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Business Papers 2020

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING

WEDNESDAY 12 AUGUST 2020



PO BOX 156
MUDGEES NSW 2850

86 Market Street MUDGEES
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77 Louee Street RYLSTONE

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5 August 2020

Dear Councillor,

MEETING NOTICE
Ordinary Meeting

12 AUGUST 2020

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.

Members of the public may speak at the Public Forum, which is held at 5:30PM immediately preceding the Council Meeting. Speakers are given five minutes to address items that are included in the agenda.

If you wish to register to speak at the Public Forum please contact the General Manager's Office on 1300 765 002 or 02 6378 2850 by 4.00 pm on the day before the meeting for approval.

Yours faithfully

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

BRAD CAM
GENERAL MANAGER

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Item 1: Apologies

Item 2: Disclosure of Interest

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

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 15 July 2020

Council Decision:

That the Minutes of the Ordinary Meeting held on 15 July 2020 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
Update on LEC Matter MA0030/2017	Res. 390/17 Ordinary Meeting 13/12/17	That Council staff review the current road standards for subdivisions and that a report be brought back to Council for considerations.	RECOMMENDED FOR COMPLETION
Establishment of a recycled water facility and management system	Res. 323/19 Ordinary Meeting 16/10/2019	That Council: 2. seek Section 60 approval to use recycled effluent and to formulate a Recycled Water Management System (RWMS) 7. place the draft Recycled Water Management Policy on public exhibition for 28 days to receive any public submissions; 8. adopt the Recycled Water Management Policy if no submissions are received; and 9. place on public exhibition for 28 days, the following new Fees and Charges. If no submissions are received following public exhibition Council adopt the Fees and Charges below and include them in the Fees and Charges Schedule: 6.1 Recycled Water Usage Fee - \$1.00/KL	To be reported to Council at a future meeting
Indoor Pool Feasibility Study	Res. 325/19 Ordinary Meeting 16/10/2019	That Council: 4. request that a further report be brought back to Council with an option to develop an indoor swimming facility at a new location in Mudgee.	To be reported to Council at a future meeting
Banner Poles Gulgong	Res. 308/19 Ordinary Meeting 16/10/2019	That Council modify the banner poles on the outskirts of Gulgong so that the banners are more stable and less likely to tear.	To be reported to Council at a future meeting
Cox Street Rail crossing	Res. 64/20 Ordinary Meeting 18/03/2020	Council investigate the re-opening of the crossing over the rail line on Cox St.	To be reported to Council at a future meeting
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
Clandulla Recreation Ground toilet construction	Res. 215/20 Ordinary Meeting 15/07/2020	That a report be brought back to a future meeting of Council concerning the cost of the toilet block at the Clandulla recreation grounds and consideration to using all the funds	To be reported to Council at a future meeting

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
		from the sale of the former Clandulla Progress Association Building.	

Item 5: Mayoral Minute

Nil

Item 6: Notices of Motion or Rescission

6.1 Investigate the Possible Purchase of the Mudjee Regent Theatre

NOTICE OF MOTION LISTED BY CR PERCY THOMPSON
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, A0110038

MOTION

That Council investigate the possibility of purchasing the Mudjee Regent Theatre if this property comes on the market again.

Background

The Mudjee Regent Theatre is now a heritage listed building. We have a large number of community groups and organisations in our area that wish to use this facility.

Officer's comments

The Regent Theatre has been included as a topic for discussion in numerous business papers in recent times and there have been a number of resolutions on this matter during 2020.

At the time of writing this officer comment, the property is not currently for sale.

Item 7: Office of the General Manager

Nil

Item 8: Development

8.1 MA0046/2020 - Modification to DA0248/2014 - proposed demolition and 51 lot residential subdivision, 43 Saleyards Lane, Mudgee

REPORT BY THE TOWN PLANNER
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, DA0248/2014

RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the MA0046/2020 - Modification to DA0248/2014 - proposed demolition and 51 lot residential subdivision, at 43 Saleyards Lane, Mudgee;
- B. approve MA0046/2020 - Modification to DA0248/2014 - proposed demolition and 51 lot residential subdivision, at 43 Saleyards Lane, Mudgee subject to the following conditions and statement of reasons:

Conditions Of Consent **(AMENDMENTS IN RED)**

APPROVED DEVELOPMENT

1. Development is to be carried out generally in accordance with the following;

- Subdivision Plans stamped plans (Job No. 1202MU) Sheets 1/3;
- Statement of Environmental Effects dated January 2014;
- Addendum to Statement of Environmental Effects Dated 17th February 2014;
- Traffic Impact Statement by Jabek P/L (BK138) dated March 2014;

except as varied by the conditions listed herein. Any minor modification to the approved plans will require the lodgement and consideration by Council of amended plans. Major modifications will require the lodgement of a new development application.

DEMOLITION

2. The licensed demolition contractor and/or principal contractor must comply with the following specific requirements in respect of the proposed demolition works:-
 - a) Demolition work is not be undertaken until:
 - Council has been provided with a copy of any required Hazardous Substances Management Plan;
 - The licensed demolition contractor and/or principal contractor has inspected the site and is satisfied that all measures are in place to comply with the provisions of such Plan;
-

- b) The removal, handling and disposal of any asbestos material (in excess of 10m²) is to be undertaken only by an asbestos removal contractor who holds the appropriate class of Asbestos Licence, issued by WorkCover NSW, and in accordance with the requirements of WorkCover NSW, the Work Health and Safety Act 2011 and Australian Standard 2601-2001
- c) All asbestos and other hazardous materials are to be appropriately contained and disposed of at a facility holding the appropriate license issued by the NSW Environmental Protection Agency
- d) Seven working days' notice in writing is to be given to Council prior to the commencement of any demolition works. Such written notice is to include the date demolition will commence and details of the name, address, contact telephone number and licence details (type of licences held and licence numbers) of any asbestos removal contractor and demolition contractor.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 3. A masonry retaining wall is to be provided adjacent the northern boundary of the development site to retain the proposed fill. It is to be offset by 750mm from the rear boundary and this area landscaped with Photinias (or other approved species) that will achieve a minimum height of 2 metres and planted 1 metre apart. Details of the retaining wall structure and landscaping are to be provided with the application for Construction Certificate.
- 4. Prior to development the applicant shall advise Council's Development and Community Services Department, in writing, of any existing damage to Council property before commencement of works. The applicant shall repair (at their own expense) any part of Council's property damaged during the course of this development in accordance with AUS-Spec #1/2 (as modified by Mid-Western Regional Council) and any relevant Australian Standards.
- 5. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
- 6. A copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 is to be provided to Mid-Western Regional Council as an interested party.
- 7. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design, sedimentation and erosion control plans, and a detailed construction plan. These plans are to be approved by the Council prior to the issue of a Construction Certificate.
- 8. Prior to the commencement of subdivision works, the following actions are to be carried out;
 - A site supervisor is to be nominated by the applicant;
 - Council is to be provided with two (2) days' notice of works commencing.

Note: Failure to comply with these conditions will result in damage to Council's infrastructure being rectified by the applicant and at the applicant's cost.

-
- 9. A detailed engineering design is to be submitted to and approved by Council prior to

the issue of a *Construction Certificate*. The engineering design is to comply with Council's Development Control Plan and the Standards referenced within Appendix B and D.

10. The causeway at the eastern end of Saleyards Lane shall be upgraded with culverts with sufficient capacity to facilitate a 1 in 10 yr. ARI rainfall event without inundation of the roadway.
 11. A Construction Certificate is required for, but not limited to, the following civil works;
 - Water and sewer main extensions
 - Stormwater drainage such as inter-allotment drainage, detention basins,
 - Road construction
 - Footpath and kerb & gutter
 - Landscaping of public reserves
 - Construction of culvert on Saleyards Lane.

Note: No works can commence prior to the issue of the Construction Certificate.
 12. The subdivision works are to be inspected by the Council (or an *Accredited Certifier* on behalf of Council) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road Pavement construction
 - Road Pavement surfacing
 - Practical Completion
 13. The applicants shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the Land Titles Office and Council.
 14. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
 15. All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
 16. Engineering plans of the water and sewer mains extension are to be submitted to and approved by Council or an accredited certifier prior to the issue of a Construction Certificate.

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

Note 2: Council does not permit other bodies to insert new junctions or connections into 'live' mains.
 17. The developer is to grant Council (or an *Accredited Certifier* on behalf of Council) unrestricted access to the site at all times to enable inspections or testing of the subdivision works.
-

18. The subdivision works are to be inspected by the Council to monitor compliance with the consent and the relevant standards of construction encompassing the following stages of construction:
 - Installation of sediment and erosion control measures
 - Water and sewer line installation prior to backfilling
 - Establishment of line and level for kerb and gutter placement
 - Road and driveway pavement construction (including excavation, formwork and reinforcement)
 - Road pavement surfacing
 - Practical completion
19. The contractor/owner must arrange an inspection by contacting Council's Development and Community Services Department between 8.30am and 4.30pm Monday to Friday, giving at least twenty four (24) hours' notice. Failure to have the work inspected may result in the access being removed and reconstructed at the contractors/owners expense.
20. The applicant is to submit a Drainage Report prepared in accordance with the Institution of Engineers publication Australian Rainfall and Run-off to the Principal Certifying Authority for approval prior to the release of the Construction Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 100 year ARI. All storm water detention details including analysis shall be included with the drainage report.
21. The drainage report is to include water quality treatment devices meeting targets as stipulated in the DCP and full details of compliance are to be provided with the Construction Certificate.
22. All utilities and services including telecommunications, water and sewer reticulation, street lighting shall be installed prior to pavement construction.
23. Prior to commencement of works, the submission of three road names/road in order of preference, for the proposed two (2) new roads within the subdivision, are to be submitted to Council for approval.
24. Complete landscaping plans for all public reserve areas are to be submitted for approval prior to issue of a Construction Certificate. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to occupation of the development. Tree and shrub species should require minimal watering and salt resistant. Alternatively, smaller plant sizes will be considered if irrigation systems are implemented.

STORMWATER DRAINAGE

25. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter. Such outlets shall be located near the projected line of allotment side boundaries and shall be of no less a quality than kerb adaptors kept at Council's Administration Centre as a guide.
26. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
27. Interallotment drainage is to be provided to remove stormwater from any lots that

cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over interallotment drainage in favour of upstream allotments.

28. Inter-allotment drainage is to be provided to remove stormwater from any lots that cannot discharge to the street in accordance with Aus Spec #1. Easements not less than 1m wide shall be created over inter-allotment drainage in favour of upstream allotments.
29. A minimum of two (2) roof-water outlets per allotment are to be provided in the kerb and gutter at the time of installation of kerb and gutter.

ROADS, KERBS AND VEHICULAR ACCESS

30. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards.
31. The developer is to upgrade the existing road for the full frontage of the proposed Subdivision and the new roads, such that it has the following characteristics:

Saleyards Lane and internal subdivision roads

Item	Requirement
Full Road Pavement Width	9 m (2 x 3.5m travel lanes with 1m sealed shoulders)
Nature Strip	2 x 4.5m
Concrete Footpaths	1.2m Wide
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Roll back concrete kerb & gutter
Subsoil Drainage	Behind kerb if required
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

32. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
33. All utility crossings are to be perpendicular to the road centreline and performed prior to the addition of the base course.
34. A Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council prior to any work commencing.
35. Prior to commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
36. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council standards. A Give Way sign is required to be installed on the internal subdivision road at the junction with Saleyards Lane.

EARTHWORKS

37. If any aboriginal artefacts are uncovered or identified during construction

earthworks, such work is to cease immediately and the local aboriginal community and National Parks and Wildlife Service are to be notified.

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

38. Runoff and erosion controls shall be installed prior to clearing and incorporate:-
- diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - 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;
39. Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilized beyond the completion of construction.
40. The development site is to be managed for the entirety of work in the following manner:
- Appropriate dust control measures;
 - Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - 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.
41. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.

WATER AND SEWER

42. The developer is to extend and meet the full cost of water and sewerage reticulations to service the development plus the cost of connecting to existing services. All water and sewerage work is required to be carried out in accordance with the requirements of Mid-Western Regional Council (as the Water Supply Authority under the Local Government Act, 1993) and in accordance with the National Specification – Water & Sewerage Codes of Australia.
43. The applicant is to provide separate water and sewer reticulation services to each lot.
44. Three metre wide easements, including associated Section 88B Instruments, are to be created in favour of Council over any existing or newly constructed water or sewerage reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision.
45. Water services are to be located on alternate property boundaries to Telstra/Electricity. The developer is to provide a water meter for each lot in the subdivision.

PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE

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

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

47. A linen plan and two (2) copies are to be submitted to Council for approval and endorsement by the General Manager.
48. If the *Subdivision Certificate* is not issued, for any reason whatsoever, by the end of the financial year immediately following the date of determination, then the charges and contributions contained in this consent, may be increased to the current rate at the time of payment.
49. Underground electricity, street lighting and telecommunications are to be supplied to the subdivision.
50. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
 - A certificate from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
 - A certificate from the appropriate telecommunications authorities indicating that satisfactory arrangements have been made for provision of telephone services to the subdivision.
 - all contributions must be paid to Council and all works required by the consent be completed in accordance with the consent, or
 - an agreement be made between the developer and Council;
 - as to the security to be given to Council that the works will be completed or the contribution paid, and
 - as to when the work will be completed or the contribution paid.
51. Following completion of the subdivision works, one full set of work-as-executed plans, on transparent film suitable for reproduction, and an "Autocad compatible" work-as-executed Plan, (in dwg format including pen-map), is to be submitted to Council. All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
52. The developer must provide Council and land purchasers with a site classification for each lot within the subdivision. The classification is to be carried out at a suitable building site on each lot and is to be carried out by a NATA registered laboratory using method (a) of Clause of AS2870 - 2011. Results are to be submitted to Council prior to issue of the Subdivision Certificate.
53. In accordance with the provisions of section 94 of the *Environmental Planning and Assessment Act 1979* and the Mid-Western Regional Council Section 94 Developer Contributions Plan, a contribution shall be paid to Council in accordance with this condition for the purpose of: **SUBJECT TO CPI INCREASE**

Transport Management	
Traffic Management	\$54,539
Open Space	
Local Open Space	\$85,618
District Open Space	\$116,249
Community Facilities	
Library Buildings	\$11,206
Library Resources	\$13,448

Administration	
Plan Administration	\$26,148
TOTAL	\$307,208

54. The developer shall obtain a *Certificate of Compliance* under the Water Management Act. This will require:

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

Water Headworks	\$ 347,083
Sewerage Headworks	\$ 165,631
Total Payable	\$ 512,714

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

55. The developer is to provide a water service and meter for each lot in the subdivision. This can be achieved by making a payment to Council of \$1650 per lot to cover the cost of installing both the service and a 20mm meter on the water main.

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

Note: Council does not permit other bodies to connect to 'live' water mains.

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

58. Where the developer is to construct the sewer main to service a lot, the developer is to provide a new junction for each allotment.

Note: Council does not permit other bodies to insert new junctions into "live" sewer mains.

59. All earthworks are to be monitored by a qualified cultural heritage officer and a minimum of one (1) weeks' notice given to the engaged officer.

60. ~~The developer is to provide a 1.8 metre high lapped and capped timber fence along the full length of the northern boundary at full cost to the developer. The fence is to be constructed above the retaining wall.~~

The developer must register a positive covenant on the title of the land under the provisions of the *Conveyancing Act 1919*, to require that a 1.8m high timber paling fence be constructed along the northern boundary of proposed Lots 39, 40 and Lots 43-51 (inclusive).

The covenant shall be binding upon the registered proprietors of the subject land and successors in title. The instrument shall nominate Council as the only authority empowered to release, vary or modify the terms of the positive covenant.

This covenant shall include, but not necessarily be limited to, the following:

- a) **Prior to the issue of an Occupation Certificate for any residential development, a 1.8 metre high timber paling fence shall be provided along the full length of the northern boundary. The fence is to be constructed above the retaining wall.**

Evidence that the required covenant on the title of the land has been created under the provisions of the *Conveyancing Act 1919*, must be provided to Council.

(Amended by MA0046/2020)

PUBLIC RESERVE

61. **Two street trees per allotment are to be provided prior to issue of the Subdivision certificate. The species of tree is to be listed on the Construction certificate drawings and approved as part of the Construction Certificate.**
62. **The proposed public reserve is to be remediated and adapted to make it suitable for public reserve purposes with native grasses sown and soil erosion rehabilitated. The public reserve is to be remediated prior to issue of the Subdivision Certificate and held in private ownership for a period of two years from issue of the Subdivision Certificate to monitor the remediation works.**
63. **A plan of management for the public reserve is to be prepared and adopted by Council to address cultural heritage, Endangered Ecological Communities and slope prior to issue of the Subdivision Certificate.**

STATEMENT OF REASONS

1. **The proposed modification complies with the requirements of the applicable environmental planning instruments and *Mid-Western Regional Development Control Plan 2013*.**
2. **The proposed modification is considered satisfactory in terms of the matters identified in Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.**
3. **The proposed modification is considered satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.**
4. **The proposal satisfactorily addresses the safety issues raised in the submission received in response to public notification of the development. Modified Condition 60 imposes controls to ensure that a fence is constructed above the retaining wall on the northern boundary prior to the occupation of any future residential development.**

Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Mid-Western Regional Council
PROPERTY DESCRIPTION	Old Saleyards Site 43 Saleyards Lane, Mudgee Lot 2 DP534336; Lot 2 DP1215414 and Lot 3 DP1099282 (Previously known as Lot 2 DP534336, Lot 399 DP1132580 and Lot 532 DP1132581)

PROPOSED DEVELOPMENT	Demolition and 51 lot residential subdivision
REASON FOR REPORTING TO COUNCIL:	Original Development Application Determined by Council.
PUBLIC SUBMISSIONS:	One

Council granted consent to Development Application DA0248/2014 for demolition of existing structures (including the former SES building) and subdivision of land into 51 residential lots at 43 Saleyards Lane, Mudgee NSW 2850. The original application was notified and advertised in the local paper with no submissions received. The application was determined as a Deferred Commencement Consent at the 7 May 2014 Council Meeting.

The deferred commencement conditions related to the requirement for a Phase 2 Environmental Assessment to identify any further contamination risks and the completion of the part closure of Saleyards Road reserve. The deferred conditions were satisfied and consequently an operational consent was issued on 7 May 2019.

Council is now in receipt of a Section 4.55 Application to modify DA0248/2014. The modification (MA0046/2020) proposes to delete condition 60 which requires the following:

The developer is to provide a 1.8 metre high lapped and capped timber fence along the full length of the northern boundary at full cost to the developer. The fence is to be constructed above the retaining wall.

The applicant proposes to include a new condition which requires that the 1.8m high timber paling fence be constructed by the future owners of the lots. The requirement is proposed to be implemented through a positive covenant being applied to the relevant lots with the fence to be constructed prior to the issue of an Occupation Certificate for any residential development.

The subject application was advertised in the Mudgee Guardian and notified to adjoining owners in accordance with the Mid-Western Regional Council Community Participation Plan 2019. During the notification period one (1) submission was received. The submission relates to safety issues associated with leaving the retaining wall unfenced. The issues raised in the submission are addressed later in this report.

The proposed development complies with the requirements of the *Environmental Planning and Assessment Act 1979*, *Environment Planning and Assessment Regulation 2000*, relevant State Environmental Planning policies, *Mid-Western Local Environmental Plan 2012* and Mid-Western Regional Council Development Control Plan 2013 and is recommended for approval.

Pursuant to the powers handed down by the General Manager, conferred under Section 378 of the *Local Government Act 1993*, and as the original application was approved by Council resolution, staff do not have the power to determine the application in accordance with their *Delegation of Authority*. Subsequently, the application is referred to a full Council meeting.

Disclosure of Interest

Nil

Detailed report

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

REQUIREMENTS OF REGULATIONS AND POLICIES

4.55(1A) Modifications involving minimal environmental impact

(1A) Modifications involving minimal environmental impact

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

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

Comment The modification relates to the construction of 1.8m fence to the northern boundary of the subdivision, above an already constructed retaining wall. The proposed change to the timing of the construction of the fence from prior to the issue of a subdivision certificate to the time the lots are occupied is considered to be of minimal impact. The proposal will not affect the layout of the proposed subdivision or any other associated works.

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

Comment Council is satisfied that the proposed modification is substantially the same development as that originally approved for demolition and residential subdivision of the land.

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

(i) The regulations, if the regulations so require, and

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

Comment The Section 4.55 Application was notified to adjoining neighbours and advertised in the local paper for a period of 14 days as per Council's Community Participation Plan 2019 and the original development application.

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

Comment One submission was received during the notification period raising safety issues associated with leaving the retaining wall unfenced. The content of the submission is further considered below.

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

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

(4) The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

Comment The applicant has submitted the Section 4.55(1A) application to Council in order to amend conditions of consent relating to the approved subdivision only. No further development consent is sought by the modification application in accordance with this part.

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

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

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

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

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

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

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

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

Mid-Western Regional Development Control Plan 2013 (DCP)

The original development was considered against the relevant chapters of the Mid-Western Regional Development Control Plan. The proposed modification does not give rise to any issues that need to be considered or reconsidered.

Contribution Plans

The original application was levied with Section 64 contributions and Section 94 contributions and will not be modified by this application.

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

No Planning Agreements are applicable.

(iv) The regulations

Environmental Planning and Assessment Regulation 2000

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

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

The proposed changes are not likely to significantly increase any impacts that were expected by the original development and subsequently, the modification application is considered to be of minimal impact.

As stated previously, Condition 60 requires that a 1.8 metre high timber fence is to be provided along the full length of the northern boundary with the fence to be constructed above the retaining wall.

A review of the original Council report for the application did not identify a specific reason for the inclusion for the fencing, no public submissions were received raising the need for a timber fence nor was there a specific requirement for fencing under Council's Development Control Plan.

The treatment of the retaining wall that the fence is to be constructed above is addressed in a condition of approval (Condition 3). This condition requires that a masonry retaining wall is to be provided adjacent to the northern boundary with the area in front of the wall to be landscaped with plants that will achieve a minimum height of 2 metres.

It is noted that the northern boundary of the development is clearly visible from the Castlereagh Highway at the entrance to Mudgee and accordingly the treatment of the retaining wall and boundary fencing visible from the highway is important aesthetically and likely the reason for including the condition.

To this end, the applicant has proposed an acceptable alternative to Condition 60 that will still result in the construction of the timber fence to the northern boundary of the lots. It is proposed to impose a positive covenant to the lots on the northern boundary (being lots 39, 40, 43-51) that will require a timber fence to be constructed on the northern boundary prior to the occupation of any future residential development. This will change the timing of the construction of the fence from its current requirement (being prior to the issue of a subdivision certificate) to prior to the occupation of future residential development. The applicant has justified this change to the timing as follows:

- *The fence will serve no aesthetic purpose until such time as a dwelling is constructed.*
- *Fences would remain unmaintained, and open to vandalism until such time as a dwelling is constructed.*
- *Unnecessary costs associated with maintaining the fence would lie with the developer, for no tangible benefit to the community.*
- *The fence serves no other purpose i.e. an acoustic treatment.*
- *An alternative and more practical condition has been proposed, that will result in the same outcome.*

It is noted that the requirement for boundary fences to be erected by the developer is not commonly required with the cost of boundary fences usually borne by the future property owner.

Given the above, the proposed modification will result in the same outcome as that which was originally envisaged under the original development consent. No further impacts have been identified as a result of the proposed modification and accordingly, the proposed modification is considered to be suitable for the site.

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

Does the proposal fit in the locality

Yes, the proposed development remains suitable for the site and locality.

4.15(1)(d) Any submissions made in accordance with Act or Regulations**(a) Public Submissions**

The application was advertised in the Mudgee Guardian and notified to adjoining owners for a period of 14 days in accordance with the Mid-Western Regional Council Community Participation Plan 2019. During the notification period one (1) submission was received.

The submission relates to potential safety issues associated with leaving the retaining wall unfenced and ultimately seeks indemnity for accidents associated with the non-fencing of the wall. The objection further details that fill proposed under the original application was to be up to 800mm in depth, however the retaining walls to retain this fill have a height of up to 2 metres. It is argued, that as a result of the height of the retaining walls, the removal of the fence creates a potential safety issue.

In response to the this matter, it is noted that approval is in place for the construction of the retaining walls up to two metres high, granted under Construction Certificate CCC0110/2019.

In relation to indemnifying adjoining property owners, Council is required to assess the application in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. Under the Act and associated Regulations, Council does not have any power to indemnify one property owner from the actions of another property owner. Any potential claims for liability will need to be pursued through the appropriate court, in accordance with the applicable legislation.

Notwithstanding the above, it is not proposed to leave the retaining walls unfenced indefinitely. As discussed previously in this report, a condition will be included which will require the northern boundary of the lots to be fenced prior to the occupation of the land for residential use. This will be ensured through the imposition of a positive covenant on the affected lots with Council the only authority able to release or modify the terms of the covenant. Overall this will mean that when the lots are permanently occupied, the fence above the retaining wall will be in place thereby eliminating any potential safety risks envisaged by the objector.

(b) Submissions from public authorities

No submissions were sought or received from public authorities.

4.15(1)(e) The Public Interest***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 modification to the development consent.

Consultations**Health & Building**

No consultation necessary.

Technical Services

No consultation necessary.

Community Plan implications

Theme Good Governance

Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision making for the community

Strategic implications

Council Strategies

Not applicable.

Council Policies

Mid-Western Development Control Plan 2013.

Mid-Western Regional Local Environmental Plan 2012.

Legislation

Environmental Planning and Assessment Act 1979 (as amended).

Environmental Planning and Assessment Regulations 2000.

Financial implications

Not applicable.

Associated Risks

The application may be subject to a further review of this decision or appeal through the Land and Environment Court, if procedural matters are challenged by a third party.

SARAH HOPKINS
TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

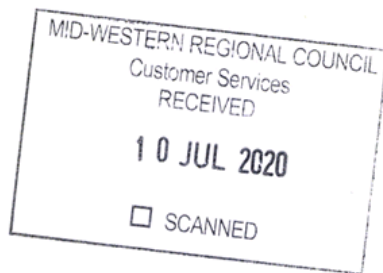
23 July 2020

Attachments:

1. Submission.
2. Plan of Subdivision layout.
3. Letter from applicant regarding modification application.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



10 July 2020

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

Dear Sir,

Re : MA0046/2020 Modification to DA0248/2014 Subdivision, Deletion of Condition 60
(Fencing) 40 & 43 Saleyards Lane Mudgee – Lot 2 DP1215414, Lot 3 DP 1233109

Council has not addressed the safety issues associated with leaving the retaining wall unfenced.

Should a person be walking on the retaining wall and slip, there is the potential to fall up to 2 metres to the natural ground level and be impaled on the barbed wire boundary fence adjoining 32 Saleyards Lane.

As background, Council confirmed as per Clause 6.2 Flood Planning, 'the natural ground levels are between 446.5m AHD and 472.5m AHD', and as per Clause 6.3 Earthworks, 'Lots 45 to 51 are proposed to be filled up to 800mm and a retaining wall constructed on the northern boundary', at the 7 May 2014 Ordinary Meeting (annexure a).

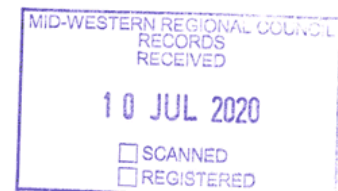
I attach copy of survey confirming the fill depth is more than twice the approved level of 800mm (annexure b), as evidenced by the height of the blocks laid and capping.

As Council has created this potential safety issue, we would request the owner, Elise Harvey, be indemnified against any potential claims arising from any accidents associated with the non fencing of the retaining wall.

Yours faithfully,

A large black rectangular redaction box covering the signature of Warren Harvey.

Warren Harvey



a

30

Mid-Western Regional Council
ORDINARY MEETING - 7 MAY 2014

Clause 6.1 Salinity

The site is not mapped as being subject to salinity; however the Mid-Western Local Government Area is generally prone to dryland salinity. The proposed subdivision would not alter the salinity risk associated with the development.

Clause 6.2 Flood Planning

The land is affected by flooding but is outside of the high hazard flood extent. The land is mapped as being part affected by the Low and Medium hazard flooding. The natural ground levels are between 446.5m AHD and 472.5m AHD. The 1 in 100 year flood level is 445m AHD which indicates that the subject land is higher than the flood planning level (1 in 100 year flood event) and no specific flood controls are required.

Clause 6.3 Earthworks

The development is proposing earthworks in terms of filling land on the northern side of Saleyards Lane. Lots 45 to 51 are proposed to be filled up to 800mm and a retaining wall constructed on the northern boundary.

The retaining wall will be visible from the highway and it is therefore considered appropriate that the retaining wall be constructed as part of the subdivision works. The retaining wall should be constructed of masonry to reduce maintenance issues in the future and drainage will be required to be addressed as part of the civil design to ensure that there is no impact on the adjoining owner.

Clause 6.4 Groundwater Vulnerability

The development is affected by groundwater vulnerability but it is not anticipated that the development would increase the risk of groundwater contamination or affect groundwater systems.

A residential subdivision is not likely to increase the risk of groundwater contamination nor would the future use of the lots for residential purposes. The development would result in more impervious area therefore less penetration of rainwater to the groundwater system. It is not considered that the development would greatly exacerbate this given the extent of land to be retained for open space.

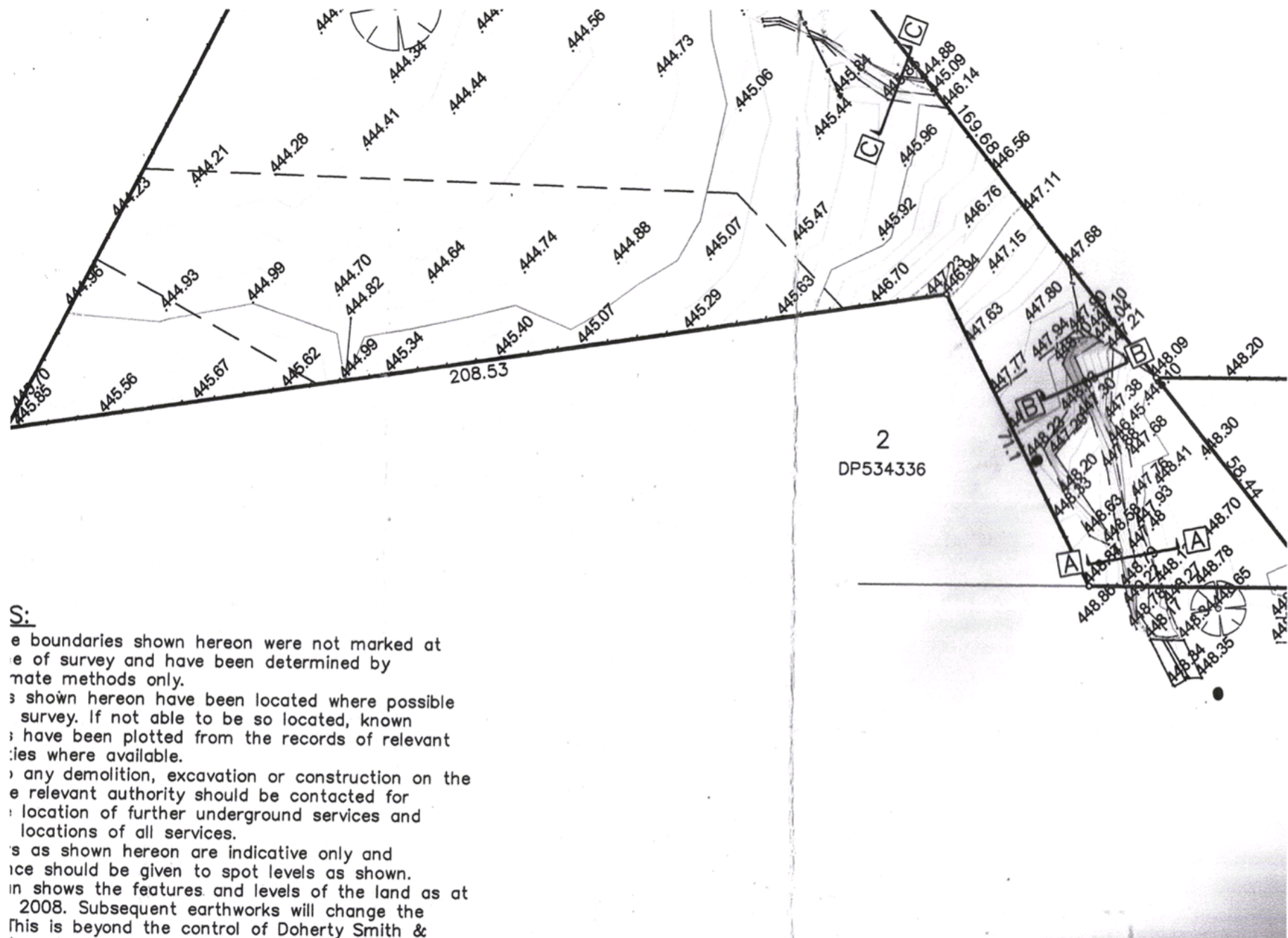
Clause 6.9 Essential Services

Development consent must not be granted unless the consent authority is satisfied that essential services for the proposed development are available or that adequate arrangements have been made to make them available when required. Due to the sites urban location and suitable conditions included within the recommendation this Clause can be satisfied.

SEPP 55 – Remediation of Land

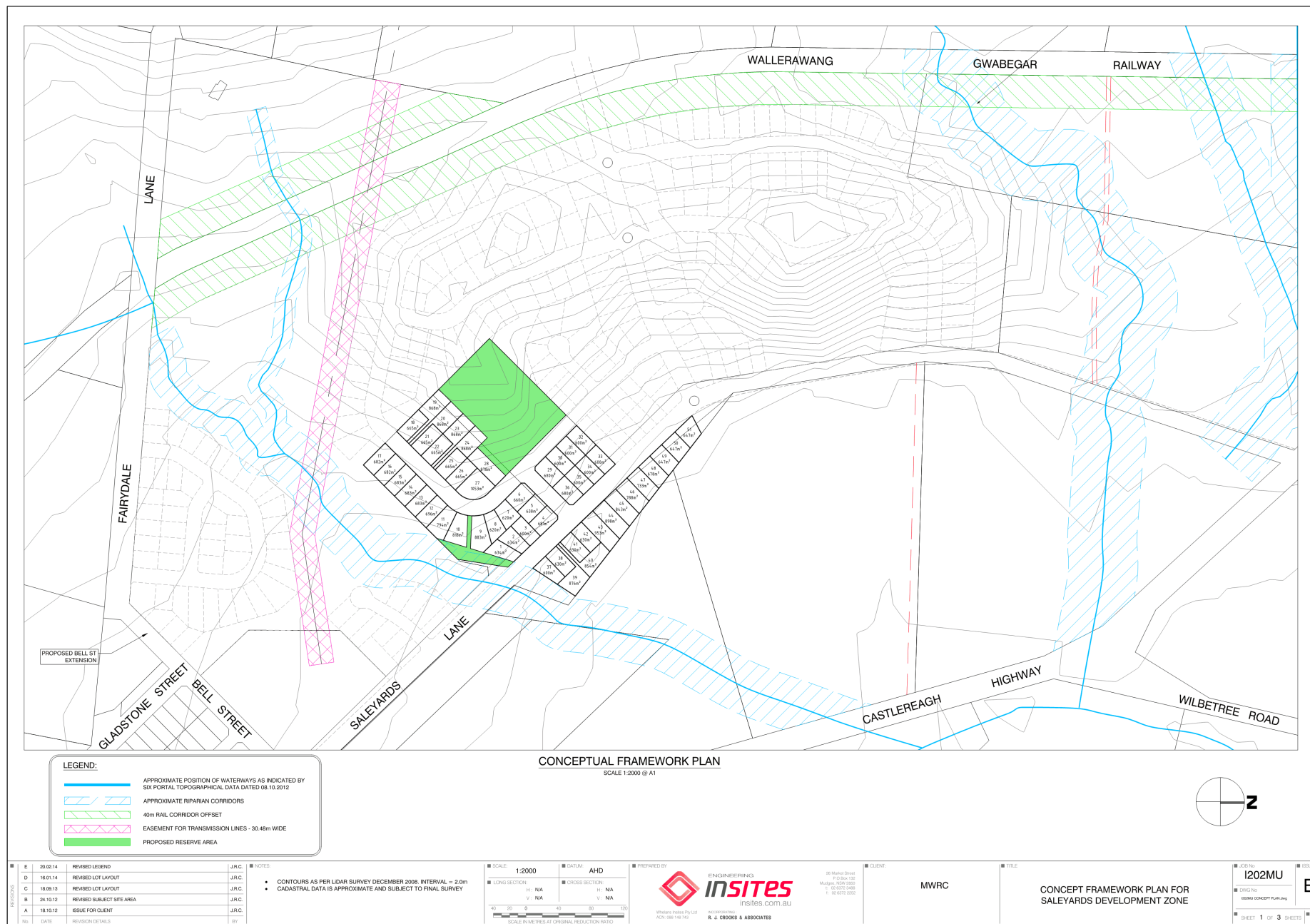
The application is benefited by a Preliminary Environmental assessment regarding previous land use history and the potential for contamination risk. The development site has been subject to a number of land uses that may have increased contamination risk (namely the saleyards and SES building). The report identified a few samples that exceeded assessment criteria such as an oil spill. The report recommended that further assessment and remediation works be carried out and that a site validation be issued stating that the development is suitable for residential purposes.

This will be required as a deferred commencement condition and is consistent with the advice of Dubbo City Council.



S:

e boundaries shown hereon were not marked at
 e of survey and have been determined by
 nate methods only.
 s shown hereon have been located where possible
 survey. If not able to be so located, known
 s have been plotted from the records of relevant
 ies where available.
) any demolition, excavation or construction on the
 e relevant authority should be contacted for
 : location of further underground services and
 locations of all services.
 s as shown hereon are indicative only and
 ice should be given to spot levels as shown.
 in shows the features and levels of the land as at
 2008. Subsequent earthworks will change the
 This is beyond the control of Doherty Smith &





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

DA0248/2014

26 June 2020

Mid-Western Regional Council
86 Market Street
MUDGEE NSW 2850

Attention: Planning Department

Mid-Western Regional Council seeks to modify DA0248/2014 for the proposed demolition and 51 lot residential subdivision, by deleting Condition 60, which requires a 1.8m high lapped and capped timber fence along the entire northern boundary. Condition 60 is as follows:

60. The developer is to provide a 1.8 metre high lapped and capped timber fence along the full length of the northern boundary at full cost to the developer. The fence is to be constructed above the retaining wall.

The above condition was imposed as an aesthetic treatment to the proposed subdivision, however this is considered to an onerous requirement prior to the issue of the Subdivision Certificate for the following reasons:

- The fence will serve no aesthetic purpose until such time as a dwelling is constructed.
- Fences would remain unmaintained, and open to vandalism until such time as a dwelling is constructed.
- Unnecessary costs associated with maintaining the fence would lie with the developer, for no tangible benefit to the community.
- The fence serves no other purpose i.e. an acoustic treatment.
- An alternative and more practical condition has been proposed, that will result in the same outcome. This has been discussed below.

Alternative Recommendation

Given the prominence of the subdivision on the entry to town from Castlereagh Highway approaching from the north, it is recognised that uniform, and aesthetically pleasing fencing along the northern boundaries of proposed Lots 1-14 is important.

To that end, it is requested that, as an alternative to Condition 60, Council impose a condition stipulating that a positive covenant be included on the title for proposed Lots 1-14 requiring a

1.8m high timber paling fence along the northern boundary, prior to issue of an Occupation Certificate for any future residential development.

It is proposed that the covenant shall be binding upon the registered proprietors of the subject land and successors in title, and nominate Council as the only authority empowered to release, vary or modify the terms of the positive covenant.

Suggested Condition:

- The developer must register a positive covenant on the title of the land under the provisions of the *Conveyancing Act 1919*, to require that a 1.8m high timber paling fence be constructed along the northern boundary of proposed Lots 1-14.

