



**\*\*PUBLIC COPY\*\***

# **Business Papers 2023**

MID-WESTERN REGIONAL COUNCIL

ORDINARY MEETING  
**WEDNESDAY 15 NOVEMBER 2023**

*A prosperous and progressive  
community we proudly call home*







PO BOX 156  
MUDGEE NSW 2850

86 Market Street MUDGEE  
109 Herbert Street GULGONG  
77 Louee Street RYLSTONE

Ph: 1300 765 002 or (02) 6378 2850  
Fax: (02) 6378 2815  
Email: [council@midwestern.nsw.gov.au](mailto:council@midwestern.nsw.gov.au)

8 November 2023

Dear Councillor,

MEETING NOTICE  
**Ordinary Meeting**  
15 NOVEMBER 2023  
**Public Forum at 5.30pm**  
*Council Meeting commencing at conclusion of Public Forum*

---

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

The meeting will be live streamed on Council's website.

Members of the public may address Council at the Public forum, which is held at 5.30pm immediately preceding the Council meeting. Speakers who wish to address Council are invited to register by 4.00pm on the day prior to the Council Meeting by contacting the Executive Assistant to the Mayor and General Manager.

Yours faithfully

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

BRAD CAM  
GENERAL MANAGER





# AGENDA

Acknowledgement of Country .....	7
Item 1: Apologies.....	7
Item 2: Disclosure of Interest.....	7
Item 3: Confirmation of Minutes.....	7
3.1 Minutes of Ordinary Meeting held on 18 October 2023 .....	7
Item 4: Matters in Progress .....	8
Item 5: Mayoral Minute .....	9
Nil	
Item 6: Notices of Motion or Rescission.....	10
Nil	
Item 7: Office of the General Manager .....	11
Nil	
Item 8: Development .....	12
8.1 Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works - 59, 61 and 63-67 Horatio Street, Mudgee .....	12
8.2 DA0333/2023 - Alterations to Existing Caravan Park - Mudgee Valley Tourist Park 8 Bell Street MUDGEE .....	41
8.3 Planning Proposal Lot 3 DP 1223039 - 277 Black Springs Road, Eurunderee .....	93
8.4 Planning Proposal Housekeeping Amendment - Post Exhibition .....	100
8.5 Housing Strategy Funding.....	104
8.6 Saleyards Strategic Plan Review .....	107
8.7 Acceptance of Grant Funding.....	111
8.8 Events Assistance Applications.....	114
8.9 Monthly Development Applications Processing and Determined .....	134

<b>Item 9: Corporate Services</b>	<b>144</b>
9.1 Monthly Budget Review - October 2023	144
9.2 Monthly Statement of Investments as at 31 October 2023	161
9.3 Quarterly Budget Review - September 2023	169
9.4 Presentation of the 2022/23 Financial Statements	172
9.5 Annual Report 2022/23	174
9.6 New and Amended Fees and Charges 2023/24	177
9.7 RFT 2023/36 - Provision of Concreting Services	181
9.8 Naming of a new road in a subdivision off Marshfield Lane, Mudgee	185
9.9 Data Breach Policy	192
<b>Item 10: Operations</b>	<b>202</b>
10.1 Policy Reviews - Operations	202
<b>Item 11: Community</b>	<b>216</b>
11.1 MRT Quarterly Report - July to September 2024	216
11.2 Library Services - Quarterly Report	238
<b>Item 12: Reports from Committees</b>	<b>242</b>
12.1 Red Hill Committee Meeting - 27 September 2023	242
<b>Item 13: Urgent Business Without Notice</b>	<b>247</b>
<b>Item 14: Confidential Session</b>	<b>249</b>
14.1 Acquisition of Easement Rights over Lots 1, 2 & 3 DP1189235, Gulgong	254
14.2 Gulgong Primary & High Schools - Consideration of Raw Water Charges	257
14.3 Loan Funding Mudgee Landfill Extension	261
<b>Item 15: Urgent Confidential Business Without Notice</b>	<b>264</b>
<b>Item 16: Open Council</b>	<b>264</b>
<b>Item 17: Closure</b>	<b>264</b>

## Acknowledgement of Country

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

### Item 1: Apologies

### Item 2: Disclosure of Interest

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

### Item 3: Confirmation of Minutes

#### **3.1 Minutes of Ordinary Meeting held on 18 October 2023**

#### Council Decision:

That the Minutes of the Ordinary Meeting held on 18 October 2023 be taken as read and confirmed.

---

The Minutes of the Ordinary Meeting are separately attached.

## Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Investigation of Garbage collection service at Queen's Pinch Waste Transfer Station	Res. 66/20 Ordinary Meeting 18/03/2020	Staff investigate the feasibility of replacing the Waste Transfer Station on Queen's Pinch Rd with a garbage collection service.	To be reported to Council at a future meeting.
Road Maintenance	198/22 Ordinary Meeting 20/07/2022	That Council receive a report for any or all opportunities to improve road network maintenance.	To be reported to Council at a future meeting.
Disabled Access and Parking in Gulgong	272/22 Ordinary Council Meeting 21/09/2022	That Council removes Emergency Vehicle Parking Only signage from Herbert Street Gulgong; identify and construct a disabled access ramp at a suitable location between the Gulgong Post Office and Gulgong Medical Centre.	<b><u>RECOMMENDED FOR COMPLETION</u></b>
Indoor Pool Business Case	Res 296/22 Ordinary Meeting 21/09/2022	That Council investigate financing options and grant opportunities for the construction of an indoor swimming pool.	To be reported to Council at a future meeting.
Gulgong Natural History Museum Location	Res 206/23 Ordinary Meeting 20/09/2023	That Council request further information be provided to Council on the design of the Museum, the Museum collection and the future operation of the Museum as a visitor destination.	<b><u>RECOMMENDED FOR COMPLETION</u></b>
Ulan and Cope Road Safety – Rumble Strips	Res 241/23 Ordinary Meeting 18/10/2023	That Council receive a report detailing costings and investigate opportunities for funding to install rumble strips along Ulan and Cope Roads for enhance safety measures.	To be reported to Council at a future meeting.



Item 5:    Mayoral Minute

---

Nil

## Item 6: Notices of Motion or Rescission

---

Nil

## Item 7: Office of the General Manager

---

Nil

## Item 8: Development

---

### 8.1 Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works - 59, 61 and 63-67 Horatio Street, Mudgee

REPORT BY THE PLANNING COORDINATOR  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, DA0282/2023

#### RECOMMENDATION

##### That Council:

- A. receive the report by the Planning Coordinator on the Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works; and
- B. refuse Development Application (DA0282/2023) - Demolition of Two (2) Dwellings, Construction of Two (2) Storey 58 Room Hotel or Motel Accommodation with Managers Residence, Signage and Ancillary Works based on the following statement of reasons:

#### STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development does not comply with the aims and objectives of the Mid-Western Regional Local Environmental Plan 2012 and Clause 5.10 Heritage Conservation of the Mid-Western Regional Local Environmental Plan 2012.
2. The proposed development does not achieve compliance with the Mid-Western Regional Development Control Plan 2013 in terms of Part 4.5 Commercial Development.
3. The proposed development is not considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979 in terms of the likely impacts of the development on the built environment and lack of information provided to address likely impacts of noise on all sensitive receivers.
4. The public submissions made during the notification period have raised the following key concerns which remain unresolved:
  - Impacts to the heritage significance of the conservation area and adjacent heritage item at 44 Horatio Street (Item No. I72 under the LEP 2012); and



- **Retention of the dwelling at 59 Horatio Street due to the lack of affordable rental housing in Mudgee and maintain the façade of the building as it adds to the heritage feel of the street.**

## Executive summary

<b>OWNER/S</b>	Onslow Dowker Pty Limited
<b>APPLICANT:</b>	Mr Greg Dowker
<b>PROPERTY DESCRIPTION</b>	59, 61 and 63 – 67 Horatio Street, Mudgee Lots 7 to 10 Sec 44 DP 758721 and Lot 26 DP 1106100
<b>PROPOSED DEVELOPMENT</b>	Demolition of two (2) dwellings, construction of a two (2) storey, 58 room hotel or motel accommodation building with managers residence, signage and ancillary works
<b>ESTIMATED COST OF DEVELOPMENT:</b>	\$7 Million
<b>REASON FOR REPORTING TO COUNCIL:</b>	Value of Works Greater than \$3 Million and Recommendation of Refusal
<b>PUBLIC SUBMISSIONS:</b>	Two (2) Submissions

Council is in receipt of Development Application DA0282/2023 that seeks approval for the demolition of two (2) dwellings, construction of a new motel including managers unit, car park, civil works and signage, to be located at 59, 61 and 63-67 Horatio Street MUDGEES NSW 2850. The subject land is legally identified as Lots 7 to 10 Sec 44 DP 758721 and Lot 26 DP 1106100. The subject site is located on the corner of Lewis and Horatio Streets, and also benefits from access via Lyons Lane.

The subject site currently contains two (2) single storey dwellings fronting Horatio Street. One (1) of the dwellings is currently occupied and accessed via Lyons Lane, and contains a number of small outbuildings. The site has historically been used for the unlawful advertising of second-hand vehicles and has been subject to separate compliance activities in relation to this use.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 April 2023. During the notification period two (2) submissions were received.

The applicant was requested on the 21 March, 5 April, 27 July, and 5 September 2023 to provide further information to assist in the assessment of the application by both internal and external departments. A meeting was also held with the applicant's consultants (Barnson and Barbara Hickson) on the 17 August 2023 in the company of Council's Heritage Advisor, in an attempt to resolve the heritage and design concerns. The applicant has formally advised Council that no changes to the design will be made - See letter Attachments included with this report.

The proposed development has been assessed in accordance with Council's Development Control Plan (DCP) and the Local Environmental Plan (LEP). The assessment concludes that the proposed development is not consistent with Council's planning controls in relation to clause 5.10 of the Mid-Western Regional LEP 2012 and Part 4.5 Commercial Development of the Mid-Western Regional Council DCP 2013. The key concerns relate to heritage impacts within the Mudgee HCA and the overall design of the proposal on a prominent corner site, where there is an established residential interface that currently provides contributory heritage significance.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the value of the application exceeds \$3 million and the recommendation is refusal.

The current estimated value of works is \$7 million.

## Disclosure of Interest

Nil

## Detailed report

### **Proposed Development**

Council is in receipt of Development Application DA0282/2023 that seeks approval for the following:

- Demolition works;
- The construction of a two (2) storey, 58-room motel with an overall height of 8.67m to the ridgeline of the building;
- One (1) x 2-bedroom managers unit;
- Reception/ lobby area, lounge/bar, dining area and commercial kitchen;
- 59 off street car parking spaces (site plan also indicates 8 on-street spaces within Lewis Street);
- A new pylon sign at the front corner of the site (4m high x 2m wide) along with wall signage on the Horatio and Lewis Street elevations of the building; and
- Low level landscaping over the boundaries of the site and within the frontage of the building, along with new fencing to the southern (Lyons Lane) and eastern boundaries (existing residential dwelling at 57 Horatio Street).

The proposal is to be constructed utilising predominantly brick, sandstone stack cladding, timber-look aluminium cladding and painted Scyon - linea weatherboards. Roofing and accent roof trims are proposed in zincalume and colorbond 'woodland grey'.

The proposed plans and supporting information for the development is included in **Attachment 1** and layouts shown in Figures 1, 2 and 3, below:

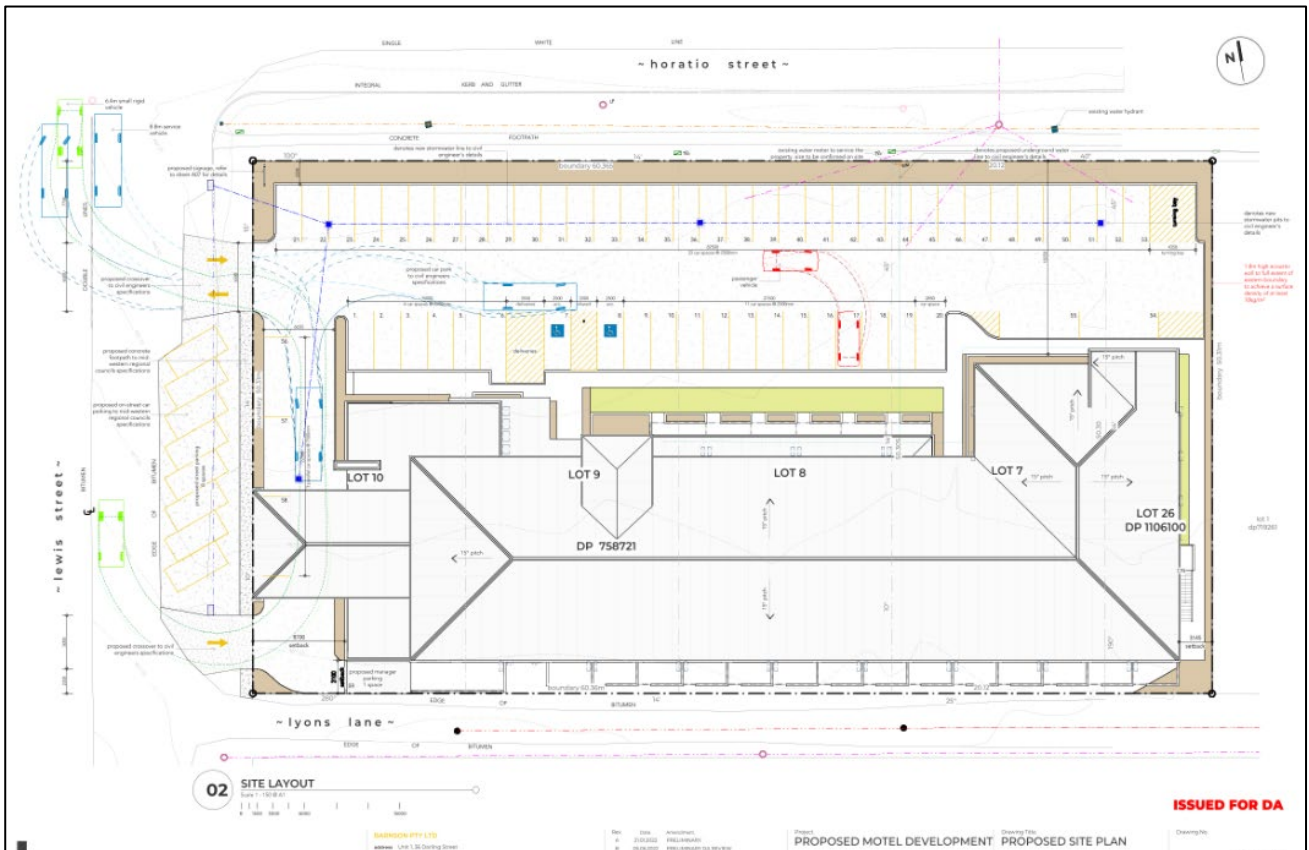


Figure 1: Proposed Site Plan

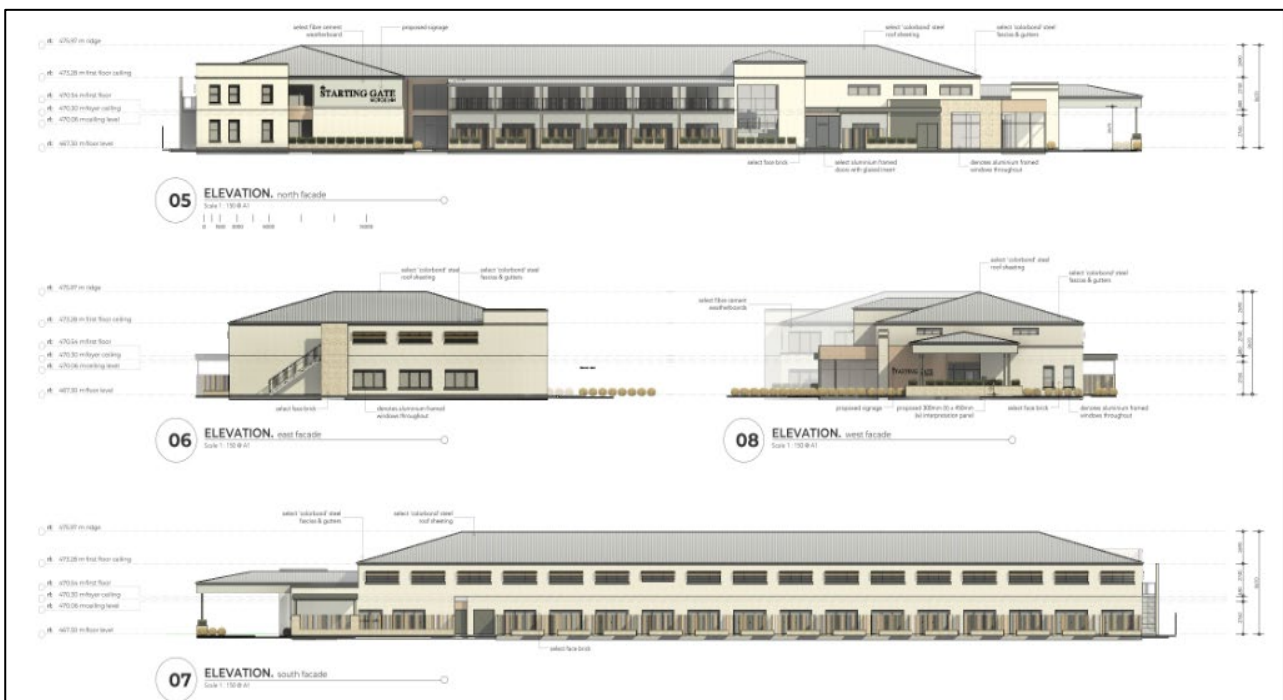


Figure 2: Proposed Elevations



**Figure 3: Proposed Perspectives**

**Subject Site**

The proposed development is located at 59, 61 and 63-67 Horatio Street MUDGEES NSW 2850. The subject land is legally identified as Lots 7 to 10 Sec 44 DP 758721 and Lot 26 DP 1106100.

The subject site is located on the corner of Lewis and Horatio Streets, and also benefits from access via Lyons Lane.

The subject site currently contains two (2) single storey dwellings fronting Horatio Street, one (1) of which is currently occupied and accessed via Lyons Lane, and contains a number of small outbuildings. The site has otherwise historically been used for the unlawful advertising of second-hand vehicles and has been subject to separate compliance activities.

A current site plan is provided within Figure 4 below:





**Figure 4: Current Site Plan**

### **Application History**

The application was lodged on the 2 March 2023. A preliminary assessment of the application found that further information was required to properly assess the application with an initial request for information made on the 21 March 2023 and included:

1. Parking compliance to be demonstrated based on the proposed use of dining and bar areas.
2. Stormwater management with calculations and detention storage for the full range of storm events.
3. SIDRA (traffic) modelling for the development to enable assessment of impacts upon Horatio and Lewis Streets.
4. Building Code of Australia compliance for accessible sole occupancy units.

Responses from internal and external agencies also required further information to be provided to assist in the assessment of the application. Requests for information were made to the applicant on the 5 April 2023, 27 July 2023 and 5 September 2023 and included the following key matters:

1. Updated Traffic Study and information to support a response to Transport for NSW (TfNSW) letter dated 5 April 2023 - TfNSW generally does not support direct access to a classified road where local road access is available.
2. Heritage and design impacts - Consideration of redesigning the development to include retention of part of the two (2) contributory buildings located within the Mudgee Heritage Conservation Area (HCA) and reducing the scale of the proposal to achieve an improved streetscape given the existing nature of surrounding developments.

The application was referred to internal Council departments as follows:

1. Health and Building – conditions provided on 21 March 2023.
2. Water and Sewer Department – comments and headworks calculations provided on 30 March 2023.
3. Heritage Advisor – Objection to application provided on 25 August 2023.
4. Development Engineering – final conditions provided on 6 September 2023.
5. Environmental Health Officer – Final comments provided with objections on the basis of no full noise impact assessment provided on 27 September 2023.

The application was referred to external departments including:

1. Essential Energy – final comments provided dated 31 March 2023.
2. Transport for NSW - final comments based on revised plans dated 9 August 2023.

A meeting was held with the applicant's consultants, including Council staff and Heritage Advisor on the 17 August 2023 to discuss the heritage and design concerns with the proposed development.

The applicant submitted a formal response on the 8 August 2023, 18 August 2023 and finally on the 20 September 2023 advising that they will not amend the design of the development despite the recommendations of staff and Council's Heritage Advisor.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 April 2023. During the notification period, two (2) submissions were received which raised concerns regarding privacy impacts from overlooking, light impacts, impacts on the heritage conservation area and adjacent heritage item, loss of affordable rentals and the design of the development.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that the value of the application exceeds \$3 million. The current estimated value of works is \$7 million.

The application is recommended for Refusal.

### **Legislative Requirements**

#### **Environmental Planning and Assessment Act 1979**

##### **Designated Development**

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

##### **Integrated Development**

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

### **Assessment**

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

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

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

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

The Biodiversity and Conservation SEPP applies to the proposal as minor vegetation removal (peppercorn trees and planted gardens) over the site is required. Further, the site is located in the SP3 Tourist Zone, and also the Mudgee HCA under the Mid-Western Regional Local Environmental Plan which applies under the Biodiversity SEPP. As the vegetation removal is limited to non-native vegetation, and is less than the prescribed threshold, there are no matters under the SEPP that preclude the removal of the vegetation to support the proposed development and therefore no further assessment of the SEPP is required.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

The proposal does not involve a BASIX affected building and was submitted prior to the introduction of the SEPP (Sustainable Buildings) 2022 non-residential requirements. The development must comply with the Building Code of Australia requirements and therefore no further assessment of the SEPP requirements is required for this development.

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

The proposal does not involve exempt or complying development and is therefore not impacted by the requirements of this Policy. Therefore, no further consideration of this SEPP is considered necessary.

### **State Environmental Planning Policy (Housing) 2021**

The proposed development is not impacted by any requirements of this Policy. The proposal seeks to remove two (2) dwellings as part of the development of the site. Therefore, no further consideration of this SEPP is considered necessary.

### **State Environmental Planning Policy (Industry and Employment) 2021**

The proposed development seeks consent from Council for signage. In assessing the proposed signage, the requirements of Part 3.2 and Schedule 5 of the SEPP have been considered as follows:

Assessment Criteria	Comments	Compliance
<b>1. Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?  Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The signage proposed is considered to be compatible with the existing character of the area.	Yes
<b>2. Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from the amenity, visual quality and established character of the area. The signage does not negatively impact upon the Mudgee Heritage Conservation area and does not dominate the streetscape. It is of a generally consistent size and arrangement with other signage in this street.	Yes

<b>3. Views and vistas</b>		
<p>Does the proposal obscure or compromise important views?</p> <p>Does the proposal dominate the skyline and reduce the quality of vistas?</p> <p>Does the proposal respect the viewing rights of other advertisers?</p>	<p>The signage does not obscure or compromise views, dominate the skyline or impact any viewing rights in this location.</p>	<p>Yes</p>
<b>4. Streetscape, setting or landscape</b>		
<p>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</p> <p>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</p> <p>Does the proposal screen unsightliness?</p> <p>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</p> <p>Does the proposal require ongoing vegetation management?</p>	<p>The proposed signage is considered to be appropriate for the established setting and streetscape of Horatio Street.</p>	<p>Yes</p>
<b>5. Site and building</b>		
<p>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</p> <p>Does the proposal respect important features of the site or building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>The signage is modest in scale in relation to the proposed building and surrounding residential development.</p> <p>There are no impacts to important heritage features of the site or Mudgee Heritage Conservation area as a result of the signage proposed.</p>	<p>Yes</p>
<b>6. Associated devices and logos with advertisements and advertising structures</b>		
<p>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</p>	<p>-</p>	<p>Not Applicable</p>
<b>7. Illumination</b>		
<p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of</p>	<p>No illumination of the signage shown on the plans submitted.</p>	<p>Not Applicable</p>



accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?		
<b>8. Safety</b>		
Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage is modest and is not considered to impact the safety or efficiency of the public road or footpaths.	Yes

#### **State Environmental Planning Policy (Planning Systems) 2021**

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

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

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

#### **State Environmental Planning Policy (Resources and Energy) 2021**

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

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Pursuant to section 2.48, the development is located within 5 metres of aboveground electrical lines. The application was referred to Essential Energy with no objections to the proposal however standard comments to manage safety risks were provided.

Further, pursuant to section 2.122 Traffic Generating Development, the application was referred to Transport for NSW (TfNSW) as the original proposal submitted sought driveway construction works for a left turn only crossover within Horatio Street. Transport for NSW requested further information, and the applicant subsequently amended the design to remove all new work from the Horatio Street frontage. TfSNW provided comments for Council consideration based on the revised information on the 9 August 2023 which has been considered by Council's Development Engineers.

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

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

#### **Clause 1.2 Aims of Plan**

The application is considered to be contrary to the aims of the plan.

The proposed development seeks to remove two (2) dwellings that are located within the Mudgee Heritage Conservation Area (HCA). The dwellings to be demolished are considered to be contributory items to the Mudgee HCA and their complete removal is not supported. This key issue

has been raised multiple times with the applicant however, no changes have been made to the proposal to-date. As a result, it is not considered that the proposal will encourage the proper management, development and conservation of the Victorian era dwellings constructed in this location that contribute to the Mudgee HCA (section 1.2(2)(b)(iv)).

Furthermore, as a result of the overall design including its placement on the site, and lack of information provided to address acoustic impacts (acoustic report was provided to only address onsite parking), there is not considered to be adequate protection provided to minimising land use conflict and potential adverse impacts on the amenity of adjoining residents (section 1.2(e)(iii)).

#### **Clause 1.4 Definitions**

The proposal is defined in accordance with the MWRLEP 2012 as Hotel or motel accommodation which means:

*a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—*

*(a) comprises rooms or self-contained suites, and*

*(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

*but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

*Note— Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.*

#### **Clause 2.2 Zoning of Land to Which Plan Applies**

The land is zoned SP3 Tourist and is therefore subject to the Plan.

#### **Clause 2.3 Zone objectives and Land Use Table**

The land is zoned SP3 Tourist pursuant to the MWRLEP 2012. The proposal, being hotel or motel accommodation is permissible with consent and complies with the objective of the zone by virtue of providing additional tourist and visitor accommodation options to support the Mudgee Region.

#### **Clause 2.7 Demolition requires development consent**

In satisfaction of this clause, the development application seeks approval for the demolition of two (2) dwellings, associated outbuildings and vegetation.

#### **Clause 4.3 Height of buildings**

The subject site is not mapped to contain a maximum building height.

#### **Clause 5.10 Heritage Conservation**

Pursuant to Clause 5.10, the consent of Council is required for the demolition, moving or alteration of a building, work or tree within a heritage conservation area, along with the erection of a building on land that is within a heritage conservation area.

The key objectives of clause 5.10 of the LEP 2012 is:

- a) to conserve the environmental heritage of Mid-Western Regional,*
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- c) to conserve archaeological sites,*
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Under clause 5.10(4), Council must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the area concerned. Council must consider the following as part of its heritage assessment under clause 5.10(5):

- a) on land on which a heritage item is located, or
- b) **on land that is within a heritage conservation area, or**
- c) on land that is within the vicinity of land referred to in paragraph (a) or (b),  
**require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.**

The development application was supported by a Statement of Heritage Impact (prepared by Barbara Hickson Heritage Advisor dated 16 December 2022). This report and supporting plans were subsequently referred to Council's appointed Heritage Advisor. A site inspection was also undertaken by Council's Heritage Advisor.

Concerns were immediately raised by Council's Heritage Advisor and resulted in a meeting request with the applicant and their appointed heritage consultant on the 17 August 2023. Despite providing recommendations and advice, the applicant has confirmed that no changes will be made to the plans of the development to address the concerns raised by Council.

The following formal advice was issued by Council's Heritage Advisor on the 25 August 2023:

*The development site comprises five house lots within the Mudgee Heritage Conservation Area. It is opposite an individually listed house at 44 Horatio Street, and in the vicinity of the Federal Hotel on the corner of Inglis and Lewis Streets. The site is fairly open as three cottages appear to have been demolished, but Nos. 59 and 61 remain, at the end of a row of Victorian cottages on the south side of the street.*

*It is supported by a professionally written statement of heritage impact but the analysis and conclusions of that statement are not supported.*



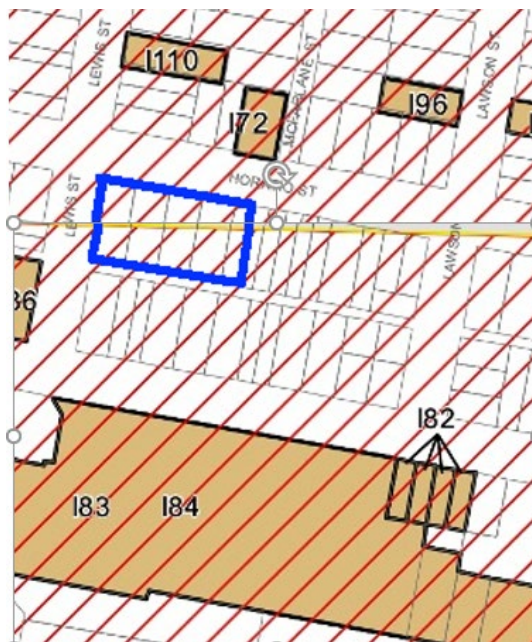
**Figure 5 - Aerial photograph showing the site and cottages proposed for demolition (No. 59 and 61 Horatio Street).**



**Victorian two storey house, left, and single storey cottages including No. 59, right**



**No. 61: space at left is its original side garden**



**Figure 6 - Heritage map from the LEP with the site outlined and Photographs of No. 59 and 60 Horatio Street.**

### **HERITAGE SIGNIFICANCE OF THE CONSERVATION AREA**

*A heritage conservation area is more than a collection of individual heritage items. It is an area in which the historical origins and relationships between the various elements create a sense of place that is worth keeping.*

*The Mudgee Conservation Area includes:*

- *the historic town centre, an area of largely intact buildings and landscaped public places from the Victorian, Federation and inter-war periods, and*
- *suburban tree-lined streets with a heterogeneous range of Victorian, Federation and inter-war houses, unified by a consistency of siting, scale, form, building elements and materials.*

*The Conservation Area has historical significance, demonstrating the pattern of development of the town centre and of suburban housing over those periods; aesthetic significance as a heterogeneous yet coherent group of good examples of architectural styles; and social significance, being highly valued by the community.*

### **CONTRIBUTION OF 59 AND 61 HORATIO STREET TO THE SIGNIFICANCE OF THE CONSERVATION AREA**



*Both houses are readily recognisable Victorian brick cottages with essential entry doors, hipped corrugated steel roofs and full width front verandas. The submitted statement of heritage impact states that the two houses “have some heritage significance” and “contribute to the streetscape in a modest way.” That is indeed the case. The conservation area is made up largely of relatively modest individual houses which together make it so historically and aesthetically significant.*

#### **CONDITION OF AND ALTERATIONS TO 59 AND 61 HORATIO STREET**

*No. 59, the smaller of the two cottages, two rooms under the main roof, additional space under the original skillion roof at the rear, and rambling further extensions. It is inhabited and is in reasonable condition. There is some very minor internal cracking in the brickwork above doorways, which could be readily rectified.*

*No. 61 is derelict but structurally sound except for some areas where the brickwork has been subject to rising damp and salt attack. A good deal of flooring and floor framing head been removed when the house was inspected five years ago. This was obviously deliberate unauthorised demolition, not the work of vandals. The house is also obviously in poor cosmetic condition. However, it is entirely capable of being conserved. It also has some nondescript rear extensions in poor condition.*

#### **IMPACT OF THE PROPOSED DEMOLITIONS**

*As the two houses contribute to the heritage significance of the conservation area, their demolition will clearly have an adverse impact on that significance. It will also have an adverse impact on the setting of the listed item opposite. Demolition of contributory items can never be justified on the basis that they are only a small part of the total conservation area. If that argument were to be accepted, the entire area would be at risk of gradual erosion.*

*Nor is the condition of the items or the cost of conserving them any justification. The condition is the result of inadequate maintenance over the years. This would be reflected in the price paid by any new purchaser, who would hopefully be aware of heritage controls. Demolition can only be justified (and applications for demolition have only been supported) if it is physically impossible to save the item without replacing so much fabric that the result is a replica. That is not the case here.*

#### **DISCUSSIONS WITH THE APPLICANT**

*The applicant did not seek pre-DA advice. However, an application to demolish No. 61 was refused on heritage grounds some years ago.*

*The applicants did participate in a video conference recently. The Heritage Adviser offered suggestions for a radical redesign, retaining the front verandas and principal forms of the cottages, (north of red lines on the aerial photo) which could be incorporated into the motel. Alternatively, the rear areas of the cottage lots could be incorporated into the site and the cottages, on reduced lots, disposed of. However, the applicants have unfortunately not explored these options.*

#### **DESIGN OF PROPOSED MOTEL AND ITS IMPACT ON THE CONSERVATION AREA**

*The proposed motel is well out of scale with its surroundings. The term scale refers not simply to the two-storey height, in comparison to the single storey houses nearby. That aspect is potentially manageable. The concern here is with the of building components in relation to the human body. In this sense buildings can be designed on an intimate, normal, large or monumental scale. The surrounding houses are on a normal or sometimes intimate scale. The proposed motel is designed on a large scale, and the huge porte cochere is clearly monumental.*



***Applicant's drawings demonstrate the inappropriately large scale of the proposal in a residential heritage setting.***

*The intention is probably not so much to impress neighbours or passers-by with the status of the owners, as can be the case with grandiose private houses. It is more intended to make guests feel important. But the result is that the building is totally dominant in the streetscape. The massing, wall height, vast roof, and lack of articulation all contribute to this effect. The resultant building has the character of a licensed club, or a motel that could be found anywhere. It could only be classed as intrusive in the conservation area.*

## **CONCLUSION**

*The application in its present form is not supported and should be refused.*

*The applicants might again be invited to explore the approach previously proposed. This would involve retaining the principal parts of the contributory items. It would also require a different approach to design. Mudgee has a good number of attractive and welcoming historic two storey hotels which would not be out of scale in a more suburban setting. Obviously, the approach of mock replication is not advocated, but a sensitive approach could result in a design that responds to and complements the characteristics and heritage significance of the area.*

Assessing staff have the same views as Council's appointed heritage advisor which have also been clearly communicated to the applicant during the meeting held on the 17 August 2023 and within the further information requests made to-date.

The complete removal of the two (2) dwellings from the Mudgee HCA, along with the lack of design merit on a very prominent corner site of Horatio Street is considered to adversely impact the HCA of Mudgee along with surrounding residents, and does not achieve the objectives of Clause 5.10 Heritage Conservation of the LEP 2012.

#### **Clause 5.21 Flood planning**

Council's Mapping system indicates the site is not affected by flooding during the 1% AEP flood event. Lewis Street does have minor affectation due to overland flow on its western side however, this will not significantly impact upon the proposed development or surrounding land.

#### **Clause 6.1 Salinity**

The proposal involves minimal earthworks which is not expected to significantly affect the process of salinisation and is a conditional matter.

#### **Clause 6.3 Earthworks**

The proposed development involves minor earthworks as the site is relatively flat land. The works are not expected to generate any significant impacts as listed in Clause 6.3(3) and is a conditional matter.

#### **Clause 6.4 Groundwater vulnerability**

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

#### **Clause 6.5 Terrestrial biodiversity**

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

#### **Clause 6.7 Active street frontages**

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

#### **Clause 6.8 Airspace operations – Mudgee Airport**

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

#### **Clause 6.9 Essential Services**

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

- a) *the supply of water* – water is available in Horatio Street and a hydrant is also located in the street frontage and will require upgrades to support the development.
- b) *the supply of electricity* - electricity is available in Horatio Street and will require extensions / upgrades (including potentially a substation) to support the development.
- c) *the disposal and management of sewage* - sewerage is available in Lyons Lane and will require upgrades to support the development.
- d) *stormwater drainage or on-site conservation* - plans provided show a conceptual drainage and on-site detention system with stormwater captured and detained above ground in the car parking areas prior to discharge to an existing Council drainage pit on the corner of Lewis / Horatio Streets via an orifice plate. Further detailed design will be required to



ensure there is no impact on Council infrastructure or adjoining lands and this is able to be considered at a later date.

- e) *suitable road access* - access to the subject site is proposed via Lewis Street with two new driveway crossings. Council will be the Roads Authority for the two new access crossings in Lewis Street, conditions requiring the issue of a S138 Roads Act approval for these works can be imposed. Concrete driveway crossovers will be required.

#### **Clause 6.10 Visually sensitive land near Mudgee**

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

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

#### **(ii) Draft environmental planning instruments (EPI)**

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

#### **(iii) Any development control plans**

#### **Mid-Western Regional DCP 2013**

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

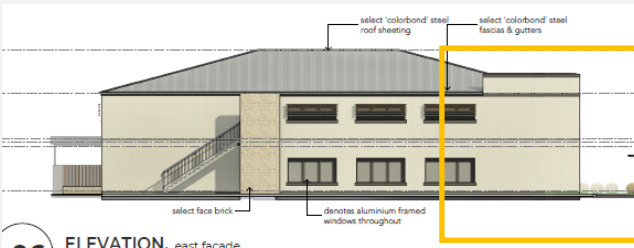
#### **Part 4.4 Signs**

The proposed signage is addressed under the SEPP provisions of this report – there are no impacts identified by the proposed signage to support the development.

#### **Part 4.5 Commercial Development**

<b>DEVELOPMENT CONTROL REQUIREMENT</b>	<b>COMPLIES?</b>
<b>Building setbacks</b>	
Building setback from the street – no minimum	Yes – a large front setback from Horatio Street is proposed however, this is dominated with a large carpark and bordered landscaping.
Side and rear setbacks must comply with BCA	May be conditioned
<b>Signage</b>	
Signage complies with relevant provisions in section 4.4 DCP 2013	Yes. Refer to relevant section of report.
<b>Design</b>	
Buildings interact with the street	Yes. The proposed building incorporates a number of windows and doors on the 2 street frontages provided.
On active street frontages, ground level of building used for business or retail premises	Not Applicable
Building facades are articulated by use of colour, arrangement of elements, or varying materials	Does not comply. Whilst the proposal seeks to use a number of materials including brick, stack stone and aluminium cladding, painted weatherboard along with zinc and colorbond

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	<p>roof with accents, the design of the building raises significant concern as outlined within this report. The massing and proportions of the building, along with the overall bulk and scale in its design is not supported. The massing, wall height, vast roof and lack of articulation on a prominent site within the Heritage Conservation Area of Mudgee does not achieve the aims of the MWRLEP 2012 and is not considered to achieve the requirements of Part 4.5 of the DCP 2013. The proposal also seeks to remove 2 dwellings that are considered contributory to the Mudgee Heritage Conservation Area and the Horatio streetscape.</p>
Heritage inclusions	<p>A Statement of Heritage impact was provided as detailed under clause 5.10 of the LEP. A full copy of this report is included in the Attachments.</p>
External plant to be screened from public	<p>Some screening has been indicated on the plans for external plant.</p>
Development on a corner – includes architectural features to address both streets	<p>Does not comply. The proposal is not considered to include satisfactory architectural features to address both Horatio and Lewis Street. The development site is prominent and is located in the Mudgee Heritage conservation area and despite requests made to the applicant to consider alternative design options, the applicant has refused all requests to-date.</p>
Landscape buffers to other zones	<p>Does not comply. No significant landscaping is proposed to the south of the site in order to provide visual relief and an adequate buffer to the R3 Medium Density residential properties.</p> <p>Whilst the immediately adjoining dwelling to the east is located in the same zone as the subject site (SP3 Tourist), sufficient landscaping has also not been provided along the eastern boundary.</p> <p>The landscaping currently shown on the concept plans submitted are limited to <i>Westringia Fruticosa</i> and <i>Casuarina glauca</i> 'Cousin it' which are small shrubs.</p> <p>Whilst the existing laneway will provide a greater 'setback' to the boundary of the site, owing to the proposed siting and 2 storey nature of the proposal, no consideration has been given to the bulk of the development when viewed from the private open space areas of the dwellings. Trees should therefore</p>

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
	be considered along the southern and eastern boundaries to improve buffers and provide visual relief.
<b>Scale form and height</b>	
Complies with LEP height controls – 8.5m maximum height	Not Applicable – there is no maximum building height applicable to this site.
Consistent with existing heritage character of the town centres of Gulgong, Mudgee and Rylstone	Does not comply. As noted within the assessment under clause 5.10 of the LEP, the proposal to remove 2 Victorian Dwellings and construction of the proposed development is not considered to be consistent with the heritage character of the Mudgee Heritage Conservation Area.
<b>Mortimer and Church Street, Mudgee</b>	
Maintain the streetscape established in Church Street between Market and Mortimer Streets: – Zero front and side setbacks – Double storey pattern	Not Applicable
Provides variance particularly on upper floor levels, every 20-25m	Not Applicable
<b>Articulation and Façade Composition</b>	
Breaks visual bulk with fenestration or change in materials etc	Does not comply. As noted in the Clause 5.10 LEP assessment, the current design results in a building that is totally dominant in the streetscape. The massing, wall height, vast roof, and lack of articulation all contribute to this effect. It could only be classed as intrusive in the conservation area.
No excessive blank walls in front façade	<p>There are minimal blank walls found within the Horatio Street frontage of the development.</p> <p>Of note however, the proposed eastern elevation demonstrates a block of the two-storey component that will have an excessive dominant blank wall, as depicted below. This upper level will also be viewed by passing vehicles within Horatio Street.</p>  <p>06 ELEVATION, east facade Scale 1:150 @ A1</p>
Where blank walls are proposed (side or	As noted above, the blank side wall should be

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
rear), minimise impacts with landscaping, patterning of façade, signage, public art	considered in the context of a redesign of the development.
<b>Residential–Commercial interface</b>	
Landscape buffer to residential boundaries	Does not comply. As noted above, the southern and eastern interface has poor landscaping buffers proposed consisting of small shrubs.
Ground and first floor do not overlook residential properties	Complies. The proposed upper level of the development has been provided with screens to the southern and eastern windows to limit overlooking to adjoining and adjacent residential properties.
Maintain acoustic privacy through the use of acoustic fencing where vehicles movements adjoin property boundaries	Complies. An acoustic fence is proposed along the eastern boundary only as shown on the plans which is to be a 1.8m high fence with a surface density of at least 10kg/m <sup>2</sup> . This is shown on the plans as a result of the Noise Impact Assessment prepared by Muller Acoustic Consulting and purely assessed on the basis of the impacts of the noise generated by the proposed car park, and has therefore not included any noise impacts generated by the proposed hotel and motel accommodation.
Reduce visual bulk by locating buildings and structures away from residential boundaries, or where buildings are located along residential boundaries ensure sufficient landscaping is provided	Does not comply. The proposed building has been predominantly situated to the south of the land, extending to the south eastern corner. Both the eastern boundary and opposite the laneway, contains residential dwellings. Whilst acoustic fencing is proposed on the eastern boundary, no solid fencing treatment is depicted on the southern boundary. Further, landscaping is limited to low level shrubs which does not assist in reducing the visual bulk and wall massing's created by the proposed design of the development.
Development does not reduce sunlight available to north facing windows of living areas, private open space or clothes drying areas of adjoining properties to less than 3 hours between 9am and 3pm at winter solstice	Complies. Shadow diagrams provided demonstrate that all surrounding residential properties will continue to receive more than 3 hours of solar access between 9am and 3pm during the winter solstice.
<b>Utilities and Services</b>	
Building and structures located clear of infrastructure	Complies. No Council infrastructure will be impacted by the proposed building works.
Able to be serviced by water, sewer and waste disposal	Complies – services for water and sewer are readily available. Waste collection will however require a commercial waste agreement to be established.

DEVELOPMENT CONTROL REQUIREMENT	COMPLIES?
Trade waste application required?	Yes – a liquid trade waste arrangement will be required.
<b>Traffic and Access</b>	
All vehicles must be able to enter and exit the site in a forward direction	Complies. The proposal has demonstrated that all vehicles required to access the site can enter and exit in a forward direction.
All vehicle movement paths are sealed	Capable of compliance.
Driveways comply with Australian Standard AS2890.1 Parking Facilities	Capable of compliance.
All loading facilities located within the site	Capable of compliance.
All loading facilities designed to comply with Australian Standards	Capable of compliance.
Application addresses traffic flow and safety issues, e.g. pedestrian, car and truck movements	The traffic impact assessment provided with the application has demonstrated compliance is able to be achieved. This has been supported by the Development Engineering Department.
<b>Pedestrian Access</b>	
Maintain existing covered pedestrian access within town centres	Not applicable. Footpath within Horatio Street to be retained.
Convenient and safe access through parking areas	Compliance achieved within the car park area.
Convenient and safe disabled access through parking areas, focus on improving links with existing retail	Not Applicable. Links to retail sites not altered by the proposal.
<b>Parking</b>	
Discussed elsewhere in report	Addressed under Part 5.1 of the DCP assessment.
<b>Landscaping</b>	
Landscaped areas in car parks should be provided incorporating the use of canopy trees and buffer planting to residential boundaries	Does not comply. Tree planting is shown on the landscape plan to have no tree planting on the eastern boundary between with the carpark and residential boundary interface.
Landscaping to comprise low maintenance, drought and frost resistant species	Generally, complies.

#### Part 4.7 Tree Preservation Order

There are no trees to be removed that are listed under Part 4.7 of the DCP. The site is however located in the Mudgee Heritage Conservation Area and therefore tree removal in the conservation area requires the development consent of Council.

#### Part 5.1 Car Parking

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

DCP requirement	Proposed	Compliance
<p>Tourist and Visitor Accommodation:</p> <ul style="list-style-type: none"> <li>1 space per unit, plus</li> <li>2 spaces per 3 employees if restaurant included: <ul style="list-style-type: none"> <li>1 space per 7m<sup>2</sup> GFA or 1 space per 3 seats whichever is greater (restaurant).</li> <li>1 space per 4m<sup>2</sup> for licensed floor area including outdoor seating or dining.</li> </ul> </li> </ul>	<p>58 accommodation rooms:</p> <ul style="list-style-type: none"> <li>58 car parking spaces</li> </ul> <p>3 employees:</p> <ul style="list-style-type: none"> <li>2 car parking spaces</li> </ul> <p>Dining Area / Lounge bar area:</p> <ul style="list-style-type: none"> <li>49m<sup>2</sup> (7 spaces)</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>1 space per 3 seats whichever is the greater.</li> </ul> <p>Dining Area and number of seats:</p> <ul style="list-style-type: none"> <li>18 seats (6 spaces)</li> </ul> <p>Lounge / Bar Area and number of seats:</p> <ul style="list-style-type: none"> <li>5 seats (1.7 spaces)</li> </ul> <p><b>Total car parking required = 68 spaces (rounded up)</b></p>	<p>Plans show 58 x spaces on-site, plus 1 space for the Motel Manager = 59 onsite spaces.</p> <p>8 x on-street car parking spaces are also shown on the Lewis Street Frontage.</p> <p><b>A total of 67 car parking spaces are provided to support the proposal which is a variation of 1.4%.</b></p> <p><b>This minor variation is supported by Councils' Development Engineering Department as noted below.</b></p>

It is important to note that during a Pre-Lodgement Meeting held with Council on 16<sup>th</sup> March 2022, no objection was raised by the Engineering Department to the use of available on-street car parking at that time. As such, given that the proposed development requires 68 car parking spaces and 67 spaces are provided, it is considered that the 1 space shortfall may be supported from an engineering perspective.

### Part 5.3 Stormwater Management

Council's Development Engineer has provided comments concerning adequate disposal of stormwater and this may be a conditional matter.

### Part 5.4 Environmental Controls

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

### Part 6.4 Tourist and Visitor Accommodation

The proposal generally satisfies the tourist accommodation provisions of the DCP 2013 and all services are available to the site, subject to upgrades or extensions of these services.

## Section 7.11 Contributions

### Mid-Western Regional Contributions Plan 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing hotel or motel accommodation with an estimated value of \$7 Million. This requires payment of a contribution to Council in accordance with the Contributions Plan and Section 7.12 of the EP&A Act, calculated as follows:

Development Cost	\$7.12 Levy
\$ 7,000,000	\$ 70,000.00



## Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the proposed development will require the payment of DC headworks charges calculated by the Water and Sewerage Department, as per the 2023/2024 Fees and Charges as follows:

Water - \$9,713 ET/Unit (total of 11.49728 ETs)	\$111,673.08
Sewer - \$4,434 ET/Unit (total of 14.47728 ETs)	\$64,192.26
<b>Total Payable</b>	<b>\$175,865.34</b>

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

No Planning Agreements are applicable.

## Regulations – 4.15(1)(a)(iv)

### Environmental Planning and Assessment Regulation 2021

#### Section 61 – Additional matters that consent authority must consider

Section 61 requires Council to consider AS2601 when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 would be required to be conditioned in the event the application was recommended for approval.

## Likely impacts of the development – 4.15(1)(b)<sup>1</sup>

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

### (a) Context and Setting

As noted within this report, the proposal is not considered appropriate in its current form with regards to the surrounding context and setting with the site located in the Mudjee Heritage Conservation Area and significant concerns raised in terms of the overall design.

### (b) Access, Transport and Traffic

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

### (c) Public Domain

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

### (d) Utilities

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

### (e) Heritage

As discussed under clause 5.10 Heritage Conservation assessment of the LEP, the building is totally dominant and intrusive in the streetscape of the Mudjee Heritage Conservation Area. The massing, wall height, vast roof, and lack of articulation all contribute to this effect.

The applicant has previously been requested to explore retaining the principal parts of the contributory items (dwelling frontages and incorporate the infill development accordingly – noting this has been undertaken successfully on other sites within Mudjee). This would also require a different approach to design. Mudjee has a good number of attractive and welcoming two storey hotels which would not be out of scale in a more suburban setting, surrounded by residential



dwellings and this could be successfully achieved on the site and improve the overall outcomes of the development in this prominent location.

**(f) Other Land Resources**

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

**(g) Water**

No significant impact expected.

**(h) Soils**

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

**(i) Air and Microclimate**

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

**(j) Flora and Fauna**

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

**(k) Waste**

A commercial waste service will be required to support this development.

**(l) Energy**

Compliance with the BCA provisions required.

**(m) Noise and Vibration**

As noted within this report, an Acoustic Report has been provided albeit limited to the assessment of the car park area and impacts on the nearby dwelling.

The applicant states that Council had only requested an assessment of the car park area before lodgement of the application. Notwithstanding any prior preliminary communications before the formal submission of an application, a full acoustic impact assessment was requested by Councils Environmental Health Officer in order to fully assess the impacts of the development on all surrounding sensitive receivers.

The applicant has declined to provide the requested information to Council for assessment. As a result, it is considered there is insufficient information to undertake a proper assessment of the application in terms of noise and vibration generated by the proposal.

