



****CONFIDENTIAL COPY****

Business Papers 2024

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 19 JUNE 2024

*A prosperous and progressive
community we proudly call home*





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MUDGEE NSW 2850

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12 June 2024

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
19 JUNE 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 long horizontal line extending to the right.

BRAD CAM
GENERAL MANAGER

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Acknowledgement of Country

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

Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 15 May 2024

Council Decision:

That the Minutes of the Ordinary Meeting held on 15 May 2024 be taken as read and confirmed.

3.2 Minutes of Extraordinary Meeting held on 22 May 2024

Council Decision:

That the Minutes of the Extraordinary Meeting held on 22 May 2024 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

The Minutes of the Extraordinary Meeting are separately attached.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
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 to enhance safety measures.	To be reported to Council at a future meeting.

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

Nil

Item 7: Office of the General Manager

7.1 2024 Christmas Shutdown

REPORT BY THE DIRECTOR COMMUNITY
TO 19 JUNE 2024 ORDINARY MEETING
GOV400103, A0260003

RECOMMENDATION

That Council:

- 1. receive the report by the Director Community on the 2024 Christmas Shutdown; and**
- 2. note that administrative centres, works depots, and libraries will close for the Christmas holidays from 12 noon on Friday 20 December 2024, returning on Thursday 2 January 2025.**

Executive summary

Council traditionally closes its administrative centres, works depots and libraries for the Christmas Holidays. This report recommends the closure for the 2024 Christmas/New Year period.

Disclosure of Interest

Nil

Detailed report

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

Please note that, as always, skeleton staff crews and on call staff will remain on duty and available during this period to deal with required maintenance or issues that arise. Other facilities such as swimming pools and waste transfer stations will continue to operate as per their regular schedules.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES
DIRECTOR COMMUNITY

29 May 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

7.2 Fixing of Annual Fee for Councillors and Mayor

REPORT BY THE GOVERNANCE CO-ORDINATOR

TO 19 JUNE 2024 ORDINARY MEETING
GOV400105, GOV400103, GOV400010

RECOMMENDATION

That Council:

1. **receive the report by the Governance Co-ordinator on the Fixing of Annual Fee for Councillors and Mayor;**
2. **fix fees for Councillors at \$22,540 for the period of July 2024 to June 2025 and an additional fee of \$49,200 for the Mayor; and**
3. **pay the Deputy Mayor a pro-rata of the Mayoral fee, to be deducted from the additional fee payable to the Mayor for period of 7 days or more, where the Mayor is unable to carry out the duties of Mayor and the Deputy Mayor acts in the role of the Mayor.**

Executive summary

The Local Government Act 1992 (the Act) requires Councils to fix and pay an annual fee to Councillors and the Mayor from 1 July 2024 based on The Local Government Remuneration Tribunal's determination for the 2024-25 financial year. This report recommends an increase from \$21,730 to \$22,540 for Councillors and an additional payment to the Mayor of \$49,200 increased from \$47,420.

Disclosure of Interest

Nil

Detailed report

The Local Government Act 1993 provides that Council must pay an annual fee to each Councillor and to the Mayor. The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor.

Council may fix these fees and, if it decides to do so, the fees must be fixed in accordance with the determination of the Local Government Remuneration Tribunal. If Council does not fix a fee, it is required to pay the minimum fee determined by the Remuneration Tribunal.

The Act also provides that Council may pay the Deputy Mayor a fee determined by the Council for such time as the Deputy Mayor acts in the office of the Mayor, such amount to be deducted from the Mayor's annual fee.

Section 5 of the Remuneration Tribunal Annual Determination is attached. Mid-Western Regional Council has been categorised as Regional Rural with the fees applicable for the period July 2024 to June 2025 being:

- Councillor - Minimum \$10,220 and Maximum \$22,540.
- Mayoral (additional fee) - Minimum \$21,770 and Maximum \$49,200.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Councillor Expenses and Facilities Policy

Legislation

Local Government Act 1993

Financial implications

Councillor and Mayoral fees are accounted for in Council's Operational Plan 2024/25.

Associated Risks

Not Applicable

ASHLEIGH MARSHALL
GOVERNANCE CO-ORDINATOR

SIMON JONES
DIRECTOR COMMUNITY

4 June 2024

Attachments: 1. Local Government Remuneration Tribunal Annual Report - Section 5.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

**Local Government
Remuneration Tribunal**

Annual Determination

Report and determination under sections
239 and 241 of the Local Government Act
1993

29 April 2024



Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

General Purpose Councils – Metropolitan

Principal CBD (1)

- Sydney

Major CBD (1)

- Parramatta

Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra

General Purpose Councils - Non-Metropolitan

Major Regional City (2)

- Newcastle
- Wollongong

Major Strategic Area (1)

- Central Coast

Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

Regional Rural (14)

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

Rural Large (16)

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

Rural (38)

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

County Councils

Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

Table 4: Fees for General Purpose and County Councils

General Purpose Councils – Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

General Purpose Councils - Non-Metropolitan

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

County Councils

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

Local Government Remuneration Tribunal

Dated 29 April 2024

Appendices

Appendix 1 Criteria that apply to categories

Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

Metropolitan Medium

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

Rural

Councils categorised as Rural will typically have a residential population less than 10,000.

County Councils - Water

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

County Councils - Other

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

Item 8: Development

8.1 ME0034/2024 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Four Additional Lots)

REPORT BY THE TOWN PLANNER AND MANAGER PLANNING
TO 19 JUNE 2024 ORDINARY MEETING
GOV400105, DA0191/2021

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner and Manager Planning on the ME0034/2024 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Four Additional Lots); and
- B. approve ME0034/2024 Modification to DA0191/2021 - 209 Robertson Road, Spring Flat (Torrens Title Subdivision - Four Additional Lots) subject to the following conditions and Statement of Reasons (with amendments shown in red text):

CONDITIONS

PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision / Issue	Dated	Prepared by
Plan of Subdivision of Lot 1004	14715	C	31.05.24	De Witt Consulting
Cover Sheet	TX14774.0 0 - C1.00	C	05.06.24	Triaxial Consulting
Proposed Site Plan	TX14774.0 0 - C2.01	D	05.06.24	Triaxial Consulting
Sewer Plan	TX14774.0 0 - C7.00	C	05.06.24	Triaxial Consulting
Water Plan	TX14774.0 0 - C8.00	E	05.06.24	Triaxial Consulting
Figure 1 – Proposed Subdivision	BK630 – Sheet 1 of 3	-	1/12/2021	Robert John Crooks
Figure 2 – Proposed Services	BK630 – Sheet 2 of 3	-	1/12/2021	Robert John Crooks

Figure 3 – Proposed Services Crossing Diagrams	BK630 – Sheet 3 of 3	-	1/12/2021	Robert John Crooks
Figure 1 – Proposed Subdivision Stage 1 Lots 1-14	BK630 – Sheet 1 of 2	-	1/12/2021	Robert John Crooks
Figure 2 – Stage 1 Proposed Services Crossing Diagrams	BK630 – Sheet 2 of 2	-	1/12/2021	Robert John Crooks
Lot 1 Services Plan	TX14774.0 0 – SK01	A	02/12/21	Triaxial Consulting
Plenty Road Longitudinal Sections – Sheets 1	TX14774.0 0 – C5.10	A	12/04/21	Triaxial Consulting
Road 2 – Profile – 1	TX14774.0 0 – C5.50	1	25/11/21	Triaxial Consulting
Stormwater Management Plan	TX14774.0 0 – C6.00	B	12/04/21	Triaxial Consulting
Drainage Details	TX14774.0 0 – C6.50	0	25/11/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.01	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.02	B	12/04/21	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.03	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.04	A	14/08/20	Triaxial Consulting
Sewer Longitudinal Sections	TX14774.0 0 – C7.05	A	14/08/20	Triaxial Consulting

[MODIFIED BY ME0018/2022]

[MODIFIED BY ME0034/2024]

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.
3. This consent does not include approval for the removal of any trees.

GENERAL

4. Proposed Lots 1 to ~~27~~ 31 are to have a minimum area of 2,000 m².
[MODIFIED BY ME0018/2022]

[MODIFIED BY ME0024/2024]

5. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
6. All *Acacia ausfeldii* (Ausfeld's Wattle) plants located within proposed Lot 1 are to be retained and conserved.
7. No trees are to be removed from within the Plenty Road reserve. No trees on the road or parks reserves shall be removed during construction of the subdivision works including the erection of hoardings and fences without Council's approval. Care must be taken to ensure that no trees are damaged either above or below ground level.
8. Street trees of an approved species are to be provided at a rate of two (2) trees per allotment.
9. 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 in accordance with Section 100B of the Rural Fires Act 1997.
 - b) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the Water Management Act 2000.
10. 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.
 11. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
 12. The only waste derived material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of Protection of the Environment Operations Act 1997; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.
 13. Where discrepancies between the Drawings, current amended Development Consent or Council's Development Control Plan occur, the works must comply with the written requirements of the current Development Consent.

14. In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage:

- a) Erection of permanent structures,
- b) Cut or fill of land,
- c) The planting of trees, or
- d) Concrete structures

Footing design must ensure that footings extend below the zone of influence to ensure that no load is placed on infrastructure.

Stormwater

15. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.
16. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater including overflow from tank must also include adequate provision for prevention of erosion and scouring.
17. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with AusSpec #1.
18. A grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, is to be provided on the lower corner of every allotment for which roof, and paved areas can't be drained naturally to public roadway or natural watercourse.

Water and Sewer

19. The developer is to provide separate water and sewer reticulation services to each lot.
20. The developer is to extend and meet the full cost of water and sewerage reticulations to service the new lots plus the cost of extending and connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act 1993) and in accordance with the National Specification – Water Supply Code of Australia, National Specification – Sewerage Code of Australia, AS/NZS3500: Plumbing and Drainage and any other applicable codes.
21. Where the sewer main is located outside of the residential block, the service tie shall extend inside the property boundary and an inspection shaft extended vertically upward to the surface ground level to form the boundary riser. The tie should generally be located on the sewer main line at 1.0 metre from the lowest corner of the property and extend 1 metre into the boundary.

Electricity Supply

22. Underground electricity, street lighting and telecommunications is to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an electricity supply.

TransGrid Conditions

23. TransGrid shall be notified of any amendments/modifications to the proposal which may change proposed distances to TransGrid structures or conductors.
24. All works must be carried out in accordance with NSW WorkCover 'Working Near Overhead Powerlines' Code of Practice 2006.
25. All fencing (including temporary fencing) must comply with TransGrid's Fencing Guidelines.
26. Pits or pillars to connect the electricity supply to residences cannot be located within the TransGrid electricity easement.
- 26A. The development shall comply at all times with the TransGrid requirements (as relevant) set out in their letter dated 8 April 2024.

[Added by ME0034/2024]

Roads and footpaths

27. Construction and extension of Plenty Road and the New Internal Proposed Road must be undertaken generally in accordance with the approved Drawings, Engineering Design and AUS-SPEC #1 & 2.
28. Road pavements are to be designed by a suitable qualified engineer in accordance with AUSTROADS procedures. Materials and testing requirements shall comply with those set out in AUSPEC Construction Specification with sample locations selected as per RMS Specification Q4.
29. The proposed extension to Plenty Road is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert).
Nature Strip (verge)	4.5m
Concrete Footpaths	1.2m wide to extend the full length of Plenty Road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events of adjacent to intersections. To be installed behind kerb.

30. The proposed cul-de-sac road in the subdivision is to be constructed in accordance with the following:

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes and 2 x 1m sealed shoulders, measured from invert to invert)
Cul-de-sac	Radius not less than 10m

Nature Strip (verge)	2 x 4.5m
Concrete Footpaths	1.2m wide to extend the full length of new road (2.5% slope)
Seal	Two-coat flush seal -14/7 mm (Double/ Double) as required
Kerb & Gutter	Roll back concrete kerb and gutter
Subsoil Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections. To be installed behind kerb.

31. A minimum 1.2m wide and 100mm thick concrete footpath is to be constructed along one side of the entire length of the proposed road/cul-de-sac and extended to connect to the existing footpath in Plenty Road.
32. One roof-water outlet per allotment is to be provided in the kerb and gutter 2m from the downhill boundary at the time of installation of kerb and gutter and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
33. Where footpaths are provided the roof-water outlet shall be extend under the footpath and extend past the edge of the footpath sufficient to allow connection.
34. Street signs necessitated by the subdivision are to be installed in accordance with AUS-SPEC #1 and Council standards.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

35. Prior to the issue of a Subdivision Works Certificate, amended plans are to be submitted to and approved by Council to address the following matters:
 - a) The design for stormwater must demonstrate that the gutter flow calculation complies with the requirements of Mid-Western Development Control Plan 2013.
 - b) The road pavement width must be measured from invert to invert of kerb.
 - c) Kerb return detail must be submitted.
 - d) Cul-de-sac geometry details are to be submitted and must not be less than 10m radius.
 - e) Footpath details.
 - f) Kerb ramp details along with construction details.
 - g) Kerb and gutter details.
 - h) Kerb inlet pit detail.
 - i) Splay of corner lot details.
36. Prior to the issue of a Subdivision Works Certificate, a detailed engineering design is to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. A Subdivision Works Certificate is required for, but not limited to, the following civil works:
 - a) Water and sewer extensions, and connections to each lot;
 - b) Stormwater drainage, including inter-allotment drainage, detention basins and bio-retention devices;
 - c) Road construction including shoulder;
 - d) Kerb and gutter;

- e) A 1.2m wide concrete footpath along the cul-de-sac road and the extension to Plenty Road;
- f) Earth works for the subdivision; and
- g) Landscaping of road verges and public reserves.

37. Prior to the issue of a Subdivision Works Certificate, the developer must submit to and obtain approval from Council, detailed design and documentation of the proposed sewer reticulation system. The details are to address the following:

- a) Demonstrate that the proposed sewer reticulation system has minimum grade requirements for sewer with a fall of no less than 1% and having no detrimental effect on flow rates and the ongoing operation of Council's existing infrastructure; and
- b) A report outlining the proposal to provide a wastewater service to each lot within the proposed subdivision. The report is to be prepared in accordance with the Gravity Sewer Code of Australia WSA02-2014. Where pressure sewer is being proposed, the report is to be prepared in accordance with the Pressure Code of Australia WSA 07-2007.

38. Detailed design supported with calculation of water reticulation plan is to be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate. The design must address water network crossing culvert and drainage reserve to get connected to water main available at Lovett Court. The design must address the following, but not limited to:

- a) Air valves, hydrants and air valves must be provided along the length of the main according to the Water Supply Code of Australia WSA 03-2011.
- b) The alignment of the main entering the new subdivision is to be at a 90-degree bend instead of two 45-degree bends. The main is to turn the corner with a tee instead of an elbow. The section of the tee facing to the west is to have a stop valve which is to be blanked out on the side of the valve that faces Robertson Road. Stop valves are to be installed on all sides of this tee.
- c) The tee turning the corner is to have a temporary thrust block installed according to Water Supply Code of Australia WSA 03-2011. This thrust block would comprise of wood or other material deemed appropriate by Council's Water and Sewer Department.
- d) Right hand close valves are to be used for all stop valves within the subdivision.
- e) A report outlining the proposal to provide a water supply service to each lot in the subdivision. The report is to be prepared in accordance with the Water Supply Code of Australia WSA 03-2011.

39. A construction management plan shall be submitted with the application for the Subdivision Works Certificate. The management plan shall include:

- a) Details of sedimentation and erosion control.
- b) Details of haulage routes shall be provided to Council for approval.
Note - all trucks and machinery must be free from all foreign material where such material is likely to cause pollution. An area must be set aside for the cleaning of concrete agitator trucks.
- c) Details of dust mitigation.
- d) Details of access roads.
- e) Location and phone number of the site office.

Reason - to reduce the environmental impact on the site during the construction period.

40. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off and be submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The Drainage Report is to address the following:
- a) Show that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to 1 in 100-year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls;
 - b) The provision of a water quality control system to treat the stormwater runoff from the development as outlined in Mid-Western Regional Development Control Plan 2013 - Water Quality Performance Guidelines and Statement of Environment Effects;
 - c) A detailed drainage design must be prepared for the disposal of roof and surface water from the site, including any natural runoff currently entering the property. Details of on-site storage and the method of controlled release from the site and connection to an approved drainage system in accordance with Council's Development Engineering Specifications;
 - d) A full and detailed stormwater management plan for the site, satisfactory to Council, is to be submitted which must be accompanied with analysis of the upstream contributing areas, tributaries and overland flow-paths considering all impacted drainage flows, adjacent and/or downstream properties, structures, infrastructure and downstream receiving systems;
 - e) The detailed plans, specifications and copies of the calculations, including existing and proposed surface levels, sub-catchments and conduit sizing appropriate for the development prepared by suitably qualified and experienced person in the field of hydrology and hydraulics including water quality modelling (MUSIC) results;
 - f) Inter-allotment drain is to be designed to accept the concentrated drainage from buildings and paved areas on each allotment to provide for no less than flow rates generated by 1:20 year ARI storm event in accordance with BCA requirements;
 - g) Drainage design must ensure that no stormwater runoff is permitted to discharge over adjoining properties and any works associated with the control of stormwater discharge over any adjoining property must not occur without the consent of the owner of any affected property; and
 - h) Show a grated pit of 600 x 600 mm with glue capped 90mm stormwater stub, provided on the lower corner of every allotment for which roof and paved areas can't be drained naturally to public roadway or natural watercourse.
41. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with certified copies of the Electrical and Telecommunications Design for the subdivision including a layout design complying with the allocations determined by Section 6.2 of the Streets Opening Conference Guideline 2009.
42. Prior to the issue of the Subdivision Works Certificate, consent from Council must be obtained for all new works within the road reserve, pursuant to section 138 of the Roads Act 1993.
43. Prior to the issue of a Subdivision Works Certificate, a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.

44. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a 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. All finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate.
45. An 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;
 - d) Maintenance of erosion and sediment control structures; and
 - e) Disturbed areas are to be seeded, fertilised and hay mulched or similar on completion of regrading works. Disturbed areas are to be progressively revegetated with exposed areas kept to a workable minimum.
46. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping. Details shall be submitted to and approved by Council prior to release of the Subdivision Works Certificate.
- Reason - to minimise erosion and silt discharge and ensure valuable topsoil resources are protected.
47. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.

PRIOR TO THE COMMENCEMENT OF WORKS

48. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
49. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
50. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the Water Management Act 2000), the proponent shall obtain a Section 91 Controlled Activity Approval under the Water Management Act 2000 to carry out those works.

Note - please contact the Natural Resources Access Regulator for more information in relation to this matter.

51. The following is to be provided, prior to the commencement of any works and is to be maintained in an effective and operational condition for the duration of the work:
- a) Mid-Western Regional Council is to be given at least two days' notice of the intention to commence works.
 - b) A site supervisor is to be nominated by the applicant.

- c) Erosion and Sediment Controls for the Development are to be implemented in accordance with Dwg No. 82018276-01 C2080 Rev D Soil and Water Management Layout Plan and Dwg No. 82018276-01 C2081 Rev D Soil and Water Management Notes and Details and Landcom Guidelines and requirements as outlined in the latest edition of Soils and Construction- Managing Urban Stormwater.
 - d) Appropriate dust control measures.
 - e) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained.
 - f) 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.
 - g) Subdivision Works certificate approval must be obtained from Council for works like but not limited to road, kerb, gutter, water and sewer works
52. Prior to the commencement of any works 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 Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.
53. The Contractor is required to contact Dial Before You Dig to obtain details of the location of the various services in the vicinity of the subdivision to minimise the chance of disturbing utility services as well as the location of services which are required to be relocated. Dial Before You Dig can be contacted online <https://www.1100.com.au> or by phone on 1100.
54. Prior to the commencement of construction works the applicant needs to comply with the requirements of Section 634 of the Local Government Act 1993, which requires that:
- (1) A person must not do any water supply work, sewerage work or stormwater drainage work unless the person;
 - (a) is the holder of an endorsed licence or supervisor certificate in force under the Home Building Act 1989 authorising the holder to do (and to supervise) work of the kind concerned, or
 - (b) is the holder of a tradesperson certificate in force under the Home Building Act 1989 authorising the holder to do that kind of work under supervision and does that work under the general supervision of the holder of a licence or certificate referred to in paragraph (a), or
 - (c) does the work under the immediate supervision of a person referred to in paragraph (a).
 - (2) A person who employs (or uses the services of) another person to do any water supply work, sewerage work or stormwater drainage work is guilty of an offence if the person knows that the other person, in doing the work, contravenes subsection (1).
- Documented evidence is required to be supplied prior to commencement of construction along with a Certificate of Currency for Public Liability and Professional Indemnity.
55. A Traffic Management Plan showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and RMS Manual for Traffic Control at Worksites current at the time of construction is to be provided to Council for approval prior to any works commencing on Plenty Road. The plan must be prepared and certified by a person holding the appropriate RMS accreditation.

56. Prior to commencement of works, all traffic control including setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by RMS. The developer/contractor must produce upon request evidence that all staff involved in the above have such accreditation.

DURING CONSTRUCTION

57. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Sewer and water line installation prior to backfilling;
 - c) Water and sewer lines pressure testing;
 - d) Sewer manholes vacuum testing;
 - e) Footpath foundations and concrete reinforcing prior to pouring concrete;
 - f) Establishment of line and level for kerb and gutter placement;
 - g) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - h) Road pavement surfacing;
 - i) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - j) Practical Completion.
58. The developer is to grant Council unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
59. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
60. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
61. 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; and
 - 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.
62. 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.
63. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
64. All works are to be carried out in a workmanlike manner and in accordance with technical and performance requirements of relevant and applicable Codes,

Standards, Council's Development Control Plan, Council's Standard Drawings and Aus Spec #1.

65. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
66. 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.
67. In the event that *Acacia ausfeldii* (Ausfeld's Wattle) plants are discovered during earthmoving/construction works, all work on 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 authorisation of the OEH.
68. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
69. All electrical, telecommunication, sewer and water service crossings are to be perpendicular to the road centreline and performed prior to the addition of base course and installation of kerb and gutter.
70. All road crossings for stormwater are to be constructed using Reinforced Concrete Pipe (RCP).
71. A turf strip of minimum 600 mm width is to be laid behind the kerb and gutter. Where footpaths are provided, the area between the footpath and the kerb and gutter is to be turf and 600 mm provided above the footpath.
72. Construction work noise that is audible at other premises is to be restricted to the following times:
 - a) Monday to Saturday - 7.00am to 5.00pm

No construction work noise is permitted on Sundays or Public Holidays.
73. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
74. 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. Should any adjustments or alterations to Council's water supply or sewer be required, Council will carry out these works at the developer's expense.

PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

75. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
76. All costs associated with preparation of Survey Plan and associated easement documentation are to be borne by the developer.

77. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
- a) Road construction;
 - b) Footpath construction;
 - c) Provision of stormwater drainage infrastructure for the development, including grated yard inlet pits, where required;
 - d) Stormwater detention basin;
 - e) Provision of street trees;
 - f) Provision of sewerage infrastructure for the development, with separate sewer connection for each lot in the subdivision; and
 - g) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
78. The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the development works. The work is to be completed to Council's satisfaction prior to the issue of a Subdivision Certificate.
79. Prior to issue of Subdivision Certificate, the developer is to provide a sewer junction for each lot in the development. This can be achieved by making payment to Council in accordance with Council's adopted fees and charges per new junction to cover the cost of installing a junction in an existing main. (SUBJECT TO CPI INCREASE).
80. Prior to issue of Subdivision Certificate, the developer is to provide a water service and meter for each Lot. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the cost of installing both the service and a 20mm meter on the water main. (SUBJECT TO CPI INCREASE)
- Note - Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains.
81. Prior to the issue of a Subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services, sewer services and water meters are located wholly within the lot that they serve.
82. At the completion of construction and prior to the issue of a Subdivision Certificate, Council requires lodgement of a Quality Register in electronic format on a Flash Drive with all the QA documentation in accordance with Aus Spec and the requirements outlined below:
- a) **COVERSHEET**
 - Project Address
 - Client/Developer
 - DA Number
 - Lot Numbers
 - Subdivision Stage Number (If Applicable)
 - b) **INDEX**
 - Section Numbers
 - c) **CONTRACTOR DETAILS**
 - Contractor Representative
 - Contractor Contact Details

d) SCOPE OF WORKS

- Enter description outlining scope of works completed

Records to be included as applicable:

- Material Certification and Material Test Reports (Subbase, 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 drawing).
- Dimensional and Tolerance Records (Survey Conformance Reports).
- Inspection Documentation (Development Engineer Inspections, ITPs, Lot Identification).
- Non-conformance reports (Major non-conformances not detailed on council inspections).
- Work As Executed Drawings and completed Asset Data spreadsheet (Council to provide at the request of the applicant) (Provide document register of all dwgs and Engineering Stamp required in Autocad, DWG, Map Info, Excel and PDF format).
- Copy of final inspection report from Council's Development Engineer.

83. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:

- a) PDF;
- b) Dwg format or "Autocad compatible".
- c) MapInfo files (MGA GDA94 Zone 55/56); and
- d) Completed Asset Data Template spreadsheets in MS Excel format.

All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.

84. The developer must provide Council and land purchasers with a site classification for each vacant lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause 2.2.3 of Australian Standard AS 2870 – 2011: Residential Slabs and Footings. Results are to be submitted to Council prior to issue of the Subdivision Certificate.

Defects Liability Bond

85. Prior to the release of the Subdivision Certificate, a defects liability bond of 5% of the construction costs for all civil engineering work (not carried out by Council), shall be lodged with Council.

The defects liability bond will be held by Council for a period of 12 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer, to Council's satisfaction. If defects are not rectified, Council may use bond money to rectify defective works.

For the purposes of defining the defects liability period, the works are considered to be completed when the Subdivision Certificate is registered with NSW Land Registry Services.

The bond may be provided by way of a monetary deposit with the Council or an unconditional bank guarantee to the satisfaction of Council. The bank guarantee must not specify any time limitations on the operation of the guarantee.

Note – any unspent bond money will be returned to the developer at the end of the twelve (12) month period, less the estimated cost of any outstanding works or works undertaken by Council in rectifying works.

Developer Contributions

86. In accordance with the provisions of section 7.11 of the Environmental Planning and Assessment Act 1979 and the Mid-Western Regional Council Contributions Plan 2019, a contribution shall be paid to Council in accordance with this condition as detailed in the table below. The contribution shall be paid to Council prior to the issue of a Subdivision Certificate for the relevant stage or number of lots to be created. Contributions are subject to the Consumer Price Index and are payable at the rate applicable at the time of payment.

Section 94 Contributions		
27 31 additional lots (minus credit for existing)		
Mudgee Catchment	Per Lot	26 30 Lots
Public Amenity or Service		
Transport facilities	\$4,347.00	\$113,022.00 \$130,410.00
Recreation and Open Space	\$2,182.00	\$56,732.00 \$65,460.00
Community Facilities	\$635.00	\$16,510.00 \$19,050.00
Stormwater Management	\$458.00	\$11,908.00 \$13,740.00
Plan Administration	\$995.00	\$25,870.00 \$29,850.00
Total	\$8,617.00	\$224,042.00 \$258,510.00

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 or where lots are released in different financial years.

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

[MODIFIED BY ME0018/2022]

[MODIFIED BY ME0034/2024]

87. The developer shall obtain a Certificate of Compliance under the Water Management Act 2000, from Council.

Note – as a precondition to issuing a Certificate of Compliance, the Council may require the alteration and extension of services, upgrading and installing ancillary

infrastructure such as pump stations and the payment of section 64 developer charges. Payments of charges may also be paid in accordance with the deferred payments provisions contained within the relevant Council Development Servicing Plans.

Note – refer to Advisory Notes in relation to payment of contributions to obtain a Certificate of Compliance.

Restrictions on Title

88. A restriction, covenant or similar instrument is to be applied to proposed Lot 1 to protect all *Acacia ausfeldii* (Ausfeld's Wattle) plants located within the lot. The instrument shall identify Council as the sole party to vary the restriction or covenant or similar.
89. A restriction, covenant or similar instrument is to be applied to provide protection to the Aboriginal artefact sites identified on the approved plan. No buildings are to be erected within 10 metres of the Aboriginal artefact site.
90. A covenant, or similar instrument, is to be applied to Lots 1 to ~~27~~ 31 requiring compliance with the relevant terms of the General Terms of Approval issued by NSW Rural Fire Service.
[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]
91. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary. The 3m minimum width may be extended depending on the size of the main, the depth of the main and when the easement is shared with other services. In the case of a shared trench involving inter-allotment drainage and sewer reticulation, the sewer line should be located on the side of the trench nearest the building being serviced.
92. Easements of variable width shall be created over any overland inter-allotment drainage in favour of upstream allotments. The easements are to be no less than 1m wide. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.
93. Easements for electricity purposes, as required by the electricity supply authority, shall be created, where required. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.

Electricity and NBN

94. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision;
 - b) Satisfactory evidence that arrangements have been made for the installation of fibre-ready facilities to all individual lots to enable fibre to be readily connected to any premises that may be constructed on those lots. This will need to include

confirmation in writing from the carrier that they are satisfied that the fibre ready facilities are fit for purpose; and

- c) Satisfactory evidence (usually by way of an agreement with a carrier) that arrangements have been made for the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots; or
- d) As an alternative to b) or c), satisfactory evidence that a carrier will not require fixed line infrastructure to service the subdivision and satisfactory arrangements have been made for fixed wireless infrastructure to service the subdivision. This alternative is provided to address sites in areas mapped by NBN Co as being in a designated Fixed Wireless area, as opposed to a mapped Fibre to the Node area.

Road Dedication

- 95. The proposed road/cul-de-sac within the subdivision and the proposed extension to Plenty Road shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

Other dedications

- 96. Proposed Lots ~~28 and 29~~ 32 and 33 are to be dedicated as a drainage reserve.
[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]

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 matters raised within submissions have been addressed in the following manner:
 - Necessary road upgrades will be required by conditions.
 - The proposed subdivision will not have an adverse impact on local traffic conditions.
 - The proposed design for water supply will result in improved water pressure.
 - The Stormwater Management Plan is satisfactory.
 - There is ample area on each lot on which to erect a dwelling.
 - There is no fencing forming part of the proposed development.
 - Sufficient open space is provided in the adjoining drainage reserve.
 - Suitable conditions are imposed to address construction impacts.
 - Suitable conditions are imposed to ensure that Aboriginal sites are adequately protected.
 - The subject site is not identified as a wildlife corridor.
 - The proposed variation from the DCP requirement regarding the length of the cul-de-sac is supported.
 - The proposed subdivision will have minimal impact on the water table and bore water supply.

- It is expected that noise from traffic will be no greater than what is expected in a residential area.
 - No road connection to Robertson Road will be provided.
 - Consideration of the impact on property values is not a planning matter.
 - Council's Development Engineer supports the proposed sewer servicing strategy.
 - There is ample separation between the proposed lots and adjoining residences. It is not expected that the proposed subdivision will result in unacceptable amenity impacts on adjoining residences.
 - Suitable conditions are imposed to control dust during construction works.
 - The proposed subdivision has been designed to take into account the existing powerlines. Both TransGrid and Essential Energy have not objected to the proposed subdivision.
4. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as originally approved – thereby satisfying the requirements of Section 4.55(1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
ADDED BY ME0018/2022

STATEMENT OF REASONS – ME0034/2024

1. The proposed modification is considered to result in minimal environmental impact and is substantially the same development as the originally approved development – thereby satisfying the requirements of Section 4.55 (1A)(a) and (b) of the Environmental Planning and Assessment Act 1979.
2. The proposed modification complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
3. The relevant matters raised within submissions have been addressed in the following manner:
 - The handles of all proposed battle-axe lots comply with the DCP standard of 6m.
 - The further variation from the DCP requirement regarding the number of lots off the cul-de-sac is supported.
 - Council's Development Engineer supports the proposed servicing arrangement for the modification and has not raised any concerns with impacts to water pressure.
 - The new road proposed as part of the existing subdivision is able to accommodate the additional four lots proposed under the modification.

[ADDED BY ME0034/2024]

OTHER APPROVALS

General Terms of Approval

A copy of NSW Rural Fire Service's General Terms of Approval are attached.

ADVISORY NOTES

1. 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".

2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 12 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Planning and Development Department for more information or advice.
4. If you are dissatisfied with this decision Sections 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
6. The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NSW's Water Authority together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's Development Consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NSW's Water Authority website at:
www.water.nsw.gov.au > Water > Licensing & Trade > Approvals.

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

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

Please be advised that as a precondition to the granting of a Compliance Certificate, either of 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); or

Section 64 Contributions			
27 31 Additional Lots (credit for existing lot)			
	Additional ET/Unit	Value/ET	Payment Due
Water Headworks	39 45	\$8,689.00	\$338,871.00 \$391,005.00
Sewer Headworks	27.3	\$3,967.00	\$108,299.10

	31.5		\$124,960.50
Total Headworks			\$447,170.10 \$515,965.50

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

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

[MODIFIED BY ME0018/2022]
[MODIFIED BY ME0034/2024]

Essential Energy Advice

8. Essential Energy's records indicate there is electricity infrastructure located within the property sand within close proximity to the property. Any activities with these locations 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. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
9. 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).
10. Given there is electricity infrastructure in the area, it is the responsibility of the person 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.

General Responsibilities of the Developer and/or the Principal Contractor

11. It is the responsibility of either or both of these parties to:
 - a) Provide for the overall supervision and quality of the works.
 - b) Advise Council officers regarding:
 - i. Any foreseeable hazard arising from the premises that has the potential to harm the health or safety of the Council officers when on the work site, and
 - ii. The assessment of any risk that has not been eliminated, and
 - iii. The measures taken to control any such risks, and
 - iv. Any measures that may need to be taken by Council officers to control any such risk while on the work site.
 - c) Obey with any lawful instruction of the Principal Certifying Authorities representative.

- d) **Notify Council when a required inspection has been missed.**
- e) **The provision and maintenance of all site signage as required by legislation, including but not limited to:**
 - i. **A sign indicating the name and telephone number (both during and outside working hours) of the Principal Contractor, and**
 - ii. **The name and phone number of the Principal Certifying Authority.**

Executive summary

OWNER/S	Conso 7 Pty Ltd
APPLICANT:	Peter Consadine
PROPERTY DESCRIPTION	209 Robertson Road, Spring Flat (Lot 3 DP1206488)
PROPOSED DEVELOPMENT	Modification to Subdivision – Four Additional Lots
ESTIMATED COST OF DEVELOPMENT:	Not applicable
REASON FOR REPORTING TO COUNCIL:	Application seeks to modify a development consent that was originally determined by Council
PUBLIC SUBMISSIONS:	One

A modification of consent application under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 26 February 2024. The proposed modification of Development Consent DA0191/2021 seeks to add four extra lots into the subdivision. No significant changes are required to the servicing, the new lots will generally utilise existing services installed as part of the recently completed subdivision with a small sewer extension to accommodate Lots 1 and 2. No changes are proposed to the road layout or stormwater drainage and detention. Changes are also required to existing conditions in response to the addition of the four lots.

The proposed modification is recommended for approval.

Disclosure of Interest

Nil

Detailed report

Original Approval

The original development consent, approved on 16 June 2021, was for a 1 into 25 lot subdivision at 209 Robertson Road, Spring Flat. The subdivision approved 25 residential lots, 2 drainage reserves and construction of a road. Subdivision Works Certificate CCC041/2022 has been issued for the civil works with works generally completed.

Previous Modification

There has been one previous modification to the original consent, ME0018/2022 approved on 20 April 2022. This modification approved two additional lots, bringing the overall yield of residential lots to 27. Figure 1 shows the current approved layout for the subdivision.



The application to modify the development consent was submitted to Council on 26 February 2024.

No changes are required to the stormwater drainage design or the layout of the proposed new roads. Only minor changes are needed to accommodate the additional servicing requirements of the lots as follows:

- Water services for the additional lots will be provided from the water main already installed for the development under Subdivision Works Certificate CCC041/2022.
- New sewer junctions will be provided for Lots 7 and 8 from the existing sewer main installed. A sewer extension of around 100m including manholes will be required to service Lots 1 and 2.

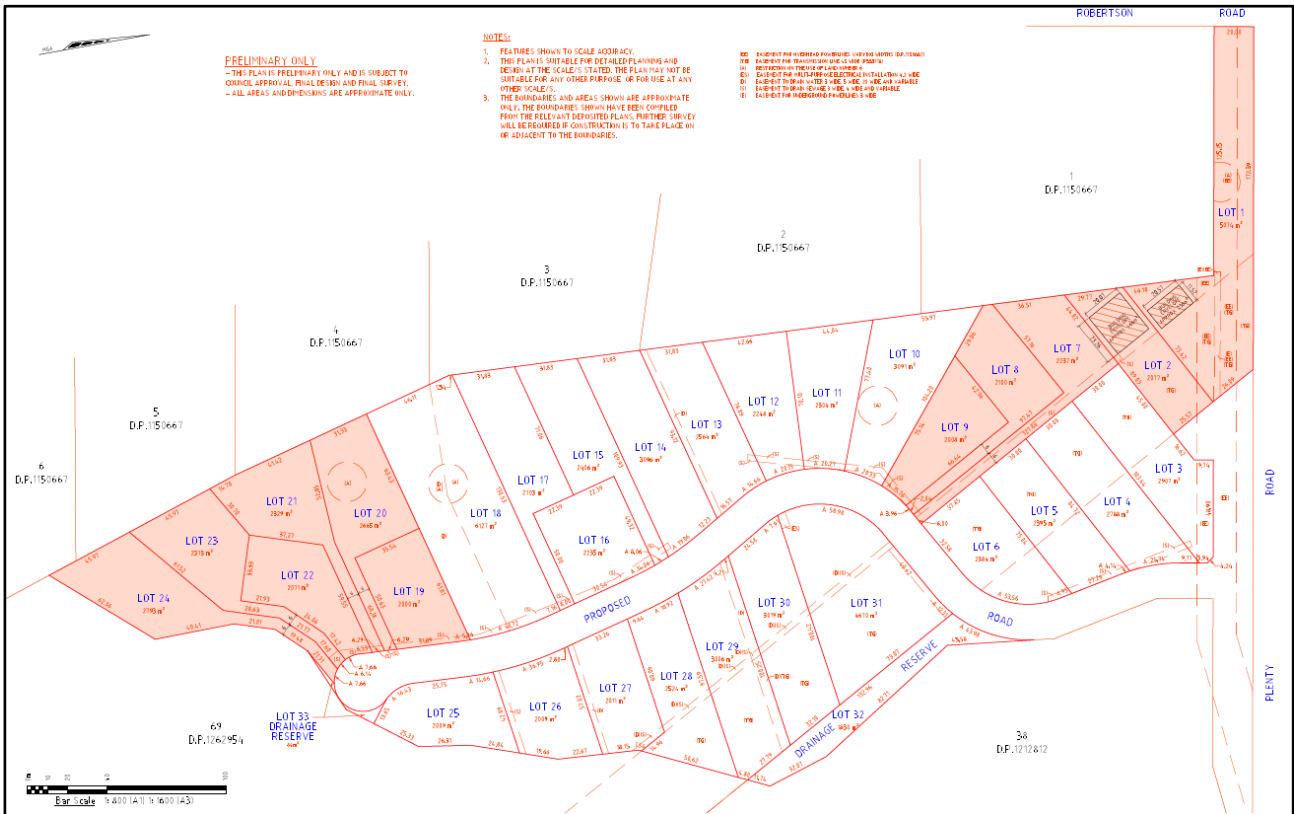


Figure 2: Proposed Subdivision Plan – Addition of four new lots resulting in modifications to those lots shown in orange.

REQUIREMENTS OF REGULATIONS AND POLICIES

Section 4.55 Modification Legislation

Minimal Environmental Impact

The Modification Application is made pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 pertains to modifications to a Development Consent that are of minimal environmental impact. It is considered that the proposed modification is of 'minimal environmental impact' compared to the originally approved proposal, as the development footprint will not be altered, with no changes required to the approved road layout. The modification will also not impact on identified Aboriginal Heritage items or threatened species identified on the site and will not increase the size of the stormwater detention basin required.

Substantially the Same Development

The modification is considered to result in substantially the same development as that for which consent was originally granted. The modification will add another four lots to the subdivision within the existing development footprint. The position and shape of the majority of the lots will remain unchanged and no changes are proposed to the road layout.

Consultation

Consultation with the relevant Minister, public authority or approval body with regard to a condition applied as a result of concurrence or with general terms of approval is required by the legislation. The original development was integrated development. This modification of consent application has been referred to the following agencies for comment. The agency's comments are summarised as follows.

- **Department of Planning and Environment – Water**
The Department of Planning and Environment – Water advised that the previously issued General Terms of Approval remain current and no further assessment by the agency is necessary.
- **NSW Rural Fire Service**
NSW Rural Fire Service provided amended General Terms of Approval to be issued with the modified development consent. No changes were made to the General Terms of Approval. A copy is available in [Attachment 2](#).
- **TransGrid**
TransGrid advised that the proposal is acceptable. Conditions 23 to 26 have been included in the consent relating to TransGrid requirements and will be retained. The referral contains additional detail of requirements around development proximate to their infrastructure. An additional condition will be included that requires the development to comply at all times with the relevant TransGrid requirements as set out in their letter dated 8 April 2024. A copy of the TransGrid letter is available in [Attachment 3](#).
- **Essential Energy**
Essential Energy stated that they have “no comments to make as to potential safety risks arising from the proposed development.” The advice notes provided by Essential Energy have been included as Advisory Notes on the previous modification approval.

Notification and Submissions

This modification was notified in accordance with Council’s Community Participation Plan 2019. The advertising period commenced on 21 March 2024 and ended on 9 April 2024. One submission has been received in response to notification of the modification.

The applicant lodged amended plans/details during the assessment process in response to an additional information request from Council officers. However, the changes were not considered significant enough with regards to implications on adjoining neighbours and re-notification of the proposal was not considered necessary.

The issues raised in the submission are summarised below, a copy of the submission is available in [Attachment 4](#). It is noted that some of the issues raised have been addressed as a result of the submission of amended plans.

- **Number of battle axe lots / number of lots on cul-de-sac exceeds 12 as required by DCP**

Officer comment:

The DCP does not limit the number of battle-axe shaped lots permitted in a subdivision. Each lot is able to meet the minimum requirements for battleaxe lots. The standard relating to the number of lots on a cul-de-sac was varied under the original application. The proposed modification will further increase the number of lots accessed off the cul-de-sac and represents a variation to the DCP standards. This is further discussed in the body of this report with the variation supported by staff.

- **Battle-axe handle width** – The width of the battle-axe handles on lots 7, 8, 20, 21, 23 and 24 are non-compliant with the 6m width requirement.

Officer comment: The site is zoned R2 Low Density Residential. Under the DCP, the minimum width for a battle-axe handle in this zone is 6m. The notified plans included lots

with battle-axe handles that were less than 6m in width. During the processing of the application, the application submitted amended plans updated to show battle-axe handles in accordance with this standard.

- **Traffic**

Officer comment: The new road provided within the subdivision has been built in accordance with DCP requirements sufficient to service between 31 and 120 dwellings. The additional 4 lots will not generate the need for additional pavement width or roadworks beyond that currently proposed. Existing road requirements are considered sufficient to accommodate the additional traffic generated by the modification.

- **Quality of original 'Plenty Rd'**

Officer comment: The condition of Plenty Road and roads in the surrounding network is a separate consideration and is beyond the scope of this modification.

- **Water Pressure**

Officer comment: The applicant has provided information with the modification which indicates that there is sufficient pressure within the existing network to accommodate the additional lots. Council's Development Engineers have also reviewed the application and have not raised any concerns that the addition of the lots will result in inadequate water pressure.

- **Fencing**

Officer comment: Fencing within the easement is subject to the requirements of the relevant authority. Conditions have been included in relation to fencing requirements within the TransGrid easement.

- **Ponding of water – construction of detention basin**

Officer comment: The modification will not require any changes to the stormwater drainage design, or the stormwater basin proposed under the original application. Ponding of water as a result of the constructed detention basin is managed through the Subdivision Works Certificate and is beyond the scope of this modification.

- **SEE document - Compliance with DCP 7.1 Urban Subdivision re: Lot size, Cul-de-sac**

Officer comment:

- All lots will have street frontage and direct access to either the new road created within the subdivision or Plenty Road.
- All lots meet the minimum lot size of 2000sqm. Building envelopes have been indicated on Lots 1 and 2 which are constrained by electrical easements to demonstrate that a suitable building area is provided to each lot.
- The variation to the length of the cul-de-sac was considered under the original application and cannot be reconsidered under this application.
- The modification to increase the number of lots accessed from the cul-de-sac, thereby increasing the extent of variation to the standard relating to the number of lots accessed from the cul-de-sac has been addressed later in this report and is supported by staff.

MATTERS FOR CONSIDERATION

The consent authority is required to consider the relevant matters outlined in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

As the proposed modification does not seek any major changes to the approved subdivision, the majority of matters for consideration under Section 4.15 do not require re-consideration. Those matters requiring re-consideration are summarised as follows:

a) The provisions of any environment planning instruments.

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

The original development was considered against the Mid-Western Regional Local Environmental Plan 2012. The proposed modification does not alter the proposal's compliance with the relevant development standards contained in MWRLEP 2012 as follows:

Clause 4.1 Minimum subdivision lot size

The proposed modified lots of range in size from 2,000m² to 5,074m², which meets the minimum lot size of 2,000m² applicable to this subdivision. Each of the proposed lots will be serviced with reticulated water and sewer networks.

State Environmental Planning Policies (SEPP's)

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

Draft Environmental Planning Instruments

Not applicable

b) The provisions of any development control plan or Council policy.

Mid-Western Regional Development Control Plan 2013 (DCP)

An assessment has been made of the relevant chapters and sections of the DCP. The proposed modification does not alter the proposal's compliance with all the relevant requirements of the DCP as follows:

Part 5.4 Environmental Controls

- ***Protection of Aboriginal Archaeological Items***
Identified Aboriginal heritage items will be protected by existing conditions requiring the preparation of a section 88B instrument to protect these items. The new lot layout does not increase the impact on Aboriginal heritage items.
- ***Bushfire Management***
The site is identified as bush fire prone land. The application is identified as integrated development in relation to bushfire. The modified application was referred to NSW Rural Fire Service who provided amended General Terms of Approval to be issued with the modified development consent. No changes were made to the General Terms of Approval.
- ***Riparian and drainage line Environments***
There is a watercourse within the drainage reserve adjoining the site. The proposed modification does not amend the proposed works within the watercourse, which have received General Terms of Approval for a Controlled Activity Approval. The modified

application was referred to the Department of Planning and Environment – Water who raised no objections.

- **Threatened Species and Vegetation Management**
As identified in the original application, there are 35 *Acacia Ausfeldii* (Ausfeld's Wattle) plants located within the access handle between Robertson Road and the TransGrid easement. The proposed modification will not require any trees to be removed and existing conditions requiring the protection of Ausfeld's Wattle and for a covenant or restriction on title to ensure their protection will be retained.

Part 7.1 Urban Subdivision

The proposed modification will increase the number lots by four resulting in a further variation to the following DCP requirement:

- The maximum number of lots serviced by a cul-de-sac in a residential zone is 12, or otherwise a cul-de-sac is restricted to less than 150 metres in length.

The original application approved a variation to this requirement with the justification under the original application as follows:

The DCP requirement is that the maximum number of lots to be serviced by a cul-de-sac is 12, or the length of the cul-de-sac does not exceed 150m in length.

The proposed cul-de-sac will provide access to 23 lots and the length of the cul-de-sac is approximately 490m.

