



****PUBLIC COPY****

Business Papers 2025

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING
WEDNESDAY 19 MARCH 2025

*A prosperous and progressive
community we proudly call home*





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12 March 2025

Dear Councillor,

MEETING NOTICE
Ordinary Meeting
19 MARCH 2025
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, consisting of a stylized 'B' followed by a horizontal line.

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

Councillors are reminded of their oaths of affirmations of office taken at their obligations under Council's Code of Conduct to disclose conflicts of interest when and if they arise and ensure they are managed appropriately.

If an interest is declared, Councillors should leave the Chambers prior to the commencement of the discussion of an item.

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 19 February 2025

Council Decision:

That the Minutes of the Ordinary Meeting held on 19 February 2025 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are separately attached.

Item 4: Matters in Progress

| SUBJECT | RESOLUTION NO. & DATE | RESOLUTION | ACTION |
|---|---|--|--|
| Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station | Res. 66/20 Ordinary Meeting 18/03/2020 | Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service. | To be reported to Council at a future meeting. |
| 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. |
| Jet Patcher | Res. 06/25 Ordinary Meeting 19/02/2025 | That the report be prepared and presented to Council detailing expected use, capital expense and ongoing maintenance cost for a new jet patcher. | To be reported to Council at a future meeting. |
| By-Election | Res. 07/25 Ordinary Meeting 19/02/2025 | That the General Manager provide a report at the earliest convenience Council meeting. | To be reported to Council at a future meeting. |

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 New Years Eve Fireworks Display

NOTICE OF MOTION LISTED BY CR MARCUS CORNISH
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105,

MOTION

1. **that Mid-Western Regional Council stage a New Years Eve fireworks display and celebration on the 31st December at 9pm with entertainment prior to the fireworks;**
 2. **that this event be funded in the 2025-2026 budget and be allowed for in future budgets as a yearly event;**
 3. **that a suitable venue be identified, possibly Glen Willow, the show ground etc; and**
 4. **that local people businesses be able to participate with stalls and displays.**
-

Background

A Fireworks display with other entertainment will be a wonderful social event for families of the greater Mudgee region. It also will attract more visitors to the region over the new year's period yielding economic benefits to local businesses throughout the region.

A fireworks display with entertainment will be a positive spend of ratepayer money.

The same should be looked at in the future for the Kandos Rylstone area for another date such as Australia Day once the event is bedded down in Mudgee.

Officer's comments

Rotary Clubs of Mudgee and Mudgee Sunrise jointly host a long-standing annual Christmas celebration at the Mudgee Showgrounds each year in early December, which is a similar community event to a proposed New Year's Eve fireworks display. This family friendly free event includes local entertainment, food, and Christmas Carols by local choirs. Santa makes an appearance at this event also. The event is capped off with a fantastic fireworks display at 9pm.

Council currently supports this community-led Christmas Carols event with \$5,000 in cash and \$3,500 in in-kind contributions. It is also supported with street banner installation and promotion in Council communications.

Hosting a Council-led New Year's Eve event so close to this existing celebration would detract from Rotary's long-standing and valued community event, potentially impacting its attendance and financial sustainability.

A New Year's Eve fireworks display would require a budget allocation of up to approximately \$100,000 to cover the costs associated with delivering a community event of this scale at this time of year. Key expenses would include venue hire, fireworks, contracting staging and sound, additional entertainment, security, staff (event and road management), and additional amenities and infrastructure such as lighting.

Additionally, staffing requirements need to be considered, as the proposed event date falls within Council's annual shutdown period.

6.2 Bridge Naming

NOTICE OF MOTION LISTED BY CR MARCUS CORNISH
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113

MOTION

That Council:

1. **commence the naming of the bridge on Pyramul Road over Clarkes Creek, Windeyer;**
2. **include a submission for the name of Ivan Croake Bridge;**
3. **advertise and call for further submissions in accordance with the Road, Bridge & Place Naming Policy; and**
4. **request a report be brought back to Council with the results of the consultation.**

Background

Ivan Croake was not just an important figure in Windeyer and the Mudgee region, his name was well known by graziers and people in the wool industry throughout Australia.

Ivan achieved in 1994 the highest price for a bail of wool that sold for a record one million dollars. A man known for his approachability, sound advice and sense of humour, well deserving of recognition by Mid-Western Council.

Ivan Croake died after a fatal car crash at the Clarkes Creek bridge. It is the intention that this Bridge be considered to be name in memoriam of Ivan Croake with signs erected in that manner.

Officer's comments

The Road, Bridge & Place Naming Policy sets out the process required, and limitations of naming a bridge within the LGA. The above Notice of Motion would start the process in line with that Policy and include appropriate consultation.

6.3 Re-opening of Cox Street Railway Crossing

NOTICE OF MOTION LISTED BY CR ELWYN LANG
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113,

MOTION

That Council re-open Cox Street railway crossing to allow motor vehicles to pass over a line that is currently closed to traffic.

Background

Mudgee currently has four roads crossing railway lines (two on Castlereagh Highway), one in Douro Street and one on Fairydale Lane, so an extra crossing would seem a formality.

When trains were running back in the day Cox Street was open with a boom gate.

The traffic banking up in Douro Street at school times and work hours is now making life very difficult for vehicles as they back up in the morning and afternoon.

The numbers of vehicles travelling from the rapidly expanding Bellevue Estate and other developments in the south/south west region has made the opening of the Cox Street crossing a matter of urgency.

Officer's comments

A report was presented to the 18th May 2022 meeting with the following recommendations adopted by Council:

Recommendation

That Council:

- 1. receive the report by the Director Operations on the Cox Street Rail Crossing;**
- 2. not pursue opening the Cox St Rail crossing at this time; and**
- 3. consider any rail crossing openings in line with an updated Traffic Management Study for the Mudgee Township.**

The delay in the further investigation of the opening of the rail lines is due to the Mudgee Traffic Study not progressing due to other competing priorities. This needs to be progressed along with a detailed TfNSW assessment of the intersection of Douro St and Horatio St (Castlereagh Highway) to deal with the traffic and pedestrian safety issues in that area.

Staff recommend the following course of action:

That Council:

1. Commence the review of the 2014 Mudgee Traffic Study with specific consideration of the closed railway crossings and potential for re-opening;

2. Consult UGL rail on the nature and type of crossing permissible under the circumstances;
3. Undertake community consultation on the concept of reopening rail crossings as part of the Mudgee Traffic Study Project;
4. Adjust the 2025/26 budget to include \$80,000 for the Mudgee Traffic Study project funded from Developer Contributions Reserve – Transport Facilities.
5. Lobby TfNSW to undertake a detailed assessment of the intersection of Douro St and Horatio St.

6.4 Koala Management Plan

NOTICE OF MOTION LISTED BY CR ROD PRYOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113,

MOTION

That Council prepares a Koala Plan of Management.

Background

As there has been numerous sightings in different areas of the LGA ,and a significant amount of vehicle strikes of koala, council should adopt a Koala Plan of management to help protect this iconic endangered species.

Officer's comments

Development applications are already required to consider koala protections through the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021. **Chapter 3 Koala habitat protection 2020** applies to rural lands (RU1, RU2 and RU3), while **Chapter 4 koala habitat protection 2021** applies to all other zones. The threshold for consideration is where land is greater than 1ha in size and located within the LGA and involves tree removal. If the criteria are exceeded, it requires Council to consider whether the trees being removed are core koala habitat, or their will be an impact to koala species – this is required to be demonstrated by a suitably qualified person.

A Koala Plan of Management under the Biodiversity and Conservation SEPP 2021 protects and conserves koalas, ensuring development does not result in a loss of koala habitat nor population. The SEPP states that a KPoM should provide:

- Identify Core/Potential Koala Habitat
- Set Conservation Goals
- Mitigate threats
- Habitat Restoration and Enhancement
- Monitoring and Research
- Community Engagement and Education
- Legislative Framework
- Collaboration with Stakeholders
- Emergency Response Planning

Currently, 9 eastern (mainly coastal) LGAs have an approved Comprehensive Koala Plan of Management:

- Ballina
- Bellingen
- Campbelltown
- Coffs Harbour
- Kempsey
- Lismore
- Port Stephens

- Byron
- Tweed

No Western NSW Council has a KPOM.

Requirements for MWRC to Implement a KPOM

If Council would like to deliver a Koala Plan of Management:

- Legislative changes need to occur first - LLS and Forestry Codes to be finalised – Currently in draft;
 - If Council submits a KPOM before the new LLS/Forestry legislation is finalised, then we run the risk of our KPOM being irrelevant and starting the entire process again
 - Current legislation lacks in:
 - Who/how monitors valid sighting of 18 years
 - Penalties
 - Support from Federal departments
 - A KPOM needs to go through the following approvals:
 - 90 Days Public Exhibition
 - Letter drop every landholder impacted by KPOM
 - Approval from Planning Secretary, Secretary of Regional NSW, Chief Executive of Local Land Services, and a designated Public Service Employee
- Substantial time for community engagement, 6 months to 1 year before we engage a consultant (a shortfall learnt from our previous project)
- A budget of approximately \$400,000 for consultants to:
 - Ground truth previous vegetation mapping;
 - Provide a highly suitable koala habitat map, population survey and analysis to produce an accurate core habitat map;
 - Project management consultant to engage relevant stakeholders;
 - Environmental consultant to create the KPOM
- Once the KPOM is implemented, staff will require necessary resources and training to apply the legislation

Council has been undertaking a number of initiatives around Koala's over the last couple years.

Council undertook a mapping project 'Our Mapping, Protecting and Enhancing Koala Habitat within the MWRC LGA' funded through the Australian Government's Koala Community Grants: Round 1 commenced in May 2022 and finalised in February 2025. The project consisted of a mapping component, education and biodiversity enhancement.

The grant included working with 8 private landholders to plant koala habitat trees, install wildlife safe stock exclusion fencing and undertake weed management. We also had a tree giveaway, where we had over 100 people apply to receive koala feed trees. In total, we planted approximately 10,000 koala feed trees throughout the LGA promoting habitat connectivity. The corridor will enhance biodiversity and encourage isolated koala populations to traverse the LGA.

Councils Environment team coordinated a Koala Education Day with 3 high schools: St Matthews, Gulgong High School and Kandos High School. Koala Day focused on educating Year 7 about the presence of koalas in the region, how to protect them and their significance within our environment. A favourite of the day was Taronga's Zoomobile. Environment team have submitted a CPP to make this an annual event in partnership with Red Hill Environmental Education Centre. We also ran a koala colouring competition in conjunction with Library Services with winners receiving koala toys from Port Stephens Koala Hospital and a family pass to Taronga Zoo.

Council did have some challenges with the mapping component of the project and had to vary the scope of our project based on several factors:

- Mapping provided by consultant was inconclusive
 - Predictive Koala Habitat Suitability Model (KHSM) to determine koala habitat suitability was too large for our LGA so data was not captured correctly (ie everything that looked like a tree was considered core koala habitat, example The Pines)
 - No koala distribution, population size nor dynamics were included in the report
 - Analysis of feed trees was inconclusive as all vegetation was mapped unless groundcover
 - No audio recordings provided as devices malfunctioned during assessment
 - Council's GIS Coordinator discovered 11 missing data points

Basically, the consultant used SEED data to extract validated koala sightings and drew a 5km radius around each sighting. However, to have an effective KPOM, we need concise vegetation and population mapping. A fair more detailed mapping process than what has been undertaken.

Councils Environment team promotes how to report a threatened species on Council's website as well as utilising the "I Spy Koala" app. We've seen a significant increase in the number of reported Koala sightings: We take this data and input into BioNet where it can be added as a validated sighting and contribute to Council's DA process.

One of the issues is that we know we have koalas, but we have limited data on population dynamics. During 2024 Councils Environment team helped Dr. Kelly Leigh with Science for Wildlife gain access to Crown Land and private land to conduct koala surveys. Dr. Leigh utilised her koala scat dog as well as conducted vegetation surveys of koala feed trees. Dr. Leigh's data is crucial in filling the gaps from the previous project.

The following is an example the investment required to undertake a detailed KPOM. In November 2024, Hawkesbury City Council (HCC) approved \$240,000 for Koala Habitat Mapping on top of the initial \$120,000 allocated for their vegetation mapping project. They also approved \$70,000 for Koala Corridor Assessment and a Koala Plan of Management, totalling \$430,000. HCC is 2800km² and MWRC is 8737km², MWRC was allocated \$20,000 to complete our Koala Plan of Management from Federal funding. Council requested a variation to exclude the KPOM and disperse the \$20,000 across our other deliverables.

There are potential unintended impacts on small landholders if mapping is not detailed and correct such as:

- Restrictions on land use potentially affecting:
 - Land sale prospects;
 - Land use flexibility;
 - Habitat restoration works, monitoring;
 - Additional assessment such as the landholder's own KPOM or Koala Assessment Reports – additional consultant costs;
 - Failure to comply could result in penalties, fines or restrictions on property use;

It is not recommended to undertake a Koala Management Plan (KPOM) at this time due to the legislative changes that need to occur, the substantial costs required to implement a KPOM and the Biodiversity and Conservation SEPP 2021 is already used by Council.

6.5 Public Forum Live Streaming

NOTICE OF MOTION LISTED BY CR ROD PRYOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113

MOTION

That Council Live stream and records the Public Forum at the start of council meetings.

Background

In the interest of transparency and to allow the community to view issues brought to council meetings.

Officer's comments

At the Council Meeting on 19 February 2025, Councillors discussed making a submission to the OLG on Proposed Reforms to the Model Code of Meeting Practice. One of the proposed reforms included the banning of closed briefing sessions. In its submission, Council opposed this proposal.

In relation to public forums, these are not currently mandated to be webcast unless they form part of an official Council meeting.

Should Council consider webcasting public forums, it would first need to address potential legal and privacy considerations, including matters of confidentiality, defamation, and copyright. This would necessitate informing attendees that the meeting is being webcast and advising them to refrain from making defamatory statements or disclosing personal information without appropriate consent.

It is recommended that Council await the outcome of the proposed reforms, as any requirement to make briefing sessions public may likely extend to public forums as well.

6.6 New Significant Tree Register

NOTICE OF MOTION LISTED BY CR ROD PRYOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113

MOTION

That Council create a new Significant tree register.

Background

The current register is extremely difficult to find and is decades out of date.

Officer's comments

The Significant Tree register sits within Council's Development Control Plan (DCP). As we are currently reviewing the DCP, the Significant Tree Register is currently being reviewed and considered as part of this project.

6.7 Gulgong Dog Park

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113,

MOTION

That Gulgong Dog Park off leash section be brought up to standard, on par with Mudgee Dog Park.

Background

The ground is very hard and dogs are getting injured when they run around.

Officer's comments

Council received 12 submissions requesting improvements to the Gulgong Dog Park through the recent CPP process and has proposed a budget of \$25,000 from VPA funds to perform upgrades (including the addition of a shade shelter and agility equipment) in 2026/27.

6.8 Safety Check at Mudgee Airport

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113

MOTION

Council should perform a safety check at Mudgee Airport

Background

We need to conduct a safety check at Mudgee Airport, as someone tried to board a domestic flight the other day with a gun.

Officer's comments

Mudgee Regional Airport, operating under CASA Part 139 (Aerodromes) regulations, maintains robust security measures. A 2.4-meter exclusion fence surrounds the airport perimeter. Access gates are secured with combination locks or padlocks, and a strict key register is managed by the airport team for authorised personnel. Daily morning inspections are conducted and documented by Airport Reporting Officers, ensuring compliance with regulatory standards.

6.9 Road Maintenance Justification

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113

MOTION

Council consider changing its rules on maintenance of roads to number of traffic movements on the road, rather than number of houses.

Background

People can have a business on a road where there are not many houses, but if they have a lot of employees, the road still needs more maintenance.

Officer's comments

The relationship between road maintenance and number of houses is a requirement of the Unmaintained and Unformed Roads Policy.

The definition of 'unmaintained' in the Policy is:

"Unmaintained" – for the purpose of this policy, shall mean a road reserve that can be a formed road or unformed road that is not constructed to a standard and has no assets that are maintained by Council or which is privately owned. A road is identified as unmaintained if it is not listed as maintained in Council's Road Asset Management Plan.

The Policy guides Council's decision making on when roads should be considered to be added to the maintained roads list in the Asset Management Plan. 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.***

Typically, other roads and the level of service those roads receive is based on traffic volumes.

To modify the policy the policy should be reviewed and more broadly, the underlying methodologies contained in the Asset Management Plan that determine levels of service. Typically, traffic volumes on all unsealed roads even maintained roads are very low so other metrics may need to be considered as well.

Item 7: Office of the General Manager

7.1 Council Advisory Committees

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400098, GOV400113, A0100024, A0100034

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Community on the Council Advisory Committees;**
 2. **endorse Cheryl Vassel, Toni Morrison, Peta Stamford, Ray Thackeray, Shane Holz, and Stephanie and Garry Barrett to be members of the Gulgong Memorial Hall Committee;**
 3. **endorse Carol Hayward, Jenny Conlon, Rebecca Redfern, Wendy Owen, Delma Smith, Jill Baggett, Annie Denley, Gary Owe, Jenny Deville and Ray Deville to be members of the Mid-Western Regional Seniors Committee;**
 4. **endorse Les Leighton, Simon Staines and Pamela Morris to be members of the Mid-Western Regional Access Committee; and**
 5. **endorse Michael Sweeney, John Bentley, John Wood, Andrew Stein, and Scott McGregor to be community members of the Rail Committee.**
-

Executive summary

Council has resolved for a number of Advisory Committees to be established for this term of Council. This report updates Council on the establishment of those Committees and requests Council endorse community members to be on these Committees.

Disclosure of Interest

Nil

Detailed report

Council has resolved for a number of Advisory Committees to be established for this term of Council.

This report updates Council on the establishment of those Committees and requests Council endorse community members to be on these Committees.

At this time, we can confirm nominations for the Gulgong Memorial Hall Committee, the Mid-Western Regional Seniors Committee, the Mid-Western Regional Access Committee, and the Rail Committee. User groups, sporting groups and community organisations will be contacted regarding the Sports Councils and the Mudgee Showground Committee.

When enough community members of the Committees are established, a meeting will be called where the Terms of Reference for the Committees will be discussed. Ultimately, Council will endorse the Terms of Reference for these Committees.

As noted previously, these Committees will be focused on providing community consultation on strategic issues and are generally expected to meet twice a year.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan

Council Policies

Not Applicable

Legislation

Section 355 of the Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

All minutes from Council Advisory Committees should be sent to Council meetings for information and endorsement of any significant recommendations. Council staff act as contacts for these Committees to ensure that appropriate governance practices are maintained.

RACHEL GILL

ACTING DIRECTOR COMMUNITY

28 November 2024

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

7.2 Council Organisational Structure

REPORT BY THE PEOPLE & PERFORMANCE MANAGER

TO 19 MARCH 2025 ORDINARY MEETING

GOV400113, COR400025, A0270001

RECOMMENDATION

That Council:

- 1. receive the report by the People & Performance Manager on the Council Organisational Structure ; and**
 - 2. re-determine the existing Organisational Structure for Mid-Western Regional Council as documented in this report.**
-

Executive summary

Council is required under Section 333 of the Local Government Act, 'to review, and may re-determine, the organisation structure within 12 months after any ordinary election of Council.'

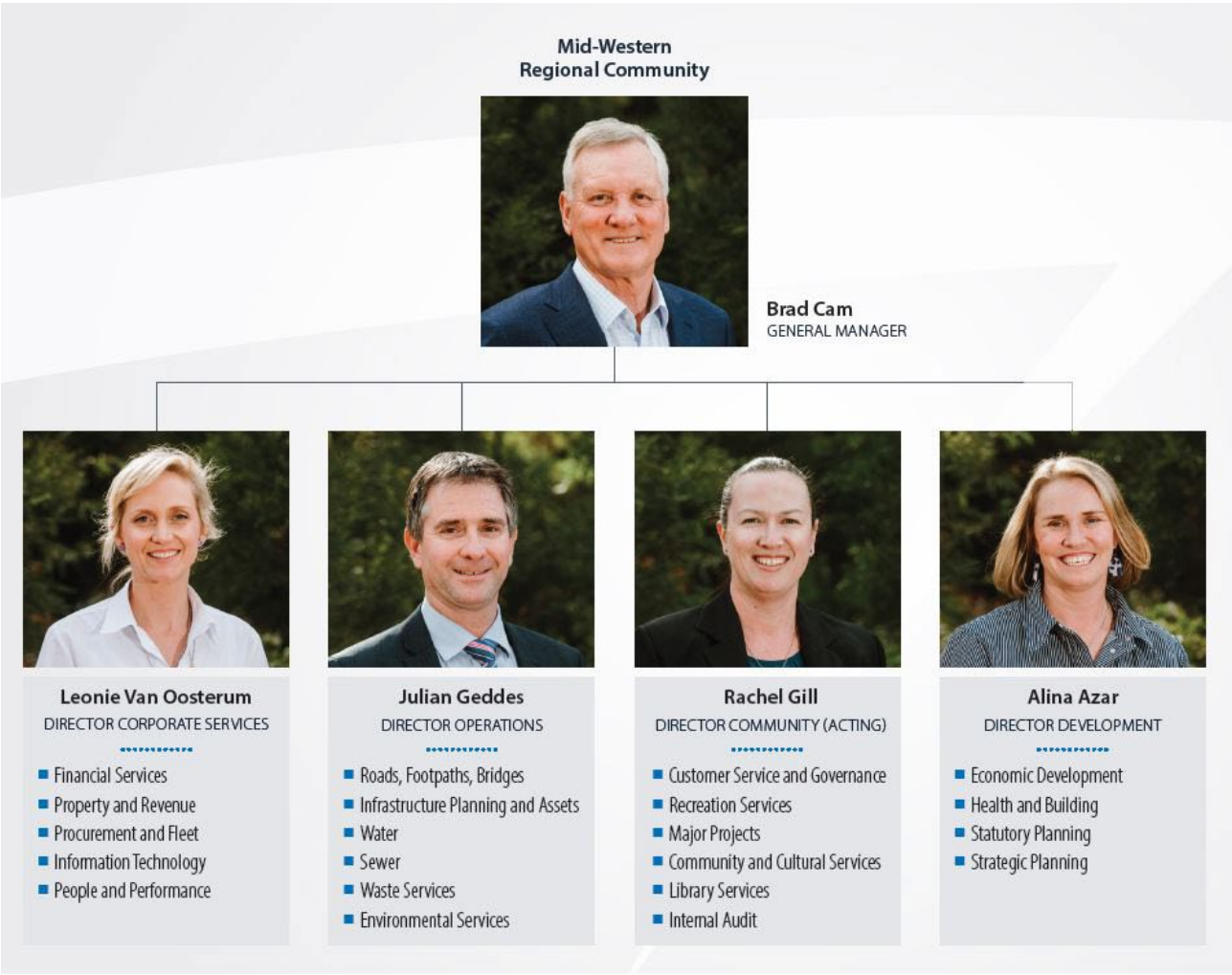
Disclosure of Interest

Nil

Detailed report

A copy of the current Organisation Structure of Council is included below.

The General Manager supports continuation of the current structure as it is operating efficiently and effectively in delivering services to the community in line with the Delivery Program and Operational Plan.



Community Plan implications

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

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

| | |
|-----------------|---------------------------------------|
| Strategy | Pursue excellence in service delivery |
|-----------------|---------------------------------------|

Strategic implications

Council Strategies

Community Plan

Delivery Program

Workforce Strategy

Council Policies

Not applicable

Legislation

Council is required under Section 333 of the Local Government Act, to ‘review, and may re-determine, the organisation structure within 12 months after any ordinary election of Council.’

Financial implications

All existing staff positions are included in the Operational Plan.

Associated Risks

Council will be in breach of the Local Government Act, if the organisation structure is not reviewed and determined by April 2025.

SHARNA ROSS
PEOPLE & PERFORMANCE MANAGER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

28 February 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 8: Development

8.1 RVA0002/2025 Review of Determination (DA0198/2024) - Four (4) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee

REPORT BY THE PLANNING COORDINATOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, GOV400113, DA0198/2024

RECOMMENDATION

That Council:

- A. receive the report by the Planning Coordinator on RVA0002/2025 Review of Determination (DA0198/2024) DA0198/2024 - Four (4) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee; and
- B. change Councils determination from the 16 October 2024 and approve RVA0002/2025 Review of Determination (DA0198/2024) DA0198/2024 - Four (4) Serviced Apartments, One (1) New Shed with Toilet, Use of Existing Building as Secondary Dwelling and Ancillary Works - 106 School Lane, Budgee Budgee subject to the following conditions and statement of reasons:

PART A - DEFERRED COMMENCEMENT

1. This is a deferred commencement condition in accordance with Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and this consent shall not operate until the following matters have been completed, to the satisfaction of Council.
 - a) A Building Information Certificate for all unauthorised building work carried out on the premises that is the subject of this development consent, issued by Council in accordance with Division 6.7 of the Environmental Planning and Assessment Act 1979, is to be obtained.
 - b) The floor plan for the use of the existing building as a secondary dwelling is to provide for laundry facilities compliant with the National Construction Code, that is, a wash tub and space for a washing machine.

Evidence that will sufficiently enable Council to be satisfied as to the compliance with the above matters must be submitted to Council within twenty-four (24) months of the date of determination.

If sufficient evidence of the satisfaction of the above matters is not received by Council within this timeframe, the consent will lapse pursuant to Section 4.53(6) of the Environmental Planning and Assessment Act 1979.

If sufficient evidence of the satisfaction of the above matters is received by Council within the above nominated timeframe, Council will notify the applicant/developer in writing of the date the development consent becomes operative. This consent will become operative subject to the following conditions of consent.

Note – the development consent will lapse 5 years after it becomes operative, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

Note – Please contact Council's Building Surveyors prior to lodging an application for a Building Information Certificate to determine what information will be required to support an application for a Building Information Certificate.

Reason – a portion of the works approved under this development consent were carried out without a prior Construction Certificate in a case where a prior Construction Certificate was required to be obtained.

PART B - APPROVED PLANS

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

| Title/Name: | Drawing No/ Document Ref | Revision /Issue | Date: | Prepared by: |
|--|--------------------------------|--------------------|------------|--------------------|
| Site Survey | A001 | 7 | 28.02.2025 | Play Design Studio |
| Site Analysis | A002 | 7 | 28.02.2025 | Play Design Studio |
| Waste Management Plan | A003 | 7 | 28.02.2025 | Play Design Studio |
| Earthworks and Sediment Control Plan | A004 | 7 | 28.02.2025 | Play Design Studio |
| Landscape Plan | A005 | 7 | 28.02.2025 | Play Design Studio |
| Site Plan | A100 | 7 | 28.02.2025 | Play Design Studio |
| Roof Plan | A101 | 7 | 28.02.2025 | Play Design Studio |
| Granny Flat Plans | A102 | 7 | 28.02.2025 | Play Design Studio |
| Shed Plans | A103 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 01 Plan | A104 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 02 Plan | A105 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 03 Plan | A106 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 04 Plan | A107 | 7 | 28.02.2025 | Play Design Studio |
| Existing Residence Plan | A108 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 01 Elevations | A300 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 02 Elevations | A301 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 03 | A302 | 7 | 28.02.2025 | Play Design Studio |

| Title/Name: | Drawing No/ Document Ref | Revision /Issue | Date: | Prepared by: |
|---|--|----------------------------|---------------------------|--|
| Elevations | | | | |
| Apartment 04 Elevations | A303 | 7 | 28.02.2025 | Play Design Studio |
| Ex. Granny Flat Elevations and Sections | A310 | 7 | 28.02.2025 | Play Design Studio |
| Shed Elevations and Sections | A311 | 7 | 28.02.2025 | Play Design Studio |
| Typical Apartment Sections | A400 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 3DS | A500 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 3DS | A501 | 7 | 28.02.2025 | Play Design Studio |
| Apartment 3DS | A502 | 7 | 28.02.2025 | Play Design Studio |
| Granny Flat 3DS | A503 | 7 | 28.02.2025 | Play Design Studio |
| Shed 3DS | A504 | 7 | 28.02.2025 | Play Design Studio |
| BASIX Certificates | 1779410S, 1779412S, 1779415S, 1779417S 1779431S | - | 8 January 2025 | Play Design Studio |
| Access and Driveway Assessment | - | - | July 2024 | NK Traffic Consulting Traffic and Transport Engineers |
| Management Plan – Short term accommodation | - | V2.0 | February 2025 | Play Design Studio |

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

Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

GENERAL

2. This development consent provides approval for four (4) serviced apartments, use of the existing building as a secondary dwelling, use of the modular shed with bathroom and ancillary works, only.
3. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
4. This consent does not permit commencement of any site works. Works to proposed are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifier.

5. Fill placed in residential or commercial lots shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
6. All building work must be carried out in accordance with the Building Code of Australia.

Note: Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.

7. A minimum tank storage capacity of 40,000 litres is required on the site, of which a minimum of 20,000 litres is to be retained for firefighting purposes at all times.
8. Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting.
9. The internal access driveway must be constructed and maintained at all times to provide access in all weather conditions. The driveway must also be of a sufficient standard to allow for access by emergency service vehicles.
10. The only waste derived fill material that may be received at the development site must be:
 - a) Virgin excavated natural material, within the meaning of the 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.
11. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
12. 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.
13. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
14. 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. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.

If any alteration is required to existing utilities or assets due to this proposed development, then relevant authorities are to be contacted prior to carrying out any activities that impacts upon existing assets.

15. 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.
16. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.

It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 198, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.

In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.

In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.

This section does not apply—

- a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
17. This section applies to a development consent for development involving building work, subdivision work or demolition work.

It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

The sign must be—

- a) maintained while the building work, subdivision work or demolition work is being carried out, and
- b) removed when the work has been completed.

This section does not apply in relation to—

- a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or**
- b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.**

- 18. This section applies to a development consent for development involving residential building work if the principal certifier is not the council.**

It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

- a) for work that requires a principal contractor to be appointed—**
 - i. the name and licence number of the principal contractor, and**
 - ii. the name of the insurer of the work under the Home Building Act 1989, Part 6,**
- b) for work to be carried out by an owner-builder—**
 - i. the name of the owner-builder, and**
 - ii. if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.**

If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

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

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

- 20. Application shall be made to Council under Part C, Section 68 of the Local Government Act 1993 to install, construct or alter a waste treatment device or human waste storage facility. The application shall contain details demonstrating compliance with the Environmental Health Protection Guidelines, Australian Standard AS1547, the Plumbing and Drainage Act 2011 and/or the Plumbing Code of Australia.**

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

- 21. A detailed engineering design and design report/certificate is to be prepared by a suitably qualified registered professional engineer and approved by the registered Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate.**

A detailed engineering design is required for but not limited to the following civil works:

- a) Stormwater absorption trench.
 - b) Erosion and sedimentation control plan.
 - c) Signage along School Lane – The location of the signage to install warning and advisory signage e.g. drive slow, concealed driveway, speed sign and all other signs required by Council and recommended by a traffic engineer is to be submitted to Council as a part of the S.138 for approval.
 - d) All internal roads and other paved areas shall be designed to provide continuous drainage flow path to the designed point of discharge.
22. The existing access must be upgraded and sealed with bitumen and signage must be installed along the School Lane. To carry out this works consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of any Construction Certificate.
23. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993, prior to the issue of a Construction Certificate. The access is to be designed and constructed in accordance with Council's Access to Properties Policy.
24. Prior to the issue of a Construction Certificate, the runoff from the developed surface shall be disposed of by discharging to a suitable quantity management system (rain garden/infiltration trench or similar). The system designed is to be prepared by a geotechnical engineer or suitably qualified registered professional engineer in accordance with Stormwater to Smartwater (S2S Supporting Technical Guidelines) adopted by the Mid-Western Regional Council.
25. A Traffic Guidance Scheme (TGS) completed by a "Certified Person" for implementation during work is to be submitted to the Council prior to the commencement of works. This is to be submitted along with the S138 application.
26. An Erosion and Sediment Control Plan is to be submitted and approved by the registered Certifier (i.e. Council or a private Certifier) prior to the issue of a Construction Certificate. The Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
27. Prior to the issue of a Construction Certificate, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

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

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

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

A cost estimate report is to be provided to Council, confirming the total cost of the development prior to issue of the Construction Certificate. Following submission of the full cost estimate report, Council will confirm and provide the required contribution amount, payable prior to issue of the Construction Certificate.

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

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

29. If the *Construction Certificate* is not issued, for any reason whatsoever, within twelve (12) months of the date of determination, then the charges and contributions contained in this consent, will be increased to the current rate at the time of payment.

PRIOR TO COMMENCEMENT OF WORKS – BUILDING

30. In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the Certifier (i.e. Council or an accredited certifier); and
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with the *Environmental Planning and Assessment Act 1979*; and
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

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

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

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

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) involves the enclosure of a public place, then
a hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
33. Prior to the commencement of works on site, the applicant shall advise Council's Operations Department in writing, of any existing damage to Council property.
34. The developer shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.
35. Sediment erosion controls shall be installed within the development site, to the satisfaction of the Certifier (i.e. Council or the Principal Certifier), prior to the commencement of works.
36. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
37. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- a) diversion of uncontaminated up-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent sediment and other debris escaping from the land to pollute any stream or body of water; and
 - c) maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.

DURING BUILDING WORKS

38. All building work must be carried out in accordance with the provisions of the National Construction Code, the *Environmental Planning & Assessment Act 1979* and Regulations and all relevant Australian Standards.
39. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the *Plumbing & Drainage Act 2011* and the Plumbing Code of Australia.

40. A total of 8 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking and the following requirements:
- a) Each parking space is to have minimum dimensions as per AS 2890.1: 2004 – Parking facilities.
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2022 – Parking facilities – Part 6: Off-street parking for people with disabilities.
 - c) All car parking spaces are to be provided with a hard-standing, all-weather surface and must be maintained in satisfactory condition at all times.
 - d) Signage must be provided for the car park which has been designated for visitors and disabled.
41. The aisle widths, internal circulation, ramp widths and grades of the car park are to generally conform to the Roads and Maritime Services (RMS) guidelines and Australian Standard AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking. Details of compliance are to be shown on the relevant plans and specifications.
42. The existing access from School Lane is to be upgraded and sealed with bitumen and is to be designed and constructed in accordance with the Council's Access to Properties Policy and the Council approved section 138.
43. 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.
- Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
44. All mandatory inspections required by the Environmental Planning and Assessment Act 1979 and any other inspections deemed necessary by the Principal Certifier being carried out during the relevant stage of construction.
45. Commitments listed in BASIX Certificate number(s) 1779410S, 1779412S, 1779415S, 1779417S, 1779431S issued on 8 January 2025 must be installed and/or completed in accordance with the requirements contained in that certificate.
46. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Section 78 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
47. 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.

48. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Heritage NSW, SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.

Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.

49. All roof stormwater is to discharge to a water storage tank/s and overflow from the tank/s disposed to the approved stormwater management system, clear of any effluent disposal areas and in such a manner as to not create any erosion or scouring and not adversely affect adjoining properties.
50. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

51. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.
52. Prior to the issue of an Occupation Certificate a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (*Local Government Act 1993*) approval/s.
53. Prior to the commencement of use of the development and/or issue of an Occupation Certificate, all approved car parking, associated driveway and stormwater works are to be completed and a satisfactory completion report from the registered professional engineer is to be provided to the certifier (i.e. Council or a private Certifier) verifying that the construction has been completed as per the approved plan.
54. Prior to the commencement of use of the development and/or issue of an Occupation Certificate, a compliance letter from the Council's Development Engineer is to be provided to the certifier verifying that the construction has been completed as per the approved plan.
55. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.
56. Prior to use of the development and/or issue of an Occupation Certificate, excavated and/or filled areas of the site are to be stabilised and drained, to prevent

scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.

57. Prior to use of the development and/or issue of an Occupation Certificate, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
58. Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
59. Prior to use of the development and/or issue of an Occupation Certificate, all requirements of BASIX Certificate number(s) 1779410S, 1779412S, 1779415S, 1779417S, 1779431S issued on 8 January 2025 and the associated plans and specifications approved as part of the Construction Certificate, shall be completed in full.
60. Prior to use of the development and/or issue of an Occupation Certificate, the Plan of Management (V2.0 dated February 2025) shall be updated to ensure that the conditions of this consent are complied with to the satisfaction of Council.
61. Under section 88B of the Conveyancing Act 1919, a positive covenant for the "Maintenance and repairs of Infiltration trench/raingarden (stormwater management system)" is to be registered in favour of the Mid-Western Regional Council.

Restrictions and positive covenants on titles over the stormwater quantity management system must be endorsed by the Mid-Western Regional Council and lodged with NSW Land Registry Services.

Restrictions and positive covenants created as a part of this consent shall contain a provision that they cannot be extinguished or altered without the consent of the Mid-Western Regional Council.

ONGOING USE

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

62. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
63. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building/s.
64. The development must operate in accordance with the Council approved Plan of Management prepared by Play Design Studios for the life of operations.
65. All parking associated with the use is to be contained wholly within the site.

66. The development is to be operated in such a manner that will not interfere with the residential amenity of the adjoining and nearby residents, due to emission of noise, lighting or other nuisances.
67. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property, into Airspace or roadways, in accordance with *Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting"*.
68. There is to be no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, lighting, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
69. The approved use of the development is for the purposes of serviced apartments which is defined as:
- serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.*
- Any use contrary to the above is unlawful and requires the development consent of Council.
70. The development is to be maintained in a clean and tidy manner, at all times.
71. Arrangements are to be made for the regular removal and disposal of all waste to a licenced waste facility.
72. Dogs that are accommodated on the site in conjunction with a guest's stay are to be managed so that they do not wander on to adjoining properties.
73. Guests staying at the accommodation are not to trespass on to adjoining private property.
74. The accommodation shall be regularly cleaned or serviced by the owner or manager of the building, or their agents.
75. The sites operators are to maintain and operate the private water supply in accordance with a quality assurance program (QAP) and which complies with the Public Health Regulations 2012. A Copy of the QAP is to be provided to the NSW Public Health Unit and records relating to managing the safety of the drinking water supply are to be kept onsite and made available on request of Council or the NSW Public Health Unit.
76. In the event of any complaints being lodged relating to the site or the operations of the development, a log book must be kept by the operators of the facility clearly recording any information and reasons for the complaint/s. The log book must be made available to Council at any time on request.

The log book is to record the following information:

- a) Name, address and contact details of the complainant;
- b) Description of complaint (e.g. character and volume);

- c) Frequency and duration of complaint;
- d) Meteorological conditions during complaint; and
- e) Any actions taken to resolve complaint.

REASONS FOR APPROVAL

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 submissions received during the public notification period have been addressed via conditions of consent, including provision of a Plan of Management and operational conditions that are enforceable on the developer during the life of the operations.*

Executive summary

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|----------------------------------|--|
| OWNER/S: | Commercial Solar Pty Ltd |
| APPLICANT: | Hugh Walker Play Design Studio |
| PROPERTY DESCRIPTION: | 106 School Lane, Budgee Budgee Lot 264 DP755429 |
| PROPOSED DEVELOPMENT: | Four (4) Serviced Apartments, New Modular Shed, Use of Existing Building as Secondary Dwelling and Ancillary Works |
| ESTIMATED COST OF DEVELOPMENT: | \$1,130,000.00 |
| REASON FOR REPORTING TO COUNCIL: | Original Development Application (DA0198/2024) was Refused by Council at its meeting of 16 October 2024. Review of Determination to be Determined by Council. |
| PUBLIC SUBMISSIONS: | Ten (10) Submissions |

Council is in receipt of a Review of Determination Application (RVA0002/2025) pursuant to section 8.2 of the *Environmental Planning and Assessment Act (EP&A Act)*.

As the original determination of the development application was made by Council at its ordinary meeting held on 16 October 2024, the Review of Determination must be determined by Council in accordance with section 8.3(6) of the *EP&A Act*.

Pursuant to section 8.3(3) of the *EP&A Act* the applicant has amended the proposed development by reducing the total number of serviced apartment buildings from six (6) to four (4) however, the total number of bedrooms within each building is now proposed at two (2) per apartment.

Overall, the development is considered to be substantially the same proposal, in accordance with 8.3(3) and may be considered by Council.

It should be noted that in accordance with the *EP&A Act*, Council must review its determination and pursuant to section 8.4 of the *EP&A Act* – ‘*After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision*’.

BACKGROUND

The original Development Application DA0198/2024 sought approval for six (6) serviced apartments, a modular shed, use of an existing building as a secondary dwelling and ancillary works, at 106 School Lane Budgee Budgee NSW 2850, Lot 264 DP 755429.

The subject site is located approximately 14 kilometres north of the Mudgee CBD and some 700m from the intersection of School Lane and Ulan Road. The site has an area of 6.20 hectares, contains an existing stock and domestic bore and is currently occupied by a single dwelling, a ‘cottage’ and two rural sheds, accessed from School Lane.

The originally proposed development under DA0198/2024 involved the following key components:

- 3 x 2-bedroom serviced apartments (1 proposed to be accessible);
- 3 x 1-bedroom serviced apartments;
- 1 x 18m² shed with bathroom;
- 3 x visitor parking spaces are also proposed, along with a new internal gravel access track, solar array, water tank, landscaping and septic tank with transpiration area; and
- Use of the existing ‘cottage’ on the site for the purposes of a secondary dwelling.

It should be noted that no approvals could be located for the ‘cottage’ noted within the application that is sought to be used for the purposes of a secondary dwelling. As a result, a Building Information Certificate will be required for this existing structure.

The originally proposed development was assessed in accordance with Council’s DCP and the LEP. The proposed development was considered generally consistent with Council’s planning controls.

The application was referred to Council for consideration at the time, as it exceeded staff’s *Delegation of Authority* in that more than seven (7) objections were made against the development application. The application was recommended for Approval, subject to conditions.

At Council’s meeting held on the 16 October 2024, Council refused the Development Application based on the following reasons:

1. *the negative impact on traffic; and*
2. *negative impact on the local amenity this proposed development will cause.*

The applicant seeks a Review of Councils Determination with the following amendments made to the proposal: (Refer to **Attachment 1 and 2**):

1. *Reduced number of serviced apartments from 6 x serviced apartments down to 4 serviced apartments*
2. *Serviced Apartments to be 4 x 2-bedroom apartments*

3. *Roadways and entries changed to bitumen to reduce dust*
4. *Carparking spaces increased and constructed in bitumen*
5. *Accessible car space added*
6. *Distance between apartments increased*
7. *Landscaping and landscaping buffers increased and enhanced*

Additionally, to the design:

1. *Plan of management has been updated*
2. *Statement of environmental effects updated*
3. *Cost report updated*
4. *Letters of Support included*

The amended proposal submitted has been assessed in accordance with Council's DCP and the LEP. The proposed amended development remains consistent with Council's planning controls.

On the basis of the above supporting information and noting the previous staff recommendation to approve DA0198/2024, it is recommended that Council review its previous decision and approve the application as amended by the applicant.

Disclosure of Interest

Nil.

Detailed report

PROPOSED DEVELOPMENT

Council is in receipt of Review of Determination Application (RVA002/2025) to Development Application DA0198/2024.

Development details

The original proposed development as part of DA0198/2024 involved the following key components:

- 3 x 2-bedroom serviced apartments (1 is proposed to be accessible), each proposing 2 parking spaces per apartment;
- 3 x 1-bedroom serviced apartments, each proposing 1 parking space per apartment;
- 1 x 18m² shed with bathroom;
- 3 x visitor parking spaces are also proposed, along with a new internal gravel access track, 15KW solar array, water tank, landscaping and septic tank with transpiration area; and
- Use of the existing 'cottage' on the site for the purposes of a secondary dwelling.

The amended development submitted as part of the Review of Determination includes the following amendments to the plans:

- 4 x 2 bedroom serviced apartments.
- Roadways and entries upgraded to bitumen.
- Carparking spaces increased, with an accessible parking space and constructed in bitumen.
- Distance between apartments increased.
- Landscaping and landscaping buffers increased.

Development / Land Use history

A list of previous approvals issued over the property include:

| | | |
|-----------------|-------------------|-------------------------|
| BA171/81 | Dwelling | Issued 20 May 1981 |
| BA393/82 | Rural Outbuilding | Issued 22 November 1982 |
| BA344/85 | Garage | Issued 24 October 1985 |

No approvals have been found for the construction of a 'studio' or 'granny flat' on the land. A Building Information Certificate will therefore be required for this existing structure.

Subject Site

The subject site is located approximately 14 kilometres north of the Mudgee CBD and some 700m from the intersection of School Lane and Ulan Road. It is legally identified as Lot 264 DP 755429, 106 School Lane, Budgee Budgee.

The site has an area of 6.20 hectares, contains an existing stock and domestic bore and is currently occupied by a single dwelling, a 'cottage' and two rural sheds. Access to the site is available from an existing access crossing from School Lane.

A drainage depression, identified as "Budgee Creek" bisects a small portion of the site to the east, with existing mature vegetation found at boundaries of the site, along with ornamental plantings located around the existing dwelling and outbuildings as shown in Figure 1 below.



Figure 1: Aerial View

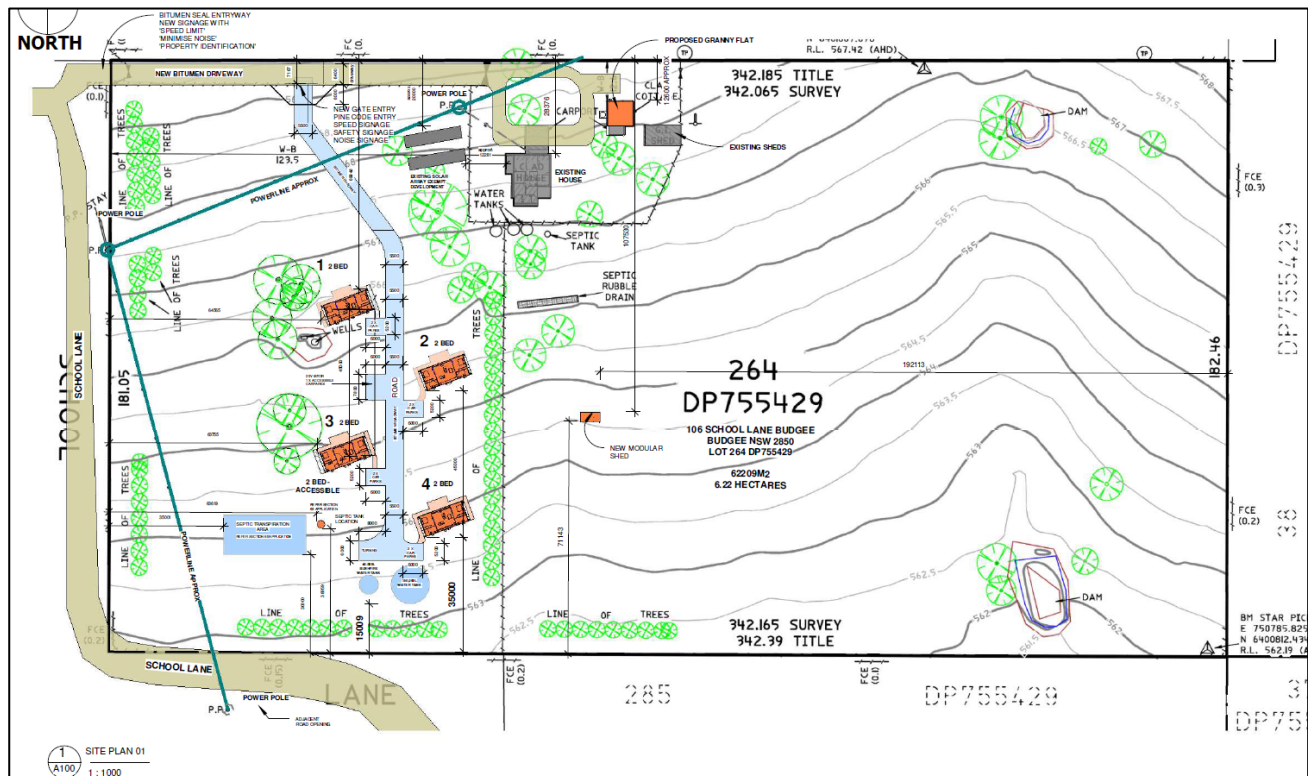


Figure 2: Proposed Site Plan (as amended by RVA0002/2025)

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Integrated Development and Designated Development

The development proposal is not considered to be Integrated or Designated Development, in accordance with section 4.46 and Schedule 3 of the Environmental Planning and Assessment Act and associated Regulation.

ASSESSMENT

The amended proposal submitted as part of the review of determination application has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979*. There are no new matters raised, nor non-compliances identified in relation to the revised proposal, as detailed below.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The Biodiversity and Conservation SEPP applies to the proposal as the area of land associated with the proposal is identified on the Koala Development Application Map, and is greater than 1 hectare in size including adjoining land within the same ownership.

However, the amended proposal does not involve the clearing of any trees and therefore no further consideration is warranted.

STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

The amended proposal involves development that requires the issue of a BASIX certificate. The applicant has provided the relevant BASIX certificates, and a condition of consent has been included ensuring that the commitments be met as listed in the certificate.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 The amended proposed development does not involve Advertising or Signage nor is impacted by any other requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021

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

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Pursuant to section 2.48, the amended development will not have impact on underground electricity power lines, distribution pole or tower. Whilst there are existing power lines that bisect the site, there are no electrical easements that constrain the development or result in works within 5m of a power pole as required under section 2.48 of the SEPP.

The amended plans propose a bitumen sealed driveway (previously proposed as a gravel track), which has been referred to Essential Energy for notification.

Future electrical connections via the existing mains power supply, along with installation of any solar power system will also require direct consultation with Essential Energy. Therefore, no further consideration of this SEPP is considered necessary.

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

The following clauses of the Mid-Western Regional Local Environmental Plan 2012 have been reassessed as part of the amended proposal as being relevant and matters for consideration.

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The amended proposal continues to be defined in accordance with the MWRLEP 2012, as 'serviced apartments' and use of an existing building as a 'secondary dwelling'.

A serviced apartment and secondary dwelling are defined as:

***serviced apartment** means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.*

And

***secondary dwelling** means a self-contained dwelling that—*

(a) is established in conjunction with another dwelling (the principal dwelling), and

- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

As highlighted in the previous assessment of DA0198/2024 submitted in the report to Council of 16 October 2024, there are a number existing Land and Environment Court precedents which support the permissibility of the proposed development as defined as serviced apartments.

Both serviced apartments and secondary dwellings are permitted with consent in the R5 Large Lot Residential Zone.

The applicant has also submitted an updated Plan of Management (PoM) to Council to clearly demonstrate that the proposal continues to achieve the definition of serviced apartments.

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R5 Large Lot Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

The land is zoned R5 Large Lot Residential pursuant to MWRLEP 2012. The amended proposal, being a serviced apartment and secondary dwelling remains permissible with consent in the zone and complies with the relevant objectives. The objectives of the zone and how the amended proposal satisfies the relevant objectives is addressed below:

R5 Large Lot Residential

- 1. To provide residential housing in a rural setting while preserving and minimising impacts on environmentally sensitive locations and scenic quality.*

Comment The amended proposed development has been reduced in total number of buildings whilst designed and sited to minimise impacts upon the environmental and scenic qualities of the immediate surroundings. The generous setbacks, simple architectural design and clustering of the development within the site, retaining existing mature vegetation whilst increasing vegetation buffers with new landscaping, ensures that the existing rural setting of the area is preserved accordingly.

- 2. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*

Comment The proposal relates to an existing lot within the R5 zone. Accordingly, the amended development will not further hinder proper and orderly development in the future.

- 3. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*

Comment The amended proposal is not expected to unreasonably increase the demand for public services and facilities subject to compliance with the conditions of consent.

- 4. To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Comment The amended proposal will not result in any significant conflict with adjoining land uses, noting that all surrounding land is also zoned R5 Large Lot Residential, and subject to compliance with the recommended conditions of consent.

Clause 4.2A Erection of dwelling houses and dual occupancies and tourist and visitor accommodation on land in certain zones

The site already contains a dwelling house. It should be noted that the land is zoned and is of an appropriate size to achieve a dwelling entitlement in accordance with clause 4.2A(3)(g). As a

result, pursuant to clause 4.2A(3A), Council may consent to the proposed serviced apartments and use of the existing building as a secondary dwelling on the land as the site is able to satisfy the provisions of clause 4.2A(3)(g) of the LEP.

Clause 4.3 Height of buildings

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

Clause 5.4 Controls relating to miscellaneous permissible uses

Pursuant to Clause 5.4(9), a secondary dwelling is limited to the following on land, other than land in a rural zone:

....the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 50% of the total floor area of the principal dwelling.

The existing secondary dwelling has an internal floor area of 60.83m² plus a patio of 15.6m².

As the existing 3-bedroom, 2-bathroom dwelling has a total floor area exceeding 152.86m² as shown on the amended plans, the secondary dwelling achieves compliance with clause 5.4(9) of the LEP.

Clause 5.10 Heritage Conservation

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

Clause 5.21 Flood planning

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

Clause 6.1 Salinity

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

Clause 6.3 Earthworks

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

Clause 6.4 Groundwater vulnerability

The site is not identified as groundwater vulnerable. Land to the north and west of the site is however identified as groundwater vulnerable as shown below in Figure 3 (hatched in blue).



Figure 3 - Groundwater Vulnerable Mapping (shown in blue hatched) – MWRLEP 2012

Clause 6.5 Terrestrial biodiversity

The proposal is not located in any area identified as ‘Moderate or High Biodiversity Sensitivity’ as shown in Figure 4, below. A portion of land to the southern boundary is identified as ‘high biodiversity sensitivity’ as shown in red however, this does not impact upon the proposed development of the site.

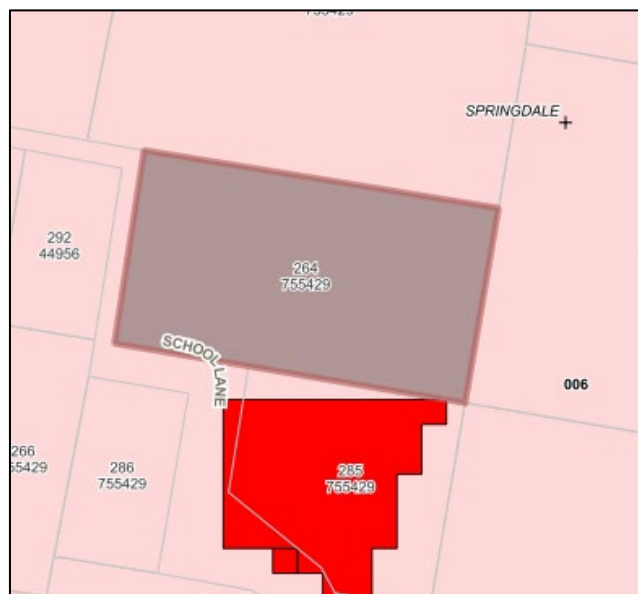


Figure 4 – Terrestrial Biodiversity Mapping (shown in red) – MWRLEP 2012

Clause 6.8 Airspace operations – Mudgee Airport

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

Clause 6.9 Essential Services

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

- (a) the supply of water – Water is proposed to be supplied via tank, in the same manner as the existing dwelling. As the proposed land use is for serviced apartments, a Quality Assurance Plan is recommended to ensure that the potable water supply is safe for drinking water supply on the site.
- (b) the supply of electricity – The site is already connected to mains electricity, however, the applicant also proposes to install solar panels to supply electricity to the development. A condition is recommended accordingly.
- (c) the disposal and management of sewage – The site contains an existing sewerage disposal system (via septic and trenches) for the existing dwelling on the site. A new system, suitably designed for the site and development will be required and will be subject to the separate section 68 activity approval of Council.
- (d) stormwater drainage or on-site conservation – Onsite detention via rainwater tanks are proposed, with overflow dispersion trenches proposed to manage stormwater on the site. A condition is recommended accordingly.
- (e) suitable road access – The site contains an existing access crossing from School Lane. It is proposed to retain and upgrade this access in the amended proposal to support both the dwelling, secondary dwelling and serviced apartments. The access has been reviewed by an independent traffic engineer, and also Council's engineering department to confirm sight distance compliance and safety for road users. The road access arrangements have been deemed suitable by the independent traffic engineer and Councils engineering department however, upgraded roadside signage is recommended to be installed within School Lane. A condition is recommended accordingly.

Clause 6.10 Visually sensitive land near Mudgee

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

Clause 6.11 Temporary Works Accommodation

As previously assessed, the original application and review of determination application has not been submitted as temporary workers accommodation, in the form of 'habitable buildings' erected on a 'temporary basis' in accordance with this clause.

The buildings proposed are to be permanently constructed on the site for the purposes of serviced apartments, utilised by tourist or visitors, and the use of an existing building for the purposes of a secondary dwelling.

A condition is still recommended to ensure the proposed use is consistent with the application made and assessed by Council for the purposes of a serviced apartment.

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

(ii) Draft environmental planning instruments (EPI)

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

(iii) Any development control plans

MID-WESTERN REGIONAL DCP 2013

A reassessment is made of the relevant chapters and sections of this DCP to the amended proposal.

Part 5.1 Car Parking

The proposed development generates the following parking demand on the site:

| Parking requirement: | Proposed Parking Numbers: | Compliance: |
|---|--|-------------------------------|
| Serviced Apartment: 1 Space per Unit | 1 space per serviced apartment (note: accessible parking space required to be compliant with sealed / compacted surface) Plus 3 visitor parking spaces | Yes – compliance is achieved. |
| Secondary Dwelling: No Parking Requirements | 2 existing informal parking spaces | N/A |
| Existing dwelling: 2 spaces (1 undercover) | 2 existing undercover parking spaces | Yes – compliance is achieved. |

Part 5.3 Stormwater Management

Council's Development Engineer has provided comments and conditions concerning adequate disposal of stormwater. The amended development is capable of achieving compliance with the part.

Part 5.4 Environmental Controls

All the relevant considerations have been discussed elsewhere in this report or dealt with through conditions of consent. The amended development remains capable of achieving compliance with this part.

Part 6 Development in Rural Areas

Part 6.1 Dwellings

The subject site is greater than 5ha in size and zoned R5 Large Lot Residential, which requires a street setback of 60m.

As previously assessed, the existing dwelling and proposed use of the existing building for the purposes of a secondary dwelling both exceed a street setback of 60m to School Lane, achieving compliance with this part.

The applicant has slightly amended the proposed setbacks of the serviced apartments as part of the Review of Determination. The plans previously submitted provided a setback of 65m from the primary road frontage of School Lane (being to the western boundary and where the access road to the site is located) to all serviced apartments.

The proposed amended serviced apartments layout are sought to be setback at 64.5m (unit 1) and 63.7m (unit 3) from the western boundary of School Lane where the primary access to the site is retained. Despite the minor change, the proposal remains compliant with the DCP requirements of 60m.

Part 6.4 Tourist and Visitor Accommodation

The amended proposal satisfies the tourist accommodation provisions of the DCP 2013 in that the property will continue to contain a residential component and the number of serviced apartments will not exceed 6.

All required services are available or can be made available to the site to support the use of the land and the four (4) serviced apartments proposed.

A condition of consent has been included however ensuring the serviced apartment is used for short stay accommodation only.

Section 7.11 Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the amended development is proposing service apartments with a total cost of \$1.13 Million. This requires payment of a Section 7.12 contribution in accordance with the Plan, calculated at 1% of the proposed cost of the development.

An appropriate condition has been recommended requiring payment of the contribution amount prior to construction.

Section 64 - Water/Sewer Developer Services Charges

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

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

No Planning Agreements are applicable.

Regulations –4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

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

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

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

(A) CONTEXT AND SETTING

The revised proposal is considered to be appropriate with regards to the surrounding context and setting. The development achieves compliance with Council's LEP and DCP controls, is considered to reflect the overarching objectives of the R5 Large Lot Residential Zone and is able to mitigate visual impacts by preserving all mature vegetation that exists within the vicinity of the site. As a result, there are no significant adverse environmental impacts associated with the proposal, subject to compliance with the conditions of consent recommended.

(B) ACCESS, TRANSPORT AND TRAFFIC

The implications of additional traffic and suitable access have been assessed by Council's Development Engineers, with a supporting assessment undertaken of the existing road conditions and the existing access crossing proposed to be utilised to support the development.

NK traffic engineering was previously engaged by Play Design Studio to prepare a Traffic & Access driveway assessment which has demonstrated that the traffic generated by the development will not adversely affect the level of service provided by School Lane. This report was based on the original design plan which had 6 proposed accommodation dwellings compared to the new proposal of only 4 dwellings (12 carparks compared to present proposal of 8). As this was previously satisfactory, this information is still valid with the reduced traffic load proposed.

Further, the amended plans for the development have now included a 5.5m wide sealed internal driveway, which is supported by Council's Engineers.

As a result of the above findings and subject to compliance with the conditions of consent recommended, including installation of roadside signage (subject to a separate Section 138 approval) the revised proposal is considered appropriate.

(C) PUBLIC DOMAIN

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

(D) UTILITIES

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

(E) HERITAGE

Not applicable.

(F) OTHER LAND RESOURCES

No impact expected on the conserving and the use of valuable land, such as productive agricultural land, mineral or extractive resources, or water supply catchments. The proposed amended development does not require any significant earthworks and the subject site is not identified as groundwater vulnerable under the MWRLEP 2012. As a result, there are no significant adverse impacts to land resources as a result of the proposed development.

(G) WATER

The proposed development still seeks to retain all rainwater onsite for detention and reuse. There are no extensions to reticulation / town water supply required by the proposed development and therefore, there are no significant impacts identified to water resources as a result of the development. The proposal also seeks to provide a buffer to the existing dam / drainage catchment and the existing 'well' on the property to ensure natural runoff into waterways are not impacted by the proposed building works.

(H) SOILS

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

(I) AIR AND MICROCLIMATE

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

(J) FLORA AND FAUNA

Not applicable. No vegetation removal is required by the proposed development. Further new plantings and tree screening is however proposed to be introduced, which will provide additional habitat connectivity and screening buffers through the site.

(K) WASTE

A condition is recommended to manage all building wastes during construction and ongoing operations, with all wastes to be removed by a contractor and/or taken to the Mudgee Waste Facility.

(L) ENERGY

Solar power is proposed to support the existing and proposed development, despite the site being connected to mains supply.

(M) NOISE AND VIBRATION

Conditions are recommended to ensure works are undertaken during standard construction hours in order to manage the construction process.

(N) NATURAL HAZARDS

The development site is not identified as bushfire prone or flood prone and there is no known subsidence, slip or mass movement issues. Despite the site not being mapped as bushfire prone land, the developer seeks to ensure that the buildings are constructed to withstand a bushfire attack level of BAL 12.5 to mitigate future risks.

(O) TECHNOLOGICAL HAZARDS

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

(P) SAFETY, SECURITY AND CRIME PREVENTION

The proposed amended development is sought to support visitor accommodation in the region via introduction of the four (4) serviced apartments in a low impact format, whilst allowing for an overall increase in passive surveillance in the rural residential setting. Conditions are recommended to ensure operational matters are appropriately managed including trespassing, management of guests' pets and a complaints register is established by the landowner / operator in perpetuity.

(Q) SOCIAL IMPACT IN THE LOCALITY

Generally positive social impacts are considered to be generated by the proposed development. Guests are required to ensure that they maintain the amenity of the rural residential area, which is required to be managed by the operators who currently have a dwelling on the site.

(R) ECONOMIC IMPACT IN THE LOCALITY

Generally positive economic impacts are considered to be generated by the proposal, with benefits during construction and ongoing operation of the development including local expenditure in the Region.

(S) SITE DESIGN AND INTERNAL DESIGN

Adequate as discussed throughout this report with the amended design reducing the total building construction from six to four. The placement and arrangement of the development has been amended to ensure the development is low impact, retains mature vegetation and does not cause significant impact on adjoining lands.

(T) CONSTRUCTION

To comply with the BCA where relevant.

(U) CUMULATIVE IMPACTS

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

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

(A) DOES THE PROPOSAL FIT IN THE LOCALITY?

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

(B) ARE THE SITE ATTRIBUTES CONDUCTIVE TO DEVELOPMENT?

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

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

(A) PUBLIC SUBMISSIONS

The review of determination application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days. During the notification period, ten (10) submission/s were received.

The applicant lodged amended plans during the assessment process again providing a response to neighbouring complaints with the proposal, along with a letter response to the concerns raised in submissions received during notification.

A copy of the submissions, and applicants' response to the Review of Determination Application is provided in **Attachment 3 and 4** to this report.

In review of the submissions received, the same concerns have been raised from the original development application (DA0198/2024) report to Council from the 16 October 2024. This includes the following key concerns:

- Traffic impacts including road accidents and bus conflicts
- Increased stormwater runoff
- "Dongas" on the site and use of development for temporary workers accommodation / workers camp
- Incorrect characterisation of the development - it is not "serviced apartments"
- Property devaluation
- Impacts to quiet rural area, character and amenity impacts
- Septic impacts
- Waste impacts
- Groundwater impacts
- Noise and security impacts

A new concern raised relates to impacts upon existing 'farming operations / agriculture and hunting' being undertaken on neighbouring properties in this location which will impact on the future operations of the serviced apartments and the 'tourists' in the area.

Further, a submission raises concern regarding the allowance of pets in an area of 'primary production' due to potential livestock attacks.

It should be noted however that all surrounding land is zoned R5 Large Lot Residential, (not RU1 Primary Production) and only 'extensive agriculture' is permitted without consent of Council in the R5 Large Lot Residential zone.

Public submissions also raised a new concern in relation to the three (3) 'letters of support' provided by the applicant to support the review of determination application.

(B) SUBMISSIONS FROM PUBLIC AUTHORITIES

As part of the Review of Determination, a referral to Essential Energy occurred to consider the new sealed internal driveway proposed under the existing powerlines. No objections were received to the development works proposed, subject to standard advisory notes.

The Public Interest – 4.15(1)(e)

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

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

CONSULTATIONS

(A) HEALTH AND BUILDING

Council's Health & Building Surveyor has not raised any concerns with the amended proposal, subject to conditions.

(B) TECHNICAL SERVICES

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

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

Comprehensive Land Use Strategy

Mudgee Town Structure Plan

Mid-Western Local Strategic Planning Statement

Council Policies

Mid-Western Regional Development Control Plan 2013

Mid-Western Regional Contributions Plan 2019

Mid-Western Regional Community Participation Plan 2019

Mid-Western Regional Developer Servicing Plan 2008

Legislation

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

Mid-Western Regional Local Environmental Plan 2012

Roads Act 1993

Financial implications

Should the applicant seek to appeal the decision of Council to the Land and Environment Court, the costs associated with an appeal will be required to be funded by Council.

Associated Risks

Should Council uphold its original determination by way of refusal, the applicant may appeal this decision through the Land and Environment Court.

KAYLA ROBSON
PLANNING COORDINATOR

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

28 February 2025

Attachments:

1. Attachment 1 - Cover Letter and Supporting SEE Documents. (separately attached)
2. Attachment 2 - Amended Plans and BASIX. (separately attached)
3. Attachment 3 - Submissions. (separately attached)
4. Attachment 4 - Applicant Response to Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.2 DA0068/2025 - Change of Use - Dwelling to a Group Home (Transitional) at 162 Ulan Road BOMBIRA

REPORT BY THE TOWN PLANNER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, DA0068/2025

RECOMMENDATION

That Council:

- A. Receive the report by the Town Planner on Change of Use - Dwelling to a Group Home (Transitional);
- B. That Change of Use - Dwelling to a Group Home (Transitional) be refused subject to the following statement of reasons:

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the Environmental Planning and Assessment Regulation 2021 as follows:
 - Pursuant to Section 62(1) of *Environmental Planning and Assessment Regulations, 2021* (EPA Regs 2021), Council is not satisfied the fire protection and structural capacity of the building will be appropriate to the building's proposed use; and
 - Pursuant to Section 62(2) of *Environmental Planning and Assessment Regulations, 2021* (EPA Regs 2021), the Council cannot grant consent as it is not satisfied that the building complies, or will, when the development is completed, with the Category 1 fire safety provisions that are applicable to the building's proposed use.
2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is contrary to the R2 Zone objectives of the Mid-Western Regional Local Environmental Plan 2012.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal would have unacceptable impacts on both the natural and built environments, and social and economic impacts in the locality.
4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal is unsatisfactory in terms of the suitability of the site for the development.
5. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, in the circumstances of the case, approval of the application would not be in the public interest.

6. The public submissions made during the notification period have raised the following key concerns which remain unresolved:

- Impacts of safety and security,
- potential adverse effects on the neighbourhood
- Incompatibility with the locality and zone objectives.
- Impact on local services

ADVISORY NOTES

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

Executive summary

| | |
|----------------------------------|---|
| OWNER/S | Rehab Corporations Pty Ltd |
| APPLICANT: | Yasser Nour – Mudgee Private Rehab Pty Ltd c/o Chris Waning |
| PROPERTY DESCRIPTION | 162 Ulan Road, Mudgee |
| PROPOSED DEVELOPMENT | Change of use from a dwelling to a group home (transitional) |
| ESTIMATED COST OF DEVELOPMENT: | \$69,300 |
| REASON FOR REPORTING TO COUNCIL: | Greater than 7 objections received |
| PUBLIC SUBMISSIONS: | <ul style="list-style-type: none">• 54 objections.• 2 objections received after exhibition period.• 4 submissions of support. |

Council is in receipt of Development Application DA0068/2025 that seeks approval for a change of use of a dwelling to a group home (transitional) for drug and alcohol rehabilitation. The site is located at 162 Ulan Road MUDGEE NSW 2850, legally described as Lot 1 DP 1209218, and has a total area of 4,627m².

The application was publicly exhibited in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 24 October 2024. The application received 54 objections and 4 submissions of support. Of significance one of the formal objections was received from the NSW Police. Two additional objections were received outside the exhibition period. It is pertinent to note that several complaints were received prior to the lodgement of the

subject development application, and multiple complaints have been received post the formal exhibition period, with some received as recent as March 2025.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that more than seven (7) objections have been made against the development.

The proposal has been assessed using the heads of consideration listed in Section 4.15(1) of the Environmental Planning & Assessment Act 1979 and is considered unsatisfactory for a number of reasons. On this basis, the application is recommended for refusal.

It should also be noted that the application contains numerous inconsistencies and contradictions, that go to the quality of the application, and the inability of staff to appropriately assess the impact of the development. For example,

- Mixed information as to who will benefit from the facility. Some documentation advises it will service Mudgee residents, yet other documentation states it will be decided by the courts.
- It is unclear if alterations are proposed due to mixed responses.
- The overall lack of detail in documentation submitted.
- Mixed responses around staffing numbers.
- Some specialist report recommendations do not align with the plans or Plan of Management (PoM).

Disclosure of Interest

Nil

Detailed report

The application has been assessed in accordance with Section 4.15 of the Environmental Planning & Assessment Act 1979.

Site Description and Locality

The subject site is located at 162 Ulan Road, Bombira and is legally described as Lot 1 DP 1209218, and has a total area of 4,627m². The site is located approximately 2km to the north-east of the Mudgee Town Centre within the established Bombira Residential Estate (**Figure 1**). The site and the surrounding area is characterised as low density residential, sitting on relatively large parcels. Land on the opposite side of Ulan Road is zoned RU4 – Primary Production Small Lots and contains vineyards and a cellar door. Existing development within the general locality consists of single dwelling houses with ancillary buildings on larger allotments.

The lot is irregular in shape, and has a large, tapered handle running in an eastly direction. The Lot has direct frontage to Ulan Road and shares three direct boundaries with adjoining neighbours (**Figure 2**). The site benefits from a 10m wide right of carriageway over adjoining Lot 2 which currently provides the site with legal vehicular access to Ulan Road. A second 5m wide right of carriageway also exists to the east over Lot 191, although it is not currently utilised.

The subject site was created under subdivision application DA0193/2014 and has since had approval for a dwelling (DA0154/2017) and a swimming pool (CDCP0021/2025). The site has a gradual fall from the north-east to the south-west and contains an existing two-storey dwelling house, outdoor patio, deck, swimming pool and tennis court (**Figure 3**). The development is set within established garden beds, lawn areas and scattered trees/shrubs. The existing fencing in place is predominately open rural style chain wire fencing.



Figure 1 – Site Locality Map (Source Google Maps, 2024)



Figure 2 – Aerial Site Map (Source: Near Map, 2024)

Background History – Stop Use Order and Unauthorised Use

In July 2024, Council was notified by NSW Police Force of reports that the Premises were being used as a live-in residential drug and alcohol rehabilitation centre and group home.

On 23 July 2024, following the notification, Council sent a letter to the property owner advising that development consent is required for the use of the Premises as a group home and requesting that they contact Council.

On 7 August 2024, Council received an email from NSW Police Force confirming that the Premises were being used as a drug and rehabilitation centre and that there were at least four (4) persons on bail or intensive corrections orders residing at the Premises.

On 8 August 2024, Council attended the Premises for the purposes of a site inspection.

On 10 August 2024, Council sent an email to the property owner attaching a letter advising that Rehab Corp requires consent to operate a drug and rehabilitation on the Premises.

On 13 August 2024, as there had not been any adequate response to the multiple items of correspondence Council sent a Stop Use Order, and a Stop Work Order.

On 23 August 2024, Council conducted a site inspection attended by the owner and operator of the premises. During the site inspection Council explained the consent requirements and confirmed that they had until 28 August 2024 to make representations in relation to the Notice of Intention to Issue a Development Control Order sent on 13 August 2024.

On 27 September 2024, a development application (DA0068/2025) was lodged seeking consent for the alteration of the existing dwelling house on the Premises to establish a Group Home (Transitional).

Background History Assessment

Following lodgement of the Development Application a detailed examination was carried out – this identified that there was insufficient information provided with the application. An additional information letter was sent to the applicant on 9th December 2024. The information sought was extensive, and has been summarised below:

- A detailed response to the submissions
- Written clarification on the land use
- Request to address the R2 zone objectives under the LEP
- Request to address inconsistencies and insufficient detail within the documentation submitted.
- A request for amended plans,
- A request for a Plan of Management (PoM)
- A request for several specialised reports including:
 - a Building Code of Australia (BCA) Report
 - a Crime Prevention Through Environmental Design (CPTED) Report
 - Social Impact Assessment (including a Community Needs Analysis)

The deadline for further information was 6 January 2025. However, an additional two weeks were afforded to the applicant to cover Council's Christmas shut down period.

On the 20 January 2025, some of the information sought was provided – with notable omissions being the specialist reports. The applicant sought an additional two-week extension owing to

consultants being out of office over the Christmas break. Council granted an extension to the 4 February 2025, and the applicant was advised that no further extensions would be granted.

Several essential reports were not submitted by the due date and were provided late. Nevertheless, a comprehensive assessment of the application, including the late submissions has been conducted.

The information submitted exhibits a number of discrepancies and there are also a number of shortcomings within the specialist reports. This is discussed in detail throughout the assessment report.

Proposed Development

Development consent is sought for a change of use of the existing dwelling house to a Group Home (Transitional). The development seeks to provide temporary accommodation to residents for drug and alcohol rehabilitation. The facility is a private facility which is not State funded and is not accredited by NSW Health.

The development is proposed within the curtilage of the existing two-storey dwelling house and includes 5 bedrooms, 2 bathrooms, 2 ensuites, kitchen and living spaces, outdoor recreation facilities including a tennis court, swimming pool, deck and alfresco area.

Below is a summary of the proposal:

- The development will have a minimum length of stay of 6 months which can be extended for an additional 6 months.
- The maximum number of occupants is 10 persons (reduced from 14).
- Each bedroom will accommodate 2 persons, with the master bedroom accommodating 4 persons due to its larger size. Staff will reside separately on the ground level in one of the bedrooms.
- Provision of 5 car spaces.
- 24/7 hours of operation, 7 days a week
- No changes are proposed to the external built form.

Attachment 1 includes a full copy of the development plans. For privacy reasons, the floor plan has been removed.

It is unclear if internal alterations and additions to the dwelling are proposed. This information was requested in Council's letter dated 9th December, however Council received contradicting responses in the information supplied.

It is further unclear what the minimum number of staff members present on-site at any time will be as the response varies across the documentation, and specialist reports submitted.

Plan of Management (PoM):

A Plan of Management was requested by Council as part of the request for further information on 9th December 2024.

The PoM describes that the purpose of the facility is to address the physical, emotional, and psychological aspects of addiction through structured programs tailored to individual needs. They contend that the range of services includes detoxification, individual and group therapy, medical management, holistic interventions, and robust aftercare planning to promote sustained recovery. This program involves a clinical director, medical staff (doctor, psychologist, pharmacist, social

worker) as well as councillors, therapists and support staff. Procedures to manage the facility include:

- Bag searches
- Frequent room searches
- Leave from the premise
- Alcohol and drug zero tolerance
- Random testing
- Prohibition of violence, intimidation and threats.
- 24/7 surveillance and staffing

Council has reviewed the PoM and considers it to be insufficient and inadequate to protect the residents and community from the issues raised in the submissions. For example:

- It is unclear what noise control measures are in place aside from the 9pm quiet time statement. Council requested that the plan include noise ameliorating measures and raised existing complaints.
- There is no requirement to address unreasonable noise outside and during the day which may cause disturbance to neighbours, for example music, and profanity.
- There is no discussion on designated smoking zones only that it is to occur outside the property, despite this being raised by objectors.
- There is little to no discussion on minimising impacts to neighbours. The entire document focuses on safety of staff and residents of the facility and not surrounding neighbours or community.
- The PoM only briefly discusses the correctional system pathway and return to jail outcome where the resident relapses or rules are broken. Outside this, there is little acknowledgment that the facility is being used for this purpose. It would be imperative to implement a screening program for prospective residents to exclude those convicted of crimes related to aggressive or violent behaviours.
- There is no consideration of behavioural stability outside of the residents towards each other. There is no consideration of poor or inappropriate behaviour towards neighbours or the community
- The PoM contradicts the SIA as it states there will be 11 staff and always be a minimum of 1 staff member present. Conversely, the SIA states there will be 6 staff and 2 staff at all times.
- The PoM states the facility maintains a strong connection to local law enforcement and emergency medical services. This connection has not been verified or demonstrated. The local Police have reviewed the PoM and do not agree with this statement.
- There is no identified process for receiving or dealing with complaints.
- It is unclear what liberties residents will have. The PoM states they will not be able to leave unless 'authorised', but it is unclear what these circumstances will be and if they will be supervised. Anecdotally, Council understand that patrons have been witnessed in local pubs – with ankle bracelets.
- The PoM does not discuss potential trespassing.
- The staff ratio and change overs was not discussed.

The applicant's Plan of Management fails to adequately address the concerns raised by neighbouring properties or the ongoing issues impacting local amenity. While it is acknowledged that the deficiencies in the plan can be mitigated through conditions of consent, it is disappointing that the applicant has not taken a more proactive or meaningful approach to addressing the operational aspects of the facility and responding to community concerns. A more thorough and considered Plan of Management would have provided greater certainty for both Council and the surrounding community regarding the long-term management of potential impacts.

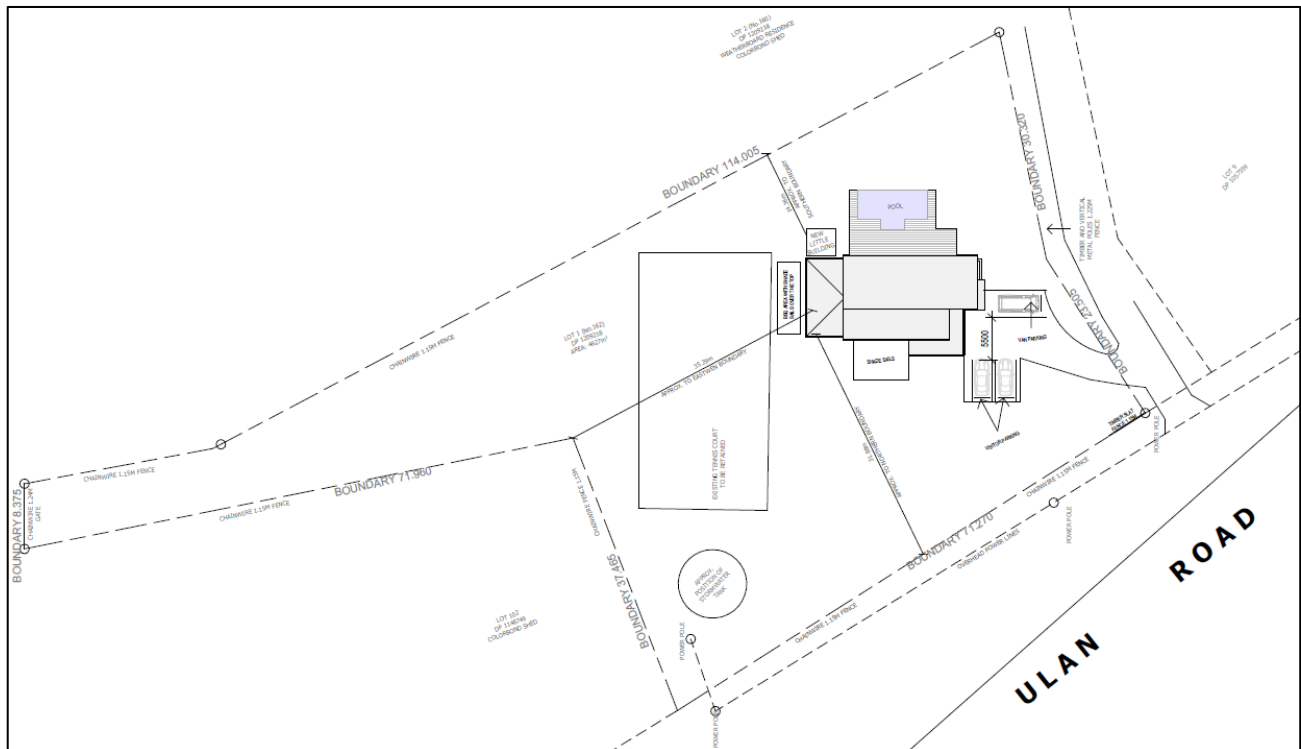


Figure 3 – Site Plan

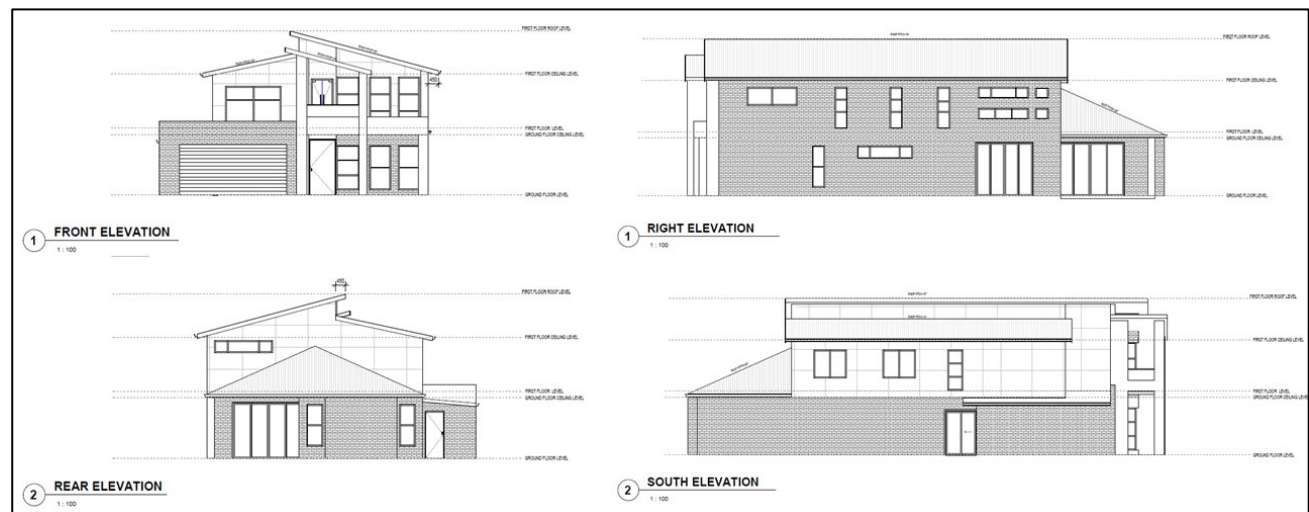


Figure 4 – Elevations

LEGISLATIVE REQUIREMENTS

Environmental Planning and Assessment Act 1979

Designated Development

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

Integrated Development

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

ASSESSMENT

The site was inspected on 1 November 2024 and the proposal has been assessed in accordance with **Section 4.15** of the *Environmental Planning & Assessment Act 1979*. The main issues are addressed below as follows.

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

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

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

Chapter 3 Diverse Housing - Part 2 Group Homes

State Environmental Planning Policy (Housing) 2021 (SEPP Housing) aims, inter alia, to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.

The provisions of SEPP Housing apply to any proposed group home, which it defines as “a permanent group home or a transitional group home”, and in relation to which it provides that such facilities can be located, inter alia, on land zoned R2 Low Density Residential. The provisions of SEPP Housing in relation to group homes apply to the proposed development.

Part 2 of the SEPP states that group homes are permitted with consent in a prescribed zone. A prescribed zone includes R2 – Low Density Residential.

The planning provisions for group homes are contained within the SEPP (Housing) 2021. The proposed application has been made for Development Consent under the provision of this SEPP.

Under the Standard Instrument a “group home (transitional) or transitional group home” means

group home (transitional) or transitional group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,*

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Note—

Transitional group homes are a type of group home—see the definition of that term in this Dictionary.

The proposed development as described in the documents accompanying the DA is properly characterised as a transitional group home and is therefore permissible with consent on the land.

Section 60- Definitions

Section 60 of the Housing SEPP permits Group Homes with consent in a prescribed zone. A prescribed zone is defined as including R2 – Low Density Residential.

Section 61- Development in prescribed zones

N/A – as the development is not being carried out by or for a public authority

62 Determination of development applications

(1) A consent authority must not—

- (a) refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or
- (b) impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.

(2) This section applies to development for the purposes of a group home that is permissible with consent under this or another environmental planning instrument.

The DA was not accompanied by a community needs assessment. Council requested this be provided in accordance with Part 2 of the Housing SEPP to demonstrate how the proposed development meets the needs of the community in the proposed location.

The applicant was requested to undertake a full assessment, of the “community” whose consideration in the assessment of the application is required. It was recommended this assessment include an analysis of local demographics, potential demand for the group home for the purpose of a drug and rehabilitation centre, information regarding existing services related to

group homes in the community, and an identification of unmet needs. They were further asked to confirm if the facility will service residents within the Mid-Western community or residents from afar.

The applicant provided a Social Impact Assessment (SIA) prepared by Umwelt dated February 2025, which included an assessment of community need. The assessment also undertook an analysis of all community submissions, as well as stakeholder engagement with the Orana Mid-Western Police.

In regard to subclause 1(a) Council has assessed community need for the group home using the applicants Social Impact Assessment. Following this assessment Council has determined that the proposal does not adequately demonstrate a 'community need' for the proposed facility in the location sought.

The SIA report states that there is notable demand for residential rehabilitation facilities across NSW. In NSW, there are 23 state-funded residential rehabilitation facilities, of which the nearest is in Orange and 14 are in Greater Sydney. The report states that these figures indicate a need for more state-funded services in the Mudgee surrounds.

That view is not agreed with as it is not considered that the absence of such a facility directly translates to there being a community need, nor a need for that service in the location specifically.

The SIA discusses drug and alcohol behaviour and related offences in the Mid-Western LGA. It shows that possession and/or use of most drug types is comparable to the NSW rate or below. Alcohol related offences are marginally higher than state average, however the data trend shows this is on the decline and has decreased by 8% in the past 10 years.

The SIA does not however discuss any statistics on whether there is a high number of people in the Mudgee Region experiencing drug and alcohol addiction or whether existing rehabilitation services in the Mudgee Region are at capacity. Eg. The Mudgee Hospital. In the absence of this information, it cannot be quantitatively observed that there is an incremental demand based need for this facility in the region.

In addition to the above, the SIA has defined the community as being the local community specifically, Bombira, Putta Bucca, Mudgee and the Mid Western Region residents with a focus on those located nearby to the proposed development. Documentation submitted with the DA states that this service will be available to residents and that they will be given priority for entry into the facility. This is not agreed with and contradicts the findings of the SIA which state that residents are currently sent to the facility by the NSW judicial system, reducing the likelihood local residents will be referred to the facility. In this regard, there is no clear connection between the proposed development and its capacity to address community needs, which as described above refers to the local community.

The SIA states:

While there is a notable need for residential rehabilitation services across NSW, and notable need in regional NSW, this Project will be likely to service broader system needs rather than local residential need. Key factors that influence this are:

- The referral power of local courts, reducing the likelihood that local residents are referred to the service.*
- The low capacity of the service (10) is unlikely to generate substantial benefit on its own, but rather capacity benefit within the broader NSW context.*
- The Project is a private service, and consequently likely to service only a section of the community who can afford the service.*

Based on the above, it is almost certain that the Project will increase the provision of residential rehabilitation services in NSW, however it is expected to have a low minimal magnitude for local communities and residents, resulting in a low positive social impact.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 of SEPP Resilience and Hazards 2021 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land and to be satisfied that the land is suitable for the proposed use.

Considering section 4.6(2) it is Council's position that although the development involves a change of use, the requirement to consider a preliminary investigation of the land concerned is not triggered, as the development involves a change of use from one type of residential accommodation (dwelling) to another type of residential accommodation (group home). There is no greater extent in the use of the land as residential, there is no greater risk proposed by the new residential use, arguably less given the occupants are transient.

Notwithstanding the above, a site inspection and a search of Council's records did not reveal any potentially historic contaminating activities upon the site noting the current approved use is for residential purposes.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

As the development site has frontage to a classified road (Ulan Road), the development has been considered pursuant to clause 2.119 of the SEPP (Transport and Infrastructure). *Clause 2.119 Development with frontage to classified road*, is as follows:

- 1. The objectives of this section are—*
 - a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- 2. The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
 - a) where practicable and safe, vehicular access to the land is provided by a road other than*

- the classified road, and*
- b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
- i. the design of the vehicular access to the land, or*
 - ii. the emission of smoke or dust from the development, or*
 - iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Given the intended use, scale and location of the proposed development, Council is satisfied that the development will not have an unreasonable impact upon or compromise the function of the classified road (Ulan Road).

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

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

Clause 1.2 Aims of Plan

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

Clause 1.4 Definitions

The proposal is defined in accordance with the MWRLEP 2012 as a **group home (transitional), or transitional group home**, which is a permissible activity under the R2 zoning applicable to the site. The MWRLEP 2012 defines a transitional group home as a dwelling:

- a. that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- b. that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,*

The particulars of the development and how it satisfies the definition of a transitional group home have been satisfied as discussed in the table below:

| <i>Element of definition of 'transitional group home'</i> | <i>Compliance</i> |
|--|---|
| <i>It must be a dwelling occupied by persons as a single household with or without paid supervision or care, whether or not those persons are related or payment for board and lodging is required</i> | <p><i>The DA satisfies this element, as follows:</i></p> <ul style="list-style-type: none"> <i>• the dwelling will be occupied by unrelated persons under paid supervision or care that are required to pay for the service, and</i> <i>• the residents will share facilities including bathroom, kitchen and living areas, share household chores and engage in social activities which indicates that the dwelling will be occupied</i> |

| | |
|---|---|
| | <i>as a 'single household'.</i> |
| <i>It must be used to provide temporary accommodation</i> | <i>The DA satisfies this element as the length of stay for the rehabilitation program is specified as 6 months with an option to extend for a further 6 months.</i> |
| <p><i>It must be for:</i></p> <ul style="list-style-type: none"> <i>the relief or rehabilitation of people with a disability, or</i> <i>drug and alcohol rehabilitation purposes, or</i> <i>used to provide halfway accommodation for persons formerly living in institutions, or</i> <i>temporary accommodation comprising refugees for men, women and young people.</i> | <p><i>The DA appears to satisfy this element as the SEE states that 'the group home will be operating as Mudgee Private Rehabilitation Centre which provides residential drug and alcohol rehabilitation programs.'</i></p> <p><i>The applicant provided further clarification at Council's request, who advised - Our treatment approach integrates clinical, psychological, and social strategies, including therapy sessions, medical treatment, and ongoing support to address addiction and its impacts holistically. While recreational activities form part of the overall program, these are supplemental and designed to promote overall well-being, coping mechanisms, and long-term recovery rather than being the primary focus.</i></p> <p><i>It should be noted that accreditation by NSW Health is not a requirement of the definition to use the land for drug and alcohol rehabilitation purposes.</i></p> <p><i>The applicant was also requested to confirm whether the group home had a secondary use to provide halfway accommodation to those persons formerly living in an institution. The response was that the primary use was for drug and alcohol rehabilitation only, and that there was no secondary use proposed.</i></p> |
| <i>It must not include development to which Chapter 3, Part 5 of the Housing SEPP applies.</i> | <i>The DA satisfies this element as the development is not proposing to cater for seniors or persons with a disability and is not made under Chapter 3, Part 5 of the Housing SEPP.</i> |

Clause 2.2 Zoning of Land to Which Plan Applies

The land is zoned R2 Low Density Residential and is therefore subject to the Plan.

Clause 2.3 Zone objectives and Land Use table

Clause 2.3(2) of the LEP provides that *'the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone'*

The land is zoned R2 Low Density Residential pursuant to MWRLEP 2012. The proposal, being a group home (transitional) is permissible with consent in the zone. However, the proposed development is inconsistent with the R2 zone objectives as it:

- a. does not '*enable other land uses that provide facilities or services to meet the day to day needs of residents*' in circumstances where the use creates conflicts with the surrounding land uses, and there is no evidence that the use will provide services to meet the needs of residents in the area, and
- b. disrupts the '*low density residential environment*' because of the conflicting land uses.

The SIA prepared by Umwelt has conducted a community needs assessment. The SIA notes a general demand for rehabilitation facilities across NSW, however it did not establish a clear need for Mudgee or the surrounding area residents. Furthermore, the likelihood of local residents benefiting from the facility is low, as the service will likely cater to individuals referred by the NSW judicial system. It is understood that the development would contribute to the statewide provision of residential rehabilitation services but there was no clear indication that the facility would not contribute to and support the day to day needs of local residents. On this basis, the zone objective has not been achieved as the facility has no control over whether it will service the day to say needs of the residents.

In addition, the SIA discusses the importance of support services as being imperative to the project's success. It has been extensively discussed that the Mudgee region lacks the relevant medical, police and public transport services to support such a use. Already existing resources are statistically and anecdotally at capacity and consequently the proposed facility will not be able to adequately service the day to day needs of the residents.

Clause 2.7 Demolition requires development consent

It is unclear if demolition works are required as it was not confirmed whether alteration and additions were proposed. The applicant in their latest correspondence dated 31 January 2025, stated that *internal alterations are not proposed*, which contradicts the applicants "Description of Development" to include *minor internal alteration*.

Clause 4.3 Height of buildings

The subject site is mapped for a maximum height limit of 8.5m. However, no works are proposed to the exterior which would result in a height change.

Clause 5.4 Controls relating to miscellaneous permissible uses

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

Clause 5.10 Heritage Conservation

No items of aboriginal significance or a heritage item are recorded on the site or in the vicinity, and the site does not form part of any Heritage Conservation Area.

Clause 5.21 Flood planning

Not applicable. The subject site is not flood affected.

Clause 6.1 Salinity

Not applicable. The proposal involves no earthworks which would affect the process of salinisation.

Clause 6.3 Earthworks

Not applicable. The proposal involves no earthworks.

Clause 6.4 Groundwater vulnerability

The site is identified as groundwater vulnerable in accordance with Council's mapping however, no excavation work is proposed which would affect ground water.

Clause 6.5 Terrestrial biodiversity

Not applicable. The proposal is not located in any area identified as 'Moderate or High Biodiversity Sensitivity', and no vegetation is proposed to be removed.

Clause 6.7 Active street frontages

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

Clause 6.8 Airspace operations – Mudgee Airport

No physical works are proposed to the external building which would change the height. Therefore, the proposal will not penetrate the relevant height limits for safe operation of the Mudgee Airport.

Clause 6.9 Essential Services

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

Clause 6.10 Visually sensitive land near Mudgee

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

4.15(1)(a) Requirements of Regulations and Policies***(ii) Draft environmental planning instruments (EPI)***

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

(iii) Any development control plans**MID-WESTERN REGIONAL DCP 2013**

The Mid-Western Regional DCP has no development controls which are specific to group homes. The only relevant general controls relate to trees preservation and parking, these are discussed below:

Part 4.7 Tree Preservation Order

There are no trees to be removed that are listed under Part 4.7 of the DCP.

Part 5.1 Car Parking

In accordance with Council's DCP, Section 5.1 – Car Parking, there is no specified parking rate for group homes. Similarly, the RTA's Guide to Traffic Generating Developments does not provide a specific car parking rate for this type of development. As a result, a merits-based assessment is required to determine appropriate parking provisions.

The applicant has amended their application to clearly illustrate all proposed parking spaces. The existing double garage is designated for staff parking, while two additional spaces on the driveway are allocated for visitor parking, along with a dedicated van parking space. The overall parking provision is considered generally acceptable. Furthermore, it is noted that there is sufficient space on-site to accommodate additional parking if required.

It is important to note that the applicant has advised that one family is to visit at a time with a limit of two motor vehicles. However, this has not been referenced in the PoM.

Contributions

MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing a commercial development that has a proposed cost <\$100,000. As the cost of works is below the threshold, no contributions are levied on the proposed development.

Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development does not require the payment of headwork charges.

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

No Planning Agreements are applicable.