The covenant shall be binding upon the registered proprietors of the subject land and successors in title. The instrument shall nominate Council as the only authority empowered to release, vary or modify the terms of the positive covenant.

This covenant shall include, but not necessarily be limited to, the following:

- a) Prior to the issue of an Occupation Certificate for any residential development, a 1.8 metre high timber paling fence shall be provided along the full length of the northern boundary. The fence is to be constructed above the retaining wall.

Evidence that the required covenant on the title of the land has been created under the provisions of the *Conveyancing Act 1919*, must be provided to the satisfaction of Council.

Regards,



MARILYN FROST
EXECUTIVE ADMINISTRATION ASSISTANT

8.2 DA00089/2020 - Subdivision - Torrens Title - 1 into 24 Lots - 238 Broadhead Road, Spring Flat

REPORT BY THE SENIOR TOWN PLANNER AND MANAGER, STATUTORY PLANNING
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, DA0089/2020

RECOMMENDATION

That Council:

- A. receive the report by the Senior Town Planner and Manager, Statutory Planning on the DA00089/2020 - Subdivision - Torrens Title - 1 into 24 Lots - 238 Broadhead Road, Spring Flat;
- B. approve DA00089/2020 - Subdivision - Torrens Title - 1 into 24 Lots - 238 Broadhead Road, Spring Flat subject to the following conditions and Statement of Reasons:

CONDITIONS

PARAMETERS OF CONSENT

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

Title/Name	Drawing No/ Document Ref	Revision/Issue	Dated	Prepared by
Overall Subdivision Plan	BK608 ST1	-	31/07/19	Robert John Crooks
Subdivision Plan	BK608 ST2	-	31/07/19	Robert John Crooks
Cover Sheet	MX10598.00- C1.0	A	30/09/19	Triaxial Consulting
General Notes	MX10598.00 – C1.1	A	30/09/19	Triaxial Consulting
Site Plan	MX10598.00 – C1.2	A	30/09/19	Triaxial Consulting
Broadhead Road Long Section Sheet 1	MX10598.00 – C2.0	A	30/09/19	Triaxial Consulting
Broadhead Road Long Section Sheet 2	MX10598.00 – C2.1	A	30/09/19	Triaxial Consulting
Road 1 Long Section Sheet 1	MX10598.00 – C3.0	A	30/09/19	Triaxial Consulting
Road 1 Long	MX10598.00 –	A	30/09/19	Triaxial

Section Sheet 2	C3.1			Consulting
Road 1 Long Section Sheet 3	MX10598.00 – C3.2	A	30/09/19	Triaxial Consulting
Water Plan	MX10598.00 – C5.0	A	30/09/19	Triaxial Consulting

2. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained.

GENERAL

3. Proposed Lots 1 to 21 are to have a minimum area of 2 hectares.
4. No more than 0.5 hectares of trees are to be removed from the site.
5. The development is to be generally constructed in two (2) stages, as outlined below:

a) Stage 1:

- (i) Release of four (4) residential lots with access from the construction of part of proposed Road No 1 and a temporary turning area
 - Proposed Lot 1;
 - Proposed Lot 2 (with existing dwelling and shed);
 - Proposed Lot 20; and
 - Proposed Lot 18;
- (ii) Creation of 1 residue lot;
- (iii) Release of proposed Lot 19 with access via Broadhead Road (to be sealed);
- (iv) The proposed Lot 23 public reserve (10m wide). This public reserve will connect to the adjoining Broadview Estate drainage reserve and associated walking path;
- (v) Installation of a pump array and equipment on the existing bore on a residue lot (within proposed future Lot 9) and installation of water storage for the shared water supply (within future proposed Lot 8);
- (vi) Creation of easements and construction of water supply pipeline to proposed residential lots in release 1 at alignment of future road connection (Road No. 1);
- (vii) Creation of part of Proposed Road No.1 for this part of the road that abuts proposed Lots 1, 2, 18 and 20; and
- (viii) Creation of a temporary turning area at the end of the proposed Road No.1 within the residue lot.

- b) Stage 2: all remaining lots and portions of proposed Road No.1 that have not been created.

All servicing is to be undertaken in accordance with the staging.

6. The strength of the concrete used for any concrete components in the development must be a minimum 25 Mpa.
7. All General Terms of Approval issued in relation to the approved development, shall

be complied with prior, during and at the completion of the development, as required.

The General Terms of Approval include the following:

- a) General Terms of Approval, issued by NSW Rural Fire Service, for a Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.
- b) General Terms of Approval, issued by the Natural Resources Access Regulator, for a Controlled Activity Approval in accordance with Section 91 of the *Water Management Act 2000*.
- c) General Terms of Approval, issued by Water NSW, for a Water Management Work approval in accordance with Section 90 of the *Water Management Act 2000*.

8. The developer is to ensure that any defects in the works that become apparent within the 24 months following the issue of a Subdivision Certificate, are remedied to Council's satisfaction. If these defects are not satisfactorily remedied, Council may use bond money to carry out rectification works.

Any unspent bond money will be returned to the developer at the end of the 24 month period, less the cost of any rectification works carried out by Council.

9. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
10. 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.
11. The only waste derived material that may be received at the development site must be:
- a) Virgin excavated natural material, within the meaning of *Protection of the Environment Operations Act 1997*; and
 - b) Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Stormwater

12. The Developer must provide for the design and construction of all stormwater drainage infrastructure to service the development.

Water Services

13. The developer is to provide separate non-potable water reticulation services to Lots 1 to 21 within the subdivision. This includes the provision of a private water service and private meter to Lots 1 to 21 within the subdivision.
14. The developer is to meet the full cost of water reticulation to service the
-

development. All water supply work is required to be carried out in accordance with the requirements of the *National Specification – Water Supply Code of Australia*.

Electricity Supply

15. Electricity is to be supplied to the Subdivision in accordance with the relevant authority's standards. Each allotment is to be provided with a service point/connection to an electricity supply.

Roads

16. The developer is to upgrade Robertson Road for the full frontage of proposed Lot 21, such that it has the following characteristics:

Item	Requirement
Full Road Pavement Width	9m
Footpath Width	2 x 4.5 m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Nil
Subsoil Drainage	Drainage swale
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

17. The developer is to upgrade Broadhead Road for the full frontage of the proposed subdivision, such that it has the following characteristics:

Item	Requirement
Full Road Pavement Width	9m
Footpath Width	2 x 4.5m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Nil
Subsoil Drainage	Drainage swale
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.
Road surface height above creek crossing	Height sufficient for road surface to be above the 100 year ARI storm event flood levels within the watercourse. Culvert to be of sufficient width to accommodate full width road pavement and provision for future footpaths.

18. Proposed Road No.1 in the subdivision is to be constructed in accordance with the

following:

Item	Requirement
Full Road Pavement Width	9 m
Footpath Width	2 x 4.5m
Concrete Footpaths	Nil
Seal	Two-coat flush seal -14/7 mm (Double/Double) as required
Kerb & Gutter	Nil
Subsoil Drainage	Drainage swale
Underground Drainage	Where gutter flow exceeds 2.5m during minor events or adjacent to intersections.

PRIOR TO ISSUE OF THE SUBDIVISION WORKS CERTIFICATE

19. A Subdivision Works Certificate is required for but not limited to the following civil works:

- Stormwater drainage such as inter-allotment drainage, detention basins;
- Road construction;
- A 2.5m wide concrete footpath in the reserve between proposed Lots 2 and 3 (ie proposed Lot 23); and
- Water supply to lots.

No works can commence prior to the issue of the Subdivision Works Certificate.

NOTE: Additional permits and approvals may also be required under other legislation, e.g. *Plumbing and Drainage Act 2011*, and *Plumbing and Drainage Regulation 2017* for water infrastructure works.

20. The road widening for Broadhead Road is to be designed in such as manner as to minimise the removal of trees within the existing stand of trees. Design details are to be submitted to and approved by Council, prior to the issue of the Subdivision Works Certificate.
21. Prior to the issue of a Subdivision Works Certificate a detailed engineering design, specifications, supporting documentation / reports and calculations, and schedules are to be submitted to and approved by Council. The engineering design is to comply with the technical and performance requirements of Council's Development Control Plan and the Standards referenced within Appendix B and D of that document. Detailed documentation including, but not limited to the following matters, must be submitted with the detailed design. These documents include:
- Pavement design calculations (including assessment of wearing surface);
 - For Stage 1 of the development, a temporary turning area at the end of the portion of proposed Road No.1 to be constructed with Stage 1;
 - Calculations relating to pipe sizes for the proposed water supply system; and
 - Stormwater runoff calculations.
22. A Drainage Report in support of detailed drainage design must be prepared in accordance with the Institution of Engineers publication *Australian Rainfall and Run-*

off and submitted to the Principal Certifier for approval prior to the issue of a Subdivision Works Certificate. The report must demonstrate that stormwater runoff from the site is not increased beyond the existing undeveloped state up to and including a 50 year ARI event. The Drainage Report is to include:

- a) All stormwater detention details including analysis;
 - b) The waterway areas required for the culverts for the discharge of water from the subdivision across Broadhead Road; and
 - c) The calculations for the two riparian corridors on proposed Lots 12, 13, 14 and proposed Lots 6, 7, 8 and determine the sizes of culverts required on Broadhead Road.
23. Prior to the issue of a Subdivision Works Certificate a Traffic Control Plan (TCP) completed by a "Certified Person" for implementation during works is to be submitted to Mid-Western Regional Council. All requirements of the Traffic Control Plan must be put in place and implemented prior to any work commencing.
24. The detailed design plans submitted for the issue of a Subdivision Works Certificate must show all finished surface levels.
25. An Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
 - b) Using erosion control measures to prevent on-site damage;
 - c) Rehabilitating disturbed areas quickly; and
 - d) Maintenance of erosion and sediment control structures.
26. The submission to Council of engineering design plans for any road works shall include pavement and wearing surface investigation and design.
27. Prior to the issue of the Subdivision Works Certificate, Council is to be provided with the certified copies of the electrical distribution network design for the subdivision.

PRIOR TO THE COMMENCEMENT OF WORKS

28. Prior to the commencement of construction of infrastructure, the developer must obtain a Subdivision Works Certificate.
29. Any necessary alterations to, or relocations of, public utility services to be carried out at no cost to council and in accordance with the requirements of the relevant authority including the provision of easements over existing and proposed public infrastructure.
30. Prior to the commencement of works, the submission of three possible street/road names in order of preference, for the proposed new road within the subdivision, are to be submitted to Council for approval.
31. Prior to the commencement of any works within 40 metres of a prescribed waterway or creek (as defined in the *Water Management Act 2000*), the proponent shall obtain a Section 91 Controlled Activity Approval under the *Water Management Act 2000* to carry out those works.
-

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

32. Prior to the commencement of subdivision works, the following actions are to be carried out:
- a) A site supervisor is to be nominated by the applicant;
 - b) Council is to be provided with two (2) days' notice of works commencing; and
 - c) Council is to be notified in writing of any existing damage to Council's infrastructure.

NOTE: Failure to comply with these conditions may result in damage to Council's infrastructure. Any damage will be rectified at the applicant's cost.

33. Runoff and erosion controls shall be installed prior to clearing and incorporate:
- a) Diversion of uncontaminated on-site runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed;
 - b) Sediment control fences on 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.
 - c) Maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.
34. Prior to the commencement of any works a copy of the Contractor's public liability insurance cover for a minimum of \$20,000,000 (twenty million dollars) is to be provided to Mid-Western Regional Council. Mid-Western Regional Council is to be indemnified against any works carried out by the contractor.

DURING CONSTRUCTION

35. The subdivision works are to be inspected by a Certifier (i.e. Council or a private certifier) to monitor compliance with the consent and the relevant standards of construction, encompassing the following stages of construction:
- a) Installation of sediment and erosion control measures;
 - b) Water line installation prior to backfilling;
 - c) Footpath foundations and concrete reinforcing prior to pouring concrete;
 - d) Road pavement construction (proof roll and compaction testing of all pavement layers, sub-grade, sub-base, and base prior to sealing);
 - e) Road pavement surfacing;
 - f) Stormwater culvert and drainage pipe installation prior to backfilling; and
 - g) Practical Completion.
36. The footpath and driveway levels are not to be altered outside the property boundary without Council's permission.
37. Street signs necessitated by the subdivision are to be installed in accordance with Aus-Spec #1 and Council's standards. Street signs are to be installed at the developer's expense.
38. The development site is to be managed for the entirety of work in the following manner:
-

- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained; and
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
39. The developer shall, at their own expense, engage a registered surveyor to relocate any survey mark that may be disturbed by the development or any associated work. Any information regarding relocation should be supplied to the NSW Land Registry Services and Council.
40. All works are to be constructed at the full cost of the developer, in a manner consistent with Aus-Spec #1 and Council's standard drawings.
41. All public footways, foot paving, kerbs, gutters and road pavement damaged during the works are to be restored to match existing conditions at the Developer's/Demolisher's expense.
42. All required earthworks for roads associated with the subdivision must have compaction testing in compliance with RMS Q4 and AUS-SPEC CQS-A.
43. 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.
44. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
45. All road crossings for services and utilities are to cross perpendicular to the road alignment and must be installed prior to the commencement of construction of the base course.
46. 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.
47. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination and be classified as VENM or ENM under the guidelines of the NSW Environmental Protection Authority by a qualified Geotechnical Engineer. Fill placed in residential or commercial lots shall be compacted in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*.
48. The developer is to grant Council unrestricted access to the site at all times to enable inspections to enable inspections or testing of the subdivision works.

49. An application for a Subdivision Certificate, application fee and two (2) copies of the linen plans are to be submitted to Council for approval and endorsement by the General Manager (or their delegate).
50. Prior to the issue of a Subdivision Certificate, the developer must provide for the construction of all of the following works, relevant to the stage of subdivision. Such works are to be completed to the satisfaction of Council.
- a) Road sealing;
 - b) Provision of stormwater drainage infrastructure for the development; and
 - c) Connection of water (including private meters) and electricity services to provide for individual connection to each proposed lot.
51. Prior to the Subdivision Certificate for Stage 1 of the subdivision, the following works are to be completed:
- a) Full width road construction for proposed Road No 1 to the abuttal of Lots 1, 2, 18, 20 and 23;
 - b) Full width road construction of the Broadhead Road extension for the full abuttal of Lots 1, 19 and 20;
 - c) A temporary gravelled turning area at the end of proposed Road No 1 within the residue lot;
 - d) A 2.5m wide concrete footpath for the full length of proposed Lot 23;
 - e) Construction of the water bore, pumping arrangement, water storage tank and main water line for the whole subdivision; and
 - f) Individual water connections and private meters to proposed Lots 1, 2, 18, 19 and 20.
52. Prior to the issue of a Subdivision Certificate for any lots within Stage 2, the following works are to be completed:
- a) The full width extension of Robertson Road for the full abuttal of proposed Lot 21, from the edge of the existing seal;
 - b) The construction of the remainder of proposed Road No 1;
 - c) The construction of the remainder of the Broadhead Road extension; and
 - d) Individual water connections and meters to each lot being released.
53. Prior to the issue of a subdivision Certificate, a survey drawing is to be submitted to Council, demonstrating that all private water services and water meters are located wholly within the lot that they serve.
54. Following completion of the subdivision works, work-as-executed plans (WAE) are to be provided to Council in the following formats:
- a) PDF; and
 - b) Dwg format or "Autocad compatible"
- All work-as-executed plans shall bear the Consulting Engineer's or Consulting Surveyor's certification stating that all information shown on the plans is accurate.
55. The installation of new services and metres, as required, in compliance with *Australian Standard 3500: National Plumbing and Drainage Code*. All costs associated with this work shall be borne by the developer.
-

56. An Incorporated Association must be formed and prepare and file its constitution for the private Water Supply Scheme for proposed Lots 1 to 21. The constitution is to be submitted to and approved by Council prior to the issue of a Subdivision Certificate. The constitution is to outline all relevant rules associated with the supply of water, including minimum and maximum volumes, metering requirements and operational charges. The constitution is to state that proposed Lots 1 to 21 are to receive a minimum of 0.200 mega litres of non-potable water per year.

Defects Liability Bond

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

The defects liability bond will be held by Council for a period of 24 months from the completion of the works, to ensure that any defects that become apparent during the time are remedied by the developer.

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

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

Developer Contributions

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

Section 94 Contributions		
22 additional lots (minus credit for existing)		
<i>Mudgee Catchment</i>	<i>Per Lot</i>	<i>21 Lots</i>
<i>Public Amenity or Service</i>		
Transport facilities	\$4,347.00	\$91,287.00
Recreation and Open Space	\$2,182.00	\$45,822.00
Community Facilities	\$635.00	\$13,335.00
Stormwater Management	\$458.00	\$9,618.00
Plan Administration	\$995.00	\$20,895.00
Total	\$8,617.00	\$180,957.00

Note – the contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued or where lots are released in different financial years.

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

Restrictions on Title

- 59. Three (3) metre wide easements, including associated Section 88B instruments, are to be created in favour of Incorporated Association of the Water Supply Scheme over any existing or newly constructed water reticulation components located within the subject property, or extended through adjoining private properties as a result of this subdivision, where necessary.**
- 60. A ten (10) metre wide easement, including associated Section 88B instruments, is to be created over the bore for water supply. The easement is to be made in favour of the Incorporated Association of the Water Supply Scheme.**
- 61. A thirty (30) metre side easement, including associated Section 88B instruments, is to be created over the water storage tank forming a component of the water supply system for the subdivision. The easement is made in favour of the Incorporated Association of the Water Supply Scheme.**
- 62. Easements of variable width shall be created over any inter-allotment drainage/drainage channel in favour of upstream allotments. The Section 88B instrument and linen plans submitted with the application are to include details of any required inter-allotment stormwater easements.**
- 63. Protective covenant/s under Section 88B, 88D or 88E of the *Conveyancing Act 1919* are to be submitted to and approved by Council, prior to the issue of a Subdivision Certificate. The Section 88B, 88D or 88E instrument is to:**
 - a) Provide protection for the riparian zones shown on the approved subdivision plan; and**
 - b) Linked to the Vegetation Management Plan approved as part of the Controlled Activity Approval issued by the Natural Resources Access Regulator.**
- 64. Easements for electricity purposes, as required by the electricity supply authority, shall be created. The Section 88B instrument and linen plans submitted with the application are to include details of any electricity easements or restrictions on title required to be imposed by the electricity authorities/suppliers.**
- 65. An instrument providing any necessary easements or restrictions to ensure compliance with the “General Terms of Approval” issued by the NSW Rural Fire Service, attached to this development consent. The instrument shall burden proposed allotments as is appropriate, to the satisfaction of Council. This instrument shall identify Council as the sole party to vary the restriction.**
- 66. A covenant, or similar instrument, requiring the purchasers of Lots 1 to 21 to become members of the Incorporated Association and Water Supply Scheme servicing the development, is to be submitted to and approved by Council prior to the issue of a Subdivision Certificate.**

Electricity

67. Prior to issue of the Subdivision Certificate, Council is to be supplied with:
- a) A certificate of acceptance from the appropriate power authority indicating that satisfactory arrangements have been made for provision of electricity supply to the subdivision.
68. Electricity is to be supplied to the Subdivision in accordance with the relevant authority's standards.

Road Dedication

69. The owner must dedicate for road purposes, free of cost to Council, a road widening along the site frontage to Broadhead Road, to be detailed in a plan of subdivision of the land. This road widening shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.
70. The proposed Road No.1 within the subdivision shall be dedicated as a public road at no cost to Council. The public road shall be delineated on the final plan of subdivision submitted with the application for a Subdivision Certificate.

Other dedications

71. Proposed Lot 23 is to be dedicated for the purposes of a public reserve, used as a pedestrian connection.
72. Proposed Lot 22 is to be dedicated as a drainage reserve.

STATEMENT OF REASONS

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

OTHER APPROVALS

General Terms of Approval

A copy of the NSW Natural Resources Access Regulator's General Terms of Approval are attached.

A copy of Water NSW's General Terms of Approval are attached.

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

ADVISORY NOTES

- 1 The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
-

- 2 The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
- 3 Sections 8.2, 8.3, 8.4 and 8.5 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 Planning and Development Department for more information or advice.
- 4 If you are dissatisfied with this decision Sections 8.7 and 8.10 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
- 5 To ascertain the date upon which the consent becomes effective, refer to Sections 4.20 and 8.13 of the EP&A Act.
- 6 To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.
- 7 The attached General Terms of Approval issued by NSW's Water Authority do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NSW's Water Authority for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

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

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

8. Certain subdivisions/developments will be exempt from the requirement to provide fibre-ready telecommunication infrastructure to each new lot.

To be exempt, the subdivision/development must meet the following requirements:

- a) No new networks utilities (i.e. water, sewer, etc.) or only electricity lines will be installed to the building lots; and
- b) No new kerb and channelling/guttering will be constructed; and
- c) The average length of the street frontages of the building lots within the project is 60m or greater; and
- d) No part of the project area is located within an NBN Co *fixed-line* network rollout area.

Developers of land that meet the exemptions are required to notify the Secretary of the Department of Communication and the Arts by completing and submitting the form available from the Department of Communications and Arts website.

Executive summary

OWNER/S	Peter J Consadine
APPLICANT:	Peter J Consadine
PROPERTY DESCRIPTION	238 Broadhead Road, Spring Flat (Lot 4 DP1206488)
PROPOSED DEVELOPMENT	Subdivision – Torrens Title – 1 into 24 Lots
ESTIMATED COST OF DEVELOPMENT:	Not applicable
REASON FOR REPORTING TO COUNCIL:	Subdivision creating more than 20 lots
PUBLIC SUBMISSIONS:	Nil

Council is in receipt of a development application that seeks approval to subdivide 238 Broadhead Road, Spring Flat (Lot 4 DP1206488) into 24 allotments, each with a minimum lot size of 2 hectares.

The proposed development will include the provision of a reticulated water supply fed from an on-site bore. The reticulated water supply will provide non-potable water for gardens within the subdivision, to augment each lot's own tank water supply. No reticulated sewer will be provided. Stormwater will drain to the natural gullies within the site.

The application has been placed on public exhibition in accordance with Council's Community Participation Plan 2019. The exhibition period ended on 15 November 2019 and no submissions were received.

As the proposal involves subdivision creating more than 20 lots, the application cannot be determined by delegated staff – Council is required to determine the application.

The application is recommended for approval.

Background

SUBJECT SITE

The subject site is located at 238 Broadhead Road, Spring Flat. The site has an area of approximately 80 hectares. There are no known restrictions or covenants on the land title. Broadhead Road divides the site. The western side of the site has frontage to Robertson Road (unformed). Two unformed east-west road reserves divide the site. There is an existing dwelling and associated outbuildings on the site along with two existing bores. The site has formally been used as grazing land and is mostly cleared of trees. Sawpit Gully traverses the north-western part of the site.

The adjoining land to the north is being developed as Broadview Estate, a subdivision providing 2,000m² lots. Land to the east of the site is predominantly used as grazing land and is zoned RU1 – Primary Production. Land to the south of the site is predominantly used as grazing land and is zoned R5 – Large Lot Residential. Avisford Nature Reserve lies to the west of the site.

In 2015 Council received a Planning Proposal for the subject land (Part Lot 4 DP 1206488 Broadhead Road Mudgee) seeking an amendment to Mid-Western Regional Local Environmental Plan 2012 to facilitate the development of 21 unserviced 2 hectare rural residential lots. Water supply was proposed via roof catchment only. At Council's 20 May 2015 meeting it was resolved to support the Planning Proposal unserviced.

An amended Planning Proposal was received in November 2017 to address Condition 1 of the Gateway Determination. The amended proposal provided details around the provision of a sustainable water supply via roof catchment and a supplementary supply from a community bore. The amended Planning Proposal satisfied the requirements of DPI Water – required by Condition 1, and the amended Planning Proposal proceeded through to adoption.

A locality plan of the subject site is shown below, in Figure 1.

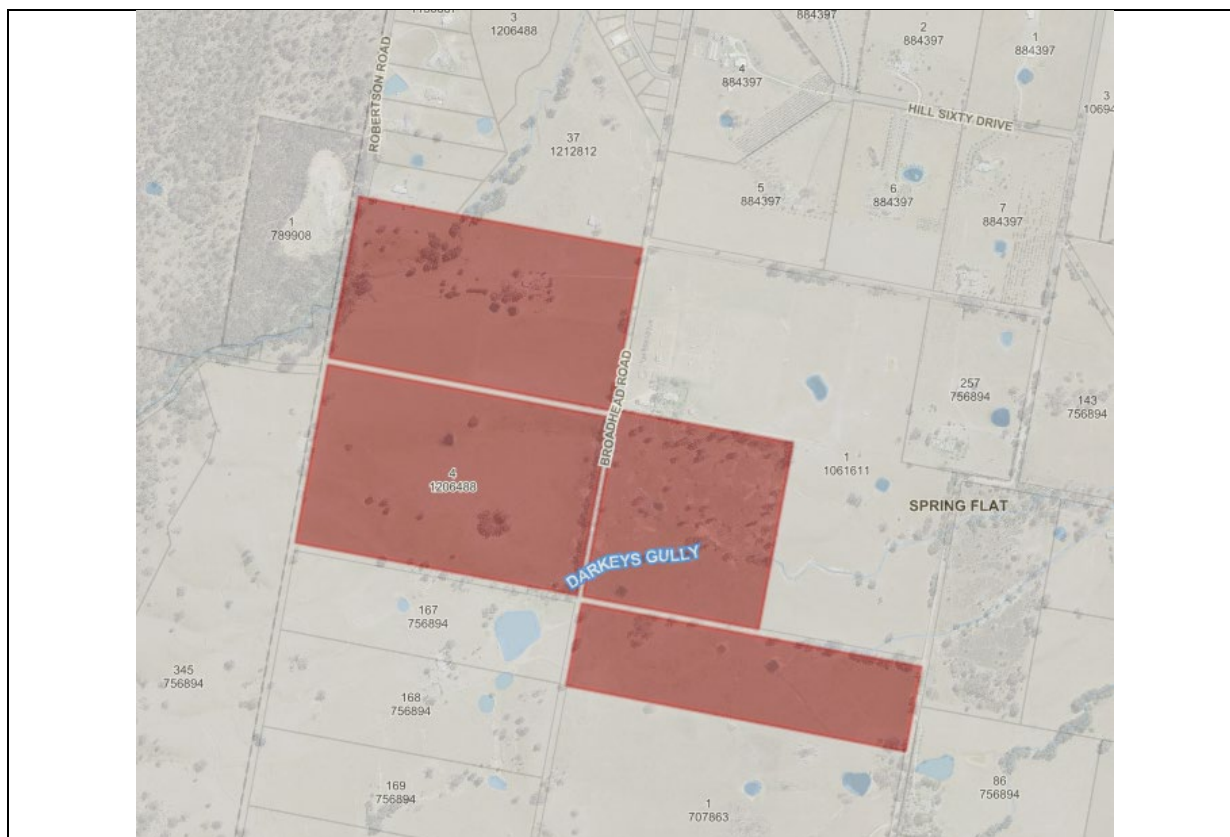


Figure 1: Subject site

PROPOSED DEVELOPMENT

Council has received a development application for a 1 into 24 lot subdivision at 238 Broadhead Road, Spring Flat. The whole of the site is zoned R5 – Large Lot Residential and subdivision is permissible with the consent of Council.

It should be noted that, in accordance with the Planning Proposal, 21 residential lots are to be created with lots 22 and 23 forming a public reserve, and lot 24 forming the remaining residue of the parcel.

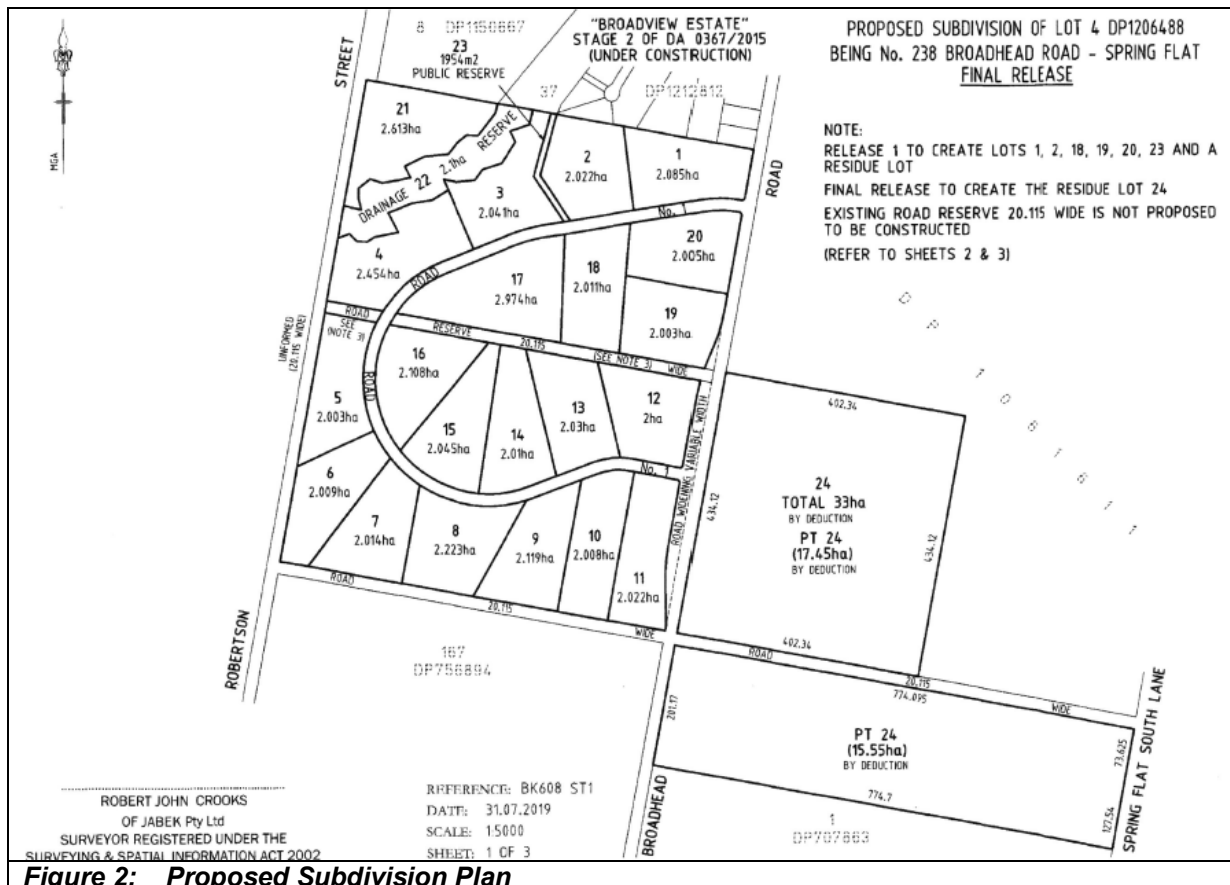


Figure 2: Proposed Subdivision Plan

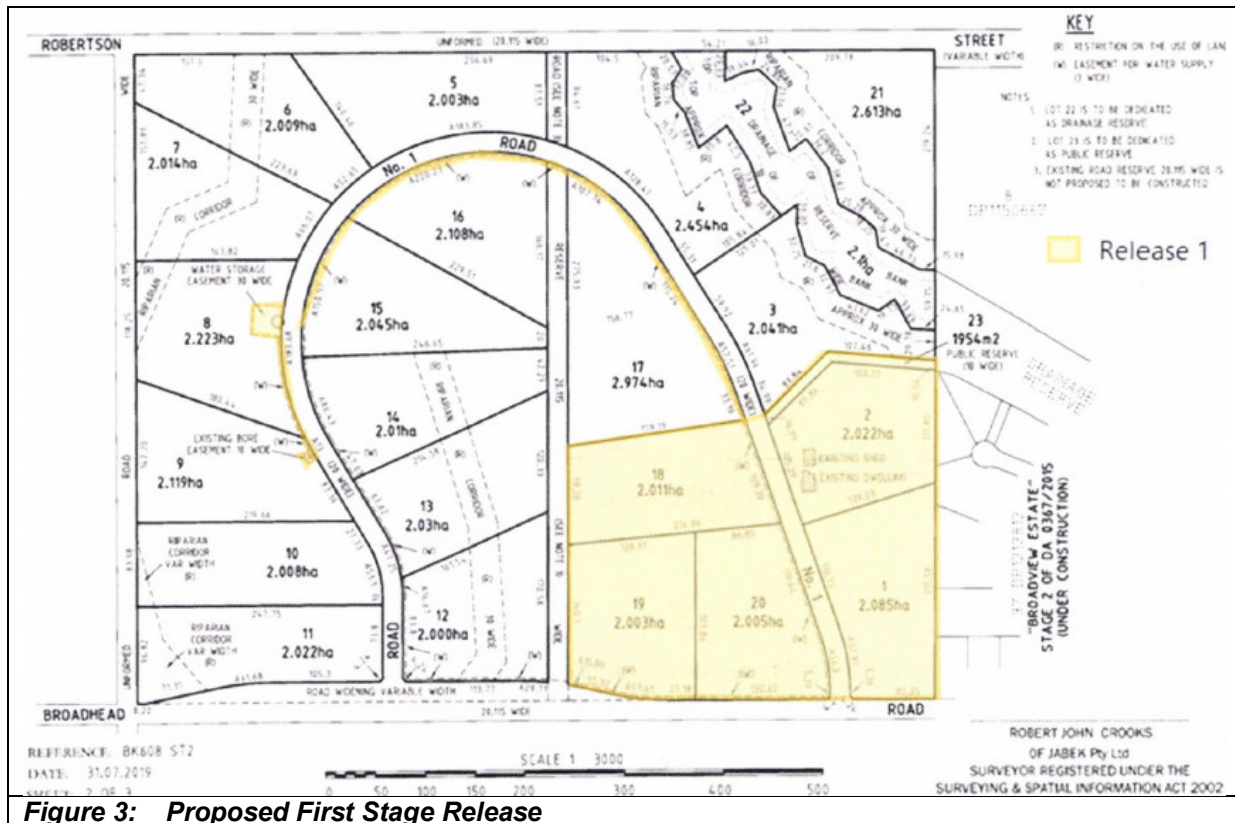
The subdivision will not connect to town water, sewer or stormwater services. An on-site bore and reticulated water system will be developed to provide water for garden watering. Rainwater tanks will be provided when the lots are developed with dwellings to provide potable water supply. On-site sewerage management systems will be provided with future dwellings. Electricity supply is proposed to each lot. An internal loop road will be developed to service the subdivision.

The existing road reserve running in an east-west direction (20.115m) will be closed through a separate process and its closure does not form part of this application.

The proposed rural residential subdivision will be released in stages. The first stage release will comprise the following:

- (i) Release of four (4) residential lots with access from the construction of part proposed Road No 1:
 - o Proposed Lot 1 – 2.085 ha;
 - o Proposed Lot 2 – 2.022 ha (with existing dwelling and shed);
 - o Proposed Lot 20 – 2.005 ha; and
 - o Proposed Lot 18 – 2.011 ha;
- (ii) Creation of 1 residue lot;
- (iii) Release of proposed Lot 19 with access via Broadhead Road (to be sealed);
- (iv) The proposed Lot 23 public reserve (10m wide). This public reserve will connect to the adjoining Broadview Estate drainage reserve and associated walking path;
- (v) Installation of a pump array and equipment on the existing bore on a residue lot (within proposed future Lot 9) and installation of water storage for the shared water supply (within future proposed Lot 8); and

- (vi) Creation of easements and construction of water supply pipeline to proposed residential lots in release 1 at alignment of future road connection (Road No. 1).



Subsequent lots will be released subject to sales and demand.

Proposed Lot 22 will be created as a drainage reserve over Sawpit Gully, which will connect into the drainage reserve created in the adjoining Broadview Estate.

Road widening is proposed for Broadhead Road to avoid native vegetation occurring in the road corridor.

The existing unformed road reserve (20.115m wide) is not proposed to be constructed or included in the subdivision land, with the exception of the crossing for proposed Road 1.

The proposal does not involve a variation to the requirements prescribed within *Mid-Western Regional Local Environmental Plan 2012*. However, the proposal involves a variation from one of the requirements of *Mid-Western Regional Development Control Plan 2013*, which is for a Community Management Statement and Community Title Subdivision to cover the reticulated community bore scheme. The proposal will utilise an alternative Incorporated Association and private water scheme to administer the provision of water within the subdivision. The Incorporated Association serves the same purpose as a Community Management Statement and the proposed variation is supported.

Disclosure of Interest

Nil

Detailed report

LEGISLATIVE REQUIREMENTS

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

Designated Development

Not applicable.

The proposed development is not identified as designated development, in accordance with Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*.

Integrated Development

The proposed development triggers integrated development, in accordance with section 4.46 of the *Environmental Planning and Assessment Act 1979*, as follows:

- A controlled activity approval in accordance with Section 91 of the *Water Management Act 2000*.

The proposed development involves road works and drainage within 40m of a watercourse. In addition, one drainage outlet to Saw-pit Gully will be constructed.

- A water management work approval in accordance with Section 90 of the *Water Management Act 2000*.

Water supply works are proposed for the pipeline, storage, and pump array for the shared water bore to service the development.

- A Bush Fire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997*.

In order to approve the development application, General Terms of Approval are required from the Natural Resources Access Regulator (NRAR), NSW Rural Fire Service and Water NSW. These General Terms of Approval have been received and are included as part of the recommendation.

Biodiversity Conservation Act 2016

The proposed development involves clearing of a small group of trees located near the existing house. The area of these trees is 0.3 hectares. The area clearing threshold is 0.5 hectares or more. No part of the site is marked as having biodiversity values on the Biodiversity Values Map. Consequently, the need for a Biodiversity Development Assessment Report is not triggered for this application.

SECTION 4.15(1) – MATTERS FOR CONSIDERATION - GENERAL

The application has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The main issues are addressed below as follows.

(a) Provisions of any Environmental Planning Instrument and any draft EPI – 4.15(1)(a)(i) and (ii)

State Environmental Planning Policy No 55 – Remediation of Land

A review of Council's records and site inspection did not reveal any evidence of a potentially contaminating activity. Accordingly, no further consideration is necessary.

State Environmental Planning Policy (Infrastructure) 2007

Not applicable.

The proposed subdivision:

- Is not located near a rail line or classified road;
- Will not trigger the Traffic Generating Development threshold of 200 or more lots; and
- Is not adjacent to any known electricity easements.

State Environmental Planning Policy No 44 – Koala Habitat Protection

SEPP 44 applies to the proposal as Mudgee Shire Council is listed within Schedule 1 of the SEPP and the area of land associated with the proposal in the same ownership is greater than 1 hectare in size. The proposed construction of the road may impact on a small stand of trees surrounding the existing house. These trees are isolated from other treed areas by grazing land. Consequently, it is considered that this part of the site does not form Potential Koala Habitat. No trees are proposed to be removed within the riparian corridor or the Broadhead Road reserve. No further provisions of SEPP 44 apply.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Not applicable.

The proposed development does not comply with the exempt requirements for subdivision and requires development consent from Council.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Not applicable.

This SEPP does not apply to the removal of vegetation that is ancillary to the development for which development consent is required under Part 4 of the *Environmental Planning and Assessment Act 1979*.

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

The following clauses of the MWRLEP 2012 have been assessed as being relevant and matters for consideration in the assessment of the Development Application.

1.2 Aims of Plan

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

1.4 Definitions

The following definitions within the LEP are applicable to the proposed development:

- Subdivision – as defined in s6.2 of the *Environmental Planning and Assessment Act 1979*;
- Earthworks;
- Road; and
- Water supply system.

2.3 Zone objectives and Land Use Table

The land is zoned R5 – Large Lot Residential pursuant to MWRLEP 2012. The proposed *subdivision*, *earthworks* and *road* are permissible with the consent of Council in the zone and comply with the relevant objectives in that it:

- Will provide lots that will accommodate residential housing in a rural setting while minimising impact on environmentally sensitive locations and scenic quality;
- Will provide large residential lots that will not hinder the proper and orderly development of urban areas in the future; and
- Will not increase demand for public services or public facilities; and
- Will minimise conflict between land uses within this zone and land uses in adjoining zones.