The application provides the following justification for the variation to the DCP requirement:

- *A contributing factor to the longer cul-de-sac length is the larger lot frontages required for the 2000m² blocks, which generally have 30-40m frontages, much larger than in typical residential construction.*
- *Although longer and servicing more lots than recommended the new cul-de-sac will be managed by ensuring the road construction is at a standard that will be able to convey the expected volume of traffic to be generated (approximately 21 vehicle trips in peak hour).*
- *The length of the cul-de-sac is directly attributed to the existing irregular shape of the parent lot, and the size of the lots proposed.*
- *The road hierarchy is not detrimentally impacted.*
- *The layout is aligned with the planning proposal which was supported by Council and considered as part of LEP amendment No 12. Hence a cul-de-sac treatment was already considered acceptable for this site by Council and followed over in this DA stage design. Based on the above justifications, it is considered that the variation from the cul-de-sac requirements is acceptable.*

The number of dwellings accessed off the cul-de-sac was increased by two lots under the previous modification (ME0018/2022) and a further four lots under the current modification. The above justification relating to the variation to the number of lots accessed from the cul-de-sac is still considered appropriate to the proposed modification, noting that under the DCP the road construction serves 31-120 lots. The variation is supported by staff.

The modification complies with all other requirements under this Part as follows:

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential
Lot size	
Minimum lot size as determined by MWRC LEP 2012	Yes – all lots meet the MLS of 2,000sqm.
All lots have street frontage	All lots have frontage to the new road or Plenty Road
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	Minimum lot size 2000 sqm. Range of lot sizes proposed.
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable
Battle-axe handles in R2 and R5 residential zones have width of 6m	Yes. Lots 7, 8, 20, 21, 23 and 24 will have battle-axe handles with a minimum width of 6m. Lots 15 and 17 will be unchanged as a result of the modification and retain battle-axe handles of 8m.
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Yes. Achieves adequate solar access.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	The lots have a mixture of orientation with the majority achieving good solar access. The lots are of a size conducive to erecting a dwelling with good orientation
For new release subdivision east-west orientated lots have increased width and midpoint	As discussed above.
Lots generally rectangular in shape	The development includes a majority of rectangular lots. The lots are all sufficient size to accommodate a substantial building envelope
Lots on southern side of road provide greater frontage width for better solar orientation of future dwelling	Generally achieved.
Corner lots have sufficient area to allow dual occupancy and independent utility connection points	Not applicable

DEVELOPMENT CONTROL REQUIREMENT

COMPLIES?

Street Layout and Design	
Traffic Impact Statement submitted for 5+ lots	Assessment provided under original application.
Traffic Impact Statement submitted for all subdivisions where new road required	Assessment provided under original application.
Subdivision integrates with existing residential area	Yes
New roads must provide “through road” connections to surrounding roads and road heads where they exist in the locality	This requirement was varied under the original application. No changes proposed as part of modification.
Where cul-de-sac treatment unavoidable, pedestrian linkages between streets provided	Original application confirmed that a pedestrian link to be constructed to connect to the existing pedestrian path in Plenty Road – existing condition to be retained.
Multiple cul-de-sacs and “no through roads” discouraged	Minimum cul-de-sacs provided
Maximum number of lots in cul-de-sac is 12 lots	This requirement was varied under the original application and has been discussed above given the modification will further increase the number of lots accessed from the cul-de-sac.
Subdivision >80 lots should not require backtracking	Not applicable
Road Standards for New Development	
Residential roads – serves 31-120 dwellings: 18m road reserve, 9m carriageway, 2 x 4.5m nature strip, 1 x 1.2m footpath, rollover kerbing	No change proposed to road. The road is sufficient to accommodate 31-120 dwellings and will be able to accommodate the increase in lots to 31 proposed under this modification.
Cycle ways and footpaths	
Cycle ways and pedestrian networks included in new subdivisions	Pedestrian path to be provided as approved under original consent.
If subdivision site identified in Council cycle way plan or pedestrian strategy, subdivision needs to respond to strategy	Not applicable
New subdivisions provide direct, convenient and safe access to major	Yes, subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
facilities	layout will extend to the existing connections to Mudgee
Cul-de-sacs may be required to include 10m wide shared overland flow/pathway	Not applicable
Developer to provide contribution to Council for installation of cycle ways and footpaths prior to release of subdivision certificate	Yes, condition included in original consent.
Open Space	
Greenfield sites >20 lots ensure that lots are <400m from local park, playground or passive open space	Yes, all lots will have access to an identified park as approved under the original consent.
Where on-site detention basins double as open space, must include raised level area which incorporates playground or fitness equipment etc and shading landscaping	Not applicable
Landscaping	
Landscape plan provided, detailing treatment of public domain	Not applicable
Land dedicated as public reserve top soiled, levelled, turfed prior to release of subdivision certificate and maintained by developer for period of two years	Not applicable
Street Trees	
Two (2) street trees provided per lot	Yes – condition in original consent to be retained.
Developer provides levy to Council to provide these trees after 80% of works carried out	Not applicable
Utility Services	
Servicing plan submitted showing provision of underground electricity, sewer, water, drainage and telecommunications to the development	Lots to be connected to reticulated water, sewer, electricity and telecommunications
Evidence of consultation with relevant authorities submitted with application	Yes, evidence provided
Drainage	
As per Section 5.3 Stormwater and Drainage	No amendments required from existing consent with respect to site drainage or detention.

Council Policies

Not applicable - there are no Council policies applicable to the proposed modified subdivision.

Contributions

The proposed modification will increase the number of residential lots from 27 to 31. Consequently, there will be an increase in the amount of developer contributions payable for the subdivision. Adjustments for the increase in the number of lots have been incorporated in the recommendation related to Section 7.11 contributions and Section 64 Water and Sewer headworks charges.

c) The provisions of any planning agreement

Not applicable

d) The regulations

Not applicable

e) The likely impacts of development

The proposed modification does not alter the impacts associated with the approved subdivision.

f) The suitability of the site for the development

The proposed modification does not alter the suitability of the site for the approved development.

g) Any submissions received

The issues raised in the submission has been discussed in a previous section of this report.

h) The public interest

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

CHANGES TO CONDITIONS

The proposed modification sought to add four additional lots into the subdivision layout which has resulted in the following recommended changes to be made to existing conditions:

- **Condition 1** – the approved plans will be required to be amended to reflect the updated layout and servicing of the subdivision. No objection is raised in relation to this.
- **Condition 4** – this condition references Lots 1 to 27 and is recommended to be updated to take into account the additional 4 lots.
- **Condition 86** – this condition relates to Section 7.11 Contributions and is recommended to be updated to account for the additional four lots.
- **Condition 90** – this condition references Lots 1 to 27 and is recommended to be updated to take into account the additional 4 lots.
- **Condition 96** – This condition references Lots 28 and 29, which are to be dedicated as drainage reserves. As a result of the increase in lots, the lot number reference has been changed and it is recommended that the condition is to be updated to reflect this.
- **Advisory Note 7** - This advisory note identifies the sewer and water headworks charges applicable to the subdivision. The addition of four lots will increase the charges that are payable. It is recommended the Advisory Note be adjusted to reflect the increased headworks charges.

CONSULTATIONS

Development Engineer

Council's Development Engineer has made the following comments in relation to the proposed modification:

Council granted consent (DA0191/2021) for a 1 into 25 lot Torrens Title Subdivision at an ordinary Council Meeting on 16th June 2021, with the consent noted as operating from 23rd January 2021.

The consent was subsequently modified by ME0018/2022 to add 2 additional lots increasing the lot yield to 27 lots. Consent was granted at Council's ordinary meeting of 20th April 2022.

The applicant is now seeking to further modify the consent through the lodgement of S4.55(1A) application to add 4 new lots. 1 of the new lots will have direct frontage to the proposed subdivision road while the other 3 new lots are battle axe handle lots.

As a result of a previous RFI, the applicant has now increased the battle axe handle widths to 6m in compliance with Council's DCP. The applicant has also provided an amended lot layout for proposed Lots 1 and 2 including dwelling envelopes for each lot.

It is also noted that the applicant has had Pre DA discussions regarding the proposed modification with Council's Duty Planner.

The applicant has confirmed that the additional lots are capable of being serviced by the existing water and sewer networks and further that no amendment is required with respect to site drainage or detention.

The additional 4 lots will not generate the need for additional pavement width or roadworks beyond that currently proposed. Council's DCP notes that a 9m wide residential road is sufficient to service between 31 and 120 dwellings.

The proposed modification is now supported from a development engineering perspective.

CONCLUSION

The proposed modifications in application ME0034/2024 have been assessed and are considered acceptable. The proposed modifications do not alter compliance with relevant development standards and requirements for subdivision.

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

Mid-Western Regional Local Environmental Plan 2012
Mid-Western Regional Development Control Plan 2013
Mid-Western Regional Development Contributions Plan 2019
Mid-Western Regional Development Servicing Plan

Council Policies

Nil

Legislation

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021

Financial implications

Nil

Associated Risks

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

SARAH HOPKINS
TOWN PLANNER

ALINA AZAR
DIRECTOR DEVELOPMENT

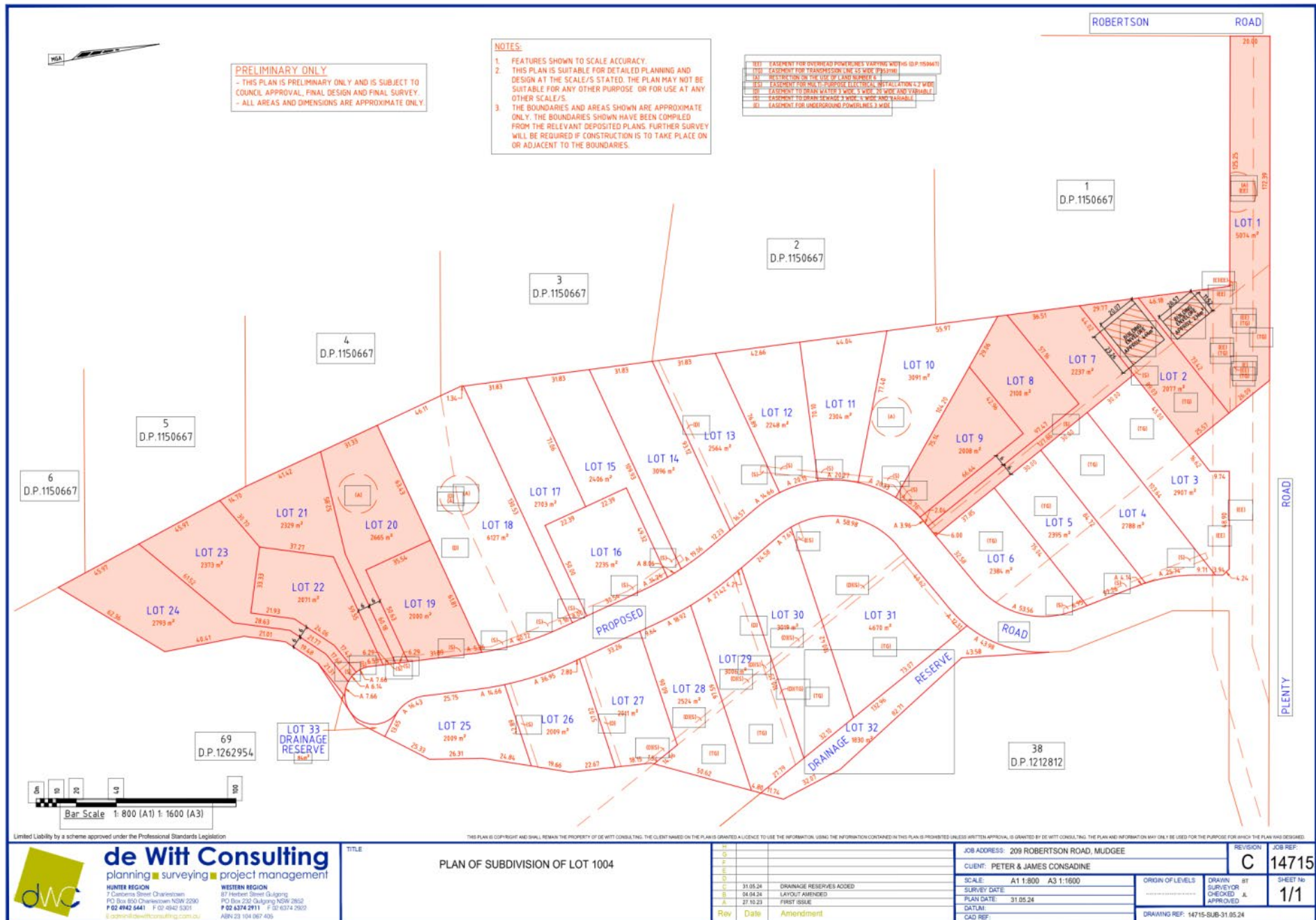
23 May 2024

Attachments:

1. Proposed Plans.
2. NSW Rural Fire Service response.
3. Transgrid response dated 8 April 2024.
4. Copy of Submission.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



PROPOSED RESIDENTIAL SUBDIVISION
LOT 3 DP1206488
209 ROBERTSON ROAD, SPRING FLAT
CIVIL DRAWINGS - MODIFICATION

DA0191/2021

DRAWINGS LIST

- C1.00 COVER SHEET
- C2.01 PROPOSED SITE PLAN
- C7.00 SEWER PLAN
- C8.00 WATER PLAN



LOCATION PLAN
H.T.S.

NOTE:
THIS IS A PLANNING DRAWING ONLY, FOR THE PURPOSE OF
CONCEPTUAL DESIGN AND/OR PLANNING. FURTHER DETAILED
ENGINEERING DESIGN INCLUDING SPECIFICATIONS, SISING
AND STORMWATER EVERTS TO BE PROVIDED PRIOR TO
CONSTRUCTION CERTIFICATE.

ISSUED FOR APPROVAL - LAYOUT UPDATED	05/06/24	D	J.D.
ISSUED FOR APPROVAL	02/03/24	C	J.D.
ISSUED FOR APPROVAL	12/04/21	B	J.D.
ISSUED FOR APPROVAL	14/08/20	A	J.D.
AUTHOR/REVISED	DATE	ISSUE	BY

NOT FOR CONSTRUCTION

WORTH POINT SHED:	ARCHITECT:

CLIENT
PETER CONSADINE

PROJECT
RESIDENTIAL SUBDIVISION
209 ROBERTSON RD
SPRING FLAT NSW 2850

DESIGNED: J.D. DRAWN: J.D.H. DATE: JAN 24 SIZE: A1 CAD REF: TX14774.00 - C01

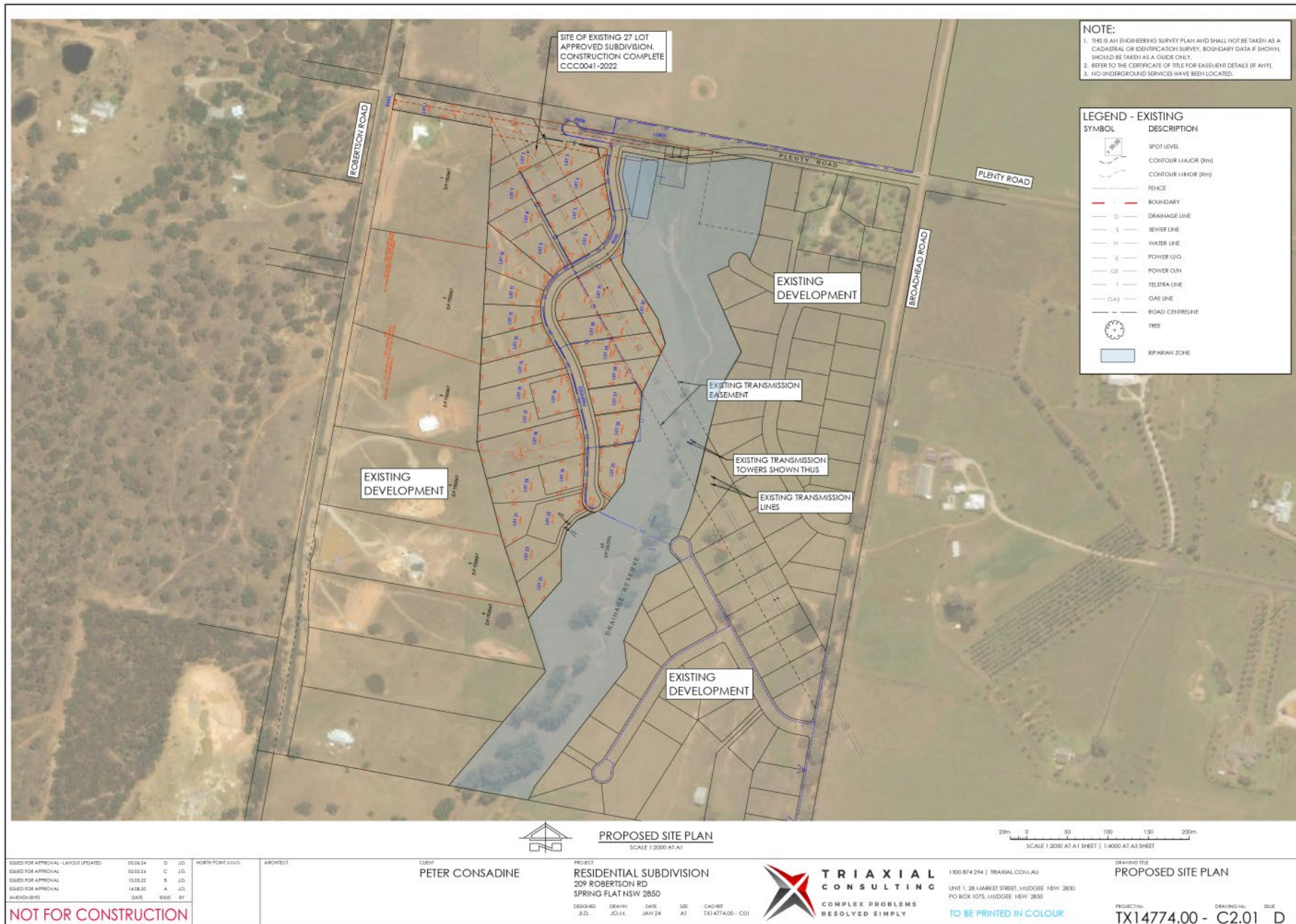


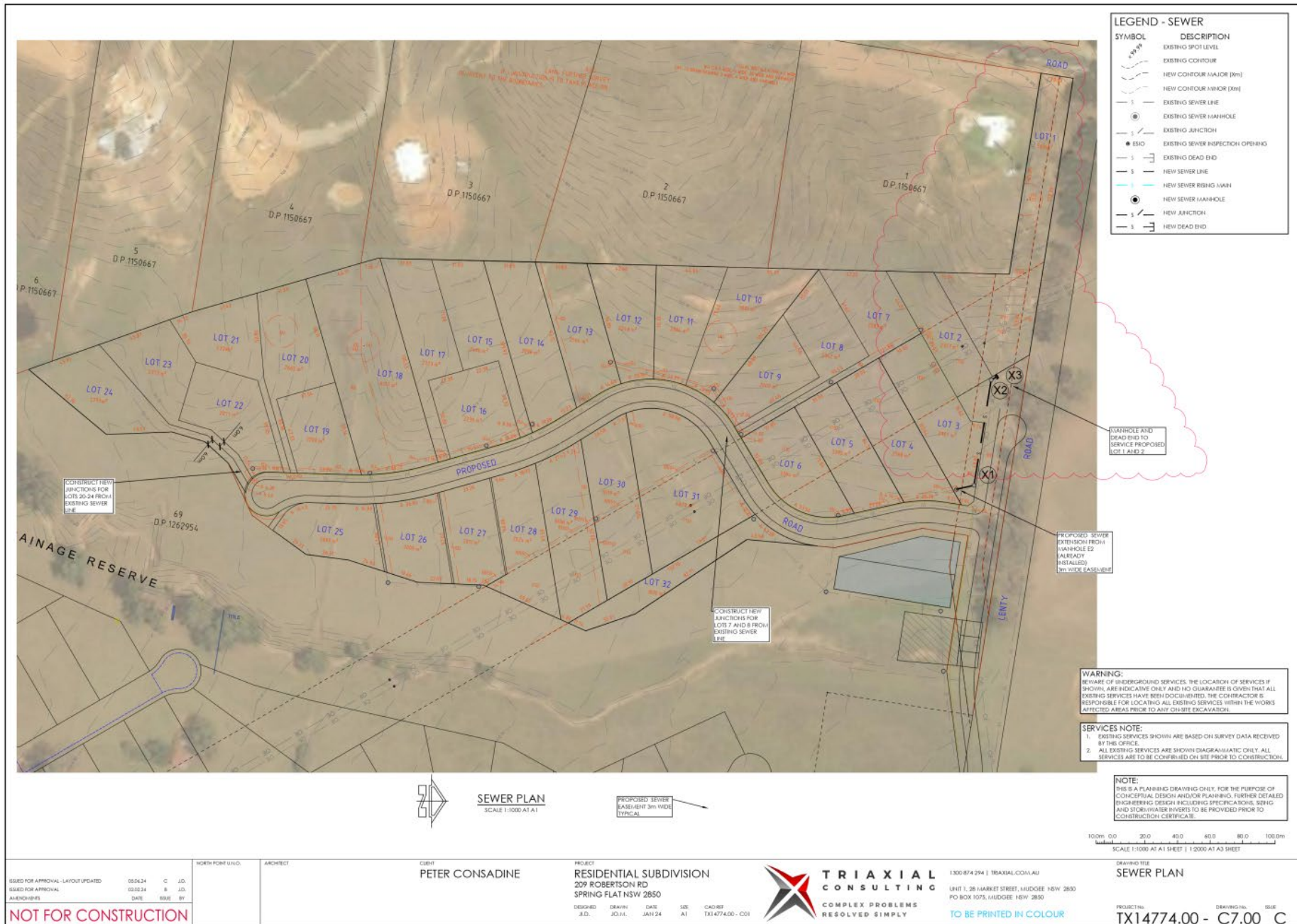
TRIAxIAL
CONSULTING
COMPLEX PROBLEMS
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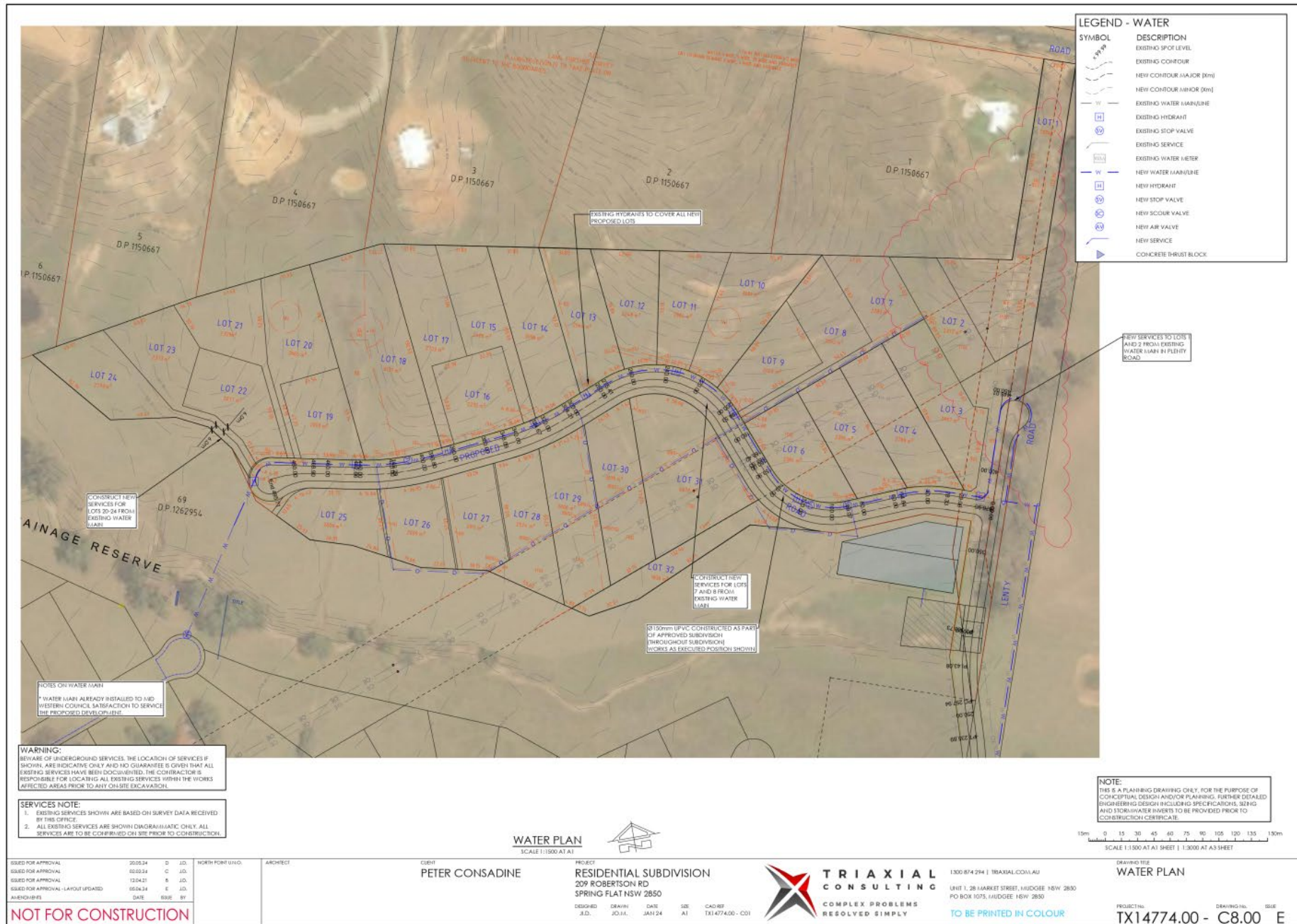
1300 874 294 | TRIAXIAL.COM.AU
UNIT 1, 28 MARKET STREET, MUDGEE NSW 2850
PO BOX 1075, MUDGEE NSW 2850
TO BE PRINTED IN COLOUR

DRAWING TITLE
COVER SHEET

PROJECT No: TX14774.00 - C1.00 C









Mid-Western Regional Council
PO Box 156
MUDGEE NSW 2850

Your reference: (CNR-66938) ME0034/2024
Our reference: DA20210128000333-S4.55-2

ATTENTION: Sarah Hopkins

Date: Monday 29 April 2024

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
209 Robertson Road Spring Flat NSW 2850, 3//DP1206488

I refer to your correspondence dated 21/03/2024 seeking general terms of approval for the above Integrated Development in accordance with s4.55 of the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au





- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed

Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- minimum 8 metre carriageway width kerb-to-kerb;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression; and,
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 24/03/2022.



RFS



For any queries regarding this correspondence, please contact Marc Ellwood on 1300 NSW RFS.

Yours sincerely,

James Killen
Manager Planning & Environment Services
Built & Natural Environment



RFS



BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
209 Robertson Road Spring Flat NSW 2850, 3//DP1206488
RFS Reference: DA20210128000333-S4.55-2
Your Reference: (CNR-66938) ME0034/2024

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

James Killen

Manager Planning & Environment Services
Built & Natural Environment

Monday 29 April 2024





ABN 70 250 995 390
180 Thomas Street, Sydney
PO Box A1000 Sydney South
NSW 1235 Australia
T (02) 9284 3000
F (02) 9284 3456

Monday, 8 April 2024

Transgrid Reference Number: 2024-156

Development Application: CNR-66938

Location: 209 Robertson Road, Spring Flat

Proposal: Subdivision and associated site works

Transgrid Asset: Transmission Line 94m – Wallerawang to Beryl 132kV (Structure span 338-339)

Thank you for requesting Transgrid's permission for the proposal at **209 Robertson Road, Spring Flat**.

Please be advised after reviewing the Development Application, Transgrid has determined the proposal is **acceptable**.

Technical comments:

Summary of Findings:

- The proponent has proposed a Subdivision and associated site works.
- Some proposed residential lots are within the easement and the centreline exclusion zone.
- Lots 2 & 31 include the structure exclusion zones for towers 338 and 339.
- The proponent did not submit the following information:
 - A bulk earthworks plan.
 - A Services plan indicating the position of water, stormwater, sewer and power supply affecting the easement.
 - A landscaping plan indicating vegetation affecting the easement.



- The proposed work will affect the Transgrid access track along the easement. The access track for Structure 339 should be from Plenty Road through Lot 1, and the access track for Structure 338 should be from Mervyns Lane, through Lot 31.

Conditions:

- The required services plan must be provided for review.
- Transgrid will not support development that encourages unauthorised encroachments of the easement or encourages congregation of people within the easement, i.e. small lot subdivisions where the majority of useable outdoor space is in the easement
- If any ground-level changes are proposed within the easement, Transgrid shall be provided with a georeferenced 3D DXF for ground clearance review (note: .dgn and .dwg are unacceptable).
- A "Restriction-as-User" (88B Instrument) must be placed on the titles of any created lots that may become affected by a transmission line easement.

Additional Notes:

- During the construction phase, Transgrid should not be restricted from undertaking regular maintenance & inspection activities. After the works, access to the Transmission Line and structures shall always be available for Transgrid's plant & personnel.
- Any machinery operating within the Transgrid's easement shall not exceed 4.3m in height and be at least 22m away from TL structures or supporting guys unless an accredited person operates it in accordance with WorkCover NSW Work Near Overhead Power Lines Code of Practice 2006 (https://www.safework.nsw.gov.au/_data/assets/pdf_file/0020/52832/Work-near-overhead-power-lines-code-of-practice.pdf).
- The easement area shall not be used for temporary storage of construction spoil, topsoil, gravel or any other construction material.
- During construction, adequate precautions shall be taken to protect Transgrid structures from accidental damage
- Works must not create excessive quantities of dust, and the proponent must employ dust suppression. A dust management plan is not expected to be provided to Transgrid. Still, provision must be made for such a plan to avoid causing damage to the transmission line, such as dust pollution on insulators.
- Where access by Transgrid vehicles is expected (along tracks and within 30m of a structure), batters/ground slopes shall not exceed 1 in 6 and underground services must be capable of withstanding loads of maintenance vehicles (43t).
- Street lighting cannot exceed 4.3m in height, must not be climbable, and must be electrically isolated in accordance with AS 3000 outside the easement. Note: Exclusion zone requirements do not apply to lighting and external power sources; however, all other exclusion zone requirements apply.



- If fence heights are not stipulated on the plans, approval is based on the assumption that all fences will be at most 2.5m. The proponent must provide full details if fences are planned taller than 2.5m. Metallic fencing (including temporary fences) must be earthed. For more information, please refer to "Transgrid Fencing Guidelines."
- Where fences are installed, the proponent must install an access gate in an agreed location and fitted with a Transgrid lock.
- Non-metallic water/stormwater/sewerage pipes are preferred within the transmission line easement. If the water pipe is metallic, isolation sections, such as RCP pipe and rubber ring joint, are required at entry and exit to the easement.
- Any metallic structures or objects planned in the easement must be earthed.

Access and Maintenance comments:

Summary Findings

- Proposed work affects access to structures 338 & 339

Conditions

- Continuous access is provide under Transmission line along easement

Additional Notes:

- The development is to be designed so that during construction phase TransGrid is not restricted from undertaking normal maintenance & inspection activities and, at completion of works, access to Transmission Lines & structures shall be available at all times for Transgrid plant & personnel.
- If any future fencing is to be proposed within the easement corridor, fencing is to be installed in accordance to TransGrid Fencing Guidelines
- No obstruction of any type shall be placed within 30M of any part of transmission line structures i.e. the 30M exclusion zone is to be observed, and no obstructions are to be placed on access tracks or within the easement area that restricts access.
- A clear area must be maintained around structures for the safe set-up of maintenance vehicles.
- All works near/within the easement would need to be carried out in accordance to TransGrid Easement Guidelines



- From an access and maintenance perspective only, provided access to the easement & structure at the location is maintained and exclusion zones observed, we would not expect any issue with the proposed development.
- Metal gates should be earthed by bonding across the hinges to the fence (in the case of a wire or other metal fence), or by suitable earthing arrangements at the gate post for fences of wooden construction.
- All fence and gate earthing must be installed in accordance with fencing guidelines.
- Any fencing installed on the easement must not exceed 2.5m in height.

Transgrid shall be notified of any amendments/ modifications to the proposal which may change proposed distances to Transgrid structures or conductors.

All works must be carried out in accordance with Transgrid Easement Guidelines and NSW WorkCover **'Working near overhead powerlines' Code of Practice 2006**.

If you have any questions, please do not hesitate to contact Transgrid's Easements & Development Team at Easements&Development@transgrid.com.au.

Yours faithfully

Easements & Development Team

Transgrid

Andrew and Kylie Whale

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

General Manager
Mid-Western Regional Council
council@midwestern.nsw.gov.au

8th April, 2024

Dear Sir

Re: DA0191/2021 - ME0034/2024

Well isn't this the gift that keeps on giving!

We did request a meeting with Sarah Hopkins and appropriate personnel to discuss this subdivision as we had some questions regarding standards etc. This was unfortunately denied.

Once again we find ourselves spending time penning an OBJECTION to the above mentioned DA modification as per reasoning and concerns below.

We feel this will probably be the only submission you will receive, as upon speaking with other residents in Broadview Estate and Robertson Road the general consensus was that it was a waste of time because Council just don't care.

Most of our objections have already been raised either by us or by other residents in previous submissions, with varying responses of substance. As Sarah pointed out, what has already been approved cannot be 'unapproved' however we can't help but wonder why the developer has chosen to seek approval in the way that he has. An initial DA, quickly followed by a modification and now another proposed modification.

Is it easier for developers to have a modification approved with some potential areas of concern after the initial DA has been approved?

Battle axe blocks

One thing that stands out in these modifications is the number of battle axe blocks that have been added.

Initial **DA0191/2021** included 1 battle axe block.

This was quickly followed by a modification **ME0018/2022** adding 2 more blocks (creating 4 more battle axe blocks)

and for round 3 another modification **ME0034/2024** adding 4 more blocks (including an additional 3 battle axe blocks)

This doesn't even include lot 1. Not sure what you even call that block.

This is all within a subdivision that is serviced by a cul-de-sac, which is over 3 times the length of the DCP requirement! Variation of the DCP requirement for this cul-de-sac was justified and subsequently approved because it is allegedly required in order to accommodate the larger lot 'frontages' required for the 2000m² lots which generally have frontages of 30-40m. (as per Atlas and Triaxal – posted further down)
Should this modification be approved almost 1/3 of the blocks in this subdivision will be battle axe blocks with handles on average of 5.2 m.

Zoning Compliance

We would like to confirm that the land in question is zoned R2? If so, it would appear that the battle axe handles on lots 7,8,20,21,23 and 24 are non-compliant with the 6m width requirement as outlined below in the DCP. Should this modification be approved this would be yet another variation from the DCP requirements ! Why even have the rules?

7.1 Urban Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Land zoned residential; village zones; rural residential lots up to 2 hectares	Land is zoned Residential.
Lot size	
Minimum lot size as determined by MWRC LEP 2012	Yes. Each proposed lot exceeds the 2,000 m ² minimum lot size.
All lots have street frontage	All lots have frontage to the proposed new road, Plenty Road or Robertson Road.
Lots increase in size relative to slope as follows: – 0-10 degrees: 600m ² – 10-15 degrees: 700m ² – 15-20 degrees: 800m ² – >20: subdivision prohibited	Minimum lot size 2000 sqm. Lot sizes range from 2008 sqm to 7150 sqm. Lots sizes increase based on slope of block.
All lots have 16m width at building line in residential and village zones	Yes. Lots are of ample size and dimension.
Battle-axe handles in R1, R3 and RU5 Village have width of 4m	Not applicable. Site zoned R2.
Battle-axe handles in R2 and R5 residential zones have width of 6m	Yes. Minimum handle width for Lot 6 is 8m. Lot 1 has a 20m wide handle. Lot 18 has a 10m wide handle.
Lot Design	
For infill subdivision lot orientation maximises solar access and takes account of existing pattern of development	Not applicable.
For new release subdivision lot orientation maximises solar access by maximising north-south lots	The lots have a mixture of orientation with the majority achieving good solar access. The lots are of a size conducive

Other areas of concern which we were hoping to discuss during the requested meeting.

Traffic

- daily trips from extra residents/ visitors
- extra vehicles when building begins because of additional blocks
- Triaxal traffic study outdated? LOTS has happened since that was written.

Quality of original 'Plenty Rd'

Our poor little road has had enough. It was quite adequate for the 5 residents that live along Plenty Rd, however after being used as the only access during the construction phase for the twenty gazillion heavy vehicles that came and went for nearly 12 months it is damaged. The intersection with Broadhead Rd was damaged and never repaired which means if you want to stay on the sealed road to turn left into Broadhead Rd you actually turn into oncoming traffic. It is not wide enough nor sturdy enough to cope with the pressure placed on it for further subdivision development. If there are vehicles parked out the front of homes there is only room for one lane of traffic. If people park on the northern side of the road you can barely get through. There have been a couple of hairy moments with cars speeding along Plenty Rd with the limited width. This is going to become more problematic with a proposed increase in residents in the subdivision.

Water Pressure

Did the proposed connection to loop into the existing pipe in Steel Drive eventuate?

We have noticed a drop in water pressure on our property since the subdivision has been completed, and there isn't even anyone living up there. We are aware we initially probably had pressure way 'above and beyond' due to our location however, despite static pressure testing being conducted (as per Triaxal) and being deemed adequate, we are very concerned about the affect the additional lots will have on this once homes are built and water is actually being used.

Fencing

We are led to believe that all fencing and gates within a transgrid easement are to be non-metallic, as they are in the Broadview Estate subdivision and the new subdivision on Rifle Range Road. This is even stated on the subdivision plans. The current fencing in the transgrid easement appears to be of a metallic nature. Is there a reason that this is permissible in this instance? Are all fences and posts earthed?

Ponding of water

There appears to have been an attempt to rectify the initial poor construction of the detention basin to prevent non-allowable ponding of water with varying success.

SEE document

Does there become a time when the SEE document, which accompanied the original DA is deemed outdated? With the already approved modification and the proposed one there are a number of statements that are no longer true. For example:

According to the SEE document (which is now 3 years old)

Compliance with DCP part 7.1 Urban Subdivision

Lot size

- a) States all lots have street frontage. **This is not the case.**
- b) All lots well above the minimum 2000m² to provide useable parcels of land for building. **Mmmmm**

Cul-de-sac

Proposed variation from the DCP requirement regarding the cul-de-sac was supported in the initial DA approval. This isn't a slight variation. It's an increase in length from 150m to 490m. The reason for the variation (according to SEE) was due to the large block size and then Triaxal (26.11.2020) states that "A contributing factor to the longer cul-de-sac length is the larger lot frontages required for the 2000m² blocks , which generally have between 30-40m frontages"

Not only is the length of the cul-de-sac over DCP requirements , the amount of blocks serviced from this cul-de-sac currently sits at 27 (from recommended 12) to a proposed 31 blocks! (there's actually 32 on the plan)

The proposed cul-de-sac will provide access to 25 lots and the length of the cul-de-sac is approximately 490m.

The original application provided the following justification for the variation to the DCP requirement:

- *A contributing factor to the longer cul-de-sac length is the larger lot frontages required for the 2000m² blocks, which generally have 30-40m frontages, much larger than in typical residential construction.*
- *Although longer and servicing more lots than recommended the new cul-de-sac will be managed by ensuring the road construction is at a standard that will be able to convey the expected volume of traffic to be generated (approximately 21 vehicle trips in peak hour).*
- *The length of the cul-de-sac is directly attributed to the existing irregular shape of the parent lot, and the size of the lots proposed.*
- *The road hierarchy is not detrimentally impacted.*
- *The layout is aligned with the planning proposal which was supported by Council and considered as part of LEP amendment No 12). Hence a cul-de-sac treatment was already considered acceptable for this site by Council and followed over in this DA stage design.*

Based on the above justification, it is considered that the variation from the cul-de-sac requirements are considered acceptable.

In conclusion we are proposing that ME0034/2024 is **not approved** for reasons as stated above. The developer has already had 2 chances to get it right, disrupting and decreasing neighbouring residents quality of life for many months! A project of many broken promises from many people.

We look forward to hearing from you soon.

Yours Sincerely

Andrew Whale

Kylie Whale

Andrew Whale
8.4.24

Kylie Whale
8.4.24

8.2 Planning Proposal Gulgong Heights of Buildings Amendment - Post Exhibition

REPORT BY THE MANAGER STRATEGIC PLANNING
TO 19 JUNE 2024 ORDINARY MEETING
GOV400103, LAN900046 PP-2024378

RECOMMENDATION

That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Gulgong Heights of Buildings Amendment - Post Exhibition; and**
2. **request the NSW Department of Planning, Housing and Infrastructure to draft and finalise the amendment to the *Mid-Western Regional Local Environmental Plan 2012* to increase the maximum height of buildings for development in the Gulgong locality from 5m to 5.5m.**

Executive summary

At Council's 21 February 2024 ordinary meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination. The Planning Proposal seeks an amendment to *Mid-Western Regional Local Environmental Plan 2012* (LEP) Height of Buildings map to increase the maximum height of buildings for development in the Gulgong locality from 5m to 5.5m.

A Gateway Determination was granted on 9 April 2024. The Planning Proposal was placed on public exhibition on 6 May 2024 until 31 May 2024, in accordance with Condition 1. No submissions were received during the exhibition period.

The purpose of this report is to provide Council with a post exhibition report and progress the Planning Proposal to Stage 6: Finalisation of the LEP making process.

Disclosure of Interest

Nil

Detailed report

Planning Proposals

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

The Gateway Process

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

Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Staff prepared the Planning Proposal	✓	November 2023 - February 2024
Council Decision to Support Proposal	✓	21 February 2024
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	March 2024
DPE Issues Gateway Determination	✓	April 2024
Gateway Conditions Satisfied	✓	May 2024
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with: - Department of Planning, Housing and Infrastructure.
Public Exhibition	✓	6 May - 31 May 2024
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 19 June 2024 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

GATEWAY DETERMINATION

A conditional Gateway Determination was received on 9 April 2024 and included two standard conditions. The Planning Proposal was not amended prior to exhibition, the Planning Proposal is provided as attachment 2.

CONSULTATION

Community Consultation

Condition 1 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 20 business days. During the public exhibition no submissions were received.

FINALISATION OF PLANNING PROPOSAL

The recommendation of staff is to proceed to Stage 6: Finalisation. Stage 6 is the last stage in the LEP making process.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

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

Legislation

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

Financial implications

Nil

Associated Risks

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

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

1 May 2024

Attachments: 1. Gateway Determination Gulgong Heights.
2. Planning Proposal Gulgong Heights.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2024-378) Amend height of building maps, Gulgong.

I, the Director Western Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Mid-Western Regional Local Environmental Plan 2012 to amend the height of building maps in Gulgong should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 5 October 2024.

Gateway Conditions

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 9 April 2024

A handwritten signature in black ink, appearing to read 'G. P. Hopkins'.

Garry Hopkins
Director Western Region
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces



*Looking After
our Community*

PLANNING PROPOSAL GULGONG – HEIGHT OF BUILDINGS

1 FEBRUARY 2024

MID-WESTERN REGIONAL COUNCIL
STRATEGIC PLANNING

■ ■ ■ ■ ■ TOWARDS 2030



STRATEGIC PLANNING |
PLANNING PROPOSAL
GULGONG – HEIGHT OF BUILDINGS

Version	Date	Notes
V001	February 2024	Draft PP reported to Council – February 2024

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Overview

Introduction

The Planning Proposal seeks to amend Mid-Western Regional Local Environmental Plan 2012 (MWRLEP 2012) to increase the maximum height of buildings for development in the Gulgong locality from 5m to 5.5m. The Planning Proposal explains the intent of, and justification for, the proposed amendments to MWRLEP 2012.

The Planning Proposal is to implement the following changes to the MWRLEP 2012:

- Amend the building heights by amending the relevant Height of Building Maps (HOB_005B; HOB_005C; HOB_005E) 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 restrictive,

The proposal has been prepared in accordance with Section 3.32 and 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant Department of Planning, Housing and Infrastructure (Department), *Local Environmental Plan Making Guideline*, August 2023.

Background

MWRLEP 2012 came into effect on 10 August 2012. MWRLEP 2012 is the consolidation of the previous planning controls into one local environmental plan. It is also a translation of those controls into the NSW Government's Standard Instrument Principal Local Environmental Plan.

The subject area chiefly falls within the Gulgong Heritage Conservation area. The subject area contains a mix of zones listed below:

- C3 Environmental Management
- SP2 Infrastructure
- R1 General Residential
- R2 Low Density Residential
- E1 Local Centre
- E3 Productivity Support
- E4 General Industrial
- MU1 Mixed Use
- RE1 Public Recreation
- RE2 Private Recreation

The subject area has a maximum building height of 5m, allowing low rise development that respects the heritage significance of the Gulgong Heritage Conservation area.

Council consistently receives a number of development applications that do not meet the 5m maximum height limit but propose acceptable development and are compliant with the provisions of *Clause 5.10 Heritage Conservation*. The development applications are accompanied by detailed justification as to why the development standard is unreasonable, consistent with the provisions of *Clause 4.6 Exception to development standards*. Any application that is accompanied by a Clause 4.6 variation cannot be determined under delegation by Council officers and is referred to Council.

With the number of development applications seeking a Clause 4.6 Variation, Council has taken the opportunity to review the 5m maximum height provision and has determined that the development control could be modestly increased to provide for a favourable built form outcome in an urban infill setting while still respecting the rich heritage fabric of the Gulgong locale. The subject area is the only locality 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 subject area should be amended to increase the maximum height from 5m to 5.5m.

Part 1 – Objectives or Intended Outcome

Objectives

The objective of the Planning Proposal is to amend the MWRLEP 2012 to provide for a maximum increased building height to accommodate reasonable development outcomes for infill development in the subject area.

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.
- amend the relevant Mid-Western Regional Local Environmental Plan 2012 Height of Building maps.

Land to which the Planning Proposal applies

The land to which the planning proposal applies (subject area) is highlighted light blue and demonstrated in Figure 1 below.

The subject area is generally contained within the Gulgong heritage conservation area.