Regulations – 4.15(1)(a)(iv)

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Additional matters that consent authority must consider:

Section 62 of the Environmental Planning and Assessment Regulation (2021)

Section 62 of the *Environmental Planning and Assessment Regulations, 2021* (EPA Regs 2021), *Consideration of fire safety*; applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building. Section 62 of the EPA Reg 2021 states:

'62 Consideration of fire safety

- (1) This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*
- (2) The consent authority must—*
 - (a) consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and*
 - (b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.*
- (3) Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.'*

Subsection (2)(a) requires that a consent authority *consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use*. In this regard Council in consideration of the fact the building has been approved, and therefore previously considered in the context of being a class 1a building, Council cannot be satisfied that:

1. The structural capacity of the building will be appropriate to the new use.
2. The measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire. This includes but not limited to:
 - a. Provision of emergency lighting in accordance with NCC Vol 1 E4P1
 - b. Provision of an appropriate system for automatic warning for sleeping occupants in accordance with the NCC Vol 1 E2P1
 - c. Fire hazard properties
 - d. Boundary construction (fire separation) between *sole occupancy units* to prevent the spread of fire to *sole occupancy units* and *public corridors*. It is noted that in this regard, the NCC report provided by the applicant specifically noted this as an item that needs to be addressed and upgraded.

Subsection (2)(b) requires that a consent authority **must not grant consent** to the change of building use **unless the consent authority is satisfied** that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.

Category 1 fire safety provision as defined in **Schedule 7 Dictionary** means the following provisions of the *Building Code of Australia* (a) Volume 1, E1P3, E1P4, E1P6, E2P1, E2P2, and E3P2, (b) Volume 2, H3P2.

Those **Category 1 fire safety provisions** considered applicable to the development include **E2P1 (Automatic warning for sleeping occupants)** and **E2P2 (Safe evacuation routes)**. Although applicable, no details of compliance have been provided. Accordingly, Council cannot satisfy itself of the *jurisdictional pre-condition to the grant of consent* that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use. Accordingly, Council has no power to grant consent to the development and the application must be refused.

Further discussion on the *Consideration of fire safety* is contained in Council's Health and Building referral found later in this report.

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

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

Context and Setting

The proposal is not considered appropriate with regards to the surrounding context and setting. The proposed development is in stark contrast to the surrounding R2 zoned properties to the extent that it has the potential to adversely affect the amenity and safety of the area in this particular location. Furthermore, it cannot be demonstrated that the development is consistent with the R2 zone objectives.

The applicant has submitted a PoM prepared by the operator Mudgee Rehab, however, the Plan was considered insufficient to address the operational issues of the facility and mitigate neighbour concerns. In particular, it does not appropriately address how impacts to adjoining residences and the community will be managed. In addition, the group home has been operating without consent since July 2024. During this time, Council has received numerous complaints regarding the use of the premises and adverse impacts to the surrounding neighbourhood. Given the use has been operating without consent, for an extended period of time, Council is in a unique position to observe the efficacy of the proponents operation of the facility and effectiveness of the PoM. Based on the information submitted with the application and ongoing complaints received the application has not appropriately demonstrated that the proposed use can operate without negatively impacting the locality.

The SIA also highlights that having adequate support services are necessary for the success of the proposed development. The region already faces a shortage of health professionals, with understaffed medical centres in Mudgee, making access to GPs difficult. The local police service is also strained as referenced in the objection from the Mudgee Police which noted the proposal's resource demands would strain the already limited resources. Additionally, while the SIA suggests that shorter emergency service response times make the location suitable, the region is underserved in terms of emergency services like ambulance services, police, fire and rescue. The SIA states that access to support services is important for the success of rehabilitation facilities, however the SIA also acknowledges that some support services are lacking in Mudgee including, Mudgee's health services. On this basis, it is considered that a rehabilitation facility would be better suited to larger regional centres or cities where support services are more adequate.

Access, transport and traffic

The implications of additional traffic and suitable access are discussed throughout this report. Given the marginal increase in traffic generation, no additional requirements are considered necessary.

Public domain

The development is not likely to impact on the public domain.

Utilities

All utilities are existing.

Heritage

Not applicable. The site is not identified as containing a heritage item, nor is it located within a heritage conservation area. Further, there are no changes to the built form which may impact on nearby heritage items.

Other land resources

Not applicable.

Water

Not applicable.

Soils

Not applicable.

Air and Microclimate

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

Flora & fauna

Not applicable.

Waste

Existing waste service available.

Energy

Not applicable.

Noise & vibration

Noise impacts have not been adequately satisfied. Noise mitigation measures have not been appropriately considered in the PoM with reference to 9pm quiet time only. The curfew is not elaborated on and there is no discussion on impacts to adjoining neighbours or other noise ameliorating measures during the day. The applicant was made aware that complaints have been received about unreasonable noise, including loud music, offensive language and yelling – and yet complaints continue to be received.

Natural Hazards

Nil

Technological hazards

There are no known risks to the biophysical environment, resulting from technological or industrial hazards,

Safety, security and crime prevention

The development was originally designed as a dwelling and has not been designed with consideration of crime prevention through environmental design principals. A Social Impact Assessment and CPTED Assessment prepared by Umwelt was provided which aimed to address a number of concerns raised by the community, the Police and Council with respect to crime prevention and safer by design principles.

Overall, the assessment concluded that the security and safety features throughout the facility and the surrounding site could be strengthened by enhancing surveillance and access control measures. The following recommendations were made:

- Installation of a solid fencing surrounding the backyard areas of the property to increase privacy.
- Installation of CCTV cameras in the backyard areas behind the pool and tennis court to increase surveillance of this area
- Landscaping improvements surrounding the site perimeter to provide additional screening.
- Lighting improvements along the access driveway to improve visibility along the street frontage.
- Extension of the existing chain wire fence to restrict access to restricted areas of the property, including behind the tennis court.
- Addition of a new gate at the entry/exit point to the driveway.

Notwithstanding the above, the following concerns remain:

- The two storey design proposes an inherent risk in terms of surveillance as there are restricted sightlines.
- The imposition of solid fencing is out of character with the established Bombira Estate. The estate has purposefully been developed with open rural style fencing to enhance rural vistas surrounding the Mudgee Township. The recommendation for solid fencing is incompatible and inconsistent with the established pattern of fencing in the surrounding estate.
- The CPTED assessment has recommended increased cameras, however it still remains unclear how often footage is reviewed noting a low on-site staff ratio.
- It is unclear how impacts to adjoining residences will be managed.
- Including a new gate at the entry/exit point as an access control measure is not practical given it is a shared driveway with the adjoining residence.

The applicant has submitted a PoM which does not align with these recommendations and has not appropriately addressed how safety, security and crime prevention can be appropriately managed.

In addition, the NSW Police – Orana Mid-Western have objected to the proposal. Amended information was supplied to the Police with a request for further comments as to whether their previous concerns have been resolved. The Police responded advising that concerns still remained and that they object to the proposal.

Social impact in the locality

Residential rehabilitation can create social and economic benefits if operated effectively. However, the proposal has been operating since July 2024 without consent, and since that time has given rise to significant community objection, and land use complaints. During operation they have also demonstrated an inability to enforce the PoM.

The SIA provided states that it is expected that the development will generate new social impacts, primarily impacts to adjacent residents and residents within close proximity to the site. This is summarised as follows:

- Potential for reduced perceived and actual personal safety of neighbours.
- Increased discontent and distrust in decision-making process, including the development application process, the NSW justice system, and the Proponent.
- Potential for reduced community access to essential services such as local police and local health services.
- Potential for property devaluation.
- Potential for reduced social amenity.
- Potential for reduced road safety.

Economic impact in the locality

The proposed development may have a positive economic impact, provided there is local procurement opportunities for local businesses and employment opportunities. This is considered to be marginal owing to the scale and nature of the development.

Site design and internal design

The proposed development is sited within an existing residential estate and within an established residential dwelling. The dwellings location and design has already been approved having regard to setbacks and heights etc, however the proposed change of use to a group home warrants this design to be re-considered.

Internally, the two-storey dwelling poses a number of challenges for this particular use. Visibility and passive surveillance are limited and there are a number of opportunities for concealment. The building is further not fit for purpose as it has not been demonstrated how the Class 1 building will be upgraded to achieve Class 3 building standards, including separating each SOU.

Given the nature of the proposed use and operation of the facility it is considered that the site configuration, and layout is not conducive to the development. The lot shape is highly irregular, and the location of existing structures and established landscaping provides ample concealment opportunities for residents - which has been raised, with documented incidences presented in neighbour submissions and complaints.

Further, the development warrants additional security measures in the form of cameras and solid fencing. This is in direct contrast to the established character of Bombira Estate which requires open style rural fencing to promote views and lifestyle. For this reason, staff do not support the site and internal design for this particular use.

Construction

The application has not been able to appropriately address how it will achieve compliance with the BCA for a Class 3 dwelling.

Cumulative Impacts

The proposed development may result in cumulative impacts on the site in terms of increased strain on resources and increase amenity impacts to residences.

SUITABILITY OF SITE FOR DEVELOPMENT

Does the proposal fit in the locality

Given the concerns outlined in this report, the development is not considered suitable for the locality. The proposed use is not consistent with the R2 zone objectives and would result in little positive impact to the community. Given the existing local resource constraints, the deficiencies in the PoM and negative impacts on amenity experienced by residences, the development is not supported in this locality.

Are the site attributes conducive to development

The site is generally conducive to development as it is not impacted by any significant natural hazard and the development will not impact on any environmental or ecological values.

SUBMISSIONS MADE IN ACCORDANCE WITH ACT OR REGULATIONS

Public Submissions

The application was publicly exhibited in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 24 October 2024. The application received 54 objections and 4 submissions of support. Of significance one of the formal objections was received from the NSW Police. Two additional objections were received outside the exhibition period.

The concerns raised by residents during the exhibition period include, but are not limited to, insufficient information on key matters such as safety, and security and potential adverse effects on the character of the neighbourhood, with particular emphasis on the loss of amenity. Concerns were also raised regarding the unauthorised use and works on the site prior to obtaining Council approval and strain on local resources.

It should be noted that several land use complaints were received prior to the applications lodgement and multiple land use complaints have been received post lodgement and are continuing to be received – with the latest received early March.

The applicant lodged amended supporting reports during the assessment process to respond to Councils request for further information and in relation to concerns of the community. Such additional information was not considered to alter the development proposal or warrant re-notification of the proposal to the community.

The applicant has also responded to the submissions under a separate cover letter, found in **Attachment 2**. The concerns are also extensively addressed within the Social Impact Assessment prepared by Umwelt which has been included as **Attachment 1** to this report.

A redacted and de-identified copy of all public submissions received by Council during the notification period is included as **Attachment 2** to this report.

Umwelt undertook an analysis of all submissions received in the SIA and ranked concerns based on the frequency of key issues raised.

The submissions received by Council are discussed in the table below:

| Key Concern Raised: | Comment: |
|--|---|
| <p><i>Safety and Security – fear of increased crime and personal safety of self and family</i></p> | <p><i>Heightened crime and safety concerns were raised in approximately 60% of responses. The applicant was requested to submit a PoM and a CPTED report to address the concerns.</i></p> <p><i>The PoM does provide information on their practices toward the following:</i></p> <ul style="list-style-type: none"> <i>• Bag searches</i> <i>• Frequent room searches</i> <i>• Leave from the premise</i> <i>• Alcohol and drug zero tolerance</i> <i>• Random testing</i> <i>• Prohibition of violence, intimidation and threats.</i> <i>• 24/7 surveillance and staffing</i> <p><i>However, the PoM is inadequate as it has not satisfactorily addressed safety and security concerns to adjoining neighbours and the community and has only moderately addressed the roles and responsibilities of staff and residents.</i></p> <p><i>A CPTED assessment was provided which recommended a number of improvements including solid fencing, greater CCTV cameras, improved gate entry and further landscape screening. Some of these measures would offer an improvement however, some cannot be practically achieved or will conflict with the objectives and established character of the locality and its original intention to offer a low density lifestyle with rural vistas.</i></p> <p><i>Further, the site has been operating without consent since July 2024 and to date there have been numerous land use complaints regarding unreasonable impacts. These complaints have been ongoing and consistent. Additionally, there have been multiple call outs referenced in the submission from the local Police. In this regard, Council is in a unique position to observe the operation and impacts of the facility. This insight indicates to Council that there is a demonstrated impact to local services and residents in the locality.</i></p> |
| | |

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|--|---|
| <p><i>Incompatibility with the residential area and change of character of local community</i></p> | <p><i>Bombira Estate is characterised by large residential blocks and with nearby small lot agriculture. The locality typically includes large dwellings with well-maintained landscaping and gardens with significant tree coverage. Submissions also frequently mentioned the character of the local community with key words and phrases associated with this issue including 'rural', 'quiet', 'prestige', 'peaceful', 'upmarket', 'heritage'.</i></p> <p><i>The development is to be located within a modern dwelling that is already setback within the lot with established gardens. The existing dwelling on site is not in direct contrast to the character of the area, but rather it is the proposed change of use and operation that is of concern to the community.</i></p> <p><i>The PoM has not suitably addressed how the development will be managed to ensure there are no unreasonable impacts to adjoining residences.</i></p> <p><i>The SIA recommends upgrading the existing open rural style fencing to solid fencing around the site and additional cameras. While this may achieve improved feelings of security, solid fencing and perimeter monitoring is not keeping with the established pattern of development.</i></p> |
| <p><i>Lack of respect for the correct planning process</i></p> | <p><i>This issue was raised in approximately 40% of submissions. It contains discussion around community consultation expectations, the unauthorised use, the timeline of operations and general outrage relating the DA process.</i></p> <p><i>The unauthorised work and use of the facility has been managed separately by Council's compliance and regulation department. The notification of the Development Application was done in accordance with Councils Community Participation Plan 2019.</i></p> |
| <p><i>Operations</i></p> | <p><i>Concerns were raised regarding the ratio of staff to patients and the capacity of the house to accommodate 14 residents with the current layout. Concerns regarding the details of the rehab program and medication security with lack of professional staff.</i></p> <p><i>The proposed development has been reduced to 10 residents and further information has been submitted on the staffing arrangements. There are however mixed reports on the minimum number of staff at any one time. One staff for all 10 residents have been referenced overnight which remains a concern as it is still unclear how security monitoring and monitoring of access, and supervision is carried out for 10 residents.</i></p> |
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| <i>Land Zone Objectives</i> | <p><i>Insufficient detail has been provided to demonstrate that the proposed development achieves the zone objectives.</i></p> <p><i>Council requested further information from the applicant however it is Council's position that the proposal is inconsistent with the zone objectives, as discussed earlier in the report.</i></p> |
| <i>Traffic and Parking</i> | <p><i>The Development Application outlines that there are two (2) undercover car spaces and parking for at least three (3) vehicles outside the garage, as well as a 'turn around area' for operational vehicles.</i></p> <p><i>Based on the proposed use, there is likely to be minimal need for on-street parking. Given the expected low traffic movements, the turn around area on site, it is unlikely that the Project will result in reduced road safety.</i></p> <p><i>The applicant's consultant has however recommended that to improve road safety, the PoM should be updated to include employee driver behaviour, emphasising what good driver behaviour is and highlighting areas of high risk near the Project site.</i></p> |
| <i>Noise, loss of quiet family ambience, and smoking</i> | <p><i>Noise has not been appropriately addressed. The PoM only discussed a 9pm quiet time. It does not discuss additional noise ameliorating measures, noise management throughout the day or enforcement.</i></p> <p><i>Smoking is referenced in the PoM as not being permitted to occur within the property, contrary to the submissions made by neighbours.</i></p> |
| <i>Land Value</i> | <p><i>Impact to individual land or home values and insurance costs are not relevant matters for consideration under Section 4.15 of the EP&A Act 1979.</i></p> |
| <i>Location</i> | <p><i>Submissions mention the subject site has proximity to wineries, liquor store and bars which makes the location inappropriate given the proposed use.</i></p> <p><i>The applicant states that residents will not be permitted to leave the facility unless 'authorised'. It is unclear in what instances authorisations are granted and if they will/will not be supervised.</i></p> |
| <i>Shortage of Public Services</i> | <p><i>The submissions reference an existing strain on GP and hospital services and a strain on police services who would need to do bail checks and respond to emergencies involving relapse or breach of bail conditions.</i></p> <p><i>The SIA states that there is indeed a shortage of GP's, specialist and medical services in the LGA. The police have provided direct feedback indicating the Mudgee Police are currently strained and this proposal would further add to that. Based on the above, it is not considered that the proposal is suitable in the location as the Mudgee community does not have the services required to ensure the project's success.</i></p> |

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| <i>Unapproved Structures</i> | <i>The applicant has addressed this and stated that any unapproved structures would seek consent and a Building Information Certificate.</i> |
|------------------------------|--|

Submissions from public authorities

NSW Police – Orana Mid-Western

The application was referred to the Mudgee Local Area Command (NSW Police) during public exhibition. Comments were received on 24 October objecting to the proposed development. The applicant submitted amended information during the assessment period. This information was referred back to the Police. The Police retained their objection to the development noting the following concerns:

- Strain on police resources remains a paramount concern with already stretched police services
- Reference is made to numerous calls where possible breaches have occurred that require a policing response.
- Reference is made to a lack of collaboration with the police and other departments.
- Reference is made to errors in their plan of management suggesting a strong relationship with local law enforcement.
- Concerns were raised that the premises design and location is not fit for purpose.
- The recommendation is that the proposed development is not approved.

THE PUBLIC INTEREST

Public Interest (general)

The proposed development is not considered to be in the public interest because it does not achieve the objectives for the R2 zone. Additionally, Council received an overwhelming number of objections to the development, including one from the Mudgee Police. In addition, there are deficiencies in the PoM and a series of ongoing complaints about the operation of the facility.

Public Exhibition

The proposed development received 54 Submissions objecting to the proposal, including an objection from the NSW Police. 2 additional submissions were also received outside the notification period. Complaints about the facility's operation have been received since July 2024 and are continuing to be received up until the date of this report. A number of the concerns raised have not been appropriately addressed by the applicant.

Unlawful use and complaints

As far as Council is aware, the group home has been operating without consent since July 2024. During this time, Council has received numerous complaints regarding the use of the premises and adverse impacts on the surrounding neighbourhood. Given the use has been operating without consent, for an extended period of time, Council is in a unique position to observe the efficacy of the operation and the implementation of plan of management in practice. Specifically, complaints received reference noise, lack of resident supervision, profanity, intimidation, intoxication, and smoking. These are lightly referenced in the PoM as being addressed or strictly prohibited. However in practice it appears that is not the experience from local residents and would indicate to Council an inability of the operator to appropriately manage the facility and enforce the PoM practices/prohibitions.

Due to the centre's unlawful operation, the impact to neighbouring residences is not 'perceived', but rather a known and quantifiable occurrence. This has demonstrated that unreasonable impacts to adjoining residences are being felt despite the protocols referenced in the PoM and commentary received from the applicant, and specialists reports.

Police Objection

As discussed above, the police objected to the development when it was initially received by Council. Amended information was supplied and reviewed by the Police, however the information submitted did not adequately address any of the concerns and the Police have retained their objection.

Federal, State and local government interests and community interests

The proposal has not adequately demonstrated that it will be in the interests of the public

CONSULTATIONS

Health & Building

Councils Health and Building Officer has reviewed the proposed development and advised insufficient information has been provided to demonstrate whether the fire protection and structural capacity of the building will be appropriate for the building's proposed use. This is discussed as follows:

Clause 62 of the EPA Regulation 2021 states:

- (1) *This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*

Comment - Applies to this development as the application seeks to change the use of the building from a class 1a 'dwelling' to a class 3 'Group Home (transitional)'

- (2) *The consent authority must—*

*consider whether the **fire protection and structural capacity** of the building will be appropriate to the building's proposed use, and*

Comment - **fire protection and structural capacity** of a building is defined as —

- a) the structural strength and load-bearing capacity of the building, and
- b) **the measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire,** and
- c) the measures to restrict the spread of fire from the building to other buildings nearby.

In this regard, and with consideration to the fact that the building has been approved, and therefore previously considered in the context of being a class 1a building, Council cannot be satisfied that:

- 3. The structural capacity of the building will be appropriate to the building use.
- 4. the measures to protect persons using the building, and to facilitate their safe egress from the building, if there is a fire. This includes but not limited to:
 - a. Provision of emergency lighting in accordance with NCC Vol 1 E4P1
 - b. Provision of an appropriate system for automatic warning for sleeping occupants in accordance with the NCC Vol 1 E2P1
 - c. Fire hazard properties
 - d. Boundary construction (fire separation) between *sole occupancy units* to prevent the spread of fire to *sole occupancy units* and *public corridors*. It is noted that in this regard,

the NCC report provided by the applicant specifically noted this as an item that needs to be addressed and upgraded.

(b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.

Comment –

In this regard, the category 1 fire safety provisions, as defined in Schedule 7 Dictionary, applicable to the development include:

- **E2P1 (Automatic warning for sleeping occupants)**
- **E2P2 (Safe evacuation routes).**

Council cannot be satisfied that the category 1 fire safety provision above comply, or will comply, when the development is complete. The applicant has not suitably addressed these provisions in the application, nor provided sufficient detail to demonstrate compliance. In this regard, Council **cannot** grant consent to the proposed change of use.

With consideration to the above matters, and the information provided as part of the application, in summary, Council cannot be satisfied that:

1. fire protection and structural capacity of the building will be appropriate to the buildings use.
2. The building does or will comply with the category 1 fire safety provisions, as defined.

Therefore, and in accordance with the provisions of Clause 62 of the Environmental Planning and Assessment Regulation 2021, Council cannot grant consent for the proposed development.

Development Engineer

The Development Engineering referral is generally supportive of the proposal and does not give rise to any reasons for refusal.

The referral calculates the Net Change in Traffic Due to Change of Use, as follows:

- **Total additional daily trips:**
24 (new use) - 13 (existing use) = 11 additional trips per day.
- **Total additional peak hour trips:**
5 (new use) - 3 (existing use) = 2 additional peak hour trips.

The referral finds, given the current condition of Ulan Road and the minimal increase in traffic, it is determined that Ulan Road and the surrounding road network can accommodate these additional vehicle movements without compromising current levels of service.

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

Nil

Council Policies

Mid-Western Regional Development Control Plan 2013

Mid-Western Regional Community Participation Plan 2019

Legislation

Environmental Planning & Assessment Act 1979

Environmental Planning & Assessment Regulation 2021

Mid-Western Regional Local Environmental Plan 2012

State Environmental Planning Policy (Housing) 2021

Financial implications

As a result of the recommendation of refusal, there is no direct financial implications. However, there may be a future financial implication in the event the decision of refusal is appealed.

Associated Risks

As a result of the recommendation of refusal, the applicant may seek a further review of this decision or appeal through the Land & Environment Court.

HANNAH DRAPER
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

5 March 2025

- Attachments:*
1. Amended Architectural Plans and Supporting Documentation. (separately attached)
 2. Copy of Submissions (Redacted) and Applicants Response to Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.3 Acceptance of NSW Grant Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GRA600020

RECOMMENDATION

That Council:

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

| Grant Fund | Project | Grant Amount |
|--|---|---------------------|
| Regional Economic Development and Community Investment Program – Infrastructure project grants | Enabling infrastructure to support the delivery of the Mudgee Key Worker Housing | \$3,277,954 |
| Regional Economic Development and Community Investment Program – Services and program delivery grants | Delivery of a New Resident Concierge Service in the Mid-Western Regional and Warrumbungle Shire Councils | \$500,000 |
| Community Building Partnership Program 2025 | Preservation of the Hargraves Courthouse | \$43,000 |

3. **if successful, amend the budgets as follows:**
 - 3.1 **2025/26 set an expenditure budget of \$3,945,686 for Key Worker Housing Construction (project 75316). \$3,277,954 to be funded by grants and \$667,732 to be funded from VPA funds;**
 - 3.2 **2025/26 and 2026/27 increase the expenditure budget by \$150,000 for the delivery of a new Resident Concierge Service in the Mid-Western Region and Warrumbungle Shire (project 75315). \$100,000 to be funded by grants, \$25,000 to be funded from unrestricted cash, and \$25,000 to be funded by Warrumbungle Shire Council;**
 - 3.3 **2025/26 set an expenditure budget of \$43,000 for the preservation of the Hargraves Courthouse (project 50167) to be funded by grants;**
4. **authorise the General Manager to finalise and sign the funding agreements.**

Executive summary

Council have applied to various funding bodies for projects that will support the overall goals of the Community Plan.

The NSW Government funding bodies identified in this report include:

- Regional Economic Development and Community Investment Program – Infrastructure project grants;
- Regional Economic Development and Community Investment Program – Services and program delivery grants; and
- Community Building Partnership Program 2025

It is recommended that if Mid-Western Regional Council is successful in the above applications, that Council accepts the grant funding, and authorises the General Manager to sign the funding agreements and amend Council's Budgets for 2025/26 and 2026/27.

Disclosure of Interest

Nil

Detailed report

Regional Economic Development and Community Investment Program – Infrastructure project grants

The Regional Economic Development and Community Investment Program promotes regional economic development and supports employment creation and retention. The Program's Infrastructure project grants is for infrastructure projects that can create economic opportunities, provide a public benefit and grow employment.

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

- Enabling infrastructure to support the delivery of the Mudgee Key Worker Housing
- Grant value: \$3,277,954

Regional Economic Development and Community Investment Program – Services and program delivery grants

The Regional Economic Development and Community Investment Program promotes regional economic development and supports employment creation and retention. The Program's Services and program delivery grant is for services and/or program delivery that attract key workers, provide workforce development and sustainability or support regional communities to provide the services needed to be great places to live and work. One of the key requirements of this grant is that it must deliver regionally significant economic development outcomes in two or more local government areas.

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

- Delivery of a New Resident Concierge Service. Mid-Western Regional and Warrumbungle Shire Councils will partner to introduce a New Resident Concierge Service to attract and retain more workers in both local government areas. Two temporary employees will be recruited to deliver the service over two years, which will support and assist workers and their families relocating and settling into communities. Partnering with Warrumbungle Shire Council ensures that the project meets the grant's requirement of delivering regionally significant economic development outcomes across multiple local government areas, enhancing workforce attraction and retention efforts in both regions.
- Grant value \$500,000

Community Building Partnership Program 2025

The Community Building Partnership Program 2025 aims to deliver positive social, environmental and recreational outcomes, while also promoting community participation, inclusion and cohesion.

The following projects were identified as relevant and meeting the criteria of the grant fund:

- Preservation of the Hargraves Courthouse through necessary damp proofing, brick replacement and repointing. The project will restore community accessibility to the historic building, ensuring it remains accessible for future generations.
- Grant value \$43,000

Community Plan implications

| Theme | Building a Strong Local Economy |
|----------|---|
| Goal | An attractive business and economic environment |
| Strategy | Support the expansion of essential infrastructure and services to match business and industry development in the region |

Strategic implications

Council Strategies

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

- Respect and enhance the historic character of our region and heritage value of our towns and villages;
- Work with key stakeholders to minimise the impacts of state significant development in the region;
- Make available diverse, sustainable, adaptable and affordable housing options through effective land use planning;
- Maintain and promote the aesthetic appeal of the towns and villages within the region;
- Provide infrastructure and services to cater for the current and future needs of our community;
- Support programs which strengthen the relationships between the range of community groups;
- Provide equitable access to a range of places and spaces for all in the community;
- Support the attraction and retention of a diverse range of businesses and industries;
- Provide leadership on economic development initiatives and identify resources and infrastructure required to drive investment and economic growth in the region;
- Support the expansion of essential infrastructure and services to match business and industry developments in the region;
- Support projects that create new jobs in the region and help to build a diverse and multi-skilled workforce; and

Council Policies

Nil

Legislation

Nil

Financial implications

Regional Economic Development and Community Investment Program – Infrastructure project grants - Enabling infrastructure to support the delivery of the Mudgee Key Worker Housing

- 2025/26 set an expenditure budget of \$3,945,686 for Key Worker Housing Construction (project 75316). \$3,277,954 to be funded by grants and \$667,732 to be funded from VPA funds.

Regional Economic Development and Community Investment Program – Services and program delivery grants - Delivery of a New Resident Concierge Service in the Mid-Western Regional and Warrumbungle Shire Councils

- 2025/26 and 2026/27 increase the expenditure budget by \$150,000 for the delivery of a new Resident Concierge Service in the Mid-Western Regional and Warrumbungle Shire Councils (project 75315). \$100,000 to be funded by grants, \$25,000 to be funded from unsecured funds, and \$25,000 to be funded by Warrumbungle Shire Council. Project costings detailed below:

| Project Cost | 2025/26 | 2026/27 | Comment |
|--------------------------------|------------------|------------------|--|
| Current approved budget | \$150,000 | \$150,000 | To be funded by grants |
| Increase to budget expenditure | \$100,000 | \$100,000 | To be funded by grants |
| Total Grant Funding | \$250,000 | \$250,000 | Total \$500,000 |
| Increase to budget | \$25,000 | \$25,000 | To be funded by MWRC |
| Increase to budget | \$25,000 | \$25,000 | To be funded by Warrumbungle Shire Council |
| Total Project Cost | \$300,000 | \$300,000 | Total \$600,000 |
| | | | |

Community Building Partnership Program 2025 - Preservation of the Hargraves Courthouse

- 2025/26 set an expenditure budget of \$43,000 for the preservation of the Hargraves Courthouse (project 50167) to be funded by grants.

| Budget Year | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25 | – | – | – |
| Future Years | × | × | × |

Associated Risks

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

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

28 February 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Policy Review - Social Media Policy

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, ECO800001

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Policy Review - Social Media Policy;**
2. **place the revised Social Media Policy on public exhibition for 28 days; and**
3. **adopt the revised Social Media Policy if no submissions are received during the exhibition period.**

Executive summary

Due to the creation of a new business entity, Empower Café, the existing Social Media Policy has been reviewed. The proposed amendments aim to incorporate Council-owned businesses into the Council's approved social media channels. Additionally, the policy updates job titles and areas of responsibility for managing social media accounts.

Disclosure of Interest

Nil

Detailed report

The Social Media Policy provides:

- Clear guidelines on the use of Council's social media platforms;
- Clear guidelines on personal social media use for Council staff; and
- A framework outlining when and how Council will be active on social media.

The proposed amendments to the Social Media Policy include:

Updating job titles

Changing the Marketing and Communications Coordinator title from Corporate Communications Coordinator.

Incorporating new social media channels for Empower Café

Including:

- Facebook – Empower Café; and
- Instagram – Empower Café

Clarifying social media account responsibilities

The Economic Development Team will manage the social media accounts for:

- Mudgee Team Training Village;

- Mudgee Riverside Park; and
- Mudgee Valley Park.

The Waste and Environment Team will manage the social media accounts for:

- Empower Café.

All proposed changes are shown as track changes in red on the attached copy of the Social Media Policy.

It is recommended that Council place the revised Social Media Policy on public exhibition for 28 days and formally adopt it if no submissions are received during the exhibition period.

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

Mid-Western Region Community Plan: Towards 2040

- improve communications between Council and the community and create awareness of Council's roles and responsibilities; and
- encourage community access and participation in Council decision making.

Council Policies

Social Media Policy

Media Policy

Mid-Western Regional Council Code of Conduct

Mid-Western Regional Council Electronic Telecommunications – Acceptable Use Policy

Mid-Western Regional Council Community Engagement Strategy

Mid-Western Regional Council Community Engagement Policy

Legislation

Local Government Act 1993

Privacy Act 1988 (Privacy Act)

Enhancing Online Safety Act 2015

Criminal Code Amendment (Sharing of Abhorrent Violent Material) Act 2019

Defamation Act 2005 (NSW)

Financial implications

Not applicable

Associated Risks

Without appropriate policies in place to support Social Media there is risk to Council's reputation through unauthorised publishing of content and poor customer service.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT



ALINA AZAR
DIRECTOR DEVELOPMENT

28 February 2025

Attachments: 1. Social Media Policy Review March 2025.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

| | | | | | |
|---|--|------------------------|--|---|--|
|  | | POLICY Social Media | |  | |
| ADOPTED | | VERSION NO | | 1.2 | |
| COUNCIL MEETING MIN | | REVIEW DATE | | NOVEMBER 2026 | |
| DATE: | | FILE NUMBER | | GOV400087, GOV400047 | |
| 8.8 | | | | | |
| 20/11/2024 | | | | | |

Objective

- To provide clear guidelines around the use of Council's social media platforms.
- To provide clear guidelines around the personal social media use for Council staff.
- To provide a framework on when and how Council will be active on social media.

Introduction

Mid-Western Regional Council recognises social media as a primary communications tool. The Social Media Policy provides guidelines for Council staff for business and individual use of social media.

Related policies and plans

- Mid-Western Regional Council Media Policy
- Mid-Western Regional Council Code of Conduct
- Mid-Western Regional Council Electronic Telecommunications – Acceptable Use

Policy

Account management and creation

The Corporate Communications Coordinator and Digital Communications Officer are responsible for the management of Mid-Western Regional Council's corporate and event social media accounts, and will have administration access to all Council's secondary social media accounts.

Secondary social media accounts are the responsibility of the manager who oversees the team managing the account. Managers are responsible for delegating access to members of their team who are responsible for the daily management of social media accounts.

Development of a new social media account must be approved by the Corporate Communications Coordinator and Manager Economic Development in consultation with the General Manager.

Delegation

In the absence of the Corporate Communications Coordinator and Digital Communications Officer, the Manager Economic Development and Director Development will have delegation and may assume administration responsibilities.

Responsibilities

Council staff who are authorised administrators of Council's social media accounts are responsible for:

- Creating and publishing relevant content in accordance with Council's internal style guide to ensure brand consistency and key messages.
- Removing content that does not comply with House Rules (referred to below).
- Responding to public comments within 24 hours during business hours, if a reply is deemed necessary.
- Managing paid promotions in accordance with delegations.
- Publish emergency information (such as road closures due to motor vehicle accidents, storm events) in accordance with delegations.
- The Corporate Communications Coordinator and Digital Communications Office are responsible for managing the corporate and event-related Mid-Western Regional Council social media accounts.
- The Library Team is responsible for managing Mid-Western Regional Council Library social media accounts.
- The Community Services Team is responsible for managing Mid-Western Regional Council community services and cultural services accounts.

Conduct

Staff responsible for managing Council social media accounts must:

- Maintain a level of professionalism expected of them in accordance with the Code of Conduct.
- Ensure published content is accurate and complies with relevant legislation, the social channel policies and terms of use.
- Only disclose publicly available information.
- Never engage in behaviour that breaches Council's House Rules or Code of Conduct.
- Provide the equivalent level of customer service as would be provided to any other customer engaging with Council either in person or over the telephone.
- Only publish posts when the page is being monitored.
- Only invite co-hosts to Facebook events that are directly sponsoring or delivering the event.

And must not:

- Post as themselves, only under the page handle.
- Post or share on behalf of Council social media accounts into non-Council sites.
- Publish photographs of individuals without their express permission.
- Tag individuals (Council staff or otherwise) in posts to Council social media pages.

Level of service

- Council's Corporate social media accounts will be monitored by the Corporate Communications Coordinator and Digital Communications Officer out of business hours on an ad-hoc basis to minimise conflict with Council's Social Media Policy and to ensure appropriate use by those posting to the page.
- Council's secondary social media accounts will be monitored between business hours from 8.30am – 4.30pm Monday to Friday.
- Complex enquiries or those requiring personal information and correspondence will not be dealt with on social media and will be moved offline via a referral to Council's Customer Service Team.
- Private messages will be responded to within 48 hours during business hours, Monday to Friday by the Corporate Communications Coordinator, Digital Communications Officer, Customer Service Team or relevant Page Managers as delegated.

House Rules

The following house rules will be applied to all Council social media accounts.

This site is monitored from 8.30am to 4.30pm Monday to Friday. In times of emergency, we will provide up-to-date information as quickly as possible.

We respect your right to express your opinion and encourage constructive discussion however if your contributions don't comply with Facebook's Terms (<http://www.facebook.com/terms.php>) or the following House Rules then they (and you) may be removed.

1. *Obscene, offensive or defamatory posts will not be tolerated.*
2. *Bullying, harassment and vilification will not be tolerated. This includes other users as well as Council staff.*
3. *Show respect for other people.*
4. *Do not repeat posts or unsolicited ads.*
5. *Keep comments relevant to the page, posts and thread.*
6. *Please be mindful of people's privacy and any personal information about you or others that you may post on this page.*

Removal of comments or posts

Comments or posts that contravene Council's Facebook and social media account House Rules will be removed, that includes comments that are:

1. Obscene, offensive or defamatory.
2. Abusive, threatening, vilifying or harassing.
3. Not relevant to the thread to the page, posts and thread.
4. Breaches individuals' privacy.
5. Infringes the intellectual property of others.
6. Defamatory or libelous.
7. Unsolicited commercial advertisement.

Personal use of social media

This policy does not discourage the personal use of social media by staff, however is intended to highlight the reputational risks and damage to Council that can arise from personal social media use. Staff should understand they are personally responsible for content published to their personal page and must:

- Comply with the terms of use of the social media platform or website, and all relevant legislation including privacy, defamation, discrimination, harassment and any other applicable laws.
- Act in accordance with Council's Code of Conduct and Media Policy.
- Only disclose publicly available information.
- Be respectful to others.
- Alert the Corporate Communications Coordinator and Digital Communications Officer to any social media comments, posts or threads on a non-Council public page that might otherwise cause damage to Council's reputation or bring it into disrepute.

Staff must not:

- Comment or publish content that might otherwise cause damage to Council's reputation or bring it into disrepute.
- Speak on behalf of Council, nor give the impression they are authorised to do so.
- Publish photographs of another Council staff member in a social media space without their express permission.
- Use their Council email address or any Council logos or artwork that may give the impression of official support or endorsement of their personal comment.
- Disclose any confidential information or personal information obtained as a Council staff member.
- Post threatening, harassing, bullying or discriminatory content directed towards another Council staff member.

Mid-Western Regional Council social media accounts

FACEBOOK

| ACCOUNT NAME | URL |
|---|---|
| Mid-Western Regional Council | https://www.facebook.com/mwrcouncil/ |
| Flavours of Mudgee | https://www.facebook.com/flavoursofmudgee/ |
| Mid-Western Regional Council Library | https://www.facebook.com/MudgeeLibrary/ |
| Mid-Western Regional Youth Council | https://www.facebook.com/midwesternyouthcouncil/ |
| Mid-Western Regional Family Day Care Scheme | https://www.facebook.com/Mid-Western-Regional-Family-Day-Care-Scheme-348740388666559/ |
| Mudgee Arts Precinct | https://www.facebook.com/MudgeeArtsPrecinct |
| Mudgee Town Hall Cinema | https://www.facebook.com/MudgeeTownHallCinema |
| Mudgee Valley Park | https://www.facebook.com/mudgeevalleypark |
| Mudgee Riverside Park | https://www.facebook.com/mudgeeriversidepark |
| Mudgee Team Training Village | https://www.facebook.com/mudgeevillage |

Empower Café Mudgee

INSTAGRAM

| ACCOUNT NAME | HANDLE |
|------------------------------|------------------------|
| Choose Mudgee Region | @choosemudgeeregion |
| Flavours of Mudgee | @flavoursofmudgee |
| MWR Youth Council | @mwr_youthcouncil |
| Mid-Western Family Day Care | @midwesternregionalfdc |
| Mudgee Arts Precinct | @mudgeeartsprecinct |
| Mudgee Team Training Village | @mudgeevillage |

Empower Café Mudgee

TWITTER

| ACCOUNT NAME | HANDLE |
|--------------|-------------|
| MWRC | @MWRCouncil |

SNAPCHAT

| ACCOUNT NAME | HANDLE |
|--------------------|-----------------|
| Flavours of Mudgee | @Flavoursmudgee |

YOUTUBE

POLICY: SOCIAL MEDIA | 1.2 MARCH 2025

| ACCOUNT NAME | HANDLE |
|---|--------|
| Mid-Western Regional Council Mudgee Arts Precinct | |

LINKEDIN

| ACCOUNT NAME | HANDLE |
|------------------------------|------------------------------|
| Mid-Western Regional Council | Mid-Western Regional Council |

TIKTOK

| ACCOUNT NAME | HANDLE |
|------------------------------|-----------------|
| Mid-Western Regional Council | @mwrCouncil |
| Mudgee Village | @mudgee.village |

8.5 2024-25 Local Heritage Grant Reallocation

REPORT BY THE MANAGER STRATEGIC PLANNING

TO 19 MARCH 2025 ORDINARY MEETING

GOV400103, GOV400113, GOV400087, GRA600063

RECOMMENDATION

That Council:

1. **receive the report by the Manager Strategic Planning on the 2024-25 Local Heritage Grant Reallocation; and**
2. **reallocate the Local Heritage Grants for \$3,000 from 45 Louee Street, Rylstone to 19-41 Church Street, Mudgee for the repair and repainting of the building façade.**

Executive summary

The 2024-25 Local Heritage Grants were allocated at the 16 October 2024 Council meeting.

The following four projects were allocated funding:

- a) \$4,000 towards the repair and repainting of the façade of the former Loneragan's Store at 19-41 Church Street, Mudgee
- b) \$2,000 to replace the doors of the rare early garage at 1 Grant Street, Mudgee
- c) \$3,000 towards repainting the exterior and replacing the veranda floorboards at 81 Mayne Street, Gulgong;
- d) \$3,000 towards replacing the aluminium windows at 45 Louee Street, Rylstone, with timber windows of the original type.

Projects a) – c) have either commenced works or Council has received the signed project acceptance and confirmation that works are planning to commence and be completed by the end of April 2025. However, the applicant of project d) \$3,000 towards replacing the aluminium windows at 45 Louee Street, Rylstone, with timber windows of the original type, have advised Council that they are not going to progress with the project. Therefore, this funding is proposed to be reallocated.

Council's Local Heritage Grants Policy provides criteria and funding priorities for consideration in the allocation of the grant funding. A key priority of the Policy is to provide funding to *'heritage item(s) in a well maintained heritage streetscape or landscape setting'* and *'heritage item(s) with public access and visibility'*. The repair and repainting of an iconic building within a significant streetscape with public access and visibility is consistent with this Policy. Accordingly, it is recommended the \$3,000.00 be reallocated to 19-41 Church Street, Mudgee.

Disclosure of Interest

Nil

Detailed report

Applications for funding under the Local Heritage Grants Program closed in September 2024. Six applications were received. One application was not considered eligible, as it was for soil remediation on an unlisted site outside the Gulgong Heritage Conservation Area. Another application, to replace windows in a house in the Mudgee HCA, was not supported as it was found that the windows could be readily repaired. The applicant of the project at 45 Louee Street, Rylstone advised Council that they are not proceeding, therefore the reallocation of the funding has been considered. The remaining three projects were considered for allocation of additional fund. Due to the significance of the building itself and its setting, 19-41 Church Street, Mudgee, is recommended for the additional \$3,000 funding. The project cost is \$110,000. Below outlines the significance of the building.

The former Loneragan’s store at 19-41 Church Street, Mudgee, dates from 1870. It is individually heritage listed and is a prominent heritage item in the Church streetscape and Mudgee Heritage Conservation Area. There is some cracking in the copings and stuccoed (a type of plaster used for covering walls and ceilings, that can be formed into decorative patterns) parapets which will be rectified before repainting. The repairs are specialised, and the specification and colour scheme will be reviewed by Council’s Heritage Advisor.



Source: Google Streetview, captured March 2024.

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

The provision of Local Heritage Grants is consistent with the Mid-Western Regional Local Strategic Planning Statement, Our Place 2040 and Planning Priority 1 to respect and enhance the historic character of our Region and heritage value of our towns.

Council Policies

The recommended allocation of funding is consistent with Council’s Local Heritage Grants Policy.

Legislation

Any building works associated with a local heritage grant will need to consider and satisfy permissibility under the *Mid-Western Regional Local Environmental Plan 2012* and ensure the required approvals are in place.

Financial implications

The 2024/25 Operational Plan has an approved budget of \$12,000 for Local Heritage Grants. If Council adopts the recommendation for reallocation as outlined in this report, the total budget for this financial year will be allocated.

Associated Risks

No known risk.

SARAH ARMSTRONG
MANAGER STRATEGIC PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

3 March 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.6 Community Engagement Outcomes

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, COR400811

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Community Engagement Outcomes; and**
2. **note the Community Engagement Outcomes Report, as this will inform the draft Community Strategic Plan.**

Executive summary

This report informs the Council of the community engagement outcomes that involved over 4,300 participants across the Mid-Western Region between May 2024 and March 2025. The findings from this engagement will guide the development of the Community Strategic Plan, ensuring it reflects community priorities and aspirations.

Disclosure of Interest

Nil

Detailed report

A key responsibility of a newly elected Council is the review of its Integrated Planning and Reporting documentation, which includes the Community Strategic Plan, *Towards 2040: Mid-Western Region Community Plan*. This documentation must be in place by 30 June 2025.

The *Towards 2040: Mid-Western Region Community Plan* is Council's highest-level strategic document, shaping the region's future through extensive community consultation. It addresses fundamental questions regarding the region's current status, future aspirations, the pathway to achieving these goals, and key indicators of success.

The plan is structured around five core themes:

- Looking after our community – Ensuring a safe and healthy community with vibrant towns and effective delivery of infrastructure.
- Protecting the natural environment – Ensuring sustainability and environmental conservation.
- Building a strong local economy – Supporting economic growth, diversification, and employment.
- Connecting the region – Enhancing infrastructure and transport connectivity.
- Ensuring good governance – Strengthening civic leadership and transparency.

These themes encompass a broad range of priorities, including public health services, infrastructure development, sustainability, economic resilience, transport networks, and community leadership.

The community engagement process was designed to be inclusive and comprehensive, with over 4,300 participants engaged between May 2024 and March 2025. Various engagement methods were employed to capture diverse community perspectives, including:

- Community satisfaction survey – Conducted via telephone to gauge broad public sentiment.
- Interactive community roadshows – Held in Mudgee, Gulgong, Kandos, and Rylstone to facilitate direct community dialogue.
- Interest group focus sessions – Engaging local business and community representatives to identify key priorities.
- Additional engagement tools – School postcard exercises, online surveys, and mail-outs to ensure broad and representative participation.

The attached Community Engagement Outcomes Report presents the summarised data collected through these engagement activities. This data will inform the development of the Towards 2040: Mid-Western Region Community Plan.

The engagement process identified several clear priorities and projects that reflect the community's vision for the region's future:

Short-Term (Next 4 Years)

- Infrastructure and Transport: Road maintenance, and footpath expansion.
- Healthcare and Education: Attracting doctors, teachers, and medical specialists.
- Recreation & Community Facilities: Developing an indoor swimming pool, youth activity centres, and sports infrastructure.
- Housing & Affordability: More affordable housing options, particularly for key workers.
- Liveability Enhancements: Expansion of green spaces, better waste management, and improved town amenities.

Medium-Term (Next 10 Years)

- Sustainable Development: A transition strategy for post-mining economic stability.
- Public Transport: Advocacy for passenger rail services and/or regional connectivity.
- Economic Diversification: Expanding industries beyond tourism and mining.
- Education & Workforce Growth: Partnerships with universities and TAFE to align training with regional job needs.
- Community Wellbeing: Increased investment or advocacy in aged care, mental health services, and youth engagement programs.

Long-Term (Next 15 Years)

- Major Infrastructure Upgrades: Expansion of healthcare facilities, regional transport networks, and digital connectivity.
- Environmental Sustainability: Water security planning, renewable energy adoption, and enhanced conservation efforts.
- Economic Transition: Building industries beyond mining, fostering high-tech and green jobs.
- Liveability & Futureproofing: Planning for population growth, improved town planning, and social infrastructure investments.

Regional Variations & Common Themes

- The consultation highlighted both shared priorities and unique town-specific concerns:
- Mudgee: Strong focus on economic growth, tourism, and infrastructure investment.
- Gulgong: Priorities included heritage preservation, road upgrades, and youth recreation.

- Rylstone & Kandos: Emphasized healthcare access, community services, and environmental sustainability.
- Villages & Small Towns: Infrastructure improvements, local business support, and access to essential services were major concerns.
- Improve the maintenance and sealing of rural roads.
- Protect natural assets and regional heritage.
- Enhance long-term water security.
- Increase tree planting and environmental initiatives.
- Collaborate with educational institutions to align training programs with local industry needs.

It is recommended that Council note the Community Engagement Outcomes Report, as this will inform the draft Community Strategic Plan, which is scheduled to be presented to Council on 16 April 2025.

Community Plan implications

| Theme | Good Government |
|----------|---|
| Goal | Good communications and engagement |
| Strategy | Encourage community access and participation in Council decision making |

Strategic implications

Council Strategies

Towards 2040: Mid-Western Region Community Plan

Council Policies

Legislation

Local Government Act 1993

Financial implications

Nil

Associated Risks

If this report is not noted, the key risks include missed community insights leading to misaligned strategic planning and possible delays in meeting the June 2025 deadline for the Community Strategic Plan.

MICHELE MINI
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR
DIRECTOR DEVELOPMENT

5 March 2025

Attachments: 1. Community Engagement Outcomes. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.7 2025 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING
TO 19 MARCH 2025 ORDINARY MEETING
GOV400103, A0420109, GOV400113

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 **February 2025** Development Applications determined and Development Applications processing.