The proposed *water supply system* is listed as being prohibited in the R5 zone. However, it is considered that the proposed *water supply system* is ancillary to the proposed subdivision, and is therefore permissible with consent.

2.6 Subdivision – consent requirements

As the proposed development is for subdivision, it will require development consent.

4.1 Minimum subdivision lot size

The proposed subdivision meets the objectives of the clause as the proposal:

- Will occur in a manner that promotes suitable land uses and development;
- Will minimise any likely impact of the subdivision on the amenity of neighbouring properties;
- Will provide lot sizes and dimensions that are able to accommodate development, consistent with relevant development controls; and
- Will not have an inappropriate impact on the natural environment.

For that part of the site east of Broadhead Road, the minimum lot size is 12 hectares. Proposed Lot 24 comprises all of that part of the site that is east of Broadhead Road, and has an area of approximately 33 hectares. Consequently, this part of the subdivision complies.

For that part of the site west of Broadhead Road, the minimum lot size would normally be 5 hectares. However, sub-clause 4.1(3B) allows subdivision to lot sizes of 2 hectares, where each lot is serviced with reticulated water systems. Proposed Lots 1 to 22 are each 2 hectares or more, and will be serviced by a reticulated water system, which comprises a bore on proposed Lot 9, a water storage tank on proposed Lot 8 and a piped water supply network to each of the lots. Consequently, this part of the proposal complies.

Proposed Lot 23 is 1954m² in area, but is to be dedicated as a public reserve, to be used for a pedestrian connection to the adjoining property to the north. Consequently, it is not subject to the provisions of clause 4.1, as the lot can be created as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as it is being created for a public purpose.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

This clause applies as the land is zoned R5 – Large Lot Residential.

Clause 5.16(4) outlines the considerations to be addressed with a development application for the purposes of a subdivision within a rural, environmental or large lot residential zone. The matters are addressed below.

- (a) The existing uses and approved uses of land within the vicinity of the development.

Comment: The surrounding land uses consist of predominantly agricultural and rural residential uses. The proposal is not expected to have any significant impact on the existing uses in the vicinity.

- (b) Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses within the vicinity of the development.

Comment: The preferred uses in the vicinity are large lot residential and primary production, as indicated in the objectives of the zones. No significant impact on the preferred surrounding land uses is expected as a result of the proposed development.

- (c) Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b).

Comment: As discussed, there is not expected to be any incompatibility.

- (d) Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

Comment: As discussed, there is not expected to be any incompatibility and consequently, no measures have been proposed by the applicant.

6.1 Salinity

Complies.

A small part of the site is identified on Council's mapping as being affected by salinity.

The proposed subdivision and associated works are unlikely to have an adverse impact on salinity processes on the land. As earthworks will be limited, relatively shallow and involve only necessary infrastructure and roadworks, it is not expected that salinity will have an adverse impact on the development.

A condition will be applied requiring concrete used in the works to be of sufficient strength to ensure reasonable durability.

6.2 Flood planning

Not applicable. The land is not identified as being within the “flood planning area”, and is not known to be below the flood planning level.

6.3 Earthworks

Complies.

Any earthworks will be ancillary to the proposed subdivision and will relate to the provision of services, the internal road and upgrades to existing roads – as such, they do not require separate development consent. No earthworks are proposed to create building platforms. Cut and fill may be considered in detail in future applications for development of the lots.

The proposal is not expected to have an adverse impact on existing drainage patterns and soils stability as:

- The existing creeks will be retained in their natural alignment; and
- Conditions may be imposed to ensure that appropriate sediment erosion controls are in place both during works and over the long term.

The quality of fill to be imported to the site may be regulated by condition.

The proposed earthworks are not expected to have a significant impact on the amenity of adjoining properties. A condition may be applied to regulate dust during works.

6.4 Groundwater Vulnerability

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

6.5 Terrestrial Biodiversity

Part of the riparian area along Sawpit Gully and trees located within the Broadhead Road reserve are mapped as ‘High Biodiversity Sensitivity’. However, these areas of vegetation are not proposed to be removed as a result of the proposed development and, therefore, the impacts to be addressed in accordance with this clause are not considered to be significant.

It should be noted that the applicant has proposed widening a section of Broadhead Road, in order to avoid disturbing/damaging vegetation identified as having ‘High Biodiversity Sensitivity’.

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, as follows:

- The proposed development will provide a reticulated water system from one of the bores on site. The bore water will be used for non-potable water supply only. The works will include a pump at the bore, a water storage tank and a piped network to each of the lots.
- The proposed development may be connected to existing electricity infrastructure servicing the site.

- On-site sewerage management systems will be provided in future residential development of the lots.
- Stormwater will be managed to ensure post-development flows do not exceed pre-development flows. Stormwater is proposed to be directed to natural drainage channels and the proposed new road.
- Each lot has street frontage of sufficient width to accommodate a driveway crossover in future. Proposed lots will have direct access to a sealed road with the upgrade to Broadhead Road, the new Road No.1 and Robertson Road. The proposed new road is designed to an appropriate standard for the development.

Conditions are recommended to ensure sufficient details and the necessary follow-on approvals are obtained in relation to the above matters.

6.10 Visually sensitive land near Mudgee

The part of the site proposed to be developed with 2 hectare lots is mapped as being visually sensitive land. Council is required to be satisfied that the development:

- Will complement the visual setting forming the backdrop to Mudgee; and
- Will be designed, set back and sited to respond sympathetically to the landform of the site on which the development is proposed to be carried out and will minimise visual intrusion.

The proposed subdivision layout is consistent with the planning proposal for the LEP Amendment No.18, which increased the density of housing permitted in the area. The layout provides undulating sites, which will invite variety to housing design and opportunity to consider outlooks of neighbouring properties. The proposed layout will not obstruct the ongoing significance of the visually and environmentally significant upper slopes on the urban fringe south of the town of Mudgee, formed in particular to this site, by Avisford Nature Reserve.

6.14 Minimum subdivision lot size for community title schemes on certain land in Zone R5

Not applicable.

This clause is not applicable as the proposed subdivision does not involve the registration of a plan of subdivision under the Community Land Development Act 1989.

(b) The provisions of any Development Control Plan or Council Policy – 4.15(1)(a)(iii)

Mid Western Regional Development Control Plan 2013 (the DCP)

5.3 Stormwater Management

A Stormwater Concept Plan has been provided with the application. Stormwater is proposed to be directed to on-site drainage channels within the subject site. A stormwater culvert will be constructed under Broadhead Road. The application demonstrates that stormwater may be appropriately managed, in accordance with the requirements of this section of the DCP. Conditions have been imposed requiring further details of the stormwater system to be submitted to and approved by Council officers.

5.4 Environmental Controls

An Aboriginal Heritage Information Management System (AHIMS) search indicated that there are no known Aboriginal sites in or in the near vicinity of the proposed development.

The site is identified as bush fire prone land. The application is integrated development in relation to bushfire. General Terms of Approval from NSW Rural Fire Service have been received and are incorporated in the recommendation.

The watercourse in the north-western part of the subject site has been identified in the application. The proposed works within the watercourse, involving the installation of a water supply pipeline, have received General Terms of Approval from the Natural Resource Access Regulator.

7.2 Rural Subdivision

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Applies to	
Rural and R5 zones	Land is zoned R5 – Large Lot Residential.
Site Plan	
Site plan identifying existing vegetation, farm improvements including dwellings, sheds, dams, fences and access roads. Application should: <ul style="list-style-type: none"> Identify existing use of land Address access points/location public roads Identify unformed roads/crown land within adjoining site Show easements and services Identify watercourses 	Plan of subdivision provided and shows all relevant details.
Lot size	
Lots must be of sufficient area for dwelling house, associated buildings, services, access, P.O.S without excessive terracing and allow maximum retention vegetation	All lots within the subdivision are of sufficient area to contain a dwelling and ancillary structures.
Minimum area for subdivision complies with?	Complies. All lots meet the minimum area for subdivision.
RU4 – Primary Production Small Lots	
<ul style="list-style-type: none"> Details of proposed/existing agricultural activity Business plan prepare by suitably qualified agronomist Evidence of water licensing satisfactory Evidence of commencement or intention to commence activity 	Not applicable.
Services	
Lots within 500m of R1-R2 zones must: <ul style="list-style-type: none"> Have frontage to and be connected to sealed road Connect to reticulated water/sewer 	Complies. The land is within 500m of Broadview Estate zone R2 Low Density Residential The new lots will have sealed road frontage to Robertson Road, Broadhead Road and New Road No.1, following road upgrades required by conditions. The new lots will not be

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	connected to town reticulated water and sewer infrastructure, in accordance with the recent LEP Amendment No 18. A private water sharing scheme is proposed for reticulation of non-potable water.
Roads	
All roads to be sealed and part of sealed road network if within 500m to sealed road network.	Complies. Conditions to be applied requiring sealing of Broadhead Road and proposed New Road No.1.
Where land is located within R5 zone and the subdivision results in lots less than 2ha area, then the new lots must have sealed road frontage.	Not applicable. No lots less than 2ha are proposed.
Lot Design	
<p>New lots to minimise environmental impacts including:</p> <ul style="list-style-type: none"> • Soil disturbance/erosion • Creek/waterway crossings • Tree removal • Adequate separation distances for new/existing development. 	<p>Complies.</p> <p>Lots are designed to generally avoid disturbance. Future works are likely to be of minimal disturbance. Easements are proposed for riparian corridors and reserve for 4th order watercourse, Sawpit Gully. Tree removal has been minimised in design and is minor. Condition to ensure road widening avoids trees.</p>
Bushfire Prone Areas	
Bushfire report submitted for subdivision on bushfire prone land.	Complies. Bushfire report submitted.
Heritage	
Cultural heritage assessment submitted where the subdivision creates dwelling entitlement and overland drainage line, ridgelines/plateaus present.	No known European or Indigenous heritage on the site.
Vegetation/Flora	
<ul style="list-style-type: none"> • Evidence of consultation with CMA (and OEH for threatened species) • Flora report to be submitted if potential for impact on threatened species. 	Vegetation clearing is minimal. No threatened species identified. Road widening to avoid existing vegetation in road reserve.
Fauna	

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<p>If any potential impact of threatened species fauna study to be submitted with application. Consult with OEH if required.</p>	<p>No native fauna is likely to be impacted by the development. Riparian habitat associated with Sawpit Gully to be protected by proposed Reserve and additional easement.</p>
Crown Roads	
<p>If development proposed to use Crown road, written consent of NSW Crown</p>	<p>Not applicable.</p>
Watercourses	
<p>Activity approval required under Water Management Act 2000 if development within 40m</p>	<p>Complies. Integrated development referral sent to Natural Resources Access Regulator for new pipeline within watercourse. General Terms of Approval received and incorporated into recommendation.</p>
Rights of Carriageway	
<p>Subdivision for where access is via right of carriageway generally not supported. Written consent of all owners required if ROCW proposed</p>	<p>Not applicable.</p>
Battle-axe handle	
<p>Generally not supported by Council. Maximum 2 battle-axe handles permitted.</p>	<p>Not applicable.</p>
Water cycle management report	
<p>Required for each lot capable of on-site effluent disposal. Report must include:</p> <ul style="list-style-type: none"> • Nominal effluent management area. • Slope/aspect. • Other site constraints. <p>Plan must indicated nearby watercourses with minimum buffer of 100m between EMA and perennial/intermittent creeks or minimum 40m from drainage depressions</p>	<p>Complies. Each site has sufficient area to allow on-site effluent disposal. To be further addressed at DA stage for each dwelling.</p>
Telecommunications Infrastructure Advice	
<p>Are telecommunications able to be extended to service the lot?</p>	<p>Not applicable. Rural subdivisions are exempt from the requirements of the <i>Telecommunications Act 1997</i> where:</p> <ul style="list-style-type: none"> • No network utilities (water, sewer, etc.) or only above ground electricity lines will be installed to the building lots; and

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	<ul style="list-style-type: none"> • No kerb and channelling/guttering will be constructed; and • The average length of the street frontages of the building lots within the development is 60m or more (ie larger rural type lots); and • the development is not in a current or announced NBN fixed-line network rollout area. <p>The proposed subdivision complies with the exemptions.</p> <p>No condition is applicable in relation to telecommunication facilities (apply Advice Note instead).</p>
Electricity	
<p>Electricity to be provided to each lot with a dwelling entitlement Alternative power supply only considered on RU1, RU4 and R5 lots where development is >1km from grid or cost to provide electricity exceeds \$30,000/lot. Covenant must be imposed on lot in this instance.</p>	<p>Complies. Electricity is able to be supplied to the development. Condition for electricity provisioning letter prior to issue of Subdivision Certificate.</p>
Land Use History	
<p>Evidence of land use history supplied (primary source preferred)</p>	<p>Satisfactory evidence provided. No further action required.</p>
Community Title Subdivision	
<p>In zone R5, lot density to be the same as Minimum Lot Size map.</p>	<p>Not applicable. Community Title subdivision not proposed.</p>
Water Supply	
<p>For lots with a minimum area of 2 hectares, a minimum non-potable water supply of 0.200 mega litres per year must be provided.</p>	<p>Complies. The proposal includes a reticulated water system with an on-site bore. The bore is capable of producing 3.7 times the minimum amount of water required for the</p>

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
<p>To demonstrate this, a copy of the licence issued in accordance with the Water Industry Competition Act (WICA) 2006 issued by the Independent Pricing and Regulatory Tribunal NSW is to be provided to Council with the development application for subdivision.</p>	<p>proposed development.</p> <p>Not applicable. The application includes legal advice, demonstrating that a WICA licence is not required to establish a private water scheme and Incorporated Association.</p>
<p>If it is demonstrated that a licence in accordance with the WICA 2006 is not required, a draft Community Management Statement and Community Title Subdivision Plan is to be submitted with the development application for subdivision. The statement and plan must detail all the required infrastructure (both private and common) for the reticulated community bore scheme.</p>	<p>Variation. The application proposes an alternative to using a Community Management Statement for the shared water supply. This is detailed further following this table.</p>

Justification for DCP variation

The DCP requires the development to provide a water reticulated system; being a reticulated community bore, and provide a minimum non-potable water supply for each lot of 0.200 mega litres per year. To demonstrate compliance with this requirement Council requires the provision of a licence issued in accordance with the Water Industry Competition Act 2006 to demonstrate the ability to supply the minimum quantities of water; or if a licence is not required, a draft Community Statement and Community Title Subdivision Plan including all infrastructure for the proposed water reticulation scheme.

As an alternative, the applicant intends to establish a private water scheme and Incorporated Association, together with a Torrens title subdivision. The application includes legal advice (Attached) demonstrating that a licence under the *Water Industry Competition Act 2006* (WICA) is not required as water supply works within the meaning of the *Water Management Act 2000* are exempt from the requirement for a licence in accordance with the *Water Industry Competition (General) Regulation 2008*.

The Independent Pricing and Regulatory Tribunal (IPART) was contacted by phone early in the assessment process and they confirmed that a WICA licence is not required where a water supply works approval is obtained under the *Water Management Act 2000*.

Rather than preparing a Community Management Statement, and Community Title Subdivision Plan, the applicant proposes to establish a private water scheme and associated Incorporated Association, which is established under Fair Trading NSW. Upon the sale of the lot, each purchaser will be required to become a member of the water supply scheme/Incorporated Association through conditions on the Contract for Sale. The function of the water supply scheme/Incorporated Association will be regulated by a constitution which outlines all relevant rules associated with the supply of water, including maximum volumes, metering requirements and operation charges.

It is considered that the proposed alternative arrangement for regulating water supply to the development serves the intention of the requirement for a Community Management Statement and the proposed variation is supported.

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

No planning agreement applicable.

(d) Regulations – 4.15(1)(a)(iv)

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

(e) The likely impacts of development – 4.15(1)(b)

Context and Setting & Site Design and Internal Design

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

Access, transport and traffic

The proposed subdivision will have direct frontage to Broadhead Road and Robertson Road for access and a new road will be constructed within the subdivision. There is adequate sight distances at the intersection of the proposed new road and Broadhead Road. The traffic generation from the proposed subdivision will not exceed the capacity of the local road network.

Utilities

The proposed subdivision is located on the fringe of Mudgee and will have access to water, electricity and stormwater infrastructure. There is ample area within the proposed lots for on-site management of sewage. Conditions of development consent will require the connection of each of the residential lots to any necessary utilities.

Heritage

The subject site is not affected by any items of European or Aboriginal heritage.

Other land resources

The approved development will not impact on other land resources.

Water

The proposal is not expected to create any water pollution issues, subject to a condition for sediment erosion controls during construction.

Suitable conditions for water quality measures to be incorporated into the detailed stormwater design and protection of vegetated riparian zones are included in the recommendation.

Soils

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

Air and Microclimate

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

Flora and Fauna

Vegetation removal within the site will be limited to 0.3 hectares to be removed for the proposed new road. This amount of clearing is below the threshold level for requiring a Biodiversity Development Assessment Report. A condition will be applied requiring the widening of Broadhead Road to minimise impact on existing stand of trees.

Waste

Waste service available.

Energy

Electricity is to be connected to the proposed lots. The energy needs of the development is not expected to place significant demands on the local infrastructure capacity/operation.

Noise and vibration.

The proposal is not a use that will generate significant noise, except for a limited duration over the construction phase.

Natural Hazards

The site is not identified as being effected by geological/soil instability or flooding.

The site is mapped as being bushfire prone land. As the proposal is for residential subdivision, the application constitutes integrated development requiring assessment by the NSW Rural Fire Service (RFS). General Terms of Approval from the RFS have been obtained and are included in the recommendation.

Technological Hazards

Not applicable.

Safety, security and crime prevention

Increased passive surveillance as a result of the proposed development.

Economic and Social impact in the locality

Generally positive.

Construction

The impacts of construction activities may be regulated by conditions.

Cumulative impacts

The proposed development is not expected to contribute to cumulative impacts.

(f) The Suitability of the Site for the Development – 4.15(1)(c)

Does the proposal fit in the locality?

The proposed development fits into the rural residential context within which it sits. Utility services have the capacity to service the development.

Are the site attributes conducive to development?

Yes. The proposed development is designed to respond to bushfire, preserving water quality within the creek and the ecological constraints of the site. No adjoining land uses will have an adverse impact on the proposed subdivision.

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

Public submissions

The application was advertised and notified in accordance with the provisions of *Mid Western Regional Community Participation Plan 2019*. The submission period ended on 15 November 2019. No submissions were received.

(h) The Public Interest – 4.15(1)(e)

Federal, State and local government interests and community interests

There are no matters that would be considered to be contrary to the public interest.

Covenants and easements effecting the proposal

Council has no record of easements or restrictions on the property title.

Conditions are imposed for any new easements to be created over the proposed subdivision.

CONSULTATIONS

Natural Resources Access Regulator

General Terms of Approval (GTA's) were received from the Natural Resources Access Regulator on 28 May 2020. These GTA's are incorporated into the recommendation.

Water NSW

General Terms of Approval (GTA's) were received from Water NSW on 9 July 2020. These GTA's are incorporated into the recommendation.

NSW Rural Fire Service

General Terms of Approval (GTA's) were received from NSW Rural Fire Service on 11 February 2020. These GTA's are incorporated into the recommendation.

Development Engineer

Council's Development Engineer has provided conditions to address the detailed engineering matters. These conditions are incorporated in the recommendation.

DEVELOPER CONTRIBUTIONS

Section 7.11 (formerly s94) Contributions

The proposed subdivision creates 23 new lots. The parent lot will carry a single Equivalent Tenement (ET) credit for Section 7.11 contributions (to be credited towards proposed Lot 24). Contributions are not applicable to proposed Lot 22 (Drainage Reserve) and proposed Lot 23 (Public Reserve). Therefore, Section 7.11 contributions are payable for 21 new lots/equivalent tenements (ETs). The majority of the subject site is located in the Mudgee catchment – proposed Lot 24 is located outside the Mudgee catchment. Conditions will be applied requiring the payment of 21 ET's of Section 7.11 contributions, prior to the issue of a Subdivision Certificate.

Section 64 Contributions – Water and Sewer Headworks

The subject site is not located in Council's water and sewer servicing areas. Therefore, Water and Sewer Headworks contributions are not applicable to the proposed subdivision.

Community Plan implications

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

Strategic implications

Council Strategies

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

Council Policies

Not applicable.

Legislation

Environmental Planning & Assessment Act 1979
Environmental Planning & Assessment Regulation 2000

Financial implications

Section 7.12 developer contributions will be collected in accordance with the *Mid-Western Regional Contributions Plan 2019*.

Associated Risks

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

ILIJA SUSNJA
SENIOR TOWN PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

23 July 2020

Attachments:

1. Plans of proposed subdivision.
2. NSW Natural Resources Access Regulator's General Terms of Approval.
3. NSW Rural Fire Service's General Terms of Approval.
4. WaterNSW's General Terms of Approval.
5. Legal Advice.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

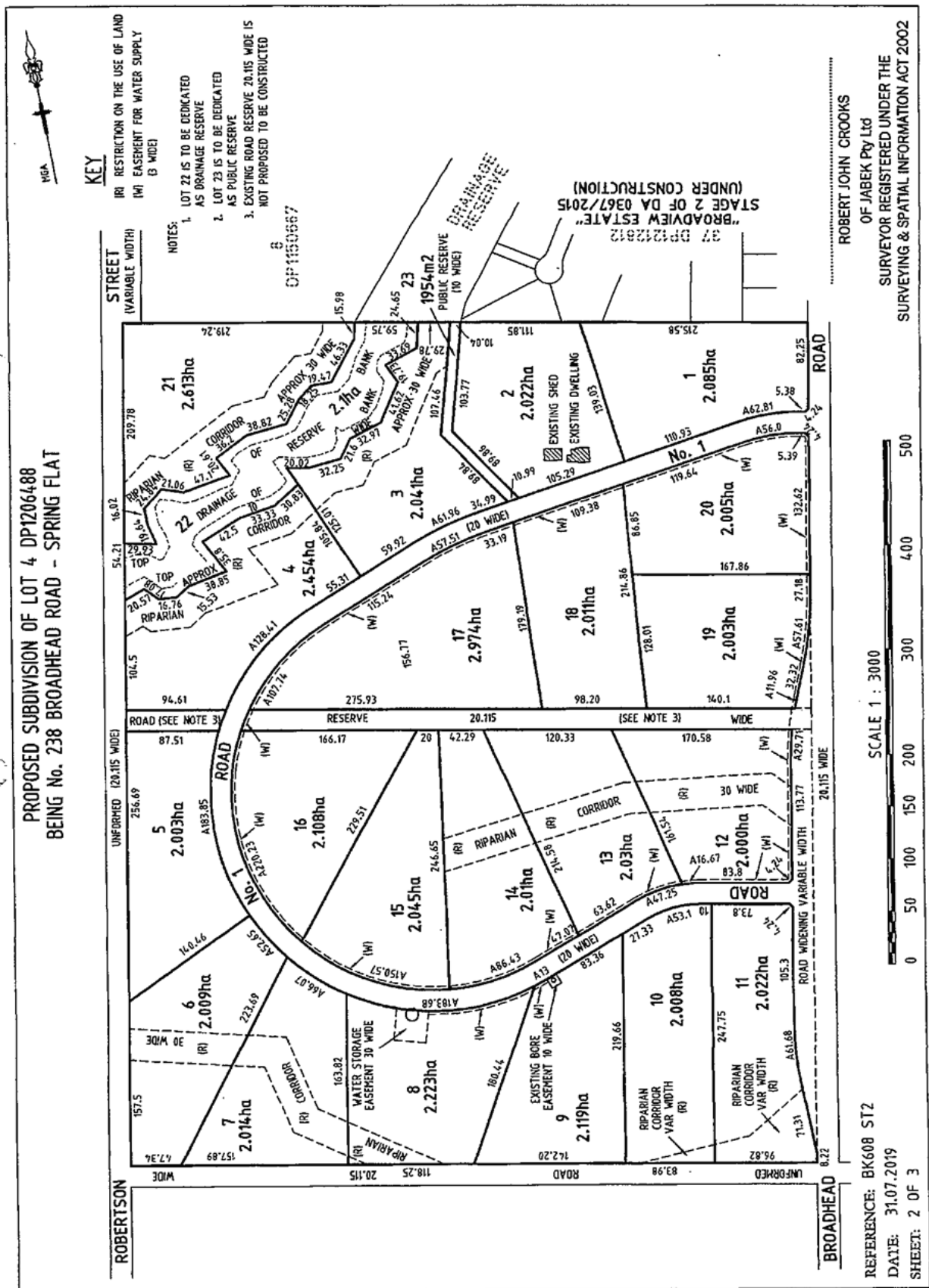
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STAGE 2 OF DA 0367/2015
(UNDER CONSTRUCTION)

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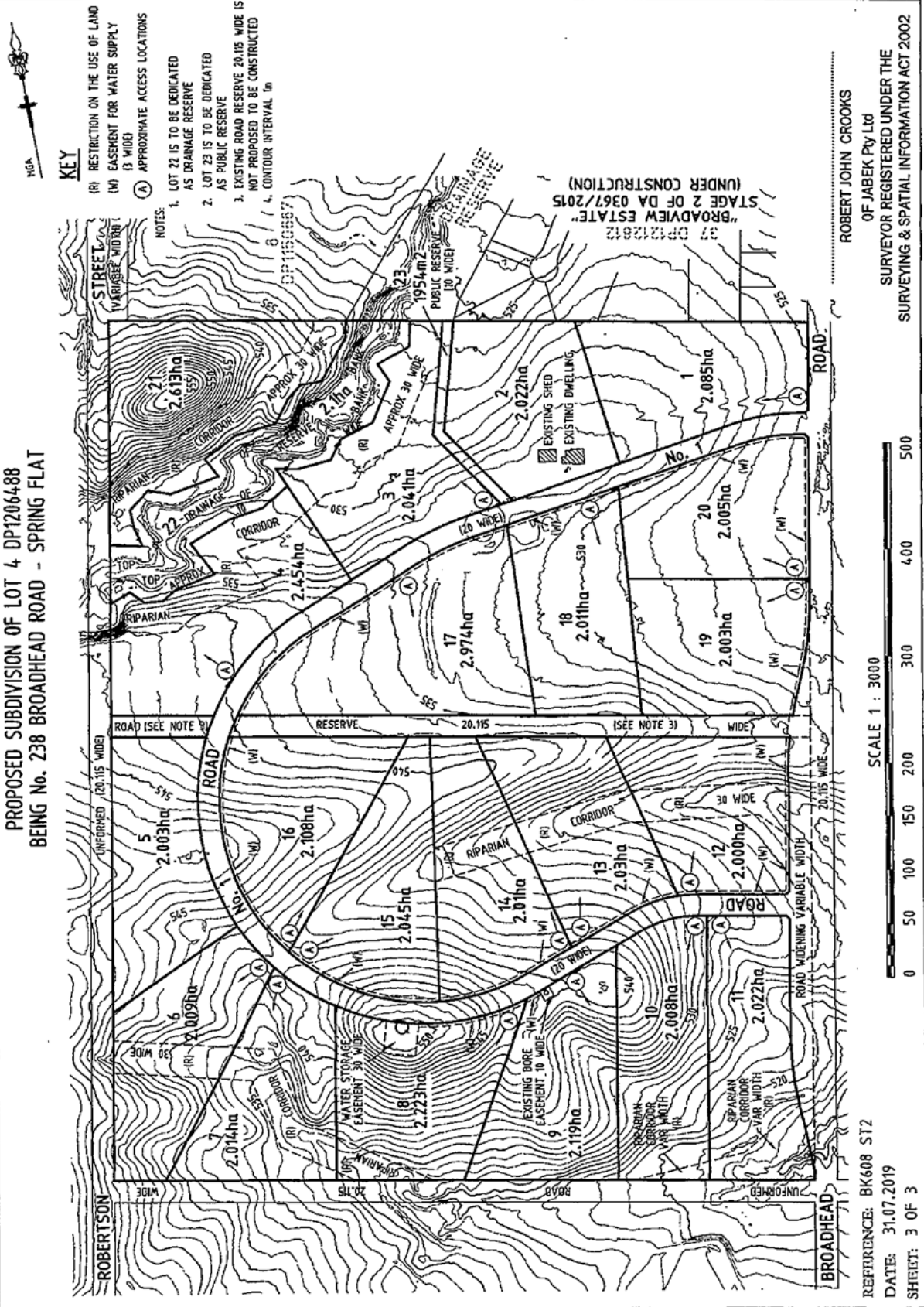


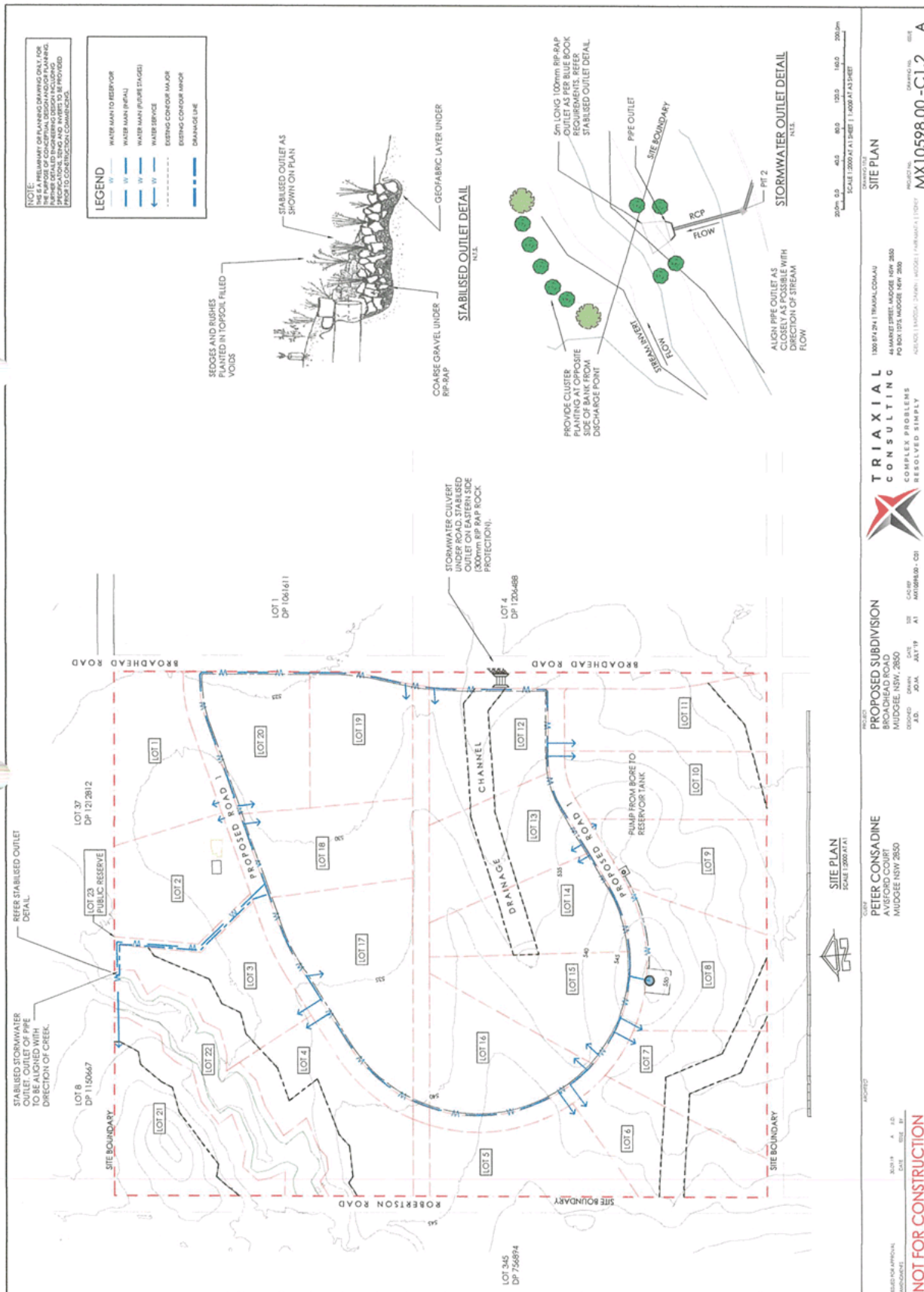
REFERENCE: BK608 ST1
DATE: 31.07.2019
SCALE: 1:5000
SHEET: 1 OF 3

ROBERT JOHN CROOKS
OF JABEK Pty Ltd
SURVEYOR REGISTERED UNDER THE
SURVEYING & SPATIAL INFORMATION ACT 2002



PROPOSED SUBDIVISION OF LOT 4 DP1206488
BEING No. 238 BROADHEAD ROAD - SPRING FLAT







General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1120420
Issue date of GTA: 28 May 2020
Type of Approval: Controlled Activity
Description: Subdivision - new road - 1 lot into 21 lots
Location of work/activity: 238 BROADHEAD ROAD SPRING FLAT 2850
DA Number: DA0089/2020
LGA: Mid-Western Regional Council
Water Sharing Plan Area: Macquarie Bogan Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0013-00001	A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.
Erosion and sediment controls	
GT0006-00012	The following plan(s): - erosion and sediment control plan, soil and water management plan, vegetation management plan, and storm water management plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00001	The proposed erosion and sediment control works must be inspected and maintained throughout the carried out; construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
GT0022-00005	During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.
Plans, standards and guidelines	
GT0005-00359	A. The application for a controlled activity(s) approval must include the following plan(s): - i. Sediment and Erosion Control Plan; ii. Culvert Crossing Design including stabilisation measures; iii. Stormwater Management Plan including outlet



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1120420

Issue date of GTA: 28 May 2020

Type of Approval: Controlled Activity

Description: Subdivision - new road - 1 lot into 21 lots

Location of work/activity: 238 BROADHEAD ROAD SPRING FLAT 2850

DA Number: DA0089/2020

LGA: Mid-Western Regional Council

Water Sharing Plan Area: Macquarie Bogan Unregulated and Alluvial Water Sources

design; iv. Vegetation Management Plan identifying the following: a) stream and stream order; b) offset averaging of development encroaching the outer 50% of the riparian corridor, c) riparian planting and vegetation density; v. Work schedule; vi. Monitoring and Reporting Plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Rehabilitation and maintenance

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00003 The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA0089/2020 as provided by Council:

- Statement of Environmental Effects for Proposed Subdivision of Lot 4 in DP1206488 Broadhead Rd, Mudgee - October 2019 CM9-V19/871-4#93



NSW RURAL FIRE SERVICE

Mid-Western Regional Council
PO Box 156
MUDGEES NSW 2850

Your reference: DA0089/19
Our reference: DA-2019-03718

ATTENTION: See letter

Date: Tuesday 11 February 2020

Dear Sir/Madam,

Integrated Development Application

s100B – Subdivision – Torrens Title Subdivision

4//1206488 - 238 BROADHEAD ROAD SPRING FLAT 2850 NSW Australia, 4//1206488 - 238 BROADHEAD ROAD SPRING FLAT 2850

I refer to your correspondence dated 17/10/2019 seeking general terms of approval for the above Integrated Development Application.

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

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

[1.]

At the issue of a subdivision certificate, the entire site, excluding lot 22 and 24 must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

[2.]

The existing dwelling to be retained within lot 2 must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

[3.]

Public road access shall comply with the following requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006':

- Road(s) shall be two wheel drive, all weather roads.
- Urban perimeter roads are two way, with a carriageway 8 metres minimum kerb to kerb.
- The perimeter road is linked to the internal road system at an interval of no greater than 500 metres.
- Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.
- Public roads have a cross fall not exceeding 3 degrees.
- All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.
- Non perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.
- Curves of roads (other than perimeter roads) are a minimum inner radius of 6 metres
- The minimum distance between inner and outer curves is 6 metres.
- Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- There is a minimum vertical clearance to a height of 4 metres above the road at all times.
- The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- Public roads greater than 6.5 metres wide locate hydrants outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression.
- Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.
- Public roads 5.5 to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- One way only public access roads are no less than 4 metres wide (kerb to kerb) and provide parking within parking bays located outside the kerb to kerb space. Services are located outside of the parking bays to ensure accessibility to reticulated water for fire suppression.
- Parking bays are a minimum of 2.6 metres wide from kerb to edge of road pavement. No services are located within the parking bays.



- Public roads directly interfacing the bush fire hazard provide roll top kerbing to the hazard side of the road.

Water and Utility Services

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

[4.]

Water, electricity and gas must comply with the following:

- Electrical transmission lines should be located underground where possible.
- Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

General Advice – Consent Authority to Note

This approval relates tot he subdivision of land only, Any further development for class 1, 2 & 3 buildings as identified by the *Building Code of Australia* must be subject to separate application under section 4.14 of the *Envrionmental Planning & Assessment Act 1979* and address the requirements of *Planning for Bush Fire Protection 2006* (or equivalent).

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

Yours sincerely,

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services





NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision

4//1206488 - 238 BROADHEAD ROAD SPRING FLAT 2850 NSW Australia, 4//1206488 - 238 BROADHEAD ROAD SPRING FLAT 2850

RFS Reference: DA-2019-03718

Your Reference: DA0089/19

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

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

Kalpana Varghese

Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Tuesday 11 February 2020



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1126220

Issue date of GTA: 09 July 2020

Type of Approval: Water Supply Work

Description: Bore

Location of work/activity: 238 Broadhead Road, Spring Flat, NSW 2850.

DA Number: DA0089/2020

LGA: Mid-Western Regional Council

Water Sharing Plan Area: Nsw Murray Darling Basin Fractured Rock Groundwater Sources 2020

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0093-00001	An application must be submitted to WaterNSW, and obtained, for a water supply work(s) approval under the Water Management Act 2000.
Dewatering	
GT0065-00001	The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
Plans, standards and guidelines	
GT0042-00001	The volume of groundwater extracted annually under the water management work will be subject to an annual extraction limit.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA0089/2020 as provided by Council:

- * Appendix B of development application
- * Current BLR approval 80WA725396
- * Email correspondence - proponent consultant
- * Email correspondence - Mid-western regional council
- * WaterNSW initial response to council.



Booth Brown

L E G A L

Please reply to: Dubbo
Our Ref: KO:17073

23 September 2019

Mr B Crooks
Jabek Pty Limited
107 - 125 Bellevue Road
MUDGEES NSW 2850

Email: crooks.jabek@yahoo.com.au

Dear Bob,

RE: BROADHEAD RD, SPRING FLAT SUBDIVISION (the Subdivision)

I refer to previous correspondence and conferences in relation to the Subdivision.

Spring Flat Subdivision

We note that your client intends to seek development consent for the subdivision of lot 4 DP1206488 located in Spring Flat to create a large lot residential development.

Pursuant to the terms of the Mid-Western Regional Local Environmental Plan 2012 (MWRLEP) a minimum subdivision lot size applies to the relevant parent lot. Clause 4.1 of the MWRLEP provides that a minimum subdivision lot size of 2 Ha is permitted if the Council is satisfied that each lot will be serviced by a water reticulation system.

The Development Control Plan (DCP) provides that for the purposes of clause 4.1 of the MWRLEP:

1. a water reticulation system is a reticulated community bore; and
2. the minimum non-potable water supply for each lot is to be 0.200 megalitres per year.

Further, to demonstrate compliance with this requirement Council requires:

1. the provision of a licence issued in accordance with the Water Industry Competition Act 2006 to demonstrate the ability to supply the minimum quantities of water referred to in the MWRLEP; or
2. If a licence is not required, a draft Community Statement and Community Title Subdivision plan including all infrastructure for the proposed water reticulation scheme.

Our advice is sought regarding the implementation of a private water supply scheme which will satisfy the requirements of the MWRLEP.

Contact Details
3/65 Church Street, (PO Box 20), Dubbo NSW 2830
Telephone: 02 6882 1844 Facsimile: 02 6882 2633
Email: bb@boothbrown.com.au

Principals: Kane Olney Charlotte Egan
BBSO Pty Limited A.B.N. 97 122 792 572

Liability limited by a scheme approved under Professional Standards Legislation.

Licensing requirements for Community Bore

We note that a groundwater source has been successfully located within the parent lot and a community bore is able to be constructed at this location.