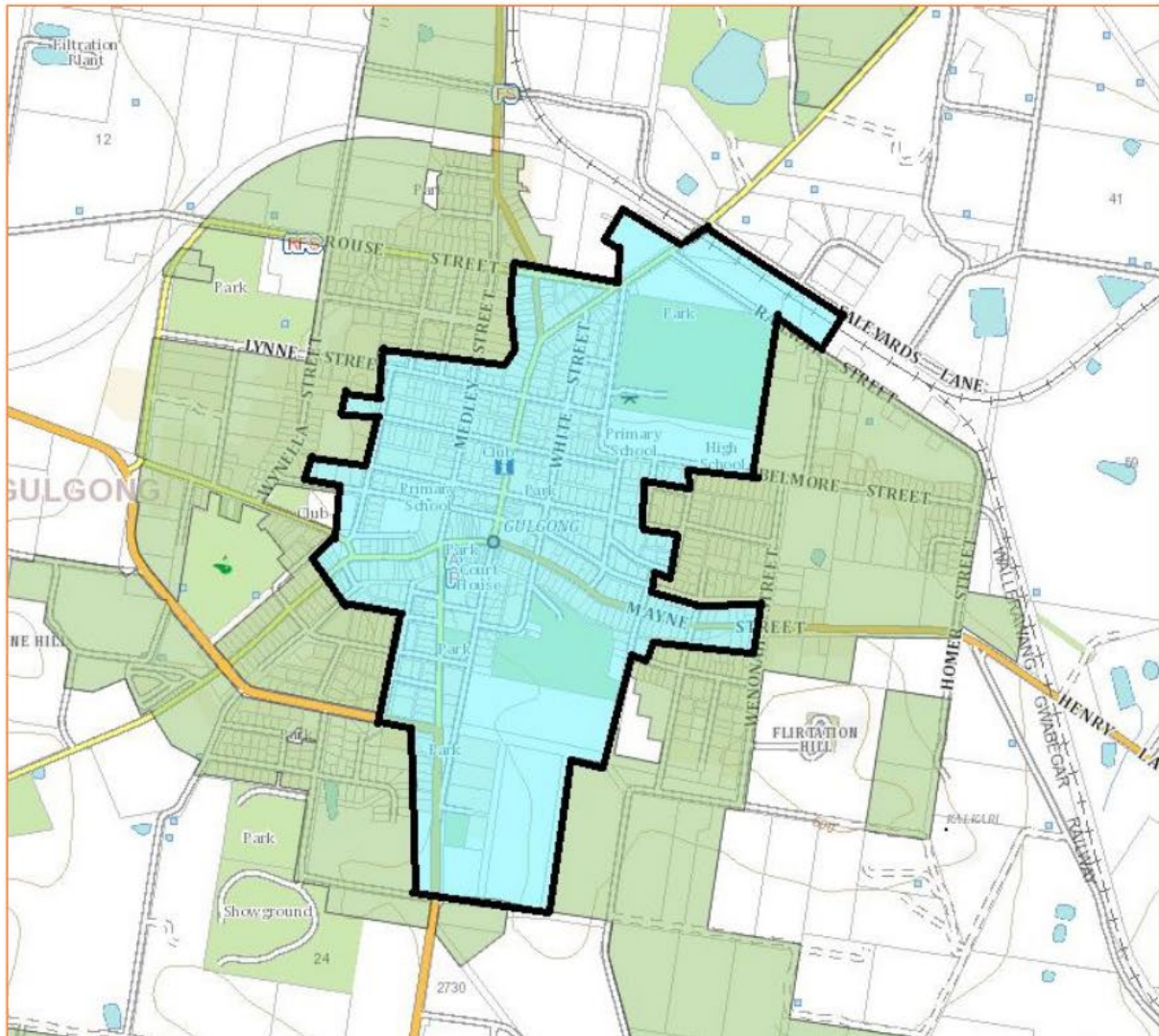


Figure 1: Planning Proposal subject area – highlighted blue and outlined in black (Source: adapted from the NSW Planning Portal)

Site context and setting

Gulgong is a vibrant, historic goldmining town located approximately 28km north of Mudgee.

The subject area is chiefly within the Gulgong Heritage Conservation area (Local significance). 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.

Part 2 – Explanation of Provisions

The objectives and intended outcomes as described in Part 1 will be achieved by amending the Mid-Western Regional Local Environmental Plan 2012 Height of Building (HOB) maps - HOB_005B; HOB_005C and HOB_005E - from 5m to a maximum building height of 5.5m.

The intent of increasing the maximum building height is not to intensify built form or increase densities but to provide a reasonable outcome for existing infill development. Figure 2 and Figure 3 below demonstrate the existing and proposed Height of Building maps.

The Planning Proposal is a map only amendment. No amendments to the written provisions are proposed.

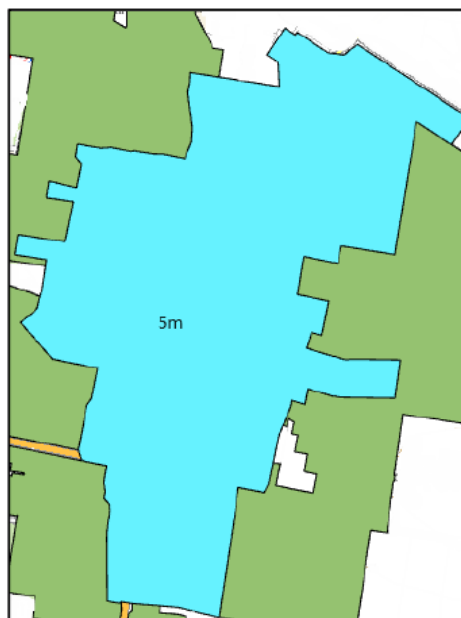


Figure 2: Existing – Height of Building

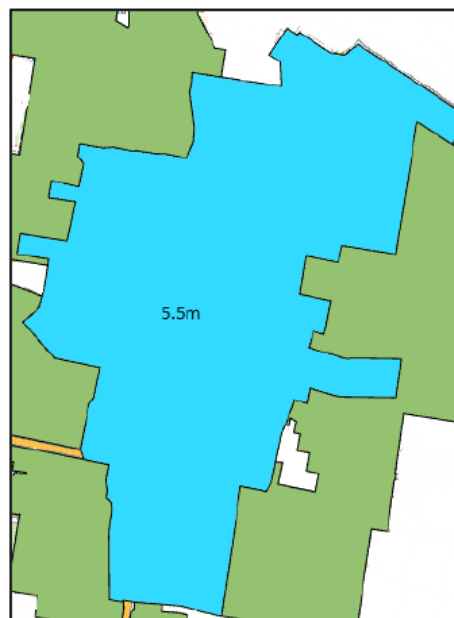


Figure 3: Proposed – Height of Building

Part 3 – Justification

Section A - Need for the Planning Proposal

Q1: Is the planning proposal the result of an endorsed LSPS, 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.*

Q2: Is the planning proposal the best means of achieving the objectives or 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 MWRLEP 2012 and achieve the intended outcomes and objectives of the Planning Proposal.

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

Section B - Relationship to Strategic Framework

Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?

Yes, the Planning Proposal will give effect of the Central Western and Orana Regional Plan 2041.

STRATEGY	DIRECTION/ACTION/OBJECTIVE - COMMENT
Central West and Orana Regional Plan 2041	<i>Objective 14: Plan for diverse affordable, resilient and inclusive housing.</i> The Planning Proposal will assist in ensuring infill development in the subject area is an attractive option for the community. <i>Strategy 14.1 (part) improve certainty of development outcomes and streamline development processes.</i> The Planning Proposal will remove the need for inconsistencies with <i>Clause 4.6 Exception to development standards.</i>

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Q4: Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

The Planning Proposal is consistent with Council's Toward's 2040 and Our Place 2040, Local Strategic Planning Statement. Specifically **Planning Priority 2** *Making available diverse, sustainable, adaptable and affordable housing options through effective land use planning.*

Q5: Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is minor in terms of broader State and regional strategies. Whilst no studies or strategies specifically relate to the Planning Proposal, there is nothing that the Planning Proposal is inconsistent with.

Q6: Is the planning proposal consistent with applicable SEPPs?

Yes. An analysis of the applicable State Environmental Planning Policies (SEPP's) is included in the following table.

SEPP TITLE	PLANNING PROPOSAL CONSISTENCY
SEPP (Biodiversity and Conservation) 2021	Yes - The Planning Proposal will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Sustainable Buildings) 2022	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
	Future development application would need to address the SEPP.
SEPP (Exempt & Complying Development Codes) 2008	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Housing) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Industry and Employment) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP No 65 – Design and Quality of Residential Apartment Development	Not applicable.
SEPP (Planning Systems) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Resilience and Hazards) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
	Contamination and remediation to be considered at the

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SEPP TITLE	PLANNING PROPOSAL CONSISTENCY
	development application stage with the consideration of specific sites.
SEPP (Resources and Energy) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.
SEPP (Transport and Infrastructure) 2021	Yes - The Planning Proposal is consistent with the SEPP and will not impede the ongoing implementation of the provisions of the SEPP.

Q7: Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

These directions apply to planning proposals lodged with the Department on or after the date the particular direction was issued and commenced.

Detailed in the table below are the directions issued by the Minister for Planning to relevant planning authorities under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
Focus area 1: Planning Systems	
1.1 – Implementation of Regional Plan	Consistent with Regional Plan as detail above.
1.2 - Development of Aboriginal Land Council land	Not applicable.
1.3 - Approval and Referral Requirements	The proposed amendments do not include the requirements for approvals or referrals.
1.4 - Site Specific Provisions	Not applicable, as the proposed amendments are not site specific.
1.4A – Exclusion of Development Standards from Variation	Not applicable.
1.5 - Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 - Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 - Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 - Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 - Implementation of the Western Sydney Aerotropolis Plan	Not applicable.
1.11 - Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 - Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 - Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 - Implementation of Greater Macarthur 2040	Not applicable.
1.15 - Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16 - North West Rail Link Corridor Strategy	Not applicable.
1.17 - Implementation of the Bays West Place Strategy	Not applicable.
1.18 - Implementation of the Macquarie Park Innovation Precinct	Not applicable.
1.19 – Implementation of Westmead Place Strategy	Not applicable.

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DIRECTION	PLANNING PROPOSAL CONSISTENCY
1.20 – Implementation of Camellia-Rosehill Place Strategy	Not applicable.
1.21 – Implementation of South West Growth Area Structure Plan	Not applicable.
1.22 – Implementation of Cherrybrook Station Place Strategy	Not applicable.
Focus area 2: Design and Place	
-	
Focus area 3: Biodiversity and Conservation	
3.1 - Conservation Zones	Consistent.
3.2 - Heritage Conservation	Consistent.
3.3 - Sydney Drinking Water Catchments	Not applicable.
3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 - Recreation Vehicle Areas	Not applicable.
3.6 - Strategic Conservation Planning	Not applicable.
3.7 – Public Bushland	Not applicable.
3.8 – Willandra Lakes	Not applicable.
3.9 – Sydney Harbour Foreshore and Waterways	Not applicable.
3.10 – Water Catchment Protection	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 - Flooding	Consistent
4.2 - Coastal Management	Not applicable.
4.3 - Planning for Bushfire Protection	Consistent
4.4 - Remediation of Contaminated Land	Consistent
4.5 - Acid Sulfate Soils	Consistent
4.6 - Mine Subsidence and Unstable Land	Consistent
Focus area 5: Transport and Infrastructure	
5.1 - Integrating Land Use and Transport	Not applicable.
5.2 - Reserving Land for Public Purposes	Not applicable.
5.3 - Development Near Regulated Airports and Defence Airfields	Not applicable.
5.4 - Shooting Ranges	Not applicable.
Focus area 6: Housing	
6.1 - Residential Zones	Consistent
6.2 - Caravan Parks and Manufactured Home Estates	Not applicable.
Focus area 7: Industry and Employment	
7.1 - Business and Industrial Zones	Consistent
7.2 - Reduction in non-hosted short-term rental accommodation period	Not applicable.
7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Focus area 8: Resources and Energy	
8.1 - Mining, Petroleum Production and Extractive Industries	Consistent
Focus area 9: Primary Production	
9.1 - Rural Zones	Not applicable.

DIRECTION	PLANNING PROPOSAL CONSISTENCY
9.2 - Rural Lands	Consistent
9.3 - Oyster Aquaculture	Not applicable.
9.4 - Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.

Section C - Environmental, Social and Economic Impact

Q8: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result 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 within the subject area.

Q9: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

As set out in Department's *Local Environmental Plan Making Guideline* (August 2023), the purpose of this question is to ascertain the likely environmental effects that may be relevant. The nature of the planning proposal is such that no technical information is required.

Q10: How has the planning proposal adequately addressed any social and economic effects?

The subject area is chiefly within the Gulgong Heritage Conservation area (Local significance). 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. No other areas within the LGA have such a restrictive maximum height limit. It is therefore considered that the modest increase to the maximum height to 5.5m is reasonable.

Council's Heritage adviser supports the Planning Proposal and offers the following comments:

In my opinion 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 over 5 metres

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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 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 fabric of the locality.

Q11: Is there adequate public infrastructure for the planning proposal?

Not applicable as the Planning Proposal will not trigger an upgrade or reliance on public infrastructure as the intent is not to increase the intensity or density of development in the subject area.

Q12: What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of state and federal public authorities and government agencies were not sought prior to Gateway determination due to the nature of the Planning Proposal.

Part 4 – Mapping

The Planning Proposal is a map only amendment. Maps submitted to the Department post Gateway determination will be consistent with the Department's *Standard Technical Requirements for Spatial Datasets and Maps*.

The following maps will be subject to amendments:

- HOB_005B – 5270_COM_HOB_005B_010_20120619
- HOB_005C - 5270_COM_HOB_005C_010_20130702
- HOB_005E - 5270_COM_HOB_005E_010_20120619

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Part 5 – Community Consultation

Community consultation has not been carried out prior to the preparation of the Planning Proposal.

The Planning Proposal is considered 'standard' in accordance with the Department's *Local Environmental Plan Making Guideline* (August 2023) and requires a public exhibition period of 20 days.

Public exhibition will be undertaken in accordance with any issued Gateway Determination.

Part 6 – Project Timeline

The Planning Proposal is a minor amendment to the *Mid-Western Local Environmental Plan 2012* and should be able to be achieved within 6-9 months of the date of the Gateway Determination.

Proposed Timeline

MILESTONE	DATE
Gateway Determination	March 2024
Completion of Technical Information	N/A
Agency Consultation	April 2024
Public Exhibition	April 2024
Consideration of Submissions	May 2024
Legal Drafting & Opinion (incl Mapping)	May 2024
Finalisation	June 2024

8.3 Temporary Suspension of Alcohol-Free Zone Market Street and Church Street Mudgee for Flavours of Mudgee 2024 and 2025

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT
TO 19 JUNE 2024 ORDINARY MEETING
GOV400105, GOV40066, GOV40054, GAV40043, A0130008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Building and Development on the Temporary Suspension of Alcohol-Free Zone Market Street and Church Street Mudgee for Flavours of Mudgee 2024 and 2025; and**
2. **suspend the Alcohol-Free Zone for the nominated locations within Market Street and Church Street between the hours of 4:00pm – 9:00pm on Saturdays 28 September 2024 and 27 September 2025, for the purposes of the Flavours of Mudgee Street Festival 2024 and 2025 respectively.**

Executive summary

The Flavours of Mudgee Street Festival is part of the 2024 Mudgee Wine and Food Festival. The event will see the Mudgee CBD come alive with the flavours of our region and give visitors and locals the chance to experience local wine, food and produce in a festival atmosphere.

In order for this event to occur the Alcohol-Free Zone located in this area is required to be temporarily suspended.

The purpose of this report is to seek the temporary suspension of the Alcohol-Free Zone (AFZ) in Market Street (between Lewis and Perry Streets) and Church Street (between Short and Mortimer Street) in order to host the Flavours of Mudgee 2024 and 2025 Street Festivals. A map confirming the festival's areas is attached to this report.

Disclosure of Interest

NIL

Detailed report

Although the proposed times for the actual event are 4:00pm-8:00pm, the temporary suspension period is requested to extend through to 1 hour beyond the close of alcohol sales to account for people to finish drinks purchased before alcohol service has been shut off.

In this regard it is proposed that this temporary suspension will occur between the hours of 4:00pm and 9:00pm with alcohol sales ceasing at 8:00pm.

Security and RSA staff will be engaged to monitor the event. There will be a total of ten (10) security staff. Five will be primarily located at all entry points to ensure that the consumption of alcohol is restricted to this approved area. A further three will be roving security staff and another two operating as RSA marshals.

The Mudgee Police have been contacted and have no objections. Police will also maintain a presence at the event with two (2) x user-pays officers requested for the duration of the event.

Council will be closing Market Street, between Lewis and Perry Streets and Church Street, between Short and Mortimer Streets from 12:00pm. The area will be closed only to vehicles with pedestrian access not being affected. It is expected that Market Street will re-open by 11pm. Please see attached event area map for reference.

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

Not applicable.

Council Policies

Not applicable.

Legislation

Section 645, Part 4, Chapter 16 of the Local Government Act 1993

Financial implications

Not applicable.

Associated Risks

There is a risk of alcohol related incidents; however, this risk is mitigated by the presence of the NSW police force, additional security staff and the RSA obligations of individual stallholders.

TY ROBSON
MANAGER BUILDING AND DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

6 June 2024

Attachments: 1. Application to Suspend Alcohol-free Zone for Flavours of Mudgee - 2024 and 2025.
2. Alcohol Management Plan - Flavours of Mudgee 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



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

SG | A0410004

4 June 2024

Brad Cam
General Manager
Mid-Western Regional Council
PO Box 156
Mudgee NSW 2850

Dear Brad,

**RE: Temporary suspension of alcohol free zone – Market and Church Streets,
Flavours of Mudgee event – Multi-year Exemption**

I am writing to you to request the temporary suspension of the alcohol-free zone in the Mudgee CBD for the 2024 & 2025 Flavours of Mudgee events. Details are below:

Dates: Saturdays 28 September 2024 and 27 September 2025
Time: 4.00pm to 8.00pm
Location: Market St (between Lewis St and Perry St) and Church St (between Short St and Mortimer St)

Flavours of Mudgee is part of the annual Mudgee Wine and Food Festival. The event sees the Mudgee CBD come alive with the flavours of our region and gives visitors and residents the chance to experience local wine, food and produce in a festival atmosphere.

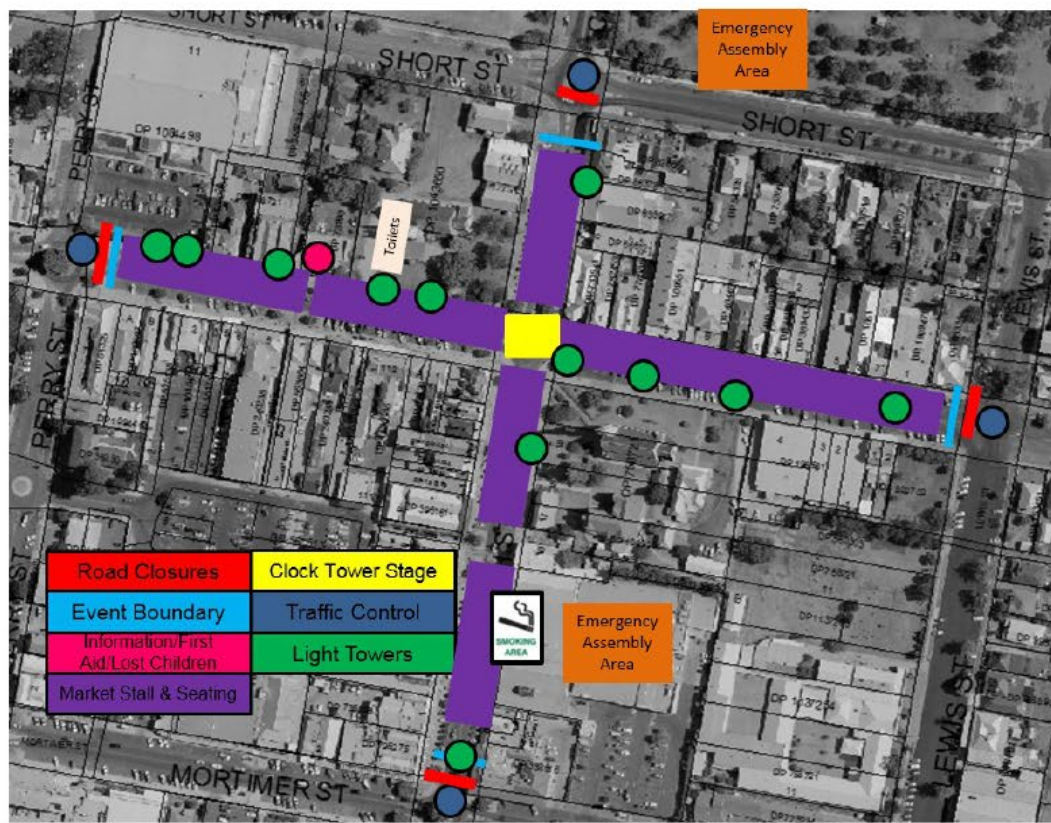
Mid-Western Regional Council will be closing Market St between Lewis St and Perry St and Church St between Short St and Mortimer St from 12pm on the above event dates. The area will be closed to vehicles however, pedestrian access will not be affected. The event will commence at 4pm and run until 8pm. It is expected that all streets will reopen by 10pm. Please see attached event area map for your reference.

Event organisers will liaise closely with security and local police in the lead up to the event to ensure all parties are working together to deliver a safe and incident-free event.

If you have any further queries, please contact me on 02 6378 2845 or email events@midwestern.nsw.gov.au.

Yours sincerely

JOANNA LINDSAY
EVENTS COORDINATOR





SG: A0410004

MID-WESTERN REGIONAL COUNCIL
PO Box 156, MUDGEE NSW 2850
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T 1300 765 002 or 02 6378 2850 | F 02 6378 2815
E council@midwestern.nsw.gov.au

ALCOHOL MANAGEMENT PLAN – FLAVOURS OF MUDGEE 2024

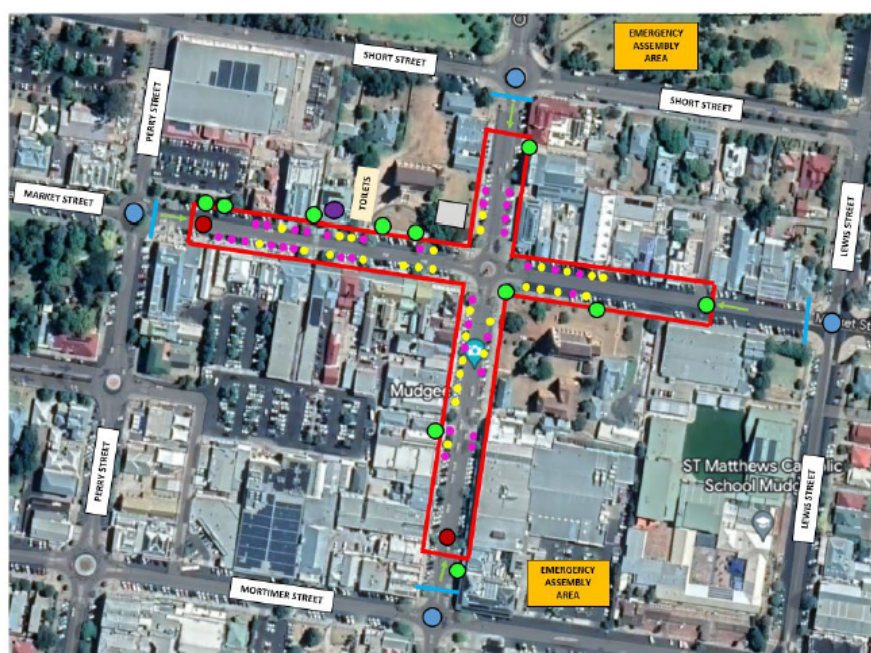
Event Details

Flavours of Mudgee Street Festival
Saturday 28 September 2024, 4.00pm to 8.00pm
Market Street (Perry to Lewis) and Church Street (Short to Mortimer), Mudgee

The Event

Flavours of Mudgee is an annual wine and food event managed by Mid-Western Regional Council (MWRC) as part of the Mudgee Wine & Food Festival. Local wine and food producers are invited to have a stand at the event to promote their brand and sell their products. Flavours of Mudgee is a free community event.

Event Map



Address: Church Street and
Market Street
Mudgee, NSW 2850

- Proposed liquor licensed area/ Event Boundary
- Venue and licensed area entry and exit points
- Point of sale/supply of liquor (stallholder)
- Other stallholders (not selling or supplying liquor)
- Road Closures
- Information/First Aid/Lost Children
- Stage
- Traffic Control
- Glass Sales
- Light Towers

Liquor License

An application has been made to the Office of Liquor and Gaming for a Limited Licence - LIMITED LICENCE – TRADE FAIR

Licensee

Name: Michele Mini
Certificate Number: 10001717037

Alcohol Free Zone Suspension

An application to suspend the alcohol free zone for the event area has been approved by Mid-Western Regional Council.

This temporary suspension will occur on Saturday 28 September 2024 between the hours of 4pm and 9pm. The service of alcohol will cease at 8pm and this will be enforced by Mudgee Police. The temporary suspension period is requested to extend through to 9pm to account for people to finish drinks purchased before the 8pm service shut off.

Stallholders

Stallholder applications open on 1 June 2024.

Approximately 65 stalls will be located on site. There will be a mix of stalls serving alcohol and providing food.

Responsible Service of Alcohol

At time of purchase Tasting Packages anyone that looks to be under 18 will be asked for ID.

All stallholders providing alcohol must have an RSA. This will be checked during the event by the event manager.

All stalls providing alcohol must also have free drinking water available. It will be the responsibility of each individual stallholder to ensure patrons tasting/purchasing wine are over 18 years of age.

Maximum 4 drinks per person per sale (excluding purchases for takeaway)

Maximum 40% ABV for spirit sales

Maximum 6% ABV for beer sales

Security & RSA Marshalls

MWRC to engage security services from 3.00pm to 9.00pm. There will be twelve (12) guards in total:

- Four (4) x stationary guards located at each entry point
- Six (6) x roving guards
- Two (2) x RSA Marshalls

Police will maintain a presence at the event with two (2) x user-pays officers requested for the duration of the event.

Wine Tasting

In order to taste wine, event attendees must first purchase a token package. The cost of the package is outlined in the below table; and includes 5 x tasting tokens (1 token = 1 x 30mL taste) and an exclusive Flavours of Mudgee tasting tumbler.

Tasting packages (2023 Tumbler)	\$25.00
Kids tasting package	\$15.00

There will be two sales points (Church Street south, Market Street west) pending if the event is sold out prior or not. Sales will cease at 7.00pm (if not sold out prior). Wine sales will continue at individual stalls until the event ends at 8.00pm. The suspension of the Alcohol Free Zone is requested to end at 9.00pm to ensure attendees who have drink can remain in the event area to finish them.

A token rebate of \$1 per token will be given to stallholders for standard tokens. A rebate of \$2.50 per token will be given for kids tokens.

Wine Sales

Patrons have the option to purchase a glass or bottle of wine (cellar door prices) to be consumed at the event. Once a bottle of wine is opened at the event, it cannot be taken out of the event area. Only unopened bottles of wine can be taken from the event area.

Food

Food will be available at the event. This ranges from full meals to snacks and local produce (e.g. relishes and jams). Food and wine stalls will be mixed throughout the event area.

ALCOHOL MANAGEMENT PLAN – FLAVOURS OF MUDGE 2024

Incident Reporting & First Aid

In the event of any incident, the event manager must be notified and the incident recorded in the register.

First Aid will be available at Town Hall (Market Street).

Conditions of Entry & Risk Assessment

Alcoholic beverages cannot be taken in to the event by patrons. Alcohol may only be removed from the event if it is unopened and has been purchased from the event.

A full list of the conditions of entry and risk assessment are available in the stallholder information pack which is distributed to all stallholders and stakeholders.

Joanna Lindsay, Events Coordinator
Mid-Western Regional Council

8.4 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING
TO 19 JUNE 2024 ORDINARY MEETING
GOV400103, A0420109

RECOMMENDATION

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

Executive summary

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

Disclosure of Interest

Nil

Detailed report

Included in this report is an update for the month of May 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

3 June 2024

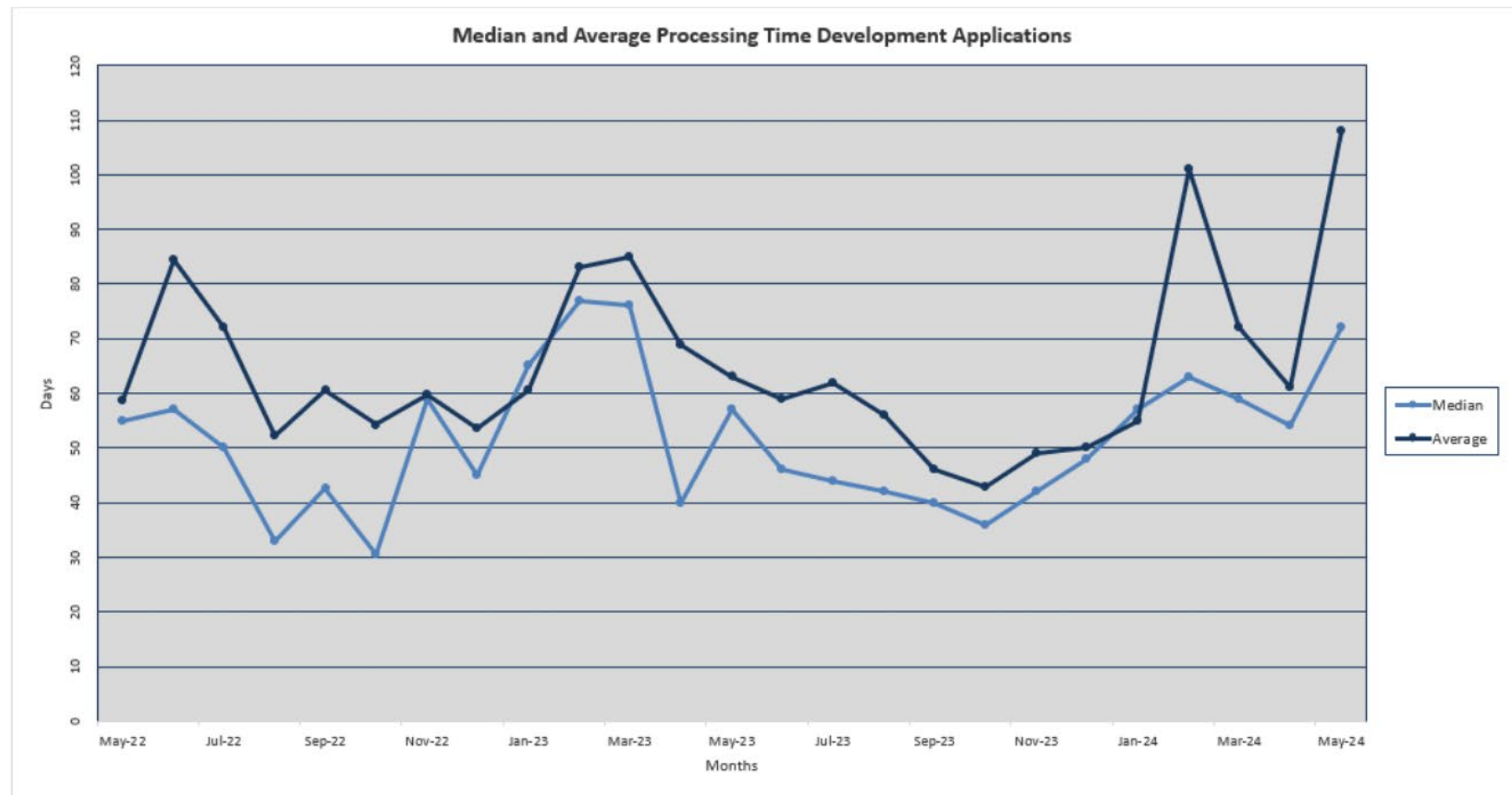
Attachments: 1. Monthly Development Application Processing and Determined - May 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

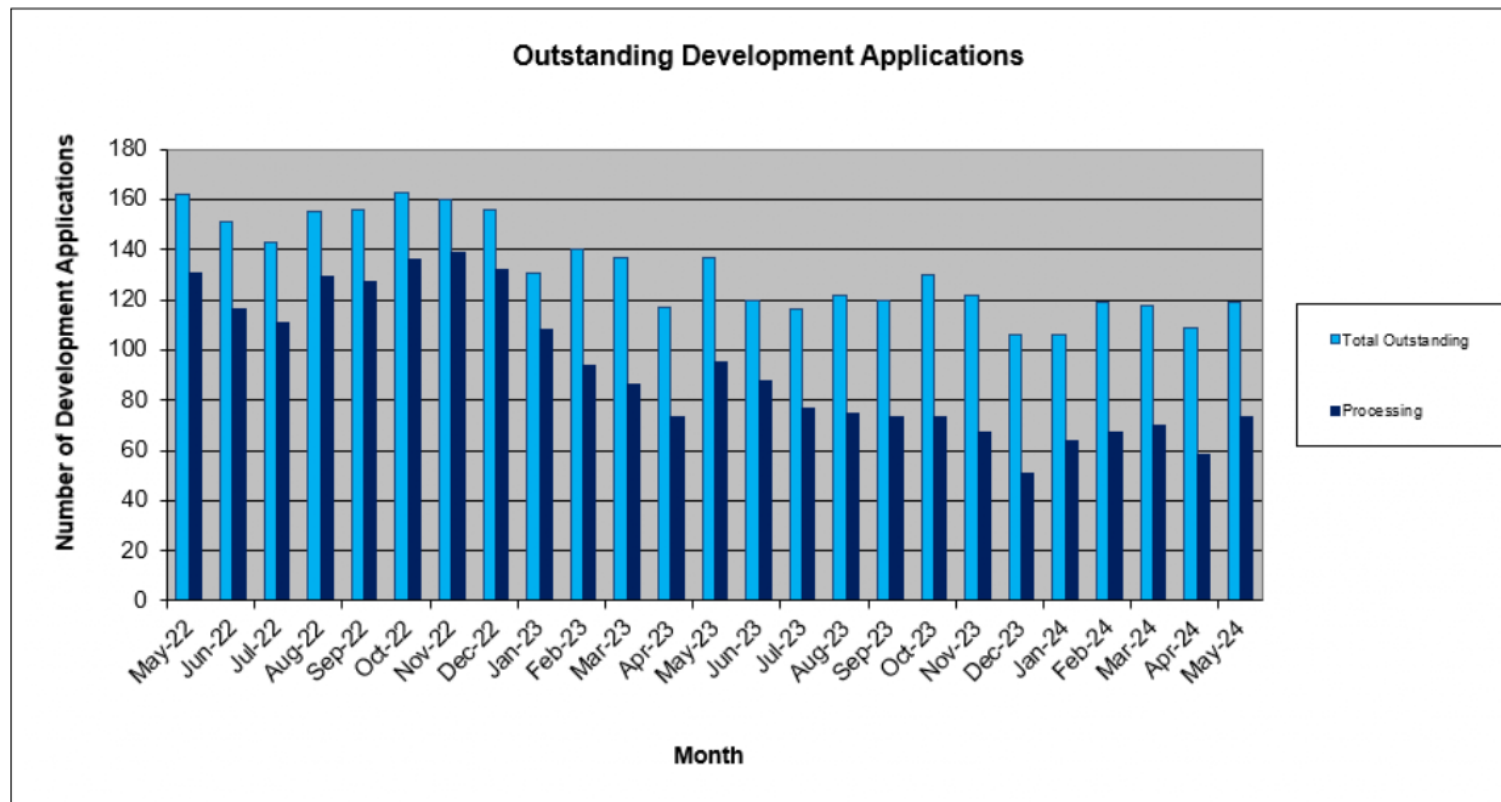
Monthly Development Application Processing Report – May 2024

This report covers the period for the month of May 2024. Graph 1 indicates the processing times up to 31 May 2024 with the month of May having an average of 108 days and a median time of 72 days.



Monthly Development Application Processing Report – May 2024

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 73 and the number on “stop clock” is 46.



Monthly Development Application Processing Report – May 2024

The Planning and Development Department determined 11 Development Applications either by Council or under delegation during May 2024.

Development Applications Determined – May 2024

Appl/Proc ID	Description	House No	Street Name	Locality
DA0343/2023	Change of Use - Two existing cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0006/2024	Alterations and Additions to Existing Dwelling, Swimming Pool and Farm Building	374	Coxs Creek Road	RYLSTONE NSW 2849
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0101/2024	Change of Use to Serviced Apartment	72	McDonalds Road	ERUDGERE NSW 2850
DA0107/2024	Group home	5	Harvey Street	BOMBIRA NSW 2850
DA0149/2024	Dwelling House	341	White Rock Road	PINNACLE SWAMP NSW 2849
DA0178/2024	Subdivision 1 into 2 lots	2008	Queens Pinch Road	MEROO NSW 2850
DA0207/2024	Intensive Plant Agriculture	2728	Ulan Road	COOKS GAP NSW 2850
DA0213/2024	Extend Carport	1	Lewis Street	MUDGEE NSW 2850
DA0247/2024	Warehouse	33	Knott Place	CAERLEON NSW 2850
DA0253/2024	Residential Shed	20	Winter Street	MUDGEE NSW 2850

***NOTE – No Development Applications were approved with a variation to the DCP during May 2024.**

Development Applications currently being processed – May 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

Monthly Development Application Processing Report – May 2024

DA0089/2019	Change of use - shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Stree	GULGONG NSW 2852
DA0199/2021	Change of use - to Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use - Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	26 Hone Creek Driv	CAERLEON NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	End Road	CAERLEON NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEE NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852
DA0070/2024	Change of use	48	Old Ilford Road	ILFORD NSW 2850
DA0096/2024	Demolition	23	Mortimer Street	MUDGEE NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0124/2024	Dual Occupancy	60	Davies Road	KANDOS NSW 2848
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0129/2024	Dual Occupancy	79	Ilford Road	KANDOS NSW 2848
DA0139/2024	Alterations & Additions	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
DA0170/2024	Secondary dwelling	87	Bellevue Road	MUDGEE NSW 2850
DA0175/2024	Dwelling and Retaining Walls	11	Coomber Street	RYLSTONE NSW 2849
DA0177/2024	Subdivision 1 into 2 lots	1223	Castlereagh Highway	BERYL NSW 2852
DA0180/2024	Dwelling with attached secondary dwelling	18	Shearman Street	CAERLEON NSW 2850
DA0184/2024	Dual Occupancy (Detached) and Subdivision	8	Davis Crescent	CAERLEON NSW 2850

Monthly Development Application Processing Report – May 2024

DA0189/2024	Alterations and Additions to Dwelling	637	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0194/2024	Secondary dwelling	433	Kaludabah Road	PIAMBONG NSW 2850
DA0195/2024	Dwelling and Shed	150	Tongbong Road	RYLSTONE NSW 2849
DA0198/2024	Serviced Apartments	106	School Lane	BUDGEE BUDGEE NSW 2850
DA0200/2024	Patio Cover and Deck	12	Barigan Street	MUDGEE NSW 2850
DA0201/2024	Patio Cover and Deck	14	Horatio Street	MUDGEE NSW 2850
DA0202/2024	Dwelling with Swimming Pool and Shed	27	Wurth Drive	BOMBIRA NSW 2850
DA0204/2024	Dual Occupancy	17	Davis Crescent	CAERLEON NSW 2850
DA0205/2024	Indoor Recreation Facility	12	Sydney Road	MUDGEE NSW 2850
DA0209/2024	Farm building	63	Anderson Road	GRATTAI NSW 2850
DA0210/2024	Demolition	162	Gladstone St	MUDGEE NSW 2850
DA0212/2024	Dwelling House	21	McLachlan Street	KANDOS NSW 2848
DA0218/2024	Dwelling House	88	Gibsons Lane	ERUDGERE NSW 2850
DA0222/2024	Alterations and Additions	1043	Castlereagh Highway	APPLE TREE FLAT NSW 2850
DA0224/2024	Subdivision (1 into 3 lots)	295	Lower Piambong Road	MENAH NSW 2850
DA0227/2024	Educational Establishment	269	Henry Lawson Drive	EURUNDEREE NSW 2850
DA0228/2024	Light Industrial Premises	20	Sydney Road	MUDGEE NSW 2850
DA0229/2024	Farm building	686	Queens Pinch Roa	MULLAMUDDY NSW 2850
DA0231/2024	Secondary dwelling	87	Henry Bayly Drive	MUDGEE NSW 2850
DA0236/2024	Residence & Garage	43	Hosking Street	CAERLEON NSW 2850
DA0237/2024	Shed	47	Webster Street	BOMBIRA NSW 2850
DA0239/2024	Subdivision (3 into 2 Lots)	68	Bergalin Road	GULGONG NSW 2852
DA0240/2024	Shed	32	Knox Crescent	CAERLEON NSW 2850
DA0241/2024	Verandah and Spa	36	Bywong Lane	YARRAWONGA NSW 2850
DA0242/2024	Caravan Park	313	Magpie Lane	ALAMBINE NSW 2850
DA0244/2024	Multi Dwelling Housing	4	Glenmore Street	MUDGEE NSW 2850
DA0248/2024	Alterations & Additions	13	Mulgoa Way	MUDGEE NSW 2850
DA0249/2024	Subdivision - Torrens Title	264	Carramar Road	STUBBO NSW 2852
DA0250/2024	Extractive Industry	2152	Goolma Road	TWO MILE FLAT NSW 2852
DA0252/2024	Swimming Pool	45	Winter Street	MUDGEE NSW 2850

Monthly Development Application Processing Report – May 2024

DA0256/2024	Multi dwelling housing	10	Burrundulla Avenue	MUDGEES NSW 2850
DA0258/2024	Subdivision - Torrens Title	24	Flirtation Hill Lane	GULGONG NSW 2852
DA0260/2024	Dwelling House	6	Enfield Avenue	CAERLEON NSW 2850
DA0261/2024	Dual Occupancy	26	Rifle Range Road	MUDGEES NSW 2850
DA0264/2024	Subdivision - Torrens Title	13	Fairydale Lane	MUDGEES NSW 2850
DA0265/2024	Alterations & Additions	25	Horse Flat Lane	MULLAMUDDY NSW 2850
DA0267/2024	Demolition	86	Depot Road	MUDGEES NSW 2850
DA0268/2024	Secondary dwelling	319	Lue Road	MILROY NSW 2850
DA0269/2024	Subdivision - Torrens Title	42	Guntawang Street	GULGONG NSW 2852
DA0275/2024	Residential Shed	79	White Circle	MUDGEES NSW 2850
DA0277/2024	Dwelling House	364	Corishs Lane	TALLAWANG NSW 2852
DA0278/2024	Demolition	28	Robison St	ULAN NSW 2850
DA0290/2024	Dual Occupancy	219	Lowes Peak Road	ST FILLANS NSW 2850
DA0291/2024	Subdivision - Torrens Title	2	Fitzroy Street	GULGONG NSW 2852
DA0293/2024	Industrial training facility	87	Lions Drive	MUDGEES NSW 2850
DA0301/2024	Home Industry	19	Rouse Street	GULGONG NSW 2852
DA0302/2024	Transport depot	4	Industrial Avenue	GULGONG NSW 2852
DA0306/2024	Subdivision - Torrens Title	179	Tinja Lane	EURUNDEREE NSW 2850
DA0274/2024	Dwelling House	189	Montaza Road	TALLAWANG NSW 2852
DA0281/2024	Subdivision - Torrens Title	1	Tallawang Road	GULGONG NSW 2852
DA0283/2024	Residential Shed	79	Henry Lawson Drive	BOMBIRA NSW 2850
DA0285/2024	Moveable dwelling	799	Black Springs Road	BUDGEES BUDGEES NSW 2850
DA0287/2024	Residential Shed	35	Wurth Drive	BOMBIRA NSW 2850
DA0289/2024	Residential Shed	38	Knox Crescent	CAERLEON NSW 2850
DA0292/2024	Alterations & Additions	489	Barneys Reef Road	STUBBO NSW 2852
DA0299/2024	Residential Shed	15	Lions Drive	MUDGEES NSW 2850
DA0303/2024	Swimming Pool	150	Tongbong Road	RYLSTONE NSW 2849
DA0304/2024	Residential Shed	412	Corishs Lane	TALLAWANG NSW 2852

Monthly Development Application Processing Report – May 2024

Heritage Development Applications currently being processed – May 2024.

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
DA0189/2023	Detached Dual Occupancy	83	Mortimer 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
DA0191/2024	Shed	217	Gladstone Street	MUDGEE NSW 2850
DA0203/2024	Carport	127	Mortimer Street	MUDGEE NSW 2850
DA0216/2024	Secondary dwelling	10	Lawson Street	MUDGEE NSW 2850
DA0225/2024	Alterations & Additions @ Lawson Park Hotel	1	Church Street	MUDGEE NSW 2850
DA0232/2024	Shed	105	Louee Street	RYLSTONE NSW 2849
DA0246/2024	Dwelling House	64	Lawson Street	MUDGEE NSW 2850
DA0259/2024	Carport	7	Bulga Street	GULGONG NSW 2852
DA0262/2024	Fence	14	Perry Street	MUDGEE NSW 2850
DA0305/2024	Cafe	36	Church Street	MUDGEE NSW 2850
DA0270/2024	Subdivision - Torrens Title	112	Louee Street	RYLSTONE NSW 2849
DA0272/2024	Subdivision - Torrens Title	100	Belmore Street	GULGONG NSW 2852
DA0282/2024	Dwelling House	66	Cox Street	MUDGEE NSW 2850
DA0297/2024	Residential Shed	147	Horatio Street	MUDGEE NSW 2850
DA0298/2024	Residential Shed	3	Rouse Street	GULGONG NSW 2852
DA0300/2024	Alterations & Additions	159	Mayne Street	GULGONG NSW 2852

Item 9: Corporate Services

9.1 Policy Review - Business Improvement

REPORT BY THE BUSINESS IMPROVEMENT OFFICER
TO 19 JUNE 2024 ORDINARY MEETING
GOV400103, COR400065, GOV400066

RECOMMENDATION

That Council:

- 1. receive the report by the Business Improvement Officer on the Policy Review - Business Improvement Policy; and**
- 2. adopt the revised Business Improvement Policy.**

Executive summary

This report presents the review of Council's Business Improvement Policy. A copy of the proposed Policy with tracked changes is attached to this report.

Disclosure of Interest

Nil

Detailed report

The Business Improvement Policy defines the Mid-Western Regional Council's (Council) approach to business improvement and its commitment to enhancing its internal processes regarding the way it delivers its services.

There are administrative changes to the policy as set out in the tracked changes document attached.

Community Plan implications

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

Council Strategies

The Business Improvement Framework impacts all council strategies and plans.

Council Policies

Internal Audit Policy
Audit, Risk and Improvement Committee Charter
Enterprise Risk Management Framework

Legislation

Local Government Act 1993

Financial implications

A budget has been allocated in the 2023/2024 Operational Plan to meet the requirements of the Business Improvement Program.

Associated Risks

Under the Act, Council is required to undertake Service Delivery Reviews. The Business Improvement Framework will ensure that a service review program is developed.

ERIN REID
BUSINESS IMPROVEMENT OFFICER

KRISTIE WARD
ACTING DIRECTOR CORPORATE SERVICES

8 May 2024

Attachments: 1. POLICY - REVIEW - Business Improvement Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Business Improvement

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	VERSION 1.1
COUNCIL MEETING MIN	29/23	REVIEW DATE	15 MARCH 2024
DATE:	15 MARCH 2023	FILE NUMBER	COR400405

Purpose

This policy defines the Mid-Western Regional Council's (Council) approach to business improvement and its commitment to enhancing its processes and the way it delivers its services in a more customer focussed and efficient manner.

Scope

The requirements within this policy shall apply to all Council [workers staff and Counsellors](#).

Legislative requirements

Local Government Act 1993 (the Act)

Related policies and plans

- ARIC Charter
- Enterprise Risk Management Framework
- All council's policies, strategies and plans

Principles

In accordance with the Act, the Mid-Western Regional Council provides goods, services, facilities, and carries out activities, appropriate to the current and future needs of the community.

The guiding principles of the Act (Sections 8a, 8b and 8c) require each council to carry out its functions in a way that provides the best possible value for residents and ratepayers.

Objective

The objective of this policy is to:

- Confirm Council's commitment to the Framework
- Ensure Council seeks to continuously improve its processes; and
- Ensure Council's internal and external services are:
 - o efficient;

POLICY: BUSINESS IMPROVEMENT BUSINESS IMPROVEMENT | VERSION VERSION 1, ERROR! REFERENCE SOURCE NOT FOUND.15
MARCH 2023

- o effective; and
- o appropriate.

Roles and Responsibilities

Councillors

Adopt the policy and receive updates on the implementation of programs undertaken as part of the Business Improvement Framework (the Framework).

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AUDIT RISK AND IMPROVEMENT COMMITTEE (ARIC)

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Under S428 of the Act, the ARIC has responsibility for keeping under its review service delivery reviews, Council's performance measurement data and the implementation of the community strategic plan, delivery program and strategies.