The report will detail:

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

Community Plan implications

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

Strategic implications

Council Strategies
Not Applicable

Council Policies
Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN
MANAGER PLANNING

ALINA AZAR
DIRECTOR DEVELOPMENT

4 March 2025

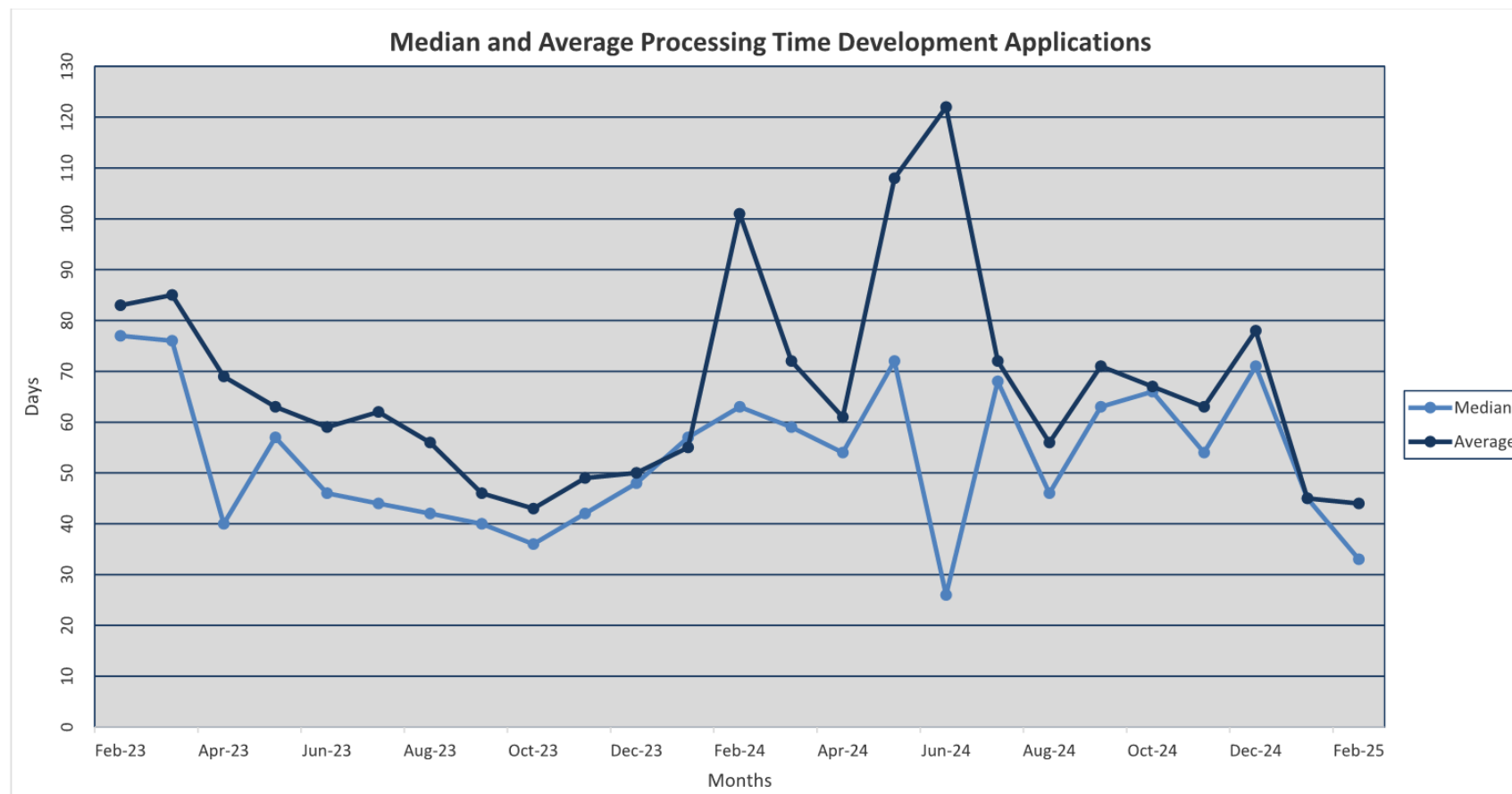
Attachments: 1. Monthly Development Application Processing and Determined - February 2025.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Monthly Development Application Processing Report – February 2025

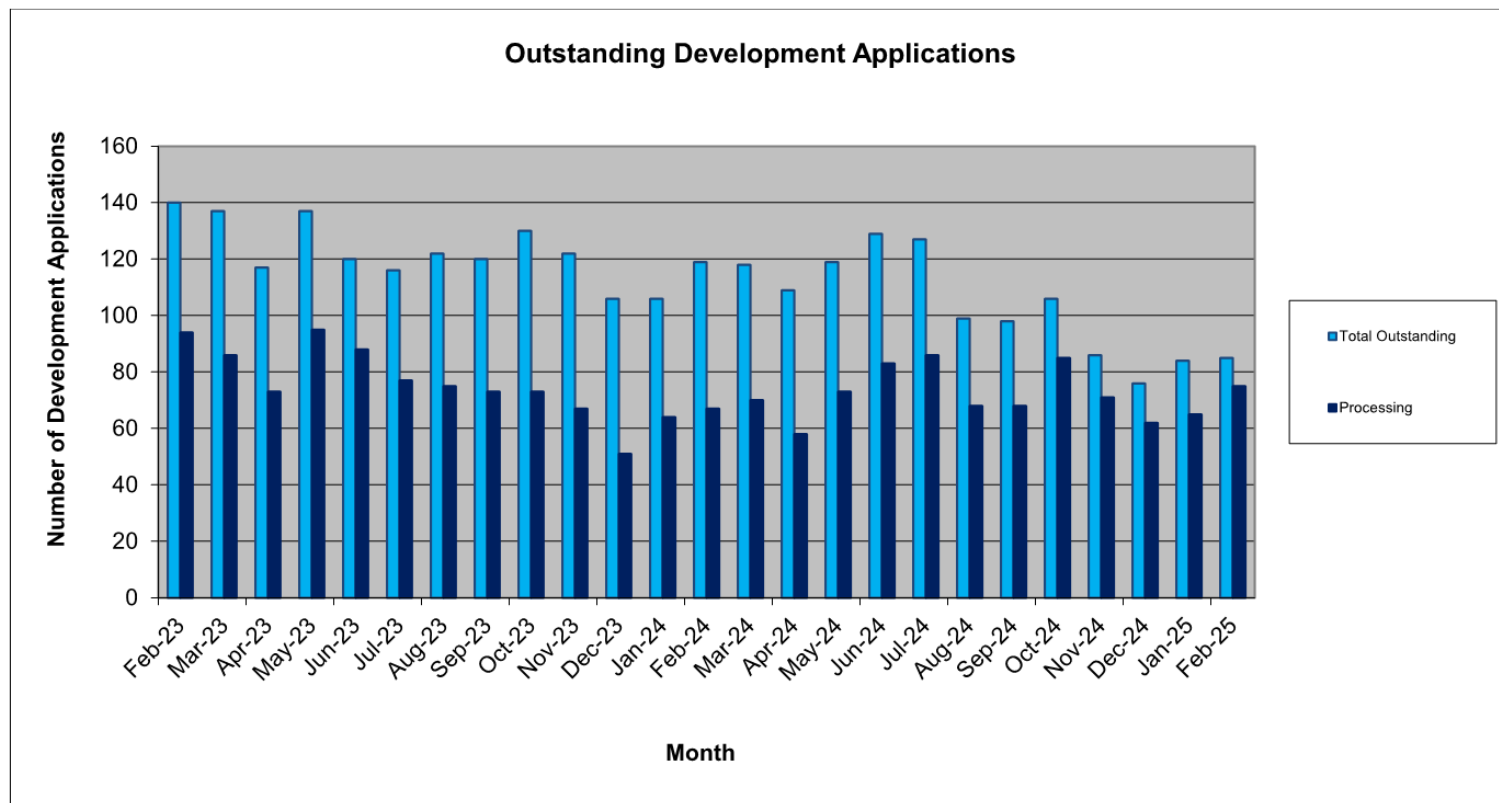
This report covers the period for the month of February 2025. Graph 1 indicates the processing times up to 28 February 2025 with the month of February having an average of 44 days and a median time of 33 days.



Note: Determination days for DA0343/2016 have been omitted from the graph. DA0343/2016 (Transportable Office) was lodged in 2016, with assessment commenced but not finalised. The determination of this DA is part of the Development Directorate's efforts to clear the backlog of longstanding applications that have not been actively progressed by the applicant or pursued by Council. The Development Department is currently reviewing and finalising these outstanding applications.

Monthly Development Application Processing Report – February 2025

Graph 2 indicates the total number of outstanding applications; the number currently being processed is 75 and the number on “stop clock” is 13.



The Planning and Development Department determined 10 Development Applications either by Council or under delegation during February 2025.

Monthly Development Application Processing Report – February 2025

Development Applications Determined – February 2025

| Appl/Proc ID | Description | House No | Street Name | Locality |
|--------------|--|----------|----------------|----------------------|
| DA0343/2016 | Transportable Office | 137 | Ulan Road | PUTTA BUCCA NSW 2850 |
| DA0293/2024 | Industrial training facility | 87 | Lions Drive | MUDGEE NSW 2850 |
| DA0327/2024 | Residential Shed | 16 | Swords Court | MUDGEE NSW 2850 |
| DA0073/2025 | Carport | 77 | Mayne Street | GULGONG NSW 2852 |
| DA0086/2025 | Recreation facility (outdoor) Playground | 1896 | Windeyer Road | WINDEYER NSW 2850 |
| DA0116/2025 | Secondary dwelling | 435 | Kaludabah Road | PIAMBONG NSW 2850 |
| DA0126/2025 | Home business | 21 | Shepherds Lane | GULGONG NSW 2852 |
| DA0130/2025 | Residential Shed | 229 | Melrose Road | MOUNT FROME NSW 2850 |
| DA0132/2025 | Residential Shed | 1638 | Windeyer Road | WINDEYER NSW 2850 |
| DA0144/2025 | Dwelling House | 36 | Davis Crescent | CAERLEON NSW 2850 |
| DA0145/2025 | Dwelling House | 75 | Bowles Lane | DABEE NSW 2849 |
| DA0154/2025 | Residential Shed | 10 | Knox Crescent | CAERLEON NSW 2850 |

***NOTE – 0 Development Applications were approved with a variation to the DCP during February 2025.**

Development Applications currently being processed – February 2025.

| Appl/Proc ID | Description | House No | Street Name | Locality |
|--------------|---|----------|------------------|----------------------|
| DA0327/2011 | Change of use - shed to habitable dwelling | 23 | Horatio Street | MUDGEE NSW 2850 |
| DA0102/2016 | Dwelling House | 705 | Windeyer Road | GRATTIA NSW 2850 |
| DA0058/2018 | Fence | 1 | Dunphy Crescent | MUDGEE NSW 2850 |
| DA0089/2019 | Change of use - shed to habitable dwelling | 2037 | Coxs Creek Road | RYLSTONE NSW 2849 |
| DA0263/2019 | Camping ground | 40 | Grevillea Street | GULGONG NSW 2852 |
| DA0349/2022 | Subdivision - Torrens Title - STAGE 14 - Creation of 237 residential lots | 26 | Hone Creek Drive | CAERLEON NSW 2850 |
| DA0205/2023 | Dual Occupancy | 11 | McLachlan Street | RYLSTONE NSW 2849 |
| DA0248/2023 | Ancillary Residential Development | 6 | Avisford Court | MUDGEE NSW 2850 |
| DA0347/2023 | Subdivision - Torrens Title - (1 into 3) | 14 | Wiradjuri Close | PUTTA BUCCA NSW 2850 |
| DA0408/2023 | Subdivision - Torrens Title - (1 into 7) | 17 | Marshfield Lane | MUDGEE NSW 2850 |

Monthly Development Application Processing Report – February 2025

| | | | | |
|-------------|--|------|----------------------|------------------------|
| DA0021/2024 | Dwelling House | 253 | Coricudgy Road | OLINDA NSW 2849 |
| 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 |
| DA0143/2024 | Subdivision (1 into 3 lots) | 2232 | Bylong Valley Way | RYLSTONE NSW 2849 |
| DA0242/2024 | Caravan Park | 313 | Magpie Lane | GALAMBINE NSW 2850 |
| DA0250/2024 | Extractive Industry | 2152 | Goolma Road | TWO MILE FLAT NSW 2852 |
| DA0258/2024 | Subdivision - Torrens Title | 24 | Flirtation Hill Lane | GULGONG NSW 2852 |
| DA0316/2024 | Dwelling House | 95 | Bellevue Road | MUDGEE NSW 2850 |
| DA0343/2024 | Subdivision - Torrens Title (1 into 17 lots) | 39 | Rifle Range Road | MUDGEE NSW 2850 |
| DA0002/2025 | Farm stay accommodation | 122 | Strikes Lane | EURUNDEREE NSW 2850 |
| DA0016/2025 | Subdivision - Torrens Title (2 into 5) | 11 | Quinn Place | MUDGEE NSW 2850 |
| DA0024/2025 | Storage Premises | 5 | Lillie Close | CAERLEON NSW 2850 |
| DA0045/2025 | Subdivision - Torrens Title (1 into 2) | 18 | Banjo Paterson | MUDGEE NSW 2850 |
| DA0046/2025 | Dwelling House | 194 | Hill End Road | CAERLEON NSW 2850 |
| DA0058/2025 | Subdivision - Torrens Title (1 into 2) | 76 | Zimmmler Lane | GULGONG NSW 2852 |
| DA0068/2025 | Group home | 162 | Ulan Road | BOMBIRA NSW 2850 |
| DA0070/2025 | Extractive Industry | 1848 | Castlereagh Highway | TALLAWANG NSW 2852 |
| DA0092/2025 | Dwelling House | 24 | Farrelly Street | CLANDULLA NSW 2848 |
| DA0093/2025 | Subdivision - Torrens Title (1 into 2) | 31 | Melton Road | MUDGEE NSW 2850 |
| DA0094/2025 | Dual Occupancy | 19 | Shearman Street | CAERLEON NSW 2850 |
| DA0095/2025 | Advertising Structure | 93 | Angus Avenue | KANDOS NSW 2848 |
| DA0101/2025 | Residential Shed | 34 | Hughson Ave | MUDGEE NSW 2850 |
| DA0102/2025 | Dual Occupancy | 34 | Marshfield Lane | MUDGEE NSW 2850 |
| DA0106/2025 | Dwelling House | 9 | Armstrong Street | RYLSTONE NSW 2849 |
| DA0107/2025 | Shed | 1868 | Coricudgy Road | KELGOOLA NSW 2849 |
| DA0114/2025 | Secondary dwelling | 185 | Church Street | MUDGEE NSW 2850 |
| DA0118/2025 | Subdivision - Torrens Title (1 into 2) | 20 | Donoghue Street | KANDOS NSW 2848 |
| DA0127/2025 | Boundary Adjustment | 6 | Flirtation Hill Lane | GULGONG NSW 2852 |
| DA0129/2025 | Alterations & Additions | 206 | Lesters Lane | PIAMBONG NSW 2850 |
| DA0134/2025 | Dwelling House | 184 | Mount Pleasant Lane | BUCKAROO NSW 2850 |
| DA0135/2025 | Shed | 11 | Slaughter Yards | GULGONG NSW 2852 |

Monthly Development Application Processing Report – February 2025

| | | | | |
|-------------|--|------|----------------------|----------------------|
| DA0136/2025 | Dwelling House | 116 | Iron Barks Road | KAINS FLAT NSW 2850 |
| DA0138/2025 | Subdivision - Torrens Title (1 into 2) | 28 | Rodgers Street | KANDOS NSW 2848 |
| DA0143/2025 | Signage | 32 | Sydney Road | MUDGEE NSW 2850 |
| DA0146/2025 | Carport | 278 | Church Street | MUDGEE NSW 2850 |
| DA0147/2025 | Residential Shed | 38 | Dewhurst Drive | MUDGEE NSW 2850 |
| DA0148/2025 | Retail Plant Nursery | 11 | Industrial Avenue | MUDGEE NSW 2850 |
| DA0149/2025 | Dwelling House | 61 | Knox Crescent | CAERLEON NSW 2850 |
| DA0151/2025 | Dwelling House | 21 | Webster Street | BOMBIRA NSW 2850 |
| DA0155/2025 | Dwelling House | 189 | Montaza Road | TALLAWANG NSW 2852 |
| DA0157/2025 | Dwelling House | 28 | Webster Street | BOMBIRA NSW 2850 |
| DA0158/2025 | Self-storage units | 3 | Knott Place | CAERLEON NSW 2850 |
| DA0160/2025 | Alterations & Additions | 8 | Bawden Road | MUDGEE NSW 2850 |
| DA0161/2025 | Dwelling House | 17 | Coomber Street | RYLSTONE NSW 2849 |
| DA0162/2025 | Alterations & Additions | 784 | Castlereagh Highway | BURRUNDULLA NSW 2850 |
| DA0163/2025 | Residential Shed | 1 | First Street | MUDGEE NSW 2850 |
| DA0164/2025 | Dwelling House | 18 | Margaret Lane | CAERLEON NSW 2850 |
| DA0165/2025 | Alterations & Additions | 50 | Flirtation Hill Lane | GULGONG NSW 2852 |
| DA0168/2025 | Residential Shed | 10 | Coomber Street | RYLSTONE NSW 2849 |
| DA0170/2025 | Alterations & Additions | 1012 | Henry Lawson Drive | EURUNDEREE NSW 2850 |
| DA0171/2025 | Dwelling House | 51 | Tinja Lane | EURUNDEREE NSW 2850 |
| DA0172/2025 | Vehicle repair station | 14 | Industrial Avenue | MUDGEE NSW 2850 |
| DA0174/2025 | Dwelling House | 24 | Peru Lane | GULGONG NSW 2852 |
| DA0175/2025 | Secondary dwelling | 8 | Armstrong Street | RYLSTONE NSW 2849 |
| DA0179/2025 | Residential Shed | 7 | Wurth Drive | BOMBIRA NSW 2850 |
| DA0180/2025 | Alterations & Additions | 13 | Aerodrome Road | RYLSTONE NSW 2849 |
| DA0181/2025 | Dwelling House | 176 | Melrose Road | MOUNT FROME NSW 2850 |
| DA0182/2025 | Subdivision - Torrens Title | 176 | Gladstone Street | MUDGEE NSW 2850 |
| DA0184/2025 | Shed | 30 | Aerodrome Road | RYLSTONE NSW 2849 |
| DA0185/2025 | Dual Occupancy | 8 | Marshfield Lane | MUDGEE NSW 2850 |
| DA0186/2025 | Swimming Pool | 16 | Saleyards Lane | MUDGEE NSW 2850 |
| DA0173/2025 | Demolition | 41 | Redbank Road | MUDGEE NSW 2850 |

Monthly Development Application Processing Report – February 2025

Heritage Development Applications currently being processed – February 2025.

| 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 | Commercial Alterations & Additions | 83 | Mortimer Street | MUDGEE NSW 2850 |
| DA0049/2025 | Dwelling House | 34 | Gladstone Street | MUDGEE NSW 2850 |
| DA0053/2025 | Demolition of shed and new car parking | 67 | Perry Street | MUDGEE NSW 2850 |
| DA0062/2025 | Change of use to Office | 140 | Mayne Street | GULGONG NSW 2852 |
| DA0131/2025 | Dual Occupancy | 40 | Gladstone Street | MUDGEE NSW 2850 |
| DA0139/2025 | Secondary dwelling | 4 | Fisher Street | GULGONG NSW 2852 |
| DA0140/2025 | Health consulting rooms | 28 | Douro Street | MUDGEE NSW 2850 |
| DA0141/2025 | Fence | 48 | Court Street | MUDGEE NSW 2850 |
| DA0142/2025 | Secondary dwelling | 16 | Wenonah Street | GULGONG NSW 2852 |
| DA0153/2025 | Residential Shed | 105 | Lewis Street | MUDGEE NSW 2850 |
| DA0167/2025 | Subdivision - Torrens Title (2 into 3) | 7 | Henry Bayly Drive | MUDGEE NSW 2850 |
| DA0178/2025 | Residential Shed | 5 | Bulga Street | GULGONG NSW 2852 |
| DA0183/2025 | Secondary dwelling | 1 | McFarlane Street | MUDGEE NSW 2850 |

Item 9: Corporate Services

9.1 MWRC Battery Energy Storage System

REPORT BY THE COMMERCIAL ACCOUNTANT (SUSTAINABILITY)
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, GOV400113, COR400722

RECOMMENDATION

That Council:

1. receive the report by the Commercial Accountant (Sustainability) on the MWRC Battery Energy Storage System;
2. endorse the installation of 4 smaller Battery Energy Storage System (BESS) across high energy usage and critical infrastructure sites;
3. defer the proposed installation of a large 'mother' 3MW/ 6.7MWh BESS at the constructed solar array at 33 Blains Road, Caerleon until a further opportunity for funding can be sought;
4. amend the budget allocation for BESS installation as follows:
 - 4.1 2024/25: reduce by \$3,545,000 to \$100,000, to be funded by \$50,000 grant funding and \$50,000 unrestricted cash;
 - 4.2 2025/26: reduce by \$29,000 to \$2,130,000, to be funded by \$1,050,000 grant funding, \$854,000 Capital Program Reserve and \$226,000 from unrestricted cash;
5. amend the budget allocation for BESS operating as follows, with the surplus for each year returning to unrestricted cash:
 - 5.1 2026/27 allocate revenue of \$187,000, and operating costs of \$17,500;
 - 5.2 2027/28 allocate revenue of \$184,000, and operating costs of \$18,000;
6. note that a capital expenditure review is not required for the progression of the smaller distributed BESS proposed for installation as the cost of the proposal is below the guideline value requirement; and
7. continue to explore the feasibility of additional smaller site-specific BESS's for community support and critical infrastructure locations to provide disaster resilience.

Executive summary

At the 17 April 2024 Council meeting, Council resolved to:

- endorse the preliminary concept to establish a distributed battery energy storage system (battery initiative);
- require staff to seek grant funding to support the battery initiative;
- require a report be brought back to Council with a Capital Expenditure Review based on the attached commercial plan; and
- allocate budget for the proposal

This report seeks to report back on grant funding opportunities and amend the scope and scale of the proposed works.

Disclosure of Interest

Nil

Detailed report

Grant Funding Opportunities

To date, Council has applied for funds under two programs:

1. Australian Renewable Energy Agency (ARENA) – Community Batteries Funding Round 1
2. Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Community Energy Upgrades Fund

Both ARENA and DCCEEW's Community Energy Upgrades Fund (CEUF) Round 1 application were unsuccessful.

Fortunately, Council's application under the DCCEEW's CEUF Round 2 was successful. This funding offer requires a change to the amount of co-contribution required from Council before it can be accepted.

Council will continue to review opportunities to obtain additional funds, where available. It is noted that Round 2 of the ARENA Community Batteries Funding is now open.

Initial Proposal

Mid-Western Regional Council ('Council') have invested in a 5MW solar generator located adjacent to the Sewerage Treatment Plant at the Mudgee (Blain Road) Waste Treatment Precinct. The powerplant will be used to provide renewable electricity to all council sites via an Energy Retailer in a Power Pass Through model.

The solar generator has been designed to incorporate a large-scale 'Mother' battery so that it is possible to supply energy outside of solar hours and also to better adapt to energy market conditions. Wholesale energy costs vary greatly throughout the day and the central solar array battery is an important tool in de-risking market participation and optimising project performance.

Battery storage was also proposed to be distributed across 4 load sites to provide a similar role in managing pricing and demand fluctuations. That is, charging when energy is least cost and running site loads to avoid buying electricity when it is expensive – usually in Peak periods from 7 – 9am and 5 – 8pm.

Batteries installed at sites can also have other benefits including improving power quality, reducing peak demand charges, better site energy monitoring, associated load control, redundancy/resilience if capable of off-grid or back-up mode, and the capacity to earn retail rebates for demand control and network services.

Current Proposal

Under the successful CEUF Round 2 funding, an opportunity arises for Council to progress with the 4 load sites or small BESS solution. This would mean deferring the more expensive “mother” battery works and leveraging the distributed solution to manage pricing and demand fluctuations, as well as the other benefits provided by a distributed solution listed above.

Significant work has already been undertaken during grant application processes in early 2024, with a commercial plan provided to Council in April 2024.

Updated modelling and changes to the proposal have been made to remove the large ‘mother’ Battery Energy Storage System (BESS) at the existing 5MW Solar Farm at 33 Blain Road, Caerleon (Mudgee Waste Treatment Precinct) and review the outcome of the smaller BESS distributed network, with 50% grant funding. Modelling has been updated to provide a 15-year outlook to assess financial viability and asset life cycle.

The four smaller ‘child’ BESS locations are proposed at critical water infrastructure locations from WTPs to a pumping station. After site visits and feasibility analysis completed during the grant funding applications, these sites are still applicable and provide increasingly important disaster resilience for critical public services in the water and sewer department.

The modelling also highlights the opportunity that an integrated BESS provides in conjunction to council’s solar farm. As the uptake of both residential and commercial photovoltaic panels increase across the country, the previously forecasted feasibility of these sites faces curtailment issues of forced shutdowns as renewable energy uptake exceeds that of the grid demand during the day. This has led to an increasing demand for energy storage systems to ensure that excess power generated during these times of day are not lost and supports the energy grid to decarbonisation in line with International, National and State net-zero and renewable energy targets.

Community Plan implications

| Theme | Protecting Our Natural Environment |
|----------|---|
| Goal | Live in a clean and environmentally sustainable way |
| Strategy | Consider technologies in Council’s facilities, infrastructure and service delivery to reduce ecological footprint |

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993 section 23A
Local Government Capital Expenditure Guidelines

Financial implications

Capital Project Estimates

The estimates for the design and installation of four smaller BESS distributed across Councils facilities are set out in the below table. These estimates were compiled in early 2024, however advancing technology and demand for batteries has resulted in an improving (reducing) price for

batteries. The estimates are therefore still deemed to be materially accurate. Any adjustments once the market has been approached will be reported back to Council through a quarterly budget report.

Current budget allocation:

| RESOURCE | 2025 Budget | 2026 Budget |
|---------------------------------------|-------------|-------------|
| Transfer from Capital Program Reserve | | (854,000) |
| Grant Income | (3,645,000) | (1,305,000) |
| Contractors | 3,645,000 | 2,129,000 |
| Internal overheads | | 30,000 |

Proposed budget allocation:

| RESOURCE | 2025 Budget | 2026 Budget |
|---------------------------------------|-------------|-------------|
| Transfer from Capital Program Reserve | | (854,000) |
| Grant Income | (50,000) | (1,050,000) |
| Contractors | 65,000 | 2,085,000 |
| Employee costs | 15,000 | 15,000 |
| DA Fees | 20,000 | |
| Internal overheads | | 30,000 |
| Unrestricted Cash | (50,000) | (226,000) |

Operating Budget Estimates

Operating budget based on information provided by the battery manufacturer puts the total expense for operation and maintenance and software monitoring and integration platform at \$17,500 for Year 1. With future forecasted expense to Year 15 expected to be \$26,470 based on an inflation scenario of 3% p.a.

Revenue figures include 3 factors: savings from peak demand reduction; wholesale market arbitrage; Frequency Control Ancillary Services (FCAS) revenue. The combined value of this revenue is estimated at \$187,000 in Year 1. With future forecasted revenue reducing to \$140,000 by Year 5 allowing for 3% inflation and 5% degradation on battery performance p.a.

The first four years' operating is modelled in the table below:

| | | | CPI | 3.00% | |
|----------|----------------------------|-----------|---------------|-----------|-----------|
| | | | Discount rate | 7% | |
| | | | Degradation | 5% | |
| Costs | Council contribution | | | | |
| | O&M | -\$7,000 | -\$7,210 | -\$7,426 | -\$7,649 |
| | Platform | -\$10,500 | -\$10,815 | -\$11,139 | -\$11,474 |
| Revenues | Peak demand reduction | \$47,520 | 46,570 | \$45,638 | \$44,725 |
| | Wholesale market arbitrage | \$11,253 | \$11,028 | \$10,807 | \$10,591 |
| | FCAS | \$128,489 | \$125,919 | \$123,401 | \$120,933 |
| Cashflow | Net | \$169,762 | \$165,492 | \$161,281 | \$157,127 |

The initial council contribution of \$1.13 million is paid back within a period of 6 years. Cashflow impact to the operating result is positive ranging from \$170,000 in Year 1 to \$115,000 in Year 15.

The summarised 15 Year model is included as Attachment 1.

| Budget Year | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25 | ✗ | ✗ | — |
| Future Years | ✓ | ✓ | ✗ |

Associated Risks

A Risk Register and Risk Management Plan have been developed for this proposal. The highest risk items are:

1. The environmental risk of fire from external hazards and natural disasters, including severe storms, floods and bushfire, build-up of gases or battery malfunction. The controls for this include meeting Australian Standards for exposure, locating the batteries close to managed facilities, ensuring emergency plans are in place, implementation of monitoring programs and bushfire management protocols in the nearby vicinity.
2. Battery malfunction causing damage to network/public infrastructure. The controls for this include ensuring batteries are installed and commissioned as per supplier and DNSP requirements. Ensuring regular maintenance and compliance checks. Ensuring offsite monitoring of usage and generation occurs to pick up any minor issues before they compound/worsen.
3. The WHS risk of workers, contractors, and the community. Cybersecurity threats and vulnerabilities. Controls for this include adequate security and monitoring and protection of the devices.

Model accuracy. Given the expanding nature of the energy grid with increased demand and innovative generation technologies continue to drive down the price of energy generation and storage, forecasting future revenue out past the next 12-36 months is set to be incredibly challenging with policy changes and demand drivers expected to materially impact the price. This is overall mitigated though with councils solar farm, allowing in a best case scenario for the excess energy generated from the site to be used in the charging of the proposed batteries. Modelling Revenue forecasts used to derive the above figures and the attachments have also been provided by both a 3rd party and one of the Battery Manufacturers with little context provided to assist in verification of figures. With appropriate controls, all high rated risks are reduced to moderate or low risk.

JACOB ROHR
COMMERCIAL ACCOUNTANT
(SUSTAINABILITY)

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

21 November 2024

Attachments: 1. Financial Model Community Battery small BESS.
2. Detailed Capital Estimates. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Payback Period Council Investment - 6 Years

| | | | CPI | | 3.00% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | Discount rate | | 7% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Degradation | | 5% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | Total | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Council contribution | -\$ | 1,100,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Costs | OSM | -\$ | 7,000 | -\$ | 7,210 | -\$ | 7,426 | -\$ | 7,649 | -\$ | 7,879 | -\$ | 8,115 | -\$ | 8,358 | -\$ | 8,609 | -\$ | 8,867 | -\$ | 9,133 | -\$ | 9,407 | -\$ | 9,690 | -\$ | 9,980 | -\$ | 10,280 | -\$ | 10,588 | -\$ | 10,908 | -\$ | 11,230 | -\$ | 11,558 | -\$ | 11,892 | -\$ | 12,230 | -\$ | 12,572 | -\$ | 12,918 | -\$ | 13,268 | -\$ | 13,622 | -\$ | 13,979 | -\$ | 14,339 | -\$ | 14,702 | -\$ | 15,068 | -\$ | 15,436 | -\$ | 15,806 | -\$ | 16,179 | -\$ | 16,554 | -\$ | 16,931 | -\$ | 17,310 | -\$ | 17,691 | -\$ | 18,074 | -\$ | 18,459 | -\$ | 18,845 | -\$ | 19,233 | -\$ | 19,622 | -\$ | 20,013 | -\$ | 20,405 | -\$ | 20,800 | -\$ | 21,196 | -\$ | 21,594 | -\$ | 21,994 | -\$ | 22,395 | -\$ | 22,798 | -\$ | 23,203 | -\$ | 23,609 | -\$ | 24,017 | -\$ | 24,426 | -\$ | 24,837 | -\$ | 25,249 | -\$ | 25,662 | -\$ | 26,077 | -\$ | 26,493 | -\$ | 26,910 | -\$ | 27,328 | -\$ | 27,748 | -\$ | 28,169 | -\$ | 28,591 | -\$ | 29,014 | -\$ | 29,438 | -\$ | 29,863 | -\$ | 30,289 | -\$ | 30,716 | -\$ | 31,144 | -\$ | 31,573 | -\$ | 32,003 | -\$ | 32,434 | -\$ | 32,866 | -\$ | 33,299 | -\$ | 33,733 | -\$ | 34,168 | -\$ | 34,604 | -\$ | 35,041 | -\$ | 35,479 | -\$ | 35,918 | -\$ | 36,358 | -\$ | 36,799 | -\$ | 37,241 | -\$ | 37,684 | -\$ | 38,128 | -\$ | 38,573 | -\$ | 39,019 | -\$ | 39,466 | -\$ | 39,914 | -\$ | 40,363 | -\$ | 40,813 | -\$ | 41,264 | -\$ | 41,716 | -\$ | 42,169 | -\$ | 42,623 | -\$ | 43,078 | -\$ | 43,534 | -\$ | 43,991 | -\$ | 44,449 | -\$ | 44,908 | -\$ | 45,368 | -\$ | 45,829 | -\$ | 46,291 | -\$ | 46,754 | -\$ | 47,218 | -\$ | 47,683 | -\$ | 48,149 | -\$ | 48,616 | -\$ | 49,084 | -\$ | 49,553 | -\$ | 50,023 | -\$ | 50,494 | -\$ | 50,966 | -\$ | 51,439 | -\$ | 51,913 | -\$ | 52,388 | -\$ | 52,864 | -\$ | 53,341 | -\$ | 53,819 | -\$ | 54,298 | -\$ | 54,778 | -\$ | 55,259 | -\$ | 55,741 | -\$ | 56,224 | -\$ | 56,708 | -\$ | 57,193 | -\$ | 57,679 | -\$ | 58,166 | -\$ | 58,654 | -\$ | 59,143 | -\$ | 59,633 | -\$ | 60,124 | -\$ | 60,616 | -\$ | 61,109 | -\$ | 61,603 | -\$ | 62,098 | -\$ | 62,594 | -\$ | 63,091 | -\$ | 63,589 | -\$ | 64,088 | -\$ | 64,588 | -\$ | 65,089 | -\$ | 65,591 | -\$ | 66,094 | -\$ | 66,598 | -\$ | 67,103 | -\$ | 67,609 | -\$ | 68,116 | -\$ | 68,624 | -\$ | 69,133 | -\$ | 69,643 | -\$ | 70,154 | -\$ | 70,666 | -\$ | 71,179 | -\$ | 71,693 | -\$ | 72,208 | -\$ | 72,724 | -\$ | 73,241 | -\$ | 73,759 | -\$ | 74,278 | -\$ | 74,798 | -\$ | 75,319 | -\$ | 75,841 | -\$ | 76,364 | -\$ | 76,888 | -\$ | 77,413 | -\$ | 77,939 | -\$ | 78,466 | -\$ | 78,994 | -\$ | 79,523 | -\$ | 80,053 | -\$ | 80,584 | -\$ | 81,116 | -\$ | 81,649 | -\$ | 82,183 | -\$ | 82,718 | -\$ | 83,254 | -\$ | 83,791 | -\$ | 84,329 | -\$ | 84,868 | -\$ | 85,408 | -\$ | 85,949 | -\$ | 86,491 | -\$ | 87,034 | -\$ | 87,578 | -\$ | 88,123 | -\$ | 88,669 | -\$ | 89,216 | -\$ | 89,764 | -\$ | 90,313 | -\$ | 90,863 | -\$ | 91,414 | -\$ | 91,966 | -\$ | 92,518 | -\$ | 93,071 | -\$ | 93,625 | -\$ | 94,179 | -\$ | 94,735 | -\$ | 95,291 | -\$ | 95,848 | -\$ | 96,406 | -\$ | 96,965 | -\$ | 97,525 | -\$ | 98,086 | -\$ | 98,648 | -\$ | 99,211 | -\$ | 99,775 | -\$ | 100,340 | -\$ | 100,906 | -\$ | 101,473 | -\$ | 102,041 | -\$ | 102,610 | -\$ | 103,180 | -\$ | 103,751 | -\$ | 104,323 | -\$ | 104,896 | -\$ | 105,470 | -\$ | 106,045 | -\$ | 106,621 | -\$ | 107,198 | -\$ | 107,776 | -\$ | 108,355 | -\$ | 108,935 | -\$ | 109,516 | -\$ | 110,098 | -\$ | 110,681 | -\$ | 111,265 | -\$ | 111,850 | -\$ | 112,436 | -\$ | 113,023 | -\$ | 113,611 | -\$ | 114,200 | -\$ | 114,790 | -\$ | 115,381 | -\$ | 115,973 | -\$ | 116,566 | -\$ | 117,160 | -\$ | 117,755 | -\$ | 118,351 | -\$ | 118,948 | -\$ | 119,546 | -\$ | 120,145 | -\$ | 120,745 | -\$ | 121,346 | -\$ | 121,948 | -\$ | 122,551 | -\$ | 123,155 | -\$ | 123,760 | -\$ | 124,366 | -\$ | 124,973 | -\$ | 125,581 | -\$ | 126,190 | -\$ | 126,800 | -\$ | 127,411 | -\$ | 128,023 | -\$ | 128,636 | -\$ | 129,250 | -\$ | 129,865 | -\$ | 130,481 | -\$ | 131,098 | -\$ | 131,716 | -\$ | 132,335 | -\$ | 132,955 | -\$ | 133,576 | -\$ | 134,198 | -\$ | 134,821 | -\$ | 135,445 | -\$ | 136,070 | -\$ | 136,696 | -\$ | 137,323 | -\$ | 137,951 | -\$ | 138,580 | -\$ | 139,210 | -\$ | 139,841 | -\$ | 140,473 | -\$ | 141,106 | -\$ | 141,740 | -\$ | 142,375 | -\$ | 143,011 | -\$ | 143,648 | -\$ | 144,286 | -\$ | 144,925 | -\$ | 145,565 | -\$ | 146,206 | -\$ | 146,848 | -\$ | 147,491 | -\$ | 148,135 | -\$ | 148,780 | -\$ | 149,426 | -\$ | 150,073 | -\$ | 150,721 | -\$ | 151,370 | -\$ | 152,020 | -\$ | 152,671 | -\$ | 153,323 | -\$ | 153,976 | -\$ | 154,630 | -\$ | 155,285 | -\$ | 155,941 | -\$ | 156,598 | -\$ | 157,256 | -\$ | 157,915 | -\$ | 158,575 | -\$ | 159,236 | -\$ | 159,898 | -\$ | 160,561 | -\$ | 161,225 | -\$ | 161,890 | -\$ | 162,556 | -\$ | 163,223 | -\$ | 163,891 | -\$ | 164,560 | -\$ | 165,230 | -\$ | 165,901 | -\$ | 166,573 | -\$ | 167,246 | -\$ | 167,920 | -\$ | 168,595 | -\$ | 169,271 | -\$ | 169,948 | -\$ | 170,626 | -\$ | 171,305 | -\$ | 171,985 | -\$ | 172,666 | -\$ | 173,348 | -\$ | 174,031 | -\$ | 174,715 | -\$ | 175,400 | -\$ | 176,086 | -\$ | 176,773 | -\$ | 177,461 | -\$ | 178,150 | -\$ | 178,840 | -\$ | 179,531 | -\$ | 180,223 | -\$ | 180,916 | -\$ | 181,610 | -\$ | 182,305 | -\$ | 183,001 | -\$ | 183,698 | -\$ | 184,396 | -\$ | 185,095 | -\$ | 185,795 | -\$ | 186,496 | -\$ | 187,198 | -\$ | 187,901 | -\$ | 188,605 | -\$ | 189,310 | -\$ | 190,016 | -\$ | 190,723 | -\$ | 191,431 | -\$ | 192,140 | -\$ | 192,850 | -\$ | 193,561 | -\$ | 194,273 | -\$ | 194,986 | -\$ | 195,699 | -\$ | 196,414 | -\$ | 197,130 | -\$ | 197,847 | -\$ | 198,565 | -\$ | 199,284 | -\$ | 200,004 | -\$ | 200,725 | -\$ | 201,447 | -\$ | 202,170 | -\$ | 202,894 | -\$ | 203,619 | -\$ | 204,345 | -\$ | 205,072 | -\$ | 205,800 | -\$ | 206,529 | -\$ | 207,259 | -\$ | 207,990 | -\$ | 208,722 | -\$ | 209,455 | -\$ | 210,189 | -\$ | 210,924 | -\$ | 211,660 | -\$ | 212,397 | -\$ | 213,135 | -\$ | 213,874 | -\$ | 214,614 | -\$ | 215,355 | -\$ | 216,097 | -\$ | 216,840 | -\$ | 217,584 | -\$ | 218,329 | -\$ | 219,075 | -\$ | 219,822 | -\$ | 220,570 | -\$ | 221,319 | -\$ | 222,069 | -\$ | 222,820 | -\$ | 223,572 | -\$ | 224,325 | -\$ | 225,079 | -\$ | 225,834 | -\$ | 226,590 | -\$ | 227,347 | -\$ | 228,105 | -\$ | 228,864 | -\$ | 229,624 | -\$ | 230,385 | -\$ | 231,147 | -\$ | 231,910 | -\$ | 232,674 | -\$ | 233,439 | -\$ | 234,205 | -\$ | 234,972 | -\$ | 235,740 | -\$ | 236,509 | -\$ | 237,279 | -\$ | 238,050 | -\$ | 238,822 | -\$ | 239,595 | -\$ | 240,369 | -\$ | 241,144 | -\$ | 241,920 | -\$ | 242,697 | -\$ | 243,475 | -\$ | 244,254 | -\$ | 245,034 | -\$ | 245,815 | -\$ | 246,597 | -\$ | 247,380 | -\$ | 248,164 | -\$ | 248,949 | -\$ | 249,735 | -\$ | 250,522 | -\$ | 251,310 | -\$ | 252,099 | -\$ | 252,889 | -\$ | 253,680 | -\$ | 254,472 | -\$ | 255,265 | -\$ | 256,059 | -\$ | 256,854 | -\$ | 257,650 | -\$ | 258,447 | -\$ | 259,245 | -\$ | 260,044 | -\$ | 260,844 | -\$ | 261,645 | -\$ | 262,446 | -\$ | 263,248 | -\$ | 264,051 | -\$ | 264,855 | -\$ | 265,660 | -\$ | 266,466 | -\$ | 267,273 | -\$ | 268,081 | -\$ | 268,890 | -\$ | 269,699 | -\$ | 270,509 | -\$ | 271,320 | -\$ | 272,132 | -\$ | 272,945 | -\$ | 273,759 | -\$ | 274,574 | -\$ | 275,390 | -\$ | 276,207 | -\$ | 277,025 | -\$ | 277,844 | -\$ | 278,664 | -\$ | 279,485 | -\$ | 280,306 | -\$ | 281,128 | -\$ | 281,951 | -\$ | 282,775 | -\$ | 283,600 | -\$ | 284,426 | -\$ | 285,253 | -\$ | 286,081 | -\$ | 286,910 | -\$ | 287,740 | -\$ | 288,571 | -\$ | 289,403 | -\$ | 290,236 | -\$ | 291,070 | -\$ | 291,905 | -\$ | 292,741 | -\$ | 293,578 | -\$ | 294,416 | -\$ | 295,255 | -\$ | 296,095 | -\$ | 296,936 | -\$ | 297,778 | -\$ | 298,621 | -\$ | 299,465 | -\$ | 300,310 | -\$ | 301,156 | -\$ | 302,003 | -\$ | 302,851 | -\$ | 303,699 | -\$ | 304,549 | -\$ | 305,400 | -\$ | 306,252 | -\$ | 307,105 | -\$ | 307,959 | -\$ | 308,814 | -\$ | 309,670 | -\$ | 310,527 | -\$ | 311,385 | -\$ | 312,244 | -\$ | 313,104 | -\$ | 313,965 | -\$ | 314,827 | -\$ | 315,690 | -\$ | 316,554 | -\$ | 317,419 | -\$ | 318,285 | -\$ | 319,152 | -\$ | 320,020 | -\$ | 320,889 | -\$ | 321,759 | -\$ | 322,630 | -\$ | 323,502 | -\$ | 324,375 | -\$ | 325,249 | -\$ | 326,124 | -\$ | 327,000 | -\$ | 327,877 | -\$ | 328,755 | -\$ | 329,634 | -\$ | 330,514 | -\$ | 331,395 | -\$ | 332,277 | -\$ | 333,160 | -\$ | 334,044 | -\$ | 334,929 | -\$ | 335,815 | -\$ | 336,702 | -\$ | 337,590 | -\$ | 338,479 | -\$ | 339,369 | -\$ | 340,260 | -\$ | 341,152 | -\$ | 342,045 | -\$ | 342,939 | -\$ | 343,834 | -\$ | 344,730 | -\$ | 345,627 | -\$ | 346,525 | -\$ | 347,424 | -\$ | 348,324 | -\$ | 349,225 | -\$ | 350,127 | -\$ | 351,030 | -\$ | 351,934 | -\$ | 352,839 | -\$ | 353,745 | -\$ | 354,652 | -\$ | 355,560 | -\$ | 356,469 | -\$ | 357,379 | -\$ | 358,290 | -\$ | 359,202 | -\$ | 360,115 | -\$ | 361,029 | -\$ | 361,944 | -\$ | 362,860 | -\$ | 363,777 | -\$ | 364,695 | -\$ | 365,614 | -\$ | 366,534 | -\$ | 367,455 | -\$ | 368,377 | -\$ | 369,299 | -\$ | 370,222 | -\$ | 371,146 | -\$ | 372,071 | -\$ | 373,000 | -\$ | 373,929 | -\$ | 374,859 | -\$ | 375,790 | -\$ | 376,722 | -\$ | 377,655 | -\$ | 378,589 | -\$ | 379,524 | -\$ | 380,460 | -\$ | 381,397 | -\$ | 382,335 | -\$ | 383,274 | -\$ | 384,214 | -\$ | 385,155 | -\$ | 386,097 | -\$ | 387,040 | -\$ | 387,984 | -\$ | 388,929 | -\$ | 389,875 | -\$ | 390,822 | -\$ | 391,770 | -\$ | 392,719 | -\$ | 393,669 | -\$ | 394,620 | -\$ | 395,572 | -\$ | 396,525 | -\$ | 397,479 | -\$ | 398,434 | -\$ | 399,390 | -\$ | 400,347 | -\$ | 401,305 | -\$ | 402,264 | -\$ | 403,224 | -\$ | 404,185 | -\$ | 405,147 | -\$ | 406,110 | -\$ | 407,074 | -\$ | 408,039 | -\$ | 409,005 | -\$ | 410,000 | -\$ | 411,000 | -\$ | 412,000 | -\$ | 413,000 | -\$ | 414,000 | -\$ | 415,000 | -\$ | 416,000 | -\$ | 417,000 | -\$ | 418,000 | -\$ | 419,000 | -\$ | 420,000 | -\$ | 421,000 | -\$ | 422,000 | -\$ | 423,000 | -\$ | 424,000 | -\$ | 425,000 | -\$ | 426,000 | -\$ | 427,000 | -\$ | 428,000 | -\$ | 429,000 | -\$ | 430,000 | -\$ | 431,000 | -\$ | 432,000 | -\$ | 433,000 | -\$ | 434,000 | -\$ | 435,000 | -\$ | 436,000 | -\$ | 437,000 | -\$ | 438,000 | -\$ | 439,000 | -\$ | 440,000 | -\$ | 441,000 | -\$ | 442,000 | -\$ | 443,000 | -\$ | 444,000 | -\$ | 445,000 | -\$ | 446,000 | -\$ | 447,000 | -\$ | 448,000 | -\$ | 449,000 | -\$ | 450,000 | -\$ | 451,000 | -\$ | 452,000 | -\$ | 453,000 | -\$ | 454,000 | -\$ | 455,000 | -\$ | 456,000 | -\$ | 457,000 | -\$ | 458,000 | -\$ | 459,000 | -\$ | 460,000 | -\$ | 461,000 | -\$ | 462,000 | -\$ | 463,000 | -\$ | 464,000 | -\$ | 465,000 | -\$ | 466,000 | -\$ | 467,000 | -\$ | 468,000 | -\$ | 469,000 | -\$ | 470,000 | -\$ | 471,000 | -\$ | 472,000 | -\$ | 473,000 | -\$ | 474,000 | -\$ | 475,000 | -\$ | 476,000 | -\$ | 477,000 | -\$ | 478,000 | -\$ | 479,000 | -\$ | 480, |

Payback Period Full Capital Investment - 15 Years

| | Full value | | | | CPI | | 3.00% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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9.2 RFT 2024/102 - Wet and Dry Plant Hire Tender

REPORT BY THE PROCUREMENT OFFICER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, COR400804

RECOMMENDATION

That Council:

1. receive the report by the Procurement Officer on the RFT 2024/102 - Wet and Dry Plant Hire Tender;
2. accept the panel for the provision of Wet and Dry Plant Hire for 3 years, in accordance with Clause 178 1(a) of the Local Government (General) Regulation 2005;
3. delegate the authority to Manager, Procurement and Fleet to accept any additional suppliers seeking inclusion to the tender RFT 2024/102 – Wet and Dry Plant Hire during the term of the contract;
4. accept the following suppliers to provide services under RFT 2024/102 – Wet and Dry Plant Hire:
 - Adrian Ingram Plant Hire Pty Ltd;
 - B&J Grading Services Pty Ltd;
 - B&R Earthworks Pty Ltd;
 - Coates Hire Operations Pty Ltd;
 - Conplant Pty Ltd;
 - Cutting Edge Earthmoving and Excavation Pty Ltd;
 - Dependable Trade Solutions Pty Ltd;
 - GJL Excavation Pty Ltd;
 - Hammond Steve Guy t/as Little Red Digger;
 - J&A Rural Contracting Pty Ltd;
 - J A Bennett and O J Bennett t/as Bennetts Towing;
 - J M Andrews and R R Andrews t/as R&J Engineering Bobcat and Tipper Hire;
 - J R & E G Richards (NSW) Pty Ltd;
 - Evans John H & Carol t/as JH & C Evans Contracting;
 - Kennards Hire Pty Ltd;
 - Kurtz, Troy;
 - Lilley Earthmoving Pty Ltd;
 - M Comer and P J Comer;
 - M&K Cresham Pty Ltd;

- **Mark Peters Pty Ltd t/as Peters Plumbing and Civil;**
- **Max Walker Earthmoving Pty Ltd;**
- **McWhelan Pty Ltd t/as Vacsafe;**
- **Miskle Transport Pty Ltd;**
- **Murkins Earthmoving Pty Ltd;**
- **The trustee for PJJ Constructions Complete Mine Services and Solutions;**
- **Redmack Hire Group Pty Ltd;**
- **Smith, Corey Ronald t/as Corey's Clean-up and Removals Pty Ltd;**
- **Sutton Brothers Contracting Pty Ltd;**
- **The trustee for B&E Orr Family Trust t/as Orr Contracting and Maintenance;**
- **Turner, Andrew James t/as Andrew Turner Excavations;**
- **Walker Civil Pty Ltd; and**
- **WTC Group Australia Pty Ltd.**

5. accept the following suppliers as part of the panel for RFT 2024/102 – Wet and Dry Plant Hire, only upon receipt of their compliance information that was noted in their original submission:

- **Colley, Ian Harvey t/as ICE Earthmoving;**
- **Hudson Built Pty Ltd;**
- **Mid-West Equipment Pty Ltd; and**
- **Ulan Water Pty Ltd.**

6. allow the Procurement Officer or nominated representative to inform the suppliers of the outcome of their submissions to the Wet and Dry Plant Hire tender.

