of Crown Roads, such as World's End Rd and Rockford Lane
- Rate reductions for non-host landowners within 8km of wind turbines
- Increased back-burning bush fire management practices around the wind farm
- Council assistance/funding for feral animal and noxious weed control

We trust Council appreciates how strongly we feel about what is happening to us and is able to provide assistance.

Thank you in advance for your consideration.

Yours sincerely

Ross and Gemma Pride
Burrendong SOS

Mob. [REDACTED]

8.6 Acceptance of NSW Grant Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, GRA600020

RECOMMENDATION

That Council:

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

Grant Fund	Project	Grant Amount
Level the Playing Field Program 2023/24	Construction of field 2 lighting at Billy Dunn Sporting Complex Gulgong	\$302,000
ClubGrants Infrastructure Grants 2023-24 Round 2	Cudgegong Waters Park amenities building and camp kitchen	\$250,000
Get NSW Active FY2024/25	New footpath construction projects over three years in Mudgee, Gulgong, Rylstone and Kandos based on the 2016 Pedestrian Access and Mobility Plan and Draft Walking and Cycling Strategy 2023	\$860,288
Active Travel to and from School Program	Upgrade existing pathways that are in poor condition around schools in Mudgee, Gulgong, Rylstone and Kandos	\$800,000

3. if successful, amend the 2023/24 and 2024/25 budgets as follows:
 - 3.1 Level the Playing Field Program 2023/24 - 2024/2025 set an expenditure budget of \$456,000 for field 2 lighting at Billy Dunn Sporting Complex to be funded \$302,000 by grants and \$154,000 from capital reserves program;
 - 3.2 ClubGrants Infrastructure Grants 2023-24 Round 2 - Combine the two existing projects listed below into one budget named Cudgegong Waters amenities and camp kitchen.
 - Cudgegong Waters - Public Toilets (Requires Grant) – project 75158
 - Cudgegong Waters Park Camp Kitchen (Requires Grant) – Project 75162;
 - 3.3 Move the income and expenditure budgets for funding of the Cudgegong Waters amenities and camp kitchen from 2023/2024 to 2024/2025;
 - 3.4 Reduce income from grant funding of the Cudgegong Waters amenities and camp kitchen in 2024/2025 by \$150,000 and increase funding from capital reserves by \$150,000;

- 3.5 Increase the expenditure budget of the Cudgegong Waters amenities and camp kitchen in 2024/2025 by \$215,705 to be funded by capital reserves program;
- 3.6 Get NSW Active FY2024/25 - 2024/2025 increase the expenditure budget for pedestrian access and mobility plan works by \$860,288 to be funded by grants;
- 3.7 Active Travel to and from School Program - 2024/2025 increase the expenditure budget for footpath replacement by \$800,000 to be funded by grants; and

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

Executive summary

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

The funding bodies identified in this report include:

- Level the Playing Field Program 2023/24
- ClubGrants Infrastructure Grants 2023-24 Round 2
- Get NSW Active FY2024/25
- Active Travel to and from School Program (part of the Get NSW Active FY2024/25 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 Budgets for 2023/24 and 2024/25.

Disclosure of Interest

Nil

Detailed report

Level the Playing Field Program 2023/24

The Level the Playing Field Program 2023/24 provides funding for new or to upgrade existing facilities and sporting fields. Funding will also support new and upgraded lighting to enable more women and girls to undertake sport in a safe and inclusive environment.

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

- Construction of field 2 lighting at Billy Dunn Sporting Complex Gulgong

ClubGrants Infrastructure Grants 2023-24 Round 2

Round 2 of the ClubGrants Infrastructure Grants 2023-24 Round 2 offers grants to communities across NSW to support the building, renovation and fit-out of community infrastructure.

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

- Cudgegong Waters Park amenities building and camp kitchen construction

Get NSW Active FY2024/25

Get NSW Active is a multi-year program funding local council projects that encourage more people across NSW to incorporate walking and bike riding into their everyday travel.

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

- New footpath construction projects over three years in Mudgee, Gulgong, Rylstone and Kandos based on the 2016 Pedestrian Access and Mobility Plan and Draft Walking and Cycling Strategy 2023 (see details attached).

Active Travel to and from School Program

This year, the Get NSW Active program offers an additional fund to deliver projects within walking catchments to primary schools. Upgraded, wide footpaths, quality crossings and new street trees are some of the initiatives available for funding. These initiatives aim to provide a safer and more comfortable walk or ride to and from school for kids and parents.

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

- Upgrade existing pathways that are in poor condition around schools in Mudgee, Gulgong, Rylstone and Kandos (see details attached).

Community Plan implications

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

Strategic implications

Council Strategies

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

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

Council Policies

Nil

Legislation

Nil

Financial implications

Level the Playing Field Program 2023/24

Construction of Field 2 Lighting at Billy Dunn Sporting Complex Gulgong

In 2024/25 set an expenditure budget of \$456,000. \$302,000 to be funded by grants, and \$154,000 to be funded from capital reserves program.

ClubGrants Infrastructure Grants 2023-24 Round 2

Cudgegong Waters Park amenities building and camp kitchen.

- Combine the two existing projects listed below into one budget named Cudgegong Waters amenities and camp kitchen:
 - Cudgegong Waters - Public Toilets (Requires Grant) – project 75158
 - Cudgegong Waters Park Camp Kitchen (Requires Grant) – Project 75162;
- Move the income and expenditure budgets for funding of the Cudgegong Waters amenities and camp kitchen from 2023/2024 to 2024/2025;
- Reduce income from grant funding of the Cudgegong Waters amenities and camp kitchen in 2024/2025 by \$150,000 and increase funding from capital reserves program by \$150,000; and
- Increase the expenditure budget of the Cudgegong Waters amenities and camp kitchen in 2024/2025 by \$215,705 to be funded by capital reserves program.

Get NSW Active FY2024/25

New footpath construction projects over three years in Mudgee, Gulgong, Rylstone and Kandos based on the 2016 Pedestrian Access and Mobility Plan and Draft Walking and Cycling Strategy 2023.

In 2024/2025 increase the expenditure budget for pedestrian access and mobility plan works by \$860,288 to be funded by grants.

Active Travel to and from School Program

Upgrade existing pathways that are in poor condition around schools in Mudgee, Gulgong, Rylstone and Kandos.

In 2024/2025 increase the expenditure budget for footpath replacement by \$800,000 to be funded by grants.

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

Associated Risks

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

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

30 January 2024

Attachments: 1. Get NSW Active Proposed projects.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Get NSW Active Program Fund FY2024/25 Mid-Western Regional Council Proposed Projects





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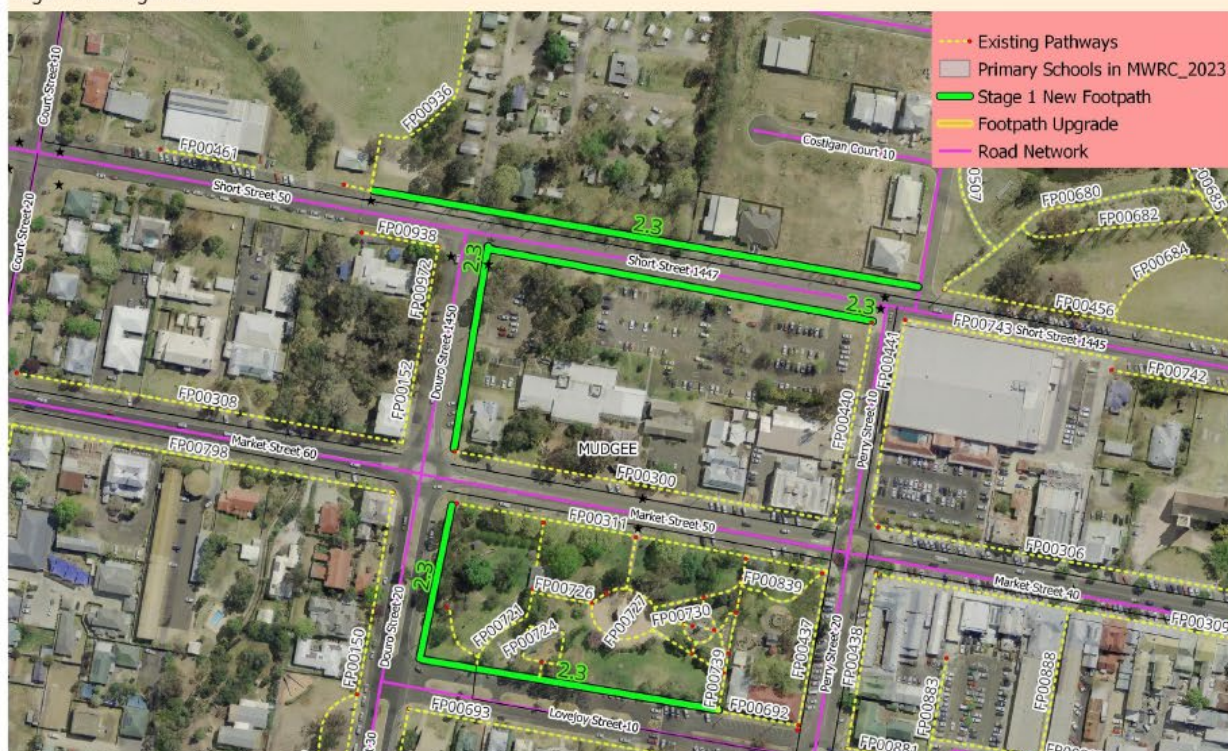
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1. NSW Active fund – Design and Construction

Mudgee

Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath		New footpath on Short Street in front of Riverside Caravan Park, from Loy Avenue to Douro Street connecting existing footpath assets FP00456 to FP00936. Refer to Figure 1.	291.642	2.3
New Footpath		New footpath on Short Street in front of Council Car Park, from Perry Street to Douro Street connecting existing footpath assets FP00743 to FP00938. Refer to Figure 1.	206.1	2.3
New Footpath		New footpath on Douro Street on Council side, from Short to Market Street connecting to an existing footpath asset FP00300. Refer to Figure 1.	103.546	2.3
New Footpath		New footpath on Douro Street on Robertson Park side, from Market Street to Lovejoy Street connecting existing footpath assets FP00301 to FP00147. Refer to Figure 1.	84.261	2.3
New Footpath		New footpath on Lovejoy Street on Robertson Park side, from Douro Street to Perry Street connecting to an existing footpath assets FP00692. Refer to Figure 1.	160	2.3

Figure 1: Mudgee CBD



Mudgee

Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath		New footpath on Church Street on Mudgee Little learners Childcare side, from Lisbon Road to Spring Road connecting to an existing footpath FP00069. Refer to Figure 2.	502.508	2

Figure 2: Church Street



Mudgee

Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath		New footpath on Bruce Road on North Side, from Robertson Street to Broadhead Road, this project will be constructed based on recent pathway design funded by council due to drainage issues and environmental assessment. Refer to Figure 3.	689	2

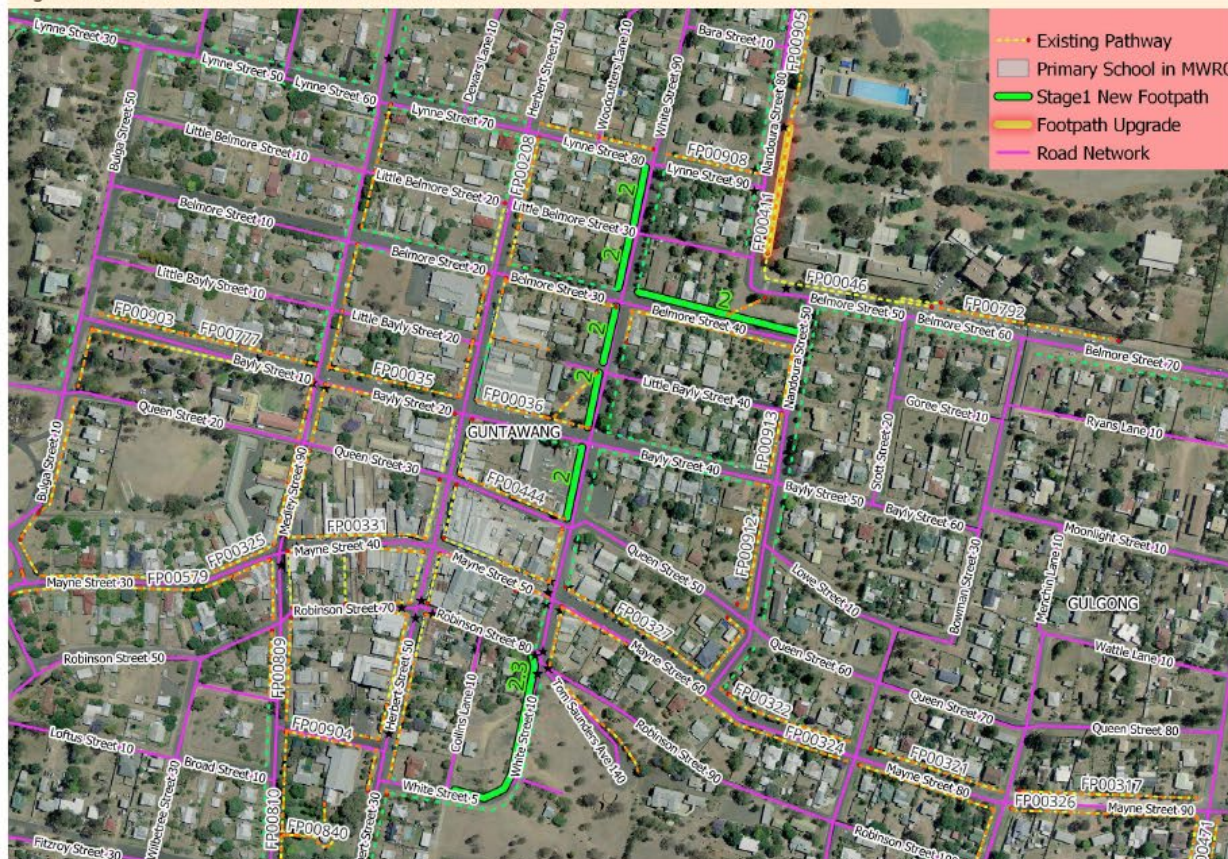
Figure 3: Bruce Road



Gulgong

Project Type	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath	New footpath on Belmore Street on Park Side (North), from Nandoura Street to White Street connection to existing footpath FP00576. Refer to Figure 4.	150.225	2
New Footpath	New footpath on White Street (West), from Lynne Street to Little Belmore Street. Refer to Figure 4.	54.754	2
New Footpath	New footpath on White Street (West), from Little Belmore Street to Belmore Street. Refer to Figure 4.	52	2
New Footpath	New footpath on White Street (West), from Belmore Street to Little Bayly Street. Refer to Figure 4.	52.5	2
New Footpath	New footpath on White Street (West), from Little Bayly Street to Bayly Street. Refer to Figure 4.	50	2
New Footpath	New footpath on White Street (West), from Bayly Street to Queen Street. Refer to Figure 4.	70	2
New Footpath	New footpath on White Street (West), from Robinson Street to Collins Lane. Refer to Figure 4.	174.048	2.3

Figure 4: White Street, Herbert Street, Belmore Street



Project Type	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath	New footpath on Cudgeegong Street (South), from Louee Street to Rylstone showground. Refer to Figure 5.	175.426	2
New Footpath	New footpath on Cudgeegong Street (North), from Louee Street to Rylstone showground, connecting FP00101 and FP00773. Refer to Figure 5.	35.1	2
New Footpath	New footpath on Cudgeegong Street (South), from Louee Street to Mudgee Street. Refer to Figure 5.	178.832	2
New Footpath	New footpath on Cox Street (South), from Carwell Street connecting with FP00098. Refer to Figure 5.	52	2

Rylstone

Project Type	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath	New footpath on Hall Street (South), from Louee Street to Rylstone Showground connecting FP00277 to FP00772.	30	2
New Footpath	New footpath on Louee Street, extension of FP00770.	55	2
New Footpath	New footpath on Dabee Street, from Mudjee Street to KirkLand Lane.	83.246	2
New Footpath	New footpath on Dabee Street, from KirkLand Lane to Bylong Valley Way.	74.626	2

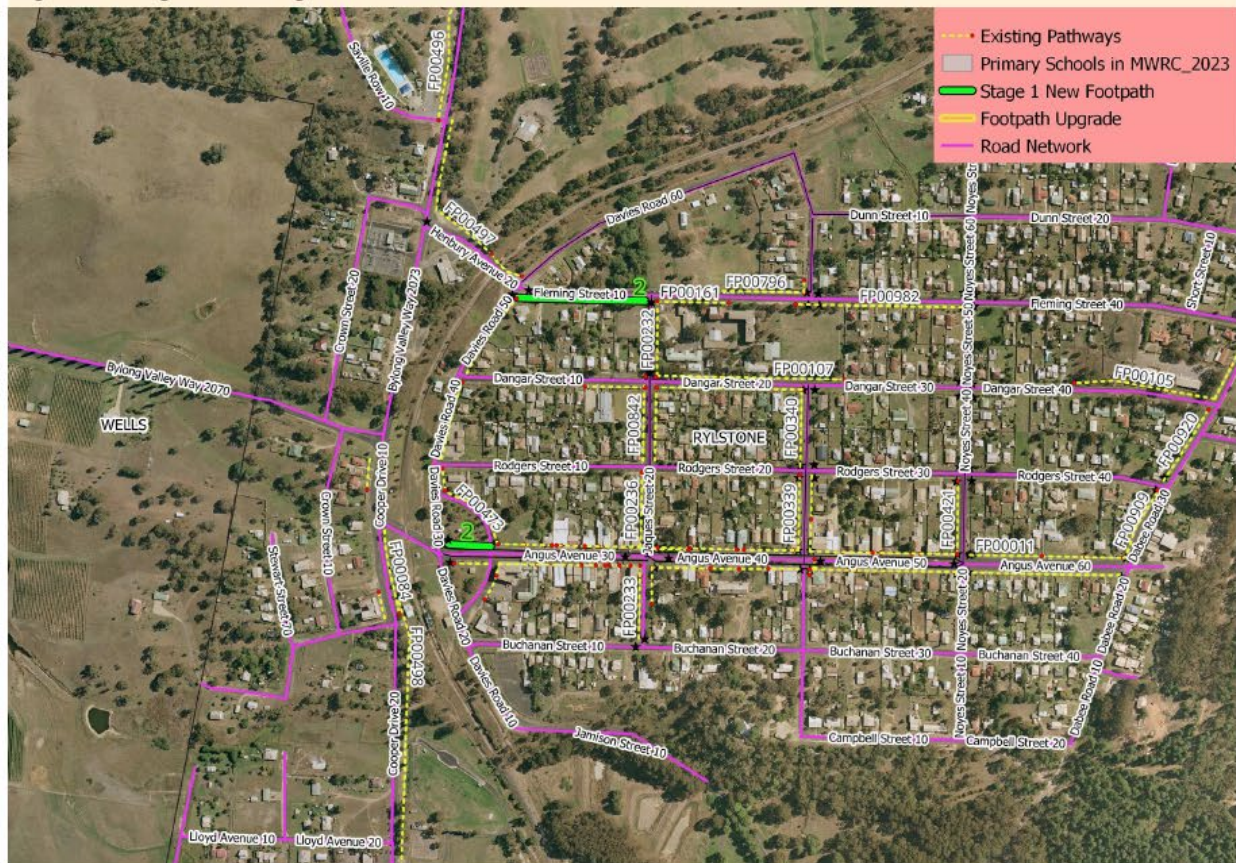
Figure 6: Louee Street, Hall Street and Dabee Street



Kandos

Project Type	Project Description	On Site Measured Length (m)	Proposed Widths (m)
New Footpath	New footpath on Fleming Street, from Jaques Street to Davies Road.	177.877	2
New Footpath	New footpath on Angus Avenue, from Davies Road to White Crescent.	70.589	2

Figure 7: Fleming Street and Angus Avenue



2. Active Travel to and from Primary School Program

Kandos

Schools	Region	Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)	Area (sqm)
Kandos Primary School	Kandos	Pathway Upgrade	FP00161	Upgrade pathway on Fleming Street In front of Kandos Primary School. Refer to Figure 8.	102.101	3	306.303
Kandos Primary School	Kandos	Pathway Upgrade	FP00107	Upgrade pathway on Dangar Street in front of Kandos Primary School. Refer to Figure 8.	262.847	3	788.541

Figure 8: Kandos Primary School



Rylstone

Schools	Region	Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)
Rylstone Primary School	Rylstone	Pathway Upgrade	FP00398	Upgrading pathway on Mudjee Street in front of Rylstone Primary School. Refer to Figure 9.	302.983	3

Figure 9: Rylstone Primary School



Mudgee

Schools	Region	Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)
Mudgee Public School	Mudgee	Pathway Upgrade	FP00155	Upgrade pathway on Douro Street in front of Mudgee Public School. Refer to Figure 10.	205.232	3
Mudgee Public School	Mudgee	Pathway Upgrade	FP00121	Upgrade pathway on Denison Street in front of Mudgee Public School. Refer to Figure 10.	205.173	3
Mudgee Public School	Mudgee	Pathway Upgrade	FP00433	Upgrade pathway on Perry Street in front of Mudgee Public School. Refer to Figure 10.	203.302	3

Figure 10: Mudgee Public School



Mudgee

Schools	Region	Project Type	Asset ID	Project Description	On Site Measured Length (m)	Proposed Widths (m)
Cudgegong Primary School	Mudgee	Footpath Upgrade	FP00070	Upgrade pathway on Church Street 40 meters from Cudgegong Primary School. Refer to Figure 11.	200	2
Cudgegong Primary School	Mudgee	New Footpath	New	New Footpath on Madeira Road Connecting FP00287 and FP00614. Refer to Figure 11.	83	2

Figure 11: Cudgegong Primary School



8.7 Burials on Private Land Policy

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, PUB600019

RECOMMENDATION

That Council:

1. **receive the report by the Manager Building and Development on the Burials on Private Land Policy; and**
2. **place the Burials on Private Land Policy on public exhibition for a period of 28 days; and**
3. **adopt the Burials on Private Land Policy if no submissions are received during the public exhibition period.**

Executive summary

The Burials on Private Land Policy has been prepared as a guideline for Council to regulate the approval process for burials on private land, whilst upholding its responsibilities under the *Public Health Regulation 2022*.

Disclosure of Interest

Nil

Detailed report

Currently Council has a procedure for single burials on private land where an applicant is required to submit an online application via Councils website supported by details of compliance with the *Public Health Regulations 2022* and a site plan of the proposed burial site.

Recently Council has received enquiries relating to the burial of more than one (1) body on private land. One of the purposes of the policy is to define the difference between a private burial site approved under the *Public Health Regulation 2022* and private cemeteries that require Development Consent and approval under the *Public Health Regulation 2022*.

Private burial sites for up to five bodies are considered incidental to the existing property uses and do not constitute development for the purpose of the *Environmental Planning and Assessment Act 1979*, therefore no Development Application is required.

For the burial of more than five bodies, this is considered a private cemetery and requires development consent pursuant to the *Environmental Planning and Assessment Act 1979*.

Community Plan implications

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

Strategic implications

Council Strategies
Nil

Council Policies
Nil

Legislation
Public Health Act 2010
Public Health Regulation 2022
Environmental Planning and Assessment Act 1979

Financial implications

Nil

Associated Risks

Not Applicable

TY ROBSON
MANAGER BUILDING AND DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

5 February 2024

Attachments: 1. Draft - Burials on Private Land Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY

Burials on Private Land

*A prosperous
and progressive
community.*

Council Resolution

COUNCIL MEETING MIN [xx/xx]
DATE: TBA

VERSION NO 1.0

REVIEW DATE TBA

FILE NUMBER PUB600019

Objective

This policy provides guidance on Council's role as the approval authority for burials on private land and explains the requirements for which applications must satisfy prior to consent being granted for burials on private land.

It should be noted that Council is not approving each instance of burial; rather it is approving the burial location.

Definitions

Private burial site: Place established for the burial of up to five bodies.

Private cemetery: Place established for the burial of more than five bodies.

Policy Background

This Policy is being developed for the community to outline:

- Council's role as the approval authority.
- The difference between a private burial site explicitly approved under the *Public Health Regulation 2022* and private cemeteries that require Development Consent pursuant to the *Environmental Planning and Assessment Act 1979* as well as approval under the *Public Health Regulation 2022*.

Legislative requirements

- *Public Health Act 2010*
- *Public Health Regulation 2022*
- *Environmental Planning and Assessment Act 1979*

Policy

General

Private burial sites for up to five bodies are considered incidental to the existing property uses and do not constitute development for the purpose of the *Environmental Planning and Assessment Act 1979*, therefore no Development Application is required.

For the burial of more than five bodies, this is considered a private cemetery and requires development consent pursuant to the *Environmental Planning and Assessment Act 1979*, whilst also demonstrating compliance with the *Public Health Regulation 2022* prior to the burials occurring.

POLICY: | ERROR! REFERENCE SOURCE NOT FOUND., TBA

Private Burial Site

A private burial site requires approval from Council prior to any burial. An application shall be lodged for a private burial site via Council's website and supported by details of compliance with this Policy, the *Public Health Regulation 2022* as well as the conditions imposed by the NSW Health's Fact Sheet: Burials on private land. The application shall also be supported by a site plan of the subject property clearly delineating the proposed burial site and setback distances to site constraints e.g., water courses, buildings etc.

Private Cemetery

For the burial of more than five bodies, this is considered a private cemetery as the use is not incidental and requires development consent pursuant to the *Environmental Planning and Assessment Act 1979*, whilst also demonstrating compliance with the *Public Health Regulation 2022* prior to the burials occurring. This application shall be lodged via the NSW Planning Portal.

Applicants are encouraged to phone Council's Duty Planning Officer to discuss the approval process for a private cemetery.

Private Burial Site Assessment Process

Lodge an "Application to Bury a Body on Private Land" with Council. The application shall be supported by the relevant information as listed below.

Council officers will assess the information provided before conducting a site inspection. The site inspection is conducted as an assessment of the location of the burial site, not an inspection of the burial hole.

If the site inspection and information submitted is considered satisfactory, a determination for a private burial site will be returned to the applicant via email.

Fees and charges apply and must be paid upon lodgement of the application.

Requirements

The following is required for an application for a private burial site:

1. Application in writing must be submitted by the owner/s of the land and include the following information:
 - Proof of ownership of the land.
 - Site-layout plan - Accurate details, to an approved scale, showing the precise location of the burial site as related to permanent existing observable landmarks. Council reserves the right to require that the location of the burial site be set out and be verified by a registered surveyor, and that the burial site or private cemetery be formally incorporated into the title of the land. The layout of the burial site must also consider the need for future maintenance and any memorials and any other appurtenances. At the request of Council, the layout is to be prepared by a registered surveyor.
2. The land on which the burial site is to be located must:
 - Have a minimum area of five hectares;
 - Not be likely to contaminate any drinking water supply or a domestic water supply or intercept any on sewage management system;
 - Have reasonable and safe pedestrian and vehicular access to the plot locations;

POLICY: | ERROR! REFERENCE SOURCE NOT FOUND., TBA

- Be provided with appropriate visual buffering from neighbouring dwelling sites, and otherwise, be suitable for the purposes of a private cemetery or burial site; and
- Not have any compliance or ongoing neighbourhood issue that may be aggravated by approving the private cemetery or burial site.

Council may require the submission of a report/s from a suitably qualified person/s that provides relevant information showing compliance with these requirements.

3. All burial sites must be sited:

- a minimum of 100 metres from any dwelling or approved dwelling site,
 - a minimum of 100 metres from the boundary of any adjoining land.
4. The boundaries of the burial sites must be permanently marked with posts, fencing or other approved method, and this must be properly documented in the application.
 5. No burial shall take place unless an “Application to Bury a Body on Private Land” has been approved by Council and payment in accordance with Council’s Fees and Charges has been made.
 6. Applicant will be required to register a right-of-way on the property from the nearest public road to the burial site or private cemetery. The right-of-way shall provide future visitor access to the grave site and shall be of sufficient area to allow any future maintenance/servicing requirements.
 7. The applicant will be required to provide evidence that an 88B restriction has been implemented to provide the long-term location of the grave site after the burial has occurred.
 8. An approval expires when a property which has an approval issued for a private burial and has not been acted upon changes ownership.
 9. The burial site shall be maintained in a safe and healthy condition to the satisfaction of Council.
 10. An approval expires shall a relevant condition not be satisfied.

Note: The burial or placement of ashes on private rural land does not require Council’s approval.

8.8 Monthly Development Applications Processing and Determined - December 2023

REPORT BY THE MANAGER PLANNING
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, A0420109

RECOMMENDATION

That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined for December 2023.

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 December 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

2 January 2024

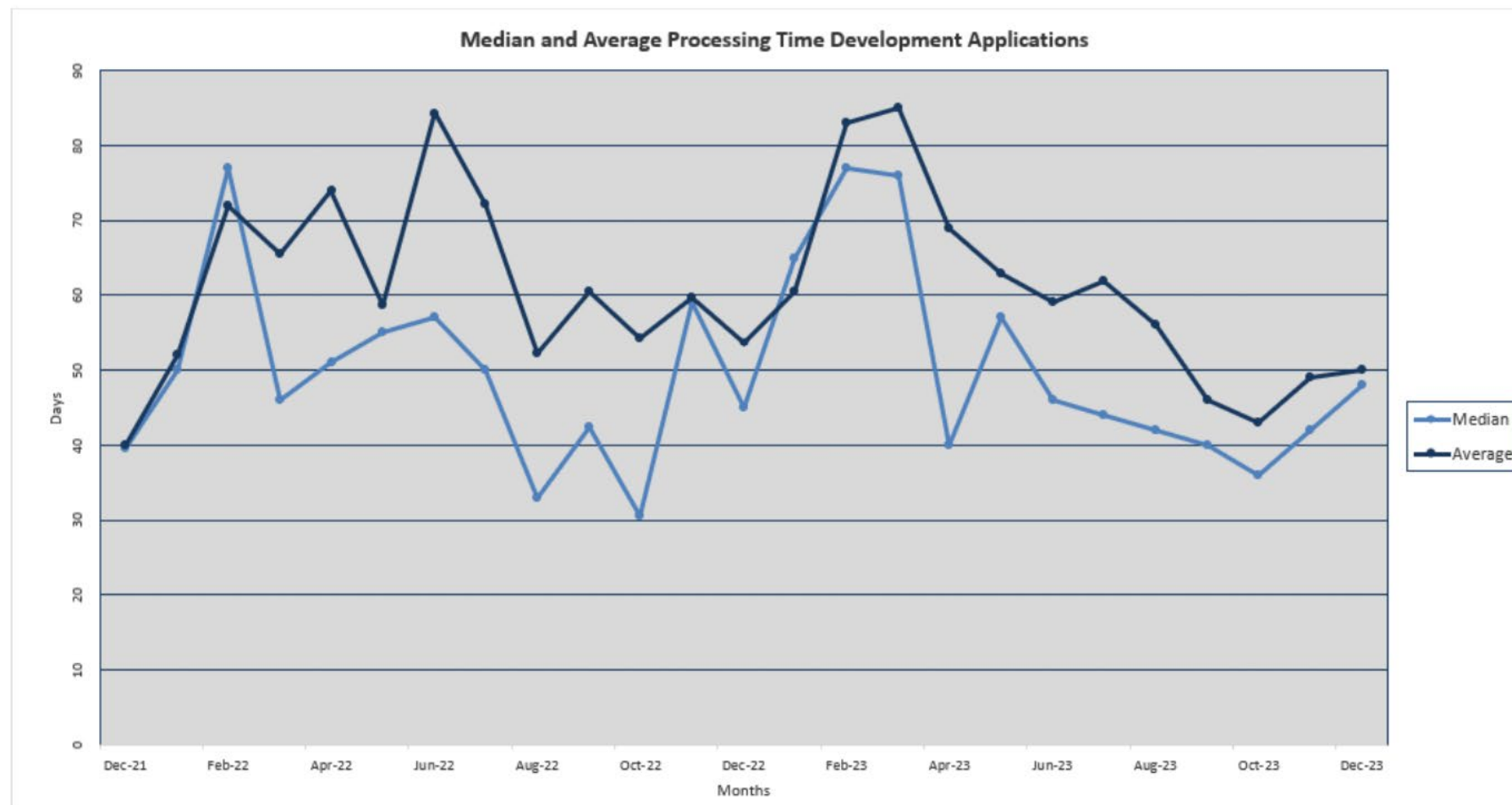
Attachments: 1. Monthly Development Applications Processing and Determined - December 2023.