Executive Team

The Executive Team will champion the Framework, programs and initiatives with all staff.

Business Improvement Team

The Business Improvement Team will comprise of the following positions:

- ~~Executive Manager People and Performance – Director Corporate Services – Executive Sponsor~~
- ~~Manager People and Performance – Managerial Support (?)~~
- Business Improvement Officer – ~~Project Lead~~
- Financial Planning Coordinator – ~~Technical Support~~
- Manager ICT – ~~Technical Support~~
- Executive Assistant – ~~People and Performance Corporate Services – Administrative Support~~

The team will manage and deliver business improvement projects including service delivery reviews.

All staff

All staff are responsible for implementing business improvement systems, policies and processes and undertake work in accordance with and contribute to the program. Staff should actively contribute to the improvement of Council's processes and identify and share opportunities for improvement.

Objective

~~The objective of this policy is to:~~

- ~~Confirm Council's commitment to the Framework~~
- ~~Ensure Council seeks to continuously improve its processes; and~~
- ~~Ensure Council's internal and external services are:~~
 - ~~efficient;~~
 - ~~effective; and~~
 - ~~appropriate.~~

POLICY: ~~BUSINESS IMPROVEMENT~~~~BUSINESS IMPROVEMENT~~ | ~~VERSION VERSION 1~~, ~~ERROR! REFERENCE SOURCE NOT FOUND~~15
MARCH 2023

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Policy

Implementing a formalised Framework will streamline the implementation of business improvement projects, systems and processes which will enhance Council's internal and external service delivery.

Council's Framework provides an umbrella under which other business methodologies and tools such as standards and/or best practice initiatives can be implemented. Council's Framework is comprised of a program of work including but not limited to:

- A Continuous Improvement Process;
- Performance Measurement;
- An Integrated Review process;
- Business Process Management; and a
- Service Delivery Review Framework.

To support the Framework, the organisation has committed to:

- A whole of organisation approach;
- A culture of continuous improvement across the organisation;
- Strong organisational support;
- Understanding the resourcing requirements; and
- Stakeholder engagement.

9.2 Naming of new streets in a subdivision off Hone Creek Drive, Caerleon

REPORT BY THE PROPERTY SUPPORT OFFICER

TO 19 JUNE 2024 ORDINARY MEETING

GOV400105, P27362 P27532 R0790141

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of new streets in a subdivision off Hone Creek Drive, Caerleon;**
2. **formally approve the names of Barclay Street for Road 1 and Price Road for Road 2 being new streets in a subdivision off Hone Creek Drive, Caerleon; and**
3. **publish formal declaration of the approved names in the NSW Government Gazette, and notify the naming in accordance with Council Road, Bridge and Place Naming Policy.**

Executive summary

Formal approval is requested to name the new streets in a subdivision off Hone Creek Drive in the locality of Caerleon, Barclay Street and Price Road.

Disclosure of Interest

Nil

Detailed report

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

Following the approval of a new subdivision off Hone Creek Drive in the locality of Caerleon, Council wrote to the neighbours of the subdivision on 22 February 2024 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 1 March 2024 Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the names of Barclay Street and Price Road at their 17 April 2024 meeting.

The recommended names of Barclay and Price relate to Dr David Barclay who came to Mudgee with his wife in 1976. They raised their family in Mudgee and Dr Barclay was the principal partner of the Mudgee Medical Centre until 2001. And to John Alexander Horatio Price, surveyor and builder, in the mid-1860s of the adjacent homestead now called Caerleon Park. It seems that the Price family coined the name Caerleon for their property which has now lent its name to the Caerleon locality and this development estate.

The Geographical Names Board has been advised of these street names and have no objections.

The new street names were advertised in the 3 May 2024 issue of the Mudgee Guardian and on Council’s website with no additional submissions or objections received.

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

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

In accordance with Council’s Road, Bridge & Place Naming Policy, should Council formally endorse the naming of these new streets, notice of the approved names will be:

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

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable.

Council Policies

Road, Bridge and Place Naming Policy.

Legislation

Roads Act 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

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

Financial implications

The cost and installation of 5 street signs. Signs for Barclay Street to be located at the intersections of Barclay Street with Hone Creek Drive, Price Road & Davis Crescent. Signs for

Price Road to be located at the intersections with Barclay Street and Davis Crescent. The costs of which will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

KRISTIE WARD
ACTING DIRECTOR CORPORATE SERVICES

28 May 2024

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

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

From: Vanessa Armstrong
Sent: Thursday, February 15, 2024 4:51 PM
To: Council <Council@midwestern.nsw.gov.au>
Subject: Attn: Property Section

Dear Madam/Sir,

I'm writing to see if we could possibly organise a street in Mudgee to be named after our Dad, Dr David Barclay.

Our parents David & Jennifer Barclay were part of the Mudgee community for over 35years. My parents were both born in Scotland but arrived in Mudgee in 1975. My Dad applied for the job as a General Practitioner at the Mudgee Medical Centre.

They were only going to stay for 2 years but they never left and myself, Vanessa and my 2 siblings, Jamie & Joanna Barclay were all raised in Mudgee.

My Dad served the Mudgee community as a much loved doctor at the Mudgee Medical Centre and Mudgee Hospital for over 30 years. He worked with Dr Peter Roberts, Dr Geoffrey Bennett, Dr Peter Leal and Dr Tony Egan. They would all be happy for you to contact them regarding our Dad.

He was also President of the Mudgee Race Club for many years and on the committee for many more years.

I'd love to hear if this is something we can organise and your thought of where might be appropriate. Many thanks.

I look forward to hearing from you.

Kind regards,

Vanessa Armstrong

From: Vanessa Armstrong
Sent: Tuesday, 20 February 2024 2:45 PM
To: Carolyn Atkins
Subject: Re: Attn: Property Section

Hi Carolyn,

I've listed a few extra things for you about Dads life and his time in Mudgee. Please let me know if you need anything else.

Dad's full name was actually David John Chalmers Barclay.
Born 23rd April 1944 in Aberdeen Royal Infirmary, Aberdeen Scotland.
Death - 19th March 2005, Sydney.

Graduated from Medicine in 1969 at Aberdeen University, Scotland.

Mum & Dad were married 5th July, 1969, St Giles Cathedral, Edinburgh Scotland.

Dad then worked for 2 years in a Durban hospital, South Africa.

David & Jennifer returned to Scotland after SA and Dad worked as a doctor in Aviemore, Scotland for 2 years in the Scottish Highlands.

David & Jennifer Barclay arrived in Mudgee in December 1976 from Scotland. They chose Mudgee as they thought they could ski there due to the high altitude!

Dad was a doctor at Mudgee Medical Centre from 1976 until 2001.

He became the Principal of Mudgee Medical Centre with 7 partners and 3 part time doctors.

Dad served on many Rural committees and was a delegate in Sydney on an enquiry committee into maternity deaths. He was a Clinical Associate with the Department of General Practice at the University of Sydney. His teachings on Medical students who came to train in Mudgee was something he loved and was highly valued by the University.

He had Post-Graduate diplomas in Obstetrics & Gynaecology, Dermatology and Spinal Manipulation, all of which made him a most valuable country GP.

I hope all this helps. Thank you so much for taking the time to consider our Dad for a memorial street sign in Mudgee. Please let me know if there's anything else you need.

Warm regards,
Vanessa Armstrong

From: Nathan Davis
Sent: Tuesday, 5 March 2024 10:58 AM
To: Carolyn Atkins
Subject: RE: Road naming for Stage 13 Caerleon Estate

Hi Carolyn,

Following my interaction with John where we have used most of the names he has proposed, I would like to put forward the name **Astill** for Road 1.

The Astill name has a history through the west including from the Blue Mountains through to Orange and beyond.

Furthermore, with the adoption of Astill for Road 1, we also request **Shipley** for Road 2 based on the descendants of Astill being a part of the original settlers of Shipley.

Other names to consider for Roads within Caerleon Estate include **Longton** and **Salinger**.

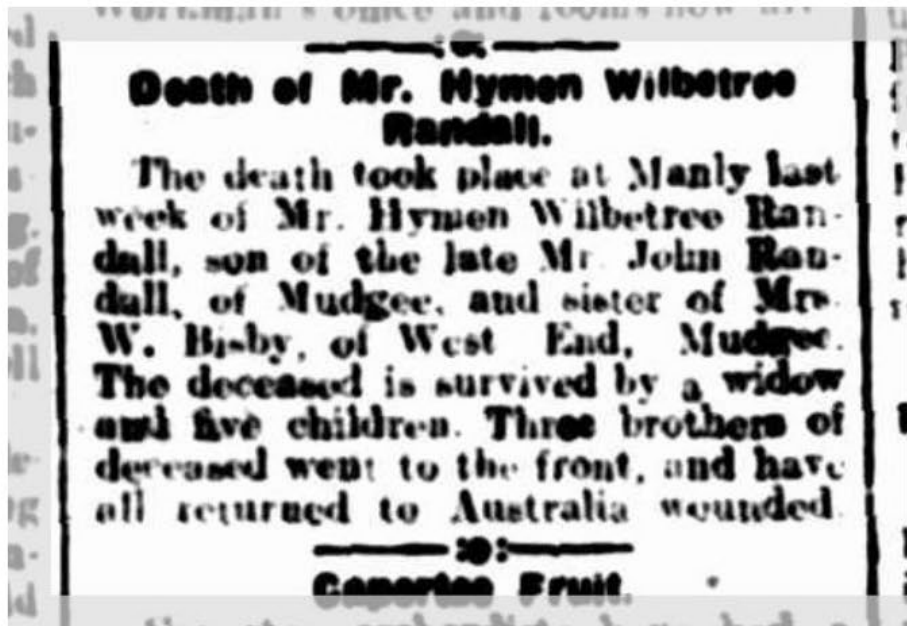
While my search has been limited of late, these names all keep popping up.

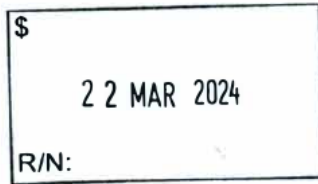
Another name I would like to add is **Randall**... Randall is the maiden name of my mother-in-law whose father was a triplet born and raised in Mudgee. The Randall name is synonymous in Mudgee as this article will confirm:

<https://trove.nla.gov.au/newspaper/article/157142823>

The final name is **Thompson**. The Thompson name is another highly respected surname around the Mid-West region that keeps popping up in my readings.

Kind regards,
Nathan





21st March, 2024

The General Manager
Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Dear Sir,



Re: Proposed Street Names - Caerleon

Submission for HAMILTON LOWE DRIVE

In response to Mid-Western Regional Council's invitation for submissions from the public for street names for two new streets in a subdivision off Hone Creek Drive in the locality of Caerleon, attached is a submission for the name of **HAMILTON LOWE**, for Council's consideration.

As there are other branches of the Lowe family in the Mudgee area, the name **HAMILTON LOWE DRIVE** is submitted for Council's consideration, in recognition of the contribution to the progress of the Mudgee area by the Crudine pioneering settler farming family since 1842 to the present day, now spanning 6 generations. Hamilton Lowe and his wife Eliza also spent their retirement years residing at "Little Caerleon", adjacent to the Caerleon area subdivision.

More extensive information is set out in the attached submission.

It is respectfully requested that Council give favourable consideration to a road in the Caerleon subdivision being named HAMILTON LOWE DRIVE.

Yours faithfully,

A faint, illegible signature and a faint rectangular stamp, likely an official seal or signature block, located below the 'Yours faithfully,' line.

Encl.

The General Manager,
Mid-Western Regional Council,
PO Box 156
MUDGEES NSW 2850

Re: Proposed Street Names - Caerleon

Submission for HAMILTON LOWE DRIVE

In response to Mid-Western Regional Council's invitation for submissions from the public for street names in the subdivision off Hone Creek Drive in the locality of Caerleon; I wish to submit the name of **HAMILTON LOWE** for Council's consideration.

Hamilton Lowe, born in 1862 at Lower Turon in the Sofala area, was from a well-respected pioneering settler farming family which carried on grazing in the Crudine area and contributed to the progress of the district from 1842 to the present day (now spanning 6 generations). His father, James, before him also farmed land in Crudine.

Hamilton Lowe, like his father, James, before him was well respected in the district and both contributed to the progress of the Mudgee district. Both were keen sportsman and skilled horsemen. Hamilton's father, James was also one of the first Cobb & Co coach drivers in the district.

On 4th August, 1885, Hamilton Lowe married Eliza Jane Elkin.