Pursuant to the provisions of s52 of the Water Management Act 2000 (WMA), a landholder has a right to:

- a. take any water from any aquifer underlying the land;
- b. without an access licence, water supply work approval or water use approval;
- c. for domestic consumption and stock watering.

The Water Industry Competition Act 2006 (WICA) (s 5) further provides that construction of water supply infrastructure is prohibited without the authority of a WICA licence. However, the 2008 regulations to the WICA (Water Industry Competition (General) Regulation) provide an exemption to the WICA licensing requirement for any water supply work that is to be undertaken pursuant to s52 of the WMA.

As the proposed source of the water supply to all lots in the Subdivision is an aquifer located on the parent lot and the supply of water is limited to a domestic purpose, in our view the requirement to obtain a Water Industry Competition Act 2006 (WICA) licence as set out in the DCP is not applicable in the current circumstances.

Proposed Water Supply arrangements – Spring Hill subdivision

We note that it is proposed to include easements for water supply within the subdivision plan that will encompass the community bore and the supply route for pipes and associated water supply infrastructure for the servicing of all lots within the subdivision.

It is intended to make a water supply available for all lots to the boundary of each lot within the water supply easement and each lot owner will bear the responsibility of connecting any improvements on the lot to the water supply located within the easement site.

We recommend that the supply and distribution of water for domestic purposes in quantities required by the MWRLEP is undertaken by the establishment of a private water scheme (the Scheme).

It is proposed that a private water scheme is to be created upon the establishment of an Incorporated Association, formed for the specific purpose of supply of water to the various lots in the subdivision. The Incorporated Association is established with Fair Trading NSW.

The Incorporated Association must prepare and file its constitution which contains all relevant provisions regarding the operation of the private water scheme for the benefit of lot owners. A committee must be formed upon establishment of the Incorporated Association and a minimum of 3 persons must be appointed as committee members when the Incorporated Association is established.

Upon the sale of each lot in the subdivision, each Purchaser must become a member of the Water Supply Scheme in order to acquire the relevant lot and to receive a water supply. Further, the Contract for Sale for each individual lot will include a condition (together with a Deed) which requires any subsequent Purchaser of a lot to become a member of the Water Supply Scheme as a condition of the subsequent sale of the lot.



Jabek Pty Limited

3

23 September 2019

The constitution of the Scheme will contain all relevant rules associated with the supply of water including maximum volumes, metering requirements and charges for the operation of the Scheme.

In due course, we are able to assist with preparation of an appropriate constitution for the Scheme and associated documents (including the Contract for Sale of Land).

We consider that establishment of the Scheme outlined above will satisfy the requirements for a reticulated water system within the Subdivision, without the need to create a community title subdivision plan.

We look forward to discussing this matter with you further in due course.

Yours faithfully,
BOOTH BROWN LEGAL



Kane Olney
Principal

Encl.

8.3 Draft Mudgee Large Lot Residential Strategy

REPORT BY THE MANAGER, STRATEGIC PLANNING
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, LAN9000097

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Strategic Planning on the Draft Mudgee Large Lot Residential Strategy;**
2. **endorse the Draft Mudgee Large Lot Residential Strategy;**
3. **place the Draft Mudgee Large Lot Residential Strategy on public exhibition for a period of 28 days; and**
4. **receive a further report following the public exhibition period.**

Executive summary

The purpose of this report is to seek endorsement of the Draft Mudgee Large Lot Residential Strategy (Strategy) prepared by Navigate Planning on behalf of Council for public exhibition for a period of 28 days. The draft Strategy is provided as Attachment 1.

The Strategy identifies opportunity areas for Large Lot Residential development with a minimum area of 2 and 5 hectares, around Mudgee. Large Lot Residential opportunity areas are already strategically identified by the Comprehensive Land Use Strategy (CLUS) or are zoned around Gulgong and Rylstone, accordingly, this strategy only relates to Mudgee.

At the completion of the exhibition period the draft Strategy and any submissions received will be reported back to Council for further consideration and adoption of the Strategy.

Strategically identifying the location of future opportunities is a sound strategic planning approach.

Disclosure of Interest

Nil.

Detailed report

Background

In 2014 Council prepared the Mudgee and Gulgong Urban Release Strategy (URS). The purpose of the URS is to provide a framework for the timing of release and demand for residential land in Mudgee and Gulgong over a twenty year planning horizon based on the adopted CLUS and land already zoned in the Mid-Western Regional Local Environmental Plan 2012. The URS states 7 lots with a minimum area of 2ha are required each year. The URS does not identify future opportunities. Further, the CLUS does not identify Large Lot Residential opportunities with a minimum of 2 or 5 hectares around Mudgee accordingly, Council is undertaking this project.

In 2016 the Department of Planning and Environment (now Department of Planning, Industry and Environment) required Council to amend the CLUS to insert criteria for the consideration of Large Lots Residential opportunities. Council undertook this work and inserted Addendum – 2 Hectare Criteria into Part C of the CLUS. Following this work being undertaken, three Planning Proposals for rezoning to Large Lot Residential, mapped with a minimum area of 5ha and with the ability to be subdivided to 2ha (if a reticulated water supply can be provided) were finalised. The three sites are Broadhead Road, Spring Flat Road and Wilbetree Road. Three development applications for subdivision for each of the sites are being considered by Council.

Further, Council was advised by the Department of Planning and Environment at the time, that the three sites represented an adequate supply through the gateway and no further Planning Proposals would be considered until the demand could be demonstrated. With Council currently assessing these development applications and the potential release of these lots approaching, it is necessary for Council to strategically identify where the 10 to 20 year supply will be located.

Study Area and Criteria for Determining Location

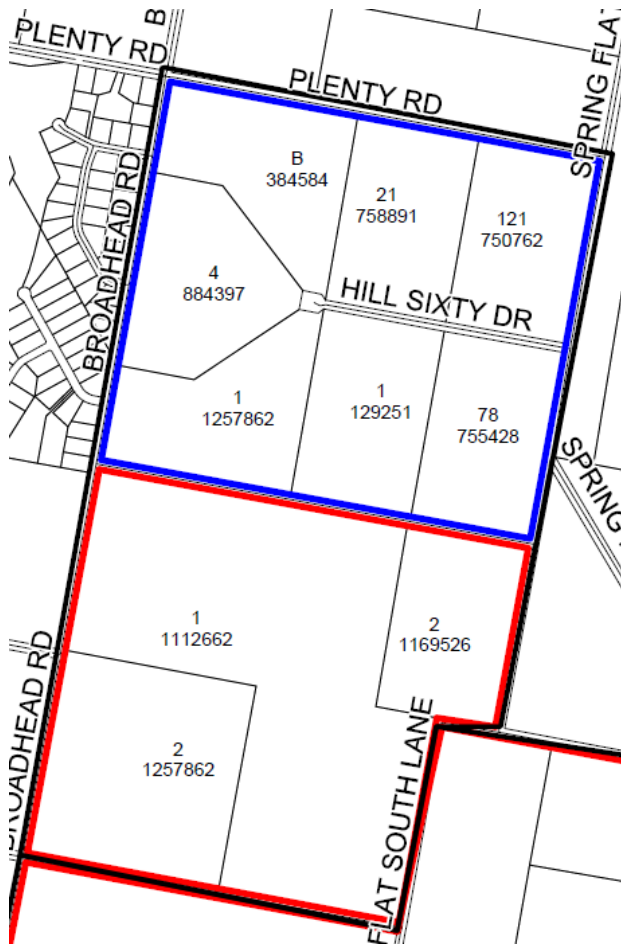
The study area was identified as generally a 5 kilometre offset/radius around Mudgee. As mentioned above, Council amended the CLUS to insert criteria for the consideration of the location of Large Lots Residential opportunities. The Department of Planning and Environment (now Department of Planning, Industry and Environment) were involved in the preparation of the criteria and made recommendations as to what was to be included. Specifically, a recommendation was made in relation to Criteria 9. Should Avoid Biophysical Strategic Agricultural Land. The 10 Criteria contained in the CLUS were utilised in the preparation of the draft Strategy. The consultant included three additional criteria and Criteria 9 was expanded upon to include the consideration of Land and Soil Capability mapping published by the Office of Environment and Heritage to protect agricultural land.

Recommendations of Draft Large Lot Residential Strategy

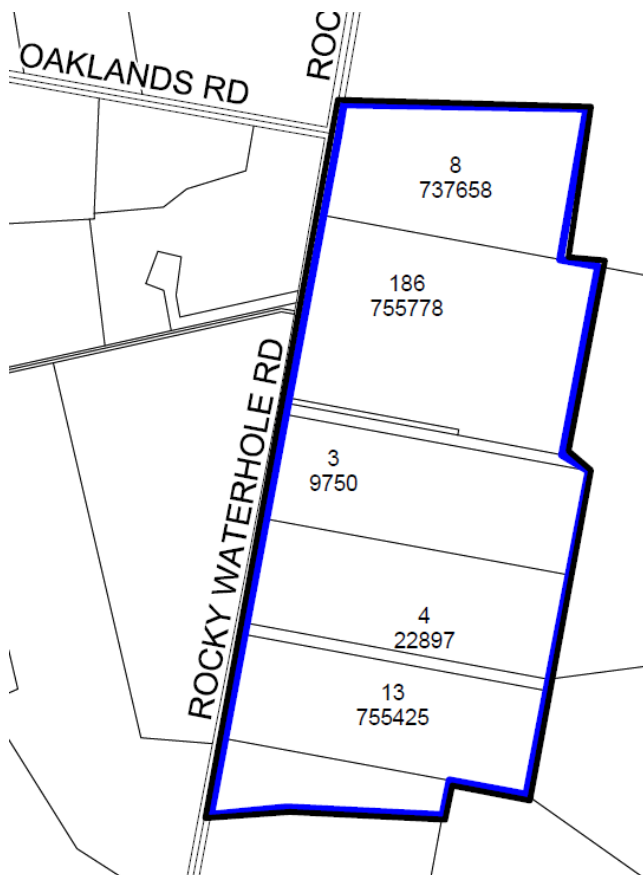
As mentioned above the three sites currently zoned (Broadhead Road, Spring Flat Road and Wilbetree Road) represent a 10 years supply in accordance with the URS. The test of demand will be the release and sale of lots of the three sites. The draft Strategy identifies the most suitable land to meet the baseline of the 7 lots per year, in accordance with the URS and flags potential areas for a moderate demand of potential 10 lots per year to provide a buffer.

For the sites identified the following details are provided; introduction, map, constraints analysis and recommendations. The Strategy also provides a summary of lot yields from the identified areas, an assessment matrix and development staging.

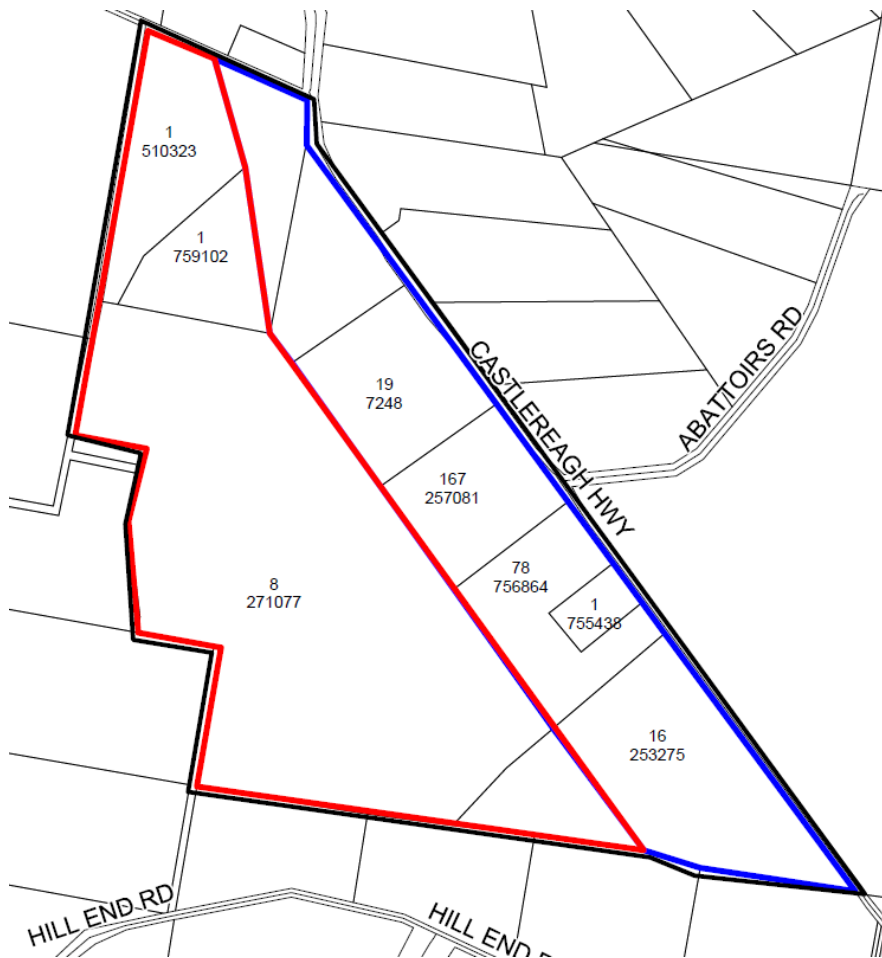
The four opportunity areas are detailed on the below maps. Areas marked in red are proposed to have a minimum lot size of 2 hectares and areas marked in blue are proposed to have a minimum lot size of 5 hectares.



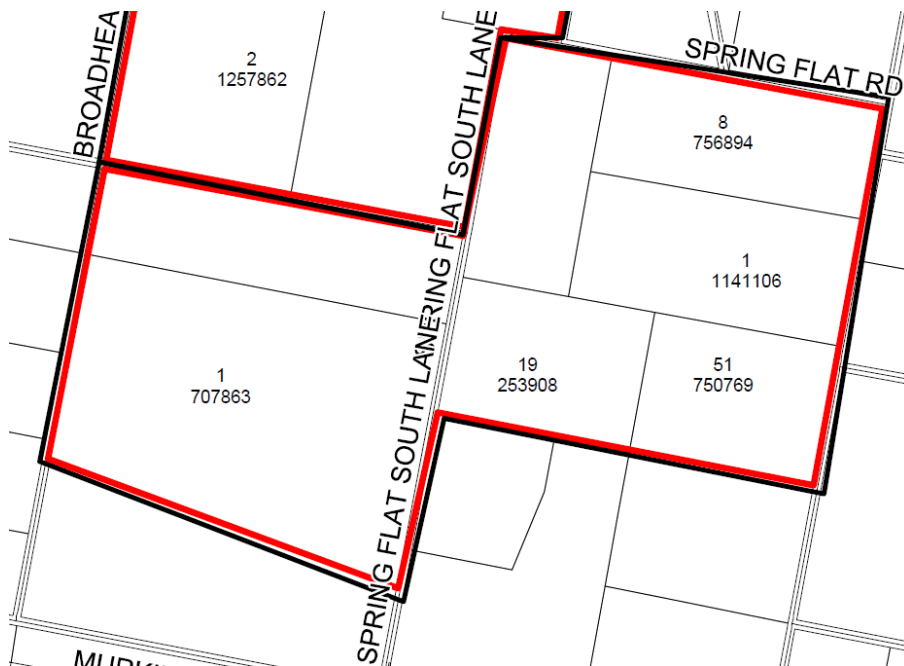
Area 1: 2 and 5 hectare opportunity.



Area 2: 5 hectare opportunity.



Area 3: 2 and 5 hectare opportunity.



Area 4: 2 hectare opportunity.

Public Exhibition

The draft Strategy will be placed on public exhibition for a period of 28 days. The draft Strategy will be available on Council's website, at Council's main administration centres and an advertisement will be placed in the local newspaper.

A report will be brought back to Council to consider any submissions received during the exhibition period and to endorse the final Strategy.

Community Plan implications

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

Strategic implications

Council Strategies

Mid-Western Region Community Plan Towards 2030.

Mid-Western Comprehensive Land Use Strategy 2010 Parts A, B and C.

Mid-Western Regional Council Mudgee and Gulgong Urban Release Strategy.

Council Policies

Nil.

Legislation

Environmental Planning and Assessment Act 1979.

Financial implications

The proposed identified opportunities are unserviced and any future lots will not be serviced by Council's reticulated water and sewer infrastructure, accordingly there are no financial implications for Council.

Associated Risks

Sound strategic planning involves strategically identifying opportunities to ensure the most appropriate land uses are achieved on a site, and not compromising a supply of another zone. It assists Council in locating supporting infrastructure and compatible land uses. If this draft Strategy is not endorsed for public exhibition, it would create uncertainty for both Council and the community as to where the most appropriate location for this development should be and could, when developed, result in land use conflict issues. Further, a Planning Proposal could be lodged on a site that could undermine a future zoning opportunity, resulting in a reduced supply of an alternate land zoning.

SARAH ARMSTRONG
MANAGER, STRATEGIC PLANNING

20 July 2020

Attachments: 1. Mudgee Large Lot Residential Strategy. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.4 Draft Development Control Plan 2013 - Amendment 5 (House-Keeping Updates)

REPORT BY THE SENIOR PLANNER
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, LAN900108

RECOMMENDATION

That Council:

- A. **receive the report by the Senior Planner on the draft Development Control Plan 2013 - Amendment 5 (House-Keeping Updates);**
- B. **endorse and publicly exhibit the proposed housekeeping amendments to Mid-Western Regional Development Control Plan (DCP) 2013 outlined in this report, pursuant to Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 and Part 3 of the Environmental Planning and Assessment Regulation 2000; and**
- C. **receive a further report following conclusion of the public exhibition period to consider any submissions received, or if at the end of the public exhibition period, no submissions are received, adopt the changes to the DCP as proposed.**

Executive summary

Mid-Western Regional Council's Development Control Plan (DCP) needs to be updated periodically to ensure its currency with NSW planning legislation and policy, and to correct errors, omissions or provide clarity of content as identified through the day-to-day use of the plan in development assessment. This report outlines proposed housekeeping amendments to the DCP and seeks Council's endorsement to publicly exhibit the proposed changes.

The amendments to the provisions of the DCP proposed as part of Amendment 5 are summarised as follows:

- Front and Side Setbacks in the R2 zone (land size 2000m² to 1ha) – reduce from 15 metre front setback and 5 metre side setbacks to align with Complying Development Provisions being 10 metre front setback and 2.5 metre side setbacks.
- Maximum floor area of detached outbuildings (e.g. sheds and carports) in urban areas are currently 120m² for a >2000m² block of land – seek to provide additional floor areas for land sizes greater than 2000m² and clarify what is 'urban land'.
- New provision for rural outbuildings including floor areas.
- Amendment to subdivision road standards.
- Other minor updates to legislation references and typographical errors.

If endorsed, the draft DCP Amendment 5 will be placed on public exhibition for 28 days in accordance with the *Environmental Planning and Assessment 1979* (as amended).

Disclosure of Interest

Nil.

Detailed report

Since introduction of the DCP in 2013, State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Code) has been amended so as to allow landowners and developers the option to utilise the provisions of the SEPP Code to obtain a Complying Development Certificate (CDC) - rather than submitting a Development Application through Council. Whilst a Complying Development is a 'streamlined' approach to certain forms of development throughout NSW, this can often create problems where there is an identified misalignment with local controls, stipulated in Council's DCP.

One such misalignment occurs between the setback requirements for buildings in the R2 zone, on lots greater than 2000m². Under Council's DCP, buildings on lots greater than 2000m² are required to have a 15m front setback, 5m side setback and 7.5m secondary/corner setback. This compares to the CDC provisions, which allow a 10m front setback, 2.5m side setback and 5m secondary/ corner setback.

This causes disparity, as property owners who lodge applications as a CDC can have a reduced setback, compared to property owners lodging a Development Application. Most proponents will utilise the CDC provisions, owing to reduced setbacks, faster approval times and cost savings. Such is the dominance of CDC as a means of approving development, the established character of the streetscape has changed from that envisaged with 15m front, and 5m side setback, to that of a predominate character of a 10m front setback and side setback of 2.5m.

Those unable to comply with the CDC provisions are required to lodge a Development Application, even for minor technical breaches. In those instances where a Development Application is lodged, a high portion of applicants request to vary the setback controls in the DCP – arguing reduced setbacks are now the established normal in the relevant streetscape. For example, a review of Development Applications submitted to Council over the last 3 years in the R2 zone, where applicants have proposed variations to setbacks greater than 10%, found that Council approved 25 requests to vary the setbacks, each supported by staff, with memos circulated to Councillors.

Therefore, it is proposed that the current setbacks for residential and ancillary development such as sheds/garages/carports under (Part 2.1 and 3.1) be reduced as follows, to be consistent with the CDC requirements:

Current Controls	Proposed Controls
R2 where 2000m ² to 1ha = 15m front setback, 5m side setback, 7.5m secondary/ corner setback	R2 where 2000m ² to 1ha = 10m front setback, 2.5m side setback, 5m secondary/ corner setback

The proposed reduction in setbacks is not identified to have any residual impacts on R2 land up to 1 hectare as many existing developments have been able to comply with the CDC approval pathway.

It should be noted that where a developer seeks to further vary the proposed new controls, significant justification will be required and a memo will still be required where a variation greater than 10% is requested, in accordance with Staff Delegations. It is anticipated however that this reduction in setbacks will reduce the number of variations sought in this area.

The second key area which is proposed to be amended due to the number of variations sought is in relation to the maximum floor area for Garages, Outbuildings and Carports. It is proposed to amend the table within Part 2.1 and Part 3.1 as follows and insert a notation to clarify the 'urban areas' along with the height of sheds on lots under 2,000m².

Maximum size of garages and outbuildings in urban areas* shall be as follows:

Lot size (m ²)	Shed Size (m ²)
<750	50
751-1000	80
1001-2000	100
2001-3000	120
3001 and greater	150

*urban areas are limited to residential areas which include the R1, R2, R3 zones and where a dwelling-house is approved or constructed on the land. A garage or outbuilding is not permitted on vacant urban land where a dwelling is not approved or constructed.

A maximum building height of 4.5 metres from natural ground level to the ridge applies in urban areas where the lot is under 2,000m².

For comparison, under the Housing Code CDC pathway, a shed, carport or garage is permitted to have a maximum floor area of:

Lot size (m ²)	Maximum gross floor area (m ²)
<300	36
>300–600	45
>600–900	60
>900	100

In addition, the CDC provisions permit a maximum detached building height of 4.5 metres if the building is located within 2.5m of the boundary.

As identified by the above requirements, Council permits a larger sized shed to be approved under a DA pathway. However, this does not accommodate the larger residential lots of land which is now sought to be included, along with the maximum heights of sheds on the smaller allotments.

In addition to sheds in residential areas, a new section is proposed to be inserted into Part 6.1 under Development in Rural Areas to include maximum shed sizes for the rural zones. It is proposed to insert the following table under Part 6.1:

Outbuildings including a farm building* must not negatively affect the amenity of the streetscape or adjoining properties. The following standards apply for rural areas:

Lot size	Shed Size (m ²)
Up to 5ha	150
Greater than 5ha and less than 40ha	200
Greater than 40ha	500
<p><i>*Farm building is defined in the Standard Instrument as a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.</i></p>	

Again, for comparison, the Rural Housing CDC pathway only limits floor areas for outbuildings in the R5 zone where the lot size is under 4,000m², as follows:

- (a) 500m², if the only purpose of the outbuilding is for agricultural use,
- (b) 100m², in any other case.

In addition, farm buildings may be constructed without any form of approval by Council (exempt development under the SEPP Code) in Rural Zones (excluding the RU5 and R5 zones) as follows:

1. Up to 200m² per farm building; and
2. Maximum footprint of all farm buildings as follows:
 - i) 0-4ha 2.5% of the area of the landholding
 - ii) >4ha -10ha 1000m²
 - iii) >10ha 2,000m²

Historically, it is likely that many farm buildings have been able to achieve the requirements of the exempt development pathway enabling a larger total floor area in accordance with the SEPP Code. However, Council has also received Development Applications for such buildings that cannot achieve the SEPP Code requirements and a merits based assessment is therefore undertaken in the absence of any DCP controls.

The third house-keeping amendment includes updated provisions in Part 7.2 Rural Subdivisions, which covers the previous report prepared and presented at the June 17 Meeting by Council's Director Operations.

Lastly, a number of minor modifications have been made to cover updates to legislation including the *Environmental Planning and Assessment Act* and *Biodiversity Conservation Act*.

All changes proposed have been made in red throughout the draft DCP document included as Attachment 1.

Public Exhibition

The draft DCP Amendment 5 is required to be placed on public exhibition for a period of 28 days to enable submissions from the community in response to the proposed house-keeping amendments.

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

Community Plan implications

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

Strategic implications

Council Strategies

Nil.

Council Policies

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

Legislation

The amendment to the DCP is being undertaken in accordance with Part 3, Division 4 of the *Environmental Planning and Assessment Regulation 2000* and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (as amended).

Financial implications

Nil.

Associated Risks

If Council does not wish to proceed with the Draft Development Control Plan – Amendment 5, the risk is that there will be continued anomalies identified in the DCP by Staff and the community in undertaking development. This will result in continuation of variations being presented to Council for consideration.

KAYLA ROBSON
SENIOR PLANNER

LINDSAY DUNSTAN
MANAGER, STATUTORY PLANNING

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

22 July 2020

Attachments: 1. Draft Development Control Plan 2013 (Amendment No.5). (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

8.5 Monthly Development Applications Processing and Determined

REPORT BY THE DIRECTOR DEVELOPMENT
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, A0420109

RECOMMENDATION

That Council receive the report by the Director Development 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 July 2020 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.

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

JULIE ROBERTSON
DIRECTOR DEVELOPMENT

30 July 2020

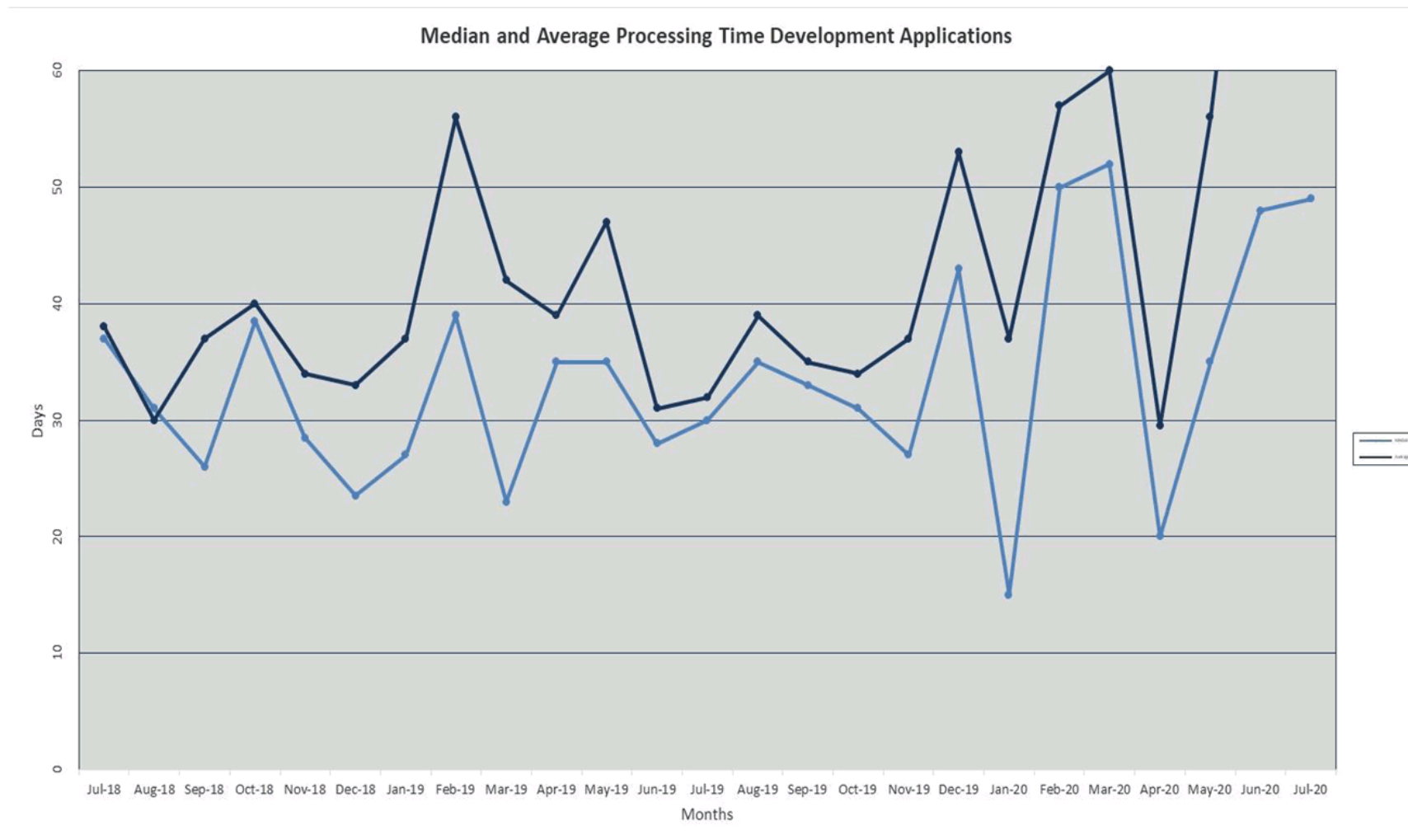
Attachments: 1. Monthly Development Processing and Determined - July 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

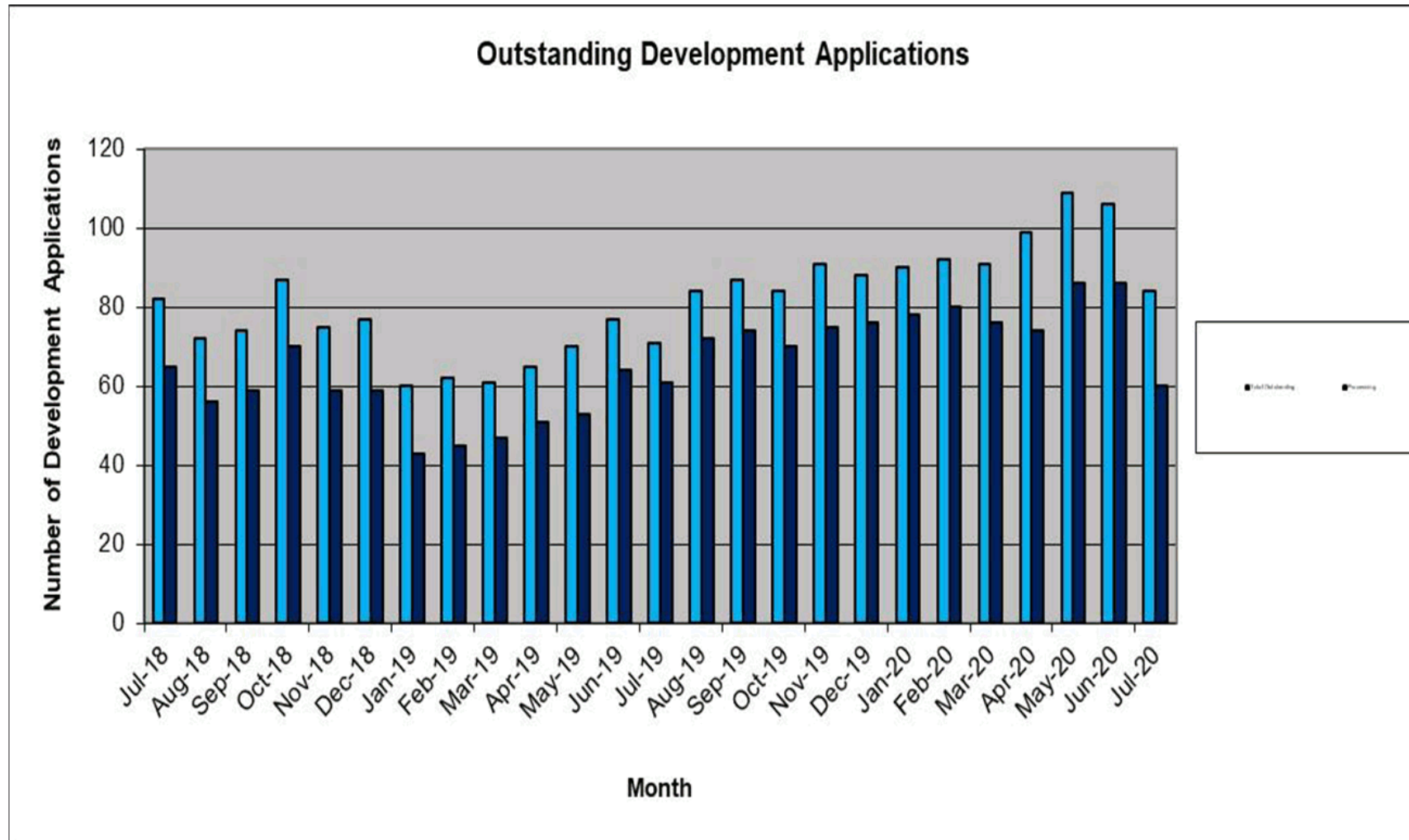
Monthly Development Application Processing Report – July 2020

This report covers the period for the month of July 2020. Graph 1 indicates the processing times up to 31, July 2020 with the month of July having an average of 66 days and a median time of 49 days.



Monthly Development Application Processing Report – July 2020

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



Monthly Development Application Processing Report – July 2020

The Planning and Development Department determined 41 Development Applications either by Council or under delegation during July 2020.

Development Applications Determined – July 2020

Appl/Proc ID	Description	House No	Street Name	Locality
DA0265/2020	Carport	30	Cox Street	RYLSOTNE
DA0312/2020	Dwelling House	224	Broadhead Road	SPRING FLAT
DA0291/2020	Dwelling House	769	Bocoble Road	BOCOBLE
DA0302/2020	Residential Shed	6	White Circle	MUDGEE
DA0318/2020	Carport	38	Denison Street	MUDGEE
DA0115/2020	Alterations & Additions	5	Cox Street	MUDGEE
DA0276/2020	Dwelling House	142	Market Street	MUDGEE
DA0294/2020	Alterations & Additions	10	Wandoona Court	MUDGEE
DA0169/2020	Change of use - Stadium Motocross Track & Facilities	267	Ulan Road	BOMBIRA
DA0310/2020	Dual Occupancy	28	Banjo Paterson Avenue	MUDGEE
DA0315/2020	Residential Shed	51	Oaklands Road	MOUNT FROME
DA0308/2020	Dwelling House	48	Berwick Road	RUNNING STREAM
DA0316/2020	Shed >150m2	5	Alexander Dawson Court	MUDGEE
DA0304/2020	Dual Occupancy	17	Facuett Drive	MUDGEE
DA0272/2020	Shed >150m2	603	Black Springs Road	BUDGEE BUDGEE
DA0296/2020	Community Facility	11	Nicholson Street	MUDGEE
DA0299/2020	Demolition	58	Pitts Lane	PUTTA BUCCA
DA0298/2020	Residential Shed	5	Steel Drive	SPRING FLAT
DA0275/2020	Residential Shed	1372	Hill End Road	GRATTAI
DA0277/2020	Alterations & Additions	25	Henry Lawson Drive	BOMBIRA
DA0281/2020	Dual Occupancy	30-		
DA0292/2020	Residential Shed	30A	Banjo Paterson Avenue	MUDGEE
DA0257/2020	Alterations & Additions	73	Madeira Road	MUDGEE
DA0286/2020	Residential Shed	72	Lawson Drive	MUDGEE
DA0260/2020	Alterations & Additions	7	Moggs Lane	BOMBIRA
DA0283/2020	Alterations & Additions	32	Nicholson Street	MUDGEE
DA0255/2020	Alterations & Additions	13	Lloyd Avenue	KANDOS
DA0280/2020	Subdivision - Torrens Title	87	Lions Drive	MUDGEE
DA0263/2020	Dual Occupancy	95-97	Bellevue Road	MUDGEE
		7	Stan Boal Court	MUDGEE

Monthly Development Application Processing Report – July 2020

DA0215/2020	Dual Occupancy	145	Gardiners Road	TWO MILE FLAT
DA0201/2020	Subdivision - Torrens Title	124	Snakes Creek Road	EURUNDEREE
DA0237/2020	Commercial Alterations/Additions	21	Douro Street	MUDGEE
DA0220/2020	Residential Shed	49	Douro Street	MUDGEE
DA0203/2020	Dual Occupancy	6	Bayly Street	GULGONG
DA0214/2020	Change of use - Dwelling to Tourist Accommodation & Signage	49	Mayne Street	GULGONG
DA0180/2020	Dual Occupancy	9	Kilkenny Avenue	MUDGEE
DA0198/2020	Dwelling House	72	Mortimer Street	MUDGEE
DA0168/2020	Change of use - Truck Depot	25	Sydney Road	MUDGEE
DA0197/2020	Alterations & Additions	1904	Queens Pinch Road	MEROO
DA0125/2020	Dual Occupancy	44	Banjo Paterson Avenue	MUDGEE
DA0156/2020	Subdivision - Torrens Title	29	Horatio Street	MUDGEE

Monthly Development Application Processing Report – July 2020

Development Applications currently being processed – July 2020

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA
DA0327/2011	Shed >150m2	23	Horatio Street	MUDGEE
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI
DA0325/2016	Change of use - Garage to Bedroom	179	Denison Street	MUDGEE
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTA BUCCA
DA0266/2017	Residential Shed	3	Cudgegong Street	RYLSTONE
DA0004/2018	Multi Dwelling Housing	66	Dangar Street	KANDOS
DA0142/2018	Subdivision - Torrens Title	38	Rifle Range Road	MUDGEE
DA0214/2018	Camping Ground	2970	Lue Road	LUE
DA0301/2018	Commercial Premises	20	Sydney Road	MUDGEE
DA0089/2019	Change of use - Shed to Dwelling	2037	Coxs Creek Road	RYLSTONE
DA0228/2019	Recreation Facility (outdoor)	103	Wattlegrove Lane	LINBURN
DA0263/2019	Camping Ground	40	Grvillea Street	GULGONG
DA0277/2019	Dwelling House	280	Gardiners Road	TWO MILE FLAT
DA0283/2019	Electricity Generating Works	129	Old Mill Road	GULGONG
DA0288/2019	Electricity Generating Works	3	Sydney Road	BURRUNDULLA
DA0077/2020	Child Care Centre	1	Sydney Road	MUDGEE
DA0086/2020	Subdivision - Torrens Title	50	Broadhead Road	MUDGEE
DA0089/2020	Subdivision - Torrens Title	238	Broadhead Road	SPRING FLAT
DA0131/2020	Hotel Accommodation	121	Ulan Road	PUTTA BUCCA
DA0151/2020	Dual Occupancy	75	Fairydale Lane	MUDGEE
DA0152/2020	Alterations & Additions	21	Dabee Road	KANDOS
DA0154/2020	Subdivision - Torrens Title	3	Sydney Road	BURRUNDULLA
DA0166/2020	Dual Occupancy	9	Mulholland Court	MUDGEE
DA0202/2020	Tourist and Visitor Accommodation	6883	Castlereagh Highway	ILFORD
DA0208/2020	Dwelling House	150	Wyaldra Lane	COOKS GAP
DA0212/2020	Shed >150m2	14	Swords Court	MUDGEE
DA0225/2020	Subdivision - Torrens Title	402	Castlereagh Highway	MENAH
DA0246/2020	Depot	8	Sydney Road	MUDGEE
DA0252/2020	Secondary Dwelling	1	Rayner Street	MUDGEE
DA0258/2020	Light Industry	82	Depot Road	MUDGEE

Monthly Development Application Processing Report – July 2020

DA0267/2020	Dwelling House	155	Black Lead Lane	GULGONG
DA0269/2020	Dwelling House	331	Lue Road	MILROY
DA0271/2020	Residential Shed	1	Cedar Avenue	MUDGEE
DA0274/2020	Camping Ground	701	Coricudgy Road	KELGOOLA
DA0279/2020	Commercial Alterations/Additions	1858	Cudgegong Road	CUDGEGONG
DA0282/2020	Boundary Adjustment	470	Castlereagh Highway	BURRUNDULLA
DA0284/2020	Alterations & Additions	1719	Hill End Road	GRATTAI
DA0287/2020	Residential Shed	76	Winter Street	MUDGEE
DA0289/2020	Commercial Alterations/Additions	22	Sydney Road	MUDGEE
DA0297/2020	Dual Occupancy	772	Bara Road	BARA
DA0300/2020	Residential Shed	65	Perry Street	MUDGEE
DA0303/2020	Industrial Building	24	Industrial Avenue	MUDGEE
DA0307/2020	Residential Shed	3	Barrington Court	MUDGEE
DA0309/2020	Dual Occupancy	4	Saleyards Lane	MUDGEE
DA0311/2020	Alterations & Additions	60	Wynella Street	GULGONG
DA0314/2020	Alterations & Additions	77	Mulgoa Way	MUDGEE
DA0319/2020	Residential Shed	227	Frog Rock Road	FROG ROCK
DA0002/2021	Commercial Premises	62	Mineshaft Lane	GULGONG
DA0003/2021	Commercial Premises	110	Kandos Tip Road	KANDOS
DA0005/2021	Alterations & Additions	8	Old Mill Road	GULGONG
DA0006/2021	Residential Shed	188	Broadhead Road	SPRING FLAT
DA0007/2021	Dwelling House	41	Callaghan Street	CLANDULLA
DA0010/2021	Alterations & Additions	31	Hardy Crescent	MUDGEE
DA0011/2021	Carport	2565	Bylong Valley Way	RYLSTONE
DA0012/2021	Emergency Services Facility	45	Rouse Street	GULGONG
DA0013/2021	Dual Occupancy	7	Mulholland Court	MUDGEE
DA0014/2021	Subdivision - Torrens Title	312	Melrose Road	MOUNT FROME
DA0015/2021	Residential Shed	59	Denison Street	MUDGEE
DA0017/2021	Residential Shed	29	Dewhurst Drive	MUDGEE
DA0018/2021	Moveable Dwelling	69	Hadabob Road	FROG ROCK
DA0019/2021	Residential Shed	172	Robertson Street	MUDGEE
DA0020/2021	Alterations & Additions	20	Woodside Close	MUDGEE
DA0021/2021	Commercial Alterations/Additions	50	Sydney Road	MUDGEE
DA0022/2021	Serviced Apartment	239	Gladstone Street	MUDGEE

Monthly Development Application Processing Report – July 2020

Heritage Development Applications currently being processed – July, 2020.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEES
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEES
DA0215/2019	Commercial Alterations/Additions	88	Louee Street	RYLSTONE
DA0254/2019	Dual Occupancy	100	Inglis Street	MUDGEES
DA0300/2019	Demolition	80	Madeira Road	MUDGEES
DA0118/2020	Change of use - Retail Shop Beautician	26	Market Street	MUDGEES
DA0216/2020	Alterations & Additions	24	Louee Street	RYLSTONE
DA0268/2020	Demolition	2	Station Street	GULGONG
DA0273/2020	Residential Shed	52	Medley Street	GULGONG
DA0285/2020	Alterations & Additions	39	Perry Street	MUDGEES
DA0290/2020	Change of use - Small Bar	13	Lewis Street	MUDGEES
DA0305/2020	Residential Shed	71	Lewis Street	MUDGEES
DA0313/2020	Commercial Alterations/Additions	77	Market Street	MUDGEES
DA0317/2020	Residential Shed	10	Mealey Street	MUDGEES
DA0001/2021	Carport	52	Medley Street	GULGONG
DA0004/2021	Alterations & Additions	45	Court Street	MUDGEES
DA0008/2021	Pergola	11	Costigan Court	MUDGEES
DA0009/2021	Alterations & Additions	35	Market Street	MUDGEES
DA0016/2021	Commercial Alterations/Additions	88	Mayne Street	GULGONG

Item 9: Finance

9.1 Related Party Disclosure Policy

REPORT BY THE FINANCIAL ACCOUNTANT
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, FIN3000289

RECOMMENDATION

That Council:

1. **receive the report by the Financial Accountant on the Related Party Disclosure Policy;**
 2. **note that there are no changes recommended for the Related Party Disclosure; and**
 3. **adopt the Related Party Disclosure Policy for a further period of two years.**
-

Executive summary

The Related Party Disclosure Policy aims to set out the necessary requirements and guide Council for effective implementation of processes that will ensure compliance with AASB 124 disclosure requirements. This Policy has been reviewed and no material changes are recommended.