APPROVED FOR SUBMISSION:

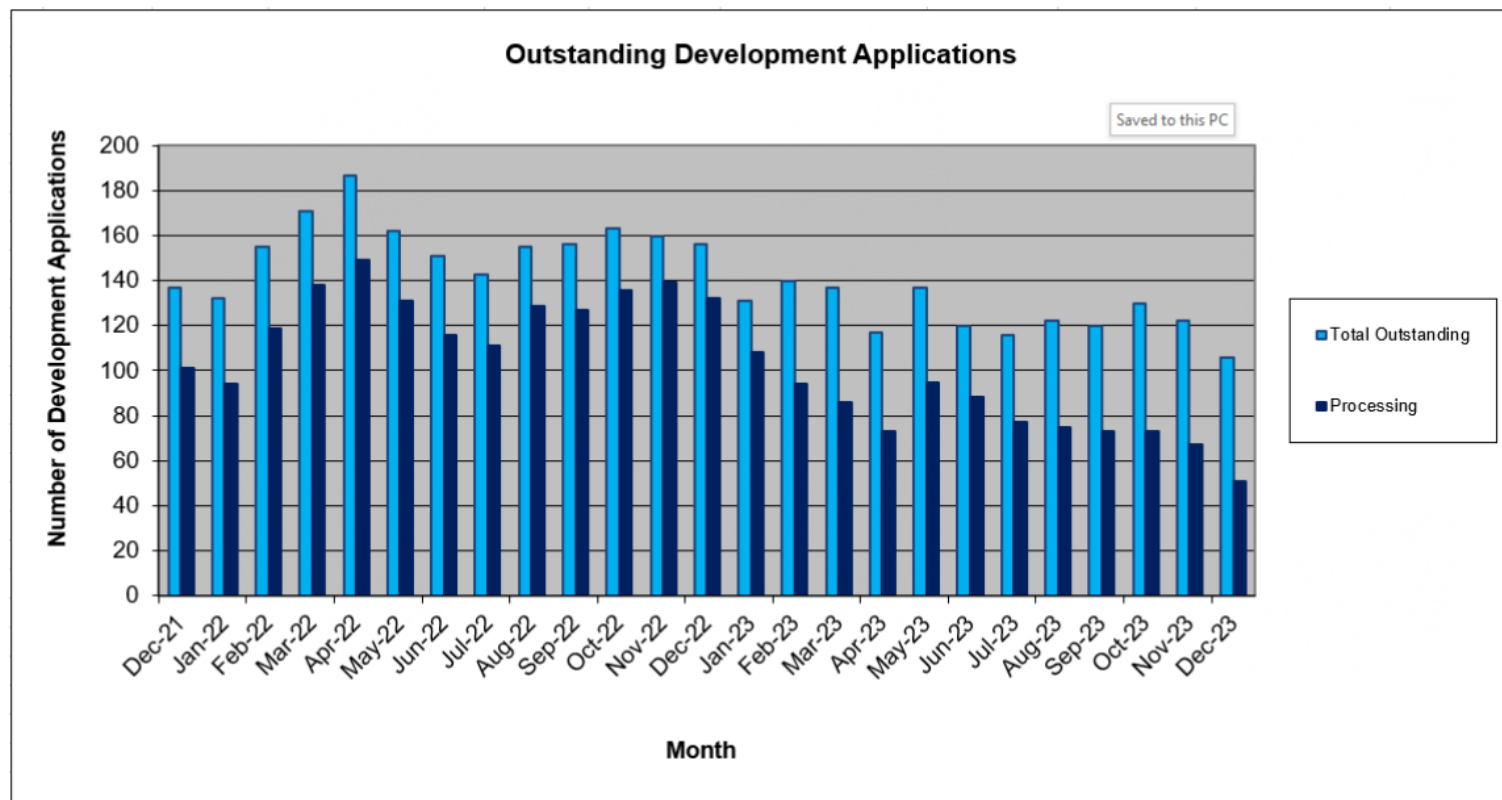
BRAD CAM
GENERAL MANAGER

Monthly Development Application Processing Report – December 2023

This report covers the period for the month of December 2023. Graph 1 indicates the processing times up to 31 December 2023 with the month of December having an average of 50 days and a median time of 48 days.



Monthly Development Application Processing Report – December 2023



Graph 2 indicates the total number of outstanding applications, the number currently being processed is 106 and the number on “stop clock” is 55.

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

Monthly Development Application Processing Report – December 2023

Development Applications Determined – December 2023

Appl/Proc ID	Description	House No	Street Name	Locality
DA0251/2023	Alterations & Additions	74	Mayne Street	GULGONG NSW 2852
DA0369/2023	Subdivision - Torrens Title	33	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0375/2023	secondary dwelling	1	Atkinson Street	MUDGEE NSW 2850
DA0023/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0045/2024	Subdivision - Torrens Title	312	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0067/2024	Subdivision - Torrens Title	89	Lewis Street	MUDGEE NSW 2850
DA0077/2024	Dual Occupancy	20	Suttor Avenue	CAERLEON NSW 2850
DA0084/2024	Dwelling House	521	Ulan Road	EURUNDEREE NSW 2850
DA0086/2024	Industrial Building	5	Sydney Road	MUDGEE NSW 2850
DA0094/2024	Replacement Signage	11	Sydney Road	MUDGEE NSW 2850
DA0099/2024	Shed	4	Albens Lane	MUDGEE NSW 2850
DA0104/2024	Residential Shed	54	Wynella Street	GULGONG NSW 2852
DA0104/2024	Secondary dwelling	54	Wynella Street	GULGONG NSW 2852
DA0106/2024	Demolition	29	Horatio Street	MUDGEE NSW 2850
DA0113/2024	Dwelling, Gate and Gate House	618	Castlereagh Highway	MENAH NSW 2850
DA0119/2024	Shed	36	Banjo Paterson Avenue	MUDGEE NSW 2850
DA0122/2024	Retail shop to Cafe	45	Angus Avenue	KANDOS NSW 2848
DA0125/2024	Pylon Sign	11	Sydney Road	MUDGEE NSW 2850
DA0138/2024	Signage	32	Sydney Road	MUDGEE NSW 2850
DA0144/2024	Alterations and Additions	17	Bent Street	KANDOS NSW 2848
DA0162/2024	Shed	10	Barlow Court	MUDGEE NSW 2850
DA0163/2024	Dwelling House	737	Lue Road	MOUNT KNOWLES NSW 2850
DA0169/2024	Dwelling House	7	Davis Crescent	CAERLEON NSW 2850
DA0179/2024	Dwelling House	6	Nelthorpe Street	BOMBIRA NSW 2850

Monthly Development Application Processing Report – December 2023

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

DA number	Number of DCP variation(s)	Level of variation
DA0169/2024	1	>10%

Development Applications currently being processed – December 2023.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0327/2011	Shed	23	Horatio Street	MUDGEE NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use - shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use - Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use - Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0329/2022	Staged Demolition and Construction of Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0221/2023	Dwelling House	655	Black Springs Road	BUDGE BUDGE NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEE NSW 2850
DA0267/2023	Camping Ground	48	Turners Lane	GULGONG NSW 2852
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850

Monthly Development Application Processing Report – December 2023

DA0304/2023	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0343/2023	Conversion of existing cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0394/2023	Alterations and additions to industrial developmnt	4	Industrial Avenue	GULGONG NSW 2852
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0411/2023	Shed	18	Webster Street	BOMBIRA NSW 2850
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Storage of towed motor vehicles	8	Industrial Avenue	MUDGEE NSW 2850
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850
DA0030/2024	Farm building	6580	Ilford Sofala Road	ILFORD NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0040/2024	Alterations & Additions	390	Yarrawonga Road	YARRAWONGA NSW 2850
DA0044/2024	Farm Stay Accommodation	772	Black Willow Road	HARGRAVES NSW 2850
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0052/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0053/2024	Alterations & Additions	971	Green Gully Road	BOCOBLE NSW 2850
DA0059/2024	Dwelling House	210	Green Gully Road	GREEN GULLY
DA0068/2024	Secondary dwelling	658	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0070/2024	Change of use - Environmental Facility	48	Old Ilford Road	ILFORD NSW 2850
DA0076/2024	Dual Occupancy	11	Shearman Street	CAERLEON NSW 2850
DA0078/2024	Shed	13	Harvey Street	BOMBIRA NSW 2850
DA0079/2024	Subdivision - Torrens Title	82	Henry Bayly Drive	MUDGEE NSW 2850
DA0080/2024	Secondary dwelling	161	Eurunderee Lane	EURUNDEREE NSW 2850
DA0092/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0095/2024	Dwelling Additions, Shed & Pool	74	Mortimer Street	MUDGEE NSW 2850
DA0096/2024	Demolition	23	Mortimer Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – December 2023

DA0101/2024	Change of Use to Serviced Apartment	72	McDonalds Road	ERUDGERE NSW 2850
DA0103/2024	Dwelling	1620	Spring Creek Road	COOKS GAP NSW 2850
DA0105/2024	Boundary Realignment	211	Dabee Road	KANDOS NSW 2848
DA0107/2024	Group home	5	Harvey Street	BOMBIRA NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0112/2024	Dual Occupancy	15	Shearman Street	CAERLEON NSW 2850
DA0124/2024	Dual Occupancy	60	Davies Road	KANDOS NSW 2848
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0127/2024	Subdivision	1585	Pyangle Road	LUE NSW 2850
DA0128/2024	Retaining Wall and Fibreglass Pool	73	Bara Road	HAYES GAP NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848
DA0131/2024	Light Industrial Building	48	George Street	MUDGEE NSW 2850
DA0136/2024	Dwelling House, Garage and Swimming Pool	832	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0139/2024	Alterations & Additions	8	Goolma Road	GULGONG NSW 2852
DA0143/2024	Subdivision – 1 into 3 lots	2232	Bylong Valley Way	RYLSTONE NSW 2849
DA0145/2024	Alterations and Additions	31	Crossings Road	MENAH NSW 2850
DA0148/2024	Shed	2424	Castlereagh Highway	GULGONG NSW 2852
DA0149/2024	Dwelling House	341	White Rock Road	PINNACLE SWAMP NSW 2849
DA0155/2024	Dwelling House	1096	Bocoble Road	BOCOBLE NSW 2850
DA0156/2024	Secondary dwelling	12	Shearman Cres	CAERLEON NSW 2850
DA0157/2024	Dual Occupancy (Detached) and Subdivision	20	Shearman Street	CAERLEON NSW 2850
DA0161/2024	Aircraft Hanger	2	Staggerwing Road	RYLSTONE NSW 2849
DA0165/2024	Change of Use to Panel Beating Workshop	14	Industrial Avenue	MUDGEE NSW 2850
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEE NSW 2850
DA0171/2024	Dwelling House	140	Erudgere Lane	ERUDGERE NSW 2850
DA0172/2024	Secondary Dwelling	761	Old Grattai Road	GRATTAI NSW 2850
DA0173/2024	Subdivision - 1 into 2 Lots	25	Fisher Street	GULGONG NSW 2852
DA0174/2024	Alterations & Additions	51	Burrundulla Ave	MUDGEE NSW 2850
DA0175/2024	Dwelling	11	Coomber Street	RYLSTONE NSW 2849
DA0177/2024	Subdivision 1 into 2 lots	1223	Castlereagh Highway	BERYL NSW
DA0178/2024	Subdivision 1 into 2 lots	2008	Queens Pinch Road	MEROO NSW 2850
DA0180/2024	Dwelling with attached secondary dwelling	18	Shearman Street	CAERLEON NSW 2850
DA0183/2024	Shed	109	Horatio Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – December 2023

DA0184/2024	Dual Occupancy (Detached) and Subdivision	8	Davis Crescent	CAERLEON NSW 2850
DA0185/2024	Alterations & Additions	1505	Merotherie Road	MEROTHERIE NSW 2850

Heritage Development Applications currently being processed – December 2023.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEE NSW 2850
DA0201/2022	Garage	74	Gladstone Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0282/2023	Hotel accommodation	63	Horatio Street	MUDGEE NSW 2850
DA0054/2024	Secondary dwelling	38	Lewis Street	MUDGEE NSW 2850
DA0069/2024	Demolition	67	Market Street	MUDGEE NSW 2850
DA0071/2024	Shed	80	Court Street	MUDGEE NSW 2850
DA0089/2024	Secondary dwelling	95	Inglis Street	MUDGEE NSW 2850
DA0117/2024	Shed	82	Horatio Street	MUDGEE NSW 2850
DA0133/2024	Subdivision – 1 into 2 lots	2	Wattle Lane	GULGONG NSW 2852
DA0140/2024	Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation	34	Inglis Street	MUDGEE NSW 2850
DA0142/2024	Shed	2	White Street	GULGONG NSW 2852
DA0146/2024	Dwelling and Shed	9	Robinson Street	GULGONG NSW 2852
DA0151/2024	Shed	47	Madeira Road	MUDGEE NSW 2850
DA0159/2024	Dual Occupancy	90	Douro Street	MUDGEE NSW 2850
DA0160/2024	Demolition	94	Horatio Street	MUDGEE NSW 2850
DA0164/2024	Change Of Use to Industrial Building	35	Inglis Street	MUDGEE NSW 2850
DA0166/2024	Business premises	14	Perry Street	MUDGEE NSW 2850
DA0167/2024	Secondary dwelling	16	Wenonah Street	GULGONG NSW 2852
DA0182/2024	Patio Cover and Carport	9	White Street	GULGONG NSW 2852

8.9 Monthly Development Applications Processing and Determined - January 2024

REPORT BY THE MANAGER PLANNING
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, A0420109

RECOMMENDATION

That Council receive the report by the Manager Planning on the Monthly Development Applications Processing and Determined for January 2024.

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 January 2024 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

2 February 2024

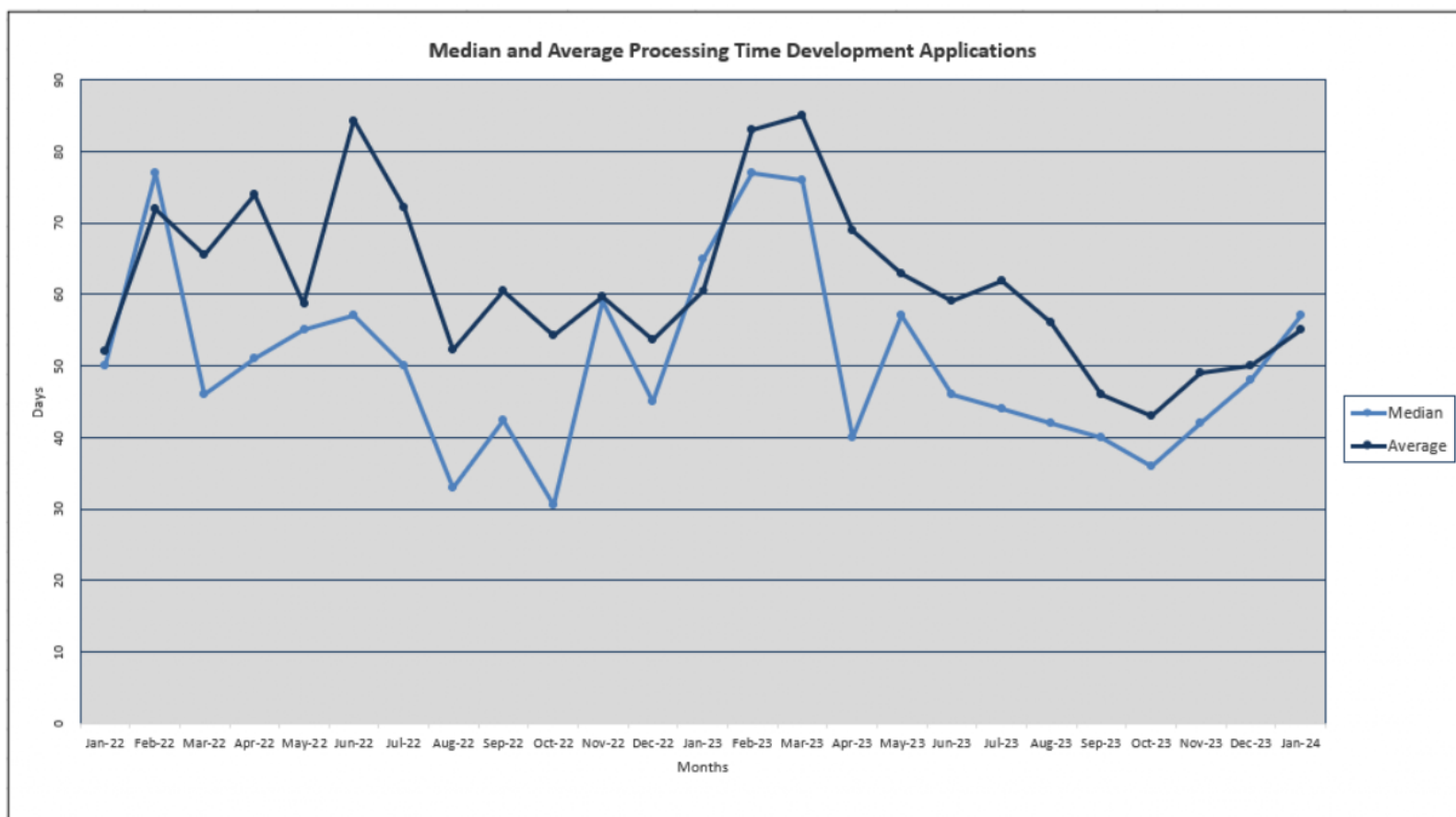
Attachments: 1. Monthly Development Applications Processing and Determined - January 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

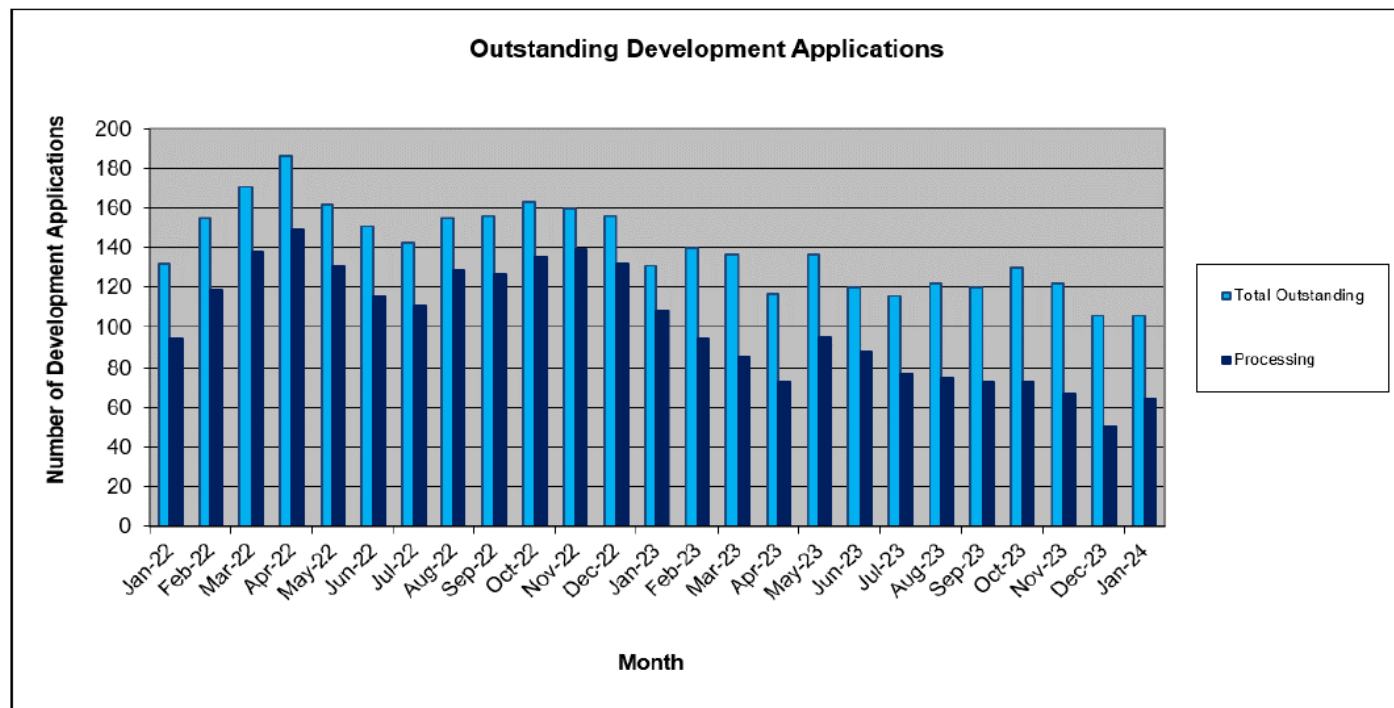
Monthly Development Application Processing Report – January 2024

This report covers the period for the month of January 2024. Graph 1 indicates the processing times up to 31 January 2024 with the month of January having an average of 57 days and a median time of 55 days.



Monthly Development Application Processing Report – January 2024

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 64 and the number on “stop clock” is 42.



The Planning and Development Department determined 8 Development Applications either by Council or under delegation during January 2024.

Monthly Development Application Processing Report – January 2024

Development Applications Determined – January 2024

Appl/Proc ID	Description	House No	Street Name	Locality
DA0044/2024	Farm Stay Accommodation	772	Black Willow Road	HARGRAVES NSW 2850
DA0053/2024	Alterations & Additions	971	Green Gully Road	BOCOBLE NSW 2850
DA0080/2024	Secondary dwelling	161	Eurunderee Lane	EURUNDEREE NSW 2850
DA0103/2024	Dwelling	1620	Spring Creek Road	COOKS GAP NSW 2850
DA0117/2024	Shed	82	Horatio Street	MUDGEE NSW 2850
DA0145/2024	Alterations and Additions	31	Crossings Road	MENAH NSW 2850
DA0166/2024	Business premises	14	Perry Street	MUDGEE NSW 2850
DA0182/2024	Patio Cover and Carport	9	White Street	GULGONG NSW 2852

***NOTE – No Development Applications were approved with a variation to the DCP during January 2024.**

Development Applications currently being processed – January 2024.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0327/2011	Shed	23	Horatio Street	MUDGEE NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use - Shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use to Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use to Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0329/2022	Staged Demolition and Construction of Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850

Monthly Development Application Processing Report – January 2024

DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0221/2023	Dwelling House	655	Black Springs Road	BUDGEE BUDGE NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGE NSW 2850
DA0248/2023	Extension to existing shed	6	Avisford Court	MUDGE NSW 2850
DA0267/2023	Camping Ground	48	Turners Lane	GULGONG NSW 2852
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0304/2023	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0343/2023	Conversion of two existing cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0394/2023	Alterations and additions to industrial developmnt	4	Industrial Avenue	GULGONG NSW 2852
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGE NSW 2850
DA0008/2024	Recreation Area	0	ylong Valley Way (Crown Land)	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Use yard to store towed motor vehicles	8	Industrial Avenue	MUDGE NSW 2850
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGE NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0040/2024	Alterations & Additions	390	Yarrowonga Road	YARRAWONGA NSW 2850
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0052/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0053/2024	Alterations & Additions	971	Green Gully Road	BOCOBLE NSW 2850
DA0068/2024	Secondary dwelling	658	Black Springs Road	BUDGE BUDGE NSW 2850
DA0070/2024	Change of use	48	Old Ilford Road	ILFORD NSW 2850
DA0078/2024	Shed	13	Harvey Street	BOMBIRA NSW 2850
DA0079/2024	Subdivision - Torrens Title	82	Henry Bayly Drive	MUDGE NSW 2850
DA0092/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850

Monthly Development Application Processing Report – January 2024

DA0095/2024	Dwelling Additions, Shed & Pool	74	Mortimer Street	MUDGEE NSW 2850
DA0096/2024	Demolition	23	Mortimer Street	MUDGEE NSW 2850
DA0101/2024	Change of Use to Serviced Apartment	72	McDonalds Road	ERUDGERE NSW 2850
DA0105/2024	Boundary Realignment	211	Dabee Road	KANDOS NSW 2848
DA0107/2024	Group home	5	Harvey Street	BOMBIRA NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0112/2024	Dual Occupancy	15	Shearman Street	CAERLEON NSW 2850
DA0124/2024	Boundary Realignment and Dual Occupancy	60	Davies Road	KANDOS NSW 2848
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0127/2024	Subdivision - 16 into 3 lots	1585	Pyangle Road	LUE NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848
DA0131/2024	Light Industrial Building	48	George Street	MUDGEE NSW 2850
DA0136/2024	Dwelling House, Garage and Swimming Pool	832	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0139/2024	Alterations to Caravan Park	8	Goolma Road	GULGONG NSW 2852
DA0143/2024	Subdivision – 1 into 3 lots	2232	Bylong Valley Way	RYLSTONE NSW 2849
DA0148/2024	Shed	2424	Castlereagh Highway	GULGONG NSW 2852
DA0149/2024	Dwelling House	341	White Rock Road	PINNACLE SWAMP NSW 2849
DA0155/2024	Dwelling House (Container Home) and Shed	1096	Bocoble Road	BOCOBLE NSW 2850
DA0156/2024	Dwelling House with Attached Secondary Dwelling	12	Shearman Cres	CAERLEON NSW 2850
DA0157/2024	Dual Occupancy (Detached) and Subdivision	20	Shearman Street	CAERLEON NSW 2850
DA0161/2024	Aircraft Hanger	2	Staggerwing Rd	RYLSTONE NSW 2849
DA0165/2024	Change of Use to Panel Beating Workshop	14	Industrial Avenue	MUDGEE NSW 2850
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEE NSW 2850
DA0171/2024	Dwelling House	140	Erudgere Lane	ERUDGERE NSW 2850
DA0172/2024	Secondary Dwelling	761	Old Grattai Road	GRATTAI NSW 2850
DA0173/2024	Subdivision - 1 into 2 Lots	25	Fisher Street	GULGONG NSW 2852
DA0174/2024	Alterations & Additions	51	Burrundulla Ave	MUDGEE NSW 2850
DA0175/2024	Dwelling	11	Coomber Street	RYLSTONE NSW 2849
DA0177/2024	Subdivision 1 into 2 lots	1223	Castlereagh Highwa	BERYL NSW
DA0178/2024	Subdivision 1 into 2 lots	2008	Queens Pinch Road	MEROO NSW 2850
DA0180/2024	Dwelling with attached secondary dwelling	18	Shearman Street	CAERLEON NSW 2850
DA0181/2024	Dwelling	36	Wyaldra Park Road	COOKS GAP NSW 2850
DA0183/2024	Shed	109	Horatio Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – January 2024

DA0184/2024	Dual Occupancy (Detached) and Subdivision	8	Davis Crescent	CAERLEON NSW 2850
DA0185/2024	Alterations & Additions	1505	Merotherie Road	MEROTHERIE NSW
DA0189/2024	Alterations & Additions	637	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0193/2024	Transportable Building - Dual Occupancy	66	Kaludabah Road	PIAMBONG NSW 2850
DA0194/2024	Secondary dwelling	433	Kaludabah Road	PIAMBONG NSW 2850
DA0195/2024	Dwelling and Shed	150	Tongbong Road	RYLSTONE NSW 2849
DA0197/2024	Boundary Adjustment and Easement Creation	11	Quinn Place	MUDGEES NSW 2850
DA0198/2024	6x Serviced Apartments	106	School Lane	BUDGEES BUDGEES NSW 2850
DA0200/2024	Patio Cover and Deck	12	Barigan Street	MUDGEES NSW 2850
DA0201/2024	Patio Cover and Deck	14	Horatio Street	MUDGEES NSW 2850
DA0204/2024	Dual Occupancy	17	Davis Crescent	CAERLEON NSW 2850
DA0211/2024	Shed	220	Broadhead Road	SPRING FLAT NSW 2850
DA0214/2024	Aircraft Hanger	10	Clubhouse Road	RYLSTONE NSW 2849

Heritage Development Applications currently being processed – January 2024.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES NSW 2850
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEES NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEES NSW 2850
DA0054/2024	Secondary dwelling	38	Lewis Street	MUDGEES NSW 2850
DA0069/2024	Demolition	67	Market Street	MUDGEES NSW 2850
DA0089/2024	Secondary dwelling	95	Inglis Street	MUDGEES NSW 2850
DA0133/2024	Subdivision – 1 into 2 lots	2	Wattle Lane	GULGONG NSW 2852
DA0140/2024	Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation	34	Inglis Street	MUDGEES NSW 2850
DA0142/2024	Shed	2	White Street	GULGONG NSW 2852
DA0146/2024	Dwelling and Shed	9	Robinson Street	GULGONG NSW 2852
DA0151/2024	Bus Shed	47	Madeira Road	MUDGEES NSW 2850
DA0159/2024	Dual Occupancy	90	Douro Street	MUDGEES NSW 2850

Monthly Development Application Processing Report – January 2024

DA0160/2024	Shed Demolition	94	Horatio Street	MUDGEES NSW 2850
DA0164/2024	Change Of Use - Industrial Building	35	Inglis Street	MUDGEES NSW 2850
DA0167/2024	Shed	16	Wenonah Street	GULGONG NSW 2852
DA0191/2024	Shed	217	Gladstone Street	MUDGEES NSW 2850
DA0196/2024	Carport	108	Medley Street	GULGONG NSW 2852
DA0203/2024	Carport	127	Mortimer Street	MUDGEES NSW 2850

Item 9: Corporate Services

9.1 Monthly Statement of Investments as at 31 December 2023

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300053

RECOMMENDATION

That Council:

- 1. receive the report by the Financial Planning Co-Ordinator on the Monthly Statement of Investments as at 31 December 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 December 2023.

Please note that as at 31 December 2023 the investment balance with ING as a percentage of total portfolio was 20.07%, which exceeded the policy threshold of 20%. This is due to slight decrease in total investment portfolio value (from \$148.2 million to \$147 million). Council had an investment maturity of \$4 million on 10 January 2024 and this was used to revise our investments in ING to be within our investment policy compliance requirements.