**(n) Natural Hazards**

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

**(o) Technological Hazards**

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

**(p) Safety, Security and Crime Prevention**

The proposed development will cause a general increase in natural surveillance in this location however, the development has not been designed with consideration of all crime prevention through environmental design principals. There are no significant access control devices employed over the site with a number of locations providing opportunity for concealment, particularly within the south eastern corner of the site. Further, no information is provided within the application

regarding installation of CCTV or security lighting however, this aspect may be a conditional matter.

**(q) Social Impact in the Locality**

The proposed land use for hotel or motel accommodation could be considered to have positive social impacts with the creation of additional employment opportunities and accommodation options for tourists and visitors to the Region.

Conversely, the loss of contributory items to the HCA, and the replacement with buildings totally dominant and intrusive in the streetscape of the Mudjee Heritage Conservation Area, will have negative social impacts. The town will lose the features that make it unique and a desirable place to live – in a very prominent part of town.

**(r) Economic Impact in the Locality**

The proposed development is considered to generate a generally positive economic impact, providing benefits for local contractors and businesses during construction and operations.

**(s) Site Design and Internal Design**

As discussed throughout this report, the complete removal of the two (2) Victorian era dwellings and design of the proposed building are the primary concerns with the application. The application fails to satisfactorily address the impacts of the development upon the character of the area, the streetscape and the HCA of Mudjee despite provided with multiple opportunities to improve the development outcomes for the site. The proposal is sited in a prominent location and the overall design along with the lack of landscaping to soften the development results in an intrusive building in an established suburban setting that is also located on the primary through-fare into Mudjee.

**(t) Construction**

All construction works must comply with the BCA and noise generating works guidelines. These are both considered to be conditional matters.

**(u) Cumulative Impacts**

There is significant concern with respect to the cumulative impacts the proposed removal of two (2) Victorian era dwellings located in the HCA of Mudjee will have on the established setting, character and heritage significance of the area.

The dwellings are sited as a continuation or 'row' of dwellings with frontage to Horatio Street which positively contributes to the character of the area. The gradual removal of all buildings in order to achieve zoning outcomes, that can otherwise be adapted into other forms of development whilst preserving elements of the original fabric within this location, is considered to be a significant cumulative risk on the overall HCA.

It is also to be made clear that clause 5.10 of the LEP is in place to protect and conserve not only heritage listed buildings or places, but also to conserve buildings and trees within the HCA. The proposed development has failed to achieve this requirement and the objectives of Clause 5.10 of the LEP and is therefore not supported in its current form.

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

**(a) Does the proposal fit in the locality?**

The proposed development is a two (2) storey motel with a significantly dominant and intrusive design in the streetscape of the Mudjee HCA that is surrounded by single storey residential homes and outbuildings. The massing, wall height, vast roof, and lack of articulation all contribute to this effect. As a result, the current design is not considered to satisfactory fit in the locality.

Furthermore, the applicant has failed to address Council's request for an acoustic impact assessment to consider not only the car park noise of the development, but the operational

elements of the proposal. An acoustic fence has only been proposed along the eastern boundary to mitigate noise from the car park on the immediately abutting residential dwelling. Consequently, there is insufficient information provided to adequately assess this potential impact on all surrounding sensitive receivers.

**(b) Are the Site Attributes conducive to Development?**

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

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

**(A) Public Submissions**

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 14 April 2023. During the notification period, two (2) submission/s were received. A summary of the issues raised and a copy of the submissions are provided in **Attachment 2**.

Issue raised	Comments:
Restricted access to existing property via Lyons Lane.	No alterations to Lyons Lane are proposed by the development.
Privacy overlooking rear yard.	The proposed two storey development includes external privacy screens within the upper storey windows on the plans submitted to restrict direct overlooking to residential homes.
Overshadowing of rear yard and light reflection at night.	The plans submitted demonstrate that there will be no overshadowing into adjoining private open space areas. No details have been provided within the application in relation to light reflection or security lighting to support the development however, it is considered this matter is conditional to ensure impacts do not occur.
Heritage report is inaccurate and states there is no heritage item on the site, nor in the immediate vicinity.	Report does not include specific consideration of the heritage impacts of the heritage listed item I72 located at 44 Horatio Street, directly opposite the development site. This issue has been considered in the context of the overall impacts of the design on the Mudjee HCA and removal of the 2 dwellings in the HCA.
59 Horatio Street should be retained housing and consider maintaining the façade of the building as it adds to the heritage feel of the street.	This issue has been considered in the context of the overall impacts of the proposed design on the Mudjee HCA and removal of the 2 dwellings in the HCA. It is agreed that the façade of the dwellings should be retained within the overall design of the development.
Aspects of the design are not sympathetic or fitting with the conservation area and potential change to the streetscape.	This issue has been considered in the context of the overall impacts of the proposed design on the Mudjee HCA and removal of the 2 dwellings in the HCA. It is agreed that the development is not sympathetic with the HCA and will have a significantly adverse impact on the streetscape.

The applicant lodged an amended plan to remove the driveway point directly onto Horatio Street and also included an additional internal floor plan to address the commercial kitchen detail however, no other design changes externally were made, despite staff recommendation. The

modifications were not considered significant with regards to implications on adjoining neighbours and re-notification of the proposal was not considered necessary.

**(b) Submissions from Public Authorities**

*Essential Energy makes the following comments as to potential safety risks arising from the proposed development:*

- 1. Prior to any demolition works commencing, any service line/s to the properties must be disconnected.*
- 2. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure, such as a pad mount substation. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email [contestableworks@essentialenergy.com.au](mailto:contestableworks@essentialenergy.com.au). If a substation is proposed within the development, minimum separation / clearances and segregation for fire risk from the substation to any building, fence, planting, retaining walls or other development must be maintained at all times. Refer to AS2067, Essential Energy's policy CEOM7098 Distribution Underground Design Construction Manual and the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure prior to any works being carried out in this location. Prior approval of the location of the proposed substation (and easement) will be required by Essential Energy.*
- 3. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to each unit in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.*

Transport for NSW makes the following comments (dated 9 August 2023) based on revised plans to remove the direct point of egress onto Horatio Street from the site (HW18):

- TfNSW has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network.*
- Appropriate traffic measures are to be in place during construction of the project to minimise impacts of construction vehicles on highway traffic efficiency and road safety.*
- Discharged stormwater from the development is not to exceed the capacity of the Horatio Street stormwater drainage system. Council must ensure drainage from the site is catered for appropriately and advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.*
- Council should ensure the applicant is aware of the potential for road traffic noise to impact development on the site, in particular, noise generated by traffic on Horatio Street. In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011. If the external noise criteria cannot feasibly or reasonably be met, TfNSW recommends Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.*
- Council should consider the relocation of the existing 'No Stopping' sign fronting the Horatio Street frontage. It is recommended that it be located further to the east to improve sight distances for vehicles exiting Lewis Street.*
- Council should ensure vehicles can concurrently manoeuvre through the northern driveway crossing and thus prevent potential queuing through the Horatio Street / Lewis Street intersection.*

The above matters are considered to be conditional in any notice of determination issued by Council.

#### The Public Interest – 4.15(1)(e)

##### **(a) Federal, State and Local Government interests and Community interests**

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

##### **Consultations**

###### *(a) Health and Building*

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

###### *(b) Technical Services*

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

###### *(c) Heritage Advisor*

As noted within this report, Council's Heritage Advisor has objected to the proposal and as outlined under the Clause 5.10 assessment of the LEP, does not support the design of the development in its current form. No conditions have therefore been recommended.

###### *(c) Environmental Health*

As noted within this report, Council's Environmental Health Officer requested a full Acoustic Impact Assessment to address all operational elements of the development and potential impacts to surrounding sensitive receivers (not solely noise from the car park area). The applicant declined to provide this information and therefore an objection to the development has been raised by Environmental Health as there is deemed to be inadequate information in order to properly assess the proposal. No conditions have therefore been recommended.

## Community Plan implications

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

## Strategic implications

##### **Council Strategies**

Not Applicable

##### **Council Policies**

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

##### **Legislation**

Environmental Planning & Assessment Act 1979  
Environmental Planning & Assessment Regulation 2021  
Mid-Western Regional Local Environmental Plan 2012

## Financial implications

As a result of the recommendation of refusal, there is a loss of developer contributions payable in accordance with the Mid-Western Regional Contributions Plan 2019 and Developer Servicing Plans 2008. There are also future financial implications in the event the decision of refusal is appealed.

## Associated Risks

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

KAYLA ROBSON  
PLANNING COORDINATOR

ALINA AZAR  
DIRECTOR DEVELOPMENT

27 October 2023

*Attachments:* 1. Attachment 1 - Development Plans and Supporting Application Information.  
(separately attached)  
2. Attachment 2 - Public Submissions. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.2 DA0333/2023 - Alterations to Existing Caravan Park - Mudgee Valley Tourist Park 8 Bell Street MUDGEE

REPORT BY THE TOWN PLANNER  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, DA0333/2023

### RECOMMENDATION

That Council:

- A. receive the report by the Town Planner on the DA0333/2023 - Alterations to Existing Caravan Park - Mudgee Valley Tourist Park 8 Bell Street, Mudgee; and
- B. approve DA0333/2023 - Alterations to Existing Caravan Park - Mudgee Valley Tourist Park 8 Bell Street, Mudgee subject to the following conditions and statement of reasons:

### CONDITIONS

#### APPROVED PLANS AND DOCUMENTS

1. The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the conditions listed herein and/or any plan notations. Any alterations to the approved development will require the lodgement of a Modification Application in accordance with the Environmental Planning and Assessment Act.

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date	Prepared by:
Site Layout Plan Set – Overall Site Plan, Site Layout A-O	Ref.0011_Mudgee, Pages 1 – 16	L	25/10/23	Pieman Design
Concept Stormwater Management Plan	TX17104.00, C4.00	B	19/09/23	Triaxial Consulting
Flood Impact Assessment Report	TX17104.00-01	Revision 1	19/09/23	Triaxial Consulting

2. For clarity, this development consent provides approval for alterations to the existing caravan park, only.

*Note – The development is to be completed as part of the long-term re-development of the site (which may be constructed in stages) and the long-term sites are progressively modified to short term sites in accordance with this consent.*

### GENERAL

3. The caravan park and camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Local Government (*Manufactured Homes Estates, Caravan Parks and Camping Grounds and Moveable Dwellings*) Regulation 2021.



4. An Approval to Operate the Caravan Park is to be obtained prior to the installation of any manufactured homes.
5. All manufactured homes proposed to be located within the caravan park must comply with the provisions of Division 4 of the *Local Government (Manufactured Homes Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

#### Community Map

6. A community map is to be prepared with the number, size and location of all sites (nominating long / short term sites) as well as nominated parking spaces. In order to ascertain that all existing and proposed buildings and cabins are located within the specified individual site boundaries, a scaled community map consistent with the layout approved under this consent is to be developed and submitted to Mid-Western Regional Council.

The community map is to accurately identify:

- Access roads;
  - Community amenities and buildings;
  - The number, size, location and dimensions of all dwelling and camping sites totalling 138 within the development. *Note – Minimum site areas are to comply the Local Government (Manufactured Homes Estates, Caravan Parks and Camping Grounds and Moveable Dwellings) Regulation 2021, 'the Regulation';*
  - Location of all off-street parking for visitors and each dwelling or camp site;
  - All sites will need to be identified by way of site numbers; and
  - All sites are to have boundaries clearly delineated by way of permanent markers.
7. Lighting is to be designed to not impact on adjoining development and to be in accordance with the Australian and New Zealand Lighting Standards, this includes Australian and New Zealand Lighting Standard 1158.1 – Pedestrian.

#### Limit on short term sites (3 month)

8. The caravan park or camping ground must be designed, constructed, maintained and operated in accordance with the relevant requirements of Subdivisions 1-8 of Division 3 of the Regulation. Specifically, A person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for:
  - (a) a total of more than 150 days in any 12-month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van,
  - (b) The owner of a holiday van that occupies a short-term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12-month period,
  - (c) A person must not be permitted to stay in a moveable dwelling in a primitive camping ground for a total of more than 50 days in any 12-month period,
  - (d) This clause does not apply to the operation of a caravan park or camping ground for a period of not more than 6 weeks if the caravan park or camping ground is being operated solely in connection with the use of the land for a sporting, recreational or cultural event.

- (e) Subclauses (b), (c) and (d) do not apply to a resident owner, manager, operator or caretaker of the caravan park or camping ground.

**Dwelling sites 68-79**

9. To ensure reasonable privacy, any new cabins installed on dwelling sites 68-79 shall have a minimum window sill height of 1.5m above the finished floor level on the southern elevation. Alternatively, the window(s) may be to a lower height with obscure glazing.

**Dwelling sites 1-7**

10. New cabins installed on dwelling sites 1-7 (excluding proposed accessible cabins) must be oriented toward Bell Street with the main entrance to each cabin fronting Bell Street. Dwelling designs for sites 1-7 are to be submitted to Council for endorsement prior to installation. It is recommended that each design include the following:
- Main entrance to front Bell Street.
  - Windows to front Bell Street.
  - Articulation in the form of decks, patios and awnings be included.
  - Additional landscaping to be provided for accessible cabins.

**Flooding**

11. Prior to the installation of a manufactured home or associated structure on flood liable land, approval of Council (via a section 68 Approval) will be required.
12. All finished floor levels of the site buildings are to be 500mm above the 1 in 100-year flood level.
13. The development is to comply with Part 5.2 of the DCP, specifically the requirements contained under Appendix A for Tourist Related Development which includes but not limited to:
- Floor levels are to be equal to or greater than the 100-year ARI plus freeboard.
  - All structures have flood compatible materials below the 100-year flood level.
  - Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to an including the 100-year flood level plus freeboard.
  - The impact of the development on flooding elsewhere to be considered.
  - Reliable access for pedestrians and vehicles is required during a 100-year flood.
  - Flood plan required where floor levels are below the design floor level.
  - Applicant to demonstrate that area is available to store goods above the 100-year flood level plus freeboard.
  - No external storage of materials below the design flood level which may cause pollution or be potentially hazardous during any flood.

### **Building materials for amenity building**

14. The amenities building may be constructed of Colourbond cladding. Details of the proposed design shall be submitted to Council for endorsement prior to construction.

### **Disabled bathroom**

15. Two (2) disabled unisex facilities are to be provided in accordance with the Regulation.

### **Trade Waste Agreement**

16. Prior to the commencement of works, a trade waste agreement shall be submitted and approved for the proposed development (car wash). Please contact Council's Water and Sewer Department for more information.

### **Detailed Landscape Plan**

17. Prior to the commencement of works, a detailed landscape plan is to be prepared and submitted to Council for approval. The plan is to demonstrate compliance with the following:
- (i) The landscape plan is to incorporate screen planting and fencing in the following locations:
    - Bell Street frontage.
    - Between the New Shop, Lot 8 and the rear boundary.
    - Between the New Shop and Lot 8.
    - Between the camp kitchen and Lot 38.
    - The new amenities building and Lot 28.
    - The new amenities building and adjoining lots 48 and 49.
    - Between the car wash, playground and adjoining dwelling sites.
  - (ii) The landscape plan is to include a plant schedule.
  - (iii) Landscaped areas are to incorporate stormwater management devices and Water Sensitive Urban Design principles.

### **Access – Temporary caravan spaces**

18. The vehicular entry and exits to the site are to have a minimum carriageway width of 7 metres. The two (2) caravan parking spaces nominated on the site plan are to be temporary for 'check in' and 'check out' purposes only.
19. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
20. 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.

21. Notwithstanding the approved plans all structures are to be located clear of any easements and/or 1.5 metres from any water and sewer mains in accordance with Council Policy.
- No works involving cut or fill is permitted within a registered easement or within 1.5m the water or sewer infrastructure.*
22. In accordance with Council's Development Control Plan, Council does not permit the following types of development over an existing sewer main or easement for sewer/stormwater drainage;
- Erection of permanent structures,
  - Cut or fill of land,
  - The planting of trees, or
  - Concrete structures
- Footing design must ensure that footing extended below the zone of influence to ensure that no load is placed on existing infrastructure.
23. 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.
24. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
25. 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.
26. All stormwater runoff from roof and developed surfaces is to be controlled and the methods of disposal of excess stormwater including overflow from tanks must also include adequate provision for the prevention of erosion and scouring with suitable energy dissipation structures.
27. This approval does not provide any indemnity to the owner or applicant under the *Disability Discrimination Act 1992* with respect to the provision of access and facilities for people with disabilities.
28. Where any essential services are installed in the building a copy of the final *Fire Safety Certificate* (together with a copy of the current fire safety schedule) is to be given to the Commissioner of Fire and Rescue NSW and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
29. Where required, all private sanitary drainage and water supply works which require Council's permit and private stormwater drainage works must be carried out in strict accordance with AS/NZS 3500, *Plumbing and Drainage Act 2002* and *Plumbing and Drainage Regulations* to the complete satisfaction of the Plumbing and Drainage Inspector.

30. The Applicant must ensure that the development does not cause any water pollution, as defined under *Section 120 of the Protection of the Environment Operations Act 1997*.
31. A minimum of seven (7) visitor car parking spaces, including (1) space per short term site is to be provided. Car Parking spaces within the site of the development must comply with *AS 2890.1: 2004 – Parking facilities – Part 1: Off-street car parking* and the following requirements:
- a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
  - b) Each disabled car parking space is to be in accordance with the provisions of *AS 2890.6: 2009 – Parking facilities – Part 6: Off-street parking for people with disabilities*;
  - c) All car parking spaces are to be line-marked and provided with an all-weather surface treatment and must be maintained in a satisfactory condition at all times; and
  - d) Off street parking is to be encouraged by the placement of prominent signs indicating the availability of parking.

#### **PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**

32. Prior to the issue of a Construction Certificate for any building works not covered by a Section 68 Activity Approval, the developer shall pay a Long Service Levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

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

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

#### **PRIOR TO COMMENCEMENT OF WORKS**

33. Building works are not to commence until such time as a Construction Certificate for all works not covered by a Section 68 Activity Approval has been obtained and the appointment of a Principal Certifier.
34. Prior to the commencement of works the development plans shall be modified as follows:
- a) The carwash is to be relocated to achieve a minimum 3m setback to the caravan parks rear boundary. It must further achieve a minimum 5m setback to adjacent dwelling sites.
  - b) The new amenities building is to achieve 5m separation to adjoining dwelling sites 48 and 49. This may require deletion or relocation of adjoining dwelling sites.
  - c) The playground adjoining Lot 40 is to achieve a 5m setback to adjoining dwelling sites. This may require the deletion of the playground.

Amended plans or documentation demonstrating compliance shall be provided to Council and the certifier for endorsement prior to the commencement of works.

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

**Detailed plans shall be provided for the following civil works:**

- a) 6m wide sealed access roads with concrete kerb and gutter / dish drains (except the northern camp site access road which is to be a permeable pavement).**
- b) Piped drainage, as required.**
- c) Grassed swales and level spreaders / sills at all outlets.**
- d) Car parking and manoeuvring areas (1 car parking space per site).**
- e) Servicing.**
- f) Earthworks as required.**

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

- a) Drainage design must be accompanied by fully detailed runoff calculations certified by a suitably qualified professional Engineer.**
- b) Drainage design must also incorporate suitable and appropriate water quality controls to prevent pollution or contamination of downstream environments.**
- c) Drainage design must ensure that no concentrated stormwater runoff is permitted to discharge over adjoining properties. Discharge of runoff onto adjoining properties and any works associated with the control of stormwater discharge over and adjoining property must not occur without the consent of the owner of any affected property.**
- d) All new northern camping sites are to be grassed only with no increase in hard stand area.**
- e) The new access road serving the northern campsites is to be constructed with a permeable surface treatment. The new road is to be constructed at the current natural surface level so as not to cause ponding or concentration of flows.**
- f) Any existing or proposed stormwater outlets on the northern portion of the site shall be reconstructed / constructed as level spreaders or sills to ensure any discharged stormwater is in the form of sheet flow and not concentrated to a single point. Level spreaders and sills must be constructed from long lasting materials such as concrete or rock. The use of earthen berms is not considered appropriate.**

- 37. Engineering design plans for any road works, including pavement and wearing surface investigation and design, are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier).**

- 38. Details of the access upgrade, internal driveway and car parking spaces are to be submitted to and approved by the Certifier (i.e. Council or a private Certifier), prior to the commencement of works. These details shall comply with the requirements of AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-street Car Parking and the relevant conditions of this development consent.**



39. Prior to commencement of works, an application under Section 68 of the Local Government Act for all plumbing, drainage and water supply works shall be submitted to and approved by Council.
40. Prior to the commencement of work, the operator of the caravan park is to submit a Plan of Management (PoM) which clearly details the operational aspects of the caravan park.
41. In accordance with the provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Contributions Plan 2019*, a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of local infrastructure, prior to the commencement of works.

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

*Note – based on the proposed cost of works being \$1,644,011.83, it is estimated the contribution amount will be \$16,440.12.*

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

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

42. Prior to the commencement of works, run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment onto surrounding land by:
- a) diverting uncontaminated run-off around cleared or disturbed areas, and
  - b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
  - c) preventing the tracking of sediment by vehicles onto road, and
  - d) stockpiling of top soil, excavated materials, construction and landscaping supplies and debris within the lot.
43. An Erosion and Sediment Control Plan is to be submitted to and approved by the Certifier (i.e. Council or a private Certifier) prior to the commencement of works. the Erosion and Sediment Control Plan for the development is to be prepared and implemented in accordance with the LANDCOM guidelines and requirements as outlined in the latest edition of "Soils and Construction – Managing Urban Stormwater". Points to be considered include, but are not limited to:
- a) Saving available topsoil for reuse in the revegetation phase of the development;
  - b) Using erosion control measures to prevent on-site damage;
  - c) Rehabilitating disturbed areas quickly; and
  - d) Maintenance of erosion and sediment control structures.

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

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

45. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out;
- a) stating that unauthorised entry to the work site is prohibited, and
  - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
  - c) the name, address and telephone number of the principal certifying authority for the work,
  - d) The sign shall be removed when the erection or demolition of the building has been completed.

#### **DURING WORKS**

46. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the requirements of the Plumbing & Drainage Act 2011 and the Plumbing Code of Australia.
47. 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.
48. While building work is being carried out in accordance with this consent and the relevant construction certificate, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed.
49. The list of fire safety measures contained in the fire safety schedule attached to the relevant development consent for a change of use, construction certificate or complying development certificate, are required to be installed in the building or on the land to ensure the safety of persons in the event of fire.
50. The strength of the concrete used for a reinforced concrete floor slab must be a minimum 25Mpa.
51. All building work is to comply with the requirements of the Access to Premises Standard.
52. All building work must be carried out in accordance with the Building Code of Australia.
53. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
54. The building is to be set out by a registered surveyor in the position approved by Council. A copy of the survey report indicating the position of the building as

approved, and wholly contained within the subject lot, is to be submitted to the Principal Certifier prior to pouring concrete for the footings or floor slab.

55. Dwelling sites are not to extend greater than 90m from the nearest hydrant.
56. A compliance plate is to be attached to each accessible part of the manufactured homes.
57. A notice of the completion of each manufactured home is to be provided to Council after the installation of each manufactured home.
58. All sullage points provided to short term/serviced sites are to comply with AS3500.2 section 3.17.2 'Connection Points for short term sites'. The works are to be carried out by a licensed plumber who is to submit appropriate paperwork to Council before and after completing the work.
59. All access roads must be adequately lit between sunset and sunrise.
60. No trees on public property (footpaths, roads, reserves etc.) shall be removed or damaged during works.
61. The removal of any asbestos material (less than 10m<sup>2</sup>) during the demolition phase of the development is to be in accordance with the requirements of the Workcover Authority and disposed of at an approved waste facility.
62. All demolition works are to be carried out in accordance with AS 2601-2001 "*Demolition of structures*", with all waste being removed from the site. Hazardous waste such as asbestos cement sheeting etc, shall be handled, conveyed and disposed of in accordance with guidelines and requirements from SafeWork NSW. Disposal of asbestos material at Council's Waste Depot requires prior arrangement for immediate landfilling.
63. Should any contaminated, scheduled, hazardous or asbestos material be discovered before or during construction works, the applicant and contractor shall ensure the appropriate regulatory authority (e.g. Heritage NSW, SafeWork NSW, Council, Fire and Rescue NSW etc.) is notified, and that such material is contained, encapsulated, sealed, handled or otherwise disposed of to the requirements of such Authority.  
*Note - such materials cannot be disposed of to landfill unless the facility is specifically licensed by the EPA to receive that type of waste.*
64. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of Heritage NSW.
65. Stormwater drainage is to comply with the *Mid-Western Regional Council Development Control Plan 2013* and the standards referenced in Appendix B & D.
66. The developer is to provide separate water and sewer reticulation services to each dwelling site within the caravan park.
67. The developer is to extend and meet the full cost of water reticulations to service the development plus the cost of connecting to existing services. All water supply work is required to be carried out in accordance with the requirements of

**Mid-Western Regional Council (as the *Water Supply Authority* under the *Local Government Act 1993*) and in accordance with the *National Specification – Water Supply Code of Australia*.**

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

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

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

- 69. The development site is to be managed for the entirety of work in the following manner:**
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;**
  - b) Appropriate dust control measures;**
  - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;**
  - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**

#### **PRIOR TO ISSUE OF CERTIFICATE/S OF COMPLETION OR OCCUPATION**

- 70. All moveable dwellings shall be installed in accordance with the approved structural engineer's specifications.**
- 71. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building covered under a Construction Certificate, an Occupation Certificate is to be obtained from the Principal Certifier appointed for the erection of the building.**
- 72. Prior to occupation or the issue of the Occupation Certificate for all buildings covered under a Construction Certificate, the owner of the building must cause the Principal Certifier to be given a fire safety certificate (or interim fire safety certificate in the case of a building or part of a building occupied before completion) in accordance with Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 for each measure listed in the schedule. The certificate must only be in the form specified by Section 86 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.**

73. The holder of an approval to operate a caravan park must give Council written notice of the installation of a moveable dwelling within 7 days after completion of the installation, where relevant. The notice must include:
- a) The site identifier of the site on which the structure has been installed;
  - b) The particulars contained in each compliance plate attached to the dwelling;
  - c) A copy of the engineer's certificate; and
  - d) A fully dimensioned diagram of the site on which the structure is installed, sufficient to indicate compliance with Part 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
74. A final inspection of all plumbing and drainage work is to be conducted by Council. A notice of Completion form is to be submitted to Council by a licensed plumber as well as a certificate of compliance for all plumbing and drainage works.

**PRIOR TO ISSUE OF AN A SECTION 68 APPROVAL TO OPERATE AS A CARAVAN PARK AND CAMPING GROUND**

75. Prior to release of the approval to Operate a Caravan Park or Camping Ground, approval pursuant to Section 68 of the Local Government Act, 1993 for Sanitary Plumbing and Drainage is to be obtained from Mid-Western Regional Council.
76. Prior to issue of an Approval to Operate, a final inspection of the new sites are to be conducted by Council. All site numbers, sizes and locations must be specified by reference to a community map that demonstrates compliance with Part 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

**PRIOR TO OPERATION OR USE OF THE CARAVAN PARK OR CAMPING GROUND**

77. A final inspection of all plumbing and drainage work is to be arranged and is to be conducted by Council prior to the Operation or Use of the Camping Ground. A notice of Completion form is to be submitted to Council by a licensed plumber.
78. Prior to the occupation of a moveable dwelling, a Certificate of Completion is to be obtained from Council for the installation of the moveable dwelling.
79. Approval to Operate a Caravan Park or Camping Ground pursuant to Part F, Section 68 of the Local Government Act 1993 is required prior to Operation or Use of the Caravan Park or Camping Ground.
- An application shall be lodged via the NSW Planning Portal and be supported by plans, specifications, details or the like demonstrating compliance with Division 3, Subdivisions 1 to 8, of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.
80. The following certificates of compliance are to be submitted prior to the Operation or Use of the Camping Ground;
- All plumbing and drainage works
  - Fire Hydrant System by an Accredited Practitioner (Fire Safety) pursuant to Section 127 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and Australian Standard AS2419.1-2005.

- Fire Hose Reels by an Accredited Practitioner (Fire Safety) pursuant to Section 128 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and Australian Standard AS2441-2005.

81. Prior to use of the development and/or issue of an Occupation Certificate, a satisfactory final inspection report from the Council must be received by the Certifier, verifying that all works have been completed in accordance with the relevant Section 68 (Local Government Act 1993) approval/s.
82. All landscape works are to be undertaken in accordance with the approved landscape plan and conditions of this development consent.
83. Prior to commencement of use / occupation, all approved car parking and associated driveway works are to be completed.
84. Prior to use of the development / occupation, the excavated and/or filled areas of the site are to be stabilised and drained, to prevent scouring onto adjacent private or public property. The finished ground around the perimeter of the building is to be graded to prevent ponding of water, and to ensure the free flow of water away from the building and adjoining properties.
85. Prior to use of the development / occupation, roof water from the building and any rainwater tank overflow shall be piped clear of the building, without creating any nuisance on the property or to adjoining properties.
86. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the use of the facility during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building(s) in a prominent location and kept up to date at all times.

The management plan shall be submitted to and approved by Mid-Western Regional Council prior to the use / occupation of the development.

#### ONGOING USE

87. All vehicles are required to enter and leave the site in a forward direction at all times. Signage to this effect is to be appropriately located within the site.
88. The loading and unloading of all vehicles and equipment must be done entirely within the property boundary.
89. For every 12-month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of Fire and Rescue NSW with a copy of an Annual Fire Safety Statement certifying that each specified fire safety measure is capable of performing to its specification.
90. A copy of the community map must be displayed in a prominent position in the caravan park or camping ground at all times.



91. All line-marking for the on-site car parking spaces and footpath areas are to be maintained in a visible condition, at all times.
92. All car parking spaces, loading and unloading areas, vehicle manoeuvring and driveway areas must not be used for the storage of any goods or materials and must be available for their intended use at all times.
93. Garbage areas are to be adequately screened from public view with an opaque fence and/or adequate landscaping. All waste must be secured in enclosed containers.
94. The use and activities within or associated with the operation of the community buildings and recreational facilities must not unreasonably interfere with the amenity of the neighbourhood by reason of emission of noise and shall not give rise to an 'offensive noise' as defined under the provisions of the *Protection of the Environmental Operations Act 1997*. Noisy activities audible at any adjacent residential premises must not occur between the hours 10.00pm to 7.00am.
95. There being no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
96. Any lighting used on the site in connection with the development is to comply with AS 4282 – Control of the obtrusive effects of Outdoor lighting. The applicant must minimise off-site lighting impacts arising from the development and any external lighting is installed as low intensity lighting except where required for safety or emergency purposes.
97. The development is to be maintained in a clean and tidy manner, at all times.
98. Waste service collection must be provided by a commercial waste service contractor.
99. All waste generated by the development is to be disposed of to a Council approved waste facility. All fees and charges for disposal are to be borne by the developer.
100. Landscaping shall be maintained in accordance with the approved landscape plan for the life of the development. If any of the vegetation comprising the approved landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation that died or was removed.
101. No waste water, chemicals or other substances harmful to the environment shall be permitted to discharge to the waterway that runs through the site, or to Council's stormwater system.

#### ESSENTIAL ENERGY ADVISORY NOTES

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;

- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*;
- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);
- It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

#### **COUNCIL ADVISORY NOTES**

1. In the event that there are non-compliances with the Regulations 2021 identified as part of the Section 68 Activity Approval Application, concurrence of the Department of Planning and Environment may be required in accordance with Section 82(3) of the Local Government Act 1993.
2. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
3. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
4. Division 8.2 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
5. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
6. To ascertain the extent to which the consent is liable to lapse, refer to *Section 4.53 of the EP&A Act*.

#### **STATEMENT OF REASONS**

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments, *Mid-Western Regional Development Control Plan 2013* and Council Policies.

2. **The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the *Environmental Planning & Assessment Act 1979*.**
3. **The matters raised within submissions have been addressed in the following manner:**
  - **The provision of a revised stormwater concept plan and recommended conditions of consent to manage stormwater impacts.**
  - **Conditions of consent have been imposed in relation to the management of any potential offensive noise and amenity impact.**
  - **The provision of fencing and the requirement for additional window treatment to cabins have been included as conditions of consent.**

---

## Executive summary

OWNER/S	Mid-Western Regional Council
APPLICANT:	Daniel Newman (Manager Major Projects – Mid Western Regional Council)
PROPERTY DESCRIPTION	8 Bell Street, Mudgee
PROPOSED DEVELOPMENT	Alterations to existing caravan park
ESTIMATED COST OF DEVELOPMENT:	\$1,644,011.83
REASON FOR REPORTING TO COUNCIL:	Determination of a development application where Council is the owner or manager of the land and the construction value exceeds \$150,000.
PUBLIC SUBMISSIONS:	Two (2) Submissions

Council is in receipt of a Development Application DA0333/2023 that seeks approval for alterations to an existing caravan park located at Mudgee Valley Tourist Park, 8 Bell Street, Mudgee, legally described as Lot 22 DP 585777.

The subject land is zoned SP3 Tourist and contains an existing caravan park. This caravan park was originally approved in 1976 and later underwent a major extension in 1981. The caravan park currently operates at a much lower capacity than its existing approval to operate. The purpose of this application is to upgrade the existing caravan park and its facilities, and to provide a long-term master plan which reflects the ultimate development outcome for the site.

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 8 May 2023. During the notification period, 2 submissions were received.

The submissions raised noise, privacy, stormwater and the adjoining watercourse as key areas of concern. These matters are discussed in detail in the body of the report.

In summary, the proposed development has been assessed against the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, *Mid-Western Regional Local Environmental Plan 2012*, *Councils Development Control Plan (DCP) 2013* and has considered all referral responses and community submissions. The proposed development is generally consistent with Council's planning controls.

The application has been referred to Council for consideration as it exceeds staff's *Delegation of Authority*, in that it is the determination of a development application where Council is the owner or manager of the land and the construction value exceeds \$150,000.

The application is recommended for approval subject to conditions.

## Disclosure of Interest

Nil

## Detailed report

Development Application DA0333/2023 that seeks approval for alterations and additions to an existing caravan park located at Mudgee Valley Tourist Park, 8 Bell Street, Mudgee, legally described as Lot 22 DP 585777.

The subject land is zoned SP3 Tourist and contains an existing caravan park. This caravan park was originally approved in 1976 and later underwent a major extension in 1981 for an additional 70 sites and amenities building. The most recently issued approval to operate acknowledges 80 long-term sites, 44 short-term sites and 40 camping sites (total 164 sites).

The caravan park currently operates at a much lower capacity than the approval to operate, with 57 long-term sites, 30 short-term sites and no camping sites currently on site. The existing caravan park contains a mix of caravan sites, short-term tourist sites, long-term sites and some sites that are privately leased for permanent accommodation. There is also two amenity buildings, a pool, a playground, a manager's residence and maintenance sheds.

### **Subject Site**

The subject site is a 4.04ha site located approximately 1.8km west of the Mudgee Town Centre. The site has a 164.81m frontage to Bell Street. A small portion of the north-eastern corner of the site also has frontage to the Castlereagh Highway. The site is located on the urban peripheral on the interface with rural zoned land. The area is characterised by existing and new low-density residential development which transitions into rural land.

Directly to the south is the newly constructed dwellings on Saleyards Lane, to the east is existing low-density residential development, and to the north and east is rural zoned land in private ownership. The land to the north-west of the site is impacted by flooding. This has been a key consideration for the development, and it has been discussed in detail as part of this assessment.

Figure 1 shows an aerial image of the subject site and its immediate surrounding area.





Figure 1: Current site location map

## Background History

### ***Existing Development and Background History***

The existing caravan park has approval under DA.0133/1976. The site later underwent a major extension under DA.104/12-80 for 70 new serviced sites and an additional amenities block. This is the last known major development consent for the site.

The approval to operate (ATO) issued on the 26<sup>th</sup> July 2019 acknowledges:

- 80 long term sites
- 44 short term sites
- 40 camp sites

The caravan park currently operates at a much lower capacity than the approval to operate.

Specifically, the subject site currently contains the following:

- 57 long-term sites
- 30 short term sites
- 9 caravan sites

- 2 amenities buildings
- A pool and a playground
- A manager's residence and
- Maintenance sheds

Figure 2 is an extract of the approved site layout under DA.104/12-80

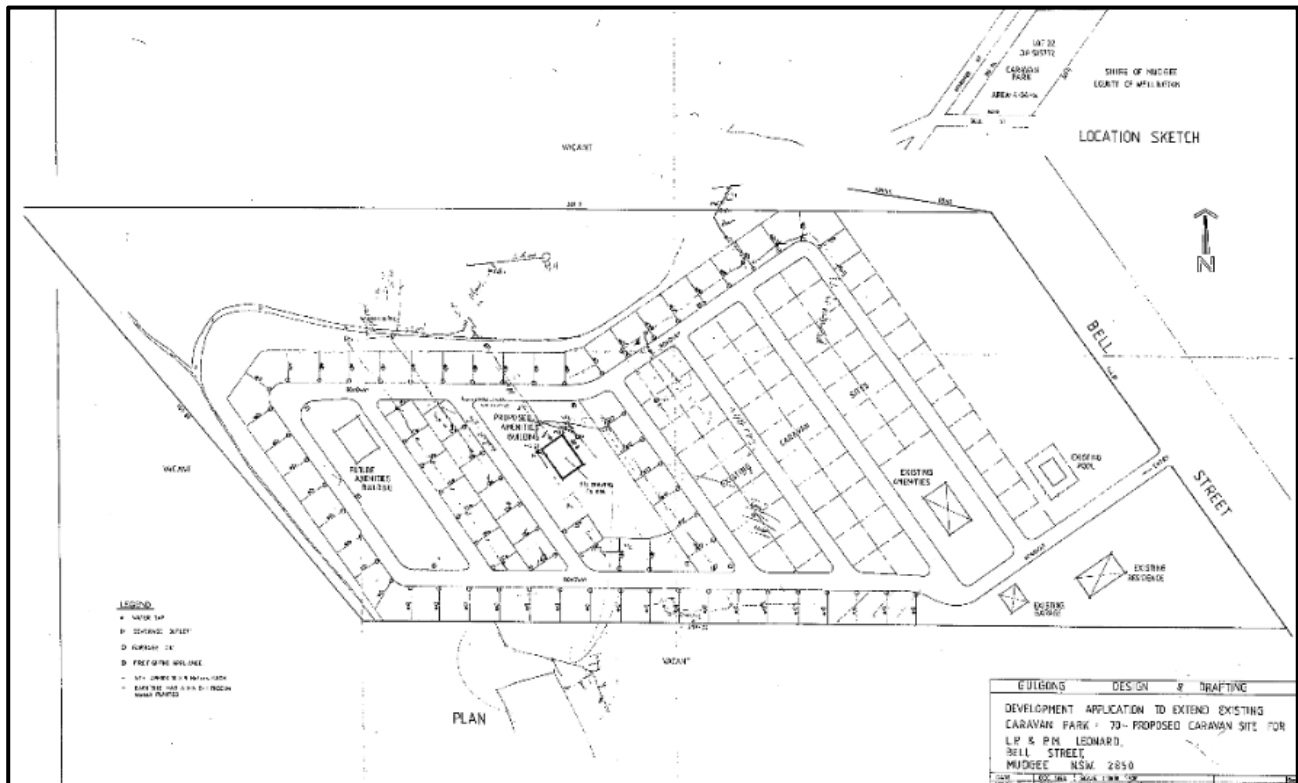


Figure 2: Approved site layout – DA.104/12-80

### ***Proposed Development***

The proposed development seeks to undertake progressive alterations and additions to upgrade the existing caravan park. Specifically, the proposed development consists of the following:

- 138 sites (progressively altering existing long-term sites to short term sites) consisting of:
  - 9 caravan sites
  - 103 dwelling sites
  - 26 camp sites
- Rectification of existing anomalies in the approved road and lot layout.
- Demolition of existing relocatable homes (over time) where there are anomalies with the proposed lot layout and construction of new relocatable homes in compliance with current standards.
- The construction of new internal roads providing access to new cabin sites and the proposed camping area.
- Demolition of an existing dwelling adjoining the site office, identification of a location for a new shop and provision of 7 new visitor parking spaces.
- The provision of new cabin and camping sites.
- The demolition of an existing amenities block (to be realigned and reconstructed).
- The relocation of an existing playground.
- Upgrading of infrastructure, including water, sewer, power, stormwater and fire services.



- The provision of a new car wash facility.

The existing caravan park contains a mix of caravan sites, short-term sites, long-term sites and some sites that are privately leased for permanent accommodation. The intention is to transition the site toward short term sites and to upgrade the park to be compliant with the required current standards. In this regard, approval sought is for the ultimate development outcome (in terms of layout and sites).

The applicant has advised that they intend to make the transition over a period of time and that upgrading of the caravan park may potentially take up to 30 years to complete. Figure 3 provides an extract of the site layout.

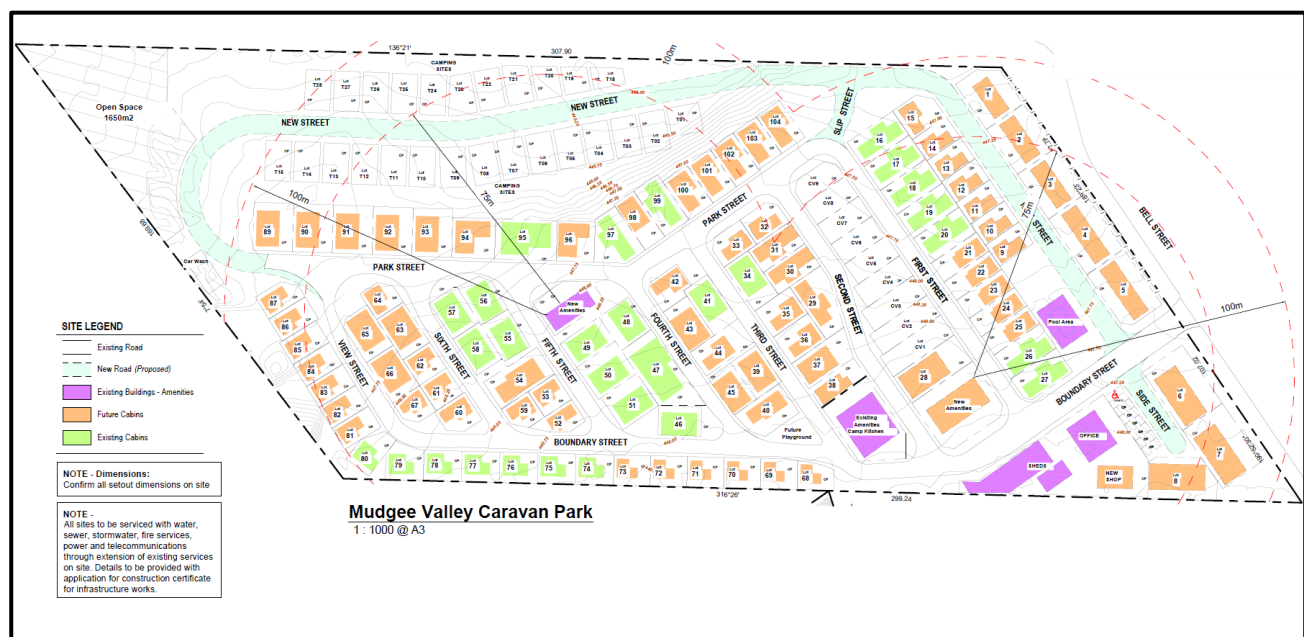


Figure 3: Proposed Site Plan

## LEGISLATIVE REQUIREMENTS

### Environmental Planning and Assessment Act 1979

#### Designated Development

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

#### Integrated Development

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

It is acknowledged that the north-western portion of the site contains a watercourse. This watercourse runs parallel to the western boundary and carries catchment flows from the upper south Mudgee catchment. The proposed development seeks to undertake works in proximity to this watercourse. Ordinarily any development within 40m of a watercourse would be considered "nominated integrated development" requiring concurrence and a Controlled Activity Approval (CAA) from the Natural Resources Access Regulator (NRAR). However, in this instance, Clause 41 of the *Water Management Regulation 2018*, provides an exemption to public authorities from the need to obtain a CAA.

## ASSESSMENT

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

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

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

#### STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

The proposed development will not require the removal of vegetation. Therefore, no further consideration of the SEPP is considered necessary.

#### STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal does not involve development that requires the issue of BASIX certificate for the building. Therefore, no further consideration of this SEPP is considered necessary.

#### STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

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

#### STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

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

#### STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

The proposed development involves a 'Caravan Park' and therefore Part 9 of SEPP Housing applies.

A caravan park is defined under the SEPP as:

*caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.*

### **131 Development consent required for caravan parks**

Pursuant to Clause 131 of the SEPP:

(1) *Development for the purposes of a caravan park may be carried out only with the development consent of the Council.*

**Comment:** Complies. The existing caravan park has obtained development consent. Consent is sought for alterations and additions to the existing caravan park and for a campground. The number of sites is generally consistent with the previously issued approval to operate.

(2) *Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—*

- a) *the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the*
- b) *the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.*

**Comment:** The site currently has 57 long term sites and 39 short term sites. The development is to be completed as part of the long-term re-development of the site to reduce long term sites and transition the site toward short term sites. The total number of sites will be on the future community map.

- (3) *A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.*

**Comment:** A condition of consent will be imposed in relation to the type and maximum number of sites approved. It is noted that the applicant is transitioning toward short term sites only and does not intend to have any long-term sites.

- (4) *The holder of an approval under Part 1 of Chapter 7 of the [Local Government Act 1993](#) to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land—*
- a) for a continuous period of more than 3 months, except as provided by paragraph (b), or*
  - b) for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19(6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, if such a use of that site was not lawful under the [Environmental Planning and Assessment Act 1979](#) when this Part commenced.*

**Comment:** The applicant is not seeking approval for any long-term accommodation sites. Existing long terms sites approved under the previous consent and ATO will be progressively altered to short terms sites. A condition of consent is recommended to ensure compliance with the maximum time period prescribed for short term accommodation.

(4A) *Except as provided by subsection (4), nothing in this Part or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.*

**Comment:** Noted.

- (5) *This section does not apply to any land that is authorised to be used for the purposes of a manufactured home estate by a development consent granted pursuant to Chapter 3, Part 8 or dedicated or reserved under the [National Parks and Wildlife Act 1974](#).*

**Comment:** Not Applicable.

### 133 Matters to be considered by Councils

*A Council may grant a development consent required by this Part only after it has considered the following—*

- a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*

- d) *whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- e) *any relevant guidelines issued by the Director, and*
- f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

**Comment:** The subject land is an existing approved caravan park (and is zoned appropriately for this use) that contain a mix of short-term tourist sites and long-term sites for permanent residents. It is the intention to phase out the long-term sites to support tourist and visitor needs. The proposed alterations and additions seeks to incorporate additional community facilities and to upgrade the existing infrastructure to meet the needs of existing and future occupants. The current Local Government Regulations are addressed in this report.

#### STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Pursuant to section 4.6(2) of the Policy, no preliminary contamination report is required. The site currently operates as a caravan park A site inspection and a search of Council's records did not reveal any potentially historic contaminating activities upon the site, with the current use being for residential accommodation. The change of use relates to a commercial purpose and therefore it is not considered that any further assessment in accordance with the contaminated land planning guidelines is necessary.

#### STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

##### Essential Energy

Pursuant to Section 2.48, a referral was sent to Essential Energy as Councils mapping identified Essential Energy infrastructure in close proximity to the development site. Essential Energy responded stating that strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development. They did provide the following general comments which have been included as an advisory notation on the consent.

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

##### Transport for NSW

The application has been considered pursuant to Section 2.119 of the SEPP (Transport and Infrastructure as a very small portion of the development site has frontage to a classified road

network known as the Castlereagh Highway/Market Street. It is noted that no direct vehicular access exists or is proposed to a classified road.

The following has been considered:

1. *The objectives of this section are—*
  - a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
  - b) *to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
2. *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
  - a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
    - i. *the design of the vehicular access to the land, or*
    - ii. *the emission of smoke or dust from the development, or*
    - iii. *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Given the intended use, scale and location of the proposed development, Council is satisfied that the development will not have an adverse impact upon or compromise the function of the classified road (Castlereagh Highway/Market Street). The proposed works are for alterations and additions to an existing caravan park. The proposed development is not likely to adversely affect the operation of the classified road as there is no change to the existing site access (Bell Street) and the total number of sites proposed is consistent with the previously approved caravan park. In this regard, the proposal is not expected to generate an increased impact on the safety, efficiency or the ongoing operation of the Castlereagh Highway.

The proposed development does involve the provision of new short-term dwelling and camping sites in closer proximity to the Castlereagh Highway. It is however considered that short-term sites are less sensitive to traffic noise or vehicle emissions than long-term sites. Also, given the speed limit on the Castlereagh Highway in the vicinity of the site is 50km/h, it is considered that the proposal is acceptable in relation to noise impacts. Landscaping along the Bell Street frontage of the site and along the north-eastern boundary of the site from Bell Street to the proposed new road will be undertaken to assist in ameliorating any noise impacts.

An assessment of traffic impacts was undertaken Councils Engineer. No objections were raised and a traffic impact assessment was not considered necessary on the basis that the total number of sites was not increasing. In addition, a conservative calculation was undertaken for peak traffic flows at 100% occupancy for extended periods as well as an assessment of the existing road standard and intersection treatment in light of the trip generation and site numbers proposed. Based on this assessment no traffic related objection has been raised by Councils Development Engineering Department.



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

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

---

### **Clause 1.2 Aims of Plan**

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

---

### **Clause 1.4 Definitions**

The proposal is defined in accordance with the MWRLEP 2012 as alterations to an existing caravan park defined as:

***caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.*

---

### **Clause 2.2 Zoning of Land to Which Plan Applies**

The land is zoned SP3 Tourist and is therefore subject to the Plan.

---

### **Clause 2.3 Zone objectives and Land Use table**

The land is zoned SP3 Tourist pursuant to MWRLEP 2012. The proposal, being a 'caravan park' is permissible with consent in the zone and complies with the relevant objective of the SP3 Zone which is to:

- *provide for a variety of tourist-oriented development and related uses.*

The proposal seeks to provide a variety of accommodation options for the Region which is generally consistent with the SP3 zone objective.

---

### **Clause 2.7 Demolition requires development consent**

In satisfaction of this clause, the development application seeks approval for the demolition of existing relocatable homes, demolition of an existing dwelling, and amenities block. Conditions are recommended to address this.

---

### **Clause 4.3 Height of buildings**

The subject site is not mapped for a maximum height limit however, land to the north and south are mapped with a maximum height limit of 8.5m.