In 1918, tragedy struck the household of Hamilton and Eliza Lowe when their beloved eldest son, **William James Hamilton Lowe** was killed in action during WWI in Jericho, Palestine on 28th August, 1918 at 24 years of age. He had enlisted at 21 years of age on 14th August, 1915 and served his country in the 12th Light Horse Regiment, 7th Reinforcement.

~~~~~  
Hamilton was well-known in cricket circles in the Mudgee district.

**Mudgee Guardian and North-Western Representative (NSW : 1890 - 1954), Monday 8 January 1923, page 8**

**A VISITOR FROM CRUDINE**

*"Among the visitors to Mudgee last week were Mr. Hamilton Lowe, of Crudine, and his son. Mr. Lowe's visit was occasioned by an injury to his knee brought about by playing cricket. Our veteran friend has been a stalwart wielder of the willow for a great many years. Years ago he was a member of the district team selected by the 'Guardian' to play the best of Mudgee. Mr. Lowe is still able to hit up a good score and keep wickets for the Crudine team....."*

In early 1923, Hamilton and his wife, Eliza retired from the property at Crudine and moved to Mudgee, after purchasing the property on the edge of town known as "Little Caerleon", which is adjacent to the Caerleon subdivision. Hamilton and Eliza resided at "Little Caerleon" for the remainder of their lives.

**Mudgee Guardian and North-Western Representative (NSW : 1890 - 1954), Monday 26 March 1923, page 14**

**TO RESIDE IN MUDGEES**

*"Mr. Morgan O'Brien, who recently sold his property at Little Caerleon to Mr. Hamilton Lowe, has purchased Mr. E. J. Cafe's residence in Lewis Street, Mudgee....."*

Mudgee Guardian and North-Western Representative (NSW : 1890 - 1954), Thursday 29 January 1925, page 19

HALF CROWN

*A half-crown dated 1835 was found in the ground the other day by Mr. Hamilton Lowe of "Little Caerleon", Mudgee. The relic of the convict days is in excellent condition, and was apparently not long in use. It is the oldest coin of the realm that has come to light in this district. Mr. Lowe handed the relic to Mr. G. H. Cohen, of the Mudgee "Guardian", and the 'Old Boy' prizes it very much."*

Hamilton Lowe's father, James Lowe was one of the first Cobb and Co. coach drivers in this district. Hamilton, in honour of his late father, was asked to drive a Cobb and Co. coach across the Sydney Harbour Bridge at the official opening pageant on 19th March, 1932. Sadly, this was not to be, as Hamilton died at the age of 73, on 7th February, 1932 (just 6 weeks prior to the opening of the Sydney Harbour Bridge).

The Mudgee Guardian and North-Western Representative – Monday 8 February 1932.

*"MR HAMILTON LOWE By the death on Sunday after-noon of Mr. Hamilton Lowe, at the age of 73, the district is the poorer for the loss of one of the grand old men who have figured in the progress of the district, and one who has kept well the sporting traditions of his family. Mr. Lowe died at Braeholme and his remains were interred in the Church of England portion of the Mudgee cemetery this afternoon. Like his father before him, who carried on grazing at Crudine, Mr. Hamilton Lowe, was a keen lover of horses. It was his father who has been mentioned recently as one of the first drivers in this district of Cobb and Co.'s stage coaches, and he was a loyal supporter of all sports where the horse is concerned. Besides being a cricketer of his day. In fact, the family has now for two generations been well known in cricket circles in the Mudgee district, and a member of the third generation, Mr. Hector Lowe, is a player in one of the teams of to-day. The true sporting instinct was inherited in Mr. Hamilton Lowe, and he was, like his father before him, much respected in the district where he spent his life. It has only recently been suggested that Mr. Lowe might drive the Cobb and Co.'s coach across the Harbour Bridge at the coming pageant, as being the next of kin to the early coach driver. This project, however, was not destined to be fulfilled. Mr. Lowe some few years ago retired from active pursuits at Crudine, and has since resided at Little Caerleon. He leaves a wife and four sons and three daughters. Messrs. Hector (Mudgee), Jack and Fred (Carwell) and Sydney (Sydney), Mrs. Murchison (Hurstville), Mrs. Charles Cox, Mrs. Herb. Rayner (Gulgammee). A son, William, was killed at the war."*

Hamilton Lowe, who was well respected, contributed greatly to the progress of the Mudgee district as a member of an early pioneering settler farming family; and he also had a close connection to the Caerleon area, having lived at "Little Caerleon" in his retirement years.

It is therefore respectfully requested that Council give favourable consideration to naming a street in the Caerleon subdivision in recognition of **HAMILTON LOWE** and his family's pioneering contribution to the progress of the Mudgee district since 1842 to the present day. It is also respectfully requested, should Council give favourable consideration to this submission, that the name of the street be called **HAMILTON LOWE DRIVE**.



## STREET NAMES FOR CAERLEON DEVELOPMENT, MUDGEES

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

### Association:

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

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

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

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

**MOORE:** ~~after the Moore family, long time owners of the grazing property Carleon/Meramie.~~ Approved 15/6/22 Council Meeting

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

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

**SHEARMAN:** ~~after Christy and Helen Shearman from neighbouring Darthula. However, they are both still living, so perhaps not appropriate.~~ Approved 2/2/22 Council Meeting.

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

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

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

John Broadley, Mudgee Historical Society

**MARRIAGES.**  
On Tuesday, 26th ultimo, at Bombala, Maneroo, by the Rev. Mr. Forde, Mr. Thomas Johnson, to Miss Elizabeth Smith, late of Sydney.  
On the 2nd instant, at St. Thomas's, Willoughby, by the Rev. W. B. Clarke, John Alexander Horatio Price, Esq., surveyor, Mudgee, to Frances, eldest daughter of Archibald Campbell, Esq., accountant.

The Sydney Morning Herald (NSW : 1842 - 1954) / Thu 4 Nov 1858 / Page 1 / Family Notices

**DEATHS.**  
On the 23rd February, at Dunedin, New Zealand, LILIAN VERTUE, infant daughter of Mr. HENRY H. PAUL, of the Bank of New South Wales.  
On the 12th instant, at Moama, at the residence of his brother-in-law, Mr. Gordon, JOHN ALEXANDER HORATIO PRICE, Esq., surveyor, of Caerleon, near Mudgee, son-in-law of Archibald Campbell, Esq., Registrar in Insolvency, aged 36 years, leaving a widow and four children.

The Sydney Morning Herald (NSW : 1842 - 1954) / Thu 15 Mar 1866 / Page 1 / Family Notices

| Family Name | Given Names            | Birth | Death       | Age | Details              | Cemetery  | Row, Plot |
|-------------|------------------------|-------|-------------|-----|----------------------|-----------|-----------|
| Price       | John Alexander Horatio | 1830? | 12 Mar 1866 | 36  | son/John & Elizabeth | Moama NSW | Ang U, 44 |



Australian Cemeteries Index

Australian Cemeteries Index



## 9.3 Council Service Delivery Benchmarking Report - 2021/22 Data Comparatives

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, COR400236

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the Council Service Delivery Benchmarking Report - 2021/22 Data Comparatives; and**
2. **note the comparative analysis provided in the OLG Mid-Western Regional Council Report and the LG Solutions Form Guide.**

### Executive summary

Council's Delivery Program includes a Strategy to: *Benchmark Council's service delivery against relevant organisations.*

Two of the underlying Actions in this Strategy are:

1. Desktop analysis of annual financial results against other NSW councils; and
2. Report on OLG group comparative data.

### Disclosure of Interest

Nil

### Detailed report

The Office of Local Government publishes an Office of Local Government (OLG) MWRC Report and Time-Series Data which provides a summary of Group 4 and other comparative data, to compare outcomes and effectiveness of councils. Data for this report has been sourced from Council's financial statements, annual report and data returns. The report also refers to data from a number of agencies and entities. Please refer to the data page of the OLG website for links to definitions, information on performance measures, benchmarks, and the data sources that have been used. Below is a summary of the MWRC local government area basic statistics from the report.

#### Your Local Government Area:

|                         |                        |
|-------------------------|------------------------|
| Population (No.):       | 25,704                 |
| Area (Km2):             | 8,752.3                |
| Council Classification: | Regional Town/City     |
| OLG Group:              | 4                      |
| State Planning Region:  | Central West and Orana |
| JO Region:              | Orana                  |

Group 4 Councils (which are the comparative Councils used for most of the data provided in the attached report) are defined in Attachment 3: Australian Classification of Local Governments and OLG group numbers as a regional town or city that is small to medium. A list of Group 4 Councils is also provided in Attachment 3.

The Office of Local Government (OLG) MWRC Report is a good comparative summary for the community to utilise and provides information about the similarities and differences in Local Government Areas (LGA's), and the financial and performance statistics attached to those LGA's.

Notable items within the report include:

- MWRC has a revenue turnover of about 32% less than the group 4 average, and a population density about 10% that of the group 4 average
- MWRC road networks are 1.7 times that of the group 4 average, and road expenditure per capita is at 1.2 times that of group 4 average
- Population has increased by about 3.6% over the last 5 years
- Council's average rates and charges are compared on page 4 of the report
- Council's Operating Performance Ratio is above benchmark requirements (0%), and financial performance averages are compared on page 5 of the report
- Community Leadership comparatives are provided on pages 6-7, and are relatively strong when comparing code of conduct complaints and population ratios
- Infrastructure renewal and maintenance ratios are at 97.2% which is below benchmarking requirements (100%), and infrastructure backlog is lower than the group 4 average
- Council's service expenditure is compared to State and group 4 averages on page 9 of the report.

Time-Series Data which is available on the Office of Local Government provides further comparative data to other Local Government Areas within Group 4 Councils.

Notable items from the Time-Series Data include:

- MWRC was ranked 4<sup>th</sup> largest Council in area, and about twice the average size
- MWRC is the 7<sup>th</sup> smallest by population, and about 64% of the average
- MWRC sits at about the average amount for total rating revenue, but with a lower number of assessments. This reflects the higher value assessments received for larger holdings/industries
- MWRC's average residential rate is below the group average (3<sup>rd</sup> lowest)
- MWRC's average farmland rate is about equal to the average
- MWRC's average business rate is the second lowest, and just above half the group average
- The Rating Effort measures how much rates are paid for the value of land held – low value markets are generally reflecting a lower rating effort, and high value markets a higher rating effort (the higher the number, the less burden compared to wealth). MWRC is the 4<sup>th</sup> lowest.
- Outstanding rates and charges – MWRC are second only to Eurobodalla. This ratio would be impacted by ability to pay, and effort placed in chasing outstanding debt
- MWRC obtained the 4<sup>th</sup> highest net operating result in 20/21
- MWRC still obtains lower than average operational revenue, and has lower than average operational expenditure
- MWRC has a very high total road length per capita (2<sup>nd</sup> highest)
- MWRC have just above the group average in FTE employees. This info combined with the operating expenditure comparison suggests that Council has a materially lower reliance on contractors for work achieved than the group average (inferred)



This year, LG Solutions published an “LGS NSW Council form guide” which shows an **adjusted** Council Operating results (before capital income) based on the past 5 years of each Council’s published financial statements relative to the Council’s rates and annual charges.

The adjusted operating result is the Operating results excluding capital income, IPP&E revaluations through profit and loss, net income relating to all Council Joint Entities, and the effect of Council’s total FAG grant being greater than 100%.

The LGS NSW Council Form Guide ranks the Mid-Western Regional Council out of 128 Council’s for its adjusted Operating Results.

These rankings are as follows:

| Fund         | Ranking       |
|--------------|---------------|
| Consolidated | 8 out of 128  |
| General Fund | 21 out of 128 |
| Water Fund   | 20 out of 128 |
| Sewer Fund   | 14 out of 128 |

The LGS NSW Council Form Guide also provides a summary of the NSW Council Operating results for the past 5 years and the number of surpluses achieved within those 5 years. The results for Mid-Western Regional Council are as follows:

| Fund         | Number of Surpluses for MWRC | Number of Councils achieving: |             |             |             |             |             |
|--------------|------------------------------|-------------------------------|-------------|-------------|-------------|-------------|-------------|
|              |                              | 5 x Surpluses                 | 4 x Surplus | 3 x Surplus | 2 x Surplus | 1 x Surplus | 0 x Surplus |
| Consolidated | 5                            | 16                            | 30          | 25          | 21          | 16          | 20          |
| General Fund | 4                            | 14                            | 23          | 17          | 27          | 24          | 23          |
| Water Fund   | 5                            | 21                            | 9           | 20          | 13          | 7           | 7           |
| Sewer Fund   | 5                            | 29                            | 19          | 15          | 12          | 4           | 7           |

## Community Plan implications

### Theme Good Government

Goal An effective and efficient organisation

Strategy Pursue excellence in service delivery

## Strategic implications

### Council Strategies

Council’s Operational Plan and Delivery Program provides for a desktop analysis of Council’s performance and outcomes against other Group 4 Councils, in order to evaluate and benchmark performance.

### Council Policies

Not Applicable

### Legislation

Not Applicable



## Financial implications

There are no budget variations recommended in this report.

## Associated Risks

Not Applicable

NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

21 May 2024

*Attachments:*

1. Mid-Western Regional - Your Council NSW 2021-22. (separately attached)
2. Time-Series-Data-2021-22. (separately attached)
3. Australian Classification of Local Government and OLG group numbers. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.4 Monthly Budget Review - May 2024

REPORT BY THE ACCOUNTANT REPORTING & ANALYSIS  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, FIN300315

### RECOMMENDATION

**That Council:**

1. receive the report by the Accountant Reporting & Analysis on the Monthly Budget Review - May 2024;
2. note that the General Manager used the emergency delegation conveyed to him at 3.1 of his delegation to authorise the necessary costs for the Saleyards Truck wash pump which requires immediate replacement due to pump failure;
3. note that the General Manager has used the emergency delegation conveyed to him at 3.1 of his delegation has authorised to investigate and repair the leak in pipework on discharge side of Putta Bucca Sewer Pump Station; and
4. amend the 2023/24 and 2024/25 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

---

### Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program on 31 May 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. The attachment to this report provides the detailed information of recommended variations.

### Community Plan implications

| Theme | Good Government |
|-------|-----------------|
|-------|-----------------|

|      |                                         |
|------|-----------------------------------------|
| Goal | An effective and efficient organisation |
|------|-----------------------------------------|

|          |                                                               |
|----------|---------------------------------------------------------------|
| Strategy | Prudently manage risks associated with all Council activities |
|----------|---------------------------------------------------------------|

### Strategic implications

**Council Strategies**

Not Applicable

### Council Policies

Not Applicable

### Legislation

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

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

### Financial implications

The budget variations proposed will impact the below financial ratios.

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

### Associated Risks

Not Applicable

SUMEDHA UPRETI  
ACCOUNTANT REPORTING & ANALYSIS

KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

29 May 2024

*Attachments:* 1. Monthly Budget Review Attachment - May 2024.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MONTHLY BUDGET REVIEW – 31 MAY 2024

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

19 JUNE 2024

MID-WESTERN REGIONAL COUNCIL  
FINANCE



FINANCE | MONTHLY BUDGET REVIEW – 31 MAY 2024

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

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

DATE OF PUBLICATION: 19 JUNE 2024

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## 1. Budget Variations

2023/2024

| Fund      | Project Name                                | Variation Description                                                                                                                       | Expense Change | Revenue Change | Funding Source 1          | Funding Source 2          |
|-----------|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|---------------------------|---------------------------|
| General   | S44 March 2023                              | Remove budget as project completed in prior year.                                                                                           | -17,600        | 0              | Unrestricted cash         |                           |
| General   | Chambers Seating Upgrade                    | Change funding source from unrestricted funds to asset replacement for \$20,000                                                             | 0              | 0              | Unrestricted cash         | Asset Replacement Reserve |
| General   | Urban Release strategy - Mudgee Gulgong     | Budget Incorrectly adjusted in 2023 FY showing as negative                                                                                  | 80,000         | 80,000         | Grants                    |                           |
| General   | Koala Protection Program                    | Budget Adjustment to be made as expenses incurred in another project                                                                        | -40,001        |                | Unrestricted cash         |                           |
| Saleyards | Saleyards Truck Wash Bay Pump - Replacement | Budget moved forward from 2025 Fy to 2024FY                                                                                                 | 6,000          | 6,000          | Asset Replacement Reserve |                           |
| Sewer     | Sewer Pump Station Ops & Maint              | Additional Budget required for urgent investigation and repair of the leak in pipework on discharge side of Putta Bucca sewer pump station. | 20,000         |                | Unrestricted cash         |                           |
| General   | Rural Fire Service - FCC Building Misc      | Adding budget to cover the cost from 2023 RFS repair and maintenance budget.                                                                | 10,000         | 10,000         | Unspent grants            |                           |
| Sewer     | Capital Upgrades - sewer Mains              | Budget of \$90K needed for final works & payment                                                                                            | 90,000         | 90,000         | Sewer Reserve             |                           |

FINANCE | MONTHLY BUDGET REVIEW –31 MAY 2024

2024/2025

| Fund      | Project Name                                   | Variation Description                                                                                                           | Expense Change | Revenue Change | Funding Source 1          | Funding Source 2 |
|-----------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|---------------------------|------------------|
| General   | Cudgegong Waters Park electrical upgrade works | upgrade of the main CWP meter board to a pad-mounted board with CT metering and a 250amps circuit breaker to ensure compliance. | 30,000         | 0              | Unrestricted cash         |                  |
| Saleyards | Saleyards Truck Wash Bay Pump - Replacement    | Budget moved forward from 2025 Fy to 2024FY                                                                                     | -6,000         | -6,000         | Asset Replacement Reserve |                  |

## 2. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM

**\$ 43.2 M**

Actual YTD

**246**

Capital Projects

**\$65.0 M**

Budget

**\$25.6 M**

Commitments

FINANCE | MONTHLY BUDGET REVIEW – 31 MAY 2024

| \$'000                                                     | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status               |
|------------------------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|------------------------------|
| <b>Looking after our Community</b>                         |                             |                        |                              |            |                                             |             |                              |
| RURAL FIRE SERVICE - LUE STATION (CAPITAL)                 | 52                          | 0                      | 52                           | 42         | 81%                                         | 4           | Complete - awaiting invoices |
| RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL) | 290                         | 0                      | 290                          | 25         | 9%                                          | 8           | Project Scope                |
| RURAL FIRE SERVICE - MUDGEE AIRBASE SHED (CAPITAL)         | 27                          | 0                      | 27                           | 7          | 27%                                         | 0           | Complete                     |
| RURAL FIRE SERVICE - COOKS GAP STATION UPGRADE (CAPITAL)   | 52                          | 0                      | 52                           | 29         | 56%                                         | 1           | Construction                 |
| RURAL FIRE SERVICE - CRUDINE STATION UPGRADE (CAPITAL)     | 10                          | 0                      | 10                           | 9          | 85%                                         | 0           | Complete                     |
| RURAL FIRE SERVICE - CUDGEGONG STATION UPGRADE (CAPITAL)   | 1                           | 0                      | 1                            | 1          | 128%                                        | 0           | Complete                     |
| RURAL FIRE SERVICE - GOOLMA RFB LIGHTING                   | 6                           | 0                      | 6                            | 7          | 115%                                        | 0           | Complete                     |
| RURAL FIRE SERVICE - LUE/HAVILAH - HARDSTAND/DRIVEWAY      | 45                          | 0                      | 45                           | 37         | 83%                                         | 0           | Complete - awaiting invoices |
| RURAL FIRE SERVICE - MUDGEE AIRBASE                        | 58                          | 0                      | 58                           | 19         | 33%                                         | 22          | Complete                     |
| RURAL FIRE SERVICE - MUDGEE HQ                             | 70                          | 0                      | 70                           | 71         | 101%                                        | 1           | Complete                     |
| RURAL FIRE SERVICE - OLINDA RFB DRIVEWAY                   | 20                          | 0                      | 20                           | 9          | 46%                                         | 0           | Complete                     |
| RURAL FIRE SERVICE - PYRAMUL RFB                           | 40                          | 0                      | 40                           | 0          | 0%                                          | 0           | Complete                     |
| RURAL FIRE SERVICE - TWO MILE                              | 5                           | 0                      | 5                            | 0          | 0%                                          | 0           | Deferred/Cancelled           |
| RURAL FIRE SERVICE - PIAMBING RFB                          | 31                          | 0                      | 31                           | 29         | 93%                                         | 0           | Complete                     |
| YOUTH SERVICES VEHICLE PURCHASE                            | 85                          | 0                      | 85                           | 54         | 64%                                         | 0           | Final works                  |
| COUNTRY UNIVERSITY CENTRE CAPITAL                          | 1,480                       | 0                      | 1,480                        | 1,422      | 96%                                         | 55          | Complete - awaiting invoices |
| CEMETERY CAPITAL PROGRAM                                   | 17                          | 0                      | 17                           | 13         | 77%                                         | 9           | Construction                 |
| GULGONG CEMETERY ROAD UPGRADE                              | 10                          | 0                      | 10                           | 10         | 98%                                         | 0           | Complete                     |
| CEMETERY EXPANSION - MUDGEE & GULGONG                      | 40                          | 0                      | 40                           | 0          | 0%                                          | 0           | Procurement                  |
| CEMETERY SIGNAGE UPGRADE                                   | 10                          | 0                      | 10                           | 9          | 90%                                         | 0           | Construction                 |
| PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY            | 100                         | 0                      | 100                          | 101        | 101%                                        | 0           | Complete                     |

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| \$'000                                                          | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status     |
|-----------------------------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|--------------------|
| PUBLIC TOILETS - ILFORD REST STOP                               | 23                          | 0                      | 23                           | 17         | 76%                                         | 0           | Complete           |
| LIBRARY BOOKS                                                   | 96                          | 0                      | 96                           | 79         | 83%                                         | 0           | Construction       |
| MUDGEES LIBRARY AIR CONDITIONING                                | 5                           | 0                      | 5                            | 4          | 88%                                         | 0           | Final works        |
| COMMUNITY CENTRE - COURT STREET CAPITAL WORKS                   | 4                           | 0                      | 4                            | 4          | 94%                                         | 0           | Final works        |
| CAPITAL UPGRADE - KILDALLON                                     | 60                          | 0                      | 60                           | 51         | 84%                                         | 2           | Complete           |
| COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES                   | 40                          | 0                      | 40                           | 21         | 53%                                         | 12          | Complete           |
| PUBLIC HALLS - AUDIO UPGRADES                                   | 35                          | 0                      | 35                           | 1          | 2%                                          | 32          | Final works        |
| CAPITAL UPGRADE - TOWN HALL CINEMA EQUIPMENT                    | 25                          | 0                      | 25                           | 0          | 0%                                          | 0           | Final works        |
| CAPITAL UPGRADE - RYLSTONE MEMORIAL HALL AIR<br>CONDITIONING    | 90                          | 0                      | 90                           | 56         | 62%                                         | 0           | Procurement        |
| TOWN HALL - EXTERNAL BRICKWORK                                  | 1                           | 0                      | 1                            | 1          | 100%                                        | 0           | Initial works      |
| KANDOS HALL & LIBRARY - EXTERNAL PAINTING &<br>KITCHEN UPGRADE  | 68                          | 0                      | 68                           | 24         | 35%                                         | 4           | Complete           |
| KANDOS HALL & LIBRARY - TOILETS                                 | 4                           | 0                      | 4                            | 4          | 100%                                        | 0           | Deferred/Cancelled |
| RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM<br>UPGRADE (REQUIRE | 45                          | 0                      | 45                           | 26         | 58%                                         | 0           | Final works        |
| GULGONG MEN'S SHED - EXTERNAL WALL<br>REPLACEMENT               | 13                          | 0                      | 13                           | 0          | 0%                                          | 10          | Deferred/Cancelled |
| TOWN HALL THEATRE - DRESSING ROOM AMENITIES<br>UPGRADE          | 40                          | 0                      | 40                           | 15         | 38%                                         | 0           | Final works        |
| KANDOS HALL INTERNAL REPAIRS                                    | 20                          | 0                      | 20                           | 9          | 45%                                         | 3           | Complete           |
| MUDGEES POOL HEATERS                                            | 80                          | 0                      | 80                           | 0          | 0%                                          | 0           | Procurement        |
| MUDGEES POOL STORAGE SHED UPGRADE                               | 46                          | 0                      | 46                           | 37         | 81%                                         | 0           | Final works        |
| LIGHTING UPGRADE - POOLS                                        | 50                          | 0                      | 50                           | 0          | 0%                                          | 0           | Procurement        |
| GULGONG POOL HEATERS                                            | 105                         | 0                      | 105                          | 0          | 0%                                          | 0           | Procurement        |
| ACTIVE PARKS - GLEN WILLOW ACCESSIBLE AMENITIES<br>BUILDING     | 5                           | 0                      | 5                            | 5          | 99%                                         | 0           | Complete           |
| GLEN WILLOW SPORTS GROUND UPGRADES                              | 326                         | 0                      | 326                          | 185        | 57%                                         | 4           | Construction       |

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| \$'000                                                       | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status               |
|--------------------------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|------------------------------|
| MUDGEES SHOWGROUNDS - AMENITIES                              | 40                          | 0                      | 40                           | 25         | 62%                                         | 14          | Final works                  |
| BILLY DUNN OVAL - UPGRADES                                   | 90                          | 0                      | 90                           | 80         | 89%                                         | 0           | Complete                     |
| GULGONG TENNIS COURTS                                        | 218                         | 0                      | 218                          | 0          | 0%                                          | 0           | Initial works                |
| RYLSTONE SHOWGROUND - PUMP SHED REPLACEMENT                  | 20                          | 0                      | 20                           | 0          | 0%                                          | 0           | Initial works                |
| CLANDULLA RECREATION PARK AMENITIES                          | 120                         | 0                      | 120                          | 116        | 97%                                         | 0           | Complete - awaiting invoices |
| VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS               | 35                          | 0                      | 35                           | 2          | 6%                                          | 0           | Initial works                |
| GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY              | 112                         | 0                      | 112                          | 4          | 4%                                          | 101         | Construction                 |
| RYLSTONE & KANDOS DOG PARK                                   | 29                          | 0                      | 29                           | 9          | 33%                                         | 0           | Complete                     |
| GLEN WILLOW STORMWATER RETICULATION SYSTEM                   | 4                           | 0                      | 4                            | 0          | 0%                                          | 0           | Complete                     |
| PUTTA BUCCA TRAINING CAMP FACILITY                           | 4,725                       | 0                      | 4,725                        | 2,316      | 49%                                         | 9,209       | Construction                 |
| GLEN WILLOW - PUMP TRACK                                     | 700                         | 0                      | 700                          | 22         | 3%                                          | 4           | Procurement                  |
| VICTORIA PARK GULGONG - CANTEEN EQUIPMENT                    | 10                          | 0                      | 10                           | 0          | 0%                                          | 0           | Initial works                |
| GLEN WILLOW PARKING - LIGHTING AND SECURITY                  | 76                          | 0                      | 76                           | 0          | 0%                                          | 0           | Procurement                  |
| VICTORIA PARK GULGONG - AMENITIES UPGRADE                    | 485                         | 0                      | 485                          | 460        | 95%                                         | 0           | Complete - awaiting invoices |
| GLEN WILLOW - NETBALL PRECINCT UPGRADE                       | 1                           | 0                      | 1                            | 1          | 100%                                        | 0           | Design                       |
| GLEN WILLOW - STADIUM LIGHTING UPGRADE                       | 2,610                       | 0                      | 2,610                        | 2,294      | 88%                                         | 8           | Final works                  |
| BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK       | 92                          | 0                      | 92                           | 25         | 27%                                         | 39          | Construction                 |
| WARATAH PARK FIELD RENOVATION                                | 90                          | 0                      | 90                           | 49         | 54%                                         | 2           | Complete                     |
| PROPERTY PURCHASE - 191 DENISON STREET                       | 330                         | 0                      | 330                          | 0          | 0%                                          | 0           | Construction                 |
| RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT (REQUIRES GRANT) | 42                          | 0                      | 42                           | 0          | 0%                                          | 41          | Final works                  |
| RYLSTONE SHOWGROUND CAPITAL                                  | 20                          | 0                      | 20                           | 0          | 0%                                          | 0           | Procurement                  |
| MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING                 | 58                          | 0                      | 58                           | 53         | 93%                                         | 6           | Final works                  |
| VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL               | 85                          | 0                      | 85                           | 37         | 44%                                         | 24          | Procurement                  |
| RYLSTONE SHOWGROUND ARENA - UPGRADE                          | 17                          | 0                      | 17                           | 17         | 100%                                        | 4           | Procurement                  |



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| \$'000                                             | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD   | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments   | Project Status                              |
|----------------------------------------------------|-----------------------------|------------------------|------------------------------|--------------|---------------------------------------------|---------------|---------------------------------------------|
| MUDGEES SHOWGROUND LIVESTOCK HOLDING YARDS         | 40                          | 0                      | 40                           | 29           | 72%                                         | 8             | Final works                                 |
| RECREATIONAL PROPERTY MATTERS                      | 20                          | 0                      | 20                           | 8            | 41%                                         | 3             | Initial works                               |
| KANDOS INCLUSIVE ADVENTURE PLAYSPACE               | 558                         | 0                      | 558                          | 107          | 19%                                         | 262           | Initial works                               |
| ELECTRIC BBQ - KANDOS & RYLSTONE PLAYGROUND        | 15                          | 0                      | 15                           | 8            | 55%                                         | 0             | Complete                                    |
| HENRY LAWSON MEMORIAL RENEWAL                      | 14                          | 0                      | 14                           | 6            | 40%                                         | 3             | Construction                                |
| JACK TINDALE PARK RYLSTONE - ROAD UPGRADE          | 22                          | 0                      | 22                           | 22           | 100%                                        | 0             | Complete                                    |
| SHADE SAIL - MUDGEES DOG PARK                      | 15                          | 0                      | 15                           | 14           | 95%                                         | 0             | Complete                                    |
| SCULPTURES ACROSS THE REGION                       | 29                          | 0                      | 29                           | 23           | 80%                                         | 0             | Construction                                |
| RYLSTONE RIVER WALK - IMPROVEMENT                  | 125                         | 0                      | 125                          | 0            | 0%                                          | 0             | Multi-year project - complete for this year |
| ROTUNDA PARK KANDOS - IRRIGATION RENEWAL           | 17                          | 0                      | 17                           | 17           | 100%                                        | 0             | Complete                                    |
| APEX PARK GULGONG - IRRIGATION RENEWAL             | 49                          | 0                      | 49                           | 6            | 12%                                         | 38            | Initial works                               |
| PLAYGROUND SHADING PROGRAM                         | 53                          | 0                      | 53                           | 53           | 99%                                         | 0             | Final works                                 |
| PARK BIN REPLACEMENT                               | 80                          | 0                      | 80                           | 30           | 38%                                         | 15            | Procurement                                 |
| PLAYGROUND RUBBER SOFTFALL PROGRAM                 | 60                          | 0                      | 60                           | 0            | 0%                                          | 60            | Construction                                |
| IRRIGATION RENEWAL PROGRAM                         | 0                           | 0                      | 0                            | 0            | 0%                                          | 0             | Complete                                    |
| PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGEES | 261                         | 0                      | 261                          | 3            | 1%                                          | 132           | Initial works                               |
| LAWSON PARK MUDGEES -IRRIGATION RENEWAL            | 45                          | 0                      | 45                           | 0            | 0%                                          | 43            | Initial works                               |
| BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON     | 40                          | 0                      | 40                           | 40           | 100%                                        | 0             | Complete                                    |
| MUDGEES RIVERSIDE - WALKING TRACK IMPROVEMENTS     | 48                          | 0                      | 48                           | 7            | 14%                                         | 19            | Construction                                |
| FLIRTATION HILL MUDGEES - MASTER PLAN WORKS        | 645                         | 0                      | 645                          | 594          | 92%                                         | 36            | Construction                                |
| STREET SCAPE IMPROVEMENTS                          | 31                          | 0                      | 31                           | 21           | 66%                                         | 0             | Construction                                |
| STREETSCAPE - STREET BINS                          | 46                          | 0                      | 46                           | 42           | 92%                                         | 0             | Complete                                    |
| <b>Total</b>                                       | <b>15,849</b>               | <b>0</b>               | <b>15,849</b>                | <b>8,972</b> | <b>57%</b>                                  | <b>10,236</b> |                                             |

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| \$'000                                        | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status               |
|-----------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|------------------------------|
| <b>Protecting our Natural Environment</b>     |                             |                        |                              |            |                                             |             |                              |
| RURAL WASTE DEPOT UPGRADES                    | 312                         | 0                      | 312                          | 292        | 94%                                         | 0           | Construction                 |
| MUDGEE WASTE DEPOT UPGRADES                   | 101                         | 0                      | 101                          | 12         | 12%                                         | 0           | Project Scope                |
| NEW TIP CELL CONSTRUCTION                     | 5,900                       | 0                      | 5,900                        | 3,199      | 54%                                         | 2,613       | Construction                 |
| NEW RECYCLING BINS                            | 4                           | 0                      | 4                            | 4          | 100%                                        | 0           | Complete                     |
| KANDOS WTS OFFICE REPLACEMENT                 | 4                           | 0                      | 4                            | 0          | 0%                                          | 0           | Complete                     |
| DRAINAGE CAPITAL IMPROVEMENTS                 | 0                           | 0                      | 0                            | 0          | 100%                                        | 0           | Deferred/Cancelled           |
| CAUSEWAY IMPROVEMENTS                         | 46                          | 0                      | 46                           | 48         | 104%                                        | 0           | Complete - awaiting invoices |
| STORMWATER DRAINAGE - BOMBIRA AVENUE          | 1,400                       | 0                      | 1,400                        | 393        | 28%                                         | 554         | Construction                 |
| MEMORIAL PARK MUDGEE - DRAINAGE IMPROVEMENT   | 25                          | 0                      | 25                           | 0          | 0%                                          | 0           | Initial works                |
| PUTTA BUCCA WETLANDS CAPITAL                  | 46                          | 0                      | 46                           | 28         | 62%                                         | 17          | Construction                 |
| PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL | 184                         | 0                      | 184                          | 9          | 5%                                          | 167         | Construction                 |
| WATER NEW CONNECTIONS                         | 112                         | 0                      | 112                          | 94         | 84%                                         | 0           | Construction                 |
| WATER AUGMENTATION - MUDGEE HEADWORKS         | 934                         | 0                      | 934                          | 883        | 95%                                         | 8           | Construction                 |
| WATER RYLSTONE DAM WALL & EROSION PROTECTION  | 68                          | 0                      | 68                           | 5          | 8%                                          | 10          | Design                       |
| WATER MAINS - MAYNE STREET                    | 4                           | 0                      | 4                            | 3          | 81%                                         | 0           | Complete                     |
| WATER MAINS - BAYLY STREET                    | 167                         | 0                      | 167                          | 159        | 95%                                         | 8           | Complete - awaiting invoices |
| WATER MAINS - TALLAWANG ROAD                  | 267                         | 0                      | 267                          | 236        | 88%                                         | 6           | Final works                  |
| WATER MAINS - LITTLE BAYLY STREET             | 110                         | 0                      | 110                          | 106        | 96%                                         | 4           | Complete - awaiting invoices |
| WATER MAINS - NRAR WATER METER PROJECT        | 193                         | 0                      | 193                          | 128        | 66%                                         | 9           | Complete - awaiting invoices |
| WATER MAINS - FITZROY ST, GULGONG             | 170                         | 0                      | 170                          | 0          | 0%                                          | 0           | Procurement                  |
| WATER MAINS - LOUEE ST, RYLSTONE              | 50                          | 0                      | 50                           | 21         | 41%                                         | 2           | Final works                  |
| WATER MAINS - BAWDEN ST, MUDGEE               | 175                         | 0                      | 175                          | 14         | 8%                                          | 0           | Procurement                  |
| WATER MAINS - BULGA ST, GULGONG               | 190                         | 0                      | 190                          | 14         | 7%                                          | 0           | Procurement                  |
| WATER MAINS - WILBERTREE ST GULGONG           | 201                         | 0                      | 201                          | 0          | 0%                                          | 0           | Deferred/Cancelled           |
| WATER PUMP STATION - CAPITAL RENEWALS         | 31                          | 0                      | 31                           | 1          | 4%                                          | 19          | Construction                 |

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| \$'000                                    | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD   | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments  | Project Status |
|-------------------------------------------|-----------------------------|------------------------|------------------------------|--------------|---------------------------------------------|--------------|----------------|
| WATER PUMP STATION - GULGONG RIVER ACCESS | 3                           | 0                      | 3                            | 3            | 76%                                         | 0            | Complete       |
| RAW WATER SYSTEMS RENEWALS                | 32                          | 0                      | 32                           | 19           | 60%                                         | 0            | Construction   |
| WATER TREATMENT PLANT - RENEWALS          | 148                         | 0                      | 148                          | 138          | 93%                                         | 7            | Final works    |
| WATER TREATMENT RYLSTONE UPGRADES         | 70                          | 0                      | 70                           | 0            | 0%                                          | 116          | Procurement    |
| SEWER NEW CONNECTIONS                     | 50                          | 0                      | 50                           | 20           | 41%                                         | 0            | Construction   |
| SEWER AUGMENTATION - RYLSTONE & KANDOS    | 265                         | 0                      | 265                          | 39           | 15%                                         | 56           | Design         |
| CAPITAL UPGRADES - SEWER MAINS            | 1,844                       | 90                     | 1,934                        | 1,592        | 82%                                         | 127          | Final works    |
| SEWER PUMP STATION - CAPITAL RENEWALS     | 227                         | 0                      | 227                          | 121          | 53%                                         | 76           | Final works    |
| SEWER TREATMENT WORKS - RENEWALS          | 59                          | 0                      | 59                           | 28           | 48%                                         | 25           | Final works    |
| <b>Total</b>                              | <b>13,394</b>               | <b>90</b>              | <b>13,484</b>                | <b>7,611</b> | <b>56%</b>                                  | <b>3,823</b> |                |

## Building a Strong Local Economy

|                                                        |       |   |       |       |      |       |                              |
|--------------------------------------------------------|-------|---|-------|-------|------|-------|------------------------------|
| CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE         | 68    | 0 | 68    | 67    | 100% | 0     | Complete                     |
| RYLSTONE CARAVAN PARK - CAPITAL                        | 3     | 0 | 3     | 3     | 106% | 0     | Complete                     |
| MUDGEE VALLEY PARK EXPANSION                           | 1,801 | 0 | 1,801 | 1,367 | 76%  | 1,350 | Construction                 |
| MUDGEE VALLEY PARK EXPANSION ROADS                     | 34    | 0 | 34    | 34    | 100% | 0     | Complete                     |
| CARAVAN PARK - CUDGEGONG WATERS CAPITAL                | 78    | 0 | 78    | 45    | 57%  | 0     | Complete                     |
| MUDGEE VALLEY PARK - CARETAKER HOUSE RENOVATION        | 50    | 0 | 50    | 0     | 0%   | 5     | Procurement                  |
| MUDGEE VALLEY PARK - SHADE OVER POOL                   | 24    | 0 | 24    | 24    | 100% | 0     | Complete                     |
| RYLSTONE CARAVAN PARK STAGE 2 (REQUIRES GRANT)         | 944   | 0 | 944   | 801   | 85%  | 6     | Complete - awaiting invoices |
| CARAVAN PARK - RIVERSIDE - CABIN                       | 230   | 0 | 230   | 212   | 92%  | 0     | Complete - awaiting invoices |
| MUDGEE VALLEY PARK - ACQUISITION & RENOVATION OF CABIN | 220   | 0 | 220   | 12    | 5%   | 0     | Project Scope                |
| CHRISTMAS DECORATION PURCHASES                         | 165   | 0 | 165   | 155   | 94%  | 0     | Final works                  |
| EVENTS STORAGE COMPOUND                                | 110   | 0 | 110   | 0     | 0%   | 0     | Procurement                  |

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| \$'000                                      | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD   | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments  | Project Status |
|---------------------------------------------|-----------------------------|------------------------|------------------------------|--------------|---------------------------------------------|--------------|----------------|
| SIGNAGE UPGRADE                             | 144                         | 0                      | 144                          | 36           | 25%                                         | 0            | Construction   |
| ELECTRIC VEHICLE CHARGING STATION - CAPITAL | 4                           | 0                      | 4                            | 0            | 0%                                          | 0            | Project scope  |
| SALEYARDS - POST AND RAIL REPLACEMENT       | 11                          | 0                      | 11                           | 5            | 50%                                         | 0            | Final works    |
| SALEYARDS - BATHROOM RENOVATIONS            | 30                          | 0                      | 30                           | 7            | 25%                                         | 0            | Construction   |
| SALEYARDS - TRUCK WASH BAY PUMP REPLACEMENT | 0                           | 6                      | 6                            | 5            | 82%                                         | 0            | Complete       |
| SALEYARDS - WEIGH SCALE DOOR REPLACEMENT    | 12                          | 0                      | 12                           | 12           | 99%                                         | 0            | Complete       |
| SALEYARDS - REPLACEMENT SCANNER             | 15                          | 0                      | 15                           | 15           | 98%                                         | 0            | Complete       |
| PROPERTY - EX SALEYARDS STAGE II            | 1,893                       | 0                      | 1,893                        | 1,490        | 79%                                         | 67           | Construction   |
| PROPERTY - BURRUNDULLA AVE CONCEPT PLAN     | 238                         | 0                      | 238                          | 148          | 62%                                         | 24           | Construction   |
| <b>Total</b>                                | <b>6,073</b>                | <b>6</b>               | <b>6,079</b>                 | <b>4,440</b> | <b>73%</b>                                  | <b>1,452</b> |                |

## Connecting our Region

|                                            |     |   |     |    |      |   |             |
|--------------------------------------------|-----|---|-----|----|------|---|-------------|
| URBAN RESEALS - BUDGET ONLY                | (0) | 0 | (0) | 0  | 0%   | 0 | Budget only |
| URBAN RESEALS - HERBERT ST GULGONG         | 52  | 0 | 52  | 13 | 25%  | 0 | Complete    |
| URBAN RESEALS - COX ST SEG 80 & 90         | 11  | 0 | 11  | 11 | 100% | 0 | Complete    |
| URBAN RESEALS - GLADSTONE ST SEG 140 - 160 | 20  | 0 | 20  | 27 | 133% | 0 | Complete    |
| URBAN RESEALS - MCGREGOR PLACE             | 10  | 0 | 10  | 9  | 88%  | 0 | Complete    |
| URBAN RESEALS - WENONAH STREET             | 15  | 0 | 15  | 15 | 100% | 0 | Complete    |
| URBAN RESEAL - RODGERS STREET              | 41  | 0 | 41  | 41 | 101% | 0 | Complete    |
| URBAN RESEAL - DONOGHUE STREET             | 18  | 0 | 18  | 17 | 95%  | 0 | Complete    |
| URBAN RESEAL - ADAMS STREET                | 15  | 0 | 15  | 14 | 90%  | 0 | Complete    |
| URBAN RESEAL - DAVIES ROAD                 | 34  | 0 | 34  | 34 | 100% | 0 | Complete    |
| URBAN RESEAL - BLACK LEAD LANE             | 42  | 0 | 42  | 42 | 100% | 0 | Complete    |
| URBAN RESEAL - ALBENS LANE                 | 10  | 0 | 10  | 10 | 97%  | 0 | Complete    |
| URBAN RESEAL - GREVILLEA STREET            | 18  | 0 | 18  | 18 | 100% | 0 | Complete    |
| URBAN RESEAL - CAINBIL STREET              | 15  | 0 | 15  | 15 | 100% | 0 | Complete    |
| URBAN RESEAL - BOWMAN STREET               | 17  | 0 | 17  | 17 | 100% | 0 | Complete    |

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| \$'000                                             | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status               |
|----------------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|------------------------------|
| URBAN RESEAL - BUMBERRA PLACE                      | 11                          | 0                      | 11                           | 11         | 98%                                         | 0           | Complete - awaiting invoices |
| URBAN RESEAL - NOYES ST SEG 30 - 70                | 23                          | 0                      | 23                           | 23         | 102%                                        | 0           | Complete                     |
| URBAN RESEAL - MORTIMER STREET                     | 47                          | 0                      | 47                           | 47         | 100%                                        | 0           | Complete                     |
| URBAN RESEAL - SWORDS COURT                        | 11                          | 0                      | 11                           | 10         | 95%                                         | 0           | Complete                     |
| URBAN RESEAL - VERA COURT                          | 12                          | 0                      | 12                           | 10         | 86%                                         | 0           | Complete                     |
| URBAN RESEAL - WHITE CIRCLE                        | 49                          | 0                      | 49                           | 49         | 100%                                        | 0           | Complete                     |
| URBAN RESEAL - WINBOURNE STREET                    | 23                          | 0                      | 23                           | 16         | 72%                                         | 0           | Complete                     |
| URBAN RESEAL - WINTER STREET                       | 19                          | 0                      | 19                           | 19         | 100%                                        | 0           | Complete                     |
| URBAN RESEAL - CARWELL STREET RYLSTONE             | 22                          | 0                      | 22                           | 22         | 100%                                        | 0           | Complete                     |
| URBAN RESEAL - COOMBER STREET RYLSTONE             | 23                          | 0                      | 23                           | 23         | 100%                                        | 0           | Complete                     |
| URBAN RESEALS - GEORGE ST SEG 10-30                | 14                          | 0                      | 14                           | 14         | 100%                                        | 0           | Complete                     |
| URBAN RESEAL - PIPER STREET RYLSTONE               | 13                          | 0                      | 13                           | 13         | 100%                                        | 0           | Complete                     |
| URBAN RESEALS - JACQUES STREET KANDOS              | 21                          | 0                      | 21                           | 7          | 34%                                         | 0           | Complete - awaiting invoices |
| URBAN RESEAL - MORTIMER STREET MUDGEE              | 36                          | 0                      | 36                           | 37         | 102%                                        | 0           | Complete                     |
| URBAN RESEALS - SALEYARDS LN GULGONG               | 6                           | 0                      | 6                            | 6          | 106%                                        | 0           | Complete                     |
| URBAN ROAD REHABS - BUDGET ONLY                    | (0)                         | 0                      | (0)                          | 0          | 0%                                          | 0           | Budget only                  |
| URBAN ROADS KERB & GUTTER CAPITAL                  | 137                         | 0                      | 137                          | 139        | 102%                                        | 0           | Complete                     |
| URBAN REHAB - ROBERTSON ST SEG 90                  | 550                         | 0                      | 550                          | 396        | 72%                                         | 39          | Construction                 |
| URBAN HEAVY PATCHING                               | 28                          | 0                      | 28                           | 25         | 88%                                         | 0           | Complete - awaiting invoices |
| ROAD EXTENSION - BETWEEN PUTTA BUCCA & GLEN WILLOW | 430                         | 0                      | 430                          | 207        | 48%                                         | 191         | Construction                 |
| URBAN RESEALS - MCLACHLAN STREET - KANDOS          | 10                          | 0                      | 10                           | 10         | 100%                                        | 0           | Complete                     |
| RESHEETING - URBAN ROADS                           | 12                          | 0                      | 12                           | 5          | 41%                                         | 0           | Construction                 |
| URBAN ROAD - HONE CREEK DRIVE EXTENSION            | 68                          | 0                      | 68                           | 0          | 0%                                          | 0           | Project Scope                |
| KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE      | 12                          | 0                      | 12                           | 12         | 100%                                        | 0           | Complete                     |
| URBAN ROADS LAND MATTERS CAPITAL                   | 25                          | 0                      | 25                           | 0          | 0%                                          | 0           | Project Scope                |
| RURAL RESEAL - HENRY LAWSON DRIVE                  | 436                         | 0                      | 436                          | 457        | 105%                                        | 0           | Complete - awaiting invoices |

FINANCE | MONTHLY BUDGET REVIEW –31 MAY 2024

| \$'000                                       | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status               |
|----------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|------------------------------|
| RURAL RESEAL - TINJA LANE                    | 12                          | 0                      | 12                           | 12         | 101%                                        | 0           | Complete                     |
| RURAL RESEAL - BARNEYS REEF ROAD             | 235                         | 0                      | 235                          | 226        | 96%                                         | 0           | Complete                     |
| RURAL RESEAL - BLUE SPRINGS ROAD             | 68                          | 0                      | 68                           | 68         | 100%                                        | 0           | Complete                     |
| RURAL RESEAL - SPRINGFIELD LANE              | 15                          | 0                      | 15                           | 15         | 100%                                        | 0           | Complete                     |
| RURAL RESEAL - MEBUL ROAD                    | 96                          | 0                      | 96                           | 98         | 102%                                        | 0           | Complete                     |
| RURAL RESEAL - LUE RD                        | 53                          | 0                      | 53                           | 53         | 101%                                        | 0           | Complete                     |
| RURAL RESEAL - GLEN ALICE RD                 | 62                          | 0                      | 62                           | 61         | 99%                                         | 4           | Complete - awaiting invoices |
| RURAL RESEAL - YARRAWONGA RD                 | 143                         | 0                      | 143                          | 124        | 87%                                         | 0           | Complete                     |
| RURAL RESEAL - WINDEYER RD GRATTAI           | 71                          | 0                      | 71                           | 71         | 99%                                         | 0           | Complete                     |
| RURAL RESEAL - CUDGEGONG RD                  | 276                         | 0                      | 276                          | 276        | 100%                                        | 0           | Complete                     |
| RURAL RESEAL - PYRAMUL RD                    | 101                         | 0                      | 101                          | 106        | 105%                                        | 0           | Complete                     |
| RURAL RESEALS - DABEE ROAD KANDOS            | 114                         | 0                      | 114                          | 135        | 119%                                        | 0           | Complete - awaiting invoices |
| RURAL REHAB - LUE ROAD MOUNTKNOW             | 16                          | 0                      | 16                           | 16         | 99%                                         | 0           | Initial works                |
| RURAL REHAB - CUDGEGONG RD CARWELL           | 669                         | 0                      | 669                          | 670        | 100%                                        | 0           | Complete                     |
| HEAVY PATCHING                               | 52                          | 0                      | 52                           | 13         | 26%                                         | 0           | Construction                 |
| ULAN WOLLAR ROAD - STAGE 1                   | 12                          | 0                      | 12                           | 11         | 94%                                         | 0           | Initial works                |
| RURAL RESEAL - BUDGE BUDGE                   | 39                          | 0                      | 39                           | 53         | 137%                                        | 0           | Complete - awaiting invoices |
| RURAL RESEALS - KALUDABAH ROAD CULLENBO      | 34                          | 0                      | 34                           | 27         | 81%                                         | 0           | Complete                     |
| 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 | 236                         | 0                      | 236                          | 236        | 100%                                        | 0           | Complete                     |
| RURAL SEALED ROAD LAND MATTERS               | 64                          | 0                      | 64                           | 3          | 4%                                          | 0           | Initial works                |
| REG RDS RESEALS - BYLONG VALLEY WAY MR215    | 137                         | 0                      | 137                          | 149        | 109%                                        | 0           | Complete - awaiting invoices |
| REG RDS RESEALS - ILFORD ROAD MR215          | 65                          | 0                      | 65                           | 77         | 118%                                        | 4           | Complete - awaiting invoices |
| REG RDS RESEALS - WOLLAR ROAD MR 208         | 152                         | 0                      | 152                          | 139        | 92%                                         | 0           | Complete                     |
| RURAL HEAVY PATCHING - GOLLAN ROAD           | 150                         | 0                      | 150                          | 6          | 4%                                          | 22          | Construction                 |