Community Plan implications

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

Council Strategies

Not Applicable

Council Policies

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

Legislation

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

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

Financial implications

Not Applicable

Associated Risks

Not Applicable

MYOORAN VINAYAGAMOORTHY
FINANCIAL PLANNING CO-ORDINATOR

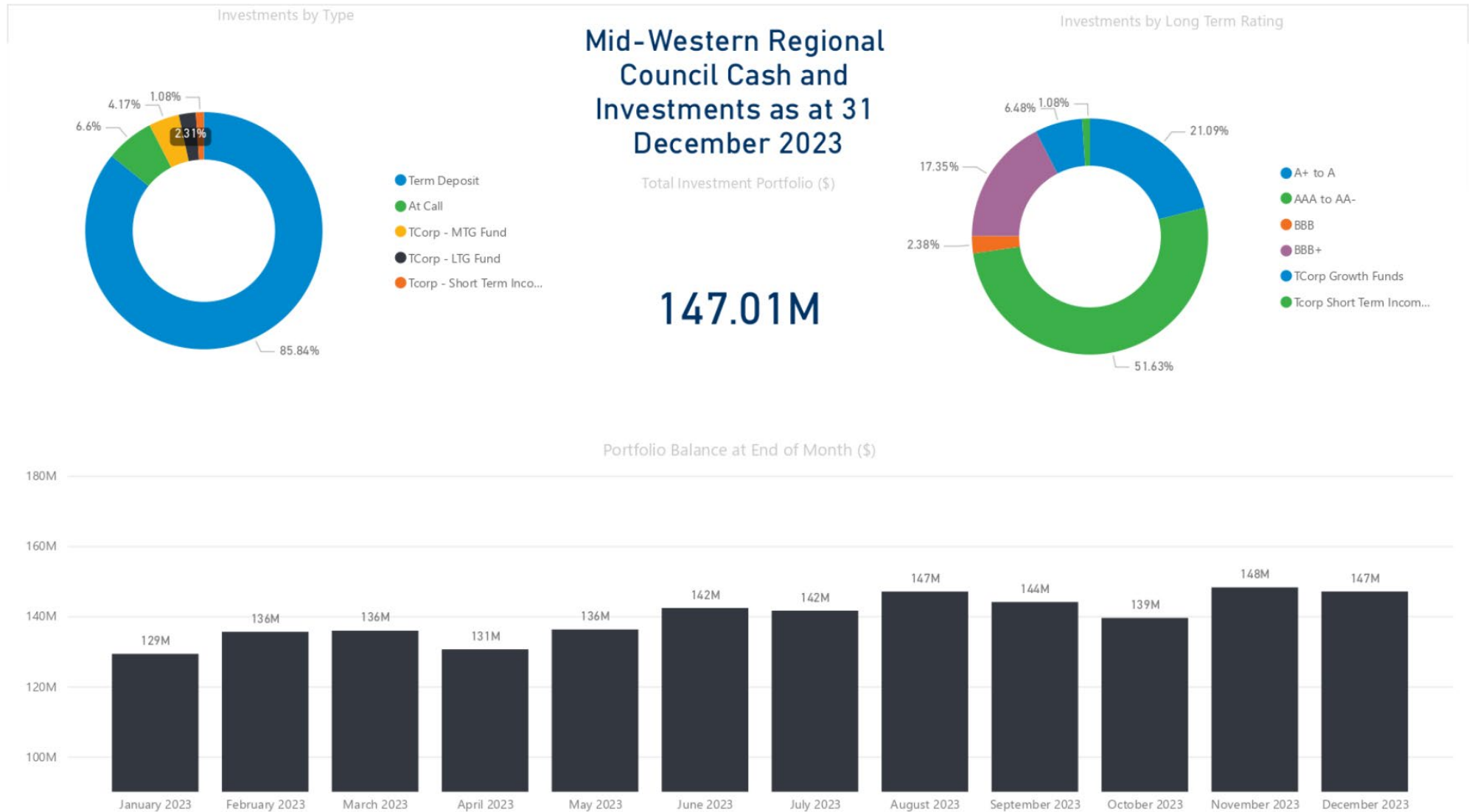
LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

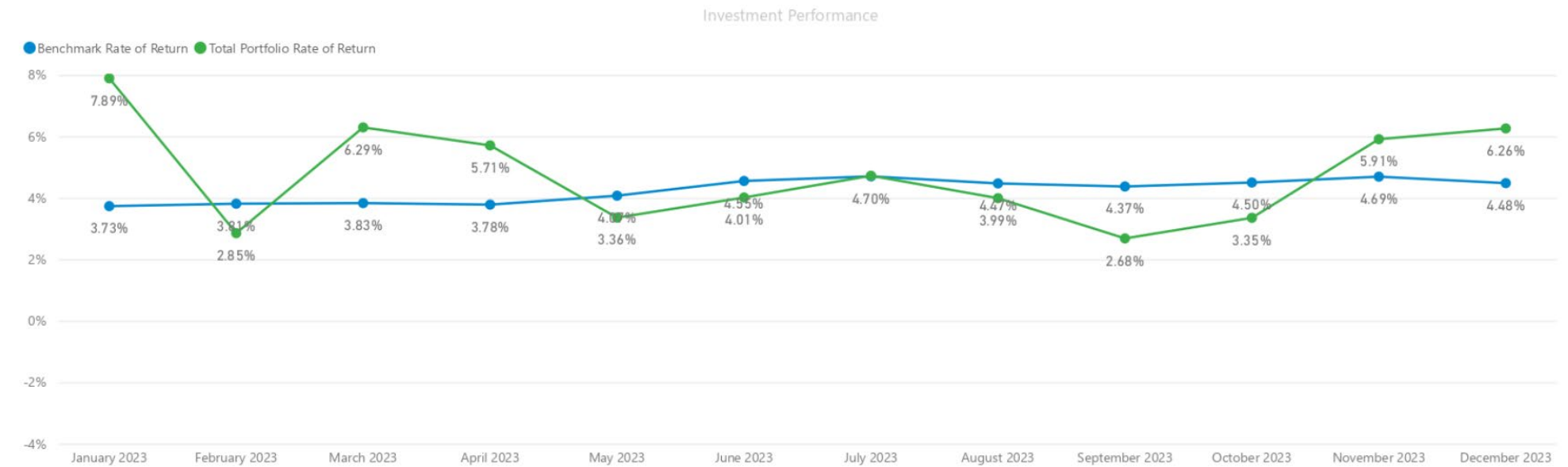
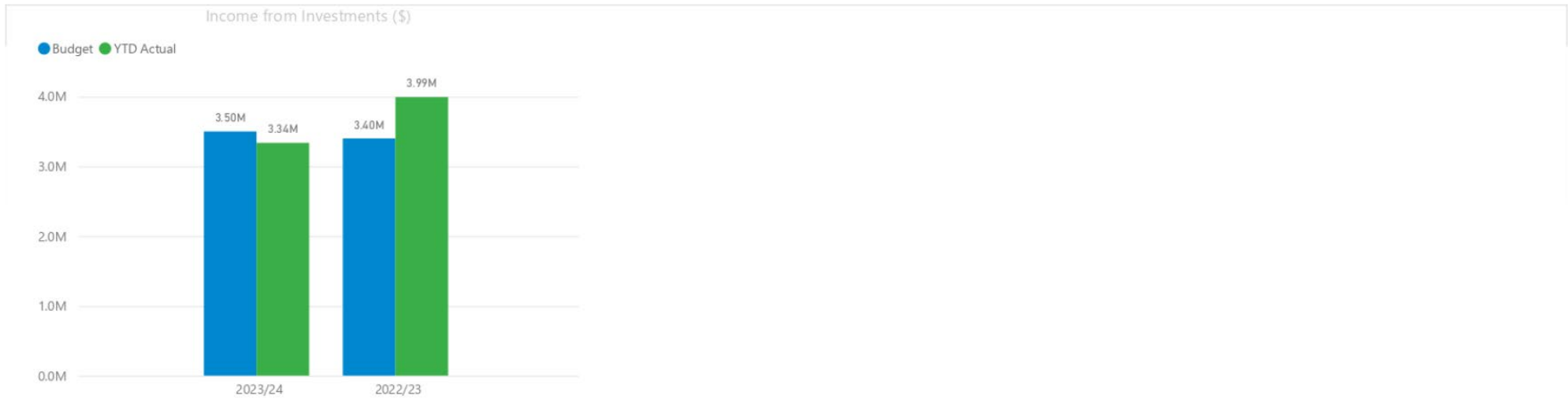
2 January 2024

Attachments: 1. Investment Report - Dec '23.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 45,813,154	31%	31%	20%	OK
Between 3 months and 1 year	\$ 80,200,000	55%	86%	40%	OK
Between 1 year and 2 years	\$ 11,000,000	7%	93%	50%	OK
Between 2 years and 4 years	\$ 10,000,000	7%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 147,013,154				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	15%	\$ 21,900,000
	NAB	40%	OK	20%	\$ 29,498,208
	Westpac	40%	OK	17%	\$ 24,500,000
A+	Macquarie	20%	OK	1%	\$ 1,500,000
A	ING	20%	Over Limit	20%	\$ 29,500,000
BBB+	Australian Military Bank	10%	OK	1%	\$ 1,000,000
	Australian Unity	10%	OK	6%	\$ 8,500,000
	Bank Of Bendigo & Adelaide	10%	OK	8%	\$ 12,000,000
BBB	Bank	10%	OK	1%	\$ 2,000,000
	MyState Bank	10%	OK	1%	\$ 2,000,000
	AMP	5%	OK	2%	\$ 3,500,000
TCorp Growth Funds	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,397,466
	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 6,129,239
	TCorp - Short Term				
Tcorp Short Term Income	Income Fund	15%	OK	1%	\$ 1,588,242
Grand Total				100%	\$ 147,013,154

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	52%	\$ 75,898,208
BBB+	20%	OK	17%	\$ 25,500,000
BBB	5%	OK	2%	\$ 3,500,000
TCorp Growth Funds	15%	OK	6%	\$ 9,526,705
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,588,242
A+ to A	50%	OK	21%	\$ 31,000,000
Grand Total			100%	\$ 147,013,154

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Movement	Closing Balance
NAB (At call account)	11,139,568	- 1,441,360.32	9,698,208
TCorp - Cash Fund	-	-	-
TCorp - Long Term Growth Fund	3,296,103	101,362.77	3,397,466
TCorp - Medium Term Growth Fund	5,981,124	148,114.65	6,129,239
TCorp - Short Term Income Fund	1,581,254	6,988.07	1,588,242
Total	21,998,049	- 1,184,894.83	20,813,154

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	4.22%	6/12/2023	1,000,000	52,605
CBA	4.55%	6/12/2023	2,000,000	87,260
CBA	4.47%	13/12/2023	2,000,000	89,155
Australian Unity	3.50%	20/12/2023	2,000,000	108,740
Westpac	4.67%	20/12/2023	1,000,000	57,319
Westpac	4.55%	20/12/2023	1,000,000	50,611
Total			9,000,000	445,691

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
ING	5.18%	16/12/2026	3,000,000	470,883
ING	5.28%	10/12/2025	3,000,000	318,970
NAB	5.20%	11/12/2024	3,000,000	158,564
Total			9,000,000	948,418

At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.50%	\$ 9,698,208	0
TCorp - Long Term Growth	3.00%	\$ 3,397,466	5
TCorp - Medium Term Growth	3.00%	\$ 6,129,239	5
Tcorp - Short Term Income	3.00%	\$ 1,588,242	5
Total		\$ 20,813,154	

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	5.05%	227	\$ 1,000,000
AMP	4.90%	80	\$ 2,500,000
Australian Military Bank	5.10%	206	\$ 1,000,000
Australian Unity	4.10%	59	\$ 1,500,000
Australian Unity	4.50%	101	\$ 2,000,000
Australian Unity	5.60%	220	\$ 1,000,000
Australian Unity	4.30%	31	\$ 2,000,000
Australian Unity	5.50%	339	\$ 2,000,000
Bank Of Queensland	3.92%	87	\$ 1,000,000
Bank Of Queensland	4.55%	87	\$ 1,500,000
Bank Of Queensland	5.52%	234	\$ 1,500,000
Bank Of Queensland	5.62%	248	\$ 1,500,000
Bank Of Queensland	5.62%	262	\$ 2,000,000
Bank Of Queensland	5.28%	311	\$ 2,500,000
Bank Of Queensland	5.40%	332	\$ 2,000,000
Bendigo & Adelaide Bank	5.30%	227	\$ 2,000,000
CBA	0.72%	157	\$ 2,000,000
CBA	0.77%	255	\$ 1,000,000
CBA	0.85%	297	\$ 2,500,000
CBA	3.05%	115	\$ 2,000,000
CBA	4.15%	178	\$ 2,000,000
CBA	4.52%	150	\$ 1,000,000
CBA	4.63%	171	\$ 4,000,000
CBA	4.76%	17	\$ 1,500,000
CBA	5.05%	66	\$ 3,500,000
CBA	5.36%	290	\$ 2,400,000
ING	5.52%	10	\$ 4,000,000
ING	4.62%	185	\$ 1,500,000
ING	5.10%	437	\$ 3,500,000
ING	4.57%	283	\$ 2,500,000
ING	4.90%	150	\$ 4,000,000
ING	5.05%	199	\$ 2,000,000
ING	5.65%	192	\$ 3,000,000
ING	5.40%	913	\$ 3,000,000
ING	5.18%	1081	\$ 3,000,000
ING	5.28%	710	\$ 3,000,000
Macquarie	4.50%	10	\$ 1,000,000
Macquarie	4.50%	10	\$ 500,000
MyState Bank	4.90%	136	\$ 2,000,000
NAB	0.80%	241	\$ 1,500,000
NAB	4.49%	353	\$ 2,500,000
NAB	4.45%	269	\$ 2,000,000
NAB	5.30%	213	\$ 2,000,000
NAB	5.22%	276	\$ 1,800,000
NAB	5.15%	122	\$ 1,000,000
NAB	5.22%	304	\$ 2,500,000
NAB	5.15%	164	\$ 1,500,000

Institution	Yield	Principal Amount	Term to Maturity
NAB	5.15%	318	\$ 2,000,000
NAB	5.20%	346	\$ 3,000,000
Westpac	1.06%	45	\$ 2,000,000
Westpac	2.28%	73	\$ 1,500,000
Westpac	3.70%	213	\$ 2,000,000
Westpac	4.35%	199	\$ 1,500,000
Westpac	4.78%	143	\$ 2,500,000
Westpac	4.89%	395	\$ 2,500,000
Westpac	4.46%	129	\$ 1,500,000
Westpac	4.40%	59	\$ 1,500,000
Westpac	4.30%	17	\$ 1,000,000
Westpac	4.88%	969	\$ 4,000,000
Westpac	5.28%	297	\$ 1,000,000
Westpac	5.44%	325	\$ 1,500,000
Westpac	5.34%	556	\$ 2,000,000
Total			\$ 126,200,000

9.2 Monthly Statement of Investments as at 31 January 2024

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300053

RECOMMENDATION

That Council:

- 1. receive the report by the Financial Planning Co-Ordinator on the Monthly Statement of Investments as at 31 January 2024; 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 January 2024.

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

MYOORAN VINAYAGAMOORTHY
FINANCIAL PLANNING CO-ORDINATOR

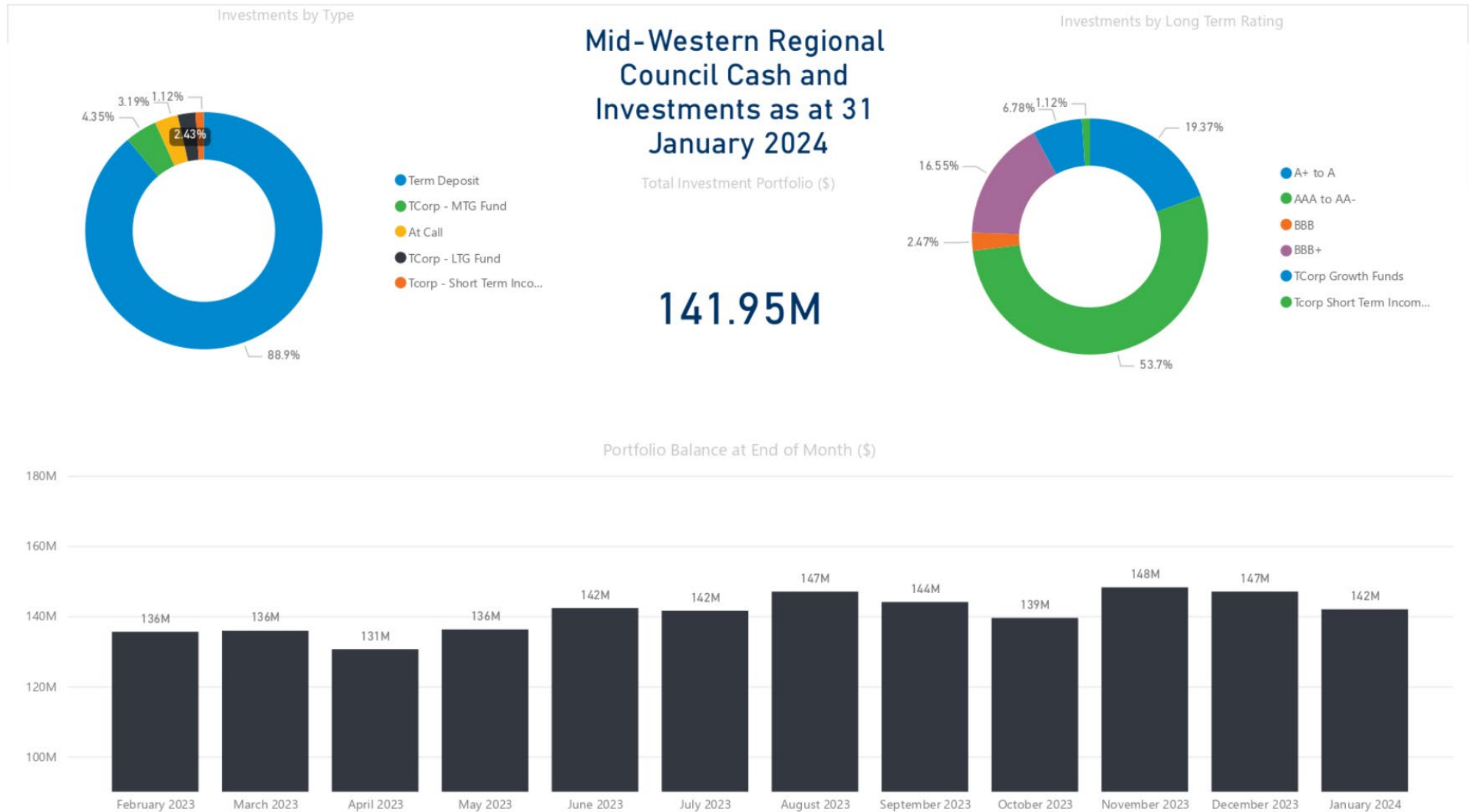
LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

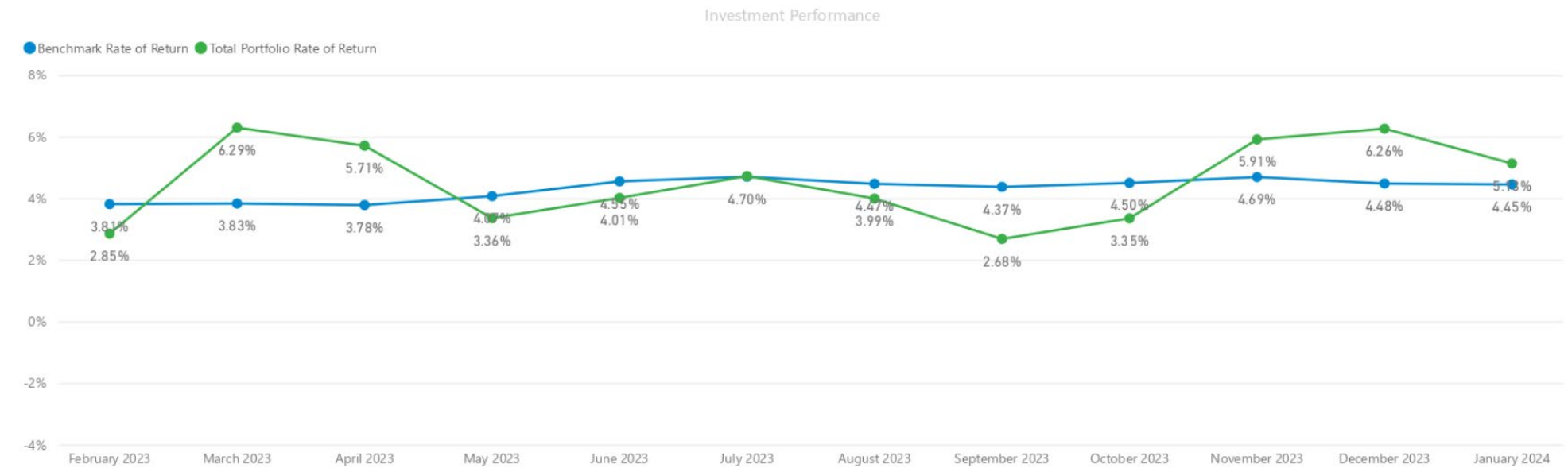
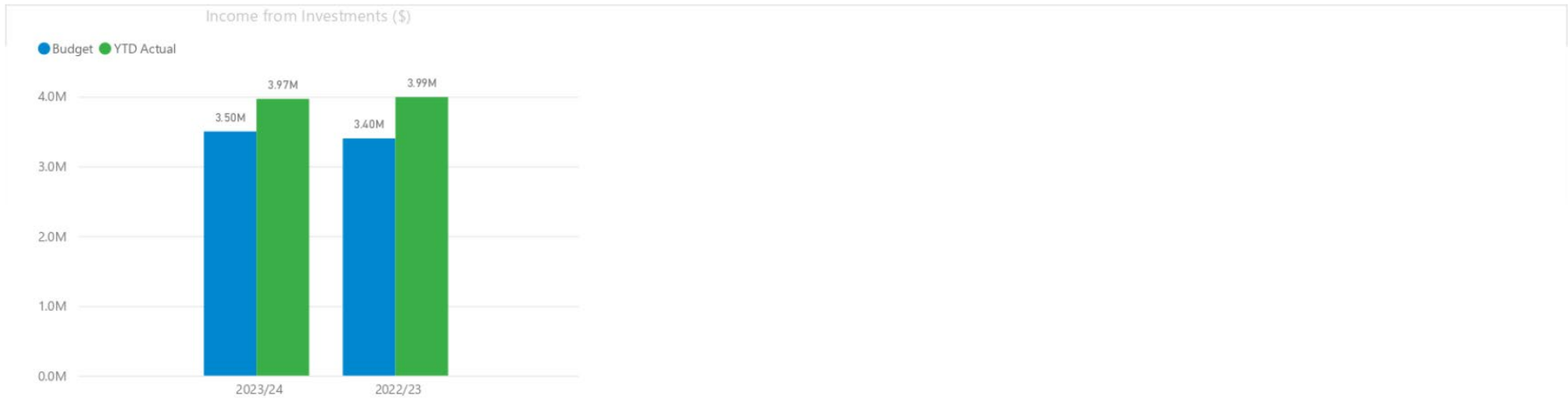
23 January 2024

Attachments: 1. Investment Report - Jan '24.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER





Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 37,251,636	26%	26%	20%	OK
Between 3 months and 1 year	\$ 83,200,000	59%	85%	40%	OK
Between 1 year and 2 years	\$ 11,500,000	8%	93%	50%	OK
Between 2 years and 4 years	\$ 10,000,000	7%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
Total	\$ 141,951,636				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40% OK		14%	\$ 20,400,000
	NAB	40% OK		20%	\$ 27,834,473
	Westpac	40% OK		20%	\$ 28,000,000
A	ING	20% OK		19%	\$ 27,500,000
	Australian Military Bank	10% OK		1%	\$ 1,000,000
BBB+	Australian Unity Bank Of	10% OK		5%	\$ 6,500,000
	Queensland Bendigo & Adelaide Bank	10% OK		8%	\$ 12,000,000
	MyState Bank	10% OK		1%	\$ 2,000,000
BBB	AMP	5% OK		2%	\$ 3,500,000
	TCorp - Long Term Growth Fund	15% OK		2%	\$ 3,445,648
TCorp Growth Funds	TCorp - Medium Term Growth Fund	15% OK		4%	\$ 6,176,160
	Tcorp - Short Term Income Fund	15% OK		1%	\$ 1,595,354
	Tcorp Short Term Income Fund	15% OK		1%	\$ 1,595,354
Grand Total				100%	\$ 141,951,636

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100% OK		54%	\$ 76,234,473
BBB+	20% OK		17%	\$ 23,500,000
BBB	5% OK		2%	\$ 3,500,000
TCorp Growth Funds	15% OK		7%	\$ 9,621,809
Tcorp Short Term Income Fund	15% OK		1%	\$ 1,595,354
A+ to A	50% OK		19%	\$ 27,500,000
Grand Total			100%	\$ 141,951,636

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Movement	Closing Balance
NAB (At call account)	9,698,208	- 5,163,734.65	4,534,473
TCorp - Cash Fund	-	-	-
TCorp - Long Term Growth Fund	3,397,466	48,182.43	3,445,648
TCorp - Medium Term Growth Fund	6,129,239	46,921.35	6,176,160
Tcorp - Short Term Income Fund	1,588,242	7,112.37	1,595,354
Total	20,813,154	- 5,061,518.50	15,751,636

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Macquarie	4.50%	10/01/2024	1,000,000	56,959
Macquarie	4.50%	10/01/2024	500,000	28,479
ING	5.52%	10/01/2024	4,000,000	118,567
Westpac	4.30%	17/01/2024	1,000,000	57,726
CBA	4.76%	17/01/2024	1,500,000	73,943
Australian Unity	4.30%	31/01/2024	2,000,000	130,296
Total			10,000,000	465,970

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	5.10%	8/01/2025	2,500,000	129,596
Westpac	4.98%	25/06/2025	2,000,000	147,081
ING	5.22%	15/01/2025	2,000,000	106,116
NAB	5.05%	17/04/2024	2,500,000	33,897
NAB	5.20%	5/02/2025	1,000,000	53,852
Total			10,000,000	470,542

At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.50%	\$ 4,534,473	0
TCorp - Long Term Growth	3.00%	\$ 3,445,648	5
TCorp - Medium Term Growth	3.00%	\$ 6,176,160	5
Tcorp - Short Term Income	3.00%	\$ 1,595,354	5
Total		\$ 15,751,636	

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	5.05%	196	\$ 1,000,000
AMP	4.90%	49	\$ 2,500,000
Australian Military Bank	5.10%	175	\$ 1,000,000
Australian Unity	4.10%	28	\$ 1,500,000
Australian Unity	4.50%	70	\$ 2,000,000
Australian Unity	5.60%	189	\$ 1,000,000
Australian Unity	5.50%	308	\$ 2,000,000
Bank Of Queensland	3.92%	56	\$ 1,000,000
Bank Of Queensland	4.55%	56	\$ 1,500,000
Bank Of Queensland	5.52%	203	\$ 1,500,000
Bank Of Queensland	5.62%	217	\$ 1,500,000
Bank Of Queensland	5.62%	231	\$ 2,000,000
Bank Of Queensland	5.28%	280	\$ 2,500,000
Bank Of Queensland	5.40%	301	\$ 2,000,000
Bendigo & Adelaide Bank	5.30%	196	\$ 2,000,000
CBA	0.72%	126	\$ 2,000,000
CBA	0.77%	224	\$ 1,000,000
CBA	0.85%	266	\$ 2,500,000
CBA	3.05%	84	\$ 2,000,000
CBA	4.15%	147	\$ 2,000,000
CBA	4.52%	119	\$ 1,000,000
CBA	4.63%	140	\$ 4,000,000
CBA	5.05%	35	\$ 3,500,000
CBA	5.36%	259	\$ 2,400,000
ING	4.62%	154	\$ 1,500,000
ING	5.10%	406	\$ 3,500,000
ING	4.57%	252	\$ 2,500,000
ING	4.90%	119	\$ 4,000,000
ING	5.05%	168	\$ 2,000,000
ING	5.65%	161	\$ 3,000,000
ING	5.40%	882	\$ 3,000,000
ING	5.18%	1050	\$ 3,000,000
ING	5.28%	679	\$ 3,000,000
ING	5.22%	350	\$ 2,000,000
MyState Bank	4.90%	105	\$ 2,000,000
NAB	0.80%	210	\$ 1,500,000
NAB	4.49%	322	\$ 2,500,000
NAB	4.45%	238	\$ 2,000,000
NAB	5.30%	182	\$ 2,000,000
NAB	5.22%	245	\$ 1,800,000
NAB	5.15%	91	\$ 1,000,000
NAB	5.22%	273	\$ 2,500,000
NAB	5.15%	133	\$ 1,500,000
NAB	5.15%	287	\$ 2,000,000
NAB	5.20%	315	\$ 3,000,000
NAB	5.05%	77	\$ 2,500,000
NAB	5.20%	371	\$ 1,000,000

Institution	Yield	Principal Amount	Term to Maturity
Westpac	1.06%	14	\$ 2,000,000
Westpac	2.28%	42	\$ 1,500,000
Westpac	3.70%	182	\$ 2,000,000
Westpac	4.35%	168	\$ 1,500,000
Westpac	4.78%	112	\$ 2,500,000
Westpac	4.89%	364	\$ 2,500,000
Westpac	4.46%	98	\$ 1,500,000
Westpac	4.40%	28	\$ 1,500,000
Westpac	4.88%	938	\$ 4,000,000
Westpac	5.28%	266	\$ 1,000,000
Westpac	5.44%	294	\$ 1,500,000
Westpac	5.34%	525	\$ 2,000,000
Westpac	5.10%	343	\$ 2,500,000
Westpac	4.98%	511	\$ 2,000,000
Total			\$ 126,200,000

9.3 Monthly Budget Review - January 2024

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400103, FIN300315

RECOMMENDATION

That Council receive the report by the Chief Financial Officer on the Monthly Budget Review for January 2024.

Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program at 31 January 2024.

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. All budget variations are displayed in the Quarterly Budget Review Statement report.

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:

- 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
- 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

There are no proposed variations in this report.

Associated Risks

Not Applicable

NEIL BUNGATE
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

13 February 2024

Attachments: 1. Monthly Budget Review - January 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MONTHLY BUDGET REVIEW – 31 JANUARY 2024

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

13 FEBRUARY 2024

MID-WESTERN REGIONAL COUNCIL
FINANCE



FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

THIS DOCUMENT HAS BEEN PREPARED BY NEIL BUNGATE, CHIEF FINANCIAL OFFICER FOR MID-WESTERN REGIONAL COUNCIL.

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

DATE OF PUBLICATION: 13 FEBRUARY 2024

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1. Capital Works Program4

1. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM

\$ 25.8 M

Actual YTD

250

Capital Projects

\$82.8 M

Budget

\$32 M

Commitments

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	52	0	52	31	60%	10	Construction
RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL)	290	0	290	11	4%	10	Initial works
RURAL FIRE SERVICE - MUDGEE AIRBASE SHED (CAPITAL)	27	0	27	19	69%	8	Final works
RURAL FIRE SERVICE - COOKS GAP STATION UPGRADE (CAPITAL)	0	52	52	0	0%	0	Consultation
RURAL FIRE SERVICE - CRUDINE STATION UPGRADE (CAPITAL)	0	5	5	0	0%	0	Project Scope
RURAL FIRE SERVICE - CUDGEGONG STATION UPGRADE (CAPITAL)	0	1	1	0	0%	2	Project Scope
RURAL FIRE SERVICE - CUDGEGONG FCC - OLD BUILDING (CAPITAL)	0	20	20	0	0%	0	Project Scope
RURAL FIRE SERVICE - GULGONG DC LIGHTING	0	6	6	0	0%	0	Project Scope
RURAL FIRE SERVICE - GOOLMA RFB LIGHTING	0	6	6	0	0%	2	Project Scope
RURAL FIRE SERVICE - LAWSON RFB LIGHTING	0	6	6	0	0%	0	Project Scope
RURAL FIRE SERVICE - LUE/HAVILAH - HARDSTAND/DRIVEWAY	0	45	45	0	0%	0	Project Scope
RURAL FIRE SERVICE - MUDGEE AIRBASE	0	58	58	0	0%	12	Project Scope
RURAL FIRE SERVICE - MUDGEE HQ	0	60	60	0	0%	1	Project Scope
RURAL FIRE SERVICE - OLINDA RFB DRIVEWAY	0	20	20	0	0%	0	Project Scope
RURAL FIRE SERVICE - PYRAMUL RFB	0	40	40	0	0%	0	Project Scope
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0	Deferred/Cancelled
COMM. TRANSPORT- VEHICLE PURCHASE	65	0	65	0	0%	0	Consultation
COUNTRY UNIVERSITY CENTER CAPITAL	1,430	0	1,430	1,185	83%	129	Construction
CEMETERY CAPITAL PROGRAM	17	0	17	4	24%	0	Initial works
GULGONG CEMETERY ROAD UPGRADE	10	0	10	10	98%	0	Complete

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
CEMETERY EXPANSION - MUDGEE & GULGONG	40	0	40	0	0%	0	Procurement
CEMETERY SIGNAGE UPGRADE	10	0	10	3	28%	6	Initial works
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	100	0	100	0	0%	100	Initial works
PUBLIC TOILETS - ILFORD REST STOP	23	0	23	1	3%	7	Initial works
LIBRARY BOOKS	96	0	96	63	66%	0	Construction
MUDGEE LIBRARY AIR CONDITIONING	5	0	5	4	88%	0	Complete
GULGONG NATURAL HISTORY MUSEUM	100	0	100	20	20%	5	Construction
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	44	(44)	0	0	0%	0	Deferred/Cancelled
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	4	0	4	4	94%	0	Complete
CAPITAL UPGRADE - KILDALLON	60	0	60	1	1%	14	Procurement
COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES	65	0	65	0	0%	0	Procurement
PUBLIC HALLS - AUDIO UPGRADES	35	0	35	1	2%	0	Design
TOWN HALL - EXTERNAL BRICKWORK	100	(100)	1	1	100%	0	Deferred/Cancelled
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	68	0	68	6	9%	0	Procurement
KANDOS HALL & LIBRARY - TOILETS	109	0	109	2	2%	4	Design
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE	45	0	45	10	23%	10	Construction
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	13	0	13	0	0%	10	Initial works
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	4	9%	4	Construction
KANDOS HALL INTERNAL REPAIRS	20	0	20	2	11%	10	Construction
MUDGEE POOL HEATERS	80	0	80	0	0%	0	Procurement
MUDGEE POOL STORAGE SHED UPGRADE	46	0	46	14	30%	23	Initial works
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Procurement
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES BUILDING	5	0	5	5	99%	0	Complete
GLEN WILLOW SPORTS GROUND UPGRADES	186	140	326	51	16%	16	Construction
MUDGEES SHOWGROUNDS - AMENITIES	25	0	25	24	97%	0	Complete
BILLY DUNN OVAL - UPGRADES	90	0	90	65	72%	15	Construction
GULGONG TENNIS COURTS	218	0	218	0	0%	0	Procurement
GLEN WILLOW FIELD ONE REFURBISHMENT	590	(590)	0	0	0%	0	Deferred/Cancelled
CLANDULLA RECREATION PARK AMENITIES	120	0	120	6	5%	106	Initial works
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	15	35	2	6%	0	Procurement
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	112	0	112	0	0%	101	Initial works
RYLSTONE & KANDOS DOG PARK	29	0	29	9	33%	3	Complete
GLEN WILLOW STORMWATER RETICULATION SYSTEM	4	0	4	0	0%	0	Complete
PUTTA BUCCA TRAINING CAMP FACILITY	9,725	0	9,725	1,283	13%	9,619	Construction
GLEN WILLOW - PUMP TRACK (REQUIRES GRANT)	700	0	700	18	3%	5	Procurement
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0	Consultation
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Procurement
VICTORIA PARK GULGONG - AMENITIES UPGRADE	485	0	485	309	64%	21	Construction
GLEN WILLOW - NETBALL PRECINCT UPGRADE	143	0	143	1	1%	0	Construction
GLEN WILLOW - STADIUM LIGHTING UPGRADE	3,010	0	3,010	2,271	75%	8	Final works
BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK	92	0	92	0	0%	0	Construction
GLEN WILLOW - STADIUM ELEVATOR REPLACEMENT	311	(311)	0	0	0%	0	Deferred/Cancelled
WARATAH PARK FIELD RENOVATION	90	0	90	37	41%	17	Construction
PROPERTY PURCHASE - 191 DENISON STREET	330	0	330	0	0%	0	Initial works
RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT (REQUIRES GRANT)	42	0	42	0	0%	0	Procurement
RYLSTONE SHOWGROUND CAPITAL	20	0	20	0	1%	0	Project Scope

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	58	0	58	27	47%	4	Initial works
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Consultation
VICTORIA PARK GULGONG - STORAGE SHED (REQUIRES GRANT)	30	(30)	0	0	0%	0	Deferred/Cancelled
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0	Procurement
RYLSTONE SHOWGROUND ARENA - UPGRADE	787	0	787	17	2%	4	Initial works
MUDGEES SHOWGROUND LIVESTOCK HOLDING YARDS	40	0	40	9	22%	0	Project Scope
RECREATIONAL PROPERTY MATTERS	20	0	20	8	41%	3	Initial works
ROBERTSON PARK - EQUIPMENT UPGRADE	159	(159)	0	0	0%	0	Deferred/Cancelled
KANDOS INCLUSIVE ADVENTURE PLAYSPACE	558	0	558	0	0%	64	Initial works
ELECTRIC BBQ - KANDOS & RYLSTONE PLYGROUND	15	0	15	8	55%	0	Construction
HENRY LAWSON MEMORIAL RENEWAL	14	0	14	0	0%	0	Procurement
JACK TINDALE PARK RYLSTONE - ROAD UPGRADE	40	0	40	20	50%	0	Complete - awaiting invoices
SHADE SAIL - MUDGEES DOG PARK	15	0	15	14	95%	0	Complete
SCULPTURES ACROSS THE REGION	29	0	29	21	73%	0	Construction
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	125	0	125	0	0%	0	Design
ROTUNDA PARK KANDOS - IRRIGATION RENEWAL	0	17	17	17	100%	0	Complete
APEX PARK GULGONG - IRRIGATION RENEWAL	49	0	49	0	0%	0	Procurement
PLAYGROUND SHADING PROGRAM	53	0	53	13	25%	29	Construction
PARK BIN REPLACEMENT	80	0	80	0	0%	0	Consultation
PLAYGROUND RUBBER SOFTFALL PROGRAM	60	0	60	0	0%	0	Procurement
IRRIGATION RENEWAL PROGRAM	0	0	0	0	0%	0	Complete
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES	261	0	261	0	0%	0	Design
LAWSON PARK MUDGEES - IRRIGATION RENEWAL	45	0	45	0	0%	0	Procurement
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	40	100%	0	Complete