Disclosure of Interest

Nil.

Detailed report

Related Party Disclosures are required under the Australian Accounting Standard AASB 124. As detailed in the amended policy, Council's approach to the collection of data aims at being sensible, efficient and practical. It is imperative that these processes are adhered to and that there is cooperation from all the identified KMP's.

The Policy was reviewed against requirements in the Office of Local Government Accounting Code, and AASB 124, and no changes are recommended. The current KMP's are still deemed as relevant.

It is recommended to review this Policy every two years, instead of annually, it is anticipated that changes will not be required often.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

The Related Party Disclosure Policy was reviewed.

Legislation

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

SUJEEWA RANAWAKE
FINANCIAL ACCOUNTANT

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

10 July 2020

Attachments: 1. Related Party Disclosure Policy 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

POLICY

Related Party Disclosure Policy

*A prosperous
and progressive
community*

ADOPTED		VERSION NO	1.1
COUNCIL MEETING MIN	130/19	REVIEW DATE	MAY 20202022
DATE:	15-MAY12	FILE NUMBER	FIN3000289139
AUGUST 202019			

Objective

The objective of the Policy is to ensure that the existence of certain related party relationships, related party transactions and information about the transactions, necessary for users to understand the potential effects on the Financial Statements are properly identified, recorded in Council's systems, and disclosed in Council's General Purpose Financial Statements to achieve compliance with AASB 124, the Privacy and Personal Information Protection Act 1998 [PPIPA] and the Government Information (Public Access) Act 2009 [GIPAA].

Legislative and regulatory requirements

- Local Government Act 1993 and Local Government (General) Regulation 2005
- Accounting Standard AASB 124 July 2015 Related Party Disclosures
- Accounting Standard AASB 10 August 2011 Consolidated Financial Statements
- Accounting Standard AASB 11 August 2011 Joint Arrangements
- Privacy and Personal Information Protection Act 1998 [PPIPA]
- Government Information (Public Access) Act 2009 [GIPAA]

Related policies and plans

- Access to Information Policy
- Conflicts of Interests Policy
- Code of Conduct

Definitions

Related Parties	A person or entity that is related to the entity that is preparing its financial statements. For the purpose of this policy, related parties are entities related to Council, key management personnel and close family members of key management personnel of Mid-Western Regional Council.
Related Party Transaction	A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.
Key Management Personnel (KMP)	People that have authority and responsibility for planning, directing and controlling the activities of the entity, either directly or indirectly. For Council purposes KMP includes; <ul style="list-style-type: none"> • the Mayor,

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	<ul style="list-style-type: none"> • Councillors, • the General Manager, • Directors, • the Chief Financial Officer, • the Executive Manager, Human Resources
Close Family Members	Close family members are people who can be expected to influence or be influenced by key management personnel. This includes but is not limited to spouse or partner, children and dependents, children and dependents of spouse or partner and possibly parents, grandparents and other family members. Other family members that would expect to influence or be influenced by key management personnel need to be included as close family members.
KMP Compensation	All forms of consideration paid, payable or provided in exchange for services provided. Compensation categories include:- <ul style="list-style-type: none"> • Short Term Employment Benefits • Post-Employment Benefits • Other Long Term Benefits, and • Termination Benefits.
Arms Length Transaction	A transaction between two related parties that is conducted as if they were unrelated, so that there is no question of conflict of interest.
Ordinary Citizen Transactions	Transactions that are made on an arm's length basis between the Council and key management personnel and their close family members that an ordinary citizen of the community would transact with the Council. This includes but is not limited to payment of rates for properties owned by the key management personal.
Normal Terms and Conditions	The standard rules governing transactions between Council and all external bodies. These can be governed by policies, legislation or accepted business practices.
Control	Is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.
Joint Control	Is the contractually agreed sharing of control over an economic activity.
Significant influence	Is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies. Significant influence may be gained by share ownership, statute or agreement.
Responsible Accounting Officer	A position of Council with regulatory responsibilities, as described in the Local Government (General) Regulation 2005, currently filled by the Chief Financial Officer.
Material transaction	Transactions assessed as material, given the definitions on page 5 including: significant in terms of size; carried out on non-market terms; outside normal day-to-day business operations; disclosed to regulatory or supervisory authorities; reported to senior management.

Policy Statement

Related Party relationships are a normal feature of business. Related parties may enter into transactions that unrelated parties would not. Therefore a related party relationship has potential to have an effect on the profit or loss and financial position of Council.

In addition, the profit or loss and financial position of an entity may be affected by a related party relationship even if related party transactions do not occur. The mere existence of the relationship may be sufficient to affect the transactions of the entity with other parties.

For these reasons, knowledge of Council's transactions and outstanding balances (including commitments and relationships with Related Parties) may affect the assessment of Council's operations by users of Financial Statements, including assessments of the risks and opportunities facing the Council.

Council will exercise compliance with the disclosure requirements of AASB 124 by executing the following steps;

- a) identifying related party relationships and transactions;
- b) identifying outstanding balances, including commitments, between an entity and its related parties;
- c) identifying the circumstances in which disclosure of the items in (a) and (b) is required; and
- d) determining the disclosures to be made about those items.

Related Parties

Identification of Key Management Personnel (KMP)

KMP for Mid-Western Regional Council are considered to include:-

- the Mayor,
- Councillors,
- the General Manager,
- Directors,
- the Chief Financial Officer,
- the Executive Manager, Human Resources
- staff whom from time to time will act in any of the above mentioned positions

Identification of Related Parties

A person or entity is considered a related party of Council if any of the following conditions apply:-

- a) They are members of the same group (which means that each parent, subsidiary and fellow subsidiary is related to the others)
- b) They are an associate or belong to a joint venture of which Council is part of
- c) They and Council are joint ventures of the same third party
- d) They are part of a joint venture of a third party and council is an associate of the third party

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- e) They are a post-employment benefit plan for the benefit of employees of either Council or an entity related to Council.
- f) They are controlled or jointly controlled by close or possibly close members of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
- g) They are identified as a close or possibly close member of the family of a person with significant influence over Council or a close or possibly close member of the family of a person who is a KMP of Council.
- h) They, or any member of a group which they are a part, provide KMP services to Council.

For the purposes of this policy, related parties of Council are:

- a) Entities related to Council;
- b) KMP of Council;
- c) Close family members of KMP;
- d) Possible close family members of KMP; and
- e) Entities or persons that are controlled or jointly controlled by KMP, or their close family members, or their possible close family members.

Please see Appendix 1 for examples of common related parties of council.

KMP's will identify all entities that are controlled or jointly controlled by close family members through the self-assessment process. Should uncertainties or any other contentious issues arise during this process the KMP's are responsible for discussing this with Councils Responsible Accounting Officer who can consult Councils external auditor for clarification if necessary.

Annual Review of Related Parties

A review of KMP's and their related parties will be completed at the beginning of each Financial Year. Whereby the identified KMP's will be required to complete the Related Party Declaration (see Appendix 2) by 31 July and present this to Councils Financial Accountant.

The method for identifying the close family members and associated entities of KMP will be by KMP self-assessment. KMP are responsible for keeping the Financial Accountant updated when any changes to those related parties occur outside of those times.

Particular events, such as a change in Councillors, General Manager, Directors or members of the Executive management team, will also trigger a review of Council's related parties immediately following such an event.

Councils Responsible Accounting Officer and Financial Accountant will be responsible for identifying Council subsidiaries, associates and joint ventures.

Councils Financial Accountant will maintain a register of all declared and identified related parties.

Related Party Transactions

Types of Transactions

The following are examples of transactions that are disclosed if they are transacted with a related party:

- Purchase or sale of goods;
- Purchase or sale of property and other assets;
- Rendering or receiving services;
- Leases;
- Quotations and/or tenders;
- Commitments;
- Settlements of liabilities on behalf of Council or by Council on behalf of the related party;
- Grants and subsidy payments made to associated entities of Council;
- Non-monetary transactions; and
- Compensation made to key management personnel and their close family members.

Materiality of Transactions

AASB 124 grants Council discretion to use their judgement when determining the level of detail to be disclosed in the financial statements. It should be noted that Materiality is not simply determined by the value of a transaction, many other factors are considered. As well as considering the closeness of the related party relationship other factors to be considered, when assessing related party transactions, are;

- significant in terms of size;
- carried out on non-market terms;
- outside normal day-to-day business operations, such as the purchase and sale of businesses;
- disclosed to regulatory or supervisory authorities;
- reported to senior management;
- subject to shareholder approval.

Ordinary Citizen Transactions

Ordinary citizen transactions are those transactions that are made on an arm's length basis between Council and related parties that an ordinary citizen of the community would transact with the Council.

Examples of these are rates payments for properties owned by the related party and dog registration payments.

Council will identify all transactions between Council and related parties. Any that are deemed to be ordinary citizen transactions will not typically be required to be disclosed in the annual financial report.

Transactions between Council and related parties that would normally be considered to be ordinary citizen transactions but where the terms and conditions differ from normal practice will not be considered to be an ordinary citizen transaction for the purposes of this policy. These will be disclosed in Council's annual financial statements in the related party disclosure.

Please note that KMP's are still required to notify the Financial Accountant of these transactions via the process outlined below and the determination of whether or not disclosure is required is vested with the Responsible Accounting Officer and Financial Accountant. Should uncertainties or

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any other contentious issues arise during this process the KMP's are responsible for discussing this with Councils Responsible Accounting Officer who can consult Councils external auditor for clarification if necessary.

Identification of all Related Party Transactions

All related party transactions will be captured to allow a full assessment of transactions that are to be included in the related party disclosure per the disclosure requirements contained in AASB 124.

This will also allow Council's external auditors to perform a full analysis of the entire process that results in the related party transaction disclosure.

All KMP will be required to complete and submit a Related Party Transaction Declaration (Appendix 3) to the Financial Accountant, a notification advising of any known related party transactions that have occurred in the past 12 month period and any related party transactions that have the potential of occurring in the next 12 month period. A Nil notification will be required to be submitted to the Financial Accountant if no transactions are required to be reported.

This notification will be due to the Financial Accountant by 31 July covering the preceding financial year period.

To ensure all related party transactions are captured and recorded, the Financial Accountant is responsible for reviewing, if required, other sources of information held by Council including, without limitation:

- a) a register of related parties of a KMP and of persons related to the KMP;
- b) Council's pecuniary interest returns;
- c) minutes of Council and committee meetings;
- d) Council's Contracts' Register.

Councils Financial Accountant will maintain a register of all declared and independently identified related party transactions.

Required Disclosures and Reporting

AASB124 provides that Council must disclose the following financial information in its financial statements for each financial year period:

1. *Disclosure of any material related party transactions* – if there have been material transactions between related parties, Council must disclose the nature of the relationship with the related party, as well as sufficient information about the transactions and outstanding balances, including commitments, necessary for users to understand the potential effect of the relationship on the financial statements.
2. *KMP Compensation Disclosures* – must disclose in the financial statements KMP compensation in total for each of the categories.

If an elected member or staff member is affected by the related party disclosure they will be given a copy of the disclosure for comment before the external audit is finalised. All comments will be considered however any deviations from the standard policy will not be included in the final disclosure. The General Manager will give the final approval of what will be contained in the disclosure.

Information Privacy

Confidential

The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through a GIPAA application:

- a) information (including personal information) provided by a KMP in a related party disclosure; and
- b) personal information contained in a register of related party transactions.

Storage of information

Declarations and registers pertaining to the Councils related parties and related party transactions will be maintained within a secure and confidential location of Councils records management system.

When Consent is Required

Except as specified in this Policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

Permitted Recipients and Permitted Purposes

For the purpose of this policy the following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of declared related parties and/or related party transactions:

- a) the General Manager;
- b) the Responsible Accounting Officer, Financial Accountant and Manager of Financial Planning;
- c) Public Officer;
- d) an Auditor of Council (including an Auditor from the NSW Auditor General's Office);

For the purpose of this policy any person specified above may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of declared related parties and/or related party transactions for the following purposes:

- a) to assess and verify a notified related party transaction;
- b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions;
- c) to comply with the disclosure requirements of AASB 124;
- d) to verify compliance with the disclosure requirements of AASB 124.

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Government Information (Public Access) [GIPPA] Status

The following documents are not open to or available for inspection by the public:

- a) related party disclosures provided by a KMP; and
- b) a register of related party transactions.

A GIPAA application seeking access to:

- a) a document or information (including personal information) provided by a KMP in a related party disclosure; or
- b) personal information contained in a register of related party transactions;

will be refused on the grounds that the document or information comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of GIPAA.

A GIPAA application seeking access to, and release of, transactional information and documentation about the subject of a related party transaction with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under GIPAA.

Appendix 1

Examples of common related parties of Council


Likely to be a Related Party of council	May be a Related Party of council
Councillors (including the Mayor)	Senior staff (if they are KMP they are a related party)
General Manager (GM)	Other family members of the Councillors, GM and senior staff that are KMP (if the family member may be expected to influence, or be influenced by, that person in their dealings with Council, then they are a related party)
Children of the Mayor, Councillors and the GM	
Spouse/Domestic Partners of the Mayor, Councillors and the GM	
Dependents of the Mayor, Councillors and the GM	
Dependents of a Spouse/Domestic partner of the Mayor, a Councillor or the GM	
Children of a senior staff member that is a KMP	
Spouse/Domestic partners of a senior staff member that is a KMP	
Dependents of a senior staff member that is a KMP	
Dependents of a Spouse/Domestic partner of a senior staff member that is a KMP	
Entities that are controlled or jointly controlled by Council, a KMP or their close family member.	

Disclaimer: This list contains a list of common related parties of council, however there may still be relationships not identified in this list that will meet the definition of a related party.

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Appendix 2



Private and Confidential
Related party Declaration by Key Management Personnel

Name of Key Management Person: _____
 Position of Key Management Person: _____

(List details of known close family members, entities that are controlled/jointly controlled by KMP and entity's that are controlled /jointly controlled by the close family members of KMP)


Name of person or entity	Relationship

I _____, declare that the above list includes all my close family members and the entity's controlled, or jointly controlled by myself or my close family members. I make this declaration after reading Councils Related Party Disclosure Policy which details the meaning of the words "close family members" and "entities controlled, or jointly controlled, by myself or my close family members".

Declared at _____ on the _____

Signature of KMP:
 Full Name of KMP:
 Date:

www.midwestern.nsw.gov.au



Appendix 3



Related Party Transaction Declaration

[Note: This document is confidential and is not GIPAA-accessible. See Council's Related Party Disclosure Policy]

Name of Key Management Personnel:
Position of Key Management Personnel:

(a) has previously entered into and which will continue in the insert relevant financial year E.g. 2016/2017 financial year, or
(b) has entered into, or is reasonably likely to enter into, in the insert relevant financial year E.g. 2016/2017 financial year.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship

Notification

I, _____, notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the insert relevant financial year E.g. 2016/2017 financial year.

I make this notification after reading the Related Party Disclosure Policy provided by Mid-Western Regional Council, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of KMP:
Full Name of KMP:
Date:

9.2 Exemption from Tendering - Light Fleet

REPORT BY THE PROCUREMENT MANAGER
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, PLA500009

RECOMMENDATION

That Council:

1. **receive the report by the Procurement Manager on the Exemption from Tendering - Light Fleet;**
2. **approve an exemption from tender, in accordance with section 55(3)(i) of the Local Government Act 1993, for the provision of light fleet, noting that a satisfactory result would not be achieved by inviting tenders;**
3. **note the reason why a satisfactory outcome would not be achieved by inviting tenders is that tenderers would not be able to provide pricing for this tender as specific vehicle requirements are unknown;**
4. **note that (where possible) a minimum of 3 quotes will be obtained when purchasing light fleet vehicles and local dealerships will always be provided an opportunity to quote when seeking quotations; and**
5. **apply the maximum Local Preference discount for tendering to procurement of light fleet.**

Executive summary

Technically, tenders are required for light fleet due to the combined purchase value of fleet by type and supplier, however purchase of light fleet is undertaken by individual vehicle where costs are generally within the 3 quote requirement under Councils Procurement Policy.

Due to the nature of procurement activities surrounding light fleet, it is very difficult to undertake an appropriate tender, via a panel or otherwise, because Council cannot provide the specifications of future fleet purchases, therefore tenderers cannot provide pricing. Council cannot run a tender without pricing.

The purpose of this report is to provide Council staff with some flexibility when procuring light fleet items on behalf of Council, however continuing to maintain probity and transparency, and meet legislative requirements.

Disclosure of Interest

Nil

Detailed report

Council's light fleet is extremely diverse to cater for each undertaking and this can provide problematic when undertaking a procurement process within the restraints of the Local

Government Act. The acceptance of the above recommendation would ensure that Council are meeting the requirements of this legislation and also providing the flexibility required to ensure that fit for purpose vehicles are able to purchased appropriately ensuring value for money is still obtained.

Pricing is an essential requirement for tendering. Council currently manage approximately 120 light fleet items differing from work vehicles and leaseback (TRP) vehicles. The body types vary between sedans, utes, hatchbacks, minivans and station wagons, are all passenger based vehicles and vary in brand, make and model. Until such time as Council have the ability and the budget to align all plant types to a common theme, it is very difficult to undertake the tender process for requirements that are not known. Tenders for light fleet are problematic across local government as a whole which is supported by the fact that neither of our prescribed entities being Local Government Procurement and Procurement Australia have a panel available. The NSW Government do have a list available, however, by Council utilising this list, our local dealerships would not get an opportunity to provide a quotation.

Based on this financial years replacement requirements, the overall spend is approximately \$400,000, however, the average is \$36,000 for the number of items required. This demonstrates that by approaching the appropriate (and/or specific) dealerships directly and obtaining (if possible) a minimum of three quotes Council are still undertaking a robust price analysis and obtaining the best value for money possible by maintaining a competitive environment.

The intension is for Council's procurement team to set up an easy to use compliance panel in the e-quoting portal VendorPanel. This panel assists staff in confirming compliance information on hand and the onus is on the service provider to maintain those details. This panel would save in resource time when obtaining quotes for both Council and the dealership as the hard work is already done and set up prior to commencing the new quotation process. The idea to attract dealerships no further than 200km from any LGA boarder is to ensure a common sense approach to the purchase, servicing and ongoing maintenance remains within an appropriate travel time should the servicing and maintenance not be undertaken in-house.

The request to apply the maximum tendering local preference discount is based on the evidence that the overall spend of 'Light Fleet' as a category falls within the definition of the requirement for a tender in the Local Government Act and aligns Council's Interim Local Preference Policy for tendering.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Procurement Policy - Provides purchasing guidance to staff on how manage the procurement of goods and services required by Council.

Local Preference Policy

Legislation

Local Government Act 1993

Section 55(3)(i) – provides the ability for Council's to undertake an exemption from tendering

Financial implications

Not Applicable

Associated Risks

By implementing this exemption assists in the reduction of risks surrounding the procurement of light fleet within Council.

KRISTIE WARD
PROCUREMENT MANAGER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

21 July 2020

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.3 Classification of Land - Allotment 69 DP1262954 Drainage Reserve at 21 Steel Drive Spring Flat, Mudgee

REPORT BY THE PROPERTY OFFICER
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, GOV400087, P25884

RECOMMENDATION

That Council:

1. receive the report by the Property Officer on the Classification of Land – Allotment 69 DP 1262954 21 Steel Drive Spring Flat, Mudgee; and
2. classify Allotment 69 DP1262954 21 Steel Drive Spring Flat as *Operational* Land in accordance with Chapter 6 Part 2 Division 1 Local Government Act 1993.

Executive summary

This report seeks to formalise the classification of Allotment 69 DP1262954 at 21 Steel Drive Spring Flat, Mudgee as *Operational* land. Allotment 69 DP1262954 was vested in the ownership of Mid-Western Regional Council for the purposes of a drainage reserve.

Disclosure of Interest

Nil.

Detailed report

As part of the process of classification of the land, Council resolved on 17 June 2020 to advertise its intent to classify Allotment 69 DP1262954, 21 Steel Drive, Spring Flat as *Operational* in accordance with Chapter 6, Part 2, Division 1 of the Local Government Act 1993. A copy of this report, Council Minute and advertisement are appended as Attachments 1, 2 and 3.

Council's intention to classify the land as *Operational* was subsequently advertised in the local newspaper on 19 June 2020. Written submissions were called for with the closing date for submissions being 16 July 2020. No submissions were received.

This Report now seeks to complete the process of classification of the land as *Operational*.

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Chapter 6, Part 2, Division 1 Local Government Act 1993

Financial implications

Not Applicable

Associated Risks

Not Applicable

LILIAN MUKWEWA MUTYIRI
PROPERTY OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

23 July 2020

- Attachments:*
1. Council Report 17 June 2020 - Classification of Land - Lot 69 DP1262954 Drainage Reserve at 21 Steel Drive, Spring Flat. (separately attached)
 2. Council Minute 17 June 2020 - Classification of Land - Lot 69 DP1262954 Drainage Reserve at 21 Steel Drive, Spring Flat. (separately attached)
 3. Advertisement for classification of land - Lot 69 DP1262954 drainage reserve at 21 Steel Drive, Spring Flat - 19 June 2020 Mudgee Guardian. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

9.4 Naming of a new street in a subdivision off Wurth Drive Bombira

REPORT BY THE PROPERTY SUPPORT OFFICER
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, R0790141 P22314 P22315

RECOMMENDATION

That Council:

1. **receive the report by the Property Support Officer on the naming of a new street in a subdivision off Wurth Drive; and**
2. **name this street Nelthorpe Street.**

Executive summary

A new subdivision off Wurth Drive in the locality of Bombira includes two new streets. Addressing requirements for the new subdivision will necessitate the naming of the second of these new streets. The first street name was previously approved.

Disclosure of Interest

Nil

Detailed report

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

Council wrote to the developers, property owners and neighbours of the subdivision on 29th June 2020 requesting their naming suggestions. Public consultation was also invited in an advertisement place in the 3 July 2020 Mudgee Guardian. Submissions closed on 24 July 2020 and no responses were received during this period.

Three previously approved names for new streets in the neighbouring Bombira Estate subdivision have become available due to changes to that subdivision plan. These names were approved by Council and are:

- Nelthorpe
- Bucholtz
- Goodlet

The Geographical Names Board approved Nelthorpe on 3 August 2012, Bucholtz on 2 April 2014 and Goodlet on 3 February 2015. All names were approved by Council at their 16 December 2015 meeting.

The name for the other street, Page, was approved by the Geographical Names Board on 2 October 2015, by Council at their 16 December 2015 meeting and was gazetted 24 December 2015. Due to a change in the subdivision plan, this name was amended from Page Circuit to Page Street via a Gazettal Erratum dated 26 June 2020.

The recommended name of Nelthorpe relates to the Nelthorpe family, including Rose and Walter Nelthorpe. Rose, the daughter of James & Rosa Harvey, lived in Mudgee from her arrival as a child when her family moved to the town, until she passed away in 1974 at the age of 95. Rose served her community as a member of the RSL Auxiliary, the Red Cross, Mudgee Hospital Auxiliary, the Country Women's Association and many other local organisations. She was recognised for her charity work with the Queens Medal for Meritorious Service. Her husband, Walter, served Australia in World War I and was, for many years, the Secretary of the original Mudgee Hospital. He was also appointed an honorary Magistrate in 1913.

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

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

1. Advertised in the Mudgee Guardian inviting submissions in writing from the public for a period of 21 days.
2. Concurrently, notice of the proposed name will be sent to Australia Post, the Registrar General, the Surveyor General, the Chief Executive of the Ambulance Service of NSW, New South Wales Fire Brigades, the NSW Rural Fire Service, the NSW Police Force, the State Emergency Service, the New South Wales Volunteer Rescue Association Inc., and, in the case of a classified road – Roads and Maritime Services, inviting submissions in writing for a period of 14 days.

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

Community Plan implications

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

Strategic implications

Council Strategies

Not Applicable.

Council Policies

Road, Bridge and Place Naming Policy.

Legislation

The Roads Act, 1993.

Road Regulation 2008.

Geographical Names Act, 1996.

Financial implications

The cost and installation of four street signs. Two for Page Street located at the intersection with Wurth Drive and the unnamed street, and two for Nelthorpe Street at the intersection with Wurth Drive and Page Street. The costs of which will be met by the developer.

Associated Risks

Nil

CAROLYN ATKINS
PROPERTY SUPPORT OFFICER

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

28 July 2020

Attachments:

1. GNB Letter approving Nelthorpe.
2. GNB Letter approving Bucholtz.
3. GNB Letter approving Goodlet.
4. Submission.
5. Submission.
6. Submission.
7. Submission.
8. Map.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Land & Property Information

Panorama Avenue BATHURST
P O Box 143
BATHURST NSW 2795
Tel: (02) 6332 8440
Fax: (02) 6332 8415
Email: bob.davis@lpma.nsw.gov.au
www.lpma.nsw.gov.au

The General Manager
Mid Western Regional Council
P O Box 156
MUDGEES NSW 2850

Attention: Carolyn Atkins

3rd August 2012

Your Ref: CA: R0790141
Our Ref: T02/0175 2012 - 111



Dear Madam,

ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008 SECTION 162 – NAMING OF PUBLIC ROADS

I refer to your letter of 27th July 2012 which proposed the following public road names:

HARVEY, NELTHORPE

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the names have been reviewed under the GNB Guidelines for the Naming of Roads and there is no objection to their use, provided they do not refer specifically to any living persons.

Yours Faithfully


Bob Davis, Team Leader DCDB Update
For Division Manager Information Sourcing



PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

Your Reference: CA: R0790141 R0790041
Our Reference:
Contact Officer: Rhet Humphrys
Telephone No: 02 6332 8363
Email: rhet.humphrys@lpi.nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 1st April 2014, which proposed to reserve the following public road name:

BUCHOLTZ

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Road Naming Policy and there is no objection to its use.

Kind Regards,

Rhet Humphrys
Geographical Names Board Secretariat

2nd April 2014



PO Box 143
Bathurst NSW 2795
T: 02 6332 8214
F: 02 6332 8217
E: gnb@lpi.nsw.gov.au
www.gnb.nsw.gov.au

Your Reference: CA-R0790141 R0790041
Our Reference:
Contact Officer: Rhet Humphrys
Telephone No: 02 6332 8363
Email: rhet.humphrys@lpi.nsw.gov.au

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

ATTENTION: Carolyn Atkins

Dear Carolyn

**ROADS ACT 1993, ROADS (GENERAL) REGULATION 2008
SECTION 162 – NAMING OF PUBLIC ROADS**

I refer to your letter of 28th November 2014, which proposed the following public road names:

**LUCAS, CANT, SINGH, OAKDEN, CANDOS, KEARINS, WALSH, WURTH,
GOODLET, BUGG**

On behalf of the Geographical Names Board (GNB), Surveyor General (SG) and Registrar General (RG), the name has been reviewed under the GNB NSW Road Naming Policy and I would raise the following objections:

CANDOS - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a **KANDOS TIP ROAD** located in Kandos.

WALSH - objection is raised under *Principle - 4 Uniqueness, Duplication*. There is already a **WALSH ROAD** located in Budgee Budgee.

Should you wish to proceed with adoption of the names to which objection has been raised, then Council should write to the **Secretary of the Geographical Names Board, Land and Property Information, PO Box 143, Bathurst NSW 2795** setting out reasons why the names are valid. The matter will then be put to the Board who may choose to overturn the objections.

Kind Regards,

Rhet Humphrys
Geographical Names Board Secretariat
3rd February 2015

The General Manager

Mid-Western Regional Council

PO Box 156

MUDGEES NSW 2850

SUBMISSION FOR STREET NAMING

For the name of: **NELTHORPE**

In response to Mid-Western Regional Council's request for submissions for street names (Mudgee Guardian Friday, July 31, 2015), I wish to submit the name of **NELTHORPE** for Council's consideration.

James Nelthorpe, a native of Great Cresingham, near Wotton, England, together with his wife **Jane** of St. Hillier, Jersey, Channel Islands, landed in Sydney in 1857 and settled in the Mudgee district in 1859 where they lived for the rest of their lives.

James Nelthorpe followed mining pursuits for a time after his arrival in Mudgee, but later on commenced a tailoring business, **Messrs. Sherry & Nelthorpe**, in Church Street, Mudgee which, in conjunction with his business partner, Mr Walter Sherry, J.P., he conducted for over 40 years.

An original newspaper clipping of James Nelthorpe's Obituary in the Mudgee Guardian, June 29, 1903 stated: *"....he did a large amount of highly useful work. He had been a member of the directorate of the Mudgee Building and Investment Society since its inception, and at the time of his decease occupied a seat on the board. In the Masonic Order the deceased held many positions of confidence, and was one of the founding members of the old Lodge Edinburgh, a member of the Grand Lodge, and was always a leader in the movement for the amalgamation of the two local lodges".*

"So far as memory serves, Mr Nelthorpe never took a seat on the hospital committee, but he was always a staunch friend of the institution and a generous contributor. In the old days he was secretary of the Fire Brigade Board,....".

For many years Mr. Nelthorpe was secretary of the Parochial Council of St. John's, and was ever a warm supporter of the church. The local Lodge of the Protestant Alliance will lose one of its staunchest supporters, for Mr. Nelthorpe had been its secretary for many years, and his keen judgment had been a power of strength to the financial management."

Three of James and Jane Nelthorpe's children lived in Mudgee for their entire lives; their son, **Walter** and two daughters, **Amy** and **Minnie Nelthorpe**.

Their son, **Walter Nelthorpe**, born in Mudgee, married the eldest child of **Senior-Sergeant James Harvey, Sarah Rose Harvey**, known as **Rose**.

Walter and Rose Nelthorpe were highly esteemed members of the Mudgee community. When Rose's parents died within three years of each other, Rose and Walter took on the care of her younger siblings, the youngest of whom was only six years old when their parents passed. Walter and Rose raised her siblings to adulthood, as well as raising their own son and daughter.

Walter began his working life with the pioneer tailoring firm of Sherry and Nelthorpe where he remained for many years.

Walter was always prominent in the public life of Mudgee. His father, James Nelthorpe was Secretary of the Protestant Alliance Benefit Lodge when it was first established, and when James Nelthorpe died in 1903, Walter Nelthorpe became the Secretary and retained the position for forty years, until he relinquished the position due to ill health.

Walter held the position of Secretary of the Mudgee District Hospital for 26 years, rendering fine service and was also a Director of the Mudgee Pharmacy Board for a number of years.

He was an alderman of the Mudgee Council for a period.

He heard the call to arms in the first world war, and served his country with distinction.

When he returned to Mudgee on his final leave before being sent overseas for active service in May 1916, Sapper W. J. Nelthorpe, was farewelled by the Mayor and citizens of Mudgee at the Town Hall.

After a lengthy term of active service in France with the A.I.F. during World War I, Corporal W. J. Nelthorpe returned to resume his life in Mudgee with his wife and family.

Despite his health being compromised as a result of being gassed in the battlefields in France, he continued to serve the community of Mudgee until the final few years of his life when ill-health overtook him.

An article in the Mudgee Guardian on his passing in February, 1948 at the age of 73, states:

"....it was, perhaps, as a Friendly Society man, that he was best known. He had a long and meritorious service as secretary of the Protestant Alliance Society, and was one of the prime movers in the once-powerful U.F.S.A., which functioned with conspicuous success for many years. When the campaign for a F.S. Pharmacy was inaugurated, he was well in the forefront, and being appointed to the directorate, he retained his position to the end.

In Masonic circles, too, he was a well-known figure, holding high office in the Order.

Always a staunch fighter for the under dog, he performed many acts of charity in his usual unostentatious way, and earned the deepest regard of everyone in the community. It can be said with perfect truth that Walter Nelthorpe's memory will be held in reverence for many a long year to come."

Walter's wife, **Rose Nelthorpe (nee Harvey)** was a remarkable woman who devoted her entire adult life to not only her family, but to tirelessly working for charity and the community of Mudgee up to her early 90s.

Rose "was awarded the Highest civilian award presented to a civilian by the Returned Sailors, Soldiers and Airmen's Imperial League of Australia when she was 81 years of age. She was presented with the Certificate of Merit and Merit Brooch with Gold Bar. This is the civilian equivalent of the V.C. in the League. She gave continuous service to the League's Women's Auxiliary since its formation and was a member of the Red Cross Society also since its inception during World War I. She sold poppies, did canteen work during the war years, took part in street stalls and collections, and sewed thousands of garments for soldiers.

She received the Red Cross Long Service Medal; R.S.L. Auxiliaries Long Service Medal and Merit Brooch; United Hospitals Auxiliary Medal; and the Queen's Coronation Medal."

Rose Nelthorpe was elected Patron of the Women's R.S.L. Auxiliary when she was 80. In the newspaper clipping reporting her election as Patron, it stated, "*Mrs Nelthorpe has been a very active member of the of the Auxiliary since it was formed in 1935 and has occupied the position of vice-president for many years. At the great age of 80 years this wonderful lady never fails to turn up at every function held by the Auxiliary and lend a hand for the worthy cause*".

She was also a member of the Country Women's Association and Torchbearer's for Legacy.

In addition, she was a dedicated worker for St. John's Church of England and helped to organise the annual flower show and worked on stalls.

Rose was also actively involved in helping out at the schools when needed. At an Empire Day celebration she was among a group of ladies who made up 1150 packets of lollies and buns for distribution to the children at the Mudgee District School.

Rose Nelthorpe was an original member of the Mudgee Hospital Women's Auxiliary and was a dedicated and tireless worker. She held the positions of President and Secretary of the Mudgee Hospital Women's Auxiliary at various times for many years.

A newspaper article stated that no more remarkable record of charitable endeavour can be cited than that credited to Rose Nelthorpe who had been prominently associated with hospital work for over 50 years. More often than not her services had been made possible only by great personal sacrifice, but she had never faltered, and counted it a privilege to be able to do something for the sick and suffering.

Amy Nelthorpe, daughter of James and Jane Nelthorpe, was born in Mudgee where she lived for her entire life. A clipping from the Mudgee Guardian on her passing in September, 1939 at the age of 72, says: *"For many years she was prominently associated with the business life of the town. A kindly, gracious soul, she delighted in the performance of good deeds. Without any show of ostentation, she gave her help to every cause that needed assistance, and no-one, perhaps, will ever know the extent of her charity. Hospital work made a special appeal to her, and she was ever ready to do something for suffering humanity."*

The youngest of James and Jane Nelthorpe's children, **Minnie Nelthorpe**, also spent her entire life in Mudgee. On her passing at the age of 70 in June, 1948 it was written in the Mudgee Guardian: *"...although of a quiet disposition, she made a wide circle of devoted friends. A gentle, kindly soul, she had a soft spot in her heart for those in distress and performed many acts of kindness unknown to the general public."*

The Nelthorpe name was synonymous with service to the community of Mudgee from 1859 when James and Jane Nelthorpe settled in Mudgee, until May, 1991 when their granddaughter, Dorothy Nelthorpe passed away.

Dorothy Nelthorpe was the daughter of Walter and Rose Nelthorpe and she spent the whole of her life in Mudgee. Her passing in May, 1991 marked the end of the era of the Nelthorpe name in Mudgee.

Relatives of Rose Nelthorpe (nee Harvey) continue to reside in Mudgee.

It had in recent years, before he passed in November, 2014, been the wish of Joe Harvey, the nephew of Walter and Rose Nelthorpe, that his Uncle and Aunt's unstinting service to community and country be recognised by having a street named in honour of the Nelthorpe family name.

This submission for the name of **NELTHORPE** is made on his behalf and in the sincere hope that it will receive favourable consideration

Whilst the preference is for a street to be named in the name of **NELTHORPE** in the Ulan Road subdivision, we would be delighted for the **NELTHORPE** name to be honoured by a street naming in any of the three subdivisions as detailed in the Council advertisement in the Mudgee Guardian.

