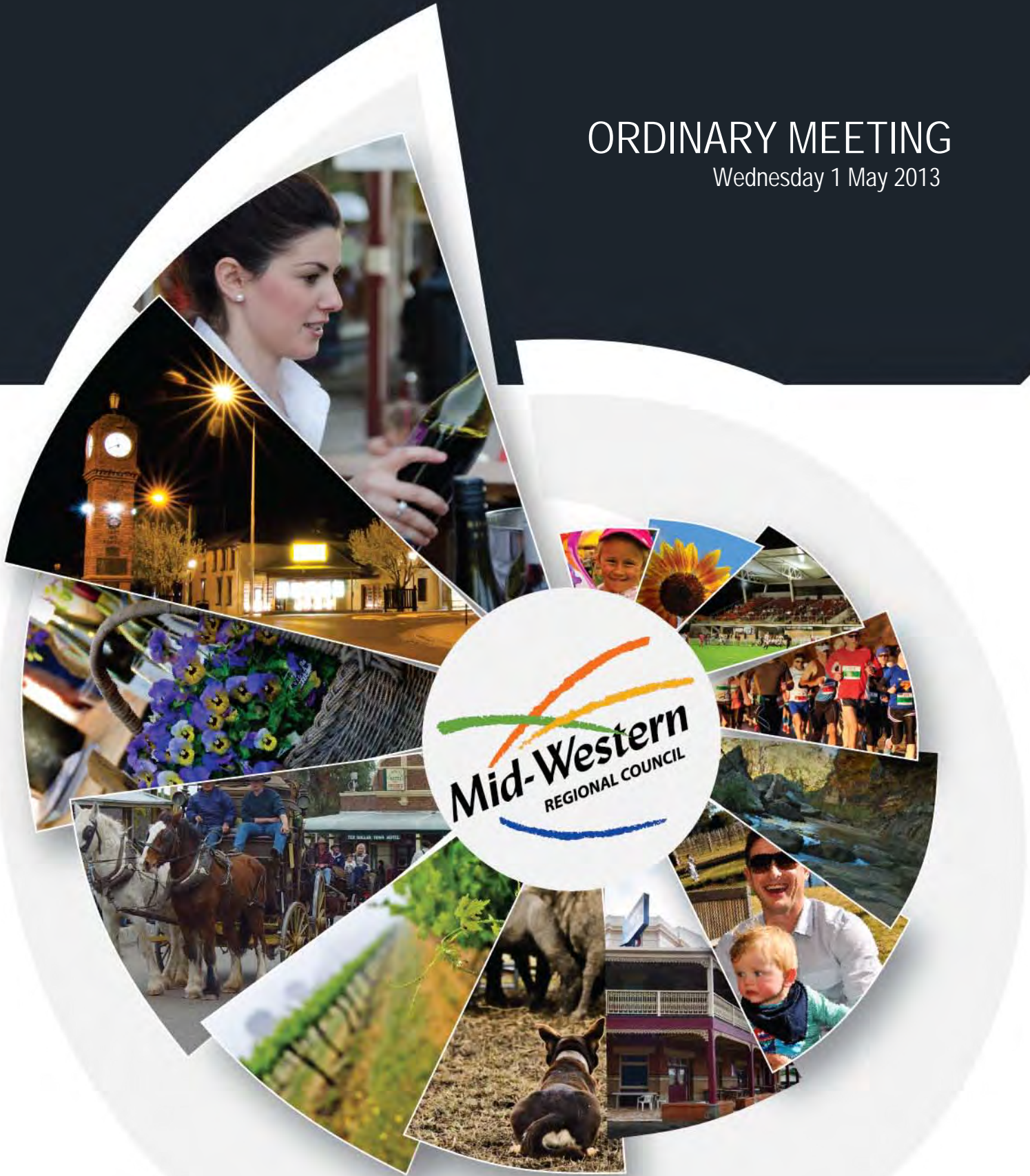


# ORDINARY MEETING

Wednesday 1 May 2013



ATTACHMENT

6.2.3

Planning Proposal – 220 Ulan Road Mudgee



A0420258

MID-WESTERN REGIONAL COUNCIL  
RECORDS  
RECEIVED

2 8 MAR 2013

SCANNED

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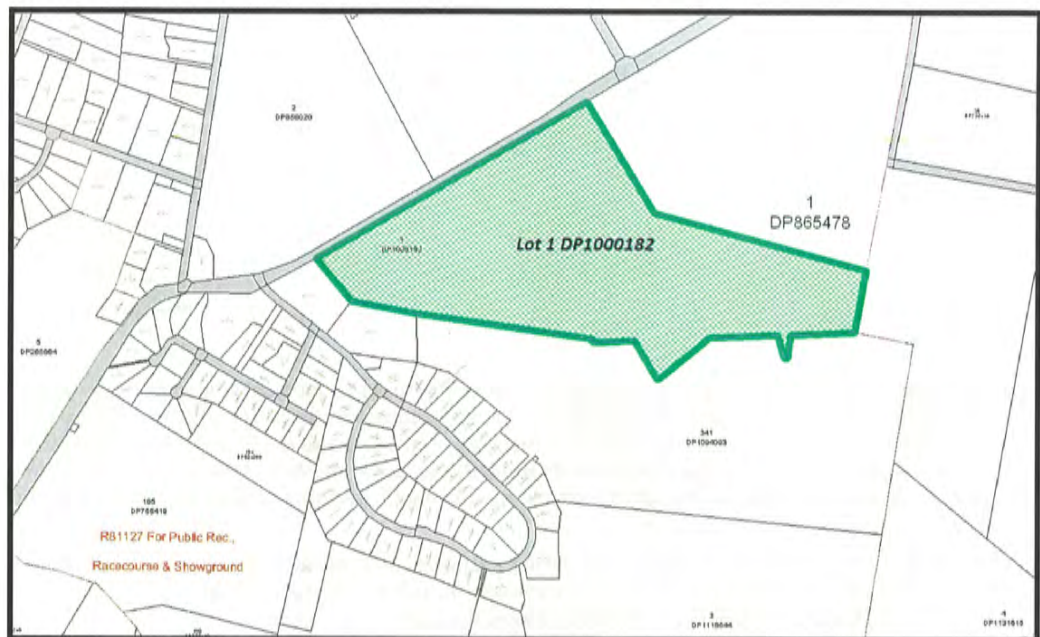
## Planning Proposal

### Alternate Minimum Lot Size

Lot 1 DP1000182

220 Ulan Road, Mudgee

*(Change from 'Area B' on the Lot Size Map to 'Area A'  
enabling 2000m<sup>2</sup> min lot size)*



**MINESPEX**



MID-WESTERN REGIONAL COUNCIL  
RECORDS  
RECEIVED

28 MAR 2013

SCANNED  
 REGISTERED

## Planning Proposal

### Alternate Minimum Lot Size

Lot 1 DP1000182

220 Ulan Road, Mudgee

*(Change from 'Area B' on the Lot Size Map to 'Area A'  
enabling 2000m<sup>2</sup> min lot size)*



**MINESPEX**





*Consultation and operational support to the mining industry*

PO BOX 604, MUDGEES NSW 2850

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**ISSUE AND AMENDMENT CONTROL HISTORY**

ISSUE	REVISION	DATE	DESCRIPTION	AUTHOR	QA/QC
1	0	FEB 13	DRAFT FOR CLIENT	EY	DK
2	1	MAR 13	FINAL	EY	

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## EXECUTIVE SUMMARY

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Minespex was commissioned on behalf of Mr Des Kennedy to prepare a Planning Proposal under Section 55 of the *Environmental Planning and Assessment Act 1979* to accommodate the future residential subdivision of land with a min lot size of 2000m<sup>2</sup>. This report describes the proposed rezoning, objectives and outcomes, explanation of provisions and justification for the planning proposal.

The planning proposal intends to:

- Amend the corresponding lot size maps for an existing parcel zoned R2 Low Density Residential to reduce the minimum lot size to 2000m<sup>2</sup>.
- Allow for a variety of lot sizes, ranging from 2000m<sup>2</sup> to 4000m<sup>2</sup> across the subject site in order to provide integration and transition to existing developed areas as demonstrated in a concept plan.
- Support the Comprehensive Land Use Strategy's intention to provide a limit to the urban footprint of Mudgee utilising existing residential zoned land, simultaneously providing opportunity to maximise the lot yield from existing zoned land that is able to be serviced.
- Co-ordinate a supply of land to accommodate population growth in the LGA in accordance with the Mudgee Town Structure Plan.

The proposed Mid-Western Regional Local Environmental Plan 2012 amendment is intended to facilitate the development of residential land, addressing the regions' growth in a location that is zoned residential and can be readily serviced to facilitate a greater lot yield. The planning proposal has included concept plans to highlight the feasibility of future residential development and integration with existing road layouts, drainage, services and existing development.

Based on the Local Services Assessment report, the Mid-Western Region will need more than 5000 new lots by 2021 to cope with predicted population growth, representing a significant lot deficiency in the existing zoned land. The change from min 4000m<sup>2</sup> to min 2000m<sup>2</sup> is a step towards addressing the housing shortage in the region and catering for a wider cross-section of people in north Mudgee. Prior to development of the land, rezoning and lengthy constraints assessment is not required. This makes the site ideal for MWRC to achieve increased lot yields with the Mudgee Town Structure Plan, utilising existing serviceable residential zoned land.

The Planning Proposal includes available area for a recreational (playground) site within the subdivision with frontage to Ulan Road visually softened and buffered with a landscaping strip. This will maintain aesthetics of the locality, and improve accessibility to passive recreational areas within vicinity to other nearby developed residential sites, as well as the subject land.

The planning proposal can be supported by MWRC with consideration of the issues addressed in this report.

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## ABBREVIATIONS

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AHIMS	Aboriginal Heritage Information Management System
CLUS	Mid-Western Regional Comprehensive Land Use Strategy
DoP	Department of Planning
DP	Deposited Plan
DP&I	Department of Planning and Infrastructure
EDS	Economic Development Strategy
EP&A Act	Environmental Planning and Assessment Act 1979
LGA	Local Government Area
MWRLEP	Mid-Western Regional Local Environmental Plan 2012
RFS	Rural Fire Service
PBP	Planning For Bushfire Protection 2006
SEPP	State Environmental Planning Policy

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## INTRODUCTION

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### PURPOSE AND OBJECTIVES OF THIS PLANNING REPORT

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This planning proposal describes the intended effect and justification for a proposed amendment to *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP) for a site specific amendment to the Lot Size Map. The amendment is proposed to accommodate future residential development in accordance with the concept provided, which facilitates lots with a minimum lot size of 2000m<sup>2</sup>.

This planning proposal has been prepared in accordance with Section 55 of the (NSW) *Environmental Planning and Assessment Act 1979* (EP&A Act) and the following Department of Planning (DoP) guidelines:

- *A guide to preparing planning proposals* (July 2009)
- *A guide to preparing local environmental plans* (July 2009).

### SITE IDENTIFICATION

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The site is located on the Ulan Road entrance to Mudgee Township within the Mid-Western Regional Local Government Area (LGA). The subject land which is approximately 40ha in area is irregular in shape and located about 3km north-east of Mudgee's town centre.

Legal Description:

Lot 1 DP 1000182      220 Ulan Road Mudgee NSW      Parish of Bomberra      Locality of Bombira.

The lot is currently owned by Mr Des Kennedy and Mrs Carol Kennedy. The land is located to the north of Mudgee at the fringe of the existing residential land use in an area where developed large lot residential areas of Mudgee are bordered by prime agricultural land.

### BACKGROUND

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#### Constraints Assessment for 220 Ulan Road

Several background documents pertaining to the subject land have been able to be referred to in the preparation of this planning proposal. The site has been rezoned from an agricultural zoning to residential with the gazettal of the MWRLEP. Submissions prepared by Whelans Insites in 2008, 2009 and 2011 included constraints assessment to support the rezoning at the time. Development in flight paths and relevant obstacle limitation surface was considered in 2011 by Whelans Insites, and it was found that the operation of the airport was not compromised by residential development on the land. Preliminary Site Contamination assessment was performed by Minespex in 2010, with minor fuel contamination in the location of an aboveground tank was noted that can be dealt with at the DA stage. Constraints assessment have been furthered with this proposal with the 'Site

Description' provided below and additional studies attached to this proposal, including: Aboriginal Cultural Heritage Assessment carried out by Mudgee Local Aboriginal Land Council, and Preliminary Traffic Analysis by Jabek Pty Ltd. The site is considered suitable for development and where a constraint has been identified, they are able to be addressed in the concept design.

### **Background to demand and supply of residential land in Mudgee**

Two main studies relevant to the consideration of demand and supply of residential land in Mudgee have been referred to:

- The Comprehensive Land Use Strategy (CLUS); and
- The Mid-Western Regional – Local Services Assessment Report.

The CLUS is the basis for the strategically planned growth over the next 20 years in the LGA. The Local Services Assessment Report identified significant growth as a result of mining in the region. The Mid-Western Regional Local Environmental Plan 2012 was based on the CLUS. However the CLUS was prepared prior to the Local Services Assessment Report and prior to the identification of the full extent of the mining growth, and the level of rapid unprecedented growth experienced recently.

With the adoption of the MWRLEP, a large extent of land for residential purposes was not rezoned, but the CLUS is equipped with a framework to accommodate planning for growth through planning proposal processes. The structure plan and CLUS are referred to specifically in context of the location of the subject land on the fringe of Mudgee. One of the key principles for Mudgee in the CLUS is to develop a 'hard edge' for the urban area. This planning proposal:

- Is consistent with the CLUS and structure plan;
- Is in line with the current zone objectives;
- Facilitates an additional supply of land, within land currently zoned for residential use;
- Includes land that is able to be readily serviced; and
- Avoids further encroachment into adjoining rural areas, strengthening the defined growth boundary of Mudgee to the north.

Prior rezoning and environmental investigations carried out for the associated planning proposals in the recent history have been referred to in the preparation of this planning proposal as a resource, as described above. The current lot size map with reference to clause 4.1 (3A) of the LEP restricts subdivision to a minimum of 4000m<sup>2</sup> and therefore this planning proposal intends to amend the LEP lot size map accordingly. The change of associated minimum lot size to allow lots of 2000m<sup>2</sup> will continue to facilitate development in line with the objectives of the zone, enabling greater lot yield, without impinging further upon valued agricultural land.

Ensuring that the adequate types and quantity of residential land are available ensures that the Mid-Western Region is better equipped to deal with the demand driven by population growth. Discussions with the client's representative, Jabek Pty Limited, and Mid-Western Regional Council representatives to date have indicated support for the type of development proposed in the current climate. Additional growing demand for residential land within Mudgee is predicted resulting from expansion of coal mining in the area.

Key findings in the Local Services Assessment report regarding Housing Demand and Supply noted that: housing and rental supply is low and shortages in short-term accommodation are predicted to increase. The report has predicted that the Mid-Western Region’s population could grow to 30,875 by 2020 and 33,160 by 2030 if 65 percent of the mine’s workforce is based in the region. Using the accepted population: lot ratios as well as the population growth predictions a lot requirement of 5096 by 2021 and a lot deficiency of 3896 is predicted. The site is ideal for MWRC to achieve increased lot yields within the Mudgee Town Structure Plan, utilising existing serviceable residential zoned land.

**Summary of Key findings in the Local Services Assessment - Housing Demand and Supply**

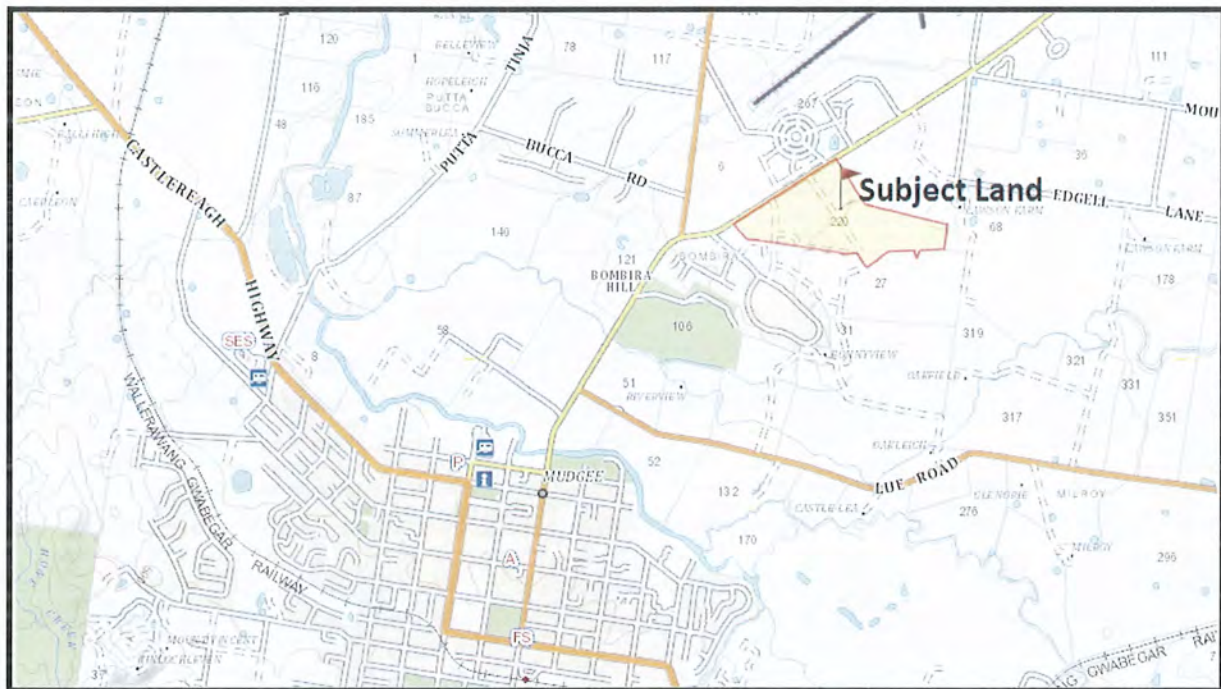
	Year 2021
<b>Lots Required</b>	<b>5,096</b>
<b>Lot Deficiency</b>	<b>3,896</b>

- *Housing and rental supply low*
- *More than 5,000 lots required to accommodate population growth and current lot deficiency of 3,896*
- *Shortages in short-term accommodation predicted.*

# SITE DESCRIPTION

## SITE LOCATION

The subject site is situated on land located approximately 2 kilometres (km) south-west of the Mudgee Central Business District (CBD) in the Mid-Western Regional Local Government Area (LGA), located within the Parish of Mudgee and County of Wellington. The site which is approximately 40 hectares is shown at **Figure 1**. The land is well accessed by Ulan Road; being a major access route in the locality for developed residential land to the Mudgee CBD.



**Figure 1: Locality Map**

(Source: Department of Lands)

## CURRENT ZONING

The site is located wholly within the Mid-Western Regional LGA and is subject to the provisions of *Mid-Western Regional Local Environmental Plan 2012* (MWRLEP). The MWRLEP commenced on 10 August 2012 and replaced the previous *Mid-Western Regional Interim Local Environmental Plan 2008* which applied to the site.

Land the subject of this planning proposal is located within the *R2 Low Density Residential* zone under MWRLEP (refer to **Figure 2: Current zoning R2 Low Density Residential under Mid-Western Regional Local Environmental Plan 2012**). The objectives of the current zone and land use table are provided below.

### “Zone R2 Low Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

#### 2 Permitted without consent

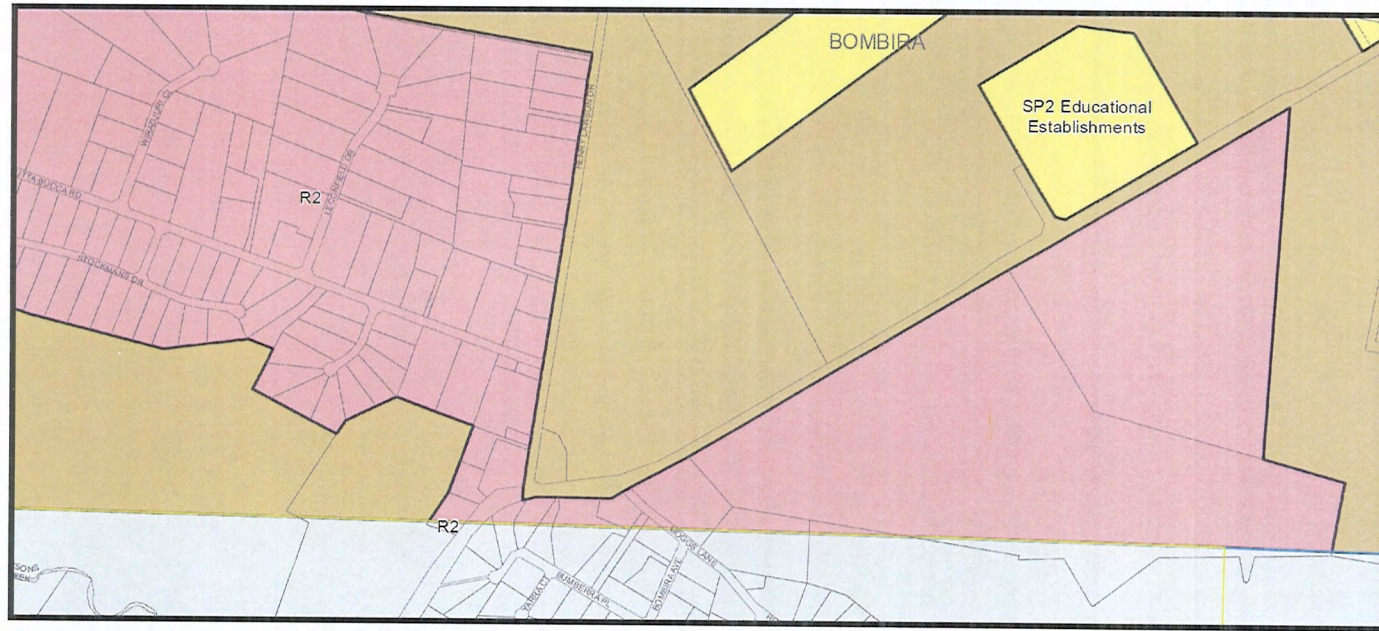
*Home-based child care; Home businesses; Home occupations; Roads; Water reticulation systems*

#### 3 Permitted with consent

*Bed and breakfast accommodation; Boarding houses; Child care centres; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Garden centres; Group homes; Health consulting rooms; Home industries; Hospitals; Hostels; Information and education facilities; Markets; Neighbourhood shops; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential accommodation; Respite day care centres; Signage; Water recycling facilities; Water storage facilities*

#### 4 Prohibited

*Advertising structures; Attached dwellings; Dual occupancies (detached); Multi dwelling housing; Residential flat buildings; Rural workers’ dwellings; Semi-detached dwellings; Any other development not specified in item 2 or 3”*



(Source: Excerpt (left) from MWRLEP 2012 Land Zoning Map - Sheet LZN\_00F and excerpt MWRLEP 2012 Land Zoning Map - Sheet LZN\_006G (below)).

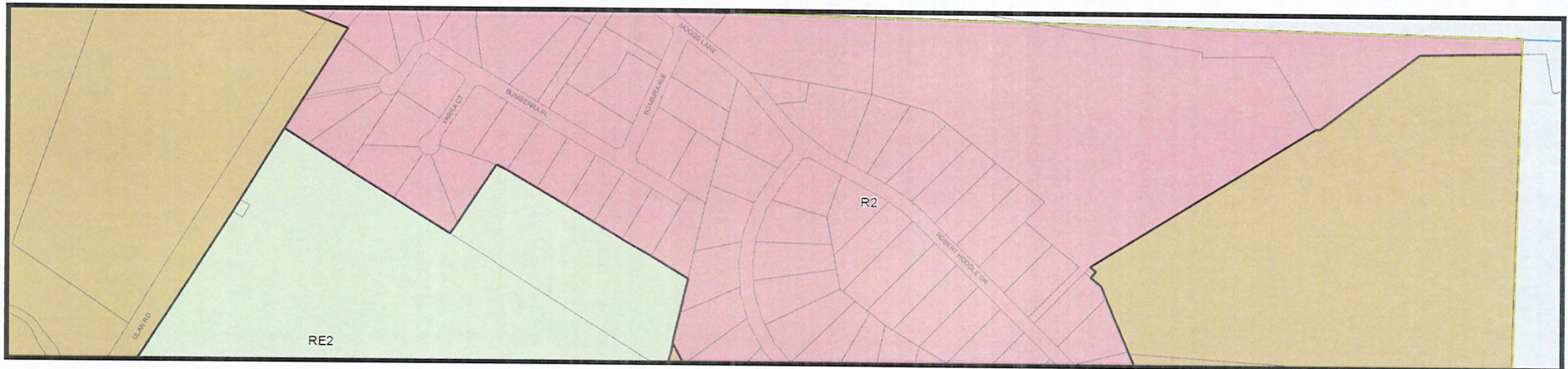


Figure 2: Current zoning R2 Low Density Residential under Mid-Western Regional Local Environmental Plan 2012

**Minimum Lot Size**

The size of any lot resulting from a subdivision of land to which Clause 4.1 (3) applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. (Refer to **Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012**). The subject site is within land marked Z which has a minimum lot size of 2ha.

However with reference to Clause 4.1 (3A) of MWRLEP, if the consent authority (Mid-Western Regional Council) is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system, the subject land may be subdivided to create lots of at least 4,000 square metres. As such, the current minimum lot size is 4000m<sup>2</sup> for land marked "Area B" on the map.