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEE RIVERSIDE - WALKING TRACK IMPROVEMENTS	48	0	48	0	1%	0	Construction
FLIRTATION HILL MUDGEE - MASTER PLAN WORKS	725	0	725	394	54%	139	Construction
PLAYGROUND - BROADVIEW ESTATE	120	0	120	0	0%	91	Consultation
STREET SCAPE IMPROVEMENTS	31	0	31	9	29%	2	Initial works
STREETSCAPE - STREET BINS	57	0	57	0	0%	35	Procurement
Total	23,263	(743)	22,520	6,075	27%	10,649	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	355	0	355	209	59%	0	Initial works
MUDGEE WASTE DEPOT UPGRADES	38	0	38	12	32%	0	Project Scope
NEW TIP CELL CONSTRUCTION	6,403	0	6,403	2,353	37%	3,437	Construction
NEW RECYCLING BINS	4	0	4	4	100%	0	Complete
KANDOS WTS OFFICE REPLACEMENT	22	0	22	17	79%	0	Complete
DRAINAGE CAPITAL IMPROVEMENTS	30	(30)	0	0	100%	0	Deferred/Cancelled
CAUSEWAY IMPROVEMENTS	61	(15)	46	2	4%	0	Procurement
STORMWATER DRAINAGE - BOMBIRA AVENUE	1,400	0	1,400	4	0%	68	Construction
PUTTA BUCCA WETLANDS CAPITAL	35	0	35	8	24%	22	Initial works
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	184	0	184	7	4%	167	Final works
WATER NEW CONNECTIONS	100	0	100	56	56%	3	Construction
WATER AUGMENTATION - MUDGEE HEADWORKS	2,534	(1,000)	1,534	833	54%	6	Construction
WATER DISTRIBUTION - MUDGEE	2,800	(2,515)	285	0	0%	0	Design
WATER RYLSTONE DAM WALL & EROSION PROTECTION (REQUIRES GRANT)	420	(252)	168	3	2%	10	Design
WATER MAINS - CAPITAL BUDGET ONLY	1,076	(1,076)	0	0	0%	0	Budget only

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - MAYNE STREET	93	(83)	10	0	3%	0	Deferred/Cancelled
WATER MAINS - BAYLY STREET	167	0	167	6	4%	156	Final works
WATER MAINS - TALLAWANG ROAD	275	0	275	11	4%	247	Initial works
WATER MAINS - LITTLE BAYLY STREET	108	0	108	74	69%	32	Final works
WATER MAINS - SYDNEY ROAD	90	80	170	0	0%	0	Project Scope
WATER MAINS - NRAR WATER METER PROJECT	193	0	193	45	23%	136	Construction
WATER MAINS - PROJECT 2024-1	0	270	270	0	0%	0	Project Scope
WATER MAINS - PROJECT 2024-2	0	50	50	0	0%	0	Project Scope
WATER MAINS - PROJECT 2024-3	0	235	235	0	0%	0	Project Scope
WATER MAINS - PROJECT 2024-4	0	250	250	0	0%	0	Project Scope
WATER MAINS - PROJECT 2024-5	0	271	271	0	0%	0	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	76	(45)	31	1	4%	0	Project Scope
WATER PUMP STATION - GULGONG RIVER ACCESS	8	0	8	3	31%	0	Complete
WATER RESERVOIR - BUDGET ONLY	100	(100)	0	0	0%	0	Budget only
WATER RESERVOIR - FLIRTATION HILL MUDGEES	105	0	105	0	0%	0	Project Scope
RAW WATER SYSTEMS RENEWALS	72	0	72	19	27%	0	Construction
WATER TREATMENT PLANT - RENEWALS	148	0	148	117	79%	7	Construction
WATER TREATMENT RYLSTONE UPGRADES	0	150	150	0	0%	0	Project Scope
SEWER NEW CONNECTIONS	50	0	50	6	12%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	265	0	265	2	1%	71	Design
MUDGEES SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	0	0%	0	Project Scope
SEWER MAINS CAPITAL UPGRADES	2,194	0	2,194	625	28%	413	Construction
SEWER PUMP STATION - CAPITAL RENEWALS	1,177	(900)	277	98	35%	0	Construction
SEWER TREATMENT WORKS - RENEWALS	94	(50)	44	18	41%	7	Construction
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
Total	21,258	(4,760)	16,498	4,533	27%	4,782	

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Building a Strong Local Economy							
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	68	0	68	66	98%	0	Complete
RYLSTONE CARAVAN PARK - CAPITAL	3	0	3	2	58%	0	Complete
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK EXPANSION	2,401	0	2,401	158	7%	1,079	Design
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	371	0	371	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK EXPANSION ROADS	65	0	65	34	52%	0	Complete
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	65	13	78	16	20%	28	Construction
MUDGEE VALLEY PARK - CARETAKER HOUSE RENOVATION	50	0	50	0	0%	0	Procurement
MUDGEE VALLEY PARK - SHADE OVER POOL	22	0	22	15	67%	8	Final works
RYLSTONE CARAVAN PARK STAGE 2	1,040	0	1,040	250	24%	442	Construction
CARAVAN PARK - RIVERSIDE - CAPITAL	118	0	118	23	20%	15	Initial works
CARAVAN PARK - RIVERSIDE - CABIN	250	0	250	207	83%	0	Final works
CHRISTMAS DECORATIONS	200	0	200	158	79%	0	Complete
EVENTS STORAGE COMPOUND	60	0	60	0	0%	0	Procurement
SIGNAGE UPGRADE	244	(100)	144	8	6%	35	Construction
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	4	0	4	0	0%	0	Procurement
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	0	0%	6	Initial works
SALEYARDS - BATHROOM RENOVATIONS	30	0	30	0	0%	7	Procurement
SALEYARDS - WEIGH SCALE DOOR REPLACEMENT	20	0	20	12	59%	0	Construction
SALEYARDS - REPLACEMENT SCANNER	20	0	20	15	73%	0	Construction
PROPERTY - EX SALEYARDS STAGE II	1,893	0	1,893	1,440	76%	76	Construction
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	388	0	388	56	14%	53	Construction

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Total	7,382	(87)	7,294	2,459	34%	1,750	

Connecting our Region

URBAN RESEALS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN RESEALS - HERBERT ST GULGONG	52	0	52	0	0%	0	Budget only
URBAN RESEALS - COX ST SEG 80 & 90	12	(1)	11	11	100%	0	Complete
URBAN RESEALS - GLADSTONE ST SEG 140 - 160	36	(2)	34	27	80%	0	Complete
URBAN RESEALS - MCGREGOR PLACE	10	0	10	0	0%	0	Construction
URBAN RESEALS - WENONAH STREET	16	(1)	15	15	100%	0	Complete
URBAN RESEAL - RODGERS STREET	41	0	41	0	0%	0	Construction
URBAN RESEAL - DONOGHUE STREET	18	0	18	0	0%	0	Construction
URBAN RESEAL - ADAMS STREET	15	0	15	0	0%	0	Construction
URBAN RESEAL - DAVIES ROAD	44	(10)	34	34	100%	0	Complete
URBAN RESEAL - BLACK LEAD LANE	43	(1)	42	42	100%	0	Complete
URBAN RESEAL - ALBENS LANE	10	0	10	0	0%	0	Initial works
URBAN RESEAL - GREVILLEA STREET	17	1	18	18	100%	0	Complete
URBAN RESEAL - CAINBIL STREET	18	(3)	15	15	100%	0	Complete
URBAN RESEAL - BOWMAN STREET	18	(1)	17	17	100%	0	Complete
URBAN RESEAL - BUMBERRA PLACE	11	0	11	0	0%	0	Construction
URBAN RESEAL - NOYES ST SEG 30 - 70	23	0	23	0	0%	0	Construction
URBAN RESEAL - MORTIMER STREET	55	(8)	47	47	100%	0	Complete
URBAN RESEAL - SWORDS COURT	11	0	11	0	0%	0	Construction
URBAN RESEAL - VERA COURT	12	0	12	0	0%	0	Construction
URBAN RESEAL - WHITE CIRCLE	55	(6)	49	49	100%	0	Complete
URBAN RESEAL - WINBOURNE STREET	23	0	23	0	0%	0	Construction
URBAN RESEAL - WINTER STREET	21	(2)	19	19	100%	0	Complete

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEAL - CARWELL STREET RYLSTONE	23	(1)	22	22	100%	0	Complete
URBAN RESEAL - COOMBER STREET RYLSTONE	24	(1)	23	23	100%	0	Complete
URBAN RESEALS - GEORGE ST SEG 10-30	16	(2)	14	14	100%	0	Complete
URBAN RESEAL - PIPER STREET RYLSTONE	14	(1)	13	13	100%	0	Complete
URBAN RESEALS - JACQUES STREET KANDOS	21	0	21	0	0%	10	Construction
URBAN RESEAL - MORTIMER STREET MUDGE	36	0	36	0	0%	36	Construction
URBAN RESEALS - SALEYARDS LN GULGONG	11	0	11	0	0%	12	Initial works
URBAN ROAD REHABS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN ROADS KERB & GUTTER CAPITAL	117	8	125	124	100%	5	Complete
URBAN REHAB - ROBERTSON ST SEG 90	550	0	550	1	0%	47	Initial works
URBAN HEAVY PATCHING	26	0	26	14	54%	7	Construction
ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW	430	0	430	38	9%	29	Construction
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	10	22	10	47%	1	Complete
RESHEETING - URBAN ROADS	12	0	12	0	0%	0	Construction
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	20	(8)	12	12	100%	0	Complete
URBAN ROADS LAND MATTERS CAPITAL	25	0	25	0	0%	0	Project Scope
RURAL SEALED ROADS RESEALS BUDGET ONLY	15	(15)	0	0	0%	0	Budget only
RURAL RESEAL - HENRY LAWSON DRIVE	521	0	521	322	62%	161	Construction
RURAL RESEAL - TINJA LANE	12	0	12	0	2%	0	Construction
RURAL RESEAL - BARNEYS REEF ROAD	235	0	235	0	0%	0	Construction
RURAL RESEAL - BLUE SPRINGS ROAD	99	(31)	68	68	100%	0	Complete
RURAL RESEAL - SPRINGFIELD LANE	16	(1)	15	15	100%	0	Complete
RURAL RESEAL - MEBUL ROAD	85	0	85	96	113%	0	Complete
RURAL RESEAL - LUE RD	129	(76)	53	53	100%	0	Construction
RURAL RESEAL - GLEN ALICE RD	62	0	62	0	0%	67	Initial works
RURAL RESEAL - YARRAWONGA RD	162	(18)	143	124	87%	15	Complete

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEAL - WINDEYER RD GRATTAI	102	0	102	0	0%	0	Complete - awaiting invoices
RURAL RESEAL - CUDGEGONG RD	324	0	324	268	83%	58	Complete
RURAL RESEAL - PYRAMUL RD	101	0	101	0	0%	0	Complete - awaiting invoices
RURAL RESEALS - DABEE ROAD KANDOS	114	0	114	5	5%	48	Construction
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	413	(413)	0	0	0%	0	Budget only
RURAL REHAB - LUE ROAD MOUNTKNOW	0	16	16	6	35%	10	Initial works
RURAL REHAB - CUDGEGONG RD CARWELL	520	80	600	641	107%	8	Complete
HEAVY PATCHING	52	0	52	13	26%	0	Construction
ULAN WOLLAR ROAD - STAGE 1	0	12	12	9	74%	0	Consultation
RURAL RESEAL - BUDGE E BUDGE E	35	0	35	39	111%	0	Complete
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	3	10%	24	Construction
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	7	Construction
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	28	0	28	28	100%	0	Complete
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	240	0	240	236	98%	0	Complete
RURAL ROADS - FLOODED ROADS SMART WARNING SYSTEM	55	(55)	0	0	0%	0	Deferred/Cancelled
RURAL SEALED ROAD LAND MATTERS	64	0	64	3	4%	0	Initial works
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	73	0	73	0	0%	0	Budget only
REG RDS RESEALS - BYLONG VALLEY WAY MR215	283	(146)	137	137	100%	1	Complete
REG RDS RESEALS - ILFORD ROAD MR215	65	0	65	1	1%	0	Initial works
REG RDS RESEALS - WOLLAR ROAD MR 208	152	0	152	0	0%	0	Initial works
MUNGHORN GAP SHOULDER WIDENING BLACKSPOT	60	0	60	13	22%	4	Final works
HILL END ROAD SAFETY IMPROVEMENTS	1,024	0	1,024	578	56%	358	Construction
BVW UPGRADE RNSW 2080	40	0	40	11	27%	0	Final works
RESEAL ULAN ROAD - TURILL AREA	576	(476)	100	0	0%	0	Initial works

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	11	0	11	0	0%	0	Consultation
ZIMMER LANE (NOW MAINTAINED)	22	(2)	20	20	100%	0	Complete
BADGERS LANE (NOW MAINTAINED)	72	0	72	30	42%	0	Construction
SEAL EXTENSION - QUEENS PINCH RD	905	0	905	242	27%	145	Construction
SEAL EXTENSION - COXS CREEK RD	824	0	824	710	86%	158	Construction
SEAL EXTENSION - BOTOBOLAR RD	1,585	600	2,185	1,542	71%	33	Construction
SEAL EXTENSION - CORICUDGY ROAD	637	0	637	666	105%	0	Complete
SEAL EXTENSION - CORICUDGY ROAD STAGE 2	2,364	0	2,364	625	26%	135	Construction
RESHEETING	2,161	0	2,161	1,542	71%	73	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	57	0	57	8	14%	0	Initial works
BRIDGE TO PUTTA BUCCA ROAD	369	0	369	394	107%	132	Construction
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0	Project Scope
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	0	500	500	270	54%	240	Construction
ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB	278	152	430	344	80%	92	Construction
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE REHAB	52	0	52	23	43%	0	Complete
ULAN ROAD - RESEALS LINBURN AND ULAN AREAS	600	(165)	435	0	0%	0	Initial works
FOOTPATH REPLACEMENT	142	0	142	18	13%	3	Construction
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	243	0	243	58	24%	0	Construction
FOOTWAYS - PASSENGER TRANSPORT INFRASTRUCTURE	0	10	10	0	0%	10	Construction
AIRPORT HANGER AND STUDIO	289	0	289	251	87%	28	Final works
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Procurement
AIRPORT HANGER 4 ACCESS TO TAXIWAY	0	14	14	4	32%	5	Project Scope
Total	18,319	(45)	18,274	9,979	55%	1,961	

FINANCE | MONTHLY BUDGET REVIEW – 31 JANUARY 2024

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Good Government							
RYLSTONE ADMINISTRATION - BUILDING PAINTING	20	0	20	11	53%	1	Initial works
OLD POLICE STATION CAPITAL	50	(20)	30	0	0%	20	Construction
BUILDINGS MASTER KEY SYSTEM	50	0	50	0	0%	0	Procurement
MUDGEES ADMIN BUILDING EXTENSION	471	0	471	22	5%	315	Construction
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	0	Procurement
MUDGEES ADMIN BUILDING - EAST WING OFFICES RECONFIGURATION	90	0	90	0	0%	0	Design
RECREATION BUILDING - RENOVATION	100	0	100	31	31%	37	Final works
CARMEL CROAN BUILDING - ROOF RESTORATION	25	0	25	2	10%	13	Initial works
IT SPECIAL PROJECTS	54	0	54	0	0%	0	Design
IT - NETWORK UPGRADES	72	0	72	17	23%	0	Construction
IT CORPORATE SOFTWARE	101	(20)	81	30	37%	6	Construction
IT - PAPER CUT SECURE PRINTING	25	(25)	0	0	0%	0	Deferred/Cancelled
PLANT PURCHASES	8,292	40	8,332	2,159	26%	5,087	Construction
PLANT PURCHASES - NEW	513	40	553	51	9%	288	Construction
RYLSTONE DEPOT - CAPITAL UPGRADE	65	0	65	5	8%	0	Procurement
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	13	19%	14	Initial works
SOLAR FARM INITIATIVE - STAGE 3	8,220	0	8,220	475	6%	7,072	Construction
RYLSTONE EMULSION TANK	0	15	15	5	34%	8	Construction
Total	18,240	30	18,271	2,822	15%	12,861	
Total Capital Works Program	88,462	(5,605)	82,857	25,867	31%	32,003	

9.4 Quarterly Budget Review - December 2023

REPORT BY THE CHIEF FINANCIAL OFFICER AND FINANCIAL PLANNING CO-ORDINATOR
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300240

RECOMMENDATION

That Council:

1. **receive the report by the Chief Financial Officer and Financial Planning Co-Ordinator on the Quarterly Budget Review - December 2023;**
2. **amend the 2023/24 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

Executive summary

This report, with its incorporated attachment, makes up the December 2023 Quarterly Budget Review Statement of the 2023/24 Operational Plan.

Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

Disclosure of Interest

Nil

Detailed report

The Quarterly Budget Review Statement presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of Council's progress against the operational plan and the last revised budget along with recommended changes and reasons for major variances.

Certification

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021:

It is my opinion that the attached Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2024 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2023/24 financial year.

Community Plan implications

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

Strategic implications

Council Strategies

The recommendation, if approved will amend the 2023/24 Budget. In accordance with the Delivery Program 2023/27, a comprehensive Quarterly Budget Review reporting is required to be completed within two months of period end.

Council Policies

Not Applicable

Legislation

Clause 203 of the Local Government (General) Regulation 2021 requires that:

1. Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the Council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.
2. A budget review statement must include or be accompanied by:
 - a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and
 - b) if that position is unsatisfactory, recommendations for remedial action.
3. A budget statement must also include any information required by the Code to be included in such a statement.

Financial implications

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

Associated Risks

Not Applicable

NEIL BUNGATE
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

10 January 2024

Attachments: 1. Late Attachment - Quarterly Budget Review - December 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Placeholder for Attachment 1

Quarterly Budget Review - December 2023

Late Attachment - Quarterly Budget Review - December
2023

0 Pages

9.5 Community Grants Program - February 2024

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, GRA600009

RECOMMENDATION

That Council:

1. **receive the report by the Acting Financial Planning Co-ordinator on the Community Grants Program - February 2024;**
2. **provide financial assistance to the following applications in accordance with the criteria and guidelines of the Community Grants Policy:**
 - **Mudgee Aero Club Incorporated** **\$12,400**
 - **Gulgong Chamber of Commerce Inc** **\$10,000**
 - **Mudgee Fine Foods Incorporated** **\$6,000**
 - **Spare Parts Invests in Arts Inc** **\$3,150**
 - **Life Charity Focus** **\$5,000**
3. **not provide financial assistance to the following applicants for the reason provided in the report:**
 - **Cudgegong Antique Machinery Club**

Executive summary

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

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

All applications except for those under the Youth Representative Grants and the Mudgee Sports Advisory categories were first reviewed for eligibility and then assessed by a panel of three staff against the following criteria relative to the amount of funding requested:

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

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

Applicant	Project/Activity	Funding Request (\$)	Total Score (out of 9)	Recommended Amount (\$)
Mudgee Aero Club Incorporated	Replacement of Aero Club Roof	18,800	9	12,400
Gulgong Chamber of Commerce Inc	Gulgong Chamber of Commerce Administration	15,000	9	10,000
Mudgee Fine Foods Incorporated	Mudgee Fine Foods Famers and Makers Markets	6,000	9	6,000
Cudgegong Antique Machinery Club	Mudgee Swap Meet	500	n/a	-
Spare Parts Invests in Arts Inc	Latin Percussion Workshops in Kandos and Rylstone	3,150	9	3,150
Life Charity Focus	Colour Run Gulgong	7,000	8	5,000
Total				36,550

Disclosure of Interest

Nil

Detailed report

The information provided below gives more detail on each application and the scoring against the policy criteria.

Copies of all applications are provided as attachments to the report.

Mudgee Aero Club Incorporated

Mudgee Aero Club Incorporated requests \$18,800 for Replacement of Aero Club Roof .

Link to Community Plan: 1.1.4 Work with key partners and the community to reduce crime, anti-social behaviour and improve community health and safety 1.3.1 Provide infrastructure and services to cater for the current and future needs of our community, 3.2.1 Promote the Region as a great place to live, work, invest and visit

COMMUNITY GRANT CATEGORY

Capital Grants Category: Cap \$25,000 or 50% of the total project cost, whichever is the lower.

RECOMMENDATION:

\$12,400 (50% of project costs being \$24,800)

Gulgong Chamber of Commerce Inc

Gulgong Chamber of Commerce Inc requests \$15,000 for Gulgong Chamber of Commerce Administration.

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.4.1 Support programs which strengthen the relationships between the range of community groups, 3.1.1 Support the attraction and retention of a diverse range of businesses and industries

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$10,000

Mudgee Fine Foods Incorporated

Mudgee Fine Foods Incorporated requests \$6,000 for Mudgee Fine Foods Famers and Makers Markets.

Link to Community Plan: 1.4.1 Support programs which strengthen the relationships between the range of community groups 3.1.1 Support the attraction and retention of a diverse range of businesses and industries, 3.2.1 Promote the Region as a great place to live, work, invest and visit.

COMMUNITY GRANT CATEGORY

Business Association Category: Cap \$10,000

RECOMMENDATION:

\$ 6,000

Cudgegong Antique Machinery Club

Cudgegong Antique Machinery Club requests \$500 for Mudgee Swap Meet.

Link to Community Plan: 1.1.1 Maintain the provision of high quality, accessible community services that meet the needs of our community 1.4.1 Support programs which strengthen the relationships between the range of community groups, 3.2.1 Promote the Region as a great place to live, work, invest and visit

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 0

The Mudgee Swap Meet falls under the events assistance Program funding. In accordance with the Community Grants Policy, this makes the request ineligible for funding.

Spare Parts Invests in Arts Inc

Spare Parts Invests in Arts Inc requests \$3,150 for Latin Percussion Workshops in Kandos and Rylstone.

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

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 3,150

Life Charity Focus

Life Charity Focus requests \$7,000 for Colour Run Gulgong.

Link to Community Plan: 1.1.3 Support networks, program and facilities which promote health and wellbeing and encourage healthy lifestyles 1.4.1 Support programs which strengthen the relationships between the range of community groups, 3.2.1 Promote the Region as a great place to live, work, invest and visit.

COMMUNITY GRANT CATEGORY

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

RECOMMENDATION:

\$ 5,000

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Recommendations are made under the Community Grants Program Policy.

Legislation

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

Financial implications

Funding of \$110,000 is provided in the Operational Plan for financial assistance. Based on the scoring system above, and the recommendation of Council officers, an amount of \$31,550 in financial assistance is proposed. Should Council approve the recommendations in the report, an amount of \$32,655 remains in the budget.

Associated Risks

Not Applicable

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

4 January 2024

Attachments: 1. Community Grants Attachment - February 2024. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Deductible Gift Recipient status for Mudgee Arts Precinct and the Mid-Western Regional Council Library

REPORT BY THE FINANCIAL OPERATIONS CO-ORDINATOR
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300056

RECOMMENDATION

That Council:

1. **receive the report by the Financial Operations Co-ordinator on seeking Deductible Gift Recipient status for the Mudgee Arts Precinct and to the Mid-Western Regional Council Library;**
2. **adopt the attached rules of operation for the Mudgee Arts Precinct;**
3. **adopt the attached rules of operation for the Mid-Western Regional Council Library; and**
4. **seek Deductible Gift Recipient status for the above operations from the Australian Tax Office.**

Executive summary

Registered charities and government agencies can apply for Deductible Gift Recipient status for activities which are prescribed for this status. Activities which can apply for Deductible Gift Recipient status include 12.1.4 a Public Art Gallery and 12.1.2 a Public Library. Obtaining this status may lead to greater gifts as it reduces the net cost to the philanthropist of any donation made.

Disclosure of Interest

Nil

Detailed report

In order to obtain Deductible Gift Recipient status Council has been advised to adopt rules for the operations which reflect the terminology that the Australian Taxation Office is expecting to see. The attached rules are manageable within the current operating function of these two services.

Obtaining Deductible Gift Recipient status is expected to increase the level of philanthropy related to these activities. Adopting the attached rules is considered the most efficient method for seeking this status.

Community Plan implications

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

Strategic implications

Council Strategies

Mudgee Arts Precinct Strategic Plan

Council Policies

Not Applicable

Legislation

Income Tax Assessment Act 1997 (Cth)

Financial implications

There are no budget variations recommended in this report. Establishing the operating procedures and registering for Deductible Gift Recipient status will occur from currently approved operating budgets.

Any material donations received by the two facilities requiring a budget adjustment will be processed through the Quarterly Budget Reports.

Associated Risks

The only risk identified is that the small administrative cost might not produce the expected benefits.

PETER BROWNE
FINANCIAL OPERATIONS CO-ORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

5 February 2024

Attachments: 1. Mid-Western draft DGR Art Gallery rules.
2. Mid-Western draft DGR library rules.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council Mudgee Arts Precinct – Rules
ABN 96 149 391 332

1 Name

The name of the public art gallery is the Mudgee Arts Precinct (hereafter referred to as the Art Gallery).

2 Definitions

In these Rules, unless the contrary intention appears:

ABN means the Australian Business Number.

ATO means the Australian Taxation Office.

Councillors means the governing body of Mid-Western Regional Council.

Curator means the curator of the Art Gallery referred to in clause 7.

Deductible Contribution means a contribution described in items 7 and item 8 of the table in section 30-15 of the ITAA 97 in relation to an eligible fundraising event held for the purpose of the Art Gallery.

Gift means gifts of money or property for the principal purpose (Object) of the Art Gallery set out in clause 3 and includes gifts described in item 1 of the table in section 30-15 of the ITAA 97.

Gift Fund means a fund referred to in clause 4.

ITAA 97 means the *Income Tax Assessment Act 1997* (Cth).

Object means the object of the Art Gallery referred to in clause 3.

Public Art Gallery means the Art Gallery referred to in clause 1 above and is an internal institution of the Mid-Western Regional Council.

Rules means Mid-Western Regional Art Gallery – Rules.

Mid-Western Regional Council means the local government entity of Mid-Western Regional Council which bears the ABN 96 149 391 332.

3 Object of the Art Gallery

The object (principal purpose) of the Art Gallery is:

- a) to operate to collect, preserve and maintain its artworks; and
- b) to exhibit such artworks to the public; and
- c) to do such other things as are incidental or conducive to the attainment of the Object;

in accordance with any rulings or determinations issued by the ATO for such public art gallery.

4 Gift Fund

Without limiting clause 8, the Art Gallery shall maintain a management account (**Gift Fund**):

- (i) to receive, identify and record Gifts and Deductible Contributions;
- (ii) to identify and record any money received by the Art Gallery because of those Gifts and Deductible Contributions, including interest earned and proceeds from the sale of gifted property; and
- (iii) that does not identify and record any other money or property including receipts from sponsorships or commercial activities, grants, vouchers donated and proceeds of raffles, charity auctions, dinners and similar events, if the proceeds are not Deductible Contributions.

The Gift Fund must be used only for the purpose of the Art Gallery. To avoid any doubt, it is declared that the Gift Fund forms part of the accounts of the Art Gallery.

The Gift Fund will not maintain a separate bank account, the general bank account of Mid-Western Regional Council will be used to deposit gifts and deductible contributions and make payments in connection with the objects of the Art Gallery.

Thorough accounting procedures must be established in the accounting system of Mid-Western Regional Council including separate general ledger revenue and expenditure accounts to identify gifts and deductible contributions received into the Gift Fund and payments out of the Gift Fund.

Money or property of the Gift Fund cannot be mixed with other money or property of Mid-Western Regional Council.

5 Governance

The Public Library is to be administered by Mid-Western Regional Council and hence all policies are determined by of Mid-Western Regional Council.

6 Public Art Panel

The Public Art Panel will assist the Mid-Western Regional Council in the curation of the Art Gallery and shall operate in accordance with the Public Art Panel's Terms of Reference, as adopted by Mid-Western Regional Council from time to time.

7 Curator

Mid-Western Regional Council shall appoint one or more persons to the office of Curator with such frequency and based on such criteria as it determines from time to time.

8 Non Profit

- (a) The income and property of the Art Gallery, however it is derived, shall be applied exclusively towards the promotion of the Object.
- (b) No portion of the income and property in clause 8(a) shall be paid or distributed directly or indirectly to members, Councillors or Mid-Western Regional Council by way of dividend, bonus or otherwise.
- (c) Clause 8(b) does not prevent Mid-Western Regional Council and the Art Gallery from paying or reimbursing a member or officer of Mid-Western Regional Council or the Art Gallery:
 - (i) for reasonable expenses incurred on behalf of the Public Libraries;
 - (ii) fair and reasonable remuneration for services rendered to the Public Libraries; or
 - (iii) for goods supplied in the ordinary and usual course of business as an arm's length transaction; or
 - (iv) in fulfilment of the Object, if this is done in good faith on terms no more favourable than if the person was not a member or an officer of Mid-Western Regional Council.

9 Accounts

- (a) Proper accounts shall be kept by Mid-Western Regional Council of the sums of money received and expended by the Art Gallery, including the Gift Fund. For this purpose separate general ledger revenue and expenditure accounts are to be established and maintained in the accounting system of Mid-Western Regional Council for the Art Gallery.
- (b) A proper set of annual financial statements of the Art Gallery must be prepared and maintained.

10 Dissolution or Revocation of Endorsement

If the fund, authority or institution is wound up or if the endorsement (if any) of the Art Gallery of Mid-Western Regional Council as a deductible gift recipient for the operation of the fund, authority or institution is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.

11 Changes to the Rules

- (a) The Council may from time to time, by resolution evidenced in writing or otherwise in writing, amend the Rules. However, such amendments shall not take effect unless the Art Gallery continues to be eligible for endorsement as a Deductible Gift Recipient under Division 30 of the ITAA 97.
- (b) If required by the ATO, Mid-Western Regional Council shall notify the ATO of any amendment to the Rules.
- (c) In the event that a proposed amendment could reasonably result in the fund ceasing to be entitled to be endorsed as a Deductible Gift Recipient, Mid-Western Regional Council must seek and obtain the consent of the ATO to the proposed amendment, before it takes effect.

The Mid-Western Regional Council Art Gallery – Rules were adopted via Council resolution on the [insert date]. Details of the resolution are provided below:

[Insert wording of resolution here]

Signed by:

The Mayor, Councillor Des Kennedy
Mayor of Mid-Western Regional Council
Date: ____ / ____ / ____

Mr Brad Cam
General Manager
Date: ____ / ____ / ____

Mid-Western Regional Council Library – Rules
ABN 96 149 391 332

1 Name

The Mid-Western Regional Council Library is a public library and includes four branches known as Mudgee Library, Gulgong Library, Rylstone Library and Kandos Library and also a mobile branch (hereafter collectively referred to as the Public Library).

2 Definitions

In these Rules, unless the contrary intention appears:

ABN means the Australian Business Number.

ATO means the Australian Taxation Office.

Councillors means the governing body of Mid-Western Regional Council.

Deductible Contribution means a contribution described in items 7 and item 8 of the table in section 30-15 of the ITAA 97 in relation to an eligible fundraising event held for the purpose of the Public Library.

Gift means gifts of money or property for the principal purpose (Object) of the Public Library set out in clause 3 and includes gifts described in item 1 of the table in section 30-15 of the ITAA 97.

Gift Fund means a fund referred to in clause 4.

ITAA 97 means the *Income Tax Assessment Act 1997* (Cth).

Object means the object of the Public Library referred to in clause 3.

Public Library means the Libraries referred to in clause 1 above and are an internal institution of the Mid-Western Regional Council.

Rules means Mid-Western Regional Council Library – Rules.

Mid-Western Regional Council means the local government entity of Mid-Western Regional Council which bears the ABN 96 149 391 332 and is a Local Authority for the purposes of the Library Act 1939.

3 Object of the Public Library

The object (principal purpose) of the Public Library is:

- a) to operate to own, acquire, preserve and maintain its collection including books, non-book materials, literary material and electronic resources in Australia; and
- b) to make its collection available to the public, via a no charge membership available to all residents of NSW, for purposes including lending, reading, study, education, reference and online access to the collection; and
- c) to make its collection available to all residents living outside NSW, via a temporary membership, for purposes including lending, reading, study, education, reference and online access to the collection; and
- d) to make the collection, including any exhibits, readily identifiable to the public as the collection of a library; and
- e) to provide an information and local history service, provide free access to technology and the internet as well as a variety of public programs and events that promote literacy and foster life-long learning.
- f) To provide access to appropriate facilities including: community, study and working spaces.
- g) to make the Public Library readily identifiable to the public as a library and as something distinguishable from the rest of the affairs of the Mid-Western Regional Council and which has a separate institutional character; and
- h) to employ appropriately skilled and qualified staff to help run the Public Library; and

- i) to establish branches of the Public Library within the Mid-Western Regional Council local government area; and
- j) to raise money by way of Gifts, Deductible Contribution, sales of merchandise, and charges for some services or otherwise to achieve the Object; and
- k) to do such other things as are incidental or conducive to the attainment of the Object, in accordance with any rulings or determinations issued by the ATO for such public libraries.

4 Gift Fund

Without limiting clause 8, the Public Library shall maintain a management account (**Gift Fund**):

- (i) to receive, identify and record Gifts and Deductible Contributions;
- (ii) to identify and record any money received by the Public Library because of those Gifts and Deductible Contributions, including interest earned and proceeds from the sale of gifted property; and
- (iii) that does not identify and record any other money or property including receipts from sponsorships or commercial activities, grants, vouchers donated and proceeds of raffles, charity auctions, dinners and similar events, if the proceeds are not Deductible Contributions.