Executive summary

A request for tender for the provision of Wet and Dry Plant Hire was requested for the establishment of a preferred order panel of suitable suppliers to provide plant hire services to Council for the next 3 years.

This panel arrangement will commence on 1 April 2025 and will cease on Thursday, 30 March 2028. There is no extension periods nominated for this Contract.

Disclosure of Interest

Nil

Detailed report

Purpose

Tenders were requested for the establishment of a preferred order panel of suitable suppliers for the purpose of Wet and Dry Plant Hire.

Advertised

- Open to Market 27 November 2024
- Closed 20 December 2024
- Total Days 24 days

The above tender was advertised on:

- Council's Website (27 November 2024)
- Council's e-tendering portal eProcure (27 November 2024)

Tenders Received

There were 36 submissions received for this tender.

Three (3) submissions were non-conforming, and thirty-three (33) tenders were conforming.

Late Tenders

There were no late tenders.

Process and methodology of evaluation

The process of evaluation, the methodology used, and the Tender Evaluation Committee (TEC) members are in accordance with the information provided in the Procurement Plan (internal document), the Evaluation Plan (internal document) and where applicable the RFT Invitation which is the public facing document.

All tender responses were assessed to ensure that the mandatory compliance requirements had been met. Clarifications were sought to enable respondents meet both the compliance requirements (as per the RFT Invitation) and any other relevant information necessary to ensure there was no confusion in relation to their submission. Upon evaluation, Tenderers were placed in a preferred order, based on 100% price, with the Local Preference percentage taken into consideration, from lowest to highest and then ranked in this order.

Further clarification was sought from the suppliers in relation to the size of the plant within the specified categories. It was noted during the tender process by suppliers that the range within some of the categories were too large for accurate pricing and does not provide the most accurate information about the plant that is being hired. To ensure that Council had the most accurate information about the supplier's plant, suppliers were asked to provide the actual size of the plant from their submissions. This did not provide the suppliers an opportunity to adjust their original pricing but rather a classification of the nominated size of plant.

This information did not change the preferred order of the categories but rather provided clearer information for Council staff to be able to provide the best product for Council staff to use.

Departures

There were 2 requests for departures from the agreement:

1. Coates Hire Operations Pty Ltd request an amendment to the follow item:

- 12. Indemnities and Limit of Liability
- 12.1 Risk in Plant

- (b) The Principal will not be liable for any loss of, or damage to, and Plant, however, arising.

Amendment

"The Principal will be liable for any loss of, or damage to any plant to the extent that the loss or damage results from any negligent act or omission of the Principal. Except to the extent that the loss or damage results from any negligent act or omission of Mid-Western Regional Council."

The TEC accepted this amendment.

2. J R Richards (NSW) Pty Ltd requested the removal of Item 5.2 and 5.3 of Addendum 3.

- **5.2 Delay Due to Breakdown** If the breakdown of the Contractor's Equipment results in a delay in the progress of the works beyond the agreed project schedule, the Contractor shall be responsible for any additional costs incurred by the Principal due to such delay. This may include, but is not limited to, extended project management costs, additional labour costs, or any other expenses directly resulting from the delay caused by the breakdown.
- **5.3 Compensation for Delays** The Principal shall be entitled to claim compensation for any delays caused by the breakdown of the Contractor's Equipment, calculated at a rate of the Responsible Contractors hourly rate for each day/week of delay beyond the agreed completion date, until such time as the Contractor's Equipment is repaired or replaced and the project can proceed. This compensation will be deducted from any amounts owed to the Contractors under this contract

The TEC accepted to remove Item 5.2 but not the removal of 5.3.

Tender Evaluation Panel Members

| Panel Member | Name | Position Title |
|----------------|------------------|-------------------------------------|
| Chairperson | Michelle Neilsen | Procurement Officer |
| Panel Member 1 | Phillip Moog | Works Engineer Coordinator |
| Panel Member 2 | Rod Morton | Water and Sewer Process Coordinator |
| Panel Member 3 | Liam Forster | Parks and Gardens Coordinator |

Probity

The tender has been conducted in accordance with Clause 166 (a) of the Local Government (General) Regulation 2005. Conflict of Interest Declarations were signed by all participating TEC members both on advertising of the tender and prior to evaluation. The declarations are available to be viewed if required.

All tenderer mandatory compliance information were checked against tender requirements (in the RFT Invitation) and any non-compliant or potential non-conformities were noted in the Evaluation Matrix notes for the consideration of the TEC.

The evaluation was conducted in accordance with relevant Acts, Regulations and Guidelines. Confidentiality and probity were managed in accordance with Council's Procurement Framework and associated policies and procedures.

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

Delivery Program and Operational Plan

Council Policies

Sustainable Procurement and Contract Management Policy

Legislation

Local Government Act 1993

Financial implications

It is recognised that Council frequently hires equipment from supplier to carry out the works in accordance with the Operational plan. All costs associated with set up and use of the pnael are already included in approved operating budget allocations.

Associated Risks

By entering a contract for wet and dry plant hire, Council reduces the risk of breaching the Local Government Act 1993, and its own procurement and contract management policies and procedures and risk management policies and procedures when engaging these services. This panel also ensures that Council is procuring these items in a manner that reflects best 'value for money' for the community.

MICHELLE NEILSEN
PROCUREMENT OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

23 January 2025

Attachments: 1. Evaluation - Wet and Dry Plant Hire. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Policy Review - Electronic Telecommunications - Acceptable Use Policy

REPORT BY THE MANAGER, INFORMATION TECHNOLOGY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, INT800022, GOV400113

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Information Technology on the Policy Review - Electronic Telecommunications - Acceptable Use Policy;**
2. **place the Draft Electronic Telecommunications – Acceptable Use policy on public exhibition for 28 days; and**
3. **adopt the Electronic Telecommunications – Acceptable Use policy if no submissions are received.**

Executive summary

This Policy sets out the standards of acceptable use and behaviour expected of Users operating Mid-Western Regional Council's ("Council") electronic telecommunications facilities and equipment.

Disclosure of Interest

Nil

Detailed report

This policy applies to Mid-Western Regional Council employees, Councillors, contractors, consultants, members of the public, and other users (jointly referred to as "Users"). It also applies to the use of information, electronic and computing devices, and network resources to conduct Council business or interact with internal networks and business systems, whether owned or leased by Mid-Western Regional Council, the employee, or a third party.

The usage stated above is applicable when a User is at any workplace of the Council or other place where work for the Council is carried out, whether the User is performing work at the time or not.

The Policy also sets out the type of monitoring that will be carried out in Council's workplace relating to the use of Council's Computer Network by all Users.

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

IT Strategic Plan 2024/28

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Without an acceptable use policy for electronic telecommunications, significant risks are introduced to the technology and systems that are used by Council to provide services to the community.

IAN BLAKE
MANAGER, INFORMATION TECHNOLOGY

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

28 November 2024

Attachments: 1. Draft Electronic Telecommunications - Acceptable Use Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



DRAFT POLICY Electronic Telecommunications – Acceptable Use

*A prosperous
and progressive
community*

| | | | |
|---------------------|-------|-------------|-----------|
| COUNCIL MEETING MIN | Draft | VERSION NO | 1.0 |
| DATE: | | REVIEW DATE | |
| | | FILE NUMBER | INT800022 |

Objective

This Policy sets out the standards of acceptable use and behaviour expected of Users operating Mid-Western Regional Council's ("Council") electronic telecommunications facilities and equipment.

Scope

This policy applies to Mid-Western Regional Council employees, Councillors, contractors, consultants, members of the public, and other users (jointly referred to as "Users"). It also applies to the use of information, electronic and computing devices, and network resources to conduct Council business or interact with internal networks and business systems, whether owned or leased by Mid-Western Regional Council, the employee, or a third party.

The usage stated above is applicable when a User is at any workplace of the Council or other place where work for the Council is carried out, whether the User is performing work at the time or not.

The policy also sets out the type of monitoring that will be carried out in Council's workplace relating to the use of Council's Computer Network by all Users.

Related policies and plans

- Code of Conduct
- Electronic Telecommunications Acceptable Use – Acknowledgement Form
- Workplace Bullying Policy
- Anti-Discrimination Policy and EEO Policy
- Social Media Policy
- State Records Act 1998 and Regulation 2010
- Workplace Environment Statement – Core Values
- Workplace Surveillance Act 2005
- Records Management Policy
- IT Strategic Plan 2024/28

DRAFT POLICY: ELECTRONIC TELECOMMUNICATIONS – ACCEPTABLE USE - 26/11/24

Definitions and Terms

‘Computer Network’ or ‘Electronic Telecommunications Systems’ – includes all Council’s internet, email, hand held device and computer facilities which are used by Users, inside and outside working hours, in the workplace of Council (or related corporation of Council) or at any other place while performing work for Council (or related corporation of Council). It includes, but is not limited to, desktop computers, laptop computers, mobile phones including smart phones, tablet devices, PDA’s, other means of accessing Council’s email, internet and computer facilities, (including, but not limited to, a personal home computer which has access to Council’s IT systems).

‘Computer Surveillance’ – Surveillance by means of software or other equipment that monitors or records information input or output, or other use, of Councils Computer Network (including, but not limited to, the sending and receipt of emails, text messages and the accessing of websites).

‘Intellectual Property’ – all forms of throughout the world, including copyright, patent, design, trademark, trade names and all Confidential Information and know-how and trade secrets.

‘Mobile Device Management (MDM)’ – Software that is installed on all Council issued electronic devices. MDMs are the administrative area dealing with deploying, securing, monitoring, integrating, and managing mobile devices, such as smartphones, tablets and laptops, in the workplace. The intent of MDM is to optimise the functionality and security of mobile devices within the enterprise, while simultaneously protecting the corporate network.

Policy

1. Personal use

- 1.1. Employees will ensure that the use of Council’s Computer network is related to the conduct of Council operations
- 1.2. Personal use of Council’s Computer Network should be kept to a minimum (e.g., not operating a personal/private business)
- 1.3. Council provided accounts are not to be used to sign up for personal services or subscriptions (e.g., streaming services and social media)
- 1.4. Personal use should not impact on any work-related priorities or violate this policy or any other Council policy or procedure.
- 1.5. While Council respects the right of Users to privacy, Council gives no warranty or assurance about the confidentiality or privacy of any personal information disclosed or saved by any User while using Council’s electronic telecommunications facilities or equipment for the User’s personal purposes.
- 1.6. Users should be aware that copies of personal files may be made during Council’s usual network backup processes.
- 1.7. User’s personal files may be reviewed during Council’s usual network administration processes

DRAFT POLICY: ELECTRONIC TELECOMMUNICATIONS – ACCEPTABLE USE - 26/11/24

- 1.8. Random samples of files are taken to ensure that breaches of this procedure or any law are not occurring.
- 1.9. Council is not responsible for the loss of any personal data that is stored on the Council's computer network.
- 1.10. Employees provided with a Council mobile phone also have the benefit of using the mobile phone for their personal use. Employees must use the services provided responsibly; repetitive excess usage can be investigated.
- 1.11. Council will not under any circumstances permit the use of Council equipment for prohibited purposes and will take immediate action against any User found to be engaging in any prohibited activities.

2. Software

- 2.1. Users must not modify or disable Council information assets and digital services, and system settings provided for malware protection, software updates, or scans unless the activity is authorised by a relevant IT staff member.
- 2.2. Users must not make deliberate attempts to disrupt computer system performance, nor harm or destroy hardware or data in any form on Council's Computer Network.
- 2.3. Users must only use computer software or versions of software that have been authorised and tested for use on Council's Computer Network.
- 2.4. Users must never knowingly import or download unlicensed or unauthorised software on Council's Computer Network.
- 2.5. Users must not gain unauthorised access (hacking) into any other computer either internal or external to Council or attempt to deprive other Users of access to or use of Council's Computer Network.

3. Access Controls

- 3.1. Users must be authorised to access Council's network.
- 3.2. Users must only access, use or share Council information to the extent that it is authorised to fulfill the assigned job duties.
- 3.3. Users must keep passwords confidential, and change them when prompted, or as required.
- 3.4. Users must only use their own username/login and/or password when accessing the computer network. Account passwords that are assigned to a single user must not be revealed to others.
- 3.5. Users must not log into Council's Computer Network on behalf of any other user.
- 3.6. Users in possession of Council issued electronic devices must always handle the device in a responsible manner and ensure that the device is kept safe and secure.
- 3.7. Users have a responsibility to promptly report the theft, loss or unauthorised access of Council devices or data to their manager or supervisor.
- 3.8. Users are required to lock or shut down their device when it is not in use or unattended.
- 3.9. All Council owned mobile communication devices (tablets, phones) are required to have Mobile Device Management software to ensure complete device security and be secured with a 6-digit pin at a minimum.

DRAFT POLICY: ELECTRONIC TELECOMMUNICATIONS – ACCEPTABLE USE - 26/11/24

4. Emails and Communications

- 4.1. If a User receives any communication of which the content is in breach of this policy, regardless of whether it includes text, images, materials or software, the Information Technology (IT) team should be contacted immediately. The User must not forward the email or text message to any other person unless expressly asked to do so by the IT Manager or delegated officer.
- 4.2. Users must promptly exit an inappropriate website should a user inadvertently access such a site.
- 4.3. Users must not intentionally send (or cause to be sent), upload, download, use, retrieve, or access any email or text message or material using Council's computer network that:
 - Is obscene, offensive, or inappropriate. This includes text, images, sound or any other material sent either in an email or in an attachment to an email, or through a link to a site (URL) or in a text message or as an attachment to a text message. For example, material of a sexual nature, indecent or pornographic material.
 - Causes (or could cause) insult, offence, intimidation, or humiliation.
 - May be defamatory or could adversely impact the image or reputation of Council. A defamatory message or material is such that it is insulting or lowers the reputation of a person or group of people.
 - is illegal or unlawful.
 - affects the performance of, or causes damage to Council's systems in any way, including computer and network systems; or
 - Gives the impression of or represents, gives opinions, or makes statements on behalf of Council without the express authority of Council.
 - Send or cause to be sent chain or SPAM emails or text messages in any format.
 - Introduce malicious programs into the network or server (viruses, trojans, etc.)
- 4.4. Users are prohibited from using third-party email systems and cloud storage servers to conduct Council business, to create or memorialise any binding transactions, or to store or retain email on behalf of Council. Approval to utilise these solutions is from the Manager, IT, or delegated officer.
- 4.5. Users must not use Council's electronic telecommunications facilities and/or equipment for personal gain or commercial activities not directly related to Council.
- 4.6. Users are prohibited from automatically forwarding Council emails to a third-party email system (as above). Individual messages which are forwarded by the user must not contain Council confidential or above information.
- 4.7. Cyber-bullying will not be tolerated and will be treated in the same manner and in accordance with Council policies.

DRAFT POLICY: ELECTRONIC TELECOMMUNICATIONS – ACCEPTABLE USE - 26/11/24

5. Education and Training

- 5.1. Users must undertake appropriate cyber security awareness education and training as per the Council's training program.

6. Content

- 6.1. Users must not use Council's computer network to:

- Violate copyright or other intellectual property rights. Computer software that is protected by copyright is not to be copied from, or into, or by using Council's computing facilities, except as permitted by law or by contract with the owner of the copyright.
- To create any legal or contractual obligations on behalf of Council unless expressly authorised by Council.
- Disclose any confidential information of Council or any customer, rate payer, client or supplier of the Council unless expressly authorised by Council.

7. High Risk Roles

- 7.1. High Risk Roles possess privileged access to Councils critical platforms. To safeguard identified High Risk Roles and their attributed privileges, additional requirements are required by staff in these roles.
- 7.2. High-Risk Role users will receive additional training specific to their elevated privileges and responsibilities, which will be completed by all staff in these roles annually.
- 7.3. High Risk roles are defined as:
 - Executive staff
 - Assistants to Executive staff
 - Systems Administrators
 - Users with access to privileged systems
 - User with privileged access to systems.

8. Surveillance and Monitoring

- 8.1. Users should be aware that although access controls and security features of Council's electronic telecommunications facilities and equipment give the User the illusion of privacy, their browsing activities, email, text message and file content can still be scrutinised. Access controls are put in place to prevent unauthorised access not to guarantee privacy.
- 8.2. The ICT team are authorised to access an area, files, and electronic communications on the network, even those that are password protected. This authority extends to local resources including hard drives and removable media.
- 8.3. All files, data and electronic communications that are stored on the network are routinely subject to backup. Backups of data are retained in accordance with legislative requirements. Backups may be accessed at any time for the purposes of file retrieval and for monitoring use of Council's electronic telecommunication devices and systems.

DRAFT POLICY: ELECTRONIC TELECOMMUNICATIONS – ACCEPTABLE USE - 26/11/24

- 8.4. Council by default blocks access to certain sites and content. Users who require access to blocked websites should contact the ICT team in the first instance and may require the approval of their manager.
- 8.5. Files or data that are inappropriate or non-work related may be deleted without notice.
- 8.6. Filtering devices to detect and block inappropriate electronic communications or which deny access to websites or other content which is inappropriate may be deployed and monitored.
- 8.7. Unauthorised use that breaches this policy may lead to measures as outlined throughout this policy.
- 8.8. Council reserves the right to prevent or cause to be prevented the delivery of an email or text message sent to or from a User, or access to an internet website by a User, if the content or the email or text message or the internet website falls under the Prohibited Conduct listed above.
- 8.9. Council reserves the right to scrutinise and determine the suitability of any information distributed through electronic telecommunications devices using any Council resources.
- 8.10. On a continuous and ongoing basis during the life of this policy, Council may carry out electronic monitoring and surveillance of any User at such times of Council's choosing and without further notice to any User.

9. Record Keeping

- 9.1. All Users are responsible for ensuring their electronic communications (inwards, outwards, and internally) and all other electronic records are recorded on the relevant Council file in line with document management procedures. This includes emails, text messages, photographic messages, and voice messages.

10. Non-Compliance

- 10.1. Any use of Council's electronic telecommunications facilities and equipment thought to be inconsistent with this procedure may be monitored and investigated. As part of the investigation process, the Users' rights to access any or all the facilities and equipment may be revoked.
- 10.2. If inappropriate or prohibited use occurs, disciplinary action may be taken including issuing a warning, suspension, demotion, or termination of employment; or, for Users other than employees, the termination or non-renewal of contractual arrangements.
- 10.3. Users other than employees will be managed on a case-by-case basis. In addition, Council may refer the matter to appropriate authorities for prosecution under the relevant criminal codes.

11. Responsibilities and Obligations

- 11.1. All individuals who access Council's electronic telecommunications facilities or equipment are personally responsible for:
 - Ensuring they understand and comply with this policy,
 - Completing any required training to maintain competency, and
 - Signing the Electronic Telecommunications – Acceptable Use Acknowledgement Form before utilising Council systems or equipment for communication.

DRAFT POLICY: ELECTRONIC TELECOMMUNICATIONS – ACCEPTABLE USE - 26/11/24

- 11.2. Supervisors and Managers are responsible for making users aware of this policy and facilitating training where appropriate. However, users remain responsible for ensuring they understand and adhere to the policy.

9.4 Classification of Land - Lot 31 DP 1074415 - Bonny View Sewer Pump Station

REPORT BY THE PROPERTY OFFICER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, P1373711

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land - Lot 31 DP 1074415 - Bonny View Sewer Pump Station; and
2. classify Lot 31 DP 1074415, being 41A Robert Hoddle Grove, Bombira as *Operational Land* in accordance with Section 31 of the Local Government Act 1993.

Executive summary

This report seeks to formalise the classification of Lot 31 DP 1074415 at 41A Robert Hoddle Grove, Bombira as *Operational Land*.

Disclosure of Interest

Nil

Detailed report

As part of the land classification process, Council resolved on 14th August 2024 to advertise its intent to classify Lot 31 DP1074415 at 41A Robert Hoddle Grove, Bombira as *Operational* in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993, upon completion of the sale.

Completion of the sale occurred on 7 January 2025.

Council's intent to classify the land as *Operational* was subsequently advertised in the local newspaper on 11 January 2025. Written submissions were called for, with the closing date for submissions being 10 February 2025. No submissions were received.

This report now seeks to finalise the classification of land as *Operational*.

Community Plan implications

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

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|------|---|
| 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

Chapter 6, Part 2, Division 1 of the Local Government Act 1993, states that all public land must be classified as either Community or Operational Land.

Financial implications

Not Applicable

Associated Risks

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

HANNAH FULWOOD-SMITH
PROPERTY OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

26 February 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.5 Policy Review - Asbestos Management Policy

REPORT BY THE PEOPLE & PERFORMANCE MANAGER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113,

RECOMMENDATION

That Council:

1. **receive the report by the People & Performance Manager on the Policy Review - Asbestos Management Policy ;**
2. **place the revised Policy - Asbestos Management Policy on public exhibition for 28 days; and**
3. **adopt the revised Policy - Asbestos Management Policy if no submissions are received.**

Executive summary

The existing Policy, Asbestos Management Policy (the Policy) has been reviewed and proposed amendments are suggested as part of Council's ongoing policy review program.

Disclosure of Interest

Nil

Detailed report

A review has been undertaken on WHS111 Asbestos Management Policy. Council continues to utilise the Model Asbestos Policy for NSW Councils as a basis for its asbestos management policy as it provides guidance for workers and the community on the safe management of asbestos waste.

The model policy has not been updated since 2015.

The following notable changes were made to the policy:

- Legislation currency dates updated.
- Removal of some specific waste-related legislative wording, and instead referring the reader to the specific section within the relevant legislation.
- Removal of specific regulatory fine values.
- Inclusion of additional information relating to naturally occurring asbestos (NOA), including specifics of locations of known NOA within the Mid-Western region and a map highlighting low and medium level areas.
- Change to wording to section 10.6 to specify that on-site burial of non-friable asbestos is not permitted.
- Change wording to section 10.6 to refer landowner to contact Council for advice on remediation should natural ground covering be contaminated with friable asbestos, for example, following a building fire.

- Amendment to some waste specific asbestos waste disposal information in line with current operational practices and the Asbestos Waste Management Plan for Mudgee Waste Facility.

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

Council has also adopted the Asbestos Management Plan as recommended by the National Occupational Health and Safety Commission, now known as the Australian Safety and Compensation Council, "Code of Practice for the Management and Control of Asbestos in the Workplaces - NOHSC 2005" to manage asbestos containing materials of the Council area. In addition to conducting workplace procedures as per Safe Work Australia Code of Practice (COP): How to Manage and Control Asbestos in the Workplace – 2016

Financial implications

Not Applicable

Associated Risks

Not having in place an effective Policy closely aligning with the provisions of the Code of Practice poses a risk to Council in that failing to maintain an up-to-date Asbestos Management Policy poses significant risks, including potential health hazards from asbestos exposure, legal non-compliance resulting in fines or criminal charges, and financial impacts from remediation costs and compensation claims. It can also damage the organisation's reputation, disrupt operations during unexpected asbestos discoveries, and leave teams unprepared for emergencies. Keeping the policy current is essential to ensure legal compliance, protect health and safety, and mitigate financial and operational risks.

SHARNA ROSS
PEOPLE & PERFORMANCE MANAGER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

4 March 2025

Attachments: 1. WHS111 Asbestos Management Policy - Final. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.6 Monthly Statement of Investments as at 28 February 2025

REPORT BY THE FINANCIAL PLANNING COORDINATOR AND CHIEF FINANCIAL OFFICER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, FIN300053, GOV400113

RECOMMENDATION

That Council:

- 1. receive the report by the Financial Planning Coordinator and Chief Financial Officer on the Monthly Statement of Investments as at 28 February 2025; 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 28 February 2025.

It is noted that at the time of publishing the 28 February report the TCorp managed fund balances were not finalised. These balances may be subject to change.

It is noted that the January 2025 report presented at the 16 February Council meeting was a draft report as the TCorp managed fund balance was not finalised at the time of publishing the report. The balance has since been finalised. At the time the report was published, draft balances for the TCorp managed funds were \$ 12,204,359. The finalised balances for the TCorp balances at 31 January are now \$12,224,083.

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

NEIL BUNGATE
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

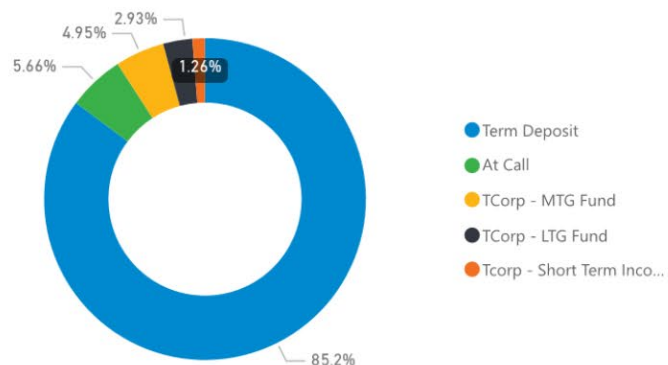
4 March 2025

Attachments: 1. Monthly Investment Report - February 2025.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

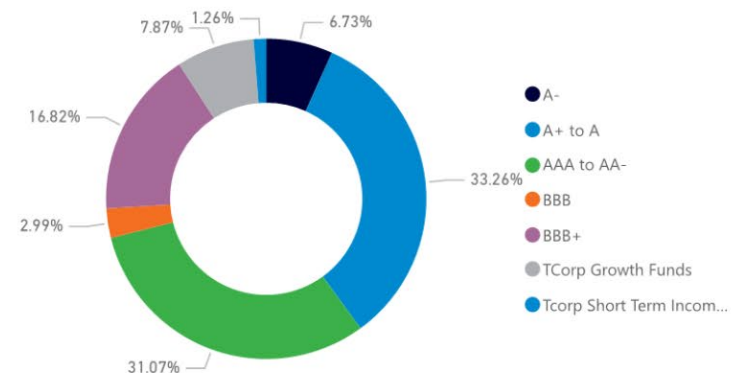


Mid-Western Regional Council Cash and Investments as at 28 February 2025

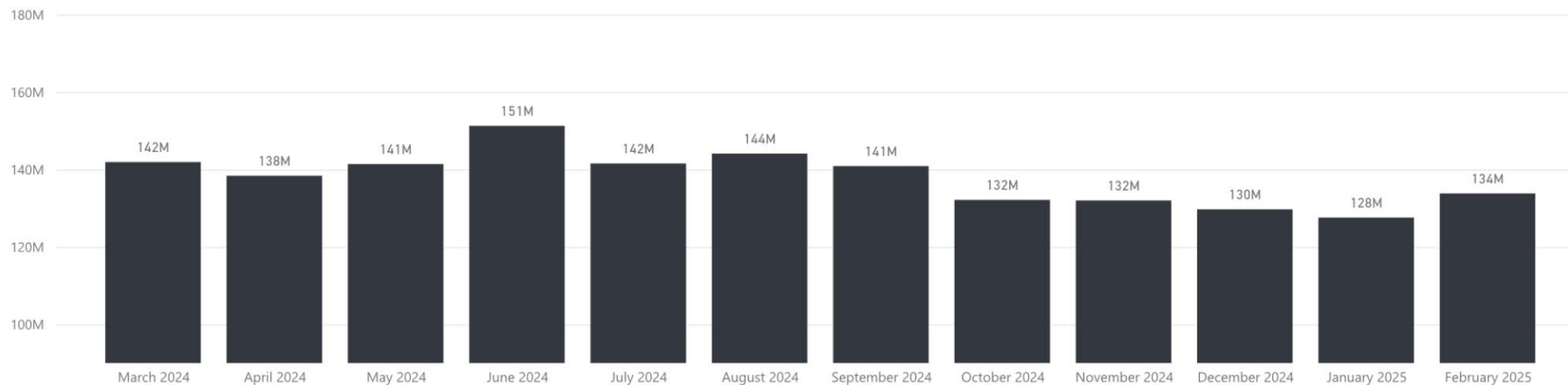
Total Investment Portfolio (\$)

133.80M

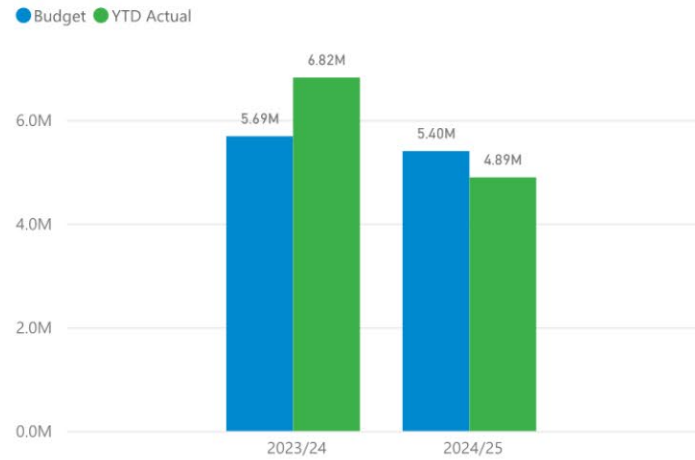
Investments by Long Term Rating



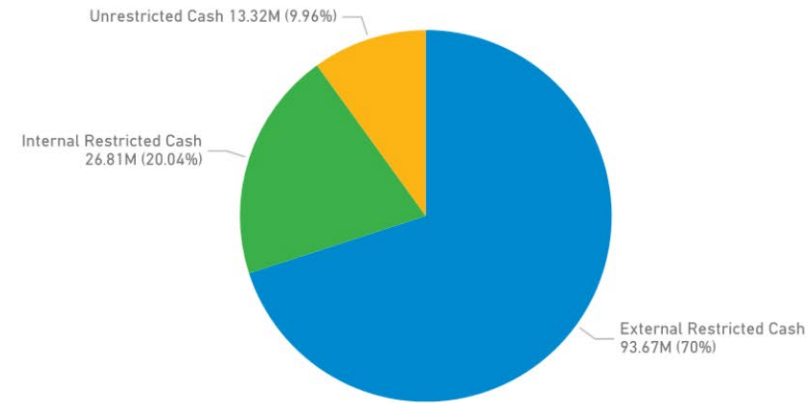
Portfolio Balance at End of Month (\$)



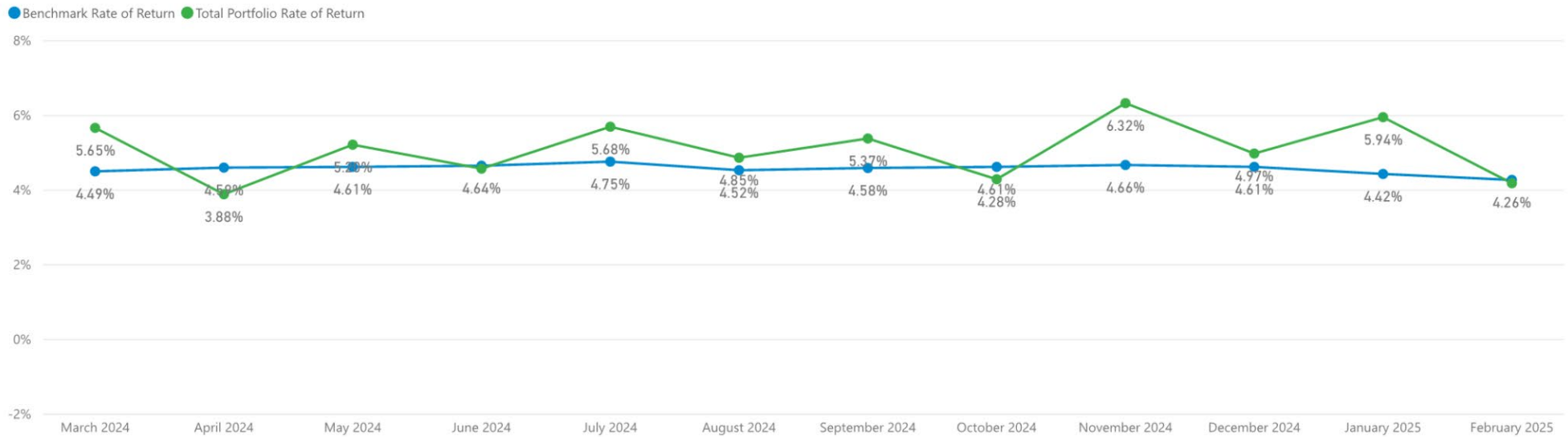
Income from Investments (\$)



Balance by Cash Category



Investment Performance



Investment Portfolio Summary

| Term to Maturity | Amount | Actual | Cumulative Actual | Cumulative Minimum | Policy Compliance |
|-----------------------------|-----------------------|--------|-------------------|--------------------|-------------------|
| Less than 3 months | \$ 52,800,030 | 39% | 39% | 20% | OK |
| Between 3 months and 1 year | \$ 60,000,000 | 45% | 84% | 40% | OK |
| Between 1 year and 2 years | \$ 13,500,000 | 10% | 94% | 50% | OK |
| Between 2 years and 4 years | \$ 7,500,000 | 6% | 100% | 85% | OK |
| More than 5 years | \$ - | 0% | 100% | 0% | OK |
| Total | \$ 133,800,030 | | | | |

| Long Term Rating | Institution | Policy Limit | Policy Compliance (Institution) | % of Portfolio | Amount |
|--------------------|---------------------------------|--------------|---------------------------------|----------------|-----------------------|
| AA- | NAB | 40% | OK | 17% | \$ 23,075,929 |
| | Westpac | 40% | OK | 14% | \$ 18,500,000 |
| A | ING | 20% | OK | 16% | \$ 21,000,000 |
| | Rabo Bank | 20% | OK | 18% | \$ 23,500,000 |
| BBB+ | Australian Unity | 10% | OK | 3% | \$ 3,500,000 |
| | Bank Vic | 10% | OK | 9% | \$ 11,500,000 |
| | G&C Mutual | 10% | OK | 4% | \$ 5,500,000 |
| | MyState Bank | 10% | OK | 1% | \$ 2,000,000 |
| BBB | AMP | 5% | OK | 3% | \$ 4,000,000 |
| TCorp Growth Funds | TCorp - Long Term Growth Fund | 15% | OK | 3% | \$ 3,916,043 |
| | TCorp - Medium Term Growth Fund | 15% | OK | 5% | \$ 6,619,618 |
| | Tcorp - Short Term Income Fund | 15% | OK | 1% | \$ 1,688,440 |
| | Bank Of Queensland | 20% | OK | 7% | \$ 9,000,000 |
| Grand Total | | | | 100% | \$ 133,800,030 |

| Long Term Rating Group | Credit Policy Limit | Policy Compliance (SP Group) | % of Portfolio | Amount |
|------------------------------|---------------------|------------------------------|----------------|-----------------------|
| AAA to AA- | 100% | OK | 31% | \$ 41,575,929 |
| BBB+ | 20% | OK | 17% | \$ 22,500,000 |
| BBB | 5% | OK | 3% | \$ 4,000,000 |
| TCorp Growth Funds | 15% | OK | 8% | \$ 10,535,661 |
| Tcorp Short Term Income Fund | 15% | OK | 1% | \$ 1,688,440 |
| A+ to A | 50% | OK | 33% | \$ 44,500,000 |
| A- | 40% | OK | 7% | \$ 9,000,000 |
| Grand Total | | | 100% | \$ 133,800,030 |

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) | 5,891,841 | 1,684,088 | 7,575,929 |
| TCorp - Cash Fund | - | - | - |
| TCorp - Long Term Growth Fund | 3,928,965 | 12,922 | 3,916,043 |
| TCorp - Medium Term Growth Fund | 6,594,174 | 25,445 | 6,619,618 |
| TCorp - Short Term Income Fund | 1,681,220 | 7,220 | 1,688,440 |
| Total | 18,096,200 | 1,703,830 | 19,800,030 |

The below table shows matured term deposits

| Institution | Yield | Maturity Date | Principal Amount | Total Interest Amount |
|---------------------|-------|---------------|------------------|-----------------------|
| Westpac | 5.19% | 26/02/2025 | 2,000,000 | 107,497 |
| Defence Bank | 5.25% | 19/02/2025 | 2,500,000 | 88,099 |
| Great Southern Bank | 5.16% | 12/02/2025 | 2,000,000 | 90,759 |
| NAB | 5.20% | 5/02/2025 | 1,000,000 | 53,852 |
| Total | | | 7,500,000 | 340,208 |

The below table shows new term deposits

| Institution | Yield | Maturity Date | Principal Amount | Total Interest Amount |
|--------------|-------|---------------|-------------------|-----------------------|
| NAB | 4.80% | 19/11/2025 | 2,000,000 | 75,485 |
| NAB | 4.80% | 29/10/2025 | 1,000,000 | 34,060 |
| Westpac | 4.70% | 23/02/2028 | 2,000,000 | 284,833 |
| Westpac | 4.85% | 21/02/2029 | 1,000,000 | 194,399 |
| NAB | 4.65% | 28/01/2026 | 3,000,000 | 128,416 |
| ING | 4.77% | 25/01/2028 | 3,000,000 | 416,754 |
| Total | | | 12,000,000 | 1,133,947 |

At Call Fund and Managed Funds

| Institution | Yield | Principal Amount | Term to Maturity |
|---------------------------------|-------|----------------------|------------------|
| NAB | 4.50% | \$ 7,575,929 | 0 |
| TCorp - Long Term Growth Fund | 3.00% | \$ 3,916,043 | 5 |
| TCorp - Medium Term Growth Fund | 3.00% | \$ 6,619,618 | 5 |
| Tcorp - Short Term Income Fund | 3.00% | \$ 1,688,440 | 5 |
| Total | | \$ 19,800,030 | |

Current Term Deposits

| Institution | Yield | Principal Amount | Term to Maturity |
|--------------------|-------|------------------|------------------|
| AMP | 5.02% | \$ 4,000,000 | 117 |
| Australian Unity | 5.10% | \$ 3,500,000 | 40 |
| Bank Of Queensland | 5.15% | \$ 2,000,000 | 103 |
| Bank Of Queensland | 5.10% | \$ 2,500,000 | 145 |
| Bank Of Queensland | 5.18% | \$ 1,000,000 | 110 |
| Bank Of Queensland | 4.95% | \$ 1,500,000 | 194 |
| Bank Of Queensland | 4.93% | \$ 2,000,000 | 222 |
| Bank Vic | 5.08% | \$ 6,000,000 | 5 |
| Bank Vic | 5.28% | \$ 1,500,000 | 89 |
| Bank Vic | 5.33% | \$ 2,000,000 | 271 |
| Bank Vic | 5.33% | \$ 2,000,000 | 292 |
| G&C Mutual | 5.35% | \$ 1,500,000 | 68 |
| G&C Mutual | 5.36% | \$ 1,000,000 | 138 |
| G&C Mutual | 5.13% | \$ 3,000,000 | 180 |
| ING | 5.40% | \$ 3,000,000 | 488 |
| ING | 5.18% | \$ 3,000,000 | 656 |
| ING | 5.28% | \$ 3,000,000 | 285 |
| ING | 5.10% | \$ 3,500,000 | 12 |
| ING | 5.40% | \$ 4,000,000 | 320 |
| ING | 4.75% | \$ 1,500,000 | 1020 |
| ING | 4.77% | \$ 3,000,000 | 1061 |
| MyState Bank | 5.37% | \$ 2,000,000 | 82 |
| NAB | 5.30% | \$ 2,000,000 | 61 |
| NAB | 5.00% | \$ 3,000,000 | 75 |
| NAB | 5.05% | \$ 1,000,000 | 47 |
| NAB | 5.10% | \$ 2,500,000 | 208 |
| NAB | 4.93% | \$ 1,000,000 | 236 |
| NAB | 4.80% | \$ 2,000,000 | 264 |
| NAB | 4.80% | \$ 1,000,000 | 243 |
| NAB | 4.65% | \$ 3,000,000 | 334 |
| Rabo Bank | 5.02% | \$ 2,000,000 | 418 |
| Rabo Bank | 5.36% | \$ 2,000,000 | 292 |
| Rabo Bank | 5.15% | \$ 1,000,000 | 264 |
| Rabo Bank | 5.39% | \$ 4,000,000 | 166 |
| Rabo Bank | 5.48% | \$ 4,000,000 | 152 |
| Rabo Bank | 5.37% | \$ 2,000,000 | 124 |
| Rabo Bank | 5.35% | \$ 2,000,000 | 110 |
| Rabo Bank | 5.37% | \$ 2,500,000 | 96 |
| Rabo Bank | 5.02% | \$ 2,500,000 | 89 |
| Rabo Bank | 5.09% | \$ 1,500,000 | 33 |
| Westpac | 5.16% | \$ 2,500,000 | 26 |
| Westpac | 4.88% | \$ 4,000,000 | 544 |
| Westpac | 5.34% | \$ 2,000,000 | 131 |
| Westpac | 4.98% | \$ 2,000,000 | 117 |
| Westpac | 5.17% | \$ 2,500,000 | 54 |
| Westpac | 5.15% | \$ 1,000,000 | 250 |
| Westpac | 4.70% | \$ 1,500,000 | 684 |

| Institution | Yield | Principal Amount | Term to Maturity |
|-------------|-------|------------------|------------------|
| Westpac | 4.70% | \$ 2,000,000 | 1090 |
| Westpac | 4.85% | \$ 1,000,000 | 1454 |
| Total | | \$ 114,000,000 | |

9.7 Monthly Budget Review - February 2025 Budget Variations

REPORT BY THE FINANCIAL PLANNING COORDINATOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400098, FIN300315

RECOMMENDATION

That Council:

- 1. receive the report by the Financial Planning Coordinator on the Monthly Budget Review - February 2025 Budget Variations; and**
- 2. amend the 2024/25, 2025/26, 2026/27 and 2027/28 year budgets in accordance with the variations as listed in the Monthly Budget Review attachment to this report.**

Executive summary

This report provides Council with initial budget variations to the 2024/25 Operational Plan. Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

Disclosure of Interest

Nil

Detailed report

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

Community Plan implications

| | |
|--------------|---|
| Theme | Good 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 |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25 | × | × | × |
| Future Years | × | — | — |

Associated Risks

Not Applicable

AMANDA AVNELL
FINANCIAL PLANNING COORDINATOR

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

4 March 2025

Attachments: 1. Monthly Budget Review - February 2025. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.8 Delivery Program 2022/26 Six Monthly Progress Report

REPORT BY THE PEOPLE & PERFORMANCE MANAGER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, GOV400113, COR400116

RECOMMENDATION

That Council receive the report by People and Performance Manager on the Delivery Program 2022/26 Six Monthly Progress Report.

Executive summary

This report presents progress against the Delivery Program 2022/26 for the six months to 31 December 2024.

Disclosure of Interest

Nil

Detailed report

Under the Integrated Planning and Reporting (IP&R) Guidelines from the NSW Office of Local Government (OLG), councils are required to report on the progress of their Delivery Program and Operational Plan to ensure transparency and accountability. The reporting process includes the following key points:

Progress Reporting on the Delivery Program

- Councils must report on the Delivery Program at least every six months.
- This biannual progress report should be presented to the council and made publicly available.
- The report should outline progress on key projects and initiatives linked to the Community Strategic Plan objectives.

Council adopted the 2022/26 Delivery Program on 15 June 2022. These reports help ensure Council is delivering services and projects effectively.

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

The 2022/26 Delivery Program forms part of Council's Integrated Planning and Reporting documentation.

Council Policies

Not Applicable

Legislation

Local Government Act 1993

The Local Government Act 1993 requires that progress reports are provided to Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

Financial implications

Not Applicable

Associated Risks

Not Applicable

SHARNA ROSS
PEOPLE & PERFORMANCE MANAGER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

27 February 2025

Attachments: 1. Delivery Program 2022/26 Six Monthly Progress Report.. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.9 Financial Assistance Considerations

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400087, PUB600025

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Financial Assistance Considerations;
2. amend the 2024/25 budget to increase expenditure by \$500 to be funded from unrestricted cash;
3. approve Blooms the Chemist Mudgee to be charged the Community Hire half day fee of \$140 for the menopause education event;
4. give 28 days' public notice of the proposal to provide financial assistance to the following organisations and individuals:

| Requestor | Recommended Amount |
|--|---------------------------|
| • Gulgong Hostel Association Inc (t/a Wenonah Lodge) | Fee waiver of \$11,360.90 |
| • Cooper Crowe | \$500 |

and

5. if there are no public submissions against, approve the financial assistance.

Executive summary

This report presents requests to Council for financial assistance. These requests are presented to Council now as the Community Grants Program was closed in February 2025 and events will occur before the program reopens. Assessment

Disclosure of Interest

Nil

Detailed report

Blooms the Chemist Mudgee

Blooms are organising an event at the Town Hall, at 5:30pm on Thursday 3 April dedicated to raising awareness and educating the community about menopause. Ordinarily, the daily town hall hire fee for a business is \$780. There is no half day offering for business. It is therefore recommended that rather than provide free of charge, that Council apply the community hire half day rate of \$140.

Cooper Crowe

Cooper Crowe has been selected to represent NSW at the Under 18s Basketball Nationals Tournament held in Brisbane in April this year. Council has received a request to consider a grant to assist with funding representation at this event.

Whilst the Community Grants Program is closed, referencing the Community Grants Program Policy there is a recommended \$500 cap where individuals represent sports teams at this level.

Gulgong Hostel Association Inc (t/a Wenonah Lodge)

Wenonah Lodge request waiver of \$11,360.90 developer contributions. The attached email request states "Our development seeks to provide essential staff accommodation to support our aged care facility, which is critical for ensuring the continuity and quality of care for our residents. As a registered charity a fee waiver is allowable under the Development Servicing Plans.

The Development Servicing Plan for Sewerage and Water states:

5.5 DC (Developer Charges) Waiver

Mid Western Regional Council may waive DC ordinarily attributable to subdivision and development, where the proponent demonstrates to Mid Western Regional Council's satisfaction that it is a non-profit and charitable organisation, which by virtue of carrying out such development, is considered by the Mid Western Regional Council to be making a significant and positive contribution to the community.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act 1993 Sections:

356 Can a council financially assist others?

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if—
 - (a) the financial assistance is part of a specific program, and

- (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

Financial implications

There is currently no budget set aside for funding these requests. An expenditure adjustment of \$500 would be required.

Associated Risks

Not Applicable

NEIL BUNGATE
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

7 March 2025

- Attachments:*
- 1. Funding Request Menopause Event.
 - 2. Funding Inquiry Cooper Crowe.
 - 3. Request for waiver of Development Servicing Plan Charges - Wenonah Lodge.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



14th February 2025

Mayor Desmond Kennedy

86 Market St
Mudgee, NSW 2850

Dear Mayor Kennedy,


I am writing to request your kind consideration in allowing us to use the local Town Hall for an event dedicated to raising awareness and educating the community about menopause. This event will provide valuable resources and support for individuals experiencing menopause, as well as for their families and friends who may seek to understand the physical and emotional changes that often accompany this natural life stage.