Figure 3: Current Lot Size Map under Mid-Western Regional Local Environmental Plan 2012 – Noted as Area B – Z (2(ha)

(Source: Excerpts from MWRLEP 2012 Lot Size Map - Sheet LSZ\_006F and MWRLEP 2012 Lot Size Map - Sheet LSZ\_00G respectively).



## Land use patterns of the surrounding area

The locality surrounding the site comprises primarily of rural residential land uses, as well as some agricultural and tourist uses, with the AREC - Australian Rural Education Centre located to the north of the subject land in Ulan Road.

The site was previously known as the 'Bombira Estate Vineyard', with this use since ceased. The majority of the site is cleared of native vegetation, with the previous vineyard also removed. The land to the immediate south of the subject land is also zoned for low density residential use, with residential development at Robert Hoddle Grove to the south-west. Land to the south-east is zoned for RU4 Primary Production Small Lots. One existing dwelling is located within the subject land with access from Ulan Road.

The surrounding land uses are also a reflection of the historic influence of the topography, rural enterprises, and development constraints such as the extension of essential services, forming significant influences in past development patterns. Sewer and water services in vicinity of the site have provided for previous large lot type residential development to follow in the locality.

The site possesses expansive rural views and lends itself to the creation of a high quality residential estate in close proximity to services and facilities of the Mudgee commercial core. The proposed concept plans provided with this proposal provides options for integration of residential development with undeveloped land also recently zoned R2 under the MWRLEP located to the north east, as well as adjoining land to the south.

## Topography and Soils

The site is located in a foot slope, terrace landscape and can generally be described as sloping gently to the south. Slope was estimated to be average of 1.8% to 2.3% with maximum slope of the range 7.1% to 5.7%. The site has been described as having unique topography and aspect for the locality, with existing agricultural land use bounding the site.

The MWRELP has provisions to preserve the visual setting of the Mudgee Township, particularly through Clause 6.10 Visually sensitive land near Mudgee. The land subject of the planning proposal is located outside of the Visually Sensitive Land area identified under the MWRLEP, and future residential subdivision will not compromise the visual setting forming the backdrop of Mudgee. It is considered that the current residential zoned land in combination with the topography and agricultural land use form an appropriate boundary to the urban footprint of Mudgee.

The broader regional landform has been identified within the Craigmere Soil Landscape (Murphy and Lawrie 1998). The soil type is located in the vicinity of Mudgee on the eastern and western side of the Cudgegong River described as non-calci brown soils. Landscape limitations for the landform are minimal, although Murphy and Lawrie (1998) indicate erosion hazard is significant when soils are tilled or surface cover low. Limitations of the soils identified by Murphy and Lawrie (1998), indicate a moderate to high fertility; level land; weakly structured surface soils; moderate to high water

holding capacity; and moderate to high erosion hazard under cultivation. The urban capability of the Craigmore Soil Landscape is generally considered suitable for urban development, provided account is taken of the moderate shrink-swell potential of many sub-soils and the small areas of salinity (Murphy and Lawrie, 1998). Isolated low levels of salinity occur along some drainage lines and depressions in this soil landscape group.

The setting is depicted in the aerial photo dated 2009, below (refer to **Figure 4: Setting of the subject land**).

The soil type and topography have not raised any concerns as to the suitability of the land to handle a greater density of residential development.



**Figure 4: Setting of the subject land**

(Source: Department of Lands)

## Groundwater Vulnerability

Clause 6.4 Groundwater vulnerability of MWRLEP applies to future development of the subject land as the site falls within land identified as “Groundwater vulnerable” on the Groundwater Vulnerability Map. The majority of Mudgee urban area falls within the mapped ‘groundwater vulnerable’ area as depicted in the excerpt from the map in **Figure 5** below.

MWRC must consider this clause before determining a development application, and consider relevant issues such as: the likelihood of groundwater contamination caused by development, the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals), and impacts on groundwater dependent ecosystems. This requirement is for the development stage and does not hinder further

consideration of the planning proposal, further it is unlikely that the residential use will cause groundwater contamination with reticulated sewer.

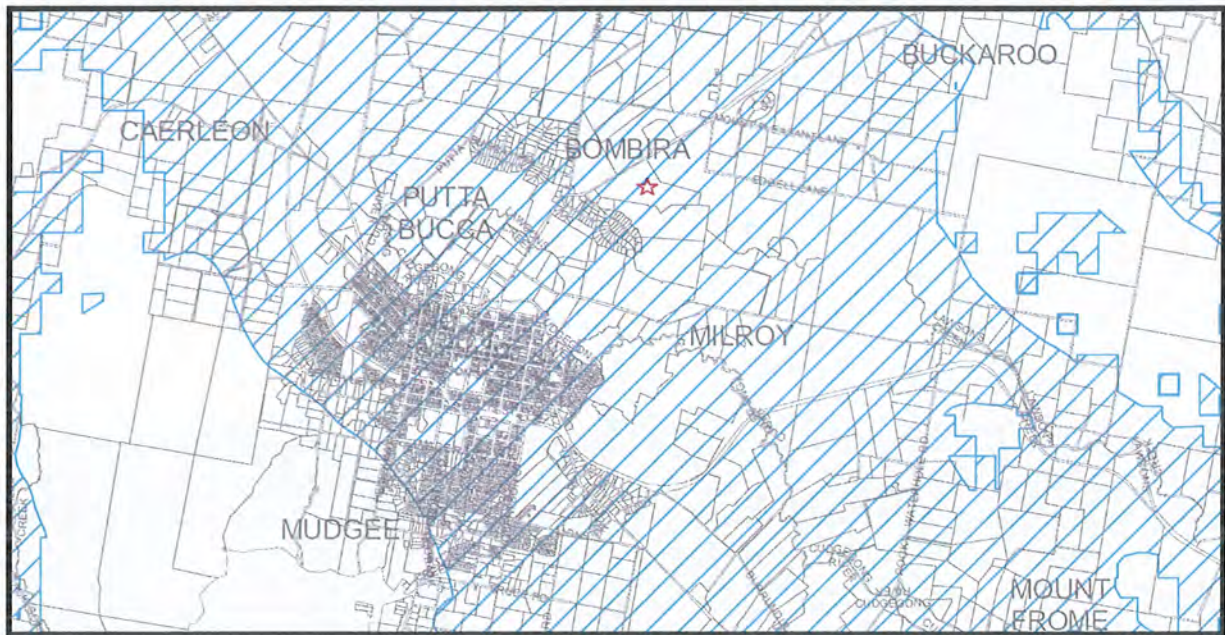


Figure 5: Groundwater Vulnerability

### Salinity

As indicated by Murphy and Lawrie (1998) isolated low levels of salinity occur along some drainage lines and depressions in the Craigmores soil landscape group. This may place focus on land to the south of the subject land. Sites can become saline if salts in subsurface layers of the soil are mobilised and brought to the surface through rising groundwater or development of a perched watertable due to an impediment to water drainage. Drainage is addressed in relation to the concept plan further in this proposal.

With reference to previous salinity investigations carried out for the nearby development of the extension of the Robert Hoddle Grove residential site by consultants, Barnson Pty Ltd, as a component of information supporting the aforementioned development for rural residential subdivision; as well as the salinity investigation report prepared by Environmental Earth Sciences for the Comprehensive Land Use Strategy (CLUS), it is understood, salinity potential is inherent to the Mid-Western Regional LGA and the potential susceptibility of future dwellings to salt damage in the subject development site should be acknowledged.

Site specific soil samples have not been collected for this planning proposal. The soil landscape features do not indicate a high risk for salinity to occur. Salt tolerant species, stressed vegetation and areas of scalding were not observed during the site inspection by Minespex. Future subdivision developments are able to consider the potential for salinity and supplementary reports can be prepared at that stage.

It is considered appropriate that the provisions of 'Building in Saline Environments' as outlined in the *MWRC Development Control Plan (2013)* be adopted for future development application proposals, without need for additional site specific measures.

### Lot Size and Salinity

Minimising lot size is a recommended measure to limit potential for over-watering of gardens and lawns. Reference is made to recommendations made by Environmental and Earth Sciences (2007) report for the CLUS. This has been raised as a valid technique in areas where salt loads exist.

It is assumed that the suitability of the site for this proposal, facilitating greater density residential development, is not constrained by site-specific salinity issues. Further the reduction in minimum lot size i.e. 4000m<sup>2</sup> to 2000m<sup>2</sup> will not exacerbate salinity potential under the current residential zoning.

### Flora and Fauna

The subject site was observed to be cleared of most timber, which had occurred in decades prior based on known site history. The site had been developed as a vineyard (which has been removed in 2011). Trees that remain in the subject land are along an internal track, fence lines and centred around the dwelling site. Ornamental species have been introduced in these areas. Groundcover was estimated at 95%. Weeds are well controlled on the land. Trees have been planted along Ulan Road in the proposed landscaped strip provided in the concept plan.

Fauna surveys have not been carried out at the site. However the site is not likely to represent significant habitat based on the lack of native vegetation and site history. Known habitat features should not constrain residential development in the future.

### Heritage

No European heritage items are listed within or in vicinity of the subject land as listed under the MWRLEP.

A search was completed for the site of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) web services. The search, with a buffer of 50m to the site, showed that:

- One (1) Aboriginal sites are recorded in or near the above location
- No Aboriginal places have been declared in or near the above location.

The AHIMS searches are attached at **Appendix B**.

Mudgee Local Aboriginal Land Council (MLALC) was engaged to perform a site survey, as a representative of the local aboriginal community experienced in performing Aboriginal Cultural

Heritage Assessments. It was through this survey conducted 21 November 2012, that the abovementioned recorded site (Site BMB1 0744455E 6392647N) was identified. The identified 'Open Camp Site' is located adjacent the track to the existing dwelling. The concept plan has provided a design where option is available to exclude the recorded site area from the development footprint. This is in line with the recommendations of the report prepared by MLALC and avoids the need to apply for an Aboriginal Heritage Impact Permit (AHIP). A copy of the report is provided at **Appendix A**.

The occurrence of heritage items within the site does not constrain the future development of the land for residential purposes. A process of due diligence in accordance with the DECCW guidelines has been applied to the assessment of indigenous heritage. At the planning proposal stage, no ground disturbance is proposed, and further heritage assessment is not warranted.

## Road Network

The site has access to Ulan Road, being the main connector road from the north-east of Mudgee to the CBD. Ulan Road is defined as a 'sub-arterial road, conveying traffic from areas of development directly from one part of a region to another' (Jabek, 2013).

Frontage to the existing road network is adequate and raises no issues regarding opportunity for future residential development in the locality to connect to the road network.

The expected traffic increase generated by the development is addressed in the 'Traffic Analysis' for the proposed concept plan, prepared by Jabek, 2013 (refer to **Appendix C – Traffic Analysis**). The predicted impact of traffic increased on the level of service of the roads is addressed; with conclusions made stating the level of service along Ulan Road remains acceptable.

Safety along Ulan Road has been considered, with impact to intersection safety, speed zones, sight distance, and road condition, factored into the analysis. It is recommended due to the increase in traffic using Ulan Road/Proposed New Access Road intersection the recommended entry to the development should be a CHR/CHL type intersection to ensure safety of the road users.

## Essential Services

Sewer, water, power and telecommunication services are all available on the subject land and can be readily extended to service all lots within the development. The planning proposal identifies an area for future growth within land currently zoned for residential development, enabling the planning of infrastructure such as sewer, water and road in the most efficient manner.

## Drainage and Flooding

The site is located outside of the associated Flood Planning Area identified under MWRLEP. The site is not affected by mapped riparian environments; however the topography directs overland flow to the southern boundary and existing unnamed drainage lines to the south, which drain to Lawson Creek and ultimately the Cudgegong River.

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## PART 1 - OBJECTIVES AND INTENDED OUTCOMES OF THE PROPOSAL

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The Planning Proposal is consistent with the CLUS and seeks to modify the relevant lot size maps to facilitate the continued supply of residential land around Mudgee.

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### STATEMENT OF INTENDED OUTCOMES

---

The planning proposal intends to:

- Amend the corresponding lot size maps for the identified parcel zoned R2 Low Density Residential to reduce the minimum lot size to 2000m<sup>2</sup>.
- Allow for a variety of lot sizes, ranging from 2000m<sup>2</sup> to 4000m<sup>2</sup> across the subject site in order to provide integration and transition to existing developed areas as demonstrated in a concept plan.
- Support the CLUS intention to provide a limit to the urban footprint of Mudgee utilising existing residential zoned land, simultaneously providing opportunity to maximise the lot yield from existing zoned land that is able to be serviced.
- Co-ordinate a supply of land to accommodate population growth in the LGA in accordance with the Mudgee Town Structure Plan.

Through the planning proposal, it is intended to alter the relevant lot size maps to allow for residential development, at a greater density under provisions of the MWRLEP. The zone objectives align with the vision for future development of the site, i.e. the zone is to provide for the housing needs of the community, provide a variety of housing types and densities, and to enable other land uses that provide facilities or services to meet the day to day needs of residents.

---

### POLICY CONTEXT

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The population growth in the LGA has triggered the need to identify how to facilitate the supply of residential land. The framework as established within the CLUS, is the basis on which the opportunities for this planning proposal have been explored and policy basis. The CLUS identifies opportunities for expansion of the Mudgee Township, supported by the Structure plan. Opportunities for residential extension in line with adopted Policy to cope with the identified growth are discussed below.

The subject site at the northern edge is in vicinity to the existing development that has leapfrogged the floodplain of the Cudgegong River, mostly comprising larger residential lots of 2ha to 4000m<sup>2</sup> where town water and sewer are available i.e. in the Putta Bucca and Bomberra areas. The south of Mudgee has had tracts of land rezoned for large lot residential use under the MWRLEP, and is constrained by agricultural land and visual intrusion issues. The north western fringe of the urban area known as the 'Caerleon' area is able to be serviced and was deemed by MWRC to have appropriate physical attributes to warrant support of the recent planning proposal for rezoning

generally from rural to residential of this land. The framework provided also supports infill residential development within the existing urban areas to utilise existing infrastructure and vacant or underdeveloped sites. The subject site is ideal for growth accommodation as the land is readily serviced and does not require a rezoning with associated constraints assessment.

Suitability/capability and constraints assessment was previously carried out for the subject land and rezoning subsequently occurred with the gazettal of the MWRLEP 2012. The land is zoned R2 Low Density Residential. As mentioned the MWRLEP was based on the CLUS. However the CLUS was undertaken prior to the full extent of the growth driven by the mining industry was identified. Now that the LEP is operational, consideration is to be made by Council to consider the opportunities to address growth and revisions of the structure plan are impending.

Where constraints and edge interface issues are identified, this planning proposal is consistent with the CLUS. This planning proposal is aligned with the Policy context:

- *The subject site has already been rezoned for residential land use, and does not impinge upon agricultural land.*
- *The development promotes development that will avoid disruption to the rural backdrop and setting of Mudgee.*
- *Supports that the long-term northern edge of urban growth defined by the Cudgegong River, and large lot residential areas are not extended beyond that zoned by the MWRLEP.*
- *Provides good utilisation of existing infrastructure and servicing.*
- *Provides an opportunity for implementation of best practice urban and landscape design principles through the concept plan, integrating with existing development.*

## **DETAILS OF THE PROPOSED ACTIVITY TO BE CARRIED OUT – CONCEPT PLAN**

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The purpose of this planning proposal is altering the applicable minimum lot size to enable residential development for the subject site in line with the concept plan provided. The prior related concept plan based on a 4000m<sup>2</sup> minimum lot size achieved a maximum of 72 lots from the subject land. This development concept includes a 136 lot residential subdivision, representing an additional 64 residential lots. The type of proposed development has been explored in concept plans prepared by Jabek Pty Ltd on behalf of Mr Des Kennedy (provided as **Appendix D Concept Plans**).

The proposed concept development plans are consistent with the objectives of the R2 Low Density Residential zone. The concept for future development proposes 136 generous residential lots generally having areas in excess of 2000m<sup>2</sup>, with some larger lots to accommodate constraints to development and design considerations. A concept plan of the proposed subdivision development is attached at **Appendix D**.

The concept plan illustrates one option for development of the site for residential subdivision. This option shows a larger lot (6160m<sup>2</sup>) retaining the existing dwelling located. The concept represents a



density of 3.4 lots per hectare. All lots are of a shape and orientation to optimise future energy efficient housing.

Part 7 Subdivisions of the Mid-Western Regional Development Control Plan 2013 was referred to in the preparation of the concept plan.

#### **Concept Plan - Subdivision Layout**

Larger lots (approx 4000m<sup>2</sup>) are proposed along the service road running parallel to Ulan Road. The reason for these larger lots is to minimise the visual impact of residential development on the approach to Mudgee. The large lots serve to integrate with the existing developed residential lots in Robert Hoddle Grove and Moggs Lane. The larger lots will result in houses spaced approximately 50 metres apart, which together with the landscaping corridor between this service road and Ulan Road should ensure an aesthetically pleasing transition from rural to residential.

The concept development has been designed such that the proposed road layout provides for continuation to service adjoining land in a logical manner. Further the road layout avoids the creation of lots with rear boundaries facing Ulan Road. This design feature in conjunction with the landscaping corridor contributes positively to the visual impacts. The access to the existing dwelling will be relinquished and access obtained from a proposed new internal road.

#### **Concept Plan - Staging**

The concept plan design may be staged in six (6) stages as designed. Each stage comprising from 19 lots to 37 lots.

1. Stage 1 will provide a road and sewerage link to adjoining land to the south toward Robert Hoddle Grove (Lot 1 DP1178455) and north east toward Edgell Lane (Lot 4 DP1174282), encouraging the development of those lands in accordance with the recent rezoning to R2 Low Density Residential at the gazettal of the MWRLEP 2012.
2. Stage 2 will provide the pedestrian link to the existing bicycle and walk path to Glen Willow Sporting Complex and Mudgee CBD.
3. Stage 3 will complete that section of the land which can be developed from the existing service facilities, particularly the existing sewerage pump station (SPS).
4. Stages 4, 5 & 6 will require the development of a new sewer pump station with the proposed staging providing an economically efficient extension of all services.

#### **Concept Plan – Open Space**

Landscaping is proposed along the Ulan Road frontage. In accordance with the Mid-Western Regional DCP 2013, all lots are located within 400m of a local park, playground or passive open space.

The road layout enables an efficient and economic drainage disbursement of large flows which together with linking the reserve will encourage walking and cycling through the development. A park site is proposed within the loop of road on the western side of the lot, in addition to the corridor along Ulan Road. Further opportunity exists in the detention basin site for either passive and/or active recreation.

The cycling and walking paths are to be linked to Moggs Lane to the south west, thereby providing a safe and pleasant route from the developed site to Mudgee CBD and Glen Willow Sporting Complex in Pitt Lane.

#### **Concept Plan - Sewerage**

With reference to the concept plan provided with this proposal, the existing sewerage reticulation is capable of supporting Stages 1, 2 and 3 i.e. some 67 lots, whilst the remaining stages will require a new sewer pump station.

It is highlighted that post the development of Stage 1, further land zoned R2 Low Density Residential, adjoining to the north east and south will have the opportunity to be developed from the associated sewer reticulation.

#### **Concept Plan - Water**

The proposed development is capable of being serviced from Council's existing supply within the staging provided in the concept plan, providing an orderly and economically efficient extension of that system throughout the development site.

#### **Concept Plan - Electricity and Telecommunications**

Electricity and telecommunication services are available in the immediate vicinity of the subject land. Consultation with the services providers would be required prior to progression of the concept plan and appropriate development stages. Connection to the National Broadband network would be included in future development of the land.

#### **Concept Plan – Drainage**

Drainage of the site in accordance with the concept plan for future development makes allowance for the natural topographical features. The concept road pattern proposed together with appropriately located easements will ensure drainage catchments can be created which allow economical piping of the drainage through the development ultimately exiting at the lowest point along the southern boundary, in the vicinity of the proposed location of the new sewer treatment plant.

#### **Concept Plan – Staging of Site Drainage**

The staging of the development is from the top of the catchment and hence flows exiting for each stage can be conveyed to the detention basin by temporary flow lines designed and constructed in accordance with relevant soil and water management guidelines.

The proposed drainage methodology will ensure adequate 'overland' paths exist to economically convey the 1 in 100 ARI floods to this location and detention basins can be provided to ensure developed flows exiting the development do not exceed pre-developed flows. However, as the flow exiting the site will enter an existing drainage line, within the floodplain area in adjoining rural land (Primary Production Small Lots), the need to retain water would need to be explored further at a development application stage. If the retention of water in this instance is not required, a further

two lots may be developed. For the purposes of this proposal, the 2 lots have been included in the lot yield.

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## PART 2 - EXPLANATION OF PROVISIONS

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It is intended that the objectives and intended outcomes described in Part 1 will be achieved by the following map change:

1. MWRLEP Lot Size Map (Sheet LSZ\_006G) and MWRLEP Lot Size Map (Sheet LSZ\_006F) where these maps depict the subject land, i.e. Lot 1 DP1000182, shaded purple marked 'Z' labelled 'Area B', is proposed to be amended to show the area as labelled 'Area A' in accordance with the proposed Lot size Map shown in **Appendix E**.

This change from 'Area B' to 'Area A' refers to clause 4.1 Minimum subdivision lot size, and the intended outcome to achieve a min lot size of 2000m<sup>2</sup>. Sub Clause 4.1 (3A) states:

*'Despite subclause (3), if the consent authority is satisfied that each lot is, or will be serviced by a water reticulation system and sewerage system:*

- (a) the land identified as "Area A" on the Lot Size Map may be subdivided to create lots of at least 2,000 square metres, or*
- (b) the land identified as "Area AB on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres'.*

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## PART 3 - JUSTIFICATION

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This section sets out the reasoning for the proposed change of Lot 1 DP1000182 on the relevant lot size maps from 'Area B' to 'Area A', taking into consideration the intended outcomes and objectives outlined. The following questions are based on requirements contained in DoP's *A guide to preparing planning proposals* (July 2009) and address the need for the planning proposal, relationship to strategic planning framework, environmental, social and economic impacts and its effect on State and Commonwealth interests.

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### SECTION A - NEED FOR THE PLANNING PROPOSAL

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*Q.1. Is the planning proposal the result of any strategic study or report?*

**Yes.** The Planning Proposal stems from opportunities identified in the Mid-Western Regional Comprehensive Land Use Strategy for residential development, as well as being aligned with Mid-Western Region Community Plan towards 2030 and Mid-Western Regional Council's Economic Strategy as discussed below.

#### **Mid-Western Regional Draft Comprehensive Land Use Strategy (CLUS)**

The Mid-Western Regional Council has prepared the CLUS, which provides clear direction for growth for the next 15-20 years. The Strategy has informed the comprehensive MWRLEP and provides a context for future land use and is supported by the Mudgee Town Structure Plan. The CLUS was undertaken prior to the full extent of the mining growth was identified/quantified in the Local Service Assessment by Mandis Roberts (2012) and did not take into account the recently evident level of growth. The Mudgee Town Structure Plan is currently under review by MWRC to facilitate identification of future growth areas.

The subject land is identified in the CLUS for large lot residential opportunities subject to environmental assessment for suitability/capability (refer to **Figure 6**). The land has since been rezoned with the MWRLEP for this purpose. This planning proposal is consistent with the CLUS, Mudgee Town Structure Plan and the objectives of the zone, as the land will continue to supply Low Density Residential land.

Mid-Western Regional Council

Figure 3-1 Mudgee town structure plan

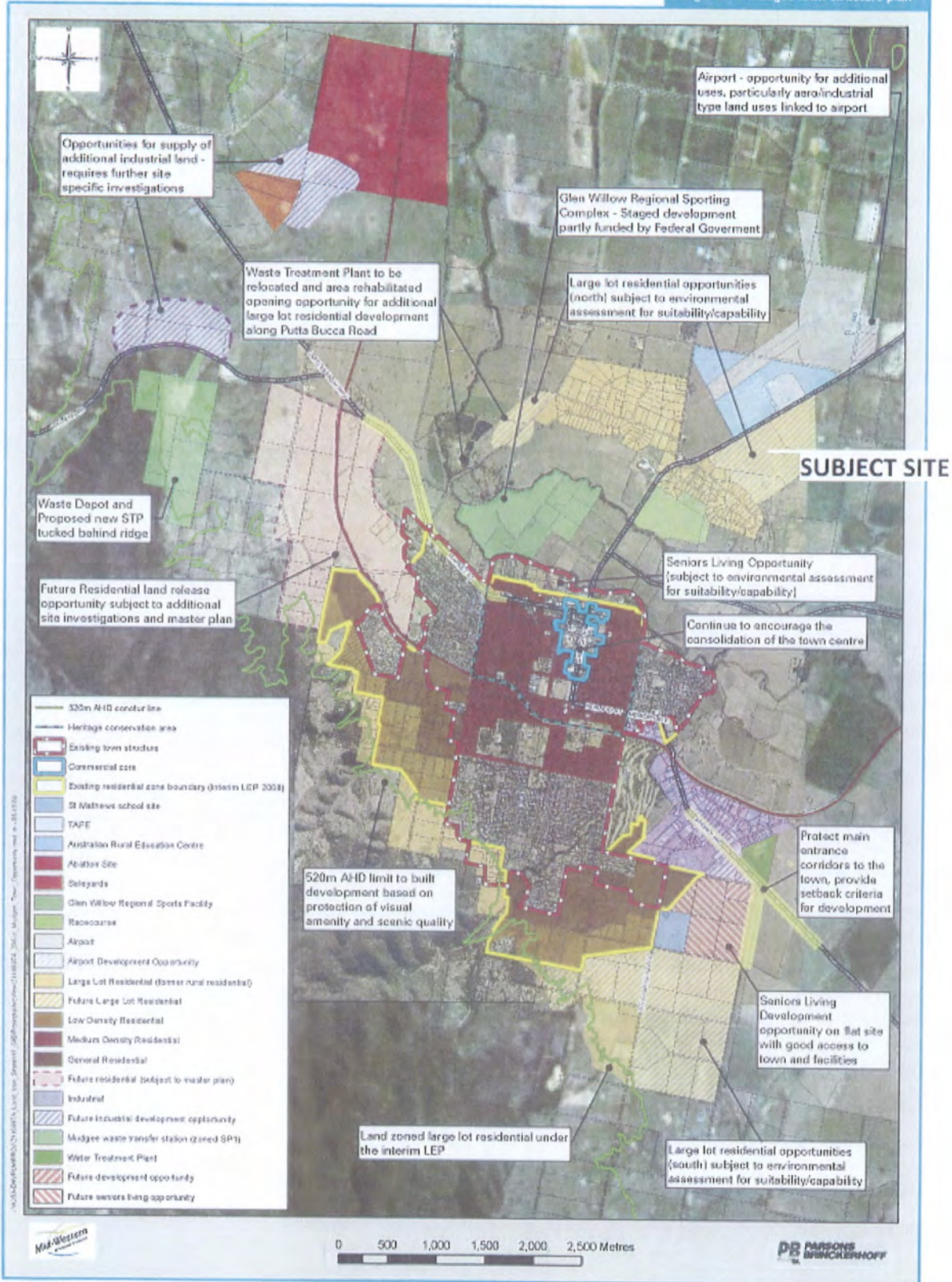


Figure 6: Mudgee Town Structure Plan

### Draft Mid-Western Region Towards 2030 Community Plan

Goals of the Community Plan and how the Planning Proposal achieves these, is discussed in the table below correlating to strategies identified in the Plan.