The Gift Fund must be used only for the purpose of the Public Library. To avoid any doubt, it is declared that the Gift Fund forms part of the accounts of the Public Library.

The Gift Fund will not maintain a separate bank account, the general bank account of Mid-Western Regional Council will be used to deposit gifts and deductible contributions and make payments in connection with the objects of the Public Library.

Thorough accounting procedures must be established in the accounting system of Mid-Western Regional Council including separate general ledger revenue and expenditure accounts to identify gifts and deductible contributions received into the Gift Fund and payments out of the Gift Fund.

Money or property of the Gift Fund cannot be mixed with other money or property of Mid-Western Regional Council.

5 Governance

The Public Library is to be administered by Mid-Western Regional Council and be compliant with the requirements of the Library Act 1939.

6 Policies

The Public Library operates under the Governance of Mid-Western Regional Council and hence all policies are determined by of Mid-Western Regional Council.

Mid-Western Regional Council must create operational policies, guidelines and procedures with respect to the following: proper use of a library, borrowing and returning of library material, fees and charges, and collection development and management.

7 Administration

Mid-Western Regional Council shall engage appropriately skilled staff to administer the library services.

8 Non Profit

- (a) The income and property of the Public Library, however it is derived, shall be applied exclusively towards the promotion of the Object.
- (b) No portion of the income and property in clause 8(a) shall be paid or distributed directly or indirectly to members, Councillors or Mid-Western Regional Council by way of dividend, bonus or otherwise.
- (c) Clause 8(b) does not prevent Mid-Western Regional Council and the Public Libraries from paying or reimbursing a member or officer of Mid-Western Regional Council or the Public Libraries:
 - (i) for reasonable expenses incurred on behalf of the Public Libraries;

- (ii) fair and reasonable remuneration for services rendered to the Public Libraries; or
- (iii) for goods supplied in the ordinary and usual course of business as an arm's length transaction; or
- (iv) in fulfilment of the Object, if this is done in good faith on terms no more favourable than if the person was not a member or an officer of Mid-Western Regional Council.

9 Accounts

- (a) Proper accounts shall be kept by Mid-Western Regional Council of the sums of money received and expended by the Public Libraries, including the Gift Fund. For this purpose separate general ledger revenue and expenditure accounts are to be established and maintained in the accounting system of Mid-Western Regional Council for the Public Libraries.
- (b) A proper set of annual financial statements of the Public Libraries must be prepared and maintained.

10 Dissolution or Revocation of Endorsement

If the fund, authority or institution is wound up or if the endorsement (if any) of the Public Libraries of Mid-Western Regional Council as a deductible gift recipient for the operation of the fund, authority or institution is revoked, any surplus assets of the gift fund remaining after the payment of liabilities attributable to it, shall be transferred to a fund, authority or institution to which income tax-deductible gifts can be made.

11 Changes to the Rules

- (a) The Council may from time to time, by resolution evidenced in writing or otherwise in writing, amend the Rules. However, such amendments shall not take effect unless the Public Library continues to be eligible for endorsement as a Deductible Gift Recipient under Division 30 of the ITAA 97.
- (b) If required by the ATO, Mid-Western Regional Council shall notify the ATO of any amendment to the Rules.
- (c) In the event that a proposed amendment could reasonably result in the fund ceasing to be entitled to be endorsed as a Deductible Gift Recipient, Mid-Western Regional Council must seek and obtain the consent of the ATO to the proposed amendment, before it takes effect.

The Mid-Western Regional Council Public Library – Rules were adopted via Council resolution on the [insert date]. Details of the resolution are provided below:

[Insert wording of resolution here]

Signed by:

The Mayor, Councillor Des Kennedy
Mayor of Mid-Western Regional Council
Date: ____ / ____ / ____

Mr Brad Cam
General Manager
Date: ____ / ____ / ____

9.7 Proposed Partial Road Closure at Saleyards Lane

REPORT BY THE PROPERTY OFFICER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, ROA100605

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Proposed Partial Road Closure at Saleyards Lane in Mudgee;
2. consent to the Proposed Partial Road Closure of a Council Public Road. The subject road to be closed is indicated on Attachment 2 appended to this report;
3. give notice pursuant to s38B *Roads Act 1993*, of the Proposal to Close the Council Public Road as indicated in Attachment 2 appended to this report;
4. receive a further report after the notice period has ceased to:
 - 4.1 consider any submissions received; and
 - 4.2 pursuant to s38D *Roads Act 1993*, determine whether the Council Public Road is to be closed;
5. authorise the General Manager to sign all documentation where necessary in relation to the Proposed Road Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP1267151;
6. authorise the Mayor to sign all documentation where additionally required to do so, in relation to the Proposed Road Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP1267151;
7. arrange the preparation, lodgement, and registration of the relevant closure and lot consolidation plan; and
8. authorise the Common Seal of Council be affixed to all documentation, where necessary, in relation to the Proposed Closure and subsequent lot consolidation with Council owned land being Lot 2 DP 510997, Lot 30 DP1267151, and part Lot 29 DP 1267151.

Executive summary

This Report seeks to secure a resolution for the proposed closure of part of a Council Public Road pursuant to the *Roads Act 1993* (the Act).

Council is seeking approval to close a Council Public Road adjoining Council-owned land being Lot 29 DP 1267151 and Lot 2 DP 510997 as indicated on Attachment 2.

The road is under Council authority and has been previously maintained for the purposes of Section 38E (2)(a) of the Act. Upon closure, this road will be retained by Council and consolidated with adjoining Council-owned land.

Disclosure of Interest

Nil

Detailed report

The Road for partial closure is approximately 166m² and is located within Saleyards Lane at Mudgee. The Road Status investigation, appended to this report as Attachment 3 and 4, indicates that the road in question is a Council Public Road pursuant to s7(4) of the Act.

Upon closure, the road will vest in the ownership of Council pursuant to s38E (2) (a) of the Act. After vesting, Council intends to retain this parcel of land for consolidation with adjacent Council-owned land, specifically Lot 2 DP510997, Lot 30 DP1267151, and part Lot 29 DP1267151 as shown in Attachment 5.

The proposed closure of this road segment is crucial for meeting planning regulations and development requirements for the proposed expansion of Lady Gowrie Preschool in the future. Lady Gowrie Preschool is located on Lot 30 DP 1267151 and under lease with Council. A further report will be presented to Council, seeking approval for the proposed development once ongoing assessment and examinations surrounding the proposal have concluded.

This partial road closure will not alter access to any property, as all affected properties maintain legal, formed access.

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
Not Applicable

Legislation
Roads Act 1993

Financial implications

Cost of registration and legals is anticipated to be within existing budgets.

Associated Risks

If the Council Public Road is not closed, the proposed expansion of the Lady Gowrie Preschool may be jeopardised due to no other available land surrounding the centre. This land is crucial for meeting development requirements and approvals for the development to proceed.

LEIGH CUSHWAY
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

4 December 2023

- Attachments:*
1. Response from NSW Planning & Environment - Crown Lands - 30 Nov 2023.
 2. Map Showing Partial Road Closure at Saleyards Lane Mudgee.
 3. Gazettal of Saleyards Lane - Lot 1 DP1216569 as public road.
 4. Survey to show area of public road being lot 1 DP 1216569.
 5. Map to show total area of lot consolidation.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Department of Planning and Environment

PO Box 2215, DANGAR NSW 2309
Phone: 1300 886 235 | Fax: 02 4925 3517
roads@crowland.nsw.gov.au
www.crowland.nsw.gov.au

30/11/2023

Mid-Western Regional Council
Attn: Diane Sawyers

Via email: Council@midwestern.nsw.gov.au

Road: Part Saleyards Lane, Mudgee adjoining Lot 2 DP 510997
Your ref: LC ROA100605 | **Our ref:** 19/00376#13 - 13489

RE: Mid-Western Regional Council – Notification of proposal to close council public road

Dear Diane

Thank you for providing notice of the proposal to close a council public road.

NSW Department of Planning & Environment – Crown Lands (the department) does not object to:

- the closure of the council public road
- the proposed vesting upon closure.

General enquiries about this submission may be directed to the Crown Lands Business Centre at council.roadclosures@crowland.nsw.gov.au.

Kind regards

A handwritten signature in black ink, appearing to read "Amanda Walker".

Amanda Walker
Senior Business Centre Officer
NSW Department of Planning & Environment – Crown Lands

Created on 22/01/2024 11:33 AM



Mid-Western Regional Council
PO Box 139
255 Main St
MURFEE NSW 2850
Phone: 08 9279 2830
Fax: 08 9279 2813
Email: enquiries@midwestern.nsw.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Mid-Western Regional Council nor the SS makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.

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**part Saleyards Lane
road closure**

Date: 22/01/2024

Map Scale: 1:273 at A4

Council Notices

Name
WATERWAYS DRIVE
Description
off Solitary Islands Way

Locality
Sandy Beach

STEVE McGRATH, General Manager, Coffs Harbour City Council, Locked Bag 55, NSW 2450
GNB Ref: 0038 [8441]

COFFS HARBOUR CITY COUNCIL NAMING OF ROADS

Notice is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the *Roads Act 1993*, has named roads as follows:

Location	New name
New roads off Ted Ovens Drive, Coffs Harbour.	Royal Poinciana Way, Parkland Parade, Haven Close.

STEPHEN McGRATH, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450 [8442]

COFFS HARBOUR CITY COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Coffs Harbour City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
FANTAIL COURT	Boambee East

Description
Off Linden Avenue

Name	Locality
BUSHLARK CLOSE	Boambee East

Description
Off Linden Avenue

STEVE McGRATH, General Manager, Coffs Harbour City Council, Locked Bag 55, Coffs Harbour NSW 2450
GNB Ref: 0040 [8443]

HAY SHIRE COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Hay Shire Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
JOHNSTON MEMORIAL DRIVE	

Description
Start at Lot 5 DP 523192, continuing on the unnamed road to Lot 7 DP 262014

ALLEN DWYER, General Manager, Hay Shire Council, 134 Lachlan Street, NSW 2711
GNB Ref: 0034 [8444]

MID-WESTERN REGIONAL COUNCIL

ROADS ACT 1993 Section 16

Notification of Dedication of Land as a Public Road

Notice is hereby given that the Mid-Western Regional Council, by resolution of Council dated 15 July 2015 resolved to dedicate the land described hereunder as public road pursuant to section 16 of the *Roads Act 1993*.

Descriptions

Lot 1 DP 1216569

Saleyards Lane at Mudgee

Note: On dedication, title for the land will remain vested in Mid-Western Regional Council as Operational land.

Dated: 2 March 2016

BRADLEY ALLAN CAM, General Manager, Mid-Western Regional Council, PO Box 156, Mudgee, NSW 2450. [8445]

ORANGE CITY COUNCIL

ROADS ACT 1993

Naming of Roads

Notice is hereby given that Orange City Council, pursuant to section 162 of the *Roads Act 1993*, has officially named the road(s) as shown hereunder:

Name	Locality
YARRAMAN ROAD	Orange

Description
Internal road within Charles Sturt University Orange Equestrian

Name	Locality
WARRUGA STREET	Orange

Description
Small section of road running East West from the intersection of Sullivan Circuit to Honeyman Drive

Name	Locality
WARRBULANG PLACE	Orange

Description
Internal road within Charles Sturt University Orange near tennis courts

Name	Locality
WARRADAGANG DRIVE	Orange

Description
Internal road within Charles Sturt University Orange Entrance to campus

Name	Locality
GULGAN ROAD	Orange

Description
Internal road within Charles Sturt University Orange gully

Name	Locality
GIRINYA PLACE	Orange

Description
Internal road within Charles Sturt University Orange near sporting grounds

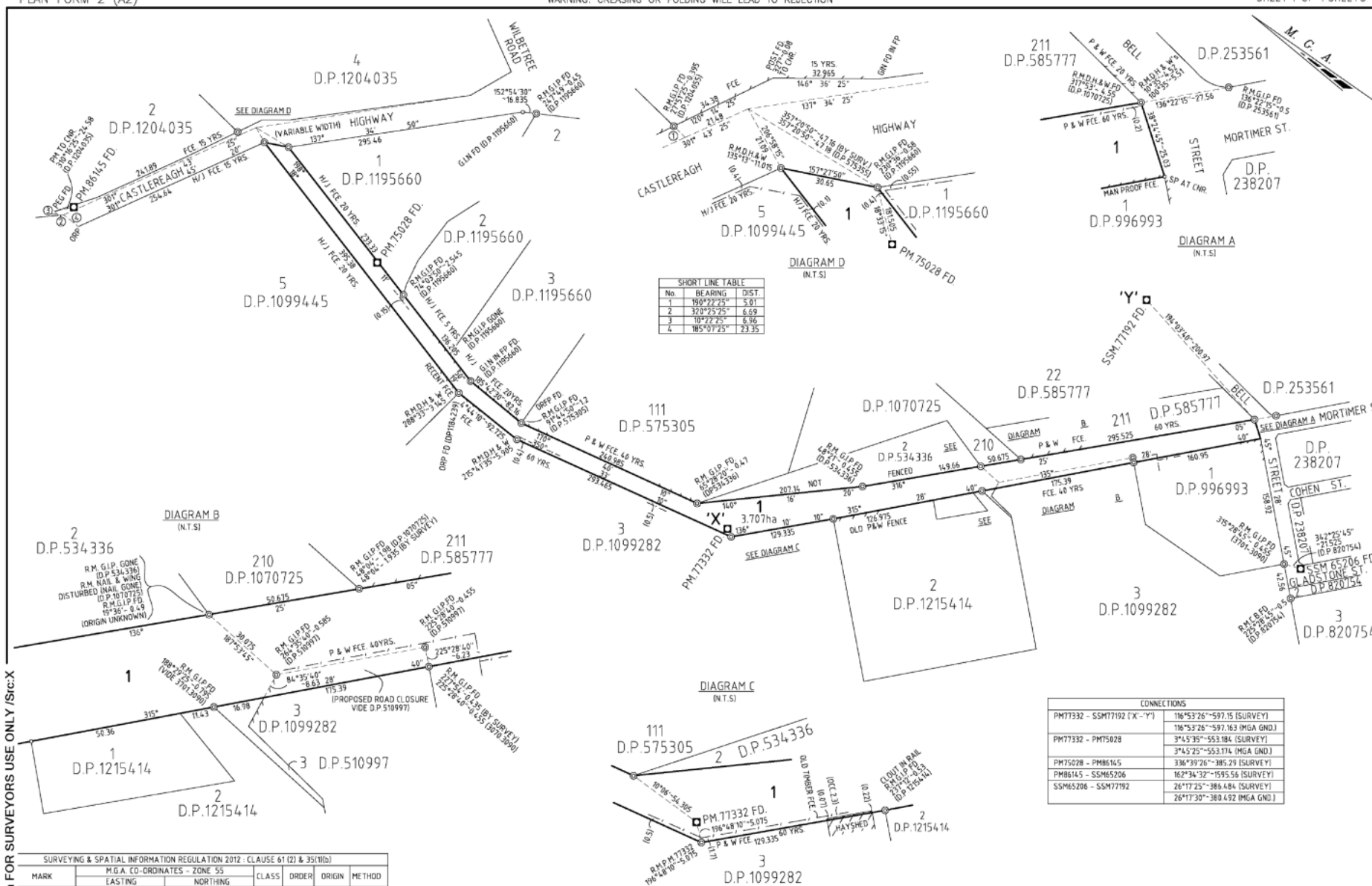
PLAN FORM 2 (A2)

DP1216569

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

ePlan

SHEET 1 OF 1 SHEETS



Req:R274208 /Doc:DP 1216569 P /Rev:01-Mar-2016 /Sis:SC:OK /Pgs:ALL /Prt:02-Mar-2016 04:30 /Seq:1 of 3
Ref:ip:plan-eplan FOR SURVEYORS USE ONLY /Src:X

SURVEYING & SPATIAL INFORMATION REGULATION 2012, CLAUSE 61 (2) & 35(1)(b)						
MARK	M.G.A. CO-ORDINATES - ZONE 55		CLASS	ORDER	ORIGIN	METHOD
	EASTING	NORTHING				
PM77332	740 785.613	6 392 185.071	C	3	SCIMS	-
SSM77192	741 318.336	6 391 914.915	C	3	SCIMS	-
SSM65206	741 147.102	6 391 568.321	C	3	SCIMS	-
PM75028	740 821.877	6 392 737.326	C	3	SCIMS	-
PM86145	740 669.19	6 393 091.04	C	3	SURVEY	GNSS
COMBINED SCALE AND SEA LEVEL CORRECTION - 1.000244						
SOURCE: M.G.A. CO-ORDINATES ADOPTED FROM S.C.I.M.S. AS AT 11th DEC. 2015						

Surveyor:	JASON WILLIAM LANDERS	PLAN OF PROPOSED ACQUISITION OF PART OF BK 23 No. 249	LGA:	MID-WESTERN REGIONAL	Registered	26.2.2016	DP1216569
Date of Survey:	11TH DECEMBER 2015		Locality:	MUDGE			
Surveyor's Reference:	5222		Subdivision No:				
			Lengths are in metres. Reduction Ratio 13000				

Created on 22/01/2024 12:50 PM



Mid-Western Regional Council
PO Box 130
35 Main St, Warminster
WA 6156
Phone: 08 9423 2333
Fax: 08 9423 2313
Email: info@midwesterncouncil.wa.gov.au

Important Notice!

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.

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Lot consolidation

Date: 22/01/2024

Map Scale: 1:666 at A4

9.8 Further Amendment to Road Closure Land Transfer Deed Ulan-Wollar Road

REPORT BY THE MANAGER PROPERTY AND REVENUE
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, ROA100367

RECOMMENDATION

That Council:

1. receive the report by the Manager Property and Revenue on the Further Amendment to Road Closure Land Transfer Deed Ulan-Wollar Road;
2. agree to the terms in the revised *Road Closure Land Transfer Deed 2023* as appended as Attachment 1 to this Report;
3. authorise the General Manager to endorse the revised *Road Closure Land Transfer Deed 2023* as appended as Attachment 1 to this Report;
4. require Peabody Pastoral Holdings P/L or Wilpinjong Coal P/L be responsible for all reasonable costs incurred by Council in discharging its tasks in accordance with the revised *Road Closure Land Transfer Deed 2023* as appended as Attachment 1 to this Report, including all legal and other out of pocket costs;
5. authorise the General Manager to sign all documentation, where necessary, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to the party/parties as cited in the revised *Road Closure Land Transfer Deed 2023* appended as Attachment 1 to this Report;
6. authorise the Mayor to sign all documentation, where additionally required to do so, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to the party/parties as cited in the revised *Road Closure Land Transfer Deed 2023* appended as Attachment 1 to this Report; and
7. authorise the Common Seal of Council be affixed to all documentation, where necessary, to transfer the ownership of the different parts of the Road Closure Land, if and when closed, to the party/parties as cited in the revised *Road Closure Land Transfer Deed 2023* appended as Attachment 1 to this Report.

Executive summary

The purpose of this Report is to seek Council's endorsement of minor changes to the surveyed road-opening plan in the *Road Closure Land Transfer Deed* (the Deed) which was previously authorised by Council on 15 September 2021 (Minute 270/21 as appended as Attachment 2 to this Report).

If Council agrees to endorse the further amendments, the revised corrected version of *Road Closure Land Transfer Deed* (the Revised Deed - 2023), appended to this Report as Attachment 1, will require execution.

Disclosure of Interest

Nil

Detailed report

Council endorsed the *Heads of Agreement for Opening New Aligned Sections of Ulan-Wollar Road* (the HOA) on 15 May 2019 which recorded Council's, Peabody Pastoral Holdings P/L (PPH), Wilpinjong Coal P/L (WC) and Moolarben Coal Mines P/L (MCM) agreement in respect of the opening and dedication of new, realigned sections of the Ulan-Wollar Road (the Road Dedication Land) and the closing of existing sections of the Road (the Road Closure Land). The HOA is appended as Attachment 3 to this Report.

The purpose of the Deed was to make provision for the matters as referred to at clauses 2.2(b) and 3 of the HOA, namely, the transfer of ownership of different parts of the Road Closure Land, if and when closed, to PPH and MCM. The original Deed was endorsed by Council on 20 June 2020 followed by an amended version on 15 September 2021 (Minute 270/21).

None of these previous versions of the Deed were ever executed due to further forthcoming issues brought forward by PPH & MCM's legal representatives.

The current proposed amendments have been brought forward by MCM. The proposed changes are minor in nature and do not change the intent of the Deed and have no effect to Council. The changes from the previous 15 September 2021 version primarily relate to WC and MCM's legal and financial abilities and are summarised as follows:

- Inserted a Foreign Investment Review Board (FIRB) condition precedent, in case PPH/WC requires FIRB approval to enter into the Deed;
- Deleted clause 7.6 relating to the Sale Land, as this clause is no longer relevant. As a consequence, have deleted any reference to MC appointing PPH or WC as its nominee to accept a transfer of the Moolarben Lots; and
- Inserted the Subdivision Plan in Schedule 1.

It is recommended that Council endorse the Revised Deed - 2023 in accordance with the proposal.

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

Land Acquisition and Disposal Policy

Legislation

Roads Act 1993

Financial implications

PPH or WC will bear all reasonable costs incurred by Council in discharging its tasks in accordance with the Deed including all of its legal and other out of pocket costs.

Associated Risks

Council's legal representative has reviewed the terms of the proposed amended Deed and any risks associated with the land transfer are considered mitigated.

DIANE SAWYERS
MANAGER PROPERTY AND REVENUE

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

4 January 2024

Attachments:

1. Road Closure Land Transfer Deed 2023. (separately attached)
2. Minute 270/21 15 September 2021. (separately attached)
3. Endorsed Heads of Agreement for opening new, realigned sections of Ulan-Wollar Road May 2019. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.9 Classification of Land - Lot 2 DP 510997 at 292 Saleyards Lane, Mudgee

REPORT BY THE PROPERTY OFFICER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, A0210007, P1991411

RECOMMENDATION

That Council:

1. **receive the report by the Property Officer on the Classification of Land - Lot 2 DP 510997 at 292 Saleyards Lane, Mudgee; and**
2. **classify Allotment 2 DP510997 at 292 Saleyards Lane, Mudgee as *Operational Land* in accordance with Chapter 6 Part 2 Division 1 *Local Government Act 1993*.**

Executive summary

This report seeks to formalise the classification of Allotment 2 DP510997 at 292 Saleyards Lane, Mudgee as *Operational Land*. On 19 December 2023 Council purchased Lot 2 DP510997 located at 292 Saleyards Lane, Mudgee for purposes of future development.

Disclosure of Interest

Nil

Detailed report

As part of the process of classification of the land, Council resolved on 13 December 2023 to advertise its intent to classify Allotment 2 DP510997 at 292 Saleyards Lane, Mudgee as *Operational* in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993. A copy of this report, Council Minute and advertisement are appended as Attachments 1, 2 and 3.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 15 December 2023. Written submissions were called for, with the closing date for submissions being 12 January 2023. No submissions were received.

This Report now seeks to complete the process of classification of the land as *Operational*.

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

Chapter 6, Part 2, Division 1 of the *Local Government Act 1993*, directs that all public land must be classified as either *Community* or *Operational Land*.

Financial implications

Not Applicable

Associated Risks

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

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

23 January 2024

- Attachments:**
1. Council Report 13 December 2023 Classification of Land - Lot 2 DP510997 at 292 Saleyards Lane Mudgee;.
 2. Council Minute 13 December 2023 on Classification of Land Lot 2 DP510997.
 3. Advertisement for classification of land Allotment 2 DP510997.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

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

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

RECOMMENDATION

That Council:

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

Executive summary

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

Disclosure of Interest

Nil

Detailed report

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

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

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

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

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

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

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

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

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

31 Classification of land acquired after 1 July 1993

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

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

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993

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

Financial implications

Not Applicable

Associated Risks

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

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

22 November 2023

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT
COUNCIL MEETING: 20 SEPTEMBER 2023

14.2 PURCHASE OF LAND

GOV400103, 20466

233/23

MOTION: Cavalier / Palmer

That Council:

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

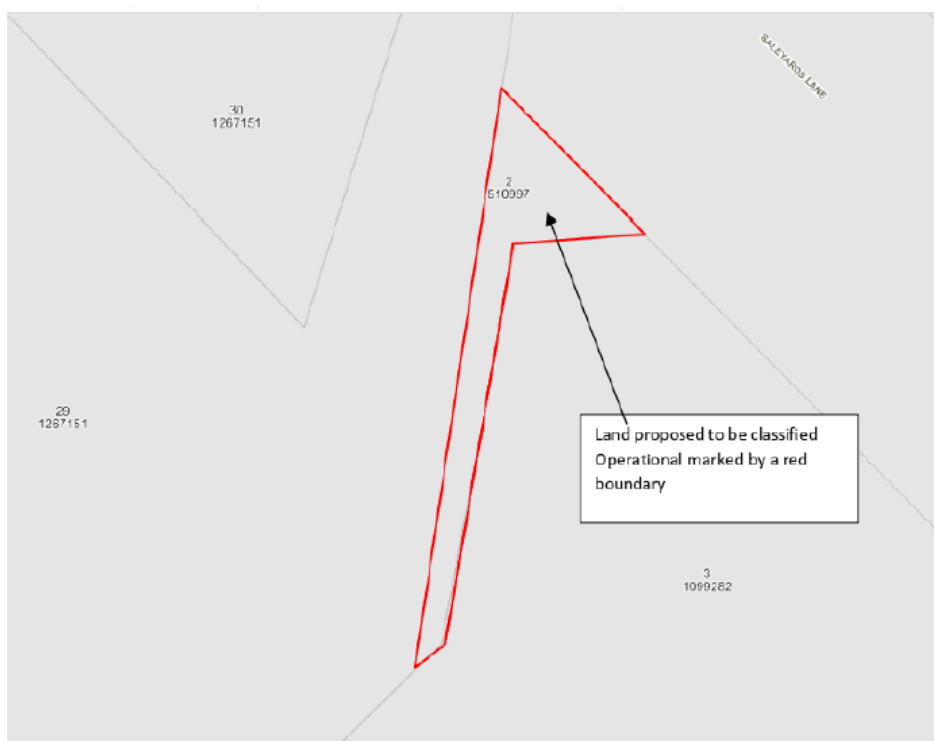
The motion was carried with the Councillors voting unanimously.

Proposed Classification of Land

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

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

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





MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT

COUNCIL MEETING: 13 DECEMBER 2023

The following recommendations (item 8.4 to item 9.9) were adopted as a whole, being moved by Cr Shelley seconded by Cr Cavalier and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 299/23 and concluding at Resolution No.312/23.

9.3 CLASSIFICATION OF LAND - LOT 2 DP510997 AT 292 SALEYARDS LANE MUDGEE

GOV400105, A0210007, P1991411

01/23

MOTION: Shelley / Cavalier

That Council:

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

The motion was carried with the Councillors voting unanimously.

Friday December 15, 2023 MUDGEE GUARDIAN 3

Mid-Western Regional Council WEEKLY ADVERTISEMENTS

Council Christmas Closure

Customer Service Centres and Works Depots will close at 12 noon on Friday 22 December and reopen on Tuesday 2 January 2024.

Waste Facilities will be closed Christmas Day, Boxing Day and New Year's Day. Kerbside waste recycling and organics collection will continue as normal.

Libraries will close at 12 noon on Friday 22 December. Mudgee, Rylstone and Gulgong Libraries will reopen on Tuesday 2 January 2024. Kandos Library will reopen on Wednesday 3 January 2024.

Pools will be closed Christmas Day, open Boxing Day and New Year's Day.

Mid-Western Regional Council staff wish you a safe and happy Christmas and New Year.

On Exhibition

Council, at its ordinary meeting held on Wednesday, 15 November 2023, resolved to place the following document on public exhibition to seek comment and input from the community:

■ **Hardship Provisions Policy**

This document is available to view at Council's Administration Centres and on Council's website. Council welcomes written submissions which must be addressed to the General Manager and received prior to **Friday, 12 January 2024**.

Enquiries regarding the *Hardship Provisions Policy* should be directed to Council's Director Corporate Services.

Council, at its ordinary meeting held on Wednesday, 13 December 2023, resolved to place the following documents on public exhibition to seek comment and input from the community:

■ **Classification of Land Lot 2 DP 510997 at 292 Saleyards Lane, Mudgee**

- **Road, Bridge and Place Naming Policy**
- **Pensioner Concessions Policy**
- **Debt Management and Recovery Policy**
- **Credit Policy**
- **Fraud and Corruption Control Policy**
- **Access to Properties Policy**
- **Advice to Residents on Road Works/Conditions Policy**
- **Information and Directional Signage Policy**
- **Road Encroachment on Private Land Policy**
- **Unmaintained and Unformed Roads Policy**
- **Drinking Water Policy**

The above documents are available to view at Council's Administration Centres and on Council's website. Council welcomes written submissions on the above matters and must be addressed to the General Manager and received prior to **Friday, 12 January 2024**.

Enquiries regarding the *Classification of Land* should be directed to Council's Property and Revenue Department; enquiries regarding the *Road, Bridge and Place Naming Policy*, *Pensioner Concessions Policy*, *Debt Management and Recovery Policy*, *Credit Policy* and *Fraud and Corruption Control Policy* should be directed to Council's Manager Property and Revenue. Enquiries regarding the *Access to Properties Policy*, *Access to Properties Policy*, *Information and Directional Signage Policy*, *Road Encroachment on Private Land Policy*, *Unmaintained and Unformed Roads Policy* and the *Drinking Water Policy* should be directed to Director Operations.

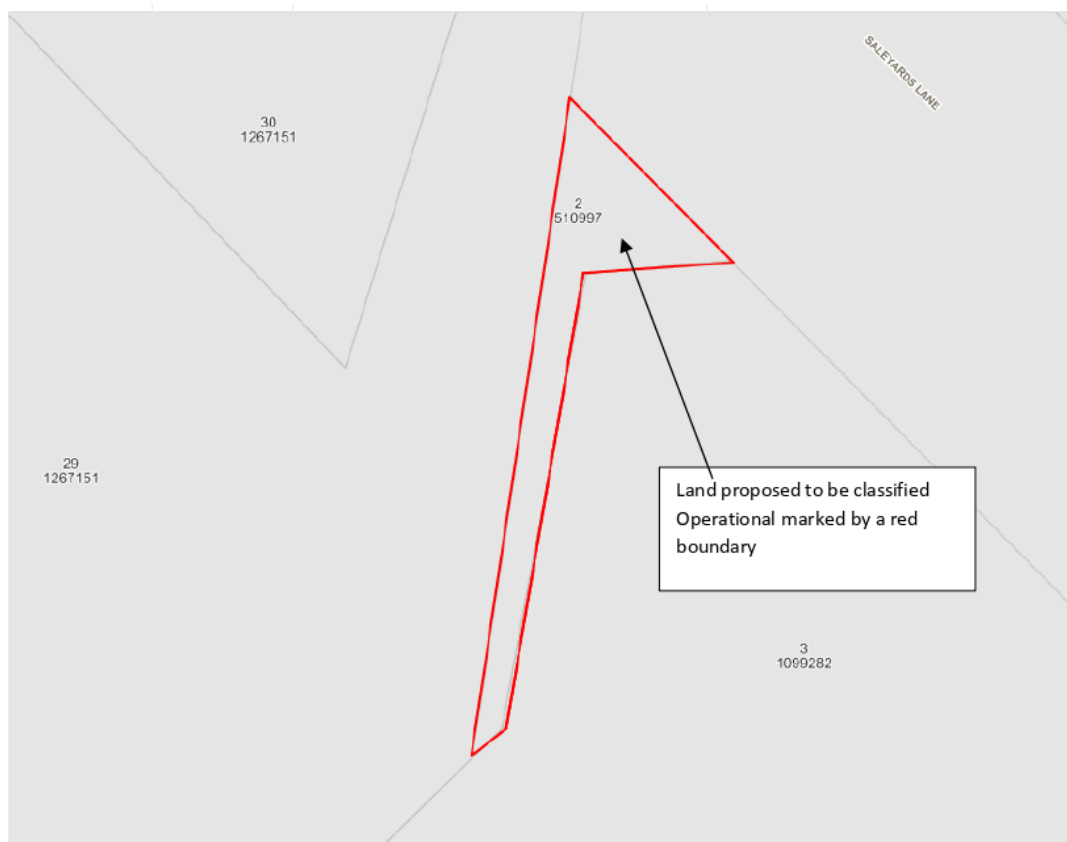
NOTE: SUBMISSIONS RECEIVED MAY BE MADE PUBLICLY AVAILABLE UNLESS YOU REQUEST THAT PERSONAL DETAILS BE SUPPRESSED.

Proposed Classification of Land

In pursuance of section 34 of the Local Government Act, 1993, Council proposes to classify;

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

A period of twenty eight days from the date of this notice is allowed for any person to lodge a written submission on the proposed classification. Submissions should be directed in writing and submitted to the General Manager, 86 Market Street. MUDGEE. Submissions will be accepted until 15 January 2023 .



Item 10: Operations

10.1 Sealing of Scotts Lane, Gulgong

REPORT BY THE WORKS TECHNICAL OFFICER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, ROA100328

RECOMMENDATION

That Council:

1. **receive the report by the Works Technical Officer on the Sealing of Scotts Lane, Gulgong;**
 2. **approve the sealing of the 500m length of Scotts Lane with a contribution from the applicants for the cost of the seal and a condition that payment is received prior to any works commencing; and**
 3. **amend the 2023/24 Operational Plan to include the sealing of Scotts Lane for \$60,300 to be funded via \$16,830 from the applicants and an additional \$35,000 from Seal Extension Reserve and the balance from unrestricted cash.**
-

Executive summary

Scotts Lane is classified as a local urban unsealed road that is maintained by Council and is situated between Thompsons Lane and Perseverance Lane, Gulgong. The residents along the lane have requested sealing of the entire length of the maintained section under Council's *Bitumen Sealing of Gravel Roads Policy* where the applicants pay for the seal cost and Council completes re-sheeting and general preparation works required.