From: Graeme Bucholtz [mailto:grame@falconbridge.com.au]
To: Council
Cc:
Subject: Naming a Street, road, bridge, park, sub-division? in honour of our Ancestors

Message: [Bucholtz family visit to Eurunderree School, pages \(156 KB\)](#)

The General Manager

Mudgee Council

Dear Sir/ Madam,

Following a most enjoyable Family reunion at the old Eurunderree School on the weekend and a phone discussion with Carolyn Atkins, Properties office,

I would like to make application to the Mudgee Council to have street, road, bridge, park, sub-division, lake...

or some other local "land mark" named in honour of our ancestors.

Our family has a long association with the Mudgee District, many of the local families,

and in particular the Eurunderree and Pipe Clay creek area.

Frederick Buchholz was the Chairman of the Committee instrumental in the establishment of the School at Eurunderree.

The vineyards and winery "Fredericksberg" established by Frederick J Buchholz in 1859 and further developed by his eldest son

Frederick Anthony Buchholz (an "Australized" spelling of the surname), were the first established in the Mudgee district and at their peak

boasted the largest vineyards in the Southern Hemisphere.

Frederick Buchholz had a close association with the Roth family's "Rothview" winery which later became "Craigmoor" Winery.

The Bucholtz "Fredericksberg" winery successfully exhibited wines at International exhibitions in Paris, Calcutta, London, Sydney and Melbourne.

Table grapes from Fredericksberg were sent by steam ship to England for the Colonial and Indian Exhibition and are reputed to have been served the table of Queen Victoria.

Fredericksberg Winery was later sold and became known as "Westcourt" Winery.

The family then moved to "Willow Tree" at Wilbetree.

Henry Lawson based his stories "Buckholt's Gate" and "Roll Up At Talbragar" on events surrounding the family at Eurunderree.

Frederick A Bucholtz brother Lance Corporal James Bucholtz was one of the first Mudgee Volunteers who served with the First Australian Light Horse in the Transvaal.

He was later chosen to attend the Coronation of King Edward VII at Westminster Abbey in 1902.

There are a number of items of interest relating to the Family's history in the Mudgee Museum and the Gulgong Museum.

Local Historian, the late Norman McVicker was a regular contributor to the Mudgee Guardian with his regular Wallaby Track series.

I have attached a more detailed account of the family's Mudgee history.

I have access to some very extensive documentation relating to the Bucholtz family history both in Australia and in Isernhagen, Germany.

I have been inspired in my research by my eighty seven year old Aunt Lavina; who has spent some forty years researching what has become a most fascinating Family History.

Our family has been in Australia now for one hundred and sixty one years... (Eight generations!).

All due to the adventurous spirit of Heinrich Johann Frederick Buchholz... "Fred" to his friends here in the Eurunderree valley.

In anticipation of your reply and further discussions,

Yours Sincerely,

Graeme Bucholtz

Faulconbridge NSW 2776

BUCHOLTZ FAMILY REUNION VISIT TO EURUNDEREE SCHOOL

On the weekend 22nd and 23rd March, some twenty four members of the Bucholtz family, spanning four generations gathered in Mudgee.

The Bucholtz family have been in Australia for eight generations. Matriarch of the family, Mrs Lavina McKinney has spent some forty years researching the family's history. She was very much supported and encouraged by local historian Norman McVicker who was a regular contributor to the Mudgee Guardian's "Wallaby Track".

Lavina also inspired her nephew Graeme Bucholtz and his wife Suzanne, to twice travel to Hanover, Germany to further investigate the family's history; and discover a number of farms and Hanoverian Horse breeding stables and grand traditional Oak beamed homes of the family as far back as 1635.

On Sunday they were welcomed by the committee to the old Eurunderee Provisional School which has held a long association with the Bucholtz family.

In 1875, Louisa Lawson set about the task of trying to establish a Provisional school at Eurunderee.

In 1876, Heinrich Johann Frederick Buchholz (who became known as "Fred") was the chairman of a meeting held to partition the Government of the Colony of NSW for the establishment of the bark School. Three of his five sons and three of his four daughters were among the first students to be enrolled at the Eurunderee school and shared school days with Henry Lawson. In 1877, again under the chairmanship of Frederick, the committee obtained a timber slab school constructed by Henry Lawson's father Peter Lawson.

Henry Lawson was later to publish "Buckholt's Gate" and "Roll Up At Talbragar", stories set amongst the vineyards along the Pipe Clay Creek at Eurunderee.

Mr Buchholz was born in Isernhagen (Germany). He was a physician, a fine horseman, trained Lippenzaner (dancing) horses and served as an Aide deComp to the King of Austria in Vienna before sailing to America 1848 to join the Californian gold rush and grow tobacco in Virginia.

In 1853 he sailed via Honolulu on board an open ship, the "William Darcy Brown", carrying only eight passengers to Sydney. He made his way to Mudgee and was involved in searching for gold and farming. He purchased land at Eurunderee for vine growing in 1859. He became a British subject in the same year. He married Maree Feronika Huth in 1858 and together they had nine children. Feronika's sister, Lavina, married John Gottlieb Wurth in 1864. Her other sister, Louisa, married John Muller on Christmas Day 1867.

The Bucholtz family had very strong relationships with the Huth, Muller, Wurth, Millett, Roth, Kurtz, Tierney and Rheinberger families. These old pioneers were very much involved in the establishment and development of the Mudgee Wine industry.

Frederick established the "Fredericksberg" winery and vineyard which later became the "Westcourt" Winery.

Born at Puccabucca, by age 16, his son Frederick Anthony Bucholtz was working at Fredericksberg with his father. He went on to develop the vineyard and successfully exhibit prize winning wines at International Exhibitions in, Paris (1878, 1881), London(1886), Calcutta(1883,1884) Sydney(1879) and Melbourne(1880,1881). The farm also produced jams and fruit. Wines, apples and "the finest examples of Australian table grapes ever landed" were transported to England by steam ship, packed in cork charcoal for the Colonial and Indian Exhibition in 1886.

Frederick Anthony married Fannie Millett (Daughter of Walter Millett) in 1891. He served as an Alderman on the Cudgegong Municipal Council, and Mudgee Hospital and Agricultural Show committees.

Frederick Anthony's brother, Lance Corporal James Bucholtz, in 1899 left home to serve with the 1st Australian Light Horse in South Africa during the Boer War. He survived a shocking massacre which claimed the lives of most of his platoon in 1900. He is mentioned in Banjo Patterson's War Correspondences and was later to attend the Coronation of King Edward VII at Westminster Abbey in 1902.

Frederick's sons Frederick, Ferdinand and Roland Bucholtz served with the Australian Light Horse and AIF in WW1. Roland is believed to have also served during WW2. Frederick's grandson Mervyn Bucholtz (Lavina's brother) served with the AIF during WW2.

Lavina's father, Norman Bucholtz married Mudgee girl, Clara Betts of Tilecotte Farm, and moved to Lithgow in 1918.

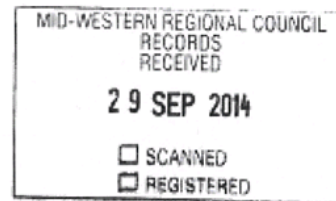
Following very a enjoyable visit to the Eurunderee School, hosted by the Committee, the family were warmly welcomed by Mr Malcolm Roth, an ex-student of the Eurunderee School, to the Westcourt (formerly Fredericksberg) Winery. Mr Roth took time to explain current vigneron, winemaking procedures and the fascinating history associated with the Westcourt Winery.

This year's reunion in Mudgee was a great opportunity to renew the Bucholtz family's association with the other pioneering families of the Mudgee district and will be the first of many in the years to come!

Graeme Bucholtz

Mudgee NSW 2850.

26/9/2014.



General Manager,

Mid-Western Regional Council,

PO Box 156,

Mudgee NSW 2850.

Nomination for Street Name – Mudgee.

I wish to propose my family name of "GOODLET" for use as a street name in the Mudgee area.

To support my nomination I would like to provide the following information:-

My wife and I have lived in Mudgee now for over 30 years. We raised our family of three here and our 2 sons have also made their life here in the Mudgee area. One son is employed in a managerial position with Western Health at the Mudgee Hospital and the other son has his own engineering business.

I worked with Australia Post serving the Mudgee community for about 25 years. 12 of those years I served as Postal Manager for Mudgee from 1994 – 2006 when I retired and have remained living in Mudgee. My wife served the community by working at Pioneer House for approximately 19 years. Over the years we have served on the committees and supported several junior and senior sporting clubs.

My wife and I have continued to serve the Mudgee community by assisting several charities such as Meals on Wheels, door knocks for Red Cross and others, and have supported our local church.

History.

My father worked on the construction of the Mudgee Weir. Although not a Mudgee resident he was one of the workers employed under the work creation programme by the then Government to construct the weir. He and my mother were brought to Mudgee and were accommodated in the Sydney hotel. According to my mother, my eldest sister who was only a toddler at that time was one of the first to walk over the completed weir. My sister is now 89 years old.

I forward this for your consideration and thank you for your time and interest.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Eric K. Goodlet", written over a horizontal dotted line.

Eric K. Goodlet.



9.5 Monthly Budget Review - July 2020

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, FIN300240

RECOMMENDATION

That Council:

1. receive the report by the Manager Financial Planning on the Monthly Budget Review - July 2020; and
2. amend the 2020/21 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.

Executive summary

This report provides Council with information on the progress of the 2020/21 capital works program as at 31 July 2020.

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Clause 202 of the Local Government (General) Regulation 2005, 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

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2020/21	✗	✓	✗
Future Years	—	✗	✓

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

28 July 2020

Attachments: 1. Monthly Budget Review Attachment - July 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

MONTHLY BUDGET REVIEW – 31 JULY 2020

ATTACHMENT 1 – CAPITAL
PROGRAM UPDATE

12 AUGUST 2020

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. PROPOSED BUDGET VARIATIONS

SUMMARY

Fund	Funding Source	20/21	21/22	Grand Total
General	ASSET REPLACEMENT RESERVE	250,000		250,000
	DOA - SALE OF LIGHT COMMERCIALS	61,344		61,344
	DOA - SALE OF MAJOR PLANT	-85,803		-85,803
	DOA - SALE OF PASSENGER VEHICLES	-23,745		-23,745
	GRT - AERODROMES	-250,000		-250,000
	GRT - RECREATION - CAPITAL	4,845		4,845
	OTR - REIMBURSEMENT - GENERAL INSURANCE	-46,878		-46,878
	OTR - RMS STATE ROADS - ORDERED WORKS	-150,673		-150,673
	PLANT REPLACEMENT RESERVE	-668,092		-668,092
	RMS CONTRIBUTIONS - CAPITAL	1,060,000	-1,060,000	0
	Unrestricted Cash	-329,957		-329,957
	General Total	-178,959	-1,060,000	-1,238,959
Mudgee Sports Council	OTR - GROUND HIRE FEES	43,000		43,000
	Unrestricted Cash	-21,500		-21,500
Mudgee Sports Council Total		21,500		21,500
Water	S64	127,805		127,805
	WATER RESERVE	288,738		288,738
Water Total		416,543		416,543
Grand Total		259,084	-1,060,000	-800,916

FY21

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Ow - Hw18 Culvert Works 308.20.20 - Renew drainage structure	F	72,140	OTR - RMS STATE ROADS - ORDERED WORKS	(75,747)	-	0	-	0	3,607
General	Ow - Hw18 Culvert Works 308.20.19 - Renew drainage structure	F	71,358	OTR - RMS STATE ROADS - ORDERED WORKS	(74,926)	-	0	-	0	3,568
General	Members Expenses - Recognise savings following fixing of annual fees for Councillors and Mayor	F	-1,868	-	0	-	0	-	0	1,868
General	Airport Runway * - Recognise 50% grant funding as approved in July	F	0	GRT - AERODROMES	(250,000)	-	0	ASSET REPLACEMENT RESERVE	250,000	0
General	Plant Purchases - Revised plant replacement plan to clear backlog, plus 2 additional linemarkers	U	848,174	OTR - REIMBURSEMENT - GENERAL INSURANCE	(46,878)	-	0	PLANT REPLACEMENT RESERVE	(716,296)	(85,000)
General	Plans Of Management - Crown Lands - To engage a consultant to complete crown land Plans of Management by 30 June 2021	U	200,000	-	0	-	0	-	0	(200,000)
General	Financial Services - Staff contract extension	U	42,000	-	0	-	0	-	0	(42,000)
General	Streetscape - Street Bins - Replacement of 4 street bins	U	12,000	-	0	-	0	-	0	(12,000)
General	Plant Operations Fund - Revised sale proceeds on plant due to replacement changes	F	0	DOA - SALE OF PASSENGER VEHICLES	(23,745)	DOA - SALE OF PLANT	(24,459)	PLANT REPLACEMENT RESERVE	48,204	0

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation \$	Unrestricted Cash Variation \$
General	Munghom Gap Realignment & Upgrade - Extension of time approved due to requirements of acquisition of land reserved under National Parks and Wildlife Act	C	-1,060,000	RMS CONTRIBUTIONS - CAPITAL	1,060,000	-	0	-	0	0
General	Mudgee Valley Park Upgrade - Revise remaining budget due to overspend in 2019/20	C	-4,845	GRT - RECREATION - CAPITAL	4,845	-	0	-	0	0
General	Active Parks - Administration - Waiver of Sports Council Fees for Winter 2020 season, reduced contribution from Sports Council Fund	C	0	-	0	-	0	-	0	0
Mudgee Sports Council	Mudgee Sports Council - Waiver of Sports Council Fees for Winter 2020 season	U	-21,500	OTR - GROUND HIRE FEES	43,000	-	0	-	0	(21,500)
Water	Water Augmentation - Ulan Rd Extension - Reduce budget due to overspend in 2019/20	F	-288,552	-	0	-	0	WATER RESERVE	288,552	0
Water	Water Augmentation - Mudgee Headworks - Reduce budget due to overspend in 2019/20	F	-127,805	-	0	-	0	S64	127,805	0
Water	Water Treatment Plant - Renewals - Transfer to Gulgong WTP PLC upgrade	F	-95,000	-	0	-	0	WATER RESERVE	95,000	0
Water	Water Pump Station - Capital Renewals - Transfer budget to Gulgong WTP PLC upgrade	F	-50,000	-	0	-	0	WATER RESERVE	50,000	0
Water	Water Telemetry - Gulgong WTP PLC Upgrade	U	144,814	-	0	-	0	WATER RESERVE	(144,814)	0
Total			(259,084)		636,549		(24,459)		(1,549)	(351,457)

FY22

Fund	Variation	Movement	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Munghorn Gap Realignment & Upgrade - Extension of time approved due to requirements of acquisition of land reserved under National Parks and Wildlife Act	C	1,060,000	RMS CONTRIBUTIONS - CAPITAL	(1,060,000)	-	0	-	0	0
Total			1,060,000		(1,060,000)		0		0	0

2. CAPITAL WORKS PROGRAM

Summary of capital works program as at 31 July 2020.

678 K

Actual YTD

182

Capital Projects

1%

Budget Spent

7

Capital Projects
Completed

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Looking after our Community							
MUDGE POUND - CAGE REPAIRS	39	0	39	0	0%	0	Consultation
MUDGE POUND UPGRADE - RENOVATION & EXTENSION	205	0	205	0	0%	0	Consultation
COMM. TRANSPORT- VEHICLE PURCHASE	56	0	56	0	0%	0	Consultation
GPS CEMETERY SITES	42	0	42	0	0%	0	Project Scope
CEMETERY CAPITAL PROGRAM	15	0	15	0	0%	0	Project Scope
MUDGE CEMETERY FENCE UPGRADE	65	0	65	0	0%	0	Project Scope
MUDGE CEMETERY ROAD UPGRADE	25	0	25	0	0%	0	Project Scope
RYLSTONE CEMETERY DRAINAGE	26	0	26	0	0%	0	Construction
LIBRARY BOOKS	91	0	91	8	9%	0	Procurement
LIBRARY EQUIPMENT	20	0	20	0	0%	0	Procurement
RYLSTONE LIBRARY BRANCH	9	0	9	0	0%	0	Procurement
STABLES COMPLEX - CAPITAL	41	0	41	0	0%	0	Project Scope
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	30	0	30	0	0%	0	Project Scope
CAP UPGRD-COMMUNITY BLD-BUDGET ONLY	140	0	140	0	0%	0	Budget only
TOWN HALL - EXTERNAL BRICKWORK	50	0	50	0	0%	0	Project Scope
GULGONG MEMORIAL HALL EXT. PAINTING	30	0	30	0	0%	0	Procurement
GULGONG MEMORIAL HALL ROOF	70	0	70	0	0%	53	Procurement
TOWN HALL - SURVEILLANCE CAMERA UPGRADE	50	0	50	0	0%	0	Project Scope
GUIDES BUILDING - RYLSTONE	40	0	40	0	0%	0	Project Scope
GULGONG HALL	34	0	34	0	0%	0	Consultation
POOL SHADE PROGRAM	45	0	45	0	0%	0	Project Scope
GULGONG POOL REPAINT	86	0	86	0	0%	0	Procurement
GULGONG POOL STORAGE SHED	25	0	25	0	0%	0	Project Scope
POOL FILTER REPLACEMENT	55	0	55	0	0%	0	Project Scope

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
POOL MATTS	60	0	60	0	0%	0	Project Scope
KANDOS POOL HEATERS	85	0	85	0	0%	0	Project Scope
MUDGEES SHOWGROUNDS - REDEVELOPMENT	450	47	497	0	0%	0	Project Scope
GLEN WILLOW SPORTS GROUND UPGRADES	14,800	149	14,948	78	1%	926	Initial works
GLEN WILLOW SHED	50	0	50	0	0%	0	Consultation
GULGONG TENNIS COURTS *	130	0	130	0	0%	0	Project Scope
VICTORIA PARK GULGONG - LIGHTING CAP UPGRADE	300	257	557	1	0%	542	Construction
RYLSTONE CEMETERY STORAGE SHED	20	0	20	0	0%	0	Procurement
BILLY DUNN AMENITIES	262	0	262	0	0%	0	Consultation
BILLY DUNN CARPARK ACCESS	96	0	96	0	0%	0	Design
PUBLIC TOILETS - CLANDULLA	20	0	20	0	0%	0	Project Scope
PUBLIC TOILETS - WALKERS OVAL	10	0	10	0	0%	0	Consultation
MUDGEES SHOWGROUNDS - CARPARK & PATHWAY UPGRADE	74	0	74	1	1%	0	Procurement
MUDGEES SHOWGROUNDS - BRIDGE CLUB KITCHEN	65	0	65	0	0%	30	Initial works
PASSIVE PARKS - LANDSCAPING IMPROVEMENTS	6	0	6	0	0%	0	Project Scope
SCULPTURES ACROSS THE REGION	26	0	26	0	0%	0	Consultation
PLAYGROUND SHADING PROGRAM	171	0	171	0	0%	0	Project Scope
PITTS LANE - LIGHTING *	50	0	50	0	0%	0	Project Scope
FLIRTATION HILL DEVELOPMENT	38	0	38	0	0%	3	Project Scope
RED HILL CAPITAL WORKS	425	0	425	1	0%	0	Consultation
PLAYGROUND CCTV	15	0	15	0	0%	0	Project Scope
PUBLIC TOILETS - CORONATION PARK	10	0	10	0	0%	0	Consultation
PUBLIC TOILETS - ROBERTSON PARK	20	0	20	0	0%	0	Consultation
PLAYGROUND - ROBINSON / FISHER ST GULGONG	24	0	24	0	0%	0	Project Scope
MUDGEES SKATE PARK - SHADESAILS & SEATING *	34	0	34	0	0%	0	Project Scope
CLANDULLA MOUNTAIN BIKE TRAIL DEVELOPMENT *	245	0	245	0	0%	0	Project Scope
ART GALLERY FACILITY	7,843	121	7,964	0	0%	48	Initial works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
Total	26,619	574	27,192	88	0%	1,601	

Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	202	0	202	2	1%	0	Project Scope
MUDGEES WASTE DEPOT UPGRADES	59	0	59	0	0%	0	Procurement
NEW TIP CONSTRUCTION	2,000	78	2,078	0	0%	78	Consultation
RECYCLING PLANT UPGRADES	200	0	200	0	0%	0	Project Scope
LEACHATE POND ENLARGEMENT	440	27	467	2	0%	12	Procurement
WEIGHBRIDGE SOFTWARE UPGRADE	41	0	41	0	0%	0	Project Scope
KANDOS WTS OFFICE REPLACEMENT	95	4	99	2	2%	0	Design
GULGONG WTS OFFICE REPLACEMENT	115	3	118	1	0%	0	Design
MUDGEES LANDFILL WHEEL WASH	35	0	35	0	0%	0	Project Scope
DRAINAGE CAPITAL IMPROVEMENTS	332	0	332	16	5%	1	Construction
CAUSEWAY IMPROVEMENTS	65	0	65	0	0%	0	Project Scope
MUDGEES FLOODPLAIN MANAGEMENT PLAN STAGE 2	150	0	150	0	0%	0	Project Scope
PUTTA BUCCA WETLANDS CAPITAL	20	0	20	0	0%	0	Project Scope
PUTTA BUCCA WETLANDS TOILET	101	0	101	0	0%	0	Consultation
WATER NEW CONNECTIONS	93	0	93	2	2%	0	Budget only
WATER AUGMENTATION - MUDGEES HEADWORKS	2,409	(128)	2,282	0	0%	0	Project Scope
WATER AUGMENTATION - WEST MUDGEES EXTENSION	325	0	325	0	0%	0	Deferred/Cancelled
WATER AUGMENTATION - ULAN RD EXTENSION	600	(289)	311	1	0%	248	Construction
WATER AUGMENTATION - RYLSTONE & KANDOS	1,728	0	1,728	0	0%	0	Project Scope
WATER RYLSTONE DAM UPGRADE	3,563	0	3,563	0	0%	0	Consultation
WATER TELEMETRY	105	145	250	0	0%	0	Procurement
WATER MAINS - CAPITAL BUDGET ONLY	1,410	0	1,410	0	0%	0	Budget only

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER MAINS - ANDERSON STREET	122	0	122	0	0%	18	Procurement
WATER MAINS - COOYAL STREET	148	0	148	0	0%	14	Procurement
WATER MAINS - SULLY STREET	50	0	50	0	0%	0	Design
WATER MAINS - QUEEN STREET	31	0	31	19	61%	1	Complete
WATER MAINS - WENONAH STREET	84	0	84	0	0%	0	Project Scope
WATER MAINS - FLIRTATION HILL ROAD	40	0	40	0	0%	0	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	96	(50)	46	0	0%	19	Procurement
RYLSTONE DAM PS PAC DOSING SYSTEM	96	0	96	0	0%	0	Procurement
WATER RESERVOIR - FLIRTATION HILL GULGONG	250	0	250	0	0%	0	Deferred/Cancelled
RESERVOIRS - RYLSTONE, KANDOS, CHARBON, CLANDULLA	62	0	62	0	0%	0	Project Scope
RAW WATER SYSTEMS RENEWALS	20	0	20	0	0%	0	Budget only
WATER TREATMENT PLANT - RENEWALS	115	(95)	20	0	0%	0	Budget only
WATER WELLFIELD BORE INTEGRITY UPGRADES	40	0	40	0	0%	0	Project Scope
RAW WATER SYSTEMS - SALEYARDS WATER SUPPLY	28	0	28	0	0%	0	Consultation
RURAL CUSTOMER FILL STATIONS	270	0	270	0	0%	0	Project Scope
SEWER NEW CONNECTIONS	24	0	24	1	5%	0	Budget only
SEWER AUGMENTATION - RYLSTONE & KANDOS	4,000	0	4,000	0	0%	0	Project Scope
SEWER AUGMENTATION - MUDGEE	150	0	150	0	0%	0	Deferred/Cancelled
SEWER TELEMTRY	31	0	31	0	0%	0	Budget only
SEWER AUGMENTATION - CHARBON	1,725	0	1,725	0	0%	0	Complete
SEWER MAINS - CAPITAL BUDGET ONLY	969	0	969	0	0%	0	Procurement
SEWER MAINS RELINING	300	0	300	0	0%	0	Procurement
RISING MAIN ULAN RD TO PUTTA BUCCA	529	0	529	30	6%	11	Procurement
SEWER PUMP STATION - CAPITAL RENEWALS	1,094	0	1,094	0	0%	11	Design
SEWER PUMP STATION - RACECOURSE MUDGEE	125	0	125	0	0%	0	Design
SEWER TREATMENT WORKS - RENEWALS	69	0	69	0	0%	0	Budget only
RECYCLED WATER MANAGEMENT SYSTEM	90	0	90	0	0%	0	Deferred/Cancelled

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
SEWER TREATMENT WORKS MUDGEES INLET	46	0	46	0	0%	0	Project Scope
Total	24,721	(304)	24,417	75	0%	412	

Building a Strong Local Economy

RYLSTONE CARAVAN PARK - CAPITAL	480	49	529	0	0%	0	Project Scope
RIVERSIDE CARAVAN PARK FIRE SERVICES	90	13	103	0	0%	32	Initial works
MUDGEES VALLEY PARK UPGRADE	730	(5)	725	1	0%	12	Design
ENTRANCE SIGNAGE PROJECT	110	2	112	7	6%	9	Construction
SALEYARDS - POST AND RAIL REPLACEMENT	10	0	10	0	0%	0	Construction
SALEYARDS SECURITY CAMERAS	10	0	10	0	0%	0	Consultation
Total	1,431	60	1,490	8	1%	53	

Connecting our Region

URBAN RESEALS - BAYLY ST SEG 10-60	52	0	52	0	0%	0	Initial works
URBAN RESEALS - BELMORE ST SEG 10-20,50-90	91	0	91	0	0%	0	Initial works
URBAN RESEALS - MAYNE ST SEG 20,60,70	31	0	31	0	0%	0	Initial works
URBAN RESEALS - QUEEN ST SEG 10-80	55	0	55	0	0%	0	Initial works
URBAN RESEALS - WYALDRA ST SEG 10	13	0	13	0	0%	0	Initial works
URBAN RESEALS - COX ST SEG 10	20	0	20	0	0%	0	Initial works
URBAN RESEALS - WALKERS LN SEG 10	12	0	12	0	0%	0	Initial works
URBAN RESEALS - BELLEVUE RD SEG 30-60	36	0	36	0	0%	0	Initial works
URBAN RESEALS - BRUCE RD SEG 30	28	0	28	0	0%	0	Initial works
URBAN RESEALS - CEDAR AVE SEG 10-20	14	0	14	0	0%	0	Initial works
URBAN RESEALS - COMMON RD SEG 10	10	0	10	0	0%	0	Initial works
URBAN RESEALS - CONSTANTIA RD SEG 10	20	0	20	0	0%	0	Initial works

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEALS - COURT ST SEG 10,60-100	55	0	55	0	0%	0	Initial works
URBAN RESEALS - COX ST SEG 15-20	21	0	21	0	0%	0	Initial works
URBAN RESEALS - GLADSTONE ST SEG 10-40,110-130	126	0	126	0	0%	0	Initial works
URBAN RESEALS - NORMAN RD SEG 10-30	49	0	49	0	0%	0	Initial works
URBAN RESEALS - ROBERT JONES ST SEG 10	10	0	10	0	0%	0	Initial works
URBAN RESEALS - MUDGEES ST SEG 10-70	110	0	110	0	0%	0	Initial works
URBAN ROADS KERB & GUTTER CAPITAL	26	0	26	0	0%	0	Project Scope
URBAN REHAB - CHURCH / MEARES ST ROUNDABOUT	935	0	935	0	0%	0	Design
HEAVY PATCHING - MUDGEES ST RYLSTONE	50	0	50	0	0%	0	Procurement
URBAN REHAB - SHORT ST RYLSTONE KERB & GUTTER	50	0	50	0	0%	0	Procurement
URBAN HEAVY PATCHING	25	0	25	0	0%	0	Project Scope
RESHEETING - URBAN ROADS	16	0	16	1	5%	0	Project Scope
URBAN ROADS LAND MATTERS CAPITAL	23	5	28	0	0%	0	Initial works
GUTTERING BYLONG VALLEY WAY KANDOS	50	0	50	0	0%	0	Procurement
RURAL SEALED ROADS RESEALS BUDGET ONLY	310	0	310	0	0%	0	Budget only
RESEAL - CRAIGMOOR RD SEG 10	50	0	50	0	0%	0	Initial works
RESEAL - EDGELL LANE SEG 10	28	0	28	0	0%	0	Initial works
RESEAL - CRAIGMOOR RD SEG 20	40	0	40	0	0%	0	Initial works
RESEAL - HENRY LAWSON DR SEG 80-90,120	139	0	139	0	0%	0	Initial works
RESEAL - GREEN GULLY RD SEG 15	17	0	17	0	0%	0	Initial works
RESEAL - TIP RD GULGONG SEG 10	11	0	11	0	0%	0	Initial works
RESEAL - GUNDOWDA RD SEG 10-30,70	135	0	135	0	0%	0	Initial works
RESEAL - QUEENS PINCH RD SEG 70,110-120	126	0	126	0	0%	0	Initial works
RESEAL - NULLO MOUNTAIN RD SEG 110	15	0	15	0	0%	0	Initial works
RESEAL - LESTERS LN SEG 10-40	134	0	134	0	0%	0	Initial works
RESEAL - QUEENS PINCH RD SEG 50	68	0	68	0	0%	0	Initial works
RESEAL - HENRY LAWSON DR SEG 130-160	200	0	200	0	0%	0	Consultation

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	241	0	241	0	0%	0	Budget only
RURAL REHAB - CUDGEGONG RD	360	0	360	0	0%	0	Consultation
RURAL REHAB - BARNEYS REEF RD	430	0	430	0	0%	0	Consultation
HEAVY PATCHING	46	0	46	0	0%	0	Project Scope
CUDGEGONG ROAD GUARDRAIL	50	0	50	0	0%	0	Project Scope
RURAL SEALED ROAD LAND MATTERS	15	3	18	0	0%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM *	329	0	329	3	1%	3	Consultation
ULAN AND WOLLAR ROAD UPGRADES	86	0	86	0	0%	0	Project Scope
MUNGHORN GAP REALIGNMENT & UPGRADE	3,045	(1,060)	1,985	209	11%	241	Construction
HILL END ROAD SAFETY IMPROVEMENTS	1,398	103	1,501	38	3%	51	Construction
BVW UPGRADE RNSW 2080	1,609	414	2,023	17	1%	14	Initial works
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	5	5	10	0	0%	0	Consultation
RAZORBACK RD PASSING BAYS	32	0	32	0	0%	0	Consultation
SEAL EXTENSION - BARIGAN RD	2,006	0	2,006	11	1%	41	Initial works
RESHEETING	1,988	0	1,988	136	7%	9	Construction
SEAL EXTENSION PROGRAM - BUDGET ONLY	400	0	400	0	0%	0	Budget only
UNSEALED ROADS LAND MATTERS CAPITAL	17	3	20	0	0%	11	Initial works
DIXONS LONG POINT CROSSING - UPGRADE PLAN	1,478	64	1,542	1	0%	178	Design
GOULBURN RIVER BRIDGE ULAN ROAD	600	0	600	0	0%	0	Consultation
ULAN ROAD - REHAB GEORGE CAMPBELL DRIVE TO BUCKAROO LANE	100	0	100	0	0%	2	Consultation
ULAN ROAD - COPE RD TO ULAN WOLLAR RD	300	0	300	0	0%	0	Consultation
FOOTWAYS - CAPITAL WORKS	136	0	136	15	11%	2	Construction
FOOTPATH - LAWSON PARK EAST	51	0	51	0	0%	0	Consultation
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	200	0	200	1	0%	0	Consultation
AIRPORT RUNWAY *	616	0	616	0	0%	0	Consultation
AIRPORT AMBULANCE TRANSFER BAY	79	0	79	0	0%	7	Design
AIRPORT TERMINAL AWNING	10	0	10	6	57%	0	Complete

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
AIRPORT HELICOPTER LANDING PAD	20	0	20	0	0%	0	Consultation
Total	18,849	(463)	18,386	437	2%	559	

Good Government

RYLSTONE COUNCIL BUILDING	60	4	64	9	13%	22	Construction
MUDGEES STORES BUILDING	15	0	15	2	10%	0	Design
OLD POLICE STATION CAPITAL	60	2	62	0	0%	0	Initial works
CARMEL CROAN BUILDING CAPITAL	30	0	30	0	1%	10	Initial works
BUILDINGS MASTER KEY SYSTEM	150	0	150	0	0%	0	Consultation
CONCEPT PLANS FOR MAIN ADMIN BUILDING	550	0	550	0	0%	0	Consultation
IT SPECIAL PROJECTS	31	0	31	0	0%	0	Complete
IT NETWORK UPGRADES	101	0	101	0	0%	0	Complete
IT CORPORATE SOFTWARE	277	54	331	14	4%	14	Deferred/Cancelled
SERVER ROOM MUDGEES CAPITAL UPGRADES	30	0	30	0	0%	0	Consultation
BACKUP DISASTER RECOVERY UPGRADE	172	0	172	0	0%	0	Consultation
PLANT PURCHASES	6,165	848	7,013	45	1%	161	Complete
RYLSTONE DEPOT CAPITAL WORKS	10	0	10	0	0%	0	Procurement
RYLSTONE DEPOT WASHBAY	156	0	156	0	0%	0	Procurement
SOLAR FARM INITIATIVE	105	78	183	0	0%	136	Project Scope
REPLACE DEPOT FUEL BOWSERS	35	0	35	0	0%	32	Complete
WORKSHOP CONCRETE WORKS	25	0	25	0	0%	0	Deferred/Cancelled
STORE WATER PIPE SHED	30	0	30	0	0%	0	Consultation
Total	8,002	987	8,989	69	1%	375	

Total Capital Works Program

79,622 853 80,475 678 1% 3,000

Status	Description
Consultation	Engaging with stakeholders for ideas and to determine viability and direction for the project.
Project Scope	Initial concept, business case and project plan development.
Design	Initial and detailed design.
Procurement	Tendering, sourcing quotes or suppliers.
Initial works	Early stages of project delivery.
Construction	Major project activities are in progress.
Final works	Project is in final stages of completion or awaiting minor items.
Complete, awaiting invoices	Project work is complete. Waiting on invoices from suppliers for financial completion.
Complete	Project work is complete and all costs have been allocated.
Deferred/Cancelled	Project is no longer in current year's program
Budget only	Project for budget purposes only. Fully allocated out to projects.

9.6 Budget Revotes from 2019/20 to 2020/21

REPORT BY THE MANAGER FINANCIAL PLANNING
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, FIN300240

RECOMMENDATION

That Council:

1. receive the report by the Manager Financial Planning on the Budget Revotes from 2019/20 to 2020/21;
2. amend the 2020/21 budget to reflect the revote of \$3,558,627 capital expenditure as identified in the attachment to this report; and
3. amend the 2020/21 budget to reflect the revote of \$3,066,013 operating expenditure as identified in the attachment to this report.

Executive summary

This report recommends the revoting of budgets into 2020/21 for projects not yet completed as at 30 June 2020. Attachment 1 shows each project recommended for revote, the amount of expenditure and the funding source.

Disclosure of Interest

Nil.

Detailed report

The total budget amendment in this report of \$6,624,640 includes \$3,558,627 in Capital expenditure and \$3,066,013 Operating expenditure projects.

A number of these projects were commenced and expected to take place over more than one financial year. Due to some delays in construction and the allowance for variability in timing of works, the full budget allocation was not expended in 2019/20. As these projects were commenced to various stages, but as at 30 June 2020 were not completed they are not technically "revotes" in accordance with the Regulations (as per s211(3)), but they are reported to Council as revote projects for completeness.

Unspent budget of \$906,539 funded by unrestricted cash is proposed to be revoted to be spent in 2020/21. This includes \$472,500 for continuation of Covid-19 response if required.

In relation to Covid-19 this has impacted on the revote of budget for the following projects:

Project	Amount (\$)
Bushfire Recovery Economic stimulus	90,000
WHS Initiatives	42,000
Weeds staff training	28,370
Staff Training	22,600
Mudgee traffic study	9,177
	192,147

Community Plan implications

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

Strategic implications

Council Strategies

Not applicable

Council Policies

Not applicable

Legislation

Section 211(3) of the Local Government (General) Regulation 2005 states that budgets approved by Council automatically lapse at the end of a financial year. However, this subclause does not apply to approval and votes relating to:

- a) work carried out or started, or contracted to be carried out, for the Council; or
- b) any service provided, or contracted to be provided, for the Council; or
- c) goods or materials provided, or contracted to be provided, for the Council; or
- d) facilities provided or started, or contracted to be provided, for the Council before the end of the year concerned, or to the payment of remuneration to members of the Council's staff

A budget approval that has lapsed may be reinstated by a resolution of Council.

Financial implications

Council has sufficient funds in Reserves, Unspent Grants and Contributions, and Developer Contributions in each of the individual funds to be allocated to the continuing projects. Council's unrestricted funds balance as at 30 June 2020 will be finalised as part of the 2019/20 financial statement process, and confirmed by external audit, however the forecast budget indicates that sufficient unrestricted funds will be available to meet the General Fund revenue-funded revotes.