| MUNGHORN GAP SHOULDER WIDENING BLACKSPOT     | 60                          | 0                      | 60                           | 19         | 31%                                         | 0           | Final works                  |



FINANCE | MONTHLY BUDGET REVIEW –31 MAY 2024

| \$'000                                                       | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status               |
|--------------------------------------------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|------------------------------|
| HILL END ROAD SAFETY IMPROVEMENTS                            | 1,274                       | 0                      | 1,274                        | 1,155      | 91%                                         | 82          | Construction                 |
| BVW UPGRADE RNSW 2080                                        | 40                          | 0                      | 40                           | 24         | 61%                                         | 0           | Final works                  |
| RESEAL ULAN ROAD - TURILL AREA                               | 250                         | 0                      | 250                          | 269        | 108%                                        | 27          | Construction                 |
| RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL              | 11                          | 0                      | 11                           | 0          | 0%                                          | 0           | Construction                 |
| ZIMMER LANE (NOW MAINTAINED)                                 | 20                          | 0                      | 20                           | 20         | 100%                                        | 0           | Complete                     |
| BADGERS LANE (NOW MAINTAINED)                                | 51                          | 0                      | 51                           | 92         | 182%                                        | 0           | Complete                     |
| SEAL EXTENSION - QUEENS PINCH RD                             | 383                         | 0                      | 383                          | 382        | 100%                                        | 0           | Complete                     |
| SEAL EXTENSION - COXS CREEK RD                               | 824                         | 0                      | 824                          | 903        | 110%                                        | 0           | Complete                     |
| SEAL EXTENSION - BOTOBOLAR RD                                | 2,341                       | 0                      | 2,341                        | 2,104      | 90%                                         | 3           | Complete - awaiting invoices |
| SEAL EXTENSION - CORICUDGY ROAD                              | 637                         | 0                      | 637                          | 636        | 100%                                        | 0           | Complete                     |
| SEAL EXTENSION - CORICUDGY ROAD STAGE 2                      | 1,000                       | 0                      | 1,000                        | 778        | 78%                                         | 79          | Construction                 |
| SEAL EXTENSION - QUEENS PINCH RD CAUSEWAY UPGRADES AND GUARD | 115                         | 0                      | 115                          | 82         | 71%                                         | 34          | Construction                 |
| SEAL EXTENSION - SCOTTS LANE GULGONG                         | 1                           | 0                      | 1                            | 0          | 40%                                         | 0           | Initial works                |
| RESHEETING                                                   | 2,161                       | 0                      | 2,161                        | 2,008      | 93%                                         | 22          | Construction                 |
| UNSEALED ROADS LAND MATTERS CAPITAL                          | 57                          | 0                      | 57                           | 11         | 19%                                         | 0           | Initial works                |
| BRIDGE TO PUTTA BUCCA ROAD                                   | 650                         | 0                      | 650                          | 357        | 55%                                         | 115         | Construction                 |
| REGIONAL ROAD BRIDGE CAPITAL                                 | 62                          | 0                      | 62                           | 1          | 1%                                          | 0           | Construction                 |
| ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET | 650                         | 0                      | 650                          | 854        | 131%                                        | 2           | Construction                 |
| ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB                  | 462                         | 0                      | 462                          | 462        | 100%                                        | (9)         | Construction                 |
| ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE REHAB         | 23                          | 0                      | 23                           | 23         | 100%                                        | 0           | Complete                     |
| ULAN ROAD - RESEALS LINBURN AND ULAN AREAS                   | 435                         | 0                      | 435                          | 374        | 86%                                         | 0           | Complete                     |
| FOOTPATH REPLACEMENT (REQUIRES GRANT)                        | 142                         | 0                      | 142                          | 102        | 72%                                         | 53          | Construction                 |
| PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS (REQUIRES GRANT)   | 290                         | 0                      | 290                          | 194        | 67%                                         | 55          | Construction                 |

FINANCE | MONTHLY BUDGET REVIEW –31 MAY 2024

| \$'000                                           | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD    | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status |
|--------------------------------------------------|-----------------------------|------------------------|------------------------------|---------------|---------------------------------------------|-------------|----------------|
| FOOTWAYS - PASSENGER TRANSPORT<br>INFRASTRUCTURE | 11                          | 0                      | 11                           | 13            | 115%                                        | 0           | Complete       |
| AIRPORT HANGER AND STUDIO                        | 294                         | 0                      | 294                          | 293           | 100%                                        | 0           | Complete       |
| AIRPORT - DRAINAGE PLAN DEVELOPMENT              | 50                          | 0                      | 50                           | 17            | 35%                                         | 27          | Initial works  |
| AIRPORT HANGER 4 ACCESS TO TAXIWAY               | 11                          | 0                      | 11                           | 10            | 95%                                         | 0           | Complete       |
| <b>Total</b>                                     | <b>17,564</b>               | <b>0</b>               | <b>17,564</b>                | <b>15,696</b> | <b>89%</b>                                  | <b>758</b>  |                |

## Good Government

|                                                               |       |   |       |       |     |       |                    |
|---------------------------------------------------------------|-------|---|-------|-------|-----|-------|--------------------|
| RYLSTONE ADMINISTRATION - BUILDING PAINTING                   | 20    | 0 | 20    | 11    | 56% | 0     | Complete           |
| OLD POLICE STATION CAPITAL                                    | 30    | 0 | 30    | 24    | 82% | 0     | Complete           |
| BUILDINGS MASTER KEY SYSTEM                                   | 50    | 0 | 50    | 23    | 47% | 23    | Final works        |
| MUDGEES ADMIN BUILDING EXTENSION                              | 171   | 0 | 171   | 24    | 14% | 315   | Construction       |
| MUDGEES ADMIN BUILDING - EAST WING OFFICES<br>RECONFIGURATION | 90    | 0 | 90    | 86    | 95% | 0     | Deferred/Cancelled |
| RECREATION BUILDING - RENOVATION                              | 100   | 0 | 100   | 95    | 95% | 0     | Final works        |
| CARMEL CROAN BUILDING - ROOF RESTORATION                      | 25    | 0 | 25    | 16    | 63% | 0     | Final works        |
| MUDGEES ADMINISTRATION - CHAMBERS SEATING<br>UPGRADE          | 20    | 0 | 20    | 5     | 25% | 13    | Complete           |
| IT SPECIAL PROJECTS                                           | 54    | 0 | 54    | 11    | 19% | 0     | Design             |
| IT - NETWORK UPGRADES                                         | 72    | 0 | 72    | 39    | 55% | 0     | Construction       |
| IT CORPORATE SOFTWARE                                         | 81    | 0 | 81    | 47    | 57% | 6     | Construction       |
| PLANT PURCHASES                                               | 5,384 | 0 | 5,384 | 4,453 | 83% | 3,021 | Budget only        |
| PLANT PURCHASES - NEW                                         | 568   | 0 | 568   | 372   | 65% | 82    | Budget only        |
| CAPITAL UPGRADE - RYLSTONE DEPOT                              | 65    | 0 | 65    | 10    | 15% | 35    | Initial works      |
| CAPITAL UPGRADE - GULGONG DEPOT                               | 65    | 0 | 65    | 61    | 94% | 3     | Complete           |
| SOLAR FARM INITIATIVE - STAGE 3                               | 5,220 | 0 | 5,220 | 1,243 | 24% | 5,771 | Construction       |
| RYLSTONE EMULSION TANK                                        | 15    | 0 | 15    | 5     | 34% | 8     | Final works        |

FINANCE | MONTHLY BUDGET REVIEW –31 MAY 2024

| \$'000                      | Current<br>Annual<br>Budget | Proposed<br>Variations | Proposed<br>Annual<br>Budget | Actual YTD | Actual YTD/<br>Proposed<br>Annual<br>Budget | Commitments | Project Status |
|-----------------------------|-----------------------------|------------------------|------------------------------|------------|---------------------------------------------|-------------|----------------|
| Total                       | 12,031                      | 0                      | 12,031                       | 6,526      | 54%                                         | 9,278       |                |
| Total Capital Works Program | 64,911                      | 96                     | 65,007                       | 43,245     | 67%                                         | 25,546      |                |

### 3. Key Operating Projects

| \$'000                                               | Current Annual Budget | Proposed Variations | Proposed Annual Budget | Actual YTD | Actual YTD/ Proposed Annual Budget |
|------------------------------------------------------|-----------------------|---------------------|------------------------|------------|------------------------------------|
| <b>Looking after our Community</b>                   |                       |                     |                        |            |                                    |
| URBAN RELEASE STRATEGY - MUDGEE & GULGONG            | (68)                  | 80                  | 12                     | 0          | 0%                                 |
| EMPLOYMENT LANDS STRATEGY - MUDGEE HEIGHT MASTERPLAN | 65                    | 0                   | 65                     | 48         | 74%                                |
| HOUSING STRATEGY                                     | 155                   | 0                   | 155                    | 0          | 0%                                 |
| DEVELOPMENT CONTROL PLAN REVIEW                      | 0                     | 0                   | 0                      | 0          | 0%                                 |
| <b>Total</b>                                         | <b>152</b>            | <b>80</b>           | <b>232</b>             | <b>48</b>  | <b>21%</b>                         |
| <b>Protecting our Natural Environment</b>            |                       |                     |                        |            |                                    |
| MUDGEE FLOODPLAIN MANAGEMENT PLAN STAGE 2            | 39                    | 0                   | 39                     | 37         | 95%                                |
| STORMWATER MASTER PLANNING MUDGEE DEVELOPMENT        | 2                     | 0                   | 2                      | 2          | 100%                               |
| <b>Total</b>                                         | <b>41</b>             | <b>0</b>            | <b>41</b>              | <b>39</b>  | <b>95%</b>                         |
| <b>Building a Strong Local Economy</b>               |                       |                     |                        |            |                                    |
| MAJOR EVENTS GLEN WILLOW                             | 587                   | 0                   | 587                    | 237        | 40%                                |
| <b>Total</b>                                         | <b>587</b>            | <b>0</b>            | <b>587</b>             | <b>237</b> | <b>40%</b>                         |
| <b>Connecting our Region</b>                         |                       |                     |                        |            |                                    |
| RURAL UNSEALED ROADS GRADING PROGRAM                 | 2,044                 | 0                   | 2,044                  | 1,980      | 97%                                |
| AIRPORT - MASTERPLAN UPGRADE                         | 50                    | 0                   | 50                     | 0          | 0%                                 |

FINANCE | MONTHLY BUDGET REVIEW –31 MAY 2024

| \$'000                                     | Current Annual Budget | Proposed Variations | Proposed Annual Budget | Actual YTD   | Actual YTD/<br>Proposed Annual Budget |
|--------------------------------------------|-----------------------|---------------------|------------------------|--------------|---------------------------------------|
| STATE ROADS ADMINISTRATION                 | 170                   | 0                   | 170                    | 155          | 92%                                   |
| RM - SCHEDULED MAINTENANCE                 | 1,045                 | 0                   | 1,045                  | 983          | 94%                                   |
| OW - BUDGET ONLY                           | 0                     | 0                   | 0                      | 0            | 0%                                    |
| OW - RESURFACING IMPROVEMENTS              | 0                     | 0                   | 0                      | 0            | 0%                                    |
| OW - HEAVY PATCHING                        | 3,500                 | 0                   | 3,500                  | 3,461        | 99%                                   |
| OW - RESEALS                               | 29                    | 0                   | 29                     | 29           | 100%                                  |
| OW - MISC ACCIDENTS                        | 60                    | 0                   | 60                     | 35           | 59%                                   |
| OW - SAFER ROADS PROGRAM CUDGEGONG         | 120                   | 0                   | 120                    | 120          | 100%                                  |
| OW - SAFER ROADS PROGRAM MENAH             | 0                     | 0                   | 0                      | 0            | 0%                                    |
| OW - SPRINGFIELD WIDENED CENTRE LINE       | 125                   | 0                   | 125                    | 125          | 100%                                  |
| OW - CASTLEREAGH HIGHWAY SIGN INSTALLATION | 18                    | 0                   | 18                     | 18           | 100%                                  |
| OW - MR54 SOFALA SIGN INSTALLATION         | 7                     | 0                   | 7                      | 7            | 112%                                  |
| OW - RESEALS SH18                          | 842                   | 0                   | 842                    | 842          | 100%                                  |
| OW - RESEAL MR633                          | 720                   | 0                   | 720                    | 470          | 65%                                   |
| OW - MR633 SHOULDER & CULVERT WIDENING     | 728                   | 0                   | 728                    | 629          | 86%                                   |
| OW - SAFETY TO INTERSECTION                | 51                    | 0                   | 51                     | 13           | 25%                                   |
| OW - HW18 SPEED ZONE INSTALLATION          | 20                    | 0                   | 20                     | 4            | 21%                                   |
| <b>Total</b>                               | <b>9,529</b>          | <b>0</b>            | <b>9,529</b>           | <b>8,872</b> | <b>93%</b>                            |

## 9.5 Monthly Statement of Investments as at 31 May 2024

REPORT BY THE FINANCIAL PLANNING COORDINATOR  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, FIN300053

### RECOMMENDATION

**That Council:**

- 1. receive the report by the Financial Planning Coordinator on the Monthly Statement of Investments as at 31 May 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 May 2024.

### Community Plan implications

| Theme    | Good Government                                               |
|----------|---------------------------------------------------------------|
| Goal     | An effective and efficient organisation                       |
| Strategy | Prudently manage risks associated 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

AMANDA AVNELL  
FINANCIAL PLANNING COORDINATOR

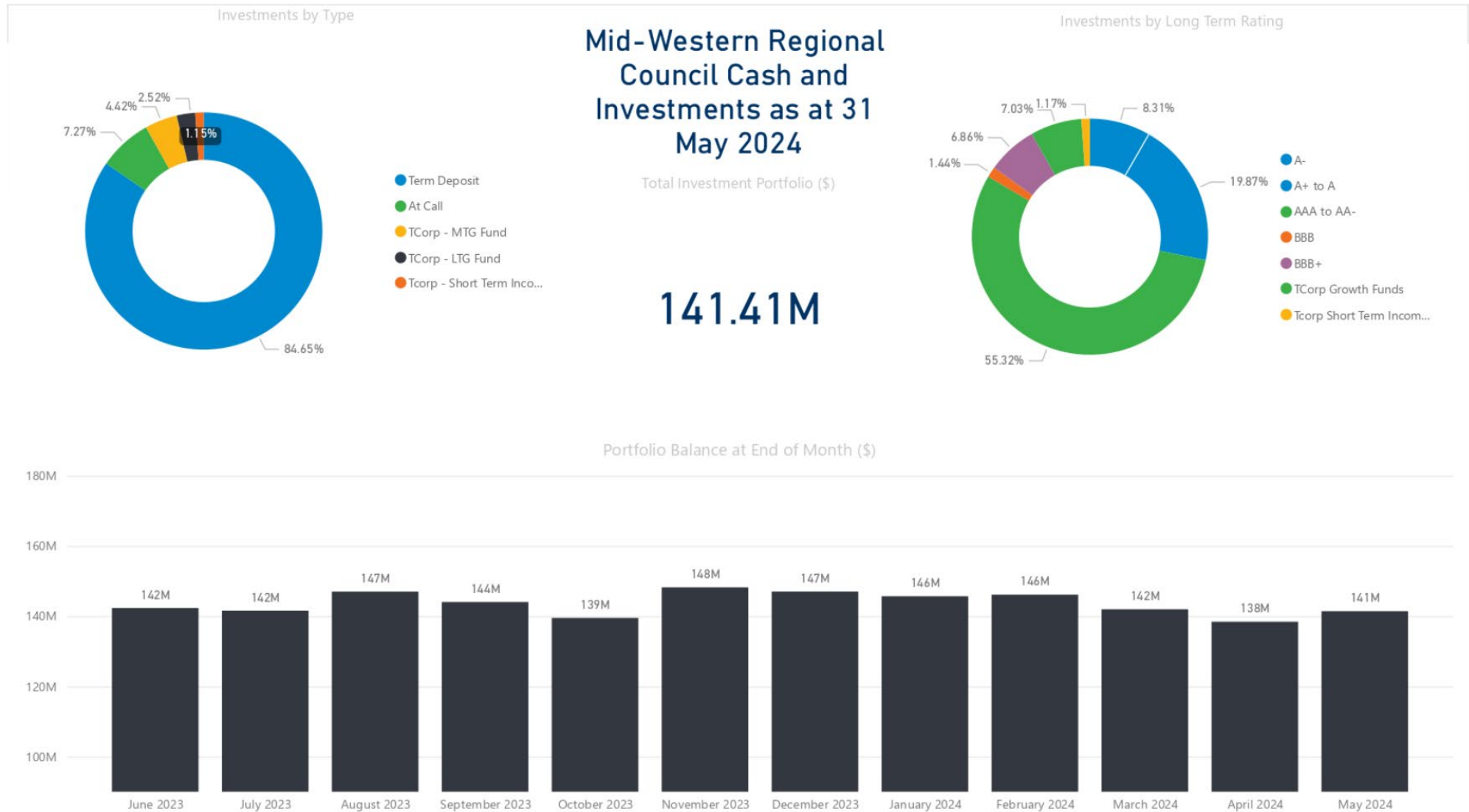
KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

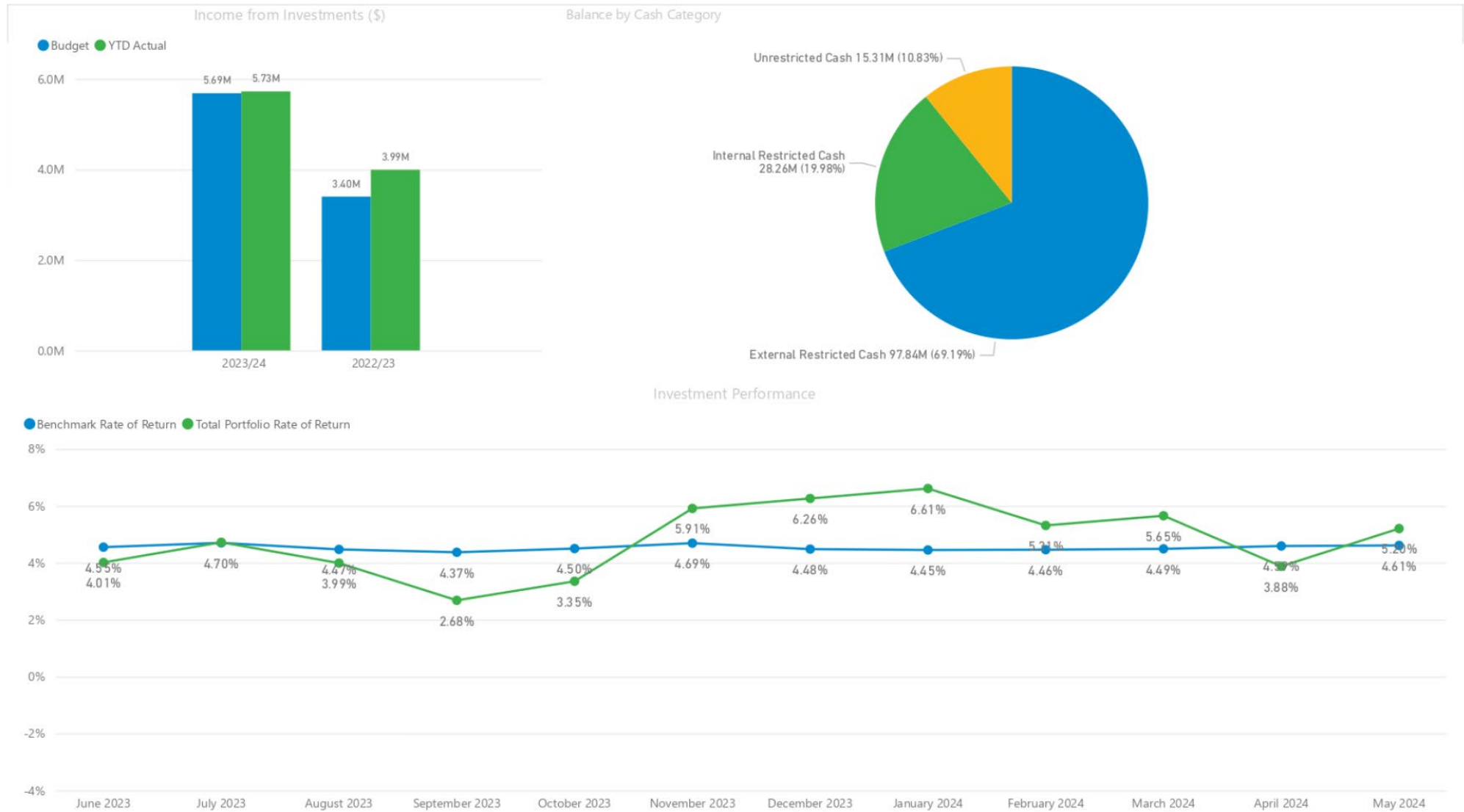
4 June 2024

*Attachments:* 1. Investment Report May 2024.

## APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER





#### At Call Fund and Managed Funds

| Institution                | Yield | Principal Amount     | Term to Maturity |
|----------------------------|-------|----------------------|------------------|
| NAB                        | 4.50% | \$ 10,281,139        | 0                |
| TCorp - Long Term Growth   | 3.00% | \$ 3,559,881         | 5                |
| TCorp - Medium Term Growth | 3.00% | \$ 6,248,319         | 5                |
| Tcorp - Short Term Income  | 3.00% | \$ 1,624,413         | 5                |
| <b>Total</b>               |       | <b>\$ 21,713,752</b> |                  |

#### Current Term Deposits

| Institution              | Yield | Principal Amount | Term to Maturity |
|--------------------------|-------|------------------|------------------|
| Australian Military Bank | 5.10% | \$ 1,000,000     | 54               |
| Australian Unity         | 5.60% | \$ 1,000,000     | 68               |
| Australian Unity         | 5.50% | \$ 2,000,000     | 187              |
| Australian Unity         | 5.10% | \$ 3,500,000     | 313              |
| Bank Of Queensland       | 5.52% | \$ 1,500,000     | 82               |
| Bank Of Queensland       | 5.62% | \$ 1,500,000     | 96               |
| Bank Of Queensland       | 5.62% | \$ 2,000,000     | 110              |
| Bank Of Queensland       | 5.28% | \$ 2,500,000     | 159              |
| Bank Of Queensland       | 5.40% | \$ 2,000,000     | 180              |
| Bank Vic                 | 5.28% | \$ 1,500,000     | 362              |
| Bank Vic                 | 5.33% | \$ 2,000,000     | 544              |
| Bendigo & Adelaide Bank  | 5.30% | \$ 2,000,000     | 75               |
| CBA                      | 0.72% | \$ 2,000,000     | 5                |
| CBA                      | 0.77% | \$ 1,000,000     | 103              |
| CBA                      | 0.85% | \$ 2,500,000     | 145              |
| CBA                      | 4.15% | \$ 2,000,000     | 26               |
| CBA                      | 4.63% | \$ 4,000,000     | 19               |
| CBA                      | 5.36% | \$ 2,400,000     | 138              |
| G&C Mutual               | 5.35% | \$ 1,500,000     | 341              |
| Great Southern Bank      | 5.16% | \$ 2,000,000     | 257              |
| ING                      | 4.62% | \$ 1,500,000     | 33               |
| ING                      | 5.10% | \$ 3,500,000     | 285              |
| ING                      | 4.57% | \$ 2,500,000     | 131              |
| ING                      | 5.05% | \$ 2,000,000     | 47               |
| ING                      | 5.65% | \$ 3,000,000     | 40               |
| ING                      | 5.40% | \$ 3,000,000     | 761              |
| ING                      | 5.18% | \$ 3,000,000     | 929              |
| ING                      | 5.28% | \$ 3,000,000     | 558              |
| ING                      | 5.22% | \$ 2,000,000     | 229              |
| MyState Bank             | 5.37% | \$ 2,000,000     | 355              |
| NAB                      | 0.80% | \$ 1,500,000     | 89               |
| NAB                      | 4.49% | \$ 2,500,000     | 201              |
| NAB                      | 4.45% | \$ 2,000,000     | 117              |
| NAB                      | 5.30% | \$ 2,000,000     | 61               |
| NAB                      | 5.22% | \$ 1,800,000     | 124              |
| NAB                      | 5.22% | \$ 2,500,000     | 152              |
| NAB                      | 5.15% | \$ 1,500,000     | 12               |
| NAB                      | 5.15% | \$ 2,000,000     | 166              |
| NAB                      | 5.20% | \$ 3,000,000     | 194              |
| NAB                      | 5.20% | \$ 1,000,000     | 250              |
| NAB                      | 5.13% | \$ 2,000,000     | 89               |
| NAB                      | 5.11% | \$ 3,000,000     | 103              |
| Rabo Bank                | 5.37% | \$ 2,500,000     | 369              |

| Institution  | Yield | Principal Amount      | Term to Maturity |
|--------------|-------|-----------------------|------------------|
| Westpac      | 3.70% | \$ 2,000,000          | 61               |
| Westpac      | 4.35% | \$ 1,500,000          | 47               |
| Westpac      | 4.89% | \$ 2,500,000          | 243              |
| Westpac      | 5.05% | \$ 1,000,000          | 75               |
| Westpac      | 4.88% | \$ 4,000,000          | 817              |
| Westpac      | 5.28% | \$ 1,000,000          | 145              |
| Westpac      | 5.44% | \$ 1,500,000          | 173              |
| Westpac      | 5.34% | \$ 2,000,000          | 404              |
| Westpac      | 5.10% | \$ 2,500,000          | 222              |
| Westpac      | 4.98% | \$ 2,000,000          | 390              |
| Westpac      | 5.19% | \$ 2,000,000          | 271              |
| Westpac      | 5.16% | \$ 2,500,000          | 299              |
| Westpac      | 5.17% | \$ 2,500,000          | 327              |
| <b>Total</b> |       | <b>\$ 119,700,000</b> |                  |

Investment Portfolio Summary

| Term to Maturity            | Amount                | Actual | Cumulative Actual | Cumulative Minimum | Policy Compliance |
|-----------------------------|-----------------------|--------|-------------------|--------------------|-------------------|
| Less than 3 months          | \$ 53,213,752         | 38%    | 38%               | 20%                | OK                |
| Between 3 months and 1 year | \$ 66,700,000         | 47%    | 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                |
| <b>Total</b>                | <b>\$ 141,413,752</b> |        |                   |                    |                   |

| Long Term Rating   | Institution                     | Policy Limit | Policy Compliance (Institution) | % of Portfolio | Amount                |
|--------------------|---------------------------------|--------------|---------------------------------|----------------|-----------------------|
| AA-                | CBA                             | 40% OK       |                                 | 10%            | \$ 13,900,000         |
|                    | NAB                             | 40% OK       |                                 | 25%            | \$ 35,081,139         |
|                    | Westpac                         | 40% OK       |                                 | 19%            | \$ 27,000,000         |
| A                  | ING                             | 20% OK       |                                 | 17%            | \$ 23,500,000         |
|                    | Rabo Bank                       | 20% OK       |                                 | 2%             | \$ 2,500,000          |
|                    | Australian Military Bank        | 10% OK       |                                 | 1%             | \$ 1,000,000          |
| BBB+               | Australian Unity                | 10% OK       |                                 | 5%             | \$ 6,500,000          |
|                    | Bank Vic                        | 10% OK       |                                 | 2%             | \$ 3,500,000          |
|                    | G&C Mutual                      | 10% OK       |                                 | 1%             | \$ 1,500,000          |
|                    | MyState Bank                    | 10% OK       |                                 | 1%             | \$ 2,000,000          |
|                    | Great Southern Bank             | 5% OK        |                                 | 1%             | \$ 2,000,000          |
| BBB                | TCorp - Long Term Growth Fund   | 15% OK       |                                 | 3%             | \$ 3,559,881          |
|                    | TCorp - Medium Term Growth Fund | 15% OK       |                                 | 4%             | \$ 6,248,319          |
|                    | TCorp - Short Term Income Fund  | 15% OK       |                                 | 1%             | \$ 1,624,413          |
| A-                 | Bank Of Queensland              | 20% OK       |                                 | 7%             | \$ 9,500,000          |
|                    | Bendigo & Adelaide Bank         | 20% OK       |                                 | 1%             | \$ 2,000,000          |
| <b>Grand Total</b> |                                 |              |                                 | <b>100%</b>    | <b>\$ 141,413,752</b> |

| Long Term Rating Group       | Credit Policy Limit | Policy Compliance (SP Group) | % of Portfolio | Amount                |
|------------------------------|---------------------|------------------------------|----------------|-----------------------|
| AAA to AA-                   | 100% OK             |                              | 54%            | \$ 75,981,139         |
| BBB+                         | 20% OK              |                              | 10%            | \$ 14,500,000         |
| BBB                          | 5% OK               |                              | 1%             | \$ 2,000,000          |
| TCorp Growth Funds           | 15% OK              |                              | 7%             | \$ 9,808,200          |
| TCorp Short Term Income Fund | 15% OK              |                              | 1%             | \$ 1,624,413          |
| A+ to A                      | 50% OK              |                              | 18%            | \$ 26,000,000         |
| A-                           | 40% OK              |                              | 8%             | \$ 11,500,000         |
| <b>Grand Total</b>           |                     |                              | <b>100%</b>    | <b>\$ 141,413,752</b> |

#### 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)           | 4,876,178         | 5,404,961.01        | 10,281,139        |
| TCorp - Cash Fund               | -                 | -                   | -                 |
| TCorp - Long Term Growth Fund   | 3,513,626         | 46,255.14           | 3,559,881         |
| TCorp - Medium Term Growth Fund | 6,210,953         | 37,365.57           | 6,248,319         |
| TCorp - Short Term Income Fund  | 1,616,554         | 7,858.64            | 1,624,413         |
| <b>Total</b>                    | <b>16,217,311</b> | <b>5,496,440.36</b> | <b>21,713,752</b> |

The below table shows matured term deposits

| Institution  | Yield | Maturity Date | Principal Amount  | Total Interest Amount |
|--------------|-------|---------------|-------------------|-----------------------|
| Westpac      | 4.78% | 22/05/2024    | 2,500,000         | 197,093               |
| Westpac      | 4.46% | 8/05/2024     | 1,500,000         | 105,207               |
| CBA          | 4.52% | 29/05/2024    | 1,000,000         | 65,881                |
| MyState Bank | 4.90% | 15/05/2024    | 2,000,000         | 99,611                |
| ING          | 4.90% | 29/05/2024    | 4,000,000         | 202,981               |
| NAB          | 5.15% | 1/05/2024     | 1,000,000         | 34,568                |
| <b>Total</b> |       |               | <b>12,000,000</b> | <b>705,341</b>        |

The below table shows new term deposits

| Institution  | Yield | Maturity Date | Principal Amount | Total Interest Amount |
|--------------|-------|---------------|------------------|-----------------------|
| G&C Mutual   | 5.35% | 7/05/2025     | 1,500,000        | 80,030                |
| MyState Bank | 5.37% | 21/05/2025    | 2,000,000        | 109,165               |
| Bank Vic     | 5.28% | 28/05/2025    | 1,500,000        | 80,502                |
| Bank Vic     | 5.33% | 26/11/2025    | 2,000,000        | 161,506               |
| Rabo Bank    | 5.37% | 4/06/2025     | 2,500,000        | 135,721               |
| <b>Total</b> |       |               | <b>9,500,000</b> | <b>566,925</b>        |



## 9.6 Write-off of Debts - Period 18/5/2023 to 30/5/2024

REPORT BY THE MANAGER - PROPERTY AND REVENUE  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400103, A0140197

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager - Property and Revenue on the Write-off of Debts - Period 18/5/2023 to 30/5/2024;**
2. **note the write-offs totalling \$12,190.60 made under delegated authority as stipulated in the confidential Attachment 1 to this Report for the period 18/5/2023 to 30/5/2024;**
3. **note the write-off of a debt greater than \$2,500 totalling \$12,915.44 previously written off by Council at its meeting on 15 November 2023 as stipulated in Attachment 1;**
4. **authorise the write-off of those additional debts greater than \$2,500 and totalling \$21,105.56 as stipulated in Attachment 1 to this Report for the period 18/5/2023 to 30/5/2024; and**
5. **note the write back of a debt previously written off, but now collected totalling \$1944.50 as stipulated in Attachment 1.**

---

### Executive summary

This report provides a summary of debts less than \$2,500 owed to Council that have been written off since 18 May 2023 under delegated authority and summarises other amounts written off and written back since 18 May 2023.

### Disclosure of Interest

Nil

### Detailed report

The Local Government Regulations specify the requirements and restrictions placed on Council to write off debts, as outlined in the Legislation section of this report. The attached summary documents the delegated write offs and outlines the debts greater than \$2,500 that require Council's resolution to write off.

The total amount written off for the period 18 May 2023 to 30 May 2024 under delegation was \$12,190.60. Details of the individual debts are shown in the confidential Attachment 1 to this report.

The total amount of debts greater than \$2,500 that require a Council resolution to write off is \$34,021.00. Part of this amount, being a debt of \$12,915.44, was the subject of a Council resolution at the 15 November 2023 Council meeting as shown in attachment 2 to this report.

While there is no requirement for a further resolution, this report is intended to summarise all debts written off for the period, so is included for information only.

The additional amounts greater than \$2,500 that require a Council resolution to write off is \$21,105.56. This amount, as well as some of the amounts written-off under delegation, includes debts from the period 2019 to 2021 payable by NDIS fund managers for supported Council employees. These amounts have not been able to be recovered due to the cessation of funding available for those workers under the NDIS system. Extensive follow-up has occurred in relation to these debts, and there now appears no avenue available to further pursue payment.

A debt totalling \$1944.50 which was previously written off by Council has now been recovered. The amount is shown in the confidential Attachment 1 to this report. This debt related to costs associated with a property clean up order from 1999. The property was sold in July 2023, which provided an opportunity to recover the amount. It is recommended Council note the write back of this amount to offset the payment received.

Consultation has been undertaken with Council's debt collection agent and/or solicitors throughout the debt recovery processes in relation to debts written off. Action to continue to pursue the debts is available to Council, however this was not considered appropriate for the reasons stated in the confidential Attachment 1.

It is important to note that a debt that has been written off does not prevent Council initiating legal proceedings in the future to recover the debt. Any amount written off will be adjusted if part or all of the debt is subsequently recovered.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Councils Debt Management and Recovery & Credit Policies

### Legislation

Sections 213 and 131 of the Local Government (General) Regulation 2021 specify restrictions on writing off debts owed to a council. Council has previously resolved that the General Manager be delegated to write off amounts up to \$2,500. Debts owed to Council that are greater than \$2,500 must have a Council resolution directing that the stipulated amounts be written off.

Regulation 213(5) states that a debt can only be written off if it satisfies one of the following criteria:

- a) if the debt is not lawfully recoverable, or
- b) as a result of a decision of a court, or
- c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.

Regulation 131(6) states that the General Manager must advise the Council of rates and charges written off by written order of the General Manager.

## Financial implications

The writing off of the amounts shown in the attachment will reduce the balances of outstanding receivables. Provisions for doubtful debts exist within Councils accounts. The impact on operating performance ratio will depend on the assessment of other debts at financial year end.

Council's Credit Policy is in place to minimise the expenditure of valuable resources collecting and writing off overdue and bad debts.

There are no budget variations required for this write-off.

## Associated Risks

Not Applicable

IAN CLAYTON  
MANAGER - PROPERTY AND REVENUE

KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

27 May 2024

*Attachments:* 1. Write-offs - Period 18-5-2023 to 30-5-2024. (Confidential - separately attached)  
2. Minute 292-23 - Council meeting 15 November 2023.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MID-WESTERN REGIONAL COUNCIL

COUNCIL MEETING EXTRACT

COUNCIL MEETING: 15 NOVEMBER 2023

The following recommendations (item 14.1 – 14.3) were adopted as a whole, being moved by Cr Shelley seconded by Cr Palmer and carried with Councillors voting unanimously. Each recommendation is recorded with separate resolution numbers commencing at Resolution No. 292/23 and concluding at Resolution No.294/23

### 14.2 GULGONG PRIMARY & HIGH SCHOOLS - CONSIDERATION OF RAW WATER CHARGES

GOV400103, P1099711

01/23

**MOTION:** Shelley / Palmer

**That Council:**

1. receive the report by the Revenue Coordinator on the Gulgong Primary & High Schools - Consideration of Raw Water Charges;
2. accept payment by NSW Department of Education in the amount of \$38,746.31 in full settlement of raw water usage charges for the period 4 September 2013 to 27 January 2023; and
3. write-off an amount of \$12,915.44 being 25% of the Gulgong Primary & High Schools raw water charges raised for the period 4 September 2013 to 27 January 2023 in accordance with Clause 131(4)(d) of the Local Government (General) Regulation, 2021.

*The motion was carried with the Councillors voting unanimously.*

## 9.7 2024/25 Operational Plan and 2022/23 - 2024-25 Delivery Program

REPORT BY THE FINANCIAL PLANNING COORDINATOR  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400067, A0000000, FIN300202, GOV400098

### RECOMMENDATION

#### That Council:

1. receive the report by the Financial Planning Coordinator on the 2024/25 Operational Plan and 2022/23 - 2024-25 Delivery Program;
2. adopt the Operational Plan for 2024/25 and Delivery Program for 2022/23 to 2024/25, including the Fees & Charges Schedule;
3. make the following rates and charges for the 2024/25 financial year:
  - 3.1 A Residential Rural Rate of 0. 0.339391 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Residential, with a minimum rate of \$775.69;
  - 3.2 A Residential Urban Rate of 0.339391 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Residential and further subcategorised as Residential Urban, with a minimum rate of \$775.69;
  - 3.3 A Farmland Rate of 0.257772 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Farmland, with a minimum rate of \$775.69;
  - 3.4 A Business Rate of 0.573302 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Business, with a minimum rate of \$775.69;
  - 3.5 A Business Rylstone Aeropark Rate of 0.197931 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Business and further subcategorised as Business Rylstone Aeropark, with a minimum rate of \$254.64;
  - 3.6 A Mining Rate of 1.016629 cents in the dollar on the land value as at 1 July 2024 of all land so categorised as Mining, with a minimum rate of \$775.69;
  - 3.7 A Hunter Valley Catchment Contribution Rate of 0.00629 cents in the dollar on the land value as at 1 July 2024 of all land within the catchment contribution area that has a land value in excess of \$300 and is rateable for the time being under the Local Government Act 1993. Council contributes to the provision of watercourse management in the area controlled by Hunter Local Land Services. A Hunter Valley Catchment Special Rate, which is determined by the authority, is to be applied for the purposes of the Local Land Services Regulation 2014.
  - 3.8 The interest to be charged on overdue rates and charges shall be calculated at a rate of 10.5% per annum for the 2024/25 financial year, on a daily simple interest basis;
  - 3.9 A Domestic Waste Management Charge of \$346 for all rateable and non-rateable properties within the service areas. Where there is more than one

service the annual charge will be multiplied by the number of services;

- 3.10 A General Waste Disposal Charge of \$261 for all rateable and non-rateable properties with the exception of certain Farmland properties that can identify in the manner required by Council that they have a landholding comprised of multiple assessments with a lesser number of residences than assessments; they will be charged for the number of residences. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 3.11 A Business Waste Management Charge of \$268 for all rateable and non-rateable Business category properties where a service is rendered. Where there is more than one service the annual charge will be multiplied by the number of services;**
- 3.12 Water charges for rateable and non-rateable properties within the water supply area of:**

| Charge Type          | Detail      | Amount   |
|----------------------|-------------|----------|
| Service Availability | 20mm meter  | \$182    |
|                      | 25mm meter  | \$284    |
|                      | 32mm meter  | \$466    |
|                      | 40mm meter  | \$728    |
|                      | 50mm meter  | \$1,138  |
|                      | 80mm meter  | \$2,912  |
|                      | 100mm meter | \$4,550  |
|                      | 150mm meter | \$10,238 |
|                      | 200mm meter | \$18,200 |
| Usage - per kL       | Residential | \$3.75   |
|                      | Business    | \$3.75   |
|                      | Raw Water   | \$1.55   |
|                      | Standpipe   | \$6.83   |

In relation to any multi-unit residential development, including any strata development, each unit will be levied a 20mm service availability charge. In relation to vacant land where a water meter is not connected, each property will be levied with a 20mm service availability charge.

- 3.13 Sewer charges for rateable and non-rateable properties within the sewer service area of:**

| Charge Type                        | Detail                                                                            | Amount  |
|------------------------------------|-----------------------------------------------------------------------------------|---------|
| Service availability               | Residential                                                                       | \$1,026 |
|                                    | Non-Residential                                                                   | \$573   |
| Usage - Non-Residential            | Based on kLs of water that would reasonably be deemed to enter MWRC sewer schemes | \$3.28  |
| Liquid Trade Waste - Annual Charge | Category 1                                                                        | \$113   |
|                                    | Discharger                                                                        |         |
|                                    | Category 2                                                                        | \$225   |

|                                                                                  |                                                                       |                             |
|----------------------------------------------------------------------------------|-----------------------------------------------------------------------|-----------------------------|
|                                                                                  | <b>Discharger<br/>Category 3<br/>Discharger<br/>Re-inspection Fee</b> | <b>\$745<br/><br/>\$110</b> |
| <b>Liquid Trade Waste -<br/>Category 1<br/>without appropriate<br/>equipment</b> | <b>Per kilolitre</b>                                                  | <b>\$2.15</b>               |
| <b>Liquid Trade Waste -<br/>Category 2<br/>with appropriate<br/>equipment</b>    | <b>Per kilolitre</b>                                                  | <b>\$2.15</b>               |
| <b>Liquid Trade Waste -<br/>Category 2<br/>without appropriate<br/>equipment</b> | <b>Per kilolitre</b>                                                  | <b>\$18.80</b>              |

## Executive summary

At the Extraordinary Council Meeting on 22 May 2024, Council considered all public and management submissions to the draft Operational Plan. Council resolved to amend the 2024/25 Operational Plan and 2022/23 to 2024/25 Delivery Program, and that it be brought back to Council at the June Ordinary Meeting for endorsement.

## Disclosure of Interest

Nil

## Detailed report

Council has been through an extensive planning process over the past few months to determine an appropriate annual plan, culminating in the Draft 2024/25 Operational Plan and 2022/23 to 2024/25 Delivery Program.

In April 2024, Council placed its' Draft 2024/25 Operational Plan and 2022/23 to 2024/25 Delivery Program on exhibition. In this time, Council received a number of submissions that were considered on 22 May 2024.

### **RATES MODEL**

The Rates Model proposed as part of the Draft 2024/25 Operational Plan and 2022/23 to 2024/25 Delivery Program includes an increase to all rating categories of the IPART capped rate of 4.5%, distributed evenly.

Land rating categories are:

- Farmland;
- Residential;
- Business; and
- Mining

It should be noted that changes to land valuations and categorisation of properties will impact the net increase of a rating category, which may result in an adjusted movement of more or less than the 4.5% capped rate.



Council notes that Notional General Income calculations including compliance with the rate pegging provisions of the Local Government Act are subject to audit by the NSW Auditor General, whose findings are referred to the Office of Local Government to ensure compliance.

## Community Plan implications

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

## Strategic implications

### Council Strategies

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

### Council Policies

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

### Legislation

The below sections of the Local Government Act 1993 have been referenced in this report, and/or have been taken into consideration for the recommendation set out in this report.

#### LOCAL GOVERNMENT ACT 1993 - SECT 405

##### 405 Operational Plan

(1) A council must have a plan (its "operational plan") that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.

(2) An operational plan must include a statement of the council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

(3) A council must prepare a draft operational plan and give public notice of the draft indicating that submissions may be made to the council at any time during the period (not less than 28 days) that the draft is to be on public exhibition. The council must publicly exhibit the draft operational plan in accordance with the notice.

(4) During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.

(5) In deciding on the final operational plan to be adopted, a council must consider any submissions that have been made concerning the draft plan.

(6) The council must post a copy of its operational plan on the council's website within 28 days after the plan is adopted.

#### LOCAL GOVERNMENT ACT 1993 - SECT 494

##### 494 Ordinary rates must be made and levied annually

- (1) A council must make and levy an ordinary rate for each year on all rateable land in its area.
- (2) Each category or subcategory of ordinary rate is to apply only to land of the same category or subcategory.

#### LOCAL GOVERNMENT ACT 1993 - SECT 509

##### 509 Maximum general income for a year

- (1) A council must not make rates and charges for a year so as to produce general income of an amount that exceeds the notional general income of the council for the previous year as varied by the percentage (if any) applicable to the council under section 506, 508 (2) or 508A for the year for which the rates and charges are made, except as provided by section 511 or 511A.
- (2) The "notional general income of a council for the previous year" is the amount that would have been derived if the same rates and charges as were made to produce the general income for that previous year had been so made but, in the case of rates, had been made in respect of:
  - a) the valuations of rateable land in the council's valuation record applicable as at 1 July in that previous year and required under this Act to be used in that previous year for the making and levying of rates (not including valuations of those parcels of rateable land for which supplementary valuations referred to in paragraph (b) have been furnished), and
  - b) supplementary valuations of rateable land having the same base date as those valuations and furnished to the council under the Valuation of Land Act 1916 during that previous year, and
  - c) any estimates of increase in value of rateable land that are provided to the council under section 513 in respect of that previous year.

#### LOCAL GOVERNMENT ACT 1993 - SECT 532

##### 532 Publication of Draft Operational Plan

A council must not make a rate or charge until it has given public notice (in accordance with section 405) of its draft operational plan for the year for which the rate or charge is to be made and has considered any matters concerning the draft operational plan (in accordance with that section).

#### LOCAL GOVERNMENT ACT 1993 - SECT 533

##### 533 Date by which a rate or charge must be made

A rate or charge must be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

## Financial implications

All financial information is shown in the attached Draft Operational Plan 2024/25 and Draft 2022/23 to 2024/25 Delivery Program.

## Associated Risks

Not Applicable

AMANDA AVNELL  
FINANCIAL PLANNING COORDINATOR

KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

31 May 2024

*Attachments:* 1. Draft MWRC 24-25 Operational Plan and 2022/23-2024/25 Delivery Program. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.8 New and Amended Fees and Charges 2024/25

REPORT BY THE FINANCIAL PLANNING COORDINATOR  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400098, FIN300117

### RECOMMENDATION

#### That Council:

1. receive the report by the Financial Planning Coordinator on the New and Amended Fees and Charges 2024/25;
2. amend the following fee amounts, as written, and place on public exhibition for 28 days;

| <i>Service Type</i>                        | <i>Amended Fee</i> | <i>Current Fee amount (\$)</i> | <i>Amended fee amount (\$)</i> |
|--------------------------------------------|--------------------|--------------------------------|--------------------------------|
| Showground   Rylstone Showground Hire Fees | High Impact Event  | \$1,985.50                     | \$1,900                        |

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

| <i>Service Type</i>                    | <i>Fee to remove</i> | <i>Fee amount (\$)</i> |
|----------------------------------------|----------------------|------------------------|
| Showground   Annual Building Occupancy | Antique Machine Club | \$368                  |
| Showground   Approved Regular Hirers   | Mudgee Dressage Club | \$1,765                |

4. add the following new fee, as written, and place on public exhibition for 28 days; and

| <i>Service Type</i> | <i>New Fee</i>                            | <i>Fee (Exclusive of GST)</i> | <i>Fee (Inclusive of GST)</i> | <i>Price Policy</i> |
|---------------------|-------------------------------------------|-------------------------------|-------------------------------|---------------------|
| Cemeteries          | Interment Services Levy for Cremation     | \$ 41                         | \$ 45.10                      | Per Cremation       |
| Cemeteries          | Interment Services Levy for Ash Interment | \$ 63                         | \$ 69.30                      | Per Ash Interment   |
| Cemeteries          | Interment Services Levy for burial        | \$ 156                        | \$ 171.60                     | Per Burial          |

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

Executive summary

This report recommends the introduction of a new fee for recreation services. Any new or amended fees that are not legislated are required to be placed on public exhibition to provide the public with opportunity for submission.

Disclosure of Interest

Nil

Detailed report

**Amended Fees Amounts**

The following table provides information about the reason for amendment of the current fee amounts:

| Fee Name                                          | Reason for new fee                                                                              |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Rylstone Showground Hire Fees - High Impact Event | The reason for the amendment is so that is in line with the Mudgee Showground high impact fees. |

**Removed Fees**

The following table provides information about the reason for removal of the current fees:

| Fee Name                                                    | Reason for new fee                            |
|-------------------------------------------------------------|-----------------------------------------------|
| Showground   Annual Building Occupancy Antique Machine Club | The building is no longer occupied.           |
| Showground   Approved Regular Hirers Mudgee Dressage Club   | Mudgee Dressage Club now pays per event fees. |

**New Fees**

The following table provides information about the reason for introduction of the new fee:

| Fee Name                                  | Reason for new fee                                                                                                                                                                                                |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Interment Services Levy for Cremation     | The reason for inclusion of this fee is Cemeteries & Crematoria NSW (CCNSW) are imposing an interment services levy on cemetery operators, including councils which will be passed onto customers (see attached). |
| Interment Services Levy for Ash Interment | The reason for inclusion of this fee is Cemeteries & Crematoria NSW (CCNSW) are imposing an interment services levy on cemetery operators, including councils which will be passed onto customers (see attached). |
| Interment Services Levy for burial        | The reason for inclusion of this fee is Cemeteries & Crematoria NSW (CCNSW) are imposing an                                                                                                                       |

|  |                                                                                                                       |
|--|-----------------------------------------------------------------------------------------------------------------------|
|  | interment services levy on cemetery operators, including councils which will be passed onto customers (see attached). |
|--|-----------------------------------------------------------------------------------------------------------------------|

## Community Plan implications

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

## Strategic implications

### Council Strategies

If the recommendation is approved and no submissions are received the 2024/25 Fees and Charges will be amended.

### Council Policies

Not Applicable

### Legislation

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

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

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

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

## Financial implications

This report recommends that the fees and charges within the 2024/25 Operational Plan be amended. Revenue associated with these changes is not anticipated to have a material impact on the 2024/25 Operational Plan or future years.

## Associated Risks

Not Applicable

AMANDA AVNELL  
FINANCIAL PLANNING COORDINATOR

KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

4 June 2024

*Attachments:* 1. Interment Services Levy FAQ.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Cemeteries & Crematorium NSW

### Fact sheet



## Frequently Asked Questions

This document provides answers to common questions about the expansion of the Interment Services Levy.

### Why an interment services levy?

The interment services levy (the levy) is a levy on interment services to fund the cost of Cemeteries and Crematoria NSW (CCNSW; the regulator) to deliver better outcomes for customers and the community, and to support industry to meet the new licensing standards.

The government has set out its strategic directions for the State's cemeteries and crematoria in *Delivering strong consumer and community outcomes for Cemeteries and Crematoria in NSW*. The aim is to ensure every person in NSW has accessible, sustainable, and affordable burial and cremation services into the future.

An effective, properly resourced regulator is essential to achieving these aims. The existing industry levy – in place since 2014 and applying to the 2 Crown operators only – is insufficient to fund an effective regulator. It is also inequitable as only 2 operators pay for the regulation of the whole sector.

To ensure CCNSW can be the active and sustainable regulator we need, the government will expand the interment services levy from just 2 Crown cemeteries to all active industry operators. This reflects a recommendation from the Independent Pricing Regulatory Tribunal and the Statutory Review of the Cemeteries and Crematoria Act (the *11<sup>th</sup> Hour Report*). In addition to achieving better outcomes for customers, this will drive equity and level the playing field in the sector. The levy represents a less than 1.6 per cent cost of a \$10,000 burial.

### Answers to frequently asked questions

In April and May 2024 CCNSW consulted with industry on the proposal to expand the interment services levy.

After considering all the feedback, the government has decided to delay the commencement of the change for one year for operators who reported providing fewer than 50 interments in 2022/23. This is to give operators with lower administrative capacity more time to prepare for the levy.



## Cemeteries & Crematorium NSW

### Fact sheet



For operators that reported providing more than 50 interment services in 2022/23, the levy will commence from 1 July 2024.

In addition, a hardship policy will be developed prior to the 25-26 FY when the levy comes in for the smaller operators. It will address cases of particular hardship. This document provides answers to many of the operational/implementation questions operators and funeral directors asked during the consultation.

### Who pays the levy?

The interment services levy is paid to CCNSW by cemetery and crematorium operators. It is not paid directly by customers. Operators may choose to pass this onto the customer and reflect the levy in the price of their services. Operators need to ensure funeral directors are provided with up-to-date prices, so the funeral director knows what to charge the customer. Funeral directors do not make payments directly to CCNSW.

### When does the levy begin?

For operators that provided 50 or more interment services in 2022/23, the levy will apply from 1 July 2024. For operators that provided fewer than 50 interment services in 2022/23, the levy will apply from 1 July 2025. This is to give operators with lower administrative capacity more time to prepare for the levy.

### How is the levy calculated?

The total levy payable is calculated according to how many burials, cremations and/or ash interments an operator performs. The amounts for each type of service are:

- \$41 per cremation
- \$63 per ash interment
- \$156 per burial

These rates have been calculated as the minimum needed to fund the regulator to deliver the outcomes and consumer protections needed. The different rates reflect the different costs of regulating each type of interment service.

### When does a service attract the levy?

The levy applies at the time the interment service (burial, ash interment or cremation) is rendered, regardless of when it is purchased. Attachment A lists three common scenarios to illustrate when the levy is triggered.

## Cemeteries & Crematorium NSW

### Fact sheet



#### Will the rate of the levy change over time?

The rates of the levy may increase by amounts equal to or less than changes to the consumer price index (CPI).

#### Are there any exemptions?

Yes, some services are exempt from the levy. They are:

- Interment services for children under 12, stillborn children and miscarriages
- Interment services for destitute people

Inactive operators (i.e., holders of a Cemetery Operator (Caretaker) Licence (known as Category 4) are also exempt.

#### What is a destitute person?

For the purposes of the levy, a destitute person is a person with no money or assets, and whose relatives and friends are unable to pay the costs of cremation or burial. Either the police or a public health facility (like a hospital) will determine whether a deceased person is destitute. Further information is available from NSW Health [here](#).

#### Do scattering of ashes and/or memorialisation without a burial, cremation or ash interment attract the levy?

No. Scattering of ashes above ground is not considered an interment service under the Act and does not attract the levy. Similarly, erecting a monument or plaque without interring body or cremated remains is not considered an interment service and does not attract the levy.

#### Does placing ashes in a coffin to be buried attract the levy?

Yes. This is considered an ash interment and will attract the levy.

#### What about services purchased before 1 July 2024?

The levy applies at the time the interment service occurs, regardless of when it was purchased. This means that the levy applies to services purchased before 1 July 2024 if the burial, cremation, or ash interment happens on or after 1 July 2024.

## Cemeteries & Crematorium NSW

### Fact sheet



#### Do I pay/report quarterly or annually?

Operators that performed an average of more than 1,000 services per year for the preceding three years will be required to report their activity and pay the levy quarterly.

Other operators will report and pay annually by default. If you perform fewer than 1,000 services a year but would like to report and pay quarterly, please contact CCNSW by 30 July 2024.

#### What is the invoicing process?

At the end of each quarter or financial year, operators will receive an email from CCNSW telling you it is time to report that period's activity. This e-mail will come from a new operator portal to be launched in July 2024 and used for activity reporting.

Operators will have six weeks after the end of the quarter/year to enter their activity data. At this stage, CCNSW might get in touch if we have any questions about your submission. Once everything is finalised, operators will receive an email with your invoice and details on how to pay. The standard terms of payment are 30 days from the date of invoicing.

#### Does the levy attract GST if it is included on operator or funeral director invoices?

The Australian Taxation Office is preparing advice on this issue that CCNSW will share with the industry as soon as possible. We expect this within two weeks.

#### Can I pre-pay the levy?

No. Levies are due either annually or quarterly depending on your reporting schedule (see above). It is not possible to pre-pay the levy because it is based on your actual activity. (You may collect the levy as part of a pre-paid package, but you would not pay the levy to CCNSW until the interment).

## Cemeteries & Crematorium NSW

### Fact sheet



#### What happens if too much / too little revenue is raised by the levy?

The levy applies to each service delivered, so the total amount collected will change each year depending on how many services are undertaken (burials, cremations or ash interments). It is likely that in some years levy revenue will exceed CCNSW's needs, while in other years there will be a shortfall.

CCNSW is an independent regulatory agency and has its own bank accounts. Money collected from the levy will only ever be used to fund regulatory activities. Excess amounts in one year will be used to cover shortfalls in future years. If the levy consistently raises too much or too little revenue, rates may be revised during a review scheduled for 2029. CCNSW can also increase the levy by an amount in line with CPI growth or less each year.

#### What about large purchases of interment rights?

If a person wants to hold more than 2 interment rights in a cemetery, this needs to be approved by CCNSW. In some cases, large numbers of rights are sold to an intermediary organisation with the approval of CCNSW.

In these cases, the cemetery operator is still liable for the levy at the applicable rate at the time the interment happens. The cemetery operator is responsible for developing an arrangement that works for them and the customer.

Cemeteries & Crematorium NSW  
Fact sheet



Attachment A: Illustrative scenarios of how the levy works.

| Scenario 1: an at-need interment service sold by a funeral director.                                                                                                                                                                                                                                                                                         | When is the levy incurred?   | Who pays the levy?                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------|
| The family of the deceased chooses a funeral director to handle all the arrangements for their loved one’s funeral. The funeral director has an arrangement with a local crematorium and offers a package to the family which includes the cremation and a funeral service. The family accepts the package and the cremation and funeral service take place. | When the person is cremated. | The crematorium operator pays the levy to CCNSW, not the funeral director. |

Comment: The crematorium has many costs and sets its prices to create a sustainable business model. Like all their other costs, the levy is built into the price they communicate to the funeral director. The funeral director is then able to explain the total costs to the family at the time they are offered the contract.

## Cemeteries & Crematorium NSW

### Fact sheet



| Scenario 2: an interment service purchased pre-need for a fixed price before 1 July 2024.                                                                                                                                                                                                | When is the levy incurred?                                     | Who pays the levy?                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| A customer purchased an ash interment site from a cemetery pre-need. They purchased an all-inclusive package that stated no further charges would apply at the time of interment. Ten years later the customer passed. They were cremated and their ashes were interred by the cemetery. | When the person is cremated and when their ashes are interred. | The cemetery operator pays the levy for the cremation and for the ash interment to CCNSW irrespective of whether it is passed on to the customer or not. |
| Alternatively, the cemetery might offer a package that states that the customer will be charged any applicable levies at the time of interment. They explain this arrangement to the customer, and it is clearly outlined in the contract.                                               | As above                                                       | The cemetery operator pays the levy for the cremation and for the ash interment to CCNSW and is able to pass it on to the customer.                      |

Comment: Operators need to consider the risks that any costs emerge or go up and down when making fixed price contracts.

## Cemeteries & Crematorium NSW

### Fact sheet



#### Scenario 3: dual burial plot

Following the death of their partner, a person decides to purchase a site with capacity for two burials at the local cemetery. The first burial occurs immediately.

Ten years later, the person who purchased the site passes and is buried alongside their partner.

#### When is the levy incurred?

The operator pays the levy in each of the years someone is buried (i.e., one at need and one ten years later)

#### Who pays the levy?

The cemetery pays the levies for the burials to CCNSW.

Comment: As in Scenario 2, the cemetery is responsible for developing an arrangement that works for them and the customer. The cemetery may choose to accept full payment for both burials upfront. Alternatively, the cemetery might take payment for the interment right up front, and charge for the grave opening and other services at need. In either case the cemetery should be clear with the customer what is included in the contract and be able to pay the levy to CCNSW after the interment service happens.



## 9.9 Draft Long Term Financial Plan 2024/25-2033/34

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400098, FIN300201

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the Draft Long Term Financial Plan 2024/25-2033/34;**
2. **endorse the Draft Long Term Financial Plan 2024/25-2033/34 to go on public exhibition for a period of 28 days;**
3. **request a report be returned to Council after the period of exhibition, if any submissions are received for consideration; and**
4. **adopt the Long Term Financial Plan 2024/25-2033/34 if no submissions are received.**

---

### Executive summary

The purpose of this report is to present the Draft Long Term Financial Plan 2024/25-2033/34 and seek endorsement for the plan to be placed on public exhibition. The Plan is a requirement of the Integrated Planning and Reporting process, as a component of the Resourcing Strategy. The Plan is a high-level financial strategy that projects Council's financial position over the coming decade using a series of financial assumptions based on best available information.

### Disclosure of Interest

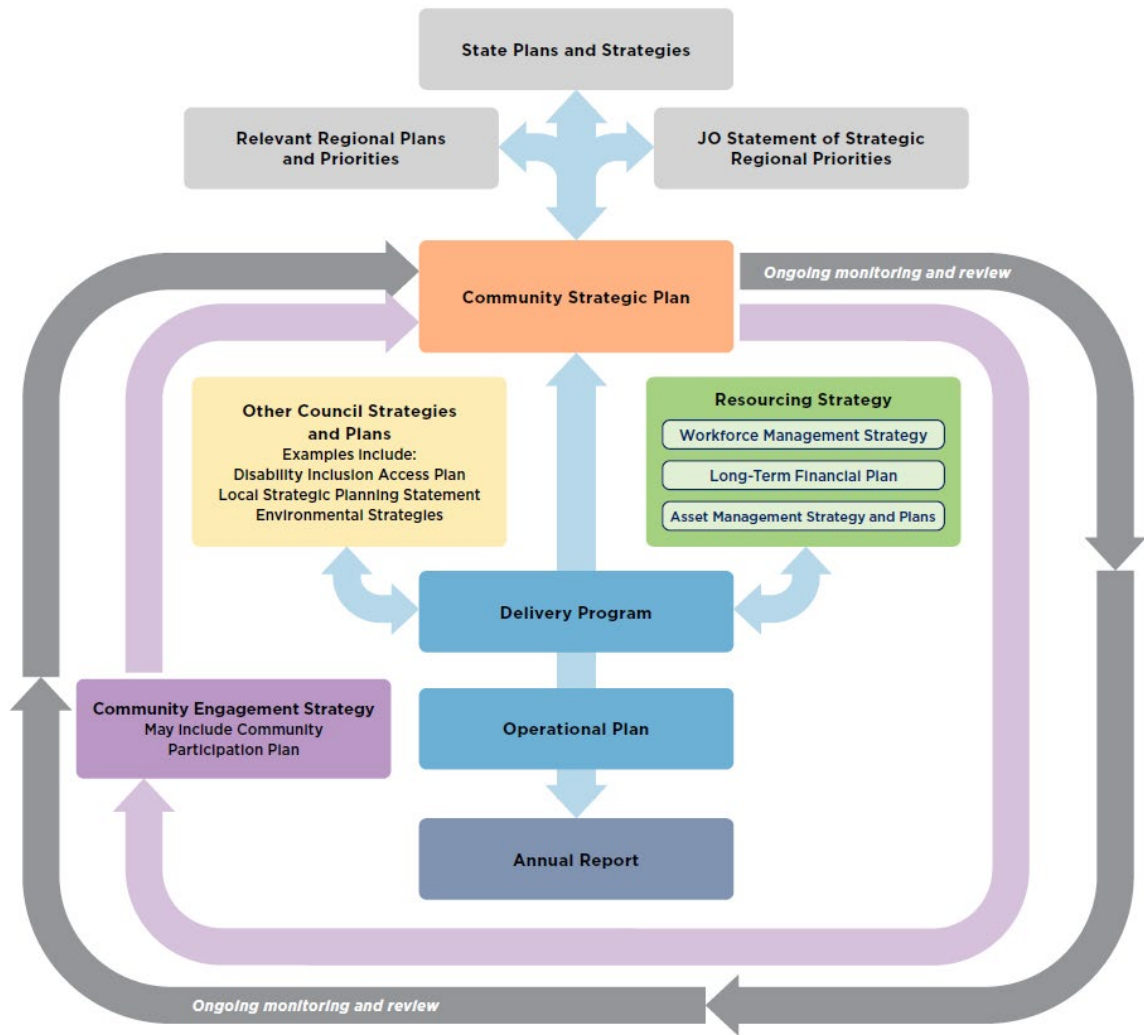
Nil

### Detailed report

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

The Long Term Financial Plan must include:

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



Community Plan implications

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

Strategic implications

Council Strategies

The Long Term Financial Plan makes up a part of Council's Resourcing Strategy.

Council Policies

Not Applicable

## Legislation

Local Government Act 1993 Section 430 Resourcing Strategy:

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

## Financial implications

The Operational Plan 2024/25 sets out Council's planned activities, major projects and strategic direction for the financial year ended 30 June 2025. The Long Term Financial Plan 2024/25-2033/34 identifies Council's planned financial path for the next ten years.

NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

KRISTIE WARD  
ACTING DIRECTOR CORPORATE SERVICES

5 June 2024

*Attachments:* 1. Draft Long Term Financial Plan 2025-2034. (separately attached)

## APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 10: Operations

---

### 10.1 Unmaintained Road - Broadfield Road - Request for Maintenance

REPORT BY THE MANAGER WORKS  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, R6880001

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Works on the Unmaintained Road - Broadfield Road - Request for Maintenance; and**
  2. **decline the request to add Broadfield Road to Council's maintenance schedule.**
- 

#### Executive summary

Council has received a request from a resident of Broadfield Road to have the road included in Council's maintenance schedule. Council have had other requests over the years and responded to those requests indicating that it doesn't meet the policy requirements to be added to the schedule. The resident has specifically requested Council consider the request regardless.

The report recommends declining the request simply as Broadfield Road does not meet Council's policy for inclusion as a maintained road due to the number of residents who access the road being two only.

#### Disclosure of Interest

Nil

#### Detailed report

Council receives many requests for grading of currently unmaintained sections of public road reserve. Most of these requests receive a written response advising of Council's Unmaintained and Unformed Roads Policy. Some people on reading the policy then formally request the road to be considered for inclusion as maintained roads as per the policy. These requests are then reported to Council.

Broadfield Road is 1.8km long and has two residents that gain access from that road.

The resident who made the request sited he is running a small business being farming that supports other businesses in and around town and they pay rates to a significant amount. The resident would like Council's support through grading of the road as good access is essential for

running of the business and to allow cattle trucks and other supply trucks to the farm. He requests it is graded in conjunction with Whitehouse Road which is currently graded on a 24 month schedule and directly connects to Broadfield Road. A letter supporting the request is attached.

### Options for Consideration

#### **A. Decline the request to add Broadfield Rd to the maintenance schedule.**

Given there are only two residents accessing the road it does not meet the requirements of Council's Unmaintained and Unformed Roads Policy to be added to the maintenance schedule, hence the report recommends declining the request.

#### **B. Include Broadfield Rd on the maintenance schedule and bring it up to standard.**

If Broadfield Road is included as a maintained road, the following indicative costs will be required to bring the road up to standard, followed by grading every 2nd year. The figures below are based on general rates allowing for general earthworks, drainage works and pavement construction from a local gravel source and finishing with a suitable cross grade. The road currently is low and requires forming and re-sheeting.

Broadfield Road initial cost to bring 1.8km of road up to standard is \$80,000 and the grading cost every second year is \$3,200. The initial cost would be sourced from re-sheeting budget and the culvert installation budget, while the grading from the maintenance grading budget.

#### **C. Include Broadfield Rd on the maintenance schedule accepting it at its current standard.**

This option is not recommended from an engineering perspective as it will not provide the level of service consistent with Councils current standards. Given the very low volumes of traffic it will however provide better access than currently experienced by the residents.