Goal	Strategy From Community Plan	Planning Proposal/Response
<b>Theme 1: Vibrant towns and Villages</b>	Make available diverse, sustainable, adaptable and affordable housing options through effective and use planning	<i>The utilisation of land that has available infrastructure is effective and efficient planning. The planning proposal will provide a variety of low density lots within the Northern area of Mudgee, which provides a delivery of larger prestige lots and smaller lots promoting a diversity of housing types in the location.</i>
<b>Theme 1: Meet the diverse needs of the community and create a sense of belonging</b>	Provide equitable access to a range of places and spaces for all in the community.	<i>The concept plan has included the provision of open space and landscaped areas, to ensure all lots are located within 400m of a local park, playground or passive open space.</i>
<b>Theme 2: Protect and enhance our natural environment</b>	Minimise the impact of mining and other development on the environment both natural and built.	<i>Environmental mitigation measures were included in the concept plan. Scenic and aesthetic impacts along Ulan Road have been particularly highlighted. Surface water management has been considered as well as impact on Aboriginal Heritage, with measures to minimise impact inherent in the concept design.</i>
<b>Theme 3: High quality sustainable development</b>	Ensure an adequate supply of available land that supports economic diversity and encourages growth.	<i>The Planning Proposal is in line with actions to increase the availability of residential supply with the emerging short fall in housing and rental supply identified in the Local Services Assessment.</i>
<b>Theme 4: High quality road network that is safe and efficient.</b>	Develop and enhance walking and cycling networks across the Region.	<i>The concept plan includes opportunities for pathways and cycleway to extend into adjoining undeveloped lands and well as connecting to existing cycle/walking paths.</i>

### Mid-Western Regional Economic Development Strategy

Mid-Western Regional Council has prepared an Economic Development Strategy (EDS) outlining a future economic direction for the Regional in the next 10 years, to June 2020. The EDS provides a broad framework for the various lead agencies and stakeholders involved in economic development to identify their roles and engage in economic development initiatives for the Region.

Availability of residential land has not been identified as a key principle that will influence economic development in the region for the future. However maintaining adequate residential land supply will support Council in efforts to deliver projects that maximise local opportunities and economic benefits in line with the Economic Development Strategy.

The proposed concept plan with the promotion of a range of housing types for the northern area (i.e. Putta Bucca, Bombira to Edgell Lane) will help the region retain and attract new residents. Residential subdivision of high quality design would boost the image of the Mudgee area as an attractive place to live and work.

Further, the capability of Mudgee to adapt to the pressure on housing supply as identified in recent growth modelling, would be benefitted by an increased lot yield from available land currently zoned residential under the MWRLEP.

### State and Regional Policies

There is no specific State or Regional Environmental Plan that addresses the Mid-Western Regional LGA.

#### *Q.2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

**Yes.** It is considered that the Planning Proposal is the best means of achieving the intended outcomes. An alternative would be rezoning to facilitate greater density of development, such as rezoning to R1 General Residential. This option however does not support the vision for the area in line with the CLUS and Mudgee Town Structure Plan.

The planning proposal is considered the best means of achieving the intended outcomes as:

- The existing zoning is retained;
- The objectives of clause 4.1 are upheld;
- The concept plan provides opportunity for integration and transition to existing developed areas. The plan:
  - Minimises the number of lots adjacent agricultural uses.
  - The concept plan also minimises the number of new neighbouring properties to the developed land in Robert Hoddle Grove. Expectations with regard amenity and aesthetics for existing landowners are considered. The retention of the 4000m<sup>2</sup> minimum for R2 zoned undeveloped land south of the subject site provides a cushioning of impact of the development of the subject site to a greater density.
  - Further, density of residential development is afforded with opportunity for appropriate transitioning to rural land through linking to land with potential for mixed lot sizes i.e. undeveloped land north east of the subject land up to Edgell Lane, also recently rezoned for residential lots.
- The 'hard edge' to the limit of urban growth of Mudgee is not compromised.



**Q.3. Is there a net community benefit?**

The proposed residential development is considered likely to achieve a net community benefit, as determined by the application of the Net Community Benefit Test adapted from the *Draft Centres Policy: Planning for retail and commercial development* (April 2009), which provides a series of questions to determine the nature of a Planning Proposal, as detailed in **Table 1** below. A net community benefit arises where the sum of all the benefits of rezoning outweigh the sum of all costs.

The assessment evaluates the external costs and benefits of the proposal (i.e. the externalities). The assessment generally assumes that any private costs will be cancelled out by any private benefits. Net Community Benefit Test is not a quantitative test, but useful tool to inform debate and help decision making on planning proposals.

The merits of the rezoning proposal have been considered against the base case, being ‘no change’ to zoning/retaining the status quo.

**Table 1: Net Community Benefit Test**

Question	Application to Planning Proposal
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?</i>	<p>Yes.</p> <p>There are no applicable State or Regional strategic directions for development. However, the development is consistent with the <i>Mid-Western Regional Comprehensive Land Use Strategy (CLUS)</i>.</p> <p>The Mudgee Town Structure Plan within the CLUS locates the subject land within the existing residential zone boundary, and review of the Structure plan has considered the lot yield based on serviceability of the site with lots at 2000m<sup>2</sup>.</p> <p>The NSW Government is currently preparing a draft strategic regional land use plan for the Western region.</p>
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub-regional strategy?</i>	<p>No.</p>
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	<p>No. The planning proposal has been discussed with Council’s planning staff. The change will potentially link to further potential lot size amendments for existing residential zoned land also in line with the CLUS and future revised Mudgee Town Structure Plan (partly in response to the findings of the Local Services Assessment Report by Mandis Roberts, 2012). The planning proposal will not set a precedent that is inconsistent with strategic documents.</p>
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered?</i>	<p>The MWRLEP commenced on 10 August 2012. There have been no previous rezoning proposals in the locality under the LEP to date.</p>

Question	Application to Planning Proposal
<i>What was the outcome of these considerations?</i>	
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	The MWRLEP amendment will not facilitate a permanent employment generating activity or result in a loss of employment lands.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	<p>Yes.</p> <p>The use of the site to provide a range of residential densities in the 'North' Mudgee residential locality (Putta Bucca, Bombira, Edgell Lane) will make a more effective use of this land, utilising existing residential zoned land to greater potential, where infrastructure and services are available.</p> <p>Residential land supply shortage for the short to medium term for Mudgee may be affected by the planning proposal. The housing market within the region is undergoing an increasing level of stress due to the high demand generated from the mining sector. The planning proposal seeks to provide for residential uses which retain the unique quality lifestyle concept established in the locality, with more diverse housing types. The high quality benchmark for residential development associated with the locality is able to be extended into the subject land.</p>
<i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	<p>The site is well serviced by road and other essential services. Access is provided directly to Ulan Road and will be serviced by a network of new proposed roads.</p> <p>The existing pedestrian and cycle network is provided to the site in a combination of shared road areas and separate paths. The access point is linked to the open space areas in the concept plan where the cycle path/walkway is extended and linked to existing pathways.</p> <p>Planned future upgrades of Mudgee's water supply system, currently providing potable water to Mudgee township and the upgrade (commenced) of the sewerage augmentation system also servicing Mudgee township will enable capacity to service the proposed development. A new sewer pump station is proposed for stage 4 of the concept plan.</p> <p>Public transport is not currently available to the land. Bus transport is limited to a privately run bus service. A service runs 3 times/day on a 'hail and ride' system (number 563), which currently passes the proposed intersection with Ulan Road to the TAFE site. These services are able to be extended to the site, with bus stopping able to be performed through the road network. The site has capacity for designated bus service stops to be provided in the layout.</p>
<i>Will the proposal result in</i>	Yes. The residential use of the area is established, however the

Question	Application to Planning Proposal
<p><i>changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i></p>	<p>provision of additional local parks and passive open space areas within the with the development site improve connectivity across the site to such areas. Further provision of walkways/cycle paths improves connectivity to major sporting fields (such as Glenn Willow) and the CBD. This will reduce car dependency; provide direct walking and cycle access, encouraging an active and healthy community.</p> <p>This will help to reduce greenhouse gas emissions and improve road safety within the residential development.</p>
<p><i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i></p>	<p>No.</p>
<p><i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i></p>	<p>No environmental impacts have been identified on the site. The land is already identified for residential use.</p> <p>The site is not within an identified Flood Planning Area under MWRLEP.</p>
<p><i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community?</i></p>	<p>The proposed use of the land for residential use is not inconsistent with current zoning or the surrounding land use. The proposed use will not adversely impact on amenity of the existing residential land use, as the concept plan has addressed the integration with existing development.</p> <p>Reduction of potential for conflict with adjacent rural land is accounted for through the minimisation of new lots adjacent to agricultural land use.</p>
<p><i>Will the public domain improve?</i></p>	<p>N/A</p> <p>It is anticipated that Council's planning instruments will ensure that adequate setbacks for future housing development is provided along the boundaries of the site to ensure safety and amenity is not compromised from the public domain.</p>
<p><i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i></p>	<p>N/A</p>
<p><i>If a stand-alone proposal and not a centre, does the proposal have</i></p>	<p>N/A</p> <p>The MWRLEP amendment would not have the potential to</p>

Question	Application to Planning Proposal
<i>the potential to develop into a centre in the future?</i>	develop into a centre.
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	<p>The MWRLEP amendment is intended to facilitate the development of residential land, supported by the zoning, and strategically in the CLUS. The proposal serves to improve the public interest through reducing the pressure on the existing housing stock.</p> <p>Should the planning proposal not proceed, future residential development is unlikely to be approved on the site at the proposed density.</p> <p>Also the proposal takes up opportunity to provide greater available residential lots to the Mudgee district in the short to medium timeframes, utilising land that is readily serviced and zoned for the purpose.</p>

## SECTION B - RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK

*Q.4. Is the planning proposal consistent with the applicable regional or sub-regional strategy?*

There are no regional strategies in place relevant to the planning proposal.

*Q.5. Is the proposal consistent with Council's Community Strategic Plan or other local strategic plan?*

**Yes.** Also refer to PART 1 and Q.1.

The *Rural Residential Industrial and Residential Strategy* was prepared for the Mudgee Shire Council and did not address the full Mid-Western Region. This document has been superseded by the Mid-Western Regional Comprehensive Land Use Strategy prepared by Parsons Brinckerhoff (October 2009) and provides a basis for identifying options for Mid-Western Regional local government area to meet long term urban and rural growth needs. The CLUS provides a context for future land use and informed the preparation of the MWRLEP (gazetted on 10 August 2012).

The Mid-Western Regional – Local Services Assessment Report prepared by Mandis Roberts, addresses the demand and supply of residential land in Mudgee. This report was released by Department of Planning and Infrastructure in August 2012 and provides the latest data in terms of population forecasts. The report reviews residential land supply, and updates the lot requirements based on the revised population growth predictions. This report shows a lot requirement of 5096 by 2021 and a lot deficiency of 3896. The 2021 lot requirement is based on the long term predicted ratio of 0.56 lots for every new resident, derived from the CLUS (Mandis Roberts, 2012 p 40).

The existing supply of residential zoned land was not increased with the gazettal of the Mid-Western LEP 2012, as this was based on the CLUS. The Local Services Assessment Report demonstrates the significant potential shortfall in lot provision in the Mid-Western Region and a result of increased population growth. Mandis and Roberts (2012) report the effects of the shortfall are being seen. The report indicates that housing supply is low, as is rental supply, leading to an increase in property and rental prices. This has the effect of reducing housing affordability in the region. The report has indicated that without significant efforts to increase housing stock the short term to medium term impacts may potentially price those out of the market that are not directly benefitting from mining activity.

Strategic planning for growth of Mudgee continues with the current revision being undertaken by Council of the Mudgee Town Structure Plan. The review will consider opportunities and constraints for growth areas. The subject site is within land already included in the yield estimate from land currently zoned residential under the Mid-Western Regional Local Environmental Plan 2012. The site presents further opportunity for increase of yields consistent with the existing Mudgee Town Structure Plan, as well as the MWRLEP with the proposed reduction in the minimum lots size proposed (i.e. from 4000m<sup>2</sup> to 2000m<sup>2</sup>). The site has access to services and presents opportunity for dealing with the growth expected, without need for MWRC to deliver a process of amendment to the strategic planning documents.

The planning proposal is consistent with Council's local strategic planning and provides opportunity for a proactive approach to planning to accommodate growth and minimise impacts on existing community. The planning proposal will have positive consequences, due to:

- The site's proximity to the adjoining developed land,
- Being within the existing Mudgee town structure and R2 Low Density zoning - meeting expectations for future development type,
- Provision of services is achievable with reticulated sewerage and water, and
- Transport linkages are supported with tar sealed road access and pathways included.

In summary, the proposed development addresses the most recent data regarding population growth. The proposal is consistent with the MWRLEP as well as the CLUS in that the location is identified for residential development, services are available for the development, the type of land use is compatible with the surrounding land uses and would not cause any adverse impacts to the surrounding locality and provides a net community benefit as described.

## State Environmental Planning Policies

Q.6. Is the planning proposal consistent with applicable state environmental planning policies?

Yes. The Planning Proposal is considered to be consistent with applicable State Environmental Planning Policies as discussed below. Analyses of applicable SEPPs are provided in the table below.

SEPP	Applicable/Consistency
1 – Development Standards	Not relevant to planning proposal.
4 – Development without consent	Not relevant to planning proposal.
6 - Number of Storeys	Not relevant to planning proposal.
10 - Retention of Low Cost Rental Accommodation	Not relevant to planning proposal.
14 – Coastal Wetlands	Not relevant to planning proposal.
19 – Bushland in Urban Areas	Not relevant to planning proposal.
21 – Caravan Parks	Not relevant to planning proposal.
22 – Shops and Commercial Premises	Not relevant to planning proposal.
26 – Littoral Rainforests	Not relevant to planning proposal.
29 – Western Sydney Recreation Area	Not relevant to planning proposal.
30 – Intensive Agriculture	Not relevant to planning proposal.
32 – Urban Consolidation (Redevelopment of Urban Land)	Not relevant to planning proposal.
33 – Hazardous and Offensive Development	Not relevant to planning proposal.
36 – Manufactured Home Estates	Not relevant to planning proposal.
39 – Spit Island Bird Habitat	Not relevant to planning proposal.
41 – Casino Entertainment Complex	Not relevant to planning proposal.
44- Koala Habitat Protection	Not relevant to planning proposal.
47 – Moore Park Showground	Not relevant to planning proposal.
50 – Canal Estate Development	Not relevant to planning proposal.
52 – Farm Dams and other works in Land and Water Management Plan Areas	Not relevant to planning proposal.
53 – Metropolitan Residential Development	Not relevant to planning proposal.
55 – Remediation of Land	Not relevant to planning proposal. See comments below.
59 – Central Western Sydney Economic and Employment Area	Not relevant to planning proposal.
60 – Exempt and Complying Development	Not relevant to planning proposal.
62 – Sustainable Aquaculture	Not relevant to planning proposal.
64 – Advertising and Signage	Not relevant to planning proposal.
65 – Design Quality of Residential Flat Development	Not relevant to planning proposal. Residential flat buildings are prohibited in the zone.
70 – Affordable Housing	Not relevant to planning proposal.
71 – Coastal Protection	Not relevant to planning proposal.
BASIX 2004	Future development for housing will be required to address the provisions of BASIX.
Exempt and Complying Development Codes 2008	Not relevant to planning proposal.
Housing for Seniors or People with a Disability 2009	Future development will be able to deliver accessible housing.
Infrastructure 2007	Not relevant to planning proposal. See comments below.
Kosciusko National Park – Alpine Resorts 2007	Not relevant to planning proposal.
Major Development 2005	Not relevant to planning proposal.
Sydney Region Growth Centres 2006	Not relevant to planning proposal.

SEPP	Applicable/Consistency
Mining and Petroleum Production and Extractive Industries 2007	Not relevant to planning proposal.
Temporary Structures and Places of Public Entertainment 2007	Not relevant to planning proposal.
Rural Lands 2008	The proposal aims to reduce impacts and does not fragment rural land.
Western Sydney Employment Area 2009	Not relevant to planning proposal.
Western Sydney Parklands 2009	Not relevant to planning proposal.
Affordable Rental Housing	Through the provision of a variety of lot sizes, the future housing will potentially cater to a range of income levels. An objective of the planning proposal is to preventing housing affordability issues from escalating as identified in the Local Services Assessment.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) applies to the whole of the State of NSW and is required to be considered in a rezoning proposal under Clause 6 of SEPP 55. The site is not subject to rezoning. However given the previous use of the site (i.e. vineyard with aboveground fuel tank) and findings of the previous Preliminary Site Investigation<sup>1</sup> carried out in support of the recent rezoning, any localised surface soil contamination will require remediation before the land can be used for residential development. Should remediation be required, it is anticipated that this can occur at future development application stage. The Planning Proposal is not inconsistent with SEPP 55.

### **State Environmental Planning Policy (Infrastructure) 2007**

*State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) potentially applies to the site. The site does not contain flood liable land. Hence Clause 15 of the ISEPP referring to development with impacts on flood liable land is not relevant.

Preliminary assessment has been made as to whether *Subdivision 2 Development in or adjacent to road corridors and road reservations* is applicable to future developments. Considerations of guidelines issued are to be included for future subdivision design. Currently guidelines to be considered in the future are *'Development Near Rail Corridors and Busy Roads Interim Guideline*, based on the location of the land and distance to Ulan Road.

With reference to clause 104 Traffic Generating Development, as the proposed subdivision has direct access to a classified road, and the proposed number of allotments in the concept plan, it is likely that the future development would trigger the need for referral to the Road and Maritime Services (RMS) and further consideration under this clause.

<sup>1</sup> *'Phase One - Preliminary Site Investigation - Investigation of Potential Contamination Future Rezoning for Residential Use, Bombira Estate Vineyard, Lot 1 DP1000182, 220 Ulan Road Mudgee'*, unpublished report prepared by Minespex on behalf of Mr Des Kennedy (April 2010).

## Q.7 Is the proposal consistent with applicable Ministerial directions (s. 117 directions)?

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions. An overview of applicable directions and compliance is included in **Table 2**.

**Table 2: Section 117 Ministerial Directions**

Section 117 Ministerial directions			Compliance of Planning Proposal
1.1	Business and Industrial Zones		N/A
1.2	Rural Zones		N/A
1.3	Mining, Petroleum Production and Extractive Industries		N/A
1.4	Oyster Aquaculture		N/A
1.5	Rural Lands		Rural lands are not included in the Planning Proposal.
2.1	Environment Protection Zones		N/A
2.2	Coastal Protection		N/A
2.3	Heritage Conservation		No items of European heritage have been identified in the subject site. The site contains Aboriginal objects that are protected under the National Parks and Wildlife Act 1974. The planning proposal adopts measures that facilitate the conservation of environmental heritage. The concept plan has been designed to avoid impact to the site from future subdivision works.
2.4	Recreation Vehicle Areas		N/A
3.1	Residential Zones		This direction applies to the subject land as a change to the residential zoning and lot size map is proposed. The planning proposal will make use of the available infrastructure (particularly roads, sewer and water) in the locality. The residential zoning does not extend the fringe of the town suburbs, but enables more efficient use of the available infrastructure and services, as a result being efficient in the effort to extend the number of available housing lots in the location. The planning proposal seeks to increase the residential density of land in line with the direction.
3.2	Caravan Parks and Manufactured Home Estates		N/A
3.3	Home Occupations		The planning proposal is consistent with this Direction, and the capacity for dwellings to accommodate small businesses will not be hindered.
3.4	Integrating Land Use and Transport		The planning proposal and concept plan aids reduction of the dependence of cars, and travel demand through adequate provision of road linkages, separate pathways and cycleway and new open space areas. The proposal has considered the existing infrastructure, residential development patterns, and local transport issues when developing the concept plan for future subdivision. The planning proposal will build upon the existing level of access and public transport met by the adjacent residential areas of the existing developed residential subdivisions.
3.5	Development Aerodromes	Near Licensed	The land has previously been identified by Council as land for residential development and zoned as such. The previous



Section 117 Ministerial directions		Compliance of Planning Proposal
		planning proposals and constraints assessment have taken into consideration the location of Mudgee Airport and flight paths.
3.6	Shooting Ranges	N/A
4.1	Acid Sulfate Soils	N/A
4.2	Mine Subsidence and Unstable Land	N/A
4.3	Flood Prone Land	N/A
4.4	Planning for Bushfire Protection	Mid-Western Regional LGA has a bushfire prone land map prepared under s146 of the <i>Environmental Planning and Assessment Act 1979</i> . The planning proposal is outside of the mapped bushfire prone land. The planning proposal does not hinder adjoining lands from complying with the provisions of <i>Planning for Bushfire Protection 2006</i> . The subject land will be serviced with town water and have future hydrants installed as part of the concept subdivision.
5.1	Implementation of Regional Strategies	N/A
5.2	Sydney Drinking Water Catchment	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.8	Second Sydney Airport: Badgerys Creek	N/A
6.1	Approval and Referral Requirements	This direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal does not include LEP provisions requiring concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes	N/A
6.3	Site Specific Provisions	N/A
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A

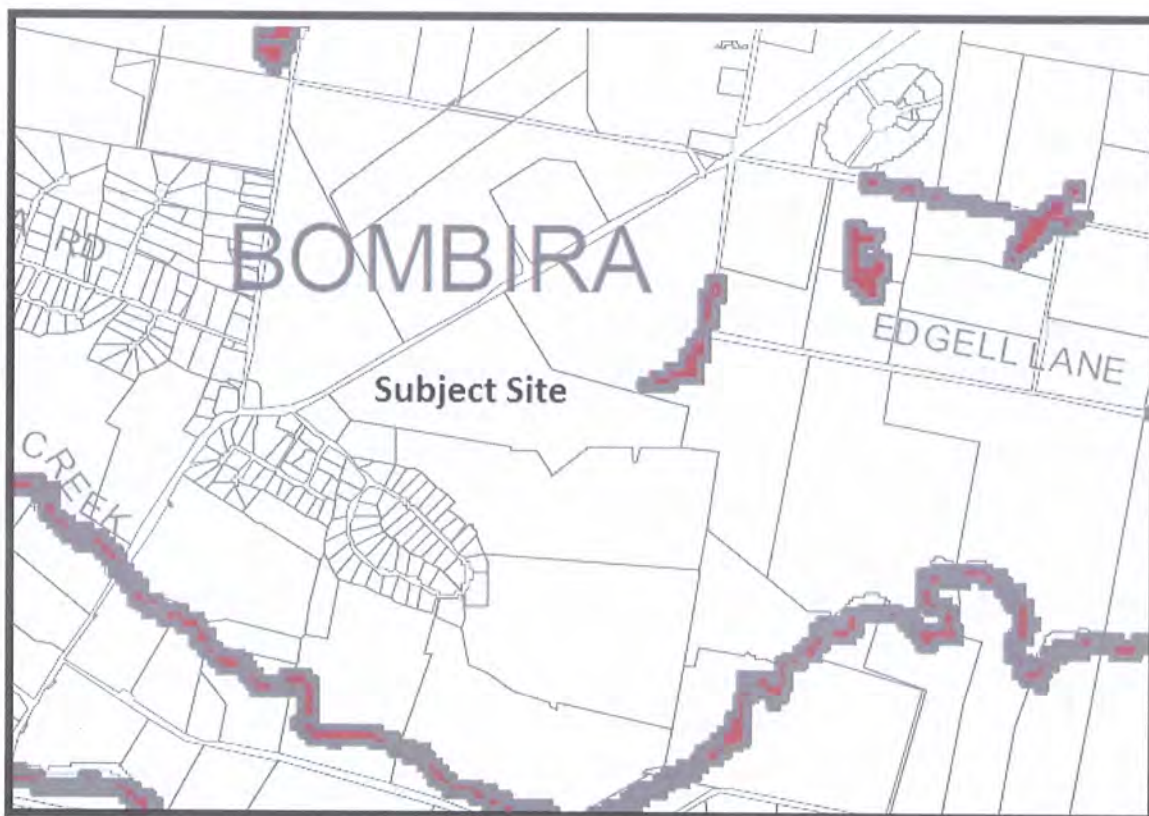
The Planning Proposal is considered to be consistent with the applicable Ministerial directions as identified above.

## SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

*Q.8. Is there any likelihood that Critical Habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The Planning Proposal involves land currently zoned for residential purposes. The site has been a former vineyard and has been cleared of all native vegetation. The existing flora and fauna is described in the 'Site Description'. The planning proposal is not likely to cause any detrimental impact on critical habitat or threatened species, populations or ecological communities.

The subject land is further surrounded by existing R2 Low Density Residential zoned land and RU4 Primary Production Small Lots. The subject site is not identified as having high or moderate biodiversity sensitivity on the Sensitivity Biodiversity Map (BIO\_006) within MWRLEP (see map excerpt below). A small area of adjacent land is identified as 'high biodiversity sensitivity'. This correlates to a pocket of trees providing a corridor linkage to trees area within the Edgell Lane road reserve.



### Biodiversity

- High Biodiversity Sensitivity
- Moderate Biodiversity Sensitivity

*Q.9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The planning proposal has identified any known environmental issues. The site has been the focus of a recent rezoning and constraints analysis as part of the MWRLEP 2012. Environmental issues are able to be addressed as part of a Development Application process.

With reference to *A Guide to Preparing Planning Proposals*, technical studies to address an identified issue should be undertaken following the initial Gateway determination. Such studies together with community and public authority consultation can explore the mitigation of any potential impacts.

Traffic impact assessment has been considered as part of the planning proposal due to the location on Ulan Road, and the scale of the future development however such issues can accompany any development application which will consider impacts during construction and operation and address transport/access issues as required.

*Q.10. How has the planning proposal adequately addressed any social and economic effects?*

Other potential impacts of the planning proposal and subsequent development of the site include the demand for infrastructure and utility services and demand for community facilities and social services. It is considered that the site can be adequately serviced with the existing infrastructure without placing undue demand on services in Mudgee (see Q11 below).

It is well understood locally and supported by the findings of the Local Services Assessment that Mudgee is experiencing a housing crisis with pressure from demand generated by the mining industry. Unprecedented growth in the mining sector had placed enormous pressure on the local housing market to the point where demand for vacant residential land is outstripping supply. The change from min lot size from 4000m<sup>2</sup> to 2000m<sup>2</sup> will address the housing shortage in the region and cater for a wider cross-section of people in the locality.

Some areas identified for future development in the Comprehensive Land Use Strategy, have been developed, and further growth areas identified do not meet the lot yield required to achieve the predicted population growth. The report estimates Mid-Western region will need more than 5096 new houses by 2021 to cope within predicted population growth, representing a lot deficiency of 3896. Shortages in short term accommodation are predicted.

With regard to recent planning proposals, such as the Caerleon Residential Area, Saleyards Lane by MWRC and other reports to Council it has been noted that the demand for housing needs to be addressed in the short to medium term. The planning proposal seeks to address the demand for housing in this time frame. The existing residential zoned land, with access to infrastructure in a readily serviceable location is able to readily facilitate the development of much needed residential land without significant environmental constraint. As the majority of population growth is expected to occur in Mudgee, this further supports the need for such a planning proposal.

## SECTION D - STATE AND COMMONWEALTH INTERESTS

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### *Q.11. Is there adequate public infrastructure for the planning proposal?*

The Local Services Assessment prepared by Mandis Roberts referred to public infrastructure issues in addition to the land and housing shortage. Key findings of the report indicate that preschools and early childhood centres have capacity constraints. Capacity constraints are likely to be reached in the near future. However, NSW Health reports that the existing system is considered adequate to cope with growth.

Transport pressure on roads is also acknowledged, with those roads servicing the mining sector highlighted. This will include the Ulan Road. Ulan Road forms a road corridor connecting north Mudgee to the Mudgee CBD. An internal road system is proposed to provide one point of entry/exit to the development site maximising safety for traffic onto Ulan Road. Airport and rail infrastructure is adequate.

The site is serviced by town water and sewer and has existing electricity connection as discussed in relation to the Concept plan (refer to section - *Details of the proposed activity to be carried out – Concept Plan*). The Local Services Assessment indicated that water infrastructure presents no capacity constraints to limit development. A new sewerage augmentation system to service Mudgee will have capacity to service the proposal. Waste management facilities will face capacity in the medium term.

The Planning Proposal includes available area for a recreational (playground) site within the subdivision with pathway linkages to the road system and the existing pathways in Bombira. This will assist in improving the accessibility of passive recreational areas within vicinity to the developed area and other nearby developed residential sites, as well as the subject land.

Demand on public infrastructure will require consultation with appropriate public authorities; however the current infrastructure is considered sufficient to provide for the future residential development and therefore is considered acceptable for the Planning Proposal.

### *Q.12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning proposal?*

A summary of the views of State and Commonwealth Public Authorities will be provided following gateway determination.

---

## PART 4 - DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN ON THE PLANNING PROPOSAL

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Community consultation for the Planning Proposal would be undertaken in accordance with the consultation requirements set out in *A guide to preparing local environmental plans* (DoP 2009).

The consultation requirements for this Planning Proposal are expected to be confirmed by the Department of Planning and Infrastructure DP&I at the gateway determination.

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## CONCLUSION

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This Planning Proposal relates to an amendment to *Mid-Western Regional Local Environmental Plan 2012* for land at Lot 1 DP1000182, 220 Ulan Road, Mudgee. The aim of this report has been to describe the proposed amendment to the Lot Size Maps to permit the development of residential lots to minimum 2000m<sup>2</sup> on the site.

The need for mitigation of significant environmental, social or economic impacts to the surrounding locality has not been identified. The proposal is consistent with the applicable strategic planning frameworks as demonstrated in this report. The change to 2000m<sup>2</sup> will address the housing shortage in the region and remain in line with the current LEP zoning and Comprehensive Land Use Strategy.

## References

Department of Planning (DoP) (July 2009) *A guide to preparing planning proposals*.

Department of Planning (DoP) (July 2009) *A guide to preparing local environmental plans*.

Department of Planning (DoP) (July 2008) *Development Near Rail Corridors and Busy Roads Interim Guideline*.

Department of Planning (DoP) (April 2009) *Draft Centres Policy Planning for Retail and Commercial Development*.

Environmental and Earth Sciences (2004) *Statement of Environmental Effects (including Salinity Investigation) Lot 7 DP842243 and Lot 7 and Lot 8 DP1096571*, (unpublished report for DA0187/2005).

Mandis Roberts (August 2012) *Mid-Western Regional Council – Local Services Assessment*.

Mid-Western Regional Council (2010) *Mid-Western Region Economic Development Strategy A 10 Year Plan*.

Mid-Western Regional Council (2012) *Planning Proposal: Caerleon Residential Area Sale Yards Lane Mudgee*.

*Mid-Western Region Community Plan – Towards 2030*.

Murphy B.W. and Lawrie J.W. (1998) *Soil Landscapes of Dubbo 1:250000 Sheet*, published by Department of Land and Water Conservation.

NSW Rural Fire Service (December 2006) *Planning for Bushfire Protection*.

Parsons Brinckerhoff (October 2009) *Mid-Western Regional Comprehensive Land Use Strategy*.

Submissions and Constraints Assessments for previous rezoning of the subject land and current planning proposal:

Insites (August 2008) *Submission to Mid-Western Regional Council – Mid-Western Regional Comprehensive Land Use Strategy Suitability of Land at Ulan Road, Bombira, for Large Lot Residential Development*.

Insites (December 2009) *Submission to Mid-Western Regional Council - Ulan Road Bombira Tourist and Lifestyle Precinct*.

Insites (June 2011) *Submission to Mid-Western Regional Council Proposal to Re-align Zone Boundary under the Draft Mid-Western Regional Local Environmental Plan 2011*.

Jabek (2013) *Preliminary Traffic Analysis*, unpublished report prepared on behalf of Mr D Kennedy.

Minespex (April 2010) *Phase One – Preliminary Site Investigation – Investigation of Potential Contamination Future Rezoning for Residential Use, Bombira Estate Vineyard, Lot 1 DP1000182, 220 Ulan Road Mudgee*, unpublished report prepared by on behalf of Mr Des Kennedy.

Mudgee Local Aboriginal Land Council (December 2012) *Aboriginal Cultural Heritage Assessment 'Old Bombira Estate' Moggs Lane Mudgee NSW 2850*, unpublished report prepared by Christine Maynard for Mr and Mrs D Kennedy.

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# APPENDIX A - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

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## APPENDIX B – AHIMS SEARCH

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### AHIMS Web Services (AWS) Search Result

Your Ref Number : Des Kennedy

Client Service ID : 90965

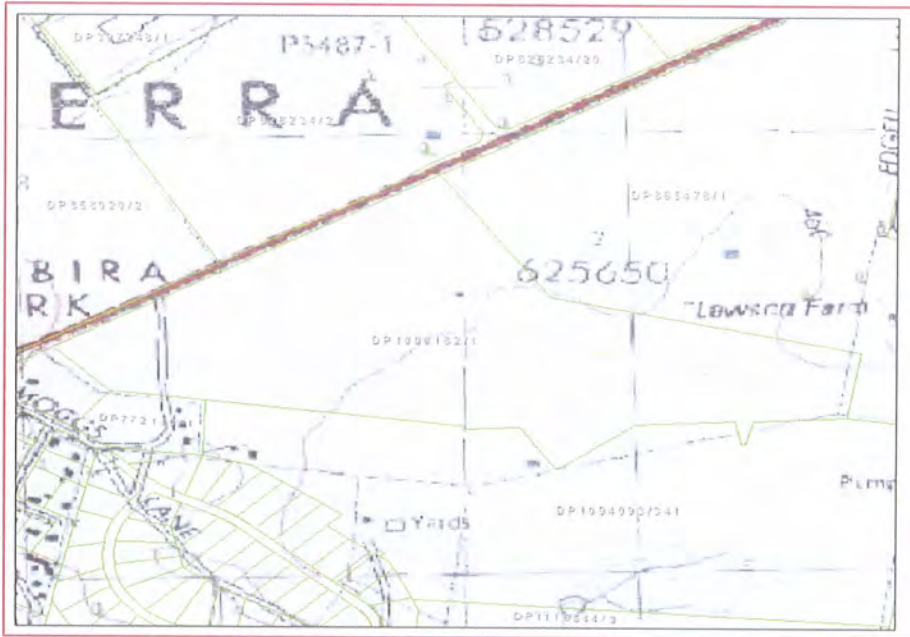
Minespex Pty Ltd  
Units 1 and 2 73 Market Street  
Mudgee New South Wales 2850  
Attention: Emma Yule  
Email: emma.yule@minespex.com.au

Date: 31 January 2013

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot: 1, DP:DP1000182 with a Buffer of 50 meters, conducted by Emma Yule on 31 January 2013.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>1</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location. *</b>

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date .Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

---

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43 Bridge Street HURSTVILLE NSW 2220  
Tel: (02)9585 6345 (02)9585 6471 Fax: (02)9585 6094

ABN 30 841 387 271  
Email: [ahims@environment.nsw.gov.au](mailto:ahims@environment.nsw.gov.au)  
Web: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

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## APPENDIX C – TRAFFIC ANALYSIS

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# Jabek Pty Limited

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MUDGEES NSW 2850

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## TRAFFIC ANALYSIS

### Proposed Development

The proposed development consists of 136 residential lots of minimum 2000m<sup>2</sup> size. The development is situated approximately 2km North of the Glenwillow roundabout along Ulan Road. The development is accessed from a single entry point off Ulan Road. The development is to be staged in 6 separate stages of 20-30 block releases.

The internal road network has been designed with adequate sight distances as per Mid Western Regional Council Residential Development Control Plan. All lots within the development will be able to be accessed by a 19.0m single articulated vehicle, which was the design vehicle used in determining the adequacy of the road layout.

Site details and background information on the proposed Residential Subdivision, including a plan of the proposed subdivision, background information and zoning details, has been previously provided in the Statement of Environmental effects prepared by Jabek Pty Ltd and will not be included in this report.

### Access to the Development

The development will be accessed from Ulan Road and traffic from the development will travel along Ulan Road either to the North towards Ulan, or to the South towards Mudgee. Ulan Road is defined in the 2008 Mudgee Traffic Management Study (Gennaoui Consulting, 2008) as being a sub-arterial road, conveying traffic from areas of development directly from one part of a region to another (not primarily used for access purposes).

Public transport is available from the entry to the development on Ulan Road. The number 563 bus service runs 3 times a day on a "hail and ride" system. It is assumed that only a small percentage of residents of the new subdivision will use public transport service. Cycle paths are available a short distance from the subdivision originating at the existing "Bombira Estate" and continuing into the Mudgee CBD. The inclusion of this cycleway will encourage residents to walk and cycle, but it is assumed for the purposes of this report that the majority of the subdivision residents will be using vehicles as their main mode of transport and only a small reduction in the estimated traffic figures from the development has been used.

At the site of the proposed subdivision, Ulan Road is sealed and conforms with Mid Western Regional Council minimum guidelines for sealed road and formation widths. The development



sits just inside a 100km/hr zone, with the existing 80km/hr zone starting approximately 150m from the proposed entry site.

Although the site has been designed with a single entry point to Ulan Road, a proposed development adjacent will include a connecting road to this development and a separate access point to Ulan Road. It is anticipated that in the future some traffic from this development will access Ulan Road by travelling through the adjacent subdivision, but for the purposes of this report no reduction in the expected subdivision traffic has been allowed for motorists using the alternative access point.

### Expected Traffic Generation

The expected traffic increase generated by the development is shown in the table below and in the plan attached in Appendix A (BK007 – Traffic Generation).

Number of Dwellings	Daily Vehicle Trips	Peak Hour Vehicle Trips
136	979*	120

Table 1.1: Expected Increase in Traffic Due to Development

\* Daily vehicle trips includes an allowance of 10% of daily trips to be internal to the subdivision and 10% of daily trips to be walking/cycling/public transport (Austroads 2009).

Traffic generated from the development was assumed to generally in accordance with table 4.5 of the Mudgee Traffic Management Study prepared by Gennaoui Consulting (2008), which assumes that the majority of the traffic from new residential lots will have a destination or origin that gives the following distribution:

- CBD 35%
- Industrial (Sydney Rd) 26%
- Existing Residential 14%
- Sydney Road 6%
- Ulan, Gulgong Roads 14%
- Internal Trips 5%

Using the above figures, the expected traffic generation throughout the subdivision and along Ulan Road is shown in Appendix A – Plan of Traffic Generated from Development.

It is important to note that these traffic figures are for the whole development, i.e. six stages completed. With the land to be released in 20-30 lot stages the development would not be expected to be complete for 5-7 years time and the traffic would be gradually increased with each stage release.

Traffic increases on the local road network surrounding the development and the impact on the level of service of the roads are shown in Table 2 below. Traffic data was obtained from Mid Western Regional Council with traffic counts conducted for the three month period between

February and May 2011 (latest available traffic data recorded by Mid Western Regional Council). As no peak hour data was available, peak hour figures shown in the table below have been estimated from the AADT figures in line with recommendations from Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections, section 4.8, page 47.

	AADT (Existing)	Peak Hour (Existing)	AADT (Post Development)	Peak Hour (Post Development)	Level of Service Pre Development	Level of Service Post Development
Ulan Road  (North of Hollyoak Bridge – approx 1.4km from site)	7615	685	8398	781	A	B

Table 2: Traffic Data along Ulan Road pre and post development

The level of service rating refers to the Austroads definition of the number of vehicles that can pass over a given section of roadway during one hour while operating conditions are still maintained at the specified level of service. Levels of service range from A (almost no delays) to F (jammed), and it is suggested that levels of service do not exceed level C for sub-arterial roads such as Ulan Road. The carriageway level of service for Ulan Road will change from A to B on the estimates provided in this report, which is not considered to warrant any changes to the road to increase its capacity.

The percentage of heavy vehicles currently using Ulan Road was measured in the Mid Western Regional Council traffic counts as 5.4%. The development is not expected to generate large numbers of heavy vehicles along Ulan Road due to zoning restrictions and the intended use as a residential subdivision. Heavy vehicles using Ulan Road during the construction phase of the development will be limited by ensuring a balanced cut/fill ratio for the internal roads and other earthworks in the subdivision, so excess cut and fill will not need to be trafficked out of the development site.

### Intersections Affected

The intersection of the new access road to the development was assessed for sight distance. The location of the new intersection is shown in figure 1 and 2 below.



**Figure 1**

View from location of new intersection looking South towards Mudgee

**Figure 2**

View from location of new intersection looking North towards Ulan



The safe intersection sight distance was measured in each direction at a point 1.25m above the ground at a point 5m back from the holding line at the intersection (on the minor road) to a point 1.1m above the ground on the major road. The distance measured during the site visit was more than 1km in the Northern direction (looking toward Ulan), with an extremely clear line of sight due to the straight road and gentle upwards slope in the Northerly direction. The

sight distance was measured at 450m in the Southern direction (towards Mudgee), with sight available from the proposed intersection to the corner of Ulan Road and Moggs Lane, where the road bends around and down the corner. In order to verify the distances recorded, travel times from sighting approaching cars were recorded during the site visit, with the lowest time recorded at 14 seconds for the Southern approach and over 30 seconds from the Northern approach.

Table 3.2 of Austroads (2010) Part 4A recommends that the minimum sight distance for an intersection with a 100km/hr design speed and a reaction time of 2.5 seconds (the most conservative estimate available) is 262m. The actual SISD measured on site was well in excess of this amount.

The minimum gap sight distance was measured according to Austroads (2010) as the distance from a point 1.0m behind the hold line at a height of 1.1m above the ground, to the centre of the oncoming traffic lane at a height of 0.65m above the ground.

Austroads requires minimum gap sight distances to be as shown in Table 3 below:

Movement	Min $t_a$ (critical acceptance gap - seconds)	Min gap sight distances (from $t_a$ value)	Measured gap sight distances
Left hand turn from development to Ulan Road	14	389m	>500m
Right hand turn from Ulan Road to development	4	111	>500m
Right hand turn from development to Ulan Road	14	389m	430m

Table 3: Minimum gap sight distances

The values given in the above table for the minimum critical acceptance gap for the left and right hand turn from the development are conservative values that do not require oncoming traffic to slow, i.e. the vehicle turning onto Ulan Road should have sufficient time to accelerate to the design speed so that the oncoming traffic will not have to slow down. Austroads does allow a reduced figure for the critical acceptance gap of 5 seconds if the oncoming traffic is required to slow down, which is not the case in this instance as the sight distance is large enough to ensure that this should not happen.

### Recommendations

It is recommended that due to the increase in traffic using the Ulan Road / New Access Road intersection the recommended entry to the development should be a CHR/CHL type intersection. Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections specifies the appropriate type of intersection based on major and minor road traffic volumes

during peak times. Based on the major road volume of +700 vehicles/hour and the minor volume of 120 vehicles/hour, the appropriate intersection type is a CHR/CHL intersection.

It is further recommended that consideration be given to extending the current 80km/hr speed zone along Ulan Road to include the entire subdivision frontage by expanding the 80km/hr speed zone by another 600m towards Ulan. Although not strictly necessary it would help to increase safety at the intersection of the new access road with Ulan Road.

### Summary

The proposed subdivision at Ulan Road, Mudgee will generate an increase in traffic on the surrounding road network, specifically along Ulan Road. Ulan Road will continue to function at a level of service B, which is still acceptable. Due to the expected traffic to be using the single access point along Ulan Road, it is recommended that the intersection of the new access road with Ulan Road be constructed to a minimum CHR/CHL treatment to ensure the safety of the road users.

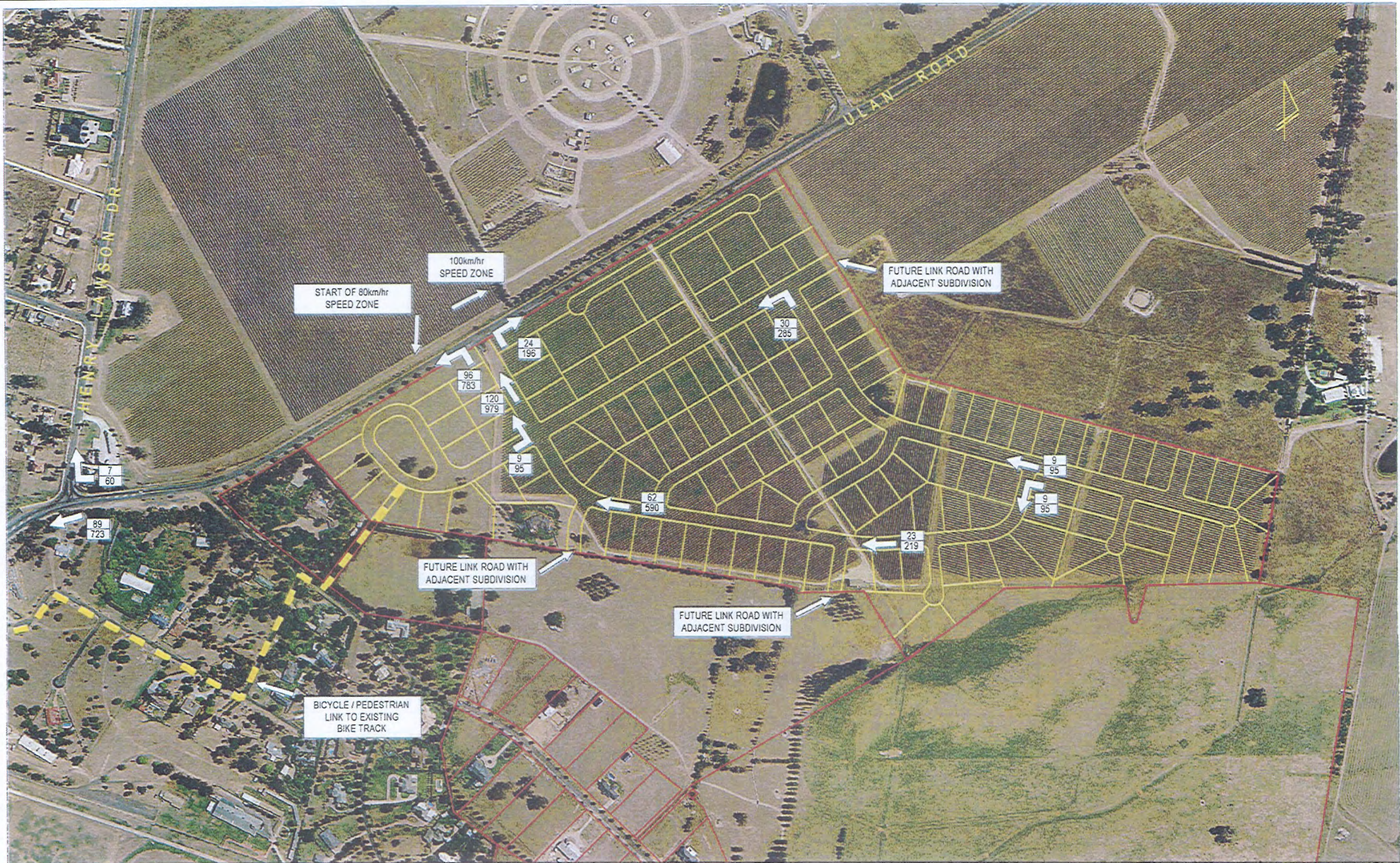
### References

AUSTROADS (2009), "Guide to Traffic Management Part 12: Traffic Impacts of Development".

AUSTROADS (2005), "Guide to Traffic Engineering Practice – Part 5: Intersections at Grade".