---

### **Clause 5.10 Heritage Conservation**

The development site is not identified as containing a heritage item, nor is it located within the Mudgee Heritage Conservation Area. Accordingly, no further heritage consideration is considered necessary.

---

### **Clause 5.21 Flood planning**

Council's mapping system indicates the site is affected by the 1% AEP flood event and PMF event. The Mudgee Flood Risk Precinct mapping shows the site is impacted by Low, Medium and High-risk flooding under the Mudgee Flood Risk Precinct Study. See excerpts from Council's Mapping below. Accordingly, the development is required to satisfy the provisions of clause 5.21(2) and (3) of the LEP 2012.

Flood levels vary across the site from RL 446m AHD to RL 450m AHD during the 1% AEP flood and up to RL 450m AHD during the PMF.



Given the current approval predates both Council's current adopted flood studies and The NSW Floodplain Development Manual, and the requirements of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, a flood impact assessment was requested to be provided.

The applicant has provided a Flood Impact Assessment inclusive of a Flood Evacuation Plan prepared by Triaxial in support of the proposal. The report indicates that the majority of the building sites will be affected by minor overland flows during the 1% AEP event that are less than 100mm in depth. There are two areas of the site that the flow depths exceed this value.

- Northern Camping Area.
- Western Cabins.

As the cabins are installed on piers, they are capable of achieving the relevant flood level heights. Additionally, a flood evacuation plan has been undertaken which details warning times, and notification, assembly points and evacuation routes. The Flood Impact Assessment has been reviewed by Council's Development Engineers who have raised no objections, subject to conditions of consent. In this regard, Clause 5.21 (2) and (3) is considered to be satisfied.

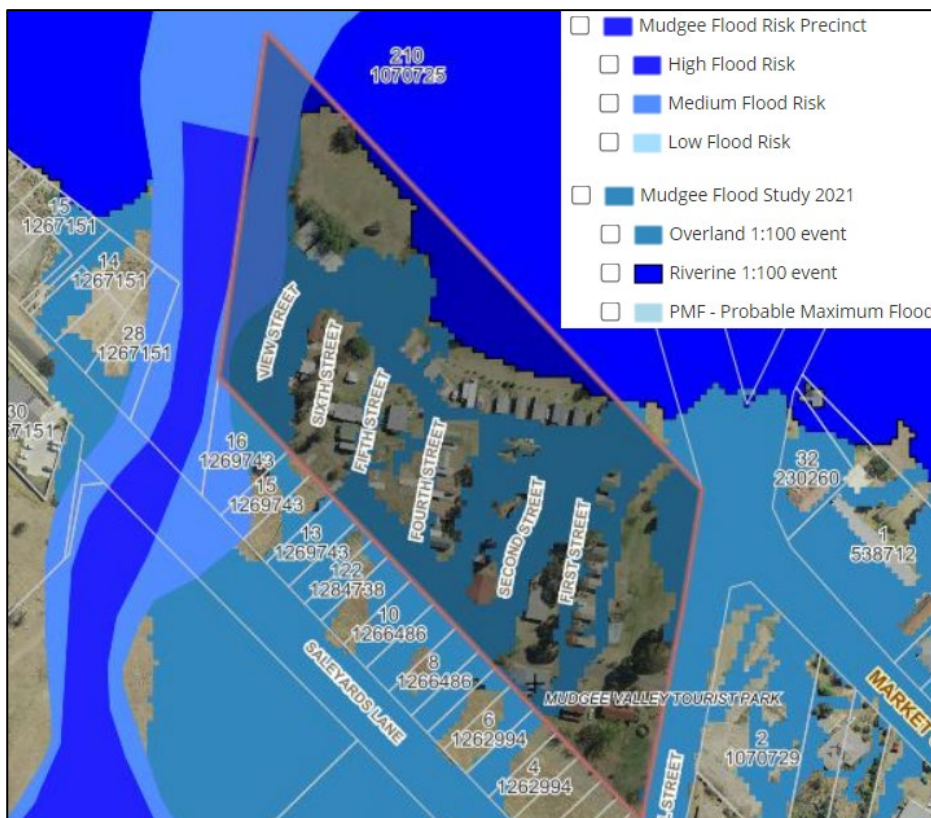


Figure 4: Flood Map – Mudgee Flood Study 2021

### Clause 6.1 Salinity

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

### Clause 6.3 Earthworks

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

---

#### **Clause 6.4 Groundwater vulnerability**

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

---

#### **Clause 6.5 Terrestrial biodiversity**

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

---

#### **Clause 6.7 Active street frontages**

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

---

#### **Clause 6.8 Airspace operations – Mudgee Airport**

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

---

#### **Clause 6.9 Essential Services**

In accordance with clause 6.9 the following essential services that are relevant to the proposal have been considered. The site is connected to reticulated water, sewer, power and telecommunications services. All new cabins will be appropriately connected.

##### Water, Sewer, and Electricity

As required by Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*, all existing services will be required to be extended to all sites. A condition of consent will be included to ensure compliance with the standards specified.

##### Access:

Access to the site will remain unchanged apart from the construction of 2 new internal access roads. Given the current standard of the access onto Bell Street and the overall number of sites, no upgrading of the existing access off Bell Street is required.

All new internal roads shall be constructed to a minimum width of 6 meters (excluding the existing entry/exit which is required to be 7m) and shall include kerb and gutter / dish drains to collect runoff. Piped stormwater drainage shall also be provided where required. These matters will be addressed via conditions of consent.

##### Stormwater:

The applicant has provided conceptual stormwater plans showing a proposed drainage network and overland flow locations. Given the site's location in the lower reaches of the catchment and its flood affectation, it is considered that the provision of on-site detention should not be required on this site.

In order not to increase or concentrate any runoff onto the adjoining property to the north, the applicant is proposing the following:

- All new camping sites are to be grassed only with no increase in hard stand area.
- The new road is to be constructed with a permeable surface treatment.
- The new road is to be constructed at the current natural surface level so as not to cause ponding or concentration.

The above points/recommended controls will be included as conditions of consent. The following additional controls will also be included as conditions of consent below:

- Any existing or proposed stormwater outlets on the northern portion of the site shall be constructed as level spreaders or sills to ensure any discharged stormwater is in the form of sheet flow and not concentrated to a single point.
- Level spreaders and sills must be constructed from long lasting materials such as concrete or rock. The use of earthen berms is not considered appropriate.

#### **Clause 6.10 Visually sensitive land near Mudgee**

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

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

#### **LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021**

This Regulation provides requirements for the development of Caravan Parks and Manufactured Home Estates in NSW. Part 3 of the Regulation deals with Caravan Parks, Camping Grounds and Moveable Dwellings. Division 3 of Part 3 is the most relevant consideration for this proposal as it provides the design and facility requirements for caravan parks with an assessment provided below:

#### **PART 3 CARAVAN PARKS AND CAMPING GROUNDS**

<b>Assessment Criteria</b>	<b>COMMENT / COMPLIES</b>
<b>Part 3 – Caravan parks, camping grounds and moveable dwellings</b>	
<b>Division 1 Application of Part</b>	
<b>CI 70 Application of Part</b>	
<p>This Part applies to—</p> <p>(a) the operation of caravan parks and camping grounds, and</p> <p>(b) the installation of moveable dwellings, including manufactured homes, in caravan parks, camping grounds and a place other than a manufactured home estate.</p>	<p>The proposal relates to the upgrade of an existing caravan park. This Part therefore applies.</p>
<b>Division 2 – Approvals and Exemptions</b>	
<b>Subdivision 1 Operation of Caravan Parks and Camping Grounds</b>	
<b>71 Factors for consideration before approval is granted</b>	
<p>(1) The Council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated—</p> <p>in accordance with Division 3, Subdivisions 1– 8, or</p> <p>for a primitive camping ground—in accordance with Division 3, Subdivision 9.</p> <p>(2) In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the Floodplain Development Manual.</p>	<p>Division 3, Subdivisions 1 to 8 apply and are addressed below.</p> <p>It is noted that the development is not for a primitive campground.</p> <p>Parts of the caravan park are located on flood liable land as parts are identified as being affected by the 1% AEP event.</p> <p>Noting that the subject site is identified as 'flood liable land' which is defined as: land that is susceptible to flooding by the probable maximum flood event,</p>

	<p>identified in accordance with the principles set out in the manual entitled Floodplain Development Manual: the management of flood liable land published by the New South Wales Government and as in force from time to time and the exemption under section 9(3) does not apply and therefore the prior approval of Council (via a section 68 Approval for those relevant sections to be constructed offsite) will be required prior to installation.</p> <p>A condition of consent is recommended detailing this requirement.</p>
<b>CI 72 Matters to be specified in approval</b>	
<p>An approval must specify the following—</p> <ul style="list-style-type: none"> <li>whether the approval allows— <ul style="list-style-type: none"> <li>the operation of a caravan park only, or</li> <li>the operation of a camping ground only, or</li> <li>the operation of both a caravan park and a camping ground,</li> </ul> </li> <li>(b) for an approval allowing the operation of a caravan park— <ul style="list-style-type: none"> <li>(i) the number, size and location of long-term sites allowed by the approval, and</li> <li>(ii) the number, size and location of short-term sites allowed by the approval, and</li> <li>(iii) the number, size and location of dwelling sites, whether long-term or short-term, to be reserved for self-contained moveable dwellings, and the location of off-site parking spaces, if any, for dwelling sites,</li> </ul> </li> <li>(c) for an approval allowing the operation of a camping ground— <ul style="list-style-type: none"> <li>whether the camping ground is a primitive camping ground, and</li> <li>(ii) for an approval for the operation of a primitive camping ground that designates camp sites—the number, size and location of the camp sites allowed by the approval, and</li> <li>(iii) for an approval for the operation of a primitive camping ground that does not designate camp sites—the maximum number of caravans, campervans and tents permitted to use the camping ground at the same time, and</li> <li>(iv) the location of off-site parking spaces, if any, for camp sites,</li> <li>(d) the location of flood liable land, if any, in the caravan park or camping ground.</li> </ul> </li> </ul> <p>The numbers, sizes and locations must be specified by reference to a community map.</p>	<p>Clause 72 requires that certain matters be explicitly referenced in the approval. A condition of consent will specify that the approval allows both a caravan park and camping ground with the following number of sites:</p> <ul style="list-style-type: none"> <li>138 short term sites consisting of: <ul style="list-style-type: none"> <li>9 caravan sites</li> <li>103 dwelling sites</li> <li>26 camp sites</li> </ul> </li> </ul> <p>The condition will specify that the applicant is to prepare a community map which includes the number, size and location of all sites as well as nominated parking spaces.</p> <p>The camping ground is not proposed to be a primitive camping ground.</p>

<p>In calculating the number of tents permitted to use a camping ground, 2 or more tents occupied by a group of no more than 12 persons camping together must be counted as 1 tent.</p>	
<p><b>CI 73 Conditions of approval to operate caravan park or camping ground</b></p>	
<p>An approval is subject to the following conditions—</p> <p>(a) the caravan park or camping ground must be designed, constructed, maintained and operated—</p> <p>(i) in accordance with Division 3, Subdivisions 1–8, or</p> <p>(ii) for a primitive camping ground—in accordance with Division 3, Subdivision 9,</p> <p>(b) a visitor must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12-month period, unless—</p> <p>(i) the moveable dwelling is a holiday van, and</p> <p>(ii) the visitor is the owner of the holiday van,</p> <p>(c) a visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12-month period,</p> <p>(d) a visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12-month period.</p> <p>In calculating the number of days, a visitor stays in a moveable dwelling, only overnight stays must be counted.</p> <p>This section does not apply to the operation of a caravan park or camping ground if the caravan park or camping ground is being operated—</p> <p>(a) solely in connection with the use of the land for a sporting, recreational or cultural event, and</p> <p>(b) for a period of no more than 6 weeks.</p> <p>(4) The manager of a caravan park or camping ground may authorise a person to stay in the caravan park or camping ground for a period not exceeding 2 years if the manager is reasonably satisfied that the person has been displaced as a result of—</p> <p>(a) a natural disaster, or</p> <p>(b) a pandemic.</p>	<p>Noted.</p> <p>A condition of consent will require the development to be in accordance with Subdivision 1-8 of the Regulation.</p> <p>Limits on length of stay for short-term sites are to be conditioned.</p>
<p><b>73A Operation of caravan parks or camping grounds for which approval not required</b></p>	
<p>For the Act, section 68, the approval of the council is not required—</p> <p>(a) to install a moveable dwelling or associated structure on land used for the purposes of a caravan park or camping ground that is permitted without development consent under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 10, or</p> <p>(b) to operate the caravan park or camping ground.</p>	<p>Not Applicable.</p>



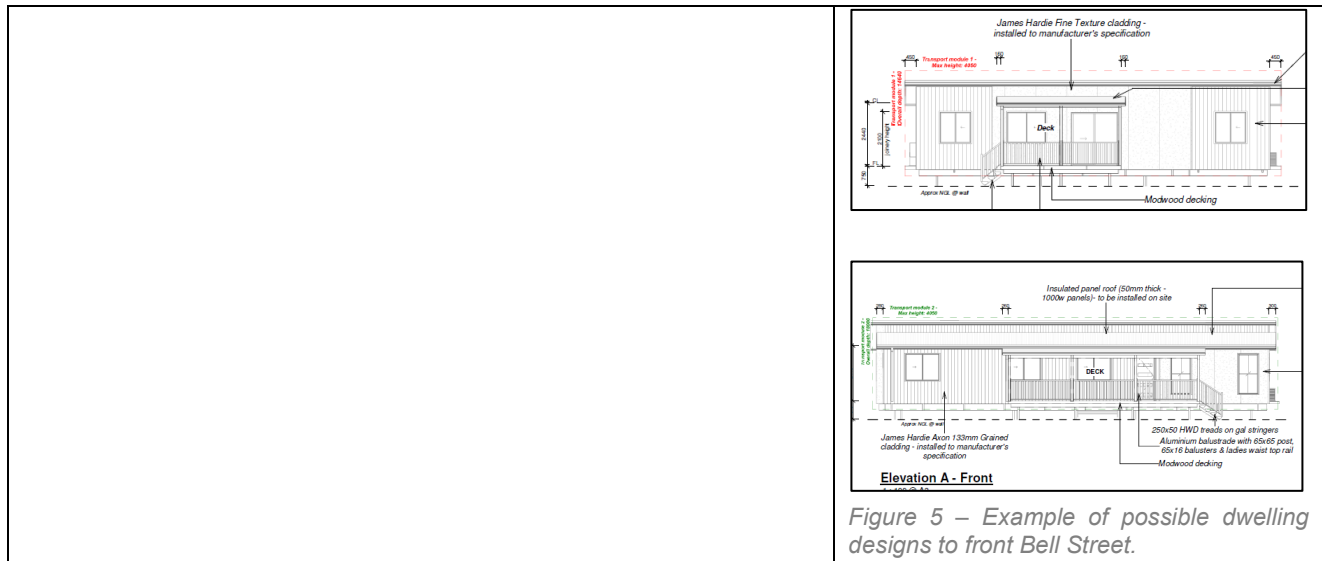
To avoid doubt, Division 3 does not apply to development that is permitted without development consent under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 10.	
<b>Division 3 Caravan parks and camping grounds</b> <b>Subdivision 1 Land and Site Requirements</b>	
<b>cl.83 Minimum size of caravan park or camping ground</b>	
<p>A caravan park must not have an area of less than—</p> <p>(a) 1 hectare, or</p> <p>(b) if a lesser area is permitted on the land by an environmental planning instrument—the lesser area.</p>	<p>The existing caravan park dates back to 1980. At the time of approval, a minimum site area was not a legislative requirement. Notwithstanding, the site has an area of 4.04ha which complies with the current requirement.</p>
No minimum area for camping grounds	Complies.
<b>cl.84 Community amenities</b>	
<p>Minimum 10% of are reserved for recreation or other communal activities</p>	<p>Complies.</p> <p>The total site area is 40400m<sup>2</sup>.</p> <p>The following communal spaces are provided at the caravan park:</p> <p>Shop, Offices and Sheds – 1030m<sup>2</sup></p> <p>Camp kitchen – 413m<sup>2</sup></p> <p>Amenities sites (x2) – 650m<sup>2</sup></p> <p>Pool area – 135m<sup>2</sup></p> <p>Car Washing Area – 72m<sup>2</sup></p> <p>Open Space area – 2000m<sup>2</sup>.</p> <p>Total – 3950<sup>2</sup></p> <p>= 10.6%</p>
<b>cl.85 Size of dwelling sites and camp sites</b>	
Minimum 80m <sup>2</sup> for long-term sites	<p>No new long-term sites are proposed.</p> <p>It is noted that there are existing long-term sites which were approved under a previous approval. These sites are to be phased out as part of the future master plan.</p>
Minimum 65m <sup>2</sup> for short-term sites	Complies – Proposed sites achieve or exceed the minimum requirement.
Minimum 40m <sup>2</sup> for a campsite where separate parking is provided within 30m	Complies – all camp sites exceed 40m <sup>2</sup> . Each camp site has a car parking space available.
<b>cl.86 Site identification</b>	
Dwelling sites must be clearly identified with a number and	Complies.



site boundaries marked	
<b>Subdivision 2 – Setbacks</b>	
<b>cl.87 Dwelling sites to have road frontage</b>	
A dwelling site must have vehicular access to an access road	Complies. The site is accessible via Bell Street. An internal access road is proposed to provide access to the camp sites and new dwelling sites. Council engineer has recommended conditions that the road is to be constructed in accordance with Council standards.
<b>cl.88 Setbacks of community buildings</b>	
A community building must not be located within 10 metres of the boundary of a caravan park, camping ground, dwelling site or camp site.	New community buildings are located less than 10m. A merits-based assessment has been undertaken – refer to the below.
<p>The Council may allow the following distances if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated—</p> <ul style="list-style-type: none"> <li>a) 3 metres or more from the boundary of a caravan park or camping ground, and</li> <li>b) 5 metres or more from the boundary of a dwelling site or camp site.</li> </ul>	<p>The assessment identified that a number of proposed community buildings are less than 10m to the site boundaries and dwelling sites. Specifically, this included the amenities buildings, carwash, new shop, and playground.</p> <p>As per the regulation, Council may allow a reduction in this setback if the community building is properly screened, fenced or otherwise treated.</p> <p>The applicant has proposed the majority of the community buildings at the minimum requirement of either 3m or 5m. The applicant was required to address this as part of the assessment. In response, landscaping and fencing is proposed.</p> <p>A condition of consent is imposed which will require the applicant to submit a detailed landscape to Council prior to the commencement of works. This landscape plan will require landscape screening and fencing to be provided between community buildings and site boundaries and dwelling sites.</p> <p>An additional condition of consent</p>

	is recommended ensuring the landscaping is installed prior to operation and that an ongoing use condition be included ensuring it be maintained for the life of the development.
<b>cl. 89 Setbacks of dwelling sites from road frontages</b>	
<p>1. A dwelling site or camp site must not be located closer than—</p> <ul style="list-style-type: none"> <li>(a) 10 metres to a public road, or</li> <li>(b) 3 metres to another boundary of the caravan park or camping ground.</li> </ul> <p>2. The council may allow a lesser distance if satisfied the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	<p>Clause 89 relates to the setbacks of dwelling sites. It is important to note however, that the setbacks of the nominated sites do not relate to 'building setbacks' and they are only a nomination of the caravan park site areas. In this instance, the applicant has also provided building envelope plans with a location for each cabin. In assessing the dwelling site setbacks, a merits-based assessment has been undertaken having regard to the proposed building locations, not just the location of each dwelling site.</p> <p><u>Setback to caravan park boundary</u></p> <p>Dwelling Sites 68-79 and Site 8 = 0m. Dwelling Site 80 = 1m</p> <p>Dwelling sites 68-79, 80 and 8 adjoins residences on Saleyards Lane. It is noted that this layout is generally consistent with the last known approval relating to the subject site. It is also noted that dwellings on Lot 68-80 currently exist.</p> <p>The proposed building envelopes propose a setback span between 2-3m with most proposed around 2.5m.</p> <p>This is considered acceptable given the following: The site layout is consistent with the original approval. Dwellings on sites 68-73 are proposed to be relocated to achieve a greater setback. Each site is screened by a 1.8m timber fence. The cabins have not been</p>

	<p>unnecessarily raised and are located on the lower side to adjoining residences.</p> <p>Any new cabins on sites 68-73 shall be conditioned to have a 1.5m window sill or obscured glazing.</p> <p><u>Setback to road frontage boundary</u></p> <p>Dwelling Sites 1-5 = 1.5m</p> <p>Dwelling Sites 6-7 = 3m</p> <p>Dwellings on sites 1-7 have a building setback between 5.823m and 7.65m. As these sites will have a more direct presence and will be more visible to passing traffic a higher visual threshold has been applied.</p> <p>Landscaping and fencing is proposed to this frontage. However, for a reduced setback to be supported, particular attention was required to be afforded to the visual interface the proposal will have to a public street.</p> <p>A condition of consent specifies that cabins are to front Bell Street (with the exception of cabins that require disabled access). Additionally, a condition of consent has been applied requiring dwelling designs for Lots 1-7 for Council endorsement prior to installation. The condition recommends that windows, articulation and landscaping also be provided to Bell Street.</p> <p>Indicative cabin designs have been provided below in Figure 5 to demonstrate how each cabin can address the street. This is considered acceptable to support a reduced setback.</p>
--	--



<b>90 Use of buffer zones</b>	
Nothing in this Regulation prevents land within a buffer zone arising from the setbacks required by this Division from being used— (a) for community amenities, access roads, car parking spaces, footpaths or landscaping, or (b) for any similar purpose allowed by the approval for the caravan park or camping ground.	Noted.
<b>cl.91 Separation distances</b>	
A moveable dwelling must not be installed within the following distance of another moveable dwelling (b) if located on a short-term site or camp site—2.5 metres	Complies – 2.5m separation proposed
<b>cl.92 Entrance and exit roads</b>	
A road forming an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.	Complies – road is 8m wide. A condition is recommended to ensure that the caravan parking spaces shown on the plan are only temporary for check in check out so it does not compromise the function of the entrance road.
For a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.	Not applicable
The council may specify in an approval the way in which an entrance or exit road must meet the sealed portion of other access roads.	Not applicable. The condition of the existing entrance road is acceptable. Councils Engineer has not recommended upgrade.
<b>cl.93 Forecourt</b>	
A caravan park must have an area— (a) to accommodate incoming vehicles, and (b) measuring at least 4 metres by 20 metres.	A designated caravan/car forecourt area is provided.

<b>cl.94 Width of roads</b>	
The width of an access road must be— (a) for a two-way access road—at least 6 metres, and (b) for a one-way access road—at least 4 metres.	Complies – all internal roads are 6 meters wide. A condition of consent is recommended.
The direction of travel for a one-way access road must be indicated by means of conspicuous signs.	Not applicable
<b>cl.95 Speed limits</b>	
The speed limit on an access road must— (a) not exceed 15 kilometres per hour, and (b) be indicated by means of conspicuous signs.	Complies – Existing sign posts are erected at the entry to the caravan park.
<b>cl.96 Resident parking</b>	
A caravan park or camping ground must contain at least 1 resident parking space for each dwelling site or camp site.	Complies – Each site has nominated a car parking space. Where parking spaces are not wholly on the site, they are immediately adjacent to the site.
The parking space for a dwelling site or camp site may be on-site or off-site.	Complies.
An off-site parking space must be marked to identify the dwelling site or camp site to which it relates.	Not applicable. All parking spaces are directly adjacent to the dwelling sites.
<b>cl.97 Visitor parking</b>	
A caravan park or camping ground must contain at least 1 visitor parking space— (a) for every 10 long-term sites in the caravan park or camping ground, and (b) for every 20 short-term sites in the caravan park or camping ground, and (c) for every 40 camp sites in the caravan park or camping ground, and (d) for a remaining part, if any, of a number of sites specified in paragraphs (a)–(c).	Complies – 6.4 spaces ~ 7 spaces are required. 7 spaces have been provided including x1 disabled space.
At least 4 visitor parking spaces must be provided for a caravan park or camping ground.	Complies – >4 visitor car parking spaces are provided on site.
Each parking space must have minimum dimensions of— (a) for angle parking—5.4 metres by 2.5 metres, or (b) otherwise—6.1 metres by 2.5 metres.	Capable of complying. A condition is recommended ensuring compliance with the AS2890.
Visitor parking spaces must be clearly identified.	Complies.
<b>cl.98 Visitor parking for people with disabilities</b>	
A caravan or camping ground must contain— (a) at least 1 visitor parking space for people with a disability (a disabled parking space)	Complies – 1 disabled visitor car parking space has been provided
A disabled parking space must be— (a) provided in accordance with AS/NZS 2890.1:2004,	Capable of complying – to be conditioned



Parking facilities, Part 1: Off-street parking, and (b) clearly identified as a disabled parking space.	
A disabled parking space may be counted as a visitor parking space.	Noted. This has been included in the 7 spaces.
<b>Cl.99 Road surfaces</b>	
All access roads, including all passing and parking bays, must— (a) have an all-weather sealed or other surface finish specified in the approval, and (b) be adapted to the land to enable adequate drainage and remove excessive grades.	Complies – proposed bitumen seal, with the exception of the access road to the campground which will be a permeable surface. Conditions of consent have been included.
<b>cl.100 Lighting</b>	
All access roads must be adequately lit between sunset and sunrise.	Capable of complying – A condition of consent has been included.
<b>cl.101 Water supply</b>	
A caravan park or camping ground must be— (a) connected to a mains water supply	Complies – the existing site has connection to Council's reticulated water system.
A dwelling site must be connected to the water supply service for the caravan park or camping ground.	Capable of complying - to be conditioned
Each water supply connection must— (a) be located within 30 metres of the 4 camp sites, and (b) include a standpipe and hose tap.	Capable of complying - to be conditioned
The water supply service must comply with— (a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and (b) the requirements of a relevant statutory body.	Capable of complying - to be conditioned
The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National Health and Medical Research Council.	Capable of complying - to be conditioned
<b>cl.102 Sewerage</b>	
A caravan park or camping ground must be— (a) connected to a main sewer	Complies – connected to Council's reticulated sewer system
A long-term site must be connected to the sewage disposal system for the caravan park or camping ground.	Not applicable. The ultimate development of the site is to have no long-term sites.
Short-term sites and camp sites in a caravan park or camping ground must be provided with at least 1 soil waste dump point— (a) for the disposal of closet waste from caravan holding tanks, and (b) located to permit adequate access by caravans and campervans.	Complies – A single dump point is existing and connected to Council sewer system.

Short-term sites must be provided with a disposal point— (a) for the disposal of sullage from a moveable dwelling installed on the site, and (b) as specified in the approval.	Capable of complying - to be conditioned																
The sewage disposal system must comply with— (a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and (b) the requirements of a relevant statutory body.	Capable of complying - to be conditioned																
cl.103 Drainage																	
A caravan park or camping ground must be provided with a stormwater drainage system.	Capable of complying - to be conditioned																
All dwelling sites and camp sites must be adequately drained.	Condition recommended.																
cl.104 Electricity supply																	
A dwelling site must be supplied with electricity from a reticulated electricity service.	Capable of complying - to be conditioned																
For a long-term site, the electricity must be supplied by means of an electrical circuit connected to a separate electricity meter.	Not applicable																
The electrical circuit must be installed in accordance with— (a) for a long-term site—the Electricity Code of Practice, and (b) for a short-term site—AS/NZS 3001:2008, Electrical installations—Transportable structures and vehicles including their site supplies.	Capable of complying - to be conditioned																
If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.	Not applicable																
cl.105 Common trenches																	
A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.	Complies. Subclause (b) means that clauses 107 to 111 are not applicable where cabins are self-contained with shower and toilet facilities. Clauses 107 to 111 therefore only apply to the camp and caravan sites.																
cl.107 Number of showers and toilets to be provided																	
A caravan park or camping ground with less than 200 dwelling sites must be provided with the facilities specified in the Table to this section.	For 25 sites, the Table to this clause requires:																
<table><tr><th>Sites</th><th>Female Toilet</th><th>Male Toilet</th><th>Urinals</th><th>Female Shower</th><th>Male Shower</th><th>Female Basin</th><th>Male Basin</th></tr><tr><td>1–25</td><td>3</td><td>2</td><td>1</td><td>2</td><td>2</td><td>2</td><td>2</td></tr></table>	Sites	Female Toilet	Male Toilet	Urinals	Female Shower	Male Shower	Female Basin	Male Basin	1–25	3	2	1	2	2	2	2	3 female water closets 2 male water closets 1 urinal 2 female showers 2 male showers
Sites	Female Toilet	Male Toilet	Urinals	Female Shower	Male Shower	Female Basin	Male Basin										
1–25	3	2	1	2	2	2	2										

	<p>2 female handbasins</p> <p>2 male handbasins</p> <p>The existing and proposed amenities on site will exceed these requirements.</p>
<b>cl.108 Facilities for people with disabilities</b>	
<p>A caravan park or camping ground with at least 1, but less than 100 dwelling sites must have—</p> <p>(a) at least 1 disabled bathroom for each sex, or</p> <p>(b) at least 1 unisex disabled bathroom.</p>	<p>Complies. A condition of consent is recommended for two disabled facilities to be provided.</p>
<p>A disabled bathroom may be counted towards the required facilities for the caravan park or camping ground.</p>	<p>Noted.</p>
<b>cl.109 Other facilities</b>	
<p>All showers and handbasins required by this Subdivision must be supplied with hot and cold running water.</p>	<p>Noted – to be conditioned</p>
<p>A mirror must be provided—</p> <p>(a) for each handbasin, or</p> <p>(b) if 2 or more handbasins are provided together—for each pair of handbasins.</p>	<p>Noted – to be conditioned</p>
<p>The following must be provided in a facility containing toilets for the use of females—</p> <p>(a) at least 1 sanitary napkin disposal unit, or</p> <p>(b) for a facility containing at least 10 toilets for the use of females—at least 1 additional sanitary napkin disposal unit for—</p> <p>(i) every 10 toilets, and</p> <p>(ii) a remaining part, if any, of 10 toilets.</p>	<p>Noted – to be conditioned</p>
<b>cl.110 Construction of shower blocks and toilet blocks</b>	
<p>Except as otherwise provided in an approval, the shower and toilet facilities in a caravan park or camping ground must be contained in a shower or toilet block—</p> <p>(a) constructed of brick or concrete masonry block, and</p> <p>(b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and</p> <p>(c) with smooth, hard, durable and water-resistant interior finishes, and</p> <p>(d) containing shower recesses with tile or other impervious finishes to a height of at least 1.8 metres, and</p> <p>(e) with tile or other impervious skirtings around water closet cubicle walls, and</p> <p>(f) with tile or other impervious finish around handbasins, and</p> <p>(g) with adequate lighting, both inside and outside, and adequate ventilation at all times, and</p> <p>(h) with all walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition.</p>	<p>The proposed shower and toilet facilities are proposed to be colorbond clad instead of brick/masonry blocks.</p> <p>An indicative design was submitted as part of the assessment indicating what the proposed building would look like. This was considered acceptable.</p> <p>As the regulation specifies ‘unless otherwise provided in an approval’ a condition of consent has been included which specifically permits the use of colorbond clad.</p>

A building containing both male and female facilities must be divided for the private use of each sex.	Noted – to be conditioned
Toilets must be provided in individual cubicles having a minimum floor area of 1.1 square metres and a minimum width of 0.8 metre.	Noted – to be conditioned
<b>cl.111 Proximity of dwelling sites to shower blocks and toilet blocks</b>	
A long-term site must be located within 75 metres, measured in a straight line, of a shower or toilet block.	Not applicable. All sites are to be short term.
A short-term site or camp site must be located within 100 metres, measured in a straight line, from a shower or toilet block.	Complies. The site plan demonstrates the distance to the amenities block.
<b>cl.113 Washing machines</b>	
A caravan park or camping ground must be provided with at least— <ul style="list-style-type: none"> <li>(a) 1 washing machine for every 25 long-term sites, and</li> <li>(b) 1 additional washing machine for a remaining part, if any, of 25 long-term sites exceeding 12, and</li> <li>(c) 1 washing machine for every 30 short-term sites, and</li> <li>(d) 1 additional washing machine for a remaining part, if any, of 30 short-term sites exceeding 15.</li> </ul>	In the long-term all sites will be short-term; therefore, this provision is ultimately not applicable. However, while existing long-term sites remain, washing machines will be provided. There are currently 57 long terms sites, requiring 3 washing machines. 8 washing machines are currently provided on site.
At least 2 washing machines must be provided in a caravan park or camping ground.	Complies
<b>cl.114 Laundry tubs</b>	
A caravan park or camping ground must be provided with— <ul style="list-style-type: none"> <li>(a) at least 1 laundry tub for every 50 long-term sites, and</li> <li>(b) at least 1 additional laundry tub for a remaining part, if any, of 50 long-term sites, and</li> <li>(c) at least 1 laundry tub for every 60 short-term sites, and</li> <li>(d) at least 1 additional laundry tub for a remaining part, if any, of 60 short-term sites.</li> </ul>	Three tubs are required for the long-term sites and three tubs are required for the short-term sites.  Seven tubs are provided on site.
At least 1 laundry tub must be provided in a caravan park or camping ground.	Complies
<b>cl.115 Clothes dryers</b>	
(1) A caravan park or camping ground must be provided with— <ul style="list-style-type: none"> <li>(a) at least 1 mechanical clothes dryer for every 60, and remaining part of 60 greater than 30, long-term sites, and</li> <li>(b) at least 1 mechanical clothes dryer for every 80, and remaining part of 80 greater than 40, short-term sites.</li> </ul>	Three dryers are required for the long-term sites and two dryers are required for the short-term sites.  Six dryers are provided on site.
At least 1 mechanical clothes dryer must be provided in a caravan park or camping ground.	Complies

<b>cl.116 Drying areas</b>	
A caravan park or camping ground must be provided with clothes line space at the rate of 2 metres of line for each dwelling site.	258m of drying space is required. Two new communal clothes lines will be provided on site, providing 80m of drying space. In addition, all cabins will be provided with a folding clothes line, each providing 15m of line.
At least 50 metres of clothes line space must be provided in a caravan park or camping ground.	Capable of complying - to be conditioned
<b>cl.117 Water supply</b>	
Washing machines and laundry tubs required to be provided in a caravan park or camping ground must be supplied with both hot and cold water.	Capable of complying - to be conditioned
<b>cl.118 Ironing facilities</b>	
A caravan park or camping ground must be provided with at least 1 of each of the following for every 60, and remaining part of 60, short-term sites— (a) an ironing board, (b) an electric iron, (c) a power point available for connection to an electric iron.	Capable of complying - to be conditioned
<b>cl.119 Construction of laundry blocks</b>	
Except as otherwise provided in an approval, the laundry facilities in a caravan park or camping ground must be housed in a laundry block— (a) constructed of brick or concrete masonry block, and (b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and (c) with smooth, hard, durable and water-resistant interior finishes, and (d) with adequate lighting, both inside and outside, and adequate ventilation at all times, and (e) with walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition, and (f) maintained in a serviceable and safe condition.	The existing laundry facilities (and the proposed new facilities) are in buildings constructed of steel frame and colorbond cladding.  Internal materials and lighting comply with the requirements.  While the amenities buildings are not constructed of brick, the colour bond is considered acceptable. A condition has been recommended supporting these materials.
<b>cl.120 Maximum number of persons per dwelling site or camp site</b>	
No more than 12 persons may be permitted to stay overnight at a dwelling site or camp site at the same time.	To be conditioned
<b>cl.121 Register of occupiers</b>	
A register of occupiers must be kept for a caravan park or camping ground.	To be conditioned
At least 1 person who occupies a dwelling site or camp site must be registered.	To be conditioned
The register must include the following particulars for the	To be conditioned



<p>registration of a person—</p> <ul style="list-style-type: none"> <li>(a) the person's full name and address,</li> <li>(b) the person's dates of arrival and departure,</li> <li>(c) the site identification of the site occupied by the person,</li> <li>(d) if the person occupies a caravan or campervan—the registration number, if any, of the moveable dwelling,</li> <li>(e) for a relocatable home—details of the compliance plate.</li> </ul>	
<p>The register must be available for inspection by an authorised person, free of charge, during normal working hours.</p>	<p>To be conditioned</p>
<p><b>cl.122 Information to be given to prospective occupiers</b></p>	
<p>The holder of an approval must enter an agreement with a person if—</p> <ul style="list-style-type: none"> <li>(a) the person intends to occupy a dwelling site or camp site, or</li> <li>(b) the person intends to occupy a long-term site for a holiday.</li> </ul>	<p>To be conditioned</p>
<p>The holder of the approval must give the person written notice of the conditions of occupation before entering the agreement.</p>	<p>To be conditioned</p>
<p>The notice must include the following information—</p> <ul style="list-style-type: none"> <li>(a) the site identification of the dwelling site or camp site allocated to the person,</li> <li>(b) the date, if any, on which it is agreed the person's occupation of the dwelling site or camp site will cease,</li> <li>(c) for an agreement relating to occupation of a short-term site or camp site— the maximum number of days the person may stay in a moveable dwelling on the site in a 12-month period,</li> <li>(d) the rules of the caravan park or camping ground,</li> <li>(e) a telephone number for contacting the holder of the approval, or their agent, in the event of an emergency,</li> <li>(f) whether or not pets may be kept in the caravan park or camping ground and, if so, on what conditions,</li> <li>(g) the nature and location of the amenities available for use by the person as an occupier of the dwelling site or camp site and the charges, if any, for use of the amenities,</li> <li>(h) the location of each fire extinguisher, fire hose reel and fire hydrant that is installed within the park or ground,</li> <li>(i) if the council has given written notice to the holder of the approval that land in the caravan park or camping ground is flood liable land or bush fire prone land—the location of the flood liable land or bush fire prone land,</li> <li>(j) other matters affecting the person's occupation of the dwelling site or camp site or use of the caravan park or</li> </ul>	<p>To be conditioned</p>

camping ground and its amenities.	
<b>cl.123 Use of caravan parks and camping grounds</b>	
A caravan park or camping ground must not be used— (a) for a commercial purpose other than a caravan park or camping ground or an associated purpose, or (b) for the manufacture, construction or reconstruction of moveable dwellings.	The development consent explicitly states that consent is only granted for a caravan park and camping ground.
A moveable dwelling installed in a caravan park or camping ground may be renovated, maintained or repaired.	Can be complied with.
<b>cl.124 Community map</b>	
The council must be given a copy of the community map— (a) as soon as practicable after an amendment is made to the map, and (b) at other times reasonably required by the council.	To be conditioned
<b>cl.125 Access to approval and community map</b>	
The holder of an approval must ensure copies of the following documents are available for inspection, free of charge, in the location specified in the approval— (a) the approval for the caravan park or camping ground, (b) the community map, (c) this Regulation.	A community map has been conditioned.
A copy of the community map must be displayed in a prominent position in the caravan park or camping ground.	To be conditioned
<b>cl.126 Garbage removal</b>	
Arrangements specified in an approval must be implemented and maintained— (a) for the removal of garbage, and (b) to keep garbage receptacles in a clean and sanitary condition.	Bins provided throughout the site, garbage is collected by private collection.
<b>cl.127 Fire hydrants</b>	
Fire hydrants (1) No part of a dwelling site, camp site or community building within a caravan park or camping ground may be located more than 90 metres from a fire hydrant.	Capable of complying. A fire hydrant plan with hose reels was submitted. A condition is recommended to ensure hydrants are no greater than 90m.
A fire hydrant located within a caravan park or camping ground must— (a) be a double-headed pillar-type fire hydrant, and (b) be maintained to the standard specified in the approval.	To be conditioned
<b>cl.128 Fire hose reels</b>	
Fire hose reels must be installed so that each dwelling site or camp site in the caravan park or camping ground can be reached by a fire hose.	To be conditioned
The fire hose reels must be—	To be conditioned

(a) constructed in accordance with AS/NZS 1221:1997, Fire hose reels, and (b) installed in accordance with AS 2441—2005, Installation of fire hose reels.	
The holder of the approval must give the council a certificate (a fire hose reel certificate)— (a) 7 days after the installation of a fire hose reel, and (b) at least once each calendar year for each fire hose reel installed in the caravan park or camping ground.	To be conditioned
The fire hose reel certificate must state that— (a) the fire hose reel has been inspected and tested by an appropriately qualified person, and (b) on the date of inspection and testing, the fire hose reel is capable of performing to the required standard.	To be conditioned
<b>cl.129 Car washing bay</b>	
A caravan park must be provided with an area for washing vehicles.	Complies – a car wash has been proposed.
<b>cl.130 Buildings</b>	
A building must not be erected in a caravan park or camping ground unless the approval allows the erection of the building.	Complies – an amenities building is proposed under this application
An approval may allow— (a) the erection of a community building on land in the caravan park or camping ground that is not a dwelling site or camp site, and (b) the erection of an ensuite facility on a dwelling site or camp site.	Community buildings and facilities have been provided. This has been proposed on a lot separate to each dwelling site.

*(ii) Draft environmental planning instruments (EPI)*

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

*(iii) Any development control plans*

**MID-WESTERN REGIONAL DCP 2013**

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

**Part 4.7 Tree Preservation Order**

There are no trees listed within Part 4.7 located on the site that have been identified as a significant tree that requires preservation.

**Part 5.1 Car Parking**

A calculation has not been done under Part 5.1 of the DCP. The Local Government Regulation takes precedence and under Section 98 number of parking spaces required.

In accordance with the regulation, 7 visitor spaces are required and each site is to provide 1 parking space. 7 visitor spaces have been proposed near the entrance to the park and each site has 1 parking space each nominated on the plan.

---

### Part 5.2 Flooding

As noted within the assessment comments under Clause 5.21 of the LEP 2012, part of the site is identified as low, medium and high flood risk and is impacted by overland flows associated with the 1% AEP flood event.

Council's DCP 2013 Section 5.2 Flooding breaks flooding into three categories low, medium and high. Appendix A - Matrix 1 Urban Floodplains contained within Council's DCP states that Tourist and Visitor related development is an unsuitable land use within areas nominated as high flood risk. It is noted that the proposed works are located within a medium risk area.

The DCP 2013 matrix lists a number of requirements for tourist and visitor development in the medium risk precinct such as floor level heights, flood compatible materials, evacuation strategies.

The applicant has submitted a site-specific flood study which demonstrates how each cabin that is flood affected must have a finished floor level height above the relevant flood level. The new cabins will be constructed on piers (similar to existing cabins) allowing any overland flow of water to be unobstructed. Additionally, details of evacuation were provided demonstrating that occupants can safely evacuate when flood waters are predicted to enter the site. A safe evacuation route exists away from the hazard heading south along Bell Street.

Council's Engineer has reviewed the merits of this assessment in accordance with the DCP and has advised the proposal is supportable subject to conditions of consent.

---

### Part 5.3 Stormwater Management

Council's Development Engineer has reviewed the proposal and noted that the applicant provided conceptual stormwater plans showing a proposed drainage network and overland flow locations. A detailed design for the stormwater associated with each stage of the development will be required to be provided at that time. This requirement will be included as a condition of consent.

Given the site's location in the lower reaches of the catchment and its flood affectation, it is considered that the provision of on-site detention should not be required on this site.

In order not to increase or concentrate any runoff onto the adjoining property to the north, the applicant is proposing the following:

- All new camping sites are to be grassed only with no increase in hard stand area.
- The new road is to be constructed with a permeable surface treatment.
- The new road is to be constructed at the current natural surface level so as not to cause ponding or concentration.

The above points/recommended controls will be included as conditions of consent. The following additional controls will also be included as conditions of consent below:

- Any existing or proposed stormwater outlets on the northern portion of the site shall be constructed as level spreaders or sills to ensure any discharged stormwater is in the form of sheet flow and not concentrated to a single point.
- Level spreaders and sills must be constructed from long lasting materials such as concrete or rock. The use of earthen berms is not considered appropriate.

---

### Part 5.4 Environmental Controls

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

## Contributions

### MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Pursuant to Council's Contributions Plan 2019, the development is proposing a caravan park that has a proposed cost greater than \$200,000. Therefore, a levy of 1% applies in accordance with the Plan.

The contribution payable has been calculated based on the submitted application costing being  $\$1,644,011.83 \times 1\% = \$16,440.12$ . A condition has been applied accordingly.

### Section 64 - Water/Sewer Developer Services Charges

In accordance with the Developer Servicing Plans for Water and Sewer (August 2008), the development does not increase the demand or loading upon Council's infrastructure or require additional water, sewer or trade waste services to the land or building. This is because the existing caravan already has development consent and an approval to operate for a larger number of sites than is proposed under this application. On this basis, it is considered that the site benefits from an existing credit because contributions would have previously been levied. The proposed alterations do not increase the maximum number of sites previously approved, therefore no charges can be applied under the plan.

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

No Planning Agreements are applicable.

### Regulations – 4.15(1)(a)(iv)

## ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

### Additional matters that consent authority must consider:

The Regulations requires Council to consider AS2601 when consent is sought for demolition of a building. The application includes demolition and compliance with AS2601 will be required and included as a condition of consent.

### Likely impacts of the development – 4.15(1)(b)<sup>1</sup>

<sup>1</sup> Including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

### Context and Setting

The existing and proposed development is located at the entrance to Mudgee, at the interface of the rural landscape and established and new residential development. The development is a natural extension of development in the area. The proposal has incorporated landscaping and fencing to improve the interface to the street.

### Access, Transport and Traffic

Existing access is to be retained from Bell Street. Council's Engineer has advised that based on the traffic flows and number of sites, no upgrade is required. All internal roads are considered adequate for internal circulation. Appropriate conditions have been recommended to ensure the roads achieve Council's access standards.

### Public Domain

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



### **Utilities**

All relevant utilities are available or can be made readily available to the site as discussed throughout this report.

### **Heritage**

Not Applicable

### **Other Land Resources**

Not Applicable

### **Water**

The additional stormwater runoff generated by the proposed development can be managed internally within the site without the need for on-site detention. Conditions have been recommended.

### **Soils**

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

### **Air and Microclimate**

The development is not expected to emit any dust, particulates, odours, fumes, gases or pollutants to any significant degree.

### **Flora and Fauna**

The proposed development is not identified as containing sensitive biodiversity. Notwithstanding, no trees are proposed to be removed.

### **Waste**

All waste will be removed via a waste contractor. Suitable conditions have been included.

### **Energy**

The proposed development will not use any more energy than any like development.

### **Noise and Vibration**

The proposed development is not considered to be an offensive noise omitting use. It is a caravan park which has hours of operation with curfews for communal areas (e.g. camp kitchen). The caravan park currently utilise a plan of management which includes noise ameliorating measures. A condition of consent is recommended to ensure a plan of management is provided which incorporates the proposed development sought under this application.

### **Natural Hazards**

The development site is identified as being flood prone, as discussed throughout this report suitable measures have been proposed to mitigate the impacts of flooding to the development and the surrounding area as a result of the proposal.

The site is not identified as being affected by geological / soil instability or bushfire.

### **Technological Hazards**

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

### **Safety, Security and Crime Prevention**

The design of the proposed development provides for suitable access control.

### **Social Impact in the Locality**

The proposed development is appropriately located in the SP3 – Tourist Zone on the fringe of Mudgee and is expected to have a positive social impact.

### **Economic Impact in the Locality**

The proposed development will provide employment opportunities during construction and operation.

### **Site Design and Internal Design**

Adequate as discussed throughout this report.

### **Construction**

The impacts of construction activities may be regulated by conditions.

### **Cumulative Impacts**

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

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

### **(A) DOES THE PROPOSAL FIT IN THE LOCALITY?**

Whilst there are no hazardous land uses or activities nearby, it is considered that the development has been designed to ensure there is minimal impact on the locality and surrounding land. Further, key areas of concern from the community are able to be appropriately justified and/or conditioned to ensure compliance.

### **(B) ARE THE SITE ATTRIBUTES CONDUCIVE TO DEVELOPMENT?**

The site is not subjected to any significant natural hazards, with the exception of flooding as noted within this report. The proposal will not impact any critical habitat, threatened species, populations, ecological communities or endangered habitats on the site.

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

### **(A) PUBLIC SUBMISSIONS**

The application was notified, in accordance with Mid-Western Regional Community Participation Plan 2019, for a period of 14 days, ending 8 May 2023. During the notification period, 2 submission/s were received.

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

The submissions received by Council raised the following key concerns with comments provided in the table below:

<b>Key Concern Raised:</b>	<b>Comment:</b>
Privacy and Noise (from Cabins and Camp Kitchen)	<p>The camp kitchen and the cabins adjoining the residential dwellings on Saleyards Lane are existing. The pattern of development matches the original approval which had dwelling sites in this location.</p> <p>It is noted that the cabins shown on site 68-73 of the plan are approximately 900mm off the rear boundary. This development application is seeking that future cabins on these lots be moved</p>

further forward to achieve a greater rear setback of 2.5m which will result in an improved privacy/noise outcome in this location. This is consistent with the remaining cabins on sites 74-80 which are setback 2.5m. As discussed throughout this assessment, this is a long-term plan and these works may not happen immediately, but will be undertaken over time.

Notwithstanding the above, the existing cabins are located on the lower side to dwellings on Saleyards Lane. The finished floor level height of each cabin ranges between 400-700mm above natural ground level, which is considered reasonable. The existing cabins have high-light windows, obscured glazing which limits the opportunity of overlooking.

The existing 1.8m timber fence between the Saleyards Lane dwellings and cabins is considered acceptable. To manage any future privacy concerns however, a condition of consent is recommended to ensure that any new cabins on sites 68-73 have a sill height of at least 1.5m to the southern façade or obscured glazing.

The camp kitchen is existing. It is noted that the increase in short term sites and camping will likely increase the use of the camp kitchen. However, the kitchen achieves the required 10m setback providing separation between the Saleyards Lane dwellings. The applicant has advised that procedures are in place to manage noise from the caravan park as a whole. In particular, there is a 10pm curfew and internal security that monitors the site. A condition of consent will



require the applicant submit their Plan of Management to Council.

Figure 6 – High resolution image of existing development – 23 July 2023

#### Stormwater drainage

As part of a request for further information the applicant was requested to address their proposed method of stormwater drainage. It was raised that Council does not permit stormwater drainage onto adjoining and without an easement.