Disclosure of Interest

Nil

Detailed report

Council's *Bitumen Sealing of Gravel Roads Policy* makes provision for residents to apply to Council for consideration to seal sections of gravel road. The cost of the sealing is borne by the applicant while Council prepares the base ready for seal.

Scotts Lane is situated between Thompsons Lane and Perseverance Lane in Gulgong. The three applicants live along this length of the road. Sealing this segment of Scotts Lane results in the full maintained section being sealed.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

It is acknowledged that sealing Scotts Lane is not currently included in the *2023/24 Operational Plan*. However, this report recommends approval for sealing because the residents are prepared to financially contribute.

Council Policies

The *Bitumen Sealing of Gravel Roads Policy* makes provision for sealing of unsealed roads when the applicant pays for the cost of the seal.

Legislation

Not Applicable

Financial implications

The cost to undertake the capital upgrade is \$60,300. This involves a cost of \$43,470 to Council for preparation of base, and a cost to the applicants of \$16,830 for the bitumen seal. It is recommended that Council's required \$43,470 be funded out of Seal Extension Reserve (\$35,000 which will leave the Seal Extension Reserve at nil) and unrestricted cash.

The cost to Council is generally greater for a sealed road than an unsealed road. The capital costs will increase overall, however as grading will no longer be necessary, the operating costs will decrease and improve the operating ratios in future years.

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

Associated Risks

This report sets a positive precedent in terms of residents contributing towards sealing of roads for their benefit, reducing the risk of future resident claims to seal roads without a contribution.

NICOLE CASSIDY
WORKS TECHNICAL OFFICER

JULIAN GEDDES
DIRECTOR OPERATIONS

24 January 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.2 Drinking Water Annual Report and Factsheet

REPORT BY THE WATER QUALITY OFFICER
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, WAT500075

RECOMMENDATION

That Council:

1. **receive the report by the Water Quality Officer on the Drinking Water Annual Report and Factsheet; and**
2. **note that the *Drinking Water Annual Report and Factsheet* will be publicly available and updated yearly.**

Executive summary

The Drinking Water Annual Report and Factsheet will be available on the MWRC Website in order to satisfy the requirements of Element 8 (*Community Involvement and Awareness*) of the Australian Drinking Water Guideline Framework for the Management of Drinking Water Quality.

Disclosure of Interest

Nil

Detailed report

The attached *Drinking Water Factsheet* and *Drinking Water Annual Report* will be available on the external website for the Community and will have the data updated yearly.

The Annual Report provides the Community with information on results of drinking water testing in Mudgee, Gulgong and Rylstone as well improvements made to the water supply systems over the last year. The Factsheet provides information on the monitoring program, the Australian Drinking Water Guidelines and has a schematic flowchart of the 3 water supply systems.

Having these two documents available on the website will go some way in satisfying the requirements of Element 8 (*Community Involvement and Awareness*) of the Australian Drinking Water Guidelines Framework for Management of Drinking Water Quality.

The need to keep the Community informed about Water Quality was also identified in the Drinking Water Improvement Plan (Task 179: Annual Report to be published on Website).

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

The Drinking Water Quality Policy highlights the need to promote community participation in decision-making processes and ensures that community expectations are considered. Having these two documents available on the website will give the community information on their drinking water quality.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

FRANCOISE PIELTAIN
WATER QUALITY OFFICER

JULIAN GEDDES
DIRECTOR OPERATIONS

6 February 2024

Attachments: 1. Drinking Water Annual Report 2023.
2. Fact Sheet Drinking Water 2023.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

ANNUAL DRINKING WATER QUALITY REPORT 2023

MID-WESTERN REGIONAL COUNCIL

OVERVIEW

Council's report card



Health

100% compliance with Australian Drinking Water Guidelines (ADWG) achieved.



Aesthetic

100% compliance with ADWG achieved for Mudgee and Rylstone, and 98% for Gulgong.



Events and improvements

The upgrade of the raw water pump station in Mudgee has been completed. This will allow for increased pumping capacity to the Mudgee Water Treatment Plant in order to cater for predicted population increase.

Unlined cast iron mains in Gulgong are causing occasional clarity issues. Replacement of mains is progressing with around 13km replaced to date. Planning is under way to replace 1.4km of mains in 2024.

There was a cluster of discolored water complaints in Kandos during mid November. This incident was associated with construction works.



NSW Health Fluoride

Mudgee did not achieve NSW Health target value for Fluoride during 2023. Mudgee fluoride delivery system failed and is currently not operational due to unacceptable WHS risk to Operators. Scope, concept design

and technical specifications for a new system have been completed and received in January 2024.

Council will now seek NSW Health and Department of Climate Change,

Energy, the Environment and Water (DCCEEW) approvals to proceed to construction.

Gulgong and Rylstone fluoride delivery systems are operational.

Verification monitoring of distribution systems

Council is committed to providing the communities of Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla with safe, secure, reliable and high quality water. This annual report is produced to inform the community of the quality of the drinking water over the course of the year.



HEALTH MEASURES



E.coli

A gut bacterium. Used as an indicator of fresh faecal contamination of water.



Fluoride

Improves dental health.



Free chlorine

Disinfection of the water. At higher levels it can cause taste, odour and health issues.



Manganese

Occurs naturally in water. Concentrations over 0.5mg/L can cause health concerns.



AESTHETIC MEASURES



pH

Indication of how acidic/basic the water is. pH less than 6.5 may be corrosive. pH greater than 8.5 may cause scale and taste problems.



Turbidity

A measure of the relative clarity of the water. Turbidity is caused by particles suspended in the water.



Iron

Occurs naturally in water. High concentrations stain laundry and fittings.



Hardness

Caused by calcium and magnesium. 60-200mg/L indicates good quality water.



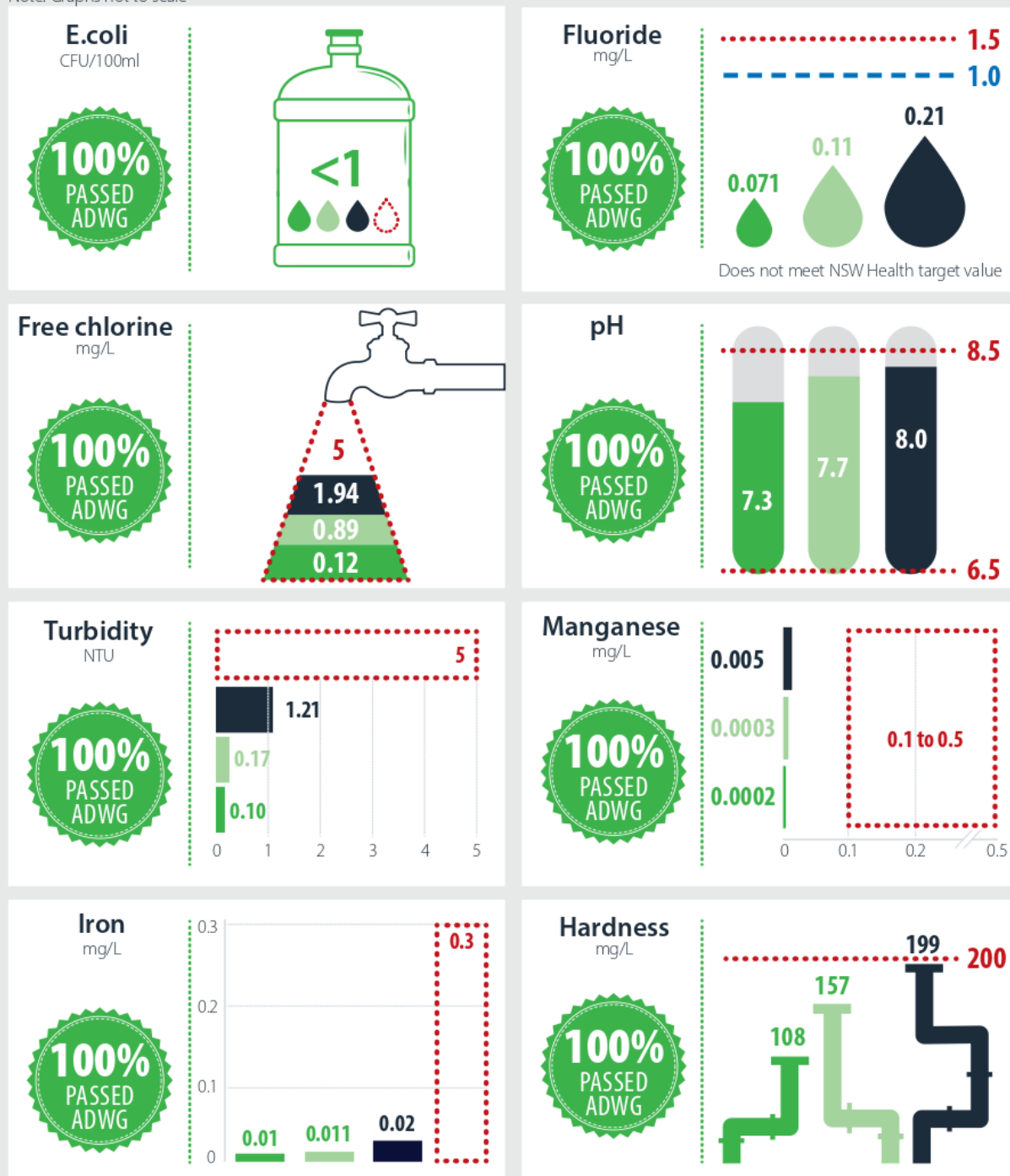
Manganese

Occurs naturally in water. Concentrations over 0.1mg/L can cause taste and staining.

DRINKING WATER RESULTS – MUDGEEE

..... Australian Drinking Water Guideline (ADWG) Value - - - NSW Health target value ■ Minimum ■ Median ■ Maximum

Note: Graphs not to scale

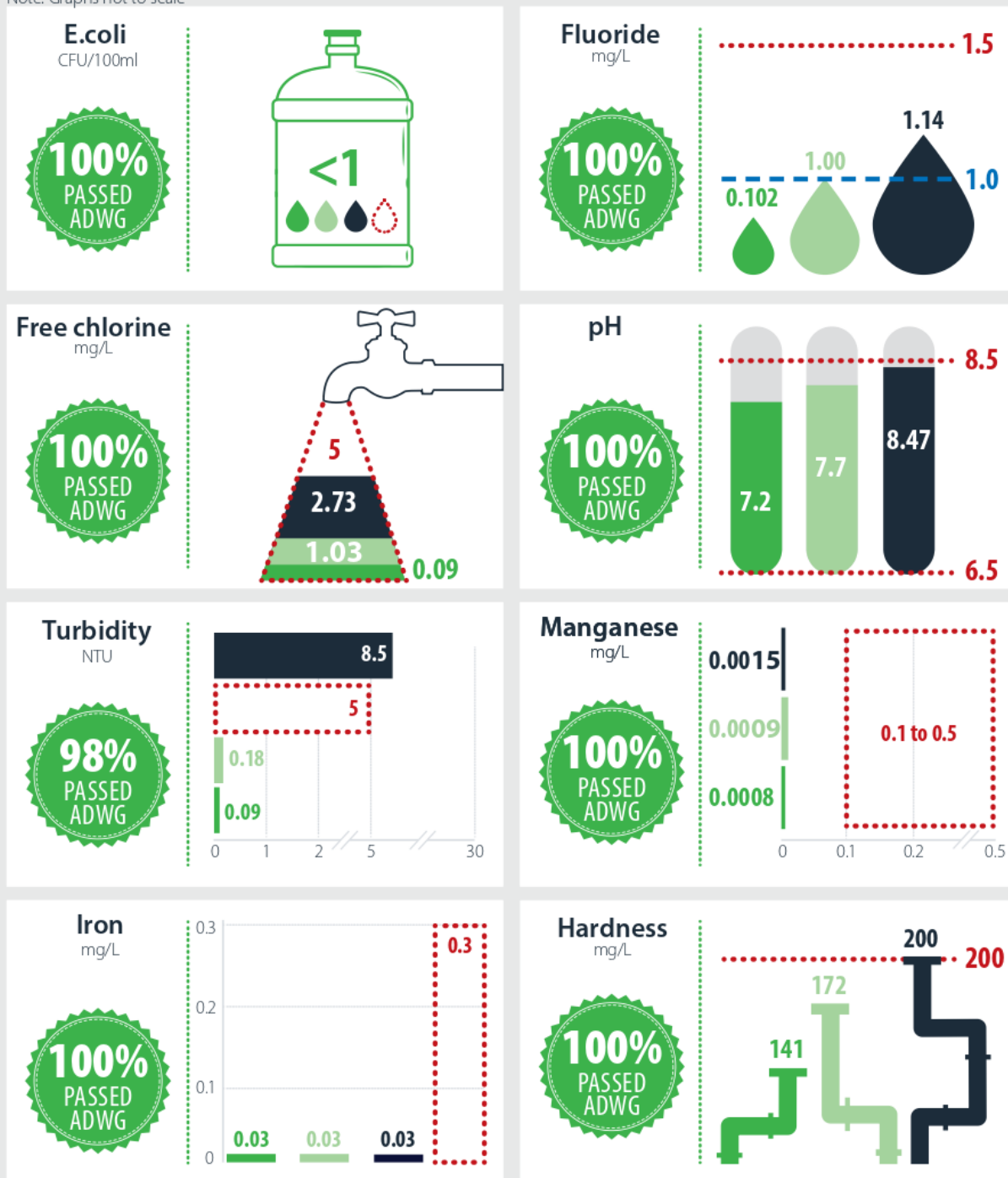


Source: Results from Weekly Verification monitoring – NSW Health Database

DRINKING WATER RESULTS – GULGONG

..... Australian Drinking Water Guideline (ADWG) Value — NSW Health target value ■ Minimum ■ Median ■ Maximum

Note: Graphs not to scale

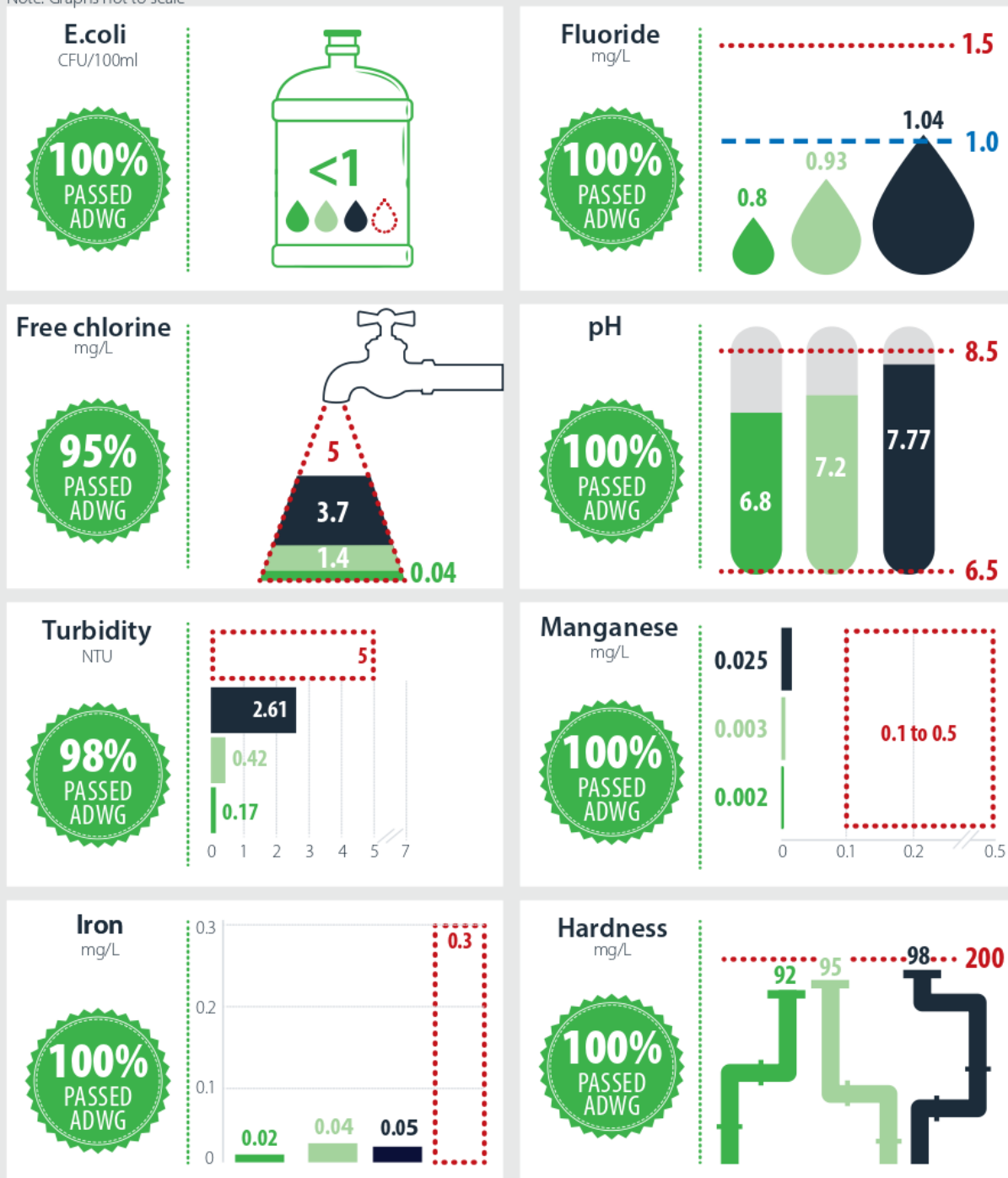


Source: Results from Weekly Verification monitoring – NSW Health Database

DRINKING WATER RESULTS – RYLSTONE

..... Australian Drinking Water Guideline (ADWG) Value - - - NSW Health target value ■ Minimum ■ Median ■ Maximum

Note: Graphs not to scale



Source: Results from Weekly Verification monitoring – NSW Health Database

FACT SHEET NO. 031, January 2024



Drinking water

Council provides drinking water to communities within Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla. Council complies with its own Drinking Water Management System (DWMS), meeting the requirements of the Public Health Act 2010 and its regulations, and the Australian Drinking Water Guidelines.

OVERVIEW

Council is committed to providing its residents with safe, secure, reliable and high quality drinking water. To ensure this, Council's Drinking Water Management System requires a range of quality, safety and aesthetic tests be regularly undertaken from the point of collection to the household tap.

WATER MONITORING

A comprehensive monitoring program from catchment to tap has been developed in consultation with NSW Health, testing over 35 characteristics including turbidity, colour, micro-organisms and chemicals.

Samples are analysed on site and at accredited laboratory service providers including the NSW Forensic and Analytical Science Service. Monitoring occurs online, daily, weekly, monthly and annually (depending on criticality).

Samples are taken from Rylstone Dam, Cudgegong River, Burrundulla Bores, at the three water filtration plants, and from 38 locations through our water distribution systems.

WHAT IS THE AUSTRALIAN DRINKING WATER GUIDELINES?

- An authoritative reference on what defines safe, good quality water, how it can be achieved and how it can be assured
- A nationally accepted framework for good management of drinking water supplies based on the best available scientific evidence
- Designed to assure fit for purpose drinking water at its point of use
- Cover safety and aesthetic quality of drinking water through a range of values

COUNCIL'S REPORT CARD

Health results

100% compliance with ADWG achieved.



Aesthetic results

100% compliance with ADWG achieved for Mudgee and Rylstone, and 98% for Gulgong.



Events and improvements



- There was a cluster of discolored water complaints in Kandos during mid-November. This incident was associated with construction works
- Unlined cast iron mains in Gulgong are causing occasional clarity issues. Replacement of mains is progressing with around 13km replaced to date. Planning is under way to replace 1.4km of mains in 2024
- Upgrade of the raw water pump station in Mudgee has been completed. This will allow for increased pumping capacity to the Mudgee Water Treatment Plant in order to cater for predicted population increase.

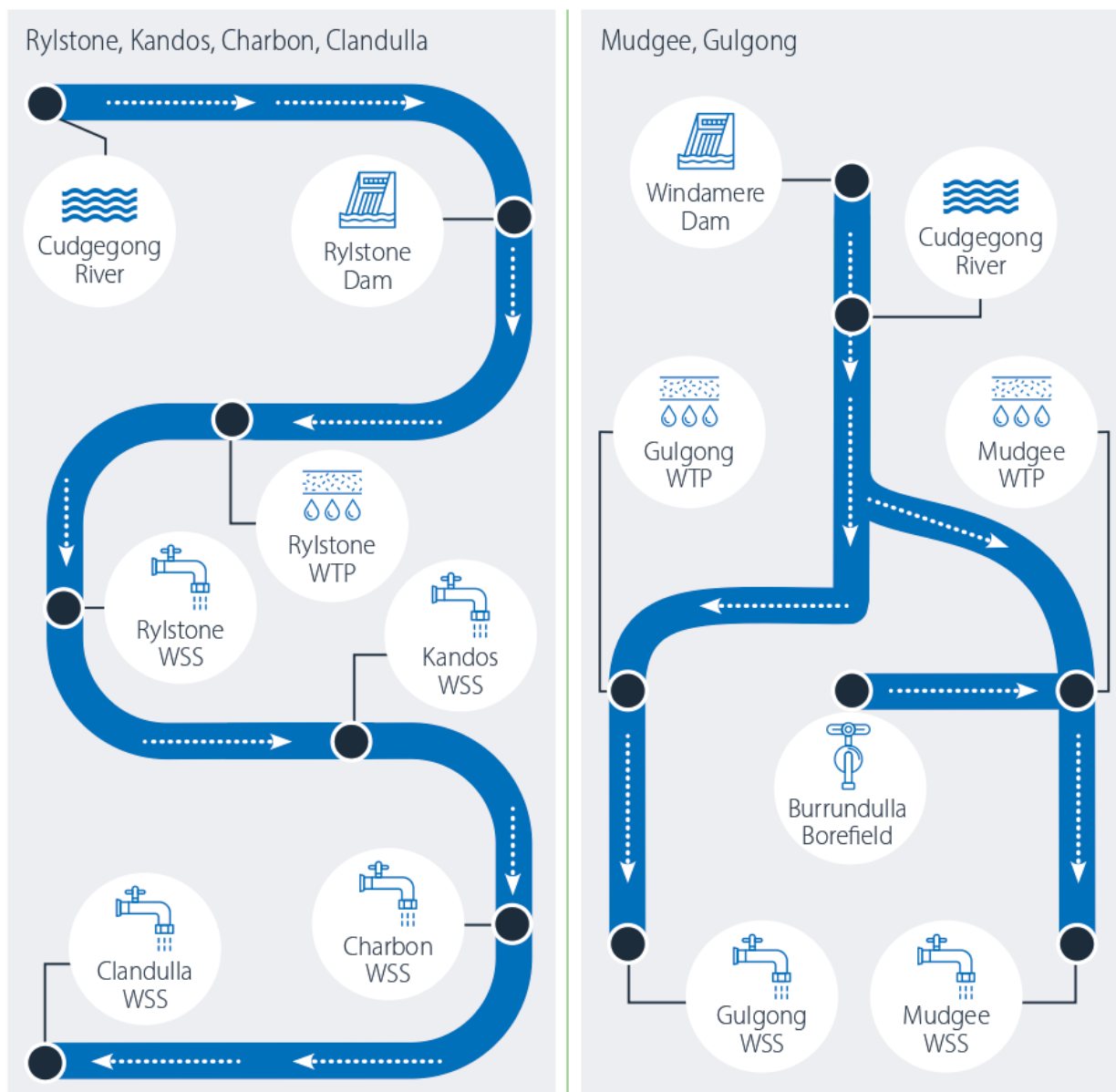
NSW Health Fluoride



Mudgee did not achieve NSW Health target value for Fluoride during 2023. Mudgee fluoride delivery system failed and is currently not operational due to unacceptable WHS risk to Operators. Scope, concept design and technical specifications for a new system have been completed and received in January 2024. Council will now seek NSW Health and DCCEEW approvals to proceed to construction. Gulgong and Rylstone fluoride delivery systems are operational.

FACT SHEET NO. 031, February 2024

MID-WESTERN REGION WATER SUPPLY SYSTEMS FLOWCHART



WSS = Water Supply System; WTP = Water Treatment Plant

= Source; = Collection; = Treatment; = Distribution

FOR MORE INFORMATION

Visit Council's website midwestern.nsw.gov.au
Council's Water and Sewer Team are available to assist on 6378 2850 or at council@midwestern.nsw.gov.au

DISCLAIMER

The information contained in this fact sheet is general in nature and should not be relied upon as the complete source of information to be considered. This document is not intended as a substitute for consulting relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances.

10.3 Policy Reviews - Operations

REPORT BY THE EXECUTIVE ASSISTANT OPERATIONS
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, ROA100072

RECOMMENDATION

That Council:

1. receive the report by the Executive Assistant Operations on the Policy Reviews - Operations;
2. place on public exhibition for 28 days the amended *Asset Management, Water Pipes Across and Alongside Roads, Regulatory and Warning Signage, Grazing of Stock On Roads, Private Works and Public Seating on Footpaths Policy*;
3. adopt the *Asset Management* policy if no submissions are received during the public exhibition period;
4. adopt the *Water pipes across and alongside Roads Policy* if no submissions are received during the public exhibition period;
5. adopt the *Regulatory and Warning Signage Policy* if no submissions are received during the public exhibition period;
6. adopt the *Grazing of Stock on Roads Policy* if no submissions are received during the public exhibition period;
7. adopt the *Private Works Policy* if no submissions are received during the public exhibition period; and
8. rescind the *Public Seating on Footpaths Policy* if no submissions are received during the public exhibition period;

Executive summary

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

Disclosure of Interest

Nil

Detailed report

Asset Management No update required

Water Pipes Across and Along Roads Minor wording changes

Regulatory and Warning Signage Minor wording changes

Grazing of Stock on Roads Minor wording changes. Updated legislation references.

Private Works No update required

Public Seating on Footpaths Recommended to be rescinded

Community Plan implications

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

Associated Risks

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

LISA CARTMELL
EXECUTIVE ASSISTANT OPERATIONS

JULIAN GEDDES
DIRECTOR OPERATIONS

6 February 2024

Attachments:

1. POLICY - REVIEWING - Asset Management.
2. POLICY - REVIEWING - Water Pipes Across and Along Roads.
3. POLICY - REVIEWING - Regulatory and Warning Signage.
4. POLICY - REVIEWING - Grazing of stock on roads.
5. POLICY - REVIEWING - Private Works.
6. POLICY - REVIEWING - Public Seating on footpaths.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Asset Management

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ADOPTED

COUNCIL MEETING MIN 247/22
DATE: 17 AUGUST 2022

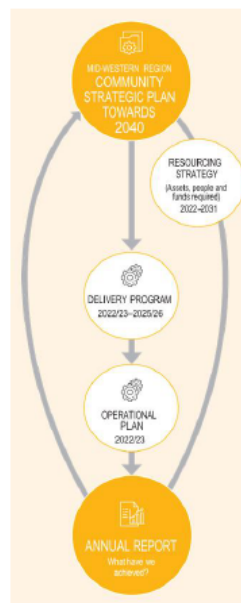
VERSION NO 1.2

REVIEW DATE AUGUST 2023
FILE NUMBER GOV400047

Objective

The policy objectives are to set the broad framework for undertaking asset management in a structured, consistent and coordinated manner, and to set asset management processes throughout Mid-Western Regional Council by;

- Ensuring Councils services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment;
- Safeguarding Council assets by implementing appropriate asset management strategies and appropriate financial resources for those assets;
- Creating an environment where all Council employees have an integral role in overall management of Council assets by creating and sustaining a culture asset management awareness throughout the Council;
- Meeting legislative requirements for asset management;
- To manage and operate the appropriate mix of sustainable community infrastructure at the lowest life cycle cost.



Legislative requirements

Local Government Act 1993

Integrated Planning and Reporting Guidelines and Manual September 2021

Related policies and plans

- Asset Management Strategy

Policy

Background

Council is committed to a systematic asset management methodology to ensure appropriate asset management practices are applied across infrastructure managed by Council. This includes ensuring assets are planned, created, operated, maintained, renewed and disposed of in accordance with Council's priority of service delivery at the lowest life cycle cost.

Council is responsible for a significant portfolio of community infrastructure, owns and maintains assets over half a billion dollars' worth at June 2022, to support its core business of delivering services to the community.

The current Asset Management Plans (AMP) rely on data that is in its infancy and both the data and related AMP's will develop further over the next few years to provide a framework that:

- Ensures Council's services and infrastructure are provided reliably, with the appropriate quality levels of service to residents, visitors and the environment.
- Safeguards Council assets including physical assets and employees by implementing appropriate asset management strategies and appropriate financial treatment of those assets.
- Creates an environment where all Council employees take an integral part in overall management of Council assets.
- Meets and surpasses legislative requirements for asset management.
- Ensures resources and operational capabilities are identified, and responsibility for asset management is allocated.
- Demonstrates transparent and responsible asset management processes that align with best practice.

Principles

A consistent framework must exist for implementing systematic asset management and appropriate asset management best practice across all departments of Council.

The asset management framework shall incorporate an overriding Asset Management Strategy (AMS), and Asset Management Plans (AMP's) for each class of Council assets.

The AMP's shall cover a minimum period of 10 years and have a focus on long term sustainability for the benefit of current and future generations.

The asset management framework must rely on an up to date Asset Management System which shall incorporate the following information:

- Asset registers;

- Asset condition assessments;
- Asset maintenance and management systems;
- Strategic planning capabilities;
- Predictive modelling;
- Deterioration modelling; and
- Lifecycle costing.

Relevant legislative requirements and political, social and economic environments are to be taken into consideration in asset management.

Asset management is to be integrated with existing planning and operational processes.

Asset renewal plans will be prioritised and implemented progressively based on the level of service, as determined by the Council after consultation with the community, required and the effectiveness of the current assets to provide that level of service.

Systematic and cyclic renewal reviews will be applied to all asset classes to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice, applicable Australian Standards and legislative requirements.

Council's financial asset information shall be audited annually as a part of the external financial audit, and Councils Asset Management Systems shall be reviewed and internally audited.

ROLES AND RESPONSIBILITIES

Councillors adopt the policy and ensure sufficient resources are applied to manage the assets.

The **General Manager** has overall responsibility for developing asset management systems, policies and procedures and reporting on the status and effectiveness of asset management within Council.

Directors and Managers are responsible for implementing asset management systems, policies and procedures.

Employees with management or supervisory responsibility are responsible for the management of assets within the area of responsibility as determined under asset management plans.

Employees will be tasked under implementation plans, and will be responsible for the timely completion of those activities contained within those plans, and shall be familiar with asset management and how it is applied within the Mid-Western Regional Council.



POLICY Water Pipes Across and Along Roads

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ADOPTED		VERSION NO	2
COUNCIL MEETING MIN NO	231/19	REVIEW DATE	AUGUST 2023
DATE:	21 AUGUST 2019	FILE NUMBER	A0100021, GOV/00047

Objective

[Access to water is a significant issue for all rural properties, and in many cases there is a need to get the water from one side of the road to the other for stock or domestic purposes. Council has in place an approval process to allow pipe crossings or placement of pipes within public road reserves.](#)

[The objective of this policy is To](#) ensure that all private pipelines and associated infrastructure constructed on/under public road reserves are carried out to a high uniform standard and that the pipeline may not be a burden on the community.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'.

Legislative requirements

- Roads Act 1993 – Sect101 Restoration of Public Road Following Excavation Etc

Related policies and plans

- Community Plan
- Operational Plan – Fees and Charges

Policy

Where it can be practically located, Council will grant approval for a private pipeline to be located in a public road reserve subject to compliance with the following conditions:-

1. Submission of detailed engineering plans showing details of the proposed pipeline and any other associated infrastructure. The location of pipeline is to be in accordance with requirements of the General Manager [or delegate](#).
2. All works are to be undertaken in accordance with Aus-spec #1 (as amended by Mid-Western Regional Council).
3. An assessment of the environmental effects of the proposed pipeline is to be undertaken in accordance with the Environmental Planning & Assessment Act and a review of environmental factors submitted to Council with the engineering plans.
4. A Defects Liability Bond as set in Councils Fees and charges, must be paid to ensure that all defects in the works, which become apparent during the construction period and for a period of twelve (12) months after completion are remedied to the satisfaction of the General Manager. If these defects are not satisfactorily remedied Council may use bond moneys to carry out rectification works or disconnect the pipeline. Any unexpended bond money will be returned at the end of the twelve (12) month period, less the estimated cost of any outstanding works.
5. Any adjustments to utilities necessary to allow construction are to be carried out to the satisfaction of the relevant authority. Written confirmation of same will be required to clear the refund of the bond money.

POLICY: ~~WATER PIPES ACROSS AND ALONG ROADS~~WATER PIPES ACROSS AND ALONG ROADS | 2, 21 AUGUST 2019

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6. The applicant will be required to provide details of the Department of ~~Environment~~, Climate Change, Energy, the Environment & Water's concurrence with the site of any proposed pump station location and copies of the authority to extract water in quantities commensurate to the size of the pipeline.
7. The applicant is to provide appropriate ongoing insurance cover to indemnify Council against any claims and cover the cost of any damage to Council assets arising from the operation or failure of this pipeline. Details of this insurance cover must be approved by Council prior to commencing the work and a certificate submitted on a yearly basis.
8. The applicant is to complete an agreement with Council that any future maintenance would be carried out as and when required to Council's satisfaction and that the full cost of relocating or upgrading any section of the proposed pipeline affected by future realignment or upgrading of the adjoining roads will be met by the applicant.
9. Before any work is commenced, ~~approval to the proposal must be obtained in writing~~approval under Section 138 of the Roads Act must be obtained from Council to permit the installation of water pipes within the road reserve. Since the introduction of the NSW Planning Portal, Section 138 must be applied for exclusively through the NSW Planning Portal.