It is important to note that amounts revoted from one financial year to the next, in particular operational expenditure items, impact the operating results of each year.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2020/21	✗	✗	✓
Future Years	—	—	—

Associated Risks

Not applicable

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 July 2020

Attachments: 1. Budget Revotes 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



*Good
Government*

BUDGET REVOTES TO 2020/21

ATTACHMENT 1

12 AUGUST 2020

MID-WESTERN REGIONAL COUNCIL
CORPORATE: FINANCE

■ ■ ■ ■ ■ TOWARDS 2030



1. FUNDING OF BUDGET REVOTES

Fund	Funding Source	2020/21
General	ASSET REPLACEMENT RESERVE	(159,515)
	CAPITAL PROGRAM RESERVE	(149,884)
	CONTRIBUTIONS	(69,716)
	GRT - BUSHFIRE & EMERGENCY SERVICES -OP	(49,500)
	GRT - ENVIRONMENT GRANTS	(33,906)
	GRT - HERITAGE GRANTS	(31,071)
	GRT - OTHER GRANT INCOME	(1,245,686)
	GRT - OTHER GRANT INCOME - CAPITAL	(62,873)
	GRT - RECREATION - CAPITAL	(747,401)
	GRT - ROADS & BRIDGES OTHER CAPITAL	(387,266)
	GRT - ROADS TO RECOVERY	(71,404)
	LAND DEVELOPMENT RESERVE	(457,159)
	OTR - RMS STATE ROADS - ORDERED WORKS	(1,030,909)
	RMS CONTRIBUTIONS - BLOCK	(107,489)
	RMS CONTRIBUTIONS - CAPITAL	(103,329)
	RMS CONTRIBUTIONS - OPERATING	(166,559)
	ROADS & BRIDGES - CAPITAL NON RTA	(849,370)
	S94	(79,290)
	SEAL EXTENSION PROGRAM RESERVE	580,000
	Unrestricted Cash	(906,539)
General Total		(6,128,866)
Sewer	SEWER RESERVE	(8,400)
Sewer Total		(8,400)
Waste	WASTE RESERVE	(142,214)
Waste Total		(142,214)
Water	WATER RESERVE	(345,160)
Water Total		(345,160)
Grand Total		(6,624,640)

2. CAPITAL PROJECT REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Property - Ex Saleyards Stage I - Final subdivision outstanding	457,159	-	0	-	0	LAND DEVELOPMENT RESERVE	(457,159)	0
General	BVW Upgrade Rnsw 2080 - Current year work completed	414,358	RMS CONTRIBUTIONS - BLOCK	(103,589)	GRT - ROADS & BRIDGES & OTHER CAPITAL	(310,769)	-	0	0
General	Putta Bucca Eco Trail - Land acquisition matters have delayed access to allow bridge construction	319,115	GRT - RECREATION - CAPITAL	(245,274)	-	0	CAPITAL PROGRAM RESERVE	(73,841)	0
General	Victoria Park Gulgong - Lighting Cap Upgrade - Redesign caused project delay	256,706	GRT - RECREATION - CAPITAL	(256,706)	-	0	-	0	0
General	Rural Fire Service - Large Water Tanks - Delays due to obtaining agreements with various land managers and local RFS, works ongoing	196,409	GRT - OTHER GRANT INCOME	(196,409)	-	0	-	0	0
General	Ulan Wollar Road - Moolarben Intersection - Final works occurring in new financial year	160,995	ROADS & BRIDGES - CAPITAL NON RTA	(160,995)	-	0	-	0	0
General	Glen Willow Sports Ground Upgrades - Multi-year project continues in 2020/21	148,907	GRT - RECREATION - CAPITAL	(148,907)	-	0	-	0	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Art Gallery Facility - Multi-year project continues in 2020/21	120,951	GRT - OTHER GRANT INCOME - CAPITAL	(60,475)	-	0	S94	(60,476)	0
General	Ulan Wollar Road - Stage 3A - Final works occurring in new financial year	108,375	ROADS & BRIDGES - CAPITAL NON RTA	(688,375)	-	0	SEAL EXTENSION PROGRAM RESERVE	580,000	0
General	Hill End Road Safety Improvements - Current year work completed with savings	103,329	RMS CONTRIBUTIONS - CAPITAL	(103,329)	-	0	-	0	0
General	Widen And Seal Mt Vincent Road Hill - Guard rail install delayed due to contractor availability	90,250	-	0	-	0	-	0	(90,250)
General	Earth Channel Enlargement Works - Delays due to fisheries permit applications.	89,970	-	0	-	0	ASSET REPLACEMENT RESERVE	(89,970)	0
General	Solar Farm Initiative - Multiyear project continuing	78,200	-	0	-	0	-	0	(78,200)
General	Seal Extension - Pyramul Rd - Final trim and sealing occurred in new financial year due to delays from resourcing of project	71,404	GRT - ROADS TO RECOVERY	(71,404)	-	0	-	0	0

CORPORATE: FINANCE | BUDGET REVOTES TO 2020/21

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Dixons Long Point Crossing - Upgrade Plan - Grant funded large multi year project	63,861	GRT - ROADS & BRIDGES OTHER CAPITAL	(63,861)	-	0	-	0	0
General	IT Corporate Software - Continuing software upgrades commence in 19/20	53,900	-	0	-	0	CAPITAL PROGRAM RESERVE	(39,572)	(14,328)
General	Mudgee Flood Study & Floodplain Management Plan - Additional work required to identify properties previously assessed as unaffected by flooding	50,859	GRT - ENVIRONMENT GRANTS	(33,906)	-	0	ASSET REPLACEMENT RESERVE	(16,953)	0
General	Rylstone Caravan Park - Capital - Multi-year project continuing in 20/21	49,492	GRT - RECREATION - CAPITAL	(49,492)	-	0	-	0	0
General	Mudgee Showgrounds - Redevelopment - Development undertaken over two years	47,022	GRT - RECREATION - CAPITAL	(47,022)	-	0	-	0	0
General	Rylstone Depot Sealing - Sealing delayed, sealed 1-7-20	40,000	-	0	-	0	-	0	(40,000)

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Pedestrian - Putta Bucca Walkway - Delayed	30,000	-	0	-	0	CAPITAL PROGRAM RESERVE	(30,000)	0
General	Streetscape - Cbd Infrastructure - Competing projects resulted in delay in completing this project.	25,000	-	0	-	0	ASSET REPLACEMENT RESERVE	(25,000)	0
General	Multiple Pedestrian Refuges & Buildouts - Contractor finalising works in new financial year, start date delayed due to resourcing conflicts	19,273	GRT - ROADS & BRIDGES OTHER CAPITAL	(9,636)	-	0	S94	(9,637)	0
General	Pit Modifications – Various Locations - Delays due to confirmation of priorities and subsequent design details	17,450	-	0	-	0	ASSET REPLACEMENT RESERVE	(17,450)	0
General	Riverside Caravan Park Fire Services - Delays in finalising hydrant design	12,757	-	0	-	0	-	0	(12,757)
General	Mudgee Shared Cycleway/Walking Loop - Final works to be completed	6,471	-	0	-	0	CAPITAL PROGRAM RESERVE	(6,471)	0

CORPORATE: FINANCE | BUDGET REVOTES TO 2020/21

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Urban Roads Land Matters Capital - Road closure process is lengthy and could not be finalised with one financial year	4,600	-	0	-	0	-	0	(4,600)
General	Rural Sealed Regional Road Land Matters Capital - Initial works and design complete, procurement process required before construction	4,500	RMS CONTRIBUTIONS - BLOCK	(1,000)	GRT - ROADS & BRIDGES OTHER CAPITAL	(3,000)	-	0	(500)
General	Rylstone Council Building - Defer due to contractor availability for stage two of building works and coordinating with staff relocation	4,442	-	0	-	0	ASSET REPLACEMENT RESERVE	(4,442)	0
General	Workshop Fire Exit - Delay with contractor supplies	3,500	-	0	-	0	ASSET REPLACEMENT RESERVE	(3,500)	0
General	Unsealed Roads Land Matters Capital - Road closure process is lengthy and could not be finalised with one financial year	3,300	-	0	-	0	-	0	(3,300)
General	Regional Road Bridge Capital - Contractors completing Bridge inspections delayed so finishing off inspections in new financial year	2,900	RMS CONTRIBUTIONS - BLOCK	(2,900)	-	0	-	0	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Rural Sealed Road Land Matters - Road closure process is lengthy and could not be finalised with one financial year	2,800	-	0	-	0	-	0	(2,800)
General	Entrance Signage Project - Works delayed rms approvals	2,398	GRT - OTHER GRANT INCOME - CAPITAL	(2,398)	-	0	-	0	0
General	Old Police Station Capital - Initial works and design complete procurement process required for construction	2,200	-	0	-	0	ASSET REPLACEMENT RESERVE	(2,200)	0
Sewer	Mudgee Stp Sludge Dewatering Improvements - Waiting on delivery of mixer	8,400	-	0	-	0	SEWER RESERVE	(8,400)	0
Waste	New Tip Construction - Consultant to do further work on design to maximise void space for filling prior to design being accepted	77,894	-	0	-	0	WASTE RESERVE	(77,894)	0
Waste	Waste Sites Rehabilitation - Landfill rehabilitation delayed due to availability of contractors	30,000	-	0	-	0	WASTE RESERVE	(30,000)	0
Waste	Leachate Pond Enlargement - Leachate pond design and tender documents yet to be finalised by consultant	26,739	-	0	-	0	WASTE RESERVE	(26,739)	0

CORPORATE: FINANCE | BUDGET REVOTES TO 2020/21

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
Waste	Kandos WTS Office Replacement - Geology investigation and DA delayed due to availability of geologist.	4,254	-	0	-	0	WASTE RESERVE	(4,254)	0
Waste	Gulgong WTS Office Replacement - Geology investigations and DA were delayed due to availability of geologist	3,327	-	0	-	0	WASTE RESERVE	(3,327)	0
Water	Water Meter Replacement - Final project completion delayed to 20/21	295,260	-	0	-	0	WATER RESERVE	(295,260)	0
Water	Water Mains - Bowman Street - Project mid completion	26,000	-	0	-	0	WATER RESERVE	(26,000)	0
Water	Water Mains - Moonlight Street - Project mid completion	23,900	-	0	-	0	WATER RESERVE	(23,900)	0
		3,558,627		(2,245,678)		(313,769)		(752,445)	(246,735)

3. OPERATING PROJECT REVOTES

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Covid19 Response - Continuation of covid 19 response required	472,500	-	0	-	0	-	0	(472,500)
General	Ow - Galambine Shoulder Widening - Delays in construction resulting in final works in new financial year	454,411	OTR - RMS STATE ROADS - ORDERED WORKS	(454,411)	-	0	-	0	0
General	Bushfire Recovery -Makesafe Program - Bushfire recovery continuing	370,000	GRT - OTHER GRANT INCOME	(370,000)	-	0	-	0	0
General	Ow - Mr54 Tara Loop Road Shoulder Widening - Transport for NSW agreed to delay start date due to resources working on other projects	306,498	OTR - RMS STATE ROADS - ORDERED WORKS	(306,498)	-	0	-	0	0
General	Ow - Resurfacing Improvements - Transport for NSW agree to delay start date to coordinate with Tara Loop project	235,000	OTR - RMS STATE ROADS - ORDERED WORKS	(270,000)	-	0	-	0	35,000
General	Local Unsealed Rds Natural Disaster - Works ongoing to repair damage	166,559	RMS CONTRIBUTIONS - OPERATING	(166,559)	-	0	-	0	0
General	Bushfire Recovery - Olinda Hall - Bushfire recovery continuing	137,400	GRT - OTHER GRANT INCOME	(137,400)	-	0	-	0	0

CORPORATE: FINANCE | BUDGET REVOTES TO 2020/21

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Cudgegong Rfs Donations - Unspent contributions to RFS	125,000	GRT - OTHER GRANT INCOME	(125,000)	-	0	-	0	0
General	Bushfire Recovery - Bushfire recovery grants	119,967	GRT - OTHER GRANT INCOME	(119,967)	-	0	-	0	0
General	Bushfire Recovery - Economic Stimulus - Activities to take place post COVID19.	90,000	GRT - OTHER GRANT INCOME	(90,000)	-	0	-	0	0
General	Health Precinct Masterplan - Multiyear project continuing	74,695	CONTRIBUTIONS	(34,695)	-	0	-	0	(40,000)
General	Plans Of Management - Crown Lands - Grant - Project was not expected to finalise until 30/6/2021	67,178	GRT - OTHER GRANT INCOME	(67,178)	-	0	-	0	0
General	Bushfire Recovery - Running Stream Hall - Bushfire recovery continuing	66,649	GRT - OTHER GRANT INCOME	(66,649)	-	0	-	0	0
General	Bushfire Recovery - Ilford Hall - Bushfire recovery continuing	60,000	GRT - OTHER GRANT INCOME	(60,000)	-	0	-	0	0

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Bushfire Recovery - Blaze Aid Olinda - Olinda camp and clean up continuing	49,500	GRT - BUSHFIRE & EMERGENCY SERVICES -OP	(49,500)	-	0	-	0	0
General	Workplace Health & Safety - WHS initiatives were put on hold due in large part to COVID and WHS staff were diverted to managing Council risks	42,000	-	0	-	0	-	0	(42,000)
General	Orana Water Utilities Alliance - Unspent contributions used to continue operations	35,021	CONTRIBUTIONS	(35,021)	-	0	-	0	0
General	Records Operations - Digitisation of DA project role vacant to 6 months. Will roster additional hours on project in 20/21. Role now filled on a 12mth fixed term.	34,000	-	0	-	0	-	0	(34,000)
General	Heritage Near Me - Unexpected difficulty experienced with project data accuracy. Funding body adjusted the project completion date.	31,071	GRT - HERITAGE GRANTS	(31,071)	-	0	-	0	0
General	Weeds Inspection - Drone training for inspections was not completed due to Covid this training could not be done online	28,370	-	0	-	0	-	0	(28,370)

CORPORATE: FINANCE | BUDGET REVOTES TO 2020/21

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Staff Training, Conferences & Seminars - Training ceased due to Covid19. Revote remaining budget to allow for backlog of training	22,600	-	0	-	0	-	0	(22,600)
General	Bushfire Recovery - Community Welfare - Bushfire recovery continuing	13,083	GRT - OTHER GRANT INCOME	(13,083)	-	0	-	0	0
General	Active Parks - Relamp Sports Lighting - Relamping at Victoria Park Mudgee required budget to be combined with 20/21	12,400	-	0	-	0	-	0	(12,400)
General	Mudgee Traffic Study Update - Study delayed due to community consultation affected by Covid19	9,177	-	0	-	0	S94	(9,177)	0
General	Human Resources - Final work required on enterprise risk management contract	8,100	-	0	-	0	-	0	(8,100)
General	Art Gallery Operations - To address Tourism design stage	6,600	-	0	-	0	-	0	(6,600)
General	Camping Tree Improvements - Defer due to supplier timeframe.	6,065	-	0	-	0	-	0	(6,065)

Fund	Variation	Expenditure Budget Variation \$	Revenue Funding Source 1	Revenue Funding Source 1 Variation \$	Revenue Funding Source 2	Revenue Funding Source 2 Variation \$	Restricted Funding Source 1	Restricted Funding Source 1 Variation\$	Unrestricted Cash Variation \$
General	Street Lights - Mortimer Street - Awaiting approval from Essential Energy	6,000	-	0	-	0	-	0	(6,000)
General	Street Lights - Market Street Crossing - Awaiting Essential Energy approval	6,000	-	0	-	0	-	0	(6,000)
General	Street Lights - Church Street Crossing - Awaiting Essential Energy approval	6,000	-	0	-	0	-	0	(6,000)
General	Rural Fire Service - Property Project - Formalising occupation of RFS - Project was not expected to finalise until 30/6/2021	4,169	-	0	-	0	-	0	(4,169)
		3,066,013		(2,397,032)		0		(9,177)	(659,804)

9.7 Monthly Statement of Investment and Bank Balances as at 31 July 2020

REPORT BY THE
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, FIN300053

RECOMMENDATION

That Council:

1. **receive the report by the Manager Financial Planning on the Monthly Statement of Investment and Bank Balances as at 31 July 2020; and**
2. **note the certification of the Responsible Accounting Officer.**

Executive summary

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

Disclosure of Interest

Nil.

Detailed report

The attachment to this report provides information on the performance of the portfolio and provides a register of all investments held as at 31 July 2020.

It is also noted that at the time of publication of this report the monthly statement balances for TCorp's Long-Term Growth Fund, Medium Term Growth Fund and Cash Fund were not finalised. These balances may be subject to change and final balances will be reported to the next Council meeting. The benchmark rate of return is based on June as July data not yet available.

Community Plan implications

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

Council Strategies

Not applicable.

Council Policies

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

Legislation

As per Clause 212 of the Local Government (General) Regulation 2005 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, the regulations and Council's investment policies.

Financial implications

Not applicable.

Associated Risks

Not applicable.

NEIL BUNGATE
MANAGER FINANCIAL PLANNING

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

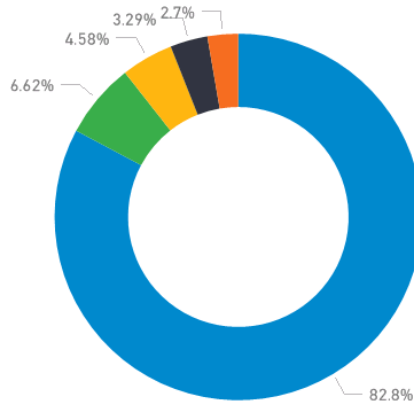
29 July 2020

Attachments: 1. Cash and Investment balances 31 July 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Investments by Type

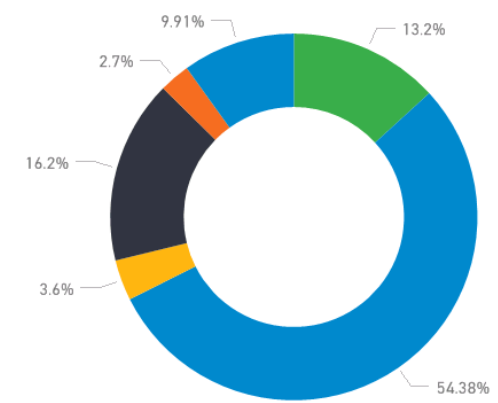


Mid-Western Regional Council Cash and Investments as at 31 July 2020

Total Investment Portfolio

83.33M

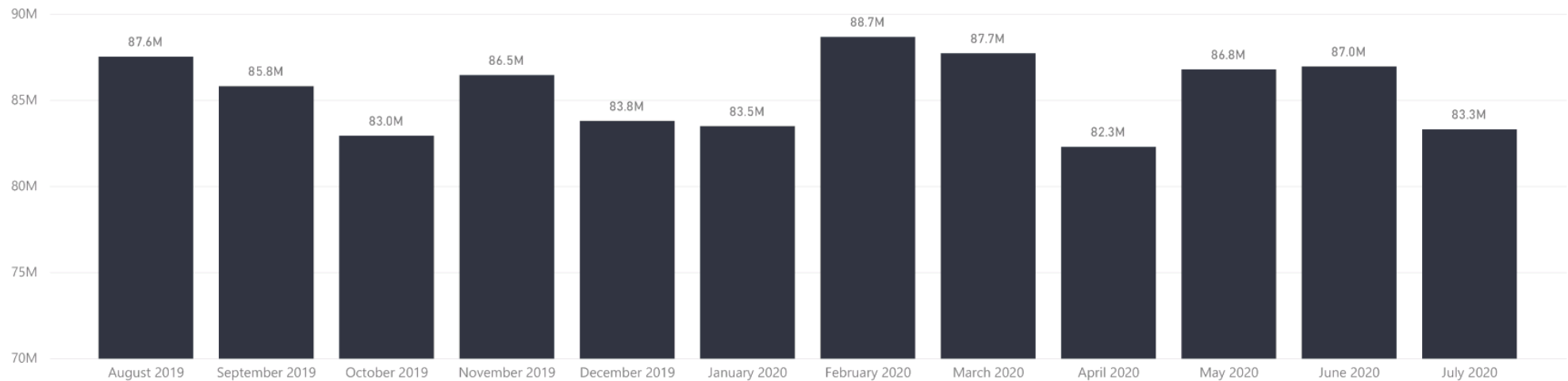
Investments by Long Term Rating



Term Deposit TCorp - MTG Fund At Call TCorp - LTG Fund TCorp - Cash Fund

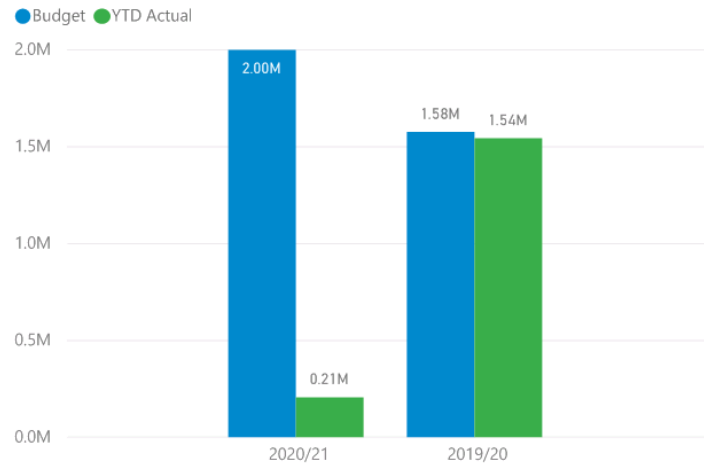
A+ to A- AAA to AA- BBB BBB+ TCorp Hour-Glass Cash TCorp Hour-Glas...

Portfolio Balance at End of Month

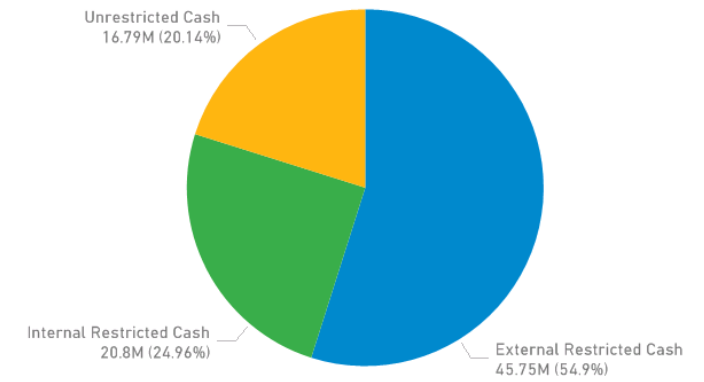




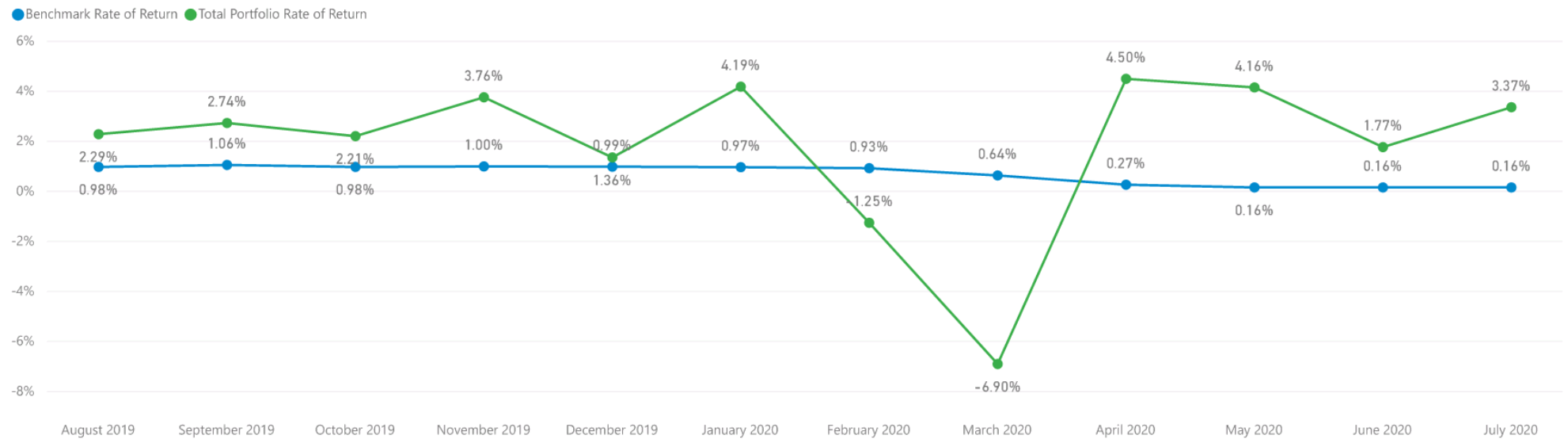
Income from Investments



Balance by Cash Category



Investment Performance



Investment Portfolio Summary

Term to Maturity	Amount \$'000	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	29,833,654	36%	36%	20%	OK
Between 3 months and 1 year	44,500,000	53%	89%	40%	OK
Between 1 year and 2 years	8,000,000	10%	99%	50%	OK
Between 2 years and 4 years	1,000,000	1%	100%	85%	OK
More than 5 years	-	0%	100%	0%	OK
Total	83,333,654				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	5%	4,000,000
	NAB	40%	OK	19%	15,819,315
	St George	40%	OK	23%	19,500,000
	Westpac	40%	OK	7%	6,000,000
A+	Macquarie	20%	OK	7%	6,000,000
A	ING	20%	OK	6%	5,000,000
BBB+	AMP	10%	OK	7%	5,500,000
	Bank Of Queensland	10%	OK	8%	6,500,000
	MyState Bank	10%	OK	2%	1,500,000
BBB	Credit Union Australia	5%	OK	2%	1,500,000
	Defence Bank	5%	OK	2%	1,500,000
TCorp Hour-Glass Cash	TCorp - Cash Fund	30%	OK	3%	2,253,280
	TCorp - Long Term Growth Fund	15%	OK	3%	2,742,553
TCorp Hour-Glass Growth Fund	TCorp - Medium Term Growth Fund	15%	OK	7%	5,518,506
Grand Total				100%	83,333,654

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	54%	45,319,315
A+ to A-	50%	OK	13%	11,000,000
BBB+	20%	OK	16%	13,500,000
BBB	10%	OK	4%	3,000,000
TCorp Hour-Glass Cash	30%	OK	3%	2,253,280
TCorp Hour-Glass Growth Fund	15%	OK	10%	8,261,059
Grand Total			100%	83,333,654

Monthly Investment Portfolio Activity

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

Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	3,777,898		3,819,315
TCorp - Cash Fund	2,251,640		2,253,280
TCorp - Long Term Growth Fund	2,689,893		2,742,553
TCorp - Medium Term Growth Fund	5,460,326		5,518,506
Total	14,179,757	-	14,333,654

The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Bankwest	1.54%	8/07/2020	2,000,000	27,931
Bankwest	1.52%	22/07/2020	2,000,000	27,985
Bankwest	1.52%	29/07/2020	2,000,000	28,568
Total			6,000,000	84,483

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
NAB	0.85%	21/07/2021	2,200,000	18,290
Total			2,200,000	18,290

NOTE: Closing balance not yet finalised by TCorp and may be subject to change

At Call Fund and Managed Funds

Institution	Yield	Term to Maturity	Principal Amount
NAB	0.65%	0	3,819,314.99
TCorp - Cash Fund	0.65%	1	2,253,280.49
TCorp - Long Term Growth Fund	0.65%	5	2,742,553.19
TCorp - Medium Term Growth Fund	0.65%	5	5,518,505.69
Total			14,333,654.36

Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	1.70%	131	1,500,000
AMP	1.70%	138	2,000,000
AMP	1.55%	131	2,000,000
Bank Of Queensland	1.65%	467	2,500,000
Bank Of Queensland	1.55%	138	1,500,000
Bank Of Queensland	1.60%	565	1,500,000
Bank Of Queensland	1.45%	579	1,000,000
CBA	1.52%	26	1,000,000
CBA	1.52%	33	1,000,000
CBA	1.52%	54	2,000,000
Credit Union Australia	1.58%	103	1,500,000
Defence Bank	1.80%	229	1,500,000
ING	2.77%	201	1,000,000
ING	1.55%	117	2,500,000
ING	1.13%	649	1,500,000
Macquarie	1.65%	26	1,500,000
Macquarie	1.45%	215	1,500,000
Macquarie	1.45%	236	2,000,000
Macquarie	1.40%	943	1,000,000
MyState Bank	1.65%	243	1,500,000
NAB	1.60%	19	1,000,000
NAB	1.57%	5	1,500,000
NAB	1.55%	61	1,500,000
NAB	1.62%	89	1,500,000
NAB	1.50%	82	1,500,000
NAB	1.10%	264	1,000,000
NAB	1.00%	341	1,800,000
NAB	0.85%	355	2,200,000
St George	2.61%	271	2,500,000
St George	1.60%	159	1,000,000
St George	1.65%	159	1,500,000
St George	1.58%	173	1,000,000
St George	1.58%	180	2,000,000
St George	1.50%	187	1,500,000
St George	1.11%	257	1,500,000
St George	1.15%	285	1,500,000
St George	1.15%	313	2,000,000
St George	1.15%	327	3,000,000
St George	1.12%	299	2,000,000
Westpac	2.63%	47	1,500,000
Westpac	1.54%	369	1,500,000
Westpac	1.56%	75	1,500,000
Westpac	1.55%	208	1,500,000
Total			69,000,000

NOTE: Closing balance not yet finalised by TCorp and may be subject to change

9.8 Rates Relief Update

REPORT BY THE CHIEF FINANCIAL OFFICER
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, RAT700045

RECOMMENDATION

That Council:

1. receive the report by the Chief Financial Officer on the Rates Relief Update;
2. note that the current subsidy deferral of rates available expires on 30 September 2020;
3. note that this program would not prevent rate payers access to Council's Hardship Provision Policy which is available to those ratepayers who are experiencing substantial financial difficulties in paying their rates and charges; and
4. determine not to extend the relief actions endorsed by Council on 15 April 2020, including:
 - 4.1 a rates payment extension;
 - 4.2 waiving interest charges that would normally accrue on outstanding charges;
 - 4.3 cessation of formal debt recovery action plans; and
 - 4.4 the Business Booster Program;
5. rescind the Interim Covid-19 Financial Assistance Policy; and
6. waive the following fees and charges from 12 August 2020 to 30 June 2021 to provide additional business Covid-19 hardship relief:
 - 6.1 Saleyards Canteen Facility Hire - \$16.70 per week;
 - 6.2 Business Use of the Footpath Annual renewal fee - \$83.00;
 - 6.3 Business Use of the Footpath Area fee - \$11.10 per square metre; and
 - 6.4 Business Use of the Footpath New application - \$114.00.

Executive summary

Council has endorsed a range of measures to assist rate payers, including individuals and businesses, through the Covid-19 pandemic. Initiatives include Council's Business Booster Program as well as the Rates Relief Subsidy.

A report has now been brought back to Council to assess whether the relief actions require extending.

Disclosure of Interest

Nil.

Detailed report

At the Council Meeting of 15 April 2020, Council voted unanimously in favour of a motion for rates relief for rate payers including providing a rates extension, waiving interest charges that would normally accrue on outstanding charges and ceasing formal debt recovery action plans. Council also resolved the following:

That Council request a report be brought back to Council at the August 2020 Council meeting, to assess whether the relief actions require extending.

Council's Rate Relief subsidy has provided 52 Properties with relief, noting that applications are still open. Applicants are rated as follows:

- Business – 13 properties
- Residential – 36 properties
- Farmland – 3 properties

Approved properties are across the Local Government Area:

- Aarons Pass – 1 property
- Bara – 1 property
- Budden – 1 property
- Cooks Gap – 2 properties
- Eurunderee – 3 properties
- Gulgong – 9 properties
- Kandos – 4 properties
- Mudgee – 17 properties
- Rylstone – 10 properties
- St Fillans – 1 property
- Windeyer – 1 property
- Merriwa – 1 property
- Turill – 1 property

While this subsidy has allowed rate payers to defer payment of their rates until 31 September 2020, the impact of delaying rate payment further would lead to the further accumulation of rates, likely leading to additional financial stress in the long term.

Council is committed to assisting those rate payers who require financial support and has developed programs for eligible residents. For example, Council's Hardship Policy for Rates and Charges provides assistance where possible, in accordance with the Local Government Act 1993 NSW (LGA) and the Local Government (General) Regulation 2005 NSW, to those ratepayers who are experiencing substantial financial difficulties in paying their rates and charges. This Policy allows Council to work with the applicant to reduce the debt over a longer period of time.

Additionally, Part 1A of the Covid-19 Pandemic Special Provisions in the Local Government Act (747AA, 747AB & 747B) state proceedings for recovery should not be commenced between the period 25 March 2020 to 26 September 2020 unless certain stipulations have been considered.

Council had resolved to defer Debt Recovery action until 31 August 2020. The legislated end date extends this period by several weeks, but basically coincides with Council's debt recovery moratorium and at this point in time no Regulation has been made to extend the Government's legislated period. This suggests Council's position is reasonable, and industry wide.

The Special Provisions also apply a reduced interest rate for 1 July 2020 to 31 December 2020 being 0%. This further benefit should also assist struggling ratepayers for an extended period. It is worth noting the interest rate is 7% from 1 January 2021 to 30 June 2021.

Should Council support the recommendation, from 1 October 2020, the Debt Management & Recovery provisions will come back in force and Council will proceed with debt management/recovery accordingly.

Community Plan implications

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

Strategic implications

Council Strategies

Delivery program and Operation Plan

Council Policies

Hardship Provision – Rates and Charges Policy

Interim Covid-19 Financial Assistance Policy - Business Booster Program

It is recommended to rescind the Interim COVID-19 Financial Assistance Policy – Business Booster Program as the program has been successfully rolled out, with over 200 applicants receiving the Business Booster of \$1,000. The policy is attachment 1.

Legislation

Local Government Act 1993 NSW (LGA)

Local Government (General) Regulation 2005 NSW

LOCAL GOVERNMENT ACT 1993 - SECT 747AB COVID-19 pandemic-recovery of unpaid rates

During the prescribed period, proceedings for the recovery of a rate or charge may not be commenced against a person by or on behalf of a council under section 712 unless the council has considered each of the following--

- (a) whether the payment of the rate or charge could be made in instalments or by way of some other financial arrangement,*
- (b) whether the person should be referred to a financial counsellor,*
- (c) whether mediation or alternative dispute resolution should be attempted first,*
- (d) whether interest on the unpaid amount should be deferred or waived.*

LOCAL GOVERNMENT ACT 1993 - SECT 610E Council may waive or reduce fees

- 1) *A council may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the council is satisfied that the case falls within a category of hardship or any other category in respect of which the council has determined payment should be so waived or reduced.*
- 2) *However, a council must not determine a category of cases under this section until it has given public notice of the proposed category in the same way as it is required to give public notice of the amount of a proposed fee under section 610F(2) or (3).*

Financial implications

This report recommends waiver of Saleyards Canteen fees and Business Use of Footpath fees. The impact of this will be minimal, and the budget variation will be assessed and accounted for through the Quarterly Budget Review.

Associated Risks

Council's rating revenue is about \$28 million. Any large deferral of payment would have a material impact on Council's cash levels. Council is in a position where it can absorb any smaller and/or temporary cash flow impact.

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 July 2020

Attachments: 1. Interim Covid-19 Financial Assistance Policy.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



Interim COVID-19 Financial Assistance Policy - Local Business Booster

*A prosperous
and progressive
community*

ADOPTED	REFERENCE	9.12
COUNCIL MEETING MIN NO 166/20	REVIEW DATE	DECEMBER 2020
DATE: 20 MAY 2020	FILE NUMBER	FIN300274

Objective

The objective of this policy is to:

- Establish a financial assistance program to minimise the impact of the COVID-19 pandemic on the local economy, particularly local businesses that have been most affected;
- establish clear and transparent criteria by which the COVID-19 Financial Assistance Local Business Booster program will be administered, assessed and allocations determined;
- provide guidelines for the submission of applications and assessment process
- ensure financial controls are in place to mitigate the risk of fraudulent claims

Scope

This policy sets up a program called the Local Business Booster, which applies to local businesses that can evidence that they have been negatively financially impacted by the COVID-19 pandemic.

The purpose of the Local Business Booster is to provide some financial support to businesses that are struggling to meet their immediate operating costs. Although Council is aware that they cannot contribute an amount equivalent to local business losses, Council is aiming to provide some short term relief and have this local cash injection be amplified by continued local spend (by the local boosted business). The aim is to provide support quickly, to assist with the immediate, short term pressure from COVID-19 business restrictions.

In doing so, financial assistance is to be provided in a consistent, equitable and transparent manner.

Legislative requirements

The Local Business Booster program is governed by the following legislative framework.

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.
- (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.

The Local Government Act 1993, Section 377, states:

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
 - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,

Related policies and plans

- Community Grants Program Policy
- Conflict of Interest Policy
- Towards 2030 Community Plan

Policy

General Eligibility Criteria

To be eligible for assessment all applicants must:

- Have an active ABN or ACN;
- Have their main business location within the Mid-Western Regional Council Local Government Area (LGA);
- Provide evidence of entitlement to Job Keeper payment (through ATO);
- Have met any previous Mid-Western Regional Council grant acquittal requirements;
- Complete the online application form by the applicable cut-off time and date.

Grants Management Process

APPLICATIONS

All grant applications are to be completed online, accessed from the Mid-Western Regional Council website. If you are unable to access the internet, facilities are available for lodgement at Council's Customer Service locations.

ASSESSMENT

All applications received are assessed by a panel of at least three relevant staff members.

The application will be assessed against the eligibility criteria, and evidence will be reviewed and confirmed to ensure the applicant is not fraudulently represented, and that the criteria are met.

POLICY: INTERIM COVID-19 FINANCIAL ASSISTANCE POLICY - LOCAL BUSINESS BOOSTER 1.0, 20 MAY 2020

A member of the assessment panel may contact an applicant to ensure the application is genuine, and follow up any required evidence.

AMOUNT OF FINANCIAL ASSISTANCE

An approved budget allocation of \$720,000 is in place for this program of Financial Assistance.

The maximum amount of financial assistance to be provided per applicant is \$1,000.

The value of financial assistance may be less than the maximum, dependant on how many applications are received before the close date (of the program). If more than 720 applications are received, the formula for calculation of financial assistance grants is as follows:

Total program budget (\$720,000)

Number of Business Booster applicants

APPROVAL

Only Council has authority to approve grants for financial assistance. Council will be provided with a report to consider the assessment panel's recommendations, after applications close, and in line with the below timetable.

PAYMENTS

Successful applicants will have the option to receive their payment in one of two ways:

- A cash payment deposited into their Australian bank account (EFT);
- A credit on their Council property account or sundry debtor account. The Council account must be identifiable as belonging to the business – through a matched business name, trading name or partner/director. Evidence should be supplied if the name is not a clear match.

Account credits can be applied against property rates, charges (eg: water, sewer, waste), or fees.

ACQUITTAL REQUIREMENTS

This grant is a small cash or account credit booster. No acquittal of funds is required.

TIMETABLE

Funding Stage	Date
Applications open online via MWRC website	21st May 2020
Applications close	12th June 2020
Report to Council meeting (month)	17th June 2020
Payments made	By 26th June 2020

**These dates are based on anticipated Council meeting dates, if a Council meeting is moved or cancelled - applications will be submitted at the next available meeting date.

TAX IMPLICATIONS

It is the applicants responsibility to pay all taxes, duties and government charges imposed in Australia and internationally in connection with this payment, including GST, if applicable.

PRIVACY

Applicants will be required to acknowledge that their personal information collected as a consequence of the Local Business Booster Application will only be used for the purposes of the COVID-19 Financial Assistance Program. There are legal obligations under the Privacy and Personal Information Protection Act 1998 (PPIP Act) which Council must abide by when it collects, stores, uses or discloses personal information.

Definitions

Term	Meaning
Acquittal	Details on how the grantee administered the grant funds and met the outcomes in the funding application. An acquittal is not required for this financial assistance program.
ABN	Australian Business Number as found on the Australian Business Register.
ACN	Australian Company Number as found on the Australian Securities and Investments Commission register (ASIC).
ATO	Australian Taxation Office
EFT	Electronic Funds Transfer are electronic transfers of money from one bank account to another.
Financial Assistance	Payments given to individuals or organisations which are not commensurate with a reciprocal benefit received by Council.
GST	Has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 (Cth).
JobKeeper Payment	<p>An ATO managed Federal Funding program.</p> <p>Employers are eligible for the JobKeeper payment if all of the following apply:</p> <ul style="list-style-type: none">➤ On 1 March 2020, you carried on a business in Australia, or were either:

POLICY: INTERIM COVID-19 FINANCIAL ASSISTANCE POLICY - LOCAL BUSINESS BOOSTER 1.0, 20 MAY 2020

	<ul style="list-style-type: none"> • a not-for-profit organisation that pursued your objectives principally in Australia, or • deductible gift recipient (DGR) endorsed either, as a public fund or for a public fund you operated, under the Overseas Aid Gift Deductibility Scheme (DGR item 9.1.1) or for developed country relief (DGR item 9.1.2) <p>➤ You employed at least one eligible employee on 1 March 2020.</p> <p>➤ Your eligible employees are currently employed by your business for the fortnights you claim for (including those who are stood down or re-hired).</p> <p>➤ Your business has faced either a</p> <ul style="list-style-type: none"> • 30% fall in turnover (for an aggregated turnover of \$1 billion or less) • 50% fall in turnover (for an aggregated turnover of more than \$1 billion) • 15% fall in turnover (for ACNC-registered charities other than universities and schools). <p>➤ Your business is not in one of the ineligible employer categories.</p> <p>Further information can be obtained on the ATO website.</p>
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Application form

The online application form requires the below information.

Applicants Details

- Name of organisation
- Contact person
- Registered Business Address
- Phone
- Email
- ABN or ACN
- Bank Account OR
- Council property account or debtor account details

Evidence

- Evidence of job keeper enrolment
- Evidence of council property account or debtor account link to business (if required)

9.9 Local Roads and Community Infrastructure Program Acceptance of Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, GRA600044

RECOMMENDATION

That Council:

1. **receive the report by the Manager Economic Development on the Local Roads and Community Infrastructure Program Acceptance of Funding;**
2. **confirm acceptance of \$1,525,932 in grant funding from the Federal Government Local Roads and Community Infrastructure Program;**
3. **authorise submission of individual project nominations to Federal Government as listed below; and**
4. **amend the 2020/21 Budget to increase grant funding received by \$1,525,932 and allocate expenditure as follows :**
 - **\$500,000 for Footpath works associated with the PAMP;**
 - **\$700,932 for Kandos Stormwater Upgrades;**
 - **\$225,000 for Pathway construction between Walkers Oval and Regional Cultural Precinct;**
 - **\$100,000 for Mudgee Dog Park relocation and upgrade.**

Executive summary

In July 2020, Council was notified in writing of an offer to accept \$1,525,932 in Federal Government funding under the Local Roads and Community Infrastructure Program (LRCI). The LRCI Program aims to assist a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement. It is expected councils, where possible, will use local businesses and workforces to deliver projects under the LRCI Program to ensure stimulus funding flows into local communities

The purpose of this report is to amend Council's Budget for 2020-21, confirm acceptance of funding from Federal Government's Local Roads and Community Infrastructure Program and confirm above project allocation.