The cost for this option is grading only being \$3,200 every second year. In reality there would most likely be a requirement to add imported gravel sometimes and the capital cost to do this would be spread over multiple years and using the re-sheeting budget. For example, year 1 - \$20,000, year 3 - \$20,000, year 5 - \$20,000, year 7 - \$20,000.

## 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**

The Roads Asset Management Plan details Council's existing roads network and costs associated with maintaining the network compared to current annual budgets.

### **Council Policies**

It is the intent of Council's Unmaintained and Unformed Roads Policy that Council will not undertake works on the unmaintained road network.

The policy states;

*Roads will only be added to the maintained list after consideration by Council and taking into account the cost to bring the road up to a minimum standard (as defined in the Road Asset Management Plan), ongoing maintenance costs and the impact on the total roads program.*

*Sections of Council road reserve that service less than 5 permanent residences will not be considered for addition to the maintained road list, noting that historically, there are maintained roads within the local government area that do not meet this requirement.*

### Legislation

Roads Act 1993

### Financial implications

If the recommendation is adopted there is no financial implication.

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

### Associated Risks

Nil

ANDREW KEARINS  
MANAGER WORKS

3 June 2024

*Attachments:* 1. Unmaintained - Broadfield Rd Sub\_Redacted.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

3<sup>rd</sup> June 2024

Russell Flanagan

[REDACTED]

[REDACTED]

[REDACTED]

Councillors

Mid-Western Regional Council

86 Market Street

Mudgee NSW 2852

[andrew.kearins@midwestern.nsw.gov.au](mailto:andrew.kearins@midwestern.nsw.gov.au)

Dear Councillors,

**Subject: Request for Maintenance of Broadfield Road**

I am writing to express my concern regarding the condition of Broadfield Road and to request your support of implementing a maintenance program for Broadfield Road in conjunction with the Whitehouse Road maintenance program.

As a resident, I have noticed that Broadfield Road has been deteriorating over time due to usage and adverse weather conditions. Potholes, corrugates and uneven surfaces have become prevalent, posing safety hazards to road users.

A major concern with the road is for emergency transport access. Safety would be a priority of the council and I'm sure you see the value in making the road more accessible for emergency service vehicles.

Maintenance of Broadfield Road is essential to ensure the safety and convenience of the agribusinesses, contractors and residents regularly accessing the road. Therefore, I kindly request that the Mid-Western Regional Council implement a maintenance schedule for Broadfield Road, my recommendation is the road be maintained in conjunction with the adjoining Whitehouse Road light road maintenance program.

By conducting road maintenance, such as filling potholes and grading sections of road as needed, we can prolong the lifespan of Broadfield Road and prevent further deterioration. Additionally, maintaining the road's safety and accessibility will contribute to the overall well-being and satisfaction of everyone who relies on it.

Personally, as a primary producer running a Cattle & Sheep farming operation, selling approximately 200 head of cattle through Mudgee each year the condition of the road is making it difficult to engage contract transport and workers to this business I have been running for over 50 years. In wet weather, the road is in such a condition that I cannot transport stock to the saleyards. Consider that aside from my business there are three other



agribusinesses utilising this road that must share similar challenges engaging workers, their clients and transport carriers. These challenges are making it increasingly difficult to run a business and earn an income.

I pay approximately \$10k in rates to mid-western regional council per annum and I would estimate my neighbours are paying similar amounts for services provided by the council. Our businesses support other local businesses and this community. We need our councillors to support us by adding this road to the maintenance works program.

I understand that budgetary constraints and other factors may influence the council's ability to allocate resources for road maintenance. However, I firmly believe that adding the upkeep of Broadfield Road to the Whitehouse Road maintenance program will minimise this expense, benefit road users, local businesses and ensure the preservation of infrastructure assets in the long run.

I would appreciate it if you will all support this request with your approval of the maintenance of Broadfield Road in conjunction with Whitehouse Road maintenance, when I speak further on this matter at the June Council meeting.

Thank you for your attention to this matter. I look forward to your response.

Yours sincerely,

Busell Elanagan



## Item 11: Community

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### 11.1 Policy Review- Cemeteries

REPORT BY THE MANAGER RECREATION SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV1

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Manager Recreation Services on the Policy Review- Cemeteries;**
  2. **place the revised Cemeteries Policy on public exhibition for 28 days: and**
  3. **adopt the draft Cemeteries Policy if no public submissions are received.**
- 

#### Executive summary

This report presents the review of Council's Cemeteries Policy. A copy of the proposed Cemeteries Policy with tracked changes is attached to this report.

#### Disclosure of Interest

Nil.

#### Detailed report

The objectives of this policy is to provide the management standard for the administration functions, operations and maintenance of Council operated cemeteries.

The policy review proposes the following changes:

- Requests for interments to be from registered Funeral Directors only
- Erection of new vaults or other forms of above ground interments are not permitted
- Removal of family grave provisions, only single and double depth grave allotment sizes
- Statutory declarations required to accept any plot transfer requests
- Reservations are not to be permitted for areas within the cemeteries that have not yet been developed
- Condition that Council reserves the right to remove dangerous structures
- Funeral Directors are to be responsible for coordinating removals of stones and monuments , Council will not remove top stones or monuments for second interments
- Simplified details on exhumation process, including the condition that all exhumations must be applied for and approved by the NSW Health department

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**

Local Government Act 1993

Cemeteries and Crematoria Act 2013

Public Health Act 2010

Financial implications

Not applicable

Associated Risks

Not applicable.

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 June 2024

*Attachments:* 1. POLICY REVIEW- Cemeteries.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY Cemeteries

*A prosperous  
and progressive  
community.*

|                        |             |
|------------------------|-------------|
| ADOPTED                |             |
| COUNCIL MEETING MIN NO | 134/19      |
| DATE:                  | 15 MAY 2019 |

|             |          |
|-------------|----------|
| VERSION NO  | 1.2      |
| REVIEW DATE | MAY 2023 |
| FILE NUMBER | GOV00047 |

### Objective

1. To provide a lawn cemetery with enhanced aesthetic appeal afforded by quality landscaping, standardised memorial plaques and restricted floral adornments for the benefit of all.
2. To set standards and guidelines for the use of and services provided by Council operated cemeteries.
3. To provide choice in the options for ashes interment.

Mid-Western Regional Council has developed this policy document to suit the burial requirements and needs of the general community. It covers all cemeteries in the region; towns of Mudgee, Rylstone and Gulgong, villages of Hargraves, Windeyer, Ulan, Wollar, Ilford, Lue and the localities of Tannabutta, Cudgegong and Crudine. The regulations in regard to burial requirements are outlined in this document, in both the monumental and lawn cemeteries. All denominations are covered. General information in regard to reservation of graves, interment of cremated remains, memorials and exhumations is also provided. The pricing structure is also referred to.

### Legislative requirements

Cemeteries and Crematoria Act 2013.

### Policy

#### General

1. Council only accepts a request for a burial from a registered Funeral Director and requests for placement of ashes can be accepted from a funeral director or authorised family representative
- 4.2. Two (2) working days' notice must be given at all times to allow sufficient time for grave digging to be completed. Burials with less than 48 hours' notice will only be considered in exceptional circumstances eg religious requirements.
- 2.3. All cemetery burials and interment activities shall be finalised between 8.30am – 4.00pm inclusive otherwise additional fees will apply as per Council's fees and charges. After hours can be negotiated dependant on staff availability with the approval of Manager of Recreation Services
- 3.4. In the event that there is a request for more than three (3) funerals to be conducted within the Mid-Western Region on one particular day agreement must be sought from the Parks and Gardens Department to ensure resources are available. There must be a minimum of one (1) hour from the conclusion of the graveside service between funerals at the same cemetery on the same day
- 4.5. No weekday burial shall be allowed to take place at any other time unless in cases of great urgency (such as those involving a health risk, an extraordinarily long weekend or circumstances surrounding the death that have a state or national implication). Written

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POLICY: CEMETERIES | 1.2, 15 MAY 2019

authority of the General Manager (or delegate) is required and subject to such conditions, including charges as deemed necessary, refer to Council's fees and charges

~~5-6.~~ Burials on Weekends and Public Holidays or outside normal operating hours are only permitted subject to staff availability by arrangement and additional fees will apply as per the current Council's fees and charges.

~~6-7.~~ The erection of new vaults and other forms of above ground interments in Council cemeteries are to be in accordance with NSW Health regulations, and be approved by Council. Plans are to be submitted prior to construction. The erection of new vaults and other forms of above ground interments in Councils cemeteries are not permitted.

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~~7-8.~~ Only Parks and Gardens staff (or those contracted to Council) shall be allowed to prepare graves in any Council cemetery.

~~8-9.~~ Grave Allotment Sizes - Sizes shall be as follows:

- a. Single grave 2.14m x 1.2m
- b. Double grave 2.14m x 2.4m
- ~~c. Family grave 2.14m x 3.7m~~

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All graves are to be dug to double depth to allow for future potential burials that may be required. A maximum of 2 ashes interments to be interred at an existing grave. And a maximum of 4 ashes interments for vacant plots.

~~9-10.~~ All graves within a cemetery for persons eight (8) years of age and upwards shall be dug at least 1.8m, and for children under eight (8) years not less than 1.4m. No coffin shall be buried so that the lid is less than 0.9m below the surface. Council will consider requests for additional depth where more than two interments are proposed.

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~~10-11.~~ The Council may grant a Lease for a cemetery allotment for the interment of a stillborn baby around the Mudgee Central Garden Bed. The cost of this lease will be set in Council's Fees and Charges. The interment will be at the minimum depth permitted and no other burials will be permitted in the allotment.

~~11-12.~~ Burial fees are set and reviewed by Council annually.

~~12-13.~~ Single plots are to be paid for prior to any burial, unless the applicant has an existing account arrangement with Council.

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~~13-14.~~ Council will not undertake the ongoing maintenance of plaques and memorials. This is the responsibility of the family.

~~14-15.~~ All activities undertaken within the cemetery grounds shall be undertaken by Council staff only and comply with relevant Work Cover and Work Health and Safety requirements.

~~15-16.~~ Council staff will provide a Cemetery General Information Guide for any member of the public and Funeral Directors.

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#### Reservations

1. At the time of burials, relatives of the deceased are to be given the opportunity to "reserve" graves.

POLICY: CEMETERIES | 1.2, 15 MAY 2019

2. All reserved plots are to be paid for, as per current Council's fees and charges, at the time the reservation is being made. Only then shall a permit be issued.
  3. The General Manager (or delegate) shall be authorised to approve or reject applications for reserved vacant plots. Insufficient reasons or lack of prepared burial land shall be suitable avenues to refuse an application.
  4. The ~~re-assignment transfer~~ of a Lease of a plot into a new name is not permitted unless the leasee provides ~~the request in writing in the form of a statutory declaration with evidence of ownership~~ written confirmation of the assignment. ~~In the event that the leasee is not able to do so a statutory declaration from the executor of the will needs to be provided.~~
  5. Where an allotment has not been used, the Lease may be transferred from one allotment to another ~~the request in writing in the form of a statutory declaration with evidence of ownership.~~
  6. Council has the discretion to buy back unused sites for the amount of the original purchase price where required. If documentation does not indicate the purchase price, then the refund shall be \$50.00. Proof of ownership of the lease will be required prior to release of the site.
- ~~6.7. Reservations are not permitted in areas that are not prepared yet.~~

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#### Monumental Sections

1. No plaques, vase or other ornaments will be erected or established outside the allotment size area
2. Headstones will comply with specifications as outlined in Memorials Section of this policy.
3. Council shall maintain the lawn areas, trees and vegetation, roadways and paths adjacent and within the monumental sections. Planting of trees or shrubs and cutting back of the vegetation is not permitted by the public.
4. Grave ornaments will be limited to two (2) per grave site with a maximum height of 30cm. All ornaments shall be within the designated allotment area and should not encroach onto adjacent gravesites, or be permanently fixed.
5. Artificial flowers, ~~ceramic and glass~~ ornaments will be allowed, but will be removed by Council staff if in their opinion they have deteriorated to such an extent as to detract from the appearance of the cemetery.
6. Council may relax the general restrictions of floral adornments for a period of 3 months following interment. The General Manager (or delegate) may grant permission for a limited period for persons to place artificial flowers on a grave if extenuating circumstances exist.
7. ~~To recognise persons who have a claim over a cemetery plot utilised prior to 1973 allowing those persons to maintain a monument on the plot, despite ownership of the plot being uncertain. Any person that has been maintaining a monument that was erected on a grave site prior to 1973, shall be allowed to carry out repairs or upgrading without the need to purchase the grave site. This applies to all cemeteries.~~

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#### Lawn Cemetery and ~~Avenue~~ Memorial Trees

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1. The Lawn Cemetery has no religious denomination sections.

POLICY: CEMETERIES | 1.2, 15 MAY 2019

2. Council shall maintain the lawn and garden areas.
3. All shrubs, plants etc in the garden are planted and cared for by Council. The public are not permitted to interfere with prune, cutback or remove any plants, flowers, shrubs or trees in the Lawn Cemetery or gardens. If a plant is planted in the gardens, Council staff will remove it, pot it up and leave it for the family to collect over a 2 week period. Council staff will remove the plant if it is still there after the set period.
4. Grave ornaments will be limited to two (2) per grave site and shall not exceed 30cm in height and shall not be permanently fixed. Ornaments shall not be a main focal point and under no circumstances shall plants be removed, pruned back or shaped to provide room.
5. No monuments or displays are to be erected in the Lawn Cemetery. Council installs plaques on the kerbing. Plaques must be ordered direct with Council ~~or via assistance from the Funeral Director.~~
6. Any flowers, artificial flowers, wreaths left in the Lawn Cemetery by persons are left with no responsibility on Council to maintain them. Council will remove any of the above when they begin to fade or look untidy.
7. Flowers are to be left in the plastic vase provided by Council. No ornaments, vases etc are to be fixed or placed onto the concrete kerbing or left in the garden beds ~~with exception to point 15.~~
8. Ashes interment is permitted once approved by Council ~~around specified avenue trees in addition to standard plot.~~ Prior to this approval and Ashes Interment request Form is to be completed and submitted to Council ~~and fees paid.~~
9. Council may relax the general restrictions on floral adornments for a period of 3 months following interment. The General Manager (or delegate) may grant permission for a limited period for persons to place artificial flowers on a grave if extenuating circumstances exist.
10. Temporary markers are ordered automatically with each funeral with new plots or first burial in a reserved plot. Please advise council if one is not required upon booking the funeral.
11. At the Lawn Cemeteries, a series of adjacent plots can be reserved for the burial of a family including adults and children.
12. ~~At the Lawn Cemetery, the children's section is for children older than 12 months and less than 16 years~~
13. At the Lawn Cemetery, ~~Central Infants Garden is permission may be gained for burial of children stillborn and children up to 12 months of age around the Central Infants Garden Bed. (See attached Mudgee Lawn Cemetery Plan). This area is for the exclusive burial of children 12 months old and under. Ornaments will be permitted in this area but have to remain to a maximum height of 30cm and width of 60cm and need to remain within the designated area. They should not encroach onto adjacent gravesites and not be fixed or placed on the concrete kerbing. Any ornaments fixed or placed incorrectly or become faded and deteriorated will be removed by Council staff.~~

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#### Plaques

All plaques must ordered through Councils Administration Office and are restricted on shape and size. Single plaque size is 165mm x 230mm and double plaques 450mm x 165mm.



POLICY: CEMETERIES | 1.2, 15 MAY 2019

1. Council staff will affix plaques every 2nd Friday, weather dependent. Any requests outside of this schedule requires the approval from the Parks and Gardens Department
2. Council staff, at Council's expense, shall reset plaques that are moved by Council during normal operations or become detached from the concrete

#### Interment of Cremated Remains

1. No person shall inter cremated ashes in Council's cemeteries unless approval has first been obtained for such purpose. Prior to this approval, an Ashes Interment Request Form is to be completed and submitted to Council. Associated fees to be paid
2. ~~The granting of a Lease for the interment of ashes shall not give or confer on the lessee, or any other person, any right for more than two interments in any one allotment in the Tree Memorial Beds.~~
3. Memorial tree plots hold a maximum of 2 ashes. Niche walls hold a maximum of 1 ashes per space. Maximum of 4 ashes per vacant plot or 2 ashes and 2 coffins into vacant plots. ~~Maximum of 2 ashes interred per existing cemetery plots. Maximum of 4 per vacant plot. Maximum of 4 ashes per space in the ashes wall.~~
4. Vases are limited to 2 per space on the memorial wall

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#### Memorials

1. No person shall erect, or cause to be erected a memorial headstone or any other structure on any allotment in Council's cemeteries unless an Application for Monumental Permit has been submitted to Council and has been issued.
2. The fee for memorial work is as stated in the Council's Fees and Charges and a permit will be issued to the stonemason carrying out the work. The stonemason will provide Council with a copy of their Public Liability policy for a minimum amount of \$20 million. Where a stonemason is not being utilised, the consent of Council will be required prior to erection of the memorial headstone. Stonemasons shall provide Council with a minimum of 2 weeks notice
3. Each memorial shall be set up on a footing and shall be erected or set up in such a place or position as the Council may direct. No memorial work is to be undertaken until a Council employee has pegged the site after the permit has been issued.
4. Memorials erected on cemetery allotments shall incorporate headstones which shall not exceed a height of 0.84 meters and a depth of 0.3 meters and each headstone shall have a maximum width of 1.2 meters (2.4m for double) and be of a type and material approved by Council.
5. Ownership and maintenance of a memorial headstone shall rest with the holder of the Lease (name to be advised) or the holder's personal representatives (eg next of kin/executors) ~~and shall be deemed to have taken place only when all monies owed have been discharged. Council also reserves the right to remove dangerous structures.~~
6. The holder or the holder's personal representative shall be responsible for the maintenance, repair or removal of damaged or deteriorated memorial work.

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POLICY: CEMETERIES | 1.2, 15 MAY 2019

7. If, on being notified of the need for a memorial to be maintained, repaired or removed, the holder fails to effect such work within 30 days the Council shall do so in default and recover the cost from the holder. Council also reserves the right to remove dangerous structures.
8. Council will not remove top stones ~~or monuments for second interments, erected as part of a memorial for the interment of additional bodies or ashes. Funeral Directors are responsible for the removal of stones and monument at their cost and must be done prior to interment. Removal arrangements must be made through nominated stonemasons, as approved by the Funeral Director carrying out the burial. Removal cost of top stones is to be the responsibility of the Funeral Director.~~

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#### Exhumations

1. ~~Approval for the exhumation will be given by the General Manager (or delegate) and will be in accordance to NSW Health regulations.~~

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Exhumations (burials/coffins) must be applied to and approved by the NSW Health Secretary or ordered by the Coroner in line with Section 94 of the Regulation and can only take place if an Authorised Officer or Ministry of Health Staff member is present.

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2. ~~Requirements for Re-interment — For approval for re-interment in a new burial plot to be considered, the following must be lodged to Council with the application:~~

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- a. ~~Written confirmation from a recognised Undertaker that they are prepared to carry out the exhumation; and~~
- b. ~~Written consent for the proposed exhumation from the deceased next of kin, executor or other personal legal representative; and~~
- c. ~~A certified copy of the Death Certificate; and~~
- d. ~~Details of the new burial site where re-interment is to take place.~~
- e. ~~The approval in writing of the Director General of the Department of Health (NSW) where the re-interment plot is located other than within the same local government area. Further, that the following condition be incorporated in any approval — "That the remains of the said... be placed in a sealed plastic bag, encased in a hermetically sealed coffin."~~
- f. ~~This clause does not apply if an exhumation has been ordered by a Court.~~

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3. ~~Requirements for Cremation — for approval for exhumation for cremation purposes to be considered, the following must be lodged with the application:~~

- a. ~~Written confirmation from a recognised Undertaker that they are prepared to carry out the exhumation; and~~
- b. ~~Written consent for the proposed exhumation from the deceased's next of kin, executor or other personal legal representative; and~~
- c. ~~A certified copy of the Death Certificate; and~~
- d. ~~The approval in writing of the Director General of the Department of Health (NSW) where the re-interment plot is located other than within the same local government area.~~
- e. ~~This clause does not apply if an exhumation has been ordered by a Court.~~

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POLICY: CEMETERIES | 1.2, 15 MAY 2019

4. Any removal of already interred ashes must have the approval of Council and be accompanied with written consent from the next of kin, executor or other personal legal representative.
5. Once an exhumation and/or the removal of ashes has occurred, that plot is not able to be reused and no refund for that site is applicable.

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POLICY: CEMETERIES | 1.2, 15 MAY 2019

DEFINITIONS

|                                  |                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant                        | The person making an application for a burial or memorial right; for a work permit or other Council consent; for burial or cremation.                                                                                                                                                                                                                                         |
| Beam                             | The slab of concrete covering the gravesite. Typically 80cm for a single gravesite and 102cm for a double site.                                                                                                                                                                                                                                                               |
| Cemetery/Cemeteries              | Public cemeteries managed and or controlled by Council. When used as a generic term it can apply to lone graves, family plots and larger collections, such as those under Council's control.                                                                                                                                                                                  |
| Council                          | Mid-Western Regional Council.                                                                                                                                                                                                                                                                                                                                                 |
| Exhumation                       | The removal of the remains of a dead person or still-born child from a grave site.                                                                                                                                                                                                                                                                                            |
| Fee                              | A fee fixed by Council in its annual Management Plan's Fees and Charges.                                                                                                                                                                                                                                                                                                      |
| Gravesite/Burial place           | A gravesite, vault site, memorial site or other place for the Disposition or commemoration of the remains of the deceased, whether cremated or not.                                                                                                                                                                                                                           |
| Hermetically Sealed Coffin       | The burial case, coffin, casket or box used must be of metal, or of other material with metal lining, and must be so constructed that when closed and fastened the same shall be airtight.                                                                                                                                                                                    |
| Holder/Grantee/Owner             | The original owner/purchaser of the right of burial. Where there are two (2) or more owners, these should be registered as "joint tenants". The recognised owner of the right of burial is that person(s), or corporation(s) currently entered in the cemetery's burial register. In the case of monuments, the grantee refers to a surviving member of that person's family. |
| Lease                            | The conferral of reservation for a right of burial. Once burial has taken place, the lease is extinguished and right of burial is initiated.                                                                                                                                                                                                                                  |
| Licensee                         | A grantee.                                                                                                                                                                                                                                                                                                                                                                    |
| Monument                         | Any structure, plaque, headstone, masonry, metal work, casting or item placed over, in or around a burial right.                                                                                                                                                                                                                                                              |
| Monumental Mason                 | A tradesman mason or person possessing the skills to carry out monumental masonry work.                                                                                                                                                                                                                                                                                       |
| <del>Plastic Bag</del>           | <del>Industrial strength plastic to be utilised.</del>                                                                                                                                                                                                                                                                                                                        |
| <del>Pre-need Burial Right</del> | <del>The burial right granted prior to need.</del>                                                                                                                                                                                                                                                                                                                            |
| Recognised Undertaker            | A person or persons whose business is the management of                                                                                                                                                                                                                                                                                                                       |

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POLICY: CEMETERIES | 1.2, 15 MAY 2019

|                 |                                                                                                                                                                                          |
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|                 | Funerals.                                                                                                                                                                                |
| Register        | The Council's formal repository of data containing all the required details of a burial, cremation, memorial site or right of burial. (Note limited records are available prior to 1973) |
| Reservation     | A pre-need burial right.                                                                                                                                                                 |
| Right of Burial | An exclusive right to the owner/holder to inter human remains in a burial space. There is no entitlement to any "real estate" or property as such.                                       |
| Top stone       | A slab of stone/concrete laid flat over a grave.                                                                                                                                         |

## 11.2 Policy Review- Tree Planting and Tree Removal and Pruning in Public Places

REPORT BY THE MANAGER RECREATION SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV1

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Recreation Services on the Policy Review- Tree Planting and Tree Removal and Pruning in Public Places;**
2. **place the revised 'Tree Planting Policy' and 'Tree Removal and Pruning in Public Places Policy' on public exhibition for 28 days;**
3. **adopt the revised 'Tree Planting Policy' if no public submissions are received; and**
4. **adopt the revised 'Tree Removal and Pruning in Public Places Policy' if no public submissions are received.**

---

### Executive summary

This report presents the review of Council's Tree Planting and Tree Removal and Pruning in Public Places Policy. A copy of the both policies with tracked changes is attached to this report.

### Disclosure of Interest

Nil.

### Detailed report

The policies listed below have been reviewed and are attached with relevant changes tracked in the relevant document.

#### **Tree Planting Policy**

This policy relates to the planning and planting of trees by Council within nature-strip reserves and along urban roadsides. It does not relate to roadside tree plantings in rural areas.

The policy review proposes the following changes:

- the inclusion of policy scope
- minor format change to include subheadings for planting requests, planting programs, planting species selection and tree planting establishment
- condition of residents caring for newly planted trees for a minimum of 6 months
- condition that any unauthorised planting on nature strips may result in a request for resident to remove the tree and reinstate the nature strip to original condition at the residents cost
- recognising that Council may undertake community consultation when multiple streetscape trees are required to be planted or when creating uniform avenue of street trees
- removal of section suggesting suitable trees for CBD. The selection of trees may vary depending of the location suitability and desire to complement existing avenues

### **Tree Removal and Pruning in Public Places Policy**

The objective of this policy is to preserve and enhance the region's attractive streetscape and ecological systems whilst at the same time recognising the responsibility to minimise risk to the public and property. It provides clear guidelines on the removal and pruning of trees located in streets, roads and reserves that are in the care and control of Council.

The policy review proposes the following changes:

- condition that any vegetation encroaching the clearance requirements of a Council path or road will require pruning by the property manager
- condition residents are not permitted to undertake pruning works on Council managed trees, including those overhanging private property

### 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**

Tree Pruning and Removal- Public Places

#### **Legislation**

Local Government Act 1993

Roads Act 1993

Electricity Supply Act 1995

Biodiversity Conservation Act 2016

Local Land Services Act 2013

Mid-Western Regional Council Local Environmental Plan 2012

### Financial implications

Not applicable.

### Associated Risks

Not applicable.

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 June 2024

*Attachments:* 1. POLICY REVIEW- Street Tree Planting.  
2. POLICY REVIEW- Tree Removal and Pruning in Public Spaces.

### **APPROVED FOR SUBMISSION:**

BRAD CAM  
GENERAL MANAGER





## POLICY Street Tree Planting

*A prosperous  
and progressive  
community*

|                        |
|------------------------|
| ADOPTED                |
| COUNCIL MEETING MIN NO |
| DATE:                  |

|                    |
|--------------------|
| REFERENCE          |
| REVIEW DATE        |
| FILE NUMBER        |
| GOV/00043,CMR20024 |

### Objective

To enhance the appearance, environmental quality and amenity of urban areas in the Mid-Western Regional Council Area.

### Legislative requirementsPolicy

#### Scope of Policy

This policy relates to the planning and planting of trees by Council within nature-strip reserves and along urban roadsides. It does not relate to roadside tree plantings in rural areas.

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#### Planting Requests

- Residents are to request a street tree to be planted on the nature-strip directly outside their property by contacting Council and submitting a works request, submit a works request for street trees works for their nature-strip at the front of their property or sides of property if on a corner-block (urban areas only).
- Council will determine if the site is suitable and where appropriate approve the request. When submitting a tree request residents are agreeing to water and care for the new tree for a minimum establishment period of 6 months. No tree plantings are to occur within nature strips, parks or reserves without Council approval. All services need to be located and taken into consideration prior to any decision being made.
- Residents are not permitted to undertake tree planting or any type of modification on the nature-strip without written Council permission. Any unauthorised changes may result in a request to remove the tree and reinstate the nature strip to its original condition at the residents cost. Council will supply and plant tree/s and all associated materials subject to funding and staff availability.
- Watering of the planted trees will be the resident's responsibility.
- Number of trees per block:
  - A standard size frontage block — 2 trees
  - Additional trees will be considered if the property is larger than the standard size building block or a corner block
- Pot sizes will be subject to availability, location and budget.
- Where planting of street tree is approved, trees will be placed on a tree planting program and will be dependent on suitable weather, funding and staff resources.
- Planting location and species will be determined by Council and subject to the following:
  - impact on utilities, both existing and proposed
  - pedestrian, cycle and vehicular traffic needs
  - existing streetscape
  - property access and visibility line of sight
- Council will make the final determination on location and species in conjunction with this policy
- Pruning shall be done in compliance with the Tree Pruning and Removal — Public Places Policy.
- Council does not undertake roadside tree planting in rural areas.

12. The attached species list are those trees Council recommends, however site specific conditions will still to be considered.

#### Planting Programs

1. As a guide, Council aims to provide a minimum of two street trees for a standard frontage block size. Additional trees may be considered by Council depending on the location, mature tree size and available budget.
2. Approved street trees requests will be placed on a tree planting schedule. Scheduling will be dependent on suitable planting conditions and resource availability including delivery of selected trees/s.
3. Council may consult with the community when streetscapes that are in decline require planting of multiple trees to create a uniform avenues of trees.

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#### Planting Species Selection

1. Planting location and species will be determined by Council and subject to the following:
  - existing streetscape theme
  - suitability of trees species to environment conditions
  - impact on utilities, both existing and proposed future provisions
  - pedestrian, cycle and vehicular traffic needs
  - property access and visibility line of sight
2. Plantings in heritage areas will require that new and replacement trees complement existing avenues whilst minimizing some of the recognized issues presented by the current tree species.

#### Tree Planting and Establishment

1. Council will make the final determination on location and species in conjunction with this policy
2. Council will supply and plant tree/s and all associated materials subject to funding and staff availability.
3. Pot sizes will be subject to availability, location and budget
4. Watering of the planted trees is the resident's responsibility.
5. Pruning shall be done in compliance with the Tree Pruning and Removal – Public Places Policy.
6. Council does not undertake roadside tree planting in rural areas.

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Suggested trees for CBD planting

| Botanical Name                                                                                            | Common Name                             | Approx. height and width in metres |
|-----------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------|
| <b>Exotic</b>                                                                                             |                                         |                                    |
| <i>Acer buergerianum</i>                                                                                  | Trident Maple                           | 6m x 6m                            |
| <i>Acer palmatum</i>                                                                                      | Japanese Maple                          | 4m x 4m                            |
| <i>Acer platanoides</i><br>'Crimson Sentry'                                                               | Norway Maple 'Crimson Sentry'           |                                    |
| <i>Acer platanoides</i><br>'Fairview'                                                                     | Norway Maple 'Fairview'                 | 11m x 8m                           |
| <i>Albizia julibrissin</i>                                                                                | Silk Tree                               |                                    |
| <i>Fraxinus angustifolia</i><br>'Raywood'                                                                 | Claret Ash                              | 12m x 9m                           |
| <i>Fraxinus excelsior</i><br>'Aurea'                                                                      | Golden Ash                              | 8m x 7m                            |
| <i>Fraxinus griffithii</i>                                                                                | Ash                                     | 7m x 4m                            |
| <i>Fraxinus ornus</i>                                                                                     | Manna Ash                               | 10m x 7m                           |
| <i>Koelreuteria bipinnata</i>                                                                             | Chinese Golden Flame Tree               | 6m x 4m                            |
| <i>Koelreuteria paniculata</i>                                                                            | Golden Rain Tree or Pride of India      | 7m x 7m                            |
| <i>Lagerströmia indica</i> x <i>L. fauriei</i>                                                            | Indian Summer Series<br>Various Colours | Various                            |
| <i>Nyssa sylvatica</i>                                                                                    | Black Tupelo                            | 11m x 6m                           |
| <i>Pistachio chinensis</i>                                                                                | Chinese Pistachio                       | 8m x 6m                            |
| <i>Prunus x blireana</i>                                                                                  | Flowering Plum                          | 4m x 4m                            |
| <i>Pyrus calleryana</i> 'Capital'                                                                         | Capital Pear                            | 11m x 3m                           |
| <i>Pyrus calleryana</i> x <i>P. betulaefolia</i> 'Edgewood'                                               | Edgewood Pear                           | 8m x 6m                            |
| <i>Pyrus fauriei</i> 'Korean Sun'                                                                         | Ornamental Pear                         | 4m x 5m                            |
| <i>Pyrus salicifolia</i> 'Pendula'                                                                        | Willow Leaf Pear                        | 4m x 4m                            |
| <i>Tilia cordata</i> 'Greenspire'                                                                         | Linden Tree                             | 9m x 6m                            |
| <i>Ulmus glabra</i> 'Lutescens'<br>**Susceptible to Elm Leaf Beetle—these trees will need to be treated** | Golden Elm                              | 10m x 12m                          |
| <i>Ulmus parvifolia</i>                                                                                   | Chinese Elm                             | 10m x 11m                          |
| <i>Zelkova serrata</i> 'Green Vase'                                                                       | Japanese Elm                            | 14m x 10m                          |
| <i>Zelkova serrata</i> 'Wireless'                                                                         | Japanese Elm—Wireless                   | 7m x 9m                            |
| <b>Native</b>                                                                                             |                                         |                                    |
| <i>Acacia implexa</i>                                                                                     | Lightwood Wattle                        | 5–15m x 4–5m                       |
| <i>Acacia melanoxylon</i>                                                                                 | Blackwood Wattle                        | 8–20m x 8–10m                      |
| <i>Anogopora hispida</i>                                                                                  | Dwarf Apple                             | 5–8m x 6–8m                        |
| <i>Banksia integrifolia</i>                                                                               | Coast Banksia                           | 8–15m x 3–10m                      |

POLICY: STREET TREE PLANTING | , 2 DECEMBER, 2015

|                                                 |                                         |              |
|-------------------------------------------------|-----------------------------------------|--------------|
| <i>Callistemon 'Kings Park Special'</i>         |                                         | 4-5m x 3-4m  |
| <i>Callistemon viminalis</i>                    | Weeping Bottlebrush                     | 4-8m x 3-5m  |
| <i>Callistemon 'Hannah Ray'</i>                 |                                         | 4m x 2m      |
| <i>Eucalyptus leucoxylon 'Euky Dwarf'</i>       | Dwarf Yellow Gum                        | 5-8m x 4-5m  |
| <i>Eucalyptus leucoxylon subsp. Megalocarpa</i> | Large Fruited South-Australian Blue Gum | 8-10m x 5-7m |
| <i>Eucalyptus mannifera 'Little Spotty'</i>     | Dwarf Brittle Gum                       | 7-9m x 5-7m  |
| <i>Melaleuca armilaris</i>                      | Bracelet Honey Myrtle                   | 8m x 7m      |
| <i>Melaleuca bracteata</i>                      | Black Tea Tree                          |              |
| <i>Melaleuca linariifolia</i>                   | Flax-Leafed Paperbark                   | 10m x 6m     |
| <i>Melaleuca quinquinervia</i>                  | Broad-Leafed Paperbark                  | 8-12m x 4-6m |

References:

Flemmings Urban Tree Guide 2012  
Botanica 1997  
[www.plantnet.rbgsvd.com.au](http://www.plantnet.rbgsvd.com.au)  
[www.metrotrees.com.au](http://www.metrotrees.com.au)



## POLICY

### Tree Removal and Pruning in Public Places

*A prosperous  
and progressive  
community.*

|                        |                                 |
|------------------------|---------------------------------|
| ADOPTED                | VERSION NO                      |
| COUNCIL MEETING MIN NO | REVIEW DATE AUGUST 2020         |
| DATE:                  | FILE NUMBER GOV00043, CMR200024 |

## Objective

To preserve and enhance the region's attractive streetscape and ecological systems whilst at the same time recognising the responsibility to minimise risk to the public and property.

To provide clear guidelines on the removal and pruning of trees located in streets, roads and reserves that are in the care and control of Council.

## Related procedures

- Tree Rating Procedure for Trees on Council Owned or Controlled Land- Urban Areas
- Tree Rating Procedure for Dangerous Trees on Council Owned or Controlled Land- Rural Areas
- Tree Removal for Maintenance of Rural Roads Procedure

## Policy

1. Trees shall not be removed or pruned on Council owned or controlled land (including street trees) without permission under this policy. The General Manager or delegated staff have the authority to determine removal and pruning requests and applications under this policy;
2. All measures should be taken to retain trees in public places within the townships. Council recognises that this may require a higher level of maintenance or replacement of infrastructure but it is considered that the conservation of trees should take precedence. Measures that may be adopted to ensure the retention of trees include the replacement of footpaths and road pavement on a more frequent basis where the tree is causing root damage or redesign of the project around existing trees.
3. All measures should be taken to retain trees within rural roadside reserves. Council recognises that this may require a higher level of maintenance or replacement of rural infrastructure but will take into consideration the conservation of the tree as well as the safety of the travelling public.
4. Trees may only be removed or pruned for one or more of the following purposes where all alternate methods have been examined that would allow the retention of the tree:
  - The tree is a risk to human life or property
  - The tree is limiting the field of vision of a motor vehicle, is obstructing traffic or is causing a traffic hazard;
  - Remove branches that come in contact with adjoining buildings or structures.
  - Remove deadwood and defective branches.
  - For the purposes of constructing or maintaining roads, drains, buildings or any other asset that is owned and or maintained by Council;
  - The removal or pruning of the tree is identified in an approved management strategy.

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environmental approval or decision of Council relating to the subject land.

- Any other purpose to remove trees located on Council land need to be submitted in writing to allow Council staff to investigate and determine the outcome.
- 5. Trees shall not be removed or pruned solely for the purpose of
  - obtaining or retaining scenic views from residential, commercial or industrial properties;
  - gaining access to a site for construction purposes (i.e. building a house);
- 6. Trees located in a Heritage conservation area identified in the *Mid-Western Regional Local Environmental Plan 2012* are subject to a Development Application (DA) under the Environmental Planning and Assessment Act (EP&A Act) unless Council is satisfied that the tree or other vegetation is a risk to human life or property. Where a DA must be submitted a tree report undertaken by a qualified Arborist must be attached. The Arborist undertaking the report cannot be engaged to remove the tree if approval is granted and must be made aware of this before the report is written.
- 7. Trees required to be removed for the purpose of maintenance of the rural road network must be undertaken in accordance with the *Tree Removal for Maintenance of Rural Roads Procedure*
- 8. Applications for removal or pruning of trees by other Government Authorities, the general public, businesses or ratepayers shall be made via submitting a works request or applying in writing to Council. Any approvals will be subject to conditions as indicated in this policy and as determined by the General Manager or delegated staff members.
- 9. Tree removal for emergency purposes in streets and parks will not require a formal tree removal application. However, verbal permission from Council's delegated staff member or SES is required.
- 10. An assessment shall be completed by Council's delegated staff member or another qualified person for all proposed tree removal or major pruning according to the relevant *Tree Rating Procedure for Trees on Council Owned or Controlled Land (TRP)*, except when assessing tree removal for the purpose of boundary fence repairs as described in clause 11.
- 11. Where a tree(s) may be required to be removed on road reserve to enable construction or repair of a fence on a private property boundary in rural areas an appropriate assessment by Council environment staff must be undertaken to determine the significance of the roadside vegetation.  
Where no significant vegetation is present:
  - Vegetation up to 1 meter onto the road reserve side of the fence line may be cleared
  - Individual trees within 3 meters of the fence with a significant lean across the fence (as confirmed and marked by staff during inspection) may be removed, where applicable only the leaning limb may be approved to remove
  - Vegetation clearance is to be undertaken only to the minimum extent necessary for the repair / construction of the fence
  - Where possible retain any mature vegetation greater than 300mm DBH even when located within the 1m clearance zone
  - Hollow bearing limbs are to be retained on either side of the new fence and must not be burnt
  - All work activity in respect to the fence repair, including machinery and vehicle movements is

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to be undertaken from the property owner's side of the fence line to limit impact on the remaining vegetation within the road reserve

- No vegetation clearance is to be undertaken until approved in writing by Council, any clearing activities undertaken without approval may result in prosecution
- Clearing extent within the private property is subject to the *Local Land Service Act 2013* and must be approved by the Central Tablelands Local Lands Service

Note- where roadside vegetation is deemed to be significant, clearance will be restricted and determined on a case by case basis.

12. Council does not undertake routine inspections of trees in rural areas for the purpose of identifying trees that may be dangerous and require removal. If a resident has concerns about a specific tree they are to provide council with specific location details (road name, distance from nearest cross road, side of road, species, etc). Council staff will then undertake an assessment and if removal is required will program removal when time and resources permit.

If Council staff determine that the tree reported poses minimal risk to public safety, Council may deny removal request or grant permission to the adjoining landholder or complainant to remove the tree at their cost if the tree has negligible environmental significance.

Assessment of these trees will be carried out in accordance with the *Tree Rating Procedure for Trees on Council Owned or Controlled Land - rural areas*

13. Notification and assessment requirements will not apply to: -

- Minor Pruning
- Emergency works
- Works authorised by the Fire Control Officer in accordance with the Bush Fires Act 1949, dependant on scale and location
- Pruning and regrowth removal in regularly maintained gardens or regularly cleared easements and road reserves
- A tree that must urgently be removed or pruned that is obstructing traffic, is causing a traffic hazard or is creating a dangerous situation where persons or property are likely to be damaged.

14. The following notifications and approval process shall apply to all tree removal or major pruning in:

Urban Areas:

- Where the works are classed as **Moderate impact removal** and not within the conservation zone the Department Director will review the tree removal report and make final determination.
- Where the works are classed as **High impact removal** and not within the conservation zone the General Manager or delegated staff members will prepare a report for submission to Council for consideration.
- If the tree is located in the conservation zone Councils Development Department will determine if a Development Application is required.
- Street tree pruning or removal by energy providers shall be advertised in the local media by the relevant electricity supplier. Council is to be informed at least 4 weeks prior to the works commencing.

The General Manager or delegated staff members shall take into account any comments deciding whether or not to proceed with the work. If an agreement cannot be reached, the matter will be reported to Council for determination.



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Rural Areas

- Pruning or removal by energy providers shall be advertised in the local media by the relevant electricity supplier. Council is to be informed at least 4 weeks prior to works commencing and provided with a copy of the utilities environmental impact assessment for consideration as a joint determining authority.
  - All rural works are to be in conjunction with this policy as describe in clauses 7, 11 , 12
15. Tree removal or pruning shall only be undertaken by suitably qualified persons
16. The requirements of AS 4373 – 2007 “Pruning of Amenity Trees” shall be observed for all pruning activities. Trees shall only be pruned by persons with recognised skills and qualifications that ensure they are capable of complying with this standard.
17. The costs associated with removal or pruning in urban areas shall be determined as follows:
- If a tree is dead, dangerous or unsafe it is to be removed at Council cost
  - If a tree is causing asset damage it is to be removed at Council cost
  - If a tree is on an approved street program in future years but a resident wishes to have the tree removed earlier, then the resident pays 50% of the cost associated with advancing it on the program
  - If a property owner requests the removal of an apparently healthy tree which, in the opinion of the property owner, represents a threat to a dwelling, and where Council concurs with the removal of the tree, the removal of the tree will be at the expense of the property owner, unless Council, upon the advice of the General Manager or delegate determines otherwise.
18. The costs associated with removal or pruning in rural areas shall be determined as follows:
- If a reported dangerous tree it determined to have a priority rating of 1 or 2 under the *Tree Rating Procedure for Trees on Council Owned or Controlled Land - rural areas*, the tree will be removed at Council cost
  - If a reported dangerous tree it determined to have a priority rating of 3 or 4 under the *Tree Rating Procedure for Trees on Council Owned or Controlled Land - rural areas*, the tree may be placed on a register to be removed at Council cost in future years budget. If the adjoining property owner requests that the tree is removed immediately and approval is granted the tree may be removed at the requesters cost
19. If the tree(s) is to be removed for the purpose of a boundary fence construction or repair the removal of the tree(s) will be at the expense of the property owner
20. This Policy does not include trees located on private lands or any other lands not under the trusteeship or maintained by Council
21. Tree removal requests where the tree is located on private property within conservation zones will be assessed by Council's Development Department.
22. Clearing of vegetation on private land within rural areas is to be undertaken in accordance with the provisions of the *Local Land Services Act 2013* by contacting the Central Tablelands Local Land Services.

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23. This policy excludes weeds declared under the *Biosecurity Act 2015*
24. Should the requester disagrees with the tree assessment by the qualified person, the requester may obtain a secondary opinion from a qualified arborist (at the requester's expense). This assessment will be reviewed and considered before a final decision is made. The General Manager or delegated staff members reserves the right to make the final decision.
25. Council may direct property owners, who have planted trees within the road reserve or their property to remove or prune the tree at their cost where these trees represent an obstruction or risk as defined in this policy. If said works are not completed within one month of notification, Council will remove or prune the tree and recover costs from the owner.
26. Any vegetation encroaching the clearance requirements of a Council path or road will require pruning by the property manager. The owner will receive notification from Council that they are required to remove or trim any vegetation which is obstructing the safe passage of path or road users.
27. Residents are not permitted to undertake pruning works on Council managed trees, including those which are overhanging private property. A works request is to be submitted to Council for an inspection to be carried out consider whether a trees overhanging constitutes a private nuisance. There is to be no removal of deadwood by any member of the community from within public places including roadside reserves for any purpose including firewood collection without permission from Council
28. Trees (dead or alive) that are removed or poisoned on Council controlled lands (including street trees) may incur a fine from Council under the *Local Government Act 1998* Offence Code 9322 Reg Code NCC Unlawfully 'Remove Plant / Animal / Rock / Soil from a public place'. Maximum penalty: 20 penalty units (\$2,200 per offence)

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## Definitions

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Affected Owners</b>                            | Means the owners of properties abutting the location of the tree(s), and includes all other owners the qualified person or appropriate staff deems to be affected.                                                                                                                                                                                                                                                                            |
| <b>Appropriate Staff</b>                          | Means the General Manager or delegated staff member, Parks Staff or any other staff that is a Qualified Arborist or equivalent and any staff as assigned by the General Manager or delegated staff members.                                                                                                                                                                                                                                   |
| <b>Qualified Person</b>                           | A person working for or contracted by Mid-Western Regional Council that provides advice on tree removal or pruning and has appropriate qualifications and or experience in performing an assessment.                                                                                                                                                                                                                                          |
| <b>DBH</b>                                        | Means the diameter of the tree taken at breast height standardised at 1.3 meters from the ground.                                                                                                                                                                                                                                                                                                                                             |
| <b>Habitat</b>                                    | A tree which is occupied, periodically or intermittently occupied by a species population or ecological community including biotic or abiotic components. (i.e. biotic – living, abiotic – non-living)                                                                                                                                                                                                                                        |
| <b>Habitat Tree</b>                               | Refers to any tree providing a niche supporting the life of a plant or animal.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Low Impact Removal:</b>                        | Means the removal of small trees and shrubs up to ten (10) meters in height (refer to small tree) that only affects the adjacent neighbours and will have little or no detrimental impact on the appearance and/or ecology of the area.                                                                                                                                                                                                       |
| <b>Moderate Impact Removal:</b>                   | Means the removal of a single or multiple trees greater than eleven (11) meters in height (refer to medium tree) and recognizes that the proposed work may affect the appearance and/or ecology of the area.                                                                                                                                                                                                                                  |
| <b>High Impact Removal</b>                        | Means the removal of a single or multiple trees that would impact the general neighborhood and includes park and trail users and recognizes that the proposed work may affect the appearance and ecology of the wooded area. This could include removals along major travel routes, removals in recreation areas, removals of large numbers of trees, and removals of <i>large trees</i> or <i>specimen trees</i> .                           |
| <b>General Manager Or Delegated Staff Members</b> | Means the Mid-Western Regional Council General Manager can authorize an appropriate member of staff to authorise the removal of trees.                                                                                                                                                                                                                                                                                                        |
| <b>Qualified Arborists</b>                        | Certified by an appropriate professional association                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Large Tree</b>                                 | Refers to a tree greater than 20m or crown spread greater than 20m at maturity.                                                                                                                                                                                                                                                                                                                                                               |
| <b>Leaning Trees</b>                              | A tree where the trunk grows or moves away from upright position. A lean may occur anywhere along the trunk influenced by a number of contributing factors, eg: genetically predetermined characteristics, competition for space or light, prevailing winds, aspect, slope or other factors. (Refer to <i>Dictionary For Managing Trees in Urban Environments - Draper and Richards, CSIRO Publishing 2009</i> for degrees of leaning graph). |
| <b>Medium tree</b>                                | Refers to a tree with a height of 10-20m or crown spread of 10-20m at maturity                                                                                                                                                                                                                                                                                                                                                                |

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|                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Topping</b>                         | Branches specifically pruned to reduce crown height or spread by running to reduce the length of a branch.                                                                                                                                                                                                                                                                                                                              |
| <b>Small tree</b>                      | Refers to a tree with a height less than 10m or a crown spread less than 10m at maturity.                                                                                                                                                                                                                                                                                                                                               |
| <b>Specimen tree</b>                   | Refers to a tree planted, retained or occurring usually as an isolated feature and not part of a stand, promoting its characteristics an individual tree                                                                                                                                                                                                                                                                                |
| <b>Timber</b>                          | Includes trees of any age or description, whether growing or dead.                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Tree</b>                            | A woody perennial plant which is long lived. Height greater than 3 meters with one or more trunks.                                                                                                                                                                                                                                                                                                                                      |
| <b>Potential Habitat Tree</b>          | Refers to any tree that develops a niche suitable to provide support for the life process of a plant or animal.                                                                                                                                                                                                                                                                                                                         |
| <b>Protected Lands</b>                 | Generally defined as any land within 20m of a river, creek or watercourse                                                                                                                                                                                                                                                                                                                                                               |
| <b>Minor Pruning</b>                   | Removal of dead or dangerous limbs and / or removal of less than 20% of the growing canopy.                                                                                                                                                                                                                                                                                                                                             |
| <b>Major Pruning</b>                   | Removal of between 20 to 40% of the growing canopy. Note removal of more than 40% of the canopy is considered as removal of the tree and as such is subject to the relevant provision of this policy.                                                                                                                                                                                                                                   |