Gennaoui Consulting Pty Ltd (2008), "Mudgee Traffic Management Study", March 08, Revision H, Pennant Hills, NSW

**Prepared by:**  
**Jim Disher**  
**ENGINEER**  
**JABEK PTY LIMITED**



NOTES:

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Client: MR D. KENNEDY  
 Plan: TRAFFIC GENERATION FROM PROPOSED SUBDIVISION

Drawn: JU	Detail
Checked: RJC	CONCEPT RESIDENTIAL DEVELOPMENT
Author: AHD	
Scale: internal	
Sheet size: A3	
Drawn:	
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	Sheet Number: 1 OF 1

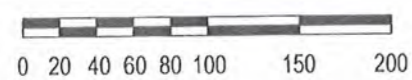
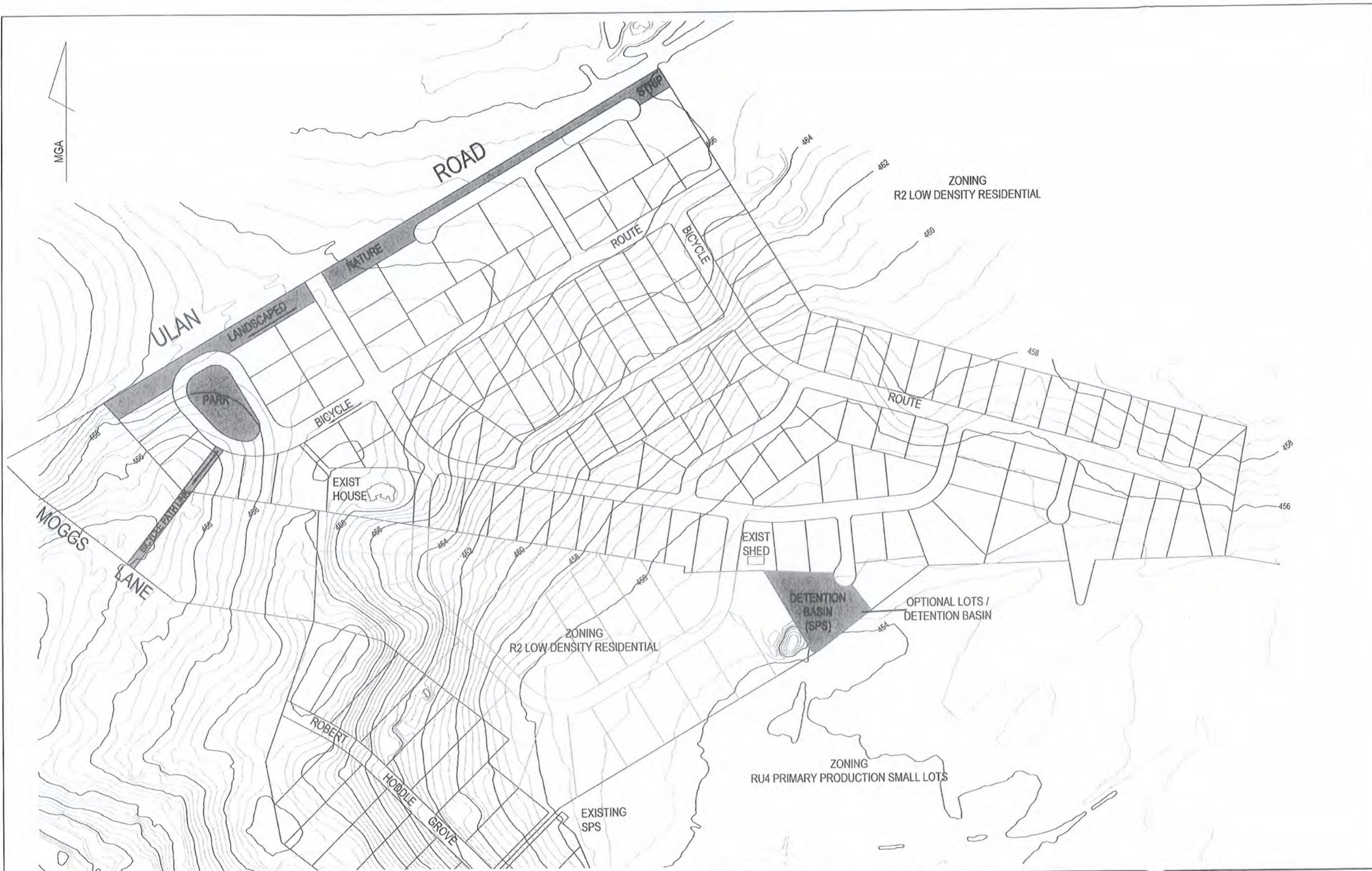
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## APPENDIX D – CONCEPT PLANS

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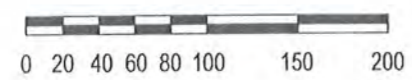


(SPS) DENOTES SEWER PUMP STATION

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Client  
 MR. DES KENNEDY  
 Plan  
 PROPOSED SUBDIVISION OF LOT 1  
 DP1000182

drawn	Kate	Detail	CONCEPT SUBDIVISION LAYOUT
checked	RJC		
datum	AHD		
cont. interval			
sheet size	A3		
scale			
file	BR007 CONCEPT.dwg	date	11/2/2013
		sheet number	1 OF 5

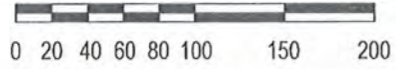


(SPS) DENOTES SEWER PUMP STATION

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Client  
MR. DES KENNEDY  
Plan  
PLAN OF SUBDIVISION OF LOT 1 DP1000182

drawn		Kate	Notes CONCEPT LOT SIZE
checked	RJC		
datum		AHD	
cont. interval			
sheet size		A4	
scale			
file	BK007 CONCEPT.dwg	date	11/2/2013
		sheet number	2 OF 5

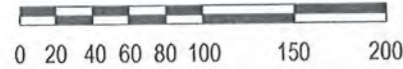


(SPS) DENOTES SEWER PUMP STATION

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Client  
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 Plan  
 PLAN OF SUBDIVISION OF LOT 1 DP1000182

drawn	Kate	Notes			
checked	RJC				
datum	AHD	CONCEPTUAL SEWER RETICULATION			
cont. interval					
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scale					
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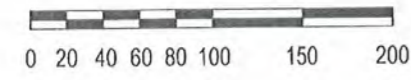
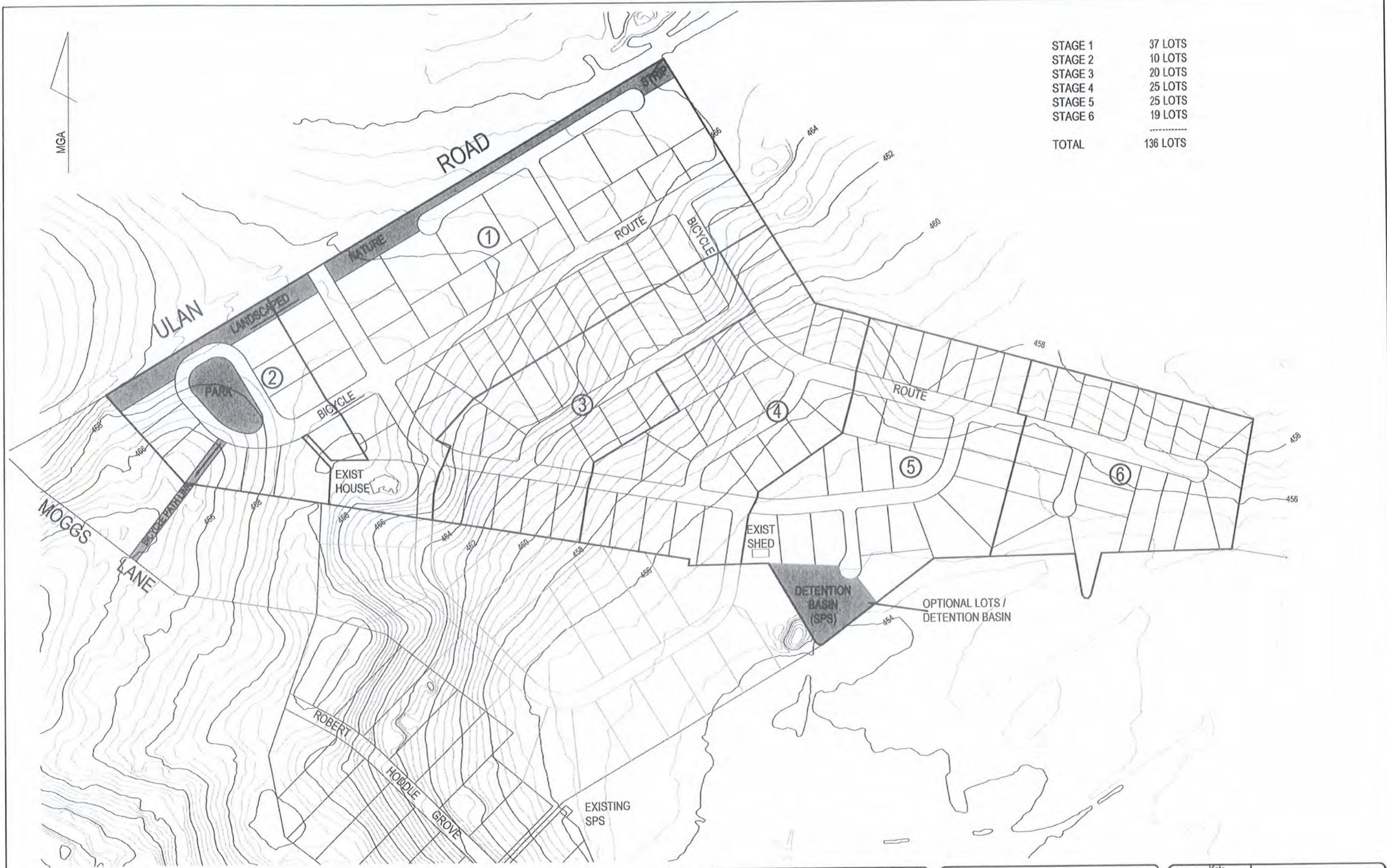
(SPS) DENOTES SEWER PUMPING STATION

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Client  
 MR. DES KENNEDY  
 Plan  
 PROPOSED SUBDIVISION OF LOT 1  
 DP1000182

drawn	Kate	Detail	CONCEPTUAL DRAINAGE MOVEMENTS
checked	RJC		
datum	AHD		
cont. interval			
sheet size	A3		
scale			
file	BK007 CONCEPT.dwg	date	11/2/2013
		sheet number	4 OF 5

STAGE 1	37 LOTS
STAGE 2	10 LOTS
STAGE 3	20 LOTS
STAGE 4	25 LOTS
STAGE 5	25 LOTS
STAGE 6	19 LOTS
TOTAL	136 LOTS



(SPS) DENOTES SEWER PUMPING STATION

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 Mobile: 0427 721818  
 Email: crooks.jabek@yahoo.com.au

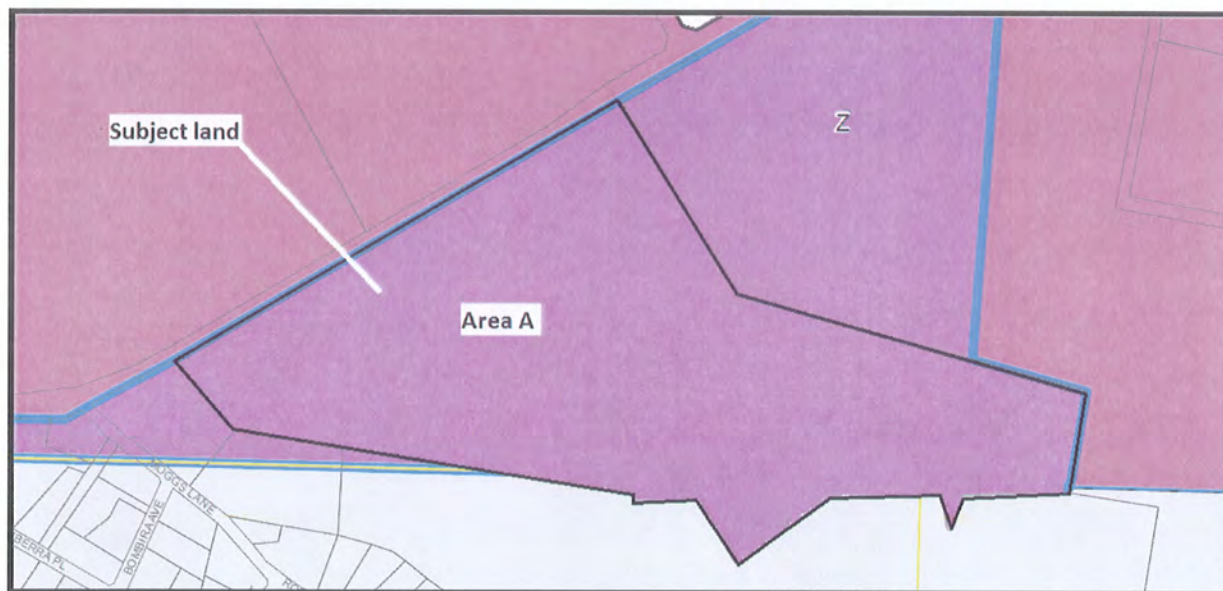
Client  
**MR. DES KENNEDY**  
 Plan  
**PROPOSED SUBDIVISION OF LOT 1  
 DP1000182**

drawn	Kate	Detail	
checked	RJC	CONCEPTUAL STAGED DEVELOPMENT	
datum	AHD		
cont. interval			
sheet size	A3		
scale			
file	BK007 CONCEPT.dwg	date	11/2/2013
		sheet number	5 OF 5

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# APPENDIX E – PROPOSED CHANGES TO LOT SIZE MAP UNDER MID-WESTERN REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

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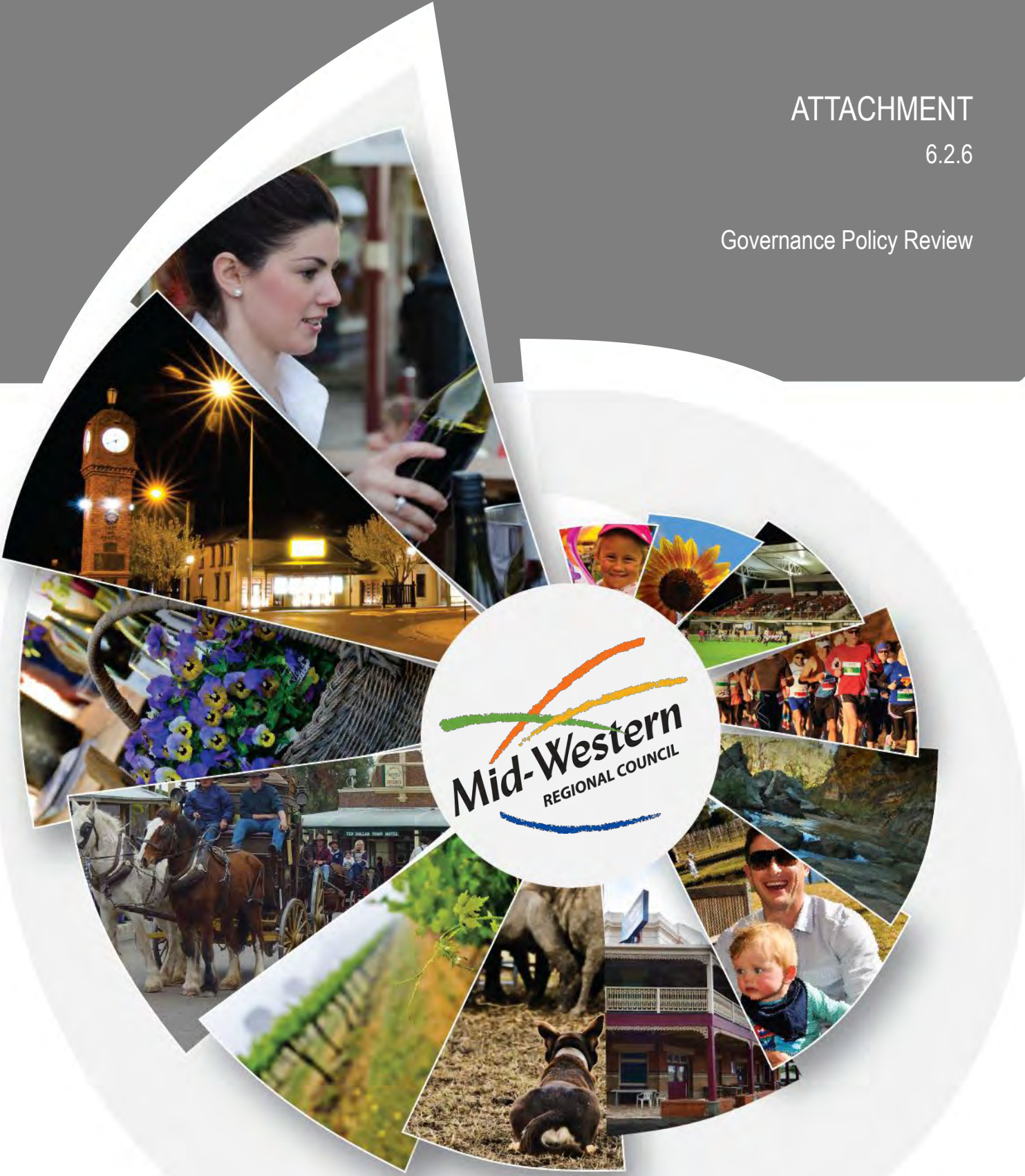



*Amending MWRLEP Lot Size Maps (Sheet LSZ\_006F and Sheet LSZ\_006G) to label the subject land 'Area A' as depicted above - to provide minimum subdivision size to 2000m<sup>2</sup>, under Clause 4.1 (3A) of MWRLEP.*

ATTACHMENT

6.2.6

Governance Policy Review



	<b>POLICY</b>	<b>ADOPTED</b> C/M 16/2/11 Minute No. 28/11
	<b>ACCESS TO INFORMATION</b>	REVIEW: May 2012  FILE No. A0220040, A0100021

## 1. Purpose

To establish the principles that apply and Council's approach to, disclosure of information and rights of public access to documents.

Council is subject to NSW legislation regarding disclosure of information, in particular the Local Government Act (LGA), the Government Information Public Access Act (GIPA) and the Environmental Planning and Assessment Act. It also is subject to the NSW Privacy and Personal Information Protection Act and Health Records Information Privacy Act that establish standards for information handling practices for personal and health information.

The Commonwealth Copyright Act may apply in some circumstances to limit the copying of certain documents held by the Council.

## 2. Policy statement

Council is committed to:

- Openness and transparency in the conduct of its public functions.
- Proactive disclosure and dissemination of information about operations, plans and decisions or information that will enhance quality of life and economic development of the community.
- Provision of access to Council documents unless disclosure in a particular case would be contrary to the public interest.

## 3. Principles

Council will promote disclosure and dissemination of information about operations, plans and decisions, and information that promotes community advancement on its website wherever practicable, and will facilitate public access through this and other appropriate mediums.

Documents required by law to be available for public inspection will be posted on the website, unless internet access poses an unacceptable risk of interference with privacy through potential data gathering and matching techniques or unless to do so would impose unreasonable additional costs on Council.

Any person is entitled to have information about their place of residence suppressed from documents available for inspection where disclosure would endanger personal safety, or removed from any register available for public inspection in accordance with the NSW Privacy and Personal Information Protection Act.

Other Council documents not posted on the website will be available for inspection unless disclosure on balance is contrary to the public interest.

Copying of some documents may be restricted where the Copyright Act imposes limitations.



## **ACCESS TO INFORMATION**

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Council's Guidelines on Access to Information (attached) list the types of documents available including public registers available for inspection.

The Guidelines also list the categories of documents not available because of legislative restrictions or because disclosure is likely to be contrary to the public interest. Documents of this kind include those that contain information about the personal affairs of other ratepayers, commercially sensitive information, or information which if disclosed would have an adverse effect on Council's law enforcement or other functions, such as the identifying particulars of complainants.

Inspection of Council documents which are specified as Open Access Information as outlined in Clause 18 of the GIPA Act, is free of charge, or on payment of reasonable copying charges. Fees for Formal Applications are outlined in the attached Guidelines.

Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions may be refused on the grounds that such a diversion of resources is contrary to the public interest (Clause 60 GIPA Act).

Any member of the public may also lodge a formal application under the GIPA Act, which will be dealt with in accordance with the Act's provisions. Formal applications will not be required where documents are otherwise available in accordance with this policy and associated guidelines.

Any individual also has a right to know what personal or health information Council holds about him or her, to access that information in accordance with the provisions of the NSW Privacy and Personal Information Protection Act and the NSW Health Records and Information Privacy Act, and to amend that information in certain circumstances.

**MID-WESTERN REGIONAL COUNCIL  
GUIDELINES ON INFORMATION ACCESS  
(To be read in conjunction with Council's Access to  
Information Policy)**

**Introduction**

These guidelines set out the documents and types of information that are available to members of the public on a proactive basis, and those that will not generally be available for inspection and copying. These guidelines relate not only to written information, or information held within another format, such as within a computer system but also any information given out face to face, or via a telephone or email.

Council is committed to proactive dissemination of information about the conduct of its public functions and information that will assist community advancement.

Documents required to be available for public inspection as open access information will, where practicable, be made available on Council's website, unless to do so would impose unreasonable additional costs on Council.

Council will deal with informal requests to inspect other documents in accordance with the GIPA Act free of charge but charges may apply for photocopies, and for any additional services which go beyond the provision of access to identified documents.

The rights of access under the GIPA Act are the specified documents listed in Schedule 5 Government Information (Public Access) Regulation 2009 of the Act, and to other documents held by the Council unless disclosure is, on balance, contrary to the public interest.

While any application will be considered on its merits Council may refuse access where:

- a) dealing with the application would require an unreasonable and substantial diversion of the Council's resources,
- (b) the Council has already decided a previous application for the information concerned (or information that is substantially the same as that information) made by the applicant and there are no reasonable grounds for believing that the Council would make a different decision on the application,( clause 60)

Any applications will be processed in accordance with the Act's requirements and a decision made to provide access to the documents, or not to provide access based on public interest considerations of the GIPA Act. Charges for formal GIPA applications are set out in Council's Schedule of Fees and Charges.

An individual also has rights to access and amend the personal and health information held by Council about him or her under the NSW Privacy and Personal Information Protection Act (PPIPA) and the NSW Health Records and Information Privacy Act (HRIPA). Where information about an individual is held in documents, files or systems that include information about other persons, any request should be made under the GIPA Act which provides for consultation with any other affected parties prior to the possible provision of access to information concerning their personal or business affairs.

**Privacy Legislation and Access to Council Information and Documents**

## **ACCESS TO INFORMATION**

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The privacy acts referred to above also apply to the collection, storage, use and disclosure of personal and health information by Council. The acts set out principles for the handling of this type of information.

Full details of the acts and Council's obligations are set out in the Privacy Management Plan.

It is not a breach of the privacy principles to disclose personal or health information where this is in accordance with the acts, (eg where disclosure is consistent with the purpose for which the information was collected, or where the person was aware that particular information is usually disclosed) or where another act or law requires, permits or contemplates disclosure.

Disclosure of documents required to be made available for public inspection by the GIPA Act, Local Government Act, the Environmental Planning and Assessment Act or any other act, of disclosure under the GIPA Act is not contrary to privacy legislation.

Where access to other documents is requested and a judgment needs to be made about whether disclosure, on balance, is contrary to the public interest, privacy may be a consideration if personal information about another person is involved. Relevant factors include the nature of the information, and the degree to which disclosure involves significant privacy issues, and any public interest that would be advanced by disclosure. Council may need to be able to explain considerations taken into account in deciding to disclose personal information to someone other than the person concerned.

### **Council Documents Available for Inspection**

The following documents are available for inspection as required by Schedule 5 Government Information (Public Access) Regulation 2009 and can be accessed via Council's website or by contacting either Council's Right to Information Officer or Council's Customer Service Section on 6378 2850.

#### **1 Information about Council**

- (1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
  - (a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
  - (b) code of meeting practice,
  - (c) annual report,
  - (d) annual financial reports,
  - (e) auditor's report,
  - (f) management plan,
  - (g) EEO management plan,
  - (h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,
  - (i) annual reports of bodies exercising functions delegated by Council,
  - (j) any codes referred to in the LGA
  
- (2) Information contained in the following records:
  - (a) returns of the interests of councillors, designated persons and delegates,
  - (b) agendas and business papers for any meeting of Council or any committee of Council (but not including business papers for matters considered when part of a meeting is closed to the public),
  - (c) minutes of any meeting of Council or any committee of Council, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,

(d) Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

(3) Information contained in the current version of the following records:

- (a) land register,
- (b) register of investments,
- (c) register of delegations,
- (d) register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008,
- (e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
- (f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

### **2 Plans and policies**

Information contained in the current version and the most recent previous version of the following:

- (a) policies adopted by Council concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within the local authority's area.

### **3 Information about development applications**

(1) Information contained in the following records (whenever created):

- (a) development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development including the following:
  - (i) home warranty insurance documents,
  - (ii) construction certificates,
  - (iii) occupation certificates,
  - (iv) structural certification documents,
  - (v) town planner reports,
  - (vi) submissions received on development applications,
  - (vii) heritage consultant reports,
  - (viii) tree inspection consultant reports,
  - (ix) acoustics consultant reports,
  - (x) land contamination consultant reports,
- (b) records of decisions on development applications (including decisions made on appeal),
- (c) a record that describes the general nature of the documents that the council decides are excluded from the operation of this clause by subclause (2).

(2) This clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

### **4 Approvals, orders and other documents**

Information contained in the following records (whenever created):

## **ACCESS TO INFORMATION**

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- (a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the Environmental Planning and Assessment Act 1979,
- (g) plans of land proposed to be compulsorily acquired by the local authority,
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land.

### **Public Registers**

In addition to registers mentioned above, Council maintains other registers which are required by law to be available for public inspection.

Where the public register contains personal or health information, Council is required to ensure that access by a member of the public is for a purpose consistent with the purpose for which the register exists. The Local Government Code of Practice issued under the Privacy and Personal Information Protection Act (PPIPA) permits Council to provide access to such registers by way of inspection on Council premises and for the copying of an entry or page in the register without regard to the purpose of the person who seeks access.

Council reserves the right to seek to satisfy itself about the purpose of access and to require a statutory declaration from the person seeking access that personal information will only be used for a specified lawful purpose.

In relation to the returns of interests of councillors, designated persons and delegates Council will maintain a record of the names of persons who access these documents.

Council maintains some registers which are not available for public inspection. Particular entries in these registers, for example from Council's Rates Record and the Register of Impounded Items required by the Impounding Act, are available to any person. In the case of an application for a certificate of an entry in the Rates Record under Section 603 of the LGA, a charge is payable.

### **Access to Other Documents Held by the Council**

Other Council documents are available for inspection under the GIPA Act unless disclosure is, on balance, contrary to the public interest. Any application must be received in writing and will be processed promptly and within the agreed timeframe.