	<p>An amended stormwater concept plan was provided which revised their proposed method of discharge which shows the runoff as being contained within the subject site/</p> <p>In order not to increase or concentrate any runoff onto the adjoining property to the north, the applicant is proposing the following:</p> <p>All new camping sites are to be grassed only with no increase in hard stand area.</p> <p>The new road is to be constructed with a permeable surface treatment.</p> <p>The new road is to be constructed at the current natural surface level so as not to cause ponding or concentration.</p> <p>The plan is generally supported by Councils Engineering Department, subject to recommended conditions to ensure that the development does not impact on surrounding properties as result of the proposal proceeding.</p>
Watercourse adjacent to the development site	<p>It is acknowledged that the adjacent site to the north west contains a watercourse which carries flows from the Upper Mudgee Catchment. Typically, any development within 40m of a watercourse required concurrence from the water approval authority (Natural Resources Access Regulator) and the issuance of a Controlled Activity Approval (CAA) under Section 91 of the <i>Water Management Act 2000</i>. However, in this instance, as the application is made on behalf of a public authority (Council) an exemption exists under Section 41 of the <i>Water Management Regulation 2018</i>. In this regard, no CAA by NRAR has been required.</p> <p>Notwithstanding, a merits-based assessment has been undertaken of the proposed development and any likely impact on the adjacent watercourse in terms of stormwater management, erosion and sediment control and flood affectation. The proposed development is considered acceptable.</p>

As noted above, and as a result of a full merits-based assessment of the proposal, conditions are considered to be able to be imposed for the development in order to address the relevant concerns raised by the community.

#### **(B) SUBMISSIONS FROM PUBLIC AUTHORITIES**

The application was referred to:

- Essential Energy with advisory comments only provided.

The above external referral response has been included within this report and included as recommended conditions of consent.

## The Public Interest – 4.15(1)(e)

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

The proposed development has resulted in significant community interest however, the majority of the key areas for concern have been addressed by the applicant and may be restricted via conditions of consent to mitigate impacts during operations.

## CONSULTATIONS

### (A) HEALTH AND BUILDING

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

### (B) TECHNICAL SERVICES

Council's Development Engineer has provided a final referral response with the recommendation of a number of conditions of consent to address a number of concerns.

### (C) HERITAGE ADVISOR

Council's Heritage Advisor has not raised any objections to the proposal as noted within the Clause 5.10 LEP assessment of the application.

### (D) ENVIRONMENTAL HEALTH OFFICER

Council's Environmental Health Officer has reviewed the acoustic report and odour report and has recommended conditions of consent to address these concerns.

## 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

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

### Legislation

Environmental Planning & Assessment Act 1979  
Environmental Planning & Assessment Regulation 2021  
Mid-Western Regional Local Environmental Plan 2012  
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021



## Financial implications

The Applicant will be required to pay developer contributions 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 and Environment Court.

HANNAH DRAPER  
TOWN PLANNER

ALINA AZAR  
DIRECTOR DEVELOPMENT

30 October 2023

*Attachments:*

1. Development Plans. (separately attached)
2. Statement of Environmental Effects. (separately attached)
3. Public Submissions (Redacted). (separately attached)
4. Flood Impact Report. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.3 Planning Proposal Lot 3 DP 1223039 - 277 Black Springs Road, Eurunderee

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, LAN900155

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Lot 3 DP 1223039, 277 Black Springs Road, Eurunderee;**
2. **provide initial support for the part rezoning from C3 Environmental Management to R5 Large Lot Residential and part change to minimum lot size from 400ha to 12ha of Lot 3 DP 1223039, 277 Black Springs Road, Eurunderee;**
3. **forward the Planning Proposal to amend the *Mid-Western Regional Local Environmental Plan 2012* to the NSW Department of Planning and Environment seeking a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*;**
4. **suggest as a condition of any future Gateway Determination, that a bushfire hazard assessment report, biodiversity assessment report and a land use conflict risk assessment be required; and**
5. **undertake community consultation as outlined within any approved Gateway Determination.**

---

### Executive summary

Council has received a Planning Proposal seeking an amendment to the *Mid-Western Regional Local Environmental Plan 2012* (LEP) to rezone part of Lot 3 DP 1223039 from C3 Environmental Management with a current minimum lot size of 400 hectares to R5 Large Lot Residential with a minimum lot size of 12ha.

The subject site is approximately 58.03 hectares in total. The subject site has frontage to both Black Springs Road and Saddleback Trail, approximately 9.2 kilometres north of Mudgee. Black Springs Road runs along the eastern boundary and Saddleback Trail to the south of the site.

The Planning Proposal has been considered in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically, Part C. Part C outlines the future large lot residential land supply opportunities around Mudgee and beyond. The northern part of Lot 3 DP 1223039 currently zoned C3 Environmental Management is located within a short-term opportunity area. The proposed rezoning and change to the minimum lot size is considered consistent with Part C of the CLUS.

The submitted Planning Proposal has been prepared generally in accordance with the structure outlined in the NSW Department Planning and Environment (DPE) *Local Environmental Plan Making Guideline*. The report outlines the context, intended outcomes, explanation of provisions and justification for the Planning Proposal.

The staff recommendation is to provide initial support for the Planning Proposal and to send to the Department of Planning and Environment (DPE) for a Gateway Determination with a request that a bushfire hazard report, biodiversity assessment report and a land use conflict risk assessment be required to be provided prior to community consultation. If the staff recommendation is supported, the Planning Proposal along with the Council resolution will be forwarded to DPE for Gateway Determination.

## Disclosure of Interest

Nil

## Detailed report

### **Planning Proposals**

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

### **Previous Planning proposals**

A Planning Proposal was considered for the site in 2014. The Planning Proposal sought the rezoning and change to minimum lot size to achieve a 5-lot subdivision, Council only supported the rezoning to create of 4 lots. The fifth lot was not supported for the following reasons, as detailed in Business Paper from Ordinary Meeting 5 February 2014 (Item 6.3.4):

*Lots 1-4 are supported, however lot 5 does not provide sufficient land within the proposed R5 part of the lot to meet the minimum lot size of 12ha recommended in Part 4.8.3 of the CLUS and prescribed in Council's LEP 2012. Any future dwelling on proposed lot 5 would need to factor-in bush fire asset protection zones, effluent disposal areas and chemical spray drift buffers to protect the residential use from adjacent agricultural activities. This would lead to a highly contained lot which is considered an undesirable outcome.*

The current Planning Proposal before Council for consideration addresses bushfire asset protection zones and effluent disposal areas. It is noted, bushfire asset protection zones are addressed in the Planning Proposal, however, a comprehensive bushfire hazard report is recommended. The Planning Proposal generally discusses potential future land use conflict, however, to ensure this is appropriately considered a land use conflict risk assessment is recommended to be part of any future Gateway Determination.

### **The Gateway Process**

DPE is responsible for assessing Planning Proposals through the Gateway Process. Details of the Gateway Process are outlined in the *Local Environmental Plan Making Guideline* (September 2022).

### **Gateway Timeline**

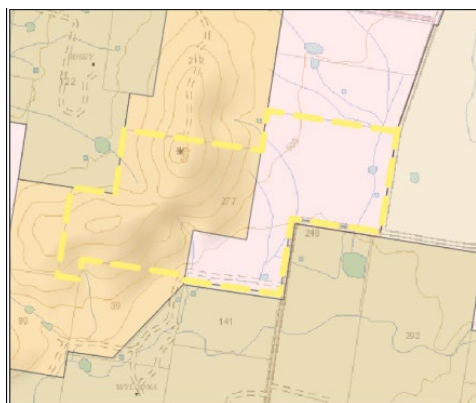
The following table summarises the key components of making an amendment to the Mid-Western Regional Local Environmental Plan (LEP) and the progress of the current Planning Proposal through the various stages. The below table demonstrates the Planning Proposal is within the initial stage of the process.

Stage	Completed	Comment
Preparation of a Planning Proposal		
Planning Proposal lodged with Council	✓	September 2023

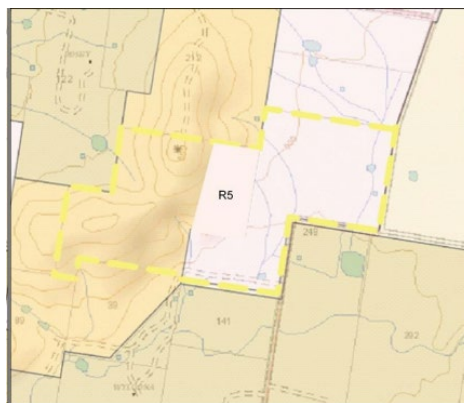
Staff undertake assessment	✓	July, August, September 2023
Council Decision to Support Proposal	✓	The Planning Proposal is being reported to 15 November 2023 meeting
Issue of Gateway Determination		
Council Requests Gateway Determination		
DP&E Issues Gateway Determination		
Gateway Conditions Satisfied		
Consultation		
Consultation with Relevant Agencies		
Public Exhibition		
Post-Exhibition Report to Council		
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

## PROPOSAL CONTEXT

The subject site is currently spilt zoned C3 Environmental Management and R5 Large Lot Residential. The Planning Proposal seeks to rezone part of Lot 3 DP 1223039 (subject site) from C3 Environmental management with a current minimum subdivision lot size of 400 hectares to R5 Large Lot Residential with a minimum lot size of 12 ha. The maps below highlights the current and proposed zoning and current and proposed minimum lot size. The area of the site to be rezoned to R5 Large Lot Residential measures 8.187 hectares.

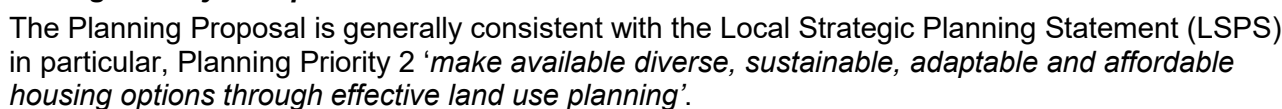


Current Zoning



Proposed Zoning

The proponent has provided a concept subdivision plan for the 12 ha lots, provided below. It is important to note that due to the established vegetation, 3 lots is the absolute maximum yield for the subject site.



The Planning Proposal has been assessed in accordance with Council's Comprehensive Land Use Strategy (CLUS), specifically Part C. Part C Figure 4.3 *Regional Lifestyle opportunities 15km offset area surrounding Gulgong* outlines visually the large lot opportunities. An excerpt of Figure 4.3 is provided below. The identified red area generally aligns with the orange/yellow short-term opportunity area. It is acknowledged the yellow short-term opportunity area is vegetated, however the proponent has demonstrated there is sufficient cleared area on the proposed lot to support the erection of a future dwelling. Regardless, it is important as part of this process to understand the value of the established vegetation, accordingly, the preparation of a biodiversity assessment report is included in the recommendation.



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

The rezoning of the subject site is the only means of achieving the objectives and intended outcomes of the Planning Proposal.

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

The Planning Proposal is generally consistent with the Ministerial Directions. The two Directions that are inconsistent – 9.1 Rural zones and 9.2 Rural lands – are justified by an endorsed strategy being the CLUS that identifies the subject site as a short-term opportunity.

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

The vegetated areas of the subject site are identified on the Biodiversity Values Map, the Planning Proposal states that no vegetation removal is required to achieve the dwelling envelope. However, due to the rezoning on this area and additional land uses to be permissible on this land, is it appropriate for a biodiversity assessment report to be prepared (as included in the recommendation) as well as consultation be undertaken with the Biodiversity, Conservation and Science Directorate within the NSW Environment and Heritage.

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

The Mudgee Local Aboriginal Land Council provided a clearance letter for the 2015 Planning Proposal. The clearance letter stated they supported the proposed subdivision facilitating the erection of dwellings. The clearance letter has been provided with this planning proposal.



The subject site does not contain any Heritage Items nor does it fall within a Conservation Area – General. The subject site is also not in close proximity to any heritage items.

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

It is proposed that the following authorities and government agencies will be consulted as part of any exhibition port Gateway:

- NSW Environment and Heritage - Biodiversity, Conservation and Science Directorate
- Office of Water

**LOCAL PLAN MAKING AUTHORITY**

In accordance with the Local Environmental Planning Making Guideline, Council is to nominate the Local Plan Making Authority (LPMA) person who will be carrying out the work to amend the LEP. For basic LEP amendments, the Council usually nominates itself as the LPMA. In this instance as the LEP amendment is of a routine type, it is recommended that the General Manager be delegated to carry out the LEP making function on behalf of Council.

**NEXT STEP**

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

**Community Plan implications**

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

**Strategic implications**

**Council Strategies**

Mid-Western Regional Local Strategic Planning Statement, Our Place 2040  
Mid-Western Regional Comprehensive Land Use Strategy, August 2010

**Council Policies**

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

**Legislation**

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

**Financial implications**

Nil

**Associated Risks**

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

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

30 October 2023

*Attachments:* 1. Planning Proposal. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.4 Planning Proposal Housekeeping Amendment - Post Exhibition

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, LAN900121, PP-2022-3462

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Strategic Planning on the Planning Proposal Housekeeping Amendment - Post Exhibition; and**
2. **exercise its delegation in the preparation of the Housekeeping Amendment of the Mid-Western Regional Local Environmental Plan to:**
  - a) **update the property address and/or legal description of Heritage Items in Schedule 5 Environmental Heritage and remove incorrect listings, with the amendment to the legal description of Quartz Roasting Pits Complex to Lot 1 DP584428, Lot 12 DP756877 & Lot 13 DP756877;**
  - b) **include 6 Bulga Street, Gulgong (dwelling) – Lot 3 DP 570476 in Schedule 5 Environmental Heritage;**
  - c) **rezone Lot 3 DP 1172889 and part of a crown road to E1 National Parks and Nature Reserves; and**
  - d) **include a dwelling entitlement for Lots 4, 5, 6, 7, 8 and 9 DP 271077 in Schedule 1 Additional Permitted uses.**

---

### Executive summary

At Council's 18 September 2021 ordinary meeting, Council resolved to support the Planning Proposal and to forward it to the NSW Department of Planning and Environment (DPE) for a Gateway Determination. The Planning Proposal is a housekeeping amendment. The Housekeeping Amendment is minor in nature, is intended to correct any discrepancies and did not require any strategic land use studies to be undertaken.

A conditional DPE Gateway Determination was granted on 23 December 2022. The Planning Proposal was placed on public exhibition on 9 September 2023 until 6 October 2023, in accordance with Condition 2. No submissions were received during the exhibition period. Council consulted with the Department of Planning and Environment – Environment and Heritage Group, Heritage NSW and National Parks and Wildlife Service (NPWS). A response was received from the NPWS requesting the legal description of one item be amended, this amendment is supported and is detailed in the recommendation.

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

## Disclosure of Interest

Nil

## Detailed report

### Planning Proposals

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

### The Gateway Process

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

### Gateway Timeline

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

Stage	Completed	Comment
Preparation of a Planning Proposal		
Staff prepared the Planning Proposal	✓	August - September 2021
Council Decision to Support Proposal	✓	15 September 2021
Issue of Gateway Determination		
Council Requests Gateway Determination	✓	October 2022
DPE Issues Gateway Determination	✓	December 2022
Gateway Conditions Satisfied	✓	July 2023
Consultation		
Consultation with Relevant Agencies	✓	Agency consultation with: - Department of Planning and Environment – Environment and Heritage Group, Heritage NSW and National Parks and Wildlife Services.
Public Exhibition	✓	9 September - 6 October 2023
Post-Exhibition Report to Council	✓	Planning Proposal Post Exhibition is being reported to 15 November 2023 meeting.
Finalisation of the Planning Proposal		
Council Exercises Delegation to Prepare LEP		
Draft LEP by Parliamentary Council		
Opinion Issued and LEP Made		

## GATEWAY DETERMINATION

A conditional Gateway Determination was received on 23 December 2022 and included six standard conditions. The Planning Proposal was amended in accordance with Condition 1. The amended Planning Proposal is provided as attachment 2.

## CONSULTATION

### **Community Consultation**

Condition 2 of the Gateway Determination required Council to undertake community consultation with a public exhibition period of 28 days. During the public exhibition no submissions were received.

### **Agency Consultation**

In accordance with Condition 3, the Planning Proposal was referred to the Department of Planning and Environment – Environment and Heritage Group, Heritage NSW and National Parks and Wildlife Services. A response was received and provided as Attachment 2.

The submission requested the legal description of the 'Quartz Roasting Pits Complex' be updated to the correct legal description. The Planning Proposal provided as Attachment 1 has been updated, as detailed below:

	Wingyee Homestead and Woolshed and	Triamble Road, Parish of Cummings	Lot 27, DP 756911	Local	I979	Lot 27, DP 756911
	Quartz Roasting Pits Complex	Part Hill End Historic Site 262 Alpha Road Tambaroora	Lot 1 DP584428, Lot 12 DP756877 & Lot 13 DP756877	State	SHR #0099 3	Lot 1 DP584428, Lot 12 DP756877 & Lot 13 DP756877

The submission also requested the listing of two additional sites - Valentine's Mine, Hill End Historic Site and Gowrie Hut Complex, Wollemi National Park. Council appreciates the suggestion and identification of additional items; however, this current amendment is a housekeeping amendment, with no additional items being recommended for listing. Council will keep this information on file for the next general amendment to the LEP.

## FINALISATION OF PLANNING PROPOSAL

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

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

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

### **Council Policies**

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

### **Legislation**

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

### Financial implications

Nil

### Associated Risks

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

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

30 October 2023

*Attachments:* 1. Planning Proposal (updated post exhibition). (separately attached)  
2. DPE National Parks and Wildlife Service Submission. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## 8.5 Housing Strategy Funding

REPORT BY THE MANAGER STRATEGIC PLANNING  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, LAN900052

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Strategic Planning on the Housing Strategy Funding;**
2. **if successful, accept the grant funding from the Department of Planning and Environment - Regional Housing Strategic Planning Fund (Round 2) for the preparation of a Housing Strategy for \$195,000.00 (excluding GST) and amend the 2023/24 budget and set an expenditure of \$155,000.00 and amend the 2024/25 and set an expenditure of \$40,000.00 and authorise the General Manager to finalise and sign the funding agreement; and**
3. **if Council is unsuccessful in obtaining the grant funding, amend the 2023/24 budget and set an expenditure of \$155,000.00 and amend the 2024/25 budget and set an expenditure of \$40,000.00 for the preparation of a Housing Strategy of \$195,000.00 funded from unrestricted cash.**

---

### Executive summary

Council has applied to the Department of Planning and Environment for a Regional Housing Strategic Planning Fund (Round 2) grant to fund the preparation of a housing strategy.

It is recommended that if Council is successful in the grant application, that Council accepts the grant funding, and authorises the General Manager to sign the funding agreements and amend Council's Budget for 2023/24 and 2024/25.

If Council are unsuccessful in the grant application, it is recommended that Council funds the preparation of a Housing Strategy from unrestricted cash.

### Disclosure of Interest

Nil

### Detailed report

Up to 3 million dollars is available in the Regional Strategic Planning Fund, Round 2 for grants of up to \$250,000 to support regional councils' upfront strategic planning to help deliver housing and provide greater certainty about where, when and what types of homes will be built.

Council made a grant application of \$195,000.00 to fund the engagement of a consultant to prepare a Housing Strategy. The grant application satisfied the eligibility and assessment criteria.

The preparation of a Housing Strategy will focus on residential land supply and housing typology needs for the four towns, Gulgong, Kandos, Mudgee and Rylstone. The Housing Strategy will

identify the location of additional supply to meet the land use planning horizon to ensure sufficient supply is available to meet demand.

The preparation of the Housing Strategy will include extensive community engagement including a housing forum to gain an understanding of the changing housing needs of the community.

If Council are unsuccessful in the grant application, to ensure the project proceeds, the recommendation is that Council funds the preparation of a Housing Strategy from unrestricted cash.

## 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

The need for the preparation of a Housing Strategy is highlighted in the adopted Mudgee and Gulgong Urban Release Strategy 2023 Update.

### Council Policies

Nil

### Legislation

Nil

## Financial implications

If successful, amend the 2023/24 budget and set an expenditure of \$155,000.00 and amend the 2024/25 and set an expenditure of \$40,000.00 for the preparation of a Housing Strategy.

Or, if Council is unsuccessful in obtaining the grant funding, amend the 2023/24 budget and set an expenditure of \$155,000.00 and amend the 2024/25 budget and set an expenditure of \$40,000.00 for the preparation of a Housing Strategy of \$195,000.00 funded from unrestricted cash.

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

## Associated Risks

If the grant funding for the Housing Strategy project is successful and not accepted by Council or Council does not fund the project from unrestricted cash the project will not be able to proceed. If the project does not progress Council will not have a sufficient land supply available to meet the

growing housing demands for the region. An inadequate land supply will possibly result in rental and mortgage stress for residents.

SARAH ARMSTRONG  
MANAGER STRATEGIC PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

30 October 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.6 Saleyards Strategic Plan Review

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, ECO800001

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager Economic Development on the Saleyards Strategic Plan Review;**
2. **place the Saleyard Strategic Plan 2023 on public exhibition for 28 days; and**
3. **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, if no submissions are received, adopt the Saleyards Strategic Plan 2023.**

---

### Executive summary

Having received, exhibited, and accepted the previous 5-year Saleyards Strategic Plan in 2018, the Economic Development Team has prepared a new 5-year plan to meet the current and future challenges of the saleyards.

It is recommended that the Saleyard Strategic Plan 2023 is placed on exhibition and if no submissions are received, adopt the Saleyards Strategic Plan 2023.

### Disclosure of Interest

Nil

### Detailed report

The Saleyards Strategic Plan 2023 has been prepared with a focus on stakeholder engagement to ensure that the plan is relevant to the community, identifies and articulates the trends that need to be considered, and prioritises opportunities to be actioned for the development of a sustainable business.

Key elements of the plan include:

- History of the yards
- Key performance indicators
- Objectives of the plan and yards
- Stakeholder and community engagement
- Operational review
- Strengths, weaknesses, opportunities, and threats (SWOT analysis)
- Business development strategy options
- Action plan
- Action tables

- Recommendations

Key Recommendations from the strategy include:

#### **Revenue**

- Support the introduction of online sales along with store cattle sales
  - 4 Super Store sales per year commencing in the 23-24 sales year
  - Increased competition and improve prices for vendors
- Advertising
  - Prospectus and Saleyard signage opportunities
  - Potential revenue is \$15,800 per annum
- Tourism
  - Introduce Saleyard tours of monthly store cattle sales
  - Possibility to be advertised by Mudgee Region Tourism
  - Not for profit group visits proposed fee of \$10 per head

#### **Social/ Environmental**

- Involve schools in an annual steer preparation competition in which they manage and prepare a steer for sale
  - The steers would then be auctioned off as part of a key sale
  - Provides brand development, community awareness, public relations
- Charity opportunities
  - Stock donated, then prepared and sold by Saleyard staff for an identified charity.
  - Provides brand development, community awareness, public relations
- Reduction of energy consumption with energy efficient lighting
  - Could create savings of \$4,900 or 27% per annum
- Education days held at Saleyards
  - Increase awareness of saleyard facilities and sales for the new rural residents

#### **Facility Management**

- Internal yard flooring management
  - Dry hire of a suitable bobcat or similar would result in a 40% reduction in yard maintenance costs, saving over \$6,000 per annum
- Reduce running cost of lighting
  - It is estimated with smart lighting the running cost and maintenance of lighting would be reduce by \$4,900 or 27% per annum
- Improve asset management planning - review of key assets and re-evaluate working life
  - Sheep eID
  - Toilet amenities
  - Livestock scales
  - NILS readers replacements

#### **Community Engagement**

- Promote the results of all sales – Public Relations through social media and Council's website
- Upgrade toilet facilities
- Upgrade and maintain canteen facilities
- Engaging high schools in agricultural education

- Educational session to be at the Saleyards

It is recommended that Council place the Saleyards Strategic Plan 2023 on public exhibition and receive a further report following the conclusion of the public exhibition period to consider any submissions received. If no submissions are received, adopt the Saleyards Strategic Plan 2023 as proposed.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Saleyards and Markets - Business Operational plans

### Council Policies

Not Applicable

### Legislation

Not Applicable

## Financial implications

Moving forward, the financial projections incorporate the possibility of challenging sales circumstances within the region, allowing for potential annual losses of up to \$94,000. However, it is worth noting that historically, the financial performance of the Saleyards has consistently reflected deficits ranging from \$36,000 to \$68,000. This strategic plan is designed to minimise financial risks associated with market trends and optimise the available market potential.

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

## Associated Risks

- If the Saleyard Strategic Plan 2023 is not adopted, the development of a sustainable business may be at risk.
- Future operating budget and plans may not meet the communities' needs and requirements, and changing trends may affect the yards' sustainability.
- If capital funds are misdirected, they may be allocated inefficiently, resulting in poor value for the community.



MICHELE MINI  
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR  
DIRECTOR DEVELOPMENT

31 October 2023

*Attachments:* 1. Saleyards Strategic Plan. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.7 Acceptance of Grant Funding

REPORT BY THE MANAGER ECONOMIC DEVELOPMENT  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, GRA600059

### RECOMMENDATION

**That Council:**

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

Grant Fund	Project	Grant Amount Requested
NSW Government – NSW Football Legacy Fund – Round 2	LED lighting upgrades (fields 5 and 6 at Glen Willow) to 50 lux training standards	\$70,000
National Australia Day Council - Australia Day 2024 Community Grants	MWRC Australia Day Awards and Community Breakfast.	\$10,000

- 3. if successful, amend the 2023/24 budget as follows:**
  - 3.1 2023/24 increase the expenditure budget by \$70,000 to be fully funded by grants for LED lighting upgrades at Glen Willow to 50 lux training standards on fields 5 and 6;**
  - 3.2 2023/24 increase the expenditure budget by \$10,000 to be fully funded by grants for the MWRC Australia Day Awards and Community Breakfast.**
- 4. authorise the General Manager to finalise and sign the funding agreements.**

---

### Executive summary

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

The NSW Government funding bodies identified in this report include:

- NSW Government – NSW Football Legacy Fund – Round 2
- National Australia Day Council - Australia Day 2024 Community Grants

It is recommended that if Mid-Western Regional Council is successful in any of the above applications, that Council accepts the grant funding, and authorises the General Manager to sign the funding agreements and amend Council's Budget for 2023/24.

### Disclosure of Interest

Nil

## Detailed report

### **NSW Government – NSW Football Legacy Fund – Round 2**

The NSW Football Legacy Fund aims to improve football facilities and support infrastructure, increase participation opportunities, and improve female player pathways.

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

- LED lighting upgrades (fields 5 and 6 at Glen Willow) to 50 lux training standards

### **Australia Day 2024 Community Grants**

The Australia Day 2024 Community Grants support communities to hold inclusive Australia Day events designed to encourage their community to “reflect, respect, celebrate”.

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

- Mid-Western Regional Council Australia Day Awards and Community Breakfast 2024

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

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

- Provide infrastructure and services to cater for the current and future needs of our community;
- Support arts and cultural development across the region;
- Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles; and
- Promote the region as a great place to live, work, invest and visit.

### **Council Policies**

Nil

### **Legislation**

Nil

## Financial implications

### **NSW Government – NSW Football Legacy Fund – Round 2**

LED lighting upgrades (fields 5 and 6 at Glen Willow) to 50 lux training standards.  
In 2023/24 increase the expenditure budget by \$70,000 to be fully funded by grants.

### **Australia Day 2024 Community Grants**

Mid-Western Regional Council Australia Day Awards and Community Breakfast 2024.  
In 2023/24 increase the expenditure budget by \$10,000 to be funded by grants.

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

### Associated Risks

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

The Australia Day ceremony will proceed without the additional grant funding.

MICHELE MINI  
MANAGER ECONOMIC DEVELOPMENT

ALINA AZAR  
DIRECTOR DEVELOPMENT

2 November 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 8.8 Events Assistance Applications

REPORT BY THE EVENTS COORDINATOR  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, ECO800009, FIN300052

### RECOMMENDATION

#### That Council:

1. receive the report by the Events Coordinator on the Events Assistance Applications;
2. provide multi-year Events Assistance funding to the below applicant (includes cash and in-kind amounts) for the period of 2024, 2025 and 2026; and

	<u>2024</u>	<u>2025</u>	<u>2026</u>
Cudgegong Cruisers Inc.	\$2,500	\$2,500	\$2,500

3. provide Events Assistance to the below applicants (includes cash and in-kind amounts) for Period 2, January – June 2024:

Mudgee Sporting Clays	\$2,500
CWA of NSW, Kandos Branch	\$2,500

### Executive summary

This report considers applications for Events Assistance under Council's Events Assistance Policy. It relates to events to be held between 1 January and 30 June 2024. A total of 3 complete applications were considered.

It should be noted that the following events are also already approved in the 2023/24 budget via Events Assistance, under multi-year funding Mudgee Race Club, Rylstone Kandos Street Machine Club, Gulgong Eisteddfod and Rylstone Show Society.

### Disclosure of Interest

Nil

### Detailed report

Council's Events Assistance Program is designed to assist local community events that benefit the local economy and attract visitors to the Region. A maximum of \$3,000 per event per year is recommended.

Under this program, the highest priority should be for events which:

- Attract the largest number of visitors to the Region; and
- Extend the duration of visitation to the Region (i.e. occur over a number of days).

A summary of requests and recommendations can be found in Attachment 1. Full applications for each event can be found in Attachment 2.

### Cancruise

Cancruise will be held on the 16th March at the Mudgee Showground. The proposed event has an expected attendance of 1,100 attendees (both local and visiting). \$920 of in-kind support was requested to cover the cost of venue hire and \$1,000 of cash support was requested for marketing materials and prizes. Based on the original application it is recommended that if Council wishes to support the event in 2024, 2025 & 2026 the recommended amount of funding based on the scoring scale is \$500. The Events Team spoke with the applicant and advised that if the funding was 100% in-kind the eligible funding available would be \$2,500 to put towards venue hire, traffic management and waste services, any additional cost would need to be invoiced. The applicant agreed to this change and the revised recommended amount of funding based on the scoring scale is \$2,500.

### FITASC Oceania Sporting Championships

The 2024 FITASC Oceania Sporting Championships will be held on the 26th April at the Windermere Regional Shooting Complex. The proposed event has an expected attendance of 800 attendees (both local and visiting). \$300 of in-kind support is requested to cover the cost of a large road sign and \$2,700 of cash support is requested for trophies, portaloo's, signage, generators and bus hire. It is recommended that if council wishes to support this event in 2024 the recommended amount of funding based on the scoring scale is \$2,500.

### CWA Kandos Gardens Fair 2024

The 2024 CWA Kandos Gardens Fair will be held on the 23rd March in Kandos and Rylstone surrounds. The proposed event has an expected attendance of 1,900 attendees (both local and visiting). \$3,000 of cash support is requested for advertising and administration support. It is recommended that if Council wishes to support this event in 2024 the recommended amount of funding based on the scoring scale is \$2,500.

The Events Assistance scoring system below was used to score applications against set criteria:

#### LOCAL COMMUNITY/VOLUNTEER PARTICIPATION IN EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	No or limited local community/volunteer participation or impact (<100 residents)
1	Poor	Community/volunteer participation or local benefits impacting (100 to 500 residents)
2	Satisfactory	Community/volunteer participation or local benefits impacting between (500 to 1,000 residents)
3	Good	Direct community/volunteer involvement or local benefits impacting (>1,000 residents)

#### CAPACITY TO ENSURE EVENT CONTINUES AND DEVELOPS IN THE FUTURE

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	Unsatisfactory	First time event being held, no plans outlined in application, unclear capacity to deliver event
1	Poor	Limited event history (year one), limited plans outlined in application
2	Satisfactory	Event is at least two years old, appropriate planning
3	Good	Well-established event with detailed planning for the future outlined



## ECONOMIC ACTIVITY GENERATED FROM EVENT

SCORE	DEFINITIVE ANSWERS	VALUE JUDGEMENT
0	\$0-\$25K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
2	\$25K-\$50K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
4	\$50K-\$100K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
6	\$100K-\$150K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
8	\$150k-\$200K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
10	\$200K-\$250K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
12	\$250K-\$300K	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)
14	\$300K+	Number of visitors to the region x \$657 (if multi-day event) or \$104 (if single day)

## ADDITIONAL POINTS IN-KIND REQUESTS

SCORE	VALUE JUDGEMENT
10	All events requesting 100% in-kind assistance receive 10 bonus points. Noting only up to cost of in-kind services will be funded

Attachment 1 and 2 outline the requests and recommendations for funding.

## Community Plan implications

Theme	Building a Strong Local Economy
Goal	An attractive business and economic environment
Strategy	Promote the region as a great place to live, work, invest and visit

## Strategic implications

### Council Strategies

Applications for Events Assistance are required to have clear linkages to the Community Plan Towards 2040 outcomes. This includes promoting the region as a great place to live, work, invest and visit. Supporting events that provide opportunities for local and visitor attendance increases visitation to the region and provides social and economic benefits to the region.

### Council Policies

Events Assistance Policy – applicants are required to meet the eligibility criteria of the policy including attracting visitors to the region.

### Legislation

The Local Government Act 1993, Section 356, states: (1) a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

### Financial implications

Funding of \$50,000 is proposed in the 2023/24 Operational Plan for Events Assistance. Based on the scoring system above, the recommendation of staff is to provide \$7,500 in Events Assistance for the events to be held in period 2, between 1 January and 30 June 2024. An additional \$41,500 has been previously allocated through multi-year funding and from events previously approved in Period 1 and 2. This leaves a balance of \$1,000 in Events Assistance.

### Associated Risks

It is important for Council to provide support to these planned events to help encourage visitors to the region and help stimulate the tourism economy. If Council does not support these events, there is a risk that they may not go ahead in the future or that they are held at another location and therefore, there is the potential of further lost economic benefits to the Mid-Western Region.

There is also a risk that an applicant provides false or fraudulent information to benefit from the program. This risk is minimised by the clear and transparent policy, process for approval, and feedback requirements of the program.

JOANNA LINDSAY  
EVENTS COORDINATOR

ALINA AZAR  
DIRECTOR DEVELOPMENT

17 October 2023

*Attachments:* 1. Events assistance summary.  
2. Events assistance applications.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

Event Start Date	Description	Total amount requested	Requested Amount Cash	Requested Amount in kind	Request for Multi-Year Funding	Local Community/Volunteer Participation	Capacity to ensure event continues and develops in the future	Economic Activity Generated from event	Bonus Points	Total Score	Recommendation
16/03/2024	Cancruise will be held on the 16th March at the Mudgee Showground. The proposed event has an expected attendance of 1,100 attendees (both local and visiting). \$920 of in-kind support is requested to cover the cost of venue hire and \$1,000 of cash support is requested for marketing materials and prizes. It is recommended that if Council wishes to support the event in 2024, 2025 & 2026 the recommended amount of funding based on the scoring scale is	\$ 2,500.00	\$ -	\$ 2,500.00	Yes - 2024, 2025, 2026	2	3	2	10	17	\$2,500 in-kind
26/04/2024	The 2024 FITASC Oceania Sporting Championships will be held on the 26th April at the Windamere Regional Shooting Complex. The proposed event has an expected attendance of 800 attendees (both local and visiting). \$300 of in-kind support is requested to cover the cost of a large road sign and \$2,700 of cash support is requested for trophy's, portaloos, signage, generators and bus hire. It is recommended that if council wishes to support this event in 2023 the recommended amount of funding based on the scoring scale is	\$ 3,000.00	\$ 300.00	\$ 2,700.00	no	0	3	14	0	17	\$2,500 cash
23/03/2024	The 2024 CWA Kandas Gardens Fair will be held on the 23rd March in Kandas and Rylstone surrounds. The proposed event has an expected attendance of 1,900 attendees (both local and visiting). \$3,000 of cash support is requested for advertising and administration support. It is recommended that if council wishes to support this event in 2023 the recommended amount of funding based on the scoring scale is	\$ 3,000.00	\$ -	\$ 3,000.00	no	1	3	14	0	18	\$2,500 cash

## Events Assistance Program



Submitted on	14 September 2023, 11:00AM
Receipt number	19
Related form version	13

### Before you begin

Mid-Western Regional Council's [Events Assistance Program](#) is designed to assist community events which benefit the local economy and attract visitors to the region.

Please note you will need the following to complete this form:

- Your business or organisation details
- Bank details for cash component of grant
- A copy of your current Certificate of Currency
- Event details including dates, expected attendance, planned marketing activity, event costs
- A photograph of your event

Please ensure you have read the [eligibility guidelines and criteria](#) to ensure you are eligible to apply for Events Assistance Funding.

**ALL questions must be completed. Incomplete applications will not be accepted.**

Please read and accept the [privacy statement](#) and any applicable [terms and conditions](#). If a fee or charges required, payment must be made before submitting the form.

### Your details

First name	[REDACTED]
Last name	[REDACTED]
Organisation	Mudgee Sporting Clubs
ABN	62787344857
Email	[REDACTED]
A copy of your submission will be sent to this email address.	
Phone number	[REDACTED]
Address	[REDACTED]

### Organisation details

Are you registered for GST?	No
-----------------------------	----

Is your organisation incorporated? Yes

Is your organisation not-for-profit? Yes

### Certificate of Currency

Please upload a copy of your current Certificate of Currency.

**Please note:** Events MUST have insurance current at time of the event, to be eligible to receive funding. If this will expire before your event date, an updated version will be required before funding is released.

[Certificate of Currency for SPOCLA \(Policy 54213\) - 2023.pdf](#)

## Event details

Name of the event	FITASC Oceanic Sporting Championships
Event start date	26/04/2024
Number of event days	3
Event location	8839 Castlereagh Way, Cudgegong NSW 2850, Australia <a href="#">Map</a> (-32.8193501, 149.8028488)
How often is the event held?	First time NSW has been offered this prestigious international event
What year was the event established?	1990
Local community members or volunteers participating in the event	Less than 100 residents
Number of expected single day visitors to the region for this event	6 days plus
Number of expected overnight visitors	700
What methods do you use to collect data on attendance?	Other
Please specify other data collection methods used	Pre-nominations
How do you plan to promote or market the event?	PR Flyers Social media

## Booking details

Is this event being held on Council land or venue?	No
Does the booking relate to Glen Willow?	No

## Funding details

---

Has your event previously received funding from Council?	No
--	----

---

Do you wish to apply for multi-year funding?	No
--	----

---

### Funding requested

Must not exceed \$3,000

---

What funding are you applying for?	Cash support
------------------------------------	--------------

---

### In-kind support

If you are requesting **IN-KIND** support, please provide details AND value of support (do not amount). E.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's [Fees and Charges](#) for specific amounts.

All events requesting 100% in-kind assistance receive 10 bonus points towards scoring of application.

---

Other	large road signs advertising the event on Castlereagh highway at main gate
-------	--

---

Total in-kind requested	300.00
-------------------------	--------

---

### Cash support

Please provide details of how your **CASH** assistance will be used, including. For any cash funding received, copies of invoices may be required as evidence along with an invoice.

---

Prizes	Trophy's, Porta Loos hire, signage, generator running cost, Bus driver, permits. this event will bring new people to our area.
--------	--

---

Total cash	2700.00
------------	---------

---

### Bank details

(for cash component of grant)

---

Account name	
--------------	--

---

BSB	
-----	--

---

Account number	
----------------	--

---

## Project budget and financial details

---

### Event income

Please provide details of your event income:

---

Total events assistance funding requested	3000.00
---	---------

---

Expected sales revenue (including ticket sales)	unknown
---	---------

---



Contribution from your organisation	work lead ng up to event doing ground matanence h rer equ pment perm ts new equ pment needed : \$10,000 p us
Sponsorships	St ook ng for sponsors
Stallholder fees	n
Other grant funding received	n
Other income	n
Total income	unknown

**Event expenditure**

Please prov de deta s of your event expend ture:

Total surplus / deficit:	unknown
--------------------------	---------

How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

This s a one t me event as t goes to other States and country's every year

## MWRC Website Directory

### Event image

Please upload a high resolution image

Maximum file size 16MB. Landscape image preferred - 1200 x 800.

[IMG\\_0412 mwsc\\_edted-1.jpg](#)

### Event description

Please note this information may be shared on Council's public event directory.

**Please note:** This will be used on Council's public website. Please include all infomation that is relevant for your attendees.

Mudgee Sport ng C ays s host ng the FITASC Oceana Sport ng Champ onsh ps on 26th 27th 28th Apr 2024. th s s a Prest gous nternat ona event th s s the frst t me NSW has been offered th s event and Mudgee s one of on y 3 Sport ng C ays cubs n Austr a with the grounds to host such an event with n excess of 400 compet tors each day s expected.

Social media link

<https://www.facebook.com/mudgeesport ngc ays>  
<https://sca vescores.com.au/>

Event website / ticketing link

<https://www.mudgeesport ngc ays.org/>  
<https://sport ngc aysaustra a.com.au/>

## Declaration

### Privacy statement & terms and conditions

I have read and accept the [privacy statement](#) any above statements and applicable [terms and conditions](#) as listed on Council's website.

I have read and accept any app cab e terms and cond t ons

I have read the e g b ty gu de nes & cr ter a to ensure my app cat on s e g be

I confirm that:

The information contained in the application form and within the attachments are true and correct

This application has been submitted with the full knowledge and support of the applicant

A copy of current insurance will be provided before funding is received

Organisations with outstanding acquittals from past events will not have their applications reviewed until acquittals are received

Signature

[Redacted Signature]

[Redacted Signature]

[Redacted Signature] [signature](#)

## Events Assistance Program



Submitted on	11 September 2023, 9:14AM
Receipt number	18
Related form version	13

### Before you begin

Mid-Western Regional Council's [Events Assistance Program](#) is designed to assist community events which benefit the local economy and attract visitors to the region.

Please note you will need the following to complete this form:

- Your business or organisation details
- Bank details for cash component of grant
- A copy of your current Certificate of Currency
- Event details including dates, expected attendance, planned marketing activity, event costs
- A high-resolution image of your event

Please ensure you have read the [eligibility guidelines and criteria](#) to ensure you are eligible to apply for Events Assistance Funding.

**ALL questions must be completed. Incomplete applications will not be accepted.**

Please read and accept the [privacy statement](#) and any applicable [terms and conditions](#). If a fee or charges are required, payment must be made before submitting the form.

### Your details

First name	[REDACTED]
Last name	[REDACTED]
Organisation	Cudgegong Cruisers Inc
ABN	[REDACTED]
Email	[REDACTED]
A copy of your submission will be sent to this email address.	
Phone number	[REDACTED]
Address	[REDACTED] [REDACTED]

### Organisation details

Are you registered for GST?	No
-----------------------------	----

Is your organisation incorporated? Yes

Is your organisation not-for-profit? Yes

### Certificate of Currency

Please upload a copy of your current Certificate of Currency.

**Please note:** Events MUST have insurance current at time of the event, to be eligible to receive funding. If this will expire before your event date, an updated version will be required before funding is released.

[Certificate of Currency - Cudgegong Cruisers.pdf](#)

## Event details

Name of the event	Cancru se
Event start date	16/03/2024
Number of event days	1
Event location	Mudgee Showground No coord nates found
How often is the event held?	Yearly
What year was the event established?	2009
Local community members or volunteers participating in the event	500 - 1,000 residents
Number of expected single day visitors to the region for this event	50
Number of expected overnight visitors	50
What methods do you use to collect data on attendance?	Ticket sales / entries
How do you plan to promote or market the event?	Posters Flyers Social media Street banners / flags Radio

## Booking details

Is this event being held on Council land or venue?	Yes
Has a booking form been completed or a request to book been made?	Yes
Please provide your Bookable booking ID - this can be found in the top right corner of your booking confirmation PDF	14784

Does the booking relate to Glen Willow? No

## Funding details

Has your event previously received funding from Council? Yes

Please list year(s) and amount(s) received At least last 3 years, in-kind booking fees for showground, approximately \$2,000 total

Do you wish to apply for multi-year funding? Yes

Please select the years you are applying for  
2024  
2025  
2026

**Funding requested** Spoke to John on 1/11 explained that if he was to amend his application to receive all in-kind assistance, he would score higher. He agreed to do this to be able to receive \$2500 in-kind assistance.  
Must not exceed \$3,000

What funding are you applying for? Both

## In-kind support

If you are requesting **IN-KIND** support, please provide details AND value of support (dollar amounts). E.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's [Fees and Charges](#) for specific amounts.

All events requesting 100% in-kind assistance receive 10 bonus points towards scoring of application.

Venue hire (please indicate which venue and dollar amount) Mudgee Showground \$920

Traffic management Assistance with Traffic Control Plan, no fee could be found in the fees and charges

Total in-kind requested \$920 plus traffic plan fee required

## Cash support

Please provide details of how your **CASH** assistance will be used, including. For any cash funding received, copies of invoices may be required as evidence along with an invoice.

Marketing materials 600

Salaries N

Prizes 400

Total cash 1,000

## Bank details

(for cash component of grant)

Account name

BSB

Account number

## Project budget and financial details

### Event income

Please provide details of your event income:

Total events assistance funding requested	1,920
Expected sales revenue (including ticket sales)	8,000
Contribution from your organisation	1,000
Sponsorships	8,000
Other income	7,000
Total income	25,920

### Event expenditure

Please provide details of your event expenditure:

Marketing	1000
Venue hire	920
Staff costs	0
Other expenses	1,600
Total surplus / deficit:	22,400

If surplus budget, please provide further details on what this will be used for

A surplus from the event will be donated to Can Assist Mudgee Branch. Can Assist provides financial support such as travel, medical and pharmacy expenses, utility accounts etc, to people in the Mudgee LGA who are undergoing cancer treatment.

How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

Cudgegong Cruisers hopes that as this is a charity event which to date has donated over \$190,000 to Can Assist Mudgee, \$60,000 in the past 3 years, Council will continue to support it.

## MWRC Website Directory



## Event image

### Please upload a high resolution image

Maximum file size 16MB. Landscape image preferred - 1200 x 800.

[Cancruise 2023 3.jpg](#)  
[Cancruise 2023 2.jpg](#)  
[Cancruise 2023 5.jpg](#)  
[Cancruise 2023 4.jpg](#)  
[Cancruise presentation 1 28-3-23.jpg](#)  
[Cancruise presentation 2 28-3-23.jpg](#)  
[Cancruise flyer 2023 final.pdf](#)

## Event description

Please note this information may be shared on Council's public event directory.

**Please note:** This will be used on Council's public website. Please include all information that is relevant for your attendees.

Cancruise is a one day fundraising event for Cancer Australia which starts with a show and shine vehicle display (cars, trucks and motorcycles) at Mudgee Showground then a cruise through the beautiful Midwestern Region stopping for morning tea and lunch at venues to be determined on the way. All funds raised are donated to Cancer Australia Mudgee Branch which provides financial support to residents of Midwestern LGA undergoing cancer treatment.

### Social media link

<https://www.facebook.com/cudgegongcruisers?ref=ts>

### Event website / ticketing link

123tickets.com.au

## Declaration

### Privacy statement & terms and conditions

I have read and accept the [privacy statement](#) any above statements and applicable [terms and conditions](#) as listed on Council's website.

I have read and accept any applicable terms and conditions

I have read the eligibility guidelines and criteria to ensure my application is eligible

### I confirm that:

The information contained in the application form and within the attachments are true and correct

This application has been submitted with the full knowledge and support of the applicant

A copy of current insurance will be provided before funds are received

Organisations with outstanding acquittals from past events will not have their applications reviewed until acquittals are received

### Signature



[Link to signature](#)

## Events Assistance Program



Submitted on	14 September 2023, 12:28PM
Receipt number	20
Related form version	13

### Before you begin

Mid-Western Regional Council's [Events Assistance Program](#) is designed to assist community events which benefit the local economy and attract visitors to the region.

Please note you will need the following to complete this form:

- Your business or organisation details
- Bank details for cash component of grant
- A copy of your current Certificate of Currency
- Event details including dates, expected attendance, planned marketing activity, event costs
- A high-resolution image of your event

Please ensure you have read the [eligibility guidelines and criteria](#) to ensure you are eligible to apply for Events Assistance Funding.

**ALL questions must be completed. Incomplete applications will not be accepted.**

Please read and accept the [privacy statement](#) and any applicable [terms and conditions](#). If a fee or charges are required, payment must be made before submitting the form.

### Your details

First name	[REDACTED]
Last name	[REDACTED]
Organisation	CWA of NSW Kandos Branch
ABN	82 318 909 926
Email	[REDACTED]
A copy of your submission will be sent to this email address.	
Phone number	[REDACTED]
Address	[REDACTED]

### Organisation details

Are you registered for GST?	No
-----------------------------	----

Is your organisation incorporated?

Yes

Is your organisation not-for-profit?

Yes

### Certificate of Currency

Please upload a copy of your current Certificate of Currency.

**Please note:** Events MUST have insurance current at time of the event, to be eligible to receive funding. If this will expire before your event date, an updated version will be required before funding is released.

[2023\\_2024\\_CWA\\_CoC.pdf](#)

## Event details

Name of the event	CWA Kandos Gardens Fair 2024
Event start date	23/03/2024
Number of event days	2
Event location	Kandos and Ryestone surrounds No coordinates found
How often is the event held?	Usually every two years however due to drought, fires and COVID, it has not been held since 2018. This will be the sixth Gardens Fair.
What year was the event established?	2011
Local community members or volunteers participating in the event	100 - 500 residents
Number of expected single day visitors to the region for this event	600 - 1000
Number of expected overnight visitors	300 - 400
What methods do you use to collect data on attendance?	Ticket sales / entries
How do you plan to promote or market the event?	PR Posters Flyers Social media Print advertising Street banners / flags Radio Other
Please specify other marketing methods used	Invitations to Garden Clubs and other horticultural organisations

## Booking details

Is this event being held on Council land or venue? No

Does the booking relate to Glen Willow? No

## Funding details

Has your event previously received funding from Council? No

Do you wish to apply for multi-year funding? No

### Funding requested

Must not exceed \$3,000

What funding are you applying for? Cash support

### In-kind support

If you are requesting **IN-KIND** support, please provide details AND value of support (do or amounts). E.g. Council venue hire fee, preparation of Traffic Control Plan, Traffic Control Personnel, Waste Management). Refer to Council's [Fees and Charges](#) for specific amounts.

All events requesting 100% in-kind assistance receive 10 bonus points towards scoring of application.

Total in-kind requested 0

### Cash support

Please provide details of how your **CASH** assistance will be used, including. For any cash funding received, copies of invoices may be required as evidence along with an invoice.

Marketing materials Print advertising, Flyers, posters, banners, social media promotion, website - \$2500

Salaries Admin/strat on Support, including contacting gardening clubs, social media, gardener liaison, website - \$500

Prizes CWA are managing this - \$500 - \$1000

Catering CWA are managing this

Total cash \$3000

### Bank details

(for cash component of grant)

Account name [REDACTED]

BSB [REDACTED]

Account number [REDACTED]

## Project budget and financial details

### Event income

Please provide details of your event income:

Total events assistance funding requested	\$3000
Expected sales revenue (including ticket sales)	\$15,000 - \$20,000
Contribution from your organisation	\$2,000
Sponsorships	\$1,500 so far
Stallholder fees	N
Other grant funding received	N
Other income	Raffles \$1,000
Total income	\$22,500

### Event expenditure

Please provide details of your event expenditure:

Marketing	\$5000
Staff costs	\$1000
Other expenses	\$2,500
Total surplus / deficit:	\$14,500

If surplus budget, please provide further details on what this will be used for

All costs are incurred prior to revenue (ticket sales). Ticket sales are divided amongst local community groups who support each open garden at the end of the event. Kandos CWA will put approximately \$5,000 aside for expenses for the next Gardens Fair.