As you may know, menopause is a significant and sometimes misunderstood phase of life, and many individuals do not have access to comprehensive education or support on the topic. By hosting this event, we hope to create a welcoming environment for open discussion, access to expert advice, and valuable resources for our community members.

We would be deeply appreciative if the Town Hall could be made available to us at no charge, as this would help ensure that the event is accessible to all members of the community, regardless of financial circumstances. We are committed to making the event a success and will take full responsibility for organizing the event, including staffing, set-up, and clean-up.

The event is scheduled for **5.30pm, Thursday 3rd April**. We anticipate 100 attendees, and would be delighted to share more details about the event's structure and speakers if you require further information.

Thank you for considering this request. I would be happy to meet with you at your convenience to discuss any details further. Your support would be invaluable in helping us bring this important educational opportunity to our community.

Sincerely,
Alexandra Keipert
Blooms the Chemist Mudgee


From: [REDACTED]
To: [Council](#)
Subject: Funding Inquiry - Cooper Crowe.
Date: Monday, 17 February 2025 3:32:08 PM

Good Afternoon,

I am contacting Mid Western Regional Council - Mudgee to inquire about the possibility of funding for my son Cooper Crowe.

Cooper is 16 and in year 11 at Mudgee High School.

Cooper has been selected to represent NSW at the Under 18s Basketball Nationals Tournament held in Brisbane in April this year.

He began his basketball journey almost 3.5 years ago and, in that time, has progressed through the representative levels, starting with the local Mudgee competition to now be representing NSW at the highest level.

Throughout his journey, Cooper has been part of the Mudgee Lakers representative teams, Western Region Academy of Sport, NSW Basketball Development Programs, NSW State Performance Programs, Indigenous Basketball NSW 14s and 17s teams and the Under 18s NSW Country Team.

He was also a nominee for the 2024 Junior Sportsperson Australia Day Award.

At all training, games and tournaments - be they local or national level, Cooper has very proudly represented his home town of Mudgee and is always loud and proud to be the country boy from a small town.

We have been told on numerous occasions that it isn't possible to achieve high level success when you are from such a small town - but through true dedication, determination and a lot of hard work, Cooper has time and time again proved the doubter incorrect.

As I am sure you can appreciate, being based in Mudgee has meant a lot of travelling

to and from trials, trainings, game and tournaments for Cooper and therefore a lot of financial impact on our family.

We would be most grateful if you would consider the possibility of granting Cooper funding to assist him on his journey to the Nationals in Brisbane in April.

Thank you for your time.

Julie Crowe

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Jennifer Crust <jennifer.crust@wenonah.org.au>
Sent: Friday, 7 February 2025 11:26 AM
To: Brad Cam <Brad.Cam@midwestern.nsw.gov.au>
Cc: Council <Council@midwestern.nsw.gov.au>; gulgonggoldfield@bigpond.com.au; Maintenance <maintenance@wenonah.org.au>; Fiona Newell <fiona.newell@wenonah.org.au>
Subject: Request for Exemption from Section 64 Developer Contributions for 27-31 Mayne Street GULGONG CCC0073/2025 DA0223/2024

Dear Brad,

I am writing to formally request an exemption from the Section 64 developer contributions for the proposed development by Gulgong Hostel Association Inc (t/a Wenonah Lodge). Our development seeks to provide essential staff accommodation to support our aged care facility, which is critical for ensuring the continuity and quality of care for our residents.

Wenonah Lodge operates as a **registered charity** dedicated to providing high-quality aged care services to the elderly in Gulgong and the surrounding Mid-Western Region. As you may be aware, the recruitment and retention of aged care staff in rural and remote areas like ours is an ongoing and well-documented challenge. The availability of suitable accommodation is a key factor in attracting qualified professionals to live and work in our community. By developing on-site housing for our staff, we are directly addressing this issue and ensuring the sustainability of aged care services in the region.

Under **Paragraph 5.5 of the Mid Western Regional Council Development Servicing Plan (DSP) for Sewerage**, the Council has the discretion to **waive developer contributions for non-profit and charitable organisations** where the development provides a **significant and positive contribution to the community**. Given that our organisation is a not-for-profit entity and that this project directly supports aged care services, we respectfully request that the Council exercise its discretion to **waive the developer charges** applicable to this development.

We believe that granting this exemption aligns with the Council's commitment to supporting community welfare, addressing workforce shortages in critical sectors, and fostering sustainable development in rural areas. Additionally, waiving these charges will

enable us to allocate more resources toward improving aged care services and ensuring long-term care for our elderly residents.

We appreciate your consideration of this request and would welcome the opportunity to provide further information or meet to discuss this matter in detail. Please feel free to contact me at your earliest convenience to arrange a discussion.

Thank you for your time and support.

Warm regards,

Jen



Kind Regards,
Jennifer Crust
Co-Chief Executive Officer
(Wed, Thu & Fri)
Gulgong Hostel Association Inc
Wenonah Lodge & CommunityCare

Phone: [REDACTED]
Email: [REDACTED]

27-31 Mayne St.
Gulgong NSW 2852

Wenonah Lodge & Community Care acknowledge the Traditional Owners of the land on which we work and recognise their continued custodianship and connection to the land, waters, and community.

Important Notice: This email and its attachments are confidential in nature and are intended solely for the use of the individual to whom it is addressed

9.10 Enterprise Resource Planning Roadmap 2025-2028

REPORT BY THE DIRECTOR CORPORATE SERVICES
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113,

RECOMMENDATION

That Council:

1. **receive the report by the Director Corporate Services on the Enterprise Resource Planning Roadmap 2025-2028;**
2. **endorse the implementation of the ERP Roadmap 2025-2028; and**
3. **amend the 2025/26, 2026/27, 2027/28 and 2028/29 budgets, as set out in this report.**

Executive summary

Council has an opportunity to enhance its operational efficiency, service delivery, and digital capabilities through the proposed upgrade of its existing Enterprise Resource Planning (ERP) system, Technology One. This upgrade aligns directly with the MWRC IT Strategic Plan 2024-2028 and will enable the Council to accelerate its digital transformation, improve workflow efficiency, and enhance service capabilities.

The proposal includes a structured three-year ERP Roadmap covering major system upgrades, new functionalities, and process improvements across human resources, financials, supply chain management, enterprise asset management, and property and rating systems.

The implementation of this upgrade will address critical pain points in manual processes, system inefficiencies, data silos, and training gaps. Additionally, it supports Council's strategic IT goals by ensuring a secure, cloud-based, mobile-friendly, and highly integrated ERP system, leading to significant cost savings and operational efficiencies.

Disclosure of Interest

Nil

Detailed report

CURRENT CHALLENGES AND THE NEED FOR UPGRADE

A comprehensive review of MWRC's current IT infrastructure has identified **key pain points** that the Technology One ERP upgrade will help address:

1. Manual Processes and Workflow Inefficiencies

- Reliance on paper-based workflows (e.g., inspections, bookings, invoicing)
- Delayed feedback loops due to slow processing times
- Labour-intensive steps requiring excessive manual input

2. Fragmented and Disparate Systems

- Multiple software platforms with limited integration
- Data duplication and version control issues
- Difficulty accessing real-time financial and operational data

3. Limited Training and IT Support

- Insufficient training for staff on ERP functionalities
- Lack of a structured onboarding program for new employees
- Ineffective use of available ERP tools due to knowledge gaps

4. Technological Limitations and Connectivity Issues

- Poor mobile accessibility for field staff
- Offline workflows leading to data entry delays
- System instability and slow processing speeds

The Technology One ERP upgrade will look to eliminate these inefficiencies and modernise Council operations, allowing staff to focus on service delivery instead of administrative burdens.

PROPOSED ERP UPGRADE – ROADMAP AND BENEFITS

The ERP upgrade is structured into four key phases, with a focus on system enhancements, automation, and improved data management.

Phase 1 – Human Resources & Payroll

- ✓ BPA Forms for HR & Payroll.
- ✓ Business Analytics for HR and Payroll.
- ✓ Employee Development & e-Recruitment.
- ✓ Payroll Automation & Workflow Improvements.
- ✓ Training & Development Modules.

Expected Benefits:

- ✓ Reduced payroll processing time.
- ✓ Improved employee performance tracking and recruitment efficiency.

Phase 2 – Financials, Supply Chain Management & Performance Planning

- ✓ Chart of Accounts Rebuild
- ✓ Intelligent Invoice Processing & Automated Reconciliation
- ✓ Supplier Portal & Contracts Management
- ✓ Performance Planning & Budgeting Enhancements

Expected Benefits:

- ✓ Faster financial reporting and budgeting cycles

Phase 3 – Enterprise Asset Management

- ✓ Work Order Automation & Scheduling.
- ✓ Intelligent Defect Management.
- ✓ Field Crew & Fleet Management Systems.
- ✓ GIS & Spatial Mapping Enhancements.

Expected Benefits:

- ✓ Improved asset lifecycle tracking and maintenance planning.
- ✓ Reduction in asset management administrative workload.
- ✓ Improved asset lifecycle tracking and maintenance planning.
- ✓ Reduction in asset management administrative workload

Phase 4 – Property & Rating

- ✓ Mobile Inspection & Request Handling
- ✓ Rates Modelling & Compliance Management
- ✓ Waste Service Tracking & Mapping Integration

Expected Benefits:

- ✓ Faster and more accurate property assessment and rate calculations.

- ✓ Reduction in invoice matching time
- ✓ Improved service delivery for waste and property-related requests

Community Plan implications

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

Strategic implications

Council Strategies

MWRC IT Strategic Plan 2024-2028

The Technology One ERP upgrade directly supports the MWRC IT Strategic Plan 2024-2028, which aims to:

1. **Deliver Safe and Resilient IT Services**
 - Strengthen cybersecurity and data protection
 - Implement disaster recovery and business continuity strategies
 - Ensure up-to-date, reliable IT systems
2. **Enhance Efficiency and Innovation in Council Processes**
 - Streamline operations by eliminating redundant systems
 - Automate routine tasks and improve reporting capabilities
 - Support a flexible, mobile workforce through cloud-based applications
3. **Develop Future IT Capabilities**
 - Foster digital transformation and system integration
 - Encourage staff training and technological adoption
 - Enhance decision-making through improved data analytics

The proposed upgrade to Technology One’s secure SaaS platform is an essential step in fulfilling these strategic objectives.

Council Policies

Not Applicable

Legislation

Section 55 Local Government Act, Tendering

At Councils December 2024 Ordinary Council Meeting, Council resolved to extend the contract with Technology One Limited to provide an Enterprise Resource Planning Software-as-a-Service solution up to 30 August 2031. The Director Corporate Services was provided authority to negotiate and vary the contract terms within approved budgets, therefore there is no requirement to obtain an exemption from tendering for this variation, as it was obtained in December 2024.

Financial implications

The proposed budget implications are set out in the table below. Capital costs include all additional anticipated costs to deliver the extensive upgrade program, including internal project management resources, business analysis and external consulting.

| Proposed Budget Variations | 2025/26 | 2026/27 | 2027/28 | 2028/29 |
|--|----------------|----------------|----------------|--------------------|
| \$000's | <i>Year 1</i> | <i>Year 2</i> | <i>Year 3</i> | <i>Year 4</i> |
| Roadmap Operational Costs | | | | |
| Software Licensing | 212 | 442 | 455 | 469 |
| Savings software rationalisation | | | -95 | -97 |
| Water, sewer, waste fund contributions (25%) | -53 | -111 | -114 | -117 |
| General Fund unrestricted cash funded | 159 | 332 | 246 | 254 |
| Roadmap Capital Costs | | | | Total Capex |
| Project implementation | 734 | 235 | 266 | 1,235 |
| Less \$100k software upgrades already budgeted | -100 | -100 | -100 | -300 |
| Contingency | 59 | 8 | 11 | 78 |
| Water, sewer, waste fund contributions (25%) | -158 | -34 | -42 | -234 |
| General Fund unrestricted cash funded | 535 | 110 | 135 | 780 |

Total impact to General Fund unrestricted cash is \$694,000 in Year 1 and about \$250,000 per year adjusted by CPI ongoing.

Identified Cost Savings

The ERP upgrade will **replace** or **consolidate** existing software licenses and reduce administrative overhead, with savings anticipated:

- ✓ **\$70K annual savings** from discontinuing separate contract management software
- ✓ **\$20K annual savings** from retiring corporate management software
- ✓ **\$16K annual savings** from electronic form software
- ✓ **5.5 FTE positions** redeployed through process automation (estimated at \$630K per annum)

Redeployment savings will result in reduced future operating costs through either natural attrition of roles, or saved expansion costs.

The total increased operating costs related to the delivery of the roadmap improvements are about \$370,000, with anticipated efficiency gains of over \$630,000 in administration and employee cost redeployment. Because it is not proposed to cut these employee costs out of the budget at this time, the Operating Performance Ratio impact is reported as a worsening ratio, instead of improving.

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

Associated Risks

The proposed roadmap upgrades address several key risks:

- **Control Risks:** Internal and external audits have identified inadequate control measures. System-enforced controls are recommended to enhance compliance, reduce human error, and strengthen financial and operational oversight.
- **Legislative Compliance:** Some current processes do not fully meet legislative requirements or rely on manual workarounds. Manual processes introduce a higher risk of errors, inefficiencies, and delays. The roadmap aims to replace these with automated, compliant solutions.

Additionally, the roadmap introduces project-specific risks:

- **Roadmap Delays or Non-Delivery:**
 - *Risk:* Implementation challenges, resource constraints, or competing priorities may delay or prevent project completion.
 - *Mitigation:* We have established a detailed project timeline with clear milestones, assigned dedicated project resources, will conduct regular progress reviews, and engaged executive sponsors to provide oversight.
- **Cost Increases:**
 - *Risk:* Unexpected costs due to scope changes, or unforeseen technical challenges.
 - *Mitigation:* We have implemented robust budget forecasting, established contingency reserves, will monitor project expenditure, and applied strict change management processes to control scope creep.
- **User Dissatisfaction with the Final System:**
 - *Risk:* End users may find the upgraded system difficult to use, inefficient, or misaligned with their workflows.
 - *Mitigation:* We have conducted user engagement sessions early in the project, will provide comprehensive training and system testing, incorporated user feedback into system design, and implemented phased rollouts with iterative improvements based on feedback.

LEONIE VAN OOSTERUM
DIRECTOR CORPORATE SERVICES

10 March 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

10.1 Drinking Water Annual Report and Factsheet

REPORT BY THE WATER QUALITY OFFICER
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400103 GOV400098 WAT500075

RECOMMENDATION

That Council:

1. **receive the report by the Water Quality Officer on the Drinking Water Annual Report and Factsheet; and**
 2. **note that the Drinking Water Annual Report and Factsheet will be publicly available and updated yearly**
-

Executive summary

The Drinking Water Annual Report and Factsheet will be available on the MWRC Website in order to satisfy the requirements of Element 8 (*Community Involvement and Awareness*) of the Australian Drinking water Guideline Framework for the management of drinking water quality.

Disclosure of Interest

Nil

Detailed report

The attached “Drinking Water” factsheet and “Drinking Water Annual Report” will be available on the external website for the community and will have the data updated yearly.

The Annual Report provides the Community with information on results of drinking water testing in the Mudgee, Gulgong and Rylstone water supply systems as well as improvements made to these systems over the last year. The Factsheet provides information on the monitoring program, the Australian Drinking Water Guidelines and has a schematic flowchart of the 3 water supply systems.

Having these two documents available on the website will go some way in satisfying the requirements of Element 8 (*Community Involvement and Awareness*) of the Australian Drinking Water Guidelines Framework for the management of drinking water quality.

The need to keep the community informed about water quality was also identified in the Drinking Water Improvement Plan (task 179: Annual Report to be published on the Website)

Community Plan implications

| | |
|--------------|--|
| Theme | Protecting Our Natural Environment |
| Goal | Provide total water cycle management |
| Strategy | Maintain and manage water quantity and quality |

Strategic implications

Council Strategies

Not Applicable

Council Policies

The Drinking Water Quality Policy highlights the need to promote community participation in decision-making processes and ensures that community expectations are considered. Having these 2 documents available on the website will give the community information on their drinking water quality.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

FRANCOISE PIELTAIN
WATER QUALITY OFFICER

JULIAN GEDDES
DIRECTOR OPERATIONS

17 February 2025

Attachments: 1. Factsheet Drinking Water.
2. Drinking Water Annual Report 2024.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

FACT SHEET NO. 031, January 2025



Drinking water

Council provides drinking water to communities within Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla. Council complies with its own Drinking Water Management System (DWMS), meeting the requirements of the Public Health Act 2010 and its regulations, and the Australian Drinking Water Guidelines.

OVERVIEW

Council is committed to providing its residents with safe, secure, reliable and high quality drinking water. To ensure this, Council's Drinking Water Management System requires a range of quality, safety and aesthetic tests be regularly undertaken from the point of collection to the household tap.

WATER MONITORING

A comprehensive monitoring program from catchment to tap has been developed in consultation with NSW Health, testing over 35 characteristics including turbidity, colour, micro-organisms and chemicals.

Samples are analysed on site and at accredited laboratory service providers including the NSW Forensic and Analytical Science Service. Monitoring occurs online, daily, weekly, monthly and annually (depending on criticality).

Samples are taken from Rylstone Dam, Cudgegong River, Burrundulla Bores, at the three water filtration plants, and from 38 locations through our water distribution systems.

WHAT IS THE AUSTRALIAN DRINKING WATER GUIDELINES?

- An authoritative reference on what defines safe, good quality water, how it can be achieved and how it can be assured
- A nationally accepted framework for good management of drinking water supplies based on the best available scientific evidence
- Designed to assure fit for purpose drinking water at its point of use
- Cover safety and aesthetic quality of drinking water through a range of values

COUNCIL'S REPORT CARD

Health results

100% compliance with ADWG achieved.



Aesthetic results

100% compliance with ADWG achieved for Rylstone, 98% for Mudgee and 95% for Gulgong.



Events and improvements



- Council is participating in the Town Water Risk Reduction program with WaterNSW to improve our understanding of source water quality and water catchment management. This program is funded by DCCEEW.
- Council participated in the Advanced Operational Support Program for Rylstone Water Treatment Plant (funded by DCCEEW). Recommendations arising from this program are being implemented.
- Unlined cast iron mains in Gulgong are causing occasional clarity issues. Replacement of mains is progressing with around 14km replaced to date. Planning is under way to replace 1.5km of mains in 2025.
- Upgrade of the raw water pump station in Mudgee has been completed. This will allow for increased pumping capacity to the Mudgee Water Treatment Plant in order to cater for predicted population increase.

NSW Health Fluoride

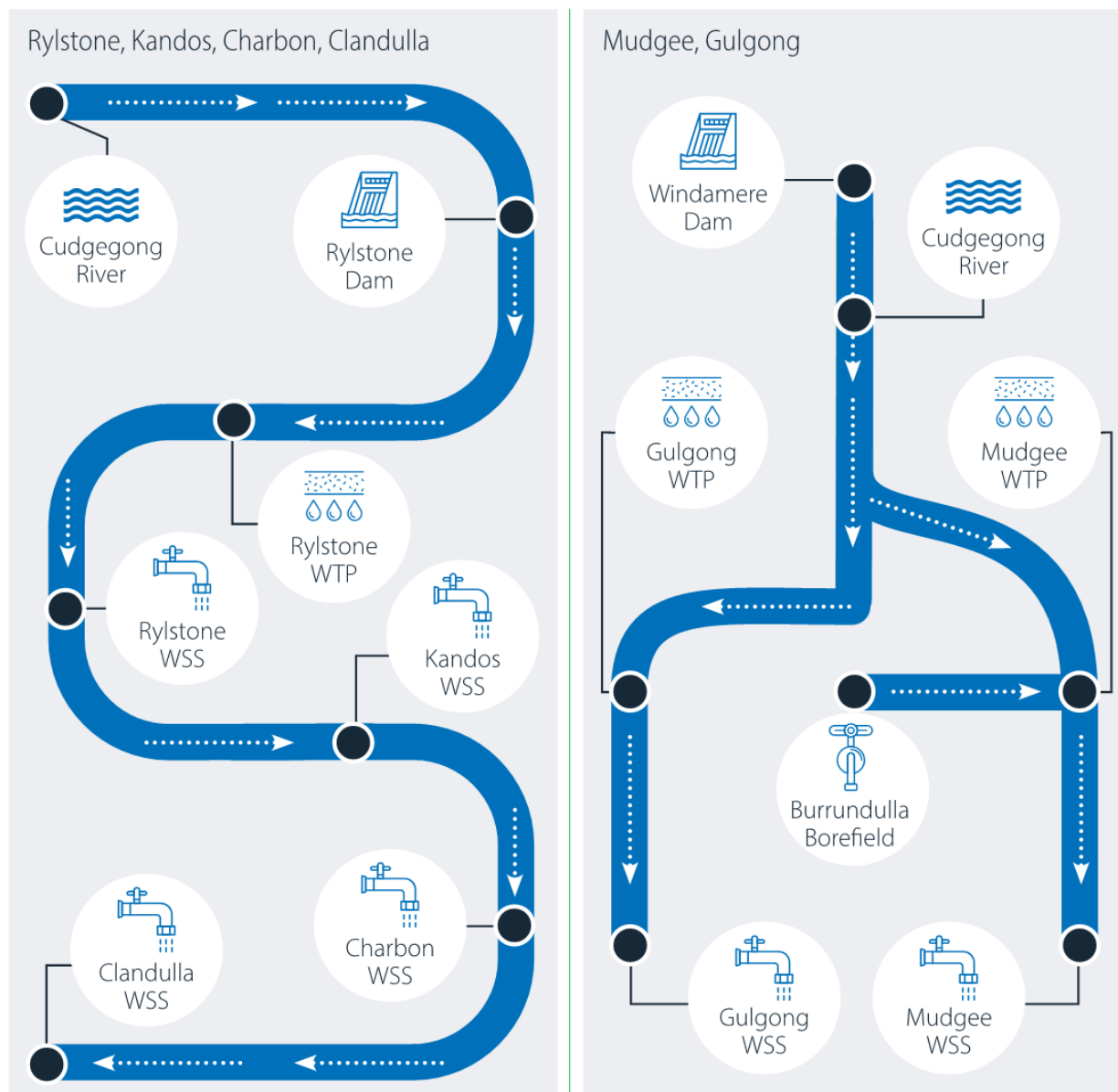


Mudgee fluoride delivery system is currently not operational. Council has sought NSW Health and DCCEEW approvals to proceed construction of a new system.

Rylstone fluoride delivery system has not been operational since July 2024 and is expected to be back on line by end of January 2025. Gulgong fluoride delivery system is operational.

FACT SHEET NO. 031, January 2025

MID-WESTERN REGION WATER SUPPLY SYSTEMS FLOWCHART



WSS = Water Supply System; WTP = Water Treatment Plant

= Source; = Collection; = Treatment; = Distribution

FOR MORE INFORMATION

Visit Council's website midwestern.nsw.gov.au
Council's Water and Sewer Team are available to assist on 6378 2850 or at council@midwestern.nsw.gov.au

DISCLAIMER The information contained in this fact sheet is general in nature and should not be relied upon as the complete source of information to be considered. This document is not intended as a substitute for consulting relevant legislation or for obtaining appropriate professional advice relevant to your particular circumstances.

ANNUAL DRINKING WATER QUALITY REPORT 2024

MID-WESTERN REGIONAL COUNCIL

OVERVIEW

Council's report card



Health

100% compliance with Australian Drinking Water Guidelines (ADWG) achieved.



Aesthetic

100% compliance with ADWG achieved for Rylstone, 98% for Mudgee and 95% for Gulgong.



Events and improvements

Unlined cast iron mains in Gulgong are causing occasional clarity issues. Replacement of mains is progressing with around 14km replaced to date.

Council is participating in the Town Water Risk Reduction program with

WaterNSW to improve our understanding of source water quality and water catchment management. This program is funded by DCCEEW.

Council participated in the Advanced

Operational Support Program for Rylstone Water Treatment plant (funded by DCCEEW). Recommendations arising from this program are being implemented.



NSW Health Fluoride

Mudgee fluoride delivery system failed and is currently not operational due to unacceptable WHS risk to operators. Council has sought NSW Health and Department of Climate Energy, the Environment and Water (DCCEEW) approvals to proceed to construction of a new system.

Rylstone fluoride delivery system has not been operational since July 2024 and is expected to be back online by end of January 2025. Gulgong fluoride delivery system is operational.

Verification monitoring of distribution systems

Council is committed to providing the communities of Mudgee, Gulgong, Rylstone, Kandos, Charbon and Clandulla with safe, secure, reliable and high quality water. This annual report is produced to inform the community of the quality of the drinking water over the course of the year.



HEALTH MEASURES



E.coli

A gut bacterium. Used as an indicator of fresh faecal contamination of water.



Fluoride

Improves dental health.



Free chlorine

Disinfection of the water. At higher levels it can cause taste, odour and health issues.



Manganese

Occurs naturally in water. Concentrations over 0.5mg/L can cause health concerns.



AESTHETIC MEASURES



pH

Indication of how acidic/basic the water is. pH less than 6.5 may be corrosive. pH greater than 8.5 may cause scale and taste problems.



Turbidity

A measure of the relative clarity of the water. Turbidity is caused by particles suspended in the water.



Iron

Occurs naturally in water. High concentrations stain laundry and fittings.



60-200

Hardness

Caused by calcium and magnesium. 60-200mg/L indicates good quality water.



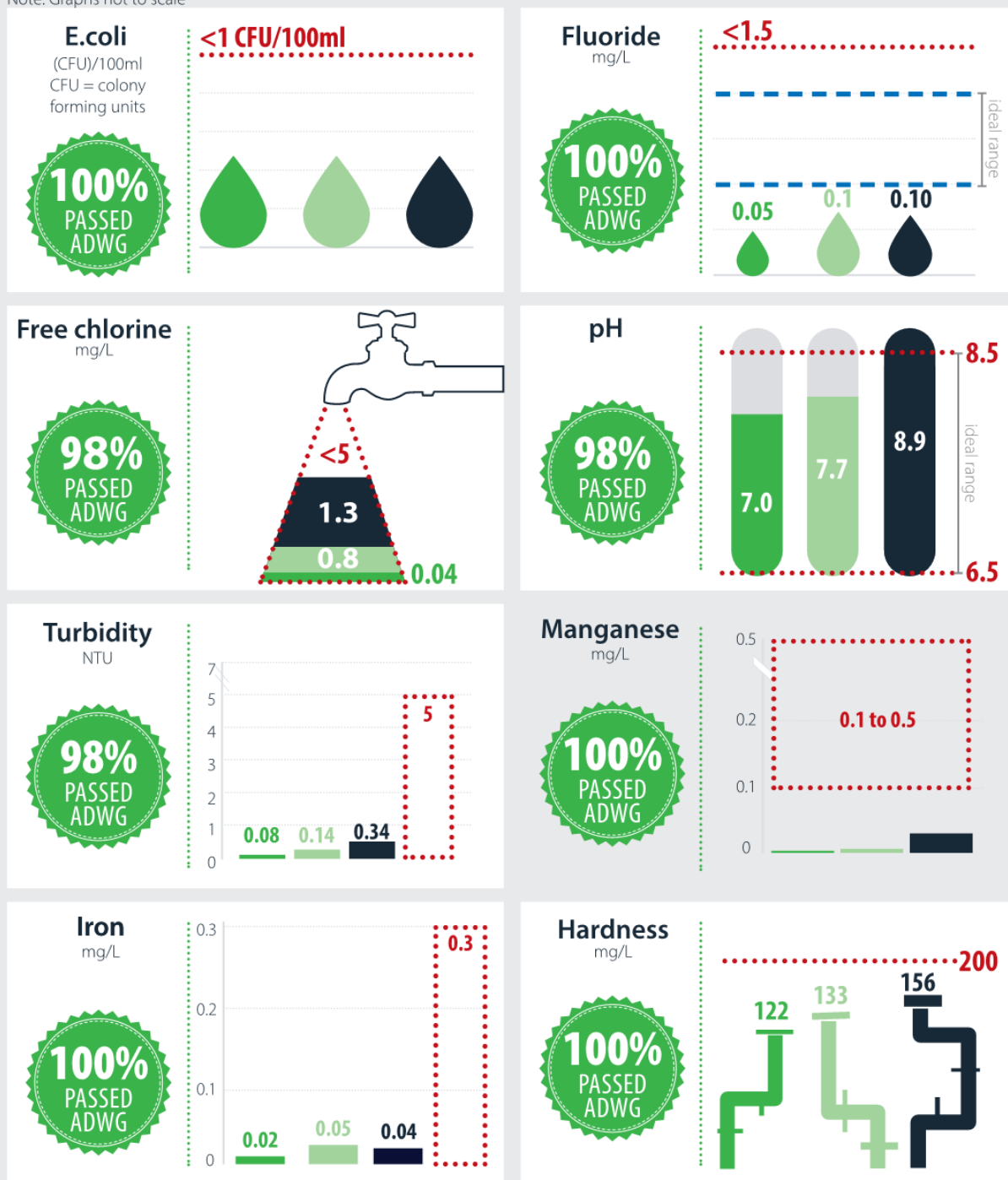
Manganese

Occurs naturally in water. Concentrations over 0.1mg/L can cause taste and staining.

DRINKING WATER RESULTS – MUDGEEE

..... Australian Drinking Water Guideline (ADWG) Value — NSW Health target value ■ Minimum ■ Median ■ Maximum

Note: Graphs not to scale

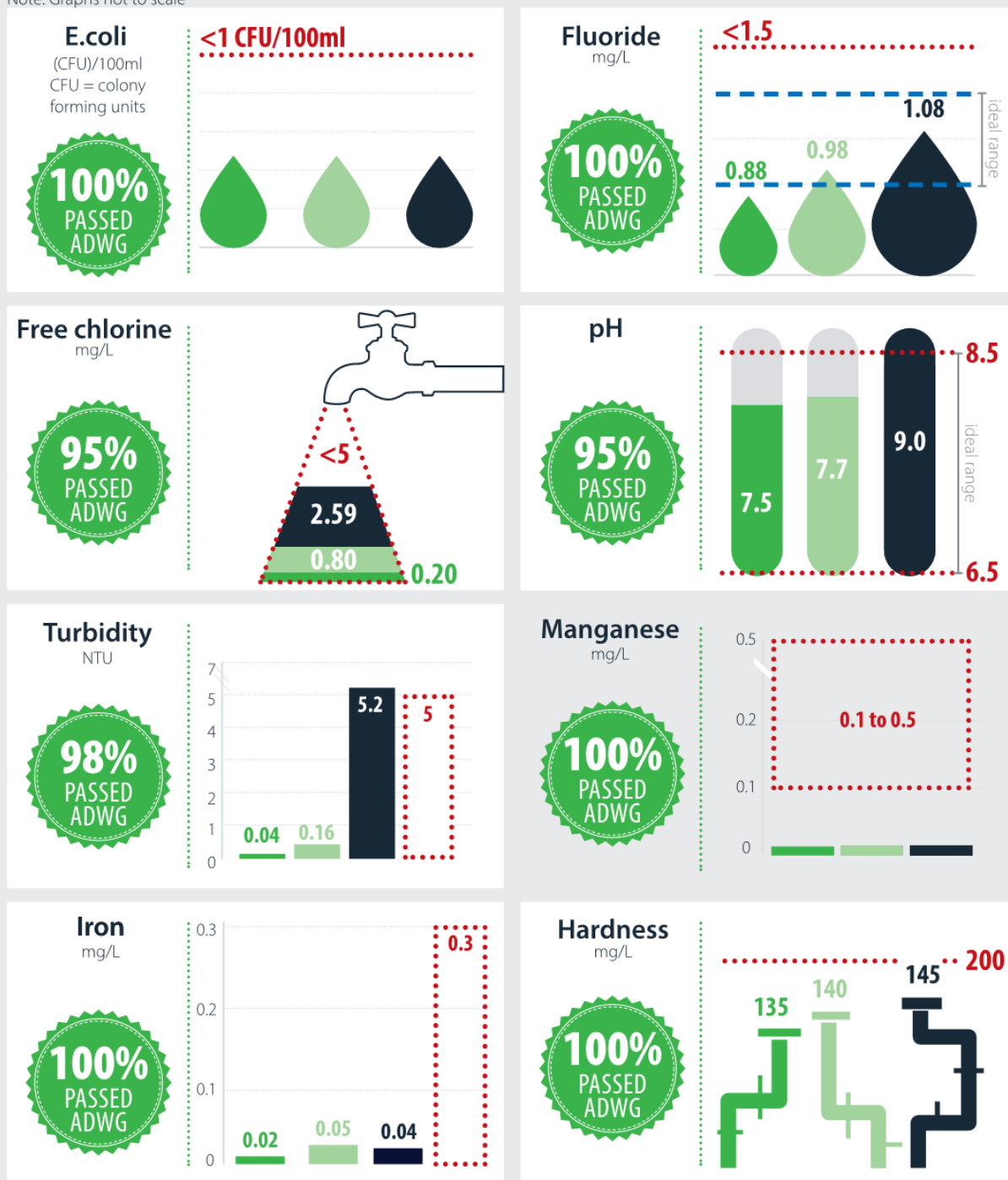


Source: Results from Weekly Verification monitoring – NSW Health Database

DRINKING WATER RESULTS – GULGONG

..... Australian Drinking Water Guideline (ADWG) Value — NSW Health target value ■ Minimum ■ Median ■ Maximum

Note: Graphs not to scale

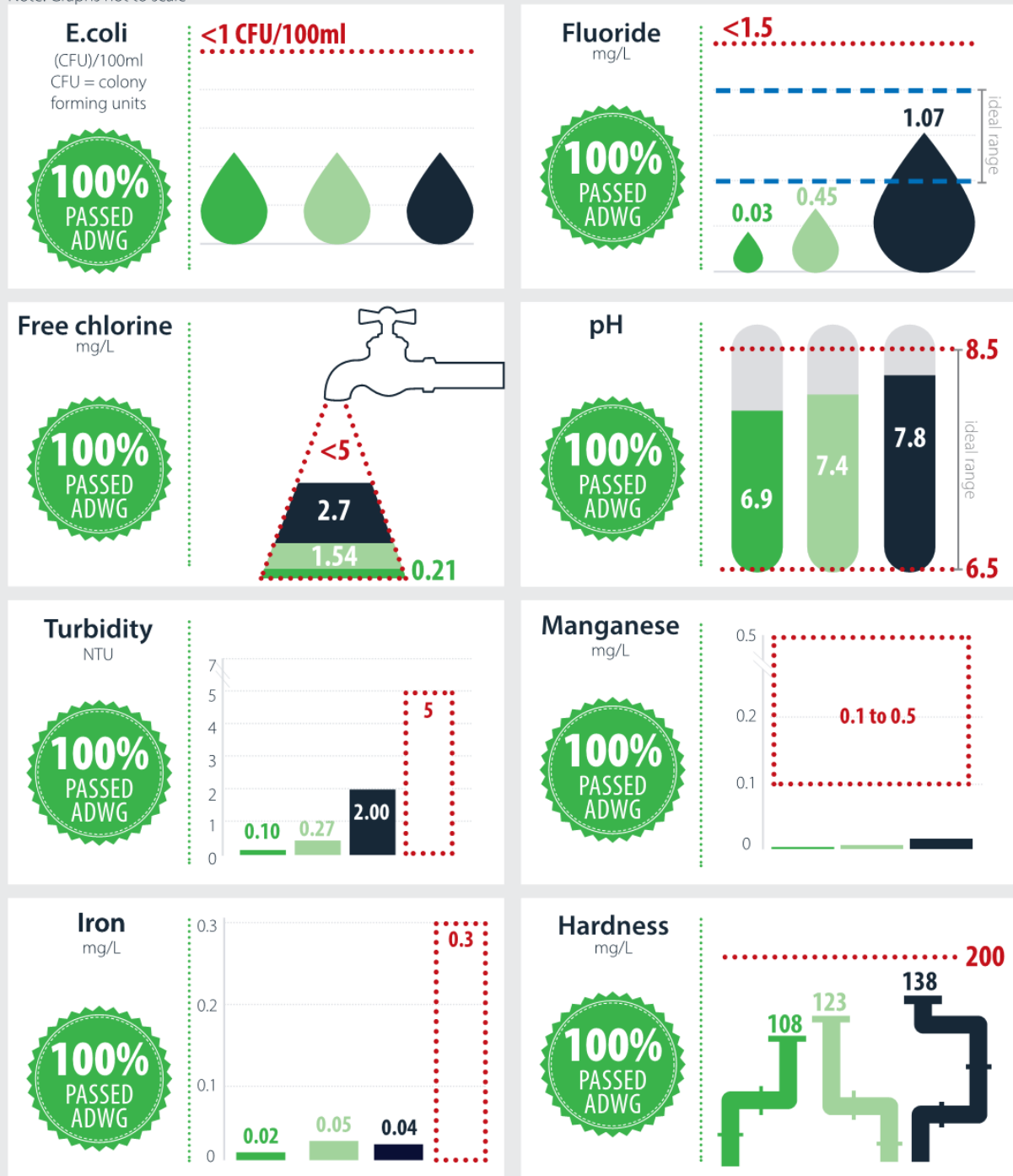


Source: Results from Weekly Verification monitoring – NSW Health Database

DRINKING WATER RESULTS – RYLSTONE

..... Australian Drinking Water Guideline (ADWG) Value — NSW Health target value ■ Minimum ■ Median ■ Maximum

Note: Graphs not to scale



Source: Results from Weekly Verification monitoring – NSW Health Database

10.2 Rescind Policy: Temporary Road Closure

REPORT BY THE EXECUTIVE ASSISTANT OPERATIONS
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, ROA100072

RECOMMENDATION

That Council:

- 1. receive the report by the Executive Assistant Operations on the Rescind Policy: Temporary Road Closure;**
- 2. place on public exhibition for 28 days the notice to rescind the Temporary Road Closures Policy; and**
- 3. rescind the *Temporary Road Closures Policy* if no submissions are received during the public exhibition period.**

Executive summary

The Temporary Road Closure Policy was due for review 1st June 2018. The policy has been reviewed by the Director of Operations and Manager Works. It is considered this policy is no longer required for the following reasons:

- The current policy does not state a clear policy position and staff do not believe one is required from Council to undertake this function effectively;
- The Policy is not actively used as a guiding document for road closures;
- The processes dealt with in the Policy are able to be covered by the Local Traffic Committee through the event road closure process and otherwise through S138 of the Roads Act.

Disclosure of Interest

Nil

Detailed report

Recommend Rescinding the Temporary Road Closures Policy.

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 |

Associated Risks

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

LISA CARTMELL
EXECUTIVE ASSISTANT OPERATIONS


JULIAN GEDDES
DIRECTOR OPERATIONS

26 February 2025

Attachments: 1. POLICY - ADOPTED - Temporary Road Closures - CM 06/06/2013 Min 212/13.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

| | | |
|---|--------------------------------|---------------------------------------|
|  | POLICY | ADOPTED CM 6/6/13 Minute 212/13 |
| | Temporary Road Closures | REVIEW: May 14 FILE No. A0100021 |

OBJECTIVE

1. To manage the requirements for the temporary closure of Public Roads within the Region.
2. To assist organisers meet their requirements under the Roads Act with respect to temporary closure of public roads.

This policy will assist Council in achieving Theme 4, Goal 4.1 of the Community Plan, *‘Connecting our Region High Quality Road Network that is Safe and Efficient’*

POLICY

A special event (in traffic management terms) is any planned activity that is wholly or partly conducted on a road, requires multiple agency involvement, requires special traffic management arrangements, and may involve large numbers of participants and/or spectators. Examples are marathons, fun runs, cycling events, parades, marches and street market days.

The definition also applies to events conducted in their own venue if the event requires special traffic management arrangements and multiple agency support.

The RMS, NSW Police and Council have a process for approving Special Events within our Region. This process involves consideration of special event applications by the Local Traffic Committee (LTC) followed by approval from Council. The process is designed to assist event organisers comply with the law. All applications for a special event must be submitted to Council at least three months prior to the event to allow for this process.

On receipt of the application, Council staff prepare a report for consideration by the LTC. The Committee meets monthly and consists of a representative from Council, RMS, NSW Police and the Local State Member of Parliament (MP) or their nominee. The recommendation from the LTC is then presented to Council at the next scheduled Council meeting. Event organisers are then notified of their event approval/or not.

The RMS has developed a Special Event Traffic Management Plan template that is available from <http://www.rms.nsw.gov.au> (search for special events on their site for the latest version of this document) a copy of the current version is attached. This form is designed to provide Council with the necessary information to successfully assess special event applications.

Standard Special Event Conditions of Approval (note other conditions may also be imposed on the applicant for site specific reasons):

1. A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the *Guide to Traffic and Transport Management for Special Events Version 3.4* [and](#) submitted to and approved by Council prior to the event.
2. Events are to be undertaken in accordance with the requirements of the NSW Police Service with their approval documentation forwarded to Council for notation.
3. Controlling noise as required by the *Protection of the Environment Operations (Noise Control) Regulation 2000*.

TEMPORARY ROAD CLOSURES

4. Reimbursing Council for the cost of damage repairs.
5. Complying with any of Council's Law Enforcement Officers' reasonable directives.
6. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths.
7. A Traffic Control Plan (TCP) certified by a person with a 'Design and Inspect Traffic Control Plans' qualification be included in the TMP.
8. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate.
9. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$10million. Such a policy is to note that Council is indemnified against any possible action as the result of the event.
10. The event convener is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected.
11. Maintain a four-metre wide emergency vehicle lane.
12. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date.
13. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review.

Other Temporary Closures

This includes closures required on a short term basis for any other reason. Written permission must be granted from Council. The following are required by the applicant:

1. A Traffic Control Plan certified by a person with a 'Design and Inspect Traffic Control Plans' qualification to be forwarded to Council for its notation prior to advertising the proposed closures at least ten days prior to the event.
2. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate.
3. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$10 million such policy is to note that Council is indemnified against any possible action as the result of the closure.
4. The applicant is to consult with all affected businesses and residents adjacent to the proposed closure, in writing, indicating the period during which their accesses will be affected.
5. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths.
6. Comply with the Roads Act 1993.

TEMPORARY ROAD CLOSURES

Adopted: Min No. 212/13 Ord Mtg 06.06.13
Re-Affirmed/Amended: Min No. 48/10 Ord Mtg 18/8/10
Review Date:
Related Files:

TEMPORARY ROAD CLOSURES

ROADS ACT 1993

122 Temporary regulation of traffic

(1) A roads authority may regulate traffic on a specified public road or on all public roads for which it is the roads authority:

(a) in relation to a classified road, by means of an order published in a daily newspaper circulating generally throughout the State, or

(b) in relation to any other public road, by means of an order published in one or more local newspapers or in a daily newspaper circulating generally throughout the State.

(2) A roads authority may, by order served on any person, prohibit the person from causing any vehicle under the person's control to pass along a specified local road unless the vehicle is being driven to a destination that cannot be reached except by means of that road.

(3) An order under this section may not be made unless the roads authority is satisfied that it is necessary to do so in order to prevent damage in excess of the ordinary wear and tear arising from the reasonable use of the road or roads concerned.

(4) A person must not, without reasonable excuse, contravene an order under this section.

Maximum penalty: 30 penalty units.

(5) A roads authority must revoke any order under this section as soon as the circumstances giving rise to its making cease to exist.

(6) Unless sooner revoked, an order under this section ceases to have effect at the expiration of 12 months after it was made.

(7) Subsection (6) does not prevent an order being remade.

144 Permits for road events

(1) A roads authority may grant a permit to any person to conduct a road event on a public road.

(2) A permit may not be granted with respect to a classified road except with the consent of the RMS.

(3) A permit may not be granted with respect to an activity for which an approval is required under section 40 of the [Road Transport \(Safety and Traffic Management\) Act 1999](#) unless such an approval is in force.

TEMPORARY ROAD CLOSURES

| | |
|---|--|
| 2 RISK MANAGEMENT - TRAFFIC | |
| CLASS 2 CLASS 3 | 2.1 Occupational Health & Safety - Traffic Control <input type="checkbox"/> Risk assessment plan (or plans) attached |
| | 2.2 Public Liability Insurance <input type="checkbox"/> Public liability insurance arranged. Certificate of currency attached. |
| | 2.3 Police <input type="checkbox"/> Police written approval obtained |
| | 2.4 Fire Brigades and Ambulance <input type="checkbox"/> Fire brigades notified <input type="checkbox"/> Ambulance notified |
| 3 TRAFFIC AND TRANSPORT MANAGEMENT | |
| CLASS 1 CLASS 2 CLASS 3 | 3.1 The route or location <input type="checkbox"/> Map attached |
| | 3.2 Parking <input type="checkbox"/> Parking organised - details attached <input type="checkbox"/> Parking not required |
| | 3.3 Construction, traffic calming and traffic generating developments <input type="checkbox"/> Plans to minimise impact of construction activities, traffic calming devices or traffic-generating developments attached <input type="checkbox"/> There are no construction activities, traffic calming devices or traffic-generating developments at the location/route or on the detour routes |
| | 3.4 Trusts, authorities or Government enterprises <input type="checkbox"/> This event uses a facility managed by a trust, authority or enterprise; written approval attached <input type="checkbox"/> This event does not use a facility managed by a trust, authority or enterprise |
| | 3.5 Impact on/of Public transport <input type="checkbox"/> Public transport plans created - details attached <input type="checkbox"/> Public transport not impacted or will not impact event |
| | 3.6 Reopening roads after moving events <input type="checkbox"/> This is a moving event - details attached. <input type="checkbox"/> This is a non-moving event. |
| | 3.7 Traffic management requirements unique to this event <input type="checkbox"/> Description of unique traffic management requirements attached <input type="checkbox"/> There are no unique traffic requirements for this event |
| | 3.8 Contingency plans <input type="checkbox"/> Contingency plans attached |

TEMPORARY ROAD CLOSURES

| | |
|--|---|
| Class 2 | 3.9 Heavy vehicle impacts |
| | <input type="checkbox"/> Impacts heavy vehicles - RTA to manage <input type="checkbox"/> Does not impact heavy vehicles |
| Class 3 | 3.10 Special event clearways |
| | <input type="checkbox"/> Special event clearways required - RTA to arrange <input type="checkbox"/> Special event clearways not required |
| 4 MINIMISING IMPACT ON NON-EVENT COMMUNITY & EMERGENCY SERVICES | |
| Class 3 | 4.1 Access for local residents, businesses, hospitals and emergency vehicles |
| | <input type="checkbox"/> Plans to minimise impact on non-event community attached <input type="checkbox"/> This event does not impact the non-event community either on the main route (or location) or detour routes |
| Class 2 | 4.2 Advertise traffic management arrangements |
| | <input type="checkbox"/> Road closures or restrictions - advertising medium and copy of proposed advertisements attached <input type="checkbox"/> No road closures or restrictions but special event clearways in place - advertising medium and copy of proposed advertisements attached <input type="checkbox"/> No road closures, restrictions or special event clearways - advertising not required |
| Class 1 | 4.3 Special event warning signs |
| | <input type="checkbox"/> Special event information signs are described in the Traffic Control Plan/s <input type="checkbox"/> This event does not require special event warning signs |
| Class 1 | 4.4 Permanent Variable Message Signs |
| | <input type="checkbox"/> Messages, locations and times attached <input type="checkbox"/> This event does not use permanent Variable Message Signs |
| Class 1 | 4.5 Portable Variable Message Signs |
| | <input type="checkbox"/> The proposed messages and locations for portable VMS are attached <input type="checkbox"/> This event does not use portable VMS |

5 PRIVACY NOTICE

The "Personal Information" contained in the completed Transport Management Plan may be collected and held by the NSW Police, the NSW Roads and Traffic Authority (RTA), or Local Government.

I declare that the details in this application are true and complete. I understand that:

- The "personal information" is being collected for submission of the Transport Management Plan for the event described in Section 1 of this document.
- I must supply the information under the Road Transport Legislation (as defined in the *Road Transport (General) Act 1999*) and the *Roads Act 1993*.
- Failure to supply full details and to sign or confirm this declaration can result in the event not proceeding.
- The "personal information" being supplied is either my own or I have the approval of the person concerned to provide his/her "personal information".
- The "personal information" held by the Police, RTA or Local Government may be disclosed inside and outside of NSW to event managers or any other person or organisation required to manage or provide resources required to conduct the event or to any business, road user or resident who may be impacted by the event.
- The person to whom the "personal information" relates has a right to access or correct it in accordance with the provisions of the relevant privacy legislation.

TEMPORARY ROAD CLOSURES

6 APPROVAL

TMP Approved by: _____ Event Organiser _____ Date _____

7 AUTHORISATION TO *REGULATE TRAFFIC

Council's traffic management requirements have been met. Regulation of traffic is therefore authorised for all non-classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: _____ Council _____ Date _____

The RTA's traffic management requirements have been met. Regulation of traffic is therefore authorised for all classified roads described in the risk management plans attached to this TMP.

Regulation of traffic authorised by: _____ RTA _____ Date _____

* "Regulate traffic" means restrict or prohibit the passage along a road of persons, vehicles or animals (Roads Act, 1993). Council and RTA require traffic to be regulated as described in the risk management plans with the layouts installed under the direction of a qualified person.