The request should specify the documents sought, with a reference to any time or date limitations. Any application will be considered on its merits and considered in the light of the obligation to make documents available unless public interest considerations favour the withholding of the document(s).

### **Information and Documents Not Usually Available**

Information about the name of a property owner is in the public domain through internet access to the register maintained by the NSW Land and Property Information Service.

Council holds information about property ownership for the purpose of carrying out its functions. Council policy is not to make available information about the name of a property owner except in

## **ACCESS TO INFORMATION**

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emergency circumstances or where the enquirer can establish a clear need to know. Council will not supply bulk property data to third parties for the purposes of direct marketing.

Documents listed below will not usually be available because they are excluded from the right to access by an express provision in the LGA, or Council has concluded that disclosure of such documents, or documents containing information of the kind indicated would, in the usual case, be contrary to the public interest.

### **Documents Not Available Because of Provisions in LGA**

The following information will not be available:

- Papers submitted to Council for consideration in a closed session.
- Documents containing information about personnel matters concerning particular individuals, the personal hardship of any resident or rate payer, trade secrets or other sensitive commercial information, or where disclosure would found an action for breach of confidence.
- Documents that contain information, the release of which would constitute an offence against an Act.

### **Other Documents Not Available**

- Documents or parts of documents which would reveal the identifying particulars of persons who provide information to Council in connection with its law enforcement and regulatory responsibilities, or who otherwise contact Council about matters of interest or concern, including complaints about other persons conduct or activities, and matters that require investigation by Council.
- Documents which reveal confidential communications between the Council and its legal advisers, or documents which have been prepared by Council officers or others for the dominant purpose of use in proposed or anticipated legal proceedings.
- Documents, the release of which are likely to endanger the life or safety of any person, or the security of any building or structure, or which would prejudice the conduct of a lawful investigation by Council or another authority.
- Documents concerning Council functions or operations where disclosure would have a prejudicial effect on Council's property or financial interests, or would otherwise have an adverse effect on its regulatory functions, or its capacity to operate in an efficient and effective manner.
- Council working documents prepared or received in connection with its decision making functions, prior to the making of a decision by Council, a committee of Council, or an officer exercising delegated authority.

It should be noted that access through verbal advice as to the content of documents listed above is also not available.

### **Large General Requests for Access to Documents**

Broad, general requests for a large number of documents, for example all documents of a certain kind, or documents held on a number of different Council files, or which otherwise require a substantial allocation of Council resources, may be refused after consideration of the public interest factors involved by Council's Public Officer/ Right to Information Officer. The Officer may, in the light of an assessment of the work involved in identifying, locating, collating and assessing a large number of Council documents, conclude that access should be refused on the grounds that the substantial diversion of Council resources necessary to deal with the application would, on balance, be contrary to the public interest. The Public Officer/Right to Information Officer shall, in reaching such a decision take into account the following:

- an assessment of the work and time involved in responding to the application.

## **ACCESS TO INFORMATION**

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- the extent to which the work involved in dealing with the request would result in Council resources being diverted from dealing with other access requests, or from other important functions.
- the nature of the documents requested and any public interests to be advanced by disclosure generally, or disclosure to the particular applicant. Council acknowledges there is a public interest in disclosure of documents about Council operations and the exercise of its functions, and in a particular applicant gaining access to documents where there is a strong and justifiable right to know.

However the right to access documents free of charge to an individual also requires consideration of the effect the processing of such an application may have on the rights of others, and on the efficient and effective use of Council resources in the interests of all ratepayers.

### **Refusal of Access**

Where access to documents is refused under the GIPA Act, Council will advise the applicant in writing of the reasons for the decision. In the case of refusal on grounds that dealing with the request would involve the substantial diversion of Council resources, the Public Officer/Right to Information Officer will provide details to the applicant in writing, including an estimate of the time involved in responding to the application and consideration of the other factors mentioned in these guidelines however before doing so will give the applicant a reasonable opportunity to amend the application

Any applicant dissatisfied with Council's handling of a request for documents under GIPA Act may seek a review in accordance with Sections 82 - 88 of the GIPA Act and may also seek a review of reviewable decisions through either the Information Commissioner or the Administrative Decisions Tribunal.

### **Copyright**

Copyright issues may arise when requests are made for copies of documents held by the Council. The Commonwealth Copyright Act (1968) takes precedence over State legislation. Therefore the right to copy documents under GIPA does not override the Copyright Act.

If Council commissions a report etc from a consultant it will be under the terms of the contract whether it can be copied. With regard to documents supplied with development applications, Council's development application form includes a statement whereby applicants give their permission to allow documents included with a development application to be accessed under the GIPA Act.

### **Access to Information by Councillors and Administrators**

The process for access to information by Councillors and Administrators is outlined in Clause 10 of Council's Code of Conduct.

### **GIPA Act**

Access to the GIPA Act is available from the website of the Office of the Information Commission of NSW at the following link:

[http://www.informationcommissioner.nsw.gov.au/lawlink/oic/ll\\_oic.nsf/pages/information\\_commissioner\\_legislation](http://www.informationcommissioner.nsw.gov.au/lawlink/oic/ll_oic.nsf/pages/information_commissioner_legislation)

# Government Information (Public Access) Act 2009

## ACCESS APPLICATION

Please complete this form to apply for formal access to government information under the *Government Information (Public Access) Act 2009* ("GIPA Act"). Please forward to Right to Information Officer, Mid-Western Regional Council PO Box 156 (or 86 Market Street) Mudgee NSW 2850. If you need help in filling out this form, please contact the Right to Information Officer on 6378 2850 or visit our website at [www.midwestern.nsw.gov.au](http://www.midwestern.nsw.gov.au)

### Your details

**Surname:** ..... **Title:** Mr / Ms  
**Other names:** .....  
**Postal address:** ..... **Postcode:** .....  
**Day-time telephone:** ..... **Facsimile:**.....  
**Email:** .....

*The questions below are optional and the information will only be used for the purposes of providing better service.*

**Place of birth:**.....**Main language spoken:** .....

**Aboriginal or Torres Strait Islander:** Yes / No (circle one)

**Do you have special needs for assistance with this application:** .....

.....  
.....

I agree to receive correspondence at the above email address.

### Government information

Please describe the information you would like to access in enough detail to allow us to identify it.

Note: If you do not give enough details about the information, the Council may refuse to process your application.

.....  
.....  
.....  
.....  
.....  
.....

Are you seeking personal information? **Yes / No** (circle one)



**ACCESS TO INFORMATION**

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**Form of access**

How do you wish to access the information?

- Inspect the document(s)  A copy of the document(s)
- Access in another way (please specify) .....

**Application Fee**

I attach payment of the **\$30 application fee** by cash / cheque / money order (circle one).

(Note: please do NOT send cash by post)

**Disclosure log**

If the information sought is released to you and would be of interest to other members of the public, details about your application may be recorded in the agency's 'disclosure log'. This is published on the agency's website.

Do you object to this? **Yes / No** (circle one)

**Discount in processing charges**

If you are given access to the information sought, you may be asked to pay a charge for processing the application (\$30 / hour). Some applicants may be entitled to a 50% reduction in their processing charges. If you wish to apply for a discount, please indicate the reason:

- Financial hardship – please attach supporting documentation (eg a pension or Centrelink card).


**AND / OR**

- Special benefit to the public – please specify why below:

.....  
.....  
.....

Applicant's signature: .....

Date:

	<b>POLICY</b>	ADOPTED C/M 16/6/10 Minute No. 162/10
	<b>COMPANION ANIMALS MANAGEMENT PLAN</b>	REVIEW: June 2012 FILE No. A0100021

**PURPOSE**

- To recognize that companion animals form part of the Mid-Western community, contributing to the general quality of life.
- To ensure the needs of companion animals, their owners and other citizens are accommodated harmoniously.
- To achieve high levels of responsible pet ownership through consultation and integrated management with the community.

**SCOPE**

Mid-Western Regional Council's Companion Animals Management Plan aims to achieve high levels of responsible pet ownership through consultation and integrated management with the community that leads to a higher quality of life for both our human and animal inhabitants.

This plan has been produced to strategically manage key companion animal issues for the attainment of identified goals.

The introduction of the Companion Animals Act in NSW has changed the way animals are managed by local authorities, and has for the first time introduced controls over domestic cats.

New legislation and changing community expectations means new approaches are now required.

Council recognises the importance of having a Companion Animal Management Plan as a key strategy in the effective management of animals in the community

## **GENERAL PRINCIPLES**

Mid-Western Regional Council has identified the need to develop a Companion Animal Management Plan to improve outcomes in the area of companion animal management.

The aim of implementing a Companion Animal Management Plan is to provide guidance for Council to fulfill its responsibilities under the Companion Animals Act, 1998 by determining objectives and priorities, along with a clear program of implementation.

Part 1 of the plan provides the strategic framework for key areas. It examines relevant issues and responsibilities in relation to companion animal management.

Part 2 identifies action plans and performance indicators, focusing on the following key areas:

- Registration and Identification
- Animal Welfare
- Public Safety
- Nuisance Animals and excessive barking
- Impounding Animals
- Dog off leash facility

These outline the actions necessary for Council to reach and achieve the goals and aims outlined in the strategic framework.

By implementing the plan, Council aims to:

- Achieve a high level of responsible pet ownership through consultation and integrated management with the community
- To ensure the needs of companion animals, their owners and other citizens are accommodated harmoniously.
- Increase the number of animals microchipped and registered to reduce the number of animals going to the pound.
- Shift the focus away from enforcement based animal control to one of education and encouragement of community responsibility
- To reduce the negative impacts by companion animals in the community and the environment.
- To ensure the resources and facilities for the control, impounding, management and care of companion animals are established and maintained.
- To ensure procedures for enforcement of the Act are educationally based and project fair
- Have clear, consistent and achievable goals.

## ***Part 1: PROMOTING RESPONSIBLE PET OWNERSHIP***

Council encourages all pet owners to be responsible for their pets' actions. Owning a pet comes with responsibilities for the animal, and respect for the community.

Council aims to assist by educating and promoting responsible pet ownership, as set out by the Strategic Companion Animals Management Plan.

Council aims to encourage pet owners to be responsible for their pet's actions through education and enforcement.

Being a responsible pet owner includes:

- Making sure the animal is properly identified and registered
- Provide basic needs for health and welfare for the animal
- Minimise nuisance behaviour and potential negative impacts on the environment and community
- Keeping animals out of prohibited areas
- For dogs, ensuring they are under effective control of a leash while in public.

## **Registration and Identification**

### Objectives

- To encourage the permanent microchip identification of companion animals
- To facilitate the prompt return of lost or stray companion animals to their owners.
- To provide an efficient service for customers updating or registering details on the NSW Companion Animal Register.

### Background

The management of companion animals is highly dependant on the animals being properly identified. Identification also leads to the ability to return the animals, and for the owners to be made accountable under the NSW Companion Animals Act.

Appropriate identification and registration is integral to the management of companion animals. Microchipping and registration allows lost or staying animals to be identified and returned to their owners as quickly as possible, generally avoiding the need for animals to be impounded.

Council encourages pet owners to:

- Make sure their animal is microchipped, has a collar and a tag
- Microchip their animal before 12 weeks of age and register by 6 months of age pursuant to the Companion Animal Act.
- Notify Council of certain changes and events, such as changes to registration or identification information or if the animal goes missing or dies.

Strategies to increase the number of microchipped and registered companion animals include:

- Community education programmes to promote the benefits of microchipping and greater understanding of the 2 step identification process.
- Encouraging companion animal owners to notify Council of changes of contact details.
- Microchip dog days where microchipping is offered at discounted rates

## **Animal Welfare**

### Objectives

- Promote responsible pet ownership
- Encourage companion animal owners to provide appropriate mental and physical challenges for their animal to improve animal welfare and reduce adverse impact on the general community.

### Background:

Many pet problems arise from animals experiencing frustration or boredom causing reactions such as barking, chasing and jumping up. By providing environmental enrichment such as the addition of cognitive, dietary, physical, sensory and social stimuli, physiological and psychological well being can be improved.

Animal welfare is defined as providing appropriate nutrition, shelter, exercise and interaction to enhance the physical and mental well being of the animal.

Council aims to work with local veterinary clinics and companion animal stakeholders to ensure animal welfare issues in the community are addressed.

### Actions:

Strategies for addressing animal welfare issues on the Mid-Western community include:

- Encourage animal owners to provide basic needs for the health and welfare of their pet.
- Promote desexing of non-breeding companion animals to reduce the number of unwanted pets euthanised.
- Ensure Council staff regard animal welfare as a high priority in all dealings with the community and their companion animals.

## Impounding Animals

### Objectives:

- To reduce the number of animals impounded and increase the return to owner rate.
- To facilitate the prompt return to owners of seized animals.
- To provide appropriate pound facilities and service for the surrender of animals.

### Background:

A large number of companion animals are impounded each year. Council aims to reduce the number of animals impounded, and increase the number of dogs returned to their owners. [Council will also look at avenues to increase the numbers of animals that are re-homed.](#)

Animals collected or impounded that are not properly microchipped or registered shall be taken to Council's pound. All injured animals shall receive veterinary care to alleviate their suffering.

Council provides a service for the surrender of animals. Council aims to encourage the surrender of animals for reasons such as aggression, but does not encourage the surrender of animals where simple behaviour modification would suffice.

Animals that are not collected or adopted are held for the statutory periods following which time elapses, animals are humanely euthanised.

### Actions:

Strategies to address issues concerning impounding animals include:

- [Ensuring identified animals are returned as quickly as possible to their owners.](#)
- [Regularly liaise with the RSPCA about re-homing selected animals](#)
- Encouraging owners to identify and microchip their animal to expedite their return should they be impounded.
- Encourage authorised identifiers and staff to record as much owner contact information as possible to facilitate their prompt return to owners.
- Ensure animals in the care of Council's pound are well cared for, and the euthanasia of animals is conducted in an ethical and humane manner.

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## **Nuisance Animals and Barking Dogs**

### Objectives:

- Reduce the number of complaints received due to barking dogs, and take necessary action to reduce noise pollution.
- Develop strategies of management that reduce the incidence of nuisance animals and barking dogs.

### Background:

Council recognises that noise created by animals can cause aggravation, discomfort and conflict. Noise complaints can be labour intensive, difficult at times to follow up, and can result in neighbour disputes.

Barking dog complaints account for a large proportion of noise complaints received by Council.

Council aims to resolve animal noise complaints efficiently and effectively, and aims to attempt to reach an amicable outcome for all parties involved.

Under Section 21 of the Companion Animals Act 1998 a dog is a nuisance if it:

- Is habitually at large
- Makes a noise by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.
- Repeatedly defecates on any other person's property,
- Repeatedly chases any other person, animal or vehicle
- Endangers any other person or animal, or
- Repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.

### Actions:

Strategies for addressing animal noise problems within the community include:

- Gaining a better understanding of animal noise problems.
- Provide advice and work with animal owners to reduce animal noise.
- Review the current animal complaints procedure.
- Aim to reach an amicable outcome for all parties.
- Develop education packages in relation to nuisance animals.



## **Dangerous Dogs and Restricted Breeds**

### Objectives:

- Minimise the threat to public safety from dangerous dogs and restricted breeds.
- Reduce the number of dog attacks.
- Effectively monitor, manage and control the keeping of identified restricted breeds and declared dangerous dogs.

### Background:

Council receives a number of complaints of dog attacks each year. Council aims to significantly reduce the number of dog attacks.

As well as dogs attacking humans, there is also a very real problem with dogs attacking other animals and particularly in rural areas where dogs or packs of dogs attack livestock. Council acknowledges the impact that such incidents have on farmers and is committed to ensuring that dog owners recognise their responsibilities to prevent such attacks.

Council recognises its obligation under the Companion Animals Act to investigate reports of aggression in dogs and use preventative powers under the Act to control and manage animal aggression.

Under the provisions of the Companion Animals Act, 1998 Council will:

- Declare a dog as dangerous under the provisions of the Companion Animals Act if it attacks with or without provocation, a person or animal or repeatedly threatens to attack or repeatedly chases a person or animal.
- Conduct annual inspections of the premises where the restricted breeds and declared dangerous dogs are kept to ensure compliance with the legislation.
- Where appropriate and suitable, legal action is to be taken to ensure the safe keeping of restricted breeds and declared dangerous dogs to ensure public safety.

### Action:

In order to reduce the number of animal attacks and minimise threat to public safety, Council will:

- Promptly respond to reports of animal attack.
- Declare dogs as dangerous where necessary under the Companion Animals Act.
- Ensure owners of restricted breeds and declared dangerous dogs comply with any specified conditions (such as keeping their dog in a childproof enclosure) as required by the Act.
- Investigate the implementation of a school education program to teach children how to behave around animals in an attempt to reduce attacks on young children.
- Investigate circulating the rural communities with appropriate pamphlets to remind dog owners of the problems that can occur when dogs attack livestock.

## **Dog Off-Leash Areas**

### Objective:

- Provide dog off-leash facilities.
- Patrol and enforce prohibition of dogs in public places.

### Background:

Mid-Western Regional Council currently has three dog off-leash areas

- Glen Willow Sporting complex, Mudgee
- Peoples Park, Gulgong
- Rylstone Showground, along the banks of the river

Council recognises the benefit of an off-leash facility. Dogs need to be socialised with other dogs and humans. Exercise can play a part in alleviating unwanted behaviour such as excessive barking and some forms of aggression.

It is anticipated that a designated off-leash facility would also help prevent animal owners from using public parks and recreation areas. By providing a suitable off-leash facility, Council envisages compliance with leash requirements in other areas.

### Actions:

Council will:

- Monitor the operation of dog off leash areas.
- Encourage animal owners to make use of the facility rather than using public parks and recreation areas.
- Educate the community about the benefits of using the off-leash facility

## **Cat Management**

### Objectives:

- To increase the number of identified, registered and desexed cats
- To minimise the adverse impact of cats on wildlife and public amenity.

### Background:

There is a concern about the number of stray cats and unwanted kittens having to be euthanised during breeding periods.

Council aims to educate the community about the benefits of desexing their cat, and address issues associate with straying cats.

Cats can be a nuisance to surrounding neighbours and can also threaten native wildlife.

Under Section 31 of the Companion Animals Act, a cat is a nuisance if:

- It makes a persistent noise
- Repeatedly damages anything outside the property on which it is ordinarily kept.

Council recognises cats are more difficult to confine to a property than dogs. It is envisaged that each complaint will need to be examined on a case by case basis. A distinction also needs to be made between feral and domestic cats.

New cats are now required to be identified and registered under the Companion Animals Act.

Note: under the terms of the legislation, there is no definition for a 'stray cat'.

### Actions:

Council aims to improve cat management by:

- Promoting the desexing of cats.
- Educate cat owners of the benefits of keeping cats confined at night to protect both the cat and wildlife.
- Increase public awareness of the need to identify and register cats, and responsible cat ownership.

### **Community Education and Enforcement**

The benefits of an extensive education program supported by an appropriate level of law enforcement aimed at responsible community animal management are well recognised.

The best outcome for the general community, companion animals and their owners will be achieved through a well informed community supporting Council's efforts to provide the community with sound animal management.

Voluntary compliance is achievable through education, awareness programs and incentives and supported by law enforcement. The aim is to provide meaningful and lasting changes. The whole community, whether companion animal owners or not, should be involved in the process to achieve success and benefits for all.

A combination of education and law enforcement will be applied to achieve the required outcomes for responsible companion animal management. An understanding of the strengths and weaknesses of both are essential to maintain a well balanced approach to management that achieves the desired aims.

**Co-ordination with community stakeholders**

In formulating this Companion Animal Management Plan, Council invites the input of various companion animal stakeholders representing a range of organisations within the community.

Co-ordination with community stakeholders facilitates information sharing and co-operation to reach common goals.

Council will continue to consult and liaise with community stakeholders in issues relating to companion animal management.

## **Review**

Mid-Western Regional Council's Companion Animals Management Plan will be reviewed every 5 years and as required when legislation amendments occur.

This 5 yearly review will include consultation with the following community stakeholders:

- Local Government regulatory control officers
- Veterinary personnel
- Representatives from special interest groups
- Animal welfare stakeholders

## Part 2: ACTION PLANS AND PERFORMANCE INDICATORS

### Registration and Identification

Aim	Priority	Action	Performance Indicator
<ul style="list-style-type: none"> <li>• Increase the number of companion animals lifetime registered and microchipped.</li> <li>• Increased community awareness of the benefits of microchipping and registering their animal</li> </ul>	HIGH	<ul style="list-style-type: none"> <li>• Implement education programs to advise residents of the process (and benefit) of microchipping and lifetime registering their animal.</li> <li>• Ensure all information concerning identification and registration of animals is efficiently flowing to and from Mid-Western Regional Council</li> <li>• All fees obtained through the companion animal's registration system shall be solely dedicated to the control and management of companion animals</li> <li>• Education programs to remind companion animal owners to notify of changes of ownership, address or other details.</li> <li>• Liaise with and assist local veterinary clinics in raising community awareness about registration and identification.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in number of microchipped and lifetime registered animals in the community</li> <li>• Decrease in the number of animals impounded.</li> <li>• Prompt return of identified animals to their owners.</li> </ul>

Animal Welfare

Aim	Priority	Action	Performance Indicator
<ul style="list-style-type: none"> <li>• Increase the number of desexed companion animals</li> <li>• Encourage owners to be actively responsible for their animals' welfare.</li> <li>• Reduced numbers of companion animals euthanised or going to Council's pound.</li> </ul>	<p>HIGH</p>	<ul style="list-style-type: none"> <li>• Implement education programs that promote the benefits of desexing companion animals</li> <li>• Encourage and educate companion animal owners to appropriately house and care for their animals.</li> <li>• Encourage companion animal owners to provide appropriate mental and physical challenges for their animal to improve animal welfare and reduce adverse impact on the general community.</li> <li>• Ensure Council staff regard animal welfare a high priority in all dealings with the community and their companion animals.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased number of desexed companion animals in the community.</li> <li>• Increased community awareness about the benefits of desexing their animals.</li> <li>• Decrease the number of companion animals euthanised or taken to Council's pound</li> </ul>



Public Safety

Aim	Priority	Action	Performance Indicator
<ul style="list-style-type: none"> <li>• Reduce the potential threat to public safety by management of aggressive animals.</li> <li>• Reduced incidence of dog attacks.</li> </ul>	<p>HIGH</p>	<ul style="list-style-type: none"> <li>• Ensure an efficient and effective response to reported dog attacks.</li> <li>• Investigate reports of animal aggression.</li> <li>• Investigate the implementation of a school education campaign to teach children how to behave around animals.</li> <li>• Effectively monitor, manage and control the keeping of identified restricted breeds of dogs.</li> <li>• Declare dogs as dangerous where necessary under the provisions of the Companion Animals Act.</li> <li>• Conduct annual inspections of the premises where restricted breeds of dogs are kept to ensure compliance with the legislation.</li> <li>• Gain a better understanding of the status of dog aggression and causes for attacks in the Mid-Western community</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced incidence of dog attacks.</li> <li>• Increase community compliance with dangerous dog control requirements.</li> <li>• Efficient response to reported dog attack</li> </ul>

Public Education Program

Aim	Priority	Action	Performance Indicator
<ul style="list-style-type: none"><li>To ensure that owners of dogs, particularly in rural areas, are well informed about their responsibilities</li></ul>	<b>HIGH</b>	<ul style="list-style-type: none"><li>Encourage responsible dog ownership in rural areas</li><li>Encourage rural dog owners to ensure that their animals cannot venture onto adjoining properties and attack livestock</li></ul>	<ul style="list-style-type: none"><li><a href="#">As appropriate, m</a>Mail out with rate notice, pamphlets about the affects of dog attacks on animals</li><li>Work with animal welfare organisations to investigate the implementation of a school education program to teach children responsible ownership of dogs including an awareness of a dog's natural hunting instincts</li></ul>

Nuisance Animals and Barking Dogs


Aim	Priority	Action	Performance Indicator
<ul style="list-style-type: none"> <li>• To minimise the adverse affects of animal noise on the community.</li> <li>• Gain a better understanding of animal noise problems.</li> </ul>	<p>MEDIUM</p>	<ul style="list-style-type: none"> <li>• Review procedures for dealing with animal noise and nuisance complaints.</li> <li>• Respond to animal complaints efficiently.</li> <li>• Provide advice to owners about ways they can try and stop dogs from barking.</li> <li>• Encourage companion animal owners to provide appropriate mental and physical challenges for their animal to improve animal welfare and reduce adverse impact on the general community.</li> <li>• Investigate possible intermittent variation of the Companion Animal Officer's working hours in an attempt to deal more effectively with after hours noise from barking dogs.</li> <li>• Remind owners that it is their responsibility to adequately confine their animal to their property.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced number of complaints received due to barking dogs and nuisance animals.</li> </ul>

Impounding Animals

Aim	Priority	Action	Performance Indicator
<ul style="list-style-type: none"> <li>• Reduce the number of animals impounded.</li> <li>• Ensure the prompt return of identified animals to their owners.</li> </ul>	HIGH	<ul style="list-style-type: none"> <li>• Encourage the community to lifetime register and microchip their animals.</li> <li>• Encourage companion animal owners to notify of changes of address and details that help facilitate the prompt return of animals.</li> <li>• Provide appropriate facilities for the surrender of animals.</li> <li>• Maintain a patrol and collection service for stray animals.</li> <li>• To deal with the euthanasia of animals in a sensitive and ethical manner.</li> <li>• <u>Attempt to ensure the safe and responsible adoption of animals.</u></li> <li>• <u>Liaise with RSPCA to help to minimise the numbers of animals that are euthanased</u></li> </ul>	<ul style="list-style-type: none"> <li>• Increase the number of animals returned to their owners <u>or re-homed.</u></li> <li>• Reduce the current euthanasia rate</li> <li>• Increase the number of microchipped and registered animals.</li> </ul>

Dog Off Leash Area

<b>Aim</b>	<b>Priority</b>	<b>Action</b>	<b>Performance Indicator</b>
<ul style="list-style-type: none"><li>• Monitor the operation of off leash areas.</li><li>• Encourage dog owners use the off leash facility appropriately.</li></ul>	MEDIUM	<ul style="list-style-type: none"><li>• Investigate alternative sites for additional off leash area.</li><li>• Educate the community about the benefits of using off leash areas.</li><li>• Educate the community about the correct use and their responsibilities whilst using the off leash area.</li><li>• Patrol of off leash areas.</li></ul>	<ul style="list-style-type: none"><li>• Reduction in the number of dog owners using public parks and recreation areas as off leash areas.</li><li>• Dog owners using the off leash areas in a responsible manner.</li></ul>

	<b>POLICY</b>	ADOPTED C/M 15/12/10 Minute No. 365/10
	<b>Complaints</b>	REVIEW: Dec 12 FILE No. A0100021

**OBJECTIVE:**

To develop a system to effectively handle complaints.