How do you plan to ensure the event will be sustainable in the future and not reliant on Council funding?

In the past, we have retained funding for the next gardens fair. However as the last Gardens Fair was in 2018, prior to drought, fires and COVID, this funding has been significantly reduced. This Gardens Fair, we are budgeting \$5,000 to be put aside to fund our next Gardens Fair. The balance will be distributed to local not-for-profits who are being allocated to support each open garden.

## MWRC Website Directory

### Event image

Please upload a high resolution image

[ACP\\_3123.jpg](#)

Maximum file size 16MB. Landscape image preferred - 1200 x 800.

Event description

Please note this information may be shared on Council's public event directory.

**Please note:** This will be used on Council's public website. Please include all information that is relevant for your attendees.

Kandos Gardens Fair is a major calendar event for our region. Eight town and country gardens in Kandos, Ryestone and surrounds will be open in Autumn on 23 and 24 March 2024 weekend to visitors. The gardens will vary from expansive country properties to town gardens, including a Convent. The Fair will include:

- Entertainment by local artists, sculptors and musicians
- Food, plant and produce stalls
- Some gardeners sharing gardening tips and tricks

Pencil hampers can be purchased online prior to the event.

Social media link

<https://www.facebook.com/KandosGardensFair>

Event website / ticketing link

<https://kandosgardensfair.com>

Privacy statement & terms and conditions

I have read and accept the [privacy statement](#), any above statements and applicable [terms and conditions](#) as listed on Council's website.

I have read and accept any applicable terms and conditions

I have read the eligibility guidelines & criteria to ensure my application is eligible

I confirm that:

The information contained in the application form and within the attachments are true and correct

This application has been submitted with the full knowledge and support of the applicant

A copy of current insurance will be provided before funding is received

Organisations with outstanding acquittals from past events will not have their applications reviewed until acquittals are received

Signature



## 8.9 Monthly Development Applications Processing and Determined

REPORT BY THE MANAGER PLANNING  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, A0420109

### RECOMMENDATION

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

### Executive summary

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

### Disclosure of Interest

Nil

### Detailed report

Included in this report is an update for the month of October 2023 Development Applications determined and Development Applications processing.

The report will detail:

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

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

Not Applicable

**Legislation**

Not Applicable

Financial implications

Not Applicable

Associated Risks

Not Applicable

LINDSAY DUNSTAN  
MANAGER PLANNING

ALINA AZAR  
DIRECTOR DEVELOPMENT

1 November 2023

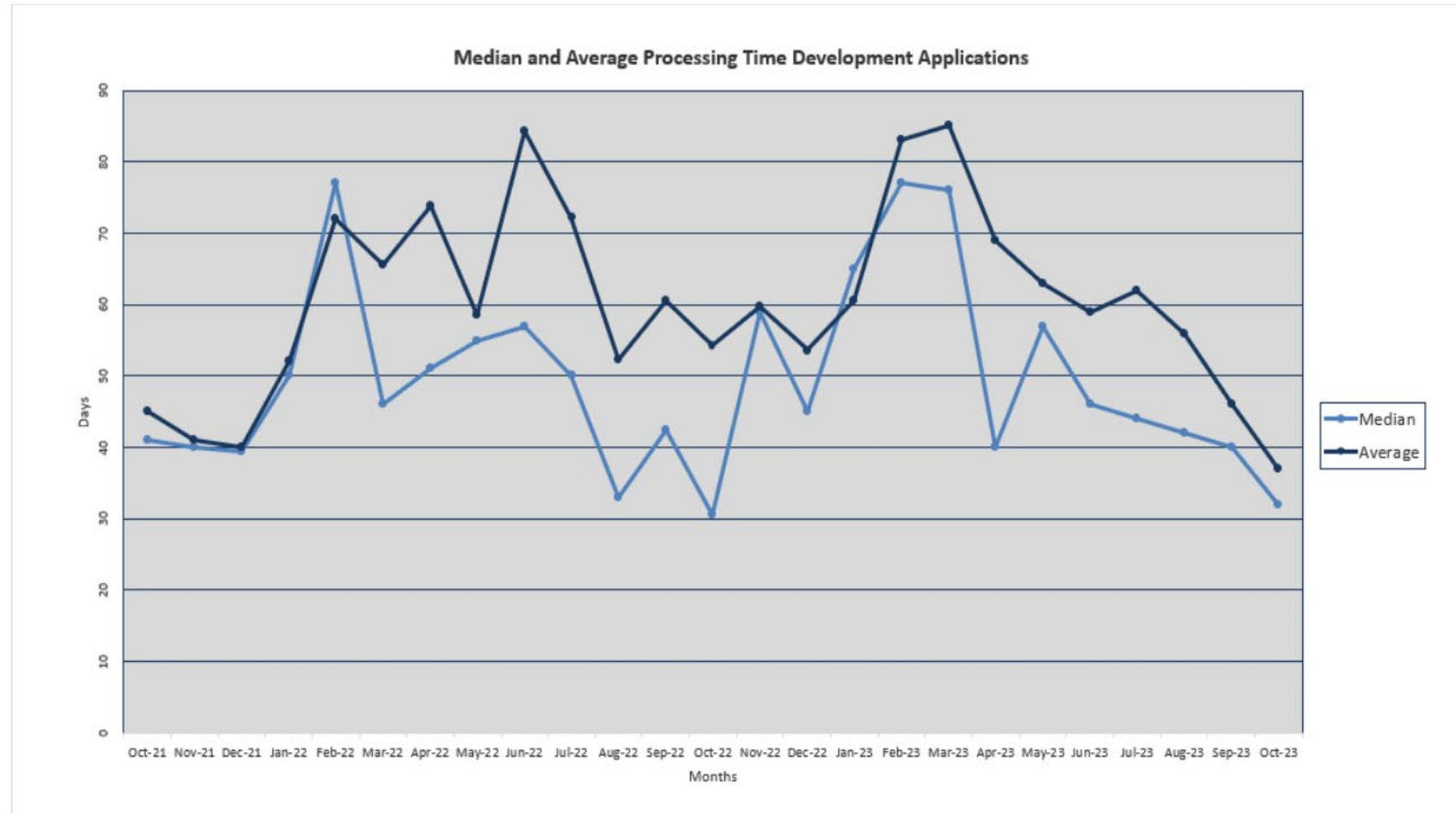
*Attachments:* 1. Monthly Development Applications Processing and Determined - October 2023.

APPROVED FOR SUBMISSION:

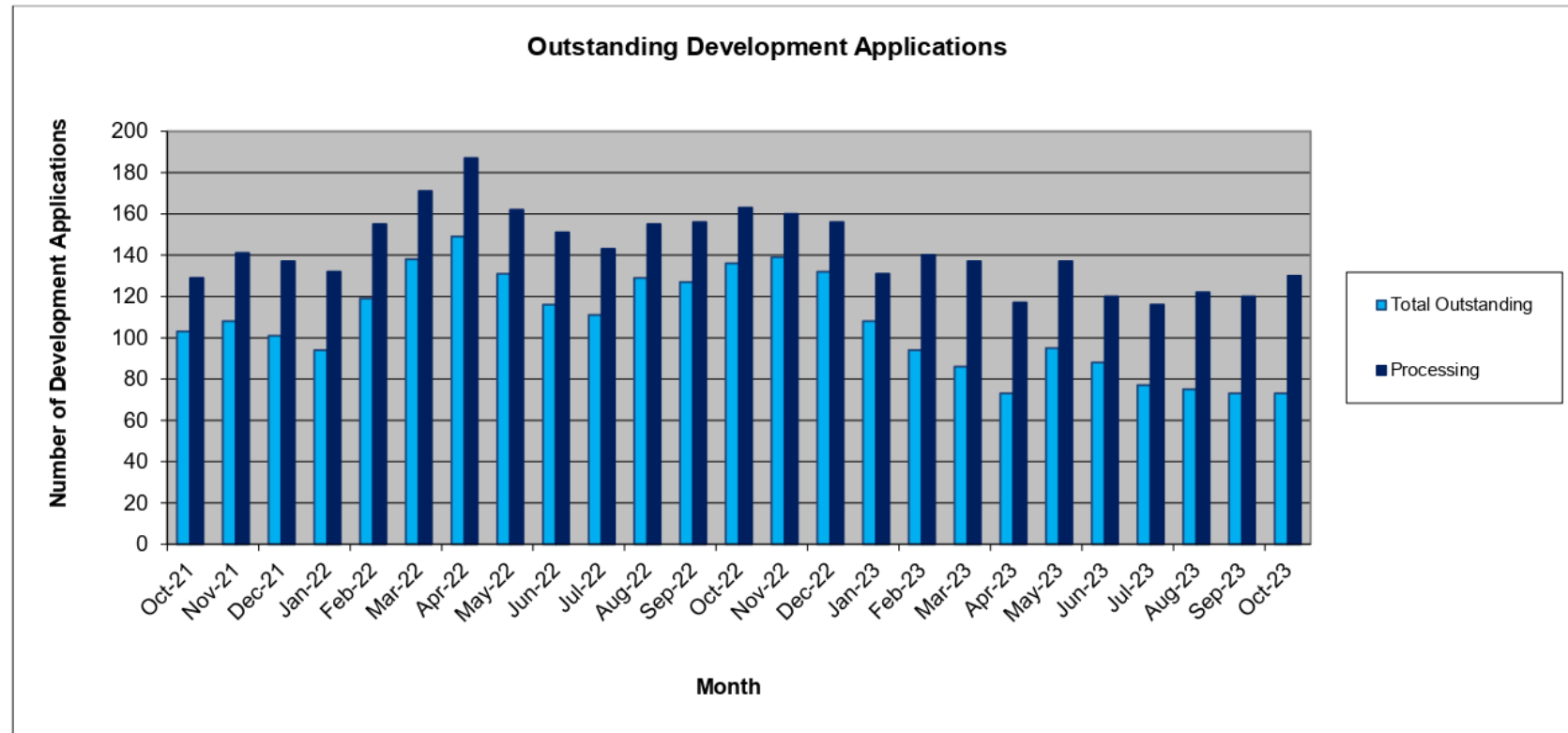
BRAD CAM  
GENERAL MANAGER

## Monthly Development Application Processing Report –October 2023

This report covers the period for the month of October 2023. Graph 1 indicates the processing times up to 31 October 2023 with the month of October having an average of 37 days and a median time of 32 days.



## Monthly Development Application Processing Report –October 2023



Graph 2 indicates the total number of outstanding applications; the number currently being processed is 73 and the number on “stop clock” is 57.

The Planning and Development Department determined 22 Development Applications either by Council or under delegation during October 2023.

## Monthly Development Application Processing Report – October 2023

### Development Applications Determined – October 2023

Appl/Proc ID	Description	House No	Street Name	Locality
DA0066/2021	Commercial Alterations/Additions	77	Medley Street	GULGONG NSW 2852
DA0224/2021	Commercial Alterations/Additions	23	Louee Street	RYLSTONE NSW 2849
DA0190/2023	Subdivision - Torrens Title	132	Bruce Road	MUDGEE NSW 2850
DA0206/2023	Warehouse Unit Complex	38	Hill End Road	CAERLEON NSW 2850
DA0268/2023	Shed	267	Ulan Road	BOMBIRA NSW 2850
DA0271/2023	Secondary dwelling	8	Avisford Court	MUDGEE NSW 2850
DA0363/2023	Alterations and Additions to Caravan Park	3	Carwell Street	RYLSTONE NSW 2849
DA0407/2023	Subdivision - Torrens Title	417	Cope Road	STUBBO NSW 2852
DA0027/2024	Alterations & Additions	119	Market Street	MUDGEE NSW 2850
DA0031/2024	Alterations & Additions	29	Belmore Street	GULGONG NSW 2852
DA0041/2024	Demolition	7	Short Street	RYLSTONE NSW 2849
DA0047/2024	Dwelling House	321	Ridge Road	COOKS GAP NSW 2850
DA0049/2024	Alterations & Additions	29	George Street	MUDGEE NSW 2850
DA0051/2024	Dwelling House	23	Herbert Street	GULGONG NSW 2852
DA0056/2024	Dwelling House	1713	Cope Road	COPE NSW 2852
DA0090/2024	Alterations & Additions	1238	Pyangle Road	PYANGLE NSW 2850
DA0091/2024	Retaining Wall	36	Suttor Avenue	CAERLEON NSW 2850
DA0098/2024	Shed	43	Denison Street	MUDGEE NSW 2850
DA0102/2024	Alterations and Additions	30	Hughson Avenue	MUDGEE NSW 2850
DA0120/2024	Dwelling House	38	Hone Creek Drive	CAERLEON NSW 2850
DA0134/2024	Shed	8	Goodlet Lane	MUDGEE NSW 2850
DA0141/2024	Shed	36	Wyaldra Park Road	COOKS GAP NSW 2850

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

DA number	Number of DCP variation(s)	Level of variation
DA0087/2024	1	>10%
DA0072/2024	1	>10%
DA0055/2024	1	>10%
DA0400/2023	2	>10%

## Monthly Development Application Processing Report –October 2023

### Development Applications currently being processed – October 2023.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0214/2011	Dwelling House	663	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0327/2011	Shed	23	Horatio Street	MUDGEE NSW 2850
DA0102/2016	Dwelling House	705	Windeyer Road	GRATTAI NSW 2850
DA0343/2016	Commercial Alterations/Additions	137	Ulan Road	PUTTABUCCA NSW 2850
DA0058/2018	Fence	1	Dunphy Crescent	MUDGEE NSW 2850
DA0089/2019	Change of use -shed to habitable dwelling	2037	Coxs Creek Road	RYLSTONE NSW 2849
DA0263/2019	Camping ground	40	Grevillea Street	GULGONG NSW 2852
DA0087/2021	Carport	63	Court Street	MUDGEE NSW 2850
DA0199/2021	Change of use - to Serviced Apartments	1	Sydney Road	MUDGEE NSW 2850
DA0164/2022	Change of use - Retail Premises	9	Sydney Road	MUDGEE NSW 2850
DA0329/2022	Staged Demolition and Construction of Commercial Buildings	19	Sydney Road	MUDGEE NSW 2850
DA0349/2022	Subdivision - Torrens Title	26	Hone Creek Drive	CAERLEON NSW 2850
DA0406/2022	Subdivision - Torrens Title	36	Tinja Lane	PUTTABUCCA NSW 2850
DA0417/2022	Alterations, Additions & Demolition to Commercial	59	Church Street	MUDGEE NSW 2850
DA0040/2023	Subdivision - Torrens Title	194	Hill End Road	CAERLEON NSW 2850
DA0090/2023	Dwelling House	1121	Ulan Road	BUDGEE BUDGEE NSW 2850
DA0205/2023	Dual Occupancy	11	McLachlan Street	RYLSTONE NSW 2849
DA0221/2023	Dwelling House	655	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0233/2023	Subdivision - Torrens Title	1	Sydney Road	MUDGEE NSW 2850
DA0248/2023	Ancillary Residential Development	6	Avisford Court	MUDGEE NSW 2850
DA0267/2023	Camping Ground	48	Turners Lane	GULGONG NSW 2852
DA0286/2023	Warehouse Units (8 units)	38	Hill End Road	CAERLEON NSW 2850
DA0295/2023	Dwelling House	120	Market Street	MUDGEE NSW 2850
DA0296/2023	Dwelling House	171	Ridge Road	COOKS GAP NSW 2850
DA0297/2023	Industrial Building	39	Razorback Road	RUNNING STREAM NSW 2850

## Monthly Development Application Processing Report –October 2023

DA0304/2023	Recreation Area	2358	Henry Lawson Drive	CANADIAN LEAD NSW 2850
DA0324/2023	Subdivision - Torrens Title	139	Robertson Street	MUDGEE NSW 2850
DA0333/2023	Alterations to the Existing Caravan Park	8	Bell Street	MUDGEE NSW 2850
DA0343/2023	Conversion of two existing cellar door buildings into serviced apartments	29	Alexander Road	ERUDGERE NSW 2850
DA0347/2023	Subdivision - Torrens Title	14	Wiradjuri Close	PUTTABUCCA NSW 2850
DA0364/2023	Telecommunications facility	0	Upper Bylong Road	UPPER BYLONG NSW 2849
DA0369/2023	Subdivision - Torrens Title	33	Robert Hoddle Grove	BOMBIRA NSW 2850
DA0384/2023	Dual Occupancy	43	Knox Crescent	CAERLEON NSW 2850
DA0387/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850
DA0394/2023	Alterations and additions to industrial developmnt	4	Industrial Avenue	GULGONG NSW 2852
DA0400/2023	Multi dwelling housing	24	Cox Street	MUDGEE NSW 2850
DA0408/2023	Subdivision - Torrens Title	17	Marshfield Lane	MUDGEE NSW 2850
DA0411/2023	Shed	18	Webster Street	BOMBIRA NSW 2850
DA0006/2024	Secondary Dwelling (Transportable Dwelling)	374	Coxs Creek Road	RYLSTONE NSW 2849
DA0007/2024	Dwelling House	9	Grevillea Grove	RYLSTONE NSW 2849
DA0008/2024	Recreation Area	0	Bylong Valley Way	BREAKFAST CREEK 2849
DA0013/2024	Swimming Pool	10	Bumberra Place	BOMBIRA NSW 2850
DA0016/2024	Storage yard for towed motor vehicles	8	Industrial Avenue	MUDGEE NSW 2850
DA0020/2024	Dwelling House	433	Maitland Bar Road	MAITLAND BAR NSW 2850
DA0021/2024	Dwelling House	253	Coricudgy Road	OLINDA NSW 2849
DA0023/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0026/2024	Subdivision - Torrens Title	68	Short Street	MUDGEE NSW 2850
DA0030/2024	Farm building	6580	Ilford Sofala Road	ILFORD NSW 2850
DA0034/2024	Secondary dwelling	34	Lang Street	MUDGEE NSW 2850
DA0035/2024	Subdivision - Torrens Title	24	Roxburgh Street	KANDOS NSW 2848
DA0036/2024	Demolition	20	Buchanan Street	KANDOS NSW 2848
DA0040/2024	Alterations & Additions	390	Yarrowonga Road	YARRAWONGA NSW 2850
DA0044/2024	Farm Stay Accommodation	772	Black Willow Road	HARGRAVES NSW 2850
DA0045/2024	Subdivision - Torrens Title	312	Castlereagh Highway	BURRUNDULLA NSW 2850
DA0048/2024	Subdivision - Torrens Title	13	Cook Place	MUDGEE NSW 2850
DA0050/2024	Signage	18	Bulga Street	GULGONG NSW 2852



## Monthly Development Application Processing Report –October 2023

DA0052/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0053/2024	Alterations & Additions	971	Green Gully Road	BOCOBLE NSW 2850
DA0055/2024	Garage	20	Steel Drive	SPRING FLAT NSW 2850
DA0059/2024	Dwelling House	210	Green Gully Road	GREEN GULLY NSW 2850
DA0064/2024	Subdivision - Torrens Title	983	Wollar Road	STONY CREEK NSW 2850
DA0068/2024	Secondary dwelling	658	Black Springs Road	BUDGEE BUDGEE NSW 2850
DA0070/2024	Change of use	48	Old Ilford Road	ILFORD NSW 2850
DA0072/2024	Earthworks	10	Harvey Street	BOMBIRA NSW 2850
DA0073/2024	Industrial Building	36	Sydney Road	MUDGEE NSW 2850
DA0076/2024	Dual Occupancy	11	Shearman Street	CAERLEON NSW 2850
DA0077/2024	Dual Occupancy	20	Suttor Avenue	CAERLEON NSW 2850
DA0078/2024	Shed	13	Harvey Street	BOMBIRA NSW 2850
DA0079/2024	Subdivision - Torrens Title	82	Henry Bayly Drive	MUDGEE NSW 2850
DA0080/2024	Secondary dwelling	161	Eurunderree Lane	EURUNDEREE NSW 2850
DA0084/2024	Dwelling House	521	Ulan Road	EURUNDEREE NSW 2850
DA0086/2024	Industrial Building	5	Sydney Road	MUDGEE NSW 2850
DA0087/2024	Dual Occupancy	43	Suttor Avenue	CAERLEON NSW 2850
DA0092/2024	Subdivision - Torrens Title	40	Hone Creek Drive	CAERLEON NSW 2850
DA0094/2024	Replacement Signage	11	Sydney Road	MUDGEE NSW 2850
DA0095/2024	Dwelling Additions, Shed & Pool	74	Mortimer Street	MUDGEE NSW 2850
DA0096/2024	Demolition	23	Mortimer Street	MUDGEE NSW 2850
DA0099/2024	Colourbond Shed	4	Albens Lane	MUDGEE NSW 2850
DA0101/2024	Serviced Apartment	72	McDonalds Road	ERUDGERE NSW 2850
DA0103/2024	Dwelling	1620	Spring Creek Road	COOKS GAP NSW 2850
DA0104/2024	Residential Shed	54	Wynella Street	GULGONG NSW 2852
DA0105/2024	Boundary Realignment	211	Dabee Road	KANDOS NSW 2848
DA0106/2024	Demolition	29	Horatio Street	MUDGEE NSW 2850
DA0107/2024	Group home	5	Harvey Street	BOMBIRA NSW 2850
DA0108/2024	Patio and Shed	5	White Circle	MUDGEE NSW 2850
DA0112/2024	Dual Occupancy	15	Shearman Street	CAERLEON NSW 2850
DA0113/2024	Dwelling, Gate and Gate House	618	Castlereagh Highway	MENAH NSW 2850

## Monthly Development Application Processing Report – October 2023

DA0116/2024	Mobile phone tower	804	Castlereagh Highway	MENAH NSW 2850
DA0118/2024	Demolition	112	Norris Lane	GALAMBINE NSW 2850
DA0119/2024	Shed	36	Banjo Paterson	MUDGEE NSW 2850
DA0121/2024	Signage	19	Church Street	MUDGEE NSW 2850
DA0122/2024	Café	45	Angus Avenue	KANDOS NSW 2848
DA0123/2024	Shed	13	Tongbong Road	RYLSTONE NSW 2849
DA0124/2024	Dual Occupancy	60	Davies Road	KANDOS NSW 2848
DA0125/2024	Pylon Sign	11	Sydney Road	MUDGEE NSW 2850
DA0126/2024	Transport Depot	18	Industrial Avenue	MUDGEE NSW 2850
DA0127/2024	Subdivision	1585	Pyangle Road	LUE NSW 2850
DA0128/2024	Retaining Wall and Fibreglass Pool	73	Bara Road	HAYES GAP NSW 2850
DA0130/2024	Dwelling House	1392	Spring Ridge Road	TALLAWANG NSW 2850
DA0131/2024	Light Industrial Building	48	George Street	MUDGEE NSW 2850
DA0135/2024	Swimming pool	38	Nicholson Street	MUDGEE NSW 2850
DA0136/2024	Dwelling House, Garage and Swimming Pool	832	Queens Pinch Road	MULLAMUDDY NSW 2850
DA0137/2024	Dwelling	34	Suttor Avenue	CAERLEON NSW 2850
DA0138/2024	Alterations and Additions and Change Signage	32	Sydney Road	MUDGEE NSW 2850
DA0143/2024	Subdivision – 1 into 3 lots	2232	Bylong Valley Way	RYLSTONE NSW 2849
DA0144/2024	Alterations and Additions	17	Bent Street	KANDOS NSW 2848
DA0145/2024	Alterations and Additions	31	Crossings Road	MENAH NSW 2850
DA0147/2024	Retaining Walls	15	Flinders Avenue	MUDGEE NSW 2850
DA0148/2024	Shed	2424	Castlereagh Highway	GULGONG NSW 2852

### Heritage Development Applications currently being processed – October 2023.

Appl/Proc ID	Description	House No	Street Name	Locality
DA0271/2011	Alterations & Additions	87	Short Street	MUDGEE NSW 2850
DA0198/2021	Change of use - Residential Flat Building to Serviced Apartments	110	Church Street	MUDGEE NSW 2850
DA0201/2022	Garage	74	Gladstone Street	MUDGEE NSW 2850
DA0189/2023	Commercial Alterations & Additions	83	Mortimer Street	MUDGEE NSW 2850
DA0195/2023	Alterations & Additions	1719	Hill End Road	GRATTAI NSW 2850

### Monthly Development Application Processing Report –October 2023

DA0251/2023	Alterations & Additions	74	Mayne Street	GULGONG NSW 2852
DA0282/2023	Hotel accommodation	63	Horatio Street	MUDGEE NSW 2850
DA0375/2023	Secondary dwelling	1	Atkinson Street	MUDGEE NSW 2850
DA0054/2024	Secondary dwelling	38	Lewis Street	MUDGEE NSW 2850
DA0067/2024	Subdivision - Torrens Title	89	Lewis Street	MUDGEE NSW 2850
DA0069/2024	Demolition	67	Market Street	MUDGEE NSW 2850
DA0071/2024	Shed	80	Court Street	MUDGEE NSW 2850
DA0082/2024	Additions to Existing Post Office/General Store	78	Louee Street	RYLSTONE NSW 2849
DA0089/2024	Secondary dwelling	95	Inglis Street	MUDGEE NSW 2850
DA0097/2024	Boundary Realignment	138	Church Street	MUDGEE NSW 2850
DA0109/2024	Alterations to Front Facade	52	Church Street	MUDGEE NSW 2850
DA0117/2024	Shed	82	Horatio Street	MUDGEE NSW 2850
DA0133/2024	Subdivision – 1 into 2 lots	2	Wattle Lane	GULGONG NSW 2852
DA0140/2024	Alterations and Additions to Federal Hotel and Hotel/Motel Accommodation	34	Inglis Street	MUDGEE NSW 2850
DA0142/2024	Shed	2	White Street	GULGONG NSW 2852
DA0151/2024	Shed	47	Madeira Road	MUDGEE NSW 2850

## Item 9: Corporate Services

### 9.1 Monthly Budget Review - October 2023

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300315

#### RECOMMENDATION

**That Council:**

- 1. receive the report by the Financial Planning Co-Ordinator on the Monthly Budget Review - October 2023; and**
- 2. amend the 2023/24 budget in accordance with the variations as listed in the Monthly Budget Review attachment to this report.**

#### Executive summary

This report provides Council with information on the progress of the 2023/24 Capital Works Program at 31 October 2023.

#### Disclosure of Interest

Nil

#### Detailed report

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

#### Community Plan implications

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

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

Strategy	Prudently manage risks association with all Council activities
----------	--

#### Strategic implications

**Council Strategies**

Not Applicable

**Council Policies**

Not Applicable

### Legislation

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

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

### Financial implications

The budget variations proposed will impact the below financial ratios.

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

### Associated Risks

Not Applicable

MYOORAN VINAYAGAMOORTHY  
FINANCIAL PLANNING CO-ORDINATOR

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

19 October 2023

*Attachments:* 1. Monthly Budget Review - October 2023.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

ATTACHMENT 1 – CAPITAL  
PROGRAM UPDATE

15 NOVEMBER 2023

MID-WESTERN REGIONAL COUNCIL  
FINANCE





FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

THIS DOCUMENT HAS BEEN PREPARED BY NEIL BUNGATE, CHIEF FINANCIAL OFFICER FOR MID-WESTERN REGIONAL COUNCIL.

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

DATE OF PUBLICATION: 15 NOVEMBER 2023



# Table of Contents

1. Capital Works Program.....4

## 1. Capital Works Program

SUMMARY OF CAPITAL WORKS PROGRAM

**\$ 11.6 M**

Actual YTD

**230**

Capital Projects

**\$90.6 M**

Budget

**\$31.1 M**

Commitments

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Looking after our Community</b>							
RURAL FIRE SERVICE - LUE STATION (CAPITAL)	52	0	52	24	46%	14	Construction
RURAL FIRE SERVICE - CLANDULLA STATION EXTENSION (CAPITAL)	290	0	290	11	4%	8	Initial works
RURAL FIRE SERVICE - MUDGEE AIRBASE SHED (CAPITAL)	27	0	27	6	24%	32	Final works
MUDGEE POUND UPGRADE - RENOVATION & EXTENSION	3	3	6	0	0%	0	Consultation
FAMILY DAY CARE - EXTERNAL WORKS	60	0	60	0	0%	0	Procurement
COMM. TRANSPORT - VEHICLE PURCHASE	65	0	65	0	0%	0	Project Scope
COUNTRY UNIVERSITY CENTER CAPITAL	1,430	0	1,430	746	52%	309	Construction
CEMETERY CAPITAL PROGRAM	17	0	17	4	24%	0	Initial works
CEMETERY EXPANSION - MUDGEE & GULGONG	40	0	40	0	0%	0	Procurement
CEMETERY SIGNAGE UPGRADE	10	0	10	0	0%	3	Design
PUBLIC TOILETS - CAPITAL UPGRADES - BUDGET ONLY	100	0	100	0	0%	0	Project Scope
PUBLIC TOILETS - ILFORD REST STOP	23	0	23	0	0%	0	Complete
LIBRARY BOOKS	96	0	96	45	47%	0	Construction
MUDGEE LIBRARY AIR CONDITIONING	5	0	5	4	88%	0	Complete
GULGONG NATURAL HISTORY MUSEUM	500	0	500	8	2%	11	Design
HARGRAVES COURT HOUSE BUILDING - EXTERNAL WORKS	44	0	44	0	0%	0	Project Scope
COMMUNITY CENTRE - COURT STREET CAPITAL WORKS	4	0	4	0	0%	4	Project Scope
CAPITAL UPGRADE - KILDALLON	60	0	60	0	0%	0	Project Scope
COMMUNITY ELECTRICAL INVESTIGATION & UPGRADES	65	0	65	0	0%	0	Project Scope
PUBLIC HALLS - AUDIO UPGRADES	35	0	35	0	0%	0	Project Scope
TOWN HALL - EXTERNAL BRICKWORK	100	0	100	0	0%	0	Project Scope
KANDOS HALL & LIBRARY - EXTERNAL PAINTING & KITCHEN UPGRADE	68	0	68	6	8%	0	Project Scope

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
KANDOS HALL & LIBRARY - TOILETS	109	0	109	0	0%	4	Design
RYLSTONE SHOWGROUND - AMENITIES CHANGE ROOM UPGRADE (REQUIRE	45	0	45	0	0%	0	Project Scope
GULGONG MEN'S SHED - EXTERNAL WALL REPLACEMENT	13	0	13	0	0%	0	Project Scope
TOWN HALL THEATRE - DRESSING ROOM AMENITIES UPGRADE	40	0	40	0	0%	0	Project Scope
MUDGEE POOL HEATERS	80	0	80	0	0%	0	Procurement
MUDGEE POOL STORAGE SHED UPGRADE	26	0	26	0	0%	0	Procurement
LIGHTING UPGRADE - POOLS	50	0	50	0	0%	0	Design
GULGONG POOL HEATERS	105	0	105	0	0%	0	Procurement
GLEN WILLOW SPORTS GROUND UPGRADES	186	0	186	43	23%	4	Construction
MUDGEE SHOWGROUNDS - AMENITIES	25	0	25	24	94%	0	Construction
BILLY DUNN OVAL - UPGRADES	90	0	90	5	5%	4	Initial works
GULGONG TENNIS COURTS	218	0	218	0	0%	0	Procurement
GLEN WILLOW FIELD ONE REFURBISHMENT	550	0	550	0	0%	0	Procurement
CLANDULLA RECREATION PARK AMENITIES	120	0	120	3	3%	0	Design
VICTORIA PARK GULGONG- GRANDSTAND IMPROVEMENTS	20	0	20	0	0%	2	Initial works
GLEN WILLOW - NETWORK ACCESS FIBRE CONNECTIVITY	112	0	112	0	0%	101	Project Scope
GLEN WILLOW STORMWATER RETICULATION SYSTEM	4	0	4	0	0%	0	Complete
PUTTA BUCCA TRAINING CAMP FACILITY	9,725	0	9,725	604	6%	8,739	Construction
GLEN WILLOW - PUMP TRACK (REQUIRES GRANT)	700	0	700	9	1%	14	Consultation
VICTORIA PARK GULGONG - CANTEEN EQUIPMENT	10	0	10	0	0%	0	Consultation
GLEN WILLOW PARKING - LIGHTING AND SECURITY	76	0	76	0	0%	0	Procurement
VICTORIA PARK GULGONG - AMENITIES UPGRADE	485	0	485	14	3%	0	Procurement
GLEN WILLOW - NETBALL PRECINCT UPGRADE	143	0	143	0	0%	0	Construction
GLEN WILLOW - STADIUM LIGHTING UPGRADE	3,010	0	3,010	0	0%	1,703	Construction

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
BILLY DUNN GRANDSTAND - TOILETS AND EXTERNAL PAINTWORK	92	0	92	0	0%	0	Project Scope
GLEN WILLOW - STADIUM ELEVATOR REPLACEMENT	311	0	311	0	0%	0	Design
WARATAH PARK FIELD RENOVATION	90	0	90	5	5%	38	Construction
PROPERTY PURCHASE - 191 DENISON STREET	330	0	330	0	0%	0	Initial works
RYLSTONE SHOWGROUND CRICKET NET REPLACEMENT (REQUIRES GRANT)	42	0	42	0	0%	0	Procurement
MUDGEES SHOWGROUNDS - ROAD REHAB AND FENCING	58	0	58	16	28%	0	Initial works
VICTORIA PARK MUDGEES - SIGHT SCREENS & SEATING	80	0	80	0	0%	0	Procurement
VICTORIA PARK GULGONG - STORAGE SHED (REQUIRES GRANT)	30	0	30	0	0%	0	Consultation
VICTORIA PARK GULGONG - ROAD AND CAR PARK SEAL	85	0	85	0	0%	0	Complete
RYLSTONE SHOWGROUND ARENA - UPGRADE	787	0	787	0	0%	17	Procurement
RECREATIONAL PROPERTY MATTERS	20	0	20	2	9%	6	Consultation
ROBERTSON PARK - EQUIPMENT UPGRADE	159	0	159	0	0%	0	Design
KANDOS INCLUSIVE ADVENTURE PLAYSPACE	558	0	558	0	0%	0	Design
ELECTRIC BBQ - KANDOS & RYLSTONE PALYGROUND	10	0	10	8	82%	0	Initial works
HENRY LAWSON MEMORIAL RENEWAL	14	0	14	0	0%	0	Multi-year project - complete for this year
JACK TINDALE PARK RYLSTONE - ROAD UPGRADE	40	0	40	0	0%	0	Project Scope
SHADE SAIL - MUDGEES DOG PARK	15	0	15	14	95%	0	Complete
SCULPTURES ACROSS THE REGION	29	0	29	2	8%	0	Construction
RYLSTONE RIVER WALK - IMPROVEMENT (REQUIRES GRANT FOR 2024)	379	0	379	0	0%	0	Consultation
APEX PARK GULGONG - IRRIGATION RENEWAL	37	0	37	0	0%	0	Design
PLAYGROUND SHADING PROGRAM	53	0	53	13	25%	29	Construction
PARK BIN REPLACEMENT	80	0	80	0	0%	0	Consultation
PLAYGROUND RUBBER SOFTFALL PROGRAM	60	0	60	0	0%	0	Design

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
IRRIGATION RENEWAL PROGRAM	0	0	0	0	0%	0	Design
PLAYGROUND EQUIPMENT UPGRADE - LAWSON PARK MUDGE	161	0	161	0	0%	0	Design
LAWSON PARK MUDGE - IRRIGATION RENEWAL	45	0	45	0	0%	0	Design
BRIDGE AND STEPS REPLACEMENT - RYLSTONE COMMON	40	0	40	0	0%	39	Initial works
MUDGE RIVERSIDE - WALKING TRACK IMPROVEMENTS	8	0	8	0	4%	0	Initial works
FLIRTATION HILL MUDGE - MASTER PLAN WORKS	725	0	725	118	16%	308	Construction
PLAYGROUND - BROADVIEW ESTATE	120	0	120	0	0%	0	Consultation
STREET SCAPE IMPROVEMENTS	31	0	31	6	18%	0	Initial works
STREETSCAPE - STREET BINS	57	0	57	0	0%	0	Consultation
<b>Total</b>	<b>23,579</b>	<b>3</b>	<b>23,582</b>	<b>1,741</b>	<b>7%</b>	<b>11,388</b>	

## Protecting our Natural Environment

RURAL WASTE DEPOT UPGRADES	355	0	355	173	49%	0	Project Scope
MUDGE WASTE DEPOT UPGRADES	38	0	38	9	23%	3	Project Scope
NEW TIP CELL CONSTRUCTION	6,403	0	6,403	1,312	20%	4,384	Construction
NEW RECYCLING BINS	4	0	4	4	100%	0	Complete
KANDOS WTS OFFICE REPLACEMENT	22	10	32	8	25%	8	Construction
DRAINAGE CAPITAL IMPROVEMENTS	262	0	262	0	0%	0	Budget only
CAUSEWAY IMPROVEMENTS	61	0	61	0	0%	0	Project Scope
STORMWATER DRAINAGE - BOMBIRA AVENUE	1,400	0	1,400	0	0%	0	Initial works
PUTTA BUCCA WETLANDS CAPITAL	35	0	35	8	24%	17	Initial works
PUTTA BUCCA WETLANDS INFRASTRUCTURE - CAPITAL	184	0	184	6	3%	167	Final works
WATER NEW CONNECTIONS	100	0	100	35	35%	0	Construction

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
WATER AUGMENTATION - MUDGEE HEADWORKS	2,534	0	2,534	594	23%	232	Construction
WATER DISTRIBUTION - MUDGEE	2,800	0	2,800	0	0%	0	Design
WATER RYLSTONE DAM WALL & EROSION PROTECTION (REQUIRES GRANT)	420	0	420	0	0%	13	Project Scope
WATER MAINS - CAPITAL BUDGET ONLY	1,512	(145)	1,367	0	0%	0	Budget only
WATER MAINS - MAYNE STREET	93	0	93	0	0%	82	Complete
WATER MAINS - BAYLY STREET	77	0	77	6	8%	2	Procurement
WATER MAINS - LITTLE BAYLY STREET	36	0	36	0	0%	2	Procurement
WATER MAINS - SYDNEY ROAD	90	0	90	0	0%	0	Project Scope
WATER MAINS - NRAR WATER METER PROJECT	193	193	386	0	0%	180	Project Scope
WATER PUMP STATION - CAPITAL RENEWALS	101	0	101	1	1%	0	Project Scope
WATER PUMP STATION - GULGONG RIVER ACCESS	8	0	8	3	31%	0	Complete
WATER RESERVOIR - BUDGET ONLY	100	0	100	0	0%	0	Project Scope
WATER RESERVOIR - FLIRTATION HILL MUDGEE	105	0	105	0	0%	0	Project Scope
RAW WATER SYSTEMS RENEWALS	72	0	72	19	27%	0	Construction
WATER TREATMENT PLANT - RENEWALS	123	0	123	106	86%	14	Construction
SEWER NEW CONNECTIONS	50	0	50	0	1%	0	Construction
SEWER AUGMENTATION - RYLSTONE & KANDOS	265	0	265	1	0%	71	Design
MUDGEE SEWERAGE NETWORK & TREATMENT PLANT UPGRADE	550	0	550	0	0%	0	Project Scope
SEWER MAINS CAPITAL UPGRADES	2,194	0	2,194	78	4%	952	Construction
SEWER PUMP STATION - CAPITAL RENEWALS	1,177	0	1,177	0	0%	89	Initial works
SEWER TREATMENT WORKS - RENEWALS	94	0	94	10	10%	14	Design
SEWER TREATMENT WORKS - GULGONG STP SPILLWAY	30	0	30	0	0%	0	Project Scope
<b>Total</b>	<b>21,489</b>	<b>58</b>	<b>21,547</b>	<b>2,372</b>	<b>11%</b>	<b>6,232</b>	



FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Building a Strong Local Economy</b>							
CUDGEGONG WATERS CARAVAN PARK - KIOSK & OFFICE	68	0	68	61	90%	1	Construction
RYLSTONE CARAVAN PARK - CAPITAL	3	0	3	2	56%	0	Complete
CUDGEGONG WATERS PARK CAMP KITCHEN (REQUIRES GRANT)	60	0	60	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK EXPANSION	2,401	0	2,401	149	6%	11	Consultation
CUDGEGONG WATERS - PUBLIC TOILETS (REQUIRES GRANT)	371	0	371	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK EXPANSION ROADS	65	0	65	34	52%	0	Complete
CARAVAN PARK - CUDGEGONG WATERS CAPITAL	25	0	25	0	0%	31	Final works
MUDGEE VALLEY PARK - CARETAKER HOUSE RENOVATION	50	0	50	0	0%	0	Deferred/Cancelled
MUDGEE VALLEY PARK - SHADE OVER POOL	22	0	22	0	0%	23	Procurement
RYLSTONE CARAVAN PARK STAGE 2	1,040	0	1,040	130	13%	369	Procurement
CARAVAN PARK - RIVERSIDE - CAPITAL	118	0	118	1	1%	5	Initial works
CARAVAN PARK - RIVERSIDE - CABIN	250	0	250	0	0%	0	Consultation
CHRISTMAS DECORATIONS	200	0	200	123	61%	0	Procurement
EVENTS STORAGE COMPOUND	60	0	60	0	0%	0	Procurement
SIGNAGE UPGRADE	244	0	244	8	3%	8	Initial works
ELECTRIC VEHICLE CHARGING STATION - CAPITAL	4	0	4	0	0%	0	Complete
SALEYARDS - POST AND RAIL REPLACEMENT	11	0	11	0	0%	0	Initial works
SALEYARDS - BATHROOM RENOVATIONS	30	0	30	0	0%	0	Procurement
SALEYARDS - WEIGH SCALE DOOR REPLACEMENT	20	0	20	0	0%	12	Procurement
SALEYARDS - REPLACEMENT SCANNER	20	0	20	15	73%	0	Complete
PROPERTY - EX SALEYARDS STAGE II	1,893	393	2,286	419	18%	284	Construction
PROPERTY - BURRUNDULLA AVE CONCEPT PLAN	388	0	388	48	12%	43	Construction
<b>Total</b>	<b>7,342</b>	<b>393</b>	<b>7,735</b>	<b>989</b>	<b>13%</b>	<b>786</b>	

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
<b>Connecting our Region</b>							
URBAN RESEALS - BUDGET ONLY	(0)	0	(0)	0	-16841%	0	Budget only
URBAN RESEALS - BELMORE ST GULGONG	52	0	52	0	0%	0	Design
URBAN RESEALS - COX ST SEG 80 & 90	12	0	12	11	94%	0	Design
URBAN RESEALS - GLADSTONE ST SEG 140 - 160	36	0	36	0	0%	0	Design
URBAN RESEALS - MCGREGOR PLACE	10	0	10	0	0%	0	Design
URBAN RESEALS - WENONAH STREET	16	0	16	15	91%	0	Initial works
URBAN RESEAL - RODGERS STREET	41	0	41	0	0%	0	Design
URBAN RESEAL - DONOGHUE STREET	18	0	18	0	0%	0	Design
URBAN RESEAL - ADAMS STREET	15	0	15	0	0%	0	Design
URBAN RESEAL - DAVIES ROAD	44	0	44	34	77%	0	Design
URBAN RESEAL - BLACK LEAD LANE	43	0	43	39	90%	3	Design
URBAN RESEAL - ALBENS LANE	10	0	10	0	0%	0	Design
URBAN RESEAL - GREVILLEA STREET	17	0	17	17	103%	0	Design
URBAN RESEAL - CAINBIL STREET	18	0	18	15	81%	0	Initial works
URBAN RESEAL - BOWMAN STREET	18	0	18	17	92%	0	Complete
URBAN RESEAL - BUMBERRA PLACE	11	0	11	0	0%	0	Design
URBAN RESEAL - NOYES ST SEG 30 - 70	23	0	23	0	0%	0	Design
URBAN RESEAL - MORTIMER STREET	55	0	55	0	0%	0	Design
URBAN RESEAL - SWORDS COURT	11	0	11	0	0%	0	Design
URBAN RESEAL - VERA COURT	12	0	12	0	0%	0	Design
URBAN RESEAL - WHITE CIRCLE	55	0	55	32	58%	0	Design
URBAN RESEAL - WINBOURNE STREET	23	0	23	0	0%	0	Design
URBAN RESEAL - WINTER STREET	21	0	21	0	0%	0	Design
URBAN RESEAL - CARWELL STREET RYLSTONE	23	0	23	22	97%	0	Initial works

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
URBAN RESEAL - COOMBER STREET RYLSTONE	24	0	24	23	94%	0	Initial works
URBAN RESEALS - GEORGE ST SEG 10-30	16	0	16	13	84%	0	Design
URBAN RESEAL - PIPER STREET RYLSTONE	14	0	14	13	91%	0	Initial works
URBAN RESEALS - JACQUES STREET KANDOS	21	0	21	0	0%	10	Initial works
URBAN RESEAL - MORTIMER STREET MUDGEES	36	0	36	0	0%	36	Initial works
URBAN RESEALS - SALEYARDS LN GULGONG	11	0	11	0	0%	12	Construction
URBAN ROAD REHABS - BUDGET ONLY	(0)	0	(0)	0	0%	0	Budget only
URBAN ROADS KERB & GUTTER CAPITAL	117	0	117	54	46%	30	Initial works
URBAN REHAB - ROBERTSON ST SEG 90	550	0	550	1	0%	0	Initial works
URBAN HEAVY PATCHING	26	0	26	2	8%	0	Initial works
URBAN RESEALS - MCLACHLAN STREET - KANDOS	12	0	12	0	0%	10	Construction
RESHEETING - URBAN ROADS	12	0	12	0	0%	0	Initial works
URBAN UPGRADE - DABEE STREET RYLSTONE (REQUIRES GRANT)	420	0	420	0	0%	0	Consultation
KERB AND GUTTER REPLACEMENT KANDOS & RYLSTONE	20	0	20	12	59%	0	Construction
URBAN ROADS LAND MATTERS CAPITAL	25	0	25	0	0%	0	Consultation
RURAL SEALED ROADS RESEALS BUDGET ONLY	15	0	15	0	0%	0	Budget only
RURAL RESEAL - HENRY LAWSON DRIVE	523	0	523	300	57%	160	Initial works
RURAL RESEAL - TINJA LANE	12	0	12	0	1%	0	Design
RURAL RESEAL - BARNEYS REEF ROAD	235	0	235	0	0%	0	Design
RURAL RESEAL - BLUE SPRINGS ROAD	99	0	99	68	69%	0	Initial works
RURAL RESEAL - SPRINGFIELD LANE	16	0	16	15	94%	1	Design
RURAL RESEAL - MEBUL ROAD	85	0	85	1	1%	59	Design
RURAL RESEAL - LUE RD	129	0	129	50	39%	0	Initial works
RURAL RESEAL - GLEN ALICE RD	62	0	62	0	0%	0	Design
RURAL RESEAL - YARRAWONGA RD	162	0	162	124	77%	15	Initial works
RURAL RESEAL - WINDEYER RD GRATTAI	102	0	102	0	0%	78	Initial works

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
RURAL RESEAL - CUDGEGONG RD	324	0	324	31	10%	215	Design
RURAL RESEAL - PYRAMUL RD	101	0	101	0	0%	0	Design
RURAL RESEALS - DABEE ROAD KANDOS	114	0	114	0	0%	0	Design
RURAL SEALED ROAD REHAB & WIDENING - BUDGET ONLY	413	0	413	0	0%	0	Budget only
RURAL REHAB - LUE ROAD MOUNTKNOW	495	0	495	3	1%	10	Initial works
RURAL REHAB - CUDGEGONG RD CARWELL	520	0	520	2	0%	7	Initial works
HEAVY PATCHING	52	0	52	10	19%	1	Initial works
RURAL RESEAL - BUDGE E BUDGE E	35	0	35	0	0%	0	Design
RURAL RESEALS - KALUDABAH ROAD CULLENBO	34	0	34	0	0%	26	Initial works
RURAL RESEALS - PYANGLE ROAD LUE	7	0	7	0	0%	7	Initial works
RURAL RESEALS - WHITE CEDARS ROAD TOTNESVA	26	0	26	28	108%	0	Design
BLUE SPRING ROAD UPGRADE - ACEA STUBBO SOLAR	220	0	220	236	107%	0	Complete - awaiting invoices
RURAL ROADS - FLOODED ROADS SMART WARNING SYSTEM	55	0	55	0	0%	0	Consultation
RURAL SEALED ROAD LAND MATTERS	64	0	64	3	4%	0	Initial works
RURAL SEALED REGIONAL ROAD CAPITAL - BUDGET ONLY	199	0	199	0	0%	0	Budget only
REG RDS RESEALS - BYLONG VALLEY WAY MR215	283	0	283	0	0%	147	Design
REG RDS RESEALS - ILFORD ROAD MR215	65	0	65	0	0%	0	Design
REG RDS RESEALS - HILL END ROAD MR216	0	(152)	(152)	0	0%	0	Design
REG RDS RESEALS - WOLLAR ROAD MR 208	152	152	303	0	0%	0	Initial works
RURAL SEALED REGIONAL ROAD REPAIR PROGRAM	900	0	900	24	3%	2	Design
HILL END ROAD SAFETY IMPROVEMENTS	1,024	0	1,024	268	26%	86	Construction
BVW UPGRADE RNSW 2080	40	0	40	6	15%	0	Initial works
RURAL SEALED REGIONAL ROAD LAND MATTERS CAPITAL	11	0	11	0	0%	0	Consultation
ZIMMER LANE (NOW MAINTAINED)	22	0	22	20	93%	0	Complete

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
BADGERS LANE (NOW MAINTAINED)	72	0	72	15	21%	4	Initial works
SEAL EXTENSION - QUEENS PINCH RD	905	367	1,272	45	4%	8	Construction
SEAL EXTENSION - COXS CREEK RD	554	400	954	274	29%	11	Construction
SEAL EXTENSION - BOTOBOLAR RD	1,585	350	1,935	813	42%	215	Construction
SEAL EXTENSION - CORICUDGY ROAD	1,056	0	1,056	342	32%	268	Construction
SEAL EXTENSION - CORICUDGY ROAD STAGE 2	1,891	0	1,891	287	15%	422	Construction
RESHEETING	2,161	0	2,161	1,012	47%	176	Construction
UNSEALED ROADS LAND MATTERS CAPITAL	57	0	57	1	1%	0	Initial works
BRIDGE TO PUTTA BUCCA ROAD	369	0	369	297	81%	160	Construction
REGIONAL ROAD BRIDGE CAPITAL	62	0	62	0	0%	0	Project Scope
ULAN ROAD - REHABS, WIDENING AND CONFORMING RESEALS - BUDGET	247	0	247	2	1%	121	Budget only
ULAN ROAD - COPE RD TO ULAN WOLLAR RD REHAB	278	0	278	21	7%	183	Initial works
ULAN ROAD - BLACKSPRINGS ROAD TO BUCKAROO LANE REHAB	52	0	52	23	43%	0	Complete - awaiting invoices
FOOTPATH REPLACEMENT	142	0	142	1	1%	0	Initial works
PEDESTRIAN ACCESS AND MOBILITY PLAN WORKS	243	0	243	48	20%	7	Design
RYLSTONE RIVER - WALKING AREA EXTENSION	125	0	125	0	0%	0	Project Scope
AIRPORT HANGER AND STUDIO	289	73	362	187	52%	40	Construction
AIRPORT - DRAINAGE PLAN DEVELOPMENT	50	0	50	0	0%	0	Consultation
<b>Total</b>	<b>18,622</b>	<b>1,190</b>	<b>19,812</b>	<b>4,876</b>	<b>25%</b>	<b>2,530</b>	

## Good Government

RYLSTONE ADMINISTRATION - BUILDING PAINTING	20	0	20	10	50%	0	Initial works
OLD POLICE STATION CAPITAL	50	0	50	0	0%	20	Initial works
BUILDINGS MASTER KEY SYSTEM	50	0	50	0	0%	0	Consultation

FINANCE | MONTHLY BUDGET REVIEW – 31 OCTOBER 2023

\$'000	Current Annual Budget	Proposed Variations	Proposed Annual Budget	Actual YTD	Actual YTD/ Proposed Annual Budget	Commitments	Project Status
MUDGEES ADMIN BUILDING EXTENSION	471	0	471	15	3%	319	Construction
MUDGEES ADMIN BUILDING - PAINTING AND REPAIRS	27	0	27	0	0%	0	Construction
RECREATION BUILDING - RENOVATION	100	0	100	4	4%	27	Procurement
CARMEL CROAN BUILDING - ROOF RESTORATION	25	0	25	0	0%	16	Procurement
IT SPECIAL PROJECTS	54	0	54	0	0%	0	Project Scope
IT - NETWORK UPGRADES	72	0	72	16	22%	0	Construction
IT CORPORATE SOFTWARE	101	0	101	26	25%	4	Construction
IT - PAPER CUT SECURE PRINTING	25	0	25	0	0%	0	Project Scope
PLANT PURCHASES	8,126	0	8,126	1,238	15%	2,678	Budget only
PLANT PURCHASES - NEW	455	0	455	0	0%	19	Complete
RYLSTONE DEPOT - CAPITAL UPGRADE	65	0	65	1	2%	0	Consultation
SOLAR FARM INITIATIVE	105	0	105	54	51%	9	Construction
GULGONG DEPOT - CAPITAL UPGRADE	65	0	65	11	17%	0	Initial works
SOLAR FARM INITIATIVE - STAGE 3	8,116	0	8,116	320	4%	7,104	Construction
<b>Total</b>	<b>17,926</b>	<b>0</b>	<b>17,926</b>	<b>1,694</b>	<b>9%</b>	<b>10,197</b>	
<b>Total Capital Works Program</b>	<b>88,958</b>	<b>1,644</b>	<b>90,602</b>	<b>11,671</b>	<b>13%</b>	<b>31,133</b>	

## 9.2 Monthly Statement of Investments as at 31 October 2023

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300053

### RECOMMENDATION

#### That Council:

1. **receive the report by the Financial Planning Co-Ordinator on the Monthly Statement of Investments as at 31 October 2023; and**
2. **note the certification of the Responsible Accounting Officer.**

### Executive summary

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

### Disclosure of Interest

Nil

### Detailed report

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

### Community Plan implications

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

### Strategic implications

#### Council Strategies

Not Applicable

#### Council Policies

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

#### Legislation

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



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

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

MYOORAN VINAYAGAMOORTHY  
FINANCIAL PLANNING CO-ORDINATOR

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

17 October 2023

*Attachments:* 1. Monthly Statement of Investments as at 31 October 2023.

## APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

#### At Call Fund and Managed Funds

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.25%	\$ 4,194,233	0
TCorp - Long Term Growth	3.00%	\$ 3,176,415	5
TCorp - Medium Term Growth	3.00%	\$ 5,844,526	5
Tcorp - Short Term Income	3.00%	\$ 1,574,025	5
<b>Total</b>		<b>\$ 14,789,199</b>	

#### Current Term Deposits

Institution	Yield	Term to Maturity	Principal Amount
AMP	4.70%	22	\$ 1,500,000
AMP	4.90%	141	\$ 2,500,000
Australian Military Bank	5.10%	267	\$ 1,000,000
Australian Unity	3.50%	50	\$ 2,000,000
Australian Unity	4.35%	29	\$ 2,000,000
Australian Unity	4.10%	120	\$ 1,500,000
Australian Unity	4.30%	92	\$ 2,000,000
Australian Unity	4.50%	162	\$ 2,000,000
Australian Unity	5.60%	281	\$ 1,000,000
Bank Of Queensland	3.92%	148	\$ 1,000,000
Bank Of Queensland	4.25%	22	\$ 1,000,000
Bank Of Queensland	4.55%	148	\$ 1,500,000
Bank Of Queensland	5.52%	295	\$ 1,500,000
Bank Of Queensland	5.62%	309	\$ 1,500,000
Bank Of Queensland	5.62%	323	\$ 2,000,000
Bank Of Queensland	5.28%	372	\$ 2,500,000
Bendigo & Adelaide Bank	5.30%	288	\$ 2,000,000
CBA	0.72%	218	\$ 2,000,000
CBA	0.77%	316	\$ 1,000,000
CBA	0.85%	358	\$ 2,500,000
CBA	3.05%	176	\$ 2,000,000
CBA	4.15%	239	\$ 2,000,000
CBA	4.20%	8	\$ 1,500,000
CBA	4.47%	43	\$ 2,000,000
CBA	4.52%	211	\$ 1,000,000
CBA	4.55%	36	\$ 2,000,000
CBA	4.63%	232	\$ 4,000,000
CBA	4.76%	78	\$ 1,500,000
CBA	5.05%	127	\$ 3,500,000
CBA	5.36%	351	\$ 2,400,000
ING	4.62%	246	\$ 1,500,000
ING	5.10%	498	\$ 3,500,000
ING	4.57%	344	\$ 2,500,000
ING	4.90%	211	\$ 4,000,000
ING	5.05%	260	\$ 2,000,000
ING	5.52%	71	\$ 4,000,000
ING	5.65%	253	\$ 3,000,000
ING	5.40%	974	\$ 3,000,000
Macquarie	4.50%	71	\$ 1,000,000
Macquarie	4.50%	71	\$ 500,000
MyState Bank	4.90%	197	\$ 2,000,000
NAB	0.80%	302	\$ 1,500,000
NAB	4.49%	414	\$ 2,500,000

Institution	Yield	Principal Amount	Term to Maturity
NAB	4.45%	330	\$ 2,000,000
NAB	5.30%	274	\$ 2,000,000
NAB	5.22%	337	\$ 1,800,000
NAB	5.15%	183	\$ 1,000,000
NAB	5.22%	365	\$ 2,500,000
NAB	5.15%	225	\$ 1,500,000
NAB	5.15%	379	\$ 2,000,000
Westpac	1.06%	106	\$ 2,000,000
Westpac	2.28%	134	\$ 1,500,000
Westpac	3.70%	274	\$ 2,000,000
Westpac	4.22%	36	\$ 1,000,000
Westpac	4.35%	260	\$ 1,500,000
Westpac	4.30%	78	\$ 1,000,000
Westpac	4.67%	50	\$ 1,000,000
Westpac	4.78%	204	\$ 2,500,000
Westpac	4.89%	456	\$ 2,500,000
Westpac	4.46%	190	\$ 1,500,000
Westpac	4.55%	50	\$ 1,000,000
Westpac	4.40%	120	\$ 1,500,000
Westpac	5.05%	288	\$ 1,000,000
Westpac	4.88%	1030	\$ 4,000,000
Westpac	5.28%	358	\$ 1,000,000
<b>Total</b>			<b>\$ 124,700,000</b>

Investment Portfolio Summary

Term to Maturity	Amount	Actual	Cumulative Actual	Cumulative Minimum	Policy Compliance
Less than 3 months	\$ 37,789,199	27%	27%	20%	OK
Between 3 months and 1 year	\$ 79,200,000	57%	84%	40%	OK
Between 1 year and 2 years	\$ 15,500,000	11%	95%	50%	OK
Between 2 years and 4 years	\$ 7,000,000	5%	100%	85%	OK
More than 5 years	\$ -	0%	100%	0%	OK
<b>Total</b>	<b>\$ 139,489,199</b>				

Long Term Rating	Institution	Policy Limit	Policy Compliance (Institution)	% of Portfolio	Amount
AA-	CBA	40%	OK	20%	\$ 27,400,000
	NAB	40%	OK	15%	\$ 20,994,233
	Westpac	40%	OK	18%	\$ 25,000,000
A+	Macquarie	20%	OK	1%	\$ 1,500,000
A	ING	20%	OK	17%	\$ 23,500,000
BBB+	Australian Military Bank	10%	OK	1%	\$ 1,000,000
	Australian Unity	10%	OK	8%	\$ 10,500,000
	Bank Of Queensland	10%	OK	8%	\$ 11,000,000
	Bendigo & Adelaide Bank	10%	OK	1%	\$ 2,000,000
	MyState Bank	10%	OK	1%	\$ 2,000,000
BBB	AMP	5%	OK	3%	\$ 4,000,000
TCorp Growth Funds	TCorp - Long Term Growth Fund	15%	OK	2%	\$ 3,176,415
	TCorp - Medium Term Growth Fund	15%	OK	4%	\$ 5,844,526
	Tcorp - Short Term Income Fund	15%	OK	1%	\$ 1,574,025
<b>Grand Total</b>				<b>100%</b>	<b>\$ 139,489,199</b>

Long Term Rating Group	Credit Policy Limit	Policy Compliance (SP Group)	% of Portfolio	Amount
AAA to AA-	100%	OK	53%	\$ 73,394,233
BBB+	20%	OK	19%	\$ 26,500,000
BBB	5%	OK	3%	\$ 4,000,000
TCorp Growth Funds	15%	OK	6%	\$ 9,020,940
Tcorp Short Term Income Fund	15%	OK	1%	\$ 1,574,025
A+ to A	50%	OK	18%	\$ 25,000,000
<b>Grand Total</b>			<b>100%</b>	<b>\$ 139,489,199</b>

#### Monthly Investment Portfolio Activity

The below table shows investments activities of At Call Fund and Managed Funds

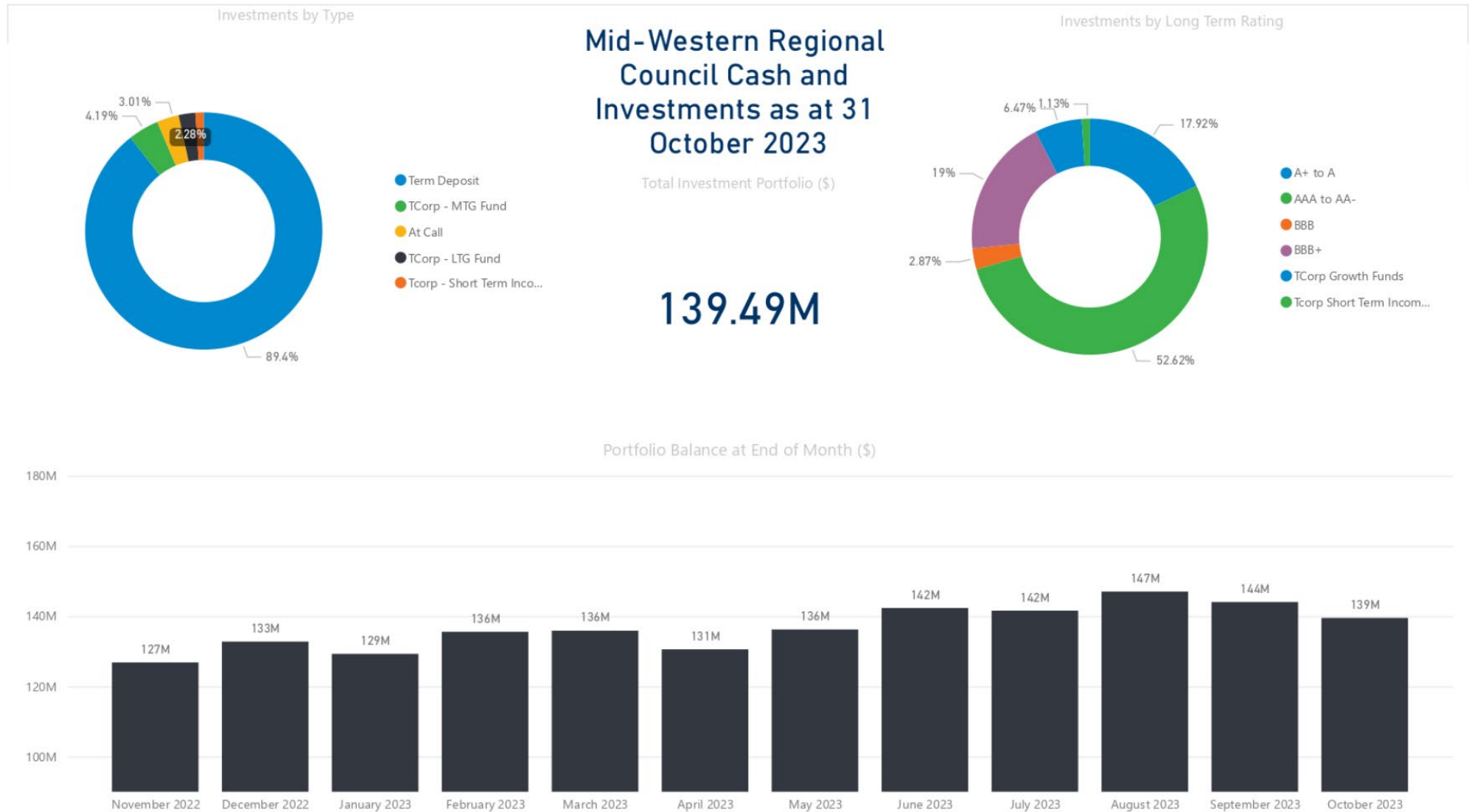
Bank Accounts	Opening Balance	Redeemed Balance	Re-invested Balance
NAB (At call account)	4,147,401		4,194,233
TCorp - Cash Fund	-		-
TCorp - Long Term Growth Fund	3,221,820		3,176,415
TCorp - Medium Term Growth Fund	5,891,937		5,844,526
Tcorp - Short Term Income Fund	1,568,494		1,574,025
<b>Total</b>	<b>14,829,652</b>	<b>-</b>	<b>14,789,199</b>

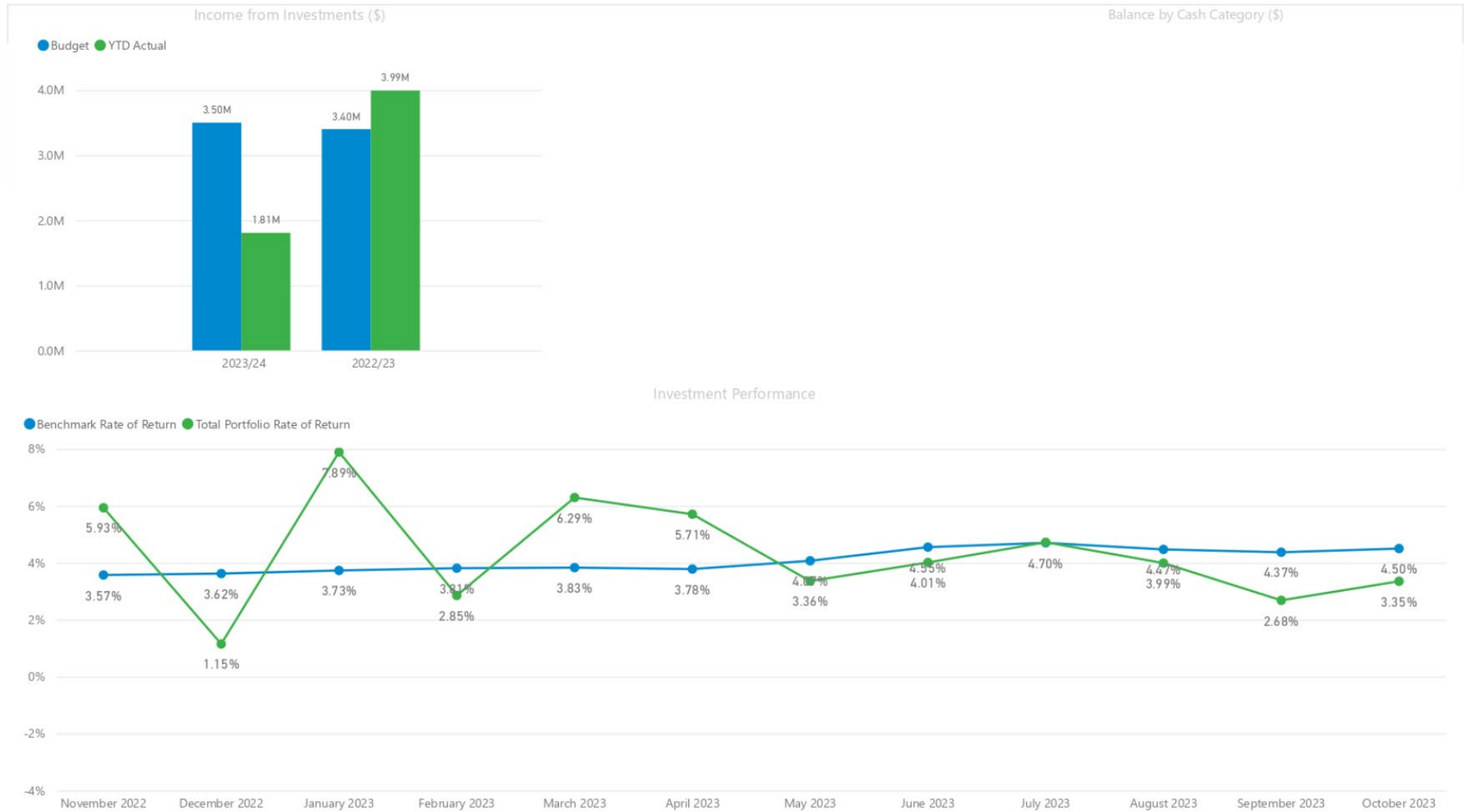
The below table shows matured term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
AMP	4.70%	4/10/2023	1,000,000	24,337
CBA	2.63%	11/10/2023	1,500,000	58,256
NAB	0.64%	25/10/2023	3,000,000	41,241
<b>Total</b>			<b>5,500,000</b>	<b>123,834</b>

The below table shows new term deposits

Institution	Yield	Maturity Date	Principal Amount	Total Interest Amount
Westpac	5.28%	23/10/2024	1,000,000	55,693
<b>Total</b>			<b>1,000,000</b>	<b>55,693</b>







## 9.3 Quarterly Budget Review - September 2023

REPORT BY THE FINANCIAL PLANNING CO-ORDINATOR  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300240

### RECOMMENDATION

#### That Council:

1. **receive the report by the Financial Planning Co-Ordinator on the Quarterly Budget Review - September 2023;**
2. **amend the 2023/24 Budget in accordance with the proposed variations as listed in the Quarterly Budget Review Statement attachment to this report; and**
3. **note the opinion of the Responsible Accounting Officer regarding the satisfactory financial position of Council.**

---

### Executive summary

This report, with its incorporated attachment, makes up the September 2023 Quarterly Budget Review Statement of the 2023/24 Operational Plan. Proposed budget variations to the Budget with relevant financial implications are included in the attachment.

### Disclosure of Interest

Nil

### Detailed report

The Quarterly Budget Review Statement presents a summary of council's financial position at the end of each quarter. It is the mechanism whereby councillors and the community are informed of Council's progress against the operational plan and the last revised budget along with recommended changes and reasons for major variances.

### Certification

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulation 2021:

*It is my opinion that the attached Quarterly Budget Review Statement for Mid-Western Regional Council indicates that Council's projected financial position as at 30 June 2023 will be satisfactory, having regard to the projected estimates of income and expenditure for the 2023/24 financial year.*

### Community Plan implications

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

## Strategic implications

### Council Strategies

The recommendation, if approved will amend the 2023/24 Budget. In accordance with the Delivery Program 2023/27, a comprehensive Quarterly Budget Review reporting is required to be completed within two months of period end.

### Council Policies

Not Applicable

### Legislation

Clause 203 of the Local Government (General) Regulation 2021 requires that:

1. Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the Council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.
2. A budget review statement must include or be accompanied by:
  - a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure; and
  - b) if that position is unsatisfactory, recommendations for remedial action.
3. A budget statement must also include any information required by the Code to be included in such a statement.

## Financial implications

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

## Associated Risks

Not Applicable

MYOORAN VINAYAGAMOORTHY  
FINANCIAL PLANNING CO-ORDINATOR

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

19 October 2023

*Attachments:* 1. Late Attachment - Quarterly Budget Review September 2023 (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

**Placeholder for Attachment 1**  
**Quarterly Budget Review - September 2023**  
**Late Attachment - Quarterly Budget Review September**  
**2023**

## 9.4 Presentation of the 2022/23 Financial Statements

REPORT BY THE FINANCIAL OPERATIONS CO-ORDINATOR  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300394

### RECOMMENDATION

**That Council receive the report by the Financial Operations Co-Ordinator on the Presentation of the 2022/23 Financial Statements.**

### Executive summary

Council's 2022/23 general purpose and special purpose financial reports have been audited by the Auditor-General and submitted to the Office of Local Government.

The Auditor-General has engaged Prosperity Advisors Group to provide audit and assurance services on this engagement. The NSW Audit Office and Prosperity Advisors will make the public presentation of the financial reports at the 15 November 2023 Council meeting.

### Disclosure of Interest

Nil

### Detailed report

In accordance with Section 419 of the Local Government Act 1993 (the Act), Council must present its audited financial reports together with the Auditor's reports at a meeting of the Council. Council has requested the Auditor to attend this meeting. Public notice of the meeting has been given in the approved form, in accordance with Section 418(3) of the Act.

Section 418 of the Act requires that the public presentation of the audited financial reports must not be more than 35 days after the auditor's reports are given to Council. The date of the Auditor's report is 31 October 2023 and the public presentation falls within the timeframe.

As per Section 420 of the Act, any person may make a submission to Council regarding the audited financial reports or the Auditor's reports. Any such submissions must be in writing and must be lodged with Council within seven days of the reports being publicly presented. Council must ensure that copies of all submissions received by it are referred to the Auditor. Council may take any such action as it considers appropriate with respect to any such submission, including the giving of notice to the Director-General of any matter that appears to require amendment of the Council's financial reports.

Copies of the financial statements are available for inspection at the Mudgee, Gulgong and Rylstone Administration Centres. A copy of the report has also been placed on Council's website. The financial statements will also be found embedded into the Council's Annual Report.

On 14 October 2022 The Audit Risk and Improvement Committee (ARIC) met, at this meeting ARIC unreservedly endorsed Mid-Western Regional Councils decision on the non-inclusion of Rural Fire Services assets noting that it may result in a qualified Audit Opinion.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Not Applicable

### Legislation

The Local Government Act 1993 Division 2 – Accounting Records, Financial Reports and Auditing sets out the requirements surrounding Council's financial reports. This report, with the attached Audited Financial Statements, demonstrates that Council has met all of these requirements. Detailed information on the public notice and presentation requirements have been supplied in the detailed report section of this report.

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

PETER BROWNE  
FINANCIAL OPERATIONS CO-ORDINATOR

NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

17 October 2023

*Attachments:* 1. Financial Statements 2022-23. (separately attached)

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.5 Annual Report 2022/23

REPORT BY THE CHIEF FINANCIAL OFFICER  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, GOV400008

### RECOMMENDATION

#### That Council:

1. **receive the report by the Chief Financial Officer on the Annual Report 2022/23;**
2. **endorse the Annual Report 2022/23; and**
3. **post a copy of the Annual Report 2022/23 to Council's website and provide to the Minister for Local Government.**

---

### Executive summary

Council is required to prepare an Annual Report summarising the achievements of the financial year, along with a number of statutory disclosures, financial statements and a State of the Environment Report. The report has been prepared, and is enclosed under separate cover for Council to review prior to its publication.

### Disclosure of Interest

Nil

### Detailed report

Council's Annual Report 2022/23 is attached. The Annual Report meets all requirements as set out in the Local Government Act 1993, the Local Government Regulations 2021, and the Integrated Planning and Reporting Guidelines for Local Government in NSW issued by the Office of Local Government.

The Annual Financial Statements and Audit Reports for the year ended 30 June 2023 also form part of the Annual Report. The Financial Statements is subject to a separate report within this meeting agenda. These will be attached to the Annual Report when published.

The Annual Report also includes:

- A message from the Mayor and General Manager
- Details of Council structure
- Requirements under Civic Leadership
- Councils Vision and Values
- Information about the region
- Progress on the Operational Plan and Delivery Program
- Financial Snapshots and performance measures
- Statutory Information, and
- State of the Environment Report snapshots

## Community Plan implications

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

## Strategic implications

### Council Strategies

The Annual Report provides Councils achievements in implementing the Operational Plan 2022/23 and Delivery Program 2022/23 – 2025/26.

### Council Policies

Not Applicable

### Legislation

Section 428 of the Local Government Act 1993 requires that:

Council prepare an annual report within 5 months of the end of the year outlining its achievements in implementing its delivery program and the effectiveness of the principal activities undertaken in achieving the objectives at which those principal activities are directed.

The annual report must contain the following:

- a) a copy of the council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting published by the Department, as in force from time to time,
- b) such other information or material as the regulations or the guidelines under section 406 may require.
- c) The Annual Report must be published on Council's website and a link provided to the Minister (OLG).

The Annual Report must contain a copy of Council's audited financial reports, State of the Environment report, and a number of other items of information as set out in various sections of the Local Government (General) Regulation 2021, in particular Section 217.

## Financial implications

Not Applicable

## Associated Risks

Not Applicable



NEIL BUNGATE  
CHIEF FINANCIAL OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

2 November 2023

*Attachments:* 1. Annual Report 2022-23. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.6 New and Amended Fees and Charges 2023/24

REPORT BY THE MANAGER BUILDING AND DEVELOPMENT  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, FIN300117

### RECOMMENDATION

**That Council:**

1. receive the report by the Manager Building and Development on the New Fees and Charges 2023/24;
2. add the following new fees, as written, and place on public exhibition for 28 days:

<i>Service Type</i>	<i>New Fee</i>	<i>Fee (Inclusive of GST)</i>	<i>GST</i>	<i>Price Policy</i>
Environmental Health – On-site Sewage Management Systems – Septic Systems – Application Fee for Installation of a Residential On-site Sewage Management System	For the assessment of residential on-site sewage management systems (no more than 10 persons)	\$549	NO	REF
Environmental Health – On-site Sewage Management Systems – Septic Systems – Standard Application Fee for Installation of a *Commercial On-site Sewage Management System up to 5,000 litres per day (lpd) system treatment capacity (STC)	For the assessment of commercial on-site sewage management systems which treat less than 5,000 lpd.	\$1100	NO	REF
Environmental Health – On-site Sewerage Management Systems – Septic	For the assessment of commercial on-site sewage management	Standard Commercial Application Fee + \$10 for each	NO	REF

<b>Systems - Application Fee for Installation of a *Commercial On-site Sewage Management System greater than 5,000 lpd STC</b>	<b>systems which treat greater than 5,000 lpd and Council does not employ the necessary staff that are appropriately qualified and/or experienced to assess the proposal and/or for peer review of such proposal</b>	<b>1,000 lpd above 5000 lpd + direct costs of all third parties engaged by Council to assess and/or peer review the proposal</b>		
<b><i>*Commercial – system servicing a building used for commercial, industrial or other non-residential purposes.</i></b>				

3. amend the following fee description (new text in bold), as written, and place on public exhibition for 28 days; and

<b>Service Type</b>	<b>Fee</b>	<b>Fee (inclusive of GST)</b>	<b>Price Policy</b>
<b>Other Building Approvals &amp; Certificates – Application and Inspection Fees for Plumbing and Drainage - Section 68 Application – to be charged for any works involving plumbing and drainage when connecting to Councils reticulated networks</b>	<b>\$183</b>	<b>No</b>	<b>REF</b>
<b>Environmental Health – On-site Sewage Management Systems – Septic Systems – <del>Section 68 application to install new system, including inspection</del> Inspection package for the installation of a new on-site sewage management system (total of 4 inspections)</b>	<b>\$610</b>	<b>No</b>	<b>ROR</b>

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

## Executive summary

This report recommends the introduction of amended fees and charges for Health and Building. Any new or amended fees that are not legislated are required to be placed on public exhibition to provide the public with opportunity for submission.

It is recommended that council endorse the proposed fees and they go on 28 days public exhibition.

## Disclosure of Interest

Nil

## Detailed report

### Amended Fee Descriptions

The following table provides information about the reason for amendments proposed to existing fee descriptions:

<b>Fee name</b>	<b>Reason for change</b>
Section 68 Application – to be charged for any works involving plumbing and drainage <b>when connecting to Councils reticulated network</b>	To remove ambiguity when imposing fees for section 68 plumbing and drainage applications when connecting to Councils reticulated networks.
Septic Systems – <del>Section 68 application to install new system, including inspection</del> <b>Inspection package for the installation of a new on-site sewerage management system (total of 4 inspections)</b>	To remove ambiguity when imposing fees for the inspection of on-site sewage management systems.

### New Fees

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

<b>Fee Name</b>	<b>Reason for New Fee</b>
Application Fee for Installation of a Residential On-site Sewage Management System	For the assessment of residential on-site sewage management systems (no more than 10 persons).
Standard Application Fee for Installation of a Commercial On-site Sewage Management System up to 5,000 litres per day (lpd) system treatment capacity (STC)	For the assessment of commercial on-site sewage management systems which treat less than 5,000 lpd.
Application Fee for Installation of a Commercial On-site Sewage Management System greater than 5,000 lpd STC	For the assessment of commercial on-site sewage management systems which treat greater than 5,000 lpd and Council does not employ the necessary staff that are appropriately qualified and/or experienced to assess the proposal and/or for peer review of such proposal.

## Community Plan implications

<b>Theme</b>	<b>Good Government</b>
Goal	Good communications and engagement
Strategy	Improve communications between Council and the community and create awareness of Council's roles and responsibilities

## Strategic implications

### Council Strategies

This recommendation links to council's on-site sewage management plan.

### Council Policies

Not Applicable

### Legislation

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

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

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

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

## Financial implications

This report recommends that the fees and charges within the 2023/24 Operational Plan be amended. Revenue associated with these changes is not anticipated to have a material impact on the 2023/24 Operational Plan or future years, however they will contribute cost recovery to deliver services.

## Associated Risks

Not Applicable

TY ROBSON  
MANAGER BUILDING AND DEVELOPMENT

ALINA AZAR  
DIRECTOR DEVELOPMENT

27 October 2023

*Attachments:* Nil

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.7 RFT 2023/36 - Provision of Concreting Services

REPORT BY THE PROCUREMENT OFFICER  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, COR400639

### RECOMMENDATION

#### That Council:

1. receive the report by the Procurement Officer on the RFT 2023/36;
2. accept the following contractors , as the successful panel members for tender RFT 2023/36 for the provision of Concreting Services in accordance with Clause 178 of the Local Government (General) Regulation 2005 – Part 7 Tendering:
  - 2.1 Conex Group Pty Ltd
  - 2.2 Kingsline Pty Ltd
  - 2.3 Lynch Built Pty Ltd
  - 2.4 NSW Building and Civil Pty Ltd
3. approve BMR Building Pty Ltd to the panel once they have provided proof of their \$20m Public and Property Liability Insurance;
4. accept the commencement date as 1 December 2023 and the expiry date as 30 November 2026;  
*Provision be allowed for one-year extension and that the extension will only be executed based on services performance which may take this contract to 30 November 2027.*
5. delegate authority to the Procurement Officer or their nominated Council representative to notify contractors of their submission outcomes; and
6. delegate the Manager Procurement and Fleet to approve additional contractors to the Concreting Services panel.

---

### Executive summary

Tenders were requested for the establishment of a pre-qualified list of suitable contractors to provide concreting servicers to Council for a term of three years. This report requests to accept the submissions that are conforming by Council for the provision of concreting services.

### Disclosure of Interest

Nil

## Detailed report

### Concreting Services Tender

An open tender process, in accordance with Section 55 of the Local Government Act 1993 was carried out for the establishment of a prequalified contractor list (up to the nominated threshold of \$20,000) in which any works estimated over the nominated threshold would be quoted by all prequalified contractors via Council's e-quoting system VendorPanel.

The contract will run for a period of three years commencing on 1 December 2023 and expiring on 30 November 2026. This contract has a possible one-year extension period.

### Purpose

As specified in the Request for Tender documentation, this tender is designed to create a prequalified panel with the intention of creating opportunities for Council to seek value for money as well as a systematic, simple system for staff to ensure best practice procurement.

### Advertised

Open to Market	Friday 8 September 2023
Closed	Friday 6 October 2023
Total days open	36

The above tender was advertised in:

- The Mudgee Guardian
- Council's e-Tendering portal via VendorPanel
- Published on Council's website and Council's Facebook page

### Tenders Received

Five submissions were received for this tender. All five tenders were con-forming tenders.

### Late Tenders

There were no late tender submissions received.

### Process of Evaluation

The process of evaluation, the methodology used and TEP members are in accordance to the information provided in the Procurement and Evaluation Plan.

### Tender Evaluation Panel Members

Panel Member	Name	Position Title
Chairperson	Michelle Neilsen	Procurement Officer
Panel Member 1	Ben Edmunds	Building Services Coordinator
Panel Member 2	Phil Moog	Engineering Works Coordinator
Panel Member 3	Nicole Cassidy	Technical Officer - Roads

### Probity

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



All tenderer insurance records and compliance information were checked against Tender requirements and potential non-conformities were noted in the Evaluation Matrix for the consideration of the panel.

The evaluation was conducted in accordance with the Local Government Tendering Guidelines and confidentiality and probity were maintained throughout the process.

### **Methodology**

All tenders were assessed and scored against the evaluation criteria listed in the tender documentation and weightings in the evaluation plan to determine the successful applicant. All tenders were scored using the following criteria:

- Price

The outcomes of these scores are attached to this paper.

## Community Plan implications

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

## Strategic implications

### **Council Strategies**

Nil

### **Council Policies**

Sustainable Procurement and Contracts Policy

### **Legislation**

Local Government Act 1993

Local Government (General) Regulation 2005

## Financial implications

Nil

## Associated Risks

Not Applicable

MICHELLE NEILSEN  
PROCUREMENT OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

27 October 2023

*Attachments:* 1. RFT 2023-36 Concreting Services - Compliance Evaluation. (Confidential - separately attached)  
2. RFT 2023/36 Concreting services - Pricing. (Confidential - separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## 9.8 Naming of a new road in a subdivision off Marshfield Lane, Mudgee

REPORT BY THE REVENUE OFFICER  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, P12410, R0790141

### RECOMMENDATION

#### That Council:

1. **receive the report by the Revenue Officer on the naming of a new street in a subdivision off Marshfield Lane, Mudgee;**
2. **formally approve the name of Sutherland Grove; and**
3. **publish formal declaration of the approved name in the NSW Government Gazette, and notify the naming in accordance with Councils Road, Bridge and Place Naming Policy.**

---

### Executive summary

Formal approval is requested to name the new street in a subdivision off Marshfield Lane in the town of Mudgee, Sutherland Grove.

### Disclosure of Interest

Nil

### Detailed report

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

Following the approval of a new subdivision off Marshfield Lane in the town of Mudgee, Council wrote to the owner and neighbours of the subdivision on 21 July 2023 requesting their naming suggestions. Public consultation was also invited in an advertisement placed in the 28 July 2023 Mudgee Guardian and on Council's website.

From submissions received, Council provisionally approved the name of Sutherland at their 20 September 2023 meeting.

The recommended name of Sutherland relates to John Sutherland (11/6/1943 – 4/6/2019) who brought his family to Mudgee in 1983 when he accepted a position as a Maths teacher at Mudgee High School, along with being heavily involved in Mudgee Junior Cricket. After retiring he became the Manager of The Mudgee Club and was also a life member of Mudgee Lions Club.

The Geographical Names Board has been advised of this street name and has no objection.

The new street name was advertised in the 6 October 2023 issue of the Mudgee Guardian and on Council's website with one objection received. The objection reconfirmed a prior submission received for Coronation, Charles III or Elizabeth II to be considered. As previously advised Charles

III and Elizabeth II would not be approved by the Geographical Names Board. A copy of the objection is included with attachments at the end of this report.

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

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

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

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

## Community Plan implications

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

## Strategic implications

### Council Strategies

Not Applicable

### Council Policies

Road, Bridge and Place Naming Policy

### Legislation

Roads Act 1993

Road Regulation 2008

Geographical Names Act, 1996

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

## Financial implications

The cost and installation of street signs at the intersection with Marshfield Lane will be met by the developer.

## Associated Risks

Nil

SARAH PRINGLE  
REVENUE OFFICER

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

24 October 2023

*Attachments:* 1. Submission.  
2. Submission.  
3. Objection.  
4. Map.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

## Carolyn Atkins

---

**From:** Ruth Aarts  
**Sent:** Friday, 11 August 2023 2:34 PM  
**To:** Council  
**Subject:** Re Naming Of Road.

Dear Team,

I am the owner of Marshfield Lane In Mudgee.

Suggestions for naming of road.

As it's the Coronation Of King Charles Of England and as part of the Commonwealth  
here are my suggestions.

Coronation Circuit-King Charles the 111-RD.

Queen Elizabeth the Place after our late Queen.

Yours Sincerely,

Ruth Aarts.

Sent from my iPad

18.08.2023

General Manager,  
Mid-Western Regional Council.

To Dear Brad

**Re: Proposed Road Street Name - Subdivision off Marshfield Lane Mudgee**

I wish to submit a suggestion for the naming of the new road off Marshfield Lane Mudgee, that being, Sutherland Circuit.

This name coming from my father, John Sutherland, who moved his young family to Mudgee on the 26<sup>th</sup> January 1983 to start a new life in the 'bush'. John, Laraine, Anne and Adam were nervous but very excited to be coming to Mudgee and leaving all their family behind on the Northern Beaches.

Not really knowing Mudgee, except he used to travel on the train to holiday in Rylstone at Mr & Mrs White's property, he just knew it would be a great lifestyle for his children to grow up in and a lifestyle that he loved as a child.

He taught at Mudgee High School as a senior maths teachers making many friends with the staff and pupils alike.

Heavily involved in junior cricket, he and Mr Gooley, rang Mudgee Junior Cricket for approx. 10years, in which his children participated in.

Once resigning from The Department at MHS he became the Manager of The Mudgee Club (gentlemen's only club) for approx. 6yrs, again meeting many different people.

Making life long friends along the way, John, relished in Mudgee life and after the 30yr initiation, became a 'local' in 2013.

Unfortunately my dad passed away in 2019, to cancer, but was remember by over 250 people at a church service at St Johns. This being a testament to the type of friendly, open, honest and genuine character he was.

I think naming a street in Mudgee, the town that he truly loved, would be such a fitting gesture and an honour that he and his family will treasure.

Please consider my submission for a street to be named after my Dad, John Sutherland. It would be a lovely way to remember a kind and loving man.

Thank you

Annie Biffin





---

**From:** Ruth Aarts  
**Sent:** Thursday, 12 October 2023 4:38 PM  
**To:** Carolyn Atkins  
**Subject:** Re Re Re Naming Of Marshfield Lane.

Dear Caroline,

When in Mudgee yesterday I am dismayed that a new person into Mudgee has requested Marshfield Lane be renamed after her late husband.

I have been affiliated with Mudgee for at least Twenty years. my late husband and myself developed Bellevue Hill Estate, which has proven to be an outstanding success. when John died very suddenly people from Mudgee supported me in every way (the likes of Bob Crooks, Tim OBRIEN FIRST NATIONAL REAL ESTATE, Hanniford Cox Solicitors), and numerous other folk.

I am asking you to reconsider one of the names I put forward to council a few weeks ago for the renaming of Marshfield Lave.

Yours sincerely.

Ruth Aarts.

Sent from my iPad



## 9.9 Data Breach Policy

REPORT BY THE MANAGER, INFORMATION TECHNOLOGY  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, COR400004

### RECOMMENDATION

#### That Council:

1. **receive the report by the Manager, Information Technology on the Data Breach Policy;**
2. **adopt the Data Breach Policy;**
3. **place the Data Breach Policy on public exhibition for 28 days for comment; and**
4. **report any feedback on the Data Breach Policy back to Council.**

---

### Executive summary

The Mandatory Notification of Data Breach Scheme ('MNDB Scheme') is a mandatory notification requirement under the Privacy and Personal Information Protection Act 1998 for NSW public sector agencies ('agencies') in the event of an 'eligible data breach'.

From 28 November 2023, an agency must notify the affected individuals and the Privacy Commissioner when there has been an eligible data breach. Under the MNDB Scheme, all agencies are required to prepare and publish a Data Breach Policy (DBP). The DBP should set out how the agency will respond to a data breach. It should establish the roles and responsibilities of agency staff in relation to managing a breach and the steps the agency will follow if a breach occurs.

### Disclosure of Interest

Nil

### Detailed report

Mid-Western Regional Council (Council) has created this Data Breach Policy (Policy) to inform the public of Council's procedure for identifying, responding to, and reporting Data Breaches of Council Held Information.

The objective of this Policy is to set out Council's approach to identifying and managing a Data Breach, including:

- providing examples of situations considered to constitute a Data Breach;
- the five key steps involved in responding to a Data Breach;
- the considerations around notifying persons whose privacy may be affected by a Data Breach on a mandatory basis where required, or on a voluntary basis where warranted, to ensure that the Council responds appropriately to a Data Breach; and

- assists the Council in avoiding or reducing possible harm to both the affected individuals and the Council.

This Policy will assist the Council to meet its legal obligations in respect of Mandatory Reporting Data Breaches under the Privacy and Personal Information Protection Act 1998 (PPIP Act) and Privacy Act 1988 (Privacy Act) and complies with best practice guidelines. Council will, always, maintain appropriate records of all Data Breaches, regardless of the seriousness of the Data Breach or whether it is immediately contained.

## Community Plan implications

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

## Strategic implications

### Council Strategies

Privacy Management Plan

### Council Policies

Electronic Communications – Acceptable Use Policy

Risk Management Policy

Access to Information Policy

### Legislation

Privacy and Personal Information Protection Act 1998 (PPIP Act)

Privacy Act 1988 (Privacy Act)

Health Records Information and Privacy Act 2002 (HRIP Act)

## Financial implications

Not Applicable

## Associated Risks

Adopting the proposed changes would mitigate compliance risk as the Policy has been drafted to promote compliance with the requirements of the PIPP Act, Privacy Act and HRIP Act, particularly amendments in the PIPP Act which come into effect on the 28 November 2023.

IAN BLAKE  
MANAGER, INFORMATION TECHNOLOGY

LEONIE VAN OOSTERUM  
DIRECTOR CORPORATE SERVICES

1 November 2023

*Attachments:* 1. Data Breach Policy Draft.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER



## POLICY

### Data Breach Policy

*A prosperous  
and progressive  
community.*

DRAFT	VERSION NO 1.0
COUNCIL MEETING MIN	REVIEW DATE
DATE:	FILE NUMBER

## Objective

Mid-Western Regional Council (Council) has created this data breach policy (Policy) to inform the public of Council's procedure for identifying, responding to, and reporting data breaches of council held information.

The objective of this Policy is to set out Council's approach to identifying and managing a Data Breach, including:

- providing examples of situations considered to constitute a data breach;
- the five key steps involved in responding to a data breach;
- the considerations around notifying persons whose privacy may be affected by a data breach on a mandatory basis where required, or on a voluntary basis where warranted, to ensure that Council responds appropriately to a data breach; and
- assists the Council in avoiding or reducing possible harm to both the affected individuals and the Council.

This policy will assist the Council to meet its legal obligations in respect of mandatory reporting data breaches under the Privacy and Personal Information Protection Act 1998 (PPIP Act) and Privacy Act 1988 (Privacy Act) and complies with best practice guidelines.

Council will, always, maintain appropriate records of all data breaches, regardless of the seriousness of the data breach or whether it is immediately contained.

## Legislative requirements

Council has obligations under the PPIP Act, the Health Records and Information Privacy Act 2002 (HRIP Act) and the Privacy Act including mandatory reporting obligations in respect of data breaches.

This Policy only relates to data breaches.

Council's privacy management plan provides more information on how Council may collect, use, and disclose personal information.

POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023

## Related policies and plans

- Privacy Management Plan
- Electronic Communications – Acceptable Use Policy
- Risk Management Policy
- Access to Information Policy
- Business Continuity Policy

## Policy

### Glossary of Terms

Terms	Definition
“Affected individual”	means an “affected individual” as defined in the PPIP Act.
“Commonwealth notifiable data breach”	means an “eligible data breach” as defined in the Privacy Act.
“Council held information”	means any personal information in whatever form (including hard copy, and electronically held information), which is held by Council or is otherwise in the possession or control of Council.
“Council officer”	means any officer or employee of Council.
“Data breach”	means the unauthorised access to, or inadvertent disclosure, access, modification, misuse, or loss of, or interference with personal information, and in this policy includes a potential data breach.
“Eligible data breach”	means an “eligible data breach” as defined in s59D of the PPIP Act.
“HRIP Act”	means the Health Records Information and Privacy Act 2002 (NSW).
“IPC”	means the Information and Privacy Commission of NSW.
“IT”	means information technology
“OAIC”	means the Office of the Australian Information Commissioner.
“Mandatory reporting data breach”	means an eligible data breach or a Commonwealth notifiable data breach.
“Non-eligible data breach”	means any data breach that is not a mandatory reporting data breach.
“personal information”	means any information defined as “personal information” under the Privacy Act, PPIP Act, or “health information” under the HRIP Act.

POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023

"PIIP Act"	means the Privacy and Personal Information Protection Act 1988 (NSW).
"Privacy Act"	means the Privacy Act 1988 (Cth).
"Privacy Commissioner"	means the NSW Privacy Commissioner, or as otherwise defined in the PIIP Act.
"Relevant Manager or Director"	means the manager or director to whom a Council officer reports, or the manager or director with responsibility for a contract with a third-party contractor.
"Response team"	means the team established for the purposes of responding to a Data Breach that includes the General Manager, Director Corporate Services, Governance Coordinator, Manager Information Technology, and Manager Customer Service, Records and Governance.
"TFN"	means a tax file number as defined in Part VA of the Income Tax Assessment Act 1936 (Cth).

### Applicability

This Policy sets out a summary of the procedures that all council officers must follow.

A breach of the procedures constitutes a breach of the Council's code of conduct and may lead to disciplinary action.

### What is a Data Breach?

A data breach occurs when there is an incident that has caused or has the potential to cause unauthorised access to or disclosure or loss of Council held information.

Examples include:

- accidental loss or theft of Council held information or equipment on which such Council information is stored;
- unauthorised use, access to or modification of council held information or information systems;
- unauthorised disclosure of classified Council held information, or Council information posted onto the website without consent;
- a compromised Council officer's user account;
- failed or successful attempts to gain unauthorised access to the Council's information or information systems;
- equipment failure;
- malware infection; and
- malicious disruption to or denial of IT services.



**POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023**

A data breach may occur directly from Council or from a contractor or business partner of Council who has custody of, or access to, Council held information.

This Policy applies to all data breaches and provides for mandatory reporting of eligible data breaches under the PPIP Act and data breaches in respect of tax files numbers, which must be reported under the Privacy Act.

### Preparation for data breaches

Council maintains an effective risk management framework, allocating resources, responsibility, and accountability to manage risk across the organisation in accordance with Council's risk management policy.

Council also has a range of supporting policies to control and mitigate exposures to breaches of data. This includes a business continuity policy, fraud and corruption control policy and code of conduct policies.

In addition to the policy controls, Council has a comprehensive set of information technology controls. This includes robust access controls, and network and endpoint security measures. An up-to-date inventory of assets is maintained, along with strong patch and vulnerability management measures, to ensure all IT assets are properly secured and monitored. Regular penetration tests are performed by a third party to identify and remediate any weaknesses in the IT infrastructure.

### Training and Awareness

To mitigate the risk of data breaches council has established a comprehensive training program to educate employees about the risks associated with data breaches and their responsibilities in recognising, responding, reporting, and preventing such incidents. Council conducts regular phishing simulation exercises to assess employee readiness for data breach incidents and raise awareness of the dangers of phishing and social engineering. Council have also conducted and will continue to provide privacy awareness training to ensure staff are aware of their obligation when handling and accessing personal information.

### Contractors and Third Parties

Council will require all contracts with contractors who may be provided with, have access to or hold Council held information, to contain obligations requiring the contractor to report data breaches to Council, take mitigating actions and assist Council in undertaking assessments of the data breach. Contracts will also identify who will notify any affected individuals and provide support in the event of a data breach.

For data breaches that involve other public agencies, the General Manager (or delegate) will directly liaise with other affected agencies in respect of any notification requirements for mandatory reporting data breaches.

POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023

## Responding to a Data Breach

There are five steps in the process of responding to a data breach, which include:

1. Report and triage;
2. Contain;
3. Assess and react;
4. Notify relevant authorities and affected individuals;
5. Review

Steps 1 - 3 will be followed for all data breaches. Steps 4 and 5 only need to be followed if the preceding steps result in any notification or review requirements. Each step will be considered, and to the extent appropriate, implemented in responding to a data breach.

Every response will need to be considered, holistically, and on a case-by-case basis, depending on the nature, severity, and impact of the data breach.

### STEP ONE: REPORT AND TRIAGE

- Any Council officer who becomes aware of a data breach will immediately notify the relevant Manager or Director.
- Where a Council officer and/or a relevant Manager or Director, believes or has reasonable grounds to believe that the data breach is a mandatory reporting data breach, the relevant Manager or Director will notify the General Manager (or delegate) immediately.
- When reporting a possible mandatory reporting data breach to the General Manager (or delegate), a Council officer and/or a relevant Manager or Director will also indicate whether in their opinion it is likely to take more than 30 days to determine if the data breach is a mandatory reporting data breach (if known).
- For non-eligible data breaches, a relevant Manager or Director will notify the Governance Coordinator within 24 hours.
- The Governance Coordinator, on being notified of a data breach will contact the Council's insurer.

### STEP TWO: CONTAIN

- All Council officers will take all immediate steps to contain any data breach, by limiting the extent and duration of the unauthorised access to or disclosure of Council held information and preventing the data breach from intensifying.
- This obligation is ongoing as other steps proceed.

**POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023**

**STEP THREE: ASSESS AND REACT**

Assessment of whether the Data Breach is a mandatory reporting Data breach.

- If it is suspected that an eligible data breach has occurred, the General Manager (or delegate) will assess whether an eligible data breach has occurred (eligible data breach assessment).
- The General Manager (or delegate) may appoint the response team to assist in this regard.
- After completing an eligible data breach assessment, the General Manager (or delegate) will make a final decision on whether the data breach is, or there are reasonable grounds to believe the data breach is an eligible data breach.
- The General Manager (or delegate) will also assess and consider whether a data breach is a commonwealth notifiable data breach. commonwealth notifiable data breaches are specific to unauthorised access or disclosure of TFNs. Council has 30 days to complete this assessment from the date of the initial report of the data breach.

**General Assessment**

- Council will conduct a preliminary assessment of a data breach by gathering all relevant information in respect of the data breach.
- Council will then evaluate the risks of the data breach for all data breaches.
- Factors to consider include:
  - What Council held information has been lost or disclosed?
  - What is the nature of the Council held information that has been lost or disclosed?
  - What was the cause of the data breach?
  - Who is affected by the data breach?
  - What combination of information was lost? Certain combinations of personal information can lead to increased risk.
  - How long the information has been accessible? The length of time of unauthorised access to, or unauthorised disclosure will increase risks of harms to individuals.
  - How many individuals were involved? The scale of the data breach will affect the Council's assessment of risks.
  - If the data breach involves TFN information?
  - Was it a one-off incident or does it expose a more systemic vulnerability?
  - What steps have been taken to contain the data breach? Has the Council held information been recovered? Is the Council held information encrypted or otherwise not readily accessible?
  - What is the foreseeable harm to affected individuals/organisations?

POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023

- Who is in receipt of the Council held information? What is the risk of further access, use or disclosure, including via media or online?
- Are other public agencies involved in the data breach?

Where a third party has gained possession of Council held information and declines to return it, the General Manager (or delegate) will engage external legal advice on what action can be taken to recover the Council held information. When recovering Council held information, the Council will make sure that copies have not been made by a third party or, if they have, that all copies are recovered.

Council will ensure that all actions to manage, contain, mitigate, and remediate the impact of a data breach to prevent future data breaches are considered and implemented.

#### STEP FOUR: NOTIFY

##### Eligible data breach notification

The General Manager (or delegate) will notify the Privacy Commissioner **immediately** after determining that a data breach is an eligible data breach.

- Notification to the Privacy Commissioner will be made in the approved form by the Privacy Commissioner as published on the IPC's website.
- The General Manager (or delegate) and response team (if appointed) will notify affected individuals as soon as practicable after identifying an eligible data breach.
- The General Manager (or delegate) and response team (if appointed) will determine how to notify and oversee the notification to affected individuals of the eligible data breach in accordance with this Policy.

##### Commonwealth notifiable data breach notification

- The General Manager (or delegate) and response team (if appointed) will notify the OAIC and any affected individuals as soon as practicable after identifying a commonwealth notifiable data breach.
- The General Manager (or delegate) and response team (if appointed) will determine how to notify and oversee the notification made to the OAIC and any affected individuals of the commonwealth notifiable data breach.

##### Voluntary data breach notification for non-eligible data breaches

- As a matter of best practice, Council will also consider voluntary data breach notification to the IPC, affected individuals and others (if the data breach is a non-eligible data breach).

**POLICY: DATA BREACH POLICY | VERSION 1.0, NOVEMBER 2023**

**Notification of individuals affected by a mandatory reporting data breach**

- Council will notify affected individuals directly, by telephone, letter, email or in person. Indirect notification - such as information posted on the Council's website, a public notice in a newspaper, or a media release will generally occur where the contact information of individuals who are affected are unknown, or where direct notification is prohibitively expensive or could cause further harm (for example, by alerting a person who stole the laptop as to the value of the information contained). Council will maintain a public notification register in accordance with s59N(2) and s59P of the PPIP Act. Council will also maintain an internal register for eligible data breaches.

**All Notifications**

- Council will always and for every data breach, consider other internal and external notifications and approvals, and communicate with such external agencies and stakeholders as is reasonably required in the individual circumstances of a particular data breach (e.g., the Police, Department of Customer Service, Cyber Security NSW, the Australian Tax Offices etc).

**STEP FIVE: REVIEW**

- Council will conduct a detailed review of all data breaches to determine all relevant causes and consider what short or long-term measures could be taken to prevent any reoccurrence.
- From its review of a particular data breach, Council will undertake any recommended steps to further mitigate and remediate Council's procedures, policies, and IT systems to prevent future data breaches.
- A post incident review will consider:
  - a cause analysis of the data breach;
  - security audit of both physical, technical, and cyber security controls;
  - review of Council's risk management policies and procedures;
  - review of employee training practices;
  - review of contractual obligations with contracted service providers;
  - any other review considerations, recommendations or guidelines published by the IPC or Privacy Commissioner.

A report of all data breaches considered to be serious, and all mandatory reporting data breaches will be made to Council's Audit Risk and Improvement Committee and to Council.

This Policy will be reviewed, tested, and updated in accordance with Council's established policy review processes or as required by best practice or legislation changes.

## Item 10: Operations

---

### 10.1 Policy Reviews - Operations

REPORT BY THE EXECUTIVE ASSISTANT OPERATIONS  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, ROA100072

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Executive Assistant Operations on the Policy Reviews - Operations; and**
  2. **place on public exhibition for 28 days the amended 'Bitumen Sealing of Gravel Roads Policy' and 'Protective Fencing and Overhead Protective Structures in Public Places Policy', and if no submissions are received adopt the amended policies.**
- 

#### Executive summary

This report deals with the review of Council policies that is required as per the policy review schedule. Policies are reviewed and updated as required and consideration given to whether a policy is still necessary and relevant.

#### Disclosure of Interest

Nil

#### Detailed report

The policies listed below have been reviewed and are attached with relevant changes being highlighted in the document:

##### **Bus Shelters:**

- To provide guidelines for the installation of bus shelters on roads under Council control both in the urban and rural area.
- Updates to referenced agencies.

##### **Grids and Gates:**

- To provide guidance and approve the location and standard of grids and/or gates on public roads.
- To ensure that grids and gates are installed and maintained to an acceptable standard.
- Updates to referenced agencies.



## Community Plan implications

Theme	Connecting Our Region
Goal	Efficient connection of the region to major towns and cities
Strategy	Develop a regional network in partnership with government agencies, that grows with the needs of residents and businesses

## Strategic implications

### Council Strategies

Nil

### Council Policies

Nil

### Legislation

Nil

## Financial implications

Nil

## Associated Risks

The updating of Council policies ensures suitable governance arrangements and guidance exists for the implementation of Council's functions. Amending policies reduces the risk of policies becoming out of date, not meeting best practice or referencing out of date or incorrect legislation.

LISA CARTMELL  
EXECUTIVE ASSISTANT OPERATIONS

JULIAN GEDDES  
DIRECTOR OPERATIONS

6 November 2023

*Attachments:* 1. POLICY - REVIEWING - Grids and gates.  
2. POLICY - REVIEWING - Bus shelters 100818.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER





## POLICY Grids and Gates

*A prosperous  
and progressive  
community*

### ADOPTED

COUNCIL MEETING	217-15
DATE:	24/7/2023 15/07/2015

### VERSION NO

REVIEW DATE	JULY 2025 17
FILE NUMBER	A0100021

## Objective

To provide guidance and approve the location and standard of grids and/or gates on public roads.  
To ensure that grids and gates are installed and maintained to an acceptable standard.

## Policy

1. All grids and gates on Public roads that are controlled by Council must be approved by Council. The ~~land owner~~ landowner is responsible under the Roads Act NSW 1993 for maintenance of the grid and gate, the bypass road to the gate and 20m of road on each approach to a grid.
2. Gates shall not be permitted on roads with a traffic volume greater than 10 vehicles per day unless they are located adjacent to a grid. All grids are required to have a gate and bypass road installed beside them.
3. Use of electrified grids is NOT permitted.
4. In the event of the ownership of the subject property being transferred, so does the responsibility of the grid and/or gate.

### Approval

5. Grids and gates shall only be erected at locations approved by Council and as directed by the General Manager or his delegate.
6. Approval may be granted to erect a stock grid and/or gate across road reserves subject to the applicant's concurrence with the conditions contained within this policy. The owner or occupier of the land must apply to Council to install the stock grid and/or gate on the designated form attached to this policy. Such application must be accompanied by the prescribed fee as set out in Council's schedule of fees and charges and the written consent of the adjoining land owner(s) if they are acceptable to the application.
7. Prior to permission being granted for the ~~installation~~ erection of a grid and/or gate, Council will advertise in the local newspaper ~~providing 28 days inviting interested persons~~ to lodge objections in ~~writing~~ writing ~~allowing 28 days for this to occur~~. Notice shall also be given to the adjacent land owner/s if their consent is not provided with the application. If objections are received a report shall be prepared for submission to Council for determination.
8. Applications will not be accepted if the road is fully fenced or the road is classified as Collector and above. For other roads with an average daily traffic volume greater than 20 (ADT > 20), only double grids will be permitted, whilst where the volume is less than 20 (ADT < 20), a single grid may be accepted.

### Construction

9. Prior to commencement ~~of works~~, written approval must be ~~obtained~~ obtained in writing from the General Manager or his delegate. ~~Then at least~~ 14 days' notice shall be given to the General Manager or his delegate prior to commencing any work - the exact position of

POLICY: GRIDS AND GATES | 15 JULY 2015

the grid and gate as agreed by council must be pegged on site and confirmed as satisfactory by Council. -

10. The applicant shall fully indemnify Council in relation to the works required and to any and all damage to other services including water, electricity supply and communication services.

11. All work must be appropriately sign posted during construction in accordance with Transport for NSW (TfNSW) requirements as set out in the Traffic control at work sites (TCAWS) Technical Manual. All work is to be undertaken at the owners' expense and risk.

~~All work must be appropriately sign posted during construction in accordance with Roads and Maritime Services (RMS) standards as set out in the RMS manual "Traffic Control at Worksites". All work is to be undertaken at the owners' expense and risk.~~

12. The centre of the grid (or gate if gate only installed) shall coincide with the centreline of the road. Grids and gates shall be constructed at right angles to the road centreline.

13. Council requires all grids on roads to meet technical requirements including minimum width, loadbearing capacity, materials and visibility markings, according to the type of road (each grid must be paralleled accompanied by an adjacent by a gate). In the case of existing but previously unlicensed grids, a physical standard below that required for new installations may be accepted at the discretion of Council for the life of the current installation.

14. When the grid is on a curve, the cross fall of the grid shall conform to that of the road. The surface of the grid shall be 0.5m ( $\pm$  0.1m) above the natural surface of the surrounding country.

15. Approach ramps shall be constructed for the full width of the running surface of the grid. The longitudinal grade of the approach ramps shall be such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%. The fill used in the approach ramps shall be thoroughly compacted and finished to the satisfaction of the General Manager or his delegate.

16. The owner shall construct and maintain the approaches for a minimum of 20 metres each side of the grid and/or gate and must be fully reinstated and compacted the pavement to the requirements of the General Manager or his delegate. The approach surface is to start flush with the grid. At 20m from the grid, the road surface is to grade away from the centreline of the road at a 6% crossfall. Alternatively, Council may require a one way crossfall of 6%. Council may also require the first 20m on each side of the grid to be sealed. The surface shall be constructed such that it does not become slippery when wet. Any repair/compaction required to be undertaken by Council will be charged for as Private Works.

17. A fully compacted 4m wide bypass road will also need to be constructed around each grid, through the adjacent gate.

18. The applicant shall construct drainage under the grid and adjacent gated bypass road, to ensure that no damming or ponding shall occur on the roadway.

19. Cattle Grids are to be capable of carrying a W7 or T44 legal axle loading with a factor of safety. These are available through a number of manufacturers. Details of the grid proposed to be installed and the proposed installation layout shall be submitted to Council for approval with the application.

20. Signs must be erected for any new ramp/grid installed on roads in this Council area which is less than 4.8m width, be signed as per Australian Standard 1742.2 - 2009, which

requires the following: if the grid is less than 4.8m wide, width markers should be erected at the Grid, the sign NO OVERTAKING OR PASSING (R6-1a) should be erected 70m to 200m in advance of the Grid and Warning signs GRID (W5-16) and ONE LANE (W8-16) should be erected in advance of the sign R6- 1a.

21. Details of grid structure, foundations, abutment, approach ramps, horizontal and vertical alignment shall be submitted with application and shall be sufficient to guarantee the safe transit of vehicles and shall not interfere with the natural drainage of the area.
22. Sufficient ~~guide-posts~~guideposts and rails shall be provided to satisfy road traffic safety requirements at the specific location.
23. Gates shall be a minimum 4.0 metres wide and be fully functional to enable unimpeded access.

#### **Maintenance/Repairs**

24. Where the Grid/Gate is on a maintained Council Road and has been constructed to Councils standards and approved for use by Council, the applicant shall be fully responsible for all maintenance and repairs of the gate/grid, signposting and the road approaches either side of the gate/grid.
25. Where an existing gate/grid is not being maintained to the appropriate standard, Council will serve notice on the occupier/owner to carry out remedial works within 7 days. Failure to comply with the notice will result in the levying of penalties as contained in the Roads Act, or cancellation of the permit. The General Manager may cancel the permit for failure to carry out remedial work or when changes occur to the classification or alignment of the road.
26. The owner or occupier shall be responsible for all removal and road reinstatement costs. The permission for any existing gates or cattle grids erected prior to the adoption of this policy shall be revised, and the owner or occupier be requested to comply with the current policy where deemed reasonable. Where the owner or occupier wishes to transfer permission for the gate or grid, they shall apply to Council and be subject to approval from the General Manager or his delegate.
27. Any damage caused to the grid, gate etc. by Council or contractors engaged by Council during maintenance/construction of the road to be repaired at the owners cost unless proven to be negligence of Council.

#### **Renewal/Removal**

28. Council may at any time revoke the approval or alter the above conditions.
29. Where an application is received for the removal of a gate/s and replacement by a grid the same conditions shall apply.

POLICY:GRIDS AND GATES | 15 JULY 2015

### **Application for Installation of Grid / Gate on Public Road**

Name:	
Address:	
Contact Phone #	
Describe proposed location (distance from nearest cross road / direction)	
Estimate Date for construction	
Estimated Traffic Volume per Day (No of Vehicles)	
Supporting Information (if deemed appropriate by the applicant)	
<b>Agreement:</b> Please find enclosed the fee applicable for granting of the permit and advertising the proposed grid and/or gate as identified in the Annual Fees & Charges of the Council. I understand that final approval and issue of the permit will not be provided until the designated public exhibition period has been completed. Further that if approval is not given due to objections leading to a Council resolution to refuse, then these fees are not refundable.	
<b>Signed &amp; Dated (Applicant)</b>	
<b>Office Use Only:</b>	
Complies with Policy (Yes / No)	
Any drainage implications known	
Recommended course of action.	
Assessment / Inspection Undertaken by (print)	
Signed & Dated:	
Project Approved to proceed if agreement signed and returned (reason if refused)?	
Signed & Dated (General Manager):	

**NOTES:**

Procedure for Grids and Gates Assessment

Road Name : \_\_\_\_\_

Action	Approx time	Responsible Person	Comments	Date completed
Initial assessment of viability				
Complies with policy and standards				
Traffic Volume (V<10, 10<V<20, V>20)				
Lodgment of application and payment of fee				
Copy of mapping image /Lot DP details				
Site inspection				
Initial Approval to proceed with notification				
Notify Owner				
A list of landowners whose land be affected by road restriction				
Send letters to all affected landowners				
Place Ad in Community News				
28 days ad period				
Have any objections been received				
If objections, report to Council prepared				
14 Day notification Prior to Construction.				
Construction completion advised				
Final Inspection				

Name of Applicant: \_\_\_\_\_

Advert date: \_\_\_\_\_

Close Date: \_\_\_\_\_



## **ROADS ACT NSW 1993**

### **128 Roads authority may grant permit**

- (1) A roads authority may permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.
- (2) A permit may not be granted with respect to a classified road except with the concurrence of the [TfNSWRTA](#).
- (3) A roads authority must cause notice of the granting of the permit to be published in a local newspaper.
- (4) The occupier for the time being of the land to which a permit relates is taken to be the holder of the permit.

### **129 Erection and maintenance of public gates**

- (1) The holder of a public gate permit may, at any time after one month from the publication of the notice of the granting of the permit, erect a gate in accordance with the permit.
- (2) The holder of a public gate permit must ensure that:
  - (a) a notice is attached to both sides of the gate bearing the words “PUBLIC GATE” in letters at least 75 millimetres high, and
  - (b) both the gate and the notice are maintained in good condition.

Maximum penalty: 10 penalty units.

### **130 Revocation of permit**

- (1) The roads authority may at any time revoke a public gate permit.
- (2) The occupier of the land the subject of a public gate permit that has been revoked must remove the gate within one month after notice of the revocation is served.

Maximum penalty: 10 penalty units.

### **131 Effect of permit**

While a public gate permit is in force, the public gate to which it relates is taken not to constitute a public nuisance and does not give rise to an offence against this or any other Act.

### **132 Offences with respect to public gates**

- (1) A person must not cause any damage to a public gate or to any notice attached to the gate in accordance with this Division.

Maximum penalty: 10 penalty units

- (2) A person who opens a public gate must cause it to be closed again immediately after it has been used.

Maximum penalty: 10 penalty units.

- (3) A person who fails to cause a public gate to be closed is liable for any loss or damage suffered by the occupier of the land adjoining the public road on which the gate is situated as a result of the gate having been left open.

### **133 Construction of by-pass around road gate**

- (1) An occupier of land adjoining an unfenced public road across which a public gate is situated at the point where the road intersects a boundary fence:

- (a) must not, unless the appropriate roads authority so permits, and
- (b) must, if the appropriate roads authority so requires,

construct a by-pass for vehicles at the intersection of the road with the boundary fence.

Maximum penalty: 10 penalty units.

- (2) The roads authority may not permit or require the construction of a by-pass:

- (a) if the by-pass is to be used in connection with a public gate across a main road, except with the concurrence of the [RTA in NSW](#), and
- (b) if the public gate is part of a rabbit proof, dog proof or marsupial proof fence, except with the concurrence of the local rural lands protection board.

- (3) A by-pass is to consist of:

- (a) a ramp to allow vehicles to be driven over the top of the boundary fence, or
- (b) a cattle grid or sheep grid located beside the gate,

and must be constructed in accordance with such specifications as may be approved by the roads authority.

- (4) If the appropriate roads authority so requires, the person permitted or required to construct a by-pass:

- (a) must construct the by-pass along the line of the road, and
- (b) must re-locate the gate beside the by-pass.

Maximum penalty: 10 penalty units.

- (5) The occupier for the time being of land to which a permit relates is taken to be the holder of the permit.

### **134 Notice board to be erected at by-pass**

- (1) The occupier of land on which a by-pass is constructed must ensure that:

- (a) a notice, in the form required by the appropriate roads authority, is exhibited on a conspicuous notice board near each end of the by-pass, and



**POLICY: GRIDS AND GATES | 15 JULY 2015**

(b) both the by-pass and the notice are maintained in good condition.

Maximum penalty: 10 penalty units.

- (2) A notice may prohibit vehicles exceeding a specified laden weight from being driven over the by-pass.
- (3) If the appropriate roads authority requires a person to construct a by-pass, that authority may contribute to the cost of construction and erection of the notices.

**135 Closing of by-pass**

- (1) A by-pass may be closed and the notices relating to the by-pass may be removed:
- (a) if the public gate in connection with which the by-pass was constructed is removed, or
  - (b) if the fence of which the by-pass forms part is made rabbit proof, dog proof or marsupial proof.
- (2) A person who closes a by-pass:
- (a) must give notice of the closure to the appropriate roads authority before or immediately after the closure, and
  - (b) must take such steps as the appropriate roads authority directs to ensure the safety of persons using the road.

**136 Revocation of by-pass permit**

- (1) The roads authority may revoke a permit given with respect to a by-pass by means of a notice served on the holder of the permit.
- (2) The occupier of the land the subject of the permit must, within the time specified in the notice:
- (a) remove the by-pass and its notices, and
  - (b) take such steps as are specified in the notice to ensure the safety of persons using the road.

Maximum penalty: 10 penalty units.

**137 Offences**

- (1) A person must not:
- (a) drive a vehicle over a by-pass in contravention of a notice displayed in connection with the by-pass, or
  - (b) wilfully damage or remove a notice displayed in connection with a by-pass, or
  - (c) wilfully obstruct or damage a by-pass.

Maximum penalty: 10 penalty units.

- (2) A person who causes damage to a by-pass as a result of driving a vehicle over the by-pass in contravention of such a notice is liable for:
- (a) the cost of any repairs to the by-pass necessary as a result of the contravention, and
  - (b) any loss or damage suffered by any other person as a result of the damage to the by-pass.



## POLICY BUS SHELTERS

*A prosperous  
and progressive  
community.*

### ADOPTED

COUNCIL MEETING MIN NO

date: 19/09/2023

### VERSION NO

REVIEW DATE

FILE NUMBER A0100021

## Objective

To provide guidelines for the installation of bus shelters on roads under Council control both in the urban and rural area.

### OBJECTIVE

~~To provide guidelines for the installation of bus shelters on roads under Council control both in the urban and rural area.~~

## Policy

1. Council will only fund or install bus shelters if at least one of the following applies:
  - For school bus routes on rural roads, where there are a minimum of 15 school aged children utilising a single stop
  - The location is on an approved bus route and at a designated stop within the CBD area
  - If external grant funding is received
2. Installation of bus shelters in the **rural area** may be undertaken at **no expense** to Council if the conditions in (1) above are not met provided that:
  - **Approval** is first sought from Council. Such application must be in **writing** and include:
    - a) The proposed kit and / or method of construction of the shelter together with names and qualifications of any persons installing the shelter.
    - b) a locality plan drawn to scale and clearly showing:
      - Road name/s;
      - Type/s of carriageways;
      - Proposed position of the bus shelter, with distances from the carriageway, side roads, property entrances, obstructions including drainage structures within 200 metres of the site in both directions.

- c) A report detailing and establishing the need for the bus shelter.
- d) Any request for relief from maintenance must accompany the application (see dot point below).
- Erection is undertaken utilising skilled personnel installing prefabricated kits designed to appropriate Australian Standards and in accordance with the written approval from Council;
- Erection adjacent to a classified road (Highway) will require the approval of [the Roads and Maritime Services Transport for New South Wales](#) prior to a submission being made to Council.
- The **location** shall be such that:
  - a) There is adequate room for a bus to pull wholly off the through carriageway at the bus shelter;
  - b) There is adequate visibility for approaching traffic of a bus stopping at, or departing from, a bus shelter. Unless lesser distances are approved in writing by the General Manager following an on-site inspection, adequate visibility shall mean:
    - 200 metres in each direction in 100 km/h zones;
    - 150 metres in each direction in 80 km/h zones;
    - 100 metres in each direction in 60 km/h zones;
    - (Sight distance will be determined by use of 300mm diameter discs, one held at 2 metre height at the Shelter, the other at 1.2 metre height on the approach lane at the specified distance for the zone applicable);
  - c) The bus shelter does not interfere with visibility of vehicles entering the carriageway from a side road or from a property.
- **Maintenance** shall be the responsibility of the applicant. Should the applicant wish to be relieved of the responsibility of maintenance, this fact must be made known at the time of the application.
- Each application will be treated on its merits, however applicants who propose to obtain fees for the right to advertise on the structure are advised that Council would not grant relief from maintenance.
- Each bus shelter shall have the name and current postal address of the **owner** displayed facing the carriageway in permanent material in English characters not less than 20mm high.

- **Advertising** matter may be allowed subject to other Council policies, on the end walls at the departure end only. Advertising matter shall not be such that it could be construed to be an official traffic sign or to contain any representation of an official traffic sign. The use of reflectorised material in the advertising matter is not permitted.
- The Council shall have the authority to order the current owner of any bus shelter to remove any advertising matter which is not in accordance with the above conditions or which, in its opinion, offends public decency or is inappropriate.
- Where Council considers any advertising material warrants immediate removal, it may arrange removal and recover the cost of such removal from the owner.
- The owner for the time being of the bus shelter shall indemnify and keep indemnified the Council from and against all actions, proceedings, claims, damages and demands, costs and expenses in regard to any accident, damage or injury sustained as a result of the construction, maintenance or existence of the bus shelter.
- Work on the construction of the bus shelter shall not commence until the Council's General Manager is satisfied that the owner has obtained sufficient Public ~~Risk and Accident Insurance as will allow the above indemnity to be viable.~~ Liability insurance.
- The owner of the bus shelter shall submit, annually, proof that insurances are current and adequate.
- No part of these requirements shall be construed or deemed to give the owner of a bus shelter any right to the **exclusive use** of any part of the road reserve on which the bus shelter is erected.
- The Council may order the **removal** of the bus shelter for any reason whatsoever, by giving thirty (30) days notice in writing addressed to the owner of the bus shelter as shown on the bus shelter, and, failing the removal of the bus shelter by the owner in the time stipulated, may remove the bus shelter and recover the cost of such removal from the owner.
- Council may provide for bus shelters to be erected where criteria in 2 above are not met, if the interested parties can meet the costs.

## Item 11: Community

### 11.1 MRT Quarterly Report - July to September 2024

REPORT BY THE DIRECTOR COMMUNITY  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, F0770077

#### RECOMMENDATION

**That Council receive the report by the Director Community on the MRT Quarterly Report - July to September 2024.**

#### Executive summary

As per the funding and performance agreement entered into in July 2022 between Mudgee Regional Tourism (MRT) and Council, MRT is required to report quarterly to Council on their performance.

#### Disclosure of Interest

Nil

#### Detailed report

The MRT report for the first quarter of the 23/24 financial year has been delivered to Council in accordance with the funding and performance agreement. The report is attached for Council's consideration.

#### Community Plan implications

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

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

Strategy	Pursue efficiencies and ongoing business improvement
----------	--

#### Strategic implications

##### Council Strategies

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

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

**Council Policies**

Not Applicable

**Legislation**

Not Applicable

Financial implications

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

Associated Risks

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

SIMON JONES  
DIRECTOR COMMUNITY

27 October 2023

*Attachments:* 1. MRT Quarterly MWRC Operational Report\_Q1\_FY24.

APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER





2023-24 MRT Quarterly Operational Report  
July to September 2023

prepared for

**Mid-Western Regional Council**

### **PURPOSE**

Mudgee Region Tourism (MRT) CEO tables this quarterly operational report to the MRT Board + MWRC.

### **BOARD + EXECUTIVE TEAM**

- Brand launch
- Magazine and Map launch
- New website became operational
- Organisation restructure completed
- New team members joined MRT and new positions started
  - Hannah and Tracey are PT – Experience Experts
  - Renee is in a new role – Community Engagement Specialist
  - Morgan is in a new role – Experience Expert Lead
  - Camilla title change – Business Support Manager

### **GRANTS + FUNDING**

Currently no marketing grants available through State or Federal government. This is the first time since 2017–18 that MRT doesn't have any active grants to support marketing and industry development.

## PROGRESS // 2020–25 DESTINATION MANAGEMENT PLAN GOALS + ACTIVITY

Goal	Measurable Objectives (KPIs) (over the period 2020 to 2025)	Footnotes
<b>A.</b> Leverage existing visitor markets to encourage increased length of stay and yield.	Increase the visitor economy spend by 20% or 200,000 visitor nights.	With the use of Localis (accommodation capacity and occupancy tool), we see increased accommodation supply and from MWRC Spendmapp data we spend has continued to increase throughout Q1 of 2023/24.  <i>This objective is currently being met.</i>
<b>B.</b> Encourage greater regional dispersal to share the benefits of tourism across the entire Mudgee Region.	Increase in participation in events and tickets sales at museums and attractions by 10% in centres such as Gulgong, Kandos and Rylstone.	We can see increased spend (from Spendmapp data) in the regions from visitors and are tracking to ensure the visitors through to Gulgong, Kandos and Rylstone are from the key target markets that are visiting Mudgee.  <i>The increased regional dispersal is currently being met, but the metric of ticket sales and event tickets is a poor metric.</i>
<b>C.</b> Strengthen the appeal of the region year-round to contribute to the viability of local businesses and to support vibrant communities.	Increase in positive sentiment achieved as measured by an analysis of social media and online media sentiment.  Increase in digital content delivered for multichannel distribution relating to low and shoulder seasons.	We will re-record the sentiment index in October 2024 to see how the region is being received. Most negative impacts in media are due to solar and mining projects.  Our new social media strategy has significantly increased our engagement and distribution of content to potential visitors. We have seen a 219% increase in Q1 on last year.  <i>The objective is currently being met.</i>
<b>D.</b> Focus on higher-yield markets by enriching the experience offer.	Increase in the number of higher-yield products, tours and experiences listed on the Australian Tourism Data Warehouse (ATDW) and on online booking platforms.	Every Partner listing on ATDW has been reviewed, ensuring we have also all activities that are non-Partner on ATDW such as walks and public attractions such as Art.  There has been an increase in high-end accommodation and the development of new products in the region. MRT is working with these businesses as they come online.  ATDW listings have increased in the region in the past 12 months.  <i>This objective is currently being met.</i>

E. Enhance collaboration and partnerships to support the visitor economy.	Increase partnership engagement and resulting financial contribution to MRT by 10%.	<p>We have restructured MRT to ensure we can engage with Partners and non-Partners more. MRT is working with the Mudgee Business Chamber (BM) to look at establishing a BM retail subcommittee to get more retail businesses involved in tourism.</p> <p>Partnerships is going to be a challenge for the next 12–24 months to ensure we can stay relevant plus make financial outcomes.</p> <p><i>This objective is being met based on increased engagement but will likely not be met based on increased financial contribution.</i></p>
---	---	---

### TOURISM OPPORTUNITIES

Identify potential tourism infrastructure or opportunities that would secure a stronger tourism economy. Work with Council on identifying new opportunities or gaps that would improve tourism offering on the region. Provide a quarterly report with findings. Include number of new tourism businesses opened and those closed in the region in the quarter.

New Tourism Business Open in Q1	Tourism Business Closed in Q1
7 x arts + recreational	4 x arts + recreational
4 x accommodation + food services	4 x accommodation + food services
23 x retail	12 x retail
<b>Total @ 34 businesses</b>	<b>Total @ 20 businesses</b>

\*Data to be provided by MWRC

Visitation Spend Q4	Total Spend	Visitor Spend	Visitor Spend %
July '23	\$67 million	\$22.3 million	33%
August '23	\$67.5 million	\$66.8 million	29%
September '23	\$72.6 million	\$24.2 million	33%

\*Data to be provided by MWRC (Spendmapp by Geografia)

Potential Tourism Infrastructure	Weakness or Gap	Opportunity
<b>Accommodation</b>	Limited commercial accommodation options and range or types of accommodation, especially outside of Mudgee township. High occupancy rates during peak periods is also a challenge for growing the visitor economy.	Encourage further investment in accommodation on vineyards or within wineries to enhance the range of small-scale and boutique accommodation on offer, reinforcing the more intimate setting of the region (Hero)
<b>Dining</b>	Demand for hospitality can exceed availability and often leads to visitors or guests being disappointed. Encouraging pre-booking of hospitality, especially restaurants as well as seven-day week trading would help to alleviate this problem.	Encourage the development of more on-vineyard dining experiences. This could include investment in a significant new wine and food experience space or centre, which integrates the landscape, produce and culture of the Mudgee Region through high-quality design (Hero)
<b>Health + Wellness</b>	Increasing interest in health and well-being provides an opportunity to enhance and promote the wellness offering of the region, including accommodation, activities and packages that take advantage of the quality local produce and rural and nature-based settings of the region.	<p>Develop and promote wellness tourism experiences, including encouraging investment in wellness retreats or centres. This should leverage the region's outstanding local produce, arts, music and creativity (Hero)</p> <p>Council to support (where appropriate) initiatives to leverage the interest in leisure cycling, mountain biking, the existing mountain biking trail network and events (Supporting)</p>

<b>Transport</b>	Transport within the Mudgee Region is largely perceived as a barrier to tourism, especially after hours and to support wine tourism and visitor disbursement to towns and villages	Increasing connectivity between the towns of the Mudgee Region would significantly enhance the appeal of attending live music, sporting events or art exhibitions etc. It would also enable visitors to plan an extended stay, especially for those who arrive by air
<b>Directional and welcome signage</b>	Poor signage including limited signage for Mudgee VIC	Investigate opportunities to improve signage for the region and Mudgee VIC

- MRT CEO, took part in the Destination Central West Cycling Strategy community engagement sessions
- MRT CEO set up monthly Eco Dev catch ups with MWRC.
- MRT audited all listings on ATDW with Sparowly Group for Destination Central West.
- MRT ran a debrief meeting for SGFWS with wineries to look at a better approach for 2024.
- MRT did a walk-through Mudgee with Mudgee Business chamber to look at establishing a new retail subcommittee.

## DESTINATION MARKETING

### MARKETING PLAN

With our marketing now operating without grant support we have a refined focus on raising brand awareness of the region.

The five key primary experience themes that come from our DMP are:

- Wine lovers + foodie delights
- Health + well-being
- Remarkable Arts, Music + Creativity
- Vibrant Heritage
- Engaging, Inspiring + Sporting Events

We also focus on accommodation.

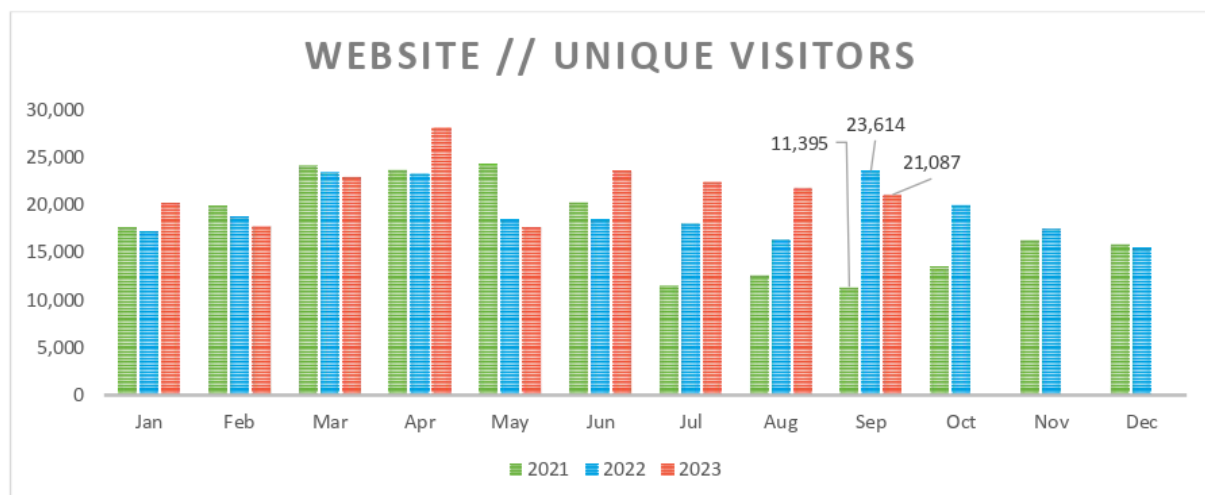
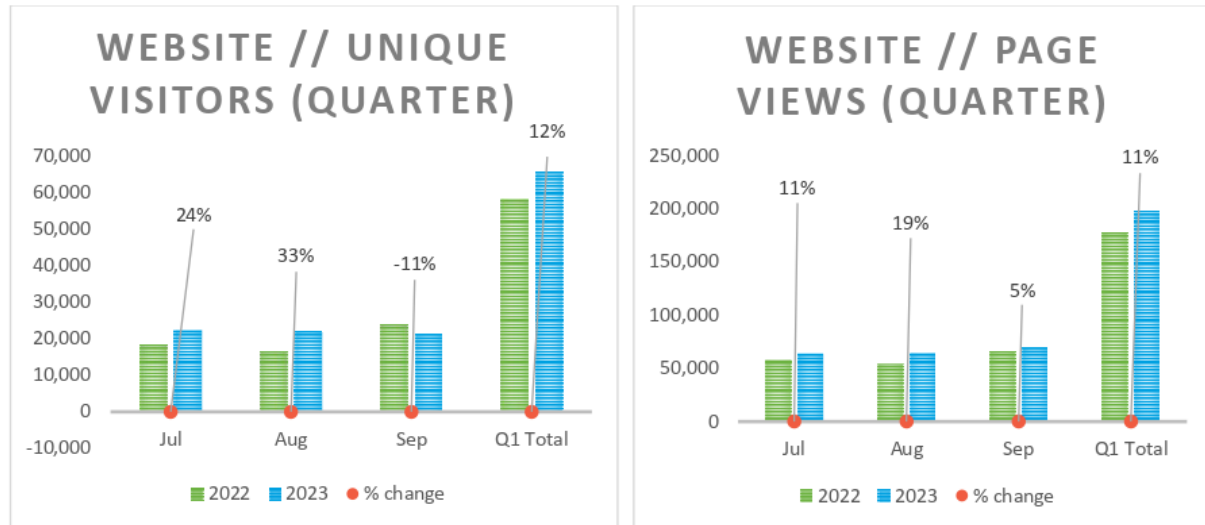
We have delivered marketing outcomes in this quarter through the creation and filming of our next Marketing Campaign that will focus on our Winter experiences. We have launched our next magazine. We have completed a brand launch to show the region as a more contemporary country destination.

### MARKETING CAMPAIGN RESULTS

Key metrics of success of the marketing plan are:

MRT Marketing KPIs		2022/23		2023/24	
1. Magazine	Distribute 40,000 copies of the magazine in the Mudgee Region and surrounds	Different type of magazine production		9,560 distributed in Q1	
2. Social media	Increase social media followers by 15% (Facebook, Instagram)	July	48,702	July	52,977
		August	48,946	August	53,254
		September	49,313	September	53,520
3. Social media	Increase reach of social channels to key markets	July	207,449	July	653,161
		August	192,623	August	825,611
		September	290,135	September	722,182
3. Website visitor	Secure >20K unique website visitors per month during campaign term.	July	18,074	July	22,405
		August	16,373	August	21,773
		September	23,614	September	21,087

## WEBSITE + SOCIAL MEDIA DATA

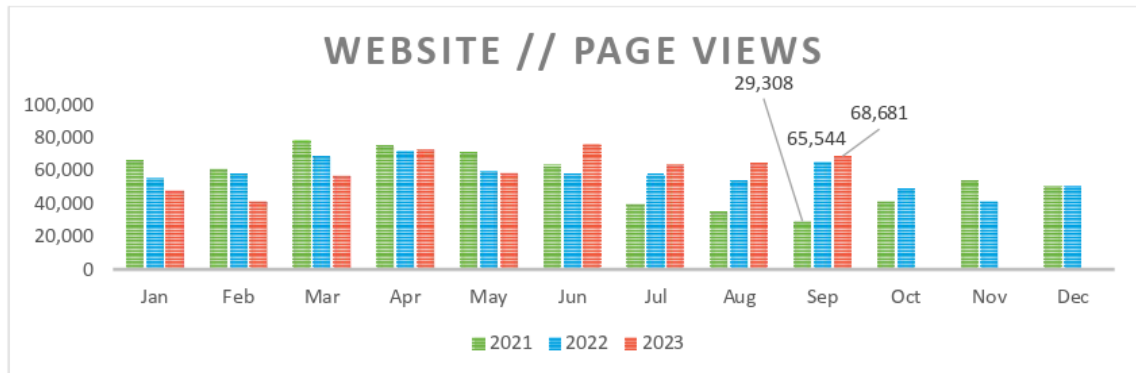


Website Unique Visitors	2021	2022	2023	Total
Total	211,313	230,652	195,459	637,424

\* 2023 total to date @ September '23 (YTD)

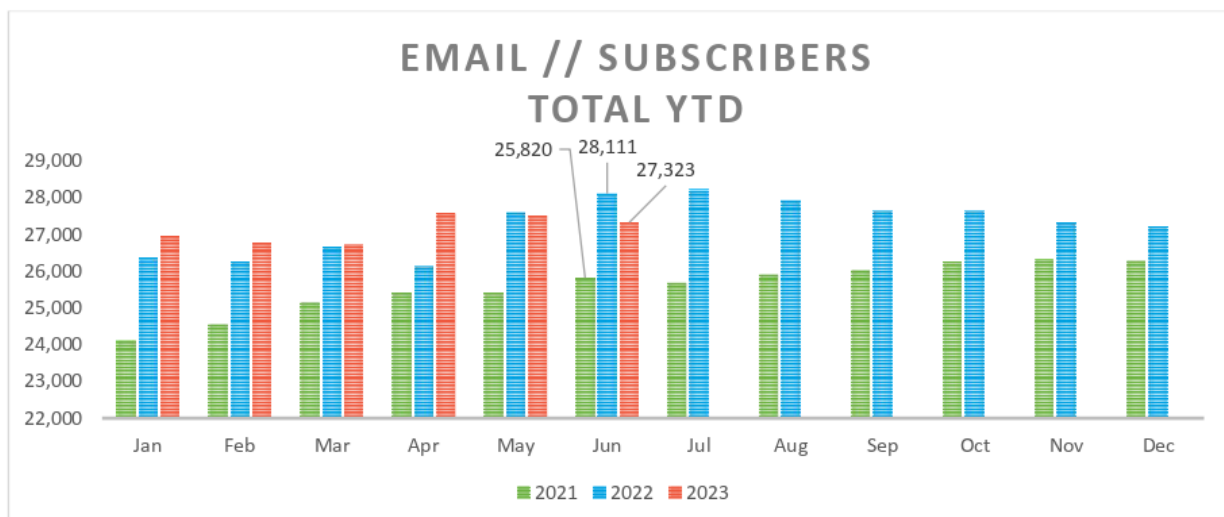
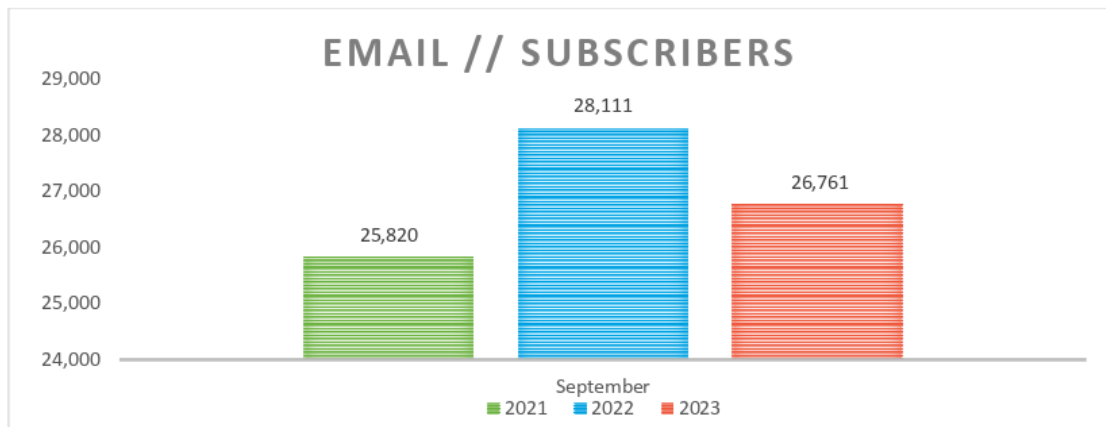
\* Includes website traffic to the new What's On Mudgee Region event website from June '23



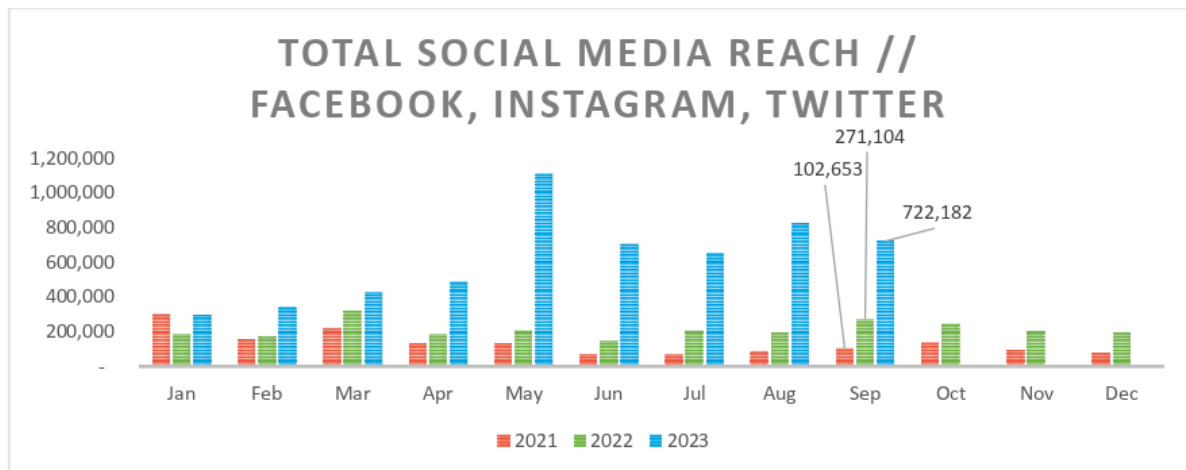
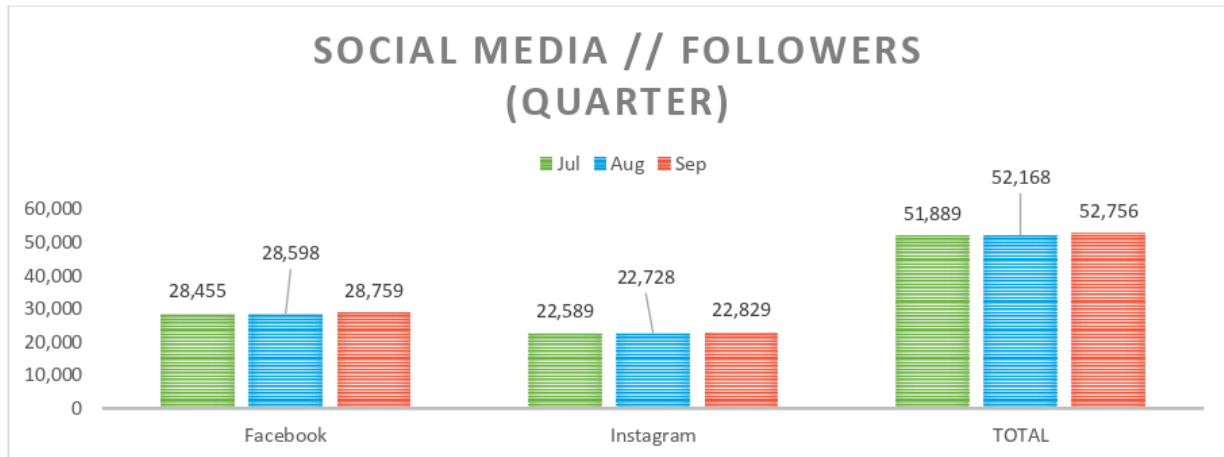


Website Page Views	2021	2022	2023	Total
Total	666,094	690,198	552,037	1,907,329

\* 2023 total to date @ September '23 (YTD)



Email Subscribers	2021	2022	2023
Accumulative totals	25,820	28,111	27,323

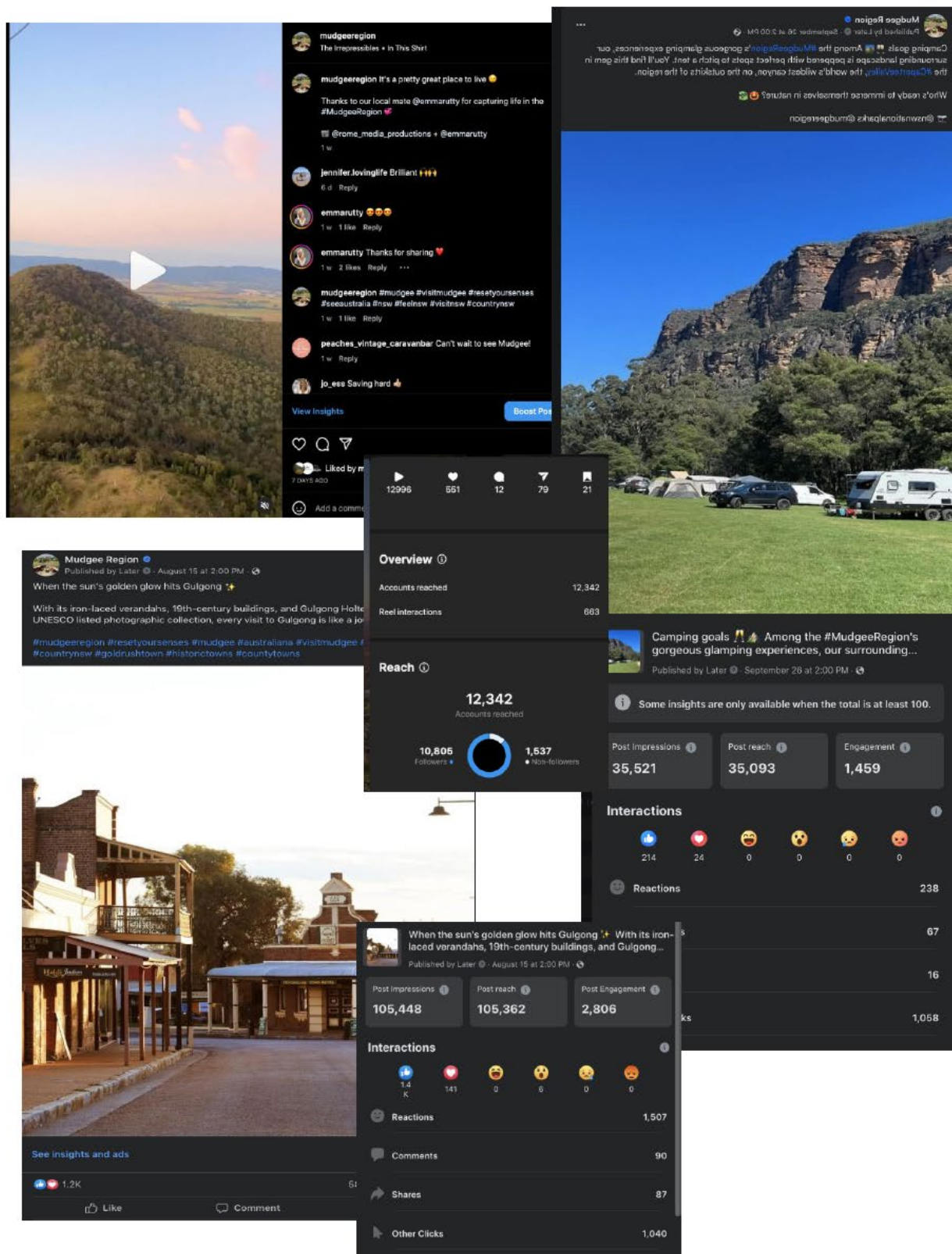


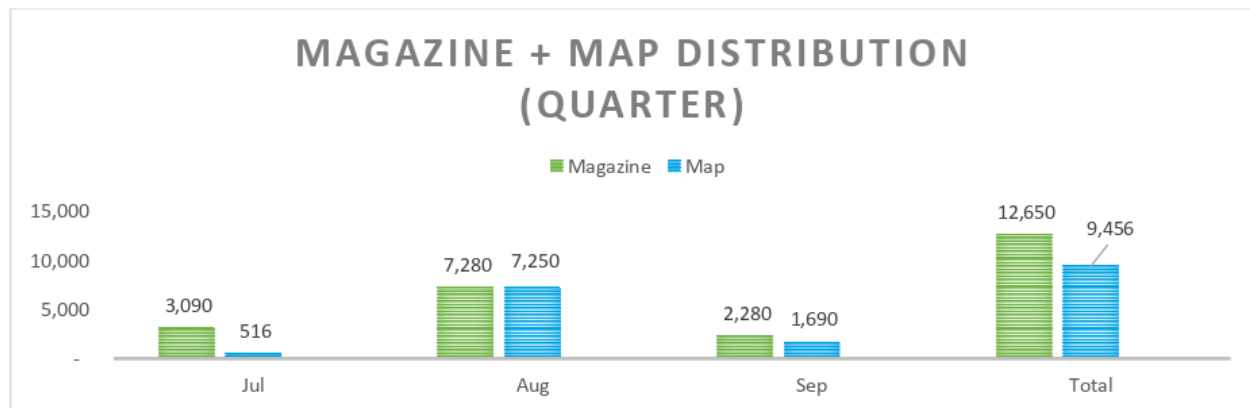
Social Media Reach	2021	2022	2023	Total
Total	1,569,333	2,527,840	5,572,474	9,669,647

\* 2023 total to date @ September '23 (YTD)

## POPULAR SOCIAL MEDIA POSTS

The most high-performing FB + Instagram posts for the quarter





- Unique website visitation was up 12% on Q1 previous year.
- 3,255 external websites click-throughs for the quarter.
- Top 3 referral sites:
  - July: Google, Facebook, Bing
  - August: Google, Facebook, Bing
  - September: Google, Direct, Bing
- Top 3 landing pages:
  - July: Restaurants, Mudgee Region homepage, Restaurants + Eateries (primary page).
  - August: Mudgee Region homepage, Restaurants + Eateries, Things to do.
  - September: Mudgee Region homepage, Accommodation, Things to do.
- Email subscribers down 5% on Q1 last year.
  - We are currently running less competitions so that we can make the prizes more meaningful. Competitions are our key way of increasing this database.
- Social Media followers was up 8% on Q1 last year.
- Most popular posts: Gulgong @ 15 August (105,362), Camping @ 26 September (35,093), Mudgee Region Real @ September (12,342).
- Magazine distribution was down 57% on Q1 last year due to the change from being an out-of-region magazine to an in-region magazine for 2023–24 and a push in July '22 to distribute stock of the 2022–23 magazine rather than recycle. Map distribution was significantly up at 4% on Q1 the previous year.