~~Prior written~~ approval ~~concurrence from the Roads & Traffic Authority~~Transport for NSW is will also be required in respect of any roads under their control, ~~specifically:- Castlereagh Hwy, Ilford Rd, Bylong Valley Way, Wollar Rd, Ulan Rd, Hill End Rd, Goolma Rd, Cope Rd and Gollan Rd.~~
10. All work to be carried out by suitably qualified persons. Council must be notified of the date that construction will commence to allow adjoining landowners and other affected parties to be advised of the works
11. At the point of crossing the road, the pipe shall be sleeved in not less than 50mm diameter steel pipe or PVC pipe and such sleeve shall:
 - be laid at right angles to the centreline of the road
 - be not less than 0.5 metres below the road surface throughout its length
 - extend for not less than 1 metre beyond road shoulders/graded width on each side of the road.
12. The road surface must be fully reinstated and compacted to the General Manager's or delegate's requirements and shall be appropriately covered so as not to create a slippery surface. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.
13. A pipe may be replaced within an existing sleeve, which meets the above requirements at any time without further approval.
14. Location Post to be erected adjacent to fence lines, indicating existence of underground pipes.
15. At least 14 days notice shall be given before commencing any work and the exact position being pegged.
16. ~~All work must be appropriately signed during construction and at own risk~~A Traffic Guidance Scheme (TGS) completed by a "Certified Person" for the implementation and management of construction traffic on or adjacent a public road during the works is to be submitted to Council prior to commencement of works.
17. Any damage caused to the pipe, sleeve or location posts by Council or contractors engaged by council during maintenance/construction of the road to be repaired at the licensee's cost.

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~~POLICY: WATER PIPES ACROSS AND ALONG ROADS~~ WATER PIPES ACROSS AND ALONG ROADS | 2, 21 AUGUST 2019

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18. Council may at any time revoke this licence or alter the above conditions.
19. Council reserves the right to charge an annual fee for the leasing of land for the pipeline subject to negotiation with the General Manager [or delegate](#).
20. Council reserves the right to decline any application.
21. All completed work is to have [Works as Executed \(WAE\)](#) diagram [detailing the infrastructure installed in the public road reserve](#) including GIS location of all major infrastructure including pump stations, valves, change of directions, manholes or hydrants. All pipe sizes, class and pipe types (I.E. DICL, uPVC etc.).

~~Upon full compliance with these conditions, a Construction Certificate can be issued. Under the Roads Act, Council must be notified of the date that construction will commence to allow adjoining landowners and other affected parties to be advised of the works.~~

~~Approvals are valid for a period of 2 years from the issue of the Construction certificate. The approval will lapse if the pipeline is not substantially commenced in that period.~~

POLICY: ~~WATER PIPES ACROSS AND ALONG ROADS~~ WATER PIPES ACROSS AND ALONG ROADS | 2, 21 AUGUST 2019

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Application to Lay a Water Pipe Under Council Roads/Footpaths

Name:

Address:

Contact Phone #

Describe proposed location
(distance from nearest cross road / direction)

Estimate Date for construction

Supporting Information
(if deemed appropriate by the applicant)

Agreement:

Please find enclosed the fee applicable for granting of the permit as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until all conditions contained within Council's "Water Pipes Across and Along Roads" Policy have been complied with.

Signed & Dated (Applicant)

Office Use Only:

Complies with Policy (Yes / No)

Bond Paid / Drawings Supplied

Recommended course of action.

Assessment / Inspection Undertaken by (print)

Signed & Dated:

Project Approved to proceed if agreement
signed and returned (reason if refused)?

Signed & Dated
(General Manager or Delegate):



POLICY

REGULATORY AND WARNING SIGNAGE

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ADOPTED

COUNCIL MEETING MIN NO 212H3
DATE: 6/6/2013

VERSION NO

REVIEW DATE MAY 2014
FILE NUMBER A6100021

Objective

~~Warning signs are used when it is deemed necessary to warn traffic of existing or potentially hazardous conditions on or adjacent to a roadway.~~ This policy outlines Council's stance on requests for the installation of new signage.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Legislative requirements

- [Roads Act 1993](#)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#)
- [Road Rules 2008](#)
- [Road Transport \(Road Rules\) Regulation 2017](#)

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Related policies and plans

- [Roads and Maritime Services, Delegation to Councils Regulation of Traffic](#)
- [Traffic Control at Worksites technical manual](#)

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Policy

Signs will only be installed ~~if authorised by the Roads Authority and must that~~ comply with the relevant Australian Standards and meet the appropriate [RMS/AS-Transport for NSW](#) guidelines.

Background

~~Warning signs require caution on the part of the vehicle operator and may call for a reduction in speed or a maneuver in the interest of safety for the motorist or pedestrian. The use of warning signs should be kept to a minimum.~~

~~Overuse of warning signs, especially for conditions, which are apparent, tends to breed disrespect for signs in general, and they lose their effectiveness.~~

~~Warning signs many times have an initial positive effect but soon lose the attention of regular passers by. At speeds under 60 km/hr motorists using due care can respond to hazards or conditions presented in the roadway without the need for warning signs.~~

~~In order to achieve safe and efficient operation of the road network, it is essential that all signage provided is necessary, clear and unambiguous and gives its message to road users at the appropriate time. The message must be quickly and easily understood at the point it is needed, neither too soon that the information be forgotten, not too late for the safe performance of any necessary maneuver. The excessive or insensitive use of traffic signs and other street furniture has a negative impact in the success of the road network as a place.~~

~~Regulatory signs inform road users of traffic laws and regulations. They tell road users what they~~

POLICY: REGULATORY AND WARNING SIGNAGE | , 6 JUNE 2013

must do by law in different situations (where it may not be otherwise obvious). Regulatory signs include, but are not limited to, stop signs, give-way signs, roundabout signs, keep left or keep right signs, no entry sign, no left turn or no right turn signs, school crossings, hospital zone sign, pedestrian, accessible parking, loading, speed limit signs and parking signs.

Warning signs are used when it is deemed necessary to warn traffic of existing or potentially hazardous conditions on or adjacent to a roadway. These can be permanent or temporary traffic hazards and obstacles. Warning signs are easily recognisable, usually diamond shape, yellow/fluorescent background and black symbols or text. Some road warning signs may be red, such as 'prepare to stop' signs, or a bright green colour, such as a warning for pedestrians or children that may be in the area.

Warning signs use diagrams and symbols to alert you of potential hazards or dangers up ahead – for example, a black cross means a crossroad is ahead, or a black T means the road ahead is ending. They will also signal curves or sharp turns ahead, giving you the opportunity to appropriately adjust your driving in a timely manner.

Regulatory Signs

Regulatory signs are a form of prescribed traffic control device which fall within two categories:

1. Regulatory signs which are delegated to council to install on the network they manage. Council can only authorise their installation in accordance with conditions of the delegation, and must seek the advice of Local Traffic Committee prior to exercising its delegation to install this signage.
2. Signs which are ARE NOT delegated to councils. Signs such as speed zone signs can only be authorised by direct Transport for NSW written approval.

Information regarding signs delegated to Council for authorization can be in found within Transport for NSW's Traffic Signs database.

Council may authorise Roadwork Speed Limit signs (Speed Series (R4) Sign No. R4-212n). This should be done in accordance with the Traffic Control at Worksites manual.

Council staff will work with the applicant and gather the pertinent facts for requested changes / additions to regulatory signage. A report may be prepared and submitted to the Local Traffic Committee, who will provide technical advice to Council and/or Transport for NSW.

It is important to note that the legislative power to control traffic through the authorisation of traffic control devices, lies with Transport for NSW and the delegation of this power does not remove Transport for NSW's ability to exercise those delegated functions should circumstances warrant action.

Council does not approve regulatory speed limits within the region; such approval rests with the Roads and Maritime Services.

Council may implement temporary speed restrictions for road works in accordance with the Traffic Control Manual.

Council staff will work with the applicant and gather the pertinent facts for requested changes / additions to regulatory signage. A report may be prepared and submitted to the Local Traffic Committee, who will make a recommendation to Council.

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Warning Signs

Transport for NSW has responsibility for authorizing and installing warning signs on all State roads, including Castlereagh Highway.

Council has responsibility for authorizing and installing signs on regional roads. Regional roads include Ilford Road, Bylong Valley Way, Wollar Road, Ulan Road, Hill End Road, Goolma Road, Cope Road and Gollan Road.

Council is wholly responsible for signage on local roads.

Traffic analysis, engineering, and property use facts and data shall be reviewed when considering warning signs. In the absence of supporting facts and data, warning signs will not be erected on the regions roads.

Warning signs on roads under the care and control of the RMS will be subject to approval by the Roads and Maritime Services.

Warning signs will only be considered in the following circumstance and remain subject to budgetary and resource availability constraints:

- a) Speed Advisory Warning Sign - In conjunction with another warning sign where geometrics or operating conditions warrant a reduced speed. Generally not to be installed on roads with a classification lower than Collector and only where defined speed is less than 70km/hr on Collector and Sub-Arterial Roads, and less than 100km/hr on Arterial Roads
- b) Curve or Turn Warning Sign - Installed in locations when inadequate sight lines warrant. Installed when a roadway turns at a right angle, or for roads complying with clause 1, or where the defined radii of the curve indicates an 85th percentile speed of less than 40km/hr.
- c) Blind Driveway Warning Sign - Installed on roads classed as collector and higher where the speed limit is 60 km/hr or greater and inadequate sight lines warrant.
- d) Pedestrian, School, School Crossing, & School Bus Stop Warning Signs - Installation in accordance RMS guidelines
- e) Advance Crossing Warning Signs (Kangaroos, Bicycles, Etc.) - Not installed on roads with a speed limit less than or equal to 60 km/hr. May be installed on collector or arterial roadways with a speed limit of 50 km/hr or greater only where a high incidence of the event occurs
- f) Senior Citizen Warning Signs - Installed on any street in the vicinity of a senior citizen housing project, nursing home, residential care facility or other locations generating crossings by seniors.
- g) Crest Warning Sign - Installed in advance of a downgrade where the length percent of grade, horizontal curvature or other physical features require special precautions on the part of drivers and only on roads classed as Collector or higher, unless specific risk assessment warrants.
- h) Stop Ahead, Give Way Ahead, Signals Ahead Warning Signs - Installed on approaches where the traffic control sign is not continuously visible to the driver for the distances identified in the appropriate guidelines
- i) Chevron Alignment Warning Sign - Installed to give notice of a sharp change of alignment with the direction of travel, and only on roads classed as Collector or higher, unless specific risk assessment warrants.

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POLICY: REGULATORY AND WARNING SIGNAGE | , 6 JUNE 2013

- j) No Through Road Warning Signs - Installed where a roadway terminates in a dead end or where a turn-about is necessary to return to a point of origin.
- k) Disabled Person Warning Signs
 - (i) Council may install warning signs upon the request of a disabled person or by the representative of a disabled person.
 - (ii) Requestors will be asked to notify the Council to remove the sign when the disability no longer exists or the person moves.
 - (iii) Disability specific signs or signs of a more generic nature will be the choice of the requestor.



POLICY Grazing of Stock on Roads

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ADOPTED	VERSION NO
COUNCIL MEETING MIN NO 212/13	REVIEW DATE MAY 2014
DATE: 6/6/2013	FILE NUMBER A0100021

Objective

To advise applicants for grazing on public road reserves of Council's requirements prior to seeking the issue of a Permits by the [Livestock Health and Pest Authority Local Land Services](#).

[This type of permit is issued for a short period of time over a specific section of road in times of drought or for hazard reduction.](#)

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Legislative requirements

[Rural Lands Protection Act 1998—Section 104](#)[Local Land Services Act 2013 No. 51 – NSW Legislation](#)

[Local Land Services Regulation 2014 – NSW Legislation](#)

[Crown Lands Act 1989](#)

Policy

[Permits for grazing on public roads reserves are obtained through Local Land Services. As part of the application process Local Land Services will seek concurrence from the relevant road authority. In most cases the roads authority will be Council however in the case of a Crown Road concurrence is required from the Minister administering the Crown Lands Act 1989.](#)

[Under the Local Land Services Act 2013 No. 51 and Regulation 2014, all applicable fees are collected by Local Land Services, not Council](#)

[Council will provide consent to the issue of temporary grazing permits for roads in the Local Government Area under its control pursuant to the Local Land Services Act 2013 No.51 and Regulation 2014, subject to:](#)

[Local Land Services Act Section 78 Stock permits authorising certain uses of travelling stock reserves and public roads](#)

1. [Any person grazing stock on a road under Council care and control shall take out a Public Liability Insurance Policy to cover any accident that may occur, with a recommended minimum level of indemnity of \\$20 million, and such policy shall be suitably endorsed to cover Council.](#)

2. [Any condition/requirement imposed by the Local Land Services under the Local Land Services Act 2013 and Regulation 2014.](#)

[Council reserves the right to revoke its approval where road or other damage is occurring or is likely to occur.](#)

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POLICY: GRAZING OF STOCK ON ROADS ~~GRAZING OF STOCK ON ROADS~~ | , 6 JUNE 2013

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If road reserves have high priority weed species then access may be denied or delayed to minimise the spread of the weed.

If the road reserve has recently been chemically treated then access may be delayed if withholding periods apply

Council will consent to the issue of temporary grazing permits for roads in the Mid-Western Regional Council area by the Livestock Health and Pest Authority pursuant to the Rural Lands Protection Act 1998 (Section 101 attached) subject to the following conditions:

1. Any person grazing stock on a road under Council care and control shall take out a Public Liability Insurance Policy to cover any mishap which may occur with a recommended minimum level of indemnity of \$10 million and such policy shall be suitable endorsed to cover Council.
2. Any condition / requirement imposed by the Livestock Health and Pest Authority or requirements under the Rural Lands Protection Act

No fee is applicable in accordance with the Rural Lands Protection Act 1998.

It is recognised that grazing by domestic stock can severely affect native vegetation and, in particular, can prevent or impede regeneration of native species. At the same time, the droving of stock is often a necessary activity. The droving of stock along road reserves is accepted where it is a legitimate part of property management but, where the road reserves have important native vegetation, the use of alternative routes will be encouraged where this is a practical option;

Where road reserves contain high, medium and/or low conservation value or threatened species, the applicant should flash graze to ensure the least amount of impact on the significant vegetation. In addition, applicants are unable to temporarily fence livestock in these sensitive areas. Council will provide conservation value details if present;

Longer term grazing of roadsides that contain native vegetation is not permitted unless it complies with the relevant conditions in the "Unmaintained Roads Policy" and has been leased from the Council as per the "Road Reserve Leasing Policy".

Rural Lands Protection Act 1998—SECT 101 Local Land Services Act 2013 No. 51 Section 78

78 Stock permits authorising certain uses of travelling stock reserves and public roads

- (1) An authorised officer of Local Land Services may issue a permit (a stock permit) to any person authorising the person to do anything (or omit to do anything) on or in relation to any public road or travelling stock reserve (whether controlled or managed) specified in the permit in respect of stock owned or in the charge of the person and that would otherwise contravene a provision of this Division.
- (2) Without limiting subsection (1), an authorised officer may issue a stock permit authorising a person to do any one or more of the following—
 - (a) enter a controlled travelling stock reserve with stock,
 - (b) remain on a controlled travelling stock reserve with stock,
 - (c) walk stock on a public road or travelling stock reserve,
 - (d) graze stock on a public road or controlled travelling stock reserve.
- (3) A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of—

POLICY: GRAZING OF STOCK ON ROADS | , ERROR! REFERENCE SOURCE NOT FOUND. 30 AUGUST, 2016

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- (a) in the case of a public road that is not a Crown road—the local authority in which the road is vested, or
- (b) in the case of a Crown road—the Minister administering the Crown Land Management Act 2016.

Note—

Under section 40 of the National Parks and Wildlife Act 1974 the concurrence of the Minister is required before the issue of a permit to graze over a travelling stock reserve within the boundaries of a national park or historic site.

- (4) A stock permit is to be in the approved form.
- (5) Nothing in this section authorises or permits an authorised officer to issue a stock permit authorising a person to do (or omit to do) anything on or in relation to a freeway or tollway within the meaning of the Roads Act 1993.

401 Stock permits authorising certain uses of controlled and managed travelling stock reserves and public roads

(1) An authorised officer of a responsible board may issue a permit (a "stock permit") to any person authorising the person to do anything (or omit to do anything) on or in relation to any public road or travelling stock reserve (whether controlled or managed) specified in the permit in respect of stock owned or in the charge of the person and that would otherwise contravene a provision of this Division.

(2) Without limiting subsection (1), an authorised officer may issue a stock permit authorising a person to do any one or more of the following:

- (a) enter a controlled travelling stock reserve with stock;
- (b) remain on a controlled travelling stock reserve with stock;
- (c) walk stock on a public road or travelling stock reserve;
- (d) graze stock on a public road or controlled travelling stock reserve.

(3) A stock permit cannot be issued authorising a person to graze stock (other than travelling stock) on a public road without the concurrence of:

- (a) in the case of a public road that is not a Crown road—the local authority in which the road is vested, or
- (b) in the case of a Crown road—the Minister for Land and Water Conservation.

Note: Under section 40 of the National Parks and Wildlife Act 1974 the concurrence of the Minister is required before the issue of a

POLICY: GRAZING OF STOCK ON ROADS ~~GRAZING OF STOCK ON ROADS~~ | , 6 JUNE 2013

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~~permit to graze over a travelling stock reserve within the boundaries of a national park or historic site.~~

~~(4) A stock permit is to be in the approved form.~~

~~(5) Nothing in this section authorises or permits an authorised officer to issue a stock permit authorising a person to do (or omit to do) anything on or in relation to a freeway or tollway within the meaning of the Roads Act 1993.~~



POLICY Private Works

*A prosperous
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community.*

ADOPTED [Reviewing](#)

COUNCIL MEETING MIN NO [242/43](#)

DATE: [6 JUNE, 2013](#) [2/02/2024](#)

REFERENCE [VERSION 12.0](#)

REVIEW DATE [6 JUNE, 2017](#) [2/02/2028](#)

FILE NUMBER [A0100056, A0100021](#)

Objective

The purpose of this policy is to:

1. Create a framework for performing private works that is transparent, objective and consistent;
2. Ensure a clear understanding of the roles and responsibilities of each party entering into private works agreement; and
3. To undertake private works at market prices and return a profit to Mid-Western Regional Council.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Legislative requirements

Local Government Act 1993

Commonwealth crimes Act 1914

Related policies and plans

- Credit Policy
- Statement of Business Ethics
- Conflict of Interest Policy
- WHS Policy
- Code of Conduct

Scope

This policy applies to any work, undertaken by Council upon agreement with a landowner, on private lands and or public lands outside the responsibility of Council. This policy specifically excludes work performed on Council owned or controlled assets and State Roads.

POLICY: PRIVATE WORKS | VERSION 2.0 VERSION 1.0, ERROR! REFERENCE SOURCE NOT FOUND, 14 JUNE, 2016

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Policy

Priority for the use of Council's plant, equipment, labour and other resources is to be given to Council's own work program at all times.

No private works job shall be undertaken until the prescribed Private Works Application form is fully completed by the person requesting such private works (the applicant).

In requesting and authorising Mid-Western Regional Council to carry out private works, the applicant shall indemnify Mid-Western Regional Council against any claim, action or process for damage or injury which might arise during the progress of such works and shall keep indemnified Mid-Western Regional Council against any claim, action or process for damage and/or injury which might arise from the existence of such works unless such damage and/or injury is due to or contributed to by an act or omission of Mid-Western Regional Council, its employees or agents.

A project estimate shall be provided to the applicant, in writing, outlining the cost, the timeframe, clearly state that this is an "estimate only" and shall include provision for recouping additional funds should the cost of the project exceed the provided estimate.

Firm quotations may be provided to applicants upon request; however provision of such quotations is at the discretion of the General Manager or relevant Group Manager.

All project estimates and quotes will include a provision for administrative costs and a profit margin. All project estimates and quotes provided are GST-exclusive.

The provision of private works services generally requires payment in advance. Any other arrangement must be in accordance with Council's Credit Policy.

All requests for private works on land outside the Mid-Western Region council area must be approved by the General Manager.

Only approved Council employees shall operate Council plant engaged on private works.

Council is responsible for the payment of Council staff and any of its own sub-contractors engaged on private works. No other payment arrangements are permissible.

All private works jobs will be costed independently to the applicant, where it is acknowledged the applicant may be a Council employee or Councillor.

Where Council employees hire plant, such plant will be on the condition that no third party is involved in the agreement. Private use by staff of Council equipment is prohibited unless authorised by the General Manager.

Small plant are not available for hire.

A timeframe shall be provided to the applicant as to when the works can be undertaken. No Private Works shall take priority over the completion of Council's works program.

Misuse or unauthorised use of Council resources may constitute an offence under the *Commonwealth Crimes Act 1914* as amended, and or other relevant legislation.

Council reserves the right to refuse any applicant for private works.

POLICY: PRIVATE WORKSPRIVATE WORKS | VERSION 2.0VERSION 1.0, ERROR! REFERENCE SOURCE NOT FOUND.14 JUNE, 2016

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Variation

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.



POLICY Public Seating on Footpaths

*A prosperous
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community.*

ADOPTED	VERSION NO
COUNCIL MEETING MIN NO	REVIEW DATE MAY 2014
DATE:	FILE NUMBER A0100021

Objective

Requests may be made to Council for the installation of a park seat with a memorial plaque in memory of a deceased person who had a close connection to the reserve or public space. For the purpose of this Policy, park seats include seats in road reserves.

A plaque placed on a park seat is a public recognition of the significant contribution a person has made to the local area. As such, requests will only be considered for those people who are publicly acknowledged as having made a significant contribution to the local area in a not-for-profit capacity. This may include:

- (a) people who contributed to the community through sport, arts and culture, education, conservation of the environment, or by providing assistance to the vulnerable; or
- (b) people who have contributed to the development of the region socially, culturally or economically.

The objective of this policy is to enable installation of permanent public seating on footpaths whilst defining appropriate mechanisms to ensure consistency in standards and quality.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, 'Connecting our Region High Quality Road Network that is Safe and Efficient'

Policy

1. Any request for a memorial must be made to Council in writing and addressed to the General Manager. Any request must be made by an appropriate person, such as the next of kin or a near relative of the deceased. An appropriate person may also include the representative of an organisation closely associated with the deceased, where that association is the basis for the request. All applications, whether made by a person, an association or organisation, or an elected representative of any level of government, will be assessed in accordance with this Policy. Where a request for a memorial or a commemorative naming has been made by an organisation, it should be accompanied wherever possible by a letter of permission from a relative of the person being honoured.
- 4.2. Agreement shall be reached with each applicant on the conditions applicable to seating erection prior to any works being undertaken. All seating construction shall be the subject of this agreement. It will be a condition of a request for a seat to be placed in adjacent footpath in a public road reserve that the applicant make application under Section 138 of the Roads Act 1993. Section 138 applications are now done exclusively via the NSW Planning Portal.
- 2.3. Construction shall be the sole responsibility of the applicant unless by resolution Council elects to assist.
- 3.4. Each seat proposal will be the subject of a separate approval of location by the General Manager or delegate. Seats shall be located such that they are a sufficient distance from the edge of the kerb so as not to interfere with opening doors of parked vehicles.
- 4.5. Specifications for the seat, covering materials, erection details, foundation details, painting, signs etc., shall be lodged with the application for approval, and construction

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POLICY: PUBLIC SEATING ON FOOTPATHS | , ERROR! REFERENCE SOURCE NOT FOUND.30 AUGUST, 2016

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shall not proceed until approval has been granted.

A handover meeting will be arranged between the applicant and Council following completion of the project. Council will inspect the seat following installation to ensure compliance with the approval condition and that the quality of materials and workmanship are to a satisfactory standard.

- 5.6. Unless otherwise determined, Council shall be responsible for maintenance of each seat from the date of handover.
- 6.7. Public Risk and other insurance to cover damages will be arranged by Council to cover the seats from the date of handover the applicant is to be responsible for insurance necessary to cover themselves, members, employees and the seats during construction.
- 7.8. Council shall maintain a register of seats installed under this policy together with their location.
- 8.9. Any applicable fees will be as determined in the Council's Fees & Charges as defined from time to time in the Annual Management Plan.
- 9.10. The applicant may have sole advertising rights on the seats on condition that advertising not include reflectorised materials or other lighting aids, and that Council has the right to remove any offensive or inappropriate advertising. Advertising matter shall not be such that it could be construed either to be an official traffic sign or to contain any representation of an official traffic sign. All advertising shall be submitted to Council for approval.

Item 11: Community

11.1 Costing for Air Conditioning at Rylstone Hall

REPORT BY THE DIRECTOR COMMUNITY
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, F05900100

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Costing for Air Conditioning at Rylstone Hall; and**
2. **approves the inclusion of \$90,000 in the 2023/24 budget for the supply and installation of air conditioning at Rylstone Memorial Hall to be funded from unrestricted cash.**

Executive summary

At the 13 December 2023 Council unanimously passed a resolution (*Min. 324/23*) to obtain estimates for air conditioning cost for the Rylstone Memorial Hall and report this back to Council. This report seeks to provide Council with an update on these estimated costs.

Disclosure of Interest

Nil

Detailed report

Council staff have considered options and received cost estimates for the supply and installation of air conditioning at the Rylstone Memorial Hall. The two options considered are:

Option 1	An evaporative air condition system for cooling the Hall. This option would require some upgrades to power to enable the system to sit alongside the existing heating system at the Hall. Cost estimates for completion of this option are \$65K to \$75K
Option 2	A reverse cycle ducted air conditioning system. This system could provide heating as well as cooling and as part of the installation the existing heating system could be removed. The current heating is not as efficient as a modern reverse cycle air conditioning system and so would use less power in the future. Cost estimates for the completion of all works for Option 2 are \$85K to \$90K.

Option 2 is the recommended option and that a budget of \$90,000 be provided in this financial year so that works can be scheduled immediately.

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
Buildings Asset Management Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The report seeks funding of \$90,000 for the 2023/24 financial year to be funded from unrestricted cash.

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

Associated Risks

Improved amenity at the Rylstone Memorial Hall will lessen the risk of people attending the Hall suffering in hot conditions on extreme heat days.

SIMON JONES
DIRECTOR COMMUNITY

29 January 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.2 Mudgee Centre of Excellence Training Camp Progress Update

REPORT BY THE DIRECTOR COMMUNITY
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300368

RECOMMENDATION

That Council receive and note the report by the Director Community on the Mudgee Centre of Excellence Training Camp Progress Update.

Executive summary

This report provides an update to Council on the progress of the Mudgee Centre of Excellence Training Camp facility. The project is currently well into its construction design phase to enable a Construction Certificate to be issued. This will allow construction of the buildings to commence as soon as possible.

Disclosure of Interest

Nil

Detailed report

The attachment to this report provides a quarterly update on the progress of this Mudgee Centre of Excellence Training Camp project. Council is still awaiting the issue of the Construction Certificate to allow construction to start. The last remaining design elements are being finalised to allow for the Construction Certificate to be issued.

As previously reported, over \$2 million has already been spent on the project. The majority of this early work has been involved in the earthworks and construction of the extensive retaining walls around the accommodation area, as well as significant expenditure in providing potable water to the site through Council's town water supply. These works have now been completed and, along with the completion of the access road to Putta Bucca, the site of the complex is ready for the construction phase. Some work on the adjoining house on the block is also proposed.

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

Not Applicable

Legislation

Not Applicable

Financial implications

This project is budgeted and no additional funds are requested with this report.

Associated Risks

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

SIMON JONES
DIRECTOR COMMUNITY

22 January 2024

Attachments: 1. Mudgee Centre of Excellence Training Camp Progress Report February 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS REPORT

1 FEBRUARY 2024

MID-WESTERN REGIONAL COUNCIL
MID-WESTERN REGIONAL COUNCIL
COMMUNITY

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COMMUNITY | MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS REPORT

Mudgee Centre of Excellence Training Camp Progress Report

As at 1 February 2024 the project progress for the Mudgee Centre of Excellence Training Camp is 21%.

OVERALL PROJECT PROGRESS



PROJECT EXPENDITURE



PROJECT EXPENDITURE COMMITTED



COMMUNITY

Scope

The Mudgee Centre of Excellence training camp project is a major project being delivered to provide an accommodation facility to compliment the Glen Willow Regional Sporting Complex. The training camp is being designed to cater for elite sporting teams as well as schools and junior sports teams and other groups that can make use of the area and the sporting facilities at Glen Willow.

Achievements and Highlights

- Completion of the retaining walls and site preparation.
- Construction of the watermain has been completed.
- Stormwater parts and fittings onsite awaiting approval of civil construction certificate for works to commence.
- Construction Certificate submitted to private certifier. Initial review of Construction Certificate documentation has taken place with additional information requested and to be supplied.
- Request for Quote for sewer construction closed at end of January 2024.

Next 3 Months

- Construction Certificate expected to be issued in February 2024.
- Construction works by North to commence in February/March.
- Construction of sewer to commence in March 2024.

COMMUNITY | MUDGE CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS REPORT

Photos and Images



COMMUNITY | MUDGEES CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS REPORT



COMMUNITY | MUDGEE CENTRE OF EXCELLENCE TRAINING CAMP PROGRESS REPORT



11.3 Mudgee Valley Park Expansion Project Progress Update

REPORT BY THE DIRECTOR COMMUNITY
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, FIN300365, COR400446

RECOMMENDATION

That Council receive the report by the Director Community on the Mudgee Valley Park Expansion Project Progress Update.

Executive summary

The attached report provides an update on the progress of the Mudgee Valley Park Expansion Project. Stage 2 of this project is essentially complete and work is commencing on Stage 3.

Disclosure of Interest

Nil

Detailed report

At the Council meeting in April 2023, it was resolved to proceed with Stage 3 of the Mudgee Valley Park Expansion. This stage provides an additional 20 cabins and associated infrastructure at a cost of around \$7 million. This budget has been allocated across the 2023/24 and 2024/25 budgets.

Stage 2 has essentially been completed with just some minor landscaping works being completed. As part of Stage 2, 31 additional cabins were installed at Mudgee Valley Park and these are now operational.

Work has begun on Stage 3 with development approvals received and the contract for the first 7 cabins now signed. These cabins are due to be delivered to site by June 2024.

Community Plan implications

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

Strategic implications

Council Strategies
Community Strategic Plan

Council Policies
Not Applicable

Legislation

Not Applicable

Financial implications

Budget is already in place for this project.

Associated Risks

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

SIMON JONES
DIRECTOR COMMUNITY

22 January 2024

Attachments: 1. Mudgee Valley Park Stage 3 Progress Report.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



MUDGEES VALLEY PARK EXPANSION PROJECT – STAGE 3 PROGRESS REPORT

31 JANUARY 2024

MID-WESTERN REGIONAL COUNCIL
MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | MUDGEES VALLEY PARK EXPANSION PROJECT – STAGE 3 PROGRESS REPORT

Stage 3 Progress Report

As at 31 January 2024 the stage 3 project progress for the Mudgees Valley Park Expansion Project is 2%.

STAGE 3 PROJECT PROGRESS



PROJECT EXPENDITURE



PROJECT EXPENDITURE COMMITTED



COMMUNITY

Scope

At the meeting held on April 19 2023, Council endorsed the expansion of the Mudgee Valley Park. This investment opportunity for further expansion includes the development of 20 new cabins to deliver key worker housing in the short term (3-5 years) and in the long term increase tourism beds available to meet these growing demands.

Achievements and Highlights

- Stage 2 essentially complete, just some landscaping to do.
- For Stage 2 an additional 31 cabins are onsite and operational.
- Internal roads complete.
- Bottom boards complete.
- Parking spaces for cabins complete.
- DA approved.

Next 6 Months

- working on conditions from DA Consent.
- Contract for the initial 7 cabins, due to be onsite by June.
- Master planning work continues for remaining 13 cabins.

COMMUNITY | MUDGEE VALLEY PARK EXPANSION PROJECT – STAGE 3 PROGRESS REPORT

Photos



COMMUNITY | MUDGEE VALLEY PARK EXPANSION PROJECT – STAGE 3 PROGRESS REPORT



COMMUNITY | MUDGEE VALLEY PARK EXPANSION PROJECT – STAGE 3 PROGRESS REPORT



11.4 Community and Cultural Services Quarterly Report

REPORT BY THE DIRECTOR COMMUNITY
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, COS300010

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Community and Cultural Services Quarterly Report; and**
2. **note the recent services provided and activities coordinated by Council's Community & Cultural Services Team.**

Executive summary

This report aims to familiarise Council with services and activities provided by its Community & Cultural Services Department and to inform it of issues and events of note that arose during the period October to December 2023 (inclusive).

Disclosure of Interest

Nil

Detailed report

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

- Youth Services secured a \$30 000 Youth Opportunities grant to deliver a youth story telling program and exhibition in 2024/25;
- The Community Development team coordinated a successful community Christmas concert in Rylstone;
- \$7000 in grant funding has been secured for the 2024 Seniors Festival;
- Meals on Wheels is in negotiations with Club Mudgee to provide hot meals for the service; and
- Mudgee Arts Precinct hosted a successful Messages in The Sky exhibition between September and November with over 7,500 visits to the exhibition as well as opening the Wynne Prize touring exhibition from the Art Gallery of New South Wales in December which ran through to the end of January.