TEMPORARY ROAD CLOSURES

Schedule I Form - Notice of Intention to Hold a Public Assembly

SUMMARY OFFENCES ACT 1988 - Sec 23

To the Commissioner of Police

| | |
|---|---|
| 1 | <p>I (name) of (address) on behalf of (organisation) notify the Commissioner of Police that on the (day) of (month), (year), it is intended to hold</p> <p>either:</p> <p>(a) a public assembly, not being a procession, of approximately (number) persons, which will assemble at (Place) at approximately am/pm, and disperse at approximately am/pm.</p> <p>or</p> <p>(b) a public assembly, being a procession of approximately (number) persons, which will assemble at approximately am/pm, and at approximately am/pm the procession will commence and shall proceed</p> <p>..... (Specify route, any stopping places and the approximate duration of any stop; and the approximate time of termination. A diagram may be attached.)</p> |
| 2 | <p>The purpose of the proposed assembly is.....</p> |

TEMPORARY ROAD CLOSURES

| | |
|---|---|
| 3 | <p>The following special characteristics associated with the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly (<i>strike out whichever is not applicable</i>):</p> <p>(i) There will be (number) of vehicles and/or..... (number) of floats involved.</p> <p>The type and dimensions are as follows:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(ii) There will be (number) of bands, musicians, entertainers, etc. which will entertain or address the assembly.</p> <p>(iii) The following number and type of animals will be involved in the assembly:</p> <p>.....</p> <p>.....</p> <p>(iv) Other special characteristics of the proposed assembly are as follows:</p> <p>.....</p> <p>.....</p> |
| 4 | <p>I take responsibility for organising and conducting the proposed assembly.</p> |
| 5 | <p>Notices for the purposes of the <i>Summary Offences Act 1988</i> may be served upon me at the following address:</p> <p>.....</p> <p>.....</p> <p>..... Postcode.</p> <p>Telephone No.</p> |
| 6 | <p>Signed</p> <p>Capacity/Title</p> <p>Date</p> |

TEMPORARY ROAD CLOSURES

10.3 New Policy - Water Carting Policy

REPORT BY THE STRATEGIC ENGINEERING COORDINATOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, GOV400113

RECOMMENDATION

That Council:

1. **receive the report by the Strategic Engineering Coordinator on the New Policy - Water Carting Policy;**
2. **place the Water Carting Policy on public exhibition for 28 days; and**
3. **adopt the Water Carting Policy if no submissions are received during the public exhibition period.**

Executive summary

The purpose of this report is to seek Council's adoption of a new Water Carting Policy (the Policy) that aligns Public Health Regulations with industry best practise for commercial operators needing to draw water from a Council Standpipe.

This Policy is in response to a motion (206/24) carried at Council meeting 14 August 2024 and will advocate the following:

1. Capture existing commercial water carting businesses and facilitate their application to draw water from a Council standpipe.
2. Clarify the statutory obligations private water carters have for supplying potable water to customers and regulate these obligations.
3. Convey a Policy position and application assessment criteria for water carters wishing to access either potable or chlorinated RAW water for use.
4. Monitor water carters who have approval to supply SSD, by reviewing volumes of usage against supply data and, where usage exceeds that approved or conditions of the Policy are breached, revoke or suspend a water carters' access to the supply.

Disclosure of Interest

NIL

Detailed report

Water carters offer an alternative supply in areas where the water supply is insufficient or is temporarily unsuitable. The provision of treated potable water is primarily, to support residential customers and businesses throughout the Mid-Western Regional LGA.

Potable water and chlorinated RAW water may be purchased from Council with approval only and subject to the rates pursuant to the current adopted Council Fees and Charges.

To draw water from a Council standpipe, section 68 of the Local Government Act 1993 requires a person to obtain approval to do so. The Water Carting Policy will provide guidelines, confirm procedures, reference general conditions and limitations for water carters to follow and for Council to refer to in the management and monitoring of water usage.

Councils treated water supplies are becoming a valued source of water for both construction activities and potable purposes relating to both State Significant Development (SSD) and mine sites the Policy will assist in the management of Councils supply to ensure committed levels of service for water supply are achieved.

The key objectives of the policy are:

- The objective of the Water Carting Policy is to outline Mid-Western Regional Council's (MWRC) position regarding the supply, sale and transportation of bulk water purchased from Council.
- To secure and prioritise Council's ability to supply potable water in an efficient manner to the agreed and currently recognised health, environmental and other community standards with minimal restrictions and with the flexibility to promote and meet development demands within the Region.
- With consideration of organisational and seasonal conditions provide guidance and clarification to all stakeholders on Council's primary obligation to manage the availability of potable water for supply to rural residential customers.
- Under section 68 (s68) of the Local Government Act 1993, Private Water Carters (PWC) are required to obtain approval to draw treated water from a Council Standpipe. This includes both chlorinated Potable water and chlorinated RAW water.
- Applicants for a s68 approval are to complete the supporting documentation including the PWC application form and a Quality Assurance Program (QAP)

The key stakeholders in the water carting process are;

- Mid-Western Regional Council who are the utility operator (Water & Sewer) and regulator (Health & Building). Council is required to keep a register of Private Water Carters (PWC), issue consents and approvals, inspect Water Cart Vehicles (WCV), issue access to fill sites, facilitate ongoing record keeping, monitoring and compliance matters with the WCV.
- Private Water Cart operators who are required to register their business, obtain approvals and comply with obligations under the PH Act and Regs with regard to safe supply of water, record keeping and maintenance of the WCV.
- NSW Public Health Unit (PHU) assist in facilitating/reviewing Quality Assurance Programs (QAP) developed by the operators of WCV's, to support their s68 application to Council.

Should the Policy be adopted, Council's Health & Building and Water & Sewer departments will send letters to existing water carters along with supporting information and a step by step guide on how to obtain approval. The letter will draw the water carters attention to the new Policy, the

requirement for them to obtain an approval and the legislative obligations they are governed by. The letter will allow 90 days for water carters to obtain their approval.

Community Plan implications

| Theme | Protecting Our Natural Environment |
|----------|---|
| Goal | Provide total water cycle management |
| Strategy | Identify and implement innovative water conservation and sustainable water usage management practices |

Strategic implications

Council Strategies

Water Supply System Asset Management Plan – 2016

Implementing a water carting Policy will assist Council in the ongoing management and delivery of both water quality and quantity including consideration of sustainable water usage and conservation practises.

Council Policies

- Mid-Western Regional Council - Drinking Water Quality Policy

Legislation

- Local Government Act 1993
- Public Health Act 2010
- Public Health Regulation 2022
- Water Act 2000
- Food Act 2003
- Protection of the Environment Operations Act 1997

Financial implications

The Policy will provide a more transparent and improved approach for private water carters to apply for access to draw water from a council standpipe, via existing fees and charges.

The new Policy will require each individual Water Cart Vehicle to obtain its own a s68 approval and AvData key access to Standpipes.

Current fees and charges are;

- \$294.00 per application
- \$40.00 for each AvData access key, and
- \$161.00 for the inspection of Water Cart Vehicles on an annual basis or for auditing purposes

Associated Risks

Councils Risk Management Policy:

An effective Water Carting Policy will meet the objectives of Councils Risk Management Policy by identifying and monitoring business activities and promoting continued improvement through ongoing monitoring of bulk water use to ensure Councils levels of service and commitment to residents are maintained.

JOSH BAKER
STRATEGIC ENGINEERING COORDINATOR

JULIAN GEDDES
DIRECTOR OPERATIONS

4 March 2025

Attachments:

1. Water Carting Policy.
2. Draft letter to water carters - for reference only.
3. Draft fact sheet - for reference only.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



POLICY Water Carting

*A prosperous
and progressive
community*

| | | | |
|---------------------|-------------|-------------|----------------------|
| Draft | | VERSION NO | VERSION 1.1, 1.2 ETC |
| COUNCIL MEETING MIN | xx/xx | REVIEW DATE | DATE TO REVIEW |
| DATE: | INSERT DATE | FILE NUMBER | INSERT FILE NO |

Objective

- The objective of the Water Carting Policy is to outline Mid-Western Regional Council's (MWRC) position regarding the supply, sale and transportation of bulk water purchased from Council.
- To secure and prioritise Council's ability to supply potable water in an efficient manner to the agreed and currently recognised health, environmental and other community standards with minimal restrictions and with the flexibility to promote and meet development demands within the Region.
- To provide guidance and clarification to all stakeholders on Council's primary obligation to, with consideration to organisational or seasonal conditions, manage the availability of potable water for supply to rural residential customers.
- Under section 68 (s68) of the Local Government Act 1993, Private Water Carters (PWC) are required to obtain approval to draw treated water from a Council Standpipe. This includes both chlorinated Potable water and chlorinated RAW water.
- Applicants for a s68 approval are to complete the supporting documentation including the PWC application form and a Quality Assurance Program (QAP)

Legislative requirements

- Local Government Act 1993
- Public Health Act 2010
- Public Health Regulation 2022
- Food Act 2003
- Protection of the Environment Operations Act 1997

Related policies and plans

- NSW Guidelines for Water Carters
- Mid-Western Regional Council - Drinking Water Quality Policy
- Strategic Business Plan for Water Supply Services 2008
- Australian Drinking Water Guidelines

POLICY: POLICY TITLE | VERSION NO , DATE

Definitions

Non-potable Water: Non-drinkable water

Potable water: Drinkable water

Chlorinated Raw Water: Non-potable water

Water Carter: a person or business who receives water from a supplier of drinking water (MWRC) and who supplies drinking water from a water carting vehicle in the course of a commercial undertaking.

PWC: Private Water Carter

WCV: Water Cart Vehicle

S68: Approval issued under Part B(2) within the table in section 68 of the Local Government Act 1993

QAP: Quality Assurance Program

Policy

GENERAL

Council does not commit to defined levels of service for developments that are outside Council's urban serviceable area. Access to standpipes and the availability of either Potable Water or Chlorinated RAW Water is subject to Council's continued capacity to service urban areas.

Water Carters are to be aware they may experience disruptions to standpipes in instances where Council may be undertaking water supply maintenance or where seasonal or other operational conditions impact on the availability of supply.

Commented [JB1]: ADDED 28TH FEB

Water carters offer an alternative supply in areas where the water supply is insufficient or is temporarily unsuitable. The provision of treated potable water is primarily, to support residential customers and businesses throughout the Mid-Western Regional LGA.

Potable water and chlorinated RAW water may be purchased from Council with approval only and subject to the rates pursuant to the current adopted Council Fees and Charges.

1) Guidelines

Mid-Western Regional Council sells chlorinated treated potable water that meets Australian Drinking Water Guidelines (ADWG).

Note: When chlorinated and treated potable water is added to a water cart vehicle or a rainwater tank, it can mix with existing sludge and other contaminants, leading to taste, turbidity and odour problems. It is therefore the responsibility of the PWC and the owner of rainwater tanks to ensure the maintenance of their tanks.

POLICY: POLICY TITLE | VERSION NO., DATE

2) Treatment

The water sourced from a Council potable bulk water standpipe meets the ADWGs and is safe for human consumption. The PWC is responsible for maintaining adequate chlorine residual up to the point of supply to customers. Adequate free chlorine residual would be between 0.2 - 1.0mg/L, depending on the original chlorine levels of the source water. Council has a chlorine dosing guide (**Appendix 1**) to assist PWC with this requirement. Dosing and chlorine residuals must be recorded in the vehicle's logbook.

3) Potable Water Cart Vehicles

Ideally the water tank should only be used for the transport of potable water. If this is not possible, the tank must be cleaned and disinfected prior to reuse for potable water. The tanks must not be used for the transport of hazardous materials or effluent (treated or otherwise).

Hoses and fittings must be made of food grade material and capped or stored in a dust proof container.

PROCEDURE

- All Private water carters must apply for and obtain a permit to access potable water from Mid-Western Regional Council (MWRC).
- Once a PWC has obtained approval, they may request and pay for an AVDATA key to access the necessary bulk water standpipe.
- Water carters proposing to supply treated water to projects relating to State Significant Development (SSD), major mining or extraction industries must provide project specific information in the application for approval. Such detail is to reference the project name, approval number and nominate the frequency of access and volume of water the project will require.
- Approvals or permits to access Councils bulk water standpipes will be reviewed annually and may be revoked if water restrictions are imposed due to either environmental or operations conditions.
- The approvals are not transferable and each PWC must have an approval for each WCV.
- Water is for use inside the boundaries of Mid-Western Regional LGA.
- Water purchase and use is limited to residents, landowners and approved contractors working within Mid-Western Regional LGA .
- Where water restrictions are in place, bulk water use must adhere to the current level restrictions.
- The filling of WCVs by Private Water Carters is permitted only at the designated bulk water fill stations per **Table 1** of this Policy.
- In accordance with NSW Public Health Act, water carters who supply water to third parties must develop and adhere to a Quality Assurance Program (QAP). Each QAP is also to be submitted to the local NSW Health Public Health Unit.
- Water carters must keep updated logbooks in each WCV and make them available to Council authorised officers on request. Detail must include the following:

Commented [SP2]: THIS IS ALSO A REQUIREMENT OF THE PUBLIC HEALTH ACT

Commented [JB3R2]: NOTED

POLICY: POLICY TITLE | VERSION NO , DATE

- All dates of extraction and delivery
 - Source of water / location of extraction
 - Customers name and delivery address
 - Volume delivered
 - Dosing and chlorine residual levels
 - When the tank was last cleaned and disinfected
- PWC are solely responsible for the cleanliness and condition of vehicles including tanks, pipes and fittings. Food grade hoses and fittings must be used, cleaned and replaced regularly.
 - Mid-Western Regional Council takes no responsibility for the water quality once it has been drawn from the bulk fill standpipe.
 - Council monitors potable water usage and reserves the right to cancel access to filling stations where evidence indicates a PWC has breached any of the above Policy requirements.
 - Chlorinated RAW Water is not permitted to be supplied to customers as potable water. This water is not fit for human consumption and shall only be used for purposes other than potable.

INSURANCE

Prior to operation and for the duration of an approval to draw water from a Council standpipe, all water carting vehicles are to hold a valid Certificate of Currency for Public Liability Insurance to a value of \$20,000,000 which lists Mid-Western Regional Council as an 'Interested Party'.

Where insurance cover expires within an approval period, the operator is required to submit a copy of new insurance details to Council within 7 days prior to the expiry date of the insurance.

Water carting vehicles are required to carry and supply a Certificate of Currency for Third Party Property Damage Insurance.

Should any insurance cover either expire without renewal or be cancelled by the provider, the approval to draw water from a council standpipe ceases to have any effect and the holder of the approval is not permitted to operate the business until insurance cover is obtained.

TABLE 1: APPROVED COUNCIL BULK WATER STANDPIPES

| Township | Address of Bulk water Standpipe |
|--|--|
| MUDGE | Corner of Ulan Road and Moggs Lane |
| <i>Potable water only</i> | |
| GULGONG | Elcom Pump Station at 1a Medley Street |
| <i>Potable and chlorinated RAW water</i> | |
| RYLSTONE | Corner of Ilford Road and Coomber Street |
| <i>Potable water only</i> | |

Appendix 1

Commented [SP4]: DID YOU ALSO WANT A REQUIREMENT FOR PWC OPERATORS TO HAVE PUBLIC LIABILITY INSURANCE? THERE IS SOME WORDING THAT COULD BE USED FROM THE MOBILE VENDING POLICY

Commented [JB5R4]: INSURANCE WORDING ADDED

Commented [JB6]: INSURANCE COMMENTS ADDED, SAME AS MV POLICY.

POLICY: POLICY TITLE | VERSION NO., DATE

CHLORINE READY RECKONER TABLES

To calculate millilitres of 12.5% sodium hypochlorite (liquid) required to disinfect the water in a tank.

Table 2

| AMOUNT OF WATER IN TANK (L) | CONCENTRATION OF CHLORINE REQUIRED | | |
|-----------------------------------|------------------------------------|----------|----------|
| | 1 mg/L | 2 mg/L | 5 mg/L |
| | ADD (mL) | ADD (mL) | ADD (mL) |
| 1000 | 8 | 16 | 40 |
| 2000 | 16 | 32 | 80 |
| 5000 | 40 | 80 | 200 |
| 6000 | 48 | 96 | 240 |
| 7500 | 60 | 120 | 300 |
| 10000 | 80 | 160 | 400 |
| 16000 | 128 | 256 | 640 |
| 20000 | 160 | 320 | 800 |
| 30000 | 240 | 480 | 1200 |

For example: To achieve 5 mg/L chlorine in a 1000 litre tank, add approximately 40 mL of 12.5% sodium hypochlorite.

Please note these calculations are only estimates. The amount of liquid bleach required to be added to your water supply would depend on the quality of the water.

CHECK THE LABEL OF THE PRODUCT TO ENSURE THAT NO ADDITIVES SUCH AS FRAGRANCES ARE ADDED TO THE BLEACH.

Please note the above calculations are only estimates. The amount of chlorine required to be added to your water supply would depend on the quality of the water.

DO NOT USE STABILISED CHLORINE. THE CHLORINE USED MUST NOT CONTAIN ISOCYANURIC ACID

To calculate grams of 65% calcium hypochlorite (granular or powdered chlorine) required to disinfect the water in a tank.

POLICY: POLICY TITLE | VERSION NO , DATE

Table 3

| AMOUNT OF WATER IN TANK (L) | CONCENTRATION OF CHLORINE REQUIRED | | |
|-----------------------------------|------------------------------------|---------|---------|
| | 1 mg/L | 2 mg/L | 5 mg/L |
| | ADD (g) | ADD (g) | ADD (g) |
| 1000 | 2 | 3 | 8 |
| 2000 | 3 | 6 | 15 |
| 5000 | 8 | 15 | 38 |
| 6000 | 9 | 18 | 46 |
| 7500 | 12 | 23 | 58 |
| 10000 | 15 | 31 | 77 |
| 16000 | 25 | 49 | 123 |
| 20000 | 31 | 62 | 154 |
| 30000 | 46 | 92 | 231 |

For example: To achieve 5 mg/L chlorine in a 1000 litre tank add approximately 8 grams of 65% calcium hypochlorite.

Please note the above calculations are only estimates. The amount of chlorine required to be added to your water supply would depend on the quality of the water.

DO NOT USE STABILISED CHLORINE. THE CHLORINE USED MUST NOT CONTAIN ISOCYANURIC ACID.



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

[Insert initials](#) | [Insert file number](#)

[Click here to enter a date.](#)

[\[Addressee name\]](#)
[\[Address line 1\]](#)
[\[Address line 2\]](#)
[\[SUBURB\] \[STATE\] \[PCODE\]](#)

Dear [\[insert salutation\]](#)

SUBJECT: WATER CARTING POLICY AND APPROVALS TO DRAW WATER FROM A COUNCIL STANDPIPE

Council at its meeting on 14th August 2024 endorsed the implementation of a new Policy for 'Water Carting' within the Mid-Western Regional Local Government Area. This letter is to advise you of the impending Policy and the obligations of Private Water Carters (PWC).

Policy – Water Carting

The draft Policy is to be considered by Council at its March 2025 meeting. Should the Councillors vote to adopt the Policy, it will be placed on Public exhibition for a period of 28 days. During this time, the Public will have an opportunity to view the Policy and to lodge a submission. After the 28 day exhibition period and subject to any submissions, the Policy will be officially adopted and implementation will begin.

The Policy will outline Council's position regarding the supply, sale and transportation of bulk water purchased from Council. The Policy will also identify the critical obligations of each water carter, state procedural conditions and, where the water is to be on sold for potable purposes, will have guides for re-chlorination of sourced water.

Note: A water carter is a person, business or organisation who supplies drinking water from a water carting vehicle in the course of a commercial undertaking, where that water is sourced from another water supplier (e.g. Council).

Approval to draw water from a Council standpipe

Council will require all operators of water carting vehicles (referred to as Private Water Carters (PWC)) to seek approval and participate in an ongoing monitoring program in order to maintain their access to Council's water supply standpipes (AvData sites at Mudgee, Gulgong and Rylstone).

Approval under section 68 of the Local Government Act 1993 is required to draw water from a Council standpipe. If you do not have a current valid approval, you can make application to Councils Health and Building Department by lodging your application through the NSW Planning Portal. Please note that pursuant to Councils adopted Fees and Charges, you will be required to pay the applicable fee at lodgement and before your approval is issued.

Please be advised, any Water Carters with current access to Council bulk water standpipes and who do not have a valid s68 approval, will be required to apply and obtain a s68 approval within 90 days of the Water Carting Policy being adopted. Should approval not be sought in this time frame, Council may suspend the access to the standpipes until approval has been issued.

Commented [JB1]: Proposing 60 days to ease burden on H&B receiving applications.

Commented [JB2R1]: Changed to 90 days per exec

Note: A fact sheet is attached to this letter, further explaining the steps you will need to take in making a section 68 application.

Legislative Requirements for water carters

Legislation in New South Wales that affects water carters is governed by the Public Health Act 2010 and the Public Health Regulation 2022. These legal instruments require a drinking water supplier to:

- have a quality assurance program that complies with the Regulation
- comply with its quality assurance program
- provide a copy of the program to the local Public Health Unit
- keep records relating to managing the safety of their drinking water supply, and
- notify their local Council of their business

A quality assurance program describes the water supply, identifies risks, and details the actions to be taken to protect the quality of water provided to consumers.

Note: water carters supplying potable water to customers are also considered a food business.

A copy of the *NSW Guidelines for Water Carters* contains information about providing safe drinking water. These guidelines and further information are available at:

<http://www.health.nsw.gov.au/environment/water/Pages/drinkwater-watercarters.aspx>

For more information, please call Council on 6378 2850 and speak with Council's Health and Building Department for enquiries regarding QAPs or approval process, or Council's Water and Sewer Department for other Policy enquiries. Alternatively, you may email your enquiry to council@midwestern.nsw.gov.au

Yours sincerely

JOSH BAKER
STRATEGIC ENGINEERING COORDINATOR - WATER AND SEWER



MID-WESTERN REGIONAL COUNCIL
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FACT SHEET

OBTAINING SECTION 68 APPROVAL TO DRAW WATER FROM A COUNCIL STANDPIPE

Please find below details of how to apply for a Water Carters approval with Mid-Western Regional Council.

Step 1

First you have to complete a Quality Assurance Program (QAP) which is on the NSW Health Page. Below is the link to the template.

<https://www.health.nsw.gov.au/environment/water/Documents/water-carter-qap-template.pdf>

If you need to find out how to complete this template there are examples through a link on the below website page.

<https://www.health.nsw.gov.au/environment/water/Pages/drinkwater-watercarters.aspx>

A copy of the QAP is to be provided to the local NSW Health Public Health Unit:

<https://www.nsw.gov.au/departments-and-agencies/wnswhd/about-us/contact-us>

NSW Health will provide some form of acknowledgement of QAP submission.

Step 2

Complete the additional supporting information as outlined in Appendix 1 of this Fact Sheet.

Note: this additional information is specific to Mid-Western Regional Council and is required in order for businesses wishing to supply larger sites such as State Significant Development (SSD) or mine sites and is to identify site specific details for the subject site.

Step 3

Next step would be to apply for a S68 approval to draw the water through the NSW Planning Portal. Each separate water carting vehicle will require its own individual s68 approval. The link below will take you to further information on the Planning Portal.

[NSW Planning Portal Mid-Western Regional Council](#)

Please make sure you tick the highlighted sections on the application.

What type of development are you proposing?

- ☐ Structure or places of public entertainment
- ☒ Water supply, sewerage and stormwater drainage work
- ☐ Carry out sewerage work
- ☒ Carry out stormwater drainage work
- ☐ Carry out water supply work
- ☐ Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain or sewer, which connects to a public drain or sewer
- ☒ Draw water from a Council water supply or a standpipe or selling water drawn
- ☐ Install, alter, disconnect or remove a meter connected to a council provided water service pipe

To support your application, please upload the following information in the documents section of the Planning Portal:

- Quality Assurance Program
- Supporting information (see appendix 1 in the attached Fact Sheet)
- Quality Assurance Program acknowledgement letter or email from NSW Health
- Valid certificate of currency for Public Liability Insurance to a value of \$20M which lists Mid-Western Regional Council as an 'Interested Party'

Once this has been uploaded to the NSW Planning Portal, we will receive notice. We will then upload a quote for your approval. Once that has been paid your application will be considered by Council and if all information is satisfactory, your approval will then be uploaded to the NSW Planning Portal.

Step 4

Once you have your s68 approval, if you do not already have an Avdata key with access to Council standpipes you may then request and pay for an Advata key. Please note that each separate water carting vehicle will require its own individual key to align with its specific s68 approval.

Commented [JB1]: Removed at request of H&B as s68 application is considered notification

APPENDIX 1

Overview

Mid-Western Regional Council provides a drinking water supply for rural customers. The water is sourced from the treated town water supply system and meets Australian

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors. PAGE 2 OF 4

Drinking Water Guidelines. This water should be used in a conservative manner that is consistent with Councils Water Carting Policy and any water restrictions that are in force.

All Sections of this Form must be Completed

Name of Applicant:

Business Name:

ABN (if applicable):

Address:

Address:

Assessment Number:

Mobile Number:

Email Address:

Property Details for Location of Water Use:

Provide address of the location(s) of proposed water use. If the water will be used at multiple residential sites reference multiple residential. If the site includes a SSD or a mine site then provide specific details.

.....
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.....

Purpose of Water Use:

Describe what the water will be used for. If it will be used for a specific project or works, provide details. If the site is SSD or a mine site, reference the sites approved project number including expected volumes and frequency of deliveries (you will need to obtain this information directly from the relevant site/projects representative).

.....

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.....
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Timeframe of Water Use: *(tick one box)*

- ☐ Ongoing (as required) OR
- ☐ Specific time period (e.g. works projects that are for a set period)

Start and end dates:

.....
.....

Size of Truck(s), Tank(s) and/or Container(s):

.....
.....

Applicant Declaration:

In submitting this application, I hereby:

- Declare the information provided on this form is correct;
- Understand and agree to adhere to Councils Water Carting Policy (the Policy) as well as any Special Conditions that may be applied to an issued permit and,
- Acknowledge that should I or the operator of the water carting vehicle breach terms of the Policy or conditions of my section 68 Approval, Mid-Western Regional Council may revoke or modify the approval.

Applicant Name:

Applicant Signature:

Date:

The information on this form is being collected to allow Council to process your application and/or carry out its statutory obligations. All information collected will be held by Council and will only be used for the purpose for which it was collected. An individual may view their personal information and may correct any errors. [PAGE 4 OF 4](#)

10.4 Walking & Cycling Action Plan

REPORT BY THE ASSET MANAGEMENT COORDINATOR
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, ROA100587

RECOMMENDATION

That Council:

1. **receive the report by the Asset Management Coordinator on the Adopting Walking & Cycling Action Plan; and**
2. **place the Walking & Cycling Action Plan on public exhibition for 28 days; and**
3. **adopt the Walking & Cycling Action Plan if no submissions are received.**

Executive summary

Council adopted the Walking & Cycling Strategy in 2024. The Mid-Western Regional Council Action Plan has been developed to support the Strategy and provide the detailed roadmap for executing and implementing the proposed network and achieve the outcomes in the Strategy. Guided by the six planning principles in the NSW Design Toolbox—Safe, Connected, Direct, Attractive, Comfortable, and Adaptable—this plan shapes an initial walking and cycling network connecting key locations identified through community engagement.

This proposed network is not the final solution but a flexible foundation, utilising existing streets and roads to create multiple routes. The focus is on providing an appealing, comfortable, and safe experience for all users. As land use evolves and travel needs shift, this network can be adapted and expanded to incorporate new connections, ensuring it remains responsive to the community's changing requirements. The Action Plan also includes estimated construction cost to build the infrastructure. It should be noted these costs include the estimates for the whole route and many elements, not just the footpath. Costs will include additional trees and park benches to achieve the highest possible standard. These costs would be further refined as projects are scoped and developed; therefore, they should be used as a guide only.

Disclosure of Interest

Nil

Detailed report

This action and implementation plan provides a detailed roadmap as a guide for executing the Mid-Western Region Walking and Cycling Strategic Plan and is structured as follows:

- Chapter 2: Aligns key walking and cycling planning priorities with the wider policy context and strategies, providing a concise overview of relevant key documents.
- Chapter 3: Explores the specific walking and cycling treatments that could be implemented in the design of footpaths and cycleways, detailing how these treatments will achieve the desired levels of comfort, safety, appeal and inclusivity for the community while adhering to Australian design standards best practice.

- Chapter 4: Breaks down the network into individual routes, illustrating how the action plan will facilitate access to important community-identified destinations.
- Chapter 5: Establishes a framework for prioritizing routes based on community and stakeholder input, aligned with key policy objectives. It proposes timeframes for implementing each route, considering design, funding, and construction phases, and is supported by strategic cost estimates.

Completed Projects from the Action Plan

The Draft Walking and Cycling Action Plan has been assessed by council staff and utilised as a guide, to undertake small sections of the proposed routes last financial year. Projects that have already been completed in the last financial year include:

- Jacques St Kandos
- Lions Drive Mudgee.
- Fleming Street Rylstone
- Rogers Street Kandos
- Louee Street (part of BVW) Rylstone
- Memorial Park Mudgee
- Denison St Mudgee

Current Funding Applications for the Action Plan

A project where Council has received a number of submissions through the Community Planning Proposal process is the Kandos to Rylstone shared path. This is listed as a high priority project in the Action Plan. As a result of this prioritisation staff submitted a funding application for the design to TfNSW last year. A detailed design is required to satisfy funding body requirements to enable the attraction of grant funding for construction.

Council also applied for construction funding for the Bruce Road pathway providing safe access to St Matthews High School from Robertson Road. A funding announcement is expected in April /May 2025. Council will continue to apply and try to secure funding, for the projects in the Action plan.

One of the key elements of the Action Plan is to help set priorities to enable council to focus on areas considered most important and to help guide the allocation of resources and funding applications. In addition to that, the Action Plan (page 67 to 86, chapter 5) discusses the methodology of prioritisation of routes and costs associated with the proposed treatments. Individual Route ID consists of either building new or upgrading existing infrastructure, or a combination of both.

The adoption of the Action Plan assists and guides council staff in the prioritisation of projects and highlights to the community the key priorities over time in line with community feedback. This however can change as circumstances change.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan 2040
Council Delivery Program and Operational Plan
Walking and Cycling Strategy 2024
Mid-Western Development Control Plan
Roads Asset Management Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The Action Plan details costs to complete strategic routes and Council will note these are indicative costs. Adoption of the Action Plan does not commit the Council to this expenditure and the costs are to be used as a guide for planning and budgeting.

Council currently funds footpaths in three ways – New, replacement and maintenance as part of the capital and maintenance works program. For the 2024/25 financial year, budget allocations were split \$170,000 to new paths, \$148,000 to replacement of footpaths at the end of their life, and \$93,000 for maintenance of existing footpath networks i.e. concrete grinding, replacing small sections of path and other repairs.

An example of new footpath works for the 2024/25 year is the new footpath in Gulgong on Medley St (Lynn to Rouse), and in Kandos - Flemming St, and a small section in Bateman Ave in Mudgee. The Rylstone River Walk shared path is funded under a grant program.

The Action Plan details strategic priorities that far exceed what Council typically allocates annually for new works, hence the Action Plan will be used heavily to attract funding from external agencies. What the Strategy and Action Plan will do is highlight those areas where a higher level of service is proposed i.e. wider paths and shared paths that attract a higher cost, as there is simply more concrete and additional embellishments that may be required as part of the footpath project.

Councils current financial commitment may not achieve as many meters of footpath replacement due to footpaths being replaced wider than they previously were or a narrow footpath being replaced with a shared path where identified in the Strategy and Action Plan.

Adopting the Action plan strategically aligns council to the recommended footpath widths of 1.8m footpath and 3m shared path respectively. This will have a positive impact but also a cost and will generally impact future years capital works budgets as follows:

4. **Increase cost, per meter, in footpath and shared path construction due to additional width, design requirements and underground service investigation.**
5. **Council benefits from a Strategy and Action Plan that aligns to TfNSW grant funding programs requirements, improving council's opportunities for grant funded walking and cycling infrastructure.**

In addition to the initial capital costs, Council needs to be aware that the whole of life costs of new projects need to be taken into account (maintenance and replacement costs) and these will be

considered on a project by project basis. These types of costs have not been considered in detail as part of this Action Plan.

If Council adopts the Action Plan it is not committing to any additional funding, until a future budget is separately resolved.

Associated Risks

The footpath network represents a significant asset base for MWRC across our towns and villages, has a high level of public interest, carries liabilities for public safety and plays a key role in the livability of our communities. Having a strategic approach to this asset and significant capital investment reduces the risk of inappropriate spending and ensures priority projects are the focus of delivery in line with community expectations with an eye to the future.

Council can use this Action Plan when setting priorities for a Community Strategic Plan that spans the term of the Council or considering annual capital plans and priorities. The document may be useful to help set priorities and a suitable funding model depending on what is proposed to be delivered from the Action Plan. This reduces the risk of ad hoc or poorly considered project delivery.

Funding of the footpath network and particularly developing high quality pathways that connect key community facilities comes at a financial risk of Councils ability to deliver such works. The Strategy and Action Plan has been developed to meet quality outcomes in line with TfNSW guidelines, and to help document service levels for delivering this infrastructure. This greatly improves Councils chances of attracting significant grant funding to assist in the delivery of priority projects. Without such a strategic document this grant funding is unlikely.

Councils developer contributed assets form a key part of our asset base over time and Councils Development Control Plan (DCP) generally stipulates design standards for things like footpaths for new subdivisions. The DCP will need to be reviewed to ensure alignment with the Walking and Cycling Strategy and Action Plan to reduce/remove the risk of poorly aligned development outcomes.

RUSHA RAYAN
ASSET MANAGEMENT COORDINATOR

JULIAN GEDDES
DIRECTOR OPERATIONS

5 March 2025

Attachments: 1. Walking and Cycling Action Plan. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

10.5 EPA Bin Trim Funding for Expanded Polystyrene Processing Machine

REPORT BY THE MANAGER WASTE AND ENVIRONMENTAL SERVICES
TO 19 MARCH 2025 ORDINARY MEETING
GOV400113, F0570008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Waste and Environmental Services on the Polystyrene Processing Equipment Funding;**
2. **accept the \$50,000 in grant funding from the EPA Bin trim program for towards the purchase or the GreenMaxx Polystyrene Recycling Machine; and**
3. **approve the co-contribution of \$87,000 from waste fund reserves towards the purchase of the polystyrene processing machine.**

Executive summary

Grant funding of \$50,000 is available to Council through EPA Bin Trim Program for an expanded polystyrene processing machine. The Bin Trim Program is designed to establish or enhance business circular economy networks. They support solutions that are financially viable, mutually beneficial and increase efficiency. The proposed project involves the purchase of a polystyrene processing machine to be based at Mudgee Waste Facility, in the Materials Recovery Facility and three hooklift shipping containers to allow Kandos, Rylstone and Gulgong residents to have the opportunity to participate in this recycling initiative.

Disclosure of Interest

Nil

Detailed report

Council spends about \$25,000 per year on recycling polystyrene products through Green Planet Recycling in Bathurst. Polystyrene is placed in bulka bags with recycling staff responsible for making sure the polystyrene is bagged, tied off and stored correctly for collection. Current collections are fortnightly which is often inadequate to keep up with demand and council has not been able to promote this recycling option due to the limits on the quantity that we can send off site for recycling.

This machine will provide additional opportunities for meaningful employment for people with a disability with existing recycling staff being trained to run the new processing machine and process materials received in a timely manner. This work will be absorbed by the recycling team as they will be spending less time sorting this product from other waste types. The processing equipment will fit in the current recycling shed.



Community Plan implications

| | |
|----------|--|
| Theme | Protecting Our Natural Environment |
| Goal | Live in a clean and environmentally sustainable way |
| Strategy | Educate, promote and support the community in implementing waste minimisation strategies |

Strategic implications

Council Strategies
Solid Waste Asset Management Plan.

Council Policies
Not applicable

Legislation
Waste Avoidance and Resource Recovery Act 2001.

Financial Implications

Project Costs

| Item | Price GST ex |
|---|---------------------|
| GreenMaxx Polystyrene Processing Machine | \$87,101.00 |
| Electrician Connection and Cabling (estimate) | \$5,000.00 |
| 3 Hooklift Shipping Containers | \$42,045.00 |
| Delivery of hooklift shipping containers (estimate) | \$3,000.00 |
| TOTAL | \$137,146.00 |

The EPA will contribute up to 50% of project costs up to a maximum of \$50,000. To complete this project Council will need to contribute \$87,000 from waste reserves. Given the current spend on offsite processing of this product is around \$25,000 per year and estimated sales will be worth \$5,000 per year the pay-back period on Councils contribution to this project is around 3 years.

The processed polystyrene is a marketable commodity so the sale of this will provide an offset on the expense of this project. Case studies indicate that a population of 25,000 will discard 1,500 cubic metres of polystyrene, at a density of 7kg per cubic metre the annual sales based on the current \$450 per tonne will be approximate \$5,000.

If the option to landfill all polystyrene is adopted, the 1,500 cubic metres discarded each year breaks down to 200 cubic metres of space in landfill (when compacted), the landfill space taken by polystyrene, if it is all landfilled, is worth approximately \$38,000/ year.

The product when recycled is used widely in imitation wood products, packaging, foam blocks etc.

| Budget Year | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25 | — | — | ✓ |
| Future Years | ✗ | — | ✗ |

Associated Risks

This opportunity means polystyrene is able to be diverted from landfill. Council currently sends around 300 cubic metres of polystyrene off site. Landfilling polystyrene is a significant cause of windblown litter due to its light weight and large surface area. This poses a risk of non-compliance with Councils Environmental Protection Licence. The alternative is council continue processing through an external contractor with ongoing costs and no option to provide an income stream.

KYLIE STEWART
MANAGER WASTE AND ENVIRONMENTAL SERVICES

JULIAN GEDDES
DIRECTOR OPERATIONS

5 March 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 Simpkins Park Amenities

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, GRA600020, GOV400113

RECOMMENDATION

That Council:

- 1. receive the report by the Acting Director Community on the Simpkins Park Amenities; and**
 - 2. provide multi-year Events Assistance funding of \$3,000 annually to Kandos Street Machine and Hot Rod Show for the period of 2026, 2027 and 2028.**
-

Executive summary

The application for \$250,000 in grant funding through the ClubGrants Infrastructure Grants 2024-25 Round 1 to construct public amenities at Simpkins Park Kandos was unsuccessful. To address the need for amenities at the site, three options are presented for Council's consideration, each with varying costs, long-term implications, and levels of service.

Disclosure of Interest

Nil

Detailed report

In 2022 Mid-Western Regional Council received a formal request from a local resident for a new public toilet/shower block at Simpkins Park, Kandos. This was resolved by Council, and the project features in Council's current 2024/25 Operational Plan.

These amenities would support large-scale events like the Kandos Street Machine and Hot Rod Show, which attracted 4,250 attendees in 2024, as well as other events such as Cementa, Rugby League, and local markets.

For reference, the Kandos Street Machine and Hot Rod Show currently hire the following amenities from an external supplier for their annual event: 2x portable toilet blocks both containing sixteen toilets each (32 toilets total), and 2x shower blocks both containing six showers each (12 showers total). Total cost of hire (incl. travel and servicing) in 2024 was about \$26,000, and \$27,000 in 2025.

The following options are presented for Council's consideration:

Option 1: Fully funded or grant funded permanent amenities

Council could directly fund either the originally proposed amenities block (\$600,000) or a scaled-down version (\$300,000) from unrestricted cash. Budget currently allocated for this project is \$250,000 (incl. \$121,000 in bequest funds).

The original design includes 4x unisex showers, 4x unisex toilets and 1x disabled toilet/shower room. A scaled-down version could provide 2x toilets but no showers. Both options will require water, power and sewer services to be connected to the building.

Council may also consider the additional option of continuing to seek grant funding for the entire project and delaying construction until further funding is secured to completely fund the build.

Pros: provides permanent infrastructure to meet community needs; supports future growth and events.

Cons: significant upfront costs; incurs ongoing costs for maintenance, utilities, cleaning and depreciation; additional amenities would still need to be hired by event organisers for large-scale events.

| Option | Estimated Cost | Description |
|---------------------|---|--|
| Full proposal | \$600,000 upfront, with \$19,800 ongoing annual operational costs, and \$13,800 depreciation per year | Four toilets, four showers, one disabled toilet/shower |
| Scaled-down version | \$300,000 upfront, with \$8,600 ongoing annual operational costs, and \$6,900 depreciation per year | Two toilets, no showers; minimal capacity increase |

Option 2: Purchase portable amenities

Council could consider the purchase of portable toilets (not incl. showers) for ongoing use at Simpkins Park, with the added flexibility of utilising these amenities for other Council events. This option provides adaptability and reduces the need for permanent construction but may limit capacity and user experience compared to permanent amenities.

Pros: lower upfront cost; portability allows use at multiple locations and events.

Cons: lower capacity; storage of units when not being used and responsibility of moving units to locations; may not provide the same community benefit as permanent infrastructure.

| Option | Estimated Cost (per unit) | Description |
|------------------|--|-------------|
| Portable Toilets | \$2,200–\$2,500, with \$4,000 pump truck service fee (\$400 per unit), and \$35 per 1000 litres disposal of waste tank contents. | Single unit |

Scenario example:

- Purchase 10x unisex toilets @ \$2,409 per unit = \$24,090 (based on initial supplier quotes)

Option 3: Provide Events Assistance funding towards the hire of temporary amenities

In 2024/2025, the Kandos Street Machine and Hot Rod Show received \$2,000 in Events Assistance funding from Council. Council could continue to provide Events Assistance funding to Kandos Street Machine and Hot Rod Show over a three-year period to subsidise the hire of portable toilets and showers at Simpkins Park.

Pros: No upfront construction costs; flexibility in scaling based on event needs.

Cons: long-term ongoing costs may exceed purchasing or construction of infrastructure and related operational costs (however current estimates for permanent like-for-like facilities do not reflect this); dependency on availability of hire units.

Scenario example:

- Provide \$3,000 in Events Assistance annually to the Kandos Street Machine and Hot Rod Show over a three-year period, totalling \$9,000.

In summary, the decision regarding public toilet and shower amenities at Simpkins Park presents Council with three distinct options, each with its own advantages and limitations. The construction of permanent amenities, whether fully funded or grant-assisted, offers a long-term solution that supports community needs and future event growth but comes with significant upfront and ongoing maintenance costs. Alternatively, the purchase of portable amenities provides a cost-effective and flexible option for multi-event use but lacks the capacity and permanence of fixed infrastructure. Lastly, continuing to subsidise the hire of temporary amenities allows immediate scalability based on event demands but could lead to higher cumulative costs over time. Council must weigh the financial, operational, and community impacts of each option to determine the most sustainable and beneficial approach going forward.

Community Plan implications

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

Strategic implications

Council Strategies

The identified project supports a number of Council strategies as identified in the Community Plan including:

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

Council Policies

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

Legislation

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

Financial implications

Option 1

- Build permanent amenities (full proposal): \$600,000 upfront, with \$19,800 ongoing annual operational costs, and \$13,800 depreciation per year.
- Build permanent amenities (scaled-down version): \$300,000 upfront, with \$8,600 ongoing annual operational costs, and \$6,900 depreciation per year.

Option 2

- Purchase portable amenities: cost of \$24,090 if 10x unisex toilets are purchased at a cost of \$2,409 each (based on initial supplier quotes). Pump truck service fee for 10x toilets is \$400 per unit, totalling \$4,000. A \$35 per 1000 litres disposal of waste tank contents fee also applies.

Option 3

- Events Assistance funding: total of \$9,000 if Events Assistance funding of \$3,000 is allocated annually to the Kandos Street Machine and Hot Rod Show across a three-year period.

Associated Risks

It is important for Council to support these planned events to encourage visitors to the region and stimulate the local tourism economy. Without Council's support, there is a risk that these events may not proceed in the future or could be relocated, resulting in potential economic losses for the Mid-Western Region.

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

RACHEL GILL
ACTING DIRECTOR COMMUNITY

7 January 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.2 Gulgong Gold Experience and Miner's Cottage 6 monthly report: July - December 2024

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, FIN300096, P1114611, GOV400113

RECOMMENDATION

That Council receive the report by the Acting Director Community on the Gulgong Gold Experience and Miner's Cottage 6 monthly report: July - December 2024.

Executive summary

This report seeks to inform Council on the Gulgong Gold Experience and Red Hill Miner's Cottage Tea Room.

Disclosure of Interest

Nil

Detailed report

The Gulgong Gold Experience opened to the public in 2016 and since this time a Memorandum of Understanding (MOU) has been in place between Council and operators of the facility to ensure a consistent and professional tourist attraction is made available to the public. This commenced with the Gulgong Holtermann Museum Inc. as the operator in 2016 and Manor Enterprises Pty Ltd took over the operations in 2019. The MOU between MWRC and Manor Enterprises Pty Ltd is subject to a period of 12 months and financial assistance of \$15,000 per annum will be provided for operation of the site.

As shown in the attached reports provided by Manor Enterprises Pty Ltd, there has been a downturn in visitation numbers, and this is attributed to lack of accommodation with Gulgong's tourism numbers also reported as down. The July school holidays attracted approximately 660 people, and September school holidays 490 people. Outside school holidays visitation has been very light.

Community Plan implications

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

Strategic implications

Council Strategies
Community Strategic Plan

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

There is no change proposed to Council's contribution and no additional funds are sought.

Associated Risks

Nil

RACHEL GILL

ACTING DIRECTOR COMMUNITY

18 February 2025

- Attachments:*
1. GGE VISITOR FIGURES JULY-DECEMBER 2024.
 2. GGE 2ND Half Year 2024.
 3. RED HILL REPORT July - December 2024.
 4. Miners Cottage Tea Rooms July to December 2024 Report.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER

GGE VISITOR FIGURES JULY/DEC 2024

| | |
|---------------------------|-----|
| JULY SCHOOL HOLIDAYS | 661 |
| AUGUST | 298 |
| SEPTEMBER PT SCHOOL HOLS | 492 |
| OCTOBER “ “ “ | 787 |
| NOVEMBER | 384 |
| DECEMBER CLOSED FROM 20th | |
| FOR ANNUAL BREAK | 192 |

Outside school holidays the visitation has been very light with only couples in caravans dropping in during the week. The majority of the visitors are during the weekend.

The school holidays are the busiest times especially the October school holidays when the weather has improved.

Most of our visitors are day-trippers from Mudgee and surrounding areas.

GULGONG GOLD EXPERIENCE

FINANCIAL REPORT

June to December 2024

| | Debit | Credit |
|------------------------------------|----------|-------------------------------|
| | \$ | \$ |
| Opening Balance | | 27001.28 |
| Half year Revenue | | 15247.84 |
| EXPENCES | | |
| Bank charges | 60.00 | |
| Printing | 675.05 | |
| Maintenance/Cleaning | 3000.00 | |
| Electrician to fix lights in shaft | 563.30 | |
| Domain name and hosting | 408.07 | |
| Calico bags | 652.34 | |
| Cleaning supplies/Hardware | 99.56 | |
| Stationery | 197.78 | |
| Advertising (Half MRT 24/25) | 250.00 | |
| Coordinator | 10000.00 | |
| Gems for bags | 219.66 | |
| Tubes for bags | 196.90 | |
| Volunteer birthdays etc. | 268.71 | |
| Postage | 24.45 | |
| Total Credit | | 42249.12 |
| Total expenditure | 18957.33 | 23651.79 Close Balance |

RED HILL REPORT

2ND Half Year 2024

Gulgong gold Experience

Last year Gulgong suffered a downturn in tourist visitation due to the lack of accommodation in the town. We found most of our visitors were day-trippers from Mudgee and surrounding areas except for the caravan owners and campers who stay at the Showground or Tourist park. Unfortunately these people do not spend much money in town.

Just prior to Christmas two of the three Café's in town closed. Mayne Street Café had only been open 12 months. The owner tried to sell the business but was not successful so just prior to Christmas she sold all the equipment and on 31st December walked away from it. Butcher Shop Café had been operating for 16 years. I am happy to say that both Café's reopened early this month (February).

The Gold Experience has also experience a down turn in visitor numbers yet in saying that the Saturday of the Long Weekend in October was our busiest in the 7 years we have been Coordinators.

We were lucky to have a two TV shows filming towards the end of the year at the Gold Experience and also the Miner's Cottage. I am sure this coverage will be beneficial.

We are very fortunate to have our seven volunteers who have been working with us for the past seven years since we took over as Coordinators. They have all picked up the slack to fill the shifts for those we lost due to their disagreement with Natural History Museum . I am so very grateful for their loyalty

Miner's Cottage Tea Rooms are going well. We decided not to advertise (Except in the MRT tourist guide) and are working on 'word of mouth' which seems to be working well with the number of return guests we have been getting. We had some major expenses the last six months one of which was the Tax Department. I didn't claim the GST so had to pay GST on all the food except for the fresh. I am paying it as I go this year. I am continually modifying the menu because of the

high cost of food and to cut down on food waste. It is hard when you first start to get the menu right but now I know what sells and what doesn't and have a menu that works so lately there has been little food waste.