## PUBLIC RELATIONS + MEDIA COVERAGE

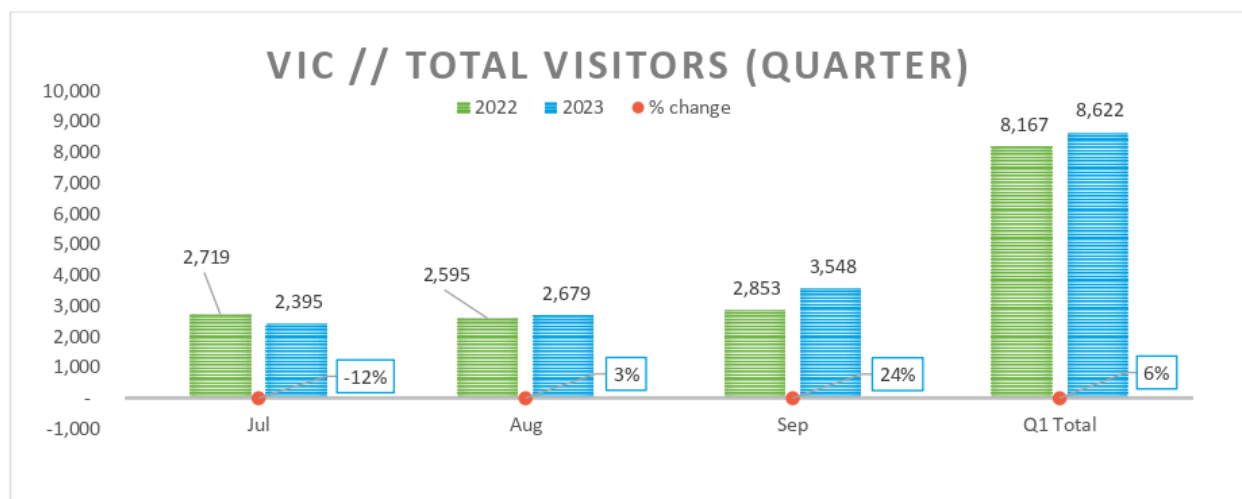
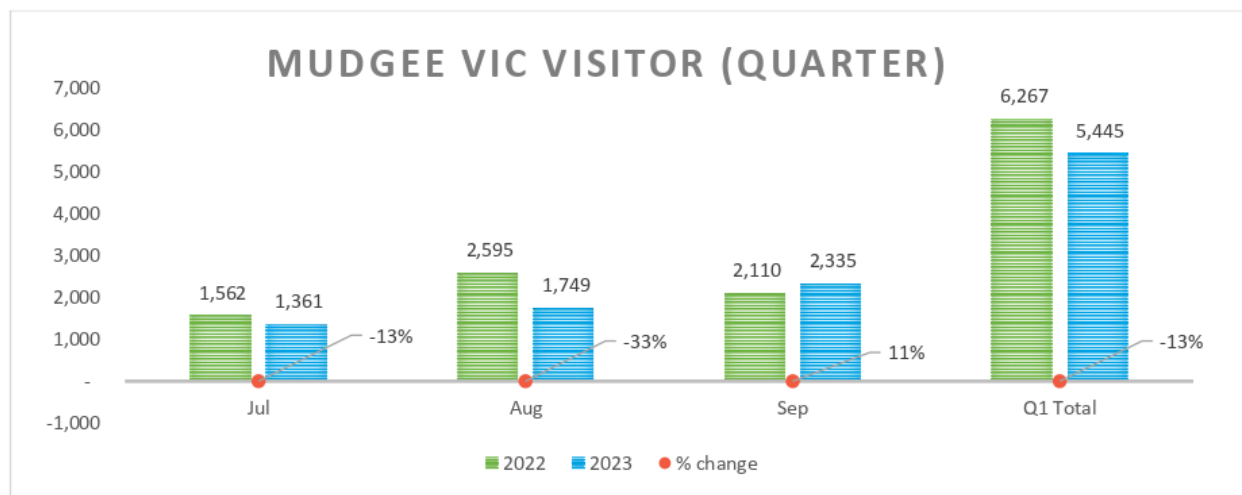
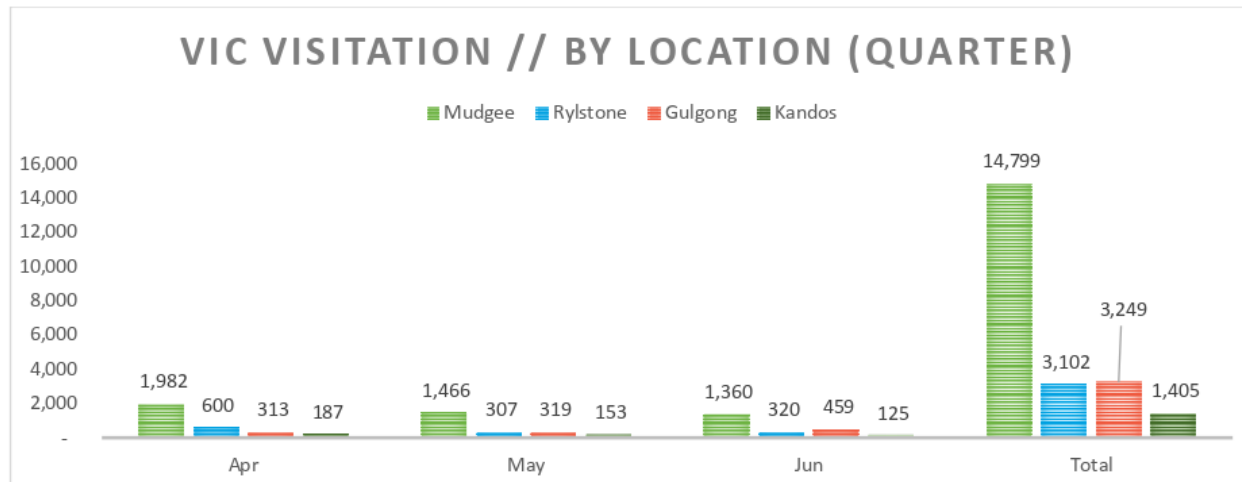
From January 2023 MRT ceased recording traditional public relations media matrix data including EAV and PRV, based on the advice of Klick X, MRT's previous Public Relations Consultant, and is focusing on digital marketing. The advice is that without significant dollar spend on traditional media the impact will be minimal and that big news stories will be followed and captured by the media. Going forwards, MRT will include details of any media coverage and articles facilitated and paid for by MRT.

There was no paid media coverage or paid articles between July and September '23 MRT, however, MRT was involved in the following visiting journalist programs.

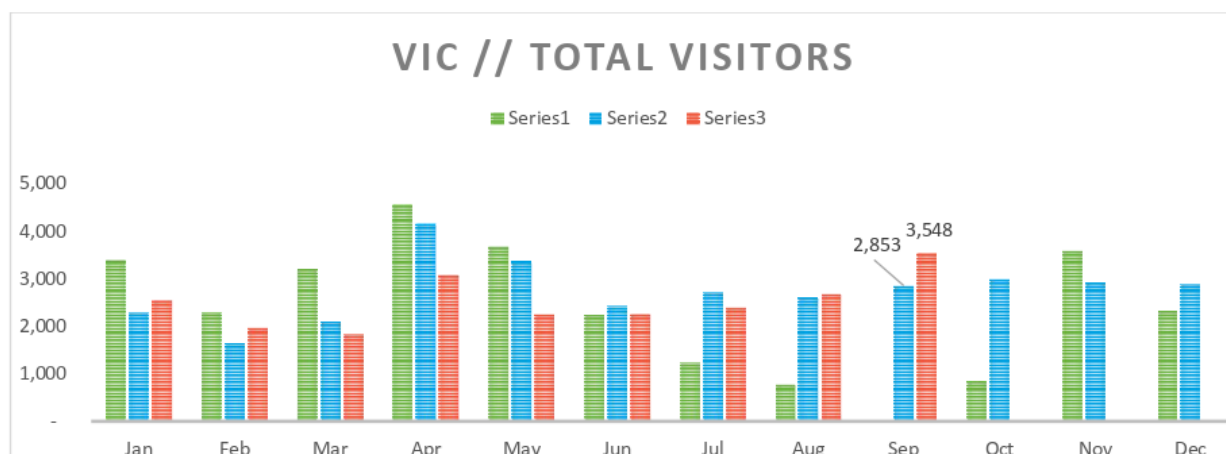
- **03–10 July:** One&Only story in the *Sydney Morning Herald* and *The Age Traveller* – visiting journalist arranged through Lowe Family Wine Co. MRT provided the journalist with a range of suggestions and Partner contacts.
- **20 August:** Destination NSW + JT Travels NSW – Weekend Sunrise/Channel 7 live weather cross at Logan Wines
- **06–07 September:** *The Weekend Australian Travel + Luxury* magazine: visiting journalist arranged through Lowe Family Wine Co. MRT provided the journalist with a range of suggestions and Partner contacts

MRT provided a press release to the Mudgee Guardian for Mudgee's Hall of Fame success having won Top Tourism Town Australia two years running: <https://www.mudgeeguardian.com.au/story/8355517/mudgee-makes-history-as-first-hall-of-fame-inductees-in-top-tourism-awards/>

## VISITOR INFORMATION CENTRES (VIC)



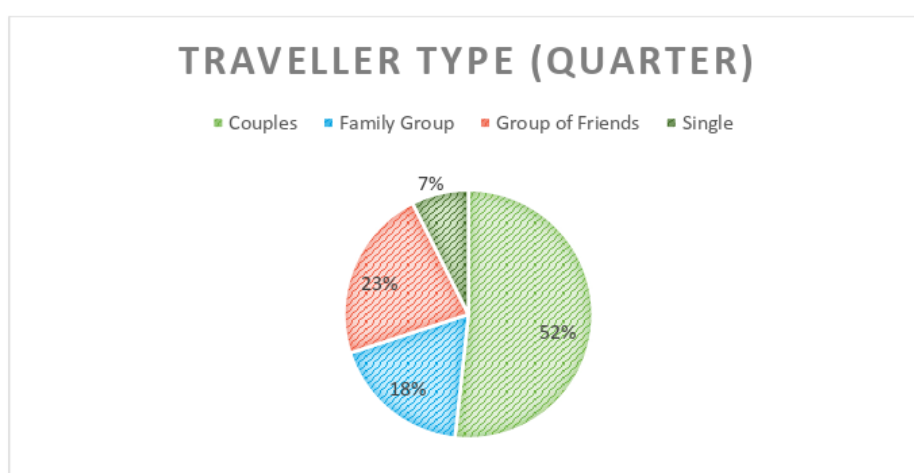
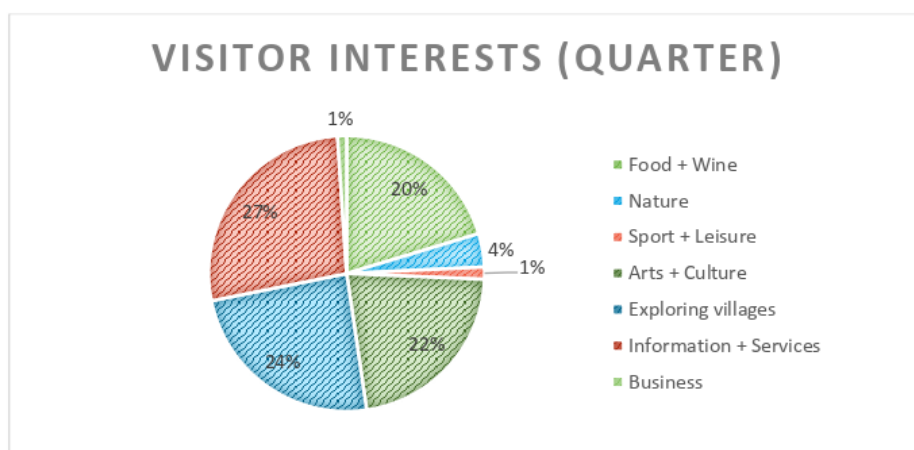




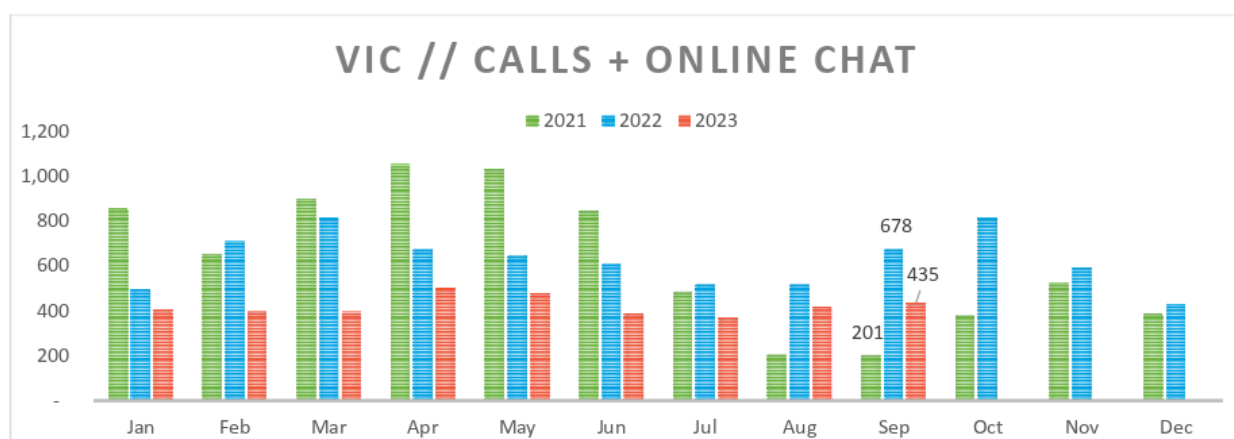
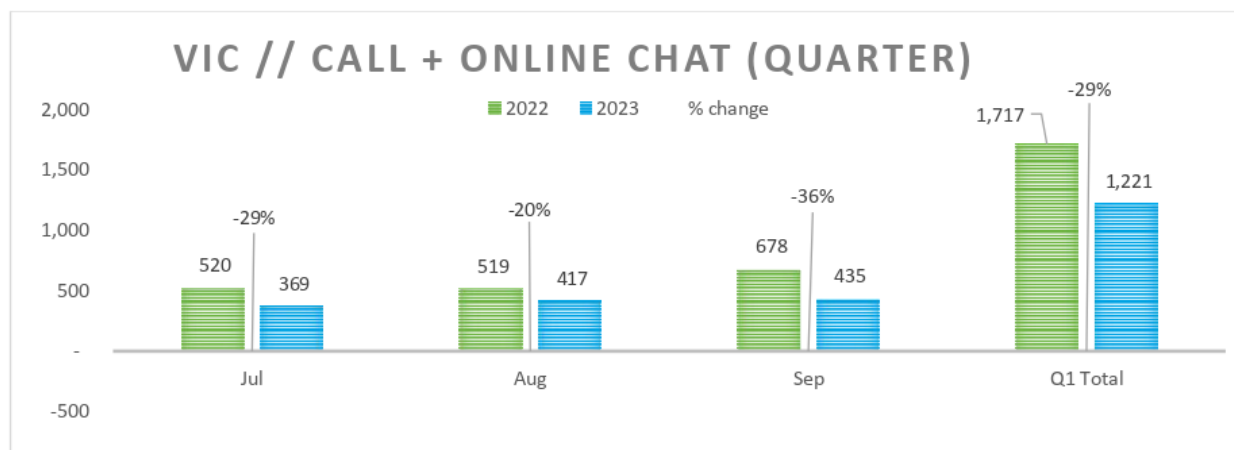
VIC Total Visitors	2021	2022	2023	Total
Visitors	28,053	32,873	22,552	83,478

\* 2023 total to date @ September '23 (YTD)  
\*\* The VIC was closed September '21 due to COVID-19

## VISITOR INFORMATION







VIC Calls + Online Chat	2021	2022	2023	Total
Total	7,501	8,694	3,780	18,778

\* 2023 total to date @ September '23 (YTD)

## VISITOR SATISFACTION

MRT implemented at the beginning of 2023–24 financial year a new visitor satisfaction recording specifically the Visitor Information Centre visitors' happiness ratings – Very Happy, Happy Neutral, Unhappy and Very Unhappy – producing an overall happiness score.

The happiness scores for Q1 were: July @ 97, August @ 94, September @ 100

- VIC visitation was down 6% on Q1 last year across all three locations. Visitation in Mudgee VIC was up 11% in September reflecting Wine and Food Month, but significantly down in July and August.
- Calls + online chat was down 29% compared to Q1 last year.
- Net retail sales down 6% on Q1, reflective of the drop in visitation.
- Gross event ticket sales down on Q1 last year (53%). Last year in the same quarter there were four big-ticket events that were not held in 2023 plus the sales for Go Grazing part of Wine + Food Month were significantly down.

## VISITOR DEMOGRAPHICS + GEOGRAPHICAL DATA

We are now utilising Localis to monitor where visitors are coming from. This data tools tracks mobile phones place of origin.

We use mobility data to view source markets for the Mudgee Region and find out what day of the week/hour has the highest visitation.

### Demographics // Geosource Markets (Quarter)

Top 20 Visiting LGAs to Mudgee Region FY24 / Q1			
Blacktown City Council	Central Coast Council	Orange City Council	Wollongong City Council
Penrith City Council	The Hills Shire Council	Sutherland Shire Council	Blue Mountains City Council
Dubbo Regional Council	Northern Beaches Council	Liverpool Council	Newcastle City Council
Canterbury-Bankstown Council	City of Parramatta Council	Cumberland City Council	The Council of the Shire of Hornsby
Bathurst Regional Council	Lake Macquarie City Council	Council of the City of Sydney	Lithgow Council

\* Chronologically listed down each column then from left to right

Top 20 Visiting LGAs to Mudgee Region FY23 / Q1			
Blacktown City Council	Orange City Council	City of Parramatta Council	Council of the City of Sydney
Penrith City Council	Northern Beaches Council	Blue Mountains City Council	Cumberland Council
Dubbo Regional Council	The Hills Shire Council	Sutherland Shire Council	Lithgow City Council
Bathurst Regional Council	Canterbury-Bankstown Council	Hawkesbury City Council	Maitland City Council
Central Coast Council	Lake Macquarie City Council	Newcastle City Council	Wollongong City Council

\* Chronologically listed down each column then from left to right

- Top Interstate visitation July to September '23: QLD @ 4.64%, VIC @ 4.46%, SA @1.22%
- Top interstate visitation July to September '22: Qld @ 4.83%, VIC @ 3.5%, ACT @ 01.17%

### Traveller Type (Quarter)

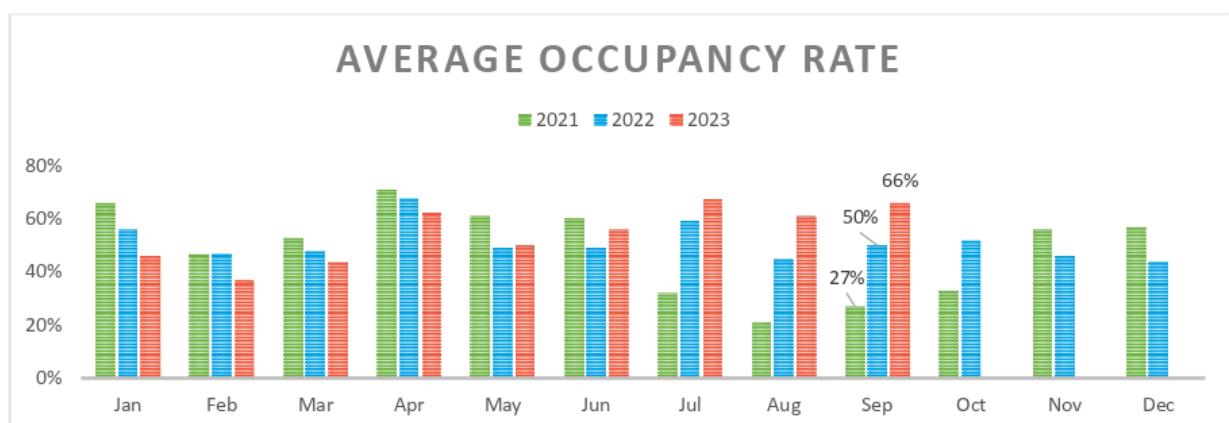
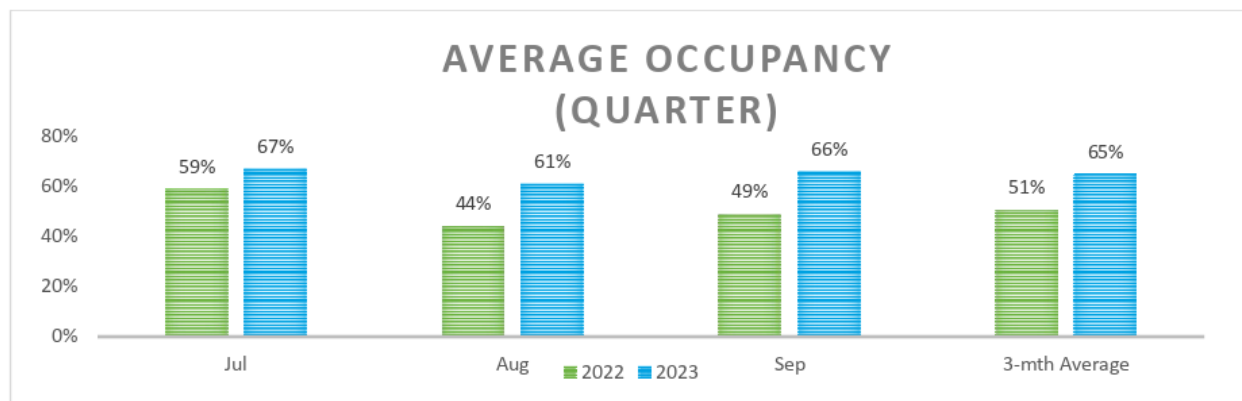
Average Visitor Profile for the Top 20 Visiting LGAs FY23 / Q4	
July to September '23	July to September '22
Average weekly household income: \$2,277.42	Average weekly household income: \$2,278.61
Average household size: 2.7	Average household size: 2.6 people
Average visitor age: 39.5	Average visitor age: 39.8 years

## OVERNIGHT VISITATION

Localis allows us to monitor occupancy, supply and future forecast. This data is now replacing the 35% sample we have had previously and allows us to monitor all sectors and give us live and up to date data for our accommodation sector.

### Property type breakdown at September '23

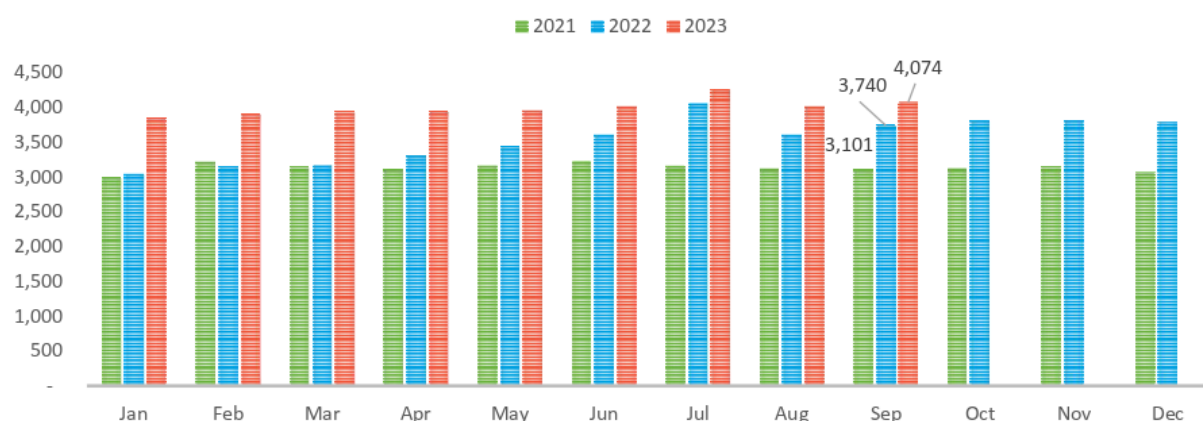
	Property Type	Platform	Property Count
1	Self Contained	AIRBNB	344
2	Self Contained	BOOKING	110
3	Self Contained	HOMEAWAY	75
4	Self Contained	TRIPADVISOR	62
5	Hotel/Motel	BOOKING	53
6	Hotel/Motel	AIRBNB	29
7	Holiday Park	AIRBNB	17
8	Hotel/Motel	HOMEAWAY	7
9	Hotel/Motel	TRIPADVISOR	5
10	Holiday Park	BOOKING	3
11	Holiday Park	HOMEAWAY	2



Average Occupancy Rate	2021	2022	2023
Annual Average Occupancy	49%	54%	54%

\* 2023 total to date @ September '23 (YTD)

## OVERNIGHT VISITATION // SUPPLY (BEDS)

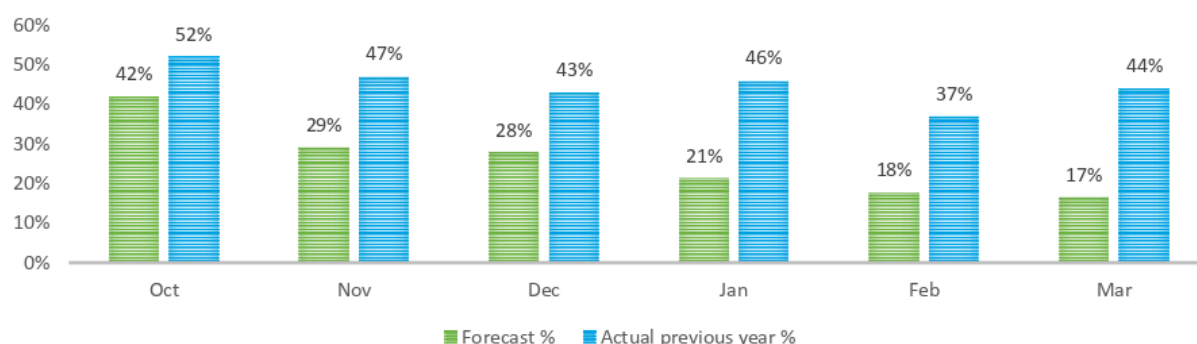


	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	2,391	2,424	2,381	2,453	2,424	2,391	2,450	2,430	2,502	2,497	2,526	2,534
2020	2,539	2,586	2,575	2,557	2,641	2,563	2,536	2,573	3,090	2,671	2,835	2,928
2021	2,996	3,226	3,140	3,110	3,174	3,232	3,158	3,122	3,101	3,136	3,140	3,071
2022	3,042	3,139	3,174	3,300	3,432	3,606	4,062	3,607	3,740	3,803	3,817	3,795
2023	3,849	3,910	3,935	3,942	3,963	4,021	4,261	4,017	4,074			

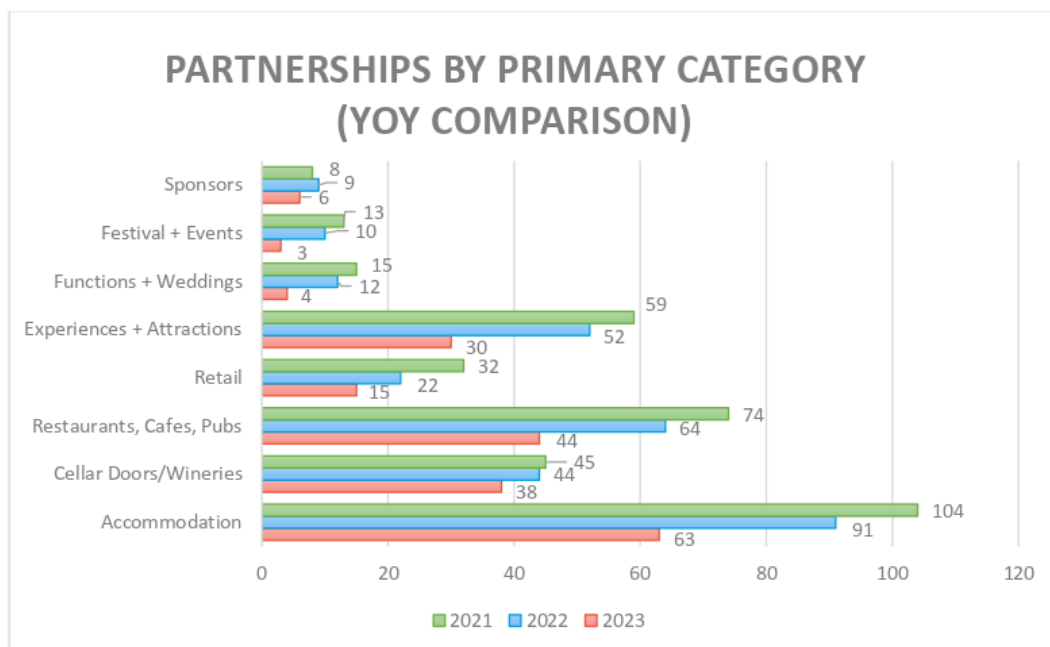
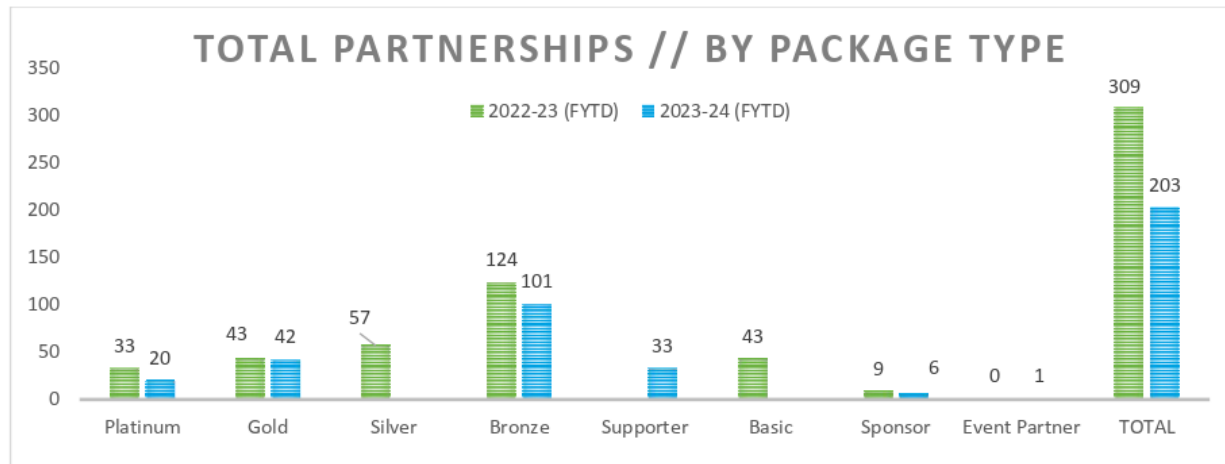
Accommodation Supply	2019	2020	2021	2022	2023
Average Monthly Supply of Bed	2,450	2,675	3,134	3,543	3,997

\* 2023 average to date @ September '23

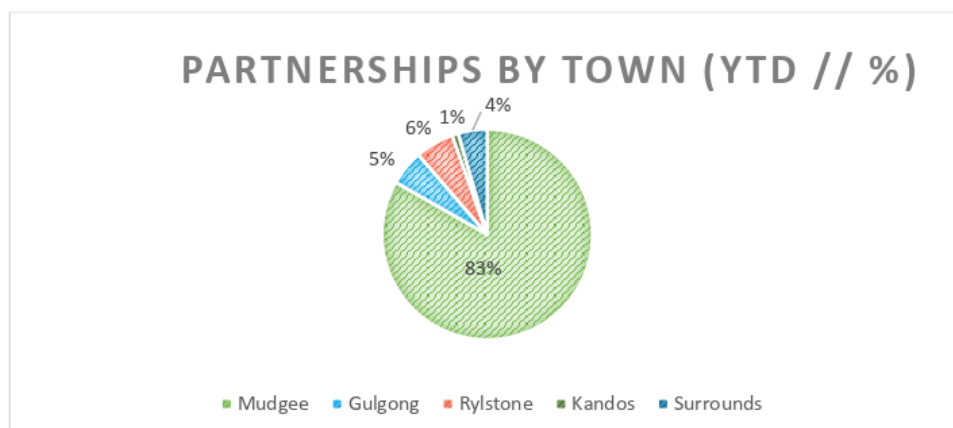
## 6-MTH OCCUPANCY FORECAST VS ACTUAL AS AT SEPTEMBER 2023 (EOM)

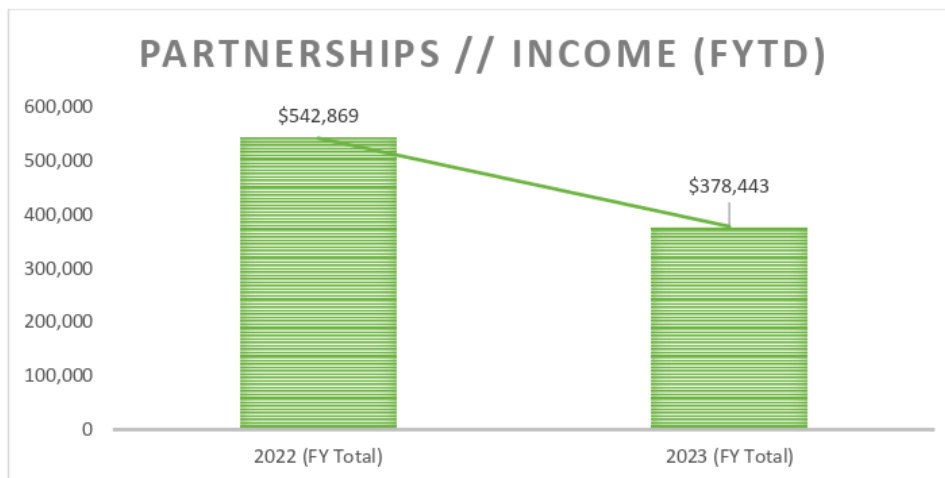


## PARTNERSHIPS



\* 2023 Partnerships @ September '23





- Total Partnership packages tracking behind last year result 34%.
- Total Partnership income FYTD behind last year result 30%.
- Breakdown of the total partnerships from town is Mudgee 169, Gulgong 12, Rylstone 11 and Kandos 2.
- Three new Partners in the Quarter and one resignation due to business closure.

## 11.2 Library Services - Quarterly Report

REPORT BY THE MANAGER LIBRARY SERVICES  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, F0620020

### RECOMMENDATION

**That Council receive and note the Library Services - Quarterly Report by the Manager Library Services.**

### Executive summary

This report seeks to inform Council of the activities undertaken by the Mid-Western Regional Council Library Service, under the broad themes of Customer Visits, Library Borrowings & Purchased Items, and Sustainable Organisations. This report covers the period July-September 2023.

### Disclosure of Interest

Nil

### Detailed report

#### CUSTOMER VISITS, LIBRARY BORROWINGS & PURCHASED ITEMS

Visits to our Library branches during the July-September 2023 period are higher than the number of visits during the previous quarter:

Period	Visits
July – September 2023	20,758
April – June 2023	18,445

Across the Library Service, loans of physical and online library items are also higher compared to the previous quarter:

Period	Loans
July – September 2023	22,251
April – June 2023	21,085

Loans from the Mobile Library during July-September 2023 were higher compared to the previous quarter:

Period	Loans
July – September 2023	1,271
April – June 2023	1,174



The use of library eResources (library subscribed databases) and online accesses (website, catalogue, app and Facebook page) have also increased when compared to the previous quarter:

Period	Accesses
July – September 2023	32,206
April – June 2023	28,907

The Library continues to purchase new items in both print and electronic formats in line with the Collection Development Policy. These items include fiction and non-fiction titles (incl. large print), magazines, graphic novels, DVD's, tabletop games & puzzles, and audiobooks:

Period	Purchases
July – September 2023	15,322

The Library received 132 purchase requests from members during July to September 2023.

### SUSTAINABLE ORGANISATION

The Library manages multiple internal book groups and supports six local community book groups. Between July and September 2023, we conducted a total of 11 book group meetings, attended by 61 participants. We are currently assessing the level of interest in establishing a new book group at the Kandos branch. The recently introduced Friday Night Book Group is gaining significant traction, with all available spots fully reserved. Notably, there's an equal representation of both women and men, a unique occurrence for us. In the past quarter, we also held three Unplugged Gamers sessions, drawing a combined total of 27 enthusiastic participants.

During the period of July to September 2023, we organised three Monday History Talks, and these sessions collectively attracted 76 attendees. In addition, we had the privilege of hosting a Book Launch event in July featuring Sue-Ellen Lovett, attracting a crowd of 27 participants.

The Library remains dedicated to nurturing a lifelong passion for books and reading through its early literacy programs. Throughout July to September 2023, our children's services team delivered 47 storytime sessions to a total of 631 children. The team also organised 29 unique school holiday activities, involving 250 eager children. Our Kids Chess Club continues and during the past quarter our external trainer led six sessions, with a total attendance of 49 children.

With the support of a National Backyard Cricket grant, the Library recently acquired a smart TV. This device is being utilised as a promotional display in the front window space at the Mudgee branch, showcasing programs and upcoming events to the community.

Starting from 1 July, we introduced a shelf-ready service in collaboration with our primary book supplier, James Bennett. This innovative service ensures that all books purchased through them are delivered covered, labelled, and equipped with pre-loaded bibliographic and item records in our catalogue. This outsourcing initiative has significantly reduced the time library staff previously spent on these tasks, and has considerably expedited the process of getting new books onto the shelves.

In order to further enhance operational efficiency and cut unnecessary expenses, the Library has implemented ClickSend, a service that allows us to send SMS notifications to our members regarding reservations, overdue items, and interlibrary loans. This system will primarily replace the traditional method of sending letters through postal mail and making phone calls, provided we have a member's mobile phone number on record. So far, the feedback from the community has been positive.

Mudgee Readers' Festival (MRF) returned on 19-20 August, and the Library played a substantial role in the planning and delivery of events over the festival weekend, actively hosting various events such as author talks, bibliotherapy sessions, children's storytime, arts and crafts, and make your own book activities. MRF2023 festival authors were: Candice Fox, Dinuka McKenzie, Anita Jacoby, Lee Kofman, Omar Sakr, Rhys Gard, Anna Downes, Eila Jameson-Avey, Alison Ferguson, Phillipa McGuinness, Ned Manning, Charlotte Ree, Rosemary Kariuki, Kasia Sobiesiak, Chris Roy Taylor, James Crabtree, Elizabeth Cummings and Graeme Compton. Other events included a breakfast session, yoga, heritage walking tour, zine makers, trivia, panel events, storytelling, book and wine matching and, of course, the Long Lazy Lunch, this year with Nagi & Dozer from RecipeTin.

## Community Plan implications

Theme	Looking After Our Community
Goal	A safe and healthy community
Strategy	Maintain the provision of high quality, accessible community services that meet the needs of our community

## Strategic implications

### Council Strategies

The Library Services Quarterly Report has been developed in line with the 2022/23 – 2025/26 Delivery Program, and Library Strategic Plan.

### Council Policies

Collection Development Policy

### Legislation

Not Applicable

## Financial implications

Not Applicable

## Associated Risks

Not Applicable

RACHEL GILL  
MANAGER LIBRARY SERVICES

SIMON JONES  
DIRECTOR COMMUNITY

12 October 2023

*Attachments:* 1. Library Services Quarterly Statistics Infographic - Jul-Sep23.

### APPROVED FOR SUBMISSION:

BRAD CAM  
GENERAL MANAGER

# Library Services

Quarterly Statistics – July/August/September 2023

We handle enquiries for the

**25,760**

residents who call  
our region home



## Collections | Print and Online



Total  
Loans

**22,251**

21,422<sup>1</sup>



eResource  
Access

**6,451**

6,953<sup>1</sup>



New Items  
Added

**15,322**

2,455<sup>1</sup>

## Requests for Items



Purchase  
Requests

**132**



Total Inter-Library  
Loan Requests

**54**

37<sup>1</sup>

## Outreach | Mobile Library



Visits

**391**

527<sup>1</sup>



Loans

**1,271**

1,407<sup>1</sup>

## Programs and Activities



Book Group  
Attendance

**61**

45<sup>1</sup>



Total  
Events

**136**

177<sup>1</sup>



Total  
Attendees

**1,727**

1,507<sup>1</sup>

## People | Across All Branches



Visits

**20,758**

18,028<sup>1</sup>



Members

**12,750**

49.5% of residents  
12,049<sup>1</sup>

## Spaces | Bookings



Meeting Room

**34**

21<sup>1</sup>



Event Zone

**38**

43<sup>1</sup>

## Internet Access



PC Usage

**1,936**

2,277<sup>1</sup>



Wifi

**6,383**

connected hours  
673<sup>1</sup>

## Online Engagement



App  
Launches

**1,221**



Facebook  
Page Reach

**10,784**



Website  
Views

**9,419**



Catalogue  
Views

**4,199**

<sup>1</sup> 2022 quarterly comparison

## Item 12: Reports from Committees

### 12.1 Red Hill Committee Meeting - 27 September 2023

REPORT BY THE DIRECTOR COMMUNITY  
TO 15 NOVEMBER 2023 ORDINARY MEETING  
GOV400103, A0190002

#### RECOMMENDATION

##### That Council:

1. **receive the report by the Director Community on the Red Hill Committee Meeting held on Wednesday, 27 September 2023; and**
2. **note the minutes from the Red Hill Committee Meeting held on 27 September 2023.**

#### Executive summary

This report seeks to inform Council on the Red Hill Committee Meeting held on 27<sup>th</sup> September 2023.

#### Disclosure of Interest

Nil

#### Detailed report

The report presents the minutes of the Red Hill Committee meeting held in September. It is noted that at the Council meeting held on 18 October 2023 that it was resolved by Council to dissolve the Red Hill Reserve Working Party (Red Hill Committee). As such, these will be the final minutes of this Committee.

#### 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**

Section 355 of the Local Government Act (1993)

Financial implications

Not Applicable

Associated Risks

Not Applicable

SIMON JONES

DIRECTOR COMMUNITY

26 October 2023

*Attachments:* 1. Red Hill Advisory Committee Meeting Minutes - 27 September 2023.

APPROVED FOR SUBMISSION:

BRAD CAM

GENERAL MANAGER



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

## MINUTES

### RED HILL ADVISORY COMMITTEE MEETING

Meeting commenced at 2.59pm on Wednesday 27<sup>th</sup> September 2023 at Gulgong Memorial Hall

Attendees: Councillor Percy Thompson (Chair), Joy Harrison, Tony Harrison, Chris Pearson, David Warner, Richard Cushway (MWRC Staff), Simon Jones (MWRC Staff).

#### 1. APOLOGIES

Councillor Paul Cavalier, Rebecca Neilsen, Bill Murphy

**Moved: D Warner    Seconded: T Harrison    Carried unanimously**

#### 2. REVIEW OF PREVIOUS MEETING MINUTES 31 MAY 2023

**Moved: J Harrison    Seconded: C Pearson    Carried unanimously**

#### 3. VOTE OF THANKS FROM COMMITTEE FOR THE WORK ON THE RED HILL PATHWAY

**Moved: D Warner    Seconded: T Harrison    Carried unanimously**

#### 4. CODE OF CONDUCT

A Copy of the Code of Conduct was circulated to Committee members who were reminded of their obligations under the Code.

A question was raised by D Warner regarding the process for declaring a conflict of interest. This was discussed in general terms including what the process would be if someone was of the view that a Councillor or Committee member had not correctly declared a conflict of interest.

Cr Thompson also made comments on conflicts of interests.

#### 5. GULGONG GOLD EXPERIENCE REPORT

The report for January to June 2023 was noted. All is going well.

#### 6. MINER'S COTTAGE TEA ROOM & VISITOR INFORMATION KIOSK

All going well. Hours of operation are Wednesday to Sunday 10-2pm (often open until 3pm).

## **7. GULGONG NATURAL HISTORY MUSEUM**

An update was provided in line with the resolution from the previous week's Council meeting. Chris Pearson provided a letter detailing his disappointment in Council and Council staff.

Cr Thompson made a number of comments regarding his views on the Museum.

David Warner spoke about his experience with the history of Red Hill and the heritage studies undertaken in the past. Both David Warner and Chris Pearson made comments regarding Council and Council staff.

David Warner attempted to move a vote of no confidence in Mid-Western Regional Council. Cr Thompson noted that he was declaring a conflict of interest in the motion as he was a Councillor. There was some discussion on the authority of the Committee to pass such a motion under its Terms of Reference.

In the absence of Cr Thompson as Chair, no other Committee member nominated to take on the role of Chair.

In the absence of Chair, no motion could be put to the Committee.

Cr Thompson accepted that the written motion of a vote of no confidence to be tabled.

David Warner then raised a series of questions that he stated were being asked on behalf of members of the Gulgong community. These questions were taken on notice.

## **8. GENERAL BUSINESS**

Cr Thompson made some further comments regarding the Gulgong Natural History Museum and the owner of the exhibition materials that are to form part of the displays for the Museum.

It was noted that the Red Hill Precinct was being maintained to a high level of quality by Council staff.

It was also noted that further work was still required on the poppet head.

*Meeting Closed 4.11pm*



*Next meeting due to be held in March 2024.*

**ACTIONS – UPDATED 27/09/2023**

<b>TASK</b>	<b>WHO</b>	<b>PROGRESS</b>
Review process of listing Red Hill Site on State Heritage Register	MWRC	Council declined to progress this matter.  <b>COMPLETED</b>
Consult with NSW Dept of Planning re possible funding for Signage	COMMITTEE/MWRC	No Action
Installation of Mullock Heaps around Red Hill site	COMMITTEE	No Action
Repair/upgrade of pathway between Cottage and GGE entrance	MWRC	Work completed  <b>COMPLETED</b>
Improved Directional Signage to the new Visitor Information Centre (Cottage) once open.	MWRC	To be considered
Automated entrance gate for Gulgong Gold Experience	MWRC/GGE	A budget for these works will be sought at the November Council meeting
Maintenance of the Poppet Head	MWRC	

## Item 13: Urgent Business Without Notice

---

### URGENT BUSINESS WITHOUT NOTICE

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

### GIVING NOTICE OF BUSINESS

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

### BUSINESS WITHOUT NOTICE

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



## Item 14: Confidential Session

---

### LOCAL GOVERNMENT ACT, 1993

---

#### 10A

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

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

#### 10D

#### *GROUND FOR CLOSING PART OF MEETING TO BE SPECIFIED*

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

664

**DISCLOSURE AND MISUSE OF INFORMATION**

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

**Maximum penalty: 50 penalty units**

## MOTION

---

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

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

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

## CHAIRMAN

---

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

### **14.1 Acquisition of Easement Rights over Lots 1, 2 & 3 DP1189235, Gulgong**

***The reason for dealing with this report confidentially is that it relates to information that would, if disclosed, confer a commercial advantage on a competitor of the council in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993.***

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of commercially sensitive information that, if disclosed, could potentially confer a commercial advantage on a person, organisation, or entity with whom Council is conducting business. Protecting this information is essential to ensure fairness in our dealings.***

### **14.2 Gulgong Primary & High Schools - Consideration of Raw Water Charges**

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

***Discussion of this matter in an open meeting would be, on balance, contrary to the public interest as it involves discussion of information presented in this report may prejudice Councils position should a Court have cause to consider the matter at some future point.***

### **14.3 Loan Funding Mudgee Landfill Extension**

***The reason for dealing with this report confidentially is that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it in accordance with Section 10A(2)(d)(i) 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 Quotes and rates provided by the bank which are confidential.***

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.



Item 15: Urgent Confidential Business Without Notice

---

Item 16: Open Council

---

Item 17: Closure