Disclosure of Interest

Nil

Detailed report

Local Roads and Community Infrastructure Program (LRCI) is a Federal Government initiative to stimulate funds flowing into the local economy. The offer of \$1,525,932 of funding will assist Council in delivering a range of projects that improve the local community.

There is a number of criteria to be met for projects to be eligible under this funding. This criteria includes that projects must be completed by 30 June 2021 which limits the scale of projects that may be included in this program. Further, projects must be associated with either road infrastructure or community infrastructure.

It is proposed to allocate the funding to the below projects that meet the eligibility criteria:

Project	Amount to allocate
Footpath works delivering against the PAMP	\$500,000
Kandos Stormwater Upgrade	\$700,932
Pathway Connecting Walkers Oval to the Cultural Precinct	\$225,000
Mudgee Dog Park Relocation and Upgrade	\$100,000

It is recommended, that Council confirm acceptance of the grant funding of \$1,525,932 and endorse the proposed amendments to the Budget for 2020/21 to ensure delivery of these projects.

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

Council's Towards 2030 Community Plan has a range of strategies supported by the projects proposed to be funded including providing infrastructure and services to cater for current and future needs of the community.

Council Policies

Not Applicable

Legislation

Not Applicable

Financial implications

Receipt of grant funding will negatively impact Councils Own Source Revenue ratio, however this is negated by the positive impact of the stimulus package and community infrastructure delivered. Building & Infrastructure Renewal ratio is positively impacted by the investment into stormwater renewals in 20/21, but the increased capital investment will have a negative flow on effect in future years.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure
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			Renewal
2020/21	-	✗	✓
Future Years	-	-	✗

Associated Risks

If Council does not accept the grant funding then additional economic stimulus in assisting the recovery from COVID-19 will not be realised.

ALINA AZAR
MANAGER ECONOMIC DEVELOPMENT

LEONIE JOHNSON
CHIEF FINANCIAL OFFICER

29 July 2020

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 10: Operations

10.1 Acceptance of joint State and Federal Government funding for seal extensions

REPORT BY THE
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, GRA600015

RECOMMENDATION

That Council:

1. receive the report by the Manager Works on the Acceptance of joint State and Federal Government funding for seal extensions;
2. if successful, accept \$5,299,700 in grant funding from the Fixing Local Roads program for seal extensions;
3. amend the 2020/21 Budget as follows:
 - 3.1 allocate a budget of \$2,240,000 for the sealing of 1.25km of Pyramul Road, 2.1km of Coss Creek Road, 4.7km of Mebul Road, funded by \$1,680,000 grant income, \$400,000 from the Seal Extension Program Capital budget and \$160,000 from the Seal Extension Reserve;
 - 3.2 allocate a budget of \$1,200,000 for the sealing of 20.00km of Aarons Pass Road, funded by \$900,000 grant income, and \$300,000 from the Seal Extension Reserve;
4. amend the 2021/22 Budget as follows:
 - 4.1 allocate a budget of \$2,181,600 for the sealing of 6.4km of Queens Pinch Road, funded by \$1,636,200 grant income, \$400,000 from the Seal Extension Program Capital budget and \$145,400 from the Seal Extension Reserve;
 - 4.2 allocate a budget of \$1,548,000 for the sealing of 2.60km of Aarons Pass Road, funded by \$1,083,500 grant income, \$464,500 from the Seal Extension Reserve; and
5. if successful, authorise the General Manager to finalise and sign the funding agreement with Transport for NSW

Executive summary

In December 2019 Council applied for grant funding through the fixing local roads program to seal the unsealed collector road bus routes and Aarons Pass Road. Council is hopeful of receiving the funding. The purpose of this report is to authorise the General Manager to accept funding and sign

the funding agreement and other relevant documentation should Council be successful in obtaining grant funding.

Disclosure of Interest

Nil

Detailed report

Council has a total of 14.4km of unsealed collector road bus routes in the Local Governemnt Area. These include 1.25km of Pyramul Rd, 2.1km of Coxs Creek Rd, 4.7km of Mebul Rd and 6.4km of Queens Pinch Rd. Council applied through the Fixing Local Roads Program to seal unsealed collector road bus routes over 2 financial years. Collector Roads are roads that carry higher volumes of traffic collected from minor and main local roads. The roads as detailed above are currently classified as Local Collector roads and are also bus routes.

Aarons Pass Rd is 22.6km and is unsealed and classified as a Local Collector road. 20km of Aarons Pass Road has just been upgraded as a requirement of a development consent for a wind farm in the area. The proponent was not required to seal the road, only widen and improve the quality. Council applied through the Fixing Local Roads Program to upgrade the remaining 2.4km and then seal the entire length being 22.6km over 2 financial years.

The application required Council to fund 25% of the total project cost, with the remainder being from the NSW Government. It is recommended, that Council accept the grant funding as applied for if successful, and authorise the General Manager to sign the funding agreement with Transport for NSW.

Community Plan implications

Theme	Connecting Our Region
Goal	High quality road network that is safe and efficient
Strategy	Provide a roads network that balances asset conditions with available resources and community needs

Strategic implications

Council Strategies

Roads Asset Management Plan

Council Policies

Not Applicable

Legislation

Roads Act 1993

Financial implications

Council are required to fund 25% of the total project. This grant acceptance will require an amendment to the 2020/21 Budget as well as the 2021/22 Budget.

An upgrade in infrastructure increases the renewal burden for future years, therefore negatively impacting Building & Infrastructure Renewal Ratio. It also increases depreciation & maintenance in future years which will have a negative impact on future years Operating Performance Ratio.

The increase in grant funding received is good for the community by providing important infrastructure upgrades, however it will have a negative impact on the current years Own Source Revenue ratios, and the future Operating Performance Ratio (increased depreciation) and Building & Infrastructure Renewal Ratio.

Budget Year	Operating Performance Ratio	Own Source Revenue	Building & Infrastructure Renewal
2020/21	–	×	–
Future Years	×	–	×

Associated Risks

Council staff will manage the construction risks associated with the projects.

ANDREW KEARINS
MANAGER WORKS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

29 July 2020

Attachments: Nil

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Item 11: Community

11.1 The Pines Draft Masterplan

REPORT BY THE MANAGER - RECREATION SERVICES
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, P2143311

RECOMMENDATION

That Council:

1. **receive the report by the Manager Recreation Services on the The Pines Draft Masterplan;**
2. **support the establishment of a working party to further develop the Masterplan and identify priorities for the precinct; and**
3. **request that a further report be brought back to Council on the outcomes of the working party.**

Executive summary

This report seeks to inform Council on the development of a masterplan for The Pines (Flirtation Hill) Mudgee. The draft masterplan provides the strategic framework and opportunity to cater for a diverse range of recreational facilities throughout the precinct.

Disclosure of Interest

Nil.

Detailed report

Flirtation Hill is a public reserve located in the south western portion of Mudgee, and was gazette for public purpose of public recreation in 1886. At the present time the reserve is mainly used by dog walkers, joggers and mountain bike riders, with many people also visiting the site to appreciate the view from the lookout. Over recent times the site has been subjected to anti-social behaviour and development pressures.

In the 2019/20 financial year, Council budgeted to undertake a number of safety improvements to the precinct to which are being well received by the community. These improvements have been aimed at preserving and protecting the precinct, thinning out of selected trees and infrastructure to reduce the anti-social behaviour.

Council had also developed plans to find ways to improve the view from the lookout and the quality of the pathways within the reserve. These plans were slowed by the need to undertake an ecological study of the area which was not able to be completed because of the lack of rainfall.

The draft masterplan presents an opportunity to continue to enhance the precinct as an active and vibrant community recreation space. Key objectives of the masterplan include:

- To enhance the viewing vista at the peak of the reserve
- To improve the amenity and utilisation of the reserve as an access for all facility
- Resolve any vehicular access and parking issues within the reserve and adjacent showground
- To protect and enhance the social, environmental and heritage value of the reserve
- To consult with those that have an interest with the reserve so that community needs and views can be determined and accommodated where possible

It is important to note that Fauna and Flora assessments of the area continue to take place throughout the various seasons in accordance with NSW Department of Planning, Industry and Environment guidelines. It is envisaged that a final report should be received in November 2020, however, this is subject to climate fluctuations. Any findings or recommendations are to be incorporated into the masterplan as required.

It is recommended that Council establish a working party to help further develop the masterplan and assist in identifying the priorities for the infrastructure and next stage of development.

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 Strategic Plan
Recreation Strategy

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

There is no current budget allocation for this project as it is in the draft masterplan stage. Any construction and maintenance costs are to be determined upon finalisation of the masterplan.

It is proposed that this project be considered as part of 2021/21 budget process and future grant funding opportunities.

Associated Risks

Not applicable.

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

29 May 2020

Attachments: 1. The Pines (Flirtation Hill) Draft Masterplan.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

THE PINES - MUDGEE

DRAFT MASTERPLAN

VISION

To provide the community with a diverse range of recreational facilities that promote an appreciation for the natural and cultural value of the area.

OBJECTIVES

- To enhance the viewing vista at the peak of the reserve
- To improve the amenity and utilisation of the reserve as an access for all facility
- Resolve any vehicular access and parking issues within the reserve and adjacent showground
- To protect and enhance the social, environmental and heritage value of the reserve
- To consult with those that have an interest with the reserve so that community needs and views can be determined and accommodated where possible

KEY

-  'THE PINES' PUBLIC RESERVE
-  EXISTING PATHWAYS



THE PINES - MUDGEES

DRAFT MASTERPLAN

KEY FEATURES

- Enhanced viewing area & memorial garden
- New nature play space and nature trail
- Passive Park zones including BBQ facilities
- Events lawn
- Dedicated exercise areas
- Improved pathways for walking and running
- Designated Conservation Zones
- Amenities Building
- Bollards for user and environmental protection
- Dedicated parking for both The Pines precinct and Mudgee showground.

-  PASSIVE ZONE
-  NATURE PLAY ZONE
-  ADVENTURE / MOUNTAIN BIKE ZONE
-  FIRE BREAK
-  EXISTING NATIVE VEGETATION
-  ESTABLISHED PINES
-  EXISTING PATHWAYS
-  PROPOSED BOLLARDS
-  LOT BOUNDARY



THE PINES - MUDGEES

DRAFT MASTERPLAN

CONCEPT EXAMPLES



CLIMB

BUILD

GET DIRTY

IMAGINE

PLAY

SOCIALISE

EXERCISE

11.2 Glen Willow Stage 2 Project Update

REPORT BY THE DIRECTOR COMMUNITY

TO 12 AUGUST 2020 ORDINARY MEETING

GOV400087, COR400303, COR400277, COR400332, PAR300584, COR400273

RECOMMENDATION

That Council receive and note the report by the Director Community on the Glen Willow Stage 2 Project Update.

Executive summary

The attached report provides an update on the Progress of the Glen Willow Stage 2 Project.

Disclosure of Interest

Nil

Detailed report

The Glen Willow Stage 2 Project is a major project that has attracted \$17 million in funding from State and Federal governments. It is the most significant project currently under construction by Mid-Western Regional Council. This report (attached) provides an update on the project up to the end of June 2020.

It is anticipated that the project has another 15 months before completion. The project continues to progress well with significant works planned over the next nine months, in line with the signing of contracts with Renascent Regional and Evergreen Turn for the construction of the Rugby Union building and the field construction respectively.

The major achievement to date has been the completion of the Junior Rugby League building.

Community Plan implications

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

Strategic implications

Council Strategies

Community Strategic Plan
Glen Willow Master Plan

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

Not applicable

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing or unexpected risks that emerge with this project.

SIMON JONES
DIRECTOR COMMUNITY

27 July 2020

Attachments: 1. Glen Willow Progress Reports July 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



GLEN WILLOW STAGE TWO PROGRESS REPORT

29 JULY 2020

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

Project Update

As at 30 June 2020 the overall project progress for Stage Two of the Glen Willow project was approximately 30%.

OVERALL PROJECT PROGRESS




PROJECT EXPENDITURE



Achievements and highlights

- Junior Rugby League Amenities building completed
- Tender for the Construction of Glen Willow Rugby Union Club House and Change rooms awarded to Renascent Regional
- Road and Carpark Design Complete – final costing being developed
- Site works for the Rugby Union and Multipurpose playing fields are underway and are programed to be completed in August.
- Field Construction tender awarded to Evergreen Turf – program to start by end of August 2020.
- Internal sewer storm-water and water RFQ completed – to be awarded by 31 July 2020
- Site clean-up completed (demolition of old derelict buildings)

 Glen Willow Stage 2 Project Plan As at: 30 June 2020			
PROJECT No.	PROJECT COMPONENT	END DATE	% COMPLETE
1	Site Prep - North	December 2019	100%
2	Junior Rugby League Building	July 2020	100%
3	Roads & Carpark Design & Construction	December 2020	20%
4	Services	October 2020	20%
5	Site Prep - South	July 2020	30%
6	Rugby Union Building	April 2021	20%
7	Field Construction	April 2021	20%
8	Field Lighting	April 2021	0%
9	Site Finalisation	December 2021	10%

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

The Next 3 Months

- Construction of the Rugby Union Club house and change rooms and canteen to start in August
- Playing field construction to begin in August
- Construction of roads and carparks to begin in August
- Drainage works across the site to be undertaken
- Dog Park – Community consultation and finalise park design
- Water Tanks to be installed
- Sewer and Stormwater work to commence
- Preliminary work on the Field Lighting Design & Construction tender to commence
- Scheduling of electricity upgrade works

Photos



COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT



11.3 Mudgee Art Gallery Project Update

REPORT BY THE DIRECTOR COMMUNITY
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, REC800038

RECOMMENDATION

That Council receive and note the report by the Director Community on the Mudgee Art Gallery Project Update.

Executive summary

The attached report provides an update on the Progress of the Mudgee Art Gallery Project.

Disclosure of Interest

Nil

Detailed report

The Mudgee Art Gallery Project is a major project with over \$7 million of expenditure over its life. It has attracted \$2.3 million in funding through the NSW Regional Cultural Fund. This report (attached) provides an update on the project up to the end of June 2020.

It is anticipated that the project has another 12 months before completion. The project continues to progress well with the successful tenderers, Hutchinsons Builders, due to begin construction in August. Council staff are already developing plans for the program of exhibitions that will take place from next year.

Community Plan implications

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

Council Strategies

Community Strategic Plan

Council Policies

Not applicable

Legislation

Not applicable

Financial implications

All works are now budgeted. There are no financial implications from this report.

Associated Risks

Regular reporting to Council provides an opportunity to communicate and manage any ongoing or unexpected risks that emerge with this project.

SIMON JONES
DIRECTOR COMMUNITY

27 July 2020

Attachments: 1. Art Gallery Progress Report July 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER



ART GALLERY PROGRESS REPORT

29 JULY 2020

MID-WESTERN REGIONAL COUNCIL
COMMUNITY

■ ■ ■ ■ ■ TOWARDS 2030



Project Update

As at 30 June 2020 the overall project progress for Stage Two of the Glen Willow project was 30%

OVERALL PROJECT PROGRESS



PROJECT EXPENDITURE



Progress of works

- Construction tender awarded to Hutchinson – due on site from 3 August
- Gallery Curator – Lizzy Galloway has now commenced work with Council
- Site preparation works have begun
- Traffic control plan received
- Awaiting response regarding new proposal for the expenditure of Building Better Regions grant funding incorporating the additional workshop space
- Construction Certificate – Bathurst Regional Council are undertaking the certification process
- Electrical upgrade design commenced

The Next Three Months

- Construction of the Gallery and refurbishment of 90 Market Street to commence
- Work underway with Mudgee Region Tourism on interior retail design
- Development of initial program for Gallery exhibitions
- Determine a name for the Gallery so that marketing, promotion and logo can be developed
- Dependent on BBRF funding – Commence planning approvals for refurbishment of old childcare centre as part of the arts precinct.
- Finalisation of electrical upgrade design

COMMUNITY | GLEN WILLOW STAGE TWO PROGRESS REPORT

Photos



Item 12: Reports from Committees

12.1 Mudgee Sports Council Meeting Minutes 8.7.2020

REPORT BY THE MANAGER - RECREATION SERVICES
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, GOV400087

RECOMMENDATION

That Council:

1. receive the report by the Manager - Recreation Services on the Mudgee Sports Council Meeting Minutes 8.7.2020; and
2. note the minutes for the Mudgee Sports Council Meeting held 8 July 2020.

Executive summary

The purpose of this report is to advise Council of the considerations and recommendations of the Mudgee Sports Council Meetings held on 8 July 2020.

Disclosure of Interest

Nil

Detailed report

The Mudgee Sports Council received an updated Works Request and Matters in Progress report together with updated financial details each month prior to their meetings.

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

The Mudgee Sports Council is operating under Section 355 of the Local Government Act (1993), which allows it to exercise a function of Council.

Financial implications

Not applicable.

Associated Risks

Nil

PETER RAINES
MANAGER - RECREATION SERVICES

SIMON JONES
DIRECTOR COMMUNITY

28 July 2020

Attachments: 1. Mudgee Sports Council Meeting Minutes 8.7.2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mudgee Sports Council

Mudgee Netball Clubhouse

08/07/2020

Start 6.01 pm

Present: P. Mitchell (Soccer), G. Robinson, P. Blackwell (MWRC Staff), J. O'Neill (MWRC Councillor), J. Martin (MWRC staff), K. Bennetts (Little Athletics), A. Whale (Jnr Cricket), P. Lawson (Touch/Netball), N. Richards (Hockey), J. Hughes (Jnr League), L. Humphries (Late) & J. Johnson.

Apologies: P. Raines, S. Palmer, K. Marshall Moved A. Whale seconded J. Hughes

Minutes read as true and correct. Moved K Bennetts seconded J. O'Neill.

Welcome back everyone.

Business arising from previous meeting:

1. Servery for Amenities Block, quote is now finalised and work is to start shortly.
2. Thank you to Geoff Robinson for his efforts in organising the Mudgee Sports Awards.

Treasurers Report:

\$96798.65 (Jan \$107744.72)

100 Club \$370

Treasurers report moved G. Robinson, seconded P. Lawson.

Secretary Report:

1. Letter from Sarah Palmer. Reports/Requests to be emailed to Council@midwestern.nsw.gov.au plus Key Audit.
2. Fence unsure at Jubilee
3. Bubbler ongoing at Netball
4. Sensor at Netball ongoing.

Works request updates:

1. Boundary fence Jubilee-unsure
2. Bubbler Netball ongoing.
3. Sensor lighting Netball clubhouse on going.

New Works Requests:

1. Fence panel Victoria Park

General Business:

1. Sports Council Fees: ? reduction in fees. John O'Neill indicated there is a motion to Council to waive Winter Sports fees for 2020, unsure whether this will extend to Summer Sports at this stage.
2. Stadium Fees: reduction in fees to be organised by sporting body. Rugby Building starting 1/8/20, temporary fencing up, plus existing fields.
3. Paul Blackwell Update: Junior Rugby League building finished, the field has been negotiated, with work to commence shortly. Earth works going well. Rugby Union mound well on track, plumbing has also gone well plus tank installation. Drone work for over view of works-Steve Garland recording works.
4. Very exciting to see works commenced on Rugby. Thank you to Council for the work which is progressing very quickly.
5. Sports Awards: won't be too many nominations this year, maybe if there is a stand out, depends on Covid.
6. Key Register: Needs to be in ASAP! Considering calling keys In and Out at the end of the season.
7. P. Mitchell had the privilege to witness a new Line Marker at Glen Willow. A Satellite GPS that has the fields plotted and needs two points for initial marking. A cost of \$52,000. Council is buying one and looking at buying a second machine and asking Sports Council to provide half the cost of the second Line Marker-Motion moved L. Humphries Seconded K. Bennetts Moved.
Subscription of \$880 Satellite hire per year. Sports Council happy to pay one rental.
8. Netball Junior League, Rugby Union, Hockey, Cricket, Touch, Sport Shorts starting 18/7/20
9. Rugby 7's and Master's Soccer cancelled this year.

Meeting closed 6.30pm

Next Meeting

Mudgee Netball Club

Possibly August Covid Dependant

12.2 Red Hill Committee Meeting 5 February 2020

REPORT BY THE MANAGER, CUSTOMER SERVICES
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, A0190002

RECOMMENDATION

That Council:

1. **receive the report by the Manager, Customer Services on the Red Hill Committee Meeting 5 February 2020; and**
2. **note the minutes of the Red Hill Committee meeting held on 5 February 2020.**

Executive summary

This report seeks to inform Council on the progress of the Red Hill site following the Red Hill Committee Meeting held on 5th February 2020.

Disclosure of Interest

Nil.

Detailed report

The Red Hill site is continuing to operate successfully and build its reputation since the appointment of the new Gulgong Gold Experience co-ordinators back in January 2019 and the relocation of the Visitor Information Centre to this site in August 2019. More recently visitation has been impacted by the bushfires in the region over the summer months.

As noted on the minutes an Aboriginal Land Claim was made on 21st February 2017 by the NSW Aboriginal Land Council on the Red Hill site and Council was advised by Crown Lands NSW of this on 28th November 2019. Council staff are currently preparing a response to this claim. Note this ALC excludes the Miner's Cottage as this resides on Council land.

Note since this committee meeting was held the Building Better Regions grant submission for \$150k has been approved, and with Council's matched funding this will provide \$300k in capitals funds towards the Restoration of the Miner's Cottage. The purpose of this cottage, once restored, would be as the official entry to the Gulgong Gold Experience and will contain a tea room, gift shop, kitchen, an accessible bathroom and visitor information centre.

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
Red Hill Master Plan

Council Policies

Not Applicable

Legislation

The Red Hill Committee is operating under Section 355 of the Local Government Act (1993)

Financial implications

Any further capital works at the Red Hill site will require budget approval.

Associated Risks

Not Applicable

RICHARD CUSHWAY
MANAGER, CUSTOMER SERVICES

SIMON JONES
DIRECTOR COMMUNITY

29 July 2020

Attachments: 1. MINUTES Red Hill Committee Meeting Wednesday 5 February 2020.
2. Gulgong Gold Experience Quarterly Report Feb 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

MINUTES

RED HILL COMMITTEE MEETING

Meeting commenced at 3.20pm on Wednesday 5th February 2020 at Red Hill School Gulgong

Attendees: Councillor Percy Thompson (Chair), Chris Pearson, Joy Harrison, Tony Harrison, Rebecca Neilson (Red Hill School), Maurice Gaudry, Richard Cushway (MWRC Staff).

1. APOLOGIES

David Warner

Moved: Maurice

Second: Joy

Carried

2. ABORIGINAL LAND CLAIM AT RED HILL

Richard Cushway informed the committee that the NSW Aboriginal Land Council had lodged a Land Claim on the Red Hill Site on 21st February 2017. This was advised by the NSW Government (Crown Lands) in a letter to Council on 28th November 2019. In short, the crown lands department advised that no works of 'significant physical impact could be undertaken until this ALC is determined'. The committee was advised the Miner's Cottage is exempt to this ALC as its on Council land. Richard to provide further update at next meeting.

3. REVIEW OF PREVIOUS MEETING MINUTES & ACTIONS

No Comments

Moved: Joy

Second: Tony

Carried

4. GULGONG GOLD EXPERIENCE UPDATE

Joy Harrison (GGE Co-ordinator) provided a brief update on operations and submitted a quarterly report for the committee to review and is attached to the meeting minutes. Joy advised that visitation was down due to bushfires in the region.

5. MINER'S COTTAGE REFURBISHMENT & BUILDING BETTER REGIONS GRANT SUBMISSION

Richard Cushway provided an outline on the revised 'Building Better Regions' grant submission made for the 'Restoration and Upgrade of the Miner's Cottage at Red Hill Gulgong'. This capital project would include the full restoration of the Miner's cottage. The purpose of this cottage, once restored, would be as the official entry to the Gulgong Gold Experience and will contain a tea room, gift shop, kitchen, an accessible bathroom and visitor information centre. This grant submission was for \$150k which if successful would be matched by \$150k by Council, totalling \$300k. Planning and scoping for these restoration works are ongoing and timeline will be prepared subject to grant approval. These works form part of the revised Red Hill Masterplan, which was endorsed by Council in October 2019.

6. COMMUNITIES ENVIRONMENT GRANT APPROVED

Richard advised that the \$10k in Federal Grant funding through Communities Environment Program had been approved and would commence around September 2020 subject to water restrictions. Reminder that the proposed works involves the planting and landscaping of 200 trees and shrubs scattered around the site and installation of 3 possum and 3 bird nesting boxes.

7. RED HILL EEC LANDSCAPING MASTERPLAN UPDATE

Rebecca Neilson (Red Hill EEC) provided an update to the committee on the landscaping masterplan and still waiting on the final report.

8. NEW WORKS REQUESTS

- Pathway from cottage down to GGE entrance requires re-grading and investigation of drainage
- Installation of bollards from Miners Cottage to fence to stop vehicles accessing site and ensure safety of visitors

9. GENERAL BUSINESS

A discussion was held on the safety of visitors and protection of the site when vehicles were accessing Red Hill, including near the Miner's cottage and access to the adjacent Red Hill School when vehicles pass across the site. There were concerns raised as there were upcoming events and there needed to be a long term solution.

MEETING CLOSED 4.30PM

NEXT MEETING: 3PM ON WEDNESDAY 5TH MAY 2020 AT RED HILL SCHOOL

ACTIONS – UPDATED 05/03/2020

TASK	WHO	PROGRESS
Red Hill Signage Audit	Red Hill Committee	Will determine action based on landscaping masterplan.
Source recommendations and quote to improve drainage of pathways	MWRC	Will determine action based on landscaping masterplan.
Panning Troughs near cottage to be reinforced with concrete base or pavers	Joy & Tony Harrison	On hold due to possible relocation
Review process of listing Red Hill Site on State Heritage Register	Richard Cushway	On hold due to land claim in effect
Consult with NSW Dept of Planning re possible funding for Signage	Richard Cushway	No progress
Extend GGE MOU to include operations of Visitor Information Centre and Tea Room	MWRC	On Hold until Miner's Cottage opens
Clear Grass from inside derelict mine site	Bill Murphy	To investigate with RFS
Installation of Mullock Heaps around Red Hill site	MWRC	On hold due to land claim in effect
Repair of pathway between Cottage and GGE entrance	MWRC	In Progress
Installation of bollards between Cottage and fence line	MWRC	Under investigation

GULGONG GOLD EXPERIENCE REPORT

Up until November 2019 we have seen increasing numbers going through the Gold Experience until the fires started and the numbers dropped due to the smoke, dust and heat. As the Gulgong Information Office I had calls every day enquiring about the smoke haze, road closures and the chance of fires around the area. I spoke to the Mudgee information office about our dwindling numbers and they said they were in the same boat. People who had booked to holiday in the region were cancelling their plans.

This has gone on over Christmas even during the school holidays which is normally our busiest time the numbers were low.

During the past few months we have only had a couple of bus trips through again because of the fire situation.

I am confident once the cooler weather comes and the fires are out our numbers will pick up again especially with the 150th Anniversary of Gulgong coming up in April when we will be expecting a large crowd to visit Gulgong. We also have the Cadillac LaSalle Car Club visiting us at the end of March with a 100 strong contingent of cars. The 200 visitors will be visiting the GGE as well as the other museums in town. June long weekend is another huge weekend for us.

Late November we lost our head "Panner" Bill Ryan whose cancer finally took him. He is being missed by all the volunteers. We had many reports in our guest book and on TripAdvisor about Bill and is gentle dealing with the smaller children when he was teaching them how to pan. Tony who was Bills apprentice has now taken over Bill's job.

We had a major disappointment in December when the \$250K funding we had applied for (and were confident of receiving) could not be signed off because of the Aboriginal Land Claims on all Crown Land in the Mid-Western Regional Council area. There are 800 properties involved with 130 of these being administered by the Council. Red Hill is one of these. The Council is working on having these claims lifted until then there will be no development on Red Hill.

Fortunately the Council owns the Cottage and the small parcel of land around the cottage. Luckily we found out about the claims prior to the funding closing. We changed our application to \$150K which is being matched by the Council to renovate the cottage and build the two toilet block on the land owned by the council adjacent to the cottage. This is possibly a blessing in disguise as we will now have a beautifully renovated cottage and the toilets. We hope by the time the cottage and toilets are completed the claims will be lifted and we can apply for funding for the next stage of our Masterplan which will be the building of the Exhibition Centre displaying the old forgotten trades and the Children's playground.

Joy Harrison

12.3 Local Traffic Committee - July Meeting 2020

REPORT BY THE ADMINISTRATION OFFICER, OPERATIONS
TO 12 AUGUST 2020 ORDINARY MEETING
GOV400087, A0100009

RECOMMENDATION

That Council:

1. receive the report by the Administration Officer, Operations on the Local Traffic Committee - July Meeting 2020;
2. approve the event – *Mudgee High School Rainbow Day, Thursday 24 September 2020* – be classified as a Class 2 Event under the *Guide to Traffic and Transport Management for Special Events Version 3.5* and proceeds with the following conditions:
 - a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;
 - b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation
 - c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
 - d. Reimbursing Council for the cost of damage repairs;
 - e. Complying with Council's Law Enforcement Officers' reasonable directives;
 - f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
 - g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
 - h. 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;
 - i. Maintain a four-metre wide emergency vehicle lane;
 - j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
 - k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
 - l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the Transport for NSW are indemnified against any possible action as the result of the event;
 - m. A traffic control contingency plan is to be provide in the event planned traffic controllers are not available.
 - n. All people interacting with vehicles are to wear reflective high visibility vests.
 - o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review
 - p. The organiser is to receive Transport for NSW consent for use of Market Street and Ulan Road

3. **approve a “No Through Road” sign to be placed south of Menah Avenue to stop unnecessary traffic;**
4. **resolve to undertake further investigation regarding a proposed roundabout and pedestrian crossing at the intersection of Denison and Church Streets and the centre island in front of Aldi; and**
5. **further investigate the need for Horse on Road signs on Beryl Road Gulgong.**

Executive summary

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

Disclosure of Interest

Nil

Detailed report

The Local Traffic Committee meeting was held on Friday 17 July 2020.

One event report was considered

- Mudgee High School Rainbow Day

Three traffic reports were considered

- Install “No Through” road sign on Henry Bayly Drive
- Request for a roundabout at the intersection of Denison Street and Church Street
- Install signage on Beryl Road inform drivers of horses on the road

General Business items included

- Pedestrian Safety concerns at the intersection of Douro Street and Horatio Street Mudgee
- Request by Mudgee Bushwalking and Cycle group for a meeting with council representatives to discuss routes within the region.

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

MICHELLE NEILSON
ADMINISTRATION OFFICER, OPERATIONS

GARRY HEMSWORTH
DIRECTOR OPERATIONS

29 July 2020

Attachments: 1. Minutes - Local Traffic Committee Meeting 17 July 2020.

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER

Mid-Western Regional Council

Date: 17 July 2020

Minutes of the Local Traffic Committee

Held at the Operations Meeting Room - Depot Road Mudgee
on 17 July 2020.

Present	Garry Hemsworth (MWRC), Phil Blackman, Cr Alex Karavas, Garry McGovern (NSW Police), Deanne Freeman (RMS),
Apologies	Cr Alex Karavas, Mark Fehon (NSW Police)
Secretary	Michelle Neilsen (MWRC)

The LTC meeting commenced at 9:30am.

MINUTES OF PREVIOUS MEETING

MOTION: Transport for NSW Deanne Freeman / Phillip Blackman

That the Minutes of the previous Local Traffic Committee held on 19 June 2020 be taken as read and confirmed.

MATTERS IN PROGRESS

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Mudgee Town Pedestrian Crossings	20 Jan LTC Meeting	Council conduct an audit on all crossings, place counts on Market and Church Street and provide a report to the committee with findings and suggestions for improvements	Consultant engaged – draft expected in March. This was with Essential Energy. Garry will follow up with Essential Energy.
Perry Street Parking Issues	15 June 2018	To monitor the parking issues that surround Mudgee High School	Council requested quotation to undertake design work for improvement of this section which was cost prohibitive. Samantha had a chat with the schools and the schools have sent out reminders of parking behaviours around school zones.
Events Night with the Roads and Maritime Services	August 2018		Pending amendment of events process between planning department and operations department to make sure clear message provided by Council.
Request for 'No Stopping' sign	August 2018	Request for a 'No stopping' sign to be placed at the northern end of Ten Dollar hotel.	Investigate the installation of a more suitable kerb ramp on the north western corner in front of the Ten Dollar Motel
Request to review traffic flow of Gulgong CBD	November 2018 February 2019 August 201	Request a review of the traffic management and parking within the Gulgong CBD Report to be presented recommending 'no parking' signs changed to 'no stopping' in front of IGA Gulgong Investigate alternative crossing options for pedestrians in the CBD of Gulgong and present findings to Traffic Committee	
Mudgee CBD High Pedestrian Area	November 2018	Council in support of 40km CBD zone investigation.	Presentation to Councillors scheduled for March Council meeting
CBD Parking line marking	May 2019	If not address in parking study, prepare report for line marking to be extended to Market street between Church and Lewis and Mortimer Street between Church and Lewis	Design plan to be presented to committee prior to completion

SUBJECT	RES NO. & DATE	RESOLUTION	ACTION
Lochiel lane	November 2019	Consult with residents advising proposed changes to the parking arrangements; 'no stopping' signs be installed along eastern side of Lochiel lane; Monitoring of adherence to 'no stopping signs' to be undertaken for three months, if it appears ineffective Council to consider implementing one way. Design plan presented to committee for endorsement prior to installation being undertaken.	Design plan to be presented to committee prior to completion.
Disabled parking spot Country fit gym		Further investigations required for suitable design.	
Gulgong Public School		Possibly remove angle parking near the bend of the road.	

PAST EVENT DEBRIEF

EVENT	

CALENDAR OF EVENTS

FEBRUARY	DATE	Comments
Charity Shield	29 February 2020	
MARCH	DATE	Comments
Can Cruise		cancelled
Mudgee Show		No approvals required
APRIL	DATE	Comments
Mudgee Anzac Day March	25 April 2020	Approved
Gulgong Anzac Day March	25 April 2020	Cancelled
Kandos Anzac Day March	25 April 2020	
MAY	DATE	Comments
Mudgee Classic	3 rd May 2020	Cancelled
JUNE	DATE	Comments
Mudgee Glow		Proposed event – may not require traffic consideration
JULY	DATE	Comments

Small Farm Field Days	10-11 July 2020	Cancelled
AUGUST	DATE	Comments
SEPTEMBER	DATE	Comments
Mudgee High Rainbow Day	24 September 2020	
OCTOBER	DATE	Comments
NOVEMBER	DATE	Comments
Flavours of Mudgee	21/11/2020	
DECEMBER	DATE	Comments

Red = Unapproved

Green = Approved

20/020 MUDGEE HIGH SCHOOL RAINBOW DAY- 24 SEPTEMBER 2020

RECOMMENDATION THAT COUNCIL

Approve the event – ‘Mudgee High School Rainbow Day’ Thursday 24 September 2020– and classify as a Class 2 event under the ‘Guide to Traffic and Transport Management for Special Events Version 3.5’ and be approved with the following conditions:

- a. The Event is to be undertaken in accordance with the requirements of the attached Special Events Transport Management Plan (TMP), Risk Assessment and Traffic Control Plans;
- b. The Event is to be undertaken in accordance with the requirements of the NSW Police Force approval documentation
- c. Controlling noise as required by the Protection Of The Environment Operations (Noise Control) Regulation 2000;
- d. Reimbursing Council for the cost of damage repairs;
- e. Complying with Council's Law Enforcement Officers' reasonable directives;
- f. Maintain areas in a clean and tidy condition. No obstructions are to be left on the roadways or footpaths;
- g. Any person directing traffic on a public road is required to possess an appropriate traffic controller's certificate;
- h. 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;
- i. Maintain a four-metre wide emergency vehicle lane;
- j. Advertise the proposed event in local newspapers with relevant information at least two weeks prior to the date;
- k. The organiser is to notify NSW Fire and Rescue and the NSW Ambulance Service of the event.
- l. The event is to be covered under the submitted public liability insurance policy in the amount of at least \$20 million. Council, NSW Police and the Transport for NSW are indemnified against any possible action as the result of the event;
- m. A traffic control contingency plan is to be provide in the event planned traffic controllers are not available.
- n. All people interacting with vehicles are to wear reflective high visibility vests.
- o. The organiser is to have a debrief with Council and Police with all traffic control documentation and controls tabled for review

- p. The organiser is to receive Transport for NSW consent for use of Market Street and Ulan Road

MOTION: NSW Police Garry McGovern / Deanne Freeman

That the above recommendation be accepted and approved.

20/021 REQUEST FOR NO THROUGH ROAD SIGN ON HENRY BAYLY DRIVE
MUDGEE

RECOMMENDATION

That Council approve for a “No Through Road” sign to be placed south of Menah Ave to stop unnecessary traffic.

MOTION: NSW Police Garry McGovern / Deanne Freeman

That the above recommendation be accepted and approved.

20/022 REQUEST FOR ROUND ABOUT AT THE INTERSECTION OF DENISON AND
CHURCH ST MUDGEE.

RECOMMENDATION

That Council

1. resolve to do further investigation at the roundabout and pedestrian crossing at the intersection of Denison and Church Sts and the centre island in front of Aldi.

Committee Comments:

Traffic counts to be done for the intersection of Denison and Church Street.

MOTION: Transport for NSW Deanne Freeman / Garry McGovern

That the above recommendation be accepted and approved.

20/023 REQUEST FOR HORSES ON ROAD SIGNAGE

RECOMMENDATION

That Council

1. further investigate the need for Horse on Road signs on Beryl Road Gulgong

Committee Comments

Find out where the horses are and place the signs where appropriate.

MOTION: NSW Police Garry McGovern / Deanne Freeman

That the above recommendation be accepted and approved.

20/024 CORRESPONDANCE

GULGONG PUBLIC SCHOOL

Further information has come from Gulgong Public School in relation to the pick-up and drop of zone on Nandoura Street Gulgong. They are asking if a stopping bay cut into the pathway can be created to assist with the picking up and dropping off of students. (see attached email)

MUDGEES CLASSIC EVENT

It was suggested to make contact with the committee from the Mudgees Classic to gauge whether there were any changes to the committee so that a working party could be formed in order to manage the event for the Local Traffic Committee. Holly Kemp has responded. (See attached email)

GENERAL BUSINESS

MUDGEES BUSHWALKING AND CYCLE GROUP

Would like to arrange a meeting with council in relation to discuss routes within the area.

PEDESTRIAN SAFETY INTERSECTION OF DOURO AND HORATIO STREET

Discussion took place in relation to the pedestrian safety concerns, especially with high school students at the intersection of Douro and Horatio Street Mudgees. Douro and Horatio Streets are Transport for NSW roads.

Committee Comments

These roads are Transport for NSW roads. This has been flagged with TfNSW for further investigation.

CLOSURE

There being no further business the meeting concluded at 11.45am.

Item 13: Urgent Business Without Notice

URGENT BUSINESS WITHOUT NOTICE

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

GIVING NOTICE OF BUSINESS

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

BUSINESS WITHOUT NOTICE

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

Item 14: Confidential Session

LOCAL GOVERNMENT ACT, 1993

10A *WHICH PARTS OF A MEETING CAN BE CLOSED TO THE PUBLIC?*

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

10D *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

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

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DISCLOSURE AND MISUSE OF INFORMATION

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

Maximum penalty: 50 penalty units

MOTION

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

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

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

CHAIRMAN

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

14.1 Proposed Dual Naming of a River

The reason for dealing with this report confidentially is that it relates to information concerning the nature and location of a place or an item of Aboriginal significance on community land in accordance with Section 10A(2)(h) of the Local Government Act, 1993.

Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

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

The General Manager will read out any written representations received.

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

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