I had a visit from the Council Health Department and received an Excellent response.

I would like to thank Council for their continued support. Visitors are always commenting on Red Hill and how beautifully it is maintained. It is not easy for the guys when we have had so much rain and high winds which play havoc with all the trees we have.

I am hoping my next report will much be more positive.

Until then,

Joy Harrison

MINER'S COTTAGE TEA ROOMS

REPORT

July to December 2024

| | Debit | Credit |
|--|-----------------|-----------------|
| | \$ | \$ |
| Opening Balance | | 7397.66 |
| Revenue | | 17627.48 |
| | Total | 25025.14 |
| EXPENSES | | |
| Merchant fee | 223.64 | |
| Caterers Warehouse (additional set up) | 445.60 | |
| Merilyn Burch Carney (Artist painting) | 1789.98 | |
| Phone set up and costs | 1413.73 | |
| Hardware | 705.83 | |
| Cleaning products/maintenance | 660.76 | |
| Council Health inspection | 228.00 | |
| Tax Department (GST) | 1027.00 | |
| Total Food Including GST | 10323.11 | |
| Total expenses | 16817.65 | |
| Balance in the bank 31 st December 2024 | | 8207.49 |

11.3 Policy Review - Business Use of Footpath

REPORT BY THE GOVERNANCE CO-ORDINATOR

TO 19 MARCH 2025 ORDINARY MEETING

GOV400113, A0420120, GOV400047

RECOMMENDATION

That Council:

- 1. receive the report by the Governance Co-ordinator on the Policy Review - Business Use of Footpath;**
- 2. place the revised Business Use of Footpath policy on public exhibition for 28 days; and**
- 3. adopt the revised Business Use of Footpath policy if no submissions are received after 42 days**

Executive summary

Council's Business Use of Footpath policy assists local businesses to promote and enhance the atmosphere within the local CBD's by facilitating the use of footpaths within the Mid-Western Regional local government area whilst ensuring that a safe environment is always maintained for pedestrians and vehicles.

There are currently 62 businesses with a current Business Use of Footpath permit. Council Rangers have undertaken an audit of the Gulgong, Mudgee, Kandos and Rylstone CBD areas and identified an additional 64 businesses currently using the footpath without a permit.

Disclosure of Interest

Nil

Detailed report

Council's Business Use of Footpath policy allows for the issue of permits to businesses within the CBD's of the Mid-Western local government area to utilise footpaths (road reserve) for business purposes. Approvals for A-Frames and displays of goods for sale are provided under Chapter 7 of the *Local Government Act 1993*, whilst outdoor dining is approved under the *Roads Act 1993*.

Whilst the Business Use of Footpath policy is designed to foster local business and enhance the vibrancy of our region by permitting businesses to display A-frame signage, goods for sale and establish outdoor dining areas on the footpaths, the primary objective of this policy is to maintain the aesthetic appeal of our towns and to ensure the safety of pedestrians and road users by maintaining clear access pathways and minimising potential hazards.

By implementing guidelines that regulate the use of footpaths for business purposes, Council aims to not only limit the risk of incidents occurring but to also limit Council's liability as a result of incidents arising from businesses operating, which in turn has a flow on effect of assisting local businesses in limiting their public liability.

Major changes proposed to the policy

- **Allowing the transfer of permits from one business owner to another where the business has changed hands, and the same trading name and furniture layout remains.** It has occurred on many occasions where a business has changed hands and Council are not aware of this until the annual public liability insurance document is provided. As permits are valid for 5-year periods, quite often a permit has a long tenure left at the time of a business changing ownership. It is seen as minimal administrative work to update the details of the business owner and inspections are not required.
- **Removal of restrictions surrounding the service of alcohol for outdoor liquor dining permits.** The current policy has very specific restrictions on the type of drinks that can be served. We have had feedback from permit holders that these limitations are very onerous and difficult for businesses to police as well as causing conflict with patrons. The expectation that alcohol should be served with a meal will remain.
- **Removing the reference to applications outside of the CBD or along state owned roads.** We have received legal advice about the usage of road reserve outside the CBD for business purposes. It is recognised that these types of requests may require other forms of applications and different management. These types of applications are not managed by this policy and enquires will be made as to whether another policy is required.

Other changes to the policy include:

- Updating the legislation referred to in the policy to reflect the correct legislation that permits are issued and enforced under
- Updating of information from the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* on what is considered exempt development regarding footpath dining
- Updating the policy to include the Moufarrige Mall walkway and the Council owned area within the Town Hall Arcade as areas required to apply for a permit. These areas have seen frequent use by surrounding businesses to display signage and outdoor dining. As these are high pedestrian areas, it should be noted that safe passage must be maintained at all times by setting clear guidelines.
- No longer requiring businesses to display a permit in the window. Council recognises the effort and planning that business owners put into their shopfronts and display windows and that being required to display a permit in their window can detract from the aesthetic appeal. We have found that this has been an area of resistance for permit holders and is not used by Council to identify compliance during routine inspections.

The Business Use of Footpath policy also allow for temporary use permits to be issued. These permits are for one off and occasional activities such as fundraising, community engagement and promotions. Temporary use permits can be issued for a maximum of four weeks at a time, with no more than two applications to be submitted by an applicant during a calendar year with an exception to applications for busking which can be issued for one year at a time.

There are no changes proposed to temporary permits.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Mobile Vending and Temporary Stalls in a Public Place Policy

Disability Inclusion Action Plan

Walking and Cycling Strategic Plan

Legislation

Local Government Act 1993

Roads Act 1993

Financial implications

Not applicable

Associated Risks

Compliance and enforcement of the Business Use of Footpath policy aims to mitigate public liability risks.

ASHLEIGH MARSHALL
GOVERNANCE CO-ORDINATOR

RACHEL GILL
ACTING DIRECTOR COMMUNITY

26 February 2025

Attachments: 1. Draft Business Use of Footpath Policy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.4 Policy Review - Councillor Expenses and Facilities

REPORT BY THE GOVERNANCE CO-ORDINATOR

TO 19 MARCH 2025 ORDINARY MEETING

GOV400113, GOV400047

RECOMMENDATION

That Council:

- 1. receive the report by the Governance Co-ordinator on the Policy Review - Councillor Expenses and Facilities;**
- 2. place the revised Councillor Expenses and Facilities Policy on public exhibition for 28 days; and**
- 3. adopt the revised Councillor Expenses and Facilities Policy if no submissions are received.**

Executive summary

S252(1) of the *Local Government Act 1993* (LGA) states that within the first 12 months of each term of a council, the council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor the other councillors in relation to discharging the functions of civic office.

Disclosure of Interest

Nil

Detailed report

The Councillors Expenses and Facilities Policy enables Councillors to fulfil their civic duties as elected representatives of Mid-Western Regional Council by clearly stating the facilities and support that are available to Councillors whilst remaining transparent and informing the public of the expenses paid to Councillors as well as the facilities provided. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The Councillor Expenses and Facilities Policy does not deal with the setting and payment of Councillor's and Mayoral annual fees which are set by the Local Government Remuneration Tribunal.

The policy has been reviewed and key changes to take note of include:

- Clarification that Councillors attending meetings as observers and not as Council's appointed representative will not be entitled for reimbursement of travel expenses
- Defining long distance intrastate travel to be travel that is 300km or more from the Councillors primary residence
- The need for Councillors wishing to seek approval for long distance intrastate or interstate travel to submit a case and gain approval from the General Manager and Mayor.

- The need for Councillors seeking approval for overseas travel to submit a case for approval by a full Council meeting, noting that a mayoral minute is not permitted to approve overseas travel.
- Clarification that additional travel expenses for any accompanying person is the responsibility of the Councillor
- The removal of the clause referencing the retention by Councillors of telephone/facsimilie/answering service devices and internet connections at their private residences and that those facilities are being replaced with mobile internet accessible devices. It has been confirmed that there is no longer anyone who fits within this category and the statement is now obsolete.
- The removal of reimbursement for private internet connection and mobile phone expenses. All Councillors are issued with an iPhone and iPad that have sim cards with data plans meaning there is no need for a Councillor to use their private device. Councillors who choose to use a private device will be responsible for any costs incurred as a result.
- The need for a claim form with an itemised account of expenditure and attached invoices/receipts to be submitted prior to expenses being paid

Other minor changes have been made to the existing policy in the way of formatting and language used to bring the policy into line with Councils existing templates.

As well as being required to be reviewed within the first 12 months of a new Council term, s252(5) of the *Local Government Act 1993* states that this policy must comply with any relevant guidelines issued by the Departmental Chief Executive. In accordance with the guidelines, the Councillor Expenses and Facilities policy must be reviewed annually and the policy and details of any submissions received must be forwarded to the Office of Local Government.

Community Plan implications

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

Strategic implications

Council Strategies

Community Plan

Council Policies

Code of Conduct

Electronic Telecommunications – Acceptable Use Policy

Records Management Policy

Legislation

Local Government Act 1993

Local Government (General) Regulation 2021

Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW

Financial implications

Councillor expenses and facilities are provided for in Council's Operational Plan.

Associated Risks

Not Applicable

ASHLEIGH MARSHALL
GOVERNANCE CO-ORDINATOR

RACHEL GILL
ACTING DIRECTOR COMMUNITY

7 March 2025

Attachments: 1. Councillor Expenses and Facilities Policy Revised February 2025.
(separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.5 Mudgee Team Training Village Acceptance of Transfer of Unspent Funds from Resources for Region Round 8 and Budget Update

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, EME900027, GOV400113

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Community on the Mudgee Team Training Village Acceptance of Transfer of Unspent Funds from Resources for Region Round 8 and Budget Update;**
2. **accept transfer of \$1,138,753.02 in funding from the Resources for Region Round 8 (Glen Willow to Putta Bucca Vehicle and Pedestrian Bridge) to the Mudgee Team Training Village project;**
3. **amend the 2024/25 budget for the Mudgee Team Training Village project to increase the grant revenue by \$1,138,753, increase the expenditure by \$180,000 and reduce Council's unrestricted cash contribution by \$958,753;**
4. **authorise the General Manager to finalise and execute the funding agreement; and**
5. **amend the 2024/25 budget for the Putta Bucca Property Upgrade to increase the expenditure by \$434,500, funded from \$76,500 insurance reimbursement and \$358,000 unrestricted cash.**

Executive summary

Council has now received approval from the funding body for the transfer of unspent grant of \$1,138,753 from the Glen Willow to Putta Bucca Vehicle and Pedestrian Bridge project to the Mudgee Team Training Village. The report recommends accepting the grant funding and increasing the expenditure budget for Mudgee Team Training Village by \$180,000, thereby saving \$958,753 of council unrestricted cash. The report also recommends a budget increase to the Putta Bucca Property Upgrade project, funded \$358,000 from unrestricted cash. This results in a proposed increase to councils budgeted unrestricted cash balance of \$600,753.

Disclosure of Interest

Nil

Detailed report

At the Council Meeting on 11 December 2024, it was reported that the grant acquittal for the Resources for Regions Round 8 (Glen Willow to Putta Bucca Vehicle and Pedestrian Bridge) had been submitted, and a request made to transfer unspent funds to the Mudjee Team Training Village project. It was also noted that if the transfer of unspent funds was approved, a report would be presented to Council, and the grant funding would replace a portion of Council's committed funds. Council has now received approval from the funding body for this transfer of \$1,138,753.

As a result, these surplus funds can now be reallocated to support the Mudjee Team Training Village project, reducing the financial burden on Council.

Additional Expenditure Request

At this time the construction of the three new buildings, fit out and associated infrastructure is expected to be complete in April. The renovation of the existing house adjoining the new buildings is planned for completion in August.

It is expected that the additional expenditure listed below is required to ensure satisfactory completion of these projects. This would require Council endorsing that the budget maintains \$180,000 of funding from unrestricted cash rather than the grant funding fully replacing council funds. In addition, it is proposed to increase council's contribution by \$358,000 for the project to upgrade the house that is to be used in conjunction with the training village.

The table below shows the budget result to councils unrestricted cash budget:

| Item | Amount (\$) |
|---|-------------|
| Resources for Region Unspent Grant | 1,138,753 |
| Additional expenditure request Mudjee Team Training Village | (180,000) |
| Additional expenditure request Putta Bucca Property Upgrade | (358,000) |
| Positive impact to Council's unrestricted cash | 600,753 |

Additional budget requested for Mudjee Team Training Village:

| Items | Comment | Amount |
|-------------------|--|----------------|
| Carpark | Variations across earthworks, material, line marking, wheel stops, kerb, asphalt | 64,000 |
| Retaining wall | Repair | 14,000 |
| Extend conduit | to comms pit at gate | 7,000 |
| Sandstone blocks | | 5,000 |
| Sundry variations | Various small items | 12,700 |
| Mowing equipment | robot vacuums and vending and game machine | 50,000 |
| Contingency | | 27,300 |
| TOTAL | | 180,000 |

Additional budget requested for the house renovation:

| Items | Comment | Amount |
|------------------|---------------------------|---------|
| House upgrade | | 338,000 |
| Insurance excess | Required to repair damage | 20,000 |

| | | |
|--------------|-----------------------------|----------------|
| Plastering | Repairs funded by insurance | 58,500 |
| Painting | Repairs funded by insurance | 18,000 |
| TOTAL | | 434,500 |

Renovation works include the addition of a third bathroom, a fifth bedroom, an expanded second bathroom, and a larger kitchen. The project also involves a full refurbishment of the ensuite and main bedroom wardrobe, along with the creation of an additional storage room. Additionally, unforeseen repairs, including essential electrical upgrades, were identified once work commenced, requiring additional funding.

This would bring the total budget for the property upgrade project to \$634,500, which is funded \$558,000 from council contributions.

A summary of the proposed Mudgee team training village project funding is provided below:

| Funding source | Amount \$ | Agency |
|---|-------------------|---------------|
| Local Road and Community Infrastructure Program Round 3 | 2,761,864 | Commonwealth |
| Resources for Region Round 8 | 1,046,288 | State |
| Multisport Community Facility Fund Round 2 | 5,000,000 | State |
| Capital program reserve | 3,257,884 | Council |
| Unrestricted cash | 2,976,017 | Council |
| Resources for Region Round 8 - transferred | 1,138,753 | State |
| TOTAL | 16,180,806 | |

This table shows Council's total cash contribution is now proposed to be \$6,233,901 or 38.5% of the project.

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 transfer of unspent funds will impact the own source revenue ratio.

| Budget Year | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25 | — | × | — |
| Future Years | — | — | — |

Associated Risks

If Council chooses not to accept the transfer of these unspent funds, they will be returned to the funding body, and Council will be responsible for covering this portion of the expenditure from its own unrestricted cash.

RACHEL GILL
ACTING DIRECTOR COMMUNITY

27 February 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

11.6 Lifeline Mudjee Hub - Long-Term Tenancy at Mudjee Arts Precinct

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400103, FIN300368, GOV400113

RECOMMENDATION

That Council:

1. **receive the report by the Acting Director Community on the Lifeline Mudjee Hub - Long-Term Tenancy at Mudjee Arts Precinct; and**
2. **amend the 2024/25 Budget for Art Galleries to increase expenditure by \$10,000 funded from unrestricted cash.**

Executive summary

Lifeline will soon be renting the coworking space within the Mudjee Arts Precinct on a long-term basis, commencing in April. They will contribute \$400 per week in rental fees and utilise the designated coworking space exclusively. Given the confidential nature of Lifeline's services, Council is requesting \$10,000 in funding to soundproof the room to ensure privacy for Lifeline's operations. This arrangement will be formalised through a Memorandum of Understanding (MOU), outlining the terms of their tenancy and use of the space.

Disclosure of Interest

Nil

Detailed report

Lifeline's presence in the Mudjee Arts Precinct will bring vital mental health and crisis support services to the region, strengthening community wellbeing. Their tenancy aligns with council's commitment to improving health services and supporting wellbeing initiatives in the region. The agreement allows Lifeline to establish a permanent base in Mudjee while making use of an existing underutilised facility in a way that benefits the community.

To facilitate Lifeline's work, soundproofing the coworking space is essential to maintaining confidentiality for clients and staff. The estimated cost of these modifications is \$10,000, which is being sought to complete the necessary upgrades. These improvements will also enhance the usability of the space for future tenants, ensuring it meets privacy and acoustic standards for similar services.

This partnership presents a valuable opportunity and showcases Council's commitment to fostering strong community collaborations, while optimising the use of Council facilities to increase access to vital mental health and crisis support in the region. Improved access to mental health services was a key theme identified during Council's recent community engagement activities.

Community Plan implications

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

Strategic implications

Council Strategies

Delivery Program 2022/23 – 2024/25
Operational Plan 2024/25

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

The recommendation commits Council up to an additional \$10,000 of spending for soundproofing the coworking space at the Mudjee Arts Precinct in 2024/25.

| Budget Year | Operating Performance Ratio | Own Source Revenue | Building & Infrastructure Renewal |
|--------------|-----------------------------|--------------------|-----------------------------------|
| 2024/25 | – | – | ✗ |
| Future Years | – | – | – |

Associated Risks

If the coworking space is not soundproofed, there is a risk that Lifeline’s confidential conversations with clients could be overheard, compromising privacy and potentially deterring individuals from seeking support. This could impact the effectiveness of their services and undermine community trust in the facility as a safe and secure space for crisis support. Additionally, noise disruptions from adjacent areas may affect the quality of Lifeline’s work, reducing the overall usability of the space for their operations.

If Council does not proceed with the agreement to lease the facility to Lifeline, there is a missed opportunity to provide a critical mental health service in the region. This could lead to reduced access to crisis support for the community, particularly for those in urgent need. Furthermore, failing to utilise an existing Council facility for a well-aligned community purpose may be perceived negatively, potentially impacting Council’s reputation and its commitment to addressing mental health needs, which was identified as a priority during recent community engagement activities.

RACHEL GILL
ACTING DIRECTOR COMMUNITY

11 March 2025

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 12: Reports from Committees

12.1 Audit Risk and Improvement Committee Minutes - 21 February 2025

REPORT BY THE ACTING DIRECTOR COMMUNITY
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, GOV400113, COR400236

RECOMMENDATION

That Council:

- 1. receive the report by the Acting Director Community on the Audit Risk and Improvement Committee Minutes - 21 February 2025; and**
- 2. endorse the minutes and recommendations of the Audit Risk and Improvement Committee meeting held on 22 November 2024.**

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 21 February 2025.

Disclosure of Interest

Nil

Detailed report

The Audit Risk and Improvement Committee Terms of Reference 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 21 February 2025 meeting.

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 Terms of Reference
Internal Audit Policy
Internal Audit Charter

Legislation

Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Nil

RACHEL GILL
ACTING DIRECTOR COMMUNITY

26 February 2025

Attachments: 1. Minutes - ARIC Meeting 21 February 2025. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

12.2 Local Traffic Committee Meeting Minutes - February 2025

REPORT BY THE ADMINISTRATION ASSISTANT - INFRASTRUCTURE PLANNING
TO 19 MARCH 2025 ORDINARY MEETING
GOV400105, A0100009, GOV400113

RECOMMENDATION

That Council receive the report by the Administration Assistant - Infrastructure Planning on the Local Traffic Committee Meeting Minutes - February 2025.

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday, 21st February 2025.

Three event report was considered:

- *Tour de Cure Westpac Cycling Tour*
- *Mudgee ANZAC Day 2025*
- *Gulgong ANZAC Day 2025*

No traffic reports were considered.

General Business items included:

- *Can Cruise 2025*
- *Works request for reinstatement of disable parking bay at Mudgee Preschool Lovejoy Street*
- *Concerns with speeding on Gladstone St West Mudgee*
- *Concerns with speeding on Mayne Street Gulgong*
- *Works request for giveaway signs on Tongbong & Cox St Rylstone Intersection – Traffic Data*

Full discussion notes are included in the attached report.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

JACQUALYN PERRING
ADMINISTRATION ASSISTANT -
INFRASTRUCTURE PLANNING

JULIAN GEDDES
DIRECTOR OPERATIONS

28 February 2025

Attachments: 1. LTC MINUTES - 21 February 2025.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 21 February 2025

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room, 54 Depot Road Mudgee
on 21 February 2025.

| | |
|-----------|---|
| Present | Don Cottee (MWRC), Garry McGovern (NSW Police), Thomas Worley (TfNSW) Phillip Cooper (Ogdens Coaches) |
| Apologies | Samantha Cecchini (MWRC), Peter Wormald, Jackie Perring (MWRC) |
| Secretary | Lisa Cartmell (MWRC) |

The LTC meeting commenced at 9:36am.

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.

MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the previous Local Traffic Committee held on 13 December 2024 be taken as read and confirmed.

The Minutes of the previous Local Traffic Committee held on 13 December 2024 were accepted.



MATTERS IN PROGRESS – FEBRUARY 2025

| SUBJECT | RES NO. & DATE | CLOSE | ACTION |
|----------------------------|------------------|-------|---|
| CAERLON BUS PICK UP | FEB2021-1 | | <p>15/3 STILL IN PROGRESS, EXPECTATIONS ARE THAT THIS IS A 2 YEAR PROCESS. ADDITIONAL ROAD TO BE ADDED BY COUNCIL.</p> <p>19/4 THE HONE CREEK DRIVE EXTENSION TO FAIRYDALE LANE WILL NOT BE COMPLETED UNTIL 2026. IN THE MEANTIME A TEMPORARY BUS TURN AROUND WITHIN CAERLEON ESTATE WILL BE PROVIDED BY THE DEVELOPER WITH THE CONSTRUCTION OF FUTURE STAGES OF THE SUBDIVISION.</p> <p>13/6/2024 – Don has visited site and has met with Ogdens. To be discussed in General Business 21/6/2024 – Don & Sammy to speak to Ogdens & Dept of Transport as to what can be done. Tentative barrier may be erected. Stage 14 of Caerleon will include a roundabout at entrance to estate</p> <p>10/7/2024 – TfNSW email changing speed zone to 50km past Hone Creek entrance to Caerleon Estate.</p> <p>16/12/2024 – Signage installed – TfNSW to review 100 sign location</p> <p>21/12/2025 – Advice by TfNSW that additional signage would be installed at the end of March. There will be cameras going up at the intersection of Castlereagh Highway and Hill End Rd to observe driver behaviour for four weeks.</p> |
| MEARES ST SPEEDING | | | <p>Various complaints re speeding on Meares St and entrance exit to Hospital car park. Samantha Cecchini would like to propose that we do a road study at multiple locations (including Robertson Rd due to other complaints) to identify any speeding trends</p> <p>21/6/2024 – Road study being undertaken Meares & Robertson Rds. Results will be brought to next meeting. 9/8/2024 – Road study results in General Business for LTC meeting 16/8/2024. 19/8/2024 – Concept design to be drawn and supplied to next meeting 22/1/2025 – Request sent to TfNSW for assistance with funding for concept design</p> |



MATTERS IN PROGRESS – FEBRUARY 2025

| SUBJECT | RES NO. & DATE | CLOSE | ACTION |
|---|--------------------------|-------|---|
| RD0191/2025 - Stop sign on Narrango Road at intersection of Glen Alice Rd – | Sep 2024 meeting | | Works request raised for this work to take place but we have been advised by Roads Dept that they are having a design created to realign the intersection, works commencing in Feb and completion due end March 2025 which negates the need to complete this work at this time. 6/2/2025 - Peter Schmidt/Andrew Kearins is reviewing the final design for the intersection currently as there have been a few alterations that have delayed completion. Works are currently programmed for April. |
| RD0256/2025 - Lue Public School – Works request | Sep 2024 meeting | | Matter being dealt with by TfNSW & Samantha Checcini under TfNSW existing scope of work in that area. Work being undertaken commencing Jan 2025. Works request closed. |
| RD0371/2025 - Pedestrian crossing / Parking Douro St between Showground and New Car Park Works request | Sept 2024 meeting | | Pedestrian crossing not warranted. Hard edge blisters to be added to the location. Works to be completed in 2025. 6/2/2025 – DC has arranged survey. Waiting on results of that. |
| RD0625/2025 - Request for linemarking Market St between Church & Lewis Sts - | Dec 2024 meeting | | Request for line marking in Market St between Church and Lewis St. Advice from Roads Dept - parking bay line marking in Market Street has been programmed for next financial year as our urban line marking budget has been spent already this year. |
| SI0031/2025 - No parking signs on Lisbon St near bend – Works request | Sep 2024 meeting | | Request delegated to Roads Department to install signs and mark roads. Signs ordered on 29/1/25, awaiting arrival to install. Line marking completed 16 December 2024 |
| SI0035/2025 - Request for elderly crossing signage near Wenonah Lodge – | Oct 2024 Meeting | | Traffic counters put into place to get information on traffic and speed at this location (including Wenonah Ave towards Flirtation Hill) – See report in Agenda 13/12/2024 meeting 13/12/2024 – TfNSW and RSO to check location and investigate further. 23/1/2025 – Request by SC to Roads Dept to have edge and centre lines extended to cover this area. 6/2/2025 – Medley St Seg 100 added to urban line marking program early next financial year. |



MATTERS IN PROGRESS – FEBRUARY 2025

| SUBJECT | RES NO. & DATE | CLOSE | ACTION |
|---|--|-------|---|
| SI0037/2025 - Request no stopping in Lyons Lane near The Bridge – | Oct 2024 Meeting | | Works request sent to Roads Dept for sign to be erected. 6/2/2025 - Signs will be installed before Wednesday 12/2/2025 11/2/2025 – Signs installed, Rangers notified. NFA, works request closed. |
| SI0039/2025 - Request for flashing 50km speed signs be placed in Homer St – | Oct 2024 Meeting | | Traffic counters put into place to get information on traffic and speed at this location - See report in Agenda 13/12/2024 meeting 3/2/2025 – Non flashing Signs installed. NFA. Works request closed |
| SI0047/2025 - Load limits for selected roads Works request | Sept 2024 meeting | | Works request raised for Truck prohibited signs to be installed at Cnr of Tallawang St & Barneys Reef Rd & cnr of Tallawang St & Cope Rd. Also Cnr Magpie Lane & Castlereagh Hwy and Magpie Lane & Guntawang Rd. Truck prohibited signs to replace load limited signs at Cnrs of Black Lead Ln and Barneys Reef Rd and Black Lead Lane & Cope Rd from previous works request. 10/2/2025 – Roads Dept update - Signs ordered on 29/1/25, awaiting arrival to install |
| SI0060/2025 & SI0084/2025 Request for Stop sign at intersection Ulan Rd & Ulan-Wollar Rd | Dec 2024 meeting Dec 2024 meeting | | Give Way sign only required. Line marking requested Advised linemarking should take place December 2024. 10/2/2025 – Roads Dept update - Line marking completed 17 December 2024 |
| SI0064/2025 - Request for Give Way sign to be installed at intersection Cox & Tongbong Sts - | Dec 2024 meeting | | Traffic counters to be put into place to get information on traffic and speed at this location. 23/1/2025 - Request for traffic counters put into place. Found that signs already erected prematurely. Signs to be removed, traffic data to be collected then decision as to the correct Give Way arrangement to be made by LTC. Changed traffic conditions signage to be used in the meantime. 20/2/2025 – See traffic data in General Business Part 2 |
| SI0066/2025 - Request for crossing, flashing lights or child crossing at Gulgong Primary School Belmore St Gulgong - | | | School crossing and zig zags done last year however upon investigation road speed markings were not reinstated after reseal. Roads Dept advised and asked to redo road markings. 10/2/2025 – Roads Dept update - Line marking reinstated on 18 December 2024 – Belmore St, & 23 January 2025 - Stott St (40 school patch) |



MATTERS IN PROGRESS – FEBRUARY 2025

| SUBJECT | RES NO. & DATE | CLOSE | ACTION |
|--|-------------------------|-------|--|
| SI0075/2025 & SI0092/2025 - Request for stop sign at intersection Lions Drive & Broadhead Road – | Dec 2024 meeting | | <p>Stop sign not required. Request to Road Dept for Give Way sign and line marking to be installed. Also requested for Give Way sign to be installed at Kellett Drive and Lions Drive intersection.</p> <p>Advised linemarking should take place December 2024.</p> <p>10/2/2025 – Roads Dept update - SI0075/2025 - Signage and line marking completed 17 December 2024</p> <p>10/2/2025 – Roads Dept update - SI0092/2025 - Apologies, as this one seems to have been overlooked by Works officer. Dean will install signage tomorrow and I have added the give way hold lines to our line marking program for when contractors come in early March.</p> <p>12/2/2025 – Give Way sign installed Kellett Drive</p> |
| SI0095/2025 - Request for Bus Stop signage be installed Church St in front of South Mudgee Preschool – | Oct 2024 meeting | | <p>Works request raised 17/12/2024</p> <p>10/2/2025 – Roads Dept update - Signs ordered on 29/1/25, awaiting arrival to install</p> |
| SI0116/2025 - Request for Stop sign on Western side of Burrundulla Rd & Rocky Waterhole intersection be moved closer to intersection and linemarking reinstalled. Request for Give Way sign on eastern side of intersection be moved closer to intersection and line marking reinstated – | Dec 2024 meeting | | <p>Works request raised 6/2/2025</p> <p>10/2/2025 – Roads Dept update – Roads Dept requested clarification for measurements on where the signs are to be placed. Email sent to TfNSW for distance information.</p> <p>11/2/2025 – Diagram provided by TfNSW. Diagram in turn provided to Roads Dept. Works request referred back to Roads Dept.</p> |



PAST EVENT DEBRIEF

| EVENT | |
|-------------------------------------|----------------------------|
| Mudgee Showground Carols 21/12/2024 | No issues from NSW Police. |
| | |
| | |



CALENDAR OF EVENTS

| 2024 | | |
|--|-----------------------------|--|
| MONTH | DATE | COMMENTS |
| FEBRUARY | | |
| | | |
| MARCH | | |
| | | |
| APRIL | | |
| ANZAC DAY | 25 TH APRIL 2024 | Approved by Police April 2024 |
| MAY | | |
| MUDGEES CLASSIC | 4-5 TH MAY 2024 | Complete |
| Windeyer Endurance Ride | 11-12/5/2024 | Approved via email. Consent issued |
| JUNE | | |
| Henry Lawson Heritage Festival 2024 | 8/6/2024 | Acceptance by LTC emailed 19/4/2024.– MWRC Min118/24 giving approval emailed 21/5/2024 |
| Windeyer Endurance Ride | 21-23/6/2024 | Approved via email. Consent issued 12/6/2024 |
| JULY | | |
| Mudgee Small Farm Field Days" Friday and Saturday, | 12-13/7/2024 | Acceptance by LTC emailed 19/4/2024.– MWRC Min118/24 giving approval emailed 21/5/2024 |
| AUGUST | | |
| MUDGEES BIKE RIDE "MARY'S MAYHEM" | 10-11/8/2024 | TENTATIVE Acceptance by LTC emailed 27/6/2024. Acceptance by LTC emailed 10/7/2024 Min 176/24 giving Councils approval emailed 24/7/2024 |
| Mudgee running festival event | 18/8/2024 | Acceptance by LTC emailed 19/4/2024.– MWRC Min118/24 giving approval emailed 21/5/2024 |
| SEPT | | |
| Windeyer Endurance Ride | 21-22/9/2024 | Approved via email 10/9/2024 Consent issued 11/9/2024 |
| 2024 Mudgee High School Year 12 Rainbow Day | 26/9/2024 | Acceptance by LTC emailed 19/8/2024 – Min255/24 giving |



| | | |
|---|---------------|---|
| | | approval emailed 21/10/2024 |
| 2024 Flavours of Mudgee street festival | 28/9/2024 | Acceptance by LTC emailed 27/6/2024. Min 176/24 giving Councils approval emailed 24/7/2024 |
| OCTOBER | | |
| Mudgee Tri Club club race day 2024/2025 season | 27/10/2024 | Acceptance by LTC emailed 30/8/2024 – MWRC Min256/24 giving approval emailed 21/10/2024 |
| Alpine Classic | 26-27/10/2024 | Approval not required |
| NOVEMBER | | |
| Rylstone Street Feast | 2/11/2024 | Acceptance by LTC emailed 24/9/2024. MWRC Min256/24 giving approval emailed 21/10/2024 |
| DECEMBER | | |
| Mudgee Tri Club club race day 2024/2025 season | 1/12/2024 | Acceptance by LTC emailed 30/8/2024 - MWRC Min256/24 giving approval emailed 21/10/2024 |
| Mudgee Cup | 6/12/2024 | Approval not required |
| Mudgee Tri Club club race day 2024/2025 season | 15/12/2024 | Acceptance by LTC emailed 30/8/2024 - MWRC Min256/24 giving approval emailed 21/10/2024 |
| Mudgee Showground Carols | 21/12/2024 | Acceptance by LTC emailed 18/10/2024. MWRC Min297/24 giving approval emailed 26/11/2024 |
| 2025 | | |
| MONTH | DATE | COMMENTS |
| JANUARY | | |
| Mudgee Tri Club club race day 2024/2025 season | 19/1/2025 | Acceptance by LTC emailed 30/8/2024 - MWRC Min256/24 giving approval emailed 21/10/2024 |
| FEBRUARY | | |
| Mudgee Tri Club club race day 2024/2025 season | 16/2/2025 | Acceptance by LTC emailed 30/8/2024 - MWRC Min256/24 giving approval emailed 21/10/2024 |
| Charity Shield – South Sydney v St George Dragons | 22/2/2025 | Acceptance of Glen Willow Major Events Traffic and Pedestrian management plan 2025-2026 by LTC emailed 19/12/2024 – Going to Feb Council meeting. |
| MARCH | | |



| | | |
|---|------------------------|---|
| Tour de Cure Westpac Cycling Tour | 8-11 March 2025 | Acceptance by LTC emailed 10/1/2025. Will be ratified in LTC Feb minutes and go to Council in March 2025 |
| Can Cruise | 15/3/2025 | Going to 21/2/2025 LTC meeting (for info). Approval not required. |
| Mudgee Tri Club club race day 2024/2025 season | 16/3/2025 | Acceptance by LTC emailed 30/8/2024 - MWRC Min256/24 giving approval emailed 21/10/2024 |
| Dubbo Black Dog Ride | 16/3/2025 | Approval not required |
| APRIL | | |
| Mudgee Tri Club club race day 2024/2025 season | 6/4/2025 | Acceptance by LTC emailed 30/8/2024 - MWRC Min256/24 giving approval emailed 21/10/2024 |
| Mudgee ANZAC Day | 25/4/2025 | Going to 21/2/25 LTC meeting |
| Gulgong ANZAC Day | 25/4/2025 | Going to 21/2/25 LTC meeting |
| MAY | | |
| Mudgee Classic 2025 | 3-4/5/2025 | Acceptance by LTC emailed 16/12/2024 – Going to Feb Council meeting |
| JUNE | | |
| Henry Lawson Heritage Festival 2025 | | |
| JULY | | |
| Mudgee Small Farm Field Days" Friday and Saturday, | | |
| AUGUST | | |
| NRL Premiership Penrith Panthers v Canberra Raiders | 22/8/2024 6pm kick off | Acceptance of Glen Willow Major Events Traffic and Pedestrian management plan 2025-2026 by LTC emailed 19/12/2024 – Going to Feb Council meeting. |
| MUDGEE BIKE RIDE "MARY'S MAYHEM" | | |
| Mudgee running festival event | | |
| SEPTEMBER | | |
| The Central West Charity Tractor Trek | September 2025 | Acceptance by LTC emailed 19/12/2024 – Going to Feb Council meeting |
| 2025 Mudgee High School Year 12 Rainbow Day | | |
| 2025 Flavours of Mudgee street festival | | |
| OCTOBER | | |
| NOVEMBER | | |
| Rylstone Street Feast | | |



| | | |
|--------------------------|--|--|
| DECEMBER | | |
| Mudgee Cup | | |
| Mudgee Showground Carols | | |

Red = Unapproved
Green = Approved
Orange – Approval not required



25/001 GENERAL BUSINESS

CAN CRUISE 2025

An email was received from John Stuart of Can Cruise regarding their cruise to be held 15th March 2025.

Hi Jackie

Thanks for reaching out in relation to Cancruise 2025 to be held 15th March at Mudgee Showground.

It is proposed to leave the showground at 11.30 and the route is Nicholson, Atkinson, Meares, Church, Market Streets then Castlereagh Hwy/Guntawang Road to Gulgong. Henry Lawson Dr, Mud Hut Creek Road, Linburn Lane to Cooyal.

In accordance with the terms of ticket purchase all vehicles must be registered and participants must obey directions and naturally observe road rules. We intend to keep traffic flow through town as smooth as possible and propose to again have VMS in place a few days before the event to advise motorists of possible short traffic delays and I have already spoken with Coates.

Regards John

Treasurer Cudgegong Cruisers

A further email advised that Coates were again supplying the VMS at no cost.

As they have followed instruction from last year pertaining to having RMS boards in place it is recommended that the LTC support Can Cruise 2025.

Local Traffic Committee supports Can Cruise 2025. Action: JP to advise Can Cruise.

BRUCE ROAD / SPRING FLAT ROAD

A request for a preliminary Speed Zone Review to be undertaken in the Bruce Road / Spring Flat Road area due to several changes of speed. **Action – TfNSW.**

IMPROVED SPEED MANAGEMENT WITHIN MID-WESTERN LGA

TfNSW has identified priority roads for improved Speed Management within Mid-Western LGA, these include Ulan Road, Cope Road and Henry Lawson Drive. No action required by LTC at this stage. **Action: TfNSW will engage with Council as project progresses to formally notify.**



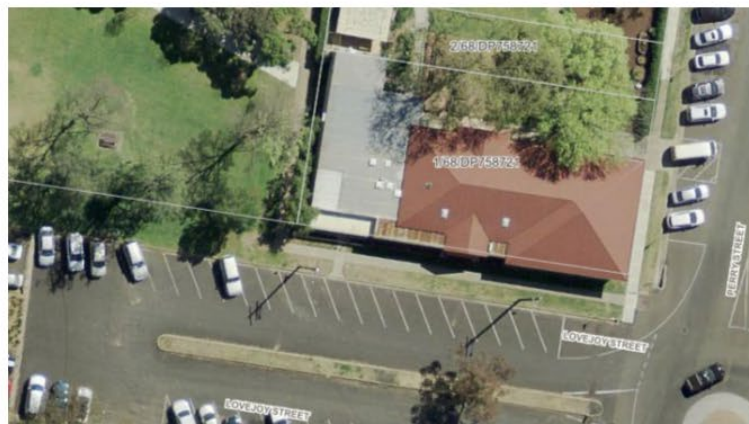
0.0 GENERAL BUSINESS PART 2

WORKS REQUEST RD0822/2025 – LINEMARKING FOR DISABLED PARKING AT MUDGEES PRESCHOOL

There has been a works request received from Mudgee Pre-School requesting a disabled parking spot near the preschool be re-instated. They haven't had a need for it the last couple of years but now they have two families requiring it's use.

Roads Dept have advised that there was a disabled spot there previously but no signage to indicate the location and the road has been resealed. They could not find any reference to a disabled parking bay at this location. Parking is currently 2p & 15 min P in this area.

As per Instrument of delegation and authorisation, Traffic management and pedestrian works temporary delegation to Councils No.2, this request is submitted for the LTC to consider placing a disabled parking bay in Lovejoy Street outside the Mudgee Pre-School.



LTC have requested more consultation with Mudgee Pre-School. Action: JP to contact Mudgee Pre-School.



CONCERNS WITH SPEEDING ON GLADSTONE STREET WEST MUDGEE

Concerns have been raised regarding the speeding that is occurring on Gladstone St between Cox Street to Bell Street.

Traffic counters were installed and can confirm there is a pattern of speeding at all three locations investigated with 48% of all vehicles near Blackman Park exceeding the posted limit, and 232 vehicles travelling more than 70km/h at the straight between Second and Third Streets. 35 of these vehicles were exceeding 90km/h. Reports containing the dates, times and vehicle types will be supplied to Mudgee Police.

RSO Samantha Cecchini suggests considering line marking such as centre and edge lines to delineate the travel lanes clearly coupled with speed enforcement initially to address the 'racing' behaviours described by residents who have raised the matter. More significant traffic calming measures may also need to be considered.

Traffic data summary – Gladstone Street, Mudgee

| Site description | Posted speed limit | Start date | Finish Date | Total vehicles | Daily average #vehicles | Speed mean (km/h) | Speed 85% (km/h) | Max speed (km/h) | % exceeding speed limit | % heavy | Notes/ comments |
|--|--------------------|------------|-------------|----------------|-------------------------|-------------------|------------------|--------------------------|-------------------------|---------|---|
| Gladstone Street between Cox and Court Streets | 50km/h | 26/11/24 | 9/12/24 | 33,996 | 2397 | 46.3 | 52.9 | 121.4 at 21:38, 4/12/24 | 30% (10,245 vehicles) | 8.88 | 90 vehicles more than 70km/h 4 vehicles more than 90km/h |
| Gladstone Street near Blackman Park (60m east of Park Ave) | 50km/h | 26/11/24 | 9/12/24 | 28,170 | 1983 | 49.8 | 55.6 | 132.4 at 12:14, 5/12/24 | 48.1% (13,568 vehicles) | 10.19 | 174 vehicles more than 70km/h 17 vehicles more than 90km/h |
| Gladstone Street between Second and Third Streets | 50km/h | 26/11/24 | 9/12/24 | 23,151 | 1634 | 49.20 | 55.8 | 145.7 at 19:12, 30/11/24 | 43.6% (10,085 vehicles) | 7.16 | 232 vehicles more than 70km/h 35 vehicles more than 90km/h |

Primarily a policing issue however recommendation for other traffic calming devices to be implemented. TfNSW to provide more information on lighting on approach to speed humps and funding streams available. Action TfNSW

CONCERNS FOR SPEEDING ON MAYNE STREET GULGONG

Concerns have been raised about the speed limit on Mayne Street Gulgong.

The Mayne Street Gulgong needs a speed limit on it. I was nearly involved in 2 head ons this morning. One top end and one bottom end. One was a worker, as I was coming down already on the street he flew up must of been doing over 40 the other I'd say a young local didn't even slow down lucky I could pull over. I've seen an older lady nearly hit one day it's getting worse something needs to be done. Maybe speed humps don't know all I know is something has to be done.

This issue is provided to the LTC for information, TfNSW for action being the speed zone authority and NSW Police to advise Patrols to keep any eye on this location.

Primarily a policing issue, however Council required to consider the area being a High Pedestrian Area, consider concerns around preserving the environment. Action: Further investigation required. Action - MWRC



WORKS REQUEST SI0064/2025 – REQUEST FOR GIVEWAY SIGNS CNR TONGBONG ST & COX ST RYLSTONE

Request for Give Ways signs at intersection of Tongbong St & Cox St Rylstone.

Traffic counters were installed. Please find attached the traffic data summary for Cox and Tongbong Street intersection.

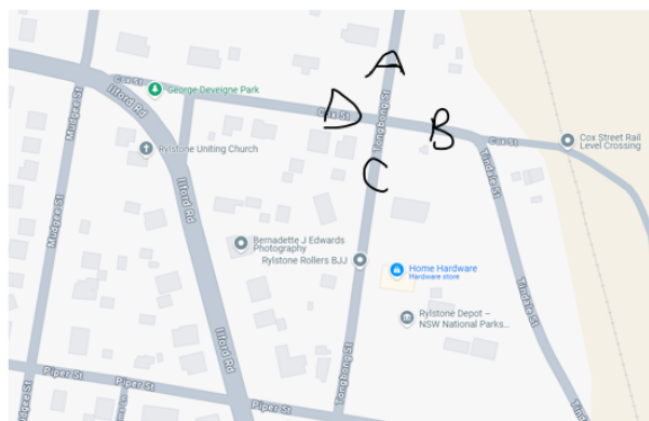
The daily average of vehicles is similar on all approaches so there is no clear primary road.

RSO Samantha Cecchini believes Cox Street is on a hill so perhaps it should be the through road, and Tongbong St has the Give way signs.

Rylstone Roads Works Officer Keith Innes believes that the give way signs should be erected on Tong Bong St giving Cox St the throughway.

Traffic data summary – Cox and Tongbong Street intersection, Rylstone

| | Site description | Posted speed limit | Start date | Finish Date | Total vehicles | Daily average #vehicles | Speed 85% (km/h) | % heavy | Notes/ comments |
|---|-----------------------------|--------------------|------------|-------------|----------------|-------------------------|------------------|---------|-----------------|
| A | Tongbong St NORTH of Cox St | 50km/h | 10/2/25 | 17/2/25 | 585 | 82 | 37.1 | 15.85 | |
| B | Cox St EAST of Tongbong St | 50km/h | 10/2/25 | 17/2/25 | 478 | 70 | 33.1 | 10.14 | |
| C | Tongbong St SOUTH of Cox St | 50km/h | 10/2/25 | 17/2/25 | 490 | 69 | 37.9 | 8.70 | |
| D | Cox St WEST of Tongbong St | 50km/h | 10/2/25 | 17/2/25 | 563 | 78 | 38.2 | 14.10 | |



Recommendation: Stop signs to be installed on Tong Bong Rd (A & C). Reasoning being Cox St is uphill and this would avoid any heavy vehicles changing gears or being required to stop. Tree to be removed from south east corner for clearer visibility. Accepted by all in attendance. JP to raise works request for signs and removal of tree.



25/002 TOUR DE CURE WESTPAC CYCLING TOUR - 8-11 MARCH 2025

RECOMMENDATION

That the Local Traffic Committee ratify the approval by members via email of the Tour de Cure Westpac Cycling Tour to be held 8-11 March 2025 to be classified as a Class 2 Event under the Guide to Traffic and Transport Management for Special Events Version 3.5, with the following conditions:

- a) Events are to be undertaken in accordance with the “Guidelines for Bicycle Road Races”;
- b) A Special Events Transport Management Plan (TMP), is to be prepared in accordance with the “Guide to Traffic and Transport Management for Special Events Version 3.5 and submitted to and approved by Council prior to the event;
- c) Events are to be undertaken in accordance with the requirements of the NSW Police Force with their approval documentation forwarded to Council for notation;
- d) Controlling noise as required by the Protection of the Environment Operations (Noise Control) Regulation 2000;
- e) Reimbursing Council for the cost of damage repairs;
- f) Complying with any of Council’s Law Enforcement Officers reasonable directives;
- g) Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- h) A Traffic Guidance Scheme (TGS) certified by a person with a ‘Select & Modify ‘or a ‘Design and Audit’ Certificate be included in the TMP;
- i) Any person directing traffic on a public road is required to possess an appropriate traffic controller’s certificate;
- j) Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, RMS and NSW Police Force is indemnified against any possible action as the result of the event;
- k) The event convener is to notify all affected businesses and residents adjacent to the proposed closure indicating the period during which their accesses will be affected. Such notification is to be in writing;
- l) Provide alternative access for motorists or pedestrians with legitimate business within the closed section of roadway;
- m) Maintain a four-metre wide emergency vehicle lane;
- n) Advertise the proposed event in local newspapers with relevant information at least 2 weeks prior to the date;
- o) Subject to concurrence with NSW Trainlink
- p) The organiser is to debrief with Council and Police with all traffic control documentation and controls tabled for review; and Transport for NSW consent required for use of the State and Regional road network.

MOTION:

That the above recommendation be accepted and approved.

The Tour de Cure Westpac Cycling Tour to be held 8-11 March 2025 was accepted and approved by the Local Traffic Committee. Action: JP to advise Can Cruise.



25/003 MUDGEE ANZAC DAY 2025

RECOMMENDATION

That the Local Traffic Committee accept the Mudgee ANZAC DAY 2025 Parade to be held 25th April 2025 – be classified as a Class 4 Event under the “ Guide to Traffic and Transport Management for Special Events Version 3.4 ” and proceed with the following conditions:

- a. Provide copies of written approvals from NSW Police advising their control of the event.
- b. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;

MOTION:

That the above recommendation be accepted and approved.

Mudgee ANZAC DAY 2025 Parade was accepted and approved by the Local Traffic Committee Action: JP to advise Can Cruise.

25/004 GULGONG ANZAC DAY 2025

RECOMMENDATION

That the Local Traffic Committee accept the Mudgee ANZAC DAY 2025 Parade ' to be held 25th April 2025 – be classified as a Class 4 Event under the “ Guide to Traffic and Transport Management for Special Events Version 3.4 ” and proceed with the following conditions:

- a. Provide copies of written approvals from NSW Police advising their control of the event.
- b. Council must be provided with a current copy of a public liability insurance policy in the amount of at least \$20 million. Such a policy is to note that Council, Transport for NSW and NSW Police Force are indemnified against any possible action as the result of the event;

MOTION:

That the above recommendation be accepted and approved.

Gulgong ANZAC DAY 2025 Parade was accepted and approved by the Local Traffic Committee Action: JP to advise Can Cruise.

CLOSURE

There being no further business the meeting concluded at 10.23am.

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

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

GIVING NOTICE OF BUSINESS

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

BUSINESS WITHOUT NOTICE

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