**POLICY:**INTRODUCTION

Council recognises that complaints provide a means for improving customer service and is committed to ensuring that all complaints are dealt with quickly and appropriately.

PURPOSE

Council's role is to serve the community. The effective handling of complaints is an integral part of this service.

It is the responsibility of all staff to ensure that any complaints are handled expeditiously with a view to satisfactorily resolving the subject of complaint and ensuring that a similar problem does not occur in the future.

This policy serves to explain to staff and the community how Council will deal with complaints.

DEFINITIONS

In this policy the words below are defined as follows:-

*“administrative complaint”* shall mean dissatisfaction with the level of service provided in regard to the Council's operations, policies, procedures, charges, staff and agents. A customer request is not an administrative complaint but concerns about inaction in respect of a customer request shall constitute an administrative complaint.

*“legal or criminal complaint”* shall mean a complaint alleging either:-

- a breach of the pecuniary interest provisions of the Local Government Act, 1993; or
- corrupt conduct as provided by the Independent Commission Against Corruption Act, 1988.

*“competitive neutrality complaint”* shall mean: -

- a complaint that Council has not met the Government's requirements under the *“Policy Statement on the Application of National Competition Policy to Local Government”* or *“Pricing and Costing of Council Businesses - A Guide to*

## Complaints

*Competitive Neutrality*”, including a concern that Council has not established an effective complaints handling mechanism;

- a complaint that Council has not abided by the spirit of competitive neutrality in the conduct of a business activity.

### PROCEDURES FOR HANDLING COMPLAINTS

#### ADMINISTRATIVE COMPLAINTS

##### *How are administrative complaints made?*

Administrative complaints are usually directed to Council in writing or verbally (in person at Council offices or by phone).

##### *Process for Dealing with Administrative Complaints*

###### *Written Administrative Complaints*

1. Upon receipt, the Records Section shall refer the complaint to the appropriate manager for investigation.
2. The manager to whom the complaint is referred for investigation shall forward a letter acknowledging the complaint (within 7 days) which:
  - demonstrates that the subject of the complaint is understood;
  - indicates what will happen next;
3. The manager who is investigating the complaint shall do so as expeditiously as possible.
4. The manager shall advise the complainant, in writing, when action has been completed advising what remedial action (if any) has been taken in respect of the complaint.

Note: In replying to the complainant the manager shall explain that, if the complainant is unhappy with manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or externally to either the Division of Local Government of the Premiers Department, the Office of the Ombudsman or the Independent Commission Against Corruption.

###### *Verbal Administrative Complaints*

1. The officer who first receives complaint (either by phone or over the counter) shall refer the matter to the appropriate manager for attention.
2. The manager shall:
  - record the details of the complaint;
  - confirm with complainant the accuracy of what has been recorded;
  - explain what will happen next;
  - investigate the complaint as expeditiously as possible and recommend/take remedial action;

## Complaints

- inform the complainant of the remedial action taken.

Note 1: In those cases where a complaint is received verbally which relates to a staff matter, the complainant is to be advised that the complaint must be lodged in writing.

Note 2: In informing the complainant of the action taken, the manager shall explain that, if the complainant is unhappy with manner in which the complaint has been handled or the result, an appeal may be lodged either internally (by writing to the Council) or externally to either the Division of Local Government of the Premiers Department, the Office of the Ombudsman or the Independent Commission Against Corruption.

### Appeal Process

If a complainant is not satisfied with the manner in which a complaint was handled or the remedial action taken, an appeal may be lodged.

There is basically a two (2) stage appeal process; internal and/or external.

#### *Internal Appeals*

#### Who will conduct internal appeals?

The following positions are responsible for reviewing complaints as a result of an appeal:

<i>For complaints relating to investigation by:</i>	<i>Review Officer</i>
General Manager	Mayor
<u>Directors Group Managers</u> All Managers	General Manager

#### How will an internal review be conducted?

1. The reviewing officer will investigate the manner in which the complaint was originally handled and the remedial action taken.
2. If, after investigation, the reviewing officer is satisfied with the process and the remedial action taken, he/she will inform the complainant accordingly.
3. If the reviewing officer is not satisfied with the manner in which the complaint was handled or the remedial action taken, he/she will:
  - counsel the officer who initially handled the complaint;
  - institute action to achieve the desired result;
  - inform the complainant of the outcome of his/her review.
4. In the case of reviews undertaken by the General Manager he/she will inform the Mayor.



## **Complaints**

Note: In replying to the complainant, the reviewing officer shall explain that, if the complainant is unhappy with manner in which the complaint has been handled or the result, an appeal may be lodged with either the Division of Local Government, Premiers Department the Office of the Ombudsman or the Independent Commission Against Corruption.

### *External Appeals*

If a person feels that the Council has not properly dealt with a complaint internally, that person may wish to refer the matter to any of the following Appeal Agencies:

Investigations & Review Branch  
Division of Local Government  
Premiers Department  
Locked Bag 3015  
NOWRA NSW 2541  
Telephone: (02) 4428 4100  
Facsimile: (02) 4428. 4199  
Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

The Office of the Ombudsman  
Level 24  
580 George Street  
SYDNEY NSW 2000  
Telephone: (02) 9286 1000  
Toll Free: 1800 451 524

Independent Commission Against Corruption  
GPO Box 500  
SYDNEY NSW 2001  
Telephone: (02) 8281 5999  
Toll Fee: 1800 463 909  
Facsimile: (02) 9264 5364

## **Complaints**

### LEGAL OR CRIMINAL COMPLAINTS

#### Form of Legal or Criminal Complaints

These complaints relate to alleged breaches of the pecuniary interest provisions of the Local Government Act, 1993 and corrupt conduct.

Persons who would seek to make such complaints should do so in writing, addressed either to the General Manager or Mayor.

#### Process for dealing with legal or criminal complaints

##### *Pecuniary Interest*

1. Upon receipt of a complaint which refers or appears to refer to an alleged breach of the pecuniary interest provisions of the Local Government Act, 1993, it shall be immediately referred to the General Manager (or the Mayor, if the allegation involves the General Manager).
2. The General Manager (or Mayor) shall assess the complaint to determine whether or not it involves a pecuniary interest breach.
3. If the General Manager (or Mayor) considers that the complaint does not involve a breach of the pecuniary interest provisions, it shall be dealt with in accordance with the practice involving administrative complaints, outlined above.
4. If the General Manager (or Mayor) considers that the complaint does involve an alleged breach of the pecuniary interest provisions he/she shall refer the matter to the Division of Local Government [of the](#) Premiers Department. The General Manager (or Mayor) shall also inform the Council.
5. The complainant shall be informed of the action taken.

##### *Corrupt Conduct*

1. Upon receipt of a complaint, which alleges or appears to allege corrupt conduct, it shall be immediately referred to the General Manager (or the Mayor, if the allegation involves the General Manager).
2. The General Manager (or the Mayor) shall assess the complaint to determine whether or not it involves corrupt conduct.
3. If the General Manager (or Mayor) is convinced that the complaint does not involve corrupt conduct it shall be dealt with in accordance with the practice involving administrative complaints, outlined above.
4. If the General Manager (or Mayor) considers that the complaint does involve corrupt conduct he/she shall then report the matter to the ICAC (in doing so, the General Manager (or Mayor) may decide to contact the ICAC for guidance on how to proceed). The General Manager (or Mayor) shall also inform the Council. If the conduct involves a criminal offence, the matter shall also be reported to the Police.
5. The complainant shall be informed of the action taken.

## Complaints

### COMPETITIVE NEUTRALITY COMPLAINTS

#### Form of competitive neutrality complaints

Persons who would seek to make such complaints should do so in writing, addressed to the General Manager.

#### Process for dealing with competitive neutrality complaints

1. All competitive neutrality complaints shall be referred to the Public Officer.
2. The Public Officer shall inform the General Manager of the receipt of any such complaint and shall acknowledge receipt of the complaint in writing (7 days).
3. The Public Officer shall properly investigate all such complaints.
4. All members of Council's staff shall co-operate with the Public Officer in the investigation of any competitive neutrality complaint and shall provide such information as the Public Officer shall require.
5. Council shall provide the Public Officer with such resources as are required to assist in the investigation of such complaints.
6. A record of every complaint and all action taken in relation to it shall be kept in Council's records system.
7. After investigating the complaint, the Public Officer shall recommend appropriate action to the General Manager which may include, but is not limited to:-
  - the provision of more information to the complainant to enable a more accurate understanding of competition policy;
  - an investigation/review of Council's business activity if a legitimate complaint is made;
  - a change to Council's business practice where a complaint is justified.
8. The General Manager shall review the recommendation and may either accept the recommendation or institute some other course of action.
9. Within 30 days of Council receiving the competitive neutrality complaint, the complainant shall be notified of:-
  - the result of the complaint; and
  - the alternative avenues of redress that are available, including:

Division of Local Government  
Premiers Department  
Locked Bag 3015  
NOWRA NSW 2541  
Telephone: (02) 4428 4100  
Facsimile: (02) 4428. 4199

## **Complaints**

Email: [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au)

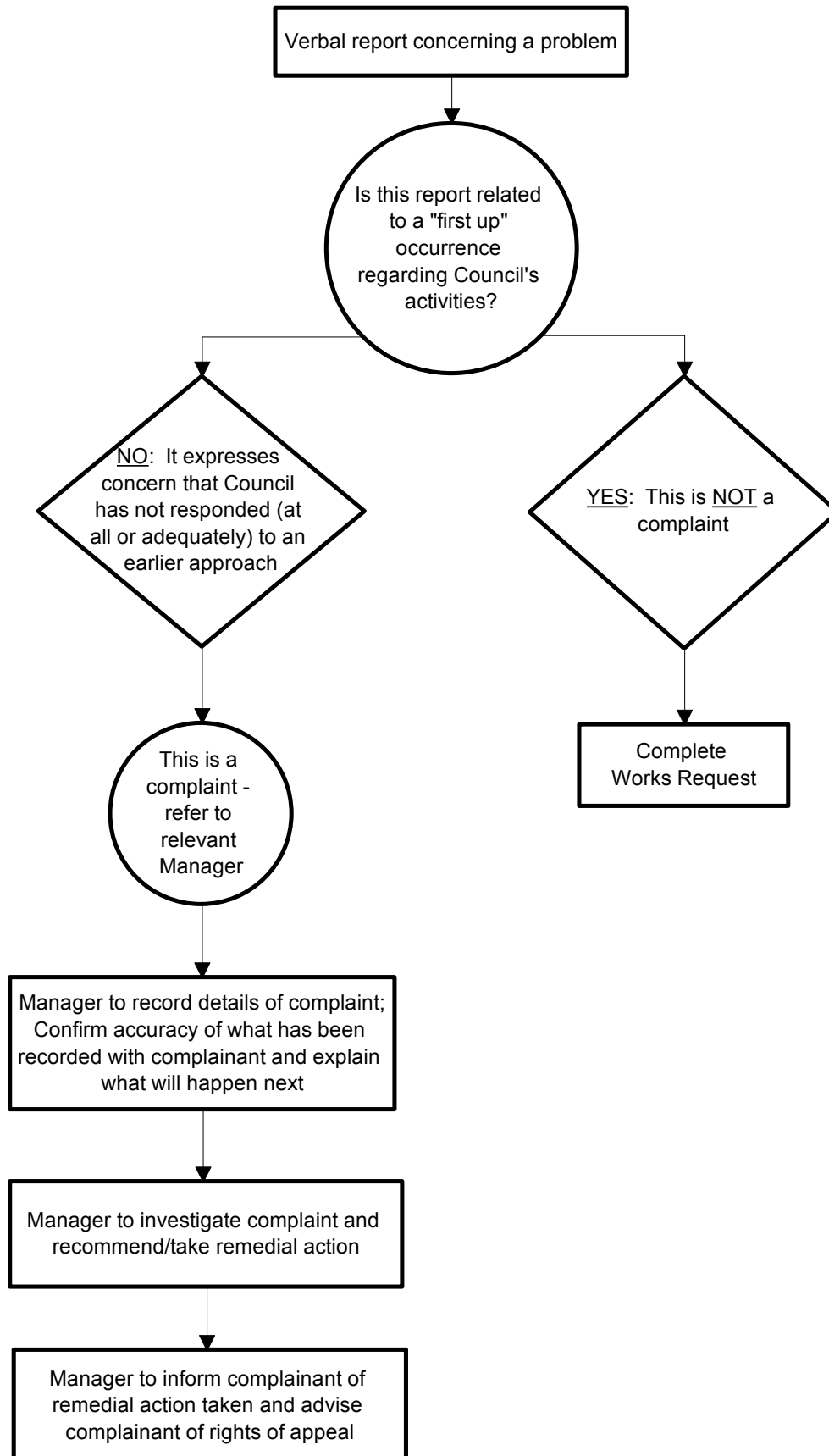
The Office of the Ombudsman  
Level 24  
580 George Street  
SYDNEY NSW 2000  
Telephone: (02) 9286 1000  
Toll Free: 1800 451 524


Independent Commission Against Corruption  
GPO Box 500  
SYDNEY NSW 2001  
Telephone: (02) 8281 5999  
Toll Free: 1800 463 909  
Facsimile: (02) 9264 5364

Australian Competition and Consumer Commission.  
GPO Box 3648  
SYDNEY NSW 2001  
Telephone: (02) 9230 9133  
Facsimile: (02) 9223 1092

## Complaints

### VERBAL ADMINISTRATIVE COMPLAINT



	<b>POLICY</b>	<b>ADOPTED</b> C/M 17/3/10 Minute No. 52/10
	<b>Local Preference</b>	REVIEW: March 12 FILE No. A0140326

### OBJECTIVE

Council is committed to supporting the local economy and enhancing the capabilities of local business and industry. This objective of this policy is to create a framework that ensures Council gives due consideration to the actual and potential benefits to the local economy of sourcing goods and services locally where possible, whilst maintaining a value for money approach at all times. Locally sourced goods and services will be used where price, performance, quality, suitability and other evaluation criteria are comparable with non-locally sourced goods and services. Locally sourced goods and services are those which are procured from a local supplier or employees based permanently in the Mid-Western Regional Council area. This policy supports Council's commitment to achieve the best value for money outcome to Council and the community, while maximizing opportunities for local business to compete for Council business.

This policy should be included in all tender documents for the provision of goods and services where local content is to be assessed as part of the selection criteria.

### RELEVANT LEGISLATION

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Trade Practices Act 1974
- Fair Trading Act 1987 (NSW)

### RELATED GUIDELINES AND POLICIES

- Tendering Guidelines for NSW Local Government
- Council's Procurement Policy
- Code of Conduct
- Statement of Business Ethics

### POLICY

Mid-Western Regional Council acknowledges that it has an important role to play in the local economy and is committed to assisting local industry engage in business with Council.

To assist local industry and local economic development, Council will:

- Encourage a 'buy local' culture within the Council;
- Advertise all tenders, contracts and expressions of interest in the Community News and by other means as deemed appropriate;
- Make all tenders, contracts and expressions of interest available on Council's website;
- Disseminate contract and tender information to local industry, in a manner deemed appropriate;
- Package requirements in appropriately sized contracts to suit market capacity and encourage competition;
- Ensure that buying practices, procedures and specifications do not disadvantage local suppliers and ensure transparency in quotation, tendering and contract management practices;
- Encourage local businesses to promote their goods and services to Council;

## LOCAL PREFERENCE

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- Encourage the use of local distributors within the delivery chain whenever goods, materials or services have to be sourced from outside the local government area; and
- Apply a price preference discount in favour of local suppliers, as set out in this policy.

### Value for Money Considerations

Value for money is a key objective of Council's Procurement Policy. It ensures that Council achieves the best possible outcome for the amount of money spent. Value for money does not necessarily mean selecting the bid that offers the lowest initial price. It represents the best return and performance from the money spent over the entire life of the product or service.

Purchasing decisions will be assessed on a value for money basis whilst giving full consideration to:

- Open and effective competition, ensuring tenders are evaluated on equal footing;
- Ethical behaviour and fair dealing;
- Compliance with specifications, guidelines and requirements
- The advantages of dealing with local businesses including local knowledge, networks and relationships, administrative and operational efficiencies, availability and access to after sales service and maintenance;
- The supplier's knowledge, experience and ability to fulfill the requirements of Council;
- Meeting the needs of the community;
- Local content;
- Whole-of-life cycle costs;
- Compliance with and capability to satisfy technical specifications, guidelines and other requirements such as financial capacity, industry reputation, and quality and safety systems;
- The supplier's commitment to supporting other local businesses through their subcontracting and supplier arrangements;
- Net benefits to Council including the benefits of maintaining an ongoing, innovative and competitive local business environment, including economic benefits and employment;
- Environmental protection; and
- Job creation potential.

Overall, the value for money assessment must deliver quality outcomes at competitive prices, whilst recognising the impact of procurement decisions by Council on local industry and economic development. Notwithstanding this policy, assessments in the selection criteria must also consider all of the above factors in conjunction with price and locality considerations.

### Local Content Price Preference

A local price preference will apply to all tenders invited by Council for the supply of goods and services and construction services, unless Council resolves that this policy not apply to a particular tender. The amount and or type of local content is assessed using the selection criteria framework, together with a weighted score system of assessment.

For the purposes of selecting the successful supplier tendered by local and non-local suppliers, the following levels of price preference discounts will be applied under this policy;

Examples:

#### OPTION 1:

Bid A \$9,750 (non-local supplier)	No preference is applicable	\$9,750
Bid B \$10,000 (local supplier)	5% price discount applied (\$500)	\$9,500

#### OPTION 2:

Purchases up to \$5,000 with local content given 10% discount  
Purchases from \$5,000 - \$15,000 with local content given 5% discount  
Purchases from \$15,000 - \$100,000 with local content given 3% discount

## **LOCAL PREFERENCE**

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Purchases over \$100,000 – no discount provided

The above discounts may also apply to suppliers based outside the Mid-Western Regional Council area where such suppliers:

- Use goods, materials or services of a significant amount via sub-contracts that are sourced within the Mid-Western Regional Council area. The discount applies to the value of the goods, materials or services sourced and used from the local government area; or
- Can demonstrate the use of locally sourced products and services as opposed to using products and services from outside the Mid-Western Regional Council area.

In these circumstances, the discount is only applicable to the local content component of the price, and not the total price submitted.

Normal processes of assessment of non-price considerations still apply, and this policy does not necessarily mean that the lowest tender will be successful. The purpose of the policy is to give preference to local suppliers compared to non-local suppliers, where all else is equal.

### **COMPLAINTS**

Any complaints in relation to the application of this policy should be made in writing to the General Manager.

### **VARIATION**

Council reserves the right to vary the terms and conditions of this policy, subject to a report to Council.



	<b>POLICY</b>	<b>ADOPTED</b> C/M 17/2/10 Minute No. 21/10
	<b>RISK MANAGEMENT</b>	REVIEW: Feb 12 FILE No. A0230001

**PURPOSE:**

To minimise exposure to any losses, penalties or insurance claims including but not limited to public liability, workers compensation, professional responsibilities, property and motor vehicle.

To enhance staff welfare by continually working towards a safe working environment through the elimination of risks.

**POLICY:**

Council adopts the risk management approach and general methodology specified in Australian Standard. AS/NZS ISO 31000:2009 Risk Management – Principles and Guidelines.

Council is committed to best practice risk management to help improve its decision making and its achievement of objectives and will:

- Adopt an effective and transparent corporate approach to proactive risk management in order to:
  - Identify, evaluate and manage risks so as to minimise the costs and disruption to services caused by undesired events
  - Make better informed decisions based on a fair balance between risk and reward for the community
  - Encourage innovation and improvement through taking calculated and well managed risks to improve service delivery
- Develop a better awareness of risk management and promote a risk aware culture throughout its operations through promotion, training, performance management and monitoring

Council recognises that risk management is an integral part of good management practice and fully supports risk management as an integral element in its governance processes. Therefore, all Council departments and operations will adopt a risk management approach consistent with AS/NZS ISO 31000:2009 in their planning, approval, review and control processes.

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# RISK MANAGEMENT ACTION PLAN

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## **1. SCOPE**

The Risk Management Action Plan applies to all areas of Council's operations, and covers risk of financial loss, injury to employees and/or members of the public, damage to equipment and property, and loss of reputation.

For our purposes, risk is the threat that an event or action will adversely affect the Council's ability to achieve its objectives and to successfully execute its strategies for the benefit of its citizens, business community and visitors.

Council is committed to best practice risk management to help improve its decision making and its achievement of objectives and will:

- Adopt an effective and transparent corporate approach to proactive risk management in order to:
  - Identify, evaluate and manage risks so as to minimise the costs and disruption to services caused by undesired events
  - Make better informed decisions based on a fair balance between risk and reward for the community
  - Encourage innovation and improvement through taking calculated and well managed risks to improve service delivery
- Develop a better awareness of risk management and promote a risk aware culture throughout its operations through promotion, training, performance management and monitoring

Local Government is an inherently risky environment. The types of risks may be broadly summarised as:

- Political
  - Economic
  - Social
  - Technological
  - Legislative and regulatory
  - Environmental
  - Competitive
  - Customer orientated
  - Governance
  - Managerial and professional
  - Reputational
  - Financial
-

- Legal
  - Physical
  - Partnership/contractual/supplier
-

## **2. DEFINITIONS**

### **Residual risk**

The remaining level of risk after risk treatment measures have been taken.

### **Risk**

The chance of something happening that will have an impact upon objectives. It is measured in terms of consequences and likelihood.

### **Risk acceptance**

An informed decision to accept the consequences and the likelihood of a particular risk.

### **Risk analysis**

A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences.

### **Risk assessment**

The overall process of risk analysis and risk evaluation.

### **Risk control**

That part of risk management which involves the implementation of policies, standards, procedures and physical changes to eliminate or minimise adverse risks.

### **Risk evaluation**

The process used to determine risk management priorities by comparing the level of risk against predetermined standards, target risk levels or other criteria.

### **Risk identification**

The process of determining what can happen, why and how.

### **Risk management**

The culture, processes and structures that are directed towards the effective management of potential opportunities and adverse effects.

### **Risk management process**

The systematic application of management policies, procedures and practices to the tasks of establishing the context, identifying, analysing, evaluating, treating, monitoring and communicating risk.

### **Risk treatment**

Selection and implementation of appropriate options for dealing with risk.

---

### **3. OBJECTIVES**

Council will:

- (a) Integrate risk management across all Council activities;
- (b) Formulate, implement and continually review its Risk Management Policy and Risk Management Action Plan;
- (c) Finalise, implement and review documentation and procedures related to risk management;
- (d) Raise profile of risk management being a component of all positions/jobs of Council;
- (e) Integrate Risk Management into Strategic Plans

## **4. RISK MANAGEMENT PROCESS**

The details of the risk management process are shown in Figure 1.

Council will apply risk management in a systematic and consistent way across all areas of Council's functions and operations. To achieve this, Council has adopted the risk management methodology outlined in AS/NZS ISO 31000:2009 Risk Management – Principles and standards, which comprises the following steps:

### **4.1 Communication and Consultation**

Communicate and consult with internal and external stakeholders as appropriate at each stage of the risk management process and concerning the process as a whole.

### **4.2 Establish the Context**

Establish the strategic, organisational and risk management context in which the rest of the process will take place. Criteria against which risk will be evaluated should be established and the structure of the analysis defined.

This includes the organisations internal and external environment.

### **4.3 Risk Assessment**

Risk assessment is the overall process of risk identification, risk analysis and risk evaluation.

#### **4.3.1 Risk Identification**

Identify what, why and how things can arise as the basis for further analysis.

#### **4.3.2 Risk Analysis**

Determine the existing controls and analyse risks in terms of consequence and likelihood in the context of those controls. The analysis should consider the range of potential consequences and how likely those consequences are to occur. Consequence and likelihood may be combined to produce an estimated level of risk.

#### **4.3.3 Risk Evaluation**

Compare estimated levels of risk against the pre-established criteria. This enables risks to be ranked so as to identify management priorities. If the levels of risk established are low, then risks may fall into an acceptable category and treatment may not be required.

### **4.4. Risk Treatment**

Accept and monitor low-priority risks. For other risks, develop and implement a specific management plan which includes consideration of funding.