| <b>Dangerous Tree</b>                  | A tree or tree part that presents a danger or has previously caused damage to persons or property.                                                                                                                                                                                                                                                                                                                                      |
| <b>Reduction Pruning</b>               | Refers to the removal of the ends of branches to lower internal branches or stems in order to reduce the height and/or spread of the tree                                                                                                                                                                                                                                                                                               |
| <b>Remedial (restorative) pruning</b>  | Removal of damaged, diseased or lopped branches back to undamaged tissue in order to induce the production of shoots from latent or adventitious buds, from which a new crown will be established.                                                                                                                                                                                                                                      |
| <b>Requester</b>                       | The person or persons seeking removal of a tree on council owned or controlled land                                                                                                                                                                                                                                                                                                                                                     |
| <b>Review of Environmental Factors</b> | A Review of Environmental Factors (REF) is an environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act), which is required as part of the assessment of activities needing approval under NSW legislation. A REF is a document that examines the significance of likely environmental impacts of a proposal, and the measures required to mitigate any adverse impacts to the environment. |

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## Relevant Legislation

### MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

#### **Part 5 Clause 5.9 Preservation of trees or vegetation**

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

**Note.** A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

**Note.** As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:
  - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
  - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

**Note.** Permissibility may be a matter that is determined by or under any of these Acts.

(9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.

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LOCAL GOVERNMENT ACT 1993

Chapter 7 Part 2 Division 1

Section 124 Orders

A council may order a person to do or to refrain from doing a thing specified in Column 1 of the following Table if the circumstances specified opposite it in Column 2 of the Table exist and the person comes within the description opposite it in Column 3 of the Table.

**Note:** This section does not affect the power of a council to give an order (or a notice or direction) under the authority of another Act. For example, some of those Acts and the orders (or notices or directions) that may be given include:

A person who fails to comply with an order is guilty of an offence—see sec 628.

Orders requiring the protection or repair of public places

| Column 1                                                                                                               | Column 2                                                                                                                                                                                                                                                                                                                | Column 3                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| To do what?<br>To remove an object or matter from a public place or prevent any object or matter being deposited there | In what circumstances?<br>The object or matter:<br>(a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or<br>(b) is causing or is likely to cause danger, annoyance or inconvenience to the public | To whom?<br>Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate |

Chapter 16 Part 2

Section 629 Injuring or removing plants, animals, rocks and soil in or from public place

(1) A person who, without lawful excuse, wilfully or negligently injures, damages or unnecessarily disturbs any plant, animal, rock or soil in a public place is guilty of an offence.  
Maximum penalty: 20 penalty units.

(2) A person who, without lawful excuse, removes any plant, animal, rock or soil from a public place is guilty of an offence.  
Maximum penalty: 20 penalty units.



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### **ROADS ACT 1993**

#### **Section 88 Tree felling**

A roads authority may, despite any other {State} Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard.

#### **Section 107 Obstructions and encroachments**

- (1) A roads authority may direct:
- a) any person who causes an obstruction or encroachment on a public road, or
  - b) the owner of any land that is used, or is able to be used, in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.
- (2) A direction under this section may specify the period within which the direction must be complied with.
- (3) In the case of an obstruction or encroachment that was created before the alignment of the road, or that is situated on a road that has not been aligned, the period specified in the direction must be at least 60 days.
- (4) This section does not apply to an obstruction or encroachment on a public road if its presence on the road is authorised by or under this or any other Act.
- (5) However, this section does apply to an obstruction or encroachment on a public road if its presence ceases to be authorised by or under this or any other Act.

### **ELECTRICITY SUPPLY ACT 1995 - SECT 45**

#### **Section 45 Erection and placement of electricity works**

- (1) This section applies to work connected with the erection, installation, extension, alteration, maintenance and removal of electricity works.
- (2) For the purpose of exercising its functions under this or any other Act or law, a network operator:
- a) may carry out work to which this section applies, and
  - b) in particular, may carry out any such work on a public road or public reserve.
- (3) Work to which this section applies is exempt from the requirement for an approval under the Local Government Act 1993 except in relation to buildings.
- (4) However, no such work (other than routine repairs or maintenance work) may be carried out unless:
- a) notice of the proposal to carry out the work has been given to the local council, and
  - b) the local council has been given a reasonable opportunity (being not less than 40 days from the date on which the notice was given) to make submissions to the network operator in relation to the proposal, and
  - c) the network operator has given due consideration to any submissions so made.
- (5) Subsection (4) does not apply to the carrying out of work to cope with emergencies.



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## **ELECTRICITY SUPPLY ACT 1995 - SECT 48**

### **Section 48 Interference with electricity works by trees**

- (1) This section applies if a network operator has reasonable cause to believe that a tree situated on any premises:
- could destroy, damage or interfere with its electricity works, or
  - could make its electricity works become a potential cause of bush fire or a potential risk to public safety.
- (2) In those circumstances, a network operator:
- may serve a written notice on the owner or occupier of the premises requiring the owner to trim or remove the tree, or
  - in an emergency, may, at its own expense, trim or remove the tree itself.
- (3) A notice under subsection (2) (a):
- must specify the work to be carried out, and
  - must specify a reasonable time within which the work is to be carried out, and
  - must include an undertaking by the network operator to pay the reasonable cost of carrying out the work.
- (4) Subsection (3) (c) does not apply in either of the following circumstances:
- if, after the electricity works were first laid or installed, an owner or occupier of the premises planted the tree, or caused or permitted the tree to be planted, in circumstances in which the owner or occupier ought reasonably to have known that destruction of, damage to or interference with the works would result,
  - the land in or on which the tree is located, and on or over which the works are located, was the subject of an easement in favour of the network operator (or a predecessor of the network operator) when the tree was planted.
- (5) If the work is not carried out as required by the notice, the network operator may carry out the work itself.
- (6) The cost of carrying out the work may be recovered by the network operator in a court of competent jurisdiction as a debt owed to it by the owner of the premises on which the tree is situated, but only in the circumstances referred to in subsection (4).
- (7) This section applies despite the existence of a tree preservation order or environmental planning instrument (other than a State environmental planning policy), but does not apply to any tree within a protected area or to any tree that is the subject of or is within an area that is the subject of:
- an interim heritage order, or a listing on the State Heritage Register, under the Heritage Act 1977, or
  - an order in force under section 136 of the Heritage Act 1977, or
  - an interim protection order under the National Parks and Wildlife Act 1974, or
  - a protection conferred by any similar law.
- (8) Nothing done for the purpose of carrying out the work required by a notice under this section constitutes an offence against any law under which a tree preservation order or environmental planning instrument (other than a State environmental planning policy) relating to the land is made.
- (9) In this section:
- "protected area" means an area that is within:
- a national park or nature reserve within the meaning of the National Parks and Wildlife Act 1974, or
  - land that is reserved or zoned for environmental protection purposes under the Environmental Planning and Assessment Act 1979, or
  - a public reserve within the meaning of the Local Government Act 1993.
- "tree" includes shrub and plant.

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## **BIODIVERSITY CONSERVATION ACT 2016**

### **Section 2.2 Picking Plants**

(1) A person who picks:

- (a) a plant that is of a threatened species, or
- (b) a plant that is part of a threatened ecological community, or
- (c) a protected plant,

is guilty of an offence.

Maximum penalty (includes additional penalty for each plant):

- (a) in the case of a plant that is (or is part of) a threatened species or threatened ecological community (other than a vulnerable species or community)--Tier 1 monetary penalty or imprisonment for 2 years, or both, or
- (b) in the case of a plant that is (or is part of) a vulnerable species or vulnerable ecological community--Tier 3 monetary penalty, or
- (c) in any other case--Tier 4 monetary penalty.

(2) In any prosecution for an offence under this section, proof that a plant was found in the possession of the person charged is prima facie evidence that the person picked the plant.

### **Section 2.4 Damaging Habitat of Threatened Species or Ecological Community**

(1) A person:

- (a) who damages any habitat of a threatened species or threatened ecological community, and
- (b) who knows that it is the habitat of any such species or community,

is guilty of an offence.

Maximum penalty: Tier 1 monetary penalty or imprisonment for 2 years, or both.

(2) A person who damages habitat of a threatened species or threatened ecological community in the course of carrying out any unlawful activity is taken to know that it was habitat of that kind unless the person establishes that the person did not know that it was habitat of that kind.

## **Section 4.31**

### **Schedule 4 – Key Threatening Processes**

Bushrock removal

Clearing of native vegetation

Loss and degradation of native plant and animal habitat by invasion of escaped garden plants

Loss of hollow-bearing trees

Removal of dead wood and dead trees

## **LOCAL LAND SERVICES ACT 2013**

### **Section 60Q Allowable Activities Clearing**

#### **Schedule 5A**

(1) Schedule 5A sets out the clearing of native vegetation in regulated rural areas for allowable activities that is authorised without any approval or other authority under this Part for the clearing.

(2) Schedule 5A does not permit clearing or any other activity:

- (a) without an approval or other authority required by or under another Act or another Part of this Act (or in anticipation of the grant of any such approval or other authority), or
- (b) in contravention of any provision of or made under (or in contravention of any agreement made under) another Act or another Part of this Act.

## 11.3 Policy Review- Vandalism

REPORT BY THE MANAGER RECREATION SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, Gov1

### RECOMMENDATION

**That Council:**

- 1. receive the report by the Manager Recreation Services on the Policy Review-Vandalism;**
- 2. place on public exhibition for 28 days the proposed rescinding of the Vandalism Policy; and**
- 3. rescind the Vandalism Policy if no public submissions are received.**

### Executive summary

This report presents the findings of Council's Vandalism Policy review determining that the policy is no longer relevant and necessary. A copy of the current Vandalism Policy is attached to this report.

### Disclosure of Interest

Nil.

### Detailed report

The intention of the Vandalism Policy was to assist in protecting public spaces by attempting to address and manage acts of vandalism through a rewards system. The policy details the sliding scale of monetary reward values to residents that have successfully reported an incident that leads to a conviction of the perpetrator(s) resulting from damage to public or commercial/retail property.

To date the reward system has not be activated and should be considered as an ineffective control in minimizing acts of vandalism in modern society. It should be noted that over recent years Council have invested significant resources into expanding video surveillance provision to which have proven to be much more effective in achieving the objectives outlined in the policy.

If Council do not support the policy being rescinded, the department would suggest that no changes are to be made to the current policy.

### 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**

Local Government Act 1993

## Financial implications

Not applicable.

## Associated Risks

Not applicable.

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 June 2024

*Attachments:* 1. POLICY REVIEW- Vandalism.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY Vandalism

*A prosperous  
and progressive  
community*

|                               |             |                     |
|-------------------------------|-------------|---------------------|
| ADOPTED                       | VERSION NO  | 2.0                 |
| COUNCIL MEETING MIN NO 342/17 | REVIEW DATE | NOVEMBER 2021       |
| DATE: 15 NOVEMBER 2017        | FILE NUMBER | GOV400047; A0100021 |

### Purpose

The purpose of this policy is to minimise both the unsightliness and the cost of vandalism and graffiti to Council and the community and to enlist the community's help in reporting instances of vandalism and graffiti as soon as possible.

The policy provides a reward where information regarding an offence results in legal action being taken against the offender.

### Objectives

The objectives of this policy are to:

1. reduce acts of vandalism and malicious damage to public and commercial/retail property in the Mid-Western Regional local government area; and
2. encourage the public to report acts of vandalism and malicious damage and to offer a reward for the provision of such information.

### Definitions

#### Graffiti

Any inscription, word, figure or word design that is marked, etched, scratched, drawn, sprayed, painted, pasted, applied or otherwise affixed to or on any surface without the owner's consent and includes any remnants of same such as adhesives, glues, tape, shadows or colour variations remaining after removal.

#### Incident

An incident refers to an offence of malicious damage occurring in one location or in a specific timeframe by the same offender or group of offenders, and as such may refer to more than one specific action.

#### Vandalism

The willful or malicious destruction, disfigurement, or defacement of any property, without consent.

POLICY: VANDALISM VANDALISM | 2.015 NOVEMBER 2017

## Policy

### Principles

Any person who witnesses, or has information regarding an act of graffiti or vandalism should in the first instance report the matter to the nearest police station or should contact the Police Assistance Line (13 14 44). What they need to provide is information such as:

- Time of incident
- Place of incident
- Description of damage
- Possible offenders details
- Photographs

The police will examine the information and may investigate the offence. Should an offender be identified, and either admit guilt or be found guilty, the informant should then write to Council seeking payment of the reward.

Council will, where appropriate, seek compensation for graffiti and vandalism offences where an offender has been identified and admitted or been found guilty.

### Rewards

Council will offer a reward on a sliding scale, for information provided by the public that leads to a conviction of the perpetrator(s) resulting from damage to public or commercial/retail property. The scale of the reward system is as set out below:

| CATEGORY | DAMAGE AMOUNT      | REWARD  |
|----------|--------------------|---------|
| 1        | UP TO \$2,500      | \$500   |
| 2        | \$2,500 - \$10,000 | \$2,000 |
| 3        | \$10,000 AND ABOVE | \$5,000 |

### Responsibilities

Determination of the reward will be at the absolute discretion of the Mayor and General Manager.

### Requirements placed upon persons providing information

Persons providing information must be aware that an appearance in a Court to give evidence may be required.

### Recordkeeping, confidentiality and privacy

The following documents will arise out of the process:

- letter from applicant claiming reward
- response letter to applicant
- financial transaction records

All documentation held and created in relation to applications held under the scheme and which includes information which indicates the identity of the applicant shall be treated as confidential.

POLICY: VANDALISM VANDALISM | 15 NOVEMBER 20172.0

Any person who makes application for a reward under this policy will be deemed a complainant to Council.

For purposes of protecting the safety of individuals, the identity of complainants and public interest, documentation held and created in relation to applications held under the scheme, may not be subject to release to members of the public.

#### Breaches and sanctions

All applications for the reward will be verified with NSW Police and Mid-Western Regional Council records to ensure compliance with this policy. Fraudulent and/or misleading claims will be ineligible for payment of the reward. Council may seek to recoup the reward and costs associated with this action should an application be found to be fraudulent or misleading.



## 11.4 Policy Review- Parks Usage

REPORT BY THE MANAGER RECREATION SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV1

### RECOMMENDATION

**That Council:**

- 1. receive the report by the Manager Recreation Services on the Policy Review-Parks Usage;**
- 2. place the revised Parks Usage Policy on public exhibition for 28 days: and**
- 3. adopt the draft Parks Usage policy if no public submissions are received.**

### Executive summary

This report presents the review of Council's Parks Usage policy. A copy of the proposed Parks Usage Policy with tracked changes is attached to this report.

### Disclosure of Interest

Nil.

### Detailed report

The objective of this policy is to provide direction on the permissible activities and appropriate use within Council controlled parks, sportsgrounds and reserves. This includes outlining the application process for booking requests and appropriate action for incidents of non-compliance with this policy.

The policy review proposes the following changes:

- amend booking requirements to provide details on on-line venue booking system requirements
- remove the specific booking terms and conditions details as they are provided at the time of each booking confirmation and are updated periodically as required by Council
- condition that sporting clubs are to adhere to Councils buggy guidelines
- documenting Council's wet weather guidelines

### 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

Not Applicable.

## Associated Risks

Not Applicable.

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 June 2024

*Attachments:* 1. POLICY REVIEW- Parks Usage.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY Parks and Sportground Usage

*A prosperous  
and progressive  
community*

|                     |                  |             |                      |
|---------------------|------------------|-------------|----------------------|
| ADOPTED             |                  | VERSION NO  | 22                   |
| COUNCIL MEETING MIN | 2024/19          | REVIEW DATE | DECEMBER 2023        |
| DATE:               | 11 DECEMBER 2019 | FILE NUMBER | PAR300023, GOV200047 |

### Objective

Provide appropriate public access to parks and reserves for active and passive recreation and ensure the safety of persons using the parks and reserves.

Control activities including vehicle access to a park or sports field to minimise damage.

To ensure parks are appropriately booked and used to avoid unnecessary excessive and costly damage due to misuse.

### Legislative requirements

- Nil

### Related policies and plans

- Nil

### Policy

This policy applies to all Council managed parks and sports fields within the Mid-Western region where a person or persons wish to:

- Organise a passive or active activity within a park or sports field;
- Erect any form of infrastructure (eg. Marquee, temporary lighting, sun shelters etc),
- Organise an activity for commercial or promotional purposes;
- Any other request that is deemed relevant.

### Definitions

**Active recreation** – primarily activities of a sporting nature.

**Bond** – a security deposit and/or key deposit may be held in case of damage to council's asset.

**Casual bookings** – for nominated dates or limited periods of time for specific events or recreation/sporting activities.

**Commercial or Promotional Activities** – any activities undertaken by a corporate / business group with the intention to make money or profit from the activity directly or indirectly.

**Community Groups** – non-profit community based groups.

POLICY: PARKS USAGE | 2.1, 11 DECEMBER 2019

**Council** – Mid-Western Regional Council.

**Corporate/Business Groups** – companies and organisations that operate for profit.

**Council Land** – Any land owned by Council or managed by Council on behalf of another authority.

**Damage** – includes accidental or wilful damage of structures, fixtures, plants and surfaces excluding normal wear and tear as determined by Council Officers.

**Fitness Booking** – a booking made by a fitness instructor or group wanting access to Council parks or sports fields.

**Occasional / Infrequent Access** – access required only now and then or on rare occasions, up to four times per year.

**Parks** – any other area of open space land which is not a sports field.

**Passive Recreation** – primarily activities that are not active recreation.

**Private or social** – primarily family gatherings of a purely social nature (eg birthday parties, weddings, Christmas parties).

**Seasonal Booking** – a booking for a winter or summer sporting activity.

**Sports fields** – an area of open space land provided specifically for the purpose of conducting formal sport or encouraging informal recreation activity.

**Usage Fee** – A fee may apply for the use of the park or sports field.

Council's fees and charges can be found at <http://www.midwestern.nsw.gov.au>.

## General Conditions

1. Council has absolute right and discretion to impose any condition to protect its assets and consider the safety of the broader community when granting approval or permitting use and access to Council's parks and sports fields.
2. All requests for the use of any park and/or sports field must be submitted through Councils venue booking system located on Councils website. This system provides details on the venue details of bookable spaces and relevant terms and conditions applicable to each booking and venue use. be made in writing at least 4 weeks prior to intended use to enable appropriate paperwork and fees to be completed prior to use.
3. All facility use and booking terms and conditions must be adhered to by users. This includes relevant booking cancellations and refunds conditions. Any booking cancellations need to be advised in writing. Refunds are as follows;  
  
—30 days or more notification—100% refund;  
  
—14-29 days notification—50% refund;  
  
—3. Less than 14 days no refund is provided.
4. The applicant is responsible, at their cost, for reinstating the park or sports field to the satisfaction of Council for all damage (outside normal use) and rubbish generated on site and as a result of any activity.

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POLICY: PARKS USAGE | ~~ERROR! REFERENCE SOURCE NOT FOUND 2.4., 11 DECEMBER 2019~~11 DECEMBER 2019

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5. If the park or sports field is not reinstated to Council satisfaction then Council may undertake necessary works and recoup the costs through the bond or directly from the applicant accordingly. A cleaning fee will be charged to any Club, School or other User Group if they fail to leave amenities in a clean and tidy condition. Cleaning must be undertaken immediately after use for single usage and within 48 hours for seasonal users or at the end of each season.
6. Council has absolute right and discretion to close any park or sport field due to wet weather, maintenance scheduled or unscheduled or other reason deemed necessary. If parks or sports fields are accessed after they have been closed then the applicant will be responsible for any damage incurred. Councils wet weather guidelines details the role of Council and facility hirers in the event of wet weather.
7. Upon submitting any booking the appropriate form, copies of public liability and any relevant qualifications need to be uploaded or attached.
8. No vehicles or motorbikes are to drive upon parks and sports fields without the prior approval by Council. Sporting clubs must follow Councils buggy guidelines for use on sportsgrounds.
9. No stakes or pegs are to be used or excavations made without the prior approval by Council.
10. No glass is permitted on any park or sports field.
11. No signage (permanent or temporary) without prior consent from Council is permitted to be erected at any park or sporting facility.
12. The applicant/s may be required to prepare and forward a Risk Management Plan to Council for the intended use.
13. The applicant/s must report any hazards, issues or damage to Council within the next business day.
14. Council reserves the right to restrict or terminate approval at any time particularly if the applicant has failed to comply with reasonable direction of Council Officers or have breached Council's conditions.
- ~~15. The applicant must pay any usage fee and/or bond 30 days prior to or at the time of booking before accessing or using the park or sports field.~~
- ~~16.15.~~ Noise levels including the use of PA systems will be governed by the Environment Protection (Residential Noise) Regulations, <https://www.epa.nsw.gov.au/your-environment/noise>.
- ~~17.16.~~ All parking shall be within the designated parking areas only.
- ~~18.17.~~ Activities that are not permitted within Council parks are camping, fires, archery, golf, horse riding, shooting and any other activity that Council deems hazardous / detrimental to the public or the park / sports field.
- ~~19.18.~~ The applicant/s is to ensure that Hazardous substances flammable, volatile and explosive substances are not taken to the Reserve or the Sporting Fields at any time.
- ~~20.19.~~ The applicant/s must:
  - a) Ensure that fire and emergency exits are clear of all impediments thereby allowing the free passage of vehicles and persons at all times;
  - b) Ensure the operation of fire doors; fire exit signs and firefighting equipment are not interfered with or removed from the designated location;

POLICY: PARKS USAGE | 2.1, 11 DECEMBER 2019

- c) That emergency vehicles have access to the park or the Sporting Fields at all times;
- d) Ensure that persons attending the event do not have explosive, flammable or volatile substances in their possession;
- e) Ensure that there are no exposed flames; and
- f) Ensures that it contacts the appropriate emergency services where required (For Fire Brigade, Police or Ambulance call Emergency Number 000).

21-20. It is the applicant/s responsibility to ensure that adequate medical and first aid equipment is available during the Hours of Use.

22-21. The applicant/s may have use of canteens facilities where applicable as part of the Common Areas of the Reserve during the Hire Period and during such other times as may be approved by the Council subject to such reasonable terms and conditions as imposed by the Council from time to time including but not limited to:

- a) The applicant/s being responsible for the maintenance and cleaning of the canteen.
- b) Canteen staff must be certified and follow appropriate food handling guidelines in alignment with current food safety laws in NSW.
- c) any additional equipment brought into the canteen for use must meet Australian standards and be tagged and tested.
- d) The applicant/s must ensure that the facility is appropriately equipped for correct use of any additional equipment brought in and is used in alignment with Australian building standards i.e. deep fryers may only be used where exhaust fans have been fitted.

23-22. The applicant/s will be responsible for the cleaning the BBQ area and replacing gas bottles if they become empty.

24-23. Hours of use are as follows unless otherwise approved by Council prior:

- a) The applicant/s may only use the reserve or sporting field during the allocated Hours of Use.
- b) No activity is to commence prior to 7.00am on any day.
- c) No competitive sport is to commence prior to 8.00am on any day.
- d) No activity is to occur after 10.00pm on any day.
- e) Field lights are to be turned off by 10.00pm.

25-24. Council is responsible for the overall security of all Council facilities. However, in using the Sporting fields or Reserves, including the Common areas (where applicable) the applicant/s is required to ensure that:

- a) Buildings are secured when not being used;
- b) Gates and doors are to be locked when facilities located on the Reserve are not in use;
- c) The applicant/s must notify the Council of the applicant/s authorised representative who is to be responsible for locking gates and must provide the Council with a contact number in case of emergencies;
- d) The applicant/s must advise the Council immediately if there is any breach of security.

POLICY: PARKS USAGE | ~~ERROR! REFERENCE SOURCE NOT FOUND 2.4., 11 DECEMBER 2019~~11 DECEMBER 2019

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26-25. The use of drones and other unmanned aircraft on or over Council-owned or managed land is also subject to Civil Aviation Safety Authority (CASA) rules and regulations.

27-26. Council delegates to the General Manager the authority to consider the provision of an exemption to this policy upon request.

## Wet Weather Guidelines

### Introduction

This document seeks to provide clear guidelines and procedures for the closure of Council maintained sportsgrounds due to wet weather. The responsibility for ground closures will remain the discretion of Mid-Western Regional Council and the decision to close sporting fields will be based on the following:

- The potential for injury to players.
- The sport played and potential for damage to the playing surface.
- The weather forecast from the Bureau of Meteorology.
- The condition of the ground when inspected.

These guidelines allow council to pro-actively manage sportsgrounds in order to prevent over-use and/or inappropriate uses, ensuring the long-term sustainability of playing fields and provide accurate and timely information concerning sporting ground closures across the shire.

The General Manager or authorised delegate will have the authority to close sporting grounds should they be adversely affected by wet weather or for operational or public safety needs. Sporting Clubs do not have the authority to approve the use of sporting grounds when Council has closed the grounds.

### Timing of decisions

Council grounds staff will assess sportsgrounds with a decision communicated to sporting clubs and associations by 2.00pm where possible via email, social media and Council's website (Sports grounds closures Mid-Western Regional Council ([nsw.gov.au](https://www.nsw.gov.au))).

Council reserves the right to open and close Sportsgrounds as it sees fit. All users of Council sporting fields are required to comply with all conditions as set out in individual user agreements, booking terms and conditions, licences, leases and the like as relevant to the facility and activity.

If grounds are assessed on Friday afternoon as 'pending – users to undertake own risk assessment', Council grounds staff will conduct a further inspection at 7.00am on Saturday or Sunday morning. Sporting clubs should contact Council's parks on-call officer if further advice is required. In this case, only competition games will be considered and no training will be permitted. If competition proceeds, sports MUST complete a risk assessment specific for their sport. Following this assessment clubs may choose to close grounds to prevent injury to players and damage to the grounds. Re-assessment for Sunday competition is the responsibility of the club. The responsibility for communicating these decisions is the clubs responsibility.

### Assessment Measures

The following measures are to be used as a guide to assist Council and clubs in making a decision regarding ground closures. A wet weather inspection form will be completed by Council staff as required which will inform a decision about ground closures.



POLICY: PARKS USAGE | 2.1, 11 DECEMBER 2019

- **Surface Water:** Competition and training must be cancelled if there is any surface water visible on the field. The only exception to this would be if the area affected was small (less than 2m<sup>2</sup>), in a low usage/wear area and the rest of the ground is firm, and no other issues such as ground softness and poor grass cover are evident. Surface water means that the ground has reached saturation point and will be damaged very quickly if played on.
- **Ground Softness:** Competition and training must be cancelled if there is any sinking into the field when walking on it and this does not bounce back or if when standing still/walking water rises up to the surface. The only exception to this would be if the only area affected was small (less than 2m<sup>2</sup>), in a low usage/wear area and the rest of the field was firm and poor grass cover is not an additional issue. Water rising to the surface when walking on it means that the ground has reached saturation point and will be damaged very quickly if played on.
- **Amount of Rainfall:** Rainfall leading into competition and training should be used to guide decisions. If it has rained heavily or consistently leading up to training and/or competition this should aid the decision to be made.
- **Soil profile and Drainage:** Some fields naturally drain better than others; this has to do with the soil profile below the surface. Sand based fields drain quicker and more effectively than those on natural ground.
- **Grass cover:** During the winter season grass cover can often get below 60% or 70% and be fine for play during dry weather. However, during wet weather if overall grass cover is below 70% then this ground is likely to wear more substantially under wet weather training and competition than grounds with more grass cover. If a decision is made to play or train on wet ground with low grass cover, then this may cause irreparable damage to your field.
- **Amount and type of activity:** If a club is about to have a full day of competition, this is going to have a considerable effect on the ground during wet weather. Grounds can be damaged very quickly over 1 or 2 weekends with heavy use and wet weather. Also, juniors and seniors impact the ground differently and clubs need to understand the impact that different groups have on the grounds.
- Junior games should be given priority over senior games for the long-term benefit of the sport when it comes to making decisions about cancelling certain games. The dual benefit of this priority is that junior games can take place with less damage to the grounds (comparing 1 junior game to 1 senior game) and these members are the long-term future of your club.

However, if the ground is just playable and there is a significant amount of games to be played which will cause the ground to deteriorate as the day goes on, then consideration should be given to cancelling some minor games (such as over age competition or lower division games) so that premier games can be played if this is the clubs priority.

Forecast as per Bureau of Meteorology: Consideration will be given to the forecast of rain for the next day via the Bureau of Meteorology (BOM) website, i.e. the percentage of rainfall predicted.

#### Considerations

The main issues need to be considered for ground closures due to wet weather:

- **Player Safety** - while it is often considered that hard ground is the main concern in relation to player safety, slippery and heavy turf is also the cause of player injury. If grass dislodges easily players can find it hard to maintain footing and more unusual injuries can occur due to irregular movement and responses to the conditions. Another safety issue is dirty water in puddles.

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Stagnant water sitting in muddy puddles can carry bacteria that can cause illness. Council, Associations and Clubs have a duty of care and WH&S obligations to their players and must ensure the safety of players as their first priority.

- **Substantial damage to field** – clubs need to ensure their grounds are not damaged for one day's play which could see their ground taken out of action for maintenance for a number of weeks. Clubs should attempt to assess what competition games will have on the field. Erring on the side of caution is advisable.

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- **Recovery/Repair** – particularly in the winter season when temperatures are cold and high impact sports are utilising the sportsgrounds, it is difficult for grass to recover/repair. Therefore, if sports damage the grass it may not repair. Grass enjoys summer conditions (warm temperatures), water to revitalise, repair and grow which the winter season cannot provide.

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Other users – it must not be forgotten that winter sports clubs and associations are not the only users of Council sports fields. Schools also use sporting grounds generally mid-week, as do local residents and various events. If grounds are substantially damaged by winter sporting groups other potential users could miss out on using the fields due to closures for repairs.

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## Emergency Evacuation Procedure

### Before an emergency

All occupants should make themselves familiar with the Emergency Evacuation Procedures for their section of the building, location of Fire exits, location and operation of Firefighting equipment and all designated Assembly areas.

### In case of a Fire and Emergency

If you discover a Fire or Emergency you should:-

- Sound the Fire alarm or Raise the alarm verbally;
- Notify the Emergency services from the nearest phone and advise Council on 63782850;
- Relay details of location, type and scale of the emergency and name and location of caller;
- Alert other personnel in the vicinity;
- If it is safe to do so, use appropriate fire extinguisher to put out any fire (DO NOT attempt if the fire is too large or if you are not familiar with use of the equipment).

If you hear an alarm raised in relation to Fire or are requested by the Ground Manager or Ground Announcer to Evacuate the building you should:-

- Walk quietly but quickly to the nearest safe exit and proceed to the assembly point outside the building as designated by the Ground Manager and await further instructions;
- Listen and follow instructions from the Ground Manager;
- In order to prevent injury and possible panic during evacuation;
- Do not run, push or overtake;
- Use any stairs if applicable with caution;

POLICY: PARKS USAGE | 2.1, 11 DECEMBER 2019

- Do not re-enter the building until the “All clear” is given by the Ground Manager or Emergency Services Personnel.

## 11.5 Draft Recreation Strategy 2024

REPORT BY THE MANAGER RECREATION SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV1

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Recreation Services on the Draft Recreation Strategy 2024;**
2. **note the contents and action plan within the Recreation Strategy;**
3. **place the draft Recreation Strategy on public exhibition for 28 days to receive public feedback; and**
4. **endorse the draft Recreation Strategy if no public submissions are received.**

---

### Executive summary

Mid-Western Regional Council aims to provide a diverse network of quality recreation assets that are fit-for-purpose and continue to meet the needs of the community. Recognising the work completed in the 2013 Strategy, a new strategy has been developed to provide Council with a chance to refocus its commitment to active and passive recreation and respond to the trends impacting the community's participation and their future needs.

This report recommends that the draft Recreation Strategy be placed on public exhibition for 28 days to provide the community with an opportunity to provide feedback.

### Disclosure of Interest

Nil

### Detailed report

In response to the growing and changing Mid-Western region, a new Recreation Strategy has been developed by Mid-Western Regional Council. The purpose of the Recreation Strategy is to provide direction to Council and the community on the planning and development of recreation opportunities and facilities over the next 10 years.

The 2024 recreation strategy consists of a comprehensive review and assessment of:

- emerging trends in recreation provision by local government authorities in Australia
- the beneficial outcomes of recreation participation and the links between recreation, community health and well-being and social capital and community development
- the findings and recommendations of other research and planning projects of relevance to recreation provision the Mid-Western Region which has been conducted over the past decade.

- determinants of recreation need in the Mid-Western Region including recreation and leisure determinants and trends; patterns of urban growth and the demographics of the Region.
- the existing provision of recreation resources in the Region, and
- community recreation needs and aspirations.

Work on the development of a new strategy commenced in 2023, with phase one of the consultation activities being undertaken. This included workshops with the key stakeholders such as the Mudgee, Gulgong and Rylstone/Kandos Sports Advisory Groups. An online survey was also made available on Council’s website with links to the survey being placed on various social media platforms.

Following the initial community consultation activities an action plan has been developed and documented in the draft Recreation Strategy. The action plan provides details on the key actions to be achieved and the desired timeframe to achieve each action.

A brief summary of the key themes that were apparent from stakeholder inputs included:

- Majority of stakeholders indicated the need for an indoor aquatic centre and an indoor sports centre
- Focus on enhancing and upgrade existing facilities rather than seeking additional assets
- An increase in the frequency/locations of toilets, drinks stations at sportsgrounds, trails and reserves
- A desire to retain open space at Cahill Park, Westend Sporting Complex and Jubilee Oval
- Complete stages 3 and 4 of Glen Willow Regional Sports Complex
- Increase car park lighting at the Glen Willow Regional Sports Complex and Waratah Park
- Increase wayfinding and interpretation signage throughout reserves in the region
- Develop a masterplan for Victoria Park Mudgee, Billy Dun Oval and Waratah Park
- Adventure playground for the township of Mudgee

The next phase of the community consultation process is for the draft Recreation Strategy document to be placed on public exhibition for 28 days.

Community Plan implications

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

Strategic implications

Council Strategies

A Recreation Strategy is required to provide Council and the community with direction on the planning and development of recreation opportunities and facilities over the next 10 years.

Council Policies

Not Applicable.

Legislation

Not Applicable.

## Financial implications

There are no financial implications with the draft Recreation Strategy being placed on public exhibition.

It should be noted that there are a number of items detailed in strategy that will require significant capital investment to enact. Council would need to consider these items in future capital programs and seek grant opportunities to enable some proposals to proceed.

## Associated Risks

Not Applicable

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 June 2024

*Attachments:* 1. DRAFT Recreation Strategy. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 11.6 Swimming Pool Season Extension Trial 2024/25

REPORT BY THE MANAGER RECREATION SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV1

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Recreation Services on the Swimming Pool Season Extension Trial 2024/25;**
2. **operate a trial of extended opening hours for the season at Mudgee Pool including four weeks prior to the regular season and four weeks after the end of the regular pool season;**
3. **note that this will allow for the trial period from Saturday 31 August 2024 to Friday 27 September 2024 and from Monday 28 April 2025 to Sunday 25 May 2025;**
4. **note that the opening hours for the trial period will be 6am to 10am each day;**
5. **amend the 2024/25 operational plan to increase the Mudgee pool operating budget by \$40,000; and**
6. **request that a report on the outcomes of the extended opening trial be brought back to Council following the pool season.**

---

### Executive summary

This report seeks Council's support in trialling an extended pool season at the Mudgee pool for the upcoming pool season. The recommendation is for the Mudgee pool to be opened one month earlier, opening 31 August 2024.

### Disclosure of Interest

Nil.

### Detailed report

Council's swimming pools are an integral health and wellbeing facility for the Mid-Western community. Currently, seasonal public swimming facilities are provided in the townships of Mudgee, Gulgong and Kandos. Historically the pool season is scheduled to open on the last weekend of September and close on the last Sunday in April each year. During the pool season all swimming pools are open daily with the exception being Good Friday and Christmas day.

There continues to be growing interest in providing all year-round swimming access in the Mid-Western region. To date there has been considerable planning and forethought given to an indoor pool complex. Council concede that an indoor pool complex involves significant capital investment and ongoing financial implications. To this point, Council continues to investigate financial and grant funding opportunities for an indoor swimming complex in Mudgee following the completion of a business case in 2023.



Acknowledging the desire of the community for all-year round swimming and potential timeframes for an indoor pool complex to eventuate, it would be appropriate to explore interim solutions such as extending the current pool season on a trial basis. It is therefore proposed that the season for Mudgee pool be extended as a trial for the upcoming pool season.

This proposal is for the Mudgee pool season to begin one month earlier and continue one month later, meaning an additional 8 weeks. The hours of operation will be focused on regular lap swimmers and so the hours of operation will be 6am to 10am each day. The water park will not be opened during the trial.

Review of the 2023/24 pool visitations figures suggest that Mudgee be the most suitable facility to trial an extended pool season. Findings suggest that Mudgee visitations increased by over 10,000 visits. Visitation numbers for the 2023/24 swimming pools are as follows:

- Mudgee Pool- 78,313
- Gulgong Pool- 14,560
- Kandos Pool- 7,152

It is envisaged that opening the Mudgee pool one month earlier and closing one month later would attract an additional weekly cost of approximately \$5,000 to the operating budget.

It should be noted that a trial would assist in gaining a better understanding whether the additional health and well-being benefits through increased visitations would outweigh any operational subsidy implications.

### 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

The estimate for the additional hours to be added to the existing budget are approximately \$5,000 per week. This would increase the budget required by \$40,000 over the eight week trial period. If other pools were also included in the trial, similar increases in budget would be required.

| Budget Year  | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25      | ✗                           | —                  | —                                 |
| Future Years | —                           | —                  | —                                 |

### Associated Risks

Council will need to maintain appropriate levels of staffing to ensure safety for swimmers and meet any necessary workplace health and safety requirements in the operation and maintenance of pool equipment.

PETER RAINES  
MANAGER RECREATION SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

5 June 2024

*Attachments:* Nil

#### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Item 12: Reports from Committees

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### 12.1 Audit Risk and Improvement Committee Minutes - 24 May 2024

REPORT BY THE DIRECTOR COMMUNITY  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, COR400236

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the Audit Risk and Improvement Committee Minutes - 24 May 2024;**
  2. **endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 24 May 2024; and**
  3. **endorse the Audit Risk and Improvement Committee Terms of Reference and Internal Audit Charter.**
- 

#### Executive summary

This report is to advise Council of the matters given consideration at the meeting of the Audit Risk and Improvement Committee held on 24 May 2024.

#### Disclosure of Interest

Nil

#### Detailed report

The Audit Risk and Improvement Committee Charter requires the Committee to report to Council at the first opportunity (dependent on meeting schedules) after each meeting held. Attached to this report are the minutes of the 24 May 2024 meeting.

Changes to the requirements of Audit, Risk and Improvement Committees that come into force in July 2024 include changes to what is required in the Terms of Reference and Internal Audit Charter which are attached for endorsement.

Community Plan implications

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

Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

Audit Risk and Improvement Committee Charter  
Internal Audit Policy

**Legislation**

*Local Government Act 1993*

Financial implications

Not Applicable

Associated Risks

Nil

SIMON JONES  
DIRECTOR COMMUNITY

28 May 2024

*Attachments:* 1. Minutes - ARIC Meeting 24 May 2024. (separately attached)  
2. Draft ARIC TOR - April 2024. (separately attached)  
3. Draft Internal Audit Charter. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# 12.2 Mid-Western Regional Council Access Committee Meeting May 2024

REPORT BY THE ACTING MANAGER COMMUNITY & CULTURAL SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV400088, COS300797

## RECOMMENDATION

That Council:

- 1. receive the report by the Acting Manager Community & Cultural Services on the Mid-Western Regional Council Access Committee Meeting May 2024;
- 2. note the minutes of the Mid-Western Regional Council Access Committee meeting convened on 7 May 2024;
- 3. endorse the membership of new Committee member Simon Staines; and
- 4. endorse the updated Access Committee Terms of Reference.

## Executive summary

This report seeks to inform Council of Mid-Western Regional Council Access Committee membership, meeting discussion and updated Terms of Reference.

## Disclosure of Interest

Nil

## Detailed report

The Committee met on 7 May 2024 to discuss a number of issues, including the Disability Inclusion Action Plan report, Business Use of the Footpath Policy, and updated Terms of Reference. New member Simon Staines was also welcomed to the Committee.

The Access Committee moved a motion to adopt updated Terms of Reference. The key changes to the Terms of Reference include a shift in focus to strategic rather than operational issues; and a change in the quorum from four members to three.

Details of discussions are contained in the minutes attached to this report.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Council's Disability Inclusion Action Plan (DIAP) supports collaboration between Council and its Access Committee, to provide advice on strategic issues affecting access for all residents of and visitors to the region.

### **Council Policies**

Not Applicable

### **Legislation**

Not Applicable

## Financial implications

Nil

## Associated Risks

Nil

CATHY MEYERS  
ACTING MANAGER COMMUNITY &  
CULTURAL SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

29 May 2024

*Attachments:* 1. MWRC Access Committee Minutes 7 May 2024.  
2. MWRC Access Committee Terms of Reference.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## **MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE**

**MINUTES – 11AM, TUESDAY 7 MAY 2024**

**AT MUDGEE ADMIN FOYER MEETING ROOM, MUDGEE**

**1. Welcome**

**2. Present:** Les Leighton, Simon Staines, Pamela Morris, Rodger Barnes

**Councillors:** Deputy Mayor Sam Paine **Council Staff:** Cathy Meyers (Minutes)

**3. Receive apologies:** Nil

**4. Confirm Minutes of 2 May 2023 meeting of the MWRC Access Committee**

**Moved:** S Paine

**Seconded:** L Leighton

**5. Matters arising from Previous Minutes:** Nil

**6. Correspondence:**

6.1 Resignation from Kerrie Edwards dated 21 September 2023.

**7. General Business:**

7.1 Committee Membership

An advertisement to attract more community members to the Access Committee was placed in September 2023 resulting in Simon Staines joining the Committee. Simon was welcomed. Contact details of Committee members were updated and confirmed.

7.2 Terms of Reference

An updated Terms of Reference was circulated to the group. This document had been circulated at the previous meeting, however there was not a quorum to vote. The only change since that circulation was to change the quorum number from 4 to 3.

Motion: That the updated MWRC Access Committee Terms of Reference be accepted.  
Moved: S Staines Seconded: P Morris, motion carried.

7.3 Disability Inclusion Action Plan (DIAP) report

Cathy outlined the DIAP report from the Annual Report and highlighted some of the areas of achievement and those for improvement. Members agreed that the tour around town using disability aids to highlight access issues should be conducted with the new Councillors after the election.





Simon had a question regarding the scope of the Committee and whether it incorporated tourism. It was agreed that any work done by the Committee would also impact on or benefit tourists. It was suggested that a representative from Mudgee Region Tourism could be invited to a meeting and also participate in the disability access activity.

#### 7.4 Business Use of the Footpath Policy

Les raised concerns about businesses not adhering to the Business Use of the Footpath Policy, particularly in relation to the display of goods for sale, tables and chairs and signage. It was felt that businesses are able to continually breach the policy and only get warnings.

Cathy read out some information from the Governance Coordinator outlining the work that has been done with businesses recently. This included Ranger inspections; warning letters sent to non-complying businesses; follow up phone calls; and responding to community complaints.

It was advised that if anyone sees an issue that they submit a works request or contact the Rangers. This will keep a record of infringements from particular businesses.

Les would also like to see more promotion of disability access issues to the business associations. Sam suggested there may be grant opportunities to run an access awareness campaign with businesses.

#### 7.5 Skateboards & bikes in built up areas

Les expressed concern about school kids on bikes and skateboards on the footpaths and potentially having collisions with people exiting shops. Is there any signage that can be erected to create No Skateboard Zones?

Cathy to speak to Governance and Road Safety to see what the process would be to investigate this.

There was a discussion around footpaths, with Sam stating there is a program for new footpath installation and it also includes footpath repairs. A reminder if you see any repairs that are needed, to report them to Council.

#### 7.6 Disability Sports Program

Cathy shared details on a Disability Sports Program that may be able to be integrated into the Youth Services school holiday program. Committee members were supportive of pursuing this option.

**Meeting concluded: 12.00pm**

**Next meeting date – 1 October 2024, 11am Admin Foyer Meeting Room.**



## MID-WESTERN REGIONAL COUNCIL ACCESS COMMITTEE TERMS OF REFERENCE

### Preamble

Mid-Western Regional Council appreciates the advice, voluntary time, commitment, interest and dedication demonstrated by members of its advisory committees. Council will give serious consideration to recommendations stated in minutes of Advisory Committees. Such recommendations are considered in the context of Council's management and strategic planning process.

### Council Contact

The Manager Community & Cultural Services is the Council contact officer for the Mid-Western Regional Council Access Committee.

### Responsibilities

The Mid-Western Regional Council Access Committee will make recommendations to Council on strategic issues affecting physical access for all residents and visitors, including those with disabilities, parents with prams and the frail aged and make recommendations to assist with quality outcomes and solutions within the framework of Council Policy and with reference to its Disability Inclusion Action Plan.

The Mid-Western Regional Council Access Committee is not a forum for discussing issues that could otherwise be dealt with by way of a simple Works Request to Council's Customer Service Team, nor is it intended to review and make recommendations in relation to Development Applications for the built environment which could otherwise be submitted by individual members of the Committee in their personal capacity.

### Composition

The Mid-Western Regional Council Access Committee shall comprise up to ten (10) community members, representing a diverse range of mobility issues together with two (2) delegates of the Council. The General Manager or his delegate shall also attend in a non-voting capacity.

### Meetings

Mid-Western Regional Council Access Committee meetings will be held bi-annually in April and October. The duration of the meeting will be no longer than 1 1/2 hours.

The meeting venue will be regularly rotated between Gulgong, Mudgee and Rylstone venues and may include site visits (as appropriate).

## Quorum

The quorum for the meeting of the Mid-Western Regional Council Access Committee shall be three (3) members.

## Delegations

Nil.

## Financial Arrangements

Nil.

## Secretarial Support

The minutes of the Mid-Western Regional Council Access Committee meetings shall be recorded and distributed by secretarial resources provided from the Council.

## 12.3 Youth Council Meeting Minutes May 2024

REPORT BY THE ACTING MANAGER COMMUNITY & CULTURAL SERVICES  
TO 19 JUNE 2024 ORDINARY MEETING  
GOV400105, GOV400105, COS300610

### RECOMMENDATION

#### That Council:

1. **receive the report by the Acting Manager Community & Cultural Services on the Youth Council Terms of Reference;**
2. **note the minutes of the Mid-Western Regional Youth Council meeting convened on 14 May 2024; and**
3. **endorse the updated Youth Council Terms of Reference.**

### Executive summary

This report seeks to inform Council of Youth Council activities and an updated Terms of Reference.

### Disclosure of Interest

Nil

### Detailed report

The Youth Council met on 14 May 2024 and discussed a number of matters including school holiday programs and the grant-funded Youth Opportunities project.

The Mid-Western Regional Youth Council moved a motion to adopt updated Youth Council Terms of Reference. The key changes to the Terms of Reference from previous include:

- the requirement of any Youth Councillor aged 18 or over to have a valid Working with Children Check
- an allowance for incumbent members to stay on Youth Council until the age of 24 (previously 21 years)
- change in the meeting frequency to reflect current meetings of once per term
- change in the elected office bearer's term from six months to twelve months.

### Community Plan implications

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

## Strategic implications

### **Council Strategies**

Council's Youth Strategy provides direction and recommendations for Council and the community to benefit local youth. The Mid-Western Regional Youth Council also takes direction from this document when considering future planning.

### **Council Policies**

Not Applicable

### **Legislation**

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

Nil

CATHY MEYERS  
ACTING MANAGER COMMUNITY &  
CULTURAL SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

3 June 2024

*Attachments:* 1. Youth Council Meeting Minutes 14 May 2024.  
2. Youth Council Terms of Reference.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## YOUTH COUNCIL MEETING MINUTES

DATE: Tuesday 14 May 2024  
VENUE: Mudgee Council Chambers,  
86 Market Street, Mudgee  
COMMENCEMENT TIME: 4:15 PM

---

### 1. ACKNOWLEDGEMENT OF COUNTRY

Mid-Western Regional Youth Council acknowledges the Traditional Custodians of the land on which we meet today, and pay respects to their Elders past, present, and emerging. We extend that respect to any Aboriginal and Torres Strait Islander peoples here today.

### 2. ATTENDANCE

#### 2.1. In Attendance

Youth Councillors: Esther Palombini (Youth Mayor, Chair), Aaron Croll (Deputy Youth Mayor), Bronte Furness, Joshua Smith, Kirilee Besant

Council Staff: Cathy Meyers (Manager Community and Cultural Services), Andy Robards (Youth Services Officer)

#### 2.2. Apologies

Chevie McCrohon, Sam Paine (Deputy Mayor), Tara Stokes (Youth Services Officer)

Motion: Acceptance of apologies.

**Moved:** E. Palombini      **Seconded:** A. Croll

### 3. MOTION OF ACCEPTANCE OF MINUTES

#### 3.1. Motion: Acceptance of 12 March 2024 minutes

**Moved:** A. Croll      **Seconded:** E. Palombini

### 4. CORRESPONDENCE IN/OUT

#### 4.1. None

### 5. EXISTING BUSINESS

#### 5.1. Youth Councillor Recruitment

Following on from the last Youth Council meeting, Andy enquired to see how things were going with sharing information about the recruitment of new youth councillors. Aaron said that he had talked to a few peers who had shown interest. Esther had also asked around. Andy suggested to follow up with anyone who had shown interest. Andy handed out printed promotional packs to be distributed in schools and workplaces with posters and information about Youth Council and nominations.

#### 5.2. Youth Council Terms of Reference Outcome

An updated Terms of Reference was circulated via email after the last Youth Council meeting. Thanks to everyone who responded to show their support.

**Motion:** Acceptance of updated Youth Council Terms of Reference

**Moved:** A. Croll      **Seconded:** E. Palombini

#### 5.3 Van Wrap Update

Andy presented two mock-ups received from the designer for the Youth Services Van Wrap. Councillors gave valuable feedback. It was suggested that the second design was a stronger option



as councillors liked the position of the logo on the door. A smaller font for the text on the side was suggested to increase readability. The word descriptions of 'Culture, Education, Connection, Youth, Opportunity, Wellbeing' were approved. It was also suggested to include colour on the mirrors. There was general support for the designs moving forward. Andy will send notes and feedback to the designer.

Kiri entered the meeting at 4:20pm.

#### 5.4. Town Hall Cinema

Town Hall Cinema has resumed screening movie sessions again in May. Youth Services supported Kung-fu Panda 4 with 200 tickets sold. This was the most popular movie of the month. The upcoming movie selection to be supported by Youth Services in June is an animated feature titled Robot Dreams.

#### 5.5. Autumn School Holiday Program Review

A summary of events and attendees was presented to the Youth Council as below. Generally, there was good attendance and feedback, with two workshops cancelled due to low attendee numbers.

|                                            |           |
|--------------------------------------------|-----------|
| Skate Park Afternoon Youth Week Kandos     | 6         |
| Skate Park Afternoon Youth Week Gulgong    | 5         |
| Cirque-m Youth Aerials workshop            | 16        |
| Stepping Out Drama workshop                | 8         |
| Stepping Out Drama workshop                | cancelled |
| Cirque-m Youth Aerials workshop            | 16        |
| Waste 2 art- recycled packaging workshop   | 1         |
| All Day Level Up                           | 17        |
| Podcast Workshop                           | cancelled |
| Excursion Dubbo Cinema and Ten Pin Bowling | 17        |
| Totem Skateboarding workshops and JAM      | 49        |
| Fishing Competition Rylstone               | 4         |
| Minecraft Coding                           | 9         |
| Scavenger Hunt                             | 20        |

An excerpt from Community News was also presented to the Youth Councillors with a special thank you from the mayor for contributions to a successful Youth Week in April.

## **6. BUSINESS ARISING**

### 6.1. Youth Opportunities Project – Tell Your Story

Andy presented a new grant funded project to the group. The Mid-Western Region – Tell Your Story project is a series of creative workshops that engages facilitators to empower the regions young people with creative professional development opportunities. It is a partnership between Mudjee Arts Precinct (MAP) and Mid-Western Youth Council. The project culminates in a month-long exhibition at MAP lead by a youth curatorial team.

Andy asked the Youth Council if there were any councillors who may like to be involved in the project, and potentially be involvement in a working group. Kiri and Aaron both indicated interest.





Suggestions for activity types included poetry and ensuring there is a mix of workshops to engage young people. It was also suggested that it would be good to run these activities in Kandos to help engage young people in the area. Andy will email more detail as the project develops.

Josh left the meeting at 4:51pm.

#### 6.2. Winter school holiday program update and ideas.

An update on progress toward the upcoming school holiday program was presented to the Youth Council. Proposed activities included: 3D printing, Social Minecraft, Electronic music, Podcasting and Tennis.

Youth Councillors were asked about further ideas for the program. Suggestions included, Candle Making, Physical Activity (e.g. gym introduction and parkour), a simple open activity day (e.g. mega games), and a pound / animal adoption and awareness session.

Cathy also put forward the Abilities Unleashed Program as a potential future activity that could be supported by Youth Services. There was general support for this idea. Youth Services Officers will follow up and find out more information.

#### 6.3 Walking and Cycling Strategy

Youth Councillors were informed that Council's Walking and Cycling Strategy will soon be available for community feedback. This could be a great place to contribute concerns raised at the last Youth Council meeting, including issues around safe footpaths and problematic areas noticed in the community.

#### 6.4 Mid-West Music Quest

Youth Councillors were informed that Real FM are organising Mid-West Music Quest again this year. They are keen to have Youth Councillors involved. This could include helping at auditions, learning about sound setup, recording interviews, or helping at the final event. Both Kiri and Aaron indicated that they are interested. Andy will update the group with any news and relevant dates as it becomes available.

### **7. GENERAL BUSINESS**

#### 7.1. Any general business wishing to be raised by members.

- Kiri raised Road safety as an issue of concern in the community.

- Esther asked a question about Youth Council supporting the Max Potential program that she is a part of. She will forward any relevant emails to the Youth Services team. Cathy suggested that it would be fine to share the general Youth Services email ([youth\\_services@midwestern.nsw.gov.au](mailto:youth_services@midwestern.nsw.gov.au)) with community members for ideas like this.

### **8. DETAILS OF NEXT MEETING**

#### 8.1 Term 3 2024 – 13/8/24

**Meeting closed 5:27**

#### **SUMMARY OF ACTION ITEMS**

| TASK / ACTION               | RESPONSIBILITY              | COMPLETION |
|-----------------------------|-----------------------------|------------|
| Youth Opportunities update  | Andy to follow up via email | 6/6/24     |
| Mid-West Music Quest        | Andy to follow up via email | 6/6/24     |
| Max Potential support email | Esther to email more detail | NA         |



## YOUTH COUNCIL TERMS OF REFERENCE

### Preamble

Mid-Western Regional Council appreciates the advice, voluntary time, commitment, interest and dedication of those willing to be part of the Mid-Western Regional Youth Council. Recommendations from the Youth Council are welcomed and will be considered in the context of Council's management and strategic planning process.

### Council Contact

The Youth Services Officer is the Council contact officer for the Youth Council.

### Responsibilities

The Mid-Western Regional Youth Council will:

- Provide a forum for consultation between Council and local young people throughout the Council area.
- Analyse, consider and implement the recommendations in the Youth Strategy and Community Plan for the wide ranging needs of resident youth throughout the Council area.
- Provide support for youth related programs and initiatives including Youth Week.
- Identify gaps in service provision for youth and provide ideas for future service delivery, events and resources.
- Connect youth with existing resources including cultural and arts resources in communities within the Council area.

### Composition of Youth Council

Ideally, the Youth Council shall comprise of at least two (2) representatives of each of the high schools (including St Matthews Central School) in Gulgong, Kandos and Mudgee together with up to four (4) delegates from the general community, including TAFE students.

Initial application to be a representative on the Youth Council will be limited to local youth aged 13 to 21 years. Incumbent Youth Councillors can remain on Youth Council until they are 24 years old.

Councillors are also representatives on the Youth Council.

## Frequency of Meetings

One meeting per school term.

Youth Councillors who do not attend three meetings in a 12 month period without an accepted apology, may have their position on Youth Council revoked.

## Election of Office Bearers

Youth Council Office Bearers (Youth Mayor and Deputy Youth Mayor) will be elected for a term of twelve months at the first meeting of the calendar year.

## Quorum

A quorum at Youth Council meetings should be half the current membership plus one however a minimum of three (3) Youth Councillors in attendance is also considered quorum.

## Requirements

Youth Councillors aged 18 years and over require a valid Working with Children Check to participate in Youth Council meetings and activities.

## Delegations

Nil.



## Item 13: Urgent Business Without Notice

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### 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

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### LOCAL GOVERNMENT ACT, 1993

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#### **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

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**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

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

### **14.1 Potential Sale of Council Land - 7 & 11 Goodger Place, Bombira**

***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 would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.***

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.