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

Cultural Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES

DIRECTOR COMMUNITY

22 January 2024

Attachments: 1. Community Services Quarterly Report Oct-Dec 2023.
2. Mudgee Arts Precinct Quarterly Report Oct-Dec 2023.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

Community Services Quarterly Report October-December 2023

Community Development

Mudgee & Gulgong Interagency

Monthly meetings for Mudgee & Gulgong Interagency members have continued to be consistently attended over the past quarter. Meetings have been held mostly via MS-teams with a hybrid meeting planned quarterly to provide attendees the choice of meeting remotely or face-to-face.

Common themes and discussion from the group are regarding homelessness and housing shortage in the region, domestic & family violence issues and mental health services available in particular to younger people in the community. We have had several discussions regarding disaster and risk preparation in the lead up to the Bush Fire Season.

Attendance	
October	19
November	15
December	21

Some types of services attending meetings
Health NSW, Transport NSW, Services NSW (Centrelink), Housing and Homelessness (Housing Plus), Mental Health (Marathon Health, TAFE NSW, Disability, Family Support) etc. Plus lobbying members to complete the Registration of their organisations to Interagency and complete relevant surveys.

Kandos & Rylstone Interagency

Meetings have been held every 6 weeks via MS-teams. Common themes and discussion from the group include youth mental health services in Kandos/Rylstone, transport for education, training and employment, preparation for the oncoming Bush Fire Season.

Attendance	
October	No meeting
November	10
December	5

Some types of services attending meetings
Health, TAFE, Mental Health services, preschool

Wollemi Voices (Kandos Singing Group)

Wollemi Voices members participated in the Rylstone Christmas Concert and Carols evening; 6-8pm Saturday 9th of December. This event was attended by 200 community members from all over the MWRC area performing with the Mudgee Concert Band and the Llewellyn Choir from Canberra. Rylstone CWA provided refreshments as a fund raiser.

Rylstone Family Fun Day Wed 4th October

The working party met regularly to arrange this popular community event at the Rylstone Showground with the theme "Let's Get Outside", with outdoor games and activities intended to be the focus.

With rainstorms arriving in the early morning of the event it was moved inside, and planned activities and attendance numbers were affected by the cold and windy weather. Around 200 people attend compared to upwards of 400 in past years.

2024 Seniors Festival Planning

The Seniors Festival Committee met several times to plan events and activities for the festival being held across the region from 11-24 March. Grant funding from the NSW Government (\$4500) and Moolarben Coal (\$2500) has been successfully secured for this event.

Youth Services

School holiday programs	15 activities	179 participants
<p>Spring school holiday programs included a digital effects workshop, Laser Tag, a songwriting workshop and African drumming and active games at the Rylstone Family Fun Day.</p> <p>Pre-Christmas crafting activities were held in the December school holidays in Mudgee, Gulgong, Kandos and Rylstone.</p>		

Other Programs

Monthly programs, Crafternoon and Level Up were held outside school holiday periods with regular attendance.

69 youth participated in the International Games Day Competition that was run in conjunction with the library.

Council-supported programs in Kandos (the Uncooperative Youth social arts program delivered by Cementa, and The Loft after-school program delivered by Barnardos) have also had consistent engagement from young people at their Term 4 activities.

Youth Services were successful in obtaining a \$30 000 Youth Opportunities grant to deliver a youth story telling program and exhibition in 2024/25.

Youth Council

The Youth Council met in November and discussed a number of issues including school holiday event planning, recruiting new Youth Council members and ideas on creating meaningful engagement for youth in our region.

The Youth Council sponsored three movies as part of Town Hall Cinema’s monthly movie weekends. Overall, these sessions were well attended with 270 tickets sold across the three weekends.

Meals on Wheels

	Main Meals (including frozen meals, chilled desserts, sandwiches & soups)
October	663
November	685
December	688
TOTAL	2036

Current number of clients for Meals on Wheels	
Active	39
New	11
Exited	9

Volunteers – 111
Volunteers are meeting demand for delivery.

Meals on Wheels has been in negotiations with Club Mudgee to be the new supplier of hot meals, with plans to begin this service in February 2024.

Clients have been receptive to the frozen meals that have been provided since the withdrawal of the previous service provider, however many are keen to return to hot meals.

Family Day Care

Family Day Care Educators	
Mudgee	3
Gulgong	2
Kandos	1
Wellington	3
TOTAL	9

The waiting list remains consistent at 85 children requiring care in 2024 and we continue to take calls regarding families seeking care.

Family Day Care continues to work with Barnardos to support families requiring care for children in out of home care.

Family Day Care was successful in securing a grant of \$70 000 under the Community Childcare Fund (CCCF) Stronger Regional Futures Package to establish new early childhood services within Mudgee and Surrounds – West SA2 (this area takes in Gulgong and surrounds - see map). The grant will support new educators with some initial start-up costs such as first aid qualifications, criminal checks, and resources. The funding cannot be used for works to the Educator's premises. Family Day Care is promoting this opportunity through Community News and social media.



Community Transport

Transport figures	
Commonwealth Home Support Program trips	743
Community Transport Program trips	146
National Disability Insurance Scheme trips	99
Department of Veterans Affairs trips	23
Health related transport trips	88
Full cost recovery trips	147
Non reportable trips	4
TOTAL	1250

Unmet requests for transport	
Requests made when service was already fully booked	0
Cancellations by clients and/or medical service	0
No drivers available for Sydney or long distance trips	6
TOTAL	6

Volunteers – 18 registered
<ul style="list-style-type: none"> • Driver availability was reduced as some volunteers were unavailable. • Recruitment continues for new drivers

Vehicles - 6
<ul style="list-style-type: none"> • 2 x Kia Carnivals • 1 x Subaru 4WD • 3 x Camry sedans <p>All vehicles detailed during this period.</p>

A Christmas Lights tour was held as a social outing and thoroughly enjoyed by clients.

Transport for NSW will no longer be providing a free Transport Management System from July 2024. Options and costings for alternative systems are currently being investigated.



Quarterly Report: Mudgee Arts Precinct October - December 2023

Programming:

MESSAGES IN THE SKY 1 September – 26 November 2023

Claire Healy and Sean Cordeiro are a duo of Australian contemporary artists known for their large-scale immersive installations, sculptures, and mixed-media artworks that often incorporate found objects and repurposed materials. Working collaboratively since 2001, they have gained international recognition for their thought-provoking pieces that explore themes of consumerism, the human impact on the environment and the philosophies of flight.

The exhibition proved very successful with school-aged children but was found to be a little challenging for older visitors who didn't necessarily think large scale artworks created from planes and helicopters as valid art.

Around 90 people attended the opening of the exhibition which included speeches.

Messages in the Sky visitation numbers

- 7,559 instances of visitation across the 87 days, making the average visitation 87 people per day (down slightly from previous exhibition *ARTEXPRESS*).
- Instances of visitation during this period to the upstairs galleries was 5,139 - 68% of visitors to the main gallery also visited the upstairs galleries.

Messages in the Sky Tours

We had 136 students attend organised tours of the exhibition and completed exhibition learning activities with MAP staff. This included the following:

St Matthews Catholic School Mudgee – 26 students Year 3
St Matthews Catholic School Mudgee – 90 students for exhibition tour and Kite making workshops.
Happy Days Childcare Gulgong – 20 children exhibition tour and kite making.

Youth Services Holiday activities Monday 25 – 26 September

Mudgee Arts & Craft Pop-Up Exhibition 19 September – 2 October 2023

615 instances of visitation

The Wynne Prize 1 December 2023 – 28 January 2024

Mudgee Arts Precinct hosted The Wynne Prize 2023 exhibition touring from the Art Gallery of New South Wales for the first time since it began over 125 years ago. It gives our local community the chance to see the best of Australian contemporary landscape painting and sculpture much closer to home.



The \$50,000 Wynne Prize is an open competition judged by the trustees of the Art Gallery of New South Wales and awarded annually to the best landscape painting of Australian scenery or figure sculpture, alongside the Archibald and Sulman Prizes.

Triple Rainbow: Julian Meagher 2 February – 28 April 2024

Renowned Australian contemporary artist Julian Meagher will be featuring an exhibition titled *Triple Rainbow* at Mudgee Arts Precinct from 2 February. The mostly new work will focus on landscapes from around the Mudgee region, including Mount Frome, Lake Windamere, Strikes Lane, and Pipeclay Lane.

Funding

MAP was successful in its application for additional program funding included:

- Regional Arts Fund \$ 31,326.79 for *Legacy* exhibition from 3 May – 28 July 2024
- CASP Funding \$3,000 for school holiday workshops.

Unsuccessful:

- Create NSW Annual Funding
- Dobell Exhibition Grant (administered by Museums & Galleries NSW).

Mudgee Arts Precinct Bookings July – December 2023

During the period between 1 July 2023 and 31 December 2023 the Mudgee Arts Precinct including the Cultural Workshops had a total of 232 bookings. 71 external bookings and 161 internal bookings. The actual income taken from the external bookings was \$10,428. The total value of the 232 bookings including internal bookings during this period was \$37,569.

11.5 Mudgee Town Hall Cinema Equipment

REPORT BY THE DIRECTOR COMMUNITY
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, REC800016

RECOMMENDATION

That Council:

1. **receive the report by the Director Community on the Mudgee Town Hall Cinema Equipment; and**
2. **amend the 2023/24 budget to increase the Town Hall Cinema Operations budget by \$25,000, to be funded from the Asset Replacement Reserve, for equipment for the Town Hall Cinema.**

Executive summary

There has been a failure with the equipment used to show the movies at the Town Hall Cinema and we are not currently able to run our monthly program of new release movies. A budget of \$25,000 is required to purchase new equipment to allow the movies to continue.

Disclosure of Interest

Nil

Detailed report

Prior to the January 2024 movies, a failure was noted with the equipment for the Town Hall Cinema and the movies were not able to run. A specialist theatre equipment consultant was engaged to investigate the issue, service all of the existing equipment and report back on any requirements to ensure that the movies could be operational again.

John Coleman from Australian Theatre Supplies attended the Theatre and investigated the issue. It was found that the GDC Media Server was faulty and would need to be replaced. Based on the cost estimates provided, a budget of \$25,000 will be required to pay for the replacement equipment to ensure that the movies can be operational again. It is hoped that we can get the equipment operation in time for the April movies.

It is noted that the Town Hall Cinema equipment was purchased in 2012 and installed as part of the Town Hall Renovation Project. Much of the sound, lighting and projector equipment is coming to the end of its useful life and further asset replacements will be required over the next few years.

The Town Hall cinema runs as an ongoing partnership between Council and the two Mudgee Rotary organisations. Thousands of tickets are sold each year with the Rotary clubs raising in excess of \$20,000 each year that is used to support worthy community events.

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
Cultural Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

This report seeks a budget of \$25,000 for the immediate works required to ensure that the Town Hall Cinema can show movies again.

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

Associated Risks

There is a risk that Council will not be meeting its commitments to the community if we are not able to provide the equipment to ensure that the Town Hall Cinema is operational.

SIMON JONES
DIRECTOR COMMUNITY

13 February 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.6 Library Services Quarterly Report

REPORT BY THE MANAGER LIBRARY SERVICES
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, F0620020

RECOMMENDATION

That Council receive and note the Library Services Quarterly Report by the Manager Library Services.

Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad themes of Customer Visits, Library Borrowings & Purchased Items, and Sustainable Organisations. This report covers the period October-December 2023.

Disclosure of Interest

Nil

Detailed report

CUSTOMER VISITS, LIBRARY BORROWINGS & PURCHASED ITEMS

Visits to our Library branches during the October-December 2023 period are lower than the number of visits during the previous quarter, likely due to the end-of-year closure:

Period	Visits
October – December 2023	17,193
July – September 2023	20,758

Across the Library Service, loans of physical and online library items are also lower compared to the previous quarter, again, likely due to the end-of-year closure:

Period	Loans
October – December 2023	19,949
July – September 2023	22,251

Loans from the Mobile Library during October-December 2023 were lower compared to the previous quarter, also due to the holiday closure:

Period	Loans
October – December 2023	960
July – September 2023	1,271

The use of library eResources (library subscribed databases) and online accesses (website, catalogue, app and Facebook page) is slightly lower when compared to the previous quarter:

Period	Accesses
October – December 2023	30,016
July – September 2023	32,206

The Library continues to purchase new items in both print and electronic formats in line with the Collection Development Policy. These items include fiction and non-fiction titles (incl. large print), magazines, graphic novels, DVD's, tabletop games & puzzles, and audiobooks:

Period	Purchases
October – December 2023	2,270

The Library received 94 purchase requests from members during October to December 2023.

SUSTAINABLE ORGANISATION

The Library currently manages four internal book groups and supports six local community book groups. Between October and December 2023, we conducted a total of eight book group meetings, attended by 45 participants. Towards the end of last year, we surveyed the Kandos and Rylstone community to determine whether there was interest in a local book group and we received an overwhelming response with 11 people expressing interest. Therefore, beginning February 2024, a new book group will commence at Kandos Library on the second Monday of the month at 10am, with 10 eager participants having already reserved their spots.

Over the past quarter we ran two Unplugged Gamers sessions, drawing a combined total of 27 enthusiastic participants. During this time, we also held one Monday History Talk which attracted 13 attendees. In addition, on 23 October we hosted an author talk with Christine Sykes, author of *The Changing Room*, *Gough and Me*, and *The Tap Cats of the Sunshine Coast*, which saw four participants attend.

The Library remains dedicated to nurturing a lifelong passion for books and reading through its early literacy programs. Throughout October to December 2023, our children's services team delivered 54 sessions to a total of 792 children. The team also organised seven school holiday activities, involving 41 children. Kids Chess Club continues with five sessions led by our external trainer, with a total attendance of 22 children. Brick Bonanza and Little Readers also continued with nine sessions delivered to a total of 43 children. On 1 November, two staff attended the *Barnardos Play in the Park at West End*, delivering storytime and craft activities, and spruiking library services to over 60 people at this annual outreach event.

On the topic of outreach, a staff member provided an overview of library services to 16 patients at Mudgee Hospital – Community Health on 8 December. This visit garnered a lot of interest and was a rewarding and positive experience for all. Throughout October, the Gulgong Mudgee Rylstone branch of the National Trust held a display in the front room of Mudgee Library celebrating 40 years of valuing our district heritage. During the afternoon of 13 December, the Mudgee Orchestra played Christmas music on the top floor of Mudgee Library, creating a festive and magical atmosphere which filtered throughout the building.

The Library continued its digital literacy initiatives by again partnering with NBN Co to offer four one-on-one tech help sessions, and two NBN community update sessions at Mudgee and Gulgong branches, assisting 10 people.

Lastly, the Library hosted a work placement student with special needs over November and December, and supported staff professional development with the Manager Library Services and Librarian both attending the NSW Public Libraries Association SWITCH Conference from 14-17 November. Attendance at the conference enables staff to stay abreast of evolving technologies

and trends, engage in crucial discussions about challenges and issues, glean insights from industry experts, and establish connections with vendors and fellow colleagues. For the first time, we also became involved in a “book group kit swap”, managing to secure eight free book group kits for the Library.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Strategic implications

Council Strategies

The Library Services Quarterly Report has been developed in line with the 2022/23 – 2025/26 Delivery Program, and Library Strategic Plan.

Council Policies

Collection Development Policy

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

RACHEL GILL
MANAGER LIBRARY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

11 January 2024

Attachments: 1. Library Services Quarterly Statistics Infographic - Oct-Dec23.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Library Services

Quarterly Statistics – October/November/December 2023

We handle enquiries for the

25,760

residents who call
our region home



Collections | Print and Online



Total
Loans

19,949

19,053¹



eResource
Access

6,110

5,761¹



New Items
Added

2,270

7,426¹

Requests for Items



Purchase
Requests

94



Total Inter-Library
Loan Requests

32

29¹

Outreach | Mobile Library



Visits

309

376¹



Loans

960

1,117¹

Programs and Activities



Book Group
Attendance

45

29¹



Total
Events

112

77¹



Total
Attendees

1,274

584¹

People | Across All Branches



Visits

17,193

16,139¹



Members

12,913

50.1% of residents
12,208¹

Spaces | Bookings



Meeting Room

33

14¹



Event Zone

41

19¹

Internet Access



PC Usage

1,612

1,964¹



Wifi

5,261

connected hours
1347¹

Online Engagement



App
Launches

1,385



Facebook
Page Reach

7,558



Website
Views

7,960



Catalogue
Views

6,909

¹ 2022 quarterly comparison

11.7 Review of Mudgee Library Opening Hours

REPORT BY THE MANAGER LIBRARY SERVICES
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, F0620008

RECOMMENDATION

That Council:

1. receive the report by the Manager Library Services on the review of opening hours at Mudgee Library branch;
2. place this report on exhibition for 28 days to seek feedback from the community;
3. note the proposed changes to the opening hours of the Mudgee Library as:
 - 3.1 Monday, Tuesday, Wednesday, Friday: 9:00am – 5:30pm
 - 3.2 Thursday: 9:00am – 7:30pm
 - 3.3 Saturday: 9:30am – 1:30pm; and
4. adopt the proposed change to opening hours if no submissions are received during the exhibition period.

Executive summary

This report seeks guidance from Council on a proposal to change the opening hours of the Mudgee Library. The proposal seeks to open the library an hour earlier at 9:00am and close an hour earlier at 5:30pm with an extended operation on Thursday evenings. There is also an increase in the hours of operation on a Saturday.

No changes are proposed in this report (or recommended by the State Library review) to the smaller branch libraries in Gulgong, Kandos and Rylstone.

Disclosure of Interest

Nil

Detailed report

In February 2020, the State Library of New South Wales conducted a review of Mid-Western Regional Council libraries in accordance with the *Library Act 1939*. From this review, it was determined that the Mudgee Library branch is presently open for 43 hours per week, which falls below the recommended 48 hours for a tier one (main) library.

Currently, the opening hours of the Mudgee Library branch are:

- **Monday – Friday** 10:00am – 6:00pm
- **Saturday** 9:30am – 12:30pm

During the recent strategic planning process, a consistent and timely theme emerged from community focus groups and survey results, there was a strong demand for extended opening hours (which would enable greater accessibility to library services) and a desire for one late opening night per week (to accommodate additional programming and study, with the library already planning on enhancing specific spaces to create dedicated study and reading areas).

It is clear the tradition of opening at 10:00am, which originated from early banking practices, is no longer suited to today's environment.

Throughout June and August 2023, library staff manually recorded visits to the library between 5:00pm-6:00pm. The average number of people visiting the library between 5:00pm – 5:30pm was 5.8, while the average number of people visiting the library between 5:30pm – 6:00pm was 3.4. From these figures it is evident that the Library isn't well utilised during this time, though it should be noted that higher numbers are attending on Thursday evenings for scheduled programs.

Following discussions and feedback from staff, a review of the opening hours of other libraries in the Central West Zone, and consideration of all the above-mentioned factors, the following change to opening hours is proposed:

- **Monday, Tuesday, Wednesday, Friday** 9:00am – 5:30pm
- **Thursday** 9:00am – 7:30pm
- **Saturday** 9:30am – 1:30pm

An earlier opening will not impact upon staffing, as library staff are already rostered to start at 9:00am or earlier. An additional hour on Saturday does not impose on current rostering as there would still be no requirement for lunch cover. And lastly, this change means the library would be open 48.5 hours a week, slightly exceeding the State Library of New South Wales guideline.

Overall, these revised hours would better align the Library with most other organisations and businesses, and would be more beneficial in meeting the needs of our community.

Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

Strategic implications

Council Strategies

Delivery Program 2022/23–2025/26

Operational Plan 2023/24

Community Plan – Towards 2040

2023-2033 Cultural Plan

2022 Community Engagement Strategy

Council Policies

2023 Collection Development Policy

Legislation

Library Act 1939

Financial implications

The proposed changes can be accommodated without change to the overall existing library budget allocation.

Associated Risks

Changes to agreed service levels require appropriate consultation with Council and the community. Risk to adverse community sentiment about the proposed changes can be mitigated by providing the opportunity for feedback from the public through placing the proposed changes on exhibition.

RACHEL GILL
MANAGER LIBRARY SERVICES

SIMON JONES
DIRECTOR COMMUNITY

21 December 2023

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Local Traffic Committee Meeting Minutes - December 2023

REPORT BY THE OPERATIONS ADMINISTRATION ASSISTANT
TO 21 FEBRUARY 2024 ORDINARY MEETING
GOV400105, A0100009

RECOMMENDATION

That Council receive the report by the Operations Administration Assistant on the Local Traffic Committee Meeting Minutes for December 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, 8 December 2023.

Three event reports were considered:

- **Christmas Carols** – reduced speed limit of 30km and limit parking was agreed to by LTC due to safety concerns.
- **Kandos Hot Rod Event** – Friday 26th to Sunday 28th January 2024. TGS lodged. As event is in January the LTC approved.
- **Mudgee Classic** – 2024 Saturday 4-Sunday 5th May. New terms and conditions were reviewed and agreed to by the LTC and are now for Council consideration.

No traffic report was considered.

General Business items included:

- From November – Council to consider installing C3 Lines along Pitt Lane to reduce parking.
- Bus pickup zone at Caerleon being reviewed.
- Saleyards Lane – TfNSW have reviewed and recommendation to be put to Council of a speed reduction to 60km.
- From December – Representatives from “Can Cruise” attended to discuss Local Traffic considerations for the event. It was agreed that temporary “Detours” would be in place and a TGS created for the event.

- Regional Road Safety Recommendations from the Office of the Auditor-General was tabled.
- List of Meetings for 2024 was also tabled.
- Retirement of Mr Phillip Blackman was discussed. Waiting on representative from Dugald Saunders.

Correspondence items included:

- Full discussion notes are included in the attached reports.

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

Associated Risks

Not Applicable

TRACEY STARR
OPERATIONS ADMINISTRATION ASSISTANT

JULIAN GEDDES
DIRECTOR OPERATIONS

8 February 2024

Attachments: 1. November 2023 LTC Minutes.
2. December 2023 LTC Minutes.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 17 November 2023

Minutes of the Local Traffic Committee

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

Present	Garry McGovern (NSW Police), Samantha Cecchini (MWRC), Thomas Worley (TfNSW), Ray Kearns (MWRC Chairman), Jackie Perring (MWRC). Lisa Cartmell (MWRC) (remotely).
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Apologies	Cr Alex Karavas, Philip Blackmann
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Secretary	Tracey Starr MWRC
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The LTC meeting commenced at 9:30am.

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.

APOLOGIES

Philip and Alex

MINUTES OF PREVIOUS MEETING

MOTION: Mr Thomas Worley / Garry McGovern

That the Minutes of the previous Local Traffic Committee held on 20 October 2023 be taken as read and confirmed.



MATTERS IN PROGRESS – JULY 2023

SUBJECT	RES NO. & DATE	CLOSE	ACTION

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
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	March Council Report
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	March Council Report
MAY	DATE	COMMENTS
JUNE	DATE	COMMENTS
Henry Lawson Heritage Festival Gulgong Gold Cup	10 th June 11 th June	
JULY	DATE	COMMENTS
Mudgee Small Farm Field Day	7-8 th July	
AUGUST	DATE	COMMENTS
Mudgee Running Festival	20/08/2023	Traffic management plan required.
SEPTEMBER	DATE	COMMENTS
1.Mudgee High School- Rainbow Day	21/09/2023 8am to 9.15am	Traffic management plan required. School has been notified an updated plan is required.
3.Flavours of Mudgee	23rd Sept	
OCTOBER	DATE	COMMENTS
NOVEMBER	DATE	COMMENTS
ZENITH	25-26 TH	TGS REQUIRED NEXT WEEK
DECEMBER	DATE	COMMENTS
Mudgee Show Carols	16 th Dec	

Red = Unapproved

Green = Approved

ACTIONS

ACTION FOR ZENITH – TGS required. Possible issues with lightening/traffic etc

MUDGEES SHOW CAROLS – two entry points – TGS needs to be updated.

ACTION – updated TGS and review of the access.

Briefing – with Rotary/Council required

Kandos Hot Rod – contact them to get details.

Letter to Mudgee Classic re: police confirmation of how the event shall function.

Nil

Nil

23/028 CHRISTMAS CAROLS TRAFFIC GUIDANCE SCHEME

RECOMMENDATION



That the Local Traffic Committee accept this Traffic Guidance Scheme for the Christmas Carols.

MOTION: NOT PASSED

TGS TO BE REVIEWED – SPECIAL EVENT NOTICE

That the above recommendation be accepted and approved.

23/029 MUDGEE CLASSIC 2024 - 4-5TH MAY 2024

RECOMMENDATION

That the Local Traffic Committee accept the following TGS for the Mudgee Classic 2024.
May 4-5th May 2024

MOTION: NOT PASSED.

POLICE TO ADVISE ON THE EVENT BEING CLASSIFIED A RACE.

That the above recommendation be accepted and approved.



ISSUES WITHOUT NOTICE

Pitts Lane – is it ok to have no stopping on Pitts lane. Does this section of the road meet the standards to warrant “No Stopping”? Need to justify the use of physical barriers. Is the area a park? C3 (yellow line) maybe used to restrict parking and increase view.

Get C3 road rules to add to this report. No stopping either side of road.

OUTCOME – council as road authority for this local road to consider installing a C3 line in location deemed appropriate.

ULAN ROAD – use of sound/tactile bars suggested.

SALES YARD LANE – speed limit. Currently 80km.

TfNSW has done a speed review.

TfNSW have done a scope of work.

Recommendation from TfNSW- **Reduction to speed limit suggested to 60km from Castlereagh up Sales yard (700mtrs).**

SPEED LIMIT reduction on Blue Springs road has been confirmed by Council (80kms).

TfNSW has been notified. Road work speed zone.

Police to be informed.

Formal notification from Council to Police to follow.FORMAL LETTER.

LTC has been notified that speed reduction on Blue Springs Rd/Cope Rd, from 1st November 2023 to 31st October 2025

BUS PICKUP @ Caerleon

Pick up on Hill end road.

Issues with safety.

Suggestion needed to assist as buses can not get through easily.

ACTION- formal email to TfNSW required re: issue.

PARKING (raised by Police)– can we extend the parking rules around town to 24hours.

60 degree end to rear parking ignored.

Parking study has been done.

Rear to kerb should be 24hrs a day? TBC

CLOSURE

There being no further business the meeting concluded at 10.59am



Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 8 December 2023.

Present Garry McGovern (NSW Police), Mark Fehon (NSW Police), Samantha Cecchini (MWRC), Jackie Perring (MWRC), John Stuart (Resident), Rob Duffy (Resident), Thomas Worley (TfNSW), Ray Kearns

Apologies Cr Alex Karavas, Phillip Blackmann

Secretary Tracey Starr

The LTC meeting commenced at 9:30am.

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.

General Meeting to discuss Can Cruise prior to commencement of meeting:
John Stuart & Rob Duffy attended to discuss Can Cruise.
<u>Event 16th March 2024</u>
"Can Cruise" is a annual event encompassing 100+ cars.
Concerns raised as to the traffic disruptions.
Starting at the showground the cars will travel an agreed route through the CBD.
Council will arrange a TGS upon confirmation of the route.
The markets being held conflict with this event and as such market dates to be reviewed.
(3 rd Saturday is the Farmers Markets).
Everyone thought it best that the cars do not all travel at once and that they arrange to traverse in waves of smaller number (20).
Event Detour signs to be organised – with VMS detour signs being a possibility if Can Cruise can get sponsorship.



MINUTES OF PREVIOUS MEETING

RECOMMENDATION

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

Motion put forward – Garry McGovern

Motion seconded – Thomas Worley

MATTERS IN PROGRESS – NOVEMBER 2023

SUBJECT	RES NO. & DATE	CLOSE	ACTION
STUBBO SPEED ZONE/Blue springs rd			FORMAL NOTIFICATION READY TO GO – WAITING ON SIGNS TO BE INSTALLED.
SALES YARD LANE			Recommendation to Council to reduce speed limit
CAERLEON BUS PICKUP			Options to be discussed.

Ray left the meeting at 10.00am.

Tracey Starr chaired the meeting until his return.

PAST EVENT DEBRIEF

EVENT	
RAINBOW DAY	UNABLE TO MEET CURRENTLY WILL RESCHEDULE – 2024



CALENDAR OF EVENTS

2023		
NOVEMBER	DATE	COMMENTS
ZENITH	25-26 TH NOVEMBER	NO TGS
DECEMBER	DATE	COMMENTS
Mudgee Show Carols	16 th Dec	NO ROAD CLOSURE LIMITED PARKING AND REDUCTION IN SPEED
2024	DATE	COMMENTS
JANUARY	DATE	COMMENTS
FEBRUARY	DATE	COMMENTS
ST G DRAGONS V WEST TIGERS	24 TH FEB	TGS being lodged for Glen Willow Events in general.
MARCH	DATE	COMMENTS
RIDE FOR CURE	3-5 TH Mar	TGS submitted
St Matthews Cross Country	11 th March	Road closure request
CAN CRUISE	16 th Mar	Route to be confirmed.
APRIL	DATE	COMMENTS
ANZAC DAY – road closures	25 th April	TGS to be updated. Usual road closures.
MAY	DATE	COMMENTS
MUDGEES CLASSIC 2024	4-5 TH MAY	TGS being reviewed.
JUNE	DATE	COMMENTS

Red = Unapproved

Green = Approved

Ray returned 10.45am to chair meeting.

Note

*Lawson Park Markets – 2nd Saturday of the Month

*Farmers Markets – 3rd Saturday of the Month



MATTERS IN PROGRESS – DECEMBER 2023			
SUBJECT	RES NO. & DATE	CLOSE	ACTION
STUBBO SPEED ZONE/Blue springs rd			FORMAL NOTIFICATION READY TO GO – WAITING ON SIGNS TO BE INSTALLED. *WAITING ON SIGNS TO ARRIVE
SALES YARD LANE			Recommendation to Council to reduce speed limit 60km has been recommended by TfNSW. To be put to Council. Waiting on formal letter.
CAERLEON BUS PICKUP			Options to be discussed. Very few options available at present. Safety Officer/Transport and Odgers discussing. Police suggested bus bay on Hill End.

PAST EVENT DEBRIEF

EVENT	
Zenith	No obvious traffic issues. Noise complaints being investigated by Council. Communications lacking

23/030 MUDGEE CLASSIC 2024

RECOMMENDATION

Police have reviewed and it was made clear that if this is not a race then the event could go ahead (no official timing).

Conditions: As agreed,
Extra lead vehicles/monitoring of riders.
Only 2 abreast allowed.
Add signage to indicate same.
Must meet safety aspects.
Additional signage.

That the Local Traffic Committee accept the following Traffic Guidance Scheme for the Mudgee Classic 2024.



MOTION:

That the above recommendation be accepted and approved.

Motion put forward – Garry McGovern

Motion seconded – Thomas Worley

23/031 RIDE FOR A CURE - WESTPAC 2024

RECOMMENDATION

That the Local Traffic Committee accept the Traffic Guidance Scheme (TGS/TMP).

More detail required.

MOTION:

That the above recommendation be accepted and approved.

N/A

23/032 ST MATTHEW'S CROSS COUNTRY

RECOMMENDATION

That the Local Traffic Committee consider closing roads for a cross country event on 11th March.

More detail required.

MOTION:

That the above recommendation be accepted and approved.

N/A

23/033 WINDEYER ROAD NEAR ROBERTS ROAD

RECOMMENDATION

That the Local Traffic Committee ask for a review of the bridges on Windeyer Road near Roberts Road

**RFS comments noted – it was recommended that the line markings be reviewed by TfNSW.
No further action.**



MOTION:

That the above recommendation be accepted and approved.

N/A

23/034 GLEN WILLOW - SPECIAL EVENTS TGS

RECOMMENDATION

That the Local Traffic Committee to review the GLEN WILLOW special events TGS.

Comments – River Drive missing from the TGS.
Police have concerns about turn near 2MG if there is excessive traffic.
Pedestrian flow in and around the venue – issue with turning buses.
Referred to Events.

MOTION:

That the above recommendation be accepted and approved.

N/A



General Comments –

From Tracey Starr

Dugald Saunders office have advised they have a new nominee – waiting on confirmation.

Frm Ray Kearns

Office of the Auditors General have sent a Road Safety Action plan (2022-26)

2. Recommendations

By November 2024, Transport for NSW should:

1. Develop a regional implementation plan to support the NSW Road Safety Action Plan 2022–2026, including an integrated and systematic accountability framework to measure, analyse and publicly report annually on:
 - a) road safety trends and insights on a sub-regional level
 - b) specific countermeasures that are tailored to the road safety needs of regional communities and to particular sub-regional 'hotspots'
 - c) the impact of countermeasures against road trauma reduction targets specific to regional New South Wales
 - d) funding that is allocated to achieving road safety outcomes at a sub-regional level.
2. Develop and implement a plan to measure and mitigate the known and emerging risks causing underspends in the Community Road Safety Fund.
3. Expedite the review of the Local Government Road Safety Program and make recommendations to government aimed at increasing the uptake of the Program by councils in regional New South Wales.

Frm Ray Kearns

B Doubles/oversize vehicels have been seen parking on Lewis St (outside St Matthew's) – outside approved route. Police were advised and have asked for proof/evidence.

There being no further business the meeting concluded at 11.55am.

Thank you for your attendance during 2023. 2024 schedule will follow.

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'S FOR CLOSING PART OF MEETING TO BE SPECIFIED*

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

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DISCLOSURE AND MISUSE OF INFORMATION

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

Maximum penalty: 50 penalty units

MOTION

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

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

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

CHAIRMAN

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

14.1 Sale of Land - Stage 2 Saleyards Lane Subdivision

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

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information that could prejudice Council's ability to obtain maximum value during the disposal process.

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