### **4.5 Monitoring and Review**

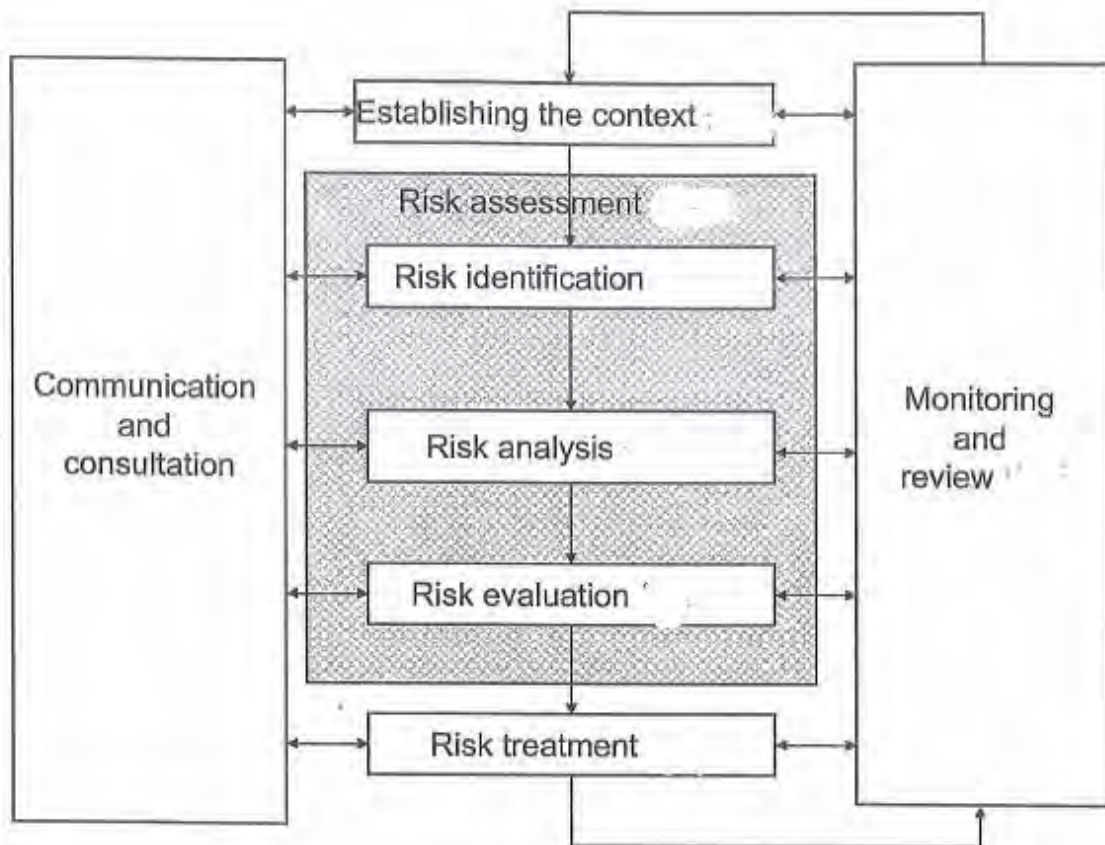
Monitor and review the performance of the risk management system and changes which might affect it.

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Figure 1 - THE RISK MANAGEMENT PROCESS



Source: AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines

## **5. ROLES & ACCOUNTABILITIES**

### **5.1 All Employees Generally**

All employees are responsible for the effective management of risk and as such, will have access to information regarding Council's risk management processes and identified risk in their work area

All employees are responsible for identifying potential risks. Management is additionally responsible for risk analysis, evaluation, assignment, registration, and the development of mitigation plans and risk reduction strategies. These risk management processes should be integrated with other planning processes and management activities.

### **5.2 General Manager and Executive Team**

The General Manager and the Executive Team are responsible for ensuring that a risk management system is established, implemented and maintained in accordance with this policy.

The assignment of responsibilities in relation to risk management other than those set out in this policy are the prerogative of the General Manager.

### **5.3 Risk Management Strategy Group**

The Risk Management Strategy Group, comprising the [Director Operations Group](#) ~~Manager Community and Corporate, Group Manager Strategic~~ and Manager Governance is

- responsible for the oversight of the Council's *Risk Management Action Plan*;
- determining an acceptable level of risk for the Council; and
- monitoring the Council's overall risk profile and mitigation strategies.

### **5.4 Manager Governance**

The Manager Governance:

- is a member of the Risk Management Strategy Group;
- administers the Risk Management Action Plan; and
- acts as a facilitator and resource for Managers in the implementation of their risk management responsibilities.

### **5.5 Managers**

Managers are responsible for the implementation of the *Risk Management Policy* and *Risk Management Action Plan* within their respective areas of responsibility. This includes the identification, assessment and recording of risks identified, and the acceptance or assignment of risk responsibility, ongoing assignment and registering of risk as part of business and project planning and management.

---

**5.6 Focus Groups**

These are issues based groups specifically formed to research and comment on individual risk issues as directed by the Management Team. They will develop procedures to deliver outcomes of the Action Plan.

A team leader will be appointed to co-ordinate and facilitate each focus group

**5.7 [Health & Safety](#)OH&S Committee**

The [Health & Safety](#)OH&S Committee will fulfil a statutory role as the nominated consultative body of Council.

The Committee will provide input into the Risk Management Strategic Plan on issues relating to statutory and regulatory requirements. It will report to the Management Team on the implementation of the Action Plan and emerging issues.

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## **6. RISK ASSESSMENTS**

As outlined in Part 4 above, Council has adopted a standard methodology consistent with *AS/NZS ISO 31000:2009 Risk Management – Principles and guidelines* for identifying and measuring risks. The methodology will be integrated into Council's project, business and corporate planning and review processes.

The objective of the risk assessment process is to establish a consistent and comparable basis for quantifying and measuring risk across the Council. These risk levels can then be compared to Council's acceptable level of risk to determine an appropriate strategy for treatment.

To facilitate compliance with this approach, Council's standard Risk Assessment form will be utilised. The Risk Assessment form (together with Risk Matrix) is attached as Appendix 1.

The Risk Assessment form will respond to the requirement to:

- Identify the risk;
- Analyse the risk; and
- Evaluate the risk.

## **7. RISK REGISTRATION, TREATMENT AND REPORTING**

Council's public liability Insurer, StateWide, has developed a risk management tool (RiskeMAP) to assist councils in developing a Risk Profile, as an Audit tool and for Surveying the Workplace. RiskeMAP can be used with any category of risk, develop workflow and reporting as well as to develop a Risk Register. Council will develop a Risk Register from the risk assessments. Into that Risk Register, Managers will record the risk description, assessment, responsible officer and treatment plans. This information will form a risk profile for the organisation which will be a useful tool for managers and staff to consider in both strategic and operational planning and will be available to Managers and staff on a departmental basis.

Training will be provided by StateWide so managers are able to use this tool in managing the risks in their areas of responsibility.

The Risk Management Strategy Group will monitor the risk profile of the organisation with particular regard to those risks that exceed Council's acceptable risk level. The Manager Governance will report to the Group periodically on matters relating to the Council's risk management function.

---

## **8. REVIEW**

The Risk Management Policy and Risk Management Action Plan shall be reviewed every two years to ensure that they meet the requirements of legislation and the needs of Council.

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**9. ASSOCIATED COUNCIL POLICIES AND DOCUMENTS**

Mid-Western Regional Council Management Plan

[WHS Policy](#)

Hazard/Incident Reports

Business Continuity Plan

Safe Work Method Statements

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# **APPENDIX 1**





# MID-WESTERN REGIONAL COUNCIL

## RISK ASSESSMENT FORM

RA No.

REF: HS-5.3-F1  
REV: 1.0.22042008

RISK ASSESSMENT TITLE				DEPARTMENT			
ACTIVITY DESCRIPTION							
ASSESSMENT COMPLETED BY	NAME (PRINT)	POSITION	SIGNATURE	NAME (PRINT)	POSITION	SIGNATURE	
APPROVAL MANAGER				APPROVAL DATE			

STEP	STEP / AREA <small>Break down into job steps or site areas</small>	HAZARD <small>What can cause harm?</small>	CONSEQUENCE <small>What could go wrong?</small>	RISK SCORE		CONTROLS <small>What control measures already exist?</small>	RISK SCORE		CONTROLS <small>What can we do to reduce the risk further?</small>	RESPONSIBILITY <small>Who is to ensure this is completed?</small>	
				C	L		C	R		C	R
1											
2											
3											

STEP	STEP / AREA Break down into job steps or site areas.	HAZARD What can cause harm?	CONSEQUENCE What could go wrong?	RISK SCORE		CONTROLS What control measures already exist?	RISK SCORE		CONTROLS What can we do to reduce the risk further?	RESPONSIBILITY Who is to ensure this is completed?
				C	L		C	L		
4				C	L		C	L		
5				C	L		C	L		
6				C	L		C	L		
7				C	L		C	L		
8				C	L		C	L		



# MID-WESTERN REGIONAL COUNCIL

## RISK MATRIX

REF: HS-S-T1  
REV: 1.0.14012008

				LIKELIHOOD				
				A	B	C	D	E
				Rare	Unlikely	Possible	Likely	Almost Certain
				Requires unusual chain of events	Not expected to occur	May Occur	Will occur occasionally	Expected to occur
				Moderate 13	High 19	Critical 22	Critical 24	Critical 25
				Moderate 10	Moderate 12	High 18	Critical 21	Critical 23
				Low 6	Moderate 9	Moderate 11	High 17	Critical 20
				Low 4	Low 5	Moderate 8	High 15	High 16
				Low 1	Low 2	Low 3	Moderate 7	High 14
POTENTIAL CONSEQUENCE								
No.	Key Word	Health & Safety	Environmental	Financial	Public Image			
5	Catastrophic	Fatality or work related fatal disease	Detrimental impact to environment or community. High level prosecution.	Greater than \$500,000	International media coverage			
4	Severe	Serious Permanent injury or illness	Long term negative impact. Low level prosecution.	No more than \$500,000	National media coverage			
3	Serious	Lost time injury or illness	Serious but reversible impact. Media enquiry.	No more than \$100,000	State media coverage			
2	Significant	Medically treated injury or illness	On-site incident promptly contained requiring external clean up a/c.	No more than \$25,000	Local media coverage			
1	Minor	First Aid treated injury or illness	On-site incident immediately contained & cleaned up.	No more than \$5,000	Public complaint.			

STATUS		ACTION REQUIRED		NOTIFY		MONITOR	
Critical	Do not commence activity. Immediate senior management action required.	General Manager (Notified by Group Mgr)	N.A.				
High	Immediate action required to reduce risk. Authorisation required before commencing activity.	Group Manager (Notified by Operational Mgr)	Weekly				
Moderate	Risk reduction required to as low as reasonable practicable before commencing task	Operational Manager	Monthly				
Low	Follow routine procedures and monitor risk.	Team Leader	Annually				



## HAZARD / CONTROL PROMPT TOOL

REF: HS-5.3-T2  
REV: 1.0,05032008






### WHAT'S THE DIFFERENCE BETWEEN A HAZARD, RISK AND CONSEQUENCE?

HAZARD		Shark infested water is a <b>HAZARD</b>
RISK		Swimming in shark infested water is a <b>RISK</b>
CONSEQUENCE		Being eaten by a shark is a <b>CONSEQUENCE</b>

### HAVE YOU IDENTIFIED THE FOLLOWING HAZARDS?

TRAFFIC	Hit by moving vehicles or plant	THERMAL	Exposure to heat, cold or contact with hot or cold objects.	PRESSURE	Hydraulic fluid, gas, air or water under pressure
PLANT AND EQUIPMENT	Contact with fixed plant, portable tools or sharp objects	CHEMICAL	Hazardous, toxic or corrosive chemicals	HUMAN	Manual handling, contact with other objects
ELECTRICAL	Contact overhead or underground power or unsafe electrical equip.	NOISE	Intensity and duration of exposure	KINETIC	Flying objects or particles
GRAVITATIONAL	People falling or falling objects	RADIATION	Electromagnetic, UV or other radiation sources	BIOLOGICAL	Virus, bacteria, fungus or toxins
PSYCHOLOGICAL	Conflict, long hours, or harassment	ENVIRONMENTAL	Dust, emissions, spills and releases	HOUSE KEEPING	Trip hazards, hard or sharp objects, incorrect storage methods

### HAVE YOU CONSIDERED THE HIERARCHY OF CONTROLS?

HIERARCHY OF CONTROLS	CONTROL	DESCRIPTION	EXAMPLE
	 <b>Elimination</b>	Remove the hazard. This is the most effective control measure and should always be considered first.	Fill in a trench; Remove a protruding post. Do not use a dangerous piece of equipment.
	 <b>Substitution</b>	Substitute less hazardous equipment, material, or process. (be aware that substituting can introduce new hazards).	Use a less toxic chemical; Use an air tool instead of electric; Replace a dangerous tool with a safer one.
	 <b>Isolation</b>	Remove the hazard from the person or the person from the hazard.	Separate pedestrian and forklift zones; Move a noisy pump away from the work area.
	 <b>Engineering</b>	Reduce the likelihood of the unwanted event through hardware design.	Place guards on dangerous parts of machinery; Use a trolley for moving heavy loads; Use forced ventilation; Install guard railing on platforms and elevators.
	 <b>Administration</b>	Reduce exposure to hazards through procedures, instructions, training and competency.	Rotate jobs to reduce the time spent on any single work task; train staff in safe work procedures; carry out routine maintenance of equipment.
	 <b>PPE</b>	Worn by exposed employees to provide a last line of defence should other controls prove ineffective, or used together with other control measures. The protection offered by PPE relies on the correct selection, fitting, maintenance and use.	Use hearing / eye protection equipment, hard hats, gloves, masks and train staff to use PPE correctly.





# STATEMENT OF BUSINESS ETHICS

December 2010

## **INTRODUCTION**

This Statement of Business Ethics applies to Council's elected representatives, Council staff, contractors and business associates dealing with Council.

Mid-Western Regional Council is committed to conducting its business in a sound commercial and ethical manner and this Statement of Business Ethics sets out the standards the Council requires of its elected representatives, Council staff, contractors and business associates. Both Mid-Western Regional Council staff and private sector employees must always be aware of the ethical standards the community demands when Council money is used either directly or indirectly.

Mid-Western Regional Council will demonstrate and practice a professional and ethical approach to all its business activities and all Council staff are required to conduct their activities in accordance with Council's Code of Conduct and observe a high standard of probity, ethical behaviour and integrity in their business dealings.

All individuals and organisations that deal with Mid-Western Regional Council are agents of the Council and, as such, are required to comply with these standards of ethical behaviour in their dealings with Council.

**Warwick Bennett**  
General Manager

## WHAT YOU CAN EXPECT FROM US

Our business dealings will be transparent, impartial, fair and open to public scrutiny wherever possible. The way we deliver our services is driven first and foremost by the need to ensure and demonstrate our community receives the best possible value for its dollar. We are accountable for ensuring best value starts with the elected Council, but extends to the General Manager and Council staff at all levels.

Unlike a private business, Council deals with public money and must comply with legislative requirements, state agency policies and its own policies. These many rules and regulations dictate the way Council operates both internally and in its dealings with members of the public. They also require that most of Council's information is dealt with publicly and is made available for public scrutiny. While they may at times give the impression of excessive red tape in dealing with Council compared to dealing with a private business, they are designed to ensure that Council maintains best practice and the highest standards of ethical conduct both internally and in its dealings with members of the public.

In assessing the overall value for money being achieved, consideration is given to a range of factors, including environmental sustainability, not just achieving the lowest possible cost. We must also measure the true cost of our services and the value they add to the community.

Mid-Western Regional Council will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with best practice and of the highest standards of ethical conduct.

Staff will ensure that procurement will be conducted with honesty and fairness, that all prospective contractors and suppliers are afforded equal opportunity to tender/quote for all goods and services, and that staff will comply with all aspects of Council's purchasing and procurement policies and procedures. Our staff are bound by:

1. Council's Code of Conduct
2. The Local Government Act, 1993
3. Delegated Authorities
4. ~~Work~~Occupational Health and Safety Act, 2011
5. Council's Procurement Policy
6. Council's Disposal of Assets Policy
7. Council's Risk Management Policy

Staff will always ensure that no opportunity exists for their interest, or those of people they have an association with, conflict with the proper performance of their public duties. All members of the community must be confident that all decisions made by Council are impartial and in the best interests of the community.

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## Our Values

Council's values are the underlying attitudes that consistently affect all of our actions and decision-making processes.

It is important that these values be consistent across the organisation and at all levels of the organisation. We should use the same set of values in internal processes within the organisation as we do with dealing with people external to the organisation, be they ratepayers, visitors, private companies or government departments.

Our values are reflected in the following workplace environment statement:

Our core values are **Respect**, **Integrity** and **Recognition** of each person's contributions.

### RESPECT

1. We respect ourselves, our team mates and our organisation as a whole.
2. When we talk or write to each other we show respect by:
  1. being positive, polite and truthful
  2. *really* listening
  3. responding politely
  4. providing honest feedback
3. We never tolerate bullying and discrimination in the workplace.

### INTEGRITY

1. We are all accountable for our own actions and also for assisting and supporting our fellow workers.
2. We seek solutions, we don't cast blame.
3. We work for the community and we are proud to show our care for the place in which we live.
4. We are committed to action – we do what we say we will do.
5. We are honest with each other in everything we say and we do and we are committed to open two-way communication.

### RECOGNITION

1. We are committed to a healthy, safe and constructive working environment where everyone's well-being is our major focus.
2. We work together to develop employment policies and practices that are adaptable to individual circumstances.
3. We celebrate our achievements and recognise that everyone's contribution is essential to this Council's success.
4. In supporting each other and working together we create the right environment in which we all can achieve our very best.
5. We seek continuous improvement both individually and collectively.
6. We admit our mistakes and focus on getting better.
7. We strive to achieve our personal best and be industry leaders.

**WE ARE ONE ORGANISATION AND ONE TEAM**

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**WHAT WE WILL ASK OF YOU**

Mid-Western Regional Council expects that its tenderers, contractors, suppliers and their employees and subcontractors, as agents of Council, will all be guided by the same policies, procedures and practices that bind Council and its staff to act in an ethical manner.

Where delivering a service involves working with the private sector, we work together to plan, manage and deliver the service using a partnership approach focused on providing the best outcome for the customer. We trust and respect each other.

We require all private sector providers of goods and services to observe the following principles when doing business with Mid-Western Regional Council:

- Deliver value for money
- Comply with Council's purchasing and procurement policy and procedures
- Provide accurate and reliable advice and information when required
- Declare actual or perceived conflicts of interest as soon as you become aware of the conflict
- Act ethically, fairly and honestly in all dealings with the Council
- Take all reasonable measures to prevent the disclosure of confidential Council information
- Refrain from engaging in any form of collusive practice, including offering Council employees inducements or incentives designed to improperly influence the conduct of their duties
- Refrain from discussing Council business or information in the media
- Assist Council to prevent unethical practices in our business relationships
- Co-operate with Council's post separation employment guidelines.

*A copy of this Statement of Business Ethics will be included in all tenders and quotation documentation relevant Council policies and will accompany any other relevant business documentation where Council requires work to be undertaken on its behalf. It will also be included on Council's website*

**WHY SHOULD THE PRIVATE SECTOR COMPLY WITH THE ABOVE?**

By complying with our Statement of Business Ethics, you will be able to advance your business objectives and interest in a fair and ethical manner. As all Mid-Western Regional Council suppliers of goods and services are required to comply with this statement, compliance will not disadvantage you in any way.

Complying with Mid-Western Regional Council's principles will also prepare your business for dealing with the ethical requirements of other public sector agencies, should you choose to do business with them.

You should also be aware of the consequences of not complying with Mid-Western Regional Council's ethical requirements when doing business with us. Demonstrated corrupt or unethical conduct could lead to:

- Termination of contracts
- Loss of future work
- Loss of reputation
- Investigation for corruption
- Matters being referred for criminal investigation.

## ETHICAL BEHAVIOUR

A Statement of Business Ethics will not be effective unless the organisation and its employees are committed to it. That will demand explicit commitment by the elected members, senior management, clear commitment by line management, allocation of resources to educating employees and adoption of internal measures for ensuring compliance.

The community rightly expects councillors and staff to be honest, reasonable and equitable in their dealings with them and to have the public interest at heart. Council's adopted Code of Conduct is a key mechanism to assist council officials to act honestly, ethically, responsibly and with accountability.

The Code of Conduct has been developed to assist council officials to:

- Understand the standards of conduct that are expected of them
- Enable them to fulfill their statutory duty to act honestly and exercise a reasonable degree of care and diligence
- Act in a way that enhances public confidence in the integrity of local government.

Particular situations in which industry and Mid-Western Regional Council should exercise care include:

### Gifts, Benefits and Inducements

While it may be common practice in the private sector to offer incentives to those they want to do business with as a way of promoting their company or their particular interests, Councillors and staff are constrained by both legislation and Council's Gifts and Benefits policy.

Council decisions on contracts and partnerships with the private sector will be made on merit. There is no need or place for gifts or incentives when doing business with Council.

Public officials, must never request any gift or benefit for themselves or anyone else in connection with their work or duties or accept any token gift that may give a perception that the person offering the gift is trying to influence you.

~~Please refer to~~ Council's [Code of Conduct](#) Gifts and Benefits policy [clearly set out Council's position as regards gifts and benefits for specific advice as to how these should be dealt with.](#)

### Conflicts of Interests

A conflict of interest exists when you could be influenced, or a reasonable person would perceive that you could be influenced, by a personal interest when carrying out your public duties.

Council's Code of Conduct and Conflicts of Interest policy requires that Council officials disclose and resolve any possible conflicts of interest and also must not be involved in any discussion or decision making regarding the matter.

Please refer to the Council's Code of Conduct and Conflicts of Interest policy for further advice in this regard.

**Confidentiality of Information**

Council deals with ~~all-most~~ requests for information under [the provisions of the Government Information \(Public Access\) Act – Section 12 of the Local Government Act](#), however ~~occasionally will deal with an application under the Freedom of Information Act~~. Council is transparent in all its dealings and will only deal with a matter in confidential session at Council Meetings in accordance with Section 10 of the Local Government Act.

Council recognizes that there is a potential for former employees, who may have had access to confidential or sensitive information during the course of their employment, to disclose or misuse that information for commercial or private purposes. To that end, Council will take all lawful steps to ensure former employees do not disclose or misuse information acquired during the course of their employment once that employment or membership of Council ceases.

Importantly, in dealings with Council one should not make any assumptions regarding intellectual property rights. These should be specifically negotiated as part of any such dealings.

**Ethical Communication**

As a general principle, all communication by Council officials with other parties including suppliers to the Council will be clear, direct and accountable. In turn Council expects that those parties with whom the Council is doing business will ensure that their communication with the Council abides by these three principles to minimize the risk of inappropriate influences being brought to bear on the business relationship.

There will be times where some communication needs to be strictly confidential for commercial-in-confidence or other reasons. This however should not preclude proper accountability and both parties should be able to explain the reasons for instituting specific communication protocols or keeping some communication confidential.

Public perception of inappropriate influence can be extremely damaging to the reputation of both parties, even if nothing has occurred. Therefore it is in the best interests of both parties to ensure that formal communication processes are observed.

**Use of Council Resources**

Council resources include financial, material and human resources. They should only be used:

- For the benefit of Council
- Effectively, economically and carefully.

**Other Employment or Business**

Staff shall not engage in outside employment or business that could conflict, or be seen to conflict, with their duties with the Council and can only engage in a second job or business if they have the approval of the General Manager. Prior to engaging in a second job or business staff should provide a written request for approval to their supervisor who will pass it onto the General Manager for approval.

Any second job or business will be done in private time. It must not:

- Adversely affect normal work

- Lead to a conflict of interest
- Lead a fair person to think that a conflict of interest may arise
- Involve the use of Council's resources
- Involve the use of information obtained from the Council.

#### **Discrimination and Harassment**

Staff shall not discriminate against anyone on the grounds of: race, sex, colour, nationality, religious conviction, ethno-religious background, marital status; age; pregnancy; physical, intellectual and/or psychiatric disability; sexual preference; transgender; association or political conviction.

#### **Reporting Corruption and Maladministration**

It is the responsibility of staff to act not only honestly, but also to report any instances of possible corruption, or maladministration to their immediate supervisor, Manager, Group Manager or the General Manager.

#### **Work Place Behaviour and Safety**

Members of the public and work colleagues are to be treated with respect, empathy, and sensitivity.

Staff acknowledge that their actions outside work are a reflection on the Council and how it is perceived by the community.

Staff are aware of their responsibilities in ensuring that they do not attend work, under the influence of drugs or alcohol or consume drugs or alcohol during working hours.

It is acknowledged that Council and those that deal with Council will ensure that workplace safety is of paramount importance and that all legislative and procedural safety requirements are complied with.

#### **Supervisory Responsibility**

Supervisors are both required to be responsible for their staff and to Council for fostering an ethical and equitable work environment. Supervisors are responsible for ensuring that the staff they supervise are aware of the requirements of the Code of Conduct and are an effective role model for their staff.

#### **MAKING CONTACT**

If you are concerned about a possible breach of this statement, or about any conduct that could involve fraud, corrupt conduct, maladministration or serious and substantial waste of public funds, please contact Mid-Western Regional Council's General Manager (02) 6378 2850, or ICAC on (02) 8281.5999.

Adopted: C/M 15/12/10, Min.No. 365/10